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Alternatives for Governmental Organization

ISSUES AND
ALTERNATIVES



State and local governments throughout the nation face financial crisis. Consequently, they are becoming increasingly dependent upon the federal government for financial aid. In 1950, federal grants-in-aid to state and local governments amounted to about \$2.3 billion; but by 1977 this had risen to over \$70 billion.

Our most pressing fiscal problem is finding more efficient and effective methods of providing needed public facilities and services. The problem will grow in magnitude with continued change in population, inflation, and demands for services unless alternative methods of dealing with it are understood and applied.

This can best be accomplished by public study and discussing of the issues and alternatives. The University of Missouri is committed to such public affairs education. As the State University, it must help the citizens of Missouri to better understand and deal with critical issues. The University can provide facts and present alternatives for consideration; but only the people of Missouri can or should decide what to do about public issues. The information in this publication is designed to help you to better understand and deal with the critical problem of meeting the growing demands upon government.

ALTERNATIVES FOR GOVERNMENTAL ORGANIZATION

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Are there alternatives for organizing government at the local level? Yes, no, and perhaps. One or more options are permitted by current law for a small number of governments. Many now have no options offered to them. Numerous options thought to have merit have been proposed as enabling legislation but failed to gain adoption. In addition, among the few alternatives legally permissible some have political liabilities rendering them unusable. To consider alternatives, it is probably best to begin with those available legally.

Governmental Consolidation

Cities adjoining other cities or separated by a road or stream may consolidate into a single city by a simple majority vote. In St. Louis County, with its multitude of municipalities, this has happened frequently and continues. In the rest of Missouri, numerous consolidations have been proposed over the years, but wide inquiry found only one instance where it had been accepted.

The successful St. Louis consolidations, in most instances, could more accurately be called absorptions. The common pattern has been for a small village or city simply to become a part of the larger city it adjoined. The successful outstate consolidation in the Bootheel in 1960 involved two adjoining small towns that became a single town with a new name. In most unsuccessful consolidation attempts the name has provided the first stumbling block in the campaign. This is commonly followed by difficulties over which city's ordinances will control, which city's officials will hold the new offices, and similar matters.

Any county may consolidate with a county that it adjoins and legal permission to do so has existed for many years. None ever has, nor has a county consolidation ever been formally proposed. In a few cases, county consolidation has been informally investigated and then dropped. This is probably best explained by a 1969¹ study which investigated what would happen if a very poor county and a fairly prosperous adjoining county were combined. The savings from eliminated offices, operations and expenses were calculated. Then they were reduced by the single cost factor of added mileage for an average of two trips per family per year to the new county seat from the closed county. At a four cents per mile charge, costs outweighed savings.

As an alternative for organizing local government, total consolidation falls far short of all that could be desired. At the

city level the option is unavailable to most cities, which tend to be free-standing rather than contiguous to each other. At the county level the option seems to be both unworkable and politically undesirable, as the years of unused capability attest.

Piecemeal Consolidation

The functions of government, viewed individually, are a different matter. Cooperative effort on a specific operation is seldom even considered to be consolidation. It is, however, functional consolidation or combination for a specific operation or operations.

Consolidation has proved to be both workable and in instances unavoidable on a less-than-complete basis. Functions, particularly those with specialized qualification requirements such as specific degrees, have been consolidated temporarily and sometimes permanently. A vacant magistrate/probate judgeship or prosecutor's post in a county where no practicing attorney will take the appointment has often resulted in the sharing of such official between two counties. The circuit judge, court reporter, public defender and, more recently, juvenile officer are common examples of this. The associate circuit judge-municipal judge option in court reform amendments adopted in 1976 is such. The perennial proposal for municipal power pooling in electrical service, a different type of functional consolidation, is certain to gain added notice with the energy crisis. Other specialized positions likely to become candidates for consolidation when and where conditions warrant are city attorney, county surveyor, city or county engineer, and perhaps others.

