

The New Home Rule: A Regionalism Alternative, Supplement, or Distraction?

BY JOHN O'LOONEY

In June 2003, the *Harvard Law Review* published an intriguing article on home rule—the doctrine that carves out an area of independent action for local government—and the prospects for antisprawl efforts. The author, David Barron, argued that neither the idea nor the facts of home rule are well understood, and that an effort to understand the origins, workings, and potential for home rule will lead us to see home rule in a new light. Specifically, Barron suggested that a reclaimed home rule would be preferable to more consolidated governance at the regional level as a means of addressing sprawl. In the place of regionalism, Barron outlined a new set of powers and limitations on local government—a new home rule—that he believes could be more effective in addressing the ills of modern urban and suburban development, including those of poor intergovernmental cooperation, discrimination, and the lack of affordable housing.

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Home rule is certainly dear to the hearts of local government officials, so the idea of revamping established home rule structures might seem unrealistic. At the same time, however, local governments are spending an increasing amount of time addressing planning issues and problems that are regional in nature and that are difficult to solve at the local jurisdiction level. For visionary local officials, a

regional or consolidated governance option is highly attractive, though one that in most cases is frustratingly distant and illusory. In this article, I review the case for and against regionalism and the new home rule alternative, and then I assess the potential for a new home rule to be implemented and its impact on the problems that regionalism is customarily thought to be the best hope for solving.

Overall, Barron's proposals for a new home rule may seem radical and as politically impossible as regionalism, but once it is understood that the overall goal of these reform ideas is to help local officials gain greater autonomy over certain areas of local welfare, while also being better able to manage and affect growth in the larger area, they are likely to be viewed as worthy of consideration.

Regionalism

Regionalism relates to a belief that many of the key decisions about development and regulation that are currently made at the level of local jurisdiction need to be moved to a higher level of government. The foundation of regionalism has numerous origins:

- Recognition that key environmental resources such as watersheds and ecologies span a larger area than most individual local jurisdictions. One of the first calls for a regional government came in the 1890s from John Wesley Powell, who argued that only a regional government could effectively plan for the use of the limited water resources of the West.
- Recognition that economic growth tends to occur at the regional level and is often fostered and maintained through development of regional

industrial clusters supported by interest and skill networks, focused public sector investments, and training regimes.

- Recognition that the costly interrelationship of sprawled development, higher transportation costs, and increased air pollution occurs at the regional level.
- Recognition that the competition among communities in a region can lead to counterproductive business incentive packages, attempts of individual local governments to avoid their share of the cost of providing public services and affordable housing, and ultimately the segregation of communities into winners and losers (that is, segregation by income). This segregation by income in turn may result in a spatial mismatch between the residences of low-income workers and their places of potential work—a situation that further exacerbates the costs of sprawled development.

It seems obvious that comprehensive regionalism could help to make feasible such key public goods as cleaner air, affordable housing, a more integrated society, and increased economic growth. As David Rusk has shown, even a poor proxy for regionalism—larger city jurisdictions—can help raise the level of some of the benefits (for example, economic growth and racial integration).

For most people who have thought about these development problems, regionalism is not a hard sell. However, concrete efforts to develop regional solutions are often more discussed and touted than realized. For the most part, regionalism has been limited to cooperative or volunteer efforts among local communities. In some cases, these cooperative efforts have been led by local governments (for instance, Georgia's Regional Development Commissions), while in other cases business elites have taken the lead (the Chicago Metropolis organization). In large measure, such volunteer efforts have not produced the results desired by the proponents of regionalism. As David Hamilton has written about the Metropolis effort, "there is a concern

that Metropolis is not addressing the more important regional issues, especially those issues derived from its own goal setting process." Hamilton identifies problems with the Chicago regional efforts that are likely to be systemic to most voluntary regionalism efforts: a tendency to focus on policy areas that are of benefit to only certain communities, a lack of broad-spectrum participation across the entire region, a lack of balance between the business and civic-oriented participants, and difficulties in developing a reputation for neutrality and objectivity.

