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<sup>1a</sup> Minnesota Legislature.  
<sup>1B</sup>  
*The Legislative Interim*  
*Commission to Study*  
*Ramsey County Government.*

<sup>2</sup>*Final Report* - <sup>3</sup>*December 1970*

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THE LEGISLATIVE INTERIM

COMMISSION TO STUDY

RAMSEY COUNTY GOVERNMENT

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FINAL REPORT - December 1970

MEMBERS OF THE COMMISSIONSenators

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Representatives

Richard A. Andersen  
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Joseph T. O'Neill  
Robert L. Pavlak,  
Chairman

Gary R. Currie - Researcher to the  
Commission

Secretaries:

Mary Woodrich  
Norma Schumacher

List of Witnesses appearing before the Commission:

County Commissioners

Ed Salverda  
Ray P. Nadeau  
John E. Daubney  
Arthur T. Gibbons  
Mrs. Donald M. DeCourcy  
George A. Hardenbergh

Thomas R. Byrne - Mayor of St. Paul and Chairman of the Ramsey  
County Board of Commissioners

Thomas J. Kelley - Ramsey County Auditor

Kermit Hedman - Ramsey County Sheriff

Dean R. Ankland - Ramsey County Engineer

Ramsey County League of Municipalities

Donald Stanton - Assistant to Purchasing Agent of City-County  
Purchasing Program

Edwin Chapman - Chief Judge, Hennepin County Municipal Court

William Sykora - Judge, Hennepin County Municipal Court

Donald Gross - Judge, Municipal Court of New Brighton

James Lynch - Judge, Municipal Court of St. Paul

Donald A. Moll - Mayor of Roseville

Bernie Steffens - County Administrator, Anoka County

Stanley Cowle - County Administrator, Hennepin County



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## SUMMARY OF RECOMMENDATIONS

SUMMARY OF RECOMMENDATIONSThe Commission Recommends:

1. That the offices of the following presently elected county offices be abolished: auditor, treasurer, register of deeds, abstract clerk, court commissioner, and clerk of the district court (this change would require a constitutional amendment); that the function of the abolished offices be transferred to restructured administrative departments headed by officials appointed by the county board, the county administrator or both from candidates selected through competitive civil service procedures.
2. That the county board consider the appointment of a county administrator pursuant to Minn. Stat. 375.48, .49, .50, to be charged with the overall business management and administrative responsibility for county government.
3. That the county board have the authority not only to reorganize and consolidate departments in the intra-county structure, but to centralize the functions now performed by autonomous boards, commissions and agencies where desirable.
4. That when the data for the 1970 census is available, consideration be given to fixing staggered terms for the commissioners and creating overlapping districts between St. Paul and the suburbs.
5. That law enforcement in Ramsey County be consolidated in the areas of crime detection, jail facilities, warrant and subpoena service, communications systems, and records. In this arrangement the municipalities would retain local law enforcement duties.
6. That the Ramsey County Delegation consider the concept of a county housing authority.
7. Consideration of a municipal countywide court system, making certain that courts are maintained in the suburbs and have full-time judges.
8. That the city and county governments examine the present funding ratios of welfare in order to determine whether there should be changes made. There are three suggestions or alternatives:
  - a) Welfare costs funded by the county only, thereby eliminating the contributions of the city of St. Paul;

- b) Change the current ratio of 72½% county and 27½ city;
  - c) Go to a use basis.
9. That the Ramsey County Delegation consider the possibility of legislation for consolidating all public health functions in the county under the county board.
  10. That for the purpose of drawing appropriate legislation the Ramsey County Delegation consider the framework of the Recreation Bill based on the study by Mr. Edmonds and brought before the delegation at the last legislative session (1969). Further, that special attention be given to the problems indicated by those communities which have made an effort in areas of recreation by use of their own funds.
  11. That the Ramsey County Delegation consider the introduction of a bill for incorporating and integrating the library system of the city of St. Paul into a county library system under Ramsey County government.
  12. That a future study be given to the concept of establishing community districts of an optimum size for the most efficient, economical and effective delivery of local services while preserving to the local citizens accessibility to and control over the governmental processes and functions.

The criteria involved in determining such districts or "boroughs" should include the following:

- a) The unit of government should be large enough for the adequate provision of services within its boundaries but small enough to allow for active citizen participation at the local level.
- b) The governmental jurisdiction should be large enough to permit realization of the economies of scale.
- c) The community districts should reflect a commonality of interests, identity and needs wherever possible.
- d) Consideration should be given to fiscal imbalances, capabilities and requirements and to other socio-economic factors.
- e) Each community district should have a jurisdiction large enough to be able to resolve local conflicting interests with adequate responsibility for balancing local governmental needs and resources.

## INTRODUCTION

Few would deny the proposition that there are no easy solutions to the complex questions facing local governments today. One has only to look at the almost endless list of substantive problems, such as education, mass transportation, welfare, fiscal disparities, solid waste and sewage disposal, pollution, maintenance of high quality urban services, fragmentation and duplication of governmental units and functions, etc. to be impressed with the difficulty of effecting facile cures. Neither money alone nor the reorganization of inefficient governmental machinery singly, will produce the necessary remedies. This is clear when one examines the hard social and economic complexities which are a part of metropolitan areas. Still, modern governmental organization is essential to deal effectively with current and future problems. The form of government is, however, not as important as its political feasibility.

The need for better functional services, governmental structure, money, planning and coordination in order to attack these problems is only one part of the picture. The crux of the matter is to find a way to resolve the difficulties while, at the same time, making local government responsive and flexible in meeting the wants of the individual citizen. To this end, it must be made certain that any scheme will allow for local community interest and identity and the active participation of the body politic in the operation of government. Indeed, government as a more efficient supplier of services and facilities is subordinate



to government which insures the accessibility of the individual to the decision-making process and to the benefits of services provided. This reasoning would appear to be valid unless one assumes that there is a numerical limit beyond which local democracy can no longer function effectively.

There are many possible alternative structures of government to better meet today's urban challenges ranging from complete city-county consolidation to the creation of new regional entities.<sup>1</sup> Currently, great credence is given - under certain circumstances - to strengthening county government by broadening its powers and ability to meet areawide problems. This may be accomplished in a variety of ways including the piecemeal transfer of functions to the county, the simultaneous and comprehensive transfer to the county, complete consolidation, or by granting generally to the county the power to perform adequately in meeting new responsibilities.

Another kind of approach to urban problems is that of inter-local agreements. Such agreements represent a type of functional consolidation distinguished by two features: their voluntary nature and their possible temporariness. Under a joint powers arrangement, however, each party must already possess the power to

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<sup>1</sup>Roscoe C. Martin in his work The Metropolis in Transition (Washington, D.C.: U. S. Government, Housing and Finance Agency, 1963), p. 3, suggests 16 methods of local adaptation or approaches in meeting urban problems; they range from informal cooperation to the regional agency. Also see Advisory Commission on Intergovernmental Relations, Alternative Approaches to Governmental Reorganization in Metropolitan Areas (Washington, 1962).

do the thing separately as they would do jointly. To the extent that counties participate in interlocal agreements, it represents an important method of comprehensive urban county development.

Although all metropolitan areas share common problems, each also possesses unique characteristics and needs. This fact precludes the exportation in whole of a given plan from one community to another.

But metropolitan problems are dynamic rather than static so that the future always presents us with new requirements. This circumstance makes necessary governmental forms of the utmost flexibility.

In the overview, one authority has succinctly stated a fundamental element of the metropolitan condition as follows:

The "immortality" of existing local government boundaries and our individual drive to maintain the smaller units of local government, at any price, can be reconciled with the need for a broader areawide 'metropolitan' government by two devices, and two devices only. One device is the assumption of the metropolitan responsibility by a more extended unit of government, that is, the county, the state, or the nation; and the other is the creation of a new local federated metropolitan government.<sup>2</sup>

Current thinking proposes that in areas where the metropolitan area is confined to a single county, the county could be used as the effective unit in dealing with problems areawide in nature. However, it is reasoned, in places where the metropolitan area is sprawled over several counties a new regional government is the most practical answer.

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<sup>2</sup>Luther Halsey Gulick, The Metropolitan Problem and American Ideas (New York: Alfred A. Knopf, 1962), pp. 152-153.

Each of these approaches concurrently suggests a federal or two-level arrangement wherein various functions are shared between the governmental units. "Aspects" of the functions are allocated to each level instead of neatly assigning certain functions in whole to one with the remainder going to the other. In this way, it is felt, the needs of both the metropolitan area and the local governments will be met while preserving grass-roots traditions.

In our metropolitan area there exists already in the Metropolitan Council a framework for extended regional government. This entity even now possesses important functions and duties. It is probable that these responsibilities will be increased or added to as time passes. It is contrary to all political law to assume that once a new unit is established, provided with certain powers and given a legitimate role to play it will atrophy.

Thus the Commission takes notice of the possibility existing in the Metropolitan Council, i.e. that at some future date there may be metropolitan government. In recognizing this possibility the Commission does not, necessarily, advocate or oppose such an eventuality; it merely acknowledges current realities and contingencies inasmuch as any significant increase in Metro's power would have an obvious affect on the study of this Commission.

It must be assumed, however, that any such transition, if it is to come at all, will not occur overnight, but require a good deal of time and study. In the interim much can be done to make

local government more effective. To the extent that the Commission feels that the county should be something more than an administrative arm of the state, the county should be rationalized into an adequate governmental unit. This should be done for several reasons. First, by modernizing county government any future adjustments to a superior level would be less difficult and the benefit of aiding in the habit of areawide thinking would be increased. Second, if the concept of regional government falls short, the county in its strengthened form and in cooperation with other counties and municipalities might well provide the answers to areawide problems without abdicating them to a higher authority. Obviously, in either situation the county must be given the power to perform.

The Commission recognizes further that philosophical considerations govern certain sets of options open to it. For example, if one posits the inexorable growth of metropolitan government, certain things might be done with a view to assisting the smooth transfer of powers. Conversely, if metropolitan government is not to be, other possibilities are at hand.

In looking at county government five, ten or twenty years from now, one may see a revitalized, strengthened, visible form of government equipped to handle, in cooperation with other units, the complex problems brought forth by a rapid technology, urbanization and suburbanization. On the other hand, it may be that the county will be replaced with a metropolitan government in an arrangement with community districts.

The Commission was guided by the belief that whatever the contingencies for future forms of government in the metro area county government should be equipped with an adequate, efficient, modern organization in order to perform more effectively those functions required of it. Further, the Commission looked at certain services which, by their nature, might be provided better by a unit of government with wider jurisdiction than the limited authority of the individual local community.

Nature of Counties.

In the beginning the shire of Anglo-Saxon England was a district of broad local autonomy. After the Norman Conquest a more centralized government developed and the county came to be regarded chiefly as an administrative unit for the higher sovereign authority. Although the county was not recognized as having the legal status of a municipal corporation, the English borough (municipality) came to acquire this recognition.<sup>3</sup> The view that the county was an administrative arm of the state continued in the American colonial experience and the national era.

Chief Justice Taney of the Supreme Court of the United States stated that:

Counties are nothing more than certain portions of the territory into which a state is divided for the most convenient exercise of the powers of government.<sup>4</sup>

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<sup>3</sup>Charles M. Kneier, "The Legal Nature and Status of the American County," Minnesota Law Review, 14 (1929-1930), 141 and Russell v. Men of Devon (2T.R. 667, 100 Eng. Rep. 359).

<sup>4</sup>State of Maryland v. Baltimore and Ohio R.R. Co, 44 U.S. 534, 550 (1845).

In 1857, the Ohio Supreme Court drew a clear distinction between a true municipal corporation and the county. The court stressed the point that "municipal corporations proper are called into existence, either at the direct solicitation or by the free consent of the people who compose them." In the case of counties the court continued:

Counties are local subdivisions of a state, created by the sovereign power of the state, of its sovereign will, without the particular solicitation, consent or concurrent action of the people who inhabit them. The former organization (municipal corporation) is asked for, or at least assented to by the people it embraces; the latter (county) is superimposed by a sovereign and paramount authority. A municipal corporation proper is created for the interest, advantages and convenience of the locality and its people . . . With scarcely an exception, all the power and functions of the county organization have a divert and exclusive reference to the general policy of the state, and are, in fact, but a branch of the general administration of that policy.<sup>5</sup>

Over the years as counties began to perform more municipal-type functions some states began to classify them as municipal corporations. Today a number of states place counties in this category either generally or for specific purposes. In addition to municipal corporations counties are classed variously as public municipal corporations, quasi-municipal corporations, quasi corporations, quasi-public corporations, involuntary corporations, or bodies politic and corporate.<sup>6</sup> The courts across the United States have not agreed on their characterization.

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<sup>5</sup>Commissioners of Hamilton County v. Michels, 7 Ohio St. 109.

<sup>6</sup>Zale Glauberman, "County Home Rule: An Urban Necessity," The Urban Lawyer Vol. 1 No. 2



But all municipal corporations and other local political subdivisions of whatever classification are created by the state and subject to its will. It does not make any difference whether the unit created is imposed by the state without the consent of the residents (county) or is established by the state from the request of the residents of a particular territory, the state's power is paramount with the exception of constitutional provisions to the contrary. In the word of one authority:

Whether or not in fact its organization has been requested or consented to by the residents of the territory it covers (municipal corporation), in the eyes of the law it is an involuntary creation and its charter is not from any point of view to be considered as a contract. A fortiori all its rights are held subject to the will of the state and may be modified or transferred to other public agencies as the public interest may require.

Regarding the difference between a municipal corporation as a municipality and a county he states:

It differs from them primarily in that the state has delegated to it the power to legislate, to enact ordinances which have the force of law upon all who come within the territorial limits which prescribe the extent of its jurisdiction. Thus, while subject to the same control as other public corporations and holding its franchises at the will of the state, it is a unit of local self-government with extensive powers of regulation over the conduct of life within its borders.

Municipal corporations for a long time have been subject to the rule set down by Judge John F. Dillon, it states:

It is a general and undisputed proposition of law that a municipal corporation possesses and can exercise the

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<sup>7</sup>Charles W. Tooke, "The Status of the Municipal Corporation in American Law." Minnesota Law Review, 16 (1931-1932), 343.

<sup>8</sup>Ibid, p. 344.

following powers and no other: first, those granted in express words; second, those necessarily or fairly implied in or incident to the powers expressly granted; third, those essential to the accomplishment of the declared objects and purposes of the corporation -- not simply convenient, but indispensable. Any fair, reasonable, substantial doubt concerning the exercise of power is resolved by the courts against the corporation and the power is denied.

The limiting and restrictive interpretations of Dillon's Rule have been somewhat mitigated and relaxed by means of granting liberal general powers to a municipality or county through Home Rule Charters. Today in some areas the philosophical validity of Dillon's Rule is being reassessed.

#### Counties in Minnesota

In Minnesota generally counties may be defined as involuntary political corporations organized as subdivisions of the state for governmental purposes. Counties are the agencies through which the functions of government are, to a certain extent, exercised within their territorial limits. They are public corporations, a body politic and corporate.

They are not strictly municipal corporations but they are sometimes classed as such.<sup>10</sup> Within constitutional limitations the control of the state legislature over counties is absolute. The powers of the county board are purely statutory. They are

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<sup>9</sup> John F. Dillon, Commentaries on the Law of Municipal Corporations (5th ed.; Boston: Little, Brown, and Company, 1911), pp. 448-450.

