

SUMMARY
OF
STAFF PAPERS ON GOVERNMENTAL ORGANIZATION
FOR METROPOLITAN SOUTHEAST MICHIGAN

CITIZENS RESEARCH COUNCIL OF MICHIGAN

1526 DAVID STOTT BUILDING
MICHIGAN 48226

204 BAUCH BUILDING DETROIT,
LANSING, MICHIGAN 48933

JANUARY, 1965

CITIZENS RESEARCH COUNCIL OF MICHIGAN

Detroit-Lansing

Robert E. Pickup,
Executive Director

1526 David Stott Building
Detroit, Michigan 48226
Woodward 1-5377

January, 1965

Mr. Alfred M. Pelham, Chairman
Dr. Charles R. Adrian
Dr. Arthur W. Bromage
Policy Committee on Study of Governmental Organiza-
tion for Metropolitan Southeast Michigan

Gentlemen

In accordance with our agreement with the Metropol-
itan Fund, Inc., we are submitting herewith the report
on Governmental Organization for Metropolitan Southeast
Michigan. The report is presented in two parts--Staff
Papers on Governmental Organization for Metropolitan
Southeast Michigan and the Summary of Staff Papers.

I want to express the pleasure that we on the Research
Council staff have had in working with the Policy Com-
mittee. It is our hope that these materials will make
easier your difficult task of staking out a plan for the
future of local governmental organization in Southeast
Michigan.

Sincerely

/S/ Robert E. Pickup

Executive Director

TABLE OF CONTENTS

	<u>Page (s)</u>
INTRODUCTION	
SECTION I	
Alternative Approaches to Metropolitan Problems	1 - 9
SECTION II	
Framework of Local Government in the Southeast Michigan Metropolitan Area	10-11
Chapter 1 - Structure of Local Government	12-17
Chapter 2 - Local Government Finances and Employment in the Six-County Area	18-23
Chapter 3 - Boundary Change in Michigan	24- 29
SECTION III	
Methods of Local Adaptation to Metropolitan Service Needs in Southeast Michigan	30
Chapter 1 - County Home Rule	31-35
Chapter 2 - Creation of a Metropolitan Government	36-38
Chapter 3 - Authorities and Special Districts in Southeast Michigan	39-46
Chapter 4 - Cooperative Agreements	47-65
Chapter 5 - The Regional Planning Commission as an Agency of Intergovernmental Cooperation	66-70
SECTION IV	
The Metropolitan Council as a Device to Foster and Coordinate Intergovernmental Cooperation	71-84

INTRODUCTION

In the six-county Southeast Michigan Metropolitan Area, and in other regions, optimum service areas for many local governmental functions transcend the boundaries and legal jurisdiction of any one of the units of government in the region. This study was undertaken by the Citizens Research Council of Michigan, at the request of the Metropolitan Fund, Inc., in an attempt to discover the methods and instrumentalities that have been or might be utilized by the more than 400 local units of government in the Southeast Michigan area to accommodate to this fragmentation of service areas. The experience of other metropolitan areas with similar problems is also examined.

Under the agreement with the Metropolitan Fund, Inc., the Citizens Research Council of Michigan is responsible for the factual research, while conclusions relating to a recommended future course of action are the responsibility of a Policy Committee appointed by the Metropolitan Fund, Inc. The research studies are presented in the Staff Papers on Governmental Organization for Metropolitan Southeast Michigan and in the Summary of Staff Papers. The staff papers were prepared by the Research Council staff and by the following special consultants:

Dr. Alvin D. Sokolow, Assistant Professor, Institute for Community Development, Michigan State University, prepared the staff paper on "Annexation and Incorporation in Michigan: An Evaluation of the Boundary Commission Plan."

Dr. Louis L. Friedland, Professor of Political Science, Wayne State University, prepared the staff paper on "Authorities and Special Districts."

Dr. William R. Gable, Associate Professor of Political Science and Assistant Director, Institute of Public Administration, The University of Michigan, prepared the staff paper on the "Metropolitan Conference or Council."

The Summary of Staff Papers was prepared by the Research Council staff on the basis of the data presented in the staff papers, including those staff papers prepared by the special consultants. The Research Council, however, assumes sole responsibility for the Summary.

The Research Council is indebted to the members of the Policy Committee and to the staff of the Metropolitan Fund, Inc., for their helpful suggestions on the study design, and to the hundreds of local government officials who provided information for this study.

SECTION I

ALTERNATIVE APPROACHES TO METROPOLITAN PROBLEMS

Considerable attention has been devoted in recent years to the problem of providing municipal government services in metropolitan areas which are characterized by a multitude of governmental units no one of which has the jurisdiction or authority to cope with area-wide problems.

The U. S. Advisory Commission on Intergovernmental Relations has cited the fragmentation and overlapping of governmental units and the disparities between tax and service boundaries as two of the main reasons why local governments frequently are unable to perform area-wide functions effectively.

The Commission notes that, "Many metropolitan territories are not within the limits of any one political unit of government, so there is no immediate governmental mechanism for dealing with area-wide problems on a coordinated, responsible basis." The Commission also notes that, "Generally speaking, the larger the number of independent governmental jurisdictions within a metropolitan area the more inequitable and difficult becomes the process of financing those governmental services which by their nature are area-wide in character."¹

The Commission has recommended that the states provide an arsenal of remedial weapons to be utilized by the residents of metropolitan areas in attempting to cope with this major metropolitan problem. The methods and devices that have been or can be utilized in attempting to solve metropolitan problems have been variously categorized by several of the authorities in the field as shown in a recent study by Dr. Roscoe C. Martin:²

1 U. S. Advisory Commission on Intergovernmental Relations, *Alternative Approaches to Governmental Reorganization in Metropolitan Areas*, June, 1962, pp. 8-10.

2 "Methods of Local Adaptation", Roscoe C. Martin, *Metropolis in Transition* (Housing and Home Finance Agency, 1963), p. 3.

Methods of Local Adaptation

<u>Method or Device</u>	<u>Martin</u> <u>1963</u>	<u>ACIR</u> <u>1962</u>	<u>Adrian</u> <u>1961</u>	<u>Shefelman</u> <u>1960</u>	<u>Jones</u> <u>1953</u>	<u>Jones</u> <u>1942</u>	<u>Lepawsky</u> <u>1939</u>
1. Informal cooperation	x	---	---	x	---	x	x
2. The service contract	x	---	---	x	---	---	x
3. Parallel action	x	---	---	---	---	---	---
4. The conference approach	x	x	---	---	---	---	---
5. The compact	x	x	---	---	x	x	x
6. Transfer of functions	x	x	---	---	---	---	---
7. Extraterritorial jurisdiction	x	x	x	---	x	x	x
8. Incorporation	x	---	---	x	---	---	---
9. Annexation	x	x	x	x	x	x	x
10. City-county separation	x	x	x	---	x	x	---
11. Geographical consolidation	x	x	x	x	x	x	x
12. Functional consolidation	x	---	---	x	---	x	---
13. The special district	x	x	x	x	x	---	x
14. The authority	x	---	---	---	---	x	x
15. Metropolitan government	x	x	x	x	x	x	x
16. The regional agency	x	---	---	---	---	---	---
Total	16	9	6	8	7	9	9

The Southeast Michigan Metropolitan Area, like other metropolitan areas in the country, is faced with the problems of "local adaptation to changing needs. "This study is concerned primarily with the methods and institutions that have been used or that might be made available to adapt local government in the Southeast Michigan Metropolitan Area to changing needs. Significant developments in other metropolitan areas also are examined in the belief that they should not be overlooked in evaluating potential solutions for Southeast Michigan. Such developments in other metropolitan areas are marked by three distinct approaches to metropolitan area problems:

- A. Metropolitan Government
- B. The Area-Wide Single or Multi-Purpose Authority
- C. Voluntary Cooperation

These basic approaches as used in specific metropolitan areas are described briefly below.

A. Metropolitan Government

One solution to the problem of providing governmental services in metropolitan areas involves the establishment of a new governmental unit with jurisdiction over the entire metropolitan area and with sufficient authority to provide the major municipal services.

A brief review of the characteristics of three metropolitan governments now in operation, Toronto, Miami-Dade County, and Nashville-Davidson County, will indicate the nature of this metropolitan government approach.

Metropolitan Toronto³

The Municipality of Metropolitan Toronto was established in 1953 by unilateral action of the Ontario Legislature. The act created a federated form of metropolitan government with a specific division of powers and service responsibilities between the Metropolitan Municipality and the 13 local municipalities included therein.

The governing body of the Municipality is the Metropolitan Council which consists of 25 members, 12 from the City of Toronto, 12 (one each) from the other 12 municipalities, and an independent chairman elected annually by the council. The members of the council are not directly elected, but serve by virtue of holding elective office in their own municipalities.

The act establishing the municipality of Metropolitan Toronto provided originally for a division of powers between the Municipality and the local units as follows:

- Exclusive metropolitan jurisdiction over assessment, borrowing and major arterial highways.
- Exclusive local jurisdiction over police, licensing, fire protection, libraries and local tax collection.
- Shared responsibility between Metro and the local units over planning, parks and recreation, water supply, sewage disposal and welfare.
- Other services such as public housing, schools, and public transit were the responsibility of quasi independent boards and the local units.

In the past ten years, there have been three changes in the original allocation of powers--Metro was given exclusive jurisdiction over police and air pollution, and licensing became a shared

³ see Frank Smallwood, Metro Toronto: A Decade Later, Bureau of Municipal Research, Toronto, 1963, for a summary appraisal of Toronto 's metropolitan government.

responsibility. Some idea of the relative magnitude of services provided by Metro and the local municipalities can be obtained by comparing the 1963 median tax rate of the municipalities of \$30.62 with the \$24.74 median tax rate levied by Metro.

A new Royal Commission has been established to review the basic framework of the Municipality of Metropolitan Toronto and to consider possible changes. Dr. Smallwood concludes in his appraisal of Metro Toronto: A Decade Later:

There is one alternative, however, that lies beyond the bounds of political feasibility. This is the complete abandonment of the basic metropolitan government approach in favour of a reversion to conditions as they existed prior to 1953.

No Significant group, either inside or outside of Metro, has come out in favor of such a course of action. This fact, in and of itself serves as the most telling commentary on Metro's first decade. Despite any of its shortcomings, Toronto's metropolitan government, when evaluated in terms of the totality of its achievements, has compiled an exceedingly impressive record during its first ten years of existence.

Metropolitan Miami-Dade County

In 1965 the voters of Florida approved a constitutional amendment providing home rule for Dade County and in 1957 the voters of Dade County in a county-wide vote approved a home rule charter for the county. This amendment and charter provide for three objectives:

- "The transfer of legislative power over Dade County affairs from the Dade representatives in the state legislature to the Board of County Commissioners;
- "the reorganization of the internal structure of the county government;
- "the vesting in the county of power. . .to carry on a central metropolitan government."⁴

The amendment and charter authorized the existing county government to become a metropolitan government. The boundaries of the county encompasses 27 municipalities and the entire Standard Metropolitan Area.

4 Feldman and Jassy, "The Urban County: A Study of New Approaches to Local Government in Metropolitan Areas," Harvard Law Review, 73, LXXVII, No. 3.

The charter contains a broad grant of authority to the county to exercise a long list of enumerated powers in both the incorporated and unincorporated areas of the county; to provide certain additional services in the unincorporated areas; and, in a catch-all provision, to exercise all powers granted to municipalities and countries by the constitution or by the charter.

The county powers enumerated in the charter are not to be deemed exclusive or restrictive. In cases of conflict the county charter and ordinance "supersede all municipal charters and ordinances, except as herein provided." The charter also provides that municipal functions may be transferred to the county by a vote of the people or by a two-thirds vote of the governing body of the municipality. The charter does not provide explicitly for a division of powers between the county and the cities and there has been frequent controversy over whether a given function is local or county.

The charter provides for a council-manager form of government. The charter was amended in 1963 to provide for a commission of nine members elected at large. The commission appoints the county manager.

The Metropolitan Government of Nashville and Davidson County

In 1962 the citizens of the City of Nashville and the citizens of the remaining portions of Davidson County, of which Nashville was a part, separately approved a charter providing for the consolidation of the city and county governments into a single metropolitan government contiguous with the former County of Davidson and encompassing the entire Standard Metropolitan Statistical Area. The resulting metropolitan government is significantly different from the federated government approach used in Toronto and the urban county approach in Miami-Dade County inasmuch as existing governments were abolished and all functions of local government, including education, were consolidated in the new unit.

The metropolitan government consists of two service districts—a general services district encompassing all of the area and population (533 square miles and 415,000 population) and an urban services district consisting of the former City of Nashville (about 75 square miles and 255,000 population). The metropolitan government will render area-wide services in the general services district, including general administration, police, courts, jails, assessing, health, welfare, hospitals, streets and roads, traffic, schools, parks and recreation, library, airport, auditorium, public housing, urban renewal, planning, building, and housing codes and transit. These services will be provided throughout the entire area and will be financed by an area-wide tax.

The metropolitan government will render certain additional services in the urban services district—fire protection, water, sanitary sew-

ers, storm sewers, street lighting, refuse collection, and supplemental police protection. The residents of the urban services district will pay additional taxes for these services.

The charter provides for a strong mayor form of government. The Metropolitan County Council consisting of 40 members is elected for a four-year term. Five of the councilmen are elected at large and 35 are elected from individual districts. The charter provides for the election of a metropolitan county mayor for a four-year term.

Metropolitan Government - Summary

The Toronto, Miami-Dade County, and Nashville-Davidson County governments represent three different forms of metropolitan government. In Toronto a new unit of government was created to provide metropolitan services, and the existing local units were retained to provide local services. The Toronto Metro was established by the Provincial Legislature, which retains the power to make changes in the distribution of service responsibilities among the two levels of government.

In Dade County the existing county was used as the basis for the metropolitan government. The metro government was established under authority of a state constitutional amendment which authorizes the county charter to establish the metropolitan government as a unit superior to the municipalities within the county. The two-level system of government now used in Dade County rests upon the county charter and could be altered by action of the people of the county by charter revision.

While the metropolitan government of Nashville and Davidson County resembles Toronto Metro in that a new unit of government was established and resembles Dade County in that the county comprised the boundaries of the new government, the Nashville and Davidson County metropolitan government differs significantly from the other two. It abolished existing local units (With minor exceptions) and all local government functions will be provided by the metropolitan government instead of the two levels of government used in Toronto and Dade County.

B. Multi-Purpose Authorities

The use of metropolitan authorities or special districts as a means of providing municipal services area-wide has received increasing attention in recent years. While there has been considerable discussion of the use of multi-purpose authorities as a means of attacking area-wide problems, there has been little experience in this country with such authorities.

The Municipality of Metropolitan Seattle was established in 1958 pursuant to enabling legislation adopted by the State of Washington in 1957. The Washington Metropolitan Enabling Act provides that a metropolitan municipal corporation may be established with the concurrent approval of the voters in the central city and the voters in the areas outside the city included within the metropolitan corporation to perform one or more of the metropolitan functions of sewage disposal, water supply, public transportation, garbage disposal, parks and parkways, and comprehensive planning.

Following adoption of the state enabling legislation, a proposition was placed on the ballot in March 1958, to establish a metropolitan corporation to provide the functions of public transportation, sewage disposal and comprehensive planning in an area encompassing Western King County and 16 municipalities. This proposal was not approved. Following defeat of this proposal, the boundary lines were redrawn to encompass a smaller area (10 municipalities) and only one service, sewage disposal, was proposed as a Metro function. In an election in September, 1958, the voters approved this proposal and created the Municipality of Metropolitan Seattle.

At the present time, the Municipality of Metropolitan Seattle is composed of 230 square miles of territory in King County (total county area is 2,134 square miles). There are 14 incorporated cities and towns within the Metro area. The Metropolitan Council consists of 16 members; eight representing the City of Seattle, three representing the three other cities over 10,000 population, one representing the ten cities under 10,000 population, two county commissioners, one appointee who represents the unincorporated areas, and the chairman.

Metro adopted a comprehensive sewage disposal plan and in mid-1961 began its construction program for sewage disposal facilities. In mid-1962, Metro took over the 17 local treatment plants and related facilities.

With the sewage disposal program of Metro under way, in 1962 a proposal was placed on the ballot to authorize Metro to assume the function of metropolitan public transportation. While the proposal was approved by voters in the suburbs, it failed to win approval in Seattle. Thus, the Municipality of Metropolitan Seattle continues to be no more than a single function authority. Its ability to develop into a multifunction authority is contingent upon receiving approval of the voters in Seattle and in the outlying areas to carry out specific services in addition to sewage disposal.

C. Inter-Local Government Cooperative Agreement

A broad range of voluntary methods of cooperation has been used 'by existing local units of government throughout the country in an attempt to . accommodate to changing service needs. Some of the methods that have been used widely are informal cooperation, metropolitan conferences, joint performance of services, inter- local government contracts to provide services, and voluntary transfers of functional responsibilities. The Advisory Commission Intergovernmental Relations, has noted that "intergovernmental agreements are the most widely used means' of broadening the geographical base for handling common functions in metropolitan areas."⁵ Perhaps no state makes wider use of intergovernmental agreements than California, and particularly noteworthy is the experience of Los Angeles County.

Los Angeles County has been providing services to cities under contract since the turn of the century. In 1962 it was reported that the county was providing services to all 73 cities in the county under 1,300 individual service agreements.⁶ Forty-two different services were being provided under contract. There are five different procedures by which Los Angeles County provides services to the cities:⁷

1. Outright transfer of a municipal function to the county by city action.
2. The single function contract under which the county provides a specified service at the level at which the service is provided elsewhere in the county or at some other level determined in the agreement.
3. A general services agreement under which the county provides specified services on call of the contracting city.
4. County service may also be provided through a special district.
5. The county and cities cooperate in jointly performing certain functions.

5 Advisory Commission on Intergovernmental Relations, *Alternative Approaches to Governmental Reorganization in Metropolitan Areas*, June, 1962, p. 26.

6 Arthur B. Will, City-County Coordinator, Los Angeles, California, speech on Services by Contract, before the County Home Rule Congress, July, 1962.

7 Roscoe C. Martin, *Metropolis in Transition*, "The Service Contract: Practice in Los Angeles County." Housing and Home Finance Agency, September, 1963.

In 1954, the City of Lakewood contracted to have practically all of its services provided by the county. During the following eight years, 29 cities embraced the Lakewood plan by contracting for 18 to 30 services each from the county.

