



League of Women Voters of Minnesota Records

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GOVERNMENTAL PROCEDURES
IN METROPOLITAN AREAS

Report of Study Committee No. 3
Council of Metropolitan Area Leagues
League of Women Voters of Minnesota

September, 1963

"In a few short decades we have passed from a rural to an urban way of life; in a few short decades more, we shall be a nation of vastly expanded population living in expanded urban areas in housing that does not now exist, moving about by means of systems of urban transportation that do not now exist. . .

"The present and future problems of our cities are as complex as they are manifold. There must be expansion; but orderly and planned expansion, not explosion and sprawl. Basic public facilities must be extended ever further into the areas surrounding urban centers; but they must be planned and coordinated so as to favor rather than hamper the sound growth of our communities. . .

"The challenge is great, and the time is short."

President John F. Kennedy's
Urban Affairs Message,
January 30, 1963.

TABLE OF CONTENTS

Part I: Joint Efforts in Metropolitan Areas.....	1
Informal Cooperation.....	1
Planning Agencies.....	2
Chart of Planning Agencies.....	4
Part II: Approach to Metropolitan Problems	
through Existing Governmental Units.....	5
Contractual Agreements.....	5
Extraterritorial Powers.....	6
Functional Transfers.....	7
Part III: Approach to Metropolitan Problems	
through Newly-Created or Adjusted Governmental	
Channels.....	9
Special Districts.....	9
Single-purpose Districts.....	9
Multipurpose Districts.....	10
Processes of City-County Separation and	
City-County Consolidation.....	12
Separation.....	12
Consolidation.....	13
Annexation.....	15
Four Principal Methods of Annexation.....	15
Legislative Determination.....	15
Popular Determination.....	16
Municipal Determination.....	16
Impartial Determination.....	16
General Advantages and Disadvantages of Annexation..	18
Federation.....	18
The Newly-Created Metropolitan Level of Government..	19
The Urban County Plan.....	21
The Metropolitan Service Corporation Plan.....	23
Part IV: The Role of the State in Local	
Government Reorganization.....	25
Home Rule.....	25
A State Agency for Local Affairs.....	26
Part V: Conclusion.....	28
Voter Acceptability.....	28
Standards for Evaluation.....	28
Footnotes.....	30
Bibliography.....	33

PART I: JOINT EFFORTS IN METROPOLITAN AREAS

INFORMAL COOPERATION

Any change in local government in the United States must be preceded by state enabling legislation.* Consequently, few of the nation's 212 standard metropolitan statistical areas** have realized any reorganization effort. What one local government does can affect drastically another local unit socially or economically. Yet local governments, with their home-rule charters, find themselves with limited political jurisdiction over the fringe areas.

A major problem of all metropolitan areas is the lack of a political body with area-wide jurisdiction. Many communities turn to joint efforts among themselves in the form of informal cooperation. Public officials, through their day to day contacts in organizations such as the Urban Mayors' Association (Denver) or the Leagues of Municipalities (Hennepin County and Ramsey County, Minn.), agree to help each other with mutual problems. Sometimes they form an extra-legal committee such as the Coordinated Purchasing Committee of Hamilton County, Ohio. There, the purchasing agents of the city of Cincinnati, Hamilton County, the school board, the university, and the public library adopted standard specifications for major commodities and established uniform statements, bid forms and legal forms.¹

As far back as 1921 seven farsighted citizens formed a committee to study and propose a Regional Plan for New York City. With support from the Russell Sage Foundation, they employed a staff of the best city planners, engineers, architects, economists and sociologists. In 1929, after a seven year study, they published the first comprehensive plan for regional development. From this committee's work came the voluntary citizen's organization known as The Regional Plan Association. Its purpose was to carry on the objectives and recommendations of the Regional Plan and to sponsor its proposals. The Association is still in existence. However, the loss of support from the Russell Sage Foundation has weakened it financially, and it must now rely on member and private contributions.²

Civic groups often perform an active role in the community in a variety of ways. They make studies of their own; they furnish interested members who may help to plan a reorganization charter, and they bring the need for such a charter to a largely apathetic public at the time of a referendum.³***

*Legislative Manual Minn., 1961-62, Article XI, Sec. 1 of the Minnesota Constitution states, "The legislature may provide by law for the creation, organization, administration, consolidation, division, and dissolution of government units and their functions for the change of boundaries thereof, for their officers, including qualification for their offices, both elective and appointive and for the transfer of county seats. No county boundary shall be changed or county seat transferred until approved by a majority of the voters of each county affected voting thereon." Also see sections two and three.

**A standard metropolitan statistical area (SMSA) is a metropolitan area as defined by the U.S. Census Bureau.

***Page 11 of Footnote 3. states that the League of Women Voters played a leading and active role for the reorganization plans in 11 out of the 18 reorganization efforts that they surveyed.

PLANNING AGENCIES

Local Planning Agencies

Local planning and metropolitan planning go hand-in-hand; it is difficult for one to function without the other. Although a majority of the municipalities in the seven counties in the Twin City Metropolitan Area have local planning commissions, only four (Edina, Bloomington, Minneapolis and St. Paul) have full time professional planning staffs. At present, a fifth (St. Louis Park) is trying to hire a planner.⁴ Joseph M. Heikoff, assistant director of community planning at the University of Illinois, wrote, "Effective planning involves community leaders and decision makers as well as professional planners. True planning includes more than information, analysis, and recommendations. It does not stop with preparations for decisions, it includes decisions converted into live plans for action. It entails two kinds of decisions: goals (what we want) and means (how to attain them). There is no sure mechanism, no simple formula, no solid bridge to cross in going from study and forecasting to making the right choice. Planning has the advantage of being based on information and analysis so that the decision makers know more about the choices and have a better chance of coming up with the right choice. There are two kinds of planners: the technicians (professional planners) and the decision makers (mayors, councilmen, city managers, school board members, etc.)."⁵

Planning may take a different direction when viewed by the economist, the sociologist or the political scientist. Added to this is the fact that special interest groups, both economic and political, concern themselves with the direction that the planning takes. Plans on an area-wide basis which affect these groups include land-use planning, zoning and building regulations and transportation. Robert C. Wood has pointed out that the biggest weakness and obstacle to overcome in the approach to metropolitan planning is the competitiveness of the local governments within metropolitan areas, which often forecloses the opportunity for policymaking on an area-wide basis. He refers to this as an "embryonic coalition" of politicians, editors, businessmen and labor leaders who often take the lead in tackling the area-wide problems, usually on a piecemeal basis - problem by problem. No matter how active or well intentioned they are, they fail to provide coordinated policy leadership. As representatives for important interests in the region, they represent only a small minority of the area's population. Furthermore, they lack what effective policy making requires: an adequate institutional base, legal authority, direct and regularized relationships with the metropolitan constituency, and established processes for considering and resolving issues as they emerge.⁶

Metropolitan Planning Agencies

In addition to the local planning agencies, many metropolitan areas have created their own metropolitan planning agency through enabling legislation by their state legislature. Regardless of their organizational structure, powers, financial methods or type, most of these agencies have the following goals:

1. to create political order and responsibility within the metropolitan area,
2. to increase the quality of services and facilities provided,
3. to reduce the cost of government by comprehensively developing long range plans on a regional basis, and
4. to co-ordinate the work of local planning agencies.*

* For information on the Twin Cities Metropolitan Planning Commission (MPC) see Survey Report #2, Intergovernmental Agencies in the Twin Cities Metropolitan Area.

Their strengths lie in:

1. increasing authority and ability to speak on a metropolitan viewpoint and to press this solution,
2. the use of advisory groups on specific operations, such as local technicians and officials to augment the knowledge and manpower of the staff,
3. seeking the widest possible membership and involving local citizens who are aware of the problems of the area,
4. in some areas, a tendency for firmer financial support, and
5. where possible, basing the jurisdictional geographic areas on logical service area concepts.

Their weaknesses lie in:

1. occasional poor methods of financing,
2. failure to incorporate wide enough areas,
3. advisory powers rather than mandatory referral for recommendations of all items involving elements of the comprehensive plan, and
4. lack of zoning powers.⁷

Metropolitan studies are valuable in measuring the inadequacies of the area and in suggesting improvements. Such studies are limited by lack of time and money and by failure to agree on the type of study needed. Two of the greatest problems faced by metropolitan planning agencies are: (1) the difficulty of communication between the agency and the public, and (2) the reluctance on the part of the people to think in terms of the metropolitan area. The result of these problems is pointed out by the federal Advisory Commission on Intergovernmental Relations who found "the difficulty of obtaining concurrence on desirable change from a majority of voters in various parts of the entire area concerned...a major barrier to local government reorganization." ⁸

CHART OF METROPOLITAN AREA PLANNING IN NORTH AMERICA, 1960*

T i t l e	Metropolitan Planning Agency	Year Organized and Legal Status	Relationship of Planning Agency to Metropolitan Government	Organiza- tional Structure	Method of Financing	Powers***	Jurisdiction of entire functional metropolitan area?
1.	Atlanta	1947 Official	Integration of all metropoli- tan-wide city & county functions	Semi- independent	Contributions from city and two counties	Advisory-(May assist local planning agencies)	No
2.	Baton Rouge	1949 Official	Integration of all city and county functions	Department	General tax	Advisory and Administrative	Yes
3.	Dade County (Miami)	1957 Official	Federated metropolitan government	Department	Metropolitan budget	Advisory, Administrative	Yes
4.	Denver	1955 Official	Voluntary county-local governmental cooperation	Semi- independent	Each citizen of region taxed \$.06 a yr., matching federal funds	Advisory-(May perform local planning, if paid)	Yes
5.	Detroit	1947 Official	Voluntary county-local governmental cooperation	Semi- independent	Voluntary contributions of members	Advisory	Yes
6.	Little Rock	1955 Official	Voluntary county-local governmental cooperation	Semi- independent	Voluntary contributions of members	Advisory	Yes

*VERNE WINQUIST, op. cit., Appendix A.

**(1) Advisory - (study, plan, recommend)
 (2) Administrative - (review, implement, administer)

CHART OF METROPOLITAN AREA PLANNING IN NORTH AMERICA, 1960 (cont'd)

T i t l e	Metropolitan Planning Agency	Year Organized and Legal Status	Relationship of Planning Agency to Metropolitan Government	Organiza- tional Structure	Method of Financing	Powers**	Jurisdiction of entire functional metropolitan area?
7.	Los Angeles	1923 Official	Voluntary county-local governmental cooperation	Semi- independent	General tax	Advisory	No
8.	New York	1921 Unofficial	None (Voluntary citizens organization)	Independent (Non-govern- mental)	Private individual contributions	Advisory (if requested)	Yes
9.	N.E. Illinois (Chicago)	1957 Official	Voluntary county-local governmental cooperation	Semi- independent	Members	Advisory	Yes
10.	Philadelphia	1958 Official	Voluntary state, county & local governmen- tal cooperation	Semi- independent	All costs agreed to	Advisory	Yes
11.	Toronto	1953 Official	Federated metropolitan government	Department	Metropolitan budget	Advisory, Administrative	Yes
12.	Tulsa	1953 Official	Integration of planning func- tion in metro- politan area	Semi- independent	Equal contri- butions of members	Advisory, Administrative	Yes
13.	Twin Cities (Mpls.-St.Paul)	1957 Official	Voluntary county-local governmental cooperation	Semi- independent	Uniform tax in metropolitan area; matching federal aid	Advisory	Yes
14.	Wichita	1958 Official	Integration of planning func- tion in metro- politan area	Semi- independent	Budget of equal parts by city and county	Advisory, Administrative	Yes

PART II: APPROACH TO METROPOLITAN PROBLEMS THROUGH
EXISTING GOVERNMENTAL UNITS

CONTRACTUAL AGREEMENTS

Definition

Intergovernmental cooperation at the local level by written contracts often provides a workable method of meeting particular problems when separate action by individual local units is uneconomical and when the consolidation or transfer of the function to another unit is not economically or politically feasible. These interlocal arrangements are of two types: (1) the provision of governmental services on a contractual basis by one unit of government to one or more additional units, and (2) the joint conduct by two or more units of government of a particular function or the joint operation of a particular governmental service.

Examples

Illustrative are the joint financing and maintenance of government buildings in the Chicago, St. Paul, and Berkely, California, areas. In the Louisville and Chattanooga areas hospital facilities are operated under contractual agreements. California laws have permitted extensive local option in developing contractual relationships, and local, city, and county administrators have been aggressive in working out arrangements. This procedure is widely known as "The Lakewood Plan" because Lakewood, on becoming a city, contracted to have practically all of its governmental services provided by Los Angeles County. Los Angeles County has over 800 contracts with 61 cities involving 41 municipal-type services. As examples, the county provides personnel staff services on a cost-payment basis to 12 cities. The county assesses property and collects taxes for 58 of the 61 cities in Los Angeles County, including the city of Los Angeles. The county handles civil defense for 40 of the cities by contract and provides basic health services for all but five cities (excluding the city of Los Angeles).

A partial survey of the extent of intermunicipal contracts in Cuyahoga County, Ohio, disclosed that the city of Cleveland in the period from 1950 to 1957 had 30 contracts with twelve of its suburban neighbors. In addition, the twelve suburbs had 43 contracts to provide one another services.

A recent study in southeastern Pennsylvania found 693 agreements in that area, mostly in the form of contracts for services, but also frequently in the form of agreements for joint provision of services. Suburban areas with a high population density most commonly were involved, and police, fire, education, and sewage disposal were the most frequent functions represented.

From 1950 to 1959, 81 of St. Louis (Missouri) County's 98 municipalities signed a total of 241 contracts for provision of municipal services by the county. The services included law enforcement, health and sanitation, building regulation, property tax collection, planning, traffic engineering, and fire and accident protection. The most contracts (51) were for electrical inspection. All the cities over 1,000 population had at least one contract with the county.⁹

Advantages and Disadvantages

Contractual agreements are useful in broadening the geographical base for planning and administering governmental services and controls. By enlarging the scale of

administration, unit costs are lowered. Flexibility of boundaries is another strength of contractual agreements since additional units usually can become parties to a contract without much difficulty. Where contracts are used by a city to provide services to adjoining areas, they may be helpful in guiding the orderly growth of the adjoining areas, thus fostering a larger-area approach to planning and development.

As demonstrated by their widespread use, contracts have high political feasibility because they require a minimum of official and voter approval and involve little modification of the existing political structure. Also, they do not threaten to interfere with citizen control and participation. They may be a force for improved intergovernmental relations, and thus could develop the conditions for more comprehensive approaches to handling of area-wide problems.

A basic weakness of these agreements is that they are practical only when the immediate local interest of each participating unit is not likely to be in conflict with the broader area-wide interest. While interlocal agreements have the effect of avoiding the creation of special districts, they have had the counter-effect under California's Lakewood Plan of encouraging the creation of new municipal corporations. In the event of scarcity of trained personnel the contracting unit will tend naturally to take care of its own needs first. Where the parties to an agreement are not in an equally strong bargaining position, as when monopoly conditions exist, some outside authority is needed to protect the purchasers. The tendency is for each contract to be made on an ad hoc basis so that the complete view is never brought into focus, making it difficult to coordinate services and achieve a balance of needs and resources.

EXTRATERRITORIAL POWERS

Definition

These are powers which a city exercises outside its ordinary territorial limits to regulate activity there or to assist in providing services to its citizens within its own boundaries.

A city, for example, may be empowered to provide utility services outside of its boundaries or even to exercise regulatory power beyond its corporate limits. This device has particular relevance to unincorporated territory as distinguished from independent units of local government capable of engaging in public activities and entering into cooperative arrangements with other units.

Uses

Regulatory powers of an extraterritorial nature commonly include control over possible threats to health and safety, abatement of nuisances, and regulation of zoning and subdivisions. Extraterritoriality is used for providing services to the city's residents in connection with water supply, sewage treatment, recreation areas, and rubbish dumping sites outside city boundaries. The term "extraterritoriality" is also frequently used to refer to the power of a city to furnish services to areas outside the city. In most states cities are allowed to obtain their water and treat and dispose of sewage outside their boundaries because of the frequent difficulties of providing these important utility services within their own boundaries.

Advantages and Disadvantages

Extraterritoriality is indispensable to various functions; for example, a particular city may have to go outside its bounds for airport, water, park and other facilities. It can be an instrument to aid in the orderly outward growth of an urban community as in cases where a central city is given power to engage in urban planning for, and to control subdivision platting in, a belt around its perimeter. It also can strengthen the movement toward area-wide planning or may serve as a step toward annexation by giving the fringe areas characteristics harmonious with those of the adjacent city.

The potential of extraterritoriality is not great. It involves decision making without effective representation of some areas. It is useful only when there are unincorporated areas adjacent to municipalities. The threat of extraterritorial controls may result in "defensive" incorporations, particularly in states where incorporations are easily accomplished. Also, it relieves the pressure for more basic solutions.

FUNCTIONAL TRANSFERS

Definition

One development that has met the problems created by the increasing need for municipal service is the voluntary transfer of functions from municipalities to counties and vice versa.

Examples

This process can best be illustrated by the Atlanta-Fulton County reorganization in 1952. The General Assembly of Georgia in 1949 established the Local Government Commission of Fulton County for the purpose of "improving local governments and providing greater efficiency and economy". The resulting Plan of Improvement paved the way for a realignment of governmental functions between Atlanta and Fulton County eliminating duplication of services in most areas. The city assumed those functions which are primarily of urban character, and the county those more traditionally delegated to counties: welfare, health, courts, and agriculture, basic to the area as a whole. In addition, the city annexed 82 square miles of territory to include these areas which had become densely populated and were in need of urban services. The size of Atlanta was thus increased from 37 to 119 square miles.

