

REGIONAL GOVERNANCE
IN THE
DENVER METROPOLITAN AREA

REPORT TO THE BOARD OF DIRECTORS
DENVER REGIONAL COUNCIL OF GOVERNMENTS

PRESENTED BY THE METRO FORUM
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DECEMBER 1991

FIRST DRAFT

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THE METRO FORUM'S VISION OF REGIONAL GOVERNANCE

As an interdependent metropolitan community, we are moving into a period of government reform and institutional change. The shape of local government throughout the Denver metro area may look very different at the end of this decade than in the early 1990s. The question is whether government, business and civic leaders can come together to forge those new mechanisms - or whether new mechanisms will be forced upon us by citizen initiative or taxpayer revolt. Too often, public projects are driven by crisis and urgent demands. Our institutions evolve incrementally without agreement on how regional institutions and agencies should be structured to cope with change and shape the future of the region.

It is often very difficult to achieve accountability on interjurisdictional and regional issues. Although there have been a number of successful collaborations over the years, there is generally a sense among citizens and community leaders alike that the existing structure for regional decision-making is inadequate for the needs of the metro area in the 1990s and beyond. The bottom line is, even if we possess a clear notion of where we want to go in the future, the decision-making tools to get there are not in place. By the end of the 1990s, the Metro Forum foresees a regional governance structure functioning in the Denver metropolitan area which can effectively solve critical regional issues including water supply, transportation, air and water quality, solid waste, and open space.

Creation of the umbrella regional agency recommended by the Metro Forum will provide the necessary institutional mechanism to expand local government capacity, to address development and service delivery issues, and integrate local governments and the various regional agencies into a more effective governance and service delivery system.

We can use → The new umbrella agency will not duplicate existing agencies, but will eliminate duplication and fragmentation in regional policy setting and service provision. At the same time, it will enhance the ability of existing agencies to come together to solve mutual problems.

→ Once the umbrella agency is created, crafting of a regional vision will be required to help the new regional governing system guide the future development of the region and reach its full potential to solve regional issues.

The new regional agency will enhance public accountability through citizen control of and participation in regional issues and decisions. Local control and home rule authority will be preserved.

RECOMMENDATIONS

The Metro Forum recommends that:

1. A New Regional Governance Structure Be Established in the Denver Metropolitan Area. The structure should have the capacity to set regional policy, formulate regional plans, resolve interjurisdictional conflicts, provide services, as appropriate, generate financial resources, and ensure that regional policies and plans are successfully implemented. The basic elements of the new agency are contained in the Appendix to this report.
2. A New Organization Be Created To Take Responsibility For Implementing The Necessary Outreach And Legislative Support To Establish The New Regional Structure. The successor entity could be composed of representatives of the Metro Forum, Metro Leadership Caucus, DRCOG, local and state government officials and a broad base of business and community leaders.
3. The Umbrella Regional Planning and Service Agency Approach will serve as the Model for Creating an Effective Mechanism for Achieving Consensus on important regional issues and for ensuring that action is taken to implement that consensus and enforce compliance. In order to achieve the mission envisioned by the Metro Forum, provision of selected services must be tied into the planning functions. The Umbrella Agency will accomplish the following:
 - It will fix authority for enforcing implementation of regional plans in one agency.
 - To the extent that regional agencies continue to provide regional services, they will do so within the boundaries of a comprehensive regional framework.
 - Interjurisdictional conflict will be resolved at the regional level.
 - Regionally significant developments and infrastructure projects will be evaluated and approved within the regional planning framework.

MISSION STATEMENT

The mission of the Umbrella Regional Planning and Service Agency is to create an institutional mechanism whereby all residents of the six-county Denver region can participate cooperatively in providing for the sustainable development and future livability of the region. The new agency is the mechanism by which public and private sector interests and individuals jointly develop policies and plans for addressing issues of regional significance and ensuring that those policies and plans are implemented and enforced by the appropriate agencies. To be fully effective, the new agency will have the ability to provide regional services, as appropriate. Finally, the new agency acts as a catalyst for regional problem solving, the center for information on regional issues, and the collective voice on issues affecting the future quality of life in the Denver region.

- It will link our effort to protect and enhance our environment with transportation and regional planning.
- The Agency could be created under an amended version of the Regional Service Authority Statute and thus would provide an opportunity to create the regional mechanisms needed to address such issues as transportation, water supply, solid waste, in a manner that will benefit taxpayers.

1. INTRODUCTION

CHARGE TO THE METRO FORUM by the DENVER REGIONAL COUNCIL OF GOVERNMENTS

The (Metro Forum) is created by the Board of Directors of the Denver Regional Council of Governments to develop recommendations to the Board about the future of DRCOG and its role in the Denver region. The (forum) shall develop these recommendations in the context of an assessment of regional issues and trends and a determination of the functions a regional agency should perform. As part of this determination, the (forum) shall analyze regional governance models implemented in other metropolitan areas.

