

CITIZENS, SERVICES, AND NEW TOWNS

by

Linda Crump Stenberg

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APPROVED:

F. F. Ehrenthal

F. F. Ehrenthal, Chairman

J. L. Intermaggio

J. L. Intermaggio

Adam W. Herbert

A. Herbert

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The final responsibility for accuracy and clarity, of course, rests with the author.

Forward

This thesis is an outgrowth of the research and report comparing Reston's and Columbia's service delivery systems done by Jean March and Linda Stenberg as graduate research assistants for the New Communities Study Center at Virginia Polytechnic Institute in Reston.

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I. INTRODUCTION

The New Community Servicing Challenge

Relatively little attention has been given to the impact of the development of a new community on existing local governments and on systems for the delivery of community services. All new communities will be built where at least one local government, sometimes more, is already in existence and has assumed certain servicing responsibilities. Any decision to locate a new community within the jurisdiction of such governments poses problems. For example, rural, exurban counties offer attractive locations for new communities in terms of land availability, costs, and nearness to employment centers. Yet, the presence of a development with a rapid growth rate and accelerating demands for services is likely to overload both the fiscal and manpower resources of the local government if it attempts to satisfy these unanticipated demands.

For the local government with no experience with new communities, the problem of protecting the interests of both the present residents and future new community residents will require large amounts of official time and effort and may still be beyond the means of the available talent. The developer may overstate the benefits the new community will

confer on the area and understate the costs. The local government, if it is unable to perform a thorough, in-depth analysis of the proposed new community and its costs and benefits, may someday discover, as it has happened with less comprehensive developments in the past, that it is costing more to provide public services to the development than the increased tax revenue it generates can support. In such a case, the jurisdiction finds itself subsidizing services and facilities which enable the developer to sell more homes or land.

Where a situation of scarce resources exists, as it does for more local governments, the officials may have to divert resources from the older built-up areas to the new one. They may, for example, build new and innovative schools for the new residents while many of the area's older inadequate school facilities cannot be upgraded as originally scheduled.

In addition, even if the local government is careful to require that certain community services or facilities be provided or paid for by the developer initially--such as roads, parks, sewer system, school sites--it will still have to bear some of the operating costs within a short time. If the development of the new community is not time-balanced

vis-a-vis residential with commercial and industrial development, this may impose a short term burden on the local government and create a need for higher overall property, sales, and other local taxes. As a result, further development of the new community may, and in some instances has become a matter of intense political controversy.

There will always be some needs for services which will not be provided by the developer. The local government will have to respond to these needs and this may overtax its service delivery systems which have been developed for less complex or extensive tasks. These needs might include welfare counseling, health or mental health programs, minority group aid, juvenile delinquency programs, and the like. Again, if the development of the new community does not provide ample revenue rapidly enough, there will a time lag during which the area's present delivery system will be overworked and unable to serve the entire demand adequately, necessitating a lower level of servicing for all residents.

Finally, unless services and amenities offered by the developer are open to all citizens of the jurisdiction, serious inequities in levels of servicing may be created. All of this, of course, is true for tract-development type growth as well.

The new community offers a great potential for trying new, comprehensive approaches to solving the problems which our cities and suburbs presently face. The new community has a less homogeneous population than that of today's suburb and it is not plagued with the stagnation of our central cities. In short, the new community movement, which has been intensified by the 1970 Housing Act, offers an unparalleled opportunity to experiment with new avenues for citizen participation, new approaches to sharing the responsibility for governing, and new ways of managing public resources.

The "Preservicing" Concept

In determining the way in which services are provided in the new community it is important to consider the quality and the level of state and local services provided in the jurisdiction where the new community is to be built. There are many areas of the United States which, over the past several decades, have done extensive planning for parks and open space and recreation programs, that would be excellent places to locate new communities. Many localities, and states as well, have begun to require a closer look at the ecological and environmental effects of development. The servicing responsibilities of a new community developer would be much different in such an area than in a rural county or township

that might not have well developed public facilities and service systems or be sophisticated in their demands for dedication of land for public use. Developers as well as residents of the new community may make demands for services and amenities which cannot be met by a local government of this sort, or even by a financially progressive jurisdiction.

It is obvious that a rural jurisdiction like Howard County, Maryland, could not provide all of the services required in Columbia, but this could also be said of Fairfax County, Virginia and Reston. Although Fairfax County provides a relatively high per capita level of services, it is assumed that it is all right to travel substantial distances to enjoy them.

Furnishing a wide range of services and amenities in the new community, regardless of its location, from the very beginning of development, is called preservicing. This term merely means that a number of facilities are in place when the first family moves in, rather than later (based on demand). The design, construction, operation, and financing of these facilities becomes the responsibility of the local government, developer, or some sort of private government the developer designs to achieve this purpose. For example, this method of providing services would mean that elementary schools would be

available when the first families arrive. This is an important factor in attracting a wide range of economic backgrounds to the development. Preservicing also includes the provision of convenience shopping facilities, swimming pools and other recreational facilities, community halls, health care facilities, and police and fire stations, etc. This approach is the direct opposite of the traditional municipal approach to service development where facilities are added only after there is enough population to support them.

Preservicing can help to answer the need for developing a higher level of services for the new community than those of a more traditional development, services specifically designed to meet the needs of a new town.

Citizen Participation and Governance

One criticism of this approach to service delivery is the lack of citizen input in the early amenities planning process. Because the services are already there, the first residents will not have the opportunity to choose what services they will have as will those who move in later. This problem can be overcome, however, by allowing some input from the citizens of the locality where the new community will be built. Because some of the facilities will be used by them as well as the new town residents, their interest is genuine. Although most

developers fear that this practice will hinder the implementation of their plans, having citizens participate in the decision-making process does not necessarily mean lack of innovation or that implementation will be hindered. While a developer might argue that citizen participation retards the development process, so can a sense of alienation by citizens. This is perhaps the most important problem to work out if the preservicing concept is to be used to its fullest potential.

The governmental choices now available will not be adequate for the new community to accomplish these ends. New forms of government will be required if the new communities already started and proposed are to meet the challenge of providing for the physical and social goals they have set forth.

Special problems are created for the new community by the private governmental structures set up and controlled by the developer. From the experience in Reston and Columbia these still are not meeting the challenges that the new community provides.

The power and authority limitations of these private governments stem from the fact that the developer owns the land and can choose what authority to give to the private

government and what to retain himself. In addition, because the construction of a new community does not take place overnight, the developer controls the private government for a long period of time. The homeowners' or community association is usually established by the developer as his new community's private government, to assure that the amenities he provides will be maintained by the residents and that they will assume the further financial responsibility for collecting dues from its members to cover the maintenance of the common land and facilities deeded to it by the developer.

When a developer plans to build a new community, the approach of his plans depends on the local government and the citizens of that jurisdiction. As the plan becomes reality and the new community has its own citizens, they find themselves in an awkward position vis-a-vis the developer and the local government. Unless the citizens or the developer are able to incorporate as a separate political subdivision or make some new provision for the government of the new community, there is no official mechanism for citizen participation. The early residents of the new community have no direct control over the remaining development and are therefore officially powerless in dealing with the developer as well as with other organizations in the jurisdiction

for the attention of the local governmental officials for services. The fact that the developer retains control of such an association puts him in the strongest position to bargain for services for the residents of the new community. The question then becomes one of whose interests are being served, the developer's, the residents', or the local governments'? And whom does the private government represent, the developer or the residents?

Representativeness becomes even more questionable when one considers that most new community homeowners are middle and upper-income residents who may view membership in the association by apartment residents (renters) a problem. The developer exercises enormous control here as he decides whether or not tenants or owners should cast votes for multiunit dwellings. This can exacerbate the problem by injecting the old notion of only freeholders having the vote.

There are some critics who seriously question the ability of such associations to perform governmental or quasi-governmental functions and especially levying assessments reflected in rents, without violating the Fourteenth Amendment to the Constitution. Are these associations, in spite of their private characters, providing municipal types of services? If there is only one vote per unit, and only owners vote, renters, wives, and other voting members of the family are being denied equal representation in their local

government.

Representation goes hand in hand with participation and this is an aspect which plagues both the associations in Reston and Columbia. As both of these communities grow, the question of how large a population can effectively be served by a homeowners' association becomes important. In order to interest people in participating in managing the services with which they are provided they must see some results of their work. There is also the question of which income groups are encouraged to take part as citizens and how they view the vehicle through which they participate. Finally, the role of the developer is most important, for not only does he design the legal apparatus by which such an organization is created but he is also the major participant. His attitudes toward fostering more effective and responsible citizen control during the development of the new community are probably the most important factors.

The relationship of the private government to that of the local or public government is also of extreme importance. New communities will require both mechanisms for providing services and democratic self-government internally, and also avenues for relating to the local governmental jurisdictions of which they are a part. It is one thing for the developer

to receive approval of a development plan by a local government and its citizens initially, but something else entirely 10 or 15 years later. This issue faces both Reston and Columbia now and harbors the possibility of stopping development for Reston.

In addition, there must be some effort to set up communications between the new community and the state government, especially if the new community is or will be large in size, and even if it remains a part of an existing local government.

Now that the first step has been taken at the national level in recognizing the importance of new community development, the states also must realize that this kind of development must be treated differently from existing developments or jurisdictions.

Reston and Columbia Experience

Both Reston and Columbia have had a significant impact on the new towns of this decade. This is true not only because Robert Simon, James Rouse, and Gulf Oil are involved in other new community developments across the country, but also because other developers have come to look at these two communities and have learned from their experiences. Columbia itself has a different zoning package and service

delivery system not only because of the difference of state and local government there, but because its developer looked carefully at the strengths and weaknesses of Reston's experience, the first post World War II new town. Jonathan, Minnesota has borrowed heavily from both places and Irvine, California, although incorporated as a separate city, has sent representatives of both the citizens and the developer to study Reston and Columbia.

Reston and Columbia exist as laboratories for new ideas for other new communities; for the residents, for the developer, and for governmental bodies with whom they must deal. The number of new community developments which have been begun or proposed, through private enterprise and public assistance, offer not only a better way than suburban sprawl to solve the land use problems of this country, but a better way to provide more innovative services for citizens and to allow them better access to the decision-making process. While there are many new towns springing up, none so far are completely accepting the challenge that is offered.

Although Reston and Columbia have both reached the ten year mark in their planning and development, and although the 1970 Housing Act has stimulated the growth of other new towns in the United States, developments of this nature in the United States are, for the most part, haphazard. There has been no attempt on the part of the Federal government to create policy regarding over-all growth strategies and little more effort at

the state or local level.

The Literature of New Communities: What Hasn't Been Said About Governance and Service Delivery

Much of the literature dealing with new communities, while discussing problems of economic, environment, and physical design, is generally silent on the plans for providing services and for governmental structures.

Neither Ebenezer Howard nor Clarence Stein spent much time discussing how the citizens of their garden cities would solve their service problems. A great deal of emphasis was placed on the quality of life as it was affected by the physical design of the community, yet the quality of life in any urban setting is directly affected by how services are produced and consumed and by the method by which they are provided.

Lewis Mumford, long a leader in the field of urban studies, deals with the discussion of political life in our cities and new towns only in a general way in the *Culture of Cities* and *The Urban Prospect*.

In their book *Building a New Town: Finland's New Garden City, Tapiola*, Paul D. Spreiregen and Heikki von Hertzen discuss briefly the way in which public utilities are financed and controlled in Tapiola. They do not discuss, however, how the provision of these services effects the

surrounding jurisdictions nor how the decisions were made, or by whom, as to what services to provide.

Of all the contemporary literature existing on the subject of new town development, only three deal directly with governmental questions and service delivery. *New Towns: Laboratories for Democracy*, the Report of the Twentieth Century Fund Task Force on Governance of New Towns, focuses on the importance of the democratic development of the new community. It discusses, in general terms, the roles of local government, developers, and citizens in making this phase of development a successful one.

Kathleen M. Connell, in *Regional New Towns and Intergovernmental Relations: Four Case Studies*, for the Metropolitan Fund, discusses the attempts made and being made in Park Forest South, Jonathan, Oak Openings/Spencer Sharples, and Cedar-Riverside, by the developers and the state and local governments involved at providing a positive political climate in which the new communities can grow. Her recommendations deal specifically with the need for better intergovernmental understanding as opposed to the *ad hoc* approach which is now occurring through the efforts of most developers and local governments.

Finally, the Metropolitan Fund's research project

entitled, *Regional New Town Design, A Paired Community for Southeast Michigan*, addresses itself specifically to the problems, planning, and implementation of a government for the paired new town. It is weak, however, on the subject of service delivery, on who shall provide what services, and how.

The U.S. Advisory Commission on Intergovernmental Relations (ACIR) published a comprehensive look at urban development in the United States in 1968. *Urban and Rural America: Policies for Future Growth*, contains sections which deal with both governance and service delivery in general terms. It calls for a governmental framework within which the developer's objectives will not be thwarted and where opportunities are afforded for participation in public decision-making both by residents of the new town and by the residents of the larger affected jurisdictions.

It is also noted that this mechanism will need to be flexible over time and that to date the mechanism most widely used is that of special purpose districts having broad powers encompassing the new community.

The report states that providing public services and facilities can be difficult as they must be provided for anticipated demand at a time when property values and

economic activity do not produce sufficient revenue to support such expenditure.

At the time of this ACIR publication, only one program had been established specifically for providing facilities for new communities with state or Federal funds, the Title X Federal Land Acquisition and Development Mortgage Insurance Program. The report states that although there were a number of Federal and state grant programs that potentially could be useful to encourage and foster this type of development, none were being widely used for this purpose.

