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### LA POINTE SEEKS SHIFT IN LAW ENFORCEMENT LEVY

The Madeline Island Town of La Pointe is asking the Wisconsin Department of Revenue to deny Ashland County the power to collect property taxes for law enforcement the County no longer provides.

In filing a petition for a declaratory ruling, La Pointe notes that, for the past 27 years, the County essentially purchased law enforcement services from the Town in order to cover its obligations under state law to provide patrol and dispatch response in La Pointe. Under the long-standing agreement, Town police provided the types of routine coverage for which the County otherwise is obligated to provide directly.

That arrangement was critical in allowing La Pointe to fund and operate a full-time police department of its own. The arrangement also allowed County sheriff's deputies to focus activities on mainland communities instead.

Last year, however, the County Board unilaterally voted to pay the Town nothing in 2023. The result is that the County is neither purchasing nor providing everyday law enforcement in La Pointe, says Glenn Carlson, chair of the Town Board.

“The County can’t have it both ways,” he says. “You can’t keep our money if you’re not providing the services you’re taxing us for.”

The petition is related to, but distinct from, a financial claim against Ashland County that La Pointe announced on Jan. 11. That claim, which is the first step toward a potential lawsuit, says the County is violating the state Constitution by not providing La Pointe the same level of patrol, emergency response, or back up that the sheriff provides in mainland communities.

In 2023, property owners in La Pointe will pay more than \$750,000 for law enforcement services – roughly \$400,000 to support the Town’s own police department, and roughly

\$364,000 to the County, including for patrol and response services that the sheriff's department is not providing the Town.

La Pointe's petition to the Department of Revenue says the County has transferred its legal responsibility for patrol and response services to the Town without paying for it. Because the County has abdicated its responsibility, a portion of the taxes that Town property owners pay should shift from the County's tax levy to the Town's levy, the petition argues.

The Town's petition to the Department of Revenue is based on a statute that says if a county transfers responsibility for providing a service to another unit of government, the county's levy cap must be reduced by the cost of the service. A parallel statute says the levy cap for the unit of government taking on responsibility for the service increases by the same amount.

That has not happened. In October, front-line staff at the Department of Revenue did approve a levy shift but, three weeks later, reversed themselves. They claimed that, because the County was not directly providing patrol and dispatch response, the County was not providing a service. That explanation defies common sense, says Town Administrator Michael Kuchta, and leaves the Town no option but to seek a declaratory ruling.

The Town's petition argues that it does not matter whether the County provided law enforcement services directly or indirectly in the past; the plain language of the statutes makes it clear that the County, by deciding to neither purchase services from the Town nor to provide them directly, now has transferred law enforcement responsibility to the Town. The petition asks the Department to declare that the state statutes do apply, then to determine how much of the County's law enforcement levy should shift to the Town.

A levy shift would not increase the taxes that Town property owners pay, Kuchta says. The shift would, however, liberate the Town's police budget from the whims of County officials, he says, and eliminate the possibility that the Town would have to rely on County deputies, who are a minimum 20-mile drive (plus a ferry ride) away from La Pointe.

With a levy shift, Kuchta says, the Town could gain funding control, stability, and self-sufficiency for its own police department, so it can continue to keep school children, EMTs, residents, and visitors safe on its own.