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NACo CONFERENCE Wednesday, September 15, 1976

#### THE WHITE HOUSE

#### WASHINGTON

August 12, 1976

MEMORANDUM FOR JAMES M. CANNON

FROM: T. NORMAN HURD

SUBJECT: Draft of Preliminary Outline for Boston Speech

Attached is a rough, preliminary outline of your speech before the County Officers in Boston, September 15, 1976. As soon as you can give us your comments, I will prepare either a revised outline or a first draft of the text.

I have also sent a copy of the outline to Art Quern for his comments.

Norm

#### THE FEDERAL GOVERNMENT'S RELATIONSHIPS

#### WITH STATE AND LOCAL GOVERNMENT (ESPECIALLY COUNTIES)

<u>Theme</u>: Together, we can and must do a better job of serving the American people.

#### Major Points\*

- 1. This is a good time -- on the basis of more than 200 years of experience in State and local government -- to assess our strengths and weaknesses and develop a better system of providing for the American people those services which they cannot better provide for themselves.
- 2. We must find a way -- critically but constructively -to ask ourselves:
  - A. What services should government be providing for its people?
  - B. What unit(s) should be responsible for administering each of them?
  - C. In what manner should the costs of such services be financed?

\*In developing these, valuable sentences and even paragraphs may be used from the speech draft "Federalism: 1776-1976" which was prepared for the Vice President by Sandra Osbourn of the Library of Congress, November 25, 1975. Copies of the most useful pages, 19-23 and 28 are attached.

- 3. We must then promote new confidence and credibility in government by moving boldly to make the necessary changes to equip us for our third century -- to meet our needs and to use all of our resources wisely.
- 4. We should recognize that the Federal government cannot and should not attempt to do what the States and/or counties and/or cities can do better for themselves; nor should the Federal government <u>prevent</u> them from doing their jobs; in fact, it should provide a climate in which the States and localities can most effectively do their jobs.
- 5. The Federal government must continue to function -- and ever more effectively -- within the powers granted to it by the people of the States under the Constitution in the domestic sphere -- not as a central government but as a part of a system in which it serves as a guarantor of individual rights and freedoms and permits State and local government to fulfill the basic responsibilities placed upon them.
- 6. We must recognize the amazing diversity in size, population, problems, needs and resources of our States, counties cities and other units of local government and the fact that we cannot enjoy national economic health while any region suffers economic ills.

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- 7. We must recognize that even with a healthy economy to under gird our efforts, potential financial resources are limited and that efficiency and economy in the use of them is an absolute necessity.
- 8. We need much greater capacity to know and understand your needs currently -- and promptly -- so that Federal action -- when it is necessary to help you solve your problems -- can be prompt and effective.
- 9. We must give particular attention to specific needs such as those of:
  - A. Our older cities which have suffered from major economic disruption.
  - B. Our counties, many of which have assumed increasing responsibilities for providing services without appropriate resources with which to fund them.
  - C. Our local governmental structure which many of you are finding is not adequate for the twentieth century.
- 10. I am convinced that with the capacity and resourcefulness that you and others like you have -- and with the degree of freedom with responsibility which we have -- the challenge before us can be successfully met.

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#### Specific Areas Requiring Further Joint Study

- How can local borrowing practices be improved? (full disclosure?, appropriate standards? and so forth)
- 2. What functions and resources can be returned by the Federal government to the States and/or counties and/or cities?
- 3. How can the Federal government stimulate greater equity in State and local tax systems?
- 4. How can cost controls be developed for Federal, State and local government?
- 5. How can employee pensions and other benefits be brought under control and be more soundly financed?
- 6. How can employee productivity be improved?
- 7. What type of effective, "stand by" counter cyclical aid can be made available?

#### Specific Recommendations for Action

- Federal takeover of welfare. (proposed by Vice President but not by President)
- 2. Extension and improvement of revenue sharing.
- 3. Completion of the block grant program.
- 4. Gearing of all Federal aids to State and local needs.
- 5. Decomplexification of rules and regulations.
- Recognition of fundamental importance of preserving the country's economic base.
- 7. Permitting cities to protect themselves against declining fiscal health - and thus strengthen State and local government.
- Providing a monitoring capability for State and local government with a composite Federal-State-local government projected budget as one of its objectives.

Noncentralization and territorial democracy are both made operationally effective by the intergovernmental and public-private partnership that has developed within the framework of the Constitution. This partnership involves all levels of government in virtually every activity of government in such a way as to give them an irrevocable share of the decision-making and executing process. This sharing of functions involves a whole complex of arrangements designed to recognize and accomodate national local interests.

In too many instances, these arrangements were worked out in the haste of day to day decision-making, frequently in a crisis atmosphere. No attempt was made to sort out functions so that a particular level of government would assume clear responsibility for a particular function.

Government in recent decades has truly tried to be responsive to the needs of the people. As a result of the desire to be responsive, we now have all three levels of government involved in all areas. The Congress and the executive branch are now involved in every one of our State programs. Congress passes legislation setting objectives. The executive branch then interprets those objectives with administrative regulations. State administrators add more rules and regulations, and local governments add still more.

The result today, and I hate to say this, is that it is hard to find any level of government effectively responsible for the administration of any program. None of them controls the regulations themselves, or the sources of money. The result is that each level blames the other level for its inability to deliver. And public confidence in government -- and in the federal system -- is undermined.

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The ideas of federalism and the federal system are difficult to define with certainty, but most of us have some concept of what these ideas mean. We base these ideas on our own experience and our own reading of the basic documents of federalism.

To me, the federal idea is far more than a mechanical or technical or abstract formula for government operations. The day to day operations of the federal system, and the working relationships of the governments within the system are more aptly described by the term "intergovernmental relations." Federalism implies far more than this. While intergovernmental relations is a highly visible aspect of federalism, it is neither the primary characteristic of federalism nor a matter exclusive to federal systems. Even in a unitary system of government, or in any political system involving more than one unit, the tasks of government must be divided between or among general and local authorities, thereby incorporating some degree of what may be termed intergovernmental relations.