Title VII of the 1970 Housing and Urban Development Act, like the ACIR report deals with services, yet both are silent on the concept of pre-servicing. Section 715 of the Act states that public service grants will be provided to the state or local public body having the responsibility for providing services to the new community. These grants will cover "essential" public services (health, education, and safety) for an initial period not to exceed three years.

Under Section 718 of the Act, the Secretary of Housing and Urban Development is authorized to make supplementary grants to any state or local public body carrying out a new community assistance project; if the Secretary determines that such project is necessary or desirable for carrying out a new

community development program.

In spite of the existence of these resources, little attempt has been made by developers or local governments to secure a portion of these funds. Neither the ACIR report nor the 1970 Housing Act has suggested either preservicing or debt-financing as used in Columbia, as an alternative. Neither have the opportunities these funds create spurred developers or jurisdictions to try any innovative forms of governance or service delivery.

The problem is operational rather than theoretical, yet it is not a simple matter. The experience of the citizens, developers, and county governments of both Reston, Virginia and Columbia, Maryland (not eligible to receive such funds), can be valuable to all three groups in the future. The study that follows should be illuminating for the citizen who does not realize the time consuming process involved in the planning and building of a new town.

Organization of the Study

This study is an attempt to look at the governance and service delivery mechanisms in both Reston and Columbia and to compare the two different approaches taken.

The services to be examined will be those furnished by the quasi-private and public governments of Reston and Fairfax

County, and Columbia and Howard County. For example, the methods by which recreational facilities are provided in Reston by the Reston Home Owners Association (ROHA) and in Columbia by the Columbia Park and Recreation Association (CA), and their relationship with county facilities will be probed. In addition, county services, or those furnished by other general purpose local governments and special districts--such as schools, police, and fire protection--will be analyzed from the standpoint of their impact on the community and the developer. Finally, the developer's role in determining which services to offer beyond those provided by local governments will be considered.

Because of the volume of information and the detail involved in this study it is necessary at this point to discuss the organization of the material that follows. The chapter about Reston will be divided into three main sections. The first, a discussion of the governmental context of Fairfax County; the basic local structure in Virginia; and the organization of services within Fairfax County. Second, a critique of the status of services provided by the county and state when Reston was being planned; services expected to be provided by the developer; and additional services and facilities needed to implement the Reston plan. Third, a

discussion of the methods of providing those additional services and an analysis of their development.

The chapter on Columbia will also include three major sections. The first a description of the Maryland forms of local government and that of Howard County in particular. Second a critique of the status of state and local services when the Columbia plan was being adopted; services expected from the developer; and additional services needed. The third section will include a description of the methods for providing those additional services and an analysis of their development.

The final chapter will include three sections as well. The first and second will be a summary and analysis of Reston and Columbia's service delivery and governance structures, respectively. The third section will be a comparative assessment of service delivery and governance mechanisms in these two new towns and subsequent recommendations for future new community development.

The central hypothesis of this study, based on the experience with new community development and service delivery in Columbia, is that preservicing is the most efficient, effective, and equitable method of delivering services to the new community. Both the Reston and Columbia experiences

suggest that services will be more responsive to resident needs if citizens control their delivery.

At the outset this may sound contradictory when in reality it is not. As mentioned earlier in this section, preservicing has its citizen participation problems but they are not beyond being solved. The private governmental structure in Columbia (the Columbia Park and Recreation Association), is able to provide its citizens with a wide choice of services and facilities because of the large loan it received from the developers. Although Columbia citizens had no choice in the matter of the first few facilities, their private governance mechanism allows them more control in the present and the future and thus can be more responsive to their needs and desires. Without preservicing or a developer loan or citizen control of the private government, as is the case in Reston, the citizens can do little more than maintain what facilities they have and must depend on a benevolent developer or local jurisdiction or their own personal finances to provide additional facilities and services.

Data needed to test the hypotheses were derived from the available literature, interviews with citizens, developer representatives, and local officials.

II. RESTON

THE GOVERNMENTAL CONTEXT: FAIRFAX COUNTY

Basic Local Structure in Virginia

If preservicing is to be a successful part of new community planning it is vitally important to think about the ways in which those responsible for institutional development and public services relate to those responsible for physical development. In order to achieve a balance of responsibility for services, there must be a higher degree of state and local participation in new community development.

To better understand why this is so, it is useful to study the governmental context within which Reston was first begun. By studying these particular governmental circumstances one can perhaps begin to comprehend the overwhelming tasks which are involved in building new towns.

Under the code of Virginia there are several forms of county government possible. Virginia counties are creatures of the state and act under authority delegated by the state. Their functions and powers are granted by the constitution and by the laws enacted by the General Assembly. By broad grants of power the state can enlarge the responsibilities of local government, or by limiting

such grants the state can keep for itself the responsibility for local government functions.

Counties in Virginia serve a dual role; they are agents of the state and are local legislative and administrative bodies with a degree of autonomy. As agents of the state, counties administer justice and assess and collect state personal income taxes and state license taxes. As legislative and administrative bodies, they pass and enforce ordinances, provide for public education, install and maintain water and sewer systems, and in some cases, provide a multiplicity of other governmental services. These functions are carried out by various elected and appointed officials and boards.

Virginia is unique from a local governmental standpoint, in that the areas of jurisdiction of cities and counties are separated. The separation of cities and counties in Virginia prohibits jurisdiction of any other governmental unit within the boundaries of a city except for the state. There are 35 independent cities which are completely separate from the 96 counties.¹

¹

George W. Jennings, *Virginia Government* (Richmond: Virginia State Chamber of Commerce), p. 115.

Even though the cities and counties are independent of each other, a number of the counties in Virginia cooperate with each other, with towns, and with cities in order to perform various services. For example, a single superintendent of education sometimes serves more than one locality. In Northern Virginia several counties have formed a regional park authority and Virginia law also requires planning districts which are made up of several contiguous counties and cities.

The Constitution of the Commonwealth of Virginia provides for county governments and provides the General Assembly with a wide range of powers over them. Historically, the most common form of county government is called the traditional county board form which consists of one supervisor elected at-large and one from each magisterial district within the county. A chairman is selected from the board members. The board of supervisors is the policy determining body of the county with state given rights and powers, providing for the performance of all the governmental functions of the county and retaining appointive powers and setting rates of compensation for the county officials.

The General Assembly has also provided the citizens of counties with a choice of four other forms of county

government enacted through legislation. These are the County Manager and County Executive forms, any of which may be chosen by citizens through a referendum. In 1960, the General Assembly enacted the urban county form of county organization and government.² Patterned after the county executive and county manager forms it was devised to meet the needs of an urban county in a rapidly expanding metropolitan area. The legislation was amended in 1966 specifically for Fairfax County,³ and in 1968, it was made available to certain other counties.⁴

Counties with a population exceeding 90,000 which are not adjacent to a city having a population of 200,000 or more may adopt either of the urban county forms of government.⁵ The major difference between the 1960 and 1966 legislation is the authority granted the board of supervisors of a county to change completely the way in which services are administered by merging, consolidating, or abolishing individual sanitary

²

Ibid., p. 115.

³

Virginia Metropolitan Areas Study Commission Report, *Metropolitan Virginia 1967: A Brief Assessment*, (Richmond: May 1967), p. 18.

⁴

Jennings, p. 115.

⁵

Virginia Metropolitan Areas Study Commission Report, p. 18.

districts into more meaningful arrangements that facilitate planning. These new large districts serve as the electoral divisions for the elections of the supervisors. In addition, the supervisors appoint from each district a representative resident for the planning commission and the school board.

Virginia cities operate under the council-manager form of government by local choice, and the administrative organization of the city is largely a decision of the local electorate.⁶ City councils possess extensive powers through their charters, which are special acts of the General Assembly, or general law. All cities are guaranteed the power to levy taxes, appropriate funds, and incur indebtedness up to 18 percent of their assessed valuation. All councils may exercise police power for the health and welfare of the community, enact ordinances, and exercise power of eminent domain.⁷

Virginia's cities have an unusually complete range of governmental powers. Their administrative systems are highly centralized, providing for policy execution with

⁶
Ibid., pp. 16-17.

⁷
Ibid., pp. 16-17

a unified direction. Counties, on the other hand, do not have charters; in the past the legislative grants of power to counties have been specific in nature rather than the broad powers delegated to the cities. All counties are authorized to levy taxes, appropriate funds, and, subject to referendum, incur indebtedness without legal limitations.⁸

The incorporation of new towns within the county becomes the prerogative of the board of supervisors rather than the courts. Towns and cities contiguous to or within county boundaries may be dissolved with a favorable referendum of their electorate. The board of supervisors has almost unrestricted authority to assign duties among departments and to establish new departments to fulfill needs. The urban county forms of government, in essence, enable a county to assume many of the aspects of a municipal corporation without giving up its status as a county.

The Urban County Form in Fairfax County

Fairfax County occupies 405 square miles⁹ of the northeastern portion of Virginia bordering on the Potomac River, Arlington County, and the cities of Alexandria and Falls Church. This Northern Virginia area is unusual

⁸

Ibid., pp. 16-17.

⁹

Ibid., p 14.

In many respects, it is part of an interstate metropolitan area, the central city of the metropolitan area (Washington, D.C.) is not a state or city but a Federal District. As in other metropolitan areas the suburbs are growing faster than the central city, while employment opportunities still tend to be in the city itself. Other factors important to the understanding of Fairfax County and its part in Northern Virginia area are its separation from the rest of the metropolitan area by the Potomoc River, its economic and cultural dependence on Washington, D.C., the tremendous growth it has experienced since World War II, and the impact of the Federal government through programs and physical plants in Northern Virginia.

Northern Virginia is the most complex metropolitan area in Virginia: it has the largest number of governmental units, offers the most sophisticated and extensive array of public services, and is the fastest growing in terms of sheer population. Within this context, Fairfax County has adopted the urban county executive form of county government. This form provides the most centralized form of administrative control of county affairs so that the county might have the ability to deal with some of the above factors in an efficient way. Fairfax County, by

choosing this form of government, was also able to better cope with the rising number of annexations of tax producing properties by cities surrounding or within the County, and could prohibit further loss by controlling incorporation.

At the time Fairfax County chose the urban county form there were contiguous to or within the County boundaries three first-class cities.¹⁰ Fairfax City, Falls Church, and Alexandria which operate with the powers mentioned earlier. Fairfax City and Falls Church, however, are both dependent, to a large extent, on larger wealthier Fairfax County for services such as water and sewer, hospital and some social services, and in the case of Fairfax City, the school system.

There are also within the County three incorporated towns: Herndon, Vienna, and Clifton which manage separate corporate existences for some services like police but depend on the County for others. Although these communities have grown rapidly and there is little physical distinction between them and the surrounding County jurisdiction, further incorporations or annexations by any of these or other communities are prohibited by law under the urban county form of government adopted by Fairfax County.

¹⁰

Those having more than 10,000 people.

In addition to the above divisions within the County there are a number of districts which serve one or several purposes. The Board of Supervisors has divided the County into eight magisterial districts from which they are elected, and from which they appoint members of the Planning Commission and the School Board.

In addition to the magisterial districts within Fairfax County another division permitted under state law is the special service district. This provides a specific service for a geographical area within the County and is supported by an additional tax assessment administered by the County. The district is established by a petition to the Board of Supervisors, containing the signatures of 50 registered voters who are residents in the proposed district area. The Board then establishes the district by resolution. Once the district is established any bond issues are authorized by referendum, with all registered voters within the boundaries of the district eligible to vote. These districts can be formed to provide leaf collection, trash collection, or ownership or leasing and operation of community facilities. Each district may provide only one service; additional services require that separate districts be formed.

Basic Services Organization in Fairfax County

Some services in Fairfax County are provided directly by the state. One such service is the Department of Social Services which is established by state law and provides emergency and continuing financial assistance to individuals and families in need. It also provides child welfare services, administers the food stamp program, determines eligibility for Medicaid, and operates day care centers for pre-school children of working mothers who are financially unable to provide other day care for their children. It is operated by the Welfare Board, made up of five citizens who serve three year terms and are appointed by the Board of Supervisors.¹¹

The other service provided directly by the state is that of building and maintaining streets and roads. The County is responsible for very few roads, most of which are in subdivisions still under development.

The services provided by Fairfax County to its citizens are typical of those of many cities and urban counties in Virginia. The largest and most complex of these is the public school system in which one out of every three residents is enrolled. This amounts to a school population which is the 16th largest in the nation.

¹¹

The Citizens Handbook (Fairfax County: August, 1971), p. 35.

Policy is set by the School Board, which is appointed by the Board of Supervisors for two year terms (one from each district, one student, and one at-large) and administered by the Division Superintendent and supportive staff. The County is divided into four geographical areas, each headed by an area superintendent and including supportive educational personnel and supportive staff.

During the 1970-71 school year there was an average daily attendance of 133,067 children in 123 elementary schools, 18 intermediate schools, 18 high schools, and one combination 7-12 building. The system employed 5,800 teachers, operated on a \$115.0 million budget, and had a per pupil expenditure of \$963.¹²

Fairfax County Police Department was created in 1940 and currently operates with about two-thirds of its 468¹³ man force on patrol duty divided into three shifts per day.¹⁴ Of this number there are two foot patrol areas, Lake Anne Village Plaza in Reston and Tyson Corner Shopping Mall near McLean, Virginia.

¹²

1971 Fairfax County Annual Report, pp. 17-18.

¹³

About .9 police per 1000 people

¹⁴

The Citizens Handbook, p. 15.

