

## APPENDICES

## APPENDIX A

### THE CONCEPT AND PHILOSOPHY OF REGIONALISM

The concept of regionalism was developed in the United States many years ago. A very familiar example of the earlier efforts is the Tennessee Valley Authority of the 1930's, conceived as a means for correcting at least some of the terrible ills that visited the area. These ills were related to a great host of social, economic and physical factors; and were spread over a wide geographic area including a great number of independent local government jurisdictions. The many problems overlapped these arbitrary governmental boundaries as surely as if they were not there; and there could be no hope that the potential solutions to those problems would be successful if they were restricted to local government boundaries. The key words, then, became "area-wide", "cooperation", "coordination" and "regional". They denoted then, as they do today, the nature of regionalism in all its many forms.

Regional organizations today take many forms and serve many functions. In the United States they range in geographic coverage from the Appalachia Regional Commission with all or part of 12 states; to the rural mid-plains regional commissions concerned with a county seat town and its three-mile periphery, which perhaps is "regional" only in a legalistic sense. In between these two extremes are all manner of commissions which have jurisdiction over some combination of areas of cities and counties.

The functions of the regional organizations vary just as greatly as do their jurisdictions. The Appalachia Regional Commission, for example is

concerned with the total spectrum of activities deemed to be pertinent to improving the social, physical and, above all, economic conditions of the many millions of citizens within the area. At the other end of the spectrum are those organizations charged with the single task of recommending broad development policy to a few cooperating local governments. Again, between these two extremes there are almost endless variations and combinations. Some of the more significant are worthy of special note.

Councils of Government (COGs), devised largely in the past decade, are conceived as a means for assuring more effective plan implementation without creating a new form or new level of government. This concept holds that if the membership of a voluntary, advisory body is composed of elected officials from the cooperating governments, then the recommendations are much more certain of implementation. It is presumed that each elected member can and will return to his governing body and convince his fellow members of the worth of the policy recommendations, and thereby win their support for implementation.

Many dozens of COG's have been formed throughout the United States and some have shown substantial success. In Kansas, two Regional Planning Commissions are essentially Councils of Government. These are the Mid-America Regional Council (MARC) and the Mo-Kan Regional Council.

Regional economic development organizations have been formed as one response to the multi-governmental coordination problem. In Kansas, these would be exemplified by Mid-America, Inc., in Southeast Kansas, and Greater Northwest, Inc., in northwestern Kansas. These organizations characteristically are private corporations in a legal sense; but in operation they tend to become quasi-public in character. Typically, they are privately financed

by business and industry in the region and have as their major purpose the attraction of new industry to the region. Again typically, their policies are set by a board of directors which is composed of regional leaders from the business segment of the regional society. The prestige of the leaders and the aims of the corporation are such that they normally have a strong influence on local governing bodies and can go far in bringing about implementation of plan ideas and proposals.

A third variation is exemplified by the regional commission which also has implementing authority. In these situations, which are very few in number, state legislation has provided the authority to plan for critical areas of concern and then to tax and issue bonds as necessary to implement the plans on a regional basis. Such an arrangement is typically a response to problems of critical proportions which call for drastic actions to achieve solutions.

Yet another response to area-wide problem solving is found in the use of inter-governmental cooperation agreements. Statutory authority for such agreements is found in most states and is used by many local governments on a purely voluntary basis. In general, these statutes provide that two or more local governments may cooperate in performing any functions which they are authorized to perform separately. It is most often used in public works and public safety areas but need not be so narrowly restricted.

Metropolitan government, or some other variation of government consolidation, is perhaps the most drastic of the many responses to area-wide problems. These are organizations which are based on abolition of numerous local governmental units and the establishment of a new form of local government which has authority over the diverse functions previously held by the several local governments. These are viewed with great suspicion by the

citizenry in most parts of the nation and therefore few have been formed. Where they have been formed, the ability to provide necessary facilities and services appears to be somewhat enhanced.