After initial difficulties were overcome and politicians adjusted to the new alignment, the Plan of Improvement was widely acclaimed as the solution to Atlanta's problems. Each government was specializing in those areas to which it seemed most suited. However, the Plan of Improvement, which was a solid achievement in the early 1950's is not the complete answer in the 1960's. A similar study undertaken today would have to take into consideration the four other counties of the metropolitan area. If the population growth in the five counties during the decade is a portent of future trends, it is obvious that a metropolitan outlook must include counties and cities other than Fulton and Atlanta. The core city of Atlanta has not shown the same phenomenal growth as the metropolitan area. The Atlanta Region Metropolitan Planning Commission with representation from the entire five county area, is in the process of re-evaluating, and the Joint Committee on Metropolitan Problems of the Atlanta and DeKalb Leagues of Women Voters has made exhaustive studies which show that the search for the solutions to the organization in the metropolitan area must still go on.¹⁰

The "urban county"* method of organization involves the transfer of functions from a number of municipalities to the county, thus making the county government an instrument of the urban government. Instead of encouraging a number of municipalities to offer fragmented services to their residents, the cities are encouraged to turn over to the county those functions which can most effectively be provided on a county-wide basis.

Los Angeles County, an urban county, provides police protection, health services, planning and zoning, building and safety enforcement, parks and recreation and other functions at a level that compares favorably with that provided in most cities. In addition, it provides services through special districts and through city-county contracts. (See "The Lakewood Plan, p. 5). Thus it is an example not only of the "urban county" approach but also of the district and contract solutions to metropolitan problems.

Advantages and Disadvantages

Where the boundaries of a county approximate the boundaries of a metropolitan area, the transfer of the county into a unit of urban government can mean the provision of area-wide services without any basic changes in geographical jurisdictions of existing units. It thus provides better control over regional problems and a better local relationship between taxes and benefits. At the same time, local responsibility for non-area-wide services is preserved. The urban county makes available economies of a larger-scale administration.¹¹ Where the urban county evolves on a function-by-function basis it has a political feasibility. However, it goes only as far as the boundaries of one county and cannot be a solution to the problems of a multiple county metropolitan area.

*The term "urban county" is defined by the Federal Advisory Commission on Intergovernmental Relations as follows: "The phrase 'urban county approach' (may) refer to any one of several developments concerning certain counties. One is the piecemeal transfer of individual functions from local governments to the county. Another is the gradual expansion of some counties from the status of rural local governments and administrative agents of the State governments to include an array of urban activities which they perform in unincorporated areas. A third is the simultaneous granting, usually accompanied by 'charter reorganization', of a number of functions to counties located in metropolitan areas."¹².

The first use of this term is the one which applies to this section.

PART III: APPROACH TO METROPOLITAN PROBLEMS THROUGH
NEWLY-CREATED OR ADJUSTED GOVERNMENTAL CHANNELS

SPECIAL DISTRICTS

SINGLE-PURPOSE METROPOLITAN DISTRICTS

Definition

The single-purpose metropolitan district is an independent governmental unit established to handle one function or two coordinated functions (such as water and sewage). These districts are also referred to as "limited purpose" districts or as public "authorities". This unit of government emphasizes service, rather than regulatory functions, and it is usually established either through a single area-wide vote or through state legislation without a popular referendum.

Use

The most extensive use of the special single-purpose district, and the one with which the average person is most widely acquainted, is the independent school district. However, this cannot always qualify as a metropolitan district since it is often used in rural areas, where there is no municipality to furnish the service, or in the central city of an area without the inclusion of the suburbs. The use of special districts, metropolitan and otherwise, has increased greatly in the last ten years. Between 1952 and 1957 the number of independent special districts increased from 12,319 to 14,405. "A considerable portion of this development took place in metropolitan areas; between 1952 and 1957, the number of special districts in the 174 areas which were officially recognized as SMSA's (Standard Metropolitan Statistical Areas), increased from 2,661 to 3,180 or 22 percent."¹³ These districts are in existence in metropolitan areas throughout the United States but are found most commonly in California, Illinois, Ohio and Texas.

Most single-purpose districts have been established without allowance for adding functions (thus, making them multipurpose). So far the trend has been to create additional districts for additional functions instead of broadening the existing district. Most governing boards of these districts are composed of appointed or ex-officio members. Only about one-fifth of them have directly elected Boards. The board appointments may be made by one or more governing bodies or individuals. Often different levels of government are involved as in the Chicago Transit Authority where some of "its members are appointed by the governor with the consent of the state senate and the approval of the mayor of Chicago; the remaining four are selected by the mayor with the consent of the city council and the approval of the governor."¹⁴ Special districts usually have no taxation powers but most can float long-term bonds, often without the approval of the voters. Generally, they rely heavily on service charges, sales, rents and tolls for their financing.

"Some of the best-known special districts are: The Metropolitan Water District of Southern California, The Chicago Transit Authority, The Metropolitan Sanitary District, the Bi-State Development District of St. Louis, The Port of New York Authority, The Boston Metropolitan District"¹⁵ and the Golden-Gate Bridge and Highway District (San Francisco).

Advantages and Disadvantages of Single-Purpose Metropolitan Districts

By far the most frequently mentioned advantage of the single-purpose district is voter acceptability, and many of the other advantages are directly or indirectly

related to this one. The voters may tend to reject the more comprehensive solutions to metropolitan problems but will often adopt this one because of its comparative simplicity: it does not require alteration of boundaries or changes in the jurisdictions of existing governmental units; since it governs only one or two functions, its responsibility is clear and the public usually gets what it votes for. It is relatively easy to obtain legal authorization for a special district since most states do not require a constitutional amendment; sometimes a popular referendum is not even demanded. The flexibility of the boundaries makes the special district well-adapted to inter-county or inter-state areas. It is one way to coordinate metropolitan functions by bringing all the territory in a service function under one jurisdiction as well as a means for an area to secure essential services which are not available from the cities or counties. There are also many advantages in the financing of special districts: costs can be spread fairly among those who benefit from the service; capital investments can be made more easily than in localities; the possibility of obtaining grants from federal funds is greater; and debt and tax limitations can often be evaded or avoided.

One of the greatest objections to the single-purpose district is the lack of coordination achieved by the piecemeal, fragmented approach. Once established, this fragmentation is difficult to abolish, and extensive use (several single-purpose districts in one area) complicates rather than simplifies the problems of duplication of effort and voter control. In most cases the representatives in the governing body are not elected. This allows the people little or no control over budgetary and policy matters. One of the members of the Commission on Intergovernmental Relations has referred to functional authorities (districts) as "The Untouchables".¹⁶ The lack of citizen control and the feeling of remoteness of the organization result in a lack of voter interest.

There is some objection to the creation of another level of government. This also adds at times to duplication and to confusion for the voter. Bollens states that "it is hardly an exaggeration to say that a citizen, especially one living in a highly urbanized area, who took part in only the important activities of all the local governments affecting his welfare would not have time left to earn the money he has to pay those governments."¹⁷ There are also problems in the financing of these districts. "User" charges as a financial base make some services, such as fire protection, impossible to set up. Also, with more and more districts competing for support, the taxpayer may become overburdened in relation to the amount of service received. Finally, many authorities object to the special district on the basis of its being only "a way out" or a result of a lack in other governmental units to assume responsibilities which are rightfully theirs.

MULTIPURPOSE METROPOLITAN DISTRICTS

Definition

"A Metropolitan Multipurpose District is a special authority set up pursuant to state law to perform a number of services in all or most of a metropolitan area. Usually the initiation and approval of the establishment of the district and the addition of functions requires the approval of the local governing bodies or of the voters of the affected local governments."¹⁸ This is distinguished from the single-purpose district in that it has the potential for more than one function, the additional functions being taken on by the approval of the voters in the affected area. Some proposals allow for the appointment of the governing body by and from the involved local governments.

Examples

So far the multipurpose district has been proposed often but seldom enacted. There have been unsuccessful attempts at establishing multipurpose districts. A proposed "Greater St. Louis City-County District" was to assume area-wide responsibility for seven functions; there was no allowance for voting additional functions into the district, but the new district was to absorb the existing special Metropolitan St. Louis Sewer District. The proposal was defeated in November of 1959. In 1961 a bill was introduced in the California State Legislature which would enable the establishing of a multipurpose district by majority of the popular vote in a metropolitan area. The proposal also would have forbidden establishment of other separate special districts in the area. The bill failed to pass the legislature. In Montreal, Canada, the Montreal Metropolitan Corporation was established by the province "to foster discussion and cooperation among the City of Montreal and the 14 other constituent municipalities, but also with a few area-wide powers and great potential for taking on more."¹⁹ The corporation may plan for highways and civil defense and may assume jurisdiction over municipal services with the consent of the municipalities in the area.

Seattle, Washington, is the only multipurpose metropolitan government that is functioning today. However, at the present time it is operating as a single-purpose district (sewage and water) as it has not been able to get voter approval to carry out other powers that were granted by the legislature. The Metropolitan Problems Advisory Committee, which was set up to study the problems pertaining to Metropolitan Seattle, recommended that the State Legislature consider passing an act to enable cities and counties in metropolitan areas to form a metropolitan council for the purpose of solving problems in these areas. The Metropolitan Municipal Corporation Act gives such councils power to perform one or more of six area-wide functions: sewage disposal, transportation, comprehensive planning, water, parks and garbage disposal. In March, 1958, a proposition was put on the ballot to establish a Seattle Metropolitan Corporation. The functions proposed were public transportation, sewage disposal and comprehensive planning. This plan was defeated.

Soon after the first Metro Plan failed, committees formed and decided to reduce the boundaries of the area. They proposed that Metro have jurisdiction over the functions of sewage disposal and water pollution control services only. Subject to approval by the voters, any of the other functions (mentioned above) could be added. This proposition was passed by a majority vote in September, 1958. The question of adding transportation was put to the voters in September, 1962, but this was defeated.

The Seattle Metropolitan Municipal Corporation has no direct taxing powers but may float bonds for capital needs, accept federal grants and borrow from local governments. Its operations are financed primarily by service charges. The Corporation is governed by 14 officials elected from the municipalities, one commissioner of King County and the chairman who is chosen by the rest of the council.

Advantages and Disadvantages of the Multipurpose District

The multipurpose district eliminates some of the disadvantages of the single-purpose district. By requiring that the assumption of additional functions be subject to voter approval, some sensitivity to local wishes is preserved. It controls the piecemeal approach to metropolitan problems by discouraging the creation of a multitude of special purpose districts. The problem of coordination among area-wide functions is diminished and, if constituted with general taxing and borrowing powers, it can overcome the limited financial powers of the single-purpose districts.

However, the multipurpose district has lower political feasibility than the single-purpose district because it has the potential of becoming a competitive general government. Also, the limited-purpose district may be established by the legislature but (in Seattle and other proposals) voter approval is required for the multipurpose district. Problems may arise in coordinating the several functions of the district because different functions may require different service boundaries. Also, what may be an immediate public need for one section of the metropolitan district, may be met effectively and efficiently in another section of that district; this may make it difficult to add functions to the district by an area-wide vote.

PROCESSES OF CITY-COUNTY SEPARATION AND CITY-COUNTY CONSOLIDATION

Definitions

In both processes, the boundaries of the city and the county are identical, or made to be by annexation, enabling legislation, special constitutional provisions, or referendum.

Separation is the action by which the central city secedes from the county and forms its own city-county government. In effect, the whole county becomes two counties: a central city-county and, in most cases, a doughnut-shaped county surrounding it. The city may make some territorial expansion before the separation occurs. The new city-county then carries on its municipal functions plus some or all of the county functions.

Consolidation is the action by which the area of the city is enlarged to include the whole county, or in some cases, counties.

SEPARATION

Examples

Discussion of separation seems more or less academic because most of its use was in the 19th century. Baltimore in 1851, San Francisco in 1856 and St. Louis in 1876 are three examples. Denver achieved city-county separation in 1902, the only use of separation in this century. Special constitutional authorization was necessary for all these cities except San Francisco where legislative enactment sufficed. The boundary of Baltimore remained the same while the latter three cities enlarged their boundaries to some degree. Denver still has the power to annex territory from adjacent counties and has made small annexations in this century.

Because it has gone further than most city-county separations or consolidations, Denver is the primary example of separation. It is one of the few city-county governments to operate under a home rule charter. It is the most advanced in city-county government as it merges the two governments and has practically eliminated the independently elected official.

Thirty-two cities in the state of Virginia are separated from the counties. This has occurred because separation is an automatic process applicable to any city in Virginia when it reaches the population of 5,000. The practice of separation is done under no legal authorization per se but with the tacit approval of the courts. By becoming cities, they separate from their counties and exercise, in addition to their city functions, all county functions except the circuit court. Upon reaching a population

of 10,000 they take over the responsibility of the circuit court, too. Observers feel that the automatic feature of separation, coupled with growing metropolitan problems in Virginia, will lead to the discontinuance of this process of local government. Instances have already occurred in which counties have become cities in order to prevent annexation by a nearby city.

Advantages and Disadvantages of Separation

The primary advantage of city-county separation is the financial benefit to the city upon severance from the county. City funds no longer are spent to support outlying services or county-wide and often rural programs. A shorter ballot results from the elimination of a "layer" of officials. Secondly, it reduces some, but not all, of the duplication of functions, outlays of manpower and equipment previously carried on by a city and county government.

The disadvantages are great enough to discourage much further use of this process in solution of metropolitan problems. It is a withdrawal from metropolitan government because governmental jurisdiction is contracted rather than expanded. There is territorial restriction because of constitutional restrictions on expanding the county's boundaries as the area grows. By separation, the city loses influence in the whole geographical and metropolitan area. It encourages the formation of more, rather than fewer governmental units. The surrounding area suffers from loss of valuable tax dollars and intensified difficulties in meeting service demands of an essentially urban area.

CONSOLIDATION

Examples

Most consolidations occurred in the 19th century. New York, New Orleans, Boston, Philadelphia and Baton Rouge are examples. Adaptations and differing approaches to specific areas make any generalizations about these five cities difficult. In all but one, the governing body of the county was abolished and the city council assumed its functions and responsibilities. Judges, district attorneys, and school officials usually were not consolidated. Usually, however, one city and one county were involved. All except Baton Rouge were accomplished by legislative action and not local referendum.

Consolidation can be divided roughly into three forms: (1) complete merger of city (or cities) and county government into a single new political entity; (2) merger with retention of county government for limited purposes; (3) unification of some, but not all, of the municipal governments in the county with the county.

In 1949, when it achieved consolidation, Baton Rouge, in its merger with East Baton Rouge Parish (county) extended its city boundaries to include three times as many people and five times the territory. The parish falls into three areas. The first is urban and provides urban services and levies urban taxes. The second is industrial and may contain no residences. Industry provides its own services and is taxes separately. In the third and rural area, the parish supplies non-urban services. Urban services to them are supplied by special taxing districts set up by the parish governing body. City and parish remain separate legal bodies, but use the mayor-president as chief administrator. They have common membership on the two governing boards and finance certain services jointly. Planning, highways, bridges, and other area-wide services are financed by uniform taxes throughout the parish.

The Nashville-Davidson County plan demonstrates even more complete consolidation than Baton Rouge. It is a well conceived attempt to tailor consolidation and annexation to solve the problems of a particular urban area. This area possesses a sub-urban fringe and an area predominately rural, all contained in a single county. Although the plan was defeated in 1958, it passed on June 28, 1962, and went into effect on April 1, 1963. Nashville and Davidson County voted separately with these results: City of Nashville - of those voting, 57.5% voted yes; Davidson County - of those voting, 55.9% voted yes.

Briefly the plan provides for:

1. Legislative Branch

A 40 member metropolitan county council assumes the duties of city council and county quarterly court. Five members are to be elected at large and one from each of 35 districts or wards.

2. Executive Branch

This consists of the single administrative officer, elected by area-wide vote, with administrative authority commonly possessed by a mayor.

3. Judicial Branch

A metropolitan court was created to replace both city and county courts.

4. Service Districts

Two in number, the general service district covers the whole area and provides and finances such services as police, jails, assessments, health and welfare, schools, libraries, etc. The urban service district, which initially is the same as the Nashville city limits, will perform characteristic services such as garbage collection, water supply, street lighting and cleaning. This district can be enlarged as need arises in surrounding areas.²⁰

Significantly, four incorporated communities in the county, outside of Nashville, have the choice of continuing their own government or merging whenever they wish.

Advantages and Disadvantages of Consolidation

The most serious disadvantage of consolidation is the legal groundwork necessary, the ensuing delay for passage of enabling legislation or constitutional authorization, plus the difficulty of securing agreement of existing governmental units (or at any rate, their officials and employees) to change. Area limitation also is a factor, although not to the extent it is in separation, because again, the boundaries of a county are difficult or impossible to enlarge as the metropolis grows. Some people feel that consolidation removes local government from effective control by the electorate.

