

Section 13

Regional Governance Moves Forward

(a) Concepts in Metropolitan Government

(b) Regional Planning for the Bay Area

(c) Local Agency Formation Commissions (LAFC)¹

(d) Assembly Bill 2040 - Knox Bill (in part)

¹ Referred to in my book at page 125, paragraph 3 as "LAFC, General Folder (GF) p. 3" and "GF Section 13, part 5".

Section 13 (a)

Concepts in Metropolitan Government

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CONCEPTS IN METROPOLITAN GOVERNMENT

FINAL REPORT OF THE ASSEMBLY INTERIM COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

House Resolution No. 277, 1957

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LETTER OF TRANSMITTAL

HONORABLE RALPH M. BROWN
Speaker of the Assembly
State Capitol, Sacramento, California

DEAR MR. SPEAKER: The Assembly Interim Committee on Municipal and County Government submits herewith the third in a series of final reports representing a field of study by the committee between the 1957 and 1959 Regular Sessions of the Legislature, according to House Resolution No. 277 of the 1957 Regular Legislative Session.

This final report pertains to the committee's study on the subject of metropolitan government.

Contained in the report are findings regarding recent proposals and plans for metropolitan government, present methods of solving the State's metropolitan problems, and suggested criteria for a metropolitan government authorization in California.

Respectfully submitted,

CLARK L. BRADLEY, *Chairman*
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as the need arose. These few examples point out the importance of much detailed study on this subject before a sound reorganization plan can be adopted.

Generally speaking, there is considerable conflict between advocates of metropolitan government and local government officials as to which services should be administered area-wide and which should be retained by the local government. Local government officials naturally desire to retain as many services as they can due to such reasons as local pride, vested rights, or the well guarded home rule concept. However, it would seem that the very desirable home rule features of local government could be retained to a great degree by incorporating certain built-in features into the metropolitan organization structure. Some local autonomy would be sacrificed, no doubt, but the benefits to be derived from metropolitan operation of a number of the major municipal type services would definitely be a compensating factor.

The Municipal and County Government Committee has kept in close contact with those areas within California interested in metropolitan government. The proposal by the Sacramento Metropolitan Area Advisory Committee was heard by the committee at a hearing in Sacramento on December 6, 1957. In addition, several hearings were held in Los Angeles on the subject of functional consolidation, and progress reports were given by government officials representing their newly established Los Angeles Metropolitan Government Study Commission.

Also, members of the committee and staff attended a number of metropolitan government symposiums, the American Municipal Association Conference, the Western Governmental Research Association conferences, and the annual meetings of the League of California Cities and the County Supervisors' Association of California. Metropolitan government was a major topic at each of these conferences.

Therefore, this report will present some of the viewpoints and information gained through the activities of the committee during the 1957-58 interim.

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CHAPTER II

RECENT DEVELOPMENTS IN METROPOLITAN GOVERNMENT

In recent years a great number of studies have been conducted in metropolitan areas culminating in many proposals for governmental reorganization although only a handful of these have been put into actual operation. The list of areas in the United States studying the feasibility of metropolitan government is quite impressive. Reports on metropolitan government have recently been published by local committees in the following areas: St. Louis, Missouri; Milwaukee and Madison, Wisconsin; Sacramento and Fresno, California; Grand Rapids and Flint, Michigan; Seattle, Washington; Nashville, Tennessee; and many many others. In fact, the list reads almost like the list of metropolitan areas itself.

Perhaps the two most comprehensive and successful metropolitan government reorganizations that have taken place recently are the Federated Metropolitan Government in Toronto, Canada, and the Metropolitan Dade County (Miami) Government in Florida. Therefore, a brief summary of these two plans, as well as the Baton Rouge Reorganization, the proposal for a metropolitan government in Sacramento, and the Metro Corporation in the State of Washington, will be presented in this chapter.

METROPOLITAN TORONTO

The outstanding example of metropolitan federation, a concept in which local governmental units retain their identity and many of their functions but delegate certain areawide services to a central government, is the metropolitan government of Toronto, Canada.

Metropolitan Toronto, organized in 1954, is composed of the City of Toronto and 12 suburban municipalities. There is no unincorporated territory included nor is the Toronto area involved with county government. It is strictly a federation of municipalities.

The governing body of the metropolitan government has 24 members, 12 of which are from the City of Toronto. Representing the City of Toronto are the mayor, two of the four controllers who received the highest vote at the last election, and nine aldermen from the nine city wards who received the highest number of votes in their respective wards at the last election. The suburban municipalities are represented on the governing body by their respective mayors. If the chairman is an outsider, he is given a vote in case of a tie. If he is a member of the 24-man governing board, he may vote a second time in case of a tie.

Each of the 13 municipalities has retained its identity and continues to be responsible for local functions of government, including local planning, local streets, building regulation, and most public health services. The services for which the metropolitan council originally became responsible were water supply, sewage disposal, housing rede-

velopment, educational accommodations, arterial highways, metropolitan parks, certain welfare services, public transportation, certain administration of justice expenses, and the overall planning of the area. Subsequent to its inception, the metropolitan government has assumed the additional services of police, licenses, civil defense, air pollution control, and the operation and maintenance of an isolation hospital. A study is currently under way to consider the advisability of unifying the municipal fire departments and placing their operation under the metropolitan government.