In Kansas, the response to area-wide concerns has taken three basic forms. First are those in which a major city and the county cooperate for planning in that city and a three-mile peripheral area. Second are those in which the county seat city and the county cooperate for planning in the city and all unincorporated parts of the county. Third are those in which two or more counties (and sometimes some of their incorporated cities) cooperate for planning on a multi-county basis. It is this latter form which has recently been most discussed and which appears to be the most likely alternative to be developed in the foreseeable future.

Regionalization--its values and its shortcomings.

Regionalism in all its various forms has as its root the belief that there is a wide variety of problems and opportunities which cannot be approached efficiently and effectively by individual local governments. Further, it is believed that coordination of efforts and cooperation among local governments is the minimum required to effect the kinds of solutions and development concepts necessary adequately to serve the total citizenry.

It is unquestionably true that some kinds of problems and opportunities are not related to arbitrary local government boundaries. Air pollution, water pollution, solid waste disposal, transportation, water supply resource and flood control are examples of daily governmental concerns which are totally unrelated to the boundaries of local units of government. If they are to be adequately approached, if the taxpayers' dollars are to be spent wisely, if the life and property of current and future generations are to

be adequately protected, then local identities and local prerogatives must bow to the needs of the broader area. Attempts to deal with these matters on an isolated local government basis inevitably lead to haphazard, partial, uneconomic and generally unsatisfactory solutions. The citizenry has a right to expect--indeed to demand--more.

It is true, of course, that even multi-jurisdictional regional boundaries may not circumscribe certain of the problems and opportunities. In these instances, however, the larger geographic area at least makes the problem or opportunity more manageable.

The apparent values of a regional approach to problems and opportunities are:

- Cost savings can be realized;
- Solutions can be more comprehensive and more permanent;
- Irreplaceable resources can be utilized more wisely and conservation efforts can be more effective;
- Life and property can be more adequately protected from the scourges of crime, disease, epidemic and natural or environmental disasters.

Each of these apparent values is so important that the need for an area-wide approach to problem solving should be unquestioned. Each should be sufficiently important that it would be able to override the petty jealousies and monopolistic competition among local governments which combine to delay and to impede efforts to solve even the most critical of problems.

In this day of ever increasing governmental costs, new and better ways must be found to provide the necessary services and improvements more efficiently. Proposed taxes, bonding and increased spending which would reflect on the tax burden of the citizens are met with strong protest and

are often defeated. Yet the needs for services and improvements increase. New or expanded programs and greater assistance to the citizens are demanded and expected. Regional cooperation in programs, joint use of facilities, merging of competing or duplicative protective services are some approaches available to the local officials who want to meet these demands of their constituents.

Piecemeal solutions to problems or partial acceptance of opportunities are rarely satisfactory and efficient. Attempts to solve a flooding problem in one county may simply enlarge the problem somewhere else. Attempts to clean up the air or water in one locality can never be more than partially successful at best until neighboring localities contributing to the problem do likewise. Attempts by one small city to capitalize on an industrial opportunity may be so poorly handled as to create an unfavorable environment for industry there or anywhere else nearby. Attempts by one government to exploit a natural resource may create conditions which will result in wasteful exploitation and less than maximum economic benefit to the area. Once again, monopolistic competition, which is so common among localities throughout Kansas and the nation, may well be the root cause of all these piecemeal efforts. It is a luxury which no one can afford and which the citizens should never tolerate.

There are many examples in Kansas history, particularly in the area of petroleum and natural gas exploitation, of the way in which cut-throat competition among localities and absolute refusal to cooperate with anyone have led to a rapid short term boom followed by a disastrous long term depression because of exhaustion of the natural resource. There are examples of underground mineral resources which have been made inaccessible because early selfish exploitation efforts in one locality were wasteful and undertaken

without concern for the greatest long-term advantage of all. There are examples of priceless and irreplaceable agricultural land resources wasted in urban development because neighboring local governments would not act cooperatively to protect them. The listing of sordid illustrations could go on, for there are all too many examples where failure, indeed refusal, to work cooperatively has led to untold waste and exhaustion of priceless and irreplaceable natural resources. Many of these need never have occurred and need never again occur if local governments will work cooperatively with each other through a regional structure.

