

**MINUTES**  
**LINCOLN-LANCASTER COUNTY CONSOLIDATION TASK FORCE**  
**COUNTY-CITY BUILDING**  
**555 SOUTH 10<sup>TH</sup> STREET, ROOM 210**  
**FRIDAY, MARCH 8, 2013**  
**8:30 - 10:30 A.M.**

Committee Members Present: Russ Bayer, Dick Campbell, Mike DeKalb, Jan Gauger, Dale Gruntorad, James Jeffers, Larry Lewis, Jean Lovell, Amanda McGill, Larry Melichar, Darl Naumann, W. Don Nelson, Ann Post, Kerry Eagan (Ex-Officio), and Trish Owen (Ex-Officio)

Others Present: Ann Taylor, Lancaster County Clerk's Office

The meeting was called to order at 8:30 a.m.

**1 INTRODUCTION AND CHARGE TO THE TASK FORCE** - Jane Raybould, Lancaster County Commissioner and Carl Eskridge, Lincoln City Council Member

Members of the Task Force were introduced:

- Russ Bayer, businessman and former Lincoln-Lancaster County Planning Commissioner
- Dick Campbell, owner of Campbell's Nurseries and past chairman of both the Lincoln and Nebraska State Chamber of Commerce
- Mike DeKalb, retired planner with the Lincoln-Lancaster County Planning Department, with expertise in rural issues
- Kerry Eagan, Lancaster County Chief Administrative Officer
- Jan Gauger, former Lancaster County Commissioner
- Dale Gruntorad, retired certified public accountant and chairman of a previous county consolidation study committee
- James Jeffers, founder of James Arthur Vineyards of Raymond and previous owner of Quality Pork International
- Larry Lewis, semi-retired transportation engineer with Speece Lewis Engineers
- Jean Lovell, retired Lancaster County Judge and formerly directed the Governor's Policy Research Office and chaired the Nebraska Board of Parole
- Amanda McGill, State Senator and Chairwoman of the Legislature's Urban Affairs Committee

- Larry Melichar, regional director for Home Services of America (known as Woods Brothers Realty and Home Real Estate) and former chief executive officer/president of CBS Home Real Estate in Omaha
- Darl Naumann, Sales and Marketing Director for Ayars and Ayars, an engineering firm, and former City of Lincoln Economic Developer
- W. Don Nelson, publisher of the Prairie Fire newspaper, businessman, and former aide to former Nebraska Governors Tiemann, Exon and Kerrey and former U.S. Senator Nelson
- Trish Owen, Deputy Chief of Staff, Mayor's Office
- Ann Post, Director of Policy and Research for the Lincoln Independent Business Association (LIBA)

Jane Raybould and Carl Eskridge, Chair and Vice Chair of the City-County Common, respectively, welcomed members of the Lincoln-Lancaster County Consolidation Task Force. They presented the charge to the Task Force as exploring and making recommendations on possible merger or additional cooperative efforts between the following departments:

- City Public Works & Utilities and the Lancaster County Engineer's Office
- Lincoln Police Department (LPD) and the Lancaster County Sheriff's Office
- City Clerk's Office and County Clerk's Office
- City Attorney's Misdemeanor Prosecution Division and the Lancaster County Attorney's Office

Eagan said another area the Task Force might want to look at is the City's Attorney's Juvenile Division because the majority of the work in Juvenile Court is handled by the County Attorney's Office.

DeKalb asked whether the charge is limited to those agencies. Eagan said that is the original charge but the County Board and City Council recognize the Task Force may make additional recommendations.

Nelson felt many of the previous consolidation efforts have failed, in part to institutional tension between the elected officials and general purpose governments, and suggested the Task Force schedule discussion at one of its initial meetings on how to resolve that issue.

## **2 ORGANIZATION OF TASK FORCE**

### **A. Chair**

Post volunteered to serve as the Chair. There was no objection and Post assumed direction of the meeting.

## B. Staffing

There was consensus to have Eagan and Owen serve as co-facilitators initially and to reserve the option to hire a professional facilitator at a later date.

The County Clerk's Office will be responsible for taking minutes at the meetings.

## C. Meeting Times

There was consensus to hold meetings on the second and fourth Friday of every month, beginning at 8:30 a.m. The meetings will be held in the County-City Building, with the meeting room to be determined. It was noted the meetings must comply with the Open Meetings Act and there will be opportunities for public comment. There was general consensus to not schedule public comment on the agenda initially. The agendas and minutes, and certain Committee materials, will be posted on the County Clerk's webpage: <http://lancaster.ne.gov/clerk/consolidate.htm>.

### **3 REVIEW OF LAW APPLICABLE TO GOVERNMENT CONSOLIDATION - Kerry Eagan, Lancaster County Chief Administrative Officer**

Eagan reviewed the laws applicable to government consolidation (Exhibits A-D):

- Nebraska Revised Statutes §13-801-§13-804 (Interlocal Cooperation Act)

Eagan said the Interlocal Cooperation Act is the archetype of consolidation, which was passed in 1963. He noted two earlier statutes were used to form the joint Lincoln-Lancaster County Health Department and the Lincoln-Lancaster County Planning Department and Commission. The Interlocal Cooperation Act was used to form several joint administrative departments, such as the Lincoln-Lancaster County Personnel Department, City/County Purchasing Department, and Data Processing (now known as Information Services).

- Nebraska Revised Statutes §13-2501-§13-2504; §13-2506-§13-2507; §13-2509-§13-2510; §13-2514-§13-2521 (Joint Public Agency Act)

Eagan said the Joint Public Agency Act, which was passed in 1999, is similar to the Interlocal Cooperation Act but has more formalities and greater powers, including the power of taxation. He said the first Joint Public Agency the County entered into was with the Lancaster County Agricultural Society and the County's bonding authority was used to build the Lancaster Event Center and subsequent expansions of that facility. Other examples are the Joint Antelope Valley Authority (JAVA), which involves the City of Lincoln, University of Nebraska-Lincoln (UNL) and Lower Platte South Natural Resources District (NRD) in administering flood control, traffic improvement and the

community revitalization effort; West Haymarket Joint Public Agency (JPA), which involves the City of Lincoln and the University of Nebraska in the financing of the new arena; and the Lancaster County Correctional Facility JPA, which involves Lancaster County and the City of Lincoln in the financing of the new Lancaster County Adult Detention Facility (LCADF).

- Nebraska Revised Statutes §13-2801; §13-2803-13-2805; §13-2808; §13-2810-§13-2811; §13-2813; §13-2817 (Municipal County Act)

Eagan said the Municipal County Act was passed in 2001, which he said was a general piece of legislation that was aimed at the City of Omaha and Douglas County, but would also apply to the City of Lincoln and Lancaster County. He said formation of a municipal county would require an affirmative vote of all the entities that want to join.

- Nebraska Revised Statute §22-417 (Consolidation of county offices)

Eagan said there are five offices that the County Board can consider for consolidation five county offices (Clerk of the District Court, County Assessor, County Clerk, County Engineer or Register of Deeds) under this statute. He said the Board formed the Lancaster County Consolidation Committee in 1996 to look at possible consolidation of these offices and their recommendation was to merge the County Assessor and Register of Deeds' Offices. The issue was placed on the ballot and was passed by 83% of the vote. Eagan said there were significant savings and efficiencies as a result.

McGill noted the option to seek legislative change. Eagan said there is a proposed change to the Municipal County Act before the Legislature this session, i.e., Legislative Bill (LB) 257 (Change provisions relating to creation of municipal counties).

Gruntorad felt it would be beneficial to have information regarding the number and content of the existing interlocal agreements. Eagan disseminated a list of joint departments and commissions (Exhibit E). He noted that the list is a little out-of-date.

Bayer asked whether it is difficult for one of the governmental entities to break an interlocal agreement. Eagan said termination provisions are included. He said consolidations are more difficult to undo.

#### **4 HISTORY OF CONSOLIDATION IN LINCOLN AND LANCASTER COUNTY** - Jan Gauger, Former Lancaster County Commissioner and Kerry Eagan, Lancaster County Chief Administrative Officer

Eagan discussed consolidation in Lincoln and Lancaster County, referencing the following studies:

- Feasibility Survey: Consolidation of Functions and Facilities, prepared by Peat, Marwick, Mitchell & Co (June 1960)

- Organization and Administration of Public Services, Report to the People of the City of Lincoln and County of Lancaster, Nebraska, prepared by Arthur D. Little, Inc. (May 1973) (Exhibit F)
- Final Report and Recommendations of the Lancaster County Consolidation Committee (March 1997) (Exhibit G)
- Lancaster County/City of Lincoln, Nebraska: Efficiency Opportunities in the Delivery of Government Services, Constitutional Heritage Institute (1999)

Gauger said there was unanimity between the County Board, City Council and Mayor, in the late 1970's and early 1980's on looking at the feasibility of a combined City/County, with a home rule charter, adding the Lincoln Chamber of Commerce and many civic organizations approved of the effort. The City and County hired a full-time staff person to do a feasibility study of what was needed. Gauger said there were disagreements about whether it could be achieved with legislation or would require a change in the Nebraska Constitution. A citizens' committee urged the City and County to seek legislation that would allow the two governments to form a charter commission that would draw up a home rule charter. The home rule charter would be submitted to the voters and if approved, the City and County would go back to the Legislature and have it put into state statutes. Despite popular support in Lincoln and Lancaster County, efforts to get legislation through the Legislature's Government Committee were unsuccessful. She said she is not aware of any significant efforts since then to merge the City and County, adding she feels strongly that the two governments should be joined and there should be a home rule charter.

Nelson said many attorneys feel that governments like Lincoln and Lancaster County have the constitutional power to do all of this on their own initiative. He said others believe "Dillon's Rule" applies for determining a local government authority. Nelson said in simplistic terms, under "Dillon's Rule" smaller governments can do something unless prohibited by the higher government. The other aspect of "Dillon's Rule" is that smaller governments can do nothing until they have the explicit permission of the higher government. He said, unfortunately, the Nebraska Supreme Court has always ruled in favor of the more restrictive interpretation of "Dillon's Rule" over the years.

Gauger said it seems that the Municipal County Act might now serve as the basis for a consolidation effort. Eagan said it would require an affirmative vote of the citizens of Lincoln and rural Lancaster County, outside of the incorporated areas. He said it is likely the rural constituency would vote against it, based on taxation concerns.

Campbell said it is his understanding that a County Sheriff is called for in state law and would become the head of a combined law enforcement agency, if LPD and the County Sheriff's Office were merged. Gauger said that would also apply to any of the elected officials in state statutes. Nelson said the Sheriffs maintain that they are constitutional officers but they are not mentioned in the Nebraska Constitution. He felt the Legislature could abolish the position in any and all counties. Eagan noted there is an

Attorney General opinion which states it would take a constitutional amendment to eliminate the statutory offices the Legislature has created. He said he disagrees with that opinion. Nelson noted there have been opportunities over the years, when a Police Chief or County Sheriff has left office, for the appointing authority to name the other office holder to that position, accomplishing merger by osmosis. He said in every case the person who would have been appointed had served in the other agency.

Bayer noted there is a general lack of trust on the part of many rural residents that the City will take care of them and said, in reading the Municipal County Act, it may be easier to have those in the "donut area" (the area between the city limits and county line) first merge with one of the incorporated towns.

Campbell suggested comparing the list of joint departments and commissions to other jurisdictions. DeKalb said he doesn't believe any other jurisdictions in this region have done this. He said other jurisdictions across the nation have done City/County mergers, but they have packaged them in different ways to fit the circumstances. Eagan said the only one he is aware of that is comparable is Charlotte and Mecklenburg County, North Carolina, which has an extensive list. Campbell noted Louisville and Jefferson County, Kentucky consolidated in 2003 to create a much larger Metropolitan Statistical Area (MSA) in an effort to secure more federal funding.

Nelson provided a copy of the final report of a joint committee that studied a possible merger of the City of Omaha and Douglas County in 2003 (Exhibit H).

The Task Force members asked that copies of the reports be provided on-line.

Eagan said he will also make a copy of the agreement between the County and City for the Rural to Urban Transportation System (RUTS) Program, which provides right-of-way, design and construction standards but no funding mechanism, available on-line. He noted the City originally brought a proposal to the County to form a JPA to address the situation where the City is expanding but County infrastructure is still in place. The proposal was to build the main roads to City, rather than County, standards for a smoother transition. Eagan said the key to it being successful was a wheel tax and said that is where a JPA, which has the power of taxation, came into play. Under terms of the agreement, the funds would have been divided equally between the RUTS roads, acquisition of right-of-way for the East Beltway and to approve roads associated with the Villages. He said there was uniform opposition from the Villages and it was defeated.

Campbell asked McGill if she is aware of any other state laws that the Task Force should review. McGill said she is not, but will have her research analyst look into it.

Bayer suggested that representatives of groups that support or oppose consolidation be asked to come and speak to the Task Force. Nelson said Lou Lamberty, who served as Chair of the committee that studied a possible merger of the City of Omaha and Douglas County, and another member of that committee, who strongly opposes consolidations of any kind, might be willing to come and address the Task Force.

There was consensus to ask the elected officials/directors who head the offices that have been suggested for consolidation to come and give an overview of their duties. Those presentations will be scheduled on the next three meeting agendas. Lovell asked that the discussion with the City Attorney and County Attorney, and LPD and the Sheriff's Office, not be scheduled for the March 22<sup>nd</sup> meeting, as she will not be present on that date.

## **5 ADJOURNMENT**

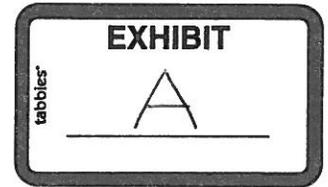
There being no further business the meeting was adjourned at 10:26 a.m.

Submitted by Ann Taylor, Lancaster County Clerk's Office.

**13-801. Act, how cited.**

Sections 13-801 to 13-827 shall be known and may be cited as the Interlocal Cooperation Act.

**Source:** Laws 1963, c. 333, § 2, p. 1071; R.S.1943, (1983), § 23-2202; Laws 1991, LB 731, § 1; Laws 2007, LB636, § 1.

**13-802. Purpose of act.**

It is the purpose of the Interlocal Cooperation Act to permit local governmental units to make the most efficient use of their taxing authority and other powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

**Source:** Laws 1963, c. 333, § 1, p. 1071; R.S.1943, (1983), § 23-2201; Laws 1991, LB 731, § 2; Laws 1996, LB 1177, § 14.

**Annotations**

The city of Omaha was not authorized by the Interlocal Cooperation Act to divert part of Elmwood Park to the university for a parking lot. *Gallagher v. City of Omaha*, 189 Neb. 598, 204 N.W.2d 157 (1973).

Interest in holding job with governmental agency not first amendment interest, but first amendment protections come into play when governmental employer makes decision to deprive public employee of benefit of government employment on a basis that infringes his interest in freedom of speech or association. *Rose v. Eastern Neb. Human Serv. Agency*, 510 F.Supp. 1343 (D. Neb. 1981).

**13-803. Terms, defined.**

For purposes of the Interlocal Cooperation Act:

- (1) Joint entity shall mean an entity created by agreement pursuant to section 13-804;
- (2) Public agency shall mean any county, city, village, school district, or agency of the state government or of the United States, any drainage district, sanitary and improvement district, or other municipal corporation or political subdivision of this state, and any political subdivision of another state;
- (3) Public safety services shall mean public services for the protection of persons or property. Public safety services shall include law enforcement, fire protection, and emergency response services; and
- (4) State shall mean a state of the United States and the District of Columbia.

**Source:** Laws 1963, c. 333, § 3, p. 1071; Laws 1971, LB 874, § 1; Laws 1975, LB 104, § 9; R.S.1943, (1983), § 23-2203; Laws 1991, LB 731, § 3; Laws 1996, LB 1177, § 15.

**13-804. Public agencies; powers; agreements.**

(1) Any power or powers, privileges, or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges, and authority conferred by the Interlocal Cooperation Act upon a public agency.

(2) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the Interlocal Cooperation Act. Appropriate action by ordinance, resolution, or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(3) Any such agreement shall specify the following:

(a) Its duration;

(b) The general organization, composition, and nature of any separate legal or administrative entity created by the agreement together with the powers delegated to the entity;

(c) Its purpose or purposes;

(d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget;

(e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;

(f) The manner of levying, collecting, and accounting for any tax authorized under sections 13-318 to 13-326 or 13-2813 to 13-2816; and

(g) Any other necessary and proper matters.

(4) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items enumerated in subsection (3) of this section, contain the following:

(a) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, the public agencies party to the agreement shall be represented; and

(b) The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.

(5) No agreement made pursuant to the Interlocal Cooperation Act shall relieve any public agency of any obligation or responsibility imposed upon it by law except to the extent of actual and timely performance by a joint board or other legal or administrative entity created by an agreement made pursuant to the act, which performance may be offered in satisfaction of the obligation or responsibility.

(6) In the event that an agreement made pursuant to this section creates a joint entity, such joint entity shall be subject to control by its members in accordance with the terms of the agreement; shall constitute a separate public body corporate and politic of this state, exercising public powers and acting on behalf of the public agencies which are parties to such agreement; and shall have power (a) to sue and be sued, (b) to have a seal and alter the same at pleasure or to dispense with its necessity, (c) to make and execute contracts and other instruments necessary or convenient to the exercise of its powers, and (d) from time to time, to make, amend, and repeal bylaws, rules, and regulations, not inconsistent with the Interlocal Cooperation Act and the agreement providing for its creation, to carry out and effectuate its powers and purposes.

(7) No entity created by local public agencies pursuant to the Interlocal Cooperation Act shall be considered a state agency, and no employee of such an entity shall be considered a state employee.

(8) Any governing body as defined in section 13-503 which is a party to an agreement made pursuant to the Interlocal Cooperation Act shall provide information to the Auditor of Public Accounts regarding such agreements as required in section 13-513.

**Source:** Laws 1963, c. 333, § 4, p. 1072; R.S.1943, (1983), § 23-2204; Laws 1991, LB 81, § 1; Laws 1991, LB 731, § 4; Laws 1996, LB 1177, § 16; Laws 1997, LB 269, § 12; Laws 2001, LB 142, § 26; Laws 2004, LB 939, § 3.

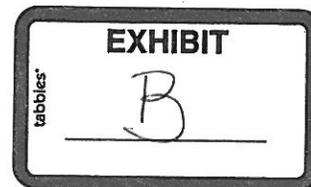
#### **Annotations**

Under subsection (6) of this section, a joint entity created under the Interlocal Cooperation Act is subject to the control of its members in accordance with the agreement. *City of Falls City v. Nebraska Mun. Power Pool*, 279 Neb. 238, 777 N.W.2d 327 (2010).

**13-2501. Act, how cited.**

Sections 13-2501 to 13-2550 shall be known and may be cited as the Joint Public Agency Act.

**Source:** Laws 1999, LB 87, § 1.

**13-2502. Purpose of act.**

It is the purpose of the Joint Public Agency Act to permit local governmental units to make the most efficient use of their taxing authority and other powers by enabling them to cooperate with other governmental units on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

**Source:** Laws 1999, LB 87, § 2.

**13-2503. Terms, defined.**

For purposes of the Joint Public Agency Act:

- (1) Board means the board of representatives of a joint public agency;
- (2) Governing body has the same meaning as in section 13-503 and, when referring to state agencies, includes the governing board of a state agency or the Governor and, when referring to federal agencies, includes the governing board of a federal agency or the President of the United States;
- (3) Joint public agency means an entity created by agreement pursuant to the act;
- (4) Person means a natural person, public authority, private corporation, association, firm, partnership, limited liability company, or business trust of any nature whatsoever organized and existing under the laws of this state or of the United States or any other state thereof. The term does not include a joint public agency;
- (5) Public agency means any county, city, village, school district, or agency of the state government or of the United States, any drainage district, sanitary and improvement district, or other municipal corporation or political subdivision of this state, and any political subdivision of another state;
- (6) Representative means a member of the board and includes an alternate representative; and
- (7) State means a state of the United States and the District of Columbia.

**Source:** Laws 1999, LB 87, § 3.

**13-2504. Agreements authorized; conditions; transfer of property and employees.**

(1) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the Joint Public Agency Act. Appropriate action by ordinance, resolution, or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(2) Any such agreement shall specify the following:

(a) Its duration;

(b) The general organization, composition, and nature of any joint public agency created by the agreement together with the powers delegated to the entity;

(c) Its purpose or purposes;

(d) The manner of financing the joint undertaking and of establishing and maintaining a budget;

(e) The permissible method or methods to be employed in amending the agreement or accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination consistent with section 13-2518;

(f) The manner of levying, collecting, and accounting for any tax authorized under sections 13-318 to 13-326 or 13-2813 to 13-2816 and any allocation of tax authority under section 13-2507; and

(g) Any other necessary and proper matters.

(3) No agreement made pursuant to the Joint Public Agency Act shall relieve any public agency of any obligation or responsibility imposed upon it by law except to the extent of actual and timely performance by a joint public agency created by an agreement made pursuant to the act, which performance may be offered in satisfaction of the obligation or responsibility.

(4) Participating public agencies may transfer property, other assets, and employees to a joint public agency as provided in the agreement. Notwithstanding other provisions of law, if employees are transferred any vested employment rights shall be transferred with the employee and the employee shall be vested with the joint public agency at the time of transfer.

(5) Any governing body as defined in section 13-503 which is a party to an agreement made pursuant to the Joint Public Agency Act shall provide information to the Auditor of Public Accounts regarding such agreements as required in section 13-513.

**Source:** Laws 1999, LB 87, § 4; Laws 2001, LB 142, § 29; Laws 2004, LB 939, § 4.

**13-2506. Legislative power; limitation.**

The Legislature may amend or repeal the Joint Public Agency Act or any law governing public agencies, and any agreement which creates a joint public agency is subject to the amendment or repeal of a law governing participating public agencies by subsequent acts of the Legislature, the United States, or another state, except that no act of the Legislature may impair any contractual obligation of a joint public agency or any participant thereof, including a contract for bonded indebtedness.

**Source:** Laws 1999, LB 87, § 6.

**13-2507. Power to tax.**

(1) A joint public agency shall have only those powers of taxation as one or more of the participating public agencies has and only as specifically provided in the agreement proposing creation of the joint public agency, except that a joint public agency shall not levy a local option sales tax. Participating public agencies may agree to allow the joint public agency to levy a property tax rate not to exceed a limit as provided in the agreement if the agreement also limits the levy authority of the overlapping participating public agencies collectively to the same amount. The levy authority of a joint public agency shall be allocated by the city or county as provided in section 77-3443, and the agreement may require allocation of levy authority by the city or county.

(2) If one or more of the participating public agencies is a municipality, the agreement may allow any occupation or wheel tax to be extended over the area encompassed by the joint public agency at a rate uniform to that of the city or village for the purpose of providing revenue to finance the services to be provided by the joint public agency. The tax shall not be extended until the procedures governing enactment by the municipality are followed by the joint public agency, including any requirement for a public vote.

(3) If the agreement calls for the allocation of property tax levy authority to the joint public agency, the amount of the allocation to the joint public agency and from each participating public agency shall be reported to the Property Tax Administrator.

**Source:** Laws 1999, LB 87, § 7.

**13-2509. Creation; procedure; appointment of representatives.**

(1) The governing body of each public agency participating in the creation of a joint public agency shall adopt a resolution determining that there is a need for a joint public agency and setting forth the names of the proposed participating public agencies. The resolution shall be published in three issues, not less than seven days between issues, of a legal newspaper for each proposed participating public agency or a newspaper having general circulation in the area served by a proposed participating public agency if no legal newspaper exists for the participating public agency and of one or more newspapers of general circulation in the area to be served by the joint public agency. Any such resolution shall not be adopted by a public agency prior to five days after the last publication by the proposed participating public agency. In the case of a state agency, the governing board shall adopt the resolution, or if there is no governing board, the Governor shall issue a proclamation without notice in lieu of a resolution. In the case of a federal agency, the governing board shall adopt the resolution or, if there is no governing board, the President of the United States shall issue a proclamation without notice in lieu of a resolution. The resolution may be adopted by a governing body on its own motion upon determining, in its discretion, that a need exists for a joint public agency. In determining whether such a need exists, a governing body may take into consideration the present and future needs of the public agency with respect to the materials, goods, property, and services which a joint public agency may utilize or provide, the adequacy, suitability, and availability of such materials, goods, property, and services to meet the needs of the participating public agency if no joint public agency is formed, and economic or other advantages or efficiencies which may be realized by cooperative action through a joint public agency.

(2) Upon issuance of a certificate of creation by the Secretary of State, the Governor in the case of a participating state agency which does not have a governing board, the President of the United States or federal agency head in the case of a federal agency, the mayor or city manager in the case of a city which has not elected to be governed as a village, or the chairperson of the governing body of each participating public agency shall appoint representatives as provided by the agreement for creation of the joint public agency. Representatives, other than representatives appointed by the Governor, the President of the United States, or a federal agency head, must be members of the governing body of the participating public agency which they are appointed to represent. Upon issuance of an amended certificate of creation pursuant to section 13-2513, a representative shall be appointed by each additional participating public agency as provided in this section. An alternate representative with the same qualifications may be appointed in the same manner as a representative and shall serve and exercise all powers of a representative in the absence of the representative for whom he or she is the alternate. The representatives shall constitute the board in which shall be vested all powers of the joint public agency.

**Source:** Laws 1999, LB 87, § 9.

### **13-2514. Representatives; terms; vacancy; expenses.**

Each representative shall serve for a term specified in the agreement creating the joint public agency, not to exceed four years, or until his or her successor has been appointed and has qualified in the same manner as the original appointment. A representative shall be eligible for reappointment upon the expiration of his or her term. A certificate of the appointment or reappointment of any representative or alternate representative shall be issued by the governing body and shall be filed with the clerk or secretary of the public agency for which the representative acts and the joint public agency. The certificate shall be conclusive evidence of the due and proper appointment of the representative. A representative may be removed for any cause at any time by the governing body of the participating public agency for which the representative acts. A representative shall be removed if he or she is no longer a member of the governing body of the public agency which makes the appointment. A vacancy shall be filled for the balance of the unexpired term of a person who is no longer eligible to hold office in the same manner as the original appointment, until the term as representative expires, or until removed by the participating public agency which appointed him or her. A representative shall receive no compensation for his or her services but shall be entitled to actual and necessary expenses incurred in the discharge of his or her official duties, including mileage at the rate provided in section 81-1176.

**Source:** Laws 1999, LB 87, § 14.

### **13-2510. Creation; statement; contents.**

Within thirty days after adoption of the resolutions for creation of a joint public agency by the proposed participating public agencies, the board shall file with the Secretary of State a statement signed by the representatives setting forth (1) the names of all the proposed participating public agencies, (2) a certified copy of each of the resolutions of the participating public agencies determining the need for such a joint public agency, (3) proof of publication as required in subsection (1) of section 13-2509, (4) a brief description of the nature of the joint public agency's activities, and (5) the name of the joint public agency.

**Source:** Laws 1999, LB 87, § 10.

### **13-2515. Representatives; number; voting; quorum; meetings.**

(1) Each participating public agency shall at all times be entitled to appoint at least one representative. A joint public agency's rules of governance may allow any participating public agency to appoint additional representatives and shall specify the number of representatives to be appointed by each participating public agency. The number of representatives may be increased or decreased from time to time by an amendment to the rules of governance approved by each participating public agency as evidenced by a resolution of the governing body thereof unless the agreement provides for approval by less than all participating public agencies.

(2) Each representative shall be entitled to one vote. With the approval of each participating public agency as evidenced by a resolution of the governing body thereof unless the agreement provides for approval by less than all participating public agencies, a joint public agency's rules of governance may allow the representative of any participating public agency to cast more than one vote and shall specify the number of votes such representative may cast.

(3) A quorum of the board is required for conducting the business and exercising the powers of the joint public agency and for all other purposes. Unless the rules of governance require a larger quorum, the presence at the meeting of the number of representatives entitled to cast a majority of the total votes which may be cast by all of the representatives constitutes a quorum. Action may be taken upon a vote of a majority of the votes which the representatives present are entitled to cast unless the rules of governance require a larger vote.

### **13-2516. Board; officers; employees.**

The board shall elect a chairperson and vice-chairperson from among its representatives. The joint public agency may employ an executive director. The board shall elect a secretary who shall either be from among the representatives or the executive director. The joint public agency may employ or obtain the services of legal counsel, technical experts, and such other officers, agents, and employees as it may require and shall determine their qualifications, duties, compensation, and term of office. The board may delegate to its officers, agents, or employees such powers and duties as the board deems proper.

**Source:** Laws 1999, LB 87, § 16.

### **13-2517. Committees; meetings.**

(1) The board may create an executive committee the composition of which shall be set forth in the joint public agency's rules of governance. The executive committee shall have and exercise the power and authority of the board during intervals between the board's meetings in accordance with the rules of governance, motions, or resolutions creating the executive committee. The terms of office of the members of the executive committee and the method of filling vacancies shall be fixed by the rules of governance.

(2) The board may also create one or more committees to which the board may delegate such powers and duties as the board shall specify. In no event shall any committee be empowered to authorize the issuance of bonds. The membership and voting requirements for action by a committee shall be specified by the board.

(3) The board shall be subject to the Open Meetings Act.

**Source:** Laws 1999, LB 87, § 17; Laws 2004, LB 821, § 5.

### **13-2518. Dissolution; withdrawal.**

Unless the agreement provides for dissolution, a joint public agency shall be dissolved upon the adoption, by the governing bodies of at least one-half of the participating public agencies, of a resolution setting forth the determination that the need for the public agencies to act cooperatively through a joint public agency no longer exists. A joint public agency shall not be dissolved so long as the agency has bonds outstanding unless provision for full payment of the bonds and interest thereon, by escrow or otherwise, has been made pursuant to the terms of the bonds or the resolution, indenture, or security instrument securing the bonds. If the governing bodies of one or more, but less than a majority, of the participating public agencies adopt such a resolution, such public agencies shall be permitted to withdraw from participation in the joint public agency, but withdrawal shall not affect the obligations of the withdrawing public agency pursuant to any contracts or other agreements with the joint public agency. Withdrawal shall not impair the payment of any outstanding bonds or interest thereon. In the event of the dissolution of a joint public agency, its board shall provide for the disposition, division, or distribution of the joint public agency's assets among the participating public agencies by such means as the board shall determine, in its sole discretion, to be fair and equitable or as provided in the agreement for creation of the joint public agency.

**Source:** Laws 1999, LB 87, § 18.

**13-2519. Status as political subdivision.**

A joint public agency shall constitute a political subdivision and a public body corporate and politic of this state exercising public powers separate from the participating public agencies. A joint public agency shall have the duties, privileges, immunities, rights, liabilities, and disabilities of a political subdivision and a public body corporate and politic exercising powers and acting on behalf of the participating public agencies.

**Source:** Laws 1999, LB 87, § 19.

**13-2520. Applicability of Political Subdivisions Tort Claims Act.**

A joint public agency may be sued subject to the Political Subdivisions Tort Claims Act.

**Source:** Laws 1999, LB 87, § 20.

**Cross References**

**Political Subdivisions Tort Claims Act**, see section 13-901.

**13-2521. Powers.**

The powers of a joint public agency shall include the power:

- (1) To sue;
- (2) To have a seal and alter the same at pleasure or to dispense with the necessity thereof;
- (3) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers;
- (4) From time to time, to make, amend, and repeal rules of governance not inconsistent with the Joint Public Agency Act or the terms of the agreement for its creation to carry out and effectuate its powers and purposes;
- (5) To adopt and promulgate rules and regulations as authorized for at least one of the participating public agencies and as provided in the agreement;
- (6) To acquire, own, hold, use, lease, as lessor or lessee, sell, or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property, commodity, product, or service or any interest therein or right thereto as provided by law;
- (7) To incur debts, liabilities, or obligations, including the borrowing of money and the issuance of bonds, secured or unsecured, pursuant to the Joint Public Agency Act;
- (8) To borrow money or accept contributions, grants, or other financial assistance from a public agency and to comply with such conditions and enter into such contracts, covenants, mortgages, trust indentures, leases, or agreements as may be necessary, convenient, or desirable;
- (9) To fix, maintain, revise, and collect fees, rates, rents, and charges for functions, services, or facilities provided by the joint public agency;
- (10) Subject to any agreements with holders of outstanding bonds, to invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities, and other investments as the board shall deem proper;
- (11) To join and pay dues to organizations, membership in which is deemed by the board to be beneficial to the accomplishment of the joint public agency's purposes; and
- (12) To exercise any other powers which are deemed necessary and convenient to carry out the Joint Public Agency Act.

A joint public agency may perform any governmental service, activity, or undertaking which at least one of the participating public agencies is authorized to perform. In exercising its powers under this section to perform any governmental service, activity, or undertaking, a joint public agency shall be subject to the same procedures, regulations, and restrictions as the participating public agency which is granted the power by law to perform the governmental service, activity, or undertaking.

**Source:** Laws 1999, LB 87, § 21.

**13-2801. Municipal county; creation; procedure.**

(1) One or more counties and at least one of the municipalities in each county may create a municipal county to carry out all county services and all municipal services. The process of creating a municipal county shall begin by passage of a joint resolution by the governing bodies of the counties and municipalities involved. The joint resolution may be initiated by the governing bodies or by petition as provided in subsection (2) of this section.

(2) Whenever registered voters of any county and of at least one municipality in the county, equal in number to ten percent of the total vote cast for Governor in the county or municipality at the preceding election, petition the respective county board and city council or village board of trustees to pass a resolution as contemplated by this section, it shall be the duty of the county board and city council or village board to pass a joint resolution creating an interjurisdictional planning commission. Petitions shall be filed with the county clerk, election commissioner, city clerk, or other officer having charge of the records of the governing body. The official shall ascertain the number of registered voters signing such petitions and transmit his or her findings, along with the petition, to the county board and city council or village board of trustees.

(3) Within ninety days after the passage of the joint resolution or within ninety days after receipt of a petition by the registered voters, the governing bodies of the counties and municipalities involved shall create an interjurisdictional planning commission. A commission may also be created by the district court having jurisdiction over the counties and municipalities involved upon the failure by the counties and municipalities to pass a joint resolution after submission of a petition by the registered voters. The commission shall have no less than nine members and no more than twenty-one members representing the counties and municipalities involved as determined by the governing bodies of the counties and municipalities involved in order to achieve proportionate representation. The governing bodies shall select the members. Representation on the commission shall be prorated based upon population of the counties and municipalities involved, except that (a) each county and each municipality involved shall have at least one representative selected by its respective governing body and (b) not more than forty percent of the total membership shall be public officials. Meetings of the commission shall be subject to the Open Meetings Act.

(4)(a) The commission shall hold at least one public hearing prior to preparing the plan for the creation of the municipal county, study all governmental subdivisions in the affected area, and then make a determination of whether creation of a municipal county is in the public interest. If it is not in the public interest to do so, the commission shall issue a report stating its findings, including, but not limited to, any recommendations regarding (i) interlocal agreements, (ii) agreements to provide for the joint delivery of services, or (iii) any other such recommendations. If it is in the public interest to do so, the commission shall prepare one plan for the creation of the municipal county. Such plan shall be approved by the governing body of each county and each municipality involved prior to submission of the issue to a vote of the registered voters unless the commission was created by a petition of the registered voters.

(b) The plan shall specify (i) which counties and municipalities will be dissolved upon creation of the municipal county, (ii) the form of government, with an elected executive officer, a professional municipal county manager or administrator appointed by the commission, or both, to operate the executive functions of the municipal county, (iii) the number of council members of the municipal county and whether they will be elected by district or at large, and (iv) which elected officials, if any, will be eliminated.

(c) At least ninety days prior to submission of the issue to a vote of the registered voters, the commission and the governing body of each county and each municipality involved shall hold at least

one public hearing in its respective jurisdiction and make available for review by residents of the county and municipality all material terms and conditions set forth in the resolution to create the municipal county, including information regarding the tax implications and quality and cost of services to be provided by the proposed plan to create the municipal county.

(5) Upon approval of the plan by the governing body of each county and each municipality involved, if required, or upon the governing bodies' approval or failure to approve if the commission was created by a petition of the registered voters, the county clerks or election commissioners shall place the issue on the ballot at the next primary, general, or special election.

**Source:** Laws 2001, LB 142, § 1; Laws 2004, LB 821, § 6.

**Cross References**

**Open Meetings Act**, see section 84-1407.

**13-2803. Council; members; quorum; election; executive officer.**

(1)(a) Except as provided in subdivision (1)(b) of this section, a municipal county created under section 13-2801 shall be governed by a council of five to nine members, at least two-thirds of whom shall be elected by district. The council members shall be elected on a nonpartisan ballot. The area involved in the consolidation shall be divided into districts of as equal population as possible so that at least a majority of the members of the council are elected by district. The division shall be made by the county board members of each county involved by January 31 of the year in which the council members are to be elected. A majority of the council members shall constitute a quorum for the purpose of transacting business. The council shall annually elect a chairperson from among its members. Each council member shall be elected to a four-year term beginning with the first general election following the formation, except that at the first election, fifty to sixty percent of the members shall be elected to four-year terms and the others shall be elected to two-year terms. If there are to be at-large members, the district-elected members shall be elected to four-year terms and the at-large members shall be elected to two-year terms. If there are to be no at-large members, the members elected to four-year terms and the members elected to two-year terms shall be selected by lot.

