

# Regional Governance for Climate Action



INSTITUTE FOR  
Sustainable  
Communities

Celebrating **what's possible**

February 2016



## ACKNOWLEDGEMENTS

This report was produced by the Institute for Sustainable Communities with help from Jennifer Jurado, Krista Kline, Axum Teferra, Mariia Zimmerman, Jessica Grannis, David Grosso and Bruce Riordan.

This document is the second in a series about regional resilience approaches. The series is largely based on the on-the-ground experience of the following 12 regions: Bay Area Climate and Energy Resilience Project, Capital Region Climate Readiness Collaborative, Los Angeles Regional Collaborative for Climate Action & Sustainability, Metro Boston, National Capital Region, New England Climate Leaders Collaborative, P2R2 Northeast Florida, Puget Sound Regional Council, San Diego Regional Climate Collaborative, Sierra CAMP, Southeast Florida Regional Climate Change Compact, and the Twin Cities. We thank them all for making their time and valuable experience available to further the growing field of regional resilience. Read our first document, the [Regional Resilience Primer](#), for in-depth overviews of these regions as well broader contextual information about this developing approach to climate-related problems.

For additional information about developing a regional collaborative, we have found The Alliance of Regional Collaboratives for Climate Adaptation's *Regional Adaptation Collaborative Toolkit* to be a great resource. View it at: <http://arccacalifornia.org/toolkit/>

This report was created with the support of the Kresge Foundation.

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### About The Institute For Sustainable Communities

Since its founding in 1991 by former Vermont Governor Madeleine Kunin, ISC has led more than 100 transformative, community-driven projects in 30 countries. ISC specializes in developing and delivering highly successful training and technical assistance programs that improve the effectiveness of communities, their leaders, and the institutions that support them.

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# BACKGROUND

# 12

pioneering regional  
climate adaptation  
collaboratives

Over the past decade, several urban regions in the United States have started forging connections between governments, businesses, nonprofits, citizen groups, and other actors. The Institute for Sustainable Communities has been supporting these kinds of regional efforts, including direct support to the Southeast Florida Regional Climate Change Compact. In 2014, we launched the Resilient Regions Initiative (RRI) by convening 12 pioneering regional climate adaptation collaboratives at our *Think Resiliently, Act Regionally Sustainable Communities Leadership Academy* workshop in Alexandria, Virginia.

As part of the RRI, ISC is producing a guidance series to help practitioners through the practical considerations of building regional climate resilience. The first publication in this series, the [Regional Resilience Primer](#), profiled the 12 regional climate adaptation collaboratives that attended the 2014 workshop and highlighted the importance of regional collaboration as a vehicle to address climate adaptation challenges. The Primer described several key benefits and challenges of regionalism:

## Key Benefits of Regional Climate Action

- Coordination of Shared Ecosystem Services
- Leveraged Local, State, and Federal Resources
- Expanded Convening Power
- Increased Capacity
- Platforms for Mainstreaming

## Key Challenges of Regional Climate Action

- Defining Shared Value Propositions and Goals
- Investing in Long-Term Strategies
- Respecting Local Authority
- Complexity and Scale<sup>1</sup>

This document is the second publication in ISC's series. It explores strategies emerging from 12 regional collaboratives to build or expand governance structures for regional climate action.

<sup>1</sup> RRI Primer, <http://www.iscvt.org/wp-content/uploads/2015/11/Regional-Resilience-Report-FINAL-small12.pdf>





# INTRODUCTION

"It's really important that we hold onto [that lack of definition], but unpack it because we're now talking about entering a stage of really catalyzing action... How do we move from a network of discussion... to a thing, a significant player in moving adaptation forward. We can't just be an unformed, unknown, even though that's where we derive much of our power."

– Kif Scheuer, *Alliance of Regional Collaboratives for Climate Adaptation*

Collaboratives within the Resilient Regions Network adopt governance structures that reflect the unique climate change impacts, geographies, politics, and economies in which they operate. As Kif Scheuer, Climate Change Program Director at the Local Government Commission, put it at the Alexandria workshop, emergent regional collaboratives across the United States must decide what it means to become a "thing" – a recognizable entity that fits with the expectations and systems of governments, funders, and the broader climate change community – without losing the diversity and flexibility that has allowed collaboratives to adapt to their local contexts. The range of governance structures that collaboratives adopt are on a continuum of increasing formality. As they evolve, many collaboratives will move towards the more formal end of the spectrum. However, not every collaborative will be best served by becoming a legal entity or regulatory body. Depending on their goals, the optimal governance structure may be anywhere along the spectrum.



This report is meant to provide practical insights to new and established organizations by examining what it means to be a formal entity, the various forms a collaborative can take, and the ways that decisions on stakeholders, goals, and strategy can drive the structure and membership of a collaborative.

## The Benefits of Regional Governance

Governance structures and strategies adopted by regional collaboratives engaged in climate change adaptation are typically meant to meet the following goals:

- **Coordinate efficient, effective action across multiple governments and sectors:** Climate change requires the coordination of public policy at the local, state, and federal levels; private investment decisions; nonprofit action; and scientific research. Regional governance allows the organizations and governments whose skills, authority, or capacity are necessary for success in a given metro region to make collective decisions and take action in a timely and efficient manner.
- **Reduce and resolve conflict:** Regional collaborative participants might not have a history of working together. Some might even have a history of conflict or disagreement with other members. Good governance can avoid or quickly resolve disputes by providing protocols for member interaction and decision-making.
- **Pool funding, capacity, and communications:** Climate change poses a formidable challenge that surpasses the capacity of any single organization or government, particularly in cases in which assets and risks are shared across multiple jurisdictions. Good governance can multiply individual impact by facilitating the easy sharing of resources and technical expertise, coordinate adaptation strategies and outreach across jurisdictional boundaries, and allow members to consolidate funding.

