

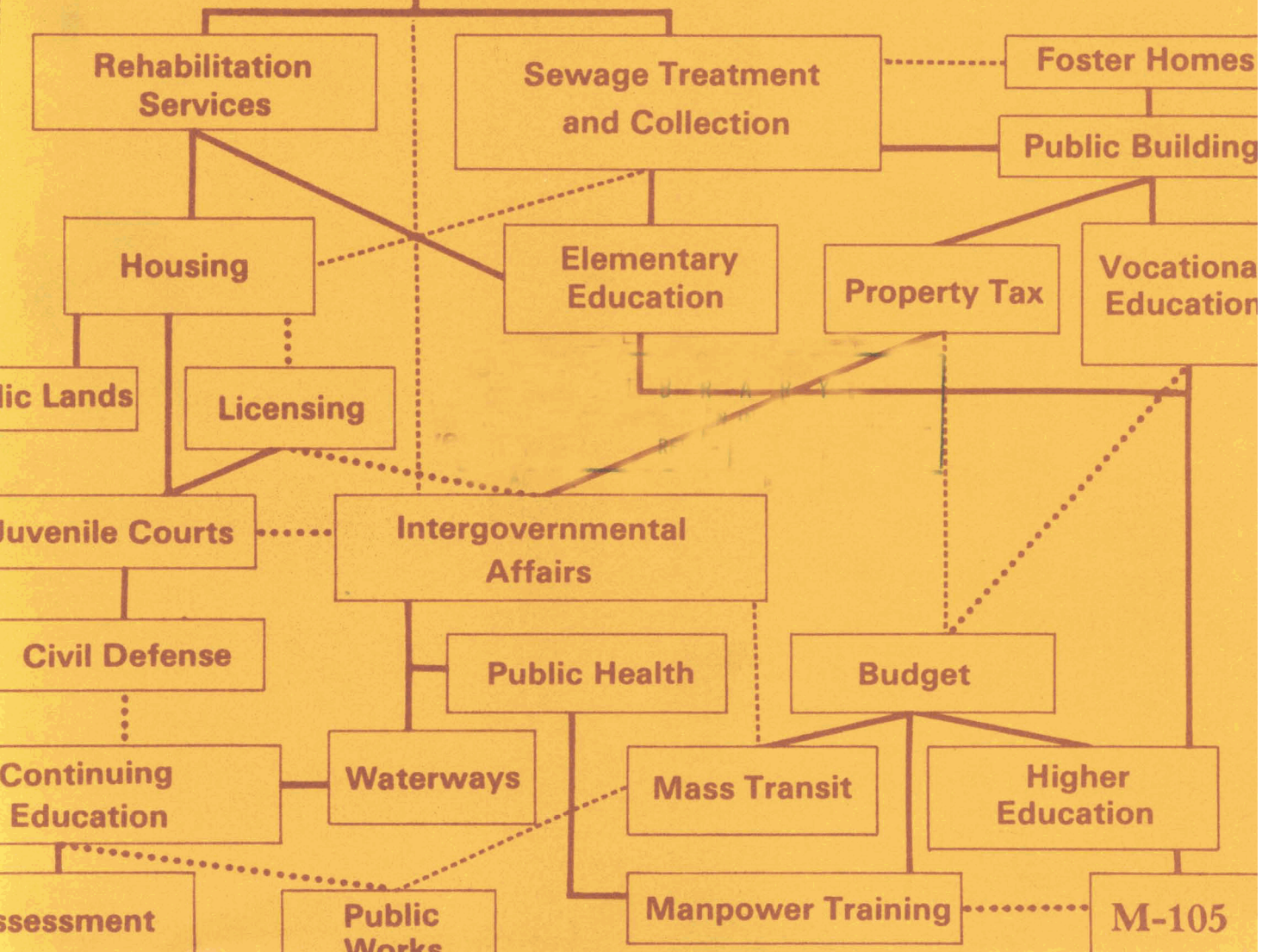
AN INFORMATION REPORT

# Pragmatic Federalism: The Reassignment of Functional Responsibility



Advisory  
Commission on  
Intergovernmental  
Relations

WASHINGTON, D. C. • JULY 1976





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**M-105**



# Preface

**P**ursuant to its statutory responsibilities outlined in Section 2 of Public Law 380, passed by the first session of the 86th Congress and approved by the President on September 24, 1959, the Commission singles out for study and recommendation particular problems impeding the effectiveness of the federal system.

The assignment of functional responsibilities was first identified as an important intergovernmental problem by the Commission in 1963. In that year, we issued an information report on the *Performance of Urban Functions: Local and Areawide* that described 15 major urban functions and the various criteria pertaining to the appropriate area of jurisdiction for each of these functions. Eleven years later, in *Governmental Functions and Processes: Local and Areawide*, the Commission updated this study, refined the criteria, and made recommendations for state and Federal action to develop functional assignment policies and undertake functional assignment reevaluations.

This information report is the third phase of the Commission's research in this area. It presents information that has been collected for the first time on the extent of, reasons for, and results from municipal transfers of functional responsibilities. The fourth phase, to be completed later this year, will probe state assumptions of functions and mandating of local responsibilities. Both of these reports are the work of Joseph F. Zimmerman, professor of political science at the State University of New York, Albany. The Commission is grateful to Dr. Zimmerman for these efforts and hopes that they will lead to more informed discussion of and action on the assignment of functional responsibilities in our federal system.

**Robert E. Merriam**  
Chairman



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# Foreword

**T**he adoption of a federal system of government necessitates the assignment of complete or partial responsibility for the various governmental functions and components of functions to each level of government. The United States Constitution is the document that makes the assignment of functional responsibilities between the national and the state levels, and state constitutions and statutes make a similar assignment between the state and the local levels.

The drafters of the United States Constitution envisioned a national government exercising delegated powers and states exercising reserved or residual powers not prohibited by the Federal or state constitutions. Federal constitutional amendments, statutory elaboration of constitutional grants of power, conditional grants-in-aid to state and local governments, and judicial interpretations of constitutional provisions over the years have produced a substantial increase in the functional involvement of the Federal government. As a consequence, we find the Federal government engaged today in activities that once were considered to be the exclusive responsibility of state and local governments.

The formal dividing line between state and local government responsibility for specific functions also has been altered in many states by a number of developments, particularly the adoption of constitutional home rule amendments. The early home rule amendments attempted to divide responsibility for all governmental functions between the state government and local governments, and to forbid state interference with functions assigned to local governments. This *imperium in imperio* type of home rule was negated generally by court decisions narrowly interpreting the constitutional grant of powers to local governments. A 1953 report by Jefferson B. Fordham suggested removing from the judicial system the responsibility for determining the dividing line between state powers and local powers.<sup>1</sup> All states adopting constitutional home rule amendments since the issuance of the Fordham report *generally* have followed its recommendation that local governments be authorized to exercise any power the legislature is capable of devolving subject to preemption or super-

session by general law. The legislature, under the Fordham Plan, is forbidden to pass a special act affecting a single local government unless the governing body of the unit has requested the enactment of the law.

State supreme courts have interpreted Fordham-type home powers both broadly and narrowly. In Massachusetts, for example, the supreme judicial court upheld the creation of the Human Relations Commission by the Worcester City Council. The creation of the council had been challenged on the ground the city exercised a power that was "inconsistent" with the general laws enacted by the general court on the subject of human rights. The supreme judicial court, in 1973, ruled that "in the absence of any express legislative intent to forbid local activities consistent with the purpose of the state's anti-discrimination legislation, and in the absence of any circumstances indicating that any legislative purpose would be frustrated and from which, therefore, a legislative intent to preempt the field would have to be inferred, the ordinance in question was, as a whole, valid and authorized by law."<sup>2</sup>

The supreme judicial court, in a 1975 case, construed home rule powers narrowly. Acting under the authority of its home rule charter, the Methuen Town Council reorganized all town agencies. The planning board was made an appointed body and increased in size from five to seven members. In addition, the term of office of members of the board was reduced from five to three years. The town administrator failed to appoint to the new board the two members of the old board whose terms of office had not expired. The two members brought suit seeking to be restored to the board. The supreme judicial court, on June 4, 1975, ruled that the term of office for members of the planning board could not be less than five years since the town had accepted section 81A of the *General Laws* which provides for a planning board with a five-year term for members and which applies to all cities and towns with a population over 10,000 except Boston.<sup>3</sup>

Responding to pressures created by rampant urbanization during the past 30 years, many state

legislatures have enacted statutes mandating the transfer of responsibility for functions and components from one level to another level of government or to the state government, and also have enacted laws authorizing local governments to voluntarily transfer responsibility for functions and to enter into agreements for the receipt of services with other governmental units.

Responsibility for a function or component has been informally or formally transferred by one government to another with increasing frequency during the past three decades. An earlier study documented the extent to which municipalities over 2,500 population have entered into formal and informal agreements for the provision of services to their citizens by other governmental units and private firms.<sup>4</sup> The use of service agreements for the receipt of services may be viewed as an informal and temporary-type functional transfer in which administration of the function is centralized, but policy-making remains decentralized.

This report builds upon the earlier study of inter-governmental service agreements by presenting and analysing data on the formal transfer by municipalities over 2,500 population of responsibility for functions and components of functions to other governmental units and data on the assumption of responsibility by these municipalities for functions and components never previously performed. The title of this report aptly describes the nature of American federalism in action, a system that has proved to be amazingly flexible in adapting to changing conditions.

Data on transfers and assumptions of functional responsibilities by municipalities over 2,500 population were collected cooperatively by the Advisory Commission on Intergovernmental Relations, the International City Management Association, and the State University of New York at Albany. Several individuals associated with each of the cooperating

organizations contributed to this report. David T. Rowell and Sanford F. Schram of the university's Graduate School of Public Affairs prepared the computer program for the analysis of the data and merged the files with the assistance of James J. Quinn of the university's Computer Center. Mrs. Hilda A. Scanlon, the university's supervisor of key punching, was most helpful in arranging for the transfer of data from the questionnaires to computer cards. The contribution made by David T. Rowell, Crystal J. Smith, and Margaret B. Zimmerman in reviewing and editing the questionnaire returns prior to key punching is gratefully acknowledged as is the legal research conducted by David T. Rowell and David R. Lynch. Mrs. Edith K. Connelly kindly typed part of the manuscript and Richard L. Tastor solved the administrative problems connected with the university's participation in the joint project.

Barbara H. Grouby, Linda K. Ganschinietz, and Stanley M. Wolfson of the International City Management Association's Data Services Center helped to develop and code the survey questionnaire. Emily Evershed and Betty Lawton of the association's publication center handled the final editing, layout, and production of the *Urban Data Service Report* which was the first of the series of three publications flowing from the survey.<sup>5</sup> The third publication will be an article — "Transfers of Functional Responsibilities" — in the *1976 County Year Book*.

David B. Walker and Carl W. Stenberg of the Advisory Commission on Intergovernmental Relations participated in the design of the survey and the questionnaire. Margaret Moore of the ACIR staff was particularly helpful in coordinating the activities of the Commission, the association, and the university throughout the study.

Joseph F. Zimmerman

Delmar, New York

March 1976

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## FOOTNOTES

<sup>1</sup>Jefferson B. Fordham, *Model Constitutional Provisions for Municipal Home Rule* (Chicago: American Municipal Association, 1953).

<sup>2</sup>*Bloom v. City of Worcester*, 293 N.E. (2d) 268 (1973).

<sup>3</sup>*DelDuca v. Town Administrator of Methuen*, 329 N.E. (2d) 748 (1975).

<sup>4</sup>Joseph F. Zimmerman, "Intergovernmental Service Agreements

and Transfer of Functions: in Advisory Commission on Intergovernmental Relations, *Substate Regionalism and the Federal System*, Volume III, *Challenge of Local Government Reorganization* (Washington, D.C.: U.S. Government Printing Office, 1974), pp. 29-52 and 176-84. See also Joseph F. Zimmerman, "Meeting Service Needs through Intergovernmental Service Agreements," *The Municipal Year Book: 1973* (Washington, D.C.: International City Management Association, 1973), pp. 79-88, and Joseph F. Zimmerman, "Intergovernmental Service Agreements for Smaller Cities," *Urban Data Service Report*, January 1973, entire issue.

<sup>5</sup>Joseph F. Zimmerman, "Municipal Transfers of Functional Responsibilities," *Urban Data Service Report*, September 1975, entire issue.

# Introduction

**P**ragmatism has been characteristic of the relationship between the levels of government in the American federal system. The pragmatic nature of the system has come into clearer focus during the past three decades as responsibility for various governmental functions or components of functions (such as police communications) has been shifted from one governmental unit to another unit. Most transfers have been vertical — between levels of government — but some transfers have been horizontal — between governmental units on the local level. Although the bulk of the vertical transfers have involved the elevation of responsibility to a higher level of government, pressures began to grow in the 1960s for the devolution of responsibility for some functions and components of functions.<sup>1</sup>

In an earlier report, we documented the extent of informal functional consolidation or transfer of functional responsibility resulting from municipalities entering into agreements for the provision of services to their citizens by other governmental units.<sup>2</sup> We refer to intergovernmental service agreements as a form of informal functional consolidation since agreements are not permanent and the unit contracting for a service retains responsibility for providing the service.

The permanent transfer of responsibility for functions and components of functions has become more common in recent years for three principal reasons. First, an increasing number of municipal officials and citizens are becoming convinced that certain services can best be provided by a unit with a larger areal base than a municipality. As a consequence, there has been a resurgence of efforts to modernize county governments and authorize them to perform new functions such as airports, air pollution abatement, civil defense, fire and police protection, industrial development, sewage disposal, and water supply.

Second, the growing magnitude of a number of areawide problems, particularly environmental ones, and failure to muster sufficient support among the

electorate for the creation of a metropolitan government have combined in some states to promote interest in the upward shift to the county and state levels of responsibilities for functions perceived to be best performed on a broader geographical basis. Since organized county governments exist in all but three states<sup>3</sup> and 99 Standard Metropolitan Statistical Areas (SMSAs) fall within the confines of a single county, many reformers have concluded that the most feasible approach to the creation of an areawide government is the restructuring of the existing county government and endowing it with additional powers.<sup>4</sup>

Third, the growing fiscal problems of municipalities, which have been compounded by the current economic recession, have induced municipalities to voluntarily transfer responsibility for one or more expensive functions to the county, regional special district, or the state. Most of the older central cities have been experiencing serious financial problems because they have lost population and parts of their commercial and industrial tax base to suburban communities while experiencing an influx of low-income, or “high-cost” citizens during the past 30 years.

We may view functional consolidation on a higher governmental level resulting from a transfer of responsibility as complete or partial; *i.e.*, responsibility for all components of a function or only one component of a function may be transferred. A case in point is the shift of responsibility for police communications to the county level while all other police functions remain on the municipal level.

The achievement of economies of scale, more even service provision throughout the entire area, and a more equitable system of financing the service are the principal arguments advanced in favor of an upward shift of functional responsibility. We must point out that partisan considerations may be at least partially responsible for a transfer. Economies of scale may not result from a transfer, even though unit costs generally tend to decrease with an increase in output, because diseconomies may be encountered as output continues to increase.<sup>5</sup>

The transfer of responsibility for certain functions and components, such as police communications and tax collection, does not involve significant questions of equity. Relative to other functions and components, whether efficiency and equity will be improved depends, of course, on the quality of the service provided by the upper-tier unit and the method of financing the service compared to the quality of the service provided and the method of financing employed by cities, towns, and villages. Nevertheless,

equity usually is improved as responsibility for functions and components is shifted upward. Unfortunately, few studies have been conducted to determine whether the transfers have achieved their objectives. In *Chapter V* we report the results of functional transfers as perceived by municipal officials.

Accompanying the upward shift of functional responsibility during the past decade has been another trend — assumption by many municipalities of responsibility for functions never previously performed such as public transportation and solid waste collection. Responsibility for public transportation has been assumed in a number of cases to preserve a service threatened by the bankruptcy or near bankruptcy of the local private transportation company. In other instances, the state has mandated that municipalities assume responsibility for a new service such as operation of a sanitary landfill.

## THE STATE AND FUNCTIONAL REALLOCATION

There has been relatively little state interest in a comprehensive reallocation of functional responsibilities. Five states — New Jersey, New York, California, Maryland, and Hawaii — have created major study commissions during the past decade.

The New Jersey County and Municipal Government Study Commission, created in 1966 and popularly known as the Musto Commission,<sup>6</sup> examined criteria for the allocation of responsibility for local and areawide functions and components.<sup>7</sup> The commission in 1969 recommended modernizing county governments and authorizing them “to provide other services as need arises and local leaders desire them.”<sup>8</sup> In a subsequent report, the commission recommended that the county should be responsible for developing regional landfills for solid waste.<sup>9</sup>

In 1970, Governor Nelson A. Rockefeller of New York appointed the Temporary Commission on the Powers of Local Government.<sup>10</sup> Chaired by former New York City Mayor Robert F. Wagner, the commission became popularly known as the Wagner Commission and submitted three reports in 1973. One of its major recommendations was a constitutional amendment requiring “a referendum with a single countywide majority for the adoption of a county charter when no transfer of function is involved.”<sup>11</sup> The commission also recommended that the power to transfer responsibility for functions from cities, towns, and villages should be limited to counties that have adopted charters subject to approval by a majority of the voters in the county.<sup>12</sup>

The Wagner Commission recommended that responsibility for the following functions and components of functions be shifted to county governments:

- police support services such as communications, laboratories, equipment standards, records, research, and training;
- solid waste disposal outside of New York City;
- construction and maintenance of sewage treatment facilities and major sewer trunk lines;
- road maintenance including snow removal outside of New York City (Larger municipalities, however, “should have the option of performing such services themselves with reimbursements from the county in which they are located.”);
- provision of bus service;
- assessment of real property except in the six largest cities; and
- approval or disapproval of land use plans and zoning ordinances of cities, towns, and villages.<sup>13</sup>

The commission also recommended the partial and complete assumption of responsibility for specified functions by the state.

- The New York State Environmental Facilities Corporation should be authorized to initiate solid waste disposal projects where localities are unable to act.
- The Environmental Facilities Corporation should be authorized to construct sewage disposal facilities if a local government “has failed to correct deficiencies over a specified period of time.”
- “Decisions with respect to the allocation of major new water sources among competing jurisdictions should be made at the state level . . .”
- The state should establish additional standards for various police activities, including the purchase of equipment, recordkeeping, and minimum police force size requirements.
- Water quality standards should be established and enforced by the state.

- Local property assessors should be required to meet minimum state qualifications.<sup>14</sup>

The California Council on Intergovernmental Relations issued a report in 1970 containing criteria for the assignment of functional responsibilities and two major recommendations for the shift of functional responsibilities.<sup>15</sup> The council recommended that the state “assume policy and financial responsibility for the foundation school programs” and the functions of special districts should be shifted to cities and counties.<sup>16</sup>

In a September 8, 1972, speech, California Governor Ronald Reagan asked: “Do we have the will and the courage to look at our governmental structure; to evolve a practical plan whereby tasks and services performed by government will be assigned to those levels of government best qualified to handle them regardless of what has been the pattern of the past; to construct a revenue system to match with sufficient tax resources for the tasks assigned to each level of government?”<sup>17</sup>

Governor Reagan appointed the Task Force on Local Government Reform in early 1973 to critically analyze the state’s 58 counties, 407 cities, 1,140 public school districts, and 4,155 non-school districts. A survey of California citizens by Haug and Associates, commissioned by the task force, revealed that “there is a strong preference by citizens to maintain the autonomy of local governments, instead of elevating authority to higher levels of government,” and citizens favor the decentralization of governmental authority to the local level.<sup>18</sup>

In its 1974 report, the task force offered several recommendations relating to the transfer of functional responsibility:

- A local government policy review board should be established “to review all present and proposed allocations of functions and fiscal resources to and among local governments and make recommendations to the governor and the legislature for program and tax system realignments.”
- The local government policy review board should study the state-local tax system and suggest changes designed to ensure that local governments possess sufficient taxation powers to meet their functional responsibilities.

- The legislature, upon the receipt of recommendations from the local government policy review board, should reassign functional responsibility from the state level to the local level, and base the reassignment on the principle that authority and responsibility for each function should rest at only one level of government.<sup>19</sup>

This report clearly favors a “layer-cake,” as opposed to a “marble-cake,” type of federalism within the state.

The Maryland Commission on the Functions of Government was created in 1972 and charged with conducting “an in-depth study of the various functions of government in the State of Maryland, in order to define those functions which should be solely the responsibility of the state, those functions which should be solely the responsibility of the local subdivisions, and those functions which should be jointly performed . . .”<sup>20</sup>

Reporting in July 1975, the commission offered the following recommendations relating to functional assignment:

- The state should phase out its use of the property tax and reserve the tax for exclusive use by local governments.
- Financial responsibility for the operation of the election offices in Baltimore City and 23 counties should be assumed by the state.
- Local governments should be allowed to impose stricter environmental standards than the standards set by a proposed new state department of environmental regulation.
- The Maryland Environmental Service should be responsible for all water quality and solid waste environmental planning.
- If a local government is unable or refuses to provide a water treatment facility, the Maryland Environmental Service “should take whatever action is necessary in arbitrating and resolving the problem.”
- Responsibility for all professional and occupational licensing should be assumed by the state.

- The secretary of the Department of Public Safety and Correctional Services, in cooperation with the Fire and Rescue Services Advisory Council, should establish “minimum standards for apparatus, equipment, facilities, and training of personnel for all fire and rescue companies . . .”

- “Municipal police forces should be required to meet minimum police standards within a fixed time period or be required to disband and contract with other police forces for services.”

- The state should encourage the consolidation of the police forces of small municipalities.<sup>21</sup>

We may summarize these four study commission reports on functional allocation as follows: New Jersey and New York recommended the assignment of additional functions to counties, New York and Maryland recommended state assumption of responsibility for additional functions, and California urged the devolution of functional responsibilities from the state level to the local level and establishment of a “layer-cake” type of federal system within the state.

Hawaii and Wisconsin are the only states currently studying the assignment of functions.<sup>22</sup> The 1975 Hawaii Legislature created a 12-member reorganization commission and charged it with several duties, including a study of the “organization and distribution of all state and county financial powers, functions, and responsibilities” and the “elimination of duplication and overlapping of services, activities, and functions.” The commission is directed to submit its final report to the legislature within ten days after the 1977 Legislature convenes.

In October 1975, Governor Patrick J. Lucey of Wisconsin issued an executive order creating the Governor’s Commission on State-Local Relations and Financing Policy and charging the Commission with “evaluating the relationship between state and local government in Wisconsin, their system of providing and financing public services . . .” The commission was directed to report to the governor and the legislature by January 1, 1977.

Although Montana has not initiated a study of the possible reassignment of functional responsibilities, the 1972 state constitution mandates that the legislature provide for a review of the structure of each local government and submission of one “alternative form

of government” to the voters no later than November 2, 1976.<sup>23</sup> The review process must be repeated decennially. Under provisions of a 1974 law, 632 members of 182 county and municipal local government study commissions were elected.<sup>24</sup> The review process may lead to two actions resulting in the transfer of functional responsibility. First, a municipality may vote to disincorporate, an action automatically transferring municipal functions to the county. Second, a city study commission and a county study commission may decide to draft a city-county consolidation charter; several groupings of a city study commission and a county study commission are exploring this possibility.<sup>25</sup>

## ACIR CRITERIA

The Advisory Commission on Intergovernmental Relations has been attempting to generate state-local interest in functional reassignment. To facilitate the rational reassignment of functional responsibilities, the Commission in 1963 developed the following seven criteria for the assignment of urban functions:

1. The governmental jurisdiction responsible for providing any service should be large enough to enable the benefits from that service to be consumed primarily within the jurisdiction.
2. The unit of government should be large enough to permit realization of the economies of scale.
3. The unit of government carrying on a function should have a geographic area of jurisdiction adequate for effective performance.
4. The unit of government performing a function should have the legal and administrative ability to perform the services assigned to it.
5. Every unit of government should be responsible for a sufficient number of functions so that it provides a forum for resolution of conflicting interests, with significant responsibility for balancing governmental needs and resources.
6. The performance of functions by a unit of government should remain controllable

by and accessible to its residents.

7. Functions should be assigned to that level of government which maximizes the conditions and opportunities for active citizen participation and still permits adequate performance.<sup>26</sup>

The Commission, in a 1974 report, recommended that there be “a jointly developed state-local assignment of functions policy and process.”<sup>27</sup> Responding to developments since its 1963 report, the Commission in its 1974 report recast and simplified the assignment criteria as follows:

1. **Economic Efficiency.** Functions should be assigned to jurisdictions (a) that are large enough to realize economies of scale and small enough not to incur diseconomies of scale (*economies of scale*); (b) that are willing to provide alternative service offerings to their citizens and specific services within a price range and level of effectiveness acceptable to local citizenry (*service competition*); and (c) that adopt pricing policies for their functions whenever possible (*public pricing*).
2. **Fiscal Equity.** Appropriate functions should be assigned to jurisdictions (a) that are large enough to encompass the cost and benefits of a function or that are willing to compensate other jurisdictions for the service costs imposed or for benefits received by them (*economic externalities*); and (b) that have adequate fiscal capacity to finance their public service responsibilities and that are willing to implement measures that insure interpersonal and interjurisdictional fiscal equity in the performance of a function (*fiscal equalization*).
3. **Political Accountability.** Functions should be assigned to jurisdictions (a) that are controllable by, accessible to, and accountable to their residents in the performance of their public service responsibilities (*access and control*); and (b) that maximize the conditions and opportunities for active and productive citizen participation in the performance of a function (*citizen participation*).

4. **Administrative Effectiveness.** Functions should be assigned to jurisdictions (a) that are responsible for a wide variety of functions and that can balance competing functional interests (*general-purpose character*); (b) that encompass a geographic area adequate for effective performance of a function (*geographic adequacy*); (c) that explicitly determine the goals of and means of discharging public service responsibilities and that periodically reassess program goals in light of performance standards (*management capability*); (d) that are willing to pursue intergovernmental policies for promoting interlocal functional cooperation and reducing interlocal functional conflict (*intergovernmental flexibility*); and (e) that

have adequate legal authority to perform a function and rely on it in administering the function (*legal adequacy*).<sup>28</sup>

To assist state legislatures, the Commission drafted a model constitutional amendment and a bill to facilitate the transfer of functional responsibility.<sup>29</sup> The suggested constitutional amendment provides that "by law, ordinance, or resolution of the governing bodies of each of the governments affected, any function or power of a county, municipality, or special district may be transferred to, or contracted to be performed by, another county, municipality, or special district as provided by law."<sup>30</sup> In *Chapter II*, we will examine the existing constitutional and statutory provisions relating to the transfer of functional responsibility and authorizing municipalities to enter into intergovernmental service agreements.