My ideal of federalism refers more broadly to a concept of government by which a soverign people, for their greater progress and protection, yield a portion of their sovereignty to a political system that has more than one center of sovereign power, energy, and creativity. No one of these levels has the power to destroy another. The federal idea, then, is above all an idea of a shared sovereignty at all times responsive to the needs and will of the people in whom the sovereignty ultimately resides.

Our federal idea is complex and subtle. It involves a balance of strengths. It puts into play a sharing of powers not only among different levels of government but -- on each level -- a separation of powers between the legislative, executive, and judicial branches of government.

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And it clearly signifies more than mere governmental structure. It demands faith in -- and an environment for -- the free play of individual initiative, private enterprise, social institutions, political organizations, and voluntary associations -- all operating within a framework of laws and principles affirming the dignity and freedom of man.

A federal system, then, seeks stability without rigidity, security without inertia. It encourages innovation and inventiveness -- governed by principle, and guided by purpose. It assures responsiveness more thoughtful than mere reflex -- and liberty that does not lapse toward anarchy. In short, it seeks to hold the delicately precarious balance between freedom and order upon which depend decisively the liberty, peace, and prosperity of the individual.

A more meaningful and full "definition" of the fedeal idea may be offered in the form of what I believe are four of the critical ways in which the federal concept operates.

First: The federal idea fosters diversity within unity. In this land that reaches from ocean to ocean, the great social, economic and political problems vary profoundly as they may appear, for example, before the people of Wyoming, the people of Louisiana, or the people of Massachusetts. In meeting many of these problems, a sweeping generalized edict from the national government might well be futile or self-defeating. Therefore, to maintain our federal concept, the national government must always be careful in its partnership with the States. It must be sure that it works with the States in ways that encourage the States more effectively to resolve their own problems in their own way. Second: The federal idea permits and encourages creativity, imagination, and innovation in meeting the needs of people. Those needs, if not met by individual or private action, can be met at the local, the State, or the National level of government.

By providing several sources of political strength and creativity, a federal system invites inventive leadership -- on all levels -- to work toward genuine solutions to the problems of a diverse and complex society. These problems -- whether they concern civil rights or urban development, industrialization or automation, natural resources or transportation -- never arise at the same instant and in the same way throughout a great Nation. A federal system allows these problems to be met at the time and in the area where they first arise. If local solutions are not forthcoming, it is still possible to bring to bear the influence, the power, and the leadership of either the State or the National government.

Third: The federal idea is a pluralistic idea. It gives scope to many energies, many beliefs, many initiatives, and enlists them for the welfare of the people. In encourages diversity of thought, of culture, and of beliefs. It gives unparalleled opportunity for the development of private institutions -- social, political, and economic.

Whereas a tightly centralized government tends, by its disproportinate weight and power, to stifle diversity and creativity in both the public and private sectors, a federal system provides room for both infinite variety and creativity in all sectors of national life. This is equally true for political organizations, philanthropic associations, social institutions, or economic enterprises.

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Fourth: The federal idea is characterized by a balance which prevents excesses and invites the full, free play of innovation and initiative. This balance is essentially achieved by: the division of powers between the national and State governments, the separation of legislative, executive, and judicial authority, the absence of monolithic national parties, the permissive encouragement given to local muncipal governments to achieve a measure of home rule either in fact or in law, the competitive action of commercial enterprise, and -- above all -- the freedom of individual initiative, rooted in a basic and unwavering belief in the dignity of the human person.

In its practical workings and ultimate implications, the federal idea deeply involves the whole political, cultural, social, and economic enviroment of the Nation, just as it reflects a great part of our history as a nation. And while this idea implies limits and checks against excessive power, its living purpose and intent are <u>creative</u> and <u>affirmative</u>. It is not a theoretical device to narrow or constrict political action. It is a way to amplify it.

The federal idea is not an excuse for keeping necessary things from being done. It is almost the exact opposite -- a flexible and imaginative device to open not one but many avenues of political action for economic and social progress.

The essential supremacy of the people through their exercise of political power is, above all, vital to the life of the federal idea. So close to the people, so interwoven with their deepest beliefs and their daily lives,

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This kind of forthright behavior is especially needed now because of government financial circumstances. First local government ran out of money. Then State government ran out of money. And, if you will forgive me, the United States has now run out of money. We're all in the same boat. Not only have we run out of money, but we have not been successful in delivering on programs.

What we have to do now is to get back to the hard realities of what we can deliver and how we can deliver it. We have to ask ourselves "Are the concepts on which we're operating in many of these areas sound, or, as I think is the case, do we need to rethink our concepts in order to achieve our goals in the light of today's conditions?"

I think that we need, as a Nation, to undertake a stem to stern review of our federal system in order to determine which functions should be performed by which level of government, which functions should be performed by private interests working in cooperation with government, and which functions should be left to the individual to provide. I have always felt that the American people are ready to accept initiatives, regardless of their form, if the solution really goes to the heart of the problem. People aren't too concerned whether it is a government or a quasi-governmental effort or a private effort, so long as it works. But such a review should keep in mind at all times the health of the federal system, and the impact of any new initiatives on the federal system.

The studies and conferences on federalism that I mentioned earlier have also brought to light a number of issues that we need to consider in an assessment of the future of federalism. Robert Merriam, Chairman of

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## FEDERALISM AND COUNTY GOVERNMENT

This Bicentennial year is an appropriate time to review our Federal system of government and the role of county governments within that system. This is no small task; as the demands of society have increased, county jurisdictions have assumed more important functions and have become key centers of governmental powers, authority and responsibility.

## A. THE FEDERAL CONCEPT OF SHARED SOVEREIGNTY

The increased importance of counties is in keeping with our Federal system which is structured around the concept of <u>shared</u> sovereignty and <u>shared</u> power which at all times must be responsive to the needs and will of the people. This system dictates that the task of government resides in State, county, and local units, unless otherwise clearly delegated to the Federal government. In theory, this concept places responsibility for meeting a human need at the level where the most effective service may be provided for that particular need, depending upon political and financial realities. Moreover, this system was designed to solve problems when and where they first arise. If local solutions are not forthcoming, then intervention by the Federal government is still possible, but only as a last resort.

