METROPOLITAN AREAS: A DEVELOPING FIELD OF PUBLIC POLICY

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The "cornstalk legislature" label, often attached to its predecessors, cannot be fitted comfortably to the 102nd Ohio General Assembly. In what may prove to be a major departure from patterns of the past, the 1957 lawmakers began an effort to identify, define and develop a new primary field of public policy concerned with the special problems of the state's metropolitan areas.

Earlier legislatures have, of course, dealt with metropolitan area problems. Many sections of the Revised Code attest to these efforts. What was new in the 102nd General Assembly was a shift in approach, stemming from an implied assumption that the great and growing urban complexes of Ohio pose special legislative problems warranting consideration as an independent field of policy making, distinct from other such fields.

The record of the 102nd General Assembly does not suggest that the metropolitan area field is now as clearly defined as are public welfare, education, liquor control and others. It may never be so clearly identifiable. Metropolitan area problems are so varied and so interlaced with other well-marked-off public policy fields, such as local governments and taxation for example, that they may be incapable of fully independent definition. If the work of the 102nd General Assembly can be interpreted as pointing a trend, however, it is likely that there will be a growing legislative recognition that certain problems of public welfare, local government organization and function, taxation, and transportation, among others, acquire special characteristics in metropolitan areas calling for special legislative consideration.

The development of a field of public policy making is never any single act by a single general assembly. The legislature's ways of thinking about and dealing with the problems which come before it are the products of long, often slow, piecemeal growth. Such a growth is especially likely to characterize treatment of metropolitan area concerns as a distinct public policy field.

A great many fundamental considerations are involved in legislative concern with metropolitan area problems as such. Apart from considerations of political expediency and the balancing of interests which always are elements of the legislative process, difficulties of definition and analysis must be resolved even before policy alternatives are considered. Despite these difficulties, however, the record of the 102nd Ohio General

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Assembly suggests that a substantial start was made toward possible development of a body of distinct public policy relating to the peculiar problems of the state's metropolitan areas.

With this judgment as a base, this article has two purposes. The first is to set forth and discuss some of the fundamental problems of identification and definition underlying legislative development of a metropolitan area public policy field. The second purpose is to review and discuss briefly some specific actions of the 102nd General Assembly having a special importance for the state's metropolitan areas.

I

Defining the Metropolitan Area Field

In many ways, the General Assembly in Ohio has a wide range within which to define a metropolitan area public policy field, and to act within that field. The state's constitution imposes few serious limitations. Article X, for example, provides in Section 1: "The General Assembly shall provide by general law for the organization and government of counties, and may provide by general law alternative forms of county government." In Section 2 of the same article is this provision: "The General Assembly shall provide by general law for the election of such township officers as may be necessary. The trustees of townships shall have such powers of local taxation as may be prescribed by law."

With reference to municipal corporations, the following provisions of Article XVIII are significant: Section 1, "Municipal corporations are hereby classified into cities and villages." Section 2, "General laws shall be passed to provide for the incorporation and government of cities and villages. . . ." Section 3, "Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations as are not in conflict with general laws." Section 7, "Any municipality may frame and adopt or amend a charter for its government and may, subject to the provisions of Section 3 of this article, exercise thereunder all powers of local self-government."

Without detailed analysis of specific cases interpreting these constitutional provisions, it can be said that for the most part they have been interpreted in ways which permit the General Assembly a fairly wide latitude for enactment of general laws. In providing for "the organization and government of counties," for example, the General Assembly conceivably could, if it chose, provide whatever "form" or "forms" of county government it wished. The same can be said of townships. Where municipalities are concerned (even those with locally framed and adopted charters), the supremacy of "general laws" over conflicting "local police, sanitary and and other similar regulations" is declared, and has been upheld in numerous cases.

From the foregoing it can be seen readily that the extent of the responsibility the General Assembly wishes to assume for solving any specific metropolitan problem or for dealing with metropolitan problems as a whole is itself a matter for policy determination. It is against this background of broad policy-making potential that the General Assembly has begun to consider metropolitan areas a suitable field for independent policy making.

A step toward treatment of metropolitan area problems as a special public policy field in Ohio was taken by the 101st General Assembly in 1955, with a request to the Legislative Service Commission, the legislature's staff service agency, to make a study of local government problems in metropolitan areas. A study committee of legislators accordingly was appointed, under the chairmanship of Representative Kenneth E. Berry (R-Coshocton), and through numerous meetings and staff work, exploration of the field was begun.

When the House of Representatives of the 102nd General Assembly was organized in January, 1957, a new standing committee for Metropolitan Areas was created, with Representative John J. Chester, Jr. (R-Columbus), as chairman. Twenty-three House bills, three Senate bills and two House joint resolutions were referred to this committee during the session. Much of the committee's time and attention was devoted to several proposals to amend the state constitution, bills to amend the state's municipal annexation law, and a bill to make possible certain changes in county government. These measures will be discussed in detail in Part II of this article.

Both in these committees and in staff work, difficulties of definition quickly became apparent. Metropolitan areas constitute one of a number of public policy fields with a scope so vast that virtually everyone can identify some specific problem which seems to him characteristic of the field. For some purposes, indeed, it may be adequate to say simply that Cuyahoga County, for example, is obviously a "metropolitan area," and therefore any problem arising there is a "metropolitan area problem."

Effective consideration of metropolitan area problems by the General Assembly, however, with concrete state policy as the end product, calls for definitions which take into account the special conditions which operate in the case of each specific problem to distinguish it as a metropolitan problem appropriate for state action. In essence, what is required are workable answers, fitting the practical context within which the legislature must work, to the following two questions:

(1) What are metropolitan areas?

(2) What are metropolitan area problems?

Without claiming to be exhaustive or definitive, the following discussion will review some of the basic considerations involved in a serious

effort to develop answers to these questions which might serve as base points for legislative action.[1]

What Are Metropolitan Areas?

The term "metropolitan area" has no present legal definition in Ohio. It is possible that one eventual outcome of legislative consideration of metropolitan area problems as a special policy field may be the development of such a legal entity. Most current working definitions are derived from a combination of geographic and demographic considerations, with certain economic and sociological overtones.

The most often used definition, and for some purposes a useful one, is that of the United States Bureau of the Census, which regards any county or group of contiguous counties containing at least one central city of 50,000 or more inhabitants as a "standard metropolitan area." Counties contiguous to that containing the central city are included if they meet certain criteria of economic and social orientation to the central city. This definition is useful for showing some of the background of Ohio's metropolitan area problems.

