

PROMOTING LOCAL EMPOWERMENT AND REGIONAL COOPERATION: THE DETROIT METRO LEGISLATURE

DAVID ADETOKUNBO WILLIAMS[†]

Table of Contents

I. INTRODUCTION.....	5
II. PART ONE	6
III. PART TWO	10
IV. PART THREE	15
<i>A. The Detroit Metro Legislature</i>	15
<i>B. Is the Metro Legislature Legal?</i>	19
<i>C. The Legal Power of the Metro Legislature</i>	20
V. PART FOUR	21
<i>A. What Would the Metro Legislature Do?</i>	21
<i>B. Transportation Planning</i>	22
<i>C. Additional Initiatives</i>	24
VI. CONCLUSION	27

I. INTRODUCTION

For the past fifty years, metropolitan Detroit has become a region defined by municipal fragmentation and political division. Both the city and its suburbs, in part due to competition for resources and an inability to collaborate, have struggled politically and economically. The region is plagued by severe socioeconomic and racial segregation and has struggled to adapt and reinvent itself in the face of the decline of the automobile and manufacturing industries. Cooperation across municipal lines is continuously heralded as necessary to create a prosperous and healthy region, yet state and local government bodies have proven inadequate and unable to tackle the needs of the metropolitan Detroit area.

[†] Associate, Klein Hornig LLP. B.A., 2007, Harvard University; J.D., 2012, Harvard Law School. The author is deeply grateful to Gerald Frug, whose academic work inspired this article and whose support and guidance was invaluable throughout the development of this project. The author would also like to thank James Hairston and Chas Hamilton for, among other things, their helpful and insightful feedback and commentary. This article is dedicated to David Adeniyi Williams and Maureen E. Schwartzhoff, enthusiastic boosters of the Motor City and wonderful parents.

This Article proposes the creation of a Detroit Metro Legislature composed of representatives directly elected from every village, township, and city in the region. The legislature would serve as a forum for municipalities and would be empowered to create and implement regional policies and initiatives. The body would be structured with three primary purposes in mind: to increase local engagement and participation in the political process, to empower municipalities by giving them a direct voice in regional planning and decision-making, and to help facilitate the creation and implementation of the policies and initiatives necessary to help Southeastern Michigan become a healthier and more economically competitive metropolitan area.

Part I of this Article provides a brief background on the history and the current state of political and economic development in metropolitan Detroit. Part II explains how current government structures in Michigan have failed to promote healthy growth, development, and planning in the region. Part III provides a description of the Metro Legislature's proposed structure and legal powers. Part IV explores potential policies and initiatives that could be pursued by the Metro Legislature.

II. PART ONE

The population of Detroit exploded during the first half of the twentieth century. People from across the country and the world came to fill lucrative factory jobs, fueling the rise of the auto industry and powering the Allied war effort during World War II.¹ At its peak, buoyed by the influx of these laborers, nearly two million people called Detroit home.² However, as assembly lines became automated and industry began to move away from the central city, Detroit's population plummeted.³ According to the US Census, by 2010, less than 750,000 people remained in the city.⁴

Sadly, Detroit has become the poster child for post-industrial urban disinvestment and decay. Once referred to as the Arsenal of Democracy⁵

1. Thomas Sugrue, *From Motor City to Motor Metropolis: How the Automobile Industry Reshaped Urban America*, AUTOMOBILE IN AM. LIFE & SOC'Y (2005), http://www.autolife.umd.umich.edu/Race/R_Overview/R_Overview.htm.

2. *Id.*

3. THOMAS SUGRUE, THE ORIGINS OF THE URBAN CRISIS: RACE AND INEQUALITY IN POSTWAR DETROIT 125-52 (2005).

4. Tom Walsh, *Could Detroit Revival Finally Get Traction*, DETROIT FREE PRESS, (May 27, 2012) <http://www.freep.com/article/20120527/COL06/205270454/Tom-Walsh-Could-Detroit-revival-finally-get-traction->.

5. SUGRUE, *supra* note 3, at 19.

and the Paris of the Midwest,⁶ Detroit is now better known for poverty, violence, and political corruption.⁷ The city's dramatic population loss has led to vast expanses of abandoned storefronts and homes and has devastated the city's tax base.⁸ Today, Detroit is a city wracked by crime,⁹ poor city services,¹⁰ and a severely underperforming public school system.¹¹ For decades, the city has been troubled by corruption and mismanagement scandals, in financial crisis, and continuously on the brink of bankruptcy.¹²

But despite these problems, Detroit and its metropolitan region seem to be making a comeback. Since the severe economic depression of 2008, markets in the state have begun to stabilize.¹³ After teetering on the brink of bankruptcy, the "Big Three" American automobile companies have made a significant comeback.¹⁴ Despite the severe challenges facing Detroit, investors have been returning, bringing business and new

6. Pat Zacharias, *Guardian Building Has Long Been the Crown Jewel in Detroit Skyline*, DETROIT NEWS (Mar. 10, 2001, 8:00 PM), <http://blogs.detroitnews.com/history/2001/03/09/guardian-building-has-long-been-the-crown-jewel-in-detroit-skyline/>.

7. Susan Saulny & Nick Bunkley, *Detroit's Mayor Will Leave Office and Go to Jail*, N.Y. TIMES (Sept. 4, 2008), <http://www.nytimes.com/2008/09/05/us/05detroit.html>.

8. See Chastity Pratt Dawsey & Kristi Tanner, *Way Too Many Derelict Buildings, Nowhere Near Enough Cash to Raze Them*, DETROIT FREE PRESS (Apr. 15, 2012), <http://www.freep.com/article/20120415/NEWS01/204150504/Way-too-many-derelict-buildings-nowhere-near-enough-cash-to-raze-them>.

9. See Mike Wilkinson, *Flint, Detroit Most Violent in U.S.*, DETROIT NEWS (June 14, 2012), http://www.detroitnews.com/article/20120614/ME_TRO/206140385.

10. Cecil Angel, *In Detroit's Distressed Areas, the Neighbors Left, and Now Services Disappear*, DETROIT FREE PRESS (May 20, 2012), <http://www.freep.com/article/20120520/NEWS01/205200478/In-Detroit-s-distressed-areas-the-neighbors-left-and-now-services-disappear>.

11. See Ryan Beene, *Detroit's Public Schools Post Worst Scores on Record in National Assessment*, CRAIN'S DETROIT BUS. (Dec. 8, 2009), <http://www.crainsdetroit.com/article/20091208/FREE/912089997/detroits-public-schools-post-worst-scores-on-record-in-national-assessment>.

12. Mark Guarino, *Detroit Teeters on Brink of Bankruptcy as State Takeover Looms*, CHRISTIAN SCI. MONITOR (Mar. 21, 2012), <http://www.csmonitor.com/USA/2012/0321/Detroit-teeters-on-brink-of-bankruptcy-as-state-takeover-looms>. Note that Detroit did in fact file for bankruptcy in July 2013. See Matt Helms et al., *Detroit Files for Bankruptcy, Setting Off Battles with Creditors, Pensions, Unions*, DETROIT FREE PRESS (July 13, 2013), <http://www.freep.com/article/20130718/NEWS01/307180107/Detroit-bankruptcy-filing-Kevyn-Orr-emergency-manager>.