The nation and the State of Kansas are today being made more and more aware of the enormity of certain problems which threaten to overwhelm everyone and everything. The pollution of our environment, the vast increases in major crime, the incalculable destruction from natural disasters, the unprecedented increases in welfare rates and costs, and the health problems which sweep over our nation in epidemic proportions all but defy any kind of solution. No city, no small town, no county or state can consider itself immune to any of these problems. They are everywhere and they attack large and small, rich and poor alike. But no single local government can do much to protect itself, by itself, from any of them. Concerted cooperative efforts among local governments and with state and federal governments is absolutely essential. Such wide scale cooperation and coordination of resources and efforts among all levels of government offer the only hope for defeating these forces which, if left unchecked, will destroy everything in their paths.

The values of regionalism can hardly be questioned with justification. They are real. They are important. They may well be of critical significance.



Let there be no mistake, however. Regionalism is not a panacea. It does have its shortcomings.

First, regionalism in virtually all instances depends upon voluntary coordination and cooperation among local governmental units. They can see in the distance some gain, or benefit, or mutual advantage which justifies the voluntary agreement to cooperate. If these are not apparent, or if they disappear after once having been apparent, then the incentive is gone-- and with it, in all likelihood, the willingness to cooperate. Voluntary cooperation is rarely based on altruistic motives; but rather on calculable benefits to the participants. Thus there is a degree of instability and a constant threat that the cooperative venture may collapse at any time.

Second, most regional bodies are purely advisory in nature. They recommend from their overview position those kinds of programs, policies, improvements and public expenditures which in their judgement will best serve the area as a whole. Ideally, at least, they have no concern with the parochial fears of or hopes for advantage of one local government over another. But the local governing bodies to whom their recommendations are made do have these fears and hopes. They must thus view the recommendations from a different perspective--a parochial and competitive one--and their view often must be in conflict with that of their advisory commission. The result is failure to implement the recommendation, or at best only partial implementation. Sound recommendations not implemented are totally without value.

The regionalism concept is concerned with area-wide problems and opportunities which transcend the arbitrary jurisdictional boundaries of local governmental units as well as their power to cope with them. It cannot be emphasized too strongly, however, that in many areas of planning

concern the local governments must retain their dominant role since they alone have the power to act.

Local government officials often feel that once a regional planning commission has been established the local planning activity can cease. This is wholly in error. Local governments must continue to be concerned with and responsible for those activities which are by law or by nature purely of local concern. Zoning; subdivision control; capital improvement programming and bonding; detailed planning for development and redevelopment; provision of neighborhood facilities; installation and maintenance of sewer, water and drainage facilities; and the improvement and maintenance of the internal street systems all are examples of these purely local concerns. These must be dealt with by local governments for only they have the legal authority, the resources, and the knowledge of needs to deal with such matters.

Thus in summary it appears that on balance the values of regional thinking and organization outweigh the shortcomings of such a concept. While it is no solution for all of the concerns of local governments, surely it is valuable as a tool to identify and recommend governmental approaches to matters with which local governments cannot cope individually. It promotes efficiency, greater effectiveness, protection of the public welfare and harmonious development mutually beneficial to all. Many long time and well accepted tools of government do much less.

Boundaries--the method and the controversy.\*

The problem of delineating regional boundaries was first approached by the Planning Division of the Kansas Department of Economic Development in 1965. The task was performed by the Center for Regional and Community Planning at Kansas State University and resulted in eleven multi-county

\* Appendices P and Q are maps which show the recommended boundaries of regions and sub-regions in Kansas; and the boundaries of existing commissions, respectively.

regions which were intended to serve three basic purposes. The first of these purposes was to provide areas within which broad policy planning\* could be undertaken. Secondly, the regions were viewed as statistical areas and thus the lines necessarily were drawn on county boundaries. Third, the regions were viewed as areas within which dialogue could occur with respect to common problems and opportunities.

