

TOWARDS MORE EFFECTIVE REGIONAL
PLANNING LEGISLATION IN KANSAS

by

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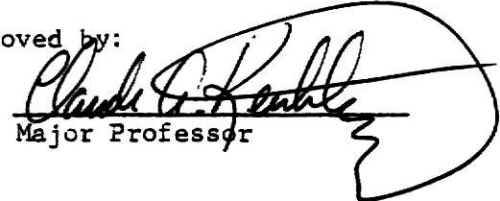
MASTERS OF REGIONAL AND COMMUNITY PLANNING

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Appreciation is expressed to the late Professor Leland R. Edmonds whose untimely death occurred during the writing of this report. His original draft of the proposed legislation was the key for this document.

Chapter 1

REGIONALISM AND REGIONAL PLANNING IN THE UNITED STATES

The concept of regionalism or regional planning is by no means a new one, either nationally or in the State of Kansas. One of the earliest examples in the United States was the Tennessee Valley Authority established in the 1930's. The reasons for its inception were centered around the need for coordinating the great number of local jurisdictional units located in the Tennessee River Valley so as to better attack the many existing problems effecting the river and its surroundings. The main idea behind regionalism was then and still is, coordination on an areawide or regional basis.¹

Recent development and growth in our nation and state have caused officials at all levels of government to become aware of problems which are no longer restricting themselves to the set of boundaries of cities, counties and states. The problems stem from changes in the conomic, social and political aspects of the rural settings creating problems in transportation, economic development, environmental control, law enforcement, health protection and services, and many other activities which agglomerations of people require.

Another problem faced by cities and counties is the ever-rising cost of governmental services. With the need and the cost of these services rising to new levels, officials are forced to seek new and more suitable means of financing them and making sure that the money that is spent is not wasted or

¹Leland R. Edmonds, A Guide for the Establishment and Operation of Regional Planning Commissions in Kansas (unpublished, Topeka: Kansas Department of Economic Development, November, 1973), p. A-1.

unnecessarily spent.

REGIONS AND REGIONAL PLANNING

Regions are defined in many different ways. The National Association of Regional Councils (NARC) writes:

"A region may be defined as a group of neighboring local communities whose residents are joined as a unit economically, socially and geographically but lack governmental unity."²

Another definition describes regions as being the entire nation as an area where "people share a common destiny, common traditions, common natural resources, similar work habits, interrelated economic and leisure activities, a common language, and are served by the same federal government."³

The word region, thus, means many things to many people. Especially in the field of planning, this word has become a very elusive one with many definitions having been given. However, included among the many definitions of "region" are the following basic components:

1. All regions are geographic areas whether delineated for geographic purposes or not. This means that an economic development district is just as much a "region" by definition as is a water resources or conservation district.

²National Association of Regional Councils, Action Through Intergovernmental Cooperation (Washington, D.C.: National Association of Regional Councils, February, 1974), p. 1.

³Flint Hills Regional Advisory Committee, Regional Planning in The Kansas Flint Hills: the Report of the Governor's Flint Hills Regional Planning Advisory Committee (Topeka: Kansas Department of Economic Development, February, 1974), p. 19.

2. The area has common aspects of life, i.e., common language, common traditions, common economical trends, common natural resources and a common form of government.
3. The basic purpose of a region is to bring the space, resources, and problems of the given area into the control of the public interest.

For the purposes of this discussion, the region is defined as a group of local governmental units, both county and city, who share similar needs and problems, resources, development, and operating at the substate, multi-county level.

During the 1950's and 1960's the Federal Government played the key role as the major force behind substate regional planning efforts. At this time the federal people saw the need to coordinate planning programs under the direction of Federal agencies on a larger base because of the ever-increasing number of such programs.

One of the first moves in that decade was the Housing Act of 1954. Under Section 701 (d) of the act, funds were provided on a matching basis for comprehensive planning in metropolitan areas. The act found its first revision in 1959 when a definition of comprehensive planning was added along with an emphasis on physical planning and capital improvements.⁴ That same year the Housing and Home Finance Agency and the Bureau of Public Roads began efforts to encourage metropolitan planning.

⁴ Advisory Commission on Intergovernmental Relations, Substate Regionalism and the Federal System, Vol I, Regional Decision Making: New Strategies for Substate Districts (Washington, D.C.: U.S. Government Print-Office, October, 1973), p. 52.

The 1960's were ushered in by another revision to the Housing Act which required an open space plan to be developed before funds would be issued. In 1962 the Federal-Aid Highway Act was passed for transportation programs. The Urban Mass Transportation Act followed in 1964. All these new programs began to loosen the old restrictions of the outlook on regional planning as exemplified in the next revision of the Housing and Urban Development Act of 1965. The following year other programs similar in their views came out in the Demonstration Cities and Metropolitan Development Act of 1966, and the development of Comprehensive Health Planning Councils by the Department of Health, Education and Welfare.⁵

By this time the proliferation of new federal agencies for planning organized under Federal guidelines had expanded enormously. Complaints were being received about federal agencies ignoring or changing existing state districts. Little or no effort, it seemed, was being made by these new agencies to coordinate with existing state agencies. In March of 1966, Senator Edmund Muskie presented the findings of the Senate sub-committee of intergovernmental relations to the Congress. Upon that occasion he stated:

"We found substantial competing and overlapping of Federal programs, sometimes as a direct result of legislation and sometimes as a result of empire building. Similar competition and duplication were found at the State and local levels. We learned that too many Federal aid officials were not interested in, and in fact are even hostile to coordinating programs within and between departments, and that they are reluctant to encourage coordination and planning at State and local levels. These conditions frequently and predictably result in confusion and conflicting requirements which discourage State and Local participation, and adversely affect the administrative structure and fiscal organization in these jurisdictions....

"The picture, then, is one of too much tension and

⁵Ibid.

conflict rather than coordination and cooperation all along the line of administration."⁶

Following this study by the Senate Subcommittee, the Advisory Commission on Intergovernmental Relations (ACIR) recommended that all federal agencies be required to not only recognize but work with state organized agencies already in existence.⁷ President Johnson responded to this also by issuing a memorandum calling for coordination of these programs. In that memorandum the President wrote:

"Comprehensive planning covering wide areas is a promising and extremely important beginning to the solution of critical state, metropolitan, and regional problems. It is essential that it be done well....

"At the federal level, we must co-ordinate our efforts to prevent conflict and duplication among federally assisted comprehensive planning efforts....

"Boundaries for planning and development districts assisted by the Federal government should be the same and be consistent with established State planning districts and regions. Exceptions should be made only where there is clear justification."⁸

This memorandum resulted in the issuance of Circular A-80 through the Bureau of the Budget.

The year 1968, however, holds the most important position in regards to

⁶ U.S., Congress, Senate, Senator Edmund Muskie reporting the findings of the Senate Subcommittee on Intergovernmental Relations, 89th Cong., 2nd sess., March, 1966, Congressional Record, Vol 112, p. 6834.

⁷ James L. Sundquist, Making Federalism Work (Washington, D.C.: The Brookings Institution, 1969), p. 162.

⁸ President Lyndon B. Johnson, "Memorandum from the President on Coordination for Development Planning," Office of the White House Press Secretary, (September 2, 1966).

regional planning and the Federal Government. Two very significant occurrences took place which really placed regional planning in a whole new perspective. The first of these was the Housing and Urban Development Act of 1968. Under this act, funds were provided to encourage area-wide planning extending beyond the metropolitan area into multijurisdictional areas. In addition, funds were provided for rural planning districts theretofore left out under 701 Planning Assistance.⁹

The second important event of 1968 was passed by Congress in the form of the Intergovernmental Cooperation Act of 1968. This act gave the President the authority to "establish the formulation, evaluation, and review of Federal programs and projects having significant impact on area and community development."¹⁰ As a result of this act the Circular A-95 from the Office of Management and Budget was issued to supersede Circular A-80 in July of 1969. Under Circular A-95, which is the basis for the system of state and regional clearinghouses, specific policies were set up for the coordination of Federally assisted programs. The main objectives of Circular A-95 are:

1. To encourage state and local initiative and ability in developing comprehensive planning;
2. To eliminate duplication and competition among planning efforts at various levels of government;
3. To promote state designation of planning districts

⁹ ACIR, Substate Regionalism and the Federal System, Vol I, p. 52.

¹⁰ U.S., Congress, House, Senate, Intergovernmental Cooperation Act of 1968, Public Law 90-577, Section 401 (a).

compatible with the planning needs of all governmental units.¹¹

THE PROBLEM OF COORDINATION

Up to this point in time the constantly recurring theme was the problem of "coordination and cooperation." Federal, state and local agencies all felt threatened by the other in terms of which agencies could and would tell the others what they were to do in their areas of jurisdiction.

At the Federal level, what had basically taken place was a confusion in terms of who had such power. The Director of the Office of Economic Opportunity had power "to assist the President in coordinating the antipoverty efforts of all Federal agencies."¹² The Secretary of Housing and Urban Development was "to assist the President in achieving maximum coordination of the various Federal activities which have a major effect upon urban community, suburban, or metropolitan development."¹³ The Secretary of Agriculture was to identify "programs of agricultural and rural area development which require the cooperation of various Federal departments and agencies for their effective solution, and...convene meetings...for the exchange of information needed to achieve coordination...."¹⁴ The Secretaries of Labor, HEW and Commerce had similar duties and responsibilities which called for them to search for coordination and cooperation between Federal agencies and departments involved with their

¹¹Office of Management and Budget, Circular A-95, (July 24, 1969), Part II.

¹²James L. Sundquist, Making Federalism Work, p. 21.

¹³Ibid. ¹⁴Ibid., p. 22.

particular programs.¹⁵ All in all there was some attempt at coordination, but no one was ever assigned the power or authority to form a system of coordination leaving the effort divided among the various departments.¹⁶

Sundquist records in his book, Making Federalism Work:

"By 1967 more than a dozen types of federally initiated, locally coordinating structures could be counted. OEO had its community action agencies (CAA's); HUD, its city demonstration agencies (CDA's)...; Agriculture, its resource and conservation development (RC&D) projects...; Commerce, its economic development districts (EDD's)...; Labor, its cooperative area manpower planning system (CAMPS)...; and HEW, its comprehensive area health planning agencies."¹⁷

Charles E. Lindblom suggests that coordination could denote "desired or valued relationships among policies," but in this context it is subject to objection because of built-in controversy in the case of complex policy decisions.¹⁸ Lindblom thus makes his definition of coordination as:

"A set of interdependent decisions is coordinated if each decision is adapted to the others in such a way that for each adjusted decision, the adjustment is thought to be better than no adjustment in the eyes of at least one decision maker."¹⁹

This coordination is thus one of process, as Sundquist describes it-- a coordination of "consultation, sharing of information, and negotiation among equals."²⁰

¹⁵Ibid., pp. 22-23. ¹⁶Ibid., p. 23. ¹⁷Ibid., p. 25.

¹⁸Charles E. Lindblom, The Intelligence of Democracy (New York: The Free Press, 1965), p. 23.

¹⁹Ibid., p. 24.

²⁰James L. Sundquist, Making Federalism Work, p. 17.

However, coordination can also be viewed in terms of results. In these terms, "coordination means consistency, harmony, mutual reinforcement, the absence of conflict and duplication."²¹

Thus, Sunquist concludes:

"Given all these usages of the word, the objective of coordination has come to embrace in public discussion a wide range of improvements in inter-agency, inter-government, inter-program, and inter-project relationships --- indeed, almost any change in organization, relationships, policies, practices, projects or programs that will resolve whatever conflict or hiatus in the federal-state-local chain of relationships the uses of the term may happen to be concerned with."²²

REGIONAL PLANNING ORGANIZATIONS

It was through the need for coordination and cooperation that the concept of councils of governments and other locally formed regional planning organizations saw its greatest growth. It was recognized that "through the planning process, conflicts (could) be defined early and resolved before, rather than after, programs (went) into operation."²³ The Council of Governments or related planning body was a means of assuring more effective planning and its implementation without creating another level of government.

The term "regional council" covers a broad range of organizational types including councils of governments, regional planning commissions, development councils and/or districts, and economic development councils and/or districts. The criteria used by NARC in identifying regional councils are:

1. Multi-jurisdictional local government representation

²¹Ibid., p. 18. ²²Ibid., p. 19. ²³Ibid.

on its governing body;

2. A multi-purpose or multi-functional program;
3. Legal status to receive public funds;
4. Full-time staffing with a work program.²⁴

The main purpose of a council is "to bring together an area's government officials to discuss, study and adopt cooperative programs to meet common needs."²⁵ This concept means that if the membership of a voluntary , advisory council of cooperating elected officials makes recommendations concerning the area's planning problems, these policies and plans will have a better chance of being implemented.

Most councils of governments are created and organized in relation to specific Federal requirements set up under certain programs. These bodies, when so organized, are then eligible for Federal dollars for their planning programs. Some of these bodies and their specific requirements include:

1. HUD 701 Area Planning Organizations (APO) with a Council composition of 2/3 elected officials and 1/3 non-elected members representing at least 75% of the area involved.
2. Comprehensive Health Planning 314(b) Councils which require that the council be made up of 51% users of

²⁴ National Association of Regional Councils, 1974 Directory (Washington, D.C.: National Association of Regional Councils, February 1974), pp. i-ii.

²⁵ National Association of Regional Councils, Action Through Inter-governmental Cooperation, p. 2.

health services and 49% providers of health services, i.e., doctors, nurses, hospital administrators, etc.

