

Jobs and Economic Development: Our Goal

Community Resolve: Our Need

Cuyahoga County Government Reform: A Means?

A Collaborative Effort by the Cleveland Bar Association, Cleveland State University, and the League of Women Voters-Cuyahoga Regional Area.

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EXECUTIVE SUMMARY

The nature of our community has been shaped by history. For the past century, Cuyahoga County has been a location that attracted immigrants and minorities who sought a better life. Those who comprised these many groups improved the lot of future generations. At the same time we remained, for many reasons, a community divided.

The divisions were not limited to ethnic origin or race, but ran a gamut of political, economic, social and cultural divides that over time did not align self-interest with the public interest.

In another time, the divisions — that came in the wake of the county's growth— were sometimes bridged by necessity. The divisions were shaded by the fruits of a flourishing industrial climate that provided jobs, income and taxes that enabled workers to educate their families and build better tomorrows.

The industrialization that sparked our region one hundred years ago has now spread across the globe. Other people seek better lives through making the things that we once produced. In turn, this globalization has retarded Northeast Ohio's growth, punished our economy and our community has been too slow to respond.

In the months that have gone into the undertaking of this study, it has become increasingly obvious that we are virtually alone in our fight to regain our lost prosperity. Federal and state governments are withdrawing aid from urban areas, a seemingly daily diet of bad news tells of one school system after another facing drastic cuts, job loss and outsourcing provide more disheartenment. This is not a temporary condition.

Never in the history of this county has the future appeared so bleak and uncharted. Parents advise their children to settle elsewhere, young people meet to disparage the leadership of their elders, and neighborhoods harbor the divisions of old not realizing that there is no help for their plight because the whole of our society is shaken by economic decline.

Yet, the diversity and strong work ethic of the people of Cleveland and Cuyahoga County that once sparked our region remain. We have enormous individual talent in our public, private and nonprofit sectors, but we have failed to coordinate and harness those individual talents in a way that positively transforms our community and regional economy. In light of these strengths, we propose an effort to unite the community by examining together the realities that we all face, and then together find the beginnings of a new direction that will benefit every soul within the sweep of the county.

To do less is to surrender to poverty, decay and the continual shrinking of Cuyahoga County.

With these realities in mind, the Cleveland Bar Association and a group of non-partisan organizations,¹ agreed upon their concern that the two large challenges before Cuyahoga County – financing local government and schools and economic development – were persistent issues for our community. We joined together to think about how governments in our county cooperate to enhance county-wide development. The initial primary concern of the group was to find a structure that allowed Cuyahoga County to:

- (1) Develop strategies for coordinated economic development activities and programs that eliminate wasteful internal competition;
- (2) Address the financing problems facing our cities and school districts; and
- (3) Speak with a unified voice with Team NEO, the 36 foundations that have joined together to advance economic development, and the other area institutions, businesses, and prospective businesses, and other governments within and surrounding Cuyahoga County.

The group conducted its own research and fact-finding by surveying the various ways in which other counties and regions have restructured themselves. (See Section 2.) We also considered the current structure of Cuyahoga County government. (See Section 3.) In so doing, we learned that no structure is perfect. More importantly, we came to understand that it is the process by which other communities have restructured themselves that is most important.

We also held three public sessions with community leaders from several different regions. (See Appendix.) In each of these forums, the presenters, made the point, time and again, that changing the structure of county government in and of itself is not the answer. While a better structure may be a tool with which to address a community's concerns, good leadership is of equal, if not greater, importance and the process by which a community arrives at such change greatly affects its success.

In addition to the research and forums, a series of interviews with elected and community leaders from Greater Cleveland was conducted. These interviews reiterated the importance of a certain process that would be necessary before any possible restructuring could occur.

Together, these three methods taught us that there are indeed adaptations in county governance that can be pursued that not only can empower communities and minorities and advance economic development and public finance solutions, but can do so without eliminating the local character of city government.

We learned that the issues of political representation of the minority communities in any reform is as real a concern to the end-game of economic development. It is important that jobs

¹ The groups that tried to learn from the experiences of other regions was led by the Cleveland Bar Association and included the League of Women Voters-Cuyahoga Regional Area, the Greater Cleveland Roundtable, The Maxine Goodman Levin College of Urban Affairs of Cleveland State University, the Bliss Institute of the University of Akron, and the John Glenn Institute of Ohio State University. The Citizens League withdrew from this group when its leadership decided to advocate for a specific reform in advance of further public discussions and an investigation of the work of other regions.

be attracted that improve the opportunities for the minority population. Any reform proposals must both address these concerns and provide some solution.

We learned that there is no substitute for good county leadership. With good leadership, a more effective, 21st Century structure of government can lead to more effective governance for our county. In other words, put good leaders in a better structure and we are more likely to have more effective governance.

The group also learned that neighborhoods and communities should be included in the processes to develop new governance structures. Processes of constructive inclusion need to be at the forefront of any program designed to explore new structures. As a result, we realized that we had to reconsider our original intention of recommending to the community a county government structure that would provide a significant tool to alleviate many of our concerns. It quickly became apparent that what we need is to come together as a community to identify our common objectives and to decide how to reach those objectives. With this in mind, we make the following recommendations:

1. Our Community Should Work Toward a Unified Resolve and Common Ground On Any Reforms in County Government and Regional Government Cooperation.

While we knew divisions existed in our community, we grew to better understand the seriousness of these divisions and the paralyzing effect they play on our ability to find a way to compete in a global world. This is why the community process that we propose should be viewed with as much importance as the goal of economic development and jobs creation strategy that we recommend.

Based upon what we called community stakeholder interviews, which were conversations with leaders from many corners of our county, we believe that there is a common view that we face serious problems with our local economic base and economic development climate. There is strong sentiment for some sort of change in the way government acts and functions in addressing these problems. There is a constituency for the discussion of what changes should be made.

These structural change options for county government reform should be examined in the context of exploring the larger economic development goals. We should then determine if the reform concepts meet the requirements of this community's needs and can be broadly supported and embraced by our key community stakeholders.

2. A Community Process Should Precede Any Reform Plan Initiative and Should Proceed Immediately.

We should first agree that our common objective is increasing economic development, and jobs creation opportunities for the benefit of the entire county and its various political subdivisions. By agreeing on goals and objectives, we can more effectively address a wider range of common issues. There needs to be a "community charge" for government reform that requires that we "do business" in a new way by seeking further common ground on the shape of

such reform, with all key stakeholders at the table. Such a community process can ultimately allow us to examine what government reform plan meets the 21st-Century needs of the community.

This community process should:

- (1) Recognize the differences within our community, yet seek to create a sense of “us” as a community with common interests.
- (2) Focus on all of the issues surrounding how we can build common ground, direction, and new collaboration toward economic development and jobs creation for the entire county, including the core city of Cleveland.
- (3) At the very outset, be inclusive of the leadership of the ethnic and cultural communities, all income levels, and all of the other diverse interest groups within the community.
- (4) Include representative elected leadership at all levels of government.
- (5) Build an environment for an honest and frank exchange in order to reach common ground on racial, political, and wealth issues **before** any “Plan” for government reorganization is proposed for submission to the voters.
- (6) Start now and be completed in the next 10 months.

A reform petition like the one now being circulated, absent such a process, could prove too costly to the community through creation of further distrust, division, and a sense of exclusion and invalidation of key parts of the community.

3. A Community Process Should Be Commenced Immediately to Arrive at a Plan for Regional Cooperation Within Cuyahoga County and County Government Reform.

A. A “Community Partnership Process” should be convened by “initial conveners.”

(1) The initial conveners already identified and committed to this process include, the Cleveland Bar Association, the League of Women Voters-Cuyahoga Regional Area, the Cleveland Chapter of the NAACP, County Commissioner Peter Lawson Jones, and Garfield Heights Mayor Tom Longo, president of the Cuyahoga County Mayors and Managers Association. Other public officials have been invited and we are awaiting their responses.

(2) These initial conveners should invite other public officials and community-focused organizations to step forward to join as initial conveners of the process.

(3) The objective of this “Community Partnership Process” should be to find common ground approaches for the public sector to advance economic development, create jobs, and enhance revenue for each political subdivision, including the core city of Cleveland, within our county.

B. The initial conveners should obtain funding to retain a team of professional facilitators who have substantial public sector experience to organize and facilitate the process.

C. All stakeholders should be included at the start of process.

(1) An initial process of discussion should determine who the “stakeholders” should be, who should be “at the table”, what the work program/agenda should be, the sort of joint fact-finding that may be required, and the ground rules for the process.

(2) At some point, the process may need to move ahead with key parties who agree to be on board, even if not all parties have agreed to be on board. Sometimes the effort may have to stop while one or more of the stakeholders wait for additional information—this is a case-by-case determination, and the process should be flexible in this regard.

(3) Once the “key stakeholders” group and representatives are identified, the community process should focus on development of a plan for community action to address our economic and fiscal crisis through agreed steps on regional cooperation and county government reform.

The initial conveners are committed to starting this process and invite the members of this community to join in them. It is time for the communities throughout Cuyahoga County to come together to make a change that will benefit the entire county.

SECTION 1: REPORT TO THE COMMUNITY

“Cuyahoga County has to be effective to be a leader of a region. And I think that is a good function, that Cuyahoga County could provide leadership to the region of Northeast Ohio, however we define it. And we haven’t had that conversation. We need to have that conversation.”

-Kathleen Barber, Confronting the Crisis: Should County Government Be Reformed? Forum II: Accountability, March 24, 2004.

I. PROLOGUE

Pride and progress have always been bywords of our community. A half century ago, the city’s motto was “The Best Location in the Nation.” The company that coined that phrase is no longer in Cleveland. Today, the most commonly used phrase associated with the community is “The Quiet Crisis,” the title of the ongoing *Plain Dealer* series that portrays the region’s economic decline.

There is a growing realization that we as a community may have lost our way. Recent issues such as a convention center and the bond issue to assist economic development and the arts have floundered without support. Taxes, economic development, leadership and education consume our conversation. There is a perceptive gloom to our collective mood.

It is this mood that brought together the Cleveland Bar Association, the Greater Cleveland Roundtable, the League of Women Voters-Cuyahoga Regional Area, and others, to begin a study of government reform with the idea of making a recommendation to the community as to what course we might take to help ourselves. It appeared a simple enough task. But what took place was a series of events that mirrored the community’s frustration.

Before we could begin an extensive program of community-wide interviews of stakeholders, the Republican Party announced its intention to seek to place a home rule charter issue on the November ballot that would call for a newly structured county government.

This took place at a time when one of the partners in our study, the Citizens League, was considering a similar action. We had hoped that our study would result in identifying the best way to implement a change.

Realizing that two such issues on the same ballot would stand no chance of passage, it was agreed that the Republicans would step aside and allow the Citizens League to go forward with a proposed county charter of the civic group’s design. In doing this, the Citizens League excused itself from participation in our study and devoted its efforts to drafting the proposed charter.

Immediately, various elements of the community spoke in opposition to this effort. Because we were in the midst of our study, we were able to speak in depth with many of those who represented dissenting voices.

In the conversations with community stakeholders, we found nearly all were frustrated by the lack of progress and vision around us. The major objection that nearly all raised was that, because of the sequence of events, no one had bothered to listen to their views on change in the form of government.

In some ways we were fortunate to be in a position to gather these feelings at a moment of passionate concern. The experience showed us a new path toward our goal, one that was less direct, but one that offers real possibilities of success.

The experience of listening to these comments is really the essence of the report to the community. We know this: no one denies that we face a difficult situation. No one wants to face a future without hope. No one wants less than the best for themselves and their families.

What we all need to understand is that the future of this community rests in the hands of those who live in it. That is what is at the heart of the following report.

Why Government Reform? Why now?

We have valuable resources and assets to be competitive as a city, county and region. Our people are rich in diversity—racial, ethnic, political, and social—and possess a strong work ethic. Our county and city possess tremendous and unique assets:²

- A substantial concentration of internationally competitive manufacturing facilities (such as Ford, General Motors, ISG, Diebold). Northeast Ohio has 33% of the top 1,000 companies in the rubber, polymers, and plastics industry.
- An extensive and beautiful lakefront.
- Tremendous air, rail, highway and lake access.
- Proximity to major markets - we are within 500 miles of 42% of the U.S. population.
- Rich and diverse cultural arts and higher education institutions.
- Reasonable cost of living below the national average.
- Recreational and sports facilities and professional sports teams, and extensive park systems.
- Some of the finest and most respected health care and medical research institutions in the world.

