Background

In the face of declining resources and increasing demand for services, many local health departments (LHDs) are exploring innovative ways to improve efficiency, meet accreditations standards, and reduce costs by sharing service delivery and other functions with other LHDs, agencies, and entities.

One method for such cross-jurisdictional collaboration is the utilization of state interlocal agreement acts. These acts permit localities to enter into agreements with other entities to provide health and other services, and govern the terms of those agreements. Many permit the creation of new entities to accomplish public health goals.

The goal of these acts is, as stated for example by Florida’s Interlocal Cooperation Act, “to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord the best geographic, economic, population, and other factors influencing the needs and development of local communities.” Fla. Stat. § 163.01.

In 2012, with the extremely helpful assistance of pro bono attorneys from the firm of McDermott Will & Emery LLP and the Iowa Health System, the Network for Public Health Law conducted a survey of intergovernmental cooperation laws currently in effect in all 50 states. The results of that survey are provided below.

Please be advised that this table should be used only as a guide. While we do not know it to contain any errors, we do know that it is incomplete. We also caution that in many cases other laws and regulations may be used to share services and personnel between organizations and such actions may be permissible even without explicit enabling legislation. We strongly suggest that interested persons and entities contact us for assistance in this complicated area of law.
<table>
<thead>
<tr>
<th>Name/Title and citation of relevant law(s)</th>
<th>Specific to public health? (Y/N)</th>
<th>Can entities enter into agreements? (Y/N); If Yes: Describe activities</th>
<th>Can new entity be created? (Y/N); If Yes: Describe powers of new entity</th>
<th>Is outside approval required? If Yes, explain.</th>
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<tbody>
<tr>
<td>Joint Exercise of Powers Act</td>
<td>No</td>
<td>Yes, if authorized by their legislative or other governing bodies, two or more public agencies¹ by agreement may jointly exercise any power common to the contracting parties, even though one or more of the contracting agencies may be located outside this state. (Cal Gov Code § 6502). Contents of the agreement: The agreements shall state the purpose of the agreement or the power to be exercised. They shall provide for the method by which the purpose will be accomplished or the manner in which the power will be exercised. (Cal Gov Code § 6503) Whenever a joint powers agreement provides for the creation of an agency or entity that is separate from the parties to the agreement and is responsible for the administration of the agreement, such agency or entity shall, within 30 days after the effective date of the agreement or amendment therefor, cause a notice of the agreement or amendment to be prepared and filed with the office of the Secretary of State. The agency or entity shall furnish an additional copy of the notice of the agreement or amendment to the Secretary of State, who shall forward the copy to the Controller. The notice shall contain: (a) The name of each public agency that is a party to the agreement. (b) The date that the agreement became effective. (c) A statement of the purpose of the agreement or the power to be exercised. (d) A description of the amendment or amendments.</td>
<td>Yes. New entities may be created. (See Cal Gov Code § 6503).</td>
<td>Yes, this article does not authorize any state officer, board, commission, department, or other state agency or institution to make any agreement without the approval of the Department of General Services or the Director of General Services if such approval is required by law. (Cal Gov Code § 6501).</td>
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</table>

¹ Includes special districts, boards, commissions, and districts.
| Name/Title and citation of relevant law(s) | Specific to public health? (Y/N) | Can entities enter into agreements? (Y/N); If Yes: Describe activities Describe requirements | Can new entity be created? (Y/N); If Yes: Is new entity limited in duration? (Y/N) Can new entity issue bonds? (Y/N) Does new entity have taxing authority? (Y/N) Describe powers of new entity | Is outside approval required? If Yes, explain. |
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| made to the agreement, if any. (Cal Gov Code § 6503.5) | | | | |

**SUPPORTERS**

The Network for Public Health Law is a national initiative of the Robert Wood Johnson Foundation with direction and technical assistance by the Public Health Law Center at William Mitchell College of Law.

This document was developed by Corey Davis, Staff Attorney with the Network for Public Health Law – Southeastern Region (cdavis@networkforphl.org) and Milissa Markiewicz, Project Manager with the with the Network for Public Health Law – Southeastern Region in conjunction with pro bono attorneys from McDermott Will & Emery LLP and the Iowa Health System. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.

1 Cal Gov Code § 6500:

As used in this article, “public agency” includes, but is not limited to, the federal government or any federal department or agency, this state, another state or any state department or agency, a county, county board of education, county superintendent of schools, city, public corporation, public district, regional transportation commission of this state or another state, a federally recognized Indian tribe, or any joint powers authority formed pursuant to this article by any of these agencies.