3. Economic Development Districts (EDD) which require (1) a majority of local officials, including at least one such official from each unit of local government in the area, (2) other members representing principal economic interests in the district, and (3) members from minority groups.
4. Law Enforcement Assistance or Criminal Justice Planning Agencies which require members from both local and general purpose governments, and members from criminal justice agencies.²⁶

The Advisory Commission on Intergovernmental Relations reported recently on the growth of regional councils.²⁷ The following are summary statements of items reported in that report:

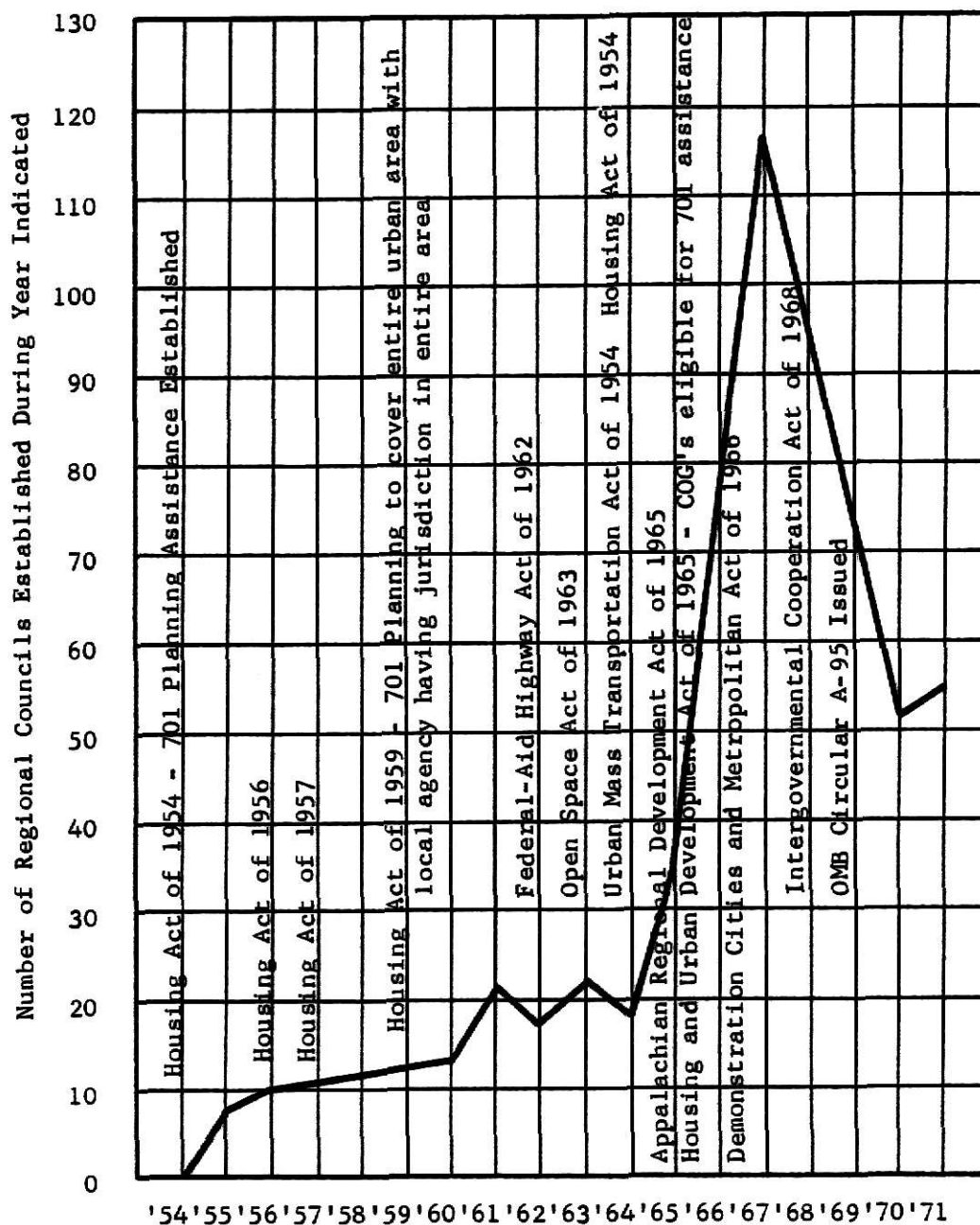
1. The growth of regional councils has been directly influenced by Federal legislation enactments. Plate I shows the growth graphically.²⁸
2. Organization and structure of regional councils resembles

²⁶Leland R. Edmonds, A Guide for the Establishment of Regional Planning Commissions, pp. 1-2 - 1-7.

²⁷ACIR, Substate Regionalism and the Federal System, Vol. 1.

²⁸Ibid., p. 76.

PLATE I

ANNUAL GROWTH RATES OF REGIONAL COUNCILS, BY
FEDERAL PROGRAM ENACTMENTS 1954 - 1971

Pre-1954

Y E A R

Total = 39

Source: ACIR, Substate Regionalism and the Federal System, Vol. I.

closely the legal and political systems of local government which are within their jurisdictional area. The jurisdiction of the councils of governments has been established in many different ways in the various states using them. In 1972, the legal basis for regional councils was as follows:²⁹

TABLE I
LEGAL BASIS OF REGIONAL COUNCILS: 1972

Type of Legal Basis	Number of Respondents	Percent
Regional Planning Agency Act	124	41
Council of Governments Act	45	15
Nonprofit Corporation	17	6
Interlocal Agreement Act or Joint Exercise of Powers Act	34	11
Specific State Law Creating Particular Agency	26	9
Economic Development Agency Act	10	3
Local Planning Act	5	2
Interstate Compact	5	2
Metropolitan Planning Act	3	1
Other General Enabling Legislation	19	6
Voluntary Agreement	12	4
Total	300	100

3. Membership, representation and voting as established by the by-laws of each individual regional council involved showed a great variation. In 1972, the typical council had 19 municipal and 5 county government members. Sixty-one regional councils had members of school districts with 56 having members from other special districts.³⁰ In terms of voting, only 11 percent of the regional councils

²⁹Ibid., p. 79. ³⁰Ibid., p. 80.

had adopted voting formula that weighted the representatives votes as to pupulation or other criteria. The following table relates what types of voting formulae were used in 1972 by regional councils:³¹

TABLE II

GENERAL ASSEMBLY AND EXECUTIVE
COMMITTEE REPRESENTATION/VOTING APPORTIONMENT
FORMULAE: 1972

Representation/Voting Formulae	General Assembly		Executive Committee	
	<u>No. of Respondents</u>	<u>%</u>	<u>No. of Respondents</u>	<u>%</u>
Each member government has an equal number of representatives or votes	126	50	90	49
Each member government has representatives or votes in proportion to its population	29	11	20	11
Combination of the above	41	16	30	16
Other	57	23	44	24
Total	<u>253</u>	<u>100</u>	<u>184</u>	<u>100</u>

4. Funding of regional councils in 1972 was mainly from Federal dollars with local contributions for match growing in most cases. Some councils were also receiving private contributions and some generated funds through completed projects or interest from invested monies. The following table shows formulae for local

³¹Ibid., p. 82.

contributions used by regional councils in
1972:³²

TABLE III

LOCAL GOVERNMENT FINANCIAL CONTRIBUTION
FORMULAE: 1972

Type of Contribution Formula	Number of Respondents	Percent
Each member government contributes equally	9	3
Member governments contribute equally by type of jurisdiction	8	3
Member governments contribute on a per capita basis	161	58
Combination of above	29	10
Use of assessed valuations	35	13
Other	37	13
Total	279	100

The use of regional, multicounty agencies is no longer a new innovation in the solution to governmental problems. As a growing reality, many federal, state and local officials have recognized the need for such a concept. However, the system is lacking in many areas, both nationally, and in the State of Kansas. It is the purpose of the remaining chapters, therefore, to discuss where regionalism and regional planning are in Kansas, what role do Federal programs really play in Kansas, and what changes in legislation would help the problem further.

³²Ibid., p. 90.

Chapter 2

REGIONAL PLANNING IN KANSAS

Regional planning in the State of Kansas found its early beginnings in 1934. Under the administration of Governor Alf M. Landon, a report was completed which described "the urgent physical-economic-social problems with particular emphasis on land-use, transportation, water, conservation and flood control."³³ The report was compiled during the depression years and, because of limited funds, was never really completed in its original scope. In terms of planning, however, recommendations were made which have had broad ramifications even to the present time. It was recommended in that "planning legislation for the creation of a State planning authority, new laws for county planning and zoning, city planning, housing and county parks"³⁴ be developed. Most important to regional planning, however, were the numerous charts, maps and inventories of all significant natural, economic and demographic resources by areas in the state.

Because of the home rule precedence, little was really accomplished beyond city or county lines in planning. Only those projects which were specifically aimed at areas beyond local jurisdictional boundaries (highways, water projects, etc.) reached the larger area of planning. It was not until the 1960's, as was the case with the nation, that Kansas really saw meaningful steps being taken in terms of regional planning.

³³As quoted in Kansas Department of Economic Development, Regional Delineation of Kansas (Topeka: Kansas Department of Economic Development, July, 1966), p. 29.

³⁴Ibid., p. 30

In 1962, a study was done which expanded on the 1934 report. The report, as it turned out, studied the same ten sectors as the 1934 study but in light of current progress.³⁵ These ten areas were agriculture, education and research, financial resources, government, manufacturing and industry, mineral and water resources, population and labor, recreation and culture, trades and services, transportation and utilities.³⁶ Each sector was to be studied and then all were to be projected in terms of their expected growth to 1975.

The study, "though aiming at projections, did not put together its various sectors into an aggregative picture of the potential future development of the State."³⁷ With such a projection requiring a multi-dimensional approach³⁸ each sector could not be accurately or meaningfully projected thus leaving each area of study a single report without any meaning in terms of the future.

The projections fell short, but the 1962 study provided insight to many important considerations. Among them were the establishment of the Kansas Department of Economic Development, an Office of Economic Analysis, and Economic Finance Authority, a Vocational Education program and authorization for research into related areas.³⁹

ECONOMIC DEVELOPMENT

Kansas set about to establish an economic development plan and program in 1964. Under the direction of the newly formed Kansas Department of Economic Development (KDED) the plan was to cover three phases. Phase I was

³⁵ Ibid., p. 32. ³⁶ Ibid. ³⁷ Ibid.
³⁸ Ibid. ³⁹ Ibid.

concerned with:

1. Identifying goals, problems, opportunities and programs which provided the framework for state governmental operations.
2. Preparation of data and ideas to be used in future planning.
3. Preparation of studies dealing with critical areas of development for the future.⁴⁰

Phase II was to concern itself "with specific kinds of plan development for which there (was) an immediate need and on which basic work was sufficiently advanced to permit such development."⁴¹ It was under this phase that the Kansas Department of Economic Development designated the Center for Community Planning Services at Kansas State University to perform a study for delineation of the state into "planning regions." As stated in that report, it was the objective of the study "to provide for statistical regions for analysis purposes, planning regions within which state-wide planning may proceed, political regions within which various State and Federal government agencies may conduct the necessary dialogue with local government to assure proper recognition of the needs of the citizenry, and administrative areas of various governmental programs."⁴²

The "Regional Delineation of Kansas" was completed in the fall of 1966 and amended in 1967. However, in the final phase of the Economic Development

⁴⁰ Kansas Department of Economic Development, Economic Development Plan--Phase III Prospectus (Topeka: Kansas Department of Economic Development, October, 1967), p. 1

⁴¹ Ibid.

⁴² KDED, Regional Delineation of Kansas, p. 1.

Program, which was to be a combination of Phases I and II, the program recommendations on regional planning read:

"Studies prepared in Phase I have demonstrated that the regional concept is sound. They have concluded that there are numerous benefits to be obtained from the development of regional planning agencies and preparation of regional plans. . .⁴³

THE DELINEATION OF KANSAS REGIONS

Although the original delineation study was complete in 1966, no action was taken towards formal adoption of those regions until early in the 1970's. During that time a few federal programs had been adopted state-wide and boundaries for them had been set. Among these were the Comprehensive Health Planning Agencies in 1966, and the Sunflower Resource Conservation and Development Project in 1967.⁴⁴

During the better part of 1970, meetings, public hearing, private consultations and interviews were conducted and held all over the State in regards to the new proposed regions. Sentiments were heard and noted. Pros and cons from both public officials and private citizens were listened to and their opinions discussed. Finally, on February 15, 1971, Governor Robert Docking signed the Executive Order declaring the delineation of the planning regions. In summarized form the "Executive Order Relating to the Intergovernmental Cooperation Act of 1968, Public Law 90-577, and the Establishment of Planning Development Districts Within the State of Kansas" including the fol-

⁴³ KDED, Phase III Prospectus, p. 55.

⁴⁴ Kansas Department of Economic Development, Regionalism and Regional Planning in Kansas (Topeka: Kansas Department of Economic Development, August, 1974), pp. 55 and 73.

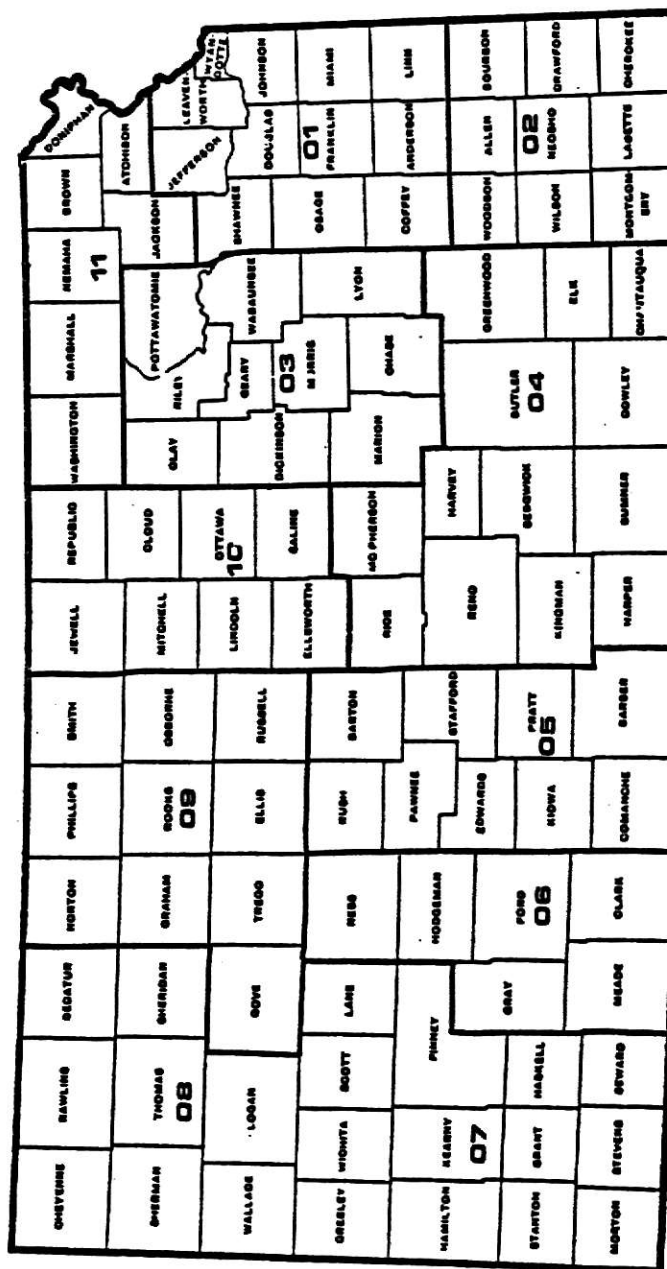
lowing:

- (1) the Intergovernmental Cooperation Act of 1968 and Public Law 90-577 had placed certain responsibilities upon the state for coordinating Federal, State and local planning;
- (2) the office of Management and Budget (OMB) had issued Circular A-95 requiring such coordination;
- (3) an increasing recognition by all levels of government for regional delineation had been seen;
- (4) Federal, State and local assistance programs required regions for better coordination of planning and related governmental programs;
- (5) the responsibility was the State's in encouraging local initiative in developing organizational and procedural arrangements for coordinating comprehensive and functional activities and to avoid overlap, duplication and competition between local planning activities;
- (6) State Law K.S.A. 12-716 through 12-721 provided for joint planning agencies.⁴⁵

The regions were delineated according to the amendment to the 1966 study. Plate II shows the eleven planning regions as delineated by the Executive Order.

