

AN INFORMATION REPORT

METROPOLITAN  
COUNCILS  
OF  
GOVERNMENTS



ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS  
AUGUST 1966

M-32

ADVISORY COMMISSION ON  
INTERGOVERNMENTAL RELATIONS

Washington, D.C. 20575  
April 1966

Frank Bane, Chairman  
Thomas H. Eliot, Vice-Chairman  
William O. Beach, County Judge, Montgomery County, Tennessee  
Neal S. Blaisdell, Mayor, Honolulu, Hawaii  
Edward Connor, Supervisor, Wayne County, Michigan  
Marion Crank, House of Representatives, Arkansas  
John Dempsey, Governor of Connecticut  
C. George DeStefano, Member of the State Senate, Rhode Island  
Florence P. Dwyer, Mrs., Member of the House of Representatives  
Sam J. Ervin, Jr., Member of the Senate  
L. H. Fountain, Member of the House of Representatives  
Henry H. Fowler, Secretary of the Treasury  
Orville L. Freeman, Secretary of Agriculture  
Herman Goldner, Mayor, St. Petersburg, Florida  
Eugene J. Keogh, Member of the House of Representatives  
Richard Lee, Mayor, New Haven, Connecticut  
Karl E. Mundt, Member of the Senate  
Edmund S. Muskie, Member of the Senate  
Arthur Naftalin, Mayor, Minneapolis, Minnesota  
Nelson A. Rockefeller, Governor of New York  
Carl E. Sanders, Governor of Georgia  
Robert E. Smylie, Governor of Idaho  
Adelaide Walters, Mrs., Citizen Member, Chapel Hill, North Carolina  
Robert C. Weaver, Secretary of Housing and Urban Development  
Charles R. Weiner, Member of the State Senate, Pennsylvania  
Vacancy, County Commissioner

Wm. G. Colman, Executive Director

**AN INFORMATION REPORT**

**\ METROPOLITAN  
COUNCILS  
OF  
GOVERNMENTS /**

Prepared by:

Royce Hanson

Associate Professor of Government and Public Administration  
The American University

**ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS  
AUGUST 1966  
M - 32**

**OCCIDENTAL COLLEGE**

NOV 18 1966



## INTRODUCTION

In a 1962 study, the Advisory Commission on Intergovernmental Relations reviewed a variety of alternative methods of reorganizing local governments to make them more responsive to metropolitan area needs. One of these methods was the voluntary organization of local public officials--the metropolitan council of governments--which the Commission found to be "one of the more significant recent developments in local government in metropolitan areas...." The council, the Commission concluded, "can be a useful means of stimulating greater cooperation among governmental officials, creating public awareness of metropolitan problems, and developing an areawide census on more effective use of handling these problems. The Commission therefore believes formation of additional councils should be encouraged." Subsequently the Commission prepared and distributed to the several States a model State statute authorizing governmental officials in metropolitan areas to form councils of governments.

In the 1965 Housing and Development Act (P. L. 89-117), the Congress authorized a new program (Section 701(g) of the Housing Act) to provide financial assistance to be administered through the Department of Housing and Urban Development, for up to two-thirds of the cost of a wide variety of activities conducted by metropolitan councils of government. As a consequence, there has been a rising interest throughout the country in councils of governments--their origin, structure, and activities, their problems and successes; and growing demand for information on the new 701(g) grant program--how to apply for the grant, and how it may be used.

It is the purpose of this report to describe the councils of governments, how they can be developed, what they do and how they can become more effective through the use of the new Federal assistance program. The appendices to the report contain additional materials on the Federal support program and illustrations of the State and local legal bases and by-laws of organizations of local officials.

This study is largely based on field interviews and surveys of eight metropolitan councils of governments. Particular assistance in its development was given by Victor Jones, University of California, Berkeley; Richard Hartman, Metropolitan Fund, Detroit; and Samuel Humes and John Bosley, Metropolitan Washington Council of Governments. In addition, materials collected in a similar field study by the Citizens Research Council, Detroit, were used in the preparation of the report.

The purpose of the field survey was to analyze the potential of metropolitan councils in light of the 1965 amendments to the Housing Act. The organizations surveyed, and their locations are:

1. Association of Bay Area Governments (ABAG) - San Francisco
2. Southern California Association of Governments (SCAG) - Los Angeles

3. Mid-Willamette Valley Council of Governments (M-WVCOG) - Salem, Oregon
4. Puget Sound Governmental Conference (PSGC) - Seattle
5. Supervisors Inter-County Committee (SICC) - Detroit
6. Regional Council of Elected Officials (RCEO) - Philadelphia
7. Metropolitan Atlanta Council of Local Governments (MACLOG) - Atlanta
8. Metropolitan Washington Council of Governments (MWCOG) - Washington, D. C.

The New York area's Metropolitan Regional Council has maintained a precarious existence and was virtually defunct at the time of the study, although it has subsequently shown some indications of revival. Since the study's completion, new cooperation councils of local governments have been formed in the Dallas-Fort Worth area and the St. Louis area. Discussions were also underway on forming such a group in the Minneapolis-St. Paul area.

It should be emphasized that all of the organizations on which this study is based were in existence prior to passage of the 1965 amendments. All of them were established without Federal assistance and all of them suffered from uncertainties, inexperience in metropolitan cooperation, and lack of adequate financial resources. They have been pioneers in metropolitan problem-solving. It is reasonable to suppose that they appear weaker, in their developmental and experimental stage, than they will be after the expansion of activities they now uniformly anticipate. By examining the problems of these efforts, however, as well as their promise, this study is directed toward providing guidelines for their future development and for the establishment of new organizations in other metropolitan areas.

This report was prepared by Royce Hanson of American University. It is an informational and analytical study representing the findings and conclusions of the author. As such, it is to be distinguished from reports formally approved by the Commission. It is being made available by the Commission as part of its legislative responsibility to encourage discussion and study at an early stage of emerging public problems and of possible actions that can lead to improved inter-governmental cooperation.

Wm. G. Colman  
Executive Director

Norman Beckman  
Assistant Director

## TABLE OF CONTENTS

	<u>Page</u>
Introduction . . . . .	iii
I The Metropolitan Cooperation Movement . . . . .	1
II Councils of Governments in Perspective . . . . .	3
Origins--Alternative Patterns of Starting a Voluntary Organization . . . . .	3
Initiative from Local Officials Themselves . . . . .	3
Outside Stimulus . . . . .	4
Sponsorship by Existing Organizations . . . . .	4
Activities and Functions . . . . .	5
Metropolitan Communication . . . . .	6
Legislative Activity . . . . .	7
Physical Development Issues . . . . .	7
Cooperative Services . . . . .	8
Coordination of Programs . . . . .	9
The Problem of Finances . . . . .	9
The Problem of Legal Authority . . . . .	9
Joint Exercise of Powers . . . . .	11
ACIR Model Law . . . . .	11
Interstate Compact . . . . .	11
Corporate Charter . . . . .	13
Competing Organizations . . . . .	13
Self-Limitations . . . . .	13
III Organization and Structure of Councils of Governments . .	15
Membership . . . . .	15
Internal Structure and Procedure: Executive Committees .	16
Role of Central Cities in Councils . . . . .	20
Implication of New Legislation . . . . .	21

	<u>Page</u>
Committee Structure . . . . .	21
Staffing . . . . .	23
Relations With Other Metropolitan Agencies and Programs .	25
IV Councils of Governments and Federal Programs . . . . .	27
Past Activity . . . . .	27
Section 701(g) . . . . .	27
Future Prospects . . . . .	29
V Conclusions . . . . .	31
Organization . . . . .	31
Staff . . . . .	32
Activities . . . . .	33
Problems and Prospects . . . . .	34
APPENDIX A Illustrations of the Legal Bases of Councils of Governments . . . . .	37
Exhibit A-1. California Joint Exercise of Powers Act . . . . .	38
Exhibit A-2. Model State Statute Authorizing Formation of Regional Associations of Local Officials . . . . .	40
Exhibit A-3. Bylaws of the Association of Bay Area Governments (San Francisco) . . . . .	43
Exhibit A-4. Articles of Incorporation of Metro- politan Washington Council of Governments . . . .	51
APPENDIX B Federal Policy on Financial Assistance to Councils of Governments . . . . .	55
Exhibit B-1. Section 701 of the Housing Act of 1954, as Amended Through August 10, 1965 . . . .	56
Exhibit B-2. Planning Agency Letter No. 50 . . . .	60



	<u>Page</u>
APPENDIX C Regional Offices of the Department of Housing and Urban Development . . . . .	67
APPENDIX D Selected Bibliography . . . . .	68
Tables: 1. Local Cash Contributions to Budgets of Councils of Governments . . . . .	10
2. Legal Bases of Voluntary Associations of Local Governments . . . . .	12
3. Membership in Metropolitan Councils of Governments	17
4. Composition of Executive Committees of Councils of Governments . . . . .	19
5. Standing Committees of Councils of Governments . .	22
6. Professional Staff Positions in Councils of Gov- ernments . . . . .	24



## THE METROPOLITAN COOPERATION MOVEMENT

For many years, local governments have cooperated with each other in meeting specific common problems through joint service contracts, special districts, shared facilities and informal negotiations. Only recently, however, has there been a major movement to institutionalize intergovernmental communication and cooperation in metropolitan areas, and to form "conferences," "councils," "committees," or "associations" of the elected officials of cities and counties through which common approaches to metropolitan problems could be developed. These groups have a variety of legal bases: specific enabling acts, general joint exercise of powers statutes, intergovernmental agreements, corporate charters or simple voluntary extralegal arrangements. These councils of governments had to be entirely voluntary in character. Each member unit retains the right to withdraw. Problems are solved through cooperatively arrived at consensus rather than legal sanctions.

The cooperation movement began in the Detroit area in 1954, when Edward Connor, a Detroit city councilman and president of the Wayne County Board of Supervisors, became concerned about the lack of common understanding about southeastern Michigan's metropolitan problems. He invited his counterparts from neighboring Oakland and Macomb counties to meet with him to discuss mutual problems and to find a way to meet them. After this initial meeting, invitations were sent to other counties in the region. Out of their search for a common framework for continuing cooperation within which local autonomy could be preserved, the Supervisors Inter-County Committee (SICC) was formed. Each county had equal representation, and each county's representatives were chosen by its board of supervisors. SICC began to meet regularly and to discuss ways of solving regional problems.

In 1956, Mayor Robert F. Wagner of New York City invited the officials of neighboring jurisdictions to join him in establishing a Metropolitan Regional Council for the New York region. In 1958 Salem, Oregon's City Manager, Kent Mathewson, began urging "massive cooperation" as the most effective means of meeting the common problem of the two-county area surrounding the Oregon capital. The local and State governments responded to Mathewson's initiative by forming the Mid-Willamette Valley Council of Governments. And in 1957, Robert E. McLaughlin, the president of the Washington, D. C., Board of Commissioners, invited suburban local government officials and State legislators of Maryland and Virginia to consider forming a metropolitan conference to deal with urgent regional problems. The Washington Metropolitan Regional Conference (later the Metropolitan Washington Council of Governments) was organized shortly thereafter.

In response to the prospect of aggressive State intervention in metropolitan affairs suggesting establishment of regional planning commissions, local governments in the San Francisco Bay Area established, in 1961, the Association of Bay Area Governments (ABAG). Other groups were also formed in other areas.

The principal groups are in the Seattle-Tacoma area (Puget Sound Governmental Conference), the Los Angeles area (Southern California Association of Governments), the Atlanta region (Metropolitan Atlanta Council of Local Governments), and the Philadelphia area (Regional Council of Elected Officials).

The metropolitan cooperation movement has been hailed by some authorities as one of the most important new developments in metropolitan affairs and inter-governmental relations.<sup>1</sup> The National League of Cities and the National Association of Counties operate a joint information service for officials interested in voluntary metropolitan cooperation and have sponsored workshops on their activities and problems in conjunction with their annual meetings.<sup>2</sup>

Passage of the 1965 Housing Act amendments constituted national recognition of the potential of these organizations of local officials. The report of the Senate Committee on Banking and Currency states the intent of the legislation:

"One of the most urgent needs in developing and carrying out plans and programs for coordinated development of a metropolitan or other urban area is administrative machinery for cooperation among the jurisdictions within the area. An organization of policy and decision makers representing the various local governments within the area can serve as an effective forum for studying and resolving issues raised by metropolitan problems, for developing action programs for carrying out metropolitan comprehensive plans, and for determining regional policies affecting governmental and functional activities.

"The need for such organizations is receiving increasing recognition by the political leaders within metropolitan regions and within the past few years several areas have formed associations or conferences of elected officials--such as the metropolitan areas including Atlanta; Washington, D. C.; San Francisco, Calif.; Detroit, Mich.; Salem, Oreg.; Philadelphia, Pa.; and Seattle, Wash.

"Because of the basic importance of this general kind of organization to achieving metropolitan cooperation and implementing comprehensive overall plans, including plans for many federally assisted facilities and programs, it is proposed that Federal financial assistance be made available to support their operations. Assistance is particularly needed to create an incentive for their establishment and to assist them during their early, formative years when adequate financing is a crucial problem."

The amendments also recognized that one of the greatest problems for such groups has been the lack of adequate financial resources and their need to be directly related to the processes of metropolitan planning and policy making.

---

1. See the bibliography in Appendix D for major studies of councils of governments.

2. See National League of Cities and the National Association of Counties, Voluntary City-County Cooperation (Washington, 1963), (processed).

## II

### COUNCILS OF GOVERNMENTS IN PERSPECTIVE

The reasons for and methods of starting a metropolitan council of governments are varied. So are the activities the councils undertake and the results they achieve. In this chapter these aspects of COGs are examined along with financing, legal status, and other common problems.

#### ORIGINS—ALTERNATIVE PATTERNS OF STARTING A VOLUNTARY ORGANIZATION

Councils of government generally originate in three different ways: (1) upon the initiative of local officials themselves; (2) by local officials in response to outside stimulus; and (3) under sponsorship of existing organizations.

##### Initiative from Local Officials Themselves

Where a single official, or a group of officials, has been concerned about metropolitan problems--usually a specific problem--that person or group has taken the initiative in calling a meeting to establish a permanent cooperative mechanism. At least initially, groups formed by "spontaneous" action have operated as informal groups for a period of time.

The most systematic organizing was done in the Salem, Oregon, area. After the city manager recommended a conference of local officials, the Salem area chamber of commerce offered to finance a study of intergovernmental cooperation and the mayor of Salem called a conference of officials who informally organized as the Mid-Willamette Valley Intergovernmental Cooperation Committee. A 200-member citizens group was established to study the various areas of intergovernmental activity. The chamber of commerce furnished a paid executive secretary for the citizens group. At the end of a year's study of the region and its problems, the informal group of officials organized officially under a compact signed by each of the five governments of the region: the State of Oregon, the City of Salem, Marion and Polk Counties and the major school district. In 1961, the State legislature gave specific authorization to State financial participation in the group.

The Washington and Detroit groups came into existence under less elaborate circumstances than the Mid-Willamette Valley Council of Governments. The local officials themselves established organizing committees, wrote by-laws and nominated officers. They both remained informal groups for a considerable length of time. In 1957, the Michigan legislature enacted a statute recognizing groups such as the Supervisors Inter-County Committee and in the 1965 the Washington, D. C., area group incorporated under the laws of the District of Columbia. Both groups operated in early stages of development with staff services donated by member governments. The New York Metropolitan Regional Council had a similar

early history, its funds and part time staff being contributed by the City of New York. This appearance of domination by the central city, however, contributed to the atrophy of that organization. The other groups, in contrast, established budgets and staffs, however small, separate from any single government in their areas.

### Outside Stimulus

While some groups were self-starting, growing from a common recognition among local officials that joint action could produce solutions to metropolitan problems, at least one developed as a defensive measure to protect the home rule powers of local governments--the Association of Bay Area Governments (ABAG). These local governments saw a threat to their autonomy from the State government through regional planning districts if they did not act independently to meet regional problems. Fortunately, ABAG was able to attain immediate legal status under California's joint exercise of powers act. ABAG was assisted during its organizational phase by the regional associations of city and county officials in the Bay area. ABAG came into existence when a majority of counties and a majority of the cities signed an intergovernmental agreement drawn under the provisions of California law.<sup>3</sup> The ABAG experience indicates the value of having legislation in existence to facilitate formation of cooperative institutions in metropolitan areas. Model legislation, discussed later in this study, has been drafted by the Advisory Commission on Intergovernmental Relations.<sup>4</sup>

### Sponsorship by Existing Organizations

A frequent pattern for the formation of cooperation groups is sponsorship by existing organizations. The California League of Cities and the County Supervisors Association have jointly sponsored organization of the Southern California Association of Governments (SCAG). These two organizations jointly called local officials together and the League of Cities donated staff services during the organization period. It is important to mention, however, that for SCAG or the other groups to come into existence, whatever their initial sponsorship, a number of local elected officials had to spend a considerable amount of time contacting their counterparts throughout the region and persuading them of the need for the organization. A neutral or sponsoring group can, however, often overcome any hostility which may exist if one government becomes the organizing mechanism. It would also appear important that the sponsoring group represent both city and county officials if there are traditional conflicts between the two kinds of government in a given metropolitan area.

