



Council of Governments Director's Handbook





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Introduction

No man is an island entire of itself; every man is a piece of the continent, a part of the main.
—John Donne

We must, indeed, all hang together or, most assuredly, we shall all hang separately.
—Benjamin Franklin

Although John Donne and Benjamin Franklin wrote centuries ago, their words still apply to Pennsylvania's local governments. People and the communities in which they live are connected in many ways, and the challenges they confront and futures they desire are intertwined. Now and in the future, Pennsylvania's municipalities are facing difficult fiscal choices, and in response, are learning to work smarter and more cost effectively. With rising costs and increasing responsibilities, many of Pennsylvania's townships, boroughs, and cities are choosing not to go it alone. From sharing services to responding to unfunded mandates and tackling area wide problems, local governments are finding strength in numbers. Intergovernmental cooperation is thriving in Pennsylvania. The vast majority of municipalities participate in cooperative initiatives with other governments. These efforts save time and money—both universally scarce commodities.

A key challenge for municipal governments today is how to combine local self-government with the cooperative partnerships that are capable of meeting residents' service delivery expectations and pocketbooks. By sharing services and coordinating planning efforts, municipalities that cooperate with neighboring communities can give residents more bang for their buck—while maintaining their independence and identity.

Among many Pennsylvania municipalities, the preferred way of partnering with neighboring communities is by joining a Council of Governments (COG). A COG is a voluntary association of municipalities that have agreed to cooperate and coordinate their efforts in providing local government services. By participating in a COG, a municipality retains its local autonomy while achieving the economies of scale associated with being part of a larger service area. These partnerships allow the participating municipalities to obtain a higher return on the investment of local tax dollars and to coordinate land use and infrastructure planning efforts. Embedded in the philosophy of a COG is respect for the independence of the individual municipalities, recognition of the benefits associated with cooperative programs, and a broader and coherent vision of the region. A COG is not another layer of government but rather, local governments working together through regional agencies to develop shared solutions to common problems.

The person who coordinates these municipal partnerships is the COG Executive Director. The Executive Director is appointed by the COG's governing body, and as the chief executive/ administrative officer, is responsible for overseeing COG operations, administering the budget, and ensuring that the decisions of the governing body are implemented. The COG Director has one of the most exciting and challenging positions in public service. Overcoming barriers to intergovernmental cooperation and working with participating municipalities to create a shared vision of the region require a unique blend of management, negotiation, and advocacy skills. Often, the COG Director has little or no staff support, uncertain funding streams, and tenuous municipal commitments.

As Pennsylvania's local governments look to the future, the changes they confront will necessitate rethinking how public services are provided. Today, Pennsylvania has 2,566 municipalities. Many of these communities fund individual fire and police agencies, code departments, emergency management coordinators, and parks and recreation agencies. Within each of the State's 67 counties, duplicating these services many times over often increases the cost to the taxpayer, confuses residents, and may lessen the quality of those services.

Most Pennsylvania municipalities also have separate and distinct plans to address blighted neighborhoods, respond to environmental concerns, encourage economic development, and guide future land use. When planning is done locally but the problem is regional in scope, the effectiveness of an initiative of a single community may be undermined. In many

cases, environmental concerns relating to water, air, noise, and land use cut across municipal boundaries and can only be meaningfully addressed at the regional level. Social problems—blight, crime, and homelessness—are carried across jurisdictions with the constant movement of people. In some areas, these shared problems, coupled with social mobility, may justify the delivery of public services and formulation of land use and infrastructure plans on a regional scale.

To successfully prepare for this future, more municipal officials are meeting with the appointed and elected representatives of neighboring communities to discuss and implement solutions for addressing the regional issues that affect their communities. COGs and other similar voluntary associations of local governments create partnerships have the capacity to address issues that transcend jurisdictional boundaries. Building on the collective strengths of their member municipalities, COGs can coordinate and direct public resources to respond to the region's concerns. In performing this service, COGs lower the costs of government by eliminating or reducing the duplication of services and achieving economies of scale. They enhance flexibility by offering the ability to shift personnel from one portion of the region to another, depending on the changing needs of the participating municipalities. They improve quality by providing a collective revenue base that is sufficient to retain professional staff, purchase necessary equipment, and ensure uniform service delivery throughout the entire region.

These benefits are achieved, not by creating another layer of government or imposing new taxes, but by encouraging public officials already in office to work cooperatively with their colleagues in neighboring communities. This commitment to collective action permits municipalities to lower expenditures and provide higher levels of service than they could individually achieve. In addition, economic relationships among local governments within a region are numerous and strong. Studies indicate that urbanized areas and their suburbs are not distinct economies, rather they function as an interdependent region—their fiscal well-beings are linked together. In addition, roads and highways do not begin or end at municipal boundaries. Instead, they cut across many municipalities to form an integrated network that allows the transportation of people and goods.

The past achievements of Pennsylvania's COGs are considerable, and the future potential is unlimited. As these regional successes become more well-known, elected officials will be increasingly interested in the benefits of regional cooperation. Looking forward, this raises the possibility of additional regional programs and creates higher expectations for the individuals who administer them.

The *COG Director's Handbook* is intended to serve as a tool:

- To offer COG Directors and the administrators of other intermunicipal organizations guidance in managing daily operations and coordinating the decision making process for reaching agreement on the implementation and continuation of a public service shared between two or more municipalities.
- To provide municipal elected officials with guidance in establishing a COG, selecting a Director, and becoming an active and knowledgeable participant in partnerships with neighboring communities.

The recommendations contained in this handbook are based on four basic premises: There are compelling reasons for local governments to partner with each other to provide public services; the active involvement of municipal officials is key; transparency and inclusiveness are necessities; and the COG Executive Director must exercise flexibility, creativity, patience and persistence.

I. The COG Executive Director

The Executive Director is a COG's chief administrative officer and is responsible for the planning, implementation, and administration of the COG's work program, budget, staffing, and operations. The Director advises the COG's governing body on policy matters, publicly represents the COG, administers policies and procedures, and coordinates and directs all programs, including financing and intergovernmental relations. Most importantly, the Director is responsible for engaging municipal officials in the COG's decision-making process so that they can participate in a knowledgeable and active manner. The Director reports to and is evaluated by the COG's governing body or by a subcommittee of that group.

To be successful, a Director's actions and those of the entire COG staff must recognize, accept, and reflect the following:

- **A COG is a voluntary association:** Municipalities are not required to join a COG or any other type of other intergovernmental organization. Because membership is optional, joint programs are only possible to the extent each jurisdiction participates and agrees to fund the COG. In addition, because of its lack of independent legal authority, a COG cannot compel municipal commitment to regional policies. The boards, councils, and commissions that participate in the COG must concur with the policies approved by the COG's governing body. This means that the COG Director must strive to ensure that regional services are provided at a lower cost and/or higher level of quality than each member municipality could provide on its own.
- **The COG's membership is large and diverse:** There is no statutory limit to the number of municipalities that can participate in a COG. Some Pennsylvania COGs have a few members, while others are comprised of 30 or more participating jurisdictions. Having numerous members presents the following challenges:
 - The governing bodies represent a plurality of interests. This broad patchwork of interests, policy goals, and regional expectations intensifies the challenges of orchestrating region-wide cooperation and identifying common policy positions.
 - Some municipalities may desire to provide a service through the COG, while others may not. The reasons for not wanting to participate in a COG program may vary. For instance, a large municipality may be interested in a regional program to address a state mandate or to provide a public service. In contrast, a municipality with fewer residents may not fall under the state requirement or may not want to provide the same types of public services that jurisdictions with larger populations do. Some regional programs may benefit some jurisdictions more than others.
 - Coordination challenges increase with membership size. With larger governing bodies, it becomes more difficult find agreeable meeting dates, times, and locations. And, from the COG staff perspective, more time is invested in duplicating and distributing agenda packets, communications, and reports.
 - A larger number of municipal officials must be educated and brought up to speed about a regional issue or service. This educational element is an on-going effort as new information is uncovered, the situation changes, or municipal officials turn over.

The voluntary and diverse nature of a COG establishes the values and skills that make for a successful Director. To coordinate the joint decisions of a large, pluralistic group of municipal officials regarding the expenditure of public funds, the Director must possess strength of character, patience, cooperation, dedication and persistence. All of these virtues come into play as the Director coordinates a decision making process in which independent municipalities voluntarily cooperate in finding a solution to a shared problem that all of the communities can live with. In many ways, the work of a COG Director is similar to running a marathon for the first time. There is a great distance to travel, the course is unfamiliar, and exceptional endurance is required for a long road with many ups and downs.

Because COG Directors do not work in isolation from the municipalities—and decisions cannot be forced—they must have a skill set that promotes open discussion, the identification of options, and a negotiated solution that all parties can live with. As an individual, a Director cannot plan, organize, and implement a new cooperative program, or continue

an existing one. Discussions that relate to intergovernmental cooperation require all affected parties to be represented, engaged, and knowledgeable about the issue under consideration. When taking up a potential new program, a Director can never know how much work it will entail, how long it will be discussed by the members, or how the discussion will end. To some degree, despite the best planning and scheduling, a decision making process that involves large group dynamics cannot be rigidly controlled. In this environment, the Director's adaptation, creativity, communication, and consensus building abilities are key job skills.

It is also essential that the Director make use of active listening skills during COG related meetings. These are demonstrated by being and looking interested in all of the points of view that are expressed; clarifying the speaker's thoughts and feelings; and at end of the meeting, summarizing points of agreement and identifying issues yet to be resolved. Each of these behaviors contributes to building a sense of trust, fair play, and rapport with the group.

II. Two Basic Questions

A COG is a new idea for most people. It is an unfamiliar concept, has unknown benefits, and can be difficult to understand. That being said, an overwhelming number of Pennsylvanians support the idea of local governmental cooperation.

To those unfamiliar with Councils of Governments, the COG acronym is a meaningless jumble of letters. It is the job of the Executive Director to translate these letters into a picture that people can relate to and believe has value to them. To be an advocate and to educate people about the COG, a Director must have a clear picture of what a COG is, what it is not, and how belonging to one benefits each municipality. In addition, the Director must clearly and precisely provide this explanation using terms that people understand and can relate to. In talking about COGs, the “common sense” aspects of municipalities working together to save money and to coordinate their planning efforts should be emphasized.

What is a COG?

Fundamentally, a COG is way for local governments to work together to save money or to accomplish other public ends that a single municipality cannot achieve on its own. It should be further recognized that a COG is not the formation of a “local super government” or any attempt at local government consolidation; however, it is simply a tool for local governments to use in eliminating duplication—while in turn, providing the best possible municipal services at the least expense to their resident taxpayers. The response to this question should create a clear picture in people’s minds that the COG is not another layer of government and that when participating in the COG, the municipality retains local control.

In discussing COG’s, three talking points to stress are:

- The idea of local governments working together is not new. Most townships, boroughs, and cities routinely cooperate with neighboring municipalities. Cooperation has become a normal business practice across the state, in communities of all sizes.
- A COG is not another layer of government; it is neighbors helping neighbors to save money or accomplish a public good.
- COGs do not have taxing power, nor can they exercise any power not specifically granted by the member communities.

Why should I care if my municipality participates in a COG?

It is important for the Director to identify the specific benefits to joining the COG. The Director needs to justify to the municipal officials that the benefits of joining a COG outweigh the investment of their time, as well as the tax dollars from their communities. When municipal officials in Pennsylvania were surveyed about the advantages of intergovernmental cooperation, the most frequently responses were that regional programs help to:

- Reduce costs for providing public services
- Obtain better services
- Enhance the eligibility for obtaining grant funds
- Share resources instead of duplicating them

The Director’s answers to “What is a COG?” and “Why should I care?” when clearly and sincerely expressed, help municipal officials, the business community, and residents understand, and hopefully support, the investment of tax dollars into public services that are regionally provided.

III. Councils of Government

Enabling Legislation

In 1968, following a majority vote of two consecutive sessions of the General Assembly and an affirmative vote by the people of Pennsylvania, the commonwealth enacted a new constitution that granted local units of government in Pennsylvania general authority to enter into agreements for the cooperative exercise of their authority. Article IX of the Constitution, among other things, affirmed the ability of local governments to partner with each other in the provision of public services.

Article IX, Section 5 provides that:

“A municipality by act of its governing body, or upon being required by initiative and referendum in the area affected shall, cooperate or agree to the exercise of any function, power or responsibility with, or delegate or transfer any function, power, or responsibility to, one or more other governmental units, including other municipalities or districts, the Federal governments, or other state or its governmental units, or newly created governmental unit.”

A few years following the adoption of the new Constitution, specific legislation was approved that authorizes intergovernmental cooperation. In 1972, the Intergovernmental Cooperation Law, Act 180, was passed. Act 180 is now codified in Title 53 of the Pennsylvania Consolidated Statutes, Section 2301-2315. Title 53, Area Government and Intergovernmental Cooperation, permits municipal governments to jointly cooperate with other municipalities in the exercise of their governmental *“functions, powers, or responsibilities.”*

These joint programs must be authorized by an ordinance that is adopted by each of the participating municipalities. This ordinance must specify the conditions, duration, and purpose of the agreement; manner and extent of any financing; organizational structure; manner in which property will be acquired, managed, and disposed of; and that the entity created will be empowered to enter into certain employee-related contracts. Also, intergovernmental cooperation may be mandated by voters by initiative and reference. Appendix A provides a copy of the Intergovernmental Cooperation Act, and Appendix B is a sample ordinance.

Since 1972, the General Assembly has taken action to amend the Intergovernmental Cooperation Act on multiple occasions including:

- 1996 – Act 177 confirms and expands the contents to include such topics as definitions, content of ordinances, joint purchases, and joint cooperation-agreements.
- 2001 – Act 13 establishes COGs as legal entities by stating:

“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 sub-chapter as a legal entity.”

Effectively, Act 13 directs state agencies to recognize COGs, consortiums, or similar entities established by two or more municipalities as legal entities.

- 2011 – Act 90 identifies the advertising and bidding requirements that COGs must follow in soliciting bids for joint purchases and contracts.

Considering that the Intergovernmental Cooperation Act is one of the most generous grants of authority for intergovernmental cooperation in the United States, it is amazingly brief. Yet, it has generated hundreds of cooperative activities, including: Councils of Governments, municipal leagues, regional police departments, joint purchasing agreements, and many other forms of municipal cooperation.

Interestingly, except for the amendment made by Act 13, the Intergovernmental Cooperation Act does not mention Councils of Governments or any other specific form of intergovernmental cooperation in its text. This exclusion has both advantages and disadvantages for COGs. The main disadvantage is that it does not provide specific guidance to municipalities in establishing and operating COGs. Consequently, there are many “gray areas” concerning the legal status of COGs. The main advantage is that municipalities have the flexibility to tailor the COG organization to the needs and preferences of the participating jurisdictions.

In addition to the Intergovernmental Cooperation Act, other state laws authorize joint action by municipal governments. For instance, Title 35 (Part V), Emergency Managements Services, specifically provides for joint emergency management programs. This legislation has been used by COGs to establish regional emergency programs through which there is a single shared Emergency Management Coordinator, Emergency Operations Center, and Emergency Management Plan. These joint programs are viewed by the Pennsylvania Emergency Management Agency as a “best practice” in the provision of the emergency services among local governments. Another legislative affirmation of joint programs is provided in the various municipal codes for township, borough, and city governments. By way of example, the Borough Code specifically provides authorization for joint and cooperative action in the provision of recreation and health and sanitation services.

Most COGs are organized under the Intergovernmental Cooperation Act through the adoption of ordinances by the participating municipalities. However, some COGs are organized as nonprofit corporations. The non-profit status may benefit the COG with some grant requests relating to endowments, community fundraising efforts, or other grants. A COG that is contemplating organizing as a non-profit should be aware that the process for doing so is complicated and may require costly legal services. Also, COGs that are formed as non-profits have annual filing obligations with the United States Internal Revenue Service (IRS).

Regardless of the how the COG is organized, it does benefit from tax exempt status because it is a political instrumentality of the Commonwealth of Pennsylvania. The choice regarding how a COG is organized is the prerogative of the elected officials of the participating municipalities.

Despite variations in organizational charters, all Pennsylvania COGs share the following characteristics:

- They have no taxing powers.
- Their organizational structure, including voting representation, is a matter of local choice.
- They are established by adoption of ordinances by the member municipalities.

Missions of COGs

For the purpose of this booklet COGs are defined as voluntary associations of elected public officials from most or all of the municipal governments in a region, formed to accomplish some public good(s). Municipalities may form COGs for the following reasons:

- To produce local government services on a regional basis.
- To coordinate planning and regulatory activities.
- To provide a neutral forum to discuss or learn about issues of common concern.
- To articulate common positions on major issues.
- To spread the costs of local programs or equipment among a number of users.

As producers of public services, COGs may have two main advantages over typical municipally operated departments: lower cost and greater service. COGs may lower the cost of producing public services by reducing redundancy and overlap. By cooperating through a COG, a municipality can avoid duplicating the personnel, facilities, and equipment available in neighboring jurisdictions. For example, consider a case where seven municipalities operate individual code administration programs. Each one requires a code official, office space, and vehicles. In contrast, a COG program serving the same seven communities requires a single code official, one office, and less equipment than seven separate code agencies.

Additional savings may be attributable to the economies of scale that COGs can achieve by increasing the area served. By creating a larger market for suppliers, COGs have the leverage to negotiate a lower price for goods and services. For instance, one COG reduced the monthly cost of residential refuse collection by over 25 percent when the service area changed from individual haulers selected by the property owners to a single regionally-bid contract covering households in five municipalities.

Along with lower costs, COG programs may offer a broader range of services to area residents. Because regional COG programs are typically larger in terms of personnel and resources than those offered by a single municipality, a wider range of programs can be offered to the residents. For instance, a COG recreation office is typically able to offer programs that are targeted at special groups like preschool children, senior citizens, and residents with special needs that could not be provided by any of the individual municipalities acting alone. In another example, the building code administration program of a small municipality may have only one part-time employee who is only available to the public a few hours per week. In contrast, a regional program could justify several full-time employees, giving residents more opportunity to schedule inspections. In some cases, the services offered by a COG may be higher quality because the larger service base can support a staff that is more specialized, receives more training, and has worked in a broader variety of situations.

In addition to providing traditional public services such as code administration and parks and recreation programs, COGs can assist their member communities by preparing and coordinating the adoption of multi-municipal comprehensive plans, Act 537 Sewage Facility Plans, bike and pedestrian trail plans, and transportation management plans and forecasts. Several Pennsylvania COGs partner with local colleges and universities to provide GIS mapping services, including data collection and analysis for their member municipalities.