<sup>10</sup> Dunnell Minnesota Digest, 3rd ed. (1965) Vol. 5A, sec. 2241, pp. 48-49. cf., William M. Serbine, "Municipal Powers," in Minn. Stat. Ann. Vol. 24, pp. 73-138.

such as may be fairly implied as necessary to the exercise of those expressly granted.<sup>11</sup> There are no "Home Rule" counties in Minnesota.<sup>12</sup>

Counties may sue or be sued (Minn. Stat. Ann. 373.01), and subject to the limitations of sections 466.01 to 466.15 (Minn. Stat. Ann.) are liable for actions in government.

Counties - urban counties in particular - have progressively broadened their functions beyond those traditionally performed as an administrative agent of the state. Today counties are providers of many urban services and can be an effective partner in inter-local cooperative ventures. In reality, counties are a general purpose government.

#### Ramsey County Statistical Data.

Ramsey County is the smallest county in Minnesota with a land area of 155 square miles and a total area of 170 square miles. The population of the county is 474,823 of which 65.01% live within the city of St. Paul (308,686) and 34.99% live in the suburbs (166,137).<sup>13</sup> Its population density of 3,063 inhabitants per square mile is the highest of all Minnesota counties. There are

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<sup>11</sup>Dunnell Minnesota Digest, 3rd ed. (1965) Vol. 5A sec. 2242 and 2269.

<sup>12</sup>Provision is made under Article XI sec. 3 of the Minnesota state constitution for county home rule subject to enabling legislation.

<sup>13</sup>The figures are based on U.S. Department of Commerce, 1970 Census of Population Preliminary Reports, PC (P1)-25, July, 1970. According to these figures Ramsey County experienced a 12.4% increase in population of the 1960 census.

19 political subdivisions in or partly in the county, 3 cities, 15 villages and one town.<sup>14</sup> Ramsey is a completely urbanized county, there being no rural areas. In addition to the traditional political subdivisions, several other governmental units operate within or partly within the county.<sup>15</sup> The number of these units is small, however, when compared with the figure in counties across the nation.

Better governmental organization will not by itself guarantee a solution to pressing urban problems or the more effective performance of urban functions, but it is a prerequisite. It is unrealistic to assume that governmental machinery encased in a nineteenth-century structure can meet twentieth-century needs. It is necessary, therefore, to examine the organization of the traditional county and its application to Ramsey County.

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<sup>14</sup>The villages of St. Anthony and Spring Lake Park and the city of Blaine are partly in other counties.

<sup>15</sup>The special districts include the Metropolitan Mosquito Control District, Minneapolis-St. Paul Sanitary District (both transferred to the Metropolitan Council), Metropolitan Airports Commission, North Suburban Hospital District (almost all in Anoka County but it services Mounds View, Blaine and Spring Lake Park), North Suburban Sanitary District (Almost all in Anoka and Hennepin Counties; it will shortly be transferred to the Metropolitan Council. The authorities are the St. Paul Housing and Redevelopment Authority and the St. Paul Port Authority both operating in the city of St. Paul only. The independent commissions are discussed in another section of the report.

## RECOMMENDATIONS

### GENERAL BACKGROUND OF COUNTY GOVERNMENT

Because of the wide variations in the organization of county government across the United States it is impossible to lump all such units under a few headings which will respect the subtle and apparent differences existing between them. In pursuit of some workable model to describe succinctly the governmental organization of most counties it would be suitable to use the method of Professor Duncombe in his recent text on county government.<sup>1</sup> According to this arrangement counties are divided into two groups: unreformed counties having a traditional plural-executive type of government and counties that have experienced some degree of modernization and have a single executive or administrator.<sup>2</sup> Although these two classifications contain a sizeable number of different plans, the process lends itself to a certain rationality in that one may conveniently group the vast majority of counties in the former category without particular regard to the difference in the nature of the composition of the governing boards existing in the various forms of traditional county government.<sup>3</sup>

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<sup>1</sup>Herbert S. Duncombe, County Government in America (Washington, D. C.: National Association of Counties, 1966).

<sup>2</sup>Ibid., p. 9.

<sup>3</sup>It is estimated that over 85% of all county governments in the United States are of the plural-executive type (Duncombe, County Government in America, p. 9.).



Thus the commission plan, the supervisor plan, and the manifold forms developed in the South and to some extent in the West may be placed within the classification of plural-executive type.<sup>4</sup> In general this form is characterized by a plural-member county governing board variously called the Board of Commissioners, Board of Supervisors, County Court, Board of Freeholders, Commissioners Court, etc.<sup>5</sup>

The eighteenth-century principle of separation of powers so carefully built into our national and state governments is not carried over in the traditional county system. Both legislative and administrative functions repose in the central governing bodies. The legislative power, however, is usually limited to that expressly granted by the state legislatures, i.e. authority to enact such ordinances and regulations as is permitted by state law. Often the most important of these powers is the adoption of the county budget and the voting of taxes and appropriations.<sup>6</sup> In the main, the predominant functions discharged by traditional "county boards" are administrative in nature.

A second feature of the plural-executive form of government is the election of numerous officials who are often referred to as "row officers" because their titles form a linear sequence in

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<sup>4</sup>The plural-executive form of county government is sometimes called the no-executive or divided-executive type.

<sup>5</sup>In 1965 there were over thirty-four official titles for county governing bodies (Duncombe, County Government in America, p.41).

<sup>6</sup>In a number of counties the county board or its presiding officer or both have judicial duties in addition to legislative and administrative responsibilities. (Duncombe, County Government in America, p. 10; p. 49).

county organization charts. These officials generally include the following: Auditor, Assessor, Treasurer, Register of Deeds, Sheriff, Attorney, Clerk of Court, etc. Whatever the variations in traditional county organization the independently elected row officers are common to all of them.<sup>7</sup> The essential difference, therefore, in structural forms between traditional counties is in the construction, and to a lesser extent the duties of the central governing bodies.<sup>8</sup>

It is generally accepted truth that a fundamental weakness of many county governments is this antiquated pattern of structure and organization. Structural reform in most counties has not kept pace with their functional charges.

The preceding description of the traditional county points up two significant organizational characteristics which seriously impede the efficient operation necessary to modern county government. One is the retention of a large inventory of elected officials many of whom should logically be appointed because their responsibilities require either a special expertise or are routine or clerical, but all are principally administrative in nature.

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<sup>7</sup>The individual official elected varies from state to state and county to county.

<sup>8</sup>For a concise description of the most popular specific forms of organization -- e.g. commissioner plan and supervisor plan -- see George S. Blair, American Local Government (New York: Harper and Row, 1964, pp. 179-184, Arthur W. Bromage, American County Government (New York: Sears Publishing Co., Inc., 1933, chap. III, and Duncombe, County Government in America, pp. 42-45).

This point in particular has shown a remarkable resistance to change. Two is the lack of a single executive or administrator, either elective or appointive, who has sufficient authority to achieve effective county administration. Instead, the traditional county board exercises both executive and legislative functions as noted above. Administrative powers, however, must be shared with separately elected row officers.

In combination, the absence of a single central executive, the maintenance of independently elected row officers, and the dual role of the county board promote inefficiency, duplication, difficulty in coordination and planning, fragmentation of authority and obscurity in fixing accountability. These defects also discourage public confidence in county government to assume new responsibilities and to meet effectively the challenge facing local government today.

Obsolete governmental machinery not only impairs the ability of the county to carry on modern functions but also lessens the efficient delivery of the traditional services; those performed by the county as an administrative arm of the state. In the absence of needed organizational surgery many counties continue to muddle through as anachronisms set in an age of awesome social, economic and technological acceleration.

Since structural deficiencies are an important consideration in modernizing county government it is appropriate to examine the evolution of the traditional county pattern. For the most part this decision is limited to the Jacksonian period since traditional

county organization was built upon Jacksonian principles.

County governments were established in colonial times as transplanted English shires modified to meet the special needs of a particular area. The county became the predominant unit in the system of local government in the South, and also attained importance in the middle Atlantic colonies, especially those of New York and Pennsylvania.<sup>9</sup> The pattern developed in the latter represented a compromise between the New England and Southern forms. This was so because under the county-township system the distribution of authority was shared between the two; hence in the middle Atlantic colonies the county was not as strong as in the South where the concentration of power was in a single unit.<sup>10</sup>

The gaining of independence did not result in immediate change in the basic organization of county government. At the close of the Revolutionary War only about 3% of the population lived in non-rural communities. Because America was an overwhelmingly

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<sup>9</sup> In New England the town system prevailed and the county was of little consequence. In the middle Atlantic colonies the county-township system was established. The commissioner plan of organization of the county governing board in Pennsylvania or the supervisor plan in New York. For a detailed description of colonial county government, see Duncombe, County Government in America, pp. 18-24, Blair, American Local Government, pp. 18-39, Bromage, American County Government, pp. 16-35, Henry S. Gilbertson, The County, The Dark Continent of American Politics (New York: The National Short Ballot Association, 1917), pp. 9-24, and Edward Channing, "Town and County Government in the English Colonies of North America," Johns Hopkins University Studies in Historical and Political Science, II (October, 1884), 6-57.

<sup>10</sup> Blair, American Local Government, p. 32.

agricultural society there was little pressure to develop a theory of urban government.<sup>11</sup> Counties continued in a structure designed to provide limited services as an agency of the state to a predominantly rural population.

In the post-independence period a more specific theory of local government began to evolve. To Thomas Jefferson we are indebted -- however one may view it -- for the "grass roots" concept of government. This idea stressed the essentiality of local self-rule. Jefferson idealized that the center of the democratic system would be local government set forever in an agricultural nation. He did not have the county in mind but smaller units such as wards (townships) and the New England town distinguished by the universal participation of its citizens. Jefferson believed firmly that democracy and its institutions would be best served by an agrarian society; a society based on small communities of "educated yeomen" and the strength of the individual "tiller of the soil."<sup>12</sup> He was convinced that if large cities with teeming masses became prevalent they would visit disaster upon America.

In spite of Jefferson's hopes, cities grew in size and importance. This phenomenon was accompanied by a corresponding variance in the urban proletariat -- a mass of workingmen with an assumed stake in the decision of government.

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<sup>11</sup> Charles R. Adrian and Charles Press, Governing Urban America (3d ed. rev., New York: McGraw-Hill, 1968), p. 71.

<sup>12</sup> Bollens and Schwadt, The Metropolis, pp. 493-494 and Adrian and Press, Governing Urban America, p. 73.

At the same time national frontiers were extended at an ever increasing rate. As the frontier moved west each of the new states adopted one of the several forms of county government founded during the colonial period. Also of direct consequence for the structure of county government was the frontier as a mechanism for political and social egalitarianism -- the democratization of the pioneer. The experience of the frontier and a rising urban laboring class played important roles in the shaping of Jacksonian philosophy.

The concept of "government by the common man" was a cardinal principle in Jacksonian political theory.<sup>13</sup> Jacksonians like their predecessors emphasized the legitimacy of the right to local self-rule, but unlike the aristocratic Jeffersonians they embraced the urban masses as an active part of the body politic. Thus the principle of universal manhood suffrage was a vital element in Jacksonian political philosophy; for as long as property requirements to exercise the vote remained segments of the urban proletariat might have been disfranchised indefinitely.<sup>14</sup> However, the idea of giving man the vote spread rapidly from west to east -- that is from the frontier states back to the original colonial commonwealths. Everywhere restrictive limitations on the suffrage were eliminated so that only two decades after Andrew Jackson took office they had almost completely disappeared.<sup>15</sup>

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<sup>13</sup>Adrian and Press, Governing Urban America, pp. 73-74.

<sup>14</sup>Ibid.

<sup>15</sup>Ibid.



Universal manhood suffrage not only reduced the political power of the land-oriented oligarchy but made it possible for any man to run for office and receive the support of all societal elements. In like manner, if Jefferson had been right and all men were created equal it followed that all men could hold office; if every man could vote then any man could govern.

So during the Jacksonian era in the heady atmosphere of the "rise of the common man" it became the practice to elect everybody. It did not matter whether the responsibilities were administrative or policy-setting or required a professional expertise. Legislatures scrambled to amend old constitutions, to write new ones, or to enact laws to effect these structural changes. New states followed current trends. Gradually, the list of elective offices became almost endless; the ultimate result being the "bed-sheet" ballot. Jacksonian democracy held sway with the principles of direct election and rotation in office, while the spoils system became entrenched throughout the governmental system.<sup>16</sup>

Abuse of the idea of popular election to office did not really matter in a period of unbridled optimism cloaked in an agricultural setting. Because the county's business was remarkably

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<sup>16</sup>Because many offices could not be made elective at the national level without amending the Constitution the principle of rotation was developed as an alternative. See Leonard D. White, The Jacksonian, A Study in Administrative History (New York: The Macmillan Co., 1954), pp. 300-301. It may be noted that a few county offices were elective before the nineteenth century. These varied from state to state or before independence from colony to colony. Under the Jacksonians, however, direct elections of all offices as mandates from the people became political dogma. See especially Gilbertson, The County, the Dark Continent of American Politics, pp. 28-33.

uncomplicated inefficiency was of small consideration. In the main, the services provided by the county were those mandated duties supplied as an administrative arm of the state such as judicial and electoral functions, record-keeping and maintaining the peace in rural areas. Cities were self-contained and county seats were located so that man and horse could make the journey from home and return during the hours of daylight.

Today there is little justification for the continuance of the outdated decentralized organization in metropolitan counties. Urban counties generally now provide new municipal-type functions and have also broadened appreciably their services in such areas as public health, social welfare and road and highway maintenance. New functions have been added in the area of hospital operation, solid waste disposal, libraries and park and recreation facilities to name only a few. There has also been important functional growth through contractual arrangements with other governmental units. Obviously, counties must be given modern governmental organization in order to discharge modern responsibilities more effectively.

#### RAMSEY COUNTY STRUCTURE

The eighty-seven counties of Minnesota cover every square inch of land in the state, there being no unorganized territory or separate city-counties. There is great variation in their area size ranging from 160 to 3,281 square miles; in population they range from 3,346 to 955,617.<sup>17</sup>

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<sup>17</sup>Population figures are based on preliminary report of the U.S. Department of Commerce, Bureau of the Census, PC (P1) -25 Minnesota (July, 1970).

In population density Minnesota's counties run from under 3 people to almost 2,968 per square mile.

Except for a brief period early in the state's history, the structure of county government in Minnesota has followed the commissioner plan.<sup>18</sup> With the exception of Ramsey and St. Louis counties, each county electorate returns five commissioners to the central governing body - the Board of Commissioners.<sup>19</sup>

Although there are variations in the intra-county structures, a common feature of eighty-six counties is a long list of independently-elected administrative officials. In fact, at first glance, the two major elements of county organization - the row officers and county board -- look strikingly similar to county structure in the nineteenth century.<sup>20</sup>

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<sup>18</sup>The first state legislature in 1858 replaced the commissioner form of county governing bodies that were obtained in territorial organization with the supervisor plan wherein the county board was comprised of representatives of the several towns. The system proved to be unwieldly -- some boards reached more than twenty members and that of Dakota County was derisively called the "Dakota County Legislature" -- and was changed back to the commissioner plan in 1860 (Gen. Laws of Minn. 1858, ch. 75, art. XV, Gen. Laws Minn. 1860, ch. 15 and William Anderson and Bruce E. Lehman, An Outline of County Government in Minnesota [Minneapolis: University of Minnesota Press, 1927], p. 24.

<sup>19</sup>St. Louis county uses a seven-member board. Ramsey County is discussed below.

<sup>20</sup>The legislation of 1860 reinstating the commissioner form of county government was a landmark in establishing the essential principles of county organization in the state. As one scholar wrote in 1927 "The laws affecting county organization which have been enacted since 1860 have . . . been mainly of an amendatory nature" (Anderson and Lehman, An Outline of County Government in Minnesota,) p. 25. For most counties in Minnesota the same may be said today.