City-county consolidation seems to have its greatest potential in areas such as Nashville or Baton Rouge where a small city is surrounded by a large undeveloped area and is contained in a single county. The flexibility of consolidation, through use of its various forms, or use of modifications to prevent tax inequities, such as Baton Rouge, seems to encourage resourceful planning in each special city or area with metropolitan problems. Additional merit is summed up by the Denver League of Women Voters as "...it provides a unified, coordinated program of services, orderly development and control over a larger area...It can eliminate jurisdictional divisions, simplify the governmental structure, concentrate responsibility, and facilitate the handling of area-wide problems."²¹ By eliminating duplication and solving tax inequities it proves financially attractive.

ANNEXATION

Definition

Annexation is the absorption of territory by a city. It is an orderly process by which the legal boundary of a municipality can be extended to keep pace with the growth of the actual urban community. Annexation procedure is not intended to serve the interest of the people in the area proposed for annexation. Neither is it intended to serve the interest of the people living within existing municipal boundaries. Rather it should serve the long term interest of the entire community of which both these elements are parts.

Background

Annexation has been the most common method for adjusting the boundaries of local governments in urban and metropolitan areas. Before 1900 many cities acquired territory through use of this procedure. Usually the annexed area was unincorporated, but the annexation of small incorporated communities was not unusual. The absorbed territory was not intensively urbanized as is often characteristic of our urban fringe today.

During the nineteenth century many annexations were carried out without a separate vote of the residents in the area being annexed. These annexations were usually accomplished by special or general acts of the state legislature, a combined majority in the city and in the area to be annexed. Around the twentieth century metropolitan areas were becoming numerous. Annexation began to fall behind the need for expansion of municipal boundaries. Since then annexation has never regained the pre-eminent position which it held during the previous century.

From 1900 to the end of World War II, annexation decreased in total area absorbed and in average size of area acquired. New incorporation of suburbs in metropolitan areas had become widespread. During this period changes in state constitutional provisions and statutes decreased annexations. Procedures became more complicated. Rural and suburban majorities were sufficiently strong to block annexation by special legislative acts. Since the end of World War II there has been a resurgence in the use of annexation. The process differs considerably from that used in the nineteenth century. Most annexations have been small in area and of unincorporated status.

Four Principal Methods of Annexation

1. Legislative Determination

In this method the extension of the corporate boundaries of a municipality is effected by special acts passed by the state legislatures in response to particular situations. There is a commonly found constitutional prohibition against special legislation, but statutes have been passed classifying cities by population. It is a method used in states which have refused to enact general laws specifying annexation procedures. Georgia is the only state in which the matter of fixing municipal corporate limits is strictly legislative.

Desirability of this means is questionable. It is contrary to the philosophy of home rule; grass roots democracy is by-passed. Long range community planning is impractical. Legislatures are generally weighed in favor of rural interests and may not consider metropolitan problems with understanding or favor. However, when general procedures are ineffective, retreat to special legislation may be desirable. Many argue that it should be retained as an alternative method.

2. Popular Determination

This may be defined as the direct political power of the people to determine whether or not a proposed municipal territorial extension shall be accomplished. So far this is limited to three groups: (1) the electorate of the enlarged municipality, (2) the owners and inhabitants of the territory proposed for annexation, and (3) the electorate of the diminished territory. The political power may be exercised jointly or separately by these three groups.

Self determination as a method exists in some form in the majority of states in the United States. However, it is the greatest stumbling block to annexation today.²² In Michigan, which is the most cited exponent of this method, the last annexation of any magnitude was in the early 1920's.

Objections to this method are that it is awkward, tedious, and expensive. It seems more democratic than it really is as the minority can check the desires of the majority in a whole area. It often stifles progress, and political irresponsibility flourishes under its protection. Even proponents realize its inappropriateness to some conditions but argue that the people have the right to make their own mistakes.

3. Municipal Determination

In this third method of annexation the municipality is empowered to extend its boundaries by unilateral action.

In Texas the rules for annexation are written into the home rule charters. Although no city can by its action alone annex an incorporated municipality, it can annex any unincorporated area if contiguous. Since 1946 over 85% of annexations in Texas have been made by 50 cities.²³ The Texas system has encouraged frequent and successful resort to annexation as a device for achieving political unity in metropolitan areas.

Some drawbacks to this method are obvious. Municipalities often tend to annex well-to-do areas and bypass the poor ones. Often no consideration is given to the ability to provide proper services. It permits land grabbing by cities. Premature annexation is often made to insure against another municipality taking the lead. Unincorporated areas rush to incorporate to prevent annexation. Without proper checks the land grab can result in political decentralization. Texas is becoming spotted with small cities. The most cogent argument for municipal determination is its effectiveness. Where it has prevailed, a large number of annexations involving substantial territories have been completed.

4. Impartial Determination

Impartial determination is characterized by decisive action taken by an agency or tribunal not directly affected by the proposed corporate extension. It has assumed two forms in this country:

(a) Judicial Determination

Under judicial determination the judiciary of the state determines whether or not an annexation should take place. Virginia is the foremost example of this method. In 1904 circuit courts were empowered to decree or deny a petition for annexation of territory but had to be guided by findings relevant to certain criteria.

This method has several principal advantages. The judiciary is not as easily susceptible to political influence as other branches of government. Issues

are sharply drawn and irrelevant factors do not obscure the principal questions. Impartial determination may be the only feasible method by which territory can be annexed to a city against the will of the city. It gives an opportunity for the minority interest to present its views in a public hearing. This method is not an unmixed blessing. Policy matters are being decided by a tribunal which is not peculiarly qualified to consider them. Judicial proceedings are often cumbersome, dilatory, and expensive. The tribunal will not conduct preliminary investigations into popular movements. Experience obtained in one proceeding is not consistently utilized in another.

(b) Administrative or Quasi-legislative Determination

This is a method in which an independent, non-judicial board is empowered to determine whether or not a proposed annexation should take place.

The most notable innovation in annexation in half a century is the adoption in 1959 by Minnesota of an act creating a state-appointed municipal commission* to regulate incorporations of and alterations in the boundary lines between local government units. The most significant feature of the Minnesota legislation is the recognition that state agencies must be created to assist in the solution of metropolitan problems.

This method has many advantages. State arbitration can prevent stifling of progress which may result from competing local units within a metropolitan area. It affords the opportunity for a consistent state policy toward annexation. Experience gained in one proceeding can be retained in guiding policy decisions. The opportunity to appoint only specialists in political reorganization can be realized.

In many states the right of the people to participate in government affairs is considered the most important factor in any annexation process. In the case of annexation, some contend that the referendum is too well-rooted to dispense with it.

*For more information on the Minnesota Municipal Commission, see pp. 9 and 10 of Survey Report #2, "Intergovernmental Agencies in the Twin Cities Metropolitan Area". Since the writing of that report, the 1963 legislature made several changes concerning this Commission. Three of the most important ones are: (1) The addition of a "right to vote" provision for the metropolitan area. In order for an annexation to take place, there must be a favorable vote by those to be annexed. Previously this provision applied only outstate, but it now includes the metropolitan area. (2) The "200-acre loophole" has been closed. Prior to 1963, 200 acres or less could be annexed by ordinance as long as a majority of property owners consented. Now, if the town or county disagrees with the petition for annexation, the case goes to the Municipal Commission. (3) The position of the Secretary of the Commission has been changed. Formerly, the Secretary was a voting member of the Commission, operating on a part-time basis. A new Commissioner has now been appointed, making a three-member Commission, and the Secretary, who is no longer a voting member, serves full time in his job.

General Advantages and Disadvantages of Annexation

The process of annexation provides a method for cities to assume jurisdiction over neighboring areas that usually have deficiencies in controls and services. Both city inhabitants and fringe dwellers suffer from such deficiencies. Inadequate sanitation facilities, jerry-built developments with rutted muddy streets, unsound mixtures of industrial, commercial, and residential uses of land, can all be brought under city jurisdiction. Such jurisdiction can wipe out fire hazards and eliminate havens of vice at the city boundaries. Annexation stops controversy about charges the city should make for extraterritorial services and whether it is equitable for the county to provide some municipal services. Further increases in governmental complexity can be prevented by forestalling establishment of small cities and single purpose districts. If annexation is accomplished before the area is highly urbanized it provides a land use control to effect orderly development of the fringe area which will be in harmony with the cities' older sections. This encourages a well-planned city with a balanced economy and an adequate tax base.

Annexation is particularly applicable to certain circumstances. In smaller urban areas annexation is a valuable tool. It would doubtless be advantageous for smaller cities to grow, both in area and population, within city boundaries since a cluster of small cities is less efficient and economical. The role of annexation in the solution of problems in a large metropolitan area is probably limited to absorbing enclaves, peninsulas, and providing orderly growth in some fringe areas.

However, annexation has failed to keep pace with urban growth and is not applicable to most metropolitan problems. The extension of boundaries is usually limited to unincorporated areas and is normally dependent upon the approval of the people to be annexed and the annexing government. Annexation attempts frequently heighten opposition to the central city. The results achieved by annexation may not be worth the price of such antagonism. While the end may be desirable, it is seldom thought to justify the means in a democratic society.

FEDERATION

Definition

Webster's Collegiate Dictionary defines federation as "a uniting by league or covenant, esp. in forming a sovereign power so that each of the uniting powers retains local powers." As in our national government, where certain responsibilities rest with the federal level and others with the state, so in a federated metropolitan system, some functions would be administered by "metro" and others by the political subdivisions of the metropolitan area. Usually, the metropolitan government controls area-wide functions (e.g., water supply) leaving local services (e.g., schools) to the locality.

There is some disparity in the various definitions of federation which may cause confusion. It is often referred to as the "borough plan", a term which is used interchangeably with "federated plan". One government commission report states that, "In their advanced stage of development, the urban county and multipurpose metropolitan district resemble the federation as a form of government organization, since they provide a clear separation of most, if not all, area-wide and local functions."²⁴

Federation is an extended use of the functional transfer and if enough functions are transferred to a metropolitan multipurpose district, it becomes a federation. The

"urban county"* is referred to by the Colorado League of Women Voters as one method of securing federation. For our purposes, this seems to be the best use of this term since it is a "two-level" government and its primary example is Dade County which is considered by authorities to be a federated plan.

One other clarification might be of use in defining federation - its difference from city-county consolidation. As pointed out in a previous section, consolidation is a merger of city and county governments, on a complete or partial basis, rather than the two-level (metropolitan and local) government which exists in a federation.

Methods of Securing Federation

There are three methods by which a federated metropolitan government may be achieved. These are: (1) creation of a new metropolitan level of government, (2) use of the existing county government as a base (urban county plan), and (3) through the establishment of a metropolitan service corporation (extended use of the multipurpose district). The following is a discussion of these three plans, examples of them and some of their advantages and disadvantages.

(1) The Newly-Created Metropolitan Level of Government

This new governmental unit assumes responsibility for many functions which are metropolitan in nature and important or essential to the entire area. This is the most comprehensive form of federation and there is no example of it in existence in the United States. Toronto and Winnipeg, Canada, are the two examples in North America.

The Municipality of Metropolitan Toronto

An important difference between the provinces in Canada and the states in the U.S. is that the provinces have complete responsibility and authority for local government. All of the cities are governed by one Municipal Act and there is no such thing as local "home rule". Cities, counties, school boards, water districts, etc., are all subjects of the state, and provincial legislatures may change at will the structure, area or finances for local governmental units. The Ontario Municipal Board, which has no equal in the United States, is a province-appointed administrative body which has the power, among others, to accept application for changes in city boundaries or to order the amalgamation of any number of neighboring municipalities.

The existence of this Board facilitated the adoption of Toronto's Metro Government. The Board was petitioned by Toronto for amalgamation of the central city with its 12 suburbs. The Board, after long deliberation, presented (in the form of legislation) recommendations of its own for a metropolitan government. The legislation was passed by the provincial legislature and put into effect on January 1, 1954. No approval by referendum was required. The Metro Municipality was separated from York County and replaced the county government.

The federation consists of two levels. The first is the metropolitan government which "has the authority and responsibility for: wholesale water supply, sewage disposal, arterial highways, health, welfare, housing, redevelopment, parks, public

*See note on "urban county approach" on p. 8 of this report. The third use listed in that definition is the one which applies here.

transportation, public transit, uniform tax assessment, public debentures, minimum standards of schools, civil defense, air pollution control and metropolitan planning."²⁵ The second level is that of the local governments of Toronto and the 12 suburbs which have authority over all functions not managed by Metro.

The province-appointed metropolitan governing body consists of 24 members (unless a chairman is elected from outside of the council, making it 25); 12 are ex-officio from the City of Toronto and the rest are Council Chairmen from each of the 12 surrounding suburbs. The budget for this government is financed exclusively by taxes on real property. This tax is paid by each municipality "in the ratio of its total assessment to the composite assessment of the whole metropolitan area."²⁶

Metro's achievements include a program of bridge construction and road widenings, progress in providing adequate water supply and sewage disposal, amalgamation of local police into an area-wide force, and construction of a home for the aged and a juvenile court building as well as other social welfare programs which are completed or under way. Although schools remain a responsibility of local governments, a Metropolitan School Board has helped in planning and achieving the construction of 89 new primary schools and additions on 80 existing schools (as of 1960) with more in progress.

Metropolitan Corporation of Greater Winnipeg

Urban Winnipeg was faced with a problem common to many metropolitan areas throughout the United States, a rapid population growth in the suburbs and slow growth in the central city. Its government was split among 19 local councils, many of which did not wish to take responsibility for anything outside of their own boundaries. Area problems such as water supply, sewage disposal, bridge construction and street care and improvement remained unsolved. The affected municipalities agreed that something should be done, but there was no agreement as to what. Most of them, at the time, did not want what they got. The province had appointed the Greater Winnipeg Investigating Commission which, in 1959, recommended the formation of a metropolitan government. A bill enacting this recommendation was passed by the provincial legislature in March, 1960.

Winnipeg's Metro is governed by a directly-elected council of 10, five representing the central city and five the suburbs. It is financed by a business and personal property tax levied against the municipalities and by revenue from parks, golf courses, building permits, etc. The Metro utilities (sewage and water) are self-supporting. As in Toronto, the metropolitan government is responsible for several area-wide services and functions with those which are not specifically designated as under the jurisdiction of Metro remaining with the localities.

The 1st Annual Report on Metro, put out by the Corporation, lists the following accomplishments: expanded water supply, a 10-year program to improve sewage disposal and pollution of rivers, improvement of arterial streets, traffic control, transit and park improvement, area-wide control over zoning, more uniform and equitable property assessment and improved mosquito control. They have also launched intensive studies to prepare a Master Plan for orderly development of the metropolitan area in the next 25 to 50 years.

Advantages and Disadvantages of a Newly-Created Metro Government

The greatest advantage of this type of federation is that it permits a solution of metropolitan problems without depriving localities of home rule in local matters.

Neither level of government is as likely to be bogged down with details which do not directly concern them; this permits the best handling of the functions of each. It is the easiest type of federation to expand as the separate unit of government is not necessarily bound by county or city limits.

One of the greatest difficulties of the two levels of government is the distribution of powers. In a speech given by a Councillor of the Winnipeg Metro some advice is given to other cities considering a reorganization of local governmental units. It is his feeling that the two levels of government cause many problems and that an amalgamated council elected over the whole area and responsible for the whole area would be much better. Some of the difficulties mentioned are: lack of agreement within the council, lack of agreement between the Metro Council and local councils, difficulties in the division of levy between municipalities and problems of tax collection.²⁷

Many of the problems faced by both Toronto and Winnipeg may be transitional. Major service improvements have been instituted which would have been impossible before. Both experiments have proven successful in that both cities seem to feel that the new metropolitan government is a great improvement over the previously fragmented structure of the urban area. However, this type of federation would be difficult to achieve in the United States. Our ties to traditional local governments are strong; voter acceptability has, so far, been nil.

(2) The Urban County Plan

This plan establishes a federation by using the existing county government as its base. The county is altered "from its traditional position as an administrative subdivision of the State for carrying on State functions - such as election, law enforcement, and judicial functions - to one in which it provides a significant number of services of a municipal character throughout all or part of its jurisdiction."²⁸ Dade County is used here as an example of the urban county plan because it maintains the "two-level" characteristic of federation and is unique in the degree of power given to the county. In order to operate under the urban county plan, the state legislature must first confer home rule status on the county in order to achieve the necessary organization to administer municipal functions.

Metropolitan Dade County (Miami), Florida

The reorganization of government in Dade County was primarily precipitated by a tremendous population growth from 495,000 in 1950 to almost 900,000 by 1960. This plan differs from those of Toronto and Winnipeg in that it utilizes the existing structure of county government instead of instituting a new governmental level. The necessary constitutional amendment authorizing home rule, allowing the county to transfer functions to municipalities, alter the boundaries of local governments and generally reorganize was passed in 1956. Subsequently, a proposal for a Metropolitan Federation was adopted in May, 1957. Metro has since withstood six threats at the polls and has been reaffirmed each time.

The Dade County metropolitan area includes Miami and 25 other municipalities. It is governed by a 13-member Board of County Commissioners, five elected at large, five by districts, and one each from the cities of Miami, Miami Beach and Hialeah. As other cities reach a population of 60,000, they also get an additional member on the Board. Minimum performance standards are set by the county and localities must "measure up" or turn the function over to the county. Also, any municipality may request the county to assume responsibility for a function by a vote constituting a

2/3 majority. Some functions are conducted cooperatively by the county and the locality. Otherwise, localities retain control over functions not specifically delegated to the county.

