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## Toward Regionalism: The St. Louis Approach

E. Terrence Jones

*University of Missouri-St. Louis, Department of Political Science, terryjones@umsl.edu*

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## TOWARD REGIONALISM: THE ST. LOUIS APPROACH

E. TERRENCE JONES\*

### I. INTRODUCTION

Any discussion about local governance in the St. Louis region must acknowledge two realities: the growing need to act regionally and the enduring value placed on localism. The debate about how best to structure the area's governmental institutions should not pit regionalism against localism. It should avoid caricaturing those favoring consolidation as enlightened visionaries and those celebrating small governments as insular provincials. The challenge for St. Louis is to seek deliberately the proper balance between regional and local rather than to fight incessantly over which side should prevail.

First, this article discusses why regionalism is more important than ever and emphasizes that localism remains a central value within the American political culture. Then, the article reviews the region's repeated failures to implement large-scale governmental consolidations and describes the area's frequent successes designing incremental regional governance. Finally, the article draws some lessons for current and future proposals to reform the region's local government structure. The article concludes that the St. Louis region has been and always will be more effective achieving productive regionalism through an incremental approach that simultaneously respects and retains significant localism.

### II. AN INCREASINGLY METROPOLITAN WORLD

A century ago, less than one out of every three US citizens lived in metropolitan areas.<sup>1</sup> Now more than four out of five do.<sup>2</sup> It is where they work and play, where they plant roots and raise families—it is the place they call home. Increasingly, Americans identify more with their metropolitan regions

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\* Founder's Professor of Political Science and Public Policy Administration, University of Missouri-St. Louis.

1. U.S. CENSUS BUREAU, HISTORICAL STATISTICS OF THE UNITED STATES: COLONIAL TIMES TO 1970, at 3, 11 (1975).

2. PAUL MACKUN & STEVEN WILSON, POPULATION DISTRIBUTION AND CHANGE: 2000 TO 2010, at 4 (2011), available at <http://www.census.gov/prod/cen2010/briefs/c2010br-01.pdf>.

than with their states.<sup>3</sup> For example, when asked where we are from, it seems that those of us who live within the St. Louis region are more likely to respond with “St. Louis” than either “Illinois” or “Missouri.”

The twentieth century featured a military and economic competition involving almost two hundred nation states.<sup>4</sup> These nations fought world wars, endured cold wars, engaged in ideological clashes, and competed for economic supremacy.<sup>5</sup> Countries continue as meaningful global actors in the twenty-first century but are ceding center stage to the world’s metropolitan regions.<sup>6</sup> What characterizes this century is a quality-of-life competition among metropolitan areas.<sup>7</sup>

As a consequence, St. Louisans are now, wittingly or not, metropolitan citizens engaged in a peaceful but intense competition.<sup>8</sup> Their personal well-being is intimately intertwined with that of the entire metropolitan area.<sup>9</sup> The greater the demand to live in the region is, the higher the property values will be.<sup>10</sup> The more enterprises that aspire to locate in the area there are, the greater the economic opportunities will be.<sup>11</sup> The more tourists who desire to play in Greater St. Louis there are, the richer the leisure time will be.<sup>12</sup> The cleaner the environment is, the healthier the lives will be.<sup>13</sup>

Accompanying the competition to attract people is the contest for capital. Those committed to the St. Louis region want it to be the most appealing place to invest funds, aim to keep much of the wealth generated within its boundaries at home, and desire to attract support from other regions and countries.<sup>14</sup> To

3. See NEAL PEIRCE ET AL., *AMERICA’S METRO REGIONS TAKE CENTER STAGE: 8 REASONS WHY* 7 (1st ed. 2012).

4. See Andreas Wimmer & Yuval Feinstein, *The Rise of the Nation-State across the World, 1816 to 2001*, 75 AM. SOC. REV. 764, 770 (2010).

5. See PHILIP G. ROEDER, *WHERE NATION-STATES COME FROM: INSTITUTIONAL CHANGE IN THE AGE OF NATIONALISM* 5–6 (2007).

6. See BRUCE KATZ & JENNIFER BRADLEY, *THE METROPOLITAN REVOLUTION: HOW CITIES AND METROS ARE FRAMING OUR BROKEN POLICIES AND FRAGILE ECONOMY* 169–70, 191 (2013).

7. See NEAL R. PEIRCE ET AL., *CITISTATES: HOW URBAN AMERICA CAN PROSPER IN A COMPETITIVE WORLD* 12 (1993).

8. See WILLIAM R. BARNES & LARRY C. LEDEBUR, *THE NEW REGIONAL ECONOMICS: THE U.S. COMMON MARKET AND THE GLOBAL ECONOMY* 105 (1998).

9. See SUSAN E. CLARK & GARY L. GAILE, *THE WORK OF CITIES* 4 (1998).

10. See Arthur C. Nelson & Mitch Moody, *Paying for Prosperity: Impact Fees and Job Growth*, BROOKINGS INSTITUTION CENTER ON URB. & METROPOLITAN POL’Y 5–6 (2003).

11. See Henry G. Cisneros, *Regionalism: The New Geography of Opportunity*, in *HOUSING AND URBAN DEVELOPMENT SERIES* 12–13 (1995).

12. See *THE TOURIST CITY* 22 (Dennis R. Judd & Susan S. Fainstein eds., 1999).

13. See WORLD HEALTH ORG., *WORLD HEALTH STATISTICS 2013*, at 107, 114 (2013), available at [http://www.who.int/gho/publications/world\\_health\\_statistics/2013/en/](http://www.who.int/gho/publications/world_health_statistics/2013/en/).

14. See Sampsa Samila & Olav Sorensen, *Venture Capital, Entrepreneurship, and Economic Growth*, 93 REV. ECON. & STAT., no. 1, at 338, 346 (2011).

meet this challenge, St. Louis needs well-articulated strategies across multiple arenas—especially economic development—and effective mechanisms for implementing those plans.

### III. LOCALISM REMAINS A CENTRAL VALUE

From the Republic's beginnings to the present day, Americans have preferred government that stays close to the people.<sup>15</sup> People have long feared distant, concentrated power because they worry it will be insensitive to local needs and will be unapproachable for local citizens.<sup>16</sup> This local impulse was prominently noted and widely applauded by Alexis de Tocqueville, arguably the most insightful foreign observer of the early United States.<sup>17</sup> His *Democracy in America*, originally published in 1835 and 1840, stressed the centrality of local general-purpose governments to empower citizens and provide a meaningful stake in the society.<sup>18</sup>

Thomas Jefferson was its principal advocate among the nation's founders.<sup>19</sup> As Charles Merriam wrote:

[Jefferson] conceived that liberty should be secured, not only by a tripartite division of governmental powers, but also by a further distribution among a series of organizations extending from ward to nation. Local government would thus be made a part of the complicated "checks and balances" system in the intricacies of which despotism would be entangled and rendered powerless.<sup>20</sup>

Within metropolitan areas, having many municipalities promotes choice, a theme first raised by Charles Tiebout.<sup>21</sup> His essay "The Pure Theory of Local Expenditures" contended that if competition produces better goods and services in the private sector, the same logic should apply to local governments.<sup>22</sup> Two political scientists, Vincent Ostrom and Robert Warren, thought that Tiebout's economic perspective was a healthy antidote to those championing metropolitan consolidation.<sup>23</sup> They co-authored an article with

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15. See NANCY BURNS, *THE FORMATION OF AMERICAN LOCAL GOVERNMENTS: PRIVATE VALUES IN PUBLIC INSTITUTIONS* 3–4 (1994).

16. See *id.* at 20, 48–49.

17. See generally ALEXIS DE TOCQUEVILLE, *DEMOCRACY IN AMERICA* *passim* (Jim Manis ed., Henry Reeve trans., 2002).

18. *Id.*

19. See Charles E. Merriam, Jr., *The Political Theory of Jefferson*, 17 POL. SCI. Q. 24, 36 (1902).

20. *Id.*

21. See Charles M. Tiebout, *A Pure Theory of Local Expenditures*, 65 J. POL. ECON. 416, 418 (1956).

22. See *id.* at 422.

23. See Vincent Ostrom et al., *The Organization of Government in a Metropolitan Area*, 55 AM. POL. SCI. ASS'N 831 *passim* (1961).