Some still hold some hope for voluntary regional efforts, but more observers, particularly those in the antisprawl movement, appear to be skeptical of collaborative regional governance arrangements. Instead, they suggest that it will be necessary to move by mandate toward a true regional government. Unfortunately, even though the case for regional governments has been around for at least two or three decades, the actual implementation of new regional governmental institutions by states has been rare. Beyond the classic case of the Portland Metro government, there are not many examples of new institutional arrangements that would qualify as a regional government. The tax revenue sharing agreement among Minneapolis-area governments, Maryland's Smart Growth legislation, and Georgia's Regional Transportation Authority certainly represent milestones in the movement toward regional government, but for the most part these are piecemeal efforts and ones that have often failed to meet expectations of regionalism's proponents.

Efforts by the federal government to establish regionalism have been rarer still. In this regard, the case of the Tahoe Regional Planning Agency (TRPA), one of the few federally created regional planning entities in the country, is important. The TRPA was created to deal with the rapid development around Lake Tahoe and the resulting declining water quality and clarity in the lake. The TRPA set a temporary (thirty-two-month) moratorium on development, which was challenged by a citizens'

group as a taking. The case ultimately wound its way up to the U.S. Supreme Court. In April 2002, the Court held (by a six-to-three vote) that it was not a taking *in that case* (*Tahoe-Sierra Preservation Council vs. Tahoe Regional Planning Agency*). Although the decision in this case offered some hope for regionalism, no further efforts to establish regional governance have been made by the federal government subsequent to this decision.

To a certain extent, consolidation can also represent a movement toward regional government. However, consolidation occurs quite infrequently. For example, every year at the Carl Vinson Institute of Government we conduct a number of studies of the potential for consolidating local governments. Despite the generally optimistic tone of our reports, only one new consolidation has occurred in the last ten years. Moreover, because of the generally small size of Georgia counties (Georgia has the second largest number of counties of any state), even when consolidation succeeds the resulting unified government falls far below the scale of a regional jurisdiction. Typically, these efforts fail because people are unwilling to give up their sense of local autonomy in return for the prospect of more effective government. In addition to the failure of consolidation and regional government efforts, there are also numerous communities that are attempting to deconsolidate their local governments. These local government succession efforts (most recently in Los Angeles and in the Sandy Springs area of Georgia) speak to the need that communities seem to have with respect to achieving some control over their own development. They suggest that the benefits of consolidation are not salient.

There appear to be three underlying causes for the lack of progress toward regionalism: (1) a desire for local autonomy impeding regional effort to overcome fragmentation; (2) the full, day-to-day agenda of local governments (they are dealing with less money, fewer resources, and more responsibility than at any other time in history) leaving little or no

time to consider and debate seriously either regionalism or a more creative alternative; and (3) a tendency for the economic interests of individual jurisdictions to heighten intraregional competition and undermine cooperation. The fragmentation of local governments has historical origins in the eighteenth- and nineteenth-century citizens' suspicions of larger, more distant government. Having many local governments was also based on practical considerations. In Georgia, for example, the size of a county was said to be influenced by judgments about the distance that a person could travel on a mule in a day's time.

Once governments are fragmented, however, they take on a life of their own, as can be seen in the history of referenda on regional governments. That is, most of the time citizens vote against consolidation and against establishing regional governments that can override local land use controls. However, it is not clear that efforts to further fragment local governance are any more effective. Despite numerous efforts by residents of individual areas of Los Angeles to secede from the city, they are rarely successful. Similarly, efforts to establish neighborhood-level governance have also for the most part been stillborn. In sum, there appears to be a certain "stickiness" to local government jurisdictions.

