

Interlocal Agreements

There is a renewed interest in interlocal agreements as a way to reduce costs of municipal services The Tool Chest:

1. Sec. 7-339a to 7-339l This statute sets out the procedure for entering into an interlocal agreement between or among any "Public agency" which is defined as "any city, town or borough or any district as defined in section 7-324 or any metropolitan district or any municipal district created under section 7-330 of the state of Connecticut and any local governmental unit, subdivision or special district of another state."

Sec. 7-339b. Subjects: The exchange, furnishing or providing by one or more of the participating public agencies to one or more of the other participating public agencies, or the furnishing or providing for the joint use or benefit of the several participating public agencies, of services, personnel, facilities, equipment or any other property or resources for any one or more of the following purposes or uses: Fire prevention and fire fighting; police protection and police services; supply of water, gas or electricity; garbage collection and disposal; sewer lines and sewage treatment and disposal; refuse collection and disposal, and establishment or use of public dumps; storm drainage; establishment or use of airports or landing fields; public entertainment and amusement; establishment or use of parks, public gardens, gymnasiums, playgrounds, swimming pools, community centers, recreation centers or other recreational areas or facilities; establishment and preservation of open spaces; control of air and water pollution; planning services; engineering services; lighting; ambulance service; fire and police radio and communication systems, hospital service; public health services; mental health services; establishment or care of cemeteries; library or bookmobile services; suppression or control of plant and animal pests or diseases; flood control; water conservation; public shade tree protection services; traffic services; transportation services; redevelopment services, and publicizing the advantages of the region.

Limitation: Cannot use interlocal agreement to authorize services or function that the Town is not authorized to perform on its own account.

Sec. 7-339c. Procedure:

- a) Submit proposed agreement to the legislative body of each participating public agency.
- b) Within 30 days after receipt, the legislative body of each participating public agency holds at least one public hearing
- c) Within 15 days after the hearing or last hearing, recommendations for changes are exchanged, if none the agreement is deemed final if there are changes a final report is provide to each legislative body and a copy of its proposed agreement.
- d) Within 30 days after an agreement has become final, it is either ratified or rejected by vote of the legislative body of each participating public agency. If, a referendum is required by statute, special act, ordinance, charter provision, bylaw, corporate article or district rule or regulation, of any subject contained in an interlocal agreement, it must be submitted to a referendum and will not be deemed ratified by such public agency until approved at such referendum.
- e) The interlocal agreement states the effective date when ratified by any two participating agencies. Rejection by any participating agency shall not void an agreement as to other ratifying agencies, unless the agreement so provides.

Sec. 7-339d. The agreement may provide for an Advisory board made up of representatives of each participating public agency. The representatives are appointed by the legislative body of the participating public agency or in such other manner as shall be prescribed by such legislative body.

The qualifications, terms of office and compensation, if any, of such representatives shall be prescribed by such legislative body, subject to any applicable provisions of the interlocal agreement.

Sec. 7-339f. Provisions required in agreements. Each interlocal agreement shall contain the following:

(1) A term not exceed forty years, and any other appropriate provisions relating to the termination of the agreement.

(2) The purpose or purposes

(3) Provisions for the payment for services, facilities, equipment, other property or resources from another participating public agency or agencies. The expenses shall be prorated on the basis of any reasonable formula agreeable to the respective participating public agencies.

(4) May include indemnification of participating public agencies and their officials, officers or employees, by means of insurance or otherwise, against any losses, damages or liabilities arising out of the receiving, obtaining, furnishing or providing of services, personnel, facilities, equipment or any other property or resources pursuant to the interlocal agreement.

(5) If there will be an interlocal advisory board:

(A) Set out nature and scope of activities

(B) manner of reporting

(C) provisions for the furnishing office space, clerical help and sharing of the expenses thereof;

(D) Sharing of the costs of compensation of members of the interlocal advisory board or boards, and reimbursement for their traveling expenses; and

(E) such other provisions as may be appropriate and desirable.

(6) Provisions governing the adjudication or settlement of disputes, including negotiation of settlements, giving of notices, and any and all other matters necessary or appropriate to the performance of the interlocal agreement.

