

OREGON INTERGOVERNMENTAL AGENCIES (ORS 190)

Statewide, there are more than sixty intergovernmental agencies (IGA) formed under ORS 190. These agencies have been formed to serve roughly 26 unique roles within local and regional communities, including utility services, 911 dispatch, social services, governmental collaboration and economic development. Furthermore, the evolution of each agency's formation and written agreement is unique to the circumstances of the problem being addressed and stakeholders involved.

As there is not one IGA model that works for every situation, ORS 190 is flexible by design, allowing founding members wide-ranging flexibility in creating innovative and unique governmental frameworks through the IGA's written agreement. Founding members of an IGA are two or more governmental entities who agree to a collaborative arrangement. Beyond the founding members, an IGA typically has a group of ex-officio stakeholders which can include non-governmental members.

In general, there are four key important issues to consider when forming a new intergovernmental entity:

- ❶ *Who's on the Governing Body?* At a minimum, the governing body will likely include representatives from all founding members who will sign the IGA. When deciding whether to invite ex-officio members, some questions to ask: Are there stakeholders who have a vital interest in the success of the project? Are there stakeholders who will bring resources and/or help solve the problem? Are there opponents to the project who should be represented? Should a nonprofit, general citizen or private business have a seat on the board?
- ❷ *How Many Board Members?* The governing body should be large enough to get the work done without over-burdening individual board members, but not be so large that it is unwieldy and may have difficulty working smoothly and making decisions. Experience has proven that a well-functioning governing body should have at least seven and no more than 15 members.
- ❸ *Is there a need for different classes of directors and different powers for the different classes?* Sometimes, the founding government bodies decide to create different categories of board members. This may be requested by a party who is allocating substantially more resources than other parties or it may be necessary because of political issues. In addition, the founders may decide to keep certain decisions to themselves.
- ❹ *The formation of an IGA does not require legislative action.* Founders design the initial outline of the governance framework for the new entity and amend through work with policy advisors. Next, a designated attorney will work with the attorneys from the founding jurisdictions to complete the intergovernmental agreement. The agreement must be approved by ordinance by each government who is a party to the agreement.

OREGON REVISED STATUTES CHAPTER 190

190.010 Authority of local governments to make intergovernmental agreement. A unit of local government may enter into a written agreement with any other unit or units of local government for the performance of any or all functions and activities that a party to the agreement, its officers or agencies, have authority to perform. The agreement may provide for the performance of a function or activity:...

...By an intergovernmental entity created by the agreement and governed by a board or commission appointed by, responsible to and acting on behalf of the units of local government that are parties to the agreement.

190.080 Powers of intergovernmental entity created by intergovernmental agreement:

- Issue revenue bonds under ORS chapter 287A or enter into financing agreements authorized under ORS 271.390 to accomplish the public purposes of the parties to the agreement;
- Enter into agreements with vendors, trustees or escrow agents for the installment purchase or lease, with option to purchase, of real or personal property if the period of time allowed for payment under an agreement does not exceed 20 years;
- Adopt all rules necessary to carry out its powers and duties under the intergovernmental agreement.
- Except as provided in ORS 190.083, an intergovernmental entity may not levy taxes or issue general obligation bonds.

CASE STUDY

SALMONBERRY TRAIL INTERGOVERNMENTAL AGENCY

The Salmonberry Trail Intergovernmental Agency (STIA) is one of the most recent intergovernmental agencies formed in Oregon and the only one of its kind, in that it is the first Oregon IGA formed to construct and manage a recreational asset.

1 Formation. The Salmonberry Trail project was initiated by a coalition formed and led by Oregon Parks & Recreation Department and Oregon Department of Forestry. The trail spans 84 miles across Tillamook and Washington Counties along the former Port of Tillamook Bay Railroad. The trail is owned by the Port of Tillamook Bay and is leased by STIA. The governance structure of the IGA is considered a “hybrid”: the founding members of the Salmonberry Trail project (Oregon Parks & Recreation Department, Oregon Department of Forestry, the Port of Tillamook Bay and Tillamook County) formed an intergovernmental agency which includes a board of ex-officio members comprised of government and non-government representatives.

