



## ADMINISTRATIVE DIRECTIVE

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	EFFECTIVE DATE	
<b>November 1, 2015</b>		

### I. **PURPOSE**

To establish the procedures for analyzing, negotiating, preparing, and coordinating intergovernmental agreements.

### II. **DEFINITIONS**

#### A. **Intergovernmental Agreement (IGA)**

A written contract required under Arizona Law (ARS §11-952) when two or more public agencies agree to jointly exercise common powers, contract for services, or enter into joint or cooperative action. IGAs generally fall into one of six major categories:

1. **Contract for Services** - while acting jointly in the exercise of common powers, two or more public agencies agree to contract for services with one party paying and the other performing services or a division of tasks between the parties.
2. **Joint Program** - two or more public agencies agree to participate jointly in providing a particular function, with planning, financing, and provision of service to be shared by participants.
3. **Functional Consolidation** - two or more public agencies agree to merge their resources to provide a particular service under a single agency.
4. **Service Transfer** - total and usually permanent transfer of responsibility for a service from one agency to another.
5. **Mutual Aid** - two or more public agencies agree to provide specific emergency services to each other when requested, usually involving public safety programs.
6. **Property** - one public agency leases or exchanges property with another public agency.

#### B. **Public Agency**

Includes federal government and any federal department, agency, or Indian tribal council; the State of Arizona (or adjoining state) and any state department, agency, board, commission, college, or university; and any political subdivision of the state, including counties, cities, towns, municipal corporations, and school districts.



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### III. POLICY

The City of Tucson enters into IGAs with other public agencies when such agreements (1) provide cost effective approaches to City operations or services, (2) improve effectiveness of City staff or resources, or (3) involve metropolitan services that are best provided by a single source.

### IV. RESPONSIBILITY

- A. Department Directors are responsible for ensuring IGAs initiated by their Department are in the best interest of the City. Staff shall be assigned to negotiate, coordinate, and prepare the final agreement, ensure that the agreement is properly adopted and signed by the participating public agencies, monitor and evaluate the agreement on an ongoing basis, and renegotiate the agreement as necessary to protect the City's interests.
- B. The City Attorney is responsible (1) to determine whether an IGA is the proper legal form for the proposed agreement, (2) to provide counsel to City staff to ensure the legality of the terms of the agreement, (3) upon request of City staff, to participate in complex or sensitive negotiations, and (4) to approve each IGA as to final form.

### V. PROCEDURES

- A. The assigned department staff will obtain approval to proceed with the IGA from the City Manager's Office, solicit input from affected departments, research the City's past experiences and experiences of other jurisdictions, and establish and maintain contact with the other public agency(ies) involved.
- B. The assigned department staff will review the proposal to determine the purpose, scope, and impact by obtaining a copy of the originating agency's proposal, determining the exact type of agreement involved, and confirming that the purpose is consistent with City policies, practices and objectives.
- C. In conducting their review, assigned department staff will consider impacts the proposal would have on City operations and staff, the potential amount and source of funds involved, any materials, property, vehicles, equipment, or staff to be furnished either by or to the City, the length of time the agreement would be in effect, and the validity of the rationale given for entering into the IGA.



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**D. Assigned Department Staff Prepares the IGA as Follows:**

1. Develop the IGA or monitor the progress of the development of the agreement if another public agency is responsible for its preparation. If appropriate, request a sample agreement from the City Clerk or City Attorney. Each IGA should contain the following items, as applicable.
  - a. A detailed description of the purpose and scope of the agreement.
  - b. The manner of financing and of establishing and maintaining a budget for the joint or cooperative undertaking, including the source and recipient of funds for specific items or services, the exact total of funds each agency is liable for or how such amounts will be determined, the timing of payments, on whose authority and with what documentation payments will be made, to what office funds are to be transferred, and any penalties for late or non-payment.
  - c. The process to be followed if the costs incurred under the agreement exceed the original budgeted allocation or costing formula.
  - d. The specific materials, property, vehicles, office space, or staff to be transferred from one agency to another, or to be shared by the agencies, and for what time periods.
  - e. The continuing property interest each agency maintains in property purchased or shared under the agreement, and the disposition of such property upon termination of agreement.
  - f. The effective date and term of the agreement.
  - g. The required procedures for terminating the agreement with notification of termination far enough in advance to allow the effected agency(ies) to make other arrangements to provide the service.
  - h. Monitoring, reporting, accounting, and evaluation requirements.
  - i. The specific authority of each agency to make or participate in policy decisions regarding the provision of service or cooperative activity, beyond the policies and service levels defined in the agreement.
  - j. The standard assurance that the agreement does not reduce, limit, or extend the legal jurisdiction and responsibilities of the public agencies involved.



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k. The appropriate insurance, hold harmless, and equal employment opportunity clauses, as specified by the City Attorney.

2. Review the draft agreement with the other public agency(ies) and negotiate the agreement until all parties agree on content, terminology, and form.
3. Review the final draft agreement with the City Attorney to insure proper legal form.

**E. Assigned Department Staff Shall Submit IGAs for Approval as Follows:**

1. **THE GOVERNING BODIES OF EACH PARTICIPATING AGENCY MUST SIGN THE AGREEMENT; SUFFICIENT COPIES OF THE AGREEMENT MUST BE SIGNED BY EACH JURISDICTION TO PROVIDE EACH JURISDICTION WITH A FULLY SIGNED ORIGINAL.** The governing body of the agency that initiated the agreement usually signs the agreement first. However, in cases where a service is involved, the agency assuming prime responsibility for providing the service should be the first to sign.
2. Coordinate with the liaison from the public agency(ies) involved to schedule the review/approval of the IGA by each governing body and schedule the IGA on the Regular Agenda for Mayor and Council adoption.
3. The City Clerk will follow-up to ensure that all copies of the agreements are signed by the other public agencies, as scheduled.
4. If for any reason an IGA is withdrawn or not approved by one of the participating agencies, the coordinating department director is responsible for informing the City Clerk in writing, including any documentation if available, of such action.

**F. Department Directors are Responsible for Implementing, Monitoring, and Evaluating their IGAs:**

1. The IGA becomes effective on the date provided in the IGA.
2. The department director is responsible to ensure adherence to terms of the IGA.
3. IGAs will be amended and renegotiated as determined by the City Attorney. Amendments to an IGA require the same approval process as original IGAs.



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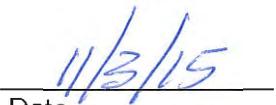
**Appendices**                      None

**References**                      A.R.S. §11-952  
   Tucson City Charter

**Review Responsibility and Frequency**      The Deputy City Manager shall review this directive as necessary.  
   Last review date: July 29, 1992.

**Authorized**

  
\_\_\_\_\_  
City Manager

  
\_\_\_\_\_  
Date