## FOOTNOTES

<sup>1</sup>For an analysis of the neighborhood government movement, see Joseph F. Zimmerman, *The Federated City: Community Control in Large Cities* (New York: St. Martin's Press, 1972).

<sup>2</sup>Joseph F. Zimmerman, "Intergovernmental Service Agreements and Transfer of Functions" in Advisory Commission on Intergovernmental Relations, *Substate Regionalism and the Federal System*, Volume III: *Challenge of Local Government Reorganization* (Washington, D.C.: U.S. Government Printing Office, 1974), pp. 29-52 and 176-84.

<sup>3</sup>Rhode Island and Connecticut abolished organized county governments in 1842 and 1960, respectively, and Alaska entered the Union without county governments in 1959.

<sup>4</sup>For factual information on county governments, see Advisory Commission on Intergovernmental Relations *Profile of County Government* (Washington, D.C.: U.S. Government Printing Office, January 1972).

<sup>5</sup>"Size Can Make a Difference — A Closer Look," *ACIR Information Bulletin*, September 16, 1970.

<sup>6</sup>*New Jersey Laws of 1966*, Chap. 28., William V. Musto was chairman of the commission.

<sup>7</sup>*Creative Localism: A Prospectus* (Trenton: New Jersey County and Municipal Study Commission, 1968), pp. 88-104.

<sup>8</sup>*County Government: Challenge and Change* (Trenton: New Jersey County and Municipal Study Commission, 1969), pp. x-xiii.

<sup>9</sup>*Solid Waste: A Coordinated Approach* (Trenton: New Jersey County and Municipal Study Commission, 1972), p. 43.

<sup>10</sup>*Public Papers of Governor Nelson A. Rockefeller: 1970* (Albany: Executive Chamber, n.d.), p. 918.

<sup>11</sup>*Strengthening Local Government in New York*, Part 1: *The Capacity for Change* (New York: New York State Temporary Commission on the Powers of Local Government, 1973), p. 94.

<sup>12</sup>*Ibid.*

<sup>13</sup>*Strengthening Local Government in New York*, Part 2: *Services, Structure & Finance* (New York: New York State Temporary State Commission on the Powers of Local Government, 1973), pp. 13, 23, 29, 39, 44, 50, and 60.

<sup>14</sup>*Ibid.*, pp. 14, 23, 29, 35, and 51.

<sup>15</sup>*Allocation of Public Service Responsibilities* (Sacramento: California Council on Intergovernmental Relations, 1970).

<sup>16</sup>*Ibid.*, pp. 16 and 20-21.

<sup>17</sup>*The Numbers Game* (Sacramento: The California Office of Intergovernmental Management, n.d.), p. 5.

<sup>18</sup>*Public Benefits from Public Choice* (Sacramento: California Task Force on Local Government Reform, n.d.), pp. 26-27.

<sup>19</sup>*Ibid.*, pp. 52-54.

<sup>20</sup>*Maryland Senate Joint Resolution, Number 32, 1972.*

<sup>21</sup>*Report of the Maryland Commission on the Functions of Government* (Annapolis: July 1975).

<sup>22</sup>*Hawaii Laws of 1975*, Act 148; and *Wisconsin Executive Order Number 21*, October 1975.

<sup>23</sup>*Constitution of the State of Montana*, Art. XI, §9.

<sup>24</sup>*Revised Code of Montana*, Title 16, Chap. 51.

<sup>25</sup>For further details, see Dale A. Harris, "Home Rule in Montana," a paper presented at the Fourth "Toward '76" Conference of the Center for the Study of Federalism, Chicago, Illinois, November 19, 1975.

<sup>26</sup>Advisory Commission on Intergovernmental Relations, *Performance of Urban Functions: Local and Areawide* (Washington, D.C.: U.S. Government Printing Office, 1963), p. 41.

<sup>27</sup>Advisory Commission on Intergovernmental Relations, *Substate Regionalism and the Federal System*, Volume IV: *Governmental Functions and Processes: Local and Areawide* (Washington, D.C.: U.S. Government Printing Office, 1974), p. 20.

<sup>28</sup>*Ibid.*, p. 7.

<sup>29</sup>Advisory Commission on Intergovernmental Relations, *ACIR State Legislative Program*, Vol. 2, *Local Government Modernization* (Washington, D.C.: Advisory Commission on Intergovernmental Relations, November 1975), pp. 97-107.

<sup>30</sup>*Ibid.*, p. 98.



# Constitutional and Statutory Provisions

**A**lthough most transfers of functional responsibility are accomplished on a voluntary basis, some have been mandated by the state legislature as in Massachusetts in 1968 when responsibility for public welfare was transferred from cities and towns to the commonwealth; the Massachusetts League of Cities and Towns had lobbied strenuously for a state takeover of complete responsibility for public welfare.<sup>1</sup>

Functional consolidation may be viewed as either permanent or temporary. Under the first form of consolidation, responsibility for a function is shifted permanently to a higher level, most often the county. Only ten states have general constitutional and/or legislative authorization for the voluntary transfer of functional responsibility (see *Table I*). Four states have solely constitutional authority, one has only statutory authority, and five have a combination. A stipulation is not found in any of the constitutions or statutes making transfers permanent. Alaska, California, Michigan, and Ohio provide for revocation of a voluntary transfer, while Pennsylvania requires the transfer action to cite its duration.

Constitutional and statutory provisions dealing with the voluntary transfer of functions fall into two main groups, those requiring voter approval — Florida, New York, Ohio, Pennsylvania, and Vermont — and provisions that do not — Alaska, California, Illinois, Michigan, and Virginia. Transfers to the county level are hindered by the requirement of voter approval. To cite only one illustration, the New York State Constitution requires the separate approval of voters of cities as a unit and voters of towns as a second unit within a county before a function can be transferred by a city or town to the county.<sup>2</sup> The

Table I

**Authority for Transfer of Functions  
1976**

Citation	Approval of Governing Body of Transferor	Approval of Governing Body of Transferee	Concurrent Voter Majorities	Revocation
<b>Constitutional Provisions</b>				
<b>Art. X, §13</b>	Alaska (city)			Alaska
<b>Art. XI, §8 (a)</b>	California <sup>1</sup> (municipality)	California <sup>1</sup>		
<b>Art. VIII, §4</b>	Florida	Florida	Florida	
<b>Art. VII, §10</b>	Illinois <sup>1</sup>	Illinois <sup>1</sup>		
<b>Art. VII, §28</b>	Michigan	Michigan		
<b>Art. IX, §1 (h)</b>		New York <sup>2</sup> (county)	New York	
<b>Art. X, §1</b>	Ohio <sup>1</sup> (municipality or township)	Ohio (county)	Ohio	Ohio
<b>Art. IX, §5</b>	Pennsylvania	Pennsylvania	Pennsylvania	
<b>Art. VII, §3</b>	Virginia	Virginia <sup>1</sup>		
<b>Statutory Provisions</b>				
<b>§29.33.260</b>	Alaska <sup>1</sup>	Alaska (borough)		
<b>§§25204 and 51330</b>	California <sup>1</sup> (municipality)	California (county)		California
<b>§§124.531-124.536</b>	Michigan	Michigan		Michigan
<b>Municipal Home Rule Law, §33-a</b>		New York <sup>2</sup> (county)	New York	New York
<b>Chap. 53, §§481-89</b>	Pennsylvania	Pennsylvania <sup>1</sup>		
<b>Chap. 24, §§4901- 4902 (b) (4)</b>	Vermont <sup>2</sup>	Vermont <sup>1</sup>	Vermont <sup>3</sup>	

<sup>1</sup>The necessity of the consent of the governing body is implied, not explicitly stated. The Pennsylvania "Home Rule Charter and Optional Plans Law" — Act 62, 1972 — allows a county, by adoption of an ordinance, to exercise a power currently exercised by a municipality provided the municipality within 120 days does not enact an ordinance excluding the county from exercising the power within the municipality.

<sup>2</sup>The county begins the act of transfer by local law or ordinance, but is not necessarily the body the function is transferred to as the county may transfer functions between and among the political subdivisions within it.

<sup>3</sup>The transfer also must be recommended by a joint survey committee from the municipalities and approved by the attorney general of the state.

Table II

## General Intergovernmental Cooperation Authorization, 1976

States	General Law Citation or Code Reference	Co-operation Power*	Contract Power**	Across State Lines	Local Unit With Home St.	Local Unit With U.S.	Power of Only One Unit Necessary	Action of Governmental Bodies	Approval of Attorney General	Other Statutes Unaffected	Renovation or Termination Clause	Responsibility
Alabama												
Alaska	29.48.010 (4)	X			X	X	X					
Arizona	Sec. 11-951	X	X	X	X	X		X	X	X	X	X
Arkansas	Sec. 14-901	X	X	X	X	X		X	X		X	X
California	Gov. 6500	X	X <sup>2</sup>	X	X	X		X			X <sup>4</sup>	
Colorado	Title 29, Art. 1	X	X	X	X	X		X		X		X
Connecticut	Sec. 7-339a	X <sup>1</sup>	X <sup>1</sup>	X	X			X	X	X		X
Delaware												
District of Columbia												
Florida	Sec. 163.01	X	X	X	X	X			X	X	X <sup>4</sup>	X
Georgia	Sec. 2-5901	X			X			X				
Hawaii												
Idaho	67-2326	X	X	X	X	X		X	X		X	
Illinois	127 Sec. 741-48	X	X	X	X	X		X				
Indiana	Sec. 53-1104	X	X	X	X	X		X	X			X
Iowa	Sec. 28E.1	X	X	X	X	X	X <sup>3</sup>	X		X	X	X
Kansas	12-2901	X		X	X	X	X	X	X		X	X
Kentucky	65.210	X	X	X	X	X		X	X		X	X
Louisiana	33 Sec. 1321	X					X	X				
Maine	30 Sec. 1951	X			X	X	X	X	X		X	X
Maryland												
Massachusetts	Ch. 40 Sec. 4a	X	X					X			X	
Michigan	124.501	X	X	X	X	X			X <sup>9</sup>	X	X <sup>4</sup>	
Minnesota	Sec. 471.59	X	X	X	X	X		X		X	X	
Mississippi												
Missouri	Sec. 70.210	X	X	X	X			X			X <sup>4</sup>	
Montana	16-4901	X	X		X		X	X	X		X	
Nebraska	Sec. 23-2201	X	X	X	X	X		X			X	X
Nevada	277.080	X	X	X	X	X	X <sup>3</sup>	X	X		X	X

Table II (Cont'd)

States	General Law Citation or Code Reference	Co-operation Power*	Contract Power**	Across State Lines	Local Unit With Home St.	Local Unit With U.S.	Power of Only One Unit Necessary	Action of Governmental Bodies	Approval of Attorney General	Other Statutes Unaffected	Renovation or Termination	Responsibility Clause
New Hampshire	Ch. 53-A	X	X				X					
New Jersey	40:48B-1	X						X		X	X	
New Mexico	4-22-1	X		X	X	X		X			X <sup>4</sup>	
New York	Gen. Munic. Law Art. 5G and 14G	X	X	X	X			X	X		X <sup>4</sup>	
North Carolina	Sec. 160A-461	X	X	X			X	X			X	
North Dakota	54-40-01	X		X	X	X	X	X		X	X <sup>4</sup>	
Ohio												
Oklahoma	74 Sec. 1001	X	X	X	X	X	X	X	X		X	X
Oregon	Sec. 190.003	X	X	X	X	X	X				X	
Pennsylvania	53 Sec. 481	X	X	X	X	X		X	X <sup>10</sup>			
Rhode Island	45-43-1											
South Carolina	Sec. 1-75	X						X				
South Dakota	1-24-1	X	X	X	X	X		X			X	X
Tennessee	12-801	X	X	X	X	X		X	X	X	X	X
Texas	Art. 4413 (32c)	X	X		X			X		X		
Utah	Sec. 11-13-1	X	X	X	X	X		X	X		X	X
Vermont	24 Sec.-4801	X	X					X <sup>8</sup>	X			
Virginia	Sec. 15.1-21	X						X			X	X
Washington	39.34.010	X	X	X	X	X		X		X	X	X
West Virginia	Sec. 8-23-1	X	X					X	X	X	X	X
Wisconsin	66.30	X	X	X	X				X			
Wyoming	Sec. 9-18.7	X		X	X	X	X	X			X <sup>4</sup>	

\*Power to undertake joint or cooperative provision of services.

\*\*Power of one unit to provide services for another.

<sup>1</sup>The functions are limited.— seem to include everything but general government.

<sup>2</sup>Cities and counties only.

<sup>3</sup>Only for contracting.

<sup>4</sup>May be provided for, but is not mandated.

<sup>5</sup>May be perpetual.

<sup>6</sup>One-year renewable — if more, it must be approved by concurrent voter majorities.

<sup>7</sup>Binding for specified time.

<sup>8</sup>Requires concurrent voter majorities.

<sup>9</sup>Requires approval of governor when state money is used. When state, U.S., another state or subdivision, Canada or subdivision are party to the agreement.

<sup>10</sup>Requires approval of local government commission if agreement is with any unit except Pennsylvania municipality.

transfer of a village function to the county is even more difficult to accomplish since a triple concurrent majority — separate affirmative votes in referenda by city voters, town voters, and village voters is required.

The requirement of an affirmative concurrent majority for the adoption of a county charter in New York State was challenged successfully in a federal district court which on November 22, 1974, struck down the requirement in a decision involving a 1972 referendum on the adoption of a charter for Niagara County.<sup>3</sup> On appeal, the U.S. Supreme Court vacated the decision and remanded the case to the district court for a determination of the effect on the issue of the adoption by Niagara County voters of a charter on November 5, 1974.<sup>4</sup> The district court on October 23, 1975, reinstated the judgment and expanded it to incorporate the 1974 charter. Although New York State did not appeal this decision, it has been appealed by interveners.

Mayor Henry W. Maier of Milwaukee has described the difficulty of persuading suburban voters to agree to the transfer of responsibility for a city function to the county.

Nor is it likely that suburbs will voluntarily take up the costs of city-owned facilities their citizens often use. This is a basic conflict. In Milwaukee, the conflict has been expressed by the rebuffs of attempts to transfer the city-owned museum to the county with a fair return to city taxpayers for their equity in the facility. While attendance records show a higher percentage of suburban use of this municipal facility, suburban voters have twice voted against negotiations for transfer while the transfer was overwhelmingly favored by the voters of the city. More recently, county supervisors turned down a move to set up a countywide assessment system, even though state assistance would substantially underwrite the cost if assessing were performed by the county rather than by the individual municipalities.<sup>5</sup>

For the purposes of this study, we defined the transfer of responsibility for the performance of a function or component of a function (e.g., police patrol, water supply, solid waste disposal) as a permanent change in the unit of government responsible for performing a given function or component of a function. The permanence of the situation obviously is not the essential difference between an intergovernmental service agreement and a voluntary transfer of functional responsibility since five states with constitutional and/or statutory provisions authorizing transfers provide for revocation of a transfer, three by a very simple process.

Fiscal responsibility is another possible criterion for distinguishing between a service agreement and a functional transfer. When a government contracts to obtain a service from another government, the former pays — in money or other services — the latter for the service. When responsibility for a function is transferred by a municipality to a county, the latter usually assumes the total cost of providing the service. This distinction between a transfer and a contract, however, is blurred in California, Michigan, and Pennsylvania, since these states require that a reimbursement be made for a transfer.

Policy control — a third distinguishing criterion — is not useful when examining statutes and constitutions. The intergovernmental cooperation statutes of 19 states contain clauses stating that the responsibility for a particular function remains with the recipient government (see *Table II*). This responsibility presumably would be shifted in a functional transfer. Idaho, at one time, had statutory authority for local governments to transfer functions. The authorization, however, was repealed and replaced by an interlocal cooperation act providing for joint services and contracting, but not mentioning the transfer of functional responsibility. The implication seems to be that explicit provisions for the transfer of functions are unnecessary under the cooperation act.

*Chapter III* focuses upon county assumption of municipal responsibilities flowing from city-county consolidations, state-mandated transfers, and adoption of home rule charters.

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## FOOTNOTES

<sup>1</sup>*Massachusetts Laws of 1967*, Chap. 658; *Massachusetts General Laws*, Chap. 117-19.

<sup>2</sup>*Constitution of the State of New York*, Art. IX, §1 (h).

<sup>3</sup>*Citizens for Community Action at the Local Level, Incorporated v. John J. Ghezzi*, 386 Fed. Supp. 1 (1974).

<sup>4</sup>*Town of Lockport, New York, et al v. Citizens for Community Action at the Local Level, Incorporated, et al*, 96 S. Ct. 11 (1975).

<sup>5</sup>Henry W. Maier, "Conflict in Metropolitan Areas," *The Annals*, November 1974, pp. 156-57.



# County Assumption of Responsibility for Functions

**A**lthough not usually thought of as a transfer of functional responsibility, voter approval of city-county consolidation charters (see *Table III*) and legislatively mandated mergers of a city and a county have resulted in the effective upward transfer of functions to the county level as the new government is responsible for functions previously performed by the lower tier units.

The Carson City-Ormsby County, Juneau-Greater Juneau Borough, and Sitka-Greater Sitka Borough mergers occurred in non-metropolitan areas. The Baton Rouge area currently is a Standard Metropolitan Statistical Area (SMSA), but was not one in 1947. The voter approved consolidations in Virginia must be placed in a special category as each city is responsible for county functions and the county lacks jurisdiction within the city. An incorporated town within a county may be separated from its county and become a city when it reaches a population of 5,000 with the approval of the General Assembly. Consequently, each Virginia merger typically involves the amalgamation of a city-county with a county or a city-county.

Each of the remaining voter-sanctioned mergers occurred within an SMSA and involved the central city and the county. The Nashville and Jacksonville reorganizations were partial consolidations in that the few existing small municipalities were given the option, by referendum, to remain out of the consolidation and all chose to do so. In addition, the constitutional county officers were retained. The Baton Rouge consolidation retained the city, the parish, and two small municipalities.

We must point out that there was relatively little 20th century interest in city-county consolidation until the post-World War II period, and voters generally have disapproved merger proposals referred to them. Only 15, or 26 percent, of the proposals were sanctioned by the electorate in the period 1947-1975.

Table III

**Voter Approved City-County Consolidations, 1947-1975**

Area	Year Approved
Baton Rouge and East Baton Rouge Parish, Louisiana	1947
Hampton and Elizabeth City County, Virginia	1952
City of Newport News and City of Warwick, Virginia <sup>1</sup>	1957
Virginia Beach and Princess Anne County, Virginia	1962
South Norfolk and Norfolk County, Virginia	1962
Nashville and Davidson County, Tennessee	1962
Jacksonville and Duval County, Florida	1967
Carson City and Ormsby County, Nevada	1969
Juneau and Greater Juneau Borough, Alaska	1969
Columbus and Muscogee County, Georgia	1970
Sitka and Greater Sitka Borough, Alaska	1971
Nansemond and Towns of Holland and Whaleyville, Virginia <sup>2</sup>	1971
City of Suffolk and City of Nansemond, Virginia <sup>1</sup>	1972
Lexington and Fayette County, Kentucky	1972
Cities of Anchorage, Glen Alps, and Girdwood and the Greater Anchorage Area Borough, Alaska	1975

<sup>1</sup>The merger of two city-counties.

<sup>2</sup>The first and only town-county merger in Virginia.

Mention must be made of two other partial city-county mergers — Indianapolis and Marion County, Indiana, in 1970 and Las Vegas and Clark County, Nevada, effective in 1977. These consolidations must be placed in a special category since the amalgamations are the only city-county mergers mandated by state legislatures without provision for a referendum since 1898 when the New York State Legislature formed New York City by merging completely all local governments in a five-county area.<sup>1</sup>

Lord James Bryce, a perceptive observer, wrote in 1888 that "it is possible that by the middle of the next century there will prevail one system, uniform in its outlines over the whole country, with the township as its basis, and the county as the organ called to deal with those matters which, while they are too large for township management, it seems inexpedient to remit to the unhealthy atmosphere of a state capital."<sup>2</sup> Lord Bryce obviously was overly optimistic relative to the date when the county would become the governmental unit responsible for solving areawide problems resulting from urbanization, but it appears that his forecast will become a fact in many states by the end of the century.

A number of transfers to the county have been mandated on a statewide basis by the state legislature. In Florida, property tax administration has been shifted to the county level and in New York State welfare has been shifted to the county level.<sup>3</sup> Minnesota, in 1973, abolished the township system of poor relief by assigning the function to the county.<sup>4</sup> In Mississippi, municipal health departments automatically are abolished when the county creates a health department.<sup>5</sup> And the county auditor in Iowa, Minnesota, and South Dakota has been made responsible for voter registration.<sup>6</sup>

The voluntary transfer of responsibility for a function from the municipal level to the county level occurs with a much greater rate of frequency than the mandatory transfer of responsibility. Most commonly, a function is shifted voluntarily from one or more municipalities to the county. An amendment to the Pennsylvania Constitution, approved by the voters in 1968, classifies the county as a municipality and extends home rule to the county.<sup>7</sup> The 1972 Pennsylvania Legislature enacted the *Home Rule Charter and Optional Plans Law* implementing the amendment by authorizing both county and sub-county units to adopt home rule charters.<sup>8</sup> A county desiring to exercise a power currently exercised by a municipality must enact an ordinance authorizing the exercise of the power by the county within each municipality in the county. The ordinance does not



become effective for 15 months and the governing body of any municipality within 120 days of the enactment of the county ordinance may pass a municipal ordinance excluding the county from exercising the power within the municipality. The county is forbidden to levy taxes within the municipality to finance the excluded functions. A subcounty unit electing to exclude the county from performing a function may repeal the exclusionary ordinance and request the county to perform the function. If the municipality does not exclude the county from performing the function within the statutorily prescribed 120 days, the municipality may not enact an ordinance excluding the county from performing the function within the municipality for a period of four years.

## HOME RULE COUNTIES

The extension of constitutional or statutory home rule to county government has led to the adoption of charters authorizing the county to perform new functions. To cite only one example, home rule was extended to counties in New York State in 1958. A survey of 52 counties in 1972 revealed that the average charter county provides 35 services compared to 21 services provided by the average non-charter county.<sup>9</sup> Currently, 71 county-type governments have home rule charters, including nine of the 21 city-county consolidated governments.

A most interesting development is the adoption of home rule charters by Dade, Volusia, and Broward Counties, Florida, partially preempting responsibility for functions. The Dade County Charter, adopted in 1957, authorizes the Board of County Commissioners to "set reasonable minimum standards for all governmental units in the county for the performance of any service or function."<sup>10</sup> If a municipality fails to

comply with the standards, the county "may take over and perform, regulate, or grant franchises to operate any such service." This power has not been exercised by the county to date.

The Volusia County Charter, approved by the electorate in 1970, grants the county the power of preemption with respect to protection of the environment.

County ordinances shall prevail over municipal ordinances whenever the county shall set minimum standards protecting the environment by prohibiting or regulating air and water pollution or the destruction of the resources of the county belonging to the general public.<sup>11</sup>

The Volusia County Council has exercised its power of preemption once to regulate the location, construction, repair, and abandonment of wells, and the installation and repair of pumps and pumping equipment.<sup>12</sup>

The Broward County Charter, sanctioned by the voters in 1974, created the Broward County Planning Council and directed it to adopt, within nine months of its appointment, a land use plan for the county.<sup>13</sup> The council is authorized to approve or reject any land use plan submitted by any governmental unit within the county. If a submitted plan is found to be in substantial conformity with the county land use plan, the submitted plan will be certified and will become the effective plan for the unit submitting the plan. If a plan is rejected or a unit fails to submit a plan for certification, the county plan becomes effective within the unit.

In *Chapter IV*, we will examine the assumption of complete and partial responsibility for certain functions by state governments.

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## FOOTNOTES

<sup>1</sup>*Indiana Acts of 1969*, Chap. 173. *Nevada Revised Statutes*, Title 21, Chap. 274.

<sup>2</sup>James Bryce, *The American Commonwealth* (New York: The Macmillan Company, 1900), p. 416.

<sup>3</sup>*Florida Laws of 1970*, Chap. 243; *West's Florida Statutes Annotated*, Chap. 195. (1973). *New York Laws of 1972*, Chap. 28 (McKinney 1972).

<sup>4</sup>*Minnesota Laws of 1973*, Chap. 650; *Minnesota Statutes Annotated*, Chap. 2560 (1975 Supp.).

<sup>5</sup>*Mississippi Code*, §§7082 and 7129-150.

<sup>6</sup>*Iowa Acts of 1973*, Chap. 136, §97; *Iowa Code Annotated*, §48.1 *Minnesota Laws of 1973*, Chap. 676, §3; *Minnesota Statutes Annotated*, §201.021 (1975 Supp.). *South Dakota Compiled Laws*, §12-4-2 (1967).

<sup>7</sup>*Constitution of the Commonwealth of Pennsylvania*, Art. 9, §§2 and 14.

<sup>8</sup>*Pennsylvania Act 62 of 1972*; *Purdon's Pennsylvania Statutes*, Title 53, Chap. ½, §§1-101 to 1-1309.

<sup>9</sup>Charles W. Jorgensen, *Survey of Functions at County Level: Fall 1972* (Albany: County Officers Association of the State of New York, 1972).

<sup>10</sup>*Metropolitan Dade County Charter*, Art. 1, §1.01 A 18(b).

<sup>11</sup>*Volusia County Charter*, §1305.

<sup>12</sup>*Volusia County Ordinance Number 72-6*.

<sup>13</sup>*Broward County Charter*, Art. VI, §§6.01 and 6.05.