In Portland, Oregon, a metropolitan study commission created by the legislature recommended establishment of a metropolitan association of local officials to form a council of local governments in order to increase the effectiveness of metropolitan planning. The planning commission's staff provided staff assistance to the new group in its formative period. The Puget Sound Governmental Conference also grew out of the regional planning process and the Regional Council of Elected Officials in the Philadelphia area was created at the suggestion of the Penn-Jersey Transportation Study. In Detroit, where SICC was already well established, a private foundation, the Metropolitan Fund, initiated a movement in 1965 to strengthen cooperation through establishment of a new and more representative council of governments. The Metropolitan Fund established a "Committee of 100"

---

3. California Joint Exercise of Powers Act, see Appendix A-1.

4. See pp. 40-42, below.

composed of community and government leaders to work on the project and provided professional staff assistance and consulting services to this committee.

There are, then, no fixed requirements for starting a metropolitan organization of local officials. While State law enabling this creation is extremely useful to the organization of such groups, it is not essential. One of the great values of these groups is their ability to offer a forum for regional policy discussion and a means for concerted action by local governments in the absence of specific authorizing legislation. This is of special significance for interstate metropolitan areas where differences in State law or public policy may have precluded or impeded the development of other means of metropolitan cooperation, such as regional planning commissions aided by Federal funds under Section 701(g) of the Housing Act or even joint studies of regional problems.

One element does seem important during the formative stages of the organization. That element is confidence by the member governments that no one locality or group of units is using the organization to further its own special interests at the expense of the rest of the area. Thus, the central city often has played a subdued role in the early stages of development. Where the organization has been too closely identified with the central city, as in the case of the Metropolitan Regional Council in the New York City area, suburban hostility has virtually destroyed it. On the other hand, inactivity by the central city has not seemed to impair the development of a voluntary cooperative organization. Neither San Francisco nor Oakland joined ABAG for some time after its creation, yet it flourished. There is, however, a rather extensive feeling among both students of such groups and the participants in them that their ultimate success requires the active participation of the central cities.

The effectiveness of these groups in furthering a spirit of trust and cooperativeness can easily be seen by looking at their different stages of development. Initially, it was a considerable effort for local officials even to talk about joint action on a metropolitan scale. Fear of "super-government" seemed extensive. In the early stages of development, local officials did not appear to be deeply involved in or committed to their regional organization. While their governments gave token support, many members remained basically uninformed of its operations.

As a group matures, however, one can normally see the old suspicions disappear and gradually majority rule can replace unanimity as a procedural requirement for decision-making. Fear of the organization tends to diminish as participation grows. Former enemies of cooperation become patrons. And there tends to be widespread agreement that the organization is a "good thing."

In many ways the major success of the councils of governments has been their own survival and their ability to surmount initial suspicions to make possible contact and communication among local officials.

## ACTIVITIES AND FUNCTIONS

The real test of these metropolitan organizations is not their ease of organization. It is their effectiveness in meeting regional problems. While the voluntary cooperation movement is still young, it has nonetheless demonstrated that it can offer a fruitful approach to meeting metropolitan problems. Although the weaknesses of the groups are sometimes disappointing, their potential

remains extremely high, especially when measured against feasible alternatives for specific areas.

### **Metropolitan Communication**

Of the many activities in which councils of governments have engaged, by far the most significant is intergovernmental communications. They have, with but one exception--the New York region--succeeded in ameliorating interlocal suspicions and hostilities. This is, in itself, no mean accomplishment. It provides an essential basis for further cooperation. The councils have brought officials from their isolated councils and boards together socially and politically to share concerns. The prime emphasis during the early phases of such groups is on communication. Meetings frequently have been held in conjunction with a dinner or luncheon.

Improving metropolitan communications involves a series of techniques, most of which are common to all the groups.

a. Reports from regional agencies. Almost all of the organizations have institutionalized a practice of receiving reports from other regional agencies, usually in conjunction with annual or biennial membership meetings. The regional planning commissions, transportation study groups and other regional agencies normally make presentations of their progress or findings. For the most part, this remains a communications process. Debate and voting normally do not follow such presentations. Occasionally, the reports on recommendations of other agencies are reviewed and action is taken on them.

b. Standing committees on functional problems. A few groups have initiated their own studies of problems such as solid waste disposal, sewers or open space. These studies inform local officials and the public on particular problems. They may also form the basis for local or interlocal action.

c. Communications problems. As metropolitan communications systems, the associations have two primary difficulties. First, only the members of the executive committees meet frequently. Thus, the bulk of the local officials have no active share in the regional dialogue. The membership meetings are too often accompanied by dinner or lunch, a series of reports far too long to digest, masses of previously unseen written material, a long and usually noncontroversial agenda, and a featured speaker. The cocktail hour may, under such circumstances, be almost as useful as the program.

The key problem here is the limited number of local officials involved in meaningful discussion of regional issues. Some "members" of the voluntary associations, as a result, may be unaware that they are members of it, since it requires so little of their attention. To the active participants it looms toward the front of their political consciousness, but they are but a small portion of the officials necessary to mobilize action programs of a metropolitan scale.

Secondly, public knowledge of the councils is limited to the civic leaders and the media representatives specifically concerned with regional problems. In short, the associations suffer invisibility, making their use in political education limited. The Metropolitan Washington Council of Governments has sought to meet this problem by expanding its annual public conference to include a wide representation of citizen groups. Out of this effort, a metropolitan association of civic and business leadership appears to be developing, independent of MWCOG



but in general support of its activities.

### **Legislative Activity**

While a number of the councils of governments have had legislative programs or interests, these have primarily been oriented toward meeting the organizational or legal problems of the councils themselves. Thus, they might seek legal recognition by statute, or support legislation making clear the right of local government to give financial support to the regional association. In selected instances, substantive legislation has been endorsed by the groups. The Washington Council of Governments supported a regulatory compact for transit, a federally financed regional interceptor sewer authorization, and an interstate compact for development and operation of a regional transit system.

Of all the groups covered in this study, the Detroit area's Supervisors Inter-County Committee has most emphasized its legislative role. This, in fact, became its area of greatest activity. An analysis of its legislative activity from 1957-1963 found that SICC had enjoyed considerable success in sponsoring legislation benefiting townships and counties. But on metropolitanwide legislation, its only achievement was its own enabling act. SICC also fared poorly on welfare legislation and other intercounty legislation.<sup>5</sup>

In general, the councils of governments have not devoted their attention to controversial legislation. In large part this stems from the general practice that unanimous agreement or consensus be reached before the organization takes a position. Any one government can veto action under these circumstances.

As the councils mature, more controversial legislation can be considered. In most of the councils it would now appear that simple majority votes may conceivably be taken without endangering survival of the group. While many members and observers felt ABAG took the "wrong" position on legislation establishing the San Francisco Bay Fill Commission, at least it took a position on the highly controversial bill. No government withdrew--even those opposing the action--in spite of threats to do so. Similarly, the Metropolitan Washington COG weathered the withdrawal of Montgomery County, Maryland, in part over the questions of attaining legal status and assuming planning functions. The county returned after three years, when MWCOG was far more advanced as a metropolitan institution.

Slightly more legislative success can be found at the local level, where groups such as ABAG and MWCOG have recommended to member governments uniform ordinances on such matters as gun sales, water pollution control and air pollution control. The key to success in the legislative area seems to depend heavily on the representative system in the organization. Where the local representatives are among the more influential members of their local governments, adoption of the uniform code proposals generally follows. Where they are not, the code suggestions are ignored.

### **Physical Development Issues**

One of the things most apparent to local officials involved in the councils has been the importance of planning and development issues. The Puget

---

5. See Section IV of Citizens Research Council of Michigan, Staff Papers on Governmental Organization for Southeast Michigan (Detroit and Lansing, 1965), (mimeograph).

Sound Governmental Conference might be best described as a regional planning organization, as it undertakes almost no other functional activities. In this regard it is alone among the associations. It is in fact debatable whether PSCG should be considered a council of governments at all.

ABAG has developed its interest in physical development more highly than any other group. It established a regional planning staff as an integral part of its operations, and succeeded in obtaining recognition by the Federal Government as the official regional planning agency for the San Francisco Bay area. ABAG has two other major development activities. It serves as the regional agency for administration of the Federal open space program. And ABAG is a full participant in the Bay Area Transportation Study, providing the land use planning component of that program. Through this means, local government officials play a key part in decisions on the interstate highway system in their area.

After several years of conflict over regional planning between the Metropolitan Washington Council of Governments and the National Capital Regional Planning Council--a weak, federally financed consortium of planning commissioners--COG seems destined to become the regional planning agency for metropolitan Washington. Its designation has been recommended by a consultant's report and the Department of Housing and Urban Development has ruled it eligible to receive Federal planning assistance funds. MWCOG established a linkage with the transportation planning process when its own staff director was also chosen to direct the staff of the Regional Transportation Planning Board, which is charged with the transportation planning under the 1962 amendments to the Federal Aid Highway Act. In this fashion, the major tools of regional planning are made responsive to the local elected officials of the region.

A similar evolution would seem to be indicated in the Detroit area. Local officials active in SICC seemed to feel that a strengthened organization of elected officials--probably a new council of governments--should assume responsibility for regional planning and absorb the existing regional planning commission.

In other areas, a close relationship between development programs and political cooperation were developing. Preliminary negotiations in the Los Angeles area indicated that the regional transportation study would be absorbed by the Southern California Association of Governments when it was formed.

In general, a close association between planning groups and elected officials has proved mutually beneficial. Planners find their work more likely to be productive and the elected officials find their information and power over vital regional problems enhanced.

#### **Cooperative Services**

One of the obvious functions which the councils of governments perform is the provision of cooperative services to members. Among these are such things as data collection, joint studies, police information and joint purchasing. Some of these activities might be classed primarily as mucilage to help the members stick together. Others, however, can form the basis for rather effective and important programs. Of particular importance is the growing interest in establishing regional data and information systems which can be used for both planning and operating decisions at regional and local levels. Police information systems also provide a basis for a regional cooperative law enforcement program.

## Coordination of Programs

The Mid-Willamette Valley Council of Governments has taken the lead in demonstrating how such groups can coordinate metropolitan programs. This is possible in part because of the small number of jurisdictions involved in M-WVCOG. Capital improvement programs, for instance, are coordinated to assist local governments in bond issues and to make improvements dovetail for maximum efficiency. Coordination is effected through an advisory committee of public works officials from each jurisdiction working with the executive secretary of the council and the regional planning staff. Based on the consolidated reports, M-WVCOG's administrative committee makes recommendations to the respective governments.

## THE PROBLEM OF FINANCES<sup>6</sup>

None of the councils of governments has been adequately financed. While each has some form of quota or dues system for member governments, usually pro rated to population, major projects are often financed through special assessments on the members.

A serious weakness has been the lack of a reliable source of funds. Without adequate funds, the organizations have been limited in what they could undertake. The circle was completed when the limitation on activities contributed to the reluctance of local governments to increase their financial commitments. Increasingly, Federal assistance programs have been used as a primary source of funds as the councils have undertaken planning, development or transportation programs.

After ten years of existence, for example, the Supervisors Inter-County Committee (Detroit) still operated on a meager budget of \$45,000 in fiscal 1965. As Table 1 indicates, most of the groups operated on a marginal budget, at best. The director of the Philadelphia area's Regional Council worked only on a per diem basis, and was housed in a tiny one-room office donated by an academic institution. The Atlanta group had no staff of its own, and used services donated or "hired" from the regional planning commission. None of the councils had developed an extensive regional professional staff. The Washington staff was probably more diversified than others, but it remained small.

While the staff problems of the organizations are considered later in this report, the weak financial conditions under which they operated exacerbated staff problems, especially in the initial years of the organization. Salaries were frequently too low to attract experienced professional administrators or specialists in metropolitan problems.

## THE PROBLEM OF LEGAL AUTHORITY

In the early stages of development, councils of governments may operate without legal status. Enabling legislation, of course, facilitates organizing the group and operating it. Without some sort of legal status, for example, it may be necessary to operate through a member government rather than with a separate and distinct identity. Legal status also can make clear the powers of the

---

6. This section reflects financial conditions prior to the 1965 amendment (Section 701(g)) of the Housing Act of 1954, which authorized direct Federal assistance to COGs for a variety of activities. See pp. 27-29, below.

TABLE 1

LOCAL CASH CONTRIBUTIONS TO BUDGETS OF COUNCILS OF GOVERNMENTS  
(For Selected Years<sup>a</sup>)

<u>Organization</u>	<u>Fiscal Year</u>	<u>Total Expenditures</u>	<u>Local Contributions</u>	<u>Local % of Total</u>
ABAG	1966	178,669	80,200	48.9
MACLOG	1965	31,336	31,336	100.0
MWCOG	1966	307,800 <sup>b</sup>	145,000	47.1
M-WVCOG	1966	19,011	19,011	100.0
PSGC	1966	89,950	n.a.	-----
RCEO	1966	22,000	22,000	100.0
SICC	1966	45,000	45,000	100.0
SCAG	1966	90,000 (est.)	90,000	100.0

<sup>a</sup> Based on last year for which data was available.

<sup>b</sup> Includes \$50,000 grant under Section 701(g) of Housing Act. 1966-67 budget for MWCOG totals \$856,673, of which \$380,442 is 701(g) money.

group to engage in joint activities, to hire a staff and to enter into valid contracts with governments or consultants. And some form of formal legal status is necessary for the receipt of State or Federal financial assistance.

Most of the councils covered in this report now have legal status. But a number of them began without statutory authorization. They attained either corporate or statutory recognition later. As Table 2 indicates, a wide variety of legal forms is used.

#### **Joint Exercise of Powers**

ABAG and SCAG, the two California groups, were formed under the aegis of the California Joint Exercise of Powers Act, which is reproduced as Appendix A-1 of this report. This act allows local governments to enter into agreements to do jointly anything they can do as individual units. The act also provides for the creation of local government associations to act jointly when a majority of the eligible counties and cities of a metropolitan region sign an agreement to participate in such groups. Similar legislation in Oregon facilitated organization of the Mid-Willamette Valley COG.

SICC organized without any specific legal authority, but later obtained special legislation recognizing its purposes and existence.

#### **ACIR Model Law**

The Advisory Commission on Intergovernmental Relations has proposed a model statute specifically authorizing formation of regional associations of local officials. It is reproduced as Appendix A-2. The model law allows any two or more local governments to establish a council of governments and it would also allow agreements with local governments in other States for that purpose. Each government is to be represented in the regional council by its elected chief executive or by a member chosen from and by its governing body. Any unit of government may, of course, withdraw from the council after 60 days notice.

Organizations created under the statute are empowered to make regional studies, promote cooperation and make recommendations to the member governments. These are advisory powers. With appropriate action by the member governments, the regional council could become involved in direct action programs. Finally, the model law provides for the adoption of by-laws and hiring of staff, and authorizes the receipt of funds from local, State and Federal governments.

For councils whose member governments are contained within one State, statutory authority and recognition is clearly desirable, as long as the statute enables rather than restricts. In general, such statutes should take forms such as the California joint exercise of powers act or the ACIR model law permitting local governments to act jointly to meet regional problems.

#### **Interstate Compact**

In interstate areas, parallel legislation may be required, or even an interstate compact. So far no council of governments has developed either, although the three States in the New York area enacted parallel statutes authorizing participation of their respective local governments in the Metropolitan Regional Council. The Regional Council, however, did not maintain itself even after obtaining legal status.

TABLE 2

LEGAL BASES OF VOLUNTARY ASSOCIATIONS OF  
LOCAL GOVERNMENTS

---

<u>Organization</u>	<u>Legal Basis</u>
ABAG	California Joint Exercise of Powers Act
SCAG	California Joint Exercise of Powers Act
M-WVCOG	Oregon Joint Exercise of Powers Act; Intergovernmental Compact
MWCOG	Corporate Charter under D. C. Laws
SICC	Michigan special legislation
RCEO	None
MACLOG	None
PSGC	None

---

## **Corporate Charter**

The pattern of the Metropolitan Washington Council of Government would seem more pertinent. After exploring the possibilities of parallel legislation, Congressional charter and an interstate compact, the council finally concluded that it could obtain considerable legal status as a tax exempt nonprofit corporation. As such it could enter into contracts with local governments to provide intergovernmental programs. The only significant limitation of corporate status is the restriction on legislative activity imposed by the internal revenue code. As the organization matures, however, from a cooperative and communicative arrangement to one performing substantial governmental functions, an interstate compact probably will be desired. Section 701 of the Housing Act gives advance Congressional approval to interstate compacts which carry out its objectives.

While the councils can perform a number of activities on a purely informal basis, some legal status is required before Federal assistance can be granted. 701 planning grants and 701(g) support grants can be made only to entities organized under State or local law and special types of incorporated bodies having authority to contract for the grant. Corporate charters can often suffice for this purpose.

## **COMPETING ORGANIZATIONS**

One of the problems which local officials face is the existence of numerous metropolitan and regional organizations. These organizations, sometimes governed by boards composed of mixtures of elected and appointed officials or of appointed officials alone, are in competition with the councils of governments for authority over projects. They also compete for the time of the elected officials and for local or Federal funds. Conflicts in program or time are most likely to exist with regional planning agencies and transportation study groups. Where the activities of these groups can be coordinated, intergovernmental relations seem to proceed more smoothly, and regional decision-making is facilitated.