Tiebout stressing that governmental multiplicity expands options, a value intimately compatible with American individualism.<sup>24</sup> Since citizens are able to select locations within a metropolitan region, many governments will compete to have them live, work, and shop within their jurisdictions.<sup>25</sup>

Instead of generating chaos, governmental fragmentation creates choice. If there were but one government for an entire metropolitan region, then there would likely be similar public services with each and every neighborhood: one police force with its distinctive patrolling style, one parks and recreation department with a single set of leisure preferences, and so forth.<sup>26</sup> Just as consumers frequently rebel against monopolies in the private sector, so too they might chafe under one in a metropolitan area.<sup>27</sup> One-size-fits-all metropolitan government, absent any benefits it might add or problems it might solve, would not be the favored alternative for the majority of Americans suspicious about concentrating too much power in any single institution.<sup>28</sup>

#### IV. REGIONALISM AND LOCALISM: FINDING THE BALANCE

All too often the civic dialogue about governmental structures in the St. Louis area is portrayed as a struggle between altruistic visionaries devoted to the overall public interest (the “regionalists”) and selfish officials intent on preserving their authority (the “parochialists”).<sup>29</sup> This divisive frame misrepresents the issue as being an either/or choice between regionalism, which is often defined as substantial consolidation of general-purpose local governments, and localism, which is frequently described as a set of feuding fiefdoms.<sup>30</sup>

Many undervalue what a heightened localism contributes to the region’s quality of life. When public opinion surveys ask residents what they like best about the metropolitan area, the prevailing response is that it features cosmopolitan amenities, like world-class cultural institutions, while retaining a small town ambience with an intimate feel.<sup>31</sup> It achieves the latter by having

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24. *Id.*

25. *Id.* at 838.

26. *Id.*

27. *Id.* at 836–37.

28. *Id.*

29. St. Louis Post Dispatch editorials sometimes employ this rhetoric. See Editorial, *Troubles in the ‘Balkans’*, ST. LOUIS POST-DISPATCH, Mar. 30, 2010, at A10, available at [http://www.stltoday.com/news/opinion/editorial/time-for-an-intervention-in-the-balkans/article\\_32797f04-e67b-5c7a-b8eb-db2053b04646.html](http://www.stltoday.com/news/opinion/editorial/time-for-an-intervention-in-the-balkans/article_32797f04-e67b-5c7a-b8eb-db2053b04646.html); Editorial, *Fires and fiefdoms*, ST. LOUIS POST-DISPATCH, Dec. 21, 2010, at A14.

30. *Id.*

31. E. Terrence Jones & Elaine Hays, *Metropolitan Citizens in St. Louis*, in *INSIDE URBAN POLITICS* 286, 286–92 (Dick Simpson ed., 2004).

over 250 towns.<sup>32</sup> St. Louisans plant deeper roots than do the citizens of many other regions and, as a result, invest more time and effort in improving their immediate surroundings.<sup>33</sup> St. Louisans value the ability to choose from among a larger number of neighborhoods and subdivisions, as well as municipalities and school districts; although internally homogeneous, as an assembled set, they are quite diverse.<sup>34</sup> This trait, present in other metropolitan areas but acutely developed in St. Louis, has become institutionalized during the last century plus.<sup>35</sup>

Many also do not appreciate that the St. Louis area's civic approach has become substantially more regional over the last sixty years.<sup>36</sup> They mistakenly interpret the area's governmental multiplicity and its several votes against large-scale governmental consolidation to mean that St. Louisans reject region-wide collective action.<sup>37</sup> But as will be described below, tens of incremental, regional, institutional initiatives ranging across many policy arenas have been mounted since 1954.<sup>38</sup> The area's approach to regional decision-making has proceeded along two tracks: one track consisting of revolutionary and unsuccessful attempts to consolidate governments, and the other of evolutionary and productive efforts to make many functions more regional.<sup>39</sup> The latter approach allows St. Louis to pursue a gradual path that retains its special local character while enhancing its ability to act regionally.

#### V. PATHS TO REGIONALISM: LARGE-SCALE GOVERNMENTAL CONSOLIDATION

How local government should be structured has been a recurring item on the area's civic agenda. Most analyses about governmental reform within the region begin with the 1876 separation of the City of St. Louis (the "City") from St. Louis County (the "County").<sup>40</sup> The City's leaders, especially those in the business sector, used the 1875 Constitutional Convention to devise a plan that

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32. U.S. CENSUS BUREAU, INDIVIDUAL STATE DESCRIPTIONS: 2012 CENSUS OF GOVERNMENTS (2013), available at <http://www2.census.gov/govs/cog/2012isd.pdf>.

33. See EAST-WEST GATEWAY COUNCIL OF GOV'TS, WHERE WE STAND: THE STRATEGIC ASSESSMENT OF THE ST. LOUIS REGION (6th ed. 2011), available at <http://www.ewgateway.org/pdf/library/wws/wws2011.pdf>.

34. E. TERRENCE JONES, FRAGMENTED BY DESIGN: WHY ST. LOUIS HAS SO MANY GOVERNMENTS 167 (2000).

35. *Id.*

36. See, e.g., BETTER TOGETHER, <http://www.bettertogetherstl.com> (last visited Sept. 27, 2014) (Better Together is a group formed in 2013 to investigate governmental organization in the City of St. Louis and St. Louis County).

37. *Id.*

38. See *infra* Part VI.

39. See *infra* Part VI.

40. William N. Cassella, Jr., *City-County Separation: The "Great Divorce" of 1876*, 15 BULL. MO. HIST. SOC'Y 85, 85 (1959).

would allow the City to emancipate itself from the more rural portions of the County and achieve home rule status.<sup>41</sup> At that time, the City's incorporated area went from the Mississippi River to about Grand Avenue.<sup>42</sup> Given the City's lofty aspirations to be one of the country's premier urban centers, its leaders realized that these approximately twenty square miles would not be adequate to accommodate further growth.<sup>43</sup> Thinking they were dreaming big, the City proponents decided that tripling the acreage would be more than sufficient.<sup>44</sup>

What seemed expansive in 1876 proved to be stifling by the early 1900s. During the last twenty-five years of the nineteenth century, the land between Grand Avenue and the City's western boundaries filled up, and by the early twentieth century, west of Skinker Boulevard was a prime location.<sup>45</sup> The 1904 World's Fair, centered in Forest Park, was a magnet for development. Washington University moved to its new hilltop campus overlooking the park from the west,<sup>46</sup> and enterprising entrepreneurs like E. G. Lewis capitalized on the westward expansion to build popular subdivisions like the Parkview neighborhood in what, in 1906, became University City.<sup>47</sup>

The emergence of St. Louis County led to periodic bursts of reunification initiatives beginning in the 1920s and continuing into the 2010s.<sup>48</sup> About every thirty years, efforts have been made to rejoin the City and County. These efforts have continued even as the two units combined moved from dominating the metropolitan scene (at their peak they had over two-thirds of the region's residents) to now being less than a majority.<sup>49</sup> The terms and conditions have changed from one attempt to the next, depending in part on which entity thinks it has the upper hand, but the ever-elusive goal of reuniting the City and County has remained on the civic agenda for almost a century.<sup>50</sup>

The proposal produced by the 1925–1926 St. Louis City-County Board of Freeholders had the more powerful and prestigious City taking over all of the County's territory.<sup>51</sup> Approved by the board after the united City freeholders persuaded one of the County members to support it, the proposal made the City's charter the governing document for the expanded area, eliminated all

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41. THOMAS S. BARCLAY, *THE ST. LOUIS HOME RULE CHARTER OF 1876: ITS FRAMING AND ADOPTION* 2, 16–17 (1962).

42. *Id.* at 22.

43. Cassella, *supra* note 40, at 97, 101.

44. *Id.*

45. JONES, *supra* note 34, at 59.

46. *Id.*

47. *Id.*

48. *Id.*

49. *Id.*

50. *Id.* at 59–60.