The county is responsible for regionwide facilities such as water, sewage, arterial roads, harbor facilities, health, welfare, hospitals, parks, mass transit, housing and urban renewal, drainage, beach erosion, air pollution and planning. Also, more uniformity throughout the county was planned in traffic, building codes, assessment and tax collection, licensing and publicity.²⁹ Some of the achievements of Dade County's metropolitan government are: overhauling of the building and zoning departments, uniform traffic codes and regulations, improvements in streets, water supply, sewage disposal, health and welfare, parks and recreation facilities. Many other studies and projects are in progress and a county-wide planning board has been established to develop a long-range plan for Dade County.

Advantages and Disadvantages of the Urban County Plan

This plan, like the first, provides area-wide solutions to metropolitan problems, but the lack of geographical change provides better control over these problems and better relationship between taxes and benefits. The county home rule does deprive the localities of some of theirs, but the disadvantages of an additional unit of government are eliminated. In Dade County representation is equal in that members are added to the metropolitan council when the cities reach sufficient size, and representatives are directly elected. The use of the county as a base makes this plan more politically feasible than the first one. The Dade County Plan allows for different levels of service in different parts of the area, setting minimum standards but allowing higher ones.

This plan does not allow for growth or expansion outside the county boundaries which could become a problem if the suburbs begin to spill over county lines. It is an impractical plan and difficult to install if more than one county is involved in the urban area. Because, in the past, counties have been the least highly developed governmental unit, a great deal of reorganization would be necessary, in addition to voter education, in order to have the proposal accepted. Also, transfer of functions from municipalities to the county may cause resistance from municipal employees and officials.

There have been several articles criticizing Dade County's Metro. The primary objection seems to be that the consolidation of functions has not substantially reduced taxes. Increases in the county tax bills have not always resulted in comparable decreases in municipal tax bills. One editorialist feels that the people are not getting what they wanted in Metro, partially because the five commissioners from districts and the three from the cities bring ward-type politics to the commission and outnumber the five elected at-large who have a more metropolitan attitude. He says, "The communities, taking their cue from the conduct of the Metro commissioners, go about expanding the duplicating facilities which Metro was designed to lay to rest. The official conduct of power and job-conscious Metro commissioners clearly indicates that's the way they want it, too, regardless of what the voters voted for and expect."³⁰ There has also been considerable criticism due to the frequent elections concerning Metro, power (or lack of it) given to the county manager, and to problems in instituting the county-wide bus system, in establishing the new traffic code and other uniform regulations, in the tax reassessment program, etc. The Government Research Council of the Miami-Dade County Chamber of Commerce states the more favorable side, "The new government hasn't cured all the ills of years of horse-and-buggy county government, nor has it yet met the needs of our growing population. But taxpayers

have already begun to receive dividends in terms of lower unit cost on equipment and supplies and better service. The cost of government will continue to rise both here and elsewhere in the nation, but Dade taxpayers should be getting more for their money from now on."³¹.

(3) The Metropolitan Service Corporation Plan

The third way in which a federation can be established is for the state legislature to enable localities to set up a "metropolitan service corporation". The purpose of these corporations is to coordinate the functions authorized in a multipurpose district. This is federation in its most limited form and it can be initiated by extending services performed under an existing district or by creating a new multipurpose district. It is important to remember that "multipurpose special districts cannot be considered as federations unless they achieve an effective government which embraces a considerable part of the metropolitan area and which is authorized to handle at least part of the problems which are community-wide in nature."³². Because Seattle has the authorization for the addition of several functions to its present district, it is a potential federation. However, since the only functions now administered there are sewage disposal and water pollution, it has been discussed under the section on multipurpose districts.

The Advisory Commission on Intergovernmental Relations, in its recommendations to the states, presented a draft bill patterned after the metropolitan municipal corporation law of the State of Washington and which is, in some ways, similar to the legislation proposed by the Governor's Commission on Metropolitan Area Problems in the State of California. Briefly, the proposed general enabling legislation expresses the following principles: (1) authorization to establish a "metropolitan service corporation" by majority vote of the people in the concerned area, (2) authorization to carry on one or more of several metropolitan functions subject, initially and subsequently, to a vote of the people; if planning were voted to the corporation, it would have to be conducted on a metropolitan basis, but other functions could be allowed a smaller service area, (3) the governing body would consist of representatives from the boards of county commissioners and from the mayors and councils of the component cities, and (4) power is given to the corporation to impose service charges and special-benefit assessments; to issue revenue bonds; and, subject to referendum, to issue general obligation bonds repayable from property taxes imposed for this purpose. The bill also precludes establishing separate corporations for managing area-wide functions.³³.

Advantages and Disadvantages of the Municipal Service Corporation (or Multipurpose District) Approach

The advantages and disadvantages of multipurpose districts have been discussed previously. As an approach to federation, the greatest advantage of this plan is its political feasibility. The enabling legislation (as proposed above) would allow, not require, residents to have a single-purpose or multipurpose district, or neither. Thus, the district can be established having jurisdiction over only one or two functions; by beginning this way and adding functions as the need arises, it is the most likely of all federated plans to win voter approval in the foreseeable future. The possibility of allowing smaller service areas in all functions except planning provides for the fact that different functions may require different service boundaries and erases this disadvantage to the multipurpose district.

The greatest disadvantage of the multipurpose district or service corporation approach is its limited use; there is very little evidence of its success or failure in the

past. Also, in some places there may be conflict between this approach and home rule laws. "In Colorado, the recent decision of the supreme court on the Metropolitan Capital Improvements Act raises questions as to the constitutionality of including any home rule city in the territory covered by a municipal corporation or multipurpose special district. The court pointed out that Article XX specifies that home rule cities have the exclusive power to handle matters of municipal or local concern."³⁴.

PART IV: THE ROLE OF THE STATE
IN LOCAL GOVERNMENTAL REORGANIZATION

The state, as the closest relative of the locality, cannot be ignored in a discussion of governmental procedures. Enabling legislation is needed for all local government reorganization plans and some of them (such as certain kinds of annexation procedures) are arranged by state agencies. The Colorado League of Women Voters, after completing their studies on local government and on metropolitan problems, realized that it was incomplete without the inclusion of the state role. Consequently, they did a further study on this subject in which they quote the Council of State Governments on the subject of state responsibility to local government, "Although the roles of local governments and the National Government are indispensable, the States are the key to solving the complex difficulties that make up the general metropolitan problem. To achieve adequate results the State governments - the legislative and executive branches and the people - need to exert positive, comprehensive, and sustained leadership in solving the problem and keeping it solved."³⁵.

The Advisory Commission on Intergovernmental Relations divides its recommendations to the States into two general categories. The first is an "'arsenal' of remedial weapons to be drawn upon by metropolitan areas" and is primarily concerned with legislative action by the states to remove legal barriers to local government reorganization through enabling legislation as well as placing certain limitations on local home rule. The second category is "direct state action--assistance and control". In this section they make the following suggestions: (1) Establishment of a unit of State government for metropolitan area affairs, (2) Establishment of State program of financial and technical assistance to metropolitan areas, (3) Control of new incorporations (in establishment, review and approval), (4) Financial and regulatory action to secure and preserve open land, and (5) Resolution of disputes among local units of government in metropolitan areas.

Two of the recommendations which are the most controversial but which are probably most basic to progress in local government reorganization are the home rule "limitation" and the suggested state agency for local and metropolitan affairs.

HOME RULE

The Commission suggests "local home rule for strictly local problems; metropolitan home rule for area-wide problems but with the State free to legislate and otherwise act with respect to problems which transcend county boundaries and which are not soluble through interlocal cooperation."³⁶.

In recent years the complicated structure of local political subdivisions has become inadequate to deal with modern problems. Most metropolitan areas have at one time or another suffered from lack of water, proper sewage disposal, traffic congestion, etc. There has been insufficient metropolitan planning to cope with these problems and few representative governing bodies to correct them. In some cases home rule has prevented the establishment of metropolitan governments or districts elected to help administer area-wide services. As evidenced by the recent decision of the Colorado Supreme Court*, home rule has been an obstacle legally. Jealousies of local jurisdictions have, at times, made it a political obstacle as well.

*See p. 24 of this report.

Many authorities feel that a failure on the part of the state to change home rule laws may result in a loss of home rule. In discussing some of the reasons for lack of progress in the solution of metropolitan problems, Gulick feels that 'we relied on 'home rule' when we should have known that the general system of local government and the determination of constituency limitations are not a local function but a state responsibility. 'Home rule', mistakenly applied, has been a hindrance, not a help."³⁷ Another writer says, "In great metropolitan areas...we must face the fact that there can be no such thing as self-government, or genuine home rule, in a central city which is deprived of the fiscal and intellectual resources of the more fortunate beneficiaries of its industry who happen to live in suburbs legally and politically isolated from the city. 'One world' will become an empty dream if those of us who live in any of the more than 140 metropolitan areas in the United States are not ready to recognize their allegiance and responsibility to the 'one city'."³⁸

A STATE AGENCY FOR LOCAL AFFAIRS

The first suggestion of the Commission under "direct state action" is worded as follows: "The Commission recommends the enactment of legislation by the States to establish (or adapt) an agency of the State government for continuing attention, review, and assistance with respect to the metropolitan areas of the States and associated problems of local government, planning, structure, organization, and finance."³⁹ Some authorities believe that such an agency should have "cabinet" status with the responsibility of maintaining good local government; others believe that it should operate as an agency only for research and service concerned with metropolitan and non-metropolitan needs.

John G. Grumm's article in Public Management is a very concise evaluation of the state agency for local affairs and the following information is derived from that pamphlet. Examples of state agencies which are concerned primarily with local affairs exist in New Jersey, Pennsylvania, Tennessee and New York. The New Jersey Division of Local Government examines municipal and county budgets and audits their accounts, publishes guides and reports for local units, renders advice upon request, and recommends plans for local improvements. The Pennsylvania Bureau of Municipal Affairs provides services to localities and is responsible for some supervisory functions. "In the breadth and variety of its activities, it is probably unique in the United States."⁴⁰ The Municipal Technical Advisory Service, which is attached to the University of Tennessee, offers direct services in many areas concerning municipal or local government. The New York Office for Local Government is a staff agency to the governor with a list of powers which give it considerable potential. The North Carolina Local Government Commission, the Alaska Local Boundary Commission and the Minnesota Municipal Commission are other state agencies, but these are narrower in scope than the ones mentioned above. The Canadian provinces also have agencies concerned with municipal government.

Some of the disadvantages of a state agency for local affairs are: it might disrupt a well-established system in which the relationships between the functional departments and the local units have developed over a long period of time; it might tend to increase the dependence of the local unit on the state; and local governments already have many sources of outside help. Some advantages are: the state, with its superior legal position, can provide solutions which the localities cannot; coordination of state-local relationships is needed in most states; there should be a recognition of the central importance of state-local relations in the state system; and, it would eliminate the need to increase the role of the federal government in urban matters.⁴¹

An opinion on this last advantage is expressed by the Minneapolis paper, "If this (reliance on the federal government) is the alternative, then--we think--a good many

people...will be willing to look at a new state agency, like a sub-unit of the legislature, not as a device to take away local powers, but as a way to be sure we keep local control over the planning and policy-making for highways, airports, housing and other major programs of metropolitan development."⁴².

PART V: CONCLUSION

In conclusion the committee feels that it is important to point out some of the factors involved in voter reactions to various metropolitan reorganization plans and also to suggest some criteria for evaluating the various plans which have been previously discussed. The material used in this section is taken directly from other sources, upon which we felt there could be no improvement.

VOTER ACCEPTABILITY

The Advisory Commission studied attempts at local reorganization, between 1950 and 1961, in 18 metropolitan areas in the United States. In reviewing the reasons for success or failure of these plans they list the following influential factors:

Factors Influencing Success:

- (1) "A sympathetic and cooperative attitude by State legislators from the area,
- (2) The use of locally knowledgeable individuals as staff to conduct background research and to develop recommendations,
- (3) The conduct of extensive public hearings by the responsible plan-preparing group,
- (4) Careful concern, in the design of the reorganization proposal, for problems involving representation of various districts and population elements.

Factors Influencing Failure:

- (1) Absence of a critical situation to be remedied - or of widespread popular recognition of such a situation,
- (2) Vagueness of specification as to some important aspects or implications of the reorganization proposal,
- (3) Active or covert opposition by some leading political figures in the area,
- (4) Discontinuity or lack of vigor in promotion of the reorganization proposal,
- (5) Popular suspicion of the substantial unanimity expressed for the proposal by metropolitan mass media (newspapers, TV and radio),
- (6) Inability of the proponents to allay popular fear of the effects of the proposed reorganization upon local taxes,
- (7) Failure by the plan proponents to communicate broadly, in a manner to reach relatively unsophisticated voters as well as others,
- (8) Failure by the proponents to anticipate and prepare for late-stage opposition efforts in the referendum campaign."⁴³

STANDARDS FOR EVALUATION OF URBAN AND METROPOLITAN SOLUTIONS

"The following standards are suggested as a yardstick for determining the availability, adequacy, and effectiveness of any approach to the solution of metropolitan and urban problems:

1. Does it provide an adequate level of urban public services, of acceptable quality, at reasonable unit costs, and without overlapping and duplication of services?
2. Does it tend to simplify or complicate further the local governmental structure and the responsibility for the performance of particular functions?
3. Is the arrangement sufficiently flexible in scope and authority to adjust to future growth and development patterns?
4. Does it provide for reasonable citizen control and participation?

5. Does it distribute tax burdens fairly among all classes of citizens?
6. Does it have a resonable chance of being accepted by the legislature and by the electorate?"⁴⁴.

FOOTNOTES

1. League of Women Voters of Colorado, Cooperation or Confusion? Part II. "The Urban and Metropolitan Problem in Colorado", May, 1961, p.50.
2. Verne E. Winqvist, Metropolitan Area Planning in North America, 1960, unpublished manuscript, University of Pennsylvania, January, 1960, p. 23.
3. Advisory Commission on Intergovernmental Relations, Factors Affecting Voter Reactions to Governmental Reorganization in Metropolitan Areas, Information Report M-15, May, 1962, p. 54.
4. John R. Borchert, Urbanization of the Upper Midwest; 1930-1960, Urban Report #2, February, 1963, Upper Midwest Economic Study, see inset on p. 44.
5. Joseph M. Heikoff, "XYZ's of Community Planning" in Public Management, March, 1962.
6. Robert C. Wood, "Metropolis Against Itself" in Governmental Structure, Organization and Planning in Metropolitan Areas, Advisory Commission on Intergovernmental Relations, Washington, D.C., July, 1961, pp. 10-11.
7. Verne E. Winqvist, op. cit., pp. 3-5.
8. Advisory Commission Report M-15, op. cit., p. 26.
9. Advisory Commission on Intergovernmental Relations, Alternative Approaches to Governmental Reorganization in Metropolitan Areas, Commission Report A-11, June, 1962, pp. 28-29.
10. League of Women Voters of Atlanta-League of Women Voters of DeKalb County, Metropolitan Atlanta-5 Counties, 50 Governments, September, 1962.
11. Advisory Commission Report A-11, op. cit., p. 44.
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13. United States Census Bureau in Governmental Structure, ..., op.cit., p. 27.
14. League of Women Voters of Colorado, Part II., op. cit., p. 34.
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16. Advisory Commission, Governmental Structure,..., op. cit., p. 28.
17. John C. Bollens, "The Significance of Special Districts in American Local Government" in Capitol, Courthouse and City Hall, Robert L. Morlan, ed., Cambridge, Massachusetts, 2nd ed., 1960, p. 245.
18. Advisory Commission Report A-11, op. cit., p. 53.
19. Ibid, p. 55.
20. Metropolitan Government Charter Commission, Charter of the Metropolitan Government of Nashville and Davidson County, Tennessee, Metropolitan Government Charter Commission, 1962.

21. League of Women Voters of Colorado, Part II., op. cit., p. 48.
22. Frank S. Sengstock, Annexation: A Solution to the Metropolitan Problem, Ann Arbor, Michigan, 1960.
23. Report of Texas Legislative Council in ibid.
24. Advisory Commission Report A-11, op. cit., pp. 75-76.
25. Verne E. Winkquist, op. cit., p. 23.
26. Ibid, p. 24.
27. From a speech by Councillor Robert E. Moffat, "Approach to Urban Growth - A Canadian Example", to Municipal Finance Officers Assn., Boston, May 31, 1962.
28. Advisory Commission Report A-11, op. cit., pp. 38-39.
29. Advisory Commission Report M-15, op. cit., p. 54.
30. John Pennekamp, "Why Can't Metro Do As It Should?" in the Miami Herald, October 20, 1962.
31. Government Research Council quoted by Jack Kassewitz, "Miami's Problems Under Metro", in the Baltimore Sun, September 23, 1962.
32. League of Women Voters of Colorado, Part II., op. cit., p. 50.
33. Advisory Commission, Governmental Structure..., op. cit., pp. 28-29.
34. League of Women Voters of Colorado, Cooperation or Confusion?, Part III., "The State's Role in Solution of Problems of Local Government in Colorado", July, 1962, p. 19.
35. Council of State Governments, The States and the Metropolitan Problem, Chicago, Illinois, 1956, p. 132, quoted in ibid, pp. 2-3.
36. Advisory Commission, Governmental Structure..., op. cit., p. 20.
37. Luther H. Gulick, The Metropolitan Problem and American Ideas, New York, 1962, paraphrased by Ted Kolderie in The Minneapolis Morning Tribune, editorial, January 9, 1963.
38. Spencer Miller, Jr., "The World Demands Proof" in Capitol, Courthouse..., op. cit., p. 343.
39. Advisory Commission, Governmental Structure..., op. cit., p. 35.
40. John G. Grumm, "Do We Need A State Agency for Local Affairs?" in Public Management, June, 1961, pp. 129-33.
41. Ibid.
42. Editorial, "The State and Metropolitan Affairs", Minneapolis Morning Tribune, January 9, 1963.