IN PRACTICE, HOWEVER, DURING THE PAST 40 YEARS, THE FLOW OF SOVEREIGNTY, OF POWER, OF PROGRAMS AND OF POLICIES HAS BEEN HEAVILY AND CONSTANTLY TOWARD THE FEDERAL GOVERNMENT. THIS FEDERAL BIAS IS REFLECTED IN CATEGORICAL PROGRAMS AND TARGETED FINANCIAL AID, IN THE FORMS WE ALL FILL OUT AND THE RULES AND REGULATIONS WE FOLLOW.

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# B. <u>REASSESSMENT OF THE ROLES OF DIFFERENTS LEVELS</u> <u>OF GOVERNMENT</u>

The American people's patience with this bias has worn thin. Citizens are fed up with Federal concentration of authority, the immensity of the bureaucracy, the huge morass of red tape, and the insensitive and overlapping regulatory system. Their criticism has prompted a review of the respective responsibilities of Federal, state and local jurisdictions. Today, many serious students of government are reassessing who does what, at which level, and how various responsibilities can be planned, financed, and administered most efficiently.

The reassessment has resulted in several developments. Among the most important of these are:

1. Authority and responsibility are gradually being restored to State and Local government. General revenue sharing, together with current and proposed block grants, indicate the trend toward increased flexibility and decision-making authority at the local level.

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2. <u>The recognition of financial constraints has</u> <u>HIGH-LIGHTED THE NECESSITY OF SPREADING FINANCIAL BURDENS</u> <u>AMONG JURISDICTIONS</u>. 1975 MAY APPROPRIATELY BE TERMED THE YEAR OF THE BUDGET. WHEN CONFRONTED BY LIMITED FINANCIAL RESOURCES, ALL LEVELS OF GOVERNMENT BECAME INCREASINGLY AWARE OF THE NEED FOR FINANCIAL STRINGENCY, THE RECENT TREND TOWARD BUDGETARY RESTRAINT HAS REQUIRED A MORE EQUITABLE DISTRIBUTION OF THE FINANCIAL BURDEN AMONG JURISDICTIONS.

3. JURISDICTIONAL BOUNDARIES ARE BEING REEXAMINED. JURISDICTIONS ARE DISCOVERING THE ADVANTAGES OF (A) REDUCING OVERLAPPING BOUNDARIES TO PROMOTE EFFECTIVE DECISION-MAKING, (B) CONSOLIDATING DISTRICTS TO DELIVER BETTER SERVICE, AND (C) RESTRUCTURING BORDERS TO MEET SPECIFIC NEEDS, SUCH AS LAND USE PLANNING.

4. <u>Taxpaying voters are being given more opportunity</u> <u>TO CHOOSE BETWEEN TAX HIKES AND SPENDING LIMITATIONS</u>. Because of the requirement of balanced budgets, spending interests are increasingly forced to argue their case before the public at large. Decisions by referendum have increased public awareness of the hard fiscal choices that are dictated by limited resources.

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5. <u>The problems of suburbanization and out-</u> <u>MIGRATION ARE BEING RECOGNIZED</u>. Shifts of population and economic activity impact heavily on the regions involved, particularly in the case of movement from older Northeastern metropolitan areas to the "Sun-Belt." On the local level, transitions from the urban core to suburbs have obligated governmental units to consider New and more equitable means of sharing tax bases.

# C. IMPACT ON COUNTIES

THESE DEVELOPMENTS ALLOW COUNTIES TO PRESENT AN INCREASINGLY ATTRACTIVE ECONOMIC AND POLITICAL BASE FOR LOCAL GOVERNMENT SERVICES. AS A RESULT, MORE OPERATIONAL RESPONSIBILITY AND FINANCIAL BURDENS WILL FALL TO COUNTY OR AREA-WIDE METROPOLITAN GOVERNMENTS. LET ME MENTION SOME SPECIFIC AREAS IN WHICH COUNTIES WILL PLAY AN EXPANDING ROLE.

## 1. Welfare

No permanent and automatic policy has ever been devised to give money to the poor. Counties have assumed an increased responsibility for the care of the needy and should be commended for their achievements in this area. This responsibility will continue until we have a national concensus on what can and should be done about this complex local and national problem.

## 2. TRANSPORTATION

The need for public transportation is growing in both rural and urban areas. Counties will assume added responsibility for planning, operating and financing public transit.

3. WASTE WATER TREATMENT

THE AREA-WIDE PROBLEM OF WASTE WATER TREATMENT WILL REQUIRE INNOVATION AND MODERNIZATION. JURISDICTIONS WILL HAVE TO EXPERIMENT WITH CONSOLIDATION TO PERFORM TREATMENT AND RELATED FUNCTIONS SUCH AS LAND FILL.

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#### 4. ENVIRONMENTAL CONTROL

Smog ignores boundaries. Cooperation among Jurisdictions is necessary to control smog and improve The quality of our air.

#### 5. LAND USE PLANNING

LAND USE PLANNING MUST TRANSCEND THE INTERESTS OF INDIVIDUAL JURISDICTIONS. INTERGOVERNMENTAL COOPERATION WILL BE NECESSARY IN ORDER TO ACHIEVE AN AREA-WIDE PERSPECTIVE THAT PREVAILS OVER PAROCHIAL CONCERNS.

### D. <u>SELECTED PROBLEMS RESULTING FROM INCREASED RESPONSIBILITY</u>

## 1. GOVERNMENTAL STRUCTURES

How should a county organize to perform its widening role? What organizational structure will foster cooperation among state, county and local governments? There are several available options:

- A. CONSOLIDATED JURISDICTIONS;
- B. REGIONAL STRUCTURES, SUCH AS THE MINNEAPOLIS-ST. PAUL AREA PLAN;
- C. SEPARATE JURISDICTIONS WITH INCREASED INTERJURISDICTIONAL COOPERATION;
- D. SPECIAL PURPOSE DISTRICTS.

EACH OF THESE OPTIONS IS SUITED TO DIFFERENT POLITICAL AND ECONOMIC CIRCUMSTANCES; ALL HAVE BEEN IMPLEMENTED SUCCESSFULLY IN VARIOUS JURISDICTIONS. WHEN CHOOSING AMONG THESE OPTIONS, LOCAL DECISION MAKERS MUST REALIZE THAT ALL OF THEM REQUIRE STRONG LEADERSHIP TO OVERCOME VESTED, PAROCHIAL INTEREST IN RETAINING EXISTING JURISDICTIONAL DIVISIONS AND STRUCTURES.