(b) A municipal county created under section 13-2801, in which is situated a city of the metropolitan class, shall be governed by a council of fifteen members who shall be elected by districts. The council members shall be elected on a nonpartisan ballot. The area involved in the consolidation shall be divided into fifteen council districts of compact and contiguous territory. Such districts shall be numbered consecutively from one to fifteen. One council member shall be elected from each district. The division shall be made by the county board members of each county involved, by January 31 of the year in which the council members are to be elected. Each council member shall be elected to a four-year term, except that at the first general election following the formation, the members elected from even-numbered districts shall be elected to four-year terms and members elected from odd-numbered districts shall be elected to two-year terms and to four-year terms thereafter. A majority of the council members shall constitute a quorum for the purpose of transacting business. The council shall annually elect a chairperson from among its members. The council shall be responsible for redrawing the council district boundaries pursuant to section 32-553.

(c) Initial elections of the council members and the executive officer, if applicable, shall be completed by May 15 of the year the municipal county is created.

(2) If the plan to create the municipal county provides for an executive officer to operate the executive functions of the municipal county, the executive officer shall be elected to a four-year term beginning with the first general election following the formation of the municipal county.

(3) The resolution proposing creation of the municipal county may retain, as an elected position, any elected county office in any county to be consolidated into the municipal county. If such elected officials are to be retained, the officials in such offices at the time the municipal county is created may be retained or, if more than one such elected official are in office at the time the municipal county is created, the officials shall be elected together with the council members and executive officer of the municipal county.

**Source:** Laws 2001, LB 142, § 3.

### **13-2804. Municipal county; powers and duties; provisions governing transition.**

(1) A municipal county has the powers and duties of a county and shall fulfill the same role as other counties and county officials of the municipal county as would be applicable to a county of the same population as the municipal county. Any reference in law to counties shall be deemed to refer to a municipal county. A municipal county has the powers and duties of cities and villages as would be applicable to the largest municipality consolidated into the municipal county. Any reference in law to cities, villages, or municipalities shall be deemed to apply also to a municipal county.

(2) On the date of creation of a municipal county, all ordinances, bylaws, acts, motions, rules, resolutions, and proclamations enacted by the governing body of each county or municipality involved shall continue in full force and effect, with respect to the counties and municipalities consolidated into the municipal county, until amended, repealed, or otherwise superseded by the council of the municipal county. All obligations, leases, and contracts of the counties or municipalities consolidated into the municipal county, except for bonded indebtedness, shall become obligations, leases, and contracts of the municipal county. In the event any utility, lease, franchise, or service area agreement has been entered into by or is applicable to a county or municipality involved, the utility, lease, franchise, or service area agreement shall be unaffected by the creation of the municipal county and unchanged by the elimination of the municipal or county boundaries. In the event any service area or territory in which powers of a political subdivision could be exercised or boundaries of a political subdivision were previously defined by reference, in whole or in part, to the boundaries of a participating municipality or county, the boundaries of such service area or territory or political subdivision, and the exercise of the powers of the political subdivision, shall be unaffected by the creation of a municipal county and unchanged by the elimination of the municipal or county boundaries.

### **13-2805. Ordinances; adoption; procedure.**

(1) A municipal county may adopt ordinances, and any such ordinances shall supersede those of any municipality or county consolidated into the municipal county.

(2) All ordinances shall be passed pursuant to such rules and regulations as the council may provide, and all such ordinances may be proved by the certificate of the council. When printed or published in book or pamphlet form and purporting to be published by authority of the municipal county, such ordinances shall be read and received in evidence in all courts and places without further proof. The passage, approval, and publication or posting of an ordinance shall be sufficiently proved by a certificate from the council showing that the ordinance was passed and approved and when and in what newspaper the ordinance was published or when, by whom, and where the ordinance was posted. When ordinances are published in book or pamphlet form, purporting to be published by authority of the council, the same need not be otherwise published, and the book or pamphlet shall be received as evidence of the passage and legal publication of the ordinances, as of the dates mentioned in the book or pamphlet, in all courts without further proof.

### **13-2808. Levy authorized; allocations.**

A municipal county may levy up to one dollar per one hundred dollars of taxable value, not including bonded indebtedness. From the levy authority of the municipal county, the municipal county may allocate to miscellaneous political subdivisions as provided in section 77-3443. In no event shall the levies of the municipal county and any miscellaneous political subdivisions allocated levy authority by the municipal county total more than one dollar per one hundred dollars of taxable value on any one parcel in the municipal county, except for bonded indebtedness approved according to law, lease-purchase agreements approved prior to July 1, 1998, and judgments obtained against the municipal county or one of its predecessors which obligate the municipal county to pay the judgments to the extent not paid by liability insurance and except as provided in section 77-3444.

**13-2810. Election; requirements.**

(1) The powers granted by sections 13-2801 to 13-2809 shall not be exercised unless and until the question has been submitted at a primary, general, or special election held within the county or counties involved and in which registered voters within the boundaries of the proposed municipal county are entitled to vote on such question. The ballot question may combine the issues of creation of the municipal county, the merger of the county or counties and its offices, the merger of each municipality proposed to be merged, and the authorization of a local sales and use tax under section 13-2813.

(2) The officials of each county and each municipality seeking to form the municipal county shall order the submission of the question for creation by submitting a certified copy of the resolution calling for creation to the election commissioner or county clerk. The question may include any terms or conditions set forth in the resolution, such as the timing of the consolidation implementation, the number and method of election of council members, and any proposed name for the municipal county, and shall specifically state any offices to be eliminated.

(3) The election commissioner or county clerk shall give notice of the submission of the question not more than thirty days nor less than ten days before the election by publication one time in one or more newspapers published in or of general circulation within the boundaries of the proposed municipal county in which the question is to be submitted. This notice is in addition to any other notice required under the Election Act.

(4)(a) The vote shall be tabulated for (i) all those voting on the question, (ii) those voting who reside in each county and any municipality which would be consolidated into the municipal county, (iii) those voting who reside in each county but outside any municipality, and (iv) those voting who reside in each county but outside any municipality or any sanitary and improvement district.

(b) If a majority of those voting on the question, a majority of those voting who reside in at least one county to be consolidated, a majority of those voting who reside in at least one municipality which is in one county voting in favor of consolidation, a majority of those voting who reside in areas in the county to be consolidated which are outside any municipality to be consolidated, and a majority of those voting who reside in each county but outside any municipality or any sanitary and improvement district vote in favor of consolidation, the municipal county shall be deemed to be created for each county and municipality which had a majority of those voting in favor of consolidation according to the terms of the resolution. If no date of creation is provided in the resolution, the municipal county shall be deemed to be created on the following July 1. Any county in which a majority of those voting approve the consolidation shall be deemed to be abolished, and any municipality in such county which was proposed to be consolidated and in which a majority of those voting who reside in such municipality approve the consolidation shall be deemed to be abolished.

(c) The municipal county shall not be created (i) if a majority of those voting on the question are opposed, (ii) if a majority of those voting who reside in every county to be consolidated are opposed, (iii) if a majority of those voting who reside in every municipality to be consolidated which is in a county which approved are opposed, (iv) if a majority of those voting who reside in areas in a county which approved which are outside any municipality are opposed, or (v) if a majority of those voting who reside in a county which approved but outside any municipality or sanitary and improvement district are opposed.

(5) If a municipality within the boundaries of a municipal county is not a part of the municipal county either because the governing body of the municipality did not approve the resolution seeking inclusion or because the voters of the municipality disapproved the consolidation, the municipality may

later seek inclusion into an existing municipal county by passing a resolution seeking inclusion and approval by those voting at a primary, general, or special election. The officials of the municipality shall deliver a certified copy of the resolution to the appropriate officer of the municipal county proposing inclusion. If a majority of those voting in the municipality approve inclusion and a majority of the elected council members of the municipal county vote to approve inclusion of such municipality, the municipality shall be merged into the municipal county. If a majority of those voting in the municipality disapprove or a majority of the elected council members of the municipal county do not vote to approve inclusion of such municipality, it shall not be merged.

(6) Any election under this section shall be conducted in accordance with the procedures provided in the Election Act.

**Source:** Laws 2001, LB 142, § 10.

**13-2811. Approval of formation of municipal county; effect.**

Approval of the formation of a municipal county shall abolish all county and municipal offices at the end of the then current officeholders' terms except as provided in subsection (3) of section 13-2803 and shall terminate all townships located within the municipal county. All debt of abolished counties and municipalities consolidated into a municipal county shall remain the responsibility of the county or municipality responsible at the time consolidation is approved.

**Source:** Laws 2001, LB 142, § 11.

**13-2813. Sales and use tax authorized.**

(1) A municipal county by ordinance of its council may impose a sales and use tax of one-half percent, one percent, or one and one-half percent upon the same transactions within the entire municipal county on which the state is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time.

(2) A municipal county shall not impose a new sales and use tax, increase the tax, or extend the territory of an existing sales and use tax until an election is held and a majority of the registered voters as provided in section 13-2810 have approved the tax, increase, or extension. The ballot issue proposing approval of a new sales and use tax or the increase or territorial extension of an existing sales and use tax may be combined with the issue proposing creation of a municipal county.

**Source:** Laws 2001, LB 142, § 13.

**Cross References**

**Nebraska Revenue Act of 1967**, see section 77-2701.

**13-2817. Municipality; payments to municipal county; when; amount; how determined.**

(1) Any municipality that is within the boundaries of a municipal county that is not merged into the municipal county shall be required to pay the municipal county for services that were previously provided by the county and are not ordinarily provided by a municipality. Except as provided in subsection (2) of this section, the amount paid shall be equal to the attributable cost of county services times a ratio, the numerator of which is the total valuation of all municipalities that are within the boundaries of the municipal county and the denominator of which is the total valuation of the municipal county and all municipalities and unconsolidated sanitary and improvement districts that are within the boundaries of the municipal county that are not merged into the municipal county, times a ratio the numerator of which is the valuation of the particular municipality and the denominator of which is the total valuation of all municipalities that are within the boundaries of the municipal county, except that (a) the amount paid shall not exceed the total taxable valuation of the municipality times forty-five hundredths of one percent and (b) the municipality shall not be required to pay the municipal county for fire protection or ambulance services.

(2) The amount paid for law enforcement by a municipality that is within the boundaries of a municipal county but is not merged into the municipal county shall be as follows: (a) If the county did not provide law enforcement services prior to the formation of the municipal county or if the municipality continues its own law enforcement services after formation of the municipal county, the total cost of services budgeted by the municipal county for law enforcement shall be the net cost of services that are the express and exclusive duties and responsibilities of the county sheriff by law times the same ratios calculated in subsection (1) of this section; (b) if the municipality discontinues providing law enforcement services after the formation of the municipal county (i) the municipal county shall provide a level of service in such municipality that is equal to the level provided in the area or areas of the municipal county that were municipalities prior to the formation of the municipal county and (ii) the municipality shall pay the municipal county for the cost of county services for law enforcement as calculated in subsection (1) of this section, except that for the first five years, the amount shall be no more than the amount budgeted by the municipality for law enforcement services in the last year the municipality provided the services for itself; and (c) if the municipal county has deputized the police force of the municipality to perform the express and exclusive duties and responsibilities of the county sheriff by law, there shall be no amount paid to the municipal county for law enforcement services.

(3) Disputes regarding the amounts any municipality that is within the boundaries of a municipal county that is not merged into the municipal county must pay to the municipal county for services that were previously provided by the county and are not ordinarily provided by a municipality shall be heard in the district court of such municipal county.

(4) For purposes of this section and section 13-2818, attributable cost of county services means the total budgeted cost of services that were previously provided by the county for the immediately prior fiscal year times a ratio, the numerator of which is the property tax request of the municipal county or the county and all cities to be consolidated for the prior fiscal year, not including any tax for bonded indebtedness, and the denominator of which is the total of the restricted funds as defined in section 13-518 plus inheritance taxes, fees, and charges and other revenue that were budgeted for the immediately prior fiscal year by the municipal county or the county and all cities to be consolidated.

**Source:** Laws 2001, LB 142, § 17.

**22-417. Consolidation of county offices; powers and duties; procedure; hearing; ballot; form; election; term.**

(1) Any county may consolidate the office of clerk of the district court, county assessor, county clerk, county engineer, county surveyor, or register of deeds, except that the consolidated officeholder shall meet the qualifications of each office as required by law. The consolidated office shall have the powers and duties provided by law for each office consolidated. The county board may adopt a resolution for the consolidation of any of such offices and submit the issue of the consolidated office to the registered voters for approval at the next general election or at a special election called for such purpose. The county board shall hold a public hearing prior to adoption of a resolution for the consolidation of offices and shall give notice of the hearing by publication in a newspaper of general circulation in the county once each week for three consecutive weeks prior to the hearing. Final publication shall be within seven calendar days prior to the hearing. The notice shall describe the offices to be consolidated and that the holder of the offices to be consolidated shall have his or her term of office end on the first Thursday after the first Tuesday in January following the general election in which the holder of the consolidated office is elected.

(2) The county board shall adopt the resolution for the consolidation of offices by majority vote of the board and shall submit the issue of consolidation to the registered voters for approval at the next general election or at a special election called for such purpose. For each consolidated office submitted for approval, the question shall be submitted to the voters in substantially the following form:

"Shall (name of each office proposed to be consolidated) be consolidated into one consolidated office according to the resolution adopted by the county board of (name of county) on (date of adoption of the resolution by the county board)? Yes No".

(3) If the majority of the registered voters in the county voting on the question vote in favor of consolidation, the consolidated office shall be filled at the next general election, and the terms of the incumbents shall end on the first Thursday after the first Tuesday in January following the general election in which the holder of the consolidated office is elected.

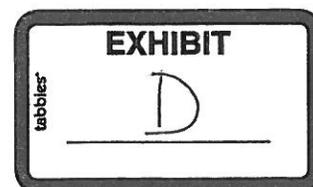
(4) The term of a consolidated officer shall be four years or until his or her successor is elected and qualified, except that the term of a consolidated officer elected in the year 2000 or any fourth year thereafter shall be two years or until his or her successor is elected and qualified.

(5) Any election under this section shall be in accordance with the Election Act.

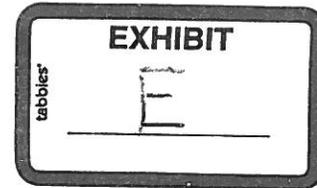
**Source:** Laws 1996, LB 1085, § 26; Laws 1997, LB 269, § 28.

**Cross References**

**Election Act**, see section 32-101.



# LANCASTER COUNTY/CITY OF LINCOLN JOINT DEPARTMENTS/COMMISSIONS



## INTERLOCAL AGREEMENTS

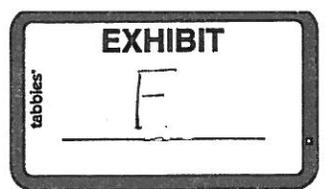
- ▶ Health (1947)
- ▶ Planning (1959)
- ▶ Parks & Recreation (1966/1985)
- ▶ Collection of Real Estate Property Taxes (1970)
- ▶ Air Pollution Control Agency/Health Department (1971)
- ▶ Law Enforcement with Various County Villages (1972)
- ▶ Aging (1973)
- ▶ Library (1974)
- ▶ Purchasing (1974)
- ▶ Codes Enforcement (1975)
- ▶ Human Services Administration (1975)
- ▶ Pre-Trial Diversion Services (1975)
- ▶ Collection of Personal Property Taxes (1976)
- ▶ Personnel (1976)
- ▶ Zoning (1976)
- ▶ Emergency Management (1977)
- ▶ Women's Commission (1980/1982)
- ▶ Corrections (1981)
- ▶ Public Defender (1981)
- ▶ Joint Budget Committee/Human Services Allocation Effort (1982)
- ▶ Information Services (1982)
- ▶ Communications/911 (1983)
- ▶ Job Training Partnership Act/Private Industry Council (1983)
- ▶ Risk Management (1983)
- ▶ Aging Advisory Board with surrounding cities (1986)
- ▶ Public Building Commission (1986)
- ▶ Central Case Management Division/Mental Health Special Needs Population (1988)
- ▶ Justice Council (1988)
- ▶ Attention Center (1989)
- ▶ Community Congress (1989)
- ▶ District Energy Corporation (1989)
- ▶ Railroad Transportation Safety District (1990)
- ▶ Economic Development (1991)

## INTERLOCAL AGREEMENTS

- ▶ Rural Transit Service (1991)
- ▶ Snow Removal (1991)
- ▶ Keno (1993)
- ▶ Weeds (1993)
- ▶ Affirmative Action (1996)
- ▶ Property Management (1996)
- ▶ Joint County Board/City Council Receptionist (2003)
- ▶ Standardized Addressing for Various County Villages (2003)

## FUNCTIONAL COOPERATION (INFORMAL)

- ▶ County and City Engineer
- ▶ County Treasurer serves as Comptroller for City Special Assessments
- ▶ City-County Common (monthly meeting of City, County and Mayor)
- ▶ Joint Government Building, Chambers, Information and Mail Centers
- ▶ Landfill
- ▶ Convention & Visitors Bureau folded in City's Sports Industry Committee
- ▶ Recycling efforts
- ▶ Domestic Violence Grant
- ▶ Geographic Information Systems (GIS)
- ▶ Government Access & Information Committee (GAIC)
- ▶ Monthly Meeting of Mayor and County Board Chair and Vice Chair
- ▶ Records Management



To: Lincoln Public Library  
Attention: Mr. Charles Dalrymple, Director

ORGANIZATION AND ADMINISTRATION  
OF PUBLIC SERVICES

Report to

The People of the City of Lincoln  
and County of Lancaster, Nebraska

May 1973  
C-75075

Robert Coop  
Norman Roberts

Arthur D Little, Inc.



Arthur D. Little, Inc. ONE MARITIME PLAZA · SAN FRANCISCO CALIFORNIA 94111 · (415) 981-2500

May 22, 1973

The Lincoln Foundation  
215 Centennial Mall South  
Lincoln, Nebraska 68508

C-75075

Gentlemen:

Arthur D. Little, Inc., (ADL) is pleased to submit our report to The Lincoln Foundation on the organization and administration of public services of the City of Lincoln and the County of Lancaster. This assignment was initiated in November 1972 with joint public and private financing, i.e., from The Lincoln Foundation, County of Lancaster, City of Lincoln, U.S. Department of Housing and Urban Development, and the U.S. Civil Service Commission.

It is our conclusion that consolidation of the City of Lincoln and the County of Lancaster is feasible and desirable, and we recommend it. However, because of the great disparity of administrative sophistication and responsiveness of the two levels of government, we do not believe that the city and county are ready for complete consolidation at this time.

The City of Lincoln has a seven-member legislative body elected at large on a nonpartisan basis. It has an elected full-time Mayor who is the chief executive of the city. Most departments of the city report to him and he can be held accountable for effective administration and coordinated service to the public. Department heads are appointed by the Mayor with approval of the Council (in most cases) and numerous qualifications have been established for the positions. The city also uses modern administrative techniques, including centralized personnel administration, a coordinated pay plan, relatively effective budgeting methods with proper spending controls, centralized purchasing procedures, and coordinated finance administration.

In sharp contrast is the County of Lancaster. It has a three-member legislative body elected on a partisan basis with a chairman who is part-time and who has little more authority than the other two members of the body. The Board of Commissioners is, by law, both legislative (though it can pass no laws unless granted authority to do so by the state legislature) and administrative (though it exercises little administrative authority and lacks the staff to help it). What little administrative control and coordination the Board of Commissioners does exert is further diluted by the fact that most of the major activities are headed by department heads elected on a partisan basis and exercising independent control over their departments.

CAMBRIDGE, MASSACHUSETTS

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Few centralized administrative techniques are employed. Each department makes its own purchases; there is no merit system of employment (except in federally mandated services); there is no coordinated pay plan; and the budget is a budget in name only with little centralized analytical review or relation of expenditures to services performed.

In our many interviews and discussions with citizens inside and outside the government, we found widespread interest and enthusiasm for further action by the city and county governments to reduce duplication and to expand cooperative efforts. Many believed that, ultimately, the city and county should be combined. However, were total consolidation to be seriously advocated today, we believe it would result in either (1) an unwieldy, unresponsive, and disjointed organization structure, or (2) an almost complete takeover by the City of Lincoln government of the consolidated administration. There are those who favor this latter possibility, but it is unlikely that such a situation would result in a successful consolidation. It would necessarily require major realignment of administrative relationships which would generate difficult personnel problems, and might well defeat the goal of improved administration.

City-county consolidation is highly desirable and is feasible within the decade. It is our opinion that this "unicapitality" (single, unified governmental entity) can best be accomplished by (1) strengthening county administration now, and (2) continuing to develop linkages between the city and county in areas that are susceptible to consolidation and to the elimination of duplication.

With the accomplishment of these two efforts, we then recommend the creation of the new CITY AND COUNTY OF LINCOLN-LANCASTER, a totally new governmental entity to replace the present City of Lincoln, the County of Lancaster, many of the special districts within the county, and possibly the incorporated villages.

We believe this can best be done by an amendment to the Nebraska state constitution authorizing a home rule charter for the new city-county when approved by the voters of Lancaster County. A possible form of organization for the new CITY AND COUNTY OF LINCOLN-LANCASTER is shown in Appendix B of this report.

By its nature, our contract required us to deal with public services that could be enhanced by greater cooperation and coordination. It is important to realize that when we started our study, the City of Lincoln and County of Lancaster already had many interjurisdictional operations, and these were generally operating well. During the course of the study, we found

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most of the policy makers and staff of both jurisdictions to be fair and open-minded. This indicates to us that they will move forward to develop for the City of Lincoln and County of Lancaster one of the truly outstanding local governments in the United States.

The Lincoln Foundation's role is now almost complete—but one more job remains to be done. We urge the Foundation to take the initiative in calling the first meeting of the proposed City-County Implementation Commission so that implementation can begin.

Yours truly,

  
F. Robert Coop  
Project Director

FRC:dl

**ORGANIZATION AND ADMINISTRATION  
OF PUBLIC SERVICES**

report to

**THE PEOPLE OF THE CITY OF LINCOLN  
AND COUNTY OF LANCASTER, NEBRASKA**

May 1973

C-75075

## ACKNOWLEDGEMENTS

ADL acknowledges the contributions of many individuals and groups in the development of this report. Although it would be impossible to attempt to list all who participated in some way, the following deserve special recognition:

Executive Committee, Lincoln Foundation  
Executive Director, Lincoln Foundation  
Mayor, City of Lincoln  
City Council, City of Lincoln  
Corporation Counsel, City of Lincoln  
Board of Commissioners, County of Lancaster  
League of Women Voters of Lincoln  
Government Research Institute, University of Nebraska

ADL is grateful for the assistance of all who participated in the development of this report and accepts full responsibility for its contents. We are confident the report can be the springboard for action that will increase the effectiveness and efficiency of local government in Lancaster County.

Robert Coop, Project Director  
Norman Roberts, Assistant Project Director  
Phyllis Seidkin, Editor  
Dr. Randy Hamilton, Consultant Staff Member  
Robert Stallings, Consultant Staff Member  
Chris Arend, Resident Research Assistant

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## HIGHLIGHT SUMMARY

This report presents the results of the Arthur D. Little, Inc., (ADL) investigation and evaluation for the Lincoln Foundation of public service responsibilities and governmental structure in the City of Lincoln and County of Lancaster, Nebraska.

### A. PURPOSE OF THE STUDY

Within the overall purpose stated above, Arthur D. Little is responsible for developing a public services plan for the County of Lancaster and the City of Lincoln. This plan is to focus on the specific ways in which these two governmental entities could improve and expand upon their natural working relationships and render more effective and efficient services to the residents within their jurisdiction.

From the outset, we understood that specific attention should be given to the feasibility of consolidating some or all of the services being provided by the county and the city. We were also to consider such other alternatives as we deemed appropriate to accomplish the general purpose of this study.

Accordingly, ADL sought to evaluate the most appropriate methods for delivering public services. Among the possibilities we considered were the following:

- Informal cooperation or sharing—e.g., mutual aid.
- Service contracts.
- Joint agencies.
- Formal agreements to undertake mutual obligations.
- Transfer of functions from city to county or vice-versa.
- Extraterritorial jurisdiction.
- Incorporation/disincorporation of cities.
- City of Lincoln expansion.
- City and county consolidation.
- Functional consolidation.

- Special purpose authorities and districts, and
- County service areas.

In spite of the complexity of the subject of improving intergovernmental relations between the County of Lancaster and the City of Lincoln, the ADL study team chose to treat all of the various service packages as thoroughly as possible. We recognize that inevitably such a report as this does not, in all respects, coincide with the thinking of each member of the Board of Commissioners, the Mayor, the City Council, department heads, and community residents. There may be portions of it with which some individuals may disagree since the joining together of governmental entities inherently involves compromise and, at times, a giving up of one's own views.

The report is designed to help those living in Lincoln and those living elsewhere in Lancaster County to take stock of their present system of local government in relation to both present and prospective needs. The ADL study team thus had to do more than assess current performance. It had to make some judgments about future capabilities for planning and administering activities necessary for orderly and proper community development.

The ADL team believes that the study recommendations, which constitute the Public Service Plan, are sound and properly address the areas of need described in Chapters II and III of this report. We also are confident that implementation will result in a significantly higher level of cooperation and coordination between the County of Lancaster and the City of Lincoln, resulting in a more efficient and higher quality of service to the public.

## **B. METHODS USED IN CONDUCTING THE STUDY**

ADL utilized a number of experience-tested techniques for gathering, developing, assimilating, and analyzing data and information.

### **1. Interviews**

ADL staff conducted interviews with staff and officials of the County of Lancaster and the City of Lincoln. We also interviewed representatives of local organizations, interested businessmen, concerned officials of local agencies, State of Nebraska officials, and residents and elected officials in the villages located on the periphery of the City of Lincoln within Lancaster County. These interviews resulted in the collection of a mass of statistical data and judgmental statements.

### **2. Review of Literature and Relevant Documents**

We examined the experience of intergovernmental cooperation, both in Lancaster County and in other parts of the country. This involved research and analysis of available

literature and statistical data obtained in the course of this study. We concentrated such research on local governments with characteristics and problems comparable to those of Lincoln-Lancaster.

### 3. Observation

We observed the actual operations of local government, both at the County-City Building in Lincoln, and in villages outside the city. From these observations, conclusions were derived that were the basis for recommendations in this report.

### 4. Adoption of Basic Assumptions

Before the feasibility and impact of changes in the structure of local government Lincoln-Lancaster could be determined, a number of basic assumptions had to be made in order to deal with the many variables that exist. The assumptions were based on the interviews, literature and documents, projections, and observations.

## C. MAJOR FINDINGS AND CONCLUSIONS

### 1. Local Government Consolidations

- a. Most city-county consolidations in the United States have required state constitutional changes. In the 20th century these have taken place under the provisions of state laws providing for a popular referendum on this question.
- b. Approved mergers of city-county governments have required the adoption of unique forms of government to meet local conditions. Efforts to "export" a particular type of consolidated local government irrespective of such conditions have not been successful.
- c. Consolidated governments have simplified the overall structure of local government and reduced costs and raised the general level of government services.
- d. Approved reorganizations of local government have frequently provided for the continuance of at least some "state constitutional and elective offices" in addition to the mayor and governing bodies. This arrangement has generally been the result of political compromise.
- e. It is common to find consolidated city-county governments with multiple taxing districts. These taxing districts are normally set up according to the type of services needed—e.g., urban and rural.

- f. Approval for city-county consolidation is most likely to occur when proposed changes are not "too" drastic, there is continuous and organized political and media support, proponents have good communication links with the general public, and the new organization plan is specific and understandable.
2. Existing Governmental Structures in Lancaster County
    - a. County of Lancaster
      - (1) Like other counties in Nebraska, Lancaster is essentially an administrative arm of the state with only those powers conferred on it by the legislature. The county can establish no laws of its own without the authority for such being granted by the state legislature.
      - (2) In addition to the elected three-member Board of Commissioners, most of the major department heads in the county government are also elected on a partisan basis. This tends to inhibit coordinated administration. Fragmentation of county government is apparent.
      - (3) The Board of Commissioners is both legislative and administrative in nature. Traditionally, the Board has not exercised sufficient administrative leadership in the conduct of county affairs.
    - b. City of Lincoln
      - (1) The City of Lincoln, under its home rule charter, theoretically has the authority to provide any governmental services within its corporate limits, not in conflict with the constitution of the State of Nebraska. However in Nebraska, cities operate according to the court's interpretation that a "city has only such powers as specifically provided by the state legislature."
      - (2) The Mayor is the elected chief administrative officer, with the seven-member City Council serving as the legislative body. Unlike the Lancaster County government, all elections are on a nonpartisan basis and department heads are appointed.
      - (3) There is a growing workload, as well as increasing complexity of urban issues and problems. Having an administrative coordinator in the Office of the Mayor would permit more detailed analysis of problems and also provide a focal point for expanded relationships with the County of Lancaster.
      - (4) There is an extraordinarily large number of boards, committees, and commissions serving the city, making it difficult to supervise and coordinate their activities.

c. Incorporated Villages

- (1) The population increase in the 12 incorporated villages of Lancaster County during the 1960s was not significant when compared with that of the City of Lincoln. Fewer people are residing in the unincorporated rural areas of the county and are more in the urbanized communities than in 1960.
- (2) The major concerns of residents in incorporated villages regarding city-county consolidation are its effects on their taxes, services, representation, and local identity.
- (3) The average local mill levy of the incorporated villages is comparable to that of the City of Lincoln, although the scope and quality of municipal services are very limited.

d. Other Governmental Entities

- (1) There are relatively few special purpose governments serving the City of Lincoln and/or the County of Lancaster. They are: school districts, educational service units, natural resource districts, the Lancaster County Weed Authority, fire protection districts, public power districts, sanitary and improvement districts, the Lincoln Housing Authority, the Lincoln Airport Authority, and the Railroad Transportation Safety District.
- (2) School districts are a special case insofar as consolidation with the general purpose government is concerned. The traditional local control and the disparity of costs and services between the City of Lincoln and other county school districts make major reorganization impractical if it involves the City of Lincoln school district.
- (3) The State of Nebraska has already made substantial gains in consolidating resource-related special districts. The major Natural Resource District (NRD) in Lancaster County is the Lower Platte South NRD. The City of Lincoln represents only 3% of the area of this multi-county governmental area. However, it provides about 70% of the tax resource and includes more than three-fourths of the population. The city has only 7 members on the 68-member policy board (one on the Executive Committee).
- (4) The Lancaster County Weed Control Authority, although a countywide organization, operates mainly outside of the City of Lincoln and performs work according to state regulations. The City of Lincoln also operates a weed control program and furnishes services beyond those provided for in state regulations.
- (5) There are 17 fire districts in the county, outside of the City of Lincoln. They are volunteer organizations, controlled locally and generally lacking highly trained personnel or specialized emergency equipment. They perform a needed

service but are not equipped or organized for major emergencies. There is relatively little coordination between fire districts and the City of Lincoln Fire Department.

- (6) The City of Lincoln Housing Authority provides low-cost housing to residents of the city at no direct cost to taxpayers. Despite a need for this service, the Authority has been precluded from extending its jurisdiction beyond the corporate limits of the city.
- (7) The Airport Authority serves residents of the entire County of Lancaster. Yet the cost of the airport operations is financed by a 1.1 mill levy on City of Lincoln property only plus revenues generated by the airport facilities and land. Presently, legal restrictions preclude expansion of the tax base.
- (8) The Railroad Transportation Safety District is financed by a mill levy that is applied equally throughout the County of Lancaster. The services rendered, however, are primarily for sites within the boundaries of the City of Lincoln.

### 3. Existing City-County Linkages

The city and county have worked together to develop many cooperative and coordinated services. Few cities and counties have accomplished as much, short of formal consolidation. It is important to note that citizen effort and support have been major factors in producing this result. Results include:

- A joint City-County Health Department.
- A joint City-County Planning Department.
- A joint City-County Civil Defense Agency.
- City Recreation and Parks Department, providing service to the county under a contract.
- A jointly financed County-City Building.
- A combined adult jail facility.
- Interjurisdictional agreement for use of the City of Lincoln police helicopter.
- A formal agreement for use of the City of Lincoln's automated data processing equipment.

- Combined administration of certain general services in the County-City Building—i.e., mailing and central switchboard,
- Consolidation of property tax assessment and collection,
- An agreement for the county to reimburse the city for general public library services offered to residents of the entire county; and
- Other special projects—e.g., Lincoln-Lancaster County Goals and Policy Report and this Arthur D. Little, Inc., study.

Additionally the City of Lincoln and County of Lancaster were already exploring other areas for interjurisdictional cooperation when our study began, namely:

- Building inspection,
- A commission in aging,
- Enforcement of air pollution controls, and
- Aspects of law enforcement.

#### D. RECOMMENDATIONS

ADL recommends:

1. Consolidation of the City of Lincoln and the County of Lancaster governments, within the decade, into a new "unicipality" to be known as the CITY AND COUNTY OF LINCOLN-LANGASTER.
2. Upgrading the administration of county government to improve services and facilitate intergovernmental cooperation by
  - a. Centralizing personnel administration,
  - b. Developing uniform purchasing procedures,
  - c. Strengthening budget procedures and controls, and
  - d. The Board of Commissioners assuming a more positive role in administrative direction and control.

3. An increase in the administrative capacity of the executive branch of city government by establishing an administrative coordinator in the Office of the Mayor
4. Review and consideration by the Mayor and City Council of the role and responsibilities of the city's boards, commissions, and committees with a view toward reducing the number.
5. A change in the city's fiscal year to coincide with that of the county.
6. A change in the following operational alignments and responsibilities:
  - a. Sheriff's Department should contract with the City of Lincoln Police Department for:
    - Patrol services
    - Criminal investigation
    - Records and identification
    - Training
    - Communications
  - b. Consideration should be given to transferring city law enforcement activities of the Parks and Recreation Department and the Municipal Auditorium to the Police Department. The Airport Authority should also consider contracting with the City Police Department for service at and around the airport.
  - c. The Lincoln Fire Department should provide training for the fire districts of the county.
  - d. Responsibility should be assigned within the county government for assisting fire districts in realigning district boundaries, for mutual aid, and for maintaining liaison between districts and with the city department.
  - e. Development of contractual arrangements for joint public works services in the following areas:
    - Engineering and inspection
    - Construction

- Street and road maintenance
  - Snow removal
  - Equipment maintenance and repair
  - Building inspection
7. That the county contract with the city for technical support for personnel and purchasing services.
8. That the following adjustments be made in the special purpose districts that impact upon the city and county:
- Increase the representation of the City of Lincoln on the policy-making board of the Lower Platte South Natural Resource District.
  - Extend the jurisdiction of the Lincoln Housing Authority to serve all of Lancaster County.
  - Integrate the Lancaster County Weed Control District into the regular county government and transfer the responsibility for the weed control activities of the City of Lincoln to that county unit.
9. The formation of a City-County Implementation Commission to guide and be responsible for the implementation of the above recommendations and further city-county coordination.

## I. BACKGROUND OF LOCAL GOVERNMENTAL CONSOLIDATION

### A. INTRODUCTION

A reading of this report will show that our recommendations for Lancaster County and the City of Lincoln are to initially strengthen the current structure and policies of these two jurisdictions. However, we believe city-county consolidation will ultimately provide a better method of government. For this reason, the following analysis of current and past consolidation efforts is meaningful to those in Lancaster County.

There now exists a substantial body of knowledge about consolidation efforts of local governments. An examination of this experience offers insight into potential problems and issues. Accordingly, this chapter briefly reviews the history of local governmental consolidation in the United States and discusses and analyzes the results of these reorganization efforts.

Consolidation, as used in this report, refers to the joining together of two independent governments into a single unit of government with coterminous boundaries. Consolidation need not be total. Partial consolidation takes two forms. In one form, *most* county functions are merged with the cities to form a new consolidated government, but the county government continues to exist as a separate legal entity for the performance of a few functions which may be required by the state constitution. For example, the sheriff and county attorney, who are state officers, may be retained as county employees. In the other form of partial consolidation the county government merges with most, but not all, of the municipal governments within the county. Several such partial city-county consolidations have occurred in this century: the municipalities outside the central city were allowed to continue in existence and retain their separate status until they themselves decided to merge.

Consolidation generally takes place under the provisions of a state law which usually (but not always) provides for a popular referendum on the matter. State laws did not require such a referendum in the 19th century when six city-county consolidations occurred in New Orleans (1805), Boston (1821), Philadelphia (1854), San Francisco (1856), and New York City (1874 and 1898). Three consolidations without referendum have taken place in this century: Honolulu (1907), Denver (1916), and Indianapolis (1969). These were effected by state legislation.

### B. APPROVED CONSOLIDATIONS OF LOCAL GOVERNMENT

The ADL consultant team found that local governments differ so from state to state and from county to county that it is impossible to develop one formula for organizational success which will apply equally to all. *Every attempt to solve a metropolitan problem must take into account the unique features in the particular community.* This is evident from the fact that

each successful effort to provide a metropolitan-type government has resulted in organizational variations based on practical experience, even among communities in which the legal plans of government have been quite similar. With this in mind, consider the descriptions of the 13 successful consolidation efforts since 1947 which are listed below and summarized in subsequent paragraphs. Also, it is interesting to note that in several instances, earlier attempts at consolidation were defeated (see Section C).