In 1957 the Ontario Legislature established a commission to inquire into the government of metropolitan Toronto and report back to the Legislature. The commission, consisting of five members, with the Chairman of the Ontario Municipal Board presiding, held public meetings over a period of weeks at which briefs were submitted by all areas, municipalities, school boards, and other interested public bodies. The commission report gave the new metropolitan government high endorsement. The report stated that the commission had been greatly impressed by the evidence of continued and widespread acceptance and support of the principle of federation of the autonomous local governments in the Toronto area, which was the foundation of the plan. To quote from the report:

"It is quite evident that notwithstanding previous differences and doubts, the experience of the past four years has shown beyond question that the application of the principle of federation was a sound and practical approach to an acceptable and workable solution of the complex problem of providing adequate municipal services in the Toronto metropolitan area * * *

"Great progress has been made in removing the serious obstacles to the economic growth and development of the area which seemed insurmountable under the former outdated system of rigidly divided jurisdictional areas and equally rigid and unbalanced distribution of taxable resources."

Some are of the opinion that the Toronto plan does not adequately spread the burden of certain costs over the entire metropolitan area. This is due to the method of financing where tax levies are made against the individual communities involved and apportioned according to the equalized value of the taxable property in each governmental unit. Thus, the health and welfare costs in the central city may be higher because it generally contains the majority of the lower economic groups in the area.

There seems to be little doubt that the Toronto plan is a success. However, it would seem that several questions would have to be answered before the Toronto federated plan could be used in California. These are:

- (1) The Toronto plan excludes county government and unincorporated area, so, therefore, how would they be provided for?
- (2) Would the plan be acceptable to cities on a mandatory basis as in Toronto, and if not, how would the plan work if on a voluntary basis and some cities did not desire to participate?

- (3) Would a single representative on the metropolitan council be satisfactory to the suburban cities even though their populations varied, as in the case of Toronto, from around 8,000 to 148,000?
- (4) How would the council provide representation and yet not get too unwieldy in an area such as Los Angeles County which has over 60 cities?

The biggest drawback to a federated type government in California would seem to be that it would create a new layer of government in addition to the existing county, city, and special district. It would seem that metropolitan government could be better achieved in this State by reorganization of the larger unit of local government, the county, into an organization that could provide areawide services and at the same time provide the member cities with adequate and fair representation in a manner similar to the federated plan.

METROPOLITAN DADE COUNTY

The Dade County plan was initiated in 1956 when the electorate of Florida approved a constitutional amendment which would enable Dade County to establish a metropolitan government. The constitutional amendment gave them remarkably broad responsibility and authority. As an example, Dade County was granted the power to change the boundary of, consolidate, and abolish all municipal corporations, county or district governments, special taxing districts, authorities, boards, or other governmental units. They were also given the power to establish new municipalities and other units of local government and prescribe their jurisdiction and powers.

A board of freeholders spent almost a year drafting a charter which was ratified by the electors of Dade County in May of 1957. The charter, while not adopting many of the broad powers authorized by the Constitution, is nevertheless quite unique. The county government is required to establish and maintain minimum standards of services throughout the entire area under its jurisdiction with regard to all local affairs regardless of what agency may be performing or providing the facility or service. If a governmental unit fails to comply with such standards and does not correct such failure after reasonable notice by the board, then the board may take over and perform, regulate, or grant franchises to operate any such service. The charter and constitutional amendment gave the metropolitan Miami government sufficient powers to completely reorganize the county government and districts.

Briefly, the governmental structure under the Dade County plan consists of a county commission which has five members elected from districts by a countywide vote, and five additional members elected from districts by the people of the district, plus one member from and by each municipality having a population in excess of 60,000. Due to the population requirement, only one city, the City of Miami, is represented on the board.

There is a chief executive directly responsible to the board to handle all administrative matters, and a county attorney appointed by the board. All independent county offices, other than the school board and the school superintendent and court officers have been abolished. This type

of reorganization was necessary due to the large number of independent offices in Dade County government.

Recently there was a charter amendment proposed and actively supported by the Dade County League of Municipalities which would have prohibited the Dade County government from taking any action infringing upon the municipal "right to exercise all powers whether granted by their several charters or by special act or by general law." In effect, adoption of the amendment would have limited the metropolitan government's powers to unincorporated areas, seriously impairing its effectiveness in providing metropolitan government. The election on the referendum was held on September 30, 1958, and the voters confirmed their desire to give the Dade County Home Rule Charter a fair trial by defeating the proposed municipal autonomy amendment by a vote of 73,958 to 49,469.

Four days before the referendum County Manager O. W. Campbell, former City Manager of San Diego and of San Jose, released his first annual report on the progress of metropolitan Dade County. He called attention to the fact that the infant government had weathered over 150 suits during its first year of operation, and in the cases already decided, the Florida Supreme Court upheld the metropolitan government in unequivocal terms.

The annual report cited numerous achievements under the metropolitan government including a reduction in the number of county departments from 35 to 17, a 6½ percent reduction in the county tax rate, an extension of the civil service program and pay increases for nearly half of the county's employees, and numerous successful departmental reorganizations which have promoted greater efficiency.

As in the case of metropolitan Toronto, the metropolitan Dade County government is also quite successful and has been able to provide areawide services on an efficient and more economical basis. However, Dade County has had numerous difficulties and conflict with the 26 cities located within the county. It would seem that much of this conflict could have been avoided by providing for a more equitable method of municipal representation on the metropolitan governing body. Although fear and prejudices are difficult to overcome in such extensive reorganizations, it would seem that they could be allayed much quicker if, as in the case of Toronto, the cities had a voice in policy determination.

BATON ROUGE METROPOLITAN REORGANIZATION

In January, 1949, a city-parish system, encompassing only the City of Baton Rouge and the East Baton Rouge Parish in the State of Louisiana, went into effect. Prior to the consolidation the city consisted of about 35,000 population in an area of 4½ square miles. The reorganization added to this about 65,000 population and approximately 500 square miles of territory.