² Source: Public Service Institute & Joint Center for Policy Research, Lorain County Community College, “Great Again – Framing Conversations for Northeast Ohio” Diagnostic Paper (February 2004).

- Committed and engaged business, civic and philanthropic organizations.
- A citizenry that has “had enough” and wants to overcome this crisis.

We have been mired in a “Quiet Crisis” reflecting a serious, steady, region-threatening economic decline. Yet, our people have developed an emerging community spirit of frustration coupled with a desire to act that is driven by a will to improve, change, and compete.

Today, the communities of Cuyahoga County face four—perhaps unprecedented—problems.

First, our county and region are in the fourth year of an economic recession. We suffer from a “brain drain” in which our young adults leave our area for apparently brighter futures in other regions. Population losses in the city of Cleveland and the county continue the 30-year trend of losses. The last 10 years have seen a continued steady slippage against the successes of other areas of the county. From 1990 to 2000, Cuyahoga County lost 1.3% of its population, down to 1,393,978, while Dallas (TX) County gained almost 20%, Chicago 11.6%, Cincinnati 8%, Franklin County (Columbus) 11.2%, Los Angeles County 7.4%, Jefferson County (Louisville) 4.3%, and Miami, Florida 16.3%. In the last three years (2000-2002), Cuyahoga County’s population fell by 30,000 (2.1%), showing significant loss acceleration.³

Major businesses and corporations, which historically supported our economy, are downsizing or expanding and relocating to other regions, or merging with out-of-region companies, or going out of business (e.g., BP, OfficeMax, TRW, Bank One, Charter Bank, LTV Steel). The percentage of income that Ohioans now pay in state, county and local taxes (11.3%) ranks Ohio as the third highest state in the nation, although adding the federal tax burden to this calculation drops Ohio to 17th of 50 in 2004.⁴ As the tax burden on individuals has been growing over time, the business tax burden in Ohio has declined in relative terms. Economists at Cleveland’s Center for Community Solutions reported in February 2003 that Ohio’s state and local tax system unfairly burdens certain businesses and economic sectors and often serves as a repellant to new business and business expansion. We also lack a coordinated countywide land-use strategy to deal with multiple issues, including the environment. There is a dearth of funding available for redevelopment. And, in the midst of all these woeful conditions, we lack strong, visionary leadership towards a coherent and broadly accepted plan for strong, long-term, programs that will create new and additional jobs, new revenues, and real opportunities that arise from true economic development.

Second, recent policy changes at both federal and state levels have resulted in reductions in school district revenues derived from individual and corporate taxes and indicate a pronounced shifting of the tax burden to residential and agricultural property owners. These changes have left our cities and school districts struggling to find the money to finance needed services. These problems are not confined to the City of Cleveland. The City of Shaker Heights has an operating budget deficit and is relying on reserves to provide its citizens with the services needed to attract and retain residents. Beachwood and the Lakewood school districts may need

³ Cleveland *Plain Dealer*, 5/23/04.

⁴ Tax Foundation, Washington D.C., April 7, 2004.

to eliminate staff positions despite the needs of our children. Solutions to the financial problems facing many if not all of our local governments will have to be developed locally as there will be no rescue from Columbus or Washington. We need county level solutions to the fiscal problems facing our school districts, cities, and towns. Cuyahoga County will not advance socially or economically if its 57 different cities and school districts try “fixes” that solve their problems by creating difficulties for other cities. A unified approach to financing government and education in Cuyahoga County is required.

Third, the governments of Cuyahoga County now fail to match the effort being put forward by the private and nonprofit sectors to address the economic decline that has characterized Greater Cleveland for decades. In recent years, we have experienced a real deficiency in the level of our local county government involvement. Leadership for the area’s long-term economic development and jobs creation strategies has been noticeably weak compared to the private and philanthropic sections. Across the past two years, the private sector has committed itself to work for economic development through the creation of Team NEO and the merging of Cleveland Tomorrow, the Growth Association, and the Greater Cleveland Roundtable. At the same time, the region’s foundations have agreed to pool efforts and resources for economic development creating a \$40 million resource fund. If this work by the private and nonprofit sectors is to achieve the goal of providing more and better jobs for our families and children, the governments of Cuyahoga County must do their part to coordinate and cooperate. Therefore, a unified effort for economic development by local governments in Cuyahoga County is needed now.

Fourth, the public has experienced a lack of trust in our system. Our community’s varied and diverse interests and groups have experienced a real inability to speak together and to one another. There has been a noticeable absence of real collaboration. There has not been the needed sense of urgency to address these systemic failings and to bring meaningfully change to the way we speak and act as a community. This sense of community urgency must be achieved if we are to avoid falling further behind in our goal of regaining a competitive edge.

Can changing the structure of government address these issues?

Several governments and communities elsewhere, convinced that structures developed in the 18th and 19th Centuries failed to match the needs of people in the 21st Century, have put forward new structures that benefit their residents. If Cuyahoga County does not now assess how it organizes the public sector to meet the needs of residents and businesses and act to make the necessary reforms, these other regions will continue to outpace our development and diminish the competitiveness of our region.

Greater Cleveland competes with similar regions for economic development, and the governments in several of those regions are better organized to meet challenges like those facing us today. More than 30 years ago Indianapolis and Marion County consolidated economic development functions among a myriad of cities while retaining local-level responsibility for police, fire, and school services. The redevelopment of downtown Indianapolis and the growth of suburban areas in Marion County are outpacing what is taking place in Cuyahoga County and Cleveland.

The Minneapolis/St. Paul area began a revenue-sharing program more than four decades ago that reduces inter-city competition and eliminates the benefit of moving jobs from one city to another. Dayton and Montgomery County have now implemented a similar effort. Louisville and Jefferson County have shared revenue from economic development for decades, and now are building on that effort with a new form of government that is experimenting with other levels of cooperation. Charlotte/Mecklenburg consolidated some services and created lower tax burdens and a far more integrated set of schools than currently exists in Greater Cleveland. Los Angeles and Los Angeles County have implemented development authorities to balance growth and to advance areas that have declined during expansion. Downtown Los Angeles is a residential community again with several thousand new homes and businesses.

Areas long defined by intense competition (such as the Dallas/Fort Worth region) have created councils of governments to advance economic planning and development.

Any change in the structure of government in Cuyahoga County should be driven by a set of goals and objectives for the accomplishment of specific tasks that will enhance economic development and address the financial challenges confronting cities and school districts. The partners in this project have also learned that it will be necessary to benchmark or track the progress made towards the goals and objectives established. Benchmarking begins with the establishment of baseline measures and the establishment of targets for annual progress. The progress made towards these targets has to be recorded each year. In addition, benchmarking also involves the identification of a cohort of counties against which the progress or changes taking place in Cuyahoga County are compared.

Benchmarking then involves both an internal assessment of progress towards goals and a comparative view of the changes taking place in Cuyahoga County and in other similar counties. In this manner, the goals for a reorganized public sector are identified and the progress towards these goals quantified. The comparison with outcomes in other counties insures that shifts that are taking place as part of an improvement in conditions that impact all counties are not attributed to the government reorganization in Cuyahoga County

We believe it is the responsibility of our county government to provide leadership for economic development.

Even though many, including our current county commissioners point to the limited statutory authority of the county (principally being responsible for certain health and human services), the reality is that the county leadership has a “bully pulpit.” Leadership could involve forging public-private partnerships (on behalf of a county that includes 57 separate municipal governments), including collaboration with our core city—Cleveland—and private organizations. This leadership can and should result in cohesive, long-term, and well-thought-out economic development strategies.

Who Came Together To Focus On These Issues? Why?

Initiated by the Cleveland Bar Association, a group of non-partisan organizations, concerned that the two large challenges before Cuyahoga County – financing local government and schools as well as economic development – were persistent issues for our community, joined

together to think about how governments in our county cooperate to enhance county-wide development. The initial primary concern of the group was to find a structure that allows Cuyahoga County to:

- (1) Develop strategies for coordinated economic development activities and programs that eliminate wasteful internal competition;
- (2) Address the financing problems facing our cities and school districts; and
- (3) Speak with a unified voice with Team NEO, the 36 foundations that have joined together to advance economic development, and the other area institutions, businesses, and prospective businesses, and other governments within and surrounding Cuyahoga County.

The groups that formed a coalition to learn from the experiences of other regions was led by the Cleveland Bar Association and included the League of Women Voters-Cuyahoga Regional Area, the Greater Cleveland Roundtable, The Maxine Goodman Levin College of Urban Affairs and the Cleveland-Marshall College of Law of Cleveland State University, the Bliss Institute of the University of Akron, and the John Glenn Institute of Ohio State University. The Citizens League withdrew from this group when its leadership decided to advocate for a specific reform in advance of further public discussions and an investigation of the work of other regions.

What Did This Group Do? What Did It Learn?

The group not only conducted its own research and fact-finding, but also held three public sessions with community leaders from several different regions and conducted interviews with elected and community leaders from Greater Cleveland.

This group learned that there are indeed adaptations in county governance that can be pursued that not only empower communities and minorities and advance economic development and public finance solutions but do so without eliminating the local character of city government. There are revenue sharing programs that can be implemented. Economic development authorities with financial resources to reduce the burden of redevelopment costs for individuals can be created without eliminating local control and responsibility for individual projects and activities. Governments can have a single voice for economic development that insures the interests of neighborhoods are not ignored.

The group also learned that neighborhoods and communities can be included in the processes to develop new governance structures. Processes of constructive inclusion need to be at the forefront of any program designed to explore new structures. The group also learned that there is a very direct need to identify the “why” and “what” to be accomplished before there is a specific proposal for a form of governance. The activities or goals that are of paramount concern must drive any proposal for a new form of government.

The group is also very optimistic that the concerns of minority communities can be addressed without any conflict with the goals of improving how local government is financed and economic development advanced. There is no need to assume control over any single

government's assets, but there is a strong need to insure that these assets can be sustained for the economic development of the entire region. We learned that the issues of political representation of the minority communities in any reform is as real a concern as whether the end-game of economic development and jobs will fairly be designed to improve the opportunities for the minority population. Any reform proposal must both address these concerns and provide some solution. It is also likely that, as in other areas that have implemented government reform, specific economic benefits may not necessarily flow directly to the minority community. That set of results may not necessarily be a reason to avoid reform, but it should be considered as a possible outcome that could be acceptable if the larger benefits to the community as a whole are achieved.

At the end of the day, there is no substitute for good county leadership. With good leadership, a more effective, 21st Century structure of government can lead to more effective governance for our county.

What Do We Mean by Cuyahoga County Government Reform?

The urban areas that have successfully implemented county government reform have focused on economic development, transportation planning, water and sewer services, revenue sharing and educational finance.

We need to understand that the topic of "regional cooperation" is a separate and distinct topic from County Government Reform. "Regional cooperation" is an additional tool to improve our economic development policy and achievements beyond reforming county government. "Regional cooperation" focuses on several aspects:

- Cuyahoga County government working together with all the suburbs and City of Cleveland governments toward common action on economic development and related strategies to be competitive as a county.
- Cuyahoga County government leading, on behalf of all its constituent suburbs, and the core City of Cleveland, collaboration with surrounding counties in Northeast Ohio so we are strong competitors with other regions for economic development opportunities.

We are not examining any idea of consolidating multiple counties into a single regional government because, again, there is no environment or political possibility or necessity that warrants consideration such a reform.

II. CLEVELAND BAR ASSOCIATION/LEAGUE OF WOMEN VOTERS-CUYAHOGA REGIONAL AREA PUBLIC EDUCATION & STUDY PROJECT

A. This project was initiated by the Cleveland Bar Association in September 2003 out of heightened concern about the fiscal and economic development crisis in our city, county, and region.

Encouraged by the Managing Partners Forum of Cleveland's 14 largest law firms, the Cleveland Bar Association reached out to the other Project Collaborators to explore ways the community could effectively deal with these crises.

