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Home Rule for Iowa Counties

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HOME RULE FOR IOWA COUNTIES

by
Peter T. Gardner

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Foreword

In his novel The House of Seven Gables, Nathaniel Hawthorne set forth the idea that each generation should be allowed to build its own houses. Perhaps the same notion should also apply to governmental institutions. At the least, each generation should be able to make significant alterations.

Today, some Iowans are advocating home rule for Iowa counties as a way to provide the flexibility needed to permit counties to carry out their services and functions in a manner best designed to reflect the needs and desires of this generation and those to come. Legislators, county officers, city officials, and citizens are increasingly interested in what the roles of counties should be in relation to other local governments and to the state.

The Institute of Public Affairs is pleased to present this discussion of county home rule. Its sole purpose is to stimulate the thinking of concerned Iowans about what county home rule is, and what the possibilities are for applying the various shades of home rule to county governments in this state.

Peter Gardner, a graduate student research assistant at the Institute, wrote this booklet. It was edited by Harry Smith, Chief of Research at the Institute.

Clayton Ringgenberg, Director
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INTRODUCTION AND SUMMARY

Changes in our society such as shifts in population and increasing demands and expectations for public services are affecting our views about county government organization, roles, and services, and county governments' relationships with state government.

The tremendous expansion of our urban population has placed greater demands on urban county governments as well as cities, even in a state like Iowa. Formerly, counties provided a limited range of services such as collecting taxes and maintaining rural roads. As a result of increased urbanization, however, many counties have been compelled to provide a wide range of services for their citizens.

On the other side of the coin, many counties have lost population in recent decades; yet traditional county services and functions have had to be continued to serve the county area. Moreover, the question has arisen whether the rural counties should assume more responsibilities for providing government services in their small communities.

The major question facing county government in America today is: Does the county possess the flexibility to respond to present demands and changes?

Currently, many counties probably do not have this flexibility. This is especially true in states such as Iowa, where the state legislature still retains full power over the county.¹ This condition can be traced primarily to Dillon's Rule, formulated in 1868 by John F. Dillon, who was an Associate Justice of the Iowa Supreme Court. The essence of Dillon's Rule is that counties exist as agencies of the state and are completely dependent upon the state for their powers and authority.² Therefore, Dillon's Rule, by establishing the county's complete dependence on the state, has produced a very rigid system of county government throughout the nation.

The National Association of Counties has cited the value of permitting flexibility in county government. Incorporated in the American County Platform, the Association's official policy statement, is the philosophy of local self-determination. It maintains that county governments should be permitted to choose their structure of government, determine the services they offer, and exercise financing powers not expressly reserved to the state. The ideas expressed in that philosophy constitute the foundation of the county home rule movement.³

The purpose of this report is to examine the applicability of home rule to Iowa counties. It describes what county home rule is and how the history of county government has led to the traditional county government forms we have. It also provides

case studies of counties which have nontraditional forms under various types of home rule and some possible applications of home rule concepts to Iowa county government.

When reading this report it is most important to remember that county home rule is a relative concept--there is no one agreed upon definition of the term. In those states that have granted some form of home rule to counties, a wide variety of options have been used. These range from a slight relaxation of Dillon's rule to provisions granting considerable structural, functional, and fiscal authority to counties. This range, or continuum, is described on page 15 in this report, and again on page 56. The continuum shows the variety of actions that might be taken, either through constitutional amendments or state legislation, to give counties a measure of home rule. The important point to remember, when considering these actions for possible application to the Iowa situation, is that the degree of home rule permitted should enable counties to accomplish their purposes most effectively and to serve their citizens in the best manner possible.

The "County Case Studies" part of the report provides concrete illustrations of complete plans adopted by counties under some variations of home rule. These plans include: the county manager plan in rural Petroleum County, Montana; the county-elected executive plan in an urban county, Montgomery County, Maryland; the metropolitan federation in Toronto, Ontario, Canada; the city-county consolidation approach in Nashville-Davidson County, Tennessee; and the Lakewood Plan for contracting county services to cities in Los Angeles County, California.

These case studies illustrate how these counties and metropolitan areas have attempted to solve some of their problems through various home rule approaches. In the conclusions of this report the concepts and approaches taken in these five case studies are applied to the Iowa situation. The proposition which appears to hold the most promise for Iowa counties is based on the concept of regional provision of services. Now under Chapter 28E of Iowa state law, counties may join with towns, cities, townships, or other counties in providing services jointly whenever they both have the authority to provide a service singly. Viewed in this light, all five plans in the case studies can offer some benefits to Iowa counties. However, in order to accomplish other of the approaches mentioned in the case studies, legislative action to give counties broader authority would be necessary.

Footnotes

1. Russell M. Ross, *The Government and Administration of Iowa* (New York: Thomas Y. Crowell, 1957), p. 323.
2. *Soper v. Henry County*, 26 Iowa 264 at 267 (1968).

3. Allen Moore and Susan Torrence, "State Action for
County Home Rule," American County Government (April, 1968),
p. 10.

THE AMERICAN COUNTY: ITS FORM AND FUNCTION

It is necessary to preface a discussion of county home rule with a historical review of the English and American county. The historical review will acquaint the reader with the origin, the forms, and the legal status of county government in the United States. The review of county government history illustrates that the county has traditionally been subject to control from above, either by the national government (England) or the state (United States).

Evolution of American County Government

Local government in the United States has developed from institutions established by the English in the thirteen colonies. The institutions were, in many respects, similar to those existing in contemporary England. In attempting to summarize the evolution of American county government, it is appropriate to begin by briefly tracing the growth of English local government from the ninth century.

English Origins

In the ninth century many Anglo-Saxon kingdoms were united to form the kingdom of England. The king, seeking to exercise control over the kingdom, partitioned the country among his supporters. The division of land served a dual purpose: it rewarded the supporters of the king and it provided a basis for constructing institutions of local government. The kingdom was divided into shires, hundreds, and townships for the purpose of local government. The township was the smallest of these divisions. The hundred consisted of several townships, and several hundreds comprised a shire or a county. Each shire, by order of the Crown, was to establish a semi-annual court, composed of representatives from each township and the landowners of the shire. The function of the court was the administration of justice in civil and criminal matters.¹

The active control of business in the shire rested in three officials: the ealdorman, the shire reeve (sheriff), and the bishop. The ealdorman represented the royalty of earlier kingdoms, and, though nominated by the king, he retained much of the dignity suggested by the origin of the office. Several shires were grouped under one ealdorman, who was pre-eminently the leader of the military forces. The sheriff, who originally had been the steward of the royal estates and chief representative of the Crown, also became the chief executive of the shire court. The bishop, however, presided over the shire court in ecclesiastical cases.²

Following the Norman Conquest, the ealdorman retired from active administration of shire business, and the position

became merely a title of nobility. At the same time the separation of ecclesiastical and civil jurisdiction led to the disappearance of the bishop from the shire court. These changes paved the way for the supremacy of the sheriff in the shire. At this time, the sheriff acquired enormous powers: he was the king's representative in military affairs; as steward for the royal estates, he held great financial power; and as a police officer, he was responsible for maintaining the peace. The arbitrary use of his power threatened the king, however, and as a consequence, the power of the sheriff was gradually reduced. This power was placed in the hands of a new type of police officer, the justice of the peace. The sheriff, and other local officials, became the servants of these justices.³

The real work of county administration was now performed by the justices of the peace. There were from twenty to sixty justices in each county, chosen by the Lord Chancellor from the rural gentry. The justices were usually men of good family who discharged their duties without pay, but were recompensed by the social dignity of the office.⁴ The justices had supervisory powers over subordinate officials in the shire, such as parish officials. The justices, in turn, along with other executive officers such as the sheriff, were controlled by royal judges. As a further means of control, sheriffs, justices, and other executive officers were subject to dismissal from office by the central authorities.⁵

As can be seen, the entire system of local administration was under the control of the national government. The bulk of administration was performed by county officials drawn from the propertied class but acting under instructions from above. In form, this system was highly centralized, with sheriffs and justices appointed by the central government and under the active supervision of the Privy Council.

The English colonists were familiar with these institutions of local government, and introduced most of them in the new colonies. The colonial institutions of local government did indeed borrow from their English ancestors, but introduced modifications to meet wilderness conditions.⁶

Colonial Development

During the colonial period four major systems of rural government developed: the New England town, the commissioner system, the southern county, and the town supervisor plan. These were the dominant forms of local government in the colonies. Later, as people migrated westward, these colonial models appeared in the new states but ever more faintly as time and distance intervened.⁷

In New England the town was the primary unit of local government. The severity of the New England climate dictated compact settlements, and naturally, town meetings followed. In

general, the functions of the New England town included maintaining highways and caring for the poor, support of public schools, and assessment and collection of taxes. Control of town affairs was vested in the town meeting, held annually and at such other times as deemed necessary. At the annual meeting the town officers were elected.⁸ These included the treasurer, clerk, assessor, collectors, and the selectmen. The most important town officers were the selectmen, a committee of thirteen elected at the town meeting. For the most part the functions of the selectmen were regulated by the town meeting. The selectmen conducted the financial administration, acted as legal agents of the town, summoned the town meeting, and acted as election officers.⁹

Although the town was the primary unit of local government in New England, the county was also established there. It should be noted, however, that New England counties were primarily divisions for judicial administration.

The county, not the town, was the primary unit of local government in Pennsylvania. The system of county government in Pennsylvania was characterized by a board of three county commissioners elected at large and a popularly elected sheriff. For purposes of administration the county was subdivided into townships, which were subordinate to the county and not represented on the county board.¹⁰

The English institutions of local government were most faithfully reproduced in the southern colonies. The colonists of the South were different than those in New England. The southern colonists were of the gentry which was the ruling class in England at the time. The authority of the southern county, as in England, was lodged in the justices of the peace. The sheriff, who was also a tax collector, was appointed by the Crown on the nomination of the justices. In the South, settlements were too scattered for the smaller unit of local government, the parish, to thrive; hence, the county became the only unit of local government outside the cities.

The final colonial unit of local government to be discussed, the town supervisor plan, was a compromise between the New England town meeting and the southern county. The town supervisor plan was found primarily in New York. The main feature of this plan was an elective county board of town supervisors.¹¹ In his home town the supervisor had important administrative duties as well as a dominant place on the town council. The members of the county board included the supervisors from the towns and representatives from any city in the county. The scope of county business was not as wide as in the South because the towns retained control over roads and some other functions. The New York town, however, was not as important as the New England town.¹²

Post Revolutionary Period

As the population moved westward, local institutions

similar to those in the colonies were introduced in the new communities. In all the states admitted after 1800, there was a strong tendency toward extending the practice of popular elections for county officials. When Ohio, in 1803, became the first state carved from the Northwest Territory, county officials such as the sheriff, coroner, and the justices of the peace, together with township officials, were popularly elected. In 1804 Ohio adopted the county commissioner system; in each county a board of county commissioners was established with the fiscal and administrative powers formerly held by the justices of the peace. These changes formed the main outlines of the county township system, similar to that of Pennsylvania, which was to predominate in the Midwest.¹³

Both county and township governments were established in Minnesota, Kansas, and Iowa, but with a small county board, as in Ohio and Indiana, rather than the large board of town representatives, as in New York and Wisconsin.¹⁴

Local government in Iowa was patterned after the county commissioner system which originated in Pennsylvania. This system disregarded the township as a basis for representation on the board. The county boards organized on the commission plan were in charge of the administration of county government from 1834 to 1851, when a form of government that is unique in the history of local government throughout the nation was adopted in Iowa. This was the county judge system, which was characterized by the extreme centralization of power and authority in the hands of one man, the county judge.¹⁵

The county judge was the chief executive, legislative, and judicial authority in the county. The county judge was elected by the male citizens of the county for a term of four years. The county judge was vested with the financial control of the county government. The tremendous power of the county judge resulted from his control over the finances of county government. The county judge was the primary authority in reviewing poverty cases and determining which cases should receive county funds. The county judge supervised the construction of county roads. The county judge also had the duty of inspecting the jails of the county. In essence, the county judge possessed all the authority previously vested in the board of county commissioners.¹⁶

The county judge system remained in operation for ten years. The efficiency of one-man county government was the main argument advanced in support of this system. According to this argument, public offices were created for rendering public service, and not for the special benefit of an army of office seekers. Since the county judge would possess all the power in county government, problems could be resolved quickly and solutions rapidly implemented.

