History of County Government Part I[1]

The American attaches himself to his little community for the same reason that the mountaineer clings to his hills, because the characteristic features of his country are there more distinctly marked.
-- Alexis de Tocqueville

The history of our nation can be seen as a prolonged struggle to define the relative roles and powers of our governments: federal, state, and local. Americans, as well as their leaders, have nursed a preference for government close to the people since the very inception of the republic.

Even today, to examine a detailed map of the United States, or to fly across the country at a modest altitude, is to see in the very land itself how central counties are in our national life.

The air traveler can still detect, in the regular pattern of roads and planted fields, the remnants of the great grid laid out by the surveyors Thomas Jefferson sent into the Louisiana territory to prepare the land for inhabitation. The placement of towns and cities, occurring regularly even in the most vast and empty parts of the nation, recalls the 19th century rule that a county seat should be within a day's buggy ride for every citizen.

And the names we've given our counties, our most locally based jurisdictions, reflect the "characteristic features of our country!"

In New England, names like Essex and Suffolk evoke the old English countryside. Virginia counties named Hanover, Fauquier, Loudoun persist centuries after King George III and his royal governors held sway in the colony. A lost past is similarly evoked by the hundreds of counties bearing Native American names—from Appomattox in Virginia to Tishomingo in Mississippi.

Americans have named their counties wishfully (Treasure in Montana and Eureka in Nevada), or for prominent features (Sunflower, Granite, Wheatland, Lake, Prairie, Alfalfa and Musselshell, among others).

And everywhere, we've named counties for people: Local heroes, explorers, Indian chiefs, inventors, saints, and politicians. We have more than 30 Washington Counties, a

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dozen Texas counties named for defenders of the Alamo, even six for that ill-fated cavalryman, George Armstrong Custer.

But age, size and colorful names can't be the only reason to explore counties' role in American history, or the history of county government itself. In fact, the county government story resonates with the larger meanings of American history.

Moreover, the long evolution of county government reflects the great societal trends of our nation, especially in the last half century, as regions that had grown dramatically in population fought for equally expanded powers of governance.

Today's counties are arguably the most flexible, locally responsive and creative governments in the United States. Certainly they are the most diverse, varying impressively in size, population, geography, and governmental structure. In their politics and policies, they vividly express the 1990's political slogan "Think globally, act locally."

That is, county government today is often the mechanism by which geographically or socially pervasive challenges are met with strategies that are locally initiated and accountable.

But counties have not always held this focal position. Indeed, the change accomplished in the last decades of the 20th century is all the more dramatic when contrasted with the long history preceding it.

County Origins

Settlers in North America brought with them a strong memory of, and attachment to, their English roots. Yet almost immediately this English experience began to be altered to suit the quite different living conditions both between America and England and within the colonial region itself.

The colonists' collective memory of English county organization had roots nearly a millennium deep. When years still had only three digits, English kings had divided the country into districts called shires, a nomenclature that survives today in such place names as Yorkshire and Hampshire.

The shire was simply a mechanism for maintaining royal power in places distant from the throne. At the head of the shire was an earl appointed by the king; usually he was a large landholder, and he also commanded the king's military forces in the shire. At a minimum, the earl was responsible for organizing and leading an armed force in the king's service when called on to do so.

In local matters the Crown delegated considerable discretion to the earl and other shire officials. Generally both legislative and judicial authority rested with a shire court composed of local landholders. A shire-reeve (today's sheriff) served as president of the shire court, tax collector, and steward of the royal estates in the shire. When church-related matters were at issue, the local bishop replaced the shire-reeve as president of the shire court.

This essential dichotomy—an agency of central authority acting in practice as a unit of local government—created a tension that persists into the 21st century.

The Norman Conquest of England in 1066 brought both superficial and substantive changes to the shire system. The name itself disappeared, replaced by the French county. Bishops lost their role in county administration, and "earl" became a title of nobility rather than a position of power. With the earl's authority severely curtailed, the sheriff arose as the chief county official.

This situation persisted for centuries, until King Edward III (1327-1377) began a process of dividing local authority among officers. Edward created a new officer, the justice of the peace; each county had at least one, and some had as many as 60. Justices of the peace assumed many of the executive powers of the sheriff. The later creation of such new officers as coroner and constable further divided local executive authority. Centuries later, both in England and in the New World, this plural executive structure would be identified as a major problem hampering the effectiveness and accountability of modern county governments.

Counties in America

If it was natural for settlers in America to bring with them the familiar English forms of government, it was equally natural that these forms would begin to change almost as soon as they were planted in American soil. The colonies, after all, had almost none of the uniformity of the English population and customs. They extended over a vastly broader landscape. Their people clung to the edge of a wilderness whose true size and content was almost entirely unknown. And these residents faced, not very far away, a variety of other peoples whose attitudes toward the newcomers ranged from indifference to outright hostility.

So the settlers both preserved and altered the forms to which they were accustomed. To the south, soil, climate and plenty of space combined to foster an agricultural economy, and the English manorial system was quickly mimicked in Virginia, the Carolinas and Georgia. On both large plantations and smaller farms, settlers were distributed over a huge geographic area. The English county, as the proper governmental unit to serve a large area, was quickly adopted as the principal form of governance throughout the south.