The recommendations shall reflect a vision of the future development and governance of the region as crafted by the (forum). The membership of and process followed by the (forum) shall involve a wide diversity of interests and perspectives in an independent appraisal of regionalism in the Denver metropolitan area.

The (forum) shall establish a mission for the regional agency and shall review DRCOG's current mission, functions, structure, funding and authority in that context. Recommendations made by the (forum) shall be designed to improve regional decision-making and enhance metropolitan cooperation.

Elsie A. Lacy, Chairman
Denver Regional Council of Governments

In August 1990, the Board of Directors of the Denver Regional Council of Governments (DRCOG) created the Metro Forum, a task force of 27 distinguished regional citizens, to develop recommendations to the Board about the future of DRCOG and its role in the Denver region. The Forum was charged with developing these recommendations in the context of an assessment of regional issues and trends and a determination of the functions a regional agency should perform.

The recommendations of the Metro Forum provided herein reflect a vision of future governance based on growing interdependence and accountability as a region. The recommendations have the general consensus of the members of the Metro Forum. Some differences of opinion remain, and these are noted in the Appendix. All of the research developed by the Metro Forum staff has been compiled in a separate volume which will be made available upon request.

The Metro Forum has taken the initiative in identifying the most effective governance mechanism for implementing policies and actions that will guide the future of the region. This approach reverses the process followed by many other regions who have developed first a vision for their future and then attempted to implement that vision without an adequate governance structure in place. Such efforts often result in frustration over the inability to achieve the vision. By focusing first on building governance capacity, the Metro Forum's approach ensures that the ability to implement a future vision is already established.

The time to act is now. The complex problems which face the region require patience, courage, creativity and common sense. The governmental process required to solve these problems must ensure public confidence and mobilize the necessary leadership and resources. Our future will require focusing our attention on managing resources and ensuring that we remain competitive with other economic regions in a global marketplace.

Although local governments are fully capable of responding to those issues which are strictly local in nature, there is a continuing concern that the capacity to address regional issues is lacking. There is an alternative to the often haphazard and uncoordinated attention to regional issues which results and to this region's history of "piecemeal" solutions, represented by the creation of single-purpose regional institutions without any mechanism for coordinating their activities.

The Metro Forum's recommendations will build on the strengths and benefits of local government by creating a regional governance process that operates through greater collaboration, cooperation, interdependence and accountability. To implement the recommendations of the Metro Forum, the base of support for regional governance will have to be broadened. To accomplish this, a new initiative must be established to advocate the recommended regional governance structure, expand public awareness, and create a broader vision.

2.0 BACKGROUND

The Metro Forum was created by the DRCOG Board in the Fall of 1990 after conversations among Board members and other elected officials identified the need for stronger regional cooperation and questioned the effectiveness of DRCOG, given its structural limitations, in meeting that need. The members of the Metro Forum were appointed by the DRCOG Chairman to represent local government, business, state government, labor and community interests. The Metro Forum met regularly from November 1990 through December 1991.

2.1 Mission

Based on the charge given by the DRCOG Board, and subsequent discussions of the Metro Forum members, the following goals for the Metro Forum were identified:

- Assess regional issues and trends.
- Analyze regional governance models implemented in other metropolitan areas.
- Examine DRCOG and develop recommendations about its future role in the region.
- Determine the functions a regional agency should perform.
- Establish a mission for a new regional agency.
- Craft a proposal for the future governance of the Denver metro area designed to improve regional decision-making and enhance regional cooperation.

2.2 Accomplishments

During their tenure, the Metro Forum members achieved the following results:

- Identified key issues and problems impacting the region through an iterative process, making use of members' expertise and the available, current opinion surveys.
- Selected water supply, surface transportation, air and water quality, solid waste, health care, open space, and regional revenue sharing and tax equity for further discussion.
- Established criteria for use in the design of a Regional Governance Approach.

- Evaluated six alternative governance models and selected the Consolidated Metro County and the Umbrella Regional Planning and Service Agency approaches for more detailed review. This included meeting jointly with the Metro Leadership Caucus to examine the nature and feasibility of the two approaches.
- Selected the Umbrella Regional Planning and Service Agency as the regional governance structure most appropriate for the particular requirements of the 6-county metropolitan region.
- Outlined the specific components of the new regional governance structure and developed a strategy for creating the Umbrella Regional Planning and Service Agency.

3.0 FINDINGS

The Challenge of Building Competitive Regions

Source: Vision Denver, National Civic League Concept Paper, July 1991.

The competitiveness and efficiency of communities comprising a metropolitan region increasingly depend on their ability to function interdependently, to constructively resolve conflicts, and to develop consensus over critical issues. Whether it be the development of infrastructure needed to support growth, the control of traffic to reduce pollution, the supply of affordable housing to support new plant locations, or the sharing of resources for the sake of economy — communities are becoming increasingly dependent on each other in the pursuit of their own vital interests.

Despite the growing importance of learning to think and act as a region, strong traditional sources of resistance remain — fear that inner city problems will be distributed to the suburbs, concern that local autonomy will be compromised, or that more affluent communities or districts will be asked to share their largess with others.