In the parish three separate areas were established: an urban area, an industrial area, and a rural area. Each area has a different tax structure; a uniform tax is levied in the parish for the areawide services, a separate tax is levied within the city or urban area to support municipal services, and the industrial area provides its own services at its own expense.

Apparently out of respect of state law, both the city and the parish were retained, as well as their councils. However, they provided for interlocking membership. The parish governing body consists of the seven councilmen from the City of Baton Rouge, together with two members elected from the area of the parish outside the city.

A mayor presides over both councils, appoints most department heads, and supervises and directs services in most departments much like a city-county manager. Many officials serve in a dual capacity for both the city and the parish.

The services performed by the parish arewide are highways, bridges, sidewalks, airports, public building maintenance, planning and city streets. The city provides such services as sewer maintenance, police protection, fire protection, traffic regulations, garbage collection, building inspection, and street lights.

The Baton Rouge plan would seem to present a great many difficulties if it were to be adopted for California use since most of the State's metropolitan areas contain a number of municipalities, and the structure established for the governing board would not be workable. However, the principle for retaining the separate jurisdictions and establishing some method of representation by municipalities on the county governing board might be feasible for some areas. One of the most important features of the plan, it would seem, is the tax differential provisions that were established between the urban areas desiring a full array of municipal services and the rural or semirural areas desiring only the traditional county services. This particularly feature, which has been proposed in the Sacramento plan, has a great deal of merit. In this way an entire county could be served by a central metropolitan government but the rural areas would not have to support the municipal services unless they desire to receive such services.

PROPOSAL FOR METROPOLITAN GOVERNMENT IN SACRAMENTO

In the State of California the major proposal for metropolitan government is the plan in Sacramento County which was studied by the Assembly Interim Committee on Municipal and County Government. So far the plan has not been approved by the participating governments and therefore is merely a proposal. However, a great deal of study went into the Sacramento problem.

On January 12, 1956, the Sacramento Metropolitan Area Advisory Committee was appointed by the County of Sacramento and the Cities of Sacramento and North Sacramento. The committee was formed to carry out the following functions: "To study and make recommendations to interested public agencies regarding the broad problems of metropolitan area organization and growth with attention to incorporation, the formation and/or the consolidation of special districts, annexation, or any other possible solution to the problems of governmental organization. The committee shall act in an advisory capacity to the city councils and to the county board of supervisors."

The advisory committee was composed of 21 members of which nine were appointed by the county board of supervisors, nine by the City of Sacramento, and three by the City of North Sacramento. The other three incorporated cities in Sacramento County—Galt, Folsom, and

Isleton—were not represented on the advisory committee, nor did they directly share in the cost of the study. In 1956 the Public Administration Service of Chicago was hired by the committee to conduct a comprehensive study at a cost of \$67,000.

In essence, the Public Administration Service Report provided for a governmental reorganization calling for the consolidation of Sacramento, North Sacramento, Isleton, and Galt, with the County of Sacramento. The report recommended that the new governmental boundaries should coincide with that of the present county, and the area should then be divided into five boroughs. The metropolitan government would be governed by an eleven member metropolitan council with one member elected from each of the five boroughs and six at large. Each borough, then, would have an elected advisory council of five members. The borough council members would be appointed to the major boards and commissions, and one important aspect is that borough council resolutions would be required to be immediately placed on the agenda of the metropolitan council.

The borough metropolitan council relationships were brought out in the questioning of Mr. Alvin Landis, member of the advisory committee, at the hearing in Sacramento on December 5, 1957, by Chairman Clark L. Bradley:

Bradley: Since the borough does not have legislative power, and is primarily advisory in nature, how does it provide for decentralization?

Landis: By the delegation of the functions of the metropolitan council to the borough for those functions which are local in nature—boroughwide—and by having the borough administrative office available to the people for those services which the people of that borough require.

Bradley: Mr. Landis, isn't it still all the metropolitan central governmental unit? The delegation that you refer to would merely be the branch offices of the department of public works, the department of health, police department, fire department, or something like that.

Landis: Or it may be a park exclusively under the jurisdiction of that borough because it is a local park. That's correct.

Bradley: And the persons put in charge of that branch in the borough would be directly related to the central metropolitan government.

Landis: Directly or indirectly, depending upon how the system of employment and the responsibilities were delegated.

Bradley: Now I'm back to my original premise; what is the contemplated representation that would be created in the borough?

Landis: The plan proposes that there be one member of the Metropolitan Council elected from each borough. That would put five members from the five boroughs on the Metropolitan Council. In addition, there would be six members of the Metropolitan Council elected at large, which would give you the eleven members of the Metropolitan Council. Here is a mandatory tie-in recommended here, as Dr. Cowan previously explained, and that is that any problems which the borough council might have, and desires the

Metropolitan Council to consider, can be placed on the agenda of the Metropolitan Council for its consideration at an early meeting. The Metropolitan Council must consider the problems of the boroughs as the boroughs themselves raise these problems.

Another interesting factor is the proposal that there should be tax differentials between urban and rural areas on a pay-for-what-you-get basis. Dr. James R. Cowan, Chairman of the Advisory Committee, testified that these tax differentials would be necessary in order to protect the rural areas from having to pay for services they are not now getting. He anticipated that the rural areas of the county would retain about the same level tax rate that they are already paying to the county.

The present urban unincorporated areas' cost for municipal type services under this plan would be taken care of in the tax differential, as brought out in the following excerpt:

Bradley: Then do I assume that the metropolitan form of government would contemplate proceeding through special assessment districts to meet the particular needs of an area for special services?

