

CHAPTER 2
LITERATURE REVIEW (B)
LOCAL POWER OVER DECISION-MAKING FOR PLANNING

The previous chapter explains economic, political, and administrative dimensions of decentralization. It points to the failure of measures adopted by previous studies to reflect a comprehensive picture of decentralization. Scholars refer to local power as the core of decentralization. Davey (1971) stressed that empowering local governments implies their autonomy to perform responsibilities and manage resources independently without any intervention from the central government. Samoff (1990) pointed to the importance of linking decentralization to the broad goals of political and economic democracy and specifying participants in decision-making and interests to be met. In addition, Seabright (1996) linked decentralization with devolving power over policy decision-making to local governments. Therefore, decentralization should grant power to local governments over decision-making.

Bases of power reflect economic, political, and administrative dimensions of decentralization within a country/state. Political bases of power include autonomy, control, and authority, while economic bases are concerned with the possession and control of economic resources. Social bases of power imply the capacity of an individual or a group to change the behavior of others as he/she desires (Lasswell and Kaplan,

1950). Rondinelli (1981) defined decentralization as the transfer of legal and political authority to make planning decisions and provide/administer public functions from the central government to lower level governmental institutions such as field organizations, public corporations, regional agencies, functional authorities, and local governments. Transferring power over decision-making to local units is the core of decentralization. Consequently, local agency power over decision-making for comprehensive planning captures several dimensions of governmental decentralization.

This chapter reviews the literature of power. It explains the meaning of power and discusses local power over decision-making for planning in the context of Florida's growth management system. The discussion of Florida's system focuses on the distribution of power, mandating plan preparation and implementation, major actors in planning, and recent changes in the planning system.

2.1 Power over Decision-Making for Planning

The meaning of power varies from one culture to another and from one power structure to another within a culture (Lasswell and Kaplan, 1950). Scholars identified power based on social relationships and the ability of an actor to carry out his/her own will regardless of the resistance of others. Painter and others (1997) refer to power as the control of resources such as money, information, and legitimacy. Relations among social units determine behaviors of responsive and controlling units (Dahl, 1968, 407).

Etzioni (1968) and Faludi (1973) suggested three typologies of power: utilitarian, persuasive, and coercive. Utilitarian power is the "least repressive form of power", while

coercive power is “the most painful.” Utilitarian power is exercised when assets are exchanged to allow the possessing unit to bring other units to support its actions. It is the ability to provide something in exchange for somebody’s compliance. Utilitarian power exists when both an agent exercising control and the subject controlled have assets necessary to achieve mutual goals. Persuasive power is exercised through the manipulation of symbols appealing to citizen values to mobilize support or penalize those deviating. It is the ability to convince others to perform as one wishes in order to achieve a common goal. Persuasive power is used when strong bonds exist between an agent and objects controlled. The capacity to persuade is a power in itself, because it reduces the resistance to actions preferred by a powerful unit. On the other hand, coercive power is generated when force or threats are used to impose preferred actions.

Moreover, Clark (1971) and Hoggart (1991) distinguished between two types of power: decision and non-decision. Decision power is when an actor can control the behavior of another, while non-decision power is when actions of an actor are taken based on expected reactions of a more powerful actor. Armstrong and Jacobs (1996) explained two factors influencing the context of local decisions: 1) the extent to which decision-makers represent public interests and 2) the political nature of land-use decisions. Roles played by the state and local governments vary from one state to another based on political systems determining the state authority over land use planning, and the capacity of local governments to manage growth.

Adopted planning approaches shape the structure and distribution of power among governmental agencies. In communist countries, central planning is applied and top-down policies are evident. Strategies are “conceived, organized, and implemented from the

center of political and economic power” (Simon, 1990, 11-12). In capitalist countries, planning is applied from a decentralized perspective and bottom-up strategies seek to develop from below. Furthermore, planning practices are affected by the urban regime¹⁵ of a society. Actors in a growth machine influence urban growth (Molotch, 1976). Among the actors identified by Molotch are governmental institutions, private corporations, schools, and the media. They attempt to use their power by influencing the distribution of resources among local governments.