The State of Ohio contains twelve standard metropolitan areas, consisting of fifteen counties, as defined by the Bureau of the Census, with central cities located within the state. Two of these, Cincinnati and Youngstown, also include counties outside the state. In addition, three Ohio counties are included in standard metropolitan areas with central cities in other states. In all, eighteen of the state's eighty-eight counties are now included within census-defined standard metropolitan areas. Table I shows the relationship between the total population growth of all fifteen Ohio counties included in standard metropolitan areas with central cities in Ohio as of 1950, and that of the rest of the state, from 1920 through 1956. Table II shows the population growth of each standard metropolitan area with a central city in Ohio, and that of each of its component counties, for the same periods.

It is evident from these tables that if the rapid development of metropolitan areas produces problems meriting legislative attention as a special area of public policy, Ohio can be expected to have such problems. Furthermore, if such problems exist, they affect directly an overwhelming majority of the people of the state—close to two-thirds of Ohio's residents live and work in these twelve standard metropolitan

[1] A vast literature of metropolitan areas exists in the United States. While many of these writings are of great value in aiding a general understanding of metropolitan areas and the problems likely to develop in such areas, few of them are specifically oriented to the special viewpoint of state legislatures and state public policy. Among the useful publications relating to state policy, the following can be cited: THE STATES AND THE METROPOLITAN PROBLEM, a report to the Governors' Conference, published in 1956 by the Council of State Governments, Chicago; also *A Symposium on Metropolitan Regionalism: Developing Governmental Concepts*, 105 U. PA. L. REV. No. 4 (1957).

TABLE I

Population Growth, 1920-1956 in Fifteen Ohio Counties Included in Standard Metropolitan Areas with Central Cities in Ohio Compared with the Rest of Ohio.

	1920		1930			1940			1950			1956*		
	Total Population	Percent of State Total	Total Population	Percent of State Total	Percent Increase from 1920	Total Population	Percent of State Total	Percent Increase from 1930	Total Population	Percent of State Total	Percent Increase from 1940	Total Population	Percent of State Total	Percent Increase from 1950
State of Ohio	5,759,394	100.00	6,646,697	100.00	15.41	6,907,612	100.00	3.93	7,946,627	100.00	15.04	9,006,000	100.00	13.33
Fifteen Ohio counties in SMA's	3,326,366	57.76	4,156,754	62.54	24.96	4,302,092	62.28	3.50	5,150,736	64.82	19.73	5,839,095	64.84	13.36
All other Ohio counties	2,433,028	42.24	2,489,943	37.46	2.34	2,605,520	37.72	4.64	2,795,891	35.18	7.31	3,166,905	35.16	13.27

*1956 population figures are estimates based on certain objective criteria, published by the Ohio Department of Liquor Control, 1956.

TABLE II

Comparative Population Growth in the Twelve Standard Metropolitan Areas with Central Cities in Ohio, 1920 to 1956

	1920		1930			1940			1950			1956*		
	Population	Percent of State Total	Population	Percent of State Total	Percent Change from 1920	Population	Percent of State Total	Percent Change from 1930	Population	Percent of State Total	Percent Change from 1940	Population	Percent of State Total	Percent Change from 1950
State of Ohio	5,759,394	100.00	6,646,697	100.00	15.41	6,907,612	100.00	3.93	7,946,627	100.00	15.04	9,006,000	100.00	13.33
Cleveland S.M.A.	972,162	16.88	1,243,129	18.70	27.87	1,267,270	18.35	1.94	1,465,511	18.44	15.65	1,670,608	18.55	14.00
Cuyahoga Co.	943,495	16.38	1,201,455	18.08	27.34	1,217,250	17.62	1.31	1,389,532	17.49	14.15	1,562,028	17.34	12.41
Lake Co.	28,667	.50	41,674	.63	45.37	50,020	.72	20.03	75,979	.96	51.90	108,580	1.21	42.91
Cincinnati S.M.A.														
Hamilton Co.	493,678	8.57	589,356	8.87	19.38	621,987	9.00	5.64	723,952	9.11	16.39	806,244	8.95	11.37
Columbus S.M.A.														
Franklin Co.	283,951	4.93	361,055	5.43	27.15	388,712	5.63	7.66	503,410	6.33	29.51	611,663	6.79	21.50
Toledo S.M.A.														
Lucas Co.	275,721	4.79	347,709	5.23	26.10	344,333	4.98	—.97	395,551	4.98	14.87	443,741	4.93	12.18
Akron S.M.A.														
Summit Co.	286,065	4.97	344,131	5.18	20.30	339,405	4.91	—1.37	410,032	5.16	20.89	466,234	5.18	13.71
Dayton S.M.A.	240,753	4.18	306,740	4.61	27.41	331,343	4.80	8.02	457,333	5.76	38.02	543,478	6.03	18.84
Green Co.	31,221	.54	33,259	.50	6.53	35,863	.52	7.83	58,892	.74	64.21	73,130	.81	24.18
Montgomery Co.	209,532	3.64	273,481	4.11	30.52	295,480	4.28	8.04	398,441	5.01	34.85	470,348	5.22	18.05
Youngstown S.M.A.	270,230	4.69	359,205	5.40	32.93	372,566	5.39	3.72	416,544	5.24	11.80	468,039	5.20	12.36
Mahoning Co.	186,310	3.23	236,142	3.55	26.75	240,251	3.48	1.74	257,629	3.24	7.23	283,446	3.15	10.02
Trumbull Co.	83,920	1.46	123,063	1.85	46.64	132,315	1.92	7.52	158,915	2.00	20.10	184,593	2.05	16.16
Canton S.M.A.														
Stark Co.	177,218	3.08	221,784	3.34	25.15	234,887	3.40	5.91	283,194	3.56	20.57	317,052	3.52	11.96
Lorain—Elyria S.M.A.														
Lorain Co.	90,612	1.57	109,206	1.64	20.52	112,390	1.63	2.92	148,162	1.86	31.83	183,939	2.04	24.15
Hamilton—Middletown S.M.A.														
Butler Co.	87,025	1.51	114,084	1.72	31.09	120,249	1.74	5.40	147,203	1.85	22.42	175,213	1.95	19.03
Springfield S.M.A.														
Clark Co.	80,728	1.40	90,936	1.37	12.64	95,647	1.38	5.18	111,661	1.41	16.74	124,965	1.39	11.91
Lima S.M.A.														
Allen Co.	68,223	1.18	69,419	1.04	1.75	73,303	1.06	5.60	81,183	1.11	20.30	97,029	1.08	10.03

* 1956 population figures are estimates based on certain objective criteria, published by the Ohio Department of Liquor Control, 1956.

areas. It should be observed at the same time, however, that not all of these people are likely to be affected to the same degree by the same problems. Both Cleveland and Lima are central cities of census-defined standard metropolitan areas. It is unlikely that the same problems confront the people of both areas in either equal or proportionate measure.