Some COGs have joined with other COGs to form land banks to aid their member municipalities in efforts to mitigate and combat blight within their communities. Land banks do this by acquiring blighted and abandoned properties through various means, including donations and the county's Sheriff's Sale, and "banking" them for future development. Once the land bank has possession of a property, it must hold it to the standards outlined in the municipal code, transforming a neighborhood eyesore into "just another house on the block." This boils down to mowing lawns and shoveling snow but also includes stabilizing unsecured buildings that pose a hazard to the community at large. A land bank's end goal is to match new owners, non-profits, or entrepreneurs with its existing inventory, effectively returning idle properties to a taxable and functioning state. To successfully accomplish this task, land banks employ a number of programs. The most prominent involves the land bank, or its partners, completing restorations and preparing the property for sale or rent. Land banks may also work towards assembling vacant lots and merging them into more palatable sites for future economic development.

COGs can also assist their member municipalities with drafting model ordinances for regulating false emergency alarms, managing stormwater, protecting drinking water wellfields, and maintaining or enhancing riparian buffer areas along local waterways. Variations in these regulations and procedures among neighboring governments can result in higher private sector costs because the business community must learn to follow different permitting and licensing procedures for each jurisdiction in which it operates. Model ordinances proposed by a COG, when adopted by the participating municipalities, establish a single uniform standard that may lower private sector costs by eliminating the mistakes that arise from confusion over conflicting municipal codes.

An emerging trend for COGs is the initiation and maintenance of information sharing technologies that support eGovernment in multiple municipalities. This new effort can include a central location for government offices to house dynamic eForm permits. Residents can access the eForms from a central website or be linked to the portal from an individual government's website. Not only do residents have online access to all forms, but they are able to fill them out on their computers, upload supporting documentation, and submit their forms and payment from the comfort of their homes or businesses.

As a forum for discussion, a COG offers a neutral arena where elected officials can build the professional relationships essential for successful intergovernmental programs. In addition, COGs provide opportunities to discuss mutual problems and policies to address shared concerns. COGs also serve to inform officials about regional problems, as well as state or national issues that may affect the region (such as tax reform or cable television regulation). Depending on the topic, these forums can be expanded to include representatives from other stakeholders, such as municipal authorities, county governments, school districts, and Chambers of Commerce.

As an advocate for regional policy positions, a COG can articulate the concerns and recommendations that have been identified at the regional forum to county, state, and federal elected officials or regulatory agencies. By presenting the regional position as a united front, the COG strengthens communications to other governments on such major issues as infrastructure planning, proposed legislation, or budget appropriations and taxing policies. When legislators receive conflicting recommendations from municipalities, the impact of the individual recommendations is weakened. The legislator is unable to promote one community's position without diminishing another jurisdiction's recommendation, often resulting in stalemate. A regional position representing a number of municipalities, expressed in unison by a COG, sends a clear and strong message that may enhance the probability of a positive outcome for the municipalities.

The role of the COG Director varies with the mission(s) of the COG. If the COG is a producer of local government services, the Director is an administrator responsible for providing quality, cost effective programs to the public. In promoting coordinated regional planning, the COG Director assists in achieving cohesion and creating an overall vision for the region. When the COG functions as a public forum, the Director is an educator and facilitator who encourages the exchange of information to solve regional problems and identify consensual solutions to regional concerns. As an advocate for regional positions, the Director serves as the spokesperson for the policies endorsed by COG's governing body.

Service Provision and Production

COGs can help offset the fragmentation of local government within a region, while maintaining the individual municipality's ability to select which public services it will provide and determine how they will be produced. The municipalities make the initial decision regarding whether a public service should be provided. Some services are required by the township, borough, and city codes or are mandated by other state legislation. Many times, the costs that municipalities incur to satisfy these mandates are not reimbursed by the state. Examples of unfunded mandates include code administration, recycling collection, stormwater management, and police officer certification. The provision of other services such as zoning, recreation, and library programs is at the discretion of the municipal governing body. Regardless of whether a public service is mandated or discretionary, the municipalities determine the quality and quantity of the service provided, how funding will be obtained, and the appropriate unit(s) of production.

Once the elected officials decide to provide a service, the municipality has various options for producing it. The service may be assigned to a new or existing municipal department; contracted with a private company; provided through a private/public partnership with shared responsibility for the service; or assigned to a regional agency. Increasingly, municipalities are opting to produce services regionally or through a regionally based private/public partnership.

The regional production of a service is a form of functional consolidation. This means the geographic area for the service is not confined to a single jurisdiction but encompasses all of the participating municipalities. Functional consolidation does not affect jurisdictional boundaries, however, and each of the participating municipalities retains its separate identity. The larger service area allows for lower production costs, while increasing the quality and quantity of the product. Additionally, the ability to contract with private companies is enhanced when services are coordinated regionally. For instance, bidding specifications for a regional refuse and recycling contract will likely generate more competition and lower per customer collection rates than those of a single municipal bid.

Participating in a COG allows municipalities the flexibility to decide whether they want to provide a specific service. Should they decide to do so, municipalities have the option of producing services regionally through the COG, thereby gaining the benefit of a larger service area without sacrificing local autonomy.

Articles of Agreement

Title 53, Section 2305 states that:

“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.”

This means that to form a COG, each of the municipalities that want to join must adopt by ordinance, at a publicly advertised meeting, an intergovernmental agreement that addresses the following:

- Duration of the agreement.
- Purpose and objectives of the agreement, including the powers and scope of authority delegated in the agreement.
- Identification of COG offices and the definition of a quorum for meetings of the governing body.
- Voting requirements and a determination whether all questions before the governing body require a majority vote, or if some matters must be unanimously approved.
- Manner and extent of financing the agreement.
- Organizational structure necessary to implement the agreement.
- Manner in which property, real or personal, shall be acquired, licensed or disposed of. This includes the titling of vehicles and apparatus—a particularly important issue if the COG is involved in fire protection services.
- Statement empowering the COG to enter into contracts for group insurance and employee benefits, including social security, for its employees.
- Process for a member municipality to withdraw from the COG, or for a new municipality to join.
- Whether the COG will have an Executive Director, and if so, identify the general duties of the position and the appointment process (optional).
- Whether the COG can contract services to municipalities that do not belong to the COG but desire to receive services (optional).

These items can be directly addressed in the ordinance. However, an approach used by many COGs is to address these matters in a separate document, sometimes referred to as Articles of Agreement, that are then incorporated into the ordinance by reference (as an attachment to the ordinance). The Articles of Agreement act as the constitution of the COG, defining its scope of responsibility and establishing its organizational structure. As such, the document is of primary importance to the COG Director.

The COG's Articles of Agreement should be periodically reviewed to ensure they are consistent with the current operation of the organization and the values of the municipalities in terms of how they believe the COG should function. Changes to the Articles of Agreement are approved in the same manner as the original document. A sample Articles of Agreement is included as Appendix B. Sample Articles of Agreement can also be obtained from the following sources: The Pennsylvania Department of Community and Economic Development (DCED), the Pennsylvania Association of Councils of Governments, or by contacting other COGs.

Besides satisfying the Commonwealth of Pennsylvania's legal requirement for delegating governmental powers to a COG, the Articles of Agreement is key to the long-term success of any intergovernmental project. The terms contained in these agreements are extremely important because they ensure a transparent and clearly defined relationship between the COG and its member municipalities.

IV. Office of the Director

COG Executive Directors are unique among local government officials in terms of their relationship to municipal codes and state laws. Unlike the municipal manager, city clerk, or borough secretary, the position of COG Director is not mentioned in any state statute. The duties of the position, methods of appointment or dismissal, and qualifications are purely a matter of local choice.

In some COGs, the Director is a full-time employee whose main duties are to provide for the overall administrative, financial, and personnel management necessary for the organization to function. More often, the COG Director is a part-time employee or an existing municipal or county employee whose job responsibilities include the administration of COG programs. In these cases, the COG Director is a jack-of-all-trades, responsible for all of the management duties plus other staff functions like preparing communications, duplicating reports, and distributing agenda packets. The scope of the position's responsibilities is reflective of the COG's role in the region. A COG with few programs may be adequately staffed with a single part-time employee. However, as the participating municipalities request new or expanded services, upgrading the position to full-time status may be justified.

It is important to be realistic when setting the expectations for a part-time COG Director. Recording, transcribing, duplicating, and distributing meeting minutes and preparing agenda packets may be the principal job responsibility for a part-time position. When this occurs, the participating municipalities may be disappointed when new regional programs do not emerge, or the COG is not successful in building municipal consensus on an important issue. Municipal expectations must be commensurate with the resources committed to the COG.

Establishing the position of COG Director is handled in a variety of ways. In some COGs, the governing body adopts a resolution that defines the position's responsibilities. Less formal, but still acceptable, is for the governing body to approve a motion which establishes the job description for the position.

The Director's Job Responsibilities

In the absence of state guidance defining the duties of a COG Executive Director, it is left to the COG's governing body to prepare a document that formally describes the position's responsibilities, qualifications, and reporting arrangements. There is no single model for explaining the COG Director's duties. Rather, a number of variables determine how the COG Director's position should be defined. Whether the duties of the COG Director are of a managerial, secretarial, or administrative nature is a function of the size of the COG, its programs, its economic structure, its traditions, and the political climate.

The qualifications, duties, and reporting responsibilities of the Director should be identified in either a job description or by a resolution of the governing body that functions as a job description. A job description is essential for ensuring the successful implementation and maintenance of the position. It sets the limits of the COG Director's powers, articulates duties, and identifies the lines of reporting. Given the possibility of changing membership on the COG's governing body as a result of municipal elections, the job description must provide a clear understanding of the position. This understanding protects both the elected officials and the COG Director during periods of organizational change, and it reduces potential areas of conflict.

A resolution or job description must include the following elements:

- Identify the position or committee responsible for supervising the COG Director.
- Set the minimum thresholds for education and work experience and decide whether previous management experience is required or preferred.
- Identify the required knowledge, skills, and abilities.
- Provide examples of the essential duties of the position.

As a provision in either document, or as a separate policy statement, there should be an explanation of the procedures used in appointing, compensating, and dismissing the COG Director. Appendix C provides a model resolution for a COG Director's position that addresses these issues.

The appointment of a Director is one of the most important decisions a COG's governing body will make. It is a task requiring careful planning, perceptive evaluation of the candidates, and a clear understanding of the region's current and future needs. To ensure an ample pool of qualified applicants, the COG should advertise the position as widely as possible. An active recruitment program is also highly compatible with the goals of equal opportunity and affirmative action programs. The three most useful methods of recruitment are:

- Employment advertisement in regional newspapers. To reduce costs, a job announcement can be limited to the basic information and refer interested candidates to the COG's or another website for more details.
- General publicity in professional journals such as the *ICMA Newsletter*, *National Association of Regional Council (NARC)*, *Pennsylvania Township News*, and *The Borough News*.
- Personal invitations to selected individuals.

Professional journals and newspapers often have electronic job postings that can be less expensive than print announcements.

Annual Performance Evaluations

The individual(s) who supervise the COG Director should conduct annual performance evaluations. The term "performance appraisal" in personnel administration traditionally refers to a systematic evaluation of the job performance of an individual employee to assess whether predetermined objectives have been achieved.

Ordinarily, the objectives of a performance evaluation are one or more of the following:

- To provide feedback to the COG Director and the supervising individual(s) or committee on job performance.
- To establish guidelines and recommendations for employee training and development to improve performance.
- To clarify or develop mutual goals, objectives, and evaluation criteria.

Annual performance evaluations of the COG Director are especially important given the COG's complex political environment and changing membership. Often, COG Directors report to a subcommittee or Executive Committee of the COG's governing body. The individuals who prepare the Director's evaluation bring varying perspectives on the objectives of the position and will tend to judge the Director's performance according to those values. For instance, an elected official who places a high priority on joint purchasing may view the Director's work performance as unsatisfactory when progress is slow in instituting a cooperative purchasing program. By contrast, another official who places a high priority on developing model ordinances for the municipalities may judge the same Director's work performance as outstanding when progress is made in this area. Performance evaluations are a way of reconciling these conflicting assessments into a coherent appraisal of the Director's activities that identifies acceptable behavior, as well as behavior that needs to be improved. This uniform statement rates the Director's overall performance against the expectations of the organization. This knowledge offers security, thereby encouraging the Director to be more committed and innovative in serving the member municipalities.

The annual evaluation process for the COG Director is also an effective tool for implementing the COG's work objectives. Prior to the start of the evaluation period, there should be an interview between the Director and the COG's governing body to set the standards and organizational objectives for the upcoming year. These items define the municipal officials' expectations for the position and can range from developing or improving job skills to specific task accomplishments, such as drafting a model ordinance or initiating a new regional program. Ideally, the municipal officials' expectations should be linked to the COG's work program, as established in the COG's annual budget or other document that describes the objectives the COG wants to attain. This connection—municipal officials' expectations, budget statement, and Director's performance evaluation—ensures that both policy makers and staff have the same understanding of the COG's objectives. When the COG has other staff, this relationship should be expanded to include

those employees. For instance, should a COG with a code administration agency desire to add a fire prevention program, that objective would be stated in the budget document and in the performance objectives for the COG Director and the code official.

The following list of helpful hints can aid municipal officials in preparing the COG Director's annual performance evaluation:

- Provide the Director with a questionnaire asking what projects went well and not so well, whether there are professional development suggestions for the upcoming year, and whether he/she is bumping into work performance obstacles.
- Interview the Managers/Secretaries of the participating municipalities to assess their opinion of how the Director is performing.
- The evaluation form should be relatively standard from year to year so that progress can be consistently monitored.
- In providing comments, the group preparing the evaluation should use specific examples.
- After the evaluation is complete, it should be presented to the Director in person, allowing the Director an opportunity to ask questions and/or provide comments.

Management Style Matters

Most COGs have small staffs, and in some cases, the Director is the only employee. Where COG Directors are fortunate to have staff support, management style becomes an important consideration. Workplace surveys have concluded that the most common reason people quit their jobs is a bad boss or immediate supervisor. These surveys have found that in most cases, employees leave managers not companies, so that in the end, turnover is mostly a managerial issue. The negative consequences of poor management, and the resulting employee turnover, are amplified in organizations with as few staff as most COGs.

The relationship between the COG Director and other staff must encourage teamwork among employees. This team approach is adaptable to changing situations and inspires commitment to the successful operation of the COG. With few employees and limited budgets, COG Directors lack the flexibility to use promotions or monetary incentives to reward outstanding employees, or to transfer or demote employees whose work does not meet organizational standards. Each employee must be motivated to help the COG become a high performance organization. To successfully encourage this motivation, the COG Director must understand the rewards that employees seek from their jobs. The following is a rank-order listing of the top six things people want from their jobs:

1. A sense of accomplishment
2. Doing meaningful work
3. Pay
4. Recognition for good work
5. Job security
6. Doing challenging work

Five of the six rewards concern the employee's sense of personal worth rather than compensation issues. To enable the employee to achieve these rewards, the COG Director must adopt a management style that empowers employees to strive toward reaching their full potential. Employees are more likely to feel empowered and committed to the COG when the following occur:

- Their tasks are interesting and varied and involve learning, challenge, and responsibility.
- They have enough information, support, and authority to accomplish the job.
- They are involved in decisions that affect their jobs.
- They understand how their own work fits into the larger picture.
- They are treated as individuals who are personally important to the organization.

These assumptions have important implications for determining a COG Director's relationship to his/her staff. They mean that COG Directors should adopt a management style that supports and enables, rather than directs and controls. Generally, a Director's relationship with staff can be characterized as authoritative, benevolent, consultative, or participatory. The following are the features of these relationships:

Authoritative – Communication and goal setting are top down. There is little or no teamwork between the Director and staff. This is an autocratic management style where the Director makes decisions unilaterally and without much regard for the staff. As a result, decisions will reflect the opinions and personality of the Director. The absence or minimization of staff involvement will stifle creative thinking and problem solving, and some employees may chafe because of limits on decision-making freedom. This style may be useful in times of crisis, when the time for discussion is unavailable and the managers are solely responsible for giving orders. These orders need to be obeyed immediately by staff so that further problems do not result.

Benevolent – Communication and goal setting are mostly top down. Teamwork between the Director and the COG staff is minimal. This approach is less controlling than the authoritative leadership style. The Director may allow some decisions to be made by some staff within a framework that is set by the Director. Rewards as well as punishments may be used to “motivate” people.

Consultative – Communication is up and down with goal setting made at the top after consultation with employees. There is some teamwork among employees and municipal officials. Using this approach, the Director sets the goals and identifies the means to attain them. Staff is asked to provide feedback on their concerns and suggestions for improvement. This management style can have the drawback of COG staff becoming dependent on the Director for “big ideas” or solutions to on-going operational problems.

Participative – Communication is up, down, and sideways with goal setting through group participation. There is significant teamwork among employees and municipal officials. Staff behavior is motivated by individual identity, commitment to achieving the regional goal, and the ability to influence the decision-making process. With this approach, the COG Director allows employees to take part in decision-making, and communication is extensive in both directions (from employees to the Director and vice versa). This style can be particularly useful when making complex decisions that require a range of specialist skills, such as when a new regional program is to be implemented, and the Director is not familiar with the details of the service. From an overall business point of view, job satisfaction and quality of work will improve, and participatory contributions from subordinates will be much higher. However, the decision-making process could be severely slowed down unless the process is streamlined. The need for consensus may hinder taking the “best” decision for the COG unless the choices are managed or limited.

Recognizing that maximum work performance occurs when employees are actively involved in the development, implementation, and evaluation of the programs that affect them, staff relations between the COG Director and other personnel should be consultative, and ideally, in many cases participatory. This infers that most COG activities, reports, grant applications, and proposals are not prepared by one individual but by teams comprised of the COG's elected and appointed municipal officials, staff, and other individuals with specialized knowledge of the issue such as authority personnel, state or federal officials, or community representatives. The intent is to be inclusive rather than exclusive. The members of the team will, by necessity, vary in accordance with the issue and the expertise or knowledge required. For instance, the team responsible for developing a proposal to create a joint purchasing program will be different than one assembled to outline the framework for a regional fire company. Regardless of the team's composition, each member should be encouraged to openly express his or her recommendations and concerns.

Consultative or participatory staff relations do not mean the COG Director relinquishes the authority and responsibility for making the final decision. With both approaches, the COG Director continues to be the organization's chief executive officer, retaining the power to accept or reject the team's proposal. In cases where the Director chooses an alternative to the team's proposal, it is essential that the reasons for this decision be openly explained to the team members in a

manner that provides the opportunity to express opposition. Most issues considered by the COG relate to public services and are, therefore, acceptable subjects for team problem-solving; however, some confidential issues such as personnel problems or litigation are not appropriate for open discussion.