## 2. PUBLIC SERVICES

LIKE ALL LEVELS OF GOVERNMENT, COUNTIES HAVE REALIZED THE NECESSITY OF CHECKING INCREASES IN THEIR BUDGETS. NOBODY LIKES SPENDING RESTRAINTS. WITHOUT THEM, HOWEVER, THE PUBLIC SECTOR COMPOUNDS ITS PROBLEMS BY IGNORING THE REALITY OF LIMITED RESOURCES AND THE FACT THAT DEMANDS FOR PUBLIC SERVICES CAN OUTRUN A COUNTY'S CAPACITY FOR FUNDING.

A POLICY OF FINANCIAL REALISM REQUIRES A SETTING OF PRIORITIES. IN SOME CASES, COUNTIES HAVE EAGERLY ASSUMED MORE OPERATIONAL RESPONSIBLITY FOR SERVICES, PARTICULARLY IN ECONOMIC GROWTH AREAS. BUT FINANCIAL CONSTRAINTS MANDATE A REVIEW OF COUNTY SERVICES AND, IN SOME CASES, A REDUCTION IN SERVICES OR A REFUSAL TO PROVIDE NEW SERVICES.

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## 3. FINANCING

CLOSELY RELATED TO SETTING PRIORITIES FOR PUBLIC SERVICES IS THE QUESTION OF FINANCING. UNLIKE THE FEDERAL GOVERNMENT, COUNTY GOVERNMENTS ARE PROHIBITED BY THEIR STATE CONSTITUTIONS FROM INCURRING BUDGET DEFICITS. IF COSTS OF SERVICE DELIVERY INCREASE, COUNTIES WILL PROBABLY HAVE TO RAISE TAXES TO CLOSE THE BUDGET GAP. BUT A COUNTY'S ABILITY TO RAISE TAXES IS LIMITED BY SEVERAL FACTORS: MAXIMUM STATE LEVELS, THE REGRESSIVE CHARACTERISTICS OF CERTAIN TAXES, TAXPAYER RESISTANCE AND CAPITAL SHORTAGES. IN ORDER TO EXPAND LOCAL REVENUE RAISING CAPACITY, STATE, COUNTY AND LOCAL GOVERNMENTS MAY NEED TO CONSIDER SEVERAL ALTERNATIVES:

- -- A REVIEW AND RESTRUCTURING OF THEIR TAX SYSTEM, PARTICULARLY WHERE THERE ARE NO INCOME TAXES;
- -- PLANS FOR TAX BASE SHARING AMONG JURIS-DICTIONS, SUCH AS THE MINNEAPOLIS/ST. PAUL PLAN;
- -- PARTNERSHIPS WITH THE PRIVATE SECTOR TO TAKE ADVANTAGE OF ECONOMIES OF SCALE AND MANAGEMENT EXPERTISE.

THE FINANCING QUESTION ENCOMPASSES OTHER CRITICAL ISSUES:

1. How can State and local borrowing practices <u>BE IMPROVED</u>? Answers to this question are crucial to the effective functioning of State and local government -especially in the area of capital improvements. Can we guarantee "full disclosure" in the offering of State and local government securities? Should government meet the same strict requirements that govern private finance? Should government "police" itself or should its debt financing be supervised by the same Federal agency that supervises private financing? These are not easy questions. It is in our common interest that they be answered wisely.

2. C<u>an the costs of major services be controlled</u>? Must welfare costs, for example, continue to escalate? Is there no end to the spiralling costs of public school education? Budgetary restraint is necessary, despite pressures to spend. 3. How can the cost of public employee pensions AND OTHER EMPLOYEE BENEFITS BE CONTROLLED? How can PENSIONS BE MORE SOUNDLY FINANCED? CONSTANTLY INCREASING PENSION COSTS ARE ONE OF THE PRIMARY FACTORS IN SPIRALLING PUBLIC EXPENDITURES. UNFORTUNATELY, IT IS EASY FOR TODAY'S EXECUTIVE OR LEGISLATIVE OFFICIALS TO EXPAND BENEFITS WHEN TOMORROW'S ELECTED OFFICIALS WILL HAVE TO RAISE THE TAXES TO PAY FOR THEM.

4. How can public employee productivity be <u>IMPROVED</u>? THERE IS LITTLE TO SHOW FOR THE LARGE AMOUNT OF CONCERNED DISCUSSION WHICH HAS FOCUSED ON EMPLOYEE PRODUCTIVITY. IN MOST CASES, WE HAVEN'T EVEN LEARNED HOW TO MEASURE PRODUCTIVITY IN GOVERNMENT OFFICES, MUCH LESS HOW TO IMPROVE IT.

These are only some of the many issues which counties and other levels of government must face. Our attention and resources must be devoted to fashioning workable and effective solutions.

## E. ROLE OF FEDERAL GOVERNMENT

IN CLOSING, I WOULD LIKE TO SUGGEST FOUR PRINCIPLES WHICH SHOULD GUIDE FEDERAL ACTION RELATING TO STATE, COUNTY AND LOCAL GOVERNMENTS.

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1. The taxpayer's money should be returned to <u>State, county and local jurisdictions</u>. Nothing during this century has benefited State, county and local government as much as general revenue sharing. Our experience has demonstrated that the program can and should be improved. Its extension is vital.

2. <u>Authority should be returned to State</u>, <u>county, and local jurisdictions</u>. The block grant program must be completed; without it, Federal grant funds cannot be used efficiently by 50 States which have widely varying needs. Flexibility is a necessity in adapting programs to the needs of individual States.

3. <u>Regulations should be simplified and applied</u> <u>CONSISTENTLY</u>. We have become so enmeshed in rules and regulations that we often lose sight of our objective -which is to serve the people. Under President Ford's DIRECTION, WE HAVE STARTED A PROGRAM TO SIMPLIFY PAPER WORK AND ELIMINATE RED TAPE SO WE CAN DO THE JOB WE ARE SUPPOSED TO BE DOING. Congress and the courts must also subscribe to the principles of simplicity and consistency. Once a rule is established, it must be applied consistently so that all levels of government will know what rules they must follow. Effective planning is impossible without the consistent application and enforcement of rules.