The operations of the Department are decentralized into four district police stations throughout the County (a fifth to be completed in 1972). Reston and the western portion of the County are served by the Chantilly District Station about 10 miles from Reston, with other stations in the central, northern, and southeastern sections. In addition, there is the County Courthouse facility, offices in the County office building, and the County Jail located in Fairfax City.

The cost of police services in Fairfax County during the 1971 fiscal year was \$5,736,672, or about 2.3 percent of the total County expenditures for that year, which amounted to slightly more than one dollar per month for each citizen.¹⁵

The citizens of Fairfax County are protected from the hazards of fire by approximately 600 active volunteer firemen and 400 full-time, County-paid firefighters manning 17 volunteer and six County-owned departments.¹⁶ (Reston's fire station is the exception, built by Gulf-Reston, Inc. under a lease-purchase agreement with the County).

Each of these stations is equipped for emergency

¹⁵

1971 Fairfax County Annual Report, p. 12

¹⁶

The Citizen's Handbook, p. 18.

rescue operations as well as with firefighting equipment. The number of paid, full-time staff at each station varies from six to 29 depending on size and location. The County owns 31 vehicles and the remaining 117 pieces of equipment are¹⁷ volunteer owned.

The privately-owned stations are supported by local citizens along with County assistance. The County now, however, operates under the policy of building and equipping new fire stations with general tax funds.

Fairfax County citizens receive their water from the Fairfax County Water Authority, the cities of Fairfax and Falls Church, the towns of Herndon and Vienna, and private wells. All of the major water supply systems in the County are now interconnected and some are connected with systems in Arlington County and the District of Columbia.

Since 1957, the Authority, which is administered by a board of five members who are appointed by the Board of Supervisors for staggered three year terms, acquired 18¹⁸ publically and privately owned water systems. The system,

¹⁷

Ibid., p. 19.

¹⁸

1971 Fairfax County Annual Report, p. 44.

as it is now constituted, is the largest in northern Virginia and the second largest in Virginia serving approximately 485,000 people as of June 1971.¹⁹

The Authority issues Water Revenue Bonds in order to finance the acquisition of properties and to provide for the expansion and improvement of its system. Other funds are secured from connection fees and monthly service charges.

Fairfax County's Department of Public Works consists of six divisions: Engineering, Operations, Maintenance and Construction, Program Administration, Land Acquisitions, and Solid Waste. Public Works is responsible for sanitary sewerage facilities, storm drainage maintenance, collection and disposal of solid waste, leaf collection, street and highway lighting, street signs, sidewalk construction, acquisition of County properties, easements and rights-of-way, and the design and construction of all County facilities excluding schools and parks.

The County is divided into Sanitary Districts which generally correspond with water sheds. There are small districts within the larger districts which provide special services not available County-wide.²⁰ The sewerage facilities

¹⁹

Ibid., p. 45.

²⁰

See discussion of Special Districts on page 29.

in the County are financed by: receipts from the issuance of bonds which are both revenue-backed and general obligations of the County; current revenues of the sewer system after meeting all bond requirements and operating expenses; and by developers in new subdivisions.

Planning and zoning functions in Fairfax County are handled by the Department of Planning and Financial Management. Within this Department the Division of Planning allegedly prepares comprehensive plans and provides research support in the areas of land use, public facilities, transportation, housing, and statistics, to provide overall development and guidance in Fairfax County.

The Fairfax County Planning Commission, which consists of nine members appointed by the Board of Supervisors, one from each district and one at-large, serves in a planning advisory capacity to the Board of Supervisors. The Commission is committed by State and County statutes to promote the orderly development of the County.

The Commission holds regular meetings at which comprehensive planning and related matters are considered and recommendations are conveyed to the Board of Supervisors. The Commission also reviews rezoning requests and makes recommendations to the Board of Zoning Appeals.

The Division of Planning has a Housing Branch to facilitate the planning and construction of low and moderate income housing in the County. The Division also concerns itself with preservation of the natural environment and encouragement of a harmonious and interrelated man-made setting. The poor performance in planning is a major issue of controversy at present in Fairfax County.

The Department's other branch is the Division of Finance which is the fiscal agency of the County. It's main duty is to provide the Board of Supervisors and County management with current and comprehensive financial information. The Division also is responsible for tax collection and assessments.

Because the development by private industry is by far the largest business in Fairfax County, representing an expenditure of over \$285,100,000 during fiscal year 1971,²¹ Fairfax County initiated a Department of County Development. Within this Department are the Administration Services Division, responsible for administrative support services for the entire Department and enforcing improvements contracts between the developers and the Board of Supervisors. Land Use Administration Division, responsible for the administration

²¹

1971 Fairfax County Annual Report, p. 35.

of applications for rezoning, special use permits, variances, and the provision of "feedback" to appropriate agencies with respect to implementation; the Division of Mapping which produces all mapping and graphics for County agencies; the Inspections Division which administers and enforces adopted codes and standards relating to building, street, storm and sanitary sewer construction, the installation of building service equipment and the propriety of use of these facilities; and the Design Review Division. This latter division reviews plans for development by private enterprise within the County to ensure compliance with the County Code and design criteria. The division has also undertaken studies relating to rainfall intensities in the County, flood control and erosion and siltation control.

The Fairfax County Park Authority including Divisions for Acquisition and Development, and Historic Preservation provides open-space areas and outdoor recreational facilities for County residents. There are 6,500 acres under its jurisdiction distributed among 95 neighborhood and community parks, six district parks, 18 stream valley parks, four historic parks, and 10 County parks.

The Board of Supervisors annually appropriates funds for operation and maintenance of the park system. For acquisition and development of park land, the primary source of funds is bond issues approved by the County voters. Significant grants from the State and Federal governments supplement these funds.

The Department of Recreation plans and operates leisure-time programs for the children, youth, and adults of Fairfax County, using buildings and grounds of the Fairfax County School Board, the Park Authority, and other suitable public and private facilities. The Department endeavors to meet costs of certain segments of programs in part or in whole through collection of reasonable charges and fees. Programs include sports, fine and performing arts, hobby classes, and summer and after school youth centers.

The Coordinator of Community Services is charged with the responsibility of ensuring that all County resources and facilities capable of supporting leisure programs are developed and utilized to the extent of citizen interest and available funds. Within this office activities of Schools, Parks, Libraries, Recreation, Youth Activities, and Cooperative Extension are coordinated.

The Fairfax County Public Library System, largest and first ranking in Virginia, operates under the Library Board

appointed by the Board of Supervisors. There is a Headquarters Library, 13 branches, and three book mobiles, and reciprocal agreements with the State Library as well as Montgomery and Prince Georges County Libraries and Falls Church Library.

The Health Department of Fairfax County is part of the Virginia State Health Department and is financed by state and local funds.

Public health objectives are met through medical, dental, nursing, environmental health, laboratory, and health education programs. The Department also records births and deaths.

Activities of this Department include maternal and child health programs, diagnostic, consultation and evaluation, development, therapy, x-ray, and immunization clinics, school health service, home health services, public health nursing, crippled children's service, and control of communicable diseases.

Fairfax Hospital, a fully-accredited, community hospital, was built by Fairfax County residents, County General Obligation Bonds (the sale of which was approved by the voters), and matching Hill-Burton Federal funds and is operated by the Fairfax Hospital Association, a non-profit corporation. It is the only public hospital with emergency facilities in the

County and is located in the central part of Fairfax County near the Capital Beltway (I-495).

Fairfax County's Drug Abuse Program began in the Spring of 1970 as an answer to the increasing drug traffic and resulting problems in the County. It is an inter-agency effort receiving grants under the Law Enforcement Assistance Act and the Narcotics Addiction Rehabilitation Act. The program includes education, neighborhood centers, counseling, residential treatment, urine surveillance, and methodone maintenance.

CRITIQUE OF THE STATUS OF SERVICES WHEN RESTON WAS BEING PLANNED

Expected Services from County and State

The governmental climate in Virginia and Fairfax County had certain effects on the final form Reston took. Certainly of equal influence were the variety and level of services which were offered by these two bodies to the new town. Also important were the negotiations which were necessary between the County and the developer. Reston was not only the first development of its kind for both Robert Simon and Fairfax County, it was also the first privately built large-scale new community attempted since Radburn in New Jersey 30 years before.

Robert S. Simon purchased the property which was later to become Reston in March of 1961 without any immediate plans for development. His decision to venture into the process of building a new community cannot, however, be relegated to that of a conventional business deal. He evidently felt that there was a market for a total living environment which had been largely untapped in this country.*

*His father was one of Radburn's original sponsors. He himself was an interested visitor and observer of post-World War II European new towns.

His Ideas evolved during 1961 and although they were not completely clarified, he sought to build a satellite city with a mixture of land uses while avoiding development composed only of single family homes. Simon wished to place an emphasis on the concepts of urban design which were currently accepted in planning thought.

Simon was further encouraged by the Year 2000 Plan for the Washington metropolitan area which called for such satellite cities along major transportation corridors, to absorb some of the growth expected in a 40 year period. The Reston property was almost equally divided into northern and southern sections by the proposed Dulles Airport Access Road which was to connect with the Capital Beltway and it was assumed that there would be both industrial and residential development around the airport.

A development like Simon envisioned was almost exactly what the Fairfax County Planning staff had been proposing. When the Board of Supervisors created a new Sanitary District in the area there were fewer than 1,000 people living in the 27 square miles of the Sugarland and Horsepen Runs included in the district. ²³ The area that

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Kathryn Stone, Unpublished manuscript, p. 89.

Simon has purchased, formerly known as Sunset Hills, had been one of the cluster sites designated in earlier studies of the problems of growth in the western portion of Fairfax County, and had a projected population of what would later be called for in the Reston Master Plan.

Other factors influenced Simon's decision. Virginia Route 7 was to be improved; there might be access to the Dulles Airport Road; the property was crossed at one point by the proposed Outer Circumferential Highway, which was to be completed in 1980, the date for which Simon also planned completion of his development; the right-of-way for the airport road had deliberately been made wide enough to accommodate the facilities of a future mass transit system as well as additional lanes to serve Washington bound commuters; the property was crossed by a rail line which was proposed as a means of rapid transit; and there was public transportation in Fairfax County.

Although the above paints a rather rosy picture of the transportation facilities for Reston, the realities were quite different. The right-of-way for the rail line was sold to the Virginia Electric Power Company for a high tension line; the decision about where the proposed Outer Beltway will actually go is still being argued; the public

transportation in the western portion of Fairfax County in which Reston lay consisted of a bus which ran from Herndon to Washington, D.C., between 9:30 a.m. and 4 p.m. on weekdays; the Virginia Department of Highways seemed unwilling at the time to construct the additional lanes on the Dulles Access right-of-way, (and has remained so to this day) and procrastinated with the widening of Route 7, which was completed to Leesburg in 1971; and while the Metro system might eventually be extended up the Dulles Road it will probably be near to the time of Reston's completion date.

One of the longest battles to be fought by Simon and subsequently by Gulf-Reston, Inc. was with the FAA over access for Reston to the Dulles Airport Road. The airport itself was built 4 miles west of Reston and FAA had decided that the road would have limited access. This left the Reston property divided into two nearly equal parts connected only by one two-lane overpass on Virginia Route 602. In addition to complicating access to one half of the property from the other, the roads problem created a unique physical planning problem for Simon.

The FAA's policy had been a brick wall for Lefcourt Realty, for whom Simon purchased the property, and continued

to be so. In addition to limited access, the agency offered resistance to any further crossings within the Reston property. Both Lefcourt and later Simon argued that they had paid an extraordinary price to get the land all in one piece and that the FAA policies would offer an almost insuperable barrier to the proposed development plans for a complete self-contained community, the FAA remained firm, stating there was no present need and there were no real assurances that such a need would develop. This argument was difficult to counter, since the timing of the development which would produce the need was partially dependent upon the possibility of access in the first place. It had not been decided at that time whether adequate transportation, financed by public funds, should precede and make possible land development. The argument at the time was that the fiscal resources of public authorities must go to the developments actually in existence. This seems to be the compelling reason to most local authorities that are struggling to provide services merely for current demand. It does not appear that Simon had made any detailed inquiries about this factor which had complicated the plans of Lefcourt for the development of the property.

The public schools in the western sector of Fairfax

County, which was rural in nature, were very small and quite spread out at the time Simon purchased the property. Herndon High School, which served grades seven through 12, was an old and crowded facility and it would be sometime before a new building would be constructed. There was no kindergarten program in the Fairfax County schools at that time, even though the program of instruction for the remaining grades was considered to be a good one.

As of the spring of 1966 the school problem for Reston was still unsolved. The Fairfax County School Board had received a grant of \$15,000 from Education Facilities Laboratories, Inc., of New York City ²⁴ to study some of the innovative proposals for the first elementary school in Reston. Through this grant an architectural competition was held and the firm of Caudill, Rawlett and Scott of Houston, Texas was chosen.

The lowest construction bid was for \$727,000 ²⁵ and termed excessive by the School Board. At this point several

²⁴

Reston Times, April 15, 1966, p. 1.

²⁵

Ibid., p. 11.

solutions were discussed; Reston, Va., Inc.,²⁶ would help by working with the plans to reduce the cost without changing the design. There was also a proposal that the developer build the school without the profit factor.

In the interim, children in Reston were attending Navy and Herndon elementary schools, Herndon Intermediate and Herndon High School (the latter had opened after construction on Reston was begun). There were no immediate plans for any secondary school facilities in Reston at this time.

It was determined that all Reston children would make use of the Oak Grove school building, which was not in use at that time, and was west of Herndon on the Loudoun County line. A principal would be hired as well as teachers who would then move with the children into the new facility when it was completed. The population at this time in Reston had reached 604.

