

Responsible Unit Cooperation and Consolidation: *Working with your neighbors*

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This document provides guidance to responsible units (RUs) about working with your neighbors through cooperation and consolidation. Both options can enable local recycling programs to improve services and reduce overall costs. They allow local governments to pool resources to secure and retain dedicated recycling staff and may also allow RUs to provide a broader array or more consistent services across a large area.

RU cooperation refers to RUs that are working together, but often involves entering into an inter-governmental cooperative agreement (see sample on page 4). This is a formal agreement between two RUs to share resources, jointly contract for services, provide services to one another, etc., often leading to significant savings. Cooperation allows RUs to work together in a less formal structure than consolidation and allows each RU to retain its independence as an RU. The framework for deciding whether and how to enter into a cooperative agreement is similar to that of consolidation, but the implementation process is much simpler.

Some common examples of cooperative agreements:

- Joint development and distribution of outreach materials for residents and/or businesses.
- Combined resources for facilities and equipment, such as purchase of bins for special events recycling, sharing of composting equipment, joint access to yard material or drop-off centers.
- Applying more staff resources toward increasing recycling rates through a targeted outreach and compliance project such as convenience stores or multi-family complexes.

RU consolidation is the result of two or more local units of government forming a new RU or joining under the umbrella of an existing RU. Under any consolidation arrangement, a single RU is designated as the parent RU, agrees to be the responsible party to perform administrative and reporting tasks, and ensures that all members are in compliance with recycling requirements. Existing RUs that seek to become members of the consolidated RU will need to notify the DNR recycling program at DNRRecycling@wisconsin.gov.

A common misconception is that consolidation means that every community in the consolidated RU has to operate the same way. While some consolidated RUs offer the same array of services throughout their geographic area, others allow flexibility. For example, the parent member in one consolidated RU may provide all services to member communities, while in another consolidated RU, the parent may only provide education and enforcement and leave collection services to the member communities. Most consolidated RUs are pleased with their decision and believe it has resulted in greater program efficiencies and better service to their residents.

Recycling Consolidation Grant: Both consolidation and cooperation may make an RU eligible for the Recycling Consolidation Grant, which is available in addition to the basic recycling grant. This grant program was created to offer supplemental assistance to RUs that work together. For more information, visit dnr.wi.gov and search for "Consolidation Grant"

When deciding whether to consolidate or enter into a cooperative agreement, consider:

1. Your objectives and needs and how can they be effectively addressed.
2. What type of partnership would work best; a cooperative agreement or formal consolidation? If you have not worked with this municipality, consider trying a cooperative agreement as a first step.
3. If you are considering formal consolidation, also consider:
 - a. At what level would the consolidation occur (among municipal RUs, between a county and its member municipalities, between two or more counties, etc.)?
 - b. Which services the parent RU would coordinate or manage, and which would be left to the municipalities? Note that for all consolidated RUs, the parent is considered the accountable party in the eyes of DNR and is responsible for submitting annual reports and ensuring that all member communities comply with recycling requirements.
 - i. Operational (curbside collection, drop-off centers, processing and marketing)
 - ii. Educational (providing information about recycling)
 - iii. Administrative (handling complaints and enforcement)
 - iv. Special collections (electronics, clean sweeps/household hazardous waste collections, pharmaceutical collections, appliances, etc.)
4. Potential impact on your basic recycling grant (consolidation only). The statutory formula for determining award amounts under the Basic Recycling Grant requires the DNR to recalculate the RU eligible costs, pegged to 1999 costs, based on the aggregate costs and programs of all member RUs. In some cases, this may result in a greater grant award, and in others no change or a decreased award amount. Contact the DNR recycling program at DNRRecycling@wisconsin.gov for more information.

Process to enter into cooperative agreements

If a cooperative agreement is used as eligibility for the DNR recycling consolidation grant, the agreement must be formal and signed by all parties (see page 5 for a sample). If not applying for a consolidation grant, an agreement is not required, but DNR strongly encourages formalizing of agreements to clarify roles and responsibilities to avoid misunderstanding or conflict. The sample cooperative agreement provided on page 4 meets the eligibility requirements for a recycling consolidation grant.