We must improve the management of business at all levels of government. At the Federal level, this means tightening the management of agencies, controlling regulations and procedures, simplifying auditing and evaluation procedures, and analyzing the impact of Federal actions on State, county, and local governments. We all know that bureaucracy, excessive regulations, and inefficiencies are not unique to Washington. 4. We should provide for healthy social and economic growth without inflation. Inflation has a devastating impact on government finance. As Dean Campbell has pointed out, between 1972 and 1974 inflation more than cancelled States' Federal general revenue sharing entitlement. The best way the Federal government can aid State, county and local jurisdictions is to combat inflation. A continued economic recovery, coupled with Federal, State and county determination to hold down the cost of essential public services, is essential to strengthen the nation's fiscal health.

## F. <u>CONCLUSION</u>

I have tried to outline the trends and challenges which confront county governments. As a result of assuming a major role in government, there is no question that counties will face increased and additional problems. Solutions will demand leadership, intelligence, the willingness to transcend parochial interests and the Ability to bring about an orderly, responsive and EFFECTIVE SYSTEM OF INTERGOVERNMENTAL COOPERATION.

## FEDERALISM AND COUNTY GOVERNMENT

THIS BICENTENNIAL YEAR IS AN APPROPRIATE TIME TO REVIEW OUR FEDERAL SYSTEM OF GOVERNMENT AND THE ROLE OF COUNTY GOVERNMENTS WITHIN THAT SYSTEM. THIS IS NO SMALL TASK; AS THE DEMANDS OF SOCIETY HAVE INCREASED, COUNTY JURISDICTIONS HAVE ASSUMED MORE IMPORTANT FUNCTIONS AND HAVE BECOME KEY CENTERS OF GOVERNMENTAL POWERS, AUTHORITY AND RESPONSIBILITY.

## A. THE FEDERAL CONCEPT OF SHARED SOVEREIGNTY

The increased importance of counties is in keeping with our Federal system which is structured around the concept of <u>shared</u> sovereignty and <u>shared</u> power which at all times must be responsive to the needs and will of the people. This system dictates that the task of government resides in State, county, and local units, unless otherwise clearly delegated to the Federal government. IN THEORY, THIS CONCEPT PLACES RESPONSIBILITY FOR MEETING A HUMAN NEED AT THE LEVEL WHERE THE MOST EFFECTIVE SERVICE MAY BE PROVIDED FOR THAT PARTICULAR NEED, DEPENDING UPON POLITICAL AND FINANCIAL REALITIES. MOREOVER, THIS SYSTEM WAS DESIGNED TO SOLVE PROBLEMS WHEN AND WHERE THEY FIRST ARISE. IF LOCAL SOLUTIONS ARE NOT FORTHCOMING, THEN INTERVENTION BY THE FEDERAL GOVERNMENT IS STILL POSSIBLE, BUT ONLY AS A LAST RESORT.

In practice, however, during the past 40 years, the flow of sovereignty, of power, of programs and of policies has been heavily and constantly toward the Federal government. This Federal bias is reflected in categorical programs and targeted financial Aid, in the forms we all fill out and the rules and regulations we follow.

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# B. <u>REASSESSMENT OF THE ROLES OF DIFFERENTS LEVELS</u> OF GOVERNMENT

The American people's patience with this bias has worn thin. Citizens are fed up with Federal concentration of authority, the immensity of the bureaucracy, the huge morass of red tape, and the insensitive and overlapping regulatory system. Their criticism has prompted a review of the respective responsibilities of Federal, state and local jurisdictions. Today, many serious students of government are reassessing who does what, at which level, and how various responsibilities can be planned, financed, and administered most efficiently.

THE REASSESSMENT HAS RESULTED IN SEVERAL DEVELOPMENTS. Among the most important of these are:

1. AUTHORITY AND RESPONSIBILITY ARE GRADUALLY BEING RESTORED TO STATE AND LOCAL GOVERNMENT. GENERAL REVENUE SHARING, TOGETHER WITH CURRENT AND PROPOSED BLOCK GRANTS, INDICATE THE TREND TOWARD INCREASED FLEXIBILITY AND DECISION-MAKING AUTHORITY AT THE LOCAL LEVEL.

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2. <u>The recognition of financial constraints has</u> <u>HIGH-LIGHTED THE NECESSITY OF SPREADING FINANCIAL BURDENS</u> <u>AMONG JURISDICTIONS</u>. 1975 MAY APPROPRIATELY BE TERMED THE YEAR OF THE BUDGET. WHEN CONFRONTED BY LIMITED FINANCIAL RESOURCES, ALL LEVELS OF GOVERNMENT BECAME INCREASINGLY AWARE OF THE NEED FOR FINANCIAL STRINGENCY. THE RECENT TREND TOWARD BUDGETARY RESTRAINT HAS REQUIRED A MORE EQUITABLE DISTRIBUTION OF THE FINANCIAL BURDEN AMONG JURISDICTIONS.

3. JURISDICTIONAL BOUNDARIES ARE BEING REEXAMINED. JURISDICTIONS ARE DISCOVERING THE ADVANTAGES OF (A) REDUCING OVERLAPPING BOUNDARIES TO PROMOTE EFFECTIVE DECISION-MAKING, (B) CONSOLIDATING DISTRICTS TO DELIVER BETTER SERVICE, AND (C) RESTRUCTURING BORDERS TO MEET SPECIFIC NEEDS, SUCH AS LAND USE PLANNING.

4. <u>TAXPAYING VOTERS ARE BEING GIVEN MORE OPPORTUNITY</u> <u>TO CHOOSE BETWEEN TAX HIKES AND SPENDING LIMITATIONS</u>. BECAUSE OF THE REQUIREMENT OF BALANCED BUDGETS, SPENDING INTERESTS ARE INCREASINGLY FORCED TO ARGUE THEIR CASE BEFORE THE PUBLIC AT LARGE. DECISIONS BY REFERENDUM HAVE INCREASED PUBLIC AWARENESS OF THE HARD FISCAL CHOICES THAT ARE DICTATED BY LIMITED RESOURCES.