13. Bill Vlasic, *Chrysler Ends Quarter with a \$225 Million Profit*, N.Y. TIMES (Feb. 2, 2012), <http://www.nytimes.com/2012/02/02/business/chrysler-earned-225-million-in-4th-quarter.html>.

14. *Id.*

ideas to the city.¹⁵ The national media has championed Detroit as a hip new destination for artists and young people interested in helping revitalize the Rust Belt.¹⁶ Detroit's current Mayor, Dave Bing, has begun to implement the Detroit Works Project, a strategic planning effort that has released long-term, comprehensive land use policies and plans aimed at right-sizing the city and encouraging future sustainable growth and development.¹⁷

Although these signs are positive, Detroit becoming a healthy, livable city cannot take place in a vacuum. Today, Detroit is part of a much larger metropolitan region. And like many urban centers across the country, Detroit's past and future are inextricably linked with its surrounding suburbs. Most of the residents that left Detroit did not leave the state or the region. They simply moved a few miles away to neighboring towns and cities.¹⁸ The changing dynamics of industry in the region and the construction of interstate highways leading out of the city facilitated this demographic shift.¹⁹ Racial antagonism and strife were also significant contributors.²⁰

However, the suburbanization of Southeastern Michigan was not simply a product of individual preference and choice. The transformation of the Detroit metropolitan area was heavily influenced by public policy. Detroit was unable to grow in size to capture population due to strict annexation laws created by the state legislature.²¹ These rules, along with state laws that promoted incorporation, led to the creation of dozens of small municipalities that blocked Detroit's growth and created one of the

15. See, e.g., Josh Harkinson, *How to Bring Detroit Back from the Grave*, MOTHER JONES (June 15, 2012, 3:00 AM), <http://www.motherjones.com/politics/2012/06/detroit-economy-art-recovery>; David Segal, *A Missionary's Quest to Remake Motor City*, N.Y. TIMES (Apr. 13, 2013), <http://www.nytimes.com/2013/04/14/business/dan-gilberts-quest-to-remake-downtown-detroit.html>.

16. See, e.g., Jennifer Conlin, *Detroit Pushes Back with Young Muscles*, N.Y. TIMES (July 1, 2011), <http://www.nytimes.com/2011/07/03/fashion/the-young-and-entrepreneurial-move-to-downtown-detroit-pushing-its-economic-recovery.html>.

17. John Gallagher, *Tale of Two Futures? Future City Blueprint Shows What Detroit Could Be*, DETROIT FREE PRESS (Jan. 13, 2013), <http://www.freep.com/article/20130113/BLOG31/301130166/John-Gallagher-Tale-of-two-futures-Detroit-Future-City-blueprint-maps-an-alternative-to-a-bligh-metropolis>.

18. AMY MARIA KENYON, *DREAMING SUBURBIA: DETROIT AND THE PRODUCTION OF POSTWAR SPACE AND CULTURE* 12 (2004).

19. *Id.* at 15.

20. SUGRUE, *supra* note 3, at 125-52.

21. JUNE MANNING THOMAS, *REDEVELOPMENT AND RACE: PLANNING A FINER CITY IN POSTWAR DETROIT* 31-33 (1997). For further discussion on the impact of annexation and incorporation on the growth and health of cities, see DAVID RUSK, *CITIES WITHOUT SUBURBS* (1993).

most highly fragmented metropolitan areas in the country.²² Numerous studies have shown how decades of state and national policy, including transportation funding allotments, subsidized loans for suburban homes, and policies that favored racial segregation, facilitated the departure of many of Detroit's residents, especially upper- and middle-class whites.²³ Observers have noted how current policy continues to handicap Detroit and other urban centers.²⁴ According to a report by the Michigan Land Use Institute, the Michigan State Legislature and the Southeast Michigan Council of Governments (SEMCOG)—the region's designated metropolitan planning organization—have encouraged sprawl through tax incentives and the disproportionate allocation of state and federal funds towards suburban and rural development projects.²⁵

Although Detroit is especially burdened by suburban-centric policies, these policies negatively affect all of Southeastern Michigan. Disinvesting in Detroit and the region's urban core has led to the creation of a disjointed and dysfunctional public transportation system²⁶ and severe racial and socioeconomic segregation.²⁷ Additionally, the resulting rapid population growth in the suburbs has created extreme traffic congestion, has stressed the region's infrastructure and finances, and threatens Michigan's natural resources.²⁸ Due to a lack of cooperation, the Detroit metropolitan area and Michigan in general have become less economically competitive. Although Detroit's population loss has been staggering, the state of Michigan has been struggling as a whole. From 2000 to 2010, Michigan was the only state in the country to have negative population growth.²⁹ Local political leaders from the

22. MYRON ORFIELD ET AL., DETROIT METROPATTERNS: A REGIONAL AGENDA FOR COMMUNITY AND PROSPERITY 45, available at http://www.law.umn.edu/uploads/99/41/99413c1fc53095e4382976e4bd63a38f/38_Detroit_Metropatterns.pdf (stating that, of "the 50 largest metropolitan areas in the country," Southeastern Michigan "is the 15th-most fragmented").

23. KENNETH T. JACKSON, CRABGRASS FRONTIER: THE SUBURBANIZATION OF THE UNITED STATES 203-09, 213-18 (1987), cited in GERALD E. FRUG ET AL., LOCAL GOVERNMENT LAW: CASES AND MATERIALS 337-43 (5th ed. 2009).

24. KEITH SCHNEIDER & MAC MCCLELLAND, MICH. LAND USE INST., FOLLOW THE MONEY: UNCOVERING AND REFORMING MICHIGAN'S SPRAWL SUBSIDIES (2005), available at <http://www.mlui.org/userfiles/filemanager/868/>.

25. *Id.*

26. See James Bruckbauer, *A Modern Odyssey, Part One: From Traverse City to Detroit*, MICH. LAND USE INST. (Apr. 5, 2012), <http://mlui.org/blogs/?p=2765>.

27. REYNOLDS FARLEY, SHELDON DANZINGER & HARRY J. HOLZER, DETROIT DIVIDED 178-216 (2002).

28. ORFIELD ET AL., *supra* note 22, at 13-16.

29. Mark Guarino, *What's Up with Michigan? US Census Shows Its Population Stuck in Reverse*, CHRISTIAN SCI. MONITOR (Dec. 22, 2010), <http://www.csmonitor.com/>

suburbs, even those who have typically been antagonistic to Detroit, have noted how Detroit's financial troubles could directly impact suburban municipal budgets.³⁰ It has become clear that for the city and region to truly prosper, greater collaboration and cooperation must take place between Detroit and its larger metropolitan area.