The regional boundaries which were drawn were based on the examination of a large number of factors which tended to identify those areas which were generally homogeneous in terms of their economy, social composition, and physical character. Although there were many instances in which differences could be found between different parts of the region, it is true that the regions generally have more internal similarities than they do differences.

Many people have examined the map showing the regional boundaries since it was first prepared in the mid-1960's. There have been many statements indicating that one or another of the border counties in virtually every region should be assigned to another region. In virtually every instance, however, these statements have been based on very limited personal experiences of the complainant. For example, many have noted that the particular part of a county in which they live is more oriented to one region than to the one in which it was placed. However, they have failed to recognize that the other part of the county may well be oriented in a different direction.

There has been substantial controversy regarding the regional delineations, but it is very rare that the controversy is based on something other than isolated personal experiences and emotions. In some instances

---

\* "Broad Policy Planning" may be defined as establishing generalized and long range development goals, objectives and policies for the overall development of an area.

in which concern about regional delineation was based on a logical set of facts, the boundaries were changed.

The boundaries which have been drawn are not unchangeable. They do not have the force of law nor do they have the force of a strong executive direction. They have been recognized by the Governor in an executive order,\* and they have been commended to the public and to state agencies as well, as delineations which should be used whenever possible. In the event, however, that there is a logical basis for a grievance with respect to these boundaries, they can be changed.

Each of the regions, except for two, has also been divided into sub-regions. These sub-regions are substantially smaller in area and characteristically would include only two or three counties. It is believed that these areas, in some instances, lend themselves more properly for the functional planning efforts which need to be undertaken than do the larger regions.

Since the preparation of the regional delineations, some agencies have found it appropriate to utilize the recommended boundaries. Other groups, however, have tended to ignore the boundaries and developed some kind of regional structure on the basis of those counties which could easily be assembled for some specific purpose. For example, regional planning commissions have been formed combining all of the counties in two or more full regions. Regional health planning councils have been created without major regard to the regional boundaries, but rather by assembling those counties which appeared to be the most convenient to join for health planning purposes. Other regional commissions have been formed using counties from two different sub-regions, in effect creating new sub-regional boundaries. The result has been the creation of a somewhat chaotic regional picture that has tended to destroy the basic aims of the original regional delineation

---

\* Appendix R is a copy of the Governor's Executive Order.

effort. Once again it is worth noting that the non-conforming actions have not been based on a deep feeling that the regional boundaries are incorrectly drawn. Rather they have been based on convenience and to some extent a lack of understanding of the purposes intended to be served by the regional delineation effort.

There will always be individuals or agencies which feel that the regional boundaries do not serve their purposes as well, as easily, or as conveniently as certain other boundaries. Obviously, these individuals and agencies should be given an opportunity to present their arguments in favor of change. An appeals board to hear such proposed changes should be created; but once the argument has been resolved by the appeals board, then all should be required to utilize the single set of boundaries to bring about a more orderly statistical, administrative, and planning situation.

## APPENDIX B

### CHAPTER 2. JOINT OR REGIONAL PLANNING LAWS\*

#### Joint Planning

12-716. Any two (2) or more cities or counties of this state having adjoining planning jurisdictions, or any county and city or cities within or adjacent to the county, may jointly cooperate in the exercise and performance of planning powers, duties and functions as provided by state law for cities and counties and any city or county of this state may jointly cooperate with any city or county of any other state having adjoining planning jurisdiction in the exercise and performance of any planning powers, duties and functions provided by state law for cities and counties of this state and to the extent that the laws of such other state permit such joint cooperation.