The first county government in America was formed in 1634 at James City, Virginia. Soon the Commonwealth of Virginia boasted eight counties, with many more added throughout Virginia's colonial history. The colony's western border was undefined; in theory, at least, Virginia extended to the Pacific Ocean. Likewise, when King Charles II established Carolina in 1663 he granted it a charter covering the region "from the Atlantic to the South Seas."

But in the north, conditions were quite different. The settled area in New England was much less spacious, the climate harsher, and people lived nearer each other. In some localities, in fact, local laws required that no resident be more than a half mile, or a mile, from the center of the village.

As a consequence, villages, towns and later cities emerged as more important units of government than counties. The New England states did create counties, however; Massachusetts' first counties were established in 1643. Structurally these counties mirrored the Virginia approach, with a plural executive and a similar roster of county officials. But many of the functions performed by counties in the southern region were assumed by city and town governments in the north.

In between, a variety of hybrids appeared. William Penn, founder of Pennsylvania, had a preference for counties, and established Philadelphia, Bucks and Chester Counties in 1682. County commissioners were elected at large rather than from defined districts, which also tended to concentrate political power at the county level rather than in towns and cities.

The opposite pattern took hold in New York and New Jersey, where county commissioners were elected on the basis of wards and town supervisors were often automatically members of the county governing body. (In New Jersey, board members are called Freeholders, and in New York, legislators.)

These regional variations in county government structure and importance were repeated as the nation expanded westward in the century after the Revolution. Virginia's strong counties became the model system for the southern colonies, while Pennsylvania's system of at-large election to strong county governments was replicated throughout most of the western United States. New England maintained (and maintains to this day) its greater vesting of authority in cities and towns.

A Growing Nation

Early in the 19th century it became apparent that America's growth to the west was not only enlarging the nation but changing its character in a fundamental way. One aspect of this change was the approach to local government taken by citizens in the newly opened territories and newly admitted states.

While most county officials in colonial times had been appointed by the colonial or (later) state governor, settlers on the frontier had a strong desire to elect their own leaders. The first state constitution adopted in Indiana, for instance (1816) provided for election of a wide range of officers in each county. County commissioners, clerks, coroners, sheriffs, justices of the peace and other officers were made elective offices from Illinois to Mississippi during the first decades of the 1800s. (Since the names of candidates and the offices they sought often appeared in a single row across a printed ballot, these positions became known as "row officers.")

The influence of this movement was felt in the original states as well, where many states moved to elect county officers. Separate election of so many officials, however, also made permanent the diffused authority and accountability that continued to characterize (and, some say, hamper) county governments throughout the 20th century.

Counties also continued to function both as local governments and as arms of their states, but their specific roles and powers had never been explicitly defined. The middle of the 19th century saw a series of court decisions that clarified counties' status for the first time, and created precedents that would restrain county activism in service delivery for more than 100 years to come.

Dillon's Rule

The most prominent of these decisions came in Iowa, where in 1868 Justice John F. Dillon of the Iowa Supreme Court was already a well known and esteemed authority on local government. Dillon did not subscribe to the view held by many local leaders that local governments possessed inherent powers, whether they were spelled out in the state constitution or not.

Instead, the justice insisted that local governments are entirely subject to the will of the state legislature. As a result, Dillon said in Merriam v. Moody's Executors, county governments have only three types of powers:

- Those expressly granted to them by the state legislature;
- Powers necessary and incident to the execution of the express powers; and

- Powers absolutely necessary to the discharge of the express powers—as Dillon put it, "not simply convenient, but indispensable."

"Any fair, reasonable, substantial doubt concerning the existence of power is resolved by the courts against the corporation, and the power is denied," he added.

"Dillon's Rule" meant that counties had to have specific enabling state legislation to authorize whatever functions they might fulfill at the local level, and to respond to the changing needs of their citizens, they had to petition the legislature for additional authority, which might or might not be granted.

By the turn of the 20th century Dillon's Rule was firmly established as the basic law of county government, and counties throughout the nation were limited by it. Many critics and reformers also portrayed county governments as weak, poorly organized, and sometimes corrupt.

This critique of county government was summed up in a book by H.S. Gilbertson, published in 1917, with the memorable title, The County: The "Dark Continent" of American Politics. The reformers' agenda for counties in the period 1900 to 1920 included:

- A move to appoint more county officials rather than elect them—exactly the reverse of the principle trend of the previous century
- An effort to put more county officials on salary and eliminate their dependence on collecting various fees for their income
- Increased professionalism in county government

Home rule

Advocates of these reforms did not see local control and accountability when they looked at a multitude of directly elected county officers: they saw confusion, vague lines of authority, and a system in which nobody was actually in charge. Instead, they believed that the combination of an elected county board and appointed functional officers would promote both more effective administration and clearer accountability to the voters.

The reformers won a number of victories in many states during the first half of the 20th century. For example, they argued that a separate level of competent administration should be created between the council and the bureaucracy—a county manager or county administrator. In 1927 this new form was adopted by Iredell County, North Carolina, the first of its kind in the country.

Critics also sought to abolish the fee system that tied compensation of county officers to the number of small fees they collected on behalf of the county. By mid-century, nearly all county officials were salaried. While counties still collected fees, county officials' incomes did not depend on them.