51. JONES, *supra* note 34, at 65.

County offices, and transferred the authority of these offices to their City counterparts.<sup>52</sup> It also eliminated all County municipalities, gave the City's police department jurisdiction over both jurisdictions, and abolished all County school districts and placed them under the City's board of education.<sup>53</sup> Needing concurrent majorities to pass, the plan was overwhelmingly accepted in the City (87% yes) and firmly rejected in the County (33% yes).<sup>54</sup>

The Great Depression and World War II put governmental reform on the backburner, but as the County's population grew from four hundred thousand in 1950<sup>55</sup> to slightly more than seven hundred thousand by 1960,<sup>56</sup> it reappeared. Spurred and informed by a report prepared by some of the nation's leading urban scholars and funded by both national (e.g., Ford) and local (e.g., McDonnell) foundations, the board of freeholders' proposal called for a "metropolitan district" overlapping both the City and County with responsibility for arterial roads, public transit regulation, land use planning, economic development, wastewater and stormwater sewers, and emergency preparedness.<sup>57</sup> It crashed and burned at the ballot box in 1959, opposed by two-thirds of the City voters and three-quarters of the County electorate.<sup>58</sup>

Undeterred by this setback, some of the board's members kept the reform lamp lit. They ultimately gathered sufficient signatures for a constitutional amendment (popularly known as the Borough Plan) that would have eliminated all local governments in both the City and County, and replaced them with a single entity.<sup>59</sup> In the November 1962 election, the proposal was trounced statewide (26% yes) and lost by an even larger margin in the County (21% yes).<sup>60</sup> The City electorate was less resistant (45% yes) but it only carried in four of the City's twenty-eight wards.<sup>61</sup>

The Borough Plan's devastating defeat drove City-County consolidation off the regional agenda for two decades. Then, in 1982, a group that represented the region's major corporate leadership, called Civic Progress, commissioned a series of studies, culminating in a report entitled *Fostering*

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52. *Id.*

53. *Id.* at 65–66.

54. *Id.* at 68.

55. U.S. CENSUS BUREAU, CENSUS OF POPULATION 1950 (1952), available at [http://www2.census.gov/prod2/decennial/documents/23761117v1\\_TOC.pdf](http://www2.census.gov/prod2/decennial/documents/23761117v1_TOC.pdf).

56. U.S. CENSUS BUREAU, CENSUS OF POPULATION 1970 (1972), available at [http://www2.census.gov/prod2/decennial/documents/1970a\\_v1pAs2-01.pdf](http://www2.census.gov/prod2/decennial/documents/1970a_v1pAs2-01.pdf).

57. METRO. ST. LOUIS SURVEY, PATH OF PROGRESS FOR METROPOLITAN ST. LOUIS 1 (1957).

58. HENRY J. SCHMANDT ET AL., METROPOLITAN REFORM IN ST. LOUIS: A CASE STUDY 51 (1961).

59. FRANK S. SENGSTOCK ET AL., CONSOLIDATION: BUILDING A BRIDGE BETWEEN CITY AND SUBURB 12 (1964).

60. *Id.* at 96.

61. *Id.*



*Development in Metropolitan St. Louis.*<sup>62</sup> The report supported having the City re-enter the County, retaining its identity as a separate home rule municipality but shedding its role as an autonomous county.<sup>63</sup> Although the report was made public, subsequent analyses were not.<sup>64</sup> However, documents in the 1987–1988 St. Louis City-County Board of Freeholders archives indicate that Civic Progress commissioned two of the area’s top law firms to prepare a *Legal Feasibility Study of the Combination of the City and County of St. Louis.*<sup>65</sup>

That proposal was a reverse mirror of the 1926 plan. Instead of making the City of St. Louis the sole survivor, it gave the role to St. Louis County.<sup>66</sup> It eliminated the City both as a municipality and a county.<sup>67</sup> It also terminated all municipalities and fire protection districts within the County.<sup>68</sup> Unlike the 1926 version, however, school districts retained their independence, as did certain special districts such as the Metropolitan St. Louis Sewer District (MSD) and the Metropolitan Zoological Park and Museum District (ZMD).<sup>69</sup> For reasons that remain unclear to this day, Civic Progress decided not to move ahead. Perhaps polling results were discouraging or perhaps one or more key political leaders were not on board, but, in any event, the effort was abandoned.<sup>70</sup>

During the 1950s, 1960s, and 1970s, four US metropolitan areas did consolidate their governments: Indianapolis joined with Marion County,<sup>71</sup> Jacksonville with Duval County,<sup>72</sup> Miami with Dade County,<sup>73</sup> and Nashville with Davidson County.<sup>74</sup> Then, in 2000, Louisville’s merger with Jefferson County made it a quintet.<sup>75</sup> Why did the City of St. Louis and St. Louis County

62. DANA L. SPITZER, *FOSTERING DEVELOPMENT IN METROPOLITAN ST. LOUIS* 1 (1982).

63. *Id.* at 43–47.

64. BRYAN, CAVE, MCPHEETERS & MCROBERTS, *LEGAL FEASIBILITY STUDY OF THE COMBINATION OF THE CITY AND COUNTY OF ST. LOUIS* 6 (1984).

65. *Id.* at 6, 17.

66. *Id.* at 126.

67. *Id.*

68. *Id.* at 18.

69. *Id.* at 6.

70. These possibilities are based on more recent conversations between the author and some of those participating in the effort.

71. Tom Gorton, *Unigov: Can a partial merger be a total success?*, 44 *PLANNING* 16, 16 (1978).

72. Bert E. Swanson, *Quandaries of Pragmatic Reform: A Reassessment of the Jacksonville Experience*, 32 *ST. & LOC. GOV'T REV.* 227, 227 (2000).

73. Genie Stowers, *Miami: Experiences in Regional Government*, in 45 *REGIONAL POLITICS: URBAN AFFAIRS ANNUAL REVIEWS*, at 185 (H.V. Savitch & Ronald K. Vogel eds., 1996).

74. BRETT W. HAWKINS, *NASHVILLE METRO: THE POLITICS OF CITY-COUNTY CONSOLIDATION* 139 (1966).

75. H.V. Savitch & Ronald K. Vogel, *Suburbs Without a City: Power and City-County Consolidation*, 39 *URB. AFF. REV.* 758, 759 (2004).

fail when these others succeeded? There are many possible explanations but two carry the most weight.

First, none of these others involved two totally separate governments.<sup>76</sup> In the five successful consolidations, the major city already existed within the principal county.<sup>77</sup> There was no earlier history, like St. Louis's 1876 experience, of the central city having jettisoned its more rural surroundings.<sup>78</sup> Since the city was already within the county and the latter was providing some services to it, the negotiations could commence with who does what, not who marries whom under what conditions in the Indianapolis-Marion, Jacksonville-Duval, Miami-Dade, Nashville-Davidson, and Louisville-Jefferson situations.<sup>79</sup> Even the City of St. Louis reentering the County, the least revolutionary alternative for reconciliation and the one most suggested in the current governmental reform debate, still means eliminating the County of the City of St. Louis and assigning all county powers for both the City and County to the St. Louis County government.<sup>80</sup>

Second, at the times these five consolidations occurred, there were only modest socioeconomic differences between the combining governments' residents.<sup>81</sup> Since it was closer to a merger of equals, there was less tendency for one of the units to drive a hard bargain. In each of the St. Louis cases, conversely, either the City (such as in the 1920s) or the County (as in the 1980s) felt it held the stronger hand and typically overplayed the advantage.<sup>82</sup> The other side, feeling rebuffed and exploited, could use the concurrent majority requirement to squelch the deal.<sup>83</sup> The mindset was more win/lose than win/win.

In retrospect, the City and County were closest to parity during the 1950s, but neither then perceived it that way.<sup>84</sup> The City, looking backward in time, still saw itself as preeminent while the County, gazing forward, knew that its future was brighter.<sup>85</sup> Now, the City lags far behind the County on many dimensions, most notably economic.<sup>86</sup> In 1950, for example, the median

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76. *Id.* at 765.

77. *Id.* at 759.