Moreover, Blowers (1980) demonstrated that planning as a governmental activity depends on two sources of power: “politicians and the bureaucracy.” Politicians claim the support of mandates, the ability to represent public interests, and the support of organizations able to mobilize decisive votes. Bureaucratic power, as stated by Blowers, comes from claims to technical expertise and ability to control the flow of information that enables them to exercise persuasive power.

Forester (1987, 1989 and 1993) discussed the power of planners by stating that planners choose strategies to perform their roles. They may seek to negotiate, satisfy particular interests, or mediate conflicts emerging through planning processes. Forester referred to information as a major source of planner power. Planners are able to access information, supply it to organizations, politicians, and citizens, which allow them to influence planning decisions by indicating opportunities. The persuasive power of planners enables them to shape citizen participation, expand responsibilities among

¹⁵ Urban regimes refer to informal arrangements surrounding and complementing the formal networks of governmental authority. Lauria (1999) stated that urban regimes involve an informal, relatively stable group with access to institutional resources enabling it to have a sustained role in making governing decisions through an informal mode of cooperation.

actors, orient responses to planning policies, and prepare the community for future actions and efforts.

The power of local planners is determined by the power of their planning agencies and the distribution of power among governmental agencies. Ilichman and Uphoff (1969) referred to the “administrative infrastructure” as a necessary condition for exercising authority. It includes political parties, elections, legislatures, local governments, bureaucracy, police, constitutions, laws, networks, community organizations, trade unions, and other groups. Local and regional governments are part of the administrative infrastructure that shares authority and responsibility with the central government. Administrative infrastructure includes expenditures to create, enhance, and improve institutions and processes to maximize outputs, but minimize inputs.

In the “Structural Dependency” theory, Menzel (1987) explained that the power of an organization is determined by its position in the inter-organizational field, which is specified through legislation and a constitution. In addition, Healey (1998) referred to the capacity of a planning agency to influence other organizations as an indicator of power. Therefore, political, economic, and social bases shape the structure of power in a community. The power of a local government over decision-making for planning is determined by the extent of its autonomy, authority, and capacity to make independent decisions meeting local needs without any intervention from upper level governments.

The extent of local power over decision-making is influenced by the power of the state and its ability to intervene in local affairs. Johnson (1997) identified three major forms of state involvement in urban planning. The first form is when the state makes development decisions directly; for example, a state department of community affairs

controls the location of major development projects. The second form of state involvement in local planning is when the state transfers legal authority for planning to local governments, but mandates specific policies and procedures. The last form is when the state intervenes in local issues through the application of the planning and/or the regulatory model. The planning model requires local governments to prepare comprehensive plans consistent with state goals and standards, while the regulatory model enables the state to modify or veto local planning decisions.

Growth management programs, as Nelson and others (1995) explain, are used as governmental tools to eliminate imperfections in unregulated land markets and to improve the quality of life. These programs are associated with achieving more efficient urban development patterns. Two major approaches of growth management should be distinguished. Anderson (1995) explains the first approach when local governments, independent from any state interest, prepare, adopt, and administer programs to regulate urban growth and control growth amounts, rates, types, and location. The second approach to manage growth, described by Turner (1990), is when power is shared between the state and local governments. Partnership is perceived as the interdependent nature of growth management programs, in which policies can be negotiated and impact of change can be shared. This partnership may be unstable and create a tension between the state and local governments in the implementation of policies of growth management, however.

Intergovernmental growth management programs may increase the involvement of the state in processes of decision-making for local planning. Models of growth management suggest different levels of local power over decision-making for planning.