The shared responsibility for problem-solving should be reflected in the proposal presented to the COG's governing body. This means the individual who presents the proposal to the elected officials is not necessarily the COG Director. Instead, another COG employee or another member of the team could make the report. Providing other employees the opportunity to make public presentations reinforces their positions as partners in the operation of the COG. Employees who are publicly acknowledged for their participation in the development of a proposal are committed to its successful implementation, should the concept be approved by the COG's governing body.

Another dimension of staff relations is leadership. The Director ensures that a clear and compelling—even inspiring—shared vision is articulated clearly, stating where the COG is going and why. Thus, a crucial element of the Director's leadership is regular communication with staff regarding short and long-term goals. The intent of this communication is to provide each employee with a clear understanding of the COG's mission, organization, and funding.

The one consistent pattern true for all leaders is the ability to behave in ways that demonstrate integrity. Integrity is demonstrated by COG Directors in their contact with officials, employees, and the public, when based upon the following characteristics:

- Truth telling
- Promise keeping
- Fairness/justice
- Respect for the individual

In dealing with employees, it is essential that the Director “walk the walk.” The Director's behavior should be consistent with the actions necessary for consultative or participatory problem solving.

Professional Development

One of a COG's best investments is the professional development of its staff. Traditionally, training programs teach competencies that improve the quality and quantity of the work product. Most training programs are oriented around a particular job or set of duties, for instance word processing courses for a secretary or plan review procedures for a building inspector. In addition to the direct organizational benefits, there are important but less tangible reasons for a COG to encourage its employees to pursue professional development. Through attendance at training programs, employees have the opportunity to learn how other regions deal with problems similar to the ones they confront. This informal communication enhances the employees' knowledge of which solutions to regional problems work and which do not. It also provides a valuable information network for the COG as a source for sample ordinances, special reports, and estimates for program expenses and revenues.

Professional development for the Director is essential and should be financed and actively supported by the participating municipalities. There are three areas of training needs for COG Directors: Management, program activity, and community problem solving. As administrators of their organizations, COG Directors should attend management training programs to improve their skills in organizational leadership, budgeting and finance, personnel management, grant preparation, and communications. Program training involves instruction on specific topics that affect the services, such as recreation or code administration programs that are produced by the COG. Community problem-solving is an emerging responsibility of COG Directors and will necessitate the development of special facilitation and mediation skills.

As intergovernmental cooperation increases in its scope and responsibility, the COG Director is likely to be viewed by the municipalities as a resource for facilitating or coordinating the resolution of regional problems. In this role, COG Directors are agents of change for their regions. Since change is inevitable, it is not a matter of whether the municipalities desire change; rather, the issue is how to control change—whether it be economic, demographic, or social—in a rational and advantageous manner.

The COG Director's position in the region affords certain strengths that are conducive to an active role in facilitating community discussion. Often, COG Directors are perceived by municipal officials to have knowledge of the region, familiarity with the major stakeholders, and ability to speak neutrally about divisive issues. Looking ahead, it is likely that Pennsylvania's local governments will engage in more discussion of regional issues than in the past. These meetings will occur in a complex environment involving multiple local governments, elected and appointed officials, special interests (such as developers or environmental groups), and active public participation.

To manage this process, the COG Director must possess a nontraditional set of managerial skills for community problem solving. This skill set includes negotiation, consensus-building, intergroup problem solving, understanding organizational behavior, and familiarity with the regulations and policies affecting the services provided by the COG. Mastering these skills involves a significant commitment of the COG Director's time as well as organizational funding. However, the return to the region on this investment can be very advantageous. The first litigation avoided or new regional program implemented because of the knowledge obtained by the COG Director through a training program will pay for the cost of the program many times over.

Training resources for COG Directors and staff can be obtained through:

Pennsylvania Department of Community and Economic Development (DCED)
Governor's Center for Local Government Services
400 North Street, 4th Floor
Commonwealth Keystone Building
Harrisburg, PA 17120-0225
1-888-2CENTER

Association of Pennsylvania Municipal Managers (APMM)
414 North Second Street
Harrisburg, PA 17101
(717) 236-9469
(800) 352-2766

Pennsylvania Association of Councils of Governments (PACOG)
2941 North Front Street
Harrisburg, PA 17110
(717) 236-9526

Pennsylvania Municipal Government Academy (PMGA) Training
Pennsylvania State Association of Townships Supervisors (PSATS)
4855 Woodland Drive
Enola, PA 17025
(717) 763-0930

V. The Role of the Elected Officials

This handbook's underlying premise is that the essential key to a COG's success is the active and informed involvement of the elected and appointed officials in the decision-making process. A high priority for the Executive Director is to secure and maintain the awareness, understanding, and participation of all of the municipal officials—not just the few who may be members of the COG's governing body. Regardless of the activity—proposing new programs, establishing budgets, or evaluating program performance—the principal task of the COG Director is to encourage active leadership by elected municipal officials in the governance of the COG. When this involvement is absent, limited to a small group, or relinquished to paid staff, the COG is in danger because municipal participation and support will eventually diminish.

While the barriers to intergovernmental cooperation can be formidable, in many communities effective leadership has successfully overcome them. Municipal officials are seldom successful forcing people to accept intergovernmental cooperation. Rather, long-term success is built on having a vision of how intergovernmental cooperation can make communities more livable and services more economical, improving the quality of life for all residents. The municipal officials' ability to effectively communicate this vision to a broad range of community stakeholders is crucial.

The municipal officials' vision must appreciate the complexities of intergovernmental cooperation, yet be able to overcome the problems, concerns, and challenges that arise. A steady, appropriately paced plan that brings stakeholders to the negotiating table to implement an intergovernmental program is far more likely to succeed than a hastily crafted idea that is pushed toward implementation before any opposition is given a chance to organize.

Municipal officials also need a good knowledge base to find creative solutions to issues as they arise. They need to be familiar with the statutes addressing intergovernmental ventures and understand the principles and processes of intergovernmental cooperation, or have access to others who are experienced and knowledgeable and can assist with developing and implementing an action plan.

Leadership in forging interlocal agreements, however, often requires adopting a style that may be foreign to some municipal officials; that is, allowing and encouraging diverse groups to participate in decisions to build a consensus, and allowing as many people as possible to take credit for the intergovernmental venture's success. Being too rigid and unwilling to make compromises can only reinforce political barriers.

The more people who can take ownership of intergovernmental cooperation, the greater the likelihood that political barriers will be no more than speed bumps on the road to greater government efficiency and effectiveness. Cultivating this broad-based support requires patient persistence. Historical conflicts and suspicion among municipalities within the COG create obstacles that take time to overcome. However, these barriers must be dismantled if intergovernmental cooperation is to flourish. Pennsylvania's current way of providing local government services, in which each municipality produces a variety of programs independently from its neighboring communities, is being stressed by economic, demographic, and environmental challenges. Because these challenges overlap municipal boundaries, they are not readily amenable to mitigation or resolution by the uncoordinated action of some of the affected communities.

In most cases, individual municipalities lack the resources, geographic area, and political clout to address problems that are regional in scope. Instead, solutions to regional problems flow from cooperative partnerships, often guided by a consensus decision achieved through significant open dialogue among the elected officials. COGs provide the forum and the tools that elected officials can use to establish this regional dialogue and implement the shared solution. Underlying the elected officials' participation in the COG should be a common desire to create solutions that are not only good for each government but also yield the desired benefits to the region—a rising tide raises all boats. Reaching new levels of cooperation entails moving beyond the limits imposed by jurisdictional boundary lines to a larger vision of the region.

To the extent that local officials invest scarce time and resources in negotiating intergovernmental agreements and monitoring their implementation, they have a disincentive to enter into cooperative arrangements. However, small successes build on one another. As the COG undertakes additional services or projects, municipal officials will have more opportunities to become familiar with one another. And this familiarity will bring respect and trust. Municipal officials share the same goal—to maintain and improve the quality of life for their residents in an affordable way. As the members of the COG's governing body recognize this shared goal, a commonality of interest evolves that builds trust among the local officials and allows for the establishment of credible commitments that reduce the risk of defecting on agreements. As trust among local officials increases, cooperative agreements become more attractive because bargaining and negotiating the required intergovernmental agreements takes less time, and the subsequent implementation process for creating a new COG program or expanding an existing one is handled in a more collaborative manner.

Because the oversight and funding of a COG is the sole responsibility of local elected officials, the success or failure of a COG will depend largely on the amount of interest, support, and cooperation generated by these same individuals. Positive relations between the COG Director and municipal officials are not a matter of luck. Rather, this success is the result of a hard work, professional conduct, and often, empathizing with municipal officials by putting yourself in their shoes.

VI. Meeting Preparation and Organization

Much of the Executive Director's time is spent preparing for, attending, and implementing actions taken at meetings with municipal officials. This commitment of staff time is natural, given the consensual nature of the COG's decision-making process. Although meetings are a necessity for the COG, they should only be held when it is important to do so. Meetings with weak agendas are often viewed as a waste of time by the municipal officials and undermine the officials' willingness to attend future sessions. Weak agendas are comprised of agenda items that are incomplete (missing a piece of crucial information), unnecessary (the issue could be resolved by staff), or untimely (consideration of the item could be postponed until a later meeting). In those cases, the meeting should either be canceled or the agenda expanded to include discussion of more significant items to justify the time commitment made by the volunteer elected and appointed officials. When meetings are convened, they should be organized in a manner that allows all participants an opportunity to express their thoughts, while at the same time moving the discussion to closure. The intent of this section is to provide the COG Director with guidelines for advertising, organizing, and structuring meetings.

Compliance with the Sunshine Law

Because COGs are considered to be agencies of the Commonwealth of Pennsylvania, they are subject to the Sunshine Law. COG meetings must comply with the Sunshine Law whenever deliberation occurs involving a majority of the COG's governing body or COG Committee comprised of elected officials. Deliberation occurs when there is a discussion that moves towards making a decision. Simply discussing an issue to familiarize oneself with it can qualify as a deliberation, so long as a majority of the COG's governing body or specific COG committee of elected officials is present. When in doubt, the COG's Solicitor should be asked for guidance.

Under the Sunshine Law, all deliberations of elected officials must be done at a public meeting and at a time and place advertised in advance. Public notice must be given by publishing the meeting announcement at least once in a newspaper of general circulation within the region and by posting a copy where the meeting is to be held. Public notice of the first regular meeting of each calendar year must be given not less than three days in advance of the meeting and must include a schedule of the remaining regular meetings for the calendar year. The meeting notice should also comply with the Americans with Disabilities Act by offering to make special meeting arrangements for individuals who may require them.

The COG's governing body may hold executive sessions, but only under certain circumstances. These exceptions to the open meeting requirements include consideration of the following:

- Personnel matters
- Collective bargaining issues
- Real estate issues
- Litigation matters
- Other business protected by the confidentiality provisions of various laws and court decisions

To conduct an executive session, the COG Chair must recess the regular meeting, announce the general reason for the executive meeting, convene the executive session, adjourn the executive session, and reconvene the regular meeting. No vote may be taken on any motion, proposal, resolution, rule, regulation, or order during an executive session. An executive session is not necessarily confined to the COG governing body but may include municipal Managers, the COG Director, and other individuals as identified by the COG Chair. Before conducting an executive session, it is advisable to contact the COG's Solicitor to review the proper procedures.

Meeting Arrangements Matter

The physical arrangements for a meeting set the tone and can contribute or detract from the discussions. Items to keep in mind when arranging a meeting include:

- **Identify an agreeable meeting site** – The location of the meeting should be agreeable to all of the participating municipalities and should not offer one community an advantage over another. Some COGs use municipal buildings, while other COGs opt for “neutral” sites such as hotel meeting rooms, schools, colleges or churches. The room should also comply with the Americans with Disabilities Act to ensure that all municipal officials and residents have access to the meeting and can participate in the discussions. The site should be centrally located; however, a few COGs rotate meeting locations among the member municipalities. Although this approach achieves meeting neutrality, it requires the COG to provide the elected officials with maps to various meeting sites and a clear announcement of the location. Attaching a special notice to the first page of the agenda is an effective way of calling attention to the meeting site.
- **Locate a properly sized room** – The meeting room must be properly sized and have adequate heating and air conditioning equipment. Rooms that are too large or too small or are equipped with noisy air conditioners or inadequate heating do not foster an atmosphere conducive to effective communication, and are often very distracting.
- **Avoid scheduling conflicts** – Establish an annual meeting schedule approved by the COG’s governing body. The meeting calendar should be sensitive to all religious holidays.
- **Use nameplates** – Most of the officials invited to the meeting may already know each other, but often there are people who do not know everyone or who are not known by everyone attending the meeting. Nameplates help each person recognize others they may not have met. Distributing a list of officials who serve on the COG’s governing body or on a COG Committee also helps people feel comfortable. Adding office addresses, telephone numbers, and email addresses to this list encourages informal contact among elected officials and contributes to establishing an atmosphere of trust.
- **Arrange seating in a circle or square formation** – Sitting around tables arranged in a square or circle large enough to accommodate all of those attending will greatly enhance the officials’ sense of full participation in the meeting. Symbolically, the table formation sends a message about the “equality” among the municipalities. Circular or square configurations emphasize that all jurisdictions are equal regardless of population or wealth.
- **Be familiar with the visual aids and special tools you will be using at the meeting** – Be sure the tools you need are available in your meeting place, including: Computers, projectors, power cords, flip charts and markers, white boards, maps etc. The Director should make sure that he or she, or a staff member, knows how to use all of the equipment in advance of the meeting.
- **Consider setting time limits for agenda items** – Prior to the meeting, the Director should know how much time a presentation is expected to take, and this information should be shared with the COG Chair conducting the meeting. There is a fine line between the discussion taking too long and providing the municipal officials with an adequate opportunity to exchange information and ask questions. If the discussion is too lengthy and people begin to leave, it may be appropriate to continue the dialogue at the next COG meeting.

Agendas Are Key

The COG Director’s most powerful tool in ensuring a productive meeting is the agenda—the written plan of order for conducting the meeting. Agendas determine the issues to be considered by the COG’s governing body and just as importantly, those that will not. Agendas also set the context for discussion of an issue. A poorly worded agenda item can initiate hostility and opposition, while a positively written text can evoke openness and willingness to cooperate.

Preparing the agenda for upcoming meetings is usually the responsibility of the COG Director. The procedure for determining the actual contents of the agenda and the order of business should be established by the COG’s governing body. A typical process is for the COG Director to prepare a draft agenda and refer it to the Chair of the COG’s governing body for review and comment. Nothing on the final agenda should be a surprise to the Chair. After the preliminary

agenda is revised to reflect the Chair's recommendations, the final version of the document should be distributed to the elected officials and a copy posted in the COG office.

The format of the agenda should clearly indicate the location, date, and time of the meeting. A public comment period should be clearly identified on the agenda. The Sunshine Law requires that time be provided at each advertised and special meeting of a municipal public body for taxpayers and residents to offer comments. It is recommended that the public be offered the opportunity to speak prior to a vote being taken on an issue. It is suggested that the COG's governing body adopt written policies for providing public comment periods at meetings.

Agenda items should provide the following information:

- A summary background of the issue, including a definition of the problem, the historical context, and an indication of the groups or individuals who have previously discussed the item. More detailed information should be provided in a separate report or correspondence included in the agenda package. All such enclosures should be referenced on the agenda.
- A recommendation for action, when appropriate. This recommendation should not be considered to be "cast in stone," but as a starting point for further deliberation. If the agenda item does not require action by the elected officials, that should be indicated. It is important that each agenda item indicate what the COG's legislative body needs to do (such as make a decision, refer information, or take no action).

All agendas should include a section entitled "Other Business" to offer the opportunity for individual members of the legislative body to bring concerns or issues not on the agenda to the floor. The flexibility to hear other issues provides a vent for the release of concerns that may be building up.

Agenda packets should be distributed to the COG's governing body well in advance of the meeting so that the officials have several days to read through the material. It is unfair to expect municipal officials who may have full-time jobs, families, community commitments, and who are volunteering their services to the COG to thoroughly review and understand an agenda packet received one or two days prior to the meeting. Distributing information at a meeting is a practice to be avoided. Agenda packets may be distributed via mail, email, fax, webpage, hand delivery, or any combination of techniques, according to the preferences of the elected officials and as the budget allows.

Meeting Rules of Order

Following parliamentary procedure is essential for an orderly, fair, and effective meeting. Without ground rules, the meeting has the potential to degenerate into undirected competing discussions which will leave the municipal officials unsatisfied and unwilling to return. A copy of Robert's Rules of Order or some other guide on parliamentary procedure is an important item in the COG Director's library. Robert's is not necessarily the only or best answer; it is important to have established rules, approved by the body. To conduct an organized meeting, any Chair needs to have a clear understanding of his or her role as the facilitator of the meeting.

During the meeting, the Chair acts as a "traffic cop," directing the discussion in a manner that gives all participants an opportunity to express their views. If the Chair discourages or unduly limits comments from others, municipal officials will feel frustrated and lose interest in attending future meetings. While discussion should be encouraged, the Chair needs to avoid needless repetition of the same argument. Keeping the meeting moving toward a conclusion sometimes means placing reasonable time limits on the debate.

COG Directors should recognize that some officials have extensive knowledge of parliamentary procedures while others do not. To foster a minimum level of understanding among all members of the COG's legislative body, the COG Director should consider distributing information regarding the procedures for moving, amending, or tabling motions to the COG's legislative body when it is reorganized after each municipal election.

Outside the formal meeting context, it is important to recognize that personal relationships among the municipal officials can be developed during informal discussions prior to convening the meeting and following adjournment. The COG Director should encourage these discussions and not hurry to move the individuals "out the door" in an effort to get home. Informal exchanges among the elected officials are excellent tools in creating understanding and trust, the essential elements in intergovernmental cooperation.

Meeting Minutes

In most COGs, the Director is responsible either for personally preparing meeting minutes or for ensuring that another employee produces minutes. The Sunshine Act requires written minutes to be taken at all public meetings. The minutes are open to public inspection. There is no legal requirement for minutes to be taken in executive sessions. The reason for holding any executive session must be announced at the public meeting held immediately before or immediately after the executive session. This announcement should be included in the minutes of the relevant public meeting. Sometimes notes are made of discussions in executive sessions, but often there is no written record of any kind since the requirement for formal written minutes is restricted to public meetings.

