

Notebook

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TABLE OF CONTENTS

Jerusalem Institute for Federal Studies.....	1
APSA Panel on Medium-Size Civil Communities.....	2
New Publications.....	2
New Center Personnel.....	2
"Intergovernmental Conflict--The Case of Illinois Park Districts and Municipalities," by John Rehfuss.....	3

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JERUSALEM INSTITUTE FOR FEDERAL STUDIES

The Jerusalem Institute for Federal Studies has been established as an independent research and educational institution to initiate, facilitate and conduct research projects on questions of federalism, power-sharing, cooperation and covental relations in general. Located in Israel, the Jerusalem Institute maintains close ties with the Conference for Federal Studies, the Center for the Study of Federalism and the Joint Center for Federal and Regional Studies in Basel.

The core of the Jerusalem Institute consists of the Fellows who collectively serve as its governing body, and carry out its program on both an individual and collective basis. The officers are Daniel J. Elazar, Chairman and chief Executive Officer; Ilan Greilsammer, Secretary, Lecturer in Political Studies at Bar-Ilan University; and Ira Sharkansky, Treasurer, Professor of Political Science at Hebrew University and University of Wisconsin.

In February 1977, the Institute held its first conference, a Workshop on Federal Responses to Intransigent Political Problems. Participants from several countries attended and seven papers were presented. Other projects currently being developed include: Alternative Federal Solutions for Peace Between Israel and Its Neighbors; the Covenant Idea as a Seminal Political Concept and Its Behavioral Implications; and Proposals on the Governance of Jerusalem. Efforts are also under way to establish a library and documentation center at the Institute, and to stimulate a broad-based publications program.

The Fellows and the staff of the Institute would like to hear from members of the Conference for Federal Studies with inquiries about any or all of the Institute's projects and activities. Correspondence may be addressed to Professor Daniel J. Elazar, Chairman, The Jerusalem Institute for Federal Studies, 1 Kikar Magnes, Jerusalem, Israel.

APSA PANEL ON MEDIUM-SIZE CIVIL COMMUNITIES

The Center for the Study of Federalism has organized a panel on its Medium-Size Civil Community Project for the 1977 APSA meetings to be held at the Washington Hilton in September. Presentations will be made by Center Associates on topics of urbanization and politics in communities of between 50,000 and 150,000 inhabitants. The paper-givers and the tentative titles are: Rozann Rothman, University of Illinois, Urbana, "Changing Expectation of Local Government in Light of the 1960's," Stephen Schechter, SUNY, Albany, "From Industrial City to Metropolitan Civil Community: Constitutional Change in Pueblo, Colorado," Benjamin Schuster, Temple University, "The Relations Between Local Economic and Political Power in the Post-World War II Era," Joseph Zikmund II, Illinois Institute of Technology, "Intergovernmental Dimensions of Metropolitan Expansion." Norton Long of The University of Missouri, St. Louis, will be the commentator on the panel.

NEW PUBLICATIONS

The Center for the Study of Federalism has recently issued several new publications. Two are Working Papers by Daniel J. Elazar: The Ends of Federalism: Notes Toward A Theory of Federal Political Arrangements and The Generational Rhythm of American Politics. Two others are reprints of articles by Faculty Associates of the Center. They are, "A Theoretical Structure for the Study of Suburban Politics," by Joseph Zikmund II and "Social Mobility and Psychiatric Disorder: A Re-Evaluation and Interpretation," by Robert J. Kleiner and Odd Stefan Dalgard. Copies of these publications may be obtained by contacting Ellen Goldberg at the Center. Prices are one dollar (\$1.00) apiece for the Working Papers and seventy-five cents (\$.75) apiece for the reprints.

NEW PERSONNEL

In November 1976, Ellen Goldberg joined the staff of the Center for the Study of Federalism as chief Publications Assistant. Ms. Goldberg replaces Deborah Hess who returned to school after two years in that position. Besides handling production details for PUBLIUS and the CFS Notebook, and processing publications orders, Ms. Goldberg will be responsible for coordinating communications from and between CFS members. She is eager to hear from members with suggestions and inquiries about Conference activities. Announcements of members' research and publications are especially encouraged for future issues of the Notebook.