The Cleveland Bar Association then initiated this project to organize and lead a high visibility, non-partisan public dialogue and education process and to study and report to community regarding:

1. Cuyahoga County Government Reform (Phase I)
2. Regional Cooperation (Phase II)

B. Project Collaborators

The Cleveland Bar Association joined with the League of Women Voters-Cuyahoga Region Area, Citizens League of Greater Cleveland, Greater Cleveland Roundtable, Levin College of Urban Studies and Cleveland-Marshall College of Law at Cleveland State University, Bliss Institute at University of Akron, and Glenn Institute at Ohio State University to complete a public education process and a study on the subject of Cuyahoga County government reform by May 2004 (Phase I). The group joined with the City Club of Cleveland to produce and hold three public forums on the subject of County Government Reform. The Citizens League withdrew in February 2004 when it commenced advocacy in support of a specific Cuyahoga County government reform charter amendment ballot issue.

These organizations were chosen because they are non-partisan, public interest-oriented organizations, with credibility in the community and strong interest in the subject matter. The group was not intended to be more than several collaborative organizations to convene and conduct a public dialogue and study. The intent of the public dialogue and study process would be to reach out and involve a significant number of "stakeholders". The stakeholders group was intended to be diverse and broad-based to try to elicit and engage a broad spectrum of the community in the public dialogue, public education, and study process. Given the time limitations of the project (i.e., a five-month period for the public education, discussion, and completion of the study), it was felt that the most feasible way of engaging the broad-based and diverse stakeholders would be to meet with them separately, rather than to try to convene that group of approximately 60 individuals/organizations on a regular meeting schedule.

C. Public Forums

Forums were held on three issues regarding county government reform for Cuyahoga County as follows:

1. Representation (February 25, 2004)

This program examined the issues of representation under different forms of countywide governance from city-county consolidation to replacing county commissioners with a professional county executive and a council elected from districts.

A major focus of this program was whether minority representation be preserved or enhanced under a council district format for county government?

The presenters for this program were: Richard Engstrom, Research Professor of Political Science and Endowed Professor of African Studies at the University of New Orleans; Rozelle Boyd, President, Indianapolis/Marion City-County Council; and Cazzell Smith, Summit County Council Representative. The Moderator for this forum was Danny Williams, President and CEO, Greater Cleveland Roundtable.

2. Accountability Forum (March 24, 2004)

Any changes to the structure of county government should include as a objective enhancing the accountability of the public sector to citizens. What does government accountability mean? As part of this forum, participants discussed the history of county government in Cuyahoga County, as well as the impediments to voters' evaluating the performance of their county officials.

The presenters for this program were: Peter Harkness, Editor of *Governing Magazine*; Peter Lawson Jones, President, Cuyahoga County Board of Commissioners; and Kathleen Barber, Professor Emerita, John Carroll University, and Chair of the Committee on County Government Reform 1995-1996. The Moderator for this forum was Steven Kaufman, President of the Cleveland Bar Association.

3. Alternative Models Forum (April 28, 2004)

This program examined how other regions deal with the issues of economic development and how the efficient delivery of urban services has organized county government and cooperative efforts.

The presenters for this forum were: Steve Goldsmith, Chairman of the Corporation for National and Community Service, and former Mayor, Indianapolis; Joan Riehm, Deputy Mayor of Greater Louisville; and James McCarthy, Summit County Executive. The Moderator of this forum was Mark Rosentraub, Dean of the Maxine Goodman Levin College of Urban Affairs.

D. Project Planning Committee

Representatives of each of the collaborating organizations served as members of the Project Planning Committee. The Planning Committee organized the project activities, which included the "Forums", the "research", the "Stakeholder Meetings", and the development of the "Report". The Planning Committee consisted of the following:

1. Cleveland Bar Association: Steven S. Kaufman, President
2. Citizens League: Michael Thomas, Executive Director
3. League of Women Voters-Cuyahoga Regional Area: Mary Lou Jones, President, and Roslyn Talerico, Vice President
4. Roundtable: Danny Williams, Executive Director

5. Levin College: Mark Rosentraub, Dean
6. Cleveland-Marshall College of Law: Alan Weinstein, Director, Law & Public Policy Program
7. Bliss Institute: Stephen Brooks, Associate Director
8. Glenn Institute: Deborah Merritt, Executive Director

Each organization had additional individuals participating in staff and supportive roles.

E. Role of the Community Stakeholders in the Process

In December, the Planning Committee decided that its goal was to conclude this project by the spring of 2004, culminating in a Report and Recommendations to the Community.

Key “Stakeholder Meetings” were planned in order to obtain and consider the widest, most diverse, set of community viewpoints, criticisms, concerns and ideas. The Planning Committee concluded that getting these views “onto the table” of the dialogue and study was most effectively accomplished by individually interviewing some 60 community leaders for their input, rather than calling periodic meetings for such a large group. Thus, the “Study Committee” effectively included the “Stakeholders,” selected to be diverse in every respect, including women, members of the various minority communities, public officials, political leaders, business leaders, civic leaders, clergy, educators, and philanthropic leaders.

F. The Report

The non-partisan Planning Committee is committed to conducting an objective study that evaluates the need for and appropriate options for county government reform. The Planning Committee concluded that no specific initiatives or plan of action would be endorsed in the Report by any of collaborating organizations. Rather, each organization retained its right, after the issuance of the report, to endorse, oppose, or take no position on any actual government reform initiative.

G. Funding

No public funds were used for this project. The Cleveland Bar Association, the League of Women Voters-Cuyahoga Regional Area, and the City Club all provided in-kind contributions of staff to support this effort. The Gund and Cleveland Foundations each granted funds to the City Club to defray the travel and honorarium expenses of the City Club Forums.

H. Phase II Study on Regional Cooperation

To expand the work of the County Government Reform Initiative, the group plans to conduct a public education and information gathering effort on the subject of regional cooperation as Phase II. The Initiative intends to plan another series of Forums, with the Cleveland City Club (similar to the “Confronting the Crisis: Should County Government be Reformed?” series) that will highlight and elevate the level of discussion on the important topic of regional cooperation.

SECTION 2: A SURVEY OF COUNTY GOVERNMENT REFORM AND REGIONAL MODELS IN OTHER METROPOLITAN AREAS

“How you structure yourself really matters. Matching a structure that works best for the community or region is a worthwhile exercise. You can work around poor structure. There are plenty of places that do that and still prosper, but good structure sure makes it easier.”

-Peter Harkness, Confronting the Crisis: Should County Government Be Reformed? Forum II: Accountability, March 24, 2004.

I. A SURVEY

A number of counties and their core cities across the country have struggled with a spectrum of political and economic difficulties, many resembling those of Cuyahoga County, and have restructured themselves variously, according to local realities and broad models, as permitted by the constitutions and laws of their individual states. From a survey of these various models, it is possible to make some general observations that bear upon the conclusions of this report.

Certain conditions seem to have prevailed before each of these counties (or regions) changed its course, specifically: a *climate of emergency* (e.g., pervasive economic decline, uncontrolled growth); a sense of existing *governmental powerlessness* to deal with it (lack of authority and jurisdiction, fractious leadership); and a *precipitating spark* (emergence of a popular leader, scandal, a symbolic calamity). In addition, these conditions were nearly always preceded by or coupled with cooperative state legislative action which made the change possible. In cases where a public referendum was required, there was a careful building of citizen support and a highly visible and coherent campaign to overcome the typical combination of inertia, misunderstanding, and resistance by those with a stake in the status quo. (In the absence of such a campaign, these factors combined, to defeat nearly 80% of those proposals that made it to the ballot.) There have been few attempts since the heyday of regional thinking that occurred between 1955 and 1980. The counties or metropolitan areas surveyed here shared the buildup but surmounted the hurdles, yielding some valuable tips for those who might consider following in their paths, especially in the areas of 1) Accountability, 2) Representation, 3) Effectiveness of Leadership, 4) Efficiency and 5) Economic Development. First, the general models and the urban-suburban pioneers that exemplify them:

II. RANGE OF EXAMPLES

A. MODEL 1: ADOPTION OF A COUNTY HOME RULE CHARTER.

All home rule charters differ on the particulars, depending on local realities and state enabling statutes. The degree of and limitations on home rule autonomies are likewise limited by those two factors. Here we discuss two examples of charter governments: Allegheny County, PA and Summit County, OH. These two rather limited charters leave incorporated municipalities intact, give the county jurisdiction over unincorporated areas, and authorize the county to enter into voluntary contractual agreements combining functions where there is

agreement. This vehicle for limited autonomy is called a “simple” charter, whereas a “strong” charter more nearly approximates a metropolitan government, requires multiple majorities, and does encroach upon municipal sovereignty.

1. PITTSBURGH/ALLEGHENY COUNTY, PA (1998). Rapid decline in manufacturing, population, and tax base, plus a 1997 state law simplifying and speeding up (but circumscribing) the previous charter procedures set in 1968, led to the Allegheny charter. Required to adopt the Executive-Council form and to retain the 13 independently elected “Row Officers,” they also obtained a separation and balance of executive and legislative powers and the flexibilities of ordinance, citizen rights of initiative and referendum, and regular charter review. They have encouraged a number of initiatives and centralized several functions such as tax structure, planning, police emergency measures, waste hauling and printing. They have also opened the entire built-up county to available redevelopment funding. There is currently a move to increase the charter’s powers, as the original version complied with a complex state law, which resulted in a freeze on property tax yields to 1997 levels. This has brought the city to fiscal bankruptcy and the county to budget imbalance. Current city and county leaders are collaborating to get legislative permission for more comprehensive change.

2. AKRON/SUMMIT COUNTY, OH (1979). Loss of much of the rubber industry, citizen dissatisfaction with political infighting and mismanagement, brand new state statutes permitting initiative charters, and a vigorous civic campaign led to the adoption of the “simple” Summit County charter. After several amendments, they now have a County Executive, an 11-member Council (eight by districts and three at large), and the combination and/or appointment of several of the independently elected “row offices.” To date, there have been some efforts to foster economic development in the area but no measures are yet in place to foster inter-municipal cooperative programs. Improvements seem to be in the area of improved organization and operations. Initial compromises made in order to render charter reform palatable still seem to leave a few accountability problems.

B. MODEL 2: PARTIAL OR FULL CITY/COUNTY CONSOLIDATIONS.

Of the three different examples, in this survey, only one could be classed a complete consolidation. Just as all charters differ, consolidations vary even more widely according to local realities and legislative supports. A close look at these models reveals that the situations surrounding their formations bear little resemblance to the current situations in Cleveland and Cuyahoga County.

1. INDIANAPOLIS/MARION COUNTY, IN (1969). The idea for a consolidated form of government began with a need to expand the property tax base to support bonds needed for redevelopment efforts. The value of property within the boundaries of the old city of Indianapolis could not sustain the amount of money needed. The result was a consolidation of economic development functions into a county-wide government with other urban services delivered at the township level. Some smaller existing cities were also allowed to continue to operate. The ability to implement this partial consolidation resulted from: 1) the political and workplace advantages of being the Indiana state capitol, and 2) the political harmony created upon the election of a popular,

dynamic young mayor (Richard Lugar) of the same political party which dominated Marion County and both branches of state government. This fortuitous combination produced a state-directed partial merger plan, UNIGOV, which was enacted without a public referendum. Public schools, much suburban autonomy, eight independent “row offices” and even the vestigial three County Commissioners remain outside the consolidation. There are still 61 taxing districts and the minority leverage once significant in the “old city” has diminished. UNIGOV, however, has been extremely successful at centralizing most planning and economic development functions and has placed Indianapolis in a much stronger economic position. In 2002 the Democratic Party became the majority; an African-American now serves as President of the council.

2. LOUISVILLE/JEFFERSON COUNTY, KY (2001). Fifteen years before this consolidation, Louisville, Jefferson County, and 83 municipalities had already begun sharing important functions, such as their tax base, school districts, planning, sewer, water, libraries, and transit. A former, but very popular, Mayor of Louisville was able, after a decade of poor economic conditions, to work with a former county official and the region’s business community to galvanize support for the creation of a county-wide governing council that has the ability to expand responsibilities. Most countywide past and present leaders are behind this plan, which still retains all suburban governments, six independent “row officers,” and three vestigial County Commissioners, while instituting a strong mayor and large metro council by districts. They claim many successes so far, although reorganization is still incomplete. Concerns have been raised about lessened minority representation since consolidation.