Using the experiences of existing collaboratives, this report is meant to provide practical insights to new and established organizations by examining what it means to be a formal entity, the various forms a collaborative can take, and the ways that decisions on stakeholders, goals, and strategy can drive the structure and membership of a collaborative.

This report draws from ISC's extensive work supporting regional governance and climate adaptation work around the country, as well as the experiences of the regional collaboratives that participated in our Alexandria workshop. For this report, ISC specifically interviewed members of the Boston Metro Mayors Coalition Climate Preparedness Commitment (hereafter referred to as Metro Boston), the Los Angeles Regional Collaborative for Climate Action and Sustainability (LARC), and the Southeast Florida Regional Climate Change Compact (the Compact). This reliance on existing cases from around the RRI Network reflects a fundamental philosophy at ISC: that practitioners' best resources are each other, especially as RRI Network members are at the forefront of this field. This document will not attempt to describe the ideal governance structure because effective governance is so heavily dependent on local context, but rather highlights several successful approaches to governance.







# PROMISING PRACTICES BUILDING GOOD GOVERNANCE

## Membership Considerations

- **The right mix of members depends on a collaborative's goals.** Some collaboratives may focus on tackling specific issues, like sea level rise or inland flooding, and this will strongly determine which local and regional actors should be at the table. Collaboratives that choose to address climate change more broadly may wish to circumscribe their scope in other ways, like limiting decision-making power to a small group of core community representatives, and working with specialized organizations such as universities, watershed authorities, or nonprofits as needed.
- **A neutral facilitator can be a valuable asset.** Collaboratives require collective decision-making, which requires negotiation around mutual interests. This is never done in a vacuum; existing political relationships can impact the process. A neutral facilitator can enable each party to fully represent their local interests, and serve as an impartial voice in discussions and help reach new agreements. Often, neutral facilitators will be in charge of keeping the regional perspective and objectives at the forefront of the decision-making process.

## Reflecting Local Context

- **There is no single blueprint – but rather common approaches – for forming a regional climate collaborative.** Each collaborative is a product of the unique political, economic, and environmental context in which member communities are located. But developing a new collaborative doesn't require reinventing the wheel in each new case – there are many transferrable practices and lessons learned that address common issues.
- **Creating a new entity or locating efforts within an existing organization – each has unique benefits.** Creating a new governance structure for a collaborative allows it to be customized to address its stated goals, but it also means that relationships, authority, and recognition must be built from the ground up. Locating a new collaborative within an existing intergovernmental organization (such as a regional planning council or a local council of governments) allows that organization's reputation, authority, and capacity to support the emergent collaborative process from the outset – yet it might not always been seen as neutral.

### Collective Decision-making

- **Operating procedures should be established from the start and regularly updated.** Good charters can help overcome disagreements among members and ensure that a collaborative can be sustainable. Regularly updating a charter allows an organization to continually revisit their goals and adapt to changing conditions.
- **Backbone staff support is critical and can be obtained in multiple ways.** Collaboratives will need some level of staff support to accomplish their goals. They can obtain staff support through personnel loans from by member organizations, by raising funds through dues to hire a managing director or other staff, or by partnering with other organizations who can raise funding or dedicate staff time.

### Towards Legal Standing

- **Formalizing a collaborative can bring legitimacy, access to funding, and structure, but it has its drawbacks.** Becoming a legal entity grants a collaborative a number of beneficial powers, including access to funding and hiring staff. But because the ideal legal structure varies depending on the scope and goals of the collaborative, a single structure can limit future issues a collaborative can address. For example, a collaborative focused on connecting research with policy may require a different structure than one seeking to pool funding for resilience investments. While formalization can bring access to resources, it also can make a collaborative less nimble.

## KEY CONSIDERATIONS FOR BUILDING A REGIONAL CLIMATE COLLABORATIVE

#### Define scope and goals.

Are you trying to address climate adaptation broadly or focus on specific threats? Will you accomplish this by coordinating local climate planning, pooling funding, engaging in collective advocacy, or other goals? The answers to these questions will critically inform how you proceed on the next steps.

#### Choose and convene members.

Who holds the authority necessary to accomplish your goals? Who has the expertise or resources to help you? Who is willing to take action? How can you ensure that your decisions are representative of all community populations and equitable?

#### Develop operating procedures and leadership structure.

How will your collaborative make decisions and resolve disagreement? What are the responsibilities of members? How will you ensure accountability and transparency while still allowing for decisive, nimble action?

#### Reassess and iterate.

As you evolve, have your goals changed? Have the climate threats facing your community or regulatory environment changed? Have you been successful in your current approach? Build in regular opportunities to change course or refine your strategy.