Creating a successful form of regional governance requires balancing the needs of competitive economic development and preservation of a desirable quality of life, on one side, with demands to maintain local autonomy and accountability on the other. But structural solutions — in the form of new models of governance, new layers of government, or new linkages between existing agencies — will not in themselves produce effective regionalism. In fact, voter sentiment around the country indicates a strong distaste for proposal creating more government. In order for regionalism to succeed in this environment it will have to take a form which is broad-based, obtaining legitimacy from a wide range of stakeholder, and selectively combining existing and new regional functions in a coordinated and efficient manner while assuring accountability.

3.1 Existing Conditions

Overview - Statement of the Problem

The existing system of regional governance in the Denver metropolitan area is comprised of a variety of independent, single-purpose districts and authorities providing services on a regional basis in the areas of wastewater treatment, drainage and flood control, transportation, cultural facilities, air quality, sports facilities and water. The only multifunctional agency, the Denver Regional Council of Governments, though it includes most of the region's local governments as members and provides important services, is fundamentally a voluntary agency whose plans and recommendations are not binding on local governments, special districts or other regional agencies. This fragmented and oftentimes competitive approach is not designed for tough decision-making, resolution of conflicts, or implementation of a vision of future growth and development in any systematic manner.

The Denver metro area continues to evolve as a regional community without the emergence of an effective mechanism that can address metro-wide issues from a regional perspective. Governance capacity has failed to evolve to address the growing interdependence of leadership and accountability required to address issues of improved infrastructure, social services and protection of the environment.

Better Governance - Not More Government

The past thirty years have seen a proliferation of single-purpose entities created to address certain issues or deliver certain services on an interjurisdictional or regional basis. At the same time, there are eight counties and 36 municipalities in the Denver region providing services and planning for future growth. The number of special districts approaches 500. Clearly, there is no shortage of government in the Denver region. However, these many governmental entities form a single interdependent region. The problem is that there is inadequate coordination among governments and inadequate regional institutions. Consequently, an integrated regional governance structure is needed to improve cooperation and collaboration on regional issues.

However, with the exception of the Denver Regional Council of Governments, the successful attempts to establish regional institutions have been single-purpose in nature. As a result, a number of regional issues have been addressed by the creation of a single-purpose regional functional agency and a number of other collaborative

efforts have been pursued on an "ad hoc" basis. The region now exhibits a patchwork of governmental entities operating with insufficient coordination and accountability – a regional layer of governments.

This incremental approach is successful for some very practical reasons. First, it is easier to link constituency, media and public support to one problem/one solution and obtain agreement. Second, it is far easier to compromise and achieve results. That is the nature of the political process. Finally, it is far easier to mobilize support behind an effort to resolve a single issue, as opposed to advocating a new mechanism to resolve many problems.

The fallacy of the incremental approach is that it neglects the interrelationships between issues. There is no mechanism to handle new issues as times change and the public's attention shifts. No mechanism has been developed which enables local governments to cooperatively plan for a range of key regional services and ensure that their delivery. More importantly, there is no continuity over time - no accountability to maintain progress and performance in implementing regional policies.

Not surprisingly then, in spite of the political difficulties associated with establishing multi-purpose regional institutions, many civic leaders have continued to perceive multi-purpose solutions as the most effective way to reduce the duplication, proliferation and fragmentation of local governments. Previous efforts to achieve the establishment of an efficient, effective and responsible regional governance structure have included a Governor's task force which recommended creation of an urban county, several legislative proposals for creating a strengthened regional planning agency, and two attempts to adopt a regional service authority through voter approval. Despite their differences, the results of each effort indicated that in the absence of a multi-purpose regional mechanism, decisions on issues with regional significance were being made by individual entities with little visibility, oversight or accountability, or neglected altogether.

This situation is present in the Denver region today. We continue to lack the governmental capacity to make regional decisions, collaborate on solving regional problems on a consistent basis, and implement plans for the infrastructure and services necessary to support the growth anticipated for the region.

By adopting the Metro Forum recommendation for a regional governance structure, the Denver region can begin to build that institutional capacity.

Building on Local Control through Accountability and Collaboration

The Metro Forum recognizes that each of the communities within the region has its own unique identity and that many issues are better addressed locally or subregionally (on an interjurisdictional basis). Thus, the new regional governance structure must balance the commitment to regional problem solving with the fundamental principle of local control.

Although residents of the Denver region currently enjoy a generally high level and quality of services, access to those services and the costs of those services are not distributed equitably between communities. In addition, many communities lack the institutional and financial capacity to plan for and provide the same high level and quality of services for new growth and development.

In the absence of effective regional institutions, local governments are left to "fend for themselves" as they seek ways to guarantee a high quality of life for their residents. In the absence of effective regional institutions, local governments are left with few options other than to compete against each other for growth, infrastructure, and tax revenue.