Baton Rouge-East Baton Rouge Parish, Louisiana	1947
Hampton-Elizabeth City County, Virginia	1952*
Miami-Dade County, Florida	1956
Nashville-Davidson County, Tennessee	1962
Virginia Beach-Princess Anne County, Virginia	1962*
South Norfolk-Norfolk County, Virginia	1962*
Jacksonville-Duval County, Florida	1967
Indianapolis-Marion County, Indiana	1969
Juneau-Greater Juneau Borough, Alaska	1969
Carson City-Ormsby County, Nevada	1969
Columbus-Muscogee County, Georgia	1970
Sitka-Greater Sitka Borough, Alaska	1971
Wilmington-New Hanover County, North Carolina	1972

1. Baton Rouge-East Baton Rouge Parish, Louisiana

Baton Rouge and East Baton Rouge experienced a rapid transformation from a small town in the 1920s to an estimated 120,000 in 1940. The city is generally industrial with a rural fringe, and it is the site of Louisiana State University.

Uncontrolled growth and development in the urban areas around the city that later (when annexed) caused severe financial burdens on the city, was the primary reason for undertaking consolidation efforts in Baton Rouge. Another important reason was the inability due to legal constraints to provide urban services to the growing number of people living in

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\*The State of Virginia is unique in its method of county-city separation—i.e., when a city is incorporated it is no longer considered a part of the county. Consequently, most consolidations in Virginia involve neighboring jurisdictions and usually stem from threatened annexations. Thus, consolidation in Virginia is not particularly relevant to the potential consolidation in Lancaster County and is not discussed further in this section.

unincorporated areas. It was this situation that caused Louisiana voters in November 1946 to approve an amendment to the state constitution permitting consolidated government for Baton Rouge-East Baton Rouge Parish to be effective January 1, 1949. This amendment authorized creation of a city-parish charter commission empowered to develop a plan of government to be submitted to parish voters for approval. The result was a plan to accomplish the following objectives:

- Extend the limits of the city of Baton Rouge from approximately five square miles to approximately 30 square miles, so as to include within the city a major portion of the residential area of the parish.
- Create a mayor-president-council form of government, with the mayor-president (mayor of Baton Rouge and president of the parish council) responsible for administration of the government. A city-parish council (originally nine, now 11 members) is responsible for legislative enactments and general supervision over all branches of government by means of final control of the budget. This council is elected by wards. The city area represents Ward I, which elects seven members at large. The rural area is divided into two wards, from which four members are elected. The seven members from Ward I also comprise the city council which enacts a separate city budget.
- Consolidate the major departments of government, for functioning throughout both the parish and the city.
- Create three tax areas—urban, industrial, and rural. The urban area is defined by the Baton Rouge corporate limits, and property therein pays the 8-mill municipal property tax (eighty cents per \$100 of assessed value). The industrial area contains all major industries in the parish and has a property tax of 4 mills. The so-called rural area comprises the remainder of the parish and also has a property tax of 4 mills.
- Allocate a portion of the industrial area property tax (three of the four mills) to the cities of Baton Rouge, Baker, and Zachary, on the theory that most of the workers live in those cities.
- Prohibit creation of additional municipalities, except that Baker and Zachary were permitted to continue their corporate existences some distance from the city of Baton Rouge.
- Transfer the street function of city government to the parish. Under Louisiana state law, if the city of Baton Rouge maintained its own streets, the parish property tax within the city would be limited to two mills rather than four. This transfer of the street

function to the parish made possible the collection of two additional mills of taxation by the city. Thus additional revenue became available to local government since the homestead exemption, applicable to state, parish, and special district taxes, does not apply to city taxes.

This arrangement preserved the separate entities of city and parish, since the exemption of homesteads in the state up to \$2,000 of assessed valuation applies to parish taxes but not to city taxes. The plan stipulated a separation of revenues and expenditures between the city and parish, and a number of matters remained beyond the scope of the consolidation either because of protection afforded by the state constitution or as a result of charter commission decisions. The continued existence of the towns of Baker and Zachary is a case in point. The activities of the parish school district were left unaffected. Numerous parish officers, including the assessor, the sheriff (who serves as both police officer and tax collector), the district attorney, the clerk of the court, and the coroner, are independently elected by constitutional provision. The district and local judges also are elected.

Parish voters in 1947 approved the consolidation plan by a majority of 307 votes, of 13,717 cast, which was slightly more than one-third of those registered and eligible to vote. As with some annexations, a number of citizens in the newly consolidated area felt that they had been brought into the city of Baton Rouge against their will, particularly in relation to the homestead tax exemption. Many property owners became taxpayers for the first time, since assessed valuations beyond the city had been maintained at the minimum level over the years.

The new government was prevented from securing operating funds until the validity of the plan of government had been judicially determined. Finally, after four years of litigational delay, the city council in 1951, levied a one percent sales tax. In the two years following this levy its proceeds made possible the extension of public services to the entire urban area as well as the accomplishment of a minimum capital improvement program. Consolidated government was under way in Baton Rouge.

Consolidation in Baton Rouge has really been partial. Louisiana law has made it necessary to retain the city as a separate legal entity. Moreover, because a substantial part of the parish is rural, the city boundaries were not made coterminous. There also remains some fragmentation with the retention of the "constitutional" offices—e.g., sheriff—which operate under separate personnel systems. On the whole, however, this form of consolidation has been successful in unifying the administrative departments of the city and parish. It also has effectively dealt with the problem that initially motivated consolidation in that there are now uniform planning, zoning, and subdivision regulations for the parish.

## 2. Miami-Dade County, Florida

In Miami-Dade County an existing government was converted into a general purpose metropolitan government by the transfer of a number of functions to the area's local government. The "metro" plan was the culmination of a series of functional agreements and consolidations and also the result of the old rural-oriented local government's inability to serve one of the nation's fastest-growing regions.

The metropolitan government of Miami-Dade County has been deemed a federation rather than a city-county consolidation. The county shares governing powers with 26 municipalities. By constitutional amendment the Florida electorate in 1956, in a close vote, granted Dade County the power to adopt, revise, and amend a home rule charter, under which the 13-member Board of Commissioners of Dade County is the governing body. This followed several unsuccessful attempts to reorganize local government.

The constitutional amendment required the home rule charter to:

- Establish the boundaries of commission districts and provide a method for their alteration,
- Fix the number, terms, and compensation of the commissioners and their method of election,
- Provide for carrying on all of the functions of any county offices abolished by the charter,
- Provide a method by which municipalities may make, amend, or repeal their charters (power of the state legislature to do so is specifically prohibited),
- Provide a method for recall of commissioners and a method for initiative and referendum, including referendums on ordinances and amendments of the home rule charter,
- Provide for the "protection of the creditors of any governmental unit which is merged, consolidated, or whose boundaries are changed or functions or powers transferred,"
- Provide a method for amending the Miami-Dade County charter,
- State that the county continue to receive its pro rata share of all revenues payable by the state from whatever source to the several counties and the State of Florida, and

- Require payment to the county of any state monies which would have been paid to any municipality in Dade County which is subsequently abolished.

Further, the amendment authorized the home rule charter for the county to:

- Empower county commissioners to pass ordinances concerning Dade County affairs and provide penalties for violations; levy and collect such taxes as may be authorized by general law; and “do everything necessary to carry on a central metropolitan government in Dade County;”
- Provide that the charter and ordinances may conflict with, modify, or nullify any existing special legislation applicable only to Dade County;
- Empower the county commissioners to alter the boundaries of, merge, or consolidate, or abolish municipalities, county, or district governments, special districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within Dade County (except the County Commission and the Board of Public Instruction);
- Provide a method for transferring the functions or powers of any governmental unit in Dade County to the county;
- Define a method for establishing new cities, special districts, and other governmental units, and prescribe their jurisdiction and powers;
- Abolish or consolidate constitutional offices (such as tax assessor, tax collector, etc.), except that of Superintendent of Public Instruction;
- Create new courts and judges (and clerks) to try offenses against ordinances passed by the county commissioners; and
- Change the name Dade County.

The charter could not:

- Authorize the county to levy or collect any taxes except those permitted by general law,
- Abolish or impair the jurisdiction of the circuit court or any other court provided by the state constitution or by general law, or
- Permit original jurisdiction over ordinances to any court other than one created with jurisdiction to try all offenses against ordinances passed by the County Commission.

This constitutionally sanctioned metropolitan county government has enabled the areawide government to confront problems of an areawide nature. Under the home rule charter the local legislative body performs not only as a Board of County Commissioners, but serves in effect as a city council for the unincorporated area of the county. There is a county manager form of government. All independent county offices in existence at the time of reorganization were abolished with the exception of judicial and educational offices.

Moreover, the county is responsible for regionwide facilities and services, such as: water, sewage disposal systems, arterial roads, harbor facilities, health, welfare, hospitals, parks, mass transit, housing and urban renewal, drainage, beach erosion, air pollution, and planning. Also there is more uniformity on a countywide basis for: traffic, building and related technical codes, assessment and tax collection, licensing, and publicity. The municipalities retain self-determination in local matters not ceded to the county under the charter.

The federation in Miami-Dade County has been shown to have simplified local government and resulted in substantial savings through volume purchasing of materials and services. Communication between the involved governmental jurisdictions is much improved. Also, federal aid has significantly increased. On the other hand, there remains considerable conflict between the two tiers of local government—the county and the municipalities—because the division of powers was not spelled out clearly enough in the charter. In addition, there is some dissension over the subsidization of municipal services for unincorporated areas.

### 3. Nashville-Davidson County, Tennessee

After rejecting a consolidation charter in 1958, the voters of Nashville-Davidson County, Tennessee, approved a similar charter in 1962 creating metropolitan government for the city and county. This represents one of the most complete consolidations of city and county government occurring in the United States in recent years. The major factors behind consolidation were discontent with city-county duplication of services, fiscal inequality, numerous suburban service deficiencies, and fire protection.

The charter created an urban services district and a general services district, and authorized a separate tax rate for each, based upon services provided. Six small cities were exempted from the consolidation but are permitted to disincorporate and join the urban services district when it is expanded to their area.

*The general services district functions are:*

- General administration
- Police
- Courts
- Jail
- Assessment
- Health

- Welfare
- Hospitals
- Housing for the aged
- Streets and roads
- Traffic
- Schools
- Parks and recreation
- Library
- Airport
- Public housing
- Urban development
- Urban renewal
- Planning
- Electrical code, building code, plumbing code, housing code
- Electricity distribution
- Transit
- Refuse disposal
- Beer sales/distribution supervision
- Taxicab regulation
- Auditorium and fairgrounds

The *urban services district functions* are:

- Police at "urban level of service"
- Fire protection
- Water supply and distribution
- Sanitary sewers and disposal
- Storm sewers and disposal
- Street lighting
- Street cleaning
- Refuse collection
- Wine and whiskey sales/distribution supervision

Legislative authority for the consolidated government is vested in the Metropolitan County Council, having a total membership of 41, including five councilmen at large and 35 councilmen elected from districts. A council president, called the vice mayor, is elected at large; he is without a vote except in case of ties.

The urban services district constitutes a municipal corporation with a three-member urban council whose sole function is a mandatory obligation to levy a property tax adequate with other local funds, to finance the budget for urban services, as determined by the Metropolitan County Council. Urban council membership consists of those three metropolitan council members-at-large receiving the greatest number of votes who reside in the urban services district.

The chief executive officer of the consolidation is the metropolitan county mayor, who is responsible for the conduct of the executive and administrative functions of the metropolitan government and for law enforcement within its boundaries.

The position of mayor calls for a strong executive. He appoints all directors of departments, boards, and commissions with the exception of several officials who, by state law or constitution, must be elected. The mayor may veto ordinances, and a two-thirds Metropolitan County Council majority is necessary to override the veto.

Other elected officials include the metropolitan tax assessor, county trustee (property tax collector), sheriff (who operates the jail and workhouse and serves civil papers), registrar, constables, county court clerk, district attorney general, and public defender.

There is a consolidated school system with a nine-member board, appointed for six-year staggered terms by the mayor with confirmation by two-thirds council vote. The director serves at the pleasure of the board. The board exercises usual school board functions; the school budget is subject to change by mayoral and council review.

There are a number of boards and commissions for functions such as health, hospitals, tax equalization, electric power, transit, planning, fairs, farmers market, agricultural extension, traffic and parking, parks and recreation, welfare, library services, and civil service.

The Metropolitan Court, into which the city courts were merged, consists of two divisions (one for general purposes, one for traffic) presided over by the judge of Division I.

Popular support for consolidation has increased markedly since the merger. Its advocates in Nashville claim improved management practices, elimination of many unnecessary jobs, savings from centralized purchasing, increased earnings from investment of previously idle cash balances, and consolidation of the sewer and water systems, motor pool, and other services. Some problems remain. There is still too long a ballot with numerous elected officials, and many residents feel there is too little localized administrative service.

#### 4. Jacksonville-Duval County, Florida

In 1967, the underlying concern of citizens in Jacksonville and in Duval County, which prompted one of the strongest favorable votes for consolidation, was a series of indictments of local politicians for corrupt activities. The inability of the county's outdated government to deal with community problems was another concern. Growth had been rapid, and there was a general inability to resolve questions of countywide authority and financial resources. The corporate limits of the consolidated area enclose almost 800 square miles.

Residents of Jacksonville Beach, Atlantic Beach, Neptune Beach, and Baldwin were given, through special legislative act, the right to political self-determination. Under the act, they could vote to abolish their existing city governments and enter into full partnership with consolidated government, or retain their existing governments and establish a relationship with consolidated governments similar to that which previously existed under county government. These communities decided not to become a part of the consolidated government.

The Jacksonville-Duval Charter established a 19-member city council vested with all legislative powers of the consolidated government. Fourteen members of the council are elected from districts, and five members are elected at large. Annually, one member is selected president and one member president pro tempore. The council is responsible for reviewing budgets and making appropriations to the consolidated government and to certain independent agencies as specified in the charter. The council may alter the proposed consolidated government and independent agency budgets on either a line-by-line basis, or a total basis, as it may determine. The council, by a two-thirds vote of its membership, may make appropriations to the consolidated government in addition to those contained in the budget, but such additional appropriations may be appropriated only for the benefit of the service district from which the unappropriated surplus arose.

The council is authorized to levy taxes on all real and personal property assessed for taxes, annually, in the amounts of: not more than 16 mills per dollar for support and maintenance of the schools; not more than 14 mills per dollar for general service district levies other than educational, including appropriations for general governmental purposes, all independent agencies, and special service and improvement district funds; and not more than six mills per dollar in urban service districts for the additional government services provided therein. Changes in these millage limits must be approved by a majority of the freeholders voting in a special referendum in the district to be affected by any proposed limitation increment.

A relatively strong mayor is charged with administering the executive organization of the Jacksonville-Duval consolidation. He is required to administer, control, and supervise all departments and divisions created by the charter or subsequent ordinance. The mayor, with council approval, appoints all directors and deputy directors of departments and all division chiefs, who serve at his pleasure. The mayor must submit to the council an annual budget for the consolidated government, and from time to time submit reports and recommendations regarding the financial condition, economic and general welfare to the consolidated government and all of its offices, departments, and divisions.

The mayor may veto council ordinances and resolutions, except those relating to consolidation of the urban service districts, appointments to certain planning boards, zoning exceptions, the auditor or council employees, internal affairs of the council, or investigation by the council or any of its duly appointed committees. To override vetoes, two-thirds of the councilmen present at the meeting must approve, except that for budget appropriations, a constitutional majority is necessary to overturn the veto.

The consolidated government has eight executive departments: finance, central services, health and welfare, public safety, recreation and public affairs, public works, agriculture, and child services. The elective offices of sheriff, supervisor of elections, tax assessor, and tax collector were left intact in the new charter based upon constitutional grounds. A number of advisory and regulatory boards were established by the charter, such as the health advisory board, library board, recreation advisory board, child services advisory board, zoning board, zoning and building codes adjustment board, and equalization board.

Total court structure for Jacksonville-Duval remains essentially as it was prior to consolidation, particularly the county structure. The city council as reconstituted is vested with all powers and duties relative to the county courts as were previously possessed by the board of county commissioners.

The charter establishes a municipal court having venue throughout the territorial limits of the consolidated government. Jurisdiction of this court applies to all cases of alleged violation of consolidated government ordinances, and such other lawful jurisdiction as the council designates.

Since consolidation in Jacksonville, its proponents claim several significant achievements, not the least of which has been property tax relief coupled with a growing number of public improvements. Some former city residents, however, have found these savings are offset by increased water and sewer charges as the result of a \$90 million water-sewer program undertaken almost immediately by the new government.

Proponents also claim reduced insurance rates resulting from better fire and police protection measures. A central service department claims considerable savings under professional management and centralization of legal services, purchasing, motor pool operations, and data processing. Fiscal administration managers report initiation of such improvements as a balanced budget, internal budget planning, control and management, and a system of internal, independent, and legislative audits to promote increasing efficiency and prevent or identify unsound management practices.

##### 5. Indianapolis-Marion County, Indiana

On March 13, 1969, the Governor of Indiana signed into law a bill to consolidate the governments of Indianapolis and Marion County. Without resort to local referendum, the State Legislature had created the "Consolidated City of Indianapolis" (nicknamed Unigov), the twelfth largest city in the United States. The process of creating the new consolidated government appears to have been dominated by political considerations, and in this regard is not an appropriate model for Lancaster County and the City of Lincoln.

The boundaries of the "old city" were made coterminous with those of the "county." In November 1971, residents of the entire county elected a mayor and a 29-member council, which began operation in January 1972 through a six-man cabinet. The council operates as a legislature, with final budgetary control over the government (and over some independent

agencies not consolidated, except the unaffected cities of Beech Grove and Lawrence, and the town of Speedway). Until 1972, government continued under the incumbent mayor of Indianapolis, whose jurisdiction has been extended to the boundaries of the "new city," and under a combined council of 14—a nine-man city council and five-man county council.

Day-to-day operation of the Indianapolis consolidated government is the responsibility of the mayor, his staff, and his cabinet. This cabinet consists of six departments: administration, metropolitan development, public safety, public works, transportation, and parks and recreation. This is less than half of what previously existed. The mayor appoints five of the six departmental directors, and the sixth appointment is subject to his confirmation. His appointments, likewise, must be confirmed by the city-county council. The mayor has the power of line-item veto of budget ordinances, which may be overridden only by two-thirds vote of the entire council.

As with Nashville and Jacksonville, two types of special districts are authorized. One is a special services district, which is a district smaller than the consolidated city and created to provide the property owners therein with a service or services. The special services district is a separate corporate body, and is governed by a special services district council composed of the members of the city-county council elected from those electoral districts encompassing any part of a special services district. A special services district council may adopt ordinances, approve a budget, make appropriations, and levy taxes for its district.

The second type of special district authorized is a special taxing district, which may be a district of smaller, equal, or greater territorial limits than the boundary of the consolidated city. Property owners in this district bind themselves to pay for construction and maintenance of local public improvements, which may include storm and sanitary sewers, flood control projects, drainage and watercourse improvements, parks, redevelopment projects, and streets and roads. The council must adopt a budget for and give prior approval to any bond issue of a special taxing district, even if the district boundaries exceed those of the consolidated city.

Before consolidation, Marion County contained 19 municipalities besides Indianapolis. Sixteen of these are included in the new government and three are excluded. The included towns retain their identities and may continue to perform local functions. The primary difference between the included and excluded towns is the ability of the latter to issue general obligation bonds and enact ordinances permitting standards lesser than those of the consolidation, pursuant to general law procedures. An excluded town and the consolidated city may exchange jurisdiction over territory upon petition of 51% of those property owners in the area to be transferred, and the approval of the respective governing bodies.

An additional distinction between the municipalities and the consolidated government concerns police and fire protection. The old city constitutes a special taxing district in which this protection is afforded and for which residents are taxed accordingly. The consolidated government does not undertake to furnish these services beyond the old city, and the

tax rates outside the old city are correspondingly lower than in the city. The municipalities presently provide limited police protection and some furnish fire protection as well. The charter authorizes extension of police protection by the consolidated government to the unincorporated areas of the county upon the majority vote of the council, and extension of fire protection upon petition of the majority of the property owners in the area to be serviced, subject to council consent.

One of the major changes brought by the so-called "Unigov" was the consolidation of the city and county legislative bodies. Previously, the city council was composed of nine members and the county of five members. All were elected at large but required to reside in districts. Beginning January 1, 1972, the combined city-county council consisted of 25 representatives elected from districts and four representatives elected at large. Qualified voters of the three excluded communities are eligible to vote for the election of councilmen from their districts, the at-large representatives, and the mayor.

The council, as the primary legislative body of the government, is empowered to pass ordinances concerning all affairs of the consolidated city. "Included" towns, townships, and "conservancy districts" (prior existing sewer districts), however, retain legislative powers relative to their territorial jurisdictions, except that they may not issue general obligation bonds or pass ordinances in conflict with, or permit lesser standards of activity than, those of the consolidated council.

The council has the exclusive power to adopt budgets, levy general or special taxes, and make appropriations for the consolidated city and any of its departments. This fiscal authority extends to many of the independent agencies and boards and to the offices of all the "constitutional" officers of the consolidated government whose powers and duties have not been altered by consolidation.

The following offices of elected county officials required by the state constitution will remain unchanged: clerk of the circuit court, county prosecutor, auditor, treasurer, sheriff, coroner and the county surveyor. The city clerk, however, is now appointed by the council instead of elected.

These agencies continue to be independent: Indianapolis Airport Authority, Health and Hospital Corporation, County Department of Welfare, County Home Board, Building Authority, Capital Improvements Board, County Library Board, and the schools.

#### 6. Columbus-Muscogee County, Georgia

Just as with the City of Lincoln and Lancaster County, the city of Columbus had its own charter and Muscogee County was considered an arm of the state government. Columbus residents were also residents of the county and taxed by both jurisdictions.

On May 27, 1970, the voters of Columbus and Muscogee County approved a consolidated government by a margin of five to one. The new government took effect January 1, 1971. Columbus and Muscogee had already taken some steps toward consolidation. Both the health departments and school systems were consolidated as far back as 1940 and 1950, respectively.

The population of the consolidated community is approximately 215,000. The primary factor encouraging citizens to support consolidation appears to have been their recognition of a need to modernize the local government and eliminate duplicated services.

The Columbus-Muscogee consolidation resulted from a year of effort by a 15-member citizens' charter commission appointed by the city and county authorities in May 1969. Created by an act of the state legislature, this commission was charged with the responsibility of writing a charter for a single, countywide government. Assisted by an Atlanta consulting firm, the commission completed its work April 1, 1970, and presented the completed charter to the county's chief election official for submission to the voters. A citizens' publicity steering committee then took over and mounted an intensive promotion and education campaign for the new charter. Numerous promotional devices were used, including an extensive precinct organization worker and neighborhood campaign.

Moreover, voting support for consolidation was aided by the fact that more than 95% of the participating countywide voters were city residents. This condition resulted from the city's aggressive annexation policy following the first defeat in 1962 of city-county consolidation. Thus, in 1970, most of the voters in Muscogee County were already residents of the city of Columbus. Furthermore, Columbus-Muscogee County seemed programmed for consolidation success by the requirement of a "double-count" majority. This type of majority requires both citywide and countywide voter approval. In other words, the votes of the city residents are counted twice—once in the city balloting, and again in the countywide tabulations since city residents are also county residents. Consolidation would have been rejected in Columbus-Muscogee if separate city and county majority approvals (the double majority requirement) had been required. Thus, the county residents, as small a proportion as they were, voted firmly against consolidation and could have determined the fate of local government under different election requirement circumstances.

The Columbus-Muscogee consolidation reflects features of both the "strong mayor" and "city manager" arrangements for local government. Executive and administrative powers are vested in a separate executive branch, headed by a full-time mayor elected at large. This mayor possesses executive and budgetary responsibilities; he also presides at meetings of the council and votes therein in case of ties, since he then becomes a member of the legislative branch.

The affairs of the new government are under the day-to-day direction of a chief administrative officer (city manager). His selection requires nomination by the mayor with majority approval of the council. Although under the mayor's immediate supervision, the manager has appointive and removal powers over department heads with the advice and consent of the council, along with broad supervisory powers over departments and agencies.

The new government employs a relatively small legislative body of nine members plus the mayor, as compared to Nashville's 40-member body. Five of the nine councilmen are elected at large and four from districts. District councilmen must reside within the district they represent, while at-large members of the council may reside anywhere in the county.

All legislative powers are vested in the council. As a policy-making body, the council may not deal in the daily executive or administrative affairs of the government for which the executive branch is responsible. The council has broad investigatory powers including the authority to reorganize the government by creating or altering the various departments, boards, commission, and agencies.

The original 22 separate and occasionally duplicative functions of the preconsolidation governments have been reduced to a total of nine activities under the merger. Services are financed on the basis of payment for services actually received. This is achieved by using general and urban services districts which differentiate functions according to the intensity of the service, with varying tax rates imposed accordingly.

Politically, the proposed charter received the unified endorsement of both state and local representatives, unanimously by the city officials and state legislative delegation, and by all but one county official.

Proponents of this consolidation cited the customary advantages of merged local governments, such as citizen accountability, identifiable responsibility for service functions, elimination of intergovernmental conflicts, better distribution of governmental resources, removal of duplicative functions, greater convenience to citizens who deal with one government rather than two, more equitable distribution of tax burdens and payment for services according to those actually received. It is also interesting to note the increased representation of minorities on the council since consolidation.

#### 7. Carson City-Ormsby County, Nevada

Carson City, the capital of Nevada, is an area of 140 square miles, with approximately 25% of that area presently inhabited (the rest is mountainous). Carson City is the only municipal government in Ormsby County. All of the residents in the county live in Carson City or in the fringe areas.

Consolidation represented the culmination of nearly 20 years of increasing cooperation and coordination efforts by the city and county governments. In 1951, the city charter was amended to allow elected county officials—i.e., sheriff, auditor, district attorney, clerk, and assessor—to provide services to and be paid by the city.

During the 1960s, the board of commissioners and city council agreed to a number of functional consolidations: engineering, building, parks, and street and road departments were combined. The fire department was expanded to cover the entire county. In 1966, a single city manager was employed to serve both the county and city governments.

It was finally determined that a single policy-making board was desirable and that a state constitutional amendment was needed to accomplish this. In 1968, voters in Ormsby County and throughout the state approved such an amendment by a two to one majority.

After considerable preparation, Carson City officials received the approval of the state legislature for a charter for the consolidated government. The consolidated city-county was to have a mayor and four members of the board of supervisors, with an appointed city manager. (Note: Carson City was retained as the name of the consolidated government to preclude efforts by Clark County officials to move the state capital, which requires the location to be in "Carson City.")

Under the consolidated government the "constitutional offices" have been retained. These county offices operate under a uniform personnel system, although the elected officials may select their staff. Also, the board of supervisors exercises budgetary control over these departments.

The county is still represented in the legislature. All other units of government have been eliminated except for two improvement districts set up for bonding purposes.

The county uses two taxing districts, one for the urban area and the other for the rural fringe. Services are then paid for as they are rendered or added by the rural communities.

According to local sources, the consolidated government is working well. Some problems exist, however, insofar as the elected officials are concerned. This is due to their general lack of qualifications for the technical tasks associated with their positions. This is being overcome by hiring professional support personnel.

#### 8. Wilmington-New Hanover, North Carolina

In North Carolina, the Wilmington-New Hanover Charter Commission prepared a charter to consolidate the city and the county. The charter calls for the council-manager form of government with a nine-member council and a mayor. This consolidation was approved by the voters in 1972. It is still too early for a meaningful analysis of the data and information regarding this consolidation to be made.

#### 9. City-Borough Consolidation in Alaska (Juneau and Sitka)

The unification movement in Alaska achieved its first success in 1970 with the consolidation of the cities of Juneau and Douglas and the Greater Juneau Borough. The origins of this effort are historically traceable to the development of Alaska's constitution. Before

statehood, the framers of Alaska's basic law noted the messy examples of local government structure existing in most older states, with proliferations of overlapping special agencies predominating and thwarting effective government, particularly in growing metropolitan areas. The new constitution stated that there would be only two forms of local government: cities and boroughs, the latter term being differentiated from the more traditional term "county" because of the intent to provide a more flexible legal entity for provision of services to larger areas than were encompassed by the existing cities.

Although boroughs are empowered to add a whole range of services, they are basically responsible for three: taxation, education, and planning.

Unification was not easy to obtain. The first unification charter was defeated in 1969. The charter commission went back to work, made some revisions, and achieved success in February 1970. Again, Alaska law contributed to the victory in the provision that a unification charter must pass in both the tally of in-city and out-of-city votes. Voters in the small city of Douglas opposed unification two-to-one, but were swept in by votes from Juneau. The so-called rural tally favored unification by 33 votes.

Douglas took its protest to the courts, and the State Supreme Court upheld the unification action.

A four-month transition period was allowed and the unified government began operations July 1, 1970. The boundaries are those of the former Greater Juneau Borough, encompassing 3108 square miles, which makes Juneau the second largest city in area in the world.

The form of government is council-manager, with a nine-member local legislative body (called the assembly) elected at large, but with required residential representation conforming to the pre-existing jurisdictions.

There is now an ability to plan and program major capital improvements with a minimum of jurisdictional bickering. This results from having a single policy-making body, capable of setting forth the needs of the community in a way that the people can understand. Four public facility bond issues have passed, and improvements such as sewers, schools, and an indoor swimming pool which long had languished have been provided.

By combining forces, administrative structure has been created which is more capable of handling problems than were the former jurisdictions. Although economies of scale are minimal in a consolidated jurisdiction which still has a population of only 15,000, there is centralized accounting, treasury management, purchasing, and personnel administration.

The service area concept has been utilized to assure equity of taxes in relation to concentrations of services in particular areas, and transitional provisions concerning prior debt and assets have been implemented. Tax levels have had their "ups and downs," but for 1973-74, they compare very favorably with pre-unification rates. In general, the level of service being provide has risen.

TABLE 1  
COMPARATIVE STRUCTURE AND FINANCES  
OF SIX CONSOLIDATED GOVERNMENTS

	Baton Rouge—East Baton Rouge Parish Louisiana Population—267,000	Nashville— Davidson County Tennessee Population—410,000	Jacksonville— Duval County Florida Population—507,200	Indianapolis— Marion County Indiana Population—742,000	Juneau—Greater Juneau Borough Alaska Population—13,895	Columbus— Muscookee County Georgia Population—164,235
Date of Vote on Successful Consolidation Proposal—Votes Cast FOR and AGAINST	8/12/47 7,012 for— 6,705 against	6/28/62 City—21,064 for 15,599 against County—15,514 for 12,514 against	8/7/67 54,493 for 29,768 against	no referendum— passed by state legislature	2/17/70 2,059 for 1,748 against	5/27/70 12,500 for 2,989 against
Effective Date of Consolidation	1/1/49	4/1/63	10/1/68	1/1/70	7/1/70	1/1/71
State Enabling Legislation Required for Consolidation	yes	yes	yes	yes	no	yes
State Legislation Required for Establishing Consolidation Charter Commission	yes	yes	yes	no	yes	yes
Popular Referendum Required for Consolidation Charter Passage	yes	yes	yes	no	yes	yes
State Legislation Required for Approving Establishment of Consolidated Government	no	no	no	yes	no	yes
City Area Prior to Consolidation (square miles)	5	72.5	39	84	2.34	69.5
Area Of Consolidated Government (square miles)	30	533	841	402	3,108	147.8
City Population Prior to Consolidation	40,000	255,000	198,200	525,000	7,313	162,218
Population of Consolidated Government	267,600	410,000	507,200	742,000	13,895	164,235
Number of Municipalities in County not Incorporated into New Government	2	6	4	3	n.a.	1
School Boards or School Districts Included in Consolidation	no	yes	no (Duval County was single School District prior to)	no	yes	yes (consolidated in 1950)
Number of Special Districts (excluding School Districts) Within City and County Before Consolidation	N.A.	City — 1 County — 5	City — 1 County — 3	City — 6 County — 0	City — 0 County — 13	City — 0 County — 0
Number of Special Districts (excluding School Districts) Within Consolidated Government	Outside City 4	4	0	6	6	3
Form—Executive	Mayor — President Council	Mayor — Council	Mayor — Council	Mayor — Council	Mayor — Council	Mayor — Council
Popularly Elected	yes	yes	yes	yes	yes	yes
Term of Office (yrs.)	4	4	4	4	4	4
—Legislative						
Size of Consolidated Legislative Body	11****	41	19	29	9	10
Number Elected by District		35	14	25	0	4
Number Elected at Large	7 within City 4 in wards outside	Mayor + 5 Council- men	5	4	9	6
Population per District		14,000	15,000	32,000	n.a.	50,000
Operating Budget for Consolidated Government	City—\$19.6 million (10/71) Parish—\$8.9 million (10/71)	\$162 million (1971-72)	\$285.5 million (1971-72)	\$89.7 million (1970)	\$12.7 million (1970-71)	\$16.6 million (1972)
Capital Budget for Consolidated Government	\$37.2 million including federal aid (1971-72)	\$60 million including federal aid (1970-71)	\$8.5 million (1971-72) ***	\$2.6 million (1970)	\$2.1 million (1970-71)	\$4.1 million (1972)
Tax Levy for City and County before Consolidation (mills per thousand \$) Assessment Rate—% of fair market value property is taxed.	N.A.	City — 30.0 County — 27.8 A.R. — 40%	City — 40.74 County — 32.15 A.R. — 40% (average — 65)	City — 64.2 County — 28.3 A.R. — 33%	N.A.	City — 17 County — 28.75 A.R. — City 30% County — 40%
Tax Levy for Consolidated Government (mills per thousand \$) Assessment Rate—% of fair market value property is taxed.	City—42 County—34 A.R.—25% (average)	General Service District — 41.1 Urban Service District — 18.9 A.R. — 40%	City — 24.07* County — 29.56** A.R. — 100%	City — 62.5 County — 28.4 A.R. — 33%	N.A.	20.5 — 26.9 A.R. — 40%
Special Service Fees Levied In City and County Prior to Consolidation	Garbage service in special districts outside City	City — Library Golf County — Health Card	City — None County — None	City — Fire Dis- trict, Police District County — None	City — None County — Fire Service, Street Lighting	City — None County — None
Special Service Fees Levied By Consolidated Government	Street Lighting District outside City	Water Sewer Golf	None	Fire Special Service — Police Special Service	Fire Service — Street Lighting	None

\* Urban Service Districts 2-3-4-5- (former county).

\*\* Urban Service District 1 (former city).

\*\*\* Does not include capital budget for electric authority, hospital authority, transit authority, or port authority.

\*\*\*\* There are two separate legislative councils: One for the city — 7; one for the parish — 11 (includes 7 from city council).

All municipal laws have been codified, including the updating of obsolete language as well as the combination of ordinances from the three pre-existing entities.

Elsewhere in Alaska, Sitka City and Borough unified late in 1971. Consolidation may soon take place in Fairbanks, where a charter commission is at work; and the first step toward unification is underway in Ketchikan. Anchorage has tried to consolidate twice and it has failed because of rural opposition, but the issue refuses to die there. Because of the basic legal framework under which Alaskan local government operates, it is in the forefront of city-county consolidation.

Table 1 illustrates the comparative structure and finances of six of the consolidated governments discussed above.

### C. DEFEATED CITY-COUNTY CONSOLIDATION EFFORTS

Many attempts at city-county consolidation have been rejected by the voters. Since the 1960s it has been especially difficult to obtain voter support for local government reorganizations of all kinds. Areas that attempted to bring about consolidated local governments in the 1900s, and failed, are listed below; several are discussed in the following paragraphs.

Oakland-Alameda County, California	1921
Butte-Silver Bow County, Montana	1924
St. Louis-St. Louis County, Missouri	1926, 1959
Portland-Multnomah County, Oregon	1927
Pittsburgh-Allegheny County, Pennsylvania	1932
Several municipalities-Ravalli County, Montana	1933, 1960
Macon-Bibb County, Georgia	1933, 1960, 1971
Jacksonville-Duval County, Florida	1936*
Miami-Dade County, Florida	1948, 1953*
Newport News-Warwick County-Elizabeth City County, Virginia	1950**
Nashville-Davidson County, Tennessee	1958*
Albuquerque-Bernalillo County, New Mexico	1959
Knoxville-Knox County, Tennessee	1959
Cleveland-Cuyahoga County, Ohio	1959

\* Later approved consolidation.

\*\* In Virginia, overlapping city and county jurisdictions are not possible under the state constitution.

Durham-Durham County, North Carolina	1961
Richmond-Henrico County, Virginia	1961**
Columbus-Muscogee County, Georgia	1962*
Memphis-Shelby County, Tennessee	1962, 1971
Chattanooga-Hamilton County, Tennessee	1964, 1970
Tampa-Hillsborough County, Florida	1967, 1970
Roanoke-Roanoke County, Virginia	1969**
Athens-Clarke County, Georgia	1969
Charlottesville-Albermarle County, Virginia	1969**
Brooksville-Hernando County, Florida	1970
Charlotte-Mecklenburg County, North Carolina	1971
Tallahassee-Leon County, Florida	1970
Pensacola-Escambia County, Florida	1970
Anchorage-Greater Anchorage Borough, Alaska	1970, 1971
Port Pierce-St. Lucie County, Florida	1972

#### 1. Albuquerque-Bernalillo County, New Mexico

The proposed charter provided for incorporation of a city-county of Albuquerque, with the limits of Bernalillo County and the powers granted to municipalities, cities, and counties by the constitution and laws of New Mexico.

The governing body was to be a seven-member commission elected at large, with two of the members required to be residents of the rural areas of the city-county. "Rural area" was defined as the area outside the city of Albuquerque at the time of the adoption of the charter. Interim transition period arrangements were specified. The commission was to employ a city-county manager to serve as chief executive and administrative officer.