There was opposition to the concept of "one-man" county government. Many Iowans felt it would be dangerous to vest any

one official with complete financial authority without providing any safeguards against corruption. The people of Iowa became dissatisfied with the county judge system because the county judges did tend to abuse their financial powers. The numerous petitions presented to the legislature demanding reinstatement of the county board bears evidence that the citizens of Iowa were aware of the defects incident to such extreme centralization in the management of county government. Seen in this light it is not unusual the county judge system lasted no more than ten years. An act of the General Assembly, passed on March 22, 1860, brought about the desired change.¹⁷

In 1860 the position of county judge was abolished in favor of the township supervisor plan similar to that first adopted when Iowa was part of the Michigan Territory. The township supervisor plan was abolished in 1870 and replaced with the county supervisor system present today, in which counties were given the option of three, five, or seven board members chosen at large or from districts. The board member's relationship to the township was supervisory rather than representative.¹⁸

The organization of counties in the western regions proceeded rapidly as the population advanced westward. By 1870 the entire area of the United States, except for the Indian Territory and reservations, had been formed into counties. An interesting feature of local government in the western United States is the prominence of the county and the nonexistence, or extremely minor position of the township. The township was established in states such as Iowa and Minnesota but in states west of the Dakotas township government made little headway.¹⁹

Recent Developments

At the present time there are 3,044 organized county governments in the United States. County governments are found throughout most of the nation; Connecticut, Rhode Island, the District of Columbia, and limited portions of other states are the only areas where county government is not organized.²⁰ America's three thousand counties differ greatly in size, population, and economic characteristics. County size ranges from 20,131 square miles for San Bernardino County, California to Arlington County, Virginia, which encompasses only 24 square miles.²¹ The population of counties varies from seven million people in Los Angeles County to 164 residents of Loving County, Texas.²² There is also wide variation in the economic characteristics of counties. Many counties depend on agriculture, but the more populous counties depend primarily upon manufacturing to support their population. The highest median family income tends to be found in highly urbanized counties. Evidence to substantiate this point is available: Fairfax County, Virginia²³ and Montgomery County, Maryland,²⁴ both highly urbanized counties, had median family incomes exceeding \$15,500 in 1969. The lowest median family income tends to be found

in rural southern counties. The median family income in Owsley County, Kentucky was \$2,407 in 1969.²⁵

County Government Organization

There are many variations in the form of American county government. For the purposes of this report, three divisions of county government are made: the traditional plural executive form, the elected executive plan, and the county manager plan. The organization of each plan of county government will be briefly outlined here; more explicit information will be given in the case studies that follow.

Traditional Plural Executive Form

Almost 90 per cent of all counties in the United States use the plural executive form of government. The governing body of these counties is frequently called a Board of Commissioners but it is sometimes called a Board of Supervisors or County Court.

The county board is vested with predominantly administrative functions. It has the power to appoint certain employees, approve new accounting documents, and take administrative actions such as reviewing applications for liquor licenses.²⁶ County boards usually have the legislative power to adopt the county budget and to enact such ordinances as permitted under state law.

The plural executive form of county government is also characterized by the popular election of a number of other county officials. In most states these individually elected county officials include the sheriff, treasurer, attorney, assessor, auditor, and county judicial officials.²⁷

The ninety-nine counties in Iowa use the plural form of government. The county board is constituted of three or five popularly elected supervisors.²⁸ The powers and duties of the board can be arranged in three categories: financial control, property control, and supervision of county personnel. The financial duties of the board include: settling all accounts of the county, managing the county school fund, and fixing the final tax levy for county government maintenance. The duties of the board concerning property control include: controlling the use of county property, acquisition of necessary land for county purposes, and authorization of the disposal of records no longer needed. Supervision of county personnel is accomplished mainly by requiring periodic reports from county officers.

Together with the members of the board of supervisors, some other elected county officials are the auditor, sheriff, treasurer, and county recorder. Positions in county government filled by appointment rather than by election include, among others, the county superintendent of schools and the county assessor.²⁹ The plural executive form of government has the

advantage of unification of function and direct accountability. Unification of function is achieved because the executive and legislative functions of government are combined in the board of county supervisors and the independently elected officers. It avoids the conflict between what the legislative branch wishes done and what the executive elects to do. Accountability is achieved because the electorate is provided with the opportunity to connect a specific county service with an elected official. In effect, if the citizens are not satisfied with the performance of a specific county official, they may simply elect someone else to his office at the next election.³⁰

Though there are advantages to the plural executive system, there are also defects inherent in electing a large number of administrative officials. The principal defect is that there is no single individual who exercises a significant degree of control or supervision over county administration. The board of supervisors cannot be held legally responsible for the administration of county affairs; they have very little supervisory power over other elected county officials.³¹

Elected County Executive

In the elected county executive plan, the chief executive, elected by the voters of the entire county, heads the executive branch of county government. The county board has few, if any, administrative powers. The county executive has the power to veto legislation passed by the county board, and the board usually has the power to override the executive's veto with a two-thirds majority. The county executive appoints all department heads and is responsible for submitting a budget to the council for the general administration of county government. Under a variation of the plan the elected executive is required to appoint a professional administrator to assist him.³²

County Manager Plan

The main feature of the county elected executive and county manager forms of government is that one person has a sufficient degree of supervisory power over county administration. Under the county manager plan the county board serves as the policy-making body for the county and employs a manager to supervise the administration of all county functions. The manager is a professional, selected on the basis of ability rather than party affiliation. The manager leaves policy formulation to the legislative body, the county board. In turn, the board leaves daily administrative matters to the manager. The manager may be removed by a simple majority of the board. The manager has the authority to prepare the county budget and appoint most, if not all, county officials.³³

There are advantages to both the elected executive and county manager forms of government. The primary advantage is that responsibility is vested in one person, whose performance

may easily be evaluated by the public. The chief executive appoints most, if not all, county administrative officers, thereby reducing the number of elected county officials. This releases the citizen from the task of having to compare qualifications of candidates for a dozen or more offices. Both plans separate legislation and administration of county government, and making administrative positions appointive rather than elective tends to increase administrative coordinations. By facilitating coordination of administrative processes, these plans promote economical county government.³⁴

The elected executive and manager plans of county government do seem promising. However, at the time of writing, not many counties have adopted either plan. A possible reason for this situation is the present legal status of counties.

Legal Status of Counties

Counties are considered by the courts to be of a lower order politically than the cities. While both are created by the state, cities are recognized as municipal corporations while counties are only quasi corporations. A city is created at the request of the people who are within its jurisdiction, and its powers and functions are intended to suit their convenience. According to Justice Dillon, the counties are:³⁵

Involuntary political or civil divisions of the State, created by general statutes, to aid in the administration of government. They are essentially public in their character and purposes. To the statute they owe their creation, the statute confers upon them all the powers which they possess, prescribes all the duties which they owe and imposes all the liabilities which they are subject.

Considered with respect to their powers, duties and liabilities, they stand low down in the scale or grade of corporate existences. It is for this reason they are ranked among what have been styled "quasi corporations." This designation is employed to distinguish them from private corporations aggregate and from municipal corporations proper, such as cities, acting under general or special charters, more amply endowed with corporate life and functions, conferred in general at the request of the inhabitants of the municipality for their peculiar and special advantage and convenience.

Since it can acquire and hold property, enter into contracts, and enjoy some other privileges of a corporation, the county is called a quasi corporation. It is not a true corporation because it has no charter. In the exercise of ordinary governmental functions the county is simply an agency of the state constituted for the purpose of local administration, and in the exercise of such functions it is subject to unlimited control by the state. At the time of writing fifteen states have permitted their counties to adopt home rule charters.

An explanation for the distinction between the city as a municipal corporation and the county as a quasi corporation can be found in the relative preponderance of the two types of functions each performs. The county provides governmental functions, such as law enforcement and the provision of roads and schools. Municipal corporations, on the other hand, provide mainly urban services, such as street construction, provision of water, garbage collection, hospitals, libraries, and other services which are locally initiated and may be charged for on a service basis. Since counties in the aggregate make up the state, the state has used them as instruments for implementing governmental functions, and they provide few urban services. In contrast, the cities have been incorporated mainly to perform urban services and have few governmental functions.³⁶ County governments, if they begin to provide urban services, will increasingly assume the characteristics of a municipal corporation.

County governments today are providing many urban services! These services are not required by state law but are undertaken by counties to meet the needs of their citizens. These services include: fire protection, water and sewage disposal, parks, and other services provided by cities.

The type of services provided by counties varies with the density of county population. Thinly populated, rural counties tend to furnish only traditional services, such as collection of property taxes, recording of deeds, maintenance of rural roads, and law enforcement.³⁷ Partially urbanized counties usually furnish a wider range of services. Counties of this size may operate a custodial home or library in addition to providing traditional county services.

Metropolitan and suburban counties tend to provide an even larger variety of services to their citizens. Here the county may provide water and sewer services, parks and recreational areas, and airports. The resident of an urban county needs, and generally receives, more county services than the rural county resident.³⁸

It is evident that the environment which embraces county government has changed considerably since the nation's birth, 200 years ago. In the late eighteenth century American society was predominately rural, with an agricultural based economy. Today, the United States is very urbanized, with a highly industrialized economy.

County government has had to assume new functions because of increased urbanization. However, in many states, control over the structure of county government still remains with the state legislature. This situation hampers efforts by counties to efficiently provide better services for their citizens. This preponderance of state legislative control over counties has provided the stimulus for the county home rule movement. The central idea of county home rule is that counties need more

power of self-determination. In the next section the principles and advantages of county home rule will be examined.

The Principles of County Home Rule

Dillon's Rule clearly established the principle that the state legislature possessed plenary power over local government. The result of Dillon's interpretation was that the only powers residing with the counties were those expressly granted, necessarily implied, or essential to the functioning of local government. By the 1870s the reaction to stifling state legislative action crystallized in the home rule movement. This movement, which emphasized a reversal of Dillon's Rule, was designed to free counties from the legal restriction imposed by state legislatures.

Prior to 1917 California and Maryland were the only states having constitutional provisions which permitted home rule charters for all counties. Very few counties in either state had taken advantage of constitutional provisions granting home rule; in 1917 there were only four counties in California which had adopted home rule charters.³⁹ In the past fifty years interest in county home rule has risen. Presently there are fifty-seven home rule charter counties in fifteen states across the nation. Thirty-six of the fifty-seven county charters were adopted after 1960.⁴⁰

Fundamentally, home rule refers to the right of the electorate in a county to determine its own local government organization through a locally framed charter. The charter serves as a constitution for the unit of local government. It is important to remember that home rule is not an inherent right of the local government. Rather, home rule is a right conferred by the state, since the state has plenary power over local government. Through the delegation of power to the local unit by the state, the county is free to change its form of government as the local citizens desire.

Home rule involves the conferring of a broad grant of power over certain local government functions as well as over the structure of local government. Home rule authorization may be in the form of a self-executing constitutional amendment or a legislative act. It is important to remember that under both aforementioned methods of granting home rule the county could institute any local service authorized by the home rule provision without resort to the state legislature.⁴¹

Modifications of Home Rule

Before the presentation of county case studies it is necessary to consider the various modifications of county home rule in America. To begin with, home rule is conferred on counties by either of two different methods: an amendment to the state constitution or by act of the state legislature. There are problems with either method of granting home rule.

Constitutional home rule may be either self-executing or nonself-executing: in the former, the constitution stipulates in detail the procedure for a county convening a charter commission, drafting a charter, and finally approving or not approving it. If the constitutional provision is self-executing, state enabling legislation is not necessary. Nonself-executing home rule is a constitutional grant of power to the county, but the county may not take advantage of the grant until the legislature passes the necessary implementing laws. Since the legislature may not be willing to act, home rule may be denied counties even though permitted in the constitution. For this reason self-executing home rule is the preferable method of conferring home rule powers on counties.

A second method of permitting county home rule involves passage of county home rule legislation by the state legislature. This method has been found deficient in two ways. First, the state Supreme Court may declare such legislation unconstitutional. The second disadvantage of this method is that the home rule legislation may be repealed at any time by simple legislation.⁴² For these two reasons legislative home rule is not as desirable as constitutional home rule.

There are varying degrees of home rule powers possessed by counties across the nation. In providing a foundation for the presentation of "County Case Studies," four classifications of home rule will be presently discussed. A broader range of home rule possibilities will be discussed in the conclusion.

1. Alternate Plans of County Government
2. Legislative Provisions Granting Home Rule to a Specific Class of Counties
3. City-County Consolidation
4. Home Rule Charter Adoption

The first three classifications demonstrate the conferring of limited home rule powers on counties. Each gives the affected counties broader powers over their government but for reasons to be discussed later, these three classifications do not permit full home rule powers for all the counties in the state. Only the fourth classification completely fits the definition of home rule presented in this paper.

Many states permit their counties to adopt an alternate form of government. In 1931 the Montana legislature enacted a law permitting any county in the state to adopt the county manager form of government.⁴³ This was the only reorganization plan open to counties until the Montana voters adopted a revised constitution in 1972. The local government article of the new Montana constitution granted structural, functional, and fiscal flexibility to counties.⁴⁴

Virginia, on the other hand, permits its counties to select from many optional plans. The Virginia General Assembly has provided five optional plans of county government.⁴⁵ The

examples of Montana and Virginia illustrate a limited form of county home rule. In these instances a very small amount of local self-determination is exhibited, whereas in genuine home rule counties local initiative is the primary force determining the structure and function of county government.

A few states offer home rule powers to counties of a certain class. Counties are usually divided into classes on the basis of population. Missouri permits counties with over 85,000 people to frame and adopt a home rule charter for their government. In addition, the Missouri General Assembly may provide optional forms of government for counties with under 85,000 people. In 1970 the voters approved an amendment to the Missouri constitution which permits citizens of a charter county to determine the type of services provided by the county government.⁴⁶

Another form of limited county home rule is found in Tennessee, where city and county governments are permitted to consolidate if approved by a majority of the people living in the city and a majority of people living in the county outside the city.⁴⁷ This modification of home rule does offer the affected population more power over the form of local government.

Finally, there are a few states, such as California, which offer all counties the power to adopt locally framed charters and exercise broad powers over local functions.⁴⁸ There are advantages in granting the counties broad powers of self-determination. These advantages will be discussed in the following paragraph.