*For a similar, but more detailed, version of these considerations, refer to the Regional Adaptation Collaborative Toolkit by the Alliance of Regional Collaboratives for Climate Adaptation at <http://www.arccacalifornia.org/toolkit/>*



# CHARACTERISTICS OF REGIONAL GOVERNANCE

Practitioners can learn much from the history of regionalism in general.

Regional governance structures have been formed for a variety of purposes in the United States since the late 19th century.<sup>2</sup> Governments have created special purpose authorities to deal with air quality, watershed management, regional airports, or transit. Metropolitan planning organizations (MPOs) have coordinated long-range transportation planning since they were established by federal law in the 1960s.<sup>3</sup> And while regional governance for climate change adaptation is unique in many ways, practitioners can learn much from the history of regionalism in general.

## Types of Authority

Regional governance structures can wield five types of authority. Regional collaboratives should consider which of these authorities are necessary to achieve their goals. Some authority can be acquired by organizations in the collaborative, some must be granted from government agencies, and some must be built over time. The five types are as follows:

1. **Professional Authority** that is demonstrated through internal and external staff capacity, talent, and expertise;
2. **Planning Authority** to develop short- or long-term plans, visions or policies;
3. **Political Authority** that brings legitimacy to regional actions through engagement by elected officials, or provides a recognized political voice when dealing with other levels of government;
4. **Regulatory Authority** to make and enforce rules, codes, and laws including the ability to issue permits or waivers; and,
5. **Financial Authority** to collect and allocate resources including the power to tax, impose fees or create other revenue sources.<sup>4</sup>

<sup>2</sup> For more on the history and forms of regional governance in the United States, see ISC's Regional Resilience Primer at <http://www.iscvt.org/wp-content/uploads/2015/11/Regional-Resilience-Report-FINAL-small2.pdf>

<sup>3</sup> ISC's Regional Resilience Primer, Pg. 24

<sup>4</sup> Kathryn A. Foster, Chapter Three in *Regional Planning in America: Practice and Prospect* (2011), Cambridge, MA: Lincoln Land Institute of Land Policy; Seltzer, E. and Carbonell, A (editors).



### How to Obtain Authority

Sometimes authority is *delegated* from another established unit of government. For example, MPOs are regional governments that receive formal authority from the federal government. Alternatively, informal authority can be *derived* over time through demonstrated expertise, partnerships, and engagement with relevant stakeholders. A good example of an organization with substantial derived authority is the Regional Planning Association in the New York City metropolitan region. It was established in 1922 with a mission of developing long-range plans. It holds no statutory power, but through its decades of well-respected work in the region, it now holds considerable sway over regional planning efforts.

Collaboratives often obtain multiple types of authority from multiple sources. For the Southeast Florida Compact, initial political authority came from the elected county government leaders who signed the Compact document, which publicly demonstrated their commitment to working together to address the impacts of climate change in the region. Since then, the Southeast Florida Compact has derived planning and professional authority through the development of the Regional Climate Action Plan and other accomplishments, which cemented its reputation as a leader in preparing for climate change. In Metro Boston, the collaborative similarly gained political authority when the Mayors of the Metro Mayors Coalition (MMC) signed the Climate Preparedness Commitment. The Metro Boston collaborative has also benefited from the substantial professional and planning authority of the Metropolitan Area Planning Council, which is responsible for founding and supporting the development of the collaborative.





# MEMBERSHIP CONSIDERATIONS

A regional climate collaborative's success is strongly dependent on having the right governments and other stakeholders at the table. Local context, including climate-driven equity priorities, assets at risk, and economic goals, is the most important consideration for climate collaboratives in determining membership makeup. This need for climate-driven stakeholder groups is unique among other regional membership organizations, which may often have membership choice predetermined by more traditional considerations like sector or geography.

## Local Context and Goals Drive Membership

The initial goals of a collaborative should drive membership decisions. Potential members can range from local governments, federal agencies, community-based organizations, private companies, community representatives or academic institutions. While one member might be appropriate to address sea level rise, another might be better suited to deal with the impacts increased temperatures and precipitation on vulnerable populations, for example.

Bruce Riordan, lead for the Bay Area Climate & Energy Resilience Project, found that goal-driven membership decisions were crucial to his collaborative. He found, for example, that when addressing wildfires he would bring together a region's local governments with other agencies such as the US Forest Service and the California Natural Resources Agency. Other roles would depend on interests, for example, regional landowners or technical advisors. But when focused on sea level rise, he would engage completely different groups.

Addressing regional equity, and adopting inclusive governance practices are critical goals for any collaborative. Ensuring that underserved, low-income, and communities of color are part of the decision-making process is a first step forward creating positive outcomes for everyone, not just those with more formal political influence. Identifying the right equity-focused organizations sometimes means engaging organizations that don't have an explicit focus on climate change, yet understand how climate change can impact important issues like housing, access to transit, and disaster response. Including equity-focused organizations is an important way to create a collaborative that is representative of the community it serves, and ensure that future decisions accurately reflect real community needs.



The interdisciplinary nature of climate change requires that a collaborative have a diverse array of members representing different sectors and fields. Local governments will be key players in any regional climate collaborative simply because they hold authority over areas of policy directly relevant to climate adaptation, such as transportation, building codes, land use, stormwater management and emergency response. For the same reason, regional public bodies such as MPOs, who do transportation planning, and watershed authorities will also be invaluable members. Existing regional agencies may also serve as participants (whether voting or *ex officio*) and bring valuable regional-scale perspective and resources to the table.