3. NASHVILLE/DAVIDSON COUNTY, TN (1962). This consolidation is the first all-encompassing merger in the country. It followed a state constitutional amendment and a legislative enabling statute enabling such mergers before it gained the several majorities required for adoption. The city, the original six suburbs, and four utility districts dissolved into a “One Level” single government for the entire metropolitan area. Until then they had been plagued with inter-municipal strife, hostile annexations, fee-impositions by cash-strapped Nashville, exodus of industry and people, and erosion of the urban tax base. They boast improvements across the board, although admit they might keep their eyes so fully on the “big picture” that they could be overlooking local concerns such as the condition of streets and sidewalks. Jacksonville/Duval County, FL and Charlotte/Mecklenburg, NC are also notable examples of city county consolidation.

C. MODEL 3: ALTERNATIVE LIMITED REGIONAL STRUCTURES.

There also is no single pattern for this group of metropolitan areas, which range from arrangements between one county and its county seat to altered relationships between two cities and several surrounding counties. But all three are formal government structures with regional functions and powers.

1. MIAMI/DADE COUNTY, FL (1957). This example features a unique “two-tier” system, where the lower tier allows for a large degree of independent control

of many services by 30 local municipalities. The upper tier, "Metro Dade," has a legislative body by districts and an elected strong Mayor -- a supra-structure which augments those of the incorporated municipalities and governs the unincorporated areas. The Florida constitution had just been amended in 1956 to permit metropolitan charters, which enabled Miami to take this innovative approach. The main problems, which spurred the effort, were those created by ineffective municipal tools available to manage rampant, uncontrolled growth. There has been no change in comparative wealth between wealthy suburban and poor central city residents, either before or after the massive immigration of Hispanic and Haitian minorities.

2. MINNEAPOLIS/ST. PAUL, MN (1967). This example involves two neighboring cities and the seven-county metropolitan area known as the Twin Cities which began as a voluntary cooperative body created as a forum for key officials to research problems and discuss issues. That body, known as the Metropolitan Council of Governments (COG), was created by the Minnesota legislature and consists of a 16-member Council entirely appointed and serving at the pleasure of the Governor. It has gained in authority, powers and taxing ability over the years, and it plays a commendable role channeling economic and social vitality and "smart growth" land use policy. Some residents complain that it suffers from lack of a citizen mandate and from taxation without representation. The Minneapolis/St. Paul area has implemented a revenue-sharing program that distributes revenue from growth to all cities.

3. PORTLAND, OR (1978). Metro, Portland's regional governing body, was created by referendum when voters agreed to merge two existing organizations: the Metropolitan Services District (MSD) that had extensive authority to provide regional services to a three-county region and the Columbia Regional Association of Governments (CRAG) that had a state mandate to draw and enforce urban growth boundaries. Over the years, Metro has assumed additional responsibilities including providing regional solid-waste disposal, issuing bonds to build and operate the convention center, and managing the region's cultural entities and parks. In 1992, voters approved a home rule charter for Metro, freeing it from state oversight and making regional land use planning its main function. It has the authority to levy property, sales, and income taxes and to issue general obligation bonds with voter approval.

D. MODEL 4: GOVERNANCE STRATEGIES UNDER ANY SYSTEM.

The literature on "regionalism," however that term is defined, illustrates that a range of possible strategies have been used to address "governance" concerns, only some of which have been accompanied by the reform of governmental structures. The feasibility of these strategies, and their legality under Ohio law, are open questions, not answered here, but it is likely that a few of them could be employed without having to seek special legislative action. Owing to the current county/state political realities, it would be necessary for officials of the current system to investigate their applicability, unless the county was to adopt a form of limited home rule. Strategies unearthed in this study fall into a few general categories:

1. VOLUNTARY MERGING OF SOME SERVICES. All Ohio counties are empowered to enter into "agreements" with other counties and municipalities to achieve a broad range of public objectives; however, these "agreements" are rarely, if ever, used.

In addition, the single Ohio county that is empowered by a charter to contract with willing charter municipalities for countywide services - Summit County - to date has not attempted to do so. Recent information indicates they are currently working on emergency police radio systems, as part of a Homeland Security readiness effort. However, it is extremely feasible for municipalities to join together voluntarily to provide services less expensively and more efficiently. For example, within Cuyahoga County, Maple Heights led the creation of an 11-community buying collaborative for rock salt and several Hillcrest communities are discussing a shared community center. Northeast Ohio also has multiple examples of municipalities buying into multi-county entities that provide services. The Regional Income Tax Agency (RITA) collects income tax for 107 municipalities; the Northeast Ohio Public Energy Council (NOPEC) offers bulk buying power of electricity and gas to residents of 112 communities across eight counties.

2. COORDINATING AGENCIES. Such bodies take many different forms but, generally, are created and appointed partly by the county commissioners or councils. They usually provide only one or a few regional services and have restricted coordination authority. Some have a governing structure composed of a board of mayors and other locally elected officials and were created in response to federal requirements that mandate that each metropolitan region identify a Metropolitan Planning Organization (MPO) to decide how federal funds are allocated. Cuyahoga examples would be the Northeast Ohio Regional Sewer District, the Rapid Transit Authority, and the Northeast Ohio Area Coordinating Agency (NOACA). Portland, Oregon's Metropolitan Services District, began as a multipurpose body that evolved into a unique three-county service provider and eventually adopted a home rule charter to free itself from dependence on the state legislature. Seattle's initially similar service district remained a one-county multipurpose district but eventually re-integrated with the county government via public referendum.

3. TAX REVENUE BASE SHARING. Such strategies distribute to municipalities the proceeds of a pool of locally raised revenue contributed by participating governments, either from set-asides from local tax revenues or from assessments based upon some predetermined formula based on ability to pay. This approach can create a more rational regional approach to development because each jurisdiction is not competing for the same revenue sources. Location incentives are minimized. Minneapolis/St. Paul started the first tax-sharing plan in the country, which required the state legislature to pass a Fiscal Disparities Act. In this seven-county region, 40 percent of a municipality's growth in commercial and industrial real estate valuation goes into a pool shared by all municipalities. The proceeds are distributed on a need-based formula.

In 1992, Montgomery County, Ohio also implemented a tax-sharing policy that pools a portion of future growth in exchange for revenues from a common fund. Twenty-nine of its local governments, including Dayton, chose to join. Projects supported are those with greatest area-wide economic impact and cooperative inter-jurisdictional projects. Two municipal mergers have been approved since the program's inception, and some credit the program with being a modest step in the direction of regional governance. Similarly, Allegheny County, Pennsylvania has a tax-base sharing plan that takes an

additional 0.5% sales tax (now yielding over \$60 million annually), gives the county 50% and distributes 50% to participating municipalities based on fiscal need.

Another version of tax-base sharing are Cultural Asset Districts designed to help pay for cultural assets generally located in the central city but used by everyone. Denver has the Scientific and Cultural Facilities District, which supports the zoo, museums, performing arts, and other arts organizations with one-tenth of the 1% county sales tax. Allegheny County has the Allegheny County Regional Asset District to help finance the region's cultural/civic institutions; zoo, aviary, libraries, parks, and stadiums are funded through a 0.5% added sales tax. Cuyahoga County and Cleveland's Gateway Redevelopment Corporation also falls within this model.

4. **ECONOMIC REINVESTMENT FUND OR REDEVELOPMENT AUTHORITY.** Many cities and counties across the United States have development commissions or authorities that coordinate and support both community and economic development projects. While housing has been a frequent focus, several have also incorporated economic development and engaged in far-reaching programs. Funding for these organizations varies and includes federal and private grants, community development block grants, income earned on asset management, contracts for services, tax increment financing, municipal allocations, donations, mortgage revenue bonds and other bonds. In those states with legislation allowing for the creation of development authorities, these entities also have the ability to issue bonds themselves. Others rely upon the city or the county to issue bonds on their behalf. Los Angeles' Community Development Commission was founded in 1982 by the L.A. County Board of Supervisors, which acts as the agency's commissioners. It incorporates the Housing Authority so its core function is to administer public housing and housing assistance programs. In addition, it administers community development block grants (CDBG), various economic development and redevelopment projects, and construction assistance. It is a large agency with an annual budget in 1999-2000 of \$417.6 million. The Commission has played a role in financing several downtown projects including Staples' Center, home to the Los Angeles Lakers, Los Angeles Clippers and the Los Angeles Kings. Some counties have been able to accomplish similar redevelopment efforts without the creation of a separate authority because they have been able to integrate such functions into their executive departments (Indianapolis and Louisville mentioned here). In its 2004 budget, Cuyahoga County has adopted a portion of its 1% development allotment for this purpose. It has also just taken advantage of new state enabling legislation to establish a Convention Facilities Authority, thus organizing itself to deal with at least one aspect of economic development.

5. **COUNCIL OF GOVERNMENTS.** This model is a multipurpose regional body that provides a forum for multi-county cooperation and coordination. The Metropolitan Washington Council of Governments includes the District of Columbia and 15 cities and counties in Virginia and Maryland. It is financed by membership fees, contracts and grants. Participation is voluntary and it has no taxing or regulatory power. Its strength lies in its planning capacity and knowledge base. It serves as a clearinghouse for grants and has been a resource for cooperative purchasing. The North Central Texas Council of Governments (NCTCOG) is a voluntary association across 16 counties in

North Central Texas including Dallas and Fort Worth. It was established to assist local governments in planning, cooperating for mutual benefit, and coordinating regional development. NCTCOG enables local governments to work in concert on issues and problems that originate outside their boundaries or which extend over many separate jurisdictions. It is a political subdivision of the State of Texas, but has no regulatory power.

III. EFFECT OF CHANGES ON KEY ISSUES

To summarize this report of government reform and restructuring activity around the country, certain generalizations can be drawn from the examples studied. Proponents and critics of the various governments surveyed would probably agree on the following:

A. ACCOUNTABILITY. Each restructured government intended to improve accountability within its structure when it reformed itself. And yet a number of them, by virtue of the compromises they made in order to secure voter or legislative approval, still contain highly fragmented lines of accountability. All created a strong Executive office, having appointment and veto power over many administrative departments. Nearly all created elective legislative councils to represent their several constituencies. Only Nashville, however, unified county government under one administrative head. All variations of independently elected row officers, independent boards and authorities, numerous local governments, and special unelected taxing districts remain, rendering the integrating intent murky. However, it appears that in each of these counties, except for the Twin Cities area, voters can pinpoint who is in charge better than they can within the current structure of Ohio counties. In addition, these metropolitan area citizens have gained recourse through the rights of amendment, initiative, referendum and regular charter review.

B. REPRESENTATION. As noted, each of these models features a city/county or metropolitan council or commission, by whatever name, from 11 (Akron/Summit) up to 40 (Nashville/Davidson) members, the majority elected by district. In each instance, previous Commissioners and “row officers” had been elected at large and therefore rarely represented a cross section of the citizenry. (Those diverse municipalities within the area did, of course, have governments which reflected their dominant ethnic or sociological cultures.) Allegheny and Summit Counties have increased minority representation (via County Council districts) in their county structure, while leaving untouched the local influence of their cities’ power structures. Some of the partially consolidated models cited here, as well as the County Charter models (in Miami/Dade, for example), have kept their original cities and power structures by improving the regional voice of minorities without diminishing their local base. However, the consolidations which have replaced city governments with merged county or regional structures (Jacksonville/Duval and Louisville/Jefferson) show some dissatisfaction with the diminished role of center city residents in general and racial minorities in particular. This can even be seen in the altered balance of the two major political parties in metropolitan areas, where the suburban voters tend to support a different political party than that supported by urban voters—a pattern observed country-wide. However, in the beefed-up county models here, the newly chartered governments all have resulted in more seats at the county table for previously voiceless county population groups-- be they ideologically, racially, or economically underrepresented.

