

LEGACY COMMUNITIES GREEN TIER CHARTER
(Authorized December 1, 2010, Last Revision Approved – February 29, 2016)

This Charter is entered into by the WI Department of Natural Resources (DNR) and 1000 Friends of Wisconsin (1000 Friends), League of WI Municipalities (League), WI Energy Conservation Corp (WECC), Municipal Environmental Group Wastewater Division (MEG), Center On WI Strategy (COWS), other non-governmental organizations, other state agencies and organizations in institutions of higher education that elect to participate in this Charter, and individual municipalities and counties that elect to participate in this Charter (initial municipalities are: Cities of Appleton, Fitchburg, Bayfield, Middleton, and Village of Weston). All these organizations are collectively referred to as “Members”. Members that are non-governmental organizations, state agencies other than the DNR or organizations in institutions of higher education are collectively referred to as “Charter Collaborators”.

Introduction

A. The Charter Collaborators are prepared to work with the DNR, municipalities and counties to accomplish the goals of this Charter.

B. The Members have established goals for this Charter. Together, key issues center on a wide range of sustainability practices available to municipalities and counties, and municipal water resource management. Such a precedent lends support to the Green Tier Charter concept of better relations between state and local governments, non-governmental organizations, and institutions of higher education to achieve common goals that focus on achieving superior environmental performance.

I. Purpose

The purpose of this Charter is to establish an agreement pursuant to Wis. Stat. §§ 299.83(7e) and 66.0301 by which municipalities take actions and share information to achieve superior environmental performance with regard to one or both of the following areas: (1) water resources management; and/or (2) sustainability practices.

The term ‘sustainability’ means local governments addressing the needs of the present while not compromising the ability of future generations to address their needs. It encompasses a broad framework of interrelated issues that includes environmental stewardship, economic growth, public health and social equity. Sustainability practices could include reducing greenhouse gas emissions, reducing municipal and county energy use, and developing and implementing a transportation system that reduces total vehicle miles traveled, increasing access to local foods, and supporting local business development.

Policies in this Charter are intended to be consistent with and complimentary to a Member Municipality's and County's Comprehensive Plan.

Participating municipalities will select either water resources management or sustainability practices, or both, but are not required to pursue both components. Counties may select to participate in the Sustainability Component but are currently not anticipated to join the Water Resources Component.

The Charter will achieve superior environmental performance in the following ways:

(1) Municipalities subscribing to the water resources pilot component of this charter will achieve superior environmental performance by addressing wastewater, stormwater, drinking water, wetlands, and other water issues in a holistic, watershed-based manner. This may include some or all of the following elements:

- ◆ Wastewater management, including treatment plant compliance, collection system maintenance and long term sanitary sewer service area planning.
- ◆ Stormwater management including stormwater quality controls, stormwater quantity and floodplain management, and integration with DNR permitting.
- ◆ Integration of rural water management issues, including agricultural drainage ditch issues and agricultural nonpoint runoff into urban lands within the watershed.
- ◆ Navigable waters (Chapter 30, Wis Stats), wetlands, shoreland, floodplains management including associated habitat issues.
- ◆ Groundwater management issues including management of groundwater quality, groundwater quantity and regional recharge issues.
- ◆ Public water supply issues including drinking water quality and water conservation and compliance with Safe Drinking Water Act provisions
- ◆ Water budget issues, including the overall evaluation of water quantity and quality entering and leaving the watershed considering ground and surface water.

(2) Municipalities or counties subscribing to the sustainability component of this Charter will initially focus on improving a municipality's or county's impact on the environment by using the strategy options listed in Appendix 3 to develop a Sustainability Implementation and Monitoring Plan. Such an implementation plan may include some or all of the following elements:

- ◆ 'Build and Buy Green' strategies and programs.
- ◆ Strategies to promote environmental stewardship in the private sector.
- ◆ Transportation policies and actions that increase pedestrians, bicyclists, transit passengers as a primary mode of transportation, and that are designed to reduce public per-capita vehicle miles traveled (VMT) and greenhouse gas emissions.
- ◆ Land use policies and actions that seek to identify, cleanup and redevelop brownfield sites, promote street connectivity and mixed-use development, and protect natural resources.
- ◆ Environmental stewardship, energy efficiency, waste and materials management policies and the use of renewable fuels to reduce total energy consumption throughout the community.