The Sunshine Act requires a minimum of four items to be included in the minutes for each meeting. These are the mandated items:

- Date, time, and place of meeting
- Names of persons present
- Substance of all official actions and a record by individual member of the roll call votes taken
- Names of all citizens who appeared officially and the subject of their testimony

The municipal codes provide little real guidance to the COG Director in determining what information should be included in the minutes. Requirements for the inclusion of material in the minutes can be outlined in the procedural rules or by-laws of the COG's legislative body, although few COGs have actually done this. COG Directors should understand the role of the minutes as legal evidence and should consider their historical value. One criterion to use in determining the contents of meeting minutes is the extent to which they provide direction for regional programs. It is always better to err on the side of including too much rather than leaving out essential elements. When in doubt about the level of detail, the Director should ask the elected officials for guidance. Some of the basic elements of minutes are listed below:

- **Legal Verification** – The minutes should show conformance to legal requirements by establishing the date, hour, and place of the meeting and whether it is a regular or special meeting or a public hearing.
- **Attendance** – The minutes should record the attendance of members and officials and the time for appearance or departure of any member not present throughout the entire meeting.
- **Approval of previous minutes** – The minutes should record official approval of the minutes of the preceding meeting, together with any additions or corrections made by members.
- **Communications** – Minutes should note the identity of persons appearing to make oral presentations to the legislative body and their subject matter. Petitions and other written communications should be noted by source, subject, date, and disposition.
- **Reports** – Reports to the legislative body should be identified by the presenter, subject, date, and manner of disposition. The full text of oral or written reports is not included in the minutes.

- **Approval to pay bills** – In some COGs, bills are presented to the legislative body for approval before payment. These are most often presented in a bills payable list, including the name of the creditor, the object of the expenditure, and the amount. Including the entire bills payable list in the minutes is not necessary.
- **Resolutions** – Resolutions should be identified by number and title. Unless specifically required by the COG solicitor, it is unnecessary to enter the full text of the resolution in the minutes.
- **Contracts** – Minute entries on awarding contracts should include the subject of the purchase, identification of all bidders and amounts, and statements establishing the fulfillment of legal requirements.
- **Oral statements** – Minutes should accurately reflect what occurs at a meeting, but unless the governing body desires a verbatim record, oral expressions of opinions, remarks, or statements should not be included on a word-for-word basis. The COG Director should prepare or have prepared minutes that provide a summary of the discussions in sufficient detail to provide the reader with a general understanding of the various points of view and their major proponents.
- **Motions** – Actions of the governing body should be made by motion. The minutes should state the motion, the members who moved and seconded it, and the vote in favor, opposed, and abstained.

Because minutes of COG meetings have been used by courts as evidence when lawsuits arise, COG Directors should ensure that minutes are accurately prepared and identify the actions taken at the meeting. They should be retained in a minute book as part of the COG's permanent record.

Role of the COG Director

During meetings of the COG's legislative body, the overall role of the COG Director is to inform the elected officials, encourage their involvement in the decision-making process, and offer recommendations on issues affecting the COG or the region. The form of this encouragement varies with the type of meeting and agenda item under discussion. At meetings of subcommittees of the COG's legislative body, the COG Director often plays a more active role. In these more informal settings, the COG Director may have the freedom to express recommendations and demonstrate leadership in articulating potential regional goals. Formal meetings of the COG's legislative body provide the opportunity for elected officials to interact with each other. Thus, the role of the COG Director should be more circumspect. Often at these legislative meetings, the ideas expressed by the COG Director during the subcommittee meetings will surface, either through a municipal official's reference or through a direct question to the COG Director to provide a report to the entire body.

When the COG's legislative body discusses policy issues such as voting representation, funding formulas, or general governance, the COG Director should not be a main participant, but should be an active listener who may offer to conduct research, generate alternatives for resolving the issue, or perform other tasks requested by the officials. When specific programming issues are discussed, the COG Director should actively participate, but not dominate the debate. Again, the goal is to encourage, not stifle, the consensual decision-making process. However, in some cases the role of the COG Director may be one of advocacy for a proposal. When program issues are being discussed, it is appropriate for the Director to express a professional opinion on the matter under consideration. Often this assessment will be in opposition to the position of some members of the legislative body; however, a COG Director's willingness to voice an opinion establishes a leadership role and earns respect from the municipal officials, whether or not they agree with the assessment. In these situations, the Director's comments should be presented in a manner that is never insulting or demeaning to the municipal officials.

Questions from the officials or the public should be answered in a clear, courteous, and prompt manner. If the question requires research after the meeting adjourns, the answer should be prepared in a timely manner and distributed to all interested parties. During the meeting, the Director should aid the COG Chair to ensure that motions are clearly stated before a vote is called.

A secondary but important function of the COG Director is to confirm meeting logistics. Confirming attendance and determining whether the regular municipal representative is able to attend, or if an alternate representative is needed, are often functions of the COG Director. Arranging for alternates could be the difference between obtaining a quorum or having to cancel a meeting because of lack of attendance. If an alternate representative is needed, the Director should ensure that the individual is provided with a complete agenda package, preferably in advance of the meeting. When an alternate attends a meeting, the COG Director should clearly understand the individual's voting privilege and refer that information to the Chair. To avoid confusion about the alternate's voting status, some COGs ask each municipality for a written policy on this issue at the beginning of each year.

On a periodic basis, it is beneficial for the Director to survey the members of the COG's legislative body to assess how the membership views the manner in which meetings are structured, and to determine whether they feel their information needs as elected officials are being met.

VII. Communicate, Communicate, Communicate

A major role of the COG Executive Director is to serve as a point of contact for information and communication on regional issues. An effective Director develops and maintains a network of community contacts, including municipal officials; county, state and federal governments; authorities; utility providers; school districts; business groups; and other COG Directors. The extent of this network and amiability of the relationships in large measure determine the success of the COG and the number of programs and services it provides to its members.

Educating municipal officials and residents and bringing them up to speed on the issues should be a high priority for every Director. Municipal officials are unlikely to support a proposal for a regional program or expenditure they do not understand; they must see how it will benefit their community. There are a number of platforms for sharing information with the elected officials—presentations at COG meetings, printed or electronic reports, attendance at a municipal meeting, and face-to-face discussions.

In presenting information, Directors should recognize that municipal officials have different preferences for the level of detail they would like to have. When a lengthy proposal or analysis is prepared, including an Executive Summary at the beginning of the document may be appropriate. The Executive Summary is a short section that concisely summarizes a longer report in such a way that readers can rapidly become acquainted with a large body of material without having to read the report in its entirety. The Executive Summary usually contains a brief statement of the problem or proposal covered in the major document, background information, concise analysis, and main conclusions. This section of the report is intended to be an aid to the municipal officials in making a decision.

Whether the COG is large or small, a crucial role of the COG Director is to communicate information in a clear and succinct way. The terminology used should be familiar to the audience. During meetings, acronyms or the names of individuals who may be unfamiliar to people in the audience should be avoided. If acronyms or the names of individuals are used, their meanings should be explained to everyone in attendance.

Orienting Newly Elected Municipal Officials

Communication between the elected officials and the COG Director should begin immediately after the election, or whenever an official is appointed to fill the vacancy on a board, council, or commission. A congratulatory letter should be mailed, acknowledging the newly elected officials' achievement, and advising them of the responsibilities of their positions as both municipal and COG officials. The COG Director should coordinate this notification with the secretary or manager of the member municipality the elected official represents. The time period between the November election and the municipalities' reorganization meetings (the first Monday in January) provides an opportunity for relaying information to the newly elected officials. During these two months, the elected officials are not yet inundated with information from their municipalities and may have more time and fewer distractions. These factors provide a suitable atmosphere for learning about the COG.

In addition to providing written information, another mechanism for informing newly elected officials about the COG is to invite them to an orientation session. The purpose of this informal session is to meet COG staff and learn about the organization. Invitations to the orientation session are more effective when offered in person or over the telephone, especially when this is the COG Director's first contact with a newly elected official. If it is not possible for all of the newly elected officials to attend a single orientation session, it may be necessary to schedule additional sessions. The orientation session should stress the importance of their involvement in the COG's decision-making process and identify specific examples of how intergovernmental cooperation benefits the municipality. Topics covered during an orientation session should include at least the following:

- Benefits of municipal participation in the COG
- COG meeting logistics – dates, times, and locations
- History of the COG

- COG organization and structure
- Decision-making process
- COG finances and budget process
- Role of elected officials
- COG Committee assignments, if any
- Time commitment for COG meetings
- How to suggest items for COG agendas
- Future issues and challenges before the COG

Orientation sessions should begin with a brief introduction of each elected official and the COG Director. At the meeting's conclusion, each elected official should be provided with an information package, including the COG budget, meeting calendar, organizational chart, articles of agreement, and general background about COGs and intergovernmental cooperation such as the DCED's Intergovernmental Cooperation Handbook.

Orientation sessions for new municipal Managers/Secretaries should be scheduled when it is convenient for those individuals. When new appointments in these offices occur, the COG Director should consider personally visiting the municipal building to be introduced to the individual and to schedule an orientation session at a time convenient to the new manager/secretary.

Reports to Member Municipalities

Board/Council/Commission members must be kept informed in order to govern well. Elected officials who are kept current on a problem as it develops are more likely to respond positively to a staff proposal for resolving the situation. Surprises are bad. A surprise often produces negative results, and could leave the impression that staff is inept or reluctant about sharing information. There are a variety of methods for keeping municipal officials informed. The COG Director's choice is limited by factors such as available time, personnel, and budget.

A common approach is to provide monthly reports to all of the elected officials and municipal Managers/Secretaries who participate in the COG. These reports could include information relating to program activities (the number and value of building permits issued, joint purchases made, recreation program participation, etc.), future issues that may arise, and items of regional interest. Regular monthly communication with all of the municipal officials develops a role for the COG as an important source of local government information. Mailing and duplicating costs for monthly reports may require higher COG expenditures; however, the benefits of having knowledgeable and supportive municipal officials are worth the investment. These costs can be minimized through the use of email or visits to the COG's website. It is important to note that some municipal officials prefer only electronic communications, so the COG should have the capacity to distribute its agenda packets and other information in that manner.

Another approach for encouraging communication is to ensure that each jurisdiction participating in the COG has an item on its regular municipal meeting agenda entitled "COG Reports." Under this item, the municipal representative to the COG or its Committees can provide the entire governing Board/Council/Commission with an update of current COG activities. The COG Director can assist the representatives by providing a written summary report or a set of the COG meeting minutes with important items highlighted.

Other options for regularly communicating with the participating municipalities include:

- Preparing articles relating to COG programs for publication in municipal newsletters that are read by both elected officials and residents.
- Providing a monthly and/or annual report to each of the elected officials that details program activity and explains how the municipality is benefiting from its involvement in the COG.

- Attending municipal meetings on a periodic basis to report on the services the municipality is receiving through the COG. Directors must be careful to coordinate any presentations to the municipal governing bodies with the municipal manager/secretary.
- Maintaining a current webpage that elected officials can access as they have time. This webpage should provide links to important COG reports and data.

Suggestions for Effective Relationships with Municipal Officials

1. Establish a municipal presence and do not rely exclusively on written communications. Attend municipal meetings and provide regular information. Become part of the governance system and create a network of contacts. Periodically “show the flag.” At least once a year, attend a meeting of each of the municipal governments.
2. Communicate frequently with elected and appointed officials. Provide monthly and annual reports detailing the COG’s accomplishments and future issues that may arise. It is not sufficient just to do good deeds, people must know about them.
3. Give elected officials first hand information about COG programs. For instance, if there is a problem at a park maintained by the COG, create the opportunity for interested elected officials to visit the site. Make them eyewitnesses to any problems the COG is confronting.
4. Understand the elected officials. Take into account their family commitments, their jobs, and the locations of their homes. Empathy means understanding the other person; empathic listening gets you inside the other person’s point of reference.
5. Orient newly elected officials. Make the contact early in their terms, before they are swept-up in their new responsibilities.
6. Make it easy for the elected officials to participate in the decision making process. Information should be given in advance, not handed out at meetings. Meetings should be held at times and locations convenient to the membership, and meeting arrangements should be reviewed annually.
7. Documents should be clear and to the point. It is a competitive world for the elected officials’ attention. Some elected officials receive more than six feet of written material a year from their municipality, COG, and local authorities. Producing concise, visually attractive COG documents will help ensure they are read.
8. Treat the elected officials as your allies and welcome their critiques of your proposals. Opening your mind to other points of view will make for a better result. It’s okay to disagree, just do it respectfully. Acknowledge the legitimacy of the elected officials’ points of view.
9. Treat all elected officials equally, making sure they all have the same base level of understanding of the issue.
10. “Put all the cards on the table.” Do not hold back information, or time the release of information.
11. Create situations that permit fair debate and criticism of proposals. Do not “front load” the committee responsible for preparing a proposal with individuals who all support the proposal.
12. Make sure the municipal Managers/Secretaries know about your proposal. Personal visits are the best way to establish effective working relationships and garner support for proposals.
13. Engage the elected officials and give them a sense of ownership over proposals and programs. Recognize their ideas and contributions to projects by practicing reflective listening: “As suggested by Councilperson Jones...”
14. Do your homework in advance. Prior to presenting a proposal, make sure all of the partners agree and present a united front. If there are areas of disagreement, step back and resolve them first. If legal documents are part of the proposal, arrange for a preliminary review by the COG Solicitor prior to distributing the proposal to the municipal officials. Make it easy for the elected officials to say yes at the meeting.
15. Practice “patient persistence.” Don’t give up on a meritorious proposal. Get the issues that are holding up progress “out on the table” and respond to them. You cannot control all events. A good idea is likely to be implemented, but perhaps not in the exact manner you envisioned. When working with multiple partners “flexibility” is a virtue. Don’t fall into the trap of making “the best” the enemy of “the better.”

16. Avoid “red flag” words or concepts. For instance, in some communities describing intergovernmental programs in terms of “consolidated” or “regional” services can be viewed negatively. However, describing the same concept with terms such as “joint, partnership, or cooperative” may result in acceptance. Red flag words vary by community.
17. Avoid partisan politics. Remain neutral. Avoid signing petitions, going to political fundraisers, etc.
18. When things go right, publicly praise the elected officials. Organize special events to recognize their role in COG accomplishments.
19. Always provide quality services to the public. “The truth is its own defense.”

Engage the Municipal Managers/Secretaries

It is essential for the COG Director to develop and maintain positive and open working relationships with the Managers/Secretaries of the member municipalities. Without the support of these individuals, advancing or maintaining regional projects or joint programs will be a struggle and often a dead-end. In most communities, the opinions of the Managers/Secretaries help to shape the elected officials’ views about partnering with other municipalities through a COG.

Municipal Managers/Secretaries are excellent sources of ideas for regional programs and are reliable barometers of elected officials’ concerns and attitudes. Often, they are instrumental in shaping the elected officials’ attitudes and level of trust in the COG. Cultivating the confidence of the municipal Managers/Secretaries in the COG’s ability to provide high quality services within the approved budget should be a high priority for the Director.

The basis for this relationship is trust built upon honest, open, and regular communication. There are a variety of options for providing communication between municipal Managers/Secretaries and the COG Director.

- Coordinate regular meetings with the region’s Managers/Secretaries, county, and school district officials to discuss issues of shared concern, report information, exchange ideas, and learn how other communities are dealing with a common problem. These roundtable discussions can be conducted during an early morning breakfast or midday lunch, with the cost and location rotating among the participating groups. These informal meetings offer a regular forum to network and discuss—and sometimes defuse— intermunicipal concerns.
- Establish a standing Municipal Managers/Secretaries Advisory Committee to provide the COG Director with advice on regional issues and COG business practices. These Committees have scheduled meeting dates and agendas, and minutes are prepared. Some COGs choose to create Manager/Secretary Committees on an Ad Hoc or “as needed” basis. Ad Hoc Committees are usually used to investigate and provide a recommendation on particularly technical or divisive issues. The formation of any COG-related Manager/Secretary Committee should not occur without the consent of the governing bodies of the municipalities involved.
- Schedule, at least annually, a face-to-face meeting with each Manager/Secretary to discuss his or her ideas and concerns regarding current and potential COG programs. In most cases, when a Director shares information with one Manager/Secretary, the same report should be distributed to all of the Managers/Secretaries. The primary exception to this recommendation is information that relates to a single jurisdiction.

Involve the Media

The Director is the COG’s primary spokesperson and advocate. In seeking coverage about COG services or projects, the Director’s message to the public can be greatly enhanced by the power of media in all of its forms. Media coverage of COG meetings is essential for the public to know about how their local governments benefit from belonging to the COG. The primary factor in shaping the public’s perception of the COG is media coverage. Typically, when the media does not cover the COG, there is a corresponding lack of public knowledge about the organization and the services it provides. It is easy for public apathy to translate into the elected officials’ ambivalence towards the COG. Conversely, the public awareness generated by media coverage can help move people to action on a COG project.

COG Directors can utilize the media as an effective tool to inform the community about the COG and its activities; however, before this can occur, the media must understand how the COG works and what it does. Media representatives (from newspaper, television, radio, and online news services) should be provided with an agenda for each regular meeting of the COG's governing body. Copies of reports should be made available to the media after distribution to the elected officials. Providing source documents promotes more accurate and comprehensive reporting. Some COGs have taken advantage of the government/education access channels on cable television networks to cablecast their meetings. A few of these public access channels also web stream videos of COG meetings so that residents who were unable to attend the meeting can watch it later on their home computers.

To strengthen coverage, the COG Director should provide background information to the media and, as appropriate, supply them with resource documents such as reports and copies of budgets. When arranging an interview with the media, it is important that the COG Director makes certain that the reporter has contacted the appropriate elected official(s) for comment. Should the interview involve a high profile or policy related matter, the Director should inform the COG's governing body so that members are not surprised when they hear or read about the interview. Serious thought should be given to recommending that the reporter also contact the COG Chair or another knowledgeable elected official who is a recognized spokesperson on the topic.

When a significant event occurs for the COG, a news release should be prepared. When writing a news release, keep it short and double-check the facts. It should tell what has happened, why it's important, who was involved, when it occurred, how much it cost, and where it took place. By putting this information in writing, the Director will reduce the chances of a reporter making a factual error. And, when talking to the media, it should be remembered that what you say is not as important as how you say it—be pleasant, brief, competent, and articulate.

Relationships with Others

Meetings of the COG's governing body offer an excellent forum for important public or private agencies like a regional authorities, school boards, county commissioners, environmental groups, and Chambers of Commerce to discuss issues of shared concern with municipal officials. For the non-municipal group, attending a COG meeting provides the opportunity to present the same information to all of the elected officials at one time. This reduces the need to attend multiple municipal meetings, and reduces the possibility for misunderstanding. For the elected officials, inviting a non-municipal group to a COG meeting has the advantage of offering a forum to openly discuss concerns and ideas relating to the topic of the presentation. Often, these COG-based forums serve an educational function by encouraging the exchange of information and elevating municipal officials' understanding of an issue. When the media reports these forums, the benefits are expanded to the region.