D. Alternative Approaches - Summary

Among the 16 methods of "local adaptation to changing needs" in metropolitan areas listed by Dr. Martin, there are three basic types of approach which have received particular attention in recent years--metropolitan government, the multi-purpose authority, and voluntary cooperation. The subsequent sections of this report will describe the framework of local government in the Southeast Michigan Metropolitan Area and will analyze the tools that have been or that might be used by the local governmental units in the Southeast Michigan area in attempting to meet their service problems.

For the purposes of this study, the Southeast Michigan Metropolitan Area has somewhat arbitrarily been considered to include the so-called six county area comprising Wayne, Oakland, Macomb, Monroe, St. Clair and Washtenaw counties. Whether one wishes to consider this metropolitan area to be greater or smaller, it certainly qualifies as an area characterized by a multitude of governmental units no one of which has the jurisdiction or authority to cope with area-wide problems.

SECTION II

FRAMEWORK OF LOCAL GOVERNMENT IN THE SOUTHEAST MICHIGAN METROPOLITAN AREA

The responsibility for providing local government services in the Southeast Michigan area is fragmented among 404 units of government. There are 221 separate and independent units of general local government--six counties, 67 cities, 39 villages and 109 townships, and there are 183 special units of government--165 school districts and 18 special districts and authorities (see Table 1) These general governmental units do not have exclusive jurisdiction over local government services within their boundaries--the jurisdiction is shared by at least two units of general government (county and city or township) and sometimes by three (county, township and village). In addition, school districts and special districts and authorities have responsibilities for specific governmental functions. As a result of the overlapping and fragmentation of service responsibilities among these 221 units of general local government no one unit of government has the authority to cope with area problems that transcend its boundaries. Further, this fragmentation has been accompanied by a fragmentation of the financial resources required to support governmental services.

Table 1

Number of Units of Government in the Southeast
Michigan Metropolitan Area^g

<u>Type of Unit</u>	<u>County</u>						<u>Total</u>
	<u>Wayne</u>	<u>Oakland</u>	<u>Macomb</u>	<u>Monroe</u>	<u>St. Clair</u>	<u>Washtenaw</u>	
County	1	1	1	1	1	1	6
Cities	26	21	10	2	5	3	67
Villages	5a	17	4	6	3	4	39
Townships	14	24	13	15	23	20	109
School Districts	45	30	24	21	23	22	165
Soil Conservation Districts	--	1	1	--	1	1	4
Authorities:							
Sanitation	1	--	1	--	--	--	2
Hospital	1	1	--	--	1	--	3
Water	--	2	--	--	--	1	3
Building	1	--	--	--	2	--	3
Incinerator	--	1	--	--	--	--	1
Port	--	--	--	1	--	--	1
Metro Park	--	--	--	--	--	--	1
Total Units	94	98	54	46	59	52	404

^a Inkster is classified as a village in this report although it has recently incorporated as a home rule city.

^b The Huron-Clinton Metropolitan Authority of which four of the six counties are members (excepting Monroe and St. Clair).

^g Bureau of Census Final Report PC(1)-24A, Directory of Special Districts in the U.S.- 1964 Edition, Urban Survey Corporation; Boston, Mass., supplemented by data obtained from the Citizens Research Council of Michigan questionnaire and Michigan Department of Public Instruction letter dated September 1, 1964.

SECTION II

CHAPTER 1

STRUCTURE OF LOCAL GOVERNMENT

A. The County

The county is an administrative and judicial subdivision of the state and exists primarily to serve the purposes of the state. The county has no inherent power of self-determination. It has only those powers and rights granted to it by the state constitution and statutes. Historically, it has been necessary for a county to point to specific constitutional or statutory authorization in order to exercise a given power. The 1963 constitution provides, however, that the constitutional and statutory powers of local units of government, including counties, are to be liberally construed in their favor and shall include those powers fairly implied and not prohibited by the constitution.

Counties perform two types of functions--those required by state law, or mandatory functions; and those which the law permits but does not require, or permissive functions. Mandatory functions include the maintenance of law and order (sheriff); the administration of justice; the care of prisoners; the care of dependent and neglected children; the relief of indigents; the conduct of elections; the keeping of vital statistics, records and documents; the examination, approval and recording of plats; and the maintenance of county roads. Permissive functions are numerous, including the construction and operation of parks, airports, port facilities, water and sewer systems, libraries, hospitals, and public health services.

The constitution and statutes of the state prescribe in detail the organization, powers and duties of all Michigan county officers and agencies thus providing a basically uniform system of county government. The constitution establishes a county board of supervisors for each county with one member from each organized township and representation of cities as provided by law.⁹ The board of supervisors serves as both a legislative and administrative body. In the six counties in Southeast Michigan, the Wayne County Board has 118 members, Oakland 83, Macomb 69, St. Clair 54, Washtenaw 37, and Monroe 22.

9 The Kent County circuit court, in September, 1964, held that the equal protection clause of the Fourteenth Amendment to the U.S. Constitution as interpreted by the U.S. Supreme Court requires that the seats on the board of supervisors be apportioned on a population basis and that it is not so apportioned under the Michigan constitution and statutes. The court deferred action by injunction or otherwise to give the 1965 legislature an opportunity to act.

The constitution provides for the election in each county for four-year terms of a sheriff, treasurer, prosecuting attorney, clerk and register of deeds (who may be combined). Other elective and appointive officers are provided by statute.

The county depends primarily on the property tax as a source of revenue. Counties are subject to the constitutional 15 mill or alternate 18 mill tax rate limitation. Unlike other units of local government, the counties do not receive state-collected, locally shared - revenues, except that gas and weight tax monies are received for the construction and maintenance of county roads. County borrowing is subject to a constitutional limit of ten percent of its assessed valuation.

In addition to providing for the general organization of counties, the Constitution of 1963 provides for a charter form of county government as an alternate to the constitutional-statutory form. The charter county provision is not self-executing and will require legislative implementation. For details, see the discussion on County Home Rule later in this report.

B. Townships

The township may be described as a subdivision of the county organized primarily to serve residents in a rural setting. The constitution and statutes of the state prescribe the governmental organization of the township and the powers and duties of all township officers and agencies. Under Michigan law townships may be organized as provided by general law or they may be organized as provided by the charter township act. In the six-county area there are 107-general law townships and two charter townships.

General Law Townships

The constitution provides that the governing body of the general law township shall be the township board composed of the supervisor, the clerk, the treasurer, and either two or four trustees. In the general law township, the township supervisor serves as the chief administrative-executive officer providing day-to-day supervision over the conduct of township affairs. Like the non-charter county, the general law township has only those powers and rights granted to it by the state constitution and statutes. The powers and limitations of general law townships are provided by law and pursuant to the constitution are to be liberally construed and to include those fairly implied.

The principal functions performed by townships include the assessment and collection of taxes, the conduct of elections, and the keeping of vital statistics and records. General law township residents receive police services from the county sheriff's department. Should the general law township desire to supplement this service and provide a police force of its own, there are several laws under which it may do so. A fire department may be financed on a special assessment basis or by an appropriation. Public works activities of the general law township are limited to those specified by law. Township streets and highways are part of the county highway system under the jurisdiction of the county road commission.

The general law township, together with the county and school districts, is subject to the constitutional 15 mill or alternate 18 mill limit. Because of the relatively limited functions of the township, particularly in relation to the service demands on counties and school districts, the township is most frequently allocated one mill or less. The general law township relies heavily on special assessments as a method of financing public improvements. Townships receive statecollected, locally-shared sales and intangibles taxes on a per capita basis. Townships do not receive gas and weight taxes from the motor vehicle highway fund since street maintenance in the township is provided by the county. General law township borrowing is not subject to an overall debt limitation; instead, there are specific limitations for particular purposes.

Charter Townships

The charter township has been described as a compromise between the general law township organized primarily to serve rural areas, and the city government designed to deal with urban problems. Any township having a population of 5,000 or more, or any township having a population of 2,000 or more and bordering a city with a minimum population of 25,000 may adopt the charter township act by a majority vote of the township electors, which act then becomes the charter for the township. The two charter townships in the six-county area are Canton and Waterford.

The governing body of the charter township is a township board of seven members composed of the supervisor, the clerk, the treasurer, and four trustees. Although the basic pattern of organization is the same for both the charter and general law township, the charter township act permits the board of trustees to appoint a superintendent to serve as the chief administrative officer of the township.

The charter township has, with few exceptions, all the powers, privileges, immunities and liabilities possessed by general law townships and performs essentially the same functions as the general law township. The charter township has broader taxing powers than the general law township--it is not subject to the 15 mill limitation. It may levy up to five mills on the township's state

equalized valuation without a vote of the township electors. This limit may be increased to not more than ten mills for a period not to exceed 20 years by a majority vote of the township electorate. Charter township special assessment powers are subject to the restrictions of the general law township improvement act or the more restrictive village improvement act of 1895. The charter township has a general overall debt limitation of ten percent of its state equalized valuation as opposed to the specific limitations for particular purposes prescribed for the general law township. In a charter township, general obligation bonds may be authorized by vote of the people. Both the charter and general law townships receive the same state-collected locally shared sales and intangible taxes.

C. Villages

Villages are incorporated communities organized to provide municipal services to residents within a township area having a designated degree of population concentration. The village remains legally a part of the township in which it is located and continues to receive certain services from the township including the assessment and collection of taxes and election administration.

Under the constitution and general laws of the state, villages may be incorporated under the general village act of 1895 or the home rule village act of 1909. In the six-county area there are 19 general law villages and 20 home rule villages.

General Law Village

An unincorporated area at least three-fourths of a square mile in size and having a minimum population of 250 persons may be incorporated as a general law village. The general law village act provides for a weak mayor-council form of government and requires the election of a village president, six trustees, a clerk, a treasurer, and an assessor. The powers and limitations of the general law village are provided in detail in the act. The law authorizes the village to adopt ordinances and to provide police, fire, health, and a variety of public works and other services. Villages are authorized to perform street maintenance work- and receive state-collected locally shared gas and weight tax revenues for the purpose.

The general law village property tax rate for general purposes is limited to 12.5 mills. This limit may be increased by the village council by limited amounts for certain specific purposes, or may be increased to a maximum of 20 mills by a 3/5 vote of the electors voting on the question. The general law village may issue general obligation bonds up to ten percent of the village assessed valuation.

Home Rule Village

In accordance with the home rule provision inserted in the 1908 constitution, the legislature enacted the home rule village act in 1909. An area may be incorporated as a home rule village if it contains not less than 150 persons and has an average population density of not less than 100 person per square mile. Home rule villages are granted the right to frame and adopt a charter. In selecting its form of government, the home rule village is limited only by the requirement that the charter provide for the election of a president, a clerk, and a commission or other legislative body; and for the election or appointment of other officers or boards deemed necessary. The basic types of government employed by Michigan home rule villages are the council-manager and the mayor-council forms.

Home rule village charters are required to provide for certain activities, may provide for others, and must contain certain limitations. The home rule village may provide in its charter for a tax rate of up to 20 mills for all purposes. The borrowing power of the home rule village is limited to 10 percent of the village assessed valuation.

D. Cities

The constitution of 1908 directed the legislature to provide by general law for the incorporation of cities and granted the electors of each city the power and authority to frame, adopt and amend a charter. Pursuant to this constitutional provision, the legislature enacted the home rule city act.¹⁰ All new city incorporations in Michigan are accomplished under this act. Any area having a population of at least 2,000 and a density of 500 persons per square mile may incorporate as a home-rule city.

The home rule act requires the election of a legislative body and the selection of a mayor to serve as the chief executive officer and the charter must provide for either the election or appointment of certain other officers. The three basic forms of government found in Michigan cities are the mayor-council form, the council-manager form and the commission form. Of the 67 cities in the six-county area, 36 have the council-manager form, 30 have the mayor-council form, and one has the commission form.

Home rule cities operate under a broad grant of authority. They may exercise all municipal powers in the administration and management of municipal property and government whether the powers be

¹⁰ Two cities in the six-county area are fourth-class cities operating under a general law charter.

enumerated or not and may adopt resolutions and ordinances relating to their municipal concerns subject to the constitution and laws.

The city charter fixes the extent of the city's financial powers, subject to provisions of the home rule act. The city's major source of revenue is the property tax. The maximum tax rate permitted by the home rule act is 20 mills. Cities may levy a local income tax. The home rule act also authorizes the city to make special assessments.

Cities also receive non-property tax revenue including shared taxes, state aid, licenses and fees. The borrowing power of the city is limited by law to 10 percent of the state equalized value of the real and personal property of the city. Bonds may be issued "for any purpose within the scope of the city's powers."

E. School Districts

School districts in Michigan are independent units of government vested with local responsibility for public schools. The school district is governed by a separately elected board of education which may levy school taxes and issue bonds with the approval of the school electors. It receives aid funds directly from the state and usually receives the largest allocation of the constitutional 15 mill maximum tax rate.

While control over primary and secondary education in large measure has been delegated by the legislature to the local school districts, the state exercises "leadership and general supervision in these area - of education through the state board of education.

As recently as 1942 there were 820 school districts in the six-county area. The number decreased to 527 in 1952, to 240 in 1957, and to 165 in 1964. These reductions were accomplished through the consolidation and annexation of districts petitioned for and approved by school electors as provided by law.

F. Authorities and Special Districts

Authorities and special districts may be formed under a general enabling act adopted pursuant to a 1927 amendment to the constitution of 1908 or pursuant to a number of specific statutes authorizing the establishment of special purpose authorities or districts. All of the authorities in the six-county Southeast Michigan area were established pursuant to specific statutes. See the discussion later in this report on Authorities and Special Districts.

SECTION II

CHAPTER 2

LOCAL GOVERNMENT FINANCES AND EMPLOYMENT IN THE SIX-COUNTY AREA

The effects of fragmenting of the governmental structure in the Southeast Michigan area into more than 400 governmental units is illustrated by the distribution of governmental revenues, expenditures and employees among the various types of local units of government within the six-county area. This distribution tends to indicate the relative magnitude of their operations and the extent to which specific service responsibilities have been allocated among them.

Revenues

The mainstay of local government revenues in the six-county area is the general property tax. In 1962, local tax levies totaled over one-half billion dollars and accounted for 57 percent of the \$972 million total revenue of all units of local government in the area. The state equalized valuation was \$13.8 billion in 1962, the total tax levy was \$553 million and the average local tax rate was \$40.13 per \$1,000 of state equalized valuation. As reported by the Bureau of the Census for fiscal years ending in 1962, county property tax levies totaled \$86 million, school levies \$264 million, township levies \$5.6 million, city and village levies \$193 million and special district levies \$3.3 million (see Table 2). In 1962 school districts levied almost one-half of the general property taxes (47.9 %) in the six-county area, cities and villages levied more than one-third (34.9%), counties levied 15.6 per cent, townships 1.0 percent and special districts levied 0.6 percent.

The second largest source of local government revenues in the six-county area in 1962 was intergovernmental revenue (payments from other governmental units) which totaled \$276.3 million or 28.4 percent of total revenues. Schools accounted for one-half of the intergovernmental revenue (49.4%), cities and -villages for 30.2 percent, counties for 17.6 percent, townships for 2.6 percent and special districts for 0.2 percent. Charges and miscellaneous revenues amounted to \$136 million or 14 percent of total revenues. Cities and villages received over one-half of such revenues (52.1%), schools less than one-quarter (24.2%), counties received 13.8 percent, special districts almost seven percent and townships almost three percent.

Table 2

General Revenues of All Units of Government
in the Six-County Area in 1962
(In Thousands)

<u>Revenue</u>	<u>Total</u>	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>	<u>Townships</u>	<u>Special Districts</u>
Property Taxes	\$552.5	\$ 86.1	\$192.9	\$264.5	\$ 5.6	\$ 3.3
Other Taxes	7.2	.4	5.8	--	1.0	--
Intergovernmental Revenue	276.3	48.7	83.5	136.5	7.1	.6
Charges & Misc.	<u>136.0</u>	<u>18.8</u>	<u>70.9</u>	<u>32.9</u>	<u>4.0</u>	<u>9.4</u>
	\$972.0	\$153.9	\$353.2	\$433.9	\$17.7	\$13.3

Source: U. S. Department of Commerce, Bureau of the Census.

Local Government Expenditures in the Six-County Area

Expenditures for all local governmental units in the six-county area in 1962 totaled over \$1 billion as shown below. Expenditures by school districts amounted to \$477.6 million, or 46 percent of the total; city and village expenditures totaled \$370.6 million, or 36 percent; counties were next at \$162.4 million or 16 percent. Expenditures of townships and special districts (including authorities) accounted for the remaining \$29 million.

Table 3
Expenditures of All units of Government in the
Six-County Area in 1962

<u>Unit</u>	<u>Amount</u> <u>(in millions)</u>	<u>Percent</u>
Counties	\$162.4	15.62%
Cities	370.6	35.63
School Districts	477.6	45.93
Townships	14.5	1.40
Special Districts	<u>14.8</u>	<u>1.42</u>
Total	\$1,039.9	100.00

The combined expenditures for all units of local government in the six-county area for selected functions is shown in Table 4. Educational expenditures of \$460.6 million exceeded those for all other purposes and represented 44 percent of the combined expenditures for all 12 services by all units. The next highest amounts were \$72.7 million or seven percent of the total for health and hospitals; \$72.1 million or seven percent for highways; \$56.8 million, or five percent for police protection; and \$48.2 million or five percent for welfare.

Table 4 also shows the percent distribution of total governmental expenditures in the six counties for county government, cities and villages, school districts, townships and special districts and authorities.

Of the total amount spent for education, 99.7 percent was spent by school districts and the remainder by counties. Cities spent 54 percent of the total expenditures for highways while counties spent 43 percent. City welfare expenditures, and primarily those of Detroit, which is a "county" for welfare administration, accounted for 58 percent of the total, while county welfare expenditures accounted for 42 percent. County welfare expenditures in the five counties other than Wayne represented 99 percent of the total spent for welfare in those counties. For police protection, cities spent 91 percent of the total, counties spent six percent and townships three percent. In the case of fire protection, the cities spent 91 percent of the total and townships spent the remaining nine percent. The distribution for other functions may be seen in Table 4.