Landis: Whether it is a special assessment district or some other kind of procedure for the imposition of a tax differential to let the people pay for what they are getting—but some kind of procedure along that line would be required, yes. I might point out again, Mr. Bradley, that there are 157 special districts furnishing all kinds of services, that is, sewers, streets, sidewalks, and the rest of them so that, in essence, districts are furnishing a municipal type service. The City of Sacramento, and other cities, furnish that by a single council and through the authority of a single council. Here, because there is no one government which can give them these kinds of services, they are compelled to resort to the special service district form of government.

The report recommended that the new government be given wide discretionary powers to dissolve, eliminate, or modify special purpose districts with the exception of school districts. In the case of school districts, it was recommended that their reorganization be left to the state procedure of reorganization by the county district organization committees.

Assemblyman Ernest R. Geddes questioned Dr. Cowan on the advisability of leaving school districts out of the study in Sacramento. Dr. Cowan answered the question as follows:

“* * * the school districts were left out probably for the basic reason that the Legislature does provide and make mandatory a study of school reorganization in the State. There is in every county, or in almost every county, a school district reorganization committee made mandatory by legislation, and that committee is operating effectively in Sacramento County. It is working toward the consolidation and unification of districts within this county.

“Our report did study the school districts. We have over 17 pages in the Appendix alone of the P. A. S. Report concerning the statistics of the school districts. Sacramento County has reduced

its school districts from over 90 to where it has approximately 42 school districts operating at the present time. There have been, and will continue to be, proposals for unification. It would have been a duplication of effort on the part of our committee to go into this phase thoroughly since it is already being done in this county. Our committee did go along with basic state recommendations and that is that districts should be unified."

The Sacramento Metropolitan Area Advisory Committee recommended that a number of constitutional amendments would be necessary in order to effectively put their plan into action. For one thing, the Constitution presently requires a two-thirds countywide vote to annul a county charter. A two-thirds vote could prove difficult to get and could leave the county with the adoption of a metropolitan government (which only requires a majority vote) but with the old charter causing a legal problem. Also, the Constitution requires a majority vote in each municipality in order to effect a consolidation. Therefore, five separate elections would probably be required and the consent of each city would be necessary before the metropolitan government could be established; any incorporated city voting against the proposal would become an island within the new city-county, presenting a difficult problem to cope with.

Assemblyman Roy Nielsen questioned Mr. Landis as to the intent of the proposed constitutional amendment as follows:

Nielsen: Mr. Bradley, there is one question I would like to ask, and that is in relation to the proposed constitutional amendment. Naturally the constitutional amendment must be considered by perhaps this committee of the Legislature. Is it my understanding that this constitutional amendment which is proposed will be an all-inclusive constitutional amendment and carry with it the proposals that a two-thirds vote be eliminated for the annulment of the city or county charter, and that the majority vote of each municipality is eliminated in a countywide election?

Landis: That is correct.

Nielsen: Now you propose to do that by a majority vote?

Landis: The proposal in the report is to the effect that the city-county consolidation should become effective on a majority vote. I would like to address myself further to the question but * * *

Nielsen: Then you would authorize a majority vote on a countywide basis which would eliminate the independent municipal elections as far as their consideration, or their approval of a merger, is concerned.

Landis: That is also recommended in the report.

Nielsen: In other words, if the City of Sacramento by its vote voted against the merger, but if the countywide vote favored the merger, then the City of Sacramento's charter would be annulled and they would become a part of the plan.

Landis: Assuming, of course, that by getting a favorable vote in the rest of the county the total vote would be a majority vote in favor of the plan.

Further questioning by Assemblyman Gordon H. Winton brought out another side to the need for a constitutional amendment to eliminate the two-thirds vote requirement:

Winton: Mr. Landis, in looking over the proposals on page 8, I am wondering, first, as to the present charter of Sacramento County. What does it require in the way of amending the charter—what kind of a vote?

Landis: I think it is a majority vote.

Winton: Well, now, this is a question. Could most of this be incorporated into the present Sacramento charter by amendment of the charter, instead of annulment of the charter?

Landis: That question was raised at the County Board of Supervisors' hearing too. As a matter of fact, they supplemented the question, or rather supported it, by saying that if we did that, the incentive for incorporation might be eliminated. Basically—and I'm not too sure of this—I think that in order to give the county the authority to perform all of the municipal type services, it would require a constitutional amendment—eliminating the two-thirds vote.

Landis: I don't know how you could, however, but it may be.

It would seem that this particular phase of the plan would require additional study so that the best method could be applied to the formation procedure.

Another drawback in regard to the present constitutional provisions for city-county merger is that the city initiating the proceedings must be over 50,000 population. The initiating city is also given the power to elect freeholders to write the new charter, etc. Thus, the county and the four municipalities remaining could legally take no part in the merger proceedings until it came up for vote; only the City of Sacramento would have this authorization, according to the Constitution. Therefore, the advisory committee recommended that they be given authority to participate in drafting a constitutional amendment, or amendments, which would alleviate these conditions.

Shortly after the committee's report was submitted to the participating governmental jurisdictions, the length of time that the committee had been appointed ran out and the committee was not reappointed. In its place a new committee was formed which gave representation to the other three cities in the county on the basis of five representatives from the City of Sacramento, five from the County of Sacramento, three from the City of North Sacramento, and two each from the cities of Folsom, Isleton, and Galt. It was felt that in this way a greater acceptance could be had from the several incorporated cities which were most disturbed over the PAS Report recommendations.

