

# State-Local Relations Bodies: State ACIRs and Other Approaches

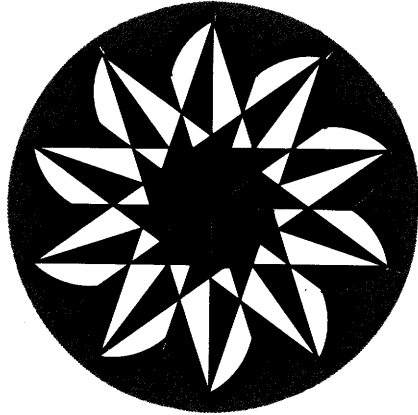


ADVISORY  
COMMISSION ON  
INTERGOVERNMENTAL  
RELATIONS

Washington, D.C. • March 1981



AN INFORMATION REPORT



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Relations Bodies:  
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**M-124**



# Preface

**I**n 1974, recognizing the need for state-level intergovernmental responses to the problems created by urbanization, technological change, and economic uncertainty, the U.S. Advisory Commission on Intergovernmental Relations (ACIR) recommended that the states create their own ACIRs. The purpose of these organizations would be to provide the states, their political subdivisions, and their citizens with an institutional mechanism that could probe, ponder, and propose solutions to intergovernmental problems within—and in some cases between—the states. These permanent, bipartisan, and broadly based instrumentalities also would serve as neutral forums to help bridge the communications gaps between and among governments and their constituents.

When ACIR offered its recommendation, most states did have an organization that performed some of the functions included in the ACIR proposal. Yet, the absence of local representation, their relatively narrow focus, or their predominantly operational thrust made most of the units unsuitable for the broadly gauged research and recommending role contemplated for a state ACIR. As noted in the Commission's call for the creation of these panels: "At this point, the need to treat systematically the tension points in state-local relations is more urgent than ever before. The shifting pattern of servicing assignments, the greater discretion accorded to states and their localities by General Revenue Sharing and block grants, the stronger fiscal position of most states, the growing

state initiatives in a number of current and controversial program areas—as well as the challenge that both of these traditional governments confront at the substate level—are but a few of the more recent developments that argue strongly for establishing state advisory commissions on intergovernmental relations. . . . In one sense, the states and localities have needed such an instrumentality for at least a generation. The States and their localities after all are linked fiscally, functionally, jurisdictionally, constitutionally, and politically. But these linkages, derived from the prime legal position accorded to the states by the U.S. Constitution, have produced as much conflict as collaboration."

This report reviews the state experiences with five types of intergovernmental advisory agencies: state ACIRs, advisory panels of local officials, local government study commissions, departments of community affairs' advisory boards, and commissions on interstate (or intergovernmental) cooperation. These five categories were selected because they represent the broader, more generalist, and truly "intergovernmental" approaches taken by states in recent years.

This study makes no attempt to include the work of the many, more specialized commissions and study groups which states have established in such areas as taxing policy and school finance.

**Abraham D. Beame**  
Chairman



# Acknowledgements

**T**his report is based, in large part, on two surveys of the organization, functions, staffing, budget, work program, recommendations, and implementation record of intergovernmental advisory agencies initiated by ACIR in 1978 and in early 1980. The results of these surveys were supplemented by follow-up data gathering activities including (1) phone contacts and written correspondence with the state organizations; (2) information obtained in the course of ongoing Commission monitoring and state technical assistance efforts; (3) resource materials from state and local interest groups such as the Council of State Governments, the National Conference of State Legislatures, the Council of State Community Affairs Agencies, and state municipal leagues and county associations; and (4) a review of primary and secondary source literature.

The volume was written by Jane Roberts of the Commission's policy implementation division. Carol Monical, Mavis Reeves, and David Walker offered advice, criticism, and guidance during the development of the report. Library assistance was provided by Patricia Koch. The manuscript was patiently prepared by Harolyn Adams, with the able assistance of Elizabeth Bunn.

The Commission gratefully acknowledges the contributions and comments of the many state officials who provided information for this volume. Special appreciation also is due to the following individuals who provided their own useful insights throughout the preparation process:

John Bay of the State and Local Government Commission of Ohio; Richard Black of the South Carolina ACIR; Richard Butler of the Indiana Local Government Study Commission; Charles Christophersen of the Virginia Department of Intergovernmental Affairs; Charles Griffiths of the Pennsylvania Intergovernmental Council; Donald Jones of the National League of Cities; John Lattimer of the Illinois Commission on Intergovernmental Cooperation; Joseph Marinich, Kris Balderston, and Marvin Tick of the Council of State Community Affairs Agencies; Vincent Marando and Ulf Zimmerman of the University of Maryland, Institute for Urban Studies; Timothy Masanz and Donna Wise of the National Conference of State Legislatures; Dierdre Riemer of the National Governors' Association; Eugene Schneider of the New Jersey County and Municipal Government Study Commission; Jay Stanford and David Spurgin of the Texas ACIR; Gary Van Ostrand of the Florida ACIR; and David Wanzenreid of the Montana Department of Community Affairs.

As always, full responsibility for the content and accuracy of this report rests with the staff of the Commission.

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# Intergovernmental Advisory Agencies: An Overview

**I**n 1974, ACIR recommended that states act “to ensure that coordination rather than conflict will characterize state-local relationships.” ACIR suggested that one way to accomplish this goal was to create a state-level advisory commission on intergovernmental relations that could serve as a neutral forum for the discussion of mutual interests and problems.

When ACIR offered this recommendation, there were four full-fledged functioning commissions—in Arizona, California, Kansas, and Texas. By early 1975, the Kansas body had been terminated and, with the exception of Texas, the others existed in name only. That trend has been reversed in recent years, however, as state and local officials have become more sensitive to interlevel relationships, issues, and problems.

ACIRs, of course, are not the only approach states can take to improve their capacity to recognize, assess, and discuss intergovernmental issues. In fact, the states have done a fair amount of experimentation—particularly during the past decade—with various types of organizations intended to achieve these objectives. The variety of approaches is impressive:

- At least 11 states have created statutorily based advisory panels, the majority of which have been patterned after the national ACIR. For the most part, these organizations have contained both state legislative and executive representatives and local government officials and private citizens, and have provided

a truly intergovernmental forum for considering issues and problems.

- Governors in about a half dozen other states have created, by executive order, an ACIR or other advisory body to deal with state-local and federal-state-local relations and policies.
- Municipal and county government associations in at least two states have joined together to create their own advisory body on intergovernmental relations.
- A number of states have strengthened or created permanent legislative commissions or committees on local government which serve as interim research agencies for the legislature. These legislative panels may include or exclude local officials and/or representatives of the executive branch of state government.
- Nearly every state has authorized legislative interim studies on at least some aspect of state-local relations during the past decade.
- Every state has a state department of community affairs (DCA) or an office that is designated to perform DCA functions. Nearly half of these agencies have an advisory or administrative board of local government officials.
- A handful of states have transformed their dormant interstate cooperation commissions (which initially were created as the state affiliate of the Council of State Governments) into active, well-financed, and staffed agencies.
- During the past 15 years, the vast majority of states have created temporary commissions or committees to study state-local relations and to make recommendations to the Governor and the legislature.
- Thirty Governors, various state departments, and several state legislatures have established an office in the nation's capital in order to more effectively participate in intergovernmental decisionmaking at the federal level.

Table 1 summarizes various state approaches to intergovernmental organizations during the past decade.

The emergence of intergovernmental issues such as state and federal aid, mandates, home

rule, regionalism, jurisdictional, or annexation controversies, or the need to develop or implement new constitutional provisions on local government have been principal factors in the creation of most of these organizations. Other factors have included the efforts of new Governors to improve communications with local officials, the recognition by a department of community affairs or a state legislature that its work would be facilitated by closer consultation with local officials, or efforts by organizations of local officials to increase or coordinate their own influence on intergovernmental policies. As one ACIR survey respondent noted: "Although many broad state-local government relationship concerns remain the same (e.g., need to work as partners in government process; share financial resources and burdens as appropriate, etc.), the priority local government issues seem to be constantly changing, reflecting the need to be flexible and recognize new problems and trends." With the recent wave of interest in curbing governmental expenditures, taxes, and service levels generated by Proposition 13, an even greater interest in, and need for such bodies may arise. Another survey respondent recommended "without qualification or equivocation" that states create an advisory organization "particularly as state and local governments are confronted with intergovernmental problems anticipated during the 'era of limits' into which we have already entered."

At the completion of this report, 18 states had established an advisory organization or mechanism to deal with intergovernmental concerns: Arizona, Florida, Illinois, Maine, Maryland, Massachusetts, Michigan, New Jersey, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, and Virginia. These organizations are distinctive in that they have a broad scope of interests as compared to the numerous temporary executive and legislative panels and the DCA advisory boards which have been created to focus on a specific aspect of local government structure, finance, or service responsibility.

ACIR has recommended that the states create broadly representative state-level organizations by statute and has drafted model legislation to facilitate such efforts. A statutory base would give the permanence and independence that ACIR believes such a body needs to effectively work for improvements in intergovernmental relation-

Table 1

## STATE INTERGOVERNMENTAL ORGANIZATIONS: 1970-80

	ACIR	Advisory Panel of Local Officials	Local Government Study	Department of Community Affairs	Department of Community Affairs Board	Commission on Intergovernmental Cooperation	Governor's Washington Office
Alabama			X	X			
Alaska				X		X	X
Arizona	X			X	X	X	
Arkansas			X	X	X	X	X
California	X		X	X	X		X
Colorado				X		X	
Connecticut			X	X	X		X
Delaware			X	X		X	X
Florida	X		X	X	X	X	X
Georgia			X	X	X	X	
Hawaii			X	X		X	X
Idaho			X	X		X	
Illinois			X	X		X	X
Indiana			X	X*		X	X
Iowa			X	X		X	
Kansas	X		X	X	X	X	
Kentucky			X	X	X		X
Louisiana				X	X	X	
Maine		X	X	X		X	X
Maryland			X	X	X	X	X
Massachusetts		X	X	X		X	X
Michigan		X	X	X			X
Minnesota			X	X		X	X
Mississippi				X	X	X	
Missouri				X		X	X
Montana			X	X		X	X
Nebraska			X	X	X	X	
Nevada			X	X		X	
New Hampshire				X		X	
New Jersey			X	X		X	X
New Mexico			X	X		X	X
New York			X	X	X	X	X
North Carolina	X		X	X	X	X	X
North Dakota		X		X		X	
Ohio	X		X	X		X	X
Oklahoma			X	X	X	X	
Oregon			X	X			
Pennsylvania		X	X	X		X	X
Rhode Island	X		X	X	X	X	
South Carolina	X		X	X		X	X
South Dakota		X		X	X	X	
Tennessee	X		X	X			X
Texas	X		X	X	X		X
Utah			X	X	X	X	X
Vermont			X	X		X	
Virginia		X	X	X	X	X	X
Washington			X	X			X
West Virginia			X	X		X	
Wisconsin			X	X	X	X	X
Wyoming				X	X	X	

\* Department of Community Affairs functions performed by Governor's Executive Assistant.

SOURCE: Advisory Commission on Intergovernmental Relations staff compilation.

ships. Recent experiences of the states, however, have revealed other, more informal approaches which may be used—particularly (1) where a legislature cannot be persuaded to create an ACIR or (2) where some experience with such a body is seen as desirable before creating a permanent intergovernmental advisory unit.

Essentially, the states have taken two rather distinct approaches in the development of state organizations on intergovernmental relations. At one end of the scale, states such as Texas, Florida, and New Jersey have created permanent, independent, broadly based organizations. These states have provided financial resources and staff to conduct research on intergovernmental issues and to develop independent policy recommendations. At the other end, panels in such states as Michigan, Maine, Massachusetts, and Virginia are comprised of local officials for the most part, and do not have the staff or funds to conduct large-scale, independent research programs. Instead, they serve as a forum for the discussion of intergovernmental policies developed by state legislatures or executive agencies. This distinction—between the commissions which are broadly representative and have the resources to initiate policy recommendations, perform research, and follow up on recommendations, and those which serve only as a forum for discussion of intergovernmental issues raised primarily by local officials—is the most important difference between the current state organizations. Commissions such

as those in Pennsylvania and North Carolina, which initially were created primarily as advisory forums, have begun to obtain the resources to conduct research and recommend policy. In another trend, several states' temporary commissions, such as those initially organized in Texas and Florida, have been succeeded by permanent commissions. In most states the panels have been new organizations, and in a handful of other cases—as with Illinois and Maryland—state commissions on interstate cooperation have been reorganized or revitalized.

According to the ACIR survey responses, there are three bases on which intergovernmental advisory agencies have been created: statute (11), executive order (five), and private contract (two). (*Figure 1.*) Funding ranges from token appropriations—perhaps in the form of part-time staff services on loan for a specific project or in the form of office space—to several hundreds of thousands of dollars and a full complement of permanent, full-time staff. About half of the panels do not have independent funding and depend on part-time staff assistance. While most of the panels operate on funding from state sources, a few have utilized grants from federal agencies and private sources. For example, the Florida ACIR has utilized state revenue sharing funds and the Texas ACIR has used federal revenue sharing moneys. Over the years, the Michigan and Massachusetts organizations have used staff assistance from their member associations. The North Dakota council

Figure 1

### LEGAL BASIS FOR STATE INTERGOVERNMENTAL ADVISORY AGENCIES

#### Statute (11)

Florida (1977)  
 Illinois (1937)  
 Maryland (1937)  
 New Jersey (1966)  
 North Carolina (1979)  
 Ohio (1977)  
 Rhode Island (1978)  
 South Dakota (1965)  
 Tennessee (1978)  
 Texas (1971)  
 Virginia (1978)

#### Executive Order (5)

Arizona (1970)  
 Maine (1979)  
 Massachusetts (1974)  
 North Dakota (1976)  
 South Carolina (1979)

#### Private Contract (2)

Michigan (1975)  
 Pennsylvania (1975)

operates entirely on a federal grant from the Economic Development Administration, while the Pennsylvania and South Carolina panels are supported by a mix of federal grants and state monies.

The average size of the state panels is 19 members, ranging from a low of ten in Michigan to a high of 30 in Massachusetts and 34 in Illinois. They meet about six times a year and view themselves as politically moderate and nonpartisan. Although most of the surveyed panels rated their work as having had only a minor impact on improving intergovernmental relations thus far, respondents did indicate that their influence with public policymakers was increasing. For example, one panel insisted that it "has been and continues to be the single body that brings together all as-

pects of state and local government (and occasionally federal) for the purpose of discussion and communication. While substantive results have been few, it nonetheless continues to be appreciated and supported for this purpose, as well as for the potential benefits that many council members perceive in the organization. . . . No one is willing to dismiss the council because they remain convinced that it will develop into a stronger institution over time."

In response to a specific question about the major consequences of their panel's work, nearly all respondents cited their role as a forum for state and local officials to discuss issues of mutual concern. Nearly all of the respondents listed the lack or limited availability of staff as the major weakness.





## State ACIRs

**T**here are five primary functions which can be performed by a state ACIR. First, it can serve as a *forum* for consultation by state executives, administrators and legislators, and local government officials. This would include such efforts as the review of existing and proposed state and federal policies and programs, and the mediation of conflicts between and among agencies and levels of government. Second, it can serve as a *clearing-house* for information on intergovernmental issues. Third, it can function as a *research agency* with a capacity to develop implementing recommendations for consideration by all levels and branches of government where appropriate. Fourth, it can be an *advocate* for its recommendations. And last, a commission can provide *technical assistance* to state and local agencies in a broad range of program and policy areas.

A state ACIR can develop a special competency to deal with complex and politically sensitive issues such as: what government level should perform what function; what level should finance which service; and how the levels can best form a partnership to achieve their joint purposes. A state ACIR can become a positive force in helping to achieve power balance and fiscal balance. It can become a prism that, when placed over a problem, causes the intergovernmental considerations to rise up and reveal themselves. And, most importantly, having members from each government level and the public, it can develop a solid reputation for neutrality, continuity, objectivity, and credibility.

Currently eight states have an organization that is constructed along the lines of the model the U.S. ACIR proposed in 1974: Arizona, Florida, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, and Texas. While they may not officially be named Advisory Commissions on Intergovernmental Relations, their membership and functions generally are patterned on the ACIR recommendation. (Table 2).

With the exception of the Arizona ACIR, all of these agencies were active in 1979–80, and most have been organized in the past two years. Six of the state ACIRs have been created by statute, while two have been constituted by gubernatorial executive order. The average size of the commissions, 19 members, reflects the broad spectrum of state executive and legislative, local government, and public representation. In addition, particular intergovernmental interests are reflected in the membership make-up of the Arizona council (that includes representation of Indian tribes, councils of governments, and school districts), the South Carolina ACIR (that includes a regional council representative), and the Texas ACIR (that includes public school, regional council, and federal officials). Annual budgets range from a low of no specific budget to a high of over \$425,000, with a professional staff range of only a few on part-time assignment to a 14-member full-time staff complement.

Because of their recent creation, an in-depth evaluation of the records of these agencies is impossible at this time. What needs to be underscored here, nevertheless, is that these eight states have responded to the need for an ongoing mechanism to explore and assess intergovernmental problems and issues, and that these ACIRs now have embarked upon their missions.

## RECENTLY CREATED STATE ACIRs

**Ohio.** The provision for the State and Local Government Commission of Ohio was contained in a “tandem election bill” implementing a constitutional amendment calling for an election slate with a Governor and Lieutenant Governor from the same party. Under the act—adopted in 1978—the Lieutenant Governor’s primary responsibility is to serve as commission chairman. Organized in early 1979, the commission is comprised of 13 members: the Lieutenant Governor; two House members appointed by the speaker and

two senators appointed by the Senate president; six representatives of local government (two each from the cities, counties and townships) appointed by the Governor from slates of five nominees submitted by their respective government associations; and two public members named by the commission chairman. Members serve overlapping four-year terms. In 1980, after the Lieutenant Governor resigned, legislation modified the organizational procedures to enable the commission to elect its chairman and vice chairman annually when the Lieutenant Governor’s office is vacant.

The commission serves as a forum for discussing intergovernmental issues and problems. It has a two-member professional staff and a biennial budget of \$125,000. Among its duties are: to study state-local relations and services; to recommend appropriate actions to the Governor and legislature; to report annually on its work and findings; and to coordinate the efforts of universities engaged in research for governments in Ohio.