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RESEARCH NOTE

Intergovernmental Conflict--The Case of Illinois
Park Districts and Municipalities

by John Rehfuss

Introduction

Most studies of local intergovernmental relations are concerned in one way or another with cooperation between different governmental actors divided roughly into three categories. First, there are those studies documenting the extent of local agreements.¹ A second group of studies, based on developing analogies between local communities and nations, is concerned with interactions between governments as a function of citizen interactions across those governments.² The final category includes examinations of the effect of the council-manager form of government on intergovernmental ac-

¹Paul Friesema, Metropolitan Political Structure: Intergovernmental Relations and Political Integration in the Quad Cities (University of Iowa Press, 1971); and Vincent Marando, "Inter-local Cooperation in a Metropolitan Area: Detroit," Urban Affairs Quarterly (December, 1968), pp. 185-200; Northeastern Illinois Planning Commission, An Inventory of Interlocal Governmental Cooperation in Northeastern Illinois (Chicago: 1973); James McDavid, "Interjurisdictional Cooperation among Police Departments in the St. Louis Metropolitan Area," Publius (Fall, 1974), pp. 35-58; and Peter Korn, "Updating Local Government Through Interlocal Agreements," Municipal Finance (November, 1968), pp. 93-99.

²Mathew Holden, "The Governance of the Metropolis as a Problem in Diplomacy," Journal of Politics (August, 1964), pp. 627-647, and Philip Jacob and James Toscano (eds.), The Integration of Political Communities (J.B. Lippincott, 1964). Also see David Scott, "School District Integration in a Metropolitan Area," Education and Urban Society (February, 1972), pp. 135-154.

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tivity.³

The difficulty with most of these studies is that they tend to assume that cooperation is desirable or inevitable and conflict is undesirable or unfortunate.⁴ While this is not the explicit assumption in such works, it creeps in because of the nature of the subject matter. If one searches for cooperation, he or she is likely to find it. Yet, it is common knowledge that disagreements exist between local units and that competition is rather common. A study of cooperation is only one side of the interaction coin, and some attention should be paid to conflict. That was the purpose of this study.

Park Districts

Park districts were chosen because they are common in Illinois and because their location and activities frequently bring them into contact with municipalities. Of the 23,885 special districts in the United States in 1972 (excluding school districts), about 750 were park districts, 290 of which were in Illinois. Every Illinois park district is governed by five commissioners. These districts acquire parks and open spaces and conduct recreational programs. Both in the provision of recreational facilities and in police protection on park land, they share authority with municipalities. Districts may cover all, part of, or more than any one municipality. In Illinois they were authorized to relieve municipal and county property tax rates of the necessity for providing and financing park and recreational services. Sometimes this shields park and recreation from public notice and results in increased levies. Acquisition of open space is another reason which has spurred creation of newer districts.

³Joseph Zimmerman, "Intergovernmental Service Agreements for Smaller Cities," Urban Data Service (Washington, D.C., International City Management Association, January 1973); Deil Wright, "Intergovernmental Relations in Large Council Manager Cities," American Politics Quarterly (April 1973), pp. 151-188; and Carl Nelson, "Inter-local Relations in Suburban Council Manager Municipalities" (Unpublished Ph.D. dissertation, Northern Illinois University, DeKalb, Illinois, 1975). Vincent Marando, "Inter-local Cooperation in a Metropolitan Area: Detroit," found that formal contractual arrangements were more common to council manager cities.

⁴But see Vincent and Elinor Ostrom, "A Behavioral Approach to the Study of Intergovernmental Relations," Annals of the American Academy of Political and Social Science (May 1965), pp. 137-146.

About 175 of the 290 Illinois districts are in the Chicago metropolitan area ranging in size from tiny districts with few budgetary resources (some do not even levy a property tax) to the gigantic Chicago Metropolitan Park District with a 1973 levy of over 95 million dollars.