The new committee, which is called the Metropolitan Government Committee of Sacramento, is currently studying all of the various governmental alternatives available to establish a metropolitan government, as well as the PAS Report recommendations, hoping to come up with a solution that will be acceptable to the incorporated cities as well as the unincorporated urban fringe. In August of 1958 the Metropolitan Government Committee authorized an analysis of a 167 square mile area, which is north of the City of Sacramento and has

an approximate population of 190,000, as a portion of their overall study. This was instigated by a movement to form a new city in this area which would contain 136 square miles and have 35,000 more people than the City of Sacramento. The Citizens Committee for Incorporation circulated petitions for an election on their proposal, but recently announced that they could not at this time get the required number of signatures to qualify the area for an election on cityhood.

In addition to the proposal for a new city, other petitions have been circulated for a possible annexation of an area which is a portion of this 136 square miles, and which would surround the City of North Sacramento. The annexation would, of course, be to the City of Sacramento. This stepped-up activity in the north area of Sacramento County caused the Metropolitan Government Committee to focus its attention on an analysis of the government reorganization possibilities in this particular area as to whether the area should be incorporated, annexed to the City of Sacramento, either at one time or in stages, utilize contracts for services with county government, or go ahead with the recommendations of the Sacramento Metropolitan Area Advisory Committee. A report of the findings is expected in January of 1959.

Another more recent development has been a recommendation to redefine the metropolitan area to encompass less than the entire county since 93 percent of the county's population lives in approximately 23 percent of its area. Proponents felt that redefinition would provide a more realistic basis for metropolitan municipal reorganization and would avoid many procedural obstacles which presently exist to a full city-county merger.

METROPOLITAN MUNICIPAL CORPORATIONS IN THE STATE OF WASHINGTON

The State of Washington recently passed enabling legislation approved by the Governor on March 22, 1957, creating a new form of metropolitan government, the metropolitan municipal corporation. A metropolitan municipal corporation may be created through the process of an election called, in one method, by resolution of the governing body of the central city, two or more component cities, or the county, and in the other method by a petition signed by at least 4 percent of the qualified voters. Adoption requires a majority favorable vote within the central city and within the remaining territory of the metropolitan area outside the central city.

A metropolitan municipal corporation is authorized to perform one or more of the following functions: (1) metropolitan sewage disposal; (2) metropolitan water supply; (3) metropolitan public transportation; (4) metropolitan garbage disposal; (5) metropolitan parks and parkways; and (6) metropolitan comprehensive planning. The resolution or petition must state the services to be performed by the particular municipal corporation. Additional functions thereafter either require the same procedure of an election, etc., as was required for the establishment of the metropolitan municipal corporation, or if a resolution providing for the performance of additional functions is adopted by the metropolitan council, and within 90 days concurring

resolutions are adopted by each component county, each component city of the first class, and at least two-thirds of the other component cities, an election is not necessary.

The governing body is composed of a number of mayors and councilmen representing the participating cities based on the city's population and other requirements, together with one member from the governing body of each component county.

The first metropolitan corporation was established in South Snohomish County on January 13, 1958, to provide only one of the six authorized functions, comprehensive planning.

An attempt was made to establish a metropolitan corporation in King County but the plan was defeated at an election on March 11, 1958. It is interesting to note that although a favorable vote was obtained in Seattle, the other portion of King County voted unfavorably. This particular metropolitan corporation was to have provided the functions of sewage disposal, mass transit, and metropolitan planning. A second and successful effort was then made in King County on September 9, 1958, although the functions were reduced from three to one—that of sewage disposal.

It will be interesting to follow the progress of these two limited metropolitan governments to see if eventually they will be successful in taking over the operation of additional functions and thus establish metropolitan government in a real sense.

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Napa and Solano Counties

CHAPTER III

important

PRESENT SOLUTION TO THE PROBLEM OF
METROPOLITAN GOVERNMENT IN
CALIFORNIA

In California there is only one method authorized in the State Constitution to provide for comprehensive reorganization on a metropolitan basis and that is city-county consolidation which was enacted into law in 1856 for the San Francisco area. Since that time several metropolitan areas in the State have on occasion studied and discussed the use of this device as a solution to their problems, but none of these areas have been successful in accomplishing this type of governmental reorganization.

METHODS AVAILABLE TO SOLVE METROPOLITAN PROBLEMS

Methods

In lieu of reorganization of governments to provide services on a metropolitan basis, the State's metropolitan areas have used various other devices in an effort to cope with their problems. The most commonly used have been: (1) annexation of unincorporated territory to a central city or other large city in the area; (2) incorporation of large unincorporated territories within the metropolitan area as separate cities; (3) functional consolidation of one or more functions which can be performed on a uniform basis areawide, usually performed on a co-operative basis by the county; and (4) metropolitan special districts.

Annexation

In most metropolitan areas of California, many incorporated cities are involved other than the principal city. Therefore, annexation of unincorporated territory is generally of little use in solving the problem of uniformity of service to the area as a whole. In areas where the central city has undertaken an ambitious annexation program, usually not too much has been accomplished. In fact, additional complications have often resulted; the smaller cities have usually ended up fighting each other and the central city for lucrative territory which has caused a great deal of haphazard annexations, and in addition has caused many unincorporated areas to incorporate themselves in self defense. It would seem that annexation as a solution to metropolitan problems would only be effective in areas which contain a single city surrounded by urban unincorporated territory. It would, therefore, have to be considered as an ineffective device with which to cope with metropolitan problems in California.