The longest-lasting, and potentially most profound, change in county governments was home rule. In general, this new concept simply meant that state legislatures would give their counties grants of broad, general powers, under which the counties could actually function as units of local government. California, in 1911, was the first state to follow this route, and in 1913 Los Angeles County became the first in America with a home rule charter.

But as simple as it sounded in principle, home rule would remain a point of contention throughout the 1900s. During this period, the home rule movement took increased energy from the prospect that forms of county government weren't likely to be equal to the new tasks of public service that increasingly confronted counties.

The movement to cities was in full swing, for example. In 1880 about 14 million people lived in cities; by 1920 this number had reached 54.2 million. Another revolution, in transportation, was also sweeping the land. The automobile, introduced around the turn of the century, was contributing to a more mobile population and creating a great demand for better roads. In 1910 only 458,000 autos were registered in the country, but by 1930 there were nearly 23 million.

One consequence was the creation of a whole new lifestyle, commuting. It became possible for people to live outside the city in which they worked. In addition to requiring farsighted planning and major investments in roads, commuting meant that many problems associated with cities—such as water supply and sewage disposal—were now afflicting the unincorporated areas adjoining the cities.

Counties were the natural governments to meet these challenges and deliver these new services. Many counties implemented sweeping procedural changes, including professional accounting systems, bidding and procurement systems, and a civil service employment system in place of ages-old political patronage.

Like every other segment of American society, counties and their services were severely stressed by the Great Depression. Then on the heels of the Depression came America's entry into World War II.

But with the end of the war, the important groundwork that had been laid earlier made it possible for the county governments to move even more quickly into the forefront of American civic life.

History of County Government Part II

The postwar era brought a number of trends that, together, worked as profound a social transformation as the nation had ever seen, and one with extraordinary implications for county government.

Once the great cities had been magnets for the nation's "best and brightest." Both housing and jobs were centered within city limits, with growing populations accommodated by vertical development, in the form of ever taller apartment buildings. City governments had strained for decades to meet this rising demand. Now, the advent of peace and prosperity whetted a public appetite for better living conditions, and it seemed to be an appetite many cities could not meet.

Those looking for a key date on which everything began to change—parallel, perhaps, to the April 22, 1889 launch of the Oklahoma land rush—might focus on March 7, 1949. That was the day Levitt & Sons opened its first sales office on a 1,500 acre tract in Nassau County, New York and began taking orders for homes in Levittown. More than a thousand couples were waiting that morning, some of whom had been in line for four days awaiting the chance to buy a four-bedroom house for under $10,000.

The rush to suburbia was on. Certainly areas adjacent to big cities had seen population growth before the war. Nassau County's population had grown from 303,000 to 404,000 between 1930 and 1940, despite the Depression. But the boom that now swept the country exceeded all previous growth. Levitt put 17,500 households in his Long Island Levittown, and soon followed it with Levittown II in Pennsylvania, which grew into a community of 70,000 people.

Between 1948 and 1958, 85 percent of all new homes built in settled areas were outside the inner cities. And by 1968 a list of the 10 fastest-growing large counties in the United States included six that were suburbs of large cities and four that included a large city within their borders. The top three growth counties in 1960-1968 were suburbs of Los Angeles, Washington, DC and New York. Only six large counties actually lost population during that period, and in each of these the counties' residents were predominantly located in an old central city: The shrinking counties were New York (Manhattan), Suffolk County, MA (Boston), Allegheny County, PA (Pittsburgh), Baltimore City and St. Louis City (both of which carry out city and county administrative responsibilities), and Hudson County, New Jersey (Jersey City).

But although people moved in large numbers into unincorporated areas, they still expected the services they'd relied on as urbanites: Schools, parks, hospitals, libraries, fire and police departments. All of these expanded services were added to those counties had already provided, and dramatically increased counties' financial obligations in many areas.

For example, county government spending on libraries, which stood at only $4 million nationwide in 1932, had reached $31 million by 1957. County expenditures on parks, $7.6 million in 1928, had grown by 1957 to $67 million, an increase of nearly 900 percent.

County governments, in existence for centuries, seemed logically positioned to respond to these needs. But however much citizens might look to their counties for services, the county governments themselves were often ill-equipped to deliver.

Although "local" in geographic embrace, counties generally remained defined as arms of the state government, some with powers strictly limited by the continuing application of Dillon's Rule.

Structures, though, must evolve as needs change. Tens of millions of taxpayers and voters will not acquiesce for long in having their needs go unmet. As the face of America changed throughout the 1950s and later, the impetus for new and better forms of local government became irresistible.

New structures, new strategies

Several initiatives attacked this new host of problems, all with implications for county government. The challenges facing urban or urbanizing counties demanded dramatic new approaches to government, including modernization of old and ineffective forms of public administration. And because many of the new problems, from transportation to environmental protection, transcended local government boundaries, these new approaches generally stressed cooperation among jurisdictions at the local, state and national level.

In 1959, the National Association of Counties (NACo) conducted its first Urban County Congress, an innovative attempt both to help local officials deal with their new pressures and to update the image of county government in the eyes of the public and of officials at other levels. The conference brought together more than 900 urban leaders.

Vice President Richard Nixon told the assembly that "your responsibilities for the welfare of your fellow citizens will be greatly increased, as an estimated one million acres become urban and suburban each year…I salute you as you start this major experiment in the solution of urban problems."

