

# **INTERLOCAL SERVICES: WORKING TOGETHER**

## ***Municipal School Board Cooperation: An Overlooked Opportunity***

Department Of



**Community  
Affairs**

**State of New Jersey**  
Christine Todd Whitman, Governor

**Department of Community Affairs**  
Harriet Derman, *Commissioner*

**Division of Local Government Services**  
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## State of New Jersey

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May 1994

Dear Local Official:

Local governing bodies and school boards are facing difficult decisions as they try to continue providing programs and services to the public. In order to accomplish these goals, municipal and school board officials face the challenge of "doing more with less."

One way to maintain programs and services now enjoyed by the public is through Municipal-School Board Cooperation. This involves a municipality and school district voluntarily cooperating to use and share their resources more efficiently and economically, without any loss of local authority or home rule.

This publication is provided to you by the Department of Community Affairs as a guide to assist local government and school board officials in planning, organizing, and implementing Municipal-School Board Cooperation in your own community.

The Department of Community Affairs, through its Regionalization and Special Services Unit in the Division of Local Government Services, stands ready to provide you with technical assistance and additional information. If you need any assistance, please feel free to contact the Unit at (609) 292-7842.

Sincerely,

A handwritten signature in dark ink, appearing to read "Harriet Derman", written over a large, stylized "X" mark.

Harriet Derman  
Commissioner

HD:dm





TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	i
WHAT IS MUNICIPAL-SCHOOL BOARD COOPERATION?	1
WHY MUNICIPAL-SCHOOL BOARD COOPERATION?	1
CAN MUNICIPAL-SCHOOL BOARD COOPERATION WORK IN NEW JERSEY?	2
MUNICIPAL-SCHOOL BOARD COOPERATION: GETTING THE PROCESS MOVING	4
Gaining Official Support	4
Forming a Steering Committee	5
Designing Your Own Plan	6
Administrative/Staff Level Participation	6
Implementation of Programs	6
Program Evaluation	7
Always Keep the Public Informed	7
WHO WILL PAY THE BILL?	7
WHERE TO GET HELP?	8
LEGAL BASIS FOR MUNICIPAL-SCHOOL BOARD COOPERATION	8
Interlocal Services Act	8
Sale/Transfer of Real Property by Municipality	9
Transfer/Joint Use of School Property	10
APPENDICES	
Appendix A - Sample Resolution	15
Appendix B - Sample Public Notice	17
Appendix C - Sample Job Description	18



## INTRODUCTION

Municipal governing bodies and school boards are continually being called on to do more with less as financial pressures and "CAP" limitations diminish their abilities to maintain or improve services. Local governments and school boards have been given more responsibility to decide how to spend their limited resources. What solutions are available to relieve some of these fiscal burdens?

Municipal-School Board Cooperation can be one of the solutions to this dilemma. Sharing resources is an innovative way to provide services needed by our communities. The Department of Community Affairs supports and encourages the voluntary cooperation between a municipality and the school board to use their existing resources more efficiently and economically, without loss of local authority or home rule.

The Regionalization and Special Services Unit within the DCA's Division of Local Government Services has prepared this publication to familiarize you with the concept of Municipal-School Board Cooperation and its potential benefit to your community. This publication provides examples of how Municipal-School Board Cooperation is already working in New Jersey. Also, it explains how to plan, formulate, and implement this program as easily and effectively as possible.

If you have any questions, or wish additional copies of this publication, please contact:

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### WHAT IS MUNICIPAL-SCHOOL BOARD COOPERATION?

Municipal-School Board Cooperation means making full use of taxpayer dollars. The independence of either agency weakens rather than strengthens this goal.

Municipal-School Board Cooperation is interagency cooperation and represents an opportunity to:

- maximize the use of physical, financial and human resources;
- provide for the joint planning and delivery of services; and
- Reinforce the role of municipalities and school districts as responsible administrators and decision-makers.