One of the dangers which seems almost inherent in voluntary cooperation is the tendency to create independent special purpose authorities to undertake operating programs. Where the legal status of the voluntary association is unclear or inadequate, this seems almost inevitable. Yet, if a special purpose authority is structured so that its board of directors is essentially the same as that of the council of governments, effective coordination can be achieved. Co-appointment of staff by council of governments and the special authority can also effect a higher degree of coordination. There are no logical barriers to councils of governments undertaking operating programs. This point is discussed later in this paper.

## **SELF-LIMITATIONS**

Perhaps the most pervasive limitation on the effectiveness of voluntary cooperation is restrictions which the organizations place on themselves. Members often are fearful of becoming a "super-government" and avoid activities or controversies which might lead to assumption of clear regional responsibilities. This tendency appears to diminish with the maturity of the organization, however, if an aggressive staff director and political chairman are able to work together.

The representative and decision-making structure of the organizations is also a limitation on their activities. Because each unit has equal representation, larger units are often cautious about seeing the group develop into an effective force in regional affairs. Tacit requirements for consensus or unanimity in decisions, whatever the formal rules for voting, also tend to delay decisions--often past the critical moment for action--or to prevent any decision at all, due to the threat of a veto from a single jurisdiction. While the tendency to give each member government equal voting strength seems almost to be a prerequisite for establishing the initial association, one of the continuing problems of the council of governments seems certain to be its representative structure.



### III

## ORGANIZATION AND STRUCTURE OF COUNCILS OF GOVERNMENTS

There is no "standard" structure for councils of governments. The factors which dictate structure tend to be indigenous to the governments of the metropolitan areas in which they exist. An analysis of structural variety, however, helps assess the performance of some of the groups.

Most of the groups have self-adopted charters and by-laws which establish the basic organizational structure, create offices and a dues structure, declare the objectives of the organization, and prescribe voting procedures. The by-laws of ABAG are included in Appendix A-3.

### MEMBERSHIP

Where the metropolitan area is small, or the total number of governments small, each unit of government may be represented by the elected members of its governing body. The Mid-Willamette Valley Council of Governments consists of only five members: one city, two counties, the State of Oregon and the principal school district. In such a situation, it would be possible for all elected members of the five jurisdictions to represent their governments on the council, but only the mayor of Salem, a county commissioner from each county, the superintendent of schools and the governor serve as the Council of Governments. M-WVCOG is the only group studied in which the governor directly participates, or in which a school district is eligible for membership.

In metropolitan Washington thirteen major jurisdictions belong to COG--seven cities, six counties and the District of Columbia--and all the governing body members of each unit are also "members" of the conference, or the general membership group of the COG. In addition, all State legislators and congressmen elected from the member counties are "members" of the conference. The Washington group is the only one which extends official participation to legislators. The reason is partly historical. Two State senators were among the founders and early officers of MWCOCG. Also, in Virginia and Maryland legislators play important roles in local government through enactment of local legislation. And the power of Congress in the Washington area is also unique among the nation's urban regions. Liaison officers appointed by the two States' governors and the President of the United States also attend COG meetings as "observers."

Since SICC was a product of the interests of the county supervisors, cities were not members as such. The mayor of Detroit, for instance, became a representative to SICC only because he also was a supervisor of Wayne County.

The key element in membership structure is the structure of local and State government in each metropolis. Most large metropolitan areas will find themselves in conditions like those of San Francisco, with 91 municipalities and

nine counties; the Philadelphia area, with 388 units of local government in ten counties; or Atlanta, with five counties and 45 municipalities. In such cases, making every councilman or county board member a representative in the organization becomes unworkable. Some simpler system of representation of governmental units becomes both desirable and necessary.

The size of local governing bodies also tends to condition membership in the metropolitan organization. In the Detroit area, the county boards of supervisors contain representatives from every city and township, and often exceed 100 members. SICC developed a representative system which allowed each of the six member counties to select seven representatives. Some students of inter-governmental cooperation in the Detroit area have urged that school boards be represented on a new council of governments because of the political significance of elected school boards and the impact of their operations on governmental planning and expenditures.

Normally, both cities and counties are members. Mayors of key cities may often be specifically designated as representatives of their governments. Except in the Metropolitan Washington COG, appointed officials do not serve as governmental representatives to the groups. There, due to the peculiar governmental structure, the Presidentially-appointed commissioners represent the District of Columbia. The Washington group is also the only one whose key leadership position has been filled by appointed officials. On three occasions the chairmanship of the executive committee (later Board of Directors) has been a District of Columbia commissioner. Two engineer commissioners have served as chairman. The engineer commissioner of the District of Columbia is a general officer of the U. S. Army Corps of Engineers.

Another pattern is followed by the Puget Sound Governmental Conference. There only the four major counties and the four major cities are members of the Conference. Each unit has three prerequisites on the Conference. While wider membership has been discussed, there have been no serious moves to extend it to the smaller communities in the Seattle-Tacoma region.

One of the advantages of the council of governments is the ease with which it can adapt to the metropolitan governmental environment, and the ease with which it can adjust without laborious statutory changes or renegotiation of interstate compacts. A number of the groups have changed their names, membership basis and structure as they have developed. As voluntary groups they have had the freedom needed to regroup. While formality becomes an advantage at some stage, complete with legal status, the initial years of an association are often ones in which several forms might need trial. As one leader of a more mature association put it, "During the early years the association has to be a slippery, slidy, rubbery sort of thing."

#### **INTERNAL STRUCTURE AND PROCEDURE: EXECUTIVE COMMITTEES**

As Table 3 indicates, the size of the governmental membership in most of the councils of governments makes involvement of the full governing body of each government in the affairs of the associations unlikely, if not impossible. Thus, each has developed an executive committee or board which conducts most of the affairs of the group. In addition, a series of specialized committees have been established to deal with specific metropolitan problems or subject areas. The general membership meets infrequently--normally once or twice a year.

TABLE 3

## MEMBERSHIP IN METROPOLITAN COUNCILS OF GOVERNMENTS

	Organization							
	<u>ABAG</u>	<u>MACLOG</u>	<u>MWCOG</u>	<u>M-WVCOG</u>	<u>PSGC</u>	<u>RCEO</u>	<u>SCAG</u>	<u>SICC</u>
Total number of municipalities and counties in region	100	60	70	4	74	388	148	386
Total, member governments:	86	32	13	5	8	59	90	6
Municipalities	78	26	7	1	4	53	84	
Counties	8	6	6	2	4	6	6	6
State				1				
School Districts				1				
Total number of member public officials	86	32	138	5	24	59	90	42

The major units of government--the central city and each county--are normally represented on the executive committee. Problems can arise, however, in municipal representation where several jurisdictions may compete to provide the one municipal representative each county is permitted on the executive committee. This problem is also related to the character of local government in each metropolis. Where counties and cities are in considerable competition, a representation scheme for the executive committee may need to be developed which carefully "balances" city and county voting strength.

The most important problem for the executive committees is to bring together the local officials who are willing and able to provide leadership for the organization. If a rotation system is used, for instance, in selecting the executive committee representatives, then the quality, power and leadership of the executive committee varies with chance rather than choice.

The same criticism may be made of the selection of officers. It is frequently politically necessary to "balance" the officers between cities and counties, the central city and the suburbs, or between subregions of the metropolitan area. As a result, no council thus far has had a continuity of leadership from a single elected official. While some years have produced outstanding leaders, others have produced mere presiding officers. This problem may be unavoidable during the formative period when the important task is to inspire confidence among the various categories of members or areas and to offer assurance that the association is not going to destroy the power and effectiveness of one area or jurisdiction to the advantage of others. As the groups become viable, however, stability and quality of leadership become more important than taking turns at presiding over regional discussions.

Most of the councils adhere to a two-tiered structure composed of (1) a general membership assembly or conference and (2) an executive committee. The Metropolitan Washington Council of Governments has found utility in creating an even smaller steering committee to prepare the work and act for its Board of Directors. The Regional Conference of Elected Officials (Philadelphia) uses a three-tiered structure: a conference of all member representatives, a council representing each category of membership, and an executive committee representing each major unit and smaller units in each state.

The work of the executive committees constitutes the most important activity of the councils. These committees supervise the staff, maintain liaison with other regional groups, prepare policy recommendations for the general membership, make the budgetary decisions and otherwise act in behalf of the entire organization. The executive committees also assign projects to the standing or ad hoc committees and review the work of these committees. Technically, the work of the executive committees is subject to review by the full membership, but as a matter of practical politics, executive committee actions are rarely, if ever, reversed. Both overlapping membership and caution contribute to this result. Table 4 compares the composition of six executive committees.

The one major variation in the pattern of using elected officials as the key policy-making committee is in the Mid-Willamette Valley COG, not shown in Table 4. There the administrative committee contains a mixture of city managers, the school superintendent, county commissioners, and the governor. This group performs the function of the executive committee. The other voluntary councils normally do not mix elected and appointed officials.

TABLE 4

COMPOSITION OF EXECUTIVE COMMITTEES OF COUNCILS OF GOVERNMENTS<sup>a</sup>

<u>Association</u>	<u>Total Members</u>	<u>County Representatives</u>	<u>Municipal Representatives</u>	<u>Others</u>
ABAG "Executive Committee"	18	8 (one from each)	8 (one for cities in each county elected by mayors)	2 (president and vice-president of the General Assembly)
MACLOG "Executive Committee"	10	5 (one from each)	5 (one for cities in each county)	0
MWCOG "Board of Directors"	16	6 (one from each)	7 (one from each)	3 (at large)
"Steering Committee"	7	4 (one from each jurisdiction over 100,000 population, and one for all others)	3	0
PSGC "Executive Board"	9	4 (one from each)	4 (one from each)	1 (chairman of the conference)
RCEO "Council"	32	6 (one from each)	26 [one from each city with more than 25,000 population (14); two from each county for cities with less than 25,000 population (12)]	0
"Executive Committee"	17	6 (one from each)	11 (one each from Philadelphia, Chester, Wilmington, Camden, Trenton; plus two for the other municipalities in each State)	0
SICC "Executive Committee"	15	12 [chairman of each county board (6), and chairman of each county's intercounty committee (6)]	0	3 (chairman, vice-chairman, and past chairman, of SICC)

<sup>a</sup> Excludes SCAG and M-WVCOG. SCAG's pattern of membership follows that of ABAG. In M-WVCOG, the administrative committee performs the functions of the executive committee.

## ROLE OF CENTRAL CITIES IN COUNCILS

In each case, the counties are all represented. The problem usually arises in representing the cities. In a few instances this means that major cities may not be represented all the time on the executive committee. Representation on an executive committee is, of course, no index of interest or leadership in metropolitan affairs. In all instances covered by this report, central cities were represented on the executive committee. But in only two instances--Philadelphia and Washington--could it be said that the central city was playing a strong leadership role. San Francisco tended to be a passive participant in ABAG. The mayor of Detroit found limited value in SICC since it was structured largely to assist the county governments. His membership came only through his concurrent services as a county supervisor. The mayor of Atlanta favored MACLOG but provided little active leadership. In Washington, D. C., the engineer commissioner was chairman of the executive board. And in Philadelphia one of the mayor's assistants spent considerable time on regional affairs.

In all the areas, whatever the present or past level of central city participation, the suburbs seemed to have more interest in the organizations than the central cities. The lack of central city leadership in the metropolitan associations stems from a combination of causes. Too much interest shown by a central city during the formative stages may excite suburban suspicion and fear of domination, smothering the development of the organization. In this regard, the size of the core city and the history of its relations with the suburbs is important. In New York, the Regional Council failed largely because New York City tended to dominate it and tried to provide all staff services. The failure of San Francisco and Oakland to play significant roles in the formation of ABAG was regarded as an element in the ability of ABAG to establish its acceptability to other governments in the Bay Area. Now that both are members, neither plays a prominent role in the internal leadership of the organization. Both Los Angeles and Los Angeles County delayed joining SCAG. Neither seem as interested in the new organization as the suburban governments.

Another factor in core city attitudes is that for the most part, councils of governments have had no capacity to do much for, or to, the city. Because of their looseness of organization and dependence upon a consensus style of decision-making, they have not been useful forums for discussion of the most salient problems of central cities. As they move, however, into consideration of air pollution, open spaces, water pollution, water supply and waste disposal, their importance to the central city tends to increase. When the councils become involved in such issues as housing and transportation, as central parts of the regional decision-making machinery, central cities will find they have an important stake in the vitality of this sort of regional process.

Paradoxically, central city involvement and active participation seems essential to the success of the councils. Their ultimate effectiveness, then, as metropolitan bodies lies in their ability to demonstrate their practical utility to the central cities as well as the major suburban governments and the small cities. Often initiated as the way to preserve "home rule," they will have to offer ways to meet metropolitan problems. To the extent that the councils become conduits for Federal assistance to both cities and suburbs, and to the extent that they are placed athwart the review process for metropolitan programs, the greater the prospects for their stability, durability and for full participation by the cities. It is increasingly difficult for a member government to find withdrawal of participation from a going council a politically

feasible action, as demonstrated by the experience of Oakland and of Montgomery County, Maryland.

### IMPLICATION OF NEW LEGISLATION

Legislation proposed in the 89th Congress would greatly augment the significance of the councils and the central city stake in them. S. 561, the Intergovernmental Cooperation Act, which passed the Senate in 1965, would require metropolitan review for almost all major Federal programs affecting urban development. Title I of the Urban Development Act, proposed by the President in 1966, would provide Federal grant supplements to tie metropolitan planning directly to decision-making and action. One of the criteria which must be met for 80 percent Federal assistance under the proposed act is the establishment of adequate metropolitanwide coordination machinery for implementation of federally aided regional programs. As Federal legislation increasingly tends to require comprehensive metropolitan planning and ties financial support and incentives to such planning, the interest of all jurisdictions, including central cities, in groups such as the councils of governments seems certain to grow.

### COMMITTEE STRUCTURE

Each council has a complement of policy committees. This provides a means of involving more local officials in the cooperation process and permits specialization of work. Table 5 indicates the types of standing committees which have been established by each group.

Generalization about the committee structure is difficult. Most committees are composed entirely of elected officials. It is not uncommon, however, for membership to include appointed officials. This is particularly the case where committee jurisdiction covers highly technical subjects such as transportation or data systems. Where the committees are "pure" they are often supplemented with subcommittees composed almost exclusively of technical and professional personnel.

None of the existing councils of government would appear to have fully met its potential as a central forum for discussion of, and leadership on, metropolitan problems. The meetings of the general membership have tended to be exercises whose primary function is communication. The executive committees have tended to avoid controversy in their own sessions and to guide the membership meetings away from it. While it may be argued that this course of action helps maintain the organization, it also tends to reduce its public visibility and reduce its interest and importance to the local officials who are members. The primary criticism voiced about the voluntary associations is that they do not do much that is significant.

There is every indication, however, that these tendencies are being replaced with more vigorous and forthright activity by the councils as local officials and the general public have become more aware of the existence and potential of a cooperative means of regional planning and action. Stimulated by Federal assistance for planning, open space preservation, transportation programs, and data systems, organizations such as ABAG and Metropolitan Washington COG have become major institutions in their respective regions. A consultant's report for Metropolitan Washington COG suggests the extensive possibilities which exist

TABLE 5  
STANDING COMMITTEES OF COUNCILS OF GOVERNMENTS<sup>a</sup>

<u>ABAG</u>	<u>MACLOG</u>	<u>MWCOG</u>	<u>M-WVCOG</u>	<u>PSGC</u>	<u>RCEO</u>	<u>SICC</u>
Regional Plan- ning	Traffic	Health & Wel- fare	(none)	Regional Plan- ning Council	Transportation Open Spaces & Parks	Research Legislation
Recreation, Parks & Open Spaces	Uniform Codes Data Process- ing	Water Supply & Pollution Abate- ment			Sewage	
Transportation	Law Enforce- ment	Public Safety			Water Supply	
Air & Water Pollution Control		Land Use Transportation			Air Pollution Control	
Adoption of Uniform Stand- ards					Public Safety	
Intergovern- mental Rela- tions					Regional Data Service	
Finance					Libraries	

<sup>a</sup> Data not available for SCAG at the time the study was completed.



for that organization and for its counterparts in other metropolitan areas:

...There is justification for adaptation of the Council of Governments into an entity having comprehensive concern for the development of the regional environment...

Ensuring not only planning...but action for exploration of opportunity and solution of regionwide problems that can only stem from a representative and funded regional organization that works toward realization of defined objectives through the process of planning, programming, budgeting and development in a currently highly fragmented political environment.<sup>7</sup>

### STAFFING

Of the many elements which make a council succeed, few exceed the importance of its staff. Those which have been well staffed have tended to prosper. Those which have gone unstaffed or with a minimum staff have continued to exist but have produced few achievements.

No council has yet developed an extensive staff. Table 6 compares professional staff positions. Only ABAG and the Washington COG have really developed a staff structure beyond an executive director. The Puget Sound Governmental Conference has a larger staff, but it is essentially a regional planning staff rather than a general purpose staff. It is obvious that financial limitations have stunted staff development. Those organizations which have become eligible for some forms of Federal assistance have developed regional staffs. The others have operated on a makeshift basis.

In these circumstances, the staff function has been limited. Yet, the two most advanced groups, ABAG and MWCOG provide considerable support for the widely expressed opinion that good staffing is a vital element in their success.