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The one exception to this stickiness has traditionally been municipal annexation of unincorporated land. Annexation was the principal means by which cities increased their population during the 1950s and 1960s. Annexations reached a high point in the 1980s with 75,337 of them nationwide. In the 1990s, annexations declined. Some of the decline is attributed to increased ability on the part of county governments to provide municipal-type services, thereby obviating the felt need for annexation by cit-

izens in the unincorporated area. Moreover, as these counties begin to provide services, the potential for an annexation to have a negative fiscal impact on the county increases (for example, loss of an expected customer base for a utility). Consequently, counties may be doing more to resist annexation.

In addition to a decline in the prospects of regionalism through annexation, some observers have identified a countertrend to annexation. There is a tendency for prosperous areas of an unincorporated part of a county to organize in opposition to annexation and to petition for incorporation as an independent city. At the Institute of Government we are currently conducting a study of the fiscal impact of such an incorporation that would result in a new city directly outside of Atlanta.

In addition to proponents of regionalism having to overcome practical barriers to further movement toward regionalism, they must also be prepared to address ideologically based arguments in favor of local government fragmentation. In particular, public-choice theorists have established a strong case for multiple jurisdictions acting as a curb on local government taxing and spending in ways that might extract too much from the private sector resource base. As Tiebout has argued, having local governments compete for citizens (who vote with their feet) tends to keep these governments from adopting undesirable or excessively redistributive policies. Critics of this school of thought counter that such intraregional competition for citizens can also have the pernicious effect of allowing the wealthy to escape from their social responsibilities by living in low-tax, low-public-service communities that practice exclusionary zoning.

Victoria Basolo's studies of the fiscal impact of inter-city competition provide some empirical evidence for fragmented systems of autonomous local jurisdictions leading to unequal burden sharing. Basolo found that increased competition (as defined by a simple count of the number of cities in a metropoli-

tan statistical area) tends to lead toward cities spending none (versus at least some) of their own revenues on affordable housing. Moreover, as competition increases, Basolo reports, cities are likely to spend more on economic development than affordable housing. As other studies of economic development incentives suggest, a great deal of economic development spending occurs as part of bidding wars among local governments competing for new businesses. The result of such bidding is that the "winning" localities do not win much, and that all the communities involved in the competition would be much better off were they to not engage in the competition. A desire to overcome this type of bidding war proposes the rationale behind the revenue-sharing agreements that have been negotiated in some areas of the country.

If a collective agreement not to compete would be of so much benefit to communities, why then do so few succeed in developing agreements of this type? Basolo believes that the key reason is that the actors in this effort must overcome the "logic of collective action." This "logic" is a theory put forth by Mancur Olson in the 1960s to explain why there are numerous situations in which an obviously beneficial public good is never provided. A public good is a special type of good (such as defense) that everyone benefits from and from which it is difficult or impossible to exclude anyone. Because no one can be excluded from the benefits of a public good, it is particularly difficult to organize people to make the effort and supply the resources needed to provide the good. This is the case because those who make no effort and contribute no resources will still receive the full benefit of the good if others are successful in ensuring that the good or service is provided. In short, there are great benefits to being a free rider on a public goods train.

According to Olson, the only way to overcome the free-rider problem is to use coercion or strong incentives for participation and individual contributions to public goods provisioning. In an initially volun-

tary situation, it is sometimes possible for groups to organize and negotiate the incentives needed to develop cooperation around the provision of a public good. However, as the size of the group that would share in the good becomes larger, the potential for negotiating cooperative agreements of this type recedes. Moreover, unless the expected benefit is large enough and certain enough, it is difficult for groups to collect or effectively promise the resources needed to establish participation incentives.

Development of voluntary regional governments may be particularly vulnerable to the pessimistic logic of collective action, for a few reasons. First, as the Metropolis experience demonstrates, a large number of types of individuals and groups need to be engaged in the collective effort. Second, because local government officials are transitory and because it is difficult for a prior government to commit a future government to a particular course of action, these regional governance efforts face a problem of reestablishing local government commitment that is based on a new set of public officials. Third, until the regional governance regime is in place, there will always be incentives for specific localities, particularly prosperous communities that have much less to gain from regional cooperation, to act opportunistically, thereby undermining whatever trust has been established.