The extent of local power is affected by whether the local planning agency is required to plan, planning standards are set by upper level agencies, the degree of consistency and compatibility are required among local plans and between local plans and state and regional plans, and types of sanctions employed in cases of non-compliance with state standards.

Scholars have proposed various models analyzing the distribution of power between state and local governments. Bollens (1992) classified statewide growth management programs into three models: 1) a Preemptive/ Regulatory model empowering the state by adopting a top-down approach, 2) a Cooperative/ Planning model making planning voluntary based on a bottom-up approach, and 3) a Conjoint/ Planning model giving freedom to local governments as long as their plans meet state objectives. On the other hand, Gale (1992) proposed four models for state sponsored growth management programs: 1) a State Dominant model giving power to the state over processes of land use planning, 2) a Regional-Local Cooperative model reducing the decisive role of the state and allowing negotiations between regional and local planning agencies, 3) a State-Local Cooperative model depending on processes of cross-acceptance, and 4) a Fusion model distributing planning responsibilities among local, regional, and state agencies.

Moreover, Innes (1992) suggested three growth management models: 1) the Top Down Bureaucratic model in which the state uses consistency requirements and sanctions to control processes of local and regional planning, 2) the Laissez Faire Quasi-Judicial model making local planning voluntary and enabling local units to challenge state plans, and 3) the Collaborative-Consensus Building model in which local units vote on the state plan through the process of cross-acceptance. Finally, RuBino and LaRosa (1999)

proposed four approaches for statewide growth management programs: 1) a Top-Down approach enabling state control of land use planning through consistency requirements and sanctions, 2) a Conjoint approach achieving local compliance to state standards based on sanctions or incentives, while giving the state a less decisive role, 3) a Cooperative approach in which planning is voluntary based on incentives and participation, 4) a Bottom-Up approach in which local governments have autonomy over planning decisions and state goals are driven from local interests.

These models of the relationship between the state and local governments present different typologies of the distribution of power over decision-making for comprehensive planning. Intergovernmental growth management programs influence the magnitude of local agency power over decision-making for comprehensive planning. They distribute power among state, regional, and local planning agencies and determine the extent of state involvement in processes of decision-making for local planning. They also specify levels of authority and autonomy of local planning agencies to make decisions, control planning actions, and enforce planning regulations. In other words, growth management programs determine the extent of local power over decision-making for comprehensive planning, which, in turn, affects governmental decentralization.

2.2 Local Power over Decision-Making for Planning in Florida

Rapid growth and its negative effects on the natural environment were major factors contributing to Florida's adoption of what Kelly (1993) described as the most comprehensive statewide land use program since the 1970s. Research analyzing

intergovernmental structures of statewide growth management programs in the United States of America (USA) demonstrates the powerful role played by the state government in managing growth in Florida. Bollens (1992) placed Florida's growth management program with states adopting the preemptive/regulatory approach characterized by the state's ability to exercise power over local development decisions. In addition, Gale (1992) considered Florida's growth management program as an example of the state dominant model in which the state controls local planning processes. Innes (1992) described Florida's program as the one representing the top-down bureaucratic approach to planning processes. Moreover, RuBino and LaRosa (1999) illustrated that Florida's growth management program followed a top-down approach; then it shifted to a conjoint approach.

These studies are concerned with two governmental levels: the state and local. They deal with local governments as aggregated units without showing the variation in the extent of their power over decision-making. It is important to analyze municipal governments as disaggregated units in order to understand how the system is working at the local level and design better growth management policies based on municipal needs and limitations.

Florida's growth management program has shaped the structure of power over comprehensive planning. Power over decision-making has been distributed between the state and local governments. Florida's growth management laws give the state a dominant role in the planning process to ensure local government compliance with state standards and requirements, which reduces the power of local governments over decision-making for planning. The Florida Department of Community Affairs (DCA) has

been able to control processes of local comprehensive planning through consistency and concurrency requirements, designation of areas of state concern, and sanctions. The growth management system shapes the power map in Florida, which is defined by involving the DCA in processes of local comprehensive planning and mandating the preparation and implementation of local comprehensive plans and plan amendments.