Table 4

Amount and Percent Distribution by Type of Unit
of Selected Governmental Expenditures
in the Six-County Area, 1962

<u>General Expenditures</u>	<u>Total Expenditures (In Millions)</u>	<u>Expenditures by Type of Unit as a Percent of Total</u>			
		<u>Counties</u>	<u>Cities & Villages</u>	<u>School Districts</u>	<u>Townships</u> <u>Special Districts</u>
Education	\$460.6a	.28%	---	99.72%	---
Highways	72.1	43.43	54.40%	---	---
Public Welfare	48.2	42.34	57.59	---	2.17%
Health & Hospitals	72.7	38.77	47.96	---	.07
Police Protection	56.8	6.30	90.78	---	.20
Fire Protection	27.3	---	91.30	---	2.92
Sewerage	43.3	32.80	63.11	---	8.70
Other Sanitation	26.1	---	96.03	---	3.00
Parks & Recreation	28.1	6.93	77.76	---	2.44
Natural Resources	5.5	99.86	---	---	1.54
Housing & Urban Renewal	35.6	---	98.50	---	---
Libraries	11.9	12.21	84.80	---	1.50
					2.99

^aExcludes interest on school debt.

Local Government Employment in the Six-County Area

A comparison of the total number of local government employees by type of unit of government and by function also tends to indicate the extent to which service responsibilities are allocated among the various types of units of government. As might be expected, the distribution of employment generally follows the same pattern as expenditure distribution.

Table 5 presents a summary of local government employment in the six counties by type of unit. In 1962, full-time local government employees in the area totaled 104,109. School districts rank first with a total of 51,813 full-time employees, or 50 percent of the total. Cities are second with 38,352 full-time employees and counties are third with 11,031. Townships and special district employees together account for less than three percent of the total.

Table 5

Full-Time Government Employees in Six-County Area by Type of Unit, 1962

<u>Unit</u>	<u>Number</u>	<u>Percent</u>
Counties	11,031	10.60
Cities	38,352	36.84
School Districts	51,813	49.77
Townships	1,505	1.44
Special Districts	1,408	1.35
Total	104,109	100.00

Source: Department of Commerce, Bureau of Census.

Full time equivalent employment data are presented in Table 6 for various functions and by types of local governmental unit. Full-time equivalent employment, as reported by the Bureau of the Census, is a derived figure and represents the number of persons that could have been employed, for payroll amounts reported, if all personnel were engaged on a full-time basis at the average monthly rate applying to full-time workers. Employment figures shown for "education" include non-professional school district employees and police and fire figures include administrative personnel.

Cities were the largest single employer in all functions except education and highways.

Table 6

Full-Time Equivalent Employment
in the Six-County Area
by Function and Type of
Unit, 1962

<u>Function</u>	<u>Total</u>	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>	<u>Townships</u>	<u>Special Districts</u>
Education	54,265	---	---	54,265	---	---
Highways	4,098	2,347	1,704	---	47	---
Health Hospitals	10,035	3,239	5,626	---	---	1,170
Police Protection	8,430	662	7,501	---	267	---
Fire Protection	3,786	27	3,462	---	297	---
Financial Adminis- tration & General Control	4,929	1,937	2,600	---	392	---
Water Supply	2,270	24	2,007	---	211	28
Other Local Utilities	2,564	---	2,564	---	---	---
All Other Functions	<u>17,507</u>	<u>3,031</u>	<u>13,664</u>	---	<u>542</u>	<u>270</u>
Total	107,884	11,267	39,128	54,265	1,756	1,468

SECTION II

CHAPTER 3

BOUNDARY CHANGE IN MICHIGAN

The fragmentation of local government in the six-county Southeast Michigan area has been increasing in recent years. Between 1945 and 1964 there were 30 incorporations of new cities in the area and 11 incorporations of new villages (see Table 7). While there was a total of 41 incorporations of new municipalities from 1945 to 1964, there was relatively little expansion of the boundaries of existing municipalities by means of annexing surrounding territory. During the period 1948 to 1963 only three municipalities in the six-county area (Ann Arbor, Monroe and Ypsilanti) have had any "large-scale" annexations of at least a quarter of a square mile. In a total of 129 separate annexations these three cities annexed a total of 7.93 square miles of territory containing about 6,100 people. Significantly, there have been no large-scale annexations within the three central counties in the area--Wayne, Oakland and Macomb.

These differences in annexation and incorporation frequencies reflect in part the fact that this region already had a complex of separate cities and villages in 1945. In some instances older municipalities were discouraged from expanding their territory because of a limited amount of unincorporated space adjacent to their boundaries particularly in the "inner" portion of the region. All of the region's annexations in the 1948-1963 period occurred far from the central city.

However, the relative frequency of new incorporations, which further fragment the governmental structure of the area, and the relative lack of annexations may also be attributed in part to the fact that under existing Michigan law, new incorporations are easier to achieve than are substantial expansions of the boundaries of existing municipalities.

Table 7

Municipal Incorporations In Southeast Michigan
1945-1964 (September)

<u>County</u>	<u>City Incorporations</u>	<u>Village Incorporations</u>	<u>Total Municipal Incorporations</u>
Wayne	15	2	-17
Oakland	10	8	18
Macomb	5	---	5
Monroe	1	1	2
St. Clair	1	---	1
Washtenaw	---	---	---
Total, Above	30 ¹	11	41 ¹

¹ Included in the total number of city incorporations for the six-county area, are two cities with boundaries extending into two separate counties.

Source: Michigan Department of State, Lansing, 1964.

Why Incorporate or Annex

Michigan law recognizes the differing governmental requirements of urban and rural areas by distinguishing between municipalities and unincorporated communities. Cities and villages have the legal and financial abilities to provide urban-type services. While the desire for urban type services on the part of local residents is the most obvious reason for changes in government boundaries, most recent cases of incorporation and annexation in Michigan have had other motivations. Voters acting on local boundary referenda have frequently been guided by a wish to "protect" their communities from the intrusions of other communities and governments.

As protective devices, efforts at boundary change occur in two general versions. The more common kind is the resistance of unincorporated areas to what they perceive as "absorption" by already existing municipalities. Suburban residents in township areas often share a generally negative view of their adjacent cities. So when residents of fringe areas want the services of a municipal government, or when they feel threatened by a potential territorial ex-

pansion of the city, they are just as likely to try to form their own cities and villages as to accept annexation municipalities at times have inadvertently encouraged separate incorporations by refusing to extend or continue city services to fringe areas that turn down annexation.

The second kind of boundary change motivation involves the existing municipalities which are also interested in self-protection. Cities which suffer from decreasing tax bases because of the movement of industry, commercial establishments, and people to suburban areas are tantalized by concentrations of high-value property in nearby incorporated areas. Other reasons for boundary expansions include a need for large chunks of vacant land suitable for industrial development, and a desire to regulate land-use patterns in fringe areas as a protection for city zoning and planning practices.

The protective desires of both municipalities and unincorporated communities inevitably lead to the use of incorporation and annexation as counter political weapons: The township, or part of it, seeks incorporation because of a fear of city annexation, and the city rushes annexation because of a fear that the township--or its most desirable portions--is about to initiate formation of a separate municipality.

Similar motivations and actions have been frequent in local boundary changes in the six-county Detroit area. A large number of city and village incorporations have taken place since 1945 as a result of inter-community conflicts, particularly in the complex of separate municipalities that stretches through southern Oakland and Macomb counties north of Detroit.

The use by warring communities in Michigan of incorporation and annexation as counter weapons has contributed to what is widely-known as "the metropolitan problem" This is the existence of a large number of separate municipal units in a relatively small land area, with consequent duplication of public services and the lack of an area-wide approach to area-wide governmental problems. The heat and haste of reaction that frequently are a part of boundary change can lead to a continuing sense of hostility between neighboring communities and tend to prevent the undertaking of intergovernmental agreements to solve common problems.

Individual units also suffer in hastily-implemented incorporations and annexations. Boundary changes can result in relatively high costs of government in relation to services received and many municipal boundaries are created that are illogical in terms of service areas. Gerrymandering has been a particular fault of many annexations, resulting not only in irregularly-shaped outward boundary extensions, but also in the complete surrounding of small portions of township territory by cities.

New cities frequently find that the public demands for services and the resultant costs had been originally underestimated, while the expected revenues had been overestimated. And older cities, after large-scale annexations sometimes find that they have taken up too much territory to handle in a limited period.

Township governments are also affected by these boundary changes. In several areas of the six-county region, townships have been virtually destroyed without being eliminated. Frequent and piecemeal incorporations and annexations have taken away from many townships major portions of both their tax base and their constituents, making their continued existence as active units of government difficult and perhaps unjustified.

Probably the most extreme example of fragmentation has been the division over the years of the original 36 square miles of Royal Oak Township (Oakland County) into nine separate cities and two isolated fragments of unincorporated territory totaling less than one square mile in area.

The Present Law

The current legal procedures and requirements for incorporation and annexation in Michigan are only slight barriers to frequent boundary changes. New municipal formations are achieved through a simple majority approval of the voters included in the proposed city or village, and the fulfillment of minimum population and population density requirements. There are no similar minimal standards for annexations, other than contiguity. Annexations are ordinarily approved by two separate majority votes--one by the residents in the area to be annexed and the other by a combined majority of the voters in the annexing city and in the remainder of the township.

A slight legal edge is given by the statutes to incorporation, since only one voter majority is required. But in their expansion efforts, cities often deliberately draw their proposed annexations around unincorporated territories that are uninhabited or contain residents thought to favor annexation. And the cities have an advantage in the combined majority requirement, since their voters usually outnumber the township voters.

Since a relatively small number of local citizens can initiate action by signing petitions, these legal procedures are easily used when either the city or the adjacent unincorporated area is faced with a real or imagined boundary threat from the other community. Providing the necessary voter majorities can be obtained, Michigan law contains no in between forms of community protection. Boundary maneuvering by hostile communities is in fact stimulated by the legal system.

The Boundary Commission Proposal

A major revision of the existing annexation and incorporation statutes, popularly known as the Boundary Commission Plan, was considered, but not enacted, by the Michigan Legislature in 1964. In effect, the Boundary Commission idea takes away much of the control that local voters have over annexations and incorporations. It establishes a commission of three state members appointed by the governor, supplemented by two members appointed from a county in which a boundary change is pending. Most importantly, the proposal lists a number of criteria to be applied by the commission to particular boundary changes. These include the assessed valuations, land use patterns, populations, governmental costs, and service needs of all units involved in a proposed change, and the probable consequences of any change on the separate units.

The commission could grant or deny petitions for annexation or incorporation following public hearings and can revise proposed boundary lines. Commission denials are final. Orders approving "reasonable" boundary changes are subject to the majority approval of voters in the area proposed for annexation or incorporation, except that commission approval is final where an area to be annexed contains less than 100 registered voters.

The commission system places a number of new barriers in the way of boundary changes. Three of the five commissioners, coming from outside the affected communities, are not likely to be guided largely by the special desires of individual localities. The standards of reasonableness that they would apply are more restrictive than the present requirements of minimum population and density for incorporation and contiguity for annexation. Another restrictive quality is that the commission has greater power in the denial of petitions than it has in the approval of petitions.

It thus seems apparent that the commission system would decrease the total number of boundary changes. At the minimum, the mere existence of a commission and knowledge of its powers would discourage some boundary change attempts. This is especially true of those efforts at incorporation which are not seriously intended to form new municipalities but are attempts to delay or prevent annexations and other incorporations.

As discussed in the 1964 session of the legislature, the commission system would have unequal effects on the two different kinds of changes: incorporations would be discouraged while annexations would be encouraged. Particularly in the provisions which permit municipal legislative bodies to petition for annexations and which generally prohibit new incorporations within four miles of municipalities, the Senate bill seems to give an advantage to already existing municipalities over unincorporated communities. This is somewhat of a reversal of the present pattern in which incorporations have been relatively easier to achieve than annexations.

The advantage is not complete, however, for the same criteria used in the commission's review of proposed incorporations are also applicable to annexations. The commission would not be likely to approve either capricious formations or capricious expansions•

Still, the intent and consequences of these provisions are quite clear: in metropolitan and heavily urbanized areas, the growth of existing municipalities is to be favored over a continuing proliferation of new and separate incorporations. The Boundary Commission system in this way strikes directly at one of the main aspects of metropolitan confusion. It cannot by itself bring about increased cooperation and unity in the handling of local governmental problems in metropolitan regions, particularly in the Six-county Detroit complex where a large number of separate municipalities already exist. But the Boundary, Commission system can serve to lower future barriers to such cooperation by eliminating hasty boundary changes and the accompanying local antagonisms. No Boundary Commission can, on its own initiative, put together all that has already been torn apart.

..

SECTION III

METHODS OF LOCAL ADAPTATION TO METROPOLITAN SERVICE NEEDS IN SOUTHEAST MICHIGAN

Although the Southeast Michigan Metropolitan Area is divided into 404 governmental units including 221 units of general local government, it is not completely defenseless in the face of the need to render service on a broad area basis. The new constitution clearly calls for county home rule enabling legislation as a means of increasing the service potential of counties, the local units with the largest area jurisdiction. The same instrument, and also subject to legislative implementation, provides for the creation of local governmental units with even greater area jurisdiction through the merger of existing counties, the establishment of metropolitan governments, or the development of authorities or special districts to provide one or more services over a given area.

A number of methods are available, and have been used, by which two or more local governmental units may cooperate for the purpose of providing services. The need for and trend toward cooperative activity in the absence of any local unit with sufficient jurisdiction to handle area problems have, in some metropolitan regions of the country, fostered the development of Metropolitan Conferences or Councils which serve as voluntary confederations of local government designed to approach area problems on an area basis. Southeast Michigan's Supervisors Intercounty Committee was the first of these organizations.

This section discusses these various weapons in Michigan's arsenal that are or can be made available for any attack on metropolitan area governmental service problems.

SECTION III

CHAPTER 1

COUNTY HOME RULE

The present pattern of local government organization and inter-governmental cooperation could be affected significantly by the provision in the Michigan, Constitution of 1963 (Article VII, Section 2) which authorizes the people of any county, on a local option basis; to adopt a home rule charter form of government as an alternative to the traditional form of county government described in Section II of this summary. Since the provision is not self-executing, its impact will depend in large measure on the type of enabling legislation adopted. Within limits provided by law, the constitution of 1963 provides the opportunity for home rule authority for the people of a county in three major areas--1) the form or structure of county government; 2) the substantive powers of counties to provide services; and 3) the taxing powers of counties.

Structure of County Government

One of the major arguments for county home rule has been that the present structure of county governments as provided for in the constitution and statutes is inadequate, and unsatisfactory for a unit of local government faced with the problems of providing urban services in a metropolitan area. The argument rests its case primarily on the fact that the county board of supervisors is a large, unwieldy body composed primarily of ex-officio and appointed members from the cities and townships who are not directly responsible to the electorate for their actions as county policy makers; that the county government lacks a chief executive officer with authority and responsibility for directing the administrative activities of the county; and that executive-administrative authority and responsibility in the counties are divided among the elected administrative officials, the board of supervisors (which has both legislative and administrative functions) and a number of semi-autonomous departments which are nominally responsible to the board of supervisors.

If a recent decision of the Kent County Circuit Court is upheld by the higher courts, a major overhaul of the system of representation on the county board of supervisors will be necessary. The Kent County Circuit Court ruled as follows:

" ... the Equal Protection Clause of the Fourteenth Amendment and the United States Constitution as interpreted by the United States Supreme Court, requires that the seats in the Board of Supervisors be apportioned on a population basis; that under the provision of the Michigan Constitution and statutes it is

not so apportioned; that such provisions are in conflict with the Constitution of the United States and that under the supremacy clause of that Constitution, such provisions are invalid."¹¹

The opinion did not set forth a remedy, deferring such action "until the 1965 Legislature has had an opportunity to remedy the deviations from constitutional standards in the present Michigan provisions providing for the membership of the County Board of Supervisors."

A broad grant of structural home rule powers would enable the people of a county to draft and adopt a charter providing for a major reorganization of the structure of county government. The experience of Michigan municipalities over the past half-century has been that a relatively small legislative body directly elected by and accountable to the people together with a centralized executive responsible for the efficient administration of the public business is most capable of providing municipal type services in an urbanized area. If county government were reorganized to provide a governmental structure capable of providing urban services in a more efficient, economical and responsible manner, the role of county government in providing these services through transfers of service responsibilities to the county, contracts to provide services, and joint agreements could be expected to increase.

Such a reorganization would tend to increase the willingness of the people and the officials of the local units within the county to assign these responsibilities to the county government and by more clearly identifying the lines of authority and responsibility within county government would facilitate intergovernmental cooperation. In short, a reorganization of the structure of county government is a first prerequisite in enabling the county to play a more significant role in the pattern of local government organization and intergovernmental cooperation in the Southeast Michigan Metropolitan Area.

While structural reorganization would tend to increase the county's capacity to assume a more significant role in intergovernmental cooperation it could also introduce some potential elements of conflict between the county and the local units. The present county board of supervisors is to some extent a "federated" system with both city and township governments represented on the board. This has provided a means of communication and reconciliation of conflicting interests between these local units and the county. If under a county charter the board of supervisors were directly elected by the people, and particularly if its members were elected at large or from districts that cut across municipal boundary lines, they would presumably represent their constituents and not the government of the city or township from which they were elected.

11 Brouwer et al vs. Bronkema et al. State of Michigan, Circuit Court for the County of Kent, Opinion No. 1855, Honorable Fred N. Searle, Judge.

In addition, the election of county supervisors or a county executive could result in political competition among the elected county officials and the elected city and township officials which might tend to make it more difficult for them to cooperate. Thus, while structural reorganization of the county would enable the county to perform urban services more effectively and to participate in inter-local cooperation, it could also lead to an increased rivalry between officials of the county and officials of cities and townships which might make cooperation more difficult.

Substantive Powers of Charter Counties

An area of even greater potential conflict between charter counties and the local units within the county is the question of home rule substantive powers for charter counties.

Under the constitution of 1908 counties had only those powers which were specifically authorized by law. Under the new constitution the powers and limitations of charter counties are to be provided by general law (Article VII, Sec. 2) and powers are to be liberally construed and to include those fairly implied (Article VII, Sec. 35). Subject to law, a county charter may authorize the county to adopt resolutions relating to its concerns. These constitutional provisions broaden the powers of a charter county government to deal with its local problems. However, the extent to which charter counties will have home rule powers--that is, powers which are not specifically provided by law--will depend on the charter county enabling legislation which is enacted.

A broad grant of home rule substantive powers to charter counties in the enabling legislation would permit the people of a county to provide in the charter for the exercise of a wide range of local government powers and services. This would enable a charter county to meet the demands for urban services with which it is confronted. In the Southeast Michigan Metropolitan Area the counties are being called upon increasingly to provide municipal type services. A broad grant of substantive powers could give the people of the county "home rule" over what the county does in the same sense as a broad grant of structural powers would give the people "home rule" over how to organize the county to carry out its functions.