In the search for definition of the metropolitan area field of public policy, beyond the statistics of population, two basic characteristics of such areas seem to underlie other considerations. Perhaps oversimplified, these are: (1) A metropolitan area includes a great many people, living in close proximity under highly integrated and interdependent conditions, in a relatively small but potentially large area. (2) The governmental organization of metropolitan areas includes a great many more or less autonomous units, with varying jurisdictions and powers, all attempting to provide some or all of the same services and functions of government to which public policy relates.

These two observations about metropolitan areas are, of course, neither novel nor difficult to make. Virtually all of the voluminous literature of metropolitan areas points them out.[2] They are evident, upon only brief thoughtful observation to almost any resident of or casual visitor to a metropolitan area. Taken together, they mean this: that the metropolitan area is a single *community*, unified and held together by a great many social and economic bonds; but at the same time, its governmental organization is fragmented into a crazy-quilt patchwork having no immediately apparent relationship to the metropolitan community as a single entity.

Table III shows, for each of the metropolitan areas of Ohio, the number of local governmental units operating in varying degrees of independence from one another to provide the people of the metropolitan community the governmental services and functions they need and demand. In addition to the local governments, the state and national governments also are active for various purposes in all of the metropolitan areas. The fact that a metropolitan area is a single, unified social and economic community in which governmental authority is fragmented does not in itself, without further evidence, constitute a metropolitan problem demanding the attention of the General Assembly. It does, however, present a vivid warning flag to anyone looking for such problems.

The making of public policy, with the decisions recorded in statutes, requires a close focus on specifics. Satisfaction of ideal standards of rational governmental design, for itself alone, is seldom, if ever, a feasible base for the construction of workable public policy. Such standards are of concern only when they can be related to specific, concrete problems which have readily perceivable meanings to the people and

[2] For an excellent discussion of these points, see Reiss, *The Community and the Corporate Area*, 105 U. PA. L. REV. 443 (1957).

TABLE III

The Number of Units of Local Government in the Standard Metropolitan Areas Of Ohio, 1952.

Standard Metropolitan Area	Total Gov't Units	Counties	Town-ships	Cities	Villages	Spec. Dis'ts	School Dis'ts
Cleveland	136	2	14	24	50	5	41
Cincinnati	138	3	12	11	50	9	53
Youngstown	213	3	71	11	25	6	97
Columbus	75	1	18	4	21	4	27
Dayton	96	2	26	5	20	9	34
Akron	53	1	16	3	10	3	20
Toledo	43	1	27	2	7	3	3
Canton	69	1	17	3	16	3	29
Lorain-Elyria	65	1	20	2	12	2	28
Hamilton-Middletown	44	1	13	2	8	2	18
Springfield	34	1	10	1	9	3	10
Lima	39	1	12	2	7	3	14
TOTALS	1005	18	256	70	235	52	374

Note: Local government units in three counties outside Ohio are included as parts of SMA's with central cities in the state of Ohio.

their legislators, and when it can be shown clearly that deviations from those standards either cause problems or pose handicaps to desired specific solutions.

Whatever may be the degree of precision ultimately achieved in the definition of metropolitan areas, the requirements of public policy making are likely for some time to call for working definitions closely related to specific problems in specific cases. Since the metropolitan area is neither a legal entity nor even a social and economic entity with clearly marked boundaries, a metropolitan area public policy field can be defined usefully only in terms of specific problems which seem to be peculiar to such areas or to be accentuated by social, economic and governmental conditions prevailing there.

What Are Metropolitan Area Problems?

It is hardly more than a truism to say that metropolitan communities are extremely complex social and economic mechanisms. The basic component units of these mechanisms are the people who live there, and who are both their reason for being and the primary beneficiaries of their operation. In turn, the multitude of public and private associations, including governments, into which these people organize themselves, ranging from families to great business corporations with interests far beyond such areas, can be likened to "working parts" of the metropolitan mechanism. In the operation of the mechanism, all of the working parts function in a close interdependence.

The function of governments in the metropolitan community, if

the metaphor can be stretched a bit farther, is to do what they can, as working parts themselves, to maintain conditions under which the metropolitan mechanism can operate with satisfaction to the people who are dependent upon it for their well-being. The primary concerns of metropolitan area public policy, therefore, are the problems involved in the efforts of governments to carry out their functions as essential working parts of the metropolitan community mechanism.

Problems of providing government services, however, are not necessarily peculiar to metropolitan areas. The governments providing services to the people of small towns and rural areas have their problems as well. The identification of metropolitan area public policy problems, therefore, requires consideration of a further question: what special conditions prevailing in metropolitan areas make it unduly difficult or impossible for people to obtain the services they need and want from government?

When the special characteristics of metropolitan areas affecting significantly the determination of public policies relating to government services in those areas are sought out, three basic attributes are apparent: (1) sheer magnitude; (2) fluidity of population; and (3) heterogeneity of governmental organization. Any selected service problem may be significantly conditioned by any one or more of these characteristics of metropolitan areas.

1. Magnitude

Virtually all government service problems, when viewed from the standpoint of an entire metropolitan area, are affected by the sheer magnitude of the service need. Water and sewerage services provide a clear example. A basic service need of people, wherever they live, is for water and adequate waste disposal. This basic need is the same for the people of the village of Logan, in Hocking County, as it is for the people of the Cleveland metropolitan area. The task of fulfilling the need, however, is clearly not the same, and the differences, other than geographical, are at least in part functions of magnitude. The ascertaining of precisely how the magnitude of the need affects the problem of providing the service and the determination of what special requirements are thereby imposed constitute a metropolitan area public policy problem.

While the magnitude of the service need may modify significantly any metropolitan problem, it can be expected to affect public policy requirements most heavily in the provision of services of a public utility character and those required for the good order, general safety and well-being of the metropolitan community. The latter category includes such services as police and fire protection, provision of recreational facilities, public health services and the protections to property contemplated by planning, zoning and building controls. It should be repeated, however, that the requirements of legislative policy making call for demonstrations in each case of how the magnitude of the specific service need

is a significant contributor to a specific problem calling for alleviation through state action.