Another direction of functional consolidation is internal, between a county and some or all of its cities. Quite workable arrangements with city police being deputy sheriffs, counties billing and collecting city taxes, cooperative inter-governmental purchasing for quantity discount, combined or contract road/street maintenance or construction, jail operation, city/county assessors, and even building or park ownership, are well accepted at various locations.

Custom Design

Cities with a population over five thousand and counties over eighty-five thousand population have the option of designing their own governmental structure. Under this option a commission is formed to draft a proposed charter. In cities commissioners are elected and must file nominating petitions to be considered for election. Counties commission-

¹*Costs, Revenues and Simulated Consolidation of Missouri Counties*: Klindt and Braschler; Agr. Exp. Sta. Res. Bull. 949 (1969)

ers (seven from each political party) are property owners appointed by the circuit and probate courts.

In either instance the commission meets, studies, deliberates, possibly argues, and proposes. A relatively free hand is given to fit the number and kinds of officials, their duties and salaries, and the scope of government, to the needs of the community. Since 1972, the charter may contain any such provisions that are not in violation of state law. The extent of this change is not clear because it has not yet received court test.

After the commission has drafted a charter proposal it goes before the voters. This can be either as a complete package, a portion at a time, or with alternative sections or alternative charters. A majority of the voters may either adopt or reject.

Of the seven counties eligible, two now operate under charters, with wide variations. St. Louis County has a seven-member, district-elected county council, and an elected supervisor. Jackson County elects a fifteen-member legislature by districts and a county executive. Buchanan, Clay, Greene, Jefferson, and St. Charles counties have in years past considered and rejected home rule charters. Of the 98 cities eligible, twenty operate under charters. These, as might be expected, contain a wide range of variations.

Common alternatives often considered under charter proposals are district versus at-large election, partisan versus nonpartisan election, elective versus appointive management, employee accountability to officials or to specified standards (patronage versus tenure), and organizational matters of this sort. For many years it was nearly automatic for home rule proposals to include at-large, non-partisan elections, merit system employment, and hired professional management. Recently several have broken this pattern. St. Joseph lived with non-partisanship only one term before returning to Democratic/Republican infighting. Jackson County increased representation from 3 to 15 in replacing a county court with a legislature.

Custom-designed government by local option probably will increase in Missouri in coming years. Proposals to lower the county population requirements have frequently faced the General Assembly, some even removing size qualifiers entirely. City population requirements were lowered in 1972, and 4 of 47 eligible have so far chosen this option.

It should be emphasized and understood that there is no home rule form of local government. Optional authority for home rule leaves the form strictly up to the citizenry. It is conceivable, though hardly practical, that a charter could call for an elected dictator to serve as absolute commandant of a city or county. It is likewise conceivable that a charter could require every official decision made by a city or county to be submitted for voter approval, though citizens would soon tire of paying for elections monthly to decide whether or not employees be paid. A charter can be broad or restrictive. It can give general powers or be trivial. In short, it can be whatever the commission designs and the citizens accept. There is but one inviolable rule—a charter must contain

provisions for its amendment. The voters, having changed their minds, must have authority to institute such changes.

Other Limited Alternatives

The foregoing exhausts most alternatives, both legal and pragmatic, for counties under present law. Cities have a few more options. A commission form and a council-manager form are offered third class cities under Missouri statutes. A city administrator form is authorized for all third and fourth class cities. The first two are rigidly prescribed forms, with detailed statutes setting forth the structure and the style of operations. The third, by administrator, is not really a form but an authorization to design one. All three alternatives are intended to provide more professional management than is possible for a city with only part-time officials.

Of 601 third class cities, only five use the commission option and their numbers have been declining nationwide as well as in Missouri. Twenty cities have the statutory council-manager form, and their numbers seem to be neither gaining nor declining significantly. Thirteen of the 20 charter cities also have managers, but under terms of their individual charters rather than by statutes. The addition of a full-time professional administrator to the existing governmental structure seems to be increasingly desirable in Missouri cities. Nearly 40 cities of various organizational structures have city administrators. A number of others are considering this option. Strangely, professional management options for counties have seldom been proposed. The appointed county manager or county executive common in other states has no counterpart in Missouri. In two of the 115 counties having such a function, the post is elective.