Public officials, both municipal and school district, have an opportunity to informally devise a means to achieve these cooperative goals. Local authority or home-rule is NOT lost.

### WHY MUNICIPAL-SCHOOL BOARD COOPERATION?

Whether called Community Education, Municipal-School Board Cooperation, Interlocal Partnership, or any other name, the program and its goals are the same. Municipal-School Board Cooperation is a positive, common sense approach to solving many of the problems facing local governments and school districts today. Despite the genuine desires of local governments and school districts to provide first rate services and education, policy decisions are almost always affected by budgets and taxes - which come from the same pocket.

In New Jersey, as well as the entire country, population trends are drastically changing. More single-parent families exist than ever before. The proportions of elderly in the total population is increasing since people are living longer and the "baby boom" generation is aging.

Municipal-School Board Cooperation may well be the vehicle toward the goal of all governmental agencies - to improve community living. Schools and municipalities should recognize the fact that they are partners, because each calls for the same knowledge, skill, integrity, efficiency and responsibility in their administration.

Municipal-School Board Cooperation can save money. In today's tax-slashing environment, Municipal-School Board Cooperation can be a way to save valuable programs and services, and at the same, eliminate duplication and excess overhead.

Municipal-School Board Cooperation is innovative. It has worked in rural, urban and suburban areas. It can be designed specifically to a community's needs.

Some examples: school vehicles could obtain gas from municipal pumps; school vehicles can be repaired and serviced by municipal employees; towns and schools could establish cooperative purchasing of materials and commodities, joint maintenance of facilities and grounds, joint newsletters and shared spaces, and joint snow removal.

#### CAN MUNICIPAL-SCHOOL BOARD COOPERATION WORK IN NEW JERSEY?

Several communities in New Jersey have forged a Municipal-School Board relationship; among them:

Upper Deerfield Township (Cumberland County): - This community has a long history of close municipal-school board cooperation.

- Snow Removal: The schools are included in the Township's snow removal plan. The Board of Education does not have to contract for this service which results in savings.
- Both have purchased computers of the same make and model in order to be able to have each serve as a backup for the other. This service has been used at great savings of both time and money.
- Vehicles and equipment are loaned between the two to eliminate duplication and increase service. Example: Municipal Dump Truck and the Board's spreader.

Galloway Township (Atlantic County)

- All gasoline purchases for school district-owned vehicles are made through the "Township" tanks and the school district is billed at the Township's cost for fuel.
- Township employees assisted the school staff in installing playground equipment.
- Township cars are made available to the administrative staff of the school districts central office.
- Township crews repair school bus vehicles and the school district is billed for the parts only.

### MUNICIPAL-SCHOOL BOARD COOPERATION: GETTING THE PROCESS MOVING

Municipal-School Board cooperation can work on a number of levels, from informal contacts at the staff and administrative levels, to the use of a formal steering or coordinating committee. Projects can range from a sharing of technical skills, cooperative purchasing of commonly needed items, sharing maintenance crews and equipment, to the joint use of buildings and facilities.

How formal the process needs to be will vary among communities. Use whatever mechanism works best in your community. The steering committee suggested here is best suited to programs involving community services and activities which benefit from client input. For shared administrative and internal activities, the committee would not work as well as each town designating one staff member to be responsible for its part of the joint effort.

In reading this section, keep in mind that by substituting the word coordinator for the steering committee, you can use the process described here for those less formal, internal cooperative efforts between the municipality and school district.

Regardless of how formal or informal a program you wish to consider, organization and planning are the keys to getting the process started. The following sections offer some logical steps.

Organization is the key to building a strong and functional cooperative effort. The following sections represent some logical steps.

#### Gaining Official Support

The desire to study the possibilities of Municipal-School Board Cooperation, should be officially endorsed by resolutions of support from the municipal governing body and the local board of education. In

addition, these resolutions are official acknowledgement and affirmation of support for the formation of a steering committee. Appendix A of this publication provides a sample resolution. A joint resolution by both the municipal governing body and board of education can also be passed.