43. Advisory Commission Report M-15, op. cit., pp. 16-23.

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[1963]

PROBLEMS OF THE TWIN CITIES METROPOLITAN AREA

Report of Study Committee No. 4
Council of Metropolitan Area Leagues
League of Women Voters of Minnesota
September, 1963

TABLE OF CONTENTS

1. Finance.....	1
2. Education.....	5
3. Transportation.....	7
4. Parks.....	11
5. Public Health.....	16
A. Water Supply.....	16
B. Sewerage.....	19
C. Air Pollution.....	22
D. Other Services.....	24
6. Public Safety.....	25
A. Law Enforcement.....	25
B. Fire Protection.....	29
C. Civil Defense.....	29
7. Bibliography.....	31

FINANCE

At the conclusion of a symposium entitled "Financing Metropolitan Government", held in 1955, the late Carl Chatters, authority on municipal finance, observed that "The metropolitan area problem is primarily a public finance problem".¹ Two aspects of this problem seem outstanding in the Twin Cities Area - political fragmentation, and the burden on the property tax.

According to the Twin Cities Metropolitan Planning Commission, there are 301 local units of government levying taxes in the area (97 school districts, 73 townships, 107 villages, 23 cities, and 1 borough) in addition to the State of Minnesota, the seven county governments, and the four metropolitan wide special districts (the Metropolitan Planning Commission, the Metropolitan Mosquito Control District, the Metropolitan Airports Commission, and the Minneapolis-St. Paul Sanitary District). There also exist a number of special bodies such as the St. Paul Port Authority, created by the state to deal with specific matters.

Experts in public finance generally agree that metropolitan areas throughout the United States have the economic capacity to provide the levels of service desired by their citizens. However, these specialists further believe that the political fragmentation of these areas makes planning, administering, and financing these services adequately, almost impossible. As Lyle Fitch has observed:

"The extension of activities across jurisdictional boundary lines makes it more and more difficult to relate benefits and taxes at the local government level. In the modern metropolitan community, a family may reside in one jurisdiction, earn its living in one or more others, send the children to school in another, and shop and seek recreation in still others. But to a considerable extent, the American local financial system still reflects the presumption that these various activities are concentrated in one governmental jurisdiction."²

As metropolitan areas in the United States evolved, neighborhoods often incorporated politically; the result has been that today metropolitan areas are a mixture of dormitory communities of varying wealth, a few economically balanced jurisdictions, and industrial enclaves. Consequently, taxable resources are not distributed among units of government giving services in proportion to the needs of the citizens. This disparity in their relative financial capacity among communities within a metropolitan area is called "fiscal imbalance".

The term "Fiscal gap" refers to the discrepancy between what a community needs and what it can finance. No professional studies of "fiscal gap" and "fiscal imbalance", service needs and tax effort, etc., have been made of the Twin Cities area and its communities. The book Financing Government In A Metropolitan Area, The Cleveland Experience illustrates the kinds of measurements which can be made. In its report issued in early 1963, the Governor's Minnesota Tax Study Committee stated:

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1. "Synthesis of Symposium", Carl H. Chatters, Financing Metropolitan Government, Tax Institute, Princeton, N.J., 1955, p. 276.
 2. "Metropolitan Fiscal Problems", Lyle C. Fitch, Metropolis in Ferment, Annals of American Academy of Political and Social Science, Nov., 1957, p. 67.

"For many reasons, including population growth, increasing urbanization, improved service levels, higher standards and rising prices, expenses of Minnesota local governments, like those of local governments elsewhere in the country, have mounted rapidly in the post-war years. Capital expenditures have increased much more rapidly than operating costs, in part because available revenue has been inadequate to meet mounting current budget needs. This has been true despite efforts to make maximum use of the property tax, efforts which have resulted in very substantial increases in property tax rates for local governments. With disproportionate increases in the school and retired age groups of the population, with greater concentration of people in urban places where per capita costs are relatively high, with rising prices and increased demands for more and higher quality local government services, there is no likelihood that the increase in local government needs will not continue in the next decade."³

The burden of the property tax in Minnesota surely aggravates the problems of "fiscal imbalance" and "fiscal gap" in the Twin Cities Metropolitan Area. The property tax provided 97% of the local tax receipts in Minnesota in 1962.⁴ While the amount provided to the state government by this tax base has declined (mainly because the state has turned to other forms of taxation), local governments have relied on property taxes increasingly until now the Tax Study Committee points out that "Minnesota burdens property with taxes higher than any other state west of the Allegheny Mountains, and, indeed, higher than all but five Eastern and New England states".⁵

In discussing revitalization of our property tax system, State Tax Commissioner Rolland F. Hatfield recently suggested that consideration be given to taking the state out of the property tax field and to transferring welfare costs to the state so that property tax revenues might be for purely local purposes.⁶ Six major reforms in the administration of our property tax were recommended by the Tax Study Committee:

1. Establish a state-wide county assessor system with fully trained, adequately paid, professional assessors selected in an impartial manner.
2. Establish an improved review and appeal procedure.
3. Curtail any further expansion of the classification system.
4. Restore "full and true" assessments to 100% of market value as the law provides.
5. Change the assessment date from May 1 to January 1.
6. No further increases in the Homestead Exemption should be permitted.⁷

The "fiscal gap" in the Metropolitan Area and in its political subdivisions could also be narrowed by the use of other revenue sources to supplement the property

3. Report of the Governor's Minnesota Tax Study Committee, 1962, Chapter 11, p.1.
4. Ibid., Chapter 2, p. 2.
5. Ibid., Chapter 12, p.1.
6. "Property Tax System Needs Revitalization", Rolland F. Hatfield, Minnesota Municipalities, October, 1962, p. 294-295.
7. Report of the Governor's Minnesota Tax Study Committee, 1962, Chapter 12, p. 4-5.

tax. Presently in Minnesota the wheelage tax is permitted with revenues dedicated to streets and highways. Home rule cities are allowed to authorize non-property taxes by charter if consistent with state law. The Tax Study Committee recommended that the state give all local units of government the authority to levy non-property taxes, chiefly income, sales and wheelage taxes (on a revised basis).

It was also recommended that these taxes should be permitted, and perhaps required, to be imposed as a local tax supplement to a state tax; thus the costs of collection could be minimized and the state's enforcement powers employed. It seemed desirable to the Tax Study Committee that this authority be granted only to cities, villages, and in a more limited way to counties, and that needs of school districts and other units be met by shared taxes and grants-in-aid. It was also suggested that no referendum should be possible before the tax had been in effect for a minimum of two years.⁸

In its report on Governmental Structure, Organization and Planning in Metropolitan Areas, the U.S. Advisory Commission on Intergovernmental Relations pointed out that state inaction in strengthening local government "tends to make more persuasive the argument for increased intervention by the National Government".⁹ There are two ways in which the state can assist the metropolitan areas in meeting their revenue problems.

The first way is in the provision of necessary authority through enabling legislation. As mentioned above, the Tax Study Committee recommended allowing local units of government in this state to levy non-property taxes under desired conditions. The Advisory Commission recommended that the States, however, retain sufficient authority in their legislatures to "modify responsibilities of and relationships among local units of government" within an area in the best interests of the whole area.

Simultaneously the Advisory Commission suggested that the States should authorize in metropolitan areas interlocal contracting and joint enterprises (such as some activities already in effect in Ramsey County), the creation of functional authorities (such as the Metropolitan Airports Commission) and the voluntary transfer of functions from municipalities to counties and vice versa.¹⁰ All three of these possible approaches to metropolitan area problems - contract plan, independent authorities, and metropolitan or urban counties - would have significant fiscal effects.

In addition to giving necessary authority to the local units of government, the state government can assist by giving direct financial aid. Establishment of State programs of financial and technical assistance to metropolitan areas in such fields as urban planning, urban renewal, building code modernization and local government organization and finance was the second recommendation for direct state action made by the Advisory Commission.¹¹

At the present time the State of Minnesota aids its local units of government substantially through the use of both shared taxes and grants-in-aid. Grants-in-aid

8. Ibid., Chapter 11, p. 8-13.

9. Governmental Structure, Organization and Planning in Metropolitan Areas, Advisory Commission on Intergovernmental Relations, Washington, 1961, p. 18.

10. Ibid., Chapter IV, p. 19-32.

11. Ibid., p. 37.

go to the counties for public welfare programs and are also made for local libraries, community health centers and airports. Shared taxes unless otherwise specified are from net receipts. The principal shared taxes as listed in the Report of the Tax Study Committee are as follows:

- "(1) the income tax, allocated to local school districts in the form of school aids;
- (2) the cigarette tax, one fourth (originally one-third) of which is allocated to counties and municipalities according to population;
- (3) the liquor excise tax, of which 30% is apportioned among the municipalities and towns according to population (the 15% increase voted by the 1959 legislature is not included in the apportionment); and
- (4) the gasoline and motor vehicle registration taxes, of which 29% goes to the counties for use on the county-aid highway systems and 9% to municipalities of more than 5,000 population for use on municipal state aid streets."¹²

The Tax Study Committee also pointed out that during the past decade the percentage of local revenues supplied by state grant-in-aid and shared taxes has remained relatively constant though ever growing local budgets have forced higher and higher burdens on the property tax. It was suggested that consideration be given to the sort of plan now used by New York State which has created a state-local assistance fund. Into this fund are deposited amounts from presently shared taxes and such additional nondedicated monies as possible; from this fund grants are made on a per capita basis to local units of government, depending on their size, economic resources, etc.

In conclusion it should be pointed out that the local governments are the creatures of the state. As Mr. Chatters observed after stating that the metropolitan area problem is a finance problem:

"But the state government, both by action and inaction, opens and closes the switches which determine the tracks upon which municipal government may run. The local governments are responsible for the way they run upon those tracks, but the state governments control the tracks upon which they can run.....The tax and fiscal policies of the federal, state, and local governments have a direct bearing on the physical growth, the public services, and the fiscal ability of the metropolitan areas.....A combined assault on the metropolitan revenue problem is needed with all levels participating....."¹³

12. Report of the Governor's Minnesota Tax Study Committee, Chapter 11, p. 6.

13. "Synthesis of the Symposium", Carl H. Chatters, Financing Metropolitan Government, Tax Institute, Princeton, N.J., 1955, p. 276.

EDUCATION

A detailed description of the school systems of the Metropolitan Area, and the intergovernmental relations involved in their administration, will be found in A Survey of Intergovernmental Agencies in the Twin Cities Metropolitan Area, the report of Study Committee #2 of the Council of Metropolitan Area Leagues (pages 23-28). No attempt will be made to duplicate that information here. We will look at some other phases of the education problem, including the accomplishments of the 1963 Legislature in the field of education.

The Twin Cities Metropolitan Planning Commission, in the Metropolitan Population Study, Part III, dated March, 1962, estimates that the major increase in demand for new college facilities in 1970 will occur among the population located in the suburban periphery. The greatest need for college facilities will occur in the southwest suburbs (Edina, Richfield and Bloomington), which will require two junior colleges or four-year colleges (with a capacity of 1500 students each). In the suburbs west, northwest and north of Minneapolis, the estimated growth in college enrollments indicates a need for four new junior colleges or four-year colleges by 1970.

The \$414 million education appropriations bill, passed by the 1963 Legislature, provides that the state will take control of the eleven existing junior colleges in the state, and will provide four additional junior colleges. Three of these will be located in the counties of Hennepin, Ramsey, Anoka, Dakota and Washington. The new junior college system will be administered by a five-man board, appointed by the Governor and approved by the Senate. This board can, after July, 1964, begin to take over some or all of the eleven colleges now run by local school districts throughout the state. The junior college board, which has the final say on location of the new colleges, will report to the 1965 Legislature. The colleges may be ready to open in the fall of 1967.

State aids to junior colleges were raised from \$300 to \$350 per student, the extra \$50 coming from proceeds of the new tax on colored oleomargarine. The bill raised state aid from \$285 to \$315 per pupil for Formula B Schools (which include nearly all suburban districts), and Formula A schools (core cities) to \$95. An explanation of the formulas will be found in Survey #2, page 34.

Of the total \$414 million, \$76.5 million goes to the University of Minnesota. The State College Board was granted \$15 million in requested bonding authority, and \$3 million as supplementary direct appropriation. The balance is allocated to the local school districts.

The education bill provides for a southwestern Minnesota college. This will not be a four-year institution immediately, but with a two-year academic and technical college assured of growing to four-year status "when feasible and necessary".

The Metropolitan Planning Commission Population Study states that, in the area of elementary and high school development, all parts of the metropolitan area will have to make significant expenditures for refurbishing existing school plants or replacing them. However, new school needs deriving from current and anticipated population changes during the 1960's will largely be located in suburban areas. A number of these suburbs contain little industrial or commercial development. Though some may experience industrial and commercial growth, it is likely that in many areas the full tax burden for school construction will fall on residential property. A possible solution to this problem would be to further extend the principle which already operates at the consolidated school district level and establish a metropolitan-wide tax

base for schools. It is also pointed out that in some communities the greatest demand in school facilities may not always remain in one age group. These communities might explore the possibilities of temporary or portable facilities which would create a more flexible school plant.

The school districts of the Twin Cities Metropolitan Area are considering a proposal to establish a Metropolitan Area School Study Council for research in mutual problems in education. The proposal has been made by the Minneapolis Area School Study Council, which includes 22 school districts in Hennepin County. It has been in existence since 1958, and is a voluntary federation through which member districts pool financial and intellectual resources to study education problems. Late in 1962, the Minneapolis Study Council hired a full-time executive secretary (one-fourth of whose salary is paid by the University of Minnesota), and invited schools from the seven-county area to join.

The services of the School Study Council are three-fold: the conduction of research; the dissemination of information; and in-services training of superintendents and school board members (in such fields as teachers' pay scales, and team teaching). The work of the council is divided into four areas of activity: exceptional children (both the gifted and the retarded); technology (for example, programmed learning); administration; and curriculum.¹⁴

The proposed Metropolitan Area School Study Council would have a \$16,900 budget for 1963-64 which would be financed through fee assessments on member school districts. The districts would be assessed 13 cents per pupil with a minimum fee being \$150 and the maximum of \$1200. Additional financing would be obtained through educational grants from public and private institutions. The present council includes one out of four school children in the State of Minnesota. When enlarged to include 55 school districts in the seven-county metropolitan area, the council would include one out of every two school children in Minnesota. Headquarters of the expanded council would be located at the University of Minnesota under the bureau of field studies. A library would be established to file and catalogue research materials.

The advantages of belonging to the Metropolitan Area School Study Council would come primarily in research areas, but other benefits would flow from sustained contacts with neighboring schools and the University.

14. Inter-Municipal Cooperation, A Study of Edina's Role in Metropolitan Planning, Edina League of Women Voters, May, 1963, p. 4.

TRANSPORTATION

The greatly accelerated development of the means of transportation, with motorized vehicles, air transit, modernized rail service, has significantly influenced the urban character of the seven-county area. Modern transportation acts as the skeleton, holding the entire metropolitan area together. It permits the separation of activities and the specialization of labor. It expands the locational opportunities of establishments. Within our metropolitan area transportation facilities greatly influence the physical pattern of development. For example, a few decades ago people depended on the street car. Higher population densities and fewer single family homes were predominant because people were unwilling to live more than a quarter of a mile from the street car line. As time passed, and the car became the chief mode of travel, areas between the street car lines were developed. The "residential limits" were extended and previously undeveloped pockets became sites for single family homes and lower population densities.

The problem with which we must concern ourselves is this: the relationship of facilities and services for the intra-regional movement of people and goods. These facilities and services, most important for the Twin Cities Metropolitan Area, include highways, transit facilities, and parking places.

Highways. Urbanization is imposing multiplied transportation demands on our obsolete street and highway facilities. Our streets have become obsolete because they serve many purposes, for travel, as parking areas, and as access routes. Our street patterns were, for the most part, laid out before the automobile, and/or designed to facilitate subdivision of land. Today our core cities are congested with traffic because many people work in our downtown areas. These persons drive to work in their own cars. The peak travel periods (morning and evening rush hours) find our city streets and highways congested with automobiles. The central business districts, as we know them won't long exist if the car becomes the sole means of travel. To maintain our central areas, we have to find another means of travel.

In the design and development of freeways, work trips have been given prime consideration. Because the demand in this category is greatest at peak hours, which amounts to only a small portion of the day, the problem is whether to meet these peak hour demands or to design freeways to serve the normal traffic flow (shopping trips, recreation trips, etc.). This would mean that the freeways would not be able to handle all of the peak hour traffic. At the same time, mass transit facilities could be expanded to handle many of the "now-auto-oriented" work trips. Perhaps mass transit facilities could be incorporated into the freeway system.

If freeways are to become our principal mode of travel, we must acknowledge the fact that there will be more dispersion. Suburban shopping centers, for example, remove a considerable portion of the central cities' (both Minneapolis and St. Paul) retail functions into areas which are easily accessible and which provide adequate parking facilities. This example points out changes in retailing only, but industrial, service, institutional, etc. uses are to be considered also.