Ramsey County follows this general pattern of a plural-executive form of governmental organization, but with several unique features. The Ramsey County Board of Commissioners is composed of seven members with the mayor of St. Paul serving as its ex officio chairman.<sup>21</sup> The separately elected row offices include: The auditor, treasurer, register of deeds, abstract clerk, county attorney, sheriff, clerk of court (county clerk), and court commissioner.<sup>22</sup>

The powers, duties and functions of the row officers derives from statutes not from county ordinances. Hence, the county board exerts only limited control over these officials since each is independently elected and interprets his responsibilities within the confines of the particular state edict. The board of commissioners, however, does wield some indirect control through the power of the purse in matters of appropriations and expenditures. For many years the state legislature set either the salary or the limits of salary for the separate county officers. But in the last session, the legislature passed a special law empowering the county board in Ramsey County to set the annual salary, without limitations, for the attorney, auditor, sheriff, register of deeds, clerk of district court, treasurer, and the coroner.<sup>23</sup>

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<sup>21</sup>Special Laws of Minn. 1871, ch. 73.

<sup>22</sup>In addition to the row officers eleven district judges and one probate judge are elected.

<sup>23</sup>Sess. Laws of Minn. 1969, ch. 756. In addition, the board has the authority to determine the number of deputies and other employees in some of the separately elected offices, e.g. the sheriff's office (Minn. Stat. 1969, 387.14).

The operating costs of these offices are also included in the county's annual budget which must win ultimate approval of the board of commissioners. Further, a department may require additional appropriations which the board may or may not allow. The county board also has the power, by statute, to fill vacancies in the principal elective offices.<sup>24</sup>

Superimposed on this nineteenth-century elective framework are what might be termed twentieth-century to the traditional county pattern. Among these are found the county engineer, broadened law enforcement and welfare functions, hospital, nursing home, public health nursing, weed inspection, veterans service, civil defense, sewerage and solid waste disposal, libraries, park and recreation and data processing. The modern additions represent something of an index of the functional changes assumed by the county over the last century.

Most of these functions are supervised by officials appointed by the county board or by autonomous or quasi-autonomous boards and commissions. But retention of the independent row officers together with the several independent other units invest the county with a ramshackle structure characteristic of the traditional plural-executive commissioner form. Although it may be true that individual components of the system may perform adequately, it is equally apparent that in order to attain optimum efficiency by working as an organic unit county government should be centralized

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<sup>24</sup>Minn. Stat. 1969, 375.08

and departmentalized. The old nineteenth century rationale and practice of electing a long list of predominantly administrative officials is no longer justifiable in meeting the responsibilities of urban government.

All witnesses that appeared before the Commission and who addressed themselves to this question recognized the need for modernizing the organization of Ramsey County government. The Commission in its deliberations concurred in this view. Therefore the Commission:

Recommends that the offices of the following presently elected county officials be abolished: auditor, treasurer, register of deeds, abstract clerk, court commissioner, and clerk of the district court (this change would require a constitutional amendment); that the functions of the abolished offices be transferred to restructured administrative departments headed by officials appointed by the county board, the county administrator or both from candidates selected through competitive civil service procedures.

It will be noted that the sheriff was not included among the offices recommended to be appointive. Considerable discussion took place on this question but it was decided (vote of 4-3, 3 absent) to keep the office of sheriff elective. It was agreed that the sheriff in his capacity as a police figure should retain a certain independence especially so since he is the only major law enforcement official directly responsible to the people.

Second, opinion held that although the department heads should be selected through competitive civil service procedures, they would not necessarily enjoy civil service protection for it was felt that the county board should have optimum control over the personnel concerned with implementing its policies.

Nevertheless the selection process should follow some form of competitive regulation.

#### COUNTY ADMINISTRATOR

In 1967 the Minnesota Legislature passed into law an act authorizing the appointment of a county administrator, and specifying his qualifications, term of office and duties.<sup>25</sup> The act provides that any county board in the state may appoint a county administrator who would be responsible for the broad supervision of county administration. This permissive legislation is in keeping with the national trend of providing for a central executive officer for county government. In 1967 over 450 counties in the United States operated with a chief administrator of some kind and the number continues to grow.<sup>26</sup>

The benefits derived from having the administrative affairs of county government managed by a qualified administrator are considerable. As pointed out above the absence of a single executive, together with the separately elected row officers and the independent boards and commissions, promotes confusion in determining executive control and responsibility. It also inhibits effective coordination and cooperation in the government as a unit.

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<sup>25</sup>Sess. Laws of Minn. 1965, ch. 585.

<sup>26</sup>William H. Cope, The Emerging Patterns of County Executives ("University of Kansas Publications: Governmental Research Series", No. 35; Lawrence, Kansas: Governmental Research Center, 1967), p. 26. The above figure includes chief executive offices of various classifications both appointed and elected.

With an appointed chief executive officer, however, the splintered executive authority is more definitely concentrated in single entity who serves at the pleasure of the county board. This frees the county board from its dual role as a legislative and executive body by relieving it of the major portion of administrative detail in coordinating and managing county affairs. The central executive officer is not charged with the responsibility for the substantive aspects of each department or agency, but with the administrative aspects of county government as a whole in order to insure the effective coordination of all departments. The county board, of course, retains ultimate accountability for the supervision and direction of county government and as an elective body is directly responsible to the public.<sup>27</sup>

In testimony before the Commission several members of the Ramsey County Board of Commissioners suggested as reasons for the board having failed to take advantage of the County Administrator Act that there was uncertainty as to whether to make the appointment from within or without present county personnel or officials; whether the administrator should be a weak or strong one; that until the elective offices were made appointive the administrator could not fully utilize his executive power. While there is a good deal of validity to the last argument hopefully the recommended legislation to be drawn abolishing the specified elective officers will eliminate this factor.

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<sup>27</sup> The above description assumes changing the status of the independently elected county offices.



The basic idea of appointing a county administrator won unanimous approval in the testimony of the witnesses appearing before the Commission. The Commission agrees that a central executive officer is a first principle to the operation of sound county government. Therefore, the Commission:

Recommends that the county board consider the appointment of a county administrator pursuant to Minn. Stat. 375.48, .49, .50, to be charged with the overall business management and administrative responsibility for county government.

In order to take better advantage of modern management procedures in their application to the governmental structure of the urban county, it is essential to equip the board of commissioners with the power necessary to rationalize the internal organization of the county as may be required. Stated succinctly, this means granting the board authority to reorganize and consolidate offices in the intra-county structure. Such authority would not only be a logical and practical consequence of the two previous recommended reforms, but would lend to effective operation of county government the vital element of structural flexibility. It is impossible to forecast requirements of precise structural changes in any unit of local government, but it is a certainty that if their entities are to meet their responsibilities they must be flexible -- to change as need dictates.

In addition, as a result of judicious exercise of this power waste, overlapping and duplication as exists between offices in the present county organization could be eliminated. The end result would be greater efficiency and economy in government.

For example, one important area of useful merger would be the creation of a centralized department of finance by consolidating the offices of auditor, treasurer and assessor. It is possible to include the latter office in Ramsey County under such an arrangement because Ramsey is unique in having a true county assessor, thus Ramsey County constitutes a single assessment district. The new department might include such functional areas as general accounting, taxation, assessment, public service, etc. Obviously, division of the specific functional areas might vary. Second, a department of public works might be established also which would embrace the road and bridge (engineer) functions, lake improvement, weed control, etc.

What is significant is that the board of commissioners as the ultimate entity responsible for the management of county affairs should be equipped legally to effect whatever structural modifications are pertinent to improve the quality of government. This authority could be exercised only within the context of structural changes.<sup>28</sup>

All the independent special districts, taxing areas, authorities, agencies, boards and commissions when taken together represent another process which results in fragmentation, division of authority, and diffusion of responsibility in the governmental system. Since in most instances these are plural-membered bodies whose members are appointed instead of elected, they are less

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<sup>28</sup>The above is to say that in such authority no special prerogative is implicit for functional changes.

responsive to the citizens they serve.

As noted earlier in the report Ramsey County is remarkably free from special districts and authorities, indeed so much so that the current number is a paucity when compared with the number in other areas in the United States of high density population. Until recently, there were six special districts or authorities operating as municipal or inter-county governmental units in Ramsey County. These are or were: The Metropolitan Mosquito Control District, Metropolitan Airport Commission, Minneapolis-St. Paul Sanitary District, Valley Branch Watershed District (part in Ramsey), St. Paul Housing and Redevelopment Authority (municipal) and the St. Paul Port Authority (municipal).

At the present time, two of the districts, The Metropolitan Mosquito Control District and the Minneapolis-St. Paul Sanitary District are under the direction of the Metropolitan Council.<sup>29</sup> The St. Paul Port Authority and the Housing and Redevelopment Authority are municipal districts without jurisdiction outside the City of St. Paul.

In addition to the special districts and authorities there are, in Ramsey County, a number of collateral boards, agencies and commissions with independent jurisdiction over specific services and functions. Many of these administrative governing bodies

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<sup>29</sup>It is possible that the Metropolitan Airport Commission also may be transferred to the Metropolitan Council. The MAC is an especially powerful independent unit with the authority to pledge the public credit to the amount of \$100,000,000.

are joint city (St. Paul) - county arrangements whose costs are shared between the two either equally or in a prescribed ratio. Usually their membership is appointive with the power of appointment being the prerogative of the mayor of St. Paul, the county board of Commissioners or both.<sup>30</sup> Their membership may contain private citizens or governmental officials or a combination of the two, including the mayor of St. Paul or one or more of the county commissioners. But the important point for consideration is that these commissions like the special districts exercise, by law, independent authority in the management of their particular function without effective administrative and supervisory control by a local general government.

An outstanding example of an independent body overseeing the expenditure of considerable sums is the Ramsey County Welfare Board. This unit is charged with the duty of supervising the administration of all phases of public welfare as required by state law including categorical aid under the federal Social Security Act.<sup>31</sup> While it is true that final approval of the welfare budget is a joint function of the St. Paul City Council

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<sup>30</sup>It will be recalled that the mayor of St. Paul also serves as ex officio chairman of the county board. Depending upon the circumstances his power of nomination or appointment may be fulfilled either one or the other capacity.

<sup>31</sup>A detailed description of the arrangement of welfare in Ramsey County appears below in a section. See Sess. Laws of Minn. 1929, ch. 371 and Minn. Stat. Ann. sec. 393.01 subd. 4, .04, .07 - .08.

and the county board of commissioners, once the budget is confirmed the administration of expenditures remains the province of the Welfare Board.<sup>32</sup> The county's contribution amounted to over 45% of its entire budget for the year 1970, yet the county board does not have direct supervision over expenditures in the welfare operation.<sup>33</sup>

A similar condition exists in the case of the Corrections and Detentions Authority. This special commission, which was established as an independent joint city-county agency by a legislative act in 1955 and amended in 1957, is charged with the administration of the City-County Workhouse, Totem Town and the Woodview Detention Home.<sup>34</sup> Its membership consists of seven persons: two county commissioners, two city councilmen, the sheriff, the Public Safety Commissioner (city) and the mayor of St. Paul (chairman). The Authority is funded jointly by the city and county on a 50-50 basis.<sup>35</sup>

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<sup>32</sup>Whatever control over the welfare budget by the Welfare Budget Advisory Committee or the joint city and county central bodies is, at last measure, illusory because by law provision must be made for welfare and the amount expended must be met. This holds true for poor relief which is funded at 100% by joint county-city contributions (72½%-27½%) as well as categorical aid of which the major funding is state and federal contributions.

<sup>33</sup>The 45% (\$13,200,836.25) represents the share for welfare in the county annual budget (1970) totalling \$29,119,394.50. If one includes the state and federal funds plus cash receipts (\$24,055,788.55) in addition to the \$13,200,836.55 then the county's budget would be over \$53,000,000 and welfare would take 70.06% of the total budget. By either reckoning welfare accounts for the lion's share of the county's expenditures.

<sup>34</sup>Sess. Laws of Minn. 1955 ch. 353 and 1957 ch. 664 as amended.

<sup>35</sup>In 1970 the county's share called for \$686,568.00.

The director of the Authority prepares the budget which is then submitted to the operating committee for final action. Whatever amounts as is fixed must be provided by the city and county. In other words, the Ramsey County Board acting as a central unit of county government has no power in setting the budget or supervising the monies spent.

In 1969, a new autonomous body was created when the state legislature established the Ramsey County Hospital and Sanitarium Commission. As the name implies this quasi-governmental unit has complete responsibility for the operation, administration and management of the St. Paul-Ramsey Hospital and the Ramsey County Tuberculosis Sanitarium.<sup>36</sup> Of the nine appointed commission members who are nominated by the mayor of St. Paul serving in his capacity as chairman of the county board and approved by that board, three must be county commissioners.

The hospital commission is required to submit an annual budget to the county board of commissioners for final approval or revision. The commission, however, retains complete freedom in supervising the operation of the facilities entrusted to it. As provided by law it fulfills three essential characteristics of a quasi-municipal corporation: (1) it may, with the approval of the county board, enter into contracts, (2) sue or be sued, (3) acquire and dispose of property.<sup>37</sup> St. Paul-Ramsey Hospital is a

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<sup>36</sup>Sess. Laws of Minn. 1969, ch. 1104. There no longer exists separate physical facilities for tuberculosis sanitariums in Ramsey County; care of tuberculars is not a part of St. Paul Ramsey Hospital.

<sup>37</sup>Ibid., Sec. 4 subd. 3, sec. 8 subd. 2, sec. 4 subd. 5, sec. 6 subd. 3

self-supporting institution and as such does not use a tax levy to raise money for its operation; but the county board does have the legal authority to levy taxes for support of the hospital if so needed.<sup>38</sup>

There are a number of other independent boards, commissions and agencies in addition to the example described above. Some of these include the Probation Department, Library Board, Recreation Building Facilities Commission, Agricultural Extension Committee and several joint city-county units, e.g. Joint City-County Court House and City Hall Committee and the City-County Services Committee.<sup>39</sup>

The expenditures supervised by these units in administering their specific functions account for well over half of the annual Ramsey County budget. If all state-mandated functions are included -- those imposed on and required of the county as an administrative arm of the state -- three-fourths of the allocated expenditures are to some degree beyond the direct control of elected county officials.

In sum, the special districts, authorities, boards, commissions and agencies perpetuate fragmented administrative control and direction. Because their membership is usually appointive they are insulated from the electorate and less responsive to the public they serve. Also, their independent nature tends to obscure

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<sup>38</sup>Ibid. Sec. 4 subd. 3. The hospital's budget for 1970 was \$19,213,272.00.

<sup>39</sup>For a more inclusive list of these entities see Appendix.

accountability.

The Interim Commission feels that it is in the interest of a well-ordered efficient government to provide for a more centralized direction of the services and functions discharged by the various separate entities. Therefore, the Commission:

Recommends that the county board have the authority not only to reorganize and consolidate departments in the intra-county structure, but to centralize the functions now performed by autonomous boards, commissions and agencies where desirable. Implementation of this recommendation requires special legislation for Ramsey County with the exception of those entities established at the option of the county board (see Appendix).

#### REORGANIZATION OF THE COUNTY BOARD OF COMMISSIONERS

One hundred years ago the state legislature enacted special legislation providing for the reorganization of the Board of Commissioners of Ramsey County. At that time the board was made to be composed of seven members: four from within the city of St. Paul, two from outside the city and the mayor of St. Paul serving as chairman.<sup>40</sup> This arrangement, which still obtains today and is unique in Minnesota, was properly considered by the Interim Commission. In general, discussion centered on one, the merits of reducing the number of board members to five, thereby eliminating the mayor of St. Paul as ex officio chairman and two, what specific organizational changes could be effected which might result in a more effective and responsive central body.