Many of the problems found in urbanized counties today are susceptible of solution only on a county-wide basis.⁴⁹ Area-wide problems include air pollution control, water, and sewage services. The small municipalities expect the county to provide these services themselves. A related problem is that many of these services cannot be produced economically except on a county-wide basis under unified management. The ability to reorganize county government so that it will be able to provide municipal services efficiently is a second advantage of county home rule.⁵⁰ The performance of area-wide services under the direction of an efficient county government tends to permit the attainment of economies of scale, resulting in lower county tax levies.

Summary

The first counties established in America were patterned closely after the English model. As time progressed and the nation expanded westward, the English model was followed less exactly. Also, as the nation became more urbanized, counties were called upon to provide municipal type services to their citizens. In some cases, the degree of state control over

counties has been relaxed somewhat in order to allow them to perform their responsibilities more effectively.

Thus, we have at present a number of examples illustrating different degrees of state legislative control over counties. At one extreme are those states which rely exclusively on the Dillon's Rule. At the other extreme are those states which allow counties to write charters for their own self government.

There are no clear-cut distinctions on the line between these extremes; rather, the differences are a matter of degree. A word often used to describe this idea is "continuum." The word means "...a succession, or whole, no part of which can be distinguished from neighboring parts except by arbitrary division."⁵¹ A rainbow gives somewhat the idea of a continuum. "Blues" are different from "greens," but except by fine distinction it is impossible to state where "green" becomes "blue."

Where do counties in Iowa stand on this continuum? Clearly, Iowa has moved past the point of complete dependence on the Dillon's Rule. Chapter 332 of the Code of Iowa permits counties to combine offices at their discretion. Chapter 28E permits counties to provide certain services jointly with other units of government. Other examples will come to mind to those who are familiar with Iowa county government.

However, it is suggested in this paper that Iowa counties are closer to the Dillon's Rule pole of the continuum than they are to the home rule charter pole. The next section of this paper provides five case studies of counties that are in different positions along the home rule continuum.

Footnotes

1. John A. Fairlie, Local Government in Counties, Towns and Villages (New York: The Century Company, 1906), p. 3.
2. Clyde Snider, Local Government in Rural America (New York: Appleton-Century-Crofts, Inc., 1957), p. 4.
3. Fairlie, op. cit., p. 5.
4. Snider, op. cit., p. 8.
5. Ibid., p. 7.
6. Fairlie, op. cit., p. 16.
7. Paul Wager, County Government Across the Nation (Chapel Hill: University of North Carolina Press, 1950), p. 7.
8. Fairlie, op. cit., p. 21.
9. Snider, op. cit., p. 13.
10. Wager, op. cit., p. 7.
11. Ibid., p. 6.
12. Ibid., p. 7.
13. Snider, op. cit., p. 20.
14. Ibid., p. 23.
15. Jacob Von Ek, "The County Board of Supervisors" in Iowa Applied History Series, Benjamin F. Shambaugh ed., vol. IV (Iowa City: State Historical Society of Iowa, 1925), p. 22.
16. John E. Brindley, "Historical Analysis of Road Legislation" in Iowa Applied History Series, B. Shambaugh ed., vol. I (Iowa City: State Historical Society of Iowa, 1912), pp. 11-17.
17. Ibid., p. 26.
18. Donald Boles, County Government in Iowa (Ames: Iowa College Community Research Center, 1962), p. 2.
19. Snider, op. cit., p. 26.
20. U.S. Bureau of the Census, 1972 Census of Governments, Vol. I, Governmental Organization (Washington, D.C.: U.S. Government Printing Office, 1973), p. 1.

21. Herbert S. Duncombe, County Government in America (Washington, D.C.: National Association of Counties, 1966), p. 4.
22. 1972 Census of Governments, op. cit., p. 2.
23. U.S. Bureau of the Census, County and City Data Book, 1972 (Washington, D.C.: U.S. Government Printing Office, 1973), p. 489.
24. Ibid., p. 225.
25. Ibid., p. 189.
26. Duncombe, op. cit., p. 9.
27. Ibid., p. 10.
28. Ross, op. cit., p. 324.
29. Ibid., p. 325.
30. National Association of Counties, From American Counties Today 1973 (Washington, D.C.: National Association of Counties, 1973), p. 13.
31. Duncombe, op. cit., p. 11.
32. Ibid., p. 10.
33. Ibid., p. 11.
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35. Institute of Public Affairs, The University of Iowa, Legal Aspects of Local Government in Iowa, Working Paper No. 1 of the series Local Government in Iowa: Problems and Perspectives (Iowa City: The University of Iowa, 1971), p. 4.
36. Wager, op. cit., p. 9.
37. Duncombe, op. cit., p. 13.
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39. National Association of Counties, op. cit., p. 52.
40. Ibid., p. 53.
41. Gladys Kammerer, County Home Rule (Gainesville, Florida: Public Administration Clearing Service, 1959), p. 3.
42. William Winter, Urban Polity (Toronto: Dodd, Mead and Company, 1969), p. 154.

43. Wager, op. cit., p. 648.
44. National Association of Counties, op. cit., p. 57.
45. Ibid., p. 58.
46. Ibid., p. 56.
47. Ibid., p. 58.
48. Ibid., p. 54.
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51. The American Heritage Dictionary of the English Language
(New York: American Heritage Publishing Co., 1973), p. 289.

CASE STUDIES

In this section five case studies are presented. These case studies illustrate different types of local government organizations. Petroleum County, Montana, will be presented as an example of the manager form of county government. Montgomery County, Maryland, illustrates the elected executive form of county government. Nashville Davidson County, Tennessee, illustrates city-county consolidation. The final county studied, Los Angeles County, California, illustrates the contract services (Lakewood) plan. In addition to these four counties, there is also a case study of a metropolitan government. The Metropolitan Government of Toronto will be presented as an example of metropolitan federation.

At first glance, the case studies presented in the paper appear to have no applicability to Iowa. However, the reason for presenting case studies is to demonstrate the concepts involved in the different phases of local government reorganization. In reading the case studies the reader should pay special attention to the principles which constitute the basis for each plan. Following the presentation of case studies, their applicability to Iowa will be discussed.

Petroleum County, Montana

Petroleum is a small, cattle-raising county in central Montana with a 1970 population of 675. It was formed in 1924 from the eastern section of Fergus County and was named for the booming Cat Creek oil fields. Some of the wells in this field are still producing, but it is cattle raising, not oil production, which is the largest source of income for county residents today.¹

Early History

Petroleum was the last of Montana's counties to be organized. The county went heavily into debt in the 20s and 30s for the expansion of roads and other services. In 1936 the county had outstanding \$95,000 of bonds and \$19,000 of warrants.²

The county first tried to eliminate these debts by consolidating elective offices. First the offices of county superintendent of schools and assessor were combined. Then the duties of public administrator, coroner, and sheriff were combined. These consolidations, though failing to eliminate the debt, did bring about a \$50,000 reduction by 1943, the year county manager government was adopted.³

In 1931 the Montana legislature passed a law which set forth the procedures by which any county in the state could adopt manager government. In 1943 the voters of Petroleum County adopted the manager form of county government.⁴ After

adoption, Petroleum county government consisted of five county employees and three county commissioners. The manager form helped to further reduce Petroleum County's debt. In 1942 the county had \$20,000 in outstanding warrants and a \$40,000 bonded indebtedness. For four years under the manager plan it had retired all the bonds and had only \$131 in outstanding warrants.⁵

Form of County Government

Petroleum is the only Montana county with the manager form of government. Under manager government a qualified individual is appointed by the board of commissioners to be the chief administrative officer (manager) of the county. The manager is given the authority to appoint and supervise all other county employees, except the elected county attorney. The 1931 Montana law permitting manager government provides for three departments, finance, public works, public welfare, and other departments as may be established by the commissioners. These departments replace those which are headed by elective officers in other counties. The elective officers replaced are the county auditor, treasurer, assessor, surveyor, and superintendent.⁶

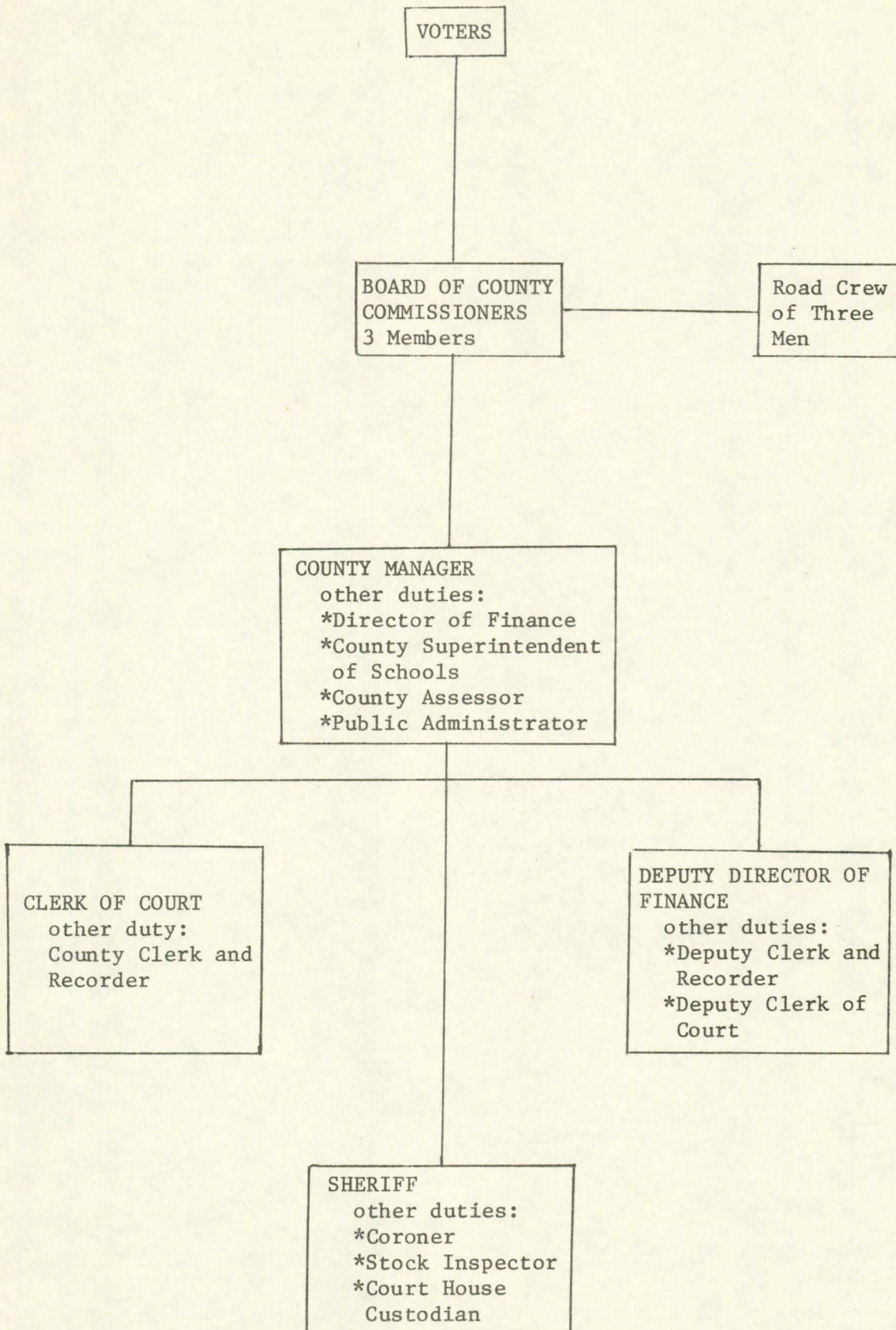
Today Petroleum County has the distinction of being the only county in the United States to employ a woman as county manager, Miss Lorraine Bauer, Petroleum county manager, is charged with the appointment of other county administrative personnel. As a result of consolidation practices, Miss Bauer appoints just three officials. The person serving as clerk of court also serves as county clerk and recorder. The deputy director of finance also serves as deputy clerk of court and deputy county clerk and recorder. Miss Bauer, in addition to her duties as county manager, serves as director of finance, county superintendent of schools, county assessor, and public administrator.⁷

County Finances and Budgeting

Petroleum County depends heavily upon the property tax: 72 percent of the revenue necessary for operation of county government comes from this source.⁸ Petroleum County is one of the most economical governmental units in Montana. While the cost of county government in the rest of Montana has increased 68 percent in the last 10 years, Petroleum County's cost has risen only 10 percent in the same period. The tax levy for the county general fund has been steadily decreasing in recent years. This year it was 13 mills compared with 20 last year and 22 in 1971. The general fund levy deduction was partially brought about through consolidating the offices of deputy director of finance, deputy clerk and recorder, and deputy clerk of court into one position.

Another factor that has figured in the economical operation of Petroleum county government is that all the school districts

County Manager Government in Petroleum County, Montana



were consolidated into one district. This saves considerable work as there are only two budgets to figure: one for the county and one for the single school district.⁹

The procedures followed for preparation of the budget in Petroleum County are less elaborate than those in larger counties. The clerk and recorder receive budget requests from county officials and compile the budget. After review by the county manager, the budget requests are submitted to the county commissioners before the second Monday in July. The commissioners review the budget at a public hearing on the second Monday in July and prepare the final budget by the first Wednesday in August. The fiscal year begins July 1, so the budget is adopted a month after the beginning of the fiscal year.¹⁰

County Services

Petroleum is a sparsely populated rural county; its residents have less need for county services than residents of a more urban county. The services offered by Petroleum County will be briefly discussed in the following section.