### Neutral Facilitators and Political Leaders

Most collaboratives could benefit from both a neutral facilitator and supportive elected leaders. The following describes how each role, when organized effectively, can provide a strong commitment and a democratic space for decisionmaking.

**Neutral Facilitator:** A neutral facilitator is the glue that keeps a collaborative of varied members working together. A good neutral facilitator must be patient and willing to work through a process at a pace that members are comfortable with. They are able to provide members with methods and approaches to avoid protracted disagreement or stalemates.

Good facilitation is more of an art than a science. ISC plays this role for the Florida Compact, and MAPC does so in Boston, lending their legitimacy and convening power to the effort. MAPC's role is especially crucial as the municipalities represented by the MMC have different capacity levels. MAPC can use their reputation as a trusted partner to help build capacity and level the playing field. In Los Angeles, LARC's Managing Director, Krista Kline, plays this role, as LARC founders did not want the collaborative to be dominated by the region's two "800-pound gorillas," the City and County of Los Angeles. Housed at the University of California, Los Angeles (UCLA), LARC effectively maintains neutrality for the municipalities and other participants in a regional process that could easily be dominated by the largest city and county governments. Krista Kline notes that UCLA was viewed by all participants as an appropriate home for the collaborative for this very purpose.

Factors external to the operation of the collaborative, such as the ongoing competition between members for resources, can affect the ability to collaborate through a regional process. This can be addressed effectively by good facilitation that builds trust through established practices like mutual gains negotiation.<sup>5</sup>

**Political Leaders:** Collaboratives can be well served by involving elected officials, who can lend their high profile and political legitimacy to a collaborative's mission and strengthen the regional collaborative through the formal granting of authority. Both Southeast Florida and Boston demonstrated this by launching their initiatives with a high-profile summit of elected officials that attracted

The interdisciplinary nature of climate change requires that a collaborative have a diverse array of members representing different sectors and fields.

<sup>5</sup> For a description of mutual gains negotiation, visit the Consensus Building Institute, [www.cbbuilding.org/cbis-mutual-gains-approach-negotiation](http://www.cbbuilding.org/cbis-mutual-gains-approach-negotiation)



significant media attention. These officials can be powerful champions, especially when a collaborative is just getting started, and so it is important to give elected officials a chance to take some ownership over the effort. This may require bringing new initiatives to local legislative bodies (commissions and/or councils) or executives early on, giving them the chance to endorse them publicly. Officials who are publicly identified with an initiative become invested in its success and are more likely support it with policy or funding.

Involving elected officials requires striking a balance in order to avoid politicizing the process. This is especially important in the often-controversial field of climate policy. The Southeast Florida Compact accomplished this by composing its steering committee entirely of local government staff rather than elected officials, but clearly identifying a staff responsibility to effectively and transparently report back to their respective elected officials on a regular basis.

Another risk to collaboratives when involving elected officials is the challenge of maintaining continuity after changes in leadership. The day-to-day management of the Southeast Florida Compact is the primary responsibility of senior staff who serve across the terms in office of elected officials, and so reduces the disruption associated with electoral transitions. In Boston, the structure of the MMC makes it easier to keep mayors on board: thanks to a strong, visible platform for cooperation, mayors tend to remain engaged in the Coalition throughout their full terms. Likewise, term limits and electoral turnover have seen two of the four original county commissioners who signed the Southeast Florida Compact in 2009 leave office, while newly-elected officials coming into office have since assumed leadership roles in support of the regional effort.



# COLLECTIVE DECISION-MAKING

## Operating Procedures

Every regional collaborative faces the challenge of making decisions that support coordinated, effective action at the regional scale. Regional collaboratives are, at their core, collections of individuals, and must be governed with a goal of maintaining or even fostering personal relationships. Establishing clear operating procedures through a charter right from the start is crucial. The rules should be accepted by all involved and should be developed with their input. Clear rules can take the emotion out of contentious issues. Operating procedures should also be regularly revised so that the collaborative's structure can be altered as new issues arise. This regular review can also help to build transparency and integrity of the process.

## Leadership

Leadership of a regional collaborative can take many forms. The Compact is led by a staff steering committee, while LARC is led by a governing board who creates annual work plans for its managing director. Boards or committees can help to ensure that leadership decisions are representative of the range of interests making up the collaborative, but they can also be slow to act and adapt, especially if they operate on a consensus basis.

A good managing director and staff can make an organization more nimble and responsive to changing context by developing, and acting on, new strategic ideas. They also develop a uniquely nuanced and in-depth understanding of the organization that a board that meets monthly or quarterly cannot. However, LARC Executive Director Krista Kline noted that having a full-time managing director can reduce member involvement, as they assume that the managing director will take care of issues without input or assistance from the broader membership.



# TOWARDS LEGAL STANDING

Most successful structures will enable the collaborative to become an entity that can receive funding, hire staff, and develop a distinct identity separate from that of its constituent members.

Formalizing the structure of a collaborative can help to develop legitimacy and increase the potential for earning delegated or derived authority. Formalizing can take the form of legislation, a charter, or a signed memorandum of understanding (MOU).

Like membership, the structure and governance of any regional collaborative must be developed with that specific collaborative's goals in mind. As those goals vary from region to region, so will structure and governance. Most successful structures will enable the collaborative to become an entity that can receive funding, hire staff, and develop a distinct identity separate from that of its constituent members.