Incorporation

Some have advocated the incorporation of all unincorporated territory in metropolitan areas as a method of solving metropolitan problems. In many areas incorporation could ease the situation when there are numerous small, overlapping and costly special districts providing the municipal type services and no other method is available to cope with them. Incorporation could therefore be considered a good method

of coping with the special district problem and also in some areas might be the only possible method of obtaining certain municipal services. However, in a metropolitan complex containing numerous cities, merely incorporating the unincorporated area without centralizing major municipal type services on a metropolitan basis should not be considered as the answer to providing the best possible government to a metropolitan area. In fact, in such areas as Los Angeles County the numerous cities have greatly complicated the picture and have created additional stumbling blocks for effective governmental reorganization. However, cities provide an excellent method of self-determination in local affairs and it may be said that cities definitely fit into the picture of metropolitan government.

Functional Consolidation

Functional consolidation has been a most successful method of alleviating metropolitan problems without complete governmental reorganization. The county contract services system and the "Lakewood Plan," where all municipal services are available through county government, have been used quite extensively in Los Angeles County. Through this process centralized services on a metropolitan basis have become increasingly popular. However, this method could be considered as only a piecemeal solution to the problem of metropolitan government.

The county contract city program, often called the Lakewood Plan, seems to be quite satisfactory to Los Angeles County's 17 new cities which have elected to receive their municipal type services in this manner. Through this procedure they have been able to take advantage of large-scale operation, experience, and the know-how of established county departments so that they have been able to get good services at reasonable cost. Thus far the older cities of this county have not taken complete advantage of the contract city plan.

On a less extensive basis, the older cities have solved some of their problems by functional consolidation of a number of the services which incidentally were the principal issues in Dade County, Toronto, Baton Rouge, and Seattle where most of the action in regard to metropolitan reorganization has taken place. For example, tax collection and assessment and health protection are now operated to a great extent by Los Angeles County. The older cities are now taking advantage of five or more services performed by the county. Some of these are provided by county districts such as libraries, air pollution control, parks and recreation, and sewage disposal, but the majority are provided by county departments on a contract basis.

During the Fiscal Year 1957-58 there were over 794 services performed by the county for the various cities located within the county. Cities received an average of 12 types of services each. Of the 41 services specified, the number requested by the individual municipalities ranged from five in the City of Santa Monica to 30 in the "contract" city of Norwalk. So, although no new governmental structure has been developed in Los Angeles County to provide areawide government, nevertheless it is being partially provided through new methods practiced by their county government.

This system has also spread to other metropolitan counties such as Santa Clara with similar success. Santa Clara now provides six services

to cities through the contract system. These services are: sheriff's patrol service, rental of jail facilities, communications services, engineering subdivision surveys and checking, building inspection services and planning services.

Metropolitan Districts

The metropolitan district device has also been used quite extensively in California. A number of districts, although not perhaps originally designed for metropolitan operation, are now providing service to incorporated, as well as unincorporated, areas on an extensive basis.

A common criticism of the metropolitan special district is that they often deal separately with only a portion of the overall metropolitan problem. Also, they tend to vary a great deal between one another in their organization structure, and since each is a separate entity, they could become cumbersome, confusing, and unco-ordinated if used extensively as a substitute for metropolitan government.

This is not meant to be an indictment of the metropolitan district per se, however, since many of them seem to be an excellent forerunner to a centralized metropolitan government. In fact, a number of these districts cross county lines, such as the Metropolitan Water District in Southern California, and the Bay Area Air Pollution Control District in the San Francisco area, and would possibly have to be retained even though a metropolitan government were established due to the nature of the service they provide.

The experience of some of these districts with respect to the composition of a governing body should bear considerable attention by those studying forms of metropolitan government. The Bay Area Air Pollution Control District, which was established in 1955 to serve six counties, is a good example of a new approach to the problem of representation. The governing body of this district is composed of 12 directors, two of which are appointed from each county. One of the two directors is selected from and by the board of supervisors of the county, and the other is a mayor or councilman appointed by a selection committee composed of all the mayors of the cities within the county. Hence, all of the members of the board of directors are local officials selected by local governing bodies. It is felt that in this way local responsibility is obtained, and if other districts are formed in the area with similar provisions, a single board of directors could perhaps eventually be appointed and the various districts combined into a single administration, thereby permitting an easy transfer to metropolitan government operation at a later date.

A number of successful areawide district operations can be found in Los Angeles County. Some of these are: (1) the county sanitation districts which serve a large segment of the cities, as well as the county; (2) the Metropolitan Water District which also is governed by representatives of local agencies; (3) the Consolidated Fire Protection District which is governed by the board of supervisors but serves 17 cities; and (4) the Flood Control District which serves the entire area and is governed by the board of supervisors.

It can be readily seen that metropolitan special districts have been used extensively, and the above list is only a fraction of the complete listing. The principal drawback to the metropolitan district is that,

once again, a new level of government is established and many question the need for this. In addition, some of the districts such as the fire protection district are in an unstable position due to municipal annexations of unincorporated areas and possible withdrawal by municipalities. LHP

CURRENT METROPOLITAN GOVERNMENT STUDIES IN CALIFORNIA

In addition to the metropolitan government study being conducted in the Sacramento area, which was previously discussed, another major study is being undertaken in the Los Angeles County area.

The Los Angeles Study

The first realistic approach to an overall study was finally undertaken in Los Angeles County in 1958 when the outgoing chief administrative officer of Los Angeles County recommended that a committee be formed taking in all of the incorporated cities in the County of Los Angeles, as well as the county government, to study problems of metropolitan government. It was eventually decided that the Metropolitan Government Study Commission should be composed of 165 members and appointed as follows: one representative from each city other than the City of Los Angeles, and this would be the mayor unless otherwise designated; five representatives from the City of Los Angeles; and five representatives from the County of Los Angeles, making a total of 70 members. Each of the 70 representatives from the cities and the county would then select one citizen representative, which would bring the combined commission to 140 members. Then the 140 members would select 25 additional citizen representatives at large, supposedly as a "safety valve" to guarantee adequate and proper representation of both personalities and segments of the community not otherwise adequately represented by the original 140.

