

RESOLUTION R-24-11

A RESOLUTION TO MAINTAIN LOCAL CONTROL OF PUBLIC WORKS PROJECTS

Introduced by Mayor Donald Merkes

WHEREAS, it is of utmost importance that local governments maintain the flexibility to construct infrastructure and provide services in the most cost effective manner to their residents; and

WHEREAS, a provision inserted in the proposed 2012 state budget prohibits cities, villages, towns, and counties from using their own employees on public works projects over \$100,000; even if using public employees would be the least costly method of constructing the project; and

WHEREAS, cities, such as Menasha, have worked cooperatively with private contractors, city employees, and neighboring municipalities on public works projects. The careful use of both public employees and private contractors has allowed communities to provide value to their citizens as well as minimize the cost of public works projects; and

WHEREAS, the ability to use public employees is a proven tool that many cities, villages, towns, and counties, including Menasha, have used to control the costs of repair and upkeep of their local roads.

NOW THEREFOR BE IT RESOLVED, that the City of Menasha requests the removal of provisions within the proposed 2012 state budget that restrict local control and increase costs to taxpayers of the state, including the for mentioned provision prohibiting use of city employees on city public works projects.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator Michael Ellis, State Representative Dean Kaufert and State Representative Al Ott, the State of Wisconsin Joint Committee on Finance, and Governor Scott Walker.

Passed and approved this ____ day of _____, 2011.

Donald Merkes, Mayor

Attest:

Deborah A. Galeazzi, City Clerk

FOR IMMEDIATE RELEASE

June 1, 2011

Ellis Blasts Finance Vote on Transportation

A provision inserted in the state budget that prohibits counties and municipalities from using their own employees on highway improvement projects is a senseless assault on local control and state taxpayers, state Senator Michael Ellis charged today.

“This is stupid,” Ellis said. “I will definitely have an amendment to remove this senseless provision when the budget comes to the state senate.

“In times of economic uncertainty and diminished government budgets, we should be encouraging local government to find savings wherever they can. In fact, that’s the entire premise behind Governor Walker’s plan to scale back collective bargaining for many public employees – to provide the tools local governments can use to find savings in employee fringe benefits, retirement and other employment-related areas in order to better deal with drastic reductions in state aids.”

Ellis said it doesn’t make any sense that the Joint Committee on Finance has voted to take away a very effective tool that many towns and municipalities have used to control the costs of repair and upkeep of their local roads.

Last week, the committee voted to prohibit local governments from using their own workforce to perform highway improvement projects under their jurisdiction if the project costs more than \$100,000. In addition, local governments are prohibited from doing any public construction, public works project or construction-related service for or with another unit of government under any agreement or arrangement, including, without limitation, an intergovernmental cooperative agreement or under local government purchasing provisions.

“Prohibiting counties and municipalities from using their own employees and from cooperating with other local governments will force those governments to use private contractors who pay a higher prevailing wage, thus increasing costs to local taxpayers, Ellis said. “At a time when we should be encouraging local governments to save money and to get the best deal on their taxpayer money as they possibly can, here we are discouraging an effective means of keeping highway project costs under control. Why on earth would we discourage cooperation between communities for the benefit of taxpayers?”

“Whatever happened to honoring local control? The state simply should not be in the business of micromanaging local government, especially when the state’s interference is almost guaranteed to increase local costs.”

Ellis said the provision “doesn’t pass the smell test.” It hurts local government, he said, and is costly to the taxpayer.

“The only ones who seem to benefit are the road builders. Last session I criticized Governor Doyle’s unnecessary and costly auto insurance changes as a payoff to the trial lawyers. It doesn’t look any better when Republicans insert just as unnecessary and costly provisions that appear to benefit their friends.”

Don Merkes

From: League of Wisconsin Municipalities [witynski@lwm-info.ccsend.com] on behalf of League of Wisconsin Municipalities [witynski@lwm-info.org]
Sent: Thursday, June 02, 2011 3:38 PM
To: Don Merkes
Subject: Capitol Buzz

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League of Wisconsin Municipalities

Capitol Buzz

June 2, 2011

Witynski@lwm-info.org

www.lwm-info.org

JFC Votes to Restrict Ability of Municipalities to use own Employees or Contract with another Local Government to Perform Public Works Project

The omnibus transportation motion that the Joint Finance Committee passed last Friday amending the state budget bill places numerous restrictions on the ability of municipalities to use their own workforce or to contract with another local government on certain public works projects. The motion adds the following restrictions to the state budget bill:

1. Prohibit any county or municipality from using its own workforce to perform a highway improvement project on highways under its jurisdiction, or highways under the jurisdiction of another local government, if the project costs \$100,000 or more, and either of the following applies: a) the project is funded with federal funds and construction begins after July 1, 2013; or b) the project is funded by state funds other than General Transportation Aids, and construction begins after July 1, 2015.
2. Prohibit any unit of government from doing public construction, public works projects, including road, sewer, water, stormwater, wastewater, recycling or bridge projects for or with another unit of government.
3. Prohibit any county from using its own workforce to perform a highway improvement project, not including maintenance, for or with any village or city, regardless of

the source of funds, if the project costs more than \$100,000. (Note: The restrictions described under items 1-3 above do not apply in emergencies formally declared by the chief elected official of the municipality or county or projects where all materials are donated and labor is provided by unpaid volunteers. They also do not apply to projects conducted by a county under an individual project agreement approved prior to the effective date of the bill.)

4. Prohibit counties and municipalities from dividing projects to evade the \$100,000 thresholds in the above provisions.
5. Prohibit any local government using its own workforce from performing the construction of roads, sewers, water, stormwater, wastewater, grading, parking lots, or other infrastructure or construction-related services on behalf of a private entity.
6. Prohibit local governments from utilizing methods for letting public works projects for bid, other than accepting sealed bids, awarded to the lowest responsible bidder. The prohibition applies to bidding methods that give preference based on the geographic location of the bidder or that use other criteria that affect the selection of the lowest responsible bidder.
7. Change local roads improvement program bidding requirements effective July 1, 2015 to: a) eliminate a provision allowing a city or village to contract with a county for an improvement under the program if it does not receive a responsible bid for the project; b) eliminate a provision allowing counties to perform work under the program under certain conditions, including if the county finds that it would be cost-effective to do so; and c) specifies that counties may perform the work under the program for a city or village within the county or work on its own system only if the project is less than \$100,000.
8. Eliminates a current law provision that authorizes DOT to designate a local governing body as its agent on behalf of the state to perform bidding, contracting, and oversight for a state highway improvement project.

To view a copy of JFC's omnibus transportation motion, [click here](#).