In the absence of effective regional institutions, local governments lack the capacity to adequately respond to mandates issued by the state and federal governments. Major decisions affecting the region may be made by outside authorities who may not take into account local perspectives. In particular, if establishing federal mandates, such as the Clean Air Act, Clean Water Act, NPDES regulations, and Subtitle D for Solid Waste, among others, are relegated to the discretion of uninvolved federal and state agencies, the best interests of the region may not be served.

In many cases, the financial resources necessary to deliver a given service or develop needed infrastructure are beyond the capability of any individual community. In such cases, a mechanism is needed to marshal such resources on a regional basis and to equitably distribute the costs and benefits of developing those resources.

Preserving the Denver Region's Unique Qualities

The unique resources of the Denver region, the qualities that make it one of the more desirable places in the country in which to live, are to a significant degree associated with the natural beauty of our physical environment and viability of our communities. By its very nature, growth and development will increase the pressures on our environmental resources and our ability to provide local and regional services. At the same time, state and federal agencies are strengthening environmental standards and regulations, while local government financial capacity is becoming more and more limited.

The Denver region needs to adopt an institutional framework in which to accomplish the delicate balancing of growth and development opportunities concurrently addressing such issues as air quality, solid waste management, water quality, toxic waste reduction and wetlands preservation. Our regional governance system should be designed to integrate the regulatory elements of the environmental protection system with the policies and financing decisions required to meet our infrastructure needs and growth requirements.

With balance there are trade-offs in making regional decisions. The longer establishing accountability for this responsibility is delayed, the more risk is involved. The risk lies in the Denver area repeating the mistakes of other regions, where growth has made solving environmental problems seem insurmountable. Without accountability, the risk of creating a government process that only adds to the costs of business and services and reduces productivity. The risk of losing the amenities that make Denver unique increases because we fail to solve problems early and creatively, thereby affecting future generations increases.

Great sentence

Competing in an International Economy

With the growing internationalization of economies, many metropolitan areas, including Denver, are beginning to recognize the critical importance of enhancing the ability of the region to compete within that international economy. Because of its location and unique qualities, Denver has advantages over many other metropolitan areas in capturing a share of the international market. The strategy in competing with other metropolitan regions, however, must be carefully planned and pursued on a regional basis. The future competitiveness of the Denver region will be measured against the opportunities and capacities of other regions.

Important
Principle

COUNTY	1990 Population	1980 Population	Change '80-'90	Numeric Change
Adams	265,038	245,944	7.8	19,094
Arapahoe	391,511	293,292	33.5	98,219
Boulder	225,339	189,625	18.8	35,714
Denver	467,610	492,694	-5.1	(25,084)
Douglas	60,391	25,153	140.1	35,238
Jefferson	438,430	371,753	17.9	66,677
Denver CMSA	1,848,319	1,618,461	14.2	229,858

Population Dynamics of the Denver Metropolitan Region

Over the past decade, the Denver metropolitan area suffered a severe economic downturn, with that trend showing a recent reversal. Even with the economic decline, the growth rates were in excess of the national average. The Denver-Boulder Consolidated Metropolitan Statistical Area (CMSA) ranked 22nd in population among all metropolitan statistical areas nationwide in 1990. Despite the slow population growth in the second half of the 1980s, the region slipped only one place in national rankings, from 21st in 1980. The table on the following page shows population trends between 1980 and 1990.

Although the Denver CMSA shows a 14.2 percent increase over the decade, in reality the core city actually lost 5.1 percent, reflecting the "suburbanization" experienced by other metropolitan areas. This suburbanization has serious implications on service provision and the adequacy and fairness of the tax base, traffic congestion and air quality. The Denver region's population is traditionally younger than the national average, but this trend may move closer to the national average as the baby boom generation reaches its peak earning potential (age 27 to 45) and approaches retirement. This has implications on the future size and quality of the labor force, social services and property tax increases.

The ethnicity of the region also reflects national trends, comprised of a growing minority population throughout the region with a more diverse composition. These minority populations tend to be younger, have larger households, less education and lower income (except possibly Asians). This diversification of the population has implications for the education system, social services and the workforce.

Regional Citizenship

There are clear signs that regional decisions are becoming more important to the average citizen. The new airport, the baseball stadium and the cultural facilities district are examples of regional voter participation. The establishment of the Metro Leadership Caucus to focus on metropolitan cooperation with broad based business, political, and community leaders is another example of the growing consciousness of metro area issues. These efforts could be more effective if the mechanism were in place to direct the region's future, with the powers necessary to ensure implementation of that future.

A traditional obstacle to greater regional cooperation has been a persistent animosity between the core city and the suburbs. Whether the battle is over annexation, water, schools, cultural facilities or public health services, an excuse persists to justify conflict over cooperation. Such divisions are no longer relevant to the future of the metropolitan area. As noted previously, there are too many ways in which we are integrated as a region, too many ways in which the future of the suburbs is inextricably tied to the future of the central city and the future of the central city is tied to the future of the suburbs. A new regional governance structure will provide the necessary institutional mechanisms in which all local governments in the metropolitan area can convene to reach mutually beneficial solutions to problems of mutual concern.