The commission is charged with the responsibility to formulate, conduct, and implement, a review and analysis of local government structure in Los Angeles County, and to recommend any solutions deemed necessary to more effectively or adequately serve the needs of the area, "bearing in mind that local government structure must be able to solve areawide problems; it must provide rights of self-determination in local affairs; and should be acceptable to and promote co-operation and good will between political jurisdictions."

To date, a number of meetings have been held, principally to organize the commission into working groups in an effort to promote the development of the study. Many believe that this is the beginning of an effective reorganization plan.

Other Metropolitan Studies

In 1956, a committee was organized in Fresno called the Fresno Metropolitan Study Committee. The committee was authorized by the city and county to study the feasibility of metropolitan government for their area, but to date has issued no reports. A consultant will be employed soon to conduct the study. Other areas, such as San Diego and Santa Clara, have been talking about metropolitan government recently, although no substantial progress has been made toward comprehensive studies.

CHAPTER IV
FUTURE METROPOLITAN GOVERNMENT IN
CALIFORNIA: ORGANIZATION
STRUCTURE CRITERIA

There is a definite trend toward increased recognition that a number of the services presently provided by numerous cities and special districts in metropolitan areas in the State of California could be better provided by a single centralized government. It would seem that some time in the not too distant future one or more of the areas presently studying or discussing metropolitan problems, such as Los Angeles, Sacramento, Fresno, and Santa Clara, will present a plan for metropolitan government to the Legislature to effect their study recommendations.

A prime factor for the Legislature to determine is, should each area be authorized to adopt a specific, tailormade plan for their area or should a single flexible plan be developed for the use of all areas in the State? This, of course, is for the Legislature to decide, but since the recent trend has been to standardize and provide a single authorization for a specific purpose when this will suffice, it might well be that a single authorization would also be desirable for establishing metropolitan government in California.

Of course there are numerous determinations that would have to be made and many problems resolved before a single plan could be adopted. It might well be that many of these would be insurmountable and a single plan would be found nonfeasible. However, it would seem that a close examination of the successful plans for metropolitan government now in use, as well as those proposed, could supply the necessary groundwork for establishing a single plan if sufficiently flexible provisions could be designed to meet all conditions.

AREA TO BE INCLUDED

A major point to consider is the extent of territory that would be authorized for inclusion within the metropolitan government. In many sections of the country metropolitan areas overlap counties and even states. However, the situation in California seems to be somewhat different in that most metropolitan areas, other than the San Francisco Bay area, are contained within a single county. At any rate, perhaps there should be some logical stopping point in regard to maximum size of the metropolitan government, and therefore many assume that the most feasible point at which to stop would be the present county boundary lines.

A new form of government in California, the metropolitan county, might prove to be the most feasible approach to the State's metropolitan government problems. One of the more complexing situations would seem to be how to administer those functions which are of such a nature as to require the crossing of county boundary lines. An out-

standing example is air pollution control where an entire area must be controlled according to its geographical and meteorological aspects, and of course boundary lines have little to do with this situation.

The services of this nature could continue to be administered by the special district device, or could possibly be handled by the metropolitan government under joint agreement with other jurisdictions.

The question then arises, what if the urbanized metropolitan area is considerably less than the territory comprising the county? Also, if it is to be authorized that a metropolitan area can comprise less than an entire county, how does the remaining portion of the county receive its traditional county services? It seems that answers to these questions would take a great deal of study. If less than the entire county is authorized for the metropolitan government, then the plan would have to be flexible enough to provide: (1) for local determination of the area to be excluded; (2) that the metropolitan government would provide the remaining portions of the county with their traditional county services and any other services which might be desired in the interim until they are urbanized to the point where they could join the metropolitan government; and (3) a simple procedure whereby the metropolitan government could expand within the boundaries of the county as the need became apparent.

In light of the aforementioned problems, a number of suggested factors pertaining to certain major component parts of an organization structure for a metropolitan government and deserving of particular consideration, will be summarized herewith.

GOVERNING BODY

Of principal importance is the method by which the people can control the operation of their government. It is believed that the representation afforded by the governing body might very well consist of three parts: (1) representation from the entire area so that the people residing outside cities can have a measure of control in the affairs of the metropolitan government.

Experience indicates that a workable policy-determining body is one with somewhere in the neighborhood of 11 members. It might be difficult to obtain good representation with a lesser number, and a larger number could result in difficult situations with regard to agreement on controversial issues. The metropolitan governing body in Toronto has 24 members; in Dade County, 11 members; and in the proposal for Sacramento County, 11 members.

It seems that each of the present metropolitan plans, except the Sacramento City-County merger proposal and the Nashville-Davidson County plan, retains the identity of the cities and provides them with representation on the metropolitan governing body; and most of the plans provide for about one-half of the governing body to be elected at large.

None of the present plans, however, as far as could be determined, provide for specific representation from the unincorporated areas. In most of the California metropolitan areas, if not all, there are large sections of urbanized unincorporated areas. It is felt that they should be given a voice in the affairs of the government serving them, in addition to the at-large representation which would actually serve the en-

ture area. Perhaps a single representative elected by and from the unincorporated area would be sufficient.