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Finally, overcoming the pessimistic logic of collective action is particularly difficult in the case of regionalism because of the long-term and somewhat abstract nature of the benefits. Eleanor Ostrom has eloquently described numerous situations in which individuals and communities have been able to successfully overcome barriers to collective action. Her

contribution in this regard offers a certain degree of hope in the face of Olson's pessimistic logic. However, in most of the cases that Ostrom describes, the public or common good being collectively managed through cooperative, voluntary organizations is one that is fairly concrete in nature (water, grazing land, a fishery) and in which the signals of mismanagement are clear and present most of the time to all those involved. That is, if the fish catch is reduced due to a prior year's overfishing, it is fairly obvious to each and all concerned with the health of the fishery. In contrast, if the totality of affordable housing in the region declines, it is only obvious and felt by certain members of the community. Similarly, if the incentives to attract new businesses result in a net loss of revenue to the local government, this fact is typically noticed, if at all, only years after the incentives have been provided. A similar lag or disconnect between development choices and resulting traffic congestion and air pollution also exists. This is clearly the case, for example, when a community's development policies favoring sprawled growth result mainly in increased pressure on adjoining counties' transportation systems rather than their own—but only do so some years after the prodevelopment policy decisions have been made.

Even if practical logistics and the abstract logic of collective action both run counter to efforts to establish regionalism, such efforts might still succeed were people able to establish a cultural commitment to a region. This commitment, however, would necessarily have to undermine citizens' long-established commitment to home rule. Even proponents of regionalism agree that such a transfer of allegiance is unlikely.

The New Home Rule Alternative

If regionalism is doomed to remain too undeveloped to fulfill its promise, what alternative is there? In his article in the *Harvard Law Review*, Barron argued that it may be time to relinquish the dream of regionalism and in its place work to transform the institution that at first glance appears to be the polar

opposite of regionalism: home rule. Such a transformation would, one might hope, promote the capability of local governments to solve the kinds of problems that are customarily thought to be amenable only to regional solutions. Barron believes that we have failed to see home rule as a potential ally in the struggle against sprawl because we have tended to look at home rule in a simplistic manner as a sort of *carte blanche* grant of autonomy. Such a grant, in fact, has never been made. Rather, most local governments possess only a severely limited version of autonomy.

However, once we recognize that home rule involves a set of specific and substantive grants of and limits on the powers of local government, it becomes possible to identify new combinations of grants and limits that allow and promote the kind of desired problem solving that local governments do not appear to be currently capable of performing. This new set of grants and limits would not reduce the total power of local authorities (a step that would certainly make such changes unacceptable to local governments and citizens); rather, they would afford greater room for local action in some areas while decreasing it in others, with the overall mix or compromise being just as acceptable to local communities, if not more so.

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Barron finds support for this vision of local governments specifically empowered to address substantive problems by pointing to historical precedent. Specifically, he traces the development of forms of home rule at the turn of the century that revolved around different visions of the city and different problems that needed to be addressed at specific times. His basic argument is that home rule during

this early phase of development was never simply a blanket grant of autonomy but was instead a complex set of grants and limits that allowed the locality to develop in a particular way and to address particular and substantive problems. The problems these early proponents of home rule were wrestling with included corruption at various levels of government; the corrosiveness of special legislation; excess taxation; the lack of roads, utilities, and other public services; and the negative impact of politics on local government.