To date, the commission has taken positions on a variety of policy issues: the reenactment of General Revenue Sharing, including the continuation of the states’ share; Congressional preparation and use of fiscal impact statements to prevent the imposition of unfunded federal mandates on state and local governments; the fair distribution of federal surplus property; federal grant consolidation and reform; tax-exempt state and local revenue bonds to finance low and moderate income housing; and the coordination of emergency medical services at the state level. The commission also is reviewing legislative proposals dealing with home rule for counties and townships, and addressing questions surrounding annexation and boundary adjustment policies, cooperative purchasing arrangements, and federal aid policies.

**Rhode Island.** Also in 1978, the 25-member Intergovernmental Relations Council was created by the Rhode Island General Assembly. The bipartisan panel is chaired by the Lieutenant Governor and is composed of five representatives and three senators appointed by the leadership of their respective houses; seven local officials, three private citizens and six executive branch officials (including the Lieutenant Governor) appointed by the Governor; and the president of the League of Cities and Towns. The council reports annually to the Governor and the General Assembly.

Table 2  
STATE ACIRs: 1979-80

State and Name of Commission	Legal Basis	Funding and Sources	Professional Staff	Membership a) Number b) Characteristics c) Terms	Current Work
<b>Arizona Advisory Council on Intergovernmental Relations</b>	Executive Order 70-1, 1970 Executive Order 73-4, 1973	—	—	a) 21 b) All appointed by Governor: 3 state officers 4 legislators (2 senators and 2 representatives) 1 Indian tribe 1 Council of Governments 3 Counties 3 Cities/towns 2 School districts 3 public c) 3 years	—Not currently active
<b>Florida Advisory Council on Intergovernmental Relations</b>	Statute, Florida Statutes, Chapter 163, Part VI, 163.701-163.708, 1977	\$265,000 (\$230,000—state general revenue; \$35,000—HUD contract)	5 full-time 2 part-time	a) 17 b) 4 senators appointed by senate president 4 representatives appointed by speaker 9 members appointed by Governor (state and local government and public) c) 4 years for gubernatorial appointees. Others for time that corresponds to their terms of office	—Local government fiscal capacity —State mandates —Local government debt —Assignment of functions —Impact of federal programs —Double taxation —Community conservation policy study —Municipal utility surcharges and rate structures
<b>North Carolina Local Government Advocacy Council</b>	Executive Order #22, 1978 Statute (H.B. 874), 1979 f	\$105,184 state appropriation	2	a) 19 b) 2 senators appointed by senate president 2 representatives appointed by speaker 3 at-large appointed by Governor 6 county representatives including 5 from association board and association executive director 6 municipal representatives including 5 from league board and league director c) 2 years	—Study of trends in county growth rates and expenditures —Study of multi-departmental jurisdiction in environmental applications and permits —Serving as part of Interim Balanced Growth Board

Table 2 (cont.)

State ACIRs: 1979-80

State and Name of Commission	Legal Basis	Funding and Sources	Professional Staff	Membership a) Number b) Characteristics c) Terms	Current Work
<b>Ohio State and Local Government Commission</b>	Statute Sections 105.45 and 105.46 Ohio Revised Code	\$125,000 (2 years) state appropriation	1	a) 13 b) Lt. Governor 2 representatives appointed by speaker 2 senators appointed by senate president 6 local government representatives appointed by Governor (2 each from cities, counties, townships) 2 public members named by commission chairman c) 4 years	—Cooperative purchasing —Personnel and salary administration —Governance of urban areas and developing unincorporated areas —State and local training programs for local officials —Federal grant administration —Federal aid policy
<b>Rhode Island Intergovernmental Relations Council</b>	Statute 78H-7816 (Title 42-68-4 of the General Laws)	Part of Lt. Governor's budget	Approximately 5 members of Lt. Governor's staff assigned on as-needed basis	a) 25 b) 6 state executives, including Lt. Governor appointed by Governor 7 local officials appointed by Governor 3 citizens appointed by Governor 5 representatives appointed by leadership 3 senators appointed by leadership The President of the League of Cities and Towns c) 3 years	—Consolidated state aid programs —Standardized state service districts —Joint purchasing —State technical assistance to local governments —Fiscal notes and mandates
<b>South Carolina Advisory Commission on Intergovernmental Relations</b>	Executive Order #79-11, 1979	\$70,000 (2/3 HUD 701 grant, 1/3 Governor's office)	2	a) 11 b) All appointed by Governor 2 senators 2 representatives 3 local officials (one each from municipal, county and regional council associations) 4 at-large c) 2 years	—Growth policy —Local government structure and organization —Local government investment pools —Rural fire protection —Allocation of state shared revenues —Home rule appraisal —State mandates —Tax and expenditure limits

Table 2 (cont.)

## State ACIRs: 1979-80

State and Name of Commission	Legal Basis	Funding and Sources	Professional Staff	Membership a) Number b) Characteristics c) Terms	Current Work
<b>Tennessee Advisory Commission on Intergovernmental Relations</b>	Statute, Chapter 939 H.B. 743 Public Acts of 1978	Part of office of the State Comptroller	1 (in Office of State Comptroller)	a) 21 b) Governor appoints: 4 county officials 4 city officials 2 state executives 4 citizens 3 representatives appointed by the speaker 3 senators appointed by the speaker Comptroller of the Treasury c) 2 years	—State mandates
<b>Texas Advisory Commission on Intergovernmental Relations</b>	Statute, Article 4413 (32b), Vernon's Revised Civil Statutes Annotated, 1971	\$426,680 (approx 60% state general revenues; 40% federal/state grants and contracts)	14	a) 26 b) Governor appoints: 4 city officials 4 county officials 2 public school officials 2 federal officials 2 representatives of other political subdivisions 4 citizens 3 senators appointed by Lt. Governor 3 representatives appointed by speaker Lt. Governor (ex. officio) Speaker (ex. officio) c) 6 years	—Handbook of Governments in Texas —Emergency Medical Services —Undocumented immigration —Training programs for local government personnel —Revised model rules of procedure for law enforcement personnel —Service fees of Texas counties

SOURCE: ACIR staff compilations.

The commission does not have its own staff and budget. Rather, its operations have been included in the budget for the Lieutenant Governor's Office. Approximately five members of the Lieutenant Governor's staff have been assigned to assist the commission as needs arise.

Under the state's sunset law, the council initially will function until 1981. During this period, the panel has been looking at these broad concerns:

- the relationships between and among local governments and the state;
- the allocation of state and local fiscal resources;
- the allocation of functional responsibilities between state and local governments;
- local government participation in planning activities affecting Rhode Island cities and towns, especially those programs assisted through federal grants;
- the manner in which the state delivers services to local communities;
- the current pattern of local governmental structure and its program, administrative and economic viability, including the powers and functions of local government;
- the compatibility of federal aid programs with state and local objectives and their fiscal and administrative impact on state and local programs; and
- the technical assistance available to local governments.

**North Carolina.** In early 1978, Gov. Jim Hunt issued an executive order creating the Local Government Advocacy Council. The purpose of the 15-member panel was to serve as the focal point for state-local relations and communications and to advise the Governor and his cabinet on the development and implementation of programs directly affecting local governments. The council immediately undertook a review of the state's regional organizations and became actively involved in the development and implementation of a balanced growth program for the state.

In 1979, the General Assembly acted to codify and expand the council and to create a new local government advocacy division within the Governor's office. The office has a three-member staff and an \$105,000 annual budget. Council membership was increased to 19 with the addition of

two senators and two representatives appointed by the legislative leadership. The balance of the council is comprised of three at-large members who are appointed by the Governor, six county representatives (including the executive committee and the director of the county association), and six representatives of municipal government (including the executive committee and the director of the municipal league). The chairmanship and vice chairmanship are rotated annually between the presidents of the two local government groups. Appointed members serve for a two-year term and may be reappointed to a second term. The local government representatives serve while they hold office in their respective associations.

The reconstituted panel has a broad mandate to advocate local government interests and to evaluate the impact of existing and proposed state programs and policies on localities. The council also is expected to undertake a review of alternative revenue sources, reform of the personal property tax, and state mandates.

**Tennessee.** The Tennessee ACIR—patterned after the national ACIR—was established by statute in 1978, but was activated only after a new administration took office in 1979. The commission is comprised of 21 members. The Governor appoints 14 of the members (four elected county officials, four elected city officials, two executive branch officials, and four private citizens), and the legislative leadership appoints three members each from the Senate and House. The Comptroller of the Treasury (a constitutional officer) also serves on the commission.

The bipartisan members serve two year terms. The chairman and vice chairman are elected by the membership for one-year terms. The commission does not have a set operating budget, but professional, research, and support personnel services are provided by the Comptroller's Office.

The commission serves as a forum for the discussion and resolution of intergovernmental issues and problems, and reports annually to the Governor, General Assembly, and all local and regional units of government. It has established a six-point first-year work program that includes: alternative taxing mechanisms and revenue sources; education funding; solid and hazardous waste management; state energy policy and management; evaluation of state technical assistance services to local governments; and an assessment

of the impact of federal and state-mandated expenditures on local government.

**South Carolina.** In April of 1979, Gov. Richard Riley signed an executive order creating the South Carolina ACIR. The commission consists of 11 members appointed by the Governor: two senators, two representatives, three local officials representing their respective associations (municipal, county, and regional council), and four members from the state at large.

Members serve two-year terms and may be reappointed. The Governor has designated the first chairman who will serve for one year. Successive chairmen, vice chairmen, and any other officers will be elected by the commission.

The ACIR is responsible for studying the administrative, economic, tax, and revenue issues facing all governmental levels; examining and assessing the impact of state and federal policies and programs on localities; and evaluating the interrelationships among and between local, state, interstate, and federal agencies.

The commission has a two-member staff and a \$70,000 annual budget, two-thirds of which is supplied by a grant from the HUD 701 program. Issues on the commission's work program currently include the development of a framework for a state growth policy; an assessment of local government structures and home rule; and an evaluation of several key issues, including tax sharing, tax and expenditure limitations, state mandates, an investment pool for local governments, and the provision of rural fire protection services.

## **WELL-ESTABLISHED ACIRs**

The Florida and Texas commissions are perhaps the most well-established of the ACIRs. They have the broadest research and policy agendas and, to date, their resources and scope of operations are not matched by the other organizations.

### **The Florida Council**

The Florida Advisory Council on Intergovernmental Relations was created by statute in 1977, as a successor to the Florida Forum (1975-76). The 17-member commission, with a seven-member professional staff, operates on an annual budget of \$265,000 comprised of \$230,000 from state

### **Florida's ACIR at Work**

- **adoption of legislation incorporating several recommendations to improve property assessment practices;**
- **passage of double taxation legislation;**
- **passage of floating municipal bond interest rate cap legislation; and**
- **adoption of regulatory fiscal impact statements legislation.**

general revenues and \$35,000 from a HUD contract for work on a state community conservation strategy. During 1978, the council's initial efforts were to develop recommendations for the Florida Constitution Revision Commission in the areas of local government structure, state mandates, local bonding, governmental tort liability, and double taxation. The council also has prepared major reports on double taxation, state mandates, military base sales tax exemptions, and the fiscal capacity of Florida's local governments. Several proposed constitutional amendments based on the commission's work were rejected by the voters in 1978.

Legislation requiring that county budgets be prepared to show a division of countywide and non-countywide expenditures and revenues was proposed by the council and adopted by the legislature. This legislation was one of several recommendations intended to eliminate taxation of municipal residents for county services they do not receive. In addition, the council developed several recommendations including: legislative restraint in imposing mandates; state reimbursement for mandates reducing the tax base, imposing services or increased personnel costs on local governments; and improved fiscal note procedures on local impact bills. Based on these recommendations, a law was adopted requiring local government fiscal impact statements for all state agency regulations. The council currently is continuing its work on state-local fiscal relationships, mandates, and the assignment and allocation of functions and services between levels of government.

### **The Texas Experience**

In 1970, Gov. Preston Smith established the Texas Urban Development Commission. It was a

temporary study panel charged with assessing the quality of urban life, identifying urban problems and recommending solutions, and suggesting long-range development goals and objectives for the state and for local governments. One of the key recommendations made by the commission called for the establishment of a state advisory commission on intergovernmental relations.

The need for a Texas ACIR was underscored by several factors, in the commission's view. The state increasingly was becoming involved in issues of a complex intergovernmental nature. In response to increased urban growth and problems which transcended jurisdictional lines, the state legislature had passed legislation to allow the creation of voluntary regional associations of governments. Many special districts which overlapped existing political boundaries were created. And finally, much of the work of the Texas legislature, just prior to the 1971 session, had focused on changes in state-local relationships and changes in state responsibilities required by federal programs. The commission concluded that these factors emphasized the need for increased attention, both to the relationships between and among governments in the state and to ways to improve their ability to work together.

### **The Texas Record**

**Over 20 separate legislative acts and five proposed constitutional amendments adopted by the legislature including:**

- **a model housing code;**
- **authorization for counties to make purchases through the State Purchasing and General Service Commission;**
- **increased penalties for violating the rights of a person in the custody of a peace officer;**
- **a new property tax code and administrative system;**
- **implementation of the 1978 Tax Relief Amendment to the state constitution;**
- **major improvements in, and expansion of the firemen's and policemen's civil service law; and**
- **significant revision in state aid distribution formulas.**

The commission believed that an ACIR was the mechanism for providing continuous attention to the state's increasing responsibilities in the intergovernmental system. Gov. Smith agreed with the commission's recommendation and included a proposal for an ACIR in his legislative package. The legislature passed the measure during the 1971 session, and the Texas ACIR was organized the following year.

As originally constituted, the Texas ACIR was composed of 24 members representing all levels of government and the general public. The membership included three senators appointed by the Lieutenant Governor, three representatives appointed by the speaker of the House, and 18 members appointed by the Governor—four city officials, four county officials, two public school officials, two federal officials (who are responsible for federal programs operating in the state), two representatives of other political subdivisions, and four private citizens. In 1975, with the addition of the Lieutenant Governor and the speaker of the House as ex officio members, the membership was expanded to 26. The appointed members serve overlapping six-year terms. The chairman is selected by and serves at the pleasure of the Governor.

The Texas ACIR is the principal state-level organization responsible for studying and evaluating federal-state-local relations. The commission establishes the general direction and scope of its activities each year by adopting a work program that both guides the staff and informs the public of its current focus. Toward this end, it produces a variety of informational and policy research reports which address specific intergovernmental issues. The informational reports present background information on intergovernmental issues and problems and inform public officials of current events concerning the operation and management of governments in Texas. The policy research reports provide analyses, with conclusions and recommendations of the commission, on major policy options. In developing these reports, the commission works with representatives of the affected levels of government, technical experts, and interest groups (including citizen groups and public and private organizations).

In its eight-year history, the Texas ACIR has been involved in a wide variety of projects and studies, and has established both a state and national reputation.



The ACIR's first official task came from Gov. Smith at the commission's inaugural meeting in January 1972. Specifically, the Governor asked the ACIR to analyze proposed changes in public school financing, provide alternative solutions to problems, and coordinate the efforts of other major groups performing similar studies and analyses. The work was the result of a 1971 federal court ruling that the Texas public school financing system—through local property taxes—was unconstitutional because of the great disparities between the taxing ability of school districts. Although the U. S. Supreme Court refused to overturn the finance system, it did suggest that the state find alternative school financing mechanisms.

After a year's review, the Texas ACIR reported its findings to the Governor and the legislature. Recommended were the establishment of a state procedure for estimating the full value of school district property together with better information on real estate transfers, and a legislative schedule for a full range of hearings culminating in a special session dealing solely with the public school financing question. The issue continued to occupy an important position on the legislative agenda, and in January 1974, Gov. Dolph Briscoe asked the ACIR to continue its work on developing alternative systems for financing public schools. By the end of the year, the commission had developed a 15-point plan aimed at making major improvements in the school revenue system, developing an accurate measurement of local property taxing ability, and reforming property tax administration.

The work played an important role in the enactment of equalization policies during the 1975 legislative session. In 1976, the ACIR adopted an expanded set of school finance reform recommendations dealing with local fiscal ability, equalization, the tax base, standards of valuation, tax administration, and the use of the local property tax to support public schools. This work was instrumental in the passage of a significant revision in state aid distribution formulas in 1977, and in the adoption of a 1978 constitutional amendment strengthening the legal base of the property tax making ranch and farm lands taxable on their productivity rather than on their market value. In 1979, Gov. William P. Clements signed a major property tax reform bill that incorporated virtually all of the commission's previous recom-

mendations for improving the administration of this significant local revenue source.

In addition to the long-term work on school finance and property tax reform, the Texas ACIR has addressed a broad range of other public policy issues. These include constitutional revision, federal revenue sharing, land use, public housing, regional councils of government, county service responsibilities and finances, special districts, and solid waste management. One measure of the impact of this work over the years is reflected in the more than 20 legislative acts and five proposed constitutional amendments which incorporate commission recommendations.

The commission also has issued a number of reports regarding the implementation of various federal programs, including Section 208 of the *Federal Water Pollution Control Act Amendments of 1972*, the *National Health Planning and Resources Development Act*, the *Federal Unemployment Compensation Amendments of 1976*, and the *Federal Resource Conservation and Recovery Act*.

The Texas ACIR has three primary continuing activities:

- Special research assistance is provided on request of public agencies and officials and citizen groups, consistent with staff availability. The most frequent users of this service are state legislative committees and individual members, executive departments, local governments, and federal agencies.
- Information services are provided through the distribution of three major publications: *Intergovernmental Report*, *Intergovernmental Notes*, and *Intergovernmental Briefs*. The *Report* provides a vehicle for important research efforts, while *Notes* is a quarterly newsletter on current ACIR activities and *Briefs* is a periodic bulletin on current intergovernmental issues.
- The *Handbook of Governments in Texas* is a basic reference guide on government operations and organization that has been published by the commission since 1973. The loose-leaf handbook is updated continuously, and serves as the authoritative source for information on the state government, cities, counties, special districts, regional authorities, and the federal government.

Both staff levels of, and operating budget for the commission grew during the first six years of the commission's life as the work program became more diverse. In 1972, for example, the commission began with a staff of five (four professionals and one secretary), with funding from the state budget of nearly \$115,000. In its second year, both the staff and state funding levels had more than doubled. In 1974 and 1975, state funds were supplemented by federal General Revenue Sharing funds. A significant increase in state funding occurred during the 1976-77 biennium, providing a peak level of 26 staff members and an annual operating budget in excess of \$500,000.