With regard to the former, advocates of the present

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<sup>40</sup>Sp. Laws of Minn. 1871 ch. 73 sec. 1 and 4.



arrangement emphasized the benefits of liaison between city and county governments in having the mayor serve as chairman of the county board. It was argued that the mayor, in this capacity, acts as a coordinator of city and county affairs, especially so since he is the only full time person on the board. In addition, because he serves on a number of joint city-county units, he is able to further cooperation between the two governments.

Justification for the mayor's position was based on the fact that there is joint city-county funding in several activities and programs. Also, two-thirds of the county's revenue derives from the contribution of the city of St. Paul.

Conversely, several disadvantages were enumerated. It was suggested that the mayor's role of liaison is somewhat reduced because it is accomplished by means of the various joint committees and commissions. It was argued that county officials should be distinct from city officials and no person should be both simply because he holds office in city government. Further, it was maintained that the city of St. Paul has always dominated in Ramsey County to the extent that they had become almost synonymous. Thus the elimination of the mayor would be an expression of the importance attaching to other municipalities in Ramsey County. Finally, the mayor's presence strengthens the voting power of the city which is already at a ratio of 2 to 1.

The majority opinion of the Interim Commission is to retain the existence of a county board of seven members with the mayor of St. Paul serving as ex officio chairman. The advantages, it was

held, for the present outweigh the disadvantages.

In the second part of the discussion -- that concerning specific organizational changes in the county board -- attention focused on the present concurrent terms of the commissioners and the construction of commissioner districts as possibilities for reform.

As indicated above there are six elected members representing three districts on the Ramsey County Board of Commissioners. District 1, which returns one member, includes the suburb area west of Rice Street (northwestern suburbs). District 2 embraces the suburban east of Rice Street and it also returns one member; district 3, which covers all of the city of St. Paul returns four members who run at large within the city.

At present the entire county board is elected at the same general election. The Interim Commission feels that it would be advisable for purposes of continuity to stagger the terms of the commissioners, it being conceivable that the whole board might be replaced at a given election thus creating a problem of lack of experience and practical knowledge in the functioning of the board. By staggering the terms a certain continuity is assured in the even conduct of county business.

Another area for possible reform is the manner of geographical election of the commissioners. Separation of the districts so that each is either wholly inside or outside the central city or suburbs does not promote familiarization with countywide problems. If overlapping districts between St. Paul and the suburbs

were created, the commissioners would of necessity gain a better understanding of the problems of each and more effective government might be achieved. In the belief that such reform would produce beneficial results, the Commission:

Recommends that when the data for the 1970 census is available, consideration be given to fixing staggered terms for the commissioners and creating overlapping districts between St. Paul and the suburbs. (It should be noted that the "one man one vote" rule applies to county boards as well as to the state and national legislatures. Thus in any redistricting apportionment must be in keeping with this principle.)

### LAW ENFORCEMENT

The United States has a traditional pattern of law enforcement which is unique in the civilized world. Regardless of size, location in relation to other units of general local government, or financial means, nearly every unit of local government is believed capable of administering basic law enforcement.<sup>41</sup>

In metropolitan centers, municipalities are the chief providers of law enforcement service.<sup>42</sup> However, accelerating urbanization of population aggregates has profoundly increased the problem of efficiently discharging the police function. Law enforcement agencies in metropolitan areas are confronted with the responsibility of maintaining law and order within separate

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<sup>41</sup>Gordon E. Misner, "Recent Developments in the Metropolitan Law Enforcement," The Journal of Criminal Law, Criminology, and Political Science, Vol. 50 No. 5 (Jan.-Feb., 1960), 497.

<sup>42</sup>In 1962, of 221 urban counties over 100,000 population in 73 the county was the chief law enforcement agency in incorporated and unincorporated areas (Municipal Year Book 1962) (Chicago: International City Managers' Association, 1962), pp. 62-63.

areas and under different laws.<sup>43</sup> Criminal activity, however, often pervades an entire area and is not confined to any individual jurisdiction. Thus jurisdictional diversity and fragmentation compounds the problem of total area law enforcement.

An equally important consideration is the financial capability of local governmental units to provide for the necessary elements of modern police activity. While some communities are able to meet individual requirements without undue burden on their financial resources, other jurisdictions encounter or would encounter financial difficulties in providing common services which might better be achieved in more centralized form.

Across the nation one consequence of these factors has been cooperation among police departments in metropolitan areas to improve service, increase efficiency and reduce costs.<sup>44</sup> This has been particularly true in the special technical fields collectively called central staff services.

Within the broad category of police administration central staff services include: 1. records and identification including compilation of criminal statistics; 2. communications; 3. custody of prisoners (jails); 4. criminalistic laboratory services; 5. criminal investigation; and 6. training. Not only are these

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<sup>43</sup>Richard D. Yenley, "The Police Function," Metropolitan Services, Studies of Allocation in a Federated Organization, (Los Angeles: University of California, Bureau of Governmental Research, 196), p. 65.

<sup>44</sup>See in particular, Advisory Commission on Intergovernmental Relations, Performance of Urban Functions: Local and Areawide (M-21, September, 1963), pp. 116-131.

activities considered to be the most expensive to initiate and maintain, but they are also the ones most amenable to functional centralization. The greatest advances in centralization have been achieved in these areas.<sup>45</sup>

#### Central Records.

A central records bureau is a basic requirement for effectively dealing with intercommunity criminal activity. This unit acts both as a means for identifying patterns of occurrence and for ascertaining similarities between crimes committed in separate jurisdictions. It is also in a position to reduce the time lapse in obtaining and disseminating information. It is important to the record keeping function to give special emphasis to data significant to the entire area. Such files should include at least stolen property and M.O. (method of operation), check forgery and automotive theft. Additional information may be stored depending on the need of the particular area, but the record keeping activity would also involve fingerprints and the compilation of criminal statistics.

#### Central Laboratory.

The function of a crime detection laboratory is closely related to the function of central record keeping. Both activities are expensive to initiate and maintain. But the correlative

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<sup>45</sup> Much of the following general discussion of the individual functions of the central staff services is based on Misner, "Recent Developments in Metropolitan Law Enforcement," Yerley, "The Police Function," and A.C.I.R. Performance of Urban Functions: Local and Areawide all cited above.

features between the two reach farther than similarities of cost. The effective use of evidence analysis depends to some extent upon adequate records because the utility of the comparative method rests in the number of samples which can be tested for comparison. Because of their expense criminal detection laboratories are beyond the reach of smaller police units. Even if they were not their establishment would entail unnecessary duplication.

For all practical purposes a central crime laboratory already operates in Ramsey County. In 1960 a joint agreement was effected between Ramsey County and the St. Paul Police Department for service of the city's crime laboratory. Technical assistance is provided to any municipality in the county for scientific laboratory work. The arrangement is funded from monies provided by Ramsey County as approved by the board of commissioners.<sup>46</sup>

#### Central Communications.

Police communications is another function that usually requires centralized development. There is a physical dimension to the activity since only a limited number of radio frequencies is available in any one area. In theory, any local police unit is entitled to one base station and one mobile broadcast frequency. Additional frequencies may be assigned as needed. Thus in addition to reaching frequency limits, coordination of radio broadcasts becomes a problem.

Expense of purchase, installation and maintenance of

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<sup>46</sup>The initial amount was \$25,000. In each of the last two years \$5,000 was paid.

specialized radio equipment is also heavy. Costs, of course, vary with the size of the jurisdiction and the use of the equipment.

Assurance of rapid areawide communications in the pursuit of effective police administration is the important consideration. A highly developed coordination of communications would conduce to this end.

#### Criminal Investigation.

Although criminal investigation in its broad spectrum lends itself less readily to areawide solution because of possible conflicts with particular divisions of local police jurisdictions, what is meant here is areawide specialization. That is to say, specialized units, which by the nature of their function, require personnel with a particular expertise and which are expensive to maintain and operate. Then specialized units would work in close cooperation with the local police forces, but they would have the advantage of operating on an areawide basis. Examples of specialized squads are found in the field of narcotics, vice, homicide and certain aspects of juvenile delinquency.

Centralization of the central staff services which have been outlined listed or outlined above in no way infringes on the freedom of the local police jurisdictions. On the contrary, it is essentially a federal arrangement where aspects of functions are shared and total law enforcement strengthened. Reallocation of certain auxiliary functions does not reduce in any manner the liberty of the local community to meet peculiar needs. Such flexibility is essential to the local law enforcement system.

In addition to improving the general police function, centralized services are amenable to economies of scale. Specialized activities including record keeping, laboratories, communications systems and specialized investigative squads impose prohibitive unit costs unless they can serve a population large enough to fully utilize their capacity.

Also, from the viewpoint of administrative ability many of these aspects of police activity should be centralized. Experience has shown that where their services are on an areawide basis they are more beneficial to the police function since they tend to be better equipped and staffed. Finally, centralization permits more effective overall planning and allows for greater flexibility in assigning operations.

#### RAMSEY COUNTY

After discussing those activities especially susceptible to centralization in general it is necessary to examine their application in Ramsey County. At the present time eleven law enforcement agencies operate within the boundaries of Ramsey County.<sup>47</sup> Nine of the eleven are municipal police forces which range in size from 2 (village of Lauderdale) to 463 (city of St. Paul).<sup>48</sup>

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<sup>47</sup>The villages of St. Anthony and Spring Lake Park and the city of Blaine are not included in the figure above. These jurisdictions are partly in Ramsey County and partly in other counties. The unincorporated Township of White Bear has two constables.

<sup>48</sup>The other two agencies are the Ramsey County sheriff's department and the state Bureau of Criminal Apprehension.



Three of the municipal units -- excluding St. Paul -- have small detective divisions (Roseville, Maplewood, and the city of White Bear Lake). In addition to the jails of St. Paul and Ramsey County, three suburbs maintain lock-ups (city of White Bear Lake, Maplewood and New Brighton. The suburban jails are really immediate detention facilities in that prisoners are usually transferred to the county jail within a few hours. None are used to house prisoners for extended periods of time.

Six villages contract with the Ramsey County sheriff's department for law enforcement services. Basic patrol and investigative activities are provided, but in any village that desires extra service the municipal is charged directly for the services. The contract villages enjoy the full resources of the Ramsey County sheriff's office including supervision of administration, investigations by the detective division, service from the Water Patrol, School Patrol, complete utilization of the sheriff's radio communications center, and training, jail and record keeping.

Some centralization has already taken place among the local jurisdictions in Ramsey County in certain functions of central staff services. Specifically, the Commission's recommendations involve records, jail facilities, warrant and subpoena services, communications, and crime detection.

#### Records.

At present there is no central records bureau in Ramsey County. Each law enforcement agency maintains its own files and

although there is cooperation between the units in obtaining and releasing records data, a basic need exists for a central storage facility which could collect, collate, retrieve and disseminate information in an expeditious manner.

The information stored might include M.O. and Part I Crimes, e.g. criminal homicide, forcible rape, robbery, assault, burglary, larceny and auto theft. Most local jurisdictions might also benefit from the central storage of all information on Part II offenses such as forgery and counterfeiting, fraud, embezzlement, stolen property, etc., but beyond the basics the contents of the central files should be determined from the particular needs of the area.

The lack of a central file for warrant information is of special concern to the suburbs. Currently, such data must be obtained by contacting the individual police agencies. Obviously a central warrant file would greatly facilitate the dissemination of this information. Any central warrant file should be available on a twenty-four hour, seven-days-a-week basis.

The state of Minnesota is presently establishing a comprehensive central records file on all criminal activity throughout the state under the auspice of the Minnesota Criminal Investigation Center (MINCIS). This national pilot project is scheduled to begin operation in all phases by July, 1971. Eventually pertinent court records as well as criminal activities in Part I and Part II offenses will be computerized and stored.<sup>49</sup> Every local police jurisdiction

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<sup>49</sup>For sample forms for Parts I and II offenses see Appendix.

in the state, including sheriffs' offices, is required by law to submit relevant data to the Bureau of Criminal Apprehension.<sup>50</sup> All information on file may be retrieved directly by the requesting agency by means of local terminals tied directly to the center.<sup>51</sup> Although some difference of opinion exists on the necessity of reporting source of the offenses contained in the Part II form, the suburban communities believe that for them it would be more efficient and less costly to hook into the state system than to establish an intermediate repository for criminal records. This plan is especially attractive to the suburbs since, except for renting the terminals, there will not be a direct charge to the local police agencies for the records service.

In a very real sense either method would give Ramsey County a centralized record system, i.e. establishing an intermediate bureau for the area on utilizing the state record system. Any system, however, is only as complete as the information received from the reporting agency. The Commission recognizes the need for some form of centralized record keeping.

#### Jail Facilities.

As pointed out above there are three jails in Ramsey County besides those of St. Paul and the county. Only the last two house prisoners for extended periods of time since the suburbs transfer

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<sup>50</sup>See in particular Minn. Stat. 1969, 299.06, .10 and .11

<sup>51</sup>The terminals would be rented by the local jurisdiction at a nominal monthly rate.

their people to the county jail. Usually this is done within twenty-four hours after arrest.

The merger of the St. Paul and Ramsey County jails has for a long time been promoted, but it has failed of achievement because of financial problems. At last the funds have been budgeted and approved. When the merger takes place the jails in Ramsey County will for all practical purposes be consolidated. The new facility will be operated by the sheriff's office. It should be noted also that the merger will help to centralize criminal records inasmuch as the sheriff will obtain such information in the processing of prisoners from the suburbs and St. Paul. The data will be filed with the sheriff's office in addition to being relayed to the appropriate state agency.

#### Warrant and Subpoena Service.

The issuance of warrants and subpoenas is another area which might be improved through greater centralization. At the present time the Ramsey County Sheriff's office services some of these papers, especially those of the District Court, while the municipalities service others. For example, the St. Paul Police service those received from the St. Paul Municipal Court and others on the residents of St. Paul. The suburbs service their own warrants.

As in the case of the jail facilities an agreement has been reached between St. Paul and the sheriff's department for the service of warrants and subpoenas by the sheriff for the city. Although the suburbs are not included in the present arrangement,

the sheriff will request that they register their warrants with his office and thereby create a more centralized warrant file which would be accessible to law enforcement agencies at all times.

Communications.

At the present time there are five separate communications systems in Ramsey County and they are tied together by various means of monitoring each other's systems. Within the five systems are thirteen high band radio channels. The State Task Force Report suggests that there are not enough frequencies available to service properly the needs of the modern equipment used to expedite the dispatching of units. Centralization of communications would make available the frequencies needed to operate modern radio devices.

In addition to reducing the effect of possible physical limitations, a central communication system could facilitate efficient police administration over an entire area. Patrol cars could be dispatched and coordinated on an inter-jurisdictional basis. It could mean a more effective development of personnel in high crime areas.

Any centralized system which would reduce the number of individual systems must take into account the special needs of local communities. For example, Maplewood's independent radio network transmits fire and public works calls in addition to handling the police function. Also, a central communications network must be staffed with personnel having particular knowledge of any local community or communities.

A recent study of police communications throughout the state suggests three networks for police mobile radios in Ramsey County. One network would be countywide with two additional systems for interlocal dispatching (one for Roseville, Maplewood and one for North St. Paul, White Bear Lake).<sup>52</sup>

#### Crime Detection.

The centralization of some activities of crime detection may be wrongly construed by local jurisdictions as an invasion of their authority. Certainly in appropriate circumstances this could be the case. What is intended here, however, is the development of highly specialized units which could effectively investigate inter-community criminal activity. Because of the expense involved in training, maintenance and operation such divisions are generally beyond the financial capabilities of smaller police departments.