Methodology

Eighty questionnaires were mailed to randomly selected park districts, asking whether there had been disagreements over policies between their districts and other governmental units within the past three years. A similar questionnaire was sent to 88 managers in metropolitan municipalities, asking about the existence of disagreements with special districts. Only those returns mentioning park districts were used. Park directors and city managers who indicated disagreement were contacted for further information on the nature of the disagreement, whether it had been resolved and how, and what effect it was having on the city or district. There were 22 usable cases reported, including three situations in which both the district and the municipality reported disagreements, leaving 19 cases (see Appendix). In several cases, extended interviews with managers were held, but generally the information was obtained by telephone interviews ranging from 15-40 minutes with park directors and city managers. The number of contacts in each case ranged from one to three calls to separate individuals.

The Causes of Intergovernmental Conflict Between Park Districts and Suburban Municipalities

Financial/Policing Questions

Park districts are financed largely by property taxes with some additional revenues from fees and charges for park and recreational activities. The Appendix indicates the range of the 19 districts, from under \$14,000 to \$1.3 million. Although district tax levies are not generally visible to Illinois residents, they are often relatively high, in several cases over half the municipal property tax levy. Thus, districts are not anxious to increase them. Municipalities have even stronger political limitations. Thus, neither actor desires to increase taxes, and financial questions are often paramount.

Park districts can hire their own park rangers to patrol the parks and enforce district regulations. Conversely, they can request the city to enforce these regulations. They also may contract with the city for a desired level of services. Policing disagreements generally are over levels of service, with the park district wishing more intensive surveillance than casual patrolling and responses to specific complaints.

In most cases the municipality simply indicates that its forces are inadequate for a higher service level. However, the issue, while primarily involving money, may cut more deeply.

Some parks within village limits are part of a larger park system in which non-village residents are entitled to use the parks. At least one city refuses to admit responsibility, over and above routine responses, for parks in a district which includes citizens who live outside the municipality. Conversely, another city accepts responsibility for patrolling, but refuses to increase policing levels to the district's satisfaction. While parks are open to residents and nonresidents alike, the municipality may regard anything more than minimal protection an unwarranted diversion of municipal funds to nonresidents.

Paying for services complicates the problem. In one city, after the city added police officers to increase the level of services, the contract was not renewed and the city had to reassign the officers. In another case, the district abrogated a contract without paying for any of the services rendered. In almost every case, the park district would like a higher level of services, but usually rejects city reimbursement requests.

In many cases financial stresses are somewhat eased, at the administrative or staff level, by formal and informal cooperation arrangements for sharing equipment, joint purchases, and other such efforts. In over half the cases, such cooperative ventures were mentioned. In one case the district used the village gasoline supply, paying the city's lower volume rate. Equipment lending is also quite common. In many cases, even when substantial disagreements in various areas existed at the board level, administrators attempted to develop cooperative ventures, often without informing the board.

Governmental Unit Densities in the Metropolitan Area

Some conflict between districts and municipalities arises simply because a great many units are packed into a relatively small space, as is most notable in Chicago. In many cases district boundaries are convoluted and confusing. Examples abound. Once small district covers small portions of three municipalities, with a larger district covering substantial parts of the same municipalities. Conversely, many areas are not covered by park districts. Evanston envelops two park districts covering only 30% of the city, and also provides competitive recreation programs.

Both districts and municipalities rely on each other for specific kinds of services in addition to police protection. Sewer and water easements for extending municipal facilities

must be obtained from districts. Open space requirements for comprehensive plans rely on park district information. Control of excessive water runoff and flooding requires that open space such as parks and golf courses be properly designed and the application for federal or state funding be coordinated between units. Districts are even more dependent on villages because the municipality is a multifunctional unit with much wider powers. Annexation of park lands to municipalities is usually required to obtain water and sewage disposal facilities. Since districts do not control land use, if developers are to be required to provide park lands, the municipality must be asked to make such dedication a condition of subdivision approvals. Street patching near facilities, placement of stop signs, or control of parking are all purely municipal functions.