During the next legislative session, state appropriations to the Texas ACIR were reduced and the commission's budget was converted to a mix of about 60% state moneys, and 40% federal and state grants and contracts. The staff level was reduced to about 18 persons, with a total budget of nearly \$400,000.

This staffing pattern and budget level and mix were expected to remain fairly stable. However, in June 1979, Gov. Clements struck an unexpected blow at the ACIR by vetoing the entire second year (FY 1981) of its biennial appropriation. This drastic cut—a cut that might have effectively abolished the commission—was one of many reductions made by the Governor to lower state spending levels.

During the ensuing weeks, the commission made a strong effort to more fully familiarize the new Governor and his staff with the commission and its work. The Governor subsequently gave his full endorsement to the continued operation of the ACIR utilizing grant and other funding sources for FY 1981. The Governor's office, in fact, is planning to provide a portion of this funding for projects it wants the ACIR to undertake and is helping to identify needed projects and funding sources in other executive departments.

The Texas ACIR has developed a strong reputation and record since it was organized in 1972. From its first meeting, the commission has been called upon to provide research and recommendations in numerous critical and controversial public policy areas.

In the view of many observers, much of the commission's success is attributable to the diversity of its membership. This diversity has been an essential and positive element in the commission's discussions, in the development of its recommendations, and in garnering support for its work. In addition, the active involvement of the state legislative members—who constitute nearly one-third of the ACIR's membership—has been instrumental in obtaining direct legislative viewpoints and in securing sponsorship of and support for commission recommendations. The six-year overlapping terms of the members also provide an element of continuity and stability in the ACIR's deliberations and policy direction.

In the past, the Texas ACIR has been able to attract and retain highly competent staff. However, a serious challenge may be presented to the commission in the coming months because of the FY 1981 funding situation described earlier. The need to secure grant and other funds for its operations is more restrictive in establishing work program priorities and adds a measure of uncertainty to the commission's ability to function as capably as it has in the past. Perhaps one of the most hopeful signs for the Texas ACIR is that the Governor has agreed to the continuation of the ACIR's work and his office is assisting in securing funds for FY 1981 operations.

The current fiscal uncertainty is one of the most serious challenges that the Texas ACIR has had to face. How well the commission is able to respond will provide an indication of the extent of its resiliency, stature, and continuing success in Texas government.

## Advisory Panels of Local Officials

**A**t least seven states have an advisory panel of local officials: Maine, Massachusetts, Michigan, North Dakota, Pennsylvania, South Dakota, and Virginia. (Table 3.) While not meeting all the membership or research capability criteria set out for a state ACIR, each performs a variety of similar functions.

The organizational structures for these advisory groups are quite diverse. For example, two of the panels have been created by statute (South Dakota and Virginia), three have been established by gubernatorial executive order (Maine, Massachusetts, and North Dakota), and two have been set up by private contract (Michigan and Pennsylvania).

The range of activities of these groups also has been diverse. For example:

- The commissions in Michigan and Pennsylvania—created by contractual agreement between the state and the organizations of local officials—have functioned mainly as forums for the discussion of intergovernmental issues such as revenue sharing, land use policy, and substate districts. The Pennsylvania Intergovernmental Council was reorganized in 1978 and has begun to develop an independent research program. The Michigan panel depends on member organizations for assistance, has developed legislation to establish a local government pooled investment fund, and has addressed the intergovernmental aspects of solid waste management and resource recovery.

*Table 3*  
**ADVISORY PANELS OF LOCAL OFFICIALS: 1980**

State and Name of Panel	Legal Basis	Funding and Sources	Professional Staff	Membership a) Number b) Characteristics c) Terms	Work Program
<b>Maine Governor's Municipal Ad- visory Coun- cil</b>	Executive Order 11, FY 78/79, 1979	—	Staff from Governor's Office and State Plan- ning Office as needed	a) 11 b) All are local offi- cials appointed by Governor c) None defined	—Advise Governor on any matters de- termined to have a substantial impact on the future desir- able development of municipalities and the quality of life of their resi- dents. To date— state revenue sharing, school fi- nance, tax exempt property.
<b>Massachusetts Local Govern- ment Advi- sory Commit- tee</b>	Executive Order #123, 1975 amended by E.O. #164	—	1 from Exec- utive Office of Commu- nities & Develop- ment 1 from Mas- sachusetts Municipal Association	a) 30 b) 13 members from state associations 4 selectmen 4 mayors 4 managers 1 town finance 16 members elected by re- gional counter- parts 4 selectmen 4 mayors 4 managers 4 city councillors Secretary, Execu- tive Office of Com- munities and De- velopment c) one year	—State mandates —Property tax clas- sification —Property tax limits —Special education costs —Local aid —Human services delivery and costs
<b>Michigan Council on In- tergovern- mental Rela- tions</b>	Contractual Agreement 1975 (state government and local as- sociations)	Assessments of each par- ticipating or- ganization for operating expenses	Member or- ganization serving as chairman acts as sec- retariat	a) 10 b) 2 each named by governing boards of Municipal League, Town- ships Association, Association of Counties, Associa- tion of Regions Director, State Of- fice of Intergov- ernmental Rela- tions and one staff person designated by the Director c) none defined	—Act as forum to discuss mutual problems and share information

Table 3 (cont.)

## ADVISORY PANELS OF LOCAL OFFICIALS: 1980

State and Name of Panel	Legal Basis	Funding and Sources	Professional Staff	Membership		Work Program
				a) Number	b) Characteristics	
<b>North Dakota State and Local Affairs Council</b>	Executive Order #1976-5	\$24,612 (EDA 302 program grant)	2 (from State Planning Division)	a) 21 b) All appointed by Governor 8 members from regional planning councils 8 citizens from state's regions 2 Indians 1 League of Cities 1 Association of Counties 1 Township Officers Association c) 3 years		—Citizen input into formulation of state policies —Provide support for North Dakota Family Farm Committee —Rural leadership school —Economic development planning process
<b>Pennsylvania Pennsylvania Intergovernmental Council</b>	Memorandum of Agreement (Governor, legislative leadership, local government associations, FRC), 1975 Incorporation as private, nonprofit organization, 1978	\$2,068,979 (\$2,037,979 in federal grants; \$31,000 in state grants Also state provides office space and some support services)	9	a) 20 b) 5 state executives appointed by Governor (including secretary of community affairs) 5 state legislators appointed by leadership (2 from each house from majority and minority, and chairman of the Local Government Commission) 10 local government members—2 appointed by each of the 5 associations (FRC has nonvoting, advisory status)		—State fire prevention and control —Impact of federal budget cutbacks —State economic development and community conservation policy —State agricultural districts —Payments in lieu of taxes —Comprehensive Neighborhood Improvement Program —Air quality planning —Small Town Emphasis Program
<b>South Dakota Local Government Study Commission</b>	Statute SDCL 6-11, revised 1966, 1968, 1978	\$8,000 state appropriation	1 (Legislative Research Council)	a) 15 b) 7 representatives appointed by leadership 4 senators appointed by leadership 2 county officials and 2 city officials appointed by Legislative Research Council Board c) 2 years for legislators 4 years for local officials		—Annexation —Absentee ballot process —County welfare system

Table 3 (cont.)

**ADVISORY PANELS OF LOCAL OFFICIALS: 1980**

State and Name of Panel	Legal Basis	Funding and Sources	Professional Staff	Membership a) Number b) Characteristics c) Terms	Work Program
Virginia Local Government Advisory Council	Executive Order 1977, Statute 1978 Chapter 19.1 Sections 2.1-335.1 thru 2.1-335.3 Code of Virginia	\$10,000 state general fund	Director of Department of Intergovernmental Affairs serves as secretariat	a) 26 b) Governor, Lt. Governor, Executive Director of Municipal League Executive Director of Association of Counties 22 members appointed by Governor and confirmed by General Assembly who are elected officials from each of the 22 planning district commissions c) 4 years	—State mandates —Indirect costs —Review proposed state rules and regulations

SOURCE: ACIR Staff compilations.

- In North Dakota, the State and Local Affairs Council was created in 1976 to provide an ongoing formal channel for local government officials and citizens to bring their concerns and recommendations to the attention of state executive officials. The council meets monthly, has worked to develop an agenda for legislative priorities, and has spent considerable time in addressing programs to expand citizen participation in state government. It is expected that energy, natural resource, and tax issues will dominate the council's work program in the coming months.
- The Massachusetts Local Government Advisory Committee has functioned as a forum for the discussion of executive policy initiatives since 1975. The panel of local officials has participated actively in the development of that state's urban policy, negotiated a compromise version of tort liability legislation, and helped establish a review process for proposed regulations which would affect municipalities.
- The South Dakota Local Government Study Commission is a statutorily based legislative

panel unique to that state's government. It is composed of legislators and local officials and has addressed a number of public policy areas. Among its successes have been the adoption of a constitutional home rule provision and the creation of a single consolidated municipal mill levy. Recent studies have led to the total revision in the state's annexation process.

More recently, two states—Virginia and Maine—have acted to establish panels of local officials to advise the Governor.

The Virginia Local Government Advisory Council was created by Gov. John Dalton by executive order in 1977 and reestablished by the General Assembly in 1978. The council is composed of 26 members: 22 elected officials representing each of the state's planning districts are appointed by the Governor, and four members serve in an ex officio capacity—the Governor, the Lieutenant Governor, and the directors of the two local government associations. The Governor serves as chairman.

The council was reorganized during the latter part of 1978 in order to facilitate its relationship with the executive branch. As a result, six committees have been created to parallel each cabinet

department: administration and finance, education, human resources, commerce and resources, transportation, and public safety. Each committee works with its cabinet counterpart in addressing major issues affecting local units and which also may have a regional or statewide impact. Staffing is provided by the appropriate state agencies, and a coordinating secretariat function is performed by the department of intergovernmental affairs. The Governor has asked the council to address the question of reassessing or eliminating state regulations and policies which place unreasonable burdens on local governments.

In May of 1979, Maine Gov. Joseph Brennan announced formation of the Governor's Municipal Advisory Council as a mechanism "to discuss issues of common concern and to help formulate policies in areas affecting the municipalities in Maine."

The 11-member council is comprised of local officials representing all areas of the state and meets regularly with the Governor and executive branch officials. The council has elected its own chairman, vice chairman, and secretary, and is charged specifically with advising the Governor "on any matters which it feels have substantial impact on the future desirable development of Maine municipalities and the quality of life on their residents." To date, key topics on the group's agenda have included such revenue issues as state-municipal revenue sharing, tax-exempt property, and school finance.

Gov. Brennan has emphasized his desire to maintain a dialogue with local officials. For example, in remarks before a group of local officials early in his administration, the Governor noted: "During my years as a legislator and Attorney General, I felt, and continue to believe, that it is of great importance to seek the means by which various levels of government can effectively communicate with each other and seek new and better solutions to common problems."

## **IN PENNSYLVANIA—AN INTERGOVERNMENTAL COUNCIL**

The Pennsylvania Intergovernmental Council (PIC) was established in 1975 through a memorandum of agreement signed by the Governor, the majority and minority legislative leadership, the presidents of the five state local government associations, and the chairman of the Federal Re-

gional Council (FRC). The emergence of the PIC was the culmination of nearly a decade of events, at both the state and federal levels, which influenced the character and direction of intergovernmental relations in Pennsylvania. However, two national developments played a particularly significant role in the PIC's establishment: the emergence of the Nixon administration's "new federalism" and the follow-up policy initiatives of the Community Services Administration (CSA)—formerly known as the Office of Economic Opportunity (OEO).

Among the primary aims of the new federalism was to decentralize federal decisionmaking and to devolve greater responsibility and authority for program implementation to state and local governments. It sought to strengthen the FRCs and other intergovernmental mechanisms, and stressed the need for adequate planning, program, and management capabilities at all government levels. While the record of the new federalism is a subject for debate, the concept did draw attention to the need for stronger intergovernmental relationships and institutions.

As part of its new federalism initiatives, the OEO provided funding to the National League of Cities to develop human resources and social service components of local community development strategies. As part of the project, 11 state municipal leagues—of which the Pennsylvania League of Cities was one—received funds to develop local strategies. In 1972, the OEO also funded a comparable arrangement with the National Association of Counties that led to a similar county association program in Pennsylvania. The focus of the league's effort was local capacity building, and part of the league's proposal called for the establishment of an intergovernmental forum: the Pennsylvania Intergovernmental Council (PIC).

The proposal was made to the other local government associations, the state, and the FRC. In supporting the call to establish the council, the local government associations saw an opportunity for better access to state and federal officials, and perhaps most important, the opportunity for consultation before decisions were made.

State officials supported the creation of the PIC for varying reasons. The state executive viewed PIC basically as a more efficient and practical means for communication and dialogue with a fragmented system of local government composed

of five separate classes (each with its own state-wide association) of counties, cities, boroughs, and townships of the first and second class. The legislative leadership saw an opportunity for active involvement in the intergovernmental system that traditionally had been dominated by the executive branch. Federal regional officials saw PIC as the most effective means for addressing federal/state/local policy issues within Pennsylvania. Once again the fragmented nature of Pennsylvania government made the PIC concept very attractive to the FRC.

Essentially, then, all three governmental levels viewed the PIC principally as a communication and discussion forum for addressing intergovernmental policy issues. Its purpose was to arrive at policy consensus and resolution which would lead to policy and program cooperation and coordination. Initially PIC was not viewed within the full context of the state ACIR model, incorporating independent research, advocacy for structural or procedural reforms and improvements, or for providing technical assistance in policy areas.

After PIC's creation in 1975, five intergovernmental task forces were established—each with federal, state and local members—to study and to make recommendations for full council consideration in five broad policy areas:

- Renewal of *General Revenue Sharing* (GRS) was one such area. Of particular concern were issues related to local needs and equity in the GRS allocation formula. Recommendations for reenactment were adopted by the council and forwarded to the state's Congressional delegation.
- Developing a state land use policy was a second policy area studied, along with several issues involving changes in the state's local government planning statute. Working in conjunction with a state executive effort, PIC helped influence the ultimate land use policy that evolved in 1977. Recommendations also were formulated for council consideration concerning local government planning legislation, but were not officially adopted by the council.
- Substate planning districts—with a view toward adoption of legislation that would define uniform regions, planning structures,

and powers—was the third policy area studied. Ten uniform regions previously had been established through executive order, but without a uniform definition of planning structures or powers. However, because of the sensitive nature of this issue, it was impossible to reach a consensus on recommendations to be forwarded to the council.

- A fourth task force reviewed various issues pertaining to the need for state fiscal notes and economic impact statements for state actions affecting local government. Unfortunately, this effort never progressed beyond the discussion and study stages.
- Lastly, another task force reviewed a federal/state/county cooperative and experimental project designed to integrate community development and human resources planning at the county level. Under several programs, federal funding would be administered by the state and channeled to a county based upon a state-approved comprehensive plan prepared by the county. This project began in one demonstration county and then expanded to five other locations. It was hoped that the project would ultimately provide the basis for a statewide policy.

These initial task forces operated for the first two years of PIC's life (1975–77). The council's staff of one professional and one secretary was supported by small grants from the Appalachian Regional Council, and then by the Community Services Administration, and chiefly were concerned with scheduling council and task force meetings; developing agendas and recording minutes; and coordinating volunteer professional help for study efforts. Later, the staff was expanded to include two professional positions.

The results of these first efforts by the PIC were limited at best. Very few recommendations were adopted by the council and several study efforts were either unfinished or never reached the council because of a lack of consensus. There were, however, several reasons for the difficulty in reaching a consensus.

First, the council consisted of governmental leaders acting in their official capacities. These officials were to represent the policy positions of their respective organizations. Since the issues dealt with were broad, complex, and highly sen-



sitive, it was next to impossible to arrive at a consensus position that satisfied all members. In addition, council members (other than the Governor) could not really speak or vote on behalf of their member organizations without first clearing any policy position with their respective governing bodies. Hence, timing and long delays were a basic problem.

Second, in order to protect the interests of the member organizations, there was a rule requiring that all votes be unanimous. One negative vote could defeat any policy recommendation. As a result, a working group composed of principal staff aides of council members or executive directors of member organizations was formed to help lay the groundwork for achieving consensus on issues before they reached the council for a vote. This group also oversaw the daily operations of PIC. However, even with the working group, it was nearly impossible to reach consensus on the most sensitive of policy issues. Moreover, the working group soon became the predominant force in PIC, reducing the council's role to that of serving chiefly as a "rubber stamp" for decisions made by the working group.

Third, because of limited funding, PIC's staff was kept very small. The staff was viewed more as a facilitator or coordinating body for task force efforts than as a research and informational arm of the council. Actual study efforts were to be undertaken by volunteer staff provided by member organizations. However, this volunteered assistance was not always effective. Both the quantity and quality of such help varied greatly, in part because volunteers could not devote their full attention to council issues.

And finally, a fundamental problem was the fact that PIC, as an experiment in intergovernmental relations, had to confront established ways of conducting intergovernmental dialogue and decisionmaking. PIC was a new way of doing business that was foreign to its members. It soon became clear (1) that it would take time to prove the utility and merit of PIC to its members, and (2) that refinements in its organization, structure, and procedures would be necessary if PIC were to continue at all.

In mid-1977, an effort was made to enact legislation to establish the council by statute. Unfortunately, this effort occurred at a time when the Commonwealth was experiencing one of its more prolonged budget battles and not much attention

could be devoted to the council legislation. Moreover, it also became evident that there was not unanimous agreement on what PIC should be or how it should be structured. Unable to achieve legislative status, the council decided to incorporate as a private, nonprofit organization. This would permit PIC to both seek a variety of funding and to strengthen its organizational structure.

In February 1978, PIC incorporated with a new set of bylaws and a new structure. Membership was expanded to 20 members, evenly divided between state and local representation. Five state executive members—including the state's secretary of community affairs—are appointed by the Governor. Five legislators—two from each house representing both majority and minority parties, and the chairman of the Local Government Commission—represent the legislative branch. Ten members are named by the statewide associations of general purpose local government—two appointments by each of the five associations. In light of restrictions on federal involvement in corporations such as the PIC, the FRC role was modified to a nonvoting, advisory status.

Under its new bylaws, PIC is no longer structured as a forum for members to interact as official representatives of their organizations in order to resolve policy issues. Rather, the council is now a body of public officials acting in an individual and private capacity to discuss policy issues and to recommend possible solutions to the appropriate governmental levels and leadership. Recommendations no longer have to be adopted by unanimous vote, but are ratified by a simple majority vote. PIC's new organizational objectives closely approximate those of the state ACIR model, with a particular emphasis on retaining the flexibility to actually undertake program efforts of its own as a means for testing and demonstrating policy alternatives which can lead to more meaningful policy recommendations.