Special units can be particularly effective in the investigation of the traffic and use of narcotics and can play an important role in the regulation of juvenile delinquency and vice; that is to say in those aspects of the last two problems which spillover from one jurisdiction to another. In the case of vice, for example, it could be an organized, highly mobile ring which moves one community to another or is located in one or all of them.

The federal concept is especially important in the functioning

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<sup>52</sup>Kelly Scientific Corporation, The Minnesota Plan for Improving the Effectiveness of Police Communications (October 1970), pp. 4-29-31.

of special units. Effective investigation diffuses through the entire system and much reliance must be placed upon the original investigator and local patrol unit. Coordination and cooperation between all units is essential to any successful operation. Thus aspects of the broader function are shared between the central special units and the local forces.

The differences between areawide and local priorities are another significant consideration in the performance of special units. Any unit must give proper attention to investigating problems of smaller jurisdictions even though they may not appear as intense as problems in large communities. For example, several incidents of the use or sale of marijuana in Maplewood must not be completely discounted in favor of investigating a heroin ring in St. Paul. Priorities must be established but they must take into account the sensibilities, requirements, and problems of the local communities.

The Commission feels that the enumerated areas for centralization would result in more effective law enforcement in Ramsey County. The merging of these areas would not jeopardize the position of any local police unit; indeed, it would enhance their operations. Local communities would retain liberty to adjust their services to meet local special requirements. Also, a good deal of concentration of central staff services is already underway or is presently at hand. In keeping with this process, the Commission

Recommends that law enforcement in Ramsey County be consolidated in the areas of crime detection, jail facilities, warrant and subpoena service, communications systems and records.

### Recruitment and Training.

Several of the suburban police forces especially favored a centralized arrangement for recruitment of personnel. At present, a prospective police officer might apply to several local units; he is tested and investigated by each at considerable expense and duplication. If there were a central recruiting program an applicant could be administered one test and undergo one investigation. He would then be placed on an eligibility list and could be solicited by any local police force. Although this seems to be a reasonable proposal, the Commission deleted any recommendation on recruitment and training because these problems are being studied by other agencies.

### COUNTY HEALTH DEPARTMENT

Few people would question the importance of public health in the index of community concerns, for it has been long recognized that the health of one individual affects the health of many. Perhaps no other public service touches the lives of all citizens in as intimate and significant way as the delivery of proper public health care.

It is also true that if a community health program is to be effective it must be administered at the place where the citizen's pursue their daily activities. The opportunity to obtain good public health care should be made available to all citizens in their respective communities.

At the present time suburban Ramsey County is serviced by the county nurses office. This unit is composed of six fulltime public health nurses (R.N.'s) one part time nurse and a director



of nurses. As professional nurses they visit private homes, and are responsible for school health services for the suburban parochial schools. Public school nurses are provided by the individual school districts.

Each fall the county nurses conduct an immunization program for both suburban public and private schools. The type of vaccine administered is varied on an alternate year basis. The county also maintains a suburban immunization center which is located on Rice Street and is open two mornings a week. It is organized primarily for children but adults are also treated.<sup>53</sup>

The above activities represent, for the most part, the extent of public health services provided by the county for the area outside the city of St. Paul. One need not be an expert in the field to see that the services available are small and restricted.<sup>54</sup>

Indeed, St. Paul is the only local jurisdiction that maintains a municipal health department. The St. Paul Bureau of Health is a large, well organized unit which discharges a wide variety of responsibilities in the effective delivery of modern public health care.

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<sup>53</sup>In the Ramsey County budget for the year 1970, a total of \$116,720.00 was allocated for nursing services.

<sup>54</sup>State law requires that municipalities establish a board of health and appoint a local health officer. These units and officers are instructed to make "such investigations and reports and obey such directions concerning communicable diseases as the state board may require or give; and under the general supervision of the state board, they shall cause all laws and regulations relating to the public health to be obeyed and enforced (Minn. Stat. 1969, 145.01-.03).

Operating on a budget for 1971 of \$1,118,755.00, the Bureau of Health provides services under ten general categories which are shown as follows:

	<u>1971 Budget</u>
Administration	\$ 136,606.00
Vital Statistics	64,506.00
School Health Services	274,597.00
Food Regulation	123,945.00
Medical and Inspection	70,416.00
Tuberculosis	123,548.00
Building Maintenance	62,725.00
Health Laboratory	41,664.00
Dog License Enforcement	40,379.00
Housing Inspection	<u>180,369.00</u>
Total	\$ 1,118,755.00

The above broad categories are by no means indicative of the total health program administered by the city health department. There are many public and environmental health projects funded with federal and state aid -- with or without local matching funds.<sup>55</sup> Some of these include: cervical cancer studies, material and infant health care, family planning, coronary prevention, child health, venereal disease control, industrial hygiene programs, etc. It is important to note that federal funds are generally available only to organize health departments. The federal department of Health Education and Welfare is particularly strict in distributing federal grants only to authorized health units.

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<sup>55</sup> If matching funds are involved, in whatever ratio, the local funds are provided from existing appropriations for the health department and are not sought in addition to the adopted budget.

Federal and state aid in the field of health represents considerable sums. For example, outside funding amounts to a figure almost as large as the health budget as funded by the city of St. Paul.

The Bureau of Health maintains a number of special clinics for the delivery of health care to the individual citizen. Among these clinics are found: dental clinics, family planning, immunization, tuberculosis, venereal disease, prenatal and prenatal high risk, child health, eye and others.

It is evident from the classifications and expenditures in the budget that the St. Paul Bureau of Health provides a broad scale of public health functions ranging from the keeping of vital statistics to housing inspection. A countywide health organization could provide highly trained, fulltime professional personnel to administer many of these services for the whole county.

In addition to the general reason just mentioned, a larger unit with increased jurisdiction may be urged for several specific considerations. For example, a county health department could provide:

1. A central office for reporting the incidence of communicable disease in the county.
2. The central registration of vital statistics which would furnish complete information on births and deaths.
3. The central development and direction of a health education program for the county made possible by qualified personnel in the field of public health education.
4. Comprehensive health clinics throughout the county for maternity and infant care, immunization, family

planning, venereal disease and other health problems.

5. A central agency for the distribution and control of immunizing materials to assure uniform coverage throughout the county and a centralized system for immunization records.
6. Highly specialized supervisory and technical personnel in the broad range of health education.

Third, the consolidation of health services could result in greater funding from federal and state agencies. As noted above federal stipulations often require that aid be channeled only to authorized health departments and the larger the unit the larger the fiscal warrant.

In Minnesota there has been for some time statutory authority providing for the establishment of county health departments.<sup>56</sup> This permissive legislation allows any county singly or counties jointly to create a countywide health unit.<sup>57</sup> Health departments of cities of the first, second, and third class, however, are exempted from the county jurisdiction until such time as the governing body of the city petitions by resolution to be included with such action subject to public referendum.

In 1963, a bill was introduced in the legislature but defeated which created a Ramsey County Health Department. The St. Paul Bureau of Health was included in the countywide unit. The

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<sup>56</sup>Minn. Stat. Ann., sec. 145.47-.54.

<sup>57</sup>In a single county, the creation of the unit requires a resolution by majority vote of the county board. However in Ramsey County it would require the unanimous vote of the Board of Commissioners (Minn. Stat. Ann., 145.48 subd. 1).

reason for the attempt at special legislation was that some of the functions performed by the city's health department would not be appropriate for the entire county, e.g. city dog license enforcement. Thus the proposed legislation amended the existing statutes, and permitted organization of the department as provided in the bill. This procedure allowed for specific changes as desired and also obviated the necessity for following the particular steps in establishing a county health department as required by statute.

The Commission recognizes the importance that attaches to problems of community health and the need for making available to all citizens in Ramsey County basic public and environmental health services. Furthermore, the Commission is of the opinion that if consolidation is effected the county unit should be directly under the county board of commissioners instead of creating a separate board to oversee the health agency as is required by law.<sup>58</sup> Therefore the Commission:

Recommends to the Ramsey County Delegation that they consider the possibility of legislation for consolidating all public health functions in the county under the county board.

#### COUNTY HOUSING AUTHORITY

Basic social needs have promoted consideration of establishing a county housing authority. Although the problems of inadequate housing for families and senior citizens of low income

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<sup>58</sup> Minn. Stat. Ann., 145.50.

abides in metropolitan counties, existing municipal authorities are limited to their own jurisdictions in exercising the available tools for the elimination of these conditions. For example, in all of Ramsey County only the city of St. Paul through the Housing and Redevelopment Authority is attempting to provide adequate housing for disadvantaged families. Thus low-cost housing projects are necessarily restricted to St. Paul. This, of course, has important social and economic consequences for the central city.

It is true, no doubt, that many elderly people of modest means would prefer to remain in their respective communities. Certainly, not all of these people or low-income families live in any one jurisdiction. Yet in the absence of any instrument to provide moderate housing they may be forced to leave a particular locality.

At least two approaches to these problems may be suggested. They are:

1. That any organized municipality within a county in which there is a municipal operating municipal housing authority contract with such existing authority to carry out housing programs in the contracting municipality. This arrangement would be an exercise in joint-powers agreements. Therefore, the contracting municipality would have to create an authority in accordance with the appropriate statute as a condition to entering the contract and would exercise the project hearings and approvals in the same manner under law as if the contracting authority were in fact the authority in and for the municipality. All provisions of the State Municipal Housing and Redevelopment Act would otherwise be applicable.
2. That each county in the state would be authorized to

create an authority within the county in the same manner and with the same powers and requirements as municipalities are now authorized to create authorities in the municipality. According to an outline of proposed legislation developed by the St. Paul HRA this could be done by incorporating such a provision in the existing municipal HRA Act with the following basic variations:

- a) County board would perform the same functions as the city council under existing law with respect to the county authority.
- b) The determination of need would be on a countywide basis.
- c) Membership be one member for each county commission district for staggered terms appointed by the county board.
- d) The area of operation would be the entire county except for existing municipal authorities, which authorities may opt into the county authority upon assumption of their obligations and consent of affected parties.
- e) All projects of the county authority located within a municipality would need the approval of the governing body of the municipality.
- f) The county authority would have all powers vested by law in municipal authorities except that its tax levy would not be applicable on the assessed valuation of property in a municipality where an existing authority also levies a tax for redevelopment purposes.
- g) A municipality could opt out of the county authority with the consent of the county authority and county board.
- h) A county authority could request an existing municipal authority to make its staff available to serve the county authority.

As noted previously, the suggestions listed above represent an outline of legislation proposed at the end of 1968 for establishing a county housing authority. It will also be noted that the suggestions include the common function of redevelopment; thus

the proposals really look to a county housing and redevelopment authority. The act pertaining to municipalities pertains to both activities.<sup>59</sup>

The Commission feels that the above suggestions might form the basis of discussion of a county housing authority before the entire Ramsey County Delegation. These considerations in no way limit or confine such discussion. Therefore, the Commission:

Recommends to the Ramsey County Delegation that it consider the concept of a County Housing Authority.

#### WELFARE

A substantial part of the social consciousness of man achieves practical manifestation in his concern for the less fortunate. The caring for the poor, the physically disabled, and the disadvantaged child and family, has undergone significant changes over the last one hundred years. From the comparatively simple management of poor relief and medical assistance, public welfare has evolved into a complex function which is administered by highly trained professionals who are as much involved with the presentation of adverse social conditions as with their alleviation.

#### HISTORY OF WELFARE IN RAMSEY COUNTY

The Township Act of 1858 established the town system of relief as the first policy of the state, and although this law

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<sup>59</sup>Sess. Laws of Minn., 1947 ch. 487. For statutory reference see Minn. Stat. Ann., 462.411 et seq.



was repealed two years later, the town system continued in force until 1864.<sup>60</sup> At that time the county was fixed as the only unit for poor relief in Minnesota; and it so remained until 1875.<sup>61</sup> Largely because of a phenomenon of nature, the legislature enacted in 1875 a special law establishing the town system for Freeborn County.<sup>62</sup> Between 1875 and 1891 over twenty similar acts were passed authorizing changes in the system of poor relief in 26 counties. In 1889, the legislature enacted a general law allowing each county the option of changing at anytime from the county to the town system or from the town to the county system.<sup>63</sup>

Today Minnesota's counties still retain that option. At the present time there are 13 counties in the state which are under the township system of welfare.

Ramsey County has long been unique in Minnesota in its organization of the welfare function. As noted above, the town system was established in 1858 and prevailed, for the most part, until 1864. However, the legislature passed a special act in 1861 designating the county as the unit for poor relief in Ramsey

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<sup>60</sup>The word town as used here is meant to be synonymous with the word "township"; town is the correct legal designation.

<sup>61</sup>Anderson and Lehman, County Government in Minnesota, p. 69.

<sup>62</sup>Grasshopper infestations from 1874 to 1878 caused considerable dislocation and suffering to families in certain areas of the state. Any defects in the system of poor relief were magnified in these circumstances. Thus local criticisms resulted in changes in a number of counties over a period of about 15 years. (Ibid., pp. 69-70.)

<sup>63</sup>Ibid., p. 70.

County and it placed responsibility for this activity in the county board of commissioners.<sup>64</sup>

Eleven years later in 1872 the legislature passed another special act with features which, although with modifications still obtain today. This law authorized the construction and operation of a joint city-county almshouse and hospital.<sup>65</sup> The costs of construction and maintenance of the facility and the expense of caring for the patients and inmates thereof were divided between the county and the city of St. Paul in the ratio of two-thirds from the county and one-third from the city.<sup>66</sup> Management of the facility - later facilities - was placed in the hands of a three member board of directors; one member appointed by the city council and two members appointed by the county board.<sup>67</sup>

But in addition to the stipulation regarding the almshouse and hospital, the act stated "It shall be the duty of said board of directors to do and perform all the duties now enjoined upon the overseers of the poor by the General Statutes of the State . . . ."<sup>68</sup> In other words the board of directors assumed the duties of administering of poor relief which was also funded in the ratio

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<sup>64</sup>Sp. Laws of Minn. 1861, ch. 34.

<sup>65</sup>The following year the act was amended to provide for the erection of an almshouse separate from the hospital. See Sp. Laws of Minn. 1873, ch. 45.

<sup>66</sup>Gen. Laws of Minn. Extra Session 1902, ch. 99. sec. 2. Because of a printing error the special laws of 1872 was not included in the volume for 1872 but was printed in the citation above.

<sup>67</sup>Ibid., sec. 3.

<sup>68</sup>Ibid., sec. 4.

of the two-thirds county and one-third city of St. Paul. Thus although the ratio of funding was changed in 1937, expenses for welfare have been shared between the city and the county for nearly a century.

A special law in 1876 for the first time referred to the board of directors as the "board of control" and specified that the members be citizens and freeholders of the county of Ramsey.<sup>69</sup> In 1883 the method of appointing these members was changed, and it was provided that "the judges of the district court of the Second (2nd) judicial district, county of Ramsey, state of Minnesota, or a majority of them, are hereby authorized and empowered at any time they may deem proper to appoint three (3) directors, citizens and freeholders of the said county of Ramsey, who shall constitute the board of control of said county and each shall hold his appointment at the pleasure of the authority appointing them."<sup>70</sup> An amendment to the law at the same session fixed the terms of the directors.<sup>71</sup>

Almost twenty-five years later the Supreme Court of Minnesota ruled the legislation of 1883 unconstitutional. In an opinion handed down in 1907 the court declared the method of appointing the board of control was invalid on the ground that it imposed upon the judiciary duties belonging to another department of government --

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<sup>69</sup>Sp. Laws of Minn. 1876, ch. 77, sec. 1.