While a broad grant of substantive powers would permit a county to perform urban functions, it might also create conflict and duplication of service responsibilities between the county and the cities, villages, and townships within the county. Further, a grant of substantive home rule powers to counties which make up only part of the metropolitan area could create another barrier to the establishment of a metropolitan agency or authority with area-wide authority.

There are two basic approaches to the problem of reconciling the powers of a county with the powers of home rule cities or villages. One method is to let the legislature decide what services the counties may

provide. In this case, counties would not have home rule substantive powers, but only those powers specifically authorized by law. The second approach is to give the county substantive powers and attempt to minimize resulting conflicts by placing restrictions on the county's charter powers, through such devices as requiring a vote of the people on each power, consent of the local units, or restrictions on county financing of services provided under charter powers.

Taxing Powers of Charter Counties

Finally, it should be recognized that a broad grant of substantive powers to counties would be relatively meaningless unless the taxing powers of charter counties were also broadened.

The third major area of county home rule authority provided for in the constitution of 1963 is the taxing power of a charter county. At present the property tax power of the county is subject to the 15 or alternate 18 mill limitation of the constitution. The new constitution provides in Article IX, Sec. 6, that these constitutional limitations do not apply to a charter county. Instead, the general law providing for the establishment of charter counties shall limit the rate of ad valorem property taxation for county purposes. The actual tax rate limit for each charter county would be established in its charter in an amount up to the ceiling set in the enabling act.

In addition to permitting the legislature to expand the property taxing powers of charter counties, the new constitution grants to charter counties the power to impose non-property taxes subject to limitations and prohibitions provided in the constitution and by law. Since there are comparatively few constitutional and statutory limitations and prohibitions on non-property taxation, in the absence of any new specific legislative prohibitions a charter county would have wide-open taxing powers in this field.

It appears that there are three possible alternatives with respect to the non-property taxing powers of charter counties:

1. The legislature might not adopt any additional limitations or prohibitions, which would give charter counties virtual "tax anything" powers.
2. The legislature might flatly prohibit charter counties from enacting any local non-property taxes.
3. The legislature might limit these non-property taxing powers by providing one or more optional taxes which a charter county could enact and prohibiting the enactment of other taxes.

The amount of additional property and non-property taxing powers a charter county might have will depend on three things: the maximum

property tax rate limit provided for in the enabling legislation; the tax rate limit set in the charter adopted by the people; and, on whether or not the legislature limits or prohibits the non-property taxing powers of charter counties.

The extent to of a charter county's taxing powers will have a major impact on the role that the charter county will play in the system of government and intergovernmental cooperation within the metropolitan area. If a charter county has little or no additional taxing power, a broad grant of substantive powers would be relatively meaningless, since the county would not have the fiscal capacity to perform the services and functions authorized. However, a lack of increased taxing powers would not diminish the significance of structural home rule powers, because of the opportunities presented for more efficient and economical conduct of present functions.

If a charter county has substantially increased taxing powers, it could assume additional service responsibilities and, unless the fiscal resources of the other units were to be increased correspondingly, there would probably be an increased willingness on the part of the local units to transfer functions to the county.

The fact that the taxing power of a charter county was increased substantially would not automatically mean that the county would use its full taxing powers in order to assume municipal service responsibilities. The legislative body of the charter county will have to take political responsibility for the taxes it imposes and this might serve to limit the extent to which its taxing powers were utilized, particularly if the legislative body were directly elected by the people.

Even if the charter county does not have substantive home rule powers, a sizeable increase in taxing powers would probably result in the county assuming additional functions. The county already has relatively broad statutory powers to provide local government services and the availability of increased fiscal resources might facilitate obtaining statutory authorization for additional powers.

Structural home rule powers which would enable the county to provide services in a more economical and responsible manner combined with increased taxing powers would almost certainly lead to an increase in the substantive powers of charter countries.

County home rule will increase the ability of the local government unit with the greatest area jurisdiction to perform in a more efficient and more responsible manner. It will not increase the area or jurisdiction of a particular county and it thus does not constitute an area-wide government in a multi-county metropolitan area such as Southeast Michigan.

SECTION III

CHAPTER 2

CREATION OF A METROPOLITAN GOVERNMENT

There are three provisions of the new constitution which would permit the creation of a single unit of government using all or any part of the six county Southeast Michigan Metropolitan Area.

Merger of Counties

The county has been used successfully as the governmental unit to provide metropolitan area-wide services in several other metropolitan areas. There are, however, two major limitations on the application of the urban county approach to the Southeast Michigan Metropolitan Area:

1. The Southeast Michigan Metropolitan Area encompasses six counties, and the most highly urbanized portion of the area, the SMSA encompasses three counties. The area-wide problems extend beyond the boundaries and jurisdiction of any one county in the area.
2. County governments in Michigan are not organized in such a way as to be able to perform urban services in an efficient, economical and responsible manner. The county legislative body consists of ex-officio members not directly accountable to the voters for their actions as county supervisors; the boards are not representative of the people in the county, and the county lacks any centralized executive-administrative leadership and direction.

These limitations on the use of the urban county as an area-wide government do not, however, absolutely preclude the use of the device in the Southeast Michigan Area. The Michigan Constitution of 1963 makes available the means of overcoming these objections through provisions authorizing county home rule and the combining of counties.

Article VII, Sec. 13 provides that, "Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question." Thus, it would be possible for the three counties in the core of the Southeast Michigan Metropolitan area (Wayne, Oakland and Macomb) to combine into a single county. The resulting new metropolitan county would have a population (1960 census) of 3.8 million, and encompass almost 2,000 square miles and all of the Standard Metropolitan Statistical Area. The new county would have a jurisdiction broad enough to cover most of the area-wide problems. If a substantial spillover of area problems in the outer

three counties of Monroe, St. Clair, and Washtenaw developed, any or all of these counties could combine with the new county.

The problem of equipping the new metropolitan county to perform area-wide functions, as well as the traditional functions of county government, in an efficient, economical and responsible manner could be met through the charter county provisions of the new constitution.

Both Dade County, Florida, and Davidson County, Tennessee, used the county as the unit of metropolitan government, but in these two areas the county encompassed the entire metropolitan area. While the merger of counties as a means of establishing an area-wide government for the Southeast Michigan Metropolitan Area has not received serious attention to date, the fact that the new constitution specifically provides for the consolidation of counties adds this approach to the various other methods of solving metropolitan problems that may ultimately be considered.

Additional Forms of Government

An alternative (to the combined metropolitan county as the area-wide unit of government) is to establish a new form of government encompassing at least the three core counties in the metropolitan area. The Michigan Constitution of 1963 provides in the Article VII, Sec. 27 the following: "Notwithstanding any other provisions of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties, and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function."

The major objection to this approach has been that it would add a third layer of government overlapping existing governments and would further fragment the responsibility for providing services in the metropolitan area. This new objection could be overcome for the most part by providing that the new government be a general purpose metropolitan government and transferring to it those functions of the counties which are in the nature of urban services or that can be provided more adequately on an area-wide basis with area-wide financing. Such functions as health, welfare, public works and utilities, law enforcement, libraries, etc., might be transferred. The counties would retain vestigial functions as a subdivision of the state including such functions as those of the Courts, the Register of Deeds, the Clerk, and similar or related functions. In effect the counties would become a limited purpose government performing specified state functions at the local level. There might be no need for a county legislative body or taxing powers, since these functions are provided under detailed state laws and these functions could be financed by the state by fees, or by appropriations from the area-wide government.

This would preserve essentially a two-level system of local government, municipal and area-wide, that would have the ability to provide the local and area-wide services needed. The additional form of area-wide government could be established by the legislature or could be established under legislative authorization by a referendum of the people in the area. The legislature could endow this unit with all of the characteristics described previously in connection with the metropolitan county including a popularly elected legislative body) and could give the people in the area discretion in drafting and adopting a charter providing for the area-wide government.

Metropolitan Authorities

A third potential for area-wide government is found in the provisions of Article VII, Section 27 of the constitution of 1963 which permits the legislature to provide for the establishment of authorities in metropolitan areas. There is an explicit requirement that whenever possible authorities be designed to be multi-purpose in nature rather than single purpose. With the necessary enabling legislation this provision would make it possible to give consideration to the multi-purpose area-wide authority as a method of solving metropolitan problems.

While Michigan has had no experience with multi-purpose area-wide authorities, the single purpose authority has been used. The experience with single purpose authorities in the Southeast Michigan Metropolitan Area is described in Chapter 3. None of these authorities embraces the entire six-county area.

SECTION III

CHAPTER 3

AUTHORITIES AND SPECIAL DISTRICTS IN SOUTHEAST MICHIGAN

Nationally, metropolitan special districts have been largely a post World War I development. The special district has appeared in a variety of guises and has become known by a variety of names. The use of the term "authority" has frequently appeared both in legislation and in the titles of agencies. The "authority" is usually designated as a self supporting enterprise, deriving revenue from service charges only.

The special district apparently was originally intended as a more inclusive governmental unit, which could possess substantial fiscal and administrative independence, including its own tax resources. In view, however, of similarities in functions, organization, powers, and in many instances the financing arrangements; the differences between "special districts" and "authorities" have been more apparent than real. The advisory Commission on Intergovernmental Relations defines the "metropolitan special district" as "a limited . . . independent unit of government organized to perform one or a few urban functions throughout part or all of a metropolitan area including the central city.". The number of special districts in the United States between 1952 and 1957 increased from 12,319 to 14,405, and by 1962 to 18,323. The 1962 Census of Governments reports 5,411 special districts in the 212 Standard Metropolitan Statistical Areas.

In contrast to the large and rapidly increasing number of special districts in use throughout the nation as a whole, the Bureau of the Census reports only 99 special districts in Michigan in 1962, compared to 102 in 1957 and 84 in 1952.

A description of some of the authorities and special districts in the Southeast Michigan area that are now in operation is presented in the balance of this Chapter to illustrate the use of the device in this area.

A. Multi-County Agencies

Huron-Clinton Metropolitan Authority

In 1940 the people of the five counties of Wayne, Oakland, Macomb, Washtenaw, and Livingston voted to approve the establishment of the Huron-Clinton Metropolitan Authority. The Authority does not include Monroe and St. Clair counties, two of the six Southeast Michigan counties involved in this study. It is the only one of the special districts in Michigan which encompasses all of the

Standard Metropolitan Statistical Area (Wayne, Oakland and Macomb Counties) and is an independent unit of local government. The governing body for the Authority is a seven member Board of Commissioners. Two members are appointed by the Governor of Michigan, while each of the other five is elected by the Board of Supervisors of his county.

The Huron-Clinton Authority has developed and maintained recreational areas and parkways in the Detroit Metropolitan Region along the general line of the Huron and Clinton River valleys which encircle the area. A loop of parks has been established from Lake St. Clair to Lake Erie; _ they provide regional recreational opportunities for the people in Southeast Michigan.

There appears to have been little urging on the part of the participating counties, nor any desire on the part of the governing body, for the Authority to undertake any functions in addition to those provided for in the enabling legislation. Thus, the Huron-Clinton Metropolitan Authority has continued to be essentially a single-purpose agency.

The Commissioners may levy for the purposes of the Authority, a tax of not more than one-quarter mill upon each dollar of the assessed value of the property of the district. The tax rate established by the Commissioners is under the 15-mill limitation. The Commissioners may issue self-liquidating bonds, but to date no bonds have been issued.

Although the Huron-Clinton Authority has demonstrated the feasibility of administering a comprehensive regional park and recreational facilities program, there have been problems along the way.

Five efforts have been made to amend the state enabling act in order to require the Authority to pay property taxes on its holdings, and the act has been challenged in the courts for this reason, but without success.

A study of How the Huron-Clinton Metropolitan Authority Responds to Its Public prepared in 1961, concluded that the work of the agency is not carefully scrutinized by constituent units. Conversely, the possession of a statutory grant of power and an independent source of tax income has made the Authority relatively impervious to pressure from even its largest contributing member. The commissioners exercise a great deal of independent judgment on Authority policies, although they will comply with any clearly defined instructions from their appointing agencies.¹²

Park user surveys made by the Authority indicate general satisfaction with facilities already being provided by the Authority.

12 How the Huron-Clinton Metropolitan Authority Responds to Its Public-J. C. Bosworth, University of Michigan, Institute of Public Administration, #42, 1961, p. 35.

This does not mean, however, that its existence has been accepted with equanimity by all elements within the region. Wayne County has been especially antagonistic. It has pointed out that it contributes 67 per cent of the Authority's revenue, but has had only one of seven members on the Board of Commissioners.

Wayne County criticism has also referred to the absence of park developments by the Authority in the County. The Authority refers to its user counts to demonstrate the number of residents using its facilities, but Wayne County spokesmen maintain that such use is a one day a week affair. They argue that for six days per week the park facilities, beaches, etc., are, in effect, local facilities for which Wayne County continues to pay the major share of the cost.

There have been two other multi-county authorities in the six-county area. The Detroit Metropolitan Aviation Authority, a regional airport planning authority, is presently inoperative. Action to disband the Southeastern Michigan Water Authority was taken by the respective county boards of supervisors in 1964.

B. Inter-Municipal Authorities and Special Districts

Peoples Community Hospital Authority

A Joint Hospital Authority Act, Act No. 47 of 1945, was passed by the State legislature granting permission to form hospital authorities. The act authorized two or more cities, townships and incorporated villages, or any combination thereof, to incorporate a hospital authority for "planning, promoting, acquiring . . . owning, maintaining and operating one or more community hospitals and related facilities . . . to authorize such cities, townships and incorporated villages to levy taxes for such purpose; to provide for the issuance of revenue bonds; and to grant certain powers of a body corporate."

The stimulus for the creation of the Peoples Community Hospital Authority was provided by the townships of Taylor, Huron, and Nankin and the villages of Flat Rock and Wayne, all in western Wayne County. During 1945, a Hospital Authority was formed under the Act cited above. The need for hospital facilities seemed obvious, although exact data were lacking, and the lack of ability on the part of each unit to finance hospital facilities separately dictated the necessity of a joint venture. A hospital need survey was completed in April, 1947. In 1948, the Authority acquired Beyer Hospital in Ypsilanti, with 155 adult beds and 45 bassinets as its first unit. The acquisition of Beyer Hospital permitted, the Authority to provide hospital service at an earlier date to some of its member communities than would otherwise have been possible. Planning and construction undertaken pursuant thereto have resulted in the completion of three hospitals in addition to Beyer: Annapolis Hospital, Outer Drive Hospital, and Seaway Hospital.

Present membership in the Authority consists of the following local units: the cities of Allen Park, Ecorse, Garden City, Lincoln Park, Melvindale, River Rouge, Southgate, Trenton, Wayne, and Ypsilanti; the villages of Flat Rock, Inkster and Rockwood; and the townships of Dearborn, Huron, Nankin, Romulus, Sumpter, Superior, Taylor, Van Buren and Ypsilanti.

The Hospital Authority Act provides for a governing body known as the Board of Directors appointed on the basis of the population of the respective member municipalities. One director is appointed for each 20,000 population or fraction thereof, and seven directors at large are elected by the appointed directors from the area served by the Authority.

The Authority may levy an annual assessment not to exceed four-tenths of one mill on the State equalized valuation of its constituent communities. The population in the Authority area now totals over 900,000 people with a state equalized valuation of almost \$2 billion against which to apply the four-tenths of a mill "assessment." This levy in 1963 raised approximately \$700,000. The Authority had total revenues of over \$6.0 million in fiscal 1963-64.

The dissatisfaction with the various delays in commencing operations and the failure to provide facilities expeditiously resulted in several communities attempting to withdraw from the Authority. Six communities attempted to withdraw from the Authority and from 1948 through the spring of 1953 the Authority Board was without representation from these communities. A State Supreme Court decision in April, 1953, declared constitutional the enabling act and ordinances pursuant thereto, thus restoring these six members of the Hospital Authority as constituent members of that organization. Collection of assessments which had not taken place through out the years of litigation was reinstated.

There are two other hospital authorities in the area. The South Oakland Hospital Authority is inoperative. The St. Clair River Area Hospital Authority was created in 1963 to construct a 50 bed hospital in St. Clair County.

Southeast Oakland County Water Authority

The members of the Southeast Oakland County Water Authority include: the cities of Berkley, Birmingham, Clawson, Huntington Woods, Lathrup, Pleasant Ridge, Royal Oak, and Southfield; the village of Beverly Hills; and the Township of Southfield including the villages of Bingham Farms and Franklin. Each member municipality is required to adopt the articles of incorporation of the Authority by ordinance.

The governing body of the Authority is a board of trustees whose membership is composed of one representative or one alternate appointed by the governing body of each constituent municipality. An unusual feature for voting is the requirement that members of the

board are entitled to one vote for each 250 million gallons used during the preceding fiscal year by the municipality represented. An engineer-manager is appointed by the board to direct the administrative functions of the Authority.

By mutual agreement, the same official also directs the activities of the Oakland County Incinerator Authority, located in the same building: for administrative purposes.

The Authority has contracted with the City of Detroit as its source of water supply. The Authority provides its own facilities for the storage of water, and its own pumping stations to distribute water to contracting municipalities who in turn distribute the water to their own residents.

The Authority has no direct taxing power. Each constituent municipality is authorized by law to raise through taxes or to pay from its general fund any money required to be paid by the contract. All charges to member units are paid directly to the water authority. The Authority is empowered to issue self-liquidating revenue bonds.

Southeastern Oakland County Incinerator Authority

The Southeastern Oakland County Incinerator Authority was originally incorporated as the Southeastern Oakland County Garbage and Rubbish Authority, but the name was changed in 1960; The following 14 municipalities are members of the Authority: the cities of Berkley, Birmingham, Clawson, Ferndale, Hazel Park, Huntington Woods; Lathrup Village, Madison Heights, Oak Park, Pleasant Ridge, Royal Oak, Troy; the village of Beverly Hills; and, the Township of Royal Oak.

The governing body of the authority is a board of trustees consisting of one representative and an alternate from each constituent municipality. Representatives on the board do not have equal voting power but are entitled to one vote for each, 3,000 tons, or fraction thereof, of garbage and rubbish delivered to the disposal plant of the authority during the preceding fiscal year. The board appoints a manager and through a mutual agreement with the Southeastern Oakland County Water Authority, the same person serves as manager of both operations.

The Authority and any participating municipality have authority to enter into contract for the collection or disposal of garbage or rubbish for a period not to exceed 30 years. Under present contracts, the Authority operates to dispose of garbage and rubbish only, leaving the contracting municipalities responsible for the collection and transportation of refuse to the disposal site.