In general, the professional staffs serve as secretariats to the executive committees and to the various policy committees of their respective organizations. In the case of SICC, the executive director devoted a major portion of his time and effort to legislative affairs. A considerable amount of staff time in the several associations is spent in liaison work maintaining the communications function of the organization--attending meetings of local governing bodies, meetings of regional authorities, public hearings and committee meetings, and maintaining staff-level contacts with various agencies of governments in the metropolitan area. Little time is left to develop programs, but in a few cases the staff directors have been able to exercise considerable initiative and leadership in urging their executive committees and memberships to take up new questions. When moving into an area such as planning or open space, for instance, staff leadership is essential, just in meeting the technical requirements for the programs established by Federal law.

---

7. Harold F. Wise, A Program for Comprehensive Planning and Development in the National Capital Region: A Design for Decision-Making and Action (Washington: Metropolitan Washington Council of Governments, 1965), pp. 60, 61.

TABLE 6

PROFESSIONAL STAFF POSITIONS IN COUNCILS OF GOVERNMENTS<sup>a</sup>

<u>ABAG</u>	<u>MACLOG</u>	<u>MWCOG</u>	<u>M-WVCOG</u>	<u>PSGC</u>	<u>RCEO</u>	<u>SCAG</u>	<u>SICC</u>
Executive Director	No staff (Uses Regional Planning Commission Staff)	Executive Secretary General Counsel Environmental Health Public Safety & Administration	Executive Secretary	Executive Director	Part-time Executive Secretary	Not staffed at time studied	Executive Director
Assistant Executive Director				Assistant Executive Director			Assistant Executive Director
Planning Director				6 Planners			
4 Planners		Regional Information Service Systems Analyst Public Information Administrative Assistant Research Assistant					

<sup>a</sup> The list in this table reflects staffing prior to FY 1967. The likely staffing effects of Federal 701(g) money are illustrative by FY 1967 budget of MWCOG, which provides for 25 professional positions, including 12 in the planning section.

Weakness in staff capability is only slightly offset through the use of technical advisory committees--groups of administrative or professional staff members from the local governments in the association. These groups meet to advise policy or executive committees and to formulate issues for the elected officials to consider. These officers have their own local responsibilities to shoulder, however, and their interest and service tends to be sporadic. A study of staff services in councils of governments conducted by the Citizens Research Council of Michigan concluded:

Despite the use of technical advisory groups and the sporadic employment of paid consultants, each council is still confronted with the nagging problem of sufficient staff support to standing committees.<sup>8</sup>

The elected officials interviewed in the study, and professional staff members of their governments were unanimous in sensing a need for stronger and more extensive regional staffs. One of the prime values in expansion of activities under the aegis of the 1965 Housing Act Amendments [701(g)] is that Federal assistance thereby becomes available for both higher quality and larger staffs.

A new trend can also be seen in the practice of making the council of government's staff director the executive officer of other regional groups, such as the metropolitan planning commission or the metropolitan transportation study. Such organizations often have substantial financial resources. Through such consolidations of regional staffs, savings can be effected in administrative budgets and a more challenging work environment for professionals can be created. As staffs expand, it may be assumed that they will assume more responsibility for programs of a regional nature and assist in the overall process of metropolitan program coordination.

#### **RELATIONS WITH OTHER METROPOLITAN AGENCIES AND PROGRAMS**

As indicated above, one of the principal functions performed by the council of governments is liaison with other metropolitan organizations. Similarly, one potentially important function is political direction of metropolitan agencies and programs.

At present, the pattern is to exercise only limited direct control over specific programs or agencies. ABAG is directly responsible for regional planning in the Bay Area, and it is the coordinating agency for the open space program. It is also carrying on, jointly with the Bary Area Transportation Study (BATS), the transportation study as part of the planning function. In the groups studied here no council had yet assumed direct responsibility for a regional transportation study, but the trend in that direction seemed established in the Washington area and possibly in the Los Angeles area, once SCAG was firmly established. In areas such as joint purchasing, the voluntary association may initiate the project, but its actual administration is normally handled by a specific government. Direct responsibility may frequently be taken for special studies of problems such as solid waste disposal, sewer systems or water distribution. These have normally been conducted under consultant contracts or through

---

8. Citizens Research Council of Michigan, "Research Brief on Staff Services and Programs of Councils of Governments." (1526 David Stott Building, Detroit, Michigan, 1966), (mimeographed), p. 16.

a member government.

A growing method of metropolitan coordination in intergovernmental relations is overlapping memberships among the governing bodies of metropolitan agencies. The San Francisco area's Bay Fill Commission has a membership which largely overlaps ABAG's. The latter is designated by statute to appoint three members of the Bay Fill Commission. In the Washington Area, the Joint Transportation Planning Board also has members designated by the Council of Governments. ABAG's membership also overlaps that of the Bay Area Transportation Study, and ABAG provides an integral part of both staff services and policy direction for the transportation study.

Overlapping membership does provide some means of coordinating activities. Unless it is rather pervasive, however, it is at best an expedient in metropolitan affairs. If the overlap between the two boards is complete, then a high degree of coordination is possible. The normal pattern, however, is for the council's membership to overlap the other board only partially. If all newly created metropolitan agencies' boards were duplicates of the executive committee of the council, it probably would be unnecessary to give the latter direct control.

Other means of coordination are also available. Joint staffing of the local officials association and other regional agencies, as discussed above, is a technique which shows considerable promise. It appears to offer a more effective means of maintaining contact and coordination than either a report-and-review system or interagency committees.

A final technique of growing promise is joint or shared financing, whereby the council provides a portion of the funds required for the fulfillment of a planning or action program. In programs such as open space preservation or solid waste disposal, joint financing arrangements, prorated on an equitable basis among jurisdictions, may provide the only feasible means for some governments to participate in regional decisions vital to their populations. A financial contribution not only gives a council of governments--and through it the local officials--a stake in the outcome of regional decisions; it allows them an important, even a decisive, voice in producing the outcome. Councils eligible to receive urban planning assistance grants, for instance, can participate financially, and consequently politically, in the regional transportation planning process. By financing the comprehensive planning component of a regional transportation study through their council of governments, local officials have an effective means of expressing the local and metropolitan viewpoint in the planning and execution of highway programs. They are financial as well as technical partners in such an arrangement. Moreover, they are partners in the development of regional policy, shaping decisions instead of merely reacting to them.

## VI

### COUNCILS OF GOVERNMENTS AND FEDERAL PROGRAMS

In the relatively short history of the councils of government movement, the councils have engaged in a number of Federal grant programs. The new program of specific assistance to the councils, authorized by the 1965 amendment to Section 701 of the Housing Act, now opens the possibility of stimulating formation of many new COGs and the expansion and improvement of the operations of established COGs all along the line.

#### PAST ACTIVITY

Councils of governments have already participated in some Federal grant programs. Both ABAG and PSGC receive Federal planning assistance (701) grants for regional planning because they have qualified themselves as regional planning agencies. ABAG, as mentioned earlier, provides the comprehensive land use planning component (financed by 701 planning grants) for the Bay Area Transportation Study under cooperative agreements between the Department of Housing and Urban Development and the Bureau of Public Roads. As part of its regional planning program, which includes open space planning, ABAG provides the mechanism for meeting the Federal open space-land program planning requirements. MWCOG has conducted a federally assisted demonstration project (under Section 314 of the Housing Act) to establish a data collection and regional information system. PSGC has responsibility for a federally assisted study of urban mass transportation in the Seattle area. RCEO has applied to the Department of Health, Education, and Welfare for assistance to undertake an air pollution study. These examples of past activities of councils of governments suggest the range of federally assisted programs in which such groups engaged, even before the 1965 amendments to the Housing Act.

#### SECTION 701(g)

Under the 1965 amendments [Section 701(g)] of the Housing Act of 1954, councils of governments became eligible to receive assistance from the Federal Government for a broad range of activities, such as professional staffing, administrative expenses, organizational, fiscal and planning studies, data collection, regional planning for land use, transportation, housing, economic development, resource development, community facilities and general improvement of the living environment.<sup>9</sup>

Councils of governments which qualify as eligible to receive aid under the amendments can obtain assistance in amounts up to two-thirds of the cost of

---

9. A copy of Section 701 and the administrative rules (P.A.L. 50) are found in Appendix B.

the approved activities. The availability of Federal assistance offers new hope for a promising experiment in intergovernmental relations. By tripling the financial resources available to a council, and by helping it extend its activities into other federally aided programs, Section 701(g) provides a basis for extending and strengthening the influence of local officials in metropolitan affairs.

In the formative stages of development, emphasis is normally on establishing communications among governments and on planning future activities and programs. Where councils have a legal basis, such as a corporate charter, intergovernmental agreement or compact, or a statutory authorization, Federal assistance might be requested for establishment of a professional staff and to help pay overhead expenses. The staff component is critical at this stage, and the adequacy of the staff may well determine both the speed with which the organization develops and the quality of the programs it undertakes. As pointed out above, respondents in every metropolitan area with a council of governments agreed that the ability of their group to obtain a highly qualified staff director was the most important single element in developing an effective organization.

Once an organization is established and shows that it has or can obtain the necessary professional assistance, Federal assistance may be sought for organizational and program planning. Such a grant may be used to study the problems of the area and to produce recommendations on how to meet them as well as to suggest substantive programs which should be established. The "design study" grant to the Metropolitan Washington Council of Governments provides a prototype for such studies. This study sought to answer questions such as:

What should be the relationship between COG and other regional agencies such as the regional planning agency, the transportation study, and the mass transportation agency?

What are the steps which must be taken to achieve the goals set?

How can COG be used best to meet major metropolitan issues and to implement a metropolitan action program?

What are the financial and staff requirements as well as the legislative requirements of establishing both the program and the organization needed?

It is at this stage that Federal assistance can help the council of governments cross the threshold from discussion to action. Such studies can, as they have demonstrated in the case of the Metropolitan Washington COG, produce a metropolitan action program which local officials can endorse. Finally, once a design study has been completed and an action program adopted, Federal assistance may be available to help the voluntary association carry it out. This is particularly the case where the group assumes responsibility--directly or through review procedures--for regional planning in the metropolitan area.

Specific activities for which Federal funds under Section 701(g) are available on a matching basis, in addition to planning, are outlined in Planning Agency Letter No. 50 of the Housing and Home Finance Agency (Department of Housing and Urban Development), which is included in Appendix B.

Several elements of P.A.L. 50 should be emphasized. To be eligible for

assistance, a council of governments must consist primarily of elected officials and be metropolitan in scope. It must be legally organized as a corporation or pursuant to a statute. It must have, or show it can obtain, a staff competent to carry out the activities for which it seeks Federal aid.

HUD also requires that councils which receive Federal assistance coordinate their activities with other regional agencies--especially regional planning commissions already receiving Federal assistance under Section 701 of the Housing Act. Normally, HUD planning grants will be made to only one agency. A council of governments is eligible to receive assistance for the conduct of a regional planning program only if it is specifically authorized to do so by its enabling legislation, charter or by-laws. Thus, it is possible for general assistance for support of cooperative activities to be separated from the planning process, but the thrust of P.A.L. 50 suggests that they should, wherever practicable, be tightly coordinated, if not united in one organization.

If the council of governments qualifies as the regional planning agency, it can harness a battery of Federal assistance programs to help it achieve its metropolitan objectives.

### FUTURE PROSPECTS

For the future, it would appear that councils of governments may undertake a wide variety of functions. There seems to be a consensus that they offer, in Luther Gulick's terms, more real prospect of bringing "mild chaos out of the utter chaos" which afflicts most metropolitan areas in the country than any other current device. Passage of the Intergovernmental Cooperative Act (S. 561), 89th Congress (1965) could further enhance their importance.

This Act, passed by the Senate in 1965, and supported as a part of the President's 1966 budget recommendations, would require most Federal aid applications from urban governments for major development projects in a metropolitan area to be reviewed by a regional planning agency before submission to the appropriate Federal agency. Should this Act become law, and when councils have the planning powers, they can provide not only the planning review but the mechanism for meaningful political review and coordination of all major Federal programs which affect the metropolitan area. With this sort of involvement, local governments will have the capacity to reassert much lost initiative in the federal system.

Even without a heavy emphasis in overall Federal policy, there are some metropolitan functions for which the councils are better suited than others. Foremost among these is regional planning. This is particularly the case in interstate areas. With the application of Section 701(g) in their favor, most councils could assume ultimate responsibility for planning policy and decisions within a relatively short period of time. A second natural area for assumption of responsibility is the "continuing, comprehensive, cooperative" transportation planning process required under the 1962 amendments to the Federal Aid Highway Act.

Councils of governments provide, except for those areas with metropolitan governments, the best available means of coordinating general planning with transportation planning and securing the necessary cooperation of local governments in that process. The Open Space and Urban Beautification program might also be

coordinated by associations of governments. Other areas, which are most likely initially to consist of cooperative actions rather than operations, include air pollution, water pollution and drainage, police information and data systems. Police cooperation and data systems appear likely to develop into operating programs using shared resources such as the Atlanta area's metropolitan fugitive squad. There would also seem to be some prospect of granting intrastate councils legislative authority to undertake programs in the fields of air and water pollution and the water and sewer facilities program. The new comprehensive planning requirements of the water and sewer facilities program suggest that these regional activities should be brought under the council of governments planning umbrella. They could, with transportation planning and projects, become major tools for the implementation of regional development objectives determined by the local officials of metropolitan areas.

As the Federal assistance program develops, it may also be possible to encourage councils of governments to engage in housing market analyses and adoption of regional housing and economic development policies and to make fiscal recommendations to local and State governments as an extension of plan implementation.

Finally, the councils of governments offer a considerable potential for achieving some limited but very useful objectives in urban manpower training. Federal aid funds might be used to help establish post-entry education programs in intergovernmental relations, management and planning, and other selected functional areas through the auspices of the council of governments. Local government executive development programs and management and planning technology programs seem particularly well suited for regional approaches. In addition, a regional service function can be performed by sponsoring cooperative regional training programs in such fields as police work, fire protection and prevention inspections, finance, standard codes, data and information systems.

It would appear, then, that councils of governments have potential capacity to develop into institutions performing operating programs for metropolitan area governments, as well as to provide means for cooperation in policy-making and coordination of separate governmental programs. The extent and speed of evolution in this direction depends, of course, on the wishes of their member governments. Both existing and projected Federal policy and local dissatisfaction with the frustrations and ineffectiveness of existing means of meeting metropolitan problems would seem to suggest that such an evolution can occur. There is no real prospect that the associations of local governments are destined to become "super governments" or metropolitan governments in the classic sense. Rather, they appear to be developing, first into the planning phase of cooperative decision-making, and second into a limited, step-by-step realization that it is better for local governments cooperatively to program and implement decisions than to turn regional affairs over to a series of legally and financially autonomous special districts over which elected officials in a region have little, or no, control.



## V

### CONCLUSIONS

The preceding chapters have reviewed the origins, activities, financing, and problems of councils of government; described their basic organization and structure; explained the new 701(g) program of Federal assistance to COGs; and projected their potential evolution. This final chapter draws major conclusions concerning the organization, staff, and activities of the councils, and identifies key problems that challenge their development as new instrumentalities of interlocal cooperation and coordination in metropolitan areas.

### ORGANIZATION

The organizational form of councils of governments is closely related to the legal and political systems indigenous to the respective metropolitan areas. There is no single organizational or membership pattern for councils of governments. In general they consist of elected members of local general purpose governments. Variations are not infrequent however.

In all the established councils key appointed officials play significant roles, although none are formally members of the respective groups (except the D. C. Commissioners).

In all cases, the total membership meets infrequently--usually biennially. Basic decisions are made by an executive board or committee composed of a lesser number of members, serving as representatives of the respective units. Patterns on selection of executive board members also vary considerably.

The most important element in organization is to include all significant units of government. In general it would seem preferable to exclude legislators from direct membership in the council but some means must be developed to involve them if the council itself is to be kept "pure" as a conference of local officials. Special purpose authorities and school boards may be another matter. Where they are elected, set their own tax rates, and plan and develop projects independently of the general government, a strong case may be made for their inclusion in the association or for finding some way of involving them in those decisions which affect, or are affected by, their interests. This may be achieved through overlapping memberships or consolidation of staffs in the case of special regional agencies.

There seems to be agreement that an association cannot succeed without a rather significant contribution from the professional staffs of the respective governmental units. While the staff members should not be made members of the council itself, they should be involved through the committee structure of the organization. Here, a tactical problem is encountered. The councils will have to undertake projects of sufficient regional importance that staff members,

particularly city and county managers and planning directors, will consider participation an essential expenditure of their own and their subordinates' time and resources.

In a very real sense, the councils must act as pressure groups on local governing bodies, the State governments, special purpose agencies, and Federal agencies and officials. Their organization, membership, and internal structure should be designed to maximize this role conjointly with their diplomatic role of developing a concert of policy and action by units of government in each metropolis.

The council of government seems particularly well suited to the problems of metropolitan organization in interstate areas. It may be able to provide, through a simple corporate charter, a framework for regional planning and cooperation which may be unlikely of accomplishment short of interstate compact. It should be pointed out, however, that Section 701 of the Housing Act contains advance Congressional approval for interstate compacts which implement its objectives. Additional parallel or other legislation may still be necessary if States' policies on metropolitan action conflict or prohibit interlocal cooperation.