The PIC also has been successful in strengthening its funding base primarily through grants-in-aid. From a 1976 budget of \$56,000 and two staff members, the council's funding base has grown to over \$2 million from federal and state grant sources, and its staff has grown to a total of nine professionals.

PIC currently is involved in a number of program areas, including:

#### A) Council *Deliberations*

- 1) establish a state policy for fire prevention and control;
- 2) problems and issues related to water and sewer facilities and funding; and
- 3) reactions to federal budget cuts by way of eliminating, deferring, or slowing down program efforts

B) *PIC Standing Advisory Committees*\*

- 1) *The Community and Economic Development Committee* is reviewing the development of a state economic development and community conservation policy. Specifically, the committee is focusing on the intergovernmental partnerships which will be needed to implement the various components of the policy.
- 2) *The Land Use Committee* is working with a legislative committee in the development of legislation to establish state agricultural districts to help preserve prime agricultural land and farming.
- 3) *The Intergovernmental Finance Committee* presently is studying the issue of payments in lieu of taxes pertaining to Commonwealth property in local jurisdictions.

C) *Grant Projects*

- 1) evaluation of a Community Services Administration program in Federal Region III that funds 15 community action agencies under the *Comprehensive Neighbor-*

*hood Improvement Program (CNIP);*

- 2) administer a federal program known as the *Small Town Emphasis Program (STEP)* that provides funds to community action agencies and community-based organizations (including local governments), in areas with populations of 10,000 or less, for water and sewer, housing, health, transportation, economic development, and energy programs in low income areas;
- 3) administer a federal grant designed to strengthen the cooperative and coordinative relationships between local government officials and community nonprofit organizations, particularly in the fields of community and economic development; and
- 4) design and implement an intergovernmental consultation process for the state's air quality planning program.

The Pennsylvania Intergovernmental Council has managed to survive in spite of its development difficulties. This fact is testimony to the belief of its members and supporters in PIC's potential and merits. Although the council must still be considered an experiment, it certainly is one that is proving itself with the passage of time.

PIC has grown significantly since its incorporation in 1978. However, there still remains the ultimate desire to achieve a statutory mandate and a more stable funding base that will make it less dependent on grants-in-aid for survival. It is likely that legislation to achieve this statutory mandate will be introduced in 1981—hopefully with the support of the current state administration.

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\* These committees are composed of state and local officials, as well as members from the nonprofit and private sectors.

## Local Government Study Commissions

**A** local government study commission is another approach to developing state policy on the issues of local government structure, functions, finances, and state-local relations. The commission perspective is usually multifaceted and can focus on historical developments, common functional patterns, and intergovernmental relationships.

Commissions have acted as forums for the identification of intergovernmental issues, conducted research programs and prepared recommendations, and developed and supported legislative reform packages. Historically, however, most commissions have been temporary organizations and have been more successful in identifying intergovernmental problems than in solving them. Major exceptions are the permanent local government study commissions which have been established in Illinois, New Jersey, and Pennsylvania, and the more recent efforts by temporary panels in Indiana and Kentucky.

Numerous studies of local government issues and problems were conducted in nearly every state during the last 20 years. (*Figure 2.*) And, while the overall record of accomplishments of these bodies to date appears to be mixed, recent developments on the local law revision, home rule, regionalism, and urban policy fronts provide some encouraging signs.

At the same time, however, it must be recognized that sometimes substantive outcomes are neither expected nor even desired from a study

Figure 2

## MAJOR STATE-LEVEL STUDIES OF LOCAL GOVERNMENT: 1960-80

State	Organization	Date*
<b>Alabama</b>	Interim Committee on Municipal Government	1979-81
<b>Arkansas</b>	Governor's Task Force on Local Government	1976-77
<b>California</b>	Task Force on Local Government Reform	1972-74
	Commission on Government Reform	1978-79
<b>Colorado</b>	Governor's Local Affairs Study Commission	1963-66
<b>Connecticut</b>	Commission to Study the Necessity of Metropolitan Government	1966-67
	Governor's Committee on Services and Expenditures	1971
	Governor's Urban Action Task Force	1977-78
<b>Delaware</b>	Intergovernmental Task Force	1977-79
<b>Florida</b>	Governor's Study Commission on County Reorganization and Home Rule	1969
	Governor's Commission on Local Government	1972-74
<b>Georgia</b>	Committee for the Study of the Coordination of State and Local Governmental Services	1972
	Atlanta/Fulton County Study Commission	1977
<b>Hawaii</b>	Commission on Organization of Government	1975-77
<b>Idaho</b>	Committee on Local Government	1968
	Citizen's Task Force on Local Government	1973
	Governor's Task Force on Local Government	1977-78
<b>Illinois</b>	County Problems Study Commission	(1957)
	Cities and Villages Municipal Problems Commission	(1957)
	Commission on Local Government	1967
	Commission on Urban Area Government	1968-71
<b>Indiana</b>	Local Government Study Commission	1969-70
	Local Government Task Force	1971
	Local Government Study Commission	1978-81
<b>Iowa</b>	Municipal Laws Review Study Commission	
	Governor's Coalition on Iowa Issues	1977-78
	County Statutes Study Commission	1979-81
<b>Kansas</b>	Special Committee on Local Government Structures	1974
<b>Kentucky</b>	Special Advisory Committee on County Government	1976
	Municipal Statute Revision Commission	1976-78
	County Statute Revision Commission	1976-78
	Local Government Statute Revision Commission	1978-80
<b>Maine</b>	Joint Select Committee on County Government	1977
	Task Force on Regional and District Organizations	1977-79
<b>Maryland</b>	Commission on the Functions of Government	1972-75
	Commission to Study State-Local Fiscal Relationships	1979-80
<b>Massachusetts</b>	Special Commission on Municipal Home Rule	
	Special Commission Relative to the Modernization of County Government	1970
	Local Government Capacity Committee	1971
	Special Commission Relative to the Effects of Growth Patterns on the Quality of Life	1973-78
<b>Michigan</b>	Governor's Special Commission on Urban Problems	1966-67
	Governor's Special Commission on Local Government	1970-72
<b>Minnesota</b>	Local Government Boundary-Function Relationship Committee	1973
<b>Missouri</b>	Commission on Local Government	1961-
	Governor's Advisory Council on Local Government Law	1968
<b>Montana</b>	Committee on County Government	1969-70
	Commission on Local Government	1974-77
<b>Nebraska</b>	Committee on County Government	1970
<b>Nevada</b>	Clark County Urban Action Committee	1973-74
	Commission to Study Methods of Creating, Financing, and Governing General Improvement Districts	1975-76

Figure 2 (cont.)

**MAJOR STATE-LEVEL STUDIES OF LOCAL GOVERNMENT: 1960-80**

<b>State</b>	<b>Organization</b>	<b>Date*</b>
<b>New Jersey</b>	County and Municipal Government Study Commission	(1966)
<b>New Mexico</b>	Local Government Needs Committee	1973-74
	Governor's Albuquerque Municipal Financing Task Force	1976
<b>New York</b>	Temporary Commission on the Powers of Local Government	1970-73
	Commission on New York City	1971-73
	Temporary State Commission on State and Local Finances	1973
	Panel on the Future of Government in New York	1978-80
<b>North Carolina</b>	Committee to Study the Impact of State Sovereignty Upon Financing of Local Government Services and Functions	1961-63
	Local Government Study Commission	1967-73
	State-Local Task Force	1972-73
	Committee on Intergovernmental Relations	1975-76
<b>Ohio</b>	Commission on Local Government Services	1972-74
	Urban Crisis Committee	1977-78
<b>Oklahoma</b>	Advisory Committee on the Municipal Code	1977
	Special Committee on Local Finance and Advisory Committee on Local Finance	1978
<b>Oregon</b>	Interim Committee on Local Government	1968-69
	Governor's Study Committee on Community Services	1973-74
<b>Pennsylvania</b>	Local Government Commission	(1935)
<b>Rhode Island</b>	Commission to Study Municipal Financing and Deficit Spending	1977-78
<b>South Carolina</b>	Local Government Study Committee	1973
<b>Tennessee</b>	Committee to Study County Government	1965-66
	Local Government Study Commission	1974
<b>Texas</b>	Urban Development Commission	1970-71
<b>Utah</b>	Committee to Study the Consolidation of Services at the Local Government Level	1970-71
	Salt Lake County Government Study Commission	1973-74
<b>Vermont</b>	Municipal Cooperation and Services Study Committee	1968
	Governor's Conference on State-Local Intergovernmental Relations	1978-80
<b>Virginia</b>	Metropolitan Areas Study Commission	1966-67
	Committee to Study Local Government Structure and Finance	1969
	Commission on City-County Relationships	1972-76
	Virginia Advisory Legislative Council Committee to Study Local Government	1974-77
	Commission on State Aid to Localities	1977-78
	Local Fiscal Impact Commission	1978-79
<b>Washington</b>	Task Force on Rural Affairs of the Governor's Urban Affairs Council	1970-71
	Seattle Metropolitan Study Commission	1971-75
	Ad Hoc Committee on Local Government	1978
<b>West Virginia</b>	Joint Committee on Government and Finance	1980-
<b>Wisconsin</b>	Task Force on Local Government Finance and Organization	1969
	Citizens Study Committee on Metropolitan Problems	1971-73
	Commission on State-Local Relationships and Financing Policy	1975-77

\* Parentheses indicate permanent commission.  
SOURCE: ACIR staff compilation

commission. In fact, the primary reason for creating a commission may be to effectively “table” the discussion and debate surrounding an issue. In a paper prepared by Vincent Marando and Patricia Florestano of the Institute for Urban Studies at the University of Maryland (“State Commissions on Local Government: An Approach to Public Policy”), the authors describe the two performance tracks commissions may take:

“The literature indicates governmental commissions are created for numerous reasons, some of which are far afield from offering feasible policy alternatives.\* The role and eventual impact of commissions has [have] been assessed as going in one of two directions: (1) into the early stages of the policy process they provide input such as new ideas, articulation of the interests of various groups, public expression of possible courses of action, and model bills for the legislature to consider; or (2) they are used as mechanisms to defuse, defer, or stop actions on complicated conflictive issues. Commissions have been accused of studying a problem in the hope that the problem will cool down during the course of the study.\*\* The recommendations of the later type of commissions are not adopted into public policy.”

The various local government study commissions surveyed by ACIR revealed that these groups generally are created for a limited period of time and have a specific mandate. (Table 4.) The formulation of this mandate was viewed as the fundamental component of the commission—one from which all other factors (i.e. membership, staff, funding, etc.) followed. These study groups have been created by statute, executive order, and legislative resolution—each of which has had an impact on a commission’s work. For example, while an executive order might be the quickest way to create a commission, it nevertheless encourages strong political overtones. Its success

and authority are dependent in great part upon the stature and tenure of the appointing Governor. Similar limitations exist with commissions created by legislative resolution. They normally are focused more narrowly and have a shorter life span. According to the survey respondents, those panels created by legislation generally have been more effective because they have had a broader mandate, more diversified membership, better funding, and greater acceptance by state and local policymakers. Regardless of the method of creation, however, the most important element cited by survey respondents was to achieve bipartisan, executive, legislative, and statewide support for the work of their study commission.

The average size of these study commissions ranged from 25 to 30 members. Not unexpectedly, the membership reflected its legal basis—i.e., legislatively created groups were dominated by legislators and executive commissions were composed primarily of nonlegislative members. Those panels with the most diverse membership generally were established by statute. The average term served by members was two years, although those panels with a narrower focus (usually legislative) generally operated from a few weeks to several months.

Staffing for these commissions fluctuates considerably in that most have a temporary rather than permanent mandate. This fluctuation appears to result from the variations in the panels’ agendas, the length of operation, and the character of membership. For example, those commissions which had members who were experts in the field of its study appeared to have fewer staff, as the commission assumed the posture of a working group.

As previously noted, nearly all of the study commissions surveyed had a temporary rather than permanent mandate, usually averaging two years, regardless of their legal basis. And with few exceptions, most of the panels believed that their limited time frames did not permit the opportunity to comprehensively address the issues presented to them or to work for the implementation of their recommendations. In Kentucky, for example, the work of two local government study commissions was not reviewed by the legislature until their mandates had expired. As a result, the legislature created another—and ultimately more successful—study commission combining and continuing the work of the other two panels.

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\* Daniel Bell, “Government by Commissions,” *Public Interest* 3, Spring 1966, pp. 3–9; Martha Derthick, “On Commissionship Presidential Variety,” *Public Policy* XIX, Fall 1974, pp. 623–638; Elizabeth Drew, “On Giving Oneself a Hotfoot: Government by Commission,” *the Atlantic Monthly* 221, May 1968, pp. 45–49. Frank Popper, *The President’s Commission*, New York, NY, Twentieth Century Fund, 1970; and George T. Sulzer, “The Policy Processes and the Use of National Governmental Study Commissions,” *The Western Political Quarterly* 24, September 1971, pp. 438–448, esp. 439.

\*\* Elizabeth Drew, “On Giving Oneself a Hotfoot,” *op cit.* p. 46.

Table 4

## SELECTED LOCAL GOVERNMENT STUDY COMMISSIONS

State and Name of Commission	Legal Basis and Duration	Funding and Sources	Professional Staff	Membership a) Number b) Character-istics	Scope of Work
<b>California Task Force on Local Government Reform</b>	Executive Order 1972-74	\$279,000 (\$106,000-state; \$138,000-HUD; \$35,000-IPA)	15	a) 7 b) 5 Republicans 2 Democrats appointed by Governor	Study reform and simplification of overlapping levels of government
<b>Florida Commission on Local Government</b>	Statute 1972-74	\$250,000 state appropriation	Executive director and staff; contract personnel as needed	a) 15 b) 9 appointed by Governor 3 appointed by house speaker 3 appointed by senate president	Examine operation and organization of local government
<b>Illinois Cities and Villages Municipal Problems Commission</b>	Statute 1959 Permanent	Annual appropriation	Executive director and contract personnel as needed	a) 18 b) Legislature appoints 5 members from each house, local officials, and at large members	Provide liaison between legislature, executive departments, and municipalities
<b>Maryland Commission on the Functions of Government</b>	Statute 1972-75	\$150,000 state appropriation	6	a) 27 b) Governor appoints state executive, legislative, local government, business and civic representatives	Comprehensive study of all government functions
<b>Michigan Special Commission on Urban Problems</b>	Executive Order 1966-67	All services on volunteer basis	Staff director from local university and approximately 50 technical advisors	a) 45 b) Governor appoints blue ribbon panel drawn from local government, interest groups, businesses and civic organizations	Study all problems relating to urban areas
<b>Montana Commission on Local Government</b>	Statute 1974-77	\$300,000 (\$250,000-state appropriation; \$40,000-HUD; \$10,000-HEW)	22	a) 9 b) Governor appoints 4 legislators and 5 public members	New state constitution required review of local government code

Table 4 (cont.)

**SELECTED LOCAL GOVERNMENT STUDY COMMISSIONS**

<b>State and Name of Commission</b>	<b>Legal Basis and Duration</b>	<b>Funding and Sources</b>	<b>Professional Staff</b>	<b>Membership a) Number b) Character- istics</b>	<b>Scope of Work</b>
<b>New York Temporary Commission on the Powers of Local Government</b>	Executive Order 1970-73	\$1.6 million from Governor's budget; \$400,000 unexpended	3 full time; most work done by consultants	a) 18 b) Governor appoints on basis of geographic, racial, ethnic and political balance including state legislators, local officials, and private citizens	Study structure, function and service responsibilities of cities and counties
<b>North Carolina Local Government Study Commission</b>	Statute 1967-73	\$50,000 from Governor's contingency and emergency fund	Consultants	a) 15 b) Governor appoints local government, business and academic members; senate president appoints senators; speaker appoints representatives	Study structure, powers, policies and limitations of local government units
<b>Ohio Commission on Local Government Services</b>	Executive Order 1972-74	\$500,000 (\$125,000-state; \$375,000 from foundations)	6	a) 50 b) Governor appoints blue ribbon panel representing major interest groups and all regions of the state	Examine allocation of functions among government levels; regional government; and local government financial status
<b>Pennsylvania Local Government Commission</b>	Statute 1935 Permanent	\$202,000	5	a) 10 b) 5 representatives appointed by speaker and 5 senators appointed by senate president pro tem	Examine local government problems and make recommendations to the General Assembly
<b>Texas Urban Development Commission</b>	Executive Order 1970-71	\$100,000	Executive director; staff from local universities	a) 22 b) Governor appoints on basis of regional and interest	Study urban problems



Table 4 (cont.)

**SELECTED LOCAL GOVERNMENT STUDY COMMISSIONS**

State and Name of Commission	Legal Basis and Duration	Funding and Sources	Professional Staff	Membership a) Number b) Character- istics	Scope of Work
<b>Virginia Metropolitan Areas Study Commission</b>	Executive Order 1966-67	\$100,000 state appropriation	3	a) 12 b) Governor appoints on basis of regional balance, including legislators, former legislators, businessmen and academicians	group balance, including legislators, local officials, and citizens  Study annexation laws and metropolitan problems and make recommendations
<b>Wisconsin Citizens Study Committee on Metropolitan Problems</b>	Executive Order 1971-73	\$125,00	3	a) 15 b) Governor appoints on basis of regional and interest balance	Study constraints on local government which decrease their effectiveness

Source: ACIR staff compilations and "State Commissions on Local Government: An Approach to Public Policy," by Vincent Marando and Patricia Florestano, prepared for the annual meeting of the Southern Political Science Association, Atlanta, GA, November 4-6, 1976.

In the survey responses, several general areas emerged as topics for study. Most frequently cited were structural and functional powers, regionalism, special districts, statute revision, consolidation and annexation, fiscal and revenue powers, interlocal agreements and services, the role of constitutional officers, and the delivery of specific services. Commissions such as those in California, Hawaii, and Delaware had broad mandates to examine both state and local structures and services; those in Oklahoma and Kentucky, for example, had more limited agendas focusing on specific local issues. Generally, however, responses indicated that commission agendas tended toward a limited focus.

Several examples of the work of temporary commissions in the last few years are indicative of the varying agendas and approaches.