During different phases in the early development of home rule legal structures, the set of powers of and restrictions on local government changed in order to address the particular problem that reformers wanted to solve at that time. For example, when the problem was seen as corruption at the state level, local governments were given more power to enter into contracts on their own, but they were limited in the areas in which such contracts could cover. However, when the problem was seen as a need to provide for more infrastructure, but to do so without promoting corruption at the local level, local governments were given new revenue-raising, utility-provisioning, and infrastructure-building powers. Still, they were simultaneously constrained by the establishment of state administrative bodies and new forms of government administration (for instance, professional city management) that would oversee decisions in particular areas of government action. These early home rule arrangements, Barron asserts, reflected a sense of complex trade-offs of specific powers and restrictions in light of particular substantive needs.

In contrast to the early home rule regimes, the second wave of home rule development, which took place after World War II, was one that was much less concerned with substantive problems such as the need for public investments to address problems of housing, recreation, transportation, public health, utilities, and the like. Rather, this wave of home rule reform was primarily concerned with getting the

boundaries right. That is, as independent suburbs came to act as barriers to continued municipal growth, reformers attempted to limit the amount of immunity that local governments would have from state interference with their respective boundaries. In this era of reform, new rules and incentives were developed regarding annexation, consolidation, and dissolution of local governments. However, these home rule reforms did little to change the overall mix of grants (or powers of revenue generation, investment, and regulation to address problems) or limits on powers of this type.

These new rules for working out local government boundaries helped to release some of the pressure for more radical reforms and assisted some cities to grow without having as many suburbs as others. However, perhaps because the second wave reforms were not based on a desire to address specific substantive issues, they tended to lock in the set of problems (sprawled development, lack of affordable housing, and so on) identified earlier in this article. Also, these reforms ended with reformers locked into two seemingly irreconcilable camps: market-based, public-choice reformers in favor of further fragmentation and decentralization against reformers concerned with issues of inequality, environmental destruction, and unmanaged growth in favor of regionalism and increased centralization of governance. (A subset of this second camp, those in favor of two-tiered regionalism, qualified their support for centralization by arguing that powers of centralized institutions could be used only to address problems that needed to be confronted at a regional level.) Nevertheless, it should be recognized that the latter group of proregionalist reformers tend to express a concomitant sense of loss of the potential for direct citizen participation that small-scale governments facilitate.

New Home Rule Powers

Given the state of this policy-development impasse, Barron suggests that it may be fruitful to cease looking at issues about the scale of governance in an

either-or fashion (we choose either local autonomy or state and regional government) and begin to identify how we can address problems at multiple scales. Specifically, he believes that it may be possible to reinvigorate home rule in ways that allow and promote local governments to begin solving problems that most observers now think can only be solved regionally. A reinvigoration of this type involves changing the current legal structure under which local governments operate. These changes would give local governments new powers but would also place new limits on existing powers. Moreover, this new mixture of powers and limits would be focused specifically on substantive growth management issues.

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Currently, Barron argues, local governments can do little to address sprawl-related problems because they are restrained from regulating development, engaging in interlocal cooperation, and taking the initiative to address issues of unmanaged growth. Barron does not outline detailed proposals for a new home rule, but he does suggest potentially advantageous reforms that would extend the powers of local governments:

- Changes in state zoning acts that would make local master plans more enforceable.
- Increased ability of local government to establish development moratoria.
- Changes in state law to allow greater delay in the vesting of private property rights (for example, rights that accrue from a zoning change).
- Changes in state law that would facilitate rather than hinder interlocal agreements (such as elimination of the need for public referenda on these agreements).