# State Assumption of Functional Responsibility

**I**n contrast to the generally voluntary nature of the upward transfer of functional responsibility from the municipal level to the county level, transfers to the state level usually have been involuntary although often favored by many municipalities. State assumption of responsibility for one or more functions in major metropolitan areas is traceable to the 19th century. Massachusetts, for example, created three state-controlled public authorities prior to the turn of the century — the Metropolitan Sewage Commission in 1889, the Metropolitan Parks Commission in 1893, and the Metropolitan Water Commission in 1895.<sup>1</sup> The sewage commission was merged in 1901 with the water commission to form the Metropolitan Water and Sewage Board, which in turn was merged in 1919 with the Metropolitan Parks Commission to form the Metropolitan District Commission (MDC), one of the very few multifunctional state-controlled public authorities in the United States.<sup>2</sup> MDC administers a park district composed of four cities and 37 towns, a sewage district composed of four cities and 43 towns, and a water district composed of three cities and 32 towns.

A report on regional governance by three faculty members of the Maxwell Graduate School of Syracuse University concluded with the following recommendation:

The Massachusetts experience with the MDC should be capitalized rather than abandoned. It is a metropolitan jurisdiction, providing metropolitan services, and having a sound political base. It is our judgment that the route for Massachusetts to take is to build on the experience of the MDC, adjust it to fit the contemporary world of greater citizen participation, and employ that example for the establishment of a statewide system of regional governments.<sup>3</sup>

This recommendation has not been adopted and the Massachusetts General Court, since establishing the MDC, has created three other state-controlled

regional bodies in eastern Massachusetts: Massachusetts Bay Transportation Authority, Massachusetts Port Authority, and Metropolitan Boston Air Pollution Control District. In addition, the general court has authorized the creation of regional transportation authorities throughout the commonwealth outside the greater Boston area, and one was organized in 1975: the Southeastern Massachusetts Regional Transit Authority.

In 1947, Rhode Island established the Blackstone Valley Sewer District and granted it jurisdiction in the cities of Central Falls, East Providence, and Pawtucket and in the towns of Cumberland and Lincoln.<sup>4</sup> The district is governed by a commission composed of the state director of transportation, the state director of health, and three others appointed by the governor.

The most major transfer in terms of the number of functions occurred in 1960 when Connecticut abolished county governments and shifted their responsibilities to the state level.<sup>5</sup>

The Massachusetts approach to solving metropolitan problems in the Greater Boston area was not replicated by another state until New York, under Governor Nelson A. Rockefeller, decided, in the 1960s, to use its plenary authority to directly solve areawide problems and adopted the authority approach to deal with problems in multicounty areas. In the 1962 Godkin Lectures at Harvard University, Governor Rockefeller stated:

The problems of urbanism have outrun individual local government boundaries, legal powers, and fiscal resources. And the national government is too remote to sense and to act responsively on the widely varying local or regional concerns and aspirations. The states — through their relations with local governments, their greater resources and powers, and their closeness to the people and the problems — can and should serve as leaders in planning, and the catalysts in developing, cooperative action at the local-state-Federal levels.<sup>6</sup>

Both statewide and regional authorities — quasi-public corporations — have been created in the state for special purposes: Urban Development Corporation (which currently is experiencing serious financial difficulties), Environmental Facilities Corporation, Job Development Authority, five regional transportation authorities, and 34 others.<sup>7</sup>

One of the nine state-controlled public authori-

ties — the Public Transit Authority — operating on a statewide basis in Rhode Island is responsible for a function previously performed by a municipality (Providence).<sup>8</sup>

Five Connecticut state-controlled public authorities operate statewide. Only the Resources Recovery Authority, which is constructing its first facility in the Bridgeport area, is involved in a function that has been a traditional local government responsibility.<sup>9</sup>

An unusual approach to the solution of areawide problems was initiated by the Minnesota Legislature in 1967 with the establishment without a referendum of the gubernatorially appointed Metropolitan Council for the seven-county Twin Cities area.<sup>10</sup> The council deliberately was created as a powerful policy-making body possessing no operating authority. Serving as the comprehensive areawide planning agency, the council possesses the power to review and suspend plans indefinitely of each metropolitan special district in conflict with the council's development guide, review and suspend, for up to one year, proposed projects of local governments, act as a housing authority, and appoint all members other than the chairman of each regional commission with the exception of the Airport Commission. The chairmen are appointed by the governor. Each metropolitan commission — Waste Control Commission, Airport Commission, Transit Commission, Mosquito Control Commission — is required to prepare a development program to implement the council's policy plans subject to the council's approval. The capital improvement parts of the commissions' budgets also are subject to council approval.

The transfer of responsibility for certain traditional local functions to the state government appears to be an accelerating trend. The functions most often shifted to the state are public health, public welfare, municipal courts, pollution abatement, property tax assessment standards, building codes, land use regulations including coastal zones and wetlands, and regulation of surface mining.

The 1966 Rhode Island Legislature abolished city and town health departments and transferred their functions to the State Health Department.<sup>11</sup> Although most Vermont towns have a town health officer, the State Health Department is responsible for nearly all health programs.<sup>12</sup> The 1967 Vermont Legislature enacted a law authorizing six towns which owned and operated airports to transfer the airports to the state, and the towns in 1968 voted to transfer control of the airports to the state.<sup>13</sup>

In 1967, Vermont transferred responsibility for social welfare from cities, towns, and villages to the

state, thereby providing substantial financial relief for the local units.<sup>14</sup> Massachusetts and Delaware took similar action in 1968 and 1970 respectively.<sup>15</sup> Although Connecticut has not yet assumed full responsibility for public welfare, the state currently reimburses municipalities for 90 percent of the cost of local welfare assistance.

Boards of county commissioners in Massachusetts, with the exceptions of Nantucket County and Suffolk County, are required to submit their proposed annual budgets to the general court for approval.<sup>16</sup> In 1972, the general court eliminated funds for forest fire patrols from all county budgets, thereby making the function entirely a commonwealth responsibility.

A Florida constitutional amendment, adopted in 1972, stipulates that all municipal courts will cease to exist no later than January 3, 1977, and their functions will be transferred to the state court system.<sup>17</sup>

In Maryland, the 1970 General Assembly created the Maryland Environmental Service and endowed it with authority to supply water and dispose of liquid and solid waste.<sup>18</sup> The three officers of the service — a director, a secretary, and a treasurer — are appointed by the secretary of natural resources with the approval of the governor. Although the service possesses the power of eminent domain, the service is forbidden to construct a solid waste disposal facility within “the boundaries of a municipality without the express consent of the governing body of the municipality.”<sup>19</sup>

In the event a municipality fails “to comply with an order of the secretary of health and mental hygiene to provide a sewerage system or refuse disposal work,” the secretary is authorized to direct the service to install and operate the necessary facilities.<sup>20</sup> Similarly, if a municipality fails to correct deficiencies in “the operation of sewerage systems or refuse disposal works,” the secretary may direct the service to operate the systems or works.<sup>21</sup>

Currently, the service operates 45 water and waste water treatment plants for state and local governmental agencies and private firms. The service also operates a major sludge composting project at Beltsville and a 400-tons-a-day resource recovery plant in Baltimore County.

In 1972, the New Hampshire General Court directed the New Hampshire Water Supply and Pollution Control Commission “to acquire, plan, construct, and operate, to serve certain municipalities within the Winnepesaukee River basin (including, but not necessarily limited to, Meredith, Laconia, Gilford, Belmont, Sanbornton, Tilton, Northfield, and Franklin), any and all sewage and waste disposal

facilities (meaning only those facilities eligible for Federal and state aid) in accordance with basin and regional treatment needs consistent with Federal and state requirements.”<sup>22</sup> The powers and duties of the municipalities within the basin in connection with sewage and waste treatment facilities were transferred to the commission, and municipal employees engaged in these functions were given the opportunity to become employees of the commission.<sup>23</sup>

A 1973 Maryland law provides for complete state responsibility for property tax assessment subsequent to July 1, 1975.<sup>24</sup> Hawaii is the only other state to have transferred to the state level responsibility for the assessment of property, although the 1973 Wisconsin Legislature enacted a law providing for state assessment of manufacturing property, and the Florida Department of Revenue establishes standard measures of value which must “be used by tax assessors in all counties, including taxing districts, to assist them in arriving at assessments of all property.”<sup>25</sup> The 1974 Maine Legislature directed the State Bureau of Property Taxation to hold qualifying examinations for assessors twice a year.<sup>26</sup>

Although New York State has not shifted responsibility for building codes to the state level, the general law allowing municipalities to adopt the *State Building Code* by reference provides that a municipality adopting the code may not “supersede, void, or repeal or make more restrictive any of the provisions of this article or of the rules and regulations adopted by the State Building Code Council hereunder.”<sup>27</sup>

In 1974, the Florida Legislature provided for partial state preemption of responsibility for building codes.<sup>28</sup> The *Florida Building Codes Act of 1974* created the State Board of Building Codes and Standards within the Department of Community Affairs. The gubernatorially appointed 15-member board was directed to adopt an interim state building code for local governments failing to adopt a code by January 1, 1975, and enforce it if the city or county fails to enforce the code. Local governments may adopt codes with standards higher than the standards of the state code. In 1969, the California Legislature established the California Commission of Housing and Community Development and authorized it to promulgate rules and regulations for factory built homes.<sup>29</sup>

Several states have totally or partially preempted responsibility for land use regulation. The Vermont Legislature enacted a law in 1970 requiring a developer to obtain a permit from one of seven district environmental commissions for a proposed development exceeding ten acres in a city or town with zoning regulations and one acre in a city or town without

zoning regulations.<sup>30</sup> The 1974 Tennessee Legislature enacted *The New Community Development Act* which created the Tennessee Community Development Board with power to adopt minimum standards for the development of new communities.<sup>31</sup>

The *Florida Local Government Comprehensive Planning Act* of 1975 requires all local governments to adopt a comprehensive plan by July 1, 1979, and provides on a default basis for the upward shift of responsibility for preparation of the plan.<sup>32</sup> If a municipality fails to prepare and adopt a comprehensive plan meeting standards set forth in the act by the deadline, the comprehensive plan prepared by the county becomes effective within the municipality. Should the county fail to prepare a comprehensive plan meeting the prescribed standards, the State Land Planning Agency is directed to prepare a comprehensive plan for the county and local governments located within it and recommend the plan's adoption to the Administration Commission — governor and cabinet — which is authorized to adopt the plan.

The *Federal Coastal Zone Management Act of 1972* encourages states to assume responsibility for management of coastal areas by authorizing the Secretary of Commerce to make grants to states to prepare management plans.<sup>33</sup> Once the secretary approves a state's management program, all Federal actions affecting the state's coastal zone must be consistent with the state's program to the maximum possible extent. To date, 12 states have enacted laws making the state responsible for the regulation of coastal lands and wetlands.<sup>34</sup>

On November 7, 1972, California voters approved Initiative Proposition 20, creating the Coastal Zone Conservation Commission and mandating preparation by 1976 of comprehensive growth plans for a five-mile wide area along the 1,000 mile coastline.<sup>35</sup> Until the plan is prepared and adopted, all proposed development in a 1,000 yard wide strip along the shoreline requires the approval of one of six regional commissions, composed of citizens and public officials, with the statewide commission authorized to veto any proposed development. Construction of buildings which would obstruct the view of the ocean from shoreline highways is prohibited, and homeowners must obtain a permit for additions costing in excess of \$7,500. Applications for development exceeded 6,000 in 1973, but decreased to 4,700 in 1974.<sup>36</sup> The vast majority of applications — over 90 percent — have been for single-family dwellings and have been approved. Rejected applications generally have involved proposed high-rise beach apartment houses.

The 1975 New York State Legislature enacted the *Freshwater Wetlands Act* providing for partial state preemption of responsibility for regulating freshwater wetlands and providing for a default system of regulation.<sup>37</sup> Each local government may adopt a freshwater wetlands protection law or ordinance meeting state minimum standards. If a local government fails to adopt a plan meeting state standards, the local government is deemed to have transferred the function to the county.<sup>38</sup> Should the county fail within a 90-day period to adopt a freshwater wetlands protection law or ordinance, the county is deemed to have transferred the function to the State Department of Environmental Conservation.

The *Florida Environmental Land and Water Management Act of 1972* empowers the State Planning Agency to recommend to the Administration Commission "specific areas of critical state concern."<sup>39</sup> If a local government fails to transmit to the State Planning Agency within 120 days land use regulations in conformance "with the principle for guiding development set out in the rule designating the area of critical state concern," the agency may institute judicial proceedings to enforce the land development regulations. On April 21, 1975, the Administration Commission, by a five to two vote, placed the Florida Keys — a 130 mile chain of islands — under state control by designating the Keys as an area of "critical state concern."<sup>40</sup> This action represents the first time that an area has been so designated.

A 1973 Florida law provides for partial state preemption of responsibility for water resources by authorizing the Department of Natural Resources "to exercise general supervisory authority over all water management districts."<sup>41</sup>

The Maine Legislature, in 1973, partially preempted responsibility for shoreland zoning and subdivision controls by mandating that municipalities adopt such controls for "land within 250 feet of the normal high water mark of any pond, river, or salt water body."<sup>42</sup> If a municipality fails to adopt a shoreland zoning and subdivision ordinance or fails to enforce the ordinance, the Maine Department of Environmental Protection and the Maine Land Use Regulation Commission are directed to adopt a suitable ordinance which the municipality must enforce. The Maine wetlands act forbids an owner to fill, dredge, or alter any coastal wetland or drain or deposit sanitary sewage into or on any coastal wetland without a permit issued by the Maine Board of Environmental Protection.<sup>43</sup>

The *Connecticut Inland Wetlands Act of 1972* requires all 169 towns to regulate the use of areas

designated as inland wetlands in accordance with criteria contained in the act.<sup>44</sup> In the event a municipality failed to exercise its regulatory powers by January 1, 1974, the commissioner of natural resources was directed to regulate the municipality's wetlands.<sup>45</sup>

In New York State, the 1973 Legislature created a state agency — The Adirondack Park Agency — to regulate land use in the large Adirondack Park Reserve.<sup>46</sup> On May 30, 1975, Governor Hugh L. Carey proposed legislation adding 1,033 miles of rivers to the 171 miles in the state's wild, scenic, and recreational rivers system in the Adirondack Park area.<sup>47</sup> And the Temporary State Commission to Study the Catskills recommended a default system under which the counties would assume responsibility for land use plans, controls, and enforcement machinery "when localities fail to, or choose not to, meet minimum performance criteria."<sup>48</sup> Neither proposal was accepted by the 1975 State Legislature.

In 1974, the New York State Legislature enacted a law providing for state regulation of mined land in order to promote its reclamation.<sup>49</sup> The new law supersedes all other state and local laws relating to the 1,000 active mines and estimated 12,000 to 15,000 abandoned mines, but allows local governments to enact zoning ordinances imposing stricter mined land reclamation standards than the state's standards.<sup>50</sup> Governor Dolph Briscoe, on June 21, 1975, signed into law the *Texas Surface Mining and Reclamation Act*, placing strip mining of coal, lignite, and uranium under the regulatory control of the Texas Railroad Commission, which also regulates the bus, gas, oil, railroad, and trucking industries.<sup>51</sup> Florida and North Dakota also regulate mining.<sup>52</sup>

In 1972, the New York State Legislature enacted a law providing for state preemption of responsibility for finding sites for power plants and the following year the Oregon Legislature enacted a similar law.<sup>53</sup> North Dakota also regulates power plant sites; a certificate of site compatibility must be obtained from the state before a plant can be constructed.<sup>54</sup>

The Massachusetts General Court in 1969 enacted a controversial law — *Low and Moderate Income Housing Act* — creating a board in the State Department of Community Affairs with power to overturn specified decisions of city and town boards of ap-

peal.<sup>55</sup> Challenged as violating the commonwealth's constitutional home rule amendment, the law was held by the supreme judicial court to be a proper exercise of the general court's zoning powers even though the decisions of the board would affect individual cities and towns.<sup>56</sup>

Stimulated in part by Federal environmental protection legislation — particularly the *Water Quality Act of 1965*, *Air Quality Act of 1967*, *Clean Air Amendments of 1970*, and *Water Pollution Control Act Amendments of 1972* — states have totally or partially preempted responsibility for air and water pollution abatement.<sup>57</sup> To cite only two examples of state preemptory actions in the environmental area, Rhode Island has forbidden its cities and towns to enact air pollution control ordinances and bylaws, whereas Delaware allows local governments to establish standards higher than those established by the state air pollution control agency.<sup>58</sup>

Federal legislation also has led to the voluntary transfer of authority for regulating certain intrastate activities to the Federal government as illustrated by the following three examples. The secretary of agriculture, as of January 1976, has assumed responsibility in 16 states for the inspection of slaughterhouses preparing meat from cattle, equines, goats, sheep, and swine for distribution solely within the state, and in 23 states he has responsibility for the inspection of poultry slaughterhouses preparing poultry products for distribution solely within the state.<sup>59</sup> And the Federal Occupational Safety and Health Administration, at the request of 11 states, has assumed responsibility for the occupational safety and health of private sector employees.<sup>60</sup>

The statutes cited in this chapter and in *Chapter III* provide for the transfer of responsibility for a specific function or component to the state and county levels, respectively, on either a voluntary or mandatory basis. The constitutional provisions and statutes cited in *Table I* authorize municipalities at their option to shift responsibility for a function or component to another municipality, the county, the state, a special district, or a council of governments. Data on transfers to these units by municipalities are presented in the next chapter along with data on planned transfers and municipal assumption of responsibility for new functions.

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## FOOTNOTES

<sup>1</sup>Massachusetts Acts of 1889, Chap. 439.

Massachusetts Acts of 1893, Chap. 407.

Massachusetts Acts of 1895, Chap. 488.

<sup>2</sup>Massachusetts Acts of 1901, Chap. 168.

Massachusetts Acts of 1919, Chap. 350.

- <sup>3</sup>Guthrie S. Birkhead, Alan K. Campbell, and Marsha Weissman, *Massachusetts Substate Government: A Report to the Secretary of Environmental Affairs* (Syracuse: Metropolitan Studies Program, Maxwell Graduate School, Syracuse University, August 15, 1972), p. 83.
- <sup>4</sup>*Rhode Island Acts of 1947*, Chap. 1837.
- <sup>5</sup>*Connecticut Public Acts of 1959*, Number 152. *Connecticut General Statutes Annotated*, Title 6-2a and 6-2b. The State of Rhode Island and Providence Plantations in 1842 abolished organized county governments and transferred their functions to the state.
- <sup>6</sup>Nelson A. Rockefeller, *The Future of Federalism* (New York: Atheneum, 1964), p. 47.
- <sup>7</sup>For additional details, see Joseph F. Zimmerman, "The Metropolitan Area Problem," *The Annals*, Vol. 416, November 1974, pp. 133-47.
- <sup>8</sup>*Rhode Island Laws of 1974*, Chap. 176; *Rhode Island General Laws Annotated*, §§23-46.1-9.
- <sup>9</sup>*Connecticut General Statutes Annotated*, §19-524t.
- <sup>10</sup>*Minnesota Statutes*, Chap. 473B. (1971).
- <sup>11</sup>*Rhode Island Laws of 1964*, Chap. 45; *General Laws of Rhode Island*, §§23-1-17 to 23-1-29. See also John O. Stitely, "Home Rule in Rhode Island: Twenty Years Later," *Newsletter* (Kingston: Bureau of Government Research, The University of Rhode Island, November 1972), p. 2.
- <sup>12</sup>*Vermont Statutes Annotated*, Title 18, Chap. 1 and 9.
- <sup>13</sup>*Vermont Adjourned Session of 1967*, Act 232.
- <sup>14</sup>*Vermont Acts of 1967*, Act 147; *Vermont Statutes Annotated*, Title 33, §§2501-3075.
- <sup>15</sup>*Massachusetts Laws of 1967*, Chap. 658; *Massachusetts General Laws*, Chap. 117-19. *Delaware Code Annotated*, Title 29, §7901.
- <sup>16</sup>The Boston City Council appropriates funds to cover Suffolk County costs not financed by the general court, and the Nantucket town meeting appropriates funds for Nantucket County.
- <sup>17</sup>*Constitution of the State of Florida*, Art. V, §20 (4).
- <sup>18</sup>*Annotated Code of Maryland*, §§3-101 through 3-201.
- <sup>19</sup>*Ibid.*, §3-104 (u).
- <sup>20</sup>*Ibid.*, §3-110 (a).
- <sup>21</sup>*Ibid.*, §3-110 (c).
- <sup>22</sup>*New Hampshire Laws of 1972*, Chap. 36; *New Hampshire Revised Statutes Annotated*, Chap. 149-G:1. (1973 Supp.).
- <sup>23</sup>*New Hampshire Revised Statutes Annotated*, Chap. 149-G:4 (1973 Supp.).
- <sup>24</sup>*Maryland Acts of 1973*, Chap. 784; *Annotated Code of Maryland*, Art. 81, §§245-246D.
- <sup>25</sup>*Wisconsin Laws of 1973*, Chap. 90; *West's Wisconsin Statutes Annotated*, §§70 and 995 (1974 Supp.). *Florida Laws of 1970*, Chap. 70-243; *West's Florida Statutes Annotated*, §195.032 (1973).
- <sup>26</sup>*Maine Acts of 1974*, Chap. 695, §6; *Maine Revised Statutes*, Title 36, §310.
- <sup>27</sup>*New York Executive Law*, Art. 18, §§370-87 (McKinney 1973).
- <sup>28</sup>*Florida Acts of 1974*, Chap. 74-167.
- <sup>29</sup>*California Laws of 1969*, Chap. 1422; *California Health and Safety Code*, Chap. 1, §§19960 *et seq.*
- <sup>30</sup>*Vermont Acts of 1970*, Act 250.
- <sup>31</sup>*Tennessee Acts of 1974*, Chap. 749; *Tennessee Code*, §§13-1501 *et seq.*
- <sup>32</sup>*Florida Laws of 1975*, Chap. 75-257.
- <sup>33</sup>*Coastal Zone Management Act of 1972*, 86 Stat. 1280, 16 U.S.C.A. 1451 *et seq.*, (1973).
- <sup>34</sup>As examples, see *New York Environmental Conservation Law*, Art. 25, §§25-0101 to 25-0602 (McKinney 1973), *Connecticut General Statutes Annotated*, Chap. 440, §§22a-28 through 22a-45.
- <sup>35</sup>*West's Public Resources Code*, Div. 18, §§2700 *et seq.*, (1973).
- <sup>36</sup>Gladwin Hill, "California Lists Gains in 2 Years of Coast Regulation," *The New York Times*, April 22, 1975, p. 22.
- <sup>37</sup>*New York Laws of 1975*, Chap. 614; *New York Environmental Conservation Law*, Art. 24, §§24-0101 through 24-1301 (McKinney 1975 Supp.).
- <sup>38</sup>*New York Environmental Conservation Law*, Art. 24, §24-0501 (4). (McKinney 1975 Supp.).
- <sup>39</sup>*Florida Laws of 1972*, Chap. 72-317. *West's Florida Statutes Annotated*, Title 26, Chap. 380, §§380.012 through 380.10. (1973).
- <sup>40</sup>"Florida Takes Control of Development of the Keys," *The New York Times*, April 22, 1975, p. 23.
- <sup>41</sup>*Florida Laws of 1972*, Chap. 72-299, Part I, §5; *West's Florida Statutes Annotated*, §373.026 (7), (1973).
- <sup>42</sup>*Maine Revised Statutes*, Title 12, §4811.
- <sup>43</sup>*Ibid.*, Title 12, §§4701-709 and 4751-758.
- <sup>44</sup>*Connecticut Public Acts of 1972*, Number 155. *Connecticut General Statutes Annotated*, Chap. 440, §§22a-36 through 22a-45.
- <sup>45</sup>*Ibid.*, §22a-42 (f) (2).
- <sup>46</sup>*New York Laws of 1973*, Chap. 348; *New York Executive Law*, Art. 27, §§810-17 (McKinney 1973).
- <sup>47</sup>Press release on wild, scenic, and recreational rivers system (Albany: Executive Chamber, May 30, 1975).
- <sup>48</sup>*The Future of the Catskills* (Stamford, New York: New York State Temporary State Commission to Study the Catskills, April 30, 1975), p. 32.
- <sup>49</sup>*New York Laws of 1974*, Chap. 1043; *New York Environmental Conservation Law*, §§23-2701 through 23-2727. (McKinney 1975 Supp.).
- <sup>50</sup>*New York Environmental Conservation Law*, §23-2703 (2).
- <sup>51</sup>*Texas Laws of 1975*, Chap. 690; *Vernon's Texas Civil Statutes*, Art. 5920-10.
- <sup>52</sup>*West's Florida Statutes Annotated*, §205.391. (1973). *North Dakota Century Code Annotated*, §§38-16-01 through 38-16-06.
- <sup>53</sup>*New York Laws of 1972*, Chap. 385. *New York Public Service Law*, Art. VIII, *New York Public Authorities Law*, §§1014 and 1870, *New York Condemnation Law*, §4 (3) (b), and *New York Public Health Law*, §§1230 and 1277, (McKinney 1973); *Oregon Laws of 1973*, Chap. 503, §16; *Oregon Revised Statutes*, §§215.273.
- <sup>54</sup>*North Dakota Century Code Annotated*, §49-22-07.
- <sup>55</sup>*Massachusetts General Laws Annotated*, Chap. 40B, §§20-23.
- <sup>56</sup>*Board of Appeals of Hanover v. Housing Appeals Committee in the Department of Community Affairs*, 294 N.E. (2d) 393. (1973).
- <sup>57</sup>*Water Quality Act of 1965*, 79 Stat. 903, 33 U.S.C.A. §§1151 *et seq.*, (1969). *Air Quality Act of 1967*, 81 Stat. 485, 42 U.S.C.A. §§1857 *et seq.*, (1969). *Clean Air Amendments of 1970*, 84 Stat. 1676, 42 U.S.C.A. §§1857 *et seq.*, (1973). *Water Pollution Control Act Amendments of 1972*, 86 Stat. 816, 33 U.S.C.A. §§1151 *et seq.*, (1973).
- <sup>58</sup>*Rhode Island General Laws Annotated*, §23-25-19. (1968). *Delaware Code Annotated*, Title 7, §6207. (1968).
- <sup>59</sup>*Wholesome Meat Act*, 81 Stat. 584, 21 U.S.C.A. 661. (1973). *Poultry Products Inspection Act*, 82 Stat. 791, 21 U.S.C.A. 451, (1973).
- <sup>60</sup>*Occupational Safety and Health Act*, 84 Stat. 1590, 29 U.S.C.A. §§651-78, (1973).