78. *Id.* at 766–767.

79. *Id.* at 770.

80. E. Terrence Jones, *Reconciling the Great Divorce: The City of St. Louis Reentering St. Louis County*, 25 U. MO.–ST. LOUIS PUB. POL'Y RES. CTR. 1, 1 (2011), available at [http://pprc.umsl.edu/pprc.umsl.edu/data/Metro-PDFS/pbrief\\_025\\_reentry.pdf](http://pprc.umsl.edu/pprc.umsl.edu/data/Metro-PDFS/pbrief_025_reentry.pdf).

81. Brett W. Hawkins, *Life Style, Demographic Distance and Voter Support of City-County Consolidation*, 48 SW. SOC. SCI. Q. 325, 327 (1967).

82. Jones, *supra* note 34, at 92–93.

83. *Id.*

84. *Id.*

85. *Id.*

86. U.S. CENSUS BUREAU, 2008-2012 AMERICAN COMMUNITY SURVEY 5-YEAR ESTIMATES (2014).

household income in the City was 80% that of the County.<sup>87</sup> As of 2010, it is under 60%.<sup>88</sup> Consolidations between unequals are extraordinarily difficult to consummate.

VI. PATHS TO REGIONALISM: INCREMENTAL STEPS

The preoccupation with failed reform plans for large-scale consolidations has obscured the steady incremental movement toward regionalism in the St. Louis area over the past six decades. Starting with the establishment of MSD in 1954, there has been increasing intercounty cooperation.<sup>89</sup> Initially almost all of it occurred between the City of St. Louis and St. Louis County.<sup>90</sup> Over the past two decades, however, efforts have often encompassed a broader geographical area.<sup>91</sup>

Cooperation has involved many service areas and taken several forms. The services include sanitary and solid waste, education, cultural institutions and the arts, transportation, public safety, tourism, parks and open space, sports venues, health care for the indigent, and economic development.<sup>92</sup> The forms include public authorities, special districts, intergovernmental agreements, cooperative arrangements, and umbrella organizations.<sup>93</sup>

<p>TABLE 1</p> <p>MULTI-COUNTY GOVERNANCE IN THE ST. LOUIS AREA: 1954-2014</p>
<p>SANITARY WASTE/STORM WATER/SOLID WASTE</p> <p><i>Metropolitan Sewer District</i> (City of St. Louis and St. Louis County) (1954)</p> <p><i>St. Louis-Jefferson Solid Waste Management District</i> (City of St. Louis, St. Louis County, Jefferson County, St. Charles County) (1991)</p>

87. U.S. CENSUS BUREAU, CENSUS OF POPULATION 1950, at 18 (1952).

88. U.S. CENSUS BUREAU, CENSUS OF POPULATION 2010 (2011).

89. *See infra* Table 1.

90. *See infra* Table 1.

91. *See infra* Table 1.

92. *See infra* Table 1.

93. JONES, *supra* note 34, at 95–96.

## EDUCATION

*St. Louis Community College District* (City of St. Louis and St. Louis County) (1961)

*Southwestern Illinois College* (Madison County and St. Clair County) (1983)

*Cooperating School Districts* (most counties) (1964)

## CULTURAL INSTITUTIONS AND THE ARTS

*Zoo-Museum District: Zoo, Art Museum, Science Center* (City of St. Louis and St. Louis County) (1971)

*Zoo-Museum District: Missouri Botanical Garden* (City of St. Louis and St. Louis County) (1983)

*Zoo-Museum District: Missouri History Museum* (City of St. Louis and St. Louis County) (1987)

*Regional Arts Commission* (City of St. Louis and St. Louis County) (1984)

## PUBLIC SAFETY

*Major Case Squad* (ten counties) (1965)

*Regional Justice Information System* (eight counties) (1976)

*Metrolink Unit* (City of St. Louis, St. Louis County, St. Clair County) (1993)

*St. Louis Area Regional Response System* (2003)

*Metro Air Support Unit* (City of St. Louis, St. Louis County, St. Charles County) (2004)

*Bomb and Arson Unit* (City of St. Louis, St. Louis County) (2013)

## TRANSPORTATION

*Bi-State Development Agency/Metro* (City of St. Louis, St. Louis County, St. Clair County) (1949 then expanded in the 1960's)

*Lambert International Airport* (City of St. Louis, St. Louis County, St. Charles County) (originally City of St. Louis, then representation expanded in the 1980's and 1990's)

*East West Gateway Council of Governments* (eight counties) (1965)

*Metropolitan Taxi Commission* (City of St. Louis and St. Louis County) (2002)

## TOURISM AND SPORTS VENUES

*Convention and Visitors Commission* (City of St. Louis and St. Louis County) (1984)

*Edward D Jones Dome* (City of St. Louis and St. Louis County) (1990)

*Busch Stadium III* (City of St. Louis and St. Louis County) (2006)

<p>PARKS AND OPEN SPACE</p> <p><i>Great Rivers Greenway</i> (City of St. Louis, St. Louis County, St. Charles County) (2000)</p> <p><i>Metro East Park and Recreation District</i> (Madison County and St. Clair County) (2000)</p>
<p>HEALTHCARE FOR THE INDIGENT</p> <p><i>Regional Medical Center</i> (City of St. Louis and St. Louis County) (1985-1997)</p> <p><i>St. Louis ConnectCare</i> (City of St. Louis and St. Louis County) (1997)</p> <p><i>Regional Health Commission</i> (City of St. Louis and St. Louis County) (2001)</p>
<p>ECONOMIC DEVELOPMENT</p> <p><i>St. Louis Enterprise Centers</i> (City of St. Louis and St. Louis County) (1991)</p> <p><i>Greater St. Louis Regional Empowerment Zone</i> (City of St. Louis, St. Louis County, St. Clair County) (1998)</p> <p><i>St. Louis Economic Development Partnership</i> (City of St. Louis and St. Louis County) (2013)</p>

Table 1 lists most of the major intercounty governance arrangements developed over the past sixty years. One could add more items to this list—for example, mutual aid agreements among fire departments—but the point is clear: there has been an average of about one intercounty institutional agreement every two years.<sup>94</sup> The table does not list some attempts that have failed, such as unsuccessful efforts to add the St. Louis Symphony Orchestra to the ZMD<sup>95</sup> and to establish a multicounty amateur sports district.<sup>96</sup>

A. *Waste Disposal: Metropolitan St. Louis Sewer District*

The Metropolitan St. Louis Sewer District (MSD), approved by City and County voters in 1954, was the first major City-County cooperative venture. As suburban development accelerated in the years following World War II, City residents were reminded of an essential law of nature: water flows downhill.<sup>97</sup> The increasingly concretized County was largely within the

94. See *supra* Table 1.

95. Fred Lindecke, *Three Taxes for Culture Voted Down*, ST. LOUIS POST-DISPATCH, Nov. 8, 1989, at 1A.

96. Mark Schlinkmann & Edward H. Kohn, *Propositions O, P Defeated; City, County Say No to Tax Plan*, ST. LOUIS POST-DISPATCH, Apr. 8, 1992, at 1A.