Some networks, based on coordinating research and policy, may take the form of networks of local academia like LARC. Others, like the Public-Private Regional Resiliency Committee in Northeast Florida, will focus on connecting public and business leaders in a public-private partnership. There is also the route that Metro Boston and Puget Sound have taken, building a climate collaborative within an existing backbone organization like MAPC and the Puget Sound Regional Council.

## Interlocal Agreements

The Compact is exploring the interlocal agreement (ILA) model, which is a contract between local governments that allows them to jointly exercise any power, privilege or authority they have in common. Such an agreement would give signatories the ability to harmonize regulations across an entire region, which means localities could more easily implement solutions across jurisdictional boundaries. ILAs can be customized depending on the signatories' needs. They can allow the constituent governments to create a separate legal or administrative entity, hire staff, receive grants and donations, and apply for federal or state aid. Signatories can share services and facilities either as an exchange or on a cost-reimbursement basis.



# Considerations When Choosing a Formal Structure

*By Jessica Grannis and Annie Bennett, Georgetown Climate Center*

Regional collaboratives have three different options for incorporating as a formal entity under the state laws that Georgetown Climate Center has reviewed:

1. They can form a regional entity through state statutes authorizing the creation of a regional government entity.
2. Some states allow regional entities to form a nonprofit through state statutes.
3. They can continue to operate through fiscal agents (such as an existing regional entity, a nonprofit, or university).

Georgetown Climate Center is exploring the implications of these different formation options. There are benefits and drawbacks to each:

- Some federal grants are only available to government entity applicants.
- Some private foundations only make grants to nonprofit organizations, excluding local or regional government entities as grantees.
- Academic institutions often require administrative overhead (between 26% to 52% of the grant). They also have staffing and hiring constraints.
- Funding sources and formation can limit the ability of collaboratives to play certain roles (e.g., 501(c)(3) organizations cannot lobby).
- The way a collaborative forms can also limit the types of members that can formally participate in the collaborative. For example, California's Joint Powers Act only authorizes public agencies to participate in a joint powers agency, and in special circumstances nonprofit organizations. However this may limit formal participation of nonprofits, businesses and even private academic institutions.

If a separate entity is created, it can, in its own name:

- Write and enter into contracts
- Employ agencies or people
- Buy, build manage, maintain, or operate buildings, works, or improvements
- Buy and sell property
- Have debts that are separate from the debts of its members

ILAs can also be developed with whatever decision-making authority that signatories desire, including delegating authority to staff rather than elected officials. However, ILAs generally cannot have their own taxing authority.

An ILA can be a powerful structure for a regional collaborative, but should only be pursued with guidance from legal counsel.<sup>6</sup>

<sup>6</sup> Richard Grosso, Esq. to Southeast Florida Climate Compact Steering Committee, February 9, 2015, *Potential Structure for Next Phase of Compact Work*

## Funding Considerations

*By Jessica Grannis and Annie Bennett of Georgetown Climate Center*

Here we specifically focus on how formation questions can affect the ability of the collaborative to access federal grants. Federal grant programs often specify the grantees that are eligible to receive funding under the program (“eligible grantees”). While many grant programs allow for nonprofit and university grantees, many of the programs that local governments rely on for adaptation planning and implementation can only be granted to government entities. Several of these grant programs, however, specifically recognize regional government entities as eligible grantees:

- **Community Development Block Grants** (CDBG) funds administered by the US Department of Housing and Urban Development (HUD) can be granted to a “combination of political subdivisions,” which includes cities, towns, counties, and community associations, or combinations thereof.<sup>7</sup> States administering CDBG funding can also subgrant to nonprofit organizations and community development organizations.<sup>8</sup>
- **Coastal Zone Management** grants administered by the National Oceanic and Atmospheric Administration (NOAA) can be granted to an “areawide or regional agency.”<sup>9</sup>
- **Transportation Investment Generating Economic Recovery** (TIGER) grants administered by the US Department of Transportation (USDOT) can be granted to “multi-jurisdictional groups,” including MPOs.<sup>10</sup>
- **Economic Adjustment Act** grants administered by the US Economic Development Administration (EDA) can be granted to “consortium of political subdivisions” or “district organizations,” defined as an entity that is formed through an intergovernmental agreement providing for joint exercise of local government powers, a public organization established under state-enabling legislation allowing for the creation of multi-jurisdictional area-wide planning organizations, or a nonprofit organization incorporated under applicable state statutes.<sup>11</sup>
- **Hazard Mitigation Grants** administered by the Federal Emergency Management Agency (FEMA) can be granted to a “council of governments (whether incorporated as nonprofit or formed under state law), regional government entity, or agency or instrumentality of a local government.”<sup>12</sup>



Presumably, a formally established regional collaborative could be granted or subgranted by any of these funding sources provided they can demonstrate the capacity to oversee the funding and that they will use the funds for activities meeting the eligible uses of the program. To receive grants, federal agencies often require that the recipient have systems in place to ensure compliance

<sup>7</sup> 42 U.S.C.A. § 5302 (West)

<sup>8</sup> HUD, *Managing CDBG: A Guidebook for CDBG Grantees on Subrecipient Oversight at 1-6* (Mar. 2005), available at: [https://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_17086.pdf](https://portal.hud.gov/hudportal/documents/huddoc?id=DOC_17086.pdf)

<sup>9</sup> 16 U.S.C.A. § 1455a; 42 USC § 3334

<sup>10</sup> <http://www.transportation.gov/tiger/faq>

<sup>11</sup> 42 U.S.C. § 3149; 13 C.F.R. § 304.2

<sup>12</sup> 42 U.S.C.A. § 5122 (West); 44 C.F.R. § 201.2; 44 C.F.R. § 206.2

with the grant terms and audit requirements. Collaboratives established under state law may also have to comply with state laws requiring open meetings, disclosure of public records, financial reporting and audits, among other things. Thus, collaboratives should also consider the administrative overhead that will be required to establish and manage a separate agency or nonprofit and access funding, pursuant to various federal and state legal requirements.