- Two legislative commissions were active in Virginia during 1978. A Commission on State Aid to Localities, created in 1977, submitted recommendations to the 1978 legislative session to modify the funding formulas for welfare, health, and mental health programs, provide partial state funding for local law enforcement activities, and provide full state funding for local prosecutors' offices and judges' salaries. A separate 13-member Commission on Local-Fiscal Impact was established to review the fiscal impact of state mandates on local government.
- The Delaware Intergovernmental Task Force was created by executive order in 1977. Working through six committees (administrative services, human services, park and rec-

reation, planning and economic development, police and public safety, and public works), the task force reviewed ways to improve the delivery of state and local services, reduce the duplication of services, and improve public sector productivity. Each committee developed specific recommendations for individual services such as a joint purchasing system for state and local governments, single tax billings for each county, and county coordination of automatic data processing services.

- In response to Proposition 13, California Gov. Edmund G. Brown, Jr., created the Commission on Government Reform. The commission examined the organization of state and local government, state and local tax systems and expenditure patterns, and the effects of and opportunities afforded by Proposition 13. The 13-member commission had no budget and received staff assistance from public, private, and university agencies. More than 50 task forces were created to prepare background reports and alternative recommendations for the commission.
- In 1978, Vermont Gov. Richard Snelling created a Governor's Conference on State-Local Intergovernmental Relations. The purpose of the conference was to act in an advisory capacity to the Governor on all matters related to state-local relations, and to address specifically these three areas: (1) improving technical, management, and other state assistance services to local officials; (2) increasing local involvement in state and federal decision-making; and (3) strengthening the capacity of local governments to solve areawide problems. Fifteen members—representing the legislature, local government, regional commissions, the executive branch, and the general public—were appointed as the conference's committee to undertake the six-month effort.

In most cases the full impact of these local government study commissions is difficult to judge. The efforts of the commissions such as those in Texas, Michigan, Oklahoma, Kentucky, Vermont, and California have resulted in specific legislative proposals—some of which have been enacted into law. In other states, such as Illinois and New Jersey, not only have many of the panels' recom-

mendations been enacted into law, but the commissions have provided essential input into proposals drafted by other groups as well. In still other states, such as Delaware, the work has not been translated into legislation, but rather into cost-saving actions implemented by executive agencies.

These examples are indicative of the broad range of criteria which can be applied to rating the success of study commissions. In addition, the time factor plays an important role. As noted in the Marando and Florestano study: "... it is recognized that commissions may have impact in the long run even if their recommendations are not enacted into law immediately. Recommendations may be diffused through a state political system and picked up later with significant impact. Methodologically it is difficult, if not impossible, to prove a commission's impact years after it has ceased to function. Many factors may intervene between the publication of a commission's recommendations and the adoption at a later time of similar laws by the legislature." As one respondent observed: "Even if nothing substantive was accomplished, the exploration of local government law, structure, and operation was beneficial."

However, a review of the ACIR survey responses indicates that the most effective study groups appeared to have several common characteristics: a broadly based membership, a core staff, a general mandate, and the active support of all sectors of government—particularly the legislature. One survey responder summarized it this way: "Legislators generally are not familiar with operations, legal framework, and management of local governments. The results of a continuing working relationship and communication (other than normal 'lobbying' by local officials) has got to result in better legislation."

## THE INDIANA EXPERIENCE

One of the more recent local government study commission efforts has been undertaken in Indiana. Established in 1978, the 20-member bipartisan panel was given a broad mandate to study local government service areas, special taxing districts, regional organizations, the transfer of functions, and the financial and general authority of local governments. The membership includes eight legislators (four from each chamber and four

from each party), eight local officials appointed by the legislature, and four citizens appointed by the Governor. The commission has a four-member professional staff, an annual appropriation of \$200,000, and access to the services of graduate and law students. The commission's mandate expires in mid-1981.

Thus far, the Indiana commission has been very successful in its endeavors. The panel submitted a report to the 1980 General Assembly, together with a 14-part legislative package. The proposals dealt with such areas as a complete revision of home rule law for counties, cities and towns; revision of interlocal cooperative agreement laws; recodification of local laws affecting the structure of counties, cities, towns, townships, and the Indianapolis Unigov (the consolidated government of Indianapolis and Marion County); and the repeal of over 100 laws (or parts of laws) which were obsolete and were superseded or replaced by home rule.

All of the proposals were enacted into law and will take effect September 1, 1981. This "success story" is a particularly important accomplishment because the General Assembly met only in short session during 1980. The commission now has turned its attention toward preparation for the 1981 legislative year.

In addition to the tangible outcome of its efforts, the commission's work has contributed to what the panel's staff describes as "a new awareness of the problems of local government and a realization of the need for the state and local units to work out these problems. A deeper understanding has developed that local units need more flexibility to meet their commitments to their constituents."

### **IN NEW JERSEY— AN INSTITUTIONALIZED APPROACH**

One of the most dynamic of the local study panels is the 15-member bipartisan New Jersey County and Municipal Government Study Commission that was created by statute in 1966. The broadly based, permanent panel includes three county officials, three city officials, and three at-large members appointed by the Governor; three state senators named by the Senate president; and three House members designated by the House speaker. The commission operates on an annual budget of about \$157,000 from state and federal

sources and has a six-member professional staff.

The New Jersey commission has had a major impact on the state's intergovernmental system. During the initial years of operation, the commission's work concentrated on the structural and functional reorganization of county government, financial resources of local governments, and intergovernmental cooperation. Since the early 1970s, the commission has published a series of comprehensive studies of the federal, state, and local roles in the delivery of major public services such as solid waste, water quality and supply, housing, community health services, law enforcement, public transportation, flood control, and local highway systems. These studies have resulted in numerous legislative reforms, including optional charters for counties, state assumption of welfare and judiciary costs from the counties, giving counties responsibility for solid waste and water quality planning, and authorization of regional health services.

The commission enjoys a high recognition level within the state, has a demonstrated record of legislative successes, maintains an important degree of independence, and has direct access to both the legislature and executive agencies. The commission reflects the institutional perspectives of its members, and to the extent that the members' views may be in conflict with one another, the compromise that is forged may become a dilution of what actually is required. However, as one survey respondent observed: "This is not serious. It is probably the realistic course of reform, except under extraordinary circumstances."

Over the years, the commission has worked closely with other—principally ad hoc—commissions and task forces on topics related to its own agenda and to local government affairs in general. One of the most notable issues in this category was the question of school finance that led to the adoption of both a state income tax and spending lids. Where the commission has not had a formal position, it has been asked for an endorsement or critique of others' studies or legislative proposals. Thus, according to the commission staff, "the universe is covered for the most part by one study group or another without claiming exclusivity for such action."

In addition, the commission is presently contemplating a second round of previously studied areas. The staff explained: "Changing circumstances warrant reevaluation of previous reports. Is

environmental enforcement adequate under laws adopted in the last decade? Is structural reform of counties sufficient, in view of spending limits, to deal with larger-than-municipal issues? Are state assumption of county welfare and judicial costs more urgent than they were a decade ago when first proposed? In short, there are a few misgivings about issues not studied in the past; but they are sure to reemerge sooner or later."

### **IN KENTUCKY—A LOCAL GOVERNMENT STUDY COMMISSION**

During the past decade, Kentucky has implemented several actions in response to the changing demands being placed on local governments. A system of multicounty area development districts has gained recognition as a vehicle of coordination between state and local governments. A state department for local government has become a focal point within state government for supporting and developing the capacity of cities and counties to respond to changing needs. Finally, the approval of the Lexington/Fayette Urban County government in 1974 provided Kentucky with a tangible demonstration of the political feasibility of an alternative to traditional local structures. These and other circumstances led many state and local leaders to a growing awareness that an outmoded and fragmented statutory base had become a serious impediment to effective local government.

Those concerns were expressed formally in 1976 when two statute revision commissions, one for cities and one for counties, were created by the Kentucky General Assembly and Gov. Julian Carroll respectively. While the reason for each commission grew out of different political and historical circumstances, both groups quickly focused on the need for greater statutory flexibility for general purpose local government. Also emerging from these efforts were a growing number of questions about the allocation of functional responsibilities between and among governments. While operating under separate charters, the two panels worked together on a daily basis.

Although both commissions reported to the General Assembly in 1978, they were generally unsuccessful in having their recommendations implemented—because of the controversial nature of some proposals and the need to further investigate others. As a result, the General Assem-

bly, by joint resolution, combined and continued the work of the two panels through the establishment of a 32-member Local Government Statute Revision Commission, composed of state legislators, city, county and area development district officials, and citizens. Specifically, the new panel was directed "to study and review the laws pertaining to units of local government and to carry out a continuing survey of the needs of local government from the perspective of statute revision," and to report its recommendations to the 1980 General Assembly.

The commission began its work at mid-year with an annual state appropriation of \$100,000 and a staff of three. It also had the services of staff members from the Legislative Research Commission and from the Department of Local Government on a part-time basis. Organizationally, the commission divided itself into three task groups, basically paralleling the three focal points of the two previous study groups: municipal, county, and intergovernmental issues.

The first priority of the commission was the reconsideration of the comprehensive municipal code that failed during the 1978 session. After considerable discussion, the commission formulated two basic proposals. The panel endorsed the general concepts of the proposed comprehensive code calling for the grant of shared powers to cities and the unification of statutes covering such areas as municipal organization and fiscal management. However, the commission differed with its municipal predecessor about the format of its proposals. Rather than presenting a single comprehensive measure, the commission opted to present 11 separate proposals. This strategy, it was hoped, would help forestall the possibility of one segment of the proposed code endangering the success of the others. The 11 bills covered such areas as home rule, city organization, general taxing powers and an optimal sales tax, incorporation, boundaries and classification, civil service, and financial administration.

The commission also monitored the implementation of county modernization legislation enacted in 1976 and 1978. Of particular interest were proposals which would help alleviate the weaknesses or omissions which had been detected in these earlier statutes. In addition, the panel addressed the question of county jail and sheriff fees which the earlier commission had been unable to resolve. The county task group

also reviewed proposals dealing with special districts in Kentucky. A uniform special district bill that called for a common basis for such issues as the methods of creation and dissolution, composition of governing boards, and taxing and borrowing powers—but was tabled during the 1978 session—did not receive broadly based support. However, a measure concerning the fiscal accountability of the districts and authorities received at least tentative support.

A third task group focused on intergovernmental issues. Of particular interest to this panel were measures calling for greater flexibility in developing cooperative arrangements among local governments, the establishment of a clearer definition of city and county jurisdiction in the financing and provision of local services, and the implementation of procedures to assess the impact of state administrative and legislative actions on local governments. The group also considered the establishment of a permanent, ongoing mechanism that essentially could continue the work initiated by the temporary commissions.

The Statute Revision Commission's report and recommendations were a major focus of attention during the 1980 General Assembly session. On the positive side, substantial revision of Kentucky's laws governing local units of government was realized through the commission's work. For example, cities and counties have been granted broad local legislative authority under the "shared powers" concept, and all remaining laws governing cities have been simplified and unified. In addition, a total restructuring of county government that will enable county governments to make a much more substantive and positive contribution to the solution of local and areawide problems has been authorized. And newly enacted fiscal reporting and management requirements for local governments will enhance the ability of the state to better guide and direct intergovernmental fiscal relations.

On the negative side, the commission failed to secure enactment of a comprehensive special districts act, primarily because of opposition mounted by library and special district interests. In addition, a commission proposal dealing with state mandates and calling for a fiscal note procedure also was defeated. And finally, the commission could not reach a consensus on two major interjurisdictional problems: double taxation and annexation.

On balance, however, the commission's efforts over the past two years—and building upon the groundwork provided by its predecessor study groups—should be rated highly. Seventeen of its 21 recommendations were enacted by the General Assembly, and have created a new statutory framework for local government in Kentucky. Additionally, the commission's work has helped to expand the awareness of the need to address intergovernmental issues in a more comprehensive and systematic manner. In fact, the advisory panel to the Department for Local Government (Kentucky's DCA) is to be reorganized to resemble the Statute Revision Commission's structure and to assume many of its duties and functions. Special emphasis will be given to monitoring and evaluating the local government bills which were based upon the commission's recommendations.

## **THE MONTANA VOTER REVIEW PROGRAM**

The 1972 Montana Constitution provided that all cities, counties, and incorporated towns must examine alternative structures for their governments at least once every ten years. That process began in 1974 and is continuing.

The 1974 session of the legislature created the nine-member State Commission on Local Government and set up the procedures for establishing local government study commissions in the state's 56 counties and 126 cities. In November of that year, citizens elected the members of their study commissions.

In 1975, the legislature established a detailed procedure for those panels to follow. A timetable for the remainder of the review process included at least one public hearing in each affected city or county, the development of a tentative report and at least one hearing on it, approval of a final report, and a vote on an alternative form of government by November 1976. Any new government forms adopted at these elections would become effective the following year.

The legislature created five optional forms of government which localities could adopt: the commission-executive, the commission-manager, the commission, the commission-chairman, and the town meeting (available to cities and towns with less than 2,000 population). A sixth major option also was available: If none of the five forms fit, the city, town, or county (or a combination of

those units) could design its own charter, selecting the powers and structures which best met the special needs of the area.

The legislature also prescribed a series of sub-options under each form of government. Accordingly, each could choose between general government and self-government powers. General government powers would give the locality any power granted by the legislature, while self-government powers (or home rule, residual powers) granted the local government any power not prohibited by its charter or by the state constitution or laws. Only the commission form could not choose self-government powers. Charter forms were required to adopt self-government powers.

In addition, a county and one or more cities within the county, or two or more contiguous counties and any city or town within those counties, could consolidate and form a single unit of government. A county and any town or city in that county also could form a county-municipality confederation. Although that form of organization would constitute a partial consolidation, the separate units would retain their individual identities. Under the confederation form, government functions would be assigned by the charter, with the county providing areawide services and cities and towns providing local services. Service consolidations also were permitted between or among towns, cities, and counties.

Finally, the option of disincorporation was created. If a city or town could not carry out its functions, it could choose to go out of business—in which case the county would assume all the leg-

islative and administrative functions of the government.

Montana's unique experiment requiring a review of all local governments culminated in 1976, when the local elections were held to ratify or reject the recommendations of the local study commissions. A total of 32 changes of government form were adopted in the state. Two of three proposed city-county consolidations were approved; 26 municipalities changed their form of government, with 15 of those adopting home rule; and four counties adopted a new form of government, with two opting for home rule. Two service consolidations, combining local police and sheriff's departments, were approved.

At the state level, the state commission completed its work in 1977, with the submission of a revision of the state's county and municipal laws of more than 800 pages. The proposal—the largest ever introduced in the Montana legislature—established a single code of local government law and included such features as a broad grant of authority to local governments, a reduction of existing state requirements governing local finances and administration, greater local structural and organizational flexibility, and the replacement of 74 separate mill levies with an all-purpose levy for all municipalities and counties. The measure was passed by the house but failed to receive approval in the senate. The local government code package was resubmitted to the 1979 legislature as 13 separate bills, but again the proposals failed.

The local government review process is scheduled to begin again in 1984.

# Departments of Community Affairs' Advisory Boards and Commissions on Intergovernmental Cooperation

## STATE DEPARTMENTS OF COMMUNITY AFFAIRS AND THEIR ADVISORY BOARDS

**S**tate departments of community affairs (DCAs) are relatively new. In 1956, the Council of State Governments recommended the creation or adoption of a state agency to “aid in determining the present and changing needs of metropolitan and nonmetropolitan areas of the state.” In a 1964 report, ACIR also called for the establishment of an agency that could bring together present and forthcoming state functions which have as their principal objective the development and expansion of state efforts to aid their communities in meeting the problems of urbanization.

According to the Council of State Community Affairs Agencies (COSCAA, the national organization representing DCAs), every state has a DCA or has designated an agency (such as the state planning office) to perform DCA functions. (Figure 3.)

Four major factors have contributed to the establishment of these agencies: (1) the wave of state government reorganization activities; (2) the creation of the federal Department of Housing and Urban Development in 1963; (3) the growth of federal aid programs generally; and (4) an increase in local demands for state technical, planning, and program assistance—particularly from smaller communities. According to COSCAA, DCA serv-

Figure 3

## STATE DEPARTMENTS OF COMMUNITY AFFAIRS: 1980

State	Name	Location in Government <sup>a</sup>	Advisory Board (Membership)
Alabama	Office of State Planning and Federal Programs	3	
Alaska	Department of Community and Regional Affairs	1	
Arizona	Office of Economic Planning and Development	2	Economic Planning and Development Advisory Board (20)
Arkansas	Department of Local Services	1	Local Services Advisory Council (17)
California	Department of Housing and Community Development	1	Planning Advisory and Assistance Council (18) <sup>b</sup>
Colorado	Department of Local Affairs	1	
Connecticut	Department of Housing	1	Advisory Council
Delaware	Department of Community Affairs and Economic Development	1	Several divisions have an advisory board
Florida	Department of Community Affairs	1	Council on Community Affairs (9)
Georgia	Department of Community Affairs	1	Board of Community Affairs
Hawaii	Department of Planning and Economic Development	1	Advisory Board (9)
Idaho	Bureau of Economic and Community Affairs	2	Economic Advisory Council (6)
Illinois	Department of Commerce and Community Affairs	1	
Indiana	Executive Assistant for Urban and Community Affairs <sup>c</sup>	1	
Iowa	Office for Planning and Programming	1	
Kansas	Department of Economic Development	1	
Kentucky	Department for Local Government	1	Local Government Advisory Commission (15)
Louisiana	Department of Urban and Community Affairs	1	
Maine	State Planning Office	1	Economic Development Advisory Committee, Planning and Development Advisory Committee, and Critical Areas Advisory Board
Maryland	Department of Economic and Community Development	1	Advisory Commission (21)
Massachusetts	Executive Office of Communities and Development	1	
Michigan	Office of Intergovernmental Relations	3	
Minnesota	Office of Local and Urban Affairs	3	
Mississippi	Community and Area Planning Division	3	Research and Development Council (25)
Missouri	Division of Community Development	3	Governor's Community and Economic Development Advisory Council (25)



Figure 3 (cont.)