2. **Sec. 7-148bb. Provides for an agreement between municipalities to share revenue received for payment of property taxes.** The chief elected officials of two or more municipalities may initiate a process for such municipalities to enter into an agreement to share revenues received for payment of real and personal property taxes. The agreement shall be prepared pursuant to negotiations and shall contain all provisions on which there is mutual agreement between the municipalities, including, but not limited to, specification of the tax revenues to be shared, collection and uses of such shared revenue. The agreement shall establish procedures for amendment, termination and withdrawal. The negotiations shall include an opportunity for public participation. The agreement shall be approved by

each municipality that is a party to the agreement by resolution of the legislative body.

3. **3. Sec. 7-148cc. Joint performance of municipal functions.** “Two or more municipalities may jointly perform any function that each municipality may perform separately under any provisions of the general statutes or of any special act, charter or home rule ordinance. Each participating municipality shall approve any agreement entered into pursuant to this section in the same manner as an ordinance is approved in such participating municipality or, if no ordinances are approved by such participating municipality, in the same manner as the budget is approved. The terms of each agreement shall establish a process for withdrawal from such agreement and shall require that the agreement be reviewed at least once every five years by the body that approved the agreement to assess the effectiveness of such agreement in enhancing the performance of the function that is the subject of the agreement. As used in this section, "municipality" means any municipality, as defined in section 7-187, or any district, as defined in section 7-324, located within the state of Connecticut.”
4. P.A. 09-231- AN ACT CONCERNING REGIONALISM- In an effort to reduce competition among towns for development that generates more property tax revenue, the legislature allowed towns to enter into mutual agreements to (1) **promote regional economic development and (2) share the real and personal property tax revenue from new development.** The new law allows the chief elected officials of two or more towns that belong to the same federal economic development district to agree (1) not to compete for new economic development and (2) on the types of projects subject to the agreement. The law also requires regional councils of elected officials to identify opportunities for, and obstacles to, interlocal agreements.
5. **Section 7-277a Police Mutual Aid- Police assistance agreements-** (a) The chief executive officer of any town, city or borough or his designee may, **whenever he determines it to be necessary in order to protect the safety or well-being of his municipality,** request the chief executive officer of any other town, city or borough to furnish such police assistance as is necessary to meet such situation and the chief executive officer, or chief of police or board of police commissioners or other duly constituted authority with the approval of the chief executive officer of the municipality receiving such request may, notwithstanding any other provision or requirement of state or local law, assign and make available for duty in such other municipality, under the direction and command of an officer designated for the purpose, such part of the police forces under his control as he deems consistent with the safety and well-being of his municipality. Any policeman so provided, while acting in response to such request, shall have the same powers, duties, privileges and immunities as are conferred on the policemen of the municipality requesting assistance. Unless waived in writing by the chief executive officer of the municipality supplying assistance pursuant to a request under this section, such municipality shall be reimbursed for all expenditures incurred in providing such assistance by the municipality making such request, including payments for death, disability or injury of employees and losses or damages to supplies or equipment incurred in providing such assistance. Any municipality, upon the approval of the chief executive officer and, where required by charter or ordinance, the governing body of such municipality, may enter into an agreement with any other municipality or municipalities, with respect to requesting and supplying such assistance and reimbursing or receiving reimbursement for the same.
6. **Section 7-330.** Any two or more towns, cities or boroughs may, by vote of their legislative bodies, vote to form a district for the performance of any municipal function which the constituent municipalities of such district may, under any provision of the general statutes or of any special act, perform separately. The affairs of any such district shall be managed by a board consisting of two members from each constituent municipality appointed by the board of selectmen of towns, the council or board of aldermen of cities and the board of burgesses of boroughs. Any town, city or borough having a population of more than five thousand inhabitants as determined by the last-completed federal census shall be entitled to one additional representative for each additional five thousand population or part thereof. The board shall, at its first meeting, determine by lot which

members shall serve for one, two or three years, provided the terms of office of not more than fifty per cent of the board shall expire in any one year. Thereafter, the terms of office shall be for three years. Such board shall choose by ballot from its membership a chairman, a secretary and a treasurer. Such treasurer shall give bond to the board to the satisfaction of its members, the cost of such bond to be borne by the board.