2. Fluidity of Population

It is characteristic of modern life that people must move about a great deal in the normal course of their daily affairs. The technological means available to accomplish these movements make possible wide ranges and a high degree of fluidity in metropolitan populations. The contemporary metropolitan community is largely a result of this fluidity. One prominent student of metropolitan area growth has stated that the ultimate geographical extent of metropolitan communities may be determined by the distance it is possible to commute in 30 minutes at a reasonable speed. With a horse and buggy, this commuting radius was about two miles, making possible a community of about 12.5 square miles. The electric street car extended the radius to about 5 miles and made possible a community of about 78.5 square miles. The automobile can accomplish a commuting trip of about 15 miles in 30 minutes, thereby making possible communities of about 700 square miles, 55 times the size possible in the horse-and-buggy era.[3]

These figures, roughly indicating the technologically possible geographic extent of metropolitan areas, are significant when viewed in the light of the fact that populations of metropolitan areas have increased, on the average, only about 178 per cent since 1900. The area made available for urban residence by the automobile, however, has increased at a rate 10 times greater than the population growth rate.[4] When one considers the continuing desire of urban residents to live at a distance from the heart of the central city of the metropolitan area, this means that there is constant pressure to maximize the number of miles possible in a 30-minute commuting trip. The automobile, if it can be used to its full capacities as a commuting vehicle, has made residential congestion unnecessary.

A host of problems are involved in providing the facilities which enable maximum use of the automobile for commuting purposes in metropolitan areas. The fact that the street facilities of most cities were designed for that horse-and-buggy age, when two miles was the commuting radius, imposes a pre-existing condition upon any consideration of problems concerned with present-day needs for population movements in metropolitan areas.

Among the service needs arising from the necessary movements of people in metropolitan areas, the following can be listed most prominently: (1) A system of arterial thoroughfares capable of handling an enormous

[3] BARTHOLOMEW, THE PRESENT AND ULTIMATE EFFECT OF DECENTRALIZATION UPON AMERICAN CITIES, 4, published by the Urban Land Institute, 1940.

[4] BOGUE, GROWTH OF STANDARD METROPOLITAN AREAS, 1900-1950, WITH AN EXPLANATORY ANALYSIS OF URBANIZED AREAS, U. S. Government Printing Office, 1953.

volume of automobile traffic to and from the centers of metropolitan activities in short periods of time; (2) adequate streets and control systems for handling this traffic within the centers of activity; (3) adequate, conveniently located parking facilities; (4) finally, both as a service to people without cars and to absorb some of the pressure creating the first three needs, a public transportation system capable of providing fast, comfortable, frequent, low-cost service to all of the most heavily populated elements of the metropolitan area.[5]

Problems of fulfilling these needs are among the most evident to both residents of and visitors to metropolitan areas. Twice-daily traffic jams and round-and-round searches for parking space are exasperatingly commonplace to dwellers in metropolitan areas. Similarly, users of public transportation are familiar with the seemingly endless cycle which leads from loss of business to higher fares and reduced service to still further loss of business, still higher fares, and even less service—and so, *ad infinitum*, with ever-increasing pressures upon already overtaxed automobile commuting facilities, as more potential mass transit riders take to the streets in their cars.

For the state, the public policy problems relating to the fluidity of metropolitan populations are concerned first with determining what degree of responsibility for solutions the state wishes to assume. Once this has been determined, the search for feasible policies to carry out this responsibility can be undertaken. It might be noted that the state has already assumed a considerable responsibility for certain needs resulting in part from the fluidity of metropolitan populations. For example, the state, through its highway program, is providing 95 per cent (90 per cent federal aid for streets in the interstate system) of the financing for most metropolitan expressways construction.

3. Governmental Heterogeneity

The patterns of governmental organization, both local and state, as well as many of the methods and habits of governmental operation, were developed and became relatively fixed in Ohio in the first part of the nineteenth century. No one at the time could have foreseen the accumulation, a hundred years later, of nearly two-thirds of the state's people into the intricate urban complexes we now call metropolitan areas.

Many problems which now plague metropolitan areas acquire special attributes because of an obvious lag in the development of instruments of government capable of dealing appropriately with metropolitan area service needs. Patterns of local government developed to suit the needs of the rural, small-town, largely agricultural society of the early 1800's can hardly be expected to serve, without major adjustments, the require-

[5] The transportation needs of metropolitan areas have been well analyzed in OWEN, THE METROPOLITAN TRANSPORTATION PROBLEM, The Brookings Institution, 1956.

ments of the urbanized, industrialized society of the mid-twentieth century.

In all of the state's metropolitan areas, a multiplicity of local government jurisdictions—counties, townships, villages, cities and special districts—are attempting to provide governmental services and functions for all or segments of the metropolitan population. This characteristic of the metropolitan area conditions one set of problems and produces another. The first are the practical problems of supplying the service needs themselves. The second is a set of problems which arises almost entirely from the fact that so many governmental units are trying to supply those needs.

Governmental heterogeneity conditions and modifies problems of supplying specific services in many ways. An example can once again be seen in the provision of water. A selected metropolitan area may include perhaps twenty municipalities, each having an independent responsibility to supply water for its residents. The central city, however, exercising a considerable foresight, may have appropriated the only or the most economic sites in the entire area for development of water resources. Suburban municipalities then in time find themselves faced with the alternative of providing their own water supplies at virtually prohibitive cost, if such is possible at any cost, or purchasing water from the central city under whatever terms the central city imposes. Another example can be seen in the provision of police and fire protection. Crime and fire do not respect arbitrarily drawn municipal boundaries. The problems of protection therefore do not begin and end at such boundaries.

The basic fact through which governmental heterogeneity plays upon metropolitan service problems is that many of the needs the various governmental units are trying to serve are not municipal, township, or county needs, but rather are needs of the metropolitan community as a whole. It is not intended to argue here that a variety of governmental units might not supply those needs in such a way as to add up to satisfaction of the metropolitan community needs. The point is rather that the existence in metropolitan areas of a large number of governmental units, all attempting more or less independently to serve a part of what are actually single needs is a condition which has a significant bearing upon problems which are the concerns of public policy. The determination of precisely how this condition bears upon specific service problems, and what adjustments are thereby called for are among the crucial questions upon which public policy decisions turn.

A second set of metropolitan problems not only is affected importantly by governmental heterogeneity, but is virtually a product of it. These are the problems of organization and coordination which surround the efforts of multiple units to provide services in what is basically a single community. Because of the highly integrated character of the metropolitan community, instruments and arrangements to enable a high

degree of coordination and cooperation among units are all but essential in the provision of certain services. For a variety of reasons, extending from the difficulty of technical problems to clashes of personalities among public officials, these instruments and arrangements frequently are not only less than effective, but may become all but impossible to establish and to operate.

A number of examples, some quite familiar to metropolitan area dwellers, can be cited to demonstrate the types of problems which may result directly from governmental heterogeneity. Construction of an expressway may be blocked by a single governmental jurisdiction when all others want it. Implementation of a county or regional plan may be stalemated in part by a single non-participating municipality. Lack of coordination in zoning between two adjacent municipalities, or between a municipality and a township may thwart the purposes of both. Even law enforcement may be handicapped by the inability of police departments to cooperate. Finally, the whole complex of problems involved in municipal annexations and incorporations in metropolitan areas has many of its roots in the dispersal of governmental authority and jurisdiction among multiple units.