Other officers designated by the charter were: director of finance, to perform acts and duties required of county treasurers and assessors; city-county clerk, to perform acts and duties required of county clerks; city-county police chief, to perform acts and duties of county sheriffs; director of public works, to assume acts and duties of county surveyors;

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\* Later approved consolidation.

\*\* In Virginia, overlapping city and county jurisdictions are not possible under the state constitution.

city-county municipal court, to have jurisdiction and to perform acts and duties required of county small claims court; and the probate judge of the city-county, to have the same powers, jurisdiction and duties as provided by law for county probate judges.

The charter also provided for a pattern of taxation to take account of differential service levels. For this reason, the commission was to have power to apportion taxes according to benefits derived from the following services: water, sewer, and garbage services; fire protection; public health and sanitary inspection; recreational facilities; flood protection; highways and roads; and any other service primarily for the benefit of a limited area. Bonded debt of the two jurisdictions at the time of adoption was to remain the separate debt of the incurring jurisdiction which would retain its identity for debt service purposes.

The proposed charter was prepared by a 14-member city-county charter committee which was appointed in 1952 by the commission of Albuquerque and the board of commissioners of Bernalillo County, under state enabling legislation of 1951. The committee had the cooperation of various organizations for its study. However, several members of the original charter committee resigned and actively opposed the new charter. Newspapers felt consolidation was not in the public interest and gave it little publicity. Consequently, there was little public interest, except for politicians and residents actively opposed to it (the latter saw the consolidation as an annexation move).

Finally, in 1959, the plan was put before the voters as two questions: (1) city-county consolidation *per se*, and (2) adoption of a charter providing for incorporation of the whole of Bernalillo County as the city-county of Albuquerque. Each question required concurrent majorities from the city and the area outside the city. Each question failed to receive a favoring vote in either of these areas.

## 2. Knoxville-Knox County, Tennessee

The charter proposed to replace the city of Knoxville and Knox County by a single metropolitan government with jurisdiction over the entire county area. The metropolitan government would include an elected 10-member council, with five from the city and five from the county, as the legislative body. Executive power was to center in an elected metropolitan chairman, responsible for eight newly designated administrative departments: law, finance, tax assessment, safety, public works and services, recreation, health, and hospitals and charity.

Other parts of the proposal provided for a metropolitan court system, and consolidation of the city and county schools and libraries. A personnel board and a metropolitan pension and retirement board were to be established by the metropolitan council. Existing sanitary and utility districts were to be left undisturbed with provision for the metropolitan government to acquire the properties by arbitration or negotiation.

The metropolitan area was to include a general services district coterminous with Knox County boundaries, and an urban services district consisting initially of the city of Knoxville. The urban services district could be later extended as necessary by the metropolitan council.

The two service areas would assume the bonded indebtedness of the county and city, respectively. The services to be performed by the general services district were to include: general administration, police, assessment, health and welfare, schools, parks and recreation, streets and roads, urban redevelopment, building codes, transit, and refuse disposal. The urban services district was to perform and finance such functions as additional police protection, fire protection, water and sewerage systems, street lighting and cleaning, and refuse collection.

The metropolitan charter proposals were prepared by a 10-member Knox County Metropolitan Government Charter Commission appointed jointly by the city and county. The commission used professional staff assistance. There had been unsuccessful reorganization efforts in 1941, and again in 1957, which resulted in state enabling legislation.

In 1959, a majority referendum vote both in the city and outside the city was required for adoption. The voters from both areas overwhelmingly rejected consolidation. There was very little voter interest and apparently little political and media support for the merger. These, apparently, were the decisive factors in the negative vote.

### 3. Macon-Bibb County, Georgia

This plan proposed merger of Macon, Payne City, and the unincorporated area of Bibb County into one government with the new city limits the same as the original Bibb County limits.

The governing body was to be a chairman and twelve commissioners. The chairman and three of the commissioners were to be elected from Macon-Bibb County at large, with the remaining nine commissioners elected from nine voting districts, five within and four outside the original limits of Macon. Two commissioners to reside outside the limits of Macon were added to the three-member Water Board, with all five to be elected by a countywide vote.

The proposed merger provided for consolidation of tax assessing and collecting offices, engineering departments, law enforcement offices, and administrative offices. The proposal also provided for a recorder's court to be countywide in jurisdiction. The charter protected the job security and pension rights of all employees of the local governments being merged.

Under the charter, the chairman and commissioners were to investigate and determine governmental services that could be furnished to areas adjoining the city of Macon, and the cost of such services. The costs determined would be the amount of tax to be paid by the area served. The city-county governing authority could furnish all services to one area, or different services to different areas, but in no one case would the proposal become effective until the people in the area gave their approval under a defined referendum procedure.

The existing bonded indebtedness of Macon was to be serviced solely from taxes levied in the original city of Macon. Essential city services, such as street cleaning and lighting, garbage collection, more intensive police services, and fire protection, for the urban area of Macon were to be paid by specifically defined taxes in that area.

The proposal was recommended by the Macon-Bibb County Governmental Planning Commission, created in 1956 jointly by the city, the county, and the chamber of commerce. Current and former mayors, county commissioners, and chamber presidents were members

of the commission. They conferred with authorities in municipal government, local citizens, and planning experts. A 1958 constitutional amendment and 1960 permissive legislation paved the way for the merger referendum.

Concurrent majorities in Macon, Payne City, and the unincorporated area of Bibb County were required for adoption. While the voters in the central city voted in favor of the consolidation, residents in the unincorporated area overwhelmingly rejected it, and consolidation was defeated.

The "anti" vote of voters outside the Macon was primarily due to a fear of increased taxes. It should be pointed out that most of the county's population lives in Macon.

The voters were given another opportunity to consolidate in 1971 but rejected it again. This time the issue centered not only on increased taxes for outlying areas but also who was to run the county law enforcement agency—the sheriff or police chief. The fire chief also argued against consolidation on the basis that it would have a severe effect on the city's fire rating and require large capital outlay to meet state requirements for fire protection. Finally, political support was practically nonexistent.

#### 4. Tampa-Hillsborough County, Florida

The Tampa-Hillsborough County campaign for consolidation occurred almost at the same time as the successful Jacksonville-Duval County consolidation effort and in the same state. Unlike Jacksonville, alignments over consolidation never became clear and public interest was never aroused.

Tampa, after passage of enabling state legislation, created a charter board of citizens who were well intentioned but for the most part political amateurs. Despite attempts to mollify concerned public officials, employees, and smaller municipalities in the county, these groups organized to form a solid opposition to the consolidation proposal. As a result, the initial recommendations for total consolidation were amended and considerably weakened.

The charter board's publicity campaign for consolidation was short and ineffective. Members of the state legislature backed down from their initial stance in support of consolidation. The newspapers finally joined the campaign for consolidation in the last days. By then, it was too late.

In 1967, Tampa's consolidation leaders were defeated by electoral hostility and apathy. A voter turnout of 22% defeated the plan by more than a two to one vote. Their proposal had called for city-county consolidation and the consolidation into the new government of all boards, districts, authorities, agencies, and councils other than the public school system, the junior college system, the Tampa Port Authority, the Hillsborough County Aviation Authority, and the Tampa-Hillsborough Expressway Authority.

The municipalities of Plant City and Temple Terrace would have been permitted to continue their separate corporate existence, but their ordinances, with the exception of zoning, could not have conflicted with those of the consolidated government.

The consolidation would have been governed by a 21-member council, with 20 members elected by districts, and the chairman, the vice mayor, elected at large. A popularly elected mayor was to be the chief executive officer and his appointments would be subject to council confirmation. The proposed charter also provided for initiative, referendum, and recall.

The Tampa experience teaches that consolidation requires:

- Continuous and strong support from the media,
- Involvement of the upper echelons of civic leadership,
- A disillusionment with the existing government—e.g., a serious financial or political crisis which would dramatize the case.

It also teaches that in some instances a modest reform aimed at a long-range plan would be more effective than consolidation.

#### D. AREAS PRESENTLY STUDYING CONSOLIDATION

For a growing number of people the nature of the "urban crisis" is the structure of local government itself. Fragmentation of local government is making urban problem solving more and more difficult. Dr. Daniel Grant has written: "The present pattern of fragmentation in most areas segregates suburbanites from core city dwellers, and it can be argued that it works to the detriment of both groups. Furthermore, the complex pattern of separate governments makes it difficult, if not impossible, for the average citizen to know whom to blame when things go wrong and whom to reward when things go right. If the essence of democracy lies in holding government accountable for its deeds and misdeeds, democracy in the metropolis is certainly in trouble."

Certainly, people are becoming aware of the need to restructure local government. The list of areas considering local government consolidations continues to grow and expand into all parts of the country. Areas now considering this question are as follows:

- Montgomery-Montgomery County, Alabama
- Birmingham-Jefferson County, Alabama
- Tuscaloosa-Tuscaloosa County, Alabama
- Sacramento-Sacramento County, California
- Lower Naugatuck Valley, Connecticut
- Pensacola-Escambia County, Florida

Tallahassee-Leon County, Florida  
Gainesville-Alachua County, Florida  
Tampa-Hillsborough County, Florida  
Dalton-Whitfield County, Georgia  
Douglasville-Douglas County, Georgia  
Athens-Clarke County, Georgia  
Macon-Bibb County, Georgia  
Valdosta-Lowndes County, Georgia  
Savannah-Chatham County, Georgia  
Atlanta-Fulton County, Georgia  
Lafayette-Tippecanoe County, Indiana  
Wichita-Sedgewick County, Kansas  
Kansas City-Wyandotte County, Kansas  
Lexington-Fayette County, Kentucky  
Louisville-Jefferson County, Kentucky  
Lincoln-Lancaster County, Nebraska  
Albuquerque-Bernalillo County, New Mexico  
Utica-Oneida County, New York  
Winston-Salem - Forsyth County, North Carolina  
Durham-Durham County, North Carolina  
Dayton-Montgomery County, Ohio  
Mahoning and Trumbull counties, Ohio  
Portland-Multnomah County, Oregon  
Charleston-Charleston County, South Carolina  
Columbia-Richland County, South Carolina  
El Paso-El Paso County, Texas  
Salt Lake City-Salt Lake County, Utah  
Seattle-King County, Washington  
Benton and Franklin counties, Washington  
Walla-Walla - Walla-Walla County, Washington

To provide a better idea of what these proposed consolidations involve, four of the more advanced proposals are discussed below.

## 1. Atlanta, Georgia

The Institute of Public Administration has prepared for Atlanta and Fulton County, Georgia, a report recommending consolidation of those governments. The proposed merger would be partial, without including smaller municipalities.

Consolidation for Atlanta is complicated by the dispersion into DeKalb County of 8% of its population and 6.3% of its area. The poll of DeKalb residents taken by the institute revealed only 32% in favor of merging that county with consolidated government.

The report recommends creation of a limited-purpose regional council responsible for water supply, aviation, sewage and solid waste disposal, recreation, and similar functions. Also suggested was incorporation by the proposed council of the functions of the Metropolitan Atlanta Council of Local Governments, Atlanta Region Metropolitan Planning Commission, and the Metropolitan Atlanta Rapid Transit Authority.

Although the precise structure of the proposed government would be determined by a charter commission, the institute report envisions a mayor-council plan with 10 councilmen elected by districts and seven elected at large, with a requirement that each of the seven reside in a different area.

In 1969, the Georgia House of Representatives voted 89 to 61 to consolidate Atlanta and Fulton County without a referendum, but the bill lacked the constitutionally required majority of the entire house membership.

## 2. Louisville, Kentucky

Two comparatively recent attempts at some form of urban government have occurred in the Louisville-Jefferson County area. On April 2, 1955, the Louisville mayor and a Jefferson County judge established by joint action a local government improvement committee. From the deliberations of this committee arose the so-called "Mallon Plan" for the improvement of local government in Jefferson County, named for its chairman, John Mallon. The report summed up Jefferson County's problem as follows:

"Very large segments of the total population of Jefferson County, not by any means all in the same geographical area, are finding it impossible to obtain the public services they should have in a modern community, and the financial burden of providing the services which the total population does get is inequitably distributed."

At the November 1956 general election, Louisville city voters approved the Mallon proposal, but voters in the area proposed for merger disapproved by more than two to one.

In mid-1969 the Louisville Area Chamber of Commerce appointed a blue ribbon, 14-member task force headed jointly by a former Louisville mayor and Kentucky lieutenant governor, and a former U.S. Senator. This task force proposed that the city be enlarged to

include all unincorporated areas of Jefferson County. The 65-odd cities of the fourth, fifth, and sixth classes would be granted the option to join the enlarged city but would not be forced to do so. Several city and county functions would be merged, but county constitutional officers would continue to perform certain functions, such as health and welfare, functions relating to taxation, and the like. As authorized by the constitutional amendment approved by Kentucky voters in 1969, the city is empowered to establish separate tax rates for separate areas, based upon services provided. The task force proposed effectuation of the plan upon approval by a simple majority of all voters in Louisville and the unincorporated areas of Jefferson County.

The legislative embodiment of the proposal was House Bill 673 of the General Assembly. This measure, which was eventually tabled in the House of Representatives, would have authorized creation of a home rule charter commission for Louisville and Jefferson County directed to prepare a plan for the improvement of government therein. This plan if approved by the affected voters would, combined with prevailing laws, constitute a charter for the city and county governments. Excluded cities could opt to be within the new government, at the discretion of their voters.

### 3. Volusia, Florida

In March 1970, the Volusia County, Florida Charter and Study Commission presented the legislative delegation a proposed charter providing for consolidation with the county government of 38 boards, districts, authorities, and agencies. Daytona Beach and other municipalities were excluded

The proposal calls for a seven-member county council to be chosen in nonpartisan elections. Five members would be elected by districts for two-year terms and be limited to three consecutive terms. The two at-large members would serve four-year terms and be limited to two consecutive terms. By a two-thirds vote the council would be authorized to hire and fire a county manager. Ten departments would be created to receive the powers of former constitutional officers. The new county would "have all powers and duties prescribed by the Constitution, laws of Florida, and this charter," and could establish service and tax districts. In addition, municipalities and special districts would be authorized to transfer functions to the county. The charter provides:

A county ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict ... provided that county ordinances shall prevail over municipal ordinances whenever the county shall set minimum standards protecting the environment by prohibiting or regulating air or water pollution or the destruction of the resources of the county belonging to the general public.

### 4. Lower Naugatuck Valley, Connecticut

The Institute of Urban Research of the University of Connecticut has released a report—Reorganizing Governmental Structure in the Valley—which proposes the modernization of four local governments in the Lower Naugatuck Valley and the creation of a valley regional service authority. The local governments involved are the town of Seymour, and the cities of Ansonia, Derby, and Shelton.

The report states that "consolidation is probably the best regional approach to Valley governmental reform." Nevertheless, federation is offered as the preferred alternative in view of the strong political opposition to consolidation.

According to the report, the proposed Valley Regional Service Authority "would represent a consolidation of government at the regional level, not at the local level. Each local government would continue to exist in its present form, but the present regional agencies would be folded into the new public authority." In other words, the proposed authority would assume the functions of the Valley Regional Planning Agency, Valley Council of Governments, the health district, and the transit district. The latter two are not fully functioning at present.

#### E. ANALYSIS OF RECENT CONSOLIDATION EFFORTS

A review of the circumstances surrounding the successful (approved) and unsuccessful (defeated) consolidation efforts is very enlightening. Our research of this subject leads us to make the following conclusions:

1. The more drastic the change, the less likely the chance for voter approval in a referendum election. This is particularly in evidence when political and social relationships are affected. It is for this reason that most "constitutional" offices are retained. Additionally, we observed that all major governmental reorganizations involve political issues and need organized political support.
2. The general public is usually indifferent to consolidation. Voters are normally initially neither for or against reorganization. Substantial voter interest occurs only in "abnormal" situations—e.g., the series of indictments in Jacksonville-Duval County, or when a critical situation must be remedied. The problem with a low turnout is not that it means certain approval or defeat, but that it is hard to determine the actual popular sentiment regarding the desire for local government reorganization.
3. Residents of the core city are the most likely to support consolidation. This is especially true for the high socioeconomic categories.
4. Metropolitan and/or consolidated local governments are most frequently the product of "good government" groups, not grass root dissatisfaction or the leadership of public officials.
5. Good government groups have difficulty establishing effective communications with mass audiences. A variety of promotional methods, geared to the diverse composition of the electorate, is needed to enlist public support for reorganization. It is important to have strong and continuous support from the media.
6. Most consolidations have required constitutional changes and thus state legislative support is mandatory—e.g., for adopting enabling legislation and/or for approving new home rule charters.

7. Consolidated governments have the best chance of retaining public support when the reorganization is carefully designed—i.e., roles of various government entities are clearly spelled out in advance. This requires a number of local people who are knowledgeable about the various problems and issues involved with consolidation and who can develop sound recommendations.

8. Consolidated jurisdictions actually do simplify the governing of a metropolitan area by eliminating duplicated services and allowing for areawide planning and administration of services. This makes it easier for the public to hold local officials accountable.

9. Consolidated city-county governments do not necessarily have a beneficial effect on problems overlapping two counties, or where several layers of government—e.g., federal and state—are concerned. Consolidation also is usually opposed by smaller municipalities who wish to retain their identity (the reason why many consolidations have been partial, allowing existing municipalities to remain) and by rural groups fearful of tax increases (the reason behind multiple taxing jurisdictions in many consolidated governments).

10. Consolidation proposals must reflect the particular concerns and needs of each area. Attempts to “copy” or “export” previously successful consolidated government structures en toto have not been effective.

## II. EXISTING GOVERNMENTAL STRUCTURE IN LANCASTER COUNTY

Several levels of government operate within Lancaster County: the County of Lancaster, the City of Lincoln, incorporated villages, and special purpose governments. There are also numerous informal advisory bodies that play an important role in local government. This chapter describes the special characteristics of each level of government in order to provide a better understanding of the responsibilities of each and of the problems and opportunities created by the present structure. *Services that are presently performed jointly by the City of Lincoln and County of Lancaster are discussed in the next chapter.* There are also several areawide boards in which the county is involved. These too are discussed in Chapter III.

### A. COUNTY OF LANCASTER

Lancaster is Nebraska's second most populous county. It consists of a rectangular area of land of approximately 845 square miles. The principal city, as well as the county seat and the state capital, is Lincoln, which in 1970 housed 149,518 of the county's total population of 167,972. There are also 12 incorporated villages with their own body politic and governmental entity established. More than 90% of the people in the county live in urban areas. Continuing the trend of past years, the percentage of those living in the urban areas of Lancaster County has been steadily rising.

Like other counties in Nebraska, Lancaster County was established under the State Constitution and has only those powers conferred on it by the state legislature. For example, Lancaster County has been granted broad authority for establishing zoning, subdivision, building, air and water pollution, and traffic regulations. The general powers granted to the county are to purchase, sell, convey, or lease real and personal property; to enter into agreements with other units of government; to exercise the power of eminent domain; to sue and be sued; and to make contracts. County governments in Nebraska can establish no laws of their own without being granted authority by the state legislature. They are primarily an administrative arm of the state government.

The jurisdiction of the County of Lancaster, insofar as regulations are concerned, is restricted in some instances to within three miles of the city limits of Lincoln; within one mile of village limits and two miles of second class city limits. It is particularly restricted, however, insofar as such activities as zoning, building inspection, and street maintenance are concerned. This limited jurisdiction does not pertain to other services rendered on a county-wide basis—e.g., health, welfare, and administrative services. It is these latter services that are discussed below in this section and which operate without regard to city boundaries.

Of the 93 counties in Nebraska, 28 are under township organization governed by a seven-member board of supervisors, and 65 are organized under precinct organizations and governed by a board of commissioners. Lancaster County falls into the latter category; it is

organized by precincts and governed by a three-member board of commissioners whose members are elected on a partisan basis to four-year terms from districts that are theoretically aligned on the basis of population.

The Lancaster Board of Commissioners annually elects a chairman to preside over its meetings and to sign all claims against the County Treasury. In actuality, the three county commissioners share equal authority and responsibility, and any one of the three may act in any capacity available to any of the other two.

In addition to serving as the governing body of the county, the commissioners also sit as the County Board of Equalization, the County Board of Public Welfare, and the County Highway Commission. The Board of Commissioners' responsibilities also include the following: to own and care for county property; to repair or erect county buildings; to acquire and operate parks and recreational facilities; to manage county funds and county business; to act on all claims against the county; to adopt a budget; to set tax levies; to appropriate funds; to set salaries of all elected officers, deputy officers, and their staffs (except members of the board, the county judge, and the election commissioner, whose salaries are set by the state); to require the county officers to file inventory statements annually; to build dams or dikes for flood control; to cooperate with other agencies in the control of insect pests, plant diseases, or from predatory animals; to license pool halls, bowling alleys, and other public places of amusement in unincorporated areas of the county; to change the voting precincts in the county; and to appoint directors of various county departments.

Elective officers include the county clerk, who is chief record keeper; the register of deeds, who records all real estate business and records; the county assessor, who tends to assessment of properties and computes taxes; the county treasurer, who receives and disburses all funds and keeps records of such; the county sheriff, who is conservator of peace and chief investigator of the county; the county attorney, who is legal counsel and prosecuting attorney for the county and ex-officio coroner; the county surveyor, who is responsible for administration of highways and roads in the county and is ex-officio county engineer; the clerk of the district courts, who is responsible for all clerical work of the court; the county judge, who presides over the county court; the county superintendent of schools, who is chief educational officer of the county and liaison between the county schools and the state department of education. All but the latter two are elected on a partisan basis. Only the county attorney, county judge, county surveyor, and county superintendent of schools must have special technical qualifications in addition to meeting residency requirements before being allowed to hold office.

The appointed county officers have various titles, such as director, superintendent, inspector, or commissioner. They may serve a division, department, agency, center, or shop. These officers are appointed in either of several ways: (1) directly by the County Board of Commissioners, (2) by a board appointed by the County Board of Commissioners, (3) by a board which is jointly appointed by the county board and the city, (4) by some other body with the approval of the County Board of Commissioners, or (5) by a board which was

appointed by some other body with the approval of the County Board of Commissioners. With some limitations, the County Board of Commissioners sets the salaries of these appointed officers and, historically after consultation with them, sets the salaries of their staffs.

Those county units that have an appointed head, and the functions performed are:

- Division of Public Welfare – which is responsible for the administration of certain state and federal assistance programs and for county general relief programs,
- Veterans' Service Center – which provides case work services and processes any rights or benefits to which a veteran or his dependents may be eligible,
- Community Emergency Shop – which provides clothing, shoes, bedding, and equipment supplies to needy people upon order from recognized social agencies, and
- Photocopy Department – which photographs and stores valuable records for the various county officers.

Other Lancaster County services include:

- Extension Services – which provides information to rural and urban people on subjects related to agriculture and home economics,
- Agriculture Association – which supervises and conducts the county fair, and
- Law Library – which is a public library under direction of the district court judges.

Additionally, there is a county board of mental health, which judges the mental conditions of those brought before it and executes commitment, if necessary.

The ADL consultants observed that the Lancaster County government operated reasonably well despite the absence of management practices that are normally associated with modern and efficient county governments. It appears that this is mainly because of county public officials who are capable and dedicated to their jobs.

We do not mean to imply, however, that major administrative improvements are not needed to deal with the increased complexity and continued growth of the county government. On the contrary, we believe that it is very important to make certain changes to produce a more effective and responsive county government—and one better able to work with other

local jurisdictions. Accordingly, we have identified four priority areas requiring change, namely: personnel management, purchasing practices, budgeting systems, and the selection of administrative leadership.

#### Priority No. 1 – Personnel Management

The County of Lancaster does not have a personnel department. In fact, there is no organized or unorganized countywide personnel system. Instead, for example, the Division of Public Welfare operates under the State Welfare Merit System and recently the legislature empowered the sheriff's department to institute its own merit system. Other county units similarly have personnel practices unique unto themselves.

Since Lancaster is a Class 6 county (between 60,000 and 200,000 population), the Board of Commissioners is responsible for setting the salaries of elected county officers (except as noted above). There is no standard compensation schedule or schedule of authorized positions. Payrolls are submitted by the department heads by name of individual only and compensation to be paid. Individual salaries are negotiated between the department head and the Board of Commissioners, and there is an acute absence of standardization between the salaries of two individuals in different departments even though they may be performing the same basic duties. Moreover, the county has no standardized personnel policies except as might be found in the minutes of the Board of Commissioners. For example, there is no clear procedure for removal of appointed officers.

Considering that the cost of personnel services represents the majority of the expenditures of county government, and that the quality and quantity of county service is totally dependent on its human resources, the lack of any system of personnel management is inconsistent with good management practices.

ADL believes that the installation of a countywide personnel management system should be given the highest priority by the Board of Commissioners. Uniform working conditions—e.g., holidays and pay—will result in better overall employee morale. Further, having minimum qualifications for county positions, and using standard personnel practices will result in better government service.

#### Priority No. 2 – Purchasing Practices

Presently, the County Board of Commissioners is in theory the purchasing agent of the county and is responsible for furnishing supplies and materials to all county offices. In practice, the head of each department (with a single exception) handles his own purchasing. The county has no purchasing agent, although it has statutory authority to employ or designate one. There is no purchasing manual for use by the county department heads, such as exists for the City of Lincoln; and while an annual "Bid List" of vendors, specifications, and prices for specific items is developed, there is little evidence that it is being used. *Purchasing for the county government is almost entirely decentralized and informal.*

The current purchasing practices of the county are clearly inadequate and work to the detriment of the public, county officials, and vendors alike. Centralized and/or joint purchasing with the City of Lincoln would probably result in better goods for less money, as well as smoother handling of purchase orders. The benefits of a formalized and centralized purchasing operation include, but are not limited to, the following:

- Reduced cost through larger volume purchases.
- Central record keeping for better supply and inventory control (this may facilitate interdepartmental transfer of surplus equipment and avoid unnecessary purchases).
- Standard specifications for equipment.
- Uniformity of contract terms and conditions. During the course of this study, an embarrassing situation arose over the purchase of sheriff's department vehicles that might have been avoided with uniform bidding and contracting procedures.
- Prompt and proper payments to vendors. The county has been criticized for its slowness in making payments and has even been known to make duplicate payments.
- Increased public confidence in the county government. Some vendors are skeptical about bidding against "favored" businessmen.
- Accountability for purchasing. This makes supervision of the purchasing function easier and aids vendors by reducing the number of county officials with whom they have to deal.

In addition, it would be useful in implementing the above recommendations if the state legislation regarding purchasing that applies to counties of 200,000 were changed to apply to counties with over 100,000 population. That is, the county must employ a purchasing agent.

Opponents of centralized purchasing argue that it destroys the autonomy of the departments and/or costs more to administer than it saves. This argument does not appear to be valid on the basis of experience in other large local governments—even those with elected department heads.

### Priority No. 3 — Budgeting Process

While the Board of Commissioners is ultimately responsible for preparing and adopting the annual county budget, it has given the authority to *compile* the budget to the county clerk. This he does, beginning several months before the start of each fiscal year (July 1) in order to allow enough time for the Board of Commissioners to confer with each department head and

elected official and for public hearings to be held. A line item approach is used in the county budget. The *Lancaster County budget* is a compilation of numbers with little or no explanation of the services rendered or purpose for which the funds are being appropriated.

The budget would be difficult for professional budget analysts to understand let alone the general public and Board of Commissioners whose background may or may not have prepared them for this kind of financial analysis. The predictable results are an inability to make rational judgments regarding budget requests, a minimum number of budget cuts, and the de facto delegation of the most important decision-making responsibility of the Board of Commissioners to the elected officials and department heads with the resultant frustrations of board members who feel as though "there is nothing I can do about it."

We believe the size of the county budget warrants more up-to-date budgeting techniques. Budgeting improvements should, at a minimum, include standard procedures for developing and analyzing budget information and data and for relating budget expenditures to departmental goals and objectives (program budgeting). Centralized budget development and control under the auspices of a professional analyst, who could also serve as chief staff advisor to the Board of Commissioners, would also be a significant step forward in the budgeting process.

#### Priority No. 4. — Selection of Administrative Leadership

Citizens can expect little significant improvement in Lancaster County government until the county board is able to strengthen its role in the administration of county government. If asked the question, "Who runs the county government?" most citizens would undoubtedly answer, "the County Board of Commissioners." The fact of the matter is that while the board adopts the budget and sets the tax levy, historically it has exerted little leadership in coordinating county administration, developing administrative efficiencies, or requiring intergovernmental cooperation.

There are two principal reasons for this situation. First, it is difficult for a three-member commission with so-called joint "administrative authority" to fix responsibility. The fact that there are three persons "in charge" both in theory and in practice, allows the "buck to be passed" to another member of the board. For most members of the Board of Commissioners, the job is not a full-time position and continuous attention to the administration of county government is not possible. While the board does elect a chairman, the responsibility and authority of the chairman, other than as "one of three," is chiefly ministerial and depends somewhat upon the personality, expertise, and ambition of the incumbent.

We also note at this point that historically when legislative and executive power have been combined under a single board the results have often been disappointing. This combination of power is most frequently found in county government in the United States which may account in part for the rather dismal showing of administrative competence at this level of government. Excluding drastic organizational changes in this level of government, the most

successful management of county government has occurred when the governing board formally or informally appoints a chief administrative officer to act for, and in, the name of the board in carrying out the administration of the government.

Successful management of Lancaster County government still may be limited because of the second reason for the breakdown of effective administration. That is, the structure of Lancaster County government is fragmented in another way. The Nebraska state legislation provides for elected county officers who are relatively independent of the administrative authority of the Board of Commissioners. The Board of Commissioners can approve the budget for these offices, but have little authority over the management of their offices.

The authority for these offices is stated in the Nebraska State Constitution which says that the "legislature shall provide for the election of such county and township offices as may be necessary...."

Short of constitutional change, the solution to this problem lies in two areas:

- The County Board of Commissioners must exert more leadership over the administration of the government. This can be done even within the framework of the existing county organization. The implementation of recommendations in priority items 1 through 3 above would make a significant difference. The principal administrative tool of the board is control over the budget. We believe that the board can lay down and enforce broad-ranging policies of administration in its budget adoption role. Uniform modern personnel administration, purchasing practices, pooling of equipment, and expenditure control are all budget tools and could be adopted as a part of the budget process.
- The elected department heads must be encouraged to recognize that governmental management requires modern administrative practices which must be practiced throughout the county government. Uniform personnel, purchasing, accounting, and general operating policies do not detract from an elected official's capacity or responsibility to do his job, but in fact enhance them. There is ample evidence in county government throughout the United States to indicate that progressive-minded elected administrators are recognizing the need for central administration and coordination between county departments. When Lancaster County elected department heads become aware of the need for administrative reform, they will be taking the first step toward assuming a greater role in the future of their local government.

It may also be that a constitutional change to reduce the number of department heads who are elected and have them elected on a nonpartisan basis should be considered. Evidence is lacking to support the argument that election of department heads insures greater responsiveness to the public. To the contrary, a review of age and length of service in their department

indicates that it is difficult for the public to evaluate and defeat elected department heads in Lancaster County. This situation is compounded by the fact that there is no mandatory retirement age for elected officials (all but two elected department heads are presently over 60 years of age). Thus, it is not uncommon to find elected officials who may be very popular, yet lack the technical skills and energy needed to get the job done.

Insofar as electing officials on a partisan basis is concerned, it is clear from our discussions with local officials that party politics has played a relatively minor role in developing candidates. The experience of other local governments also supports the position that partisanship in local government administration is inappropriate. It can be unnecessarily divisive for the community. Furthermore, good management usually is not a matter of political philosophy; rather it depends upon technical competence.

## B. CITY OF LINCOLN

### 1. Basic Governmental Structure

The City of Lincoln is the second most populous city in Nebraska and is categorized by the state as a primary class city (a city with a population between 100,000 and 300,000)—the only such city in the state. This classification is important in that it permits the state to pass laws affecting municipal government in Lincoln. For example, at the time this study was being conducted, there was an effort by the state legislature to require a change in the method of electing city councilmen—i.e., from the present at-large basis to a ward basis.

The City of Lincoln has a home rule charter which gives it authority to provide any governmental services not in conflict with the U.S. or Nebraska constitutions, within its corporate limits. In addition, the city has the power to conduct the following activities beyond its corporate limits: acquire real and personal property for a public purpose, control land subdivision, building, and zoning, and regulate matters of health up to three miles beyond the city limits. However, Nebraska court decisions indicate that a home rule charter is a grant of power, that the enumeration of powers is a limitation, and that cities have police powers only when and as conferred by the state. This follows what is known as *Dillon's Rule* wherein *a city only has such powers specifically provided for by the state legislature*. In addition, the city must rely on state legislative action for extraterritorial power, for annexation authority, for inter-governmental cooperation enabling legislation, and for all matters of statewide concern.

The City of Lincoln operates under a strong mayor-council plan approved in 1962. Under this plan, the chief administrative official is the Mayor, with the seven-member City Council serving as the policy and law-making body. The Mayor and councilmen serve four-year terms, are elected on a nonpartisan basis, and are the only officers elected by the people of Lincoln. All department heads are appointed by the Mayor, subject to council approval. The Mayor may remove department heads though without council approval. Division heads are appointed by the Mayor and do not require council approval.

The city charter states, "The executive branch shall comprise the office of Mayor and such departments as shall be established by the council." The principal subdivisions of each department are divisions. There are currently six departments operating in the executive branch under the total administrative direction of the Mayor. They are: Finance, Law, Parks and Recreation, Personnel, Public Utilities, and Public Works. In addition, the Police and Fire divisions (formerly a part of the Safety and Public Property Department) report directly to the Mayor.

- *Finance Department* – has responsibility for budgeting (fiscal year begins September 1), disbursing, purchasing, and accounting. These involve a wide range of duties and are performed by eight separate divisions under the administration of the finance director. The divisions are: Data Processing, Purchasing, Pershing Municipal Auditorium, Municipal Garage, Lincoln Transportation System, auditing, city treasurer, city clerk, and printing.

- *Law Department* – is headed by the city attorney, who is appointed by the Mayor with council approval for a two-year period. The city attorney serves as legal advisor to the Mayor, the council, and other city officials. The department defends actions on behalf of the city; prosecutes violations of city ordinances; ascertains the legality of ordinances, franchises, and contracts; and prepares various documents and agreements, including city bond proposals.

- *Parks and Recreation Department* – is authorized indirectly by the charter to own, operate, and maintain public grounds, parks, playgrounds, swimming pools, recreation centers, or any other type of park or recreational facility. The director of the department oversees the entire department.

The Parks and Recreation Advisory Board, appointed by the Mayor with council approval, acts in an advisory capacity, formulates recommendations for the Mayor, City Council, and director, and helps to develop and promote long-range recreation plans.

The director of parks plans and directs the development, utilization, and maintenance of all parks and park facilities, parkways, playgrounds, ornamental gardens, golf courses, and the zoos. The Fairview Cemetery is city-owned and is operated under the auspices of this division.

- *Personnel Department* – consists of a personnel board, a personnel director, and subordinate employees. The board has five members appointed by the Mayor and confirmed by the council for five-year terms. The board has the power to administer oaths and subpoena witnesses and pertinent records.

The personnel director serves as the ex-officio secretary of the personnel board and as the head of the department which administers the city merit system. This system provides for recruitment, promotion, and training of employees solely on the basis of fitness for the job. No classified employee may be discharged, suspended, or demoted except for just cause.

The director is responsible for preparing a recruitment program, a classification plan which groups all positions according to duties and responsibilities, and a compensation plan, based on the principle of equal pay for equal work. These programs require personnel board, Mayor, and council approval.

- *Public Utilities Department* – is composed of two revenue-producing, self-supporting systems: water and sanitary sewer. This department is operated by a director who is appointed by the Mayor with the approval of the council. There are four subdivisions within the department; each has a supervisor directly responsible to the department director. These subdivisions are: Water Distribution, Disposal Plant, Sewage Collection, and Utilities Business. Engineering for both the water distribution system and the sanitary sewage collection system is handled by the Engineering Division in the Department of Public Works.

- *Public Works Department* – contains six divisions under the direction of the director of public works. Each division is headed by an administrator who is directly responsible to the director. The divisions are: Traffic Engineering, Inspections, City Engineering, Paving Repair and Storm Sewers, Roads, and Sanitary Land-Fill.

- *Police and Fire Divisions* – used to be under the administration of a single director who was appointed by the Mayor with City Council approval. The position of director has not been filled for some time and the divisions tend to operate at the same level as departments, except that the selection of each division head is not subject to confirmation by the council.

## 2. City Boards, Committees, and Commissions

There are also a number of boards, committees, and commissions created or authorized by the charter, the Mayor, or the City Council. Five of these created by the charter are: City-County Planning Commission, Personnel Board, Board of Equalization, Capitol Improvements Advisory Committee, and the Board of Zoning Appeals. Four others are authorized by the charter: Lincoln General Hospital Board, Library Board, City-County Board of Health, and the Human Rights Commission. Other boards, committees, and commissions are created by ordinance, by resolution, and by executive order of the Mayor.

Table 2 lists the boards, committees, and commissions to which appointments are made by the city.

## 3. Management Practices

Generally speaking, we found the City of Lincoln's management practices to be sound and the organization structure adequate to accomplish the basic municipal functions. Still, we believe there are two ways to strengthen the management and organization of the city government and to open new avenues for interjurisdictional cooperation and coordination. They are first, to provide increased administrative staff support and a better organization structure, and second, to reduce the number of city boards, committees, and commissions.

