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# Intergovernmental Cooperation Handbook

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# Intergovernmental Cooperation Handbook

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# I. Why Cooperate?

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Why is intergovernmental cooperation a key to success in municipal government? Why is cooperation the wave of the future? Why can't we go it alone as we always have, relying on our own resources? Why cooperate?

The answers to these questions are found in the three topics discussed in this chapter. The first is the shared interest or interdependence of the citizens who make up our municipalities. The second is economy, the economies of scale that can be accomplished by increasing the size or extent of governmental activities. The third is the effectiveness which can be achieved when governmental activities and programs are sufficiently well developed. When interdependence, economy and effectiveness are considered as a whole, intergovernmental cooperation clearly is the future for success in local government.

## Interdependence

Municipal boundaries are not walls or barricades. Most of the activities affecting our citizens follow “natural” boundaries. Any coincidence of municipal boundaries and these natural boundaries occurs infrequently and randomly, not by design. Our citizens cross municipal boundaries and are affected by activities that cross these boundaries. As a result we are interdependent; what we do affects others and what they do affects us.

The scope of our interdependence is formed by economic, physical, social and governmental factors. We must examine each of these to determine how they create and shape the interrelationships among our citizens.

**Economic Factors.** Frequently a citizen resides in one municipality, is employed in a second and shops in a third. In larger urban areas the economic activities of a resident (renting or buying a home, shopping, banking, dining out, doctors' visits, dentist or others) may cover ten or twenty municipalities.

The economic system which serves the citizen is based on a market area, not on municipal boundaries. The market area is defined by economic rather than political criteria. Newspapers, television and radio stations serve the economic market area. Even those that target a suburban area of a larger urban area serve that economic submarket area generally and are not restricted by municipal boundaries. Help wanted ads and grocery store coupons do not recognize boundary lines between boroughs and townships. As a result, the economic life of a resident is lived as part of the economic or market area, not just the municipal jurisdiction where he or she happens to live. The citizens' economic health, the value of their homes, the wages and even the very existence of their employment, the prices and availability of goods and services are dependent upon this economic system. They are economically dependent upon one another and the economic system as a whole.

The decisions of a municipal government affecting the economic system affect not only its residents but the residents of other jurisdictions. The residents of a municipality are affected by economic decisions in other jurisdictions as well as their own. This economic interdependence points to the need for intergovernmental cooperation.

**Physical Features.** Mountains, rivers, highways and air currents are not respecters of municipal boundaries. While a mountain ridge or river often serves as a boundary line between two municipalities, the physical feature continues even when the municipal border comes to an end. Highways link work, home, schools and shopping to neighborhoods in nearby municipalities. Bridges cross a river or stream on a boundary line, tying together the citizens of two municipalities.

Pollutants seeping into a stream “disappear” only by flowing into the next municipality and the one beyond it. Mountains and ridges establish dividing points for storm water runoff and economical sewerage systems based on gravity flow. That water runs downhill is such a commonplace understanding, we forget how this physical fact ties our municipalities together and requires intergovernmental approaches to flood control and sewerage projects.

Even air currents tie us together. Odors from a poorly operated or outdated sewer treatment plant may affect neighbors in nearby municipalities. Pollutants from industrial sources may spread across the municipal boundary to a residential neighborhood. The potential distribution of radioactive gasses or particles from a nuclear plant accident follows air current patterns, not municipal boundaries.

Frequently, a physical feature becomes the common way of describing an area that encompasses many municipalities but is physically interdependent. The names of these areas are public recognition that there is a common physical feature, a physical interdependence among the municipalities of the area.

**Social Groupings.** Synagogues, and churches, Lions clubs, hospital auxiliaries and quilting clubs follow the patterns of economic and physical interdependence. Membership and participation in these and the innumerable other social activities enjoyed by our residents is seldom limited by municipal boundaries. Instead, the extent of participation in social activities is reinforced and influenced by the economic and physical linkages between people; and this social interdependence reinforces the economic connections.

**Governmental Interdependence.** There are numerous governmental agencies, activities and institutions which cut across municipal boundaries and tie us together into larger communities. Consolidated school districts are the best recognized of these. Others include the legislative districts in which our state representatives and senators are elected; the Department of Transportation districts responsible for our state road system; the U.S. Postal Service establishment of a community post office name for our mailing address; the state parks and gamelands open to all residents; and the state university system which may locate an institution in one jurisdiction but impacts on many others.

Let's examine the impact of the U.S. Postal Service as an example. The Postal Service establishes post offices and rural delivery systems to serve all our citizens. However, the names of these post offices are selected based on the name of a central location. Townships in particular are seldom recognized by this system. Township residents almost always receive mail, whether by street address or R.D. number, delivered by a post office with the name of an adjacent borough or an unincorporated village. Even some borough residents receive mail from a post office with the name of a nearby city or a larger or older adjacent borough. The impact of this system is that people often think of where they live, their home town, in terms of its post office name, not its municipal name.

Just as in the example of the postal addresses, the other governmental activities tend to pull us together across municipal boundaries, to create communities of common interest and interdependence that include several or many municipalities. Combined with the social, economic and physical features, this governmental activity establishes and reinforces an interdependence linking us together far more strongly than municipal boundaries separate us.

## Efficiency

The efficiencies resulting from cooperation should seem obvious. Business operators and economists call this principle economies of scale. Whether stated in common sense or economists' terms, the principle is a sound one, one that can be achieved through intergovernmental cooperation.

In the next three subsections of this chapter we will illustrate how intergovernmental cooperation can help municipalities reach critical thresholds, distribute overhead costs, and maximize utilization of capital equipment and facilities. Each of these sections describes how the most efficient use of municipal funds can be achieved.

**Critical Thresholds.** We must understand the practical limitations before we can implement municipal cost savings programs. While a vendor generally will sell more goods for a lower per unit cost, the best price breaks come at certain critical thresholds. These thresholds are determined by the packaging of the product and the pricing system used by the manufacturer or wholesaler. For example, common threshold points for paper purchases are the pad, the ream, the carton or case, the pallet and the truckload. If paper is packaged 500 sheets to the ream and 20 reams to a case, purchasing 1,000 sheets is not going to be any cheaper on a unit cost basis than purchasing 500 sheets. And, in fact, purchasing 750 sheets will probably be more costly per sheet than buying 500 since the breaking up of a basic unit, the ream of paper, is required. The major price breaks will come at the thresholds where a municipality, by cooperating with its neighbors, can move up to the next category of packaging. Whether the product is paper or salt, gasoline or park equipment, tires or asphalt, the key point is to combine efforts to purchase quantities that exceed the next threshold for a price break.

This principle also applies to municipal investments and borrowings. Combining (not commingling) funds to obtain \$100,000 or greater amounts for investments maximizes the return for the municipality. Similarly, there is a threshold for the minimum effective municipal borrowing through a bond issue. Interest rates for a bond are lower than other borrowings, but the “up-front” costs (investment banker, bond counsel, printing) are high. If the bond is not large enough, these up-front costs negate the savings from the lower interest rate. Because interest rates and the up-front costs vary, the critical threshold for a bond issue is variable but still the key factor in choosing the most economical method of borrowing.

In the case of both investing and borrowing, several extensive intergovernmental cooperation efforts have been initiated. Investment pools have been established combining municipal funds to achieve critical thresholds for investments. This approach provides both higher investment return for municipalities and increased liquidity of municipal investments. These are particularly attractive features for smaller municipalities with small amounts to invest. Several bond pools have been established to spread up-front costs and make smaller borrowings efficient. In order to surpass a critical threshold, similar investment or bond pools can be set up among any group of municipal governments.

**Distribution of Overhead.** There are overhead or indirect costs that impact on every municipal activity and program. Many of these costs are capital or facility costs and will be discussed in the next section. In this section, we will focus on the area that is usually the largest municipal expenditure: personnel costs. However, the principles outlined here apply to all overhead costs. Intergovernmental cooperation is often a good way to minimize any overhead or indirect personnel costs.

In each municipality there are administrative activities: records, correspondence, accounting, etc. In most there are also supervisory costs, the amount required to supervise and direct the activities of employees. We should examine these areas and reduce the per unit cost of such activities; we can often do so through intergovernmental cooperation.

For example, two small municipalities, perhaps a borough and a township next to each other, may each conclude that they need a professional manager to run their day-to-day business, but neither municipality can afford the cost of a professional manager's salary. If the number of employees in each jurisdiction is also small, the decision to hire a manager will probably be postponed since the cost of this “overhead” is not justified in terms of municipal services being provided. The intergovernmental cooperation alternative is to jointly hire a manager to spread this overhead cost across two groups of municipal employees.

In larger municipalities with dozens or even hundreds of employees, the greatest opportunities for reducing overhead personnel costs lie in the area of specialists: purchasing officers, personnel officers, police investigators or juvenile officers, police training or planning, code enforcement officers, dog catchers, or risk managers. In each case where a municipality has a need to add a function or specialty to the ranks of its employees, it can usually do so more efficiently by sharing that activity with neighboring municipalities and spreading the overhead costs. What functions are to be shared depends upon the existing organization and

interests of the participating municipalities. In each case, however, there is always the potential for the next step to be taken cooperatively as a way to obtain the most efficient use of scarce tax dollars.

**Maximum Utilization of Capital.** After personnel costs, the major expenditure of municipal funds is for capital equipment and facilities. Municipal capital equipment may include road maintenance equipment such as trucks, loaders, backhoes, pavers, and rollers; fire trucks; sewer cleaning equipment; brush chippers; street sweepers; garbage trucks; police communications equipment and a great variety of other items. Municipal capital facilities most often include a municipal building and may include fire stations, sewage treatment plants, parks, swimming pools and recreation centers, water treatment plants and water towers, airports, parking garages and libraries. Maximizing the use of capital equipment and facilities through intergovernmental cooperation is a way to achieve efficient use of tax funds.

Some capital investments for facilities and equipment are not suitable for intergovernmental cooperation. A new municipal building for a borough is not well received by the taxpayers if it is located in an adjacent township. A snowplow is not very helpful if a township crew has to wait until a borough crew is through using it. While these examples show that there are limits, many facilities and equipment may be more effectively obtained through intergovernmental cooperation. In particular, specialized equipment such as a sewer cleaner, a sign machine, a street sweeper, or a paver may be acquired jointly where none of the participants could obtain the equipment by itself. The same is true of specialized facilities for public safety (a fire house), public works (a salt shed), recreation (a pool or park) or a library.

If a municipality purchases a street sweeper to be used 75 days a year, it incurs a fixed capital cost for that activity. If a cooperative effort among three municipalities can put the sweeper on the road 150 days per year, a substantial savings in capital cost per day is achieved and all three municipalities save money.

Capital facility costs can be shared in a similar manner. Two small municipalities sharing in the cost of developing a park to serve the residents of both reduces the per capita cost while maintaining the service. A firearms training range for a single police department may be used one day per month or only 12 days per year. A combined effort for six municipalities will require the same capital but this cost can be spread over 72 days per year.

Both capital equipment and capital facilities can be developed more efficiently through intergovernmental cooperation. The examples cited above illustrate the principle: share the capital cost to maximize the efficiency of the investment of municipal resources.

## **Effectiveness**

Municipal services must be both efficient and effective. They must get the job done. A service that does not get the job done is a greater waste of tax dollars than one that does the job inefficiently. Because services must be delivered on an appropriate scale, staffed with qualified personnel, and provided with essential equipment, intergovernmental cooperation is a valuable tool for the delivery of effective municipal services and programs.

Often a municipal service may be desired by the residents and supported by their elected officials, but the effective provision of that service is beyond the reach of the municipality. Clogged storm sewers may be a problem in your municipality but the source of the silt-laden runoff is in a subdivision in another municipality. A teen center may be needed to help reduce vandalism problems in a suburban township, but the best site for the center is an old school building in the adjacent borough. A code inspector may be needed for 15 hours per week, but the qualified candidates for the job need full-time work. Municipalities joining with their neighbors may be able to respond effectively to these needs.

There are several circumstances in which intergovernmental cooperation will enhance the effectiveness of municipal programs. These include services where a large number of people is needed to be effective, where

the geographic scope of the problem crosses municipal boundaries, where specialized personnel or equipment are needed and where emergency needs far exceed basic services needs. The following sections illustrate each of these categories.

**Where Large Numbers Are Needed.** The most common examples of municipal services where a large number is needed for effective operation are sewage treatment plants and transit systems. In other words, these services must be provided on an appropriate scale. Without a sufficient flow, a sewage treatment plant is both inefficient and ineffective. Combining the flow from several municipalities will make possible the development of an effective plant. A bus transit system is similarly dependent upon a sufficient number of passengers. To be effective, a transit system must serve the entire economic community where we work, shop and live, and not just one municipal jurisdiction.

**Where Problems Cross Municipal Boundaries.** The effective solution to a problem is often found beyond the municipal boundary. In the clogged storm sewers problem noted above, a treatment of the symptoms of the problem — cleaning out the storm sewers — can be accomplished by the municipality stuck with the clean-up task. However, an effective solution to the problem over the long run requires an intermunicipal approach towards prevention. Prevention is almost always a more effective long run approach than treatment of the symptoms of a problem.

Similar problems often arise when neighboring municipalities establish zoning and subdivision regulations and fail to coordinate their work. The uncoordinated ordinances may actually encourage development patterns which work against the logical extension of water lines, sewers and roads. Adjacent incompatible uses may be allowed, separated only by an invisible municipal boundary. Municipal boundaries do not make good noise barriers, or sound screens, or traffic controls.

Since zoning and subdivision ordinances are major tools in managing development patterns, intergovernmental coordination of municipal decisions is essential. The strongest form of planning coordination is joint zoning. Short of joint zoning, regular coordination of municipal plans and ordinances can be accomplished by regional or multimunicipal comprehensive planning and implementation, joint planning commission meetings, regular meetings of elected officials or staff level interaction.

**Where Special Skills Are Needed.** In any municipality of any size there are special skills needed to do the job effectively. These may be beyond the reach of the municipality or its resources. The municipality can be effective in its delivery of services only if it seeks a solution through intergovernmental cooperation.

In the very smallest municipalities the specialized skills needed, but not obtained through individual efforts, may be those of a competent secretary-bookkeeper. No municipality can operate well without effective performance of these duties. By joining together, two small municipalities may be able to hire and retain a competent, full-time person when neither could attract this quality of help on a part-time basis.

In medium and larger sized communities, the specialized needs become narrower and more specific. They may include code officers, purchasing agents, dog officers, health officers, police investigators and any number of others needed to do an effective job. Often the best way, or even the only way to obtain this kind of specialized professional staff, is to combine efforts through intergovernmental cooperation.

**Where Emergency Needs Exceed Basic Needs.** Our basic municipal public safety forces are our police and fire departments. Fire departments, in particular, have long recognized the need for mutual aid in emergency situations where a single fire company is ineffective but many may put out a conflagration by working together. The point illustrated by these mutual aid agreements is that a municipal service should be sized to meet its basic needs and rely upon intergovernmental cooperation to meet emergency or extraordinary situations.

Good mutual aid agreements between municipalities for their police departments allow effective day-to-day policing to be accomplished with basic department size and emergencies are effectively met through the aid agreements. Mutual aid agreements for fire companies that go beyond the norm and provide for complimentary rather than duplicated rolling stock will provide for more effective fire protection. Four fire companies, each with a pumper and a tanker, serve a community less well than having several companies forego the tanker and owning a ladder truck or an emergency support vehicle instead. The basic fire protection needs are still met but for the same cost a more effective emergency capacity is built.

## **Cooperation is the Future**

We began this chapter with the question: Why cooperate? The preceding sections have outlined some of the reasons why municipal governments should work together: our interdependence; greater efficiency; and more effectiveness.

As communities grow, so do needs for new and expanded services. As time passes, our citizens come to expect more from their municipal governments. The state and federal governments continue to require more sophistication, services and paperwork. Our response to meet these increasing demands is for municipalities to work together. Cooperation is the future of local government. The question is whether it is in your municipality's future.

## II. Methods of Cooperation

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This chapter focuses on the various methods of organizing intermunicipal cooperation. Four major approaches will be examined: handshake agreements, Act 177 agreements, councils of governments and joint authorities. Other methods will be briefly noted.

Most municipalities have experience with one or more of these methods, most commonly with informal handshake agreements. This experience, when combined with the suggestions in this chapter, will provide municipal officials with a framework for organizing their future efforts in intergovernmental cooperation.

In organizing an intergovernmental cooperation activity, certain factors must be understood: who's in charge, who does what, when it is to be done, and how costs are to be allocated. The last point, allocation of costs, will be discussed in Chapter III. The organizational approaches or methods of cooperation described in this chapter will cover the first three points.

Before we begin to examine the methods for cooperation, several points should be noted. **First, intergovernmental cooperation is a highly flexible activity.** Organizations that work best for others may not be the most suitable for your particular circumstances. The methods outlined here should be used as examples, not as rules. Second, it is possible and often desirable that a municipality have different intergovernmental arrangements with different neighboring municipalities. A joint sewer authority between a borough and two townships is entirely consistent with the borough's membership in a Council of Government (COG) with four townships and two other boroughs, as is the two townships working together on road maintenance. Third, municipalities need not be contiguous to cooperate. **There is no legal requirement that cooperating municipalities share common boundaries in most circumstances.** However, it would be impractical to consider some activities, such as a joint sewerage system, for widely dispersed municipalities. On the other hand, a joint investment program could include municipalities from anywhere in the Commonwealth since the activity requires no physical connection. Fourth, there is no size limitation. Some municipal officials believe their municipality is too small (or too big) to work with an adjacent one that is much bigger (or smaller). This unwarranted conclusion should be avoided. There are examples of a municipality fifty times bigger than its neighbor successfully working with the smaller jurisdiction to their mutual benefit. Size differences are often an excuse for avoiding intergovernmental cooperation, but with proper organization and fair allocations of cost and responsibilities such differences are easily overcome.

### Handshake Agreements

**Handshake agreement is the generic name for all those unwritten working arrangements between municipalities. It also includes any written agreements not formally adopted under the provisions of the Intergovernmental Cooperation Law (see next section).** Many of these agreements are very simple and limited in scope. A borough plows a township street and vice versa because it results in better snowplow routes for both. A township buys copier paper and sells some of it to another municipality at cost. A city lends a street sweeper to a township for a few weeks and obtains use of a paver for several weeks in return. The examples of these cooperative efforts are endless. Often, the arrangement is worked out between employees, with no action by the governing body, and continues for years to the mutual benefit of both municipalities.

Handshake agreements are informal. That informality is both the benefit and the bane of such agreements. As a result of their informality, handshake agreements are easy to arrange. Often the informality, the “let's just work it out” approach, is the only way municipalities can work together. The parties shake hands only if cooperation is of mutual benefit, and no formal or long lasting commitment is required which may be threatening to the participants.

The informality of handshake agreements also leads to their shortcomings and limitations. Because there is no formal agreement, misunderstandings often result and the intergovernmental partnership dissolves with a residue of hard feelings. In addition major concerns such as liability and workers' compensation coverage are often overlooked. This may be fine for many years but once a problem occurs it's too late.

Handshake agreements are also limited to activities which do not entail formal joint ownership of property, borrowing funds, or other legal responsibilities. This limitation may seem minor for municipalities just beginning to work together, but in the long run it is better to work out all the details in a formal agreement.

## Act 177 Agreements

The Intergovernmental Cooperation Law (Act 177 of 1996) was previously enacted by the General Assembly in 1972 to implement the provisions of Article IX, Section 5, of the then-new Pennsylvania Constitution, the intergovernmental cooperation provision. The complete text of the law is provided at the end of the handbook. The Act, commonly referred to as Act 177, replaced the prior Act that was first adopted in 1943 and amended in 1972 and uses the same language as the Constitution: "A municipality ... may ... cooperate or agree in the exercise of any function, power or responsibility with ... one or more ... municipalities ..." (Act 177, Section 2304).

The language of Act 177 is very broad. It includes any function, power or responsibility that a municipality may have. In other words, if a municipality has the power to take an action or deliver a service under the provisions of its code or charter, it has the power to cooperate in doing so. The exercise of this power is the responsibility of the municipal governing body.

The required features of an intergovernmental cooperation agreement established according to the terms of Act 177 include the following:

- a. The agreement must be enacted by ordinance (Section 2305).
- b. The ordinance must specify (Section 2307):
  1. The conditions of the agreement.
  2. The duration of the agreement.
  3. The purpose and objectives of the agreement, including the powers and scope of authority delegated in the agreement.
  4. The manner and extent of financing the agreement.
  5. The organizational structure necessary to implement the agreement.
  6. The manner in which property, real or personal shall be acquired, licensed, or disposed of.
  7. That the entity created under this section shall be empowered to enter into contracts for policies of group insurance and employee benefits, including social security, for its employees.

These items can be covered in the ordinance document itself, but usually are addressed in the agreement document and incorporated into the ordinance by reference (as an attachment to the ordinance).

An agreement enacted under the provisions of Act 177 is essentially a legal contract among two or more municipalities. Separate agreements (or a clearly stated multiple purpose agreement) are needed for two or more different functions. The terms of the agreement are whatever is negotiated among the participants, subject to the general requirements of the law.