97. JONES, *supra* note 34, at 103–10.

Mississippi watershed and the only way for the water to get from the County to the river was through the City.<sup>98</sup> Raw sewage entered County creeks that ultimately either flowed into the City or, in North County, went through Coldwater Creek into the Missouri River just above its confluence with the Mississippi.<sup>99</sup> The City's drinking water comes from the east side of the Mississippi, a few miles south of the rivers joining.<sup>100</sup> As a consequence, whatever went into Coldwater Creek quickly ended up having to be removed by the City as part of its water purification process.<sup>101</sup> The County realized that its sewer hodgepodge—fifteen municipal systems, twenty-four sewer districts, seventy-five subdivision systems, and thousands of septic tanks—was a health hazard and a deterrent to growth.<sup>102</sup>

MSD's original boundaries contained the entire City but less than half the acreage in the County.<sup>103</sup> As the County more than doubled its population between the 1950s and the 1970s, causing a similar increase in the urbanized land, most of the remaining portions of the County voted to join MSD in 1977.<sup>104</sup> Reinforcing City-County cooperation within MSD is a charter requirement that any action receive concurrent majorities from each jurisdiction's trustees.<sup>105</sup> MSD's redistributive potential was severely limited during its first forty-six years by a charter provision demanding that all capital improvements be paid exclusively by "those lots or parcels of ground . . . as are benefited by said construction, improvement, or extension."<sup>106</sup> Originally included in 1954 to protect City taxpayers from footing the bill to modernize County sewers, it later became a broader ban on using more affluent property taxing potential to finance improvements in impoverished areas.<sup>107</sup> In 2000, however, City and County voters amended the MSD charter to allow district-wide bonds, thereby removing the redistributive barrier.<sup>108</sup>

Following authorizing legislation passed by the Missouri General Assembly in 1989,<sup>109</sup> the City, the County, and Jefferson County passed joint

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98. *Id.*

99. *Id.*

100. *Id.*

101. *Id.*

102. *Id.*

103. JONES, *supra* note 34, at 103–10.

104. *Id.*

105. ST. LOUIS & ST. LOUIS CNTY. BD. OF FREEHOLDERS, CHARTER (PLAN) OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT art. V (2012), *available at* <http://www.stlmsd.com/sites/default/files/MSD%20Charter%20As%20of%20June%205%202012%20Amendments.pdf>.

106. *Id.* at art. VII.

107. CONFLUENCE ST. LOUIS, RESOLVING THE MSD CRISIS: THE FINAL REPORT OF THE CONFLUENCE ST. LOUIS TASK FORCE 23 (1996).

108. Phil Sutin, *Sewer District Says Change in Charter Would Aid Projects; Making Decisions on Regional Issues*, ST. LOUIS POST-DISPATCH, Oct. 15, 2000, at B5.

109. MO. REV. STAT. § 260.215 (2000).

ordinances in 1991 establishing the St. Louis-Jefferson Solid Waste Management District.<sup>110</sup> In 2002, St. Charles County joined.<sup>111</sup> The district receives a tipping fee from waste taken to landfills.<sup>112</sup> It then distributes these funds through a competitive grant program to local governments, nonprofits, and private businesses for projects that reduce waste and promote recycling.<sup>113</sup>

### B. Education

In 1961, the Missouri legislature authorized the formation of community college districts and provided state aid on a per student basis.<sup>114</sup> Civic leadership determined that a single City-County district with multiple campuses would be financially and educationally superior to separate colleges within each jurisdiction.<sup>115</sup> In 1962, City and County voters approved forming the Junior College District of St. Louis-St. Louis County, including a property tax levy for operations.<sup>116</sup> After two unsuccessful attempts in 1963 and 1964, in 1965 the district won voter approval for an additional levy to construct three campuses: one in the City (Forest Park) and two in the County (Florissant Valley and Meramec).<sup>117</sup> It opened a fourth campus (Wildwood) in the County in 2007.<sup>118</sup>

On the Illinois side, the original Belleville Junior College, founded in 1946 and located in St. Clair County, expanded to the adjoining Madison County in 1983.<sup>119</sup> Reflecting its broader regional role of serving the area's two largest Illinois counties, it changed its name to Southwestern Illinois College in 2000.<sup>120</sup>

Cooperating School Districts (CSD) has been engaging in some joint activities since 1928, but became an official state-chartered entity in 1964.<sup>121</sup> It now is called EducationPlus and includes sixty-three public school districts from Missouri and Illinois, most of which are within the St. Louis metropolitan

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110. Tom Uhlenbrock, *Waste Regions Aim at Creative Disposal*, ST. LOUIS POST-DISPATCH, June 19, 1991, at 3A.

111. *St. Charles County Briefs Column*, ST. LOUIS POST-DISPATCH, June 13, 2002, at 1.

112. Uhlenbrock, *supra* note 110.

113. *Id.*

114. JONES, *supra* note 34, at 110–15.

115. *Id.*

116. *Id.*

117. *Id.*

118. Kavita Kumar, *St. Louis Community College at Wildwood*, ST. LOUIS POST-DISPATCH, Aug. 8, 2007, at C2.

119. *About: History*, SW. ILL. COLL., <http://www.swic.edu/History/> (last visited Sept. 27, 2014).

120. *Id.*

121. *Serving Our Members: From the Director*, COOPERATING SCH. DIST., <http://www.edplus.org/Administrative/fromthedirector.html> (last visited Sept. 27, 2014).

area.<sup>122</sup> Its original *raison d'être* was efficiency through making joint purchases, operating a collective film library, and assisting with information processing.<sup>123</sup> In the ensuing years, its mission has expanded to professional teacher development and the promotion of a legislative agenda for its Missouri member districts.<sup>124</sup>

### C. *Cultural Institutions and the Arts*

Until 1971, the City owned and operated the St. Louis Zoo and the Saint Louis Art Museum.<sup>125</sup> As the City's tax base deteriorated, revenues for both institutions declined even as needs, especially for maintenance, accelerated.<sup>126</sup> Sparked by an energetic civic leader, Howard Baer, and supported amply by the business community, the Missouri General Assembly passed legislation in 1970 authorizing the Metropolitan Zoological Park and Museum District (ZMD) in the City and County.<sup>127</sup> As structured by the law, the ZMD was a coalition rather than a combination.<sup>128</sup> Each entity would have its own earmarked property tax and each proposal for an institution to become a ZMD member would require a separate vote with concurrent majorities in the City and County.<sup>129</sup>

The zoo and the art museum received voter approval in 1971.<sup>130</sup> To increase support within the County, ZMD proponents added a third entity—the Museum of Science and Natural History, a fledgling nonprofit—then located in Clayton's Oak Knoll Park.<sup>131</sup> The voters also backed that proposal.<sup>132</sup> In 1983, voters doubled the property tax levy rate for the zoo and art museum, quadrupled it for the Saint Louis Science Center, and added the Missouri Botanical Garden to the ZMD.<sup>133</sup> In 1987, voters approved having the Missouri Historical Society become the ZMD's fifth member.<sup>134</sup>

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122. *Serving Our Members: Our Mission*, COOPERATING SCH. DISTCS., [http://www.edplus.org/serving\\_members/index.html](http://www.edplus.org/serving_members/index.html) (last visited Sept. 27, 2014).

123. *Id.*

124. *Id.*

125. JONES, *supra* note 34, at 115–23.

126. *Id.*

127. HOWARD F. BAER, *ST. LOUIS TO ME* 174–79 (1978).

128. JONES, *supra* note 34, at 116.

129. *Id.* at 116–17.

130. *Id.* at 118–19.

131. *Id.* at 116.

132. *Id.* at 119.

133. Dale Singer, *Zoo, Museums Woo Voters with Services*, ST. LOUIS POST-DISPATCH, Mar. 27, 1983, at H1.

134. Phillip Dine, *History Museum Gets Go-Ahead for Tax District*, ST. LOUIS POST-DISPATCH, Nov. 4, 1987, at A1.



When the ZMD was established in 1971, the assessed valuations in the City and County were close to equal.<sup>135</sup> Now about four-fifths of the public financial support comes from the wealthier and larger County even though all five member institutions have their major presence in the City.<sup>136</sup>

In 1984, the Missouri General Assembly passed legislation authorizing the City and County to increase their hotel/motel tax and use a portion (four-fifteenths) of the total tax revenues on grants for the arts.<sup>137</sup> Later that year, voters in each jurisdiction approved the tax and established the Regional Arts Commission which now awards over \$3 million annually to more than two hundred organizations ranging from those that serve the entire region to those focused on a single neighborhood.<sup>138</sup>

#### D. *Public Safety*

Founded in 1965, the Major Case Squad of Greater St. Louis (MCS) draws upon the law enforcement agencies in six Missouri counties<sup>139</sup> and four Illinois counties<sup>140</sup> to tackle the more complex criminal cases that require extensive manpower. The participating jurisdictions collectively assign more than four hundred personnel to be available when needed.<sup>141</sup> MCS is able to mobilize a team within three hours and handles about fifteen cases annually.<sup>142</sup>

Recognizing the need for a common information base, the City and County agreed jointly in 1974 to form the Regional Justice Information System (REJIS).<sup>143</sup> In the ensuing years, REJIS has expanded its geographic reach to jurisdictions containing almost 90% of the area's population.<sup>144</sup> Although still controlled by the City and County, it provides services to three additional Missouri counties<sup>145</sup> and three Illinois counties.<sup>146</sup>

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135. See JONES, *supra* note 34, at 119.