*K.S.A. 1969  
Supp.*

When two (2) or more of such cities or counties shall by ordinance of each city and by resolutions of the boards of county commissioners enter into agreements providing for such joint planning cooperation, there shall be established a joint planning commission for the metropolitan area or region comprising that portion of the areas of planning jurisdiction of the cities or counties cooperating jointly as shall be designated by the joint ordinances and resolutions. Such a joint planning agency for the metropolitan area or region may be empowered to carry into effect such provisions of state law relating to planning which are authorized for such joining cities or counties and which each may under existing laws separately exercise and perform.

Any city or county may, whenever the governing body of the city or the board of commissioners of the county shall deem necessary, join and cooperate in two (2) or more metropolitan area or regional planning commissions.

12-717. The general purpose of a metropolitan or regional planning commission shall be to make those studies and plans for the development of the metropolitan area or region that will guide the unified development of the area, that will eliminate planning duplication and promote economy and efficiency in the coordinated development of the area and the general welfare and prosperity of its people. The metropolitan or regional commission shall make a plan or plans for development of the area, which may include, but shall not be limited to recommendations for principal highways, bridges, airports, parks and recreational areas, schools and public institutions, and public utilities.

*K.S.A.*

\* *Extracted from Kansas Statutes annotated and pertinent amendments thereto.*

Any metropolitan or regional plan so developed shall be based on studies of physical, social, economic, and governmental conditions and trends. The plans and its recommendations may in whole or in part be adopted by the governing bodies of the cooperating cities and counties as the general plans of such cities and counties. The metropolitan or regional planning commission may also assist the cities and counties within its area of jurisdiction in carrying out any regional plan or plans developed by the commission, and the metropolitan or regional planning commission may also assist any planning commission, board or agency of the cooperating cities or counties in the preparation or effectuation of local plans and planning consistent with the program of the metropolitan or regional planning agency.

12-718. The cooperating cities and counties which join to create a metropolitan or regional planning commission shall through joint agreement determine the number and qualifications of the members of the commission: Provided, Except for members of commissions established under a joint agreement between cities and/or counties of this state and another state as authorized by K.S.A. 1970 Supp. 12-716, no more than one member from each cooperating city or county shall be an elected officer at such city or county. The joint agreement shall designate the functions and area for which responsibility is delegated and shall also provide for the manner of cooperation and the means and methods of the operation and functioning of the metropolitan or regional planning commission, including the employment of a director of planning and such staff and consultants as it may require, the proportionate share of costs and expenses, and the purchase of property and materials for the use of the commission: Provided, That every joint agreement between a city or county located in this state and a city and/or county located in any other state, shall prior to and as a condition precedent to its entry into force, be submitted to and receive the written approval of the attorney general as to the form and compatability of such joint agreement with the laws of the state of Kansas.

*K.S.A.  
Supp.*

12-719. A metropolitan or regional planning commission established under the provisions of this act is authorized to receive for its own uses and purposes any funds or moneys from any participating city or county, from the state or federal government, and from any other source any other funds including bequests, gifts, donations or contributions. The participating cities and counties or other public bodies

*K.S.A.*

are authorized to appropriate funds for the expenses and costs required by the commission in the performance of its purposes and functions.

12-720. Nothing in the provisions of K.S.A. 12-716 to 12-724, both sections inclusive, and any amendments thereto shall be construed to remove or limit the powers of the cooperating cities and counties as provided by state law. All legislative power with respect to zoning and other planning legislation shall remain with the governing body of the cooperating cities and counties except as otherwise provided in this act. Each participating city or county may continue to have its own planning commission or board but may under the joint agreement and in the interests of economy and efficiency and in the interest of uniform standards and procedures, request the metropolitan or regional planning commission to assume duties and functions of local planning agencies in whole or in part. The metropolitan or regional planning commission shall have the duty and function of promoting public interest and understanding of the economic and social necessity for long-term coordinated planning for the metropolitan or regional area but its official recommendations shall be made to the governing bodies of the cooperating cities or counties.

*K.S.A. 1969  
Supp.*

12-721. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

*K.S.A.*