# Functional Assignments in Transition

To obtain data on recipients of transfers of functional responsibility by municipalities, reasons for the transfers, perceived results of the transfers, municipal plans for future transfers, and municipal assumption of responsibility for functions never previously performed, a questionnaire was posted in 1975 to 5,930 incorporated municipalities — cities, villages, boroughs, incorporated towns — over 2,500 population. Returns from 55.9 percent of these units were received in time for inclusion in this report. The results have been classified by population categories, geographic regions, forms of government, and central city, suburban, or non-metropolitan locations.

This report also draws upon data gathered by a 1974 survey by the author of state municipal leagues and state agencies for local affairs. This survey revealed that no transfers of functional responsibility from the municipal level to the county level had occurred in Arkansas, Arizona, Illinois (under its 1970 constitution), Massachusetts, New Hampshire, New Mexico, Vermont, and Washington.

The use of a mail questionnaire to collect data results in an under-reporting of the number of transfers and municipal assumptions of responsibility for new functions for two major reasons. First, respondents were requested to report on the complete or partial transfer and/or assumption of functional responsibility during the past ten years. In examining returned questionnaires from states with which the author is personally familiar, it became apparent that a number of respondents had not reported a transfer such as the shift of responsibility for public welfare to the state level in Massachusetts. The explanation for the failure to report a transfer(s) may be failure of memory or a respondent who was not a municipal official at the time of the transfer(s).

The understating of the number of transfers also stems from the fact that several respondents indicated that they did not have time or the desire to complete the questionnaire and returned it blank. We can safely assume that some of these municipalities, as well as some municipalities which failed to return the questionnaire, have transferred responsibility for a function(s) to another governmental unit or have assumed responsibility for a function never previously performed.

Analysis of the survey data has been hindered to a limited extent by the failure of a number of municipal respondents to indicate whether responsibility for an entire function or only a component of the function had been transferred. For example, several respondents wrote that "solid waste" had been shifted whereas other respondents wrote that "solid waste

collection and disposal," or "solid waste collection," or "solid waste disposal" had been transferred.

*Table IV* classifies responding municipalities in terms of population categories, geographic regions of the Nation, forms of government, and central city, suburban, and non-metropolitan locations. The bulk of the responding municipalities are in the 2,500 to 24,999 population categories as one would anticipate, since units in these population groupings account for the overwhelming majority of municipalities in the United States. The relatively high number of responses from the North Central Region and the relatively low number of responses from the West reflect the number of units of local government in these two regions. A bare majority of the responding municipalities have the mayor-council form of government and a bare majority are suburban municipalities. Two hundred and fourteen of the 269 central cities of Standard Metropolitan Statistical Areas (SMSAs), as defined by the United States Office of Management and Budget, returned the transfer of function questionnaire.

## TRANSFERS OF FUNCTIONAL RESPONSIBILITY

Thirty-one percent, or 1,039, of the 3,319 responding municipalities reported that they had transferred responsibility for one or more functions or components of functions during the past ten years to another municipality, the county, the state, special districts, and councils of governments (see *Table IV*). Several additional municipalities reported they had shifted responsibility for a function to another governmental unit ten or more years ago. Albany, New York, for example, shifted its municipal airport to Albany County more than ten years ago.

*Table V* reveals that the rate of population change between 1960 and 1970 does not correlate strongly with the transfer of functional responsibilities by municipalities. However, 34 percent of the rapidly growing municipalities compared to 29 percent of the declining or slow growth municipalities shifted responsibility for a function or component to another governmental unit.

The responding municipalities reporting transfers are classified in *Table VI* by the number of functions transferred. Not unexpectedly, the largest number of units (608) transferred responsibility for only one function. Of interest is the fact that 38 municipalities transferred responsibility for five or more functions to other governmental units during the past decade. Santa Monica, California, reported shifting responsi-

Table IV

**Survey Response and Number of Cities  
Which Have Transferred Functions**

Classification	Number of Cities Surveyed (A)	Total Cities Responding		Cities That Have Transferred	
		Number (B)	Percent of (A)	Number	Percent of (B)
<b>Total, all Cities</b> .....	5,930	3,319	56	1,039	31
<b>Population Group</b>					
Over 500,000 .....	26	14	54	11	79
250,000-500,000 .....	30	17	57	14	82
100,000-249,999 .....	98	64	65	31	48
50,000- 99,999 .....	256	154	60	60	39
25,000- 49,999 .....	520	310	60	127	41
10,000- 24,999 .....	1,360	730	54	255	35
5,000- 9,999 .....	1,550	879	57	254	29
2,500- 4,999 .....	2,090	1,151	55	287	25
<b>Geographic Region<sup>1</sup></b>					
Northeast .....	1,687	797	47	261	33
North Central .....	1,787	1,036	58	331	32
South .....	1,600	970	57	270	28
West .....	766	516	67	177	34
<b>Metro/City Type<sup>2</sup></b>					
Central .....	361	214	59	109	51
Suburban .....	3,051	1,670	55	505	30
Non-Metropolitan .....	2,518	1,435	57	425	30
<b>Form of Government</b>					
Mayor-Council .....	3,252	1,677	52	404	24
Council-Manager .....	2,109	1,416	67	558	39
Commission .....	216	113	52	25	22
Town Meeting .....	262	87	33	39	45
Representative Town Meeting .....	91	26	29	13	50

<sup>1</sup>*Geographic regions: Northeast* — the New England and Mid-Atlantic Divisions, which include the states of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; *North Central* — the East and West North Central Divisions, which include the states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; *South* — the South Atlantic and West South Central Divisions, which include the states of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, plus the District of Columbia; *West* — the Mountain and Pacific Coast Divisions, which include the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

<sup>2</sup>*Metro/city type: Central* — the city(ies) appearing in the Standard Metropolitan Statistical Area (SMSA) title; *Suburban* — other municipalities located within an SMSA; *Non-Metropolitan* — Municipalities not located in an SMSA.

Table V

**Transfer of Functional Responsibility  
Classified by Population Change,  
1960-1970**

Population Change	Transferred a Function		Did Not Transfer a Function	
	Number	Percent	Number	Percent
<b>788 Declining Municipalities</b> (0 to 100%) .....	230	29	558	71
<b>688 Slow Growth Municipalities</b> (0 to 10%) .....	201	29	487	71
<b>693 Moderate Growth</b> <b>Municipalities</b> (10 to 25%) .....	213	31	480	69
<b>1,116 Rapid Growth Municipalities</b> (25 to 1,000%) .....	383	34	733	66

bility for 11 functions or components of functions — four to the county, six to the state, and one to a council of governments.

Table VI reveals that the tendency to transfer functional responsibility is positively correlated with population size, since larger units of government generally have a greater propensity to shift functional responsibility than smaller units. Municipalities over 500,000 population transferred responsibility for an average of 4.2 functions or components compared to an average of 1.5 functions or components for units under 25,000 population. Only 18 percent of the cities over 500,000 population shifted responsibility for a single function, whereas 63 percent of the units in the 2,500 to 4,999 population group shifted responsibility for one function. The difference in the proclivity to shift functional responsibility is even more noticeable relative to municipalities transferring five or more functions. Thirty-six percent of the responding units over 500,000 population shifted five or more functions compared to 2 percent of the municipalities in each of the three smallest population groupings.

A partial explanation for this finding is the fact that many central city institutions and facilities — hospitals, airports, marine ports, major parks, libraries, museums, and zoos — are utilized by suburbanites, and the city has been able to convince the county, or arrange for the formation of a regional special district, to take over an institution or facility in

order to enlarge the tax base for its support, thereby reducing benefit overspill. A growing financial crisis — the product of several developments — also has impelled central cities to investigate the possibility of the upward shift of responsibility for an expensive facility which serves the region.

The data reveal relatively little geographical difference in the tendency to transfer functions. The mean number of transfers per municipality ranges from 1.3 in the Northeast to 1.8 in the South.

Relative to metropolitan and non-metropolitan location, central cities transferred responsibility for an average of 2.6 functions per unit compared to 1.5 functions per unit transferred by suburban and non-metropolitan municipalities. This finding corresponds to the finding that larger units have a greater proclivity to transfer functions than smaller units.

There is only a small difference in the mean number of transfers between the two principal forms of municipal government — 1.7 for council-manager units and 1.6 for mayor-council units. The principal explanation for the smaller mean number of transfers by town meeting and representative town meeting units is the fact that organized county government does not exist in Connecticut and Rhode Island and the county is a weak unit of government in the other four New England States. As a consequence, transfers in New England are to the state government or a special district.

Table VI

**Number of Municipalities Transferring Functions,  
By Number of Transfers, 1965-75**

Classification	Total Cities Trans- ferring (A)	Per- cent of Cities Trans- ferring	Total Num- ber of Trans- fers	Mean Num- ber of Trans- fers Per City	Number of Transfers											
					One		Two		Three		Four		Five or More		Not Reported	
					Num- ber	Per- cent of (A)	Num- ber	Per- cent of (A)	Num- ber	Per- cent of (A)	Num- ber	Per- cent of (A)	Num- ber	Per- cent of (A)	Num- ber	Per- cent of (A)
<b>Total, All Cities</b> .....	1,039	100	1,708	1.6	608	59	222	21	88	8	30	3	38	4	53	5
<b>Population Group</b>																
<b>Over 500,000</b> .....	11	1	46	4.2	2	18	0	0	3	27	2	18	4	36	0	0
<b>250,000-500,000</b> .....	14	1	39	2.8	5	36	3	21	1	7	2	14	3	21	0	0
<b>100,000-249,999</b> .....	31	3	58	1.9	17	55	6	19	5	16	0	0	2	7	1	3
<b>50,000- 99,999</b> .....	60	6	122	2.0	28	47	18	30	7	12	1	2	5	8	1	2
<b>25,000- 49,999</b> .....	127	12	252	2.0	70	55	26	20	10	8	4	3	10	8	7	6
<b>10,000- 24,999</b> .....	255	25	387	1.5	150	59	53	21	21	8	9	4	4	2	18	7
<b>5,000- 9,999</b> .....	254	24	387	1.5	155	61	60	24	19	7	4	2	4	2	12	5
<b>2,500- 4,999</b> .....	287	28	417	1.5	181	63	56	20	22	8	8	3	6	2	14	5
<b>Geographic Region</b>																
<b>Northeast</b> .....	261	25	341	1.3	171	66	57	22	10	4	2	1	3	1	18	7
<b>North Central</b> .....	331	32	572	1.7	185	56	75	23	33	10	13	4	13	4	12	4
<b>South</b> .....	270	26	487	1.8	152	56	52	19	31	12	8	3	14	5	13	5
<b>West</b> .....	177	17	308	1.7	100	56	38	22	14	8	7	4	8	5	10	6
<b>Metro/City Type</b>																
<b>Central</b> .....	109	10	384	2.6	46	42	20	18	16	15	8	7	18	17	1	1
<b>Suburban</b> .....	505	49	772	1.5	297	59	110	22	40	8	14	3	11	2	33	7
<b>Non-Metropolitan</b> .....	425	41	652	1.5	265	62	92	22	32	8	8	2	9	3	19	4
<b>Form of Government</b>																
<b>Mayor-Council</b> .....	404	39	649	1.6	246	61	82	20	33	8	10	2	15	4	18	4
<b>Council-Manager</b> .....	558	54	951	1.7	309	55	129	23	52	9	20	4	20	4	28	5
<b>Commission</b> .....	25	2	48	1.9	17	68	3	12	2	8	0	0	2	8	1	4
<b>Town Meeting</b> .....	39	4	46	1.2	26	67	7	18	0	0	0	0	1	3	5	13
<b>Representative Town Meeting</b> ..	13	1	14	1.1	10	77	1	8	1	8	0	0	0	0	1	8

Note: Percentages may not add to 100 percent owing to rounding.

Table VII

**Types of Functions Transferred by Municipalities  
in the Last Ten Years**

Classification	Total Number of Transfers		Solid Waste Collection and Disposal			Law Enforcement			Public Health			Sewage Collection and Treatment		
	Num-ber (A)	Percent of Transfers	Num-ber	Percent of (A)	Percent of Transfers	Num-ber	Percent of (A)	Percent of Transfers	Num-ber	Percent of (A)	Percent of Transfers	Num-ber	Percent of (A)	Percent of Transfers
<b>Total Transfers</b> .....	1,708	100	294	17	100	185	11	100	185	11	100	166	10	100
<b>Population Group</b>														
Over 500,000 .....	46	3	0	0	0	12	26	6	6	13	3	4	9	2
250,000-500,000 .....	39	2	0	0	0	6	15	3	6	15	3	2	5	1
100,000-249,999 .....	58	3	6	10	2	5	9	3	14	24	8	3	5	2
50,000- 99,999 .....	122	7	7	6	2	13	11	7	18	15	10	5	4	3
25,000- 49,999 .....	252	15	19	8	6	21	8	11	34	14	18	24	10	14
10,000- 24,999 .....	387	23	65	17	22	39	10	21	38	10	21	36	9	22
5,000- 9,999 .....	387	23	95	25	32	35	9	19	42	11	23	44	11	27
2,500- 4,999 .....	417	24	102	25	35	54	13	29	27	7	15	48	11	29
<b>Geographic Region</b>														
Northeast .....	341	20	47	14	16	16	5	9	40	12	22	48	14	29
North Central .....	572	33	94	17	32	74	13	40	59	10	32	67	12	40
South .....	487	29	107	24	40	49	10	26	49	10	26	35	7	21
West .....	308	18	46	15	16	46	15	25	37	12	20	16	5	10
<b>Metro/City Type</b>														
Central .....	284	17	14	5	5	46	16	25	48	17	26	16	6	10
Suburban .....	772	45	103	13	35	61	8	33	77	10	42	119	15	72
Non-Metropolitan .....	652	38	177	27	60	78	12	42	60	9	32	31	5	19
<b>Form of Government</b>														
Mayor-Council .....	649	38	143	22	49	69	11	37	61	9	33	79	12	48
Council-Manager .....	951	56	139	15	47	105	11	57	117	12	63	80	8	48
Commission .....	48	3	5	10	2	8	17	4	4	8	2	3	6	2
Town Meeting .....	46	3	5	11	2	2	4	1	3	7	2	3	6	2
Representative Town Meeting .....	14	1	2	14	1	1	7	—	0	0	0	1	7	1

Table VII (Cont.)

Classification	Taxation and Assessment			Social Services			Building and Safety Inspections			Planning			Water Supply		
	Number	Percent of (A)	Percent of Transfers	Number	Percent of (A)	Percent of Transfers	Number	Percent of (A)	Percent of Transfers	Number	Percent of (A)	Percent of Transfers	Number	Percent of (A)	Percent of Transfers
<b>Total Transfers</b> .....	153	9	100	134	8	100	66	4	100	65	4	100	60	4	100
<b>Population Group</b>															
Over 500,000 .....	1	2	1	5	11	4	3	7	5	1	2	2	1	2	2
250,000-500,000 .....	0	0	0	5	13	4	2	5	3	4	10	6	0	0	0
100,000-249,999 .....	1	2	1	8	14	6	3	5	5	3	5	5	1	2	2
50,000- 99,999 .....	12	10	8	9	7	7	4	3	6	6	5	9	1	1	2
25,000- 49,999 .....	28	11	18	27	11	20	11	4	17	8	3	12	10	4	17
10,000- 24,999 .....	42	11	27	32	8	24	12	3	18	8	2	12	14	4	23
5,000- 9,999 .....	35	9	23	31	8	23	8	2	12	17	4	26	12	3	20
2,500- 4,999 .....	34	8	22	17	4	13	23	6	35	18	4	28	21	5	35
<b>Geographic Region</b>															
Northeast .....	14	4	9	82	24	61	8	2	12	17	5	26	10	3	17
North Central .....	51	9	33	26	5	19	27	4	41	17	3	26	19	3	32
South .....	70	14	46	17	3	13	17	3	26	13	3	20	24	5	40
West .....	18	6	12	9	3	7	14	5	21	18	6	28	7	2	12
<b>Metro/City Type</b>															
Central .....	12	4	8	26	9	19	13	5	20	17	6	26	3	1	5
Suburban .....	76	10	50	65	8	49	28	4	42	31	4	48	35	5	58
Non-Metropolitan .....	65	10	42	43	6	32	25	4	38	17	3	26	22	3	37
<b>Form of Government</b>															
Mayor-Council .....	65	10	42	40	6	30	24	4	36	26	4	40	22	3	37
Council-Manager .....	84	9	55	58	6	43	40	4	61	34	4	52	36	4	60
Commission .....	3	6	2	4	8	3	2	4	3	4	8	6	1	2	2
Town Meeting .....	1	2	1	24	52	18	0	0	0	1	2	2	1	2	2
Representative Town Meeting .....	0	0	0	8	57	6	0	0	0	0	0	0	0	0	0

Table VII (Cont.)

Classification	Fire Protection and Civil Defense			Transportation			Administrative and Legal			Education			Elections		
	Number	Percent of (A)	Percent of Transfers	Number	Percent of (A)	Percent of Transfers	Number	Percent of (A)	Percent of Transfers	Number	Percent of (A)	Percent of Transfers	Number	Percent of (A)	Percent of Transfers
<b>Total Transfers</b> .....	59	4	100	56	3	100	53	3	100	49	3	100	44	3	100
<b>Population Group</b>															
Over 500,000 .....	2	4	3	4	9	7	2	4	4	1	2	2	0	0	0
250,000-500,000 .....	1	3	2	2	5	4	1	3	2	1	3	2	1	3	2
100,000-249,999 .....	1	2	2	2	3	4	3	5	6	1	2	2	1	2	2
50,000- 99,999 .....	4	3	7	11	9	20	6	5	11	8	7	16	4	3	9
25,000- 49,999 .....	11	4	19	14	6	25	10	4	19	9	4	18	6	2	14
10,000- 24,999 .....	18	5	31	11	3	20	12	3	23	9	2	18	11	3	25
5,000- 9,999 .....	8	2	14	10	3	18	10	3	19	9	2	18	7	2	16
2,500- 4,999 .....	14	3	24	2	1	4	9	2	17	11	3	22	14	3	32
<b>Geographic Region</b>															
Northeast .....	4	1	7	13	4	23	10	3	19	13	4	27	0	0	0
North Central .....	20	4	34	18	3	32	14	2	26	11	2	22	19	3	43
South .....	16	3	27	8	2	14	18	4	34	11	2	22	21	4	48
West .....	19	6	32	17	6	30	11	4	21	14	5	29	4	1	9
<b>Metro/City Type</b>															
Central .....	9	3	15	18	6	32	15	5	28	10	4	20	8	3	18
Suburban .....	28	4	47	18	2	32	20	3	38	20	3	41	16	2	36
Non-Metropolitan .....	22	3	37	20	3	36	18	3	34	19	3	39	20	3	45
<b>Form of Government</b>															
Mayor-Council .....	14	2	24	14	2	25	14	2	26	12	2	24	15	2	34
Council-Manager .....	39	4	66	40	4	71	39	4	74	32	3	65	26	3	59
Commission .....	4	8	7	1	2	2	0	0	0	0	0	0	3	6	7
Town Meeting .....	1	2	2	0	0	0	0	0	0	5	11	10	0	0	0
Representative Town Meeting .....	1	7	2	1	7	2	0	0	0	0	0	0	0	0	0



Table VII (Cont.)

Classification	Public Works			Recreation			Environmental Protection			Housing and Community Development			Miscellaneous		
	Number	Percent of (A)	Percent of Transfers	Number	Percent of (A)	Percent of Transfers	Number	Percent of (A)	Percent of Transfers	Number	Percent of (A)	Percent of Transfers	Number	Percent of (A)	Percent of Transfers
<b>Total Transfers</b> .....	44	3	100	44	3	100	27	2	100	15	1	100	9	1	100
<b>Population Group</b>															
Over 500,000 .....	1	2	2	2	4	5	1	2	4	0	0	0	0	0	0
250,000-500,000 .....	3	8	7	2	5	5	3	8	11	0	0	0	0	0	0
100,000-249,999 .....	1	2	2	1	2	2	2	3	7	1	2	7	1	2	11
50,000- 99,999 .....	6	5	14	4	3	9	2	2	7	2	2	13	0	0	0
25,000- 49,999 .....	7	3	16	5	2	11	6	2	22	2	1	13	0	0	0
10,000- 24,999 .....	14	4	32	9	2	20	6	2	22	7	2	47	4	1	44
5,000- 9,999 .....	3	1	7	13	3	30	3	1	11	3	1	20	2	1	22
2,500- 4,999 .....	9	2	20	8	2	18	4	1	15	0	0	0	2	1	22
<b>Geographic Region</b>															
Northeast .....	5	1	11	5	1	11	4	1	15	5	1	33	0	0	0
North Central .....	17	3	39	23	4	52	11	2	41	3	1	20	2	1	22
South .....	14	3	32	8	2	18	6	1	22	3	1	20	1	0	11
West .....	8	3	18	8	3	18	6	2	22	4	1	27	6	2	67
<b>Metro/City Type</b>															
Central .....	7	3	16	9	3	20	8	3	30	4	1	27	1	0	11
Suburban .....	28	4	64	23	3	52	15	2	56	5	1	33	4	1	44
Non-Metropolitan .....	9	1	20	12	2	27	4	1	15	6	1	40	4	1	44
<b>Form of Government</b>															
Mayor-Council .....	19	3	43	17	3	39	9	1	33	3	—	20	3	1	33
Council-Manager .....	25	3	57	25	3	57	17	2	63	11	1	73	4	0	44
Commission .....	0	0	0	2	4	5	1	2	4	1	2	7	2	4	22
Town Meeting .....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Representative Town Meeting .....	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: Percentages may not add to 100 percent owing to rounding.  
 — indicate rounds to less than 0.5 percent.

## Types of Functional Transfers

A total of 1,708 transfers of functions or components of a function have been made by the reporting municipalities in the period 1965-1975 (see *Table VII*). The most common transfer was solid waste collection and disposal (294 municipalities), which comprised 17 percent of all transfers. This function was followed in terms of frequency of transfer by law enforcement (11%), public health (11%), sewage collection and treatment (10%), taxation and assessment of property (9%), and social services (8%). Each remaining function comprised less than 5 percent of all transfers. Solid waste and sewage collection and disposal combined account for more than one-fourth (27%) of all reported transfers. Functions transferred least often were environmental protection (2%) and housing and community development (1%).

The most popular function transferred by cities over 500,000 population was law enforcement (26%), with public health the second most popular (13%). Cities between 250,000 and 500,000 transferred law enforcement and public health with the same frequency (15%). Public health was transferred most frequently by cities between 25,000 and 250,000.

Municipalities below 10,000 population transferred solid waste collection and disposal most often, and public works, environmental protection, and housing and community development least often.

Northeastern municipalities showed the greatest preference for the transfer of social services (24%) while North Central and Southern municipalities favored the transfer of solid waste collection and disposal. Western municipalities transferred law enforcement and solid waste collection and disposal most frequently.

Solid waste collection and disposal was the function transferred most often by mayor-council and council-manager municipalities (22% and 15%, respectively). Environmental protection and housing and community development were transferred least often by these units. Commission municipalities (17%) favored the shifting of responsibility for law enforcement. Town meeting and representative town meeting units reported that social services was the function most commonly transferred. This finding is explained by the fact that Vermont in 1967 and Massachusetts in 1968 shifted responsibility for social welfare from cities and towns to the state.

Central cities reported that public health (17%) and law enforcement (16%) were the most commonly transferred functions. Suburban municipalities (15%)

most often shifted responsibility for sewage collection and disposal, and non-metropolitan municipalities (27%) most often shifted responsibility for solid waste collection and disposal. These three classes of municipalities least often transferred responsibility for environmental protection and housing and community development.

Relative to solid waste collection and disposal transfers (294), the largest number, in their respective classifications, was transferred by: municipalities under 2,500 population (35%), Southern municipalities (40%), mayor-council municipalities (49%), and non-metropolitan municipalities (60%).

In terms of geographical regions, the law enforcement function was shifted most often by North Central municipalities (40%) and least often by Northeastern municipalities (9%). Responsibility for taxation and assessment of property was transferred most often by Southern municipalities (46%) and least often by Northeastern municipalities (9%). Planning was shifted to another unit most often by Western municipalities and least by Southern municipalities.

Classifying transfers by forms of government, we discover that 73 percent of all housing and community development transfers were made by council-manager municipalities — well over three times the percentage for mayor-council municipalities (20%). Transportation and administrative/legal functions were shifted three times as often by council-manager municipalities as by mayor-council municipalities.

With respect to the metro/city type classification, 72 percent of all sewage collection and treatment transfers were made by suburban municipalities which also made half or slightly more of all taxation and assessment, water supply, public works, recreation, and environmental protection transfers. Non-metropolitan municipalities, accounting for over one-third of all transfers (38%), made 60 percent of all solid waste collection and disposal transfers, 42 percent of both law enforcement and taxation and assessment transfers, and 45 percent of all election transfers.

Central cities over 500,000 population, constituting 1 percent of all municipalities reporting the transfer of at least one function, made 3 percent of all transfers. Municipalities under 25,000 population, which comprise 28 percent of all municipalities shifting functional responsibilities, accounted for 24 percent of all transfers. Cities between 25,000 and 50,000 population, which constitute 12 percent of all cities transferring responsibility for functions, made 15 percent of all reported transfers.