TABLE 2

CITY OF LINCOLN  
BOARDS, COMMITTEES, AND COMMISSIONS

Advisory Committee on Urban Design and Natural Beauty  
Advisory Defense Council  
Ambulance Ordinance Committee  
Auditorium Advisory Board  
Bicycle Safety Committee  
Board of Electrical Examiners  
Board of Zoning Appeals  
Building Code Advisory Board  
Bus System Negotiations Committee  
Charter Revision Committee  
City Codes Coordinating Council  
City-County Board of Health  
City Investment Committee  
Code Study Committee  
Commission on Human Rights  
Committee on City Hall  
Committee to Recommend Planning Commission  
Community Task Force on Drugs  
Dangerous Buildings Code Board of Appeals  
Electrical Code Advisory and Appeals Board  
Examining Board of Engineers (Stationary)  
Examining Board for Plumbers  
Examining Board for Sprinkling Systems Registrants  
Finance Sub-Committee  
Housing Board  
Housing Committee  
Humane Society Board of Directors  
Jobs of Veterans Committee  
Labor Negotiations Committee  
Lancaster County Air Pollution Control Advisory Board  
Lancaster County Air Pollution Control Appeals Board  
Lancaster County-Lincoln City Planning Commission  
Lincoln City Library Board  
Lincoln Electric System Administrative Board

TABLE 2 (Continued)

Lincoln General Hospital Board  
Lincoln Governmental Evaluation Commission  
Lincoln Transportation System  
Mayor's Bus Committee  
Mayor's Committee for International Friendship  
Mayor's Committee for Employment of Handicapped  
Mayor's Committee for Mental Retardation  
Mayor's Council on Physical Fitness  
Mayor's Educational Committee  
Mayor's Parking Committee  
Mobile Home Committee  
Natural Resources District Board  
Parking Garage Committee  
Parks and Recreation Advisory Board  
Personnel Board  
Plumbing Code Board of Appeals  
Railroad Transportation Safety District  
Region II Crime Commission  
School Crossing Protection Committee  
Solicitation Commission  
Transit Advisory Board  
Warm Air Heating, Ventilating, and Comfort Cooling Advisory Board  
Warm Air Heating, Ventilating, and Comfort Cooling Examiners  
Water Advisory Board

a. Changes in Administrative Staff Support and Organization

Under the charter, the Mayor is the chief executive officer of the city and devotes full time to his duties, which are both administrative and ceremonial. In a dynamic city the size of Lincoln, this combination of duties imposes an unusually heavy burden on the Mayor. With the complexity and multiplicity of problems and issues facing today's cities, the administrative duties alone present a formidable challenge to any chief administrative officer.

In Lincoln, the continually growing workload of the position of Mayor, permitting less and less time to study municipal problems in detail, has created the need for strong administrative support in the Mayor's office. In this regard, it would be proper to employ a senior staff member trained in public administration and experienced in city management. The alternative to adding such administrative support is greater fragmentation of executive responsibilities among the various departments, de facto delegation of authority (resulting from a limited capability to supervise and coordinate), and a tendency for the strongest units of city government to absorb new functions regardless of the appropriateness of functional groupings.

ADL consultants support the concept and recommendation of the 1972 Public Administration Services (PAS) study which proposed that the position of administrative coordinator be created in the office of the Mayor. However, in addition to these responsibilities set forth in the PAS report, we feel this high level administrative position should also serve as a focal point for increasing and improving upon current intergovernmental activities within the County of Lancaster.

b. Reduction in Number of Boards, Committees, and Commissions

In excess of 50 boards, committees, and commissions now serve the City of Lincoln. Though all meetings must be open to the public, the number of such groups precludes adequate supervision of their operations and public monitoring of their actions. It seems particularly timely, therefore, that the City of Lincoln now examine these groups with a view to eliminating some, retaining some, and restructuring others as joint city-county endeavors.

C. INCORPORATED VILLAGES

In order to have a composite picture of government in Lancaster County and to appreciate all the ramifications of city-county coordination, one must consider the incorporated villages. In Lancaster County, there are 12, in addition to the City of Lincoln (see Figure 1). These incorporated places have been classified by the State of Nebraska according to population. Eleven of these general purpose governments (with populations between 100 and 1000) have been deemed villages, and one, Waverly, is categorized a second-class city (with a population between 1000 and 5000).

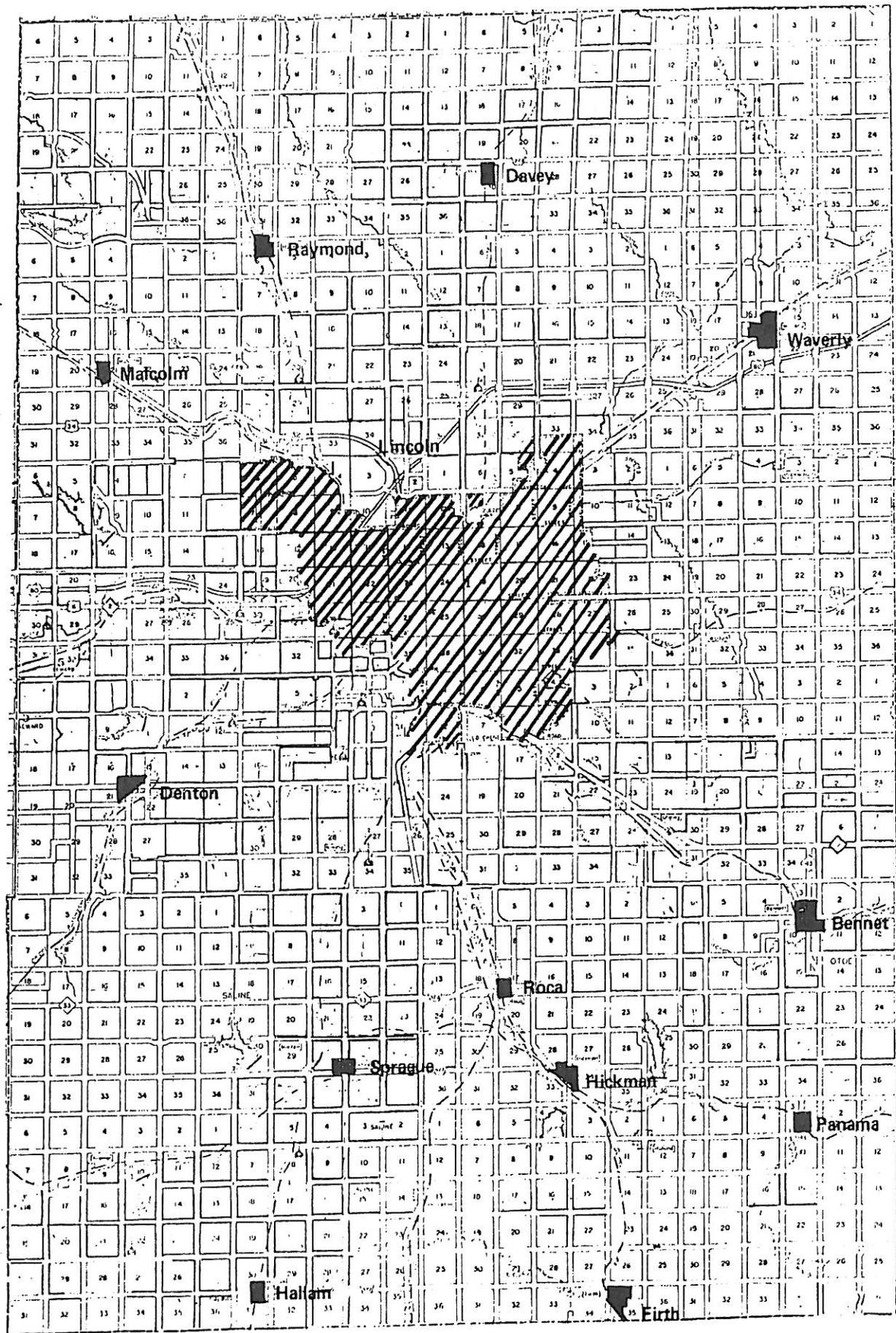


FIGURE 1 LOCATION OF INCORPORATED PLACES

The population change of these villages between 1960 and 1970 was not particularly significant in terms of actual numbers when compared to the City of Lincoln. The population statistics from the 1970 Census further show a substantial decrease in the number of persons living in the rural unincorporated areas of Lancaster County. (See Table 3.)

The ADL study team visited many of the incorporated villages, talked with the local officials, and reviewed available documents on the villages' history and financial condition. From our discussions, we learned that there are four major issues relative to city-county consolidation of concern to residents of the villages: (1) taxes, (2) services, (3) representation, and (4) identity.

To determine the potential impact of consolidation on village taxes, we compiled a table of the mill levy (\$1 tax per \$1,000 of assessed value) for each incorporated place in Lancaster County. (See Table 4.) The average mill levy for the 12 villages over the past five years was 24.877 as compared to 28.692 for Lincoln. For comparative purposes, we added the cost for fire protection and library services, since these activities are included within the City of Lincoln mill levy. This raised the average village mill levy, over the same five year period, to 26.538, which is not much lower than the average for Lincoln. At the same time, we note that real estate in the county is assessed at 32½% of the appraised value, as compared with 35% in the City of Lincoln.

Table 5 shows the effect on the mill levy over the past five years with the fire protection and library services included.

Regardless of how a specific village mill levy compares with that of the City of Lincoln, it should be recognized that consolidation of city-county government can be achieved without working to the financial disadvantage of these units of government. For instance, in Chapter I we described several examples of partial consolidation where multiple taxing districts were used. This is but one method of localizing and maintaining current tax limits. Of course, the taxing structure relates to the services being provided. As municipalities avail themselves of city-county services, they should expect to pay for them.

Local option regarding services implies local representation. We feel such representation is compatible with city-county consolidation—e.g., through neighborhood or municipal councils. On the other hand, it is acknowledged that a measure of local identity will be lost, though representative bodies, such as suggested above, do preserve a limited degree of local identity.

Undoubtedly, merger into a single general-purpose government will provide many benefits to the villages. (This is not to say other techniques—e.g., contract agreements—would not produce the same result.) Restructuring of local government can also place the villages in a better position to obtain specialized and costly services, along with greater competence and sophistication in governmental services. But, city-county consolidation is possible without including the incorporated villages in Lancaster County, and the villages should not be used as an argument against Lincoln-Lancaster consolidation.

TABLE 3

POPULATION OF INCORPORATED PLACES  
IN LANCASTER COUNTY

Place	1960	1970	Change
Bennet	381	489	+ 108
Davey	121	163	+ 42
Denton	94	151	+ 57
Firth	277	328	+ 51
Hallam	264	280	+ 16
Hickman	288	415	+ 127
Malcolm	116	132*	+ 16
Panama	155	153	- 2
Raymond	223	187	- 36
Roca	123	118	- 5
Sprague	120	119	- 1
Waverly	511	1,152	+ 641
Subtotal	2,673	3,687	+ 1,014
Lincoln	128,521	149,518	+20,997
Subtotal	131,194	153,205	22,011
Unincorporated Areas	24,078	14,767	- 9,311
Total Lancaster County	155,272	167,972	12,700

\* Recent surveys indicate growth in this community was understated in 1970. The population of Malcolm is now estimated at 300.

**TABLE 4**  
**MILL LEVY FOR INCORPORATED PLACES--**  
**LANCASTER COUNTY**

Village	1968	1969	1970	1971	1972	Five-Year Average
Bennet	38.970	35.210	29.960	30.060	26.899	32.220
Davey	29.330	31.120	36.740	33.760	30.426	32.275
Denton	24.130	23.050	5.270	14.580	28.242	19.054
Firth	31.130	18.370	23.050	16.130	15.045	20.745
Hallam	16.870	19.010	4.580	14.020	14.280	13.752
Hickman	20.240	21.390	15.770	21.170	26.525	21.019
Malcolm	36.140	30.080	33.000	31.830	29.978	32.205
Panama	17.480	22.720	27.220	25.980	19.167	22.513
Raymond	29.850	30.470	23.510	20.650	37.924	28.481
Roca	7.250	20.790	6.710	—	44.052	15.760
Sprague	39.970	42.730	39.450	38.610	31.712	38.494
Waverly	13.000	22.560	27.960	23.940	22.555	22.003

Note: This compares with City of Lincoln millage rates as follows:

Lincoln*	30.850	32.600	27.290	28.220	26.700	28.692
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\*Includes 1.1 mill levy for Airport Authority.

**TABLE 5**

**MILL LEVY FOR INCORPORATED PLACES  
INCLUDING FIRE PROTECTION AND LIBRARY SERVICES\***

<b>Village</b>	<b>1968</b>	<b>1969</b>	<b>1970</b>	<b>1971</b>	<b>1972</b>	<b>Five-Year Average</b>
Bennet	42.420	38.100	33.050	31.750	27.863	34.637
Davey	30.640	32.360	39.830	34.970	32.422	34.044
Denton	26.130	25.000	8.190	17.540	32.221	21.616
Firth	32.630	19.710	24.190	16.820	15.761	21.822
Hallam	18.150	20.240	6.240	15.510	15.996	15.227
Hickman	21.520	22.840	16.800	22.830	28.101	22.418
Malcolm	37.540	31.310	34.750	34.070	32.015	33.937
Panama	18.980	24.060	28.360	26.670	19.883	23.591
Raymond	30.870	31.710	24.760	22.170	39.781	29.858
Roca	8.530	22.240	7.740	1.660	45.628	17.160
Sprague	41.970	44.680	42.370	41.570	34.691	41.056
Waverly	14.150	23.530	29.160	25.030	23.559	23.086

\*The mill levy for library services is to reimburse the City of Lincoln for providing the service to other county residents. This is the only public library system operating in the county.

## D. OTHER GOVERNMENTAL ENTITIES

The governmental jurisdictions aside from those discussed in sections A through C above are for the most part special purpose units of government. They may be labeled "district," "authority," or "unit." The special purpose governments serving the City of Lincoln and/or the County of Lancaster are: school districts, educational service units, natural resource districts, the Lancaster County Weed Authority, fire protection districts, public power districts, sanitary and improvement districts, the Lincoln Housing Authority, the Lincoln Airport Authority, and the Railroad Transportation Safety District.

Normally, the special purpose district furnishes a type of governmental organization whose territory coincides with the area needing its service. It provides an agency through which unified, areawide planning can be conducted. It pools the resources of the smaller governments and acquires the economies of large operations.

Yet, the special purpose district has drawbacks. Such districts tend to increase the confusion of independent and semi-independent governmental units which make up the present-day chaos of metropolitan government.\* It has also been said that their creation removes some of the demand which would exist for genuine integration. These same arguments could be used against any device short of complete consolidation.

### 1. School Districts

The number of school districts in Lancaster County has dropped markedly from more than 100 in 1950 to 25 in 1973, including the City of Lincoln School District. The reduction has resulted from both voluntary reorganization and the county superintendent of schools' requirements for dissolution. The City of Lincoln School District differs in two important ways from the other Lancaster County districts: its teachers are given tenure, and it is governed by a six-member elected board of education that has *complete and final responsibility for the total school operation*. The other Lancaster districts have boards of education whose powers are statutory. (See Figure 2.)

It is conceivable that some of the school districts might benefit from further consolidation, but we do not think that consolidation is feasible at this time if it involves the City of Lincoln School District. Nebraska has developed a strong tradition of local control over public education systems, and there is wide disparity in educational services and costs between the City of Lincoln and other county districts. A review of the mill levies of the various school districts in Lancaster County shows a consistently higher rate for School District No. 1, which is the City of Lincoln district. This is probably due to the greater diversity of programs needed to serve the more heterogeneous population in Lincoln.

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\*They work against efforts to consolidate services and achieve coordination in problem solving.

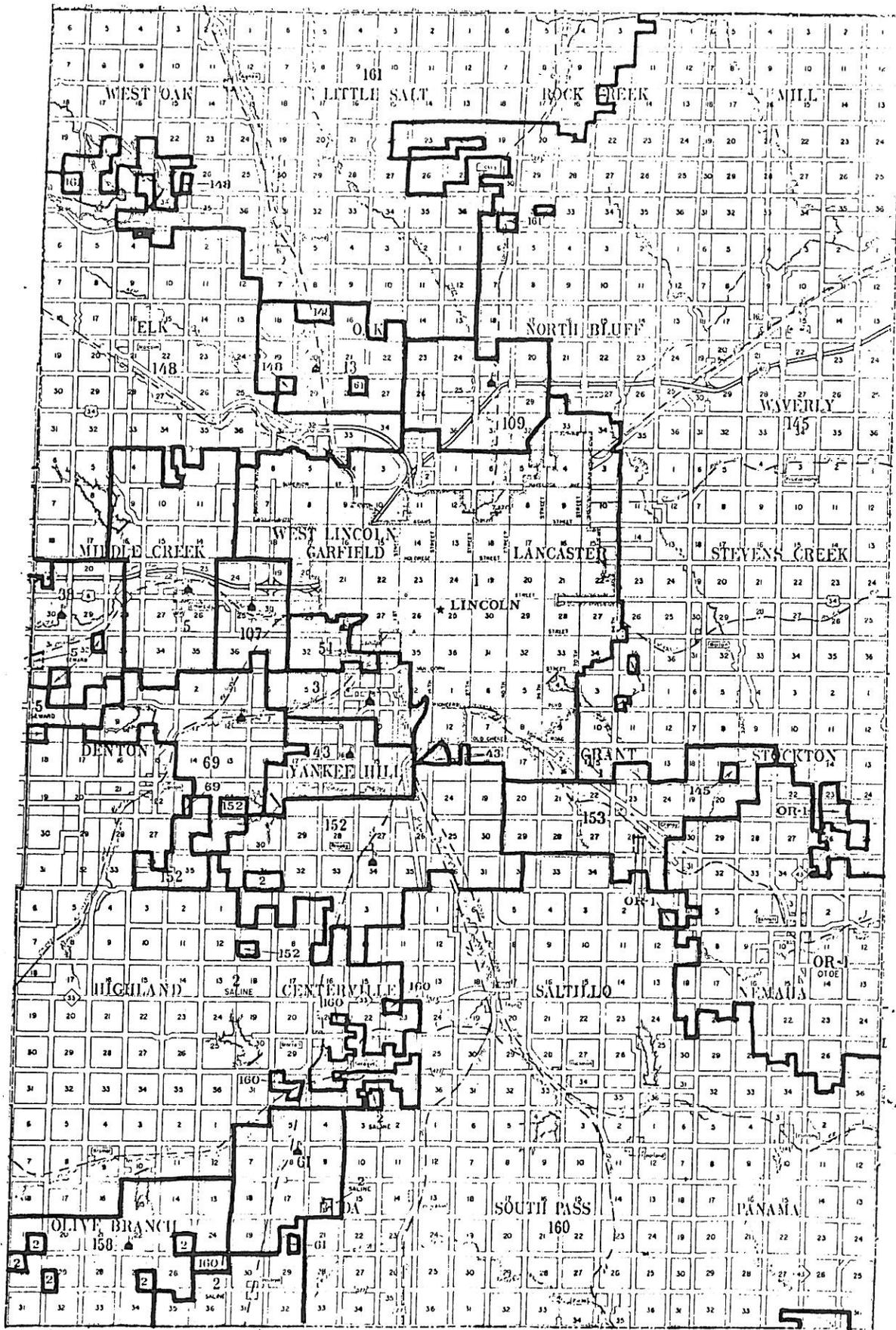


FIGURE 2 MAP OF SCHOOL DISTRICTS

## 2. Educational Service Unit

Multicounty educational service units were established by the Nebraska state legislature in 1965 to provide supplementary educational services to local school districts. The educational service units are governed by a nonsalaried board. This board is empowered to employ and fix the salary of a qualified administrator. Additionally, it may receive any county, state, or federal funds and may levy a tax not to exceed one mill. Lancaster County is included in Educational Service Units 2, 4, 5, and 6.

The City of Lincoln School District is not included in an educational service unit, having elected not to be included in Unit 6. This further demonstrates the appropriateness of retaining the current separate and independent status of the City of Lincoln School District. Further consolidation of other county school districts may eliminate the need for these service units.

## 3. Natural Resource Districts

There are two natural resource districts (NRDs) in Lancaster County—the Lower Platte South NRD and the Nemaha NRD. The majority of the land area in Lancaster County, including the City of Lincoln, is within the former NRD, which encompasses a multicounty area of approximately 1647 square miles. The area of the City of Lincoln represents about 3% of this total. The boundaries of the Nemaha NRD include a portion of southern Lancaster County and do not overlap the Lower Platte South NRD.

Natural resource district boundaries were established by the Nebraska Resources Commission. Within the major Lancaster County NRD (Lower Platte South), the five planning areas were established. (See Table 6.) A 68-member policy board was appointed on an interim basis pending elections for this body. The major thrust of this new special purpose government in Lancaster County has been erosion prevention and control and flood protection and control.

State enabling legislation provided for the consolidation of resource-related special purpose districts into NRDs and the broadening of the area of concern beyond development of water and soil conservation policies—e.g., to include parks and water. As of July 1, 1972, 24 NRDs had replaced more than 150 separate resource-related districts. Thus, the Salt Valley Watershed District, the Lancaster Soil and Conservation District, and other similar organizations were able to be consolidated into a single government entity.

Presently, only seven members of the governing board represent the City of Lincoln and one of these is on its executive committee (appointed by the Mayor)—this despite the fact that nearly 70% of the tax resources are derived in Lincoln and approximately three-fourths of the population of the district reside in the City of Lincoln. It is our recommendation that this inequity in representation be corrected when the election districts are finally established for the NRDs.

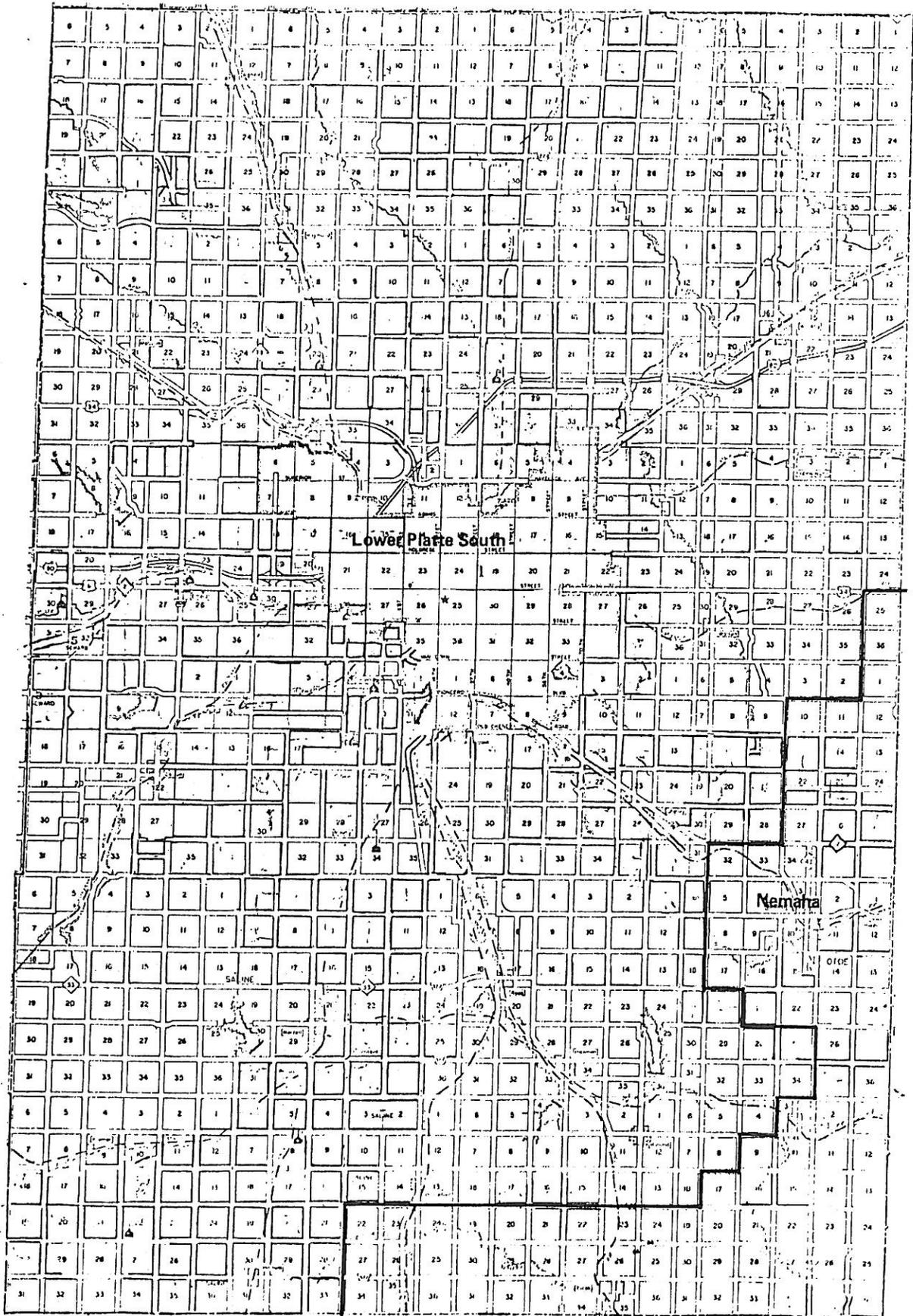


FIGURE 3 MAP OF NATURAL RESOURCE DISTRICTS

TABLE 6

DISTRIBUTION OF POPULATION AND VALUATION  
IN LOWER PLATTE SOUTH NRD\*

Planning Subarea	Area	% Total	1970 Population	% Total	Approximate 1971 Assessed Valuation	% Total
I	689 sq mi	41.3%	13,350	5.0%	\$ 44,628,300	8.3%
II	439 sq mi	26.7	11,400	6.0	50,745,200	9.4
III	216 sq mi	13.1	11,140	5.8	35,238,000	6.5
IV	262 sq mi	15.9	5,225	2.7	28,819,000	5.3
V	<u>50</u> sq mi	<u>3.0</u>	<u>149,500</u>	<u>78.5</u>	<u>380,000,000</u>	<u>70.5</u>
Total	1,647 sq mi	100.0%	190,615	100.0%	\$539,430,500	100.0%

Planning areas defined as:

- I Salt Creek Drainage upstream from Lincoln, including Oak Creek.
- II Salt Creek Drainage downstream from Lincoln, including Rock Creek, Stevens-Callahan.
- III Northeast Cass County drainage.
- IV Weeping Water Creek drainage.
- V Metropolitan Lincoln incorporated limits

\*Prepared by Lower Platte South NRD.

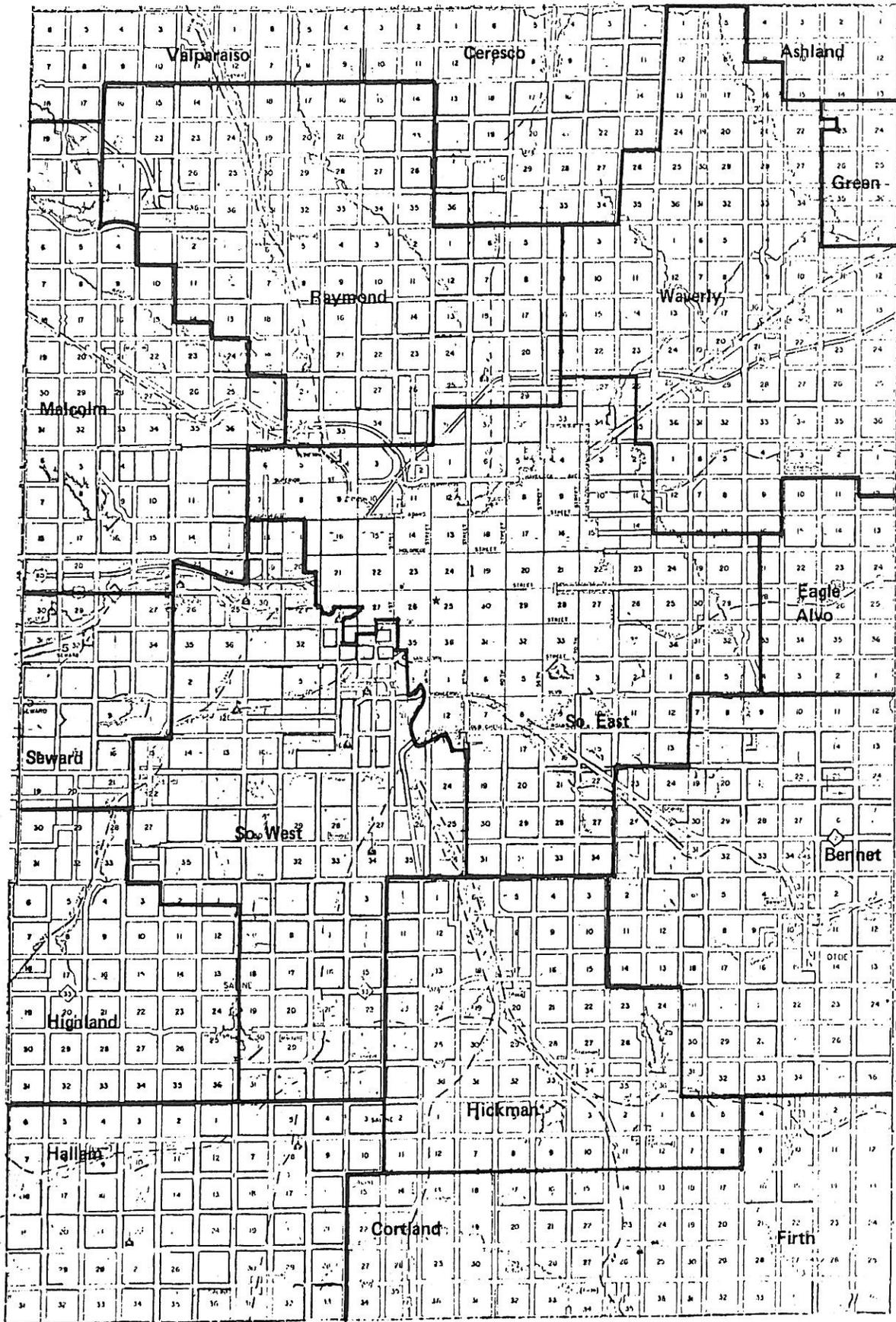


FIGURE 4 MAP OF FIRE DISTRICTS

#### 4. Lancaster County Weed Control Authority

Formally known as Lancaster County Noxious Weed District, this authority covers an area coinciding with the boundaries of Lancaster County. It is responsible for controlling and eradicating noxious weeds according to state regulations through educational and physical means throughout the county, including within the City of Lincoln. It is entirely an independent operating agency having a governing board of five supervisors, three elected from rural areas and two from cities, villages, and townships.

The work of the authority is financed largely by a special fund for this purpose. The superintendent of the authority each year determines the extent of the work to be performed on this basis; a county tax is levied by the Board of Commissioners; and monies are deposited in the Noxious Weed Control Fund. Other revenues are derived from property owners for whom service is rendered.

In practice, the weed control authority operates almost entirely outside the City of Lincoln. The majority of the authority's supervisors must also reside outside of Lincoln. The City of Lincoln operates its own weed control program and county funds used to support the weed control authority are largely derived from Lincoln taxpayers—facts which support arguments that the method of financing this service should be revised.

In our opinion the County of Lancaster should integrate the weed control authority into the regular government under the direction of a superintendent responsible to the Board of Commissioners. This weed control program could then appropriately provide services to the City of Lincoln (beyond those prescribed by state law) and more fairly distribute the financial burden among users.

#### 5. Fire Protection Districts

Rural fire protection districts were established through state enabling legislation. They are administered by five-man boards of directors who have the power to determine policies for the district; organize and equip volunteers; purchase or lease any fire-fighting equipment or property in the district, in addition to the tax levied for general purposes; and borrow money at a rate not to exceed 6%.

There are now 17 fire protection districts operating in Lancaster County.\* All are volunteer and serve a social as well as service function.

It is not often that the fire districts are faced with a need for specialized fire-fighting equipment, such as is required in the City of Lincoln. More often they require equipment for putting out brush fires along railroad tracks. So, even though the City of Lincoln is authorized

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\*Ten of the 17 fire districts are multi-county.

to provide backup when conflagrations are within one mile of the city boundaries, or when special retainers have been received from property owners, the need for this extraterritorial responsibility is limited.

Consolidation of the county fire districts with the City of Lincoln Fire Division does not appear to be desirable or economically feasible at this time. The fire districts could benefit, however, by the establishment of a central unit in the county government that could assist in: better aligning district boundaries for quicker response, developing more uniform operating policies, establishing programs for automatic interdistrict backup, and establishing liaison for closer coordination with the City of Lincoln fire services.

## 6. Public Power Districts

Power districts are publicly owned and operated governmental subdivisions which supply electrical service to Nebraska residents. They are governed by nonpartisan boards of directors elected by the people of the district.

The City of Lincoln is served by the Lincoln Electric System, which was established in 1966 and combined city-owned electric facilities into a single, integrated system. The City Council is given the exclusive power, by the charter, to set the rate of charges for the system. The charter also requires that 5% of the total gross revenue received from the sale of electricity within the City of Lincoln, or any other incorporated city or village, must be divided proportionately among the State of Nebraska, the County of Lancaster, the municipality, and the school district within which the tax is collected as an in-lieu-of-taxes payment.

The Norris Public Power District is a distributing agency and supplies power to much of Lancaster County outside Lincoln. It has a board of seven directors elected to six-year terms. The Nebraska (formerly Consumer) Public Power District, a statewide organization which generates and distributes power, distributes power in an area of the southeast part of the county. It has a board of seven directors elected to six-year staggered terms.

Agreements reached between the various suppliers of electrical power have limited the duplication and/or overlap of service. The system is apparently working satisfactorily, and ADL sees no immediate need for a change in the method of delivery of electrical power. Consolidation of local governments might ultimately point toward a single countywide electrical system.

## 7. Sanitary and Improvement Districts

The sanitary and improvement districts are public corporations formed for the purposes of installing and maintaining sewers and water systems; constructing and maintaining a system

of public roads, streets, and highways; furnishing water for fire protection; contracting for electricity for street lighting; and acquiring, improving, and operating public parks, playgrounds, and recreational facilities. These districts are formed by a majority vote of the residents in the proposed district. Municipal land cannot be included in the district nor can industrial tracts of more than 20 acres, unless permission of the owner is granted.

At present, there is only one such district in Lancaster County. This is Sanitary and Improvement District No. 2. The mill levy for this district is not countywide. The sanitary and improvement districts have caused some financial problems to the municipalities. For instance, in the past, the City of Omaha, Nebraska, has had to assume bond obligations when areas were annexed that were part of such a district. In our opinion, the proliferation of these districts should be restricted. At a minimum, the countywide planning agency should have the right to review and comment upon their formation before the establishment of such units is submitted to the electorate.

#### 8. Lincoln Housing Authority

The Lincoln Housing Authority was created in 1946 in order to provide low-cost housing for the poor. In 1966, voters in the city approved a measure to allow the authority the right to participate in, and receive, federal assistance. The authority currently receives no city funds nor does it have the right to levy taxes.

Local editorials have commented on the fact that the problem of low-cost housing is not confined to the city limits of Lincoln, and that the opportunity to obtain such housing should be available to all county residents. We concur with this position and recommend that the County Board of Commissioners permit the expansion of the housing authority into the rest of the county.

We recognize there may be some problems in expanding the scope of the housing authority due to the lack of any comprehensive codes, to political considerations, and to the limitations of the state housing law. It is important, however, for these jurisdictional and legal barriers to obtaining low-cost housing to be removed. Providing low-cost housing is of county-wide concern and should be integrated into the regular county government.

#### 9. Lincoln Airport Authority

The Lincoln Airport Authority was created in 1959 by the City of Lincoln under Nebraska's Cities Airport Authorities Act. The authority has full jurisdiction over all the city's airport facilities and the power to impose a one mill levy to support its operations. The city itself has the power to levy one-tenth of a mill for aviation promotion.

The airport also serves people who live outside the city's boundaries in nearby towns and suburbs. Demographic data shows that fewer and fewer people are living in the rural areas and more are earning their livelihoods in the City of Lincoln and/or are in businesses that benefit from the airport's operation. Consequently, we believe the tax base for this

vital transportation link should not be confined to City of Lincoln dwellers. Airport operations should be financially supported and administered on a countywide basis. This, however, may only be possible with city-county consolidation because of current bond obligations.

#### 10. Railroad Transportation Safety District

The Railroad Transportation Safety District was created, through State of Nebraska enabling legislation, to improve grade crossing safety, and involves construction of grade separations and rerouting of railroads. This district is operated on a countywide base and governed by a six-member board—three members of the County Board of Commissioners and three city councilmen. An executive director administers district operations.

Unlike other countywide operations, the majority of the work to be done by this district takes place within the City of Lincoln and other county taxpayers carry a disproportionate share of the financial burden. The countywide mill levy to finance this district spreads the tax base and helps to keep the City of Lincoln's mill levy safely within legal limits. In this instance, we recommend a more equitable relationship between location of services rendered and those taxpayers financing the needed services.

### III. PUBLIC SERVICE RESPONSIBILITIES AND LINKAGES

Given the need for greater cooperation and coordination between the City of Lincoln and the County of Lancaster to improve the method for delivering public services and to better meet the demands of the future, what are the alternatives available for consideration, what are the cost and service implications of these alternatives, and what are the public service allocation criteria against which each alternative should be measured?