Education and Libraries. The county manager, in her capacity as superintendent of schools, reviews the school budget and prepares statistical reports for the State Department of Education. The board of commissioners approves the budget for the school district.

The county seat of Petroleum County, Winnett, has a public library financed out of county funds.¹¹ The county has reserved over \$5,000 of the \$20,000 in federal revenue sharing funds it received to help finance a new library which will be part of a school now under construction.¹²

Health and Welfare. There is no physician residing in Petroleum County, and county residents who are ill usually go to a doctor in Roundup (45 miles south) or Lewistown (54 miles west) for treatment. The county employs a physician from Roundup to serve as county physician. He prepares reports required by the state on births, deaths, communicable diseases, and other health matters. He is also responsible for inspecting Winnett's water supply.¹³

Welfare is handled by the State Welfare Department. A caseworker from the department spends several days per month in Petroleum County determining the eligibility of people for assistance.¹⁴

Public Safety. The county law enforcement agency consists of two men: the county sheriff, appointed and supervised by the county manager, and a deputy. The county sheriff is responsible for law enforcement in the unincorporated areas of the county.¹⁵ The deputy serves as town marshal of Winnett.

Petroleum County and Winnett have cooperative arrangements for free administration. The county owns a fire truck and

Winnett furnishes a place to store the truck and pays a man to maintain the equipment. The remaining firemen are volunteers.

Public Works and Transportation. County roads are the most important public works service provided by Petroleum County. The state maintains two paved roads in the county. The county employs a road crew of three to maintain the many miles of gravel roads.¹⁶

Conclusion

Petroleum County illustrates the advantages of the manager form of county government. In a sparsely populated rural county, county manager form of government provides flexibility since one appointed official can do the work of several elected ones. For this reason, Petroleum County has been able to keep its operating costs low at a time of rising governmental costs.

Footnotes

1. Herbert Duncombe, County Government in America (Washington, 1966), p. 157.
2. Harold Halcrow, County Manager Government in Montana (Bozeman, 1949), p. 157.
3. Halcrow, p. 5.
4. Paul Wager, County Government Across the Nation (Chapel Hill, 1950), p. 648.
5. Duncombe, p. 158.
6. Halcrow, p. 1.
7. Roberta Donovan, "Petroleum County Taxpayers Save Money With County Manager Plan," The Lewistown News Argus (March 7, 1973).
8. Duncombe, p. 160.
9. Donovan, Lewistown News Argus (March 7, 1973).
10. Duncombe, p. 160.
11. Duncombe, p. 162.
12. Oscar Chaffee, "Woman Holds Pursestrings," The Billings Gazette (September 2, 1973), p. 41.
13. Duncombe, p. 162.
14. "Lorraine Bauer State's Only County Manager," The Montana Taxpayer (December, 1971), p. 8.

15. Chaffee, p. 41.

16. Duncombe, p. 163.

Montgomery County, Maryland

In 1920 Montgomery County, Maryland, was a placid farm community whose county seat, Rockville, had a population of just under 3,000. In the past 50 years Montgomery County has faced a population explosion which has seen more of Washington residents move northward from the District of Columbia. The population of Montgomery County has increased from 35,000 in 1920 to 450,000 today.

Most of the population increase has occurred in lower Montgomery County: over 70 percent of the people in Montgomery County live in unincorporated areas in southern Montgomery County. County government and two bi-county agencies provide most municipal services to these people.¹ The Maryland-National Capital Park and Planning Commission furnishes parks, planning, and some park roads.² The Washington Suburban Sanitation Commission supplies water, sewage, and refuse collection.³ As the urban population expands northward, municipal services will have to be provided on a larger scale.

Form of County Government

In 1968 Montgomery County adopted a home rule charter which established a council-elected executive form of government. Montgomery County had for the previous 20 years operated under the county manager form of government. This "improved" charter was an attempt to update provisions of the 1948 council manager charter so they may serve modern needs. The effective date for total implementation of provisions of the new charter was December 7, 1970.⁴

Legislative Body

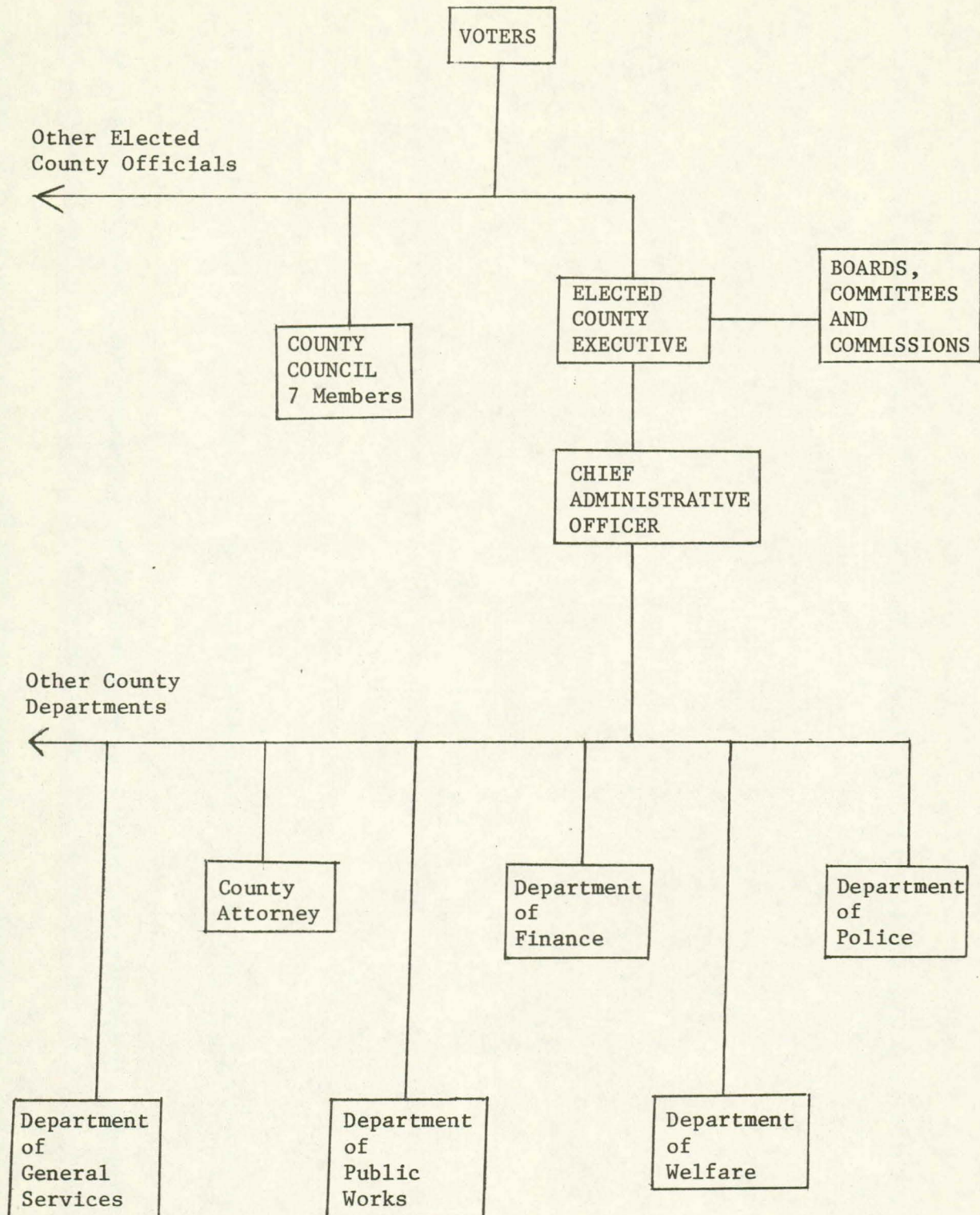
A part time county council serves as the legislative branch of county government. The council is composed of seven members elected county-wide for four years - with the requirement that each of five members reside in five different council districts at the time of election and two run at large.⁵ The council elects from its members a president, who will preside over council meetings.

The council may prescribe by law the organization of the executive branch of county government. Also, the county council, following public hearings each year, acts upon the county budget as presented by the county executive: adding to, deleting from, or increasing or decreasing any appropriation in the operating or capital budget. Any item in the budget vetoed by the executive may be restored by the affirmative vote of four council members.

Executive

A full time county executive, elected for a term of four years, heads the executive branch of county government. In this capacity he administers county ordinances and state laws that

The Elected County Executive Plan of Montgomery County, Maryland*



*Based on Montgomery County organization chart in American County Government, April, 1969.

are enforced locally; establishes, under council authority, certain rules and regulations; and administers executive and council regulations. The executive may veto legislation passed by the council.⁶ He may veto the whole act, or only a single item in the case of financial legislation.⁷ The council, by affirmative vote of five members, may override his veto.

The executive appoints, subject to council approval, a professionally qualified administrator as chief administrative officer. He is responsible for supervising, under direction of the executive, all departments, agencies, and offices of the executive branch.

Within the executive branch is the office of county attorney and a department of finance. The officials in charge of these offices, as well as officers heading each principle department office and agency in the executive branch, are appointed by the executive. The appointments are made after receiving the advice of the C.A.O., and of course, the appointments are subject to council approval.⁸

Every year the executive is required to present to the council comprehensive six year programs for public services, capital improvements, and fiscal policy. These programs, by facilitating long range planning, help provide for orderly growth of governmental services. At the time he submits the six year programs, he also submits a proposed operating and capital budget including recommended revenue and expenditure sources for the ensuing year. After approval of the budget by the council, the executive may reduce or veto any item contained therein. As before, the council may override the veto by five affirmative votes.⁹

County Services

Montgomery is a densely populated, urbanized county. For this reason its residents have a greater need for services than residents of Petroleum County. Some of these services are:

Staff and Auxiliary Services. Montgomery County has a comprehensive civil service system which covers 95 percent of all county employees. Personnel policies are adopted by a three-member bipartisan personnel board appointed by the county council for three year terms. The personnel board also hears appeals on disciplinary matters or employer complaints. The county has a central personnel office which administers competitive examinations to persons seeking positions in the executive and legislative branches of county government.¹⁰

The department of finance provides many staff and auxiliary services. Personnel from this department perform accounting and budgeting functions and assess county property and collect county and other taxes. A modern data processing center

facilitates property tax computation and billing. Centralization of many clerical and computing functions in the department of finance promotes extensive use of data processing equipment.¹¹

Montgomery has a centralized purchasing system. The central purchasing office buys in large quantity through competitive bidding, saving the county thousands of dollars each year. This system is under the supervision of the chief administrative officer, subject to direction by the county executive.

Education and Libraries. The public school system of Montgomery County is a unified system governed by a board of education. The board makes decisions on general educational policy, appoints the professional County Superintendent of schools, and adopts an annual budget request.

The school system includes: kindergarten, the first 12 grades, two junior colleges, and an adult educational program. There are more than 140 schools and 105,000 children in the Montgomery County school system.¹²

The library system of Montgomery County is administered by a department of public libraries whose director is appointed by the county executive. The 14 public libraries in the county are incorporated into one county library system.

Health and Welfare. The public health department is under the direction of a physician appointed by the county executive with the approval of the county council. The department provides the public health education, school health, and environmental control services for the county. The health department has a child guidance clinic, an alcoholic clinic, and a mobile dental unit. Approximately two-thirds of the cost of the health program comes from county sources, the remainder from state and federal aid.¹³

The public welfare department provides a full range of welfare services for adults and children. Grants are provided for recipients of old age assistance aid to the blind and aid to females with dependent children. Medical care is given to persons 65 and over and to other medical indigents. The department provides an adoption service and foster care for children committed by the courts as neglected or voluntarily relinquished by their parents. Montgomery County, growing urban community with a relatively young population, has fewer old age assistance cases than usual. However, for the same reason, it has a number of cases of aid to families with dependent children.¹⁴

Planning and Development. Planning is largely the responsibility of the bi-county Maryland-National Capital Park and Planning Commission. The commission is continually engaged in preparing new master plans for areas of Montgomery and Prince Georges Counties. These master plans describe the location of proposed future schools, highways, parks and recreation centers. The five commissioners from each county constitute the local planning board.¹⁵

The commission, in addition to the formulation of constructing comprehensive plans for the area, also is responsible for the administration of a park system in the county.¹⁶

Public Safety. The Montgomery County police department covers the entire county and furnishes the only patrol force for over 90 percent of the county. The county police force provides the same type of services as large city police agencies. The department has a criminal identification staff, a complete records division, and a juvenile aid staff which patrols places where juveniles gather and works with parents and the juvenile court to help prevent delinquency. The entire police department is under a civil service merit system and is directed by a professional police officer appointed by the county executive.¹⁷

The department of public safety maintains the county's communications, operates the county jail, administers the civil defense programs, and provides fire prevention and inspection services. The communications system for fire and police protection are located in the civil defense shelter which is adjacent to the county building. An advantage of a centralized fire communications system for the entire county is that additional fire units and ambulances can be dispatched to the area quickly in case they are needed.¹⁸

Public Works and Transportation. The county department of public works, headed by a director appointed by the county executive, is responsible for many urban as well as county functions. The department constructs and maintains roads and streets and provides street lighting, signs, sidewalks, gutters, and curbs and parking lots. The 1,400 mile county road system does not include all roads and streets in the county. The State Highway Department maintains about 500 miles of roads and some municipalities of the county maintain their own streets and other services such as street lighting and cleaning.

