

PRELIMINARY DRAFT

MAKING JOINT PLANNING WORK:  
AN ADMINISTRATIVE STUDY OF THE MEMPHIS  
AND SHELBY COUNTY PLANNING COMMISSION

May, 1975

Prepared by the Research Division of the  
American Society of Planning Officials  
1313 East 60th Street  
Chicago, Illinois 60637

## FOREWORD

This report is a preliminary draft of a study undertaken by the American Society of Planning Officials at the request of the Memphis and Shelby County Planning Commission. It presents Phase I of a two-part contract to study the Commission's organization, policies, and procedures and to assist the Commission in a comprehensive revision of its zoning ordinance and related regulations. In Phase I, the contract calls for recommendations in preliminary draft form concerning changes in the Commission's powers and duties, size, method of selecting commissioners, relationships with staff, budget procedures, operating procedures, personnel policies, methods of financing and other official activities of the Commission. Specific details regarding zoning and subdivision administration will be forthcoming in Phase II of this study once a firm has been contracted to revise the zoning ordinance and related regulations, with assistance from ASPO. The second phase of this contract is an important and essential followup step since the recommendations of this preliminary study embody choices to be made by the Memphis and Shelby County governments which depend upon the structure and form of their land control system.

As specified in the contract, this study has relied heavily on interviews with the Memphis and Shelby County Planning Commissioners and the agency staff, as well as more than 40 governmental officials and community leaders in the Memphis metropolitan area. The facts and opinions acquired during these interviews are supplemented by ASPO's analysis of the Memphis and Shelby County Planning Commission's enabling legislation, its studies, plans, and other pertinent materials; and by ASPO's knowledge of planning practices throughout the country.

We wish to thank the commissioners and staff of the Memphis and Shelby County Planning Commission and the many public officials and private citizens in the area for their generous cooperation and their candor.

David Mosena, Assistant Research Director, and Charles Thurow, Senior Research Associate, were the principal ASPO staff on this project. Frank Beal, Deputy Director for Research, and Albert Riley, Research Assistant, also gave valuable help in reviewing and researching this study.

Finally, it should be pointed out that while this study is one of the staff activities authorized by the Board of Directors of the American Society of Planning Officials, the viewpoints and recommendations contained herein are solely those of the staff and should not be interpreted as statements by the Society.

Israel Stollman  
Executive Director  
American Society of Planning Officials

May, 1975

TABLE OF CONTENTS

	<u>Page</u>
I. EXECUTIVE SUMMARY	
Introduction . . . . .	I-1
Conclusions . . . . .	I-2
Recommendations . . . . .	I-4
II. THE PLACEMENT OF THE PLANNING FUNCTION IN MEMPHIS AND SHELBY COUNTY PLANNING GOVERNMENT	
Zoning and Subdivision Administration . . . . .	II-3
The Board of Adjustment and the Zoning Administration Process . . . . .	II-6
Long Range Planning and Policy Development . . . . .	II-8
Membership on the Planning Commission . . . . .	II-11
Making Joint Planning Work: Recommendations . . . . .	II-14
III. AGENCY ORGANIZATION, ADMINISTRATION, AND OPERATIONS	
Organization and Administration . . . . .	III-2
Work Program and Activities . . . . .	III-14
Personnel . . . . .	III-23
Salaries and Expenditures . . . . .	III-34

LIST OF FIGURES

	<u>Page</u>
1. Organization Chart - Memphis and Shelby County Planning Commission (Revised July 1, 1974) . . . . .	III-5
2. Proposed Organization Chart - Memphis and Shelby County Planning Commission . . . . .	III-8
3. Planning Districts for Memphis and Shelby County . . . . .	III-20
4. Staffing Chart, Memphis and Shelby County Planning Commission (Revised July 1, 1974) . . . . .	III-26
5. Proposed Staffing Chart - Memphis and Shelby County Planning Commission . . . . .	III-27

LIST OF TABLES

	<u>Page</u>
1. Zoning Cases - Memphis and Shelby County Planning Commission, 1970-1974 (through November) . . . . .	III-16
2. Authorized Staff Positions, 1974 - Memphis and Shelby County Planning Commission . . . . .	III-23
3. Authorized Agency Staff for Selected Planning Agencies Serving Jurisdictions in the 500,000 to 999,999 Population Range . . . . .	III-25
4. Educational Background by Percent of Professional Staff by Jurisdictions in the 500,000 to 999,999 Population Range . . . . .	III-29
5. Staff Turnover - Memphis and Shelby County Planning Commission, January 1973 - April 1975 . . . . .	III-31
6. Salary Trends for Professional Positions - Memphis and Shelby County Planning Commission, 1970 - 1974 . . . . .	III-34
7. Professional Staff Salaries for Selected Planning Agencies Serving Jurisdictions in the 500,000 to 999,999 Population Range, 1974 . . . . .	III-36
8. Position Classification and Annual Salary Ranges - Memphis and Shelby County Planning Commission, 1974 . . . . .	III-37
9. Expenditures of Selected Planning Agencies by Jurisdictions in the 500,000 to 999,999 Population Group, 1974 . . . . .	III-39
10. Summary Sources of Agency Expenditures by Jurisdictions in the 500,000 to 999,999 Population Range, 1974 . . . . .	III-40

## EXECUTIVE SUMMARY

Introduction

Historically local governments have assumed, a) that all growth was good, and b) that the function of government was to supply new development with public services and facilities whenever and wherever new growth occurred. All across the country these attitudes are changing. Local governments are recognizing that they can and must do a better job of managing growth. This shift in attitude is the result of many complex pressures. Local governments are beginning to see that new growth frequently costs more in services than it generated in new revenues. New environmental standards have pushed up the cost of servicing developments. Downtown areas continue to decline as a result of suburban shopping centers and office complexes. Essentially sound central city neighborhoods are being left to decay. Suburban land prices continue to escalate making single family housing increasingly a luxury for all but the upper class. Competition between local governments for developments that yield high tax returns has helped to create inappropriate and inefficient patterns of development. Increasingly, the hodge podge, sprawling patterns of urban development are seen as being wasteful and inefficient indulgences that, literally, no one can afford.

Memphis and Shelby County, like other local governments, are re-examining their attitudes toward growth. They have not taken the radical route of some governments by advocating a complete halt to all growth, but there is a growing recognition that they will have to do a more effective job in controlling growth. Although there are no agreements on the exact character and amount of public intervention in the development process, it is apparent that the public in general is unwilling to accept a pattern of public involvement which views all urban development as inevitable.

As part of its reevaluation and self-assessment, the City and County are also examining their planning organization and operations to see if they are in fact adequate to the tasks that lie before them. To assist them in their job of reevaluating the adequacy of their planning program, the Memphis and Shelby County Planning Commission has retained the services of the American Society of Planning Officials to analyze the Planning Commission's powers and duties, size, method of selecting commissioners, staff relationships, financing, operating procedures and personnel policies.

Clearly no consulting organization of any kind can hope to "solve" all the problems associated with such a complex issue as planning and growth management. The solutions must come from the community itself, and this report should serve as a basis for community discussion and subsequent action. It analyzes what exists now, identifies problems, and makes recommendations. It is a

preliminary draft which will be revised following work on the revision of the Memphis and Shelby County zoning ordinances, and discussion on the part of the community leaders.

In conducting this study the staff of the American Society of Planning Officials interviewed more than 60 people in Memphis and Shelby County. Every effort was made to identify individuals with a variety of responsibilities and viewpoints concerning the planning function. Many of the ideas and recommendations presented in this report are a distillation and synthesis of the views of these different individuals. Every effort was made to identify problems that seemed to be the most serious in the minds of the people we interviewed, and to develop recommendations that reflected the interests and resources of the people of Memphis and Shelby County.

### Conclusions

Memphis and Shelby County face the problems of growth management from a position of relative strength. They have many assets and advantages which place them in an enviable position for coping with development issues and designing a responsive planning system.

- \* Memphis and Shelby County do not have to contend with the multiplicity of governmental units that have so often plagued other communities in their efforts to initiate a sound planning and development program. In addition to the City and County governments, there are only five incorporated towns in Shelby County. It is not uncommon to find a hundred or more local governments or special districts in cities of similar size.
- \* Memphis and Shelby County have a strong history of governmental and organization reform. In 1967-68 the City government was restructured into an executive-legislative form. The County is presently creating a parallel structure. The willingness of the region to reorganize as conditions change is an important sign of strength.
- \* Unlike most areas of comparable size, Memphis and Shelby County already have a joint Planning Commission. The basic framework for attacking the problems of growth management is already in place.
- \* Both the City and County governments have made major progress in developing mechanisms and techniques by which governments manage growth. In addition, the very existence of this report and its companion study of the zoning ordinance is an indication that both governments are able and willing to go through the difficult process of self-evaluation necessary to reform their planning and land development procedures.

- \* The recent successful application for Community Development Act funds on the part of the City was a major step on the part of the administration and the City Council in developing specific policy goals for development. That work delineated an implementation strategy that is clear and concise. It is a good document for developing support as well as being a model for future work on planning and development issues.
- \* There are substantial resources available in the innercity neighborhoods of Memphis, as shown by the presence of strong neighborhood associations, the interest in developing the historic district of Victorian Village, and the support given to innercity development by Future Memphis, the Chamber of Commerce, and other citizen organizations. The successes of the Garden District Association also show that these forces can be mobilized and do represent an important resource.
- \* Memphis and Shelby County are not faced with the severe unemployment and economic problems that confront many other communities throughout the country. The region's position as a commercial and industrial center for the Mid-South area gives it a strong and diverse economic base.
- \* Memphis and Shelby County are also rich in natural amenities, from its setting on the river bluffs and its varied topography to the many recreational opportunities nearby. The community also has an unparalleled opportunity for shaping its future as a result of its ownership of the Shelby County Penal Farm.

While Memphis and Shelby County is clearly a community boasting substantial assets, its planning process faces several major problems. Many of these problems are common to similar communities across the country, but they are no less real issues for Memphis and Shelby County. If the community is to realize its full potential, these issues must be confronted and dealt with. On the basis of our interviews in the community, our research, and our own judgement, we see four major problem areas which should be addressed.

First, in theory, joint planning is a progressive system for establishing metropolitan-wide growth and development policies. In fact, however, the Memphis and Shelby County Planning Commission has not been a very effective forum for identifying and resolving growth management issues facing City and County government. In part, its organizational structure has hampered it in dealing decisively with development issues involving both governments. Rather than acting as a joint body representing the entire metropolitan area, the Planning Commission is often split on issues according to particular City or County perspectives. The elected officials of the two governments have not

delegated sufficient authority to the Planning Commission for it to operate as a joint function. The evaluation and review procedures of the annual budget and the bi-annual appointment of the Director are handled individually by each government rather than as a joint legislative function.

Second, while the major planning issues facing Memphis and Shelby County as a community concern patterns of future growth and development, the Planning Commission has not assumed a leadership role in addressing these issues. Only a small portion of its time and energies have been devoted to the important issues of long range planning and development policy. Most of the Commission's time has been spent on matters of zoning and subdivision administration. No effective procedures exist by which the Planning Commission can participate in the development of joint policies which bridge the concerns of the two governments.

Third, the system for land development administration in Memphis and Shelby County is inefficient, unwieldy, and confusing. Both legislative bodies essentially duplicate the zoning and subdivision hearing procedures held by the Planning Commission. This system consumes valuable time which the legislative bodies should devote to other matters, and increases the processing times and costs for builders and developers. Many officials are concerned about what they consider to be an excessively broad interpretation of the variance procedures by the Zoning Board of Adjustment. Furthermore, charges of conflict of interest, regardless of their validity, threaten to undermine the public's confidence in the land development administration process.

Fourth, the resources necessary for an effective joint planning function need to be improved. The size of the staff and the budget of the Planning Commission are inadequate for it to perform the many functions expected of it. Also, the administration of the agency itself could be substantially strengthened through an internal reorganization of the staff.

#### Recommendations

It is critical if joint planning is to be successful in Memphis and Shelby County that the two governments treat the Planning Commission as a joint agency rather than as if it were responsible to each of them individually. If, in the judgement of the elected officials, it is impractical to delegate the necessary authority to the Planning Commission to accomplish this, then the joint Commission should be dissolved. What is clear is that it should not be kept in its present ambiguous state where it neither effectively coordinates development policies between the two governments, nor provides them with the level of services they each require individually.

The desirable goal is to make the joint agency work more effectively. In order to do so, several immediate steps should be taken:

1. The two executives and the two legislatures should jointly review and evaluate the work of the Planning Commission. The annual budget hearings and the bi-annual appointment of the Director of Planning should be conducted in a joint session of the two legislative bodies. The adoption or acceptance of policy documents produced by the Planning Commission should also be handled jointly.
2. The Planning Commission itself should take a more active role in long range planning and policy development by:
  - \* allotting time during their regular meetings to address long range planning and development issues.
  - \* establishing a Policy and Program Committee composed of two Commissioners, the Chief Administrative Officer of the City, a comparable person from the County, and the Director of the Agency. This committee would be responsible for developing a general five-year work program and a detailed annual work schedule for the Agency to be adopted by the Commission as a whole.
  - \* creating technical advisory committees for each major study undertaken by the Agency which would include technically qualified individuals from outside the Commission as well as interested Commissioners.
3. The Memphis and Shelby County Planning Commission should establish clear definitions and procedures for handling conflict-of-interest issues in order to maintain public confidence in their work.
4. The consultant contracted to revise the zoning ordinance should be specifically charged with the responsibility of clearly defining the limits of responsibility and the appropriate role of the Zoning Board of Adjustment.

These suggestions will make substantial improvements in the present situation, but they will not correct the fundamental problem of delegating the appropriate authority to the joint planning agency so that it can act as a bridge between the two governments and eliminate the duplication of effort in zoning and subdivision administration. In order to make these structural changes, we recommend that Memphis and Shelby County follow one of two models presented below. Both are developed on the premise that in order for a joint agency to work effectively it must have the authority to actually operate as a spokesman for both governments.

Option One: Strengthen the existing form by giving the Planning Commission authority over the Agency's Director and work program, and delegating to the Planning Commission the responsibility for the "findings-of-fact" in the zoning and subdivision administration process.

1. The citizen membership of the joint Planning Commission would be reconstituted so that they would be joint appointments from the two governments, having both governments as their constituency. In addition, two of the Commissioners would be selected by the legislative bodies from their own membership. These two legislative appointments would provide direct linkages between the Commission and the City Council and County Court.
2. The Planning Commission would be given full authority over the Agency. It would choose its own chairman and select the Agency's Director. The Director would be solely responsible to the Commission. In establishing the work program and annual work schedule for the Agency, the Planning Commission would work through a Policy and Program Committee which would include two Commission members, the Chief Administrative Officer of the City, the comparable individual from the County, and the Director of Planning.
3. The Planning Commission would maintain its responsibilities to the legislative bodies on zoning and subdivision administration, and this role would be strengthened. The Planning Commission would be delegated the prime responsibility for holding public hearings and the "findings -of-fact" on applications for zoning amendments, special use permits, conditional use applications, PUD's, etc. (For some of these land controls such as conditional use permits, the Planning Commission would be given discretionary authority to make a final judgement.) The Commission, with the help of its staff, would draft a resolution of either approval or denial and submit it to the Council or the Court, or both if it involves joint jurisdiction. This resolution would accompany a report on the "findings-of-fact." The Council and Court members would have this record prior to their meetings and would then make a final adoption or rejection of the resolution.

The Council and the Court would hold public hearings and hear oral arguments when petitioned by the applicant or other interested parties, but these would be limited to arguments that the Planning Commission's recommendation is inconsistent with the evidence of the record. (The hearings would not include the introduction of new evidence.) The Council or the Court could go into the record itself and send the case back to the Planning Commission if it finds, or is persuaded that evidence is lacking on a specific point.

Thus, while the Council and Court would be relieving themselves of some of the burden of public hearings, the legislative bodies would nevertheless retain full authority and responsibility for making the final decisions. The Council and Court members who are serving as Planning Commissioners would serve as important liaisons in this work.

Option Two: Separating the functions of land-control administration and planning into a joint Zoning Hearing Examiner Office and a joint Planning Agency under the direction of the two executive offices.

1. The legal authority for running the Planning Agency would be transferred from the Planning Commission to an Executive Committee composed of the two mayors (or the present Chairman of the County Commissioners), or their Chief Administrative Officers. This committee would take over the responsibility of evaluating and selecting the Director of the Agency and would be instrumental in setting the objectives and work program of the Agency.
2. The Planning Commission would become a citizens' advisory body to the Agency itself, composed of prominent citizens who would focus their attention on long range planning and policy development. They would participate with the Executive Committee in setting the five year goals for the Planning Agency and designing the specific work program for each year. They would also be involved in policy development by acting as advisors to major studies produced by the Agency, reviewing the Capital Improvements Program, and advising staff on the development of new land controls and ordinance revisions.
3. The functions of zoning and subdivision administration would be taken out of the Planning Commission and assigned to a Zoning Hearing Examiner. In this process, the City Council and the County Court would delegate their powers to hold zoning and subdivision hearings to an official appointed jointly by them. The Zoning Hearing Examiner would conduct hearings, weigh evidence and make recommendations of approval or disapproval concerning zoning amendments, PUD applications, and other land-control decisions over which the Council and the Court want to keep immediate authority. The Examiner would prepare a draft resolution of either approval or denial, and submit it to the Council or Court along with his findings. He could also be given some discretionary authority over special use permits and conditional use decisions.

The models presented in Option One and Option two outline means by which Memphis and Shelby County can restructure the joint planning function in order to make it more effective. They are offered as frameworks for the community's debate and decision, but the actual details of how either system would be implemented must still be worked out. At this point the two governments must decide which direction they prefer to go in order to clarify the confusion of roles between the Planning Commission, its staff, the two legislative bodies, and the Zoning Board of Adjustment. It is important that both governments move decisively on this decision, since the present system not only wastes the time and resources of these various bodies, but also deprives the community of an effective planning process.

Reforming the overall system in which the planning process operates is the single most important key to successful planning in Memphis and Shelby County. Beyond these reforms, however, other significant improvements can be achieved through strengthening the internal organization and operations of the Agency.

1. We recommend dividing the functions of agency management into two separate areas of responsibility: external management and internal management. New positions for two Deputy Directors should be created -- a Deputy Director for Current Planning and a Deputy Director for Long Range Planning. Responsibilities for administering the internal operations of the agency should be delegated by the Director to the two Deputy Directors.
2. The Agency's four divisions and the Capital Budget Officer should be reorganized into two divisions -- a Current Planning Division and a Long Range Planning Division -- with seven sections. The reorganized Current Planning Division should include three sections: (1) a Land Use Controls Section, (2) a Current Planning Studies Section, and (3) the Planning Services Section. The Long Range Planning Division should include four sections: (1) the Capital Budget Officer, (2) the Transportation Section, (3) a Research Section, and (4) a Policy Planning Section. The Policy Planning Section should be created by merging the technical functions of the City's Policy Planning and Analysis Bureau with the existing Long Range Planning staff.
3. The Agency should establish a formally adopted overall work program procedure including both a five-year work program and an annual work schedule developed according to a stated timetable in conjunction with the Agency's budgetary process. The annual work schedule and the five-year work program should be developed in conjunction with the proposed Policy and Program Committee of the Planning Commission (or the Executive Committee and the Planning Commission as noted in Option Two). The work program should be adopted by the Planning Commission. Major amendments to the priorities set forth in the work program should also be reviewed and approved by the Planning Commission.
4. The size of the professional planning staff of the Commission should be increased. The Commission should create two new professional job classifications for the two Deputy Directors, and authorize three additional positions including a Principal Planner to head the proposed Research Section, and a Senior Planner and a Planning Assistant to be added to the Research Section. Additional clerical staff should also be hired at the discretion of the Director and his senior staff.

5. In order to strengthen the overall capabilities of the staff, recruitment priorities should be concentrated in four areas:
  - \* Top recruitment priorities should focus on filling the two new management positions (Deputy Directors) with personnel well qualified in technical planning skills and with substantial proven leadership and administrative ability.
  - \* The proposed Research Section should include personnel who bring strong management and technical specialities in the areas of planning research and data collection to the agency.
  - \* Recruitment priorities should also concentrate on attracting new staff who have had substantial previous work experience in the planning field.
  - \* The Agency should adopt an affirmative action hiring policy to increase the proportion of professional blacks and women on the staff.
6. The two legislative bodies, through a joint budget approval process, should consider the planning budget as a lump sum item for a package of planning services and delegate full authority to the Planning Commission (assuming it is restructured as outlined in Option One) to establish staff salaries. The Planning Commission should increase the overall Agency salary structure to bring it into line with current national averages in order to put the Agency in a strong competitive position with other communities to attract qualified and experienced personnel.
7. Commensurate with previously recommended changes in the structure of the Agency and the operations of the Commission, the level of funding for the Agency should be substantially increased through direct appropriations from the City and County governments, and through increase use of federal funding opportunities.