We have prepared, and present in this chapter, a general description of each service package for which change is possible and appropriate, and the likely alternative governmental arrangements. We have also listed the public service allocation criteria to be applied to these various service packages. The criteria are what ADL consultants consider to be important as applied to the overall workings of local government in Lancaster County.

Judgments made by ADL consultants reflect a view of the future based on the changes observed in Lancaster County local government, on knowledge of trends in city-county consolidation and other local governmental reorganization, and on a general awareness of planning being done outside the two involved jurisdictions that might affect their governmental operations. The consultants were also concerned that the alternatives be realistic, discarding in advance possible governmental arrangements that our study indicated were not likely to be obtained.

The time period on which we concentrated was the next 10 years. The alternative governmental arrangements should thus be viewed in terms of the results that can be achieved within that time span. The proposed long-range solution—i.e., city-county consolidation—can only be accomplished in this period if the interim steps we are recommending are undertaken at once and *if* there is sufficient local support and participation.

#### A. PUBLIC SERVICE CRITERIA

In our analysis of the alternative arrangements for assigning responsibility for public services among the various local governments in Lancaster County, these criteria are important:

1. Does the alternative satisfy the City of Lincoln and County of Lancaster responsibilities?
2. Will the alternative cost more or less than the present method for providing services?
3. Will the residents of Lancaster County get more direct service per dollar expended?

4. Are the needs of the county's population better met in terms of scope, quality, and reliability?
5. Is the accessibility to the service maintained or improved?
6. Is the alternative arrangement for delivery of services flexible and adaptable enough to meet the changing circumstances in Lancaster County?
7. Is local control over program and policy decisions maintained?

Prior to considering possible new linkages between the City of Lincoln and County of Lancaster governments, we reviewed the existing cooperative efforts and the manner in which they are working. These are discussed in the following section.

## B. EXISTING COUNTY-CITY LINKAGES

Great strides towards simplification of local governmental activities have been taken by the City of Lincoln and the County of Lancaster. It would be difficult to find two other local jurisdictions, outside of contract cities, that jointly provide so many different services. Under a Nebraska state statute of 1957, the two local governments have authority to join all offices except those of County Board of Commissioners, City Council, and Mayor. The voters of the City of Lincoln also passed a charter amendment in 1959 (see Appendix A), enabling the city to join with other political or governmental subdivisions. Further, the Interlocal Cooperation Act of 1963 authorizes a contractual relationship for joint provision of services. The city and county have availed themselves of both of these statutes for a variety of activities.

The ensuing paragraphs briefly describe the extent of the cooperation between the governments of the City of Lincoln and County of Lancaster:

- Health Department

Appointed by the County Board of Commissioners and the City Council, a board of health has supervised a City-County Health Department since 1947. The director, appointed by the board of health, is responsible for enforcement of the health laws of the city, county, and state. The activities of the department are funded by the city and county on a 50:50 matching basis, with the county paying an additional amount towards the salary of the health director for his duties that relate to the county welfare program.

- Planning Department

The joint City of Lincoln-County of Lancaster Planning Department has been in operation since 1959. It serves as a regional agency under permissive state legislation. The county pays 20% of the department's budget, and the remainder is paid by the city. The planning

director is the administrative head of the City-County Planning Department and is appointed by the Mayor with council approval and by a majority vote of the County Board of Commissioners. The director also serves as secretary of the planning commission. He is responsible for the preparation of, and the amendments to, a comprehensive plan, a zoning ordinance, and the platting and regulation of land subdivision in the city, within a three-mile zone outside the city, and in all other areas in Lancaster County not within the jurisdiction of any incorporated village.

- Civil Defense Agency

This is a civil defense and disaster preparedness agency established in 1951 as a result of state enabling legislation. The director of civil defense is appointed on a part-time basis by the Mayor with the approval of the City Council and the County Board of Commissioners. He has a full-time deputy director and a secretary, both of whom are under the state merit system. There is a jointly appointed civil defense advisory board composed of 15 members, with expenses shared equally by the city and county and federal funds provided for certain administrative costs as well as for equipment acquisition.

- Parks and Recreation Department

The City of Lincoln department is supervised by the director of parks and recreation, who is appointed by the Mayor with the approval of the City Council. A wide variety of park and recreation activities is available to the public. The County of Lancaster does not operate any parks or provide any recreational programs. The county has an agreement with the city to acquire approximately 1400 acres of Salt Creek Flood Plains and the city will be responsible for development and operations.

- County-City Building

After the voters approved bond issues for the construction of a county courthouse and a city hall, construction and operation of the County-City Building in Lincoln was financed jointly. Operation and maintenance of the building and its grounds are the responsibility of the buildings superintendent and cost for this service is shared equally between the county and the city.

City-county cooperative agreements that have encompassed less than a total function, sometimes only one or two activities or a specific project, include:

- Board of County Prisoners

Prior to final approval of the plans for the recently constructed County-City Building, an agreement was reached that prisoners remanded to the custody of the sheriff would be boarded in the city jail, obviating the need for building and operating a duplicate facility for the county. (We noted in our study that the county is now negotiating for a separate juvenile

detention facility.\*) Such an arrangement has not been successfully achieved even by many so-called "sophisticated" cities and counties, most notably the consolidated City and County of San Francisco in California.

- Helicopter Availability

An agreement between the county and the city provides for rental of the city-operated helicopter by the county on an hourly basis. While usage by the sheriff has not been extensive, there have been occasions when its availability and use have been invaluable.

- Data Processing

Installation by the city of a sophisticated data processing system has resulted in a number of applications to meet county requirements. For example, the physical preparation of the assessment and tax roll, county payroll, motor vehicle title registration, and other occasional procedures are processed through the city unit. Charges are made on a time use basis.

- General Services

Within the county-city building, the county government handles two general service activities for both jurisdictions, i.e. , mailing and the central switchboard. The appropriate departmental budgets are charged for postage based on actual usage.

- Property Tax and Fee Collections

There is presently a formal agreement between the city and county for combined assessment and collection of property tax. Moreover, while a single assessor is state-mandated, collection of the property tax by the city is discretionary by concurrence. Both functions, however, are now being performed by the county.

Also, the so-called "wheel tax" charged by the city is collected by the county treasurer. Presently a charge of 1% is made for this service, but pending legislation may make the charges for such services subject to negotiation.

Space adjacent to the county treasurer's office is occupied by city cashier personnel involved in collecting miscellaneous fees and other charges, and "informal" covering of the desks is occasionally observed.

- Air Pollution Control

The City-County Health Department has been given the responsibility of enforcing the City of Lincoln Pollution Control Ordinance and an annual payment, aside from cost sharing, is made by the city. While there is no existing regulation on air pollution in the County of

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\*While ADL recognizes the need for such a facility, we question the wisdom of again dividing up the responsibility for detention facilities.

Lancaster and the city requirements are "voluntarily" observed on appropriate occasions, ADL consultants noted there is currently underway the development of countywide air pollution regulations to be enforced by the health department.

- Library Services

Lancaster County has no library system other than that operated by the county superintendent of schools. City of Lincoln libraries, however, have been made available to county residents, and a special tax is added to the tax bill of "out-of-city" property.

Evidence of other miscellaneous joint endeavors and occasional "neighborly" exchanges of services abound and are to be highly commended. On several occasions recently, the City of Lincoln and County of Lancaster have jointly sponsored and participated in the conduct of special projects, such as the Lincoln-Lancaster County Goals and Policy Project. Additionally, consideration is being given to a contractual agreement under which the city building inspector would assume responsibility for the issuance of building permits for the county, and for inspection to ascertain compliance with appropriate regulations. A jointly sponsored Commission for the Aging is also being considered. Judging from the history of past approved city-county cooperative arrangements, it can be assumed that even now other cooperative programs are being quietly explored for later review by the respective legislative bodies.

Regardless, the two jurisdictions have experienced some difficulties as the result of implementing cooperative programs for delivery of services. Interestingly, these problems are similar to the kinds of concerns expressed to us by residents in the incorporated villages when queried about potential city-county consolidation. That is, controversy has centered around equity in financing of services between the city and county governments, traditional identity of service functions with one jurisdiction or the other, representation on the policy-making bodies and administrative leadership, and distribution of services to areas within the different jurisdictions.

It must be remembered, though, that the above issues and problems have stemmed from political agreements reached after serious and lengthy negotiations. Alterations in these arrangements must necessarily be political, too. One should also realize that there will be competing interests as long as a multiplicity of jurisdictions serving the same and/or overlapping areas and population remains. We can reasonably predict that these issues will be associated with new cooperative endeavors while *local government in Lancaster is in transition*. Still, the further expansion of joint efforts is a necessary "stepping-stone" for a unified government of the City and County of Lincoln-Lancaster.

### C. AREAS FOR FURTHER COOPERATION AND COORDINATION

After investigating the opportunities for further city-county cooperative efforts, the ADL consultants determined that three service areas seemed to lend themselves particularly well to organizational changes that would be beneficial to both the two involved local governments and the residents served by them. These broad service categories include: public safety, public works, and general government and administration.

1. Public Safety

a. Law Enforcement

It is not the intent of this study to determine or compare the relative efficiency and effectiveness of the Lincoln Police Department and the Lancaster County Sheriff's Department. In fact, a complete evaluation is not even possible at this time, since all of the statistical data needed for such a determination is not available. We suggest, however, that it would be worthwhile to have this data compiled to the extent it is practical, in the future. Some typical measures of effectiveness and efficiency for the law enforcement activities are shown below:

Effectiveness	Efficiency
● Crime rates by class of crime and jurisdiction	Cost per hour of patrolling
● Percent of stolen cars recovered	
● Mean time to respond	Cost per complaint handled
● Traffic control	
● Traffic rates	
● Traffic accident loss per 100,000 vehicle miles	Cost per post
● Traffic accident injury and fatality rates	
● Mean time to complete	Cost per investigation per class
● Percent cleared through arrest	
● Arrest resulting in conviction	
● Mean time to handle calls by class	Cost per call
● Mean access delay on emergency calls	
● Mean response delay on emergency calls	
● Percent of calls mishandled or containing errors	
● Percent of time operating at full capacity	
● Jail compliance with standards (cleanliness, maintenance, diet, etc.)	Cost per prisoner by day
● Percent of days when need exceeds capacity	

The above listing should be expanded as appropriate to cover all law enforcement activities.

From the data that is available, we did conclude that when considered on a national scale, the crime rate per capita in the city and county is low. The crime clearance rate is higher than the national average. Both departments are professionally oriented.

Our responsibility, under contract, is to make appropriate recommendations for greater coordination between the two departments, if such recommendation will result in better service or reduced cost to the citizens of the entire county. It should be noted, however, that the single most important reason for considering greater coordination or even consolidation is the anticipated improvement in the quality of law enforcement services to the citizens of the total county, with actual cost reduction being secondary.

(1) *Lancaster County Sheriff's Department.* As it is for all other county officers, the position of sheriff is prescribed by Nebraska state law, which details the procedure for filling the office and providing its occupant with a staff. The law provides for the sheriff to be popularly elected on a partisan ballot for a term of four years and sets no limit on the number of terms he may serve.

Where unincorporated areas are a large part of even the more populous counties, the sheriff remains active in both police and court matters. By law, his police jurisdiction is still countywide; but it is the policy of the Lancaster County Sheriff not to interfere in Lincoln's provision of police services.

In Lincoln, citizens have frequent contact with the Sheriff's Department in court-related matters and residents of the rural areas of Lancaster County depend on it for police protection. The department's activities account for 8% of the county budget and involve a staff of 37 people.

As indicated in Table 7, the functions of the Lancaster County Sheriff's Department are of four principal types. First, the department serves as the police force for all areas of the county lying beyond Lincoln's borders. Second, the sheriff is responsible for criminal and related matters. He acts as coroner for the county and in that capacity investigates all unattended deaths. Further, his deputies make all the arrests on warrants issued by the county and district courts, and guard those courtrooms during criminal proceedings. Third, the sheriff has responsibility for carrying out orders made by the county and district courts in connection with civil cases. In legal terms this is known as executing legal process; it consists of serving writs and subpoenas, seizing property connected with lawsuits, and conducting sheriff's sales. Fourth, the department collects all delinquent taxes and enforces state motor vehicle regulations on all mobile homes and trailers on a countywide basis.

- Rural Police Services

The largest activity of the Sheriff's Department, and one which involves two-thirds of the uniformed deputies, is the providing of police services to all areas of Lancaster County outside the boundaries of Lincoln. Lancaster County conforms with the national trend: where cities (such as Lincoln) have organized full-time police forces, the sheriff is left to look after only unincorporated areas and small municipalities that do not have police departments—as is the case with all of Lancaster's 12 incorporated villages.

When we speak of the sheriff restricting his police coverage to the rural areas, however, overemphasis of jurisdictional boundaries as they exist in the form of city limits and county lines should be avoided. The sheriff's jurisdiction by state law still embraces the entire county,

Arthur D Little, Inc.

**TABLE 7**  
**ASSIGNMENT OF**  
**SHERIFF'S DEPARTMENT PERSONNEL**  
**BY FUNCTION**

Rural Police Services		19
(Sheriff's Patrol	16)*	
(Investigators	3)	
Countywide Criminal Functions		4
(Assistant Chief Deputy	1)	
(Warrant Officers	3)	
Civil Functions		2
Countywide Services		2
(Delinquent Tax Collection	1)	
(Mobile Homes Licensing	1)	
School Resource Officers		2
Supervisory and Support Personnel		5
(Sheriff	1)	
(Chief Deputy	1)	
(Other	3)	
Total Uniformed Personnel		34
Dispatcher		4
Office Staff		4
Photo and Records		1
Wrecker		1
Total Department Personnel		44

\*One patrolman assigned to Waverly on contract basis.

including the City of Lincoln, and there is a great deal of cooperation and flexibility among the various law enforcement agencies. It is the policy of the sheriff and the Lincoln police to cross city and county boundaries whenever practical considerations dictate. Both may go anywhere in the county in direct pursuit of an offender. Moreover, it is not infrequent for either one to cross the city boundary line to deal with a problem occurring wholly on the other side. But the fact remains that both are organized and structured to operate within their own boundaries for patrol and investigations.

There is considerable evidence to indicate that people living in the rural areas including the villages feel that they are not getting the amount of police coverage they need. The general complaint was not of the quality of coverage but the quantity. "It takes too long for patrol cars to arrive in response to a call" or "we need coverage at certain times (e.g., when the bars close on weekend nights) and we can't get it." Interestingly enough such complaints were seldom accompanied by a willingness to pay higher taxes for such service.

The sheriff recognizes this problem and discussed the matter in his annual report of 1971. He strongly recommends additional patrol and personnel for the areas outside the City of Lincoln.

- Countywide Criminal Functions

The sheriff has various responsibilities with regard to persons involved in criminal cases before the county and district courts. When these courts issue a warrant for someone's arrest, sheriff's deputies are responsible for making the arrest and bringing the person before the proper judge. During the course of criminal proceedings in county and district courts, deputies accompany defendants who are being held in the city jail. And lastly, when court proceedings culminate in the sentencing of someone to a prison or other institution, sheriff's personnel convey him to that place. Thus, the Sheriff's Department deals with persons from all parts of the county who are charged with criminal offenses.

#### *Arrest of Fugitives*

Sheriff's deputies may be unsuccessful in making an arrest because the person named on the warrant has fled the county or the state.

#### *Custody of the Accused*

When persons are detained in jail during county and district court proceedings, sheriff's deputies are charged with their custody each time they leave their cells. This means accompanying them to the courtroom for hearings and trials, and also taking them for medical or dental treatment. Persons who either have failed to secure a bond or are accused of crimes which are not bondable are detained in the jail. Persons who are initially arrested by city police, and are being held for trial in county or district court, come under the sheriff's charge at time of arraignment. Sheriff's deputies convey all persons to the prisons or institutions to which they have been sentenced or committed.

### *Coroner Cases*

Included among the sheriff's countywide criminal functions are his duties as acting coroner. Serving at the request of the county attorney, he is responsible for investigating all deaths which occur in the absence of a physician. The actual viewing of the bodies and filing of reports, however, is done by a coroner's physician.

- **Countywide Civil Functions**

The sheriff works closely with the county and district courts in civil as well as criminal cases.

(Civil cases involve neither arrests nor custodial retention of defendants, but they do involve various other types of court orders which must be executed by law enforcement officers. It is the sheriff's job to see that these orders are either served on the proper persons or otherwise executed through the seizure of property or sheriff's sales. The serving of legal papers on individuals involved in lawsuits constitutes the bulk of the department's civil functions.

### *Seizure and Sale of Property*

The execution of certain types of court orders by sheriff's personnel takes the form of physical seizure of property. When a court wants to hold property pending the outcome of a suit, it orders the sheriff to levy an *Attachment*. Sometimes a court orders seizure and sale of a defendant's property for the purpose of satisfying a monetary judgment. In such a case it will order an *Execution*, thereby commanding the sheriff to take possession of the property and offer it for sale. Then there is an *Order of Replevin*, which is used by creditors in repossessing consumer goods.

When a court so orders, it is the sheriff's duty to sell property at public auction. Upon receipt of an *Order of Sale* the department advertises the sale and all proceeds are forwarded to the court for distribution to appropriate parties.

- **Countywide Services**

The Sheriff's Department works with the county treasurer in the collection of taxes and enforcement of motor vehicle regulations for mobile homes and trailers.

### *Collecting Delinquent Taxes*

When individuals and businesses are delinquent in the payment of personal property taxes for more than one year, their cases are referred to the Sheriff's Department for collection. A sheriff's deputy makes direct contact with delinquent parties both by mail and personal visit, and attempts to reach agreement on a payment schedule. Should this prove ineffective, the department takes steps to bring about a public sale. Lacking receipt of the

payment within a 10-day period, sheriff's deputies seize property in sufficient quantity to cover the amount owed. Items so seized are removed to a storage company where they are sold at public auction.

The department becomes involved in the recovery of real estate taxes through sheriff's sales of foreclosed property. If the court so orders, the sheriff advertises the property and sells it at public auction.

### *Licensing of Mobile Homes and Trailers*

The sheriff is given responsibility for enforcing provisions of the state motor vehicle law requiring licenses on all mobile homes and trailers. The sheriff's enforcement of licensing regulations facilitates assessment and collection of the personal property levy in the county.

(2) *Lincoln Police Department (Division)*. Although the Lincoln Police Department is provided for by city ordinance, the sheriff remains the chief law enforcement official in the county. The state law is clear on this but, as in most counties throughout the United States, the county sheriff generally restricts his law enforcement and peace-keeping activities to unincorporated areas, leaving such duties in incorporated areas to municipal police departments (if they have the capability to handle this function).

The Lincoln Police Department is an urban department having most of the problems facing cities of similar size. Of some advantage to the department is the fact that although Lincoln is considered a metropolitan area, it is not part of a massive urban complex such as surround the largest cities in the United States, and this undoubtedly reduces the incidence of crimes attributable to the problems of large crowded metropolitan centers.

The Lincoln Police Department is headed by a chief appointed by the Mayor and directly responsible to him as the chief executive officer of the city. The city ordinance provides that the chief must have had "at least five years of experience in a responsible post with the law enforcement field. The chief is charged with the responsibility for the enforcement of law and order (in the City of Lincoln)."

The department is organized into four divisions: Administration, Criminal, Uniform, and Services. In addition, the offices of Police Community Relations and of Planning report directly to the chief.

- **Administrative Division**

The Administrative Division is a support division for the men on the street. It includes personnel matters, in-service and basic training for the department, record keeping, and the Identification Bureau.

- Criminal Division

The Criminal Division includes Investigation or Detective Bureau, Vice, Liquor, and Drug Bureau, and the Juvenile Bureau. Investigation of crimes and backup for the Uniform Division, as well as investigation of "crimes without a victim" constitute the bulk of this division's activities.

- Uniform Division

Most visible to the citizens of Lincoln is the Uniform Division consisting of general police patrol and traffic control offices. This represents the bulk of the personnel of the department and must be recognized as the basic "keepers of the peace." Initial response to almost all calls for assistance by the Uniform Division usually determines the average citizen's attitude toward the police department.

- Services Division

This division operates the communications system, maintenance and evidence storage and control, and the jail complex. The jail complex serves the entire community under contract with the sheriff's office.

Although not designated as a division, the Police Community Relations Unit handles preventive education and works to help interpret the role of the department to the citizenry. This unit also is responsible for the Police Boys Camp serving boys selected by the Juvenile Bureau.

(3) *Specific Areas for Improvement.* Organizing public services for law enforcement throughout the county represents perhaps the greatest challenge (and at the same time, opportunity) for improvement at this time.

We emphasize that we consider both the City Police Department and the County Sheriff's Department to be well run, professional organizations. However, the artificial (but very real) geographical barriers and the organizational constraints imposed upon both departments do not work in the best interests of all the citizens of the city and county, and they make law enforcement officials' job more difficult.

Just as the administration for public health, planning, civil defense, and other public services cuts across geographical boundaries, so does the administration of law enforcement activities. In fact this is being accomplished already in civil functions of the Sheriff's Department which are performed on a countywide basis. The recent allocation of the jail function to the city for the entire county represents a step forward in this regard.

There are four other law enforcement activities which would benefit from administration and operation on a countywide basis under a single agency. These are police patrol activities, crime investigation activities, communications and dispatching activities, and crime records activities.

- Police Patrol Activities

The only substantial law enforcement service of the Sheriff's Department which serves only the unincorporated portion of the county is the so-called "Rural Police Service." In it the sheriff attempts to provide patrol, investigations, communications, and response to calls for assistance throughout the county with a force of approximately 24, out of a total force (sworn and civilian) of approximately 44. Of the 24, only 16 are on actual patrol. In 1970, they served 18,454 people widely distributed over 793 square miles. Perhaps 20% of these people live in what might be called the fringe area of Lincoln.

In contrast, the City Police Department has 110 patrolmen plus 23 sergeants, most of whom are in the field a high percentage of their time. This represents 133 out of a total department of 229. They serve approximately 150,000 people in an area of 52 square miles.

Because of the number of men and the area served, the city is better able to provide training, plan patrol schedules based on need for service, and adjust for personnel shortages due to vacations, sick leave, etc.

The solution, then, lies in the city department providing police patrol services for the entire county on a contractual basis. This of course does not relieve the sheriff of his responsibility but, just as he exercises no direct jurisdiction over the City of Lincoln, so can he (by contract) buy police patrol services from the city for the unincorporated areas and also the incorporated villages, if they so desire.

- Criminal Investigation

The investigation of crime is a highly complex and time-consuming operation. It is unrealistic to expect the sheriff, with his limited personnel resources, to provide the quality and quantity of service required for the investigation of crime in the unincorporated areas of the county. The extremely small staff available for this activity in the county imposes a burden upon the sheriff which could be lessened by having one investigative force available countywide. We recommend that this service be provided by the Lincoln Police Department under contract to the county.

- Communications and Dispatching Activities

Communications and dispatching should follow the centralization of patrol and investigation, merging for more effective use of personnel and service to the public. This merger as seen with the No. 911 concept that is being used nationwide (a single number to be dialed for all emergency services) will provide the ability for quick and coordinated response, as well as reduce the overall cost of operation.

- Crime Records Activities

The advantages of a central file to provide comprehensive criminal information for law enforcement dictate a single records office. Centralization of these files and a communications system which makes retrieval and transmittal of information to the field speedy and accurate will be positive steps toward improved countywide law enforcement.

We recognize that this proposal creates some difficult personnel problems—e.g., transfer of patrol personnel and equipment, salary inequities, retirement benefits, and seniority rights, to mention a few. The difficulty of implementation should not obscure or diminish the importance of moving forward.

The conclusion may be drawn that implementation of these recommendations may lead ultimately to consolidation of the two departments into a city-county police agency. This in fact is our recommendation. We believe this consolidation can best be achieved in stages. The use of the Interlocal Cooperation Act permits the implementation of these recommendations without change in state legislation.)

b. Fire Protection

The primary purposes of a fire department are to protect people and property from the danger of fire through preventive measures and to extinguish and contain fires once they have started. A side benefit of good fire protection is low fire insurance rates.

In the quest for lower fire insurance rates, it is important to note several facts which are frequently overlooked when large expenditures for fire extinguishment equipment and manpower are requested. In assigning city fire grading classifications for determination of insurance rates, the Insurance Service Office assesses more deficiency points for the inadequacy of the water system than for the fire department itself. A rural area with no water distribution system has little hope of low rates. Therefore, improvements in fire service are seen more from the "service to the public" point of view than in terms of significant reductions in insurance rates.

The City of Lincoln has a professionally trained, well managed fire department. It is one of the most expensive public services in the city, and the public appears willing to pay the bill in return for the quality of service. The quality of this service could be more easily evaluated if statistical information were made available to measure its effectiveness and efficiency. Appropriate measures include but are not limited to:

## Effectiveness

- Number of building fires per million dollars of market
- Annual loss per 1000 residents
- Mean time to respond
- Mean time for travel
- Mean time to extinguish
- Mean loss per fire

## Efficiency

Fire loss plus fire prevention cost per million dollars of market valuation

Cost plus loss per year per valuation of buildings affected

The resources—human and material—of the fire districts throughout the rest of the county can in no way be compared with the city department. While they serve a useful and necessary function as volunteer departments, they can hardly be expected to match the professionalism of the city department.

The principal role for the city department to assume outside city limits is in mutual aid when needed and in raising the standards of the volunteer departments by encouraging use of City of Lincoln training facilities for the volunteer departments. The Lincoln department should take the lead in providing such training whether the county government plays a role in this or not. As discussed in Chapter II, some consolidation and realignment of fire district boundaries is desirable, but not with respect to the City Fire Department.

Although we are not charged with making recommendations on organizational changes within departments, we do wish to comment on fire equipment repair and maintenance. Traditionally, fire departments throughout the county have performed their own repairs and have set up equipment shops for this purpose. This has been justified by fire officials as necessary because of the emergency nature of the vehicles and because of the complicated nature of the equipment itself. Provided the municipal garage gives emergency equipment (police cars and fire equipment) priority in repair and maintenance, the luxury of a special shop for fire department equipment does not seem warranted. Many cities faced with the necessity of carefully scrutinizing every dollar to be budgeted have consolidated their fire equipment shops with the general maintenance garage.

Finally, when a city-county government becomes a reality, a single fire department for the county will also be possible, and should provide for substantial upgrading of rural fire protection and other emergency services. We see such a consolidated department as having the following characteristics:

- A combination of paid and volunteer staffs in the rural areas.

- Multiple taxing districts for fire services (though far fewer districts than at present).
- Unified administration, training, and specialized services.
- Rural fire commissions to serve as advisors on local fire policy matters.

In the meantime, the changes mentioned above can be undertaken.

## 2. Public Works

Common to virtually all city or county governmental organizations are activities involving engineering, construction, maintenance, and associated facility operations. While the methods of fulfilling these responsibilities may vary from one jurisdiction to another, many similarities appear. Generally, the county and its cities will be staffed and equipped to provide similar services within their own areas of responsibility. Duplicate organizations and facilities often are noted and many times are unnecessarily costly. Recent contractual arrangements or a combination of city and county public works organizations and operations have been receiving attention. As discussed elsewhere, Lincoln and Lancaster have hammered out a number of such arrangements even though equitable financing remains a thorny problem which seems to defy solution.

The broad area of public works offers opportunities for the extension of further cooperative and coordinated approaches.

### a. Lancaster County

The County Surveyor (ex-officio county highway commissioner, engineer, and building inspector) directs most of the public works operations for the County of Lancaster. Although he is elected on a partisan basis, state statutes require professional qualifications for the position. As County Surveyor, his duties extend into the City of Lincoln, as well as the unincorporated villages. Plat maps of all sections are maintained and maps showing parcel cuts are prepared for use by the Register of Deeds. Tax maps used by the Assessor, however, are not prepared in this department. As county engineer and highway commissioner, however, the duties are restricted to the unincorporated area. In this latter capacity, he is responsible for engineering, construction, and maintenance of all county roads and bridges, drainage ditches, and other public improvements to the county highway system.

The total budget for all activities under the supervision of the County Surveyor for fiscal year 1972-73 is \$3,575,271. Included in this amount is \$1,541,891 in highway user funds allocated by the state. Property tax levies for highways and bridges, however, still exceed \$1 million, requiring a levy of approximately 2.1 mills on all taxable property in the county, including the City of Lincoln and the villages. State statutes require local matching funds of from one-fourth to three-fourths to qualify for highways user tax allocations.

The major responsibility of the ex-officio highway commissioner is the design, construction, and maintenance of slightly more than 1400 miles of roads and more than 6000 bridges and culverts. His staff prepares detailed plans and specifications for all related new construction and road improvements. Maintenance of these facilities, including snow removal, patching, and some resurfacing, consumes approximately 50% of the total expenditures. Detailed cost records are kept of all expenditures.

In addition to the main shop in Lincoln where repair and upkeep of equipment takes place, the department maintains 18 patrol stations for housing equipment and materials for maintenance of county roads. A two-way radio system permits close contact with operating units. A quarry for production of crushed limestone used in road surfacing is also maintained.

The County Surveyor is also designated as County Building Inspector for all the county area outside of the three-mile jurisdiction of the City of Lincoln, other cities and villages, and farmsteads.

b. City of Lincoln

Organized on a more formal basis, but with virtually the same responsibilities as the Lancaster County Surveyor, is the Lincoln City Department of Public Works. Under the Director of Public Works are six divisions: Traffic Engineering; Building Inspection; City Engineering; Paving, Repair, and Storm Sewers; Roads; and Sanitary Landfill. Additionally the city engineer prepares plans and specifications for construction of sanitary sewers and water mains as required for the Public Utilities Department.

The department does not encompass all of the activities often associated with a "public works" agency. For example, the sanitary sewer system, as noted, is the responsibility of the Department of Public Utilities, and the city garage is operated by the Department of Finance.

Activities of the public works department are nevertheless formidable, entailing an operating budget of approximately \$3 million and a construction allocation exceeding \$5 million for fiscal 1972-73. Close to \$3 million from the Highway Allocation Fund will assist in financing the appropriations.

(1) *Division of Traffic Engineering.* The Traffic Engineering Division has a multiplicity of concerns ranging from design of traffic patterns to street lighting. It erects traffic control signals and signs, stripes traffic lanes, and approves curb cuts, and has responsibility for parking meters, traffic research, and review of designs of new streets and new or remodeled buildings as they affect street traffic.

(2) *Division of Building Inspection.* The Division of Building Inspection is responsible for enforcing the regulations on building, zoning, plumbing, electrical heating, air conditioning, and signs. This activity is supposed to be self-supporting from inspection fees.

(3) *Division of City Engineering*. Responsibility for the design and construction of all new streets, bridges, storm sewers, water mains, and sanitary sewers is assigned to this division. The division's principal activity is the preparation of plans, specifications including preliminary surveys, and inspection of construction work. The division also prepares the spread of assessments of construction costs against private property as required.

(4) *Division of Paving, Repair, and Storm Sewers*. Maintenance of the city streets, curbs, and drains is performed under this division, whose work includes patching and resurfacing of existing pavement surfaces, maintenance of storm drains, and repair of curbs and gutters.

(5) *Division of Roads*. The Division of Roads is responsible for keeping the streets clean and free from snow and sanded and salted when required, and for grading all dirt and gravel streets.

(6) *Division of Sanitary Landfill*. This operates the city dump, which is used by some of the villages as well as by the people of the City of Lincoln and by the commercial scavenger companies.

c. **Specific Areas for Improvement**

At present there are two local governmental organizations housed in the same building in Lincoln performing virtually the same functions. Each government has its own staff of engineers, surveyors, draftsmen, mechanics, skilled workers, laborers, and others. Each prepares plans and specifications for new construction of roads and other public facilities, supervises construction contracts, repaves and grades roads, operates snow removal equipment, maintains drainage structures, keeps project cost accounts, repairs equipment, installs street signs, and many other related activities.

There are of course some recognizable differences. Design standards for road construction differ in rural and urban areas. The county government is not concerned with storm drains, sidewalks, ornamental lighting, and traffic signals at this time. (Conceivably, a new subdivision may be developed in the county with streets of much higher standards than the usual rural road, complete with sidewalks and ornamental lighting.) Another difference is that property owners in unincorporated areas of the county are usually not required to pay all or even part of the cost of street improvements. This may be more the result of traditional policy rather than equity.

Implementation of the Lincoln-Lancaster County Goals and Policies could automatically change policies and standards of public improvements both in the county and the city. The usual city standards may be desirable in parts of the county while the usual county standards may be required or desired in the more rural areas of the city.

Certainly, there are varying standards of public improvements within many incorporated communities, ranging from expressways to rural roads and from 10-foot wide sidewalks to bike, hiking, or horse trails. The same engineer can draw two completely contrasting sets of

plans depending on the standards specified. Maintenance of storm sewers requires knowledge and skill no different than that required for maintenance of drainage structures and bridges. Similarly, road repair and snow removal do not take on a different look when the city limits line is crossed.

Many local governmental jurisdictions have contracted with another jurisdiction to provide complete public works activities, including design, construction, maintenance, street cleaning, sewer maintenance, and automotive equipment and maintenance. Similarly, cities have contracted with counties for all or part of those activities and vice versa. Different standards perhaps—but the same basic function.

Under existing legislation, combining of some services is difficult, if not impossible. This fact is hardly a reason for not attempting to minimize duplication, improve the quality and quantity of work, and upgrade the services to the public.

While ultimately a city-county public works department should be organized, there are intermediate steps to be taken in order to enjoy some of the benefits now. Contractual agreements which permit the county and city departments to perform work for each other, or allow division or unit mergers of functions, should be developed. We believe the following functions offer the best possibilities for joint action:

- Preparation of engineering plans and specifications for public works,
- Construction supervision and inspection,
- Maintenance of culverts, ditches, storm drains, and storm sewers,
- Snow removal and related emergency services,
- Repair, maintenance, and servicing of automotive and heavy equipment, and
- Building inspection.

In the case of public works, size is not the issue. No one will agree that “bigness” automatically guarantees greater efficiency. The employment and effective use of specialized personnel, and the purchase and effective, efficient use of sophisticated and expensive equipment can be justified, however, when the volume of work warrants it.

### 3. General Government and Administration

Of all the functional areas of local government, general administration is perhaps the one which derived the greatest amount of benefits from previous city-county consolidation in other parts of the country. Substantial dollar savings and improved service resulted in almost every instance. The County of Lancaster and the City of Lincoln should not be an exception.

In this regard, two specific functions are recommended for more coordination and cooperation: personnel and purchasing. An immediate benefit to be expected when the recommended arrangements are implemented is the strengthening of the administrative role of the County Board of Commissioners.

a. Personnel

Earlier in this report, we recommended the development of a centralized personnel program for the county. The implementation of this recommendation requires that several tasks be completed:

- (1) Development of personnel rules and regulations,
- (2) Development of a position-classification plan with written job specifications and titles and grouping of similar jobs into appropriate classes,
- (3) Development of a standardized pay plan related to the position-classification plan,
- (4) Development of a system for recruitment, examination, and promotion for county employment reserving the right of appointment to the department head or other appropriate authority, and
- (5) Development of a plan for the operation and maintenance of the personnel function in the county government.

Once the system has been set up and installed, we recommend that the county contract with the city personnel department for maintenance of the classification plan, the pay plan, and the examination and certification of eligibles for employment. By so doing, the county will avoid the need to develop a total personnel department of its own. Responsibility for the personnel function can be assigned to an existing department, e.g., County Clerk, or to a staff assistant to the Board of Commissioners who could include it with other staff functions performed for the board.

For the county to contemplate setting up a separate personnel organization that would duplicate the technical skills found in the City of Lincoln and "re-invent the wheel" in developing personnel standards does not seem to us to be reasonable. The contract service approach is quite possible inasmuch as it is for a central administrative function that should operate out of the County-City Building. A corollary benefit of this arrangement would be the improvement of interjurisdictional relationships through promotion of uniform practices and compensation programs.

A final and difficult problem to be solved for city-county consolidation relates to the varying pension and retirement systems in the city and county. We recommend a detailed study of this subject to determine how the different systems can ultimately be merged, taking

the best features of each to develop a fair and just system for all city and county employees. We are aware that there are difficult decisions and value judgments to be made but a start should be made in this direction. It is hoped that when the new City and County of Lincoln-Lancaster is formed, a single, actuarially sound system can be installed.

b. Purchasing

The arguments for a centralized purchasing system have been made many times by those who have studied the government of the County of Lancaster. It is sufficient here to point out that this would fix accountability and facilitate supervision of the purchasing function, enable the two governments to gain the advantages of quantity purchases, make possible more timely buying, encourage standardization of specifications for supplies and equipment used in more than one department, and afford the maximum benefits of competitive bidding.

We believe that the above advantages of centralized purchasing, e.g., lower unit prices, will be further enhanced if there is a close link with the City of Lincoln's purchasing operations. To accomplish this, we recommend the two governmental entities enter into an agreement for joint purchasing setting forth specific guidelines for cooperation and coordination of this staff activity. The agreement should provide for the City of Lincoln purchasing staff to perform all or most of the technical work associated with county buying.

In view of the County Clerk's budget and financial responsibilities, it would be appropriate to locate the responsibility for liaison with the city in his office and under his general direction. Placing this function in the County Clerk's office should improve the ability of the Board of Commissioners to control the budget and build up their administrative leadership role.

D. OVERALL CONSIDERATIONS

An essential feature of any study of consolidation—partial or complete—relates to safeguards in the field of local taxation. Essentially, this means the ad valorem property tax or millage levy.

The idea of "paying for what you get" is ingrained in the philosophy of the American public, but it has seldom been successfully adapted to the local government scene.