County public works are financed by a variety of means. The cost of new streets, sidewalks, curbs, and gutters is usually assessed against the abutting property owners. A small tax is levied on residents of the more densely populated areas of the county who receive street cleaning services. A tax is assessed against commercial property owners to pay the cost of parking lots and garages. In addition, federal, state, and general county funds are also used.¹⁹

Water supply, sewage disposal, and storm drainage and pollution control are provided for most of the densely populated southern part of the county by the Washington Suburban County District.²⁰ The district secures its water from the Potomac River and has its own sewage and water treatment plants. The city of Rockville operates its own water and sewage system. In the rural areas of the county, water is provided by wells, and sewage is disposed of through septic tanks.

Conclusion

Montgomery is a rapidly growing county in the Washington metropolitan area.²¹ There is an increasing demand for the county to provide municipal services because of the large number of people living in the unincorporated southern portions of the county. An important feature in the success of Montgomery County has been the structure of county government: specifically the county manager plan and currently the council elected executive plan. These plans have facilitated effective administration of services needed by county residents.

Footnotes

1. Duncombe, p. 180.
2. Montgomery County, Directory of Boards, Committees and Commissions (June, 1972), p. 7.
3. Montgomery County, Directory of Boards, Committees and Commissions (June, 1972), p. 9.
4. "Charters, 1968," American County Government, XXXIV (April, 1969), p. 57.
5. Charter of Montgomery County Maryland, 1963, Section 102.
6. American County Government, p. 57.
7. Charter of Montgomery County Maryland, 1968, Section 306.
8. American County Government, p. 57.
9. American County Government, p. 58.
10. Directory of Boards, Committees and Commissions, p. 45.
11. Duncombe, p. 184.
12. Duncombe, p. 186.
13. Duncombe, p. 187.
14. Duncombe, p. 189.
15. Duncombe, p. 189.
16. Directory of Boards, Committees and Commissions, p. 7.
17. Duncombe, p. 189.
18. Duncombe, p. 190.
19. Duncombe, p. 192.

20. Directory of Boards, Committees and Commissions, p. 9.

21. Duncombe, p. 193.

Municipality of Metropolitan Toronto

A unique feature of the Toronto Metropolitan Area is that it has an area-wide government, known as a metropolitan federation. The federation form of local government is a compromise between the existing fragmented political system and complete consolidation of all local governmental units. Metropolitan federation always involves creation of an area-wide government; existing units of local government may be continued in operation or partially consolidated. The chief advantage of federation is most functions of area-wide importance can be transferred from local units to the area-wide government.

Presently no metropolitan area in the United States has adopted federation. The federation form of local government is found in only three areas in the world: the Toronto and Winnipeg metropolitan areas in Canada and the Greater London area in Great Britain.¹ In this report Metropolitan Toronto will be presented as an example of the metropolitan federation.

History

In the late 1940s it became evident that the political fragmentation of the Toronto area precluded rapid solution of the area's problems. The Ontario Municipal Board, a Provincial board established to aid metropolitan areas, held public hearings on Toronto's problems, commencing in 1950. After three years of hearings the board issued the Cumming Report in 1953.

Upon reception of the Cumming Report the Government of Ontario acted rapidly.² Bill thirty - "An Act to provide for the Federation of the Municipalities in the Toronto Metropolitan Area for financial and other purposes" - was introduced in the legislature without delay. On April 2, six weeks from the date of the report, the "Municipality of Metropolitan Toronto Act" was given royal assent. Less than two weeks later the first Metropolitan Council was installed. It prepared the plans for the new system of government, and on January 1, 1954, the new Metropolitan Government commenced operation.³

Distribution of Powers in Metropolitan Toronto

The Municipality of Metropolitan Toronto Act provided for a division of powers between the Municipal Corporation and area municipalities along the lines suggested in the Cumming Report (later modified by the Metropolitan Amendment Act of 1966). Matters of area-wide concern were assigned to the Metropolitan Council or the metropolitan boards, while those of local concern remained the responsibility of the area municipalities. The distribution of powers in Metropolitan Toronto is now as follows.

Powers of the Municipal Corporation

Assessment and Taxation. The Municipal Corporation assesses all real property, both metropolitan and local, throughout the area. On the basis of assessment the Metropolitan Corporation levies taxes on area municipalities for its requirements.

Debenture Borrowing. Borrowing of money for the Metropolitan Corporation, Toronto Transit Commission, any area municipality and school, and any area school board.

Water Supply. Construction and maintenance of all facilities necessary for the production, treatment, storage, and wholesale distribution of water.⁴

Sewage Disposal. Construction and maintenance of a metropolitan sewage deposit system, with the power to set standards for local connections to metropolitan facilities.

Transportation. Construction of a metropolitan road system, with the power to prescribe speed limits and control traffic over such roads. Also included under this heading are the construction and maintenance, by the Toronto Transit Commission, of all forms of public transportation in the area, except railways and taxis.

Education. Coordination of all educational facilities in the area by the Metropolitan School Board, which provides maintenance payments to each local board in respect of their pupils.

Health and Welfare. Provision of homes for the aged, hospitalization and burial of indigents, and maintenance of neglected children.

Police Service. Police services throughout the Metropolitan Area are under the direction of the Metropolitan Board of Commissioners of Police.

Planning. The Metropolitan Planning Board prepares an official plan for the metropolitan area.

Powers of Area Municipalities

Water Supply. Construction of local distribution systems and retail sale of water to consumers.

Sewage Disposal. Construction and maintenance of a local sewage collection system.

Traffic Control. Establishment of traffic regulations on residential streets: residential street lighting, municipal parking lots.⁵

Health Services. The provision of public health services and providing grants to local hospitals are functions of area municipalities.⁶

Education. Operation of the schools by the local board of education. The Metropolitan School Board provides the local boards with funds necessary for a basic metropolitan-wide education program.⁷

Licensing and Inspection. Issuance of marriage and dog licenses and enforcement of building codes.

Taxation. The levying and collection of both local and metropolitan taxes.

Other services provided by area municipalities include garbage collection and fire protection.

The Metropolitan Corporation and area municipalities each have certain exclusive functions and share responsibility for others. The shared functions, such as sewage disposal, fall under metropolitan jurisdiction in area-wide aspects and under local jurisdiction for local aspects. In areas such as housing, the Metropolitan Corporation and the municipalities have equal power.⁸

Metropolitan Council

The Municipality of Metropolitan Toronto Act in 1953 provided for a Metropolitan Council consisting of the mayor and 11 other members of the Toronto City Council, together with the chief executives of the 12 other area municipalities. The head of the Metropolitan Council is the chairman, initially appointed by the provincial government and thereafter elected by the council itself.⁹

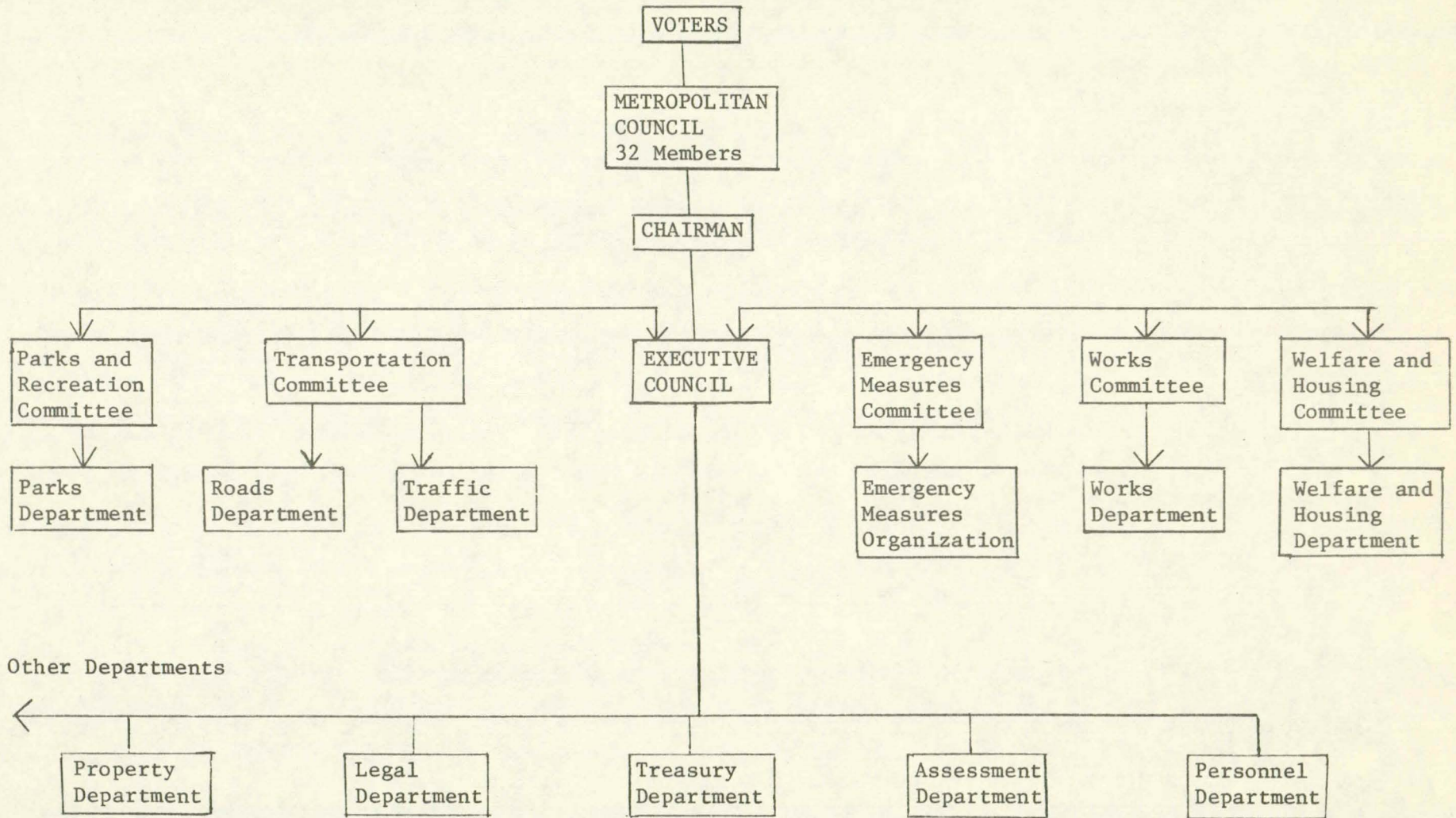
In 1963 the Royal Commission in Metropolitan Toronto was appointed to review the Toronto Metropolitan federation. On the basis of the Commission's report the province enacted the Metropolitan Toronto Act of 1966. The act reduces the number of area municipalities to six: the city of Toronto and the boroughs of East York, North York, Etobicoke, Scarborough, and York. The Metropolitan Council was increased in size from 25 to 33 members; 12 seats are given to the city of Toronto and 20 seats are apportioned among the five boroughs. The Council continues to appoint its chairman.¹⁰

Boards and Commissions

Matters of area-wide concern are either considered by the Metropolitan Council or the quasi-independent metropolitan boards and commissions. The structure and functions of the more important of those will now be discussed.

Metropolitan School Board - The Metropolitan School Board was created by the Metropolitan Toronto Act of 1953. Presently the Metropolitan School Board is comprised of six representatives from the Toronto School Board, nine from the suburban school boards, and three from the Separate School Board, which operates the Roman Catholic schools in the area. Some functions of the Metropolitan School Board include: receiving, altering, approving, or rejecting the operating budgets of the local boards of education; and receiving and distributing all provincial grants for education.

The Organization of the Government of Metropolitan Toronto*



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*Based on the organization chart in Urban Political Systems by Harold Kaplan, p. 51.

The funds appropriated by the Metropolitan Council for education are paid to the Metropolitan School Board, which makes maintenance payments to each local board according to the number of pupils. The grants made to local boards only partially cover the cost of education. Each local board must acquire balance through local tax levies.¹¹

Toronto Transit Commission. The Toronto Transit Commission was also created by the Metro Act of 1953. Upon creation, the assets of the Toronto Transportation Commission and of area municipalities in respect of public transportation were vested in the new Commission.

The Toronto Transit Commission has full power with respect to the construction, repair, maintenance, and management of all forms of local public transportation (except taxis and railways) in the metropolitan area.¹²

Metropolitan Board of Commissioners of Police. The Act creating Metropolitan Toronto specified that police services were to remain a function of area municipalities. In 1956 the Act was amended to provide for unification of area police forces under a Metropolitan Board of Commissioners of Police. Beginning January 1, 1957, the Toronto Metropolitan Area had a unified, metropolitan police force. The Board of Commissioner of Police is composed of five members: the chairman of the Metropolitan Council, a member of the council (which the council appoints), and three members designated by the Lieutenant Governor of the Metropolitan Council.¹³

Conclusion

In the late 1940s the Toronto area encountered serious metropolitan problems. There was, however, no agreement among the area's municipalities about solutions for these problems. As this example shows, federated local government can be beneficial when area municipalities cannot agree on a common course of action. The essential feature of federation is that it permits solution of metropolitan problems by an area-wide government, while concurrently permitting each municipality autonomy over strictly local matters.