As presently constituted, councils of governments tend to interest suburban governments more than core cities. While core cities belong to all the councils at present, they have not tended to provide continuing leadership.

Paradoxically, central city involvement, including active participation, seems essential to the success of the council. The councils' ultimate effectiveness as metropolitan bodies lies in their ability to demonstrate their practical utility to both central cities and the major suburban governments as well as the small cities. The trend is in this direction.

## STAFF

The speed with which a council develops and the range of activities it undertakes is largely a function of staff capacities and interests. No other single element seems as important in the development of councils. The trials and length of the formative period can be substantially reduced with able staff. The relative progress of the several existing associations can almost be measured by the degree of staff competence and initiative.

Selection of the initial staff director for a council is crucial because he may stay with the council as it assumes new functions and staff. It is important that the director be an experienced urban administrator, used to working with both elected and appointed officials. Executive capacity and skill in human relations and policial judgment are more important than technical skills. The staff director should have both the professional background and salary level to make it possible for him to work with public officials on a basis of mutual respect and with authority. The style of operation should correspond to that of a city manager or staff director of a public authority rather than that of a clerk to a board of commissioners or council. If a council of governments lacks a skilled and resourceful staff director who can deal responsibly and expeditiously with regional problems at hand, interests concerned with regional problems (including council of governments members themselves) may seek to achieve this objective through creation of special purpose authorities. If this occurs, regional coordination is made more difficult and the council of governments falls short of its promise.

The regional offices of the Department of Housing and Urban Development (see Appendix C) as well as the national office in Washington, D. C., will consult with local units or with councils about how to form such groups and how to apply for Federal help. In addition, the national headquarters in Washington of the National League of Cities and the National Association of Counties provide information to local governments about councils of governments.

## ACTIVITIES

Councils of governments appear to have the political capacity to develop into action organizations in limited areas. Such development is not inevitable, however. It will require both local political leadership and Federal policy leadership. A danger in these organizations is a drive to avoid controversies which may appear to threaten the council itself. Federal policy which requires a continuing process of politically responsible and professionally competent review of metropolitan policies can greatly strengthen councils against spiteful withdrawals over minor policy disagreements.

Once the stability of a council is established, however, it still has to face the problem of becoming a meaningful focus for the processes of metropolitan decision making. Federal assistance in design studies to explore and attempt to find solutions to problems of organization and structure, and problems or relations with planning operations and functional programs can facilitate the speedy transformation of some councils from little more than regional associations of local officials into metropolitan forums and action organizations in which decisions on specific regional issues can be made by something less than unanimous acquiescence in foregone conclusions.

There is substantial evidence that the councils, contrary to early fears, can operate without consensus, much less unanimity. The possibility of moving to a majority procedure is greater in some areas than in others. In those areas where all governments in an area cannot be expected to reflect a common interest, as in air pollution or transportation decisions, the possibility of achieving unanimity is low, except on the question of avoiding the issue. And it is toward decisions on such issues that the councils must move if they are to be effective.

It is in these areas where the associations offer simultaneously the most hope for a responsible metropolitan decision-making system and the greatest prospect of failure in abating the functional splintering of the metropolis. Voluntary cooperation through a council of governments has not brought an end to special purpose districts. Rather, it has moved toward a modification of the special district approach through a system of overlapping membership on the governing bodies of the association and the special purpose districts. But overlapping membership is not a duplication of membership, and even duplication of membership does not result in responsibility of the council for special district acts. To the contrary, while this new practice may be preferred to the old system of separate, appointed boards, it can tend to generate a false sense of control and a tendency either to ignore the special district or to accept on courtesy the report of the association members responsible for its operation.

There are several approaches which might lead to a more fruitful relationship between the councils and special districts. One incremental approach would be to make the executive committee or the council, in its entirety, the governing board of all regional special districts. Another effective means of coordination

would be to make the council's staff director the executive officer of all special purpose districts. A combination of the two approaches would probably be most effective. To achieve full coordination of councils of governments with the operations of special districts and State and Federal agencies concerned with regional and metropolitan programs, determined leadership by local officials will have to be combined with Federal policies clearly designed to enhance the role of the councils of governments in metropolitan affairs.

## PROBLEMS AND PROSPECTS

Councils of governments are not without problems. They are frequently formed for defensive purposes to prevent any more powerful or drastic regional governmental reorganization. But in most metropolitan areas a general metropolitan government is not a prominent possibility. The key challenge is for associations to adopt an evolutionary rather than static pattern of behavior. This is not always easy, especially where part-time marginal interest by elected officials is fused with unimaginative or timid staff leadership.

A basic problem of the councils in meeting this challenge is reflected in the limited interests, power, and time of its participants, all or most of whom are elected officials with primary political loyalties to and duties in their own jurisdictions. Councils have ameliorated parochialism, but parochialism still remains a primary impediment to their development and effectiveness. Typically, local representatives to the council are unable to commit their own governments to a course of regional policy. One of the problems to be overcome is to develop systems for the representation of local governments and of the most significant political leaders of that area which not only inspire the confidence of members in the fairness of the decision-making system, but also bring into the critical deliberations on regional policy those elected--and nonelected--officials who have the power to lead their own jurisdictions or agencies in following that policy once it has been determined.

Moreover, the council competes with a myriad of other organizations, great and small, for the time and interest of its members. It faces a somewhat circular problem in undertaking programs significant enough to warrant the attention of the key politicians and staff of local governments and attracting the participation of the key officials necessary to permit them to make important decisions.

This central problem is related both to the scheme of representation in the council (including the resultant problems of voting strength and financial contributions) and the problem of public and political visibility for the council as an institution. The councils are not well known even among the band of local officials outside the executive board members. Again, this relates to the substance of their activities and to their style of operations. If they are to become effective regional forums, a higher degree of both official and public participation will be required. This might be stimulated in part by a council operating as an institution in promoting public hearings and discussions on development proposals and plans, generated by it or by other metropolitan institutions.

So far, councils of governments have tended to operate at a low level of public and official consciousness. For them to be successful, their roles as program producers and opinion leaders in regional affairs will have to be enhanced.

The early years have been difficult ones for the pioneer organizations.

These councils, however, have shown that a need exists for a coordinating mechanism for local governments in metropolitan areas. They have proved their worth, and offer much knowledge from which other areas may benefit. The future of this form of metropolitan cooperation and action seems bright. The councils of governments offer one of the most productive means of translating plans into action for many of America's metropolitan areas.



## APPENDIX A

### ILLUSTRATIONS OF THE LEGAL BASES OF COUNCILS OF GOVERNMENTS

#### Exhibits

- A-1 California Joint Exercise of Powers Act
- A-2 Model State Statute Authorizing Formation of  
Regional Associations of Local Officials
- A-3 By-Laws of the Association of Bay Area Govern-  
ments (San Francisco)
- A-4 Articles of Incorporation of Metropolitan  
Washington Council of Governments

Exhibit A-1

CALIFORNIA JOINT EXERCISE OF POWERS ACT

Title 1, Division 7, Chapter 5, Government Code  
Appendix 2

JOINT EXERCISE OF POWERS ACT  
(Government Code Sec's. 6500-6513,  
As Amended by Chapter 990, 1963 Statutes)

SEC. 6500. As used in this article, "public agency" includes the Federal Government or any federal department or agency, this State, an adjoining state or any state department or agency, a county, city, public corporation, or public district of this State or any adjoining state.

SEC. 6501. This article does not authorize any state officer, board, commission, department, or other state agency or institution to make any agreement without the approval of the Department of Finance or the Director of Finance if such approval is required by law.

SEC. 6502. If authorized by their legislative or other governing bodies, two or more public agencies by agreement may jointly exercise any power common to the contracting parties, even though one or more of the contracting agencies may be located outside this State.

SEC. 6503. The agreements shall state the purpose of the agreement or the power to be exercised. They shall provide for the method by which the purpose will be accomplished or the manner in which the power will be exercised.

SEC. 6504. The parties to the agreement may provide that (a) contributions from the treasuries may be made for the purpose set forth in the agreement, (b) payments of public funds may be made to defray the cost of such purpose, (c) advances of public funds may be made for the purpose set forth in the agreement, such advances to be repaid as provided in said agreement, or (d) personnel equipment or property of one or more of the parties to the agreement may be used in lieu of other contributions or advances. The funds may be paid to and disbursed by the agency or entity agreed upon.

SEC. 6505. This agreement shall provide for strict accountability of all funds and report of all receipts and disbursements.

SEC. 6506. The agency or entity provided by the agreement to administer or execute the agreement may be one or more of the parties to the agreement or a commission or board constituted pursuant to the agreement or a person, firm or corporation designated in the agreement. One or more of the parties may agree to provide all or a portion of the services to the other parties in the manner provided in the agreement. The parties may provide for the mutual exchange of services without payment of any consideration other than such services.



SEC. 6507. For the purposes of this article, the agency is a public entity separate from the parties to the agreement.

SEC. 6508. The agency shall possess the common power specified in the agreement and may exercise it in the manner or according to the method provided in the agreement. If the agency is not one or more of the parties to the agreement but is a public entity, commission or board constituted pursuant to the agreement and such agency is authorized, in its own name, to do any or all of the following: to make and enter contracts, or to employ agents and employees, or to acquire, construct, manage, maintain or operate any buildings, works or improvements, or to acquire, hold or dispose of property or to incur debts, liabilities or obligations which do not constitute the debt, liability or obligation of any of the parties to the agreement, said agency shall have the power to sue and be sued in its own name.

SEC. 6509. Such power is subject to the restrictions upon the manner of exercising the power of one of the contracting parties, which party shall be designated by the agreement.

SEC. 6510. The agreement may be continued for a definite term or until rescinded or terminated. The agreement may provide for the method by which it may be rescinded or terminated by any party.

SEC. 6511. The agreement shall provide for the disposition, division, or distribution of any property acquired as the result of the joint exercise of powers.

SEC. 6512. The agreement shall provide that after the completion of its purpose, any surplus money on hand shall be returned in proportion to the contributions made.

SEC. 6512.1. If the purpose set forth in the agreement is the acquisition, construction or operation of a revenue-producing facility, the agreement may provide (a) for the repayment or return to the parties of all or any part of any contributions, payments or advances made by the parties pursuant to Section 6504 and (b) for payment to the parties of any sum or sums derived from the revenues of said facilities. Payments, repayments or returns pursuant to this section shall be made at the time and in the manner specified in the agreement and may be made at any time on or prior to the rescission or termination of the agreement or the completion of the purpose of the agreement.

SEC. 6513. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of officers, agents or employees of any such public agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this article.

Exhibit A-2

MODEL STATE STATUTE AUTHORIZING FORMATION OF  
REGIONAL ASSOCIATIONS OF LOCAL OFFICIALS<sup>1</sup>

REGIONAL COUNCILS OF PUBLIC OFFICIALS

This is a bill authorizing local governments to join together for the specific purpose of forming and operating a regional council of officials.

Section 1 provides that the governing bodies of any two or more general purpose units of local government, such as cities and counties, may establish a regional council of public officials. It authorizes agreements to be made with governing bodies of similar units in other states in order to permit establishment of a council which would draw membership throughout the entire territory of an interstate metropolitan area. Some states might wish to broaden permissive membership to include representatives from local school districts or from the state government.

Section 2 specifies that each constituent local unit shall be represented by its elected chief executive or if it has no elected chief executive, by a member of its governing body chosen by that body. Reflecting the voluntary nature of the organization, it further provides that any constituent unit may withdraw at will upon giving 60 days' notice.

Two types of powers are authorized by section 3. The first, which may be exercised by vote of the council, includes the power to make studies of area-wide problems of common interest, promote cooperation among the members, and make recommendations to the members and other public agencies operating in the area. These powers are purely of an advisory, research, encouragement, and recommendation nature. They do not involve carrying out any kind of "line" function normally carried out by the member governments within their individual jurisdictions.

The second category of powers includes all other powers that the member governments may exercise individually. Since these would involve direct public services, the application of such powers to each participating government is a matter of basic importance to the governing bodies of those governments. Therefore, it is provided that for such powers to be exercised by the council, appropriate action by each constituent government would be required.

The remaining sections authorize the council to adopt by-laws, employ staff and consultants, and receive funds from all sources, including grants from the Federal Government. Governing bodies of the member governments are permitted to appropriate funds for the council.

---

1. Advisory Commission on Intergovernmental Relations, 1967 State Legislative Program (Washington: Government Printing Office, 1966).

### Suggested Legislation

[Title should conform to state requirements. The following is a suggestion: "An act to authorize regional councils of public officials."]

(Be it enacted, etc.)

1     Section 1. Establishment. The [governing bodies of any two or more  
2 counties, cities, [other general purpose units of local government] by  
3 appropriate action, may enter into an agreement with each other, or with  
4 the governing bodies of any counties, cities, [other general purpose units  
5 as above] of any other state to the extent that laws of such state permit,  
6 for establishment of a regional council of public officials.

1     Section 2. Membership. Membership of the council shall consist of one  
2 representative from each county, city, [other general purpose units] enter-  
3 into the agreement. The representative from each member county, city,  
4 [other general purpose units] shall be the elected chief executive of the  
5 member county, city, [other general purpose units], or, if such county,  
6 city, [other general purpose units] does not have an elected chief execu-  
7 tive, a member of its governing body chosen by such body to be its repre-  
8 sentative.<sup>2</sup> Any county, city, [other general purpose units] which has be-  
9 come a member of the council may withdraw upon 60 days notice subsequent to  
10 formal action by its governing body.

1     Section 3. Powers and Duties. (a) The council shall have the power to  
2 (1) study such area governmental problems common to two or more members of  
3 the council as it deems appropriate, including but not limited to matters  
4 affecting health, safety, welfare, education, economic conditions, and re-  
5 gional development; (2) promote cooperative arrangements and coordinate  
6 action among its members; and (3) make recommendations for review and action  
7 to the members and other public agencies that perform functions within the  
8 region.

9     (b) The council may, by appropriate action of the governing bodies of  
10 the member governments, exercise such other powers as are exercised or  
11 capable of exercise by the member governments and necessary or desirable

---

2. If the area contains many local governments, states may wish to provide another basis of representation, analagous to that provided in model legislation for a metropolitan planning commission or a metropolitan functional authority. States may also wish to consider including other local government units for membership, such as school districts and special districts, and may wish to provide for participation by the state and federal governments.

12 for dealing with problems of mutual concern.

1     Section 4. By-Laws. The council shall adopt by-laws designating the of-  
2 ficers of the council and providing for the conduct of its business.

1     Section 5. Staff. The council may employ such staff, and consult and  
2 retain such experts, as it deems necessary.

1     Section 6. Finances; Annual Report. (a) The governing bodies of the  
2 member governments may appropriate funds to meet the expenses of the coun-  
3 cil. Services of personnel, use of equipment and office space, and other  
4 necessary services may be accepted from members as part of their financial  
5 support.

6     (b) The council may accept funds, grants, gifts, and services from the  
7 government of the United States or its agencies, from this state or its  
8 departments, agencies or instrumentalities, or from any other governmental  
9 unit whether participating in the council or not, and from private and civic  
10 sources.

11     (c) It shall make an annual report of its activities to the member gov-  
12 ernments.

1     Section 7. Separability. [Insert separability clause.]

1     Section 8. Effective Date. [Insert effective date.]

Exhibit A-3

BYLAWS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS  
(SAN FRANCISCO)

PREAMBLE

The Association of Bay Area Governments is hereby created as an agency established by agreement among its members pursuant to the Joint Exercise of Powers Act. The Association is organized for the permanent establishment of a forum for discussion and study of metropolitan area problems of mutual interest and concern to the counties and cities of the San Francisco Bay Area and for development of policy and action recommendations.

ARTICLE I. FUNCTIONS

The functions of the Association shall include:

A. Review of Governmental Proposals. The review of proposals for metropolitan area or regional governmental units or agencies, and the making of appropriate policy or action recommendations.

B. Study of Metropolitan Area Problems. The identification and study of problems, functions and services in the San Francisco Bay Metropolitan Area, and the making of appropriate policy or action recommendations.

C. Other Functions. Such other metropolitan or regional functions as the General Assembly shall deem appropriate for the Association.

ARTICLE II. DEFINITIONS

A. Metropolitan Problem. A metropolitan problem is one that meets the following criteria:

1. The geographic area in which the problem is evident must include at least a portion of each of the nine Bay Area counties, as enumerated in these Bylaws, and the solution of which evidently will not be achieved through conventional methods or through intercounty cooperation; and

2. A solution is required by considerations of public, health, safety or welfare.

B. Regional Problem. A regional problem is one that meets all the criteria for a metropolitan problem except that the geographic area includes less than a portion of each county considered to be within the metropolitan area as defined in these Bylaws.

## Article II. Definitions (Cont.)

C. Association. The Association, as used in these Bylaws, means the Association of Bay Area Governments as established by these Bylaws.

D. General Assembly. As used in these Bylaws, means a meeting of the official representatives of the members of the Association of Bay Area Governments.

E. Official Representative. As used in these Bylaws, means the mayor or member of the governing body of each member city and the chairman of the board of supervisors or member of the governing body of each member county, or their duly designated alternates.