This gathering of urban leaders drew not only Nixon's attention but that of the man who would oppose him for president in 1960, Massachusetts Senator John F. Kennedy. Kennedy warned that "city governments cannot always assume the sole responsibility for the solution of these pressing urban problems. I repeat, they cannot—our state governments will not—the federal government should not—and therefore you on the county level must."

These views were mirrored in the nationwide trend for cities, towns, and other "subcounty" government entities to transfer responsibility for key functions to the counties in which they were located. Counties, simply, were seen as the most responsive and efficient level of government to serve public needs in a given geographic area.

During the 1960s, for example, 40 percent of all counties responding to a federal survey reported that they had assumed responsibility for police protection previously provided by a subcounty government. Only three percent had shifted this duty in the other direction.

Similarly, 27 percent had taken over responsibility for jails and corrections, 37 percent had assumed the library management function, 45 percent had become responsible for planning previously done at a more local level, and more than 20 percent of all counties now said they were responsible for roads, highways, sewage, refuse collection and public welfare. In each case, a dramatically smaller percentage of reporting counties had conveyed these responsibilities to subcounty governments.

Fulfilling all these new duties, though, meant counties needed more authority, and more political power. Moreover, they needed to break through decades-old perceptions and begin commanding more respect and cooperation from other levels and entities of government.

The battle, then, was twofold: First, expand county government's capacity to address local challenges; second, secure counties a "seat at the table" when city, state and federal authorities came together.

One man, one vote

Shifting population alone doesn't guarantee shifting political power. No matter how quickly they grew, suburban areas would not have the clout to put their own agendas into action if they did not simultaneously enjoy dramatically expanded political power in their state legislatures. During the 1960s and 1970s they largely realized this power as a result of a national political revolution—ironically, a revolution largely instigated in earlier years by city dwelling voters.

Throughout the country, many states maintained a "county unit" system in which every county was entitled to representation in the legislature regardless of its population. Other states, while their constitutions provided for occasional reapportionment, hadn't done so in decades or more.

As cities grew in population, their voters increasingly challenged a system that concentrated more state political power in rural areas at the expense of urban centers.

In the 1950s, for instance, on the eve of the reapportionment revolution, Los Angeles County contained more than 38 percent of California's population but elected only one out of forty state senators. Dade County, Florida, with about 20 percent of that state's population, got to choose only three out of 95 members of the lower house and one out of 38 state senators. Cook County, Illinois, had more than half the people of Illinois within its borders and produced more than half the state's tax revenues, yet elected only 24 out of 58 state senators.

In the landmark case Baker v. Carr (1962), the U.S. Supreme Court, acting on litigation filed by citizens of Tennessee, ruled that urban voters were entitled to challenge malapportionment of legislative districts, and that the federal courts could hear such challenges.

A series of further decisions followed, culminating in 1964 with Reynolds v. Sims, in which the court held that one-man, one-vote applied to both houses of the state legislature. Famously, Chief Justice Earl Warren wrote that "legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests."

Despite some further legal challenges, most states proceeded quickly to redraw their legislative district lines. Rural areas lost influence while urban areas gained. Although in the short run this change favored cities, in the long run it also had the impact of increasing counties' political power and influence in the state capital.

A surge toward home rule

As counties gained political power based on their growing population, many sought vigorously to use this new influence to secure expanded home rule from their state legislatures.

Home rule generally followed one of two models. Some states delegate to their counties some limited and specifically defined powers, while continuing to maintain control over critical functions such as revenue and fiscal policy. In the broader "charter" model, counties are permitted by the state to adopt a form of local constitution with the approval of their own voters. Charter counties have broad discretionary power to determine their own organizational structure, levy taxes, raise revenue, manage their own personnel, and spend money on a wide spectrum of programs and activities.

By 1970 a total of 15 states had granted charter authority to their counties. But it had taken 60 years to reach this point, beginning with California's constitutional amendment in 1911. Four states conveyed charter authority to counties in the 1950s and another four in the sixties.

Then, between 1970 and 1975, the list grew by 13. Moreover, before that time, hardly any counties had actually availed themselves of the opportunity to adopt charters. Now there was a surge. Though there had been only about a dozen county charters nationwide in 1950, by 1973 there were 71, most of which had been adopted since 1960.

Charter activity continues virtually unabated to this day, although voters have not always approved charter proposals. Indeed, a number of states have had repeated efforts to grant charter authority to their counties defeated at the polls. Still, by 1996, 79 percent of the 47 states with viable county governments had provided for home rule in some form; more than 2,300 counties were covered. Roughly 130 counties nationwide operated under a county charter in that year.

Hand in hand with the charter movement, there came a drive to modernize the forms of county government in order to improve administration and impact.

The longest-standing form of county government, and the one most prevalent in rural areas, is the so-called "commission" form, in which voters elect a multi-member board. Known by different names—commissioners, supervisors, aldermen, etc.--these board members wield both legislative and executive authority, sharing some specific responsibilities with separately elected "row (or constitutional) officers" such as a sheriff, clerk, and coroner.