The design and construction issues were finally solved with changes made by the architectural firm of Pickett, Seiss, and Hook and with Reston, Va., Inc. as the contractors. The 9.5 acre tract was donated by the developer, as has been the case with all elementary school sites since. The

²⁶

The name Simon chose for his development corporation.

bid which the School Board accepted was for \$675,213. Oak Grove opened its doors to 265 Reston elementary school students in September 1966 under the direction of Mrs. Beatrice Ward, an innovative and remarkable educator. It was expected that the new facility would be completed in February of the following year. The building complex was completed in January 1967, and opened its doors to 300 pupils.

The police and fire protection in the County at the time Reston was proposed was a dual situation. The eastern portion of the County which was more densely developed had many fire stations both volunteer and County owned. The western portion, due to the rural nature and sparse population, was served by a few small volunteer fire companies which were quite spread out.

Policemen covered the entire County from patrol cars working out of substations in the central and southeastern parts of the County.

During the initial planning period Simon and Reston, Va., Inc. were negotiating with the County officials over several things. The most important of these was the special zoning package that made Reston possible.

Simon was unfortunately faced with conventional zoning ordinances in Fairfax County which segregated industrial and

commercial areas from residential land use. He, therefore, had to formulate his own code in order to make his dream a reality. Assisted by social, economic, legal, and political consultants, Simon created RPC (Residential Planned Community) zoning along with a Master Plan for Reston's completion.

The primary purpose of RPC zoning is to permit a greater amount of flexibility to the developer of a large community by removing the restrictions of conventional zoning. This flexibility is intended to provide an opportunity and incentive to the developer to strive for excellence in physical, social, and economic planning. The developer is to reserve adequate permanent common open space for the use of all residents; is to locate buildings to take maximum advantage of the natural and man-made environment; is to have a variety of housing styles; is to separate pedestrian and vehicular traffic; provide cultural, educational, medical, and recreational facilities for all segments of the community; and provide an orderly and creative arrangement of all land uses with respect to each other and to the entire community, including residential, commercial, industrial, governmental, school sites, parks, playgrounds, recreational areas,

parking areas, and other open spaces.

Services Expected from the Developer

Under this ordinance, the developer is required to provide the County with land for elementary and intermediate school sites. This was a major savings for the County in terms of land costs because of the projected growth rate in Reston which would probably mean enough population increase for one new elementary school each year.

In addition to school sites, sewer and water lines, the County expected to build the major and minor streets to meet state standards, as well as provide lighting for streets and intersections. RPC zoning is based on population density distribution. When the Reston Master Plan was submitted to the County, rather than being divided into traditional zones and lots, it was divided into overall density areas: with high (60 people per acre), medium (14 per acre), and low (3.8 per acre).

Although the developer could and may provide for as many as 60 people per acre in places, he must maintain an overall density of 13 people per gross residential acre. The reason for this is that it is designed to retain open space. This reasoning was used to persuade the County that the developer wouldn't be able to construct

all high-density areas and then sell off the rest of the land without having dedicated sufficient open space to take care of the developed zone.

Simon argued that under the conventional zoning ordinances in Fairfax County this concentration of population would not be possible. The standard zoning ordinances also forbade mixed land uses which Simon and his planners deemed important to the development of Reston. The distribution of population envisioned in Reston's Master Plan was based on their goal of placing shopping, schools, recreational, and work within walking distance. RPC zoning would permit apartments above stores; mixing high-rise buildings with townhouses, and spreading commercial areas, recreational and community facilities throughout the town.

Under this special zoning package the developer was required to submit plans showing proposed elementary school districts, water mains, roads, sewers, and storm drains. And he would have to submit to the County the equivalent of a site plan, showing not only the boundaries, utilities, parking entrances and exits indicated on normal site plans, but also exact building locations and uses. It was to be required that each Fairfax County agency would approve these before building permits could be obtained or construction begun.

In negotiating with the Fairfax County officials, Reston, Va., Inc. attempted to convince them that RPC zoning would do more for the County than just enable it to judge the merits of proposed new communities, but that it would allow the County to plan for residential, commercial, and industrial expansion of an entire area in an orderly way. It would mean the control of urban sprawl with which the County officials had been trying to deal unsuccessfully.

At the same time, Simon was negotiating with Fairfax County for RPC zoning he was also planning steps for providing water and sewer services for his proposed development. Glenn Saunders, a long time resident of Fairfax County, and then Reston's project engineer, proposed a private water company to serve Reston as well as the north-²⁷ west section of the County in February of 1962. He knew from experience, as a former city manager, that this could be a profitable venture and that it would give Reston, Va., Inc. bargaining power with the County on the question of RPC zoning. No immediate action was taken, however.

In May, the Director of the Fairfax County Water Authority offered Reston an exclusive water contract but

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Kathryn Stone, Unpublished manuscript, pp. 102, 104.

made it clear that the authority must provide comprehensive service to the entire County and would resist any effort by the developer to any other party to provide Reston with water service from any other supplier.

On June 4, 1962,²⁸ Simon's lawyer applied to the State Corporation Commission for a charter for a private water company. There had been no approval by June 13, 1962,²⁹ when the Board of Supervisors held their first public hearing concerning Reston and RPC zoning. The Board postponed final decision on both the Master Plan and the zoning amendment in an effort to put pressure on Simon in his negotiations with the Water Authority.

Perhaps the most interesting move on the part of Simon to gain a bargaining position with the County was the threat to revive and use a charter issued by the Virginia

²⁸

Ibid., p. 104.

²⁹

Ibid., p. 104.

legislature in 1897 for the township of Wiehle. The charter included most of the property that lay north of the Dulles Airport Access Road and Simon's lawyers informed him that the Wiehle charter gave powers common to all Virginia towns, including the passing of zoning ordinances. It would also make it possible to annex the southern portion of the property and thus with the charter for an independent water company, the town would not have to rely on Fairfax County's approval of RPC zoning and other questions of service.

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Dr. Wiehle, the son of a German Reformed Minister, came to Washington in 1881 after retiring from a successful medical practice in Philadelphia at the age of 35. He had long dreamed of a Utopia, purchased the land which is now Reston with William Dunn in 1886, for \$20,000. Dr. Wiehle then brought a planner from Germany to lay out a town. In 1892 a map drawn with streets laid out symmetrically and named after foreign capitals, American cities, names of children, and trees was prepared.

The first industries were a talc company, a brick kiln, and a sawmill, which provided building materials for Wiehle's first structures. These early structures included a brick steepled townhall and a resort hotel, the Hotel Aesculapian.

In 1893, Dr. Wiehle deeded the land to the Virginia Lumber and Manufacturing Company, a family company which declared its intention to follow the Wiehle plan. Between 1895 and 1898 several lots were sold and houses built. A church and the Wiehle family home were also built during this period.

In 1897 the town, renamed Wiehle, became the sixth incorporated town in Fairfax County through a State issued charter.

Dr. Wiehle died in 1901, his finances in ruin due to the failure of his town which was too far out the rail line from Washington for people to come to live and work.

Negotiations with the County continued and the charter applications were withdrawn on June 20, 1962.³¹ Neither course of action was taken. Both would have had great costs attached and uncertain outcomes. The Water Authority and the County itself would probably have contested both in the courts and there was no certainty that Simon would win. At the same time he would have lost any prospect of cooperation from the County.

Simon argued further, that if RPC zoning and water agreements were not reached, he would have no choice but to develop the property as a conventional subdivision. In open space alone this meant a loss to the County as Reston would have 42 percent in contrast with the 30 percent in the rest of the County.³²

In July 1962,³³ the U.S. Congress voted funds for the lateral sewer up Difficult Run to serve Dulles Airport. It was expected that this lateral would be completed as far

³¹

Kathryn Stone, Unpublished manuscript, p. 107.

³²

This open space in conventional subdivision developments results from streets, sidewalks, parking areas, and any land that is unsuitable to be developed. Under the RPC ordinance and in Reston's Master Plan, the open space included the golf course, playing fields and space set aside for use as bike and pedestrian paths, the nature center, riding trails, as well as parking lots, lakes, streets, and sidewalks.

³³

Kathryn Stone, Unpublished manuscript, p. 236.

as Route 7 by fall of 1963 and if Reston's development were to proceed on schedule it was deemed necessary to extend this line to the Reston border.

The County's position was that Simon should pay for the trunk lines to his property and then secure reimbursement from later developers, who according to suburban development patterns, would follow once the existence of the sewer line made it possible. Simon's argument was that special cases require special treatment; that the sewer lines would be an extremely profitable investment for the County. It seemed to Simon quite unfair to ask Reston to construct sewers in low density areas and to assume as well the heavy capital costs of opening up entire watersheds. Discussion continued until early in 1963.

External influences eventually simplified the problem. Early in 1963, the town of Vienna reached an agreement with Fairfax County for construction of the Difficult Run sewer line from Route 7 to Piney Branch.³⁴ Negotiations continued through 1963 with the agreement being reached in the spring of 1964, and final language agreed upon in May of 1965.³⁵

³⁴
Ibid., p. 239.

³⁵
Ibid., p. 239.

The County agreed to pay the costs of the trunk sewerage system for the population outside of Reston which would be served by it, in proportion to the total population served, including Reston property.

Simon agreed to advance to the County the funds that would be needed in addition to the County's share to bring sewer construction to Reston and agreed to pay the usual charges for sewer connections and sewer service as its housing units and other facilities needed the service.

The County, in turn, agreed to pay back Simon by making annual payments to Reston for new sewer connections at the rate of \$100. for each single family dwelling and \$75. for each apartment unit constructed and connected during the County's previous fiscal year. This would continue until total repayment had been achieved.³⁶

³⁷
In July 1962, an agreement was reached with the Water Authority and the RPC zoning ordinance was passed. The Water Authority was to provide construction of the major trunk lines and appurtenances. Reston, Va., Inc. would pay for the distribution lines within the several villages and the normal

³⁶

Ibid., pp. 239-240.

³⁷

Ibid., p. 236.

hook-up charges. The two complicating factors were that the Water Authority had to make contractual agreements with Fairfax City, whose conduits carried the water through the site, and the Water Authority had only \$100,000 available for their portion of construction, so Simon advanced the additional funds needed.

Additional Services and Facilities Needed

Robert Simon wanted his New Town to be more than a place to live, he wanted Reston to be a way of life. In addition, he wanted to offer not only a new kind of housing scheme and a new relation of home to recreation, but another dimension--planning for a total way of community life for all races and income types. Simon wanted Reston to be the answer to his disappointment with the American suburban development with its accompanying waste of land, asphalt suburban shopping centers, grid-patterned streets, and traffic jams caused by workers with city jobs leaving and returning to their bedroom suburbs. Simon looked on Reston as the solution to the ever increasing sprawl on the outside of our major metropolitan areas.

Lake Anne Village Center was opened on December 4, 1965, in an impressive ceremony dedicated to the arts. Many of the shops were not as yet open although the date had

originally been April 1965; construction was agonizingly slow.

In order to coax businesses to open in the experimental setting of Lake Anne Village, Reston, Va., Inc. used a remarkable leasing arrangement. Each shop's rent was a fixed percentage of its income during the first few years.³⁸ Even so the shops expected to take financial losses until the Reston population reached a sustaining level; 1500 or 2000 was the figure used. Many of the businessmen felt that by opening, their presence would help to stimulate growth. Safeway was one of the more cautious and refused to take a temporary loss until Reason reached 250 families. There were about 150 families in Reston at the time Lake Anne Village was dedicated.

At this time there was no library facility in the Village Center and the Fairfax County Bookmobile made its initial visit in November of 1965. Restonians gave it such a warm response that a schedule was set up for the first Tuesday of every month from 1-5 p.m.³⁹

38

Reston Times, December, 1965, p. 3.

39

Ibid., p. 5.

The Carter Glass Library, a part of the Fairfax County Public Library system was dedicated on April 17, 1966.⁴⁰ This was a long awaited event for many in Reston and was helped by Simon and Reston, Va., Inc., who provided not only carpeting and draperies, but space in Lake Anne Center rent free.

As for other services and facilities, one of the earliest provided in Reston was the Lake Anne Nursery Kindergarten (LANK). Because Fairfax County schools did not provide for public kindergartens parents in Reston began a private facility to provide this much needed service. A special space was designated above the Safeway and was first used in November of 1965. Prior to that time, one of the townhouses in Hickory Cluster, part of the initial development, had been used to house 38 children and five professional staff members. Both spaces were provided to LANK for an extremely low rental fee by the developer. This practice was continued until 1972.

Another service Simon provided through RPC zoning, was the Home Owner's Association and Cluster Association⁴¹ for

⁴⁰ *Reston Times*, April 16, 1966, p. 1.

⁴¹ A discussion of the legal documents, origins, and structure of these associations will be discussed later in the paper.

the ownership and maintenance of any common space designated in the Master Plan. It was required that this organization be created by covenants which would run with the land. There was also a provision made for charges to be levied by the associations to cover the cost of maintenance.

Simon did not provide for many other services to be delivered by his organization. The feeling at the time was that Fairfax was an urban county with a wide range of social and physical services of which Reston could avail itself. There seemed to be no need to design any innovative delivery systems beyond those required in the RPC zoning ordinance. Three exceptions to this were the chilled water plant at Lake Anne, Colvin Refuse, and the Architectural Board of Review.

The chilled water plant, using the water of Lake Anne as a coolant, provided air conditioning to those commercial and residential units in close proximity to Lake Anne from a central plant.

Colvin Refuse was set up to collect garbage from Reston residences and commercial establishments as the County did not provide this service. It was hoped, at one time, that a system of recycling could be established along with a community compost dump for organic wastes which could be used later by both the homeowner's association and individual residents. The later operation has never been realized.