## ARTICLE III. MEMBERSHIP AND MEETINGS

### A. Membership

1. All cities and all counties within the area of the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma are eligible for membership in the Association of Bay Area Governments. The mayor or member of the governing body of each member city and the chairman of the board of supervisors or member of the governing body of each member county, or their respective alternates, shall represent such members in the General Assembly. Alternates shall be designated by the city councils or the boards of supervisors, and must be members of those bodies, except in the City and County of San Francisco. The mayor of the City of San Francisco may designate as his alternate any officer of the City and County of San Francisco. This officer need not be an elected official of the City and County of San Francisco.

2. Each member county and city shall have one seat in the General Assembly. San Francisco shall be counted as both a city and county for purposes of membership. Each city incorporated within the nine Bay Area counties enumerated above after the formation of the Association shall automatically be entitled to membership, subject to the provisions of Subsection 3 of this Section A.

3. Membership shall be contingent upon the execution of the Joint Powers Agreement and the payment by each county and city of each annual assessment.

4. Any county or city in the nine-county area, set forth in Subsection A.1 of this Article III, may become a member after the initial formation of this Association, provided that all provisions of Article III are met by the jurisdiction seeking membership.

### B. Meetings

1. Regular meetings of the General Assembly shall be held twice each year. The annual meeting shall be held in the month of February and the other regular meeting in the fall. Special meetings of the General Assembly may be called by the Executive Committee upon its own motion and shall be called by the Executive Committee upon written request of 15 member cities and 3 member counties. Ten days' written notice of a special meeting shall be given to the official representative of each member county and city. An agenda specifying the subject of the special meeting shall accompany the notice.

### Article III. Membership and Meetings (Cont.)

2. The time, date, and location of both regular meetings of the General Assembly shall be determined by the Executive Committee.

3. Notice of both regular meetings of the General Assembly shall be given to the official representative of each member county and city at least 30 days prior to each meeting. An agenda for the meeting shall accompany the notice.

4. The Executive Committee shall meet at least four times each year. Additional meetings shall be held upon the call of the Chairman or upon the call of five members of the Executive Committee.

5. Other Association committees shall meet on the call of their chairmen.

### ARTICLE IV. GENERAL ASSEMBLY

The powers and functions of the General Assembly shall include:

A. The making of policy decision and the determination of policy matters for the Association.

B. Any official representative may at any meeting of the General Assembly propose a subject or subjects for study by the Association. The General Assembly may take action upon such proposals and, if requested by any official representative, determine whether a study will be made of the subject or subjects so proposed or may refer such subject or subjects to the Executive Committee.

C. Any official representative may at any meeting of the General Assembly request review by the General Assembly of any action of the Executive Committee which has been taken between meetings of the General Assembly.

D. Each year at its annual meeting the General Assembly shall review the proposed budget and assessment schedule submitted by the Executive Committee and shall adopt an annual budget and an assessment schedule.

### ARTICLE V. EXECUTIVE COMMITTEE

A. Executive Committee. There shall be an Executive Committee of the Association which shall be organized and shall be responsible for functions as hereinafter set forth:

1. Membership. The membership of the Executive Committee shall be:

a. The official representative from one of the member cities in each of the nine Bay Area counties enumerated in Section A.1 of Article III above, to be appointed by the mayors of member cities meeting in conference in each county. An alternate shall be appointed in the same way.\*

b. The official representative of each of the member counties. The alternate designated to represent each member county in the General Assembly shall likewise serve as alternate on the Executive Committee.\*

\*As amended February 24, 1961.

Article V. Executive Committee (Cont.)

c. The Executive Committee members chosen under subsections (a) and (b) above may collectively elect not to exceed six other members-at-large from among the elected legislative officials of the counties and cities of the Bay Area. Members so chosen shall serve one-year terms as full and equal members of the Executive Committee. An alternate for each member-at-large shall be chosen in the same manner and for the same term.\*

d. The President and Vice President of the Association, who shall be ex officio voting members of the Executive Committee.

2. Terms of Office. Executive Committee members, other than the President or the Vice President of the Association and the Executive Committee members-at-large, shall serve for terms of two years. Appointments to the Executive Committee shall become effective biennially on July 1. The first appointments to the Executive Committee shall be made within thirty (30) days after the Agreement forming the Association is effective, and the terms of such members first appointed shall commence immediately upon their appointment. The terms of one-half of such members first appointed shall terminate on July 1, 1961, and the terms of one-half of such members first appointed shall terminate on July 1, 1962, in accordance with the provisions of Article V, A. 3. Successive appointments to the Executive Committee may be made at the discretion of the appointing authority.

3. Staggered Terms. The terms of the members of the Executive Committee, other than the President or the Vice President or the members-at-large, shall be staggered so that the terms of approximately one-half of the members shall expire each year. The terms of the members of the Executive Committee representing the cities in the counties of Alameda, Marin, Napa, San Francisco (mayor or his representative), and Santa Clara, and the county representatives from the counties of Contra Costa, San Mateo, Solano, and Sonoma shall expire in the even-numbered years; the terms of the members of the Executive Committee from the cities in the counties of Contra Costa, San Mateo, Solano, and Sonoma, and the county representatives from the counties of Alameda, Marin, Napa, San Francisco (representative of Board of Supervisors), and Santa Clara shall expire in the odd-numbered years.

4. Officers. The President and the Vice President of the Association shall be chairman and vice chairman, respectively, of the Executive Committee.

5. Duties.

a. The Executive Committee shall review and may revise, amend, increase or decrease the proposed annual budget as prepared by the Executive Director. Each year the proposed budget and the assessment schedule based upon such proposed budget, as approved by the Executive Committee, shall be submitted to the General Assembly at the annual meeting. After adoption of the annual budget and assessment schedule by the General Assembly, the Executive Committee shall control all expenditures in accordance with such budget.

1) The Executive Committee shall have power to transfer funds within the total budget amount in order to meet unanticipated needs or changed

\*As amended February 24, 1961.



Article V. Executive Committee (Cont.)

situations. Such action shall be reported to the General Assembly at its next meeting.

2) At each regular meeting of the General Assembly the Executive Committee shall report budget and financial transactions since the previous regular meeting.

3) For the purpose of considering budget matters, the Executive Committee may appoint a Finance Subcommittee consisting of six members of the Executive Committee. Three members of the Finance Subcommittee shall be county representatives and three members shall be city representatives.

b. The Executive Committee shall submit a full report of its activities at the General Assembly's annual meeting in February of each year.

c. The Executive Committee shall have the authority to appoint, fix the salary of, and remove an Executive Director of the Association and shall have the authority to create and discontinue positions in the office of the Executive Director and fix salaries.

d. The Executive Committee shall have the power to appoint committees to study specific problems, programs, or other matters which the Executive Committee or General Assembly have approved for study.

e. Recommendations from committees for policy decisions shall be made to the Executive Committee. The Executive Committee shall submit such recommendations with its comments and recommendations to the General Assembly for action.

f. The Executive Committee shall be responsible for carrying out policy decisions made by the General Assembly.

ARTICLE VI. VOTING

A. Voting in the General Assembly shall be conducted in the following manner:

1. A quorum of the General Assembly shall consist of a majority of the official city representatives and a majority of the official county representatives.

2. Each official county representative and each official city representative shall have one vote. Votes shall be tabulated separately for county representatives and for city representatives. The affirmative votes of a majority of a quorum of county representatives and of a majority of a quorum of city representatives are required for policy recommendations or action.

B. Voting in General Assembly meetings may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

C. Voting in the Executive Committee shall be conducted in the following manner:

Article VI. Voting (Cont.)

1. A majority of the members of the Executive Committee shall constitute a quorum.

2. The affirmative votes of a majority of the quorum are required for action by the Executive Committee with the exceptions set out below.

3. In order to recommend the annual budget to the General Assembly, the affirmative vote of not less than a majority of the Executive Committee membership is required.

4. In order to appoint or remove the Executive Director, the affirmative vote of not less than a majority of the Executive Committee membership is required.

D. All other committees of the Association may act upon the affirmative vote of a majority of the committee members present.

ARTICLE VII. OFFICERS, ELECTIONS AND VACANCIES

A. Officers of the Association shall consist of a President, a Vice President, and a Secretary-Treasurer.

B. The President and the Vice President shall be chosen annually from among the official representatives in the following manner: A Nominating Committee consisting of not less than six official representatives shall be appointed by the retiring President at least two weeks prior to the annual meeting of the General Assembly. This committee shall propose a slate of candidates for the offices of President and Vice President. Nominations may also be made from the floor by any official representative present. A majority vote of the official representatives present is required for election to any office. In the event such majority is not obtained for any office on the first ballot, a second ballot shall be taken with the voting limited to the two candidates receiving the highest number of votes on the first ballot for such office.

1. The President and the Vice President of the Association shall alternately be a county representative and a city representative.

C. Elections shall be held at the annual meeting of the General Assembly. Newly elected officers shall take office on adjournment of this meeting. An exception to this procedure shall be made for the initial election of a President and a Vice President. In order that initial direction may be given to Association affairs, the first President and Vice President shall be elected by the Executive Committee.

D. Each person who is an official representative shall cease to be such immediately upon his ceasing for any reason to be the mayor or member of the legislative body of a member city or chairman of a board of supervisors or member of the legislative body of a member county. Any alternate shall immediately be disqualified and cease to be such alternate upon his ceasing to be a member of the legislative body of the member county or city which so designated him.

E. A vacancy shall immediately occur in the office of President or Vice President upon the resignation or death of the person holding such office or

Article VII. Officers, Elections and Vacancies (Cont.)

upon his ceasing to be an official representative of a member city or county. Upon a vacancy occurring in the office of President, the Vice President shall automatically and without further action become President for the balance of the unexpired term. Upon a vacancy occurring in the office of Vice President, the Executive Committee shall select a Vice President from among the official representatives to serve for the balance of the unexpired term.

F. In the event any county or city member of the Executive Committee shall for any reason cease to be a member of the governing body of the county or city, the vacancy thereby created on the Executive Committee shall be filled for the unexpired term in the same manner as the original appointment is made.

ARTICLE VIII. EXECUTIVE DIRECTOR

The Executive Director shall be the Chief Administrative Officer of the Association. The powers and duties of the Executive Director are:

A. To appoint and remove all employees of the Association.

B. Annually to prepare and present a proposed budget to the Executive Committee and to control the approved budget.

C. To serve as Secretary-Treasurer of the Association and of the Executive Committee.

D. To perform such other and additional duties as the Executive Committee may require.

ARTICLE IX. FINANCES

A. Fiscal Year. The fiscal year of the Association shall commence on July 1.

B. Budget Submission and Adoption. The budget of the Association shall be submitted to the Executive Committee by the Executive Director on or before January 1 of each year. The annual budget and assessment schedule shall be adopted by the General Assembly not later than March 1 of each year.

C. Yearly Membership Assessment. Each year upon adoption of the annual budget, the General Assembly shall fix membership assessments for all members of the Association in amounts sufficient to provide the funds required by the budget. Any member city or county whose annual assessment has not been paid by the time of the annual meeting shall not be entitled to vote at such meeting. The amount of each member's assessment shall be determined in accordance with the formula set out in paragraph (D) following.

D. Method of Assessment. The annual assessment for members of the Association shall be based upon population as determined by the State Controller in making the most recent allocation to counties and cities pursuant to the Motor Vehicle License Fee Law.

1. One-half of the total budget shall be paid by the member counties and one-half by the member cities. Each county's assessment shall be a proportionate share of the counties' one-half of the budget total, determined by the

## Article IX. Finances (Cont.)

ratio of the individual county's population to the total population of all member counties. Each city's assessment shall be a proportionate share of the cities' one-half of the budget total determined by the ratio of the individual city's population to the total population of all member cities. These amounts shall be expressed both on a per capita basis and as a dollar amount of the total approved Association budget for each fiscal year.

2. For purposes of assessment San Francisco shall be considered as both a city and a county.

E. Annual Audit. The Executive Committee shall cause an annual audit of the financial affairs of the Association to be made by a certified public accountant at the end of each fiscal year. The Executive Committee shall employ a certified public accountant of its choosing. The audit report shall be made available to Association member counties and cities.

## ARTICLE X. STATUTORY AUTHORITY

The Association of Bay Area Governments shall be an agency established by a joint powers agreement among the members pursuant to Title 1, Division 7, Chapter 5, of the Government Code of the State of California.

## ARTICLE XI. WITHDRAWAL

Any member county or city may, at any time, withdraw from the Association, providing, however, that the intent to withdraw must be stated in the form of a resolution enacted by the legislative body of the jurisdiction wishing to withdraw. Such resolution of intent to withdraw from the Association must be given to the Executive Director by the withdrawing jurisdiction at least 30 days prior to the effective date of withdrawal.

## ARTICLE XII. AMENDMENTS

Amendments to these Bylaws may be proposed by an official representative or by the Executive Committee. If proposed by an official representative, the amendment shall be submitted to the Executive Committee at least 45 days prior to an annual meeting of the General Assembly. Each proposed amendment shall be considered by the Executive Committee and a copy thereof, with the recommendations of the Executive Committee and its reasons therefor, forwarded to the official representative of each member jurisdiction at least 30 days prior to the meeting at which such proposed amendment will be voted upon.

A majority vote of the county representatives present and a majority vote of the city representatives present are required to adopt an amendment to these Bylaws. If within 60 days after the adoption of any amendment, one-third or more of the official representatives protest such amendment, it shall automatically be suspended until the next meeting of the General Assembly, when it shall be taken up for reconsideration and vote as in the first instance.

## ARTICLE XIII. EFFECTIVE DATE

These Bylaws shall go into effect immediately upon the effective date of the Agreement.

Exhibit A-4

ARTICLES OF INCORPORATION  
OF  
METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

TO: The Recorder of Deeds, D. C.  
Washington, D. C.

We, the undersigned natural persons of the age of twenty-one years or more, acting as incorporators of a Corporation adopt the following Articles of Incorporation for such Corporation pursuant to the District of Columbia Non-profit Corporation Act.

FIRST: The name of the Corporation is Metropolitan Washington Council of Governments.

SECOND: The Corporation shall have perpetual succession.

THIRD: The address of its initial registered office is 1701 Pennsylvania Avenue, N. W., Washington, D. C., and the name of its initial registered agent at such address is Samuel Humes, Executive Secretary, Metropolitan Washington Council of Governments.

FOURTH: (a) The Corporation is organized and shall operate under the District of Columbia Non-profit Corporation Act, exclusively for charitable, educational and scientific research purposes. The Corporation shall promote a spirit of cooperation among the local governments of the National Capital Region, assist in resolving problems affecting the region in a manner which is mutually satisfactory to protect the rights and prerogatives of the local governments, and advise and assist the local governments of the region --

(1) to identify mutual area-wide problems affecting the sound growth and development and economical functioning of the region;

(2) to develop and promote the development of regional comprehensive plans for growth and development of the region as a whole for consideration by the local governments of the region;

(3) to agree upon mutually desirable policies and consensuses and develop cooperative mechanisms among the local governments for improving the administration of public services;

(4) to support and promote concerted action among the local governments for their mutual benefit and for the welfare of the region as a whole; and

(5) to serve upon the request of the local governments as a representative of such governments in matters such as they may determine affect the region as a whole.

(b) As used in these Articles of Incorporation --

(1) the terms "region" and "National Capital Region"

mean the District of Columbia; Charles, Montgomery and Prince George's Counties in Maryland; Arlington, Fairfax, Loudoun and Prince William Counties and the Cities of Alexandria, Fairfax and Falls Church in Virginia; and all other municipalities now or hereafter existing in Maryland and Virginia within the geographic area bounded by the outer boundaries of said counties and cities;

(2) the term "local governments" means the District of Columbia and all of the cities, counties and municipalities now or hereafter existing in the National Capital Region.

FIFTH: The Corporation shall have the power --

- (a) to sue and be sued, complain and defend, in its corporate name;
- (b) to have a corporate seal which may be altered at pleasure and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced;
- (c) to purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated;
- (d) to sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of all or any part of its property and assets;
- (e) to make contracts and incur liabilities, borrow money at such rates of interest as the Corporation may determine;
- (f) to invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned;
- (g) to conduct its affairs, carry on its operations, hold property, and have offices and exercise the powers granted by the District of Columbia Non-profit Corporation Act in any part of the United States;
- (h) to elect or appoint officers and agents of the Corporation, and define their duties and fix their compensation;
- (i) to make and alter by-laws, not inconsistent with its Articles of Incorporation or with the laws of the District of Columbia for the administration and regulation of the affairs of the Corporation;
- (j) to make donations for the public welfare or charitable, scientific, research, or educational purposes, or for other purposes for which the Corporation is organized;
- (k) to cease its corporate activities and surrender its corporate franchise;
- (l) to carry out all or any part of the aforesaid purposes, and to conduct its business in the State of Maryland, in the Commonwealth of Virginia and in the District of Columbia; and in any and all states in the United States of America; and to maintain offices and agencies in the State of Maryland, in the Commonwealth of Virginia, and in the District of Columbia, and in any and all states in the United States of America;
- (m) the foregoing objects and purposes, except when otherwise specifically expressed, shall be in no way limited or restricted by reference to, inference from, the terms of any other clause of this article, or any other article of these Articles of Incorporation or of any amendment thereto, and shall each be regarded as independent; and
- (n) the Corporation shall be authorized to exercise and enjoy all the powers, rights and privileges granted to or conferred upon, corporations of a similar character by the District of Columbia Non-profit Corporation Act, or by the laws of any other jurisdiction wherein the Corporation may do business, now or hereafter in force.