⁴⁵ Governor Robert Docking, "Executive Order Relating to the Intergovernmental Cooperation Act of 1968, Public Law 90-577, and the Establishment of Planning and Development Districts Within the State of Kansas," Office of the Governor of Kansas, February 15, 1971.

PLATE II
REGIONAL DELINEATION OF KANSAS
FEBRUARY 15, 1967



as recommended by the amended 1967
 Regional Delineation Study of Kansas

Source: Kansas Department of Economic Development.

ESTABLISHING REGIONAL AGENCIES

"The state planning agency is prepared to provide technical assistance to help in the establishment of regional development planning and programming activities in the regions of the state."⁴⁶ Thus read a prospectus published by the Kansas Department of Economic Development in the hopes of introducing the State to the new regions and their purposes. They had already set up a pilot program in the Southeast Kansas Region (02) in 1966 which was operating upon request of the Governor. Two more such programs, called Advisory Committees on Regional Planning, were started in the South Central Region (04) in 1967, and in the Flint Hills Region (03) in 1968. These committees were to

- (1) examine and analyze the need for "broad policy planning" in each area;
- (2) "examine and analyze the extent to which existing multijurisdictional planning
 - fulfills the needs for regional planning;
 - is representative of the region as a whole;
 - is undertaken cooperatively and in coordinated fashion by all such multijurisdictional agencies whether local, state or federal;
- (3) identify major problem areas and areas of concern as they related to the areas and their populations;
- (4) consider the need for and feasibility of establishing regional planning commissions in each area;

⁴⁶ Kansas Department of Economic Development, Regions of Kansas (Topeka: Kansas Department of Economic Development, October, 1967).

- (5) keep up-to-date on new trends in regionalization
proposed commission organization, structure and
a 2-year work program for one should it be deemed
desirable;
- (6) submit these findings to the Governor.⁴⁷

The Flint Hills Committee concluded their findings and recommendations by saying:

"The Committee's membership feels that a strong regional planning function in the Flint Hills would be of true benefit to the local citizenry and to the State of Kansas."⁴⁸

The first regional planning commission in Kansas was organized in 1966⁴⁹ and known as the Pottawatomie - Riley Counties / Manhattan Regional Planning Commission. Growth since that time in regional planning commissions has been as follows:

- 1969 - Pottawatomie-Riley Counties / Manhattan RPC
Greater Northwest Kansas (later the Northwest
Kansas Planning and Development Commission)
- 1971 - Flint Hills Regional Planning Commission
Chikaskia Regional Planning Commission
Indian Hills Regional Planning Commission
- 1972 - Mid-America Regional Council (MARC)
Greater Southwest Regional Planning Commission
Southeast Kansas Regional Planning Commission
Central Plains Tri-County Planning Committee
North Central Regional Planning Commission
- 1973 - Mid-State Regional Planning Commission

⁴⁷ Governor Robert Docking, "Charge to the Flint Hills Regional Planning Committee," April 21, 1971.

⁴⁸ Flint Hills Regional Advisory Committee, Regional Planning in the Flint Hills.

⁴⁹ Kansas Department of Economic Development, Regionalism and Regional Planning in Kansas, p. 4.

1974 - Bluestem Regional Planning Commission
Golden Belt Regional Planning Commission

During this period of time, Atchison and Doniphan Counties joined the ABCD Regional Planning Commission in Missouri thus forming the Mo-Kan Regional Council. Clay and Geary Counties jointed to the former Pottawatomie- Riley Counties / Manhattan Regional Planning Commission into the present Big Lakes Regional Planning Commission.

In 1974, these commissions and councils as organized represented a total of 90 counties and a population of 1,910,298 or 82.2% of the state. The percentage of population is as follows for each individual commission:

TABLE IV

POPULATION BY COMMISSION⁴⁹

<u>Commission or Council</u>	<u>% of State</u>
Big Lakes Regional Planning Commission	3.8
Bluestem Regional Planning Commission	2.3
Central Plains Tri-County Planning Committee	17.4
Chikaskia Regional Planning Commission	1.8
Flint Hills Regional Planning Commission	3.5
Golden Belt Regional Planning Commission	2.5
Greater Southwest Regional Planning Commission	5.2
Indian Hills Regional Planning Commission	1.0
Mid-America Regional Council*	20.6
Mid-State Regional Planning Commission	4.5
Mo-Kan Regional Council*	1.3
North Central Regional Planning Commission	4.4
Northwest Kansas Regional Planning and Development Commission	5.3
Southeast Kansas Regional Planning Commission	8.6
Total	82.6
*Kansas population only	

The majority of these organizations find their legal base in K.S.A.

12-716 through 12-721 and K.S.A. 12-2903 through 12-2904. There are two councils which are of a bi-state nature and one committee which is responsible only for coordinative work rather than a direct planning task.⁵⁰

Of the fourteen organizations, eight have a voting and representation formula of one member, one vote. One council uses a formula proportionate to population, three use a combination of the two, and two use other formulae. In terms of their Executive Councils, thirteen use a one member, one vote formula with only one using a different system.⁵¹

In terms of member contributions, formulae between the various commissions varies greatly. Only one commission uses a formula of equal contribution. Five contribute equally according to the type of jurisdiction, two on a per capita basis, two on a combination of the above, two according to assessed valuations and one uses a formula of the ratio of population to the total council populace. One committee has no funding.⁵²

There are presently 15 counties not in a regional planning organization. However, there is a new commission forming to be known as the Capitol Area Regional Planning Commission and be composed of Shawnee, Osage, Jefferson, and Douglas Counties.⁵³

⁵⁰ Kansas Department of Economic Development, Regionalism and Regional Planning in Kansas, Chap. 2.

⁵¹ Ibid. ⁵² Ibid. ⁵³ Ibid.

Chapter 3

FEDERAL PROGRAMS AND THEIR EFFECT ON REGIONAL PLANNING IN KANSAS

The growth and significance of Federal areawide programs has played quite an important role in regional planning at the substate level. In 1973, the Advisory Commission on Intergovernmental Relations (ACIR) reported that "over 4,000 geographical program areas have been recognized under 24 Federal programs. The most common single-purpose district organizations include 471 Law Enforcement Planning Regions; 419 Cooperative Area Manpower Planning System Councils; 195 Comprehensive Areawide Health Planning Councils; 115 Economic Development Districts; 56 Local Development Districts; 165 Resource Conservation and Development Districts; and 247 Air Quality Control Regions."⁵⁴

These districts represent a 93.6%⁵⁵ increase since 1952. The ACIR lists several reasons for their significance, including:

1. "Federal programs have been prime movers in establishing a whole new set of geographic regions encompassing areawide communities, and in establishing areawide organizations to serve these new regions."⁵⁶
2. "The Federally encouraged areawide organizations are performing significant communication,

⁵⁴ Advisory Commission on Intergovernmental Relations, Substate Regionalism and the Federal System, Vol. I, Regional Decision Making: New Strategies for Substate Districts (Washington, D.C.: U.S. Government Printing Office, October, 1973), p. 2.

⁵⁵ Ibid., p. 341. ⁵⁶ Ibid., p. 215.

promotional, technical assistance, planning, resource mobilization, coordination, expediting, and service functions in a variety of ways and in differing degrees."⁵⁷

3. "More often than not the Federally encouraged areas and organizations have overlapped each other and contributed substantially to the complexity of local government in substate regions and the competition among regional organizations for the limited funds available."⁵⁸
4. "Federal areawide programs, more often than not have established a wide variety of inconsistent and confusing requirements. . . ."⁵⁹

Special districts have been created for several reasons, but the most common are: (1) fiscal self-sufficiency, (2) emphasis on technical specialization, (3) efficiency, and (4) geographic flexibility.⁶⁰ Being very diversified, as well, special districts have a few other things in common, such as:

1. They always exist as separate jurisdictional bodies.
2. They are responsible for either one or more governmental services, either State or Federal.
3. They possess the necessary authority, either corporate or legally authorized, to carry out their necessary functions.
4. They are either authorized for governmental funding

⁵⁷ Ibid. ⁵⁸ Ibid., p. 217.

⁵⁹ Ibid. ⁶⁰ Ibid., p. 21

or are authorized to raise their own funds.⁶¹

Of the Federal areawide programs now in effect in the United States, the following are presently functioning in Kansas and therefore significant to this study:

1. Air Pollution Control (Air Quality Control Regions) under the Environmental Protection Agency (EPA);
2. Areawide Comprehensive Health Planning (314b) under the Department of Health, Education and Welfare (HEW);
3. Areawide Comprehensive Planning Assistance (701) under the Department of Housing and Urban Development (HUD);
4. Economic Development Planning under the Economic Development Administration, Department of Commerce (EDA);
5. Criminal Justice Planning under the Law Enforcement Assistance Administration (LEAA);
6. Manpower Planning under the Department of Labor;
7. Resource Conservation and Development under the Soil Conservation Service, Department of Agriculture (SCS);
8. A-95 Review and Notification under the Office of Management and Budget (OMB).

By using the analytical approach of the ACIR,⁶² these programs are herein discussed as they relate to Kansas and the Regional Planning Commissions in Kansas.

⁶¹Ibid., p. 20. ⁶²Ibid., Chapter IV.

PURPOSES AND REQUIREMENTS OF FEDERAL AGENCIES IN KANSAS

The general purposes of these programs are:

<u>Agency</u>	<u>General Purpose</u> ⁶³
Air Pollution Control	To help State, local, regional and interstate agencies plan, develop, and establish programs for prevention and control of air pollution through implementation of ambient air standards.
Areawide Comprehensive Health Planning (314b)	To encourage comprehensive health planning.
Areawide Comprehensive Planning Assistance (701)	To encourage comprehensive community development (land use, etc.) planning at State, metro, non-metro regional and local governmental levels.
Economic Development Planning	To encourage multicounty districts and develop their planning capabilities assuring effective utilization of resources in creating full-time permanent jobs for the unemployed and underemployed.
Criminal Justice Planning	To support required State and local crime control planning.
Manpower Planning	To help coordinate manpower training and supportive service programs by providing funds for manpower planning staffs and involving executive leadership and State and local levels.
Resource and Conservation and Development	To encourage accelerated programs of rural development to increase economic opportunities for local people.
A-95 Review	To give areawide "clearinghouse" organizations and State and local governments an opportunity to comment on proposed Federal aid

⁶³ Ibid., pp. 171-174.

and direct Federal projects before they are acted upon by the Federal government.

Just like all new programs, the goals and objectives of each program upon its inception was to provide the services needed in a well coordinated manner with all other Federal, State and local agencies. However, there are three major problems which arise with these Federal programs. First, as can be seen in Table V, some of these programs are designed for all of the nation's population, others for rural population only, others for special sectors of the population (unemployed and underemployed) and still others primarily for metropolitan regions or areas.⁶⁴ The second problem is competition that continues to grow when each of these programs carries specific requirements which dictate such things as whether the program is required or optional; if there should be a special organization body formed and what its structure should be; if it requires a specific plan or not; and, how funds are to be channeled.

Of the special districts in the United States today, less than 25% are coterminous with a local unit of government, including regional planning agencies.⁶⁵ Of all the Federal programs, only 35% are coterminous.⁶⁶ Table VI and Plate IV show the geographic description of this relationship in Kansas. As can be seen in Table VI, coterminality could possibly occur in 112 individual cases with it actually happening in 39, or 34.8% of the time. Table VII and Plate V show to what degree competition can occur due to overlap and duplication.

The ACIR reported that regional directors through the United States indi-

⁶⁴Ibid.

⁶⁵Ibid., p. 341.

⁶⁶Ibid., p. 342.

TABLE V
COMPARISON OF FEDERAL AREAWIDE PROGRAM REQUIREMENTS

Operational Approaches	Air Quality							HUD 701		Econ. Dev.		LEAA		Man-power		RC&D		A-95 Review	
	Optional	Optional	Required	Optional	Required	Optional	Required	Optional	Required	Optional	Required	Optional	Required	Optional	Required	Optional	Required	Optional	Required
1. Areawide use of program	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
2. Special areawide organization required	State	State & Area	State & Area	State & Area	State & Area	State & Area	State & Area	State & Area	State & Area	State & Area	State & Area	State & Area	State & Area	State & Area	State & Area	State & Area	State & Area	State & Area	State & Area
3. Required plan	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
4. Coordinating council	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
5. A-95 Review	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no
6. Areawide authority to veto funding	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no
7. Federal funding channeled through single areawide agency	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Type of Agency Required																			
8. General purpose	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
9. Special purpose	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Membership																			
10. Government officials only	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
11. Elected officials and citizens at large																			
12. All affected interests public and private																			

*Others may belong; the requirement is "to the greatest practicable extent, composed of or responsible to local officials."

Table V (cont.)