Trends

Much of the thrust of local government alteration and reform in this country has been toward appointive professional management. Missouri, perhaps because of Jeffersonian-Jacksonian philosophic convictions, has been less hospitable to this than some other states. While it is well accepted in some areas, particularly in the larger cities, it is close to unacceptable in many other areas. Funded programs to establish circuit managers for small cities have recently been enthusiastically received in some areas and flatly declined in others. It appears relatively certain that widespread improved management in government at the local level, if it is to come, will be largely in the hands of elected officials in much of Missouri.

The proliferation of special district governments to address specific needs not encompassed in general government authorities seems to insure that Missouri will have more, rather than fewer, governments in years to come. The combination of restrictive grants of powers, commitment to elective accountability, mistrust of government in general, and conviction that citizenship is sufficient qualification for holding office make Missouri relatively certain to remain among the so-called "least reformed" states when reform is defined in terms of centralization.

The Montana Experience

An unprecedented undertaking in alternative examination has been conducted in the West. Though Montana is quite different in political complexion and culture than Missouri, its

experience should be of considerable interest and benefit to Missourians.

Montana is very large in terms of area but tiny in terms of

government, having 56 counties and 126 cities. This compares with Missouri's 114 counties and about 900 cities. Sheer numbers would probably prevent accomplishing the Montana experiment in Missouri, but any comprehensive consideration of organizational alternatives would have to examine their experience in detail.

The Constitutional Mandate

The 1972 Constitutional Convention considered, among other things, questions of local government in Montana and whether or not it was in need of structural reform. Delegates wrote into the constitution a unique mechanism for assessment and potential accomplishment. A constitutional requirement was made that every county and city elect a study commission of citizens to conduct a review of government and propose possible alternatives. The legislature implemented the general outlines by providing a legal foundation for a wide range of governmental options. In addition, a state commission on local government was set up to provide assistance to the local study commissions. The entire effort was completed by the end of 1976.

The ingenious facet of the statewide review was that no county or city was required to adopt a different governmental structure; yet, no county or city was allowed to keep its present system without the voters affirming that this was their preference. Even if no city or county changed anything, the process forced citizens to become more familiar with their government. In effect, the procedures became a massive civics lesson for the entire state. Although the Constitutional requirement contained no enforcement mechanisms or any penalties for non-compliance, every county and almost every city conducted studies and made recommendations for reorganization.

The Procedures

Each commission was given a threefold general charge: to conduct a study in depth of the existing government, to propose a workable alternative fitted to local needs and circumstances, and to place the reform proposal before the citizenry during 1976. Five cities did not hold elections, although only one city failed to elect a study commission to consider alternatives. Every county complied.

Charters

The primary decision before the commissions was whether or not to take the charter option. If the commission so chose, self-government was open as an alternative. Under a charter, the county or city would not be restricted within the boundaries of general statutes setting forth particular governmental forms, but could design a form to fit the specific community. This was in many ways the broadest option offered the commissions, and necessarily had to be considered prior to acceptance of statutory alternatives.

Of the commissions, 66 per cent proposed charters. County commissions proposed this in over three times as many instances as city commissions, as shown in Table I.

Table I: Study Commissions Proposing Charters

Governmental Unit	Total Number	Proposing Charters	Percent of Total
County	56	40	71.4%
City	126	26	20.6
Total	182	66	36.2%

This difference may signify little other than a more limited range of statutory options offered counties. The restrictive nature of general statutory charters, as opposed to home rule charters, has traditionally impacted counties more severely than cities. Less than nine percent of the jurisdictions (three counties, 13 cities) ultimately adopted charters.

County Options

Of the alternatives offered counties and presented to voters, a manager under a charter proved to be the most popular. Almost as many county study commissions placed a modification of the existing commission option before the voters. Other proposals were for a county executive, an administrative assistant to the county commission, and a full-time chairman of the commission. Table II shows the recommendations of county study commissions and their disposal by Montana voters.