## CHAPTER II

### THE PLACEMENT OF THE PLANNING FUNCTION IN MEMPHIS AND SHELBY COUNTY GOVERNMENT

Often a planning program falters because it is too far removed from the center of decision-making. Regardless of how good the agency's technical program may be, if it is not connected to the centers of decision-making, it will have difficulty in successfully accomplishing its program. Planning commissions were originally designed as a reform measure to remove politics from planning. Thus, a planning commission was intended to operate as a detached, impartial, and civic-minded board which made plans and administered land use controls independent of the elected officials. This original concept, however, has changed. Since World War II it has been generally accepted that the detached, watch-dog model was too simplistic. In order to be effective, it was decided that planning commissions had to be directly responsive to government decision-making and actively involved in the political process that leads to that decision-making.<sup>1</sup> Consequently, planning commissions have continuously moved toward a greater degree of official connection with and accountability to elected officials.

The desire on the part of elected officials to participate in the planning process and to make the planning commission more accountable to them is a basic characteristic of the planning climate in Memphis and Shelby County. In establishing the joint Memphis and Shelby County Planning Commission, the two governments established a complex system by which authority over planning was shared equally among the two executives, the two legislative bodies, and the Planning Commission itself. This authority comes, in part, from each group having veto power over the appointment of the planning director. Every two years the planning director must go through a five-stage appointment process during which a negative vote from the Planning Commission, either of the chief executives, or either the City Council or the County Court will cause him to lose his job.

This process of evaluation and review puts the director in the impossible position of having five different bosses, each of whom he must keep satisfied since each has equal power over his job. In such a situation, a director must either avoid controversial issues or find positions which will minimize the displeasure that any one of these groups might feel.

The problem of accountability--to whom does the agency report and who sets the standards and evaluates the agency's work?--is inherent in any function shared by two governments. Although the Memphis and Shelby County governments

---

<sup>1</sup>See Alan Altshuler, The City Planning Process (Cornell, 1965).

have a good record of cooperation, the point of greatest stress is in the area of growth policy and land control administration--the responsibility of the joint planning agency. The two governments are responding to two different though related sets of problems: the city is concerned about declining areas within its central core, and the county faces the difficulties of rapid growth.

Since these differences create competing demands on the Planning Agency, it must balance its work program between the needs of the city and the county. Yet, there is no system that encourages a joint evaluation. The director must go through separate examinations by each of his bosses. Moreover, while the budget is submitted jointly by the two executives, it is reviewed independently by the two legislative bodies. Although the Memphis and Shelby County Planning Commission is a joint agency, in the evaluation and review process it must act as an agency independently responsible to each government.

In theory, the Planning Commission should act as the head of the agency and report to the two executives and legislative bodies. As the body responsible for zoning and subdivision administration, it serves as an advisory body to the City Council and the County Court. Its staff is responsible for reviewing applications for zoning changes, special use permits, PUDs, subdivisions, etc., and the commissioners hold public hearings and make recommendations to the Council and Court on each application. Along with these obligations to the legislative bodies, the Commission also serves as an advisory body to the two executive branches of government on matters of long-range planning and community growth policy. Under the commissioners' direction, the planning agency staff is to collect data and prepare comprehensive plans that will act as recommendations to the executive branches for policies concerning future land-use and public investment in such government services as police and fire protection or the provision of public utilities.

In practice, however, the confusion in the process of reporting and evaluation places the Memphis and Shelby County Planning Commission itself in an ambiguous position. The Commissioners are technically and legally in charge of planning, but in practice their real authority is frequently compromised. There is no question that ultimate responsibility for managing development must rest with the duly elected governments of the city and the county. Nonetheless, if the concept of joint planning has any validity, then the two governments must delegate some of their authority to the Commission so that it might exercise its responsibilities more effectively and thereby assume a position of leadership on planning matters. Presently, it appears that joint planning is merely an administrative convenience, a device to allow the two governments to share staff and office space. Joint planning has the appearance of being a creative and progressive move on the part of the two governments, but in practice joint planning has made little progress in resolving shared problems.

### Zoning and Subdivision Administration

One of the major concerns in planning across the country is the amount of commissioners' time which is consumed in the process of zoning and subdivision administration. ASPO has surveyed planning agencies and asked them to estimate the percentage of commission time spent on zoning, subdivision review, and other planning activities. Specifically, the joint agencies serving populations of 500,000 to 999,999 spent an average of 48 per cent of their time on zoning; 18 per cent on subdivision review; and 34 per cent of their time on other planning activities. The figures for Memphis and Shelby County were 70 per cent on zoning, 10 per cent on subdivision and 20 per cent on other planning activities. From our recent interviews, the work load seems to have stayed in approximately the same proportions. While the planning commissioners in Memphis and Shelby County spend slightly more of their time on land-control administration, like other joint planning commissions they give most of their attention to their function as advisors in these matters to the legislative branch. They spend too little time on long range planning.

Leaving aside, for the moment, the relative neglect of its role as advisor to the executive branches, there are questions about the effectiveness of the working relationships between the Planning Commission and the City Council and the County Court. In terms of procedures, the bodies operate according to theory: the staff of the agency reviews applications and presents reports concerning pros and cons to the Planning Commission; the Planning Commission in turn, holds public hearings and sends their recommendations to the City Council and the County Court, who make the final decision. However, as the system operates in Memphis and Shelby County, the Council and Court act *de nova*. The legislative bodies essentially begin anew on each zoning application by reholding the public hearings conducted by the Planning Commission and using both the Planning Commission's recommendations and the staff reports as part of the evidence.

Because the two legislatures have not effectively delegated any of their responsibility on zoning administration to the Planning Commission, but instead repeat the planning process in their own sessions, a landowner must in effect go through a double hearing process. This unnecessarily slows down the process of deciding on zoning and subdivision applications, which in turn imposes additional costs of time and energy on the private investor, builder and developer. The double hearing also results in an inefficient use of the Commissioners' and the legislators' time. In fact, all three bodies find that too much of their time is consumed in zoning and subdivision administration. This is a particularly serious situation for the Council and the Court. Since they hold final authority over land-control decisions, their hearings consequently become the main focus of attention. As a result, when citizen groups are interested in zoning decisions, they will go to the Council or Court rather than the Planning Commission because "that is where the action is."

Since the administrative difficulties that Memphis and Shelby County face are typical of all land control systems, it is necessary to understand some of the background on this issue in order to recognize the solution. When the Standard Zoning Enabling Act was designed in the 1920's the object of land controls was to separate incompatible uses of the land, such as industrial from residential, and to enable the community to provide better fire protection and traffic controls. As envisioned at that time, the local legislative body would adopt zoning regulations which specified in advance the minutest detail of land development, ranging from the kind of use permitted to such things as heights of fences and sizes of yards. A potential developer had only to look at a map and read the regulations to know exactly what he could or could not do with his property. Because the regulations were detailed, they required no discretionary judgments. Enforcement was left in the hands of a building inspector or similar administrative official. Provisions were made for a Board of Adjustment to hear and decide appeals of the decisions of the building inspector, grant special exceptions when they were provided for in the regulations and grant variances in cases of extreme hardship. If the regulations needed to be amended (which was assumed would be an infrequent need), the legislative body would take on that responsibility.

The proposed system was neat, orderly, and efficient--but it didn't work. It required local governments to expend their discretionary authority before the actual development demands on the land could be assessed. The fact is, of course, that guiding the use of land requires many complex and subtle judgments, many of which cannot be translated in pre-stated criteria and moreover, which may not become evident until a specific development proposal is submitted.

The response to this problem has been for local governments to adopt more "wait-and-see" techniques which provide them with the opportunity to make decisions at the time development occurs. This trend began with the widespread use of special use permits, and it has expanded with the introduction of such devices as floating zones, planned unit development ordinances, and conditional rezoning. Each of these techniques allows the community to respond to the realities of development by postponing its decisions until development is about to occur. As a result, modern zoning practice bears little resemblance to the model advanced by the drafters of the Model Zoning Enabling Act, even though the Model Act continues as the major legal support structure for zoning today.

This change in practice has caused difficulty in administration. Much of the zoning process relies on legislatively granted permission that is couched in the form of amendments. Since such legislative determinations are presumed valid by the courts and can be made without a statement of finding or the keeping of a record, the system is subject to abuse. The abuses range from decisions that are clearly illegal to more modest problems which inevitably result from a system built on case-by-case decision making in the absence of well-established goals or criteria. An individual decision on a piece of land may not seem unreasonable, but the accumulated effect of these small

decisions leads to problems associated with sprawl or the undermining of the basic zoning structure. Once a zoning district is substantially changed by zoning amendments, special exceptions, and variances, the courts will no longer hold the underlying zone valid since substantial changes have already been allowed in the character of the area.

With the introduction by legislative bodies of this flexibility into land controls, planning departments have found it necessary to be more and more involved in zoning administration. Since there are no substantial requirements that these zoning changes be in accordance with a comprehensive plan for the community, planning departments have adopted new focuses to their responsibilities in order to maintain an active role in the planning process. One result is that they focus much of their attention on analyzing these case-by-case decisions so that they can attempt to channel them into some more comprehensive scheme. In this way, the staff of planning departments and the commissions have correctly assumed an active role in these land control decisions--since if their work is to be implemented, it must be considered in this process.

The consequences for Memphis, and for other communities, is the emergence of an inefficient dual system of land control administration by both the legislative body and the planning commission. The former feels that it must hear most cases because they do indeed involve important public policy judgments, and the latter hears and reviews cases because the outcome of individual cases determines the implementation or effectiveness of its planning program.

There are no easy solutions to these problems since they primarily depend on sorting out responsibilities and exercising good judgment. An effective council will be able to distinguish land-use issues that have important policy implications and thus need legislative involvement from those issues on which they can rely upon the review provided by the planning commission. On the one hand, if they review all commission decisions equally, the council undermines the planning commission because it will soon be recognized that petitioners can neglect the commission and deal directly with the council. On the other hand, however, if the council gives all its authority of the planning commission then it will be neglecting its responsibility for setting policy.

The same benefits hold true with the planning commission and the agency staff. A good commission will develop a staff in which it can be confident so that there will be little discrepancy between staff and commission decisions. It is for this reason that planning directors often use the number of recommendations up held by the commission as an indicator of their effectiveness. As soon as it appears to be a fifty/fifty chance of the Commission deciding differently than its staff, it makes sense for the individual petitioner to short circuit the system and ignore the staff. The petitioner thus saves time and can expect little trouble in getting a reasonable petition through the Commission. Yet, this course closes off the possibility of the staff working with development proposals, which would enable them to be more sensitive to the growth policies of the community.

Presently, the confidence necessary for efficient use of time and energy does not exist between these various bodies. The City Council tends to distrust the work of the Planning Commission, and consequently has carefully guarded its final powers over zoning administration. The working relationship between the Planning Commission and the County Court is better, but the Court also maintains a function parallel to the City Council. To have an effective joint body such as the Memphis and Shelby County Planning Commission, the two governments need to be willing to establish a joint authority they in fact respect. This has not happened with zoning and subdivision administration. Instead the Planning Commission has operated as simply an additional (and frequently useless) step in the process rather than replacing and coordinating the two individual decision-making procedures. This lack of authority frustrates the Commissioners since they are providing considerable volunteer time for this process yet see that their advice has little impact on the decision-making process.

The detailed work of designating the proper authority to each of the bodies must be done through the rewrite of the zoning and subdivision ordinances. The Memphis and Shelby County ordinances have grown and been amended over a long period of time. As a consequence there are conflicts between different sections of the ordinances, such as in the set-back and parking requirements. There are other confusions as well--in the special-use procedures and the handling of apartments and mobile homes. The tacked-on quality of the ordinances create some of the confusion in administration. More important, however, the comprehensive rewrite of these ordinances should work at clarifying the functions of the Commission and the two legislatures. It should designate the hearing roles of the Commission and the legislatures; define areas in which the Commission and its staff have discretionary authority in making judgements on conditional use or special use permits; and determine which land controls, such as the Planned Unit Development ordinance, require full legislative review.

This work must be done within the constraints of state legislation and cannot be done in this preliminary study of the functions of the Planning Commission. However, the recommendations at the end of this section outline two models by which the problems of delegation of authority and accountability can be resolved. Whether the final system designed by the community is an adaptation of one of the models or a combination of the two, these models present the basic framework which must be considered if joint zoning and subdivision administration is to operate effectively.

#### The Board of Adjustment and the Zoning Administration Process

The Board of Adjustment is an appeal body for zoning decisions made by any administrative agency of the City or the County. Like the Memphis and Shelby County Planning Commission, it is a joint function shared by the two governments. According to the zoning ordinance, the Board of Adjustment has the discretionary authority to make some adjustments to the ordinance, such as moving the district boundary of a zone not more than twenty-five feet when the district divides a tract or lot held by a single owner, or make a decision on use classifications

for various industrial or commercial districts. In addition, it has the power to grant variances when the strict application of the zoning ordinance "will impose . . . unusual and practical difficulties or particular hardships" on a landowner.

There is considerable confusion in Memphis and Shelby County about this latter authority of the Board to grant variances. The Board of Adjustment defines itself as a quasi-judicial body which reviews all cases in which the owners claim hardship. Consequently, some cases have arisen in which one of the legislative bodies has rejected an application for a zoning amendment, only to have the Board of Adjustment hear the same case on the grounds of hardship. Due to the availability of this second application procedure, many individuals interviewed felt that, in effect, the Zoning Board of Adjustment has been operating as an appeals body from the legislative actions of the Council and the Court. By functioning in this manner, they argue that the Board of Adjustment has extended its powers beyond the intent of the statutes and is handling some cases that should actually be appealed to the Tennessee court system.

Most of the controversy over the Board of Adjustment relates to this confusion between its power to grant variances and the Council's and the Court's powers to make final zoning decisions. This issue, however, cannot be separated out from the work of the Memphis and Shelby County Planning Commission. The controversy influences both their work on developing the zoning ordinance and their responsibility to the Council and the Court as an advisor on land-control administration. As the system presently operates, some landowners also tend to see the Board of Adjustment as an alternative to the Planning Commission for rezoning consideration. These individuals short-cut the usual review procedures that involve the joint Planning Commission by receiving a rejection of their application at the first stages of review (in the building departments) and then applying directly for a variance to the Board of Adjustment. This practice overburdens the Board of Adjustment with many cases they feel should not have to handle, and deprives the Planning Commission of the opportunity of attempting to work out alternative solutions with the landowners in accordance with the existing zoning ordinance.

The widespread confusion and dissatisfaction about the role of the Board of Adjustment in the zoning administration process makes it an important issue for Memphis and Shelby County as well as for the Planning Commission. However, it is not the job of this report to sort out the charges and counter charges concerning the Board's operation. This issue must be resolved through a detailed analysis of the zoning ordinance itself, the state enabling legislation, and the case law of Tennessee as it affects variance procedures. Consequently, it is necessary that the firm which conducts the comprehensive rewrite of the zoning ordinance deal with these issues.

### Long Range Planning and Policy Development

The second major function of the Memphis and Shelby County Planning Commission is that of an advisory body to the two executive branches of government in the matters of planning and policy development. Through the work with its staff the Planning Commission makes recommendations concerning what the community can expect in terms of growth and what patterns of land-use are thus desirable. The Commission is required to make a complete reevaluation of these policies once every five years through an up-date of the comprehensive plan. These recommendations are a foundation for establishing the joint community development goals between the two governments. In the process of assisting the elected officials in developing community goals concerning growth, the Commission is also involved in developing strategies for implementing these goals. The Commission and its staff help develop all the major tools local governments use for implementing their policies:

- \* They work with the Capital Improvement Program, which sets priorities for governmental expenditures on capital facilities such as fire stations, police stations, health facilities and sewer and water extensions.
- \* They work on developing and designing the land control system (the zoning and subdivision ordinances) which decide how the governments will use their police powers to protect the health, safety and general welfare of the community.
- \* And finally, they analyze the effects of various tax policies on urban growth.

As discussed in the introduction to the report, the joint function between the two governments is particularly critical for this development policy. Urban growth does not respect political boundaries; the development that occurs in one jurisdiction will influence what happens in others. Such is the case with Memphis and Shelby County, where rapid growth in the fringe areas of the community is contributing to the deterioration of the central business district and some of the inner-city neighborhoods. In turn, the weakening of the central areas puts even greater development pressure on the fringe areas. If Memphis and Shelby County are going to effectively manage these growth problems, they cannot operate separately but must act through coordinated policies.

The two governments have recognized the importance of this cooperation by establishing the joint Memphis and Shelby County Planning Commission; yet, little real effort has been made to actually make the Commission function as a coordinating body. In part this is due to the concentration of effort that the Planning Commission has given to zoning and subdivision administration. Historically, the Planning Commission has not involved itself in long range planning and development policy. The Commissioners broke with this tradition in the adoption of the Raleigh-Bartlett Plan, which has some policy implications. Now there is a growing concern on the part of the Commissioners, and others that the planning functions are neglected in favor

of land-control administration. As yet, however, they have not taken strong steps to assert their leadership in this area.

As with the problems of zoning administration, however, the Commissioners may have difficulty in finding this leadership role because the two governments do not treat the agency as a joint function. The two executives have maintained veto power over the appointment of the executive director of the Planning Agency, and when plans, such as the Raleigh-Bartlett Plan, are sent to the legislative bodies for their acceptance, the two legislatures act separately. The situation could arise that one government might accept them and the other reject them because of no effort to make a joint decision.

The lack of strong linkages between the Planning Commission and the two executives is particularly evident with the city administration. Out of feelings of frustration with getting the planning staff of the Commission to do the studies they felt were necessary, the City Administration and the City Council established the Policy Planning and Analysis Bureau, which is a planning body directly responsible to the Chief Administrative Officer of the city and to the Mayor of Memphis. Through the use of this agency, the city made its successful application for Community Development Funds without involving the joint Memphis and Shelby County Planning Commission.

It is not surprising that Memphis created this Bureau. Similar situations have occurred in other communities when a chief executive involved with a joint agency felt that the agency was not being responsive to his needs. Compared to some, this Bureau has been well managed. It has not repeated work done by the Planning Agency; instead, it has devoted itself to studies that the Planning Agency had not done. Yet because of its involvement in setting policies for the Community Development Fund application, it compromises the city's commitment to a joint planning function.

The Community Development Program established by the City of Memphis is an example of good policy planning. It establishes clear goals of attempting to revitalize the downtown and to reverse the trend of deterioration in inner-city neighborhoods. It has created a clear strategy for implementation of their goals through its concept of comprehensive public investment in nine marginal neighborhoods. Yet, it is clear that this program will have a hard road to success if it operates independently of the County's growth policies. The joint Memphis and Shelby County Planning Commission is the best forum that the city has for working towards complementary policies in the County government.

But in order to accomplish this, the Planning Commission and its staff need to strengthen their long range planning program to make it more effective. Typically the city planning effort begins with an extensive survey of existing conditions and predictions of the number of people, cars, jobs, etc. that could be expected within the next 20 years. Studies are made of existing land use, population and economy, housing stock, circulation system, and community utilities and facilities. These studies are for the most part quantitative descriptions and predictions, but to a lesser extent they deal with the qualitative features of the system. Once the studies and projections are completed, the estimates of people, vehicles, households, and employment

are converted into the common demoninator--acres of land needed to accomodate each use. The final task is to distribute these future land requirements, by establishing the proper design that will accommodate the anticipated growth. Once the picture of the future is complete, it is accepted by the Planning Commission as the plan.

This process of predictions and surveys will probably always remain one of the backbones of the planning process and will be an important element in the professional staff work of planning agencies. However, it cannot stand on its own. It focuses too closely on quantitative considerations (is the park large enough for future populations?) and avoids the important value considerations (are the public's leisure needs being satisfied?). Likewise, it produces a static end product without providing any guidance for how the community gets from "here" to "there." Since it assumes that the community can operate on all fronts simultaneously, it does not recognize the need to set priorities, to determine the best strategy to get from "here" to "there," or even to consider that the community may not want what the predictions say, but may instead desire to try to change the course of events.

In order to correct these weaknesses of the traditional planning approach, the community needs to develop policy planning as part of its long range planning process. Policy planning works with these normative considerations by articulating goals and devising implementation strategies. Since this involves policy development, it is critical that the Planning Commission itself be instrumental in this process.