III. PART TWO

State and local governance structures are failing the Detroit metropolitan area and hindering efforts to revitalize the region. Southeastern Michigan is divided into hundreds of small cities, towns, and villages. These local government bodies provide essential services, and the decisions and policies made by municipal leaders directly impact the day-to-day lives of citizens throughout the region.³¹ However, despite the importance of these local government bodies, they are largely unable to effectively impact regional and state policy. The Southeast Michigan Council of Governments (SEMCOG) currently serves as the designated Metropolitan Planning Organization (MPO) for the region and, as such, is responsible for allocating federal transportation funds.³² SEMCOG also supports planning efforts and serves as a body that brings together elected officials from throughout the region.³³ However, participation in SEMCOG is voluntary.³⁴ Dozens of the 232 municipalities within

USA/Society/2010/1222/What-s-up-with-Michigan-US-Census-shows-its-population-stuck-in-reverse.

30. Jonathan Oosting, *Bankruptcy Remains a Possibility for Detroit with Implications for All of Michigan*, MLIVE (Apr. 5, 2012, 12:19 PM), http://www.mlive.com/news/detroit/index.ssf/2012/04/bankruptcy_remains_a_possibili.html.

31. In his study of the effects and unwillingness of courts to challenge the perpetuation of racially segregated local government units, Richard Ford illustrated the implications of living on different sides of city lines in Southeastern Michigan: "Locals call the street 'Berlin Wall,' or the 'barrier,' or the 'Mason-Dixon Line.' It divides the suburban Grosse Pointe communities, which are among the most genteel towns anywhere, from the East Side of Detroit, which is poor and mostly black. The Detroit side is studded with abandoned cars, graffiti-covered schools, and burned-out buildings." Richard Thompson Ford, *Geography and Sovereignty: Jurisdictional Formation and Racial Segregation*, 49 STAN. L. REV. 1365, 1366 (1997) (quoting JACKSON, *supra* note 23, at 278). The article also notes that one individual state senator's district "awkwardly straddles" the extremely different neighborhoods in both cities. *Id.*

32. *What SEMCOG Does*, SE. MICH. COUNCIL OF GOV'TS, www.semco.org/whatsemcogdoes.aspx (last visited Oct. 2, 2013).

33. *Id.*

34. According to Article I of the SEMCOG Bylaws, "The Southeast Michigan Council of Governments . . . is a voluntary association of local units of government in Southeast Michigan . . . for the purpose of fostering cooperative efforts to resolve problems, and to formulate policies and plans that are common and regional, all with

SEMCOG's jurisdictional area are not members.³⁵ Therefore, policies and proposals created by the organization are largely unenforceable. Additionally, SEMCOG's voting structure disproportionately favors newer, wealthy suburban communities on the fringe of the region.³⁶ Observers have noted that this structure has led to planning priorities and investments that encourage urban sprawl detrimental to Detroit and the region's older inner-ring suburbs.³⁷

State legislators and county officials in Michigan represent districts that cut across municipal lines. State representatives and state senators are not necessarily responsible for representing individual cities and towns and may not fully understand the day-to-day challenges faced by local government leaders. Additionally, most state legislators are not from the seven-county metropolitan Detroit area and could understandably be uninformed about—and not primarily concerned with—Southeastern Michigan-specific issues.

Until the 1960s, townships and cities were directly represented on county boards of supervisors. However, due to the “one-person, one-vote” rule enacted by the United States Supreme Court, county “boards of supervisors were replaced [by] county boards of commissioners.”³⁸ These new boards elected members from election districts based primarily on population size rather than municipal boundaries.³⁹ The Citizens Research Council of Michigan has noted:

The loss of the county boards of supervisors created a void
The move to independently elected county commissioners reduced counties' connection to local units. Where supervisors were inherently prepared to address the needs of the local governments they represented, county commissioners tend to be

maximum efficiency and economy.” SE. MICH. COUNCIL OF GOV'TS, BYLAWS 1 (2007), available at <http://www.semco.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=3876&libID=3898>.

35. See *SEMCOG Members List*, SE. MICH. COUNCIL OF GOV'TS, available at <http://www.semco.org/data/memberlist.cfm> (last visited Sept. 22, 2013).

36. See ORFIELD ET AL., *supra* note 22, at 48; *MOSES, Inc. v. SEMCOG*, 716 N.W.2d 278, 280 (Mich. Ct. App. 2006).

37. Kurt Schneider, *A Case Against Sprawl*, METRO TIMES (Aug. 18, 2004), <http://www2.metrotimes.com/editorial/story.asp?id=6627>; see also Schneider & McClelland, *supra* note 24.

38. *Article VII – Local Government*, CRC SPECIAL REP.: MICH. CONSTIT. ISSUES (Citizens Research Council of Michigan, Livonia, Mich.), July 2010, at 5, available at <http://www.crcmich.org/PUBLICAT/2010s/2010/rpt36010.pdf>.

39. See *In re Advisory Op. on Constitutionality of Act No. 261 of Pub. Acts of 1966*, 149 N.W.2d 443 (Mich. 1967).

aware of the needs of the local governments only when they make special efforts to learn of those needs.⁴⁰

Counties are not only potentially disengaged from the concerns and needs of their constituent municipalities; they are also largely unable to implement countywide planning initiatives. Local governments have the power to accept or reject any plans made at the county level. According to one county planning official responding to a study conducted by the University of Michigan Center for Local, State, and Urban Policy, "Counties can plan all they want in Michigan, but at the end of the day, they have little power over planning."⁴¹

Even if county governments were responsive to the needs of the local governing bodies within their borders or if they had greater authority, their impact would be limited. Many of the issues facing Southeastern Michigan today are not isolated to single counties. Some of the greatest political and socioeconomic divides in the region rest on county borders. Potential policy solutions cannot be limited to the myriad of political boundaries that make up the region. However, no effective body currently exists that is capable of crossing jurisdictional lines and tackling regional matters. For example, in order for cultural and art institutions that serve the entire region to raise funds, these organizations first must seek approval from several county boards of commissioners.⁴² Each board votes whether or not to put a property tax increase on their individual countywide ballot.⁴³ After an affirmative vote by each board, each county electorate must approve the tax in separate votes.⁴⁴ There is no political body focused on regional issues that has the power and authority to efficiently implement cross-municipality and cross-county policies and projects.

Given this political environment, local governing bodies are largely left without an effective means to coordinate with neighboring

40. *Article VII – Local Government*, *supra* note 38, at 5.

41. *Regional Planning in Michigan: Challenges and Opportunities of Intergovernmental Cooperation*, POLICY REPORT (Univ. of Mich. Center for Local, State, & Urb. Pol'y, Ann Arbor, Mich.), May 2005, at 3, available at <http://closup.umich.edu/files/pr-3-reg-gov.pdf>.

42. The Detroit Zoo, the Detroit Institute of Art, and other art and cultural institutions in the region have explored securing long-term funding through a regional millage that required the approval of Oakland, Macomb, and Wayne Counties. See Sherri Welch, *DIA's Big Picture is Solo Effort*, CRAIN'S DETROIT BUS. (Apr. 22, 2012), <http://www.crainsdetroit.com/article/20120422/SUB01/304229962/dias-big-picture-is-solo-effort>.

