

Legal Arrangements for Community-Rural Water Partnerships

28-E Intergovernmental Arrangements

State and local governments can enter into agreements with other governmental units and agencies, as well as private entities to provide joint services and facilities with other agencies. 28E agreements have most typically been used in regard to solid waste collection and disposal, law enforcement activities, fire protection and other emergency services, but the potential for such agreements is essentially limited only by the needs, desires, and imagination of the participants.

There are two primary types of 28E agreements – those in which a separate legal or administrative entity is created and those which provide for cooperation without creating a separate agency or entity.

Franchise Agreements

A franchise agreement allows an entity to use city streets, alleys and other public lands in order to provide, distribute and sell services to the community. A franchise agreement is an agreement, prescribed by ordinance, which sets the terms of the franchise. This includes terms such as, the length of the franchise and any requirements that the entity repair damage done to city streets while constructing or maintaining their system.

Contracts for Services

Communities can enter into contracts for specific services with rural water systems including bulk water purchases, interconnect services, repair services, meter reading services to name a few.

Operator by Affidavit

The owner of a plant or distribution system that is required to have a Grade A, I, IL, II, IIL certified operator may to sign an affidavit with a certified operator of the required classification and grade. This affidavit will verify that the certified operator is the operator in charge and has direct responsibility for a plant or distribution system that does not have first rights on the services of that operator.