The City of Memphis already has a good beginning on this work with their Capital Improvement Program. The Procedures Manual for the capital improvements budget and program is a good example of policy planning. Following the model of the Community development funds, it establishes a clear development goal and presents a concise strategy for working towards that goal. Whether this is the best of all approaches for Memphis is not the question of this report, but it clearly is a healthy planning approach since it benefits the planning program in the following ways:

- \* The essential and uncluttered character of the policy statements in the procedures manual facilitates public understanding and public participation in the planning program.
- \* The policy statements permit and encourage intimate involvement in the planning process by elected officials.
- \* Its policies plan serves as a coordinating device, bringing together under a single framework the diverse agencies that may have an impact on development. In this respect it is particularly useful in multijurisdictional areas.
- \* Its policies plan provides an element of stability and consistency in the planning program since it will not be made obsolete by changing conditions.

- \* Its policies plan can be useful as a guide to legislative bodies responsible for adopting land use controls, to boards and commissions authorized to administer the controls, and to the courts which must judge the reasonableness of the legislation and the fairness of the administration.

The Memphis and Shelby County Planning Commission needs to develop capabilities for policy planning similar to those shown by the City.

The recommendations at the end of this section offer some immediate means by which the Planning Commissioners can involve themselves in long range planning and policy development work. They also suggests ways of including the executive branches of government in the process of establishing the work program for the agency. However, these immediate improvements have to be initial steps in deciding how the Memphis and the Shelby County governments are going to create a joint function that actually works as a joint function. The options for increasing the effectiveness are once again the models presented in the recommendations section.

#### Membership on the Planning Commission

The movement of planning commissions towards greater involvement with elected officials has strengthened the leadership role of planning commissioners and made this position into a more effective forum for citizen participation in local governments. Often planning commissions provide an opportunity to develop strong citizen leadership and future political leadership. But with the increased importance and the prestige of this position comes increased responsibility. This is particularly true for a joint agency such as the Memphis and Shelby County Planning Commission. The commissioners are required to be familiar with a wide range of topics and concerns. Not only must they know or learn about the development process--the ins and outs of zoning and subdivision--, but they must also be familiar with the City's and the County's capital budgeting and capital improvement procedures, the forecasting mechanisms that aid a community in designing its highway and streets, and the many other activities that the two governments perform which affect policy developed in the Planning Commission.

In addition to having or gaining knowledge about general government activities, the commissioners in a joint agency such as the Memphis and Shelby County Planning Commission must act as mediators between the two governments. They must provide a different perspective from elected officials who are responding to the constituency of one particular government. When politically "hot" issues arise, the lay members should act as a lightning rod to draw out and clarify the positions of people on all sides of a question.

At present, the Planning Commissioners on the Memphis and Shelby County Planning Commission have a low-profile in the community. Because the two governments have maintained their competing authority over the Commission, the Commission itself has not become an effective forum in which citizens can voice their position. Instead, when citizen groups are concerned about planning or zoning matters, they feel they should go directly to the executive or legislative

bodies where the real authority exists. Likewise, the Planning Commission itself is not seen as a mediator between the two bodies, nor as a body acting in terms of the entire region.

Because of the need to have commissioners who have knowledge of governmental activities and the need to have individuals who can act in a leadership capacity, two schools of thought have developed about what makes a good planning commissioner. The first says that the commissioners should be individuals who bring particular skills to the commission: lawyers, architects, developers, real estate agents, and private planning consultants. This list includes all the professions that deal with planning issues and have familiarity with various aspects of a planning commission's work. The other school feels that these individuals are biased by the nature of their work, and the commission should be filled instead with representatives of different citizen interests who should be chosen to represent a cross section of the population or to represent different geographic areas. In this latter school of thought, the commissioners would each have a natural constituency to whom they could communicate the commission's work and from whom they could get direct citizen participation in commission decisions.

When ASPO polled planning directors across the county on what qualifications made a good planning commissioner, there were almost equal numbers adhering to each school of thought. This same split appears in Memphis and Shelby County. There is a distinct difference in the philosophy by which the City and the County appoint planning commissioners. The City tends to appoint commissioners in terms of broad representation of public interests, and the County appoints in terms of special skills connected with planning and land development.

It is possible to choose one side or the other or a compromise between the two and then to design legislation that requires the commissioners to have specific backgrounds or to be chosen from various interest groups. It is our feeling, however, that this unnecessarily limits the power of the two chief executives. In the executive-legislative form of government in Memphis and in the new government for Shelby County, the mayor has the responsibility to select these individuals with the advice and consent of the legislative bodies. His choices should be made in terms of the best qualified individuals rather than being limited by a legislatively adopted formula. It is up to the electoral process to judge if the chief executive has used his authority wisely, and if the legislative bodies have exerted their responsibility in reviewing and confirming those appointments.

There are however, general qualities which make a good commissioner, but these tend to be more personal qualities than skills to be found only in a particular group. They are:

- \* Understanding of metropolitan area. A capacity to make decisions which are in the best interests of the entire region rather than simply promoting a city or county point of view.
- \* Interest in planning. Have demonstrated some interest in the issues involved in planning, particularly regional planning with which the joint planning commission deals.

- \* General level of competence. A greater than average intellectual capacity particularly with analytic skill, a sense of logic, and verbal poise.
- \* High-standing in the community. Will be generally recognized by the community as one of its leaders.
- \* Freedom from conflict of interest. Will not be seriously hampered by having too many private interests closely tied to the work of the commission.
- \* Available time for commission work. Will not be forced to slight commission work because of prior obligations.

It is these kinds of qualities that the mayors should consider in their appointments, and it is also these qualities that the citizens should consider when they are evaluating the Commission appointments of their chief executive officers.

Some additional comments should be made on conflicts of interest. During our interviews we encountered concern about the conflict of interest issue and the Planning Commission. We were not surprised at this since the same concern is general throughout the country. In 1965 when ASPO surveyed planning commissions, this was cited as one of the main concerns, and since then it has become a major national issue. We were glad to see this concern in Memphis and Shelby County since it is a healthy sign that the community is keeping tabs on itself, but on the other hand, we also feel that it is undermining public confidence in the work of the Planning Commission.

It is impossible to tie down the problem in this type of study since conflict covers a wide range of activities. Yet, the difficulty of defining it does not appease the problem. If anything it makes it worse since one side can always accuse the other side of conflict of interest. There are certain things that can be done, however, that will help maintain public confidence in the Planning Commission. First, the two mayors should be careful in the appointment procedures to give the Commission balance. While a planning commission consisting entirely of developers could be a fine civic-minded commission, it probably would not have this image in the eyes of the public. Second, the commission itself should be careful to maintain a public image of fairness. Tennessee is particularly lucky in having the country's best open-meeting legislation, and this legislation clearly has had a positive effect in Memphis and Shelby County government. But beyond this the Commission should clearly establish the "rules of the game" so that conflict of interest charges are kept to a minimum. They should establish a clear definition of operating procedures within commission meetings for what the Commission itself wants to consider a conflict of interest and how one withdraws oneself in such a situation. The ASPO Code of Ethics provides a model for these definitions and procedures and has been included as Appendix A to this study.

Along with good appointment procedures, it also is necessary to have an active program of commissioner education. It is rare that the executives will find individuals equally versed in all areas of governmental activities. A number of the present Commissioners feel that this is an important element which is lacking. When new to the Commission, they are introduced to the staff, and occasionally the staff provides them with published materials on planning issues. However, this process is inadequate for enabling Commissioners to explore issues which are of interest to them or gain information on subjects which are before the Commission.

A program for commissioner education includes access to materials and opportunities to attend workshops and conferences pertinent to the work of the Planning Commission. The Planning Agency should make their library available to Commission members and assist them in finding good materials with a minimum of the commissioners' time being consumed in searching out relevant literature. Likewise the budget of the Memphis and Shelby County Planning Commission should also provide funds either to set up workshops on planning issues in the community or to allow commissioners to attend regional or national conferences which give a chance for contact with commissioners or planners from other communities.

#### Making Joint Planning Work: Recommendations

The central recommendation of this report is that Memphis and Shelby County must take the steps necessary to make joint planning work or else reject the joint agency model and establish two separate planning functions, one for the City and one for the County.

We view the concept of joint planning as sound and support its strengthening. In arriving at this recommendation we identified three major alternatives open to Memphis and Shelby County for organizing their planning function:

Two separate commissions with two separate staffs. This form of organization is common throughout the United States. Both the City and the County would have its own commission and staff or the planning agency would be a line agency, like the public works department. This system would clarify the issue of accountability. Each government would control its own planning function and it would be responsible to its respective government. The task of coordinating and developing joint policy would be accomplished through committees and other informal means.

City-County consolidation. A combined city-county government would solve both problems of accountability and coordination. However, this option may still be years away. With the recent decision to change the county government into an executive-legislative form of government, one can expect at least five years to pass before further reorganization will be considered by the community.

A joint planning commission with a single staff. This is the arrangement that now exists in Memphis and Shelby County. Half of the ten Planning Commissioners are appointed by the City and the other half by the County. The Chairmanship rotates annually between the City and the County appointments.

There is universal support throughout Memphis and Shelby County for this joint planning function between the two governments. All of the individuals interviewed saw the creation of the Memphis and Shelby County Planning Commission as an important progressive step. We concur with this judgment. During our interviews in the area the following reasons were given for the maintenance of a joint planning function:

- \* The problems associated with growth and development do not recognize political boundaries. Land-use decisions made in the County do affect the City, and vice versa.
- \* The two governments come into conflict most often in the areas of development policy. Working independently the two governments find themselves developing contradictory programs that reduce the effectiveness of either government and make it impossible to design even stronger programs through joint effort. The coordinating function of the joint Planning Commission is essential.
- \* If the two governments can develop a strong, coordinated function for land controls, it may be possible to unify the governmental structures at some future date.
- \* Given the three and five mile zones of joint jurisdiction on subdivision and zoning, it is necessary to have a joint administrative agency that is handling land controls in this important area.

While we support the continuation of joint planning, we do think there are many problems that need to be resolved before joint planning can be effective. The problems of accountability, described earlier are inherent in any joint function between two governments. These problems are particularly critical when the agency is dealing with controversial issues, as is the case with the Memphis and Shelby County Planning Commission. The City and County governments have a good record of cooperation, but the point of greatest stress is in the area of growth policy and land control administration. The unwillingness of the two governments to delegate authority to the Planning Commission and their maintenance of strong control over the appointment of the executive director of the agency are symptoms of the competitive framework in which the two governments operate in planning matters.

It is critical if the joint function is to be successful that the two governments begin treating the Agency as a joint agency instead of having it report to them as if it was responsible to each individually. Likewise, the commission must begin to see itself as the bridge between City and County government on matters of growth and development policy. It must develop a planning program which identifies areas of conflict and disagreement between the two governments, and it must provide a forum for resolving these differences.

Though ultimately the elected officials of both governments are the principal policy makers, the Commission should assume a leadership role in the process of identifying and debating these issues. In order to perform this function, individual Commissioners must regard themselves as representatives of the region rather than as spokesmen for or defenders of particular City or County points of view.

The primary task for Memphis and Shelby County is to design a system by which effective land-control administration and long-range planning can be vested in such a joint agency. If elected officials feel this is impractical and are unwilling to delegate the necessary authority, then they should dissolve the joint Commission. Regardless of their choice, it is clear that the present system should not continue in its ambiguous state, where it neither effectively coordinates development policy for the entire metropolitan area, nor provides the levels of planning advice and services needed by the two governments individually.

The recommendations outlined below suggest steps toward strengthening and clarifying the joint planning function. Some of them will require amending the Private Acts under which the agency was formed. But first, there are several immediate steps which can be taken to make the present joint Commission operate more effectively:

In their present role of reviewing and evaluating the Agency, the two executives and the two legislative bodies should operate jointly.

In reviewing the appointment of the executive director, the two executives should send a single recommendation to a joint session of the City Council and the County Court. The same procedure should be followed in budget hearings when the Agency's program is reviewed by the elected officials. Since it is an agency held in common between the two governments, there should be a single, unified critique of the Agency.

The Planning Commission must take a far more active role in long-range planning and policy development.

- \* They should allot time during their regular meetings for long-range planning and policy development issues as a part of their regular agenda.
- \* They should establish a Policy and Program Committee to replace two Commissioners, the Chief Administrative Officer of the City, the comparable person from the County, and the Director of Planning.

This committee's primary responsibility would be to determine the nature, direction, and scope of the Memphis and Shelby County Planning Commission's work program. It should be responsible for the development of a general five year work program and a detailed annual work schedule. Once the program has been adopted by the Commission, the staff must be held accountable for its accomplishment, and should report on a monthly basis to the Commission. A

procedure of this kind should give the chief executives greater confidence that the Commission is working on issues that matter to them.

- \* The Planning Commission should create technical advisory committees for each major study it undertakes such as the planning district studies. These committees should be composed of technically-qualified individuals from outside the Commission as well as interested Commissioners.

The Memphis and Shelby County Planning Commission should establish clear definitions and procedures for handling conflict-of-interest issues. Conflict-of-interest is a matter of substantial concern in the community, both in the Planning Commission and in the City Council and County Court. Regardless of the accuracy of the charges, they are seriously undermining the public's confidence in the land-use decision making process.

The consultant contracted to revise the zoning ordinance should be specifically charged with the responsibility of clearly defining the legal limits of responsibility and the appropriate role for the Board of Adjustment.

These recommendations which can be implemented immediately, should help increase the amount of time the Commission can devote to policy development. The Policy and Program Committee and the technical advisory committees will provide means by which the Commissioners will be able to have a greater in-put into these studies conducted by the Agency's staff. The Policy and Program Committee will also provide stronger linkages between the two executive branches and the day-to-day operations of the Commission and the Agency.

However, these recommendations do not correct the fundamental problems described earlier. They do not resolve the issues of delegating authority to the Planning Commission, nor do they remove the dual hearing procedures which waste Commission, Council, and Court time and slow down the zoning administration process.

In order to correct these problems we recommend that Memphis and Shelby County restructure its planning function according to one of two models outlined below. Both are developed from the same premise: for a joint agency to work effectively, it must have authority to actually operate as a spokesman for both governments. Both involve a basic restructuring of the present Commission; and consequently, they will involve working out detailed plans of operation and a program for amending the present legislation.

Option One: Strengthening the Planning Commission through reorganization and increased delegation of authority.

1. The membership of the joint Planning Commission would be reconstituted so that there would be joint appointments from the two governments. Thus the Commissioners would see their constituency as both governments. In addition, two of the Commissioners should be selected by the legislative bodies from their own mem-

bership, one member from the Council and one member from the Courty Court (preferably these would be the chairman of the Zoning Committee and the Planning Committee of the Council and and the Court). These two legislative appointments would provide direct linkages between the Commission and the legislative bodies.

2. The Planning Commission would be given full authority over the Planning Agency. It would choose its own chairman and select a director for the Agency. The Planning Director would be directly responsible to the Commission, and the Commission, in turn, would be responsible for evaluating the quantity and quality of the Agency's work for which he is responsible.
3. The legislative and executive branches would maintain their review and evaluation functions through the appointment procedures and the budget hearings (which would be conducted jointly).
4. The Planning Commission would maintain its responsibilities to the legislative bodies on zoning and subdivision administration, and this role would be strengthened. The Planning Commission would be delegated the prime responsibility for holding public hearings and the finding-of-fact on applications for zoning amendments, special use permits, conditional use applications, PUD's, etc. For some of these land controls, such as conditional use permits, the Planning Commission would be given discretionary authority to make a final judgment. The Commission, with the help of its staff, would draft a resolution of either approval or denial and submit it to the Council or the Court, or both if it involves joint jurisdiction. This resolution would accompany a report on the "findings-of-fact." The Council and Court members would have this record prior to their meetings and then would make a final adoption or rejection of the resolution.

The Council and the Court would hold public hearings and hear oral arguments when petitioned by the applicant or other interested parties, but these would be limited to arguments that the Planning Commission's recommendation is inconsistent with the evidence of the record. (The hearings would not include the introduction of new evidence.) The Council or the Court could go into the record itself and send the case back to the Planning Commission if it finds, or is persuaded, that evidence is lacking on a specific point.

Thus, while the Council and Court would be relieving itself of some of the burden of public hearings, the legislative bodies would nevertheless retain full authority and responsibility for making the final decisions. The Council and Court members who are serving as Planning Commissioners would serve as important liaisons in this work.

This option essentially strengthens the present format of the Memphis and Shelby County Planning Commission. Its major advantage is the chance it provides Memphis and Shelby County to develop a body of community leaders that can help the legislative and executive branches of government find cohesive goals for development:

- \* This option provides the framework in which the Planning Commissioners can involve themselves in policy development by working with their staff and the two executive branches.
- \* It clarifies the lines of authority so that the agency director and his staff have better guidance in their work, and that work can be better evaluated.
- \* It relieves the City Council and the County Court of part of the time consuming effort of zoning and subdivision hearings so that they will have more time for other matters, including policy development.
- \* It reduces the overlap between the Commission hearings and the legislative hearings on zoning and subdivision so that the application process is less costly to the community and to the private investor.

If the Commission becomes a strong leadership body with close ties to the executives and legislators, it could accomplish a great deal towards coordinating policy between the two governments. If it takes a strong independent position, on the other hand, it could increase factionalism within the community. In the latter case, one would expect the legislative bodies to reassert their authority and once again go to full hearings on each zoning and subdivision application.

Several key factors are critical in making the Planning Commission successful:

- \* Appointments to the Planning Commission must consist of individuals who genuinely have the interests of resolving city-county development policy at heart. They must be individuals who can serve as a strong coordinating force between the two governments.
- \* The two legislators appointed to the Planning Commission must have the ability to develop and improve relationships between the Commission and the two legislative bodies.
- \* The City's Chief Administrative Officer and the comparable person from the County must serve on the Policy and Program Committee in order to assure strong linkages between executive decisions and the actual work program of the Planning Commission's staff.

A practical difficulty with this option is that increased authority also includes increased work. It may be necessary to rely less on volunteer time and provide instead a system of compensation for the Commissioners so that they

can afford to increase the time they spend on Commission activities. And they may need some special staff that would help collect evidence and keep records for the zoning and subdivision administration.

Option Two: Separating the functions of land-control administration and planning.

1. The legal authority for running the Planning Agency would be transferred from the Planning Commission to an Executive Committee composed of the two mayors (or the present Chairman of the County Commissioners), or their Chief Administrative Officers. This committee would take over the responsibility of evaluating and selecting the executive director of the Agency and would be instrumental in setting the objectives and work program of the Agency.
2. The Planning Commission would become a citizens' advisory body to the Agency itself, composed of prominent citizens who would focus their attention on long-range planning and policy development. They would participate with the Executive Committee in setting the five-year goals for the Planning Agency and designing the specific work program for each year. They would also be involved in policy development by acting as advisors to major studies produced by the Agency, reviewing the Capital Improvements Program, and advising staff on the development of new land controls and ordinance revisions.
3. The functions of zoning and subdivision administration would be taken out of the Planning Commission and assigned to a Zoning Hearing Examiner. In this process, the City Council and the County Court would delegate their powers to hold zoning and subdivision hearings to an official appointed jointly by the City Council and the County Court. The Zoning Hearing Examiner would conduct hearings, weigh evidence and make recommendations of approval or disapproval concerning zoning amendments, PUD applications, and other land-control decisions over which the Council and the Court want to keep immediate authority. The Examiner would prepare a draft resolution of either approval or denial, and submit it to the Council or Court along with his findings. He could also be given some discretionary authority over special use permits and conditional use decisions.

As with the first option, the Council or the Court would hear oral arguments only if petitioned by an applicant or interested parties. If they accept the petition, they would only hear arguments concerning the consistency of the Examiner's recommendation with the evidence of the record. They would not hear new evidence. If they feel there is insufficient evidence, they would send the case back to the Hearing Examiner for further hearings and a reconsideration of the recommendations. The legislative bodies, however, would still maintain full and final authority over zoning and subdivision administration.

In the ideal model, the Zoning Hearing Examiner assumes both the responsibility of the Planning Commission to hold hearings and the Board of Adjustment's responsibility to grant hardship variances. Thus all the hearing process of zoning and subdivision administration is centralized into one quasi-judicial process. Under this system the Board of Adjustment is replaced by an appeals procedure to the Council or Court, with any further appeals going directly to the court. The Agency's staff would continue to perform the function of technical review of zoning and subdivision applications, however, the Planning Commission itself would no longer hold hearings. The exact details of the Commission's role as an advisor to the staff on individual cases would be dependent upon the internal working procedures established by the Agency itself.

