

PART IV
REGULATORY AND DEVELOPMENT FUNCTIONS OF COUNTIES

CHAPTER 17: INTERGOVERNMENTAL COOPERATION

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1. Intergovernmental cooperation

There are more than 82,000 units of government in the United States. The combined number of cities, counties, and towns in Minnesota exceeds 2,700. With schools and other special purpose districts, the number of government units increases to more than 3,500. Few states have more units of government than Minnesota.

These units of government provide a variety of services. Most require communication and cooperation with other units of government. Few, if any, governmental services are the exclusive responsibility of one unit of government.

With society becoming increasingly complex and the individual resources of local governments shrinking, the need for harmony and cooperation is also increasingly important.

When confronted with intergovernmental issues, county officials can accomplish more through cooperation than through conflict. All units should work to achieve programs in the public interest. When more than one unit of government becomes concerned with any particular program, the best implementation will seek a full and harmonious working agreement between all involved units.

This chapter addresses the powers and processes promoting intergovernmental cooperation, including the following subject areas:

- I. The Joint Powers Act**
- II. Statutorily authorized cooperation**
- III. Intergovernmental cooperation and coordination in planning**
- IV. Association of Minnesota Counties**
- V. Other local government associations**

I. The Joint Powers Act

[2007 Minn. Laws, ch. 43](#) amending [Minn. Stat. § 471.59](#).

Local Gov't Info. Sys. v. New Hope, 311 Minn. 258, 248 N.W.2d 316 (1976).

Minnesota counties receive their authority to cooperate with other units of government from state law. State statutes authorize cooperation between multiple counties or counties and other units of government for particular projects and programs, discussed in the next section.

[Minn. Stat. § 471.59, subd. 1.](#)

For the purposes of the Joint Powers Act, the term “governmental units” includes every county, city, town, school district and other political subdivision of this state; another state; the University of Minnesota; licensed nonprofit hospitals; and any agency of the state of Minnesota or the United States. The term also includes any instrumentality of a governmental unit if that unit has independent policy-making and appropriating authority.

The Act authorizes counties to cooperatively exercise any powers common to the participating units of government. In addition, the act allows local governments (such as counties and cities) to enter into agreements whereby one entity will exercise power for both governments.

The governing bodies of each of the cooperating units must approve an agreement before exercising common powers. The agreement must state its purpose and the power the units will exercise jointly. The agreement must also describe the method the units will use to accomplish their goals, or the manner in which they will exercise their powers. The agreement must also provide for the following:

- A method of disbursing of funds that must be consistent with the participating governmental units’ usual methods of disbursing funds and contracts the units let. Purchases made under the agreement must conform to requirements applicable to contracts and purchases of any of the parties.
- Strict accountability on the receipt and expenditure of all funds.
- A definite term of life for the agreement, or for conditions for terminating the agreement, or both.
- Distribution of the property the parties acquired as the result of the joint exercise powers, if and when the cooperative undertaking ends.

Matter of Greater Morrison Sanitary Landfill SW-151, 435 N.W.2d 92 (Minn. Ct. App. 1989).

All joint power agreements should also address the question of liability. It may be possible to allocate risk and minimize the potential for courtroom conflicts through well-drafted joint powers agreements. Certain joint powers entities, depending on their powers, are separate entities from either of the local units of government and must carry their own insurance.

[Reimer v. City of Crookston](#), 326 F.3d 957 (8th Cir., Aug. 30, 2005)

The 2006 Legislature fixed a joint liability problem created by an 8th Circuit court decision. (In 2005, the 8th Circuit Court, which includes Minnesota, found a school and a city involved in joint powers entity were each liable up to the state tort caps of \$300,000 per individual simply because of their involvement in a joint powers operation.)