C. EFFECTIVENESS OF LEADERSHIP. In general, the founders of each of these models created governments with administrative and executive power vested in one “Strong Mayor,” usually but not always with a different title, who represents the whole area wherever he or she goes. Metropolitan county executives have a mandate to speak for all and claim to have more influence with neighboring areas and in state parlance than do their weaker three-headed predecessors. Founders also created an enlarged and representative legislative body of councilors with the sole task of working out policies for the county to pursue. Formerly, all these duties were shared by a lesser number of leaders operating under uniform limitations. Although it is true that strong leaders can and do sometimes emerge from the certain restrictive structures (this report mentions two such men, in Indianapolis and Louisville) to make things happen, within the prescribed limits, under any system, it is also true that without innovative leadership, new governmental tools and powers may not amount to much. (Akron/Summit and Pittsburgh/Allegheny have yet to find a strong regional footing.) All that framers can do is to provide the best vehicles that local conditions will accept, and then leave it to the voters and the political dynamic to provide the good drivers.

D. EFFICIENCY. All of these models had as one of their main purposes the intent to combine duplicated and overlapping services and administrative functions in a way so as to lower their cost to taxpayers. The statistics for claimed savings are complicated -- all the consolidated counties claim lower costs (Louisville/Jefferson) as well as more even distribution of services throughout the area -- but these numbers are hard to calculate. Also, as these reports suggest, improved service delivery has led to more demand for those services from the outlying edge-suburbs, which once went unserved. Generalizations show that significant efficiencies can rarely be demonstrated, in the long run. Yet, several of the governments surveyed report that no new taxes were required to run their upgraded systems.

E. ECONOMIC DEVELOPMENT. Three of these county models had to deal with uncontrolled growth issues, while the remainder sensed a crisis in their abilities to support and attract more economic growth to their regions. These have, as reported, charged their restructured city-county departments to focus on this increased emphasis. In Ohio, the luring and taxing of new enterprises and the retaining of the already existing “ratable” ones (as is the planning and zoning for them) is reserved to the municipalities, and as a result, the localities in unconsolidated areas commonly try to edge each other out of the bidding. Cuyahoga County has been able to play little role in this. Some consolidated city-counties have indeed grown or attracted new businesses as a result of their mergers, but the most creative efforts on that front in unconsolidated metropolises have been those which lessen the internecine rivalries by means of tax-base sharing, reported above.

SECTION 3: THE STRUCTURE OF COUNTY GOVERNMENT IN OHIO

“The greatest detriment to economic development is the State of Ohio. And unless we change how we do business and unless we give local communities the ability to do the things that they (the other speakers) are talking about, you’re not going to make any substantive change.”

-James McCarthy, Confronting the Crisis: Should County Government Be Reformed? Forum III: Alternative Models, April 28, 2004.

I. CURRENT STRUCTURE OF CUYAHOGA COUNTY GOVERNMENT

Cuyahoga County, created by an act of the Ohio General Assembly in 1810, now serves a population of over 1.3 million, with a county government that administers an annual budget of \$1.2 billion. The County’s governmental structure follows the “general statutory form of county government” provided under the Ohio Revised Code. In this form, county voters elect three County Commissioners plus eight “row offices”: Auditor, Clerk of Courts, Coroner, Engineer, Prosecutor, Recorder, Sheriff & Treasurer. The three County Commissioners are elected for staggered terms of four years each. The eight “row offices” are also each elected to four-year terms. The County Commissioners serve in a capacity that combines executive with administrative functions; however, the commissioners have appointed a County Administrator who supervises those aspects of the county’s day-to-day affairs that are not under the supervision of the “row offices.”

Cuyahoga County performs a variety of governmental functions. It collects taxes, conducts elections, administers justice, builds and maintains infrastructure, keeps records, provides health and human services, and sets up agencies and boards to administer to the needs of County residents. These functions are carried out either through the various administrative departments of the County directly under the supervision of the County Administrator and Commissioners, such as the Human Resources Department, or through the eight “row offices.” For example, the Sheriff, not the Administrator and Commissioners, is responsible for the county jail system and for policing the County’s two townships. Similarly, the road and bridge system of the County is administered through the Engineer’s Office; the records of deeds, mortgages, leases, and other documents are maintained through the Recorder’s Office; the Coroner’s Office determines the cause of death for persons who die in a suspicious or unusual manner; and the Office of the Prosecutor handles all criminal and civil cases assigned to it.

The primary executive responsibility of the County Commissioners is budgetary: they have the ultimate authority on the purse strings of their own office and the other eight elected offices. The County Commissioners create and adopt a budget for all county functions, with input from a Budget Commission and the County Administrator, and input, but not authority, from each of the “row offices.” The Treasurer collects the funds owed to the County -- derived basically from real estate taxes, assessments, some portions of income and personal property taxes -- and then distributes those funds in accordance with the budget adopted by the Commissioners, and at the order of the County Auditor, to the various County offices, as well as to municipalities, townships, and school districts as provided by law.

The Court system is unique, however, because its budget requests must be honored by the Commissioners unless the Commissioners can establish that the requests are unreasonable and unnecessary. This is a result of Ohio Supreme Court rulings that the County Court system has the inherent power to regulate its finances.⁵

Cuyahoga County government also has many boards, authorities and commissions, some of which are administered under the aegis of the Board of County Commissioners, while others are independent. Some have the power to tax, while others do not.

II. OTHER COUNTY GOVERNMENT STRUCTURES ALLOWED UNDER OHIO LAW

In addition to the general statutory form of county government currently used in Cuyahoga County, Ohio law allows for two other structures for county government. Article X of the Ohio Constitution allows counties to adopt either a county home rule charter or the statutory “alternative” form of county government.

A. HOME RULE CHARTER

A county considering adoption of a home rule charter must first decide if it wants to adopt a “strong” charter or a “simple” charter. The distinction between the two is the relationship between county and municipal authority after the charter’s adoption. A “strong” charter provides for the exclusive exercise of municipal powers by the county, while a “simple” charter only alters the structure of county government or, at most, allows for the concurrent exercise of municipal powers by both the county and the municipalities within the county. If a “strong” charter is proposed in Cuyahoga County, it can be adopted only if it is approved by three separate voting majorities: the county as a whole, the City of Cleveland and the remainder of the county outside the City of Cleveland. If a “simple” charter is proposed, all that is required is approval by a majority of the voters in the entire county.

A home rule charter must specify the structure of government for the county, determine which county officers are to be elected and the manner of election, and provide for the exercise of all powers and duties required of counties and county officers by law. A home rule county is free to divide the duties of any existing county office or combine them with another, make any office appointive rather than elected, or do away with the office entirely. A home rule county may also create a county council with up to 11 members and determine whether elections to the council will be county-wide, by district or some combination of the two.

Article X, Section 4 of the Ohio Constitution permits the legislative authority of a county by two-thirds vote, or 8% of the electors of a county by petition, to submit the question of forming a charter commission to the voters. If a charter commission is formed by affirmative vote of the majority of a county’s electors, then 15 electors will be elected to serve on the commission, provided that no more than seven commission members may reside in the same municipality and no more than four commission members may be public officeholders. The charter commission must then frame a charter, which, upon a majority vote of its members, will

⁵ See, e.g., State ex rel. Weaver v. Lake County Commissioners, 62 Ohio St.3d 204 (1991).

submit the proposed charter to the county's voters. The proposed charter must then be adopted as provided by Article X, Section 3. If two or more charters are submitted and receive the requisite majorities, then the charter receiving the highest affirmative vote will be adopted. If a proposed charter is rejected by the voters, the charter commission may resubmit the proposed charter one more time to the county's voters, either in its original form or in a revised form. Instead of the above process, a petition signed by 10% of the voters of a county will require the submission of a proposed charter directly to the voters.

To date, only Summit County has adopted a home-rule charter. That charter is the "simple" form and provides for an elected county executive and an 11-member county council, with three members elected at-large and eight elected from districts. The Summit County charter has also been amended to merge the office of Recorder with that of Auditor and to replace the elected county Coroner with an appointed Medical Examiner.

B. ALTERNATIVE FORM

Under the Ohio Revised Code, the voters in a county may also choose an "alternative" form of county government, which allows for the election of a board of county commissioners either at large or by districts and must include either an elected or appointed county executive. The alternative form of county government does not, however, confer municipal home rule powers on the county and does not eliminate the eight "row offices."

If all commissioners are elected at large, the board consists of three, five, seven, or nine members, according to the option selected in the alternative form adopted. Where any of the commissioners are elected by districts, the board consists of an odd number of commissioners, but no fewer than three or more than 21. If the alternative form with districts is adopted, the Ohio Revised Code specifies how the county is to be divided into districts; however, if there are seven or more commissioners no more than half may be elected at large. The alternative form can be put on the ballot either by a two-thirds vote of the board of county commissioners or by petition signed by 3% of those voting in the preceding gubernatorial election.

III. EVALUATION OF CURRENT COUNTY STRUCTURE VERSUS OTHER FORMS

A. ACCOUNTABILITY

In the general statutory form of county government, with three commissioners, authority and responsibility is diffused. The three County Commissioners share the executive function for the county with eight independently-elected county officers, each of whom have significant areas of responsibility in county government. Any obligation to report, explain or justify actions may seem opaque, both to citizens and other parts of county government. A structure with a single executive responsible for the entire operation of the county pinpoints authority.

Accountability in Cuyahoga County is also spread among 43 Boards & Commissions, more than 30 of which are substantially independent from the County Commissioners. Twenty-one of these have policy-making powers, such as the Board of Revisions, but are not accountable to the Commissioners, despite the fact that the Commissioners may appoint one or more

members. Another 10 are “ex-officio” Boards or Commissions, whose members serve by virtue of their offices and/or positions. Some viewers regard the board and commission arrangement as an additional form of checks and balances. Some like the fact that professionals with special expertise can be brought into decision-making about county services.

The two other forms of county government may be only partially successful in addressing the diffused accountability question. They are unlikely to reduce the proliferation of boards and commissions significantly, since some are established by state statute and others are required as part of federal funding arrangements. In addition, the “alternative” form of county government does not allow for the abolition of any of the eight “row offices” without the consent of the current office-holder, a rather unlikely prospect.

Finally, the combination of the commissioner form of governance plus multiple independent county officers, and a large number of essentially autonomous boards and commissions, can inhibit the formulation of coordinated policy for the county. Because power is diffused so broadly, the County Commissioners must continually seek to create consensus among a potentially large number of officials and Boards in order to act effectively in a policy-making legislative capacity.

The electoral system for the County Commissioners, which features county-wide selection of all Commissioners and staggered election terms, also affects accountability. It is true that county-wide elections make each Commissioner accountable to the entire electorate. However, the county-wide selection process, when contrasted to a system that features some district-based elections, can also have a potential negative effect if voters see Commissioners as “representing no one because they represent everyone.” Staggered terms also have both pluses and minuses: they enhance stability and continuity, but the whole Board is never accountable at the ballot box at one time for its decisions.

The fact that the additional eight elected county positions are elected rather than appointed does, theoretically, increase the accountability of those officials. Some of these positions become “high profile,” while others are more technical in nature and with somewhat invisible activities. In the absence of media attention, it rare for citizens to understand or care enough about the offices to demand accountability.

B. REPRESENTATION

The County’s current electoral system for the County Commissioners features county-wide selection of all Commissioners and staggered election terms. While county-wide elections allow each Commissioner to represent the entire electorate, those represented may perceive the Commissioners as “representing no one because they represent everyone.” This is true also for the eight elected “row offices.” In addition, the staggered election terms makes it impossible for the voters to express either satisfaction or dissatisfaction with the entire Board in any one election.

The at-large nature of electing all county officers negatively affects representation in two ways. First, if there is a dominant political party county-wide, there is little opportunity for

representation of the minority political party. Second, at-large elections can affect the opportunities for minorities to win county offices.

The two other permissible forms of county government in Ohio each allow for the possibility of some district-based elections and an elected County Executive. An elected County Executive allows voters to judge the effectiveness of the entire executive “branch” at each election. District-based elections may provide citizens with a stronger sense that their interests are receiving attention.

C. EFFECTIVENESS OF LEADERSHIP

In Cuyahoga County, management of county operations is entrusted primarily to three co-equal elected officials, with eight other elected “row” officials having significant areas of responsibility. Even when highly effective people are elected, this governance system can limit opportunities for strong, forthright leadership to implement highly creative solutions to wide-ranging issues because of the need to forge consensus among so many essentially independent officials. The fractionalized assignment of functions and complex lines of accountability also make efforts to maintain centralized control over the County’s day-to-day workings more difficult.