43. *Id.*

44. *Id.*

communities. And due to state law, local leaders are significantly restricted in the actions they can take and the forms of revenue they can raise.⁴⁵ Heads of municipalities are forced to compete for resources from the state and private development projects that increase their property tax revenue—one of their few sources of income.⁴⁶ This dynamic encourages competition and unhealthy sprawl rather than inter-local collaboration and smart growth and development.⁴⁷ The combination of a lack of local empowerment and the inability to plan and organize across the metropolitan Detroit area has left Southeastern Michigan unable to tackle the large, complicated issues that need to be addressed to secure the region's future prosperity and development.

Observers from across the political spectrum—academics, policy makers, urban planners, and local leaders—have all affirmed the need for greater regional cooperation in Southeastern Michigan.⁴⁸ However, as history has demonstrated, the type of collaboration and cooperation necessary to bring Detroit and the region forward will not take place without robust and dynamic political mechanisms, mechanisms that currently do not exist.⁴⁹

45. See Evan Gross, *Michigan: A State of Home Rule, Local Autonomy, and Emergency Managers*, MICH. POL'Y NETWORK: URB. AFF. (Dec. 3, 2011, 2:13 AM), http://michiganpolicy.com/index.php?option=com_content&view=article&id=1155:michigan-a-state-of-home-rule-local-autonomy-and-emergency-managers&catid=60:urban-affairs-current-issues&Itemid=248.

46. According to Myron Orfield, the fragmented system of taxation in the region encourages municipalities to compete with one another by lowering taxes. Mike Aliberti, *Squandered Opportunities Leave Detroit Isolated*, REMAPPING DEBATE 2-4 (Jan. 11, 2012), <http://www.remappingdebate.org/sites/all/files/Squandered%20opportunities%20leave%20Detroit%20isolated.pdf>. See also ORFIELD ET AL., *supra* note 22, at 36-38.

47. In a study of localism in Massachusetts, David Barron and Gerald Frug noted that metropolitan fragmentation not only leads municipalities to compete with neighboring communities for resources but also actively discourages inter-local cooperation. David Barron & Gerald Frug, *Defensive Localism: A View of the Field from the Field*, 21 J.L. & POL. 261, 283 (2005). They note that an official from the town of Hamilton, Massachusetts explained that local leaders were averse “even to deals that might benefit them financially for fear that they might benefit competitor localities even more.” *Id.*

48. See, e.g., Aliberti, *supra* note 46; see also OPTION PROCESS TASK FORCE, STATE OF MICH. OFFICE OF THE GOVERNOR, REPORT OF THE OPINION PROCESS (T.O.P.) TASK FORCE (1973), available at <http://www.remappingdebate.org/sites/all/files/TOP%20Task%20Force%20Report%201973.pdf>.

49. According to Jack Lessenberry of the Metro Times, commenting on the Mackinac Policy Conference, an annual event hosted by the Detroit Regional Chamber of Commerce that brings together Michigan's political and business leaders, “the conference traditionally ends with some sort of resolution pledging everyone to new efforts at regional cooperation that mostly never quite happen.” Jack Lessenberry, *Tale of Two Michigans*, METRO TIMES (June 6, 2012), <http://metrotimes.com/columns/tale-of-two-michigans-1.1325463>.

What solutions would help set the region in the right direction? Could creating one large super-government serve as the solution? City-county consolidations have occurred in places like Jacksonville and Indianapolis. However, as noted previously, reform in Southeastern Michigan needs to take place across county lines.⁵⁰ A viable region can only exist if Detroit and Wayne County can better collaborate with neighboring counties. Is a super-region in order? Expanding a central city to encapsulate a region as large as the Detroit metro area is legally, politically, and practically infeasible.⁵¹ As noted earlier, annexation is a difficult process in Michigan and erasing municipal lines that helped shape the region would most likely be a political non-starter. But most importantly, larger government does not automatically translate into greater efficiency.⁵² A metropolitan-wide single municipality could easily result in less consistent and responsive service delivery.⁵³ This form of a super-region would create greater distance between everyday citizens and their locally elected officials.⁵⁴

Most Michigan residents currently live in small municipalities with easily accessible leadership.⁵⁵ Robust political engagement at the local level is paramount to our democracy. Making better decisions at a regional level must be based on a dedication to empowering local decision-makers. Despite their home rule powers, local governments are currently restricted by state law and have no direct say in the state legislative process or regional planning efforts. Rather than taking away more power and autonomy from local communities, we must empower municipalities and their leaders and better enable them to engage and collaborate with their neighbors and the greater metropolitan community as a whole. Cities, townships, and villages—the government units that citizens interact with most on a day-to-day basis—should be given a greater voice and ability to shape the future of Southeastern Michigan. Our goals must be to both encourage the engagement of everyday residents with their local leaders and ensure that municipalities have a direct voice in regional decision-making.

50. David Rusk has noted that in many of the metro areas where city-county consolidations were successful, the metro areas in question have long since outgrown the confines of their counties. RUSK, *supra* note 21.

51. See Gerald Frug, *Beyond Regional Government*, 115 HARV. L. REV. 1763, 1766-73 (2002).

52. *Id.* at 1764-65.

53. *Id.*

54. *Id.*

55. MICH. DEP'T OF TECH. MGMT. AND BUDGET, POPULATION OF MICHIGAN CITIES AND VILLAGES: 2000 and 2010 (2010), available at <http://www.michigan.gov/cgi/0,1607,7-158-54534-252541--,00.html>.

IV. PART THREE

A. The Detroit Metro Legislature

Can we give a strong voice to local units of government while also encouraging regional decision-making and problem-solving? This Article proposes the creation of a Detroit Metro Legislature filled with directly elected representatives from every city, township, and village in the region. This proposal is based on the work of law professor Gerald Frug, whose concept of the regional legislative body was inspired by the structure of the General Assembly of the European Union.⁵⁶ The legislature in some ways resembles other regional governance bodies that currently exist in the United States. However, its structure is unique and has been formulated specifically for three purposes: to encourage robust democratic participation, to empower local governments while harnessing their unique and important perspectives, and to facilitate effective planning and policymaking at the regional level.

The Detroit Metro Legislature would have jurisdiction over the seven-county region currently represented by the Southeastern Michigan Council of Governments (SEMCOG). The legislature would be comprised of a Metro General Assembly that would include delegates from every general-purpose municipal government in metropolitan Detroit. Each municipality—every city, township, and village—in the region would be considered a municipal district and would receive voting power directly proportionate to its population. To ensure exact proportionality, each district would receive one vote for every resident in the district according to the most recent Census. This apportionment of votes would not only facilitate an equal distribution of power among municipalities; it would also serve as a powerful symbol. Municipal population, now directly associated with voting power, would take on new importance and would provide citizens of the region with a transparent and direct reminder of how population and demographic shifts affect policymaking in the region.

Each district in the legislature would receive at least one delegate. Larger districts would receive an additional delegate for every 10,000 residents.⁵⁷ For example, the city of Detroit, a district with 713,777

56. Frug, *supra* note 51, at 1792-829.

57. Population data for municipalities would be based on the most recent United States census. This Article relies on population calculations of the 2010 U.S. Census as published through the Southeastern Michigan Council of Governments. *See 2010 Census Data for Southeast Michigan*, SE. MICH. COUNCIL OF GOV'TS (Mar. 25, 2011), <http://library.semcog.org/InmagicGenie/DocumentFolder/QuickFacts2010Census.pdf>.

residents according to the 2010 census, would receive seventy-two delegates.⁵⁸ The city of Ann Arbor, with a population of 113,934 residents, would receive twelve delegates.⁵⁹ The smallest district in the region, Southfield township, with only twenty-six residents, would, like all other districts with less than 10,000 residents, only receive one delegate.⁶⁰ The votes allocated to each district would be distributed equally between that district's delegates. This structure ensures that each and every local government unit in the legislature has a voice while distributing voting power equally based on population.