Footnotes

1. Joseph F. Zimmerman, ed. Government of the Metropolis (New York, 1968), p. 185.

2. It is important to note that the creation of the Toronto Metropolitan Federation was by Act of the Provincial Legislature. Unlike the procedure usually followed in the United States, no referendum was held to allow the citizens a voice in the determination of the plan of government for the area.

3. "Report of the Royal Commission on Metropolitan Toronto," Government of the Metropolis, J. F. Zimmerman, ed. (New York, 1968), p. 228.
4. "Report of the Royal Commission," p. 229.
5. Ibid., p. 230.
6. Reshaping Government in Metropolitan Areas, Committee for Economic Development, (New York, 1970), p. 83.
7. Ibid., p. 79.
8. "Report of the Royal Commission," p. 231.
9. Speech presented by A. M. Campbell, Chairman, Municipality of Metropolitan Toronto at the International Conference of Cities, May 27, 1971, p. 9.
10. Zimmerman, p. 187.
11. Reshaping Government in Metropolitan Areas, p. 79.
12. "Report of the Royal Commission," p. 235.
13. Ibid., p. 237.

Nashville-Davidson County

Following a referendum in 1962, Nashville and Davidson County, Tennessee, were consolidated into one Metropolitan Government of Nashville-Davidson County, effective April 1, 1963. Six small cities in rural Davidson County did not disincorporate at the time of consolidation and these cities continue to provide their citizens with municipal services.¹ Nashville-Davidson County will be presented as an example of city-county consolidation.

The Nashville-Davidson County consolidation was an attempt to remedy the area's problems. In 1950, when the consolidation movement first started, the city of Nashville encompassed only part of the residential area. As a result, water distribution facilities serving the fringe population were inadequate. The sewer system also did not extend outside the city; suburban residents were almost totally dependent upon septic tanks for sewage treatment. Fire protection for suburban residents was provided by subscription fire departments that sometimes stood by and watched as a nonsubscriber's house burned to the ground.

Nashville also had its problems. The city's parks, financed by municipal taxes, were situated near the boundaries of the city where they were patronized primarily by suburbanites. Furthermore, city residents were paying large school taxes to support both the city and the county school system.

Concern over metropolitan problems mounted and finally the state legislature was pressed into action. In 1953 the Tennessee Constitution was amended to permit partial or total consolidation of city and county functions if approved by a majority of people living in the city and a majority of the people living in the county outside the city. Although the Constitution was amended in 1953, the state legislature did not pass enabling legislation permitting consolidation until 1957.²

An attempt was made to gain approval of a charter permitting the consolidation of Nashville and Davidson County in 1958; this charter was defeated because it failed to receive a majority of votes in the suburbs. A second attempt to effect consolidation was made in 1962 with a revised home rule charter. The charter was approved in the 1962 referendum. One of the reasons for the success of the revised charter was that a more concerted effort was made to mobilize support for the merger in 1962 than in 1958.³

Form of Government

The Metropolitan Government of Nashville-Davidson County has a strong mayor-council form of government. The executive head of the government is the mayor, elected for four years and who may be re-elected only twice. A vice-mayor, whose main function is to preside over the Metropolitan Council, is elected with the mayor. The Metropolitan Council, which serves as the

legislative body for Metropolitan Nashville, is composed of 40 members, five elected at large and 35 elected from districts. The duties of the mayor include the preparation of recommended legislation, submission of an executive budget to the council and overall responsibility for the conduct of the executive branch of government. The Metropolitan Council enacts ordinances, reviews the budget, and has general over-sight of administration. The mayor may veto a council ordinance and the council may override the veto by a two-thirds majority.⁴

The mayor is charged with the responsibility for the administration of the Metropolitan Government. He appoints almost all important department heads and board and commission members. These appointments are, of course, subject to approval by a majority of the council. The mayor is responsible for leadership in planning, organization, personnel management, financial management, and law enforcement in the area. He also serves as policy leader, being responsible for proposing a legislative program for the Metropolitan Council and encouraging citizen support of the goals of the Metropolitan Government.⁵

There are still some independently elected officials in Nashville-Davidson County but they play a much less influential role than in the counties of Iowa. For example the sheriff, though popularly elected, has been relieved of all his law enforcement activities, leaving as his only duties the management of the metropolitan jail and workhouse.⁶

County Finances

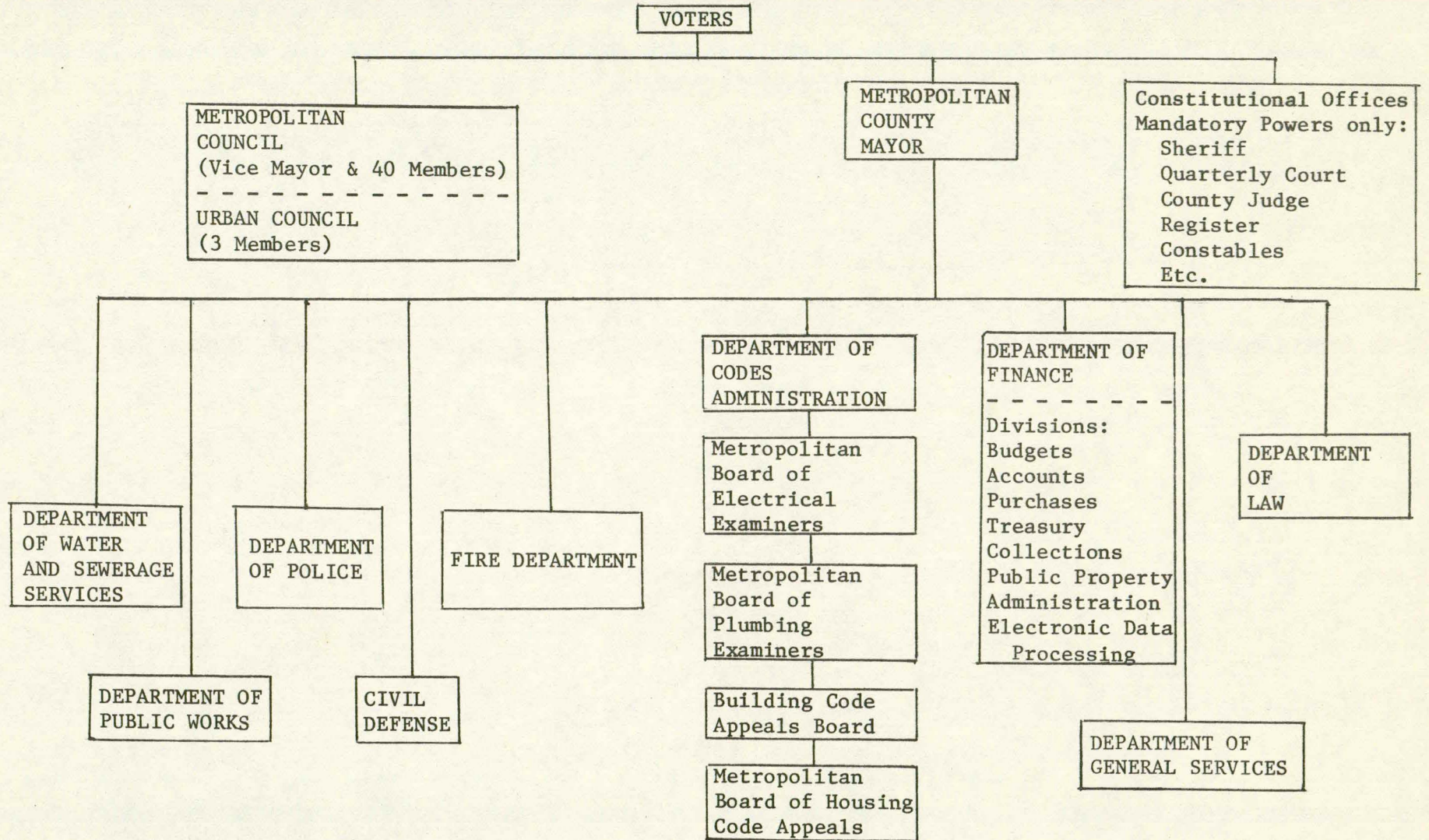
Approximately 50 percent of the revenue of the Metropolitan Government comes from property taxes. Some other sources of income include: state aid, state shared taxes, federal aid, fines, and charges for services. Municipal enterprises constitute a large source of revenue. Enterprises such as the Nashville airport, municipal golf courses, and the general hospital produced 1.6 million dollars in 1965.⁷

County Services

The services provided by the Metropolitan Government include those formerly provided by the city of Nashville and Davidson County. With the exception of services provided by the six small municipalities outside Nashville, the Metropolitan Government is responsible for all local government services in the area.⁸

Upon creation of Metro Nashville, the county was divided into two service districts. The General Services District covers the entire county, while the Urban Services District encompasses the city of Nashville and the highly urbanized unincorporated fringe surrounding it. The Metropolitan Government provides the following services throughout the General Services District: police protection, administration of justice, health, welfare, streets and road construction, parks and recreational facilities, schools, libraries, planning, urban renewal, and

Metropolitan Government of Nashville and Davidson County, Tennessee*



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*Based on the organization chart presented in Nashville-Davidson County: A Study of Metropolitan Government, J. Coomer, p. 48.

refuse disposal. Within the Urban Services District Metro provides additional police protection, fire protection, water, sanitary and storm sewers, street lighting and cleaning, and refuse collection. All area residents pay taxes for the General Services District; an additional tax is assessed people living in the Urban Services District for the additional services they receive.⁹

The previous discussion briefly outlined the services provided to the citizens of the area. To facilitate a better understanding of the level of services provided in each district, a discussion of a few specific services is necessary.

Education. Presently there is a single school system serving Metro Nashville; prior to 1963 the city and county operated separate school systems. These systems operated under different standards, with the result that children in different sections of the area received substantially different education. The merger completed July 1, 1964 established one school system for the entire county. The school system is under the direction of the Metropolitan Board of Education, whose members are appointed by the mayor with council approval. The school budget is submitted to the Metropolitan Council for approval. If two-thirds of the members of the school board feel the budget as set by the council is insufficient, they may call for a public referendum, in which the voters can override the council's action.

There are advantages to consolidating the city and county school systems. Equalization of teachers' salaries is facilitated by consolidation. Another important advantage resulting from consolidation is a more equitable distribution of financial support for the area's schools.

Parks and Recreation. The city of Nashville had the only extensive park system in the county prior to consolidation. City-county consolidation has brought a larger county wide tax base to support the park system. It has also permitted metropolitan officials to disregard city boundaries when considering the location of future parks.

Responsibility for the park system is vested in a seven member Metropolitan Board of Parks and Recreation. The board has the responsibility of formulating park policy and selecting a director who is required to have at least five years experience in park or recreation administration. The board has constructed many parks and recreation buildings and offers complete summer and winter recreation programs.¹¹

Public Safety. Police protection throughout the metropolitan area is provided by the Department of Metropolitan Police, whose director is appointed by the mayor. Substantial savings were effected by consolidating the duties of the police department and the sheriff's office into one area wide law enforcement agency. Other advantages followed from consolidation which were just as important. Consolidation permitted the creation

of a centralized records system, which is economical and permits increased accuracy in the solution of police problems. Also, the creation of a metropolitan police force promotes uniformity in police services throughout each District.¹²

Fire protection offered citizens of the area has been considerably improved since consolidation. The Metropolitan Fire Department serves as the fire protection agency for the whole area. Savings have been obtained by changing purchasing policies to eliminate indiscriminate equipment purchases. The Metropolitan Fire Department serves the Urban Services District and the schools, large parks, institutions, and buildings operated by the Metropolitan Government throughout the area.¹³

Public Works and Transportation. Consolidation of the city and county public works departments is making possible a comprehensive water and sewage system for the urban area of the county. The department which has the responsibility for implementing this program is the Metropolitan Department of Water and Sewage Service. In addition, a second major program is now underway which will extend water and sewage facilities to the rural areas of the county.¹⁴

Other public works functions of the Metropolitan Government include traffic control, parking facilities, and maintenance of the Nashville airport. The Department of Aviation operates the airport and the Metropolitan Traffic and Parking Commission builds and operates parking lots and parking garages.¹⁵

Conclusion

The consolidation of the governments of Nashville and Davidson County has provided a few solutions to the growing urban problems of the area. One advantage of city-county consolidation is the savings that have been achieved through school system consolidation and reorganization and consolidation of government staff services. Furthermore, area wide planning permits rapid expansion of water and sewage facilities to citizens living outside the residential area.

The structure of the Nashville-Davidson County government has contributed to the elimination of urban problems in the area. The mayor is elected for a term of four years and has the responsibility for the operation of the executive branch of the Metropolitan Government. As chief executive, the mayor appoints the heads of most departments and commissions. This power of appointment permits the mayor to place qualified men and women in positions of authority, thereby facilitating efficient operation of county government.

Footnotes

1. University of Massachusetts, Bureau of Government Research Bulletin, II (October, 1968), p. 3.

2. Duncombe, p. 196.
3. "Metro Nashville: Interesting, But Not Exportable," Government of the Metropolis, ed. J. F. Zimmerman (New York, 1968), p. 179.
4. Duncombe, p. 197.
5. Duncombe, p. 199.
6. "Metro Nashville: Interesting, But Not Exportable," p. 180.
7. Duncombe, p. 200.
8. Duncombe, p. 203.
9. "Metro Nashville: Interesting, But Not Exportable," p. 179.
10. James C. Coomer, Nashville-Davidson County: A Study of Metropolitan Government (APSA Intern, 1968-1969), p. 20.
11. Duncombe, p. 205.
12. Coomer, p. 36.
13. Coomer, p. 39.
14. Duncombe, p. 210.
15. Duncombe, p. 211.