	Air Quality	Comp. Health	HUD 701	Econ. Dev.	LEAA	Man- power	RO&D	A-95 Review
<u>Legal Status</u>								
13. Public agency	x							
14. Public or non-profit		x	x	x				x
15. Coordinating committee					x	x	x	
<u>Authority Required</u>								
16. Planning only		x	x	x	x	x		x
17. Planning & implementation	x						x	
<u>State Role</u>								
18. State designates organization	x	x	(Non-metro)		x	(Non-metro)		(Non-metro)
19. State is consulted before designation			(Metro)	x**		(Metro)	x	(Metro)
20. No state role necessary			(Metro)					
21. State program for same function already funded	x	x	x					x
22. State assumes function as last resort	x	x						x
<u>Designation Responsibility for Regional Boundaries</u>								
23. Federal	x		(Metro)			x	x	(Metro)
24. State			(Non-metro)	x	x			
25. State and local with Federal approval	x							

**Upon request of the Governor.

Table V (cont.)

Designation Responsibility for Regional Organizations	Air Quality	Comp. Health	HUD 701	Econ. Dev.	LEAA	Man- power	RC&D	A-95 Review
26. Federal			(Metro)	x**			x	(Metro)
27. State	x		(Non- metro)	x	x			(Non- metro)
28. State & local with Federal approval		x				x		
<u>Types Of Planning Required</u>								
29. General or comprehensive			x	x				
30. Functional	x	x	x		x	x	x	
31. Grant package				x	x		x	
32. Multi-year program				x	x		x	
33. None								x
<u>Citizen Participation</u>								
34. Specifically required	x	x	x	x	x	x	x	
35. Not required								x

**Upon request of the Governor.

Source: Advisory Commission on Intergovernmental Relations, Substate Regionalism and the Federal System,
 Vol. I: Regional Decision Making: New Strategies for Substate Districts, Washington, D. C.:
 U. S. Government Printing Office, October, 1973.

cated their three most prevalent problems to be: (1) implementing plans, (2) conflicting efforts of federally sponsored programs which have a regional impact, and (3) relationships between the regional agency and other areawide bodies.⁶⁷ Stated simply, two out of three of the most prevalent problems for regions deal directly with other agencies in the region. A report done by the author for the Kansas Department of Economic Development documented the same problems occurring in Kansas.⁶⁸

The whole effect of the policies and requirements of these areawide programs are several agencies providing several services with little or no coordination between them. This not only leads to competition between the agencies for such things as citizen participation, local match funding and local officials participation on their boards, but more often than not they result in several agencies operating in one region with some actually spending money twice for the same type of planning or program. The resulting competition wears heavy on the ability of local officials to participate, draws much from the taxpayers' pockets to fund the necessary program, and generates a great apathy among citizens.

"The most frequent complaint against the overlapping structure was the strain it imposed upon the limited resources of rural leadership. 'We are all competing for the same local leadership,' said a federal field official, 'and the locals just about become full-time professional meeting-attenders.' Some of the citizen leaders

⁶⁷ Ibid., p. 344.

⁶⁸ Kansas Department of Economic Development, Regionalism and Regional Planning in Kansas (Topeka: Kansas Department of Economic Development, August, 1974), Chap. 4.

TABLE VI

FEDERAL PROGRAM AREAS CONFORMING

TO REGIONAL PLANNING COMMISSION BOUNDARIES

Regional Planning Commission or Regional Council	Air Quality	Comp. Health	HUD 701	Econ. Dev.	LEAA	Man- power	RC&D	A-95 Review
MARC	x	x	x		x	x		x
Southeast Kansas			x	x	x	x	x	x
Big Lakes			x					x
Flint Hills			x		x		x*	x
Blue Stem			x	O***				
Central Plains**				O***				
Chikaskia			x	O***	x		x	x
Mid-State			x	O***				
Golden Belt			x					x
Indian Hills			x		x		x	x
Greater Southwest			x					x
Northwest Kansas			x					x
North Central			x				x	x
MO-KAN			x					x
TOTAL	1	1	13	1	5	2	5	11

*Flint Hills organized by the RC&D without Dickinson County which joined in 1974.

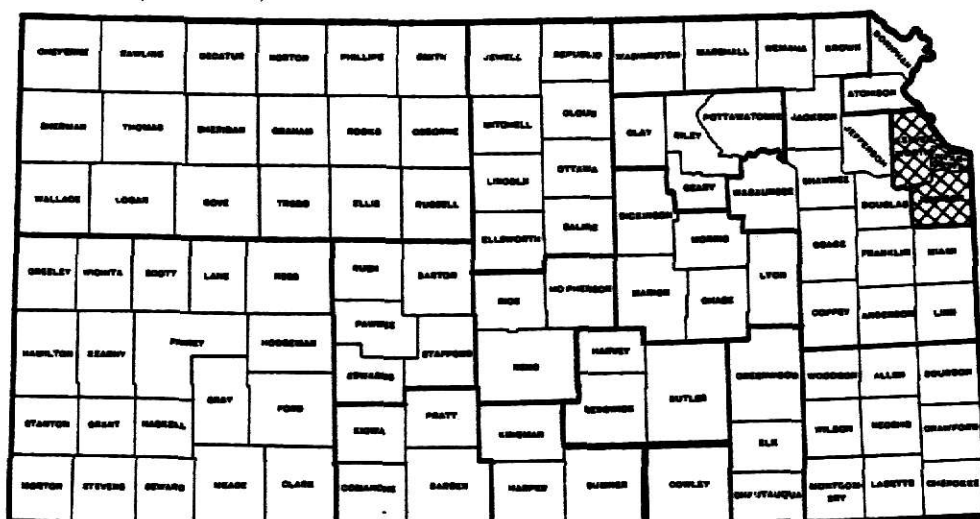
**Central Plains is not an officially organized RPO or COG. The Wichita Metropolitan Area has A-95 and the State of Kansas granted A-95 to Butler County earlier.

***Member counties also members of the South Central Kansas Economic Development District (SCKEDD).

Source: Kansas Department of Economic Development, Regionalism and Regional Planning in Kansas (Topeka: Kansas Department of Economic Development, August, 1974).

PLATE IV

PLANNING AGENCIES COTERMINOUS WITH REGIONAL PLANNING COMMISSIONS

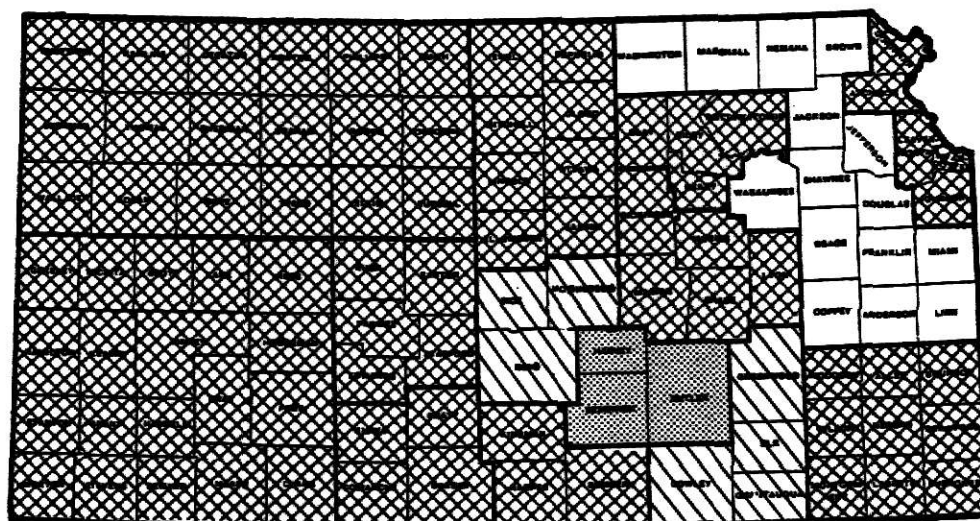


Air Quality Control Regions

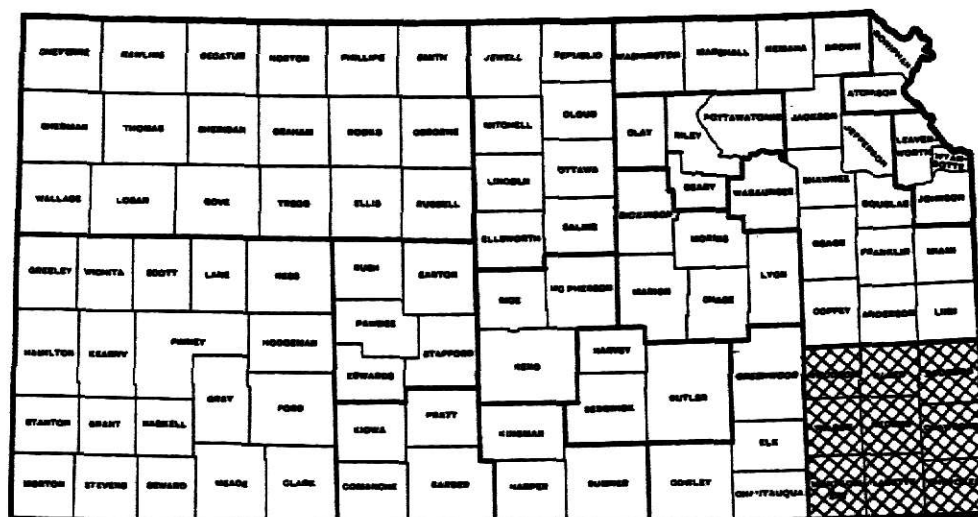


**Areawide Comprehensive
Health Planning Agencies**

PLATE IV (Cont.)

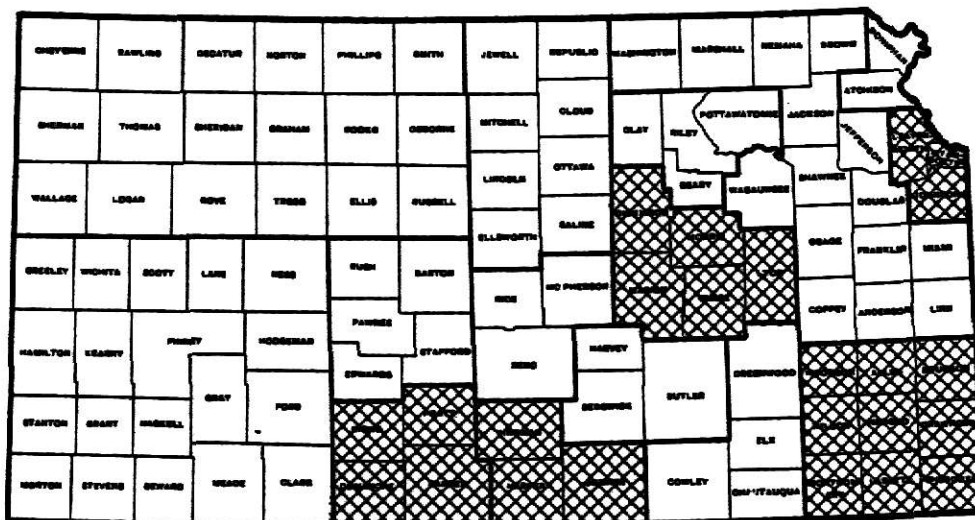


 701 Planning Assistance
  A-95 Clearinghouse
  Both

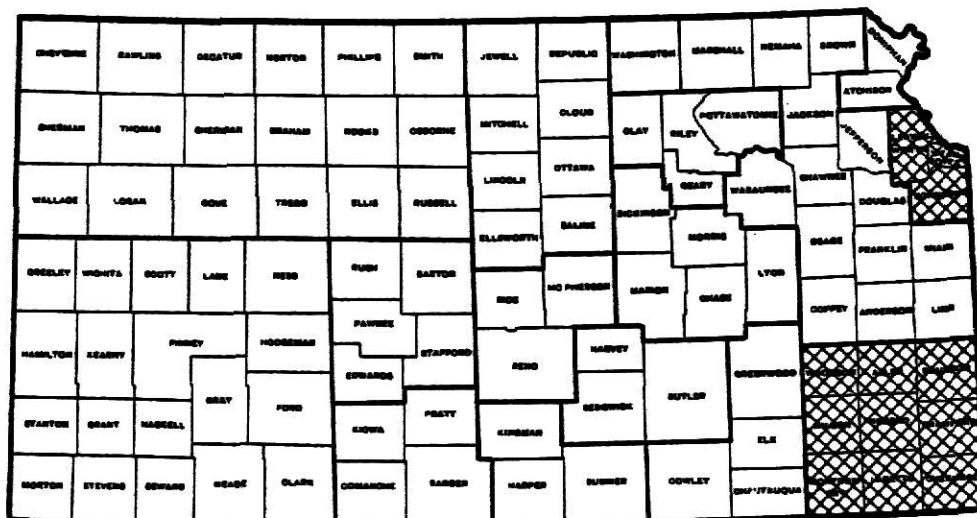


Economic Development Districts

PLATE IV (Cont.)



Criminal Justice Planning Regions



Manpower Planning Regions

TABLE VII
FEDERAL PROGRAM REGIONS INFLUENCING
REGIONAL PLANNING COMMISSIONS IN KANSAS

Regional Planning Commission or Regional Council	Air Quality	Comp. Health	HUD 701	Econ. Dev.	LEAA	Man- power	RC&D	A-95 Review	TOTAL
MARC	Metro	1	1	0	1	Metro	0	1	6
Southeast Kansas	1	2	1	1	1	1	1	1	10
Big Lakes	2	1	1	0	1	1	0	1	7
Flint Hills	3	3	1	1	1	1	1	1	12
Blue Stem	2	2	1	1	1	1	0	0	8
Central Plains	1	1	0	1	1	Metro	0	2*	7
Chikaskia	1	2	1	1	1	1	1	1	9
Mid-State	2	2	1	1	1	1	0	0	8
Golden Belt	2	1	1	0	0	1	0	1	6
Indian Hills	1	1	1	0	1	1	1	1	7
Greater Southwest	2	3	1	0	1	1	0	1	9
Northwest Kansas	1	2	1	0	1	1	0	1	7
North Central	1	1	1	0	1	1	1	1	7
MO-KAN	1	2	1	0	0**	1	0	1	6

*Central Plains is influenced by both Metro A-95 in Wichita and a single county A-95 power granted to Butler County.