#### Forming a Steering Committee

An organizing or steering committee, composed of representatives of both groups, should be established and meet on a periodic basis. They should report to their respective governing bodies, any opinions and recommendations relevant to areas of mutual cooperation. Members of this committee should come from various segments of the community. Municipal and school board officials, both elected and appointed, are important sources of information and are integral parts of the process. Those individuals have been mayors, governing body members, department heads, school superintendents, board of education members, school administrative personnel and faculty.

Community and civic leaders, as well as other interested individuals, should be invited to participate.

An advertisement in the local newspaper and/or local radio station can help publicize the formation of the committee and its membership needs. A sample public notice is included in Appendix B of this manual.

The final decision on the size and composition of the steering committee is up to each individual community. Keep in mind, that the more groups that are initially represented in the Municipal-School Board Cooperation process, the fewer problems may be encountered down the road. Differences can be worked out early by the steering committee, thus saving a lot of time, energy and aggravation.

### Designing Your Own Plan

Once the steering committee has been formed, the process of designing your cooperative program can begin. At this point a school and/or municipal staff member should be assigned as a coordinator to assist the committee with the planning, formulation and implementation of the project and to keep the committee working toward its objectives. Appendix C of this manual provides a sample of the duties/responsibilities of the coordinator.

### Administrative/Staff Level Participation

Contacts between the municipal and school board administrative/staff personnel should not be limited to consultation on common problems, but should be done with a view toward anticipating problems before they arise. The staff should meet frequently, both in-house and with their counterparts, to discuss and evaluate projects presented by the steering committee, since many decisions have to be made regarding services, functions, budgeting, accounting, procurement and a host of other activities.

### Implementation of Programs

The next step in the Municipal-School Board Cooperation Program is the implementation of its various programs. Again, the Coordinator may be utilized to arrange schedules or administer the programs. At this point, the steering committee can be phased out and a Municipal-School Board Advisory Council can be formed to continue serving as an advisory group, if you choose.

### Program Evaluation

It is necessary to continually evaluate the Municipal-School Board Cooperation process in order to keep it responsive to ever-changing needs. A systematic program of increasing municipal-school board cooperation should be a continuing goal. As such, department heads may be directed to provide detailed summaries on ways their departments are cooperating; summaries of suggestions for additional projects, or ways to expand or modify various programs.

### Always Keep the Public Informed

Throughout the development process, the public should be informed. Press releases in the local newspapers and/or local radio and cable television stations enhance community awareness. Periodic newsletters to residents is another vehicle, in addition to updates to PTA's/PTO's, homeowner associations, realtor meetings and other business groups.

### WHO WILL PAY THE BILL?

More than likely, one of the first questions asked by municipal and school officials, as well as taxpayers, about the Municipal-School Board Cooperation will be, "How much will it cost?"

Setting up a Municipal-School Board Cooperation Program need not be expensive. This is the primary reason for establishing a steering committee and coordinating the examination of suggested possible services.

Since government funding is diminishing and local governments and school districts are being required to provide more services and programs, Municipal-School Board Cooperation is a logical tool to facilitate an efficient use of existing resources. Cost savings may not

be realized immediately, but the results of an efficiently operated program will be recognized in the long run. Efficient use of volunteers from the community can also keep costs down.

#### WHERE TO GET HELP?

Implementing Municipal-School Board Cooperation makes good sense in solving some of the more current and difficult fiscal problems. In addition, the belief that many municipal and school board officials are fiscally irresponsible can be greatly diminished by such a bold move on your part.

Granted, because of the number of concessions and compromises that will be encountered you may become discouraged. There is help available in developing and implementing Municipal-School Board Cooperation. Staff is available to discuss potential benefits and explain the steps necessary to get the process moving.

For more information, contact the Regionalization and Special Services Unit.