- Clarification of state home rule grants so that local initiative is not stifled owing to judicial interpretations or the threat of lawsuits regarding local governments' right to pass legislation that touches on private or civil affairs.
- Increasing the right of local governments to tax in various ways that are currently prohibited in many states (income taxes, impact assessments, occupational taxes, commuter taxes, and so on).
- Elimination or refinement of state provisions that limit local legislation to matters of local concern. These broad statutes typically are somewhat vague in their formulation but nevertheless constrain local action because officials fear lawsuits and judicial review and desire to avoid the cost of potential litigation.
- Elimination of laws that specifically restrict the ability of local governments to regulate housing (through limits on condominium conversion, abrupt discontinuance of mobile home parks, regulating rental property and rents, and so forth).
- An explicit grant of the power to legislate in matters of private or civil relationships when the legislation concerns a substantively desired outcome (for instance, better and more efficient use of land and natural resources, and provision of affordable housing). Localities have generally been limited to regulating fairly trivial matters (such as snow removal) in the private or civil sphere. Such an explicit grant of authority to act creatively in a particular area where the state or federal government has an interest in seeing progress could help prevent the paradox that some local governments have faced in being criticized for not achieving certain goals (such as provision of affordable housing) but denied the tools needed to address the problem (not being allowed to require private builders to include a percentage of affordable housing in their large developments).
- A state (constitutional) provision that would severely limit state or judicial preemption of local initiative. Such a provision would instruct the

courts, in a sort of reverse Dillion Rule, that with respect to certain substantive issues, local government initiatives would not be deemed to have legislated in an area of exclusive state authority.

- Elimination of limits on interlocal agreements (such as those that require the parties to have independent authority over the area in question).

The legal structure of home rule entails too little explicit autonomy in some areas and perhaps too much in other areas, according to Barron. For example, because of stated or implied limits on revenue sources and expenditures, local governments may fail to pursue innovative ways to provide for open space or affordable housing and inclusionary zoning. At the same time, however, the established mechanisms of zoning make it fairly easy to establish some protection of green space through exclusionary zoning. As a consequence, numerous potentially more creative and satisfactory paths toward balanced development are cut off or constrained.

The Limits of the New Home Rule

In exchange for the substantial expansion in local government power and authority outlined here, Barron would have local government powers reduced in three ways. First, he would limit the rights of municipalities to keep their boundaries from being altered. Second, he would limit the rights of local governments to engage in exclusionary zoning. Finally, he would limit the rights of local governments to refuse to share their property tax base with nearby local governments.

These proposals appear to be of such a radical nature that if implemented they would effectively gut key elements of home rule autonomy, but Barron believes that this would not need to be the case. He suggests, for example, that these changes could be implemented so as to be acceptable to local governments and community supporters of home rule. For instance, his proposed mechanism for eliminating boundary integrity would not result in the transfer of power to the state or a regional government;

rather, it would be one in which localities have a strong incentive to work out agreements regarding boundaries at the interlocal level. These agreements, moreover, would likely result in an increased level of boundary security over the long run.

Although Barron leaves the details of his proposal somewhat sketchy, he would basically remove many of the barriers to cities annexing new areas but also allow the government that currently has jurisdiction over the area designated for annexation to enter into an agreement (one that would be upheld by the courts) regarding annexation policy (in the particular instance as well as more generally). Barron sees the potential for credible threats of annexation by central cities as a means of bringing surrounding areas to the bargaining table around issues of interlocal revenue sharing. The resulting agreements would likely involve some arrangement for taking annexation off the agenda, in return for a particular revenue-sharing arrangement. One can easily see how similar bargaining might occur on issues such as urban development boundaries and shares of affordable housing. Because these agreements would be enforceable by the courts, the boundaries specified as part of the agreement would be more secure than in the current situation, where local governments can continue to propose annexation after annexation.

Barron would also make local government boundary integrity more vulnerable to secession efforts (that is, efforts of part of a city or county to break away and form a separate municipal corporation). This increased fragmentation is appropriate and desirable, Barron believes, because the smaller jurisdiction would now have the tools to address issues of sprawl and would also have the incentives and structures for entering into interlocal agreements regarding revenue sharing and land use, housing, and transportation planning. Under Barron's proposal, privileged communities that currently might be motivated to secede in order to garner a greater share of property tax revenues would be faced with

a situation where this source of motivation is no longer relevant. Citizens wishing to secede would instead have to weigh the added benefits of a smaller, more responsive government against the possible advantages in scale and scope of consolidated government.