**STATE DEPARTMENTS OF COMMUNITY AFFAIRS: 1980**

<b>State</b>	<b>Name</b>	<b>Location in Government<sup>a</sup></b>	<b>Advisory Board (Membership)</b>
<b>Montana</b>	Department of Community Affairs	1	
<b>Nebraska</b>	Division of Community Affairs	3	Economic Development Advisory Committee (11)
<b>Nevada</b>	Office of Community Services	3	
<b>New Hampshire</b>	Coordinator of Federal Funds	2	
<b>New Jersey</b>	Department of Community Affairs	1	
<b>New Mexico</b>	Division of State Planning	1	
<b>New York</b>	Division of Community Affairs	3	Community Affairs Advisory Board (19)
<b>North Carolina</b>	Department of Natural Resources and Community Development	1	Advisory Committee on Community Development (18)
<b>North Dakota</b>	Federal Aid Coordinator Office	2	
<b>Ohio</b>	Department of Economic and Community Development	1	
<b>Oklahoma</b>	Department of Economic and Community Affairs	1	
<b>Oregon</b>	Intergovernmental Relations Division	2	
<b>Pennsylvania</b>	Department of Community Affairs	1	
<b>Rhode Island</b>	Department of Community Affairs	1	Advisory Council on Community Affairs (11)
<b>South Carolina</b>	Division of Economic Development and Transportation	1	
<b>South Dakota</b>	State Planning Bureau	1	State Planning Commission (21)
<b>Tennessee</b>	Department of Economic and Community Development	1	
<b>Texas</b>	Department of Community Affairs	1	Advisory Council on Community Affairs (13)
<b>Utah</b>	Department of Economic and Community Affairs	1	Governor's Advisory Council on Community Affairs (21)
<b>Vermont</b>	Department of Housing and Community Affairs	3	
<b>Virginia</b>	Department of Housing and Community Affairs	1	Board of Housing and Community Development (9)
<b>Washington</b>	Planning and Community Affairs Agency	1	Planning and Community Affairs Advisory Committee (16)
<b>West Virginia</b>	Office of Economic and Community Development	2	
<b>Wisconsin</b>	Department of Development	1	Council on Local Affairs (15)
<b>Wyoming</b>	Department of Economic Planning and Development	1	Board of Economic Planning and Development (9)

<sup>a</sup> 1—Cabinet level

2—Within Governor's Office

3—Within another executive department

<sup>b</sup> Advisory to Governor's Office of Planning and Research.

<sup>c</sup> Although not an actual department, the executive assistant performs all DCA-type functions.

SOURCE: Council of State Community Affairs Agencies and ACIR staff compilations.

ices are in the greatest demand by smaller jurisdictions. At the same time, however, the agencies do offer a diversity of programs and services to localities of all sizes and work to foster intergovernmental cooperation, improve local planning and management capabilities, and assist in the management of specific programs such as housing, community, and economic development. The departments range in size from fewer than 50 to more than 500 persons and have budgets which range from under \$200,000 to more than \$70 million. About half the agencies are separate departments—usually at the cabinet level—while a third are located within another department and about one fifth are located within the Governor's office.

About half of the DCAs have advisory boards which originally were designed to provide local officials an opportunity to participate in the development of state programs affecting local governments. Most of these boards were created during the 1970s. According to the ACIR survey responses received from about half of the DCAs with advisory boards, the average board size is 15 members; the smallest (in Idaho) has six members, and the largest (in Mississippi and Missouri) have 25 members. About half the respondents indicated that the membership was not proportionately representative of the state's urban areas.

These groups meet an average of six times a year. While most of the respondents indicated that the advisory groups' work generally is supported by state and local policymakers, most rated their efforts as having minor impact but gaining in influence. While the overwhelming majority of the boards serve only in an advisory capacity and have neither an administrative nor a policy function in the DCA, there are some exceptions. For example, the Arkansas Local Services Advisory Council exercises certain policy control in the area of water, sewer, and solid waste funding, and is responsible for the award of various grants administered by the DCA. In Utah, the Governor appoints the DCA director with the consent of the Governor's Advisory Council on Community Affairs.

Although a few states (such as Illinois, New Jersey, and Pennsylvania) have had advisory boards in the past, they either are not active now or have been disbanded entirely. These actions are attributable primarily to two factors: the existence of other forums that function more effectively, and use of ad hoc groups on a case-by-case basis.

While DCAs in 22 states have advisory boards, only a few are active and effective in a broad range of activities. In addition, most of the boards do not function as true intergovernmental forums because their membership is drawn solely from the ranks of local officials. Their influence, typically, is weak—in large part because the boards lack independent staffs and financial resources and frequently are overshadowed by the local government associations. In some cases, such as in Wisconsin, North Carolina, and South Dakota, the boards serve as an effective communications link between the DCA (and other state agencies) and local officials, but they do not appear to influence DCA or general state policies to a significant degree.

Some advisory boards, however, have had demonstrable success in specific policy and program areas. For example, the 18-member California Planning Advisory and Assistance Council, created by statute in 1977, has had a strong role in the evolution of that state's urban policy—specifically in refining and sharpening its goals and objectives. While the council does not have a major role in or impact on governmental affairs, it has provided the state bureaucracy with a local government perspective. The council now is advising on and assisting with efforts to evaluate the effects of Proposition 13 on state and local organizations and services.

A question does remain regarding the role that DCAs and their advisory boards will play in the future, particularly in the area of basic local government reforms. Although DCAs and their boards have performed their programmatic and local advocacy functions, they appear to jeopardize their positions within state government when they become strong advocates for reforms altering local powers and structures. As noted in a 1978 COSCAA report on DCA organization and functions: "While there is a great diversity in the approaches taken, the record to date indicates that most DCAs have attempted to develop reputations as effective service providers and advocates for local governments. Very few have undertaken major initiatives to change the form of local government or to force a more comprehensive approach to local problems."

This built-in limitation for DCAs and their boards would seem to indicate a need for some other mechanism in state government to address the broader and more fundamental reform ques-

tions. As one ACIR survey respondent noted: "The prestige of the board (and the DCA) and its credibility are of primary concern. Staffing and a broader representation factor are necessary to increase prestige. Quite frankly, the board ought to be a state ACIR and enabling legislation to accomplish this is necessary."

## COMMISSIONS ON INTERSTATE COOPERATION

One type of intergovernmental forum about which very little has been written is the commission on interstate cooperation. These organizations date from 1935, when the first one was established in New Jersey. As the name implies, the commissions were created as a mechanism to foster cooperation among the states, through their own efforts as well as through their affiliation with the Council of State Governments (CSG). In addition, the commissions were to be a vehicle through which state legislatures could become more active in intergovernmental policy formulation.

By 1973, 35 states had created a commission, generally patterned after the New Jersey model, that included ten legislators (five members from each house) and five executive officials. In the early years, not only did the commissions grow in number, they also grew in stature, as evidenced by the support given them in President Franklin Roosevelt's 1937 message to the Congress dealing with regional planning.

According to a 1974 study sponsored by the Maryland Commission on Intergovernmental Cooperation, the commissions were involved in a broad range of issues such as conservation, highway safety, banking, crime, industrial location, trade and taxation. They also worked to establish a number of interstate compacts during their initial years of operation. Their numbers continued to grow during the World War II years, when the commissions' efforts primarily were directed to national defense and war relief. By the mid-1940s, however, the commissions' activities—and the CSG interest in the panels—appeared to decline. This trend continued until 1960, when a CSG committee was formed to study ways in which the commissions and their role in CSG could be strengthened.

In 1961, the CSG study group issued its report,

citing four major weaknesses which had contributed to the decline of the commissions: other national organizations, such as the National Governors' Association (NGA) and the National Conference of State Legislatures (NCSL), had emerged as the lead spokesmen in areas in which the commissions had worked previously; interstate compact agencies were assuming responsibilities once performed by the commissions; many members had neither a strong commitment to nor interest in the commissions' work; and neither adequate funds nor staff ever had been provided to develop effective work programs. In order to help ameliorate these problems, the study group recommended a number of actions to strengthen both individual commissions and their collective role in CSG. At the state level, the study group recommended that adequate and permanent funding and staff be provided to support broadly based work and publications programs. In addition, it was suggested that the commissions regularly review CSG's model legislation and focus more attention on federal-state and state-local issues. At the national level, the committee recommended that CSG consider the commissions as their primary state contacts, distribute information on their work, and request that state delegates to CSG be selected from the commissions' membership. Despite this, however, no discernible action was taken on these recommendations.

In the early 1970s, the NCSL (known then as the National Legislative Conference) executive committee also indicated an interest in the commissions, specifically in their potential role in a more broadly defined area of intergovernmental cooperation. The NCSL interest here was to develop a better channel for information about federal-state issues and legislation. In response to the NCSL interest and in the hope of helping to strengthen the commissions, CSG drafted a new model bill that would require a commission to be the "focal point" for a state legislature in the area of federal-state issues and problems.

To what extent these recommendations directly influenced the state cooperation commissions is not known. A few have indeed changed their names from "interstate" to "intergovernmental," but many remain in existence only on paper. One ACIR survey respondent noted "The commission on intergovernmental cooperation has been largely responsible for imparting an awareness of the complexity of the intergovernmental process and

the interrelationships that must and do exist. . . . The commission benefits from having a varied membership with broad interests. It has a tremendously wide-ranging statutory mandate and a great potential, as yet to be realized however.”

An ACIR telephone survey of CSG regional offices, conducted in the fall of 1979, revealed that 41 states have a commission, but that only five—Alaska, Arizona, Delaware, Illinois, and Maryland—are considered “very active” by the CSG offices. In 11 states, a legislative council or committee has been designated to serve as the cooperation commission.

In 1974, the Maryland Commission on Intergovernmental Cooperation published a report on the commissions which focused on their activities and effectiveness. The Maryland report concluded that while a few of the commissions had made important contributions to their states generally, they “have not lived up to the potential” envisioned for them. There is no reason to believe that this conclusion has changed.

### **IN ILLINOIS—A COMMISSION ON INTERGOVERNMENTAL COOPERATION**

The Illinois Commission on Intergovernmental Cooperation was established in 1937 as one of the state affiliates of the Council of State Governments (CSG) described earlier. Since that time, the Illinois panel has developed an active and successful record, while most of its counterparts in other states have either greatly reduced their role or ceased to exist entirely.

The commission is a statutorily based legislative agency with a bipartisan membership representing both the legislative and executive branches. Its 34 members include the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, Treasurer, the directors of the Department of Commerce and Community Affairs, and the Department of Administrative Services; two gubernatorial appointees; the president of the Senate, the minority leader, and eight senators; and the speaker of the House, the minority leader, and eight representatives. The secretary of the Senate, the clerk of the House, the director of the legislative council, and the secretary of the legislative service bureau serve as *ex officio*, nonvoting members. The commission has grown steadily and today has a 15-member profes-

sional staff and a budget of \$752,000—including a Washington office with a four-member staff.

The original charge to the Illinois panel directed it to assist members of the General Assembly and other state officials in maintaining communications with federal and local officials, to promote cooperation between the state and other governmental units through formal and informal intergovernmental agreements (i.e., compacts, reciprocal laws, rules, etc.) and the exchange of information and research, and to represent the state as a member of CSG. In 1969, the statute was amended to add a new role as “the information center for the General Assembly in the field of federal-state relations.” In response to this mandate, the commission now maintains up-to-date information on federal aid programs, analyzes their relationship with state and local programs, and assesses their impact.

In 1977, the mandate was expanded even further to designate the commission as the “state central information reception agency” for receiving information about federal grant programs under Treasury Circular 1082. The amendment also established a federal aid tracking system, jointly administered by the commission and the Bureau of Budget, to provide monthly information on federal grant applications, awards, receipts, and expenditures to the Governor and General Assembly.

The commission maintains an intergovernmental information center, does short-term research at the request of any legislator, and helps state and local agencies identify potential federal assistance programs. It provides assistance to any member of the General Assembly—or, through the member, directly to local government officials—on any problem with federal programs, state agencies and programs, or any intergovernmental issue.

One of the most important ongoing activities of the commission is program evaluation. Since 1973, numerous research memoranda have been published on subjects such as federal housing programs, Title XX Social Services, unemployment insurance and compensation, effective property tax rates, *Comprehensive Employment and Training Act* (CETA) legislation, and General Revenue Sharing. The staff also undertakes short-term research on intergovernmental problems at the request of any legislator in such diverse areas as analyses of federal policies, budgets and regulations, state aid, state and local planning, interstate

programs, and activities in other states.

The commission's library contains information on current and past federal legislation; rules, regulations, operations and composition of the various federal agencies; reports by Washington-based public interest organizations covering a wide variety of subjects; reports by Congressional committees; and a list of contact points for information in Washington and in the federal regional offices.

Since 1975, the commission has published *Federal Aid to Illinois State Agencies* that details information on the receipt and expenditure of federal funds during the preceding and current fiscal years. The report is prepared as part of the commission's responsibility to monitor federal grant activities.

As is evident from the description of the activities and the focus of the 1969 and 1977 amendments, the major emphasis of the commission's work has been on state-federal relations. Several factors support this direction.

First, federal aid has become an important factor in the Illinois service and fiscal profile. During the 1970s, the commission developed a special competence in the field of federal grant administration and utilization that proved to be a valuable asset for Illinois in general, and most particularly for its legislative branch.

Second, there has been a decreasing utilization of interstate compacts—one of the primary reasons for the creation of the commission in 1937. Although it continues to work with neighboring states, most interstate activity is conducted via CSG. While the commission continues to review

interstate compacts, this activity is not perceived as a top priority.

Finally, the Illinois CIC has limited its review of state-local relations because of the work of two other panels with a purely local focus: the Cities and Villages Municipal Problems Commission and the County Problems Commission. However, the commission has begun to direct more of its attention to local issues, due in large part to two factors: (1) the highly "intergovernmental" nature of public policy issues, and (2) the need to better coordinate the efforts of a number of Illinois institutions which are working in the field.

Currently, the commission has major studies of local economic development, local taxation, intergovernmental agreements and cooperation, local health planning, and locally administered social service programs in progress. The commission also is about to embark upon a comprehensive review of local fiscal capacity that will include the active involvement of many local officials over the next two to three years.

In addition, the commission continues to maintain close contact with the two local government study groups, as well as with the executive agencies responsible for local issues, relevant legislative committees, and the local government associations.

The Illinois Commission on Intergovernmental Cooperation has developed and enjoys a solid reputation. The 43-year record indicates that the commission has responded to the legislature's needs and has complemented the services of other legislative and executive agencies concerned with intergovernmental issues.



## Intergovernmental Advisory Agencies: Conclusions and Observations

**I**n the past decade, every state has utilized some type of mechanism, whether on an *ad hoc* basis or on a more comprehensive scale, to address issues related to the viability and structure of its local jurisdictions and the many—and increasingly important—interrelationships between and among units of government at all levels:

- At least 18 states have established an advisory organization or mechanism to deal with intergovernmental issues.
- Every state has an executive agency that deals with community affairs.
- Every state legislature has conducted an interim study of some aspect of state-local relations.

A pattern of state legislative and executive support to strengthen local governments has begun to emerge in the states, with a few states even beginning to formulate a comprehensive policy on urban growth development.\* However, most states have yet to develop a consistent strategy or policy for strengthening local governments and utilizing state regulatory powers, services, taxing powers, and fiscal assistance to influence urban and rural growth and development. That such policies have not been developed is indicative of the limitations on state departments of community affairs and other state intergovernmental policy forums; the lack of continuity inherent in tem-

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\* See ACIR Information Report M-116, *State Community Assistance Initiatives: Innovations of the Late 70s*.

porary local government study commissions; the inadequate channels for state-local communications; the traditional differences between federal, state, and local officials; the preoccupation of city and county officials with federal programs; citizen apathy; and the practical political and fiscal difficulties in reforming historic patterns of state-local relations.

Although the evidence necessary to evaluate the strengths and weaknesses of the various approaches described in this report is not conclusive, several observations can be offered.

- *There is a trend toward establishing better lines of communication between state executives and legislators and local officials, and a fair amount of experimentation with various approaches to achieve cooperation and to avoid confrontation.*

As previously noted, many states already have functioning organizations and others are in the process of strengthening their existing institutions. At least a half dozen more states actively are considering the creation of a state ACIR or similar agency.

- *The major factors mitigating against the further success of many of the states' intergovernmental advisory agencies have been the lack of continuity in staff, membership, and leadership; the disaffection of essential constituencies because of controversial recommendations or other reasons; and the competition with other organizations—such as budget and planning offices—for an influential role in the development of intergovernmental policies and programs.*

With few exceptions, ACIR survey respondents consistently identified as serious handicaps the inadequacy of budgets, limited staffing, and insufficient time to develop support for their recommendations. Those responding on behalf of temporary study commissions and DCA advisory boards cited these factors more frequently than those representing the permanent advisory organizations. As one respondent noted: "The LGAC [Local Government Advisory Committee] has influence, but not real political power. It is good at stopping legislation it opposes, but has had little success initiating its own programs. . . . The LGAC has never established a solid, organized base among local governments. . . . As a result, the

LGAC is dependent upon the good will and interest of the Governor."

- *Although many of the surveyed intergovernmental advisory agencies do not include representatives of both the executive and legislative branches of government, the experiences of the states clearly demonstrate that representation of both branches of state government, as well as local officials, is necessary and desirable.*

Resolution of legislative, executive, county and municipal differences should be a primary function of a state intergovernmental panel. Without the representation of all the governmental levels, this function is diluted. Representation of the state congressional delegation, local school officials, special districts, the state judicial branch, and federal agencies are options which also should be considered. One respondent summarized the views of many other states when he described the importance of the representation issue this way: "[We now have] a more informed legislature in respect to local government problems, and a closer working relationship between and among all levels of local government and state government."

- *The full-fledged state ACIRs are beginning to emerge as effective intergovernmental forums because of several factors: program permanency and continuity, broad representation from all levels of government, the development of a track record of credibility and experience, and the opportunity to pursue a multiyear research, information, and implementation program.*

These factors were almost universally cited by ACIR survey respondents as their strongest—and most essential—attributes. These factors also have played important roles in the success of the permanent study commissions such as those in New Jersey and Pennsylvania.

- *Local government study commissions offer an opportunity to demonstrate the importance and value of research on intergovernmental issues and problems. However, the vast majority of these study groups only have a temporary—or ad hoc—mandate. While a temporary existence does provide flexibility that in some cases is an asset in addressing*



highly political, controversial, and volatile issues, nevertheless, the elements of continuity and implementation follow up often are sacrificed. Rather, these temporary panels frequently have been created when problems have reached critical proportions, and as such the panels become creatures of crisis or the outcome of political tensions.

One of the most visible examples of the problems associated with implementation activities by temporary panels is in Kentucky. The ultimate success of that state's Local Government Statute Revision Commission, however, can be attributed at least in part to the work of its predecessor panels.

- It is difficult to evaluate the impact of temporary study commissions. Most have produced comprehensive research and recommendations and have indicated through survey responses that they have had a modicum of success with their legislatures and governors. However, the lack of experience in developing their research programs, in organizing their work programs, and in developing political support often have stymied their efforts.