Table VIII

## Municipalities with Agreements for Receipt of Services

	Number of Reporting Cities		Have Agreement for Services		With Municipality		With County		With School District		With Other Special Districts		With Public Authority		With State		With Other Units	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Total, All Cities</b> .....	2,375		1,491	63	600	40	919	62	380	25	412	28	249	17	429	29	217	15
<b>Population Group</b>																		
Over 500,000 .....	10		8	80	1	13	3	38	1	13	2	25	0	0	1	13	3	38
250,000-500,000 .....	10		8	80	3	38	7	88	6	75	7	88	5	63	7	88	6	75
100,000-250,000 .....	50		36	72	18	50	27	75	15	42	18	50	14	39	22	61	12	33
50,000-100,000 .....	110		89	81	42	47	67	73	36	41	35	39	31	35	39	44	21	24
25,000- 50,000 .....	236		180	76	81	45	118	66	60	33	60	33	46	46	64	36	31	17
10,000- 25,000 .....	532		357	67	156	44	225	63	114	32	106	30	51	14	93	26	41	11
5,000- 10,000 .....	618		360	58	141	39	217	60	77	21	86	24	52	14	98	27	41	11
2,500- 5,000 .....	812		446	55	154	35	251	56	69	15	96	22	49	11	104	23	62	14
Under 2,500 .....	17		7	41	1	8	4	37	2	29	2	29	1	14	2	29	0	0
<b>Geographic Region</b>																		
Northeast .....	502		275	55	149	54	83	30	72	26	55	20	67	24	79	29	37	13
North Central .....	791		513	65	224	44	317	62	126	25	142	28	58	11	122	24	73	14
South .....	706		380	54	118	31	253	67	66	17	81	21	81	21	123	32	66	17
West .....	398		313	79	109	35	266	86	116	37	134	43	43	14	105	34	41	13
<b>Form of Government</b>																		
Mayor-Council .....	1,148		645	56	257	40	357	55	136	21	152	24	91	14	167	26	88	14
Council-Manager .....	1,098		762	69	315	41	519	68	249	33	238	31	157	21	233	31	118	15
Commission .....	78		46	59	11	24	34	74	8	17	9	20	5	11	16	35	4	9
Town Meeting .....	57		30	53	12	40	6	20	15	50	9	30	6	20	11	37	4	13
Representative Town Meeting ..	14		8	59	5	63	3	38	2	25	2	25	1	13	2	25	2	25
<b>Metro/City Type</b>																		
Central .....	155		117	75	43	37	81	69	41	35	46	39	37	32	53	45	39	33
Suburban .....	1,076		762	71	426	56	458	60	201	26	241	29	142	19	201	26	112	13
Non-Metropolitan .....	1,164		612	53	131	21	380	62	128	21	127	21	70	11	176	29	76	12

Source: Joseph F. Zimmerman, "Intergovernmental Service Agreements and Transfer of Functions," in Advisory Commission on Intergovernmental Relations, *Substate Regionalism and the Federal System*, Vol. III; *Challenge of*

*Local Governmental Reorganization* (Washington, D.C.: U.S. Government Printing Office, 1974), p. 36.

Council-manager municipalities, constituting 54 percent of all transferring municipalities, made 56 percent of all transfers, while mayor-council municipalities, constituting 39 percent of all transferring municipalities, accounted for 38 percent of all transfers.

Central cities comprised 10 percent of all transferring municipalities and made 17 percent of all transfers, while suburban municipalities, which make up 49 percent of all transferring units, accounted for 45 percent of all transfers. Our earlier survey of inter-governmental service agreements revealed that central cities and suburban municipalities entered into agreements with other governments for the receipt of

services with about the same degree of frequency — 75 percent and 71 percent respectively (see *Table VIII*).

*Table IX* relates the shift of functional responsibility to the change in the transferring units' population between 1960 and 1970. Although all four classes of municipalities most often shifted responsibility for solid waste collection and disposal, rapid growth units did so significantly less often — 13 percent compared to 19 or 20 percent for the other units. Whereas rapid growth units shifted responsibility for sewage collection and treatment at the same rate as solid waste collection and disposal, the transfer of responsibility for sewage collection and treatment ranked fourth or

*Table IX*  
**Cities Transferring Responsibility for a Function Classified by Population Change, 1960-1970**

Function	Declining Municipalities (0 to 100%)		Slow Growth Municipalities (0 to 10%)		Moderate Growth Municipalities (10 to 25%)		Rapid Growth Municipalities (25 to 1000%)		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Administrative and</b>										
Legal .....	15	4	12	4	7	2	18	3	52	3
<b>Taxation and</b>										
Assessment .....	25	6	30	10	38	11	60	9	153	9
Elections .....	9	2	5	2	11	3	19	3	44	3
Social Services .....	33	8	25	8	28	8	48	8	134	8
Planning .....	19	5	5	2	17	5	21	3	62	4
Recreation .....	6	2	10	3	7	2	21	3	44	3
Law Enforcement .....	51	13	30	10	30	9	71	11	182	11
<b>Fire Protection and</b>										
Civil Defense .....	10	3	8	3	14	4	27	4	59	4
<b>Environmental</b>										
Protection .....	5	1	6	2	4	1	12	2	27	2
Public Works	12	3	4	1	5	1	22	3	43	3
<b>Sewage Collection and</b>										
Treatment .....	30	8	24	8	25	7	84	13	163	10
<b>Solid Waste Collection</b>										
and Disposal .....	74	19	63	20	67	20	84	13	288	17
Water Supply .....	10	3	7	2	8	2	32	5	57	3
Transportation .....	17	4	10	3	13	4	16	3	56	3
Education .....	12	3	6	2	10	3	20	3	48	3
Public Health .....	51	13	42	14	36	11	53	8	182	11
<b>Housing and</b>										
Community										
Development .....	2	1	6	2	2	0	5	1	15	1
<b>Building and Safety</b>										
Inspection .....	15	4	17	5	17	5	17	3	66	4
Miscellaneous .....	3	1	1	0	2	0	3	0	9	1
<b>Total</b> .....	399	100	311	100	341	100	633	100	1,684	100

Table X

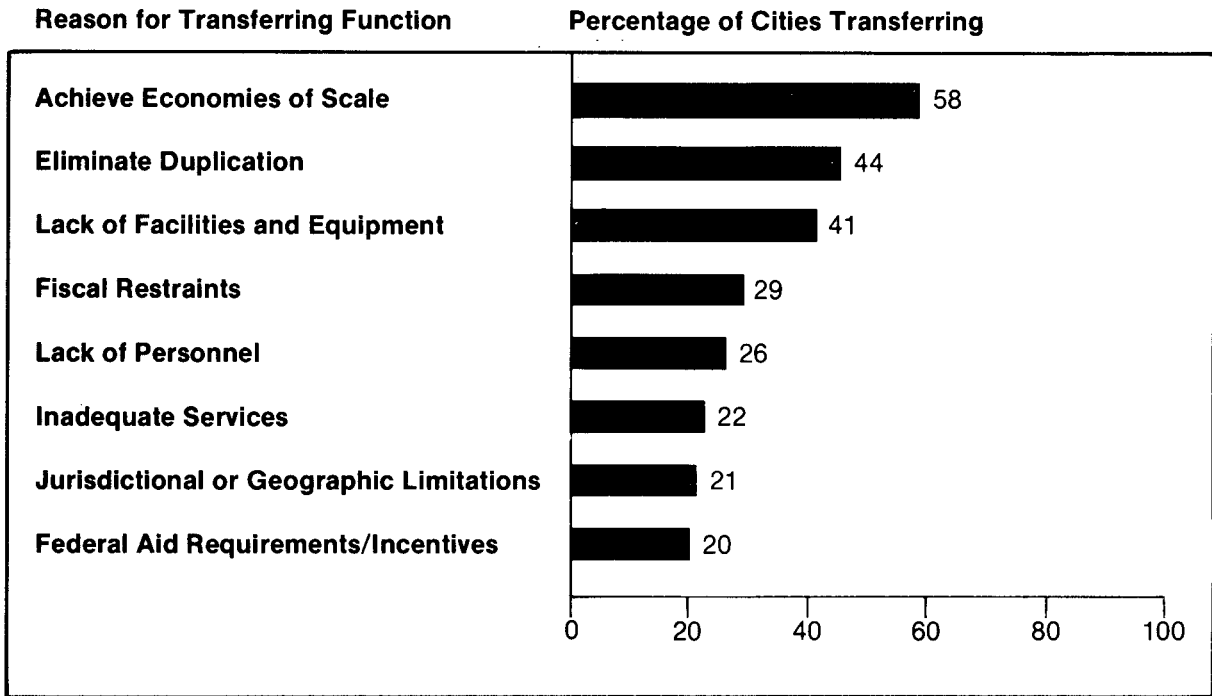
**Recipients of Functional Transfers, By Type**

Function	Total Number of Functional Transfers (A)	Another Municipality		County		State		Special District		Council of Governments	
		Number	Percent of (A)	Number	Percent of (A)	Number	Percent of (A)	Number	Percent of (A)	Number	Percent of (A)
<b>Total Functions</b> .....	1,708	121	7	958	56	231	14	324	19	74	4
<b>Administrative and Legal</b> .....	53	5	10	26	49	12	23	4	8	6	11
<b>Taxation and Assessment</b> .....	153	3	2	106	69	29	19	12	8	3	2
<b>Elections</b> .....	44	0	0	43	98	1	2	0	0	0	0
<b>Social Services</b> .....	134	1	1	46	34	82	61	5	4	0	0
<b>Planning</b> .....	65	3	5	27	42	1	2	11	17	23	35
<b>Recreation</b> .....	44	4	9	17	39	2	5	18	41	3	7
<b>Law Enforcement</b> .....	185	10	5	135	73	27	15	5	3	8	4
<b>Fire Protection and Civil</b>											
<b>Defense</b> .....	59	7	12	33	56	3	5	15	25	1	2
<b>Environmental Protection</b> .....	27	0	0	11	41	6	22	9	33	1	4
<b>Public Works</b> .....	44	3	7	22	50	10	23	9	21	0	0
<b>Sewage Collection and</b>											
<b>Treatment</b> .....	166	25	15	34	21	2	1	96	58	9	5
<b>Solid Waste Collection</b>											
<b>and Disposal</b> .....	294	23	8	220	75	4	1	37	13	10	3
<b>Water Supply</b> .....	60	24	40	8	13	0	0				
<b>Transportation</b> .....	56	2	4	20	36	4	7	28	47	0	0
<b>Education</b> .....	49	1	2	23	47	5	10	28	50	2	4
<b>Public Health</b> .....	185	9	5	137	74	19	10	20	41	0	0
<b>Housing and Community</b>											
<b>Development</b> .....	15	0	0	9	60	1	7	18	10	2	1
<b>Building and Safety</b>											
<b>Inspections</b> .....	66	1	2	39	59	22	33	3	20	2	13
<b>Miscellaneous</b> .....	9	0	0	2	22	1	11	1	2	3	5
								5	56	1	11

Note: Percentages may not add to 100 percent owing to rounding.

Chart I

### Reasons for Transferring Functional Responsibilities



lower in terms of frequency by municipalities in the other population change categories.

### Recipients of Transfers

The county was the recipient of 56 percent of the 1,708 functions or components transferred to other units of government by reporting municipalities. Special districts and the state were the recipients of 19 percent and 14 percent, respectively, of the functions shifted by municipalities. Transfers of functions and components to other municipalities and councils of governments were minimal — 7 percent and 4 percent, respectively (see *Table X*).

Nearly one-fourth (23%) of all transfers to the county involved solid waste collection and disposal. The most commonly shifted function to the state was social services which accounted for more than one-third (35%) of all transfers to the state. Thirty percent of all transfers to special districts involve sewage collection and treatment. Thirty-one percent of all transfers to councils of governments involved planning.

Functions most often transferred to the county were elections (98%), solid waste collection and disposal (75%), public health (74%), and law enforcement (73%).

The state was the recipient of 61 percent of all social service transfers and the county was the recipient of 34 percent of such transfers. The county and the state were the recipients of 49 percent and 23 percent, respectively, of all transfers of administrative and legal functions and components.

Special districts were the recipients of 47 percent of all water supply transfers, and other municipalities were the recipients of 40 percent of such transfers. Responsibility for planning most often was shifted to the county (42%) and councils of governments (35%).

### Reasons for Transfers

The survey questionnaires requested each respondent reporting one or more transfers to “check the three most important reasons that best explain your municipality’s decision” to shift responsibility for the function(s) or component(s) to another governmental

unit. In addition to "other," eight reasons were listed — (1) achieve economies of scale, (2) lack of facilities and equipment, (3) lack of personnel, (4) eliminate duplication, (5) inadequate services, (6) fiscal restraints, (7) jurisdictional or geographic limitations, and (8) Federal aid requirements/incentives.

Six hundred of the municipalities (58%) reporting the transfer of at least one function or component checked "achieve economies of scale" as a reason for shifting the responsibility for the function or component (see *Chart I and Table XI*). In addition, respondents checked the following reasons: eliminate duplication, 457 (44%); lack of facilities and equipment, 427 (41%); fiscal restraints, 299 (29%); lack of personnel, 270 (26%); inadequate services, 223 (22%); jurisdictional or geographic limitations, 219 (21%); and Federal aid requirements/incentives, 211 (20%).

With respect to the principal forms of administration, manager municipalities (69%) checked "achieve economies of scale" significantly more often than mayor municipalities (54%). Larger units also checked the achievement of economies of scale more frequently than smaller units with all municipalities in the 250,000 to 500,000 population category checking this reason compared to 54 percent of the units in the 2,500 to 4,999 population class. Since central cities on the average are larger than suburban or non-metropolitan units, the finding that 84 percent of the central cities checked this reason compared to 62 percent of the suburban and 57 percent of the non-metropolitan units was to be expected.

Significant regional variations are found relative to the achievement of economies of scale as a reason motivating municipalities to shift responsibility for functions. Ninety-five percent of the 142 municipalities in the Northeast who had transferred functions checked this reason compared to 20 percent of the municipalities in the North Central region, 58 percent of the units in the South, and 71 percent of the units in the West.

Larger units also checked "eliminate duplication" more often than smaller units. Eighty-eight percent of the municipalities over 500,000 population checked this reason compared to only 38 percent of the units in the 2,500 to 4,999 population category. There were no significant regional differences in the percentage of municipalities checking the elimination of duplication as a motivation for shifting responsibility for a function or component, but there were significant differences between central cities (83%), suburban units (38%), and non-metropolitan units (50%). Slightly over one-half of the council-manager municipalities (51%) and slightly under one-half (45%) of the mayor-

council municipalities were motivated by this reason.

The third reason checked by more than one-third of the respondents (41%) — "lack of facilities and equipment" — was a motivating factor for units over 500,000 (63%) and units in the 2,500 to 4,999 population category (52%). Interestingly, only 23 percent of the cities in the 250,000 to 500,000 population class checked this reason. Municipalities in the Northeast (67%) were motivated more often by this reason than municipalities in each of the other three regions which each checked this reason with approximately the same degree of frequency. In view of the fact that 63 percent of the units over 500,000 population checked this reason, it is somewhat surprising to discover that only 36 percent of the central cities as compared to 46 percent of the suburban municipalities checked this reason. Lack of facilities and equipment was a slightly more important motivating factor in mayor-council municipalities (48%) than in council-manager municipalities (42%).

*Table XII* is a breakout of responses on a functional basis. The percentages are based on all reasons for transferring a particular function or component. Fifty-one percent of the responses indicated that achievement of economies of scale was the dominant reason for transferring functional responsibilities, while 41 percent indicated elimination of duplication, 29 percent lack of facilities, and 22 percent fiscal restraints.

Achievement of economies of scale was the predominant reason indicated for shifting responsibility for education (71%), public works (62%), taxation and assessment (58%), fire protection and civil defense (58%), solid waste collection and disposal (56%), and public health (56%).

State mandate was the motivating factor in shifting responsibility for elections (51%) and social services (48%). Federal air requirements and incentives were one of the prime motivating factors in the transfer of responsibility for sewage collection and treatment (39%).

*Table XIII* classifies the reasons for the transfer of responsibility for functions and components by recipient unit. Achievement of economies of scale was a significantly less important motivating reason for transfers to the state (34%) than for transfers to the other recipient units. Lack of facilities and equipment was a much more important reason for shifting functional responsibility to another municipality (54%) than for shifts to the other recipient units. The elimination of duplication ranked considerably higher as a reason for functional transfers to the county (51%) than for transfers to the other recipient units.

Table XI

Reasons for Functional Transfers

	Achieve Economies of Scale		Lack of Facilities		Lack of Personnel		Eliminate Duplication		Inadequate Services	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Total, All Cities</b> .....	600	58	427	41	270	26	457	44	223	21
<b>Population Group</b>										
<b>Over 500,000</b> .....	6	75	5	63	1	13	7	88	6	75
<b>250,000-500,000</b> .....	13	100	3	23	4	31	10	77	7	54
<b>100,000-250,000</b> .....	18	60	7	29	2	7	22	73	6	20
<b>50,000-100,000</b> .....	46	78	23	39	11	19	32	54	13	22
<b>25,000- 50,000</b> .....	92	77	40	34	26	22	70	59	27	23
<b>10,000- 25,000</b> .....	148	63	90	38	64	27	105	44	52	22
<b>5,000- 10,000</b> .....	132	55	119	49	65	27	107	44	52	22
<b>2,500- 5,000</b> .....	145	54	140	52	97	36	103	38	59	22
<b>Geographic Region</b>										
<b>Northeast</b> .....	135	95	95	67	59	42	75	53	53	37
<b>North Central</b> .....	203	20	143	45	89	28	162	51	84	26
<b>South</b> .....	147	58	119	47	63	25	128	51	50	20
<b>West</b> .....	116	71	70	43	59	36	92	56	36	22
<b>Form of Government</b>										
<b>Mayor-Council</b> .....	205	54	183	48	97	25	171	45	92	24
<b>Council-Manager</b> .....	362	69	221	42	160	31	267	51	114	22
<b>Commission</b> .....	16	70	11	48	6	26	10	43	39	9
<b>Town Meeting</b> .....	14	41	9	26	6	18	7	21	7	21
<b>Representative Town Meeting</b> .....	4	33	3	25	1	8	2	17	1	8
<b>Metro/City Type</b>										
<b>Central</b> .....	80	84	34	36	19	20	79	83	33	35
<b>Suburban</b> .....	290	62	214	46	139	30	177	38	107	23
<b>Non-Metropolitan</b> .....	231	57	179	44	112	28	201	50	83	20



Table XI (Cont.)

	Fiscal Restraints		Jurisdictional Limitations		Federal Aid Requirements or Incentives		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Total, All Cities</b> .....	299	29	219	21	211	20	319	31
<b>Population Group</b>								
Over 500,000 .....	6	75	6	75	5	63	4	50
250,000-500,000 .....	11	85	7	54	5	38	7	54
100,000-250,000 .....	16	53	12	40	10	33	10	33
50,000-100,000 .....	20	34	23	39	14	24	19	32
25,000- 50,000 .....	46	39	36	30	37	31	42	35
10,000- 25,000 .....	70	30	49	21	50	21	86	36
5,000- 10,000 .....	65	27	57	24	50	21	77	32
2,500- 5,000 .....	65	24	29	11	40	15	74	27
<b>Geographic Region</b>								
Northeast .....	70	49	30	21	55	39	80	56
North Central .....	100	31	83	26	67	21	124	39
South .....	66	26	59	23	53	21	80	32
West .....	64	39	48	29	36	22	36	22
<b>Form of Government</b>								
Mayor-Council .....	104	27	67	18	77	20	123	32
Council-Manager .....	181	35	147	28	123	24	169	32
Commission .....	7	30	2	9	2	9	8	35
Town Meeting .....	6	18	0	0	7	21	17	50
Representative Town Meeting .....	2	17	4	33	2	17	3	25
<b>Metro/City Type</b>								
Central .....	50	53	47	49	37	39	39	41
Suburban .....	136	29	92	20	98	21	141	30
Non-Metropolitan .....	114	28	81	20	76	19	140	35

Table XII

**Reasons Municipalities Transferred, By Type of Function**

Function	Total Functions with Reasons	Achieve Economies of Scale		Eliminate Duplication		Lack of Facilities		Fiscal Restraints		Lack of Personnel		Jurisdictional Limitations		State Mandate		Inadequate Services		Federal Aid Requirement		Other		
	Indicated (A)	Number	Percent of (A)	Number	Percent of (A)	Number	Percent of (A)	Number	Percent of (A)	Number	Percent of (A)	Number	Percent of (A)	Number	Percent of (A)	Number	Percent of (A)	Number	Percent of (A)	Number	Percent of (A)	
<b>Total Reasons</b> . . . . .	1,596	818	51	656	41	457	29	349	22	307	19	301	19	280	18	240	15	232	15	137	9	
<b>Administrative and</b>																						
<b>Legal</b> . . . . .	49	28	57	24	49	14	29	8	16	10	20	5	10	13	27	2	4	1	2	0	0	
<b>Taxation and</b>																						
<b>Assessment</b> . . . . .	144	84	58	64	44	27	19	12	8	30	21	13	9	53	37	8	6	2	1	6	4	
<b>Elections</b> . . . . .	43	15	35	24	56	1	2	2	5	7	16	8	19	22	51	0	0	0	0	1	2	
<b>Social Services</b> . . . . .	109	35	32	33	30	5	5	30	28	8	7	12	11	52	48	6	6	19	17	17	16	
<b>Planning</b> . . . . .	62	35	57	29	47	8	13	10	16	25	40	20	32	3	5	11	18	22	36	2	3	
<b>Recreation</b> . . . . .	41	22	54	18	44	10	24	16	39	10	24	12	29	0	0	11	27	2	5	9	22	
<b>Law Enforcement</b> . . . . .	179	94	53	84	47	50	28	28	16	34	19	33	18	44	25	27	15	14	8	11	6	
<b>Fire Protection and</b>																						
<b>Civil Defense</b> . . . . .	52	30	58	21	40	15	29	21	40	17	33	13	25	2	4	13	25	4	8	3	6	
<b>Environmental</b>																						
<b>Protection</b> . . . . .	27	6	22	9	33	3	11	3	11	5	19	10	37	8	30	2	7	8	30	4	15	
<b>Public Works</b> . . . . .	39	24	62	15	39	10	26	19	49	10	26	11	28	0	0	2	5	3	8	5	13	
<b>Sewage Collection and Treatment</b> . . . . .	158	77	49	51	32	60	38	29	18	15	10	26	17	21	13	24	15	62	39	10	6	
<b>Solid Waste</b>																						
<b>Collection and Disposal</b> . . . . .	271	151	56	130	48	134	49	44	16	27	10	52	19	35	13	31	11	32	12	21	8	
<b>Water Supply</b> . . . . .	56	22	39	12	21	30	54	17	30	5	9	6	11	1	2	24	43	16	29	6	11	
<b>Transportation</b> . . . . .	55	26	47	9	16	14	26	26	47	5	9	24	44	2	4	11	20	17	31	10	18	
<b>Education</b> . . . . .	48	34	71	22	46	9	19	18	38	4	8	8	17	3	6	14	29	8	17	5	10	
<b>Public Health</b> . . . . .	179	101	56	84	47	59	33	48	27	55	31	34	19	9	5	36	20	11	6	17	10	
<b>Housing and</b>																						
<b>Community Development</b> . . . . .	15	8	53	6	40	0	0	4	27	3	20	5	33	1	7	3	20	8	53	0	0	
<b>Building and Safety Inspections</b> . . . . .	61	21	34	18	30	4	7	12	20	34	56	9	15	11	18	15	25	3	5	6	10	
<b>Miscellaneous</b> . . . . .	8	5	63	3	38	4	50	2	25	3	38	0	0	0	0	0	0	0	0	4	50	

Note: Percentages add to more than 100 percent owing to multiple responses.

Table XIII

**Reasons for Transfers Classified by Recipient Unit**

Reason	Another Municipality		The County		Special District		Council of Governments		The State	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Achieve Economies of Scale</b> .....	62	54	489	54	168	56	31	46	68	34
<b>Lack of Facilities and Equipment</b> .....	62	54	264	29	97	32	11	16	23	12
<b>Lack of Personnel</b> .....	29	25	185	20	39	13	19	28	35	18
<b>Eliminate Duplication</b> ...	37	32	462	51	93	31	21	31	43	22
<b>Inadequate Services</b> ....	24	21	107	12	71	24	15	22	23	12
<b>Fiscal Restraints</b> .....	25	22	163	18	101	33	16	24	44	22
<b>Jurisdictional Limitations</b> .....	18	16	181	20	58	19	12	18	32	16
<b>Federal Air Requirements or Incentives</b> .....	21	18	90	10	81	27	24	35	16	8
<b>State Law</b> .....	6	5	149	16	27	9	8	12	90	46
<b>Other Reason</b> .....	7	6	76	8	36	12	8	12	10	5
<b>Total Number of Respondents</b> .....	115	100	913	100	302	100	68	100	198	100

Table XIV

**Reasons for Functional Transfers Classified by Population Change, 1960-1970**

Reason	Declining Municipalities (0 to 100%)		Slow Growth Municipalities (0 to 10%)		Moderate Growth Municipalities (10 to 25%)		Rapid Growth Municipalities (25 to 1000%)		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Achieve Economies of Scale</b> .....	136	56	102	51	113	53	212	55	563	54
<b>Lack of Facilities and Equipment</b> .....	96	40	69	34	76	36	143	37	385	37
<b>Lack of Personnel</b> .....	57	24	39	19	48	23	99	26	243	23
<b>Eliminate Duplication</b> ...	113	47	86	43	85	40	162	42	446	43
<b>Inadequate Services</b> ....	55	23	33	16	38	18	78	20	204	20
<b>Fiscal Restraints</b> .....	70	29	52	26	54	25	101	26	277	27
<b>Jurisdictional Limitations</b> .....	45	19	43	21	40	19	83	22	211	20
<b>Federal Aid Requirements or Incentives</b> .....	52	22	35	17	39	18	78	20	204	20
<b>Other Reason</b> .....	68	28	63	31	67	32	107	29	307	30

This finding was to be anticipated since a municipality and a county engage in several common functional activities. Also expected was the finding that fiscal restraints motivated the shift of functional responsibility more often to the special district (33%) than for transfers to the other recipient units. Fiscal restraints in several states refer to constitutional and/or statutory debt and tax limitations which apply to municipalities but not to special districts. There is relatively little correlation between rates of population change and the reasons for functional transfers (see *Table XIV*).

## Results of Transfers

Each respondent reporting the transfer of a function or a component was requested to indicate the effect of the transfer of the function(s) and component(s) in terms of (1) more uniform service levels, (2) more efficient use of capital resources, (3) more efficient use of personnel, (4) better management of the function or component, (5) lower unit costs, (6) higher unit costs, (7) poorer quality service, (8) higher quality service, (9) other.