Universities and nonprofits are not eligible primary grantees for any of the above listed funding sources, with the exception of EDA grants and FEMA hazard mitigation grants that can be granted to nonprofits and councils of government. Although they may be eligible subgrantees, collaboratives where a nonprofit or a university is serving as the entity's fiscal agent may not be eligible for some sources of funding that would be available to them were they to formally establish as a regional entity under applicable state laws.





# THE FUTURE OF REGIONAL CLIMATE COLLABORATION

“Foster and support cross-jurisdictional and regional collaboration,” possibly by “developing criteria for incorporating [regional climate] collaborations as an allowable entity for federal grants and funding programs.”

Increasing federal support will likely be crucial for the success of regional collaboratives, both in the form of funding and enabling legislation. Good federal policy in this regard would strike a balance between ensuring accountability of spending while not restricting innovation.

As existing climate collaboratives mature and new ones form, we may see their governance models converge into a typology of a few common structures, perhaps partly driven by changes in federal policy. Currently, federal funding streams generally are not tailored for regional collaboratives. Grant programs targeted at the local level are scaled for individual municipalities and are not large enough for entire regions.

However, there is a recent trend towards more region-friendly federal funding, as seen in recent programs like NOAA’s Coastal Resilience Grant Program and HUD’s Sustainable Communities Regional Planning Grants. One of the recommendations of the Obama Administration’s State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience is to “foster and support cross-jurisdictional and regional collaboration,” possibly by “developing criteria for incorporating [regional climate] collaborations as an allowable entity for federal grants and funding programs.”<sup>13</sup>

These criteria, while paving the way for increased federal funding, could drive the evolution of regional collaboratives towards a single model. If not well-crafted, regulations around funding could easily restrict collaboratives from being organic outgrowths of their local context and instead forcing them into a cookie-cutter mold.

The future of regional climate action is still unwritten, but ISC believes that the role for regions on the global stage will only continue to grow as economic development becomes increasingly regional in scale, and cross-border issues like climate change become an urgent priority. Well-governed regional approaches will continue to be a powerful tool as communities work to mitigate and prepare for a changing climate.



<sup>13</sup> President’s State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience: Recommendations to the President, Recommendation 7.2.2, [https://www.whitehouse.gov/sites/default/files/docs/task\\_force\\_report\\_0.pdf](https://www.whitehouse.gov/sites/default/files/docs/task_force_report_0.pdf)

# REFLECTING LOCAL CONTEXT

The Compact was formed “to work collaboratively on mitigation and adaptation strategies such as joint policies to influence climate/energy legislation and funding at state and federal levels, developing a Regional Climate Change Action Plan, and hosting annual summits to review progress and discuss strategies.”

*The precise structure, goals, and governance strategies developed by each collaborative depend strongly on the local political context in which they were born. The following three profiles illustrate how the unique structures of the Southeast Florida Compact, Metro Boston, and LARC emerged from their unique local environments.*

## Southeast Florida Regional Climate Change Compact

The Compact, a national leader in regional approaches to climate change, represents the Florida counties of Broward, Miami-Dade, Monroe, and Palm Beach. It was formed in 2009 when the elected leaders of those four counties signed – and their County Commissions subsequently adopted – the text of the Southeast Florida Regional Climate Change Compact.<sup>14</sup> To execute the terms of the agreement, the four counties contributed staff time.

Broadly, the Compact was formed “to work collaboratively on mitigation and adaptation strategies such as joint policies to influence climate/energy legislation and funding at state and federal levels, developing a Regional Climate Change Action Plan, and hosting annual summits to review progress and discuss strategies.” But the specific initial impetus was to collaborate on connecting research and policy by creating a unified projection of sea level rise, developing joint strategies for climate mitigation and adaptation, and then using this material to jointly advocate for support from the state and federal governments.

The Compact formed a charter early on, clarifying the roles and responsibilities of each member, but at the same time not infringing on the authority or autonomy of each county government. Though the Compact was initially formed by elected officials, it created a Staff Steering Committee of senior county staff in order to keep the operational component well supported, while still retaining crucial political support from elected officials. In this way, the Compact consisted of relationships between individuals from the four counties as well as between the governments themselves.