People - Our Most Important Natural Resource

As critical as the environment, the economy and the condition of infrastructure are to the future livability of our region, it is the people who are our most important resource. Thus, issues such as health care, education and crime, are also appropriately treated as regional issues. Whether one is concerned with the quality of our workforce, the availability and affordability of health care, or the safety of our streets, the impacts and often the solutions go beyond jurisdictional boundaries. A new regional governance structure should have the capacity to devise regional approaches to these and other human resource issues to ensure that all segments of our regional community share in the benefits of regional governance.

REGIONAL FUNCTIONS

WATER SUPPLY

Systemwide planning, including projections of need and provision of facilities
Set regional water policy based on a 2 tier classification of system responsibilities
Financing of major supply sources
Mediation and resolution of conflicts

TRANSPORTATION

Systemwide planning, including projections of need and provision for facilities
Set regional transportation policy
Finance, construct and operate major systems
Set priorities
Allocate resources

TAX EQUITY AND REGIONAL REVENUE SHARING

Manage appropriate tax base sharing plan
Issue bonds for regional facilities

HEALTH CARE

Regional planning, including projections of need and provision of facilities/services
Examine appropriate health care provision
Strategic planning for all public sector providers

ENVIRONMENT (AIR AND WATER QUALITY)

Regional planning
Administer programs designed to protect and enhance air and water quality

SOLID WASTE

Regional planning
Finance regional programs and facilities
Site regional facilities

OPEN SPACE

Regional planning
Preservation programs
Financing mechanisms

3.2 Regional Functions and their Key Elements

After discussing the issues and problems facing confronting the Denver area, the Metro Forum identified which problems require a regional solution. The initial discussion identified over twenty issues for consideration. These issues were organized in to functions which should be performed on a regional basis by a regional entity. Key elements and activities were identified to further define the scope of each function.

ALTERNATIVE REGIONAL GOVERNANCE APPROACHES					Primary Funding Sources**	Enforces Policy	Delivers Services	Transportation (operation)	Land Use (enforcement)	Solid Waste Disposal	MPO Authority	Other Funding Authority	Other***
1. METRO COUNTY CONSOLIDATION													
	Miami / Dade County (Florida)	EHV	Y	Y	PT	Y	Y	Y	Y	Y	Y	Y	MHOL
	Unigov (Indianapolis)	CH	Y	Y	PT	Y	Y	Y	Y	Y	Y	Y	PA,PWF,PO
	Metro Toronto	CH	Y	Y	PT	Y	Y	Y	Y	Y	NA	Y	CTLJH,HO,ED,PW,PA
2. REGIONAL SERVICE AUTHORITY													
	Metropolitan Service District, Portland	CV	Y	Y	PT	Y	Y	N	Y	Y	Y	Y	Z,CC
3. UMBRELLA AGENCY													
	Metropolitan Council, Twin Cities	C	Y	N	PT	Y	Y	N	Y	Y	Y	Y	SC,PA,HO,AR
4. STRONG REGIONAL PLANNING AGENCIES													
	Atlanta Regional Commission	C	Y	N	LGD	Y	Y	N	Y	N	Y	Y	EC,SC,NR,JS
	Vermont's Regional Planning Commissions	C	Y	N	ST	Y	N	N	Y	N	Y	Y	HO,EC,ED,AR
5. COUNCILS OF GOVERNMENTS													
	Denver Regional Council of Governments	E	Y	N	LGD	N	Y	N	N	N	Y	Y	SC,SLS,TEM
	Nashville Regional Council	E	Y	N	LGD	N	Y	N	Y	N	Y	Y	SC,EC
	Birmingham Regional Planning Commission	E	Y	N	LGD	N	Y	N	N	N	Y	N	T,EC,SC

E = Existing
C = Created in Status
H = Home Rule Charter
V = Voter Approval
PT = Property Tax
ST = Sales Tax
LGD = Local Government Debt
ST = State Appropriation
AR = Area
CT = Court
CC = Government Center
EC = Economic Development
ED = Education
F = Fire
H = Health
HO = Housing
HS = Human Services
L = Libraries
NR = Natural Resources
PA = Parks
PO = Police
PW = Public Works
SC = Senior Citizen
SLS = Shared Local Services
T = Tourism
TEM = Transportation System Management Services
Z = Zoo

3.3 Alternative Regional Governance Approaches

The Metro Forum devoted a considerable amount of time reviewing a variety of different approaches to regional governance. Models from other metropolitan areas were examined and evaluated for their applicability to the Denver region. After this initial review, members of the Metro Forum expressed a clear preference for a stronger regional governance approach. An early straw poll resulted in a focus on the Metro County consolidation and the Umbrella Agency regional oversight approaches. However, a continuing concern for regional service delivery and improved local and regional planning coordination led to additional consideration of the multi-service district and strengthened regional planning agency approaches.

Specific regions and regional agencies studied by the Metro Forum include Indianapolis Unigov, Miami-Dade County, and Metropolitan Toronto as examples of regional consolidation similar to the Metro County; the Metro Council of the Twin Cities as the original example of the "umbrella" approach; the Portland Metro Service District as the only directly elected regional multi-service district; and the Atlanta Regional Commission as an example of a strengthened regional planning agency. Included in this review was a trip to Minneapolis/St Paul to review their experiences with the formation of an Umbrella Regional Planning Agency.