Mass Transit. Today our transit system depends largely on the population of the central cities for its business--and the population of our central cities is decreasing. Formerly people were dependent upon public transportation. Now we are an "auto-oriented" metropolitan area. We enjoy the convenience which the car affords us. Many people consider our major transportation problem to be that of freeway development. But is there an easier, faster and safer mode of transportation than the automobile?

Trucking. Trucks not only carry goods between cities, but they also pick up and deliver goods within cities and towns in our metropolitan area. In our urban areas we will find more types of trucks than we will find on the open road. Trucking facilities (warehousing is used as an example) require large tracts of land near or on a major highway or freeway system. This has resulted in the relocation of many terminal facilities in our suburban areas. Special truck routes are required to ensure fast, efficient pick-up and delivery, and loading (dock) facilities must be available at destination points. These, plus other problems in land use, deserve careful consideration.

Parking Facilities. Parking ramps and lots are needed to serve those who drive to work in our downtown areas. To provide adequate parking facilities for persons working in the core cities requires land which might be better used for something else. To cite an example, two-thirds of the so-called downtown Los Angeles area is devoted to parking.

Waterways. Portions of our metropolitan area were originally settled because of river location and the facilities provided by the waterfront area. The metropolitan area has access to barge facilities on the northern terminus of the Mississippi navigation. The Minnesota River is navigable to Savage. The St. Croix provides recreation for the area. Problems developing out of the best use of these waterways have been studied in the past. Upon the completion of the Upper Harbor Project in Minneapolis, we will be able to determine the value of such a project. The economic relationship with railroads and pipelines will determine, in the future, the status of water transportation.

Air Transportation. With increased use of the airline facilities, we have taken into consideration the need for suitable means of transportation between the core cities and the metropolitan airport. Problems evolving from overcrowded airplanes are now being investigated by the Federal Aviation Agency. Ideally, airports should be located away from residential areas, and should be accessible.

Railroads. The future of rail passenger movements in the seven-county area is not too bright. The major trains to Chicago and the west coast will have patronage for some time. Long distance rail movements will decrease, however, because of reduced air fares and an air-oriented younger generation. Development of new equipment with much higher speeds may offer some solution. As short distance trips diminish further, the demise of more passenger trains and small depots can be anticipated. Instead of trying to keep all present equipment in operation, it may be wiser to replace passenger trains on sparsely traveled runs with a rail or highway vehicle more suited to diminished travel needs.

The future of local rail freight depends upon the ability of the railroad to compete with other transport forms, through improvement in price and service to shippers. Some rail lines and minor yards may be removed and major yards expanded as overlapping facilities become obsolete through improved technology and the merger of competing railroads. Terminal handling in metropolitan areas is still the major bottleneck in the rail system because of the multiplicity of privately owned facilities, connected one with the other by individual contracts, but without any overall coordination. Piggyback and "containerization" (shipment of commodities in standard containers that can easily be transferred from one mode of transportation to another) offer aid to the terminal problem.

The Joint Program (An Inter-Agency Land Use-Transportation Planning Program for the Twin Cities Metropolitan Area). In less than 30 years, the population of the

Metropolitan Area will double. In that short time, we will build roads, houses, parks, schools and factories which in size and cost will be equal to or greater than what exists in the Area today. This growth will occur, whether encouraged or resisted. The core question is "How do we want to live in our urban environment?" Some will settle for mere "efficiency". Others want much more - livability, beauty, a good place to live. But whatever the goals, they can only be achieved through good planning. In certain parts of the Metropolitan Area, urban activities and the movement they create are no longer in balance with the transportation systems. The problem of urban transportation is but a component of the larger problem of urban development. To bring about this balance between transportation and urban development, we must know how the people in this area live, and how they want to live in the future.

Late in 1961, representatives of the Minnesota Highway Department (MHD), Bureau of Public Roads (BPR), Metropolitan Planning Commission (MPC), Housing and Home Finance Agency (HHFA), the cities of Minneapolis and St. Paul, and the engineering departments of the seven counties of the Metropolitan Area undertook a series of meetings on land use and transportation planning for the Area. From these meetings emerged the Joint Program. A grant was obtained from the HHFA, which along with MHD, BPR, and local funds, will provide approximately \$1.8 million to finance the three-year Program.

The primary objective of the Program is to promote the welfare of the people of the Area by encouraging development that will enhance the livability and increase the efficiency of the environment. This will be achieved by means of a Comprehensive Metropolitan Plan for the seven-county area. Subordinate objectives of the Program will be closer integration and coordination of existing public and private planning efforts in the area, the identification and analysis of alternative actions that can be taken by the Area to solve the problems of urban growth and change, and the development of an experienced team of private and governmental leaders who will be equipped to deal with future problems.

The activities of the Joint Program fall in four general areas:

1. Research and Planning, which will be the responsibility of the participating agencies.
2. Preliminary Testing of Planning Procedures, through conferences and meetings with civic and service organizations to get an informal reaction to the products of the Program.
3. Final Testing of Planning Products, with reactions sought from the heads of the 350 units of local government in the Area to the recommendations of the Program.
4. Plan Implementation, development of the Metropolitan Plan, coordination of planning, public education, and continuing adjusting and up-dating of Plan.

The work of the participating agencies will be augmented by a Citizens Advisory Committee, a Technical Advisory Committee, Representatives of Local Government, and the Community-at-large.

Development of the Joint Program will occur in five major phases:

1. Preliminary Proposals, a study of the Metropolitan Area, and comparison with other metropolitan centers.
2. Goals, based on a survey of attitudes and values; an attempt to know where we are going before we select our route.

3. Alternatives, range of different policies or courses of action that could be pursued to achieve the goals.
4. Select Alternatives, preferred course of action based on consensus of Program committees and Community-at-Large which will be basis for preparing Plan.
5. Plan & Programs, the Metropolitan Plan, and programs of action for achieving the recommendations.

In the final phase of the Program, separate coordinated development programs will be prepared for transportation and land development. They will spell out the actions needed to put the programs into effect; state legislation, if needed, local zoning ordinances and subdivision regulations, capital improvement programming, and use of existing planning tools. The action program to put the Plan into effect will be basically the task of the Community-at-Large.

During the twenty years between 1960 and 1980, land in the Metropolitan Area is expected to become urbanized at the rate of about eight square miles per year. Most of this urbanization will be in residential lots, streets, and highways. Some will be in industrial and commercial areas. How much will be in park land? Will it be enough to serve the needs of the residents in 1980?

Parks have two major functions--to provide space for recreational activities such as walking and picnicing, sailboating and swimming; and to provide open space, giving variety to continuous residential and commercial development, creating buffer areas, and affording access to light and air.

In general, there are three park categories--local, metropolitan, and resource-based. Local parks are neighborhood parks with facilities for walking, picnicing, outdoor games, and often with play areas for small children. They are characterized by easy access, small size, and intensive development. Local parks provide the best facilities for active, organized recreation of short duration. Resource-based parks are usually centered around some scenic or historic site. Because of this, they may be hundreds of miles from major population centers. They may be concentrated in one area, such as the mountainous areas of the West, or the historical areas of the East Coast. Because of the long driving distances involved, they provide facilities for staying overnight or longer.

Metropolitan parks, though they embody some of the characteristics of the other two categories, provide recreation developed specifically for the Metropolitan Area's needs which are not normally provided by local parks. They should provide a variety of recreational activities, such as camping, hiking, fishing and boating, which will occupy the major portion of a day or longer. They may have well-developed special attractions, such as the zoo and conservatory at Como Park in St. Paul. But a single facility, such as a golf course, cannot be considered a metropolitan park.

Sizes of metropolitan parks range from 50 to 1,000 acres. More important than the size of the park is that it encompass a complete landscape unit. For instance, a stream valley site should include both slopes. There should be enough of a buffer zone to preclude adjacent adverse development. They are oriented more toward natural resources, and less toward user convenience. A reasonable goal for a metropolitan park system would be to locate one park within a one hour drive of everyone.

Jurisdiction and operation of a metropolitan park is not limited to a single unit of government for no metropolitan government exists. In the Twin Cities Metropolitan Area, parks which serve metropolitan needs are provided by the cities of Minneapolis and St. Paul, the Hennepin County Park Reserve District, and the Division of State Parks.

Park Requirements for Twin Cities Metropolitan Area

Recreation officials in other metropolitan areas have generally accepted 10 acres per 1,000 persons as a standard in metropolitan park requirements, though in some areas, this is considered to be a very minimum standard. The Cleveland Metropolitan Park Board, for example, has achieved this standard, but because of the

15. Twin Cities Metropolitan Planning Commission Metropolitan Park Study, April, 1961

overuse of its parks has set a new goal of 15 acres per thousand of metropolitan population. This acreage is in addition to local parks, which by national standard is also 10 acres per 1,000 persons. In 1960, the seven-county Twin Cities Metropolitan Area had a population of 1,525,000. By applying the above standard, a need for 15,250 acres of metropolitan parks is indicated. In the seven-county area, there are thirteen sites which function as metropolitan parks, with a total surface area (including water) of 4,346 acres. This means that in 1960 there were 2.87 acres per 1,000 persons in contrast to the standard of 10 acres per 1,000. It has been estimated that by 1980 the population will reach 2,320,000. This increase of 795,000 persons suggests a need for an additional 7,950 acres in park lands by 1980. If current proposals are carried out, the Metropolitan Area will have met about 50 percent of its needs compared to 30 percent today; but when measured in acres of land the Area will be farther behind twenty years from now than it was in 1960.

Existing Parks

In the seven counties, thirteen individual sites that function as metropolitan parks can be grouped into nine major park areas.

<u>Name</u>	<u>Area</u> (acres)	<u>Jurisdiction</u>
1. Lake Calhoun, Cedar, Harriet and Isles	1,203	City of Minneapolis
2. Lake Nokomis and Hiawatha	642	"
3. Minnehaha	171	"
4. Theodore Wirth	739	"
5. Como	451	City of St. Paul
6. Highland	265	"
7. Phalen	388	"
8. William O'Brien	247	Division of State Parks
9. Morris Baker	240	Hennepin Co. Park Reserve District

Of these thirteen major parks, five were created before 1900, eleven were in existence by 1925, and only two have been added since that time. Many were built as city parks through contributions of land and money, or the public-swaying spirit of early, farsighted settlers considered to be "fools and dreamers" by their contemporaries. Out of their enterprise came a substantial park system which succeeding generations have done little to expand.

In 1883 and 1887, the Park Boards of Minneapolis and St. Paul were created. During the decade between 1880 and 1890, these cities experienced phenomenal growth, with the population increasing from 88,000 to 300,000. Many expected the cities to become another Chicago. But it must be kept in mind that they were merely booming frontier towns. They were surrounded by open country with forests, fields and lakes, and the countryside was at most people's doorsteps. Despite protest and resistance, the Minneapolis Park Board in 1886 purchased 200 acres of swampy marsh land west of the city, and after considerable dredging, made the marsh into a usable lake--Lake of the Isles. Though access to Lake Calhoun was not a problem at that time, there being just a few icehouses around the shore, purchase of the shoreline was begun in 1883 and completed in 1909.

In 1907 Lake Nokomis and surrounding lands were purchased for \$65,000. In 1923, 234 acres of swampy land bordering Lake Nokomis, and adjacent to Lake Hiawatha, were

purchased for \$555,000 for development as a municipal golf course.

In 1873, fourteen years before the St. Paul Park Board was created, St. Paul purchased the site which is now Como Park. Over a period of 56 years, additional lands were acquired until it reached its present size of 451 acres, with its artificial lake, zoo, conservatory, golf course, and other facilities.

It must be concluded that it took farsighted and persevering people to establish these parks. But there is no surplus of park lands because we of the present generation have not been as farsighted as our forefathers in meeting our park needs. Two examples of this lack of foresight are Lake Minnetonka and White Bear Lake, which serve the private recreational needs of many people, but do not provide any use to the general public.

The Morris Baker Park on Lake Independence, under the jurisdiction of the Hennepin County Park Reserve, is the only park developed expressly to serve as a metropolitan park. It started operation in 1956 on 210 acres of land donated by the Baker Foundation. It offers a wide variety of activities; swimming, boating, fishing, picnicing, day camping, and overnight camping.

William O'Brien State Park, though operated by the state for state-wide use, offers the same type of metropolitan facilities as does Morris Baker Park. There are three other state-operated facilities located just outside the seven-county area, but accessible from portions of the area. These are Interstate State Park at Taylor Falls, Nerstrand Woods State Park near Northfield, and Sand Dunes State Forest located west of Zimmerman.

Proposed Parks

There are a number of proposed parks in varying stages from land acquisition to actual development. The largest of these is at Fort Snelling, with a nucleus of 300 acres of federal land which was declared surplus, and applied for by the Division of State Parks. This park may include up to 2,500 acres if all desired land is obtained. The Crosby Farm area in St. Paul, which includes 300 acres, when fully developed will include natural areas, picnic facilities, and a marina. The City of St. Paul and Ramsey County are expanding Battle Creek Park.

The Village of Edina has acquired approximately 415 acres of land in the southwest corner of the village. The park will have an eighteen hole golf course in addition to natural areas and picnic facilities. Because of its size, it may well function as a metropolitan park although it is designed to serve local needs.

The Anoka County Board of Commissioners has acquired 700 acres around Bunker Lake which will be developed for park purposes. The lakeshore is being improved for swimming, and much of the land has been planted with seedlings.

In 1957 the State Legislature authorized the acquisition of 945 acres of land for a state park along the Mississippi River at Frontenac. Although this is not in the seven-county area, it is within a short driving time for residents on the south side of the Twin Cities.

One of the greatest achievements of the 1963 State Legislature was the passage of the Natural Resources Bill, which provides for a multi-million dollar ten-year program for the future development of natural resources in Minnesota. Seven million dollars will be spent in the next two years, with the funds being provided by a

penny-a-pack increase in the seven-cent state cigarette tax. Dedication of this tax money will require legislative action every two years. The money will be used for purchase of 14 new state parks, enlarging 20 existing parks, acquiring wetlands, financing a public works project in northeastern Minnesota to relieve unemployment in that depressed area, purchase of a memorial hardwood forest. The program will be administered by a newly-created Minnesota Outdoor Recreation Resources Commission made up of seven senators and seven representatives. This commission will take stock of present recreational facilities, and make recommendations for whatever facilities are needed by the year 2000. This bill should be of special interest to the Metropolitan Area since nine of the proposed new parks will be within a hundred miles of the Twin Cities.

The Hennepin County Park Reserve District has an active land acquisition program underway. Three specific areas suggested as large scale parks are Hyland Lake (850 acres), Lake Rebecca (1,000 acres), and Diamond Creek (600 acres). In addition, Morris Baker Park will be increased from its present 240 acres to 875 acres. The Park Reserve District was authorized by the 1963 Legislature to embark on a "crash" land acquisition program--to acquire a proposed 12,000 acres in three or four years, when originally it was planned for a 35-40 year period. The District has obtained some 2,000 acres outright or under option since it was organized in 1957. With land values averaging \$800 per acre in the county, the cost of acquiring the remaining 10,000 acres will be around \$8 million. The bill also provides that Minneapolis be included in the Hennepin County Park Reserve District. The District will then be operated by an 11-member park board rather than the present seven-man board (all from the suburbs). The new board would consist of four elected from suburban districts, three at-large members appointed by the County Board, two appointed by the Minneapolis City Council and two by the Minneapolis Park Board. Minneapolis would join the District in January, 1965, and would share in \$5,000,000 of the authorized \$8,000,000 bond levy (\$3 million would be issued before that time). The city would also share operating costs, but the present 18 cents per capita levy would be reduced to 15 cents. Before the park bill becomes effective it must be approved by four bodies: the County Park Board, the Minneapolis Council, the Minneapolis Park Board, and the Board of County Commissioners. At present writing it has not been approved.

Authority for Park Development

Metropolitan parks could be developed by three possible agencies--the Division of State Parks, a specially created metropolitan ad hoc agency, or a county organization. Of these three, the county seems to be the practical and immediate choice, since there is no metropolitan agency, and since the state, though it is contributing substantially to metropolitan park development, restricts its parks to sites of outstanding scenic, recreational, or historic value.

Under the Park District Law passed by the Legislature in 1957, and the County Parks Law passed in 1961, each county in the Metropolitan Area is permitted to acquire and develop parks except for Ramsey County which has special legislation covering only that county. The Hennepin County Park Reserve District was created under the first of these laws.

There are in general two methods of acquiring park lands--by immediate acquisition or by reservation. Lands obtained by immediate acquisition may be acquired with compensation through negotiated purchase, by condemnation (eminent domain), or by tax foreclosures; or they may be acquired without compensation through dedication by subdividers, transfer or exchange between different levels of government, or through gifts. When funds are limited, park lands can be acquired by various methods of reservation, such as options and leases, purchase of development rights, tax incentives and concessions, and by means of zoning ordinances and subdivision regulations.

In Conclusion

Demands for park facilities are increasing due to rising personal income, growing leisure time, and greater mobility of the population. There is a need for a comprehensive park program which will balance the facilities of the local, metropolitan and state parks. Lands should be acquired or reserved for parks which are now in danger of being lost to other urban uses.