Barron's proposals for limiting the rights of local governments to practice exclusionary zoning are also subtle in construction and cognizant of the concerns of local governments. In a typical proposal of this type, a state or a regional government would be given the power to review local government zoning proposals. Barron, however, argues that flat removal of decisions about exclusionary zoning to a higher level of government would result in policies that are as likely to exacerbate sprawl as to address it. That is, an expected result of state-imposed constraints on local zoning, he suggests, would be "the construction of large-scale private developments—each the home to a relatively modest number of affordable units—in relatively unpopulated suburban jurisdictions" (p. 2378). Such a spreading of affordable housing across an entire region would increase, rather than decrease, sprawl. Moreover, this one-size-fits-all solution does not consider the potential for innovative alternatives that might support greater optimization of goals that often work at cross purposes (such as open space and affordable housing).

In contrast, Barron's solution to the exclusionary zoning problem is more indirect and founded on the potential for promoting intergovernment agreements. That is, ideally local governments would identify the areas where affordable housing is most needed and most likely to support those who are seeking housing (perhaps an area near employment opportunities). To make such a rational approach to housing possible, however, Barron suggests that states will need to first eliminate local governments' exclusive rights to property tax revenues. Such a policy change would have the effect of taking fiscal concerns about affordable housing (that such hous-

ing will cost more in public services such as education, police, fire, health care, and the like than it will generate in new revenues) out of the community's decisions about development and location of different types of housing stock. Barron admits that decisions about affordable housing may still be influenced by social preferences for having more well-off people in the community mix, but such preferences are less likely to be sustained, as they now are, by fiscal incentives for prejudice that currently exist. Barron also recognizes that proposals to reduce localities' exclusive rights to their property tax base will seem radical, but he counters that such rights probably would seem relatively less important or sacrosanct in a situation where local governments could generate revenue from a wider range of taxes.

Barron's central point is that there is room to make progress of the type envisioned by regionalists without developing Leviathan regional institutions or minimizing the role of local knowledge, local power, and local values. Barron argues that once equipped with the new mix of powers and limits, local communities are potentially even better equipped to address complex development issues than regional governments are. This would be the case in some measure because local governments are more likely to be able to craft satisfactory trade-offs among competing development values (as between open space and affordable housing). The trade-offs worked out at the local level would be ones that best met the specific circumstances, history, and culture of the area. When centralized governments attempt such trade-offs, they often result in a one-size-fits-all approach that does not do justice to the unique characteristics, needs, and values of local communities. Ironically, Barron's proposals for maintaining and strengthening local government powers and local governments' roles in addressing sprawl-related issues would likely have a side effect of also strengthening current regional institutions. That is, as localities abandon interlocal fiscal competition related to capturing a larger share of the property tax base and resolve relationship-souring annexa-

tion issues, they will be much better positioned to engage in interlocal planning, public services burden sharing, functional service consolidation, and other collaborative efforts.

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In terms of political alliances, Barron's proposals could also have some potentially salutary effects. For one, they could mollify the antagonism between environmentalists who currently support consolidation and regional governance and those on both the public-choice right and communitarian left who honor home rule and grassroots community development above other values. These groups would no longer need to be at odds, particularly over efforts to address sprawl-related problems.

Finally, Barron also touts the potential of his proposals for promoting small-scale innovations that can prove themselves in one or two localities and thereby be given a chance to spread to other communities.

Emerging Plausibility

Despite the seeming implausibility of Barron's ideas for a new home rule, there are signs of similar concepts emerging from contemporary regionalist-type efforts. For example, the final report of the California assembly speakers' Commission on Regionalism recommends fiscal reforms that have a new home rule flavor in that they provide both new grants to localities (a promise to protect local revenue sources from state-level reallocation) and new limits (policies for encouraging new regional tax sharing arrangements). The commission also recommends authorizing development and adoption of regional compacts. That is, the state constitution would be changed to allow interlocal agreements

that would be binding. Although the commission's work is still grounded in a vision of regionalism and provides for the development of regional project-based revenue generation and resource planning, it is a kind of regionalism that appears to incorporate an understanding of the need to craft a new home rule basis for regional solutions.

