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LOCAL GOVERNMENT ADVISORY COMMITTEE

Tri-Partite Federal/State/Local Performance Partnership
A Pilot Project Proposal

BACKGROUND

Performance Partnerships embody a new relationship between entities, incorporating a concept of coordination and cooperation rather than isolation and independence. The hope is that in working together, regulatory processes for the citizen will be simpler and faster, and governmental costs will be minimized and effectiveness increased. Implementation of the concept however, will require better understanding among the agencies of their individual responsibilities and procedures, better understanding of their respective resources, and better communication regarding their actions and decisions.

Until recently, the focus has been for EPA to work with the states to develop partnerships. Given that there are 50 states, this undertaking is considerable and much progress has occurred over the last year. However, with the understanding that there is a shift of emphasis to positive environment outcomes versus the process, to "place based" ecosystem solutions rather than "one size fits all," and to maximize community support with a bottom-up approach rather than the traditional "command and control" methods of the past, local governments and environmental programs are necessary players in achieving the goal. Local governments also bring the missing element of local process, and an array of tools that will improve the quality of the environmental outcome. This is necessary if we truly want to provide simpler and faster service to the public. With the decrease in available resources at the federal and state levels, local participation, where citizens have direct access to decision making processes and funding issues, is ever more important to the development of a coordinated and effective environmental protection program that will ensure the community's desired level of protection

Local participation in the partnership discussions between EPA and the states however, has been irregular and dependent upon individual connections. Organizations of local governments are active in some states but less so in others, and communication from state organizations to local program stakeholders is inconsistent. Better defined and reliable mechanisms need to be developed to bring local perspectives and commitment to EPA/state discussions, and to permit local organizations to "buy-in" and participate in the partnership agreements reached.

RECOMMENDATION

EPA should sponsor a pilot project to develop a performance partnership agreement between EPA, a state and local government stakeholders within that state. Successful completion should provide a model method for achieving tripartite agreements, and a model format for the agreement itself that will facilitate similar results in other states.

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Some of the benefits of the pilot project which would transfer to other jurisdictions include:

- Systems for identifying the appropriate local stakeholders and how they are expected to participate

- Advances in electronic communication systems may assist in sharing concepts and comments during the discussions, thereby limiting the need to travel and meet face to face. Methods determined effective will assist other jurisdictions in beginning their process. Mechanisms for future communication to ensure timely sharing of activities and decisions may also be developed

- An analysis of existing authorities and partnership responsibilities will result in a list of activities that could provide a starting point for discussion in other states

- Results of the partnership negotiations will provide a precedent for agreements elsewhere, development of which will thus be less time-consuming

- Identifying specific situations for including local governments, despite the numbers involved, will inspire confidence in local governments that their importance has been recognized by EPA, will demonstrate to other states specific roles that in EPA's view are appropriate for local governments, and will enhance local government's credibility and therefore effectiveness with its *citizens.*

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IMPROVING THE ENVIRONMENT - SYNERGY IN PARTNERSHIP

BACKGROUND

Improvement of the public's health and protection of the environment continues as an important goal for the United States and the American public. The public expects its governmental organizations to act in a responsible, coordinated, a cost effective and integrated manner to protect health and the environment with little regard, understanding or sympathy for level of government, individual statutory authority or mission. As customers, the public expects to be served in a streamlined, responsive, non-bureaucratic and coordinated manner. This "seamless" service is focused on the outcome of protection of health and the environment, not the process, agency or law.

EPA has made great strides in the last four years to rationalize and integrate its media offices. On a project basis, however, problems still remain with the stovepipe structure which can result in significant delays and fragmentation in decision making.

In contrast to the public's expectation of "seamless" service with outcome pals, most of the nation's environmental and health laws, procedures and agencies evolved incrementally without regard for inter-agency coordination, cooperation or authority. In fact, organizational "boundaries," turf conflict, competing missions and levels of government stands as serious impediments to continuing improvements in health and the environment. Even mundane tasks such as developing stormwater permits involves three or four federal agencies (EPA, US Army Corp of Engineers, Fish and Wildlife Service, and, perhaps, Department of Agriculture), two or three state agencies (Department of Environmental Protection, Game and Fish, Department of Natural Resources) and multiple local agencies (County Health, Flood/Drainage Control District, City/Town/Township, Metropolitan Planning Organization).

In most instances each agency and level of government plays an important role and brings a different perspective to the decision-making process. Even simple health or environmental clean up activities can require the participation of numerous federal, state and local agencies including USEPA, Centers for Disease Control, US Army Corp of Engineers, State Health Department, State Natural Resources Department, and County Health agencies. The lack of inter-agency coordination significantly delays the program activities adding substantial transaction costs and often leading to interdepartmental disputes.