The Authority has no direct taxing power; but the legislative body of each city, village or township which is a part of the Authority is authorized by law to raise by tax or pay from its general funds any money required to be paid to the Authority

as stipulated in the contract or articles of incorporation. The amount paid by each municipality under present contracts is based on the weight of the garbage and rubbish at the time of delivery to the incinerator plant. The Authority is authorized to issue revenue bonds to finance capital improvements.

There have been increasing limitations placed on the method of disposal of garbage and rubbish both by law and by voluntary determination on the part of participating municipalities. The operation of an incinerator is not an economical operation for small units of government, and it is questionable whether any one of the member units of government could have individually provided such a facility. The ability to find sites for either incinerator or land fills becomes increasingly difficult even for an Authority. In most cases, the constituent members do not want any portion of the necessary processing, except collection, to take part in their respective communities. This has been based for the most part on adverse citizen reaction to the location of an incinerator site in their particular area. This situation has created considerable difficulty for this Authority.

C. Other Authorities and Special Districts

Detroit - Wayne County Building Authority

The Detroit-Wayne County Building Authority was created in 1948 as authorized by Act 31 of 1948 to provide a central facility for the Detroit City and Wayne County departments.

The Act authorizes "any county and any city or village which is the county seat thereof, to incorporate an authority for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating and/or maintaining a building or buildings and the necessary site or sites thereof, for the use of such county and city or village." The Act authorizes the Authority and any incorporating unit or units to enter into a contract or contracts whereby the Authority will acquire property contemplated by the terms of the Act and lease the same to the incorporating unit or units for a period not to exceed 40 years. The Act also authorizes revenue bonds to be issued secured by the rentals provided in the lease.

The governing body of the Authority consists of a commission of three members. One member each is elected by the Board of Supervisors of Wayne County and by the Common Council of Detroit, and a third is elected by their joint action.

Authorization was given by the voters of Wayne County to issue bonds totaling \$16,500,000. The estimated cost of the project was \$26,087,565. The City of Detroit and Wayne County advanced \$9,587,565. The City of Detroit and the County of Wayne continued to advance funds prior to the building completion date so that only \$13,500,000 of the \$16,500,000 authorized for bonding was issued.

A lease contract was entered into by the City of Detroit and the Board of Supervisors on November 6, 1952. The lease runs from July 1, 1955 to July 1, 1994 or such lesser period as all bonds are paid. Under its provisions the lease provides that the city shall pay the Authority not less than \$583,000 annually, and the county pays not less than \$517,000 annually. The bonds are paid solely from the fixed annual rentals to be paid to the Authority by the city and county.

The revenue bond issue of \$13,500,000 is scheduled to be retired by 1976, according to the Building Authority executive secretary. The city then will pay only maintenance costs. Wayne County will continue to pay its fixed rental until the monies advanced by Detroit are returned. At that time, the county's rental will be reduced to maintenance costs also.

Soil Conservation Districts .

By June, 1962, four of the counties in the southeastern Michigan metropolitan area (Oakland, Macomb, St. Clair and Washtenaw) had organized soil conservation districts. In all instances, these districts were coterminous with county boundaries. Soil Conservation Districts are set up under Act No .297 of 1937, as amended. The Act provides for districts "to engage in conserving soil resources and preventing and control ling soil erosion."

Soil Conservation Districts have as their primary purpose the formulation of programs for water and soil conservation by open land occupiers. They obtain technical help, equipment and materials, and sponsor educational programs to acquaint landowners generally farmers, with soil management problems and methods to solve them. Soil Conservation Districts cannot levy any taxes or special assessments or issue bonds. Nevertheless, their powers with respect to land management are considerable, although infrequently exercised.

South Macomb Sanitary District

Originally established in 1944 under Act No. 129 of 1943, the South Macomb Sanitary District reorganized in 1951 under the same Act because of questions raised concerning its legality. Articles of incorporation were signed by the cities of Warren, East Detroit, Roseville, St. Clair Shores, and Centerline.

The Act gives the district the power to maintain existing trunk sewer lines and negotiate contracts for the treatment of sewage. It can also engage in the construction of new sewers although the financing is the responsibility of the member municipalities.

The district has neither taxing nor bonding power of its own. All financing must be arranged through the member communities. The dis-

trict can charge a floatage fee which is applied to sewer maintenance costs.

The Sanitary District has constructed two sewer trunk lines, (9 Mile Road and Martin Road), both of which lead into the Detroit sewer system and its outlets.

In addition, there are: the St. Clair-Port Huron Joint Building Authority, the St. Clair County Building Authority, the Wayne County Port Commission, the Monroe Port Authority, and the Loch Alpine Sanitary District Authority.

D. Summary

Special districts and authorities constitute an important part of the governmental pattern of the Southeast Michigan Metropolitan Area as well as in most other metropolitan areas in the country. It seems inevitable that more such districts will be formed. The use of the special district (authority) device has provided several sections of the Detroit metropolitan area with service of reasonable adequacy in specified functions. The operation of these authorities has generally met with approval on the part of the recipients of the services.

Authorities or special districts in the Southeast Michigan area have usually been organized because of the inability or unwillingness of the individual municipalities to provide the facilities or services for themselves. In the functional areas where these forms of organization are concentrated, the loss of at least some degree of functional control by individual municipalities appears to be considered a relatively small price to pay for attaining the desired services and at the same time maintaining independence with respect to all other activities of the municipality.

While Southeastern Michigan's experience with authorities is relatively limited, it appears that authorities have been unable to develop when faced with strong opposition or competition from existing organizations. It is also significant to note that the unsuccessful authorities had either an inadequate basis for financing, domination of a single governing body, or a voluntary, ad hoc arrangement. In these cases, little or no authority could be exercised without the approval of a parent group, or the authority was so restricted as to constitute a significant barrier to action.

SECTION III

CHAPTER 4

COOPERATIVE AGREEMENTS

Service Contracts, Joint Agreements, Informal Cooperation and Functional Transfers

Cooperative agreements of various types between and among traditional units of local governments have often proved to be a satisfactory method of providing area services in instances where no one unit involved has jurisdictional authority to act; when a pooling of resources is conducive to more efficient operation; or to provide a sufficiently broad base to justify capital investment.

The provision of the constitution of 1963 on intergovernmental cooperation (Article VII, Section 28) states that the legislature shall by general law authorize two or more counties, townships, cities, villages or districts or any combination thereof to:

1. contract with one another or with the state for the joint administration of their respective functions or powers;
2. share the costs and responsibilities of functions and services with one another or with the state;
3. transfer functions or responsibilities to one another with the consent of each unit involved;
4. cooperate with one another and with state government; and
5. lend their credit to one another in connection with any authorized publicly-owned undertaking.

This is a broad grant of power for intergovernmental cooperation and permits a wide variety of intergovernmental arrangements subject only to the limitations imposed by the requirement that units cannot do jointly that which they cannot do individually and such other limitations as may be provided by law. Although no new legislation has been enacted to implement this provision of the constitution, Act No. 35 of 1951 authorizes intergovernmental contracts among local units of government and there are a number of specific statutes authorizing cooperation in various service areas.

Experience in Southeast Michigan

As a result of the overlapping and fragmentation of service responsibilities among the units of local government in the Southeast Michigan area, no one unit of government has the authority to cope with area problems that transcend its boundaries. Further, the fragmentation of governmental responsibilities among these 221 units has been accompanied by a fragmentation of the financial resources required to support governmental services. In order to accommodate to these problems, the units of local government in the Southeast Michigan area have entered into a sizeable number of inter-local cooperative arrangements--service contracts, joint agreements, and informal cooperation.

In order to obtain data on the extent to which the 221 units of local government performing general services (6 counties, 67 cities, 39 villages, and 109 townships) were utilizing the different types of inter local cooperative agreements in performing various functions, a survey was conducted by questionnaire and personal interview. Authorities and special districts (including school districts) were not included in the survey, although instances of cooperation reported by general units of local government with special districts are reported in the survey results.

All but five of the 221 units of general local government in the six county Southeast Michigan area utilize one or more methods of inter local cooperation in performing their functions. All six of the counties and all 67 cities have cooperative agreements with other units of government; 37 of the 39 villages had one or more agreements; and, 106 of the 109 townships had one or more agreements.

Table 8 below shows the number of units of government by type of unit, the number reporting one or more types of agreements, and the number of units using contracts, joint agreements and informal agreements.

TABLE 8

Number of Units of Government Using Various Methods
of Inter-Local Cooperative Agreements

<u>Unit</u>	<u>One of More Total Number of Units</u>	<u>Number of Units Using</u>				
		<u>Contract Agreements</u>			<u>Joint</u>	
		<u>To Provide Types of Agreements</u>	<u>or Receive Services</u>	<u>To Provide Services</u>	<u>To Receive Services</u>	<u>Service Agreements</u> <u>Informal Agreements</u>
Counties	6	6	6	6	6	6
Cities	67	67	67	37	62	61
Villages	39	37	37	15	37	27
Townships	<u>109</u>	<u>106</u>	<u>87</u>	<u>21</u>	<u>89</u>	<u>59</u>
TOTAL ALL COUNTIES	221	216	197	79	194	153

A. Service Contracts

The service contract is one of the primary methods of inter-local co operation in the Southeast Michigan area. As used in this report, a service contract is a formal agreement on the part of one unit of government to provide, and on the part of another unit of government to receive and normally to pay for, a service or services specified in the agreement. As shown in Table 8, 197 of the 221 units of local government in the six-county area use service contracts with other units of local government to provide or receive services. All six counties and 67 cities have service contracts, while 37 of the 39 villages and 87 of the 109 townships have contracts to provide or receive services. The 197 units have contracts to provide or receive services in 37 different broad categories of services and well over one hundred different services or portions of services are provided or received under these contracts.¹³ The local units in the six-county Southeast Michigan area reported over one thousand instances in which services were provided under contract and received under contract. These "instances" of providing and receiving services include a count of each service provided under contract to each community receiving the service. One service provided to ten communities would represent ten instances, as would ten services received by one community. These "instances" are referred to hereafter as the number of agreements to provide or receive services.

Contracts to Provide Services

Of the 221 units of local government in the six-county area, 79 or 36 percent provided services under contracts. Table 9 shows the number of units utilizing contracts to provide services, the number of categories of functions in which services are provided and the total number of agreements to provide services.

¹³ The Questionnaire sent to the local units in the area included a checklist of 202 different services. These were grouped into fifty-one broad service categories for tabulation purposes.

Table 9

Contracts to Provide Services

<u>Type of Unit</u>	<u>Number of Units Providing Services</u>	<u>Total Number of Number of Different Functions Provided</u>	<u>Agreements to Provide Service</u>
Counties	6	23	709
Cities	37	31	283
Villages	15	16	56
Townships	<u>21</u>	<u>11</u>	<u>39</u>
Total	79	36	1,087

The 79 units providing services under contract included all six counties (100%), 37 of the 67 cities (55%), 15 of the 39 villages (38%), and 21 of the 109 townships (19%).

A total of 36 different functions are provided under contract. Only four units provide ten or more different functions under contracts. (Wayne County-20; Detroit-16; Oakland County-14; and Macomb County-10). There are similar variations in the total number of agreements to provide service. Six units of government account for 872, over 80 percent, of the total of 1,087 agreements to provide services (Wayne 340, Oakland 206, Detroit 171, Macomb 96, Washtenaw 39 Pontiac 20). The other 73 communities which provide service under contract reported a total of 215 agreements. Map 1 shows the units providing services under contract, with shadings to indicate the number of agreements.

Contracts to Receive Services

Table 10 presents a summary of data on contracts to receive services.

Table 10

Contracts to Receive Services

<u>Type of Unit</u>	<u>Number of Units Receiving Services</u>	<u>Total Number of Number of Different Functions Received</u>	<u>Agreements to Receive Services</u>
Counties	6	17	45
Cities	62	25	545
Villages	37	23	151
Townships	<u>89</u>	<u>29</u>	<u>323</u>
Total	194	32	1,064

A total of 194 local units receive services under contract or 88 percent of the total of 221 general units in the six county area. All six counties receive services under contract; 62 of the 67 cities in the six-county area receive services under contract; and, 37 of the 39 villages and 89 of the 109 townships receive services under contract. A total of 32 different categories of service are received by these units. There were a total of 1,064 agreements to receive services. Map 2 shows for each unit the number of agreements to receive services under contract. It will be noted that the areas surrounding Detroit generally have more agreements to receive services under contract than the local units farther away from Detroit.

The communities providing service were providing more categories of functions and had more service agreements than the units receiving services. These differences are accounted for by the fact that there were instances reported of these units providing services to school districts and authorities within the area and a few instances of services being provided to local units outside the six-county area.

In terms of the number of agreements to receive services, cities had 545 agreements, more than one-half of the total. Townships reported 323 or about 30 percent of the agreements to receive services. Villages reported 151 agreements or less than 15 percent and counties reported 45 agreements or about four percent of the total.

When the data presented in Table 10 on the total number of agreements to receive service by unit are compared with the data in Table 9 on the total number of agreements to provide services by type of unit, the following picture emerges:

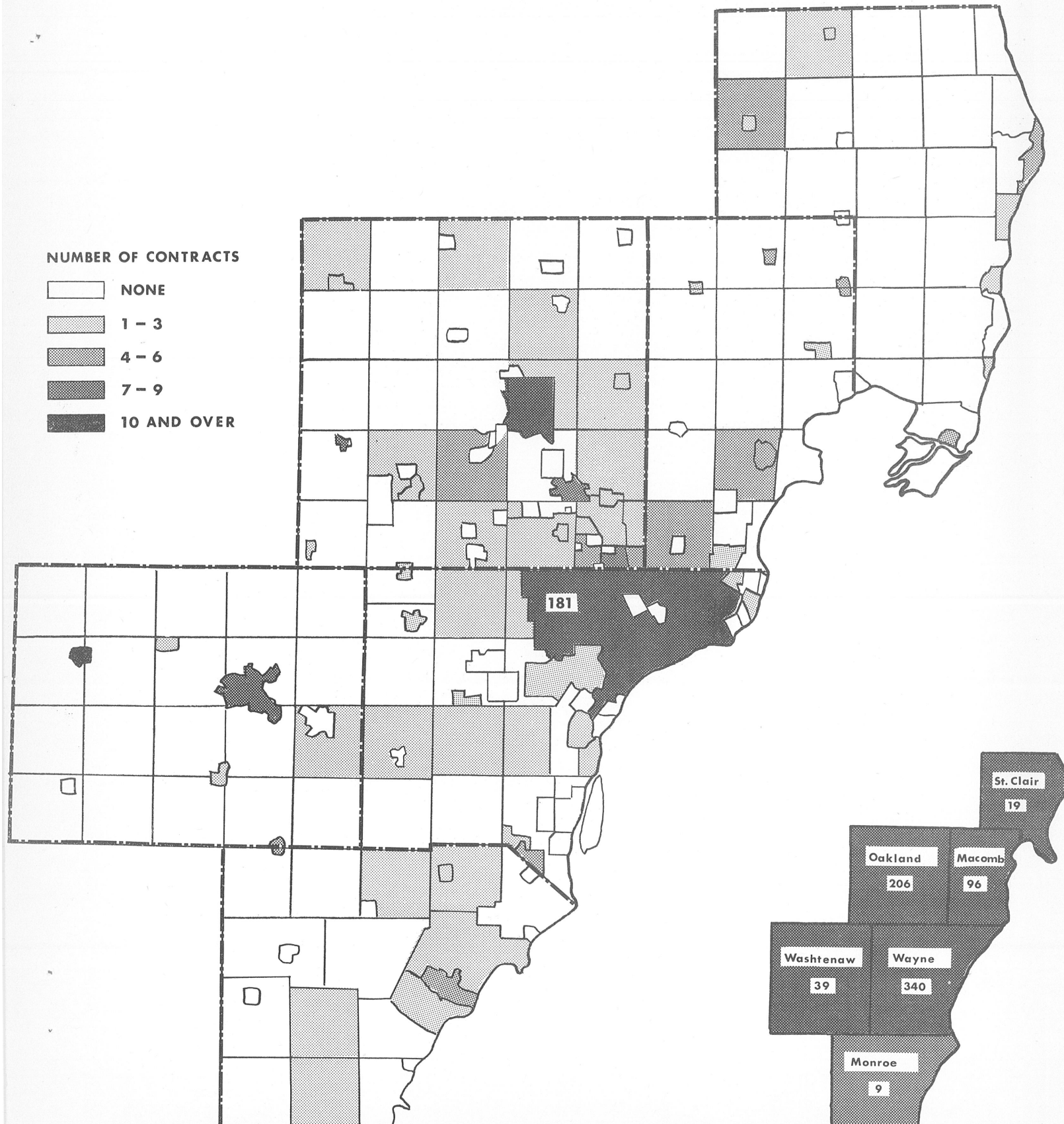
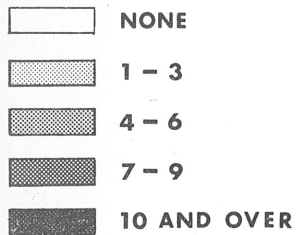
<u>Type of Unit</u>	<u>Total Number of Agreements to</u>	
	<u>Provide Services</u>	<u>Receive Services</u>
Counties	709	45
Cities	283	545
(Detroit Only)	(171)	(8)
Villages	56	151
Townships	39	323

Counties are a major "exporter" of services--they provide services in 709 instances and receive services in only 45 instances. All other types of units are "importers" of service except the City of Detroit which is a major exporter of services, providing services in 171 instances and receiving services in only eight instances.

MAP 1

CONTRACTS TO PROVIDE SERVICES

NUMBER OF CONTRACTS



MAP 2

CONTRACTS TO RECEIVE SERVICES



☐ NONE

1 - 3

 4 - 6

7-9

10 AND OVER

St. Clair
4

Oakland
18

Macomb
4

Washtenaw
5

Wayne
13

Monroe

Cities have about twice as many agreements to receive services as they have to provide them; villages about three times as many; and townships receive services in over eight times as many instances as they provide services. The area surrounding Detroit in Wayne County, Southeast Oakland and Southern Macomb Counties generally have more agreements to receive services under contract than the local units farther away from Detroit.

Functions Performed Under Contract

The 79 units of local government providing services by contract and the 194 up its receiving services under contract are cooperating in a significant number of categories of functions, Table 11 shows for each category of function the number of units which have contracts to provide or to receive services, as well as the number reporting joint agreements and informal cooperation which are discussed later.

A brief description of some of the more significant or more interesting contractual agreements will illustrate the use of the contract as a method of inter-local cooperation.