The particulars of this power sharing, i.e., the relative powers of board members and row officers, varies widely from county to county. Supporter's praise the commission form as the most democratic because it provides independent election of key department heads as well as board members and as the least susceptible to corruption because power is more diffused and the system offers more checks and balances.

Critics, though, complain that this system lacks a strong executive, instead relying on (often part-time) citizen-legislators to administer increasingly complex government functions. Diffuse power also means vague responsibilities, and in the absence of professional management of county affairs, key decisions are more apt to be politically driven, these critics say.

Counties have often sought to fill the management gap by creating an officer whose explicit responsibility is the administration of county programs and operations. These structures are generally of two kinds: systems in which the council or commission appoints a professional county manager, and those in which a county executive is separately elected.

One of the results of the county home rule movement was to give counties the authority to choose for themselves among the alternative forms of government, rather than being limited to the form previously prescribed for them by state law.

This ability to choose their own government structure was a key step for counties seeking to apply more resources and talent to meeting public demands and tackling growing problems.

History of County Government Part III

Since many of local government’s new pressures in the postwar era in fact reflected regional conditions—in areas from transportation to environmental protection—many leaders advocated a strongly regional approach to solving these problems.

There were long established precedents for multi-government cooperation in many areas. Regional planning commissions in some states dated to the early years of the century, and numerous metropolitan areas with extensive transit, bridge, and highway networks managed these networks through independent, multi-jurisdiction authorities. But explicit, ongoing regional cooperation in planning and program implementation was a relatively new idea.

The 1950s saw several important initiatives, in which county governments and leaders played key roles. Wayne County, Michigan, for example (including the city of Detroit) took the lead in working with leaders from six surrounding counties to create a Supervisors’ Inter-County Committee that grew into the Southwest Michigan Council of Governments.

This was among the earliest Council of Governments (COG) efforts in the United States, though the movement spread quickly.

The Detroit initiative was followed by COG efforts in greater New York, San Francisco, Washington, DC, southern California, Atlanta and a number of other areas. The COG strategy gained supporters so rapidly, in fact, that a national meeting of COG leaders could be held in 1960, leading to the creation of the National Service to Regional Councils (NSRC). In areas such as transportation and housing, county leaders lobbied Congress to recognize these regional councils and include them in grant-making and other forms of federal financial aid.

The federal government had been willing to do just that since at least 1954, when that year's Housing Act allowed the federal government to fund up to two-thirds of a county road project if the administration "finds that planning and plans for such county will be coordinated with the program of comprehensive planning, if any, which is being carried out for the metropolitan area of which the county is a part."

Late in the 1950s, President Dwight Eisenhower launched a new effort to define exactly how different governments needed to work together to address common concerns. Eisenhower established the Advisory Commission on Intergovernmental Relations (ACIR). But ACIR, as originally proposed, included representatives from city and state governments but none who could speak for county government interests. Led by NACo, county government advocates secured legislation requiring that three places on the 26-member panel be provided for county officials.

Working together, the city and county representatives were able to secure the election of their own first choice as ACIR's executive director. By pressing their concerns on the national stage, and simultaneously working hard to build their own capacity for cooperation, county and city governments greatly accelerated the move to regional planning.

Throughout the coming decades, Congress and the federal executive departments would encourage this trend by delegating more and more responsibility to regional bodies and offering them access to more and more funding. Legislation often called for applications for federal aid to be reviewed and commented on by regional planning agencies. These regional planning bodies soon became a central element of the process of applying for federal grants. These grants, in turn, rapidly grew into the chief source of revenue for regional councils.

By the mid-1970s, more than 600 councils of governments and regional planning commissions were in action all over the country. This broad trend challenged county governments to maintain not only their independence but their growing importance as the unit of government closest to the people in a given locality. When ACIR organized a "Second Constitutional Convention" in 1975, NACo President Conrad Fowler warned against ceding too much power and authority to regional bodies.

"In a real sense the future of county government hinges on whether we accept the fragmented delivering servicing strategy of the technocrats, specialists and single program functionaries, or whether we fully recognize the merit of the traditional argument for democratic government," Fowler said.

"We must accept the proposition that authoritative, accountable, multipurpose governments are needed between the states and municipalities (and) reject the notion that a maze of regional mechanisms is a respective and responsible approach to handling the mounting planning, financial and servicing problems facing practically all of our urban and rural substate regions."

Another strategy adopted in some regions was consolidation of city governments with those of adjacent or surrounding counties. Of course, such consolidations had been seen before, most notably the combination of five counties into New York City in 1898. But they had been quite scarce. Between 1962 and 1972 11 such mergers took place, more than had occurred in the entire previous 150 years.

Many consolidations took place in relatively rural settings: Carson City and Ormsby County, Nevada, for instance, and the city of Juneau, Alaska with its surrounding Juneau Borough. But others involved major cities. Jacksonville, Florida, for instance, consolidated with Duval County, and similar mergers were accomplished in Nashville, Indianapolis, and Columbus, Georgia. Today there are 34 consolidated city county governments. The most recent in a large metropolitan area is the merger of Louisville City and Jefferson County, KY.

Advocates of consolidation have argued that services are improved, federal and state aid has been increased, and major economies have been achieved through centralized purchasing and financial services. Yet difficulties remain, and many proposed consolidations have been rejected by voters, often concerned about the equity and responsiveness of the new government.

