Intergovernmental cooperation a necessary tool for efficiency

The federal and state forms of government are not often cited as efficient modes for delivery of public services. Whereas the expressed definition and purpose of a county is: "A political subdivision of the state for the more convenient administration of justice and the exercise of local legislative authority related to county affairs" (ACA 14-14-102). It is by design that county officials are assigned on-the-ground responsibility for delivery of many essential public services. County officials are close to the public, aware of their constituents' needs and accountable to the electorate. Department or agency officials and employees administer state and federal governments, and they are more removed from the public and often make decisions by

virtue of slow bureaucratic processes.

County officials are further expressly empowered by the people under the Arkansas Constitution to act cooperatively with other counties and other governmental agencies. Amendment 55, §1(c) provides that: "A County may, for any public purpose, contract, cooperate, join with any other county, or with any political subdivisions of the State, or any other states or their political subdivisions, or with the United States." The

areas of services and opportunities for counties to cooperate or join with other counties, cities or the state are many. The justice system, the assessment, collection and distribution of property taxes and the provision of emergency services represent in-depth partnerships with the state. Law enforcement, fire, water, sewer and roads, among others, are county services affirmatively authorized by ACA 14-14-802 and not expressly prohibited by the Arkansas Constitution or by law. Also, cooperative purchasing or piggyback procurement can be used to take advantage of the competitive bid process and avoid altogether the costs and time of bidding. Coordination of software research and development for collectors, assessors and treasurers has greatly benefited counties.

The successes of intergovernmental cooperation are many. However, there are many areas where cooperation has not been explored or is underutilized. It is evident that economic development works best as a regional undertaking. Economic development may flourish in a cooperative environment, but where state and local officials work at cross purposes, success is met with unnecessary headwinds. It's understood that citizens have deep rivalries with neighboring communities in sports and other areas, but when a tornado or disaster strikes, neighboring communities

are the first to arrive to help. Children, neighbors and citizens

should not suffer the consequences of personality differences or an uncooperative history. A true leader and public steward will explore opportunities for intergovernmental cooperation when the outcome will better serve the citizenry and generally consider the use of the tools of cooperation/joint endeavors wisely confided to them by the people under Amendment 55.

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RESEARCH

CORNER

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Cooperation Borne of Necessity

The recent and unprecedented jail and prison overcrowding of more than 2,900 state prisoners in county jails statewide has caused some state, city, county and district officials to contemplate regional jails. The explora-

tion in some areas is limited to a couple of counties and cities. In other areas, the exploration is regional. Regional jails are utilized successfully in other states to fulfill the local and state obligations to incarcerate prisoners for their truthful sentences — and to mutually address growth in needs for bed space. Regional jails are proactive and counter corrections management by reactionary emergency powers. Amendment 55 and several laws such as the Cooperative Endeavors Act, ACA 12-50-101 et seq., authorize this tool. Despite sustained growth in corrections for decades, to date the cooperative undertaking of a regional jail in Arkansas has not been able to overcome the barrier known as "the county line."

The continued lack of regional jails in Arkansas will not be due to legal obstacles. It will be from simple math. The state of Arkansas could greatly facilitate the creation of one or more regional jails in Arkansas. However, the state of Arkansas is three or more years behind the corrections growth curve. Historically, the state built additional prison beds, and then failed to appropriate the money to operate. Now, even if the state builds the 1,000 additional prison beds proposed, the current county jail back up — with or without any modest growth over the next three years — suggests a current and future need far in excess of the proposed 1,000 state prison beds. A regional jail with state participation could be funded and built much faster than a state prison, but the math of \$28 a day makes the state an improbable partner. It is estimated that counties statewide are losing \$18 million annually from the difference in the \$28 a day and the actual costs of incarceration, medical services and food for state prisoners. Additionally, the appropriation for county jail backup for fiscal years 2014 and 2015 has a projected shortfall of more than \$10 million. The General Assembly must awaken to the depth of the crisis and fully discharge the constitutional obligations of paying the just debts of the state and providing for adequate prisons.