**Contract Programs.** There are two basic organizational structures used for Act 177 agreements. One is a provider/purchaser relationship between the parties. In this case, one municipality, usually the largest or most

centrally located, agrees to sell a service or program to the other municipalities at an agreed upon rate for a given period. Ownership of property and hiring of employees is the responsibility of the provider municipality. The purchasing municipalities' responsibilities, and control of the program, is limited. If police service is purchased, for example, the purchaser may select the number and scheduling of hours for patrol, but probably will have very little control over selection of a new police chief or detective. The limited responsibilities of a purchaser may be attractive, however, for municipalities with limited time or resources. And, there is a definite advantage to buying services if the provider has a top-notch program.

**Joint Programs.** The other basic organizational structure for an Act 177 agreement is a joint program which has shared ownership and control of the program. A council of governments, described in the next section of this chapter, is a special case of such an agreement. In a joint program, a committee (commission, board) of officials representing each municipality is responsible for the oversight of the joint program. These municipal representatives may be members of the governing bodies, appointed citizens, or municipal staff. Regional police are usually under the direction of a commission composed of elected officials of the participating municipalities. Regional recreation programs are often overseen by a board of appointed citizens. Some regional programs are directed by a committee of municipal managers or secretaries. In any case, the final responsibility to join and continue in a regional program rests with each governing body.

**Additional Agreement Provisions.** While Act 177 outlines the required provisions of an intergovernmental cooperation agreement, many details related to a specific program are often overlooked. Some additional things you should consider putting into your agreement include:

- a. How (or if) an additional municipality may join a joint program at a later date, including:
  1. whether approval of all participating municipalities, or a majority of the participating municipalities, or of only the joint board is required; and
  2. whether a "buy-in" is required for original start-up costs and whether these costs are fixed or depreciate over time.
- b. How a municipality may drop out of a program while it is continued by others including:
  1. the amount of notice required (recommended: at least one year with the only time of leaving to be the end of a program's fiscal year).
  2. whether any capital contributions are to be returned, including how this cash is to be obtained (sale of property, other participants) and a depreciation schedule.
- c. The representation and voting rules. The most common and usually most successful is one representative and one vote per municipality. Other possible rules include a primary and alternate from each municipality (with half votes for both if they are present) and two or three representatives (and votes) for a larger municipality.
- d. In addition to the manner and extent of financing (Section 2307, item 4 in the Act 177 provisions), a calendar for presentation, municipal review and input and adoption of a budget for each fiscal year. Suggestions for program financing are illustrated in Chapter III.
- e. The effective date of the agreement. This date should be coordinated with the anticipated dates of adoption by participating municipalities (including consideration of their respective dates of ordinances). This provision should also address whether all or a certain number of participating municipalities must approve the agreement before it goes into effect or whether it is in effect in each municipality as it is adopted.

**Agreement Preparation, Review and Adoption.** Drafting an intergovernmental cooperation agreement appears to be a relatively straightforward task, but municipalities often find it takes much longer than anticipated to get from the initial idea of the agreement to properly enacted ordinances. A typical problem is illustrated in the following example.

A study committee consisting of one elected official from each of three townships meets several times and agrees to recommend establishing a regional park operated by a regional parks and recreation board. Each township will appoint three representatives to the nine-member board and will share funding of the park's programs and development based on the population of the township. Since they are all in agreement and want to proceed quickly, they ask the solicitor of Township A to draft the necessary agreement and ordinance. The study committee members take the idea to their respective boards of supervisors and receive enthusiastic support.

The Township A solicitor prepares the agreement and ordinance. Copies are presented to the Township A Board of Supervisors. Since the three townships all endorsed the idea, the board accepts the solicitor's draft agreement and ordinance, asks that it be distributed to the other two townships, and directs that it be advertised for adoption at the meeting to be held in two weeks. The solicitor does as directed and the board adopts the agreement by ordinance. All is in order up to this point.

The night after Township A enacts the ordinance, Township B meets for the first time since the ordinance and agreement were sent to them. The Township B Board of Supervisors reviews the documents with their solicitor and find that several key points have been omitted from the agreement. They request another meeting of the study committee to review the changes and additions needed.

When the study committee reconvenes, Township A resists the changes (1) because changes will require advertising and adopting a new ordinance amending the one just adopted and (2) because they are convinced Township B's solicitor is just being picky. Township B is frustrated because Township A acted prematurely and now has a defensive attitude. The Township C study committee member doesn't know what to say yet because Township C's first board meeting on this subject is the next day.

It is entirely possible that Townships A and B will agree to some changes, enact (or reenact) the ordinance and wait for review and action by Township C. And, not surprisingly, Township C finds some additional revisions. If the whole idea has not collapsed by now (which it probably has), the townships have at a minimum started off on the wrong foot and used up many months and many meetings to complete the enactment of an agreement which they all accepted in principle. If we are working with five or ten municipalities, the process is all the more vulnerable to such a breakdown.

How are such problems to be avoided? The steps below outline a process which may seem longer than necessary but usually works out faster than the "quick" approach in our example above.

- a. Assign the drafting of the agreement to a professional staff person or solicitor familiar with the work of the study committee.
- b. Have the study committee review and revise the agreement as needed to implement the idea.
- c. Distribute copies of the draft agreement and ordinance to all municipalities for review by elected officials, staff and municipal solicitors. Comments should be requested by a specific deadline, a deadline far enough in the future to allow municipal officials to review and respond to the drafts.
- d. Make certain the study committee members follow-up with their municipalities to insure a complete and timely review.
- e. Prepare a revised draft based on the comments received. If the changes are significant or controversial, additional review by the study committee and/or repeating step c. above may be required. Otherwise, the revised draft can now be distributed to each municipality and advertised for adoption with a relative assurance that all participating municipalities will enact the same agreement. A single, joint advertisement can be used for this purpose as long as the date and location of each municipality's action is included.

As previously noted, the usual procedure for adopting an Act 177 agreement is to have the written agreement prepared as a separate document which is then attached to and enacted by a brief ordinance. The enacting ordinance should include the following elements:

- a. The title and date of the agreement.
- b. The names of participating municipalities.
- c. A one sentence summary of the purpose of the agreement.
- d. Authorization for the proper official (chairman or president) to sign the agreement on behalf of the municipality.
- e. A statement that the agreement is attached to the ordinance and is made a part thereof.

It is possible to incorporate the entire text of the agreement directly into the body of the ordinance. This approach is not recommended, however, because each municipality uses its own format for ordinances and agreement provisions are frequently rewritten to suit the format. This rewriting, often as innocuous as a change in punctuation or the repositioning of a phrase in a sentence, can inadvertently change the meaning of the agreement. When this happens, the participating municipalities in effect enact different agreements and a potential problem is created.

The agreement document should have signature blocks for each municipality's authorized official (chairman or president) and for an attesting signature and seal by the municipal clerk or secretary. There should be the same number of original copies for authorized signatures as there are participating municipalities so that each jurisdiction will have an original signed copy of the agreement to attach to its ordinance.

## **Councils of Governments**

Councils of governments or COGs are a special kind of Act 177 organization. COGs are general or multipurpose organizations. They are established to enable a group of municipalities to work together on whatever programs are in their mutual interest. COGs differ from the typical Act 177 joint program in several ways.

1. A COG has a broad responsibility. Not only may it oversee specific joint (Act 177) programs, but it may be responsible for studying and proposing new joint programs and projects and for coordinating other municipal activities.
2. Several existing or proposed Act 177 agreements among COG municipalities can be included under the umbrella of a COG.
3. No specific program must be undertaken.
4. The COG board or council is almost always composed of elected officials. Other Act 177 programs may be overseen by either elected or appointed officials.

A group of municipalities working together may start out with one or more Act 177 agreements and then establish a COG for oversight of these activities. Or, the municipalities may anticipate this cooperative effort and begin by organizing a COG.

A council of governments is both a method of cooperation and a cooperative program in and of itself. A joint authority is only a hollow framework until organized as a joint sewer authority or joint transit authority. A handshake agreement is only a form of cooperation; we have to agree to do something. A COG, as we noted above, is established as a coordinating organization. It does this even if it does not provide specific programs. Thus, we find discussions of COGs both in this chapter on Methods of Cooperation and in the later chapter on

Cooperative Programs. The reader interested in COGs should review the sections on COGs in both chapters. In this chapter, we focus on features of a COG to be considered when an Act 177 agreement is being drafted. In Chapter IV, we explore some of the other aspects of a COG program.

Since Act 177 has no specific requirements for COGs other than those spelled out in Sections 5 and 7 for all intergovernmental programs, the organization, form and procedures of a COG are determined by the participating municipalities. As with other Act 177 agreements, there are a number of options for development of a COG. These features should be spelled out in the agreement. Agreements on terms for joining a COG, dropping out and budgeting must be included as for all Act 177 agreements (see previous section, items 3a, 3b and 3d). In addition, a COG agreement should address the following items.

### **1. Membership**

Most COGs are organized as groups of municipalities. The municipality, not an individual person, is the member of the COG. The municipality's interest is represented by the representative(s) or delegate(s) and votes are cast on behalf of the municipality.

### **2. Representation and Voting**

Each participating municipality will have one or more representatives (or delegates) with voting rights as agreed upon. These representatives are generally elected officials from the municipal board/council. Having elected officials serve as COG representatives is often the best way for the COG to work as an effective coordinator among the municipalities. Some common arrangements are:

- a. One representative per municipality with each having one vote.
- b. One representative and an alternate from each municipality with one vote to be cast for the municipality.
- c. One representative and an alternate from each municipality with a vote for each (2 votes per municipality).
- d. All members of each municipal governing body represent the municipality with one vote for the municipality.

The last approach (d) can be somewhat cumbersome. Since the required caucus for voting can be a large group of people, it is usually best for a small group of municipalities (2 to 6). With all elected officials present, there are many fewer communication problems and many more ideas and opportunities for cooperation. On the other hand, the first approach (a) is the most common because it is a smaller, more workable group and the municipal representatives are usually those most interested in COG programs. The choice should be made to meet local needs.

### **3. Relationship of COG to Other Act 177 Agreements**

Are all intergovernmental cooperation activities to be included in and replaced by the COG agreement, or are separate Act 177 Agreements to continue? An advantage of the latter approach is that it may allow participation in the overall COG activities without requiring participation in a particular Act 177 agreement. The best approach is to allow yourself the maximum flexibility. Set up the COG agreement so activities can be operated directly by the COG, but also allow for the possibility of separate Act 177 agreements for individual programs. These may be necessary in particular where the terms of the COG agreement do not cover certain specific needs of the program proposed. An agreement supplementing the COG agreement is an alternative to a completely separate Act 177 agreement for the program.

### **4. Bylaws and Election of Officers**

The COG agreement should specify the power to establish bylaws for the organization (rules of procedure, election of officers, meeting dates, call for special meetings, powers of the chair). If the election of COG officers is specified in the agreement (rather than deferred to the bylaws) the best approach is the most

general: specify the positions and terms of office but no limiting rules on reelection or rotation. When such specifics are locked into an agreement they often become hindrances rather than helping with the work of the COG. Rotation of the chairmanship among the municipalities is a good idea but should not be locked in through adoption of the agreement by ordinance. Keep your options open.

The 2005 edition of the Directory of Pennsylvania Council of Governments lists 93 COGs or similar cooperative entities across the Commonwealth. Some have been extraordinarily successful while others have had limited success. But, in all cases, intermunicipal cooperation and its benefits were achieved. If you are interested in joining the ranks of successful COGs, continue reading the section on Cooperative Programs in Chapter IV.

## **Joint Authorities**

The Municipality Authorities Act of 2001 (Act 22 of 2001) authorizes the creation of municipal authorities by two or more local governments. These are termed joint authorities. Joint authorities received their main impetus in the 1960's when the federal Environmental Protection Agency embarked on a program of regionalization of municipal sewage treatment facilities. Numerous joint sewer authorities were formed in order to qualify for EPA grants. In many cases, these joint authorities represented the first time neighboring municipalities had ever cooperated in a joint program of a large magnitude.

Joint authorities are most often used when major capital investments are required. In addition to sewage treatment, joint authorities have been formed for water supply, airports, bus transit systems, swimming pools and others. Joint authorities have well-established powers to receive grants, borrow money and operate revenue generating programs. The Municipality Authorities Act specifically enables authorities to sell bonds, acquire property, sign contracts and take similar actions. Handshake agreements do not convey such powers; Act 177 agreements do so only when the agreements are specifically drafted to do so.

In contrast to the flexibility of Act 177 agreements, joint authorities must be governed by authority board members appointed by the elected officials of the member municipalities. Once appointed, the decision-making power is vested in the board members. This can be a disadvantage in the view of some elected officials, since they may disagree with authority actions but have no control over those actions.

More information on joint authorities is available from other publications of the Department of Community and Economic Development and the Pennsylvania Municipal Authorities Association.

## **Cooperative Planning and Land Use Regulation**

The Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended (MPC), establishes the authority for municipalities to exercise land use controls through comprehensive planning, subdivision ordinances and zoning ordinances. The Department of Community and Economic Development publishes copies of the MPC, including the most recent amendments, and can provide technical assistance and informational services to municipalities.

Act 68 of 2000 amended the MPC to specifically authorize municipalities to engage in cooperative planning activities and to enter into joint cooperation agreements in accordance with Act 177.

Both good and bad impacts cross municipal boundaries. The MPC strongly advocates coordination of the planning function between and among adjacent municipalities. Municipalities can approach matters on a regional basis in two different ways – informally or formally. Informal arrangements can be made at any time on an ad hoc basis on any issue. Formal cooperative arrangements are more binding and require the adoption of an intergovernmental cooperation agreement.

Multimunicipal or joint planning and zoning programs that are formally established obtain a degree of insulation from developers' exclusionary zoning challenges. The advantage is that challenges to multimunicipal zoning regulations are considered and reviewed within the context of the entire area and not by each individual constituent municipality.

Municipalities that adopt a multimunicipal plan and enact generally consistent zoning provisions enjoy similar protection. That protection encompasses all of the advantages on doing things together. That is, regardless of the body hearing the challenge, they must consider the availability of uses under all zoning ordinances within the municipalities participating in the multimunicipal comprehensive plan within a reasonable geographic area or to include the area covered by the joint planning and zoning arrangements.

In addition, the MPC has several provisions that require coordination of specific municipal planning activities. The coordination provisions are incidental to regular municipal planning activities, and include requiring, as part of the municipal comprehensive plan, a statement indicating the relationship of the municipality and its proposed development to adjacent municipalities; and mandating notice to an adjacent municipality if an official map is adopted which shows a street or public lands leading into that municipality. Not only are these actions required; they are good ideas and can become the basis for further coordination and cooperation.

Intergovernmental Cooperation Planning and Implementation Agreements spell out the process for joint municipal planning commissions, joint municipal zoning and intergovernmental cooperation planning and land use agreements respectively. A joint planning commission can be created whether or not joint zoning is pursued. The function of such a commission can be to do planning work for the municipalities, to prepare a joint or multimunicipal comprehensive plan, and to encourage the cooperation of the participating municipalities.

Joint zoning can be enacted pursuant to a joint or a multimunicipal comprehensive plan. When a joint zoning ordinance is enacted, it supersedes the individual municipal ordinances. Amendment to the joint zoning ordinance requires approval by the participating municipalities. A major advantage of joint zoning is that the area in which all reasonable uses must be provided is substantially expanded and the impacts of various land uses can be coordinated throughout the area of all the participating municipalities.

## **Other Methods Of Cooperation**

In addition to the general legislation enabling intergovernmental cooperation (Act 177) and joint authorities (the Municipality Authorities Act), there are provisions for intergovernmental cooperation in a number of laws relating to specific governmental activities including planning, tax collection, transportation and environmental protection. We will mention each of these briefly. The reader should contact the appropriate state department for further information.

### **1. Tax Collection**

The Local Tax Enabling Act (Act 511 of 1965 as amended) gives municipalities the power to make joint agreements for the collection of Act 511 taxes (earned income, emergency and municipal services, amusement or business gross receipts). The Department of Community and Economic Development can provide assistance to municipalities exploring this idea.

Section 10.a of Act 511 provides for voluntary joint agreements for the collection of Act 511 taxes. Action to establish joint collection should be done by ordinance (and by resolution of school boards if school taxes are included). The Act provides for the creation of tax collection bureaus and/or the hiring of employees to do the work, and allows maximum flexibility for municipalities. For example, a municipality may join with a school district to collect a shared earned income tax, collect its own per capita tax, and contract with an adjacent municipality to collect an emergency and municipal services tax; or all of these collections can be combined into one central tax collection bureau.

Section 10.b of Act 511 specifically authorizes joint collection when a school district levies the earned income tax. This section provides that the selection of the joint collector, unless otherwise agreed, shall be by municipal voting weighted according to population.

## **2. Transportation Partnerships**

The Transportation Partnership Act (Act 47 of 1985) enables municipalities to work together, and with the private sector, to improve transportation facilities and services in a designated area. The Pennsylvania Department of Transportation can provide assistance to municipalities interested in forming transportation partnerships.

Transportation networks and problems often cross municipal boundaries. Act 47 provides a mechanism for improvements on both municipal roads and state highways. Local roads may take a public/private effort; state roads may include state and federal funding resources as well. The participating municipalities each adopt an ordinance to designate all or part of that municipality as part of the transportation development district. The municipal share of funds for projects in the district can be raised by assessments on business property in the district, by assessments on all benefitted properties in the district, general tax revenues, loans and donations. The special appeals of a transportation development district are the joint municipal approach to shared problems and the possibilities for public/private partnerships to complete key projects on state highways that may be locally important but long delayed because of a low state and federal funding priority.

## **3. Environmental Improvement Compacts**

Act 39 of 1972 provides for the establishment of an Environmental Improvement Compact (EIC). An EIC, when formed under the act, is empowered to deliver one or more municipal functions involving two or more municipalities. The Department of Community and Economic Development can provide assistance to municipalities exploring this concept.

An environmental improvement compact is quite different from any other form of intergovernmental cooperation discussed in this handbook. Some of the key characteristics of an EIC include:

- a. An EIC must be created by referendum in the participating municipalities, not by action of the governing body.
- b. The EIC Board is directly elected by the citizens of the participating municipalities, rather than being appointed by municipal governing bodies.
- c. An EIC has corporate powers similar to those of a municipality, including the right of eminent domain.
- d. An EIC has the power to fix and collect property taxes up to two mills.

Why would a municipality support the establishment of such an independent body as a means of intergovernmental cooperation? There are several possibilities. It may be desirable to separate the function, perhaps a controversial multimunicipality storm water management system, from control by individual municipal governing bodies. A separate tax for this purpose may be needed because of municipal tax limits or political realities. And, the mandate of a referendum may be needed to get the project started. An EIC may be just the answer for the thorniest problem.

## **4. Environmental Advisory Council**

As Pennsylvania continues to grow and the landscape changes, municipal officials across the Commonwealth are seeking tools to conserve and protect their natural resources. Fortunately, in 1973 the Commonwealth passed Act 148, which authorized municipal governments to establish Environmental Advisory Councils. This legislation enables elected officials to expand their local government by establishing an advisory group, an EAC, staffed with local environmental experts. Municipal and multi-municipal EACs are established by ordinance, in accordance with Act 148, as amended, to:

- Identify environmental issues and recommend plans and programs to municipal agencies
- Make recommendations for the possible use of open land areas
- Promote a community environmental program
- Keep an index of all open space to obtain information on the proper use of those areas
- Advise local government agencies on the acquisition of property

To form a multi-municipal EAC, each participating municipality adopts a joint EAC ordinance and appoints the same number of members, who must be residents of the community, to the Council. The EAC members elect the Chair.

A multi-municipal EAC is an effective means for neighboring communities to collaborate on water resource protection, storm water, air quality, open space and greenways and myriad other environmental concerns that transcend municipal boundaries. The benefits of forming a multi-municipal EAC include:

- Building relationships between local governments
- Helping municipal boards consider the impacts of their decisions on neighboring communities and natural systems
- Funding agencies looking favorably upon multi-municipal efforts
- Eligibility for certain grants offered by the Pennsylvania Departments of Community and Economic Development, Conservation and Natural Resources and Environmental Protection
- Recruiting members from a wider geographic area

For sample ordinances and to learn more about multi-municipal and municipal EACs, contact the Pennsylvania Environmental Council at 1-888-590-7844 and visit [www.eacnetwork.org](http://www.eacnetwork.org).

### **III. Allocating Costs**

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At first glance a chapter on allocating costs seems to be out of place in a handbook which presents ways to save money. However, we quickly recognize local government programs require money, often tax money, to deliver services to the citizens. When we combine municipal programs into joint programs, we save money over the cost of undertaking separate, duplicate efforts; but we still must allocate sufficient funds to operate the more efficient joint program.