The general covenants provide for an Architectural Board of Review (ABR) comprised of architects and lay members who must approve all construction and site plans before any structure can be built. In addition, the Deed of Dedication of the homeowner's associations requires all residents to submit plans for additions to houses, fences, garden sheds, and landscape plans for approval to the ABR.

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Gulf-Reston, Inc., after its takeover in 1967, maintained the same policies concerning additional services. At the time of their assumption of the Reston operation, its finances were in a rather bad state of affairs. They were forced to provide those facilities and services required by RPC zoning but were reluctant to go beyond these because of the additional cost. Their policy was, and has remained, that they would provide the open space, walkways, tennis courts, swimming pools, school sites, golf courses, and the like, debt-free to the homeowner's association, ⁴³ the

42

When Gulf Oil stepped in and formed the Gulf-Reston subsidiary in 1967, their main task was the protection of their more than \$15 million investment. At the time of take-over they assumed a \$45 million debt that carried a \$2.5 million payment for leases and interest. They made it clear at that time that while the Master Plan would be followed, they would be unable financially to provide services and amenities beyond the walkways, tennis courts, and swimming pools.

43

The actual cost is paid by the consumer through the development costs. See following paragraph.

School Board or whomever, but that any further services must be provided by the County or the citizens themselves through other means.

Gulf-Reston's policy toward the provision of additional facilities and services has remained the same to this date. The cost of the Master Plan and the pools, walkways, and tennis courts is now figured into the cost of each housing unit--apartments, townhouses, and single family homes--at a rate of \$900 per unit.⁴⁴ Once the amenities are constructed, inspected, and accepted by the Home Owner's Association, they are legally deeded to that organization debt free. The association then collects user fees and these combined with a portion of the assessments are the source of funds for both maintenance and operation of these amenities.

Incorporation of Reston as a separate town or city within Virginia had been ruled out as of 1966 with the urban county form of governmental organization chosen by Fairfax County. Simon needed a legal organization which would work without the advantages of separate public powers, yet carry with it some of the protections which incorporation made

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This information was obtained from Gulf-Reston's economic division.

available. The covenants which run with the land are required under RPC zoning, were deemed the easiest way to accomplish this task.

To solve the problem was both difficult and important because of the quantity, kind, and distribution of public space in Reston. Therefore, the basic device that was utilized was an association of property owners, to which Reston's public space was deeded in perpetuity. The permanent open space, then, was owned by those whose membership was secured by purchase of property within Reston.

METHODS OF PROVIDING ADDITIONAL SERVICES.

The Covenants and Deed of Dedication

In order to fully understand the entities Robert Simon created to provide the additional services he felt would be required for Reston, one must examine the legal basis for their operations.

The Reston Deed of Dedication is basically a developer tool for subdividing of the property and perpetuating protective covenants and restrictions. However, it also establishes the obligations and rights of certain institutions with broader potential functions than simply covenant enforcement.

General Protective Covenants and Restrictions

The first part of the Deed pertains to the general covenants on all the Reston land and established an Architectural Board of Review to examine all plans for construction on external improvements within Reston. This section sets forth general guidelines to be used by the eight member board⁴⁵ in determining what activities do or do not insure the best use of the natural landscape while conserving its beauty.

Residential Property Protective Covenant and Restrictions

The second section of the Deed pertains only to residential

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Six architects and two lay members.

property within Reston and sets forth additional restrictions which specifically apply to dwelling units (i.e., controls over TV and radio antennae).

This section also sets forth the membership rights and responsibilities of the developer and the homeowners within a developer-established Home Owner's Association. ⁴⁶ It contains language which enfranchises only property owners, grants voting rights of only one vote per dwelling unit, and guarantees developer control of the association until at least 1985. It does not clearly specify a timetable for citizen participation or control of the association. It relates the composition of the Board of the Association, in terms of a resident-developer split, which in turn is dependent on the rate of development of the property, the commercial-industrial-residential mix, and the rental vs. owned residential mix.

The basis for assessment of property by the Home Owner's Association to provide revenue for enforcing the Deed and maintaining the dedicated areas is also included in this section. The language is ambiguous and much disagreement has ensued over the correct interpretation of the manner in which assessments should be levied.

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See following sections for a discussion of the creation and the merger of the Associations.

The residential restrictions section also creates the vehicle of cluster associations for Reston. According to this section, cluster associations are to be created and operated in all areas platted by the developer as clusters, as miniature home owner's associations with duties as prescribed in this section of the Deed. The assessment structure for clusters is also ambiguously described and cluster members are granted these membership rights and duties in addition to their membership in the larger home owner's association.

Commercial Property Protective Covenants and Restrictions

All commercial and industrial property in Reston is bound by an additional set of covenants in addition to the General Covenants. These are not necessarily parallel with the residential covenants. The commercial and industrial covenants are largely architectural in nature governing permitted uses; changes, etc. within these zones. Commercial and industrial property is not within the domain of a home owner's association and is not assessed to support home owner's association activities.

Duration, Amendment, and Enforcement of Protective Covenants and Restrictions

The Deed provides for its own enforcement and amendment. The developer, Home Owner's Association, Cluster Associations,

and owners of any portion of the deeded property are all entitled to enforce provisions of the Deed by actions at law or suits in equity. The number of parties with the right to bring suit over an infraction of the covenants is large.

The Deed is guaranteed continuance as written until at least the year 2005 and from then on in 20-year increments unless amended at least five years prior to the continuance date by more than 50 percent of the votes of the members of the association.

Major provisions of the Deed, however, cannot be changed if more than 10 percent of the votes of the members of the association are cast in opposition to the amendment. Minor provisions can be altered if no more than 20 percent of the voting membership oppose the change or failing that, by a seven-ninths vote of the Board of Directors providing that the majority of the member votes were also in favor of the change. The developer of Reston is disallowed from voting on dues increases.

Lastly, the Board of Directors of the Association is established as the final authority on the interpretation of the Deed short of court action. Court action against part of the Deed shall affect only the part in question and cannot nullify or void the remainder of its provisions.

Deed of Dedication Amended

The discussion of the Deed refers to the Deed as amended in 1966. Changes were made at that time ⁴⁷ in clauses relating to membership, voting rights, and the amending procedures in order to obtain the first FHA insured housing in Reston. The changes lessened the number of votes guaranteed the developer, required that all land dedicated to the Home Owner's Association by the developer be transferred only with the consent of the Association, and lessened the developer's ability to amend the Deed in the face of resident opposition.

Since the writing of the amended Deed the two originally established Home Owner's Associations have been merged into one Reston Home Owner's Association. The merger has not affected the covenants or Deed except to lessen the number of organizations responsible for enforcing the covenants.

Organization and Powers of the Clusters

In Reston, the cluster associations are mandatory legal entities incorporated under Virginia law; they are, in many respects, miniature home owner's associations. Membership

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While Simon was still in control and there were so few residents that the amending process was fairly simple.

rights and responsibilities in the association run with the ownership of townhouses in the manner set forth in the Reston Deed of Dedication, the Cluster's Articles of Incorporation,⁴⁸ and the Cluster's By-Laws.

The clusters exist as legal instruments in order to maintain, improve, and beautify their commonly-owned open space, paths, streets, parking areas, outdoor lighting, playgrounds, and other facilities⁴⁹ which may be deeded by the developer to the cluster.

Clusters are empowered, through the Reston Deed of Dedication and the Cluster's Articles of Incorporation to act through a Board of Directors usually of five members, in order to carry out their legally designated functions and other discretionary activities and to levy dues in order to finance these functions.

They usually have the executive officers such as president, vice-president, secretary, and treasurer. Clusters

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Although the legal basis for cluster associations was created in the Deed of Dedication, each cluster had also to be incorporated as non-stock, non-profit Virginia incorporations. Thus, while the cluster's Articles of Incorporation repeat parts of the Deed, they establish the legal foundations for the operations of each of the various cluster associations.

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Such as the marinas in the lakefront clusters.

do not have legally established ceilings limiting the level of dues which may be assessed, this matter is fully the the
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discretion of the cluster Board of Directors.

In the early stages of a cluster's development, the Board of Directors of a cluster is selected by the developer of Reston but afterward the association is turned over to the residents to manage, usually no earlier than the time when 50 percent occupancy of the townhouses in the cluster is reached, but possibly considerably later. The resident members elect their Board with each household having one vote with only resident home owner households eligible to vote. At this point, the residents begin to be assessed for maintaining the cluster common land, theoretically when the management of the association is turned over the residents the deed to the common property will also be turned over to the association although in the past some of these deeds have been held in escrow beyond the time when residents were managing the association and being assessed for maintaining the common property.

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This is in sharp contrast to the Reston Home Owner's Association which has a dues ceiling of 1 percent of assessed property value which it may not exceed.

In addition to maintaining the common property, the clusters are also responsible for seeing that the protective covenants and restrictions are not violated. Generally, their Boards' responsibility in this area has consisted of advising the Reston Architectural Board of Review on the merit of proposed external improvements or changes within their cluster. The Board itself may review the proposed changes or appoint an Architectural Committee with responsibility in this area. The Architectural Board of Review is not bound to accept the cluster's recommendations but is unlikely to reject their advice in the absence of conflicting testimony.

Cluster Functions, Budgets, and Dues

The basic duties or functions of the cluster Board of Directors include maintaining facilities including cluster streets and landscaping; contracting and supervising services such as snow removal on cluster paths and streets; cluster lighting; collecting member's dues; maintaining the corporation and non-taxable status; maintaining the insurance and liability status; paying property tax on cluster property; and preparing the cluster budget.

Prior to and immediately after the election of resident directors other unique functions must also be performed, either by the residents in general or, after the election, by the new board. These include: a walk-through of cluster property to be

sure that the property is in good condition and that all planned improvements are in place when the property is turned over to the residents; inspection of the deed to determine exact cluster boundaries and location of easements; investigation of cluster insurance and renewal if necessary; and investigation of submitted site plans to be sure that all planned paths and walkways are or will be in place. In addition, the developer's cluster by-laws may need to be revised by the resident board to more adequately suit their needs.

There are wide variations in the degree to which cluster Boards depend on professional help to carry out their functions, the effectiveness with which these functions are performed, and the cost to the residents.

These differences are partly due to differences in maintenance or landscaping levels of expectation of cluster residents in various clusters and partly due to differences in the nature of, and operating costs associated with, their common land and facilities. The number of lights per cluster, the percent of cluster land in turf, and the presence or lack of cluster carports are all factors in addition to cluster size and density which can affect how efficiently the inexpensively the cluster association may perform their services.

Politics of the Cluster Associations

The ultimate decisions about which services the cluster will perform and at what cost to the residents ⁵¹ lies in the hands of the cluster board. The Board of Directors is granted control over these decisions for three year terms through the Reston Deed of Dedication and the cluster's Articles of Incorporation. The Association's by-laws can be written or amended in such a way to give members a more active role in cluster decisions, however, and in several clusters this has been done.

Although the Cluster Board has the authority to make any and all service and dues decisions for the cluster, they must have a modicum of support for these decisions from the cluster residents as their tools of enforcement are operationally, if not legally, very weak. The Board can put a lien on the house of any cluster member who is in arrears

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Although the Deed of Dedication states that the cluster board shall fix a charge "in proportion to the assessed value of the lot...or by any other measure deemed by the Board of Directors of the Cluster Association to be fair and equitable" and thus give the Boards a great latitude in methods for determining assessments, there is almost complete uniformity in the method used. All the clusters use an across the board flat fee within that cluster except where some households have carport rights and some do not. In those cases, the households have cluster carports are sometimes assessed another incremental flat fee in addition to the basic dues.

on his assessments or it can remove a household which is in arrears or in violation of the covenants from membership in the association. The second only would prevent members of such a household from serving on or voting for the Board of Directors and could relieve them of dues obligations while it could not prevent them from benefitting from the improvements and maintenance conducted by the association. The labor and cost involved in taking a member to court are prohibitive factors in the first case for most clusters. Small claims court has been suggested as one possible remedy for cluster boards.

Even more important, however, is the fact that the cluster association is both a legal and a social entity. It is very uncomfortable to be living among or around people whom you always see if your dues are unpaid. In the case of non-resident homeowners who are in arrears this presents no problem, but the fact that the Board and the members are all neighbors is a strong force acting to prevent the Board from taking full advantage of its legal powers and consistently making unpopular decisions.

This is not to imply that the cluster associations operate democratically although some clusters have democratized their operations a good deal, none operate fully

In several cases members review the budget; in a few members vote on the budget; one or two have rewritten their By-Laws to increase the size of the Board and to insure participation from all parts of the cluster. In one case where the By-Laws were rewritten the new By-Laws are now in conflict with the Articles of Incorporation.

democratically. In the clusters where a review meeting is held on the budget and a vote is taken, only the views of those cluster residents who appear at the meeting are taken into account. These are probably the most vocal and intense of the members, thus, the budget review gives the Board some protection against unwittingly annoying this group and also lends "democratic" legitimacy to their decision. However, a few clusters have become embittered about the use of this approach when an intense minority has been able to overturn the sense of the majority by turning out in full force for the review meeting. In short these "democratizing" efforts may not protect the cluster from an autocratic Board's will by substituting "majority rule" as much as by substituting "counterwaiting minorities".

The Council of Clusters

Another Reston institution dealing with service delivery problems is the Council of Clusters (COC). The COC is a loose non-revenue association of Reston's Cluster Associations. The Cluster Presidents rotate the chairmanship of the COC and there is an honorary secretary as well.