*Table XV*, reveals general satisfaction with the results of functional transfers. Forty-four percent of the respondents cited higher quality service, and 43 percent cited lower unit costs compared to 14 percent of the respondents who checked poor quality service and 21 percent who checked higher unit costs. More uniform service levels was checked by 44 percent of the respondents, better management of the function or component was checked by 43 percent, more efficient use of personnel was checked by 41 percent, and more efficient use of capital resources was checked by 40 percent.

Cities over 500,000 population were most satisfied with the results of the transfers as evidenced by the fact that ten of the 11 (91%) cities checked more uniform service levels and eight (73%) checked better management of function and higher quality service. By way of contrast, we note that only 43 percent of the cities in the 250,000 to 500,000 population class checked more uniform service levels; 36 percent checked better management of function and 43 percent checked higher quality service.

Relative to regional differences in perceptions of the effects of the transfers, municipalities in the Northeast are least satisfied and municipalities in the West are most satisfied. Only 36 percent of the units in the Northeast checked more uniform service levels compared to 52 percent of the units in the West. A similar difference is to be noted with respect to more

efficient use of capital resources; only slightly more than one-fourth of the Northeastern municipalities checked this reason whereas it was checked by nearly one-half of the municipalities in the West.

Council-manager governments generally were more satisfied with the results of functional transfers than mayor-council governments, but the differences in the rates of satisfaction do not vary greatly with the exception of better management of function, which was checked by 63 percent of the council-manager municipalities and by only 43 percent of the mayor-council municipalities.

Central cities also are generally more satisfied with the effects of the functional transfers than suburban and non-metropolitan municipalities. Twenty-two percent of the central cities, however, reported poorer quality service whereas only 12 percent of the suburban units and 13 percent of the non-metropolitan units reported a deterioration in the quality of the service as a result of transfers of functional responsibilities.

*Table XVI* breaks down the perceived results of transfers by function. Fifty-three percent of the respondents perceived the transfer of responsibility for public works as resulting in more uniform service levels, but only 28 percent perceived higher quality service as a result of the transfer. Only 6 percent of the respondents felt that the transfer of responsibility for public works resulted in higher unit costs whereas 50 percent of the respondents perceived the transfer resulting in lower unit costs.

Perceptions of better management of the function as a product of a transfer ranged from 30 percent of the respondents with respect to water supply to 58 percent with respect to recreation. The range for more efficient use of capital resources was 14 percent for social services to 58 percent for education. Perceptions of more efficient use of personnel varied from 18 percent for water supply to 54 percent for administrative and legal transfers. The range for lower unit costs was 8 percent for environmental protection to 51 percent for taxation and assessment. And perceptions of higher quality services varied from 22 percent for elections to 58 percent for recreation.

*Table XVII* classifies the perceived results of transfers by recipient unit. Forty-two percent of the municipal respondents believe that more uniform service levels have resulted from transfers to the county, but only 25 percent of the respondents believe that a similar result is a product of transfers to a council of governments. Transfers to the state are least often perceived as resulting in more efficient use of capital resources (13%) and higher quality service

Table XV

Results of Functional Transfers

Classification	Total Cities Transferring Functions (A)	More Uniform Service Levels				More Efficient Use of Capital Resources				Better Manage- ment Efficient Use of Personnel of Function				Lower Unit Costs		Higher Unit Costs		Poorer Quality Service		Higher Quality Service		Other	
		Num- ber	Per- cent (A)	Num- ber	Per- cent (A)	Num- ber	Per- cent (A)	Num- ber	Per- cent (A)	Num- ber	Per- cent (A)	Num- ber	Per- cent (A)	Num- ber	Per- cent (A)	Num- ber	Per- cent (A)	Num- ber	Per- cent (A)	Num- ber	Per- cent (A)	Num- ber	Per- cent (A)
<b>Total, All Cities</b> .....	1,039	460	44	415	40	422	41	451	43	442	43	221	21	148	14	455	44	141	14				
<b>Population Group</b>																							
Over 500,000 .....	11	10	91	7	64	6	55	8	73	3	27	3	27	1	9	8	73	1	11				
250,000-500,000 .....	14	6	43	5	36	5	36	5	36	7	50	2	14	4	29	6	43	2	14				
100,000-249,999 .....	31	16	52	10	32	14	45	10	32	11	35	6	19	7	23	9	29	6	19				
50,000- 99,999 .....	60	34	57	28	47	32	53	30	50	24	40	12	20	13	22	25	42	9	15				
25,000- 49,999 .....	127	61	48	56	44	59	46	53	42	46	36	27	21	16	12	53	42	22	17				
10,000- 24,999 .....	255	103	40	94	37	102	40	107	42	102	40	64	26	42	16	107	41	36	14				
5,000- 9,999 .....	254	112	44	98	37	96	38	120	47	117	42	45	18	35	14	109	43	36	14				
2,500- 4,999 .....	287	118	41	117	41	108	38	118	41	132	46	62	22	30	10	137	48	29	10				
<b>Geographic Region</b>																							
Northeast .....	261	94	36	69	26	78	30	99	38	90	34	51	20	38	15	90	34	35	14				
North Central .....	331	162	49	143	43	135	31	135	31	152	46	78	24	53	16	155	47	46	14				
South .....	270	112	40	122	45	120	44	131	49	122	45	51	19	35	13	125	46	38	14				
West .....	177	92	52	81	46	89	50	86	49	78	44	41	23	22	12	84	47	22	12				
<b>Metro/City Type</b>																							
Central .....	109	61	66	52	58	63	67	55	50	44	40	20	19	24	22	47	43	15	14				
Suburban .....	505	225	41	193	35	186	34	214	39	222	22	107	19	67	12	219	39	68	12				
Non-Metropolitan .....	425	174	41	170	40	173	41	182	43	176	41	94	22	57	13	188	44	58	14				
<b>Form of Government</b>																							
Mayor-Council .....	404	173	43	153	38	154	38	173	43	174	43	86	21	49	12	170	42	54	13				
Council-Manager .....	558	266	46	245	44	246	44	254	63	248	44	115	21	88	16	262	47	78	14				
Commission .....	25	8	32	8	32	14	56	12	48	8	32	7	28	1	4	11	44	4	16				
Town Meeting .....	39	12	31	8	21	7	18	11	28	10	26	12	31	9	23	10	26	2	5				
Representative Town Meeting .....	13	1	8	1	8	1	8	1	8	2	15	1	8	1	8	1	8	3	23				

Note: Percentages add to more than 100 percent owing to multiple responses.

*Table XVI*  
**Perceived Results of Transfers,  
 By Function**

Function	More Uniform Service Levels		More Efficient Use of Capital Resources		More Efficient Use of Personnel		Better Management of Function	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Administrative and Legal .....	22	44	13	26	27	54	26	52
Taxation and Assessment .....	65	46	28	20	62	44	53	38
Elections .....	15	41	7	19	13	35	15	41
Social Services .....	43	41	15	14	28	27	29	28
Planning .....	24	39	13	21	22	36	25	41
Recreation .....	16	40	17	43	20	50	23	58
Law Enforcement .....	71	41	59	34	84	48	62	35
Fire Protection and Civil Defense .....	19	37	26	51	23	45	19	37
Environmental Protection .....	12	46	6	23	12	46	11	42
Public Works .....	19	53	13	36	13	36	13	36
Sewage Collection and Treatment .....	48	29	61	41	32	22	53	36
Solid Waste Collection and Disposal .....	60	23	117	44	66	25	113	43
Water Supply .....	22	39	25	44	10	18	17	30
Transportation .....	25	46	23	43	10	19	24	44
Education .....	20	47	25	58	17	40	14	33
Public Health .....	83	48	53	31	70	40	55	32
Housing and Community Development .....	5	36	5	36	6	43	8	57
Building and Safety Inspection .....	30	50	9	15	27	45	19	32
Miscellaneous .....	2	25	2	25	3	38	3	38
Totals .....	596	39	517	34	545	35	582	38

Table XVI (Cont.)

**Perceived Results of Transfers,  
By Function**

Function	Lower Unit Costs		Higher Unit Costs		Poorer Quality Service		Higher Quality Service		Other		Number of Respondents
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Administrative and Legal .....	20	40	2	4	7	14	14	28	4	8	50
Taxation and Assessment .....	71	51	10	7	18	13	43	31	15	11	140
Elections .....	11	30	4	11	5	14	8	22	1	3	37
Social Services .....	15	14	31	30	20	19	24	23	12	11	105
Planning .....	15	25	2	3	7	12	27	44	6	10	61
Recreation .....	15	38	3	8	2	5	23	58	3	8	40
Law Enforcement .....	78	45	21	12	22	13	66	38	18	10	175
Fire Protection and Civil Defense .....	25	49	5	10	1	2	28	55	3	6	51
Environmental Protection .....	2	8	1	4	2	8	8	31	4	15	26
Public Works .....	18	50	2	6	4	11	10	28	1	3	36
Sewage Collection and Treatment .....	45	30	38	26	10	7	51	34	22	15	149
Solid Waste Collection and Disposal .....	111	42	57	22	15	6	88	33	32	12	265
Water Supply .....	16	28	21	37	5	9	29	51	6	11	57
Transportation .....	14	26	4	7	3	6	27	50	7	13	54
Education .....	11	26	4	9	2	5	18	42	6	14	43
Public Health .....	62	36	20	12	20	12	60	35	19	11	174
Housing and Community Development .....	4	29	0	0	20	4	8	57	2	14	14
Building and Safety Inspection .....	14	23	10	17	5	8	16	27	6	10	60
Miscellaneous .....	3	38	0	0	0	0	2	25	1	13	8
Totals .....	550	36	235	15	150	10	550	36	168	11	1,545

*Table XVII*  
**Perceived Results of Transfers  
 Classified by Recipient Unit**

Perceived Results	Another Municipality		The County		Special District		Council of Governments		The State	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
More Uniform Service Levels ..	36	31	367	42	101	35	17	25	75	39
More Efficient Use of Capital Resources .....	41	36	309	35	123	43	19	28	25	13
More Efficient Use of Personnel .....	34	30	344	39	87	30	29	43	51	26
Better Management of Function .....	42	37	331	38	120	42	35	52	54	28
Lower Unit Costs .....	48	42	342	39	95	33	23	34	42	22
Higher Unit Costs .....	20	17	112	13	61	21	6	9	36	19
Poorer Quality Service .....	8	7	85	10	13	5	5	7	39	20
Higher Quality Service .....	54	47	307	35	118	41	31	46	40	21
Other Result .....	8	7	88	10	39	14	9	13	24	12
Total Number of Respondents .....	115	100	880	100	289	100	68	100	193	100

*Table XVIII*  
**Perceived Results of Transfers Classified by Population Change,  
 1960-1970**

Perceived Results	Declining Municipalities (0 to 100%)		Slow Growth Municipalities (0 to 10%)		Moderate Growth Municipalities (10 to 25%)		Rapid Growth Municipalities (25 to 1000%)		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
More Uniform Service Levels ..	108	45	81	40	76	36	153	40	418	40
More Efficient Use of Capital Resources .....	105	43	72	36	63	29	149	40	389	37
More Efficient Use Of Personnel .....	96	40	68	34	80	37	134	35	378	36
Better Management of Function .....	105	43	75	37	75	35	170	44	425	41
Lower Unit Costs .....	102	42	72	36	71	33	142	37	387	37
Higher Unit Costs .....	42	17	41	20	37	17	86	25	202	19
Poorer Quality Service .....	31	13	30	15	29	14	51	13	141	14
Higher Quality Service .....	99	41	73	36	74	35	152	40	398	38
Other Result .....	29	12	22	11	27	13	51	13	129	12



(21%), and are most often perceived as resulting in poorer quality service (20%). In contrast, transfers to a special district are most often perceived as resulting in more efficient use of capital resources (43%) and least often as resulting in poorer quality service (5%).

Classifying the perceived results of transfers by the population change of the respondents' municipalities in the period 1960-1970 reveals that declining municipalities most often (45%) and moderate growth units (36%) least often perceive transfers as resulting in more uniform service levels (see *Table XVIII*). A similar pattern exists with respect to more efficient use of capital resources. Rapid growth units (44%) most often and slow growth units (37%) least often perceived transfers as resulting in better management

of the functions. Interestingly, declining municipalities (41%) and rapid growth municipalities (40%) most often report that functional transfers have resulted in higher quality service.

### Effects on Middle-Tier Units

Each respondent was asked his or her perception of the effect of transfers of responsibility for the performance of functions and components of functions on the need for subcounty special districts, a modernized county government, a multicounty regional service agency, and a council of governments or regional planning commission.

*Table XIX*  
**Effects of Transfers on Subcounty Special Districts**

Classification	Number of Cities Reporting (A)	Reduced the Need for		Increased the Need for		No Effect	
		Number	Percent of (A)	Number	Percent of (A)	Number	Percent of (A)
<b>Total, All Cities</b> .....	1,106	242	22	188	17	676	61
<b>Population Group</b>							
Over 500,000 .....	12	4	33	1	8	7	58
250,000-500,000 .....	14	3	21	1	7	10	72
100,000-249,999 .....	36	12	33	4	11	20	56
50,000- 99,999 .....	71	9	13	14	20	48	67
25,000- 49,999 .....	153	37	24	24	16	92	60
10,000- 24,999 .....	261	54	21	40	15	167	64
5,000- 9,999 .....	264	62	23	43	16	159	61
2,500- 4,999 .....	295	61	21	61	21	173	58
<b>Geographic Region</b>							
Northeast .....	222	35	16	52	23	135	61
North Central .....	361	76	21	60	17	225	62
South .....	291	55	19	37	13	199	68
West .....	232	76	33	39	17	117	50
<b>Metro/City Type</b>							
Central .....	127	29	23	13	10	85	67
Suburban .....	558	118	21	115	21	325	58
Independent .....	421	95	23	60	14	266	63
<b>Form of Government</b>							
Mayor-Council .....	418	71	17	68	16	279	67
Council-Manager .....	628	162	26	114	18	352	56
Commission .....	31	7	23	2	7	22	71
Town Meeting .....	20	2	10	2	10	16	80
Representative Town Meeting	9	0	0	2	22	7	78

*Note:* Percentages may not add to 100 percent owing to rounding.

*Table XX*  
**Effect of Transfers on Modernized County Government**

Classification	Number of Cities Reporting (B)	Reduced the Need for		Increased the Need for		No Effect	
		Number	Percent of (B)	Number	Percent of (B)	Number	Percent of (B)
<b>Total, All Cities</b> .....	1,168	68	6	525	45	575	49
<b>Population Group</b>							
Over 500,000 .....	12	1	8	4	33	7	58
250,000-500,000 .....	14	0	0	6	43	8	57
100,000-249,999 .....	36	2	6	15	42	19	52
50,000- 99,999 .....	78	6	8	32	41	40	51
25,000- 49,999 .....	162	4	3	75	46	83	51
10,000- 24,999 .....	279	18	7	126	45	135	48
5,000- 9,999 .....	280	16	6	126	45	138	49
2,500- 4,999 .....	307	21	7	141	46	145	47
<b>Geographic Region</b>							
Northeast .....	235	23	12	82	35	125	53
North Central .....	371	16	4	182	49	173	47
South .....	324	14	4	159	49	151	47
West .....	238	10	4	102	43	126	53
<b>Metro/City Type</b>							
Central .....	135	6	4	63	47	66	49
Suburban .....	581	36	6	246	42	299	52
Non-Metropolitan .....	452	26	6	216	48	210	46
<b>Form of Government</b>							
Mayor-Council .....	437	27	6	177	41	233	53
Council-Manager .....	668	37	6	328	49	303	45
Commission .....	33	1	3	14	42	18	55
Town Meeting .....	21	2	10	5	24	14	66
Representative Town Meeting	9	1	11	1	11	7	78

Note: Percentages may not add to 100 percent owing to rounding.

**Subcounty Special Districts.** Sixty-one percent of the 1,106 municipalities reported that transfers had no effect on the need for subcounty special districts compared with 22 percent that indicated a reduced need and 17 percent that indicated an increased need for such districts (see *Table XIX*). While one-third of the cities over 500,000 population perceived a reduced need for such districts, only 13 percent of the cities in the 50,000 to 99,999 population class held the same perception. Twenty percent of the municipalities in the latter population category felt the need for subcounty special districts had been increased whereas only 7 percent of the municipalities in the 250,000 to 500,000 population class held a similar perception.

A significant regional difference in responses is apparent. Only 16 percent of the municipalities in the Northeast perceived a reduced need for subcounty special districts, while one-third of the municipalities in the West perceived a reduced need. The difference in the perceptions of responding mayor-council municipalities and council-manager municipalities is noticeable but not striking with 17 percent of the former and 26 percent of the latter perceiving that the need for such districts had been reduced. The differences in perceptions among central, suburban, and non-metropolitan municipalities is not significant.

**Modernized County Governments.** *Table XX* con-

tains a significant finding: 45 percent of the 1,168 responding municipalities perceive an increased need for a modernized county government as a result of the shifting of responsibility for functions and components of functions. Only 6 percent indicated that the transfers had reduced the need for a modernized county government, but 49 percent reported that transfers had no effect on the need for such a government.

Only minor differences appear in the perceptions of municipalities in the various population classes with one exception. None of the municipalities in the 250,000 to 500,000 population category felt that transfers had reduced the need for a modernized county government.

Geographical differences of opinion are more pronounced: Only 35 percent of the municipalities in the Northeast perceived an increased need for a modernized county government compared to 49 percent in the North Central region and in the South. The perception of Northeastern municipalities reflect at least in part the fact that organized county government was abolished in Rhode Island and Connecticut in 1842 and 1960, respectively, and is a relatively weak unit of local government in the other four New England states.

Mayor-council municipalities and council-manager municipalities generally held the same opinions regarding the impact of functional transfers on the need for a modernized county government, al-

*Table XXI*  
**Effect of Transfers on Multicounty Service Agency**

Classification	Number of Cities Reporting (C)	Reduced the Need for		Increased the Need for		No Effect	
		Number	Percent of (C)	Number	Percent of (C)	Number	Percent of (C)
<b>Total, All Cities</b> .....	1,094	119	11	249	23	726	66
<b>Population Group</b>							
Over 500,000 .....	12	2	17	3	25	7	58
250,000-500,000 .....	14	1	7	3	21	10	72
100,000-249,999 .....	37	4	11	9	24	24	65
50,000- 99,999 .....	75	8	11	20	27	47	63
25,000- 49,999 .....	156	14	9	34	22	108	69
10,000- 24,999 .....	262	30	12	55	21	177	67
5,000- 9,999 .....	256	29	11	56	22	171	67
2,500- 4,999 .....	282	31	11	69	25	182	64
<b>Geographic Region</b>							
Northeast .....	216	32	15	44	20	140	65
North Central .....	356	33	9	90	25	233	65
South .....	289	26	9	60	21	203	70
West .....	233	28	12	55	24	150	64
<b>Metro/City Type</b>							
Central .....	131	11	8	32	24	88	68
Suburban .....	554	60	11	140	25	354	64
Non-Metropolitan .....	409	48	12	77	19	284	69
<b>Form of Government</b>							
Mayor-Council .....	405	42	10	97	24	266	66
Council-Manager .....	632	72	11	142	23	418	66
Commission .....	30	2	7	7	23	21	70
Town Meeting .....	18	2	11	2	11	14	78
Representative Town Meeting	9	1	11	1	11	7	78

*Note:* Percentages may not add to 100 percent owing to rounding.

Table XXII

## Effect of Transfers on Council of Governments

Classification	Number of Cities Reporting (D)	Reduced the Need for		Increased the Need for		No Effect	
		Number	Percent of (D)	Number	Percent of (D)	Number	Percent of (D)
<b>Total, All Cities</b> .....	1,145	81	7	390	34	674	59
<b>Population Group</b>							
Over 500,000 .....	12	1	8	5	42	6	50
250,000-500,000 .....	14	0	0	3	21	11	79
100,000-249,999 .....	37	3	8	12	32	22	60
50,000- 99,999 .....	78	6	8	30	38	42	54
25,000- 49,999 .....	154	10	7	43	28	101	65
10,000- 24,999 .....	270	19	7	88	33	163	60
5,000- 9,999 .....	268	22	8	90	34	156	58
2,500- 4,999 .....	312	20	6	119	38	173	56
<b>Geographic Region</b>							
Northeast .....	232	17	7	85	37	130	56
North Central .....	374	25	7	131	35	218	58
South .....	300	24	8	82	27	194	65
West .....	239	15	6	92	39	132	55
<b>Metro/City Type</b>							
Central .....	131	6	5	47	36	78	59
Suburban .....	575	38	7	203	35	334	58
Non-Metropolitan .....	439	37	8	140	32	262	60
<b>Form of Government</b>							
Mayor-Council .....	429	33	8	146	34	250	58
Council-Manager .....	649	47	7	220	34	382	59
Commission .....	33	0	0	12	36	21	64
Town Meeting .....	23	1	4	9	39	13	57
Representative Town Meeting	11	0	0	3	27	8	73

Note: Percentages may not add to 100 percent owing to rounding.

though the former (41%) were less inclined to perceive an increased need than the latter (49%). The perceptions of central cities, suburban municipalities, and non-metropolitan municipalities did not vary greatly as regards the increased need for a modernized county government because of functional transfers.

**Multicounty Regional Service Agencies.** Two-thirds of the municipalities reported that the shifting of responsibility for functions and components had no effect on the need for a multicounty regional service agency (see *Table XXI*). Only 23 percent of the municipalities indicated an increased need for such an agency. The major difference in perception of an increased need for such an agency was between su-

burban municipalities and non-metropolitan municipalities. Twenty-five percent of the former saw an increased need compared to 19 percent of the latter. Perceptions did not vary greatly by population size, geographic region, or form of government.

**Councils of Governments.** Thirty-four percent of the reporting municipalities saw an increased need for a council of governments or a regional planning commission as a consequence of functional transfers (see *Table XXII*). Fifty-nine percent of the municipalities perceived that functional transfers had no effect on the need for a council of governments or a regional planning commission. Significantly, 42 percent of the

cities over 500,000 population indicated there was an increased need compared to only 21 percent of the cities in the 250,000 to 500,000 population category. Responses did not vary greatly by geographic regions, forms of government, or central city, suburban, and non-metropolitan locations.

### Plans for Future Transfers

Relative to plans for the future transfer of responsibility for a function or a component of a function to another governmental unit, only 360 municipal respondents (12%) indicated that their governments were planning to transfer functional responsibilities within the next two years (see *Table XXIII*). Significantly, 43 percent of the cities over 500,000 population plan to shift responsibility for one or more functions. In contrast, only 9 percent of the units in the 2,500 to 4,999 population category and 10 percent of the units in the 5,000 to 9,999 population category plan to transfer functional responsibility. Regional differences in plans to shift functions and components to another governmental unit vary from 9 percent of the municipalities in the South, to 12 percent of the municipalities in the North Central region, to 13 percent of the units in the Northeast, to 16 percent of the units in the West.

In conformity with our earlier finding relative to the frequency of transfers during the past ten years, 17 percent of the council-manager municipalities plan to shift responsibility for functions and components compared to only 8 percent of the mayor-council municipalities. In view of the fact that a large percentage of the cities over 500,000 population plan to transfer functions and components within the next two years, it is not surprising that twice as many central cities (22%) report they plan to shift functional responsibility to another governmental unit as non-metropolitan municipalities (11%). Suburban municipalities (12%) plan to transfer functional responsibility with approximately the same degree of frequency as non-metropolitan municipalities (11%).

*Table XXIV* reveals that the county is the favored recipient unit for functions municipalities are planning to transfer during the next two years. Three functions — solid waste collection and disposal (48), law enforcement (41), and public health (26) — stand out as the functions municipalities are most willing to transfer to the county. The special district is the favorite intended recipient for sewage collection and treatment (18) and transportation (16). Interestingly, municipalities have indicated a greater preference for the state than for the special district as the recipient

*Table XXIII*

**Municipalities Planning to Transfer  
A Function or a Component Within  
The Next Two Years**

Classification	Number of Cities Report- ing (A)	Cities Planning to Transfer	
		Number	Percent of (A)
<b>Total, All Cities</b> .....	3,003	360	12
<b>Population Group</b>			
Over 500,000 .....	14	6	43
250,000-500,000 .....	16	3	19
100,000-249,999 .....	60	12	20
50,000- 99,999 .....	142	31	22
25,000- 49,999 .....	282	48	17
10,000- 24,999 .....	659	93	14
5,000- 9,999 .....	796	79	10
2,500- 4,999 .....	1,034	88	9
<b>Geographic Region</b>			
Northeast .....	716	94	13
North Central .....	943	112	12
South .....	877	80	9
West .....	467	74	16
<b>Metro/City Type</b>			
Central .....	201	45	22
Suburban .....	1,504	175	12
Non-Metropolitan .....	1,298	140	11
<b>Form of Government</b>			
Mayor-Council .....	1,497	120	8
Council-Manager .....	1,310	216	17
Commission .....	102	10	10
Town Meeting .....	70	12	17
Representative Town Meeting .....	24	2	8

unit for solid waste collection and disposal. The smallest number of planned transfers involve elections, environmental protection, housing and community development, and building and safety inspection.

Rapidly growing municipalities are planning to transfer responsibility for the largest number of functions and components during the next two years (see *Table XXV*). Law enforcement (22), sewage collection and treatment (22), and solid waste collection and disposal (19) are the three functions which these municipalities plan to transfer with the greatest frequency. Declining, slow growth, and moderate

growth municipalities report that solid waste collection and disposal is the function that they plan to transfer most often during the next two years.

### Other Service Arrangements

To obtain data on the nature and scope of inter-governmental agreements for the provision of 76 services, a 20-page questionnaire was mailed in 1972 to 5,930 municipalities over 2,500 population. Responses received from 38 percent of the units were classified by population categories, geographical regions, forms of government, and central city, suburban, and non-metropolitan locations (see *Table VIII*). Sixty-three percent of the responding municipalities reported that they had entered into formal and infor-

mal agreements for the provision of services to their citizens by other governmental units or private firms. The latter play a major role in providing certain services to municipalities. Of the 385 municipalities reporting the receipt of refuse collection service under contracts, 339 (88%) received the service from private firms. Eighty-six percent of the 253 agreements relative to engineering services involved the private sector. The percentage was 84 for legal services, 79 for street lighting, 67 for public relations services, and 64 for microfilm services.