3.4 Criteria Used to Evaluate and Design a Regional Governance Approach

There are no established criteria in choosing a governance approach for the region. Where regional agencies have been created, the functions, structure and financing all vary depending on the particular political and service requirements of the area. The Metro Forum selected 21 criteria that should be met by any regional agency.

Although the Metro Forum made no attempt to either weight or classify the criteria, it was clear that the criteria could be grouped into 5 basic areas. The regional governance approach should be based on strong citizen participation and responsiveness. It should preserve the strength and identity of local government, communities and neighborhoods. The approach should accomplish government reforms that reduce costs, and produce better government efficiency and effectiveness. At the regional level, the governance structure should achieve accountability in implementing decisions, providing efficient service delivery, and resolving interjurisdictional conflicts. Through improved regional decision-making, the Metropolitan area would be more competitive and preserve the quality of life.

3.5 Legislative Considerations

Once a preferred regional approach was determined, the Metro Forum considered a number of options for implementing its recommendations. The discussion revolved around variations on three basic options — pursuing a new statute, amending existing statutes, and a non-legislative option using the existing Regional Service Authority Act. In considering these options, members also discussed three alternative planning and service delivery options.

1. Combine certain existing regional agencies through a new statute.
2. Create a new regional umbrella agency with strengthened regional planning and oversight responsibilities, but without immediate service delivery authority, either by a new statute or amendments to existing statutes.
3. Establish a Regional Service Authority using existing statutes to provide water supply and surface transportation services and assume DRCOG's planning functions, either by a local government or a citizen-based initiative.

CRITERIA GROUPS

Representation, Citizen Involvement, and Responsiveness

- Citizen Support, Participation and Responsiveness
- Representative Regional Decision-Making
- Capacity to Respond to New Issues and Problems as they Arise

Build on the Strengths of Local Government and Communities

- Preserves Local Zoning and "Police Power"
- Maintain Local Identification
- Increases Opportunities for Intergovernmental Cooperation
- Increases Regional Influence in State and Federal Arenas

Government Reform, Greater Efficiencies and Effectiveness

- Decreases Duplication/Fragmentation
- Reduces Unnecessary, Costly Competition
- Enables Consolidation of Special Districts
- Reduces Overall Cost of Government
- Increases Public/Private Sector Partnerships
- Equitable taxation, service provision, and tax sharing

Regional Accountability

- Efficient Provision of "Regional" Services
- Provides Adequate Regional Powers for Enforcing or Implementing Plans
- Interjurisdictional Conflict Resolution Capability

Competitiveness and Quality of Life

- Coordinated, Rational Land Use
- Promotes Balanced and Broad-Based Economic Development
- Manages Growth to Enhance Positive Outcomes/Minimize Negative Impacts
- Ensures Economic Competitiveness of the Region
- Preserves and Improves Environmental Quality

4.0 CONCLUSIONS

The Metro Forum has concluded that many of the issues which led to attempts to establish a stronger regional governance structure in the past continue to be of concern in the region today.

The Metro Forum believes that the new regional governance structure will effectively enable local governments to come together in the cooperative development of more efficient and effective service delivery and plan for growth and development of the region.

- The Denver Metropolitan area does not have in place a governance structure which can effectively solve critical regional issues including water, transportation, air and water quality, solid waste, and open space.
- The Region is searching for an appropriate governmental reorganization approach, but the Metro Forum does not endorse an approach as politically controversial as creation of an urban county.
- Recent successful initiatives (airport, convention center, cultural district, baseball stadium district, jail facility site, economic development network) and the collaborative attempts to solve metro area transportation problems have strengthened regional cooperation relationships. Regional leadership is emerging in the Metropolitan area in government, private sector, and community organizations, but it has been incremental and single-purpose.
- Creation of the Umbrella Regional Agency recommended by the Metro Forum will provide the necessary institutional mechanism to expand local government capacity, to address development and service delivery issues, and integrate local governments and the various regional agencies into a more effective governance and service delivery system.
- Once the Umbrella Agency is created, an effort to craft a regional vision will be required to help the new regional governing system guide future development and reach its full potential in solving regional issues.
- The new regional agency will enhance public accountability through citizen control of and participation in regional issues and decisions, by directly electing and/or appointing representatives.

- The new Umbrella Agency provides an appropriate mechanism with adequate authority for financing regional infrastructure and services
- The new Umbrella Agency will not duplicate existing agencies, but will provide for eliminating duplication and fragmentation in regional policy setting and service provision while, at the same time, will enhance the ability of existing agencies to come together to solve mutual problems.