A good example of the disagreements that arise primarily through the existence of large numbers of units involves road improvements. In one case, a district constructed an ice skating arena between two villages. One village constructed its half of the road, but the other, served primarily by another district, refused to pave its half and forced the district to improve it. Another village refused to annex a district park and this denied it water and sewage, until the district widened and improved the road. (The area is still outside the city).

Unit Perogatives

The deepest and longest lasting disagreements between municipalities and districts arise over actual and perceived threats to the basic governmental perogatives of each actor. These differences usually arise over the exercise of municipal building and zoning powers and the degree to which districts feel compelled to adhere to them despite their own wishes. Building and zoning powers can be used by the municipality for extensive controls over district sites, uses and construction arrangements. Usually districts submit to these requirements under protest. Occasionally they proceed with their plans, ignoring city requirements. In several cases, a "non-conforming use" or violation of building codes now exists where the district argued that it could adopt its own building code as a separate governmental unit. Usually this involves lower fire resistant standards for such facilities as skating rinks or maintenance yards. Another dispute occurred when the district claimed it built a pool in an area approved by a previous city engineer, but, the city later claimed the pool deck was in a setback area and denied approval.

In a final case, the city is inspecting the property and advising the district where the building falls short of city

code requirements. The district will decide whether or not to comply. This latter case involves a decision by the city to lean over backward in order not to appear to "bully" the district. The requirement that the district receive zoning approval from the municipality offends galls districts. Their reaction ranges from mild irritation to outright hostility. At one extreme, a deep-seated conflict developed over proposed construction of a maintenance garage in a park next to the tennis court. The district had been aggrieved by having to apply for an earlier variance to build the courts, and indicated that it did not have to get zoning approval for the garage. It held its own hearings and indicated that it would go ahead since there was no objection. The village then threatened to arrest the contractor. The district sought a new Bureau of Outdoor Reclamation (BOR) site in the municipality because BOR permitted uses include maintenance garages, possibly evading municipal zoning laws. After a furious political battle with both parties bombarding BOR, Congressmen, the regional planning agency and others with letters, the land site and a grant were received. However, at this writing the district has decided to build the garage outside the city and the issue may subside.

Municipal planning and building requirements strike at the roots of each unit's independence. Suburbs often exist primarily to control land uses. Thus, any threat to their prerogatives is a serious matter. As equal governmental units, districts feel above such requirements.

Not only does the exercise of municipal power suggest a symbolic difference in the status of districts and municipalities, it has specific ramifications for the park district. The zoning variance may not be denied or the permit may result in higher building standards. Either or both of these situations involves financial, site location, and scheduling difficulties for the park district.

The process is not painless for the municipality. Although it receives most citizen complaints about location, parking or lighting, denials are rare. Yielding to citizen complaints is dangerous, for the city may need easements for sewers or water lines over park lands in the future and conflict can cause future trouble.

Conflict Resolution--the Role of Administrators

The cooperative arrangements which administrators have worked out for exchanging or purchasing equipment were covered earlier for their cost-cutting benefits. A more significant function of these cooperative arrangements is the resolution of conflict.

Conflict is dangerous to an administrator because it implies a loss of control. Routines are changed, and outcomes unpredictable. Consequently, unexpected results may hamper efforts of long standing, and long range planning may also be undermined. Administrators are hired to keep order, and proceed efficiently and predictably toward given goals. Conflict implicitly indicts administrative officials for failure to foresee the difficulties and warn their boards, or maintain control in some other way.

For these reasons there is substantial effort at the administrative level to maintain good relations with the other party at the district or municipal level. Cost reduction, while important, is really only the formal reason. Cooperative relationships also enhance communication channels. Better communications will reduce the chance for conflict in the future by alerting each party to planning which might impinge on the other. Both city managers and park directors have a vested interest in this kind of interaction, as a means of strengthening their positions through the possession of new information. In a number of cases, administrators were conducting both informal and formal arrangements at the same time that the district and municipal board were in deep disagreement.