- ◆ Local government practices that encourage municipal employees to conserve energy, preserve the environment, and decrease greenhouse gas emissions from municipal or county facilities, services, and vehicle fleets.
- ◆ Encourage residents and businesses to adopt sustainable practices.

(3) All municipal and county Members will share information, resources, technology, and environmental success stories with one another on a regular basis.

II. Background

1. Wisconsin's Green Tier Program, established by Wis. Stat. § 299.83, authorizes the Wisconsin Department of Natural Resources (DNR) to issue an environmental results charter to an association of public or private entities to assist those entities in achieving superior environmental performance and to assist those entities in participating in Tier 1 or Tier 2 of the Green Tier Program.

2. Many local governments in Wisconsin have embraced sustainability initiatives, as a means to reduce a community's overall environmental impact and improve quality of life.

3. In light of these varied initiatives aimed at reducing environmental impact, a mechanism is needed to facilitate action by local units of government to scale best practices across the state, in a manner that realizes the economic benefits of such action and provides municipalities and counties with recognition for their efforts.

4. Addressing water issues on a holistic basis will result in more efficient use of both local and state staff and resources, decrease municipal and county costs, and improve water quality within the watershed.

III. Goals of the Charter

The Goals of this Charter are:

1. To assist municipalities and counties in achieving superior environmental performance in sustainability, health and social equity; and to recognize their efforts and progress.
2. To assist municipalities in achieving superior environmental performance in water resources.
3. To improve the quality of life and economic vitality of communities.
4. To help municipalities and the Wisconsin Department of Natural Resources address wastewater, stormwater, drinking water, wetlands, and other water issues in a

holistic, integrated, watershed-based manner.

5. To assist municipalities and counties in preparing, implementing and improving over time a sustainability plan that reduces a municipality's and county's impact on the environment.
6. To facilitate access to state and federal funding for projects and activities related to achieving the purposes of this charter, such as energy efficiency, renewable energy, greenhouse gas reductions, comprehensive planning, transportation policies, and integrated planning for wastewater treatment, storm water treatment and management; and drinking water.
7. To realize taxpayer savings through reduced municipal and county expenditures on motor vehicle fuels and energy resulting from efficient development patterns.
8. To help municipalities comply with various water regulations in a more efficient, cost effective and flexible manner.
10. To achieve other demonstrable and measurable environmental improvements beyond what is required by local, state, or federal law.

IV. Timeframe of Charter

1. **Effective Date.** This Charter will become effective when signed by DNR, 1000 Friends, the League, MEG-Wastewater, WECC, COWS, and the first municipality to subscribe to the Charter. New Members may be added to the charter pursuant to the process outlined in Appendix I.

2. **Duration of Charter.** This Charter will remain in effect unless terminated as described below:

- (A) The Charter may be terminated as a whole either by the DNR, or by a majority of the Members of this Charter after 90 days of written notice of termination.
- (B) Any individual Member may withdraw themselves from the Charter after 90 days of written notice to each of the other Members.

V. Responsibilities of Members

1. The Wisconsin Department of Natural Resources agrees to:

- (A) Convene an ad hoc "Resource Team" of agency experts to serve as a resource for Members. Staff from the DNR programs represented on the Resource Team shall assist municipal and county Members as per Wis. Stats. §299.83 (4m)(e).

- (B) Explore and facilitate access to state and federal funding, and the means to prioritize applications for DNR funding on behalf of Members to further the goals of this Charter.
- (C) Provide access to senior DNR officials so that barriers to sustainable practices may be identified and removed.
- (D) Facilitate interagency cooperation.
- (E) Provide recognition no less than annually of the participation of municipal and county Members and their accomplishments.
- (F) Undertake the additional responsibilities as specified in Appendices to this Charter.
- (G) Provide a single point of contact on DNR programs and regulations for municipal and county Members.

2. Charter Collaborators agree to:

- (A) Promote and solicit Members to the Charter.
- (B) Annually assess the impact and effectiveness of the Charter and report annually to the department on the activities that have been engaged in under the Charter. This annual report shall be submitted to the DNR by March 31st for the preceding year.
- (C) Assist with establishing Charter member communication between Members and the DNR.
- (D) Assist in exploring and alerting municipalities and counties to funding opportunities available to communities for implementing Charter activities
- (E) Assist in drafting future appendices and policies.
- (F) Provide technical assistance to the municipal and county Members to achieve their goals under this Charter.