[Minn. Stat. § 471.59, subd. 1a.](#)

The new law clarifies the application of the state tort liability limits to joint powers arrangements by specifying that a single limit applies regardless of the number of governmental units participating in the joint powers entity or arrangement. The law also adjusts the statutory tort caps for the state and local units of government (which are currently set at \$300,000 per individual and \$1,000,000 per event) in two phases—to \$400,000 per individual and \$1.2 million per event beginning on Jan. 1, 2008, and then to \$500,000 per individual and \$1.5 million per event on July 1, 2009.

[Minn. Stat. § 466.04, subd. 1.](#)

Residence requirements for holding office in any governmental unit do not apply to any officer appointed under a joint agreement. When an agreement provides for a joint board to administer the joint program, the board must be representative of the parties to the agreement. The agreement may specify the number, composition, qualifications, and terms of board members. This specification prevails over statutory requirements for the structure and composition of the board if the unit could exercise the power on its own. For example, if two counties operate libraries separately, they might need two five-member library boards. Under a joint powers agreement, they could designate a single board of five to administer the joint library.

II. Statutorily authorized cooperation

In addition to the Joint Powers Act, counties have specific statutory authorization to undertake joint programs with other units of government in several fields. The law gives counties the power to undertake the following tasks jointly, but these activities could also be done under a joint powers agreement:

See Handbook, ch. 22

[Minn. Stat. § 12.25, subd. 5](#)

[Minn. Stat. § 403.025 subd. 2.](#)

[Minn. Stat. § 471.476.](#)

[Minn. Stat. § 471.16.](#)

[Minn. Stat. §§ 471.15 to 471.19.](#)

[Minn. Stat. § 134.12, subd. 2.](#)

[Minn. Stat. § 436.05.](#)

- Employ an assessor jointly with other communities.
- Enter into an agreement with another county or other local government to establish a common emergency management organization.
- Jointly operate a 911 emergency telephone system
- Establish a joint city-county hospital
- Operate an ambulance service with other political subdivisions.
- Operate programs for senior citizens
- A community recreation program can be a joint effort between a county, city (or cities), school district, Veterans of Foreign Wars (VFW), American Legion, and/or township(s).

Cities may discharge certain responsibilities by entering contracts with their respective county boards. For example, cities may enter contracts for:

- Library services.
- Police protection.
- Planning assistance and enforcement of land use controls outside city boundaries.

[Minn. Stat. § 471.64.](#)

Finally, an unlimited range of opportunities for intergovernmental cooperation exists in the performance of administrative duties. For example, counties can save money through joint purchasing programs carried out cooperatively with several units of government under the Joint Powers Act or other laws. Considerable savings on the purchase and rental of equipment are often possible through cooperation with other units of government in the establishment of equipment pools.

A. Service districts

[Minn. Stat. ch. 375B](#)
(county subordinate
service districts.

Counties and cities may establish subordinate service districts to provide services to that district. This tool, combined with the Joint Powers Act, is another method for jointly providing services, although a single subordinate service district can not include an entire county.

[Minn. Stat. § 375B.02](#)

A subordinate service district is a compact and contiguous district within the county, in which one or more governmental services or additions to countywide services are provided by the county and financed from revenues secured from within that district.

[Minn. Stat. § 375B.04](#)

The county board of commissioners of any county outside the seven-county metropolitan area, except St. Louis County, may establish a subordinate service district by resolution, after a public hearing.

[Minn. Stat. § 375B.05](#)

A petition signed by ten percent of the qualified voters within the portion of the county proposed for the subordinate service district may be submitted to the county board requesting the establishment of a subordinate county service district. The petition shall include the territorial boundaries of the proposed district and shall specify the types of services to be provided within the district. Upon receipt of that petition, the county must, within 30 days, hold a public hearing on the issue. Within 30 days of the hearing, the county must hold a referendum vote of all qualified voters residing within the boundaries of that area.

B. Contracts

[Minn. Stat. § 471.345](#)

Contractual arrangements between governments and nonprofit and/or profit-making firms may also be a way to keep costs to a minimum. Counties may purchase services like auto towing, trash collection, tree servicing, social services, and other services from non-governmental entities.