The Lakewood Plan

Los Angeles County, through the Lakewood Plan, provides municipal services to 77 cities in the county. The Lakewood Plan was initiated in 1954 with the incorporation of the city of Lakewood. California law requires that a city, immediately following incorporation, assume responsibility for the provision of certain governmental services such as police and fire protection, sewer construction, and street maintenance. Subsequent to incorporation the Lakewood City Council requested that the county continue to provide most of the municipal services within the city, while the council retained the legislative, budgeting, and planning controls. The board of supervisors agreed, provided Lakewood pay the total cost of the services rendered.¹

The basic enabling law for the services-by-contract program is contained in the State of California Government Code. Section 51301 of the Code provides that the board of supervisors of a county may contract with any city within the county for any municipal service when requested by the city. Under this section Los Angeles County has been providing municipal services, such as library and health services to cities requesting them for over 60 years.

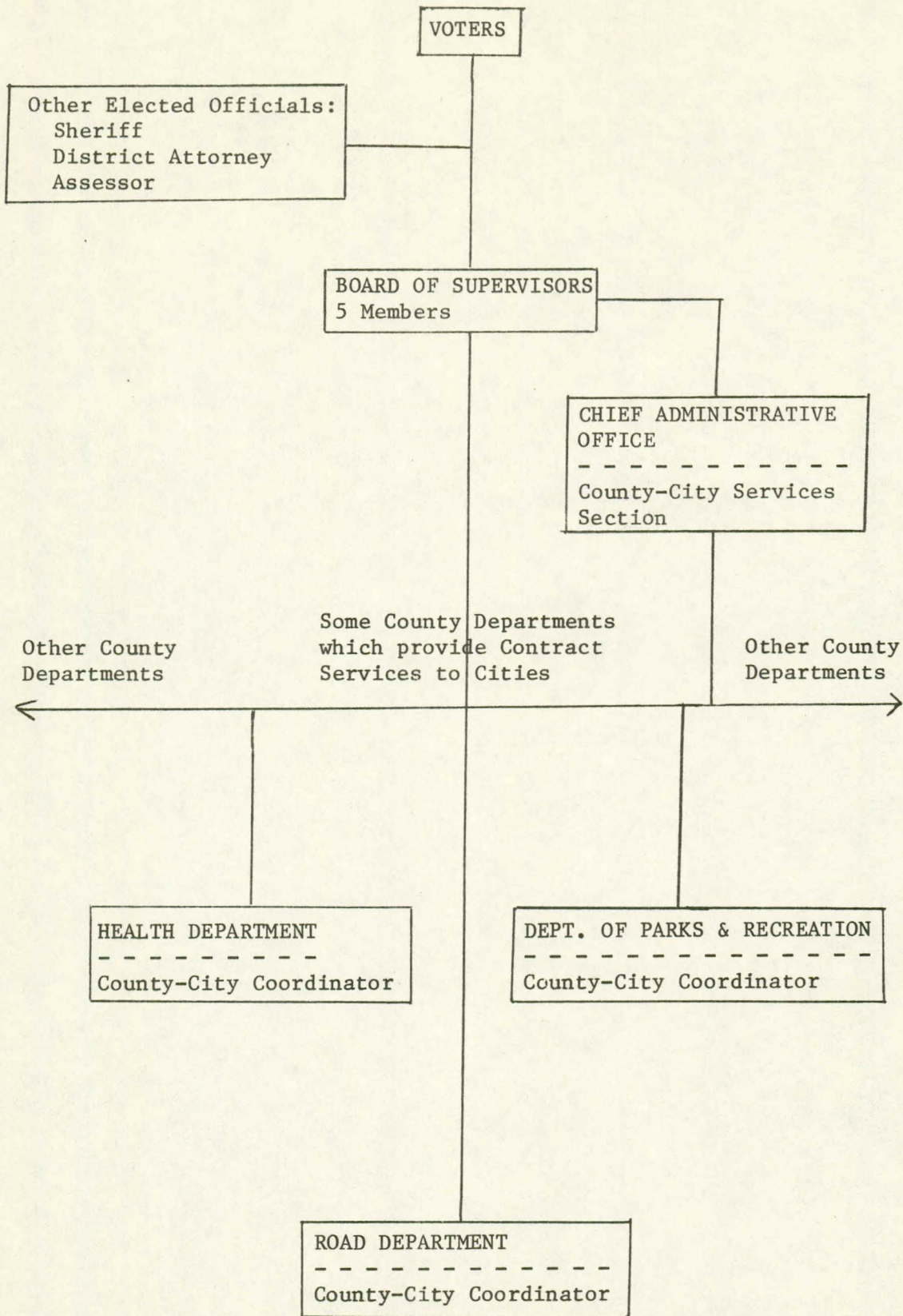
Los Angeles County operates under a "home rule" charter, adopted by the county in 1913. Since Los Angeles County functions under a home rule charter, there must be a provision in the Charter stipulating that the county may provide contract services to its cities. Section 56½ of the Charter provides the legal basis for the operation of the services-by-contract program in Los Angeles County. This section of the Charter states that the county shall have the power to assume municipal functions when requested to do so by the cities.²

Los Angeles County has been providing services to municipalities requesting them since 1900. The incorporation of Lakewood, however, initiated a change in the philosophy of offering services by the counties to cities; for the first time all municipal services were provided as a "package deal" to the city.³ Although Lakewood has chosen to receive all its municipal services from the county, the plan is not an "all or nothing" proposition. Each city describes which services, if any, it desires to purchase from the county. This illustrates the basic idea of the Lakewood Plan: it is a partnership of cities and the county to provide municipal services at the least possible cost, while both agencies retain the power of local self determination and home rule. Thus, cities and the county cooperate for the provisions of services at a mutually satisfactory level.⁴

Form of Government

In 1911 an amendment to the California Constitution declared that any county was permitted to form and adopt, by popular

Contract Services Program in Los Angeles, County



action, a charter for its organization and government.⁵ Los Angeles County adopted a home rule charter in 1913. Presently the county has a council-chief administrative officer form of government. The council, known as the board of supervisors, is composed of five members elected from districts. The sheriff, district attorney, and assessor are the only other elective positions in Los Angeles County government. The remaining administrative officials of Los Angeles County are appointed by the county board.⁶

County contract service business is coordinated through the County-City Services Section of the Chief Administrative Office. To assist this section, the position of county-city coordinator has been established in every major department providing contract services to cities. The person serving as coordinator functions as a liaison between his department and the County-City Services Section. Coordinators are basically consultants; they expedite operations, anticipate trouble spots, and keep emergencies at a minimum.⁷

Financial Arrangements

Annually, before adoption of the county budget, the departments which provide services to cities develop proposed service budgets for the ensuing year. Consideration must be given to the level of service desired by each city, since by law, all county costs must be recovered from the cities. The service budgets for each department are submitted to the County-City Service Section of the Chief Administrative Office for submission to each city.⁸

The chief feature of the Lakewood Plan is the use of contractual arrangements, whereby the county bills the city for municipal services it receives. Contractual arrangements are only one method of financing county-supplied municipal services. The financing of municipal services provided by the plan can be divided into three categories:

Self-Financing Contract Services. Services in this category are financed entirely by fees collected from the user of the service and no direct charge is made to the city. Two of the more common examples of self-financing services are animal control services, paid for by the collection of a dog license fee by the county, and building inspection services where an inspection fee is charged by the county.

Services Provided through Special Taxing on Assessment Districts. Services provided through county-administered special districts include fire, library, street maintenance, and lighting services. Cities receive these services by joining the appropriate county district.⁹

Contract Services Provided on the Basis of Direct Billing to the City. The county is reimbursed for municipal services such

as law enforcement, engineering, street construction, park maintenance, recreation, and election services by means of directly billing the city in which the service was performed. Charges for each service are based upon the total cost of providing the service to the municipality.¹⁰ The city must pay the total cost, since no county general fund appropriation is made for the provision of municipal services.

Use of Contracts

At the present time there are 13 agreements in effect between counties and various cities. These agreements cover the following services:

General Services Agreement	65 cities
Emergency Ambulance Program	67 cities
Hospitalization of City Prisoners	37 cities
Building Inspection	30 cities
Industrial Waste Treatment	31 cities
Maintenance of City Prisoners in County Jail	76 cities
Subdivision Final Map Checking	70 cities
Parcel Map Checking	14 cities
City Health Services	74 cities
Animal Control Services	38 cities
Street Maintenance and Construction	28 cities
Tree Planting and Maintenance	5 cities
Law Enforcement Services	29 cities ¹¹

Each city council desiring to receive a specific service executes a standard form agreement which is then approved by the county board of supervisors. This agreement is not tailored to meet a specific request of an individual city. There is an obvious reason for requiring a standard agreement: it facilitates uniform performance of services throughout the county. In this way the board of supervisors treats each city equally as to the provisions contained in the service agreement.¹²

The standard form agreements contain the following provisions:

The city shall reimburse the county for the entire cost of performing each function.

No county department shall perform any function not coming within the scope of the duties of the department.

No service shall be performed unless requested in writing by the city or authorized by the city council.

If the city requests the county to establish a departmental headquarters within the municipality it shall be done at the city's expense. If special supplies or stationary are issued by the county on behalf of the city, it shall be at the city's expense.

All persons employed in the performance of contract services for the city shall be county employees, and no city employees shall be pressed into county service. However, for the purpose of performing any service, the county employee shall be considered an employee of the city while performing the service for that city.

The city will not be compelled to assume any liability for the payment of wages to county employees.¹³

Conclusion

As stated previously, the California Constitution permits both city and county home rule. In essence, the Lakewood Plan is a partnership between the cities and the county to provide joint services at the least possible cost while both agencies retain the power of self-determination. The city need not purchase the service from the county; it may produce the service itself, contract with private industry for the service, or purchase the service from another municipality. The examples illustrate the many methods of reducing the cost of local government permitted under the Lakewood Plan.

The Lakewood Plan also demonstrates that county home rule is not necessarily synonymous with county government reorganization. In California any county, with any form of government, may provide contract services to municipalities. It is certainly true that the council-chief administrative officer form of government presently found in Los Angeles County facilitates efficient administration of contract business. The fact, however, should not be allowed to invalidate the central point of the previous analysis: county government reorganization is not a prerequisite for the provision of services to area municipalities.

Footnotes

1. L. S. Hollinger, County Contract Services Program (Los Angeles, 1971), p. 4.

2. Hollinger, p. 6. If the Iowa General Assembly were to permit counties to adopt home rule charters, a similar provision would have to be incorporated in each charter to enable the county to provide municipal services to cities or other political subdivisions of the state. This provision would cite Chapter 28E of the Iowa Code as the enabling law for the program.

3. Hollinger, p. 4.

4. County Home Rule Congress, An Action Program for Home Rule (July, 1962), p. 45.

5. Bureau of Governmental Research at the University of California, County Government in California (Los Angeles, 1951), p. 8.

6. Hollinger, p. 2.

7. Hollinger, p. 17.

8. Hollinger, p. 10.

9. Hollinger, p. 7.

10. Hollinger, p. 8.

11. Los Angeles County, Contract Services Program (March, 1973), p. 2.

12. Hollinger, p. 13.

13. Hollinger, p. 12.

CONCLUSION

The county case studies illustrate various attempts made by counties and metropolitan areas to solve their problems. The central idea of the case studies is that the form of government for a particular county should reflect the type of problems faced by that county. This concluding section presents a broad overview of the problems which exist in Iowa counties and attempts to demonstrate the possible applicability to Iowa of the concepts of local government presented in the case studies.

Application to Rural Counties

There are 99 counties in the state of Iowa. At the present time approximately 70 of these counties may be classified as rural. One distinguishing characteristic of a rural county is that its people live either on a farm or in a small town. A rural county would have many small towns but not a dominant population center, such as Des Moines (Polk County) or Cedar Rapids (Linn County). Another feature which marks the rural county is the dispersion of the population. Since farming is the chief occupation in the rural county, the population will be widely scattered. In the rural county, therefore, the people are not clustered around a specific population center, but are scattered throughout the county.

The previous paragraph mentions two situations facing the rural county in Iowa: the abundance of small towns and the dispersion of the population. These factors create a definite problem for the rural counties of Iowa. The problem can be subsumed under one question: How does the rural county provide an adequate level of services to a population which is widely scattered around the county? Two examples, police and health services, will be presented to demonstrate this problem. Following the specification of the problem, some concepts presented in the case studies will be employed to demonstrate possible solutions.

The dispersion of the rural county's population creates a problem in the provision of police services. To deter crime effectively, the county law enforcement officers must be able quickly to reach any section of the county. This demand for speed creates a demand for sophisticated equipment, communications, talented personnel, and well constructed roads to facilitate movement. Moreover, county officials must have the technical expertise to respond to this problem.

Another problem facing the rural county areas is in the form of county health services. Nearly all of the counties of Iowa provide health services for the entire county. In this regard, most rural counties have established a county hospital. An important health care service provided by the rural county

is ambulance service. This is very necessary because the person living on a farm may be a long distance from the county hospital. Follow-up care to hospitalization may also be necessary, and the county may provide for this by contracting with non-profit nurses' associations for public health nursing services. The services of the public health nurse may be necessary because of the distance between the patient's home and the hospital.