The strength of this second option is its clarification of the executive and the zoning administration functions now being performed by the Memphis and Shelby County Planning Commission:

- \* This option reduces the time and work requirements of the Planning Commission by creating a new office of the Zoning Hearing Examiner and focusing the Commission's work on policy development. It also removes the problem of conflict-of-interest for this body.
- \* It provides the Council and the Court with an agent who can relieve them of the time-consuming process of zoning and subdivision hearings. It allows those hearings to be held in a quasi-judicial manner without the time pressures now necessary in Council and Court hearings.<sup>2</sup>
- \* It gives the two executives direct control over the work of the Planning Agency.

The problems that the community might face with this option arise from the potential for conflict between the two executives acting as a committee. As a joint agency, this option requires joint control by the two executive branches of government. If the two executives have difficulty working together, the Agency will find itself faced with splintered leadership that could cripple its effectiveness.

The question which is as yet unresolved concerning the Zoning Hearing Examiner system is the nature of his tenure. The rationale of this system lies in the fact that the Hearing Examiner serves at the pleasure of the two legislative bodies. He would most likely change as the composition of these bodies changed, thereby reflecting the philosophy of the legislative bodies from whom his authority is derived. However, without some guarantee of tenure, it is difficult to get qualified individuals to accept the job. On the other hand, if his tenure is set, like that of a judge, he could possibly become

---

<sup>2</sup>For further discussion of the positive points about Zoning Hearing Examiners see Richard E. Tustian, "Zoning Hearing Examiner Process: In Use In Montgomery County, Maryland for Four Years," Planners Notebook, American Institute of Planners, 1:5 (August, 1971).

more powerful than intended. In such a case, the legislative bodies would once again need to reassert their authority by hearing each individual case themselves.

The model presented here outlines the basic format for a Zoning Hearing Examiner system. Several variations on the exact nature of the Examiner's role exist in the communities that have adopted this system. These variations are detailed in Appendix B to this report.

The models presented in Option One and Option Two outline means by which Memphis and Shelby County can restructure the joint planning function in order to make it more effective. They are offered as frameworks for the community's debate and decision, but the actual details of how either system would be implemented still must be worked out. At this point the two governments must decide which direction they prefer to go in order to remove the confusion among the roles of the Planning Commission, its staff, the two legislative bodies, and the Zoning Board of Adjustment. It is important that both governments move decisively on this decision, since the present system not only wastes the time and resources of these various bodies, but also deprives the community of an effective planning process.

## CHAPTER III

### AGENCY ORGANIZATION, ADMINISTRATION, AND OPERATIONS

In Chapter II we addressed the "context" or "environment" in which the planning process functions in Memphis and Shelby County; the location of planning within the two governments, the lines of authority and the divisions of responsibility for executing various planning functions. We concluded that the fundamental planning issue facing Memphis and Shelby County is that of making the joint planning process effective as a coordinated system for identifying and resolving development policies in the metropolitan area. In our opinion, reforming the overall system in which the planning process operates is the single most important key to successful planning in Memphis and Shelby County.

Beyond reforming this system, however, other significant improvements can be achieved through strengthening the internal organization and operations of the Agency itself. This chapter focuses on the internal organization and management of the Agency. It is by no means, however, comprehensive on the subject of agency management; its primary emphasis is on problem areas needing improvement. It also includes an examination of the Agency's work program, personnel, and salaries and expenditures.

The structure of a planning agency is a reflection of the functions of the planning process. The core functions of a planning agency include the research and development of policies and plans for the orderly growth of the community and the implementation of those plans through such tools as the zoning ordinance, the subdivision regulations, and the capital budgeting process. More specifically, the task of planning can be divided into seven functional areas:

1. To establish community development objectives;
2. To conduct research on growth and development trends in the community;
3. To produce development plans, policies, and programs;
4. To implement plans and policies through land use controls and other devices;
5. To coordinate public and private development activities affecting community growth;
6. To provide technical information and services to other governmental agencies and private groups;
7. To increase the public understanding and acceptance of planning.

In addition to meeting its functional and program responsibilities, a planning agency's organizational structure must be designed on the basis of administrative efficiency and sound management principles. Clear lines of administrative responsibility must be defined, and authority commensurate with that responsibility must be delegated to the staff. Work program priorities and objectives must be articulated and budgeted, both as a guide to day-to-day operations and as a basis for evaluating the performance of the agency. And of course, the agency must have a budget and salary structure adequate to conduct its work program, and attract and retain a staff of qualified professionals.

#### Organization and Administration

The most crucial management functions in any agency are the executive functions of overall administration. Regardless of an agency's organizational structure, the caliber of its top leadership and staff ultimately determine (within the constraints of the system) the effectiveness and productivity of the agency. But organizational structure is important for creating a framework which will permit an agency to function more effectively, establishing clear lines of authority and responsibility, and distributing the workload reasonably among the staff. Competing and complementary activities of the various divisions and sections must be coordinated, and each individual staff member must have a clear understanding of his or her particular role in contributing to the overall mission of the agency.

The Director of Planning is the Agency's chief executive. He serves a two year appointment and reports to the Planning Commission. In fact, the Director serves four other bosses as well (the Mayor of Memphis, the Shelby County Commissioners, the Memphis City Council, and the Shelby County Quarterly Court), due to the complicated appointment and approval procedure discussed in Chapter II. There is no position for an assistant or deputy director in the Agency. The Principal Planners in charge of the Agency's several divisions comprise middle management.

As chief executive, the Director's job includes responsibilities for two broad areas of management, defined here as external and internal management. External management functions involve managing and coordinating the agency's relationships and programs with the outside world, i.e., the host of governmental departments and agencies, semi-public and private organizations, and private citizens who have a direct interest in the activities of the Planning Commission and its staff. Internal management functions consist of administering the technical day-to-day operations of the staff.

External Management. Due to the joint agency arrangement, the task of managing the Agency's external affairs can be a full-time job. It is complicated by the joint appointment and approval procedure which requires five separate approvals for the Director's appointment.

This situation creates several management problems. It subjects the Director, and consequently the entire staff, to many competing demands on their time. The Agency's work program is directly influenced (admittedly to varying degrees) by five different offices of government. It is difficult for the Director and the Agency to respond equitably and efficiently to all of these parties. When assignments conflict, either in terms of their policy or their scheduling, tradeoffs must be resolved by the Director. The Director must walk a tightrope, juggling the various competing demands on the Agency's time. In some cases, the staff has been unable to respond adequately to the outside demands made on it. For example, part of the impetus behind the creation of the City's Policy Planning and Analysis Bureau grew out of the lack of staff time the Agency felt it could devote to conducting the policy planning and community development studies desired by the City.

In his role as external manager, the Director must serve as the Agency's chief spokesman and representative; its key public relations agent. It is primarily the Director who must provide the public visibility which the planning function in local governments needs to maintain its credibility. He must spend hundreds of hours on the phone and in meetings maintaining a host of relationships with many diverse public and private organizations and groups. Maintaining this host of relationships is complicated by the joint agency arrangement, increasing the number of parties involved. The Director represents the Agency before the Planning Commission, the City Council, and the County Court. He is responsible for coordinating the policies and programs of the Agency with the various staff and line departments of City and County government (e.g., the police and fire departments, the public works departments, the Memphis Light, Gas, and Water Division, the Memphis Policy Planning and Analysis Bureau, and the City's newly formed Department of Community Development). He must also coordinate the Agency's policies and activities with the various independent authorities and agencies whose functions are an integral part of community planning (e.g., the boards of education, the housing authorities, and the Memphis-Arkansas-Tennessee Council of Governments). The Director must serve as chief grantsman for the Agency, not only defending the Agency's annual budget, but also securing available federal and state funds related to the Agency's program. Finally, and equally as important as the rest, the Director is responsible for maintaining rapport with the general public and the private business sector which has a direct interest in the outcome of planning decisions (e.g., land developers, builders, the Chamber of Commerce, Future Memphis, Inc., and private citizens groups).

Several of these external functions need strengthening. While the Agency appears to be on good day-to-day working terms with most of the departments of city and county government, relationships with several autonomous organizations need improving. Two key areas in which relationships need improving are with the school boards and the housing authorities. Working relationships between the Commission and the staff also need further strengthening, especially in the areas of long range planning and policy formulation.

The public image of the agency also needs improvement. Most of the lay citizens we interviewed saw the Planning Commission as a zoning board, and had only vague notions of how the staff used its time. While a substantial proportion of the Director's time is spent meeting with and making speeches to various public and private organizations and community groups, a more aggressive public information and education program is needed to bolster the image and visibility of the agency.

There is also room for improving the coordination of Agency programs and projects with other planning agencies in the Memphis metropolitan area. Relationships with the Mississippi, Arkansas, Tennessee Council of Governments (MATCOG) is one important example. MATCOG is a regional council of governments with jurisdiction over a six county area which includes Memphis and Shelby County. Created in response to federal programs requiring regional coordination, they are involved in a wide variety of programs from criminal justice planning to land use planning. While MATCOG and the Planning Commission cooperate closely on an integrated work program in transportation planning, other opportunities exist for expanding the joint working relationships between these two agencies (discussed further in the section on Work Programs and Activities).

Federal and state grantsmanship is another external management function which needs strengthening. A number of opportunities exist for taking advantage of federal aid programs for planning programs which would increase the agency's financial resources without increasing its budget requests to city and county government (discussed further in the section on Salaries and Expenditures).

Maintaining strong relationships and coordinating work programs is one of the keys to the success of a joint planning agency. In each of these areas, some of the routine liaison work involved can be delegated to appropriate senior staff. Yet it is the Director who must establish the procedures and guidelines to see that these important functions are carried out.

Internal Management. The Director's second major area of responsibility amounts to a second full time job. It involves administering the substantive and technical day-to-day work of the Agency's staff. The staff is currently organized along functional lines into four divisions (Current Planning, Planning Services, Transportation, and Long Range Planning) and a one-man section with divisional status--the Capital Budget Officer. Each of these units actually occupy equal status in the organization's hierarchy as shown in Figure 1, and the four Principal Planners and the Capital Budget Officer report to the Director.

As chief executive of the Agency, the Director is ultimately accountable for its performance. He must supervise the development of the Agency's work program and budget. He must define and communicate Agency goals, formulate and interpret Agency policies to staff, assign program responsibilities, coordinate the efforts of senior staff, examine the results of their work, and evaluate their progress.

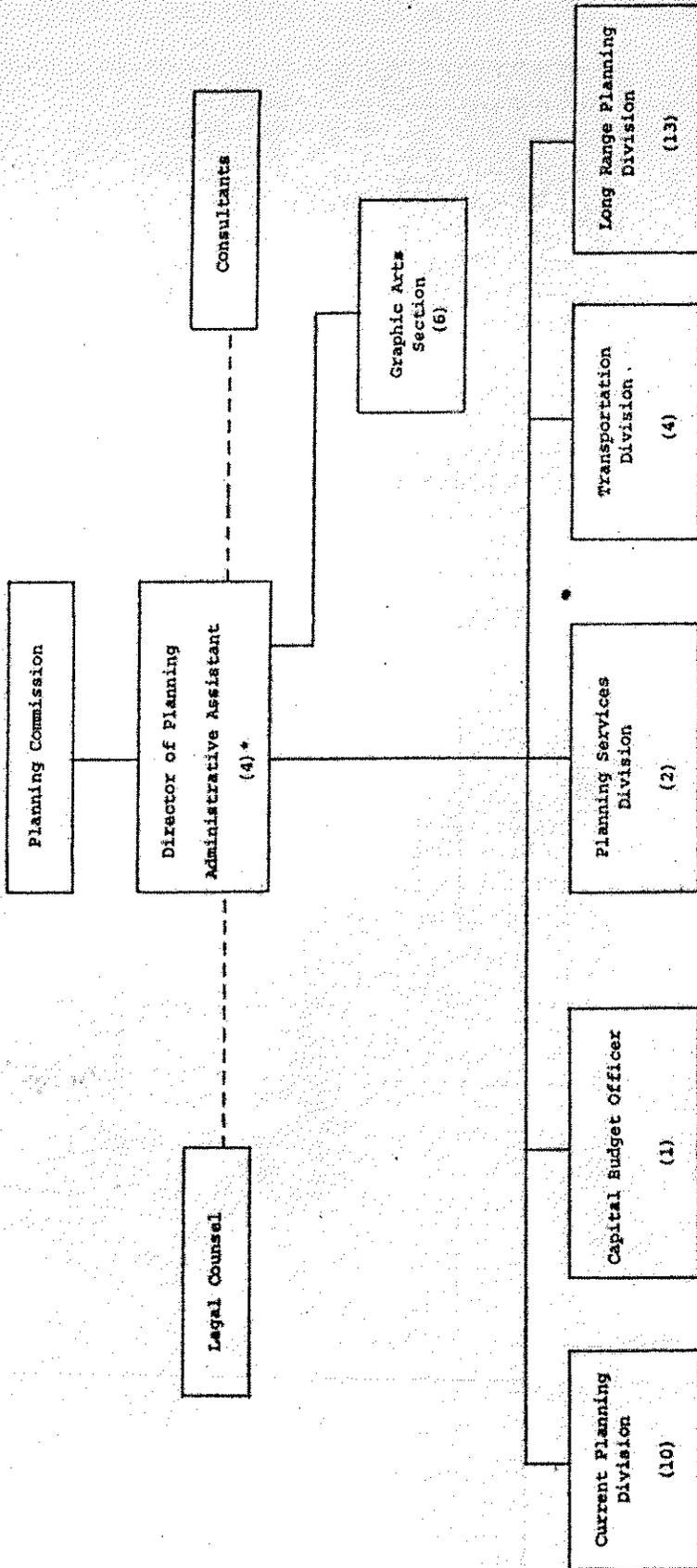


Figure 1  
Organization Chart  
Memphis and Shelby County Planning Commission  
(Revised July 1, 1974)

\*Numbers in parenthesis indicate staff assigned to each division or section.

The Director is assisted with routine office management functions by the Administrative Assistant who serves both as general office manager and budget officer for the Agency. As office manager, he supervises the Graphic Arts Section and handles day-to-day personnel problems throughout the Agency. He allocates clerical staff and handles the administrative details related to the hiring of all new staff, both clerical and professional. He spends roughly half of his time on budget matters, which include developing the annual budget and monitoring and approving all Agency expenditures.

Supervising the day-to-day operations of a 40-person staff is a complex and time consuming task. To conduct it effectively, many routine administrative jobs must be delegated. Yet the Agency's current organizational structure makes delegation of many administrative duties difficult. Lines of authority below the Director's level are unclear. Because he is the sole supervisor for the four division heads and the Capital Budget Officer, it is up to the Director to coordinate their activities and review their work products, forcing him to become intricately involved in day-to-day operations of the Agency.

One particular activity in which the Director frequently gets involved is the preapplication conference with zoning and subdivision applicants. A substantial proportion of the Director's time is spent discussing applications and proposals with developers and land owners. Ideally, such communications should be delegated to senior staff in the Current Planning Division. The Director's participation in preapplication conferences should be limited to only special cases which, due to their size or controversial nature, require his attention as the Agency's chief policy spokesman.

Hiring is another administrative duty in which there is room for substantial delegation of authority to senior staff. As the system currently operates, the Director screens and interviews all professional job candidates prior to involving the division heads for whom these candidates will work. Clerical and drafting staff are hired by the Administrative Assistant, often without the direct involvement of department heads. This system should be reversed by delegating professional hiring authority to senior staff, with the Director's involvement coming only in the final screening stages of the most likely candidates. The hiring of support staff should remain the function of the Administrative Assistant, but with greater involvement of department heads.

Proposed Reorganization. We feel that the duties and responsibilities of this position as now defined are too many in number and too complex in scope for any single individual to perform them all effectively. The dual but distinctly different functions of maintaining external relationships and coordinating overall Agency policies and programs with the host of other public and private organizations in the community, along with the responsibilities of day-to-day administration and supervision of five separate departmental functions spreads the time and energies of the Director far too thinly for him to be effective in all of these areas at once. Additional staff in executive management positions are needed. Therefore, we suggest reorganizing the agency as follows:

First, we recommend dividing the functions of agency management into two separate areas of responsibility: external management and internal management. To do this, we recommend creating new positions for two Deputy Directors--a Deputy Director for Current Planning and Deputy Director for Long Range Planning.

Second, we recommend reorganizing the agency's five separate units or departments into two divisions--a Current Planning Division and a Long Range Planning Division--with seven sections (three in Current Planning and four in Long Range Planning) as illustrated in Figure 2.

This reorganization scheme is designed to achieve two major aims. First, it will create a new level of management responsible for administering the internal operations of the agency, increasing the number of personnel in executive positions with authority to make Agency-wide decisions. Responsibility for the internal management of the Agency should be delegated by the Director to the two Deputy Directors. This would include such duties as assisting the Director in developing overall Agency policy, designing the Agency's work program and budget (under the supervision of the Director), coordinating the work program elements of each of the Agency's departments, and supervising and reviewing daily staff work products. The Deputy Directors should also be responsible for most hiring decisions, and make recommendations on promotions and salaries. Furthermore, some of the routine functions of maintaining Agency relationships should also be delegated to the Deputy Directors, at the discretion of the Director.

The second major aim of this reorganization plan is to elevate the Agency's long range planning function by establishing it as one of the two major components of the Agency's organizational structure. This approach will not only strengthen the position of the long range planning function within the Agency, but it offers more capability to coordinate the many programs and activities going on within the Agency which are integral parts of the long range planning process, such as transportation planning and capital budgeting. This system should also enhance the Agency's ability to coordinate its long range planning activities with those of other organizations and agencies in the community.

Focusing the role of Director on managing the external affairs of the Agency will strengthen the role of this position in the community, making it even more important. It will free the Director to devote more time to the crucial tasks of maintaining interagency relationships with the various branches of city and county government, strengthening the Agency's working relationships with the Planning Commission (especially in the areas of development policy and long range planning), establishing improved rapport with the many independent agencies and organizations in the community, improving the Agency's overall public image, and pursuing alternative funding sources. For the Agency to realize its full potential under this system, the Director must be one who has the ability to deal effectively with the many competing and conflicting public and private interest groups involved in the planning process. He must possess the leader-

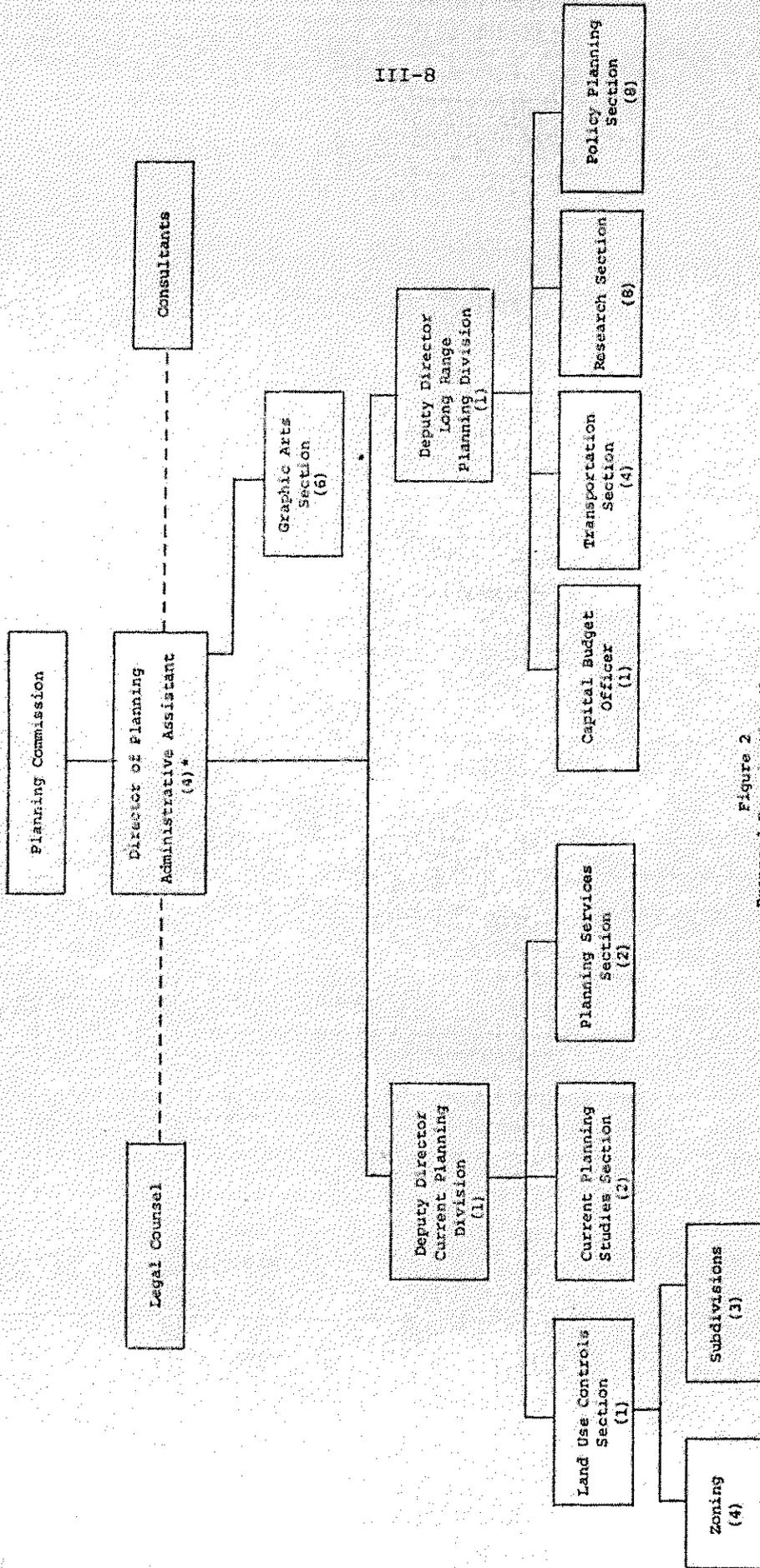


Figure 2  
 Proposed Organization Chart  
 Memphis and Shelby County Planning Commission

\*Numbers in parenthesis indicate proposed staff positions assigned to each division or section (excluding new clerical staff).

ship skills necessary to convene and coordinate parties with diverse and sometimes conflicting goals, leading in the continual negotiation process of formulating joint agency development policies for the metropolitan area.