Underlying the consideration of virtually all public policy issues affected by governmental heterogeneity are fundamental questions of democratic control. That the right and opportunity of every citizen to participate effectively in the making of governmental decisions important to him should be maintained and protected is a proposition few would question. In Ohio, the opportunity to participate in local government has been given an especially high value. The dispersal of governmental power which characterizes metropolitan areas, however, presents special problems in providing this opportunity for democratic participation. A single example will serve to demonstrate what is meant. A metropolitan area resident is likely to have vital interests throughout the area. More particularly, he may live in a village some 12 or 14 miles from his place of work in the central city. Presumably he can participate effectively and to his satisfaction in the government of his village. Five days a week, however, he drives his car to his place of work, passing successively through an unincorporated township area, two villages, a city of some 6,500 and finally into the central city of perhaps 500,000—then home again in the evening. Clearly, this suburban dweller is concerned with street and highway maintenance, police, health and fire protection as well as with other services in five political jurisdictions in which he has no direct opportunity to participate in decision-making. It might be noted that his interests in the central city may directly concern his purse, since they may involve the taxation of his salary.

Whatever course future metropolitan area policies may take, the decisions upon which those policies rest clearly will have to be made in

the light of many considerations relating to the fundamental organization, structure and powers of local government.

II

Emerging Policy Patterns

It would hardly be argued seriously that the 102nd Ohio General Assembly did more than begin an exploration of metropolitan area public policy problems. Even the question of whether there is a true need to consider those problems as an independent policy field basically remains unanswered. It may eventually be determined that metropolitan area problems are really only problems of taxation, public welfare, transportation, public health, and the like, which are subject to certain peculiar complexities in metropolitan areas of insufficient significance to distinguish those problems as a special policy field.

For the present, however, the General Assembly has indicated by formal resolution (H.R. 112) its intention to continue inquiry into the special public policy problems of concern to metropolitan areas as such. It is in the context of this continuing legislative interest in metropolitan areas as a distinct policy field that the following discussion of certain relevant actions of the 102nd General Assembly is presented.

Guiding Principles

If the discussion of fundamental considerations involved in legislative concern for metropolitan area problems presented in Part I of this article is accepted, two basic types of public policy decisions are called for. The first involves a broad determination of the degree of responsibility the state wishes to assume, both for metropolitan area problems in general, and for specific problems in specific metropolitan areas. The second involves the determination of how best to discover, in the case of specific metropolitan problems, what the specific state public policy needs of the metropolitan areas are. In a broad sense, satisfactory determinations in these two matters would constitute policy principles which could guide the consideration of all or most metropolitan area problems accessible to state policy.

It is not too much to say that the actions taken by the 102nd General Assembly reflected implied, though perhaps tentative, decisions as to both matters. These decisions, stated as policy principles, might be phrased as follows:

(1) The primary responsibility of the state for solution of metropolitan area problems is to provide the people of metropolitan areas with suitable constitutional and statutory tools for solving their own problems, and to alleviate existing constitutional or statutory impediments to local solutions, where possible without serious detriment to other important state commitments.

(2) Since the primary responsibility for solving the specific prob-

lems of specific metropolitan areas rests with the people of those areas themselves, the responsibility for identifying the manner in which state policies should be adjusted to aid specific solutions also resides primarily in the metropolitan areas, both individually and collectively.

These are not hard and fast policy principles which governed all actions of the 102nd General Assembly relating to metropolitan areas, nor are they rules which are likely to govern all future actions. The most important metropolitan area legislation enacted in 1957, however, indicates that current legislative inclinations are to start the consideration of specific metropolitan area problems from these two principles.

Proposed Constitutional Changes

The proposal of three constitutional amendments provides the clearest demonstration of legislative adherence to the rule of providing the people of metropolitan areas tools with which to solve their own problems. None of these amendments would constitute an assumption by the state of responsibility for solving any metropolitan problem. All are purely permissive, and if adopted, would simply make possible certain changes in local government arrangements and relationships at whatever time the people directly concerned might see fit to make those changes.

Two of these proposed amendments, H.J.R. 18 and H.J.R. 24, would make possible basic alterations in the distribution of functions in the organization, and to some degree in the structure, of local government in metropolitan areas. The other proposal, H.J.R. 34, relates to the provision by a municipality of certain utility-type services outside its boundaries.

Both H.J.R. 18 and H.J.R. 24, if adopted, would make it possible to broaden the governmental base for certain functions and services of local government if the people of metropolitan areas wished to do so. In the case of H.J.R. 18, the county could be used as the unit for the provision of whatever services and the performance of whatever functions the people of the county wished to assign to it. H.J.R. 24 would permit the people of a metropolitan area to create a metropolitan federation consisting of either an entire county or an area within but less than a whole county. Such a federation could be given authority to render services and functions as the people to be served might choose.

1. County Home Rule—H.J.R. No. 18.

H.J.R. No. 18 proposes to amend section three of article X of the state constitution to spell out more precisely and to facilitate the process by which the people of a county may frame and adopt a home-rule charter. For counties of more than 500,000 population, the popular vote requirements for adoption of such a charter would be lessened. This proposed amendment was adopted by the voters of the state at the general election in November, 1957.

The background of H.J.R. 18, adopted by the 102nd General

Assembly, lies in part far back in the history of the great movement for "home-rule" for local governments which swept over the nation during the first third of the twentieth century, and which has continued at a somewhat slackening pace since that time. The present article X of the constitution was adopted in 1933 to provide, among other matters, a means whereby counties could frame and adopt home-rule charters if they wished to do so. Sections three and four undertook to make this means available.

In the twenty-four years since article X was placed in the constitution, no county in Ohio has adopted a home-rule charter. Five efforts have been made in four of the state's metropolitan counties to reconstitute county governments under home-rule charters, but none has succeeded. Immediately after adoption of the county home-rule amendment in 1933, county charter commissions were chosen in Cuyahoga, Hamilton, Lucas and Mahoning Counties. Charters were drafted and submitted to the voters in all four, but none was adopted. In 1949, a charter commission was again named in Cuyahoga County, but the resulting charter was defeated at the polls in 1950.