Each municipal district would be allowed to choose the manner in which its delegates were elected as long as its elections abided by the principle of proportional representation. Instead of a winner-take-all system in which all the districts received one delegate from one political party, a voting system with multi-delegate districts would allow for districts with representation from multiple political parties and various political perspectives. This would encourage cross-district ties and collaboration across jurisdictional lines based on political party affiliation.⁶¹ Minority political views that have largely been sidelined in many municipalities might finally find an avenue for expression and an opportunity to have a voice in the political process.⁶² A member of a political minority within a district could ally with delegates from other municipalities to create policy solutions. The greater number of perspectives brought together by the legislature generally, and a mandate to find regional solutions, would hopefully foster creative policymaking and encourage collaboration and compromise.

Professor Frug has asserted that a system of proportional representation would enable elections that could help familiarize voters with the substantive issues on the regional agenda.⁶³ He noted that a local election could be organized so that political parties could propose a list of candidates. That would help structure and encourage voting based more on relevant substantive issues supported by political parties rather than the personalities or biographies of particular candidates.⁶⁴ Additionally, as long as the elections still abided by the principle of

58. *Id.*

59. *Id.*

60. *Id.*

61. For more discussion regarding how proportional representation affects the political process in the General Assembly of the European Union and its implications for potential metropolitan legislatures in the United States, see Frug, *supra* note 51, at 1806-08.

62. *See generally id.*

63. *Id.* at 1808.

64. *See id.*

proportional representation, larger districts could be divided into sub-districts. A large district like Detroit with seventy-two delegates could organize around its newly created city council districts. This would help solve logistical and practical problems associated with trying to elect a large number of delegates and could also help encourage political and democratic engagement at individual community and neighborhood levels within particular municipalities.

Directly electing officials rather than appointing current local government leaders also provides several benefits. Direct elections would help create engagement with local residents regarding regional challenges and issues and would ensure that the delegates deciding such important regional issues were politically accountable to their constituents.⁶⁵ Additionally, delegates directly elected to the body would be in a better position to legislate on behalf of the region. The individuals who created the directly-elected regional governing body for Portland, Oregon (also called “Metro”) debated the same question. They found that

local officials who also serve at the area-wide level are forced to walk an impossibly narrow line between regional solutions and the demands of the local community that they were elected to represent. Direct election of a regional body was proposed as “the best, and perhaps only, way to secure a democratic, responsive, responsible and effective area-wide government.”⁶⁶

Delegates directly elected to the legislature can understand the needs and issues facing their municipalities but are also free to pursue policy goals for the region as a whole.⁶⁷ They do not have to worry about the issues that face local officials tasked with the day-to-day operations of a municipality. Regional delegates would be able to pursue the long-term needs of Southeastern Michigan without worrying about the short-term issues and concerns that occupy local government leaders.

In addition to the General Assembly, the Metro Legislature would have an Executive Director and an Executive Committee. These features mirror regional governance bodies that currently exist in the United States. Similar to the Portland Metro, the Executive Director of the Detroit Metro Legislature will be elected at-large by all voters in the region. This official will serve as the face of the Legislature, provide

65. *Id.*

66. CARL ABBOTT & MARGERY POST ABBOTT, *ABBOTT: A HISTORY OF METRO*, MAY 1991, at 10-11 (2010), available at http://library.oregonmetro.gov/files/abbott-a_history_of_metro_may_1991.pdf.

67. *Id.*

leadership and direction for the body, and serve as a figure with the political clout and capital to facilitate regional policymaking and effectively deal with other high-profile politicians in the region.⁶⁸

Mirroring a feature of the Puget Sound Regional Council (PSRC) in Washington State, the Executive Committee of the Detroit Metro would be chosen from the delegates in the General Assembly.⁶⁹ The General Assembly, because it would draw from each and every municipality in the region, would have over five hundred delegates. This large number of delegates would allow citizens to have greater contact with their representatives and will help bring a large number of perspectives and potential policy solutions to the table. However, it will be difficult to convene such a large body frequently. Again, similar to the PSRC, the Executive Committee would meet monthly to conduct general business on behalf of the Assembly. The General Assembly would only convene in full once a year to vote on important issues. During the rest of the year, delegates in the General Assembly would participate in working groups and committees related to specific, substantive issues like transportation, housing, land use management, education, and tax reform. Committees would also be convened for sub-regions within the Legislature's general jurisdiction and for issues affecting those sub-regions. Local business leaders and members of the chamber of commerce, political leaders, regional planning and transportation officials, and community members would also be appointed to participate on relevant committees to lend their expertise and to strengthen ties between delegates and the needs and interests of their local communities.

Several other characteristics of the Legislature would strengthen its ability to effect regional change. Delegates in the Legislature would represent and understand the issues facing their home districts, but according to their mandate as members of the Metro Legislature, they would officially be tasked with working to find solutions that were for the good of the region in general. Participation in the Legislature would be mandatory for all municipalities in the region, and General Assembly votes would be legally enforceable. The General Assembly would utilize

68. The Commission that helped create the Metro in Oregon chose an elected, rather than appointed, executive to ensure that the official would have the political capital necessary to deal effectively with other powerful politicians in the region. The Commission was swayed by the argument that "an appointed official . . . would lack the political base to stand up to the Mayor of Portland and other visible politicians." *Id.* at 11. The Commission found that a "hired chief-administrator, lacking both a political base and a direct line of accountability to the citizens, simply could not survive in a unit the size" encompassed by Metro. *Id.*

69. See generally *About PSRC*, PUGET SOUND REGIONAL COUNCIL, <http://www.psrc.org/about> (last visited Sept. 23, 2013).

super-majority voting for critical issues. A three-fifths (sixty percent) threshold would be necessary for issues that required super-majority approval to ensure that important proposals passed by the body had broad general support while ensuring that small minority groups could not effectively veto popular initiatives.⁷⁰

B. Is the Metro Legislature Legal?

The creation of a regional body in Michigan whose decisions would be legally enforceable would require action by the state legislature. It should not require an amendment to the state's constitution. The Michigan constitution not only permits the legislature to establish regional governance bodies; it actually encourages their creation. According to the state constitution, "the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multipurpose functions rather than a single function."⁷¹

Although the drafters of Michigan's constitution envisioned regional bodies with multifaceted authority, any new government entity with broad power and a unique voting structure would undoubtedly face legal challenge. Although the voting structure of the Metro Legislature would be unlike anything else in the state, it should be found legally acceptable by Michigan courts. Most Michigan jurisprudence related to district apportionment and the state and federal constitutional requirements of local government bodies in the state is related to congressional districting and districting for county commissioners.⁷² All of these apportionment plans must abide by the "one-person, one-vote" rule established by the U.S. Supreme Court in the 1960s.⁷³ Generally, to abide by the rule, voting districts must have roughly similar population sizes.⁷⁴ This ensures that the vote of each person represented by the governing body receives relatively equal weight.⁷⁵ Although the Metro Legislature would use municipal boundaries to elect delegates instead of creating districts

70. For additional discussion regarding the benefits and implications of a qualified majority voting system, see Frug, *supra* note 51, at 1797, 1812.