A word of caution should be interjected at this point. Having two Deputy Directors is by no means a foolproof system. It can only operate effectively if the two Deputy Directors feel free to jointly formulate policy for the entire Agency across their divisional lines. If the joint policy making function of these two Deputies breaks down, this system will not work. Each division will drift off on its own separate course, and the lack of coordination and divisiveness which could follow could become a destructive force within the Agency. Strong leadership from the top is essential since conflicts between the two Deputies can only be resolved at the Director's level. The personal relationships between the three individuals holding these three top positions must, of course, be cooperative, intimate, and cordial if the system is to function properly. Each must have a clear understanding of their respective roles, responsibilities, authority, and degree of independence.

The rest of the staff must also understand the distinction in the respective roles of the top three positions. For effective work supervision and staff morale, the Deputy Directors must have clear-cut authority over the technical program. The Director should resist the temptation to deal with technical and administrative details, making it clear to the staff that these responsibilities have been officially delegated to the Deputy Directors. While the Director is still ultimately accountable, he must delegate to his Deputies maximum autonomy and create a working situation which is well defined.

Organizational structures should not be viewed as forever static. Figure 2 illustrates the recommended restructuring of the Agency's five departments into seven sections within the proposed Current and Long Range Planning Divisions (a further discussion of staffing assignments appears later in this chapter in the section on Personnel and in Figures 4 and 5). While Figure 2 presents a rigid model for agency organization, it should not necessarily be taken as absolutely literal. It is only natural for them to change over time as the personnel, priorities and objectives of the Agency change. The exact staffing assignments for the seven proposed sections must be worked out by the Agency itself. The Deputy Directors and Section Heads should be given substantial leeway in assigning staff according to the availability of appropriately skilled personnel, the immediate demands of the work program, and so forth. Furthermore, some assignments from time to time will call for a team approach. The Deputy Directors should have the authority to jointly make staffing assignments which cross division and section boundaries, combining qualified staff into teams to produce specific work products more efficiently.

Current Planning Division. The primary function of the present Current Planning Division is the administration of land use controls--the zoning ordinance and the subdivision regulations. This includes both handling the administrative procedures for processing applications (holding preapplication conferen-

ces, posting notifications, coordinating intra- and inter-agency reviews, etc.), and conducting the substantive review of the actual proposals themselves. Zoning functions include processing petitions for zoning changes, maintaining the City and County zoning maps, and presenting zoning applications and staff recommendations to the Planning Commission, the City Council, and the Quarterly Court. In addition, this section is responsible for conducting periodic rezoning studies and making recommendations on ordinance changes. The subdivision section must review plats to assure their compliance with the zoning ordinance and the subdivision regulations. Proposals for group apartments, street name changes, and street closures must also be reviewed.

We recommend restructuring the Current Planning Division as illustrated in Figure 2 to include three sections: (1) a Land Use Controls Section, (2) a Current Planning Studies Section, and (3) the Planning Services Section.

This restructuring makes relatively few changes in the existing organization. The major change is the separation of the functions of zoning and subdivision administration from those of conducting current planning studies (e.g., rezoning studies, and ordinance revisions) by creating two separate sections to perform these activities. The existing zoning and subdivision section (renamed the Land Use Controls Section) would remain unchanged (except for any necessary reassignment of staff).

The Current Planning Studies Section would specialize in producing rezoning studies and ordinance revisions. The Agency has been conducting such studies at the rate of one per month or more over the last few years. In the past, when the case load of zoning and subdivision applications was heavy, staff from other parts of the Agency (usually the Long Range Planning Division) were temporarily reassigned to current planning studies. There has been some tendency to treat the Long Range Planning Division as a resource pool of professional staff to be tapped to deal with short term crises. Naturally, this practice has interfered with the progress of the long range work program, especially with the comprehensive plan revisions now underway. The idea in creating a separate, small section to do this work is to create the capability within the Current Planning Division to produce such documents by making them specific ongoing staff assignments. Given the current reduced case load, it should be possible to adequately staff this section with personnel from the existing Current Planning Division. Furthermore, the planned revision of the zoning ordinance should reduce the necessity for this type of work, although the completion of that effort is still some time off. Staff in the three sections of the Current Planning Division can, of course, be shifted around as the work loads fluctuate, keeping to a minimum this division's reliance on the Long Range Planning staff to meet short-term needs.

We also recommend locating the present Planning Services Division (renamed Section) intact in its present form under the Deputy Director for Current Planning since its technical assistance functions relate closely to the current planning activities of Memphis and Shelby County. The major function of

this department is the provision of consulting services on request to the five incorporated towns in Shelby County. This includes attending Planning Commission meetings and providing assistance in reviewing zoning amendments and subdivision plats for these communities. This division is also charged with establishing and maintaining Geographic Base and DIME files, and is responsible for coordinating the contracts between the Planning Commission and its various consultants.

Long Range Planning Division. The primary function of the present Long Range Planning Division is the periodic review and revision of the comprehensive plan for Memphis and Shelby County required by law to be done every five years. The plan must include land use, transportation, public facilities, community renewal, and financial elements. Much of the basic data collection and research legwork is done within this division itself, especially for the land use element. Other elements rely on the products of other departments (e.g., transportation and capital budgeting).

The Capital Improvements Program is a one-man operation run by the Capital Budget Officer who annually recommends a five-year capital improvement program and a one-year capital budget. Budget requests for City and County improvement programs must be reviewed and analyzed, and projects must be coordinated among each other. The major product of this process--the five-year capital improvement program designating community facilities and improvements--is an integral element of the comprehensive plan revision.

The major responsibility of the present Transportation Planning Division is the continuation of the Memphis Urban Area Transportation Study (MUATS), supported by Federal Highway Administration funds and the maintenance of the Memphis and Shelby County Road Plan. Due to federal funding requirements, the Transportation Planning Division operates on the basis of a unified work program with MATCOG, through which the federal funds must pass. The activities of this division are also an integral part of the Agency's long range planning program, and at one time transportation planning was part of the Long Range Planning Division. The comprehensive plan is required to include a transportation element, which most recently has consisted of an analysis of traffic forecasts and transportation needs in the Raleigh Bartlett Planning District Study.

We recommend restructuring the Long Range Planning Division as illustrated in Figure 2 to include four sections: (1) the Capital Budget Officer, (2) the Transportation Section, (3) a Research Section, and (4) a Policy Planning Section.

This reorganization suggests no operational changes in either the Capital Improvement Program or the Transportation Planning Division (renamed Section), but merely groups these related functions along with other long range planning activities under a single Deputy Director. The only major change under this reorganization scheme involves the present Long Range Planning Division itself. Here, we suggest dividing the existing Division into two more specialized sections - one for research and one for policy planning.

We recommend creating a specialized, technical Research Section within the reorganized Long Range Planning Division.

This Research Section would serve several important functions. Its major responsibility would be to service the inhouse needs of the Agency itself by providing a stronger data base of factual information and analysis as required by various projects throughout the Agency, such as the Planning District and rezoning studies. It would be responsible for gathering data and researching trends in such areas as population, incomes, housing, and other socio-economic indicators. Data on the environmental impacts of development patterns and trends would also be useful. Data collection and analysis procedures should be established as a highly automated and continuous process in order to speed up the Agency's ability to measure trends and produce plans, such as the Planning District Studies.

In addition, this section would constitute an information clearing house for other government agencies and private investors in the community. Up to date information and trend analysis is needed in such areas as population and housing, plant investment, consumer income and spending, retail sales, land values, building costs, office and apartment vacancy rates, and employment. Serviceing the information needs of organizations and individuals outside the Agency is an important function. Many outside observers of the Agency were critical of the lack of useful data on community growth and development trends produced by the Agency. While the Agency now publishes several such periodicals (e.g., Residential Building Permit Activity, a quarterly survey), many of those interviewed considered the publications of the Bureau of Business and Economic Research at Memphis State University more useful for their purposes. Without duplicating the efforts of others, the Planning Commission is the logical organization to assume a primary role in producing and distributing such information. We feel that the long term benefits of such an ongoing activity would far outweigh the marginal costs to the Agency.

The Research Section would coordinate all data collection, processing, and related activities within one single branch of the Agency. By centralizing the control over data gathering and research, the Agency should be able to meet its own data needs more effectively, as well as provide improved information services to the many other agencies and private organizations which need them. Centralizing the research functions of the agency may also permit greater opportunities to set up interagency arrangements with other organizations conducting similar functions, such as MATCOG, where there are considerable opportunities to arrange joint data collection procedures in the area of land use planning.

As the final component of the Long Range Planning Division, we recommend creating a Policy Planning Section by merging the technical functions of the City's Policy Planning and Analysis Bureau (PPAB) with the existing Long Range Planning Staff.

This section would comprise the core of the Agency's long range planning function. Its primary responsibility would be the periodic revision of the comprehensive plan or a similar procedure designed to produce long range policy recommendations to guide the future growth and development of the metropolitan area. It would provide policy guidance to the executive branches of both City and County government. Working closely with the proposed Policy and Program Committee of the Planning Commission, it would also be responsible for coordinating the activities of other sections within the Agency whose functions are directly linked to the long range planning process. The Research Section would work hand-in-hand with the Policy Planning Section, conducting the basic legwork and research activities necessary to support this operation.

Merging the PPAB with the Long Range Planning Division would require a transfer of the PPAB's technical staff functions of data collection, analysis, and plan development (along with appropriate levels of funding) into the Planning Commission. The Mayor of Memphis and the future mayor of Shelby County will still need some independent planning capability, however, and should retain one or more key individuals with experience in planning as personal advisors.

Merging these two planning operations would serve several purposes. It would eliminate the confusing and potentially conflicting functional overlap which now exists between the PPAB and the Long Range Planning Division of the Agency. The PPAB has not duplicated actual work done by the Agency. It has concentrated on studies pertaining to inner-city development for use in the application and administration of Community Development Act funds from HUD. In its authority to collect data and prepare plans for the City, however, it does overlap the responsibilities of the Agency. Furthermore, much of the technical work which has been done by the PPAB could have logically been carried out by the Planning Commission staff, assuming a cooperative agreement to supply these services had been worked out between the City administration and the Planning Commission. Merging these two organizations would also eliminate the competition which has developed between them, especially in the area of seeking federal funds. Control of HUD 701 and Community Development Act funds by the PPAB has, to some degree, undermined the capabilities of the Planning Commission. This merger should work toward strengthening the future relationships between the City and the Agency, forcing the City to rely on the Agency more heavily while at the same time increasing the Agency's capabilities to respond as needed. Finally, this merger offers an opportunity to increase the size of the staff of the Planning Commission, as well as its budget, both of which are inadequate at present levels.

The proposed staffing chart in the Personnel section of this Chapter (Figure 5) shows the addition of new Long Range Planning Staff in the Research Section as opposed to the Policy Planning Section. The actual staff assignments resulting from this merger must be worked out between the Agency and the City, depending upon the skills and qualifications of the individuals involved.

### Work Program and Activities

The effectiveness of most organizations can be measured by their products. But measuring the products of planning is difficult since most of them consist of advice, policies, recommendations, and plans. No truly adequate measures of performance for these abstract concepts have ever been developed. However, a well defined, highly specific work program is one of the best available tools for establishing a basis against which to measure an agency's performance as well as for deciding what actual products and programs it should undertake.

This section of the report examines the Agency's work program both as a management process in and of itself, and from the point of view of its content--the activities actually undertaken by the Agency.

Overall agency work program. A work program is a management tool designed to aid in guiding the operations of an organization.<sup>3</sup> To be effective, it must be a conscious, deliberate, integrative process carried out in advance. It should be established as an ongoing procedure, including both a long-range and an annual element. Overall goals for the Agency should be stated, outlining the direction in which the Agency intends to go. These goals can then be broken down into specific written objectives which the Agency expects to achieve. Care should be taken in defining objectives to see that they are realistic and achievable, otherwise they will not only go unmet, but not meeting them will subvert the process itself.

Spelling out the exact objectives of each department for a given time period is the most important part of the work program. This process should be set up much like a capital budgeting program with a specific one-year element and a more general long-range element planning ahead from three to five years. Each objective can be broken down into a series of work elements which identify particular targets the Agency intends to achieve. The work elements should specify the tasks necessary to achieve them, including cost estimates, time, and manpower requirements. Alternative sources of funding should also be considered in the work program, and coordination of various work program elements among the Agency's departments should be spelled out, as well as coordination with outside agencies and organizations.

As described above, overall agency work programs offer several important benefits. They provide a systematic procedure for defining agency work priorities and staff assignments. They force an agency to formally evaluate its programs on a periodic basis. They provide a management tool for scheduling production and meeting deadlines, and assist in the preparation of budgets. And they serve as a basis for evaluating an agency's progress toward its stated goals.

---

<sup>3</sup>For a detailed discussion of work programming procedures and contents in city planning agencies see: Example of A City Overall Program Design, prepared for the Department of Housing and Urban Development by the American Society of Planning Officials, October, 1972.

At present, the Planning Commission has no formal, overall work program procedure by which it operates. Each of the five departments prepare annual work programs for their divisions, but they vary considerably in style and content. Some, for example, amount to little more than lists of proposed activities and projects to be undertaken during the coming year. Others are more sophisticated, including goals and objectives, with estimates of manpower, staff assignments, and schedules. Few spell out actual work priorities, i.e., which items must be accomplished versus items which can afford to be delayed if necessary. There appears to be no overall, agency-wide system for pulling each of these departmental work schedules together into a coordinated program. More importantly, as the system now operates, frequent requests are made by the two legislative bodies, the City and County administrations, and the Planning Commission for various studies (e.g., rezoning studies, annexation studies, etc.) making the current procedure extremely ad hoc. No formalized system now exists for incorporating external requests made upon the Agency into its work schedule. There now exists a tendency to drop some scheduled projects in favor of immediate work requests as they arise. We see the Policy and Program Committee of the Planning Commission recommended in Chapter II, (or the Executive Committee proposed in Option Two) as a mechanism for more systematically incorporating such requests into the Agency's work schedule.

We recommend that the Agency establish a formally adopted overall work program procedure along the lines previously discussed, including both a five-year work program and an annual work schedule developed according to a stated timetable in conjunction with the Agency's budgetary process.

Furthermore, we recommend that both the annual work schedule and the five-year work program be developed with the proposed Policy and Program Committee of the Planning Commission, (or the Executive Committee) and be adopted and supported by the Planning Commission. Major amendments to the priorities set forth in the work program should also be reviewed and approved by the Planning Commission.

Internal work program elements should be developed by Section Heads and coordinated by the deputy directors. The Director and his two Deputies should work closely with the proposed Policy and Program Committee of the Planning Commission in order to both obtain approval for internal work program elements, and incorporate into the Agency's docket work requests initiated from outside the Agency. Since the Agency operates in part as a service organization responding to a variety of intermittent requests, some degree of flexibility must be built into the procedure to allow making periodic amendments to the work program as high priority requests arise. Of course, to the extent possible, such outside requests for services and studies should to the degree possible be scheduled well in advance.

Current planning. The work of the Current Planning Division consists primarily of administering the zoning ordinance and the subdivision regulations. These procedures include a variety of tasks such as researching each case and preparing staff reports, coordinating the work of the Technical Advisory Committee, notifying adjacent property owners, making presentations before the Planning Commission, conducting field inspections of the sites, and so forth.

Special permits and community unit plans, must be processed, as well as planned unit development proposals. In addition, they are responsible for maintaining and updating the zoning atlas on a continuing basis.

Much of the staff's time, from 25 to 30 per cent, is spent on the phone answering inquiries from land developers, property owners, and concerned citizens. The remainder of the staff's time in Current Planning is spent conducting rezoning studies, and preparing amendments to the zoning ordinance and the subdivision regulations. Because its prime function is the day-to-day administration of land-use controls, this division naturally functions as a clearing-house for planning information to the development community and the general public.

Much of the work of the Current Planning Division is difficult to program accurately in advance due to the fluctuating nature of zoning and subdivision administration. The number of cases themselves fluctuates highly, as shown in Table 1. The amount of staff time necessary to process each case also fluctuates, depending on the relative complexity of each situation. In addition, many of the rezoning studies are requested by members of the two legislative bodies or by the City or County administrations on an ad hoc basis. Consequently, a substantial amount of flexibility must be built into programming the activities of this division. Staff assignments within the Division should also be highly flexible, depending on the flow and nature of the work.

Table 1

Zoning Cases  
 Memphis and Shelby County Planning Commission  
 1970-1974 (Thru November)

Year	Zoning Cases
1970	475
1971	230
1972	359
1973	311
1974	155 (thru November)

Source: Memphis and Shelby County Planning Commission.

Application processing time. Most planning agencies are occasionally criticized for the length of time required to approve rezoning requests and subdivision applications. Such has also been the case in Memphis. Yet most of the opportunities for speeding up the process lie outside rather than inside the agency.

The internal review process itself is limited by ordinance to 35 days, which seems to be adequate at current work loads. However, increased communication with developers and property owners at the front-end would appear to increase the efficiency of the internal review process. One point for increased communication is in the preapplication conference. Preapplication conferences are informal meetings between developers and the staff where developers discuss their intentions and get acquainted with the conditions which they must satisfy to receive approval. While we do not think it necessary to make the preapplication conference a mandatory step as some communities have done, it is a very important communications link between the public planner and the private developer. We suggest that the process be more formalized and that the staff urge developers to take more advantage of it by incorporating it into the rezoning application procedure (as a voluntary step), and by designating a team of staff members to routinely conduct these meetings.

Another point at which communications can be increased with developers is on an informal basis during the internal Agency review process. A common complaint among developers is that applicants have no opportunity to respond to staff recommendations prior to the public hearing. Many developers consider the staff as too secretive and protective of their opinions concerning reviews and recommendations on rezoning and subdivision cases, refusing to discuss them with the applicants until after the public hearing. While it would require more time on the part of staff, we feel that the staff should consider relaxing this position. Assuming that the staff is firm in its convictions and fair in its judgments, increased negotiations with developers prior to the hearing could increase both the developer's likelihood of approval, and the quality of the proposed product itself, since it is in the developer's interests to receive a positive staff recommendation. While the staff rightfully view their role in land-use controls as protectors of the public interest, they must also realize that they have an obligation to assist the private sector by minimizing processing times, and thereby development costs, and by assisting developers to produce products of high quality in locations which are economically feasible and consistent with the needs of the community.

Most of the inefficiencies in the present land-use controls system in Memphis and Shelby County lie outside of the Agency's review process. First, the zoning ordinance itself (which is actually three different ordinances) is seriously obsolete. Second, due to the lack of cooperation and delegation of authority between the Planning Commission and the two legislative bodies, each case is heard at least twice. Third, the review process is most heavily taxed by applications at the same point at which it is also the most administratively complex. The majority of rezoning requests have occurred on the urban fringe in the five-mile zone of joint jurisdiction in which both legislative bodies must approve rezoning applications in a joint hearing. On several occasions, the two legislative bodies have had difficulties in obtaining quorums at these

joint meetings, requiring cases to be continued until a later date. Greater cooperation from members of the Technical Advisory Committee in meeting review deadlines would also speed up the review process.