The combination of elected commissioners, multiple elected independent county officers, and essentially autonomous appointed boards and commissions also leads to a vacuum in policy formulation for the county. While the two other forms allow for a legislative body that would be charged with setting the public policy agenda for county government, it still would be necessary to streamline and channel the authority of existing boards and commissions to establish stronger accountability.

The two forms of county government that establish a primary leadership position accompanied by clear and complementary lines of authority for all other elected officials can address the operational issues noted above. That said, the independent “row” offices remain in the alternative form, so management remains fractured in that form, and neither form addresses the ongoing need to reach consensus in policy-making. The need for consensus is merely transferred from the commissioners and “row” officials to the county “legislature.”

D. EFFICIENCY

The ability to perform government functions with a minimum expenditure of time, effort, and money should be a goal for Cuyahoga County. The diffusion of authority discussed in the previous sections limits the degree of efficiency that can be achieved under the current form of county government. Alternate governance forms offer the opportunity to consolidate similar functions and to streamline decision processes.

Cuyahoga County enjoys significant efficiency advantages over many other metropolitan areas due to the implementation of regional control of some basic infrastructure systems (i.e., sewerage and public transportation) throughout the metropolitan area. Outside of this arena, however, when efficiencies are achieved in county government, they tend to be of relatively limited scope, such as the recent consolidation of the functions of the Division of Sanitary

Engineering with the Cuyahoga County Engineer or the adoption of “one-stop shopping” procedures by several of the independent “row offices” to improve the public’s access to services. As compared to other counties, however, more can be done to centralize purchasing and contracting, to improve integration of information systems and support, and enter into cooperative service agreements with other governmental entities in the county.

E. ECONOMIC DEVELOPMENT

The State of Ohio has not mandated that counties play a role in economic development, yet the sheer size and scope of Cuyahoga County’s government places it squarely on such a mission. Although the technical capacity exists in the county’s existing regional infrastructure entities to undergird an overall development policy, the current governance arrangement makes it cumbersome to create and implement a county-wide economic development strategy.

Other county officers as well as the boards and commissions can command or direct only a “piece of the pie” and often have difficulty inserting themselves into the fragmented process at the most appropriate points.

The inability to approach opportunities for economic development with a single decision-maker often results in either lost opportunities or fierce inter-jurisdictional competition for new and existing businesses.

The two forms of governance appear to provide counties with a greater ability to play a central role or to be a catalyst for cooperation that promotes local and regional economic growth and stability, and to make and implement centralized decisions regarding land use, sprawl reduction, and targeted development. That said, it is possible to achieve these goals without fundamentally altering the current form of government in Cuyahoga County through the creation of a new “economic development authority” that could coordinate efforts by all governments in the county.

IV. OPTIONS AVAILABLE TO CUYAHOGA COUNTY

The main options noted below are mutually exclusive; however, several of the governance strategies noted previously in this report could be accomplished under one or more of the types of county governments listed here.

A. RETAIN STATUS QUO

Cuyahoga County would retain the current “general statutory form” of county government described previously in this Section while seeking to implement non-structural governance strategies to improve efficiency and performance. It is unclear how much change could be mustered, given the limited authority granted under the current three-commissioner form, but certainly strong leadership or some new state statutes could result in creative problem-solving. In addition, authorities, boards and commissions could be created as tools for entering into county-wide or regionally shared functions, such as a coordinated economic development strategy.

B. ADOPT THE “STATUTORY ALTERNATIVE FORM” OF COUNTY GOVERNMENT.

The Ohio Revised Code allows for various alternative forms of county structure, all of which include a legislative Board of County Commissioners of three to 21 members with an elective or appointive County Executive, as described above. The eight independently elected “row” officials would be retained unless current office-holders agreed to the abolition of their office. The alternative form would create a true county legislature and separate the legislative and executive functions by empowering the position of an elected or appointed County Executive to supervise administrative departments. These changes would allow for some checks and balances and provide increased representation if some county commissioners were elected from districts rather than at-large. A Statutory Alternative Form of government would still have to conform to ORC authority, however. The suggested initiatives would also be permissible here, and could be assisted by the fact that the County would become a “municipal corporation” explicitly authorized by the ORC (§§302.21 & .22) to contract for municipal services with municipalities that choose to enter such a contract.

C. “HOME RULE CHARTER” GOVERNMENT.

A home rule charter would allow the County voters to adopt the structure for county government they think best. A charter can provide a county with any power not prohibited by the Ohio Constitution or laws, including the autonomy to engage in regional initiatives or to initiate a city/county consolidation. A charter would establish Cuyahoga County as a municipal corporation, capable of contracting with interested municipalities for services.

A charter could be customized in any number of ways. Two general types of charters exist: a “strong” charter, or a “simple” charter. A strong charter government has the potential to become a “metro-government”, with the authority to take over municipal services, should its council or voters so choose. To adopt a strong charter, voters must give it a triple majority, described earlier. A simple charter government, on the other hand, has no authority to impose municipal services on unwilling municipalities, but may initiate and contract for voluntary participation by the willing. Adoption of a simple charter (such as the Summit County charter or the Citizens League proposal) requires only a county-wide majority.

D. CITY-COUNTY CONSOLIDATION.

This is an option in theory only. Because it either erases municipal boundaries to create one county-wide government, or stops just short of that by creating a “two-tier” county governance structure, as discussed in Section 2 of this report, this option has been relatively rare in the U.S., and non-existent in a highly-urbanized county such as Cuyahoga. Further, despite the “consolidation,” some functions such a police, fire and school districts may be left unconsolidated. The clearest benefits are improved ability to plan for economic development and a sudden leap in city population ranking: a “consolidated” Cuyahoga County would become again the sixth largest “city” in the U.S., whereas today, Cleveland ranks number 33. This option would be possible only if there were new state enabling legislation or a constitutional amendment, neither of which is likely to happen in Ohio.

SECTION 4: HISTORY OF PAST ATTEMPTS AT RESTRUCTURING CUYAHOGA COUNTY GOVERNMENT

“We had many plans because we had many votes and we were at it for four decades. We tried a citizens group. . . but because there weren’t enough civic and business leaders involved, that didn’t go anywhere. The business leaders tried twice to come forward with a plan, but because there weren’t enough grass roots people involved, that didn’t go anywhere. And so finally, in 1998, what we did was we got all of the elected officials in the county together, 56 of them, and said you come up with a plan.”

-Joan Riehm, Confronting the Crisis: Should County Government Be Reformed? Forum III: Alternative Models, April 28, 2004.

For close to one hundred years, efforts have been made at both the county and state levels to restructure Cuyahoga County government. The following provides an outline of those attempts.

1917 to 1933: [State of Ohio] Following a 16-year effort to get county home rule into the constitution, the General Assembly refused in 1929, 1930 and 1931 to put constitutional amendments on the ballot. But citizens and groups were finally successful in getting home rule on the statewide ballot in 1933. The constitutional amendment was adopted by voters, but in included restrictive, four-majority vote requirements: 1) votes in the county as a whole; 2) voters in the largest city; 3) voters in the county outside the largest city; and 4) majorities in over half of the county’s cities, villages and townships.

1934: [Cuyahoga Co.] The first 15-member Cuyahoga County Charter Commission was elected and a charter proposed, to be voted on in 1935, providing for a county manager, a county council elected by proportional representation, a reorganized department structure and civil service. The vote was 52.9% in favor, but only the county as a whole and the City of Cleveland approved. It failed in the county outside Cleveland and passed in only 12 of the county’s 60 municipalities and townships.

1936: [State of Ohio] The Ohio Supreme invalidated that 1935 Cuyahoga County Charter, ruling that all four majorities were required, based on the rationale that the charter gave the county procedural if not substantive functions of municipalities. In 2004 terminology, that meant that this first charter would be qualified as a “strong” charter, authorized to take over municipal functions.

1949: [Cuyahoga Co.] The second elected Cuyahoga County Charter Commission proposed a “strong” charter providing for an elected county administrator with power to appoint most department heads, a nine-member legislative council, abolition of several elective offices and transfer of sewers, water works, health and welfare activities to the county and, by referendum, local transit. The proposed charter was defeated in November, 1950, with none of the required majorities.

1952: [Cuyahoga Co.] As a result of new permissive state legislation, Cuyahoga County Commissioners created the position of Administrator. The Administrator is appointed by the Board and can act only at the direction of the Board. Although the Administrator acts as an executive officer, the existence of the position do not alter the fact that there is no distinction between policy execution and policy making in the county's government.

1955: [Cuyahoga Co.] A Metropolitan Services Commission was formed of governmental, civic, political and business leaders. This commission conducted a massive study of metropolitan services and administration, involving more than 500 citizens in studies and resulting in more than 30 reports. Its principal conclusion was that Greater Cleveland seriously needed a form of metropolitan government, but that another layer of government was not needed, since the county already met the jurisdictional requirement for a metropolitan government and, in time, could acquire *taxing authority*.

1957: [State of Ohio] An amendment to the Ohio Constitution by initiative petition eliminated the fourth requirement for vote on a county charter, for counties of more than 500,000 inhabitants.

1959: [Cuyahoga Co.] The third Cuyahoga County Charter Commission, elected by a 65% majority, drafted a "strong" charter proposal which provided for an elected executive, a 19-member council, a metropolitan government with exclusive powers concerning area-wide services, gradual termination of many county offices and the commissioners, and many other changes. Opposed by mayors and others, the issue failed to win any of the required three majorities.

1961: [State of Ohio] The General Assembly enacted a provision for an "Alternative Form" of county government by petition of 10% of votes in the previous gubernatorial election.

1967: [State of Ohio] General Assembly enacted a change in that "Alternative Form" law, allowing proposals for alternative forms to be placed on the ballot either by the county commissioners or by only 3% of the voters in the previous gubernatorial election.

1969 and 1970: [Cuyahoga County] Ballot issues were proposed both years for an "Alternative Form" of county government that provided for an elected county executive, a seven-member legislative body, tighter budgetary control and clearer definition between administration and policy marking. Both proposals received less than 50% of the vote.

1977: [State of Ohio] A bill was proposed in the Ohio Senate mandating that all counties with a population in excess of 200,000 have an elected executive --legislative form of county government. It was not passed by the General Assembly.

1978: [State of Ohio] The Ohio Constitution was amended to permit an initiated county charter. Triple majorities would still be required to pass a "strong" charter, but not to pass a "simple" charter, defined as one not authorized to take over municipal functions with the municipalities' consent.

1979: [Summit Co.] Summit County approved the first "simple" county home rule charter in Ohio.

1980: [Cuyahoga Co.] Cuyahoga County voters defeated an initiated county charter calling for a county executive with veto power, a nine-member county assembly elected from districts, retention of eight independently elected officials, initiative and referendum, decennial redistricting and a Charter Review Commission.

1995: [Cuyahoga Co.] A Citizens' Committee for County Government Reform was appointed by the commissioners to examine what the county does and how it does it and to make recommendations for change. A proposal for a home rule charter was presented to the commissioners to be placed on the ballot. For accountability, it provided an elected executive; for representation and equity, a seven-member council with two members elected at-large and five from districts; and for increased efficiency and cost-effective delivery of services, the conversion of seven elected officials to appointed administrators. The commissioners took no action on the proposal, nor was there an initiative attempt to put in onto the ballot.

SECTION 5: RECOMMENDATIONS

“Metropolitan reform tends to focus on the whole notion that we’re one in this all together. You know, things that happen in air pollution, water pollution, traffic congestion, many things may have implications for people throughout a metropolitan area. But there are a lot of things that still you find diverse preferences throughout the area, and I think going back to the electoral system you have to make sure that diversity gets represented and has voice in decision-making processes.”

-Richard Engstrom, Confronting the Crisis: Should County Government Be Reformed? Forum I: Representation, February 25, 2004.

What Do We Recommend?

1. **Our Community Should Work Toward a Unified Resolve and Common Ground On Any Reforms in County Government and Regional Government Cooperation.**

We began our study with the intention of examining different forms of government and how they may be applied to improve economic development/jobs creation the future of Cuyahoga County. However, it soon became apparent that another obstacle had to be overcome before we could even consider governmental reform and any action to make change.