There is a broad range of options for allocating costs of programs. The best method can vary from location to location and from activity to activity. Some intergovernmental programs can be completely self-supporting; others have no income source other than municipal taxes. In many cases, a combination of funding sources is best for a given program. The two basic principles for determining cost allocations are: (1) to establish direct relationships between program revenue sources and program functions whenever possible and (2) to distribute municipal costs on the fairest basis for that program. The list of methods for allocating costs of joint programs offers a number of choices for local officials to select the one or ones best suited to a particular program or activity.

#### **Self-Supporting Programs**

The most common examples of completely self-supporting joint programs are joint sewer and water authorities. The authority boards can establish a rate structure sufficient to recover all costs and retire any outstanding debt. These authorities have a captive market; all potential customers must be part of the system. In this situation, a completely self-supporting system is assured, even including funding for major capital projects through issuing revenue bonds.

Other joint activities that can be completely self-supporting include a code enforcement department and a solid waste authority. A building and housing code inspection program can support itself through building, fire and rental housing permit fees. The fees have to be set by the participating municipalities at a rate sufficient to cover program costs. A joint solid waste authority, with municipal designation as the site for disposal of all municipal wastes, can establish tipping fees high enough to cover operational and capital costs.

#### **Income Producing Programs**

Many joint programs can produce substantial income through user fees, but cannot be assured of sufficient income to cover all costs. Recreation programs can charge for pool admissions and league basketball play; but they must temper the fee structure because overpricing the fees will force out the very citizens a public recreation program is established to serve. Joint libraries may not charge for regular lending materials (the state requires free library services to receive state library funds) but stiff overdue penalties and charges for ancillary services like copies can be major income producers.

Joint transit systems operate bus service in many of our communities. Fares from regular and special services can generate revenues to cover 50 percent or more of the operating cost of the system. Since state and federal grant programs cover most of the remaining capital and operating costs, the local municipalities' shares of operating such a program are only a small percentage of the total cost.

## Municipal Funding Choices

In cases where some or all the costs of a municipal service cannot be supported by user fees, the use of municipal general funds is needed. This is true whether the activity is a local one or a joint one. Once the decision has been made to provide the service, it usually costs less to do it jointly rather than separately.

When a program is to be jointly funded, the municipalities must decide which of the following choices is the fairest. Often a combination is selected to balance between differing opinions on what is fair.

**Equal Shares.** A joint program can be established where each municipality pays an equal share. This approach is best suited to situations where the participating municipalities are approximately the same size and receive approximately equal benefits from the joint program. Equal shares are often used as the way of allocating overhead costs of a program such as advertising costs for joint purchasing or administrative costs for a COG.

**Population.** Each municipality's cost share for a joint activity can be based upon population. The municipality's share is equal to its percentage of the total population of the participating municipalities. This approach is most appropriate when the general population of each municipality is served evenly by the program. In other words, if all citizens benefit, all citizens should share in the cost through their taxes.

An issue to be resolved when using population as a cost sharing basis is whether the official United States or some other census is to be used. The U.S. Census is very comprehensive, but in areas where populations are changing it can be substantially out of date in a few years. If an area has a good annual or biennial census conducted by the schools, this regular census can be established as the basis for municipal cost shares of joint programs.

One additional suggestion is in order. If a large college campus is located in one of the municipalities, the participating municipalities must decide whether or not to include the number of students living on campus in the population since many services for the students are provided by the college rather than the municipality. A little recognized aspect of the U.S. Census has been that students living on campus are counted as residents of the municipality where the campus is located, not as residents of their home town. A school census may or may not count on-campus students as residents. Large populations in prisons or other institutions may have the same distorting effect on population formulas.

**Assessed Valuation.** The total assessed valuation of each municipality participating in a joint program can be used as the basis for allocating shares. Each municipality's percentage of the total assessed valuation for all participating municipalities is their percentage of the joint program costs. Total assessed valuation is a frequently used basis for allocating shares of joint programs because it is a measure of each municipality's tax base or its ability to pay. Shares are deemed to be fairly allocated if they approximate the relative fiscal resources of each municipality. As with population, shares on this basis will tend to be large for the more developed municipalities and small for the rural ones.

If the participating municipalities are in more than one county, the assessment ratios and base years are likely to be different. In these cases, participating municipalities must "equalize" the assessment ratios using information from the State Tax Equalization Board.

**Use.** In programs where the residency of users, the direct beneficiaries of a joint program, can be identified, municipal shares can be allocated in proportion to the number of these users residing in each participating jurisdiction. Users of a joint recreation program where registration is required can include their municipality or residence on the registration form. Borrowers of library books can be identified by municipality if their library card includes a municipal residence code. Numbers of riders on a transit system can be counted at each stop in each municipality. In each of these cases the number of users of the service can be identified for each participating municipality and municipal shares of the program costs allocated on the same basis. Paying on the basis of use is a popular approach. "We don't pay for it unless we use it" is a well understood and generally

accepted approach. However, it is limited to those programs where direct users can be identified by municipality of residence.

**Direct Taxes.** In a few special cases discussed in the preceding chapter, direct taxation of property for a regional service is written into the state enabling legislation. This is the case for environmental improvement compacts and transportation development districts. These taxes are separate from regular municipal property taxes and the limits imposed by the respective municipal codes. Most intergovernmental cooperation programs, however, do not have direct taxation as a revenue source.

## Examples of Cost Sharing

This section provides several examples for allocating costs of programs. We will focus on programs that require at least some municipal funding. Funding for self-supporting water and sewer authorities is relatively self-explanatory.

**Shares of a Library Budget Based On Use.** In our first example, we will determine the municipal shares of four municipalities, two townships and two boroughs, for the costs of operating a joint public library. Users of this library have library cards which show their municipality of residence and this location is automatically recorded each time a book is checked out. The use of the library by residents of the four municipalities is as follows:

<b>Municipality</b>	<b># Books Checked Out</b>	<b>% Books Checked Out</b>
Township 1	8,000	32%
Township 2	4,750	19%
Borough A	250	1%
Borough B	12,000	48%
<b>TOTAL</b>	<b>25,000</b>	<b>100%</b>

The library has annual expenditures of \$50,000. The income for the library is derived from the following sources. Note that the total municipal share is filled in last, after all other income sources have been counted.

<b>Source</b>	<b>Amounts</b>
State Library Operating Grant	\$ 25,000
Fines for Overdue Books	4,000
Sales of Old Books	1,000
Rent of Meeting Room	1,000
Donations	4,000
Total Municipal Share	15,000
<b>TOTAL</b>	<b>\$ 50,000</b>

The allocation of the total municipal share among the participating municipalities is done as follows:

<b>Municipality</b>	<b>% of Use</b>	<b>Share of Budget</b>
Township 1	32%	\$ 4,800
Township 2	19%	2,850
Borough A	1%	150
Borough B	48%	7,200
<b>TOTAL</b>	<b>100%</b>	<b>\$ 15,000</b>

The municipal shares of this budget should change from year to year as use patterns or populations change. Borough A may have very low use and cost because it is small or because it is relatively far away from the library. If its population grows or becomes more aware of the library's services, the use of the library by residents of Borough A may grow and its share of the library budget will grow accordingly.

**Combining Assessed Valuation and Population.** This example indicates how the total assessed valuation and population of the four participating municipalities can be combined to determine municipal shares of a program. For simplicity's sake, we assume equal weighting of assessed valuation and population. Other weightings such as 2/3 assessed valuation and 1/3 population can be used but require some additional arithmetic to determine municipal shares.

The first step is to determine each municipality's share of the total assessed valuation and population.

<b>Municipality</b>	<b>Assessed Valuation</b>		<b>Population</b>	
	<b>Amount</b>	<b>%</b>	<b>Number</b>	<b>%</b>
Township 1	\$ 5,000,000	12.5%	3,000	15%
Township 2	6,000,000	15.0%	2,000	10%
Borough A	11,000,000	27.5%	6,000	30%
Borough B	18,000,000	45.0%	9,000	45%
<b>TOTAL</b>	<b>\$ 40,000,000</b>	<b>100%</b>	<b>20,000</b>	<b>100%</b>

The second step is to average each municipality's percentage share of the total assessed valuation and population. If we had not assumed an equal weighting, an extra step would be required to add the weighting to each factor. The municipal shares are determined as follows using the percentages from the preceding table:

<b>Municipality</b>	<b>(A) Percent of Assessed Valuation</b>	<b>(B) Percent of Population</b>	<b>(C) Municipal Shares</b>
Township 1	12.5%	15%	13.75%
Township 2	15.0%	10%	12.5%
Borough A	27.5%	30%	28.75%
Borough B	45.0%	45%	45.0%
<b>TOTAL</b>	<b>100.0%</b>	<b>100%</b>	<b>100.0%</b>

If we apply this formula to determine the municipal shares of the library budget in example one above, we would do so as follows:

<b>Municipality</b>	<b>Municipal Share (%)</b>	<b>Share of Budget</b>
Township 1	13.75%	\$2,062
Township 2	12.5%	1,875
Borough A	28.75%	4,313
Borough B	45.0%	6,750
<b>TOTAL</b>	<b>100.0%</b>	<b>\$15,000</b>

**Comparison of Examples.** The municipal shares for a given program can vary widely based upon the method of calculating and allocating municipal shares. The \$15,000 total municipal share of the library budget in our example can be allocated in many ways. Let's compare four, the two in the examples above, then using population and assessed valuation independently.

		<b>Shares of Program Cost in Dollars Based On</b>		
<b>Municipality</b>	<b>Use</b>	<b>Calculated Municipal Share</b>	<b>Assessed Valuation Only</b>	<b>Population Only</b>
Township 1	\$4,800	\$2,062	\$1,875	\$2,250
Township 2	2,850	1,875	2,250	1,500
Borough A	150	4,313	4,125	4,500
Borough B	7,200	6,750	6,750	6,750
<b>TOTAL</b>	<b>\$15,000</b>	<b>\$15,000</b>	<b>\$15,000</b>	<b>\$15,000</b>

Which approach is selected makes little difference to Borough B, but the other three municipalities are definitely affected by the choice. Borough A which, is relatively far away from the library and has few citizens who use it pays 30 times more if the municipal shares are based on population rather than use. Township 2, with the fewest number of residents but a substantial shopping center adding to its total assessed valuation, pays much less if the shares are based on population alone. Both townships pay more for the library if the shares are based on use because they are closer to the library than Borough B and their citizens use the library frequently.

The choice in each case is up to the participating municipalities. Use is often the fairest choice if the users' residence can be easily determined and counted. If not, a combination of factors is usually the best compromise so that people served and ability to pay are averaged. In our example above, Borough A would most likely refuse to participate at all unless use was the method of allocating shares.

## Budgets and Accounting

This section illustrates some of the key budget and accounting issues for regional programs.

**Budgets.** The timing and organization of the annual budget process for cooperative programs with municipal funding is important. A proposed program budget for the next year with thorough explanations of revenues and expenditures should be prepared by the end of August each year and forwarded to each participating municipality for feedback by a late September meeting of the program's board. At this meeting, the program budget for the coming year should be adopted and municipal shares of the program established in time for incorporation into the participating municipalities' budgets. This process assumes there is effective and quick communication among the participants. If there is any question, or if problems are anticipated, the process should be started a month earlier. Most municipalities meet only once or twice a month, so there are very limited opportunities for feedback in a 60-day period.

A common negative reaction to the process described above is that it requires agreeing to municipal shares of regional programs before the final budget and tax rates for the next year are set by the municipalities. Some local officials argue that the process is backwards and that the regional programs' budgets should be set only after the municipal budgets have been completed and the amount of funds remaining for regional programs is determined.

These officials' arguments are severely misdirected, however, and will lead a regional program to disintegration if followed. To illustrate the problem, following is an example of how not to prepare and adopt a regional swimming pool budget to illustrate the problem.

- a. A very tight budget of \$50,000 is proposed for a regional swimming pool for the next year. The municipal support of the pool under an Act 177 agreement is shared equally by three townships. After fees and other revenues for use of the pool are deducted, the amount to be funded by the townships is \$15,000, or \$5,000 each. This budget amount is forwarded to the municipalities in October for inclusion in the township budgets.
- b. Townships A and B include \$5,000 each in their budgets for the pool budget. But, Township C finds itself short of funds and appropriates only \$2,500 for the pool. The three townships adopt their budgets in December incorporating these amounts.
- c. In January the pool authority meets again and faces a major dilemma. Township C has provided only 50 percent of its share. Since the municipalities have agreed to equal shares, the choices are very limited and all are bad:

1. Townships A and B can increase their shares to make up the shortfall caused by Township C.
2. Townships A and B can decrease their shares to meet the lowest common denominator for equal shares - Township C - and leave the already tight pool budget \$7,500 short of its budget.
3. Township C can raise its share to the original \$5,000 but must now do so after it has set its tax rates and budget for the year.
4. Townships A and B can agree to pay full shares of \$5,000 and let Township C slide by at half price.

None of these choices is acceptable. The process outlined earlier provides the opportunity for Township C in the example to make its concerns known in November, prior to final establishment of the total amount to be shared by the municipalities for the next year. Once these shares have been set, it is essential that the municipalities keep their commitments. The time for feedback and adjustments is earlier, not later. Municipalities must recognize this necessity of regional programs and plan their budget preparation accordingly.

**Saving Surplus Funds.** If a regional program is able to save a few dollars during the year, do not require that the balance be returned to the municipalities at the end of the year. Instead, allow the funds to stay in the program's accounts, either as a way to reduce the next year's municipal shares or as an extra contribution to a capital or sinking fund for the program. If municipalities require the return of any surplus funds, those operating the program are encouraged by the potential "loss" of funds at the end of the year to spend the balance on less than essential items just to avoid the "loss." Frugal people, when faced with such a loss, normally view it as wasteful (from the point of view of the program losing the funds) and spend the funds on items they would not actually purchase.

**Cash Flow.** Cash flow is often a problem for cooperative programs just as it is for municipalities. A joint program must have funds to cover the expenses as approved by the municipalities. Unless a program is budgeted in a way that it can carry forward a substantial amount to cover expenses at the beginning of the year or it can delay those expenses, payment of municipal shares must be scheduled to begin in early January. If payroll and operating expenses of a regional program must be met on a monthly basis, then the cash flow from the participating municipalities must be timely.

**Audits.** An annual audit of each joint program's books should be completed by a qualified CPA to assure all participating municipalities and the public that the accounts are in order. The regional program portion of the municipal budgets of the participating municipalities is often viewed as someone else's responsibility by the auditors of the municipalities' accounts. The direct audit of the program's accounts fills this gap. The cost of this audit should be included as part of the program's budget.

## IV. Cooperative Programs

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Seven programs have been selected for detailed explanations of how to set up and operate a cooperative program. Another twenty are briefly described. There are actually hundreds of possibilities for intergovernmental cooperation. The ones included here are those most frequently discussed by municipal officials across the Commonwealth.

### Joint Purchasing

The object of a joint purchasing program is to obtain the materials and equipment used in municipal operations at the lowest possible price, a price lower than that obtained by the municipalities working alone. Cost savings through joint purchasing are obtained in several ways: lower administrative costs; larger quantities which reduce unit costs; and greater purchasing expertise. Joint purchasing can be organized as either a joint program or a contract program. It also may be part of a COG program.

**Cost Savings.** Joint purchasing dilutes the administrative costs of advertising and preparation of bid specifications. The cost for each municipality is reduced because only one set of specifications is needed and only one set of bid notices is required. In very small municipalities this savings alone may justify the effort of a simple joint purchasing program.

Purchasing in volume is generally the principle which draws municipalities together into a joint purchasing effort. Purchasing in volume is most effective if the amount purchased moves over a key threshold in terms of the product packaging sizes offered by the vendor. Very small municipalities may combine efforts to buy salt by the ton instead of the bag or paper by the carton instead of the ream. Large municipalities working together may purchase dozens of police cars or personal computers. In any group of municipalities there are items that can be purchased more cheaply by working together.

A joint purchasing program can also save funds by developing and utilizing the expertise of a purchasing agent, either a full-time person or the assigned duty of another staff person, depending on the size and scope of the program. This position can earn its keep by searching out additional goods or equipment purchased by municipalities which can be jointly purchased for less; by writing good quality specifications and estimates so that the number of rebids is minimized; and by acting as a “connector” between municipalities and other sources of goods, including the state piggyback purchasing program and federal surplus equipment sales.

**Organizing a Joint Program.** Specific requirements for joint purchases were added to Act 177 in 1981 and expanded in 1990. These requirements, as spelled out in Section 7.1, include a \$10,000 and up requirement for competitive bidding, written contracts, two notices in one or two newspapers and compliance with the Steel Products Procurement Act. At least three written or telephone price quotes for purchases between \$4,000 and \$10,000 are required.

A joint purchasing program should be established through an Act 177 agreement. In addition to the general terms of the agreement as specified by the law, a joint purchasing agreement should include a specific agreement that the municipalities will not bid separately any item bid jointly for a period of at least 90 or 120 days after the joint bids are received. A longer period of six months or a year is even better. This provision is necessary to prevent bid shopping, a shortsighted action which undercuts and quickly ends any joint purchasing program. Bid shopping occurs when the second or third place vendor on a joint bid approaches a participating municipality and suggests that if the municipality drops out of the joint purchase and rebids, the price offered will be lower than the joint bid price. The vendor sees this as a chance to get at least some of the business lost on the joint bid and at a price only pennies below the already known joint purchase price. The municipality

sees this as a way to save a few extra dollars over the joint bid price. However, as soon as vendors realize their bids will be undercut they will no longer offer this best price for the joint purchase because they will have to become part of the rebid group, undercutting their own bids to keep the business.

Costs of a joint purchasing program fall into two categories: (1) the cost of the equipment and materials purchased and (2) the cost of administration (advertising, bid specification preparation and copying). The costs of equipment and materials are paid directly by the purchasing municipality. The joint bid specifications should include how goods and equipment are delivered directly to or picked up by the purchasing municipality and paid for directly to the vendor. The costs of administration are most easily distributed on an equal basis but other options such as percentage of total purchases or other methods for allocation of costs illustrated in Chapter III can be used. If the municipalities participating in a joint purchasing program also participate in a COG, the administrative costs of the purchasing program can be included in the COG dues or administrative budget. Municipal officials should note that these administrative costs are not new costs even though a new allocation for the joint purchasing program may be needed. The administrative costs are paid whether bids are separate or joint, and the cost per municipality is lower for the joint bids.

There are a number of work tasks that need to be assigned in a joint purchasing program. These tasks include:

- a. Preparation of specifications.
- b. Preparation and placement of bid notice in newspaper(s).
- c. Direct contact with expected bidders to solicit bids.
- d. Deciding where and when the bids are opened and by whom.
- e. Review of bids for compliance with specifications and bonding.
- f. Award of bids (municipal council/board action or joint).
- g. Notice of award to successful bidder.
- h. Return of bid bonds to unsuccessful bidders.

A joint committee of one official from each participating municipality can be established to complete or assign these tasks. If a COG is in place, this can be a COG function. The actual work can be done by the committee or COG members, municipal employees or COG staff, if there is one. If a participating municipality or COG is large enough, there may be a full time purchasing agent or a staff person with expertise in purchasing.

**The Lead Municipality Option.** The municipal codes and laws governing municipal purchasing allow one municipality to purchase goods and services from another without bidding. These laws recognize the “provider” municipality has already had to advertise bids for these goods and to repeat the process for an intermunicipal sale is redundant and unnecessary.

If one municipality has a purchasing officer or other purchasing expertise, smaller neighboring municipalities can arrange for the lead municipality to purchase extra materials or supplies and then, for a small additional fee, purchase those goods from the lead municipality. This provides a partial reimbursement to the lead municipality for its administrative costs while the smaller municipalities gain the advantage of bulk purchasing. This kind of system requires the lead municipality to have sufficient storage space for goods not yet picked up by the other municipalities (such as a big salt shed or a large office supplies storage room).

Often a lead municipality arrangement for purchasing is set up on a handshake agreement but an Act 177 agreement is preferred. Typically, a special committee or other organizational structure is not needed and all of the work tasks noted in the previous section are completed by the lead municipality. This approach is often easier to get started than a joint program, but its scope and control rests solely with the lead municipality.

**The County Piggyback Option.** Section 2309 of Act 177 provides the power and procedures for a county to set up a joint purchasing system, allowing the municipalities of the county to “piggyback” on bids and purchases of the county. This system is very similar to the state piggyback purchasing system and the lead municipality system outlined in the preceding section. This option is particularly appropriate for counties where a number of small or rural municipalities can be assisted by the county. Municipal officials should bring this possibility to the attention of the county commissioners in their county.

**Additional Suggestions for Joint Purchasing.** There are a number of additional ideas which will help a joint purchasing program get started and keep moving.

- a. The program must be proactive. If you sit back and wait for municipalities to say what joint purchases they want to make, there will be few suggestions and fewer purchases.
- b. A long lead time is needed. It takes time to put together specifications, ads, amounts for each municipality for a bid. If a municipality waits until it needs the goods, it's too late.
- c. State bids are often very good. The state piggyback program often has excellent prices on many items. A joint purchasing program should guide municipalities to that source when the price is right, rather than trying to compete on every item. The point of the program is low prices not turf protection.