The Rise of the Urban County

At the end of WW II as soldiers returned from overseas, prosperity returned to the country. The military jeep was retrofitted to a sporty family car and the Levitt Brothers build the first suburban development in Levitttown, NY. Prior to WWII, the vast majority of the population lived in cities, but with the development of suburbs and subdivisions the exodus began. Many of these newly build suburbs were in unincorporated areas in the counties because of their easier zoning and building regulations and the availability of land.

As the exodus grew, people moving from the cities to the suburbs carried with them their expectation of city-style urban service delivery. They began to demand this level of service from county governments that were not accustomed to providing them. As counties scrambled to respond, they raised taxes, began regulating land use and planning.

Revenue sharing

County government's campaign to preserve its own place in the hierarchy of public administration got a major boost after the election of Richard M. Nixon as president in 1968. Nixon had campaigned in part on a pledge to channel a major share of federal tax revenues back to the states and localities, to be spent almost entirely at local discretion. General Revenue Sharing had been debated before, but with Nixon's strong support and that of Vice President, and former Baltimore County Executive, Spiro T. Agnew, the proposal moved ever closed to adoption.

Although its sponsors originally believed the main beneficiaries of GRS would be state governments, with some funds also reaching cities, NACo fought hard to have counties included as recipients of GRS grants. Because of their strong local roots, counties were able to lobby for GRS at the level of individual congressional districts, and slowly a majority evolved for the new measure. When the State and Local Fiscal Assistance Act of 1972 was passed by Congress, President Nixon hailed it as the beginning of "a new American Revolution."

It was certainly a major boost for counties, many of which now received significant new funding with which to tackle their ever-growing responsibilities. By mid-1975, revenue sharing funds accounted for about five percent of all revenues counties received from all sources. In some counties, particularly in the south, revenue sharing payments equaled more than half the amount of taxes collected by the county.

By the mid-1980s, however, GRS was threatened with abolition. President Ronald Reagan called for termination of the program at the end of 1986, and Congress was held to specific deficit reductions mandated by the Gramm-Rudman-Hollings Act.

NACo mounted an energetic effort to secure renewal of GRS, similar to its successful lobbying for the program's renewal in 1976, mobilizing a grass roots effort in which county officials throughout the nation lobbied their representatives and senators to extend the program. These efforts appeared to bear fruit when the House Appropriations Committee included GRS in its omnibus appropriations bill late in 1986. But the House leadership, in a highly unusual move, overruled the committee and removed the GRS extension from the bill without allowing a floor vote.

Though federal revenue sharing passed into history, the concept lived on. During the next decade a growing number of states adopted systems in which they shared state tax revenues with local jurisdictions. The concept of allowing a portion of statewide revenue to be spent by local governments at their own discretion remained strong into the new century.

Special challenges in the west

The west has always attached high importance to vigorous local government. California, after all, was the first state to allow county charters, and Los Angeles County, in 1912, was the first county to adopt one. The initiative, another feature of the progressive era, originated in the west; 12 of the 38 states that allow public referenda, and nine of the 18 that permit recall elections, are in the west.

A political scientist writing in 1913 commented on the “spirit of progress and improvement in matters governmental” that could be observed throughout the west. Western states and their local governments faced special challenges, and the 1970s saw an innovative effort to address these difficulties. With population spread sparsely over vast areas, towns were scattered and the county was the most prominent form of local government. The great western distances also meant higher costs for roads, power lines, and water, among other public services. Since western residents tended to cluster in urban areas, the west managed to have both below-average population density across its entire area and higher than average urbanization.

Compounding these problems is the huge volume of land that has been removed from local tax rolls over the decades. Ever since America’s first national park was established at Yellowstone in 1872, large parcels of western land have been regularly set aside for public purposes. Large tracts, also, have been designed as property of Native American nations. So-called “entitlement lands” included holdings of the U.S. Forest Service, Bureau of Mines and other agencies in addition to parks. All in all, more than 660 million acres of land—one-third of the entire United States—is federally owned. All of this land has been removed from state and county taxation, with harsh consequences for county governments that are largely dependent on property taxes as a source of revenue.

While federally owned land accounts for one-third of the total area of the nation, its impact is felt disproportionately in the west. When the states are ranked by percentage of land owned by the federal government, the 13 western states fill all of the top 13 places on the list. Nevada leads the roll with an extraordinary 85.1 percent federally owned land.

Removing this land from local tax rolls, however, did not relieve the local governments of responsibility for providing key services in these areas. Law enforcement was the single largest category of local spending for services performed on entitlement land. Search and rescue services also commanded large shares of local budgets, particularly in national parks and forested areas that have always attracted hikers and others in pursuit of recreational activities. Many localities provided solid waste disposal and other services as well.

The result was a major cost to local government that was not offset by any tax revenue. With their long-ingrained commitment to effective local government, western citizens campaigned energetically for protection from this adverse financial impact. In the mid-1970s, they finally won this relief in the form of Payments in Lieu of Taxes, or *PILT*s. PILTs were authorized by Congress in 1976 and have been renewed regularly ever since. In some counties, PILTs accounted for more than 80 percent of the entire county budget.

PILT's impact, moreover, was by no means limited to the west. Arkansas, North Carolina, Virginia, Louisiana, Minnesota and other states all have significant amounts of entitlement lands within their borders. Thus, preserving and expanding the PILT program was a truly national concern for county government.