#### LEGAL BASIS FOR MUNICIPAL-SCHOOL BOARD COOPERATION

##### Interlocal Services Act

For New Jersey municipalities and school boards of education, the legal vehicle for the development and implementation of Municipal-School Board Cooperation is the Interlocal Services Act (N.J.S.A. 40:8A et seq.). This Act permits municipalities, boards of education and other political subdivisions of the State to provide services jointly through a



contract entered into by the respective parties. A municipality must first adopt an ordinance to authorize the contract, while other participating agencies must pass resolutions.

There are certain requirements specified in N.J.S.A. 40:8A-6, which must be included in any interlocal contract:

- (1) the exact nature and extent of the services to be performed jointly or by one or more of the parties as agent for any other party or parties;
- (2) measurable standards of the level, quality and scope of such performance, with specific assignment and allocation of responsibility for meeting such standards between or among the parties;
- (3) the estimated cost of such services throughout the duration of the contract, with allocation thereof, to the parties, in dollar amounts or by formula, including a time schedule for periodic payment of installments of such allocations; which specification may include provision for the periodic modification of estimates or formulas contained therein in the light of actual experience and in accordance with procedures to be specified in the contract;
- (4) the duration of the contract, which shall be for seven years, unless otherwise agreed upon by the parties; and,
- (5) the procedure for payments to be made under the contract.

#### Sale/Transfer of Real Property by Municipality

There are several enabling statutes dealing with the transfer of real property from one public entity to another. N.J.S.A. 40A:12-13 of the Local Lands and Buildings Law authorizes a municipality to sell any real property, capital improvements, personal property or interests, not needed for public use, at a private sale to any political subdivisions, agency, department, commission, board or body corporate and politic of the State of New Jersey. The private sale must be authorized by an ordinance for the municipality.

N.J.S.A. 40A:12-19 of the Local Lands and Buildings Law concerns conveyance of lands for public educational purposes. When the governing body of a county or municipality determines by resolution that all or part of a tract of land, whether improved or unimproved, is no longer needed for public purposes, the governing body may authorize the conveyance of the land or portions of it to the State when requested or approved by resolution of the State Boards of Education or Higher Education. Under this provision, the municipal governing body may also authorize the conveyance of land to any board of education in the county or municipality, to a regional board of education of a regional school district, to a consolidated board of education of a consolidated school district, or to the board of education of any county vocational school that requests or approves the conveyance by resolution for a nominal consideration.

#### Transfer/Joint Use of School Property

N.J.S.A. 18A:20-4.2 was recently amended by C. 410, P.L. 1981 to provide school districts with more flexibility on the use of school property. This provision provides a board of education with the authority to acquire property for school purposes.

In particular, a board of education of any school district may construct, purchase, lease or otherwise acquire a building with the Federal government, State, its political subdivision or any other individual or entity authorized to do business in the State provided that:

- (1) the noneducational uses of the building are compatible with the establishment and operation of a school as determined by the Commissioner of Education;

- (2) the portion of the building used as a school meets regulations of the Department of Education;
- (3) the board of education has complied with the provisions of law and regulations of the Department of Education relating to the selection and approval of sites; and,
- (4) any lease in excess of five years shall be approved by the Commissioner of Education and the Local Finance Board in the Department of Community Affairs.

N.J.S.A. 18A:20-4.2 further authorizes a board of education to acquire a site and school building by lease purchase agreement if the site and building meet guidelines and regulations of the Department of Education. Any lease in excess of five years must be approved by the Commissioner of Education and the Local Finance Board in the Department of Community Affairs.