## Equipment Sharing

Efficient use of equipment requires that it be used as much as possible and not sit idle on the shelf or in the garage. And, there is always that next piece of equipment, the one just beyond the resources of the borough, city or township. Owning it would be very useful but the equipment is just too costly. Equipment sharing is a way to overcome the inefficiency of idle equipment and makes it possible to acquire that next piece by pooling resources and use. Equipment can be shared through several mechanisms: joint ownership, rental arrangements and equipment trades. A COG can also own equipment for use by member municipalities.

**What Kind of Equipment?** In principle, any equipment needed for municipal operations from animal control to zoning can be shared. Two very small municipalities could share one truck, although if this is their only snow plow this may not be a good idea; road maintenance work is easier to schedule than snow plowing. This example illustrates one of the keys to municipal equipment sharing; the equipment must be scheduled and not be needed in two places at once.

Some of equipment suitable for sharing among municipalities includes:

Animal Transport Cage	Roller
Backhoe/Loader	Sewer Cleaning Machine
Crack Sealer Kettle	Sign Making Machine
ESP Speed Timer	Street Sweeper
Grader	Survey Equipment
Line Painting Truck	Truck Sales
Paving Machine	Zoning Change Sign
Remote TV for Sewer Inspection	

Larger municipalities may have need for such equipment on a full-time basis and may even have several of each of the items on this list. For many municipalities, however, one or two items on the list are needed but will not be used enough to justify their purchase. Those items are the candidates for equipment sharing in that area. The list will vary from location to location and from larger to smaller municipalities.

**Joint Ownership.** Joint ownership of equipment by several municipalities can be an effective way to obtain this needed equipment. An Act 177 agreement should be established to spell out the understandings among the

municipalities. The need for a formal agreement may seem to be unduly cumbersome, but the issues to be addressed and the preparation of the agreement is not that difficult. These issues include:

- a. **Location:** Where is the equipment to be located? Will one municipality “host” the equipment or will it be moved around? In part, the answer depends upon the kind of equipment owned since some equipment is more easily moved than others. A permanent “home” at a centrally located municipality is best so that all participating municipalities know where the equipment is at all times. If several pieces of equipment are jointly owned, each municipality could provide a home for one piece.
- b. **Scheduling:** Who schedules the equipment? If a schedule is not provided, municipalities may all assume the equipment is available and plan to use it on the same day. An individual, probably someone at the “host” municipality, should be designated as the person responsible for scheduling the equipment. This person should also schedule regular preventive maintenance as required.
- c. **Order of Use:** The order of use should be established. Is use on a first come - first served basis or is a schedule for the entire year set out in advance? Is there a time limit of two days or two weeks on continuous use of the equipment by one municipality, similar to the time limit when borrowing a library book? Is there to be a maximum time limit for use of the equipment by one municipality over a year's time? Each of these questions must be considered and the answers agreed upon as part of the joint ownership agreement.
- d. **Operations:** Most equipment requires a small amount of training; some requires more extensive training and even certification. Large vehicles require special classes of driver's licenses. The agreement should establish the training required for municipal employees to operate the equipment and assign the equipment scheduler to keep an up to date list of qualified operators.
- e. **Insurance:** Mobile equipment must have liability, comprehensive and collision insurance. Stationary equipment should have inland marine insurance protection from theft and fire. Workers' compensation must be provided for operators. Most of these coverages can be purchased for the shared equipment; workers' compensation should be provided for operators by the municipalities or COG employing the operators. These coverages should be verified and not simply be assumed to be part of the municipal insurance policies.
- f. **Cost Allocation:** Most often, the purchase price of a shared piece of equipment is shared equally among the participating municipalities. If use can be accurately predicted or is related to a measurable feature (such as feet of sewer line for a remote TV), these can be used to allocate shares of the purchase price. Operating costs, such as gas and oil or supplies, are paid for by the using municipality. The overhead costs such as maintenance and insurance are shared either on the basis of use (hours per year) or the original purchase cost sharing approach provided in the agreement.
- g. **Dispute Resolution:** When several municipalities jointly share equipment, disputes sometimes arise over such matters as scheduling and major maintenance work. A joint committee of elected officials or another group must be established to make decisions by majority vote on such matters.

**Rental Arrangements.** Equipment sharing between municipalities is often accomplished through a rental arrangement. One municipality owns equipment and makes it available to others on a rental basis. Many times, such arrangements are handled on a handshake agreement. At a minimum, however, there should be a written rental agreement between the municipalities similar to the agreement used when a car is rented from Hertz or Avis.

The advantages of the rental approach are that organization is simple, the equipment owning municipality (owner) can recover some of the equipment capital cost, and the other municipalities gain access to specialized equipment otherwise unavailable. The owner of the equipment takes care of many of the issues noted above for joint ownership, including location, scheduling, order of use, costs and insurance. The owner may provide

operators or train those from renting municipalities. And, those disputes that do arise are settled between the two parties without involvement of others. The disadvantages of rental arrangements are that there is seldom joint planning of equipment specifications to meet mutual needs, and the owner controls scheduling and order of use. If the owner's use is delayed, for example, a planned rental may be canceled to finish the owner's project. This action may be understandable from the point of view of the owner, but makes scheduling work difficult for the renter.

There are several features of rental of equipment that deserve attention. First, the owner should have available written rental agreements. Second, the owner should either provide operators or have a system to assure that others' operators are qualified. Third, the owner should assure that all insurance coverages are provided. Finally, the rental fee should be set to cover a fair share of capital costs as well as all operating costs; a fee set too low fails to recover costs; a fee set too high reduces rentals and, as a result, also fails to help the owner recover capital costs.

**Equipment Trading.** Another common arrangement for equipment sharing is equipment trading or mutual borrowing. One municipality owns a paver; another owns a roller. One uses both for several weeks; then the second uses both for a similar period. Or, one municipality has a street sweeper and the other has a sign machine and a remote TV for sewer inspections. These municipalities can exchange or trade use of this equipment throughout the year.

Trading equipment is often handled informally, but use of a written "rental" agreement is recommended so issues such as liability, qualifications of operators and damage to the equipment are covered as noted in the preceding section. Usually no payments are required; costs are assumed to "even out" over the year. Or, a running tabulation of equipment use by each municipality can be kept during the year and any balance in favor of one municipality is paid to the other at the end of the year.

Equipment trading is a useful mechanism for sharing equipment, particularly between smaller municipalities. It is usually limited to existing municipal equipment, however. Seldom does a municipality purchase equipment based on its ability to trade it with other municipalities for other equipment. As a result, this mechanism is quite limited in its application.

## Joint Police Force

Regional police forces constitute one of the most important, and one of the most difficult intergovernmental cooperation projects. There are two major approaches: a joint police force and contract police services. We will examine the joint police concept in this section. Contract police services will be discussed in the next section.

A joint police force is one that serves two or more municipalities and is under the joint control and direction of the participating municipalities. Typically, a joint police commission or other body of elected officials from each municipality oversees the department; the chief of police reports to this commission. In contrast, contract police services are provided to adjacent municipalities, but the "home" municipality controls the department and appoints the chief of police.

A joint police force is an important undertaking. Police costs are often among the largest municipal expenditures, rivaled only by public works in annual appropriations. This means the potential savings in police service costs are relatively larger than those in other services where total costs are less.

Quality police service is critical. Laws are complex. Court directed procedures must be followed to the letter. Citizens have the right to expect fair and professional treatment. The safety of our communities requires professional police services. Only well qualified, properly trained professional police officers with proper supervision and equipment can provide the level of service required. For many smaller municipalities, the only way to achieve such quality is to join together with their neighbors to establish a joint police force.

The formation of a joint police force sometimes can be a difficult process. There are a number of serious issues to be addressed when forming a regional police force; but, these often become intertwined with emotional and political issues. Community residents express concern about losing their own police and being overrun by “outsiders.” Police officers and police chiefs fight against a perceived loss of authority and autonomy. Mayors and council members, supervisors and commissioners argue that they will lose control. Public meetings can become boisterous mob scenes packed by relatives and friends of local police officers.

In contrast to joint purchasing and equipment sharing, joint police services involves people. The officers in existing departments are usually local residents. The services provided by police are people-oriented. Therefore, it is essential that any attempt to provide joint police services be sensitive to the needs of the people concerned, police officers and residents alike. Discussions must be open to the public and open to input from police officers and residents. Closed sessions breed suspicion, rumors, bad press, and the likely failure of the attempt to provide joint police services. Early and thoughtful attention to peoples' concerns can usually result in a constructive dialogue and a successful program.

**Benefits of Joint Police.** There are numerous benefits to joint police services. The advantages of intergovernmental cooperation spelled out in Chapter I: “Why Cooperate?” describe in general terms why communities will benefit from joint police. In the next few pages, we will illustrate how those general principles apply to police services.

1. **Effective Use of Police Personnel:** Several adjacent municipalities may each have a need for police protection, both for incident response and for preventive patrol. With separate municipal police departments, each must put an officer on the street at the time needed, even if the number of incidents is relatively low. That means four officers to cover four municipalities at the same time. If the four municipalities are combined into one joint police department, two or three officers may be sufficient to respond to all incidents and provide the necessary preventive patrols during the time period.
2. **Full-Time Coverage:** Smaller municipalities can join together to approach or reach full time (24-hour) police protection not otherwise available. It takes approximately five full-time officers to cover the 168 hours in a week, when vacations and other nonpatrol time (training, paperwork) are considered. For example, one small borough with three police officers and three adjacent townships, each with one officer, together often have three or four officers working at the same time and leave many hours of the week uncovered. A joint force of five officers will permit full time coverage in all four municipalities.
3. **Continuity of Coverage:** In small departments where there is only one officer on patrol at a time, a vacation or sick day, or training that takes the officer off patrol, leaves the municipality “uncovered” for that shift. Three separate four-officer departments are each able to provide nearly full-time service, but they are stretched very thin. If one officer is sick, the municipality goes uncovered or another officer must work a double shift. The service to the municipality is either one officer or none. The same three departments combined may routinely put three officers on patrol. If one is sick, two remain. The service to the individual municipality is either one officer or two-thirds of an officer's time, a far better service than the “one or none” option of the separate departments.
4. **Scheduling Flexibility:** When a municipal police force of four or five officers is stretched to provide 24-hour coverage, there is very little flexibility in scheduling to provide extra coverage at peak times such as Friday and Saturday evenings. Overtime is one option, but that produces higher costs and overtired police officers. A combined force providing joint police services for three or four municipalities can be large enough to gain some scheduling flexibility to focus on peak incident periods and to provide extra patrols in problem areas.
5. **Patrol Backup:** Most police incidents in our smaller and mid-sized communities can be handled by one officer. For many municipalities, the department is only able to put one officer on the street at any

given time. This level of service meets the need for most incidents. However, when an officer needs assistance it must be available on short notice. A joint police department with two or three officers on patrol at any given time can provide that backup; separate departments where the officer is on solo patrol cannot. Police officers who are confident that assistance is available when needed are likely to be better officers.

6. **Career Opportunities:** Small, separate municipal police departments offer few opportunities for advancement. It is difficult to recruit and retain quality police officers in a dead-end position. A joint police department is somewhat larger and can provide the opportunities for promotions and advancement sought out by career-oriented officers.
7. **Specialization:** In contrast to smaller municipal departments, a joint police service can offer opportunities for police officers to specialize in various aspects of police work, including criminal investigation, traffic accident investigation, juvenile, community relations, crime prevention and police training. This specialization is an advantage for both the officers and the department. Certain officers will find the possibility of specialization an attractive career opportunity. The department's overall performance and capabilities increase with the increased skills of the specialists. The community benefits from both better officers and a more capable police department.
8. **Reduced Liability:** One of the most serious risks of litigation facing municipalities is the liability arising from poor police work. Improper use of firearms, inappropriate high speed chases, unnecessary use of force and violations of civil rights are all problems which occur far more often than recognized. Adequate insurance coverage and proper police supervision are necessary to minimize this risk, but the basic need is to hire quality people and train them properly. A municipality failing to screen police candidates carefully enough can be found to have been negligent if an officer abuses the powers of his position and such abuse could have been predicted. An inadequately trained officer who shoots a passerby at a crime scene creates a tremendous legal liability for the municipality. A joint police force has a greater capability than smaller, separate departments to recruit quality people in the first place and train them properly, thereby minimizing the risk exposure of the municipalities.
9. **Eliminate Redundancy:** A joint police force can reduce redundancy of both personnel and equipment. Four municipalities with small, separate departments must each own a patrol car. A combined force that puts two officers on the street at a time can have two patrol cars in service and a backup and still need one less car overall for the four municipalities. Two eight-officer departments may both have underutilized criminal investigators. A joint police force can eliminate this redundancy by keeping one investigator and returning the other to patrol or switching the second officer to another specialization.
10. **Improve Equipment:** Small departments seldom have budgets of sufficient size to be able to purchase computers, investigator's equipment, video camera systems for interrogations and accident investigations, specially equipped vans for on-site investigations and other tools of modern law enforcement. The combined purchasing power of a larger, joint department serving the municipalities will enable some of these services to be provided where they would otherwise be unavailable.
11. **Areawide Investigations:** Criminals have no respect for municipal boundaries. A burglar can easily move from township to borough to township. A standard "modus operandi" or M.O. may be observed by a single investigator checking all the crimes. Separate investigations would miss the connection. If the connection is a key to solving the crime, a joint police service investigator will find the answer, while separate investigators will miss it.

**Organizing Joint Police Services.** Joint police services should be organized under the provisions of the Intergovernmental Cooperation Law, Act 177. A handshake agreement is far too casual for such an important service. Police service is not an authorized function for a joint authority. A number of key issues in addition to a standard Act 177 agreement need to be addressed in the process of establishing a joint police force. Each of

these should be incorporated into the Act 177 agreement or the authority to address such issues delegated to a body to make such decisions for the department.

1. **The Police Commission:** The key component differentiating a joint police force from contract police services is the police commission. Typically, this commission consists of one elected official (township supervisor or commissioner, borough council member or mayor) from each participating municipality. The police commission is responsible for hiring the police chief, approving the budget (subject to municipal appropriations), establishing policies and overseeing the activities of the department. This commission exercises the control of the police function for the participating municipalities. Appointment of each municipality's member on the commission can be done only by the municipal governing body. The appointment is usually made for one year at the annual organization meeting although longer terms can be agreed upon. Reappointment should not be prohibited and, in fact, should be encouraged for active commission members who make a significant contribution to the development or success of the program.
2. **The Department Location:** The ideal location for a joint police department is near the center point of the municipalities served, on or near major arterial roads in the area, and, if economically feasible, in a building separate from any existing city, borough or township municipal building. The reasons for a central location and good road access are easily understood. The reason for a building separate from any individual municipality's building is less obvious but just as important. If a joint police department is located in a township building, it may be perceived as that township's department by the citizens. Unless balanced by effective public relations, signs and department logos, this perception will undercut the idea of shared control of the joint police department and contribute to citizen dissatisfaction in the municipalities where the department is not located. If affordable, a separate, independent location for the joint police department is generally more acceptable to all participants. And, since the "host" municipality should receive rent if an existing municipal building is used, the purchase or rental of a separate facility may not cost much more.
3. **Department Personnel:** If one or more municipal police departments already exist among the municipalities forming a joint police department, decisions must be made about whether and how these personnel will be included in the joint department. It is possible to automatically include all existing officers. Minimum standards should be established for each officer joining the new department. These standards might be somewhat relaxed for existing officers as compared to new recruits to give credit for time served.

Provisions for officers transferring to the joint department should include credit for vacation and sick leave, time in grade and seniority. Differences among personnel rules in the departments joining the regional force will have to be reconciled.

Ranks in the new department, including the chief, should be based upon applications, testing and a formal selection process. Ranks in old departments should not be transferred. This approach will assure that the leadership in the joint department is the best available.

**Allocating Costs.** A joint police force will have a significant budget. The total size of this police budget might even be larger than a small municipality's total budget, but the municipality's share will be less than the cost of providing this same level of service on an individual basis. The budget should show all department expenditures and income including grants and how each municipality's share has been calculated.

1. **Operating Cost Sharing:** Municipal shares of joint police services are most often distributed on the basis of patrol hours. A municipality with 29 percent of the total hours of police patrol in a year should pay 29 percent of the total municipal shares of the budget (total expenses minus nonmunicipal income). This approach assumes that over the year overhead personnel and costs such as investigators' time, supervisory time, vacations and sick leave, secretarial/clerical support, patrol cars and equipment are

distributed in the same proportion as the patrol time. The scheduled patrols (and municipal shares) can be adjusted from year to year based upon the frequency of incidents and need for preventive patrol in each jurisdiction.

2. **First Year Costs:** The costs of the first year of operation of a joint police program require some special considerations. There may not be sufficient information in all municipalities to project the distribution of patrol hours accurately. First year shares may be based on population or total assessed valuation until patrol data is available. There may also be start-up costs such as patrol cars, equipment, computers, and uniforms; anything not already owned by the joining municipalities but needed for the operation of the department. Municipal shares of start-up costs may be allocated for the total costs of all needed materials and equipment based on population and assessed valuation of each municipality, with a credit for the fair current value (as determined by an independent appraisal) of any existing municipal equipment transferred to the joint police department.
3. **Pension Funds:** Existing municipal police pension funds can be transferred in their entirety to the joint police department. No benefits can be taken away from an existing plan. The member municipalities must jointly pay the minimum municipal obligation to the joint pension fund. These annual payments can come from state pension fund appropriations and, if needed, employee and/or municipal contributions. If there is any unfunded liability in a municipality's fund prior to the merger, its funding should be negotiated as part of the merger agreement. This liability could be offset by other assets the municipality is contributing to the joint police department or paid directly by appropriations from that underfunded municipality. If there are civilian employees of the department (secretary or dispatcher) they must be placed in a separate pension plan.
4. **Capital Costs:** A capital expenditure, in particular for a police station, may be part of the program. If it is, it may be funded either by initial municipal appropriations based on population or assessed valuation, or financed over a period of years with annual payments as part of the operating budget. Use of financing allows capital costs to be paid in proportion to the distribution of police service in each municipality, but this method adds interest payments. A transition period of three to five years in temporary quarters may provide sufficient time to accumulate funds through annual appropriations for a capital facility.
4. **Budget Savings:** Budget economy should be encouraged by permitting any savings of appropriated funds to stay with the joint police department. These funds can be set aside for special projects approved by the police commission or to serve as an emergency reserve. If the municipalities require the return of unused funds, the likely response will be increased year-end spending to use up all available funds before they are "lost" and to justify an increased appropriation for the next year. The ability to save these funds discourages year end budget games.

**Getting Started.** Consideration of a possible joint police department should be thorough and deliberate. The assistance of the Department of Community and Economic Development or a consultant with experience in joint police services should be obtained to help with the process. The consideration of a regional police force takes time. Using a private consultant also requires municipal funds. But, expert advice is essential if a joint police force is to succeed.

A study or working committee of officials from each jurisdiction should be established to direct the study and make recommendations. Because of its importance, the very best people should be appointed to this committee. They will be responsible for communicating with the municipality they represent to brief the board/council on the work the committee is doing and to communicate feedback to the committee. A visit to an existing joint police service is also a good idea. Officials can get a firsthand look at how a system is set up and what might be involved.

Additional information on regional police programs can be found in *Regional Police Services in Pennsylvania*, available from the Department of Community and Economic Development.

## Contract Police Services

In the preceding section we explored the concept of a joint police force; in this section we will review the second major approach to regional police: contract police service. The benefits of joint police are essentially the same as for contract police services. In the remainder of this section we will explore how a contract police service differs from a joint police force, how a contract service should be set up and how costs should be determined.

**Differences Between Joint and Contract Police Service.** The essential difference between joint and contract police service is in the organization of the body responsible for the direction and control of the department. Joint police forces are overseen by a joint commission. Contract services remain under the control and direction of the municipal governing body providing the service. Any degree of shared control of budget approval, appointment of the chief, or other major policy matter is up to the providing municipality.

1. **Advantage of Contract:** The basic advantage of a contract is that it can be established somewhat more easily than a joint department. Expansion of an existing department, with a chief, supervisory personnel, trained patrol officers, equipment, a facility, policies and procedures all in place is far less complex than starting from scratch to create a whole new department.
2. **Disadvantage of Contract:** The disadvantage of a contract goes hand in hand with its advantage. The control of the department rests solely with the municipality that provides the service. Any input on budget, selection of the chief, or department policy is accepted only at the discretion of the providing municipality. Usually the providing municipality is open and responsive to input from municipalities purchasing service. If they are not, the purchasing municipalities are not likely to continue to purchase services. However, even an open relationship is often subject to perceptions that the control exercised by the providing municipality is exercised to the disadvantage of the purchasers. Many municipal officials are not comfortable with this perception and prefer to have a direct vote on the control of the police department.

**Organizing Contract Services.** Contract police services should be set up under the provisions of the Intergovernmental Cooperation Law, Act 177. In addition to the general provisions of an Act 177 agreement, the issues of service scheduling, program input, existing departments and costs must be addressed. We will examine the first three in this subsection; cost allocations will be reviewed in the next.