Questions, Qualifications, and Next Steps

Making changes in home rule arrangements that will lead in the desired direction could be compared to a game of pick-up sticks: policy changes in one area need to be balanced with policy changes in another area if the structure is not to collapse. Some of these changes could be initiated independently (for example, changing annexation rules), but others would need to be part of a more omnibus reform. Barron makes a good case for his set of reforms being preferable and having more to offer to power brokers than those set forth by proponents of regional government. Hence, in cases where state governments begin to seriously consider the development of regional governance, lawmakers might choose a new home rule reform package in its stead. Unfortunately, for reasons cited in the first section of this article, the threat or promise of regionalism seems to be more a paper one than a serious one. Consequently, the promise of a new home rule may need to stand on its own.

In this regard, the case for optimism about the prospect for reform is not especially strong, for a few reasons. First, even though the proposals for a new home rule seem preferable to what are likely to be illusory regionalist solutions, there is one respect in which an invigorated home rule may be less viable politically than regional governments. In comparison to regional governments, which are clearly "creatures of the state" that can be reigned in at any time by state-level officials, the more autonomous local governments resulting from the new home rule reforms would represent more independent sources of power vis-à-vis the state. This is not to say that successful reform efforts in the past have not over-

come a similar barrier. In past efforts, however, there has typically been a dramatic case for reform that was based on identification of corruption or visible gaps in public welfare and public services. It may be argued that sprawled development could generate a similar movement for reform, but it is unclear that antisprawl advocates could carry so subtle and complex a reform agenda as the new home rule.

Second, earlier home rule reform efforts tended to grow out of larger, quite general movements for reform of government per se. For example, the Progressive Era's multifaceted reform agenda resulted in changes in government structure on numerous fronts, from civil service to elections to municipal government. In today's political and interest-group landscape, there is no equivalent group equipped to carry the reform torch. The groups that do exist (the National Association of Counties, the International City/County Management Association, the National Civic League) tend to have a narrow agenda or one that might even conflict with the new home rule reforms.

Finally, Barron's proposals need to be mapped out in more detail on a number of levels. The issue of shared property tax resources is one that particularly needs more fleshing out. Among the questions that must be answered: On what rationale will the boundaries of the tax-sharing district be drawn (an environmental analysis, a population density analysis, a commuter MSA-type analysis, and the like)? How will the sharing of the property tax base affect outstanding public debt that may have a maturity date as far as twenty-five to thirty years out? Will this affect the timing of implementation or the future ability to issue debt?

To begin the mapping-out process, it would be worth identifying which states support more of the new home rule legal structures than others. Next, it would be worthwhile to discover the degree to which those states that seem to be closer to the new home rule also are having more (or less) suc-

cess with addressing sprawl-related issues. Similarly, it would be good to know how these states came to support a more reformed set of home rule legal structures. Finally, it would certainly be valuable to conduct workshops and focus groups with decision makers and interest groups for the purposes of fleshing out the ideal and politically viable details of Barron's proposals as well as identifying problems with or changes needed in the proposals to make them acceptable to a sufficiently large constituency.

Barron's vision of a new home rule is certainly as worthy of further study and development as contrasting proposals for greater regional governance, if not more so.

Conclusion

David Barron has challenged us to think about how home rule could be changed in subtle and complex ways to better address the substantive issues of unmanaged development. His vision of a new home rule is certainly as worthy of further study and development as contrasting proposals for greater regional governance, if not more so. Hopefully, foundations, think tanks, and good government interest groups will give these proposals the attention and analysis they deserve.

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John O'Looney is a public service associate with the Carl Vinson Institute of Government, University of Georgia. His areas of expertise include local government management and development and e-government services.

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