In keeping with this, Nelson found that city managers generally express satisfactory relationships with intergovernmental contracts. His study of 28 managers elicited the responses in Table 1, which are highly supportive of attempts

TABLE 1

Responses to Statements About Conflict and Risk Taking
in Suburban Interlocal Relations

	<u>Agree</u>	<u>Disagree</u>
Our goal is to reach mutually agreeable decisions as quickly and smoothly as possible.	26	2
We are willing to work with other units even if we cannot be sure it will work out in the long run.	24	4
Intergovernmental relations can best be reached through consensus-building that avoids conflict.	28	0

SOURCE: Selected from Carl Nelson, "Inter-local Relations in Suburban Council Manager Municipalities."

to avoid conflict. It is doubtful that park directors feel much differently. Since managers or their subordinates such as recreation leaders or public works directors deal with their district counterparts with a bias toward cooperation, with their counterparts apparently responding in kind, it is hard to conclude that the effect of administrative interaction has anything but the result of reducing conflict.

Conclusion--Conflict and Cooperation

This study dealt with the types of conflict which developed between districts and municipalities. The actual cases in this study indicated that when districts and cities performed separate functions with little interaction except for minor formal or informal cooperative acts, little conflict resulted. Only when the different units are forced to deal with each other does conflict occur. It was attempted to avoid police patrol costs that engendered disputes over cost allocations. If either districts or municipalities had sole responsibility for police services, there would be less conflict (and probably less cooperation in many cases). The same situation occurs when a district requests, or refuses to request building permits or zoning variances. If there was no question about district power to do as they please on park lands or place parks where they please, there would be no conflict (and, again to be sure, probably a tangled land use scheme and perhaps less safe buildings).

Government units resist attempts to be coordinated, controlled and forced to do things that inconvenience them. They object, complain and drag their collective feet. After all, they have reasons for what they are doing which, to them, seem good and sufficient. Left to themselves, districts would avoid conflict by avoiding contact with other units. However, there are also good and sufficient reasons for requiring small units to take wider issues into consideration, as one can discover from reading any of the traditional urban reform literature. Some conflict may be desirable, since it highlights issues, increases citizen interest and participation, and clarifies governmental organizational patterns. These are worthy objectives, and well worth a little conflict. However, nobody should assume that it will be painless. Conflict, sometimes deepseated animosity, will result. It may be outweighed by efficiency or other consideration. But it will increase. Policy makers and scholars cannot create an urban system which guarantees cooperation among governmental actors under all conditions.

APPENDIX

Park District-Municipality

Cases Investigated in the Study

<u>Park District</u>	<u>Municipality</u>	<u>(000) District</u>	<u>Population (000)</u>	<u>(000) District</u>	<u>Population (000)</u>	<u>Functional Area</u>	<u>of Dispute</u>
				<u>Tax Levy 1972</u>	<u>with City</u>		
Homewood-Flossmoor	Homewood	19	509		larger	zoning	
Oak Lawn	Oak Lawn	60	524		coterminous	police, engineering	
Oak Park	Oak Park	63	686		coterminous	police, priorities	
Carbondale	Carbondale	23	131		larger	police, priorities	
Salt Creek	Palatine	26	467		larger	police	
Arlington Heights	Arlington Heights	65	1088		larger	police, land dedication	
Wood Dale	Wood Dale	9	143		larger	zoning, engineering	
Decatur	Decatur	90	1324		coterminous	police, priorities	
Woodridge	Woodridge	11	501		larger	building land dedicatio	
Zion	Zion	17	142		coterminous	engineering,	
Steawood	Steawood	18	199		n.a.	building, engineering	
Hickory Hills	Hickory Hills	13	129		coterminous	engineering	
Bridgeview	Bridgeview	13	123		n.a.	engineering, land dedication, priorities	
Franklin Park	Franklin Park	20	526		smaller	engineering	
Central Area	Maywood	30	180		smaller	police, priorities	
Deerfield	Deerfield	19	399		coterminous	police, priorities	
North East	Evanston	80	14		smaller	police, priorities	
Wheaton	Wheaton	31	392		larger	police, priorities	
Joliet	Joliet	80	1074		larger	police, engineering	

