

The city & the state

- “Local govts are creatures of their states”
 - Legislative control
 - Intervention exercised by:
 - 1) enacting special law for a certain city
 - 2) by creating state-appointed boards
 - For protection in court:
 - 1) inherent right to self-gov’t
 - 2) constitutional principles
 - “Right of Local self-govt”
 - Encouragement by state court decisions
 - Mere expressions of judicial philosophy
 - *Clinton v Cedar Rapids & the Missouri River RR* (1868)
 - John Forrest Dillon
 - Dillon’s Rule
 - SCOTUS adopts *Hunter v. City of Pittsburg* (1907)

- Cities looked to US Constitution
 - Contracts Clause
 - *Mt. Pleasant v. Beckwith* (1879)
 - 14th Amendment
 - SCOTUS again quashed
 - *City of Trenton v. State of NJ* (1923)

- Turned to state const
 - Amendments written into state const
 - MA = “Home Rule”

- Dillon’s Rule meant cities & towns:

- 1) received right to organize

- 2) had no authority to act

- Permitted to enact local laws

- Subject to annulment

- Adopted Article 89

- » City/town in can:

- » Limitations
- » Doctrine of preemption
- » Specific constitutional language

- Administrative relations thruout US = legislative charter

- In almost every contact area

- Most significant = fiscal relations

- Assessment

- Central Supervision of Local Budgets

- State Audit of Local Accounts

- Control of Local Borrowing

- State Administrative Control

- Supervision of Local Personnel

- Crime Control

- Major portion remains w/ local authorities

- @ state level

- Limits on jurisdiction

- Control of Highways
 - 1st construction localized
 - State admin agencies
 - Fed Govt entered field w/ Project Grants
 - Hayden-Cartwright Act (1934)
 - Federal Aid Highway Act (1956)
 - Highway Trust Fund

- Education
 - School administration = local
 - Requires financial assistance
 - w/ \$\$\$ comes supervision
 - Mandates
 - In MA
 - » Education Reform Act
 - » "High-stakes" test
 - Fed govt role

» w/ \$ comes supervision

» Coordinates & encourages education reform

» Goals 2000

— No Child Left Behind

— Common Core

- Public Welfare

- Poor Law Amend 1834

- Social Security Act of 1935

- Local autonomy depends

- Old age & survivors insurance

- Unemployment compensation

- Fed policy = cooperative action

- Decentralization

- Methods of State-Local Relations

- Reports

- Inspection

- Advice, Information & Services
- Subsidies & Grant-in-Aid
- Orders & administrative Regulations
- Appointment & removal