According to survey responses, the majority of the study commissions typically have been prevented from developing a program for implementation of their recommendations, often have developed far more recommendations than could be assimilated by executive and legislative policymakers, and have been handicapped by part-time and borrowed staff because of their limited or temporary existence.

- Advisory boards attached to departments of community affairs, with only limited exceptions, appear to be less effective, limit the scope of their activities to departmental issues, and do not have a highly visible role in state government.

While many of the survey respondents indicated that the advisory boards provided "a good sounding board for local problems," they also observed that there was considerable room for strengthening these groups—particularly in the absence of other intergovernmental forums such as a state ACIR or a permanent study commission.

- Commissions on interstate cooperation, as originally constituted, have not lived up to

their potential. They do provide a mechanism for state legislators to participate in intergovernmental relations (previously dominated by the executive branch), but generally they are no longer active—in part because of the emergence of more effective organizations at both the state and national levels.

The commissions on interstate cooperation continue to appear as an enigma on the intergovernmental scene in most states. While Illinois and Maryland are the most notable exceptions, there is little evidence that these organizations have been utilized to any significant degree. As one Maryland respondent suggested: "The commission has great potential, but states that are a greater distance from Washington, DC, may find greater need for an intergovernmental forum [as to federal-state relations] than Maryland."

- While the state advisory panels in each of the five categories surveyed generally do not rate their efforts as having had a consistent or major impact on intergovernmental relations as yet, their influence with federal, state, and local policymakers appears to be increasing.

This upward trend on the "influence" scale—together with actions in other states to address interlevel issues, policies, and problems in a more comprehensive manner—are positive signs for the success of the intergovernmental system. After years of being criticized as the "weak links" in the intergovernmental system, state policymakers appear to be gearing up for the future and taking more positive steps to strengthen the relationships with their local jurisdictions.

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Most states would benefit from a review of their capacity to monitor and review significant intergovernmental issues, such as the impact of federal legislation on state programs, the allocation of functions between levels of government, and the impact of state mandates on local governments. Such a review could be initiated by state executives and legislators, or local officials, but should be reflective of each level's interests.

The review could (1) evaluate the effectiveness, representation, mandate, and resources of existing committees of local officials created to advise departments of community affairs, legislative or executive commissions on local government, state

commissions on interstate cooperation, state advisory commissions on intergovernmental relations or similar bodies; (2) consider ways in which existing agencies could be combined or reorganized into stronger, more representative agencies for studying and developing policy on intergovernmental relations; and (3) evaluate the potential scope of activities of such agencies and possible research priorities, and develop an appropriate research and action agenda on intergovernmental issues.

As noted in this report, a number of states have an organization that performs, or has the potential for performing, these functions. The development of these state institutions during the past decade—and particularly during the past three years—is indicative of growing state and local awareness of the need to deal with problems on an interlevel basis. Their informational, technical assistance, and tension-reducing functions are undoubtedly useful. Yet, the absence of local representation in many cases, along with their predominantly operational thrust and relatively narrow jurisdictional focus, makes many of these instrumentalities unsuitable for the broad gauge research, analysis, problem solving, and advisory activities which will be needed in the years ahead.

While many states have begun to take remedial action or have provided local governments with the fiscal, functional, structural, and personnel authority to do so, much more needs to be done to ensure that coordination rather than conflict will characterize intergovernmental relationships. That is why the U.S. ACIR has recommended that states establish their own permanent, broadly based, bipartisan advisory commissions to deal with these important issues and to formulate a framework for the resolution of these complex problems.

In considering the need for and desirability of establishing an intergovernmental advisory agency or reconstituting an existing organization, three basic questions should be addressed:

- **What is the significance of an advisory panel with the broad representational character of an ACIR? What special contribution can it make?**

An ACIR—with its membership drawn from the state executive and legislative branches, local government, and the general public—provides an independent forum to discuss intergovernmental issues and conflicts. Such independence cannot be achieved through leg-

islative hearings where executive and local officials are at a disadvantage because they are guests. And it cannot be duplicated through even the most conscientious staff work by executive agencies or academic institutions. An ACIR provides a forum for debate among equals. It permits the sharing of the divergent perspectives of its members and encourages the negotiation and resolution of intergovernmental conflict.

- **Why can't the functions of an ACIR be performed by some other existing institution, such as a department of community affairs, a legislative council, or a university government research bureau?**

All of the functions which are envisioned for an ACIR could be performed by some existing institution, but not with the same results. Because an ACIR draws its membership from such a broad spectrum, it has the advantage of direct participation from each level of government. The various perspectives of the members can be reflected in the research program, deliberations, and recommendations of the commission. In addition, an ACIR would not be burdened with the day-to-day operational problems and considerations which can preempt the attention of other institutions.

- **Why is advocacy of its recommendations a legitimate—and inherently important—function of an ACIR?**

An ACIR's unique composition provides for a perspective that usually is not replicated by another public or private agency. It has the opportunity, and indeed the responsibility, to take a comprehensive view of intergovernmental relations, and to recognize the crosscutting trends and issues which may not be apparent to other organizations. Advocacy of this unique perspective is a natural and responsible extension of the commission's work.

The U.S. ACIR continues to believe that the institutional and policy framework provided by a state advisory commission on intergovernmental relations merits serious consideration by state and local decisionmakers. Indeed, at its September 1980 session, the commission reaffirmed its 1974 recommendation that states create their own ACIRs as part of a program to help governments meet the challenges which will be presented to them during the decade of the 1980's and beyond.

# Appendices

## Suggested Legislation

### [AN ACT TO ESTABLISH A STATE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS]<sup>1</sup>

*(Be it enacted, etc.)*

1 SECTION 1. *Findings and Purpose.*

2 (a) The [legislature] finds and declares that there is a need for a permanent intergovernmental  
3 body to study and report on:

4 (1) the current pattern of local governmental structure and its viability;

5 (2) the powers and functions of local governments, including their fiscal powers;

6 (3) the existing, necessary, and desirable relationships between and among local govern-  
7 ments and the state;

8 (4) the existing, necessary, and desirable allocation of state and local fiscal resources;

9 (5) the existing, necessary, and desirable roles of the state as the creator of the local  
10 governmental systems;

11 (6) the special problems in interstate areas facing their general local governments, intrastate  
12 regional units, and areawide bodies, such studies where possible to be conducted in conjunction with  
13 those of a pertinent sister state commission(s); and

14 (7) any constitutional amendments and statutory enactments required to implement appro-  
15 priate commission recommendations.

16 SECTION 2. *Commission Created.* There is hereby created a [insert state] [Advisory Commission  
17 on Intergovernmental Relations].

18 SECTION 3. *Membership.*

19 (a) The commission shall be composed of 20 members, as follows:

20 (1) four elected county officials, four elected city officials, two state executive branch  
21 officials, and four private citizens, all of whom shall be appointed by the governor, except that the  
22 county and city members shall be appointed from lists of at least eight nominees submitted by their  
23 respective state associations;

24 [(2) three state senators appointed by the president pro tem of the senate;<sup>1</sup> [and]

25 (3) three state representatives appointed by the speaker of the house of representatives]<sup>2</sup>

26 (b) The chairman and vice chairman of the commission shall be designated by the governor from  
27 among the members and shall serve in these respective capacities at his pleasure. In the event of the

<sup>1</sup>Suggested short title: *State Advisory Commission on Intergovernmental Relations.*

<sup>2</sup>Individual states should insert the appropriate names of the upper and lower houses of the legislature and titles of their presiding officers.

1 of the absence or disability of both the chairman and vice chairman, the members of the commission  
2 shall elect a temporary chairman by a majority vote of those present and voting.

3 (c) Of the first members appointed by the governor after the effective date of this act, two of the  
4 elected county officials, two of the elected city officials, one of the officials of other political sub-  
5 divisions, one of the state executive branch officials, two of the private citizens, and three of the state  
6 legislators, shall hold office for a term of two years. The remaining members, and members sub-  
7 sequently appointed, shall be appointed for a period of four years; *provided that* a member appoin-  
8 ted to succeed another member whose term has not expired shall be appointed for the period of the  
9 unexpired term, and may be subsequently appointed for a four year term.<sup>1</sup> Should any member cease  
10 to be an officer or employee of the unit or agency he is appointed to represent, his membership on  
11 the commission shall terminate immediately and a new member shall be appointed in the same manner  
12 as his predecessor to fill the unexpired term.

13 [Alternative 1.]

14 [(d) The members appointed from private life under subsection (a) shall be appointed without re-  
15 gard to political affiliation. Of each class of local government members appointed by the governor,  
16 not more than half shall be from any one political party. Of each class of state members appointed  
17 by the [*president pro tem of the senate and the speaker of the house of representatives*], two shall be  
18 from the majority party of their respective houses.]<sup>1</sup>

19 [OR]

20 [Alternative 2.]

21 [(d) Members of the commission shall be appointed without regard to political affiliation.]<sup>1</sup>

22 (e) Twelve members of the commission shall constitute a quorum.

23 SECTION 4. *Functions and Duties.*

24 (a) The commission shall carry out the following functions and duties:

25 (1) serve as a forum for the discussion and resolution of intergovernmental problems;

26 (2) engage in such activities and make such studies and investigations as are necessary or  
27 desirable in the accomplishment of the purposes set forth in Section 1 of this act;

28 (3) consider, on its own initiative, ways and means of fostering better relations among local  
29 governments and between local governments and the state government;

30 (4) draft and disseminate legislative bills, constitutional amendments, and model local or-  
31 dinances necessary to implement recommendations of the commission;

32 (5) encourage, and where appropriate, coordinate studies relating to intergovernmental re-  
33 lations conducted by universities, state, local, and Federal agencies, and research and consulting or-  
34 ganizations; and

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<sup>1</sup>States having two year terms for either house or senate members may wish to adjust the terms of members of the commission.

1 (6) review the recommendations of national commissions studying Federal, state, and local  
2 government relationships and problems and assess their possible application to *[insert state]*.

3 SECTION 5. *Meetings, Hearings, Committees.*

4 (a) The commission shall hold meetings quarterly and at such other times as it deems necessary.  
5 The commission may hold public hearings from time-to-time on matters within its purview. [By  
6 its subpoena the commission may compel the attendance of witnesses and the production of books,  
7 papers, and records of any agency of the state or any of its political subdivisions.]

8 (b) Each officer, board, commission, council, department, or agency of state government, and  
9 each political subdivision of the state, shall make available all facts, records, information, and data  
10 requested by the commission and in all ways cooperate with the commission in carrying out the func-  
11 tions and duties imposed by this act.

12 (c) The commission may establish committees as it deems advisable and feasible, whose mem-  
13 bership shall include at least one member of the commission, but only the commission itself may set  
14 policy or take other official action.

15 (d) The commission shall promulgate rules of procedure governing its operations, provided they  
16 are in accordance with the provisions of *[insert state administrative procedures act]*.

17 (e) All meetings of the commission, or any committee thereof, at which public business is dis-  
18 cussed or formal action is taken shall conform to *[insert state open meetings act]*.

19 SECTION 6. *Staff.*

20 (a) The commission shall employ and set the compensation of an *[executive director]*, who shall  
21 serve at its pleasure. The *[executive director]* may employ professional, technical, legal, clerical or  
22 other staff, as necessary and authorized, and may remove such staff.

23 (b) The staff of the commission shall be within the unclassified service of the *[insert state civil*  
24 *service act]*, and their compensation shall be determined by the commission within the limitations of  
25 appropriations for commission staff purposes.

26 SECTION 7. *Finances.*

27 (a) A member of the commission is not entitled to a salary for duties performed as a member of  
28 the commission. Members who are not full-time salaried government officers shall receive [\$50] *per*  
29 *diem*. Each member is entitled to reimbursement for travel and other necessary expenses incurred in  
30 the performance of official duties.

31 (b) The commission is authorized to apply for, contract for, receive, and expend for its pur-  
32 poses any appropriations or grants from the state, its political subdivisions, the Federal government,  
33 or any other source, public or private.

34 (c) Political subdivisions of the state are authorized to appropriate funds to the commission to  
35 share in the cost of its operations.

1 (d) To assist financially with the exercise of the functions and duties provided in Section 4,  
2 state appropriations are hereby authorized in such amounts as may be necessary.

3 SECTION 8. *Reports.* The commission shall issue reports of its findings and recommendations  
4 from time-to-time, and shall issue annually a public report on its work. Copies of the annual report  
5 shall be submitted to the governor, presiding officer[s] of the [legislature], each county, city, re-  
6 gional unit and other political subdivisions of the state, and appropriate state departments and agen-  
7 cies. Reports of the commission shall be available to the public.

8 SECTION 9. *Separability.* [Insert separability clause.]

9 SECTION 10. *Effective Date.* [Insert effective date.]





## Suggested Legislation

### [AN ACT ESTABLISHING A DEPARTMENT OF COMMUNITY AFFAIRS]

(Be it enacted, etc.)

1 SECTION 1. *Findings and Purpose.* The [legislature] finds that:

2 (a) the rapid growth being experienced by many communities within the state presents new and  
3 significant problems for the governmental units of these communities in providing necessary public  
4 services and in planning and developing desirable living and working areas;

5 (b) the coordination of existing state activities which affect the communities of the state requires  
6 the establishment of machinery within the state government to administer new and existing programs  
7 to meet these problems and to continually inform state and local officials and the public about these  
8 programs and the related needs of local government;

9 (c) the full and effective use of the many grant programs of the Federal government affecting local  
10 government necessitates full cooperation and coordination of existing state and local government  
11 agencies; and

12 (d) it is the urgent responsibility of the state to assist communities in meeting these problems in  
13 whatever way possible, including technical and financial assistance.

14 It is therefore the purpose of this act to establish a department of community affairs, to provide  
15 for state financial and technical assistance to the communities of the state, and to otherwise assist  
16 local governments to provide the health and living standards and conditions that the welfare of the  
17 people of that state require.

18 SECTION 2. *Establishment of Department of Community Affairs.* The department of community  
19 affairs<sup>1</sup> (hereinafter referred to as the "department") is established to carry out this act.<sup>2</sup> The depart-  
20 ment shall be headed by a secretary of community development (hereinafter referred to as the "secre-  
21 tary") appointed by and serving at the pleasure of the governor [by and with the consent of the [sen-  
22 ate]]. The secretary shall appoint and prescribe the duties of such staff as may be necessary. [Employees  
23 of the department shall be subject to pertinent civil service and personnel policies established for state  
24 employees generally and shall be paid at salaries or rates of pay comparable to those of state employ-  
25 ees with equivalent responsibilities in other agencies.]<sup>3</sup> [The salary of the secretary shall be [\$ ]

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<sup>1</sup>Other appropriate names for the department include Department of Urban Development (Affairs), Department of Housing and Urban Development (Affairs), Department of Housing and Community Development (Affairs).

<sup>2</sup>A number of existing state statutes specifically authorize the establishment of an advisory body made up of local officials and other affected organizations to advise the office of local affairs in the carrying out of its functions and on problems facing local governments in the state; see *Section 4*.

<sup>3</sup>The language of this provision should reflect existing state legislative and administrative requirements relating to civil service, salary, and employee benefits. Where possible a citation to an existing state civil service act should be included to clarify the way in which existing merit systems, pay scales, and employee benefits will be applied to employees of this department.

1 per annum.]

2 SECTION 3. *Duties of the Secretary.*

3 (a) The secretary shall supervise and administer the activities of the department and shall advise  
4 the governor and the [legislature] with respect to matters affecting community affairs generally and  
5 especially with respect to the role of the state in these affairs.

6 (b) The secretary may delegate any of his functions, powers, and duties to such officers and  
7 employees of the department as he may designate and may authorize such successive redelegations of  
8 such functions, powers, and duties as he may deem desirable.

9 (c) The secretary may submit and adopt all necessary plans; enter into contracts; accept gifts,  
10 grants, and Federal funds; prepare and submit budgets; make rules and regulations; and do all  
11 things necessary and proper to carry out this act. [Federal and other funds received by the department  
12 shall be paid or turned over to the [insert name of central state financial agency, if one exists, which  
13 normally performs such functions] and shall be expended upon the approval of the secretary.]<sup>1</sup>

14 SECTION 4. *Advisory Councils and Provision of Data.*

15 (a) (1) There is established in the department of community affairs an advisory council on com-  
16 munity affairs consisting of the secretary as a non-voting chairman and [nine] members appointed  
17 by the governor [confirmed by the [senate]] to provide representation of local officials and com-  
18 munity leaders from the various geographical areas of the state.<sup>2</sup> Members shall serve [three] year  
19 terms. Vacancies shall be filled by the governor for the remainder of the unexpired term.  
20 All members shall serve without compensation except for reimbursement of their necessary expenses  
21 as provided by law.

22 (2) The advisory council shall periodically review the work of the department and suggest  
23 program changes as it deems necessary.

24 (b) (1) There is further established in the department of community affairs an interdepartmental  
25 coordinating council on community services consisting of the secretary as chairman and [list the  
26 secretaries/directors of the major state programs which either directly or indirectly require local-state  
27 coordination]. In the event any of the foregoing offices are changed, renamed, abolished, or merged  
28 with other offices, membership on the council shall devolve upon any office assuming the duties of  
29 the former office.

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<sup>1</sup>This provision should be used where all Federal grants and other funds to finance state programs and activities are channeled through, and managed by, a central financial agency. It in no way intends to give such agency control of the funds but rather is to permit consolidated management of Federal grant and other non-state funds.

<sup>2</sup>If the state has already established advisory committees under the *State Planning and Growth Management Act*, the *Statewide Sub-state Districting Act*, the *State Advisory Commission on Intergovernmental Relations*, or other acts which provide substantial local official participation, it may be better to use them instead of creating an additional council under this act.

1 (2) The chairman of the coordinating council is authorized to convene, within his discretion,  
2 meetings of the coordinating council at appropriate times and places for purposes which enable the  
3 department of community affairs to exercise its powers and perform its duties.

4 (3) The chairman of the coordinating council is authorized to make appointments to *ad hoc*  
5 working groups of the council to consider special problems within the scope of the responsibilities of  
6 the department.

7 (4) The members of the coordinating council, or policymaking representatives designated by  
8 them, shall participate in council meetings and in *ad hoc* working group meetings called by the chair-  
9 man and, to the extent permitted by law and available funds, shall furnish information, at the request  
10 of the chairman, pertaining to programs within the responsibilities of such department.