Process to enter into RU consolidation

Option 1: Consolidation by contract

Inter-governmental contracts may be used for consolidation of two or more existing RUs or for adding RUs to an existing consolidated RU under s. 66.0301, Wis. Stats. The contract should designate a governing body as the parent RU, and detail all functions required of an effective recycling program.

Within 30 days of signing the contract, each new member of the RU and the parent RU must submit a copy of the contract to the clerk of the counties in which they are located and to the DNR recycling program. If the consolidated RU intends to apply for a basic DNR recycling grant, it must designate an authorized representative and notify the DNR recycling program at DNRRecycling@wisconsin.gov. For more information on DNR recycling grants, visit dnr.wi.gov and search “recycling grants.”

Option 2: Consolidation by resolution

A county may adopt a resolution declaring itself the RU for the county. This option is available to counties only. Because adopting a resolution can be a permanent arrangement, the county and participating local units of government may want to consider some options such as:

- Consolidating through an inter-governmental agreement/contract;
- Including an opt-out provision in the resolution; or
- Making the contract effective upon renewal each year or until terminated in writing by one of the parties with a set number of days' notice.

Process for new county consolidation under a resolution

1. County Board of Supervisors adopts a resolution designating itself the RU for the county. The steps below are those required under the state recycling law s. 287.09, Wis. Stats. It is strongly recommended that all local units of government involved in this process notify the DNR recycling program on their intent and work closely with the DNR to ensure that the process goes smoothly with minimal delay.
2. Within 30 days of the effective date of the resolution, the county must submit a copy of the resolution to the clerk of each local unit of government within the county and to the DNR recycling program.
3. Municipalities that do NOT want to be part of the county RU must adopt a resolution declining membership within 90 days of the effective date of the county RU resolution. Within 30 days of the effective date of the local government resolution declining membership, the municipality must submit a copy of the resolution to the DNR recycling program and to the clerk of the county in which the municipality is located.
4. The county RU may issue a recycling contract to each participating municipality. The recycling contract would contain standard terms and conditions as well as responsibilities and duties of each party.
5. If the consolidated RU intends to apply for a basic recycling grant, it must designate an authorized representative and notify the DNR recycling program of this information at DNRRecycling@wisconsin.gov.

Dissolving a county RU formed under resolution

The process for dissolving a county RU formed under a resolution is not described in state statutes or code. The DNR has determined that this would need to be done through a new resolution adopted by the County Board of Supervisors following established procedures for that county, including timely notification of all RU members.

A county considering this should notify the DNR recycling program so that staff can work with the county through the process and assist in the establishment of new municipal RU programs in a timely manner.

If the county RU received a DNR recycling grant in the year dissolution is being implemented, the dissolution cannot take effect until the end of the grant year (December 31) due to contractual terms and conditions of the grant award.

Contact DNRRecycling@wisconsin.gov for further information.

Disclaimer: This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

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COOPERATIVE AGREEMENT

Recycling Consolidation

202__ Grant Year (enter the year that the grant application is for)

This agreement is entered into between the _____ and the _____
(city, town, village, tribe, county)

_____ for the purpose of implementing efficiencies related to operating
(city, town, village, tribe, county)

an effective recycling program in accordance with s. 287.11 and s. 287.24, Wis. Stats. and ch. NR 542, Wis. Adm. Code.

The _____ and the _____
(city, town, village, tribe, county) (city, town, village, tribe, county)

agree to jointly provide the following effective recycling program activities.

Description of Effective Recycling Program Component

- What
- Where
- How often
- Who is responsible for
- Other

Describe Each Responsible Unit’s Responsibilities

Who will be responsible for what? Examples---

- Service contracts (collection, hauling, educational materials, etc)
- Recycling site management or events
- Expenditures and payments
- Administrative duties

Expected Savings

- Time, money, equipment, etc.
- Improvements in customer service (to residents, businesses, other)
- Other

Cooperative Agreement Amendment, Renewal and Termination

Include terms for amendment, renewal and termination. *(To continue this Cooperative Agreement for the next grant year, sign a renewal or amendment to specify your commitment to continue the Cooperative Agreement.)*

The undersigned parties mutually agree to the terms and conditions of this Cooperative Agreement. Agreement **must be signed by all parties as of October 1 of the year preceding the year for which the grant award will be made.**

(Authorized Representative Name) (Responsible Unit Name) (Date)

(Authorized Representative Name) (Responsible Unit Name) (Date)