

an introduction to Inter-Governmental Agreements

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NORTHEASTERN ILLINOIS PLANNING COMMISSION  
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# Inter-Governmental Agreements: Helping others to help yourself

Intergovernmental agreements, once a rarity among northeastern Illinois communities, are becoming more popular—and much more important as tools for effective local government.

An intergovernmental agreement is exactly what its name implies: an agreement between two or more units of government to cooperate for specific purposes. The intent of cooperative agreements, of course, is to make government more responsive . . . by saving money, by providing more or improved services, by maintaining the character of an area, or by protecting the interest of an area's future generations.



## you have new authority

Though intergovernmental agreements were legal before 1970, their potential usefulness was greatly augmented by the broadened powers of the new Illinois Constitution. Article VII, Section 10, of the Constitution provides vast new authority for units of local government to team up through cooperative agreements. Constitutional Convention delegates clearly intended to reduce local government's excessive dependency on the state by strengthening its hand in problem solving.

Under the new Constitution and the Intergovernmental Cooperation Act, units of local government—cities, villages, incorporated towns, counties, townships, special districts and other governmental bodies so designated by law—may enter into intergovernmental agreements . . . with each other, with the state, the United States, and even with individual and private enterprises.

Power or functions granted to a local government may be exercised or combined with, or transferred to or from other units of local government. Cooperative agreements that include a home rule government promise great maneuverability because of home rule governments' broader powers.

The 1970 Constitution provides for the financing and managing of cooperative ventures. It allows participating units to use their "credit, revenues, and other resources" to pay costs and to service any debts incurred in joint efforts. It further allows public officials to participate in intergovernmental activity necessary to implement an agreement.

The subject an agreement can cover is almost as broad as government power itself. A recent inventory of intergovernmental agreements in the six-county region turned up these types of agreements: land use, boundaries, planning, health and welfare, corrections, parks and recreation, schools, libraries, public works, joint purchasing, transportation, wastewater and water supply, police and fire mutual aid.

## it will be work, but

Some intergovernmental agreements are as informal as a handshake. But the more complex an issue, or the more pioneering the cooperative venture, the more officials need to put the groundrules down in formal terms. A contract insures that more thought and attention will be given to substance and content. Too, later misunderstandings are less likely to arise.

Intergovernmental cooperation does not come without effort. Each representative of government must look at a proposal in terms of self-interest: what's in it for my people? Parties to an agreement must "have it out" to reach full



understanding of each partner's aspirations and intentions. Each party must learn what the other must have (as opposed to what he would like to get). Joint agreements will only be successful when all parties agree they have more to gain than lose from cooperation.

## it's being done now

Much of the current innovation in intergovernmental agreements is in land use control.

*Local revenue sharing is a technique some communities are exploring to support one another in the not-always-fair repercussions of Illinois tax law. That technique allows participating municipalities to share costs and benefits when major developments would otherwise affect them*

*unfairly. And, with an agreement to share costs and benefits equitably, municipalities together can present a solid front against developer pressures for costly concessions in return for annexation.*

*Municipalities are cooperating to extend their influence in growth control over the developing, unincorporated land between them: The Aurora-Naperville agreement, for instance, defines a common boundary between the two. It also provides for a joint commission to coordinate planning and development of the area between them. And it even allows for the innovative transfer of extra-territorial land use authority when the trade will be of help in growth control.*

*Glenview, Northfield and Northbrook, confronted with potential development of a 1,000 acre tract which will affect their area in a major way, have combined to form a joint planning commission composed of the villages and the special districts serving the area.*

- That commission is currently working on*
- *a land use plan for developing the area in a way most advantageous to all the communities and their constituents.*
  - *an analysis of the fiscal impacts of development on all the communities involved.*
  - *a vanguard proposal for revision of the boundaries of special districts in the area so that those boundaries more closely follow those of the villages.*



*Under a 10-year-old agreement, Evanston makes its dog pound available to Skokie which has no animal lockup. Except for impounding and releasing dogs and cats, Skokie does all other animal control processing locally. Evanston bills the Village of Skokie for "dog days" at \$1.50 per animal per day.*



*Shoreline communities from Chicago to the Illinois-Wisconsin state line are organizing a Lake Michigan Shoreline Advisory Committee to deal with water encroachment. Some other issues the committee is looking at are U.S. Corps of Engineer shoreline studies, lakefront development, the City of Chicago Lakefront Plan and coastal zone management.*



## your future is joint action

What issues should intergovernmental agreements address? To ask the question another way: what kind of place to live should northeastern Illinois be in 10, 25 years? Cooperative agreements are a whole new sphere of promise in shaping events, of creating an attractive and livable environment, and providing every citizen a rightful share of urban amenities.