2.2.1 Major Planning Actors and Distribution of Power

Florida's growth management program uses a mostly top-down approach, which implies a hierarchy of governmental institutions being involved in the planning process. Key actors include planning agencies at the state, regional, and local levels. However, the state has the dominant role in the planning process, which reduces the power exercised by local governments in making independent decisions related to planning.

The major actor at the state level is the Florida Department of Community Affairs (DCA); other state agencies are involved to a lesser degree. The DCA receives its oversight authority from the Local Government Comprehensive Planning and Development Regulation Act (Ch. 163, Part II, F.S.). It is given the authority to review local plans to ensure compliance with state requirements. It also has the power to enforce consistency requirements through sanctions. The DCA can recommend withholding 1/365 of state revenue-sharing fund for each day a plan is late or found to be out of compliance (Burby et. al., 1997). In addition, other state agencies such as the Department of Environmental Protection and the Department of Transportation review local plans/plan amendments and report incidents of inconsistency to the DCA.

At the regional level, the State and Regional Planning Act of 1984 (Ch. 186, F.S.) authorized regional planning councils (RPCs) to: 1) prepare comprehensive regional

policy plans, 2) review local plans for consistency with regional plans and state requirements and report incidents of inconsistency to the DCA, 3) provide technical assistance to local governments, 4) prepare a local plan if requested by a local government, and 5) administer the development of regional impact (DRI) review programs, and 5) review areas of critical state concern including resource planning and management programs and local projects seeking federal funds. Despite their responsibilities, RPCs have had no power over decision-making for comprehensive planning in Florida. Their responsibilities are mainly driven from their roles as technical assistants, mediators, facilitators, and agents of the DCA and the Executive Office of the Governor.¹⁶

Moreover, other regional level agencies were established to perform certain purposes. For example, five regional water management districts were established by the Water Resource Act of 1972 to deal with flooding and issues of water resources. Districts are responsible for flood control, water management, and administration of drainage works (DeGrove and Mines, 1992).

To summarize, Florida's intergovernmental growth management system has given a dominant role to the state in overseeing the preparation and revision of local government comprehensive plans. Consistency and concurrency requirements and sanctions for non-compliance with state requirements have diminished local power over decision-making for planning.

¹⁶ Regional planning councils review local comprehensive plans at the request of the DCA, but in matters pertaining to regional planning they report to the Executive Office of the Governor (Ch. 186. 506, F.S.).

2.2.2 Mandating Plan Preparation and Implementation

Efforts to manage growth in Florida started in the late 1960s. The lack of political commitment and insufficient budget to support development programs were major constraints for state planning and programming (RuBino, 1990). In the 1970s, serious fiscal, environmental, and social problems resulting from rapid, uncontrolled development forced state policy makers to take significant steps to guide growth (RuBino, 1998). Growth management, as defined by DeGrove and Miness (1992), was introduced as a tool to balance growth and protect the environment of Florida.

Laws were enacted to mandate the preparation of state and local comprehensive plans. The State Comprehensive Planning Act of 1972 (Ch. 72-295, 1972 Fla. Laws 1072) required the preparation of a state comprehensive plan and the formulation of goals and policies guiding future growth. The Environmental Land and Water Management Act of 1972 (Ch. 380, F.S.) authorized the designation of areas of critical state concern and the development of regional impact (DRI) review programs. An area of critical state concern is defined as “an area containing, or having a significant impact upon environmental or natural resources of regional or state wide importance” and “an area containing, or having a significant impact upon, historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, the private or public development of which would cause substantial deterioration or complete loss of such resources, sites, or districts.” (Ch. 380.05 (2), F.S.). In these areas, the state has the power to specify principles for guiding development in the area (Ch. 380 (1) (a), F.S.). These principles must be followed by the local governments when making land use decisions.