General Government. The major general government function in which contract agreements were used was the assessing function. The services included under this category were appraisals, assessment records, and. Preparation of tax rolls and tax bills. A total of 94 units received services in one or more of these areas from one of four units--Wayne, Oakland, and Washtenaw counties and the City of Detroit. Most of the instances reported were in the preparation of tax roll and bills.

Table 11

Number of Units Which Participate In
Interlocal Cooperation
By Function

<u>Function</u>	<u>Number of Units Which:</u>			
	<u>Contract</u> <u>To Provide</u> <u>Service</u>	<u>Contract</u> <u>To Receive</u> <u>Service</u>	<u>Are Involved</u> <u>In Joint</u> <u>Agreements</u>	<u>Informally</u> <u>Cooperate</u>
I. GENERAL GOVERNMENT				
Assessing Functions, All	---	---	---	47
Assessing, Part	4	94	---	39
Elections	14	---	1	12
Other, Finance	---	1	---	2
Personnel, General	---	---	---	11
Purchasing	---	---	---	3
Other Gen Govt Functions	2	1	---	2
II. POLICE SERVICES				
All Police Services	1	1	---	6
Animal Control	5	11	8	22
Communications, Police	11	74	31	65
Criminal Investigation	---	---	13	65
Jail	9	89	---	22
Juvenile Activities	---	---	31	48
Patrol Service	5	11	16	36
Personnel Police	---	---	43	4
Traffic	3	---	17	26
Other Police Services	1	---	23	1
III. FIRE SERVICES				
All Fire Services	28	45	10	6
Buildings and Equipment, Fire	3	3	6	5
Communications, Fire	3	23	13	11
Fire Fighting-Running Card Response	---	---	24	---
Fire Fighting-Other	4	13	53	31
Fire Prevention	1	---	---	9
Personnel, Fire	---	---	19	6
Other Fire Services	1	1	---	3

Table 11
(Continued)

<u>Function</u>	<u>Number of Units Which:</u>			
	<u>Contract To Provide Service</u>	<u>Contract To Receive Service</u>	<u>Are Involved In Joint Agreements</u>	<u>Informally Cooperate</u>
IV. CIVIL DEFENSE	---	---	24	47
V. PUBLIC WORKS AND UTILITIES				
Public Transportation	1	---	---	11
Public Works Inspection	3	31	9	9
Other Engineering & Inspection	1	23	---	3
Reciprocal Licensing of Building Trades	---	---	116	1
Refuse Collection	1	1	---	1
Refuse Disposal	10	14	33	6
Sewerage, Sanitary	9	69	4	---
Sewerage, Storm	6	46	4	---
Sewage Treatment	13	88	6	3
Streets and Highways	19	74	22	23
Water Distribution System	8	25	---	2
Water Supply	19	77	21	9
Other Public Works	5	9	---	
VI. PARKS AND RECREATION				
Parks	5	6	3	3
Recreation	23	14	12	9
VII. PUBLIC HEALTH, HOSPITALS & WELFARE				
All Public Health Services	---	---	4	4
Public Health Services, Part	4	16	11	10
Hospitals	5	52	37	2
Welfare	2	2	9	11
VIII. LIBRARIES				
All Library Services	8	38	2	10
Library Services, Part	8	24	28	19
IX. PLANNING, URBAN RENEWAL & HOUSING				
Planning	1	1	10	24
Urban Redevelopment	---	---	---	5
Other Planning, Urban Renewal and Housing Services	---	---	22	1
Other Services Not Included In Above	---	---	4	1

Police Services. Police communications was a major category of service performed under contract. Radio transmission (base station operation), radio equipment maintenance, radio dispatching, and teletype were the services included under this category. Police patrol services were provided under contract to 11 communities, seven of which received the service from the Oakland County sheriff. Jail services are frequently provided under contract with a total of 89 communities reporting contracts to receive jail services. Detroit, Wayne County, Oakland County, and Macomb County were the major suppliers of jail services.

Fire Services. A total of 45 communities in the area reported they received all fire services under contract. This represents 20 percent of the total number of units of local government in the six-county area. Fire communications services were received under contract by 23 communities. Of these, 21 received fire radio equipment maintenance services from Macomb County.

Public Works and Utilities. Water is one of the major functions performed under contract agreements. The largest supplier of water in the six county area is the City of Detroit, which has contracts to provide water to 60 local units in the six-county area (26 percent of all units). A total of 18 other communities in the six-county area reported such water supply functions as sale of water, construction and maintenance of mains, storage booster pumping stations, and standby water service.

Sewage treatment is another major service performed under contract, with 13 communities providing services and 88 communities receiving services. The three major units supplying sewage collection or treatment services and the number of units to which they were supplying services were Oakland County (30 units), Wayne County (33 units), and Detroit (13 units), with Detroit providing sewage treatment to both the Oakland County and Wayne County systems. A study of sewage problems in the Southeast Michigan area by the National Sanitation Foundation indicates that the Detroit sewage treatment plant treats approximately 80% of the wastes of the six-county area.

Sanitary and storm sewerage systems are also major functions being performed by contract. Sanitary interceptor or collection systems were provided under contract by nine units to a total of 69 units.

A significant number of contracts were reported in the streets and highways category, which includes such services as street construction, maintenance, cleaning, street lighting, traffic lights, snow removal, and equipment. Nineteen units reported providing street and highway services under contract and 74 units reported receiving such services under contract.

Park and Recreation Services. Park and recreation services were not performed extensively under contract--only five communities reported contracts to provide park service and six units reported receiving park services. Recreation services were provided by three units and received by three units. Joint agreements were used much more frequently than contracts.

Public Health, Hospitals and Welfare. Public health services were not performed extensively by contract since many local units in the area have voluntarily transferred their public health service functions to the county.

Some public health services were provided by four units to 16 local units and a number of local school districts received public health nursing or other school health services under contract. Hospital services are a major function provided by means of contract. Wayne County provides infirmary care to all cities, villages, and townships in the county.

Library Services. A total of eight units reported that they provide all library service to other communities by contract and 38 units reported that they receive all library services under contract. In addition, a total of 35 units receive some part of their library services from eight units which provide specific library services under contract. Wayne County provides all library services by contract to 28 units in Wayne and Oakland counties.

Planning, Urban Renewal and Housing. Only one contract agreement on planning was reported—St. Clair County reported a contract with Cosco Township to inventory land use.

A Prime Example of the Contract Method

The water service area built by Detroit Department of Water Supply is the outstanding example of inter-local cooperation through the contract device in Southeastern Michigan. In a recent report of the Advisory Commission on Intergovernmental Relations, Detroit was singled out as the example best illustrating the potential of the contract approach for developing a metropolitan water system.

The Growth of the Detroit Water System. Although the Detroit Water Board was authorized to extend services beyond Detroit city limits after 1873, the modern system did not begin to develop until 1900 when River Rouge contracted to receive water from Detroit. By 1919, Detroit was supplying water to three communities that are still separate municipalities—River Rouge, Ecorse, and Hamtramck.

The Water Board's 1924 development plan signified its willingness, if not intention, to build a metropolitan area-wide water system. The 30's brought nine new communities and in the 40's with the addition of 10 communities, Detroit was the principal supplier of water to every city on its outside border except Grosse Pointe Farms and Grosse Pointe City. Eleven communities were added to the system in the 50's and 10 new communities have received Detroit water so far in the 60's. Flint and its suburbs will be supplied with Detroit system water by 1966—the first customer of Detroit water supply outside the three-county area.

The Detroit water system now serves some 3.3 million people in some 60 communities. It will serve more than 3.6 million when Flint and its suburbs are added in 1966. By 1980, when a second line from the pro-

posed Lake Huron intake and attendant installations are completed, the system will have the capacity to serve 5.2 million people. Financing is planned for additions that will enable the system to serve 7.6 million people by the year 2000. With all intakes operating at capacity, the system could serve 9.0 million people.

The only major public water systems in the three-county area (Wayne, Oakland, and Macomb) not receiving primary supplies from Detroit in 1964 were Mount Clemens and Clinton Township, Grosse Pointe Farms, Highland Park, Grosse Pointe City, Plymouth, Wyandotte, Flat Rock, and Rockwood.

Prognosis. The Detroit Department of Water Supply has successfully brought good water, usually in ample supply, to an increasingly large segment of the three-county standard metropolitan area through the contract device. The Department stated its willingness, or even purpose, to be supplier of "the metropolitan area" as early as 1924. It faltered in this intent in the late 50's, but by 1959 had re-established both its position and purpose.

There is, at the present time, every reason to believe that the Detroit system, in some form, will become the primary supplier in virtually all of Wayne, Oakland, and Macomb Counties, most of St. Clair and Washtenaw Counties, and in Monroe County as far south on the lakeshore as the Raisin River. Nor will this mark the limits of the system's service area, even in the foreseeable future. Service agreements with Flint in Genesee County take the system into the base of the Thumb with the Northern limits determined by the relative economics of operation and transmission of the Detroit system versus the developing Bay City-Saginaw-Midland system. It is conceivable that the Detroit system may supply water as far west as Lansing and Jackson when non-lake sources become insufficient to the needs of these communities.

The system has potential for substantial expansion for the following reasons:

1. The Detroit system, with completion of the Lake Huron intake, will have tunnel capacity to serve 9.0 million people, more people than are now resident in the whole state and 5.7 million more than are now being served. Historically, the system's troubles have often been associated with the making of little plans. No such problem appears to exist now.
2. The system has extensive fiscal capacity. In 1962, over 63% of the capital outlay for the Detroit water system was financed without resort to bonding. With such large portions of internal financing, the Detroit Water Department can maintain both extremely high coverage of fixed charges and substantial debt service contingency reserves and amortize outstanding debt at a high rate. The net result of these strong financial characteristics has been the high AA revenue bond rating.

3. Because of the extensive economies of scale, the Detroit system will be competitive over considerable areas.
4. The contract mechanism is working well and the City has shown itself willing and capable to accommodate structure and operations to current needs.
5. The Detroit system appears to be well endowed with technical and operational know-how.
6. There is ample evidence that there is a strong will to do the job, a will that appears to have community-wide backing.

B. Joint Service Agreements

Joint service agreements are another major method of voluntary co-operation used by the units of local government in the six-county Southeast Michigan area. As used in this report, a "joint service agreement" is a formal agreement under which two or more units of government undertake jointly to perform a particular governmental activity, function or service. The agreement may be in the form of a contract, but is distinguished from the service contract by the fact that under the joint service agreement each of the units involved agrees to perform the service or provide the function.

Joint service agreements are used by almost as many units as service contracts. A total of 191 of the 221 units of local government (86 percent) use one or more joint service agreements to perform services, compared to 197 units using service contracts. Table 12 below shows the number of units, by type of unit, reporting the use of joint service agreements, the number of different functional categories in which these agreements are used and the total number of joint service agreements reported.

Table 12

Joint Service Agreements

<u>Type of Unit</u>	<u>Number of units using Joint Service Agreements</u>	<u>Number of Different Functions Performed</u>	<u>Total Number of Joint Service Agreements</u>
Counties	6	19	43
Cities	67	33	402
Villages	29	23	82
Townships	<u>89</u>	<u>31</u>	<u>194</u>
Total	191	35	721

All six counties and all 67 cities in the six-county area reported using joint service agreements to perform services, while 29 of the 39 villages and 89 of the 109 townships use joint service agreements. A total of 35 different categories of functions are performed by joint agreement. There were a total of 721 instances reported in which units used joint agreements. Each time a community reported a joint agreement in a particular service, it was counted as one agreement. For example, if each of four communities reported they had a mutual aid fire agreement among the four units, this would be tabulated as four agreements--one for each community. For a presentation of the variations in the numbers of joint service agreements among individual units in the six-county area see Map 3.

Cities reported 402 or 56 percent of the total of 721 joint service agreements. Townships reported 194 joint agreements, about 27 percent of the total. Villages and counties reported respectively about 11 percent and six percent of the total number of joint agreements.

Functions Performed Under Joint Service Agreements

Table 13 shows selected functions performed by joint agreement and the number of units of government participating in those agreements.

The functional areas shown in Table 13 accounted for 407 or 56 percent of the total of 721 joint service agreements.

Table 13

Number of Joint Service Agreements in Selected Functions

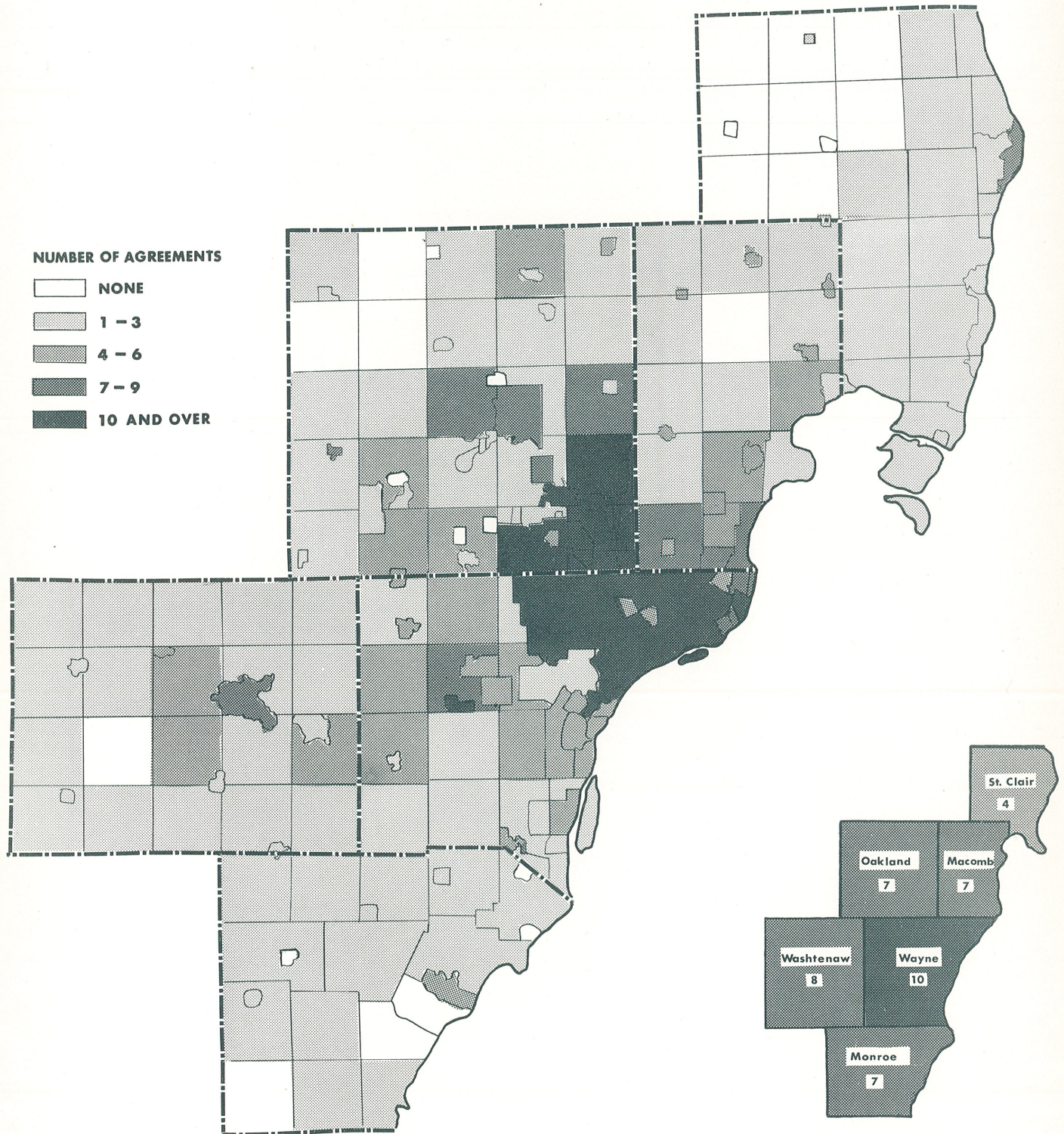
<u>Functional Areas</u>		<u>Number of Units</u>
Reciprocal licensing of building trades		116
Fire fighting - mutual aid on-call	53	
- running card response	<u>24</u>	
		77
Police personnel training		43
Library services - part		39
Hospital services		37
Refuse disposal		33
Juvenile activities		31
Police communications		<u>31</u>
	Total	407

A brief review of some of the existing joint service agreements will indicate the nature of these cooperative agreements.

Reciprocal Licensing of Building Trades. A total of 116 communities in the six-county area are members of reciprocal licensing councils for one or more of the following trades or industries: electrical, heating, refrigeration and television. The communities have adopted a standard reciprocal ordinance which recognizes the license of a contractor or tradesman issued by any other reciprocating community which has adopted the licensing ordinance and has substantially equal examination requirements.

MAP 3

JOINT AGREEMENTS



Mutual Aid Fire Service. Mutual aid fire service refers to reciprocal arrangements between communities under which each unit agrees to provide fire fighting assistance to the other in the event a fire or combination of fires cannot be successfully handled by one community alone. The response of the participating units to a fire may be automatic according to a prearranged plan (running card response) or may occur only when requested (on-call). Mutual aid arrangements found in the six-county area are most frequently of the latter type, 53 communities reporting such agreements.

One of the more highly developed joint service agreements in the six county area is the automatic response mutual aid plan for fire service in Macomb County. Under this plan, designed and maintained by the Macomb County Fire Chiefs Association mutual aid operates on a county-wide basis. All 20 communities in the county having an established fire organization voluntarily participate under the plan. To affiliate with the plan, a community must approve an agreement which defines the community's obligations when operating under the plan. A running card response system similar to that in Macomb County is used in the four Grosse Pointe communities and Harper Woods.

Police Personnel. A total of 43 communities participate in a single joint agreement on training police personnel through the Metropolitan Police Academy, The Metropolitan Police Academy is a police training school jointly sponsored and operated by a number of Southeast Michigan suburban communities in Wayne, Oakland, Macomb and St. Clair counties. The academy was established in 1961 by the professional heads of several police departments in Oakland and Macomb counties when the Detroit Police Academy and other area training schools were unable to train the growing number of new policemen being hired in the rapidly growing suburban communities.

Library Services - Part. There were 39 communities reporting joint service agreements for part of their library services. Eight communities (including the county) in Macomb County have a joint agreement on book loaning to individuals. In Monroe County 15 communities have a joint agreement to provide library services under which the county provides library services at county expense and the communities provide the library buildings and their maintenance. In Oakland County, a number of communities have joint agreement on book selection, childrens services and book loaning to individuals.