A number of reasons might be advanced for the failure of these efforts to effectuate county home-rule under sections three and four of article X. The fact that only one county home-rule charter, the 1934 effort in Cuyahoga County, has ever been approved by a county-wide majority at least invites speculation that popular dissatisfaction with existing county government actually has been neither deep nor widespread. The 1934 Cuyahoga County charter, which did receive approval by a majority of the county's voters, fell before an adverse decision by the Ohio Supreme Court. In this decision, *State* ex rel. *Howland v. Krause*,[6] the Court interpreted both section three of article X and the provisions of the charter in such a way as to raise doubts that any county home-rule charter could be framed which would not require extremely difficult popular vote majorities for adoption.[7]

The rapid growth of Ohio's metropolitan areas over the last quarter-century, and corresponding increases in the complexities of providing local government services in those areas, have brought into sharper focus the possibility of using the county as a major service unit. Although it now has sufficient geographical jurisdiction to serve this purpose in some metropolitan areas, the county in Ohio, as in most other states, lacks the powers and organization to do so.[8] Since direct legislative

[6] 130 Ohio St. 455, 200 N.E. 512 (1936).

[7] For a perceptive analysis of both the constitutional problems involved in county home-rule in Ohio and of the Ohio Supreme Court's decision in State *ex rel.* Howland v. Krause, see Shoup, *Constitutional Problems of County Home Rule in Ohio*, 1 WESTERN RES. L. REV. 111 (1949).

[8] See AUMANN AND WALKER, THE GOVERNMENT AND ADMINISTRATION OF OHIO, 438-9.

efforts to increase county powers, especially municipal-type service powers, would possibly encounter the municipal home-rule provisions of article XVIII, legislators concerned with metropolitan problems in the 102nd General Assembly decided to propose removal of certain provisions of article X, section three which seemed unduly restrictive. If this were done, then the people of metropolitan areas would be much more free to experiment with the use of the county as a service-rendering unit of government.

Two basic revisions of section three seemed necessary. First, it was thought desirable to relax the popular vote majorities required for adoption in metropolitan counties of charters which would give the county exclusive power to perform certain municipal-type services and functions, such as water, sewer and rubbish disposal services. Second, it was thought desirable, in the light of judicial interpretations of section three, to draw a clear distinction, in the matter of required popular vote majorities for adoption, between charters which would only "alter the form and offices of county government," and/or vest concurrent municipal powers in the county, and those which would vest exclusive exercise of municipal powers in the county. H.J.R. 18 seeks to accomplish these changes in section three of article X.

The present section three requires that any charter or amendment "vesting any municipal powers in the county" be approved by a majority of those voting on the question (1) in the county, (2) in the largest municipality, (3) in the county outside the largest municipality, and (4) in each of a majority of the combined total of municipalities and townships in the county.

H.J.R. 18 would make it possible for charters which alter the form and offices of county government and/or permit counties to exercise municipal powers concurrently with municipalities to be adopted by a simple majority of those voting in the county as a whole. The second important change proposed by H.J.R. 18 would permit counties of more than 500,000 population to adopt charters vesting municipal powers exclusively in the county with only the first three of the majorities now required by section three.

The first of these changes seeks to remove the basis upon which the Supreme Court held that the 1934 Cuyahoga County charter required all four majorities for adoption. In the *Krause* case, discussed earlier, the Court held that any charter which sought to vest municipal powers in the county required all four majorities. The Court then further held that this charter did so, in that it sought to give a county council ordinance-making power, provided for initiative and referendum, and provided for establishment of a civil service commission and a county police force. H.J.R. 18 simply provides that so long as a county charter did not vest exclusive exercise of municipal powers in the county, only a simple majority in the county would be required for adoption. H.J.R.

18 further provides, by direct constitutional language, for initiative and referendum on all matters the county might control by legislative action. As a protection to municipalities and townships, the proposed amendment further specifically declares that the exercise of any powers by municipalities and townships shall prevail in cases of conflict with the exercise of the same powers by the county.

The second change proposed by H.J.R. 18 is a frank effort to ease the process by which metropolitan counties might adopt charters vesting the exercise of municipal powers exclusively in the county. Such a charter for a county of more than half-a-million population would require favorable majority votes only in (1) the county, (2) the largest municipality, and (3) in the county outside the largest municipality. In 1956, this provision would have been applicable only in Cuyahoga, Hamilton and Franklin Counties. With the 1960 federal decennial census, Montgomery, Summit and Lucas Counties may possibly reach the half-million mark.

H.J.R. 18 is in many ways a modest and limited effort to provide a more useful tool with which metropolitan areas might seek solution to their own local government service problems, and with which the people of any county, if they wish, may reorganize their county government. It contains no mandate that any county even consider framing and adopting a charter. With the exception of certain requirements for charter content, largely to protect the state's interest in county duties and functions, the people of the counties would be free to set up whatever form and organization they deemed desirable. They would be free also to endow the county government with many, few or no municipal powers. Although the popular vote majority requirements would be eased somewhat for the largest counties, the three majorities still required would continue to provide substantial barriers to a central-city majority attempting to ride rough-shod over an outlying-area minority.

It may be noted that the amendment proposed by H.J.R. 18 would make possible, as a by-product, extensions of popular democratic control over certain local government services where such do not now exist. To the extent that a county home-rule charter provided for county-wide administration of certain services, the people of the county as a whole would be able to exercise a voice in the supervision of those services. For example, if water distribution were made a county-administered service, the people living in suburbs or unincorporated areas around a central city who are now all but dependent on the central city for water would be able to exercise a more effective influence in matters relating to their water supply.

The adoption of H.J.R. 18 by the state's electors in November 1957 provides a rough measure of the degree of popular desire for experimentation with local government forms and distribution of powers

as possible ways of dealing with metropolitan area problems.

2. Metropolitan Federations—H.J.R. 24.

Among proposals for restructuring local government in metropolitan areas, the federation of existing local governmental units into some kind of "union" for specified purposes has found favor in many quarters.[9] H.J.R. 24 proposes to add a section five to article X of the Ohio constitution to enable the people of the state's metropolitan areas to form such federations if they wish. H.J.R. 24 also proposes to add a section six to article X, which would subject the exercise of municipal-type powers by either counties or metropolitan federations to the same constitutional limitations applying to the exercise of such powers by municipalities.

One of the major attractions of the metropolitan federation is that it can be formed without disturbance of existing local governmental units. Furthermore, such federations offer a considerable degree of flexibility in that they may be assigned one or many functions and duties by one or more of the component units, to be exercised in all or part of the area. An objection sometimes raised is that a metropolitan federation would be simply one more unit of local government added to the already confusing conglomeration of units existing in metropolitan areas.

Most students of metropolitan area problems see the metropolitan federation as a device not only for performing services and functions through a common administration for a number of municipalities and townships within a county, but also for bridging county lines to perform such services and functions on a need-area basis. Its capacity to serve as an inter-county service agency for certain purposes is advanced as one of its chief advantages. The federations which would be possible in Ohio, however, if the amendment proposed by H.J.R. 24 is adopted, would be composed only of governmental subdivisions within single counties or parts of single counties. As originally proposed in the House of Representatives, H.J.R. 24 would have provided for inter-county federations. Such a change from existing patterns was regarded by many members of the General Assembly as too drastic, and the proposal, as finally adopted by both houses, does not contain the inter-county feature.