1. **Service Scheduling:** Typically, a contracting municipality purchases a specified number of hours of police service per week. These hours may be all scheduled on a regular basis such as 8:00 a.m. to 4:00 p.m., Monday through Friday, or 2:00 p.m. to 2:00 a.m., seven days a week. Or, the agreement can be to provide a set number of hours per week for preventive patrol and incident response with the exact schedule to be set by the chief based upon incident times and personnel schedules. The approach must be set by the participating municipalities. It is limited by the size and scheduling flexibility of the providing municipality, and also the need to provide service in usable blocks of time rather than just minutes here and there.

The agreement should specify that patrol time in the purchasing municipality means time actually spent on active patrol or incident response, or on directly related administrative duties such as completion of reports and appearances in court. If the directly related administrative duties are not included in patrol time, the time (and cost) should be determined and included as an overhead expense. Times not usually included in patrol time are holidays, vacation, sick leave, and training. When excluded from patrol time, these must be included in the overhead costs. Under this approach, the purchasing municipality will always have the agreed-upon hours of service actually provided. The providing municipality will “absorb” the vacation, sick and other nonpatrol time for all personnel, including those assigned to the purchasing municipality, and will recover the cost of this time through overhead charges. Most often,

the patrol service provided to the purchasing municipality is less than 24 hours per day, seven days per week. The contract should spell out how to count time spent responding to incidents outside regular hours or when an additional officer is needed. If the schedule is at least somewhat flexible, extra-hours response time can be deducted from the regular hours to be provided during that week.

The time of backup officers can be handled in one of several ways. With flexible scheduling, the hours can be deducted from the regular hours of service to be provided. Or, the patrol officer in the purchasing municipality can be made available for backup in the providing municipality while still on "contract time," a mutual aid approach. Or, the backup time can be included in overhead costs. The first approach is usually recommended.

2. **Program Input:** A contract police service has no joint police commission to direct the police force; this is the responsibility of the providing municipality. There is a need, however, for a coordinating mechanism for discussing the level of service, working out hours and scheduling, and discussing costs for the next year's service. This group can be at either the staff or elected officials level. If the municipalities have managers, this duty can be assigned to them. If the providing municipality has a committee of the governing body responsible for oversight of the police department, the purchasing municipalities can be invited to appoint a liaison to this committee. Or, a special committee of elected officials can be established for this purpose. For example, three cooperating boroughs might appoint their mayors to this committee.
3. **Existing Personnel:** If the contracting municipality already has police officers, the question of their eligibility for joining the providing municipality's force must be determined. The issues are similar to those for a joint police force, but are subject to the regulations of the providing municipality. Ordinarily, the providing municipality should not lower its standards to accept underqualified officers from the purchasing municipalities, although exceptions might be considered in special cases.

As a rule, transferring officers do not bring with them any rank above patrol officer, although special arrangements can be agreed upon in exceptional cases. It must be recognized that these cases constitute a bypassing of normal competitive promotion procedures and may frustrate officers in the providing municipality. Transferring officers should receive credit for time in service for pension, vacation and sick leave. The issue of transfer of seniority must be considered carefully since it will affect officers in both departments.

**Allocating Costs.** There are several steps to allocating costs for contract police service. The first, and most important, is to distinguish between marginal and total costs. When total costs are determined, their hourly rates can be fairly set.

1. **Marginal Costs Are Misleading:** A common mistake in determining the cost of contract police services is to consider only the marginal costs when pricing the service. The marginal cost is the added salary, benefits and equipment for an officer added to the police force to cover the extra hours required for the contracting municipality. On the surface, this is all the new expense anticipated by the providing municipality and it makes the hourly rate very attractive to the purchasing municipality. After some time passes, however, the providing municipality realizes it is providing fill-in officers for sick and vacation days, none of the secretary's or records clerk's time is included, and ten percent of the chief's time is spent working with the contracting municipality. When these costs are finally recognized, the service provider attempts to raise the price of service to cover the real costs. The purchasing municipalities cry foul! Officials from these municipalities conclude they were "low-balled," or suckered into giving up their own police forces to buy lower-priced contract services, and then when it is too late or at least very difficult to restart their own services, the ante is raised significantly. A crisis results and either a compromise is worked out which really satisfies no one or the

effort fails altogether. In the long run, both provider and purchaser are well served only if the true costs of the service are understood and paid from the beginning.

2. **Determining Total Costs:** The following checklist of police costs illustrates the areas that should be covered when determining the total cost of police services. Most of these should be in the police budget; some are located elsewhere in the typical municipal budget.
  - (1) Salary Costs
    - (a) Officers
    - (b) Supervisors
    - (c) Police chief
    - (d) Specialists (detective, juvenile, community relations)
    - (e) Support personnel (secretary, records clerk, dispatcher)
    - (f) Overtime
  - (2) Paid Benefit Costs
    - (a) Health insurance (including eye care, dental, prescription)
    - (b) Disability insurance
    - (c) Life insurance
    - (d) Pension
    - (e) Workers compensation insurance
    - (f) Unemployment compensation premium
    - (g) Employers FICA or Medicare payment
  - (3) Operating Costs
    - (a) Personal equipment (weapons, radios, flashlights)
    - (b) Uniforms
    - (c) Administration (forms, copies, postage, phone)
    - (d) Training
    - (e) Insurance (police & general liability; automobile; theft; fire)
    - (f) Vehicle maintenance
    - (g) Gasoline
  - (4) Capital Equipment
    - (a) Vehicles
    - (b) Office furniture
    - (c) Special equipment (computer, video equipment)
  - (5) Non-Police Department Overhead Personnel
    - (a) Recruitment (advertisements, testing)
    - (b) Administration (payroll, accounting, purchasing)
    - (c) Management
    - (d) The indirect or overhead costs of these personnel (5a - 5c).
  - (6) Facility Costs
    - (a) Utilities (electric, gas, water, sewer, garbage)
    - (b) Janitor
    - (c) Fair rental value of space
3. **Determining Hourly Cost:** Once the total cost of the department's operation has been determined, the method of distributing these costs must be agreed upon. If the police "product" is regarded as patrol and incident response, then total departmental costs as determined above should be divided by total hours of patrol time per year to determine the hourly costs. The total hours of patrol time should be actual hours, not scheduled hours. If scheduled hours are used, the providing municipality is stuck with

filling in the time of sick leave, vacations and other time off. In the suggested approach, the purchasing municipality pays for all such costs as overhead and is therefore entitled to 100 percent of the contracted hours of service with no breaks for vacation and sick leave, and no extra charge for detectives, community relations or other specialized work.

4. **Determining the Annual Amount of the Contract:** The annual amount of the contract is a function of the hourly cost for patrol and incident response and the number of hours of police service to be purchased. The number of hours can be set on a per day, per week, per month or per year basis. The shorter terms give more direct control of the police schedule to the contracting municipality, but are less flexible. The longer terms give the police chief more freedom in scheduling to meet peak incident periods.

The contract should be reviewed and adjusted on an annual basis. It should provide that salary increases and changes in costs for the providing municipality may be used to adjust the hourly rate. This should be done in a timely manner so the contracting municipality can anticipate the impact on its budget. The contract should also provide for changes in the number of hours of police service purchased by the contracting municipality to meet rising or declining needs for service. The number and times of reported incidents are usually the best indicators of this need. These changes should be made in a timely manner so the providing municipality can anticipate any increases or decreases in personnel needed to provide the new level of service.

It is essential that there be regular discussions throughout the year between the providing and contracting municipalities on the issues of cost per hour and number of hours of service to be provided. The Act 177 agreement should establish deadlines for notice. The spirit of the discussions should be such that there are no “surprises” on the last day before the deadline.

## Shared Recreation Facilities

Pennsylvania municipalities frequently work together to provide shared recreation facilities. Smaller municipalities may join together to develop a small park. Larger ones join efforts to build and operate a pool or other major facility. In this chapter, we will illustrate some of the possibilities for shared recreation facilities and then focus on one example in greater detail.

**Possibilities for Shared Recreation Facilities.** The range of possible shared recreation facilities is broad. Two rural communities may combine efforts using municipal road maintenance equipment and volunteer labor to clear and level a ball field. This field may become the key focus of activity for the communities, hosting an annual Fourth of July picnic and a baseball game between teams from the two municipalities. At very little cost, the two cooperating municipalities have established a valuable facility for their residents.

At the other end of the spectrum, several urban and suburban municipalities might combine their resources to construct an all-purpose indoor arts and recreation center including pools, racquetball courts, basketball courts, a skating rink, a stage for the performing arts and an art gallery. Such a major facility would be very costly, but a combination of the revenues from income producing activities at the center and the combined financial resources of the participating municipalities could make it feasible.

Whether your municipality is at the small or large end of this spectrum, there are a number of factors affecting the decision on recreation facilities. These include identified needs of the community, public and private facilities already in place, size of the population to use and support the proposed facility, and resources available. In each case, whether large or small, combining municipal resources enables communities to consider facilities not within their reach as separate municipalities.

Following is a list of possible shared recreation facilities.

Baseball Field	Playground
Basketball Courts	Pool
Beach	Recreation Center
Bikeway	Skating Rink
Jogging/Fitness Trail	Soccer Field
Lighted Ball Fields	Softball Field
Outdoor Stage	Tennis Courts
Picnic Pavilion	Theater/Arts Center

The following subsections will illustrate how an outdoor swimming pool can be developed as a shared recreation facility. A pool is often beyond the financial reach of smaller municipalities, but is much needed as a summertime activity for our young people, as a center for community activities, and as an exercise center for adults of all ages. A cooperative approach can make a pool possible where it would otherwise be an unobtainable dream.

**Organizing a Regional Swimming Pool.** The most common intergovernmental organization for building and operating a regional swimming pool is a joint recreation authority. Other alternatives include a joint recreation board, a program of a Council of Governments, or a contract program with one municipality owning and operating the pool. Any of these approaches can be used with appropriate Act 177 agreements. An authority is usually the best because of the many responsibilities of running a pool, including capital construction and financing, land ownership, hiring and supervising employees, providing liability insurance and accounting for receipts and expenditures.

A joint recreation authority must have an odd number of members (5, 7, or 9) appointed by the participating municipalities. If there are 5, 7, or 9 participating municipalities, the obvious way to organize is to have one member of the authority appointed by each municipality. If there is an even number of participating municipalities, the school board might be asked to appoint a member, particularly if the school district is to participate in the program in some way. If there are only two or three participating municipalities, two representatives from each can be appointed with the remaining appointment (to reach an odd number) by the school board, by the largest municipality, or assigned by lot to one of the participating municipalities.

The authority, once established, organizes itself, including election of officers; appoints a solicitor; purchases land; hires qualified professionals to design, bid and supervise the pool construction project; finances the project with loans, grants and/or municipal funds as agreed upon by the participating municipalities; hires employees to operate the pool; purchases insurance; and establishes fees and policies for pool use. If the authority is to receive municipal funds for the construction or operation of the pool, the cost sharing approach should be set in advance by the participating municipalities. An annual budget process must be established so the authority's requests for municipal funds can be presented in a timely manner with a thorough justification for the funds requested. A good time to schedule the annual budget presentation is the end of September. At that time, the pool operations for the past summer should be complete so a final accounting can be made and the municipalities are just starting their budget preparation for the next year.

Location of the pool can also be a controversial issue. If possible, this decision should be made by the municipal officials prior to establishing the authority; if not, establishing a clear site identification and approval process can be an effective way to avoid later arguments about the pool's location.

A common location for a pool is on existing school or municipal park property in a central location. A central location, with good access for pedestrians and sufficient parking for automobiles, is a key to success for a pool. If school land is used, the value of the land might be the school board's contribution to the facility.

**Funding a Pool.** A pool requires both a capital investment and continuing operating funds. Ideally, a pool would be self-supporting; the fees people pay to use the pool cover the costs of operation, including debt service. Such expectations are usually unrealistic, however. More typical is the situation where municipal officials realize the pool must be funded by a combination of user revenues and public funds. The use of municipal funds is justified because the pool will be an asset to the communities and because the point of public recreation is to make recreation facilities affordable for residents.

Capital expenses for a pool are typically covered in a number of ways. These include state and federal grants, municipal contributions, loans, fund drives, and/or revenues from use of the pool. While an authority can borrow funds (bond or loan) based upon its anticipated revenues, municipal guarantees of this borrowing are usually required because, unlike a water or sewer authority, the revenues of a recreation facility are not assured. If municipal contributions are required, they should be allocated either on the basis of population (the people for whom the facility is available) or use (the people who actually use the facility). If the latter approach is adopted, some method for registering pool users and their municipality of residence is needed. A common question for counting use is whether a season pass holder is counted once or upon each use of the pool. Either approach is acceptable as long as it is agreed upon in advance.

Operating costs for a pool (lifeguards, insurance, water, chemicals, cleaning) are usually funded by user fees and municipal contributions. Grants, loans and fund drives might have been used for capital costs but are generally not suitable to cover continuing operating costs.

User fees should be limited by two considerations. First, if the fees are too high, no one will use the pool. The goal is to maximize total revenue, not individuals' costs to use the pool. Five hundred pool users in a day at 50 cents each brings in more revenue than 100 users at \$2.00 each. Second, the prices should not be unaffordable to any income level in the communities; this is a public recreation facility.

User fees should be established by the authority for each season and might include some or all of the following.

Daily Admission Fees	Children Fees
5 or 10 Admission Tickets	Swim Lesson Fees
Weekly Fees	Family and Individual Rates
Monthly Fees	Nonresident Surcharges
Seasonal Fees	Special Attraction Fees

Once the user fee revenues and operating costs have been projected for the next season, the anticipated municipal contributions, if any, can be identified and budgeted. The participating municipalities' shares of these costs can then be distributed on the basis of use or population as noted above for capital costs.

**Special Attractions.** Many public recreation facilities are rather humdrum; they lack pizzazz. An effective public recreation facility has special features which enhance and promote its use. Municipalities often defer such features because of the additional cost, but in doing so we shoot ourselves in the foot. Particularly with revenue producing facilities such as pools, tennis courts, skating rinks and golf courses, municipalities often overlook the entrepreneurial approach necessary to promote the use of the facility. As noted earlier, user revenue is maximized not by raising fees (like municipalities typically do for water and sewer systems), but by setting fees at a level where the number of users multiplied by the revenue per user is at its highest level. Since the number of users is a critical element in this formula, features which promote use increase user revenues.

In the case of a swimming pool, there are a number of special attractions, facilities and programs which will increase pool use and user revenues. Some of these include:

Heated Water (For a longer season)	Food Services
Water Slides	Covered Table Area
Separate Diving Areas	Evening Social Events (With attractive lights, music, and a caterer)
Wave Generator	Locker Rentals (for season)
Suit Rentals	Towel Service
Swimming Lessons	
Swim Teams	

Some of these can be included in the basic or seasonal user fees; others, such as a water slide or evening events, can generate extra fees. In either case, the goal is to maximize total user revenue and thereby reduce the amount of tax support required.

The ideas and concepts spelled out in the foregoing section apply to all types of joint recreation facilities. If you are interested in developing such a facility, you should use the outline of the section's headings (organizing, funding, and special attractions) as a framework to develop a plan for your shared recreation facility.

## Circuit-Riding Manager

In the old West, a circuit-riding judge literally did just that. The judge rode a circuit from town to town over a period of many weeks or months, conducting trials and dispensing justice in each town as he passed through. The modern version of a circuit rider is a municipal manager, a skilled professional who serves several small municipalities at the same time. These are municipalities which may be too small to hire a professional manager solely for their own operations but need the skills and expertise a manager can offer. By joining together, several such municipalities can put together a circuit-riding manager position bringing each of them what no one municipality is able to obtain on its own. In this section of the handbook we will discuss what a circuit-riding manager does, how such a position is established, how a person is selected to fill the position and how compensation should be organized.

**What a Circuit-Riding Manager Does.** The job of the circuit-riding manager is essentially the same as that of any municipal manager, except he or she does the job for more than one governing body. Typical duties include the following:

1. Manage the day-to-day activities of the municipalities.
2. Prepare agendas for meetings of the municipal governing bodies.
3. Attend all meetings of the governing bodies to report on municipal operations and advise the board/council on policy issues.
4. Prepare, present and administer municipal budgets.
5. Appoint, supervise and direct municipal employees. (Appointment of department heads may require governing body approval, as desired).
6. Represent the municipalities at public meetings and forums, communicate with the media and serve as a key contact point for the citizens.

**Establishing the Position.** The borough and township codes provide for establishing the position of municipal manager by ordinance. Act 177 requires joint municipal programs to be established by ordinance; therefore, it is essential that the position of circuit-riding manager be established by ordinance. The ordinance should

include both the provisions required by the municipal codes and Act 177. In particular, the ordinance stipulates appointment of the circuit-riding manager is by vote of each of the participating municipalities' governing bodies; the costs will be shared according to a specified basis (usually equal shares or a proportion based on time assigned to each jurisdiction); the manager will be selected solely on the basis of his or her executive and administrative training and abilities; and the job description will be amended only upon mutual agreement of the participating municipalities.

In addition to the ordinance, a specific job description should be prepared. This task is particularly important for a circuit-riding manager since this person will be working for several different groups of people, the participating municipalities' governing bodies. The absence of a clear job description may lead to conflicting directions and demands on the circuit rider's time, a situation which is difficult at best and is often impossible.

Beyond the job description, certain basic understandings must be reached among the participating municipalities. Since the manager should be at each meeting of the governing bodies of the participating municipalities, it should be obvious (but is sometimes overlooked) that the municipalities should schedule their meetings on different dates or times. A particular problem arises each January when municipalities are required by their code or charter to meet on the first Monday of January or first weekday after the holiday. A schedule of meetings at staggered times on that date might be the solution to this problem for the circuit-riding manager.

The schedule of the manager during working hours also needs to be established. A balance between predictable and flexible times needs to be achieved. If the manager's time is completely scheduled, everyone knows where the manager is supposed to be at any given time, but the manager has no flexibility to respond to changing priorities or variations in workload. Such a schedule "locks-in" the manager and if it is not precisely kept, the citizen or official expecting to find the manager in that municipality's office at the scheduled time is likely to develop a very negative attitude about the manager's dependability.

At the other extreme, a circuit-riding manager with no scheduled times in any municipality is likely to be perceived as unreliable or "never there when needed." This is as bad as overscheduling the manager.

The balance is a compromise, perhaps 50 to 60 percent of the time scheduled to be in specified municipal offices and the remainder to be determined by the manager. For example, a circuit-riding manager dividing time among three municipalities might schedule one morning and one afternoon (on a different day) in each municipality each week, with the balance of time scheduled on an as-needed basis each week. Care must be taken to assure the total time each quarter is distributed evenly among the three municipalities.

**Selecting a Manager.** The appointment of a municipal manager is always the responsibility of the municipal governing body. Appointment of a circuit-riding manager, therefore, requires the consensus of the governing bodies of the participating municipalities. It is important to establish a selection process which will lead to the appointment of the best candidate by each participating municipality.

Usually, a screening committee is established consisting of one representative from each municipal council/board. If only two municipalities are participating, two or more representatives from each may be assigned to serve on the screening committee. This committee is responsible for advertising the position, screening applications and conducting interviews.

The screening committee may be charged to complete its task in one of two ways. It may be asked to complete interviews, conduct background and reference checks, and present a final candidate for appointment by the participating municipalities. Or, it may be asked to present two or three finalists for a second round of interviews with the municipal governing bodies. In the latter case, the municipalities must establish, in advance, how the final selection is to be agreed upon since it is not desirable for the participating municipalities to select and announce the appointment of different candidates. This work can be completed either by a joint meeting of the governing bodies or by reconvening the screening committee to discuss the candidates' interviews and agree upon the final candidate.

**Compensation.** Determining the compensation of a circuit-riding manager entails much more than establishing a salary for the position. Several surveys of managers' salaries are published on a regular basis and can serve as a guide for the salary for your circuit-riding manager position. A more difficult issue, however, is whether the circuit-riding manager is to be a part-time employee of each participating municipality, an independent contractor, a full-time employee of one municipality with a share of the costs reimbursed by the others or a full-time employee of a regional group such as a COG.

The first approach, part-time employee status with each participating municipality, is a poor approach. It requires each municipality to issue separate paychecks, keep payroll records, report earnings and submit withholdings to the IRS, withhold and submit social security payments and provide part of a pension and health insurance plan. The manager ends up getting several checks on different days of the month instead of a regular payroll check. And, the manager may be ineligible for full-time benefits because of his or her part-time status with a municipality.

A seemingly easy, but less than ideal, response to the difficulties of multiple part-time status is to hire the manager as an independent contractor in the way municipal engineers and solicitors are usually appointed. This approach is not recommended because the basic relationship between a municipal governing body and the manager is an employer/employee relationship, not a municipality/consultant relationship. The manager must work for the municipality, not for himself or herself.

Either of the other approaches can work. The assignment of the circuit-riding manager to one municipality for payroll purposes is the most usual, since there is often no existing regional body. In this case, the ordinance and agreement must make it clear that this assignment is solely for administrative purposes, and that the manager works for all the participating municipalities. If a regional body such as a COG exists or is established, this is the best way to handle the employment of a circuit-riding manager because the municipality/employee relationship is built into the COG organization and there are no problems of partial payroll checks or part-time status.