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5. The problems of suburbanization and outmigration are being recognized. Shifts of population and economic activity impact heavily on the regions involved, particularly in the case of movement from older Northeastern metropolitan areas to the "Sun-Belt." On the local level, transitions from the urban core to suburbs have obligated governmental units to consider New and more equitable means of sharing tax bases.

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#### C. <u>IMPACT ON COUNTIES</u>

THESE DEVELOPMENTS ALLOW COUNTIES TO PRESENT AN INCREASINGLY ATTRACTIVE ECONOMIC AND POLITICAL BASE FOR LOCAL GOVERNMENT SERVICES. AS A RESULT, MORE OPERATIONAL RESPONSIBILITY AND FINANCIAL BURDENS WILL FALL TO COUNTY OR AREA-WIDE METROPOLITAN GOVERNMENTS. LET ME MENTION SOME SPECIFIC AREAS IN WHICH COUNTIES WILL PLAY AN EXPANDING ROLE.

#### 1. WELFARE

No permanent and automatic policy has ever been devised to give money to the poor. Counties have assumed an increased responsibility for the care of the needy and should be commended for their achievements in this area. This responsibility will continue until we have a national concensus on what can and should be done about this complex local and national problem.

#### 2. TRANSPORTATION

The need for public transportation is growing in both rural and urban areas. Counties will assume added responsibility for planning, operating and financing public transit.

## 3. WASTE WATER TREATMENT

THE AREA-WIDE PROBLEM OF WASTE WATER TREATMENT WILL REQUIRE INNOVATION AND MODERNIZATION. JURISDICTIONS WILL HAVE TO EXPERIMENT WITH CONSOLIDATION TO PERFORM TREATMENT AND RELATED FUNCTIONS SUCH AS LAND FILL.

-6-
### 4. ENVIRONMENTAL CONTROL

Smog ignores boundaries. Cooperation among Jurisdictions is necessary to control smog and improve The quality of our air.

### 5. LAND USE PLANNING

LAND USE PLANNING MUST TRANSCEND THE INTERESTS OF INDIVIDUAL JURISDICTIONS. INTERGOVERNMENTAL COOPERATION WILL BE NECESSARY IN ORDER TO ACHIEVE AN AREA-WIDE PERSPECTIVE THAT PREVAILS OVER PAROCHIAL CONCERNS.

### D. <u>SELECTED PROBLEMS RESULTING FROM INCREASED RESPONSIBILITY</u>

### 1. GOVERNMENTAL STRUCTURES

How should a county organize to perform its widening role? What organizational structure will foster cooperation among state, county and local governments? There are several available options:

- A. CONSOLIDATED JURISDICTIONS;
- B. REGIONAL STRUCTURES, SUCH AS THE MINNEAPOLIS-ST, PAUL AREA PLAN;
- C. SEPARATE JURISDICTIONS WITH INCREASED INTERJURISDICTIONAL COOPERATION;
- D, SPECIAL PURPOSE DISTRICTS.

EACH OF THESE OPTIONS IS SUITED TO DIFFERENT POLITICAL AND ECONOMIC CIRCUMSTANCES; ALL HAVE BEEN IMPLEMENTED SUCCESSFULLY IN VARIOUS JURISDICTIONS. WHEN CHOOSING AMONG THESE OPTIONS, LOCAL DECISION MAKERS MUST REALIZE THAT ALL OF THEM REQUIRE STRONG LEADERSHIP TO OVERCOME VESTED, PAROCHIAL INTEREST IN RETAINING EXISTING JURISDICTIONAL DIVISIONS AND STRUCTURES.

### 2. PUBLIC SERVICES

LIKE ALL LEVELS OF GOVERNMENT, COUNTIES HAVE REALIZED THE NECESSITY OF CHECKING INCREASES IN THEIR BUDGETS. NOBODY LIKES SPENDING RESTRAINTS. WITHOUT THEM, HOWEVER, THE PUBLIC SECTOR COMPOUNDS ITS PROBLEMS BY IGNORING THE REALITY OF LIMITED RESOURCES AND THE FACT THAT DEMANDS FOR PUBLIC SERVICES CAN OUTRUN A COUNTY'S CAPACITY FOR FUNDING.

A POLICY OF FINANCIAL REALISM REQUIRES A SETTING OF PRIORITIES. IN SOME CASES, COUNTIES HAVE EAGERLY ASSUMED MORE OPERATIONAL RESPONSIBLITY FOR SERVICES, PARTICULARLY IN ECONOMIC GROWTH AREAS. BUT FINANCIAL CONSTRAINTS MANDATE A REVIEW OF COUNTY SERVICES AND, IN SOME CASES, A REDUCTION IN SERVICES OR A REFUSAL TO PROVIDE NEW SERVICES.

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### 3, FINANCING

CLOSELY RELATED TO SETTING PRIORITIES FOR PUBLIC SERVICES IS THE QUESTION OF FINANCING. UNLIKE THE FEDERAL GOVERNMENT, COUNTY GOVERNMENTS ARE PROHIBITED BY THEIR STATE CONSTITUTIONS FROM INCURRING BUDGET DEFICITS. IF COSTS OF SERVICE DELIVERY INCREASE, COUNTIES WILL PROBABLY HAVE TO RAISE TAXES TO CLOSE THE BUDGET GAP. BUT A COUNTY'S ABILITY TO RAISE TAXES IS LIMITED BY SEVERAL FACTORS: MAXIMUM STATE LEVELS, THE REGRESSIVE CHARACTERISTICS OF CERTAIN TAXES, TAXPAYER RESISTANCE AND CAPITAL SHORTAGES. IN ORDER TO EXPAND LOCAL REVENUE RAISING CAPACITY, STATE, COUNTY AND LOCAL GOVERNMENTS MAY NEED TO CONSIDER SEVERAL ALTERNATIVES:

- -- A REVIEW AND RESTRUCTURING OF THEIR TAX SYSTEM, PARTICULARLY WHERE THERE ARE NO INCOME TAXES;
- -- PLANS FOR TAX BASE SHARING AMONG JURIS-DICTIONS, SUCH AS THE MINNEAPOLIS/ST. PAUL PLAN;
- PARTNERSHIPS WITH THE PRIVATE SECTOR TO
   TAKE ADVANTAGE OF ECONOMIES OF SCALE AND
   MANAGEMENT EXPERTISE.