While we knew divisions existed in our community, we grew to better understand the seriousness of these divisions and the paralyzing effect they play on our ability to find a way to compete in a global world. This is why the community process that we propose should be viewed with as much importance as the goal of economic development and jobs creation strategy that we recommend.

Based upon the stakeholder interviews, we believe that there is a common view that our community faces serious problems with our local economic base and economic development climate. There is strong sentiment for some sort of change in the way government acts and functions in addressing these problems. The work of the Cuyahoga County Mayors and Managers Association, Team NEO, the Foundations’ Fund for the Future, and others are leading some of these discussions. Some clearly see the value of different types of county government reform. What is clear is that there is a need for meaningful, serious, and organized community dialogue to determine what the common ground is for these changes. There is a constituency for the discussion of what changes should be made.

The 1996 Report of the Citizens Committee for County Government Reform, *A Blueprint for the Future*, invited by the then current county commissioners, unanimously recommended a charter change. The need for change has become more acute over the ensuing eight years.

Our study has identified a range of structural changes available under Ohio law, as well as used in other areas of the country. Some of those merit a community-based stakeholder

discussion about opportunities for more effective county government leadership for jobs and economic development creation.

These options for county government reform should be examined in the context of exploring and reaching agreement on the larger economic development goals. We should then determine if the reform concepts meet the requirements of this community's needs and whether such reforms can be broadly supported and embraced by our key community stakeholders.

2. A Community Process Should Precede Any Reform Plan Initiative and Should Proceed Now.

We should first agree that our common objective is increasing economic development, and jobs creation opportunities for the benefit of the entire county and its various political subdivisions. By agreeing on goals and objectives, we can more effectively address a wider range of common issues. There needs to be a “community charge” for government reform that requires that we “do business” in a new way by seeking further common ground on the shape of such reform, with all key stakeholders at the table. Such a community process can ultimately allow us to examine what government reform plan meets the 21st-Century needs of the community.

This community process should:

- (1) Recognize the differences within our community, yet seek to create a sense of “us” as a community with common interests.
- (2) Focus on all of the issues surrounding how we can build common ground, direction, and new collaboration toward economic development and jobs creation for the entire county, including the core city of Cleveland.
- (3) At the very outset, be inclusive of the leadership of the ethnic and cultural communities, all income levels, and all of the other diverse interest groups within the community.
- (4) Include representative elected leadership at all levels of government.
- (5) Build an environment for an honest and frank exchange in order to reach common ground on racial, political, and wealth issues **before** any “Plan” for government reorganization is proposed for submission to the voters.
- (6) Start now and be completed in the next 10 months.

A reform petition like the one now being circulated, absent such a process, could prove too costly to the community through creation of further distrust, division, and a sense of exclusion and invalidation of key parts of the community.

3. A Community Process Should Be Commenced Immediately to Arrive at a Plan for Regional Cooperation Within Cuyahoga County and County Government Reform.

A. A “Community Partnership Process” should be convened by “initial conveners.”

(1) The initial conveners already identified and committed to this process include the Cleveland Bar Association, the League of Women Voters-Cuyahoga Regional Area, the Cleveland Chapter of the NAACP, County Commissioner Peter Lawson Jones, and Garfield Heights Mayor Tom Longo, president of the Cuyahoga County Mayors and Managers Association. Other public officials have been invited and we are awaiting their responses.

(2) These initial conveners should invite other public officials and community-focused organizations to step forward to join as initial conveners of the process.

(3) The objective of this “Community Partnership Process” should be to find common ground approaches for the public sector to advance economic development, create jobs, and enhance revenue for each political subdivision, including the core city of Cleveland, within our county.

B. The initial conveners should obtain funding to retain a team of professional facilitators who have substantial public sector experience to organize and facilitate the process.

C. All stakeholders should be included at the start of process.

(1) An initial process of discussion should determine who the “stakeholders” should be, who should be “at the table”, what the work program/agenda should be, the sort of joint fact-finding that may be required, and the ground rules for the process.

(2) At some point, the process may need to move ahead with key parties who agree to be on board, even if not all parties have agreed to be on board. Sometimes the effort may have to stop while one or more of the stakeholders wait for additional information—this is a case-by-case determination, and the process should be flexible in this regard.

(3) Once the “key stakeholders” group and representatives are identified, the community process should focus on development of a plan for community action to address our economic and fiscal crisis through agreed steps on regional cooperation and county government reform.

APPENDIX

Confronting the Crisis: Should County Government Be Reformed?

A review of the three part speaker series.

I. INTRODUCTION

As the Government Reform Initiative project began to come together, everyone agreed that an important element to this effort was to educate the public about the issues in reforming government structure and to initiate community wide discussion on those topics. There is no better place to host this effort than The City Club of Cleveland. Working with them, the organizers of this project decided to present a three –part special forum series on the topic “Confronting the Crisis: Should County Government Be Reformed?”

The purpose of the series was described as: “[D]esigned to promote public discussions to explore the mechanisms used to manage metropolitan challenges across North America, their benefits, and the lessons that Cuyahoga County might consider for adoption.” The three topics chosen for the series were: 1) Representation, 2) Accountability and 3) Alternative Models.

This part of the report provides a summary overview of the three forums. Decisions on what to include or exclude were made by the author. Those who are interested in hearing the entire forums are encouraged to go the City Club website:
<http://www.cityclub.org/content/speakers/speakerwebcast.aspx>.

II. FORUM ONE: “REPRESENTATION”

The purpose of this program was to “examine the issues of representation under different forms of countywide governance from city-county consolidation to replacing county commissioners with a professional county executive and a council elected from districts. Can minority representation be preserved or enhanced under a council district format for county government?”

The program consisted of the following:

Presenters: Richard Engstrom, Research Professor of Political Science and Endowed
Professor of Africana Studies at the University of New Orleans
Rozelle Boyd, President, Indianapolis/Marion City-County Council
Cazzell Smith, Summit County Council Representative
Moderator: Danny Williams, President and CEO, Greater Cleveland Roundtable

Moderator Williams began the forum by contrasting the benefits of reforming county government with the concerns of how such change would bring about the loss of local control as well as diminish the level of minority representation. He set the stage for the discussion to look at “the potential impact [reform] may have on minority political power.” Professor Engstrom was introduced and invited to provide a national perspective.

Professor Engstrom began by noting that, while it has been shown that there is widespread support for county government reform, that support can diminish as details emerge on specific arrangements. This is why looking at representation is an excellent place to start.

He then provided a review of the representation arrangements in other places like Nashville/Davidson County and Indianapolis/Marion County, among others, which have restructured government. Most of these areas have a mixed system of representatives elected at-large and in single-member districts or wards with governing units dominated by single-member districts.

Next he pointed out how regional or consolidated governing can raise concerns about minority representation, citing the comparison of African-Americans in Cleveland at 51% but only 27.4% in Cuyahoga County. And, if you extend beyond the country, the numbers are even smaller.

This foundation was followed by examining at-large versus single-member district representation. While at-large districts are designed to provide representatives who will take a view for the whole area, they often result in dilution of minority representation. When the dilution is challenged in the courts, it can lead to the elimination of at-large seats. Single-member districts also pose problems, primarily for redistricting. With numerous court rulings, it is difficult to determine how to redistrict.

Considering these problems, Professor Engstrom encouraged the audience to “think outside the box” toward alternative systems that combine at-large and multiple-member districts. “These systems take the emphasis off the lines, off the district lines, and reduce the need to be a majority in order to win any seats.” He brings forward two systems.

One is limited voting where you get fewer votes than the number of seats (Two votes in a three member district, for example). The other is cumulative voting where you may cast more than one vote for a single candidate. These models maintain the one person, one vote rule but are minority friendly. They also have been shown to be simple enough that voters can understand them. He concluded by encouraging any discussion of representation to include these alternatives.

The discussion began by Mr. Williams asking Mr. Smith and Mr. Boyd for their responses to Professor Engstrom. Their responses and ensuing discussion talked about the local experiences each have had. Mr. Smith went first describing how Summit County has one district (his) which is likely to elect a minority. He also said that Summit County had no minority representation until charter government reform. The County Executive and the three at-large council members have never been a minority. He also talked of how Akron still has a very strong mayor and council. City-County relationships are collaborative.

Mr. Boyd related the experiences of Indianapolis. He thought the founders of unigov (city-county consolidation) in Indianapolis (it was mandated by state government) would never have expected that the president of council would someday be an African-American or a Democrat, although this is the case. This has come about in large part due to a shift in the demographics of the region.

Before going to questions from the audience, Mr. Williams asked how these communities have dealt with regional cooperation in the areas of housing, education and employment. Mr.

Smith responded that Summit County had not addressed those issues. He also said the ability to deal with these issues is related to leadership and is not dependent on structure.

Mr. Boyd reminded the audience that consolidation in Indianapolis was not true consolidation because they still have multiple governments and services. Education was such a “hot potato” that no one has tried to work with consolidation in that area.

One of the first questions from the audience was asking why the citizens of Cleveland would give up the assets of the city to a larger government. Professor Engstrom responded with the “hollow prize” argument suggesting that while the city may have a number of assets, it does not have a tax base to be viable while a larger geographic area does.

The next question was whether the condition of the minority community is better after government reform. Mr. Smith responded “Really, the plight of black folks is really not that much better.” He then went on to talk about the power of the County Executive and, if similar changes were made in Cuyahoga County, the best result for the minority community would be to have a minority elected as County Executive. Mr. Boyd suggested that the minority community is better off in Indianapolis since consolidation, but he cannot attribute that directly to consolidation.

The question was then posed about what advice the speakers would give to make sure minority concerns get addressed in the reform process. Mr. Smith responded that these are concerns that can be addressed by any structure of government and you do not need regional government to respond to them. Mr. Boyd suggested that the process of deciding what to do needs to “bring folk along with you.” He then noted that the complexion (racial composition) of the audience in future forums needs to be very different than this one.

When asked how regionalism responds to diversity, Professor Engstrom noted that regionalism often speaks about how “we’re all in this all together.” However, most regions have very diverse preferences and you have to make sure that diversity is represented in decision-making.

III. FORUM TWO: “ACCOUNTABILITY”

Any change to the structure of county government should include as an objective enhancing the accountability of the public sector to citizens. What does government accountability mean? As part of this discussion, the history of county government reform in Cuyahoga County was discussed as well as the impediments to voters in evaluating the performance of their county officials.

The program consisted of the following:

Presenters: Peter Harkness, Editor of *Governing* magazine
Peter Lawson Jones, President, Cuyahoga County Board of Commissioners
Kathleen Barber, Professor Emerita, John Carroll University; Chair, Committee
on County Government

Moderator: Steve Kaufman, President, Cleveland Bar Association; President, Shaker Heights

Board of Education; Partner and Member of Executive Committee,
Thompson Hine LLP

The forum began with Mr. Harkness making some observations about the context for discussing government reform. First, he suggested we need to understand and appreciate the devolution of power and authority from Washington to the states and localities. He suggested that major national policy decisions are being made at the state and local levels.

Second, structure matters. Bad structure can be worked around but good structure makes governing easier. Third, inefficiencies in government are becoming less tolerable. The revenue crisis in state and local areas is not transitory, it is structural. The biggest impediment to efficiency is the fragmentation of government.

At the local level, it is important to think regionally. Not only are many overlapping jurisdictions inefficient, when political responsibility is disbursed, it is hard to determine who is accountable. He then talked specifically about counties, what he called “anachronisms.” Counties have become the “backstops of American government.” They have mainly thankless and costly responsibilities like health care and social services for the most needy.

He then contrasts the rise of reform mayors who have come into national prominence with the lack of such individuals for county government. Even without those individuals, counties need strong leaders—“Bad structure can be overcome by good chemistry, that means good people who can work together.”

The traditional structure of county government of commissioners and multiple elected offices diffuses power and this is not only inefficient, it lacks accountability. In response to this, many counties have gone to a strong single leader. Another, stronger movement is toward city/county consolidations. This takes longer. He suggests that, ironically, as the need for regionalism increases, the “anachronisms” are the likely location for government of the future.

He concludes with a quote from the former mayor of Louisville in support of consolidation, “You can’t be a suburb of nowhere.”