The COC was first started in 1968 when several clusters came together to discuss a mutual problem dealing with lighting. They appointed a chairman but did not expand their involvement or attempt to keep the organization visible

and active. In 1970, the Executive Director of the Reston Home Owner's Association, Karl J. Ingebritsen, wrote to the clusters asking if they would be interested in reviving the COC. The response was minimal.

Finally in early 1971, Mrs. Rita Berman completed a density study of 15 Reston clusters and found from questionnaire response that interest in a communication device among clusters was present. In March of that year Mrs. Berman contacted the clusters again and about a dozen cluster representatives met and decided to revive the council.

Currently, the council is limited to educational, communicative, and informational types of activities but can have a greater impact both within Reston and outside (i.e., with maintenance contractors) because it speaks with a unified voice for such a large group of people (approximately 6,000 townhouse dwellers at this writing).

It has monthly meetings with guests speaking on areas of specific concern to the clusters with between 50 and 100 percent of the clusters in attendance each month. Two of its early successes have been an integrated system of contacting snow removal contractors, thus preventing escalating costs due to clusters bidding against one another for the same contractor, and the production of an information booklet for which each cluster paid a voluntary assessment.

The information booklet is designed to help new clusters discover quickly the responsibilities facing them and some of the methods the older clusters have been able to handle satisfactorily the same situations. The COC felt this was of prime importance as this information had not been forthcoming from any other source in Reston and most clusters felt they could have handled the affairs of their associations better with less wasted effort had they had the use of this type of information before they began.

The COC is filling an important role in Reston currently and promises to be even more prominent in the future.

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Such as "Forms to be Filed," "Sample Budgets," "Sample Land Maintenance Contract," and the like.

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The section on clusters was researched by Jean S. March as she is a townhouse resident and was more familiar with both the procedures and personalities involved. She also assisted in its preparation.

RHOA--RESTON HOME OWNER'S ASSOCIATION

The Origins: FHOA and SHOA

Although the RPC zoning ordinance and the Deed of Dedication called for a home owner's association, two associations evolved. The First Home Owner's Association (FHOA), covering that portion of the property north of the Dulles Access road and the Second Home Owner's Association (SHOA), to cover the property to the south. The Associations were empowered "to operate and maintain, in neat and good order, and for the use and benefit of the inhabitants of the property subject to these covenants, all parks, parking areas, open spaces, streets, paths and other facilities from time to time designated or conveyed 'by the developer' to be so operated and maintained".⁵⁵ Both Associations were established as non-stock corporations under the Virginia Non-Stock Corporation Act, with property owners as members, and given the power to assess annual dues for necessary expenses. There was also a provision for the gradual lessening of power allocated to the developer in the Associations in direct proportion to the amount of property owned by said developer decreased with time. (Not directly proportionate.) There were also corporate bodies established

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Kathryn Stone, Unpublished manuscript, p. 154.

as Cluster Associations with the responsibility of maintaining the open spaces and facilities within the townhouse clusters. (Refer to previous section.)

Simon's reason for organizing two separate Associations was programmatic. The kind of development around Lake Anne had never been attempted in Virginia before and it was at best, an experiment. The area to the south, Hunters Woods, was a more conventional kind of land use with cul-de-sacs and detached homes on half-acre and larger lots. Simon did not want the property owners in the Hunters Woods area to be forced to maintain the property and open space around Lake Anne if his experiment failed.

Initially, FHOA and SHOA were managed by nine member boards of directors, all of whom were appointed by and represented the developer, and served a first term of five years, which expired in 1969. It was planned at the outset to have the citizen members choose new directors at the annual meeting of the Associations in April of 1969.

Gulf-Reston, Inc. had taken over the development of Reston and still had the power in 1969 to appoint all nine members. There had been no change in any of the legal documents regarding the boards of directors, their number, any schedule for the introduction of representatives of the home owners on the boards until the developer sold a

majority of the lots nor any procedure for how citizen members would eventually displace developer members as the population and development increased.

According to William Magness, Executive President of Gulf-Reston, Inc., there were three major reasons for citizen representation on the boards of directors. First and foremost he felt that Glenn Saunders, then Executive Vice-President, Donald Cummings, and others within Gulf-Reston were spending inordinate amounts of their time solving problems and preparing budgets that should have been taken care of by the citizens. Secondly, he felt that it was vital for the citizens themselves to become involved in the decision-making process within the community. Finally, he felt that it was vital for the citizens to have some experience in running the affairs of the Associations before their ultimate takeover which would occur whenever Gulf-Reston substantially completed development and sold a majority of the platted lots. When asked about possibilities for any future change in the number of citizens represented, Magness stated that he saw no immediate need for such action.

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Interview with William Magness, Executive President of Gulf-Reston, Inc., May 8, 1972.

How the decision was made to have three resident members rather than two or four remains unclear. Karl Ingebritsen,⁵⁷ former Executive Director of both Associations, has stated that he originally suggested six citizen representatives to Saunders and Magness early in the process but that they felt this was too many because the developer would then lose control of the boards. Magness has stated⁵⁸ that three was the number chosen because it was felt at that time that within the next three years there would be three village centers completed or under way. Three would be enough, he felt, to represent the citizens and accomplish the goal of citizen input, training for citizen takeover, and removing the burden of budget preparation and other matters from the shoulders of the developer representatives.

The actual election of both citizen and developer members took place at the annual meeting. The three candidates representing the citizens from FHOA were chosen at a caucus prior to the annual meeting. Their names were presented to the existing board and nominated at the meeting by one of the directors, Donald Cummings. The actual vote was taken by a show of hands.

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Information gathered listening to a taped interview with Karl J. Ingebritsen, former Executive Director of RHOA, date unknown.

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Interview with William Magness, May 8, 1972.

Members of the SHOA also caucused prior to the meeting but came up with several names. They caucused again at the annual meeting and the three top vote-getters names were submitted to the board of directors. As with the FHOA candidates, they were nominated by Donald Cummings and voted on by a show of hands.

In both cases the developer cast votes, equal to the number of platted lots and apartments owned. These votes were cast for the citizens nominated by the resident caucuses, as well as for the six candidates nominated by the Gulf-Reston Corporation to fill the remaining positions.

The Merger and Revised Structure of RHOA

As early as 1966 Simon felt that these two associations should be merged but unfortunately he was swamped with more urgent financial problems and gave the matter no attention.

When Gulf assumed control in 1967, they were also concerned with the financial problems which led to Simon's ouster and little attention was given to this matter until 1969 when Karl Ingebritsen was employed as the Executive Director of both Associations. In many conversations with Glenn Saunders and William Mangess, Ingebritsen urged that the two Associations be consolidated as soon as possible because it would be financially more efficient.

The merger was desired by Gulf-Reston management because of the unusual amount of time required by the developer's staff in preparing similar budgets and other materials or programs for two separate associations. Magness saw great difficulty involved in the process of deeding facilities to the associations.⁵⁹ He also felt that there would be divisiveness between the two groups if a facility such as the riding stables were deeded to one group and nothing to the other, not to mention questions of the ability of each association to finance such facilities on their own. An additional area of concern was what might happen to future villages as they opened up and developed. Would each village be governed by its own home owner's association? Generally the developer felt that by merging the two, the combined association would be more financially and politically representative of Reston.

The mergers began to take real form when Magness suggested in August of 1969 that the consulting firm of Booz-Allen-Hamilton be hired to do an extensive study of both the merger and possible forms of a quasi-governmental structure for the home owner's associations.

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Interview with William Magness, May 8, 1972.

The merger was an unpleasant subject with some of the citizen members of the Board of Directors of the Second Home Owner's Association (SHOA). There was feeling at the time that the merger was a move on the part of the developer to deny residents any meaningful control over local or village projects. Because a form of control at the village level was the only meaningful avenue for citizen participation at this time,⁶⁰ some citizens from Hunters Woods and the president of the SHOA Board, Michael Healy, decided to lead the fight in opposing the recommendations of the Booz-Allen-Hamilton study and the wishes of Gulf-Reston, Inc. Many of the SHOA citizens were distressed because of the lack of attention they felt the authors of the Booz-Allen-Hamilton report were giving them.

Another question of major importance and which fueled the fires of divisiveness, was the question of proxy votes in the upcoming poll regarding the merger. The type of development in Hunters Woods led the citizens to believe they had more votes in the Association than the developer.

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The developer controlled both Associations because he could, and still can, vote once for each platted but unsold lot in addition to voting for the apartment units.

As explained in the section concerning the Deed of Dedication, there was to be one vote per unit and because there were no apartments and few platted but unsold lots, there was a question as to whether Gulf-Reston, Inc. owned more lots than the citizens did.

The citizens attempted to interest everyone in SHOA in the matter and gather support for a citizen take-over of the Association. The situation became inflammatory when the developer issued an edict stating that there would be no proxy votes and that an unreturned vote would be considered a vote to merge the First and Second Home Owner's Associations.

The First Home Owner's Association (FHOA) leadership had already stated that they were in favor of the merger and was awaiting the decision of the SHOA poll. The question was settled when the developer registered additional lots with the County just prior to the voting so that they retained a majority.

The merger was accomplished and beginning in January of 1970 there was one Reston Home Owner's Association (RHOA). The new association was formed following the recommendations of the Booz-Allen-Hamilton report and the legal documents covering FHOA and SHOA were accepted for RHOA.

In 1970, when the two associations were merged, no elections were held for citizen members of the Board of Directors. Under the terms of the merger two citizen representatives from the FHOA Board and one from the SHOA Board were to become the three citizen members of the new RHOA Board of Directors. The six remaining positions were filled by the developer directors who had served on the boards of both previous associations. All of the directors of the merged association served for two years, until a new election at the 1972 annual meeting.

Of the three citizen members of the new RHOA Board, Robert Perce and Frederick Naef, formerly of FHOA, and Michale Healy, formerly of SHOA, only two were willing to accept the responsibilities of the position of president of the Board of Directors. It seems apparent that in choosing between Perce and Healy the six Gulf-Reston representatives wanted Perce to have the job because of Healy's role in the fight to prevent the merger. Because the president of the Board of Directors is the chief administrative officer of the Home Owner's Association, according to the legal documents, and because the Booz-Allen-Hamilton study had recommended it, and finally because the Gulf-Reston people wanted a lesser role in the operation

In order to give more time to development matters, it was decided that a citizen should have the job.

In 1970, Perce resigned as president of the RHOA Board and took a position with the developer, Gulf-Reston, Inc. At this time one of the developer members of the Board also resigned and Perce was appointed to fill his place. In order to replace Perce the preferential poll process was initiated as a means of nominating the citizen directors to the Board.

Under the rules established by the RHOA Board any citizen wishing to run for office must file a petition of candidacy signed by ten home owners. Candidates then "campaign" for directorships in the role of home owner. There is wide coverage by both Reston Cable TV and the *Reston Times*. Only home owners may vote in the poll. Renters are not allowed to vote, although they may run, and the developer does not cast his votes in the poll. The three candidates receiving the most votes are then nominated at the annual meeting by the chairman of the Elections Committee, a citizen, and a vote of the membership attending the meeting is taken. At this time, the home owners vote for the three nominated by the poll and the developer casts his votes for those chosen in the preferential poll.

Town Council and Committee System

The Booz-Allen-Hamilton study not only recommended merging the two associations for better management, but also suggested a quasi-governmental structure for the combined organization which was adopted after the merger. It was suggested that the new association be governed by the Board of Directors. The Board would be elected by the members and would elect a president, secretary, and treasurer and appoint an executive director to head the staff. This staff would work with and support the officers, executive council, and committees of the Association. Under them would be an Executive Council, comprised of the president of the RHOA Board, a vice-president elected from each village, and the Executive Director. The Executive Council would develop communitywide budgets, programs, services, and appoint communitywide committees comprised of representatives from each village. The study recommended a village structure which would discuss and develop programs and projects which would be village-oriented in nature.

Organized under a village vice-president, elected by the citizens in each village, it was recommended that these organizations be charged with planning and implementing programs and projects that relate solely to the citizens of each

particular village, developing budgets to support local programs and projects, and acting as a source of input to the executive council and communitywide committees.

The Booz-Allen-Hamilton study was presented to the public by the author and Gulf-Reston and a Consolidated Task Force of citizens was set up to come up with alternatives to, or modifications of the recommended structures.

After several months of review, a court test⁶¹ of the legality of the merger by some 200 citizens, and much disagreement between the citizens themselves and the citizens and the developer, a revised structure was accepted by the RHOA Board of Directors in May of 1970. It was adopted on an interim basis and a study team on Reston Institutions was organized under the direction of Gene Bergoffen, then president of the Reston Community Association (RCA), and charged with recommending a permanent plan for RHOA reorganization.

Under the interim structure adopted by the Board of Directors, a Village Council was established in each of the two villages. Each Village Council was comprised of five members, three of whom served for two years and two for one year terms. Village Councilmen were elected by all residents 16 years old and over within the villages, renters included.

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Baker vs. Magness.

The Village Council then selected its own chairman, and was to be responsible for RHOA projects and procedures on a village level through the establishment of village committees and a village management cadre comprised of the chairman, a secretary, and, if necessary, a treasurer.

Each Village Council Chairman automatically became a member of the newly created Town Council, a coordinating unit for town-wide projects and procedures. The three resident members of the RHOA Board of Directors were also members of the Town Council, which was responsible for the coordination of committee work on a town-wide level and for general town management.

The RHOA Board of Directors had interpreted the recommendations of the Consolidation Task Force to mean that home owners' projects should originate primarily with the residents, and that the Village and Committee structure should afford the mechanism whereby proposals could be refined at each level with the assurance that they become part of the planning and budget cycle.