Hospital Services. Thirty-seven communities were reported as having Joint agreements on hospital services. Three hospital authorities have been established in the six-county area by joint agreement of the local units--the Peoples Community Hospital Authority, the South Oakland Hospital Authority, the St. Clair River Area Hospital Authority.

Refuse Disposal. Joint agreements are reported by 33 communities to perform refuse disposal services. These include the five communities in the Central Wayne County Sanitation Authority, the 14 communities in the Southeast Oakland County Incinerator Authority, the five communities in the South Macomb Disposal Authority, and the four communities in the Clinton-Pointes Disposal Authority.

Juvenile Activities. A total of 31 communities in Oakland County participate in a joint agreement to provide protective and rehabilitation services to juveniles in the area of pre-delinquency, delinquency and neglect.

Police Communications. A total of 31 communities reported joint agreements in police communications. There is an area-wide police teletype system based on joint agreements among four of the counties in the area (Wayne, Oakland, Macomb and Washtenaw) and contracts between each of the counties and local units within each county. There are 52 communities within the four counties which have contracts with their respective counties for teletype services. Thus, 56 units of government within the six-county area participate in the police teletype network. In addition, Genesee County, Flint, the Michigan State Police and the Michigan Secretary of State participate in the teletype network. The system is governed by a committee of the Southeastern Michigan Chiefs of Police Association, which approves new members. The teletype network utilizes equipment rented from Michigan Bell Telephone Company.

The five Grosse Pointe communities and the City of Harper Woods have a jointly owned police and fire communications system.

Other Functions Performed Under Joint Service Agreements. As shown in Table 13, a number of other services were performed under joint service agreements. Joint agreements reported in police activities other than those discussed above included a joint agreement among 14 Southeast Oakland County communities for mutual police aid in the event of emergencies or disasters. In streets and highways, there were a number of communities reporting joint agreements for maintenance of boundary line streets. Joint agreements in parks and recreation activities were reported by a number of communities. In the public health area, all six counties are participating in a joint agreement which created a Southeast Michigan Tuberculosis Project, involving joint efforts at detection of tuberculosis cases.

C. Informal Intergovernmental Cooperation

Informal cooperation represents another method of voluntary cooperation considered in this report. It is defined as a clearly understood course of cooperative action decided upon by two or more units of government to handle a common problem. Essentially, this:

category covers those agreements and arrangements not included in the other categories.

A total of 153 units in the six-county area reported that they co-operate informally. Informal cooperation was reported by all six counties, 61 of the 67 cities; 27 of the 39 villages, and 59 of the 109 townships.

D. Transfer of Functional Responsibilities

The voluntary transfer of responsibility for performing functions has also been used as a method of intergovernmental cooperation in the six county Southeast Michigan area. Transfers of functions were not considered voluntary when a unit was obligated by law to provide a service to another unit. However, when a unit was authorized by law to provide a service and did provide the service without charge to other units, thereby relieving them of the necessity of providing the service, the transfer was considered voluntary. A service agreement involving a charge or reimbursement was considered to be in the nature of a service contract.

Voluntary transfers of responsibility were reported in all six counties. All counties reported they had assumed the responsibility to perform public health services in all but a few cities, principally located in Wayne County. Ten units (including cities, villages, townships) in Oakland County have transferred responsibility to the county for the performance of water and sewer system maintenance and water billing and collection activities--in effect the county is operating the water utility in these communities and deals directly with the consumers. A number of townships in Oakland County and all units except two cities in Macomb County have transferred responsibility to the county for the preparation of tax rolls and tax bills. All Macomb County units have transferred responsibility to the county for providing municipal police radio base stations.

E. Cooperation Between General Government Units and School Districts

School districts and general purpose units of government voluntarily cooperate in providing a number of services. Six units in the six county area reported that they receive services from school districts. The services include parks, recreation, data processing and library services. Ten units reported that they provide services to school districts. Services provided include public health, parks, recreation public works, public transportation, and library services. Joint agreements with school districts were reported by 22 units primarily for parks, recreation and library services. Informal cooperation with school districts was reported by 96 units. Areas of cooperation included in order of mention: elec-

tion administration, parks and recreation, police and fire safety, libraries, public transportation, public health, planning, and civil defense.

In addition to the cooperative agreements between the units of general government and school districts, there appear to be a number of cooperative agreements among school districts, but these were not covered in this survey. A recent survey of purchasing in the six-county region sponsored by the Metropolitan Fund, Inc., notes about a dozen examples of cooperative buying. For example, some 60 school districts in Wayne, Oakland and Macomb counties participate in a cooperative purchasing program for typewriters, while 23 school districts in Macomb County participate in another cooperative purchasing arrangement involving over 300 items.

Summary

All but five of the 221 units of general local government in the six county Southeast Michigan area report that they utilize one or more of the methods of inter-local cooperation. There were over 1,000 instances in which services were provided under contract and over 700 instances in which joint agreements were used to provide services. The agreements were most frequent in the following service areas: reciprocal licensing of building trades, sewage disposal, water supply, streets and highway maintenance and construction, police communications, assessing, jails and mutual aid fire services.

While precise comparisons are not possible because of the nature of the data, results of studies of intergovernmental agreements in other areas are of interest. In a 1952 study of inter-jurisdictional agreements in the Philadelphia Standard Metropolitan Area, 756 agreements were counted among the 686 local governmental units encompassed in the area. The agreements were most frequent in four service areas: sewage disposal (59), road and bridge construction and maintenance (153), education (389), and police protection (134). The greatest number of units participating in any one agreement was 49 (police protection).

In a 1958 state-wide survey by the Pennsylvania Department of Internal Affairs, 647 counties, municipalities and townships reported 617 agreements involving a total of 1,784 instances of cooperation. The greatest number of agreements were reported in six major services areas: fire (130), water (173), sewer (94), taxation (43), recreation (27) and health and hospital (21).

A state-wide study of inter-local cooperation in New York prepared for the Governor's Committee on Home Rule reported a total of 1,142 cases of inter-local cooperation. The agreements were most frequent in five service areas: water supply (254), taxation--preparation of assessment rolls (233), recreation (201), fire (163), and health (132).

A report of intergovernmental cooperation in the Cleveland Metropolitan Area indicates the City of Cleveland had a total of 43 agreements with other municipal governments in Cuyahoga County. All of the 12 municipalities in the county had one or more cooperative agreements with another municipality. Fire protection was the most popular service area for cooperative arrangements.

A state-wide survey of California governmental units conducted by the County Supervisors' Association reported that there were some 2,832 contracts between cities and counties in the state. A 1963 survey of 1,007 U. S. cities conducted by the International City Managers' Association indicates that 755 cities contracted with private industry or other government jurisdictions. Of 2,500 contracts reported, 1,375 were negotiated with private business and 1,125 with other governmental units.

When the over-all frequency of use of inter-local cooperative agreements in the Southeast Michigan Metropolitan Area is viewed in relation to that found in other parts of the country, it appears that Southeast Michigan makes comparatively extensive use of inter-local cooperative agreements as a means of providing services.

SECTION III

CHAPTER 5

THE REGIONAL PLANNING COMMISSION AS AN AGENCY OF INTERGOVERNMENTAL COOPERATION

The Detroit Metropolitan Area Regional Planning Commission is an agency of intergovernmental cooperation established in 1947 under then existing rules by resolution of the Michigan State Planning Commission. The original impetus for establishing the Regional Planning Commission came from the realization by civic and governmental leaders that following the end of World War II there would be substantial growth in the Detroit Metropolitan Area; that this growth would bring with it a multitude of metropolitan problems; and, that there was no agency of government with the responsibility for area-wide planning to meet these problems.

The region encompassed by the Regional Planning Commission in 1947 was Wayne, Oakland and Macomb counties, plus the four eastern townships of Washtenaw County (included primarily to bring Willow Run and its associated housing projects into the purview of the RPC). Monroe County joined in 1955, but withdrew financial support after 1961 and is no longer listed as a constituent government. In 1961 Washtenaw County itself joined as a constituent government.

The four counties now members--Wayne, Oakland, Macomb and Washtenaw--cover 2681 square miles and had a 1963 population estimated at 4,067,200, over half the state's total population.

Structure

The members of the Commission are appointed by the Governor. As a matter of long-standing practice, governors have generally followed appointment suggestions submitted by a standing nominating committee of the Commission. The original composition of the Commission displayed a strong orientation in the direction of planners and engineers. In 1962 the Commission was restructured to place greater emphasis on public official membership, and within that classification, representation of county government as such.

At the present time each county is represented by three members of its board of supervisors, nominated to the nominating committee by the chair man of each board. Each chairman also recommends to the nominating committee other public officials from cities and county departments of his county, as follows: Macomb, four; Oakland, six; Washtenaw, two; Wayne, thirteen. The Huron-Clinton Metropolitan Authority and the Supervisors Inter-County Committee each have

one Commission member, nominated by them. The Governor appoints one representative - each from five state agencies; Conservation, Health, Highway, Water Resources, Executive Office. Public official members now number 44, citizens representing civic, economic and social fields number 28, for a total of 12.

The Executive Committee of the Commission appoints an Executive Director who directs the activities of the Commission's staff.

Financial support is by annual appropriation by the boards of supervisors of the constituent counties; under a formula encompassing area, population and assessed valuation, and by grants or gifts. Total receipts during the year ended November 30, 1963 were \$123,105 and total expenditures were \$19,712.

Local governments may adopt all or parts of plans developed by a regional planning agency; they are not required to do so. The statute does not authorize the exercise of control or mandatory review powers over any public or private action.

Purposes and Program

The long range objectives or purposes of the Regional Planning Commission are:

- A. To guide the physical development of the; metropolitan area toward a more orderly, convenient and attractive region in which to live and work.
- B. To effect economies in the region through the recommendation of sound development.
- C. To further cooperation between governmental and private agencies toward these ends.
- D. To make available to public and private agencies, and to citizens of the region, knowledge on economic, social and physical aspects of the region.

The groups and individuals involved in establishing the Regional Planning Commission were divided into two schools of thought as to what--the primary purpose of the agency should be--one group wanted a primary focus on regional facility planning (water, sewers, highways, etc.), while another group wanted to emphasize social and environmental planning. The result was a compromise with both groups represented on the Commission.

During the first ten or twelve years following the establishment of the Regional Planning Commission, the bulk of its effort went into land use planning--collection of social and economic base data, mapping, development of ideal land use patterns and attempts to trans-

late the regional land use plan into reality by developing understanding and support among the region's constituent units of government. The RPC has no power to put its plans into effect--only the municipalities can do that. While substantial progress was made in the development of the plan, RPC encountered difficulties in achieving implementation of its plans by the responsible local units. In order to achieve local support for the plan, Development Area Councils of local officials and citizens, were to be organized in each of 25 sub-regions. While several Councils were actually organized, only one still functions today and it is serviced by a county planning department. Regional Plan's budget was never sufficient to provide the staff services which would have been required for the successful operation of the Development Area Councils.

With this emphasis on land use planning, the Commission did comparatively little during its first decade of existence in tackling the facility planning problems which were confronting the area. During this period, there were major controversies among the units of government in the area over such vital regional facility issues as water supply, airports, ports and freeways. These major public issues were decided, for better or worse, without any substantial reliance on the Regional Planning Commission. It provided basic population and land use data for some of the major studies that were made and it participated in the initiation of some of the studies. But, during the 1950's the hard-fought issues on regional facilities were resolved without the leadership of the Regional Planning Commission.

There are three main reasons that may be cited for the absence of leadership by Regional Planning in these controversies:

1. The decision to concentrate on the land use plan, rather than facility planning;
2. The relatively modest budget and staff of the Commission limited its ability to carry on its long range land use plan work and at the same time "to put out the fires" that were raging on facility planning;
3. Finally, it should be noted that the Regional Planning Commission is a voluntary agency and its support comes from voluntary appropriations from its constituent units of government. The opposing armies in the battles that were fought during the 1950's over regional facilities were composed primarily of governmental units and officials--the very groups who comprise and finance the Commission. In view of the intensity of some of these disputes, it is problematical whether Regional Plan could have survived an active leadership role once the battle lines were drawn.

While the Regional Planning Commission did not have a leadership role in solving some of the major problems facing the region, it has made significant contributions.

In a number of technical fields, it has successfully carried out its regional role: its participation in the Rain and Stream Gage project, for instance, or the Huron River Watershed Committee. Its presence and activity in a variety of inter-agency undertakings provides, in some cases a regional viewpoint which would otherwise go unrepresented and, in others, a touch of the foresight and planning concept which others might overlook.

Its continuing work in the collection of basic social and economic data; and projection of trends therefrom is an invaluable service to countless agencies, public and private. No other public agency is equipped to do this work, nor is any other likely to. Its sponsorship of an annual Planning and Zoning Conference is another example of a function no one else would likely perform.

Its public relations work in earlier years had an undoubted influence in local acceptance of planning as a development tool, and it has had an effect on the growth of the number of planning commissions in the region.

It has served as a review agency to meet the requirements of various Federal aid programs; and, most significant, in the last few years there has been some change in emphasis in the RPC's program. Some of its more recent projects, developed by its "Special Projects" section, have tackled genuine operating problems in a manner calculated to find genuine answers.

The Airport Environs Study, for instance, developed a sound technique for measuring the effect of a major air terminal on the land surrounding it. More to the point, for Romulus Township and for the Regional Planning Commission, it has provided through sensible planning a solid basis for effectively coping with the peculiar problems entailed by the airport.

Regional Plan's recent Garbage and Rubbish Disposal Study is an outline for solution of a real and present problem confronting municipalities large and small throughout the region's urbanized areas. The burden of implementing the indicated solution is properly on the political and administrative officials who have both the incentive and the power to do it; Regional Plan has provided a rational outline for them to work by.

There are problems yet to be solved in the region. There will be more. Such projects as these, in fields where operating officials on the firing line know they have problems and know that they do not themselves command the means of finding solutions, can lay the groundwork for further reliance upon Regional Plan for assistance.

Of value, too, is Regional Plan's association with the Supervisors Inter-County Committee, the workings of which provide a "familiarity base" which stands Regional Plan in good stead, both at appropriation time and when supervisors are casting about for someone to

tackle a problem. For the same reasons, the last revision of Regional Planning Commission and Executive Committee membership, making counties per se the dominant factor in Commission affairs and putting supervisors into a sort of interlocking directorate, was helpful.

The contributions made by the Regional Planning Commission in these and other areas have been substantial and the recent changes in its composition and working relationships give promise that it can increase its effectiveness in the years ahead in achieving its objectives.

SECTION IV

THE METROPOLITAN COUNCIL AS A DEVICE TO FOSTER AND COORDINATE INTERGOVERNMENTAL COOPERATION

Numerous approaches have been tried to adapt local government to the metropolitan scene. They include devices such as authorities and special districts, transfer of responsibility for performance of functions, contracting for services, joint performance of services, as well as informal agreements. The more dramatic solutions which are suggested as solutions for metropolitan problems such as federation of governments, city-county consolidation, and multi-purpose special districts have generally proven to be politically unacceptable. Although they may theoretically offer a simple and direct solution to area-wide problems, they involve major renovations in government structure with a transfer of power to another level of government, which is almost universally viewed with suspicion: by local government officials and citizens alike.

The fact that serious political and psychological barriers exist and usually defeat large-scale attempts at basic governmental reorganization in metropolitan areas has led to a change of emphasis in a number of metropolitan areas. The newer attempts focus on voluntary cooperation between governments to achieve area-wide consensus. They leave the existing pattern of local government unchanged, and as importantly, they provide for no major transfer of power from local units. They are based entirely upon cooperation. Some areas have established councils of local governments to foster and coordinate this inter-local governmental cooperation.

The Metropolitan Council may be defined more specifically as

. . . a device for bringing together, at regular intervals, representatives (including--and often limited to--the chief elected officials) of the local governments within a given metropolitan area for the discussion of common problems, the exchange of information, and the development of agreement in policy questions of mutual interest. Since there is no sanction by which to compel either participation in the beginning or acquiescence in policy decisions in the end, the Metropolitan Council rests explicitly on the voluntary cooperation of the member governments.¹⁴

14 Martin, Roscoe C., *Metropolis in Transition, Local Government Adaptation to Changing Urban Needs*, p .6.

The voluntary council approach was in one sense accidental and in another sense the evolution of a new approach out of many attempts to improve communications in the Detroit Metropolitan Area. It had its first beginnings in the Detroit area in 1954 with the establishment of the Supervisors Inter-County Committee. Since that time, a number of similar councils or conferences have been organized around the country. The Association of Bay Area Governments (San Francisco) was formed after the Supervisors Inter-County Committee as were the Washington Metropolitan Council of Governments (Washington, D.C.); The New York, New Jersey and Connecticut Metropolitan Regional Council; Mid-Willamette Valley Council of Governments (Salem, Oregon); The Regional Conference of Elected Officials of Delaware, New Jersey and Pennsylvania; and the Puget Sound Governmental Conference (the Seattle-Tacoma area). Table 14 shows the organization and membership of selected metropolitan voluntary councils.

The council approach has been viewed with unbridled enthusiasm by many local officials and with serious questions by many students of the metropolitan scene. It has been noted that voluntary associations,

. . . demonstrate an awareness on the part of local elected officials of the problem of the metropolitan implications of some of their own problems, needs and activities . . .

. . . (Furthermore) a (metropolitan) forum is in itself good, provided the discussion is about real and important matters, and steps have been taken to define the issues, identify alternative ways of dealing with them and bring to bear upon the discussion a body of organized and relevant information. The danger is not that a forum will raise conflicts, but that the organization will be used to avoid or tone down conflicts.¹⁵

The Advisory Commission on Intergovernmental Relations has concluded that "the growing use of voluntary metropolitan councils is one of the more significant recent developments in metropolitan areas."¹⁶

Nevertheless, a number of serious questions have been raised and a number of disadvantages have been pointed out. It has been noted that metropolitan councils do not have coercive power to enforce decisions; there is no legal requirement for local governments to join the council and no legal bar to withdrawal; they cannot take effective action in an area-wide problem if a majority of members oppose the proposal; and, they may delay the formation of a true metropolitan government.¹⁷

15 Jones, Victor, "Associations of Local Governments: Patterns for Metropolitan Cooperation," Bureau - of Public Administration, University of California, Berkeley, April, 1962, pp. 4-5.

16 Advisory Commission on Intergovernmental Relations, *Alternative Approaches to Governmental Reorganization in Metropolitan Areas*, p. 85.

17 Parker, John K, "Cooperation in Metropolitan Areas Through Councils of Governments," *Public Management*, Vol. 45, October, 1963, p. 225.