Finally, this same provision authorizes a board of education to establish a tenancy in common, condominium, horizontal property regime or other joint ownership arrangement with an individual or entity authorized to do business in the State on a site contributed by the school district, if the following conditions are met:

- (1) the individual or entity agrees to construct or provide for construction of a building(s) on the site for use of the board of education separately or jointly with the individual or entity, subject to the joint ownership arrangement;
- (2) the provision of the building must be at no cost or reduced cost to the board of education;
- (3) the school district must not make any payment for use of the building other than its pro rata share of maintenance and improvements costs;
- (4) the noneducational uses of the building are compatible with the establishment and operation of a school as determined by the Commissioner of Education;

- (5) the school portion of the building and the site meet the regulations of the Department of Education; and
- (6) the agreement must be approved by the Commissioner of Education and the Local Finance Board in the Department of Community Affairs.

A separate provision applies if a board of education does not wish to dispose of property, because it may be needed for school purposes in the future. Pursuant to N.J.S.A. 18A:20-8.2, if a board of education determines by resolution that a tract of land, whether or not a building or all or part of a school building is involved, is not currently necessary for school purposes, and if it does not wish to dispose of the property, the board may lease the land for a term beyond the official life of the board of education, providing that if joint occupancy is considered, the noneducational uses of the building or tract of land are compatible with the establishment and operation of a school, as determined by the Commissioner of Education. The tract of land may be leased to the Federal government, State or its political subdivision, another school district, or to any board, body or commission of a municipality within the school district by private agreement for a nominal fee without advertisement for bids. Any lease exceeding five years must be approved by the Commissioner of Education.

Similarly, pursuant to N.J.S.A. 18A:20-9, whenever any board of education of a district consisting of one municipality determines by resolution that any tract of land is no longer desirable or necessary for school purposes, it may authorize the conveyance of a tract of land, whether or not a building is involved, for a nominal consideration, to the municipality or its board, body or commission, or to other organizations such as incorporated volunteer fire companies or rescue squads incorporated under the laws of the State of New Jersey, American Legion posts, Veterans of Foreign Wars or other recognized veteran

organizations for a meeting place located within the municipality or county, or to incorporated non-profit child care service organizations. The board has the discretionary power to stipulate that the municipality must use the land for public purposes and that if it ceases to be used for these purposes, the property and the title shall revert back to the board of education. The organizations specified above must also use the land for purposes contemplated in the provision.

Pursuant to N.J.S.A. 18A:20-18, the governing body of a municipality in which a public playground and recreation place has been established, may, by resolution, convey the maintenance, control and management of the playground to the board of education, if the board of education also agrees by resolution. Under N.J.S.A. 18A:20-22, the board of education may join with a governing body of any municipality or with the board of chosen freeholders of the county the district is located in, to acquire, improve, equip, operate and maintain playgrounds, playfields, gymnasiums, public baths, swimming pools and indoor recreation centers. The board may also appropriate money and pay the governing body for the joint services.

Finally, N.J.S.A. 18A:20-34 permits a board of education to adopt rules and regulations allowing for use of school property when not in use for school purposes. The following purposes are outlined in the provision:

- a. The assembly of persons for the purpose of giving and receiving instruction of any branch of education, learning or the arts, including the science of agriculture, horticulture, and floriculture;
- b. Public library purposes or stations of public libraries;

- c. The holding of such social, civic, and recreational meetings and entertainments and such other purposes as may be approved by the board;
- d. Such meetings, entertainments and occasions where admission fees are charged as may be approved by the board; and
- e. Polling places, holding elections, registration of voters and holding political meetings.

Each of these and other enabling statutes should be reviewed by legal counsel before entering into any type of formal agreement for Municipal-School Board Cooperation.

Appendix A

Sample Resolution\*

WHEREAS the (name of municipality) and the (name of school district) are both faced with diminishing resources, financial pressure and an increasing need for expanded and improved services, and

WHEREAS the (name of municipality) and the (name of school district) wish to cooperate in an effort to (improve/begin/expand) a Municipal-School Board Resource Sharing, and

WHEREAS, the Interlocal Services Act (N.J.S.A. 40:8A-1 et seq.) authorizes municipalities, boards of education and other political subdivisions of the State to provide services jointly;

NOW THEREFORE BE IT RESOLVED by the (name of municipality) that the (name of municipality) and the (name of school district) shall study the feasibility of a Municipal-School Board Cooperation Program and other methods of interlocal cooperation in order to make more effective efficient use of limited resources, and

BE IT FURTHER RESOLVED that the (name of municipality) and (name of school district) are authorized to establish a Steering Committee to assist in the study of, planning for, development, implementation and evaluation of a Municipal-School Board Cooperation Program.

