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INSTITUTIONAL FEATURES AND DEVELOPMENT TRENDS OF LOCAL GOVERNMENT IN THE UNITED STATES

Від редакції. Стаття присвячена функціонуванню місцевого самоврядування в США. Проаналізовано адміністративно-територіальний устрій на субітатному рівні, організаційну структуру органів влади та розподіл повноважень, взаємодію органів місцевого самоврядування з органами влади рівня штатів та федерації. Місцеве самоврядування делегується

штатами. Зростання протягом останніх десятиліть ролі «сильних» мерів віддзеркалює загальну тенденцію до посилення виконавчої влади. Збільшення втручання федеральних органів у діяльність місцевого самоврядування (аж до формування концепції прямого федералізму) віддзеркалює недостатність наявних у місцевого самоврядування ресурсів. Водночас вказане втручання не забезпечує ефективного розв'язання усіх проблем самоврядування.

Local self-government is an important institution of a democratic political system. Its value is to promote the political participation of citizens, to use the social capital as a resource for social development. The US experience in this area may be useful for other countries, including Ukraine.

In recent years, the main areas of research in this field are the evolution of local governing structures, relations between various administrative units and management bodies, local political regimes, the relationship between the elites and interest groups, the relationship between political and managerial approaches to urban management, operation and role of city councils, the influence of electoral systems, the role of executive authorities, the interaction between the local government and federal administration, on one hand, and state, on another, the relations between local government and the processes of globalization, the emergence of new types of communities (regional clusters, knowledge corporations, etc.). With regard to the general theoretical approaches, it is possible to ascertain the transition from the so-called market-based approaches to network approaches [1; 2; 5; 7; 9].

Local self-government in the United States means the local government of administrative-territorial units that are part of the state. They are of two types. First, units of general competence. They consist of non-urban and urban areas. Most states (except for Rhode Island and Connecticut) are divided into counties. According to population census in 2007 [6], there were 3033 counties in the United States. In some states (Illinois, Kansas, Minnesota, Pennsylvania, and others) there are townships within county, uniting a group of similar communities (the total number is 16,519).

Urban areas are divided into municipal corporations. There are altogether 19,492 municipal corporations. There are some of their types: cities, villages, boroughs and towns. As a rule, the last three are suburban settlements. They are not in all states. Cities exist in all states except Hawaii. Most of municipal corporations are included in the counties, but 39 of them are out of counties.

If number of residents in villages, towns and borrows is not usually higher than 10 thousands, then in counties and cities this index varies wildly. The number of counties ranges from 10 thousands to several millions and the number of cities ranges from a few hundred to millions.

Second, this is administrative-territorial units of special competence. There are schools and special districts: fire, health, environmental protection districts, districts of electricity and water supply, health care, etc. In 2007 there were 50,432 districts, including 13,726 school districts [6].

Although the United States Constitution and federal laws define general principles for the regulation of legal relations in the United States, the regulation of self-government is the exclusive competence of the state. Among its principles – the

Dillon rule, named after Iowa judge who issued a decision in 1868, according to which '*municipal corporations owe their creation and get all of their rights and powers from state legislatures*'. [11] At the same time, another principle is the Home Rule, providing state's delegation of administrative powers to local authorities [3]. The combination of these principles has led to the fact that the constitutions of some states (Alaska, Illinois, New Mexico, and others.) in detail regulate activities and organization of local governments; other states (Alabama, Delaware, Mississippi, Tennessee, and others.) define only general principles. Besides constitutions, regulating local government, state legal system also includes laws, such as Municipal Codes.

Also, state governments (governors, departments, prosecutors) perform administrative supervision of local government. They may issue binding orders, pre-approve the decision of local authorities, inspect those decisions and even temporarily replace local administration. In addition, supervision forms of such activities are receiving reports of local authorities, pay subsidies, etc.

Municipal charters are important component of the legal regulation of local government. In a broad sense, this is state's body of laws regulating the activities of local authorities. In the narrow sense, this is specific document of municipality. The right to accept the last one is authorized by 44 states. Charters can not contradict the legislation of the states and the federation. Charters regulate organization and activities of local authorities and others.

The competence of Local Government varies from state to state, but usually it includes the maintenance of public order (90 % of the US police is local), elections, judiciary, tax collection, housing, school affairs, health, fire protection, garbage collection, parks and places of resort, control over the quality of goods, roads et al. [4]. Administrative functions in some of these areas (public order, education, health, social protection) are implemented by local bodies as state agents, and functions in other areas (water supply, sewerage, waste disposal, cleaning, gas supply, etc.) are defined as 'private' and municipalities are more independent. Naturally, the competence of local authorities includes urban development planning, determining areas for housing and industrial development, etc.

There are several systems of local self-government organization in the US. The most archaic system, preserved in a number of towns and townships, is town meeting (usually once a year). The residents elect board members, officers, approve budget during such meetings.

Commission system is not very common (approximately 5 % of territorial units, usually counties). Committee (council) elected by the residents consists of 5-7 members. They perform legislative and executive functions. Members of the council are the departments' chiefs by areas of their activity. This form is often criticized for corporatism, lack of control and others.

Council – manager system is much more common (40 % of territorial units). Council elected by the residents appoints a manager who governs economy of the unit, assigns officeholders, shapes the budget and supervises the implementation of Council's decisions. He is not the head of the territory and he does not intervene in

political issues. Council itself approves the course of local development, the budget and taxes.