To summarize, a stronger regional governance approach will:

- Provide for implementation of a shared vision for the future of the region.
- Match regional solutions to regional problems.
- Reduce counterproductive internal competitiveness between local governments.
- Provide for efficient management of our physical, human and financial resources as a requirement of regional decision-making.
- Accomplish the delicate balancing of growth and development opportunities with the preservation and enhancement of our environment and quality of life.
- Promote broad-based economic development within the region, as well as strengthen the competitiveness of the region in the international economy.

EXPLANATION OF THE
UMBRELLA REGIONAL PLANNING AND SERVICE AGENCY

The Metro Forum has selected the "umbrella regional planning and service agency" as its recommended approach for a new regional governance structure for the Denver metropolitan area. The "umbrella agency" was selected as the approach that most effectively addresses regional planning and service delivery issues and political feasibility. The Metro Forum defines the umbrella agency as follows:

- (1) A regional planning and coordinating agency with the responsibility for developing regional policies and plans and ensuring their implementation by local governments and regional functional agencies.

AND

- (2) A regional service delivery agency with the responsibility for authorized services and for coordinating the activities of other regional service delivery agencies.

Under this new regional governance structure, the commitment to regional problem solving is balanced with the fundamental principle of local control. The umbrella agency approach will replace the existing regional governance structure with a more authoritative and better coordinated approach to regional planning, problem solving, and service delivery. Specifically, the umbrella agency will replace the Denver Regional Council of Governments (DRCOG) and may consolidate some services now being provided by various special districts or other local governments. Local jurisdictions otherwise will continue to perform their customary local functions and retain their constitutional powers.

How?
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The following outlines the key features of the Umbrella Regional Planning and Service Agency.

I. Creation

A. Geographic Boundaries

1. An umbrella agency in the Denver region would have responsibility within the six metro area counties, including Adams, Arapahoe, Boulder, Denver, Douglas and Jefferson counties.
2. Other adjacent counties could request inclusion within the agency's planning and service area or could contract for specific services. Clear Creek and Gilpin counties, which currently are within the DRCOG planning region, will be asked if they wish to be included in the initial boundaries.

B. Procedure for Formation

1. One option for implementing the umbrella agency approach would be for the General Assembly to enact new legislation. In this legislation, the General Assembly would either create the umbrella agency or the General Assumbly would authorize creation upon a vote of the people.
2. Another option would be for the General Assembly to adopt a series of amendments to existing statutes, specifically the existing regional service authority statute and possibly to the existing regional planning statutes.
3. A third option would be to use the existing Regional Service Authority (RSA) Act, simply following its procedures for formation of an RSA. However, this option would not by itself address the strengthened regional planning and umbrella authority proposed by the Metro Forum.

C. Relationship to Other Local Governments

1. Planning. The new regional planning process administered by the umbrella agency would provide all affected interests (municipalities, counties, special districts, regional functional agencies, state and federal agencies, private sector interests,

and citizens) with a formal process in which they come together to participate in the cooperative development of more efficient and effective service delivery for the metropolitan area and each of the communities within the region.

2. Fundamentally, this new regional approach would assign to the umbrella agency the responsibility for setting regional policies and planning for regional investments and services. Local governments and regional functional agencies would coordinate with the Umbrella Agency in ensuring consistency with regional policies and plans.
3. To facilitate the performance of these roles, new planning and coordinating requirements would be established to ensure consistency and compatibility of local and regional functional agency plans, programs and projects with each other and with the regional policies and plans. In addition, the umbrella agency would have the authority necessary to enforce these requirements. A variety of enforcement mechanisms would be made available to the umbrella agency.
4. Service Delivery. It is anticipated that the umbrella agency will be authorized to deliver certain services on a regional basis. If specific services are not authorized at the time the umbrella agency is created, provisions would be included to pursue authorization at a later date. It is also possible that new regional functional agencies could be created. In both cases, provisions would be included to address the impacts on entities currently providing such services or functions on a local or interjurisdictional basis. Either exceptions would have to be made to allow certain existing practices to continue or procedures for the equitable transfer of assets, rights and liabilities would have to be provided.
5. The umbrella agency also would be given the responsibility for ensuring the activities of existing and future regional functional agencies are carried out in conformance with the regional policies and plans. Specific tools would be made available to the umbrella agency for carrying out this responsibility. The availability of these tools could vary depending on the particular circumstances of the given regional functional agency.

6. With the above exceptions, existing special districts, municipalities, counties and regional functional agencies would retain their current identities and powers.

II. Structure

A. Governing Body

1. The council/board would have formal authority to discharge the responsibilities and direct the activities of the umbrella agency.
2. The council/board would be elected or appointed from districts specially created for that purpose.
3. The council/board would choose a president/chairman from among its members. Such president/chairman would have additional duties as presiding officer of the council/board.

B. Executive Director

1. The council/board would appoint an executive director to carry out the policies established by the council/board and oversee the daily operations of the umbrella agency.
2. The executive director also would serve as liaison with the other regional functional agencies.

C. Policy-making Structure

1. The umbrella agency would administer its regional planning and service functions through a structure and policy-making process designed to involve all interested parties.
2. Additional procedures would be outlined for the involvement of regional functional agencies in the development of regional policies and plans affecting their particular regional function.
3. The policy-making structure and process established by the umbrella agency to administer its regional planning and service functions would include standing committees of the council/board, as well as advisory committees and task

forces to provide advice and recommendations to the council/board.