<sup>70</sup>Sp. Laws of Minn. 1883, ch. 54, sec. 1.

<sup>71</sup>Ibid., ch. 51, sec. 1.

separation of powers.<sup>72</sup>

Beginning with the second decade of the present century the activities of welfare grew in number and complexity. Welfare was no longer a question of providing mainly for poor relief in the form of indoor and outdoor assistance.<sup>73</sup> The state began to impose additional welfare duties upon the counties in their capacity as administrative agents of the state. Some of these new activities included mothers' pensions, child welfare work and child welfare boards, and a limited old age assistance plan.<sup>74</sup>

These various schemes were funded entirely from county revenues; thus in Ramsey County the city of St. Paul was not required to make a direct contribution in a fixed ratio as in the case of general poor relief and the support of certain institutions, e.g. the poorhouse and hospital.<sup>75</sup> Since St. Paul possessed the vast proportion of assessed valuation for purposes of taxation of

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<sup>72</sup>State ex rel. Young V. Brill (1907) 100 Minn. 499, 111 N.W. 294, 639.

<sup>73</sup>Indoor Relief consisted in support of the poor in institutions such as poorhouses, poorfarms, hospitals, etc. Outdoor Relief consisted in temporary direct assistance for those not kept in institutions. In Ramsey County this aid was usually in the form of orders upon merchants for provisions and fuel, although at times it included medical and dental care.

<sup>74</sup>See in particular Sess. Laws of Minn. 1917, chps. 223 and 194 and Sess. Laws of Minn. 1929, ch. 47.

<sup>75</sup>The legislation on mothers' pensions originally required the state to contribute one-third towards the support of the scheme. However, after the state remained in arrears with its share for nine years a token payment was made and the two sections of the law establishing the states contribution repealed (Anderson and Lehman, County Government in Minnesota, p. 31.)

all property in the county, the city still provided the major funding, but under the county levy.

In 1929, legislation was enacted repealing the special law of 1872. The new act created a Board of Public Welfare which replaced the old board of control and expanded the membership to five "legally qualified citizens of the county."<sup>76</sup> Duties of the board of control were transferred to the new Board of Public Welfare, i.e. the administration of poor relief of the county and the city and the control and management of the hospital and almshouse. The ratio of funding such activities was retained as two-thirds for the county and one-third for St. Paul.<sup>77</sup>

This arrangement continued until the 1930's. In 1935 Congress passed the Social Security Act which affected significantly the federal-state-local relationships in the welfare function. The federal law established the categorical aids that are administered today, that is, Old-age Assistance, Aid to Dependent Children, Aid to the Blind, and Aid to the Disabled. Medical assistance was placed in a separate classification.

As a result of the national legislation the limited programs of the state in the fields of mothers' pensions, child welfare, and old-age assistance had to be restructured. Accordingly, in 1937

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<sup>76</sup>Sess. Laws of Minn. 1929, ch. 371, secs. 1 and 2. The five members of the board are appointed by the mayor of St. Paul, two as city members and three as county members. The appointments are subject to confirmation by the city council and the county board respectively and serve at the pleasure of the mayor.

<sup>77</sup>Ibid., sec. 6.

the legislature passed a law establishing county welfare boards and defining their powers and responsibilities.<sup>78</sup> County welfare boards assumed the duties of the child welfare boards and they were charged with the responsibility of administering all forms of public assistance and public welfare including the categorical aids established in the Social Security Act. Thus all forms of public assistance were concentrated under a central body.

For Ramsey County this meant that the old forms of assistance such as mothers' pensions, child welfare and the child welfare board and old-age assistance which had been funded entirely by the county, but which were integrated in the new categories, came under the joint city-county funding arrangement. The categorical aids were funded under a three-level system composed of federal, state and local governments. The fiscal support of general poor relief remained the complete responsibility of the city and county.

It was quickly discerned that under the new arrangement funding percentage of one-third would be unfair if not prohibitive. Thus Frank Rarig, a public welfare official and an associate conducted a thorough case study to determine an equitable figure for the city. As a result of that study a new percentage of  $27\frac{1}{2}\%$  was incorporated into the act of 1937.<sup>79</sup> This ratio of  $72\frac{1}{2}\% - 27\frac{1}{2}\%$  prevails today.

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<sup>78</sup>Sess. Laws of Minn. 1937, ch. 343. In Ramsey County the law simply continued the board of public welfare established in 1929 as the county welfare board.

<sup>79</sup>Ibid., sec. 8.

In 1945, the legislature passed a law empowering the county board of commissioners and the city council to reduce the budget submitted by the county welfare board.<sup>80</sup> Twenty years later in 1965 an act was passed which deleted the words about having the power to reduce the budget but it permitted the creation of a welfare budget advisory commission.<sup>81</sup> This unit studies the proposed budget and makes recommendations regarding it to the county board and the city council.

For many years St. Paul has made a double financial contribution to welfare activities in Ramsey County; first in the county-wide levy because it is a municipality within the county and second in a special contribution at a fixed ratio. Almost thirty-five years have elapsed since the current funding ratio came into force. Obviously considerable demographic changes have occurred in the intervening years. Also, important changes have taken place in the proportion of assessed valuation of property as between city and suburbs.

At the present time the Ramsey County Welfare Department is putting on tape information concerning welfare expenditures. Soon it will be possible to sort these expenditures by the geographical location of the recipient. Thus a study could show exactly where in Ramsey County welfare monies are being spent.

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<sup>80</sup>Sess. Laws of Minn. 1945, ch. 302.

<sup>81</sup>Sess. Laws of Minn. 1965, ch. 274.

It may be better to have the county only fund welfare and eliminate the special contribution of the city of St. Paul; or perhaps a change in the funding ratio is in order. In any event, the Commission feels that a fresh study is needed to determine if the present arrangement is satisfactory. Therefore, when the monies from all sources, federal, state, county and city, are added together welfare expenditures in Ramsey County were in excess of \$50,000,000 yearly.

The Commission:

Recommends that the city and county governments examine the present funding ratios of welfare in order to determine whether there should be changes made. There are three suggestions or alternatives:

- a) Welfare costs funded by the county only thereby eliminating the contribution of the city of St. Paul;
- b) Change the current ratio of  $72\frac{1}{2}\%$  county aid and  $27\frac{1}{2}\%$  city;
- c) Go to a use basis.

One additional point should be mentioned in regard to welfare activities. Expenditures for the function as a whole account for the largest single share of Ramsey County's budget (\$13,200,000 in the 1970 budget).

Several current national and state studies propose a complete overhaul of the welfare system. Some of the proposals suggest that either the federal government alone or in combination with the states fund welfare and thereby release considerable revenues of the counties and other local government to other purposes. This would seem to be a logical and practical step in



meeting the needs of modern society and relieving the county of a sizeable financial burden.

### LIBRARY

From its beginning in 1925, the Ramsey County library system has steadily grown into a modern public library resource with holdings of about 175,000 volumes. The system is funded by a special levy assessed in areas which are not already taxed for a library. Actually, two special levies are involved; one for services and administration and another for library facilities (land, building and structures, equipment and machinery and miscellaneous improvements). The total library budget for 1970 including both categories was \$654,283.

All municipalities within Ramsey County are under the county arrangement with the exception of the village of North St. Paul and the city of St. Paul. The county maintains a central facility located at Hamline and County Road B. which serves both as a library and a headquarters and distribution center for the entire system. In addition to the main library there are three branch libraries; one each at Maplewood, Arden Hills and the city of White Bear.<sup>82</sup> County bookmobile service is provided throughout the area except where a library or branch library already exist.<sup>83</sup> However,

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<sup>82</sup>Two buildings are maintained in the city of White Bear Lake - one children's library and an adult's library. Currently, a new library building is being constructed in White Bear Lake.

<sup>83</sup>The bookmobile of course, does not operate within the municipal limits of North St. Paul or St. Paul.

even where a library is maintained bookmobile facilities may be provided if patron usage warrants such service.

Supervision of the overall operation of the county system rests with a library board which appoints a library director to manage administrative affairs. The library board is composed of five members all of whom are appointed by the county board.

At the present time many municipal and county libraries in the metropolitan area enjoy a cooperative relationship by means of the Metropolitan Library Service Agency. (M.E.L.S.A.).<sup>84</sup> All the libraries in the participating counties and municipalities make their resources available to any resident of a member county or municipality. This arrangement includes borrowing privileges subject to the rules and regulations of the lending institution. M.E.L.S.A. is funded by federal and state aids which are channeled to the libraries on a per capita and projected usage population basis. Although it has been in operation for about one year only, M.E.L.S.A. has become a valuable agency for fostering cooperation between the metropolitan libraries and expanding the resources available to patrons of the metropolitan area.

The city of St. Paul supports a large, modern, municipal public library system with holdings of approximately 670,000 volumes. In addition to the central facility and bookmobile service, the system operates ten branch libraries.

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<sup>84</sup> Carver County does not participate as yet in M.E.L.S.A.

The St. Paul library operated with a budget totalling \$1,438,882 for the year 1970. Unlike the county system, the St. Paul library is funded from general revenues instead of special levies.

A merger of the county and city systems would result in a centralized library service to most residents of Ramsey County. Further, a consolidated unit would mean greater advantage in the broad areas of purchasing but particularly in the area of acquisition. An integrated system would also expand considerably the library services and resources available in the county as a whole. Therefore, the Commission:

Recommends that the Ramsey County Delegation consider the introduction of a bill for incorporating and integrating the library system of the city of St. Paul into a county library system under Ramsey County government.

#### PARKS AND RECREATION

Ramsey County supports an active and varied system of parks and recreation.<sup>85</sup> In addition to those activities usually associated with lakes and parks, the county maintains a number of facilities devoted to specific sport amusement including two ski areas, one ice arena, with authorization to build eight ice skating rinks, and two golf courses.<sup>86</sup>

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<sup>85</sup>The total 1970 budget for county parks and recreation was \$839,336.

<sup>86</sup>Galls golf course in White Bear Lake will soon become a county facility making three county golf courses.

The Ramsey County Board of Commissioners administers numerous parks located throughout the county. There is a total of 15 county parksites amounting to 1,431 acres of which one-third are less than 10 acres. At first, the primary objective of the county was to provide beaches. Realization of this goal has created many excellent swimming facilities under the direction of the county. But the county has much expanded its original intent and, as mentioned above, a wide variety of recreational activities are enjoyed at its facilities.

About two years ago a plan for the development of a comprehensive outdoor recreation for Ramsey County was drafted by Mr. Bernard Edmonds and the planning staff of the St. Paul Parks and Recreation Department.

The principal objective of the plan is the conservation of open space, that is greenways and parksites to be integrated with man-made elements in order to assure recreational facilities for future generations.

Recognition of the need for a well-programed park and recreation system stemmed from the increasing acceleration of the urbanization of Ramsey County. If sufficient open space to meet future demands were to be acquired and preserved, it was felt that action had to be taken as quickly as possible for each passing year diminished the opportunity and increased the cost of land acquisition and development.

Basically, the plan took advantage of the fact that the existing county parks are located within lineal corridors. The

scheme links all the parks and concentration of recreation sites (nodes) by a system of lineal corridors or greenways. Nodes are points which, because of their natural characteristics, offer special recreational activity and are the focus of the county park system. Nodal activities include swimming, boating, fishing, picnicking, camping, nature study, sledding and tobogganing. The master plan would, through development and acquisition, increase the county park system to a total of 11,016 acres including lineal acquisitions of 5,460 acres.

During the last session of the legislature (1969) a bill based upon this study was presented to the Ramsey County Delegation. At the time, however, certain reservations were expressed by some of the suburbs. In particular, spokesmen for New Brighton felt that the plan did not much benefit their community specifically. But especially, they pointed out that New Brighton had encumbered itself in the amount of approximately \$1,200,000 to develop a park and recreation system of its own, and now would be asked to help financially in a greatly expanded program for the whole county.<sup>87</sup>

The Commission is aware of the importance of conserving environmental elements such as open space and recreation sites as called for in the Ramsey County Outdoor Recreation Plan. The Commission is also aware of the efforts and problems of suburban communities in funding programs of their own. It is hoped that a

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<sup>87</sup>At the present time New Brighton is implementing its own park and recreation plan. Currently New Brighton has three neighborhood and two community parks.

satisfactory arrangement can be made to the benefit of all communities, and some form of the county's plan implemented -- particularly so since as available open-space contracts and its price increases the smaller communities will find it difficult if not impossible to make their acquisitions. Therefore, the Commission:

Recommends that for the purpose of drawing appropriate legislation the Ramsey County Delegation consider the framework of the Recreation Bill based on the study by Mr. Edmonds, and brought before the delegation at the last legislative session (1969). Further, that special attention be given to the problems indicated by those communities which have made an effort in areas of recreation by use of their own funds.

#### MUNICIPAL COUNTYWIDE COURT SYSTEM

The concept of a municipal county court system for Ramsey County has been discussed in many different forms over the past several years. Almost all of the arguments for and against have been heard on numerous occasions before various bodies and groups. But judicial reform is a singularly important matter; indeed, one that requires the attention of all those interested in the human conditions. The dispensation and quality of justice affects the lives of every citizen in every community of the state and nation.

The Commission entertained formal testimony from three sources concerning a unified court system for Ramsey County. Judges Edwin Chapman and William Sykora of the Hennepin County municipal court presented an account of the practical experience of Hennepin's system; Judge Donald Gross of the municipal court of New Brighton

represented the opposing view to a similar system in Ramsey County, and Judge James M. Lynch of the municipal court of St. Paul appeared as a proponent.

On January 1, 1965 the Hennepin County municipal court system officially began operation. At the present time there are 16 full-time judges who are chosen by the Hennepin County electorate. Five principal court divisions are maintained: one in Minneapolis, Crystal, Wayzata, St. Louis Park and Bloomington. Smaller satellite communities are serviced from the main divisions by the judges who hold court in the particular subdivisions -- the judges rotate every four weeks. The system eliminated the justice of the peace.

According to Judges Chapman and Sykora, the county municipal court has developed favorably and is a considerable improvement over the old separate municipal system. They felt that the present system has worked to impose justice on a more equalized and more uniform basis.

There are problems, however, among which is the expense of time and money in bussing jurors, who are assembled and sent from Minneapolis, to the suburban locations.<sup>88</sup> Often, it was pointed out, the defendant and prosecutor decide against a jury trial, after having originally requested one, or make some other form of disposition and the jury is wasted.

No clear picture has developed on the question of whether the suburbs of Hennepin County share the view of the success of the

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<sup>88</sup>The jurors are drawn from all of Hennepin County.

court system. Judge Chapman believes, however, that the people in the satellite communities are beginning to realize that with a unified system and full-time judges they are receiving a more equalized and consistent application of the law. In the matter of disbursement of court revenues, of \$3,500,000 turned over to the county treasurer in 1969 \$2,877,000 was returned to the subdivisions of the county and to the state (the county retained about \$350,000).<sup>89</sup>

Judge Chapman stressed that any court system must make certain that people are treated with respect by a judge learned in the law and their rights protected whatever their station in life. People are entitled to an impartial administration of justice "without a dollar mark on it." He emphasized that the purpose of the courts was not to raise revenue.

If any county were contemplating a county municipal court system, he felt it essential to seek the confidence of the suburbs. Each plan must be tailored to reflect the needs of the particular area.