An emerging trend for Pennsylvania COGs is entering into active partnerships with Chambers of Commerce. These relationships vary by COG. In some instances, the interaction is limited to the COG's membership and participation in the Chamber of Commerce. In others, the Chamber of Commerce is an active supporter, providing the COG with office space and the sharing of equipment. In some COGs, Chamber representatives serve as members of COG Committees, and COG representatives serve on Chamber Committees. Regardless of the relationship, it is good practice for the COG's governing body to receive periodic reports from the Chamber of Commerce to ensure they have a common understanding of the area's economic development goals and the expectations of the municipal officials.

The COG's capacity to function as a forum for discussing regional issues of shared concern is often overlooked. Because the COG holds regular meetings and its governing body consists of elected officials from multiple municipalities, attending a COG meeting is an easy way for county and state officials, regional authority members, and Chamber of Commerce representatives to discuss new ideas or ask for comments on current problems.

Options for Communicating with the Public

Positive communication with the public is important for building community support for regional programs. A major problem for many COGs is a lack of public understanding of how the organization works and why the municipalities benefit from participating. Public understanding provides the foundation for the support of elected officials. The COG Director needs to develop and strengthen this foundation by enhancing public awareness of the COG. The Director has several options available for informing the residents in his or her service area about the COG and how it benefits them. Some cost effective options include:

- Including the media in the agenda mailing list for meetings of the COG's governing body.
- Preparing and distributing news releases to local newspapers, radio stations, and television stations. A media distribution list should be prepared and kept updated.
- Maintaining a current COG webpage.
- Using municipal newsletters when available. Some municipalities send out printed and/or electronic newsletters to their residents. Typically, these municipalities welcome the opportunity to include an article that updates their residents on a COG project or provides a description of the services it receives from the COG. In some communities, the newsletter is the residents' preferred method of receiving information about local government.
- Preparing and distributing leaflets and brochures explaining how the COG works, and the services it provides.
- Conducting COG Open Houses and attending municipal ones.
- Appearing before community groups and at schools.
- Maintaining e-mail lists of interested residents and groups.
- Using blogs, podcasts, Facebook, Twitter, YouTube, and other social media. Social media can be used to inform residents about new recreation programs, proposed regional land use plans, emergency management preparations, or service delivery disruptions. Though some COGs are just beginning to use social media, these new tools will become important ways of communicating with residents as demographics change in the future.

The way local governments, including COGs, communicate with the public is being transformed. Survey data indicates that almost 75% of adults in America have a presence on social media. In contrast, only about 50% of local governments do. Traditional communication methods that focus on newspapers may miss a growing number of individuals who obtain their information about public life via electronic media. Studies have found that only 40% of Americans under the age of 30 regularly read daily news or newspapers, compared with 62% of older adults.

In this evolving new world of electronic communications, it is important for a COG to have a webpage that is current, easy to navigate, and includes links to the webpages of its member municipalities. When funding is limited, the COG might seek assistance in developing a webpage from local volunteers, knowledgeable municipal staff, or a nearby college. If the COG budget permits, private companies offer assistance with website design, development, and content management. The scope of services for the COG webpage can include: surveys and comment forms, integration with social media, video on demand, and online services. Regardless of how the webpage is developed, it must be kept current to remain a useful tool for the elected officials and the public.

Dealing with Angry Residents

Conflicts with residents are unavoidable. Conflicts can have positive results, however, if they are managed correctly. The way elected officials or the COG Director respond to a situation can affect how the public reacts. The following are some techniques to help ensure positive public contacts:

- Always remember that you serve the public. Residents have a right, and in a democracy, the obligation to express their opinions.
- Don't wait for suggestions, ask for them. People appreciate being asked their opinions. This opportunity can be provided through a public hearing scheduled by the COG.
- Solicit input from affected stakeholders early and often to avoid the inevitable surprise, and provide continuous opportunities for comment later on.
- Acknowledge suggestions with thanks. Good ideas can come from the public; acknowledge them when you get them.
- Follow up on what you agree to do, and let the residents know that you did.

It is good practice for the COG Director to report to the appropriate municipal Manager/Secretary when a non-routine contact with a resident/businessperson has occurred. This "heads up" will be much appreciated.

VIII. Windows of Opportunity

The Window Opens

Opportunities for new COG programs periodically appear and then disappear as the situation changes. A COG Executive Director should be able to identify these windows of opportunity, explore their feasibility, and present them to the COG's governing body. Windows of opportunity for new programs can open because of the emergence of a common problem faced by the municipalities in the COG; changes in state laws or regulations; different federal, state, or county funding programs; and shifts in resident priorities. COG Directors should be receptive to these possibilities. Windows close when the COG does not act, the municipalities find other solutions to the problems that are confronting them, or when municipal officials change and the new ones are not interested in using the COG as a tool for addressing the issue.

Ideas for intergovernmental programs may come from municipal officials, COG staff, community groups, local residents, other COGs, and the Department of Community and Economic Development. Identifying a program opportunity is only the beginning of a long process of planning, organizing, and implementing a new intergovernmental program. Along the way, difficult decisions will have to be made regarding how the service will be produced (by the COG, a private company, or a member municipality), how costs will be allocated, and how the program will be governed. These are not quick and easy decisions. They are matters of local choice and often a product of long, divisive, and difficult discussions among municipal officials. Such debate is neither unusual nor unexpected; rather, it is inherent in the intergovernmental decision-making process. It is the responsibility of the COG Director to facilitate this process to achieve a proposal that all of the participating municipalities can live with. This section is intended to offer guidance for the presentation of new COG program proposals.

In looking at windows of opportunity as openings for initiating new regional programs or expanding current ones, the following criteria can be used as a litmus test with which to evaluate whether it makes sense for the COG to leap through that window:

- Does it fit with the COG's mission, values, and strategic plan?
- Is there alignment with the region's needs, goals, and aspirations?
- Does it address multiple goals?
- What partnership opportunities exist?
- Is it a "work smart" concept?
- Does it make the best use of existing resources?
- Does it provide a favorable return on investment?
- Is it practical, actionable, and sustainable?
- What would happen if the activity stopped?

Window Closers

Municipalities working together to serve the public is a compelling and straightforward idea, but there are political and community factors that can offset or obscure the benefits. Windows of opportunity can be quickly closed due to concerns about:

- **Control** – Local government leaders are accustomed to "calling the shots" on matters affecting their residents.
- **Influence** – Intergovernmental cooperation often requires collaboration between officials of differing public entities, with the power to act unilaterally usually diminished. In addition, some municipal officials may resist proposals for intergovernmental cooperation out of fear of the long-term negotiating position the new arrangement will cause for their Borough, Township, or City.

- **Abrasive Meetings** – Municipal officials share a common characteristic—they are proud of their communities. When the atmosphere at a COG meeting is poisoned by excessive criticism of a municipality, or there is continued carping about perceived injustices of long ago, some officials may not be enthused about attending future COG meetings where they will be exposed to more badgering.
- **Board composition** – A large COG governing body increases the time required and the costs of decision making. The greater the number of participants, the more likely they will bring to the table more diverse viewpoints which must be accommodated.
- **Disinterest** – Municipal officials may not be committed to the proposed activity. This is readily discernible when meeting attendance is low or there are endless requests for additional information and analysis. The “get it done” attitude is missing.
- **Fiscal control** – Lax fiscal control and poor financial management of joint ventures can result when internal controls are not in place.
- **Unfairness** – The proposed COG activity treats municipalities in similar situations differently.
- **Community relations** – Joint ventures between communities can be undermined by factors other than demographic differences. One or both communities can be politically dominated by special interests that are perceived as skewing resources or influencing to their own advantage.
- **Citizen alienation** – Many residents have a strong identity with their locality and may fear that an intergovernmental service will lead to the loss of local autonomy. Residents may believe that their complaints or ideas will be lost in a large bureaucratic organization.
- **Interest groups** – As is the case with state and national governments, interest groups can attempt to influence municipal officials in policy matters relating to the COG. Interest groups can be formally organized or a loose affiliation of individuals from a neighborhood. All interest groups share a desire to affect government policy to benefit themselves or their causes. They attempt to achieve their goals by lobbying—that is, by attempting to bring pressure to bear on municipal officials to gain policy outcomes in their favor.
- **Disputes** – A method must be in place for resolving disputes after agreements have been executed and the new intergovernmental program or service is in operation.

Keeping the Window Open

When a recommendation for a new program idea arises, there are a few simple “rules of the road,” which will increase the probability of the concept being approved by the elected officials. These strategies can help a COG Director overcome the “window closers.”

- Go slow
- Be flexible and patient
- Monitor results

These “rules” are consistent with creating an environment for the decision-making process that provides sufficient opportunities for the exchange of information among municipal officials and permits each individual to fully express his or her views and concerns regarding a proposed COG program. It is only after this open dialogue that municipalities will assume “ownership” of the proposal and commit the necessary public resources to implement it.

Go Slow – Municipal officials approach new intergovernmental program concepts cautiously, especially in regions where the municipalities have not traditionally cooperated. COG Directors should acknowledge this caution by introducing new program concepts at a pace that allows the municipal officials to feel comfortable with the proposal. This infers an incremental and iterative decision-making process. The first step is for the COG Director to introduce a general concept for a new program, as opposed to a complete program proposal. Reaching too far in the initial presentation may bury the

proposal in a debate over detail instead of vision. The initial concept document should be provided in a brief one- or two-page report to the elected officials. An effective concept document contains the following elements that, in combination, provide a systematic way of looking at a problem, identifying options, and reaching a recommendation:

- A brief problem statement
- Background of the problem
- Criteria for evaluating options for addressing the problem
- Options for addressing the problem
- Applying the criteria to options
- Staff recommendation

In presenting the concept document, the COG Director should reassure the municipal officials that they may select an alternative other than the staff recommendation, they may refine the staff recommendation, or they may discontinue further consideration of the proposal. Once there is consensus on the concept, there are three general approaches to developing a detailed preliminary proposal for the elected officials to consider. These approaches are:

- Authorize the COG Director to prepare the proposal. This approach is contingent upon the COG Director having the knowledge, time, and staff support necessary to bring the concept document to complete fruition as a detailed proposal. If these factors are not present, the Director has an obligation to inform the municipal officials of the situation.
- Appoint a Project Management Team (PMT), consisting of municipal/COG officials and other knowledgeable individuals, to consider specifics of the proposal. If a PMT is established, the COG's legislative body should choose its membership. It is important that the municipal officials make these decisions; otherwise, the process for preparing the draft proposal may become the focus of attention rather than the recommendation that should be considered.
- Retain a paid consultant if the municipalities or COG do not have trained and available staff, or if the issue is politically charged and will require an "outsider's" assistance.
- The COG's governing body should select the approach used to discuss and decide upon a new program concept. It is essential that the process for deliberating on a new program be viewed as fair. Process issues are key to the success of a COG program. If some of the stakeholders view the process as being biased, the entire effort is likely to end up in the dust bin of failed ideas, and the window of opportunity will be closed.
- It is important for the COG to recognize the trade-off between moving a program proposal forward in a methodical and deliberate way and taking too long to make a decision. Some municipal officials become frustrated with the COG's decision-making process because, from their point of view, "It takes too long." This is a criticism that most COG Directors hear about the group deliberative process they are responsible for managing. This comment can be addressed through regular communication with the municipal officials so that they have ongoing knowledge regarding the status of the discussion, the reasons it is being delayed, and the actions underway to bring the outstanding issue(s) to closure.

Be Patient – Once the COG's governing body endorses the concept document and selects a process for preparing the detailed proposal, the next step is to prepare the document for initial review by other COG officials. In developing a proposal for a new COG program, there is and should be significant "give and take" among the groups and individuals who are interested in the issue or have a stake in it. During this iterative process, the patience of the COG Director is an invaluable attribute in guiding the project to completion.

The first detailed draft of a new program proposal should be clearly marked DRAFT #1. This prevents the document from being mistakenly considered the final proposal instead of a working draft to be reviewed and subject to further revision. This working draft should be screened by a smaller committee of municipal officials prior to its referral to the COG's governing body. This review group could be a committee of elected officials, municipal Managers/Secretaries, knowledgeable members of the community, or a mixture. This initial review is important because it identifies problems and cultivates allies that will be helpful in presenting the final proposal.

Once the draft document is acceptable to the reviewing body, consideration should be given to how the proposed program will be presented. The question of who makes the presentation is important. In some situations, it makes sense to have a person other than the COG Director presents the program proposal. Unfortunately, regardless of the source of the idea and the method of preparing the draft proposal, the COG Director may be viewed as having a self-serving interest in promoting new programs. Arranging for another presenter minimizes this perception. Options for presenters include a member of the PMT or consulting group that prepared the proposal, or a member of the committee that reviewed it.

When the final draft is presented to the COG's legislative body, a vote should not be requested. The document should be referred to the participating municipalities for comments, with responses forwarded to the COG Director to relay to the PMT or the project consultant. The comment period could take several months, and may require several rounds as the program document is reviewed, revised, and recirculate among the interested groups. In referring the program document to the elected officials, the COG Director should include an accompanying transmittal letter that explains the review and adoption process, and asks for municipal comments by a set date. Flexibility is critical at this stage in order to allow as much input as possible from the people who will be involved in the program. This comment period should ultimately result in each group or individual developing "ownership" in the program, increasing its chances of success.

Ideally, the COG Director should offer to meet with each board/council/commission to discuss the program proposal. Often, these presentations involve attendance at evening meetings. This "missionary work" with the municipalities can be difficult and time consuming, but is often rewarding. Providing the elected officials with an opportunity for face-to-face communication with the COG Director may mean the difference between a new program that is accepted and one that is not.

Monitor Results – Few programs are implemented without flaws. After a new regional program has been implemented, the COG Director should carefully monitor the results and periodically refer that information to the COG's legislative body. The purpose of this evaluation should be to assess which aspects are working well, and which need improvement or should be added or deleted. During the course of this monitoring, the elected officials, municipal Managers/Secretaries, and users of the program should be consulted. Written questionnaires could be distributed to the elected and appointed officials or, if more appropriate, a monitoring session could be included as an agenda item at a meeting of the COG's legislative body.

Surveying the individuals who use a regional program or service is important in making sure the program was implemented in a manner that meets the expectations of the community. The type and target of the survey depend on the particular program. For instance, a regional code administration program could survey builders or property owners to determine if inspections are being conducted in a professional way that addresses their needs.

Conducting resident surveys and tabulating and analyzing the results can be expensive. Colleges or business schools within the COG's service area are a potential source of assistance. Public surveys make excellent class or internship projects, and this educational partnership can significantly reduce costs. It is recommended that surveys be conducted in a scientific manner to ensure that responses are representative of the region and not just of the "self-selecting" individuals who returned them. Randomizing the way the sample population is selected significantly enhances the credibility of survey results, providing more accurate information for evaluating policy options.

IX. Consensus Building

Decision-making within the COG is consensual. Given their voluntary nature, inability to tax, and absence of specific statutory recognition, COGs do not have the capacity to impose decisions that are not acceptable to their member municipalities. An autocratic decision-making process, controlled by a single municipality or by paid staff, undermines the viability of the COG and will not produce the desired result.

Because regional decisions are based on the voluntary agreement of the affected municipalities, the COG Director should seek to resolve conflict by building consensus among the participants in a decision. Thus, an important job skill for a successful COG Director is the ability to plan, organize, and guide discussions directed at the attainment of mutually agreeable solutions to regional problems.

Consensus has been attained when all members of the group involved in the decision making process reach these points:

- They feel they have been heard.
- They have been frank and honest.
- They feel they have identified and thoroughly discussed all important views and information.
- They feel they “own” the decision as if they had made it alone, and can actively support the decision.
- They have a clear picture of the decision. This is best accomplished through a document that specifically identifies the areas of agreement, the items (if any) that remain to be addressed, and how and when that will occur.

The Director as Consensus Builder

Given the consensual nature of the COG decision-making process, the COG Director is often a facilitator of regional discussion. Bringing diverse, and sometimes competing, municipal interests together to reach a shared solution to a common concern is a difficult professional challenge. As a facilitator, the COG Director encourages the participating individuals to become an effective group in these ways:

- Developing a mission statement describing the goal the group is attempting to accomplish.
- Improving the way the group identifies and solves problems and makes decisions.
- Preparing and following an agenda and recording major issues and areas of agreement.
- Developing and following ground rules for conducting meetings.
- Identifying and testing assumptions about the problem and alternate solutions for resolving it.
- Developing “win-win” solutions to the problem.
- Developing consensus among the participants regarding the appropriate way to proceed.
- Taking responsibility for the group’s actions in presenting and advocating for the consensus decision to individuals and organizations that have an interest in the issue.

Crucial to the group’s success is its acceptance of a mission statement. The mission statement is a general description of the group’s goal. Often, individuals come to a meeting with different expectations. These need to be expressed and forged into a coherent mission statement that is acceptable to each group member. This mission statement should be clearly understood by each group member. Writing it down and distributing it with each meeting agenda is a good idea. Posting the mission statement in the group’s meeting room is also recommended. Continued emphasis on the mission statement serves to keep the group focused on the problem. As a result, participants do not become distracted by secondary issues or past history. The mission statement reminds the group why they are meeting and what they are attempting to accomplish.

Ground Rules for Effective Groups

At the group's first meeting, ground rules should be established for conducting meetings. Because consensus building is not hierarchical and occurs in an informal meeting setting, Robert's Rules of Order are not appropriate ground rules. The COG Director can help at this stage by offering potential ground rules for the group to consider. Some commonly accepted ground rules include:

- Assumptions and inferences about the problem should be discussed and tested.
- Relevant information should be shared among the entire group.
- Interests—not positions—should be the focus of discussion.
- Be specific—use examples.
- Agree on what important words mean. Be aware that a word or concept may have a different meaning to each of the group members.
- Group members should explain the reasons behind their statements, questions, and comments.
- Ways of testing disagreements and solutions should be designed by the group.
- The group should feel free to discuss undiscussable issues. Hidden conflicts should be brought into the open.
- Cheap shots or personal insults are not appropriate.
- All group members are expected to participate in all phases of the process.
- Group members are encouraged to exchange relevant information with non-group members.
- The group should make decisions by achieving an agreement that all of the parties can live with.
- At the end of each meeting, the group should do a self-critique.

Participants, including the COG Director, should recognize that conflict is natural and should not be avoided. Differences in opinion need to be expressed if the problem is to be resolved. Treat conflict as an opportunity to examine issues in depth in order to learn more about the assumptions underlying the problem. Each member of the group should be encouraged to discuss their interests and ideas. This involvement brings a shared commitment to the recommendation made by the group.

X. Budgeting/Finance/Risk Management

The format and method of administering the COG budget are matters of local choice. State law does not prescribe specific procedures or reporting requirements governing the COG's financial activities; however, because the expenditure of municipal tax monies is involved, the COG's fiscal practices should be consistent with municipal codes. Often, this means complying with the most restrictive municipal code of the participating jurisdictions.