**Mo-Kan does have a Law Enforcement Designation for its counties in Missouri.

Source: Kansas Department of Economic Development, Regionalism and Regional Planning in Kansas (Topeka: Kansas Department of Economic Development, August, 1974).

were clearly partisans of one or another federal agency, and it seemed possible that the federal competition might tend to divide the local leadership that needed to be brought together."⁶⁹

So recorded James L. Sundquist on the problem of overlap.

The third problem thus becomes the willingness on the parts of the various agencies to cooperate and coordinate their planning functions. With each agency having a different set of organizational and functional requirements it becomes a major task to fit the puzzle together. The mere fact that each agency requires a different type of council or organization combined with the competition between agencies makes any coordination a phenomenal obstacle to overcome.

THE OZARKS REGIONAL COMMISSION

Any discussion of Federal programs and regional planning in Kansas would be incomplete without including the Ozarks Regional Commission. This Federal commission was the first of seven such multi-state economic development agencies to be organized under the Public Works and Economic Development Act of 1965.

The Ozarks Commission, organized in 1966 with the states of Arkansas, Missouri and Oklahoma, now consists of two additional states, Kansas and Louisiana. Kansas first became involved in 1967 when the nine counties of southeast Kansas were added. Now the entire state is included in the Commission's boundaries.

The Commission's main purpose is the development of the economic and

⁶⁹James L. Sundquist, Making Federalism Work, p. 201.

social base of its participating members in addition to the construction and rehabilitation of public works. Over its nine year history the Ozarks Commission has helped invest \$40 million in the member states to enhance their economic development.

Recent legislation has now enabled the Commission to start working more directly with the 58 multicounty planning and development districts in the five states. Under this activity the Ozarks Commission can offer planning and technical assistance to States and substate districts in addition to funding for Regionally approved projects.

Since 1967, the Ozarks Regional Commission has been very successful in its workings with the nine counties in southeast Kansas it has served. Programs has been well coordinated, aided and undertaken by and with the Southeast Kansas Regional Planning Commission since its inception in 1972. This agency is a good example of what Federal agencies and programs can be in an area when the proper coordination and cooperation exists.⁷⁰

ACTION NECESSARY NOW

In 1968, Lowell Richards, a graduate student at Kansas State University, performed a study of state planning approaches to the problem of regional planning at the substate level.⁷¹ In that study he stated:

"A state administration that does not undertake some positive effort to coordinate or delineate

⁷⁰ Ozarks Regional Commission, The 1974 Annual Report, Edwin Edwards, Governor of Louisiana and Robert B. Docking, Governor of Kansas, Cochairmen, 1974-75.

⁷¹ Lowell D. Richards, "State planning Offices' Approaches to Regional Planning and Substate Regional Delineation: Theories, Strategies and Practices" (Unpublished Master's Thesis, Kansas State University, 1968).

rational regions within its own boundaries may well find itself inundated by regional planning entities vying among themselves and bitterly competing for the financial assistance and special attention of state government."⁷²

Kansas, it seems, has found itself in that position. The positive action needed in the state, therefore, can no longer be put off. First, the state legislature must pass meaningful legislation which will not only enable but require the Governor to designate new federally forming regions only when they are in coterminality with present regional planning commission boundaries.

In June, 1972, over a year following the Executive Order delineating the eleven planning regions, the South Central Kansas Economic Development District (SCKEDD) was approved. The new district covered all of the designated Region 04 and one county of Region 03. At that time, the counties of Kingman, Harper and Sumner were already under the direction of the Chikaskia Regional Planning Commission and Marion County, part of Region 03, was in the Flint Hills Regional Planning Commission. With the designation of SCKEDD, then, came an automatic overlap in two places.

In conjunction with new legislation, the Office of Planning and Research in the Office of Administration, in cooperation with the Planning Division of the Kansas Department of Economic Development, should search out ways of realigning boundaries which are conflicting and if possible establish (with the Governor) a state policy regarding the same.

The Governor of Texas, Preston Smith, recently issued a policy statement regarding regional planning in his state in which guidelines were established

⁷²Ibid., p. 23.

for future developments in the regional planning scheme.⁷³ In that policy, the following guidelines were given relating to Federal agencies:

Economic Development Districts⁷⁴

1. "No additional EDD will be recognized by the State of Texas unless it forms part of a 'development council' (combined regional council and economic development district.)
2. "In those geographic area in which there are regional councils of governments and economic development districts, consolidation of those organizations into councils should be accomplished at the earliest opportunity. . . ."

Resource Conservation and Development Projects⁷⁵

1. "Previously approved and funded RC&D's will continue to serve their present membership areas.
2. "Projects which have been approved by the Governor but not yet federally approved. . . must realign their boundaries to conform to State Planning Region or subregion boundaries, or request in writing from the Governor's office an exception which can be justified.
3. "New RC&D project applications will be approved by the Governor's office only if the boundaries of the project are wholly within or coterminous with a single State Planning Region or subregion thereof."

Manpower Planning⁷⁶

1. "State Planning Regions or recognized subregions shall serve as the boundaries for manpower planning purposes."

Areawide Comprehensive Health Planning (314b)⁷⁷

1. "Only regional councils of governments will be recognized as 314(b) or comprehensive health planning agencies."

⁷⁴Ibid., p. 13. ⁷⁵Ibid., p. 14.

⁷⁶Ibid. ⁷⁷Ibid., p. 18.

Criminal Justice Planning⁷⁸

1. "Regional councils of governments will serve as the regional criminal justice planning agencies."

It should be noted that these policies were not done in total disregard or behind the backs of participating Federal agencies and their guidelines. The Departments of Health, Education and Welfare, Housing and Urban Development, Labor, Transportation, Commerce (Economic Development Administration), Agriculture (Soil Conservation Service), and the Office of Equal Opportunity were all consulted and "provided support in developing this policy."⁷⁹

The time for similar action in Kansas is now. First, the proliferation of Economic Development Districts and Resource Conservation and Development Projects is small (2 and 5 respectively) with only a small percentage of counties and regions being involved at the present time. Second, manpower planning, because of its ineffectiveness under the original regional designations, has been assumed mostly at the State level with little or no policy action occurring at the local levels. Third, the greatest amount of duplication and overlap of any federal areawide program occurs among Areawide Comprehensive Health Planning Councils. And fourth, recent occurrences involving the Governor's Committee on Criminal Administration and regional planning commissions in addition to an incompleteness of regions served

⁷⁸Ibid., p. 19. ⁷⁹Ibid., p. 5.

reflect needed action in terms of Criminal Justice Planning.

Chapter 4

PROPOSED CHANGES FOR MORE EFFECTIVE REGIONAL PLANNING IN KANSAS

The basic idea behind regional planning is coordination---coordination of all activities concerning the physical, social, and economic problems which overlap county jurisdictional lines, local units of government, and all agencies involved in planning in any way within the region. The 1971 delineation of the regions in Kansas by the Executive Order of Governor Robert Docking contained some very important statements regarding the need and use of those regions and was viewed as a positive step forward by many. However, in the years since that order, the regional planning scheme has changed little in terms of overall coordination and cooperation. Overlapping of boundaries, duplication of effort, and competition for State and Federal monies still exists to a large degree.

PROPOSAL I: UNIFORM BOUNDARIES

The basis for planning any area or region is a clearly defined base for statistical data describing all activities in that area. One agency may be collecting socio-economic data for five counties while another agency, needing socio-economic data for only three of those counties is collecting the same information. The result is a waste of money, manpower, and time, not only for the two agencies gathering the data, but for resource agencies as well.

Coterminous boundaries would form the uniform basis needed for the collection of statistics and facts. The data would all relate to the same land area and population. Through cooperation this information could then be distributed to all agencies and eliminate the need for each agency duplicating

already researched data. In addition, all programs for planning and development could relate to the same area, the same population, and the same problems.

With several agencies overlapping their jurisdictions and each having a different program, some type of unification is needed. Should these agencies remain operational as individual entities (Proposal II suggests they unify), uniform boundaries would provide the necessary basis for a system of review and comment on programs of other agencies. This system would be on an informal basis operating as an informative review and reply rather than approval or rejection as in A-95. Agencies would send tentative drafts of projects, policies, or plans to other concerned agencies of the same uniform area asking for their response as to any conflict or duplication, or suggestions for improvements.

For the most part, very few agencies know anything about the activities of the other agencies in their regions. Each office is quipped to handle only specified programs, and anything beyond their scope becomes difficult.

"One former city manager, who had become a planning consultant, summarized his impressions and his experience:

'There are just too many federal programs. In particular, the small communities that have no staff have a difficult time sorting out the various agencies and programs and finding out just who can help them and how....

'On one occasion, I tried to put together a project that involved both the Soil Conservation Service and urban renewal. Neither agency was equipped to deal with the composite or was even knowledgeable about the other agency's program...."⁷⁹

With a uniform area of jurisdiction, resource people from other agencies could be used on boards and commissions as ex-officio, technical advisors.

⁷⁹James L. Sundquist, Making Federalism Work, p. 187.

In this way, communication between organizations would increase, reducing bias and competition and increasing efficiency and effectiveness of programs.

"Those multicounty agencies that did not undertake comprehensive planning," writes Sundquist, "sought the same coordination objectives by establishing committees or assigning staff to the joint consideration of related projects."⁸⁰

COTERMINOUS BOUNDARIES ARE NOT ONLY DESIRABLE BUT
NECESSARY FOR BETTER COORDINATION OF REGIONAL PLANNING
PROGRAMS IN KANSAS. REVISED REGIONAL PLANNING LAWS
SHOULD REFLECT SUCH A CHANGE.

Several national associations have adopted resolutions and policies concerning this matter. Included among them are the Big Seven⁸¹ (Council of State Governments, International City Management Association, National League of Cities, National Legislative Conference, United States Conference of Mayors, the National Association of Regional Councils, and the Advisory Commission on Intergovernmental Relations. These policies are included in the appendix.

PROPOSAL II: ONE AGENCY

Uniform boundaries can accomplish much in bringing order to the present puzzle that exists in regional planning in Kansas. However, it will be limited. The use of one single, umbrella agency, responsible for the overall coordination of programs in the region, would be even more desirable.

⁸⁰Ibid., p. 196.

⁸¹These agencies sponsored a study of Federally sponsored programs in 1972. The study has come to be known as "The Big Seven Report." In its revised form it has become the policy statement of the Advisory Commission on Intergovernmental Relations. Both statements are found in the appendix.

The National Association of Regional Councils defines an umbrella agency thusly:

"A regional council that has the responsibility of developing areawide policies and plans and coordinating independent functional planning and operational agencies, for a broad scope of areawide functional programs and jurisdictions, in assuring implementation of such policies and plans."⁸²

Plate VI shows the concept as it was formulated by the Resource Development Division of the Soil Conservation Service.⁸³ The concept covers three basic "umbrellas." The first is the state level where all functional agencies are under the coordinative direction and policy of the State Planning Agency.⁸⁴

The next level or umbrella is the regional level or the "substate entity" as it is termed. This level should be the agency composed of local officials and governments, or the regional planning commission or regional council. It is here where all coordination within the region would occur. All programs, plans and policies would flow through and under the direction of one main policy board structured in compliance with most major program requirements.⁸⁵

"All of the multicounty agencies saw themselves as coordinators, responsible for bringing together the various agencies or jurisdictions or public and private groups that might be concerned with individual projects and for bringing separate projects into relation with one another.... In any comprehensive planning process, interrelated problems are identified and solutions can be planned in such a way as to reinforce one another. Conflicts between individual projects can be reconciled,

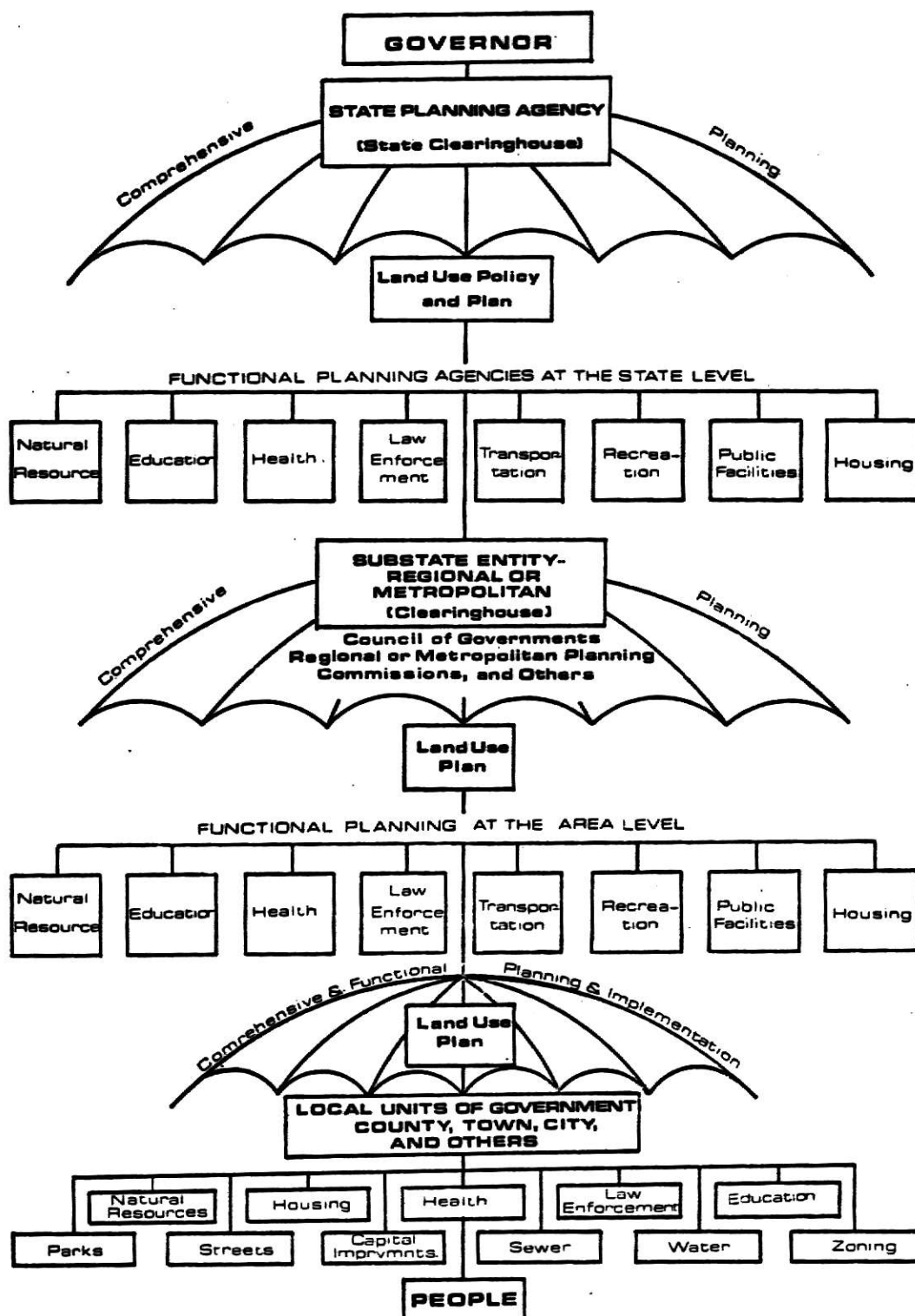
⁸²National Association of Regional Councils, Goals for Action (Washington, D. C.: NARC, 1972), p. 4.