3. Municipal and county Members agree to:

- (A) Implement the purposes of this Charter by developing a Sustainability Implementation and Monitoring Plan.
- (B) Municipalities implement the Water Resources Plan as set forth in Appendix 2, that specify the goals, policies, and actions the municipality has set for the Charter.

- (C) Engage the public and other affected stakeholders in implementing the goals and measuring the progress of their Charter commitments, including but not limited to a web site available to the public that specifies the goals that the municipality or county has set for the Charter, and its policies and action that demonstrate the progress made in meeting those goals.
- (D) Identify and act upon local environmental priorities consistent with this Charter, while striving in good faith to achieve each of the Charter's goals.
- (E) Share information, technologies, and strategies used to advance the Charter's goals with the other Members.
- (F) Annually report to the other Members the progress made in achieving the goals to improve the overall Sustainability Implementation and Monitoring Plan and /or Water Resources Plan (see A. above).

VI. Governance Provisions

Implementation of this Charter will be coordinated and overseen by the Members. Each Member shall have 1 vote.

The Members may appoint an Executive Committee to coordinate meetings and initiatives under the Charter and to perform any other duty or responsibility specified by the Members.

VII. General Provisions

A. APPLICABLE LAW AND EFFECT OF CHARTER.

Wisconsin law governs this Charter. Nothing in this Charter is intended to be contradictory to or inconsistent with applicable Federal, State and Local laws, ordinances, regulations, or environmental standards in effect during the period of this Charter. This Charter does not bind the State Legislature and their actions affecting the Wisconsin Department of Natural Resources.

B. SEVERABILITY.

All covenants, terms and conditions contained herein are severable, and in the event any competent court or agency shall hold any of them invalid, this Charter shall be interpreted as if such invalid covenants, terms or conditions were not contained herein. However, each Member shall have the right to terminate its participation in this Charter following the severing of any portion of this Charter.

C. AMENDMENT.

This Charter may be amended only in writing by agreement of the DNR and other Members. Any amendment shall be consistent with and in furtherance of the

objectives, terms, and conditions of this Charter. If an Amendment will increase the number or scope of provisions in this Charter, or materially alter the level and type of environmental performance, then the Wisconsin Department of Natural Resources shall provide an additional public notice and may provide an additional public information meeting as required by law.

D. REMOVAL OF MEMBER.

If any Member fails to fulfill their obligations under this Charter in a timely or proper manner, or violates any of its provisions, the violating Member may be removed from the Charter by agreement of both the DNR and the other Members. The violating Member must be given thirty (30) days written notice of removal, specifying the alleged violations, and the effective date of the removal of the violating Member. If the violating Member cures their violation within the thirty (30) days, it shall not be removed from the Charter.

E. RESIGNATION OF MEMBER.

Any Member may resign from the Charter pursuant to section V. 2. (C).

F. TECHNICAL CONTACT.

Each Member to this Charter shall provide, in writing to every other Member, the name and contact information for an individual who will serve as the contact for purposes of this Charter. The contact shall serve as the primary contact person for all negotiations, agreements, and conflicts that may arise under this Charter and the Members agree to communicate and work through these contacts to the fullest extent practicable. If the contact changes for a Member, that Member will notify all other Members of the change and identify the new contact as soon as possible, preferably within 5 business days.

G. DISPUTE RESOLUTION.

The DNR and other Members will function as arbitrators for dispute resolution among the technical staff of all Members.

VIII. Warranty of Authority

Each of the persons signing below represents and warrants that they have the authority to execute this Charter on behalf of the Member for which they sign.

IX. Signatures

Warranty of Authority. Each of the persons signing below represents and warrants that they have the authority to execute this Charter on behalf of the Member for which they sign.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By /s/ Matthew J. Frank
Matthew J. Frank, Secretary

1000 FRIENDS OF WISCONSIN

By /s/ Steve Hiniker
Steve Hiniker, Executive Director

LEAGUE OF WI MUNICIPALITIES

By /s/ Dan Thompson
Dan Thompson, Director

MUNICIPAL ENVIRONMENTAL GROUP WASTEWATER DIVISION

By /s/ Wally Thom
Wally Thom, President

CENTER ON WISCONSIN STRATEGY

By /s/ Joel Rogers
Joel Rogers, Director

/s/ Darrell Bazzell
Darrell Bazzell, Vice Chancellor for
Administration University of WI.

WI ENERGY CONSERVATION CORPORATION

By /s/ Mary Schlaefer
Mary Schlaefer, Executive Director

Warranty of Authority. Each of the persons signing below represents and warrants that they have the authority to execute this Charter on behalf of the Member for which they sign.