In our 1975 survey, respondents were asked to indicate whether their municipalities preferred to use intergovernmental service agreements and/or contracts with private firms for the provision of services to their citizens rather than a permanent

*Table XXIV*  
**Planned Transfers Classified by Function and Recipient Unit**

Reason	Another Municipality		The County		Special District		Council of Governments		The State		Other Unit		Did Not Specify		Total
	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent	
<b>Administrative and Legal</b> .....	1	5	3	2	1	1	2	6	0	0	0	0	0	0	7
<b>Taxation and Assessment</b> .....	0	0	13	7	3	3	0	0	1	4	1	33	0	0	18
<b>Elections</b> .....	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
<b>Social Services</b> .....	1	5	5	3	1	1	0	0	0	0	0	0	0	0	7
<b>Planning</b> .....	1	5	12	6	9	10	12	39	0	0	1	33	0	0	35
<b>Recreation</b> .....	0	0	2	1	7	8	1	3	1	4	0	0	0	0	11
<b>Law Enforcement</b> .....	1	5	41	22	2	2	2	6	3	13	0	0	2	8	51
<b>Fire Protection and Civil Defense</b> .....	1	5	5	3	4	4	0	0	0	0	0	0	1	4	11
<b>Environmental Protection</b> .....	1	5	2	1	0	0	1	3	0	0	0	0	0	0	4
<b>Public Works</b> .....	0	0	1	0	2	2	2	6	0	0	0	0	1	4	6
<b>Sewage Collection and Treatment</b> .....	8	41	10	5	18	19	4	13	0	0	0	0	3	12	43
<b>Solid Waste Collection and Disposal</b> .....	3	16	48	26	11	12	2	6	14	61	0	0	5	20	83
<b>Water Supply</b> .....	1	5	2	1	8	9	1	3	0	0	0	0	2	8	14
<b>Transportation</b> .....	1	5	4	2	16	17	2	6	0	0	1	33	3	12	27
<b>Education</b> .....	0	0	3	2	3	3	0	0	0	0	0	0	2	8	8
<b>Public Health</b> .....	0	0	26	14	5	5	2	6	2	9	0	0	3	12	38
<b>Housing and Community Development</b> .....	0	0	1	0	2	2	0	0	0	0	0	0	2	8	5
<b>Building and Safety Inspection</b> .....	0	0	3	2	1	1	0	0	1	4	0	0	0	0	5
<b>Miscellaneous</b> .....	0	0	3	2	0	0	0	0	1	4	0	0	1	4	5
<b>Totals</b> .....	19	100	185	100	93	100	31	100	23	100	3	100	25	100	379

Table XXV  
**Cities Planning to Transfer Responsibility for a Function  
 Classified by Population Change,  
 1960-1970**

Function	Declining Municipalities (0 to 100%)		Slow Growth Municipalities (0 to 10%)		Moderate Growth Municipalities (10 to 25%)		Rapid Growth Municipalities (25 to 1000%)		Total	
	Num- ber	Per- cent	Num- ber	Per- cent	Num- ber	Per- cent	Num- ber	Per- cent	Num- ber	Per- cent
<b>Administrative and</b>										
Legal .....	0	0	3	4	1	1	3	2	7	2
<b>Taxation and</b>										
Assessment .....	4	5	2	3	5	7	7	5	18	5
Elections .....	0	0	0	0	1	1	0	0	1	0
Social Services .....	3	4	0	0	1	1	3	2	7	2
Planning .....	6	7	6	8	4	6	18	12	34	9
Recreation .....	4	5	2	3	2	3	3	2	11	3
Law Enforcement .....	13	16	7	10	7	10	22	15	49	13
<b>Fire Protection and Civil Defense ....</b>	3	3	1	1	1	1	6	4	11	3
<b>Environmental</b>										
Protection .....	0	0	2	3	0	0	2	1	4	1
Public Works .....	2	2	0	0	1	1	3	2	6	2
<b>Sewage Collection and Treatment .....</b>	6	7	4	6	11	16	22	15	43	12
<b>Solid Waste</b>										
Collection and										
Disposal .....	21	25	24	33	18	27	19	13	82	22
Water Supply .....	3	4	2	3	0	0	9	6	14	4
Transportation .....	5	6	7	10	6	9	9	6	27	7
Education .....	3	4	0	0	1	1	4	3	8	2
Public Health .....	7	8	7	10	6	9	14	9	34	9
<b>Housing and Community</b>										
Development .....	1	1	2	3	1	1	1	1	5	1
<b>Building and Safety</b>										
Inspection .....	2	2	1	1	0	0	2	1	5	1
Miscellaneous .....	0	0	2	3	1	1	2	1	5	1
<b>Totals .....</b>	83	100	72	100	67	100	149	100	371	100

transfer of responsibility for a function or a component of a function.

**Service Agreements.** Table XXVI reveals that approximately one-third of the municipal respondents prefer to use intergovernmental service agreements for the receipt of services than to transfer the responsibility for a function to another governmental jurisdiction. The preference for service agreements over transfers of functional responsibility is associated directly with increasing population size. Only 23 percent of the municipalities in the 2,500 to 4,999 population group and 30 percent of the units in the

5,000 to 9,999 population group expressed a preference for service agreements compared to 69 percent of the cities in the 250,000 to 500,000 population category and in the over 500,000 population category. This finding also is reflected in the fact that a preference for service agreements over the transfer of functional responsibility was checked by 24 percent of the non-metropolitan municipalities and 50 percent of the central cities.

A significant regional difference in preference is apparent as 48 percent of the municipalities in the West indicate they prefer to use intergovernmental service agreements rather than to transfer responsibil-

ity for a function or a component compared to 26 percent of the municipalities in the Northeast expressing a similar preference. This finding may be attributable to the fact that a relatively strong unit of local government capable of providing services (the county) to municipalities under agreements exists in many areas of the West, whereas there are no organized county governments in Connecticut and Rhode Island, and the county governments in the other four New England states have an outmoded organizational structure and lack the authority and resources needed to provide urban type services under agreements to municipalities.

Another significant finding is the greater preference for intergovernmental service agreements over functional transfers expressed by council-manager

municipalities (41%) compared to mayor-council municipalities (25%).

**Contracts with Private Firms.** Slightly over one-third of the respondents, as indicated by *Table XXVI* expressed a preference for contracting with a private firm for the provision of a service than for shifting responsibility for a function or component to another governmental unit. Again, the preference for private contracts is associated directly with increasing population size, with only 32 percent of the municipalities in the 2,500 to 4,999 population class and 37 percent of the municipalities in the 10,000 to 24,999 population class indicating a preference for contracts with private firms, compared to 53 percent of the units in the 250,000 to 500,000 population class and 71 per-

*Table XXVI*  
**Municipalities Preferring Service Agreements and Private Contracts to Functional Transfers**

Classification	Intergovernmental Service Agreements			Contracts with Private Firms		
	Number of Cities Reporting (A)	Use Agreements	Percent of (A)	Number of Cities Reporting (B)	Use Contracts	Percent of (B)
<b>Total, All Cities</b> .....	2,650	843	32	2,627	954	36
<b>Population Group</b>						
Over 500,000 .....	13	9	69	14	10	71
250,000-500,000 .....	16	11	69	15	8	53
100,000-249,999 .....	59	34	57	57	25	44
50,000- 99,999 .....	135	64	47	133	54	41
25,000- 49,999 .....	265	109	41	257	103	40
10,000- 24,999 .....	603	206	34	589	216	37
5,000- 9,999 .....	673	203	30	685	258	38
2,500- 4,999 .....	679	207	23	877	280	32
<b>Geographic Region</b>						
Northeast .....	612	158	26	609	215	35
North Central .....	835	274	33	838	344	41
South .....	767	203	27	743	187	25
West .....	436	208	48	437	208	48
<b>Metro/City Type</b>						
Central .....	194	97	50	188	76	40
Suburban .....	1,334	478	36	1,341	561	42
Non-Metropolitan .....	1,122	268	24	1,098	317	29
<b>Form of Government</b>						
Mayor-Council .....	1,274	313	25	1,279	441	35
Council-Manager .....	1,211	495	41	1,187	462	39
Commission .....	89	25	28	86	31	36
Town Meeting .....	59	7	12	60	17	28
Representative Town Meeting .....	17	3	18	15	3	20



Table XXVII

**Cities Assuming Responsibility for a Function Classified by  
Transferring Unit and Population Change,  
1960-1970**

	Private Firm		The County		Another Municipality		The State	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>822 Declining Municipalities</b> (0 to 100%) .....	98	13	35	5	30	4	26	3
<b>688 Slow Growth Municipalities</b> (0 to 10%) .....	86	13	28	4	33	5	18	3
<b>693 Moderate Growth Municipalities</b> (10 to 25%) .....	102	15	40	6	31	5	21	3
<b>1,098 Rapid Growth Municipalities</b> (25 to 1000%) .....	131	12	76	7	68	7	44	4

cent of the cities over 500,000 population. The smaller central cities obviously have less preference for private contracts than large central cities as reflected in the fact that only 40 percent of the central cities, compared to 42 percent of the suburban municipalities, expressed a preference for private contracts over the transfer of responsibility for functions. A significant regional difference in preference is to be noted with only one-fourth of the southern municipalities compared to nearly one-half of the western municipalities expressing a preference for contracts with private firms over functional transfers. The difference in views of mayor-council and council-manager units is not significant, although the latter (39%) expressed a slightly greater preference for private contracts than the former (35%).

### ASSUMPTION OF FUNCTIONAL RESPONSIBILITY

The data analyzed to this point clearly indicate that there has been a substantial number of transfers of functional responsibilities by municipalities to higher levels of government. We must point out that there are many individuals who argue that responsibility for numerous functions is overcentralized and that functions should be shifted to a lower governmental level in order to provide greater responsiveness to the needs of the citizenry and to improve the efficiency of service provisions.<sup>1</sup> A few states have responded to

this argument by authorizing the devolution of responsibility for a function or component of a function.

The 1968 California Legislature enacted the *Community Mental Health Services Act*, effective in 1969, transferring responsibility for mental health services to counties with a population in excess of 100,000 and providing state reimbursement of 90 percent of the net costs.<sup>2</sup> The 1969 New York State Legislature, responding to pressures from advocates of political decentralization of schools, decentralized the New York City school system by establishing a federated system with limited community control effective July 1, 1970, and the 1970 Michigan Legislature enacted a law establishing a similar federated school system in Detroit.<sup>3</sup>

To collect data on the assumption of responsibility for governmental functions by municipalities, each respondent was asked whether his or her municipality had assumed responsibility or had responsibility transferred to it for any function(s) or component(s) of a function (e.g., public transportation or rubbish collection) that previously was performed by a private firm, the county, another municipality, or the state.

Classifying the municipalities assuming responsibility for a function or component by population change, we discover that responsibility for functions was assumed as follows: 319 by rapid growth units, 194 by moderate growth units, 165 by slow growth units, and 189 by declining units (see *Table XXVII*).

	Fire Protection and Civil Defense		Environmental Protection		Public Works		Sewage Collection and Treatment		Solid Waste Collection and Disposal		Water Supply		Transportation	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>822 Declining Municipalities</b>														
(0 to 100%) .....	13	7	3	2	15	8	6	3	43	23	5	3	35	19
<b>688 Slow Growth Municipalities</b>														
(0 to 10%) .....	4	2	1	1	4	2	9	5	50	28	11	6	24	13
<b>693 Moderate Growth Municipalities</b>														
(10 to 25%) .....	8	4	6	3	21	9	13	6	41	18	11	5	32	14
<b>1,098 Rapid Growth Municipalities</b>														
(25 to 1000%) .....	26	6	19	5	41	10	19	5	65	16	31	8	45	11

	Education		Public Health		Housing and Community Development		Building and Safety Inspections		Miscellaneous		Total			
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent		
<b>822 Declining Municipalities</b>														
(0 to 100%) .....			2	1	31	17	1	1	6	3	4	2	200	100
<b>688 Slow Growth Municipalities</b>														
(0 to 10%) .....			4	2	30	17	0	0	8	4	2	1	181	100
<b>693 Moderate Growth Municipalities</b>														
(10 to 25%) .....			2	1	37	16	2	1	5	2	3	1	226	100
<b>1,098 Rapid Growth Municipalities</b>														
(25 to 1000%) .....			5	1	39	10	5	1	16	4	12	3	407	100

Solid waste collection and disposal is the function that most often has been assumed by municipalities in each of the four population change categories (see *Table XXVIII*). Interestingly, the second most commonly assumed function by declining and rapid growth municipalities is transportation, whereas public health is the second most commonly assumed function by slow and moderate growth municipalities.

*Table XXIX* reveals that municipalities assumed responsibility for a total of 874 functions or components of functions during the period 1965-1975. Most new functions were ones that previously had been performed by private firms.

### Private Firms

Thirteen percent of the functions previously had been performed by private firms, 6 percent had been performed by the county, 5 percent had been performed by another municipality, and 4 percent had been performed by the state government. The relatively high percentage of functions assumed from private firms reflects in part municipalities assuming responsibility for public transportation to preserve a service threatened by the bankruptcy or near bankruptcy of the local private transportation company. Several state governments have mandated that municipalities assume responsibility for a service — such as the operation of a sanitary landfill to dispose of rubbish — which previously had been provided by a private firm.

The assumption of responsibility for a service previously provided by a private firm is closely associated with population size. Whereas only 6 percent of the units in the 2,500 to 4,999 population category and 12 percent of the units in the 5,000 to 9,999 population category assumed responsibility for a service previously provided by a private firm, 59 percent of the units in the 250,000 to 500,000 population class and 64 percent of the cities over 500,000 population have assumed responsibility for a service provided in the past by a private firm(s).

A significant regional difference exists between the tendency for municipalities in the Northeast and municipalities in the other three regions to assume responsibility from private firms for a function(s). Only 8 percent of the units in the Northeast reported assuming responsibility for such functions compared to 14 percent of the units in the South and 16 percent of the units in the North Central and Western regions.

Relative to the two principal forms of municipal government, manager-council communities (17%) are more apt to assume responsibility for a function(s)

Table XXVIII

### Cities Assuming Responsibility for a Function Classified by Population Change, 1960-1970

	Administrative and Legal		Taxation and Assessment		Elections		Social Services		Planning		Recreation		Law Enforcement	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>822 Declining Municipalities (0 to 100%)</b> .....	8	4	3	2	0	0	7	4	4	2	3	2	11	6
<b>688 Slow Growth Municipalities (0 to 10%)</b> .....	4	2	2	1	0	0	12	3	1	1	5	3	10	6
<b>693 Moderate Growth Municipalities (10 to 25%)</b> .....	7	3	3	1	0	0	6	3	8	4	10	4	11	5
<b>1,098 Rapid Growth Municipalities (25 to 100%)</b> .....	7	2	5	1	0	0	20	5	11	3	6	1	35	9

from a private firm than mayor-council communities (10%). Commission cities assumed responsibility for such functions with about the same degree of frequency (15%) as manager-council municipalities.

In view of the fact that large cities have a greater proclivity to assume responsibility for functions from private firms than smaller cities, it is not surprising that 42 percent of the central cities compared to 12 percent of the non-metropolitan units and 11 percent of the suburban units assumed responsibility for functions from private firms.

## The County

Relative to functions transferred by counties to municipalities, a major divergence from the tendency of larger units to assume more functions from private firms is to be noted. Only 8 percent of the municipalities over 500,000 population reported accepting responsibility for a function(s) from the county compared to 19 percent of the cities in the 250,000 to 500,000 population class and 18 percent of the cities in the 100,000 to 249,999 population class. This finding is not surprising when one considers the fact that large central cities generally are financially hard pressed and would experience difficulty in financing new functions.

In terms of regions of the nation, municipalities in the West (13%) are most apt and municipalities in the Northeast (2%) are least apt to accept responsibility for functions transferred by counties. The finding for the Northeastern municipalities was to be expected, since organized county governments do not exist in two of the New England states and the county governments in the other four New England states have few functions to transfer.

Interestingly, manager-council municipalities (10%) are more than three times as apt to accept responsibility for a function from the county than mayor-council municipalities (3%). *Table XXIX* also reveals, as expected, that central cities (14%) have a much greater propensity to accept functional transfers from the county than suburban units (6%) and non-metropolitan units (5%).

## Another Municipality

Other municipalities transferred 5 percent of the total number of functions assumed by reporting municipalities. Although there is a tendency for larger units to assume more functions from other municipalities, we note a major exception with respect to units in the 50,000 to 99,999 population class. Ten percent

of the units in this class reported assuming responsibility for a function from another municipality compared to only 6 percent of the municipalities in the 250,000 to 500,000 population class and 8 percent of the cities over 500,000 population.

There is relatively little difference in the tendency of municipalities in each of the four regions of the country to assume responsibility for functions transferred by another municipality. A more important difference in the tendency is to be noted with respect to the two principal forms of municipal government. Eight percent of the manager-council municipalities reported assuming responsibility for a function from another municipality compared to three percent of the mayor-council municipalities. This finding may be the result of the greater ability and willingness of the manager-council units to accept responsibility for functions.

Metropolitan location accounts for a relatively important difference in the tendency of municipalities to assume responsibility for functions from other municipalities. Ten percent of the central cities accepted responsibility for such functions compared to only 4 percent of the non-metropolitan municipalities and 6 percent of the suburban municipalities.

## The State Government

One-hundred-eleven municipalities reported that they have assumed responsibility for functions previously performed by the state government. Larger cities have a greater tendency to accept responsibility for functions transferred by the state than smaller municipalities. Twenty-one percent of the cities over 500,000 population and 18 percent of the cities in the 250,000 to 500,000 population group took over responsibility for functions or components of functions from the state, whereas only 2 percent of the units in the 2,500 to 4,999 population class and 3 percent of the units in the 5,000 to 9,999 population class assumed responsibility for functions from the state.

Regional differences in the rates of transfers of functional responsibility from the state to municipalities are not large — 3 percent in the North Central region and the South and 5 percent in the Northeast and the West.

Manager-council municipalities (5%) have a greater tendency to accept responsibility for functional transfers from the state than mayor-council municipalities (2%). Central cities (9%), as anticipated, assumed responsibility more frequently for functions transferred by the state than suburban units (3%) and non-metropolitan units (3%).

Table XXIX

**Cities Assuming Responsibility for a Function  
Classified by Transferring Unit**

Classification	Private Firm			County			Another Municipality			State		
	Number Reporting (A)	Number of Cities Assuming	Percent of (A)	Number Reporting (B)	Number of Cities Assuming	Percent of (B)	Number Reporting (C)	Number of Cities Assuming	Percent of (C)	Number Reporting (D)	Number of Cities Assuming	Percent of (D)
<b>Total, All Cities</b> .....	3,164	420	13	3,121	180	6	3,102	163	5	3,096	111	4
<b>Population Group</b>												
Over 500,000 .....	14	9	64	14	1	8	14	2	15	14	3	21
250,000-500,000 .....	17	10	59	16	3	19	16	1	6	16	3	18
100,000-249,999 .....	62	23	37	63	11	18	62	5	8	62	7	11
50,000- 99,999 .....	148	40	27	146	21	14	144	14	10	143	9	6
25,000- 49,999 .....	298	67	23	291	22	8	292	21	7	292	15	5
10,000- 24,999 .....	695	102	15	682	51	8	679	44	7	676	25	4
5,000- 9,999 .....	841	99	12	834	38	5	827	46	6	826	28	3
2,500- 4,999 .....	1,089	70	6	1,075	33	3	1,068	30	3	1,067	21	2
<b>Geographic Region</b>												
Northeast .....	756	60	8	743	11	2	745	44	6	741	34	5
North Central .....	990	154	16	973	42	4	965	50	5	966	29	3
South .....	930	126	14	922	63	7	912	39	4	911	24	3
West .....	488	80	16	483	64	13	480	30	6	478	24	5
<b>Metro/City Type</b>												
Central .....	208	89	42	207	29	14	205	21	10	205	18	9
Suburban .....	1,596	170	11	1,568	90	6	1,556	92	6	1,551	53	3
Non-Metropolitan .....	1,360	161	12	1,346	61	5	1,341	50	4	1,340	40	3
<b>Form of Government</b>												
Mayor-Council .....	1,598	164	10	1,578	49	3	1,562	49	3	1,561	34	2
Council-Manager .....	1,350	232	17	1,332	127	10	1,328	105	8	1,323	68	5
Commission .....	112	17	15	110	4	4	108	5	5	108	1	1
Town Meeting .....	78	5	6	75	0	0	78	4	5	78	7	9
Representative Town Meeting .....	26	2	8	26	0	0	26	0	0	26	1	4

Table XXX

**Municipalities Required by the State to Perform a New Function**

Classification	Number of Cities Reporting (A)	Required by State to Assume Responsibility	
		Number	Percent of (A)
<b>Total, All Cities</b> .....	2,943	691	23
<b>Population Group</b>			
Over 500,000 .....	14	6	43
250,000-500,000 .....	17	8	47
100,000-249,999 .....	61	21	34
50,000- 99,999 .....	139	44	32
25,000- 49,999 .....	280	61	22
10,000- 24,999 .....	643	163	25
5,000- 9,999 .....	767	169	22
2,500- 4,999 .....	1,022	219	21
<b>Geographic Region</b>			
Northeast .....	708	163	23
North Central .....	924	205	22
South .....	854	174	20
West .....	457	149	33
<b>Metro/City Type</b>			
Central .....	198	60	30
Suburban .....	1,475	327	22
Non-Metropolitan .....	1,270	304	24
<b>Form of Government</b>			
Mayor-Council .....	1,477	284	19
Council-Manager .....	1,273	361	28
Commission .....	100	16	16
Town Meeting .....	71	19	27
<b>Representative</b>			
Town Meeting .....	22	11	50

**State-Mandated Assumptions**

Municipal respondents also were asked if their state government during the past ten years had required the performance of a function or component of a function that their municipalities had never previously performed. The *Florida Local Government Comprehensive Planning Act of 1975*, for example, requires all cities and counties to prepare and adopt comprehensive plans by July 1, 1979.<sup>4</sup> In the event a city fails to adopt a plan, the county planning agency (if one exists) assumes responsibility for the preparation and adoption of the plan. If a county defaults in

its responsibility, the plan is prepared by the Division of State Planning.

Twenty-three percent, or 691, of the responding municipalities reported that their state government had mandated the performance of a new function or component of a function (see *Table XXX*). States more often required large cities to perform a new function than small cities. Forty-three percent of the cities over 500,000 population stated that they were required by the state to perform a new function compared to 22 percent of the municipalities in the 5,000 to 9,999 population class and 21 percent of the municipalities in the 2,500 to 4,999 population class.

Western municipalities (33%) reported a much greater tendency for their state government to mandate the performance of a new function than municipalities in the South (20%), North Central region (22%), and Northeast (23%). Central cities also reported a much greater tendency (30%) than suburban municipalities (22%) and non-metropolitan units (24%) for the state to mandate the performance of a new function.

**FOOTNOTES**

<sup>1</sup>For a description and analysis of the arguments in favor of the devolution of functional responsibilities, see Joseph F. Zimmerman, *The Federated City: Community Control in Large Cities* (New York: St. Martin's Press, 1972).

The existing fragmented local government system is justified by a group of political scientists and political economists who equate the system to a market system in which local governments provide different types and quality of goods and services. Individuals, according to the public choice theory, can vote by their feet and move to the local jurisdiction providing the mix of goods and services that will benefit the individuals the most. For further information, see Charles M. Tiebout, "A Pure Theory of Local Expenditures," *Journal of Political Economy*, October 1956, pp. 416-24; Vincent Ostrom, Charles M. Tiebout, and Robert Warren, "The Organization of Government in Metropolitan Areas: A Theoretical Inquiry," *The American Political Science Review*, December 1961, pp. 831-42; Robert Warren, *Governments in Metropolitan Regions* (Davis: Institute of Governmental Affairs of the University of California, 1966); Robert L. Bish and Vincent Ostrom, *Understanding Urban Government: Metropolitan Reform Reconsidered* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1973); and Robert L. Bish, *The Public Economy of Metropolitan Areas* (Chicago: Rand McNally College Publishing Company, 1971).

<sup>2</sup>*California Acts of 1968*, Chap. 989; *California Welfare and Institutions Code*, §§ 5600-64.

<sup>3</sup>*New York Laws of 1969*, Chap. 330; *Michigan Public Acts of 1970*, Public Act 48.

For further details, see Joseph F. Zimmerman, *The Federated City: Community Control in Large Cities* (New York: St. Martin's Press 1972).

<sup>4</sup>Florida Laws of 1975, Chap. 75-257.

# Pragmatic Federalism

**A**lthough the United States Constitution in 1788 assigned complete or partial responsibility for functions to the national government or the states, vertical transfers of functional responsibilities between governments have been a prominent feature of the American federal system as pragmatic officials have sought solutions for governmental problems. In addition, horizontal transfers of functional responsibilities between local governments have been common as officials have sought to improve service delivery.

State legislatures have played a major role in changing the relationship between governmental units by either mandating and/or facilitating functional transfers. Legislatures, however, have evidenced relatively little interest in the development of criteria for the transfer of functions and the systematic reassignment of functional responsibilities. Most legislatures have enacted transfer statutes on a function-by-function basis, and only ten states have adopted general constitutional and/or legislative authorization for the voluntary transfer of functional responsibility. In five of these states, the voluntary shifting of functional responsibility is hindered by the requirement for voter approval in a referendum.

## SUMMARY OF SURVEY FINDINGS

Nearly one-third of the 3,319 municipalities responding to our national survey have transferred responsibility, voluntarily or involuntarily, for a function or a component of a function to another governmental unit during the period 1965 to 1975. The most commonly transferred functions, in order of frequency of transfer, were solid waste collection and disposal, law enforcement, public health, sewage collection and treatment, taxation and assessment of property, social services, building and safety inspections, and planning. As was anticipated, the largest number of municipalities reporting functional transfers shifted responsibility for only one function, and the favorite recipients were the county and the special district. Responsibility for social services, however, was most often shifted to the state.