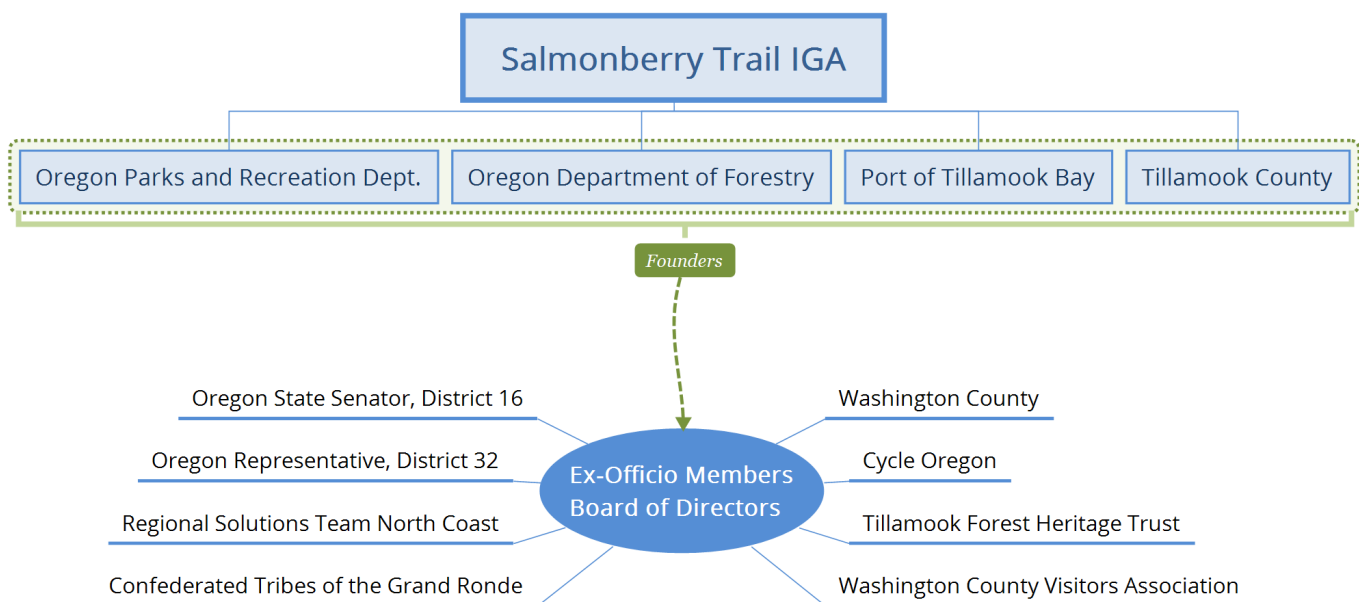
2 Governing Body. The ex-officio members of the IGA were invited by the founders based on two criteria: 1. They have a stake in the trail, either

geographically or programmatically or both, and 2. They were willing to contribute financially and operationally to the planning of the trail. The founders set up the IGA based on a framework of collaboration and consensus, meaning the founders and their board of directors work together to make decisions regarding the planning of the trail. However, if the group reaches an impasse, the issue goes to a vote among the founding members only.

3 Funding. The members of the IGA are funding the planning and early construction of the trail. Of note is the membership of the Tillamook Forest Heritage Trust (TFHT). As the sole non-profit member of the IGA, TFHT is able to accept donations from non-profit and private contributors and has been critical to fundraising efforts.

4 On-Going. STIA, as it is currently written, is for the planning of the Salmonberry Trail. The group is now working on a subsequent IGA which will be an agreement for maintenance and capital/catalyst projects. STIA is set up to be an evolving document so that members can flexibly make changes as needed.

GOVERNMENTAL STRUCTURE OF THE SALMONBERRY TRAIL INTERGOVERNMENTAL AGREEMENT



Special thanks to Jim Johnson of the National Policy Consensus Center and Oregon Solutions. Mr. Johnson has been involved in the formation of numerous Oregon IGA's, including the Salmonberry Trail, and is one of the foremost experts on the subject. An interview with Mr. Johnson as well as reports he has compiled regarding Oregon IGA's contributed to this summary.