Under the amendment proposed by H.J.R. 24, any county or part of a county containing a city of more than 50,000 population according to the last preceding federal decennial census could be formed into a metropolitan federation. If the entire county were to be included in the area, all units of local government would be members, including the county unit. If less than an entire county were to be included, the county

[9] Among the most recently formed metropolitan federations in the United States is that activated by vote of the people of Dade County, Florida, in the spring of 1957. This charter assigns to the federation government a limited number of governmental service functions to be performed for the City of Miami and other local units existing in the area.

could not be a member. Provision is made for the addition of municipalities or townships to the federation after it is formed, but no specific provision is made for the later inclusion of the county unit. Since the component units would not participate as such in the federation government, the specification of units composing the federation would do little more than determine its geographic extent.

Metropolitan federations set up under H.J.R. 24 would be constituted by locally drafted charter, submitted by a charter commission to a vote of the people of the area to be included. Action for a charter commission could be initiated in one of three ways: (1) by two-thirds vote of the legislative authority of the most populous city; (2) by two-thirds vote of the board of county commissioners; or (3) by petition signed by a number of electors of an area specified to be included, the number to be not less than ten per cent of the electors in that area who voted for the office of governor at the last preceding general election.

A proposal for the formation of a federation charter commission would be submitted to a vote of the electors in the area to be included at the next general or primary election occurring not less than ninety days following the adoption of the submitting resolution. The same ballot submitting the question would also provide for the election of the commission, providing a majority of those voting favored the commission. The commission would consist of fifteen members, elected at large from the area proposed for federation. Candidates would be nominated by petition, and the fifteen receiving the highest number of votes would be declared elected. Not more than seven candidates from the same municipality or township could be declared elected.

H.J.R. 24 specifies certain provisions required to be included in federation charters and also specifies certain elements which may be included if the commission wishes. Such a charter must provide for the form of government of the federation, determine which offices shall be elective, and specify the manner of their election. The charter must also designate the powers vested in the metropolitan federation, and specify the duty or duties it is to perform. Popular election of both the principal executive officer and the officers exercising legislative authority must be provided. Provision must be made for participation by the federation in the distribution of the revenues of the component units to the extent that powers and duties of those units are delegated to the federation.

A metropolitan federation could be given any powers vested by the state constitution or laws in townships and municipalities, and where the federation is to encompass an entire county, any powers vested in counties. The federation is to be strictly limited to the exercise of designated powers. A federation charter may provide for either concurrent or exclusive exercise by the federation of any or all of the designated powers in any part or all of its area. Provision is to be made in federation charters for succession by the federation to township, municipal or county

rights, property and obligations incident to powers of such units vested in the federation.

Three popular vote majorities would be required for adoption of a metropolitan federation charter or charter amendment: (1) in the entire area proposed for federation; (2) in the most populous city; and (3) in the territory outside the most populous city. Amendments to a federation charter could be proposed either by the federation legislative authority on its own initiative, or by that authority mandatory upon popular petition.

Provision is made in the proposal of H.J.R. 24 for addition of units within the same county to an existing federation. Units eligible for addition would be townships or municipalities. Both consent of the legislative authority of the federation and a favorable popular vote in the unit proposed for joining would be required for addition of such a unit to a federation.

The amendment proposed by H.J.R. 24 is to be submitted to the electors of Ohio in the general election of 1958. This schedule, which was placed in the proposal during the last-minute negotiations surrounding a conference committee report, separated the voting of H.J.R. 24 from that on H.J.R. 18.

3. Sale of Municipal Water and Sewer Services—H.J.R. 34.[10]

The amendment to the state's constitution proposed by H.J.R. 34 was originally designed simply to remove an existing constitutional limitation on the amount of water and sewage service a municipal utility is permitted to sell outside its boundaries. Under present provisions of section six, article XVIII of the state constitution, a municipality operating a utility is forbidden to sell outside its boundaries more than fifty per cent of the total product of the utility sold within its boundaries. H.J.R. 34, as finally adopted by the 102nd General Assembly would remove this limitation in respect to water and sewage service.

During its legislative course through the General Assembly, however, H.J.R. 34 acquired several additional features. The significant language added to the proposal would appear to give the General Assembly power to regulate the sale and delivery of the service of any municipal utility outside its boundaries, including water and sewage service. Presumably this provision might mean state regulation, in the matter of rates and otherwise, of such municipal utility service sales through the Public Utilities Commission.

Because of the addition of this feature to the proposed amendment, the primary source of support shifted drastically. In its original form, the proposal was supported by the large municipalities of Ohio. As finally proposed, the amendment at this writing was being subjected to heavy opposition from the large municipalities.

[10] The procedure by which H.J.R. 34 was adopted was held to be fatally defective; the Secretary of State was enjoined from further action on H.J.R. 34 and a writ of mandamus to force submission to the electors was disallowed. Leach v. Brown, 167 Ohio St. 1, 145 N.E. 2d 525 (1957) [Editor's note].

The background of H.J.R. 34, as adopted, involves a familiar metropolitan problem in Ohio. Some metropolitan central cities have used the sale of water and sewage services to outlying unincorporated areas and suburban municipalities as weapons in an effort to bring about annexations of those areas to the central city. High rates, plus the imposing of strict conditions for extensions of service have been the tools used in this effort. In cases where the central city has had something approaching a working monopoly over water supply sources, the effort has met with some success, although not without recriminations from suburban areas. The subjecting of such sales to state regulation through general law, as would be authorized by H.J.R. 34, would possibly bring an end to the use of this device as an annexation lever. It would presumably be possible, under the amendment proposed by H.J.R. 34, for the General Assembly to authorize the Public Utilities Commission to require extensions of services under certain circumstances, as well as to regulate rates charged.

4. An Omnibus Metropolitan Area Act—H. B. 791

In H.B. 791, the 102nd General Assembly undertook to accomplish three objectives deemed desirable for metropolitan areas. This bill also contains an amendment to section 305.02 of the Ohio Revised Code requiring a county commissioner appointed to fill a vacancy to be of the same political party as that of the member whose position became vacant. This provision would of course apply to all counties.

First, H.B. 791 enlarges the board of county commissioners in any county with more than a million population from three to five. At present, this provision will affect only Cuyahoga County. The two additional commissioners to be elected in Cuyahoga County will be chosen in the November, 1958, election.