WATER SUPPLY¹⁶

The demands for water are incessant. We need water for human and animal consumption, agriculture, waste dilution and disposal, industry, power generation and recreation. These demands have increased, and although the needs have become complex, all are essentially questions of quality and quantity. Most of the water in the urban area serves as solvent, cleanser or coolant, and most of the projected increases in water requirements will be through re-use. There are a variety of substances which originate in the urban areas which seriously reduce or impair water quality. They include sewage and other oxygen-demanding wastes, infectious agents, plant nutrients, detergents, insecticides, other mineral and chemical wastes, radio-active substances and heat. The contaminants in both surface and ground waters are real problems to our water supply.

Conflicts arise because of competition between different users and water management. There is competition for sources of surface and ground waters as well as water courses for deposit of sewage effluents. Both political and economic determinations are hampered by incomplete data and inadequate planning. More concise data are needed on ground water characteristics, stream flow and other basic hydraulic factors.

The major problems that face local government units come from their failure to keep pace with the demands of more people, a higher standard of living, and new household devices that increase water needs. For many reasons core city contracts cannot extend facilities to some newly developed areas. Rate differentials and other problems encountered in the contract system have generated core city and suburban animosities. (Example, the proposed Metropolitan Sanitary District). The leap-frog type of suburban growth has indicated the lack of adequate zoning and platting control and the availability of ground water.

Suburban development has relied heavily on individual systems involving the use of wells and septic tanks. Where community systems are employed, water service is often provided by privately owned companies or utility districts, sometimes only serving part of the community. Contracting with either of the core cities for water or sewage has been arranged when the community systems have proved unsuitable or uneconomical.

The following table is taken from a publication of the Minnesota Department of Health, Water Supply and Sewage Disposal in the Minneapolis-St. Paul Metropolitan Area

<u>Number of Communities</u>	<u>Water Supply</u>		<u>Sewage Disposal</u>	
129	Municipal Systems	73	Municipal System	55
	Wells	56	Primary	31
	Privately Owned	12	Secondary	21
			No Treatment	3
			Septic tanks	74

16. The material in this chapter has been taken from the Water Resources of the Minneapolis-St. Paul Metropolitan Area, Bulletin 11, Division of Waters, dated August, 1961, unless otherwise noted.

Minneapolis and St. Paul, and their suburbs, have 45 individual water utilities operating without an organizational or operational tie except for the minimal controls exercised by state agencies.¹⁷ In the metropolitan area 842,000 people are supplied directly or under contract by the two central cities' central water system; another 245,000 are serviced with ground water by 69 public and private systems. An additional 433,000 rely on individual home wells.¹⁸

There has been some progress in providing suitable water supplies in the Twin City Metropolitan Area. In the 45 suburbs, where surveys found contamination in their wells, nearly half (22) took no action after being informed that their water supplies were contaminated; 19 sought to remedy the situation, in most cases, by contracting with one of the central cities or by developing a community ground water supply. Only two undertook to replace septic tanks with sewers.¹⁹ Preventive measures are needed since regulation of septic tanks and well developments remain inadequate, and since there is a lack of funds and trained personnel to enforce regulations on all levels of government.

The metropolitan area watershed contains approximately 517 lakes, of which 110 have been lowered or completely drained by public and drainage systems. There are over 90 public drainage systems in the area; the most extensive drainage has been in Anoka County, western Hennepin County and western Carver County. There are no records available for most of the drainage systems in Dakota County. Nearly all of the ditches were primarily to benefit agricultural lands, but this benefit was not realized either because of inadequate drainage, or because the lands were not suitable for cultivation. Some have deteriorated or been supplanted by municipal storm sewers in the urban areas. Land changes which accompany urbanization should make it desirable and possible to restore the wetlands and open water areas.

The small rivers and creeks within the metropolitan area are not to be considered as an important source for public water supply, but each has and will have a significant effect on adjacent lands and communities. The natural streamflow of the streams has been modified by the works of man, and new values must be considered in any water management plans. These problems are made more difficult because even a small stream may flow through several municipalities and through more than one county. The inter-jurisdictional problems and conflicting objectives make it difficult to reach an agreement.

The Mississippi Headwaters Reservoir has been considered as a possible source of supplementing the metropolitan water supply. In view of the recreational uses, and their importance in the economy of the region where they are located, many insist that this would not be feasible. Another source of supply considered is Lake Superior. This would involve the International Joint Commission and also the Great Lakes Commission, and it is likely that strong opposition would be encountered. Another source to be considered is the St. Croix River, but this would involve interstate problems.

Future water developments should take into account the interest of agriculture, wildlife and recreation, residential and commercial development and water supply. Long range and comprehensive planning is necessary because of the varied land use, the conflicting interests to be served, and the many governmental units that are involved.

17. Advisory Commission on Intergovernmental Relations, "A Commission Report", A-12, October, 1962, p. 21.

18. Ibid., p. 35.

19. Minnesota Department of Health, Water Supply and Sewage Disposal in the Minneapolis-St. Paul Metropolitan Area, December, 1961, p. 14-16.

The state has a strategic role in the solution of water problems. It can withhold the governmental and financial tools necessary for solving metropolitan problems. Policies relating to allocation and regulation are important to the development of urban water supplies, construction and operation of sewage treatment facilities, and the control of small (and sometimes unwise) individual water and waste systems. It is the most logical unit for comprehensive planning and development on the basis of watersheds, drainage basins and river basins. This planning and regulation might be done through a state agency which would be a policy-making, coordinating body with appropriate jurisdiction and power.

Many feel that a water and sewerage operation on a metropolitan plan is feasible through planning, policy coordination or policy making, and through the actual operation of facilities. Comprehensive regional planning should provide the blue prints for long-run savings, safeguards for health, conservation of recreational areas, and a water and sewer planning which is integrated with overall community development planning.

The Report of the Commission on Municipal Laws to the 1961 Legislature states: "We recommended a complete, comprehensive and closely coordinated water resources study involving national, state and regional water policies. This study should involve close liaison among the United State Geographical Survey, the Corps of Engineers, the Division of Waters of the Minnesota Department of Conservation, and the Twin Cities Metropolitan Planning Commission. The interrelation of water policies at each level of government should be considered. Reservoir controls and water allocation policies should be reviewed in the context of a unified approach which properly weighs the equities of every water use and all water users. We recommend a comprehensive engineering study to determine the available water supplies, the feasibility of a metropolitan water supply, or correlated community water systems under coordinated metropolitan management, and the mechanism of government best suited to administer water distribution."²⁰

The Water Resources of the Minneapolis-St. Paul Metropolitan Area Bulletin 11, dated August, 1961, in part summary, states, "The metropolitan area is a physical and geographic unit requiring an integral approach to many of its problems. The complexity and difficulty of its water supply and waste disposal problems, and their close inter-relationship indicate their eventual solution will require a degree of coordination and control in both planning and operation which can be obtained only under a single administrative authority. Legislation leading to the establishment of such an authority is certain to be required in the foreseeable future. The education campaign for such a change should be inaugurated by civic groups now."²¹

On June 6, 1963, the Minneapolis Star reported that the Suburban Relations Department of the Minneapolis Chamber of Commerce had recently completed a survey of area leaders. Based on questionnaire replies from 54 persons, the survey cited the solution to the water and sewer problem as being the top need in the Twin Cities Metropolitan Area.²²

20. Report of the Commission on Municipal Laws, submitted to the 1961 Legislature, p. 11.

21. Water Resources of the Minneapolis-St. Paul Metropolitan Area Bulletin 11, p.51.

22. The Minneapolis Star, June 6, 1963, p. 1B.

SEWERAGE

Safe disposal of human and industrial wastes is vital to the health of every community. Inadequate treatment of sewage can result in the pollution of streams, lakes, and ground water, thereby endangering the health of the people, lowering property values, and depriving the Area of the full utilization of its water resources. Since pollution and the disease it may spawn have no respect for political boundaries, the deleterious effects of improper or inadequate disposal of waste materials are not limited to the offending community alone. Actually, the safe disposal of sewage by neighboring communities can be just as important to a city as its own disposal system. In some cases, it is more important.²³

In order to understand the Area's sewage disposal needs, it is necessary to have some knowledge of the general process of sewage disposal. Sewage disposal involves some degree of treatment for the purpose of preventing disease among humans, this treatment being the removal of solids and bacteria, and the reduction of toxic and obnoxious chemicals to satisfactory levels. This is generally accomplished by separating the solids from the liquids, reducing the volume of the solids, and discharging the treated liquid (effluent) into the subsoil, or a body of water such as a river or lake.

There are two categories of sewage disposal facilities: on-site systems, and central sewerage systems. The most common method of on-site disposal is the septic tank-soil absorption system. The solids are separated from the liquids in the septic tank, and the effluent is discharged into the subsoil through a seepage pit, or a leaching field. The location of the leaching field must be carefully selected to avoid contamination of nearby water supplies. The effectiveness of this system is dependent on the soil characteristics, and the capacity of the soil to absorb the effluent from a concentration of septic tanks. Most experts agree that an isolated homesite, such as a farm, is the only place considered safe for septic tank use on a permanent basis.

Central sewerage systems are composed of a collection system, and a treatment facility. The sewage collection system is a man-made network of underground streams; major sewer mains, sub-mains, and lateral sewers. The least expensive method of building sewers is to allow the sewage to flow downhill, thus avoiding the expensive installation of pumping stations. Therefore the topography of an area will determine the placement of the collection system, and the treatment facility.

Treatment plants separate the solids from the liquids, dispose of the solids by burial or incineration, and discharge the liquids (after further treatment) as effluent into a body of water. The measure most frequently used to define various degrees of treatment is the percentage of BOD (biochemical oxygen demand) removed in the treatment process. BOD is a quantification of the pounds of oxygen necessary for the biochemical oxidation (decomposition) of the organic matter in one million pounds of water within a specified time and temperature. The degree of treatment is divided into three categories: primary treatment, removing 20 to 35 percent of BOD, intermediate (60%), and secondary (95%). The Minneapolis-St. Paul Sanitary District's Pig's Eye Island facility is a primary treatment plant.

The Minneapolis-St. Paul Sanitary District was created in 1933 as a means of cleaning up the Mississippi River pollution caused by untreated Twin Cities sewage.

23. Twin Cities Metropolitan Planning Commission, Metropolitan Sewerage Study. p.4.

The District was authorized to construct and operate jointly-used sewers and treatment plants for Minneapolis and St. Paul, and those adjacent areas which might contract with either of the two cities.

The cost of the original construction was almost \$16 million. Thirty percent of the total cost of labor and material was paid by a grant from the Federal Public Works Administration. The cost of all treatment facilities and mains used by both cities were apportioned between the two. The cost of mains used exclusively by each city was financed by that city. The mains were designed for the sewage volumes anticipated in 1970, while the treatment plant was designed to meet the expected need in 1945 (the reason being that it would be less costly to enlarge the treatment plant than to expand the mains).

The Sanitary District provides sewage disposal service to 25 suburban municipalities, two government installations, and three private firms. Seven of the municipalities, one government facility, and private firms contract with St. Paul, and the others contract with Minneapolis. Each contract specifies the formula to be used in computing the annual cost to the suburb. All of the sewers within the suburbs are built, owned, and operated by the individual municipality. The contracts provide for central city approval of all suburban sewer construction, and also contain provisions which empower the central city to prohibit the discharge of storm water runoff and other matter considered detrimental to the operation of the sewerage system.

The entire area is connected with the treatment plant on Pig's Eye Island. The plant treats 162 million gallons of raw sewage each day, which is well over its present capacity. The District is undergoing a \$23 million expansion of its facilities, and when completed in 1965 will be able to treat up to 218 million gallons per day. The expansion is expected to achieve a pollution reduction of about 75% compared to the present reduction of 30-35%.²⁴

The North Suburban Sanitary District, established by the 1961 Legislature, is made up of six communities north of the Twin Cities who wish to build an independent sewer system and treatment plant to service that area. They considered the Minneapolis-St. Paul Sanitary District's plans for expansion into their area as inadequate, and sought special legislation to set up their district after the defeat of the metropolitan sewer district bill in the 1961 session. Construction which was scheduled to begin in the spring of 1963 is being delayed because of a pending court decision.²⁵ Though the NSSD feels that building their own plant would be the cheapest solution to their problem, they are negotiating with Minneapolis for a "temporary" connection.

The Water Pollution Control Commission was created by the Legislature for the purpose of investigating complaints of water pollution, recommending corrective measures, reporting on lakes, streams and public bathing beaches. Though it is an administratively independent body, some of its staff work is done by the Department of Health. It makes investigations of municipal and industrial waste disposal systems, and supervises the operation of these systems once they are built.²⁶

Between the 1961 and 1963 sessions of the Legislature, the Water Pollution

24. Council of Metropolitan Area Leagues, A Survey of Intergovernmental Agencies in the Twin Cities Metropolitan Area, p. 15.

25. Ibid., p. 16.

26. Ibid., p. 14.

Commission and the Department of Health held a series of meetings to listen to testimony which would enable them to set standards for control of pollution of the Mississippi River from the mouth of the Rum River to the junction of the St. Croix and the Mississippi. Subsequently, the Commission ruled that the North Suburban Sanitary District could not build a plant and discharge treated sewage into the Mississippi above St. Anthony Falls. The NSSD challenged the right of the Water Pollution Control Board to prohibit the building of the plant, and asked that treatment standards be set which they could follow in the building of a plant. The right of the Water Pollution Control Board to prohibit the erection of the plant was upheld in Ramsey County District Court.²⁷

Following the defeat of the Metropolitan Sanitary District bill in 1961, the Senate Civil Administration Committee held a series of hearings which would enable them to take some kind of action in the next session of the Legislature to alleviate the pollution problem. The bill drawn up in this committee, and introduced ultimately in the Senate as the "Rosenmeier" bill, probably received more attention than any other single bill from the beginning to the end of the session. It was given final approval on the next to the last day. Under its provisions, the Water Pollution Control Commission must set standards for the state's waters, and can order a municipality to install sewerage mains and build a sewage treatment plant, or to join an existing system. If a municipality fails to comply, the commission could instruct the state commissioner of administration to levy taxes, issue bonds, and let contracts for sewerage in the name of the municipality, without regard to its debt limit, or could take action through the courts to force compliance.

The Ashbach bill passed by the 1963 Legislature provides that the Minneapolis-St. Paul Sanitary District draw up a plan for the ultimate development of the area to the year 2000, this plan to be ready by 1965.

The City of Bloomington, which now contracts with Richfield for sewage disposal through their system and ultimately through the Sanitary District's system, has appeared before the Water Pollution Control Commission to "feel out" their thinking on a proposed sewage treatment plant on the Minnesota River which would serve the southwest suburbs.

The Metropolitan Planning Commission has estimated that by 1980 the population of the Twin Cities Metropolitan Area will be 2,320,000 persons--an increase of 800,000 persons. Meeting the sewage disposal requirements of this anticipated growth is one of the toughest problems facing the Metropolitan Area today. The public health of the entire Area is dependent upon the successful solution to this problem.

In general, there are three approaches to solution of the problem. The first is a continuation of the status quo. This approach would involve a limited expansion of the treatment plant, a limited number of additional contracts, and independent action by the other municipalities to meet their own sewerage needs without the aid of the Sanitary District. The second approach is the construction of sub-metropolitan treatment plants. The third is a metropolitan sewerage system. A Metropolitan Sanitary District bill was defeated in the 1961 and 1963 sessions of the Legislature.

If a metropolitan district is created for the handling of sewage disposal, it should be empowered to coordinate both sewage disposal and water supply within the

27. "Ad Hoc" Metropolitan Water Committee, Final Report, June 5, 1963.

entire Area. This district could be a single-purpose district, or a multi-purpose district--that is, an agency that provides a single policy and administrative environment for those metropolitan functions that are logically related. An alternative to a metropolitan district is organization on a municipal level through: (1) voluntary cooperation through the Joint Powers Act, (2) municipal annexations and consolidations, and (3) formation of sub-regional sewerage districts to supplement the metropolitan program. The basic alternative to either of these approaches is that of trying to solve the problem completely within the framework of the existing governmental structure.

AIR POLLUTION²⁸

Air pollution problems exist in the small as well as the large communities in the metropolitan area. The most noticeable effects of air pollution are that it is detrimental to public health, and damages property. In general, Minnesota's weather and terrain are favorable for dispersion of air pollutants, but local weather and terrain are not always favorable. Some of the weather advantage is off-set by the added load placed on the air due to space heating requirements. Some of the communities have sites on the river terrace (Minnesota River, downstream from the junction of the Minnesota and Mississippi Rivers and the St. Croix River), where dispersion of air contaminants is less rapid and are affected by their location in the river valleys

In the light of all available information, it is concluded that considering the state as a whole, Minnesota does not now have a severe air pollution problem. However, many sources of pollution create localized problems and the concentration of a multitude of pollution sources, in the larger and smaller communities, unfavorably located, tends to create area-wide pollution levels higher than desirable. Limited air sampling indicates that there are periods now when air pollution reaches undesirable levels. Population increases are expected which will be associated with greater industrial activity as well as increased fuel use for heat and power, traffic density and refuse disposal. All of this will result in greater pollution emissions and greater pollution of air resources.

The concentration of population in the urban areas results in the creation of greater industrial and distribution centers. The results will increase the uses of fuel for space heating, transportation and waste disposal operations. All of these activities result in emissions of pollutants and the need for greater pollution control.

Food and kindred products remain the area's largest single manufacturing industry in value, but production of machinery is a close second. In terms of numbers of employees, machinery production is first. The Metropolitan Area is one of the top four electronic equipment manufacturing centers in the U.S. This industry needs an environment that is not too seriously contaminated with dust or corrosive gases that might interfere with delicate components or mechanism.

