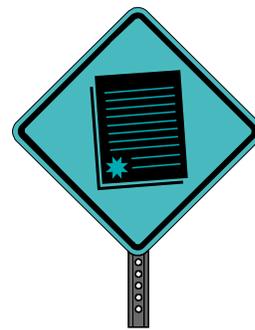


# Joint Powers Entity:

## *Formal Government Partnership*



A joint powers entity is a formal way for government entities to work together. Joint powers entities are governed by state law and may be known by other names, such as joint powers agency, joint powers board, a compact, or a joint exercise of powers. The partnership brings a group of government agencies together to work towards a common purpose. This may reduce duplication of services, coordinate efforts across a geographic region or create an economy of scale that saves effort and money. In forming a joint powers entity, the participating entities transfer a measure of control over decisions and resources to the joint powers entity.



Popular Gooseberry Falls can be found along Minnesota's Lake Superior All-American Road. The North Shore Management Board (NSMB), a multi-jurisdictional joint powers board, was a key partner in developing the byway's corridor management plan. Today, an informal citizens group (Lake Superior All-American Road Planning Council) has been formed to implement the CMP. (Photo: Minnesota Office of Tourism)

## At a Glance: Joint Powers Entity

The following chart will help you understand the benefits and limitations of a joint powers entity.

Joint Powers Entity

Basic Characteristics	Limitations	Benefits
<p>Depending on individual state law and statutes:</p> <ul style="list-style-type: none"> <li>• Allows for the exercise of power by one or more government units on behalf of other participating government units.</li> <li>• Generally, exclusive to government agencies.</li> <li>• Formal way for government bodies to join together in a board around a particular issue.</li> <li>• Joint powers entity decisions are binding for all involved entities.</li> <li>• A joint powers agreement defines the scope of power (when and how it can be exercised).</li> <li>• The joint powers entity is accountable as a public agency.</li> <li>• May create a separate legal entity.</li> <li>• Open meeting laws and public access to records apply.</li> </ul>	<ul style="list-style-type: none"> <li>• Individual government units give up a measure of control.</li> <li>• Usually cannot be used to include non-governmental agencies.</li> <li>• State laws outline powers and limitations. Not all states have enabling legislation.</li> </ul>	<ul style="list-style-type: none"> <li>• Scope of power sharing can be considerable.</li> <li>• Can hire staff and enter into contracts.</li> <li>• Able to make decisions across multiple jurisdictions quickly.</li> </ul>

## Who Joins a Joint Powers Entity?

A joint powers entity usually involves only public entities, such as local government units (cities, towns, counties, etc.), school districts, political subdivisions, and state or federal agencies. This can be a drawback for byway organizations that want to include non-governmental public entities—perhaps convention and visitors bureaus, land trusts or other citizen organizations. Private groups and citizens can still be involved in the byway, but they would have contracts, agreements or another secondary relationship with the joint powers entity.

A joint powers agreement can allow participating parties to act jointly or to act on behalf of the members. This might mean that one entity coordinates all of the wayside services, such as refuse removal, along the byway. It could also involve several entities pooling funds to promote the byway. In this case, the joint powers entity, rather than the individual entities, would have control over those funds.

## Formal through Documentation

The foundation of a joint powers entity is a formal written agreement. This document outlines the nature and extent of the power-sharing agreement. It can be relatively simple or quite detailed and comprehensive. Participating entities determine the method of decision making. They may opt for consensus or simple majority; often groups choose a combination of the two.

## State Authorization Required

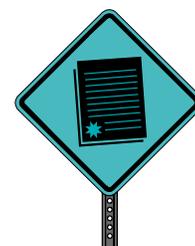
The joint powers entity can either be time-limited or indefinite, but this should be stipulated in the agreement. The formation of a joint powers entity must be authorized by your state. The limitations and powers of a joint powers entity vary from state to state; check applicable state law to know your state's parameters. Not all states have enabling legislation. All general statutes and acts governing the formation of cooperative agreements apply to joint powers entities. ★

## Joint Powers Entity Agreement Components

Subject to the state laws governing the joint powers entity, the agreement typically contains:

- Purpose of the agreement
- Power that will be shared
- Method to accomplish the stated purpose
- Termination criteria
- Method for distributing (at termination) the accumulated funds/resources

You must check with your state, as the laws related to joint powers entities vary from state to state.





## CASE STUDY: Edge of the Wilderness

# Edge of the Wilderness National Scenic Byway (Minnesota): Consolidating Leadership and Rural Resources

Rural communities have a long history of working together to accomplish big tasks. This is the way barns were raised, quilts were sewn and crops were harvested. It still works that way in many parts of rural America. By pooling resources, small communities can accomplish more, expand their services and strengthen their political voice and influence.

This is the idea behind the Northern Itasca Joint Powers Board (NIJPB), a consolidated governing body that represents five local units of government in northeast Minnesota—the City of Bigfork, Town of Bigfork, City of Effie,

Town of Stokes and the Town of Marcell. The population of the area, commonly referred to as the “Edge of the Wilderness,” is relatively sparse, with approximately 2,000 residents. The population increases in summer months when seasonal residents flock to numerous area lakes.

Although the Edge of the Wilderness National Scenic Byway isn’t a joint powers entity, it owes its beginnings to one—the Northern Itasca Joint Powers Board.