<sup>14</sup> <http://www.southeastfloridaclimatecompact.org/wp-content/uploads/2014/09/compact.pdf>

## Key Steps in Action: The Southeast Florida Compact's Approach

- **Define scope and goals.** The Compact would allow the four counties to develop unified sea level rise projections and to use this data to jointly lobby the federal government for support in addressing climate change.
- **Choose and convene members.** From the start, the Compact was purely a relationship among four county governments, though universities, federal agencies, and other organizations are brought in as temporary partners as needed.
- **Develop operating procedures and leadership structure.** A charter was developed early on, as was a process for annually reviewing and updating it. The Compact was signed by the four county elected leaders, but its day-to-day operations are led by a steering committee of county staff.
- **Reassess and iterate.** The Compact continues to expand its work in supporting climate work of member governments and influencing state and federal policy. For example, the Compact has produced a baseline greenhouse gas inventory for the region, conducted a sea level rise vulnerability assessment, and lobbied the state legislature to create the Adaptation Action Areas designation for especially vulnerable areas.

The Compact's goals are to coordinate and harmonize local government action on climate change, so their membership is made up of governments. However, a variety of other organizations are involved in various capacities. The Staff Steering Committee includes representatives from the South Florida Regional Planning Council and the South Florida Water Management District as non-voting members. Other organizations, including NOAA, The Nature Conservancy, and Florida Atlantic University, have provided input and technical assistance. Additionally, ISC supports the Compact and acts as a neutral convener, technical and strategic advisor, and fiscal agent, enabling the Compact to access philanthropic resources to advance the regional mission (most notably from the Kresge Foundation).

### Los Angeles Regional Collaborative for Climate Action and Sustainability (LARC)

LARC is a membership organization whose members include Los Angeles-area governments, universities, and both local and national nonprofit organizations such as the US Green Building Council and ICLEI-Local Governments for Sustainability, but the first movers were the City and County of Los Angeles. Staff at the City and County were aware of an increasing number of climate change programs being developed, especially at the state level. They also knew that a substantial amount of research on climate change and its effects was being conducted at local universities, but this research was not always well-coordinated with the needs of local policymakers. With the passage of AB 32 – California's state law that would mandate a 15% cut in greenhouse gas emissions by 2020 –



## Key Steps in Action: LARC's Approach

- **Define scope and goals.** LARC's founders sought to help the LA region address climate change and comply with state environmental policies by building connections between research and practitioners. Broadly, LARC's goal is to create a more sustainable and climate-resilient LA region.
- **Choose and convene members.** To reflect its broad climate mission, LARC allows "any legal entity representing a regional interest in climate mitigation and adaptation action" to apply for membership. LARC's members represent a range of diverse organizations, including not only local governments, but also councils of government, an air quality district, local and national nonprofits, and universities.
- **Develop operating procedures and leadership structure.** LARC's original governance structure called for a part-time managing director and a governing board that included most of the members. UCLA acts as the collaborative's fiscal and legal sponsor.
- **Reassess and iterate.** As the collaborative swiftly grew, the managing director position became full-time in order to provide the support the larger membership required. The governing board was also streamlined, requiring only seven members.

on the horizon, City and County staff knew that substantial new climate policies would need to be created soon, but would be of limited effectiveness without coordination between governments and researchers. LARC was established with this purpose – to coordinate local climate actions and to build connections between researchers and policymakers. Specifically, City and County staff wanted downscaled data on the impacts of climate change for their region.

LARC was established within the UCLA Institute of the Environment and Sustainability (IoES), both as a reflection of its goal of connecting science with policy, and also because it was politically neutral territory. The founders did not want the collaborative to be dominated by the region's two "800-pound gorillas," the City and County of Los Angeles. The University of California also acts as the fiscal agent for LARC, which has the benefit of giving the group a degree of academic legitimacy, but it also makes it difficult to secure funding from foundations, as grants to LARC, at least on paper, appear to be grants to the University of California system.

Very early in the process, they realized the need for a formal governance policy<sup>15</sup> in order to be a sustainable entity, and developed one that was meant to level the playing field among members by diffusing the influence of some of the more dominant organizations. However, as LARC grew, it became clear that the governance policy asked too much of some members. Not every organization that joined necessarily wanted the same level of involvement. To address this, Managing Director Krista Kline recommended the elimination of LARC's

<sup>15</sup> <http://static1.squarespace.com/static/525dcdde4b03a9509e033ab/t/53ea7c15e4b0b08909262b50/1407876286432/LARC+Governance+Policy+08.05.14.pdf>



LARC was established with the purpose to coordinate local climate actions and to build connections between researchers and policymakers.

steering committee, which had been composed of nearly every member, and the expansion of the governing board, which plays a more detached oversight role, akin to a nonprofit's board of directors. This new governance structure was adopted by LARC membership in 2014.

### Metro Mayors Coalition Climate Preparedness Commitment (Metro Boston)

Metro Boston's regional climate collaborative is an initiative of the Metro Mayors Coalition (MMC), a group of the metro region's 14 inner-core communities, which is itself coordinated by the Metropolitan Area Planning Council (MAPC). MAPC was created by the State of Massachusetts in the 1960s to produce regional plans and today is a well-respected and influential voice for regionalism in the metropolitan Boston area; it is the largest of the Commonwealth of Massachusetts' 13 regional planning agencies. In 2001, the Coalition was formed under the auspices of MAPC and the agency convenes, facilitates and provides capacity support to the Coalition. The Coalition is intended to coordinate and align priorities among several of MAPC's inner core municipalities – Boston and its neighbors – which have uniquely urban concerns. With the encouragement of MAPC and the support of an MAPC-led working group, the MMC developed a climate preparedness commitment,<sup>16</sup> which was signed at a summit in May of 2015 by the MMC mayors, town managers, and the heads of regional, state and federal agencies concerned with energy, environment, and transportation in the region.