THE FINANCING QUESTION ENCOMPASSES OTHER CRITICAL ISSUES:

1. How can State and local borrowing practices <u>BE IMPROVED</u>? Answers to this question are crucial to the effective functioning of State and local government -especially in the area of capital improvements. Can we guarantee "full disclosure" in the offering of State and local government securities? Should government meet the same strict requirements that govern private finance? Should government "police" itself or should its debt financing be supervised by the same Federal agency that supervises private financing? These are not easy questions. It is in our common interest that they be answered wisely.

2. Can the costs of major services be controlled? Must welfare costs, for example, continue to escalate? Is there no end to the spiralling costs of public school education? Budgetary restraint is necessary, despite pressures to spend. 3. How can the cost of public employee pensions and other employee benefits be controlled? How can pensions be more soundly financed? Constantly increasing pension costs are one of the primary factors in spiralling public expenditures. Unfortunately, it is easy for today's executive or legislative officials to expand benefits when tomorrow's elected officials will have to raise the taxes to pay for them.

4. How CAN PUBLIC EMPLOYEE PRODUCTIVITY BE

<u>IMPROVED</u>? THERE IS LITTLE TO SHOW FOR THE LARGE AMOUNT OF CONCERNED DISCUSSION WHICH HAS FOCUSED ON EMPLOYEE PRODUCTIVITY. IN MOST CASES, WE HAVEN'T EVEN LEARNED HOW TO MEASURE PRODUCTIVITY IN GOVERNMENT OFFICES, MUCH LESS HOW TO IMPROVE IT.

THESE ARE ONLY SOME OF THE MANY ISSUES WHICH COUNTIES AND OTHER LEVELS OF GOVERNMENT MUST FACE. OUR ATTENTION AND RESOURCES MUST BE DEVOTED TO FASHIONING WORKABLE AND EFFECTIVE SOLUTIONS.

### E. ROLE OF FEDERAL GOVERNMENT

IN CLOSING, I WOULD LIKE TO SUGGEST FOUR PRINCIPLES WHICH SHOULD GUIDE FEDERAL ACTION RELATING TO STATE, COUNTY AND LOCAL GOVERNMENTS. 1. The taxpayer's money should be returned to State, county and local jurisdictions. Nothing during this century has benefited State, county and local government as much as general revenue sharing. Our experience has demonstrated that the program can and should be improved. Its extension is vital.

2. <u>Authority should be returned to State</u>, <u>county, and local jurisdictions</u>. The block grant program must be completed; without it, Federal grant funds cannot be used efficiently by 50 States which have widely varying needs. Flexibility is a necessity in adapting programs to the needs of individual States.

3. REGULATIONS SHOULD BE SIMPLIFIED AND APPLIED CONSISTENTLY. WE HAVE BECOME SO ENMESHED IN RULES AND REGULATIONS THAT WE OFTEN LOSE SIGHT OF OUR OBJECTIVE --WHICH IS TO SERVE THE PEOPLE. UNDER PRESIDENT FORD'S DIRECTION, WE HAVE STARTED A PROGRAM TO SIMPLIFY PAPER WORK AND ELIMINATE RED TAPE SO WE CAN DO THE JOB WE ARE SUPPOSED TO BE DOING.

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CONGRESS AND THE COURTS MUST ALSO SUBSCRIBE TO THE PRINCIPLES OF SIMPLICITY AND CONSISTENCY. ONCE A RULE IS ESTABLISHED, IT MUST BE APPLIED CONSISTENTLY SO THAT ALL LEVELS OF GOVERNMENT WILL KNOW WHAT RULES THEY MUST FOLLOW. EFFECTIVE PLANNING IS IMPOSSIBLE WITHOUT THE CONSISTENT APPLICATION AND ENFORCEMENT OF RULES.

We must improve the management of business at all levels of government. At the Federal level, this means tightening the management of agencies, controlling regulations and procedures, simplifying auditing and evaluation procedures, and analyzing the impact of Federal actions on State, county, and local governments. We all know that bureaucracy, excessive regulations, and inefficiencies are not unique to Washington. -16-

4. We should provide for healthy social and economic growth without inflation. Inflation has a devastating impact on government finance. As Dean Campbell has pointed out, between 1972 and 1974 inflation more than cancelled States' Federal general revenue sharing entitlement. The best way the Federal government can aid State, county and local jurisdictions is to combat inflation. A continued economic recovery, coupled with Federal, State and county determination to hold down the cost of essential public services, is essential to strengthen the nation's fiscal health.

F. CONCLUSION

I HAVE TRIED TO OUTLINE THE TRENDS AND CHALLENGES WHICH CONFRONT COUNTY GOVERNMENTS. As a result of ASSUMING A MAJOR ROLE IN GOVERNMENT, THERE IS NO QUESTION THAT COUNTIES WILL FACE INCREASED AND ADDITIONAL PROBLEMS. SOLUTIONS WILL DEMAND LEADERSHIP, INTELLIGENCE, THE WILLINGNESS TO TRANSCEND PAROCHIAL INTERESTS AND THE ABILITY TO BRING ABOUT AN ORDERLY, RESPONSIVE AND EFFECTIVE SYSTEM OF INTERGOVERNMENTAL COOPERATION.

NACO -Rettelen - Returnent su NC Non unban economics -

Mr. Cannon:

I called NACo today to find out more information about the meeting in Boston. You will be delivering your speech (about 10:00 a.m.) to a group of 40 people. That group will then break up into smaller groups of 8 people each and they will discuss the paper. Two papers will be delivered in the morning and two in the afternoon.

The NACo meetings last until Friday noon. I assume you don't want to stay later than Wednesday afternoon. I have a call in McConahey to see what he thinks of your attending or not attending the whole conference.

If you want to leave Wednesday a.m., this is what's available:

American #516 -leaves Nat'1 7:25, arrives Boston 8:38

Delta #288 -leaves Nat'l 8:05, arrives Boston 9:13

(It takes approximately half an hour to get from the airport to Copley Plaza Hotel where the Convention is being held).