Lancaster County has vast rural sections that make an important contribution, and give balance, to the entire area. Certainly they must not be required to pay more than a fair share of the cost of services. Lincoln's residents are concerned about how little they receive for their taxes paid to the county. They complain that they are paying for a dual system of government. While the City of Lincoln and the County of Lancaster do not represent dual government, there are two sets of administration and duplication of effort and service. Lincoln residents pay approximately 83% of the county general fund budget, though they hardly receive 83% of the services of all county departments. On the other hand, it might be argued that city residents require even more than 83% of the services in some cases.

Certainly the reverse is true in the case of police services in unincorporated areas and in the streets, roads, bridges, culverts, and snow removal activities performed by the county engineer.

City residents do not wish to subsidize the extension of services to fringe urban areas. Such urban type unincorporated areas complain of inadequate response to their urban needs. Tax protection can best be achieved by establishing a system of tax differentials to distinguish between full urban services and "regular areawide services" and by carefully extending urban services on a cost basis to areas, as residents decide they want them.

The question of tax equity will continue to defy solution in Lancaster and Lincoln as it does in every county and city in the United States. A major breakthrough is not likely to occur until a single agency of local government can be formed and levels of taxation established which relate to service benefits.

A common fiscal year for city and county can be a beginning for cooperative tax considerations as well as the development of comparable budget formats and comparable allocation of activity costs. We believe the City of Lincoln should plan now to change the start of the city's fiscal year from September 1 to July 1. By so doing, the city will be matching its fiscal year to the county, state, and federal governments and will be the same as most governmental entities throughout the country. We are aware of the problems of estimating assessed valuation figures but the advantages of more uniform statistics, comparisons, and better planning and accounting in cooperative agreements far outweigh the disadvantages of a July-June fiscal year.

We have consciously avoided attempting to finalize the organization and administration of the new City and County of Lincoln-Lancaster. Our organization chart should be thought of as illustrative only. (See Appendix B.) However, this should not obscure the central theme of city-county consolidation.

But what are the overall considerations and why should we urge the creation of the new City and County of Lincoln-Lancaster? First of all, although the pattern of growth has centered in Lincoln, it was the people in the County of Lancaster who first developed the City of Lincoln. For many years the social relationships of people in Lincoln related more to the County of Lancaster than they did to the city. As time went on and more people moved to Lincoln from other parts of the state and county, the City of Lincoln began to take on its own identity. With the growth of the university and the expansion of state business, people thought more of themselves as Lincoln citizens rather than as Lancaster citizens. Lancaster and Lincoln tended to draw farther apart. More recently, there is evidence that some Lincolnians have moved into suburban areas of the county to escape the complexities of life in the city.

Politically, we face other considerations. The center of Lancaster government is in Lincoln. Its day-to-day business is conducted there. For the most part, people in the county must travel to Lincoln to conduct public business. To the farmer in northern Lancaster County, the government of the county seems remote. Conversely, Lincoln residents tend to think of county government as rural oriented and biased toward that same north county farmer. The publication, "Lancaster County Government—What Role?" put it well when it said:

The electorate of Lincoln elects two major governing bodies. One is the city council and mayor, the other the county board of commissioners. The difference is that the 10-11% of the residents of Lancaster County who live outside the city limits of Lincoln also vote for the commissioners. The rural interests are often thought to be protected by the board, and certainly the members bend over backwards to serve the needs of the rural people. In joint city-county arrangements (i.e., planning, environmental quality) the county board acts on behalf of the non-Lincoln residents of the county. It remains a fact that 90% of the votes for commissioners come from within the city. The only way to guarantee representation elected by rural residents is to establish a board large enough so that a commissioner would be elected from a district of rural constituents. Under the guidelines of one-man-one-vote, the board would have to have 9-10 members. It has been suggested that an increase to a five-man board would at least increase the probability of better rural representation. At the same time, city residents resent any favoritism toward residents outside Lincoln in a proportion higher than the population warrants.\*

Economically, it is clear that in the county "all roads lead to Lincoln." The city is the business hub of the county and has the economic capabilities to take the leadership role in the county. The many economic relationships to the rest of the county make a greater partnership with the county government a logical step.

It seems abundantly clear that the people of Nebraska understand the need for closer coordination and cooperation of the administrative agencies of local government. The passage by the state legislature of the Interlocal Cooperation Act in 1963 cleared the way for greater cooperation between cities and counties in solving local problems. And the adoption of an amendment to the state constitution in 1972\*\* in effect put the voters' seal of approval on state, county, and local government coordination.

Most contemporary students of consolidation or creation of metropolitan government include in their related reports a variation of the following 1906 statement of the Council of State Governments:

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\*"Lancaster County Government—What Role?" The League of Women Voters of Lincoln, Publication No. 54, November 1971, p. 2.

\*\*See Appendix A.

The policy of providing citywide services on the basis of need rather than the fiscal resources of each block, precinct or ward is not extended in most instances in metropolitan areas. Instead, the individual governmental unit relies upon a small amount of territory for its local financial resources. Thus some units are wealthy but have relatively few needs; others are extremely poor and have extensive needs. Such disparity between needs and resources is particularly apparent in central cities, which must furnish services to many nonresidents but cannot tap the financial resources of the localities in which these people reside. The broad variations between needs and resources make for gross inequalities in financial burdens.

These metropolitan researchers usually then proceed to define methods by which central cities may tap the resources of nonresidents, such as occupational taxes, sales taxes, parking charges, or amusement taxes. These levies, however, are for uses by nonresidents of city services, and generally are deemed insufficient for correcting the basic "fiscal imbalance." Special districts are criticized on this same basis. What becomes necessary is to require nonresidents, suburbanites, and residents in surrounding rural areas to help pay for services not for themselves but for center city inhabitants. Thus are born the various metropolitan government plans, of which city-county consolidation is one.

The Advisory Commission in Intergovernmental Relations (ACIR) has attempted to assess the results of a series of metropolitan reorganization efforts. Findings revealed that in nearly every instance the proponents of change focused on two points: the faultiness of the existing local government structure or operations, and the need for urban-type services in outlying areas. Opponents also centered their attacks on certain key issues: financial costs and their geographic allocation, the "drastic" nature of the change, and the existence of other approaches to meeting the local situation.

Also in nearly each case, the backgrounds of groups of supporters and opponents were remarkably similar. Those favoring reorganization typically included the metropolitan newspapers, the League of Women Voters, central city chambers of commerce, central city commercial and real estate interests, and, to some extent, central city officials. Those opposed included farmers, rural homeowners, county government employees and fringe area local government employees, and suburban newspapers. Political parties and labor unions were conspicuous in their absence from the lists of either supporters or detractors.

Metropolitan researchers have discovered that most reorganization proposals are delivered to an apathetic public. In some instances this indifference results from the absence of a really critical situation to be remedied. In others it is because the citizenry does not perceive or recognize any problems of serious consequence. In addition, every referendum automatically generates a certain degree of negative response, a response easily mobilized as an expression of resentment against the "powers that be."

Another view (H. Schmandt, *Yale Law Review*, April 1968) holds that apathy and reaction may not be the sole factors in resistance to altering the local government structure:

“Redesigning the governmental structure of an urban area. . . is essentially a political question. Every proposal for change must at some point meet the test of political acceptability, a test provided in some cases by popular referendum, in others by the legislative bodies of the units involved, and in others by the nod of approval or disapproval of party leaders. Political questions must be approached in a political manner and with political strategies. . . . Changes in governmental structure involve alteration in the division of powers, rewards, and labors. These changes may jeopardize the positions of local officials and employees, threaten the protective controls exercised by suburban units, affect the representation of different constituencies, and modify the impact of taxes and services on various groups. *It is naive to expect that a reorganization proposal will possess such overwhelming logic from the standpoint of efficiency or equity that it can avoid attacks from those who perceive it as a threat to their interests.*”

Conditions not too dissimilar from these have hampered and may continue to hamper, efforts to reorganize the governments of the City of Lincoln and County of Lancaster.

Woven through any discussion of city-county consolidation is the role of each unit of government in providing services. In most of the literature one facet of the local situation usually remains obscure—that in any given area all citizens reside in the county, but not everyone resides in the city. The county is all inclusive while its cities are not, yet the attention is focused on cities rather than counties.

We suggest, however, that this emphasis is misplaced, and should center on county rather than city rejuvenation. Some of the important advantages of a strong county government are:

- Political Accountability – When a local function or responsibility is transferred from the city level to the county level, no element of local control is lost, which is not the case when transferring a function to the state or federal level.
- Broad Tax Base – Individuals and business enterprises are taxable by the county whether located in the center city slum, wealthy suburb, or rural setting. Recipients of county services are eligible regardless of location. Such financial stability becomes more valuable as localities proceed to more complex programs such as mental health, pollution control, transportation, and land use planning.

- Economy of Scale – County government eliminates expensive duplication of services by adjoining or overlapping jurisdictions. It may also mitigate the curtailing of some municipal services, particularly for professional administrative personnel, that has resulted from spiraling costs.
- Areawide Jurisdiction – The automobile has tended to blur the traditional rural-urban dichotomy in any given area of population concentration. The county remains the single potentially viable unit of general purpose government for confronting any metropolitan situation.
- Closer Ties with the State and Federal Government – Counties have a much stronger constitutional basis than have cities. Although more current federal programs relate to cities than to counties, the latter have a longer history of federal relationships—e.g., the land grant legislation.

Clearly Lancaster County government must be strengthened as a preliminary to talk of city-county merger. When the county and city governments can go to the merger table as two viable strong governmental entities, the result can be a single countywide government ready and able to solve the financial, environmental, political, and economic problems both old and new.

Robert Merriam, then chairman of the Advisory Commission in Intergovernmental Relations, in a speech before the National Association of Counties in 1970 made clear the major roadblocks to improved county government administration:

- There is the tendency of some states still to view counties as mere administrative or judicial appendages of the state, fit for mandating but little else.
- There is the hurdle of certain municipal spokesmen who view strong counties as adversaries, rather than as allies.
- There is the perennial tendency of certain federal and state policy makers to rely on other areawide bodies to perform regional assignments.
- There is the closely related inclination of people at all levels to fall back on special districts as an easy, pragmatic solution to diverse servicing problems.
- And there is the view of many county officials that the challenges facing us at the substate regional level are just so many headaches to be avoided, not splendid opportunities for putting counties squarely in the middle of today's dynamic state-local relationships.\*

These statements apply with equal justification to the roadblocks on the way to the consolidation of the governments of the City of Lincoln and the County of Lancaster.

\*"Lancaster County Government—What Role?" The League of Women Voters of Lincoln, Publication No. 54, November 1971, pp. 19-20.

#### IV. IMPLEMENTATION

Our study and report are worth their cost only if they result in action. Too many times, reports of this type generate a high degree of interest and even enthusiasm among so called "good government" groups, the media, and even some of the officials directly affected by the recommendations. After the first burst of interest and support and after a ringing call to action from the editorial writers, the report begins to disappear from desks and reappear on book shelves where it soon becomes a historical document of interest primarily to government researchers, students, and the consulting firm that makes the next report 10 years later. The old phrase, "What is everybody's business is nobody's business," was never more apt; and this serves well the interests of those who feel no need for improvement or who feel threatened by a reorganization or a change in the way "we do things around here."

To provide a method of assigning responsibility for the action phase of the report, we propose the following:

1. Formation of a County-City Implementation Commission (CCIC) to be composed of:
  - (a) Chairman of County Board of Commissioners
  - (b) Mayor, City of Lincoln
  - (c) Member of City Council of Lincoln
  - (d) County Attorney
  - (e) Representative of Lincoln Foundation, as "citizen" memberStaff as required

This commission will be responsible for appointing Action Task Forces, monitoring progress, and implementing action plans.

2. Appointment of Action Task Forces as follows:
  - I. Police Services Plan  
County Sheriff, Chief of Police  
Staff as required
  - II. Public Works Services Plan  
County Surveyor, City Public Works Director  
Staff as required

- III. Personnel Administration Plan  
City Personnel Director, County Clerk  
Staff as required
- IV. Public Purchasing Plan  
City Purchasing Agent, County Clerk  
Staff as required
- V. Budgeting Improvement Plan  
City Finance Director, County Clerk, County Treasurer  
Staff as required
- VI. Fire Protection Services Plan  
City Fire Chief, County Clerk, Fire Commissioner of a  
Rural Fire Protection District  
Staff as required

Members of the City-County Implementation Commission should be invited to a formation meeting by the citizen member of the Commission within two weeks after the acceptance of this report. Minutes must be kept of all meetings of the Commission and notes recorded on all issues raised. The meetings must be open to the public and assure flow of information to the public on the progress being made on greater interjurisdictional coordination.

At the first meeting, the CCIC must determine the priority of issues, appoint task forces, and establish deadlines for initial reports. We then expect the media to give widespread publicity to the implementation schedule, and to monitor the progress of the Commission.

We believe that within one year measurable progress can be made on each of the issues defined in this report. At the end of the first year, the Commission should make a "Report to the People" detailing progress made and the plans for the future.

ADL recognizes that in outlining an implementation plan within a report which covers many areas and which makes recommendations involving different agencies of government, we are broadening the scope of our study. Without such a plan, however, we fear for the successful implementation of any phase of it—in which case the expenditure of public and private money is to no avail.

**APPENDIX A**

**ENABLING LEGISLATION FOR  
COOPERATIVE GOVERNMENT ARRANGEMENTS**

**Chapter 23, Article 22. Reissue Revised Statutes of Nebraska, 1943  
(Interlocal Cooperation Act), and Amendment**

**Article II, Section 6. Charter of the City of Lincoln (Adopted 1959)**

**Chapter 15, Article 751. Reissue Revised Statutes of Nebraska, 1943,  
as Amended**

**Chapter 15, Article 752. Reissue Revised Statutes of Nebraska, 1943,  
as Amended**

**Article XV, Section 18. Constitution of the State of Nebraska  
(Adopted 1972).**

## ARTICLE 22

### INTERLOCAL COOPERATION ACT

#### Section

- 23-2201. Interlocal Cooperation Act; declaration of purpose.
- 23-2202. Interlocal Cooperation Act; citation of act.
- 23-2203. Interlocal Cooperation Act; definition of terms.
- 23-2204. Interlocal Cooperation Act; public agency; powers; agreements.
- 23-2205. Interlocal Cooperation Act; public agency; submission of agreements for approval, when.
- 23-2206. Interlocal Cooperation Act; public agency; appropriation of funds; supply personnel.
- 23-2207. Interlocal Cooperation Act; public agency; contracts with other agencies; authorization; contents;

**23-2201. Interlocal Cooperation Act; declaration of purpose.** It is the purpose of sections 23-2201 to 23-2207 to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

**Source:** Laws 1963, c. 333, § 1, p. 1071.

**23-2202. Interlocal Cooperation Act; citation of act.** Sections 23-2201 to 23-2207 may be cited as the Interlocal Cooperation Act.

**Source:** Laws 1963, c. 333, § 2, p. 1071.

**23-2203. Interlocal Cooperation Act; definition of terms.** (1) For the purposes of sections 23-2201 to 23-2207, the term public agency shall mean any county, city, village, school district or drainage district of this state; any agency of the state government or of the United States; and any adjacent political subdivision of another state.

(2) The term state shall mean a state of the United States and the District of Columbia.

**Source:** Laws 1963, c. 333, § 3, p. 1071.

**23-2204. Interlocal Cooperation Act; public agency; powers; agreements.** (1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having such power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges, and authority conferred by sections 23-2201 to 23-2207 upon a public agency.

(2) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of sections 23-2201 to 23-2207. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(3) Any such agreement shall specify the following:

- (a) Its duration;
- (b) The precise organization, composition, and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created;
- (c) Its purpose or purposes;
- (d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;
- (e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination; and
- (f) Any other necessary and proper matters.

(4) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items enumerated in subsection (3) of this section, contain the following:

(a) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board public agencies party to the agreement shall be represented; and

(b) The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.

(5) No agreement made pursuant to sections 23-2201 to 23-2207 shall relieve any public agency of any obligation or responsibility imposed upon it by law except to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, which performance may be offered in satisfaction of the obligation or responsibility.

Source: Laws 1963, c. 333, § 4, p. 1072.

**23-2205. Interlocal Cooperation Act; public agency; submission of agreements for approval, when.** In the event that an agreement made pursuant to sections 23-2201 to 23-2207 shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction; *Provided*, no agreement under sections 23-2201 to 23-2207 shall provide for generation, transmission or distribution of electricity.

Source: Laws 1963, c. 333, § 5, p. 1073.

**23-2206. Interlocal Cooperation Act; public agency; appropriation of funds; supply personnel.** Any public agency entering into an agreement pursuant to sections 23-2201 to 23-2207 may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

Source: Laws 1963, c. 333, § 6, p. 1073.

23-2207. Interlocal Cooperation Act; public agency; contracts with other agencies; authorization; contents. Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform; *Provided*, that such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties.

Source: Laws 1963, c. 333, § 7, p. 1074.

#### AMENDMENT TO ARTICLE 22, SECTION 23-2203

23-2203. Interlocal Cooperation Act; definition of terms. (1) For the purposes of sections 23-2201 to 23-2207, the term public agency shall mean any county, city, village, school district or any agency of the state government or of the United States, any drainage district, sanitary and improvement district or any other municipal corporation or political subdivision of this state; and any adjacent political subdivision of another state.

(2) The term state shall mean a state of the United States and the District of Columbia.

Source: Laws 1971, LB 874, § 1.

Effective data August 27, 1971.

ARTICLE II, SECTION 6  
CHARTER OF THE CITY OF LINCOLN

**Sec. 6. Join Other Political Subdivisions.** The city shall have the power to join with other political or governmental subdivisions, agencies, or public corporations, whether federal, state or local, or with any number or combination thereof, by contract or otherwise, as may be permitted by the laws of the State of Nebraska, in the joint ownership operation, or performance of any property, facility, power or function, or in agreements containing provisions that one or more thereof operate or perform for the other or others.

The city shall also have the power to authorize and undertake research, formulate plans, draft and seek the enactment of legislation, and take other actions concerning improvement of the relationships between the city and other political or governmental subdivisions, agencies, or public corporations, whether federal, state or local or the attainment of voluntary cooperation agreements, annexations, transfers of functions to or from the city, city-county consolidation or separation, or any other means of accomplishing changes in governmental organization in which the City of Lincoln has an interest. The city may undertake such efforts alone or in concert with other political or governmental subdivisions, agencies or public corporations, whether federal, state or local, or with public or private research or professional organization, and it may appropriate and spend money for such purposes.

Whenever the city shall exercise the power to enter into the joint ownership, operation or performance of any property, facility, power or function, or to join in agreements containing provisions set forth above it shall not be required that the officers performing the duties required by the exercise of said power shall be residents of the city and qualified electors therein.

The provisions of this section shall govern and apply notwithstanding any existing provisions of this charter to the contrary. (Amendment of March 3, 1959.)

CHAPTER 15, ARTICLE 751

REISSUE REVISED STATUTES OF NEBRASKA, 1943  
As Amended

15-751. Joint city and county facilities; cooperation with other governmental agencies; authorization, dual officers and employees.

(1) Any county and any city of the primary class, which is the county seat thereof, shall have the power to join with each other and with other political or governmental subdivisions, agencies, or public corporations whether federal, state, or local, or with any number of combinations thereof, by contract or otherwise in the joint ownership, operation, or performance of any property, facility, power, or function, or in agreements containing the provisions that one or more thereof operate or perform for the other or others. Any such county and any such city shall also have the power, to authorize and undertake research, formulate plans, draft and seek the enactment of legislation, take other actions concerning improvement of the relationships between themselves or between each of them and other political or governmental subdivisions, agencies, or public corporations, whether federal, state or local, for the attainment of voluntary cooperation agreements, annexations, transfers of functions to or from such city, or to or from such county, or city-county consolidation or separation, or any other means of accomplishing changes in governmental organization in which such city or such county has an interest. Such city and such county may undertake such efforts alone or in concert with other political or governmental subdivisions, agencies, or public corporations, whether federal, state, or local, or with public or private research or professional organizations. Such city and such county may appropriate and spend money for such purposes.

(2) Any officer or employee, whether elected or appointed, of any county, may also simultaneously be and serve as an officer or employee of any such city of the primary class, referred to in subsection (1) of this section, which is the county seat of the county where such duties are not incompatible. Any officer or employee, whether elected or appointed, of a city of the primary class which is the county seat of a county may also simultaneously be and serve as an officer or employee of the county of which said city is the county seat where such duties are not incompatible; *Provided*, that this provision shall not apply to or cover the county board of such county or the mayor or members of the city council of such city.

Source: Laws 1957, c. 25, § 1, p. 178.

CHAPTER 15, ARTICLE 752

REISSUE REVISED STATUTES OF NEBRASKA, 1943  
As Amended

**15-752. Joint city and county facilities; authorization; vote required.** Any action authorized under section 15-751 shall be taken only upon the affirmative vote of a majority of the board of commissioners of such county or a majority of the members of the city council and mayor of such city and when such action is taken by such governing body it shall be binding upon all officers and employees of such county or such city.

Source: Laws 1957, c. 25, § 2, p. 179.

ARTICLE XV, SECTION 18

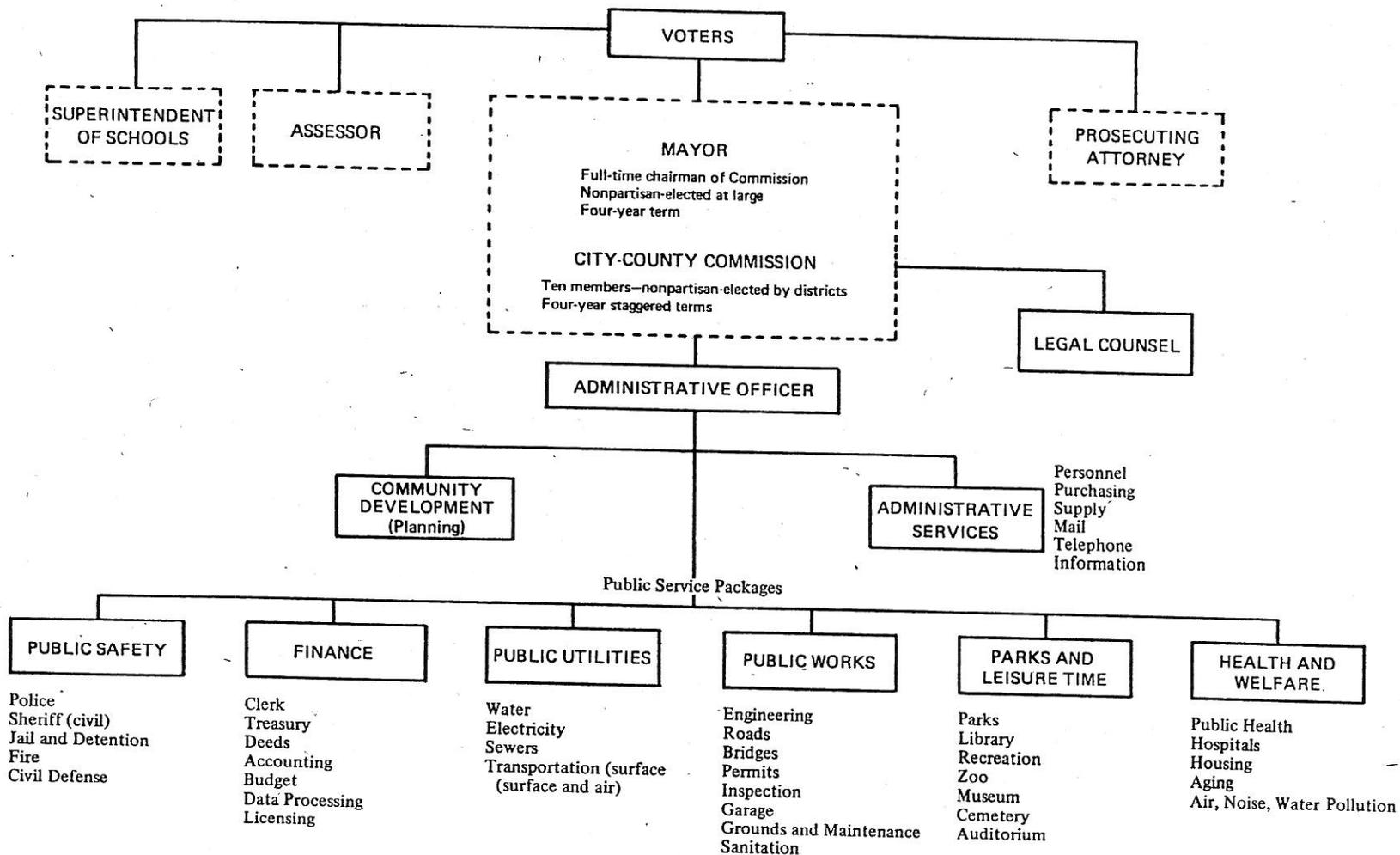
CONSTITUTION OF THE STATE OF NEBRASKA

Sec. 18. The state or any local government may exercise any of its powers or perform any of its functions, including financing the same, jointly or in cooperation with any other governmental entity or entities, either within or without the state, except as the Legislature shall provide otherwise by law. (Adopted, 1972.)

**APPENDIX B**

**POSSIBLE FORM OF CONSOLIDATED GOVERNMENT**

CITY AND COUNTY OF LINCOLN-LANCASTER\*

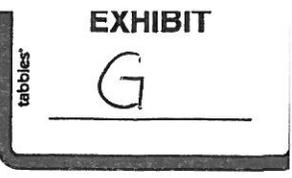


109

   Elected

\*This chart is for illustrative purposes only.

# FINAL REPORT AND RECOMMENDATIONS OF THE LANCASTER COUNTY CONSOLIDATION COMMITTEE



## COMMITTEE MEMBERS

Dale Gruntorad, Chair; Wayne Giebelhaus, Vice Chair; Art Althouse, Barbara Chesnut, Richard McGinnis, Eugene Carroll, Frank Eman, Sharon Nemeth, and Margy Ryan

Facilitator: Gordon Kissel

## INTRODUCTION

The Lancaster County Consolidation Committee was formed by the Lancaster County Board of Commissioners in June of 1996. The Committee was established in response to 1996 NEB. LAWS LB 1085. Under Section 26 of LB 1085, a county may consolidate the office of clerk of the district court, county assessor, county clerk, county engineer, or register of deeds. The full text of LB 1085, Section 26 is reproduced in *Appendix A*.

Specifically, the County Board is authorized to adopt a resolution for the consolidation of any of these offices and submit the issue for the creation of a consolidated office to the registered voters for approval at the next general election. The Consolidation Committee was established to examine the efficacy of consolidating county offices under LB 1085 and then recommend to the Board which of these offices, if any, should be consolidated.

The County Board sought broad community representation on the Committee. The Board issued a press release asking for volunteers to serve on the Consolidation Committee and numerous responses were received. Committee members were selected based on their background and particular areas of expertise. Thus, Committee members represented a broad spectrum of interests in the community, including business, labor, financial, and rural. Members were also selected based on their past involvement with and knowledge of issues involving local government.

## SUMMARY OF DISCUSSIONS

In formulating its recommendations, the Consolidation Committee engaged in discussions covering a wide range of topics and information relevant to the issue of county office consolidation. The Committee personally met with all of the elected officials holding the offices being considered for consolidation, including Kandra Hahn, Clerk; Norm Agena, Assessor; Marj Hart, Clerk of the District Court; Dan Nolte, Register of Deeds; and Don Thomas, Engineer. As a follow up to these discussions, Committee members were invited to tour the physical offices of the elected officials for the purpose of observing their operations. In addition, each elected official submitted to the Committee a summary of their duties and responsibilities.

Other persons who provided important information to the Committee include George Kilpatrick, Legal Counsel for the Revenue Committee; David Kroeker, Lancaster County Budget & Fiscal Officer; and Linda Steinman and Kathy Campbell, Lancaster County Commissioners.

George Kilpatrick provided valuable information to the Committee regarding the legislative intent underlying LB 1085. He discussed the usage of the property tax in Nebraska and provided a chronology of major property tax relief efforts undertaken by the Legislature.

David Kroeker provided the Committee with extensive budget information regarding Lancaster County, including expense and revenue charts, a 10-year history of tax rates and property valuation, and numerous other documents setting forth general budgetary statistics.

Commissioners Linda Steinman and Kathy Campbell addressed the Committee regarding joint departments between the City of Lincoln and Lancaster County established pursuant to interlocal agreements.

The Committee also reviewed a number of documents relating to county government and the offices being considered for possible consolidation. A list of the documents and reports reviewed by the Committee is set forth in *Appendix B*.

Since the primary purpose for the creation of the Committee was to review the potential of consolidating county offices, a review of the statutory duties charged to the various offices was important. In this regard, the Committee was supplied with a written summary of the statutory duties for the offices of clerk, district court clerk, assessor, register of deeds and engineer.

After careful consideration of all the information, the Consolidation Committee articulated several basic principles which formed the foundation underlying their recommendations. First, the Committee recognized that increasing the efficiency of county government is a dynamic process and the duties performed by county officials should be reviewed continuously.

Second, Lancaster County has realized enormous savings in the past through the use of Interlocal Cooperation Agreements and the continued use of such agreements should be encouraged in the future. This is especially true in the relationship between the City of Lincoln and Lancaster County.

A third general principle identified by the Committee relevant to the reorganization of county offices is that the performance of certain functions should be consolidated under one office rather than split among several offices. The Committee noted that certain functions such as the accounting system and the overall records keeping system for Lancaster County are spread out under different County offices. The Committee felt that greater efficiencies could be realized by concentrating specific functions under one office. It should be noted that some statutory changes may be necessary in order to accomplish this goal.

## **RECOMMENDATIONS**

Applying the principles enumerated above, the Consolidation Committee made the following recommendations to the Lancaster County Board of Commissioners:

1. Merge county assessor and register of deeds;
2. Merge county engineer and city public works;
3. District clerk functions should be assumed by the State; and
4. All county records management functions should be identified and consolidated into one centralized location and authority.

## CONCLUSION

The Consolidation Committee recognized that only the first recommendation for the merger of the assessor and the register of deeds is specifically contemplated under LB 1085, Section 24. Also, one Committee member expressed concerns regarding service to rural areas if the county engineer is merged with city public works. However, it is the Committee's opinion that the broad intent of LB 1085 is to encourage counties to be creative in exploring alternatives for saving property tax dollars and increasing the efficiency of county government. The Committee believes that its recommendations provide the foundation for such an analysis.

Respectfully submitted by the Lancaster County Consolidation Committee

BY DALE GRUNTORAD, CHAIR



## APPENDIX A

1996 NEB. LAWS LB 1085, Section 26 provides:

(1) Any county may consolidate the office of clerk of the district court, county assessor, county clerk, county engineer, county surveyor or register of deeds, except that the consolidated officeholder shall meet the qualifications of each office as required by law. The consolidated office shall have the powers and duties provided by law for each office consolidated. On or before August 1, 1996, and on or before August 1 every second year thereafter, the county board may adopt a resolution for the consolidation of any of such offices and submit the issue of the consolidated office to the registered voters for approval at the next general election. The county board shall hold a public hearing prior to adoption of a resolution for the consolidation of offices and shall give notice of the hearing by publication in a newspaper of general circulation in the county once each week for three consecutive weeks prior to the hearing. Final publication shall be within seven calendar days prior to the hearing. The notice shall describe the offices to be consolidated and that the holder of the offices to be consolidated shall have his or her term of office end on the first Thursday after the first Tuesday in January following the general election in which the holder of the consolidated office is elected.

(2) The county board shall adopt the resolution for the consolidation of offices by majority vote of the board and shall submit the issue of consolidation to the registered voters for approval at the next general election. For each consolidated office submitted for approval, the questions shall be submitted to the voters in substantially the following form:

"Shall (name of each office proposed to be consolidated) be consolidated into one consolidated office according to the resolution adopted by the county board of (name of county) on (date of adoption of the resolution by the county board)? Yes No".

(3) If the majority of the registered voters in the county voting on the question vote in favor of consolidation, the consolidated office shall be filled at the next general election, and the terms of the incumbents shall end on the first Thursday after the first Tuesday in January following the general election in which the holder of the consolidated office is elected.

(4) The term of a consolidated officer shall be four years or until his or her successor is elected and qualified, except that the term of a consolidated officer elected in the year 2000 or any fourth year thereafter shall be two years or until his or her successor is elected and qualified.

(5) Any election under this section shall be in accordance with the Election Act.

## APPENDIX B

Documents and reports reviewed by the Lancaster County Consolidation Committee include the following:

1. Selected statutes relating to the duties of clerk, clerk of the district court, assessor, engineer and register of deeds;
2. 1996 property tax legislation and history, report provided by Senator Jerome Warner and Mr. George Kilpatrick, Legal Counsel, Nebraska Legislature's Revenue Committee;
3. Reports from the following elected officials:
  - a. assessor;
  - b. register of deeds;
  - c. clerk; and
  - d. clerk of the district court
4. Letter from Patty Hansen, Lancaster County Election Commissioner, regarding election costs;
5. Summary sheet showing joint departments and commissions between the City of Lincoln and Lancaster County, as well as areas of informal functional cooperation;
6. Graphs of total expenses and revenues for FY 1997 through FY 1999 for clerk, clerk of the district court, assessor, engineer and register of deeds;
7. Article from Governing magazine entitled "Cry, the Beleaguered County", by Jonathon Walters;
8. County legal calendar prepared by Nebraska Association of County Officials (NACO);
9. Statistical data regarding Lancaster County budget;
10. Letter from Lincoln Title Companies regarding register of deeds;
11. Summary of statutory duties for clerk, clerk of the district court, assessor, engineer and register of deeds.

H

JOINT COMMITTEE TO STUDY CITY/COUNTY MERGER

OMAHA DOUGLAS CIVIC CENTER  
1819 FARNAM St., Room 300  
OMAHA, NE 68183  
PHONE: 444-5000•FAX:444-6059  
nnair@cl.omaha.ne.us

June 19, 2003

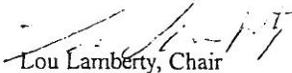
Councilman Jim Vokal  
City of Omaha  
Omaha, NE 68102

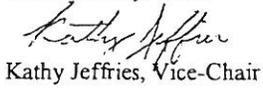
Dear Councilman Vokal:

Enclosed is the final report of the Joint Committee to Study City/County Merger. This report was approved by a vote of 6 to 1 with Committee member Chuck Powell dissenting.

The Committee members thank the Douglas County Board, the Omaha City Council and Mayor Fahey for the opportunity to serve on this Committee. We hope that our work will be useful in guiding your future efforts in merging city and county government.

Please feel free to contact either of us, if we can be of further help.

  
Lou Lamberty, Chair

  
Kathy Jeffries, Vice-Chair

	TO	CI
ALL CM'S	✓	
DIST. #1		
DIST. #2		
DIST. #3		
DIST. #4		
DIST. #5		
DIST. #6		
DIST. #7		
CH. OF STAFF		✓
STAFF		
CITY CLERK		✓
LOBBYIST		

JUN 24 '03

TIME 9:20 AM/W

**Joint Committee to Study City/County Merger**

**Final Report**

June 17, 2003

Carol Gendler  
Tim Hart  
Kathleen Jeffries, Vice-Chair  
Lou Lamberty, Chair  
Rudy Novacek  
Chuck Powell  
Trevis Sallis

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## Introduction and Acknowledgements

The Joint Committee to Study City/County Merger acknowledges the vision of the Mayor and City Council of Omaha and the Board of Commissioners of Douglas County in establishing a committee to review government operations and make recommendations for improvement. The Committee recognizes the many dedicated employees of the City and County and thank all who gave generously of their time and expertise to facilitate this study. The Committee also gratefully acknowledges the assistance given by the University of Nebraska at Omaha Public Administration Department.

The Joint Committee has welcomed the opportunity to offer recommendations for the improvement of government. During the year of study, the Committee has employed broad research, open discussion, and careful consideration in framing its conclusions. The Committee intends that its recommendations will foster an effective government that is responsive to the needs of the citizens, engenders a sense of pride in the community, conserves resources, is attractive for economic development and promotes a high quality of life for the citizens today and for the next generations.

## Executive Summary

The Mayor and City Council of Omaha and the Douglas County Board of Commissioners created the Joint Committee to Study City/County Merger with the charge:

**“to develop a report on merging services through the method provided in LB 142, use of interlocal agreements, consolidation of functions and other joint service delivery methods.”**

Research included interviews of government officials and employees, study of other governmental consolidations, review of current literature, consultation with national experts, analysis by UNO students and testimony from the public. The cities of Elkhorn, Ralston, Bennington and Valley, and the Villages of Waterloo and Boystown were represented in early discussions, as were the Metropolitan Area Planning Agency and the Papio Missouri Natural Resources District.

Key findings included:

- 84.1% of the population of Douglas County resides in the City of Omaha and an additional 10.7% of the population resides within its extraterritorial jurisdiction. Omaha occupies 34.9% of the land mass in the County. Much of the remaining land is not developable.
- There are many parallel services and functions that are duplicative.
- Maintenance of the current situation was determined not to be an option.
- Several methods of consolidation exist: functional, structural, federative and combinations thereof. There is no merger model that fits all situations.
- Only 25 mergers have occurred since World War II. Voters approve mergers only 20% of the time the first time a merger is voted upon.
- Cost savings are difficult to determine and are fairly modest: 5% plus or minus 2%, and depend upon management decisions and economies of scale.
- Economic development is a strong component in most successful mergers.
- Small cities and towns usually opt out of merger.
- Some kind of crisis is often the catalyst for a successful structural merger.