In our opinion, the greatest opportunities for increasing the overall efficiency of the zoning and subdivision review procedures lie in a comprehensive revision of the zoning ordinance itself, and in reforming the process by which land-use decisions are made as outlined in Chapter II.

Staff reports - rezoning applications. In 1974, the staff initiated the practice of preparing written reports on each zoning case. These reports, along with the recommendations of the Commission, are used as evidence by the legislative bodies in making zoning decisions. They represent an important step forward which we strongly support. Since the meetings of the zoning and subdivision committees of the Planning Commission have been discontinued, these reports comprise the primary form of staff communication with Commissioners on zoning and subdivision cases. In the minds of many, however, they are not an adequate form of communication. In reviewing several of these reports and discussing them with the commissioners and legislators for whom they are written, it appears that they can be strengthened in several respects.

First, the depth of analysis both in the quantity and in the quality of the facts presented should be increased. Some cases, the analysis could be automatically strengthened by focusing on the specific types of impacts which will result from the rezoning (impacts on traffic circulation, on parking, on school enrollment, on community facilities, etc.). Wherever possible, they should be strengthened by more factual evidence. Second, the analysis should include explanations of the reasoning supporting the professional decisions of the staff. Third, they should be written in lay terms, devoid of technical jargon. Finally, we suggest strengthening these reports by concluding them with more aggressive recommendations. Many past reports presented only a list of pros and cons without conclusively and clearly drawing any net recommendation, i.e., approval, approval subject to conditions, or disapproval.

Long Range Planning. The work program of the long range planning division is dominated by its effort to update the 1966 Comprehensive Plan, which the Agency is required by law to review "in its entirety" every five years. The Comprehensive Plan for Memphis and Shelby County consists of three basic elements: the Land Use Plan, the 10-volume Community Facility Study, and the Memphis Urban Area Transportation Study. The Land Use Plan, completed in 1966, is based on the "multiple centers concept". The plan identified the six regional centers which were concentrated areas for future growth including shopping complexes, offices, apartments and community facilities. These are essentially areas in which intensive land uses are already occurring and in which further concentrations of development are recommended as the most efficient development pattern for the community. The second element of the comprehensive plan -- the Community Facility Studies-- was completed in 1968. These studies deal primarily with libraries, water supply and distribution, sanitary sewers, storm drainage, parks and recreation, cultural environment, institutions, schools, fire protection and refuse collection and disposal. Each

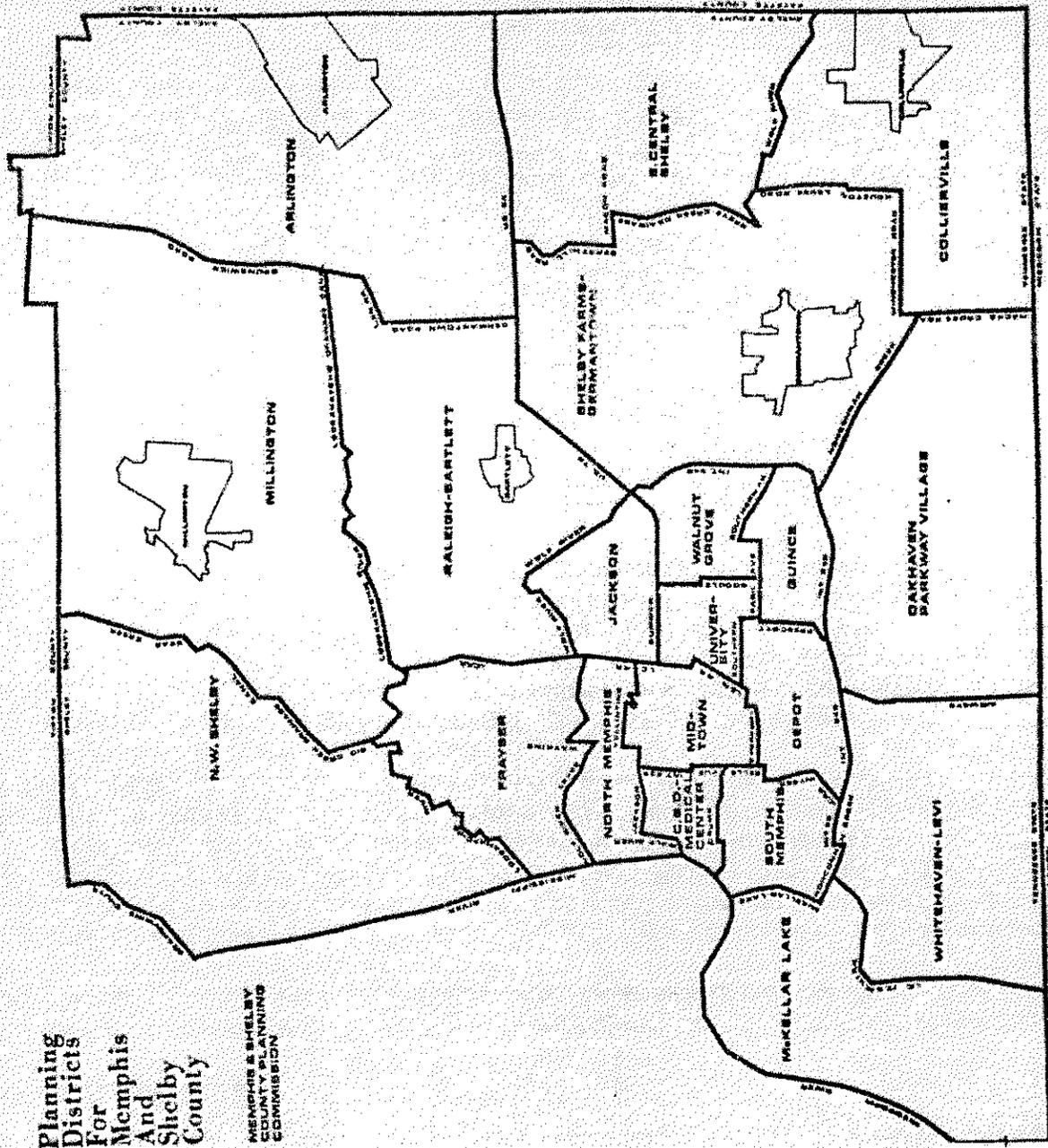
study sets standards and proposed locations for new facilities. The Memphis Urban Area Transportation Study was adopted by the Planning Commission and the two legislative bodies in 1969. It establishes general alignment for new expressways, parkways, and major roads throughout the metropolitan region. It also includes standards and priorities for street widening and other road improvements.

Planning District Studies. The process the Agency is using to update the land use element of the Comprehensive Plan is the production of a series of Planning District Studies. Memphis and Shelby County have been divided into 20 planning districts as shown in Figure 3. The first district study for Oakhaven Parkway Village was completed in August, 1973. The second district study, the Raleigh Bartlett Study, was approved by the City Council July, 1974, and by the County Court in October, 1974. A third study for the Whitehaven-Levi district is presently in draft form and is expected to be published in the near future.

The district study approach to updating the Comprehensive Plan appears sound in theory. Dividing the entire jurisdiction into 20 districts enables the Planning Commission to establish priorities and concentrate on areas which need the most attention. To date, priorities have been assigned to areas experiencing the most rapid growth. This procedure also offers the opportunity to treat each of the districts on a more individual basis. However, there are several areas in which the actual process itself, and its products, could be strengthened.

One important question regards the issue of timing. At the present rate, district studies require approximately six months each to complete. On a straight line basis it would take 10 years to complete each of the 20 studies. In fact, several studies are progressing simultaneously and the process will be considerably shorter. Still, by the time the 20th study is completed, the first study will be several years old. In order to be most useful these documents must remain relatively current. Some officials have suggested that they be revised on an annual basis. Under the existing approach, however, there is little way in which new studies can be completed and existing studies updated at the same time.

One way to shorten the process would be to modernize the data collection and processing procedures at the front end. At present, most of the data is being collected and processed manually. Automating data collection and processing on a formula basis would not only decrease the total lapse time for producing the entire series of studies, but would also provide a system for continually updating these studies rather than treating them as end products. Creating a specialized Research Section and increasing the staff of the Long Range Planning Division as a whole should also help to speed up the process. At present staffing levels, the process will continue to be a lengthy one regardless of the methodologies used. Consideration should also be given to combining several district studies in areas where population and growth trends are slowest.



**Planning Districts For Memphis And Shelby County**

MEMPHIS & SHELBY COUNTY PLANNING COMMISSION

Figure 3

Another concern with the district studies approach regards coordinating the 20 studies with one another. By dividing the jurisdiction into 20 separate units it remains unclear as to how each of the 20 separate studies will be coordinated into a cohesive whole. Care must be taken in the scheduling of these studies to avoid policy conflicts between adjacent districts. Where possible, studies of closely related districts should be conducted simultaneously.

The most important concern in the district studies program regards the content and utility of the actual documents themselves. The first study completed -- the Oakhaven Parkway Village study -- was not approved by the Planning Commission in its initial version due to the inclusion of policy recommendations which the Planning Commission considered too strong. Policy recommendations in the final version were substantially weakened. In essence, the study called for a strategy to be developed (not spelled out) to avoid residential construction in and around the Memphis International Airport, and for land use controls (a greenbelt) to prevent development in the floodplain. It also contained a highly conceptual portrayal of how the district should develop residentially and commercially by the year 1990.

The Raleigh Bartlett Planning District Study was a substantial improvement over the Oakhaven Parkway Village study. Not only did it contain more specific recommendations, but it was formally adopted by the Planning Commission and the two legislative bodies as a "guide" to making current land use decisions. Its recommendation to temporarily drop the extension of the Loosahatchee interceptor sewer from the City's capital improvement program was a significant decision which could save the City millions of dollars. The study also recommended that no further commercial property be zoned for commercial use until 1990, due to the extent of overzoning which had already occurred in the district.

In spite of the importance of the recommendations in the Raleigh Bartlett study, it still contained relatively few specific recommendations on which to base current land use decisions. Many observers are critical of these studies in this regard. Nevertheless, the Raleigh Bartlett study represents an important step in the right direction. It evidenced an increased willingness on the part of the Planning Commission and the two legislative bodies to commit themselves to taking long range planning issues into consideration. We suggest that as experience with these studies grows, they should go further in the direction of spelling out specific policy recommendations. The studies should especially focus on implementation methodologies, presenting alternative strategies (such as proposed legislation) by which to achieve performance objectives.

A final observation on the district studies concerns their depth of analysis. While the subject areas addressed are broad in scope (population, income, housing, residential growth, land use and zoning, community facilities, transportation, and environmental factors), their treatment to date has been very brief. For example, in the discussion of community facilities in the Oakhaven Parkway Village study there are no statistics relating existing school capacity or recreational areas to existing population, nor comparative statistics

on fire stations, libraries, and other community facilities. There is also no comparative analysis on the extent of overzoning and its relationship to the projected population of the district, housing and commercial vacancy rates, etc. While the Raleigh Bartlett study went much further in this direction, the overall depth of analysis is still quite limited. We suggest that future district studies increase the amount of factual data presented as well as broaden their scope of analysis. Regardless of the strength of recommendations made, an increased analysis of existing problems would be very useful to decision makers.

Coordinated Work Programs with MATCOG. An important issue in analyzing the Agency's work program is the extent to which it is integrated with other planning agencies in the community, especially MATCOG. Most of MATCOG's programs are aimed at all six counties. Their programs include technical assistance to local governments, A-95 review for each of the six counties, and regional plans. The bulk of their current work program is involved in preparing regional plans, and doing back-up work on the community development act for member governments. Their staff includes a highway safety planner, a transportation planner, a law enforcement planner, and three land use planners. They are supported primarily by HUD 701 funds and funds from member governments. They also receive transportation funds through the Memphis Urban Area Transportation Study since they are the pass-through agency for these monies.

The two major areas for overlap, at least functional overlap, are transportation and land use planning. Of these two, the best coordination is now occurring in the area of transportation planning. Due to federal funding requirements, the Transportation Planning Division operates under a unified work program with MATCOG. As the system operates, MATCOG passes a share of its Federal Highway funds on to the Planning Commission for Urban Transportation Planning. MATCOG is responsible for regional transportation planning and the Planning Commission for planning within Memphis and Shelby County. Similar opportunities for coordinated work programs appear to exist in the area of land use planning, but to date they have not been taken advantage of by either agency.

MATCOG has recently begun extensive work in land use planning through its designation as the 208 Agency for the U.S. Environmental Protection Agency. Section 208 of the Water Pollution Control Amendments of 1972 provides grants for area-wide waste treatment management. This section of the federal law not only requires communities to prepare for handling waste water that can be treated through such facilities as sewage plants, but also to control non-point pollution such as urban and agricultural run-off. This latter requirement involves general land use planning, and it is under these requirements that MATCOG is doing extensive land use studies in three of its counties.

At present, MATCOG is setting up a staff to prepare the area-wide waste treatment management plan which may unnecessarily duplicate land use planning work of the Agency. The Planning Commission should take the necessary steps to establish a coordinated work program in land use planning with MATCOG, using 208 funds to supplement their efforts, as well as meeting the needs of MATCOG. While the lack of such a coordinated effort in the past has to some extent been a function of the different data needs required by various Federal programs, we feel that coordinated data collection efforts can be designed to meet the needs of both agencies.

Personnel

The quality of any planning agency is primarily a function of the quality and quantity of its professional staff. Several factors should be considered in analyzing the planning commission staff. First, the Agency must be able to attract and retain enough competent professionals to carry out all the elements of its work program and provide the various technical services expected of it. The professional staff must have the appropriate mix of skills needed to fill the technical positions in the Agency (e.g. skills in administration, urban design and site plan review, population forecasting, economic analysis, data collection and research, etc.). Ideally, the staff should include a mixture of academic backgrounds and a variety of previous work experiences in the planning field.

Staff size. The size of the planning staff can be analyzed from two perspectives. One is its size in relation to its work program. Another is a comparison of the staff size with other planning agencies serving communities of similar sizes.

Based on our interviews with more than half of the professional staff members of the Agency including all the senior staff, as well as interviews with many key individuals outside the Agency who are in a position to comment with authority on the matter, the Agency is both professionally and clerically understaffed (authorized staff positions appear in Table 2). There are a

Table 2

Authorized Staff Positions - 1974  
 Memphis and Shelby County Planning Commission

Job Positions	Number Authorized
Professional <sup>1</sup>	19
Para-Professional <sup>2</sup>	12
Clerical <sup>3</sup>	9
Total	40

<sup>1</sup>Director of Planning, Administrative Assistant, Principal Planners, Capital Budget Officer, Senior Planners, Associate Planners.

<sup>2</sup>Planning Assistants, Planning Aides, Planning Interns.

<sup>3</sup>Administrative Secretary, Draftsmen, Senior Clerk Typist, Clerks-Steno.

number of indications of this. For example, the work programs of most of the Agency's divisions are highly ambitious, especially the Long Range Planning Division's work program. Several divisions are well behind schedule on projects initiated at the beginning of fiscal 1974. The Long Range Planning Division's district studies program is especially in need of more staff if it is to progress at a reasonable pace. On several occasions the Agency has found itself unable to provide the services or conduct the studies requested of it by various government agencies, such as the City's Policy Planning and Analysis Bureau. Also the heavy land development pressures of the early 1970s created excessive work loads in the Zoning and Subdivision Sections of the Current Planning Division, resulting in the temporary reassignment of staff from the Long Range Planning Division to handle the increased work load, throwing other assignments behind schedule.

The Memphis and Shelby County Planning Commission also appears understaffed when viewed in relation to planning agencies around the country serving communities of similar size, as shown in Table 3. The Commission has 31 authorized professional and para-professional job positions compared to an overall average of 37 positions per agency for the 27 agencies responding to the survey, and an average of 39 positions for the five city-county agencies included in the survey. The Commission has only half as many nonprofessional staff positions as the average of the agencies surveyed.

New staff positions recommended. Currently the Agency's 40 authorized staff positions are allocated among the various divisions and sections as shown in Figure 4. In order to implement the proposed reorganization of the agency discussed earlier and increase the Agency's overall capabilities, additional professional and clerical personnel should be added to the staff.

We recommend that the Commission create two new professional job classifications and authorize the addition of three new positions within existing classifications as follows:

- \* Create new job classifications for the Deputy Director for Current Planning and the Deputy Director for Long Range Planning;
- \* Authorize three additional positions including a principal planner to head the proposed Research Section, and a Senior Planner and a Planning Assistant to be added to the Research Section.

These modest additions will increase the Agency's total professional and para-professional staff from 31 to 36 members. Figure 5 presents a recommended staffing scheme showing the location of new positions within the Agency, as well as the reallocation of existing positions among the various divisions and sections. Actual staffing decisions must be made by the Commission and the Director. We feel, however, that by merging the City's Policy Planning and

Table 3

Authorized Agency Staff for Selected Planning Agencies Serving Jurisdictions in the 500,000 to 999,999 Population Range

Agencies	Population	Authorized Professional Positions <sup>1</sup>	Non-Professional Positions <sup>2</sup>	Total Authorized Staff	Total Staff per 1,000 Population
MEMPHIS-SHELBY COUNTY	754,000	31	9	40	.053
<u>City-County</u>					
Indianapolis-Marion Co., Ind.	792,000	52	32	84	.106
Honolulu City-Co., Hawaii	678,000	27	24	51	.075
Jacksonville Area, Fla.	558,000	26	17	43	.077
Louisville-Jefferson Co., Ky.	695,000	39	14	53	.076
San Francisco, California	681,000	53	22	75	.110
Mean		39	22	61	.089
<u>City</u>					
Cleveland, Ohio	750,000	14	7	21	.028
Dallas, Texas	911,000	74	22	96	.105
Denver, Colorado	538,000	35	17	52	.097
Kansas City, Missouri	507,000	43	31	74	.146
Milwaukee, Wisconsin	706,000	36	12	48	.068
National Capital, D.C.	930,000	40	24	64	.069
New Orleans, Louisiana	589,000	28	21	49	.083
Phoenix, Arizona	743,000	43	28	71	.096
Pittsburgh, Pennsylvania	520,000	35	20	55	.106
St. Louis, Missouri	601,000	26	7	33	.055
San Diego, California	771,000	70	39	109	.141
San Jose, California	530,000	52	13	65	.123
Seattle, Washington	550,000	24	3	27	.049
Mean		40	19	59	.093
<u>County</u>					
Baltimore Co., Maryland	665,000	47	20	67	.101
Contra Costa Co., Md.	584,000	33	20	53	.091
Fairfax Co., Virginia	547,000	14	30	44	.080
Middlesex Co., N.J.	604,000	25	10	35	.058
Montgomery Co., Maryland	579,000	68	27	95	.164
Riverside Co., California	510,000	26	26	52	.102
Sacramento Co., California	690,000	23	12	35	.051
San Mateo Co., California	564,000	26	13	39	.069
St. Louis Co., Missouri	964,000	31	15	46	.048
Mean		33	19	52	.085
Overall Mean		37	20	57	.089

<sup>1</sup>Includes para-professional positions and specialized professional positions.

<sup>2</sup>Includes draftsmen and clerical positions.

Source: Expenditures, Staff, and Salaries of Planning Agencies, 1974, by Gail Bangs, Planning Advisory Service Report No. 299, Chicago: American Society of Planning Officials, February, 1974, Table 4.