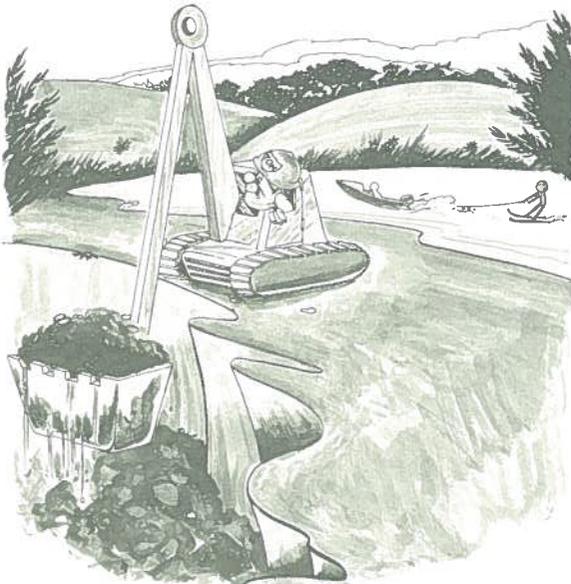
Through cooperation, local governments can tackle big problems they are powerless to handle alone. Agreements can be on a horizontal scale of local governments, a vertical scale involving the different levels or a combination of both.

Each level of government can bring to bear the resources it is most qualified to provide. Local power is the best antidote to the specter of big government and local initiative means leadership in assigning roles for the other levels.

Some looming issues that will require a coordinated attack by horizontal and vertical agreements are: solid waste disposal, water supply, airport planning, health and hospitals, flood control, law enforcement and criminal justice, and Lake Michigan shoreline erosion.

In a sense, agreements are an evolutionary process for getting from today's conditions to tomorrow's dream. No community can take that trip in a vacuum. Intergovernmental agreements can help public officials to represent future populations as well as today's constituency.

**NIPC will be glad to offer further assistance on intergovernmental agreements. Contact your area officer.**



*The Busse Woods reservoir now under construction will provide dual benefits of Salt Creek flood control and water recreation. The reservoir is part of plans of the Salt Creek Watershed Steering Committee. The Committee, a model intergovernmental venture, is made up of the municipalities of Elk Grove Village, Rolling Meadows, Palatine and Schaumburg; the Palatine, Schaumburg, Elk Grove and Salt Creek Rural Park Districts; the Cook County Forest Preserve District; the Metropolitan Sanitary District of Greater Chicago; the North Cook Soil and Water Conservation District; the Illinois Department of Conservation and Division of Water Resource Management; and the U.S. Soil Conservation Service.*

## cooperate because

**Governments can achieve jointly what would be impossible or prohibitively expensive for one government to accomplish alone.**

There is bus service between Elgin and Aurora because these cities and communities along the route share subsidization. Maywood, Bellwood, Hillside, and Berkeley are jointly purchasing a 4.5 mile extension of the Illinois Prairie Path. The easternmost communities along the Path, an abandoned railway bed, could not become part of the region's recreational trail system without cooperation of the other linking municipalities. **Governments can coordinate operations and programs or share manpower, equipment and facilities, thereby spreading cost of service over a broader base and preventing wasteful duplication of facilities and services.**

DuPage County provides health services to communities in the county. Deerfield, Franklin Park, Olympia Fields and Wilmette provide police patrol to their local park districts. A number of small communities contract with neighboring municipalities for police protection. Batavia and Geneva have joint data processing for utility billing. Chicago opens its training for police and firemen to suburban departments. There are numerous contracts for purchase of water in the region.

**Local officials can more reliably plan for the future by counting on certain events to take place per agreement. By binding parties to track as a team, agreements guarantee "no surprises," a policy particularly appealing in land use.**

Boundary agreements are more and more popular to coordinate comprehensive planning and to prevent developers from playing one community off against another in winning annexation concessions.

The most recent boundary agreements have included legally binding, sophisticated controls on land development. Also very recently, four sub-regional municipal councils have formed with a main objective of cooperative planning.

**Partners to an agreement are guaranteed specific benefits.**

Emergency help in time of unusual need is one example. So many police and fire mutual aid pacts exist in this region, it would be easier to list the communities that do not participate than those that do.

The benefit could be mere financial assistance. The federal and state governments become partners to local improvements whenever assistance applications are funded.

Illinois' Intergovernmental Cooperation Act directs that agreements set forth the "purposes, powers, rights, objectives and responsibilities of the contracting parties." The Advisory Commission on Intergovernmental Relations is more specific in recommending that subject matter include:

- The legal basis for the agreement
- How the project is to be financed
- Definitions of any technical terms
- What work will be performed and by whom
- Who is to pay what and how
- Cost review procedures
- Who is to manage the project and select and direct personnel

- How any joint governing body will be formed
- Personnel rights
- Legal liability of the parties
- Status of any property necessary to the agreement
- Length of the agreement
- How parties can join or withdraw
- How the agreement can be amended

Not every agreement will need all these points, the Commission acknowledges. But it encourages thinking through the necessity for each item's inclusion to anticipate any and all potential problems.

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