71. MICH. CONST. art. VII, § 27.

72. See *In re* Apportionment of Tuscola Cnty Bd. of Comm'rs 2001, 644 N.W.2d 44, 44 (Mich. 2002); *In re* Apportionment of State Leg. 1992, 486 N.W.2d 639, 648 (Mich. 1992).

73. *Baker v. Carr*, 369 U.S. 186, 189 (1962).

74. See *id.* at 189-90; *Reynolds v. Sims*, 377 U.S. 533, 568 (1964).

75. *Baker*, 369 U.S. at 189-90; *Reynolds*, 377 U.S. at 568.

of similar sizes, by allocating one vote to a municipal district for each of that district's residents, each municipal district's voting power is directly proportionate to that district's population. Under this system, the vote of each resident in the region is equally weighted. This satisfies the fundamental purpose at the core of the one-person, one-vote rule. Additionally, Michigan courts have not encountered a local governing body in which individual delegate voting power is weighted based on the number of individuals that a delegate represents. However, this form of weighted voting has been approved of in other jurisdictions and found to also satisfy the requirements of one-person, one-vote.⁷⁶

C. The Legal Power of the Metro Legislature

The state legislature would grant the Metro Legislature the power to enact policies like those that have been introduced by regional bodies in Portland, Oregon and the Twin Cities in Minnesota. However, unlike other regional governance bodies in the United States, the Detroit Metro Legislature would not automatically have direct administrative authority over a particular set of governance functions. The Legislature would be granted a strong form of "home rule" authority, the power to enact and implement policies related to regional issues. This power would enable the Legislature to create rules and regulations that were binding on the villages, townships, cities, and counties within its jurisdiction. The Legislature would be empowered to act as a service delivery agency and to takeover or create regional authorities to implement policy initiatives and operate regional assets. However, this power would not translate into immediate authority. The only initial responsibility delegated to the Legislature would be to serve as the region's metropolitan planning organization. Additionally, the Legislature would serve as a forum for delegates to discuss regional issues and explore areas of regional interest. The Legislature could also begin preliminary research and planning efforts to serve as a base and resource for potential future policymaking. Allowing the Metro Legislature to slowly expand its sphere of responsibility would be much easier than immediately delegating the body particular powers and responsibilities. Neither the state legislature nor any other government body is well equipped to decide which issues are inherently regional and which issues are inherently local. Trying to draw a distinct line between regional and local issues would prove extremely difficult and would most likely further confuse the already complicated layers of governance that exist between the state, county,

76. See *Roxbury Taxpayers Alliance v. Del. Cnty. Bd. of Supervisors*, 80 F.3d 42, 47 (2d Cir. 1996).

and local governments in Michigan. All power currently delegated to local units of government would continue to reside within those bodies. The Metro Legislature would only expand its influence incrementally on an issue-by-issue basis. The Legislature would not take on additional responsibilities or duties until a policy or initiative deemed to be of regional interest and necessity was proposed and ratified by the Legislature.

V. PART FOUR

A. What Would the Metro Legislature Do?

The Metro Legislature would serve as a body well-positioned to conduct planning and demographics studies that could serve as the basis for future policy work. This comprehensive planning would mirror much of the work that SEMCOG currently conducts. SEMCOG specializes in data collection, technical assistance, and public reporting regarding housing, population and demographics, transportation, water, local government effectiveness, and legislative issues.⁷⁷ However, the implementation power of the Metro Legislature would make the body's planning and research programs much more powerful. Individual municipalities, their representatives, and the public in general would have a greater incentive to become engaged and interested in planning processes that would very likely have real implications when policy decisions and rules are made based on those findings.

Comprehensive research would provide important data for future land use, housing, transportation, and other policy initiatives. Initially, however, the data could be used to find local agencies and assets that could potentially be consolidated or regionalized. Are there small neighboring cities with separate fire and police departments that would benefit from economies of scale if they were consolidated? Are schools underutilized in small towns that are adjusting to population decline? A holistic, region-wide understanding of demographic and financial trends, paired with a legislative body conducive to discussion and collaboration, would make finding potential areas of municipal consolidation and collaboration much easier. This would be especially valuable in an environment like today's where tight government budgets and money-

77. See generally *Programs and Projects*, SE. MICH. COUNCIL OF GOV'TS, <http://www.semco.org/ProgramsAndProjects.aspx> (last visited Oct. 8, 2013).

starved municipalities are looking for ways to become more efficient.⁷⁸ Committees based on subject matter or sub-regional interests could also serve to bring together representatives from different communities to collaborate on initiatives and problem-solve.

Additionally, an overview of regional assets and their financial state could help identify organizations and bodies that would benefit from regional control and resources. For example, Cobo Hall, a convention center in downtown Detroit, was plagued by poor management and faced severe maintenance issues in the early 2000s.⁷⁹ At one point, there were even rumors that the facility might lose its hallmark event, the Detroit International Auto Show.⁸⁰ Fortunately, since being placed under the management of a regional authority after state intervention in 2009, Cobo has begun \$279 million worth of renovations and has held on to the Auto Show.⁸¹ However, instead of the state controversially taking over assets once they are in a crisis, a comprehensive regional study would identify assets that could benefit from increased funding and broader governance before poor management and other issues hurt their value. For example the Portland Metro, through its Exposition-Recreation Commission, owns and manages the Portland Center for the Performing Arts, the Oregon Convention Center, and the Portland Metropolitan Exposition Center.⁸² Art and cultural institutions, parks, and other assets in Southeastern Michigan would benefit from this form of regionalism and collective regional management.

B. Transportation Planning

Because the Metro Legislature would initially absorb and expand upon the work and responsibilities of SEMCOG, regional transportation planning could serve as its first significant policy initiative. By taking responsibility for the allocation of federal transportation funds and regional transportation planning, the Legislature would lend these

78. See Katie Linebaugh, *Michigan Governor Tells Cities to Tighten Belts*, WALL ST. J. (Mar. 4, 2011), <http://online.wsj.com/article/SB10001424052748703752404576178423994325018.html>.

79. John Gallagher, *Detroit Auto Show Stays Put Through 2017*, DETROIT FREE PRESS (Jan. 6, 2012), <http://www.freep.com/article/20120106/BUSINESS03/201060340/Detroit-auto-show-stays-put-through-2017>.

80. *Id.*

81. Matthew Dolan, *Detroit Arena's Revival Points a Way for City*, WALL ST. J. (Apr. 23, 2012), <http://online.wsj.com/article/SB10001424052702304331204577352101951231234.html>.