Commissioner Peter Lawson Jones was next to speak. He began by presenting his opinion on the current proposal to change county government. First, he supports the idea of a charter government and moving to appointing instead of electing a number of county offices. He disapproves of other aspects of the plan, especially creating electoral districts and replacing the three commissioners with an elected county executive.

He then addresses accountability in the proposed structure by arguing that the CEO/Council structure in the proposed reform actually defuses power. This spreading of responsibility may even increase the locations for assessment of blame. He then suggests that a new structure may not be more efficient or effective, citing the accomplishments of the current system.

Citing a number of authors who suggest the commissioner form of government may actually serve the country best, he urges caution in making change without solid information for making the change. When looking at regionalism, he argues that the district form of government is actually anti-regional because it encourages representatives to think only of their districts. His conclusion calls for support for a county charter, but to look more carefully at proposed changes. He concludes by stating "It's not the structure, it's the quality of leadership."

Professor Barber began her remarks by outlining her contribution to the discussion, a history of the changes in county government since 1807. She pointed out that Cuyahoga County did pass a home rule charter in 1935 which included a County Manager, a County Council and other reforms. It, however, was thrown out by the Ohio Supreme Court because it did not win a majority outside Cleveland or in a majority of communities in the country. Such legal requirements were eliminated in a 1957 change to the Ohio Constitution.

Since then, attempts to change county government have come about almost one a decade. She then reviewed the main characteristics of the last proposed reform in 1995. They included a Home Rule Charter, a single elected executive, a seven-member County Council with all other offices except the County Prosecutor reporting to the executive. The proposed reforms, however, never made it past a presentation to the County Commissioners.

She concluded her historical review by looking at financial accountability. The diffuse responsibility in the current structure was the biggest problem. It takes two of three Commissioners to make a decision and, with the terms staggered, voters have no ability to call Commissioners to account. In addition, the eight separately elected officials all have their own budgeting and spending styles. Under the 1995 proposals, the diffuse fiscal functions would be centralized under one Financial Officer who would be accountable to the County Executive. This plan would provide accountability not available in the current structure.

Mr. Kaufman began the questioning contrasting the current county structure to our traditional notions of accountability of a legislative and executive branch. Mr. Harkness claimed he was "agnostic" on having an elected or appointed executive but he saw an executive and legislative structure as the most accountable.

Professor Barber also supported the executive/legislative structure noting the success at other levels of government. She finds it difficult for the citizens to hold three people accountable, especially with staggered terms. She also pointed out that it is a structure familiar to citizens so they understand how political leaders are held accountable.

Commissioner Jones responded by pointing out that most of the work of county government is administrative and not legislative, with the budget being nearly the only legislative activity of the current commissioners. Because of this, he sees little value to an executive/ legislative structure. He then spoke of the staggered terms of Commissioners. He sees voters looking at the four-year record of the commissioners and making their assessment of them at each Commissioner's election. He believes the variety in personalities and policy philosophies serves democracy well.

Mr. Kaufman then asked if a single elected executive would provide a more centralized point of leadership, especially in the area of economic development. Mr. Harkness responded by stating that the perception of leadership is most important and in large, diverse cities people want an elected official that they perceive to be in charge. He also wanted to recognize Commissioner Jones's point about state limits on county power. In other states, counties have more autonomy.

Commissioner Jones agreed that he has seen impressive work in communities with a single CEO. However, he sees that as a function of the quality of leadership, not structure. With the right people, the diversity of opinion provided by three commissioners is a superior structure.

Mr. Kaufman's next question was whether elected officials, considering their interest in perpetuating the current system, could fairly assess what should be done? Commissioner Jones responded by noting that, in a single executive structure, he would have a good chance at becoming that executive. He believes that elected officials need to be heard and allow the public to determine whether they have been objective or not. He also reiterated his position in favor of a charter government with appointed officials and consolidated offices. His opposition is to the fragmentation council districts will promote and moving to an elected versus appointed CEO without a demonstration of its benefits.

Mr. Harkness pointed out improvement that came about in Maricopa County Arizona. It did not come from a change in structure, but "the chemistry changed and the county got a whole lot better." He had no suggestions on how to change chemistry.

The first question from the audience wondered if the debate shouldn't be over the functions of county government instead of the structure in light of the limited powers of county government. Mr. Harkness noted that structure is only one part of the question because the real issue is how the region will respond to competition from other regions. He pointed out the many benefits of this region. However, answering the structure questions can move to regional government.

Commissioner Jones described four types of regionalism: 1) Inter-county regionalism, working with adjacent counties, 2) Intra-county regionalism, municipalities in the county working together, 3) Service-specific regionalism, like parks, sewers, transportation, etc. and 4) Metro-government and uni-government. However, he believes that county government reform not related to regionalism and the current proposal may actually be counter to any regionalism.

Professor Barber noted that you don't have to have districts to have a county council. She then suggested that an important role of Cuyahoga County should be to be an effective leader in the region.

The next question was asked about the financial problems of counties and the need to ask the state for more money. Mr. Harkness addressed the disconnect between the amount of money being spent in Washington and the difficulties of state and local governments. A major worry of his is that counties who are the "backstop" for services do not have a voice in the inter-governmental structure.

The final question asked about the link between economic hard times and efforts for reform. All three participants thought it an interesting question but were not sure of a direct link.

IV. FORUM THREE: “ALTERNATIVE MODELS”

This program examined how other regions dealing with the issues of economic development and the efficient delivery of urban services have organized county government and cooperative efforts.

Presenters: Steve Goldsmith, Chairman of the Corporation for National and Community Service, Former Mayor, Indianapolis
Joan Riehm, Deputy Mayor of Greater Louisville
James McCarthy, Summit County Executive

Moderator: Mark Rosentraub, Dean, Maxine Goodman Levin College of Urban Affairs

After introductions, Mr. Goldsmith began the forum describing the challenges he faced when he took over as mayor of Indianapolis. Even though they had consolidated county government, he was seeing resources leave the county to the next ring of suburbs. His challenge was getting cooperation for regional government. He also noted that consolidated government in Indianapolis still had many cities and other governmental units. The main thing that was consolidated was economic development.

He also wanted to clarify what consolidation is not. First, it doesn't necessarily improve services. Some services like water are better delivered regionally. Other services like small parks and streets may not be better just because they are bigger. Second, consolidation or regionalism is not an excuse for massive income redistribution. Third, there is no consolidation or economic development strategy that will overcome inadequate education.

Mr. Goldsmith pointed out where consolidation had the biggest impact was in economic development. In part this was because the mayor has control over a larger land mass and is able to make more rational land use decisions. It also allowed the area to develop a more coherent economic development strategy. For example, he could match economic development with the needs of potential business. He could offer urban or suburban development. This coherent strategy also reduced the competition within the region. The regional approach also made better use of incentives which could be targeted to those areas needing them while allowing those areas not needing incentives to develop on their own.

He concluded his comments with some observations about a new consensus developing over regionalism. With the movement of poverty out to the next ring of communities and agricultural interests not wanting farmland to be consumed irrationally, it becomes in everyone's interest to have regional economic development. Much of this has to do with transforming the poor and struggling from consumers of public resources to contributors to the tax base.

As a Republican he made the case to fellow Republicans to invest in communities that were poor based on two points. First, it is morally wrong to leave people behind with no

opportunity and, second, it was not in anyone's interest to have ever larger circles of hopelessness, crime and despair.

Ms. Riehm also began by describing the consolidated government in Louisville. They still have suburban cities, school districts and other governments. They do not have two major urban governments in one county. She does not see merger as a panacea. It also took them forty-four years and four votes to achieve the change. The motivating force, however, was the need to be economically competitive. Merger for them was "shorthand for unification." They realized they needed to reduce competition within the county on issues like growth and taxes.

Pre-merger, a number of activities had already been consolidated but the main concern still was "they still had two bosses" and "two agendas." Part of the success came because the merger left in place many of the smaller governments including school districts and suburban cities. A second reason for success was the promise not to change taxes or services. They also made no promise to save money.

Now that a merger has taken place, they have found a number of efficiencies largely by taking the best practices from one government or the other. Merger is not necessary to examine these efficiencies but it allows you to stop thinking about political jurisdictions and start thinking about service delivery.

Ms. Riehm concluded by talking about the importance of having one leader and one vision. It is important that a community have a community vision and thinking about what can change the way the community thinks about itself.

Mr. McCarthy introduced himself as the experiment in Ohio. He claimed that the greatest detriment to economic development is the State of Ohio. To accomplish the types of things the other speakers talked about, local governments would need the ability to do more. For a county in Ohio to do economic development municipalities would have to give up their economic development functions. Unlike Cuyahoga County, Summit County has townships so the county can do economic development in those areas. However, for the county to be able to accomplish much, they need the tools to perform.

With that said, he believes that county government does perform better under a charter form of government. Changing government won't solve the problems; that takes a regional approach. Cuyahoga County has some regional infrastructure advantages including a metropolitan sewer district. The next step is to try to control planning and zoning. The best sources for economic development are current companies and that is where economic development should be focused. He concluded by cautioning the audience to make sure they understand what government reform will look like when it is finished.

The first question asked about addressing minority concerns. Mr. Goldsmith described the tension in Indianapolis between downtown and neighborhood development. He tried to include African-American leadership in the economic development strategy with projects like neighborhood job creation.

Ms. Riehm noted that most reform efforts had been opposed by the African-American community. However, in 2000 some leaders saw the change as an economic issue allowing the minority community to be a part of a stronger region. Another advantage was that African-American concerns were rarely raised in county government. With one government, they now have to be addressed. When suburban legislators need votes for their projects, they need to go to the urban legislators for support and vice versa.

Mr. McCarthy responded that, in Ohio, changes in county government structure will not change what is done by county government because that is controlled by the state. Who runs government may change but not what they are able to do.

In response to a question of how to get everyone together to support reform, Ms. Riehm talked of their four decades of trying. When citizen and grassroots groups tried, they didn't have the support of civic and political leaders. When business leaders tried, they didn't have the support of the grass roots. The final one was successful by bringing together all elected officials in the county. Mr. Goldsmith described that he had inherited reform but his suggestion was to not start with structure but to bring people together to determine what needs to be accomplished and then decide what reform might bring that about.

A question was asked about what communities have done about solving the education problem. Mr. Goldsmith made the point that the changes in Indianapolis have assisted economic development in the region. However, they still have many of the problems of education seen in large cities around the country. He emphasized that these problems don't disappear just because you have good economic tools.

Ms. Riehm noted that Louisville has had a unified school district due to court order. However, they still have many of the same problems as other urban school districts. What they have done is increase the dialogue by having the school superintendent come to the mayor's cabinet meetings and meeting with post-secondary educators to discuss workforce development.

Mr. McCarthy talked about a county-wide tax measure proposed jointly by he and the mayor of Akron. It passed in the city and was defeated in the suburbs. As long as people are concerned only about their own schools, no one has the political will to solve the problem. It is a state-wide problem.

A question was then raised about the role of state government in these reforms. Mr. Goldsmith agreed that state government controls what happens through legal authority. He found that getting cities together to influence the legislature was more important than consolidating the city and county. Ms. Riehm agreed, describing how a merged government could speak with one voice to the legislature. In addition, the Mayor in Louisville was able to bring together community leaders to lobby the legislature with the same message.

The next question asked about why poverty has spread from the cities to the outer ring suburbs. Mr. Goldsmith speculated on a couple of reasons. First, the gentrification of the center city diluted poverty there and more wealth people moved further out leaving the first ring for those with less money and less mobility. The second was that middle class African-Americans moved out of the city to the second ring of suburbs.

A question was raised on the benefit of eliminating the election of county officials. Mr. McCarthy talked about the administrative logic of combining a number of offices and the need to eliminate some of the outdated requirements for officials like county engineer.

The final question was how consolidation responded to the disparity in quality of services provided in various municipalities. Ms. Riehm reiterated that Louisville did not change taxes or services and outlined the different tax and service structures for the City of Louisville, suburban cities and the unincorporated areas. With efficiencies of scale they have been able to expand some services, especially to the unincorporated areas without changing taxes. Mr. Goldsmith talked of the record during his term which included four tax reductions and a billion and a half dollars for infrastructure investment disproportionately invested in the most neglected communities. That may not come from consolidation but, more important, it comes from leadership paying attention to the details.