Clear and coordinated lines of authority, responsibility, project schedule and decision responsibility would substantially reduce the cost of both permitting and clean up activities to local governments and the private sector. Place based, outcome oriented project management with clearly defined responsibilities and time commitments would improve project performance and enhance health and environmental protection.

Inter-agency coordination will also reduce transaction costs and provide a clear and, in most cases, preferable alternative to litigation. Predictability would be improved, staff response time will improve and timely decision making will result, thereby reducing uncertainty, and providing the public and agency customers a more understandable and timely outcome.

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RECOMMENDATIONS

The Local Government Advisory Committee, Roles and Responsibilities Subcommittee makes the following recommendations:

1. The Administrator establish a "seamless" service policy for the agency requiring that all EPA project teams including permitting, clean up and activities relating to local governments have a designated team leader/project manager given intra-agency decision authority, project management responsibility, decision making authority, and responsibility to assure informed, timely decision making.

2. In partnership with stakeholders, including non governmental stakeholders, EPA should set a standard of permit/project/activity scheduling providing all stakeholders with:
   - 2.1 Clearly defined lines of authority and responsibility;
   - 2.2 Clear explanation of anticipated outcomes with proposed target dates,
   - 2.3 Proposed activity calendar showing key milestones and decision points ; and a,
   - 2.4 Listing of team participants with brief description(s) of roles and responsibilities.

   Where EPA is not the "lead entity", the standards listed above should be encouraged and adopted. The E.P.A.'s implementation of the Permits Improvement Project offers an excellent vehicle to implement these concepts.

3. EPA should pilot a "Partnering Charter" "that would serve to define roles and responsibilities in multi-party processes which:
   - 3.1 Provides a facilitated partnering meeting at the start of each significant project attended by all stakeholders and participating team members to agree upon activity/project intended outcome or product, identify project participants, establish dispute/problem resolution process(es), and set partnering sessions;
   - 3.2 Encourage all participating federal agencies to participate m the Partnering Charter, and
   - 3.3 Involves public, private and state/local government stakeholders.
   - 3.4 Governmental Partners should work to assure that these efforts arc adequately supported so that all partners, public and community, can participate.

4. The Administrator should recommend that the President and Vice President instruct the regional and field offices of federal agencies to come together on a regular basis with state and local stakeholders to identify places and project -specific issues and address them in a coordinated and cooperative manner

5. The Administrator should also recommend the formation of a Federal Inter-Agency Task Force to develop, where permitted by law, Agency Agreements streamlining permitting, clean up and project activities. This process should lead to an Agreement that designates a lead agency. where multiple Federal Agencies are involved.

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ANNUAL PLANNING MEETING REPRESENTATION

Background

The United States Environmental Protection Agency's (U.S. EPA) Annual Planning meeting has been established for the purpose to structure the agency's long and short term strategic and budgetary planning initiatives. U.S. EPA top level administrators in concurrence with their various program heads and regional representatives have traditionally met to provide this future programming direction for the agency. The 1996 Annual Planning meeting was significantly altered to include representation from the other local, state and tribal governmental units. This initiative was a significant step by U.S. EPA to reach out to it's "customers" in an effort to more fully understand their *unique* concerns that significantly impact on their core constituency groups. We strongly support this initiative and desire to see this practice continue for the foreseeable future.

Recommendation

In an effort to further improve this action the Local Government Advisory Committee (LGAC) would submit the following recommendations for U.S. EPA consideration:

1) Provide relevant information to the invited attendees in a more timely manner:
Such information should include at a minimum:
- Purpose of the meeting;
- Complete list of invited participants;
- Status document on meeting the previous years stated objectives; and
- Position statement as to the philosophical direction that the agency wants to proceed within the next year.

2) Encourage the inclusion of local, *state,* and tribal representatives in the preliminary planning of the annual meeting to assist in the discussion of issues that are relevant to those entities.

3) Establish a information distribution *system* to distribute the results of the mating to other local state and tribal representatives..
Consider such sources as (not all inclusive)
- Newsletters,
  - National Association of Countries;
  - National League of Cities;
  - U.S. Conference of Mayors
  - National Governors Association;
  - International City County Managers *Association;*
  - National Association of Towns & Townships-,

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National Conference of State Legislatures;
Various Tribal newsletters; etc.

- Other Publications,
  Small Town Task Force;
  Environmental Council of States; etc.

- U.S. EPA,
  Regional Offices;
  Internet; and

- Other communication methods as appropriate

By incorporating all or part of the above recommendations, the U. S. EPA can further improve the relationship between their new partners and, in turn, further achieve the overall environmental improvements that all representatives desire.

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