The two examples presented, police and health services, exemplify the traditional type of services which will continue to be demanded of the rural county. The consideration of some of the concepts incorporated in Petroleum County government, the contract services plan, and metropolitan federation may be helpful in solving police, health, and other problems facing rural county government in Iowa.

As the examples of police and health services demonstrate, there will be a tremendous demand for coordination and technical expertise in rural county government. The county manager system of Petroleum County demonstrates the methods by which the various functions performed by the rural county may be better coordinated. In Petroleum County, the elected board of supervisors formulates policy and appoints a county manager to administer policy. It is left to the manager to appoint the other administrative officials necessary to the operation of county government. As a result, the county government administration is responsible to the county manager. This improves the coordination between the services provided by the county and also helps the county remain responsive to the desires of its citizens. In addition, the manager injects some technical expertise into the operations of county government.

The counties of Iowa might accrue benefits from the adoption of a county manager plan with the necessary enabling legislation or, perhaps, through consolidation of county offices (permitted under Chapter 332 of the Code of Iowa), the county could employ people on a full time basis to direct the administration of county government. A full time county staff, including a county manager, increases the possibility that all county services will be provided to every citizen of the county. The county board of supervisors would continue to set policy, but the administration of county government would be placed in the hands of the manager and his appointed staff.

The administrators of county government, when employed in full time positions, want to be able to devote their total energy to the solution of county problems. As the administrators of county government develop the expertise necessary to provide services to the citizens of the rural county, the small towns of the county might find it to their advantage to purchase some services from the county. If the rural county in Iowa did begin to contract with its towns for the provision of services, police services would likely be the most demanded

county service. The procedure previously described is similar to the Lakewood Plan now in operation in Los Angeles County. Under Chapter 28E of the Code of Iowa, counties are now permitted to contract with cities, other counties, and other political subdivisions of Iowa or a neighboring state for the joint exercise of functions. The advantage of a contract service plan in Iowa is that it would permit an equitable service level throughout the county.

As mentioned in the previous paragraph, the authority granted to the county through Chapter 28E of the Code of Iowa permits counties to join with other political subdivisions of the state to jointly provide services each could provide individually. This creates the possibility of a regional approach to the provision of services a la Metropolitan Toronto.

The question may then arise: Would this "regionalism" be appropriate for Iowa counties? It is very possible the regional approach to the provision of services might benefit the rural counties of Iowa. It must be remembered that the area of each county is small, and the combining of five or six neighboring rural counties would not encompass an unmanageable area. If some counties did form a "service region," the governing body for the "region" might be composed of one member from each county board of supervisors, with the chairman of the regional body elected by the membership. This regional committee could institute centralized purchasing, which would obtain all necessary supplies for member counties. If the regional committee was vested with regional planning powers, it could facilitate inter-county road construction. The regional committee could also initiate measures aimed at reducing air and water pollution originating in the region. The regional authority might be empowered to perform all the previously mentioned activities in addition to increasing the coordination between member county police units. It is evident from the few services mentioned that the regional approach may produce some benefits for the rural county of Iowa.

The previous few pages have attempted to apply some of the concepts incorporated in the case studies to the rural counties of Iowa. Based on this analysis it appears that the county manager, the services by contract plan, and the federation plan of government might hold some benefits for the rural counties of Iowa. The three plans mentioned are not the only avenues of home rule, however. Following the application of the case studies to the urban counties of Iowa, other methods of home rule open to Iowa counties will be discussed.

Application to Urban Counties

There are approximately 20 counties in Iowa which could be classified as urban. These 20 counties surround eight Iowa

cities: Cedar Rapids, Council Bluffs, Davenport, Des Moines, Dubuque, Iowa City, Sioux City, and Waterloo. The urban counties of Iowa tend to provide a wider range of services than do the rural counties. For example, sewer and water services will more often be demanded in the urban county than in the rural county. This larger demand results from the creation of subdivisions outside the boundaries of a city. The county may provide for sewer and water services on a district basis. To obtain sewer services, the affected county residents may petition the board of supervisors for the creation of a sanitary district. The board of supervisors conducts hearings on establishing the district, designates the final boundaries of the district, and selects a date for the election which will decide whether the district is to be established. In like manner, action is initiated for the provision of water services when 25 percent of the residents of a proposed district petition the board of supervisors for the creation of a water district. The board conducts hearings on the matter and an election is held to determine whether to establish the district. Another election is held to elect trustees to operate the water district.

With the expansion of the urban areas in Iowa the counties will probably be compelled to establish more water and sanitary districts. One major disadvantage of the district method of providing services is that it increases the political fragmentation of the urban area. The county could more effectively provide services to its citizens if county government were able to operate without the creation of special districts and the election of special boards for each district. The county and metropolitan governments presented in the case studies were empowered to provide service without the creation of special districts, each with their own elected representatives. One of the chief reasons the counties presented in the case studies were able to provide services effectively to their citizens was that each had strong executive leadership. There may be some oppositions to a strong executive; some may say it is dangerous to vest extensive administrative powers in one office. This objection would be valid if the county judge system were being discussed. However, under the forms of government presented in the case studies the function of the executive was to give direction to the legislative body. It was the task of the legislative body to formulate policy. Following the formulation of policy, the legislative body steps aside and permits the executive to implement the county policies. It should be remembered that the county board decides the future direction of county government.

There are advantages to a strong executive form of government. A strong executive, either elected or appointed, is likely to be responsive to the public will. This official is visible to the people and the press; therefore, if the executive desires to remain in office, he or she will have to stand on a personal record. This encourages the official to do a good job. As is evident, responsibility for the operation of county government may be easily pinpointed.

All the counties presented in the case studies possess a strong executive. Moreover, all the county governments discussed were able to provide all services to their residents without the creation of special boards of trustees. The best example of a county which provides a full range of services to its citizens is Nashville-Davidson County. As a result of the city of Nashville being consolidated with Davidson County there is one government in the area which fulfills the service requirements of its residents. The formation of the Metro Nashville government facilitated the expansion of sewerage, water, and other services to remote sections of Davidson County. In fact, the formation of an area-wide government has increased the level of services available to the entire region.

City-county consolidation would probably have limited applicability in Iowa. For an urban area and county to consolidate effectively, the urban area should encompass most of the county. This situation exists only in the case of the Des Moines urban area in Polk County. The consolidation of the city government in the Des Moines area with the government of Polk County would enhance the possibility for the orderly expansion and growth of the urban area. This consolidation would also help the county to more effectively provide services to its residents. Some advantages to consolidation in the Des Moines area are as follows: A regional police force with a central communication center could be maintained. Second, centralized purchasing could be established. Centralized purchasing may help reduce costs because discounts may be granted on any item which is purchased in large quantities. Finally, a plan encompassing the entire area of the county could be developed. An effective plan would facilitate the expansion of water and sewage services and industrial development on the urban fringe. Regional sewage and transit services in Des Moines could be placed in county government. This would eliminate the need for the present special districts and also such action would improve coordination between services.

There may be some opposition to the concept of city-county consolidation. This opposition stems from city officials whose offices would be abolished if consolidation were effected. For this reason it may be more politically feasible to advocate a federation plan of county government rather than city-county consolidation. The federation plan could be initiated in all urban counties of Iowa. Essentially, the federation plan, if effected in Iowa, would permit an upward shift of area-wide functions to the county level while the cities of the county continue in existence and provide certain local functions. The functions which could be shifted to the county include, among others, the provision of water and sewage services and road construction activities. Local functions would include local traffic control and fire protection. The federation plan may prove more politically acceptable because federation circumvents the opposition of vested interests in city government.

The final proposal for the provision of services on an area-wide basis would incorporate the concepts found in the Lakewood

Plan and Montgomery County. In both cases the county assumes functions which could more effectively be provided on an area-wide basis while the cities provide local services. The only governmental reorganization which would occur under the proposal would be at the county level. This reorganization may be necessary to permit the county to effectively administer additional services usually provided by the cities.

In reviewing the proposals demonstrating the applicability of the case studies to Iowa it is evident that flexibility is the keynote. But it is flexibility in a dual sense: flexibility in county government and flexibility in the person's conception of county home rule. There is no set method of home rule. The main principle of county home rule is flexibility in county government. Flexibility may be provided in a number of ways and in varying degrees. This notion of flexibility in county government may be expressed in many ways. One way which has been mentioned previously is the concept of a continuum. That is, like a rainbow there are various shadings from one extreme to another. Following is one attempt to list some of the shadings from state control of county government on the one hand to home rule on the other.

County Home Rule Continuum

1. DILLONS RULE - COUNTIES ARE COMPLETELY DEPENDENT ON THE STATE FOR THEIR POWERS AND AUTHORITY.
2. STATE ASSUMPTION OF SPECIFIC COUNTY ADMINISTRATIVE FUNCTIONS.
3. PASSAGE OF MORE "OPEN" LEGISLATION PERMITTING COUNTIES MORE DISCRETION IN FULFILLING STATE IMPOSED RESPONSIBILITIES.
4. PERMITTING COUNTIES TO COMBINE OFFICES - Chapter 332, Sections 17-22 of Code of Iowa.
5. LEGISLATIVE AUTHORITY TO PERFORM CERTAIN SERVICES AND FUNCTIONS - Chapter 28E of the Code of Iowa.
6. LEGISLATIVE AUTHORITY PERMITTING COUNTIES TO ASSUME ALL MUNICIPAL FUNCTIONS.
7. THE PROVISION OF COUNTY OR MUNICIPAL SERVICES ON A REGIONAL BASIS - FUNCTIONAL REGIONALISM.
8. COMBINING COUNTIES.
9. LEGISLATION ESTABLISHING OPTIONAL FORMS OF COUNTY GOVERNMENT.
10. FEDERATION
11. CITY-COUNTY CONSOLIDATION.
12. HOME RULE CHARTER ADOPTION BY THE COUNTY.

13. REPEAL OF STATE-IMPOSED SPENDING LIMITS FOR COUNTIES INCLUDES THE ABILITY TO RAISE TAXES AND TO DETERMINE WHICH TAXES TO LEVY.

The reader can easily ascertain that the continuum extends from the total control of the county by the state at one end to where the county has authority over form, function, and revenue at the other end. This continuum demonstrates that county home rule is not an either/or proposition. There are many shades of home rule. For example, Iowa counties may now combine with other political subdivisions of the state for the joint provision of certain services. Also the Iowa county may combine some of its offices. Hence, some vestiges of county home rule are presently found in Iowa.

Most of the "stages" of county home rule presented in the continuum may be effected by simple legislation. Combining two counties, however, would require an affirmative vote of the residents in the two counties contemplating combination. An amendment is needed because the Iowa Constitution (Article XI, Section 2) protects the area of each county. City-county consolidation also may not be allowed except by a constitutional amendment. The Constitution of Iowa protects the county seat of each county: therefore, if city-county consolidation is to be effected, the county seat will have to consolidate with its county. Furthermore, state legislation will be needed to permit the county to increase its taxing limits.

The home rule continuum demonstrates an idea which is central to this paper: county home rule means increased authority over the functions as well as the structure of county government. As previously noted, Chapter 28E of the Code of Iowa permits counties to assume some of the municipal functions usually performed by the cities. Functional home rule as outlined in points (3), (4), (5), (6), and (7) specifies that the county should have wide discretion in determining which services it will provide. The county may decide it could more effectively provide services to its citizens if county government were reorganized. There has been a tendency, as demonstrated in the case studies for counties to adopt strong executive government when they assume new services. Flexibility over the structure of county government, as outlined in points (8), (9), (10), and (11) specifies that the county should be able to adopt a governmental structure which permits the county to most effectively perform its tasks. The combination of structural and functional flexibility is demonstrated in point (12), home rule charter adoption.

The conception of county home rule as being synonymous with home rule charter adoption is the prevalent idea as to what "county home rule" involves. In adopting a charter the people of a county approve what is, in effect, a local government constitution. Essentially, the charter specifies the form of government, the functions which that government may perform, the terms of office, and the duties of the officials of the county government.

The final point (13) concerns the raising of revenue. Presently, state statutes severely limit the revenue the county may raise to finance its operations. In Iowa, like most non-county home rule states, state control is very rigid in the area of finance. Under this control it is difficult for the counties to maintain proper service levels in the face of rising costs. The counties need the authority to raise taxes if such a need is necessitated by rising costs.

A possible solution to the revenue pinch felt by the counties is to permit them to levy sales and income taxes, in addition to the property tax. Above all, the reader should be aware that additional revenue sources may be needed if the county is to provide a wider range of services in the future.

The central theme of this paper has been that county home rule may benefit every county in Iowa. Home rule should be granted to all Iowa counties, regardless of population, because all counties will experience problems arising from the present inflexibility of county government in Iowa. The county case studies presented some methods by which counties and metropolitan areas have attempted to solve their problems. The case studies presented complete plans of county government reorganization. Complete plans of government, however, cover only a limited range of county home rule alternatives. The keynote of county home rule is flexibility, and greater flexibility may be granted by a number of methods as demonstrated by the county home rule continuum. The main question which should be asked when considering county home rule is: How may the counties of Iowa best accomplish their tasks and serve their citizens? In answering that question, whatever shade we decide upon should be the type of home rule granted to the counties of Iowa.