Development of regional impact (DRI) review programs is “any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.” (Ch. 380.06 (1), F.S.)

The Local Government Comprehensive Planning Act 1975 (Ch. 75-257, 1975 Fla. Laws 794) required local governments to prepare and implement local comprehensive plans. However, no consistency was required between local comprehensive plans and state and regional plans, no minimum standards for plan quality were set, and no state funds were provided to assist in the preparation of local plans (DeGrove and Miness, 1992). Thus, though an intergovernmental growth management program had been initiated, there was no real connection between the state and local levels of planning. The system was incomplete.

In the 1980s, a more integrated system of growth management was established among the local, regional, and state levels of governments. The preparation of state, regional, and local comprehensive plans has been mandatory and consistency and concurrency requirements have set. Foremost among actions taken was the State and Regional Planning Act passed in 1984 (Ch. 186, F.S.). The act mandated the preparation of a new state comprehensive plan, and within a year the state plan was completed and enacted into law (Ch. 187, F.S.). It also required state agencies to prepare state agency functional plans consistent with the state comprehensive plan; regional comprehensive plans thereafter had to be consistent with the state plan, too.

The year 1985 saw the enactment of a new local government comprehensive planning act: the Local Government Comprehensive Planning and Development

Regulation Act of 1985 (Ch. 163, Part II, F.S.). Unlike the 1975 act, it was more forceful in its demands on local governments and gave the state government a direct role in overseeing the preparation of local plans. It mandated the preparation of local comprehensive plans with a time frame, identified elements and formats of local comprehensive plans, set consistency and concurrency requirements, established a process of state review of local plans and development regulations to ensure compliance with state requirements, and authorized sanctions in cases of local non-compliance. Concurrency requirements tied local development to levels of service and capital improvement programming. Local governments should demonstrate to the DCA that public facilities and service supporting development are either in place or financially committed before new development occurs. They have been obligated to set levels of service for local transportation, water, sewer, solid waste, parks and recreation, and storm water management. If a local government fails to comply with concurrency requirements, then the DCA can stop new development (Kelly 1993, Levy 2000).

In the 1990s, a series of changes were made to Florida's intergovernmental growth management system. These changes included shifting state agency and regional-level planning from a comprehensive to a strategic approach and revising aspects of the DRI review program (RuBino, 1994, 1998). At the local level, some exemptions were allowed regarding transportation concurrency. Areas located in local governments committed to improve public transportation or engage in transportation management activities are eligible to apply for this exemption (Levy, 2000). These and similar actions indicated an incremental regression from the relatively strong top-down approach taken

in the 1980s. However, the state government recently has shown that it is selectively reducing its role in some areas while increasing it in other areas.

2.2.3 Recent Changes to Florida's Growth Management System

In 2002, the legislature made significant changes to Florida's growth management system through the passage of the Senate Bill 1906. The bill is mainly concerned with local government comprehensive planning. It seeks to enhance intergovernmental coordination, improve the integration of school and water supply planning into the local comprehensive plans, and provide incentives to reward local governments having a record of compliance with state planning criteria.

The new law increases the number of oversight agencies reviewing local comprehensive plans. The Local Government Comprehensive Planning and Development Regulation Act of 1985 (Ch. 163, Part II, F.S.) required each local governing body to submit comprehensive plans or plan amendments to the DCA, the Department of Environmental Protection, the Department of Transportation, and the appropriate regional planning agency and water management district. To these oversight agencies, Senate Bill 1906 adds the Department of State; it also involves both the Department of Agriculture and Consumer Services and the Fish and Wildlife Conservation Commission in county plans, and the appropriate county planning agency in municipal plans (s. 163.3184, F.S.).