Survey data clearly indicate that the tendency to transfer functional responsibility is related directly to population size, with larger municipal units generally having a greater propensity to shift responsibility for

a function than smaller units. The difference between municipalities in the proclivity to transfer responsibility for functions is even more noticeable when one examines the units shifting responsibility for five or more functions. More than one-third of the responding municipalities over 500,000 population transferred responsibility for five or more functions compared to 2 percent of the units in each of the three smallest population groupings. This finding is not surprising in view of the fact that financially hard-pressed central cities have been seeking to shift to higher level units of government responsibility for expensive facilities — hospitals, libraries, museums are examples — which service residents of the region.

The data reveal that there is little correlation between the transfer of functional responsibilities and the rate of population change of municipalities between 1960 and 1970. Rapidly growing units did have a slightly greater tendency to shift responsibility for a function than units in the other population change categories. A breakdown of the functions transferred by municipalities in each of the four population change categories reveals that rapidly growing units had the greatest propensity to shift responsibility for sewage collection and treatment. This function ranked fourth or lower in terms of frequency of transfer by municipalities in the other three population groupings.

According to officials in municipalities which transferred responsibility for functions during the past ten years, the achievement of economies of scale, elimination of duplication, and lack of facilities and equipment were the three principal reasons for shifting responsibility for functions. "To achieve economies of scale" was checked by nearly 70 percent of the manager-council municipalities compared to slightly over one-half of the mayor-council municipalities.

Although there is relatively little correlation between rates of population change and the reasons for functional transfers, achievement of economies of scale was a significantly less important motivating reason for transfers to the state than for transfers to the other recipient units. The elimination of duplication ranked considerably higher as a reason for functional transfers to the county than for transfers to the other recipient units.

Respondents indicated general satisfaction with the results of the transfers of functional responsibility. Over 40 percent checked higher quality service and lower unit costs in comparison with 21 percent who checked higher unit costs and 14 percent who checked poorer quality service. In general, manager-council municipalities were more satisfied with the results of

functional transfers than mayor-council units. The greatest satisfaction was expressed by central cities.

More than one-half of the survey respondents perceived more uniform service levels, but only 28 percent perceived higher quality service as results of the transfer of responsibility for public works. Perceptions of better management of the function as a product of a transfer ranged from 30 percent of the respondents with respect to water supply to 58 percent with respect to recreation.

By classifying perceived results of transfers by recipient unit, we discovered that two-fifths of the respondents believe that more uniform service levels have resulted from transfers to the county compared to one-fourth of the respondents who believe a similar result is a product of a transfer to a council of governments. Transfers to the state are least often perceived as resulting in more efficient use of capital resources and higher quality service and are most often perceived as resulting in poorer quality service.

Declining units most often, and moderate growth units least often, perceived transfers as resulting in more uniform service levels and more efficient use of capital resources. Declining and rapid growth municipalities most often reported that the shift of functional responsibilities has resulted in higher quality service.

Most respondents felt that functional transfers had no effect on the need for subcounty special districts, a multicounty regional service agency, and a council of governments or a regional planning commission. Forty-five percent, however, believed that the need for a modernized county government has been increased because of functional transfers by municipalities to the county.

Relative to plans for the transfer of functional responsibility during the next two years, one-eighth of the municipalities indicated plans for such transfers. Plans for shifting functional responsibilities correlate directly with the population size of the units — 43 percent of the cities over 500,000 population, but only 9 percent of the units in the 2,500 to 4,999 population class plan to transfer functional responsibility within the next two years.

The county is the favored recipient unit for planned functional transfers by municipalities, and solid waste collection and disposal, law enforcement, and public health are the three functions that municipalities most often plan to shift to the county during the next two years. The special district is the favorite intended unit for the receipt of responsibility for transportation and sewage collection and treatment. An examination of the 1960-1970 rate of population



Table XXXI

**Assumption and Transfer of Functional Responsibilities**

	Did Not Assume		Did Assume		Number of Municipalities	
	Number	Percent	Number	Percent	Number	Percent
<b>Did Not Transfer . . .</b>	1,884	83	396	17	2,280	69
<b>Did Transfer . . . . .</b>	720	69	319	31	1,039	31
<b>Total . . . . .</b>	2,604	79	715	21	3,319	100

change for municipalities planning functional transfers reveals that rapidly growing units are planning the largest number of transfers.

**Assumption of Functional Responsibility**

Our national survey reveals that municipalities have assumed responsibility for functions, in addition to transferring responsibility for functions and components of functions to other governmental jurisdictions. Responsibility for a total of 870 functions and components has been assumed by responding municipalities. Thirteen percent of the functions previously had been performed by private firms, 6 percent had been performed by counties, and 4 percent had been performed by state governments. The tendency to assume responsibility for a service previously provided by a private firm is closely associated with the population size of the assuming municipalities, with a significantly larger percentage of large municipalities reporting the assumption of responsibility. Manager-council municipalities are much more likely to accept responsibility for a new function(s) than mayor-council municipalities. It is significant to note that 23 percent of the responding municipalities reported that their state government had mandated the performance of a new function.

Classifying municipalities by population change between 1960 and 1970 reveals that responsibility for functions was assumed as follows: 319 by rapid growth units, 194 by moderate growth units, 165 by slow growth units, and 189 by declining units. Solid waste collection and disposal is the function that most often has been assumed by units in each of the four population change categories.

Not surprisingly, our survey revealed that some municipalities reporting the transfer of responsibility for a function or a component of a function have

assumed responsibility for a new and different function or component. *Table XXXI* contains a cross tabulation of municipalities transferring and assuming responsibilities for governmental functions. Eighty-three percent of the municipalities reporting no functional transfers did not assume responsibility for a new function. On the other hand, nearly one-third of the municipalities (31%) reporting the transfer of responsibility for a function(s) assumed responsibility for a new function(s).

**WHO SHOULD PROVIDE THE SERVICES?**

Our 1972 questionnaire to municipal officials seeking information on intergovernmental service agreements also requested the officials to indicate the services which they believe should be provided by county governments, regional special districts, councils of governments, the state government, or the Federal government. An examination of *Table XXXII* leads directly to the conclusion that a significant number of mayors, managers, and other municipal officials are convinced that county governments should play a greater role in providing services. We must point out, however, that many municipal officials advancing this view reside in states where counties already provide a relatively wide range of services. Nevertheless, the survey data strongly suggest a widespread consensus among municipal officials that responsibility for certain specified functions should be shifted upwards to the county level in most of the states with organized county governments. A number of respondents qualified their answers by stipulating that responsibility for additional functions should not be transferred to county governments until the latter are modernized.

Municipal officials displayed the greatest willingness to assign the following services to the county: all

Table XXXII

**Who Should Provide the Services?**

Service	County Government	Regional Special District	Council of Governments	Federal or State Government
Assessing	608	59	21	31
Payroll	31	23	53	38
Tax Collection	557	44	26	38
Treasury Functions	48	21	39	24
Utility Billing	22	49	49	42
Election Administration	505	22	29	19
Legal Services	72	30	47	31
Licensing	104	23	31	28
Microfilm Services	125	70	32	27
Personnel Services	33	42	40	28
Public Relations	31	31	45	29
Record Maintenance and Storage	60	37	36	26
Registration of Voters	549	29	24	12
All Public Health Services	692	192	22	52
Air Pollution Abatement	327	392	33	86
Alcoholic Rehabilitation	337	243	17	76
Ambulance Service	342	144	33	51
Animal Control Services	423	90	23	21
Cemeteries	169	64	27	43
Hospitals	352	180	19	37
Mental Health	397	237	14	73
Mosquito Control	394	206	18	26
Noise Pollution Abatement	212	261	24	64
Nursing Services	314	133	13	29
Water Pollution Abatement	231	356	19	123
Welfare	503	149	7	166
Flood Control	238	359	29	114
General Development Services	85	163	55	27
Housing	124	152	52	61
Industrial Development	130	180	65	43
Irrigation	93	171	19	29
Mapping	312	184	47	28
Planning	186	239	109	43
Soil Conservation	221	234	30	64
Urban Renewal	108	106	47	64
Zoning and Subdivision Control	145	105	65	48
Parks	245	186	53	53
Recreation Facilities	83	58	19	26
All Police Services	150	117	56	53
Crime Laboratory	308	322	29	74
Criminal Identification	316	264	26	103

Table XXXII (Cont'd)

Service	County Government	Regional Special District	Council of Governments	Federal or State Government
Patrol Services .....	127	93	41	69
Police Communications .....	248	219	44	45
Police Training .....	186	311	52	112
School Crossing Guards .....	115	52	44	71
Traffic Control .....	101	82	48	53
Jails and Detention Homes .....	680	189	20	34
Juvenile Delinquency Programs .....	507	207	27	46
Probation and Parole .....	554	206	19	68
Work Release Programs .....	401	148	21	55
All Fire Services .....	148	139	63	46
Fire Communications .....	178	151	58	35
Fire Prevention .....	131	130	49	38
Training of Firemen .....	170	255	55	77
All Civil Defense Services .....	481	203	35	72
Civil Defense Communications .....	268	272	28	51
Civil Defense Training .....	257	184	27	59
Bridge Construction and Maintenance .....	269	73	31	66
Building and Mechanical Inspection .....	136	58	42	48
Electrical and Plumbing Inspection .....	120	64	45	52
Electricity Supply .....	57	99	25	72
Engineering Services .....	106	55	52	48
Refuse Collection .....	179	111	56	49
Sewage Disposal .....	143	291	49	33
Sewer Lines .....	87	140	49	47
Snow Removal .....	70	62	49	40
Solid Waste Disposal .....	325	282	48	37
Street Construction and Maintenance .....	89	47	52	56
Street Lighting .....	45	50	47	64
Water Supply .....	79	224	52	51
Water Distribution .....	67	167	46	49
Special Transportation Services .....	140	265	40	28
Management Service for Publicly Owned Transit System .....	74	195	36	21
Library Services .....	379	161	35	34
Museums .....	268	160	20	28
Schools .....	218	192	25	58

Source: Joseph F. Zimmerman, "Intergovernmental Service Agreements and Transfer of Functions" in Advisory Commission on Intergovernmental Relations, *Substate Regionalism and the Federal System*, Volume III; *Challenge of Local Government Reorganization* (Washington, D.C.: U.S. Government Printing Office, 1974), pp. 183-84.

public health services (692), jails and detention homes (680), tax assessing (608), tax collection (557), probation and parole (554), juvenile delinquency programs (507), election administration (505), welfare (503), and all civil defense services (481).

They were most unwilling to assign counties the following functional responsibilities: utility billing (22), public relations (31), personnel services (33), street lighting (45), treasury functions (45), records storage and maintenance (60), water distribution (67), snow removal (70), legal services (72), water supply (79), recreational facilities (83), sewer lines (87), and irrigation (93). Four of these services — utility billing, public relations, street lighting, and legal services — often are performed by private firms, and a fifth service — snow removal — in many municipalities is partially provided by private firms.

Regional special districts, according to the 1972 municipal respondents, should be responsible primarily for environmental and public protection services — air pollution abatement (392), flood control (359), water pollution abatement (356), crime laboratory (322), police training (311), sewage disposal (291), solid waste disposal (282), civil defense communication (272), criminal identification (264), noise pollution abatement (261), and training of firemen (255).

In general, municipal officials were reluctant to assign responsibility to regional special districts for the same services they were reluctant to assign to counties — treasury functions (21), election administration (22), licensing (23), voter registration (29), public relations (31), records maintenance and storage (37), personnel services (42), street lighting (50), and recreational facilities (58). Municipal officials were more willing to assign responsibility for sewer lines (140) and water supply (224) to regional special districts than they were to counties.

## ACIR RECOMMENDATIONS

In 1974, the Commission recommended that there be a “jointly developed state-local assignment of functions policy and process.”<sup>1</sup> To assist states and local governments in determining the best units to perform the various functions and components of functions, the Commission prepared the following assignment criteria:

**1. Economic Efficiency.** Functions should be assigned to jurisdictions (a) that are large enough to realize economies of scale and

small enough not to incur diseconomies of scale (*economies of scale*); (b) that are willing to provide alternative service offerings to their citizens and specific services within a price range and level of effectiveness acceptable to local citizenry (*service competition*); (c) that adopt pricing policies for their functions whenever possible (*public pricing*).

**2. Fiscal Equity.** Appropriate functions should be assigned to jurisdictions (a) that are large enough to encompass the cost and benefits of a function or that are willing to compensate other jurisdictions for the service costs imposed or for benefits received by them (*economic externalities*); and (b) that have adequate fiscal capacity to finance their public service responsibilities and that are willing to implement measures that insure interpersonal and interjurisdictional fiscal equity in the performance of a function (*fiscal equalization*).

**3. Political Accountability.** Functions should be assigned to jurisdictions (a) that are controllable by, accessible to, and accountable to their residents in the performance of their public service responsibilities (*access and control*); and (b) that maximize the conditions and opportunities for active and productive citizen participation in the performance of a function (*citizen participation*).

**4. Administrative Effectiveness.** Functions should be assigned to jurisdictions (a) that are responsible for a wide variety of functions and that can balance competing functional interests (*general-purpose character*); (b) that encompass a geographic area adequate for effective performance of a function (*geographic adequacy*); (c) that explicitly determine the goals of and means of discharging public service responsibilities and that periodically reassess program goals in light of performance standards (*management capability*); (d) that are willing to pursue intergovernmental policies for promoting interlocal functional cooperation and reducing interlocal functional conflict (*intergovernmental*).

tal flexibility); and (e) that have adequate legal authority to perform a function and rely on it in administering the function (*legal adequacy*).<sup>2</sup>

To assist state legislatures, the Commission drafted a model constitutional amendment and a bill to facilitate the transfer of functional responsibility.<sup>3</sup> The suggested constitutional amendment provides that "by law, ordinance, or resolution of the governing bodies of each of the governments affected, any function or power of a county, municipality, or special district may be transferred to, or contracted to be performed by another county, municipality, or special district as provided by law."<sup>4</sup>

The Commission's *State Legislative Program* contains several model acts providing for the transfer of functional responsibilities. The "County Modernization Act" provides for the council-manager form and the council-elected executive form as alternatives to the traditional commission form of county government and also provides two alternative methods by which "a state may authorize its counties to perform any specific urban services in its unincorporated areas upon passage of a county ordinance."<sup>5</sup> The act also authorizes a county to "provide urban services to incorporated municipalities under the following circumstances: (1) the particular urban service is being performed by a countywide special district; (2) a municipality requests the county to provide the service; or (3) the citizens vote to have the county supply the service."<sup>6</sup> The *Program* also contains a suggested constitutional amendment removing barriers to the financing of county subordinate areas.<sup>7</sup>

Complete "state assumption of all assessment functions and costs associated therewith"<sup>8</sup> is recommended by the Commission as well as "state assumption of primary responsibility for public elementary and secondary school financing"<sup>9</sup> and state assumption of responsibility for financing courts.<sup>10</sup>

A "Regional Fair Share Housing Allocations" bill follows closely the provisions of the Massachusetts "anti-snob" zoning law.<sup>11</sup> If a proposed low-income housing project is denied or approved with unreasonable conditions rendering the project uneconomical, the bill would allow the applicant to appeal the local decision to a state agency. "The issues that may be appealed to the state are limited to: (1) whether the local government has satisfied, or provided for, the attainment of its regional fair share; and (2) whether conditions attached to the local approval would render the building or operation of the project uneconomic. After formal hearing, the state agency may

vacate the local denial or modify the conditions appropriately."<sup>12</sup>

Three additional model acts increase the state's responsibility in the area of housing and community development. The "State Building Code Act" provides for the repeal of other state building regulations and all local building regulations.<sup>13</sup> The local enforcement agency examines the plans and specifications of a builder and must issue a building permit if the proposed building complies with the state building code.

The "Manufactured Building Act"<sup>14</sup> provides for state regulation of manufactured buildings, and the "Mobile Home Act"<sup>15</sup> provides for state regulation of mobile homes.

## CONCLUSIONS

Pragmatic state and local government officials, in our judgment, will continue to question which level of government should be responsible for the performance of specific functions and components of functions, and initiate actions to devolve downward or shift upward partial or complete responsibility for functions and components of functions.

Acting under pressure generated by partial Federal preemption of responsibility for certain functions, state governments undoubtedly will continue to assume more responsibility for these functions. And available evidence suggests that municipalities will continue to assume responsibility for new functions and components of functions. These changes in functional assignments probably will be made on an incremental and *ad hoc* basis.

While we anticipate that there will continue to be a trend toward the devolution of responsibility for functions closest to the people, such as schools, police, and health services, the growing financial problems of large central cities housing an increasing percentage of low-income families will augment the pressure for the transfer of either complete or financial responsibility for expensive functions, such as public education and public welfare, to the state and Federal governments.

In our considered judgment, the county in many urban states will become a significantly more important unit of local government during the next decade. One-eighth of the municipalities plan to shift responsibility for a function(s) during the next two years to the county, and nearly one-half of the municipal respondents believe the transfers of functions to the county have increased the need for modernization of the county government. The structural reorganization

and modernization of county governments will improve their capacity to provide services and thereby encourage municipalities to shift responsibility for functions and components of functions to the county.

Increasing metropolitan scale and development of megalopolises will generate additional pressure for the transfer of functional responsibilities to the state and Federal levels. State governments will play a much more important role in solving problems in multicounty areas by creating state-controlled public authorities and/or directing regular state agencies to solve the problems.

We must report that concern was expressed by several municipal respondents relative to state and Federal preemption — total and partial — of responsibility for functions. One municipal official wrote on the survey questionnaire that “completion of this report would seem to indicate that little has changed, here, in the past ten years. Not so. The State of Wisconsin is, and has been for the past number of years, encroaching more and more on duties and responsibilities of municipalities.” He added that he has served in his position since 1952 and “while changes are to be expected in that length of time, I am alarmed at the recent rate of takeover by the state and Federal governments and the awesome costs of the agencies and bureaus involved.”

“Ad Hocism” has been characteristic of functional reassignment to date. Hopefully, states will play a greater leadership role relative to functional reassignment in the future and adopt the Commission’s recommendations to make the reassignment process more systematic.

## **FUNCTIONAL TRANSFERS AND THE FEDERAL SYSTEM**

We have reported the perceptions of municipal officials relative to the effect of functional transfers on the uniformity of service levels, efficient use of capital resources and personnel, quality of management of the function or component, unit costs, and quality of services. These perceptions are strictly subjective and are not based upon empirical studies.

In this concluding section, it is appropriate to raise several questions relative to the impact of transfers of functional responsibilities on the federal system and society in general that merit detailed study.

1. Do citizens have more or less access to the centers of decision making as the result of functional transfers? In other words, how open is the decision making process in the governmental units that have

assumed responsibility for a function or a component of a function?

2. Are the governing bodies of the units which assumed responsibility for functions more or less responsive to constituents than the units previously responsible for the functions?

3. Are citizens in general satisfied with the results of functional transfers? We also may ask whether the average citizen is aware of the transfer of responsibility for a specific function or a component?

4. Are clientele groups satisfied with the results of functional transfers?

5. How have disadvantaged groups been affected by the shifts of functional responsibilities? Did these groups participate in the process by which decisions were made to transfer functional responsibilities?

6. Have certain upward functional transfers resulted in service equalization throughout metropolitan areas? In other words, are service levels more uniform?

7. Are services being financed by a more equitable revenue system as the result of functional transfers? These services can be financed by service charges or by a tax system that is proportional, regressive, progressive, or degressive in terms of the taxes paid relative to the income of the average taxpayer. The shift of responsibility for a function will not result in greater equity for taxpayers if the tax system of the recipient unit is more regressive than the tax system of the unit transferring responsibility for the function.

8. Are services being provided more efficiently and economically by the units which have assumed responsibility for functions?

9. Are capital resources more efficiently and effectively employed?

10. Are personnel resources more efficiently and effectively employed?

11. To what extent, if any, have functional transfers been motivated by partisan politics?

12. To what extent, if any, has a major political party benefited from functional transfers?

Although this report has concentrated primarily

upon the transfer and assumption of functional responsibilities by municipalities, we must not overlook the fact that the Federal government during the past 15 years has been exercising its powers of partial and total preemption with greater frequency, and state governments have been voluntarily turning over to the Federal government responsibility for certain functions. Consequently, there is a need for research relative to the impact of the assumption of functional responsibilities by the Federal government on the federal system. Three questions in particular merit in-depth investigation.

1. Can the Federal government directly solve major domestic problems in the most effective manner without placing reliance upon state and local governments? Writing in 1937, V. O. Key, Jr. held that the Federal government should rely upon the grant-in-aid system rather than assume complete responsibility for a function.

The achievements of direct Federal administration are not so striking as to make Federal assumption an inviting alternative to the grant system. The governance of a nation of continental proportions is a matter for which no simple blueprint and specifications are available. The grant system builds on and utilizes existing institutions to cope with national problems. Under it the states are welded into national machinery of sorts and the establishment of costly, parallel, direct Federal services is made unnecessary. A virtue of no mean importance is that the administrators in

actual charge of operations remain amenable to local control. In that way the supposed formality, the regularity, and the cold-blooded efficiency of a national hierarchy are avoided.<sup>16</sup>

Was Key correct in his assessment? If he were alive today, would he hold the same position? The Federal grant-in-aid system has been subjected to strong criticism during the past decade and a half, and many state and local officials prefer general revenue sharing to grants-in-aid. One can argue that delivery systems should remain the responsibility of state and local governments, while the Federal government provides a larger share of the revenue needed to finance the services.

2. What is the political significance of partial and total Federal preemption of functional responsibilities in terms of interest group activities and effectiveness? Do interest groups have more or less success in influencing Federal policy than in influencing state and local government policy?

3. Has the political power of the professional bureaucrat and the specialist been increased by Federal and state preemption of responsibility for certain functions? If the answer is yes, how desirable is this trend?

We conclude by emphasizing that functional assignments in the American federal system clearly are in a stage of transition, and additional research is needed on the impact of functional transfers on the nature of the system.

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## FOOTNOTES

<sup>1</sup>Advisory Commission on Intergovernmental Relations, *Substate Regionalism and the Federal System*, Volume IV, *Governmental Functions and Processes: Local and Area-wide* (Washington, D.C.: U.S. Government Printing Office, 1974), p. 20.

<sup>2</sup>*Ibid.*, p. 7.

<sup>3</sup>Advisory Commission on Intergovernmental Relations, *ACIR State Legislative Program*, Vol. 2, *Local Government Modernization* (Washington, D.C.: U.S. Government Printing Office, November 1975), pp. 97-107.

<sup>4</sup>*Ibid.*, p. 98.

<sup>5</sup>*Ibid.*, pp. 69-86.

<sup>6</sup>*Ibid.*

<sup>7</sup>*Ibid.*, p. 87.

<sup>8</sup>Advisory Commission on Intergovernmental Relations, *ACIR State Legislative Program*, Vol. 5, *State and Local Revenues*

(Washington, D.C.: U.S. Government Printing Office, November 1975), pp. 29-40.

<sup>9</sup>Advisory Commission on Intergovernmental Relations, *ACIR State Legislative Program*, Vol. 8, *Education* (Washington, D.C.: U.S. Government Printing Office, November 1975), pp. 13-22.

<sup>10</sup>Advisory Commission on Intergovernmental Relations, *ACIR State Legislative Program*, Vol. 10, *Criminal Justice* (Washington, D.C.: U.S. Government Printing Office, November 1975), pp. 51-67.

<sup>11</sup>Advisory Commission on Intergovernmental Relations, *ACIR State Legislative Program*, Vol. 6, *Housing and Community Development* (Washington, D.C.: U.S. Government Printing Office, November 1975), pp. 137-44.

<sup>12</sup>*Ibid.*, p. 138.

<sup>13</sup>*Ibid.*, pp. 146-57.

<sup>14</sup>*Ibid.*, pp. 158-70.

<sup>15</sup>*Ibid.*, pp. 171-81.

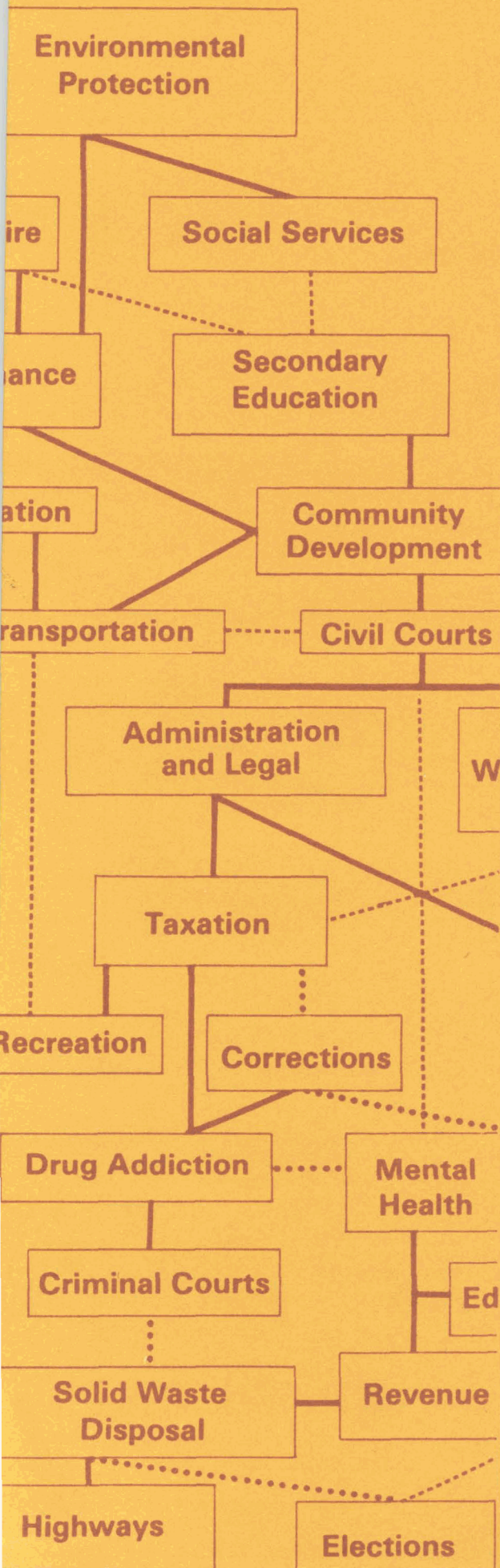
<sup>16</sup>V. O. Key, Jr., *The Administration of Federal Grants to States* (Chicago: Public Administration Service, 1937), p. 383.











## 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 states nominated by the National Governors' Conference, the Council of State Governments, 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.

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