The compensation package of the circuit-riding manager should include sick leave, vacation leave and holidays. Part of the planning for this position must include how these days will be charged against the participating municipalities' time allocations. In general, if the three municipalities split the cost of a circuit-riding manager in equal shares, then leave time should be distributed in the same way. A specific circumstance arises if a circuit-riding manager is regularly scheduled to be in a municipality's office on Thursday mornings, for example, and is ill on a particular Thursday or it's Thanksgiving. The agreement among the participating municipalities should establish how the paid leave time for this day is to be allocated and whether a substitute scheduled time in the office is required, or if such events are assumed to even out over a year's time.

Because working for several municipalities simultaneously is a difficult and uncertain task, the municipalities should enter into an employment agreement with the circuit-riding manager. This written agreement spells out the salary and benefits of the position and minimizes the inherent ambiguity in the position. An agreement will be an attractive feature for successful recruiting of professionals with training and experience as municipal managers.

## **Councils Of Governments**

In Chapter II we discussed Councils of Governments (COGs) as a method of cooperation. This section describes what a COG does and how to get one started. The reader interested in COGs should review the COG sections in both chapters, as well as the cross-referenced sections such as Act 177 agreements and allocating costs.

Why are COGs discussed in two different chapters in this handbook? Because, as noted in Chapter II, COGs are a special kind of Act 177 organization. A COG is a method of organizing intergovernmental cooperation, so the concept is illustrated in Chapter II, Methods of Cooperation. But, a COG is also an intergovernmental activity in and of itself and is included in this Chapter on Cooperative Programs for that reason.

**Getting Started.** The idea of a Council of Governments for an area can be initiated in many ways. A single municipal official may learn of the concept and immediately recognize its potential for the municipalities in the area. A group of municipal officials from neighboring communities may be discussing a common problem and find the COG idea when looking for a way to organize a solution. Or, a community organization or civic club may study ways of improving local government services in an area and identify a COG as a possible solution.

A Council of Governments is an organization of the municipalities in an area. The elected officials of the municipalities establish the organization and usually serve as the municipalities' representatives to the COG's policy board. Because the leaders of a number of communities are involved in organizing a COG, it is important to get these officials involved immediately if they are not the initiators of the COG effort in the first place.

Setting up the first meeting of municipal officials to explore the possibilities of a COG is a critical step. Following is an outline of hints to help make this first meeting work. Some of these may seem obvious, but it's a shame to see a good effort fail because someone didn't pay attention to such details.

1. **Select a Neutral Location.** The first meeting should be in neutral territory rather than in a city or borough hall or township building. If a municipal site is selected it might appear as though the host municipality is attempting to dominate the meeting. Despite their words to the contrary, the actions of the host governing body speak loudly when they take their usual seats at the table in the meeting room and the "visitors" take seats in the "audience" area. Examples of neutral sites include hotel meeting rooms, schools, colleges and churches. The site selected should be centrally located and have plenty of free parking.
2. **Use the right sized room.** Twenty people in a school auditorium seating three hundred makes it look as though no one is interested; twenty people in a room seating 15 is uncomfortable and annoying.
3. **Avoid schedule conflicts.** Make certain the meeting to explore the possibility of a COG is not scheduled at the same time as the regular meeting of a municipality that might participate. There is no surer way to send a message that they are not wanted than to schedule the meeting when they cannot attend.
4. **Avoid election campaigns.** If an election campaign is underway the COG idea may become a political football rather than a concept for careful study. And, officials are often very busy at these times and can scarcely afford the time to attend another meeting.
5. **Give lots of lead time.** If municipalities are requested to appoint one or more representatives to attend a meeting, allow at least five weeks notice. This allows each governing body to have at least one regular monthly meeting when they can make the appointment(s).
6. **Use name tags.** Most of the officials invited to the meeting may already know each other, but often there are people who do not know everyone or are not known by everyone else attending the meeting. Name tags help each person recognize others whom they may not have met. Distributing a list of officials scheduled to attend is also a helpful device for making the attendees feel comfortable.
7. **Sit in a circle.** If a room format is used placing the discussion leaders up front and the rest of those attending in the "audience" like students in a classroom, participation among attendees is diminished and the interaction is seen as focused on the leaders. Sitting around a group of tables in a square or circle large enough to seat all those attending will greatly enhance the officials' sense of full participation in the meeting.

If each of these details receives attention, the first meeting of the municipal officials is more likely to be productive and to lead to effective follow-up.

Don't try to accomplish too much at the first meeting. An ideal outcome of the initial discussion might include a list of issues the officials want to discuss further and a time and place for the next meeting.

Selecting a name for a potential COG is often a tricky proposition. The name should be acceptable to all municipalities and not be identified by a single municipality's name. Often a commonly used geographic reference such as a valley or area name is a good source for a COG name.

Assistance in getting a COG started is available from the Department of Community and Economic Development. Other useful information can be obtained from the Pennsylvania Association of Councils of Governments (PACOG) or by visiting a COG in your area.

**Addressing Regional Issues.** A major function of a Council of Governments is to provide a forum for the discussion of regional issues. Regional issues are those that cross municipal boundaries and impact upon more than one jurisdiction and can include any of the many responsibilities of the participating municipalities.

A COG is an ideal organization for such discussions. The COG consists of community leaders who serve on the municipal governing bodies and are faced with the responsibility of finding solutions to numerous problems. Many times, officials have not even realized others share the same problem until it is discussed at a COG meeting. The COG then serves not only to address recognized regional problems, but also to help officials identify common problems that they may have thought were isolated, unique problems limited to their own jurisdiction. It is precisely because of this potential that a COG works best when it consists of dedicated and interested elected officials from the participating municipalities.

Communications are critically important in a COG. If the typical COG organization of one or two representatives from each municipality is used, a mechanism for keeping the remaining members of the municipal governing bodies informed is needed. Agendas and minutes of COG meetings, regular newsletters and regular reports at municipal meetings by COG representatives are all important. The agenda, minutes and/or newsletter should be distributed to all municipal officials, not just to the COG representatives. The reports of the COG representative are sometimes perfunctory and often are scheduled at the end of the municipal meeting. It is important to reinforce constantly the need for an effective two-way communication between the municipalities and the COG.

Some regional issues may require extensive, in-depth analysis. The COG can establish a committee to conduct studies or to work with a municipal employee, county planner or a consultant hired for the purpose. A landfill location might be such an issue.

A COG can also establish standing committees to work on continuing regional issues. For example, a frequent region-wide municipal concern is the status of the state highway system serving an area and the need for improvements. A COG standing committee can monitor the road situation closely and prepare regionally supported positions for the COG to present at hearings when the Department of Transportation's Twelve Year Plan is being updated every other year.

Even seemingly trivial matters like coordinating the hours of Halloween trick-or-treat are issues better resolved at the regional level. If trick-or-treat is not scheduled on the same night in all municipalities in an area, the teenagers quickly learn where the action is each night and congregate in the area, creating a minor annoyance to the neighborhoods and an extra burden for the police. When all area trick-or-treats are scheduled on the same night kids tend to stay in their own neighborhoods, minimizing chances for concentrated impact in one area.

Whether major issues or minor matters, regional concerns are most easily addressed through the regular meetings of an ongoing intergovernmental organization. A Council of Governments is usually the best form of organization to address a broad range of regional issues because it involves directly those municipal elected officials who must address the problems separately if they fail to address them together.

**Providing Joint Services.** The second major function of a Council of Governments is the provision of joint municipal services. When a COG has not been established by the municipalities in an area, intergovernmental programs can be and often are provided through separate Act 177 agreements. However, a COG is a multipurpose organization able to provide multiple services through one organization while maintaining close control of the regional programs by the participating municipalities. A COG can be used not only to provide new regional services, but also to organize several existing regional services as well.

The provision of new regional services through the COG is a matter of reaching an agreement among the participating municipalities to provide the service (or consolidate separate existing municipal programs) under the sponsorship of the COG. If the Act 177 agreement establishing the COG encompasses the necessary provisions and authority for initiation of this service, then no further written agreement is needed. More typically, however, another Act 177 agreement, separate from or supplemental to the COG agreement, is needed to spell out the specifics of the new program.

One of the most frequently asked questions is whether a specific regional program offered by a COG must be provided in all municipalities participating in the COG. The answer to this question is that it is up to the COG itself; there are no state requirements imposed. Almost always a COG allows some flexibility on participation in COG-sponsored programs organized by separate or supplemental Act 177 agreements. Often, the only requirement is that the basic membership obligations of the COG itself (dues and attendance) be met to participate in one or more of the regional programs offered.

A COG can also serve as an effective means of drawing together several existing intergovernmental programs. Several municipalities in the area may have developed a number of separate intergovernmental programs over a period of years. These programs, with independent boards or committees in charge of each, may evolve in different directions, using funds from the same group of municipalities to offer programs with differing holidays and work hours, unequal pay for similar positions or divergent employee benefits or purchasing practices. The municipalities may find these programs competing with one another for attention and funding. A COG can be established to provide an overall organizational framework for the shared municipal direction of these separate regional activities. The provisions of existing Act 177 agreements for the programs must be respected or amended as needed and a transition plan established to allow change in an orderly way and to treat all program employees fairly.

A Council of Governments can be an effective mechanism for the provision of joint municipal programs. A COG can organize new regional programs or consolidate existing ones. Or, it can do both. As a multipurpose organization of municipalities, a COG is ideally suited to providing municipal services on a regional basis while maintaining control and direction by the elected officials of the participating municipalities.

**Financing Choices.** Because a Council of Governments is a multipurpose organization, it may find a number of different funding mechanisms desirable for its different operations. For example, it may operate a self-supporting regional code enforcement program; maintain a regional recreation facility with municipal support shared on the basis of population; and distribute its administrative and overhead costs on an equal basis to each participating municipality. All of the cost allocation alternatives discussed in Chapter III might be used by a COG at the same time for different programs. It is a major mistake to assume one cost sharing approach is required for all COG programs. The COG should consider the options available for each program and adopt the most suitable approach for each one separately. Otherwise, the cost allocations for regional programs will not be accepted as fairly assessed. This is the first step down the road to dissolution of the program.

Because a COG often provides several programs with different cost allocations, it is particularly important to establish and follow a regular process for budget presentation and adoption. The section on budgets and accounting in Chapter III provides some information on how a COG's budget process should work.

Apart from locally derived financing options, a COG will likely seek federal, state or private funding for new programs or initiatives. Cooperative start-up programs are frequently considered favorably by both public and private sector funders. In the case of state grants, a 2001 statute (Act 13) directed all Commonwealth agencies to recognize COGs and similar intergovernmental bodies as legal entities and thus placed them on a similar footing to single municipalities in regards to eligibility for funding

## Other Programs

The preceding sections have looked at seven examples of intergovernmental cooperation programs in detail. This section will provide a short description of a score of additional possibilities. These discussions will be brief, but checking appropriate sections in the chapters on methods of cooperation and allocating costs will give you enough information to start work on developing a cooperative program.

**Auction of Surplus Equipment.** A joint municipal auction of surplus equipment is the local government equivalent of a neighborhood yard sale. The list of items that can be included in the auction is endless; examples include snow plows, police cars, trucks, paving boxes, rollers, office furniture, calculators, typewriters, found bicycles, lawn mowers and tools. The receipts from a sale are increased for all municipalities if more purchasers attend the auction and it is well organized and conducted. A well-known professional auctioneer should be hired and the auction should be extensively advertised. An auction is a self-supporting program, with the auctioneer's commission and advertising deducted from the sale proceeds. One central location with good access and parking is needed. Someone must be responsible for the security of stored items, liability insurance and accounting for the funds. Usually an auction is run by an existing intergovernmental organization such as a COG or on an informal basis. If there is not a COG to organize the auction and it is to be an ongoing effort, an Act 177 agreement is recommended.

**Bike and pedestrian trails.** Linear bike and pedestrian trails, like highways, should connect origin and destination points: home to work, school to home and park to neighborhood. Often such connections are needed for safe trips between a residential neighborhood in one jurisdiction and an employment, school or recreation center in another. A connecting trail is good for business and good for the residents. Some grant funds may be available from the Departments of Transportation or Conservation and Natural Resources. Municipal shares of a trail's cost can be allocated on an equal or proportional basis and organized under an Act 177 contract program.

**Bus System.** A region-wide bus transit system is a classic example of why municipalities should cooperate. Without cooperation, separate municipal transit systems will probably not exist at all. With cooperation, an effective and efficient transit system can be organized to provide commuter, shopping, school, doctor's office and general transportation for the residents of the participating municipalities. Chapter I "Why Cooperate" illustrates how a regional approach makes a service such as transit feasible. A transit system should be organized as a joint authority. Funding for a bus system comes from a variety of sources. Typically, a bus system produces some income; about half of the cost comes from passenger fares. State and federal grants usually provide much of the balance, with a small municipal contribution. The local government shares can be distributed on the basis of population served or actual use if riders on each route are counted and assigned to a municipality. The Pennsylvania Department of Transportation can provide substantial assistance in organizing a bus service.

**Code Enforcement.** The PA Construction Code Act (Act 45 of 1999) gives each municipality the choice of whether to opt in or out of administering its own local ordinances for the enforcement of building and housing codes, or through a third party. It is a decision to be made by the municipal governing bodies. Once that municipal decision is made, a regional approach to delivering this service should be explored. The regional approach can provide sufficient workload for a full-time inspector allowing smaller municipalities to work together to employ a full-time, qualified inspector. Larger municipalities working together in a regional code enforcement program can provide the workload to justify employing specialists for plumbing and electrical inspections and major plan reviews, as well as having several general building inspectors available so the office is not closed when one inspector is ill or on vacation. In regions with substantial growth rates, a code enforcement program can be self-supporting if the appropriate fees are adopted by the participating municipalities. A joint code enforcement program can be provided under an Act 177 agreement or a COG, including a regional or joint code appeals board.

**Computers.** There are several possibilities for joint municipal activities for computers. These include standardized hardware and software and shared training for the municipalities; a centralized computer with remote terminals in the municipal offices; and a staff computer expert serving several municipalities. The centralized computer system may operate as a full-range financial service bureau or as a specialized support service. Municipal shares of the centralized computer operating costs can be based on use and the system operated under an Act 177 contract or a COG. The staff computer expert could be a COG employee or an employee of a municipality shared on a contract basis at an hourly fee.

**Economic Development.** Pennsylvania communities have faced severe job loss crises in the past. Economic development and recovery are critical concerns for our communities and citizens. Chapter I illustrated how our municipalities are interdependent. Economic development programs must recognize this interdependence and address problems on a regional basis. Efforts to develop a commercial or industrial center to build the tax and employment base in one municipality may succeed only at the cost of drawing businesses or jobs from a nearby municipality. This is not a solution to a problem; it is a transfer of the problem to “the other guy.” An effective economic development program must serve all the municipalities in an area. This can be accomplished by a cooperative approach to economic development. Grants for such programs are often available from the Pennsylvania Department of Community and Economic Development and priority for such funding is given to regional efforts. Public/private partnerships where local businesses and industries provide some of the funds are frequently used in programs such as the Main Street Manager. Local governments should work together to provide the impetus and leadership for such efforts. An existing COG or an informal organization of local government officials can accomplish this task, often working in concert with the private sector. And, a more extensive program can be organized under a regional industrial and commercial development authority which can earn some income to support such efforts.

**Emergency Preparedness.** The Emergency Preparedness system in the Commonwealth of Pennsylvania is based on an organized hierarchy of responses leading in turn from local (municipal) efforts to the county, the Pennsylvania Emergency Management Agency (PEMA) and the Federal Emergency Management Agency (FEMA).

For example, a county emergency operations center is activated if an emergency is beyond the resources of a municipality or has the potential to spill over into neighboring municipalities. Even though the county has the principal responsibility for emergencies extending beyond municipal capabilities, several essential intergovernmental efforts will enhance local emergency preparedness.

In recent years, many Pennsylvania communities have united to establish regional emergency communications centers to coordinate response to natural and man-made disasters. With such a system in place and physically located in another municipality, a municipal emergency management coordinator (a required municipal appointment) can be out of touch with the operations he or she is supposed to coordinate if the municipal

emergency operations center (EOC) is in one municipality's building and the communications center (with emergency generator and alternate backups) is in another's. If several municipalities use the same communications center and assume that it can be used as their EOC, there may be a huge crunch at the communications center if an emergency causes the activation of several municipal EOCs. A coordinated, intergovernmental plan is the only effective way to anticipate such problems and organize solutions in advance of the emergency. PEMA and the county emergency management director can provide assistance with such coordination. The municipalities can work together through a COG or a joint program. Initial efforts can be organized informally.

**Fire Equipment and Mutual Aid.** Most volunteer fire companies in Pennsylvania have mutual aid agreements with neighboring companies. These agreements provide standby and actual response for major fires and for response to a second fire when a company has all its equipment at the first fire. If the fire company or companies serving your municipality do not have them, they should be encouraged to develop adequate backup agreements immediately.

A further development of the idea of mutual aid is to establish a coordinated plan for the purchase and replacement of equipment. Fire apparatus is very expensive and municipalities are often asked to share or pay the cost of such purchases. Adjacent companies in rural areas may be able to afford only one or two pieces of equipment, usually a pumper and a tank truck. If several companies plan their purchases together, each one may be responsible for a basic pumper and one specialized apparatus: an emergency truck, a tanker, and a tower or ladder truck. A COG can be a helpful organization for such coordinated planning or the fire companies can be asked to work together directly. The municipal funding for such purchases can also be planned and coordinated, with municipal shares allocated on a combination of population and assessed values.

**Halloween.** The coordination of Halloween activities is a simple yet important intergovernmental cooperation service. A number of social activities centered around Halloween are important to our younger citizens including parades, school activities, parties and trick-or-treat. And, if not coordinated, these may have spillover effects on our municipalities. For example, a successful municipal parade for costumed youngsters requires a good turnout from the whole area. If neighboring municipalities schedule trick-or-treat at the same time and date as the parade, the conflicting choices give parents headaches and reduce participation in the parade. And, if trick-or-treat is not scheduled on the same night in all municipalities in an area, the teenagers may gravitate to each municipality for its scheduled turn, concentrating the opportunities for mischief and trouble for the police. Coordination of Halloween activities can be part of a COG program or an informal agreement among the municipalities.

**Insurance.** The insurance cycle results in periodic jumps in the costs of insurance for municipalities. In the mid 1980s, some municipalities saw their annual premiums double, triple or even quadruple. And, some coverages became unavailable at any price. One of the strategies to reduce the impact of escalating expense and declining availability is to provide the necessary coverages through a variety of intergovernmental programs. Employee health insurance is essential for a municipality's employees, but it must both be affordable and provide adequate coverage. Very large groups of municipalities may consider a complete self-insurance program under an Act 177 agreement. More common is an approach where several municipalities join together to form a single, larger employee pool and contract with a health insurance provider for the coverage. Some providers offer both better coverage and lower prices per employee for larger groups. This approach is often organized under a contract program.

Liability insurance can also be provided on a large group self-insured basis. Several statewide insurance pools have been initiated and are organized under the provisions of Act 177. Such a program will be particularly effective when risk management is an integral part of the program. Even without pooled or self-insurance, municipalities working together can develop a joint risk management program which will help hold down their insurance costs over the long run. Costs of such a program can be shared on the basis of assessed valuation and population.

**Planning.** Intergovernmental cooperation to organize and coordinate municipal planning efforts should be a high priority for all Pennsylvania local governments. As noted in Chapter I, our interdependence is a basic characteristic of municipal business. What the neighboring municipality does or does not do affects our municipality. And, what we do often has unrecognized impacts on our neighbors even while we confidently believe we are engaged in good planning. Downstream impacts of stormwater system improvements are often ignored; road networks are less than optimal; low density developments in key locations make extension of water and sewer services to denser areas beyond more difficult; and the shopping center or industrial park in one municipality creates problems in the adjacent neighborhood in a different municipality.

The Pennsylvania Municipalities Planning Code (Act 247 of 1968 as amended) provides for multimunicipal or joint comprehensive planning and zoning and implementation of intergovernmental cooperation planning and land use agreements. On a more informal basis, the planning commissions of neighboring municipalities can meet to discuss common problems, share ideas about solutions, and assure plans are coordinated near common boundaries. Or, the elected municipal officials can meet informally or as a COG to work on this cooperative effort. In particular, the municipal officials in an area may wish to commission a joint study of a shared problem such as stormwater management or a regional mapping or aerial photography program. Costs of such an activity can be based on population and assessed valuation or equal shares. Assistance for regional planning efforts is available from some county planning commissions.

**Police Dispatch and Records.** With the availability of the 911 emergency telephone system to more and more counties, region-wide dispatch of police is increasingly common. A full time, 24-hour county communications center can serve the needs of police departments and eliminate overhead and capital costs of local police dispatch systems. The Public Safety Emergency Telephone Act of 1990 establishes the framework for counties to set up emergency 911 telephone networks. The county plans must provide for a single center to receive emergency calls. In most cases, the plans establish a single county dispatch center, since the expenses of such a center can be paid for from the monthly contribution rates levied on local telephone lines. Where local units choose to retain their own dispatch centers, they must be paid for by local taxpayers.