#### Ramsey County.

Within Ramsey County there are seven municipalities, including the city of St. Paul, that operate municipal courts to process their lower court business. The balance of the county's subdivisions

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<sup>89</sup> The total budget of the court and court services for 1969 was \$1,500,000.



are served by justices of the peace.<sup>90</sup> Arden Hills, Falcon Heights, Moundsvew, the Town of White Bear, and Shoreview each have two justices of the peace; the village of Lauderdale has one justice of the peace, the city of St. Paul has four justices of the peace and these justices are entirely without criminal jurisdiction, they handle only civil matters. All suburban municipal judges are part-time judges and are required to be attorneys. Generally, suburban municipal courts hold day and night sessions.

The city of St. Paul has a multi-judge municipal court with five full-time judges. The system handles civil law suits for court and jury trials up to \$6,000. In criminal and misdemeanor proceedings the court handles preliminary hearings. There is also a conciliation court with jurisdiction up to \$500.

#### Opposition.

Judge Donald Gross of the municipal court of New Brighton presented arguments opposing a municipal countywide court system for Ramsey County. One objection he raised related to the comparative costs in operating the suburban and St. Paul court systems. According to his figures, the cost of operating St. Paul's municipal court was approximately \$410,000 in 1968; the total cost of operating the suburban courts was about \$92,000. Thus, he said, suburban courts are operating at a favorable cost efficiency. He was also concerned about the funding of a countywide court system.

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<sup>90</sup> Gem Lake Village, Vadnais Heights and Little Canada contract with the Village of Maplewood for court services. Court is held in Maplewood under a part-time judge chosen by the electorate of the four municipalities.

Costs of the new system would be spread throughout the entire county according to property value, but since the amount of assessed valuation was increasing in the suburbs these communities would have to pay a disproportionate share of the court's support.<sup>91</sup>

Judge Gross suggested that a system of part-time judges lent greater flexibility to the suburban courts, and that the case load is relatively current. He also felt that the jury system in the suburbs is more convenient than that in St. Paul. In the suburbs juries are called into service only when there is a case that requires a jury. On the other hand, in St. Paul the jurors spend two forty-hour week periods and must remain ready whether or not they are used in trial.<sup>92</sup>

Further, it was stated that local police forces save time, effort and money in attending trials held in the local community and not having to travel to some other location. In sum, those communities having municipal court systems insist that they deliver a good quality of justice at nominal cost.

Proponent.

Judge James Lynch of the municipal court of St. Paul offered testimony in favor of a countywide court system. He discussed a bill, which was presented to the Ramsey County Delegation at the

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<sup>91</sup>The assessed values of real and personal property for 1970 breakdown in percentage to 64.6% for St. Paul and 35.4% for suburbs.

<sup>92</sup>The city of St. Paul operates a joint jury panel with the county. The jurors are drawn countywide and go to the courthouse to serve on cases tried before the district court and before the St. Paul municipal court. The jurors are compensated for their services by Ramsey County. In the suburbs the jurors are paid by the municipality calling the jury.

last legislative session but which was never introduced, establishing a municipal court of Ramsey County. This bill abolishes the 27 judges or judicial positions outside the city of St. Paul -- including the JPs -- and replaces them with three full-time judges learned in the law and paid a salary. One additional judge is added to the five in St. Paul and all become part of the new system -- a total of 9 judges. In addition to one court in St. Paul, the proposal provides for two courts to be located in the suburbs.<sup>93</sup> An amendment attached to the bill allows any municipality that wishes to have court functions performed in its municipality upon formal request of counsel and the provision of a suitable court facility in which to conduct court proceedings. All trials by jury are to be held in St. Paul.

The proposed court is funded entirely by Ramsey County. Judge Lynch agreed with the position of Judge Chapman that it is not the business of the court to raise revenue. The basic responsibility of the courts is to see that justice is given.

In the distribution of court revenues, 50% of the fines and penalties go to the county and 50% go to the municipality in which the offense gave rise. Judge Lynch suggested that the system in Anoka, Carver and Washington Counties might be a more satisfactory arrangement. The method practiced in distributing the proceeds of the court in those counties is as follows: The

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<sup>93</sup>It was originally intended to place one court in a central location in each of the suburban districts represented on the county board of commissioners.

county retains all statutory fines and 50% of the ordinance fines and violations. The clerk of court retains all of the fees for the filing of civil matters and other matters before the court. Under this scheme the particular municipality maintains the parking enforcement mechanism.

Appeals from the proposed Ramsey County municipal court would go directly to the state supreme court; there would not be a second trial on matters which have been litigated before the court. Judge Lynch pointed out that J.P. courts provide an excellent mechanism for obtaining two trials and thereby engage in whatever delaying tactics might serve the purpose.

With respect to the selection of the judges, the proposed bill provides that one judge be appointed by the governor and that two be elected, one from the 49th legislative district who is elected by the residents of that district and is himself a resident of the district, and one from the 50th legislative district chosen by similar method. However, Judge Lynch thought it might be preferable to follow the procedure in Washington and Anoka counties where the bill itself names the particular municipal judge which would become one of the initial judges of the court. The Carver County bill provides that the governor make the appointment initially and thereafter they would all run in the same manner.

Judge Lynch emphasized the point that there was nothing sacred about any of these proposals. There are a number of plans about and a great deal of latitude was possible in establishing a court system. He felt that a fair and acceptable arrangement could

be achieved which would incorporate the suburban municipal judges and make proper provisions for the respective court staffs.

Judge Lynch suggested that the important consideration is the best possible administration of justice. He said that although nearly all part-time judges are hard-working, dedicated, conscientious people, it was almost universally accepted that judges should be full-time salaried professionals who are learned in the law and with no other interests than in dispensing justice as best they are able. It is imperative, he stated, that every person get the same or approximately the same treatment in the courts. All must be assured the highest quality of justice.

Although there is not unanimity of opinion among the members of the Commission on the merits of a Ramsey County municipal court system, they recognize the importance that attaches to judicial reform and in providing the finest administration of justice. The Commission feels that the Ramsey County Delegation should consider the concept of some form of a municipal county court system without being committed, necessarily, to any previous proposal or ongoing study. Therefore, the Commission:

Recommends consideration of a municipal countywide court system, making certain that courts are maintained in the suburbs and have full-time judges.

ADDENDA

ADDENDAPossibilities for Further Study:

Experience seems to suggest there is an optimum size for municipalities for the adequate and economical delivery of local urban services,<sup>94</sup> while at the same time insuring to the local citizens effective participation in the governmental process. It appears that the municipality of the most satisfactory size is one large enough to perform urban functions but small enough to allow citizen participation at the local level.<sup>95</sup>

Senator Kenneth Wolfe (Hennepin County) a member of the Commission, indicated that a study of mill rates throughout Hennepin County show they are disproportionately high in very large and very small communities. Bloomington, Richfield, Hopkins, Edina and St. Louis Park are delivering better services for less cost than either the big cities or small towns. An analysis of taxes across the metropolitan area, he said, suggests that a community with a population of 50,000 to 100,000 seem to be supplying better services for the least amount of money.

Obviously, an arrangement of sufficient communities could not be based on population alone. It would involve the structuring of community districts of an optimum size determined by certain standards and by the taking into account of special needs and resources. No formal action was taken, but a recommendation is:

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<sup>94</sup>Local services are defined as those functions traditionally performed at the municipal level such as fire protection, public education, refuse collection and disposal, police functions, etc.

<sup>95</sup>See in particular, Advisory Commission on Intergovernmental Relations, Performance of Urban Functions: Local and Areawide, M21 (September, 1963).

The Commission recommends:

That a future study be given to the concept of establishing community districts of an optimum size for the most efficient, economical and effective delivery of local services while preserving to the local citizens accessibility to and control over the governmental processes and functions.

The criteria involved in determining such districts or "boroughs" should include the following:

- a) The unit of government should be large enough for the adequate provision of services within its boundaries but small enough to allow for active citizen participation at the local level.
- b) The governmental jurisdiction should be large enough to permit realization of the economies of scale.
- c) The community districts should reflect a commonality of interests, identity and needs wherever possible.
- d) Consideration should be given to fiscal imbalances, capabilities and requirements and to other socio-economic factors.
- e) Each community district should have a jurisdiction large enough to be able to resolve local conflicting interests with adequate responsibility for balancing local governmental needs and resources.

The merger of the county civil service with that of the city of St. Paul is another area admitting of further study. The Commission did not specifically study this item, but Mr. C. C. Jorgensen, Ramsey County Civil Service Administrator prepared a memorandum for the Commission which is presented below.

"The problems to be raised and solve in combining the St. Paul City Civil Service and the Ramsey County Civil Service, as I see them, are:

1. The size and representation of the Joint Civil Service Commission. Do the Civil Service Commissioners represent



the city or the county or are they considered members "at large"? How many are appointed by the County Board? How many are appointed by the City Council?

2. When merging city and county wages and benefits--are the best features of each retained or is a new employment "package" worked out with present employees receiving no cut backs? What is the cost of the combined programs? (For example, the city has unemployment compensation and the county does not. The county has week-end pay differentials because of the many institutions and the city does not.)

3. Will employee seniority lists be merged for similar occupations such as the County Engineer's Department and the St. Paul Public Works? If different unions represent the same type of city and county employees, will new certification elections be required?

Will employees be able to transfer or promote between two similar functions such as the County Sheriff's Office and the St. Paul Police Department?

4. Will new employment rules or amendments be subject to approval of both the City Council and the County Board if they are to apply equally to both city and county employees?
5. Will the taxing restrictions by either the city or the county restrict the other political subdivision pay increases? (A uniform pay plan is essential.)
6. Will both the County Commissioners and the City Council have to relinquish authority for establishing salaries to a Joint Civil Service Commission so one uniform salary plan is applicable to both the city and the county?
7. Will the semi-autonomous government agencies such as the St. Paul Port Authority be brought under the joint civil service program?
8. Will the Ramsey County Welfare Board employees now under the Minnesota State Welfare System be brought into the new civil service program?
9. How will the administration costs of civil service be divided between the city and the county?
10. Will the employees of the civil service agency be city or county employees?

While none of these problems are insurmountable, they should be considered before recommendations are drafted into legislation. Employee rights are a very delicate matter and one jealously guarded by employee unions."

### County Home Rule

The home rule movement began as a negative response to the incessant meddling in municipal affairs by state legislatures and from the constant need of municipalities to secure legislative approval for any change in their charters. After Missouri amended its constitution in 1875 to become the first state to provide for municipal constitutional home rule, the movement spread rapidly across the United States.

Constitutional provisions for county home rule did not appear until the second decade of the present century. In 1911, California adopted such provisions and four years later Maryland did the same. Since that time a number of states have amended their constitutions to permit the granting of home rule charters to counties.<sup>96</sup>

The constitution of the state of Minnesota was changed in 1958 to provide for county home rule pursuant to Article XI Section 3. This change, however, is not self-executing and the amendment must be implemented by legislation.

Home rule, whether municipal or county, generally allows

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<sup>96</sup>For a list of counties with home rule charters see appendix. Several counties have been added since that listed in 1968.

greater exercise of power over matters of local concern. But home rule charters exist at the sufferance of the state and the state maintains supreme jurisdiction over its subdivisions. The experience of municipal home rule has shown that the state continues to exert great authority over what cities can do. In most home rule states, the legislature maintains concurrent or superior power over local matters, and general acts of the legislature take precedence over local ordinances or charter provisions.

Home rule has particular importance in granting a political entity liberty in choosing the form of government it wishes to employ. It allows charters to be tailored to the special needs of the community or area -- an aspect which permits broad flexibility.

At the present time, none of the counties in Minnesota enjoys home rule. Although no formal action was taken on this matter, the Commission feels that it may be worthwhile to devote a study to home rule for Ramsey County.

#### Metropolitan Government

As noted elsewhere in the report the Commission recognizes the possibility of a new intermediate form of government between the state and the local communities. A proposal for a metropolitan government to provide areawide services and functions was in fact presented to the Commission by the Mayor of Roseville, Mr. Donald A. Moll. His remarks were based upon the position paper, "Government Structure at the Metropolitan Level" (December 5, 1968) and reflected to a remarkable degree the concepts contained in

the Committee for Economic Development's study Reshaping Government in Metropolitan Areas (February, 1970). In summarized form his proposals for a metropolitan areawide government included:

- 1) Local needs of the citizens should be met by government at the local level.
- 2) Area needs should be served by one areawide government without regards to existing political boundaries or existing political boundaries or existing governmental make-up.
- 3) In the interest of responsiveness, efficiency, and to achieve computer age economies of scale, these two levels of metropolitan government -- and only these two levels are appropriate. Such a proposal presumes and requires a merger of the Metropolitan Council into an amalgamation of the 7 county governments in the metropolitan area.
- 4) The metropolitan government would be of the council manager type with an elected council which would select and hire an area administrator. Council manager government provides a means for the qualified concerned citizen to contribute the benefits of his judgment and experience from the private sector without need for an in depth detailed knowledge of government operations. With the trained public administrator providing his professional expertise to the partnership, the public is served effectively and economically.
- 5) Citizen participation by appointed advisory boards would be an important part of this area government. These boards would report directly to the elected 7 county board or council. Their

influence would then be exerted through the council to the respective department heads by way of the administrator or manager. Reference was made to the Airport Commission, Park Commission, Sewer Commission, Zoo Commission, etc.

- 6) The councils at both levels, local and area, must be responsive to the citizens who have ultimate recourse to the ballot box. All elections should be held on the one man, one vote principle. Of course, this requires immediate redistricting on the basis of the 1970 census when results are available, and after each census thereafter.

Mayor Moll suggested that all local elections be held on the same date. The proposal presupposes the consolidation of the seven counties of the metropolitan area into a single unit of government. Thus, county government would be eliminated. He felt that this concept offered uncommon opportunities for the solution of areawide and local problems.

## CONCLUSION

## CONCLUSION

In the preceding sections we have examined the Commission's proposals for modernizing Ramsey County government. In its deliberations, the Commission sought not to become immersed in detail, but attempted to give the county the power to construct efficient intra-county machinery. Although adequate governmental structure alone will not insure the solution of complex urban problems, it is an essential aid in marshalling the forces necessary to meet substantive urban questions and in allocating the needed resources in combating them.

The Commission also examined several functions in possible need of overhaul or which, by their nature, might be centralized and extended to a wider jurisdiction than the limits of a single community. These activities include certain aspects of law enforcement, housing, health, welfare, libraries, parks and recreation, and a county municipal court system. Several possibilities for future study such as county home rule and the creation of viable community districts also received attention.

The potentiality of metropolitan government was recognized in the Commission's discussions. Obviously those activities which are amenable to areawide jurisdiction could be performed at the metropolitan level by a metropolitan government. At the present time, however, metropolitan government is an uncertainty; but even if sometime in the future it should become a reality, the Commission feels that in the interim the county can be made to be a more

effective partner in the intergovernmental relationships necessary in resolving urban questions. Although some continue to view urban counties as performing only in their traditional and limited role of administrative agencies of the state, in fact metropolitan counties have considerably broadened their function. As a practical matter, they can no longer be so narrowly defined as "mere administrative agencies of the state." They are local governments with responsibilities to local constituencies.

Initial studies often raise more questions than they answer, perhaps this is one of their important functions. Indeed, a special purpose of this study was to build a foundation for future investigations into specific substantive matters pertaining to Ramsey County and the metropolitan area.

It is vital to give constant attention to the problems facing local governments because society with all its elements moves at an almost incomprehensible pace. The political, social and economic mix today is vastly different from that of 1900, 1920 or 1950. The velocity of history accelerates ever faster resulting in new conditions for man and his institutions. It is essential that modern government keeps abreast of these changes if it is to be responsive to man's needs.