Table 14

Organization and Membership in Metropolitan Voluntary Councils

<u>Council</u>	<u>Year Organized</u>	<u>Enabling Legislation</u>	<u>Operating Function</u>	<u>Federal</u>	<u>States</u>	<u>Counties</u>	<u>Member Units of Government</u>		
							<u>Munici- palities</u>	<u>School Districts</u>	<u>Total</u>
S.I.C.C.	1954	Yes	No	-0-	-0-	6	-0-	-0-	6
Association of Bay Area Governments (San Francisco)	1961	Yes	No	-0-	-0-	8	69	-0-	77
Metropolitan Washington (D.C.) Council of Governments	1957	No	No	1	2	6	2	-0-	11
Metropolitan Regional Council (New York Area)	1961	Yes	No	-0-	-0-	15	22	-0-	37
Mid-Willamette Valley Council of Governments (Salem, Oregon)	1958	Yes	No	-0-	1	2	1	1	5
Puget Sound Governmental Conference (Seattle- Tacoma)	1957	Yes	No	-0-	-0-	4	4	-0-	8

Member units of government have one representative each in their general discussion assembly for each government in the voluntary council except for the Puget Sound Governmental conference which has three each from its members seven per county in S.I.C.C. and five to seven for counties and one to seven for municipalities in the Metropolitan Washington Council of Governments.

Furthermore, some authorities reason that to judge from their stated objectives and from their actions, metropolitan associations of local governments will not obviate the necessity for creating special districts and authorities as metropolitan agencies to collaborate in the federal state-local programs likely to be initiated during the next decade.

The last criticism bears special analysis. It is that many public officials and scholars believe over-all planning in our highly urbanized areas suffers most under voluntary and ad hoc arrangements. These devices it is argued have been least effective in meeting this need for over-all planning.

The Supervisors Inter-County Committee

In 1954, Edward Connor, who was a member of the Detroit Common Council and Chairman of the Board of Supervisors of Wayne County, invited his counterparts in Oakland and Macomb counties to get together "for the purpose of meeting at regular intervals to discuss and study community problems of mutual interest and concern to the counties comprising the metropolitan regional area, and to develop recommendations for ratification by the several boards of supervisors." From their initial meeting an invitation was sent to five counties--Wayne, Washtenaw; Oakland, Macomb and Monroe--to appoint Inter-County Affairs Committees. One year later, St. Clair County joined to bring the total county membership to six where it has remained.

Edward Connor noted that the need to develop a voluntary cooperative council was based upon a feeling of the importance of preserving local governments, and to utilize existing tools before resorting to any new governmental form.

The desire to improve communication and service arrangements was in part a recognition of the explosive growth which was taking place around Detroit. The need for coordination and over-all planning was quite evident. The desire to maintain and expand fundamental services economically was one consideration for organizing the S.I.C.C. while another was the desire to limit the possibility of imposing another governmental layer over existing governments.

Organizationally, the Supervisors Inter-County Committee was viewed from its inception as a voluntary association with equal representation from each of the six counties. Seven representatives from each county, including the chairman of the Board of Supervisors of each county, make up the 42 member committee of the whole. Each county selects its own members. In Michigan, municipalities have appointed membership on county boards of supervisors, and, as a general rule, counties have member supervisors on their S.I.C.C. committees who have been appointed from municipalities. However, there is a strong feeling by S.I.C.C. supervisors that regional problems can best be met by counties as a whole and that the coun-

ty should be the basis for representation. In addition, many of the present members of S.I.C.C. believe direct city representation might be decisive and create stalemates that would lessen the effectiveness of S.I.C.C.¹⁸

In 1957 the S.I.C.C. committee was given legal status by the passage Public Act No. 217 by the legislature. This act formally established the ability of S.I.C.C. to receive funds from counties, other governmental units and private sources or its operations as well as the ability to utilize office space and equipment of member counties when needed. It also recognized the use of such a committee as a method for studying and analyzing intergovernmental problems.

The executive committee of the S.I.C.C. includes the chairman, the vice chairman, the immediate past chairman, the chairman of each of the six-county member boards of supervisors and the six chairmen of each county's inter-county affairs committee --a total of 15 members except when one man occupies more than one of these positions. The executive committee aids in the conduct of business between formal monthly meetings, maintains liaison with other metropolitan groups, helps initiate studies, seeks research funds when needed and coordinates activities of the S.I.C.C. staff.

Over the ten year history of the S.I.C.C. the number of standing committees has fluctuated according to need. At present there are three standing committees in S.I.C.C.--Governmental Research, Physical Planning and Legislative.

The normal procedure for the approval of standing committee recommendations and their submission to individual counties for action is to have the committee of the Whole approve reports from committees recommendations are submitted to each member county when a majority of the 42 members give their approval. In the case of the legislative program an exception is made. Unanimous approval is required before forwarding the annual legislative program to member counties. In most cases, resolutions have been discussed not only by individual standing committees, but by members of the Executive Committee as well. Under this procedure a general knowledge of the reception a resolution will receive is known before resolutions are submitted by the Committee of the Whole to individual counties. In some cases, resolutions have been withdrawn from further study when it appears that objections may be made by various counties.

In 1956 the first Executive Secretary of the S.I.C.C. was employed. Over the years the involvement of the Executive Secretary in legislative affairs and as a member of regional, state and federal intergovernmental committees has spread his efforts to the point that an Assistant Director was employed in March of 1962. The staff now

18 Questionnaire interview with a random sample of Board Chairmen and S.I.C.C. members--June, July, 1964.

consists of four persons, the Executive Secretary, the Assistant Director and two secretaries. There has never been a policy view that the staff would do research or take on operating responsibilities in the metropolitan area. Its duties have been mainly administrative, coordinative and to gather materials and data for other technical agencies.

No regular dues are assessed against member counties to cover the expenses of the staff and other costs involved for committee surveys and studies. However, annual contributions are made by each county based upon its population, land area, and total assessed valuation. The budget for 1962 was \$45,000 and for 1963 it was slightly more-\$46,000.

Technical assistance is provided by local units and agencies from time to time under the provisions of the legislation which formalized the S.I.C.C. structure. In addition, there has always been a close working relationship between the staff of the Detroit Metropolitan Area Regional Planning Commission and S.I.C.C.

The Program of the S.I.C.C.

The first ten years of the Supervisors Inter-County Committee have been active. A wide range of interests and projects have been evolved. It should be noted that throughout this period the fundamental purpose of S.I.C.C. has been "to discuss and study community problems of mutual interest and concern to the counties comprising the metropolitan regional area."¹⁹ A distinction should, however, be made between the interests of the individual counties and the metropolitan interests and problems which spread over many or all of the six counties. S.I.C.C. has of necessity included within its program the discussion of what may be determined as individual county problems and metropolitan-wide inter county problems. Thus, in reviewing the program of the S.I.C.C., an effort should be made consistently to view the program and projects of S.I.C.C. with this in mind.

Voluntary councils tend to focus their functional programs in four major ways: 1) legislation, 2) cooperative local government administrative action, 3) research, and 4) citizen support.²⁰

19 Preamble to By-Laws, January 7, 1955.

20 Humes, Samuel, "Organization for Metropolitan Cooperation," Public Management, Vol. 44, No. 5, May, 1962, p. 106.

Legislative Influence

The general description of the S.I.C.C. procedure for sponsoring bills is as follows:

1. Proposals are submitted to the S.I.C.C. legislative committee from the many sources (member counties, other S.I.C.C. committees, and regional and state agencies) and the committee formulates a preliminary program.
2. Program approval by the six-member legislative Committee.
3. Approval by the six-member County Boards of Supervisors.
4. Any additions, deletions, or changes must be returned for approval by each of the six members of the legislative committee and each of the six Boards of Supervisors.
5. Approval by S.I.C.C. legislative committee.
6. Approval by S.I.C.C. Committee of the Whole.

Unanimous approval is sought for the annual legislative package in S.I.C.C. so that any one county has an absolute veto over any part of the program.

At present the Executive Director is S.I.C.C.'s legislative agent. He presents the program to the legislature, coordinates appearances of members at hearings and maintains a surveillance of the progress of sponsored bills.

In the legislature prior to 1965, the six counties had 52 representatives in the House out of a total of 110, and 12 members out of a total of 34 in the Senate. Under the newly apportioned legislature more than half of the representatives and senators are from the six-county area. With added votes, there should be an increased impact upon the legislature to the degree that there is an urban county consciousness indicated by these legislators. Also, a bi-partisan approach would necessarily be required for the success of legislative items. Neither of these possibilities will automatically take place, but will come only with the evolvement of a metropolitan perspective.

When the types of legislation proposed by member counties and the action taken by the legislature is analyzed, several interesting observations may be made. First, the S.I.C.C. has had considerable success in the passage of legislation helpful to the counties and townships in performing their own tasks. Second, where metropolitan-wide projects are involved, the enabling act to establish the Supervisors Inter-County Committee is the only major piece of legislation enacted. The last three years, from 1962-1964 inclusive, have shown a concentration of attention on more controversial items

of legislation, specifically a county home rule. Most of this attention has been generated by Wayne and Oakland counties with discussion by all member counties and Committee of the Whole support for county home rule enabling legislation. Thus far the legislature has not acted favorably on this proposal. Although approval to seek such legislation was obtained from all six member counties, there has been evidence of less than concerted support for this measure by some supervisors from the less congested member counties when the chips were down.

In the final analysis, legislative coordination of member county bill proposals has been a major emphasis of S.I.C.C. Member county supervisors indicate that it is their belief that the legislative role of the S.I.C.C. is probably the most effective way of communicating the similarity in the nature of problems facing the counties.

Research Program

The Supervisors Inter-County Committee has never attempted to develop a research staff of its own, but rather it has stimulated research on the part of other agencies. In the early years of its operation, a request was made to the National Sanitation Foundation to conduct a \$100,000 study of metropolitan water supply needs. This report was completed in 1957. Since that time a number of projects have either been initiated or grants were made to projects under way by other agencies. Table 15 illustrates some of the more significant projects.

Table 15

S.I.C.C. Cooperation in and Financing of Research Projects²¹

<u>Project</u>	<u>S.I.C.C. Funds</u>	<u>Other Contributions</u>	<u>Total</u>
Water Study (1957)	\$0	\$100,000	\$ 100,00
Southeast Michigan Community Research Corp. (Metropolitan Fund, Inc.) (1958)	0	900,000	900,000
Aviation Study (1958)	10,000	20,000	30,000
Huron River Watershed (1959)	5,000	45,000	50,000
Sewage and Drainage Study (1962)	<u>0</u>	<u>325,000</u>	<u>325,000</u>
Total	\$15,000	\$1,390,000	\$1,405,000

The two largest projects thus far have been in regard to the development of a metropolitan research effort through the Southeast Michigan Metropolitan Community Research Corporation (now the Metropolitan Fund, Inc.) and the Sewage and Drainage Study to develop a metropolitan sewage grid.

With the Research Corporation, S.I.C.C. discussed various research needs with the four major local universities, local governments, and business and industry officials. The research proposal was drawn up after university research consultants identified research needs. It was initially submitted to the Ford Foundation by S.I.C.C. As a result of further discussion, a separate and independent research corporation was established with its own board of directors representative of the metropolitan community to propose and discuss significant topics for research in the metropolitan area. It was upon this basis that the Ford Foundation made its initial grant to the Southeast Michigan Metropolitan Community Research Corporation. The Ford Foundation in 1963 renewed the grant to Metropolitan Fund, Inc.

The Sewage and Drainage Study, which was completed in December, 1964, was undertaken through a Southeastern Michigan Sanitation Council composed of representatives from the City of Detroit,

21 Supervisors Inter-County Committee, What It Is, How It Works, Its Accomplishments, undated, p. 8.

S.I.C.C., the Detroit Metropolitan Area Regional Planning Commission, Metropolitan Fund, Inc., the Greater Detroit Board of Commerce, the National Sanitation Foundation and state and federal health and water resource personnel.

The Huron River Watershed Intergovernmental Committee Engineering Study was organized by local communities along the Huron River whose water supply and pollution problems would ultimately affect other communities in the six counties. Funds were raised by the Huron River communities for a water pollution study and the S.I.C.C. provided additional funds to help complete the study. The effect was to provide increased depth to the study so that member counties would benefit from more comprehensive research and planning.

The Aviation Study is another illustration of a combined research project financed by S.I.C.C., the State of Michigan's Department of Aeronautics, and the Greater Detroit Board of Commerce. Implementation of the recommendations of this study has been left to member counties. Thus far the selection of a site for a second major airport on the Northeast side of the Metropolitan area has not been accomplished.

The Governmental Research Committee of S.I.C.C. has devoted much of its efforts over the past three years to the analysis of the Model County Charter and the coordination of efforts by Wayne and Oakland Counties to secure an acceptable County Home Rule Act from the State Legislature.

The most recently announced large scale research effort concerns a projected transportation and land-use study of the six counties. The study design was prepared by the Detroit Metropolitan Area Regional Planning Commission. It will cost approximately \$3.6 million and will involve the State Highway Department, Metropolitan Fund, Inc., Supervisors Inter-County Committee and the Regional Planning Commission. A total of 3% to four years will be required to complete the project and the over-all study will depend to a considerable extent upon the successful solicitation of approximately \$700,000 in funds from the communities in the region.

It may be observed that the Supervisors Inter-County Committee has acted as a stimulator and coordinator of research and this has been its effective role in research. It has been less successful in achieving implementation of recommendations. Several studies have received little definitive attention--for example, the airport study.

Coordination With Other Agencies

The Supervisors Inter-County Committee has a number of overlapping member units of government and individuals on the Detroit Metropolitan Area Regional Planning Commission. There has been a very close working relationship between the staffs of R.P.C. and S.I.C.C. This tends to reinforce the operating effectiveness of each agency. Through the years, S.I.C.C. has requested information and planning studies from R.P.C.

Supervisors Inter-County Committee has been involved in the creation of some units such as the Inter-County Highway Commission which it helped establish in 1956. The agency was established as a joint highway planning unit to aid in developing master highway plans within a county and between counties. It has been supported jointly by the member county highway departments. Recently it has been brought into the office of S.I.C.C.

Considerable coordination has been achieved by S.I.C.C. through its cooperation with the National Sanitation Foundation, Greater Detroit Board of Commerce, and state and federal officials. One metropolitan agency, the Huron-Clinton Metropolitan Park Authority, has been invited to discussions involving recreation planning, but no direct staff relationships have evolved.

Special Projects

Several interesting special projects were participated in by the Supervisors Intercounty Committee. In 1958 Wayne State University initiated an Executive Development Seminar to provide training for county administrators in the six-county area. S.I.C.C. acted as a coordinating agent to assist member counties in nominating county administrative personnel to participate in these seminars.

The staff of the S.I.C.C. has published compilations of the Detroit Metropolitan Area Public Works Program. These reports have been prepared for use by Congressional Committees and for supporting data for planning construction projects under the Accelerated Public Works Act.

Citizen Education

The Supervisors Intercounty Committee is made up of public officials and a need has been recently felt by S.I.C.C. to gain closer contact with citizens and ascertain what they consider to be metropolitan goals. In 1962 the S.I.C.C. requested that the Engineering Society of Detroit study what it considered to be major community problems and needs. In its report to S.I.C.C. a recommendation was made for the establishment of an organization to develop long-range regional goals and objectives, and to involve citizens in the definition of these goals. From this recommendation, the Forum for Detroit Area Metropolitan Goals has been organized. Several community-wide conferences have been held with engineers, businessmen, planners, government leaders, housewives and educators in attendance. The projected plan for this organization is to provide "feed-in" and "feed-back" on metropolitan issues and goals. Thus far no specific programs or definition of goals have been completed.

Metropolitan Councils in Review

The major focus of the voluntary metropolitan council has been to promote better understanding in metropolitan areas of the increasingly regional nature of functions and services. Implementation efforts for programs have been concentrated upon devices to aid over-all metropolitan planning and to develop intergovernmental cooperative action. The development of regional governments has not taken place, nor are any radical changes in local government organization likely to occur in the near future because of these metropolitan councils.

The major problem still facing metropolitan communities is one of communication and coordination of governmental activities in a fragmented, diffused and poorly coordinated policy framework. On analysis, it might be said that the major impact of metropolitan councils has been through their processes of communication. Communication between elected government officials and technicians has brought about considerable improvement in the performance of functions and services. However, the evidence indicates that where implementation of programs involves more than voluntary cooperative actions between governments acting individually, there is still a need to establish other organs for policy control and administration.

Thus the metropolitan council device is unlikely to diminish the use of special districts and authorities.

Another question still largely unsettled is to what degree functional specialists in planning, water supply, waste water disposal, transportation, education, etc., should become heavily involved in policy-making. The greatest uses of voluntary councils have been in improving the very effectiveness of such technicians in the

performance of their roles without any real review by officials truly representative of all the governmental units in the area. The problem is whether the technicians are being forced into situations in which they become involved in policy formulation beyond their normal responsibilities and which they themselves quite properly question.

Another tendency of metropolitan councils to date has been to expand the ability of individual counties, municipalities and other local units to perform their own individual services. The result of this tendency is likely to produce effective urban county governments without considering the basic problems of the proper separation of functional power between local units of government. Traditionally municipal governments have provided urban services. It would appear then that a representative metropolitan voluntary council might consider within its deliberative framework the proper role and coordination of metropolitan wide county and municipal functions.

On analysis it would appear that metropolitan councils have their greatest flexibility and likelihood of success where they:

- 1) have a formal legal basis for organization;
- 2) provide membership in the council for all major units of local government including counties and municipalities with equal weight. This allows for a consideration of all types of urban service programs which in the past have been provided largely by municipal governments, but to an increasing degree through urban county arrangements;
- 3) have a means to prepare area-wide planning projects through either area planning and councils or through the combined planning staff personnel of area governments meeting and reporting regularly as a part of the voluntary council organization;
- 4) have access to research agencies or personnel on a continuous basis rather than through intermittent sometimes uncoordinated ad hoc research projects;
- 5) have the formal means to coordinate special district actions if only in limited areas; and
- 6) have established and accepted procedures by all area for the involvement of key elected officials in the discussion process to achieve greater unanimity of purpose on regional problems.

This broad gauge analysis of metropolitan councils indicates to some extent the possibilities and limitations of the approach. They may or may not resolve the ultimate question of area-wide government.

No council has yet bridged the gap between planning and coordination and actual area-wide operating programs in the sense of collective policymaking, financing, staffing, and operation of functional services. This is again one of the more controversial problem areas facing these councils. Their viability and adaptability may ultimately lead to some effective resolution of this policy concern.