CITY OF MIDDLETON

By /s/ Ken Sonnentag
Ken Sonnentag, Mayor

City Clerk

CITY OF BAYFIELD

By /s/ Larry MacDonald
Larry MacDonald, Mayor

City Clerk

CITY OF FITCHBURG

By /s/ Jay Allen
Jay Allen, Mayor

City Clerk

CITY OF APPLETON

By /s/ Tim Hanna
Tim Hanna, Mayor

City Clerk

VILLAGE OF WESTON

By /s/ Fred Schuster
Fred Schuster, President

Village Clerk

APPENDIX I - NEW MEMBERS TO THE CHARTER

It is the intention that this Charter be structured to allow for expansion of new Members consistent with the Environmental Results Program under s. 299.83, Stats.; except that the water resources component shall be a pilot program limited to no more than 2 or 3 of the original Members and for a period of three years unless extended following pilot review.

1. Review Prior to Adding New Members

The review of the water resources component shall include review by the Water Division Administrator and Bureau Directors within the Division in accordance with the pilot evaluation criteria in Appendix 2, and they shall make a recommendation to the Secretary on whether the pilot should be expanded, modified, or discontinued. The Secretary shall determine whether new Participants can be added to the water resources component of the charter or whether the charter should be modified prior to the addition of new Participants.

2. Procedure for Adding New Members.

All potential new Participants will complete a Wisconsin Department of Natural Resources approved application prior to requesting to become a Member to the Charter. A new Charter

Member will indicate at the time of application which of the available components they will pursue. New Members will be considered as follows:

- A. A party wishing to become a Member will submit a completed application requesting consideration to the DNR and the other Members. The application will commit the party to meeting the requirements of the Charter and applicable appendices and will provide the following:
 - 1) if the party is a municipality or county, a schedule for implementing its program so as to catch-up with the work schedules of the original municipal or county Members,
 - 2) a commitment to assign the resources necessary to participate in the Charter, and
 - 3) the identity of a technical point of contact and a contact person intended to serve as the new Member's representative.
- B. In reviewing the request, the DNR and the other Members will evaluate the party's ability to meet the requirements of the Charter. Subject to the provisions of paragraph 1, the DNR and the other Members may add additional requirements to a potential new Member as they deem appropriate.

APPENDIX 2 – WATER RESOURCES PILOT PROGRAM COMPONENT

The purpose of the Water Resources Pilot Program of the Legacy Community is to evaluate ways in which municipalities can achieve superior environmental performance by addressing water issues in a holistic manner and in a collaborative relationship with the Department of Natural Resources. The proposal set forth below is a pilot for a possible statewide program that will be subject to evaluation as set forth in Appendix 1, before expanded.

I. Obligations of Municipal Participants

The goal of the Water Resources Pilot Program is to reward and incentivize municipalities to evaluate water resource issues in their community on a holistic basis and develop cooperative water resource management arrangements with the DNR.

- A. Eligibility requirements. To be eligible to participate in the Water Resources Component of the Legacy Community Charter, a municipality must undertake the following:
 - (1) Agree to prepare a plan addressing water resources in its community through the use of the Water Star evaluation available at <http://www.waterstarwisconsin.org>. If using the Water Star evaluation, a municipality shall achieve at least a “bronze” status to be eligible to participate in the Legacy Community Charter and
 - (2) Identify one or more projects involving multiple water resource issues and develop an integrated plan that incorporates project components and watershed benefits not otherwise required by project permits and

approvals.

B. Water Resources Plan

- (1) If a community chooses to develop a water resources plan, they should integrate the municipality's full range of water resource issues. The plan shall identify community goals and priorities for improving water resources within the municipality. The following components should be addressed to the extent practicable:
 - ◆ Wastewater management, including treatment plant compliance, collection system maintenance and long term sewer service area planning.
 - ◆ Stormwater management including stormwater quality controls, stormwater quantity and floodplain management, and integration with DNR permitting.
 - ◆ Integration of rural water management issues, including agricultural drainage ditch issues and agricultural nonpoint runoff into urban lands within the watershed.
 - ◆ Navigable waters (chapter 30), wetlands, shoreland and floodplains management including associated habitat issues.
 - ◆ Groundwater management issues including management of groundwater quality, groundwater quantity and regional recharge issues.
 - ◆ Public water supply issues including drinking water quality, water conservation and compliance with Safe Drinking Water act provisions
 - ◆ Water budget issues, including the overall evaluation of water quantity and quality entering and leaving the watershed considering ground and surface water issues.