SIXTH: The following shall be eligible for membership in the Corporation:

(1) the members of the Board of Commissioners of the District of Columbia or their successors and the members of the governing bodies of Charles, Montgomery and Prince George's Counties in Maryland; Arlington, Fairfax, Loudoun and Prince William Counties and the Cities of Alexandria, Fairfax and Falls Church in Virginia; as long as the governments represented by such members contribute to the financing of the Corporation according to the formula provided in the by-laws;

(2) the members of the governing bodies of other local governments in the region, not specifically named in Article Sixth (1), as provided in the by-laws of the Corporation; and

(3) the members of Congress of the United States and members of the General Assemblies of the State of Maryland and the Commonwealth of Virginia representing any portion of the National Capital Region, as provided in the Corporation by-laws.

SEVENTH: (a) The management of the affairs of the Corporation shall be conducted by its Board of Directors in accordance with provisions of its by-laws.

(b) The number of directors which shall constitute the whole Board of Directors shall not be less than twelve nor more than eighteen. The initial Board of Directors shall consist of the following persons:

NAMES

RESIDENCES

Brig. Gen. Charles M. Duke	5712 26th St., N.W., Washington, D. C.
Frank J. Lastner	19-P Ridge Rd., Greenbelt, Md.
Frank E. Mann	211 Cameron St., Alexandria, Va.
Frederick A. Babson, Jr.	7613 Marshall Dr., Annandale, Va.
Mrs. Edna P. Cook	8319 Piney Branch Rd., Silver Spring, Md.
Charles R. Fenwick	6733 Lee Highway, Arlington, Va.
Dr. A. J. Ferlazzo	Dumfries, Virginia
William W. Gullett	6903 Baltimore Ave., College Park, Md.
Charles M. Hailey	805 Ridge Pl., Falls Church, Va.
Omer L. Hirst	7261 Little River Tnpk., Annandale, Va.
J. Emory Kirkpatrick	Ashburn, Va.
Roye L. Lowry	668 S. Jefferson St., Arlington, Va.
George M. Miller	7019 Eastern Ave., Takoma Park, Md.
Edgar A. Prichard	106 N. Payne St., Fairfax, Va.
Achilles M. Tuchtan	1920 Gainsboro Rd., Rockville, Md.

each of whom shall serve until the first annual meeting of the members or until their respective successors are chosen and shall qualify. The directors shall be elected at the annual meeting of the members, and each director shall be elected to serve until the next annual meeting of the members and/or until his or her successor shall be elected and shall qualify.

(c) The by-laws may also contain additional provisions relating to the Board of Directors of the Corporation, including, but not limited to the number of directors, the manner of their election, qualifications, term of office, powers and duties, conditions upon when they may be removed from office, manner of filling vacancies, and any other provision or provisions which may be desired and which are not in conflict with statute or these Articles of Incorporation.

(d) The initial Board of Directors shall have the power and authority to make, adopt and amend the original by-laws of the Corporation; thereafter the power and authority to make or amend the by-laws shall vest exclusively in the membership on such terms as shall be expressly stated in the by-laws.

EIGHTH: The Corporation shall have no power to issue any shares of

stock or to declare or pay any dividends.

NINTH: (a) No part of the income or assets of the Corporation shall inure to any of its members or officers, or be distributable to any of them during the life of the Corporation or upon its dissolution or final liquidation. Nothing in this paragraph, however, shall be construed to prevent the reimbursement of the officers and members of the Board of Directors for actual necessary expenses in amounts approved by the Board of the Corporation. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law) or, (b) by a corporation, contributions to which are deductible under section 170 (c) (2) of the Internal Revenue Code of 1954 (or corresponding provisions of any future United States Internal Revenue Law).

(b) The Corporation shall not make loans to its members, officers, or employees. Any member who votes for or assents to making of such loans or advances to a member, officer, or employee of the Corporation, and any officer who participates in the making of such loans or advances, shall be jointly and severally liable to the Corporation for the amount of such loan until the repayment thereof.

TENTH: Upon dissolution or final liquidation of the Corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the Corporation shall be distributed to the local governments at the same percentage to which each local government contributed to the over-all cost of the operation of the Corporation during the fiscal year of such dissolution or final liquidation.

ELEVENTH: The Corporation shall be nonpolitical, and, as an organization, shall not promote the candidacy of any persons for state, local or national political office.

TWELFTH: Decisions of the Corporation shall not be binding on the governments represented in the Corporation.

THIRTEENTH: The names and places of residence of the incorporators are as follows:

NAMES	RESIDENCES
John J. Bosley	8412 Magruder Mill Court, Bethesda, Md.
Samuel Humes	4112 Rosemary Street, Chevy Chase, Md.
Bruce D. McDowell	8411 Queen Anne's Dr., Silver Spring, Md.

\_\_\_\_\_/s/\_\_\_\_\_  
 \_\_\_\_\_/s/\_\_\_\_\_  
 \_\_\_\_\_/s/\_\_\_\_\_

Date May 28, 1965

Incorporators



**APPENDIX B**  
**FEDERAL POLICY ON FINANCIAL ASSISTANCE TO**  
**COUNCILS OF GOVERNMENTS**

Exhibits

- B-1           Section 701 of the Housing Act of 1954, as  
                  amended through August 10, 1965 .
  
- B-2           Planning Agency Letter No. 50, Urban Renewal  
                  Administration

Exhibit B-1

SECTION 701 OF THE HOUSING ACT OF 1954, AS AMENDED  
THROUGH AUGUST 10, 1965

URBAN PLANNING

SEC. 701 (a) In order to assist State and local governments in solving planning problems resulting from the increasing concentration of population in metropolitan and other urban areas, including smaller communities; to facilitate comprehensive planning for urban development, including coordinated transportation systems, on a continuing basis by such governments; and to encourage such governments to establish and improve planning staffs, the [Housing and Home Finance] Administrator is authorized to make planning grants to--

(1) State planning agencies, or (in States where no such planning agency exists) to agencies or instrumentalities of State government designated by the Governor of the State and acceptable to the Administrator as capable of carrying out the planning functions contemplated by this section, for the provision of planning assistance to (A) cities and other municipalities having a population of less than 50,000 according to the latest decennial census, and counties without regard to population: Provided, That grants shall be made under this paragraph for planning assistance to counties having a population of 50,000 or more, according to the latest decennial census, which are within metropolitan areas, only if (i) the Administrator finds that planning and plans for such county will be coordinated with the program of comprehensive planning, if any, which is being carried out for the metropolitan area of which the county is a part, and (ii) the aggregate amount of the grants made subject to this proviso does not exceed 15 per centum of the aggregate amount appropriated, after the date of enactment of the Housing Act of 1964, for the purposes of this section, (B) any group of adjacent communities, either incorporated or unincorporated, having a total population of less than 50,000 according to the latest decennial census and having common or related urban planning problems, (C) cities, other municipalities, and counties referred to in paragraph (3) of this subsection and areas referred to in paragraph (4) of this subsection, and (D) Indian reservations;

(2) official State, metropolitan, and regional planning agencies or other agencies and instrumentalities designated by the Governor (or Governors in the case of interstate planning) and acceptable to the Administrator, empowered under State or local laws or interstate compact to perform metropolitan or regional planning;

(3) cities, other municipalities, and counties which (A) are situated in areas designated by the Secretary of Commerce under section 5 of the Area Redevelopment Act as redevelopment areas or (B) have suffered substantial damage as a result of a catastrophe which the President, pursuant to section

2(a) of "An Act to authorize Fedrral assistance to States and local governments in major disasters, and for other purposes," has determined to be a major disaster;

(4) to official governmental planning agencies for areas where rapid urbanization has resulted or is expected to result from the establishment or rapid and substantial expansion of a Federal installation;

(5) State planning agencies for State and interstate comprehensive planning (as defined in subsection (d)) and for research and coordination activity related thereto;

(6) metropolitan and regional planning agencies, with the approval of the State planning agency of (in States where no such planning agency exists) of the Governor of the State, for the provision of planning assistance within the metropolitan area or region to cities, other municipalities, counties, groups of adjacent communities, or Indian reservations described in clauses (A), (B), (C), and (D) of paragraph (1) of this subsection;

(7) to official governmental planning agencies for any area where there has occurred a substantial reduction in employment opportunities as the result of (A) the closing (in whole or in part) of a Federal installation, or (B) a decline in the volume of Government orders for the procurement of articles or materials produced or manufactured in such area;

(8) tribal planning councils or other tribal bodies designated by the Secretary of the Interior for planning for an Indian reservation to which no State planning agency or other agency or instrumentality is empowered to provide planning assistance under clause (D) of paragraph (1) above; and

(9) the Appalachian Regional Commission, established by the Appalachian Regional Development Act of 1965, for comprehensive planning for the Appalachian region as defined by section 403 of such Act.

Planning assisted under this section shall, to the maximum extent feasible, cover entire urban areas having common or related urban development problems. The Administrator shall encourage cooperation in preparing and carrying out plans among all interested municipalities, political subdivisions, public agencies, and other parties in order to achieve coordinated development of entire areas. To the maximum extent feasible, pertinent plans and studies already made for areas shall be utilized so as to avoid unnecessary repetition of effort and expense. Planning which may be assisted under this section includes the preparation of comprehensive urban transportation surveys, studies, and plans to aid in solving problems of traffic congestion, facilitating the circulation of people and goods in metropolitan and other urban areas and reducing transportation needs. Funds available under this section shall be in addition to and may be used jointly with funds available for planning surveys and investigations under other Federally-aided programs, and nothing contained in this section shall be construed as affecting the authority of the Secretary of Commerce under section 307 of title 23, United States Code.

(b) A planning grant made under this section shall not exceed two-thirds of the estimated cost of the work for which the grant is made: Provided, That such a grant may be in an amount not exceeding three-fourths of such estimated cost to an official governmental planning agency for an area described in

subsection (a)(7), or for planning being carried out for a city, other municipality, county, group of adjacent communities, or Indian reservation in an area designated by the Secretary of Commerce as a redevelopment area under section 5 of the Area Redevelopment Act (or under any Act supplementary thereto), to States participating in planning for Appalachian regional programs, for expenses incurred in the course of such planning, or to the Appalachian Regional Commission. All grants made under this section shall be subject to terms and conditions prescribed by the Administrator. No portion of any grant made under this section shall be used for the preparation of plans for specific public works. The Administrator is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, as amended, to make advances or progress payments on account of any grant made under this section. There is hereby authorized to be appropriated not exceeding \$230,000,000 to carry out the purposes of this section, and any amounts so appropriated shall remain available until expended: Provided, That not to exceed 5 per centum of any funds so appropriated may be used by the Administrator for studies, research, and demonstration projects, undertaken independently or by contract, for the development and improvement of techniques and methods for comprehensive planning and for the advancement of the purposes of this section.

(c) The Administrator is authorized, in areas embracing several municipalities or other political subdivisions, to encourage planning on a unified metropolitan basis and to provide technical assistance for such planning and the solution of problems relating thereto.

(d) It is the further intent of this section to encourage comprehensive planning, including transportation planning, for States, cities, counties, metropolitan areas, urban regions, and Indian reservations and the establishment and development of the organizational units needed therefor. The Administrator is authorized to provide technical assistance to State and local governments and their agencies and instrumentalities, and to Indian tribal bodies, undertaking such planning and, by contract or otherwise, to make studies and publish information on related problems. In extending financial assistance under this section, the Administrator may require such assurances as he deems adequate that the appropriate State and local agencies are making reasonable progress in the development of the elements of comprehensive planning. Comprehensive planning, as used in this section, includes the following, to the extent directly related to urban needs: (1) preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation facilities, together with long-range fiscal plans for such development; (2) programing of capital improvements based on a determination of relative urgency, together with definitive financing plans for the improvements to be constructed in the earlier years of the program; (3) coordination of all related plans of the departments or subdivisions of the government concerned; (4) intergovernmental coordination of all related planned activities among the State and local governmental agencies concerned; and (5) preparation of regulatory and administrative measures in support of the foregoing.

(e) In the exercise of his function of encouraging comprehensive planning by the States, the Administrator shall consult with those officials of the Federal Government responsible for the administration of programs of Federal assistance to the States and municipalities for various categories of public facilities.

(f) The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United

States, for cooperative efforts and mutual assistance in the comprehensive planning for the physical growth and development of interstate, metropolitan, or other urban areas, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

(g) In addition to the planning grants authorized by subsection (a), the Administrator is further authorized to make grants to organizations composed of public officials whom he finds to be representative of the political jurisdictions within a metropolitan area or urban region for the purpose of assisting such organizations to undertake studies, collect data, develop regional plans and programs, and engage in such other activities as the Administrator finds necessary or desirable for the solution of the metropolitan or regional problems in such areas or regions. To the maximum extent feasible, all grants under this subsection shall be for activities relating to all the developmental aspects of the total metropolitan area or urban region, including, but not limited to, land use, transportation, housing, economic development, natural resources development, community facilities, and the general improvement of living environments. A grant under this subsection shall not exceed two-thirds of the estimated cost of the work for which the grant is made.

Exhibit B-2

**PLANNING AGENCY LETTER NO. 50**

H O U S I N G   A N D   H O M E   F I N A N C E   A G E N C Y  
Urban Renewal Administration   \*   Washington, D. C.   20410

URBAN PLANNING ASSISTANCE PROGRAM

August 16, 1965

PLANNING AGENCY LETTER NO. 50

SUBJECT: Section 701 Grants to Metropolitan and Regional  
Organizations of Public Officials

The Housing and Urban Development Act of 1965 authorizes a new type of Federal financial assistance under Section 701 of the Housing Act of 1954, as amended. Grants may now be made to organizations composed of public officials who represent political jurisdictions within a metropolitan area or urban region.

The main objective of these grants is to foster metropolitan cooperation on a broad front by establishing and maintaining organizations of policy and decision-makers representing the various local governments within metropolitan areas. Such organizations are viewed as effective forums for studying and resolving issues raised by metropolitan problems, for the preparation of metropolitan comprehensive plans, for developing action programs for carrying out metropolitan comprehensive plans, and for determining regional policies affecting governmental and functional activities.

A grant, in an amount not exceeding two-thirds of the cost of the work, may be made to assist an eligible organization to undertake studies, collect data, develop regional plans and programs, and engage in other activities desirable for the solution of metropolitan problems. The remaining one-third of the cost of the work may be met by the applicant in the form of cash or professional and technical services contributed by the jurisdictions comprising the membership of the organization.

This Letter sets forth initial eligibility standards for the new category of applicant, and establishes the general range of activities which qualify for assistance. It also sets forth the requirements for Planning Agency coordination with the activities of an organization of public officials.

## ELIGIBLE ORGANIZATION

Grants will be made only to organizations consisting primarily of representatives of general government, in contrast to organizations of representatives of specialized functional agencies. An example of an eligible applicant is a metropolitan "council" or "conference" or local governmental officials. However, there is no uniform model of an eligible organization. Organizations of varied composition and structure are eligible, provided that they satisfy the following conditions:

1. Voting members of the organization are, for the most part, elected officials.
2. Members of the organization represent about 90 percent of the aggregate population of the urbanized<sup>1/</sup> or urbanizing political jurisdictions of a metropolitan area or urban region as defined below:
  - a. Metropolitan area -- an area conforming in general to a Standard Metropolitan Statistical Area (SMSA) as defined by the Bureau of the Budget, except that, if two or more SMSA's are contiguous and form a generally recognized urban complex, the area shall be considered to consist of the urbanized and urbanizing political jurisdictions of the contiguous SMSA's.
  - b. Urban region -- an area that has distinct physical or economic boundaries, a total population of at least 50,000 but no single city of 50,000 or more, and a population density of not less than 500 persons per square mile, and that is not part of a metropolitan area.
3. The organization must either (a) be a corporation or an entity otherwise established pursuant to State and local law or interstate compact, or (b) have the membership of each participating jurisdiction authorized by a resolution of the governing body of the jurisdiction; or be otherwise able to demonstrate that it has official standing in the area.
4. The organization must have competent professional, technical, and administrative staff sufficient to carry out the activities proposed for Federal support, as well as adequate office space and other essential facilities, or must be able to demonstrate that it will have competent staff and adequate facilities following receipt of Federal grant funds.
5. The organization must be able to assure that the non-Federal funds to match the grant will be provided.

Temporary charter or study commissions, unless otherwise qualifying above, are not eligible applicants. However, their activities may be eligible for support under a grant made to an eligible organization meeting the above requirements or to an eligible Metropolitan Planning Agency. Information on eligible Metropolitan Planning Agencies is set forth in Planning Agency Letter No. 147 and the Urban Planning Program Guide.

---

<sup>1/</sup> A jurisdiction is urbanized if it contains an "Urbanized Area" as defined by the Bureau of the Census (see its publication U. S. Census of Population: 1960, Report Series PC(1)--1A-57A)

## ACTIVITIES ELIGIBLE FOR FEDERAL SUPPORT

A grant may cover up to two-thirds of the cost of a broad range of study and planning activities, including general administrative support. As a general rule, a grant will be made only for those activities which are metropolitan-wide or region-wide in significance.