BE IT FURTHER RESOLVED that said Steering Committee be composed of, but not limited to, municipal and school leaders, or their designees, leaders of citizen groups, civic organizations, and non-profit organizations or their designees and private industry representatives located in the area to be served, and

BE IT FURTHER RESOLVED that the (name of governing body of municipality/name of board of education of school district) are authorized to (hire/designate) an administrator/coordinator to facilitate these activities, and

\*Similarly worded resolution to be passed by the Board of Education.

BE IT FURTHER RESOLVED that if a Municipal-School Board Cooperation Program is found to be feasible and the (name of municipality) and the (name of school district) wish to implement the Program, the (name of governing body of the municipality) shall adopt an ordinance and the (name of board of education of the school district) shall pass a resolution, and both parties shall enter into a contract, pursuant to the requirements of the Interlocal Services Act (N.J.S.A. 40:8A-1 et seq.).

Signed \_\_\_\_\_  
Mayor, (name of municipality)

Date \_\_\_\_\_

Certification by Clerk

I, (name of clerk), Municipal Clerk of (name of municipality) hereby certify that at a meeting of the Governing Body of (name of municipality) held on (date) the above resolution was duly adopted.

Date \_\_\_\_\_

Signed \_\_\_\_\_

AFFIX SEAL OF MUNICIPALITY



Appendix B

Sample Public Notice  
(Establishment of Steering Committee)

Public notice is hereby given that a Steering Committee is being established to study the feasibility of a Municipal-School Board Cooperation Program in the (name of municipality). Proposed membership on the Committee will consist of representatives of (names of municipality and school district), civic organizations, the private sector and concerned citizens.

Interested members of the public are invited to attend to offer suggestions and ideas and/or to volunteer for membership on the Committee.

The first organizational meeting will be held on (date) and the (name of building and address) at (time).

## Appendix C

### Sample Job Description Municipal-School Board Cooperation Administrator/Coordinator

Title: Municipal-School Board Cooperation Administrator/Coordinator

#### General Job Description

The Municipal-School Board Cooperation Administrator/Coordinator reports directly to the (Title) of the (Name of the Municipality/Superintendent of Schools) or his or her designee and is responsible for assisting with the planning, formulation, and implementation of the projects of the Municipal-School Board Cooperation Program Steering Committee.

#### Specific Duties

The Administrator/Coordinator will plan for, develop, establish and implement a Municipal-School Board Cooperation Program based on the interests and needs of the community.

The Administrator/Coordinator will be responsible for the development, implementation and analysis of a needs survey to assist in the development and establishment of the Municipal-School Board Cooperation Program.

The Administrator/Coordinator will provide technical assistance to the Steering Committee in the planning for, development and implementation of the Municipal-School Board Cooperation Program.

The Administrator/Coordinator will encourage the development of working relationships with various agencies and additional interagency cooperative efforts, including the public, private and non-profit sectors.

The Directors will be responsible for the regular evaluation and analysis of the program, including implementation of recommendations.

The Administrator/Coordinator will develop both short and long-term plans and formulate policy concerning the program.

The Administrator/Coordinator will organize and direct the promotion and publicity of various existing and planned programs.

The Administrator/Coordinator will serve in an advisory capacity to the governing body/school board.

The Administrator/Coordinator will perform additional duties, as required by the Business Administrator/Superintendent of Schools.

Qualifications

(Specify educational and experience requirements.)

Past demonstration of strong leadership qualities.

Strong interpersonal skills (ability to work well with others).