For many years, though, the annually authorized PILT funding was very modest and did not increase. NACo took the lead in organizing county government officials to campaign for increases in PILT appropriations, and secured the first boost in 1995. Since then, NACo has staged an annual effort to educate lawmakers and remind them of the need for growth in PILTs. An additional $50 million increase was approved in 2001, bringing the authorized spending level to $330 million.

The NACo-led campaign has resulted in more than $100 million being added to the PILT program over the last 10 years.

The turn of another century

As the 1990s drew to an end, county government found itself in a very different situation from what had prevailed at the end of the previous century. It was now a robust and highly flexible level of government, combining local responsiveness with growing sophistication in the provision of complex services.

But it continued to struggle to maintain the right balance among local, state and national authority. The lengthy county campaign against unfunded federal mandates is a prime example. This campaign brought counties together—and especially highly populous urban and suburban counties—to oppose the prospect that the federal government would impose major new requirements on counties without providing funding to enable counties to meet those requirements.

Increasing diversity of population in counties, largely as a result of immigration, also posed a challenge to many counties. This new diversity was appearing in locations across the nation that had lived with fairly stable populations for many years. The need for governmental services and bilingual information placed new and unique demands on many counties.

Another challenge that surfaced in the 90s was that of collecting sales taxes on purchases made on the Internet. With the rapid growth of this medium counties faced a major loss of revenue when purchases heretofore made locally and taxed locally were made via cyberspace. Opponents to this tax state that businesses on the Internet should be supported and that collecting the differing sales tax rates that could be in effect was an undue burden. NACo took a strong role in lobbying for the collection of these taxes and revisited remote sales taxes as a major initiative again in 2003. Working closely with a sample group of states, NACo promoted a pilot group of states that would participate in collecting the taxes for a trial period.

Shifting national political sands also challenged counties. In the 1990s Congress increasingly looked to "block grants" and other generic forms of financial aid to local governments, significant grants of money not accompanied by specific conditions on its spending.

Counties across America have also taken on a much more vigorous role in promoting the economic growth of their communities. Economic development, in fact, has become a key county mission. Counties undertake such efforts as workforce training and expansion of technology infrastructure to make themselves more attractive to high quality businesses looking for new sites. They mount major ongoing initiatives to communicate with these businesses and persuade them to choose county sites for their facilities, and the resulting employment and tax revenues.

For businesses already thriving within county lines, the local economic development authority is often a leader in organizing international trade missions, participation in overseas expositions, and other efforts to reach the ever expanding global markets.

Infrastructure has become a critical element in success, and many counties have assumed a new and powerful role in regulating everything from construction of new high speed data communications to granting of satellite and cable television franchises. Counties have acted broadly and energetically to ensure that their schools, libraries and other public resources are fully served by these new technologies, and that citizens share in the benefits of the Information Age.

As the new millennium opened, it was clear that local government had been cast in a more prominent role than ever before, not only in meeting public needs but in creating opportunity and prosperity for its citizens.

Armed with steadily expanding home rule powers, ever-more-expert leadership and their own long tradition of local accountability, America's counties were also better prepared than ever to meet the challenge.

The year 2000 brought new challenges to county governments. The economy began to slow down from the boom of the 90s and states began to experience shortfalls in revenues. Shortly thereafter counties began to feel the slowdown with many experiencing shortfalls in their own source revenues and in the revenues normally received from the states. Counties looked to several avenues to balance budgets in response to the shortfalls. Among these were curtailing services, cutting back services, reducing employee benefits, outsourcing and increasing taxes.

At the same time as full blown shortfalls hit their budgets, counties were faced with two new challenges. Correcting the voting problems encountered in the 2000 presidential election and providing homeland security for their county residents. Each of these new issues required massive funding, most of which could not be provided by the counties themselves.

Immediately following the World Trade Center and Pentagon terrorist attacks, NACo formed a Homeland Security Task Force to work with the federal government to coordinate activities in response to future terrorist threats. As first responders at the attacks, counties showed that their involvement at the national level was crucial to national security.

As the economic slowdown continued many county officials who are savvy in the legislative process began to look again to state and federal governments for assistance and relief. Organizations, such as NACo, that represent county officials began to lobby Congress and the state legislatures across the country in order to encourage and influence legislation that would help counties address the newest challenges. In addition to funding, counties also sought relief from existing and pending legislative requirements and remote sales tax authorization.

Chapter 2 OVERVIEW OF COUNTY GOVERNMENT

County Characteristics

Forty-eight of the fifty states have operational county governments. Alaska and Louisiana call their county-type governments boroughs and parishes, respectively. Connecticut and Rhode Island are divided into geographic regions called counties, but they do not have functioning governments, as defined by the Census Bureau.

Hawaii and Delaware each have the fewest counties (3); Texas has the most (254). In addition to the 3,028counties, there are 40city-county governments (i.e., cities that have consolidated government functions with their surrounding counties). Jacksonville/Duval City/County is an example of this types of government structure.