I will not make hotel reservations for you unless you tell me.

W 3.30 -

Florence Zeller 1735 N.Y. Avenue 7th Floor

10:00 - JMC speaks

785-9577

Copley Hotel--617/267-5300

TE HOUSE S 76

MEMORANDUM FOR:

CHRIS

FROM:

KATHY

SUBJECT:

NACo Request -- Paper on County Financing

Attached per your request is all the background material I have on the above. Hope this is what you were looking for.

Attachments



### Kathy:

-2.8

Art Quern has the original request for this and I informed Ms. Zeller that we did have a request but that a decision had not been made as per Quern on 7/21. This is for your info. in case something else developes on it.

Jane

Aud MEMORANDUM Ulr OF CALL 10: YOU/WERE CALLED B YOU WERE VISITED BY-07 Inc (ganization) > PHONE NO PLEASE CALL -WILL CALL AGAIN IS WAITING TO SEE YOU. RETURNED YOUR CALL WISHES AN APPOINTMENT MESSAGE RECEIVED BY STANDARD FORM 65 REVISED AUGUST 1967 GSA FPMR (41 CFR) 101-17.6 63-108 0P0 : 1900-048-16-80841-1 222-380

### THE WHITE HOUSE

WASHINGTON

June 2, 1976

MEMORANDUM FOR:

JIM CANNON

FROM:

STEVE MCCONAHEY



SUBJECT:

NACo Request--Paper on County Financing

You recently sent to me a request from NACo to present a paper on county financing at one of their upcoming conferences.

I suggest that you consider having Dr. Hurd prepare such a paper for you.

If Dr. Hurd can have such a paper together, I suggest that you accept NACo's invitation.

22 1

May 25, 1976

Mr. Cannon:

k

The National Association of Counties is having a conference on the Future of County Government in America in Boston on September 15-19. They would like you to prepare a paper on the <u>Future of County Finance</u>. If you agree to do this, they will provide additional information. Two other people will also be writing a paper on this subject.

Max with

Sent copy to Steve

1735(new york avenue, n.w., washington, d.c. 20006

(202) 785-9577

May 17, 1976

Mr. James Cannon, Director Domestic Council White House Washington, D.C. 20500

Dear Mr. Cannon ...

1976 is a good time to look back at where local government has been in the past 200 years, but we at the National Association of Counties think it is more appropriate to look at the future of local government in America.

As a forum for local government practitioners, academicians, public communicators and citizens, the National Association of Counties is sponsoring a conference on the Future of County Government in America, September 15-19, 1976, Boston. More than a conference, it is hoped that one result of the meeting will be a work program for local government to use in coping with the next 200 years.

To facilitate intensive discussion, the meeting will be by invitation only. Fifteen papers within five functional areas will be distributed to attendees well before the meeting. We would very much like you to prepare a paper on the Future of County Finance. We currently plan to have two other persons write on this same subject as well; these two are Richard Nathan, Brookings Institution and Ray Goode, Manager of Dade County, Florida.

I would like to emphasize that NACo considers this its major contribution to the Bicentennial, and that we plan to expend the resources to make it the most important conference this association has ever developed.

Please drop me a note indicating your interest in writing a thought provoking spaper. We will provide additional details as to length, content and deadline.

I look forward to hearing from you soon.

Sincerely yours,

Bernard F. Hillenbrand Executive Director

BFH:gh



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### **James Cannon**



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### A Symposium on the Future of County Government

September 15-17, 1976 • Copley Plaza Hotel • Boston, Mass.

TWO HUNDRED PLUS TEN

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(T) JOSEPH'S RESTAURANT279 Dartmouth StreetBoston, MA

TEL: 266-1502

CAFE PLAZA 138 St. James Avenue Boston, MA

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COPLEY'S RESTAURANT 138 St. James Avenue Boston, MA

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### A Symposium on the Future of County Government

September 15-17, 1976 • Copley Plaza Hotel • Boston, Mass.

TWO HUNDRED PLUS TEN

FUTURE OF COUNTY FINANCE
Agenda

### Tuesday, September 14

	2:00 P.M.	Group Leaders Training	Venetian Room	
. •	5:00 - 9:00 P.M.	Registration	Main Lobby	
Wedn	esday, September	15		
	7:30 - 9:00 A.M.	Registration	Main Lobby	
	9:00 - 9:45 A.M.	General Session	Oval Room	
	9:45 - 10:30 A.M.	Summaries of Two Papers	State Suite B	
	10:30 - 12:15 P.M.	Critiques of Two Papers		
	M	Gaskill Group Olsen Group Speer Group Torrence Group Witherspoon Group	Parlor 601 Parlor 665 Parlor 223 Parlor 623 Parlor 603	
·	12:15 - 1:30 P.M.	Lunch	Oval Room	
	1:30 -			
	2:15 P.M.	Summaries of Two Papers	State Suite B	
	2:30 -			
	3:40 P.M.	Critiques of Two Papers (Same Rooms as Morning Session)		
	3:40 - 4:00 P.M.	(Optional) Additional Time for Paper Critiques, Discussion (Continue in Same Rooms)		
	6:00 - 7:00 P.M.	Reception	Oval Room	

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## FUTURE OF COUNTY FINANCE Agenda (Cont'd.)

### Thursday, September 16

9:00 -10:30 A.M.

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### Round Table Discussion: Future of County Finance

Gaskill Group		Parlor	601
Olsen Group		Parlor	665
Speer Group		Parlor	223
Torrence Group		Parlor	623
Witherspoon Group		Parlor	603

Ballroom

Parlor 665

2

10:30 -Noon

Development of Objectives for Future of County Finance (Same Room)

12:00 -1:30 P.M.

1:30 -3:30 P.M.

Refinement of Objectives for Future of County Finance (Same Room as Morning)

3:30 -4:30 P.M.

Group Leaders Meet for Synthesis

Lunch

Friday, September 17

9:00 - 10:00 A.M.	Group Leaders Present Synthesis	State Suite B
10:30 - Noon	General Session: Summation	Ballroom

Adjourn

-2-

Roster of Symposium Participants



TWO HUNDRED PLUS TEN

A Symposium on the Future of County Government

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### Boston Symposium

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