III. Powers and Duties

A. Functions

Planning. The fundamental function of the umbrella agency would be to plan for and coordinate the efficient, equitable and sustainable development of the Denver region. This function, which would replace the current DRCOG planning function, would be carried out by performing the following activities:

- a. The umbrella agency would prepare a long-range, comprehensive plan for the growth and development of the region. Affected agencies and jurisdictions would be involved in the plan development process. The regional plan, with its establishment of regional policies and priorities, would serve as a framework for preparation of the plans, programs and projects of regional functional agencies and of local governments. It also would serve as a framework for evaluating the interjurisdictional and regional impact of such plans, programs and projects.
- b. The umbrella agency also would develop regional policies and regional plans for specific regional functions and services. These would include but not be limited to plans for regional systems such as highways, air quality, transit, wastewater treatment, water supply, parks and open space, solid waste and airports. Such policies and plans would be incorporated as elements in the comprehensive plan.
- c. The umbrella agency would provide technical assistance for the regional local government and regional functional agency planning efforts.
- d. Consistent with the regional planning function, the umbrella agency would be designated as the official planning agency for all state and federal programs in

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1. Preserve & enhance natural resources
2. Technical assistance
3. Mediation
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the region. DRCOG's existing designations—Metropolitan Planning Organization (MPO) for transportation, Area Agency on Aging (AAA) for aging services, and Section 208 of the Clean Water Act for water quality—would be transferred to the umbrella agency. Other designations, such as lead air quality planning under the Clean Air Act, should be reviewed for transfer.

2. Service Delivery. The umbrella agency also would be authorized to provide or coordinate the provision of certain regional services and functions. Assumption of such authority could be accomplished through the regional service authority statute, as noted above, or specifically authorized in a separate statute. The Metro Forum has identified the following functions as functions more sensibly provided on a regional basis and that might be authorized to the umbrella agency or otherwise authorized and tied into the umbrella agency process. The specific regional aspects of each function that could be the responsibility of an umbrella agency remain to be decided.

- a. Water supply,
- b. Surface transportation,
- c. Solid waste disposal,
- d. Air and water quality,
- e. Parks, recreation and open space,
- f. Certain health and hospital services, such as indigent care, and
- g. Tax equity and regional revenue sharing.

This list is not necessarily exhaustive. The General Assembly might add others to it. Also, the Regional Service Authority statute lists a number of other possible regional services. In addition, services now being provided by other regional agencies could be transferred to the umbrella agency. These other regional agencies could be transferred at the outset or studied for possible future transfer. Further, it could be decided that the umbrella agency will be given only minimal service delivery authority initially, with additional authority to be sought at a later date.

3. Counties, municipalities, special districts and regional functional agencies would be encouraged to secure any services or functions provided by the umbrella agency. Any exceptions to this prohibition on duplication of services would be made in accordance with provisions of the statute. Provisions would be made for the equitable transfer of the appropriate assets, rights and liabilities of all municipalities, special districts and regional functional agencies that are associated with the regional services and functions provided by the umbrella agency.

B. Enforcement Authority

1. In order for the umbrella agency to effectively implement the regional planning function, it must have adequate statutory authority. This means the umbrella agency must be authorized to employ a number of enforcement tools and mechanisms to ensure that special districts, municipalities, counties and regional functional agencies develop plans, programs and projects that are consistent with the regional policies and plans. These enforcement tools and mechanisms describe the essential nature of the "umbrella" relationship between the umbrella agency and other entities. They include the authority to:
 - a. Approve local government long-range plans and regional agency plans;
 - b. Approve the capital budgets and programs of regional agencies;
 - c. Suspend public or private projects determined to have regional significance, unless they are part of a conforming plan and are not otherwise found inconsistent with the regional policies and plans; and
 - d. Approve applications for federal and state funds for plans, programs and projects with an identified regional impact.

2. An additional tool which would enable the umbrella agency to implement regional policies and plans is the authority to issue bonds for approved infrastructure and capital improvements.
3. Another critical tool for ensuring an effective regional planning process is mediation. In situations where there is a conflict between the regional policies or plans and the plans, programs or projects of any municipality, special district or regional functional agency, mediation would be a key component in the process of reconciling differences in a manner consistent with regional policies and plans.

C. Financing Authority

1. In order to adequately fund its responsibilities and reinforce its status as an independent regional decision-making agency, the umbrella agency would be provided with stable, diverse and independent financing authority.
2. Sources of funding for the activities of the umbrella agency would include the following:
 - a. authority to levy taxes,
 - b. Service charges and fees, as appropriate, for specific regional functions and services and expenses related to the umbrella agency's oversight responsibilities,
 - c. Federal, state, local, foundation and private sector grants and state appropriations to support specific activities, and
 - d. Miscellaneous sources, including interest income and sales of publications.

Prepared for the Metro Forum
October, 1991