This system prevailing in the counties and small towns and it provides professionalism, efficiency and accountability of management, insulation of current management against political conflicts. Ignorance of social groups' needs by the manager is this system weakness.

Rules of relations in Council-manager-residents triangle are very interesting. The Council may dismiss the manager, but in some states people can refuse to dismiss him, despite the decision of the Council. Moreover, even resignation of a board member, voted for the dismissal, is assumed if residents believe it is unfair. As well as, if residents voted in favor of manager's resignation and the Council members refuse to vote for the dismissal (this rule applies to more than 500 counties).

Council-Mayor form of local government is the most common (55 % of the counties and municipal corporations). The mayor is elected by the residents is the head of the administrative-territorial unit. This form has two types: 'strong mayor - weak council' and 'weak mayor - strong council'. In the first case, the mayor can issue political statements; he appoints to the posts in governing organs; he is responsible for system of justice, affects the activity of the council, including the institution of the veto, which often passes only 2/3 of the council (in Boston veto can not be passed). The system is typical for large cities and reflects the need for strong executive body with significant social differentiation.

In case of 'weak mayor - strong council' system, it is council who actually run the territorial unit, creates a branch committees, controls the executive bodies and assigns to positions. This system dominated on the cusp of the 19th and 20th centuries. In general, it exists in small towns now, but also it can be seen in Chicago, Atlanta and Los Angeles.

Other features of the organization of local authorities.

The number of councils in the counties ranges from 3 to 50 members. The right to recall council members is provided in some states. A quarter of counties form theirs councils not during elections, but by townships and municipalities delegating (such councils are called controllers councils). A collective executive body is not formed in counties, the population itself chooses Sheriff (police chief), Attorney (prosecutor), treasurer (Inspector General), the clerk of the court, the coroner (investigation of cases of murder), assessor (tax collection), auditor, recorder, superintendent of schools and land surveyor.

The average size of city councils is 5-7 persons, in larger cities - 9.

Term of councils' activity varies from state to state and reaches from 1 to 8 years, but more often this figure is 3-4 years. Many states have a right to recall a delegate, but a petition must be supported by 15-55 % of the voters. Council's elections are carried out on the basis of winner-take-all system. In most small and medium-sized cities wages of advisors is low (often it is not at all), so that they can combine work in the council with labor or commercial activity. Council meetings are generally public, and anyone who came has the right to speak.

Mayors are usually elected for 4-5 years. The candidate for this position must be a US citizen, as a rule, at least 30 years of age and reside permanently in the territory of the municipality (often, at least 3 years).

Public commissions on transport, parks and other issues, arousing public opinion, can be created in the cities.

As for the town meetings, they elect a treasurer, assessor, clerk, constable (ensure public order), commissioners for low-income people, roads and other officials.

Committees of 3-7 people run special districts. These committees are elected by the people or appointed by the Council, which formed the county. Elected councils work in school districts. They may charge a tax on the construction and maintenance of schools, administer federal subventions or state aids, hire teachers and others.

Let's highlight some trends in the development of local government units, which may be interesting, including the Ukrainian context.

As a rule, local government bodies do not own the enterprises, institutions, including services providers, so income from services amounts to 20 % in their own income of local government. Most of income has tax nature. In particular, there are current property tax (up to 80% of tax revenues, real estate and personal property are subject to tax – cars, equipment, inventory, livestock, furniture, etc.), sales taxes (standard rate is 0.5-3%), specific excise duties (gasoline, automobiles, cigarettes), income tax (along with federal and state), and others.

Most of not their own revenues make federal and state grants. They are available to be performed, including as it relates to federal programs. The process of granting federal subsidies was legislated under President Franklin D. Roosevelt, and especially it was intensified in the 1960s. Towards the end of the twentieth century their share in the budgets of local government has increased to 35%, and in some areas of activity - up to 60% [10]. There was even developed a concept of direct federalism, which was based on the erosion control at the state level and establishment of direct links between the federal level and local government. Objectives of subsidy assistance: to promote the economic development of backward areas, compliance with national standards of social security, the alignment of regional development, the promotion of education, encouraging of local authorities to reduce the tax burden.

This, incidentally, has led to another process, namely the strengthening of local government lobbying at the federal level. Associations of local authorities were established. There are National Association of Counties, National League of Cities, National Association of Towns and Townships, International City/County Management Association, National Association of County Engineers and so on.

Although subsidies can solve the abovementioned problems, they are accompanied by threats, such as erosion of self-government and political participation. One example of this is a decrease of voter turnout. If approximately 50-60% of citizens vote in national elections, then in local, including school councils, this figure is only 10-15% [8].

The threat of erosion of local government is not related to subsidies themselves, but the processes that caused them. For example, the thesis of the

exhaustion of the institutions of sheriffs and constables is recently heard. The reason is growing and becoming more complicated criminal activity, the fight against which requires high professionalism and specialization. Elected sheriffs and constables often do not have them, so national police forces replace them in many counties.

At the same time, federal subsidies are not always effective in terms of solving problems. For example, the problem of the quality of education and poverty of schools remains an acute despite the subsidies. At the same time, the centralization of the school system leads to the bureaucratization of the educational system, its isolation from the people, despite the fact that parents are in the majority of county councils.

Similar processes are also typical for relationship of local government with the states, which even compete with the federal level. It is interesting that constitutions of a number of states prohibit political parties to participate in local elections and nominate their candidates. This is motivated by the need to prevent the negative impact of monetary factor and 'coercive agitation' on will expression of citizens.

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