It is estimated that 80 billion^{cubic} feet of natural gas, 130 million gallons of fuel oil, one million tons of coal and 400 million gallons of gasoline are annually consumed in this area. This consumption releases large quantities of contaminants to the atmosphere. The annual emission of pollutants in this area has been estimated as 450 million pounds. ^{these sources}

28. This is a summary of the chapter, "Metropolitan Area Problems", An Appraisal of Air Pollution in Minnesota, Minnesota Department of Health, Oct. '59-July '60.

In Minneapolis, garbage is collected and incinerated by the municipality. Trash is collected by private haulers and disposed in dumps some distance from the city. St. Paul disposes of garbage and trash primarily through sanitary landfills inside the city. St. Louis Park operates an incinerator which receives garbage and trash through private haulers. In the suburban areas garbage and trash are usually collected by private haulers and disposed of at numerous dumps in the outlying areas. In the metropolitan area refuse disposal is becoming increasingly costly. New dump sites are difficult to locate, and public pressure is being applied for the removal of existing dumps. It is estimated that some 77 million pounds of organics, 6 million pounds of solids, and 0.5 pounds of sulfur dioxide and ammonia are emitted into the atmosphere from dump operations. Numerous complaints are received regarding smoke and odors. Frequently they are interjurisdictional problems.

The most likely solution to the problem of garbage and trash disposal seems to be the construction of incinerators in the first or second ring of municipalities surrounding the core cities.

Both Minneapolis and St. Paul have air pollution ordinances. In the suburban or rural areas, it is primarily up to the local levels of government to control or abate air pollution problems. Sampling activities in the Twin Cities are limited due to lack of personnel, equipment, and specific appropriations for air sampling, but the departments have conducted dustfall, soiling and suspended particulate sampling on a small scale. Laboratory equipment and assistance has been loaned by other agencies.

The most desirable program of air resource management probably would be one which would serve the entire metropolitan area. The Joint Powers Act permits two or more municipalities to perform jointly any function they are empowered to perform singly. Whether this act could be used as a basis for metropolitan air pollution control has not been determined as yet. The Twin Cities Metropolitan Planning Commission has summarized, "Owing to other important considerations, potential air pollution sources cannot always be located where they will be the least offensive. Control measures will be needed to clean up the existing air pollution in the area and to prevent additional pollution. While the enforcement of air pollution control ordinances by individual communities would aid in this effort, the problem requires area-wide action for a complete solution." Development of an active area-wide advisory or planning committee with members representing the various professional, civic and political agencies concerned with this problem would be the means of promoting a program beneficial to the metropolitan area as a whole.

The state must provide leadership and certain resources to help meet the needs which cannot be met within the means of most local governments. There is a need for a channel through which experience and knowledge of others can be applied to the problems in Minnesota, a need for air quality monitoring. On the basis of the findings of this study and the present knowledge of the growing problem of air pollution, it is recommended:

- (a) That existing legislation be reviewed in the light of the need for greater scope and flexibility at the level of local government;
- (b) That the interjurisdictional problems created by air pollution, which does not recognize political boundaries, be resolved;
- (c) That special consideration be given to the solution of area-wide problems in the metropolitan area.

The goal of air pollution legislation should be to maintain a reasonable degree of purity of our air resources consistent with: public health, comfort and welfare;

protection of plant and animal life; protection of physical property and other resources; visibility requirements for air and ground transportation and continued economic development and growth. At all levels of government, air pollution control can be brought about by reasonable legislation based on technically substantiated criteria. It should provide adequate flexibility, yet be reasonably specific to meet the needs of the area under consideration. The present laws in Minnesota, both at the state and local level, are limited in scope and do not adequately meet present and future needs.

OTHER SERVICES

The personal and environmental health of the citizens of Minnesota is regulated on three levels: the state, the county, and the city or village (see Survey #2, p. 3A). The jurisdiction of each group is more or less defined by the stated governmental function. The State Board of Health provides general services, some by statutory regulation, and some available upon request. These services are divided into the following categories: administrative (finance and vital statistics), disease prevention and control, medical laboratories (services available upon request by local units), environmental sanitation (food handling licensing and inspection, etc.), special services, and hospital services (mental and geriatric care).

Both Minneapolis and St. Paul operate with a Board of Health, and, because they are the seats of county government, there is overlapping of service facilities and personnel. In the role of an administrative body, the county deals in personal services to the individual, administering the public (county) nurse organization and the public immunization program, as well as serving as information center. Some School Nurse programs work closely with the County Nursing program, and accomplish a great deal in the field of Public Health nursing and education.

The health departments of the smaller villages differ with the municipality. Most villages have a Health Officer who answers complaints, inspects when he is specifically called upon to do so, and calls upon the local police to enforce local health ordinances when necessary. He also serves as the chairman of the local Health and Welfare Board as provided in the village ordinances. Health services are also provided by the various building codes and inspections; water and sewer facilities must be inspected and approved according to state regulation. Other environmental sanitation is handled privately such as garbage and trash handling. Some villages share the services of a sanitarian on a part-time basis in an effort to standardize the health services of their areas.

The rapid growth of the metropolitan area has accentuated the problems of administering an adequate program of environmental health. The initial and most immediate problems are those of regulating a rapid change from rural to urban areas, such problems being water, sewerage, proper building codes, etc. The second area of problems involve group hygiene, public nursing, and welfare. Many of these problems overlap political areas and need overall cooperation to solve them. Some advocate the organization of a metropolitan board of health as the instrument with which to accomplish this cooperation. This level of organization could have the double advantage of avoiding expensive duplication of effort, as well as a more equal tax base for the services offered.

Another approach might be the cooperation of existing agencies on a regional or state level as a policy forming group, leaving the administration of these policies to the existing agencies. This would call for a high level of cooperation of all the municipalities involved.

PUBLIC SAFETY

All through the ages man has struggled for safety. Primitive men lived in tree-tops and caves to be safe from wild beasts and other natural dangers. As many of these natural dangers faced by men of earlier ages gradually disappeared, they were replaced by others which were often more dangerous. The machine age, men's dependence upon each other, and congested living conditions have increased the dangers of modern living. Today, public safety is one of the primary responsibilities of government.

Law enforcement, fire protection and Civil Defense are three governmental responsibilities that are under the broad category of Public Safety.

Law Enforcement

Law has developed gradually from the time of Hammurabi, leader of the Sumerians, more than 3,800 years ago. Wherever men have lived together, they have found it necessary to develop rules of conduct for the organization of government and for the settling of disputes. Law is this set of rules. But laws are not enough--they must be enforced. This, the government does through its police departments, its courts, and other agencies.

Enforcing the law is one of the most important ways a government has of protecting its citizens. Law enforcement usually refers to the action of police and the courts in apprehending and punishing criminals. But a broad use of the term also includes the administration of justice in all law cases by the courts.

Public law regulates the relationships between individuals and the government. The part of public law most familiar to many persons is criminal law. Police agencies and courts enforce the criminal laws of the community. The police protect the safety and property of the citizens and arrest persons who break the law. Local traffic commissions and crime prevention bureaus also enforce laws in their own communities. Many state and federal agencies also enforce criminal law. Private or Civil Law regulates the relationships among people. The courts enforce civil law.

Knowledge concerning the structure of the various governmental units in the metropolitan area that are concerned with law enforcement is basic to understanding the specific problems that this area is faced with in enforcing the law and administering justice.

Law enforcement, used in its broad interpretation to include the administration of justice, is carried out by the cooperative efforts of many federal, state, county and local courts, officials, agencies and bureaus. However, it is primarily a state function, carried out by:

- A. Governor
- B. Attorney General
- C. Judiciary Branch
 - 1. Supreme Court
 - 2. District Court (One District Court for the state divided into judicial districts)
 - 3. Probate Court (One Probate Court for the entire state, and, unless otherwise provided by law, each county constitutes one probate court district)

4. Municipal Court (Jurisdiction of the court is co-existent with the county in which it is located; exception is Hennepin County which has the Hennepin County Municipal Court, effective January 1, 1965)
5. Justices of the Peace
- D. Agencies, including:
 1. Minnesota Bureau of Criminal Apprehension
 2. State Crime Bureau
 3. Department of Corrections
 4. State Highway Patrol
 5. Minnesota Highway Department
 6. Metropolitan Traffic Advisory Council

The county unit of government is not responsible for law enforcement, although the county as a geographic unit is the principle division within the state for that purpose. The judicial and law enforcement agencies within the county are:

- A. Judicial Organization
 1. District Court
 2. Clerk of District Court
 3. Probate Court
 4. Juvenile Court
 5. Court Commissioner
 6. Municipal Court or Judges
 7. Justices of Peace
- B. Law Enforcing Agencies
 1. County Attorney with assistants as authorized by law
 2. Sheriff, with deputies as authorized by law
 3. Coroner or Medical Examiner, with deputies authorized by law
 4. Public Defender

Other local law enforcement agencies and officials include city and village police departments, township constables and local probation officers.

In addition to all of these state, county and local officials and agencies, that are concerned with law enforcement, the following federal agencies can also become involved in metropolitan law enforcement problems:

- A. United States Department of Justice
- B. Federal Bureau of Investigation (police force for the Department of Justice)
- C. United States Bureau of Narcotics
- D. Treasury Department
- E. Secret Service (police force for the Treasury Department)
- F. Central Intelligence Agency
- G. Post Office (inspectors)
- H. Interstate Commerce Commission
- I. Bureau of Immigration
- J. Federal Trade Commission
- K. Department of Labor (has a bureau that performs police duties)
- L. Department of Agriculture (has a bureau that performs police duties)

And still there are more! The following is a partial list of groups and associations that aid in law enforcement:

- A. Minnesota Sheriff's Association
- B. Minnesota Police and Peace Officers' Association
- C. Suburban Police Chiefs' Association

- D. State Juveniles Officers' Association
- E. Minnesota Chiefs of Police Association
- F. Suburban Municipal Judges' Association
- G. City Police Forces

Do law enforcement officials and agencies duplicate services? Is authority always delegated to the right place? These are two of the problems that face the metropolitan area.

Another problem in regard to law enforcement concerns the level of government that can best serve the needs of the whole metropolitan area. On the one extreme, there are those who believe a Metropolitan Police Force is not only inevitable but that it is the best solution. They argue that it would be cheaper, that it would provide for centralized records and a centralized communication system, that we are not making the best use of the manpower and equipment, that interest is too local, and that there is much duplication of services as well as lack of delegation of authority. Some feel that it is not necessarily the best solution but that it will come anyway. Not many think it will become a reality in the near future.

Arguments against a Metropolitan Police Force are: less service per dollar spent, more impersonal relations between the organization and the public it serves, more political interference in such a big organization, too complicated, diversity of present village ordinances difficult to overcome, great resistance from local municipalities, and that the present trend of increased cooperation between communities does away with the need for a metropolitan system.

Others believe that a County-wide Police Force would be the best solution. They say that it would be more efficient and less expensive than any other method, that it would do away with present day duplication between sheriffs' departments and local police departments; and that it would be a way of keeping control on a local level. Some proponents see this plan as an end in itself; others see it as a stepping stone to a Metropolitan Police Force. Some favor a county-wide plan with the sheriff's department at the head; others feel that it could be some other single police organization.

Many people feel that law enforcement should be a duty of the lowest level of government, the village, township or city, either by handling it themselves or by contracting to get it done. They argue that it will be cheaper; that there will continue to be the much needed personal contact with the public; that government should be kept local as much as possible; that the morale of the police force will be poor in a larger organization; and that the officer will be less interested in his work. Some advocates of this system prefer it because they think it is the best; others prefer it because they fear a metropolitan form of government would be the next step after a county or a metropolitan police force.

Another problem relating to law enforcement is in the area of training law enforcement personnel. Though there seems to be agreement on the need for some kind of in-service training, commissioned officer training, and training for administrative jobs in law enforcement, the method of achieving this is controversial. Some possibilities are a State Police Academy, either operated jointly between the University of Minnesota and the State Crime Bureau, or by either one of them exclusively; a less centralized form of training such as has been conducted by the Minneapolis Police Department and the Suburban Police Chiefs' Association in their respective Police Academies this year; or state aid to small communities for training purposes.

There is not only a need to train present officers but to develop some system of setting up higher entrance requirements and qualifications for law enforcement personnel. This might require legislation.

Other problems relating to law enforcement could lead to studies of: the pros and cons of a State Police Agency; the contract system as used by Ramsey County; the need for a central records office, or perhaps a strengthening of the present State Crime Bureau record office by requiring all areas to send their records to this office; the value of a Metropolitan police teletype network covering all suburbs, both central cities, all the areas' sheriffs' offices and the Minnesota Highway Patrol; coordination on police record keeping mainly in the field of juveniles; funds for the State Crime Bureau which could be used to increase aid to the smaller police departments; police participation in unions; need for additional detention facilities for juveniles, including preentence detention facilities; role of state and county in providing facilities for juveniles; and method used in determining the proper compensation, including fringe benefits, for firemen and policemen in the metropolitan area.

Many agree that judicial reform is needed for clarification and simplification of Minnesota law. However, opinions on how this should be done vary from complete revision of the Judicial Article in the constitution to those who favor judicial reform within the existing framework of the constitution. A study of judicial reform could include a study of the following:

1. Unified court system containing supreme court, district court, and county court departments versus independent courts (supreme, district and probate); would need a constitutional amendment, if not a complete rewriting of the entire judicial article.
2. Provision for an administrative council with broad powers which would in effect centralize court business, or for a council with more limited powers, or for none at all as is presently the case. Such a council is not prohibited by the constitution and could be put into effect by statute.
3. Methods of judicial selection; change would probably require constitutional amendment.

Present law enforcement legislation in effect should be studied including:

1. A study of the legal authority for joint action on law enforcement of one or more cities, towns, etc. (Joint Powers Act)
2. Specific Minnesota State Statutes 436 (law enforcement), 437 (police regulations), and 439 (fire and police commissioners).
3. Minnesota Municipal Court Act.

In general, there has been a trend toward integration, consolidation and centralization of administrative authority as evidenced by the creation of the Hennepin County Municipal Court system. One of the most encouraging trends is the increased cooperation between communities. Examples of this might include: the roadblock project to capture criminals in the metropolitan area in which 60 police agencies are cooperating; the availability of Minneapolis police records to suburban police departments on a 24-hour basis; the county-wide alert systems; and the traffic control clinics in the suburbs.

Concerning judicial reform, in general, though improvements in the workings of the court system have been made in the last decade, thorough-going reforms, first

suggested nearly 20 years ago and adopted by many states, have made little headway in Minnesota.

The modern policeman is more than a guardian of property and a hunter of criminals. He is becoming a technician, a psychologist, and often a scientist. More emphasis is being put on his training, civil service, and his status as a career profession.

In conclusion, it might be well to review recent trends related to the enforcement of the law, its officials and agencies, so that the problems listed can be interpreted in the light of present-day needs.

Fire Prevention

Another aspect of public safety is fire prevention. Metropolitan problems concerning fire protection can best be understood if one is acquainted with the various governmental units, officials and agencies that handle this service. (See Survey #2, pages 3B and 11.) The Joint Powers Act and the statutes provide express authority for local governing bodies to enter into fire protection agreements.

The rapid increase in population in the metropolitan area has caused municipalities to outgrow their own fire protection facilities causing increased hardship in furnishing neighboring communities with fire protection. This has resulted in the expansion and consolidation of some of these fire prevention facilities. Fire protection service in some parts of the area is inadequate because of such factors as distance from fire protection units, and inadequate water supply. Adequate fire protection is one of the standards for the determination of insurance rate. This is an important factor taken into consideration when businesses and industries make a choice of location.

The most practical solution to the problem of fire protection, but also the most difficult to achieve, is fire prevention. This must be accomplished by education of the public, urban renewal, city clean-up campaigns and ordinances.

Civil Defense

The Federal Civil Defense Act puts the responsibility for Civil Defense jointly on the Federal Government and the States. The Federal Government has assumed four responsibilities: (1) to keep track of the nature of the threat which the Civil Defense Program must be designed to meet; (2) to prepare information about the threat and how it can be met; (3) to bear a major part of the costs of certain kinds of Civil Defense activities, where such sharing will stimulate State and local and private activities; and (4) to provide technical assistance through State and local channels for Civil Defense planning.

The State and local governments have the operating responsibility for Civil Defense. Because the job of organizing community civil defense protection is an extraordinarily difficult one, the Federal Government is prepared to assist the States with technical help and for certain programs will reimburse the local governments up to 50%. The organizational and legal structure for the administration of Civil Defense was set up by the State Legislature under the Minnesota Survival Plan. The agencies involved in the administration of this program can be found in Survey #2, page 3B.

The key element in the Civil Defense Program is the provision of fallout shelters. The Office of Civil Defense, United States Department of Defense, has conducted

a National Shelter Survey, for the purpose of identifying the approximately 50 million shelter spaces that are available in existing buildings, tunnels, subways, and other structures to provide protection from radioactive fallout. These shelter spaces, accommodating 50 or more people, which will be open to the public in an emergency, are being marked and stocked with essential food, water, first-aid kits, and radiation detection instruments.

However, the most important ingredient in a successful Civil Defense Program is the individual. Federal, State and local governments have provided shelters to protect a large part of the population; but many families, because of their location or individual preferences, will choose family fallout shelters. It is incumbent on each individual family to provide for his own survival. This is the major key to the survival of the community, the state and the nation. It is the basic concept of Civil Defense.

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