Second, two new sections of the Ohio Revised Code, sections 305.29 and 305.30, were enacted to permit any board of county commissioners to employ a county administrator, to serve as "the administrative head of the county under the direction and supervision of the board." The duties of the county administrator, although some are specified in section 305.30, would largely be determined by the commissioners. The purpose of these provisions is primarily to allow the commissioners of large counties, if they wish to do so, to focus administrative responsibility for the county's business in a single individual responsible to the commissioners. Any county, however, could employ an administrator if it chose.

Third, sections 307.15 and 307.16 of the Ohio Revised Code were amended to permit county commissioners and the legislative authorities of other units of local government a broadened authority to contract for the provision of local government services and for the exercise of powers. Under these provisions, a governmental subdivision may contract with the county for the latter to perform virtually any function that subdivision is authorized to perform. The contractual arrangements made

possible by the combination of earlier law and the enactments in H.B. 791 provide a device by which the various individual governmental units in a metropolitan area might contract with the county to supply many of the services those units now supply individually. For example, if the county commissioners were agreeable, one or more small municipalities might contract with the county to supply police protection or rubbish collection service.

In addition to the contractual arrangements now possible among units within the same county, H.B. 791 also directly authorizes boards of county commissioners in two or more counties to contract with each other or to create joint agencies for the exercise of any power, the performance of any function, or the rendering of any service within the power of a board of county commissioners.

The possibilities of these contractual agreements among governmental units in metropolitan areas is a little-explored field for potential solutions to some metropolitan area problems. While some intergovernmental contracting has taken place in Ohio, it is possible that a great deal more could be accomplished through this device than has been undertaken. When viewed as a whole, the authority already granted by the General Assembly to local units to enter into contracts with one another for various purposes forms a pattern whereby the people of a metropolitan area may, if they choose, broaden the base from which virtually any municipal-type service or function is to be administered. That such arrangements call for a high degree of cooperation among governmental units is clearly recognized. It is safe to say, however, that if the people of those units are sufficiently aware of needs, and if the demand for solutions to problems is sufficiently strong, ways of achieving the necessary cooperation are likely to be found.

5. Unfinished Business

It is all but certain that the 103rd General Assembly in 1959 will face a large number of legislative proposals designed to deal with various phases of metropolitan area problems. One of these problems without doubt will involve revision of the annexation laws of the state. The 102nd General Assembly in 1957, under the leadership of certain members of the new House Standing Committee on Metropolitan Areas, undertook a modest revamping of the annexation laws. Their efforts were embodied in H.B. 703, which was advanced to the House floor from among some eight other bills relating to annexation. H.B. 703 was passed by the House, was considered and recommended for passage by the Senate Committee on Municipal Affairs, but died at the end of the session when the Senate Rules committee failed to give it a place on one of the several "jitney" calendars which were dealt with in the Senate during the closing hours of the session.

Among the major changes included in H.B. 703 was a provision which would have permitted business firms and private corporations to

sign annexation petitions. Under present law, only resident adult freeholders may sign such petitions. The proposed change would have eliminated both the residency and freeholding qualifications by specifying that the group of persons authorized to petition for annexation must be "owners." This alteration also would have had the effect of permitting non-resident developers of residential housing to petition for annexations.

The bill would have reduced somewhat the time lapses now required between various stages of the annexation process. The annexation of unincorporated territory to a municipality upon petition by the municipality would have been made somewhat easier by a change in the requirement for popular vote. Where a vote must now be taken on the question in the entire "unincorporated area of the township," the change would have limited the vote to the area proposed for annexation. The bill also would have reduced from five to two years the waiting period required after an unsuccessful effort by a municipality to annex unincorporated territory, before a new annexation petition could be filed by the municipality.

While these provisions and others of lesser importance in H.B. 703 did not constitute a major overhauling of the annexation laws, their overall effect would have been to ease the process somewhat and to shorten the time for its operation. Since the annexation of unincorporated territory to municipalities in metropolitan areas is one of the major points of focus for interest in metropolitan problems, it can be said safely that the provisions of H.B. 703, along with many others related to the problem, will come before the 103rd General Assembly.

Also reflective of unfinished business in the metropolitan area public policy field was the adoption at the end of the 102nd General Assembly of three resolutions requesting the Legislative Service Commission to make studies and report findings relating to metropolitan affairs. H.R. 112 requested the continuation of general study of metropolitan area problems begun at the direction of the 101st General Assembly. H.R. 93 requested inquiry into the problem of overlapping municipal income taxation. H.J.R. 47 requested study of the possibility of provision by the General Assembly of alternative forms of county government. At its first meeting after ajournment of the 102nd General Assembly, the Legislative Service Commission combined these three resolutions into a single project for inquiry by a study committee headed by Senator Fred L. Hoffman (R-Hamilton Co.).

At this writing, the exact scope of the study had not yet been defined by the study committee, although several possibilities were clear. Interest in alternative forms of county government arises from an unused provision of article X of the constitution which empowers the General Assembly to provide alternative forms from among which the electors of a county might choose the one deemed most desirable. There was some interest in this device as a possible further extension of alternatives

for strengthening county government in metropolitan areas during the 102nd General Assembly. One bill, H.B. 636, was introduced to accomplish this purpose, but it failed to emerge from the House Metropolitan Areas Committee.

The question of overlapping municipal income taxation raises many troublesome problems relating to the whole field of intergovernmental fiscal relationships and local government financing in metropolitan areas. Under the general instruction to continue the study of metropolitan area problems, the study committee and the Service Commission staff are likely to explore further the question of relationships among local governments specifically, the laws relating to annexation, incorporation, consolidation and dissolution of governmental units.

III

SUMMARY

Although the 102nd General Assembly was the first to give metropolitan area problems at least tentative treatment as an independent area of public policy, the legislators showed little if any inclination to try to "solve" those problems by direct state action. Indeed, there was little evidence of strong demand from any of the metropolitan areas for specific state action to solve specific problems.

The constitutional amendments proposed and the statutes enacted, however, form an identifiable policy pattern. The basic objective clearly was to supply the people of the state's metropolitan areas with authority to deal in a fairly wide variety of ways with whatever problems they might later identify. For example, if both H.J.R. 18 and H.J.R. 24 are approved by the state's electors, the people of any metropolitan area wishing to broaden the base for the provision of local government services may undertake either the drafting of a home-rule county charter or the formation of a metropolitan federation. If they should desire to accomplish much the same objective without disturbance of existing local government patterns, they may utilize the provisions of H.B. 791 authorizing a wide variety of intergovernmental contracts.

It is possible, of course, that state policy in the future may shift to an assumption by the state of greater responsibility for solution of specific metropolitan area problems. At present, however, the major responsibility for identifying metropolitan area problems, for analyzing their nature, and for devising specific solutions rests firmly in the metropolitan areas themselves.