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The effect of the substructure adopted by the RHOA Board was that the Budget and Planning Committee and the Town Council were to be charged with much of the budget preparation

for RHOA. The activities of the Executive Director, then, came under the supervision of the Town Council's Management Committee, comprised of the president of the Board of Directors, the Executive Director, and his immediate staff (secretaries, the information officer, etc.).

Implementation of programs was to be dependent on the type of project. The Executive Director was to be generally responsible for the implementation of the basic activities of RHOA, while both the Town Council and the Village Councils, either independently or through committees, would be responsible for the implementation of other programs, especially those of specific village significance.

The Executive Director

Originally the Executive Director had worked for both FHOA and SHOA, splitting his time between the two groups. The first person to serve in this position, Karl J. Ingebritsen, was hired by the developer since they held full control of both boards. He received his direction from within the developer's staff, principally the Executive Vice-President of Gulf-Reston, Glenn Saunders. The position was initially created because it was clear that the associations needed full-time management attention.

At the outset Ingebritsen was told to report to the developer on policy questions and for his directions. This

seemed quite logical, in view of the fact that at the time he was hired there were no citizens involved in the affairs of the associations as members of the boards of directors. Soon afterwards, however, citizens were elected to each of the boards, and in each case a citizen was chosen to be president.⁶³ The Executive Director was then informed that he should report to the two presidents when questions arose.

This situation might have worked out positively if it had not been for the fact that the developer (who still held a two-thirds majority of each board) was behind the move for consolidation of the two associations, as was Ingebritsen. The developer then ordered that Executive Director to mail legal notices regarding the merger. The citizen president of SHOA ordered Ingebritsen not to mail the notices, but Saunders informed him to go ahead. At the same time, Ingebritsen was told by the developer to tell the director of HOA information and Lake Anne Hall, Priscilla Ames, that she was no longer on the payroll. When the president of FHOA, which operated Lake Anne Hall, objected to this move, Ingebritsen was forced to capitulate because he was told that FHOA would pay Mrs. Ames whatever SHOA refused to contribute to her salary.

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The Articles of Incorporation and By-Laws state that the president of the board shall be the chief executive officer of the corporation.

When the position of Executive Director was created there was no plan for the development of the position as Reston's population increased. There was never any job description produced by either the developer or from either of the original citizen presidents of the home owner's association boards of directors. At the time Ingebritsen was hired the only definite comment he received on what his role should be, came from Jane Wilhelm, an employee of the Reston Foundation, which was also developer controlled,⁶⁴ who advised him to act as a city manager.

Until January of 1972, when the report of the Study Team on Reston Institutions was released, there still had been no stated job description for the Executive Director or a definite relationship to the rest of the RHOA structure. The Study Team Report made several recommendations regarding not only the role of the Executive Director and his relationship to the RHOA structure, but recommended basic changes in the structure itself.⁶⁵

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A discussion of the Reston Foundation will appear later in the text.

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A discussion of these changes and implications will appear later in this chapter.

The RHOA staff at consolidation consisted of the Executive Director, the Director of Lake Anne Hall, and Vernon Walker, Director of the Nature Center. In addition, there were secretaries, a bookkeeper, maintenance personal, and seasonal employees such as life guards for the swimming pools. RHOA operated an information office in Lake Anne Hall and Priscilla Ames was the person principally responsible, although there were other part-time employees.

The Nature Center, an arm of RHOA, was created and funded by Robert Simon until his departure, and subsequently by Gulf-Reston, Inc., until the merger of SHOA and FHOA.⁶⁶ It was created by Simon to serve as a center of environmental education because of the amounts of natural open space within Reston. The Reston planners, guided by the principles of sound ecology, created a center where children and adults could learn about their natural environment and how to preserve and care for it.

The Revised RHOA Structure

The difficulties which arose with the revised structure were the result of several factors. First and foremost was the

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Although Gulf-Reston still subsidizes the Nature Center the amount decreased from \$10,270 in 1971 to \$5,000 in 1972.

quasi-governmental structure which RHOA had assumed. This caused many citizens, both those serving on the Town and Village Councils, the citizen Board members, and citizens in general, to regard RHOA as a level of government below the County Board of Supervisors. This confusion resulted in part because of the lack of knowledge of Virginia's governmental structure on the part of the general citizenry moving to Reston, as well as lack of knowledge about Reston and its inability to incorporate. Secondly, the RHOA structure was complex, confusing, and difficult for the average person to comprehend in terms of who was in authority; the RHOA Board or the Executive Director.

Problems arose between the Town Council, the entire RHOA Board (which is still Gulf-Reston controlled), and the Executive Director because there was no clear-cut division of power or authority. The situation on the issue at hand seemed to determine who set the rules.

These difficulties resulted in several changes, both of personnel and in structure; some of which were suggested by the Study Team on RHOA Institutions, and some of which occurred because the people involved were so frustrated with the structure and its problems.

Karl Ingebritsen resigned as the Executive Director in 1971 and was not replaced until the Spring of 1972. Thomas Burgess, a former assistant city manager in Kentucky agreed to take the job believing that he was hired by and would

report to the Town Council. However, the Gulf-Reston members on the Board of Directors made it clear at a public meeting in March that it was the RHOA Board, not the Town Council who had final authority in these matters and that Burgess was to report to the RHOA Board through the president.

Priscilla Ames resigned as Director of Lake Anne Hall, the place where the information office of RHOA had existed since the days of Robert Simon, in the Spring of 1972 over a disagreement with the Town Council. All of the RHOA offices had been on Lake Anne Plaza, which was the only Village Center and the focal point of many Reston activities, as well as the only gathering point in town. The Town Council determined that in order to save money, the RHOA offices should be moved to Isaac Newton Square, Reston's center for business and industry. While the office facilities were definitely better, this moved everything away from where people would have easy access to RHOA, the Nature Center, and the Information Director.

During February and March of 1972, interest began to build in the upcoming elections of the new RHOA Board of Directors. The interest had been generated, in part, by the submission of the Report of the Study Team on RHOA Institutions which had called for a limited role for RHOA,

strictly that of maintaining the common land as stated in the Deed of Dedication. The report was supported by some and ridiculed by others.

As a result the candidates for the three citizen board positions were divided into two camps and conducted vigorous campaigns. Two who supported the report were elected, Carl Stenberg and Adrian Gilbert and one who did not, Robert Ewald.

Gilbert, because he received the highest number of votes of the three, was contacted by the developer members of the board and was asked to accept the position of president. He agreed and at the first meeting of the Town Council after taking office he informed all present, both members of the Town Council and the public, that the Town Council had been abolished. His reasons were that it was a confusing structure, its former members had been told by the developer members of the RHOA Board that it had no final authority in RHOA matters, and that it had been defunct in fact, since January of 1972 because it had been part of the temporary structure set up during the 1970 merger designed to go out of existence.

Although this created a wave of negative reaction at first, the community seems to have accepted Stenberg's and Gilbert's

alternatives, which is an advisory committee made up of the three citizen Board members, the chairman of the three village councils, and the executive director. Their new role is to advise the RHOA Board, specifically the president as the chief executive officer, of the programs and policies they wish to see implemented.

The staff change in addition to that of the Executive Director and the citizen board members was that of Nancy Grant, the new Information Director. The offices remained in Newton Square with only part-time help in the information office in Lake Anne Village.

RHOA Programs and Budget

The total income and expenses for RHOA in the 1972 budget was \$331,500.⁶⁷ The budget was submitted in December of 1971 and was based on assessments which included new units billed as of the first of the month following the month in which they are assessable.

All activities of the Association are financed through the assessments on residential property which are not to exceed 1 percent of the assessed valuation of the lot. Although the

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Figures may be obtained from Reston Home Owners Association.

Deed of Dedication indicated that such rates ought after 1966 to be in proportion to the assessed value of the lot, the fee has remained uniform for all lots and units and is currently \$50 per year.

The purchase of a home on a lot in Reston constitutes the requirements for membership in RHOA. It is a fairly traditional example of a home owners association whose main functions are to maintain the open spaces, lakes, and walkways; operate the pools, tennis courts, and other recreational facilities; provide information, operate the Nature Center, and participate in the Architectural Board of Review. The Articles of Incorporation include an elastic clause which permits RHOA to perform other functions as needs are perceived.

The tennis courts, stables, and pools are each run by respective volunteer committees who advise the RHOA Board what the priorities are for each operation. Of the three, the pools are the only operation which has not paid for itself consistently. They are managed by a pool management firm which contracts with RHOA through the submission of a low bid and recommendations of the pools committee. There are presently seven pools, 14 tennis courts, one stable with box stalls and an indoor riding area, and one pony barn, which are operated and maintained by RHOA.

The open space is maintained in a variety of ways, depending on the type. There is a full-time maintenance crew which takes care of lights, planting, moving, and similar operation. There is also an operation called the Trailblazers which hires young people in the summer months to construct play sculptures, clean up debris from the walkways, and do light maintenance work. Part of this operation is handled through the Nature Center by Vernon Walker, the director, and part by volunteer mothers, fathers, and college students, who supervise the work.

The Nature Center itself, operates from an office within the RHOA office complex in Isaac Newton Square. A portion of property in Hunters Woods has been designated for a facility but no date has been set for its completion. Its main activities consist of nature walks through the woods, sporadic publication of a newsletter, and services to residents such as bulb ordering and planting advice.

Lake Anne Hall is the only community center. It is rented from the developer and maintained by the RHOA staff. It serves as a meeting room, theatre, workshop, restaurant, and dance floor. The other community facilities are the Glade Room a small facility built above one of the pool bath houses which is used as a nursery-kindergarten during the day, and Brown's Chapel owned and restored by Gulf-Reston, it is an old church which

is shared by a pre-school and RHOA who both pay rent.

The information service provided by the Reston Home Owner's Association consists of the operation of a small office at Lake Anne Hall staffed by one person at different shifts to answer the telephone and walk-in inquiries. Recently a monthly newsletter, the *RHOA Record* has been published and distributed throughout the community by volunteers. There has been no attempt, as yet, on the part of RHOA to publish any sort of written material for the new home owner or the person interested in purchasing a home in Reston. The members have had to rely on information by word of mouth by older residents or a description of the organization discussed at the annual meeting of RHOA in the spring.

The Problems of RHOA--Analysis

From the beginning of both FHOA and SHOA, and subsequently with RHOA, there have been problems which have been a result of the structure. During the merger a group of citizens requested that the structure proposed by Booz-Allen-Hamilton and accepted by Gulf-Reston be accepted as an interim structure and that a group be formed to study RHOA's role and structure and submit a report before the 1972 Board elections.

The RHOA Board accepted the citizens recommendations, with some revisions, and adopted the proposal for a long-range study.

In May, 1970, the RHOA Board President asked the Reston Community Association President to undertake the review. Included in the RHOA Board's request were two major study elements--an objective to propose a more permanent structure for RHOA, and an analysis of the ultimate role of RHOA as a political, social, and management entity in the Reston community. Also included were questions concerning transfer of control of RHOA from the developer to the community.

The charge for this study was particularly significant as the first effort in Reston's history to involve residents of the community in a long-range view of the possibilities of how its institutions might be structured or established in the long run. In fact, the Study Team effort comprised the first comprehensive look in Reston's developmental history of how Reston might frame its system of governance as a new community during and after its period of adjustment.

The Study Team found it both necessary and desirable to look at the entire potential institutional structure of Reston as basic ground-work for proposing a role and structure for RHOA.

The Study Team concluded that there was a need for an independent, democratic institution to foster a sense of community identity and facilitate participation within the framework of a

large county local government. It recommended that this be achieved through establishment of a community council, responsible to the citizens of Reston with a defined and acknowledged relationship with the Fairfax County Board of Supervisors.

It was felt that RHOA's functions and role should be focused on its responsibilities for property and facilities ownership maintenance and operation, and enforcement of the Deed of Dedication, and that RHOA should avoid quasi-governmental functions.

The Study Team Report recommended that the Board of Directors should be comprised of six developer and three resident members, until Reston's population reaches 32,000, at which time the composition should be five developer and four resident members, they should have staggered terms, and elect a developer representative as president.

It was determined that the Town Council concept should be abandoned as part of the RHOA organization and a RHOA Operations Committee be established. This committee, comprised of the RHOA Board President, the resident Board members, the major committee chairman, the Executive Director, and the Chairman of the Council of Clusters, would serve to coordinate volunteer activities and to advise the Board on detailed budget and policy matters.

The Study team recommended that the Executive Director be responsible to the RHOA Board and should serve as RHOA's business manager, responsible for implementing Board policies, supervising staff and preparing the annual budget. The input for the budget and other programs should continue to come from volunteer committees, organized according to the various RHOA functions, with a neighborhood, village, or "town" orientation. It was at this level that renter participation was encouraged as well as the possibility of service on the RHOA Board itself.

The main thrust of the Report of the Study Team was that the Town Council structure was confusing because it had no relationship with Fairfax County, nor could it have because it was controlled by the developer. The recommendations, centering around a role of maintenance and operation of facilities for RHOA, called for a democratic body to assume a relationship with the County Board of Supervisors which would facilitate improved communication between the County Board and Reston residents concerning their needs. These recommendations for a Reston Council were similar to those devised by the U.S. Advisory Commission on Intergovernmental Relations for county subunits of government, some of which are in operation throughout the United States.

Some of the other problems stemming from the RHOA structure

resulted from the developer's role in the organization. Before the Gulf takeover, Simon controlled both the SHOA and FHOA and it was clear that the developer was the final authority. The role of the developer changed when Gulf took charge of the operation, however, because of the introduction of citizens to the Board of Directors. Because the chief executive officer of the home owner's corporation is the president of the Board, and because in FHOA, SHOA, and RHOA this position has been filled by a citizen, the lines of authority have been blurred.

