



Collaboration

Interlocal Introspection

GOVERNMENTS USE COLLABORATIVE
EFFORTS TO MAINTAIN
SERVICES DURING TOUGH TIMES

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If the cities of Kentucky had a slogan, it would probably be “doing more with less since 2008.” Times are tough for almost all cities, and many economists predict that the low point for cities is 2011. For most, the “easy” budget fixes, like delaying projects or tapping into rainy-day funds, have already been pursued. To find even greater savings, some city governments are turning to interlocal agreements to remove duplication, reduce overhead and provide more seamless services for residents.

Interlocal agreements are specifically authorized by statute. In Kentucky, the

Interlocal Cooperation Act (KRS 65.210-65.300) authorizes cities to contract with counties, agencies of the state, agencies of other states or the U.S. government via interlocal agreement to perform a function or deliver public services jointly. Simply stated, cities can collaborate with other governmental agencies to share services, equipment or personnel. It’s important to note that no service or function can be done jointly unless all parties in the agreement are empowered to perform the function independently. If you can’t do it alone, you can’t do it together.

Interlocal agreements can range from two cities sharing snowplowing duties on a street that serves as a border to creating a revenue-sharing agreement with multiple entities. Cities can create interlocal agreements with counties, other cities, the state and other agencies in many ways, including:


- Joint provisions of police and fire services
- Mutual aid agreements for emergency services (911, EMS)
- Parks and recreation services and equipment
- Water, sewer and solid waste disposal
- Libraries

- Tourism and economic development commissions
- Administrative boards (code enforcement, ethics, and planning and zoning)

For example, several cities and counties use the Interlocal Cooperation Act to comply with the requirements of the local government ethics law. These agencies find it to be the most cost-effective and efficient way, in terms of both money and human resources, to jointly adopt a local ethics code and use a joint board or administrator for enforcement of the code.

Interlocal agreements are legal contracts that require careful negotiation and compromise between all involved agencies. City officials should carefully consider what the duration of the agreement might be; what the composition and powers of any administrator, joint board or separate administrative entity created would include; how the joint activity will be financed; and the proper procedures for termination of the agreement and disposal of property. In fact, the Interlocal Cooperation Act requires these items to be addressed in any agreement formed.

To comply with the Interlocal Cooperation Act, all interlocal agreements entered into between cities, counties, charter counties, urban-county governments and sheriffs (and any combination thereof) should be submitted to the Department for Local Government for approval. Any other agreement should instead be submitted to the attorney general's office for approval. Please consult with your city attorney on all interlocal agreements and other contract matters.

The needs of citizens don't always stop and start neatly between the city limits, the county lines and even the state boundaries. Governments at all levels should consider whether the public could be better (and more efficiently) served through joint efforts. The KLC Legal Department can provide sample ordinances and answer questions regarding the interlocal cooperation laws. Additionally, KLC's Community Consulting Services can help your city work to identify common goals and facilitate meetings. Please contact KLC at 800.876.4552 for more information. 

Legislative Victory Makes It Easier for Cities to Merge Services

In the 2011 session, cities successfully achieved the passage of House Bill 229, which removes a barrier for local governments who are interested in merging departments, functions and other government services. This KLC initiative exempts a new governmental entity formed by merger or interlocal agreement from mandatory participation in the state health plan as long as all entities in the merger or agreement participated in the County Employees Retirement System (CERS) prior to April 9, 2002. For more information, please contact the KLC Legal Department at 800.876.4552.

Winchester: Consistent and Efficient Code Enforcement

The Winchester Board of Commissioners and the Clark County Fiscal Court recently passed a joint ordinance to create an administrative hearing board that would enforce uniform code enforcement standards and assess fines and penalties. The Board, which will be made up of appointees from the city and the county, will oversee local property and nuisance codes. They will have the authority to levy fines on anyone found in violation of the codes, as well as conduct hearings.

"The whole idea was to provide a mechanism that would provide enforcement in the city and the county," City Manager Ken Kerns said in an interview with the *Winchester Sun*.

"I recommend patience and persistence when pursuing a joint effort like this," Kerns said. "It requires a lot of back-and-forth compromise, but it is well worth it in the end. We may be the only city and county in the state to do this."

Midway: Market Study Grant Achieved Through Collaboration

The city of Midway was recently awarded \$15,000 in downtown renaissance funding from the Kentucky Department for Local Government to be used for a market study project. A market study is a tool used by businesses, developers, governments and citizens to guide decision-making. The study process includes documenting details about the downtown's current condition, exploring changes occurring in the marketplace, verifying what consumers want from downtown, discovering what businesses the downtown market will support and creating a downtown business development strategy.

This grant required the city to collaborate closely with the Midway Renaissance Board and the Department of Local Government to launch the market study. Another important group of stakeholders, local business owners, participated in the discussion. Each organization's different interests and resources had to be carefully balanced, but in the end, the effort was well worth it. The interlocal agreement formed permitted grant funds to be disbursed and administered in an efficient way.

"Singularly, these groups could not complete the requirements of the grant. The participation of each interest group was needed for a strong outcome. I'm proud of how we all worked together to make this happen for our citizens," Midway Mayor Tom Bozarth said.

The Kentucky League of Cities Community Consulting Services facilitated a meeting of the partners to hammer out an acceptable and implementable agreement.

"By blending the strengths and capacities of the city's diverse interests, Midway is achieving the intent of the grant and the outcomes that will help improve the quality of life for its citizens," said Tad Long, director of business development for KLC.