The city representation, if an 11-man board is adopted, should perhaps consist of five members. It might be desirable to set up a formula whereby the representatives would be elected by and from the councils of the participating cities on the basis of: (1) groups of cities according to the population; (2) on the cities within each of five area districts according to geographical location; or (3) simply from the city councils as a whole.

The remaining five members on an 11-member body could then consist of the board of supervisors of the particular county.

Another feature which may be desirable is a procedure for voting in accordance with the population represented. In this way, if a member represented, for example, 15 cities in the 10,000 to 25,000 bracket, the combined population of these 15 cities would be divided according to a prescribed formula, perhaps one vote for each 60,000 represented, which is a method similar to that used in the Metropolitan Water District Act.

FUNCTIONS TO BE PERFORMED AREAWIDE

There is, of course, little agreement as to which functions should be provided areawide and which should be provided by local government. Recent plans for governmental reorganization in metropolitan areas differ greatly in regard to the division of services. However, the services to be performed areawide generally include a number of the following: law enforcement, fire protection, health and welfare services, water supply, major sewage collection lines, sewage and garbage disposal, all nonlocal streets, areawide planning, civil defense, public transportation, tax assessment and collection, housing and redevelopment, metropolitan parks, libraries, industrial development, smog control, building standards, licensing standards and procedures, purchasing and schools. Of course there are many variations, and sometimes only a fractional part of a service may be taken over by the metropolitan government. For example, perhaps only minimum fire and police protection, or only the records, identification, and communications portion of the police protection services, are considered to be of areawide significance.

The services which many experts and most of the present proposals consider as purely local, and thus to be retained by the municipalities, are the following: local street construction and repair, local parks, local planning and zoning (within the areawide plan), local sewer and water lines, garbage and trash collection, building code enforcement, street lighting, licensing, etc.

Since there seems to be no set pattern, so that there could be authorization to perform any of the services which are in the above areawide classification, it would probably be desirable to start on a permissive basis. In this way the local metropolitan governing body could be given the power to adopt functions gradually as analysis establishes the economy and efficiency of such a move. It would also seem desirable to provide some means for citizen initiation for the adoption of new services by the metropolitan government.

Police

very important

MP

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FINANCING THE METROPOLITAN GOVERNMENT

Here again methods differ between plans. The Toronto method is by taxing the individual communities involved, by apportionment of the costs according to the value of taxable property in each unit. Member cities with a higher than average assessed valuation would no doubt resist attempts at setting an areawide tax levy since they might have to pay for considerably more service than they receive. *l.m.p.*

If the unincorporated areas are to be provided with traditional county services, and possibly a number of municipal type services in addition, it would seem that the County Service Area Law, amended to include provisions for capital outlay financing, would work sufficiently well. In this way a basic tax could be applied throughout the excluded territory by the metropolitan government for traditional county services, and service areas could then be established with a separate tax levy to pay for the supplemental services. *l.m.p.*

VOTER APPROVAL

Perhaps the fairest method of determining voter approval of the new government would be by majority vote throughout the entire metropolitan area. A valid related question is whether it would be morally correct to impose metropolitan government on a city although the people in that city voted unfavorably. However, by a majority countywide vote a single city or a few scattered cities could not block the effectiveness of the metropolitan government. This would also necessitate a state constitutional amendment to reduce the requirements of a two-thirds vote to annul a county charter. *l.m.p.*

Formation initiation of the new government could perhaps be by action of two or more local governments in the county which would be empowered to call for an election on the proposal, or by citizen initiation calling for an election. Here again many varying methods have been used and are being proposed.

If the functions to be initially undertaken by the metropolitan government are determined by the initiating group, action to undertake new functions should perhaps be similar to the procedure for establishing the new government, and also require a majority vote at an election. However, the previously mentioned recommendation whereby the metropolitan government governing body would be empowered to adopt new functions as it saw fit would seem to be most workable.

FUTURE COURSE OF ACTION IN REGARD TO METROPOLITAN STUDIES

In conclusion, it would seem that the preceding points could be worked out by committees comprised of representatives of various associations of local government, together with citizen groups and local government officials from the metropolitan areas of the State. A single plan for metropolitan government might or might not prove feasible, although this possibility certainly deserves a great deal of consideration.

Another important consideration is whether the Legislature should attempt to draft a plan to be presented to the metropolitan areas or whether the Legislature should wait until a metropolitan area submits a plan for them for adoption. This committee has thus far attempted *l.m.p.*

l.m.p.
Bay
Area?
Metro -

to keep abreast of latest developments so that it would have a solid background on the subject in the event a metropolitan area, such as Sacramento which has been studying the subject for some time, would present their plan to it for adoption. No attempt whatsoever has been made to draft a bill which would authorize a new form of metropolitan government.

Very important

There has been a significant development in other parts of the Country in this regard. The General Assembly of the State of Kentucky recently authorized a sum of money for its Legislative Research Commission to study problems of metropolitan areas with the view of determining the advisability of amending the Constitution in order to provide for a form of metropolitan government. Several other states, such as New York, Colorado, and Indiana, are reported to have shown a like interest in attempting to provide legislation which would resolve metropolitan problems. This development has been cited as the result of the present ineffective piecemeal approach to metropolitan problems as applied in most sections of the Country.

Very important

This committee sincerely hopes that the various efforts now being made in the field of metropolitan government will stimulate and encourage other local studies, so that a realistic plan for metropolitan government in California will reach fruition in the not too distant future.

(H.B.G.)



APPENDIX B
PLANNING DISTRICTS
AS ADOPTED BY THE COUNCIL
ON INTERGOVERNMENTAL RELATIONS

February 11, 1970
 Section 34216—Government Code