136. *Id.* at 120; see also *About Us*, MO. BOTANICAL GARDEN, <http://www.missouribotanicalgarden.org/about.aspx> (last visited Sept. 25, 2014) (stating the Missouri Botanical Garden has a nature reserve in eastern Franklin County).

137. JONES, *supra* note 34, at 136.

138. *Id.* at 136–37.

139. E. Terrence Jones & Don Phares, *Moving Toward Regional Governance Incrementally: The St. Louis Case*, in GOVERNING METROPOLITAN REGIONS IN THE 21ST CENTURY 79, 98 (Don Phares ed., 2009) (listing the counties as City of St. Louis, Franklin, Jefferson, St. Charles, St. Louis, and Warren).

140. *Id.* (listing the counties as Bond, Madison, Monroe, and St. Clair).

141. *Id.*

142. *Id.*

143. *About Us*, REJIS COMM'N, [http://rejis.org/index.php?option=com\\_content&view=article&id=2&Itemid=530](http://rejis.org/index.php?option=com_content&view=article&id=2&Itemid=530) (last visited Sept. 27, 2014).

144. See *id.*

145. See JONES, *supra* note 34, at 133 (listing the counties as Franklin, Jefferson, and St. Charles).

146. See *id.* (listing the counties as Madison, Monroe, and St. Clair).

The MetroLink light rail line spans the City and the County as well as St. Clair County in Illinois.<sup>147</sup> In order to coordinate security across these boundaries, their police departments formed a single MetroLink police unit.<sup>148</sup> Although light rail remains its principal focus, it has also expanded its work to other public transportation.<sup>149</sup>

The St. Louis Area Regional Response System (STARRS) was formed in 2003 to coordinate and improve the area's emergency management, an initiative stimulated by the 9/11 terrorist attacks but also mindful of natural disasters such as earthquakes and tornados.<sup>150</sup> STARRS is housed within the East-West Gateway Council of Governments and its governmental members are five Missouri counties<sup>151</sup> and three Illinois counties.<sup>152</sup>

As air support became a larger component of local law enforcement, the City and the County, along with St. Charles County, formed the unified Metro Air Support Unit in 2004 for better coordination and enhanced efficiency.<sup>153</sup> It presently operates six helicopters and one fixed-wing plane, each of which can be deployed in any of the jurisdictions.<sup>154</sup> In 2013, the City and County also combined their bomb and arson units.<sup>155</sup>

#### E. Transportation

The Bi-State Development Agency (Bi-State) was formed through an Illinois-Missouri compact ratified by the national government in 1949.<sup>156</sup> As originally designed, it was a public authority with limited powers, but in 1959 the two state legislatures expanded its portfolio to include passenger transportation facilities.<sup>157</sup> In the early 1960s, Bi-State used revenue bonds to buy out all of the private transit firms, transforming itself into a substantial

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147. *History*, METRO TRANSIT-ST. LOUIS, <http://www.metrostlouis.org/About/History/The1990s.aspx> (last visited Sept. 27, 2014).

148. *See Safety & Security*, METRO TRANSIT-ST. LOUIS, <http://www.metrostlouis.org/RidingMetro/SafetyAndSecurity.aspx> (last visited Sept. 27, 2014).

149. *See id.*

150. *See History of STARRS*, ST. LOUIS AREA REG'L RESPONSE SYS., <http://www.stlstars.org/AboutUs/History/history.htm> (last visited Sept. 27, 2014).

151. *Id.* (listing the counties as City of St. Louis, Franklin, Jefferson, St. Charles, and St. Louis).

152. *Id.* (listing the counties as Madison, Monroe, and St. Clair).

153. *See Our History*, METRO AIR SUPPORT UNIT OF ST. LOUIS, MISSOURI, [http://www.metroairsupport.org/about\\_us/our\\_history](http://www.metroairsupport.org/about_us/our_history) (last visited Sept. 27, 2014).

154. *Id.*

155. Christine Byers, *Bomb and Arson Units in City, County Set to Merge*, ST. LOUIS POST-DISPATCH, June 19, 2013, at A7.

156. JONES, *supra* note 34, at 97.

157. *Id.* at 99-100.

public transportation agency serving the City, the County, and St. Clair County.<sup>158</sup>

By the early 1970s, it was clear that revenues from the fare box were not sufficient to support the system.<sup>159</sup> The Missouri General Assembly then authorized the City and County to institute a one-half cent sales tax for “transportation purposes.”<sup>160</sup> Illinois funds come both directly from the state and through St. Clair County, which passed a one-half cent sales tax in 1993 for that purpose.<sup>161</sup>

In the early 1990s, after St. Louis traded some otherwise useless railroad rights-of-way and a few other tokens in return for the federal government footing the bill for a light rail line, the Missouri General Assembly authorized the City and County to pass an additional one-half cent sales tax which could be used only for “public transportation purposes.”<sup>162</sup> In 1994, a measure for half this amount (one-quarter cent) passed in both the City and County.<sup>163</sup> A 1997 effort to seek the remaining one-quarter cent tax succeeded in the City but failed in the County.<sup>164</sup> Following one more unsuccessful attempt at passage in 2008, County voters approved it in 2010.<sup>165</sup>

Lambert-St. Louis International Airport is owned by the City but is located in the County.<sup>166</sup> Although governed by the St. Louis Airport Authority, a creature of City government, its location and regional role have altered its governance structure by expanding the authority’s governing board.<sup>167</sup> In addition to ten City members, the County appoints five members, and St. Charles County and St. Clair County appoint one member each.<sup>168</sup>

Like all urban regions, St. Louis has a metropolitan planning organization and, as is often the case elsewhere, it is housed in what began as and still

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158. *Id.* at 100.

159. *Id.* at 101.

160. MO. REV. STAT. § 94.605 (2000).

161. Patrick Gavin, *Metro Link Line to Scott Wins by 2-1 Margin*, ST. LOUIS POST-DISPATCH, Nov. 3, 1993, at 1B.

162. MO. REV. STAT. § 94.605 (2000).

163. Joe Holleman, *Light-Rail Sales Tax Gets Wide Approval*, ST. LOUIS POST-DISPATCH, Aug. 3, 1994, at 7B.

164. Mei-Ling Hopgood, *Defeat of Hike May Postpone Extensions in St. Louis County*, ST. LOUIS POST-DISPATCH, Nov. 5, 1997, at A1.

165. Ken Leiser, *Mass Transit Sales Tax Wins by a Wide Margin*, ST. LOUIS POST-DISPATCH, Apr. 7, 2010, at A1.

166. *Lambert Facts*, LAMBERT-ST. LOUIS INT’L AIRPORT, <http://www.flystl.com/AboutLambert/LambertFacts.aspx> (last visited Sept. 26, 2014).

167. *Administration*, LAMBERT-ST. LOUIS INT’L AIRPORT, <http://www.flystl.com/AboutLambert/Administration.aspx> (last visited Sept. 26, 2014).