The Committee explored twelve potential functional departmental mergers and recommended merger in eight. The rationale for the functional mergers included elimination of similar services and increased efficiency and effectiveness of service delivery. Functional mergers, however, left unresolved the issue of equity for provision of and payment for services, and increased problems with accountability, since citizens might not be able to vote for the entity delivering a particular service. Functional mergers also provide no framework for long range planning.

After months of study and review of its findings, the Committee concluded that adequate reasons did not exist to support the continuation of two governments for the same population, that functional mergers had inherent weaknesses, and that structural merger could best address all of the issues, including equity and future planning. The Committee recommends that:

**The City of Omaha and Douglas County should merge into a municipal county, work to commence immediately, and that functional consolidations begin immediately in as many departments as possible, including but not limited to parks, fleet management, facilities management, local planning, purchasing and personnel.**

The committee considered in detail the issue of the ability of Omaha to expand its boundaries and maintain its tax base in order to preserve the core of the city. The use of natural resources, particularly land, was considered significant because Omaha was striving to achieve a density of population that would support infrastructure while the County was maintaining rural acreages on the City's borders. The extraterritorial boundaries of Elkhorn abutting Omaha's western boundary was determined to be a limiting factor for the health of the central city. The Committee also found that the populations in neighboring counties that are directly connected to Omaha through employment and use of recreational and cultural amenities and the Omaha infrastructure are strongly identified with Omaha and should be considered for annexation.

The Committee also recognized that growth, resource management, environmental and health issues in some circumstances surpassed political boundaries and that a regional approach should be taken for planning and coordination of services and responses.

Recommendations:

- The City of Omaha should explore annexation of Elkhorn or find alternate means to grow compatibly with Elkhorn.
- The City of Omaha should explore annexation across County lines.
- A regional approach should be explored for planning, law enforcement, transportation, parks, environmental and health services.

The committee recognizes that legal changes and public education will be needed for such a merger to occur.

## Chapter 1 Committee Structure and Procedures

The Joint Committee to Study City/County Merger was created by resolutions by the Douglas County Board of Commissioners and the Omaha City Council, dated August 27, 2001 and August 7, 2001 respectively. Copies of the resolutions are in the Appendix.

The charge to the Committee as stated in the resolutions was:

**“To develop a report on merging services through the method provided in LB-142, use of interlocal agreements, consolidation of functions and through other joint service delivery methods.”**

The Committee consisted of seven members, three appointed by the Douglas County Board, three appointed by the Omaha Mayor and approved by the City Council and one appointed jointly by the City and County. The seven members are listed below along with the appointing body:

Carol Gendler	(City)
Tim Hart	(City)
Kathleen Jeffries	(County)
Lou Lamberty	(Joint)
Rudy Novacek	(County)
Chuck Powell	(County)
Trevis Sallis	(City)

The Committee was publicly announced by Mayor Mike Fahey and Douglas County Board Chairman Clare Duda on May 2, 2002.

The first meeting of the Committee was held on May 8, 2002. Lou Lamberty was elected Chair and Kathleen Jeffries was elected Vice-Chair.

The following operating procedures were adopted at the May 8 meeting:

### **JOINT COMMITTEE TO STUDY CITY/COUNTY MERGER OPERATING PROCEDURES**

1. The Committee will comply with the open meetings laws.
2. A written record of the proceedings of all full Committee meetings will be maintained. City/County staff will be responsible for creating and maintaining this record.
3. The Committee will observe Robert's Rules of Order, Rev.

4. Ten minutes for public comments will be allowed at the beginning and end of each meeting
5. The Chair or in his/her absence, the Vice-Chair will be the chief spokesperson for the Committee to the media.
6. Expenditures or commitment of funds over \$100 must be approved in advance by a majority vote of the Committee.
7. Committee members shall not become involved in discussions between City and County Government, unless requested to by both parties
8. Committee members shall not become involved in any election campaigns for City or County officeholders.
9. Legal research to the Committee will be provided as needed by the City Attorney, County Attorney and Jim Nubel, Mayor's Assistant.
10. The Committee will utilize elected officials, department directors, employees, citizens, and research experts in its study.
11. The Committee may appoint task forces to study specific issues.
12. The Committee will strive to complete its work by May 1, 2003.
13. The Committee will strive to reach consensus on all recommendations. If that is not possible, five votes will be required to approve recommendations.
14. The Commission will provide a final written report to the Mayor, City Council and County Board.

The Committee held thirty meetings and two retreats during the year that it functioned. Agendas and minutes for the meetings and retreats are in the Appendix.

## Chapter 2 Study Scope and Approach

From approximately June through August 2002, the Committee gathered and reviewed information on the following topics:

1. Previous studies of Omaha/Douglas County merger.
2. Constitutional amendment and legislation enabling city/county mergers.
3. Operation of City of Omaha, Douglas County and small city governments.
4. Merger experiences in other cities and counties

Summaries of the information gathered are discussed in Chapter 3.

On September 5, 2002, the Committee met in a retreat format to review its first three months work and to formulate a work plan for the next several months. A summary of the retreat is in the Appendix.

At the retreat, the Committee adopted five policy statements that were intended to guide its future work:

1. There is a reasonable expectation that consolidation efforts will result in long-term savings. During the transition period it is possible that costs will increase.
2. An objective is to increase accountability of government to citizens through consolidation/merger actions.
3. The committee recognizes that the interests of the City of Omaha and Douglas County are interdependent; some local governmental services are important to the entire area and should be funded by all. Other services are of importance to just a portion of the County and should be funded by those consuming the services.
4. Effective service delivery remains an important concern and should be maintained though any consolidation and merger effort.
5. It is critical to Douglas County and Omaha's future that the city be able to continue to grow and expand its boundaries in an orderly manner.

At the retreat, the Committee determined that the next steps in its work should include:

1. Identification of parallel services in Omaha and Douglas County and the study of these services for potential functional mergers.
2. Discussions with planning professionals (City of Omaha, Douglas County, MAPA, etc.) of regional growth, annexation and resource issues.

3. Development of a list of statutory questions and issues relating to merger.

At the September 19, 2002 meeting, the Committee decided to study ten service areas in which the City and County provide similar services. Those services identified for study were legal, parks, roads, facilities maintenance, vehicle maintenance, personnel, planning, purchasing, law enforcement and fire/EMS. The Committee also decided to review the health and human services provided by the City and County. At a later meeting, the Committee decided to also review that various environmental services provided by the City and County. These studies and the Committee's recommendations are discussed in Chapter 4.

After completing the studies discussed in Chapter 4, the Committee again met in a retreat format on March 27, 2003. A summary of the retreat is in the Appendix.

At the retreat the Committee reviewed all its work to date and developed a consensus for its final recommendations. The final recommendations were approved at the April 4, 2003 Committee meeting. These are discussed in Chapters 5 and 6.

## **Chapter 3 Background Information**

### **Section I. Previous Studies of Merger of Omaha and Douglas County**

The Appendix contains a review of previous studies of city and county governments. Although the idea of merging city and county governments has been discussed since at least 1937, has been an issue in several election campaigns during the last forty years and was recommended for study by the 1993 Charter Review Commission, it appears that no detailed study on how to accomplish this has ever been done. There have two extensive efficiency studies completed, one for the City in 1980 and one for the County in 1996. The County study report contains some specific recommendations for merging certain functions of city and county governments, i.e. fleet maintenance, purchasing, parks and planning, but these recommendations were not implemented.

### **Section II Constitutional Amendment and Enabling Legislation**

#### **Constitutional Amendment**

In the 1998 general election, voters passed a constitutional amendment that authorized local government mergers. The amendment authorizes procedures for mergers to be developed by the State Legislature. The amendment requires that a vote of the people is required for the merger of a city and a county and that the merger must be approved by a majority of those voting who live within the city and by a majority of those voting who live outside the city, but in the county. A copy of the amendment is in the Appendix.

#### **LB 142: Enabling legislation:**

In 2001, the Legislature passed LB 142, which is the enabling legislation for city/county merger. A copy of the bill, a detailed analysis by Jo Cavel, Assistant City Attorney, and questions to Ms. Cavel by committee members are in the Appendix. A brief summary of the major provisions of LB 142 follows.

#### **Provisions and procedures for the creation of municipal counties**

- Municipal Counties may be created by one or more counties and at least one municipality in each county.
- A joint resolution of the governing bodies of each county or municipality is needed to begin the process. The resolution may be initiated by the governing bodies or required of the governing bodies by petition of the voters of the cities or counties.
- A commission that is representative of the bodies must study all of the governments and, if it decides merger is in the public interest, must create a consolidation plan.
- The governing bodies of each of the entities must approve the plan before submitting it to the voters, unless the commission was created by petition of the voters. At least one public hearing must be held before the election.
- The plan must specify all entities to be dissolved and the form of government to be established, including the type of executive officer, the number of council members and which elected officials, if any, will be eliminated.

- A majority of the each following groups must vote in favor of creating the Municipal County:
  - all those voting on the question
  - those who live in each county and each city to be consolidated
  - those who live in the county to be consolidated but outside any city
  - those who live in the county to be consolidated but outside any city or Sanitary and Improvement district
- A Municipal County is not created if a majority in one of the above is opposed.
- Approval of formation of the Municipal County abolishes all county and municipal offices and terminates all townships in the county but all debt of the abolished entities remains the obligation of the incurring entity.

**Cities that do not choose to consolidate with another consolidated city or county:**

- Retain their taxing authority and any other powers of cities of their size
- May not be annexed by the Municipal County for four years
- May not annex any other territory for four years; may annex within the Municipal County with the consent of the County. (The time element in this section is unclear.)
- Would be allowed to seek inclusion at a later date
- Would pay the Municipal County for any services provided

**Sanitary and Improvement Districts**

- A Municipal County may consolidate into the County an SID that is located within the County or within the extraterritorial jurisdiction of an unconsolidated municipality, provided the unconsolidated municipality approves.
- The legislation does not address the creation of new SIDs but the City Attorney indicates that since the new Municipal County would have all the powers of the municipality, new SIDs could be formed as they are now.
- Sales and use taxes of the Municipal County apply to unconsolidated SIDs
- SIDs must pay the Municipal County for services provided.

**Form of government**

- A Municipal County shall have all the powers and duties of a county of the same population of as the Municipal County and of the largest city consolidated into the County.
- A Municipal County that contains a city of the metropolitan class shall be governed by a 15-member council from 15 compact districts. Terms are four years.
- The executive, as specified in the consolidation plan, would be an elected executive officer, professional County manager or administrator appointed by the county council. An elected officer would serve a four-year term.
- Any elected county office to be retained and consolidated into the Municipal County shall have been specified in the consolidation plan.

**Dissolution**

The electorate may dissolve a Municipal County after a resolution of the County Council or a petition of the electorate.

**Section III City and County Government in 2002**

Much of the first three months of the Committee's work was devoted to learning the functions, budgets and operations of the City of Omaha, Douglas County and the other smaller cities within the County. Several officials from the various entities briefed the Committee.

Figure 1 is a map of Douglas County showing the City limits and planning jurisdictions for Omaha and the other six cities in the County. Table 1 shows the population and area for each jurisdiction in 1990 and 2000. Table 2 shows property valuations and property tax rates for each jurisdiction. Table 3 shows the total budgets for 2002 for Douglas County, Omaha and the other cities in the county. Detailed budgets are in the Appendix.

**Douglas County**

Douglas County is governed by a seven member Board of Commissioners and nine elected officials who operate independently from the Board except that the Board sets the budget for each elected official's office. The County has only that power delegated to it by the State Legislature. It provides the following services countywide: general social welfare, healthcare of the county indigent, operation of a county hospital, veterans assistance, emergency management, emergency communications, support of courts and probation, incarceration of alleged and sentenced law violators, court-ordered detention of alleged juvenile law violators, auto licensing, assessment of real property, tax collection for all public entities within the County, conduction of elections, operation of sanitary landfills and maintenance of official records. In addition, the County constructs and maintains streets and highways outside of incorporated cities, villages and SIDs, provides planning and permits and inspections services for areas outside the planning jurisdictions of the cities and villages and provides police protection for all areas outside of incorporated cities and villages.

**Omaha**

The City of Omaha is a city of the metropolitan class. It operates under a mayor-council form of government and as a home rule city, is permitted all the powers possible under the Nebraska Constitution. Services provided by the City include police and fire protection, parks and recreation facilities, wastewater treatment, construction and maintenance of streets and sewers, garbage pickup, planning, permits and inspections, housing and community development, and library and cultural services. Omaha has a 1.50% sales tax.

According to the 2000 census, Omaha has 84.1% of the population and 34.95 % of the landmass of Douglas County. The City also has extraterritorial jurisdiction of three miles beyond its corporate limits, which contain an additional 10.72% of the population for a

total of 95% of the County's population. Within the three mile extraterritorial jurisdiction, there are 141 Sanitary and Improvement Districts which are created to finance public improvements and which eventually will be annexed by the City when the infrastructure, proximity to the established city and the SID debt make it reasonable to do so.

#### **Other Cities**

Ralston and Elkhorn are cities of the first class. Valley and Bennington are cities of the second class and Waterloo and Boystown are villages, all as defined by state statutes. They have only those powers granted them by the Legislature. Elkhorn has a two-mile extraterritorial jurisdiction containing 12 SID's. Valley, Bennington and Waterloo each have a one-mile extraterritorial jurisdiction containing two, one and two SID's respectively. Ralston has no extraterritorial jurisdiction. Boystown is comprised mostly of residents of Father Flanagan's Boys Home, has no tax of its own and no extraterritorial jurisdiction. Because Boystown is not really a city in the usual sense, it will not be discussed further. The other five cities all provide police protection, street and sewer maintenance, parks and library facilities. Valley, Waterloo and Elkhorn provide wastewater treatment and Valley provides water. Wastewater treatment and water for the others are provided by the City of Omaha and MUD respectively. Elkhorn provides fire service for the city and for the Suburban Elkhorn Fire District. The other four cities are provided fire protection by rural fire districts.

Elkhorn's population grew by 331%, from 1,400 people in 1990 to 6,062 in 2000. Elkhorn now comprises 1.31% of the county population and plans further expansion through annexation. The other four cities showed modest or no growth in population during the last ten years, however planners project a potential doubling in size in Bennington in the next several years and some significant future increases in the population of Waterloo and Valley due to their proximity to Omaha.

#### **Unincorporated Areas**

The unincorporated area of Douglas County is comprised of 12.3% of the County's population and 62.4% of the County's land, the majority of which is undevelopable. The population of the unincorporated areas decreased by 17.3% between 1990 and 2000, and the land mass decreased by 6.4% as a result of annexation.

In these areas, the County provides police protection and maintains non-SID streets and highways. Fire protection is provided by volunteer fire departments and/or contractual agreements with Omaha or Elkhorn. SID's maintain streets and sewers within their boundaries.

Orderly development with suburban type densities requires, in addition to other infrastructure, the ability to provide sewers and wastewater treatment. The City of Omaha provides the sewers and treatment for all the county area east of the Elkhorn River. There is no such provision west of the Elkhorn River.

### **Provision of Services**

The county and the cities provide several parallel services, with the county providing the services in the unincorporated areas and the cities providing the services within their jurisdictions. Examples are law enforcement, street construction and maintenance, planning, and permits and inspections. City residents pay for these services in both the City and the County. The county also maintains two parks within the Omaha city limits while Omaha maintains all other parks in the city.

There are similar internal support services among the cities and the county. For example, both the City of Omaha and Douglas County have purchasing, personnel, legal, finance, vehicle maintenance, building maintenance and personnel with all of the accompanying administrative costs. Each of the cities has a chief administrative officer and a legislative body, as does the county.

### **Intergovernmental Cooperation**

The City of Omaha and Douglas County and to a lesser extent the other five cities have developed a large number of interlocal agreements that enable them to share resources and expertise and thus reduce the overall cost of government to some degree. A list of the major interlocal agreements and a brief description of each is shown in the Appendix. The recent formation of DOT.com to manage all information services for Omaha and Douglas County and the decision to purchase and install a common financial system is enabling the city and county to develop closer cooperation.

### **Section IV Merger Experiences in Other Cities and Counties**

The Committee determined early in its study that a review and understanding of merger experiences in other parts of the country would be helpful in formulating its work plan and its final recommendations. This part of the study consisted of three major activities:

1. Committee members read selected articles recommended by the UNO Department of Public Administration and reports of several merger efforts from around the country. Three articles were particularly informative: "New Regionalism and Its Policy Agenda", the San Antonio City-County Government Commission Report and Recommendations, and "Governing Charlotte/Mecklenburg." Other sources of information included David Rusk's *Cities Without Suburbs*, writings by several academic researchers, and publications of the Carl Vinson Institute of Government and the Brookings Institution. References are included in the Appendix.
2. Committee members Chuck Powell and Carol Gendler researched the available literature on mergers in some depth and presented reports on their findings to the Committee. Copies of their reports are in the Appendix.
3. The Committee identified two national experts who have theoretical and practical knowledge and experience in functional and structural mergers of city and county governments. Dr. Dan Durning, Carl Vinson Institute of Government at the University of Georgia and Dr. Kurt Thurmaier of Iowa State University have both

taught, lectured, published and consulted on merger issues.

During a July 30 and 31 visit to Omaha, Dr. Durning spoke at a regular Committee meeting and held informal discussions with several elected officials and members of the Committee. A copy of his remarks at the Committee meeting is in the Appendix.

Dr. Thurmaier spoke at the March 7 Committee meeting, presenting a preview of his upcoming book "Reshaping the Local Government Landscape" which is a study of thirteen city/county mergers from around the country. The title of his talk was "City County Consolidation: What We THINK We Know" and a copy is in the Appendix.

The major points gleaned from the Committee's research were:

- Several methods of consolidation or cooperation have been used, including 1) functional mergers which are consolidation of selected services or administrative functions through interlocal agreements, 2) full structural or political merger of governments and 3) a "federative" or tiered approach in which a regional body governs major services and infrastructure and other public services are delivered by local authorities. Charlotte/Mecklenburg, North Carolina is an example of a functional consolidation, Louisville/Jefferson County has adopted a full structural merger and Miami/Dade County has a tiered system.
- Only 25 structural mergers have occurred since World War II. 80% of the mergers proposed have not been approved by the voters, at least on the first attempt.
- Most structural mergers have occurred after a history of interlocal cooperative agreements between the city and county.
- There is no "model" merger for Omaha/Douglas County to follow. Each region and each situation is entirely unique. Dr. Durning stressed that the solution should fit the problem and not the other way around.
- Cost savings as a result of merger are difficult to determine and are fairly modest. According to Dr. Durning, potential cost savings for a structural merger are generally 5% plus or minus 2%. Some studies indicate that mergers have resulted in cost increases; others indicate cost savings. Durning indicated that savings potentials lie with management decisions, overhead and economies of scale. Dr. Thurmaier stated that the potential for cost savings is not a significant factor in the success or failure for adoption of a merger proposal by the voters.
- Some kind of crisis is often the catalyst for a structural merger effort, but crisis alone is not sufficient to get a merger approved.
- Economic development is a strong component in most successful merger attempts. Developers cite the lengthy and frequently confusing process of working with multiple sets of requirements and taxing bodies as deterrents to development.
- Small towns usually opt out of city/county mergers.
- Functional mergers have several weaknesses: difficult negotiation of contracts, lack of framework for long-range planning, inability to address equity issues,

short-term nature of the contracts. Some see the same issues as strengths, particularly the flexibility for renegotiating the contracts.

- A structural merger also has weaknesses: it is a revolutionary change, it is very difficult to achieve, and it may be perceived as a concentration of power.

## Chapter 4 Functional Mergers

The Committee considered twelve potential functional mergers of parallel services provided by the City of Omaha and Douglas County. The general approach to studying the potential mergers was 1) to request the particular departments to provide written information to the Committee usually in answer to specific Committee questions, 2) to invite representatives of the departments to make oral presentations to the Committee, 3) to review the information gathered and request additional information as needed, 4) to analyze the information collected and 5) to develop recommendations. In addition, UNO graduate students under the direction of UNO Associate Professor Carol Ebdon analyzed the merger potential for several City and County departments. Copies of the reports they prepared for the Committee are in the Appendix.

Reports were prepared for each potential merger considered which contained summaries of all the information gathered, the analysis of the information and the conclusions reached and recommendations developed. Copies of these reports are in the Appendix. A summary of the conclusions and recommendations for each of the twelve areas studied follows:

### County Attorney and City Law Department

1. The Committee concluded that there was no benefit to a functional merger of the civil sections of the two departments.
2. The Committee concluded that while there were some benefits to merging the prosecution functions of the two departments, these were not sufficient to warrant a functional merger. The Committee recommended that consolidation take place if/when structural merger occurred.

### City and County Parks

The Committee recommended that the County parks department be merged into the City parks department because 1) the two departments provide the same functions, 2) management and coordination of park and recreation activities can be accomplished most effectively by one organization, particularly since both County parks are within the city limits of Omaha, 3) park planning for the developing areas in the county can be accomplished efficiently using the available resources of the City, 4) coordination of purchasing and service delivery should result in increased efficiency, and 5) the development of the riverfront is particularly sensitive and should be managed by one entity with a long range vision and plan.

### **County Engineer and City Public Works Transportation Services**

The Committee recommended that the two departments be merged because 1) the two departments provide identical services and require similar management and equipment and 2) merging the two departments offers a potential for significant cost savings through elimination of redundancies, and 3) equity in funding could be achieved by the broader use of existing tax funds throughout the County

### **Environmental Agencies**

The Committee concluded that each agency reviewed performed unique services and that there was no advantage to any functional mergers of the agencies reviewed. The Committee did recommend, however, that a regional authority be established to oversee and coordinate some of the environmental functions. (See Chapter 6)

### **Facilities Maintenance**

The Committee recommended that the three departments that now provide building maintenance services to the City and County be merged into one entity because 1) all three provide similar services and 2) services could be provided more effectively and efficiently by centralizing operations, sharing of resources and eliminating duplicative functions.

### **Fire and Emergency Medical Services**

The Committee concluded that the eight rural/suburban fire departments provide effective and efficient service and that a countywide, paid Fire/EMS department should not be formed.

### **Fleet Management**

The Committee recommended that the City and County Fleet Management divisions be merged into one because 1) both provide identical services and 2) merger would provide more effective and efficient services through consolidation of inventory, lending pools, equipment and personnel, 3) a central system should increase accountability for vehicle use and facilitate maintenance throughout the County.

### **Human Services**

The Committee concluded that there is no duplication of services between the City and County and no advantage to a functional merger of the City and County providers and that coordination between the two bodies is important for good service delivery.

### **Personnel Departments**

The Committee recommended that the City Personnel Department and the County Civil Service Commission be merged because a combined department could provide more effective and efficient services by 1) eliminating duplication of application procedures, training, wage and benefit administration, 2) providing a consolidated pool of applicants for government positions, and 3) development of a single system with expertise for federal compliance.

### **Planning Departments**

The Committee recommended that the County Planning Department be merged into the City Planning Department because 1) they provide identical services and 2) the land use plans in the City and County planning jurisdictions currently conflict and should be coordinated and compatible in order to promote orderly growth and efficient use of resources.

### **Purchasing Departments**

The Committee recommended that the City Purchasing Division and the County Purchasing Department be merged 1) they provide similar services and already work closely together; 2) the combined department would provide more effective and efficient services through elimination of duplicate specialist positions and combination and standardization of inventory, economies of scale and reduction of paperwork between the City and County.

### **Douglas County Sheriff and Omaha Police Department**

1. The Committee recommended that the law enforcement functions of the two departments be merged into a county-wide law enforcement agency because 1) the two departments currently provide similar law enforcement services and already cooperate to some degree, and 2) greater coordination of law enforcement activities could be achieved along with equity in services.
2. The Committee recommended that the court related functions of the Sheriff's office should remain a separate division because the duties of this division is significantly different than the law enforcement functions.

## Chapter 5 Recommendation for Structural Merger

### Section I Functional Merger Issues

At its retreat on March 27, the Committee reviewed the several functional mergers that it had recommended and recognized that these recommendations either left some issues unresolved or created some new issues.

#### Equity

At its first retreat in September, the Committee adopted the following policy statement relating to equity:

“Some local government services are needed by the entire area and should be funded by all. Other services are important to just a portion of the county and should be funded by those consuming the service.”

As the Committee studied the various City and County departments and the services they provide, it became clear that there are issues relating to equity.

- **Parks and Recreation**  
Most of the major parks, recreation and entertainment facilities within the County are within the City of Omaha and supported with City taxes. However, county residents who live outside Omaha have full use of these facilities. Those citizens do pay some City taxes in the form of sales taxes when they shop in Omaha, but they do not pay any City property tax.
- **County Roads**  
The Douglas County Engineer maintains only those roads outside the city limits of the incorporated cities and outside the limits of the Sanitary and Improvement Districts. The Engineer's office does provide snow removal service to SIDs. However, the citizens who live within the City of Omaha directly or indirectly pay for a large share of the County Engineer's budget. Directly, Omaha citizens pay 79% of the county property taxes that go into the Engineer's budget. This is based on the property valuations shown in Table 2. Indirectly, Omaha citizens pay a major share of the state road funds received by the County. Omaha citizens pay about \$39 million per year in state road taxes and receive back about \$25 million. Citizens in unincorporated Douglas County pay about \$5.7 million per year and receive about \$9 million back.
- **Law Enforcement**  
The Douglas County Sheriff provides law enforcement services to the unincorporated areas of the County. The Sheriff's budget comes from county property taxes of which 79% are paid by citizens living in Omaha. The Sheriff's law enforcement budget for 2001/2002 was about \$6.6 million. Therefore, the

citizens of Omaha paid about \$5.2 million in taxes for services they did not receive.

The Committee recognized that functional mergers in these areas would not alleviate the equity issue.

#### **Accountability**

Functional mergers of the County Engineer and City Public Works and the County Sheriff and Omaha Police would create some issues of accountability. For example, if the county offices were merged into the city departments, citizens living in unincorporated Douglas County could not vote for the Mayor and Omaha City Council and thus would have no direct influence over how these services were provided. Conversely, if the city departments were merged into the county offices, the Mayor and City Council would have no control over two very important City services.

#### **Legal**

The City Law Department was asked by the Committee to provide opinions on what changes would be required in state statutes or the Omaha City Charter to allow the recommended functional mergers to be promulgated. These opinions are contained in the Appendix. Except for the parks departments, all the recommended functional mergers would require changes in state statutes and/or the City Charter.

#### **Section II Recommendation for Structural Merger**

At the March 27, 2003 retreat, after discussing at length the functional mergers discussed in Chapter 4 and the issues in Section I above, the Committee arrived at a consensus decision to recommend a structural merger of the City of Omaha and Douglas County. This decision was formally approved at the April 14, 2003 meeting with the following recommendation:

**That the City of Omaha and Douglas County merge into a municipal county, work to commence immediately, and that functional consolidations begin in as many departments as possible, including but not limited to parks, fleet management, facility management, local planning, purchasing and personnel.**

The Committee's rationale for this recommendation is as follows:

1. 84.1% of the population of Douglas County lives within the City of Omaha and an additional 10.7% lives within the zoning jurisdiction of the City. Therefore 95% of the population of the County will soon live within the City of Omaha. It makes no sense to have two separate governments for essentially the same population.

2. Only a structural merger can resolve the equity issues discussed in Section I above. Functional mergers will not resolve this issue.
3. Functional mergers in some cases, e.g., Engineer-Public Works and Sheriff-Police, create accountability issues. In a structural merger, accountability is clear.
4. Most of the functional mergers discussed in Chapter 4, would require changes in state statues or the City Charter before they could be promulgated. Although significant changes in state statues would be required for a structural merger, those changes are no more complex or difficult than those required for the several functional mergers recommended.
5. Consolidation of some departments immediately will promote cooperation and coordination between the two government bodies and will make the structural merger easier to accomplish.

## Chapter 6 Additional Recommendations

During the course of the study and particularly as a result of presentations by the Omaha Planning Department, the planning departments of the smaller cities and the County, the Metropolitan Planning Agency (MAPA), the Papio Missouri Natural Resources District (PMNRD), and City and County Environmental Services, the Committee identified issues regarding future growth of the metropolitan region and management of natural resources. While such issues may not be strictly within the scope of the charge to the Committee in its exploration of merger, the Committee recognized that the growth and resource management was a vital component of any planning for the future of Omaha and Douglas County.

Steve Jensen, Assistant Planning Director, City of Omaha, reviewed Omaha's urban growth policy and the density of population necessary to make infrastructure feasible. The density of the city and that of the county were in direct contrast to each other and engendered the recommendation discussed earlier in this report regarding merging the City and County Planning Departments. Mr. Jensen also discussed Omaha's corporate limits, its extraterritorial jurisdiction and the fact that the Omaha and Elkhorn's jurisdiction abuts each other on Omaha's western boundaries.

During his Omaha visit, Dr. Durning discussed "elastic cities": cities that are able to expand their borders and maintain their tax base. In a study of 522 central cities, David Rusk, former mayor of Albuquerque, states in *Cities without Suburbs* that isolation of the central city from the suburbs causes decay of the urban core when the wealthier taxpayers move out of the city to the suburbs and a decline of the entire area results as racial segregation and an urban underclass develop. Durning also emphasized that the health of a metropolitan area is only as good as its core and that the ability of a city to expand is vital for the health of the entire area.

For a city to be elastic, Rusk states, it must merge the core city and the surrounding county into a unified government; exercise broad annexation policies along with having veto power over the creation of any competing new municipalities within a certain distance of its city limits; or obtain county, state or federal aid to urban areas with all communities in the region sharing the burden of strengthening the urban core.

Under the provisions of LB 142, the suburban communities can "opt out" of a unified government if they choose. The City of Elkhorn's contiguous planning jurisdiction to Omaha's, and Elkhorn's ability to reach a 10,000 population at which point it could not be annexed were viewed by the Committee as potentially serious obstacles to Omaha's ability to control its future.

If Elkhorn should opt out of a unified government, annexation is left as the alternative to addressing the broad issue of the vitality of the metropolitan region. The Committee decided that serious consideration should be given to the annexation of the City of Elkhorn or asking it to voluntarily limit its growth. The communities across the county line that are directly connected to the city through employment, entertainment, shopping

and other amenities such as the zoo, ballpark, museums and convention center are in a similar position and should be considered under the same scenario. The committee therefore recommended that:

**The City of Omaha should explore annexation of Elkhorn or find alternate means to grow compatibly with Elkhorn.**

**The City of Omaha should explore annexation across County lines.**

### **Regional Issues**

As the study of City and County departments progressed, the Committee recognized that several issues were broad in scope, did not fit within political boundaries and would best be served by a regional approach.

The Committee received information from Lou Violi, Metropolitan Area Planning Agency; Steve Oltmans, General Manger, Papio Missouri Natural Resources District, Kent Holm, Douglas County Environmental Services Director; Doug Clark, Environmental Health Division Chief for the Douglas County Health Department; Norm Hansen, Environmental Compliance Manager for the Douglas County Environmental Services Department; and Bob Sink, Environmental Services Manager for the City of Omaha Public Works Department. Items discussed included air quality, solid and hazardous waste management and landfill operations, storm water management, recycling, Missouri and Papio water quality, land use, wildlife habitat, and other environmental issues. The Committee also received additional information from Steve Jensen, Omaha Assistant City Planning Director and from Mayors Dave Clark of Bennington, Don Groesser, Ralston; Phil Klein, Elkhorn; Joan Suhr, City Clerk of Valley and Don Eikmeier, City Manger of Elkhorn.

General conclusions: As the metropolitan area continues to grow, each of the governmental subdivisions becomes increasingly interdependent. The decisions made by one body affect the others and cannot be made in isolation. Many of the issues discussed can best be addressed on a basis that is defined by the particular environmental issue. The committee identified the need for increased communication between entities, one set of agreed upon regulations under one authority, area- wide planning for environmental concerns and area-wide responses for biological, hazardous or other situations affecting the region.

At its February 24, 2003 meeting, the committee unanimously recommended that:

- A regional authority whose responsibility it is to plan and oversee all functions related to regional water issues, air quality, land use, waste management, environmental preservation and public health be established for the following reasons:
- Formalized communications, education and collaboration should result in a comprehensive view of future challenges and needs.

- Comprehensive planning must consider all of the interdependent needs and ramifications of policies that affect the various sectors of the environment throughout the region;
- A single authority responsible for implementation of an agreed upon regional plan is needed.

The Committee reviewed the issue at its March 27 retreat and on April 14, unanimously voted that:

**A regional approach should be explored for planning, law enforcement, transportation, parks, environmental and health services.**

## Chapter 7 Issues for Further Study

The Committee recognizes that there are many issues that need further study before its recommendations can be implemented. These are discussed below.

### Legislation

The current legislation relating to mergers (discussed in Chapter 3) is deficient in several ways and needs correcting.

1. The voting procedures allow a very small number of citizens in rural Douglas County to determine whether or not the City and County can merge.
2. The language concerning SIDs is unclear.
3. A significant amount of State Highway Allocation Funds that now come to the City and County would be lost if the two merged.
4. It is unclear how rural fire districts are to function under a merged government.
5. The annexation rules for small cities are unclear.
6. MUD powers of eminent domain require clarification.
7. Sufficient time (perhaps as much as two years) should be provided for establishment of the municipal county after approval by the electorate.
8. LB 142 sec.17(2) and (4) are unclear; an opinion from the County Attorney would be helpful.
9. Retirement systems - provision for a municipal county in excess of 300,000 population appears to have been omitted.
10. Interjurisdictional planning commission (IPC) - Can the plan presented by the commission be amended by the governing bodies?
11. LB142 does not make clear how "bonded indebtedness" of the previous entities is to be handled when a municipal county is created.
12. LB142 fails to set thresholds required for approval of expenditures by the newly constituted council.
13. "Public interest" as used in sec. 1(4)(a) needs to be defined.

### Government Structure

The Committee has made no attempt to study or recommend how a merged City/County government should be structured. Some of the issues that need to be resolved are:

1. What elected officials there should be in the merged entity.
2. The size of the governing board and how it is to be elected. There appears to be a conflict in LB142: Sec. 2 specifies a council of 15 members elected by district on a nonpartisan ballot, while Sec. 1(4)(b) appears to leave that decision to the IPC. It might be wise to have some council members elected at large and the number of council members could be left to the IPC to determine. LB142 is silent as to whether the executive officer should be partisan or non-partisan.
3. The organizational structure of the merged entity.

### **Financial Analysis**

The Committee understands from its research and from the experts that it has consulted that city/county mergers provide relatively modest cost savings and that those savings are very difficult to calculate because of the long transition period that is normal in any merger and because management decisions which will affect savings cannot be predicted by the Committee.

The Committee also understands, however, that the public and elected officials believe that mergers should result in cost savings and want to know how large those might be. The Committee did not have adequate resources to prepare a detailed financial analysis for the recommended structural merger. This should be accomplished as part of the future work required to carry out the Committee's recommendation.

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Table 1 -- Population and Area

Place	Population				Land Area, Square Miles			
	2000	% of County	1990	% of county	2000	% of County	1990	% of county
Omaha	390,007	84.13%	335,719	80.62%	118.49	34.95%	104.36	30.78%
Omaha ETJ	49,718	10.72%	59,366	14.26%	87.00	25.66%		
Total Omaha Jurisdiction	439,725	94.85%	395,085	94.87%	205.49	60.62%		
Ralston	6,314	1.36%	6,236	1.50%	1.63	0.48%	1.46	0.43%
Elkhorn	6,062	1.31%	1,398	0.34%	3.55	1.05%	3.55	1.05%
Valley	1,788	0.39%	1,775	0.43%	1.70	0.50%	1.67	0.49%
Bennington	937	0.20%	866	0.21%	0.46	0.14%	0.34	0.10%
Boystown	818	0.18%	794	0.19%	1.38	0.41%	1.38	0.41%
Waterloo	459	0.10%	479	0.12%	0.35	0.10%	0.35	0.10%
Incorporated	406,385	87.66%	347,267	83.39%	127.56	37.63%	113.11	33.37%
Unincorporated	57,200	12.34%	69,177	16.61%	211.44	62.37%	225.89	66.63%
Total Douglas County	463,585	100.00%	416,444	100.00%	339		339	

Table 2 -- Assessed Valuation

Jusisdiction	Assessed Valuation	% of Total	Tax Levy Cents
Omaha	18,554,459,110	78.99%	43.387
Elkhorn	363,123,460	1.55%	42.500
Waterloo	25,408,465	0.11%	42.958
Valley	106,720,725	0.45%	38.796
Ralston	253,446,930	1.08%	46.665
Bennington	28,511,525	0.12%	65.580
Total Incorporated	19,331,670,215	82.30%	
Unincorporated	4,158,715,415	17.70%	3.662
Total County	23,490,385,630	100.00%	23.101
Fire Districts			
Millard	1,755,730,575		11.840
Elkhorn	1,240,013,495		7.052
Ralston	70,444,475		3.868
Valley	230,224,655		9.482
Waterloo	145,241,335		4.253
Bennington	212,660,230		5.980
Irvington	481,876,535		5.396
Ponca Hills	112,730,425		6.515
Total	4,248,921,725		

**Table 3 -- 2002 Budgets**

	County	Omaha	Other Cities
Operating	165,032,856	285,343,640	15,213,895
Capital Improvements	38,919,906	233,180,994	2,972,656
Total	203,752,762	508,524,634	18,186,551
Employees	2019	2790	93FT, 42PT