#### Two Final Points

The Commission would like to call attention to the possibilities for cooperation between units of government resting in the Joint Exercise of Powers Act (M.S.A., 471.59). This law provides that two or more governmental units may jointly or cooperatively



exercise any powers common to both. But each unit must have the power to do singly that which is to be done jointly. Counties are somewhat more limited in implementing such agreements since they do not usually possess the range of powers of municipalities. Still, the act is a broad statement of authority, permitting a wide latitude in effecting cooperative ventures.

In addition to the Joint Exercise of Powers Act there are approximately 110 general acts governing the practice of cooperating in the state. However, if powers are held in common the Joint Powers Act usually gives sufficient authority for units to enter into cooperative agreements.<sup>1</sup> In Minnesota, cooperation is extensive between local units of government -- principally municipalities -- under both M.S.A. 471.59 or one of the general acts.

Finally, the Commission would request that the Ramsey County Delegation not be bound by the traditional procedure of withholding support for bills involving county business but not endorsed by the county board.

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<sup>1</sup>Cooperation under the Joint Powers Act may take several forms including joint agencies and service contracts, see Leigh E. Grosenick, A. Manual of Interlocal Cooperation, State Planning Agency (Minnesota), May, 1969.

## APPENDIX

# RETURN A - II

## MONTHLY RETURN OF OFFENSES KNOWN TO THE POLICE

96

TO BE FORWARDED TO THE DEPARTMENT OF PUBLIC SAFETY, 1246 UNIVERSITY AVE., ST. PAUL 55104 BY THE SEVENTH DAY AFTER CLOSE OF MONTH. See other side for instructions.

1 CLASSIFICATION OF OFFENSES (PART II CLASSES)	2 OFFENSES RE- PORTED OR KNOWN TO POLICE (IN- CLUDE "UNFOUND- ED" AND ATTEMPTS)	3 UNFOUNDED, I.E., FALSE OR BASE- LESS COMPLAINTS	4 NUMBER OF ACT- UAL OFFENSES (COLUMN 2 MINUS COLUMN 3) (IN- CLUDE ATTEMPTS)	5 NUMBER OF OFFENSES CLEARED BY ARREST THIS MONTH	
				A TOTAL OFFENSES CLEARED	B BY ARREST OF PERSONS UNDER 18 (INCLUDED IN 5a)
9. Arson					
10. Forgery & Counterfeiting					
11. Fraud					
12. Embezzlement					
13. Stolen property; Buying, Receiving, Possessing					
14. Vandalism					
15. Weapons; Carrying, Possessing, etc.					
16. Prostitution and Commercialized vice					
17. Sex Offense (except 2 & 16)					
18. Narcotic Drug Laws					
19. Gambling					
20. Offense Against Family and Children					
21. Driving Under Influence					
22. Liquor Laws					
23. Drunkenness					
24. Disorderly Conduct					
25. Vagrancy					
26. All Other Offenses (except traffic)					
TOTAL, Part II Classes					

Month and Year

Date

Prepared By

Chief or Sheriff

County or City

DO NOT USE THIS SPACE	
	INITIALS
RECORDED	
REVIEWED	
PUNCHED	
VERIFIED	
ADJUSTED	

# RETURN A

## MONTHLY RETURN OF OFFENSES KNOWN TO THE POLICE

TO BE FORWARDED TO THE BUREAU OF CRIMINAL APPREHENSION, 1246 UNIVERSITY AVE., ST. PAUL 55104 BY THE  
SEVENTH DAY AFTER CLOSE OF MONTH. See other side for instructions.

1 CLASSIFICATION OF OFFENSES (PART 1 CLASSES)	2 OFFENSES REPORTED OR KNOWN TO POLICE (INCLUDE "UNFOUNDED" AND ATTEMPTS)	3 UNFOUNDED, I.E., FALSE OR BASELESS COMPLAINTS	4 NUMBER OF ACTUAL OFFENSES (COLUMN 2 MINUS COLUMN 3) (INCLUDE ATTEMPTS)	5 NUMBER OF OFFENSES CLEARED BY ARREST THIS MONTH	
				a TOTAL OFFENSES CLEARED	b BY ARREST OF PERSONS UNDER 18 (INCLUDED IN 5a)
<b>1. CRIMINAL HOMICIDE</b>					
a. MURDER AND NONNEGLIGENT MANSLAUGHTER					
b. MANSLAUGHTER BY NEGLIGENCE					
<b>2. FORCIBLE RAPE</b> <span style="float: right;"><b>TOTAL</b></span>					
a. RAPE BY FORCE					
b. ASSAULT TO RAPE - ATTEMPTS					
<b>3. ROBBERY</b> <span style="float: right;"><b>TOTAL</b></span>					
a. ARMED - ANY WEAPON					
b. STRONG-ARM - NO WEAPON					
<b>4. ASSAULT</b> <span style="float: right;"><b>TOTAL</b></span>					
a. GUN					
b. KNIFE OR CUTTING INSTRUMENT					
c. OTHER DANGEROUS WEAPON					
d. HANDS, FISTS, FEET, ETC. - AGGRAVATED					
e. OTHER ASSAULTS - NOT AGGRAVATED					
<b>5. BURGLARY</b> <span style="float: right;"><b>TOTAL</b></span>					
a. FORCIBLE ENTRY					
b. UNLAWFUL ENTRY - NO FORCE					
c. ATTEMPTED FORCIBLE ENTRY					
<b>6. LARCENY - THEFT (EXCEPT AUTO THEFT)</b>					
a. \$50 AND OVER IN VALUE					
b. UNDER \$50 IN VALUE					
<b>7. AUTO THEFT</b>					
<b>GRAND TOTAL</b>					

TOTAL ARRESTS THIS MONTH FOR ALL OFFENSES EXCEPT TRAFFIC	
ADULTS	JUVENILES (AGE AS DEFINED BY YOUR STATE)

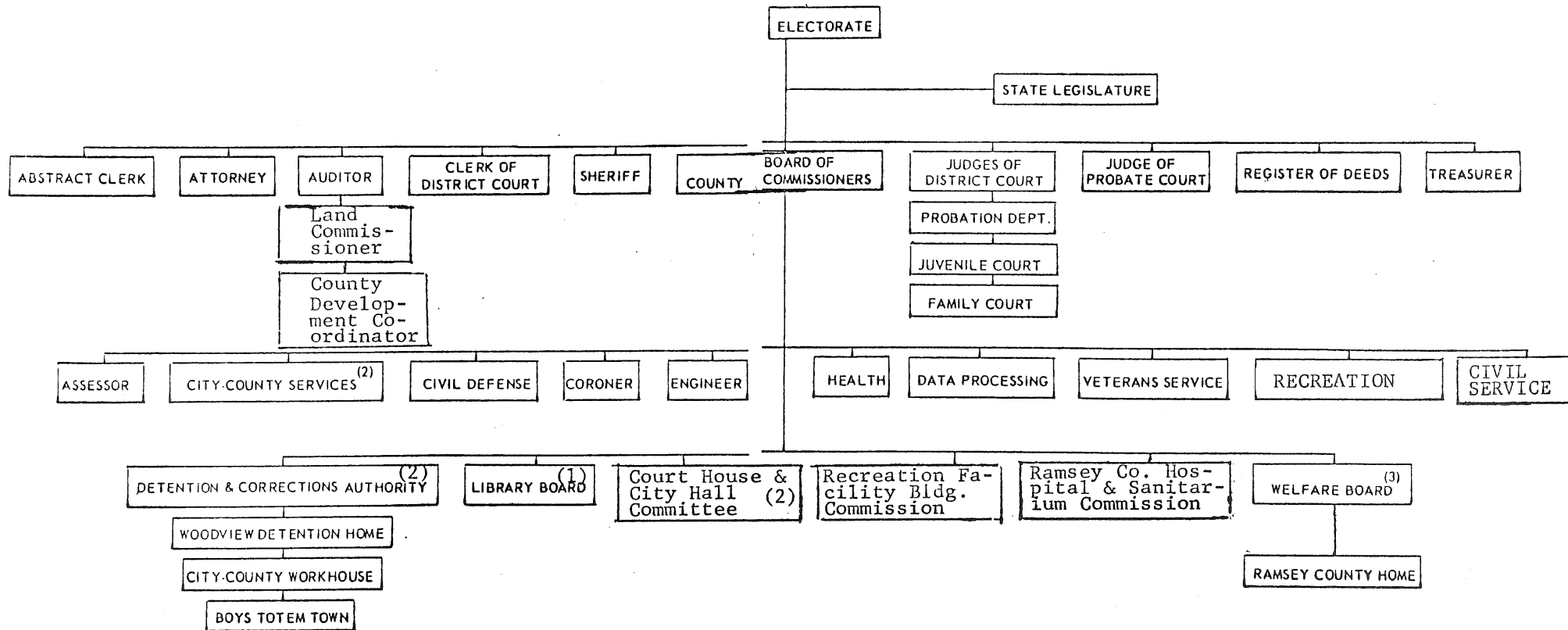
	DATE
PREPARED BY	TITLE
CHIEF, COMMISSIONER, OR SUPERINTENDENT	

◀ MONTH AND YEAR

COUNTY OR CITY

DO NOT USE THIS SPACE	
	INITIALS
RECORDED	
REVIEWED	
PUNCHED	
VERIFIED	
ADJUSTED	

# COUNTY GOVERNMENT STRUCTURE



- (1) Financed by Special Tax Levy, except in St. Paul & No. St. Paul.
- (2) Financed 50% by city and 50% by county.
- (3) Financed 27.5% by city and 72.5% by county.

BOARDS, COMMITTEES, COMMISSIONS AND AGENCIES IN RAMSEY COUNTY

1. Civil Service Commission - Laws 1941, ch. 513 sec 2 (m)
2. Welfare Board - Laws of 1929, ch. 371 sec. 2 as amended and M.S.A. 393.01 subd. 4 (m)
3. Welfare Budget Advisory Committee - M.S.A. 393.08 subd. 2. (o)
4. Citizens' Advisory Committee to the Welfare Board - M.S. 1969, 393.07 subd. 8 (o)
5. Community Mental Health Board - M.S.A. 245.66 (m)
6. Ramsey County Hospital and Sanitarium Commission - Laws 1969, ch. 1104 (m)
7. County Library Board - M.S.A. 375.33, subd. 4 (m)
8. Joint Court House and City Hall Committee - Sp laws 1899 ch. 64, M.S.A. 374.18 (m)
9. Board of Equalization - Sp Laws 1876, ch. 212, sec. 1 (m)
10. Board of Abatement - Sp. Laws 1876, ch. 212, sec. 5 (m)
11. Board of Appointment - M.S.A. 391.03 (m)
12. Probation Department - Laws 1923, ch. 269, Laws 1965, ch. 469 (m)
13. Detention and Correction Authority - Laws 1955, ch. 353, sec. 15, Laws 1957, ch. 664 (m)
14. Metropolitan Mosquito Control District - Metro
15. Joint City-County Services Committee - City-County Agreement, August 30, 1965 (o)
16. Data Processing Supervisory Committee - Resolution, County Board, April 30, 1956 (o)
17. County Fair Board - M.S.A. 38.14 - 38.01, (o)
18. Minneapolis-St. Paul Sanitary District - Metro
19. Recreation Facility Building Commission - Laws 1969, ch. 1055 (m)
20. Joint City-County Purchasing Department - Laws 1959, ch. 541 (m)
21. Nursing Advisory Committee - M.S.A. 145.12 (m) or Board of Health (o)

22. Agricultural Extension Committee - M.S.A. 33.36 (m)

23. Law Library Trustees - M.S.A. 140.24 (m)

(m) = mandatory

(o) = optional

### SPECIAL DISTRICTS

Metropolitan Airports Commission

Metropolitan Mosquito Control District (Metro)

Minneapolis-St. Paul Sanitary District (Metro)

Valley View Watershed District\*

North Suburban Hospital District\*

North Suburban Sanitary District\*

\*Partly in Ramsey County

### AUTHORITIES

St. Paul Housing and Redevelopment Authority (Municipal)

St. Paul Port Authority (Municipal)

STATISTICAL SUMMARY - RAMSEY COUNTY

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Population & Area

Total population 1960 census	422,525
Population 1968 estimate	470,000
Population 1985 projection	640,000
U. S. population rank	75
Land area	155 square miles
Total area	170 square miles
Number of lakes	16
Population per square mile	2,731

Population Change 1950-1960

Total	18.9%
Net migration	1.1%
Natural increase	20.0%

Natural Increase in Population 1960-1965 8.3%

Population Characteristics 1960

Urban	98.8%
Negro	2.0%
Foreign stock	25.4%
65 years old and over	9.8%

Number of Registered Voters 1968 247,111

Total vote cast for President 1968 196,714

Number of municipalities

Cities	3
Villages	15
Towns	1

Number of School Districts 5



## Statistical Summary - Ramsey County

Vital Statistics, 1964

Births	10,126
Deaths	3,904
Marriages	2,991

Education, 1960

## Persons 25 years old and over

Median school years completed	11.9 years
Completed less than 5 years of school	3.3 percent
Completed high school or more	49.2 percent

Persons 5 to 34 yeaes old, school enrollment	111,736
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Employment, 1960

Total	162,233
In manufacturing	26.1 percent
In white collar occupations	50.1 percent

Aggregate income in 1959 of the population, 1960

\$905,000,000.00

Number of families, 1960

103,436

Income in 1959 of families, 1960

Median income	\$6,747.00
Under \$3,000	10.2 percent
\$10,000 and over	18.7 percent

Public assisance recipients, 1964

13,440

RAMSEY COUNTY COMMISSIONER DISTRICTS

District #3                  St. Paul (4 county commissioners  
                                      1 mayor - chairman)

District #2

White Bear Lake  
Gem Lake  
Little Canada  
Maplewood  
North Oaks  
North St. Paul  
Vadnais Heights  
White Bear Township

District #1

Arden Hills
Blaine
Falcon Heights
Lauderdale
Mounds View
New Brighton
Roseville
St. Anthony
Spring Lake Park

TABLE I  
CHARTER COUNTIES

COUNTY AND STATE	FORM OF GOVERNMENT	YEAR OF CHARTER ADOPTION
CALIFORNIA		
Alameda	Council-CAO <sup>a</sup>	1927
Butte	Council-CAO	1917
Fresno	Council-CAO	1933
Los Angeles	Council-CAO	1912
Sacramento	Council-manager	1933
San Bernardino	Council-strong council chairman	1912
San Diego	Council-CAO	1933
San Mateo	Council-manager	1933
Santa Clara	Council-manager	1950
Tehama	Council-CAO	1917
FLORIDA		
Dade	Council-manager	1957
Jacksonville-Duval	Council-elected executive	1967
HAWAII		
City and County of Honolulu	Council-elected executive	1959
LOUISIANA		
Baton Rouge-East Baton Rouge	Council-elected executive	1947
Jefferson	Council-elected executive	1956
MARYLAND		
Anne Arundel	Council-elected executive	1964
Baltimore	Council-elected executive	1957
Montgomery	Council-manager	1948
Wicomico	Council-manager	1964
MISSOURI		
St. Louis	Council-elected executive	1950
NEW YORK		
Broome	Plural executive <sup>b</sup>	1966
Dutchess	Council-elected executive	1967
Erie	Council-elected executive	1959
Herkimer	Plural executive	1966
Monroe	Council-manager	1935
Nassau	Council-elected executive	1937
Oneida	Council-elected executive	1961
Onondaga	Council-elected executive	1962
Schenectady	Council-manager	1965
Suffolk	Council-elected executive	1958
Westchester	Council-elected executive	1937
OREGON		
Hood River	Council-manager	1965
Lane	Plural executive	1963
Multnomah	Council-strong council chairman	1966
Washington	Council-manager	1963
TENNESSEE		
Nashville-Davidson	Council-elected executive	1962

Source: American County Government, April, 1968.

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