168. *Commission*, LAMBERT ST.-LOUIS INT’L AIRPORT, <http://www.flystl.com/AboutLambert/Commission.aspx> (last visited Sept. 26, 2014).

remains a council of governments.<sup>169</sup> The East-West Gateway Council of Governments (EWGCC) was formed in 1965 and includes the chief elected officials from the City, the County, Franklin County, Jefferson County, Madison County, Monroe County, St. Charles County, and St. Clair County, as well as selected municipal mayors.<sup>170</sup> In addition to using its federal authority to develop and implement both short-term and long-term transportation plans for the metropolitan area, EWGCC has also used the transportation lever to expand its regional policy agenda to air quality, open space, regional indicators, sustainability, and workforce mobility.<sup>171</sup>

Responding to concerns that subpar taxi service with unkempt drivers and dirty vehicles was generating a poor image for the region, the City and County successfully sought state legislation to establish the Metropolitan Taxi Commission.<sup>172</sup> Formed in 2003, its thirty-page code ranges from driver requirements<sup>173</sup> and driver behavior<sup>174</sup> to license fees and fare structures.<sup>175</sup>

#### F. *Tourism and Sports Venues*

Until the early 1980s, the City and County went their separate ways in seeking a piece of the growing and lucrative convention and tourism trade.<sup>176</sup> The City had its convention and tourism bureau while the County had a committee on tourism.<sup>177</sup> In 1983, the City and County merged the operations into the newly titled St. Louis Convention & Visitors Commission (CVC).<sup>178</sup> This entity shares the hotel/motel tax (eleven-fifteenths goes to the CVC) with the Regional Arts Commission.<sup>179</sup> Since 1991, the CVC has also managed the region's largest convention facility, America's Center, which previously had been a City operation.<sup>180</sup>

169. G. ROSS STEPHENS & NELSON WIKSTROM, METROPOLITAN GOVERNMENT AND GOVERNANCE: THEORETICAL PERSPECTIVES, EMPIRICAL ANALYSIS, AND THE FUTURE 24–25 (2000).

170. *East-West Gateway History*, EAST-WEST GATEWAY COUNCIL OF GOV'TS, <http://www.ewgateway.org/AboutUs/EWGHistory/ewghistory.htm> (last visited Aug. 01, 2013).

171. *Transportation: Transportation Projects/Programs*, EAST-WEST GATEWAY COUNCIL OF GOV'TS, <http://www.ewgateway.org/trans/transportation.htm> (last visited Aug. 08, 2013).

172. MO. REV. STAT. § 67.1804 (Supp. 2013).

173. ST. LOUIS METRO. TAXICAB COMM'N, VEHICLE FOR HIRE CODE 24 (2010), available at <http://www.stl-taxi.com/documents/VHC83WITHDIRECTORSRULESandallCURRENTUPDATES2013.pdf> (stating, for example, "speak the English language").

174. *Id.* at 31 (stating, for example, "black slacks, no jeans").

175. *Id.* at 36–43.

176. JONES, *supra* note 34, at 135.

177. *Id.*

178. *Id.* at 135–36.

179. MO. REV. STAT. § 92.327 (2000).

180. Mark Schlinkmann, *Hike in Cervantes Deficit Predicted: Study Weighs Burden of Convention Center On Visitors Commission*, ST. LOUIS POST-DISPATCH, Apr. 18, 1991, at 7A.

In 1988, the National Football League (NFL) Cardinals moved to Phoenix,<sup>181</sup> sending St. Louis's leadership on a nine-year odyssey to find another NFL franchise, a journey that ended when the Los Angeles Rams came in 1996.<sup>182</sup> To secure a franchise, a consensus quickly developed in the late 1980s that a new stadium—preferably domed, seating sixty thousand or more, replete with luxury suites, and located in downtown St. Louis—was an essential condition for obtaining another team.<sup>183</sup> This was a \$300 million project requiring \$24 million annually for thirty years to cover construction, interest, and operations.<sup>184</sup> The City concluded that its maximum contribution would be \$6 million a year, and in 1990 County voters approved an increase in the County's hotel/motel tax from 3.75% (the amount supporting the Regional Arts Commission and the CVC) to 7.25%—enough to match the City's \$6 million.<sup>185</sup> The state of Missouri committed to allocate the remaining annual \$12 million.<sup>186</sup>

The City and County have also collaborated to support its baseball franchise, the St. Louis Cardinals.<sup>187</sup> Since 1966, the Cardinals had occupied Busch Memorial Stadium, one of several concrete, doughnut-shaped joint baseball/football stadiums built in the 1960s.<sup>188</sup> Cardinal ownership determined it needed a more traditional baseball look such as Oriole Park at Camden Yards (Baltimore) or Jacobs Field (Cleveland) or Coors Field (Denver) for the new millennium—a setting that would allow charging more for suites and seats in order to maintain its on-field competitive standing.<sup>189</sup> The projected price tag was almost \$400 million and the Cardinals went looking for governments to pick up about one-third of the costs.<sup>190</sup> After years of negotiation, the same three governments supporting the football venue agreed to help finance the new Busch Stadium.<sup>191</sup> The City's share came from eliminating the 5% amusement tax on game tickets, the County used excess revenues from the hotel/motel tax passed originally for the Edward Jones Dome to underwrite a

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181. Don Pierson, *Cards Head for Phoenix*, CHI. TRIB., Jan. 16, 1988, at A1.

182. T.J. Simers, *NFL Owners OK Rams' Move to St. Louis*, L.A. TIMES, Apr. 13, 1995, at 1A.

183. JONES, *supra* note 34, at 137–38.

184. *Id.* at 138.

185. *Id.* at 138–39.

186. *Id.* at 139–40.

187. *Busch Stadium Financing Report Card*, ST. LOUIS CARDINALS, [http://stlouis.cardinals.mlb.com/stl/ballpark/ballpark\\_financing.jsp](http://stlouis.cardinals.mlb.com/stl/ballpark/ballpark_financing.jsp) (last visited June 30, 2014).

188. Jones & Phares, *supra* note 139, at 102.

189. Greg Freeman, *Cardinals Should Get New Stadium because the Team Helps to Keep Downtown Alive*, ST. LOUIS POST-DISPATCH, Apr. 29, 2001, at C3.

190. Eric Stern, *Cards Offer More Funding for Ballpark*, ST. LOUIS POST-DISPATCH, May 30, 2001, at A1.

191. *Id.*

\$45 million bond issue, and the state of Missouri provided \$42.7 million in state tax credits and transportation improvements.<sup>192</sup>

### G. *Parks and Open Space*

St. Louis 2004, a visioning initiative that dominated much of the civic dialogue in 1996 and 1997, produced a series of proposals including a successful call for the region to rediscover its rivers, which are so much a part of its heritage and topography.<sup>193</sup> Both the Missouri and Illinois General Assemblies passed parallel authorizations for companion multicounty parks and open space special districts within their respective portions of the metropolitan area in 1999.<sup>194</sup> In 2000, voters in the City, the County, and St. Charles County approved a one-tenth cent sales tax, one-half of which remains in the originating jurisdiction and the other half of which goes to the special district, now called the Great Rivers Greenway District (GRG).<sup>195</sup> At the same time, the two largest Illinois counties, Madison and St. Clair, also approved a one-tenth cent sales tax establishing the Metro East Park and Recreation District (MEPRD).<sup>196</sup> GRG and MEPRD coordinate their planning, and their joint grand scheme, the River Ring, is an interconnected set of trails and greenways.<sup>197</sup>

### H. *Health Care for the Indigent*

For most of the twentieth century, the City owned and operated two public hospitals and the County had a single facility.<sup>198</sup> As expenses rose and revenues declined, the City closed one major hospital (Homer G. Phillips) in 1979, a controversial decision since it had been an anchor within the African American community.<sup>199</sup> In 1985, after joint discussions, the City and County ceased operations at the two remaining facilities.<sup>200</sup> To replace them, they supported the establishment of a nonprofit hospital, St. Louis Regional Medical Center (Regional), located on Delmar Boulevard in the City but within one mile of the border with the County, and signed a ten-year contract

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192. Jones & Phares, *supra* note 139, at 102.

193. William E. Winter, *Civic Planning in St. Louis: The case of St. Louis 2004*, in ST. LOUIS PLANS: THE IDEAL AND THE REAL ST. LOUIS 205, 216–17 (Mark Tranel ed., 2007).

194. *Id.* at 217.

195. Phil Sutin, *Sales Tax for Financing the Expenses of Trails, Open Space Is Approved in Missouri, Illinois*, ST. LOUIS POST-DISPATCH, Nov. 8, 2000, at A16.

196. *Id.*

197. *The River Ring: St. Louis Trails*, GREAT RIVERS GREENWAY, <http://www.greatriversgreenway.org/discover/river-ring.aspx> (last visited Sept. 17, 2014).