Funding a COG

There are three primary sources of revenue for COGs: Municipal contributions, user fees and grants-in-aid. Municipal contributions are the main source of income for many COGs. These are the shared costs incurred by the municipalities for the services received from the COG. In some COGs, these "shares" are considered dues, entitling each municipality to participate in all COG programs. In other COGs, all of the municipalities share in administrative costs, but fund only those COG programs in which they choose to participate. These COGs offer a "menu" of services from which the municipalities may choose. In those cases, the "shares" may vary significantly, depending on the package of programs the municipality decides to purchase.

User fees represent income paid to the COG from individuals, businesses, and entities that receive services from the COG. In some COGs, user fees account for more than 30 percent of operating revenues. These payments could come in many forms, including building permit fees, pool memberships, or program fees for recreation programs. The COG's governing body decides whether user fees should be implemented, and if so, at what level. The role of the Executive Director is to offer alternatives and provide information on the economic and social implications of the choices.

The following conditions must be present in order to implement a user fee:

- It must be possible to identify the specific individual, business, or entity benefitting from the service.
- The implementation of a fee must be legally authorized. For example, some municipalities participating in a COG's code administration program may require the cost of a building permit to be included in the fee schedule that is annually adopted by the Council/Board/Commission. In this case, it is the COG Director's responsibility to make sure the building permit fee schedule is provided to the municipal Manager/Secretary prior to the adoption of the municipal fee schedule. In this situation, it is also a good idea for the COG Director to ask for a copy of the fee resolution to confirm that the COG's costs have been accurately captured. In contrast, the implementation of a user fee may actually be prohibited. For instance, the state Library Code prohibits a COG-sponsored library from charging fees to use basic library services.
- The fee should relate to the cost of the service provided. The COG Director should provide the COG's governing body with data on the total cost of the service, so an informed decision on the appropriate fee level can be made. The level cost should include both direct costs and indirect costs like administrative and overhead costs.
- The fee should reflect the public values of the community. For some programs, the elected officials may want to charge residents only a portion of the cost of the service, with the balance paid by municipal contributions. By way of example, assigning all of the operational and capital costs of a pass to a regional pool to the individual patrons may cause some residents not to participate because of the price. In this example, the COG's governing body may want to base the cost of the pool pass on just the operating expenses and exclude the capital expenses of building the pool.

The imposition of user fees provides COGs with an alternative to relying exclusively on municipal contributions. This diversity of revenue sources strengthens the COG's financial status and permits it to absorb some fluctuations in the level of municipal support.

Some COG programs benefit from county, state, and federal grant assistance. While grants are an excellent revenue source to start a new program or fund a one-time special project, reliance on grants to finance operating expenses can be dangerous and is not recommended. Nearly all grants are for specific time periods and require legislative action for

appropriations beyond that term. Should that appropriation not occur, the COG would be confronted with a serious financial deficit that would need to be addressed through higher municipal contributions or program reductions. The consequences of this funding gap could cause municipalities to be hesitant about participating in new regional programs in the future. Over reliance on state or federal grant funding can reflect a lack of municipal commitment to the COG and to intergovernmental cooperation. When municipalities support a COG funded only by grants, if a grant disappears then many times so does the joint program. For a COG to be financially stable over the long term, most funding must come from local sources—either user fees or municipal contributions.

The level of local commitment required under a grant program must also be understood. Some programs require matching funds in cash only, while others allow the grantee to use in-kind services for all or part of the local match. In addition, certain programs require multiyear funding and/or ongoing maintenance responsibilities.

Before applying for any grant, it is important to confirm with the funding agency that COGs are eligible applicants. Although the Intergovernmental Cooperation Act now requires all commonwealth departments and agencies to deem councils of governments, consortiums, or other similar entities established by two or more municipalities to be legal entities, the regulations for some grant programs may not permit COGs to apply. In such instances, the COG municipalities may want to designate a member municipality to act as the COG's agent in applying for, receiving, and administering the grant. In contrast, other grant programs may offer extra credit for intergovernmental programs, while others are intended specifically for intergovernmental organizations like COGs.

In addition to cash revenues, COGs can benefit from in-kind contributions from member municipalities, community organizations, and the public. In-kind contributions are non-monetary and usually consist of goods and services donated to the COG to replace or supplement the resources committed to a regional program. The following are examples of in-kind contributions:

- **Municipal** – May provide office space, secretarial assistance, and use of office equipment like photocopiers, fax machines, or computers.
- **Community Groups** – May provide park equipment for regional parks or books for regional libraries.
- **Residents** – May volunteer for regional fire companies, park maintenance, recreational programs, libraries and senior centers, or make donations of commemorative trees, books, recognition awards, etc.

Funding Formulas

For most COGs, contributions from the participating municipalities are a major funding source. Deciding how these contributions are distributed among the participating municipalities can be the most divisive aspect of a regional program. Determining the method of distributing municipal costs is not a responsibility of the COG Director and is best determined by the elected officials. The COG Director may facilitate the elected officials' discussion by offering assistance in generating alternatives and calculating the distribution of costs under each option.

There are almost limitless ways of allocating costs for regional programs. There is no universal way to distribute the costs of a COG service to the member municipalities. The best funding formula is the one that all of the participating municipalities can live with. Typical factors used in funding formulas in Pennsylvania COGs are population, assessed real estate value, earned income tax base, and road miles. Often, these factors are used in combination, resulting in a formula based on three or more factors. The COG can use different formulas for different regional programs. When discussing funding formulas, the COG's governing body should:

- Avoid funding formulas that cause large swings in year-to-year municipal contributions. Significant year-to-year changes in municipal shares make it difficult for the members to budget for future COG expenses.
- Decide whether the formula should be annually adjusted.
- Decide whether the change from one formula to another requires a majority or unanimous vote of the COG's governing body, and whether the approval of the individual municipalities is required.

In suggesting options, COG Directors have three general alternatives: Formula, usage, or percentage shares.

Formula Shares – Costs are allocated among the municipalities according to a mathematically prescribed method with more than one component. The most common components of a formula are population, real estate assessment, and gross taxable income. These components can be weighted equally or differently. It must be noted that over time, as the demographic and economic trends of the municipalities change, the components may change correspondingly. Thus, the contributions paid by a jurisdiction that is losing population may decline, while the contributions paid by a community that is gaining residents may increase. The COG Director should regularly (preferably annually) update the formula calculation to make sure it is current with regional trends. Over time, the elected officials may want to add, delete, or revise the components of the funding formula. Again, the role of the COG Director is not to be judgmental, but to assist in identifying the options and their implications, and to foster a positive environment within which the municipal officials can reach an agreement.

Usage Shares – Costs are allocated among the municipalities according to the level of benefit accruing to each community participating in the regional program. This benefit could be measured in terms of number of residents served, hours of service, or transactions per municipality. For instance, the costs of a regional library could be assessed according to the number of items checked out by residents of each municipality participating in the program. Assigning costs according to use can be expensive because it requires the collection and maintenance of statistics; however, it may also represent a more equitable allocation. Usage may vary significantly from year to year, causing large variations in municipal contributions. One method of minimizing these annual fluctuations is to use multi-year rolling averages to produce more stable cost allocations.

Percentage Shares – Costs are assessed according to a predetermined proportion of the total costs. For some programs, each municipality may contribute the same monetary amount or percentage share regardless of its population or wealth. This approach may be viewed as unfair by smaller or less affluent communities that lack adequate funding resources.

Budget Preparation

The COG budget is a yearly plan outlining the revenues the COG expects to receive and the expenditures it will make. The budget is more than a financial document; it is a vital element in policy-making. The budget determines which programs will be produced during the fiscal year and in what quantity. The budget also permits the COG Director to exercise administrative and operational control.

The process for preparing the budget should be open and provide sufficient time for a thorough review by the member municipalities. Providing the municipal officials with ample opportunity for comment increases their knowledge and sense of ownership of the budget, and enhances the likelihood they will support the proposed document when it is presented for a vote.

In Pennsylvania, the municipal fiscal year corresponds with the calendar year. Because appropriations for the COG must be included as an expenditure item in the municipalities' own budgets, the COG budget must be prepared before the member municipalities complete their budget processes.

A potential schedule for preparing and presenting the COG budget for municipal review is outlined below:

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| August | COG staff prepares the preliminary budget. |
| September | The preliminary budget is reviewed by the COG's finance committee or other subgroup of the COG's governing body. |
| October | The COG's governing body adopts a tentative budget; all of the member municipalities are requested to review and comment on the tentative budget proposal. |
| November | The COG's governing body adopts the final budget, which has been revised to reflect municipal comments. |
| December | The member municipalities adopt their final budget documents, which include the COG appropriation as proposed by the COG's governing body. |

The statistical pages of the budget document should be accompanied by a narrative text that explains the proposed revenue and expenditure items, and indicates whether they are increasing, decreasing, or remaining constant. In preparing the budget, it is important for the COG Director to be aware that some municipal officials may not be experienced in reviewing financial documents, so the budget should be prepared in a concise and understandable manner. Some COGs expand the budget narrative so that the document acts as an annual report, presenting the organization's accomplishments and outlining future opportunities for intergovernmental cooperation.

COG Directors should be open to invitations to attend budget meetings of the municipal governing bodies. When invited to a municipal meeting, the COG Director should make it a priority to attend. By participating in a municipal budget meeting, the COG Director sends the message that he or she wants to be a resource to the governing body. In most cases, the role of the Director is to provide information and respond to questions—not to pressure the governing body for an affirmative vote on the COG's budget proposal.

Prior to the start of the budgeting process, a practice some COGs employ is to prepare a Program Plan that identifies proposed changes and possible challenges that may occur during the upcoming year. Using the aforementioned budget calendar, the Program Plan would be distributed to the COG's governing body in July. Providing the municipal officials with advanced knowledge of proposed changes gives them more time to offer suggestions, express reservations, and ask for additional information. The Program Plan gives municipal officials the "heads up" about upcoming issues prior to the start of the budget process. This advance notice also gives COG staff a better idea of which items to include and exclude from the draft budget document.

Accounting Systems

The accounting systems used by COGs vary. Some are simple cash transaction based, while others involve complex double entry accounting. The accounting system should be reflective of the type and magnitude of the COG's recordkeeping responsibilities. When establishing an accounting system for the COG, the three most important values are accountability, accuracy, and ease of administration. The accounting system practiced by most municipalities is modified accrual. Under the modified accrual basis of accounting, revenue is recorded when it becomes measurable and available to pay the liabilities of the current period. Revenue that is not considered available is recorded as deferred revenue. Expenditures are recorded when the liability is incurred, except for interest on general long-term obligations, which is recorded when due, and the noncurrent portion of accrued vacation and sick leave, which is recorded in the general long-term debt account group.

To promote consistency with municipal practice and enhance clarity for local officials, it is advantageous if the line item numbers assigned to the various revenue and expenditure accounts are consistent with the *Chart of Accounts* published by the Department of Community and Economic Development (DCED).

Internal Controls

Internal controls are a set of rules, procedures, and practices developed and employed to facilitate the safeguarding of the COG's assets, be they liquid (cash or investments), fixed (infrastructure or equipment), or intangible (databases or passwords for instance). Control activities may be described by the type or nature of activity. These include, but are not limited to:

- **Segregation of Duties** – The separation of authorization, custody, and record keeping roles to limit the risk of fraud or error by one person.
- **Authorization of Transactions** – The review of particular transactions by an appropriate person.
- **Retention of Records** – Maintaining documentation to substantiate transactions.
- **Supervision or Monitoring of Operations** – The observation or review of ongoing operational activity.
- **Physical Safeguards** – The use of cameras, locks, physical barriers, etc., to protect property.
- **Analysis of Results** – Periodic and regular operational reviews, metrics, and other key performance indicators.
- **IT Security** – The use of passwords, access logs, etc., to ensure access is restricted to authorized personnel.

A system of internal controls to provide checks and balances for the various financial activities is an important part of the COG's financial management system. If municipal officials have reservations about the expenditure and receipt of COG funds, they lose confidence in the COG's ability to provide public services. This doubt can compromise the likelihood that the member municipalities will vote to allow the COG to assume additional responsibilities.

Financial responsibilities should be segregated to the greatest degree possible between various COG employees. Even in a small COG with only one employee, checks and balances can be provided. A member of the legislative body could serve as the treasurer, reviewing all invoices prior to payment and cosigning checks. A system of numbered vouchers and receipts should be used to provide evidence of payments made by and to the COG. A monthly financial report reflecting revenues, expenditures, and changes in fund balances for the period should be provided to the COG's governing body. Likewise, a comparison of budget to actual revenues and expenditures should be provided monthly so that the governing body has an understanding of how their adopted budget is performing. This data provides the municipal officials with the information they need to make adjustments during the year if revenues are lagging or expenditures are exceeding the budgeted amounts.

The COG's internal control procedures should provide for the regular (usually monthly) approval by the COG's governing body of voucher reports that identify the invoices and amounts paid.

Annual Audits

The COG's financial records should be audited annually. Smaller COGs tend to use committees comprised of municipal officials to conduct the audit. In larger COGs, an independent public accountant should perform the audit. In cases where a member municipality solicits bids for auditing services, there is an opportunity for the COG to lower its auditing costs by asking the municipality to include the COG audit as an optional bid item in its Request for Proposals.

Copies of the audit should be distributed to the members of the COG's governing body (or a designated committee) and to the Managers/Secretaries of the participating municipalities. This distribution assures the member municipalities that the funds they contribute to the COG are being spent in the manner intended. This awareness promotes trust and confidence in the COG's ability to act in a fiscally responsible manner.

When financial concerns arise in the audit's management letter, those issues should be immediately addressed, and the municipalities advised of the disposition.

More information on financial management can be found in the Department of Community and Economic Development's *Fiscal Management Handbook*.

Risk Management

Although COGs are recognized in the law as separate entities that can sue or be sued, they also benefit from the protections of Chapter 85 of the Judicial Code, also known as the Political Subdivision Tort Claims Act. When they are performing governmental functions, powers, or responsibilities under the Intergovernmental Cooperation Act, COGs are considered Local Agencies covered under the Tort Claims Act.

There have been cases where COG employees have been sued for their actions as employees of the COG and not of the participating municipalities. A safe approach is to assume that COGs are considered a political subdivision covered by the Tort Claims Act, and that there is shared liability between the COG and its member municipalities. As a political subdivision, a COG can have the same liabilities as a municipal government. Thus, a COG would not be liable for any damages on account of any injury to a person or property caused by any act or omission of the COG or its employees, except in the eight categories defined in the Act. Damages from these cases for a single event are limited to \$500,000. The Act also requires political subdivisions to defend employees who may be defendants in tort litigation. To protect the COG and its employees, officials, and volunteers against potential claims, the COG should secure general liability insurance.

In addition to suits brought in state courts, COGs are also subject to legal actions under federal law. Any lawsuits against a COG involving a federal jurisdiction can exceed the state liability limit of \$500,000. Therefore, in order to be adequately protected for amounts greater than \$500,000, a COG can either buy higher coverage or purchase an “umbrella” policy to be used only when the claims against the liability policy are exceeded. Potential federal actions usually involve civil rights violations that can be very broadly defined to include employee dismissals or the recommendations of regional commissions.

Some COGs carry public official and employee liability insurance (errors and omissions). This insurance coverage applies to non-property or non-bodily damage or injury. Claims brought under this coverage usually arise from decisions made by elected officials or COG employees that cause the loss of revenue or some other type of non-physical injury to an individual or business. It is important for errors and omissions policies to specifically include civil rights coverage for both defense costs and settlements.

Depending on the potential exposures of a regional program, surety bonds or other types of insurance policies should be considered. For instance, a performance or dishonesty bond should be considered for regional programs that involve the handling of money.

Cyberfraud insurance is a relatively new type of insurance policy that COGs should consider purchasing. This insurance covers expenses related to incidents that result in losses from computer viruses or other malicious code, destruction or theft of data, business interruption, denial of service, and/or liability resulting from e-commerce or other networked IT failures.

State law requires COGs to provide worker’s compensation insurance for their paid employees. Volunteers, except firefighters, are not covered under worker’s compensation policies and may have to sue the COG for a recovery. In regions where the COG operates a volunteer fire or ambulance company, the municipality in which the fire or ambulance station is located is responsible for providing worker’s compensation insurance to the volunteers; however, the insurance premium is shared in the same manner as other expenses for the regional fire protection program

To ensure that insurance policies are coordinated between the COG and its member municipalities, it is recommended that the COG be named as an additional insured on the municipal insurance policies. Equally important is for the COG’s insurance policies to list the participating municipalities as additional named insureds. It is highly recommended that COG Directors consult with their solicitors and insurance agents to determine the appropriate types of insurance coverage and applicable limits.

To lower insurance costs, some COGs “piggyback” on the insurance policies of a member municipality, which may be able to secure a lower combined rate than either could individually secure. A publication by the Pennsylvania Department of Community and Economic Development entitled *Insurance Primer for Municipal Secretaries* provides a general description of the Tort Claim Act and the types of insurance policies available to local governments, including COGs.

Purchasing

The COG’s purchasing policies should be consistent with the most restrictive municipal codes of the participating jurisdictions, and the purchasing requirements of the Intergovernmental Cooperation Act, as amended. A typical purchasing policy has the following thresholds:

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|---------------------|---|
| \$0 to \$1,499 | Purchase order authorized by COG Director |
| \$1,500 to \$4,000 | Three verbal, written, internet, telephone, or catalog price quotes. |
| \$4,001 to \$19,399 | Three written price quotes. |
| \$19,400 or higher | Invitation to bid must be advertised at least two times in a newspaper of general circulation |

With some exceptions, all contracts of \$19,400 or greater must be awarded to the lowest responsible bidder on the basis of a publicly advertised and competitive bidding process. Because the Commonwealth of Pennsylvania adjusts this bid amount annually, a COG Director should be aware of the current bid limit when drafting a purchasing policy. A COG purchasing policy should also address how unanticipated emergency purchases will be handled. All quotes should be retained for a period of three years.

Contracts falling within the following categories may be awarded either on a competitive or negotiated basis:

- Personal or professional services.
- Insurance policies and surety bonds.
- Purchases, leases, or loans from other political subdivisions, municipal authorities or state and federal agencies.
- Public utility services under tariffs on file with the Public Utility Commission.
- Maintenance, repairs, or replacements for water, electric light, or other public works, provided they are not new additions, extensions, or enlargements of existing facilities or equipment.

Many COGs save funds by participating in cooperative purchasing programs such as COSTARS, which is operated by the Pennsylvania Department of General Services (DGS). DGS has determined that COGs are local public procurement units, and in that capacity, they are authorized to register to buy a broad array of goods and services from statewide procurement contracts. The ability to use commonwealth contracts is one of the many tools COG Directors should keep in their “toolbox.” More information on the COSTARS program can be obtained by visiting the Department of General Services (DGS) Bureau of Procurement webpage.