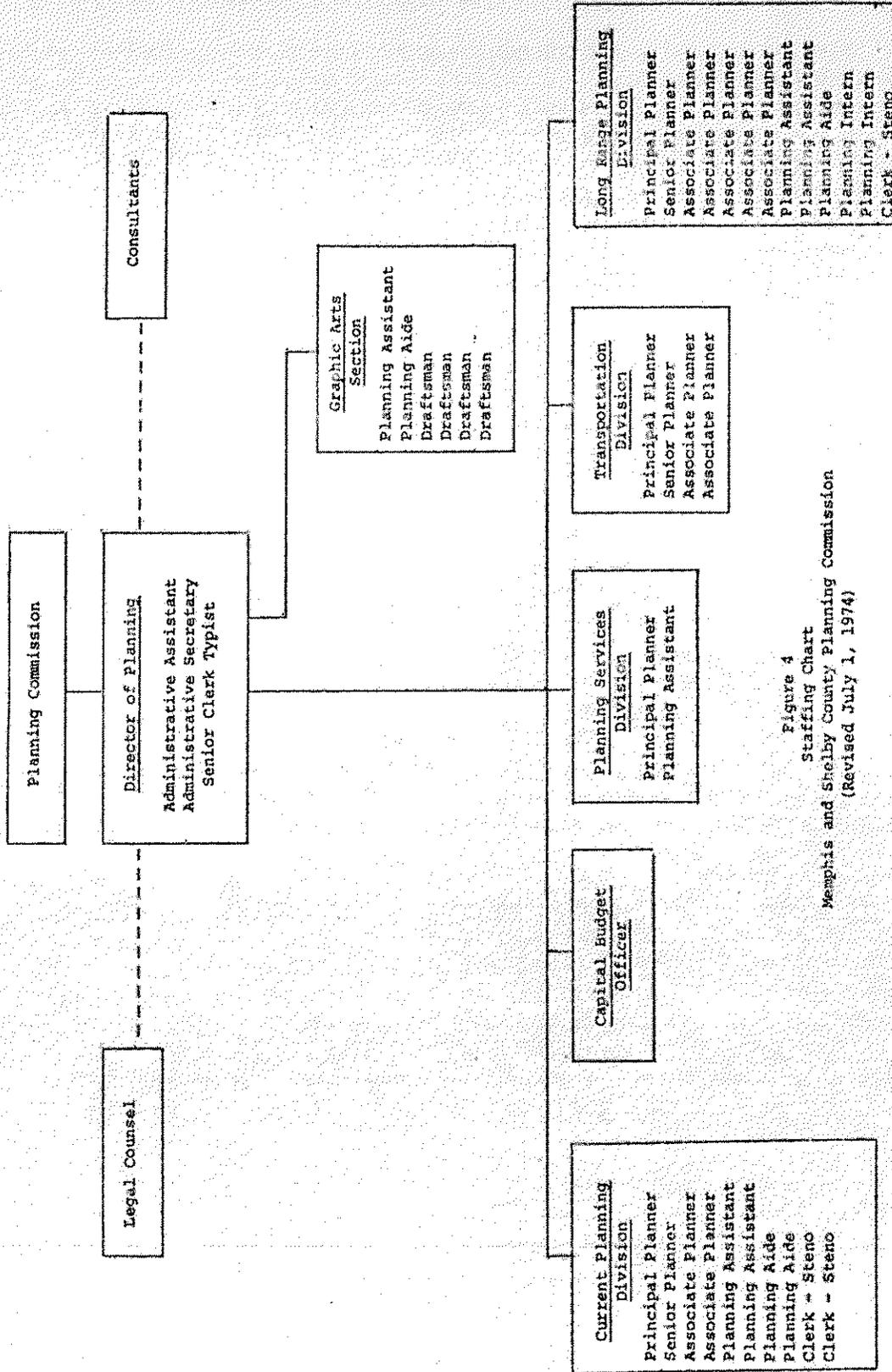


Figure 4  
Staffing Chart  
Memphis and Shelby County Planning Commission  
(Revised July 1, 1974)

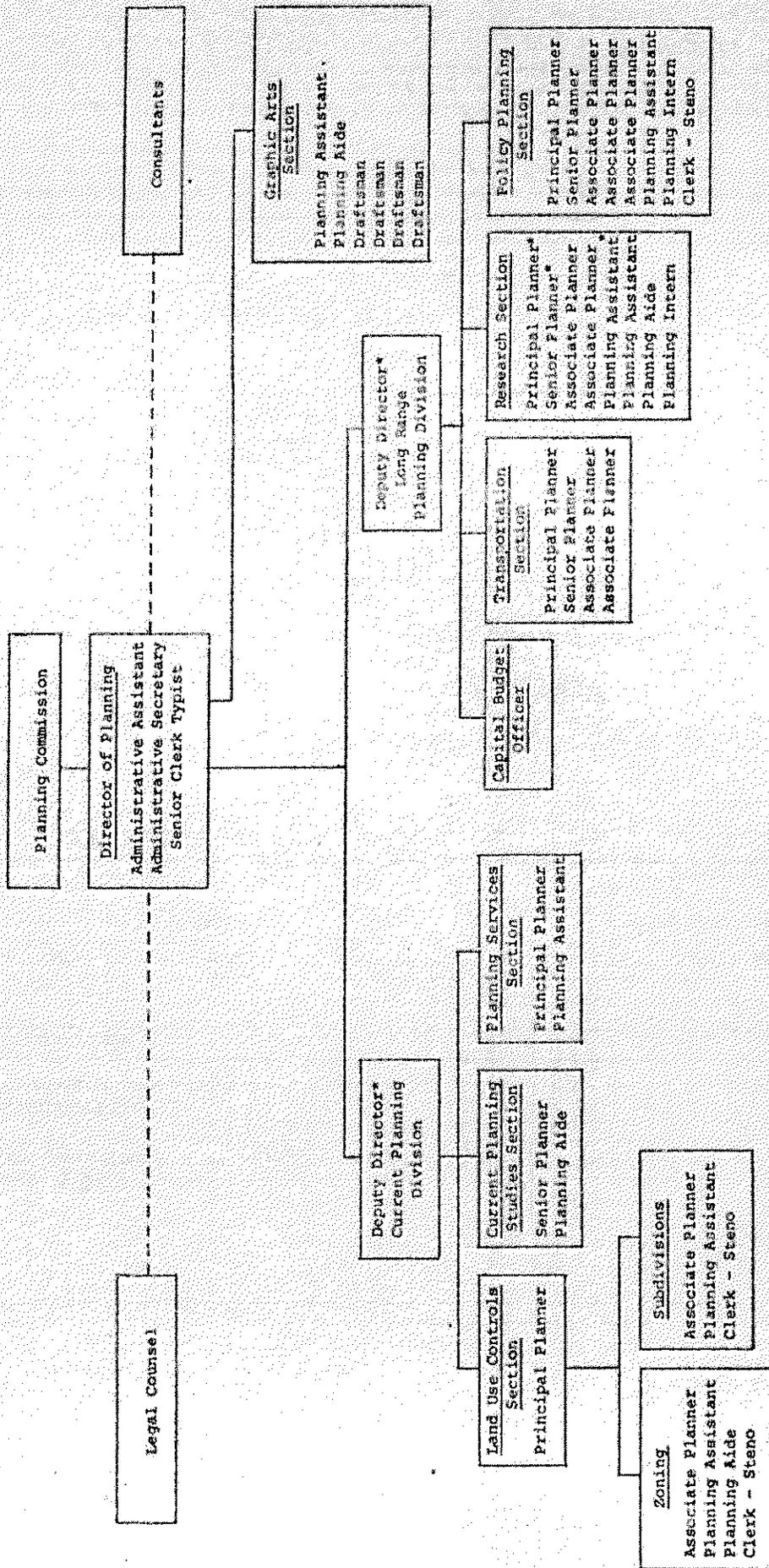


Figure 5  
Proposed Staffing Chart  
Memphis and Shelby County Planning Commission

\*Proposed new positions (excluding clerical).

Analysis Bureau with the Long Range Planning Division, several and possibly all of these new positions can be filled with existing staff through a series of transfers and promotions. (This of course depends on whether or not incumbent staff have the appropriate skills and experiences to fill the new positions.) This reorganization and staffing scheme does not necessarily require additional overall expenditures for planning since it is based on the merger of two existing operations rather than the creation of any new ones.

We also recommend that the Planning Commission hire additional clerical staff as deemed appropriate by the Director and his senior staff. Figure 5 does not specify the allocation of additional clerical staff.

Staff qualifications. One of the most difficult tasks in analyzing the personnel of an organization is an evaluation of the quality of the staff. An outsider, such as ASPO, cannot offer a complete picture of the competence and productivity of the staff. That can only come from the direct supervisors of those staff who work closely with them on a day-to-day basis. Based on our interviews with the senior Agency staff, the Commission, the City Council, County Court and others, the professional staff as a whole is regarded as qualified and competent. The quality and dedication of the staff is clearly one of the most important strengths of the Planning Commission.

More objective measures of staff qualifications are levels of education and experience. Of the 19 professional staff, only six have masters degrees in planning. Four others have masters degrees in related fields (two in geography and two in public administration). Two staff members have masters degrees in progress (one in planning and one in public administration). Four professional staff have bachelors degrees in fields related to planning (one in architecture, two in political science, and one in geography). Over three-fourths (78 per cent) of the professional staff were educated in the South, and roughly half of these received degrees from schools in Tennessee. Table 4 presents comparative figures on educational backgrounds of professional staff, and indicates that the levels of professional education within the Agency are similar to those in other agencies around the country. However, most planning agencies are deficient in their numbers of professionally trained staff, and we feel that the proportion of professional staff with advanced degrees needs to be increased.

Few specialists exist on the planning staff. Overall, the staff consists almost entirely of generalists--people trained in planning and the social sciences (political science, geography, history). Although most planning agencies are initially staffed with generalists, as they grow in size they begin to require a variety of personnel with particular specialized skills, depending on the nature of the work undertaken. Specifically, research skills need strengthening in order to improve the Agency's data collection and analysis capabilities. Personnel skilled in urban design, landscape, architecture, and site planning are also needed to review development proposals as the community increases its use of discretionary land control devices such as the PUD ordinance. There are also indications that the quality of drafting skills in the Agency need upgrading.

Table 4\*

Educational Background by Percent of Professional Staff by Jurisdictions in the 500,000 to 999,999 Population Group

Planning Agencies	No Degree	Bachelors	Masters in Planning	Masters in Technical Fields <sup>1</sup>	Masters in Other Fields <sup>2</sup>	No. of Positions Reported
Memphis-Shelby County	0	42%	32%	0	26%	19
City-County	11%	46%	33%	2%	8%	99
City	13%	45%	27%	5%	10%	324
County	35%	38%	18%	0	9%	34
Metro-Regional	5%	36%	41%	2%	16%	125

<sup>1</sup>Technical Fields include architecture, landscape architecture, and engineering.

<sup>2</sup>Masters in other fields include two degrees in geography, two in public administration, and one in vocational guidance.

Source: Expenditures, Staff, and Salaries of Planning Agencies, 1970, by Michael M. Meshenberg, Planning Advisory Service Report No. 256, Chicago: American Society of Planning Officials, April, 1970, Table 9.

As a group, the staff is relatively young and inexperienced. Almost half of the agency's professionals (48 per cent) had no prior planning experience before joining the Commission, and approximately half of them have been with the Agency for two years or less. Also, proportionate to the total population, blacks and women are significantly under-represented on the professional staff.

\* The figures in Table 4 compare current educational levels on the Memphis and Shelby County Planning Commission staff with national data for 1970. It is very likely that increases in the proportion of professional staff have occurred in most agencies around the country since 1970, ranking the Planning Commission below national averages. Unfortunately, however, more recent comparative data is not available.

We recommend that the agency concentrate its recruitment priorities in four areas:

- \* Top recruitment priorities should focus on filling the two new management positions (Deputy Directors) with personnel well qualified in technical planning skills and with substantial proven leadership and administrative ability.
- \* The proposed Research Section should include personnel who bring strong management and technical specialties in the areas of planning research and data collection to the agency.
- \* Recruitment priorities should also concentrate on attracting new staff who have substantial previous work experience in the planning field.
- \* The Agency should adopt an affirmative action hiring policy to increase the proportion of professional blacks and women on the staff.

As the Agency experiences natural attrition from its staff, we recommend that it avail itself of the opportunity to strengthen the balance of the overall staff by adding new skills which the Agency needs. Of course, the positions of Deputy Director rank as the highest priority in agency staffing, not only because this is an important management area which needs attention, but because the Deputy Directors should be primarily responsible for the screening and hiring of additional staff for their respective divisions. Personnel filling the two Deputy Director positions must possess substantial leadership and administrative skills, as well as having a sound working knowledge of technical planning. To staff the Research Section, we recommend hiring personnel skilled not only in data collection and management (e.g., personnel with skills in statistics, data processing, computer programming, etc.), but more particularly staff skilled in the interpretation, correlation, and application of that data to the Agency's planning program.

Staff turnover. Many of the people we interviewed expressed concern over the high rate of turnover among professional staff. While planners as a whole tend to be highly mobile, the Agency has experienced some difficulties in retaining professional staff. A dozen professional and paraprofessional staff have resigned from the Agency since the beginning of 1973, as shown in Table 5. The Long Range Planning Division has been headed by four different Principal Planners in as many years. Turnover in clerical and drafting positions has also been relatively high.

Staff turnover rates are generally a function of several factors in combination, rather than any single factor alone. Low salaries, poor opportunities for advancement, and low staff morale are common causes of high staff turnover in a planning agency. While some people feel low salaries are the major reason for the high number of resignations on the Planning Commission staff, low salaries appear to be given more blame than they deserve in this regard. Professional salaries are comparatively low in Memphis, and have certainly

Table 5

## Staff Turnover

Memphis and Shelby County Planning Commission  
January, 1973 - April, 1975

Staff	Employed	Resigned
1973 - Professional	4	5
Para-professional	2	2
Clerical and Drafting	5	4
1974 - Professional	3	1
Para-professional	3	2
Clerical and Drafting	7	3
1975*- Professional	1	2
Para-professional	0	0
Clerical and Drafting	0	0
Subtotals -		
Professional	8	8
Para-professional	5	4
Clerical and Drafting	12	7
TOTALS	25	19

\*Through April

Note: These data apply only to permanent staff; no temporary interns are included.

Source: Director's Quarterly Reports, 1973-1975, Memphis and Shelby County Planning Commission.

been an important factor in the loss of qualified staff, but salary levels have improved in recent years (a discussion of salaries appears in the next section). We feel that low morale (which is in part a function of salaries) also explains much of the problem the Agency has had with high turnover.

Low morale seems to be partially due to the frustrations which the staff feel from a lack of effectiveness, and partially due to administrative frictions within the staff itself.

Political pressures and constraints on the staff are a prime source of frustration and low morale. For example, in the majority of cases the Planning Commission concurs with staff recommendations on rezoning issues. But when they disagree, they generally relax the standards and constraints recommended by the staff. In some important and controversial cases, there are often strong feelings that technically and professionally sound criteria are being compromised by political considerations. This situation is certainly not unique. Zoning has always been highly infused with politics in this country, a fact which, however, still makes it no less a source of frustration for planners. The Agency has also been frustrated in its attempts to establish a strong long range planning and policy program. In the past, heavy rezoning and land development pressures have preoccupied the Agency, leaving an insufficient amount of staff time and resources to develop long range planning policies. In the past, the Planning Commission has shown less interest in long range planning issues than they appear to now. The Planning Commission's initial rejection of the Oakhaven Parkway Village Planning District Study was a particular disappointment to some. The finally approved version of the study was essentially an information document with few strong policies and recommendations.

Other factors which have contributed to low morale include staff concerns over annual raises (discussed in the section on Salaries), and performance evaluations (discussed in the following section).

On the whole, we sense that staff morale has improved considerably over the past year. Working conditions have improved as development pressures have relaxed, relieving the staff of some of the excessive pressures they felt a year or two ago. Important strides have been made in the area of long range planning, especially with the Commission's adoption of the Raleigh Bartlett Planning District Study. And internal administration has improved with the successful recruitment of several key senior staff.

Still, there is room for further improvement in staff morale. Higher salaries in line with the norms for the planning profession are an important ingredient of improved morale. Further improvements in morale could also come from a stronger working relationship between the staff and the Planning Commission. We also feel that the proposed administrative changes in the Agency will help to clarify assignments among staff and improve overall Agency management.

Performance evaluation. One particular area related to staff morale which needs improvement is that of performance evaluations of individual staff. Each of the Principal Planners are charged with conducting performance reviews of their individual staff members once every six months. The Employee Evaluation Form used to conduct these reviews contains 25 categories of performance rated on a scale of "unsatisfactory, average, above average, and exceptional."

Many staff are critical of this system and the way in which it has been administered. Some apparently take it seriously while others do not. And there are charges that the system has been abused by using it to promote unqualified staff.

We see several problems with the existing evaluation system. First, there are simply too many categories to provide a meaningful critique of an individual's performance. Most of the categories are ambiguous, subjective, and undefined (such as dependability, meeting general public, perseverance, adaptability). Second, no performance criteria exist for most of these categories, nor are they measurable items. They can only be evaluated on the most subjective basis. Different supervisors perceive their meanings differently. Consequently, it is difficult or impossible to maintain any uniformity or comparability throughout the Agency. Finally, this system offers no method for evaluating an individual in light of his or her particular job assignment, nor any program for correcting deficiencies.

We recommend refining the performance evaluation system in several ways:

- \* Formal evaluations sessions should continue to be held every six months.
- \* Performance evaluations should be conducted by Section Heads and reviewed by the Deputy Directors.
- \* The Employee Evaluation Form should be revised to include only a few major categories, emphasizing those which are most measurable (e.g., job performance, work habits).
- \* Standardized criteria for judging performance in each category should be clearly spelled out in the staff manual.
- \* During semi-annual evaluation sessions, supervisors should discuss performance objectives expected of each employee in light of the job assignment and the individual's capabilities to perform it. The supervisor and the employee should agree on performance objectives to be accomplished within a certain time frame. The job appraisal should focus on the actual tasks performed by the employee.
- \* Specific deficiencies of each employee should be identified and discussed, and a systematic program for correcting these deficiencies should be set up geared to the needs of each individual.

### Salaries and Expenditures

Another important set of measures used to evaluate a planning agency is its salary structure, the size of its budget, and the source of its funds.

Salaries. Staff salaries in the Planning Commission have increased over the last several years, but the rate of increase has been relatively slow. Furthermore, present salary levels are low by comparison with the planning profession as a whole. Overall salaries for the five professional job levels in the Agency have increased an average of only 14 per cent between 1970 and 1974, according to the figures reported by the Agency as shown in Table 6. The position of Director received the highest increase (21 per cent) over this period, while the lowest professional position--Associate Planner--received the lowest overall increase (6 per cent).

Table 6

#### Salary Trends for Professional Positions Memphis and Shelby County Planning Commission 1970-1974

Professional Levels	1970	1974	Percent Increase
1st	\$18,000	\$21,625	21%
2nd	14,400	16,700	16%
3rd	12,600	14,200	13%
4th	10,380	12,000	16%
5th	10,200	10,860	6%

Source: Salary comparisons were derived from the data reported by the agency in ASPO's annual survey. Expenditures, Staff, and Salaries of Planning Agencies, 1970, by Michael J. Meshenberg, PAS Report No. 256, Chicago: American Society of Planning Officials, April, 1970, Table 12; and Expenditures, Staff, and Salaries of Planning Agencies, 1974, PAS Report No. 299, Chicago: American Society of Planning Officials, February, 1974, Table 7.

Compared with planning agencies serving jurisdictions of comparable size, the professional salaries in the Planning Commission staff range from approximately 20 to 40 per cent below average as shown in Table 7. The largest comparative discrepancies in salaries occur at the lowest professional positions in the Agency.

The Agency classifies salaries into eight graduated steps as shown in Table 8. Comparing the highest salary in each of the eight-step categories (shown in Table 8) with the mean 1974 salaries for the five professional positions (shown in Table 7), the salary structure of the agency still ranks between 18 and 22 per cent below average, with the exception of the position of director which is slightly above the 1974 average.<sup>4</sup>

Because of their low salary structure, the Agency has recently been in the practice of hiring new professional staff at the top of their respective pay scales. Salaries of staff in the second, third, and fourth level positions (Principal Planners, Transportation Planner, Capital Budget Officer, and Senior Planners) tend to cluster near the top of their respective salary ranges. In several cases, new staff have been employed near the top of the salary range for their job classification. In order to be as competitive as possible in the professional job market, this practice is the only recourse available to the Agency. But it reduces the degree of administrative flexibility available for granting promotions and merit raises. Due to increasingly tight budgets for planning, merit increases have not been available in the last few years.

In addition to low salaries in general, many staff have expressed concern over the fact that they receive the lower of the two annual raises granted for City and County employees. This situation results from the fact that the Agency is jointly funded equally by the City and the County. While the staff comes under the administration of the Shelby County Personnel Department, they must accept the lower of the two annual pay raises offered by the City and County if the raises should differ, which they usually do. For example, in 1974, the City granted a pay hike of 9 per cent while the County authorized a 13 per cent pay increase. Since both governments are unwilling to make up the difference between the two rates, the planning staff must always settle for the lower of the two figures.

This joint funding arrangement puts the two governments into competition over the salaries they are each willing to pay their planning staff. While the

---

<sup>4</sup> Present salaries for fiscal year 1974-75 are somewhat higher than those reported in Table 7. Comparative figures for the current fiscal year are not yet available. However, it can be assumed that they too have increased, still leaving the Agency's salary structure substantially below national averages.