82. Carl Abbott, *Metro Regional Government*, OR. ENCYCLOPEDIA, <http://www.oregonencyclopedia.org/entry/view/metro/> (last visited Sept. 24, 2013).

initiatives more democratic legitimacy. As the region's new Metropolitan Planning Organization (MPO), the Legislature would make transportation planning more representative of regional interests and responsive to the concerns of all the residents and municipalities in metropolitan Detroit.⁸³

Beginning with transportation planning would serve as a useful policy entry point for the Legislature. The metropolitan Detroit region has long suffered from fragmented and dysfunctional public transportation. The patchwork system currently in place has led to inconsistent and incoherent planning in the region and contributed to metro Detroit's near complete reliance on personal automobile transportation.⁸⁴ Local political leaders have failed in their attempts to integrate the region's two bus systems into one coherent public transportation network.⁸⁵ One serves the suburbs while the other's jurisdiction is limited to Detroit's city limits. Other forms of public transportation have also struggled to link the city with the rest of the region. The People Mover, an elevated light-rail system in downtown Detroit, was opened in 1987 as the potential first piece of a larger regional transit system.⁸⁶ However, the three-mile circuit has operated in isolation from the rest of the city and the region for over twenty years and is often publicly criticized for low ridership and has struggled to remain in operation due to cost overruns and city budget problems.⁸⁷

Recently proposed initiatives to create a light-rail line and/or bus rapid transit network in the metropolitan region have been slow to develop. Organizing the complex coalition of private-sector investors, and the federal, state, and local government officials necessary to convert any plan into concrete action, has proved difficult. To help facilitate the process, the state legislature has approved the creation of a regional

83. For more regarding the benefits and challenges of a regional legislature taking over the responsibilities of municipal planning organizations, see Frug, *supra* note 51, at 1815-20.

84. Matthew Evangelista, *Detroit Mass Transit – Our Future in High Speed Rail and Light Rail Community*, EXAMINER.COM (Mar. 11, 2009), <http://www.examiner.com/article/detroit-mass-transit-our-future-high-speed-rail-and-light-rail-commuting>.

85. *Mass Transit Won't Work Without Macomb County*, DETROIT NEWS, Aug. 23, 2003.

86. See Neal Rubin, *People Mover Turns 25, After a Quarter-Century of Service, Detroit's Light-Rail Track Keeps on Running*, DETROIT NEWS (July 31, 2012), <http://www.detroitnews.com/article/20120731/OPINION03/207310328>.

87. Bill Shea, *People Mover Will Stop Moving in December Unless It Finds Funds*, CRAIN'S DETROIT BUS. (Oct. 20, 2011), <http://www.crainsdetroit.com/article/20111020/FREE/111029988/people-mover-will-stop-moving-in-december-unless-it-finds-funds>.

transit authority.⁸⁸ This initiative may prove to be a step in the right direction, but it represents another attempt to solve regional problems through ad hoc efforts and is already facing substantial challenges.⁸⁹ The creation of a regional transit authority, staffed largely by appointees, takes power away from local municipalities without their full input and has little democratic accountability.⁹⁰ A regional body with a broad political and policy mandate would be able to conduct transportation planning in a more holistic manner, taking into account the needs and concerns of its constituent municipalities while fitting the region's transportation planning within the larger context of other regional issues like land use, housing, and economic development. If found necessary, the Metro Legislature could create a transit authority tasked with executing and operating a regional transportation plan. However, that would not be the only option. An empowered, flexible Metro Legislature would be able to enact whatever policies and guidelines were necessary to create a comprehensive and effective regional transportation network able to support the healthy development of metropolitan Detroit.

C. Additional Initiatives

The Metro Legislature could also serve as a vehicle for other important policy initiatives. Creating a body that facilitates collaboration across municipal boundaries would help the region become more economically competitive, promote strategic growth and development, and help promote equity. For decades, cities and counties throughout Michigan have competed with one another for development projects and financial resources.⁹¹ A regional body could serve as an advocate for the

88. Bill Shea, *Bills Creating Regional Transit Authority Introduced in Legislature*, CRAIN'S DETROIT BUS. (Jan. 27, 2012), <http://www.crainsdetroit.com/article/20120127/FREE/120129922/bills-creating-regional-transit-authority-introduced-in-legislature>.

89. Matt Helms, *Bill Would Let Suburbs Opt Out of Regional Transit*, DETROIT FREE PRESS (May 2, 2013), <http://www.freep.com/article/20130502/NEWS02/305020148/Regional-Transit-Authority-Michigan-Legislature>; Stephen Henderson, *A Bad Funding Formula for Detroit's Bright Transit Future*, DETROIT FREE PRESS (Apr. 25, 2013), <http://www.freep.com/article/20130424/COL33/304240098/Transit-Detroit-DDOT-SMART-Southeast-Michigan-Snyder-Bing-SEMCOG>.

90. For details regarding the proposed Southeast Michigan Regional Transit Authority, see S. 909, 96th Leg., Reg. Sess. (Mich. 2012), available at <http://www.legislature.mi.gov/documents/2011-2012/billintroduced/Senate/html/2012-SIB-0909.htm> (codified with some differences in language at MICH. COMP. LAWS ANN. §§ 124.541-.558 (West 2013)).

91. See, e.g., Charles Crumm, *Patterson Rebuffs Bing; Says Red Wings Should Move to Oakland*, OAKLAND PRESS (Mar. 12, 2010), http://www.theoaklandpress.com/articles/2010/03/12/news/local_news/doc4b9a8335507e0241685057.txt.

region as a whole, creating guidelines and initiatives that would promote growth for all member municipalities. Distributing assets and deploying incentives in a concerted, strategic manner could help the region take advantage of its resources and human capital and help Detroit and its surrounding communities transition from being a region defined by its manufacturing-reliant history into a leader in the global knowledge-based economy. Metropolitan Detroit needs to market itself as a cohesive metropolitan area that is attractive to the innovative companies and working people that power prosperity today.⁹² Instead of competing with each other in a zero-sum game for scant local resources, municipalities must band together to maximize the value of the assets that currently exist in the region while attracting new industry and opportunities. The Metro Legislature could serve as a mechanism to facilitate that cooperation.

The Legislature could also serve to help create land use and housing policies that will promote healthy growth to stabilize communities, increase property values, and protect Michigan's natural resources. Public policies in the state currently promote sprawl and unplanned growth that is deleterious to the entire region, especially Detroit and the city's inner-ring suburbs.⁹³ The Metro Legislature could help facilitate policies that have effectively promoted smart growth in other regions. Portland's Metro body has created land use management strategies and regulation mechanisms that have helped strengthen downtown Portland while protecting farmland on the fringes of the region.⁹⁴ The Portland Metro created an Urban Growth Boundary that prevents unruly urban sprawl while promoting dense development in the region's urban core and other strategically located development hubs.⁹⁵ Portland's Metro also helps regional leaders promote residential and commercial development that coincides with expansion of the area's public transit system.⁹⁶ Promoting transit-oriented housing policies has helped Portland create one of the nation's best public transportation systems and has aided the development of healthy, pedestrian-friendly neighborhoods and communities.⁹⁷

92. See, e.g., Joseph Lichterman, *County Commission Chair: Vibrant Detroit Needed to Keep Grads in Michigan*, MICHIGAN DAILY (May 31, 2012), <http://www.michigandaily.com/news/county-commission-chair-vibrant-detroit-needed-keep-grads-michigan>.