Some COGs collaborate with their member municipalities to issue joint Requests for Proposals for contracts exempt from the state’s bidding requirements. Examples of joint bids include auditing, insurance, and consulting services. In other cases, COGs solicit bids on behalf of their member municipalities. In fact, COG-sponsored joint bidding is the most commonly provided COG service.

Additional information on purchasing related issues can be found in the Department of Community and Economic Development’s *Purchasing Handbook*.

Capital Budgets

COGs that own high value physical assets that have a useful life of longer than one year should consider preparing, adopting, and funding a Capital Budget. Typical assets included in a Capital Budget are public works equipment, vehicles, and in some COGs, computers and printers. Capital Budgeting is particularly important when several municipalities share the asset, for instance, when a COG purchases a road grader to be used by multiple public works departments. When funds for replacing the grader have not been set aside in a Capital Budget, and the grader has reached the end of its useful life, the COG is confronted with a difficult decision. It can either “go without” the grader, continue to make expensive repairs, or ask the participating municipalities for increased funding to cover the cost of purchasing replacement equipment.

A Capital Budget does not have to be complicated. Annual appropriations to the COG’s Capital Budget can be based on a straight-line depreciation of the expected useful life of the equipment and the future anticipated cost to replace it.

Appendix A – Intergovernmental Cooperation Act

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. Required review of specified agreements.
- 2315. Effect of joint cooperation agreements.
- 2316. Recognition by Commonwealth departments and agencies.
- 2317. Agreements for fire protection services in cities of the second class.

Cross References. Subchapter A is referred to in sections 5611, 6103, 8002 of this title; sections 1122, 1201.3, 1202, 1316, 1402, 1903, 2021, 2701, 2708 of Title 8 (Boroughs and Incorporated Towns); sections 11804.1, 12419, 12434, 13115, 14204 of Title 11 (Cities); section 8501 of Title 42 (Judiciary and Judicial Procedure); section 2107 of Title 68 (Real and Personal Property).

§ 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.

(a) Notice.--All joint purchases involving an expenditure of more than a base amount of \$18,500, subject to adjustment under subsection (b), 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.

(b) Adjustments.--Adjustments to the base amounts specified under subsection (a) shall be made as follows:

(1) The Department of Labor and Industry shall determine the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the 12-month period ending September 30, 2012, and for each successive 12-month period thereafter.

(2) If the department determines that there is no positive percentage change, then no adjustment to the base amounts shall occur for the relevant time period provided for in this subsection.

(3) (i) If the department determines that there is a positive percentage change in the first year that the determination is made under paragraph (1), the positive percentage change shall be multiplied by each base amount, and the products shall be added to the base amounts, respectively, and the sums shall be preliminary adjusted amounts.

(ii) The preliminary adjusted amounts shall be rounded to the nearest \$100 to determine the final adjusted base amounts for purposes of subsection (a).

(4) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary adjusted amounts, and the products shall be added to the preliminary adjusted amount of the prior year to calculate the preliminary adjusted amounts for the current year. The sums thereof shall be rounded to the nearest \$100 to determine the new final adjusted base amounts for purposes of subsection (a).

(5) The determinations and adjustments required under this subsection shall be made in the period between October 1 and November 15 of the year following the effective date of this subsection and annually between October 1 and November 15 of each year thereafter.

(6) The final adjusted base amounts and new final adjusted base amounts obtained under paragraphs (3) and (4) shall become effective January 1 for the calendar year following the year in which the determination required under paragraph (1) is made.

(7) The department shall publish notice in the Pennsylvania Bulletin prior to January 1 of each calendar year of the annual percentage change determined under paragraph (1) and the unadjusted or final adjusted base amounts determined under paragraphs (3) and (4) at which competitive bidding is required under subsection (a) for the calendar year beginning the first day of January after publication of the notice. The notice shall include a written and illustrative explanation of the calculations performed by the department in establishing the unadjusted or final adjusted base amounts under this subsection for the ensuing calendar year.

(8) The annual increase in the preliminary adjusted base amounts obtained under paragraphs (3) and (4) shall not exceed 3%.

(Nov. 3, 2011, P.L.367, No.90, eff. imd.)

2011 Amendment. Section 4 of Act 90 provided that Act 90 shall apply to contracts and purchases advertised on or after January 1 of the year following the effective date of section 4.

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.

(a) **Amount.**--Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts in excess of the base amount of \$10,000, subject to adjustment under subsection (b), 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.

(b) **Adjustments.**--Adjustments to the base amounts specified under subsection (a) shall be made as follows:

(1) The Department of Labor and Industry shall determine the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the 12-month period ending September 30, 2012, and for each successive 12-month period thereafter.

(2) If the department determines that there is no positive percentage change, then no adjustment to the base amounts shall occur for the relevant time period provided for in this subsection.

(3) (i) If the department determines that there is a positive percentage change in the first year that the determination is made under paragraph (1), the positive percentage change shall be multiplied by each base amount, and the products shall be added to the base amounts, respectively, and the sums shall be preliminary adjusted amounts.

(ii) The preliminary adjusted amounts shall be rounded to the nearest \$100 to determine the final adjusted base amounts for purposes of subsection (a).

(4) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary adjusted amounts, and the products shall be added to the preliminary adjusted amount of the prior year to calculate the preliminary adjusted amounts for the current year. The sums thereof shall be rounded to the nearest \$100 to determine the new final adjusted base amounts for purposes of subsection (a).

(5) The determinations and adjustments required under this subsection shall be made in the period between October 1 and November 15 of the year following the effective date of this subsection and annually between October 1 and November 15 of each year thereafter.

(6) The final adjusted base amounts and new final adjusted base amounts obtained under paragraphs (3) and (4) shall become effective January 1 for the calendar year following the year in which the determination required under paragraph (1) is made.

(7) The department shall publish notice in the Pennsylvania Bulletin prior to January 1 of each calendar year of the annual percentage change determined under paragraph (1) and the unadjusted or final adjusted base amounts determined under paragraphs (3) and (4) at which written or telephonic price quotations are required under subsection (a), for the calendar year beginning the first day of January after publication of the notice. The notice shall include a written and illustrative explanation of the calculations performed by the department in establishing the unadjusted or final adjusted base amounts under this subsection for the ensuing calendar year.

(8) The annual increase in the preliminary adjusted base amounts obtained under paragraphs (3) and (4) shall not exceed 3%.

(Nov. 3, 2011, P.L.367, No.90, eff. imd.)

2011 Amendment. Section 4 of Act 90 provided that Act 90 shall apply to contracts and purchases advertised on or after January 1 of the year following the effective date of section 4.

§ 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 a base amount of \$18,500, subject to adjustment under section 2308(b), upon transactions which should in the exercise of reasonable discretion and prudence be conducted as one transaction amounting to more than a base amount of \$18,500, subject to adjustment under section 2308(b). 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.

(Nov. 3, 2011, P.L.367, No.90, eff. imd.)

2011 Amendment. Section 4 of Act 90 provided that Act 90 shall apply to contracts and purchases advertised on or after January 1 of the year following the effective date of section 4.

§ 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. Required review of specified agreements.

(a) **General rule.**--An agreement between a local government and the Federal Government, the Commonwealth, any other state or government of another state 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.

(b) **Commission review.**--

(1) The commission shall, within 90 days of receipt of the agreement, provide to the local government or other party submitting the agreement an advisory written response of its review of, and any recommended changes to, the agreement with regard to form and compatibility with the laws of this Commonwealth.

(2) If an agreement has been submitted to the commission for review as required by this subsection, the failure of the commission to provide an advisory written response within 90 days of receipt of the agreement shall not bar or impede the effectiveness or implementation of the agreement.

(c) **Exceptions.**--This section shall not apply to the following contracts, agreements or transactions:

(1) Contracts or agreements between a local government and the Commonwealth that are of a routine nature or are performed on a periodic basis, such as those for public improvements or maintenance.

(2) State grants and loans that are administered by the Commonwealth pursuant to statute or regulation.

(3) Contracts or agreements for cooperative purchasing.

(4) Contracts, agreements or memoranda of understanding between the Commonwealth and a local government that are expressly authorized by statute or regulation and by which the Commonwealth delegates all or a portion of its enforcement duties or responsibilities to a local government.

(5) Contracts or agreements between the Commonwealth and a local government that are expressly authorized by statute or regulation and through which the local government provides a service on behalf of the Commonwealth.

(6) Contracts or agreements relating to the purchase, right to capacity, sale, exchange, interchange, wheeling, pooling, transmission or development of electric power and associated energy and related services.

(July 5, 2012, P.L.910, No.92, eff. 60 days)

§ 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.

§ 2317. Agreements for fire protection services in cities of the second class.

(a) **Absorption of certain firefighters.**--Notwithstanding the provisions of the act of May 23, 1907 (P.L.206, No.167), entitled "An act to regulate and improve the civil service of the cities of the second class in the Commonwealth of Pennsylvania; making

violations of its provisions to be misdemeanors, and providing penalties for violations thereof," and the act of June 27, 1939 (P.L.1207, No.405), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity, in cities of the second class; defining the powers and duties of Civil Service Commissions for such purpose in said cities; and repealing inconsistent legislation," in the case of an original appointment of a full-time firefighter in a borough with a population between 18,000 and 19,500 according to the 2000 census that is located in a county of the second class and is contiguous with a city of the second class, when the full-time firefighter is absorbed by appointment into the classified service in the bureau of fire of a city of a second class under an intergovernmental cooperation agreement for fire protective services, the full-time firefighter shall be:

- (1) Subject only to a physical examination of the scope given for promotion.
- (2) Subject to a probationary period of six months.
- (3) Appointed from outside a certified eligibility list.
- (4) Exempted from an eligibility examination.
- (5) Exempted from a residency requirement at the time of original appointment. The firefighter shall be required, however, to become a bona fide resident of the city of the second class on or before the first anniversary of the original appointment.

(b) Eligible lists and appointments.--Under this section only, the civil service commission of the city of the second class shall not be required to generate eligible lists or indicate appointment thereon, and no individual who is on an existing eligibility list for original appointment into the classified service of the bureau of fire of a city of a second class shall have a right to be appointed until the eligible full-time firefighters of the borough are appointed under the intergovernmental cooperation agreement. (Oct. 27, 2010, P.L.895, No.93, eff. Jan. 1, 2011)

2010 Amendment. Act 93 added section 2317.

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.

Appendix B – Sample Ordinance for Establishing a COG

**ARTICLES OF AGREEMENT
BETWEEN AND AMONG THE GOVERNMENTS
OF THE _____ COG**

PREAMBLE

We, the elected representatives of the municipalities comprising the _____ COG recognize that many of the problems and needs confronting this region are independent of political boundaries and that any solutions to our problems and the programs that we formulate to meet our common needs will have a greater chance of success if they are undertaken jointly and in a cooperative manner.

Therefore, the representatives of _____ (*list municipality names*) hereby join together to form the _____ Council of Governments.

The overriding goal of the _____ COG is to improve the quality of life for the residents of the area in the face of increasing pressures due to economic and population growth. We believe that this goal can best be achieved through cooperative efforts by the regional municipalities. This involves combining our various resources to meet regional challenges which may be beyond our individual capabilities.

The key to the success of the _____ COG is for all municipal officials to exhibit a strong commitment to seek the solution of common problems within the context of the COG. We recognize that cooperation which is truly regional will sometimes entail some trade-offs, but we believe it will result in better regional qualities than could be achieved by individual municipal actions.

This agreement is to establish a council of governments in _____. It does not create a new layer of government or a supergovernment. It does provide a means of communication, cooperation and joint action in the interest of the municipalities individually and collectively.

ARTICLE I. NAME

The name of this organization shall be the “_____” and henceforth may be referred to as the “_____ COG.”

ARTICLE II. PURPOSE

The intention of the founders of the _____ COG was to meet at regular intervals to foster a cooperative effort to resolve regional problems, to determine policies, and to formulate plans and programs to meet regional needs. The _____ COG has grown to embrace a number of purposes, all related to the original design of the founders. These are:

- A. **Forum:** To serve as a mutual forum to identify, discuss, study and bring into focus regional issues and needs.
- B. **Communication & Coordination:** To provide the organizational structure necessary to ensure effective communications and coordination among municipalities.
- C. **Policies & Priorities:** To foster, develop and review policies, plans and priorities for regional growth and development and to conserve natural and cultural resources.
- D. **Community Facilities & Services:** To facilitate cooperative efforts to provide community facilities and services.

- E. **Regional Spokesman:** To maintain liaison with members, governmental units and groups or organizations and to serve as a regional spokesman for local governments to governmental units and organizations at the county, state and federal levels.
- F. **Staff Support:** To furnish general and technical staff support to member municipalities as they direct or request, to promote and implement approved agreements, policies, projects and programs.
- G. **Regional Review:** To review and coordinate federal, state and local programs of regional importance.

ARTICLE III. POWERS & SCOPE OF AUTHORITY

As specified in the Pennsylvania Intergovernmental Cooperation Act (Act 180 of 1972, as amended), municipalities may cooperate in the exercise or performance of their respective governmental functions, powers or responsibilities. It is the intention of the municipalities subscribing to these Articles of Agreement that the _____ COG may establish any program and perform any function permitted in the enabling legislation and subsequently agreed to by the participating municipalities. In order to carry out these activities, it is hereby agreed that unless otherwise specified below, upon approval of a majority vote of the COG, the COG may:

- A. Employ staff in permanent or temporary, part-time or full-time positions as necessary, according to adopted policies;
- B. Establish employee benefit programs and enter into contracts for social security, group insurance or other benefits;
- C. Receive, administer and dispense funds from municipal, state, federal or other sources;
- D. Borrow and/or contract for the repayment of funds, and when the amount of the proposed borrowing exceeds ____% of the total budget figure for the COG, including fund balances, or when the instrument for repayment of that debt has a term of five years or more, unanimous approval of all municipalities is required.
- E. With unanimous approval of all member municipalities, acquire, manage, license, lease or dispose of real property, as specified in these Articles of Agreement and in accordance with executed contracts;
- F. Acquire, manage, license, or dispose of personal property as specified in these Articles of Agreement and in accordance with executed contracts;
- G. Establish in these Articles of Agreement such organizational structure as deemed necessary;
- H. Contract for services;
- I. Initiate, advise, aid in the establishment of or amend cooperative agreements among local governments in the region;
- J. Propose, initiate, implement or revise studies, policy discussions and plans for the _____ COG;
- K. Make recommendations to any local governments or other appropriate agencies or entities; and
- L. Take other actions consistent with the enabling legislation and the terms of these Articles of Agreement.

ARTICLE IV. MEMBERSHIP

- A. **Eligibility:** Voting membership shall be open initially to _____ (*list municipal entities*).
Non-voting membership shall be open to any organization designated by the voting COG membership.
- B. **Representation:** Each member municipality shall be officially represented by its elected governing officials. A municipality may also include its mayor as a representative.
- C. **Admission:** Each member municipality must subscribe by ordinance to these Articles of Agreement and agree to be bound to the extent provided in these Articles and other agreements adopted by the COG.

Additional municipalities may become members of the COG in accordance with the following procedures:

1. The municipality wishing to be considered for membership shall submit a letter of interest to the COG.
 2. Upon receipt of a request for admission to membership, the COG shall consider how the expanded membership will affect the common interests and its ability to accomplish its stated purposes.
 3. The COG will approve or disapprove the membership request within 90 days of its receipt. All membership actions shall require approval by all the current member municipalities.
 4. In approving a membership request, the COG shall state the terms and conditions for membership which may include, but not be limited to, proportionate reimbursements for past capital expenditures.
 5. If the COG approves a request, a municipality shall signify its acceptance of the terms of membership by enacting within 60 days an ordinance approving the Articles of Agreement and other terms and conditions.
 6. The COG may approve contracts to provide services to nonmember municipalities and other agencies without requiring membership as a condition of participation.
- D. **Withdrawal:** A member municipality shall have the right to withdraw from the _____ COG at the end of any calendar year by giving twelve months prior written notice to the COG Chair and the Executive Director. This notice shall be in the form of an ordinance approved by the elected Board/Council. A municipality's withdrawal will in no way serve to void or lessen any previous financial obligation incurred by that municipality as a member of the _____ COG.