11 (5) The department of community affairs shall provide the necessary administrative services  
12 for the coordinating council.

13 (6) The chairman of the coordinating council shall make periodically, and at the request of  
14 the governor, a report to the governor on the activities of the council.

15 (c) There may be established by the department special advisory groups as from time-to-time  
16 may be necessary to conduct studies and meet its responsibilities.

17 (d) All state agencies and political subdivisions of the state shall provide such assistance and data  
18 to the secretary as will enable him to carry out his functions, powers, and duties.

19 SECTION 5. *Functions of the Department.* The department shall have the following functions  
20 and responsibilities:

21 (a) cooperate with, and provide assistance to, local governments through advisory and technical  
22 services;

23 (b) maintain communications with local governments and advise the governor, [*legislature*], and  
24 heads of state agencies with respect to matters affecting community affairs and local government by  
25 acting as their advocate at the state and Federal levels;

26 (c) assist the governor in coordinating the activities of state agencies and programs which have  
27 an impact on the solution of community problems and the implementation of community plans;

28 (d) encourage and, when requested, assist the efforts of local governments to develop mutual and  
29 cooperative solutions to their common problems;

30 (e) conduct programs to encourage and promote the involvement of private enterprise in the  
31 solution of urban problems;

32 (f) study existing legal provisions that affect the structure and financing of local government and  
33 those state activities which involve significant relations with local government units; and recommend  
34 to the governor and the [*legislature*] such changes in these provisions and activities as may seem  
35 necessary to strengthen local government;

1 (g) serve as a clearinghouse for information, data, and other materials which may be helpful or  
2 necessary to local governments to discharge their responsibilities. The clearinghouse should also pro-  
3 vide information and assistance on available Federal and state financial and technical assistance;

4 (h) carry out continuing studies and analyses of the problems faced by communities within the  
5 state and develop such recommendations for administrative or legislative action as appear necessary.  
6 In carrying out such studies and analyses, particular attention should be paid to the ways in which  
7 the activities and services of the agencies of the state and Federal government which should be coordi-  
8 nated with, and of assistance to, local government may be made more effective;

9 (i) conduct a program of preservice and in-service training for local elected officials and for local  
10 officials in technical and specialized areas of local administration, in cooperation with appropriate state  
11 agencies whose professional personnel possess specialized or technical knowledge which would be  
12 useful in conducting such training programs. Included in such programs shall be short courses for  
13 newly elected officials and short courses for administrative officials in such subjects as fiscal and  
14 debt management, procurement, eminent domain procedures, community planning, and other areas in  
15 which the secretary determines that there is sufficient interest among local officials to warrant pro-  
16 grams; and

17 (j) conduct research and studies and prepare model ordinances, charters, and codes which may be  
18 of assistance to local government.

19 SECTION 6. *Special Functions of the Department.* The department shall have the following  
20 special functions and responsibilities:

21 (a) (1) conduct studies of county, municipal, and special district formation and boundary reorgani-  
22 zation problems throughout the state;

23 (2) conduct studies relating to the need for, and the feasibility of, formation and service de-  
24 livery adjustments that will strengthen the capability of local governments to provide and maintain  
25 essential public services in a fiscally equitable manner;

26 [(3) prior to consideration of any special law, to incorporate, merge, or dissolve a muni-  
27 cipality, to determine that the conditions herein or otherwise prescribed by law have been met. No  
28 such special law shall be enacted unless a statement by the department is attached to the original  
29 copy of the bill stating whether all of the conditions herein or otherwise prescribed have been met;]<sup>1</sup>

30 (4) submit each year a written report to the governor and [legislature] summarizing the stud-  
31 ies conducted, their findings and recommendations, any findings in respect to Federal-state-county-  
32 municipal-special district relationships or problems, and providing any additional information required  
33 under this act or pertinent thereto;

34 (5) factors to be studied may include demographic and land area characteristics, *per capita*

<sup>1</sup>If the state has a *State Boundary Commission Act*, this responsibility is often assigned to it or cooperatively.

1 assessed valuation, *per capita* tax burden in relation to *per capita* personal income, need for organized  
2 municipal services, topographic features, cost and adequacy of governmental services and controls,  
3 future needs for such services and controls, and the probable effect of alternative courses of action on  
4 the tax incidence, service quality, local governmental structure, growth, environmental development,  
5 and other aspects of the community;

6 (b) develop a census of local government and report on or before [March 1] of each year with  
7 respect to each county, municipality, [substate district,] and special district in the state:<sup>1</sup>

8 (1) total population, as indicated by the last preceding Federal census or other official state  
9 population estimate authorized by state law;

10 (2) total equalized assessed valuation of taxable property, as indicated by the most recent  
11 official state sources of such data;

12 (3) total revenues received by each unit of local government during its most recent fiscal year  
13 for which data are available from:

14 (i) state aid, which for this purpose shall comprise any moneys authorized or appropri-  
15 ated by the [legislature] and allocated for support of any unit of local government excluding any  
16 moneys paid to any such unit in fulfillment of a specific contractual obligation between it and the state;

17 (ii) all local general revenue sources of each such unit, which for this purpose shall com-  
18 prise all receipts, exclusive of amounts from borrowing, state aid, Federal government grants-in-aid,  
19 Federal revenue sharing or block grants, and any charges and earnings derived from, and used in, the  
20 operation of water supply, electric power, gas supply, transit system, or other proprietary activities;  
21 and

22 (iii) all Federal general aid, including revenue sharing, and Federal or state grants-in-aid  
23 or block grants received; and

24 (4) such other census items as may be necessary;

25 (c) (1) conduct, in consultation with the appropriate state and local agencies, a continuing study  
26 of various governmental activities being conducted and services being provided by local government  
27 in this state including special studies in particular activities as may be necessary;

28 (2) the study of any function or activity shall consider the appropriate relationships of local-  
29 state-Federal activity in the area and shall further consider the following criteria:

30 (i) the geographic and legal adequacy of the local governmental response;

31 (ii) the degree of economic and social impact beyond the boundary of the local govern-  
32 mental unit involved in the activity or function;

---

<sup>1</sup>Standardized annual reporting of basic economic, demographic, and fiscal data of local units of government is an essential element in effective state-local relations. local government management, and adequate public information. Its placement in state government will vary. For an explanation of "substate districts," see *Statewide Substate Districting Act*.

1 (iii) the degree of citizen access and control necessary for appropriate governmental re-  
2 sponse;

3 (iv) the management and technical capability of the local governmental units involved in  
4 the function or activity; and

5 (v) the degree of economic efficiency and fiscal equity involved in the function or activity  
6 and any proposals for change;

7 (3) when a specific study of an activity or function is undertaken by the department, it shall  
8 notify the legislative committees and state agencies with jurisdiction over the subject matter, repre-  
9 sentatives of the state organizations of various local governmental units concerned, and any other  
10 person who has filed a request for such notification. The department shall further establish an advi-  
11 sory committee to review the study outline and any results of recommendations developing from such  
12 study;

13 (4) on or before [February 1] of each year, the department shall report to the governor and  
14 [the presiding officers of both houses of the legislature] the status of the continuing study and any  
15 specific studies undertaken pursuant to this section;

16 (d) (1) exercise the state responsibility for administering, supervising, and coordinating the  
17 following community affairs and development programs and shall fully carry out the state role in  
18 Federal grant programs applicable to them:<sup>1</sup>

19 (i) projects and programs for the planning and carrying out of the acquisition, use, and  
20 development of land for open space and recreational purposes;

21 (ii) programs to develop decent, safe, and sanitary housing to serve the needs of all citi-  
22 zens of the community including low rent and middle income housing constructed by public authori-  
23 ties or non-profit groups and other public assisted housing activities;

24 (iii) community development, urban renewal, and redevelopment activities to rebuild  
25 slum areas including the provision or supervision of relocation services for individuals, families, busi-  
26 nesses, and non-profit organizations to assure that such displaced are provided with comprehensive  
27 relocation and financial assistance;

28 (iv) programs and projects to aid in the development, financing, and staffing of neigh-  
29 borhood information and service centers;

30 [(2) all applications for Federal grants for the purposes of the programs designated under

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<sup>1</sup>Subparagraphs (i), (ii), (iii), and (iv) of paragraph (1) are given as examples of the types of program areas which might be placed directly under the new department. Among other programs which might be considered are the following: provision of schools and educational services; construction and administration of public health facilities and services; water and air pollution control and abatement programs; planning on a neighborhood, community, or regional basis; programs to alleviate and eliminate poverty; planning and construction of hospitals, airports, water supply and distribution facilities, sewage facilities and waste treatment works, transportation facilities, highways, water development and land conservation and other public works facilities; and supervision of and assistance in the development and enforcement of community building codes.

1 paragraph (1) of this subsection shall be submitted to the department. The secretary shall [approve or  
2 disapprove] [review and comment upon] state grants to apply toward the non-Federal share of project  
3 costs consistent with Section 8. [Approval may be conditioned upon subsequent approval of the  
4 project by an appropriate Federal agency for Federal grant funds.] Upon [approval] [review] of the  
5 application, the secretary shall transmit it to the appropriate Federal agency. Any application  
6 [disapproved] [receiving unfavorable review] by the secretary shall be returned to the applicant with  
7 written notice of modifications [necessary] [desirable] to make the project eligible, in terms of state or  
8 Federal policy.]<sup>1</sup>

9 SECTION 7. *Transfer of Responsibility.* [Use this section to transfer the functions, powers, and  
10 duties and employees, property, records, and files involving programs and agencies listed in Section  
11 6.]

12 SECTION 8. *Coordinating Community Development Programs.*

13 (a) The successful discharge of this act demands that all activities and programs of state agencies  
14 which have an impact on community affairs be fully coordinated. State agencies shall cooperate fully  
15 with the secretary and the governor in fulfilling this act. The governor and the secretary may establish  
16 such coordination, advisory, or other machinery as they may find necessary to carry out this act and  
17 they may issue such rules and regulations as they believe necessary and desirable to carry out the  
18 provisions of this act.

19 (b) The department is further empowered to call on any state, county, special district, or municipi-  
20 pal agency, department, bureau, or board for any and all information or assistance which may, in its  
21 judgement, be of assistance in administering or preparing for the administration of, this chapter, and  
22 such state, county, special district, or municipal agency, department, bureau, or board is hereby  
23 authorized, directed, and required to furnish such information or assistance.

24 SECTION 9. *Authorization for Appropriation and State Grants.* Moneys may be appropriated  
25 to carry out this act including moneys to enable the secretary to assist communities in meeting the  
26 non-Federal share of Federal community development programs as follows, but in no case may the  
27 state grant exceed [one-half]:

28 (a)<sup>2</sup>

29 SECTION 10. *Separability.* [Insert separability clause.]

30 SECTION 11. *Effective date.* [Insert effective date.]

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<sup>1</sup>The insertion of this paragraph may be considered independently of paragraph (1). Its use depends on the desired role for the department in Federal-local grant programs.

<sup>2</sup>List Federal grant programs for which state financial assistance is available to localities and prescribe the amount of the state grant in percentage terms. For example: "(a) For planning activities undertaken under Section 701 of the *Housing Act of 1954*, as amended, state grants to municipal, county, or regional planning bodies may be [20 to 50] percent of the non-Federal share of the cost of such activities." Other Federal programs for which some states already provide financial assistance in meeting the non-Federal share include: open space, urban renewal, public housing, airport development, hospital and medical facility construction, and waste treatment works.







ADVISORY  
COMMISSION ON INTERGOVERNMENTAL RELATIONS  
WASHINGTON, D.C. 20575

March 1980

\*\*\*\*\*

FOLLOW-UP QUESTIONNAIRE

on

State ACIRs, Local Government Advisory or Study Commissions,  
Commissions on Interstate (Intergovernmental) Cooperation

\*\*\*\*\*

Name of State \_\_\_\_\_

Questionnaire completed by:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

1. During the 1970's, the creation of a temporary or permanent advisory commission on local government or state-local relations was considered but rejected. \_\_\_\_\_ Yes \_\_\_\_\_ No. If yes, please give year and explain:

2. A temporary or permanent commission on local government or state-local relations has been created to advise the governor, department of community affairs or state legislature. \_\_\_\_\_ Yes \_\_\_\_\_ No. If yes, please complete remainder of questionnaire. If no, there is no need to answer the remaining questions.

3. Name of commission:

Date created:

Date terminated:

Permanent \_\_\_\_\_ or temporary \_\_\_\_\_ commission.

4. Commission was created by:

\_\_\_\_\_ Statute, citation

\_\_\_\_\_ Executive Order No.

\_\_\_\_\_ Other: contract, etc. (please attach a copy of statute, executive order or contract.)

5. Current commission membership

Size:

Composition:

6. Commission Staff and Budget

Current Staff: \_\_\_\_\_ Professional \_\_\_\_\_ Clerical

Current Budget and Source of Funds:

7. Has the commission had a \_\_\_\_\_ major \_\_\_\_\_ minor impact on improving state-local relations? Comments:
8. Please describe three major accomplishments of the commission and the reasons for their success.
9. Please describe three major failures of the commission and the reasons for the failure.
10. What has been the major consequence of the commission's work?

11. What are the principle strengths of the commission?

12. What are the major weaknesses of the commission? Are they serious?

13. Is the commission widely recognized as influential by the:

Governor	_____ Yes	_____ No
Legislators	_____ Yes	_____ No
State Agencies	_____ Yes	_____ No
Local officials	_____ Yes	_____ No
Citizens	_____ Yes	_____ No
Press	_____ Yes	_____ No

14. Have the following individuals and groups generally supported, opposed or ignored the commission's recommendations?

Governor	___ Generally supported	___ Opposed	___ Ignored
Legislative leaders	___ Generally supported	___ Opposed	___ Ignored
State agencies	___ Generally supported	___ Opposed	___ Ignored
County officials	___ Generally supported	___ Opposed	___ Ignored
Municipal officials	___ Generally supported	___ Opposed	___ Ignored
Township officials	___ Generally supported	___ Opposed	___ Ignored
Academic community	___ Generally supported	___ Opposed	___ Ignored
Business groups	___ Generally supported	___ Opposed	___ Ignored
Labor groups	___ Generally supported	___ Opposed	___ Ignored
Agriculture groups	___ Generally supported	___ Opposed	___ Ignored
Public employee groups	___ Generally supported	___ Opposed	___ Ignored
Taxpayers groups	___ Generally supported	___ Opposed	___ Ignored
Radical right wing groups	___ Generally supported	___ Opposed	___ Ignored
Republican Party	___ Generally supported	___ Opposed	___ Ignored
Democratic Party	___ Generally supported	___ Opposed	___ Ignored

15. Who are the commission's major opponents, if any, and please explain:
  
16. With the advantage of hindsight, what changes in the creation, organization, work plan or recommendations of the commission would you suggest?
  
17. With the advantage of hindsight what are the principal issues that such a commission should consider in your state?
  
18. With the advantage of hindsight, is such a commission beneficial and would you recommend other states creating similar commissions?
  
19. Please briefly describe current projects/activities:
  
  
  
  
  
  
  
  
  
  
20. Other Comments:



# COMMISSION MEMBERS

## **Private Citizens**

Abraham D. Beame, ACIR Chairman, New York, New York  
Eugene Eidenberg, Washington, DC  
Mary Eleanor Wall, Illinois

## **Members of the United States Senate**

Lawton Chiles, Florida  
William V. Roth, Jr., Delaware  
James R. Sasser, Tennessee

## **Members of the U.S. House of Representatives**

Clarence J. Brown, Jr., Ohio  
L. H. Fountain, North Carolina  
Charles B. Rangel, New York

## **Officers of the Executive Branch, Federal Government**

Vacancy  
Vacancy  
Vacancy

## **Governors**

Bruce Babbitt, Arizona  
John N. Dalton, Virginia  
Richard W. Riley, South Carolina  
Richard A. Snelling, Vermont

## **Mayors**

Richard E. Carver, Peoria, Illinois  
Richard Hatcher, Gary, Indiana  
Tom Moody, Columbus, Ohio  
John P. Rousakis, Savannah, Georgia

## **State Legislative Leaders**

Fred E. Anderson, President, Colorado State Senate  
Richard Hodes, Majority Leader, Florida House of Representatives  
Leo McCarthy, Speaker Pro Tem, California Assembly

## **Elected County Officials**

Lynn G. Cutler, ACIR Vice-Chair, Board of Supervisors, Black Hawk County, Iowa  
Doris W. Dealaman, Freeholder Director, Somerset County, New Jersey  
Roy Orr, County Commissioner, Dallas, Texas

# What is ACIR ?

The Advisory Commission on Intergovernmental Relations (ACIR) was created by the Congress in 1959 to monitor the operation of the American federal system and to recommend improvements. ACIR is a permanent national bipartisan body representing the executive and legislative branches of Federal, state, and local government and the public.

The Commission is composed of 26 members—nine representing the Federal government, 14 representing state and local government, and three representing the public. The President appoints 20—three private citizens and three Federal executive officials directly and four governors, three state legislators, four mayors, and three elected county officials from slates nominated by the National Governors' Association, the National Conference of State Legislatures, the National League of Cities/U.S. Conference of Mayors, and the National Association of Counties. The three Senators are chosen by the President of the Senate and the three Congressmen by the Speaker of the House.

Each Commission member serves a two year term and may be reappointed.

As a continuing body, the Commission approaches its work by addressing itself to specific issues and problems, the resolution of which would produce improved cooperation among the levels of government and more effective functioning of the federal system. In addition to dealing with the all important functional and structural relationships among the various governments, the Commission has also extensively studied critical stresses currently being placed on traditional governmental taxing practices. One of the long range efforts of the Commission has been to seek ways to improve Federal, state, and local governmental taxing practices and policies to achieve equitable allocation of resources, increased efficiency in collection and administration, and reduced compliance burdens upon the taxpayers.

Studies undertaken by the Commission have dealt with subjects as diverse as transportation and as specific as state taxation of out-of-state depositories; as wide ranging as substate regionalism to the more specialized issue of local revenue diversification. In selecting items for the work program, the Commission considers the relative importance and urgency of the problem, its manageability from the point of view of finances and staff available to ACIR and the extent to which the Commission can make a fruitful contribution toward the solution of the problem.

After selecting specific intergovernmental issues for investigation, ACIR follows a multistep procedure that assures review and comment by representatives of all points of view, all affected levels of government, technical experts, and interested groups. The Commission then debates each issue and formulates its policy position. Commission findings and recommendations are published and draft bills and executive orders developed to assist in implementing ACIR policies.