The Role of the Association of Arkansas Counties

The Association of Arkansas Counties was recognized in 1967 by the General Assembly of the state of Arkansas, ACA 14-20-107, as the official agency for the counties and to make a continuing study of ways and means to improve county government in Arkansas. In the context of intergovernmental cooperation, this role ranges from helping navigate broad issues county officials encounter with state agencies and assisting in the formulation and adoption of good government legislation. The affiliate organizations for county officials likewise undertake this mission. AAC itself is an example of cooperation or association of county governments and officials. We often have found that we can do more together.

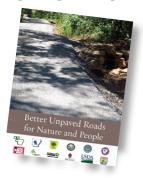
The Unpaved Road User Group/Public-Private Partnership

The County Judges' Association of Arkansas (CJAA) has decided to affirmatively address concerns arising from restrictions on the use and maintenance of unpaved public roads in rural areas for accessing lands, dwellings, hunting, fishing and enjoyment. Litigation in other states and the federal courts under the Clean Water Act, Endangered Species Act and layers of federal and state laws and regulations have potential adverse impact to use, access and maintenance of public unpaved roads. Arkansas Attorney General Dustin McDaniel informed the CJAA to the amicus curae briefs he and other states' attorneys general filed before the U.S. Supreme Court in Decker v. Northwest Environmental Defense Center (NEDC). The suit enjoins logging activities and storm water drainage authorized under the Environmental Protection Agency's National Pollutant Discharge Elimination System (NP-DES) permits. Arkansas similarly has been exposed to restrictions derived from the Endangered Species Act and applied to an area in Polk County known as Wolf Pen Gap. The CJAA in conjunction with a broad coalition of public-private program partners has been proactive and formed the Unpaved Road User Group. This fledging public-private partnership has already programmed several demonstration projects in Arkansas and conducted training for maintenance superintendents and road crews at the CJAA Road Seminar. Polk County Judge Brandon Ellison and Stone

County Judge Stacey Avey serve on the committee on behalf of the CJAA; and this program is proof positive that local, state and federal government agencies, private entities and the public can tackle serious issues together to better their communities and the state of Arkansas.

Rural Counties

Rural counties have additional challenges in conveying emergency services to their citizens. For years now, we have been seeking to address issues facing 911. Recent strides have been made in 911 commencing with the user fee increase in 2009, along with the establishment of dispatcher training through Arkansas Law Enforcement Training Academy (Act 1171 of 2009); closure of the loopholes on prepaid wireless phone cards (Act 623 of 2013); and recent increases in 911 funding (Act of 1221 of 2013). At the June 19 CJAA meeting, the CJAA will receive an update from Yell County Judge Mark Thone regarding the work of the Arkansas Blue Ribbon Committee on Local 911 System under Act 1171 of 2013. The Blue Ribbon Committee will serve as an excellent means to conduct a comprehensive study of the system and needs statewide. Enhancement of emergency services in partnership with Arkansas Department of Emergency Management (ADEM) also has resulted in an opportunity for counties to join neighboring counties in debris removal and debris removal monitoring contracts. The counties' respective ADEM region will bid for the contracts. Scott Perkins, AAC communications director, will unfold more details at the June CJAA meeting. This cooperative undertaking will be available to assist counties in their preparation for future emergencies and provide ready access to reasonable and competitively bid contract rates. Also, Office of State Procurement (OSP) staff will be at the meeting to help counties better access emergency quotes and the vast areas of cooperative purchasing available through OSP as provided for under the "Arkansas Procurement Law," ACA 19-11-201 et seq. Finally, county procurement may benefit from purchases through National Association of Counties or AAC programs. Be aware that approved purchases for commodities or services other than professional or personal services may be exempt from bidding when made under the competitive bidding or procurement procedures used under a contract by the federal government, another state, an association of governments, including local governments, etc. (ACA 14-22-106). In the end, county officials should consider the ways their county may benefit from cooperation with other governments or public-private partnerships.



On the Web: Look for Better Unpaved Roads for Nature and People www.arcounties.org Search "Better Unpaved Roads."