⁸³The explanation of the chart is the author's not that of the SCS.

⁸⁴In Kansas this is the Office of Planning and Research.

⁸⁵Some adjustments may need to be negotiated with both State and Federal agencies concerned.

**PLATE VI
THE UMBRELLA ORGANIZATIONS CONCEPT**



Source: U. S. Soil Conservation Service.

and priorities established."⁸⁶

The last level is the local level. This becomes important in Kansas because of the home-rule nature of local government in the State. It should be recognized that all policy implementation actually occurs at this level. Representation of each local government body is afforded the regional agency but final ratification of action or policy must be made at the local level, not the regional one.⁸⁷

Once again, the recommendation to use this approach has been endorsed by the same agencies mentioned above under Proposal I. However, one other resolution must be added here and that is the resolution passed by the Kansas Association of Regional Planning Commissions (KARPC) which states in part:

"...THEREFORE BE IT RESOLVED that the Kansas Association of Regional Planning Commissions endorses the concept of umbrella multijurisdictional organizations composed predominantly of elected officials of local government, for obviating fragmentation in planning and for addressing needs that transcend jurisdictional boundaries."⁸⁸

The real impact of the need for these agencies comes when the economical terms of the matter are examined. With each individual organization operating a separate office, the amount of office time, space and personnel duplication is enormous. It is feasible to use a number of separate agencies with one coordinated system of review, but one office would reduce confusion, competition and cost.

The other aspect of finances concerns the problem of financing the agencies involved. Many Federal programs require some amount of "matching

⁸⁶James L. Sundquist, Making Federalism Work, p. 196.

⁸⁷K.S.A. 12-720.

⁸⁸Kansas Association of Regional Planning Commissions, June 4, 1974.

funds." These are funds raised by local government as a portion of the total fiscal budget, i.e., two-thirds Federal and one-third local match is the basic formula for HUD 701 Planning Assistance Funds. Under the present situation, cities and counties who wish to participate must match funds each time they participate in any single organization's program thus paying twice for some programs which if financed through one agency would only require one payment.

Local officials in many regions are presently serving on several boards and commissions due to the diversity of organizational requirements. Through the one agency approach not only would officials have to spend less time in meetings but there would be a greater understanding by all local officials as to what is being planned, by whom and how much it is going to entail in time and money.

Citizen participation is important also, and particularly when programs involving the public are being made. Many Federal programs even call for citizen participation in their requirements. If a program is not what the people need or want, common sense should tell any public employee that it will not work. With diverse agencies and programs in conflict and competition requesting citizen input for their plans, the average person will do one of two things. One, he or she will become totally involved in one or two compatible programs and ignore or even fight against the rest. Or two, he or she will become so apathetical due to the confusion and competition that all is forgotten and ignored. With one unified agency and policy board functioning in each region, not only would citizens have only one agency to deal with, but input could be felt and channeled in a more meaningful manner.

Finally, State government, because of its inherent nature, sometimes cannot be bothered with the needs and desires of the smaller units of local government. By using the umbrella agency as a unified voice for the region,

not only could the smaller units be heard, but the State in turn would only need to deal with one agency instead of several in answering requests or establishing policy.

THE CONCEPT OF UMBRELLA ORGANIZATIONS SHOULD BE SEEN AS NECESSARY FOR TOTAL COORDINATION AND COOPERATION AMONG AGENCIES INVOLVED IN REGIONAL PLANNING WITHIN THE STATE OF KANSAS AND NEW LEGISLATION SHOULD PROVIDE FOR SUCH ACTION.

PROPOSAL III: IMPLEMENTATION OF REGIONAL POLICY

With uniform boundaries established and a cooperative, coordinated agency organized, a system of formal policy adoption and implementation should be set up.

Nothing is more frustrating to a planning body and their staff than to spend thousands of dollars and months of time on a plan only to have it rejected or ignored by the various agencies and units of government responsible for its implementation. This is especially important at the regional level where so many factors are involved. The local regional agency should have the power under state law to see that, after due notice and hearing on the formal acceptance of the plan or policy by the majority of its participants, such policy or plan becomes implemented and put into action through authority of the policy board of the umbrella agency.

"Planning was considered most likely to be useful if the organization responsible for the planning had also the responsibility for initiating action to carry out developmental projects. The responsibility should end with the initiation and promotion of projects, however; the predominant view was that the planning and development bodies should not themselves become administrative

agencies providing governmental services."⁸⁹

A TYPE OF AUTHORITY SHOULD BE GIVEN TO THE REGIONAL PLANNING UMBRELLA AGENCY FOR ADOPTION AND IMPLEMENTATION OF FORMAL REGIONAL POLICIES AND PLANS AFTER DUE CONSIDERATION AND RATIFICATION BY A MAJORITY OF ALL PARTICIPATING UNITS OF GOVERNMENT AND PROPER PUBLIC HEARINGS HAVE BEEN HELD.

PROPOSAL IV: FUNDING FOR REGIONAL PLANNING COMMISSIONS

The State Legislature has in the past, and is now, taking into consideration the funding of regional planning commissions. The idea is good and necessary, however, major things must be considered in such legislation.

First, if regional planning is to become part of a unified system of State planning in Kansas, then funding should be on a "no match" basis, preferably in a block grant form. Second, if all regional programs are brought under one umbrella agency as proposed in Proposal II, State funding of all programs should be conducted through the umbrella agency and controlled by its respective board. Third, funding by the State to umbrella agencies (regional planning commissions) should be a continuous, yearly item, with funds being allocated and changing as the economy and needs demand. And, fourth, funding by the State should be substantial enough that should the case ever arise where Federal dollars are either cut or not wanted because of stipulations by the Federal government, regional programs can continue to function at a continued level of activity.

THE STATE OF KANSAS SHOULD ENACT LEGISLATION FOR THE

⁸⁹James L. Sundquist, Making Federalism Work, p. 196.

CONTINUOUS FUNDING OF UMBRELLA AGENCIES (REGIONAL PLANNING COMMISSIONS) FROM THE STATE LEVEL ON A STRAIGHT BLOCK GRANT BASIS WITH NO LOCAL MATCHING FUNDS REQUIRED.

Most State programs now operating at the substate level receive money from the State with little or no strings attached. Should these programs be combined under one regional authority, such a funding requirement should remain unchanged. Agencies now receiving funds on a no match basis should be permitted to continue.

OPTIONAL PROPOSAL I: REGIONAL PLANNING COMMISSION
OR REGIONAL COUNCIL?

In K.S.A. 12-701 it states:

"The governing body of any city may by ordinance create a city planning commission for such city...."

Again in K.S.A. 12-2915:

"The board of county commissioners may by resolution establish a planning board for such county...."

The two planning bodies are given various authorities under State law to include subdivision regulation development and enforcement, zoning ordinance development and enforcement, and the development and enforcement of a comprehensive plan. Thus, when the person not entirely understanding regional planning or its functions under the law reads in K.S.A. 12-716:

"When two (2) or more of such cities and counties shall by ordinance of each city and by the resolution of the boards of county commissioners enter into agreement providing for such joint planning cooperation. then shall be established a joint planning commission for the metropolitan area or region....,"

that individual would have to question the establishment of another level

of government because of the terminology of "planning commission" as it is used otherwise in the Kansas Statutes.

K.S.A. 12-716 SHOULD BE ALTERED TO MAKE THE ESTABLISHMENT OF A REGIONAL PLANNING COMMISSION OR REGIONAL COUNCIL OF GOVERNMENTS OPTIONAL BY THE CITIES AND COUNTIES SO ORGANIZING. UNDER PRESENT LAWS, BOTH ORGANIZATIONS WOULD BE THE SAME LEGALLY WITH THE ONLY DIFFERENCE BEING THE NAME OF THE ORGANIZATION.

OPTIONAL PROPOSAL II: MANDATORY PARTICIPATION

One big question in the realm of regional planning is whether or not participation on local regional planning commissions or councils of governments should remain voluntary or become a mandatory requirement under State law.

In 1973 a study of the Advisory Commission on Intergovernmental Relations on the Statewide Substate Districting Act, it was reported that out of 35 total states reporting, only 9 states mandated a local government membership where regional planning organizations existed.⁹⁰

However, there is positive argument for such an option. The National Association of Regional Councils in their publication "Implementing Policies and Resolutions" says:

"It is the general feeling of the membership that regional councils should continue as organizations of local governments, with membership on a voluntary basis. However, there seems to be a growing senti-

⁹⁰ Advisory Commission on Intergovernmental Relations, "Suggested Legislation: Statewide Substate Districting Act," adopted at the 47th meeting of the ACIR, June 22-23, 1973.

iment that it is time to move towards mandatory membership. If regional councils are going to begin tackling some of the tough, knotty issues, local governments cannot be permitted to walk out if they don't like a decision. There is increasing evidence that if local governments are to survive they must decide that, on regional issues, the 'game' will be played at the regional table by the rules they have established for themselves."⁹¹

MANDATORY PARTICIPATION OF ALL CITIES AND COUNTIES
IN ORGANIZED REGIONAL PLANNING ORGANIZATIONS MAY NOT
ONLY BE DESIRABLE BUT NECESSARY TO INSURE THE BEST
INTEREST OF BOTH THE STATE AND ALL INDIVIDUAL UNITS
OF GOVERNMENT.

These proposals have been given consideration in suggestions for changes in the planning laws. The next chapter contains these revisions.

⁹¹ National Association of Regional Councils, Implementing Policies and Resolutions, p. 6.

Chapter 5

PROPOSED REVISION OF THE JOINT OR REGIONAL PLANNING LAWS

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

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

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

gional councils of governments.

12-716a. (optional) The provisions hereinabove notwithstanding, all cities and counties of the State of Kansas shall be and are hereby required to engage in joint planning through at least one metropolitan or regional planning organization on or before (date one year from passage of legislation).

12-716b. (optional) Any metropolitan or regional planning organization created under the provisions of 12-716 or 12-716a hereinabove shall conform to the boundaries of the regions or sub-regions designated by Executive Order of the Governor. Provided, however, that existing metropolitan or regional planning organizations, duly established prior to the effective date of this act, shall be permitted to continue in full force and effect until (one year from passage of legislation), jurisdictional boundaries of said metropolitan or regional planning organizations notwithstanding. Provided further that existing metropolitan or regional planning organizations, duly established prior to the effective date of this act, shall conform in all respects to the jurisdictional boundary requirements of this act after one year as law. Provided further that any city or county which feels aggrieved by any jurisdictional boundary requirement as designated in this chapter shall have the right of appeal to the Regional Planning Boundary Board in the manner and for the purposes prescribed in this chapter.

12-716c. Regional and sub-regional boundaries shall be delineated by Executive Order of the Governor after appropriate studies and maps of such designations are made by the Office of Planning and Research in the Office of Administration and accepted by a majority of the planning organizations involved. Maps and appropriate descriptions of said regional and sub-regional boundaries shall be forwarded by said Office of Planning and Research to all departments, boards and to the Mayor of each incorporated city and to the chair-

man of each board of county commissioners of this state with seven (7) days of the effective date of this act; and annually thereafter at such times as a new delineation is deemed necessary.

12-716d. The Regional Planning Boundary Board (hereinafter called the Boundary Board) is hereby created. Said Boundary Board shall be composed of the following members: The Director of the Office of Planning and Research in the Office of Administration who shall serve as chairman; the Director of the Planning Division of the Kansas Department of Economic Development; the Director of the Budget Division in the Department of Administration; and the Secretary of the Department of Administration. Four (4) members in attendance shall constitute a quorum of the boundary board. The Boundary Board shall meet on call of the chairman to consider appeals of regional planning organization jurisdictional boundary designations; provided that all such appeals must be heard within no more than thirty (30) days following the filing of any such appeal with the office of the chairman. Regional planning organization jurisdictional boundary appeal may be filed in writing by any city or county which shall feel aggrieved by any jurisdictional boundaries established as provided herein above, and such written appeal shall bear the signatures of a majority of the membership of the governing body of said city or county and shall set forth the nature of and reasons for the grievance. The Boundary Board shall have authority, after proper hearing, to deny the appeal or approve the appeal wholly or in part; and all such decisions by the Boundary Board shall be final. No jurisdictional boundary appeal may be re-filed by any city or county until after one (1) year from the date of hearing on the last appeal. The Boundary Board shall adopt appropriate operating and hearing procedures which shall be made reasonably available to the public. All hearings of the Boundary Board shall be in open meeting and decisions of the Boundary Board shall be made at

or within seven (7) days of the hearing and shall be made in open meeting.

The members of the Boundary Board shall serve without compensation.

12-716e. All state departments, agencies, boards or commissions which conduct any part of their activities on a regional basis shall utilize the regional boundaries as established and provided in this chapter in the conduct of such activities. Any such state department, agency, board or commission which feels aggrieved by this requirement shall have the right of appeal to the Boundary Board for such modification of the jurisdictional boundaries as it considers appropriate. Any such appeal shall be signed and filed by the chief administrative officer of said department, agency, board or commission and shall state the nature of and reasons for the grievance. If any state department, agency, board or commission is utilizing regional boundaries for any part of its activities at the effective date of this act, such boundaries may continue to be utilized for no more than six months, after which time all boundaries so utilized shall conform to the regional boundaries as designated and established in this chapter except as such may have been modified by lawful action of the Boundary Board.