The MMC's climate preparedness efforts are driven by an MAPC-convened Taskforce of environmental, energy and sustainability planners from the 14 MMC municipalities as well as partner agencies; the efforts are supported by an MAPC staffer. The Taskforce meets every two months, and began meeting as a working group in November of 2014 to plan the summit and craft the language of the commitment. The text of the commitment was inspired by the Southeast Florida Regional Climate Change Compact, seen as a leader in the field.

## Key Steps in Action: Metro Boston's Approach

- **Define scope and goals.** The Metro Boston collaborative seeks to promote climate resilience while continuing to advance mitigation in the Boston metropolitan region.
- **Choose and convene members.** Metro Boston's collaborative is housed within the Metro Mayors Coalition (MMC), a voluntary group of Boston and 13 surrounding dense urban municipalities, which defines the members of the collaborative.
- **Develop operating procedures and leadership structure.** The day-to-day work of the collaborative is performed by MAPC staff members, in collaboration with the City of Boston and other MMC members, to synthesize the Taskforce's discussions and facilitate near-term and long-term planning efforts to help the 14 municipalities protect critical infrastructure from climate change.
- **Reassess and iterate.** Metro Boston's collaborative was launched in May, 2015 and is still in its early stages of development. The next MMC summit will likely be held in summer 2016, giving the collaborative a chance to reflect on the first year's accomplishments.

<sup>16</sup> <http://www.mapc.org/sites/default/files/Metro%20Boston%20Climate%20Preparedness%20Commitment.pdf>

# APPENDIX

## Examples of Operating Procedures from Regional Collaboratives

*The following are real-world examples of how existing regional collaboratives have written rules to govern decision-making, membership policies, and general operations.*

### **Los Angeles Regional Council Governance Policy**

LARC members adopted LARC's Governance Policy in August of 2014. The policy lays out rules for membership terms, parliamentary procedure, committees, the responsibilities of the Executive Director and other staff, as well as the duties of the Governing Board.

Direct Link: [http://static1.squarespace.com/static/525dcddce4b03a9509e033ab/t/53ea7c15e4b0b08909262b50/1407876286432/](http://static1.squarespace.com/static/525dcddce4b03a9509e033ab/t/53ea7c15e4b0b08909262b50/1407876286432/LARC+Governance+Policy+08.05.14.pdf)

[LARC+Governance+Policy+08.05.14.pdf](http://static1.squarespace.com/static/525dcddce4b03a9509e033ab/t/53ea7c15e4b0b08909262b50/1407876286432/LARC+Governance+Policy+08.05.14.pdf)

### **Metropolitan Boston Climate Preparedness Commitment**

This document was signed on May 13, 2015 by seventeen leaders of the Boston-area Metro Mayors Coalition, representing their pledge to work together to mitigate and prepare for climate change in their region. The commitment details how signatories will "collaborate in identifying, evaluating and implementing ways to prepare the metro Boston region for climate change." It specifies the contributions that signatories will make to the effort as well as the goals they intend to achieve.

Direct Link: <http://www.mapc.org/sites/default/files/Metro%20Boston%20Climate%20Preparedness%20Commitment.pdf>

### **Text of the Southeast Florida Regional Climate Change Compact**

This is the foundational document for the Southeast Florida Regional Climate Change Compact. Adopted in late 2009 and early 2010 by the elected leaders of the four Compact counties, the document lays out how the four counties plan to work together to mitigate and prepare for climate change, including holding an annual summit and developing a regional climate action plan.

Direct Link: <http://www.southeastfloridacclimatecompact.org/wp-content/uploads/2014/09/compact.pdf>

**By-Laws of the Metropolitan Washington Council of Governments**

The Metropolitan Washington Council of Governments, is an alliance of local governments in the Washington, DC region. The organization's mission is much broader than just climate change, but has begun an effort to increase climate resilience in the region. This document, originally adopted in 2007 but revised twice since then, lays out the principles, scope, and procedures of the Council of Governments, including the responsibilities of the Board of Directors and various staff.

Direct Link: <http://www.mwcog.org/uploads/pub-documents/u15dV1Y20130404141801.pdf>

**Membership Page of the Capital Region Climate Readiness Collaborative**

This page from the Sacramento-area Capital Region Climate Readiness Collaborative's website explains how prospective members can join the collaborative and details the benefits offered to members. The page also touches on the organizational structure of the collaborative and the various activities that members undertake in pursuit of climate resilience.

Direct Link: <http://www.climate readiness.info/about/join/>

**Bay Area Regional Collaborative's Organizational Plan**

Approved in March of 2015, the document lays out the governance structure, leadership, staff responsibilities, and procedures for developing work plans and budgets for this collaborative. The Bay Area Regional Collaborative was previously called the Bay Area Joint Policy Committee and had coordinated the Bay Area Climate and Energy Resilience Project.

Direct Link: [http://bayarearegionalcollaborative.org/pdfs/BARC\\_Org\\_Plan\\_Aproved\\_2015\\_3\\_20.pdf](http://bayarearegionalcollaborative.org/pdfs/BARC_Org_Plan_Aproved_2015_3_20.pdf)





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