Table 7

Professional Staff Salaries for Selected Planning Agencies Serving Jurisdictions in the 500,000 to 999,999 Population Range, 1974

Agencies	Professional Levels				
	1st	2nd	3rd	4th	5th
MEMPHIS-SHELBY COUNTY	21,625	16,700	14,200	12,000	10,860
<u>City-County</u>					
Indianapolis-Marion Co., Ind.	21,805	19,000	16,500	13,500	11,500
Honolulu City-Co., Hawaii	31,837	30,245	25,104	22,794	20,846
Jacksonville Area, Fla.	24,192	22,596	17,268	15,693	12,612
Louisville-Jefferson Co., Ky.	23,046	18,266	14,503	12,116	10,580
San Francisco, California	36,868	26,000	23,000	17,729	16,640
Mean	27,549	23,221	19,275	16,366	14,435
<u>City</u>					
Cleveland, Ohio	25,788	19,710	13,441	-	-
Dallas, Texas	26,604	23,604	18,509	14,827	12,453
Denver, Colorado	26,628	24,348	20,832	18,456	16,410
Kansas City, Missouri	28,920	26,232	22,668	19,248	16,620
Milwaukee, Wisconsin	21,450	22,383	18,904	16,226	13,970
National Capital, D.C.	36,000	36,000	31,089	26,671	22,744
New Orleans, Louisiana	21,492	18,576	16,848	14,196	11,616
Phoenix, Arizona	26,354	22,797	19,947	18,574	14,451
Pittsburgh, Pennsylvania	26,359	19,908	16,103	13,593	12,196
St. Louis, Missouri	25,000	19,183	16,737	14,427	12,989
San Diego, California	31,043	23,324	23,832	22,582	19,231
San Jose, California	33,120	21,684	20,664	17,064	13,392
Seattle, Washington	22,068	21,624	17,436	16,776	15,504
Mean	26,986	23,028	19,770	17,720	15,108
<u>County</u>					
Baltimore Co., Maryland	25,200	20,401	18,525	15,873	16,380
Contra Costa Co., Calif.	28,932	-	20,940	16,996	12,802
Fairfax Co., Virginia	28,417	23,487	17,589	14,515	-
Middlesex Co., New Jersey	24,791	20,201	14,187	14,070	12,356
Montgomery Co., Maryland	28,095	23,000	20,900	17,244	17,500
Riverside Co., California	21,736	18,138	14,253	11,814	-
Sacramento Co., California	28,042	20,922	16,940	16,276	-
San Mateo Co., California	24,252	20,538	19,464	17,826	16,092
St. Louis Co., Missouri	24,150	21,110	18,205	15,950	12,784
Mean	25,957	20,974	17,889	15,618	14,652
Overall Mean	26,830	22,407	18,978	16,568	14,731

Source: Expenditures, Staff, and Salaries of Planning Agencies, 1974, PAS Report No. 299, Chicago: American Society of Planning Officials, February, 1974, Table 7.

Table 8

Position Classification and Annual Salary Ranges  
 Memphis and Shelby County Planning Commission

Position Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H
Director	20,728	21,048	22,104	23,208	24,372	25,596	26,868	28,308
Principal Planner	13,200	13,860	14,100	14,808	15,552	16,332	17,148	18,000
Transportation Planner Capital Budget Officer	11,400	12,000	12,600	13,200	13,800	14,400	15,000	15,600
Senior Planner Administrative Assistant	10,344	10,524	11,052	11,604	12,180	12,792	13,428	14,100
Associate Planner	9,900	10,200	10,500	10,800	11,100	11,604	12,000	12,300
Planning Assistant	7,836	8,232	8,652	9,084	9,540	9,840	10,140	10,440
Administrative Secretary	6,444	6,768	7,104	7,464	7,836	8,232	8,532	8,832
Planning Aide	6,360	6,540	6,768	7,104	7,464	7,836	8,136	8,436
Draftsman Senior Clerk-Steno Senior Clerk-Typist	5,820	5,856	6,144	6,444	6,768	7,404	7,704	8,004

Source: Personnel Rules and Regulations, Memphis and Shelby County Planning Commission, February 7, 1974.

County has traditionally paid its personnel larger annual increases than the City, they are forced to compromise their standards for the planning staff since the City cannot or is unwilling to follow suit. This situation is somewhat aggravated by the fact that the City has paid personnel performing planning functions in the Policy Planning and Analysis Bureau at higher salaries than comparable staff positions within the Planning Commission.

In fact, because of its joint relationship to both the City and County governments, the positions on the planning staff should be treated as unique job classifications. Salaries for planning staff should be set by their immediate employers, the Planning Commission, and based on national and regional rates in the planning field.

We recommend that the two legislative bodies, through a joint budget approval process, consider the planning budget as a lump sum item for a package of planning services, and delegate full authority to the Planning Commission (assuming it is restructured as outlined in Chapter II) to establish staff salaries.

We also recommend that the Planning Commission increase the overall Agency salary structure to bring it into line with current national averages in order to put the Agency in a strong competitive position with other communities to attract qualified and experienced personnel.

Further, we recommend that the exact nature of the Agency's funding status and pay practices be clearly communicated to new employees at the outset. The Agency's staff manual--Personnel Rules and Regulations (Memphis and Shelby County Planning Commission, February 7, 1974)--should be amended to include a section clarifying these policies and procedures.

Expenditures for planning. Memphis and Shelby County spend considerably less money on the function of planning than comparable sized communities. Absolute and per capita expenditures are compared in Table 9 with other selected planning agencies serving jurisdictions with similar populations. While the Memphis and Shelby County planning budget in 1974-75 was \$579,370, the average planning budget for the five city-county agencies surveyed was over twice as high (\$1.17 million), and the overall average budget for the 27 agencies surveyed was almost double that of Memphis and Shelby County (\$958,000).

Comparisons of per capita expenditures for planning also rank Memphis well below communities of similar size. Memphis and Shelby County spent only half as much per capita as the 27 agencies surveyed in 1974 (\$.77 per capita compared with \$1.48 per capita). Considering that the city of Memphis only funds half of the planning Agency's budget (approximately \$250,000) yet has a population of 623,530, they spend substantially less for planning than comparable cities as shown in Table 9.

Table 9

Expenditures of Selected Planning Agencies by Jurisdictions  
in the 500,000 to 999,999 Population Group, 1974

Agencies	Population	Total Expenditures per Agency (In 1,000's of \$)	Total Expenditures per Capita
MEMPHIS-SHELBY COUNTY	754,000	579.4	.768
<u>City-County</u>			
Indianapolis-Marion Co., Ind.	792,000	1,574.6	1.988
Honolulu City-Co., Hawaii	678,000	1,692.4	2.496
Jacksonville Area, Florida	558,000	758.0	1.358
Louisville-Jefferson Co., Ky.	695,000	478.9	.689
San Francisco, California	681,000	1,384.8	2.033
Mean	680,800	1,177.7	1.712
<u>City</u>			
Cleveland, Ohio	750,000	310.2	.414
Dallas, Texas	911,000	1,266.7	1.390
Denver, Colorado	538,000	812.9	1.511
Kansas City, Missouri	507,000	1,322.4	2.608
Milwaukee, Wisconsin	706,000	496.3	.703
National Capital, D.C.	930,000	1,425.0	1.532
New Orleans, Louisiana	589,000	438.3	.744
Phoenix, Arizona	743,000		
Pittsburgh, Pennsylvania	520,000	683.2	1.314
St. Louis, Missouri	601,000	397.9	.662
San Diego, California	530,000	750.0	1.415
San Jose, California	771,000	1,254.9	1.628
Seattle, Washington	550,000	995.3	1.810
Mean	665,011	846.1	1.311
<u>County</u>			
Baltimore Co., Maryland	665,000	826.7	1.243
Contra Costa Co., Calif.	584,000	887.0	1.519
Fairfax Co., Virginia	547,000	866.2	1.584
Middlesex Co., New Jersey	604,000	444.3	.736
Montgomery Co., Maryland	579,000	1,335.1	2.306
Riverside Co., California	510,000	598.1	1.173
Sacramento Co., Calif.	690,000	464.1	.673
San Mateo Co., California	564,000	770.7	1.366
St. Louis Co., Missouri	964,000	608.2	.631
Mean	654,111	850.1	1.404
Overall Mean	659,996	958.0	1.476

Source: Expenditures, Staff, and Salaries of Planning Agencies, 1974, by Gail Bangs, PAS Report No. 299, Chicago: American Society of Planning Officials, February 1974, Table 1.

Sources of expenditures. Most large planning agencies (including Memphis and Shelby County's Planning Commission) subsidize various portions of their programs with federal and state funds made available for local and regional planning activities and programs. Planning agencies receiving funds from federal sources are summarized in Table 10. As the figures indicate, the Planning Commission receives a smaller percentage of funds from federal sources than the medians of the 35 agencies responding to the survey.

At present, approximately 14 per cent of the Agency's budget (\$79,000) comes from U.S. Department of Transportation funds authorized under Section 112 of the 1973 Federal Highway Act. These funds, used to support the Agency's Transportation Division, are administered through MATCOG.

The lack of additional federal funds to support Agency programs raises serious questions. On the one hand, the Agency itself has not been aggressive in the area of federal grantsmanship. For example, opportunities appear to exist to strengthen the Agency's working relationship with MATCOG, coordinating basic land use studies to the benefit of both agencies. Currently, MATCOG is conducting land use studies under three separate federal programs. Funds available under Section 208 of the Water Pollution Control Amendments of 1972 administered by the Environmental Protection Agency are a particular source of federal funds which should be explored. At a minimum, the Agency could enter into interagency contractual arrangements to conduct basic data collection and research activities in land use and other areas which would meet the requirements of both agencies.

Table 10

Summary Sources of Agency Expenditures by Jurisdictions  
in the 500,000 to 999,999 Population Group

Jurisdiction	No. of Agencies Reporting	Number Receiving Federal Aid	Per Cent Receiving Federal Aid	Median Agency Expenditures from Federal Sources (%)
MEMPHIS-SHELBY CO.	-	-	-	13.6
City-County	7	5	71.4	14.0
City	14	5	35.7	25.0
County	14	9	64.3	17.5

Source: Expenditures, Staff, and Salaries of Planning Agencies, 1974, by Gail Bangs, PAS Report No. 299, Chicago: American Society of Planning Officials, February, 1974, Table 2.

Another problem with increasing the level of federal support for the Planning Commission's activities stems from interagency competition for these funds. The City's Policy Planning and Analysis Bureau has received U.S. Department of Housing and Urban Development 701 funds which the Planning Commission staff felt should have been appropriated, at least in part, to the Agency. While these funds were actually designated for improving internal management capabilities within the city administration, they were partially spent on basic data collection and planning studies, much of which could have been conducted by the Planning Commission's staff.

There have also been some interagency disputes over the allocation of Community Development funds from HUD. The city initially adopted the policy of making none of these funds available to the Planning Commission (although some re-assessment of this position has occurred in recent months and the final outcome is still unclear). The Agency is in the process of exploring sources of Community Development Act funds with the County.

In effect, the low levels of expenditures for planning in Memphis and Shelby County represent a lack of commitment to the Planning Commission and its Agency. Criticisms of the Agency's performance must be qualified to some extent in light of the size of its staff and the lack of financial support for its programs.

We recommend that commensurate with previously recommended changes in the structure of the Agency and the operations of the Commission, that the level of funding for the Agency be substantially increased.

At the same time we realize that many cities today are in financial trouble and that increasing planning expenditures is often politically unpopular, and in some cases, financially impossible. We feel, however, that increased funds for the Agency can be made available through the merger of the Policy Planning and Analysis Bureau with the agency's Long Range Planning Division, and through more cooperative pursuit of federal funds, without necessarily increasing local expenditures in the next few years.

**APPENDICES**

APPENDIX A-1

GOVERNMENTAL ETHICS AND CONFLICT OF INTEREST

The following is a code of ethics for public planning agencies adopted by the American Society of Planning Officials. It gives basic definitions for operating a planning commission and its agency in an ethical manner.



AMERICAN SOCIETY OF PLANNING OFFICIALS  
1313 East Sixtieth Street, Chicago, Illinois 60637

## A Code of Ethics in Planning

Adopted by the members of the American Society of Planning Officials, at the 28th Annual Meeting of the Society, on April 30, 1962 in Atlantic City, N. J.

### Preamble

Ethical practice has special relevance to all people who are charged with responsibilities in public service. Planners, whose decisions and actions have long-range consequences for later generations, must be keenly concerned to adhere to ethical principles.

Codes of ethics, as commonly adopted, present a catalog of temptations that are prohibited. It cannot be an exhaustive catalog: human imagination is sufficiently rich to discover new variations of old temptations. The existence of a code simply puts a challenge, to some, to find a gap or loophole. Emphasis must be put not on the letter of prohibition but on the spirit of observance. A performance standard of ethical behavior will be superior to a specification standard.

### Enforcement of an Ethical Code

Reliance upon criminal prosecution for the enforcement of an ethical code would allow ethical behavior to rest at a level just above the

criminal. Administrative methods of enforcement are more effective for the higher level of behavior sought by the code here presented. These methods call for the use of this code (1) by appointing authorities in considering the character of those selected to become planning officials; (2) by planning executives in establishing staff rules for agency operations; (3) by boards and commissions in drafting by-laws; (4) by the public in judging the professional quality and fairness of planning agencies. Its most important use, however, will be as a guide to the conscience of the individual citizen or practitioner in the daily discharge of planning responsibilities.

This code is written primarily for the lay, citizen member of a planning commission or urban renewal commission or zoning board although individual provisions of this code govern the actions also of staff members of planning agencies. Both groups are equally concerned with the application of the entire code. The term "planning official" is used



## APPENDIX B-1

### ZONING HEARING EXAMINERS

Since the position of Zoning Hearing Examiner is a relatively new one, the procedures that govern the examiner's appointment, his powers, and the appeal procedure from his decisions vary from community to community. The following table outlines the functions of the zoning hearing examiner in the principal communities that have adopted this form of zoning administration. These tables were prepared as part of a forthcoming study by ASPO's Planning Advisory Service. The principal author of that study is Daniel Lauber, a Research Associate on the ASPO staff.

APPENDIX B-2

ZONING HEARING EXAMINERS

Jurisdiction and Method of Appointment	Variations	Conditional Uses	Special Uses	Zoning Changes (Property Reclassification)	Other	Enforcement	Appeal
King Co., Washington Zoning and subdivision examiner appointed by county council 1970	No power <sup>a</sup>	No power <sup>a</sup>	Holds public hearings; enters findings and recommendations to council	Holds public hearings; enters findings and recommendations to council Preliminary Plat Approval: Holds public hearings; enters findings and recommendations to council Short Plats: Enters and decides appeals from administrator for short plats (Administration Officer in Building Dept.)			To County Council
Montgomery Co., Maryland Hearing examiner appointed by district council 1967				Conducts public hearings; makes recommendations to district council on all zoning map amendments not otherwise reserved for hearing by council			To County Council
Prince Georges Co., Maryland Zoning hearing examiner appointed by district council 1971	Conducts public hearings; enters findings and recommendations to district council on variances in conjunction with special exceptions		Conducts public hearings; enters findings and recommendations to district council for special exceptions	Conducts public hearings; enters findings and recommendations to district council on zoning map amendments	Conducts public hearings; enters findings and recommendations to district council on applications for validation of permits issues in error and applications for parking waivers; variances under the sign provisions		To District Council

APPENDIX B-3

ZONING HEARING EXAMINERS (Continued)

Jurisdiction and Method of Appointment	Variations	Conditional Uses	Special Uses	Zoning Changes (Property Reclassification)	Other	Enforcement	Appeal
Seattle, Washington Hearing examiner appointed by city council 1974	Hears and decides some variances Hears and decides: sign variances; petitions to revoke sign variances; applications for extensions for nonconforming signs	Hears and decides some conditional uses (Public Hearings Mandatory)	Hears and decides some special exceptions (Public Hearings Mandatory)	Conducts public hearings; enters findings and recommendations to city council in petitions for zoning map amendments	May authorize premises in any zone for excavation of stone, sand, gravel. May authorize platted lots in same block separated from a public alley May authorize temporary use by a revocable permit		To City Council
Tacoma, Washington Hearing examiner appointed by the city manager 1975	Hears and decides variances	Hears and decides conditional uses	Hears and decides special and temporary use permits	Conducts public hearings; enters findings and recommendations to city council on property reclassification	Conducts public hearings; enters findings and recommendations to city council on preliminary plat approval Hears and decides applications for: service station permits, shoreline management permits, waivers of zoning standards, site approvals and appeals from the building inspector's interpretations of the city's land use regulatory codes		To City Council
Tucson, Arizona Zoning and subdivision examiner appointed by the city manager 1975	Done by Board of Adjustment		No power	Conducts public hearings; enters findings and recommendations to mayor and council for rezoning of property	Conducts public hearings; enters findings and recommendations to mayor and council on applications for tentative subdivision plat approval and applications for creation of historic districts		To City Council

APPENDIX B-4

ZONING HEARING EXAMINERS (Continued)

Jurisdiction and Method of Appointment	Variations	Conditional Uses	Special Uses	Zoning Changes (Property Reclassification)	Other	Enforcement	Appeal
<p>Portland, Oregon Hearing officer appointed by the commissioner having jurisdiction over land use planning functions in conformance with the civil service rules of the city 1975</p>	<p>Holds public hearings; enters findings and decides all variances</p>	<p>Holds public hearings; enters findings and decides all conditional uses</p>		<p>Conducts public hearings; enters findings and recommendations to city council on zone changes</p>	<p>Conducts public hearings; enters findings and recommendations to city council on revokable permits [During conduct of hearing the officer may request the plg. commission to rule on questions of code or policy interpretation]</p>		<p>1) To Planning Commission which has discretionary acceptance 2) To city council</p>
<p>Harford Co., Maryland Zoning hearing examiner appointed by county council 1973</p>	<p>Conducts public hearings; enters findings of facts and decides all variances</p>	<p>Holds hearings &amp; makes recommendations to council [Being changed so he makes decision]</p>		<p>Conducts public hearings; enters findings and recommendations to county council on all applications for zoning (map changes) reclassification. [Being changed so he makes decision]</p>	<p>Conducts public hearing; enters findings and recommendations on all other zoning cases of appeals</p>		<p>To circuit court on final decisions of hearing examiner and county council</p>
<p>Eugene, Oregon (Draft Ordinance) Hearings official appointed by city council 1975</p>	<p>Hears and decides variances in conjunction with application for conditional use</p>	<p>Hears and decides applications for conditional use</p>		<p>Hears and decides zone change requests Hears and decides sign district boundary changes</p>			<p>To City Council</p>
<p>Anne Arundel County, Maryland Zoning hearing officer appointed by county executive 1965</p>	<p>Hears and decides</p>	<p>Hears and decides (called special exceptions)</p>		<p>Hears and decides</p>			<p>Appeals to Board of Appeals (then to the courts)</p>

APPENDIX B-5

ZONING HEARING EXAMINERS (Continued)

Jurisdiction and Method of Appointment	Variations	Conditional Uses	Special Uses	Zoning Changes (Property Reclassification)	Other	Enforcement	Appeal
Tucson, Arizona (Draft of Proposed Ordinance) Zoning and subdivision examiner appointed by city manager 1975	Conducts public hearings; enters findings and recommendations on variances from district regulations Hearing examiner makes final decision	Conducts public hearings; enters findings and recommendations on conditional uses for overlay district and traditional zones Hearing examiner decision is final	Conducts public hearings; makes recommendations to board of adjustment/rejection of special exceptions	Conducts public hearings; enters findings and recommendations to mayor and council for rezoning of property	Conducts public hearings; enters findings and recommendations to mayor and council on applications for tentative subdivision plat approval and applications for creation of historic districts Conducts public hearings; makes recommendations to board of adjustment on appeals from decisions, interpretations of the zoning administrator and applications for interpretation of the building zone map		To City Council or Board of Adjustment
Xenia, Ohio Hearing examiner appointed by city manager 1974	Conducts public hearings; enters findings and recommendations on variances from district regulations Hearing examiner makes final decision	Conducts public hearings; enters findings and recommendations on conditional uses for overlay district and traditional zones Hearing examiner decision is final			Conducts public hearings; enters findings and recommendations (to Plan Commission) on applications for planned unit developments (None so far)		To Reviewing Commission or Board with appellate power

APPENDIX B-6

<sup>a</sup> Zoning Adjuster hears and decides variances and conditional uses. The examiner may be appointed as zoning adjuster. Appeals to a Board of Appeals.

<sup>b</sup> Public hearing mandatory.

<sup>c</sup> Has applications for exceptions and special variances heard and decided by Board of Adjustment with appeal to court.

<sup>d</sup> Revokable permits which alter the regulations or exempt applicant from any provision of the ordinance of accompanying map require passage of an implementing ordinance by council. The officer would submit a draft implementing ordinance along with the decision any time a zone changed or revokable permit has been recommended for approval.

<sup>e</sup> Commission's action may be appealed to city council, appeal of the hearing officer's decision may also be made to city council when commission has refused review.