In addition, the law now requires local governments and district school boards to have mandatory interlocal agreements addressing school siting, capacity, safety, and infrastructure needs. The DCA and the Florida Department of Education review and approve these agreements. If a local government and a district school board fail to reach an agreement, then they will be subject to financial sanctions (s. 163.31777, F.S.). This

condition puts pressure on both the local government and district school board for compliance. It adds more power to the DCA and the Department of Education by enhancing their role as oversight agencies over local governments and district school boards.

The new law also involves the DCA in regional development of counties with more than 100,000 inhabitants. Municipalities and special districts located within these counties should submit reports to the DCA demonstrating current or proposed interlocal service-delivery agreements related to education, public safety, potable water, drainage, solid waste, sanitary sewer, transportation facilities, and parks and recreation. The reports should indicate any duplication or deficits in service provisions within jurisdictions. The DCA is to provide technical assistance to municipalities to prepare these reports if requested (s. 163.3177, F.S.). In addition, Senate Bill 1906 requires local governments to integrate local comprehensive plans with the regional water supply plans of the water management districts (s. 163.3177 F.S.)

Interestingly, the bill adopts an incentive approach to reward local governments committed to planning under a Local Government Comprehensive Planning Certification Program. The program enables local governments to operate with less supervision from state and regional planning agencies if they satisfy certain criteria. The most important of these criteria are: 1) demonstrating a record of effective adoption, implementation, and enforcement of local comprehensive plans, 2) adopting programs within the local plans and land development regulations to promote infill development, redevelopment, and development of very low/ low income housing, 3) having effective intergovernmental coordination, and 4) addressing development's extra-jurisdictional effects. The DCA

administers the certification program and takes all steps necessary to assure that rewarded local governments continue to meet these criteria (s. 163.3246, F.S.).

Furthermore, the bill exempts certain cases from the development of regional impact review such as: 1) marina or water development located in local government jurisdictions that have a boating facility sitting plan considering state criteria of boat facility management and 2) petroleum storage facilities consistent with a local comprehensive plan or a part of an approved port master plan that is in compliance with state requirements (s. 380.06, F.S.). In addition, the bill enables local governments in urban infill and redevelopment areas to be exempted from concurrency requirements, except for those related to transportation facilities, if public health and safety are not affected. This exemption should be adopted as a plan amendment (s. 163.3180, F.S.).

In summary, the enacted Senate Bill 1906 does not create a significant change on the distribution of power in Florida. The DCA continues to have a key role in the process of local comprehensive planning. Local compliance with state requirements continues to be backed up by the threats of sanctions. However, the incentive approach adopted under the Local Government Comprehensive Planning Certification Program rewards local governments with a record of compliance with state requirements. This does reduce state and regional oversight on rewarded governments. Considerable attention should be placed on monitoring whether this incentive approach will succeed in assuring local compliance with state requirements. It is debatable which approach, the carrot or the stick or a mix of both, produces more effective implementation of growth management programs.

2.3 Conclusion

Florida's growth management program shapes the structure of power over decision-making for comprehensive planning. The top-down approach adopted since the 1980s has given the Department of Community Affairs (DCA) a dominant role in comprehensive planning. Florida law mandates the preparation of local comprehensive plans and requires compliance with state requirements. Therefore, the extent of local power over decision-making for planning is reduced as a result of DCA's continually supervisory role in planning processes.

Though there have been incremental changes to Florida's growth management system they have not significantly changed the distribution of power over decision-making for comprehensive planning. State intervention in local planning continues to be a major characteristic of the system. Coordination between local governments and district school boards now are mandated by interlocal agreements, and more elements have been recently added to local comprehensive plans to ensure the integration of water supply planning with local comprehensive planning. However, the amendments in Senate Bill 1906 are still supported by the sanctions to ensure local compliance—although the act does offer an incentive approach to reward local governments with a record of compliance with state and regional standards and requirements by reducing state and regional supervision.

The following chapter explains the research methodology followed to develop and test empirical measures of local power over decision-making for comprehensive

planning. The analysis is conducted in the context of Florida's intergovernmental growth management program.