Eligible activities may include studies of legal, governmental, and administrative problems affecting the cooperating jurisdictions, the development of uniform coordinated regulatory measures, the development of interjurisdictional agreements and arrangements for jointly providing public services, and the development of programs, on a unified metropolitan basis where necessary, for providing and operating facilities proposed in comprehensive metropolitan plans. Eligible activities also may include the collection of data and the preparation of plans and programs for land use, transportation, housing, economic development, natural resources development, community facilities, and the general improvement of living environments. Eligible studies may deal with approaches to the control and guidance of metropolitan development, and more effective and equitable approaches to the financing of needed public facilities and services.

Eligible costs for these activities include:

- (1) Salaries of professional, technical, and clerical staff.
- (2) Costs of contracts for technical and professional services.
- (3) Rental of office space, purchase of office supplies, telephone service, and similar operating expenses.
- (4) Reimbursement to the organization's members or staff for mileage, taxi fare, or public transportation fare expended in connection with the activities of the organization.
- (5) Costs of publications and other educational materials.

Capital expenditures for structures, furniture, and similar major equipment items are not eligible.

## REQUIRED COORDINATION WITH ACTIVITIES OF ORGANIZATIONS OF PUBLIC OFFICIALS

It was the intent of the Congress, in authorizing the new grants, that the Housing and Home Finance Agency establish procedures to avoid duplication of planning activities financed under Section 701 and to assure that the planning activities of a separate metropolitan or regional planning agency are coordinated with activities supported by grants made under the new authorization. Accordingly, the following provisions shall apply to grants made to Metropolitan Planning Agencies.

### Planning Agency Coordination Requirements

A Planning Agency conducting planning studies and activities supported by a Section 701 grant, or proposing to conduct such studies, is required to coordinate those studies and activities with the activities of an organization of public officials as defined in this Letter. In all cases, coordination shall consist of:



1. Compatible data and information systems.
2. Procedures for referral and review of plans and reports.
3. Common policies and objectives for metropolitan development.

In addition, other adequate coordination arrangements appropriate to the work programs shall be made.

#### Metropolitan Planning by Organization of Public Officials

Normally, grants for metropolitan planning are made to only one applicant in a metropolitan area. However, if two applicants in an area are eligible for Section 701 grants--a Planning Agency and an organization of public officials which is authorized to plan by its charter, articles of incorporation, or other authority--consideration will be given to making planning grants to both applicants. When dual planning grants are authorized, the two applicants will be required to develop a fully unified or coordinated program of metropolitan planning.

If there is no other planning body in the area currently eligible for Section 701 grants for metropolitan planning, an organization of public officials that has appropriate planning authority and meets the basic eligibility requirements set forth in this Letter may receive a grant for metropolitan planning activities.

#### APPLICATION REQUIREMENTS

Documentation required to be submitted with an application is set forth in the attachment to this letter. An organization of public officials interested in applying for a Section 701 grant is encouraged to get in touch with the HHFA Regional Office. A preliminary submission of the documentation required to establish the eligibility of the organization is also encouraged.

/s/ William L. Slayton  
Urban Renewal Commissioner

Attachment

SUBMISSION REQUIREMENTS -- APPLICATION FOR GRANT BY  
ORGANIZATION OF PUBLIC OFFICIALS

The documentation to be submitted by an organization of public officials with an application for a Section 701 grant will depend upon the activities to be supported by the requested grant as set forth below.

If the purpose of the proposed grant is to support comprehensive planning activities, the documentation shall conform to the requirements set forth in the Urban Planning Program Guide, Section 3-1. (The Guide is available from the HHFA Regional Office.)

If the purpose of the grant is to support general activities designed to foster metropolitan cooperation, the documentation shall conform to the requirements set forth in the following instructions and Checklist.

The application shall be submitted in an original and two conformed copies, assembled in three complete sets and arranged in order of the Checklist code numbers.

The following information shall be shown on the front cover of the binder (or, if not bound, on the cover sheet) for each set:

1. Name of applicant organization.
2. The title "Application for Section 701 Grant."
3. Date of Application.
4. Copy number of application; e.g., "Copy No. 2."

All original copies of documentation shall be placed in Copy No. 1.

A supply of the forms cited in the Checklist may be obtained from the HHFA Regional Office.

APPLICATION CHECKLIST

Code No. UP 100                      Legal Documentation

Certified or true copy of charter, articles of incorporation, governing body resolutions, or other documentation establishing the organization and defining its authority, and, if applicable, copy of pertinent State or local laws.

(The full documentation described above is required only with the organization's first application for grant. With any subsequent application, Checklist Code No. UP 100 shall consist of either (1) a statement, signed by the official authorized to submit the application, that the legal documentation submitted with the application for a specified project is still current and

accurate, or (2) revised documentation, as appropriate.)

Code No. UP 200

1. Form H-6701, Application for Urban Planning Grant.

In Block A, Type of Applicant Planning Agency or Other Public Body, check "Other" and enter "Organization of Public Officials."

In Block E, Type of Planning Area, check either "Urban region" or "Metropolitan area," as appropriate. (Refer to definitions in this Letter, under "Eligible Organizations," Item 2.)

In Block F, Sharing of Project Cost--Federal Grant Applied For, check "2/3" and compute total grant amount on that basis. (The "Total Estimated Cost of Project" shall conform to the amount shown on Form H-6703, Urban Planning Project Budget, Line 10 (see Checklist Code No. UP 400).)

2. If required by applicant's grant of authority or internal procedures, authenticated copies of resolution, minutes of meeting, or other documentation authorizing submission of application.

Code No. UP 300

Description of Activities

1. Description of the continuing activities of the organization that are to be supported by the proposed Federal grant, with an indication as to how these activities fit into the organization's total program. Copies of the most recent annual report or other available material may be submitted to supplement the narrative statement.

2. Identification and description of studies to be made, programs to be developed, or similar specific activities, in the following form:

a. Tabular Summary of Work Program

<u>Activity</u>	<u>Work To Be Performed By</u>	<u>Estimated Time</u>	<u>Est. Cost of Services</u>
-----------------	--------------------------------	-----------------------	------------------------------

(Total Cost)

Under "Activity," give brief title; for example, "Develop uniform zoning ordinance."

Under "Work To Be Performed By," indicate whether the study or activity is to be undertaken by staff (that is, the permanent staff of the applicant), private consultant under contract (give name of consultant, if selected), or a public body under written agreement (identify public body and political jurisdiction).

Under "Estimated Time," give the estimated total time, in man-months, required to carry out the professional or technical phases of the work.

Under "Estimated Cost," give the total cost under a contract or agreement, or the cost of professional or technical staff time, as appropriate.

b. Description of Work Program

Describe each activity listed in the tabular summary, including purpose, scope, general procedure to be followed, and any other information considered pertinent.

c. Description of Coordination Arrangements

Describe arrangements made to assure coordination of activities of the applicant organization, including activities not supported by a Section 701 grant, with metropolitan planning studies and activities being carried on or proposed for the area by other organizations. Include activities covered by the arrangements, organizations involved, continuing procedures established or proposed, and any other information considered pertinent. Copies of any written agreement may be submitted in lieu of or as a supplement to the narrative description.

Code No. UP 400

Budget and Financial Data

1. Form H-6703, Urban Planning Project Budget.

If the application is solely for general administrative support, the "Project Period" requested by the applicant shall not exceed 12 months. For an application covering specific studies and other activities, the project period shall not exceed 24 months.

Include, under the appropriate Cost Classification, the total cost of all continuing and specific activities to be supported by the Federal grant, as described in Checklist Code No. UP 300.

Pending a determination of the amount of the required fee to cover the cost of the Federal Government's audits and inspections of grants to organizations of public officials, no entry shall be made on Line 9, Project Inspection Fee.

2. Copy of the organization's official budget and, if not included in the budget, statement showing sources and amounts of income, for either (a) the current fiscal year, or (b) the period during which the grant-supported activities are to be conducted.
3. If not a part of the official budget, list of all paid staff of the organization, showing title of position; annual salary rate; whether filled, vacant, or proposed to be established upon receipt of Section 701 grant; and, for any part-time position, percentage of time (based on a 40-hour workweek) devoted to the applicant organization.

**APPENDIX C**  
**REGIONAL OFFICES OF THE DEPARTMENT OF**  
**HOUSING AND URBAN DEVELOPMENT**

<u>Region</u>	<u>Address</u>	<u>Phone</u>
I	346 Broadway New York, New York 10013	732-8000
II	Widener Building Philadelphia, Pennsylvania 19107	597-3311
III	Peachtree-Seventh Building Atlanta, Georgia 30323	526-0111
IV	360 North Michigan Avenue Chicago, Illinois 60601	828-4400
V	300 West Vickery Boulevard Fort Worth, Texas 76104	335-4211
VI	450 Golden Gate Avenue Post Office Box 36003 San Francisco, California 94102	556-9000
VII	HHEO Rey Building Ponce de Leon Ave. & Bolivia St. Post Office Box 1105 Santurce, Puerto Rico 00908	767-1515

APPENDIX D  
SELECTED BIBLIOGRAPHY

American Municipal Association and National Association of Counties. Voluntary City-County Regional Cooperation: A Collection of Exhibits Featuring Such Information as By-laws, Organizational Arrangements, State Enabling Laws, Purposes, Workshop Discussions, etc., as Taken from the Experiences of Existing Regional City-County Cooperation Groups. Washington, D. C., 1963. 110p.+

American Society of Planning Officials. Voluntary Metropolitan Governmental Councils. ASPO Planning Advisory Service, Information Report No. 161. Chicago, 1962. 28p.

Bollens, John C. and Henry J. Schmandt. The Metropolis: Its People, Politics, and Economic Life. New York, Harper & Row, 1965. See especially Chapter 13, "The Cooperative Approach: Agreements and Metropolitan Councils."

Citizens Research Council of Michigan. Staff Papers on Governmental Organization for Metropolitan Southeast Michigan. Detroit and Lansing, 1965. See especially Section IV, "The Metropolitan Council as a Device to Foster and Coordinate Inter-governmental Cooperation," by William R. Gable.

\_\_\_\_\_. Research Brief on Membership, Presentation and Voting Procedures of Councils of Governments (mimeo., 1966).

\_\_\_\_\_. Research Brief on Selection of Representatives to Serve on Major Policy Bodies (mimeo., 1966).

\_\_\_\_\_. Research Brief on Staff Services and Programs of Councils of Governments (mimeo., 1966).

\_\_\_\_\_. Research Brief on Regional Planning Processes and Programs of Councils of Governments (mimeo., 1966).

\_\_\_\_\_. Research Brief on Financing of Eight Selected Councils of Government (mimeo., 1966).

Hanson, Royce. The Politics of Metropolitan Cooperation: Metropolitan Washington Council of Governments. Washington, D. C., Washington Center for Metropolitan Studies, 1965.

Hickey, James H. The Association of Bay Area Governments and Regional Planning in the San Francisco Bay Area. Berkeley, Association of Bay Area Governments, 1965.

Institute for Local Self Government. ABAG Appraised: A Quinquennial Review of Voluntary Regional Co-Operative Action Through The Association of Bay Area Governments. Berkeley, California, 1965.

Jones, Victor. "Cooperation Pattern," National Civic Review, June 1962.

Martin, Roscoe C. Metropolis In Transition: Local Government Adaptation to Changing Urban Needs. Washington, D. C., Housing and Home Finance Agency, 1963. See especially Chapter III, "The Conference Approach: The Mid-Willamette Valley Council of Governments," and Chapter IV, "The Conference Approach: The Metropolitan Washington Council of Governments."

San Francisco Bureau of Governmental Research. The Association of Bay Area Governments--A Gathering Force. San Francisco, 1965.

U. S., Housing and Home Finance Agency. Urban Renewal Administration. Urban Planning Assistance Program: Section 701 Grants to Metropolitan Organizations of Public Officials. Planning Agency Letter No. 50. Washington, D. C., 1965.

Van Horn, Robert F. Mid-Willamette Valley Council of Governments: Analysis of Major Activities, 1958-1963. Salem, 1963.









PUBLISHED REPORTS OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS<sup>1</sup>

- Coordination of State and Federal Inheritance, Estate and Gift Taxes. Report A-1. January 1961. 134 p., printed.
- Modification of Federal Grants-in-Aid for Public Health Services. Report A-2. January 1961. 46 p., offset. (Out of print; summary available.)
- Investment of Idle Cash Balances by State and Local Governments. Report A-3. January 1961. 61 p., printed.
- Investment of Idle Cash Balances by State and Local Governments--A Supplement to Report A-3. January 1965. 16 p., offset.
- Interest Bearing U. S. Government Securities Available for Investment of Short-Term Cash Balances of Local and State Governments. September 1963. 5 p., printed. (Prepared by U. S. Treasury Department.)
- Intergovernmental Responsibilities for Mass Transportation Facilities and Services. Report A-4. April 1961. 54 p., offset. (Out of print; summary available.)
- Governmental Structure, Organization, and Planning in Metropolitan Areas. Report A-5. July 1961. 83 p., U. S. House of Representatives, Committee on Government Operations, Committee Print, 87th Congress, 1st Session.
- State and Local Taxation of Privately Owned Property Located on Federal Areas: Proposed Amendment to the Buck Act. Report A-6. June 1961. 34 p., offset. (Out of print; summary available.)
- Intergovernmental Cooperation in Tax Administration. Report A-7. June 1961. 20 p., offset.
- Periodic Congressional Reassessment of Federal Grants-in-Aid to State and Local Governments. Report A-8. June 1961. 67 p., offset. (Reproduced in Appendix of hearings on S. 2114 before the U. S. Senate, Subcommittee on Intergovernmental Relations of the Committee on Government Operations, January 14, 15, and 16, 1964, 88th Congress, 2d Session.)
- Local Nonproperty Taxes and the Coordinating Role of the State. Report A-9. September 1961. 68 p., offset.
- State Constitutional and Statutory Restrictions on Local Government Debt. Report A-10. September 1961. 97 p., printed.
- Alternative Approaches to Governmental Reorganization in Metropolitan Areas. Report A-11. June 1962. 88 p., offset.
- State Constitutional and Statutory Restrictions Upon the Structural, Functional, and Personnel Powers of Local Governments. Report A-12. October 1962. 80 p., printed.
- Intergovernmental Responsibilities for Water Supply and Sewage Disposal in Metropolitan Areas. Report A-13. October 1962. 135 p., offset.
- State Constitutional and Statutory Restrictions on Local Taxing Powers. Report A-14. October 1962. 122 p., offset.
- Apportionment of State Legislatures. Report A-15. December 1962. 78 p., offset.
- Transferability of Public Employee Retirement Credits Among Units of Government. Report A-16. March 1963. 92 p., offset.
- \*The Role of the States in Strengthening the Property Tax. Report A-17. June 1963. Volume I (187 p.) and Volume II (182 p.), printed (\$1.25 each).
- Industrial Development Bond Financing. Report A-18. June 1963. 96 p., offset.
- The Role of Equalization in Federal Grants. Report A-19. January 1964. 258 p., offset.
- Grant-in-Aid Programs Enacted by the 2nd Session of the 88th Congress--A Supplement to Report A-19. March 1965. 22 p., offset.
- Impact of Federal Urban Development Programs on Local Government Organization and Planning. Report A-20. January 1964. 198 p., U. S. Senate, Committee on Government Operations, Committee Print. 88th Congress, 2d Session.
- Statutory and Administrative Controls Associated with Federal Grants for Public Assistance. Report A-21. May 1964. 108 p., printed.
- The Problem of Special Districts in American Government. Report A-22. May 1964. 112 p., printed.
- The Intergovernmental Aspects of Documentary Taxes. Report A-23. September 1964. 29 p., offset.
- State-Federal Overlapping in Cigarette Taxes. Report A-24. September 1964. 62 p., offset.
- Metropolitan Social and Economic Disparities: Implications for Intergovernmental Relations in Central Cities and Suburbs. Report A-25. January 1965. 253 p., offset.
- Relocation: Unequal Treatment of People and Businesses Displaced by Governments. Report A-26. January 1965. 141 p., offset.
- Federal-State Coordination of Personal Income Taxes. Report A-27. October 1965. 203 p., offset.
- Building Codes: A Program for Intergovernmental Reform. Report A-28. January 1966. 103 p., offset.
- Intergovernmental Relations in the Poverty Program. Report A-29. April 1966. 278 p., offset.
- Factors Affecting Voter Reactions to Governmental Reorganization in Metropolitan Areas. Report M-15. May 1962. 80 p., offset.
- \*Measures of State and Local Fiscal Capacity and Tax Effort. Report M-16. October 1962. 150 p., printed (\$1.00).
- \*Performance of Urban Functions: Local and Areawide. Report M-21. September 1963. 281 p., offset (\$1.50).
- \*Tax Overlapping in the United States, 1964. Report M-23. July 1964. 235 p., printed (\$1.50).
- State Technical Assistance to Local Debt Management. Report M-26. January 1965. 80 p., offset.
- Metropolitan America: Challenge to Federalism. Report M-31. August 1966. 169 p., U. S. House of Representatives, Committee on Government Operations, Committee Print, 89th Congress, 2d Session.
- Metropolitan Councils of Governments. Report M-32. August 1966. 69 p., offset.
- 1967 State Legislative Program of the Advisory Commission on Intergovernmental Relations. Report M-33. September 1966. 601 p., offset.

1. Single copies of reports may be obtained without charge from the Advisory Commission on Intergovernmental Relations, Washington, D. C. 20575. Multiple copies of items marked with asterisk (\*) may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C. 20402.