Edge of the Wilderness National Scenic Byway has cultivated positive relationships with local, state and national legislators and government officials. These individuals lend valuable support to byway initiatives. Here, Congressman James Oberstar releases a bald eagle during an Edge of the Wilderness dedication event. (Photo: John Bray, MnDOT)

*Case Study continued on next page*

## The Cooperative Agreement

To meet the growing needs of full-time and part-time residents, members of the NIJPB signed a cooperative agreement in 1987.

Their mission is to “retain the natural beauty of the area while progressing to provide our diverse population with opportunity, economic viability, and a quality of life that will carry on into future generations.” Board members are empowered to make specific decisions on behalf of the communities that they represent.

In this part of the state, Highway 38 courses up and down and around curves—that’s part of its charm. Locals named it “Highway Loop-de-Loop” in the early days. The area is a rustic slice of Minnesota, with more than 1,000 lakes nestled amid landscapes of remarkable natural beauty. There are still more trees than people here, offering classic north-woods seclusion. The Edge provides some of Minnesota’s most popular fishing, camping, trail, winter sports and resort opportunities.

In 1992, the Minnesota Department of Transportation, the Minnesota Department of Natural Resources and the USDA Forest

Service convened a task force charged with developing a corridor management plan for Highway 38. This is a busy route shared by local residents, tourists and commercial traffic such as frequent logging trucks. The Northern Itasca Joint Powers Board represented communities on the northern end of the route, while an ad hoc committee represented communities on the southern end.

This joint task force worked for months developing a corridor management plan. During this process, they decided to nominate Highway 38 as a scenic byway. The 47-mile Edge of the Wilderness Scenic Byway received state scenic byway designation in 1994 and National Scenic Byway designation in 1996. In outlining the corridor management plan, the group also concluded that some type of organization should be established to manage ongoing needs, issues and concerns within the byway corridor. Discussions led to the formation of a nonprofit 501(c)(4) organization to initiate and oversee activities along the byway, the Minnesota Highway 38 Leadership Board. A new byway organization was born.

*“Some of the benefits of designation are hard to measure. There is a feeling of gratification when local people begin to realize their area is unique and special. It increases the level of pride and self-esteem. National designation has enhanced our status in the world.”*

Tarry Edington, Edge of the Wilderness Scenic Byway, Minnesota

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## The Byway Organization Today

Today, the Minnesota Highway 38 Leadership Board has over 100 voting members representing a variety of entities and organizations, including Itasca County, townships and cities along the byway; state and county historical societies; local school districts; citizens-at-large; Minnesota Timber Producers Association; retail and service businesses; lake associations; Edge of the Wilderness Business Association; Edge of the Wilderness Lodging Association; Grand Rapids Area Chamber of Commerce; Grand Rapids Convention and Visitors Bureau; Bigfork Lions Club; and others. The Northern Itasca Joint Powers Board continues to be an important partner.

At the annual meeting, the general membership elects nine directors to lead and conduct the official business of the Leadership Board. The directors serve three-year terms. A President, Vice-president/President-elect, Secretary and Treasurer are chosen from within the board of directors. Board meetings are held once a month at various locations along the byway. The full membership is invited to attend quarterly meetings. A clear, comprehensive set of bylaws spells out the processes and procedures that help this group run smoothly.

## Integral Partnerships

Partnerships remain integral to the byway's strengths. The organization works hard to nurture positive relationships with key agencies and leaders at all levels—local, regional, state and national. Because of this, the group has accumulated an impressive list of accomplishments:

- Finished an interpretive plan and installed interpretive panels along the byway.
- Created a Web page ([www.scenicbyway.com](http://www.scenicbyway.com)) that was designed and managed by local high school students.
- Constructed an interpretive kiosk and park in coordination with a new streetscape and bridge for Bigfork, a gateway community. Kiosks were also constructed in Grand Rapids and Effie, with a future one scheduled for Marcel.
- Successfully support a paid byway coordinator position. This individual shares office space at the USDA Forest Service Ranger Station.
- Programmed reconstruction of the entire byway to meet travel and safety needs while maintaining and enhancing the byway's character.
- Created greater awareness of the byway through successful marketing, communication and public relations activities, such as community celebrations and dedication events.
- Raised funds for a variety of byway projects.

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Most recently, the Leadership Board collaborated with the Itasca County Board of Commissioners to place a one-year moratorium on all new signage along the corridor. This will allow time to formulate a plan to protect the integrity of the byway and surrounding communities. It's a good example of government and citizens working together.

Life has always been a little bit harder for those folks who choose to make their homes along the Edge of the Wilderness. Even the most rugged individuals realize there are some things you can't accomplish alone. It's always been that way. Working together is an important way of life; in fact, it's a matter of survival in this neck of the woods. ★

Although the Edge of the Wilderness National Scenic Byway is not a joint powers entity, it owes its beginnings to one.

## The Beginning of a Byway Organization

**1987**

A joint powers agreement is signed, creating the Northern Itasca Joint Powers Board (NIJPB) in rural northern Minnesota.

**1992**

A task force is formed to develop a corridor management plan for Highway 38. NIJPB represents the northern end of the highway, while an ad hoc citizens group represents the southern end.

**1994**

The task force nominates Highway 38 as a Minnesota State Scenic Byway.

**1996**

The task force nominates Highway 38 as a National Scenic Byway.

**1998**

A nonprofit 501(c)(4) organization, the Minnesota Highway 38 Leadership Board, is created to manage the byway.