

# Green Tier Charter for Legacy Communities Heaven on Earth...or Trouble for Citizens and Taxpayers?

## What Is the Green Tier Charter for Legacy Communities?

This particular charter is an agreement in which a municipal government pledges to achieve and maintain "superior environmental performance." A legally binding document, the charter is entered into with the Wisconsin Department of Natural Resources (DNR), the League of Wisconsin Municipalities, several environmental organizations, and other participating towns and cities.

The Green Tier Charter is a means of advancing municipal land use and water management policies that ultimately undermine citizens' rights. Representatives from the DNR and each of the other charter signatories will oversee implementation of the initiatives and goals adopted by a municipality under the charter. City councils should be accountable to voters alone. However, Green Tier necessarily *divides* a council's allegiance by making it also accountable to the unelected, unaccountable charter signatories.

## Marketing Spin

To get buy-in from the community, Green Tier proponents tell elected officials that the program will be good for business and for the municipal tax base. Tremendous care goes into making the Green Tier Legacy program sound like heaven on earth, the best thing that could happen to a city, and an opportunity that no official or resident could - or should - resist. Details on real benefits or how they will actually be achieved through the suggested sustainability policies are often woefully thin.

## Reality

Unfortunately, Green Tier marketing and Green Tier reality simply don't match up. Green Tier may result in a beautified city. However, the cost in property rights, land values, congestion, debt, and public services are likely to far outstrip any advertised advantages. Green Tier tends to rob rather than enrich the citizen. Moreover, no legal guarantee prevents a city from being penalized for withdrawal from Green Tier.

## Who's Behind Green Tier Legacy Cities?

In December 2010, several environmentalist organizations established a five-year charter with the DNR, the League of Wisconsin Municipalities, and five initial municipalities: the cities of Appleton, Middleton, Fitchburg, and Bayfield, and the village of Weston. The charter will almost certainly be renewed. Other prominent signatories to the charter include:

- **1000 Friends of Wisconsin (1000 Friends)**
- **Municipal Environmental Group - Wastewater Division (MEG)**
- **Center on Wisconsin Strategies (COWS)**
- **Wisconsin Energy Conservation Corps (WECC)**

COWS, and its founder Joel Rogers, a professor at UW-Madison, are unquestionably a driving force behind the Green Tier charter. COWS' aims have been researched at length and include global redistribution of wealth via "high-road" or "sustainable economic development." Evident even in Rogers' own writings, sustainable development was engineered to divest citizens of hard-earned dollars and constitutional rights.

## How Does Green Tier Defraud the Public?

If your municipality enters into the Green Tier Legacy Charter, several mechanisms will come into play to undermine proper representation, redistribute wealth, and destroy private property rights. Just a handful of these numerous mechanisms, and some of their additional fallout, are briefly described below.

### Unelected, Unaccountable Representation

Your city council should be accountable to its constituents alone. However, an unelected, unaccountable committee, comprised of representatives from the DNR and each of the other Green Tier Charter signatories, will hold your city accountable to sustainability goals it will have adopted without consulting the public. This reality divides your city council's loyalties to fulfill goals in which you will have had no say. It also damages your access to recourse should Green Tier policies impact you or others negatively.

### Smart Growth Zoning

The Green Tier Legacy program is committed to environmentally driven, communitarian Smart Growth planning — directly antithetical to individual citizens' rights. Under communitarianism, your right to make decisions about your life and your property will deteriorate. The unelected Green Tier steering committee will undermine the citizenry in determining what is best for all in the community, including you.

If at any point city residents, even in majority, disagree with aspects of Green Tier policy or implementation, there will be no simple recourse, at least for the period of this legally binding charter. Zoning decisions can and likely will be made to purposefully limit or obliterate property rights and values in the service of "higher" environmental objectives. Many of these decisions will also, necessarily and conveniently, lower property values. While a municipality can withdraw from the charter, again, there is no guarantee that a municipality cannot be penalized for doing so.

### Redevelopment

Redevelopment is one of the chief mechanisms of Green Tier and Smart Growth planning. It is an alarming phenomenon because taxpayers can be placed in debt through public-private partnerships (PPPs) for private schemes - generally without consultation. In fact, the public **must** go into debt for such a PPP to be enacted and redevelopment to occur.

By state statute - Ch. 66.1333 (3) - a "redevelopment authority" will form. It will often be stacked with individuals who stand to gain ideologically, politically, or financially from the development projects they oversee. The authority will bond debt and create Tax Incremental Districts (TIDs), thereby diverting property tax increases away from municipal public services to redevelopment projects. Public services will either suffer over time or additional taxes will have to be levied to offset the inflation rates that hinder the public services in meeting operating expenses. If the redevelopment does not yield the expected results, the public will be left holding the bag.

Under the U.S. Constitution, eminent domain may only be exercised for public use. Under redevelopment, "public use" is redefined as whatever the redevelopment authority says it is. **A way is thus cleared for private property to be taken via eminent domain for private purposes.** (See the infamous Kelo case.)

### Where Can More Information Be Obtained?

For more informational resources on Smart Growth planning, sustainable development, and other concepts integral to understanding the Green Tier Legacy program. Please visit the Resources page at the Wisconsin 9/12 Project at:

<http://www.wisconsin912project.org/index.php/get-involved/additional-resources.html>