Examples of Interlocal Agreements:

1. Between Simsbury and Avon for reciprocal tax relief for Volunteer Fire Fighters
2. Between Connecticut River Estuary Towns such as Deep River to participate in a regional household hazardous waste collection program
3. Sewer service agreements (Bethel and Danbury)
4. For public safety software by and between Bridgeport, Hartford and New Britain
5. Animal Control
6. Digital Health Departments
7. IT Application Sharing and Development
8. Enhancement of Regional GIS
9. GIS and Mapping Data
10. Farmington Valley Trail Maintenance
11. Regional Law Enforcement Data Sharing
12. Regional Law Enforcement Training Center
13. Regional Emergency Operations Center

Example of Section 7-339 procedure:

INTERLOCAL AGREEMENT FOR PUBLIC SAFETY SOFTWARE BY AND BETWEEN BRIDGEPORT, HARTFORD AND NEW BRITAIN

To His Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to recommend the adoption of the following:

WHEREAS, The cities of Bridgeport, Hartford and New Britain desire to enter into an agreement for the purposes of developing and implementing a series of advanced public safety software systems; and

WHEREAS, Sections 7-339a through 7-339l of the Connecticut General Statutes authorizes two or more public agencies to participate in interlocal agreements for certain purposes; and

WHEREAS, One of the statutory purposes is the furnishing or providing for the joint use or benefit of services, personnel, facilities, equipment or any other property of resources for fire prevention and fire fighting and police protection and police services; and

WHEREAS, For the past 24 months New Britain staff has worked with representatives of the

City of Hartford and the City of Bridgeport on a series of information technology initiatives through the Capitol Region Council of Governments; and

WHEREAS, The cities of Hartford and New Britain engaged in a design process to apply advanced technologies to expand, develop and significantly improve a computer assisted dispatch system model entitled, HEARTBEAT; and

WHEREAS, The Capitol Region Council of Governments (“CRCOG”) has, on behalf of the cities of Hartford and New Britain concluded a competitive bid process for a technology firm to provide the services to develop an enhanced HEARTBEAT CAD system; and

WHEREAS, The City of Bridgeport was invited and did participate in the interviews resulting from the RFP process and had input in the final selection of the vendor; and

WHEREAS, The joint development and procurement by the three municipalities in a single application software together with related software, servers and systems will result in efficiencies of cost, training and interlocal back-up and support; and

WHEREAS, These municipalities have jointly submitted an application for state and federal funding of a virtual law enforcement records management system entitled, CT-CHIEF, to be shared among the three entities; and

WHEREAS, a copy of the proposed Interlocal Agreement is on file in the Town Clerk’s Office; and

WHEREAS, the state and federal governments awarded \$570,000.00 for this project to the Capitol Region Council of Governments as the administrator of this effort; and

WHEREAS, Section 7-339c(a) requires that a public hearing be held by the legislative body of each participating municipality regarding the Interlocal Agreement that at least one public hearing on the proposed Interlocal Agreement within thirty days after receipt thereof; and

WHEREAS, Section 7-339c(a) requires the legislative body to submit to each participating municipality any recommendations for changes in the proposed Interlocal Agreement; and

WHEREAS, Section 7-339c(a) states that the proposed Interlocal Agreement shall be deemed “final” as it relates to that municipality if no recommendation for changes are made; and

WHEREAS, Section 7-339c(a) requires further action by each municipal legislative body to either ratify or reject the agreement within thirty days after the agreement has become final; and

WHEREAS, The Consolidated Sub-Committee of the Common Council held a public hearing and meeting on March 15, 2007, on the proposed Interlocal Agreement and returned the agreement as amended to the Common Council with a favorable recommendation; now, therefore, be it

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March 28, 2007

RESOLVED, That Timothy T. Stewart, Mayor, be and is hereby authorized to execute the Interlocal Agreement for Public Safety Software By and Between Bridgeport, Hartford and New Britain on behalf of the City of New Britain.

Alderswoman Suzanne Bielinski

Alderman Paul D. Catanzaro

Alderswoman Silvia J. Cruz

Alderman Lawrence J. Hermanowski

Ald. Bielinski moved to accept and adopt, seconded by Ald. Catanzaro. So voted. Approved April 2, 2007 by Mayor Timothy T. Stewart.