198. Jones & Phares, *supra* note 139, at 102.

199. ST. LOUIS REG'L HEALTH COMM'N, BUILDING A HEALTHIER ST. LOUIS 18 (2003), available at <http://familymedicine.slu.edu/4docs/rhc2003marchreport.pdf>.

200. *Id.*

for it to provide tertiary services as well as some primary care for City and County residents.<sup>201</sup> As costs continued to escalate, both the City and County decided to exit the hospital arena in 1995, leaving Regional to survive largely on Medicaid reimbursements.<sup>202</sup> That failed and in 1997 Regional shut down.<sup>203</sup>

St. Louis ConnectCare, a public-private partnership with representation from the City, the County, hospital systems, and medical schools, replaced Regional.<sup>204</sup> From 1998 to 2013, it provided both specialty care and urgent care at the Delmar facility.<sup>205</sup> Its funding was an amalgam of state of Missouri funds, City and County contributions, insurance billings, and charitable donations.<sup>206</sup> It closed and filed for bankruptcy in late 2013.<sup>207</sup>

In 2001, the City, County, and state of Missouri formed the St. Louis Regional Health Commission (RHC).<sup>208</sup> Its board includes appointments from all three jurisdictions as well as health institutions and the general community.<sup>209</sup> The RHC took the lead in forming the St. Louis Integrated Health Network in 2003, which coordinates health care for the indigent.<sup>210</sup>

### I. *Economic Development*

After being preoccupied during the 1970s and 1980s attempting to attract companies from elsewhere to improve regional economies, metropolitan areas came to realize that more effort should be devoted to growing their own enterprises.<sup>211</sup> The result was the development of business incubators that assisted emerging firms with what it takes to build a company.<sup>212</sup> The City and County economic development agencies, the St. Louis Development Corporation and the St. Louis County Economic Council respectively,

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201. *Id.*

202. *Id.*

203. *Id.*

204. LEIGHTON KU ET AL., COORDINATING AND INTEGRATING CARE FOR SAFETY NET PATIENTS: LESSONS FROM SIX COMMUNITIES 9–10, 49–50 (George Washington University Department of Health Policy ed., 2012), available at [http://hsrc.himmelfarb.gwu.edu/cgi/viewcontent.cgi?article=1231&context=sphhs\\_policy\\_facpubs](http://hsrc.himmelfarb.gwu.edu/cgi/viewcontent.cgi?article=1231&context=sphhs_policy_facpubs).

205. *Id.* at 49.

206. *Id.* at 11–12.

207. Jim Doyle, *ConnectCare Files for Bankruptcy*, ST. LOUIS POST-DISPATCH, Dec. 18, 2013, at A12.

208. Judith VandeWater, *Piecing Together the Area's Fragmented Health Care Services: A Proposed Regional Commission Could Point the Way*, ST. LOUIS POST-DISPATCH, Mar. 25, 2001, at B1.

209. *Id.*

210. KU ET AL., *supra* note 204, at 51.

211. SUSAN CLARKE & GARY GAILE, THE WORK OF CITIES 56–61 (Dennis R. Judd ed., 2008).

212. *Id.* at 71, 85, 87.

collaborated in 1991 to establish and jointly operate St. Louis Enterprise Centers in both jurisdictions.<sup>213</sup> This initiative was renamed STLventureWorks in 2013 and currently has five locations: four in the County and one in the City.<sup>214</sup>

When the federal government opened a second round of grants for economic empowerment zones in 1998, the St. Louis region prepared a single application covering large segments of St. Clair County, the City, and a small portion (Wellston) of the County.<sup>215</sup> The proposal was fully funded, providing over \$10 million for business development and underwriting \$95 million in tax-exempt bonds for a major convention hotel (Renaissance St. Louis Grand Hotel) in downtown St. Louis.<sup>216</sup>

After jointly operating business incubators since 1991 and cooperating on many other ad hoc and informal initiatives, the City and County formally merged most of their remaining economic development efforts in 2013.<sup>217</sup> The combined organization, the St. Louis Economic Development Partnership, covers business development, business financing, entrepreneurial support, and international trade services.<sup>218</sup>

## VII. WHAT ARE THE LESSONS?

First, and central to any debate about governmental reform, is that the majority of St. Louisans have been and continue to be very reluctant to risk the unknown consequences of large-scale governmental consolidation. At the ballot box and in public opinion polling, they express skepticism that the gains in regional decision-making would justify the costs in local autonomy.<sup>219</sup> But citizens have supported numerous proposals for specific regional initiatives.<sup>220</sup> They understand that for some purposes it makes sense to have larger units, and, when the need is apparent and the proposal sound, they have approved

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213. William Flannery, *New Center Helps New Businesses*, ST. LOUIS POST-DISPATCH, Feb. 8, 1991, at 1B.

214. Rodney Crim, *STLventureWorks*, ST. LOUIS ECON. DEV. P'SHIP, <https://main.stlpartnership.com/stlventureworks.html> (last visited Sept. 20, 2014).

215. Terence Samuel, *Region Wins Praise for Grant Application: 3-City Partnership Is Key to Securing Federal Windfall*, ST. LOUIS POST-DISPATCH, Jan. 14, 1999, at B1.

216. See generally Dan Mihalopoulos, *Board OKs \$77 Million in Bond Issue for St. Louis Convention Hotel Project*, ST. LOUIS POST-DISPATCH, Aug. 21, 1999, at A7 (reporting board approval of \$77 million tax-exempt bond issue for the St. Louis Convention Hotel Project).

217. See generally Margaret Gillerman, *City-County Development Agency Advances*, ST. LOUIS POST-DISPATCH, May 8, 2013, at A4 (reporting announcement of public officials to merge the two entities).

218. *About St. Louis Economic Development Partnership*, ST. LOUIS ECON. DEV. P'SHIP, <https://main.stlpartnership.com/about-slcec.html> (last visited September 28, 2014).

219. JONES, *supra* note 34, at 59–93.

220. *Id.* at 95–124.



them.<sup>221</sup> They continue to strike a balance between keeping close that which should be nearby and joining with others in the region when most would benefit from cooperation.

Second, the St. Louis metropolitan area does incremental regionalism very well. Time and again, it has tailored a multicounty solution for a regional challenge.<sup>222</sup> Although other regions also pursue the one-function-at-a-time approach, St. Louis has been especially active.<sup>223</sup> St. Louis has not been less regional than consolidated jurisdictions like Indianapolis and Louisville. It has simply gone about being more regional in a different way.

Third, the incremental regionalism agenda is far from exhausted. There are additional policy arenas that seem promising, such as airports, major parks, and public health.<sup>224</sup> Also ripe for debate is expanding the boundaries to include additional counties for existing entities like GRG and the ZMD.<sup>225</sup>

Fourth, consolidation efforts consume significant civic capital but have not produced results. They can use up all of the reform oxygen as they trumpet what is not feasible. That can and does distract from devoting more effort to incremental proposals. Why would a region continue to allocate scarce resources to something where it has not succeeded (large-scale government consolidation) when they would be better invested in initiatives where it has done well (incremental regionalism)? If greater regionalism is desirable—and it is—why would it not instead accelerate incremental regionalism initiatives? Why would it revisit a proven weakness instead of playing to its civic strength? The incremental path is regionalism the St. Louis way.

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221. *Id.*

222. *See supra* Part VI.

223. KATHRYN A. FOSTER, REGIONALISM ON PURPOSE, 20, 22, 27 (Ann LeRoy, ed., 2001).

224. *See e.g.*, WILL ROSS, BETTER TOGETHER, PUBLIC HEALTH 20 (2014), available at <http://www.bettertogetherstl.com/wp-content/uploads/2014/09/Better-Together-Public-Health-Report-FULL-REPORT.pdf> (providing legal analysis suggesting Missouri statutes allow for bicounty coordination of health-related functions and services).

225. *See generally* Editorial, *Zoo Offers Opportunity for Regional Support*, ST. LOUIS POST-DISPATCH, Oct. 6, 2013, at A22 (arguing counties surrounding and benefiting from St. Louis's attractions ought to contribute financial support).