Table II: County Recommendations and Results

Option	Proposed	Accepted	Rejected
Charter with Manager	18	0	18
Modified Commission	16	0	16
Charter with Commission	9	2	7
Charter with Executive	6	0	6
Charter with Adm. Asst. to Commission	3	0	3
Charter with Consolidation	3	0	1
County Manager	1	0	1

Sub-options offered citizens a separate vote covering a wide range of typical reform proposals. Most were conditional upon acceptance of the alternative proposed and only a few stood independently. Table III summarizes these proposals and their disposition. Only non-partisan elections and consolidations of county and city police gained significant acceptance.

Table III: County Sub-Options and Their Disposition*

Option	Proposed	Accepted	Rejected
Non-partisan elections	16	16	0
Law enforcement consolidation	4	3	1
At-large election	3	1	2
Home rule powers	2	1	1
Expanded commission	2	0	2
Lengthened term	1	0	1
Appointed: Sheriff	3	1	2
County Attorney	2	0	2
Public Adm.	2	0	2
Supt. Schools	2	0	2
Clerk	1	0	1
Auditor	1	0	1
County Exec.	1	0	1
Treasurer	1	0	1

*Most sub-options were conditional upon acceptance of major alternative

City Options

Study commissions in Montana's cities presented a somewhat broader range of options to their voters. Their success rate was greater than that of counties (22 percent as opposed to 7 percent), but many of the accepted modifications

were quite minor. Most acceptable were changes from partisan district to non-partisan at-large elections. Tables IV and V present these results.

Table IV: City Recommendations and Results

Option	Proposed	Accepted	Rejected
Modified Mayor-Council	79	19	60
Charter with Manager	12	3	9
Charter with Executive	5	2	3
Charter with Consolidation	3	2	1
Charter with Chairman	2	0	2
Town Meeting	8	1	7
City Manager	7	0	7
Elected Chairman	4	1	3
Disincorporation	4	0	4
Executive with Adm. Asst.	1	0	1

Table V: City Sub-Options and Their Disposition*

Option	Proposed	Accepted	Rejected
Home rule over general powers	10	8	2
Non-partisan over partisan	7	7	0
Common councils	3	2	1
Common police	1	0	1
At-large over district	1	1	0
Manager over mayor	1	0	1
1-term limit	1	1	0
Appointed over elected treasurer	1	0	1

*Most sub-options were conditional upon acceptance of major alternative

Summary from Montana

The net results of all the foregoing activities suggest several things. First, the citizens of Montana seem reasonably well satisfied with local government as it currently exists; secondly, the conspiracy the state's extreme right wing assumed would eliminate local government and institute regional government either does not exist or is remarkably ineffective; thirdly, blue-ribbon commissions appear more eager to propose massive change than local officials have been in the past; fourthly, Montanans undoubtedly have a better understanding of local government than their counterparts in the other 49 states.

In the convention deliberations preceding the inclusion of governmental review in the Constitution, it was generally assumed that initial impetus had been a limiting factor for reform. By institutionalizing that impetus it was felt the citizenry would follow through and widespread reforms would be adopted. This appears to have been an erroneous assumption. It is possible that structures and procedures viewed as highly desirable by political scientists and academicians are not perceived as such at the grass roots. However, although the number of changes was small, it was far greater than the usual number in a comparable period.

The procedures were not a one-time operation. The same review process will be repeated at 10-year intervals beginning with the next election in 1986. Full assessment of the results of decennial governmental review will require several cycles of the process. As the periodic studies become less unique they may produce greater results . . . and again, they may not.

Alternatives and Missouri

This publication began with the question "Are there alternatives for organizing government in Missouri?" The question might better be phrased, especially in view of the Montana experience, "Are there acceptable alternatives . . . ?" Section I explored thoroughly the existing and pragmatically possible Missouri alternatives. Section II reported the accomplishments of Montana's structured and institutionalized alternative seeking.