- (2) Water Resources outside the Municipality. In evaluating the water resource issues and projects within the community, the municipality shall also identify areas in which water resource issues within its watershed involve water resource issues outside of its boundaries, and potential opportunities for inter-governmental approaches to address such issues.

- (3) Plan Preparation. In developing a plan, municipalities should utilize existing water related planning documents and consult with the DNR and any County or regional planning agencies to ensure that existing relevant land and water resource plans have been identified and integrated into the municipal water plan. Such plans may include DNR Basin Plans, County Land and Water Conservation Plans, and plans of adjacent municipalities. In addition, the municipality shall consult with DNR to determine whether any additional areas require development.

C. Program Integration and Coordination with DNR

- (1) Recognizing the regulatory functions municipalities serve, the municipality shall meet with DNR to determine whether there are opportunities for integration of municipal and state water programs or staff. Such opportunities could include: municipal assistance on education, permitting, inspection and enforcement; integration of education materials and permit applications; or certification of municipal staff with respect to certain water review functions. Implementation of any such opportunities shall be with mutual consent and subject to separate cooperative agreements.
- (2) The municipality shall participate in a review with DNR at a schedule to be determined by the parties but at least 2 times per year during the pilot to: (a) identify significant water related projects within the municipality (either by the municipality or third parties if known); (b) review any permitting or compliance issues; (c) review the status of any cooperative agreements; and (d) identify any areas requiring additional planning or program integration. If more than one municipality in a DNR region is participating, then such meetings can, at the option of the DNR, be held concurrently.
- (3) The municipality and the DNR shall develop a stakeholder group of organizations interested in water resource issues in the municipality such as the County, environmental advocacy groups and other interested parties and include such groups in one or more of the review meetings under Section I. C. (2).

II. Obligations of DNR

A. Single Point of Contact.

The Department's single point of contact representative(s) will be the Regional Water Leader(s) from the geographical areas of where water component participants are located. The Department shall also identify back up staff who will serve as the single point of contact in the Regional Water Leader(s) absence. The single point of contact back-up shall have experience in two or more water programs and serve in a supervisory capacity.

B. Assistance and Coordination with the Municipality.

- (1) The Department shall review and comment on any municipal Water Resources Plan.
- (2) The Department shall meet with the municipality for purposes of

identifying areas of program integration of municipal and state water programs or staff as set forth in para I.C.

C. **Regulatory Coordination and Flexibility for Municipal Projects**

When the municipality is proposing a project that requires one or more water permits from the DNR, the DNR's Single Point of Contact shall undertake the following:

- (1) To the extent practical, coordinate the permits within the DNR so that all such water permits are reviewed concurrently on an integrated timetable;
- (2) Supervise the review of the permits to ensure that the project and its impacts are reviewed in the context of the existing statutory standards, the impacts to the watershed as a whole, the goals of the municipal project and the municipality's Water Resources Plan;
- (3) Foster a "problem solving" approach with respect to permitting or enforcement issues that recognizes both the municipality's record under this Charter, and the Department's flexibility in existing permitting standards and the Department's enforcement discretion;
- (4) Facilitate resolution of disputes between DNR staff or between DNR staff and the municipality.

III. Pilot Evaluation

A. At the conclusion of 30 months from the date of this Charter, each municipality shall prepare a summary of its work under this Charter that shall:

- (1) Describe its eligibility status.
- (2) Identify any areas of program integration with DNR and describe any such programs.
- (3) Identify any water resources projects under taken and project elements not otherwise required by DNR, local and or other federal laws.
- (4) Describe any water resources permits obtained by the municipality and identify whether and to what extent the Charter impacted the permitting process including a consideration of the following:
 - The permit review process included consideration of watershed

based impacts

- If the project involved multiple water permits, the permit processing and permit comment and hearings were coordinated.
- Permit issues were resolved with the assistance of the single point of contact.
- Which federal, state, and local standards were exceeded.

B. Evaluation Options for Additional Points on Grant Applications

The DNR and the municipality shall evaluate whether participation in this Charter warrants consideration in competitive water resources grants administered by the Department and report back to the Green Tier Steering Committee with recommendations regarding such grants.

APPENDIX 3 – SUSTAINABILITY STRATEGY OPTIONS

[See Excel spreadsheet](#)