

**TOWN OF GRAND VIEW RESOLUTION No: 190313**

**IMPOSING ITS AUTHORITY TO COORDINATE WITH, AND INSIST ON COORDINATION BY, FEDERAL, STATE, TOWN, CITY, VILLAGE OR TOWN AGENCIES (COLLECTIVELY, "FEDERAL OR STATE AGENCIES" OR "LOCAL GOVERNMENT") WITH MANAGEMENT, OVERSIGHT OR PLANNING DUTIES REGARDING LAND AND/OR NATURAL RESOURCES WITHIN THE JURISDICTION OF THE TOWN OF GRAND VIEW.**

**WHEREAS;** the Town of Grand View is a unit of local government under Chapter 60 of the Wisconsin Code; and;

**WHEREAS;** applicable provisions of the Constitution, statutes and regulations of the State of Wisconsin authorize the Town of Grand View to plan for current and future land and resource uses and authorize the Town to exercise the police powers related to the public health, safety and welfare which are customarily reserved to local government, and;

**WHEREAS;** the governing body of the Town of Grand View has the responsibility to protect the Town's tax base, protect the public health, safety and welfare to take actions necessary to serve its citizens;

**WHEREAS;** to protect local authority, and to act in the best interests of the citizens, the Town must be able to represent the citizens in a meaningful way with the Federal and "State" agencies and units of government which have management, oversight or planning duties regarding land and/or other natural resources within the jurisdiction of the Town of Grand View. "State" units of government include the state, counties, and cities of all classes, villages, and townships, and;

**WHEREAS;** the governing body of the Town of Grand View engages in local planning regarding current and future land use, natural resource use, roads and highways, and all elements of local authority recognized by Wisconsin law and the 10th Amendment to the United States Constitution, and;

**WHEREAS;** proper planning and management of land and/or other natural resources is an ongoing, dynamic, process requiring systematic and continual review and revision, in coordination with units and agencies of federal and state government, to best serve the interests and needs of the citizens of the Town of Grand View in relation to specific needs and circumstances as they may change from time to time, including, but not limited to comprehensive or livability plans adopted by other units of federal and state government, and;

**WHEREAS;** applicable provisions of the Constitution, statutes and regulations of the State of Wisconsin mandating that state, town and local units of government assigned

duties relating to management, oversight and planning of use of land and natural resources coordinate with the local units governing body include, but are not limited to 1.11, § 1.12, § 1.13, Stats., Land use planning activities; § 16.023(1)(c), Stats., Wisconsin land council; § 16.965, Planning grants to local government units; and § 16.967, Land information program; and § 560.04, Stats.; 66.1001 (2)(g) and statutes relating to community planning, and;

**WHEREAS;** the common and ordinarily accepted definition of “coordination” as provided in standard dictionaries and common usage require that the Town of Grand View and those units and agencies of Federal and State government required by law to coordinate with the Town be of equal status in the planning process and that plans proposed by such other units and agencies of Federal and State government be consistent with those of the Town, and;

**WHEREAS;** the federal statutes and regulations relating to management, oversight and planning of use of land and natural resources include, but are not limited to, the National Environmental Policy Act which requires federal agencies to coordinate plans, functions, programs and resource actions with local government (42 U.S.C. Sections 433 1(a) and 4332(2)); the Federal Land Policy and Management Act (43 U.S.C. Sections 1701 and 1712), which requires that the Secretary of Interior coordinate with local government and seek consistency between federal plans and actions and plans, policies and actions established and taken by local government; the National Forest Management Act (16 U.S.C. Section 1604); the Endangered Species Act (16 U.S.C. Section 1533); the Intergovernmental Cooperation Act and Presidential Executive Order No. 12372 require federal agencies to coordinate with local government so that local impacts to their environment or economy from federal projects can be identified and mitigated; the Homeland Security Act which requires the Secretary to coordinate with local government; and various other statutes and regulations relating to clean water, clean air, wild and scenic rivers, conservation services, regulatory flexibility and recreation opportunities which require coordination as to lessening adverse impact on local government, and quality of data utilized by the federal agencies and state agencies involved in federal projects, and;

**WHEREAS;** the Code of Federal Regulations contains regulations issued by the Council on Environmental Quality, the Secretaries of Interior and Agriculture, the Environmental Protection Agency, requiring coordination with local government as to economic and social impacts of federal plans and actions on local government and defining coordination in a manner which gives local government equal status with federal and state agencies and units of government, and;

**WHEREAS;** the individual rights and interests of private citizens guaranteed and protected under the constitutions and laws of the United States and the State of Wisconsin, including but not limited to the United States Civil Rights Act which affords relief for

denial of due process of law regarding land use actions, are substantially affected by sound land use planning;

**NOW, THEREFORE, BE IT RESOLVED;** that the governing body of the Town of Grand View invokes the Town's legal standing and authority to coordinate with, and insist on coordination by units and agencies of the Federal and State government claiming jurisdiction over lands and/or resources located within the jurisdiction of the Town of Grand View pursuant to the federal and state constitutions, statutes and regulations recited above, and;

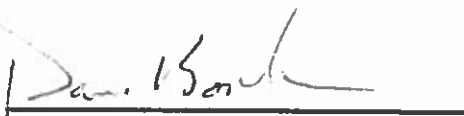
**BE IT FURTHER RESOLVED;** that a copy of this Resolution be transmitted to units and agencies of Federal and State government claiming jurisdiction over lands and/or resources located within the jurisdiction of the Town of Grand View and to all federal and state elected representatives, and;


**BE IT FURTHER RESOLVED;** that the plans adopted pursuant to this Resolution shall be a dynamic, continually evolving plan requiring periodic review, assessment, and amendment in coordination with all agencies and units of Federal and State government in relation to which the Town invokes coordination pursuant to this Resolution or subsequent Ordinances adopted pursuant to this Resolution and the federal and state constitutions, statutes and regulations recited herein.

**Adopted the 13<sup>th</sup> day of March, 2019**

**SUBMITTED BY:  
Town of Grand View**

  
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Jack Iverson, Chairman

  
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Dane Bonk

  
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Thomas Martin /s/via teleconference  
per meeting minutes