A regional police records system is a logical extension of a regional police dispatch system, although it is possible to have either system without the other. A regional records system, whether manual or computerized, provides a central facility and staff to maintain and access records and prepare all needed reports on a regular basis. An added advantage is any pattern of activity crossing municipal boundaries will be identified, rather than obscured by separate municipal record systems. If a regional records system is jointly located with a regional dispatch center, the police officer on patrol has direct radio access to the records of his department and the entire region. A regional records system can be part of a COG program or a contract program. Costs can be shared on the basis of population or use.

**Police Mutual Aid.** As with fire services, there often is a need for police departments to provide assistance to one another. A fleeing suspect can quickly drive through several municipalities. A major crime may require more police officers than a single municipality can put on duty at one time. Or, a lone patrol officer may need backup in an emergency. Many police departments recognize these needs and have either informal understandings or written agreements with neighboring departments for such assistance. Such agreements should be formal agreements under Act 177, adopted by the elected municipal officials, not just department-to-department agreements. Provisions that should be spelled out in the agreement include:

- (a) If department policies differ on such issues as high speed chases and roadblocks, which policy does the assisting officer follow?
- (b) Which municipality provides insurance coverage?
- (c) If the number of assistance calls by each municipality is not balanced, will there be a charge?
- (d) Which officer is in command at the scene?

- (e) If no police officer is on duty in the requesting municipality, is the responding municipality required to respond? If so, is there a charge?

An affirmative response to the last question moves the participants closer to contract police services than mutual aid and requires further study.

**Police Testing.** A regional approach to testing police candidates has advantages for both the applicants and the municipalities. The applicants interested in becoming police officers don't have to shop around, taking tests and filling out applications at five or ten municipalities. The municipalities save much of the cost of testing since the candidates take only one test (with shared cost) rather than separate tests at each municipality's expense. The product of the regional testing can be one master list or separate municipal hiring lists based on the terms of the program. A new list or lists should be prepared each year. Regional testing can be organized as part of a COG program or as joint program. Costs should be allocated based on the size of the police departments (the number of sworn personnel) or the anticipated use of the list. A police testing program will not be properly funded if each municipality pays only when it "buys" a name from the list; someone has to provide the initial investment to cover the test costs and should not have to risk not recovering its costs.

**Recycling.** Act 101 of 1988 established mandatory recycling requirements for many Pennsylvania municipalities and all can participate voluntarily. This Act is implemented most effectively through regional efforts. Since the law allows municipalities to select any three materials from a list of eight, an uncoordinated group of municipalities in an area will likely have different materials recycled. This reduces the chances for the program succeeding, since private businesses will need to find a sufficient material flow for eight low volume materials to justify starting or continuing operations. If the municipalities agree on three common materials to be recycled, the chances of the private sector successfully responding to this material flow are greatly enhanced. This agreement can be informal. Municipalities may also cooperate to collect recycled materials. Such cooperation may be organized as a joint program to contract with a private business to collect, store and market all recycled materials in the area; or as a joint municipal contract program if one municipality has the collection equipment and storage space to handle a recycling operation. Costs can usually be built into the trash collection fees charged to homeowners and businesses and will be balanced (at least in part) by reduced hauling and landfill costs for the non-recycled portion of the solid waste stream.

**Recreation Programs.** We have already discussed the development of regional recreation facilities. In addition to such facilities, region-wide recreation programs can be an effective way to provide services to our citizens using municipal, school, or regional facilities. Citizens in an area may be interested in a variety of recreation programs, including adult and senior citizen exercise programs, youth swimming and tennis lessons, soccer, football, swimming, softball, and volleyball leagues for youth and adult groups and children's summer programs in playground areas. However, a single municipality trying to organize such an extensive array of programs on its own may have too few citizens interested to support any one program, much less the whole list of activities. If the municipalities join efforts, just the opposite can happen. There are enough citizens interested in each and every program to make them all feasible. A regional recreation program can be organized under a regional recreation board or COG. The recreation programs will produce some income; the balance of program costs can be shared by the municipalities on the basis of population and assessed valuation.

**Salary and Benefits Survey.** A regional survey of municipal salaries and benefits is an excellent budgeting and negotiating tool for the participating municipalities. State and national municipal organizations publish some salary information, but this general information may not accurately reflect the compensation picture in your area. Fair treatment of municipal employees includes providing a competitive wage and benefits plan. Without a competitive compensation plan, municipalities lose their better employees and incur high turnover costs. The regional survey of municipal salaries and benefits provides a measure of a municipality's standing in its ability to recruit and retain employees and should be used as a guide during budget preparation.

A comprehensive salary and benefits survey is an essential tool during labor negotiations. The employees' bargaining unit will know and point out where the municipality falls short of its neighbors' compensation package. Negotiators will not draw your attention to parts of the neighbors' packages that are not up to yours. The comprehensive survey is the only way to be prepared with that information. A salary and benefits survey can be completed by a COG or on an informal basis. Costs are minimal and should be shared equally among the participating municipalities. Or, the municipalities can take turns on an annual basis completing and distributing the survey, with any costs paid that year by the designated municipality.

**Solid Waste Collection.** Municipalities usually provide for solid waste collection by one of two methods: with municipal trucks and crews, or by contracting with a private hauler. The costs of collection are usually covered in one of two ways: by tax revenues or by customer charges. Either collection method can be used in combination with either payment method. Regardless of the collection and payment system used, a region-wide approach to solid waste collection can be more efficient than separate municipal collections. Regional collection provides a larger customer base over which to distribute overhead and capital costs. Collection routes can be particularly improved where municipal boundaries cut through neighborhoods or across routes. And, the percentage of routes in deadhead runs can be minimized.

If a municipality is to be the provider of collection services for other municipalities, the arrangements should be established in an Act 177 agreement. The service can be funded either by payments between municipalities or by direct payments from the customer to the collecting municipality. If payments between municipalities are to be used, the reader should review the section on contract police service for a more detailed model of a contract service. If a joint municipal contract with a private hauler is the approach adopted, an Act 177 agreement including determination of the payment method is recommended. Read the section on joint purchasing to be sure all key points are covered.

**Street Naming.** Emergency dispatchers frequently receive calls like this: "Help! I need an ambulance at 425 Elm." (Click.) That's it. The caller hangs up to go look for the ambulance. Even though dispatchers are usually able to get the caller to hold on and give more information, sometimes they get away. The situation is critical if the dispatch center serves several communities with an Elm Street or Lane. Where is the ambulance to be sent? Precious seconds and perhaps a life can be saved if this situation can be avoided.

Municipalities should work together to coordinate the naming of streets to avoid name duplications in new developments. Street names that sound alike, even if their spelling is quite different, also should be avoided because the key emergency communication is oral, not written. A further step is to work together to eliminate name duplications on existing streets. Residents and businesses are seldom pleased to change the name of their street address, but will accept the change if the safety advantage is clearly spelled out. Municipalities working together may "trade" names to minimize the number of name changes required in each jurisdiction. A street naming program can be organized using a handshake agreement or a Council of Governments. It is important to organize the effort on a continuing basis to avoid future duplications. Costs of the program, such as new street name signs, are usually borne by each participating municipality for the signs in its own jurisdiction. If street names are traded, the signs can be traded too.

**Traffic Signal Maintenance.** A common problem shared by municipalities is the maintenance of traffic signals. Most municipalities have only a few traffic signals but some have dozens or more. Only the largest municipalities own a large enough number of signals to make it feasible to hire a skilled employee, purchase a bucket truck and maintain a spare parts inventory for signal maintenance and repair.

For most municipalities, intergovernmental cooperation offers a way to achieve an effective signal maintenance program. If one municipality in an area is close to being large enough to set up its own maintenance service, the cooperation of several neighboring municipalities can benefit both. Such a system can be set up as a contract program with cost shares based on an hourly rate or a percentage of total time allocated to each municipality. Where none of the municipalities in an area are that large, joining together to hire a single

contractor to provide this service can be advantageous. The vendors are willing to commit more effort and resources to a larger operation. The specifications for the joint contract should include the response time for emergencies, a regular maintenance schedule and the required inventory of spare parts. The regional traffic signal maintenance program should be organized as part of a COG or as a joint program, and the procedures for joint purchasing should be followed.

## V. Making Cooperation Work

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Municipal officials who are considering an intergovernmental program for the first time may find several key ideas that will help them avoid pitfalls others have experienced and achieve success in their initial efforts in this chapter. Old hands at cooperation may find a new perspective on how a program could work better or how one that failed might have been saved. The suggestions in this chapter have been organized under five topics for ease of reading, but each suggestion really stands on its own. Some suggestions, which may appear obvious, are frequently overlooked. This chapter will serve as a reminder to recall the keys, obvious and not so obvious, to a successful cooperative effort.

### Start Off On The Right Foot

Many intergovernmental cooperation efforts have been initiated and promptly failed because well-intended local officials did not lay a sound foundation for their cooperative efforts. A good start is essential. If a program starts off on the wrong foot, the lion's share of the effort is spent trying to get back in step rather than proceeding with the program. Attention to the need for a good start will form the solid foundation necessary for success.

**Be Inclusive.** Often, a few key people start the ball rolling for a cooperative program. In fact, almost all ideas for cooperation start with a small core group. A new idea must be developed carefully, so it is often the tendency of such a core group to keep the effort to themselves until the plans are fully developed. While well intended, this closed effort has the appearance of excluding municipalities and officials not part of the core group, even though such exclusion may not be intended. This exclusion can create animosity and resistance towards an idea for a cooperative program that may otherwise have considerable merit.

It is better to be inclusive right from the start. Let all potential participating municipalities and municipal officials have an opportunity to participate in the development of the idea or at least in the selection of a core working group. A self-selected group is viewed with suspicion. A program developed with the presumption that certain municipalities will participate and others might be included later, if interested, in effect excludes the latter group. A cooperative program has a better chance for success if all potential participants are included from the start.

**Involve Elected Officials.** The impetus for a cooperative program often comes from a planning commission, a recreation board, a community group, municipal staff or a county official. It is very important that the involvement and support of the municipal elected officials be obtained early in the process of developing the cooperative program, even if the initiating group does all the work to develop the program. Otherwise, a great amount of effort can be wasted on developing a program that may not get its final approval for funding from the key decision-makers, the municipal elected officials.

**Involve Municipal Staff.** Cooperative programs are often perceived as threatening to the responsibilities or “turf” of municipal employees and sometimes even to the continuation of their jobs. In some cases, these threats are real; jobs may be lost and/or responsibilities transferred to a cooperative program. In such cases, the municipal officials must deal with the affected employees fairly and forthrightly. Otherwise, the employees may organize an effective opposition campaign generating emotionally charged negative publicity and cause the demise of the cooperative program. Frequently, the employees' view of the threat is more a matter of false perception than actual fact. If the municipal staff is not involved, they will respond on the basis of their perceptions, and the negative publicity described above will defeat a program they would have supported if they had been involved.

**Start With An Easy Project.** In an area where there is a potential for a number of cooperative programs or a council of governments, it is best to start with an easy project. An easy project exhibits consensus among the participating municipalities, involves limited financial risk and has a high potential for success. If such an opportunity exists, it is an excellent way to start off. The municipal officials can savor first hand a successful effort and build future cooperative efforts on this solid foundation.

**Communicate Effectively.** More good ideas for intergovernmental cooperation fail because of poor communications than for any other reason. If all participating municipalities and officials are not kept fully informed, the decisions about a cooperative program begin to be made on the basis of assumptions and perceptions rather than facts. Newsletters, annual reports, well documented budgets, minutes of meetings and regular reports by municipal representatives on cooperative programs are all good ways to communicate. It is best to use more than one method of communication so the messages are reinforced. Reliance on a single approach, particularly on oral reports by a municipality's delegate to a regional program board, are vulnerable to a lack of enthusiasm or articulateness on the part of the delegate. Incomplete or distorted information can result from such a report. At the same time, the personal observations and support of a delegate can be crucial to a cooperative program's success. Regular reports from municipal representatives are very important, but should not be relied upon as the sole means of communication.

Communication to the public through the press and electronic media is also important. Openness is crucial to the success of intergovernmental programs and provides an opportunity to explain the benefits of programs to the citizens. In general, the principle of cooperative programs is viewed positively by the press as a good government issue. Therefore, the media will usually give positive coverage to cooperative efforts unless there is an effort to maintain "secrecy," an easy way to get negative coverage.

## Maintain A Cooperative Spirit

Intergovernmental cooperation is strengthened by establishing and maintaining a spirit of cooperation in an area. A positive, supportive attitude toward cooperation is a key to success. It makes officials more willing to try a program, to give it a chance to work. This section illustrates some elements making up that cooperative spirit.

**Be Proactive.** Cooperation does not come to communities that sit on their hands and wait for the other guy to start something. A cooperative spirit leads municipal officials to seek out opportunities for cooperation, to be proactive. When these potential programs are identified, the proactive community pursues the opportunity with its neighbors and works actively to develop the programs into success stories.

**Be Flexible.** One of the points of this handbook has been to illustrate there are numerous ways to organize intergovernmental cooperation programs. There is seldom one absolutely right way to organize a given program for a given area. In an area with a Council of Governments, officials sometimes assume that all cooperative programs must be part of the COG's program, participated in by all municipalities in the COG and on the same cost sharing basis as the COG. None of these assumptions is correct. If municipalities take inflexible positions on one or more of these points, a program might not get started or may be less effective than possible. Cooperation is a matter of give and take. Municipal officials must maintain an openness to different solutions for different problems. Since the municipalities will be neighbors for many, many years to come, there will be numerous opportunities to gain mutual benefits if a little flexibility now establishes a cooperative spirit for future efforts.

**Be Patient.** Municipal officials tend to be action oriented. Elected officials are constrained by the fixed length of time before they have to face a reelection campaign. Municipal employees are hired to get things done. And, the public generally shows little understanding for a go-slow approach to resolving problems.

Despite all these pressures for prompt action, cooperative efforts take time and must be approached with patience. As we noted earlier, it is often best to start off with an easy project rather than plunging directly into a major sewer plant or police consolidation program. A cooperative program also takes longer to organize than a municipal program for the same service simply because there are more people and more approvals required. And, care is especially important when setting up that first cooperative program in an area to establish a good base for future efforts. A patient, step-by-step approach with plenty of time for each step will lead to more success in the long run. Announcements of premature or unrealistic implementation dates end up making the project organizers look inept and confused. It is important to remain patient.

**Think Regionally.** Municipal officials constantly face decisions about new, expanded or changed municipal services. They typically look first to staff changes or to contracting with a private sector firm to provide the services. An intergovernmental approach may be an afterthought, if it is considered at all.

After reading this handbook, you should be prepared to think regionally, to put intergovernmental approaches on the priority list of possible solutions to municipal problems. If you ask yourself, “Is there a regional solution to this problem?” for every issue raised in municipal government, you will be surprised at the number of times the answer is affirmative. To maintain a cooperative spirit, you must think regionally about each and every problem your municipality faces.

**Brief New Elected Officials.** The spirit of cooperation must be handed down from generation to generation of municipal councils or boards. Officials who initiate cooperative efforts are often enthusiastic supporters of regional programs and have a strong cooperative spirit. As those officials leave municipal office, their replacements may have little familiarity with the cooperative programs or with the underlying spirit of cooperation needed for continuing support and participation. These new elected officials must be fully informed about the cooperative programs and the spirit of cooperation on which they are based. These new officials will bring with them new perspectives and questions. Some of the questions may have been asked many times before, but new officials are entitled to the answers. Their new ideas may strengthen the program. This strengthening is most likely if the spirit of cooperation has been handed down from their predecessors.

## Proceed With Care

As a municipality proceeds to develop and support intergovernmental cooperation, it should do so with caution. A headlong plunge into uncharted waters is too risky. Instead, a careful, thorough approach is called for. This section offers some suggestions on how to proceed with care.

**Study Options Thoroughly.** This handbook offers numerous ways of organizing and funding intergovernmental programs. If the study is undertaken with diligence and a spirit of cooperation, it will lead to a more effective cooperative program. If the study is poorly organized or used to stall a decision, then the critics are right — the proposal is being studied to death. A thorough analysis and presentation will provide the officials in all the potential participating municipalities the information needed to support the program. Incomplete information often elicits a negative response.

**Select Realistic Programs.** A companion to thoroughness is realism. A cooperative program that sounds great in theory but has little chance of success is a waste of time and money. Those considering cooperative programs must have a sense of what is feasible in their area for a particular service, from both a political and a financial perspective. One of the most frequent failures in cooperative programs is to attempt a joint purchasing program that seems to follow the principles of bulk purchasing, but does not surpass the critical thresholds necessary to make these principles effective. A realistic assessment of the possibilities in practice, as well as in theory, is needed to build a successful program.

**Pay Attention to the Little Things.** Often, a terrific idea is presented and is quickly agreed to by all participants. Unless this is followed up by a specific written document outlining the details, there is a great potential for ambiguity and ultimate collapse of the program because of misunderstandings. Insistence on working out these details in advance should be taken as a commitment to the long term success of the program.

**Watch Out for the Ease of Informality.** When participants easily agree to an idea for a cooperative program, there is a tendency to accept the agreement informally as initially stated. This is the easy way to start a program: no documents, no formal actions, no lengthy debates about details; agreement in principle is all that is needed. The ease of this informal agreement is a trap. Unless the agreement is formalized with proper documents and actions, there is no permanent agreement. Participants can walk away at will and leave the others hanging. Again, insistence on proper procedures should be encouraged as a commitment to the long term success of intergovernmental cooperation.

## Allocate Costs Fairly

**Cooperation is free.** Cooperative programs cost money. This is not a contradiction. The programs, not the cooperation, cost money. But the cost of providing a cooperative service should be less than the cost of each municipality providing the same service independently.

Chapter III presented a variety of ways to share the costs of cooperative programs. The purpose of that chapter was to illustrate possibilities. This section suggests how to sort out the possibilities and make your choices work for you.

**Focus on Cost Savings and Outputs.** A cooperative program should be a win/win rather than a win/lose situation for all participating municipalities. Each municipality should win, saving money through the cooperative approach, or at the very least it should break even as compared to the cost of providing the same or better, more effective and efficient, quality and quantity of service as a separate unit.

If each municipality accepts and recognizes this principle, the fair allocation of costs of a cooperative program starts to become focused. Whatever formulas or approaches in Chapter III produce a winning situation for all participants in a cooperative program are possibilities. A combination of several winning methods is the best compromise. All municipalities should gain from the cooperative approach, rather than one municipality attempt to maximize its gain at the expense of others. If the municipalities focus first on the cost savings of the program for all participants, then the fair allocation of costs can be worked out. In other words, accept a reasonable compromise giving your municipality a reasonable cost savings when compared to the others. Do this rather than attempting to squeeze every last dollar out of the formula to your advantage and the others' disadvantage. Such a negative approach may defeat the program and, at the least, does not set a cooperative spirit in place for work on the next cooperative program in your area.

**Share Total Costs.** When a cooperative program is established, it is important to identify and share all of the costs associated with the program. If there are hidden costs that come to light at a later date, all participants can be soured on a program when they might have supported it all along had they known the true costs from the start.

The failure to recognize and share total costs of a program arises most frequently in contract programs where one or more municipalities purchase a service from another. Typically, the provider municipality starts out by offering the service at its marginal cost for an increase above current service levels and fails to recognize all overhead and support costs of this marginal increase. A typical example of this problem is spelled out in the section on contracting for police service. Sharing the total costs, rather than marginal costs of a program from the start, is the only way to insure fairness and avoid problems later on.

**Set Up a Positive Cash Flow.** Before beginning a cooperative program, a system assuring timely payment of municipal shares of the program must be established. This system should provide payment of those shares in a way that avoids the need for the cooperative program to borrow funds to pay its bills. The interest cost of this borrowing is simply an increase in the cost of the program, an increase that may make the program appear to be less cost effective than it actually is. And, if borrowing is necessitated because one or two municipalities pay late, then in effect the municipalities that pay promptly carry the cost of their less responsive neighbors' late payments. This lack of cooperative spirit can cause dissention and problems for the cooperative program. It is far better to establish and stick to a payment schedule that insures a positive cash flow for the cooperative program.

**Avoid Overdependence on Grants.** Grants from the state and federal governments are sometimes available for cooperative programs. In some cases, regular grant programs may even have a priority ranking for regional projects.

While these grants can be instrumental in helping start a cooperative program, it is a mistake to start a program simply because the funding is there. A cooperative program should be started only after analysis determines it is feasible in the long run once the seed funding is terminated. In this way, an overdependence on grants can be avoided.

## **Deal Directly With Problems**

Since intergovernmental programs are voluntary and cooperative, municipal officials sometimes believe the programs are also fragile, that they cannot survive problems. As a result, a considerable effort is expended in avoiding problems. A far better strategy is to address problems directly. A program that is so fragile it shatters when faced with a problem is probably not a very sound one. In fact, the process of addressing and resolving problems often can be used positively to strengthen programs. This section discusses some of the problems frequently faced in cooperative programs.

