

LOCAL GOVERNMENT LAW AND POLITICS

PLA6621

Spring 2017

Instructor Information:

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Course Information:

This class will meet Tuesdays from 11:00-1:00 p.m. in Room 409 Avery.

Course Description:

Local government entities provide essential services and shape much of our contemporary daily life. We will study the source, scope, and limits of local government power—specifically the law that governs counties, cities, and special districts. We will examine federalism, government formation, zoning, educational equity, and public finance. We will examine the relationship between states and local entities, conflicts between neighboring public entities, the relationship between local government and the individuals and communities both within and around these entities. We will discuss the capacity for local governments to engage constituents and neighbors and to be responsive democratic communities, and the impact of local governments on the regional metropolitan political economy.

Using articles, chapters from Frug & Barron's book *City Bound* and Frug's book *City Making*, and related readings from planning and public policy literature, this course will examine the social-equitable impact of this body of law—specifically addressing themes of race, gender, and class to understand how local governance is both structured and experienced.

Course Materials:

There will be no textbook for this course. We will assign readings and post materials on the course website.

Expected Learning Outcomes:

Students in this class will be expected to achieve the following Learning Outcomes by the end of this course:

- a) Knowledge and understanding of local governance, including the ability to assess the strengths and weaknesses of the current legal structure governing local entities; and,
- b) Ability to apply critical analysis, reasoning, and research skills to problems impacting local level public entities or organizations and/or populations interfacing with these entities.

Course Requirements, Policies, and Grading:

This course will meet once a week. You will be graded both on your level of participation in class discussion and your work on a Final Paper project. The breakdown of your final grade is as follows:

1. Class Participation—20% of final grade

You are expected to complete all assigned reading prior to class and to contribute to the class discussion. **There is a reading assignment for the first day of class.** Every student is expected to contribute to the class discussion over the course of the semester, and you are all encouraged to volunteer in every class. We will circulate a sign up sheet on the first day of class for students to sign up to be “on call” for certain topics that correspond to the reading assigned below. 20% of your grade will be based both on your level of participation in class discussion generally, and your level of preparation and contribution to the discussion around your assigned topic.

2. Attendance and Impact on Grade

To avoid a grade reduction or penalty, if you must miss a class, please e-mail me in advance with an explanation and submit a one- to two-page reflection piece on the reading assigned for the day you are absent, due within one day after the missed class.

3. Use of Laptops and Mobile Devices

You may use a laptop or other device to access reading assignments during class. Accessing the internet for any purpose other than class-related activities is prohibited. **During student presentations, only the student presenter may use a laptop or electronic device to assist with his/her presentation; all others must put away laptops and electronic devices.**

4. Final Paper—80% of final grade

You must complete a 15-20 page double-spaced, original research paper for the course, due no later than the close of exam period. We will discuss topic selection in class, but in general you may (1) target your research to a non-profit or public agency that is in need of research on a question of interest to you; (2) select a local government topic of interest to you and develop a case study regarding a specific place/local government institution that is actively addressing that issue; or (3) research a pressing issue of local government policy and assess options for reform; or (4) analyze a narrow issue of local government doctrine or theory and its impact on a particular jurisdiction or set of jurisdictions. You should expect to schedule at least one appointment with me during office hours to discuss your topic of interest and research strategy. Your paper may draw from and develop the content that is covered in class, but you must also conduct independent research that builds on the material covered in the syllabus. It is both acceptable and appropriate to research critiques of state and local government law topics found in other disciplines or bodies of scholarship.

You will be graded on your (1) scope of research, use of sources and analytical depth of treatment of the sources used; (2) thoroughness, clarity, and organization; (3) quality and originality of reasoning; and (4) incorporation/sophistication of land use law topics and concepts into your analysis.

Assigned Reading and Method of Instruction:

We will assign reading to be completed before each class for all classes through. We will assign readings primarily by topic and assign dates for us to complete these topics. This syllabus provides an overview of the major topics we will cover during the semester. We will issue an updated version of this syllabus prior to the start of the course with assigned readings. We will issue an updated syllabus during the semester, to account for the pace of our discussions, new developments, and final reading assignments. We may also assign supplemental reading in class.

<i>Introduction to the Problems of Decentralization</i>		
1. What is local government law?	---	1/16
2. Decentralization: How Much Power Should Local Governments Have? and why does this matter?	Excerpt, FFB pp. 1-23 (skim) Excerpt, Briffault, "States and Local Governments"	1/16
3. Cities: Are They Public or Private Entities?	Frug, Legal History of Cities to p. 45 (from City Making), <i>Oregon v. City of Rajneeshpuram</i>	1/23
4. Counties, agents of the state or regional governments?	Avery; Lobao & Kraybill, <i>The Emerging Roles of County Governments in Metropolitan and Nonmetropolitan Areas</i>	1/23
5. Private and Quasi-Private Forms of Local Power	Ellickson, <i>Cities and Homeowners Associations</i> (excerpt), Mckenzie, <i>Privatopia</i> (excerpt), Miller, <i>Cities by Contract</i> (excerpt)	1/30
<i>Local Governments in the Federalist System</i>		
6. The City-State Relationship as a Matter of Federal Constitutional Law & Dillon's Rule	Frug, Legal History of Cities to p. 45 (from City Making), p. 45-53; FFB 127-47	2/6
7. The Home Rule Power	Frug, <i>Home Rule</i> (from City Bound)	2/6
8. State Legislative Preemption	<i>American Financial Services v. City of Oakland</i> , Barron et. al, <i>Dispelling the Myth of Home Rule: Local Power in Greater Boston</i> (excerpt)	2/13

9. City-Federal Relations	TBD	2/20
10. How does the planner navigate our federalist system? (Howard Slatkin)	TBD	2/27
<i>The Relationships Among Local Governments</i>		
11. City Formation	-FFB 357-73 (Intro, Briffault, Miller, Lang, <i>Bd. v. LAFCO</i>)	3/6
12. Annexation	Anderson, <i>Mapped Out of Local Democracy</i> Part I(A, B), pages 935-49	3/6
13. Secession & Dissolution	Anderson, <i>Dissolving Cities</i> (excerpt)	3/6
14. Regional cooperation and competition (Howard Slatkin)	TBD	3/20
15. Growth, Governance, and the Political Geography of Land Use Planning (Howard Slatkin)	Schleicher, "City Unplanning"	3/27
16. Sprawl	powell, <i>Sprawl, Fragmentation, and the Persistence of Racial Inequality</i>	4/3
<i>Relationships between local governments and their residents</i>		
17. Paying the City's Expenses & Managing Local Fiscal Crisis	Frug, <i>Revenues and Expenditures</i> (from City Bound), Anderson, <i>Democratic Dissolution: Radical Experimentation in State Takeovers</i>	4/10
18. City-neighborhoods in planning	Schwartz and Lane, "The policy and politics of Charter making," section on "Land Use Decision Making" (pp. 853-870)	4/17
<i>Public entities as innovators and/or agents of change?</i>		
19. Local Governments as Innovators & Agents of Change—Affirmative Litigation	Stewart & Lee, <i>The Role of Public Law Offices in Marriage Equality Litigation</i> ; Perry (excerpt), Morris, <i>San Francisco and the Rising Culture of Engagement in Local Public Law Offices</i>	4/24