12-717. The general purpose of a metropolitan or regional planning commission or regional council of governments shall be to make those studies and plans for the development of the area, that will eliminate planning duplication and promote economy and efficiency in the coordinated development of the area and the general welfare and prosperity of its people. The metropolitan or regional planning commission or regional council of governments shall make a plan or plans for development of the area, which include:

1. A general development policies plan for the region
as a whole projecting development for at least
twenty (20 Years into the future.

2. Intermediate range functional plans for the region as a whole for such functional areas as it may deem appropriate. The metropolitan or regional planning commission or regional council of governments is further authorized to perform such additional planning services as cities and counties are now authorized to perform provided that such has been requested by one or more cities or counties in the region and further provided that the metropolitan or regional planning commission or regional council of governments agrees to perform such additional services.

Any metropolitan or regional plan or elements thereof developed under authority of this section shall be based on studies of physical, social, economic, and governmental conditions and trends. The plans or elements thereof and their recommendations may be adopted in whole or in part by the metropolitan or regional planning commission or regional council of governments after a public hearing held in accordance with the procedure established in K.S.A. 12-705. Following such adoption the metropolitan or regional planning commission or regional council of governments shall forthwith advise all cities, counties and other pertinent governmental agencies within the jurisdictional boundaries of the commission that such plans have been adopted and shall forward copies of such plans together with said notice. The metropolitan or regional planning commission or regional council of governments may also assist the cities and counties within its area of jurisdiction in carrying out any regional plan or plans developed by the commission or council.

12-718. The cooperating cities and counties which join to create a metropolitan or regional planning commission or regional council of governments shall through joint agreement determine the number and qualifications of the members of the commission or council: Provided, that the membership of such metropolitan or regional planning commission or regional council of governments shall have representation from each of the cooperating counties; provided further that there shall be adequate representation of the dominant minority in the region, and adequate representation of the poor element in the region, and representation of the health profession; provided further that no fewer than two-thirds (2/3) of the membership shall be elected members of the governing bodies of the cooperating cities and counties. In addition, ex-officio membership representation by all special agencies, departments, boards or commissions which are functioning within the regional jurisdictional boundaries, to include, but not be limited to, school boards, road districts, or other municipal corporation, quasi-municipal corporation, or political subdivision of this state or of any other state, should be encouraged.

It is specifically declared to be state policy that any metropolitan or regional planning commission or regional council of governments constituted in accordance with this section shall be considered by all local, state and federal parties of interest to be the official metropolitan or regional planning organization for the area of jurisdiction over which it has concern and shall be recognized as adequately constituted to meet any certification requirements of any federal agency insofar as such certification requirements are concerned with membership. Provided further that any metropolitan or regional planning commission or regional council of governments shall be authorized to incorporate as a non-profit corporation if such is required to permit it to function as the planning agency in an Economic Development District; and such in-

corporation shall in no way detract from or restrict the duties, powers and responsibilities assigned to metropolitan or regional planning commissions or regional councils of governments by this chapter; and provided further that in any metropolitan or regional planning commission or regional council of governments established under a joint agreement between cities and/or counties of this state and another state as authorized by K.S.A. 1970 Supplement 12-716 more than two-thirds (2/3) of the membership may be elected members of the governing bodies of the cooperating cities or counties. The joint agreement shall designate the functions and area which responsibility is delegated and shall also provide for the manner of cooperation and the means and methods of the operation and functioning of the metropolitan or regional planning commission or regional council of governments, including the employment of a director of planning and such staff and consultants as it may require, the proportionate share of costs and expenses, and the purchase of property and materials for the use of the commission or council: Provided, that every joint agreement between a city or county located in this state and a city and/or county located in another state, shall prior to and as a condition precedent to its entry into force, be submitted to and receive the written approval of the attorney general as to the form and compatibility of such joint agreement with the laws of the state of Kansas. It is specifically understood that approval by the attorney general shall not be required for joint agreements involving only Kansas cities and/or counties.

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

contributions. The participating cities and counties or other public bodies are authorized to appropriate funds for the expenses and costs required by the commission in the performance of its purposes and functions. The state is hereby authorized to pay to each lawfully formed metropolitan or regional planning commission or regional council of governments annually to assist in establishing and maintaining a continuing regional planning program a sum which shall be determined each year in relation to the changing economic factors and needs of the regional planning program of the state.

Each cooperating city or county shall budget for support of the metropolitan or regional planning commission or regional council of governments of which it is a member an amount determined under the by-laws of said organization. Such funds shall be made available to said metropolitan or regional planning commission or regional council of governments on or before April 1 of each year.

12-720. Nothing in the provisions of K.S.A. 12-716 to 12-719, all sections inclusive, and any amendments thereto shall be construed to remove or limit the powers of the cooperating cities and counties as provided by state law. All legislative power with respect to zoning and other planning legislation shall remain with the governing body of the cooperating cities and counties except as otherwise provided in this act. Each participating city or county may continue to have its own planning commission or board but may under the joint agreement and in the interests of economy and efficiency and in the interest of uniform standards and procedures, request the metropolitan or regional planning commission or regional council of governments to assume duties and functions of local planning agencies in whole or in part as otherwise provided in this chapter. The metropolitan or regional planning commission or regional council of governments shall have the duty and func-

tion of promoting public interest and understanding of the economic and social necessity for long-term coordinated planning for the metropolitan or regional area.

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

(Added appropriate repealer clauses as necessary.)

Chapter 6

SUMMARY

The concept of regionalism and regional planning is one which has been part of the American planning scheme for many years. With the increasing growth and development in the nation came also problems which extended beyond the boundaries set by states and the counties and cities within them. These problems required areawide concern and cooperation between local governments for the most effective and efficient solutions.

The role of the Federal government in regional planning has been significant over the last two decades. Important legislation and the problems created by each new enactment have had great impact of the development of regional councils of governments, regional planning commissions, economic development districts and development councils.

Since its beginnings in 1934, regional planning in Kansas has been uncoordinated, competitive and incomplete. Even the efforts of a specific regional delineation have caused little change to the system. Thus, it becomes a matter of necessity that steps be taken by the Governor and the State Legislature to initiate such change.

First, there must be some attention paid to the ever-increasing number of programs using different regional delineations. The present statutes and state policies mention nothing regarding uniformity of regional agency and program boundaries. Under Proposal I, new legislation would provide for such uniformity and commonality. "All state departments, agencies, boards or commissions which conduct any part of their activities on a regional basis shall utilize the regional boundaries as established. . ."(K.S.A. 12-716e as

proposed)

In a recent report on regional planning in Kansas the author documented overlap problems that presently exist in the state. Among these problems were several dealing with conflict among administrations of the various programs. Proposal II suggests that only one agency, administration, and staff be used so as to alleviate such problems and provide for better program efficiency. Thus the proposed legislation reads: "It is specifically declared to be state policy that any metropolitan or regional planning commission or regional council of governments constituted inaccordance with this section shall be considered by all local, state and federal parties of interest to be THE OFFICIAL metropolitan or regional planning organization for the area of jurisdiction over which it has concern. . . ." (K.S.A. 12-716 as proposed)

Because of the home rule authority in Kansas, policy decision-making is a very touchy subject. However, if the organized regional planning bodies are to succeed with what they are seeking to accomplish, they must be given some power of implementation of policies and plans. Two specific references to the statute text must be made here. First, and perhaps most significant, is in K.S.A. 12-720 (as it now stands and as it is proposed). It reads: "Nothing in the provisions of K.S.A. 12-716 to 12-719 both sections inclusive, and any amendments thereto shall be construed to remove or limit the powers of the cooperating cities and counties as provided by state law." This is important to recognize when reading K.S.A. 12-717 when it states:

"Any metropolitan or regional plan or elements thereof developed under authority of this section shall be based on studies of physical, social, economic, and governmental conditions and trends. The plans or elements thereof and their recommendations may be adopted in whole or in part by the metropolitan or regional planning commission or regional council of governments after a public hearing held in accordance with the procedure established in K.S.A. 12-705.

Following such adoption the metropolitan or regional planning commission or regional council of governments shall forthwith advise all cities, counties and other pertinent governmental agencies within the jurisdictional boundaries of the commission that such plans have been adopted and shall forward copies of such plans together with said notice...."

No city or county is losing any powers authorized them but merely acting collectively to establish a more far-reaching policy.

The key question in Proposal IV is not one of through whom the funds will be given, but how they will be given. As it now stands, regional planning commissions must "pay for" receiving state aid in the form of matching funds. Also, they are not guaranteed that these funds will continue from year to year. Thus, K.S.A. 12-719 as proposed reads: "The state is hereby authorized to pay each lawfully formed metropolitan or regional planning commission or regional council of governments annually to assist in establishing and maintaining a continuing regional planning program...."

The two optional proposals are so made because of either their controversial nature or semantical reference. The first of these options stems from a recent attempt by the Big Lakes Regional Planning Commission to reorganize into a "council of governments." Such a reorganizational request was submitted to the Attorney General's Office for review. The reorganization was rejected because no specific reference could be found for the establishment of a "council of governments." As previously stated, the organization, form and structure of a regional planning commission in Kansas at the present time is the same as a council of governments would be. The difference is merely in the title, which in some cases is hindering the organizing of more such bodies.

The second optional proposal is the most controversial of all the proposals made. This proposal makes it mandatory for all cities and counties

in Kansas to participate in a regional planning organization (either a regional planning commission or regional council of governments). Thus, proposed section 12-716a would read: "The provisions hereinabove notwithstanding, all cities and counties of the State of Kansas shall be and are hereby required to engage in joint planning through at least one metropolitan or regional planning organization on or before (date one year from passage of legislation)."

This would definitely be met with great opposition. First, it would be challenged by home rule by many cities and counties. And second, it would be challenged by present regional planning commissions whose by-laws provide for cities to be represented collectively rather than individually. Therefore, this option should be used only after all other alternatives for voluntary participation have failed.

CONCLUSION

Regional planning, if it is to become an effective system for good in Kansas, must be responsive to the needs of the people. Competition between governmental agencies, offices and directors does not serve the general welfare nor provide for the best expenditure of tax dollars, both federal and state. The proposals discussed and made herein are so done as to effect the necessary changes to help alleviate such problems. They are far from being the end, but merely a beginning towards making the regional planning laws in Kansas more effective.

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APPENDIX A

PROPOSED COORDINATED BIG SEVEN POLICY STATEMENT ON MULTI-JURISDICTIONAL PLANNING AND POLICY DEVELOPMENT ORGANIZATIONS

PREAMBLE

The design of this study identified the existence of "fragmented and uncoordinated public interest group response to federal agency policies due to a lack of identified consensus on basic principles and policy positions." The study undertook to "develop a coordinated public interest group national policy statement" on multijurisdictional organizations exclusive of the "need, validity or rationale" for the use of such organizations.

Caution must be exercised as to the significance of this policy statement. Until each of the seven participating public interest organizations place this statement before their respective policy committees and memberships for ratification during the coming twelve month cycle of annual meetings, this statement remains a proposed staff document.¹

POLICY STATEMENT

1. Multijurisdictional planning and policy development organizations should be public bodies with governing boards composed, at a minimum, of a majority of elected officials, selected by and representing general purpose local governmental units, representing at least a majority of the population

¹The statement recently published by the ACIR (Appendix B) is the culmination of this statement.

of the region served by the organization. There should be clear authority for localities to work toward bodies made up entirely of elected officials if the localities choose.

2. Umbrella multijurisdictional organizations should be the general purpose organization in a given region, providing a forum for locally elected officials to address problems, issues and functions on an areawide nature. Such organizations should be empowered to make decisions in order to resolve competing objectives and to set regional priorities which should be recognized by both federal and state funding agencies.

Functions of an umbrella multijurisdictional organization should include:

- a. development and coordination of areawide policies and plans;
- b. coordination of the policies and plans of separate functional organizations;
- c. promotion of mutual problem solving and exchange information; and
- d. such other services as may be requested by local governments.

3. Federal and state policies should recognize a single umbrella multijurisdictional organization as the desirable objective for each designated region of the state. Until the desirable objective is attained, it may be necessary to fund separate multijurisdictional organizations within the same region; if so, the governing board of such separate organizations should be composed of predominantly elected officials.

4. The umbrella multijurisdictional organization should function as the review and comment agency for all federal and state funded programs and projects that will have an impact within the region.

5. Federal, state and local governments should contribute funds for the operation of the umbrella multijurisdictional organizations.

6. State governments should:

- a. provide broad, flexible enabling legislation for umbrella multijurisdictional organizations;
- b. conform state planning areas to the regional boundaries of the umbrella multijurisdictional organizations;
- c. conform administrative areas of state programs which are exclusively administered by states to the regional boundaries of the umbrella multijurisdictional organizations;
- d. provide general policy guidance and reasonable criteria for substate umbrella multijurisdictional planning and policy development organizations; and
- e. cease the establishment of separate, single purpose multijurisdictional organizations.

7. Federal and state programs administered on an areawide basis should move toward organizational integration with the umbrella multijurisdictional organization. At a minimum, such programs should include specific requirements for coordination with multijurisdictional organizations in accordance with the Intergovernmental Cooperation Act of 1968.

8. The weighting of the votes of the representatives on the umbrella multijurisdictional organizations' boards should be left to the determination of the localities represented on the board.

9. Boundaries of the umbrella multijurisdictional organizations should be set by the states, but the boundaries should be acceptable to local general purpose governments concerned or involved with provision for future boundary changes.

10. In the interstate urban areas, the thrust of federal programs concerned with areawide planning and intergovernmental coordination should be on

increasing the abilities of local and state governments to act effectively in a concerted fashion, notwithstanding the multi-state character of the area. Toward this end, priority among federal programs concerned with areawide planning and intergovernmental coordination in large interstate areas should be directed to strengthening the ability of the interstate umbrella multi-jurisdictional organization to deal with areawide problems. In small interstate urban areas, due recognition and coordination will have to be given to the affected state planning and development agencies.

The interstate coordination of planning and development programs is a special program requiring unique solutions worthy of a major study.

