

**CHAPTER 119. COUNCILS OF GOVERNMENT
ASSISTANCE PROGRAM**

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Authority

The provisions of this Chapter 119 issued under The Administrative Code of 1929 (71 P. S. § 670.101), unless otherwise noted.

Source

The provisions of this Chapter 119 adopted July 2, 1970, amended September 22, 1972, 2 Pa.B. 1770; renumbered from 16 Pa. Code Chapter 31, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (185787) to (185788), (161647) to (161648) and (183679) to (183680).

GENERAL PROVISIONS

§ 119.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—Section 2501-C of The Administrative Code of 1929 (71 P. S. § 670.101).

Center—The Center for Local Government Services of the Department.

COG—This term shall be divided as follows:

(i) *Group A*. Any grouping of municipalities which have joined together formally to discuss, plan and act on matters of common concern and which is referred to in this chapter as a Council of Governments.

(ii) *Group B*. Any two or more municipalities that are considering joining together formally to discuss, plan and act on matters of common concern.

Municipality—A city, borough, township or county.

§ 119.2. Authority for grants.

The act authorizes the Department to make grants to any two or more municipalities or another similar general purpose unit of government created by the General Assembly, or to a body which is authorized to act in behalf of two or more units of government, for the purpose of assisting them in acting in concert in the performance of a local governmental function, or for the purpose of conducting studies and investigations to determine the feasibility and desirability of acting in concert in the performance of local governmental functions.

§ 119.3. Purpose.

This chapter provides guidelines for making available to local governments the funds provided for in the act and future appropriations.

§ 119.4. Eligibility requirements.

(a) *Group A*. Eligibility requirements for Group A shall be as follows:

(1) To be eligible for program aid, a COG shall comply with the following requirements:

(i) The COG membership shall consist of at least two municipalities each of which shall have entered into a formal agreement or arrangement in forming the COG.

(ii) The COG shall be organized to continuously address itself to matters of areawide concern.

(iii) If the COG is formed to carry out a functional program, at least 2/3 of the COG membership shall participate in the program. Where a COG has only two members mutual consent shall be required.

(2) To be eligible for program aid it is not necessary that a grouping of municipalities be formally known as a COG.

(b) *Group B*. Two or more municipalities that are considering joining together formally to discuss, plan and act on matters of common concern.

APPLICATION REQUIREMENTS

§ 119.11. Statement of interest.

It is recommended that a letter of interest be forwarded to the Center as a preface to discussion and guidance on making application for program aid.

§ 119.12. Submission of application.

A grouping of municipalities may jointly apply for program aid through their formal organization and according to the established procedures of the Department of Community and Economic Development for making grant applications.

§ 119.13. Purpose of application.

An application for program aid shall be for one of the following purposes:

- (1) To provide staffing for the ongoing operation of a COG.
- (2) To finance the operation of a functional program designed to solve areawide problems, provide areawide services or make for more efficient operation of the area's governmental units.
- (3) To assist in financing studies to determine the feasibility and desirability of acting in concert in the performance of a local governmental function.

§ 119.14. Application documents.

(a) *Group A.* The following documents are required in applying for program aid:

- (1) Three completed copies of the official application.
- (2) Three copies of a brief narrative description of the proposed project, whether it involves general staffing of the COG or undertaking a functional program or study.
- (3) A listing of the COG members which will participate in the project.
- (4) Three copies of a basic analysis or outline of the financing of the proposed project, whether for staffing or for operating a functional program or study.
- (5) A copy of the bylaws and articles of agreement establishing the COG.
- (6) A minimum amount of copies of selected records or informational material necessary to indicate the following:
 - (i) The activities of the COG.
 - (ii) Financial support and participation of its members.
 - (iii) Short and long range planning for COG development.

(b) *Group B.* The following documents are required in applying for program aid:

- (1) Three completed copies of the official application.
- (2) Three copies of a brief narrative description and justification of the anticipated cooperative project.
- (3) A resolution from each participating municipality authorizing a participating municipality to make application on its behalf.

GRANTS**§ 119.21. Factors in awarding grants.**

(a) *Group A.* The following factors will be taken into consideration in the awarding of program aid to a COG:

(1) Whether the proposed use of requested aid by the COG relates to the solution of areawide problems, better provision of services and improvement of local government effectiveness.

(2) Whether the area and population covered by the COG, and the number of municipalities actively participating in the COG provide a logical base for the performance of the proposed function.

(3) Whether the members have evidenced support or intent to support (including financial support) the COG to make it an effective, ongoing instrument for dealing with areawide concerns. This shall include the demonstration of intent exemplified by the undertaking of a joint areawide functional program.

(4) Whether the COG is organized so that there is a minimum of overlap with the organization, activities and sphere of operation of another entity providing areawide services, such as another COG.

(5) Whether the proposed COG program is the most appropriate approach for the members of the COG to achieve their stated objectives.

(b) *Group B.* The following factors will be taken into consideration in the awarding of program aid to a COG:

(1) Whether the applicant's proposed use of requested aid relates to the solution of areawide problems, provision of services and to local government effectiveness.

(2) Whether the area and population covered and the number of municipalities actively participating provide a logical base for the performance of the proposed function or study.

(3) Whether the members have evidenced support or intent to support (including financial support) the cooperative effort to make it an effective, ongoing instrument for dealing with areawide concerns. This shall include the demonstration of intent exemplified by the undertaking of a joint areawide functional program.

(4) Whether the intergovernmental activity provides for a minimum of overlap duplication or conflict with the organization, activities and sphere of operation of another entity providing area wide services, such as an existing COG.

(5) That the proposed intergovernmental activity is the most appropriate approach for the members of the COG to achieve their stated objectives.

(c) *Significant funding considerations.* The following will receive exceptional attention and consideration in the review and approval of applications:

(1) The geographical area and population to be served by the proposed intergovernmental activity, with a view toward maximum or optimum programmatic impact following an initial grant.

(2) The administrative performance of the grantee, particularly in administering any previous grants from the Department.

§ 119.22. Grant contract.

Upon approval of an application, a grant contract shall be executed between the Department and the applicant for the amount of the grant. The contract will stipulate the method of payment of the grant.

§ 119.23. Grant allocation and limitation.

(a) In general, the Department may contribute up to 50% of the net project or staffing cost.

(b) In proposed projects wherein a study or project of extraordinary regional significance is fully justified, the Department may contribute up to 90% of the net project cost.

(c) The grantee shall be required to provide at least 10% of the proposed project cost, whether for staffing, overhead, undertaking a functional program or studies. The required local share, when contributed directly by the grantee, may come from cash, personnel time, overhead, material, work or equipment. However, in the event and to the extent that the local matching contribution is not provided directly by the grantee, the matching contribution shall be in cash.

(d) The Secretary may adjust the ratios described in subsections (a)—(c) if, in his opinion, the interests of the Commonwealth so dictate.

§ 119.24. Auditing of grants.

(a) The Department of Community and Economic Development will audit grants made to COG's in the following manner:

- (1) Review of COG project records.
- (2) Periodical onsite evaluative inspection by Department personnel.
- (3) Other appropriate methods.

(b) The auditing of grants shall be to assure that Commonwealth funds have been expended appropriately, to evaluate the success of COG efforts where program grant monies are applied, and to evaluate the effectiveness of COGs in general and of each program in particular.

§ 119.25. Financial record requirements.

The grantee shall be required to establish and maintain separate files and records of project transactions. This will include all applications, correspondence, grant contract, force account payroll and expenditures and paid invoices and cancelled checks. All grant moneys and local matching funds shall be deposited in a special project account.

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