III. Intergovernmental cooperation and coordination in planning

Minnesota has a legislative framework for planning at all governmental levels.

This section includes a brief review of some of the actual and potential planning activities of state and local government, and the extent to which they require coordinated activity.

A. County-city cooperation

[Minn. Stat. §§ 394.21 to 394.37](#) (portion of County Planning Act).
[Minn. Stat. § 394.32.](#)

A contract between a county and the governing body of a municipality may provide for joint county-municipal planning activities, or it may designate the board as the planning agency for the municipality. Cities may contract with the county for planning and zoning services, but county regulations are not effective within the city unless the city formally adopts them as official controls. A county may adopt and/or enforce plans within a city upon that city's request.

The Joint Powers Act and the Regional Planning Act (not to be confused with the law authorizing regional development commissions) give local governments the authority to coordinate planning activities.

B. Regional development

[Minn. Stat. §§ 462.381 to 462.398.](#)
See [Minn. Stat. § 462.385.](#)

There are currently 10 regional development commissions: Northwest, Headwaters, and Arrowhead in northern Minnesota; Region Five, Six East, Upper Minnesota Valley, and East Central in central Minnesota; Southwest and Region Nine in southern Minnesota; and the Metropolitan Council in the Twin Cities metropolitan area.

Commissions (except for the Metropolitan Council) are made up of representatives from public interest groups in a region, and local elected officials from counties, cities, townships, and school districts. These units select members to represent them on the commission.

[Minn. Stat. § 462.39,](#)
[subds. 2-4.](#)

A regional development commission (RDC) may receive certain state and federal grants for regional purposes. It may prepare a comprehensive development plan for the region, consisting of policy statements, goals, standards, programs, and maps prescribing guides for the region's economic development. This does not affect counties' or cities' rights to do their own comprehensive planning.

2007 Minn. Laws, ch. 135, art. 2, § 32 amending Minn. Stat. § 462.39.

RDC's, or in regions not served by an RDC, a regional organization selected by the commissioner of employment and economic development, may develop a program to support planning on behalf of local units of government. The local planning must be related to issues of regional or statewide significance and may include, but is not limited to, the following:

- local planning and development assistance (which may include local zoning ordinances and land use plans)
- community or economic development plans, which may include workforce development plans, housing development plans and market analysis, JOBZ administration, grant writing assistance, and grant administration;
- environment and natural resources plans, which may include solid waste management plans, wastewater management plans, and renewable energy development plans;
- rural community health services; and
- development of geographical information systems to serve regional needs.

Minn. Stat. § 462.391.

Counties may submit their comprehensive plans to the RDC for review, comment, and advice. This review is advisory only.

Minn. Stat. § 462.396, subd. 2

Commissions may levy taxes on all taxable property in the region. Maximum levies are set by statute, and vary by region. These taxes are actually collected by counties. After adoption of the budget, the secretary of the RDC shall certify to the auditor of each county within the region the county share of the tax. The auditor shall add the amount of any levy made by the commission to other tax levies of the county.

Minn. Stat. § 462.397.

At any time after making such a tax levy, a commission may issue certificates of indebtedness in an amount not to exceed 50 percent of all certified taxes in the region.

IV. Association of Minnesota Counties

Contact the [Association of Minnesota Counties](#) at 125 Charles Avenue, St. Paul, MN 55103-2108. Phone: 651-224-3344.

The Association of Minnesota Counties (AMC) is a voluntary statewide organization that assists the state's 87 counties in providing effective county governance to the people of Minnesota. It is the mission of the Association to assist in the provision of effective county governance for the people of Minnesota. The association works closely with the legislative and administrative branches of government in seeing that legislation and policies favorable to counties are enacted. In addition, the Association provides educational programs, training, research and communications for county officials.