Source: Council of State Governments, International City Management Association, National Association of Counties, National Governors' Conference, National League of Cities, National Legislative Conference, United States Conference of Mayors, Federally Sponsored Multijurisdictional Planning and Policy Development Organizations, December 29, 1972.

APPENDIX B

RECOMMENDATIONS OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS FOR COMPREHENSIVE CONSISTENT SUBSTATE DISTRICTING

The Commission recommends that the governors and legislators of all applicable States, after appropriate and adequate consultation with representatives of units of general local government and their respective State associations, develop and enact a consistent, comprehensive statewide policy to provide a common framework and a clear set of State and local purposes for existing and future substate regional planning, programming, coordination, and districting undertaking. The Commission further recommends that, at a minimum, such State action should provide for...

A. The establishment for a formal procedure, involving participation by units of general local government, for delineating and revising the boundaries of substate regions, relying on specific topographical, economic, social, communication, political, and jurisdictional criteria specified in legislation.

B. The required use of substate regional boundaries, insofar as is practicable, established pursuant to legislation by all State agencies to the extent that their implementation of State and Federally assisted programs requires the geographic division of the State for administrative or other purposes.

C. A specific process, involving the governor and the units of general local government in a substate region, which results ultimately in the designation by the governor of a single umbrella multijurisdictional organization in each, region, with such designation conferring the legal status of an agency of local governments.

D. A membership formula which requires that there be State representation on each umbrella multijurisdictional organization but that at least 60 percent of the membership of each such organization be composed of elected officials of units of general local government within the substate region and that all such units must belong to their officially designated multijurisdictional organization.

E. A voting formula which requires a dual system involving the application of the one-government, one-vote principle in most voting matters, but permitting certain larger local constituent jurisdictions to overrule this procedure on certain issues, thus bringing a proportionate or weighted voting procedure into operation.

F. Adoption and publication by each officially designated umbrella multijurisdictional organizations of regional policies or plans and of a program for their implementation.

G. Reliance by all State departments and agencies on the officially designated umbrella multijurisdictional organizations for any substate regional planning, programming, coordinative management, and districting activities in which they might engage pursuant to their assigned responsibilities under State or Federally aided State programs.

H. Planning and programming inputs into the State planning and budgeting process on a systematic basis from officially designated umbrella multijurisdictional organizations.

I. Conferring on all officially designated umbrella multijurisdictional organizations the power to review and approve, in light of adopted regional policies and plans, all proposed major capital facility projects of State departments and agencies which are slated for location in the organizations' respective substate regions.

J. Review and comment by officially designated umbrella multijurisdictional organizations on locally funded major capital facility projects proposed or authorized by units of general local government within their respective substate regions.

K. State designation of all official umbrella multijurisdictional organizations as the A-95 clearinghouse for their respective substate regions.

L. Assignment to each officially designated umbrella multijurisdictional organization of a policy controlling role with respect to the operations of multijurisdictional special districts and authorities functioning within their respective substate regions to assure conformance with adopted regional policies and plans.

M. Promotion of mutual problem solving by officially designated multijurisdictional organizations and rendering by these organizations of such services as may be requested individually or jointly by member units of general local government.

N. Authorization for officially designated multijurisdictional organizations to assume a regionwide operating responsibility with financing as provided in State legislation, subject to approval of a majority of member units of general local government representing at least 60 percent of the substate region's population.

O. A State program of financial assistance, on a on-going basis, to officially designated umbrella multijurisdictional organizations.

P. Gubernatorial authority to disapprove any actions of officially designated umbrella multijurisdictional organizations after making a finding that such actions are in conflict with officially adopted plans, policies, or actions having a statewide impact or in conflict with officially adopted plans, policies, or actions of another umbrella multijurisdictional organi-

zation.

Note: The author does not agree with all of these recommendations but has included them all as part of the entire policy statement of the Advisory Commission on Intergovernmental Relations.

Source: Advisory Commission on Intergovernmental Relations, Substate Regionalism and the Federal System, Vol. I, Regional Decision Making: New Strategies for Substate Districts (Washington, D. C.: U. S. Government Printing Office, October, 1973).

APPENDIX C

SELECTED "GOALS FOR ACTION" OF THE NATIONAL ASSOCIATION OF REGIONAL COUNCILS

Goal 1.01: Local Government

Local governments should establish, support and strengthen regional councils as a vehicle for joint action in dealing with their problems and challenges that cross boundary lines and must be dealt with in a larger, more realistic geographic setting.

Goal 1.02: Local Government Organization

Membership in councils should consist, if possible, of all general purpose local governments or those which have significant impact on regional issues. The policy-making body of a council should be composed primarily of general purpose local government elected officials or their approved representatives.

Goal 1.05: Policies and Coordination

Regional councils should develop an umbrella policy planning-coordinative management system to resolve regional issues. This system should operate through a process of making policies, setting priorities, approving programs and projects, and devising means to implement decisions.

Goal 1.11: Intergovernmental Funding

Federal, state and local funding should be established to ensure adequate and continuing support of regional councils. Federal financial support should be both in general terms, to assist a cooperative locally defined policy planning-coordinative management system, and in specific functional high priority program areas.

State and local funding should emphasize the support of policy planning-coordinative management activities, although specific projects or program interests should also be funded.

Goal 1.13: Consistent Federal Policies

The federal government should adopt a policy which recognizes a single regional council for each region to conduct regional planning, coordination and related activities as prescribed by various federal programs.

Goal 1.14: State Policies

State governments should adopt a positive policy and program for the creation, development and nurture of regional councils. To this end, a stable and predictable source of revenue should be established for funding minimum levels of regional council staff and operations.

Goal 1.15: Uniform Regions

States should define a uniform system of sub-state regions in cooperation with local governments and in consultation with appropriate federal agencies.

Source: National Association of Regional Councils, Goals for Action (Washington, D. C.: National Association of Regional Councils, February, 1972).

APPENDIX D

RESOLUTION

WHEREAS, it is generally recognized that many problems transcend the boundaries of individual local governmental jurisdictions; and

WHEREAS, the provisions of facilities, service and arrangements to effectively deal with the aforementioned problems require cooperative multijurisdictional planning and coordination; and

WHEREAS, attempted solutions of individual functional area problems is often ineffective and usually confusing to local officials, and

WHEREAS, elected officials of local general government are democratically chosen to represent their constituents, and

WHEREAS, local general governments are required to provide public support facilities and services for both public and private activities as a part of promoting the health, safety and welfare of their residents;

NOW, THEREFORE BE IT RESOLVED that the Kansas Association of Regional Planning Commissions endorses the concept of umbrella multijuriscitional organizations composed predominantly of elected officials of local general government, for obviating fragmentation in planning and for addressing needs that transcend jurisdictional boundaries.

Signed, Lyle Bauer, President

Kansas Association of Regional Planning Commissions

June 4, 1974

APPENDIX E

EXECUTIVE ORDER

RELATING TO THE INTERGOVERNMENTAL COOPERATION ACT OF 1968, PUBLIC LAW 90-577, AND THE ESTABLISHMENT OF PLANNING AND DEVELOPMENT DISTRICTS WITHIN THE STATE OF KANSAS

WHEREAS, the Intergovernmental Cooperation Act of 1968, Public Law 90-577, places certain responsibilities upon the states for coordination of Federal, State and local plans and projects; and

WHEREAS, the Office of Management and Budget, charged by Congress for implementation of said Act has issued Circular A-95 pertaining thereto; and

WHEREAS, there has been increasing recognition at all governmental levels of the need for the delineation of State districts or regions; and

WHEREAS, the provisions of a number of Federal, State and local assistance programs require planning and development regions in order that communication and coordination among and between the planning and related efforts of all units of government be more expeditiously accomplished; and

WHEREAS, it is deemed desirable to establish and preserve the eligibility of State and local governments to participate in the aforesaid assistance programs and also to provide a framework of organization which will improve communication and promote effective coordination and participation in public programs; and

WHEREAS, it is the responsibility of the State to encourage local initiative in developing organizational and procedural arrangements for coordinating comprehensive and functional activities and to avoid overlap, duplication, and competition between local planning activities; and

WHEREAS, the State must exercise its leadership in delineating and establishing a system of planning and development regions which provide a consistent geographic base for the coordination of Federal, State and local development programs; and

WHEREAS, the laws of Kansas provide for cities and counties to join together for the purpose of planning under KSA 12-716 - 12-721; and

WHEREAS, KSA 74-5009 provides that the Planning Division of the Kansas Department of Economic Development is the Official State Planning Agency for the State of Kansas; and

WHEREAS, the said planning agency has delineated planning and development regions through a study completed in 1967; and

WHEREAS, several local, State and Federal agencies are encouraging the use of these regions as delineated;

NOW, THEREFORE, under the authority vested in me as Governor of the State of Kansas, I hereby order and direct, that the eleven (11) said regions, as designated below be and hereby are officially established for the purposes provided and direct that all agencies within the executive branch of government shall take the regional alignment into consideration in the establishment and revision of all applicable State programs.

<u>Region 01</u>	<u>Region 02</u>	<u>Region 03</u>	<u>Region 04</u>
The Counties of:	The Counties of:	The Counties of:	The Counties of:
Anderson	Allen	Chase	Butler
Coffey	Bourbon	Clay	Chautauqua
Douglas	Cherokee	Dickinson	Cowley
Franklin	Crawford	Geary	Elk
Jefferson	Labette	Lyon	Greenwood
Johnson	Montgomery	Marion	Harper
Leavenworth	Neosho	Morris	Harvey
Linn	Wilson	Pottawatomie	Kingman
Miami	Woodson	Riley	McPherson
Osage		Wabaunsee	Reno
Shawnee			Rice
Wyandotte			Sedgwick
			Sumner
<u>Region 05</u>	<u>Region 06</u>	<u>Region 07</u>	<u>Region 08</u>
The Counties of:	The Counties of:	The Counties of:	The Counties of:
Barber	Clark	Finney	Cheyenne
Barton	Ford	Grant	Decatur
Comanche	Gray	Greeley	Logan
Edwards	Hodgeman	Hamilton	Rawlins
Kiowa	Meade	Haskell	Sheridan
Pawnee	Ness	Kearny	Sherman
Pratt		Lane	Thomas
Rush		Morton	Wallace
Stafford		Scott	
		Seward	
		Stanton	
		Stevens	
		Wichita	

Region 09
The Counties of:

Ellis
Gove
Graham
Norton
Osborne
Phillips
Rooks
Russell
Smith
Trego

Region 10
The Counties of:

Cloud
Ellsworth
Jewell
Lincoln
Mitchell
Ottawa
Republic
Saline

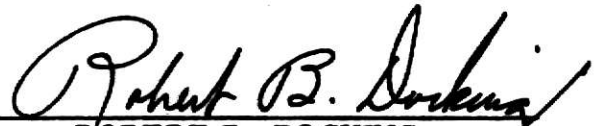
Region 11
The Counties of:

Atchison
Brown
Doniphan
Jackson
Marshall
Nemaha
Washington

FURTHERMORE, local governmental units are encouraged to jointly participate in regional planning and development commissions within this system of regions to enhance intergovernmental cooperation for the purposes of comprehensive planning and development and the administration of State and Federally supported programs within the State of Kansas as authorized by the provisions of law, and

THIS ORDER contemplates that if compelling cause develops for changes in regional boundaries in the process of local consent to regional organization the appropriate revisions to this order will be considered.

Done this 15th day of February, 1971.


ROBERT B. DOCKING
GOVERNOR OF KANSAS


ELVIRE M. SHANAHAN
SECRETARY OF STATE



TOWARDS MORE EFFECTIVE REGIONAL
PLANNING LEGISLATION IN KANSAS

by

BLAINE KENT GEHRING

B.A., University of Utah, 1972

AN ABSTRACT OF A MASTER'S REPORT

submitted in partial fulfillment of the
requirements for the degree

MASTERS OF REGIONAL AND COMMUNITY PLANNING

KANSAS STATE UNIVERSITY

Manhattan, Kansas

1976

The concept of regionalism and regional planning is one which has been part of the American planning scheme for many years. With the increasing growth and development in the nation came also problems which extended beyond the boundaries set by states and the cities and counties within them. These problems required areawide concern and cooperation between local governments for the most effective and efficient solutions.

The role of the Federal government in regional planning has been significant over the last two decades. The important legislation and the problems created or helped by each new enactment are discussed in their relation to the development of regional councils. The growth of regional planning organizations (councils of governments, regional planning commissions, economic development districts and development councils) is traced with the various forms of structure, legal basis and funding included.

The basic understanding of regional planning helps in the presentation of the regional planning structure in Kansas. From its early beginnings under the administration of Governor Alf Landon, the growth of regional planning in Kansas is documented and discussed through the use of reports, studies and documents. In addition, a discussion of present regional planning commissions and councils of governments in Kansas is presented.

Along with the locally organized regional planning bodies are the Federally sponsored programs which operate in the State of Kansas. These programs have been developed under the laws presented earlier in the report and are discussed in their relation to the overall planning program of the State. Because of the ever-growing problem of overlap and duplication, much competition for the Federal dollars coming into Kansas is occurring. This overlap and duplication is documented in text, maps, and tables.

All Federal, State and local relationships being considered, specific

proposals are developed and discussed in direct relation to the current regional planning laws in Kansas. These proposals are:

- I: Coterminous boundaries are not only desirable but necessary for better coordination of regional planning programs in Kansas. Revised regional planning laws should reflect such a change.
- II: The concept of umbrella organizations should be seen as necessary for total coordination and cooperation among agencies involved in regional planning within the State of Kansas and new legislation should provide for such action.
- III: A type of authority should be given to the regional planning umbrella agency for adoption and implementation of formal regional policies and plans after due consideration and ratification by a majority of all participating units of government and proper hearings have been held.
- IV: The State of Kansas should enact legislation for the continuous funding of umbrella agencies (regional planning commissions) from the state level on a straight block grant basis with no local matching funds required.

Two other proposals, one a rather controversial one, are also made as optional recommendations.

- I: K.S.A. 12-716 should be altered to make the establishment of a regional planning commission or regional council of governments optional by the cities and counties so organizing. Under present laws, both organizations would be the same legally with the only difference being the name of the organization.
- II: Mandatory participation of all cities and counties in organized regional planning organizations may not only be desirable but

necessary to insure the best interest of both the State and all individual units of government.