**Learn From Failures.** When a cooperative program is attempted and fails, municipal officials sometimes throw up their hands in frustration and swear that intergovernmental cooperation will never work in this area. Since municipalities remain neighbors for many years, this approach shuts off many opportunities for cooperation. Instead of giving up, municipal officials should use the opportunity presented by the failure to learn about how cooperation could work in their area. They should be able to make the next effort more successful.

**Address Turf Issues.** The term turf is used to describe the area of responsibility of a person or organization. People are usually very protective of their turf. Municipal councils and boards are concerned to maintain control and direction of municipal operations. Municipal staff are concerned about keeping their jobs and responsibilities. As a result, municipal officials who perceive a threat to their turf from a cooperative program become very resistant to that program even if the threat to their turf is imagined rather than real.

Potential turf issues, imagined and actual, should be identified as part of the process of developing a cooperative program. Once these issues are identified, a strategy for addressing the concerns can be implemented. Most turf issues can be resolved and the impact of the remainder can be minimized. The only insurmountable problem with turf is to pretend that such issues don't exist.

**Recognize Historical Animosity.** Municipal officials, are generally neighbors for a long time. There may be animosities between some officials because of a long past event. While these events may be far distant from current efforts at cooperation, the hard feelings may persist and make it difficult for these officials to work together. It is important to recognize such animosity when it occurs, especially if it begins to affect the effort at cooperation. Once the problem is recognized, it must either be resolved (an often impossible task) or a way

found to work with or around the problem. One strategy is to assign tasks to participating officials to keep the protagonists separated as much as possible once the animosity has been identified. In any case, a knowledge of such animosities will minimize the risk that a cooperative effort will be undercut by a totally unrelated problem.

**Respond Directly to Challenges.** There are several challenges frequently asserted as arguments against intergovernmental cooperation. These challenges require a direct response, as suggested below:

- a. **Challenge:** A cooperative program or COG is just another level of government.  
**Response:** It's no such thing. It's a pooling of the resources and powers of the participating municipalities to provide those particular cooperative services in the most effective way possible. There is no other "level" of government created.
- b. **Challenge:** A cooperative program or COG is a duplication of services.  
**Response:** That is exactly what it is not. In fact, if there was any duplication it was in the separate, less efficient services in each municipality prior to cooperation.
- c. **Challenge:** A cooperative program or COG means a tax increase.  
**Response:** A tax increase may or may not be needed to provide the services. The cooperative approach is a way to minimize the cost. It is the service, not the cooperation that requires tax funds.
- d. **Challenge:** A cooperative program or COG means we'll be (1) dominated by the biggest municipality or (2) dragged down to the lowest common denominator of the smallest.  
**Response:** Since intergovernmental cooperation is voluntary, it is entered into only if it is of mutual benefit to both or all municipalities. There is no domination or dragging-down of municipalities.

## Conclusion

At the beginning of this handbook, we asked: "Why Cooperate?" We responded to this question by explaining how interdependence practically demands intergovernmental cooperation and how cooperation helps municipalities gain greater effectiveness and efficiency in the provision of services.

This handbook is devoted to methods and subjects of intergovernmental cooperation. The last section, offers some suggestions on how to make your efforts at intergovernmental cooperation a success.

As municipal responsibilities become increasingly complex and demanding, we must constantly seek the best way to provide the services needed by our communities. Part of the solution to this challenge is intergovernmental cooperation. Cooperation is in the future of successful local governments. The question only you can answer is whether it is in the future of your local government.

**SUBPART D**  
AREA GOVERNMENT AND INTERGOVERNMENTAL  
COOPERATION

**Chapter**

- 23. General Provisions
- 25. Environmental Improvement Compacts

**CHAPTER 23**  
GENERAL PROVISIONS

**Subchapter**

- A. Intergovernmental Cooperation
- B. Environmental Advisory Councils
- C. Regional Planning

**Enactment.** Chapter 23 was added December 19, 1996, P.L.1158, No.177, effective in 60 days.

**SUBCHAPTER A**  
INTERGOVERNMENTAL COOPERATION

**Sec.**

- 2301. Scope of subchapter.
- 2302. Definitions.
- 2303. Intergovernmental cooperation authorized.
- 2304. Intergovernmental cooperation.
- 2305. Ordinance.
- 2306. Initiative and referendum.
- 2307. Content of ordinance.
- 2308. Bids for certain joint purchases.
- 2309. Direct purchases.
- 2310. Joint purchases with private educational establishments.
- 2311. Written or telephonic price quotations required.
- 2312. Division of transactions provided.
- 2313. Penalty.
- 2314. Review of agreement by Local Government Commission.
- 2315. Effect of joint cooperation agreements.
- 2316. Recognition by Commonwealth departments and agencies.

**Cross References.** Subchapter A is referred to in sections 5611, 8002 of this title; section 8501 of Title 42 (Judiciary

and Judicial Procedure).

**§ 2301. Scope of subchapter.**

This subchapter applies to all local governments.

**§ 2302. Definitions.**

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**"Local government."** A county, city of the second class, second class A and third class, borough, incorporated town, township, school district or any other similar general purpose unit of government created by the General Assembly after July 12, 1972.

**§ 2303. Intergovernmental cooperation authorized.**

(a) **General rule.**--Two or more local governments in this Commonwealth may jointly cooperate, or any local government may jointly cooperate with any similar entities located in any other state, in the exercise or in the performance of their respective governmental functions, powers or responsibilities.

(b) **Joint agreements.**--For the purpose of carrying the provisions of this subchapter into effect, the local governments or other entities so cooperating shall enter into any joint agreements as may be deemed appropriate for those purposes.

**§ 2304. Intergovernmental cooperation.**

A municipality by act of its governing body may, or upon being required by initiative and referendum in the area affected shall, cooperate or agree in the exercise of any function, power or responsibility with or delegate or transfer any function, power or responsibility to one or more other local governments, the Federal Government or any other state or its government.

**§ 2305. Ordinance.**

A local government may enter into intergovernmental cooperation with or delegate any functions, powers or responsibilities to another governmental unit or local government upon the passage of an ordinance by its governing body. If mandated by initiative and referendum in the area affected, the local government shall adopt such an ordinance.

**§ 2306. Initiative and referendum.**

(a) **Initiative.**--An initiative under this subchapter shall be commenced by filing with the appropriate election officials at least 90 days prior to the next primary or general election a petition containing a proposal for referendum signed by electors comprising 5% of the number of electors voting for the office of Governor in the last gubernatorial election in each local

government or area affected. The applicable election officials shall place the proposal on the ballot in a manner fairly representing the content of the petition for decision by referendum at the election. Initiative on a similar question shall not be submitted more often than once in five years.

**(b) Referendum.**--The question shall be placed on the ballot as a referendum and shall become effective by a majority vote of the electors voting thereon.

**§ 2307. Content of ordinance.**

The ordinance adopted by the governing body of a local government entering into intergovernmental cooperation or delegating or transferring any functions, powers or responsibilities to another local government or to a council of governments, consortium or any other similar entity shall specify:

(1) The conditions of agreement in the case of cooperation with or delegation to other local governments, the Commonwealth, other states or the Federal Government.

(2) The duration of the term of the agreement.

(3) The purpose and objectives of the agreement, including the powers and scope of authority delegated in the agreement.

(4) The manner and extent of financing the agreement.

(5) The organizational structure necessary to implement the agreement.

(6) The manner in which real or personal property shall be acquired, managed, licensed or disposed of.

(7) That the entity created under this section shall be empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for its employees.

**§ 2308. Bids for certain joint purchases.**

All joint purchases involving an expenditure of more than \$10,000 shall be made by contract, in writing, only after notice for bids once a week for two weeks in at least one and not more than two newspapers of general circulation in the joining local governments. All contracts shall be let to the lowest responsible bidder. Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the Steel Products Procurement Act.

**Cross References.** Section 2308 is referred to in sections 2309, 2312, 2313 of this title.

**§ 2309. Direct purchases.**

In addition to joint purchases authorized by section 2308 (relating to bids for certain joint purchases), local governments may make direct purchases from vendors or suppliers of goods, materials or equipment without compliance with existing and otherwise applicable statutory requirements governing competitive bidding and execution of contracts as follows:

(1) Any county may by appropriate resolution, and subject to such reasonable regulations as it may prescribe, permit any local government within the county to participate in or purchase off contracts for goods, materials or equipment entered into by the county.

(2) Any local government desiring to participate in purchase contracts shall file with the county purchasing agency and with the county solicitor a certified copy of an ordinance or resolution of its governing body requesting that it be authorized to participate in purchase contracts of the county and agreeing that it will be bound by the terms and conditions as the county prescribes and that it will be responsible for payment directly to the vendor under each purchase contract.

(3) The county may permit participation by local governments only where the solicitation for bids and specifications for the county contracts, and the contracts themselves, expressly provide for and inform prospective and successful bidders that the contract to be let is intended to be subject to this subchapter and to regulations adopted by the county.

(4) Among the terms and conditions as the county may specify, it shall prescribe that all prices shall be F.O.B. destination.

**§ 2310. Joint purchases with private educational establishments.**

Any local government may, by ordinance, authorize joint purchases of materials, supplies and equipment with any private school, parochial school, private college or university or nonprofit human services agency within the local government. The ordinance shall require that the school, college or agency shall be bound by the terms and conditions of purchasing agreements which the local government prescribes and that the school,

college or agency shall be responsible for payment directly to the vendor under each purchase contract. Schools, colleges and agencies shall be exempt from any existing statutory requirements governing competitive bidding and execution of contracts with respect to purchases under this section.

**§ 2311. Written or telephonic price quotations required.**

Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed \$4,000 but are less than the amount requiring advertisement and competitive bidding, or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price, written price quotations, written records of telephonic price quotations, and memoranda shall be retained for a period of three years.

**§ 2312. Division of transactions provided.**

No local government shall evade the provisions of section 2308 (relating to bids for certain joint purchases) as to advertising for bids or purchasing materials or contracting for services piecemeal for the purpose of obtaining prices under \$10,000 upon transactions which should in the exercise of reasonable discretion and prudence be conducted as one transaction amounting to more than \$10,000. This provision is intended to make unlawful the practice of evading advertising requirements by making a series of purchases or contracts each for less than the advertising requirement price or by making several simultaneous purchases or contracts each below such price when in either case the transaction involved should have been made as one transaction for one price.

**§ 2313. Penalty.**

Any member of a governing body of a local government who votes to unlawfully evade the provisions of section 2308 (relating to bids for certain joint purchases) and who knows that the transaction upon which he so votes is or ought to be a part of a larger transaction and that it is being divided in order to evade the requirements as to advertising for bids commits a misdemeanor of the third degree for each contract entered into as a direct result of that vote.

**§ 2314. Review of agreement by Local Government Commission.**

Every agreement between a local government and the Commonwealth, any other state, government of another state or the Federal Government under the provisions of this subchapter shall, prior to and as a condition precedent to enactment of an ordinance, be submitted to the Local Government Commission for review and recommendation. The commission shall within 60 days of receipt of the agreement determine whether it is in proper form and compatible with the laws of this Commonwealth. Failure of the commission to make recommendations within 60 days of receipt of the agreement shall constitute a recommendation in favor of the agreement.

**§ 2315. Effect of joint cooperation agreements.**

Any joint cooperation agreement shall be deemed in force as to any local government when the agreement has been adopted by ordinance by all cooperating local governments. After adoption by all cooperating local governments, the agreement shall be binding upon the local government, and its covenants may be enforced by appropriate remedy by any one or more of the local governments against any other local government which is a party to the agreement.

**§ 2316. Recognition by Commonwealth departments and agencies.**

All Commonwealth departments and agencies in the performance of their administrative duties shall deem a council of governments, consortiums or other similar entities established by two or more municipalities under this subchapter as a legal entity.

(May 30, 2001, P.L.102, No.13, eff. 60 days)

**2001 Amendment.** Act 13 added section 2316.

**SUBCHAPTER B**

**ENVIRONMENTAL ADVISORY COUNCILS**

**Sec.**

- 2321. Scope of subchapter.
- 2322. Establishment of environmental advisory council.
- 2323. Composition and organization of council.
- 2324. Powers and duties of council.
- 2325. Records and reports.
- 2326. Appropriations for expenses of council.
- 2327. Status of existing agencies unaffected.
- 2328. Assistance from State Conservation Commission.

2329. Assistance from Department of Community and Economic Development.

**§ 2321. Scope of subchapter.**

This subchapter applies to all municipal corporations.

**§ 2322. Establishment of environmental advisory council.**

The governing body of any municipal corporation or group of two or more municipal corporations may by ordinance establish an environmental advisory council to advise other local governmental agencies, including, but not limited to, the planning commission, park and recreation boards and elected officials, on matters dealing with protection, conservation, management, promotion and use of natural resources, including air, land and water resources, located within its or their territorial limits.

**§ 2323. Composition and organization of council.**

**(a) Composition.**--An environmental advisory council shall be composed of no less than three nor more than seven residents of the municipal corporation establishing the council, who shall be appointed and all vacancies filled by the governing body. Where two or more municipal corporations jointly establish an environmental advisory council, the members shall be appointed in the same manner by each of the respective municipal corporations establishing the council, each constituent municipal corporation to have equal membership on the joint council.

**(b) Term of office.**--Council members shall serve for three years except that initial appointments shall be so staggered that the terms of approximately one-third of the membership shall expire each year, the terms of their successors to be of three years each.

**(c) Compensation and expenses.**--Members shall receive no compensation for their services but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties.

**(d) Chairman.**--The appointing authority shall designate the chairman of the council except that in joint councils the chairman shall be elected by the duly selected members. Whenever possible, one member shall also be a member of the municipal planning board.

**§ 2324. Powers and duties of council.**

**(a) General rule.**--An environmental advisory council shall have the power to:

- (1) Identify environmental problems and recommend plans

and programs to the appropriate agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within its territorial limits.

(2) Make recommendations as to the possible use of open land areas of the municipal corporations within its territorial limits.

(3) Promote a community environmental program.

(4) Keep an index of all open areas, publicly or privately owned, including flood-prone areas, swamps and other unique natural areas, for the purpose of obtaining information on the proper use of those areas.

(5) Advise the appropriate local government agencies, including the planning commission and recreation and park board or, if none, the elected governing body or bodies within its territorial limits, in the acquisition of both real and personal property by gift, purchase, grant, bequest, easement, devise or lease, in matters dealing with the purposes of this subchapter.

**(b) Limitation.**--An environmental advisory council shall not exercise any powers or perform any duties which by law are conferred or imposed upon a Commonwealth agency.

**§ 2325. Records and reports.**

An environmental advisory council shall keep records of its meetings and activities and shall make an annual report which shall be printed in the annual report of the municipal corporation or, if none, otherwise made known and available.

**§ 2326. Appropriations for expenses of council.**

The governing body of any municipal corporation establishing an environmental advisory council may appropriate funds for the expenses incurred by the council. Appropriations may be expended for those administrative, clerical, printing and legal services as may be required and as shall be within the limit of funds appropriated to the council. The whole or any part of any funds so appropriated in any year may be placed in a conservation fund and allowed to accumulate from year to year or may be expended in any year.

**§ 2327. Status of existing agencies unaffected.**

This subchapter shall not be construed to require a municipal corporation to abolish an existing commission with a related responsibility or to prevent its establishment.

**§ 2328. Assistance from State Conservation Commission.**

The State Conservation Commission shall establish a program

of assistance to environmental advisory councils that may include educational services, exchange of information, assignment of technical personnel for natural resources planning assistance and the coordination of State and local conservation activities.

(May 5, 1998, P.L.301, No.50, eff. 60 days)

**§ 2329. Assistance from Department of Community and Economic Development.**

The Department of Community and Economic Development shall establish a program of assistance to environmental advisory councils in planning for the management, use and development of open space and recreation areas.

(May 5, 1998, P.L.301, No.50, eff. 60 days)

**SUBCHAPTER C**  
**REGIONAL PLANNING**

**Sec.**

2341. Short title and scope of subchapter.

2342. Definitions.

2343. Declaration of policy.

2344. Establishment and organization of regional planning commission.

2345. Finances, staff and program.

2346. Commission to prepare master plan.

2347. Cooperation between commission, municipalities and others.

2348. Interstate participation.

**§ 2341. Short title and scope of subchapter.**

**(a) Short title of subchapter.**--This subchapter shall be known and may be cited as the Regional Planning Law.

**(b) Scope of subchapter.**--This subchapter applies to all municipalities, but it shall not operate as a reenactment of any provisions repealed by section 1202 of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code.

**§ 2342. Definitions.**

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**"Commission."** A regional planning commission created in accordance with the terms of this subchapter.

**"Governing body."** The body or board authorized by law to

enact ordinances or adopt resolutions for the municipality.

**"Region."** An area comprised of two or more municipalities which have joined in creating a regional planning commission.

**§ 2343. Declaration of policy.**

For the purpose of promoting health, safety, morals and the general welfare of the regions in this Commonwealth through effective development, the powers set forth in this subchapter for the establishment of regional planning commissions are granted.

**§ 2344. Establishment and organization of regional planning commission.**

**(a) General rule.**--The governing body of two or more municipalities may, by ordinance or resolution, authorize the establishment or membership in and support of a regional planning commission. The number and qualifications of the members of any commission and their terms and method of appointment or removal shall be determined and agreed upon by the governing bodies. A majority of the members of the commission shall at the time of appointment to the commission and throughout the duration of their service on the commission be locally elected officials. Members of the commission shall serve without salary but may be paid expenses incurred in the performance of their duties. The commission shall elect a chairman whose term shall not exceed one year and who shall be eligible for reelection. The commission may create and fill other offices as it may determine.

**(b) Rules and records.**--The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

**(c) Assistance from municipality.**--Any municipality may, upon the request of the commission, assign or detail to the commission any employees of a municipality to make special surveys or studies requested by the commission.

**§ 2345. Finances, staff and program.**

**(a) General rule.**--The governing bodies of municipalities may appropriate funds for the purpose of contributing to the operation of the commission. The commission may, with the consent of all the governing bodies, also receive grants from the Federal or State governments or from individuals or foundations and shall have the authority to contract therewith. The commission may appoint such employees and staff as it deems necessary for its work and contract with planners and other

consultants for the services it may require. The commission may also perform planning services for any municipality which is not a member thereof and may charge fees for the work. The commission may also prepare and sell maps, reports, bulletins or other material and establish reasonable charges therefor.

**(b) Planning assistance.**--The commission may provide planning assistance and do planning work, including surveys, land use studies, urban renewal plans, technical services and other elements of comprehensive planning programs, for any municipalities within the region. For this purpose, the commission may, with the consent of all the governing bodies, accept any funds, personnel or other assistance made available by the Federal or State government or from individuals or foundations, and, for the purposes of receiving and using Federal or State planning grants for provision of urban planning assistance, the commission may enter into contracts regarding the acceptance or use of the funds or assistance.

**§ 2346. Commission to prepare master plan.**

The commission shall prepare a master plan, and the surveys and studies essential thereto, for the guidance of the physical development of the region.

**§ 2347. Cooperation between commission, municipalities and others.**

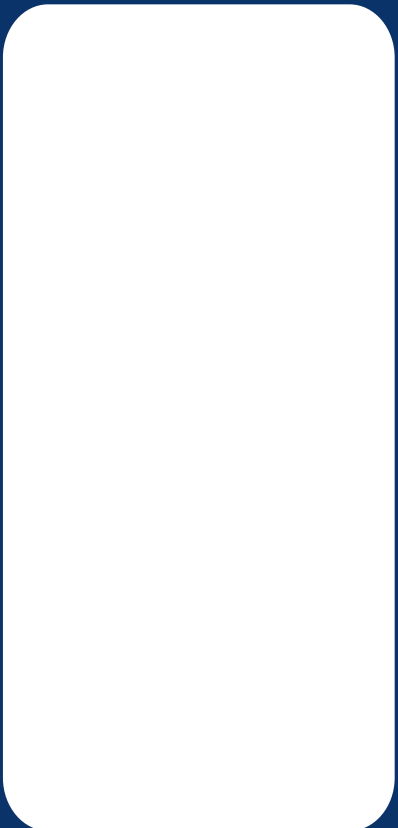
The commission shall encourage the cooperation of the municipalities within the region in matters which concern the integrity of the master plan or maps prepared by the commission, and, as an aid toward coordination, all municipalities and public officials shall, upon request, furnish the commission within a reasonable time the available maps, plans, reports and statistical or other information it may require for its work.

**§ 2348. Interstate participation.**

Whenever a regional planning commission has been or is being established to serve the Pennsylvania portion of an area which, for planning purposes, constitutes a logical region as approved by the State Planning Board and which extends beyond the boundaries of this Commonwealth, the commission may admit to membership municipalities that are part of the same region but located in other states. Municipalities may participate, through membership and financial support, in commissions that have been or are being established in other states when the municipalities are part of the same region served by the out-of-State commission.

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& ECONOMIC DEVELOPMENT