93. Schneider & McClelland, *supra* note 24.

94. See Christopher Leo, *Regional Growth Management Regime: The Case of Portland*, 20 J. URB. AFF. 363 (1998).

95. *Id.*

96. *Id.*

97. *Id.*

Policymakers and government leaders have also proposed housing strategies that can help diversify the housing stock across municipal lines and promote integration and socioeconomic diversity throughout the metropolitan region.⁹⁸ These policies could mirror initiatives in other parts of the country that have regulated exclusionary zoning policies adopted by municipalities.⁹⁹ These policies that limit the types of properties that can be built in certain neighborhoods and cities have helped create pockets of racial and socioeconomic segregation in metropolitan areas across the country.¹⁰⁰ Regulating zoning policies or creating region-wide standards could help facilitate the development of a more equitable distribution of housing types across the region, increasing diversity and combating the isolation and poverty currently afflicting communities in Detroit and some of the region's other urban centers.¹⁰¹ The region could also either incentivize or mandate the creation of affordable housing across the region to further encourage diversity and the development of healthier communities. The creation of the Metro Legislature would help regional leaders create whatever policies related to housing and land use necessary to promote the healthy development of the region.

Another potential policy that could be instituted in Southeastern Michigan relates to tax and potential tax redistribution. Currently, as in many parts of the country, municipalities in Michigan are largely dependent on property taxes.¹⁰² This directly encourages competition for development and resources between neighboring cities. Historically, in metropolitan Detroit, this dynamic encouraged suburban communities to actively recruit the companies and industry that once resided in the central city.¹⁰³ Observers have noted that some form of tax-sharing could

98. DAVID RUSK, *INSIDE GAME / OUTSIDE GAME: WINNING STRATEGIES FOR SAVING URBAN AMERICA* 11-12 (1999).

99. For an example of state court efforts to strike down exclusionary zoning restrictions and mandate intra-municipal affordable housing "fair share" initiatives, see DAVID L. KIRP ET AL., *OUR TOWN: RACE, HOUSING, AND THE SOUL OF SUBURBIA* 88-100 (1995) (describing the landmark Mt. Laurel cases decided by the New Jersey state supreme court in the 1970s and 80s).

100. See Christopher Silver, *The Racial Origins of Zoning in American Cities*, in *URBAN PLANNING AND THE AFRICAN AMERICAN COMMUNITY: IN THE SHADOWS* 23 (Marsha Ritzdorf & June M. Thomas eds., 1997).

101. See Thomas Sugrue, *A Dream Still Deferred*, N.Y. TIMES (Mar. 26, 2001), www.nytimes.com/2011/03/27/opinion/27Sugrue.html?_r=0.

102. See *How Much Revenue Does Michigan's Personal Property Tax Generate in Your City?*, DETROIT FREE PRESS (Nov. 28, 2012), <http://www.freep.com/interactive/article/20121128/NEWS06/121128032/How-much-revenue-does-Michigan-s-personal-property-tax-generate-your-city>.

103. JOE T. DARDEN ET AL., *DETROIT, RACE AND UNEVEN DEVELOPMENT* 12 (1987).

have stemmed this competition and may have prevented some of the commercial and residential flight that has hurt Detroit for the past several decades.¹⁰⁴ This form of tax sharing was implemented in the Minneapolis-St. Paul region in Minnesota in the 1980s and 90s and has been credited, in part, for the health of those cities and their metropolitan areas.¹⁰⁵ A similar policy in Detroit could help promote equity in the region and help facilitate smart growth and development rather than competition between municipalities.

Along with economic development initiatives, housing and land-use management policies, and innovative tax initiatives, the Metro Legislature could also explore regional policies related to crime prevention, education, and myriad other issues. The Metro Legislature's general home rule authority and incremental delegation of authority would give it the flexibility and dynamism to deal with any problem that could benefit from regional collaboration and cooperation.

VI. CONCLUSION

Metro Detroit has suffered from its inability to unite. For decades, the region's development has been driven by fear and mistrust, defined by municipal boundaries and divisions along lines of race and class. To flourish and succeed in the 21st century, constituencies from across Southeastern Michigan must be able to come together to effectively leverage the region's assets and resources and adapt to the changing circumstances of a modern post-industrial international economy. Current local government structures have proven ineffective and unable to implement policies at the regional level that are necessary for the health and prosperity of the metropolitan area. Interlocal competition and the inability of municipal leaders to collaborate have contributed to urban

104. Tax-base sharing was proposed publicly in 1976 by Michigan's then Governor Milliken but never pursued. According to Myron Orfield, the state's fragmented system of taxation "has been very destructive in Detroit, because the city has had to keep its tax rates high to maintain services, while the suburbs have been able to draw people and investment out of the city by lowering taxes." Aliberti, *supra* note 46, at 9. Robert Klein, the director of the Office of Revenue and Tax Analysis for the State of Michigan under Governor Milliken, has speculated that some form of regional tax sharing "would have mitigated sprawl and flight. Detroit would almost certainly be a more vital, vibrant city than it is today." *Id.*

105. For discussion regarding regional governance efforts in Minneapolis and St. Paul, Minnesota and property tax-base sharing, see Myron Orfield, *Metropolitics: Coalitions for Regional Reform*, 15 BROOKINGS REV. 6-9 (1997), and Thomas Luce, *Regional Tax Base Sharing: The Twin Cities Experience*, in LOCAL GOVERNMENT TAX AND LAND USE POLICIES IN THE UNITED STATES: UNDERSTANDING THE LIMITS 234 (Helen F. Ladd et al. eds., 1998).

sprawl, racial and socioeconomic segregation, poor public transportation, and a stagnant economy. Regional cooperation is necessary to change this dynamic and overcome the culture of mistrust and division that currently pervades metropolitan Detroit. However, history has proven that effective collaboration at the regional level is extremely difficult to achieve without proper political mechanisms.

The Metro Legislature is a body that could bring parties from across Southeastern Michigan to the table and facilitate the creation and implementation of region-wide policies and initiatives. It is clear that Detroit will not fully succeed without the support of its suburbs and Southeastern Michigan cannot flourish without a strong urban core. However, the Metro Legislature is not a body intended to take away Detroit's political authority or simply redistribute suburban resources to the city. The Metro Legislature is a body that would empower all municipalities in the region to come together to help shape the region's future. By creating a new, uniquely structured body like the Metro Legislature, Southeastern Michigan could transform itself from a metropolitan area handicapped by fragmentation and disunity into a national leader in regional cooperation. A body like the Metro Legislature could help Southeastern Michigan take advantage of, and capitalize on, the innovative and creative ideas being proposed to help move the City of Detroit and its suburbs forward. This would provide the region with the strategic advantage it needs to help jumpstart the economy, better compete with metropolitan areas across the United States, and fully take advantage of the assets and resources that Southeastern Michigan has to offer. By creating a body like the Metro Legislature, metropolitan Detroit has the opportunity to not only reinvent itself, but also to serve as a bold new model of innovative regional cooperation for metropolitan areas across the country.