ARTICLE V. ORGANIZATION

- A. **Officers:** The officers of the _____ COG shall be a Chair and Vice Chair/Chair Elect, and such other officers as from time to time shall be provided for by the COG. Officers shall be elected at the _____ COG's organizational meeting from the membership of the COG, and shall hold office for one year from the organizational meeting until their respective successors have been duly elected. No person shall hold more than one office, except that the Chair and Vice Chair/Chair Elect shall simultaneously serve as the Chair and Vice Chair/Chair Elect of the Executive Committee. If both the Chair and Vice Chair/Chair Elect refuse or are unable to serve, the COG shall appoint an acting Chair.
1. **Office of the Chair** – The Chair shall succeed to the office from the office of the Vice Chair/Chair Elect. The Chair shall preside at all meetings of the COG. The Chair shall: appoint special committees, which the COG may from time to time deem necessary, decide all questions of order, and have other powers and perform such other duties as are incumbent upon the office.
 2. **Office of the Vice Chair/Chair Elect** – The Vice Chair/Chair Elect shall be nominated by the Executive Committee, considering the established rotation of the municipalities. The Vice Chair/Chair Elect shall perform and have powers of the Chair when the Chair is absent, is unable to, or refuses to serve. If the office of Chair becomes vacant, the Vice Chair/Chair Elect shall become acting Chair for the unexpired term and a new acting Vice Chair/Chair Elect shall be elected at the next COG meeting. At the next COG organizational meeting these positions will become Chair and Vice Chair/Chair Elect, respectively.
- At the conclusion of a normal term of the Chair, the Vice Chair/Chair Elect shall automatically succeed to the office of Chair at the next COG organizational meeting.
- In the event the Vice Chair/Chair Elect is not re-elected, is unable to serve, or is removed for any reason at the municipal elections, that individual's Board/Council shall appoint a replacement who will assume all the responsibilities of the position.
- B. **Executive Director:** The COG shall appoint an Executive Director to manage the affairs of the _____ COG, subject to the provisions of these Articles of Agreement and such policies as may be adopted by the COG. The Executive Director shall:
1. Be, ex officio, the secretary of the COG and shall keep an accurate record of the proceedings of the COG;
 2. Prepare the budget for review by the Finance Committee, and upon its approval by the COG, have authority to disburse the sums as appropriated;

3. Be, ex officio, the treasurer of the COG, and shall be responsible for the accounting records and financial statements for the COG;
 4. Have the responsibility of proposing policies, programs and services for consideration by the COG, and shall have responsibility for implementing such policies;
 5. Appoint and discharge all COG employees, consistent with the guidelines set forth in the Personnel Policy and the program agreements, except agency directors whose appointment or dismissal shall require the prior concurrence of the Executive Committee;
 6. Propose and coordinate revisions to the COG's Personnel Policy, Position Classification Plan, and Employee Performance Evaluation Program.
- C. **Solicitor:** The _____ COG shall appoint a solicitor, who shall be the chief consultant of the _____ COG in all legal matters.
- D. **General Policy Body:**
1. **General Policy Body** – The COG shall be the general policy body.
 2. **Meetings** – The COG shall meet at least six times a year. Additional meetings may take place upon call of its Chair or Executive Committee or by petition of two or more of the member municipalities. During the month of January, the COG shall conduct an organizational meeting to select Officers and designate regular meeting dates. Except in extreme emergency, a special meeting shall require that a minimum notice of one week be provided to the Chair/President or Manager of each municipality.
 3. **Responsibilities** – As the general policy body, the COG is responsible both for considering and for carrying out the programs and functions agreed to by the participating municipalities. The COG, in accordance with all provisions of these Articles, shall:
 - a. Annually install the Vice Chair/Chair Elect as the current year's Chair, and elect a Vice Chair/Chair Elect and other officers as required;
 - b. Adopt a budget for the next fiscal year;
 - c. Resolve membership and participation questions;
 - d. Act on amendments to the Articles of Agreement;
 - e. Act on all proposals to initiate, continue, modify or discontinue any programs or functions of the COG;
 - f. Appoint and dismiss Executive Director;
 - g. Appoint a solicitor;
 - h. Adopt a Personnel Policy, Position Classification Plan, and Employee Evaluation Program;
- E. **Committees:** The COG may establish such standing, special or ad hoc committees as deemed appropriate to conduct its business. Standing committees may include, but not be limited to, Executive, Finance, Public Services, Personnel, Code Administration, and Transportation Committees. The following policies shall apply:
1. **Membership** – Standing committees shall consist of one representative appointed by each COG municipality. The Chair and Vice Chair/Chair Elect of COG shall serve on the Executive Committee as the representatives of their respective municipalities.
 2. **Meetings** – Standing committees usually meet monthly or upon call of the Chair, or at the direction of the COG, or upon call of two or more of the voting membership of the Committee. All standing committees shall meet and hold a re-organizational meeting to elect a Chair before the organizational COG meeting scheduled in January each year.
 3. **Representatives** – It is the intent of the COG that municipal representatives to COG standing committees shall be elected board/council members. From time to time, however, scheduling conflicts may arise that reasonably preclude an elected official from attending an assigned committee meeting. In those cases, the municipality's elected representative may authorize an appropriate elected or appointed official to attend the meeting. The voting powers of any alternate representative shall be determined in advance by the municipal board/council, and shall be communicated to the _____ COG Executive Director each January.

4. **Responsibilities** – Standing committees established by the COG shall have the following responsibilities:
- a. **Executive Committee:**
 - i. To nominate officers to the COG for approval and election.
 - ii. To set the meeting agenda for the COG.
 - iii. To annually evaluate the work performance of the Executive Director.
 - iv. To refer questions to the appropriate COG committee for response.
 - b. **Finance Committee:**
 - i. To recommend an annual budget to the COG.
 - ii. To recommend revisions of the annual budget to the COG as necessitated by changing conditions.
 - iii. To review and present the annual budget to the COG.
 - iv. To conduct or initiate studies and make recommendations concerning COG financial matters as directed by the COG.
 - c. **Transportation Committee:**
 - i. To study and prepare recommendations on matters identified by the COG which relate to regional transportation issues.
 - d. **Public Services Committee:**
 - i. To study issues as assigned by the COG.
 - ii. To recommend programs, project initiatives, or other actions to the COG.
 - e. **Code Administration Committee:**
 - i. To provide policy guidance on the operation of the Code Administration Office and make recommendations for policy changes to the participating municipalities through the COG.
 - ii. To direct periodic reviews and modifications to proposed BOCA or other adopted national codes and make recommendations to the participating municipalities through the COG.
 - f. **Personnel Committee:**
 - i. To study, define, and make recommendations for COG personnel policies and procedures.
 - ii. To periodically review the COG's Personnel Policy, Position Classification Plan, and Employee Evaluation Procedures to keep them current and operating effectively.
 - iii. To act as the COG personnel grievance resolution committee.
- F. **Rules of Order:** Any matter pertaining to the conduct of any meeting and the procedure thereof shall be governed by the latest edition of Roberts' Rules of Order.

ARTICLE VI. QUORUM & VOTING

- A. **Voting:** Each municipality shall have one "unit vote;" however, to facilitate conducting ordinary business at the COG, the Chair may use a majority vote of those present as a procedure to be followed in passage of motions and resolutions. Any member of the COG shall have the right to call for a "unit vote" on an issue being voted upon, at any time. A call for a "unit vote" shall void any action on the motion or resolution ruled upon by the majority vote procedure.
- B. **Quorum:** A quorum of the _____ COG shall be declared if:
- 1. A majority of municipalities (____ (number) - currently) is represented by at least one elected official each and a majority of the total number of elected officials of member municipalities (currently - ____ (number) is present.

Should the preceding standard not be met, a quorum shall be declared if:

- 2. A majority of municipalities is each represented by a majority of the elected officials from each municipality. (Currently ____ (number) municipalities; a majority of ____ from each as required.)

A quorum of a standing committee shall consist of a simple majority of its total voting membership.

ARTICLE VII. FINANCING

A municipality participating in the _____ COG is responsible for contributing to the cost of operating the _____ COG and its agencies. These costs shall be established by the COG in the annual budget. The two municipal financial obligations are: funding the budget for the Office of Administration; and contributing toward the programs in which a municipality participates.

A. Financial Obligations:

1. **Administrative Financing** – To recognize the shared commitment to the _____ COG, all member municipalities shall fund the budget for the Office of Administration according to the COG Formula, as defined below.
 - a. **COG Formula:** Costs based on the COG Formula shall be prorated among the member governments, giving equal weight to population, assessed valuation of taxable real property, and gross earned income. The population factors will be annually updated based on the latest census data provided by the _____. The annual assessed valuation figure will be determined by the _____ Assessment Office. The gross earned income or local personal income (whichever is in effect) factor will be annually updated based on the latest Department of Community Affairs annual Financial Report, filed by each member municipality. The COG may adjust census information reflecting special population characteristics. Any change in the COG formula must be submitted to the Executive Director prior to July 1 and approved by the COG prior to October 1 to take effect in the following fiscal year.
2. **Program Financing**
 - a. **COG member:** A member municipality is only obligated to contribute to those programs in which it participates. The municipal shares of these programs shall be supported as established in Article IX.
 - b. **Non-member Organizations:** Non-member organizations may participate in COG programs with the approval of the COG. Program costs for these organizations shall be set by the COG, using any method it deems appropriate.

B. Financial Procedures:

1. COG members shall pay their share of administrative expenses and program costs within 35 days of the date of billing.
2. Payments must be received or postmarked by the due date or penalty will be assessed at a rate established by the COG.

ARTICLE VIII. ACQUISITION & DISPOSAL OF PROPERTY

- A. **Acquisition:** In order to implement this Agreement, the _____ COG may purchase or lease real estate, vehicles, equipment, furnishings or other items. All purchases and/or leases of real property and/or buildings shall be authorized upon approval of all member municipalities.
 1. Purchases shall be made in accordance with the requirements of Section 7.1 of the Intergovernmental Cooperation Act.
 2. Purchases shall be made within the amounts appropriated in the annual _____ COG Budget, unless otherwise approved by the COG.
- B. **Sale or Disposal:** The following procedures will apply to transfer, sale or disposal of _____ COG property:
 1. **Transfers among COG Agencies:** Upon approval of the Executive Director, personal property used by one COG agency may be transferred or sold to another COG agency provided the Executive Director determines that the cost reasonably reflects the value of the personal property.
 2. **Sale or Disposal:** The sale or disposal of any _____ COG property, vehicles, office furniture, supplies and equipment shall take place in the following manner:

- a. It may be offered for sale at fair market value to a municipal government or school district. If none are interested, the COG shall authorize sale to the general public at a publicly advertised, sealed bid or auction. The COG may reserve the right to set a minimum price and to reject any or all bids.
 - b. Proceeds from the sale of personal property shall be accredited to the program or agency offering the item for sale.
 - c. Proceeds from the sale of real property shall be accredited to the participating municipalities in accordance with the COG formula in effect at the time of purchase.
- C. **Sale or Disposal Upon Termination:** The following procedures shall apply to the sale or disposal of _____ COG property in the event one or more programs is terminated:
1. It may be offered for sale at fair market value to a municipal government or school district. If none are interested, the COG shall authorize sale to the general public by publicly advertised, sealed bid or auction. The COG may reserve the right to set a minimum price and to reject any or all bids.
 2. Proceeds from the sale shall be distributed to each participating municipality in accordance with the current COG formula in effect for that program at the time of termination, unless one or more municipalities have withdrawn from the program(s) within the previous two years, in which case proceeds shall be distributed to all current and previously participating municipalities on a prorata basis in accordance with estimated program funding from each municipality.

ARTICLE IX. PROGRAM PARTICIPATION

Upon admission to membership in the _____ COG, a municipality has the right to participate in any program offered. Programs are activities performed by agencies of the _____ COG on behalf of the member municipalities which relate to production and provision of governmental services to the public. Programs have the following characteristics: 1) they produce a service or other clearly definable outputs; and 2) they are expected to have an ongoing commitment of personnel, capital and financial resources. Examples of _____ COG programs include but are not limited to: _____ (*list COG programs*).

- A. **Admission:**
Municipal and non-municipal organizations may participate in a program in one of three ways:
1. Those belonging to the _____ COG have a voice in all aspects of the program, beginning with the design and adoption of the program articles of agreement.
 - a. To participate in a program a _____ COG member must agree to the articles of agreement for that program and file a signed copy with the Executive Director. These articles shall establish the specific terms and conditions for membership, as well as the scope of services that will be provided, and shall indicate under what circumstances those services may be expanded or reduced.
 2. At the discretion of the COG, those not belonging to the _____ COG may obtain a program service as a participant and receive representation and one vote on that program committee, commission, or board.
 - a. Program costs for non-member municipal and non-municipal organizations shall be set by the COG.
 - b. Examples of such groups include but are not limited to: municipal or county governments, authorities, school districts, and universities.
 3. At the discretion of the COG, those not belonging to the _____ COG may obtain a program service by contract. They do not receive representation or vote on any program committee, commission, or board.
 - a. Program costs for non-member municipal and non-municipal organizations shall be set by the COG.
 - b. Examples of such groups include but are not limited to: municipal or county governments, authorities, school districts, and universities.

B. Powers & Responsibility:

1. Voting:

- a. A participant who is a member of the _____ COG shall have the right to vote both in the program committee and in the COG on issues regarding the program.
Member municipalities who are not participants in an established program shall abstain where the vote is related solely to the program.
- b. A participant who is not a member of the _____ COG may have the right to vote on issues coming before the program committee if such right has been granted by the COG.

2. Withdrawal:

- a. COG members shall have the right to withdraw from a program at the end of any calendar year by giving twelve months prior written notice to the COG Chair and the Executive Director. This notice shall be in the form of an ordinance approved by the governing body of the organization. Withdrawal will in no way serve to void or lessen any previous financial obligation incurred by that participant, and will not affect membership in the _____ COG.
- b. Those not belonging to the _____ COG may withdraw from a program as provided in the articles of agreement for that program. Withdrawal will in no way serve to void or lessen any previous financial obligation Incurred by that participant.

C. Program Cost:

A participant who is a member of the _____ COG is responsible for contributing to the costs of that program. These costs shall be established by the COG in the annual _____ COG Budget. Contributions may be calculated on the basis of the COG formula, user fees, or another formula as determined by the articles of agreement for that program or the COG.

- 1. A participant who is not a member of the _____ COG is responsible for contributing to the costs of that program in accordance with the terms and conditions established for participation.
- 2. A non-_____ COG member receiving program services by contract shall be responsible for contributing to the costs of that program. Program costs for these organizations shall be set by the COG.

ARTICLE X. AMENDMENTS

Amendments to the Articles of Agreement must be initially approved by a majority vote of the COG. In order to be adopted, the amendment must be approved by a unanimous vote at a second COG meeting. Amendments shall not be effective until approved by each member municipality in the same manner as this Agreement.

IN WITNESS WHEREOF, the elected representatives of the municipalities comprising the _____ COG hereto have caused this Agreement to be executed by their proper officers pursuant to the authority vested in them by the governing bodies, this _____ day of _____, 20_____.

Attest: _____ By: _____

Attest: _____ By: _____

Attest: _____ By: _____

APPROVED BY MUNICIPALITIES AS FOLLOWS:

Municipality	Date	Ordinance #
_____	_____	_____
_____	_____	_____

Appendix C – Sample Resolution for Establishing Executive Director Position

RESOLUTION
A RESOLUTION ESTABLISHING THE POSITION OF EXECUTIVE DIRECTOR
OF THE _____ COUNCIL OF GOVERNMENTS
AND PROVIDING FOR THE POWERS AND DUTIES OF THE OFFICE

BE IT RESOLVED and ENACTED by the *(Governing Body)* of the *(Name)* Council of Governments (COG):

SECTION 1: CREATION OF THE OFFICE

The office of the Executive Director is hereby created and established.

SECTION 2: APPOINTMENT OF THE EXECUTIVE DIRECTOR

The Executive Director shall be appointed for an indefinite term by a majority vote of the municipalities participating in the *(Name)* Council of Governments. The Executive Director shall be chosen by the *(Governing Body)* solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth. At the time of appointment, the appointee need not be a resident of the *(Name)* Council of Governments' service area or the Commonwealth of Pennsylvania, but during the Executive Director's tenure of office shall reside within the COG's service area. No member of the *(Governing Body)* shall receive such appointment during the term for which the member is serving nor within one (1) year following the expiration of the member's term. The *(Governing Body)* shall have the authority to enter into an agreement with the Executive Director, which may stipulate terms and conditions of employment.

SECTION 3: REMOVAL OF THE EXECUTIVE DIRECTOR

The *(Governing Body)* may remove the Executive Director at any time by a majority vote of its participating municipalities or as provided by an employment agreement, if in effect. A public hearing, if requested, shall be granted by the *(Governing Body)* within 30 calendar days following notice of removal. During the interim, the *(Governing Body)* may suspend the Executive Director from duty, but shall continue the Executive Director's salary and, if the removal becomes final, shall pay said salary for three calendar months following final removal date or in accordance with the terms and conditions of an employment agreement if in effect. In the case where the Executive Director commits an act constituting a crime, fraud, actual malice, or willful misconduct, said salary shall terminate immediately upon removal.

SECTION 4: POWERS AND DUTIES

The Executive Director shall be the chief administrative officer of the *(Name)* Council of Governments, may head one or more agencies or programs, and shall be responsible for the management and administration of COG agencies and programs. The powers and duties of the Executive Director shall include the following:

- 4.1 Direct, supervise, and administer the agencies and programs of the COG in accordance with policies established by the *(Governing Body)*, except as otherwise provided for by ordinance, or statute, including the Pennsylvania Library Code.
- 4.2 Appoint and, when necessary for the good of the service, suspend or remove subordinates under his/her jurisdiction, except that appointment and removal of Agency Directors shall be subject to the concurrence of the *(Governing Body)*. Agency Directors shall appoint and, when necessary for the good of the service, suspend or remove subordinates under their jurisdiction subject to the concurrence of the Executive Director.

- 4.3 Prepare the budget annually and submit it to the *(Governing Body)*, together with a message describing the important features. The proposed budget shall comply with the policy guidelines established by the *(Governing Body)*, and the recommendations submitted by the Agency Directors and Executive Director shall be identified in the budget document. The Executive Director, solely, is responsible for the administration of the budget after adoption by the *(Governing Body)*.
- 4.4 Prepare and submit to the *(Governing Body)* as of the end of the fiscal year a complete report on the finances and administrative activities of the COG for the preceding year.
- 4.5 Keep the *(Governing Body)* advised of the financial condition and future needs of the COG and make such recommendations as shall be deemed desirable.
- 4.6 Recommend to the *(Governing Body)* a standard schedule of pay for appointive office and position in COG service, including minimum, intermediate, and maximum rates.
- 4.7 Recommend to the *(Governing Body)* adoption of such measures, as may be deemed necessary or expedient, for the health, safety, or welfare of the regional community or for the improvement of administrative services.
- 4.8 Establish, consolidate, or eliminate agencies, offices, positions, departments or units with the approval of the *(Governing Body)*.
- 4.9 Be responsible for public relations and community information.
- 4.10 Attend all meetings of the *(Governing Body)*, and take part in the discussion of matters coming before the *(Governing Body)*. The Executive Director shall receive notice of regular and special meetings of the *(Governing Body)*. Special circumstances may warrant non-attendance at regular meetings.
- 4.11 Attend or assign another to attend COG committee and agency board meetings, and take part in the discussion of matters coming before those groups. The Executive Director and/or designee shall receive notice of all regular and special meetings of the COG committees and agency board meetings. Special circumstances may warrant non-attendance at regular meetings.
- 4.12 Investigate all complaints in relation to matters concerning the administration of COG agencies and programs.
- 4.13 Be responsible for the control of the expenditures of funds, through a purchasing system, for the procurement of all materials, supplies and equipment, for all COG agencies for which funds have been provided in the budget.
- 4.14 Perform such other duties as may be required by the *(Governing Body)* not inconsistent with COG agreements, contracts, or resolutions.

SECTION 5: NON-INTERFERENCE

Neither the *(Governing Body)* nor any of its members shall direct or request the appointment of any person to, or removal from, office by the Executive Director or any of the Executive Director's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the COG, except as provided above in the appointment of Agency Directors.

Except for the purpose of inquiry, the *(Governing Body)* and its members shall deal with the administrative service solely through the Executive Director and neither the *(Governing Body)* nor any member thereof shall give orders to any subordinates of the Executive Director, either publicly or privately.

SECTION 6: COMPENSATION

The Executive Director shall receive such compensation as the *(Governing Body)* shall fix from time to time.

SECTION 7: VACANCY

Any vacancy in the office of Executive Director shall be filled expeditiously. A qualified individual shall be appointed acting Executive Director during the vacancy by the *(Governing Body)*.

RESOLVED, this ____ day of _____, ____ by the (Governing Body), meeting in regular session.

By:

Chair, (Name) COG

Attest:

**Pennsylvania Department of Community & Economic Development
Governor's Center for Local Government Services**

Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

USPS 100
APPROVED POLY