Minn. Stat. § 375.163

State law allows counties to pay dues to the Association of Minnesota Counties, and to pay the actual and necessary expenses of delegates to Association meetings.

Contact the [National Association of Counties](#) at 25 Massachusetts Avenue, NW, Washington, DC 20001
Phone: (202) 393-6226

AMC is a member of the National Association of Counties (NACo) as are the other state associations in the United States. Through its affiliation with NACo, AMC enjoys a presence in the federal government arena.

AMC develops, expresses, and advocates for policy positions encompassing virtually all areas of county concerns. Intergovernmental Services staff work with the Minnesota Legislature, the governor's office, state agencies, and others involved in policy-making.

There are many ways for member county officials to get involved in AMC's policy process and to become effective advocates on county issues. AMC's policy committees and legislative steering committee play direct roles in shaping AMC's intergovernmental agenda. The policies committees draft AMC legislative policies for approval by the full Association, and the steering committee meets roughly every two weeks during the Minnesota legislative session to advise AMC staff on policy direction. AMC also hosts and assists county officials who travel to Saint Paul to visit with their legislative delegation and attend committee hearings.

Development of the AMC legislative platform is based largely on the recommendations of the four AMC Policy Committees, which meet at least four times during the year to refine policies related to their respective areas: General Government, Health & Human Services, Environment & Natural Resources, and Transportation. More than 130 delegates serve on these committees, and each member county is represented by at least one delegate on one of the four policy committees

County officials and staff have additional input into the platform during district meetings, which occur at least two times per year. During fall district meetings, counties receive copies of the draft platform and are invited to submit resolutions and amendments to the platform. Both the draft platform and any proposed resolutions are voted on during the AMC Annual Meeting, which takes place during the AMC Annual Conference in late November/ early December.

AMC offers a number of resources to keep members informed, including: *AMC Update*, which alerts counties to pertinent happenings at the State Legislature or federal government; *AMC Extra*, which contains news and events announcements for counties; *FYI Bulletins*, which provide briefs on subjects important to county governance; the AMC web site; conferences; and training events. In addition, AMC publishes an annual *County Directory*, with courthouse contact information and hours, board meeting schedules, county demographics, and contact information for commissioners and department heads for every county.

V. Other local government associations

Links to the web sites of many of the [local government associations](#)

Contact [LMC](#) at 145 University Avenue West, St. Paul, MN 55103-2044. Phone: (651) (281-1200 or (800) 925-1122. Fax: (651) 281-1299. TDD: (651) 281-1290.

Contact [MAT](#) at Edgewood Professional Building, 805 Central Avenue East, P. O. Box 2167, St. Michael, MN 55376. (763) 497-2330.

Contact [MSBA](#) at 1900 West Jefferson Avenue St. Peter, Minnesota 56082-3015 Local: 507.934.2450 Toll Free: 800.324.4459 (MN Only)

Cities, townships, and school boards in Minnesota also have their own associations, which are mentioned below. There are a variety of other local government associations as well, too numerous to include in this *Handbook*.

The League of Minnesota Cities promotes excellence in local government through effective advocacy, expert analysis, and trusted guidance for all Minnesota cities. The League represents more than 800 Minnesota cities. League efforts are focused on policy development, advocacy, research & analysis, information sharing, education & training, insurance coverage & services, and products & services.

The Minnesota Association of Townships is a voluntary membership organization representing the interests of Minnesota's organized townships and elected township officers. MAT provides education, training, and technical services to township officers and represents townships before the state legislature and state agencies. It is the founder of the Minnesota Center for Small Communities (MCSC).

The purpose of the Minnesota School Boards Association (MSBA) is to support, promote and enhance the work of public school boards. MSBA is a private nonprofit organization that provides technical assistance, cost-saving programs, and advocacy, training, research and referral services for all of Minnesota's public schools. Membership is voluntary. All of Minnesota's public school districts, including many charter schools, have elected to become members of the association.

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