Counties vary greatly in size and population. They range in area from 26 to 87,860 square miles (i.e. Arlington County, Virginia and the North Slope Borough, Alaska). Similarly, the population of counties varies tremendously from Loving County, Texas with 45 residents to Los Angeles County, California, which is home to 9,848,011 people. Counties with populations under 50,000 accounted for about 70 percent of all county governments in 2009.

The Many Hats of County Government

Traditionally, counties performed state-mandated duties, which included assessment of property, record keeping (e.g., property and vital statistics), maintenance of rural roads, administration of election and judicial functions, and poor relief. Today, counties rapidly are moving into other areas, undertaking programs relating to child welfare, consumer protection, economic development, employment/training, planning and zoning, and water quality, to name just a few.

Service delivery responsibilities, however, vary widely among counties. For most, construction/maintaining local roads is one of their prime duties. North Carolina counties, however, have no responsibilities in this area. Wide variations also exist in the social service responsibilities and the types of utility services (e.g., water supply) provided by county governments.

That disparity is clearly demonstrated by a review of individual states and the percentage (of total expenditures) their counties spent on various services. For instance, counties in

Virginia spent 55 percent of their total expenditures on educational services (including library services) in FY 2001-02. New Hampshire counties spent 67 percent on public welfare services in the same fiscal year. South Dakota counties spent 35 percent of their budget on transportation services for FY 2001-02, and Maine spent 56 percent of its budget on public safety that year.

County Finance

Revenues

State constitutions and statutes dictate the revenue sources counties may use. Barely half the states allow counties to impose a sales tax. Only in Indiana and Maryland is a tax on income a significant county revenue source.

According to the 2007 Census of Governments, conducted by the U.S. Census Bureau, county governments receive just 3 percent of their overall revenue from the federal government. Collectively, counties receive 33 percent of their total revenue from their own home states. Finally, 61 percent of their budget revenue is generated from their own sources. Property taxes account for the largest source, 40 percent, of these self-generated funds.

General and selective sales taxes account for almost 13 percent of self-generated revenue. However, the 2001 NACo Study County Revenue Patterns: A Survey of Authority Practices showed that the following states with a state sales tax do not permit local government to levy a local sales tax: Hawaii, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, Rhode Island, and West Virginia. More than half of the counties who responded to the survey reported sales tax as a percentage of the government's revenue.

Property tax continues to be a basic income generator for the 25 largest county governments, although the most recent data shows a noticeable fluctuation in this reliance. Fairfax County, VA reports that 41 percent of its revenue comes from property taxes, while Orange and San Bernardino counties report that only 9 percent of their revenue is from this tax. On average, the top 25 counties report that nearly 22 percent of their revenue comes from property taxes.

For the largest 25 counties, state aid provides a larger percentage of revenue than property taxes. Riverside County, Calif. received 60 percent of this revenue from state aid. The receipts from direct state aid averaged nearly 35 percent of total county revenues.

Expenditures

In 2002, counties spent nearly half of their resources on social services and education combined. According to the 2002 Census of Governments conducted by the U.S. Census Bureau, counties spent $33 billion on public welfare programs. These services included cash assistance payments ($7.468 billion), vendor payments ($1.893 billion), medical services ($1.268 billion), as well as other miscellaneous expenditures. Counties spent $38.19 billion on educational services. Thus, counties allocated roughly 45 percent of the $266.605 billion spent in FY 2001-02 on either social welfare or education.

Debt

On average, outstanding per capita debt totals $334, representing nearly 1.5 percent of resident per capita income for the counties surveyed in the 1998 NACo study. Outstanding per capita debt is far higher for residents of the most urbanized counties ($500) than for the least urbanized counties ($172).

Counties as Employers

To fulfill their service responsibilities, county governments employ more than 2 million professional, technical, and clerical personnel. Employment by county governments increased by nearly 37 percent between 1967 and 1997 rising from 1,582,000 full time-equivalent (FTE) personnel to 2,181,000 in 1997. Moreover, the total cost of a typical one-month payroll for all county employees climbed from $1,489,300 to $5,750,400 over the 30-year period. According to Census Bureau figures, local governments nationwide employed 389.4 FTE per 10,000 population in FY 2000.

Basic Forms of County Government

The counties of the State of Nevada use the Commission form. There are, however, different forms of county government practiced by other states.

Commission Form

The distinguishing feature of this type of structure is the fact that legislative authority (e.g., power to enact ordinances and adopt budgets) and executive powers (e.g., to administer policies and appoint county employees) are exercised jointly by an elected commission or board of supervisors.

Although governing body members are most frequently called commissioners or supervisors, these are not universal titles. Some governing body members in Louisiana, for example, are called parish police jurors. The county governing body in most New Jersey counties is the board of chosen freeholders.

Commission/Administrator Form

Under this form, the county board of commissioners appoints an administrator who serves at its pleasure. That individual may be vested with a broad range of powers, including the authority to hire/fire department heads and formulate a budget.

Council-Executive Form

The separation of powers principle undergirds this governance system. A county executive is the chief administrative officer of the jurisdiction. Typically, he or she has the authority to veto ordinances enacted by the county board (subject to their possible override) and hire/fire department heads.

Although a majority of counties still operate under the commission form, more than 40 percent have shifted to either the county administrator or the elected executive type. State policy-makers have contributed to this trend, as Arkansas, Kentucky, and Tennessee now mandate that counties in those states be headed by an elected executive

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