If both the governed and those who govern feel no need for alternatives, electoral majorities favoring change do not materialize. Reform means different things to different people. While small numbers stand ready to embrace any change labeled "improvement," a large majority of Missourians are skeptical. Citizens of Missouri may not be so much hesitant to change as they are hesitant to change rapidly.

A Lesson

Perspective can be drawn from the 23 counties in Missouri retaining township government. In some eastern states, townships are a viable functioning governmental unit. In some western states, townships exist primarily with title and without function. In parts of Missouri, townships are an operative general government. They handle the road system, although most are ill-equipped, underfinanced, and incapable of providing what most Missourians would deem minimal

service. They handle tax assessment, often causing substantial intracounty disparities. They handle tax collection, with an informality shocking to new citizens upon their first exposure.

Most Missouri townships are somewhat outmoded, feebly functional, administratively impossible, and incapable of coping with present-day needs and responsibilities. Yet townships are both cherished and invulnerable in the counties where they exist. Repeated attempts in various counties to exercise the legally-provided option of abandoning township government and adopting county organization have met with overwhelming defeat. Though many supporters recognize problems in township organization, to voters it remains preferable over the alternative.

This offers a commentary on governmental alternatives and their acceptability in Missouri. Reform does not come easily. Alternatives accepted as improvements elsewhere in the nation are not readily embraced here. The "show me" mentality demands proof of preferability, and then prefers to contemplate upon this proof at length prior to decision.

A Practical Assessment

Gradualism is the most likely road to governmental reform in Missouri. Widespread and rapid adoption of alternatives is not likely to occur. Change, if it does come, is likely to appear

in increments at scattered locations. The process is slow, but the end result may well be more solidly based and thus more likely to work.

For example, if the General Assembly were to remove all population restrictions from home rule, it would make the charter alternative available to every city and county. A likely scenario would be that within the first two years, perhaps one county and a half-dozen cities would successfully propose and adopt charters. If these worked well—actually brought improvements—and caused little political backlash, by the five-year point the number of adoptees would be doubled. By the twentieth year, given ongoing positive accomplishment, perhaps one-third of the state's local governments would have charters. A second one-third would adopt the alternative between the 20-to 50-year point. The final third would not have done so by the 100-year anniversary. All of this, of course, is assuming ongoing positive accomplishment. A negative experience in two or three cities or counties would delay the timetable.

It is possible that the most effective alternative for improving Missouri local government may be the least

dramatic. Small changes in operations, procedures or organization can have massive cumulative impact over time.

Massive changes, particularly those originating from external pressures, do not always have the anticipated impact. The mandatory municipal budget law adopted in 1961 is a good example. Requiring that every city make a budget and file a copy with the state, it was designed to bring about widespread improvement in local fiscal management. Most cities ignored it.* The number of cities now using budgeting is growing, but it appears cities have adopted budgeting more from a recognition that this process improves the prospects of accomplishment than from the pressure of statutory requirements.

The alternative of leaving things as they are, as the Montana experience demonstrates, is a powerful one. Conscientious officials, interested citizens, and informed publics remain the secret of improved government. This is simultaneously one of the strengths and one of the weaknesses of democracy.

*The law requires filing of a budget copy with the State Auditor's office. For a number of years, less than five percent of the cities complied.

This publication is one of six reference documents on "Government in Missouri: Organization and Finance." It is part of an educational program developed by a University of Missouri interdepartmental committee chaired by Professor Bryan Phifer, Department of Regional and Community Affairs, UMC. The six publications in the series and their authors are:

- *Stresses on Local Government*—John Ballard and Fritz Culver
- *Political Culture of Missouri*—Richard Dohm
- *Trends in State and Local Government Finance in Missouri*—Curtis Braschler
- *Basic Principles of Public Financing*—Jack Timmons
- *Alternatives for County Government Organization*—John Ballard
- *Alternatives for Providing Public Facilities and Services*—Robert Bevins

These basic reference documents supplement the study-discussion leaflets prepared for the educational program. They are intended for use by teachers, discussion leaders and others who need more information than provided in the leaflets.