Gulf-Reston officials were more than willing to turn over the time-consuming duties of preparing the budgets and the like. However, as mentioned earlier in this case of Ingebritsen and the legal notices for the merger, as well as the firing of Priscilla Ames, the Gulf-Reston officials seemed to want to keep control. It is clear that in any new town development because of the sizable investment the developer has, he must retain control over matters which might affect that investment. This was probably so for the merger of SHOA and FHOA but the problems that have arisen before and since are a result of no clear statement on the part of Gulf-Reston just where they stand on who controls what and when. They have often shifted with the situation rather than devising a mechanism which would

allow citizen control over the decision-making process on matters of concern to the residents, and developer control when the decision would affect the development process.

The citizen role within the RHOA structure has been confusing at best. Several factors are responsible. First of all, no one, either from the RHOA office or a member of the association, ever visits a new home owner to explain in simple terms what RHOA is and what each person's rights and responsibilities are within its context. The legal documents, although they are signed at settlement, are left for the individual to interpret as best he can. As a result, the new resident, and often the older resident, is unable to determine just exactly what he is getting for his \$50.00 a year dues.

Many new residents are also unfamiliar with Virginia's local governmental set-up and consequently Town and Village Council structures were additionally confusing. The difficulty stems from not knowing who is in charge, Gulf-Reston, the Town Council, RHOA, or Fairfax County. Most new residents are unaware of the impossibility of incorporation, which only adds fuel to the fire.

This sort of ambiguity also exists for the Executive Director of RHOA who must deal with all these parties. Although Gulf-Reston stated in a March 1972 meeting that the president of the

RHOA Board was the person to whom the Executive Director and others should report, one can only wonder when they will again shift policy gears as a new situation arises.

In looking at RHOA's problems as they relate to Fairfax County, one must realize that governmentally speaking, Reston is nothing more than a 7,000 acre real estate development in the northern part of the County constrained by State law from creating a separate local government. While there are many reasons why local self-determination might be desirable, there is little evidence that RHOA was considered as a potential government when the planners first conceived of Reston as a new town. Its structure demonstrates that the control of the land was paramount, and there was no means by which RHOA could relate to the County.

Another factor affecting the relationship between RHOA and the County is that of developer control of the corporation. Although the citizen members of RHOA might wish to go to the Board of Supervisors with requests for services not already provided or an increase in those that are, this is a difficult situation for the Board of Supervisors due to the fact that RHOA, while it represents the resident home owners of Reston, also represents Gulf-Reston and indirectly, Gulf Oil. It would be political suicide for the Supervisors to grant a request for

increased services on behalf of RHOA when the developer control exists. This would mean that every builder within the County would expect the same treatment when it came to the provision of services for their real estate developments.

RHOA's fiscal problems are due in part to the fact that committees of volunteer citizens have been responsible for preparation of the budget⁶⁸ and for determining what money should go for which programs. Another factor is the lack of funds for initiating new programs because of the flat \$50.00 per year fee. The dues provide only enough annually to operate the existing facilities and do a mediocre job of land maintenance because the small size of the budget precludes a large maintenance staff.

The swimming pool operation, in spite of the fact that there are only seven pools to serve a population of 18,000, has been in the red frequently. Several of the pools require substantial maintenance but the user fees (\$60 per three month season, per family) have not been enough to cover the cost of staffing the pools during the summer, much less additional maintenance.

Neither in Simon's original two associations nor with RHOA

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A copy may be obtained from Reston Home Owners Association.

is there much relation of the home owners association to the cluster associations. As explained earlier in the section on the clusters, their Deeds of Dedication are much the same as the home owners Deed. In addition, all cluster members are also members of RHOA. Under the proposal of the Study Team, the Operations Committee would include the president of the Council of Clusters, thus linking the two bodies. This has yet to be accomplished, however, and in a sense the clusters operate in isolation.

This has caused difficulty for the residents of the clusters in the same way that residents of the Reston community at large have been confused. The advantage that the clusters have is that when all the townhouses in the cluster have been sold, the residents have complete control of the organization, as opposed to the uncertain point at which residents will control RHOA.

In summary, the problems of RHOA stem mainly from lack of definition within the organization's legal documents. For much is left to interpretation and is, therefore, confusing and ultimately self-destructive.

The Architectural Board of Review

The legal documents which provide for RHOA also provide for an Architectural Board of Review (ABR), to be comprised of architects and lay members who must approve all construction

and site plans before any structure can be built. In addition, the Deed of Dedication requires all residents to submit plans for additions to houses, fences, garden sheds, landscape plans, and color changes for approval to the ABR.

The covenants require the ABR to consist of eight members, six appointed by the developer and two by RHOA. Of the six developer members one must be a lay person and five must be architects; RHOA must appoint one lay person and one architect. Simon relied on materials from the Urban Land Institute and modeled his ABR after those of conventional home owners associations in traditional developments. He apparently saw its functions as one related to planning Reston's growth, and felt that it would be a body which afforded protection of his interests. As more and more builders began to build in Reston, the ABR would insure high quality of construction and design. Simon felt that the planning function was more important in insuring the quality of the environment than the role of architectural consultant.

Unfortunately, like RHOA, the ABR has had its difficulties. It too has no schedule for takeover by the citizens in the Deed, and also suffers from a lack of clear definition or role in the legal documents.

Presently three of the architects appointed by the developer do not live in Reston and the fact that they, as well as one

other architect member, have done business with Gulf-Reston from time to time raises questions of conflict of interest. In addition, the developer has interpreted the Deed so that the ABR no longer functions as envisioned but rather must approve or act on situations which in a sense have already been decided. They are asked to make revisions or plans of structures about to be built or already under construction.

Margaret Cram, one of the RHOA appointed members, in an interview on August 29, 1972, stated that since she has been a member of the ABR, the entire Board has not as yet met together. She also stated that often many of the ABR members appointed by the developer, never see the actual site they are dealing with, and send letters stating those changes they would recommend rather than an approval or disapproval of the case.

Most of the difficulties have arisen with the citizens, not over the ABR approval or disapproval of fences or additions to homes, but over the failure of either the ABR, or the failure of the developer, to allow the ABR to maintain the high standard or architectural design so evident in Simon's first attempts, especially surrounding Lake Anne.

The Developer--Simon and Gulf-Reston

As one can tell, the developer roles of Simon and Gulf-Reston have been quite different. The attitude which Gulf-

Reston has assumed toward citizen demands for more services has been one of expecting the residents to provide for their own needs with no assistance from the developer. This probably stems from the tight financial situation at the time of the Gulf takeover of the Reston operation. It has been apparent that because the residents were willing to accept this situation then that the developer has continued with the same attitude.

There are several services which Simon provided the community and charged off to development costs rather than making them pay for themselves. A primary example is the initial support of the Nature Center, which Simon foresaw as a way of providing environmental education for the community. The operation of the Center was completely paid for by Reston, Va., Inc.

Another service is that of Colvin Refuse. Because Fairfax County did not provide county-wide refuse collection, it was necessary to provide this service to the very first residents that would come to Reston. As with the Nature Center, costs were handled by the developer.

When Gulf assumed control in 1967 they also took over the support and operation of these two services. Until the merger of the home owners associations, Gulf-Reston was paying the entire cost of the Nature Center. Although RHOA has assumed

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to be willing to provide seed money for the development of needed community institutions and programs, to get them started. He even designed and subsidized a Reston Foundation (to be discussed later in this chapter) to accomplish this end.

Gulf-Reston, while it has been far less willing to subsidize such operations, perhaps because of the tenuous financial conditions under which they assumed control of Reston, have similarly built on a lease-purchase basis with Fairfax County, the Reston fire station.

Gulf-Reston's role in RHOA has been different than that of Robert Simon from the beginning. It seems clear that although Simon thought some changes should be made as early as 1966, he was far too busy with financial matters at the time to make any substantive changes.

Financial matters were of grave importance to the Gulf officials at the time of takeover which is why they wished to have more citizen involvement and less of their time spent on home owner matters. This might also be said of some of their motives behind the merger of FHOA and SHOA. The duplication of effort, and other reasons mentioned earlier, made the merger a necessity in their view.

Their attitude toward the Study Team on Reston Institutions and its recommendations has been both positive

and negative. When the report was first released the official communication from the office of the Executive Vice-President, John Guinee, extolled the time and effort of the volunteer group but stated that the recommendations were unworkable. However, after the Study Team and several interested citizens arranged 33 neighborhood meetings to discuss RHOA's future, as well as the report, and the residents seemed to be solidly behind much of the Study Team's ideas, Gulf-Reston capitulated and came out in support of the concepts that the report had suggested, stating that because they were in control of RHOA that the residents would need some other sort of mechanism to communicate with the County about service problems.

Fairfax County Government--Reston Responsibilities

Although Fairfax County approved the RPC zoning ordinance and seemed committed to the kind of development Simon proposed in the early Sixties, there have been problems in the past and these seem to be on the increase. One of the biggest problem areas has been schools for Reston. Simon was required by the County to dedicate elementary and intermediate school sites within Reston, the County agreeing to purchase high school sites.

Because Fairfax County operates a county-wide school system, with the same programs in Reston as in the rest of the

County, and because of the County's rapid rate of growth, Reston has little impact on Fairfax County in terms of growth and must compete with many older jurisdictions and other new developments for its share of the County's school building resources. Reston's difficulties are greatest in terms of this competition and subsequent failure to obtain what some might consider its fair share. There are presently three elementary schools in Reston, which are all overcrowded and getting more so as construction of new housing continues, but no high school or intermediate school.

The County constructs new school facilities as population demands but only after the voters of the entire County approve the bond issues. This procedure has caused great difficulty for Reston, whose growth rate demands close to one new elementary school for 600 children each year. The older jurisdictions of the County have declining school populations and often empty classrooms, and are, therefore, unwilling to tax themselves to build new schools in growth areas like Reston. In June of 1970, a school bond issue was voted down which contained Reston's next three elementary schools and a high school--all to be completed by 1975. This means that even though the County purchased a high school site from Gulf-Reston two years ago, there is no guarantee that the high school will

ever be built. The County's growth projections, even though they had full knowledge of Reston's growth potential, predicted that Chantilly would have the greatest population increase and so a high school will be constructed there first.

In spite of the fact that Reston is well represented on the School Board, one regular appointee, the member at-large, and the student member, and in spite of their efforts on the part of Reston, the school crisis remains one of great magnitude. This is perhaps due to the fact that Reston, while it is the major portion of one supervisor's district, it is only one of nine districts altogether. The other factor to consider is that Reston is only about 5 or 6 percent of the County's population and even at completion size of 75 to 80,000 will remain so.

An interesting piece of information has been gained from another study being undertaken at Virginia Polytechnic Institute and State University, in Reston, by Ida Cuthbertson. Although the study is not yet complete and the evidence cannot be termed conclusive, it appears that in comparing the fiscal impact of Reston on Fairfax County with that of a more conventional type of development, that Reston costs the County less than the more conventional form, in terms of tax revenues collected and subsequently expended to delivery services.

At the same time, the question of schools has plagued both Gulf-Reston and Reston residents, another controversy affecting Reston's future growth and perhaps completion has been occurring.

Under the RPC zoning ordinance, each new section of Reston to be developed must apply for rezoning and sewer taps. As in other large metropolitan areas where the question of water pollution is a problem, the Washington metropolitan area also faces this crisis. Recently the Fairfax County Board of Supervisors have voted to slow or halt growth in the County by allocating sewer taps in smaller numbers or not at all. By doing this, they hope to ease the demands on the County for the high cost of service that growth brings and hopefully stall for time until the sewage treatment facilities capacity can be increased.

The unfortunate consequence of this move is that Reston's growth may be slowed or even halted so that it may be more feasible for Gulf-Reston to sell out than to attempt to continue the development. There are many who feel that this would spell tragedy not only for Reston but for the County as well which then would continue to develop along the traditional lines of suburban sprawl.

The question of police protection for Reston has also been

a controversy from time to time. Because of the unique design of Lake Anne Village Center and the surrounding area, police patrol by automobile is inadequate. Unfortunately, Fairfax County was unprepared for this during the early stages of Reston's development. Although there is a foot patrolman now about 18 hours a day in the village center area, it was a long struggle to convince the County of the need.

Because Lake Anne Center was such an attractive place, young people from the surrounding areas came there and it soon was known as the largest drug pushing area in the County. Gulf-Reston then hired private protection because of complaints of residents. Some of the men hired were off-duty County policemen. After much urging by residents and Gulf-Reston, the County was convinced that it must provide this service to Reston.

There have been struggles with the County on other fronts, one of which has been the administration of the RPC zoning ordinance.

When Simon and the County officials agreed on the responsibilities each would take, the growth of Reston was both small and slow. The amount of work required of the County officials was minimal. This, however, is no longer true as Reston has grown in the past three years from a

community of less than 6000 to over 20,000.

Each new piece of land to be developed must be rezoned under the RPC ordinance and this requires the standard procedures on the part of the County including advance notification and hearings. County officials have felt that the time and effort required to administer RPC is not worth the savings involved. While this may be considered true by some it may also be that there would have been a more efficient way for both developer and County to proceed.

In the beginning of Reston's development, there was talk of zoning the entire piece of property (7,000 acres). While this would mean a great savings to the County in terms of time expended administratively, the developer would then be required to pay a higher tax rate due to the zoning category. This, of course, was unacceptable to Simon, whose front-end costs to Fairfax County had already been astronomical. As a result, the ordinance does its best to meet some of the needs of both parties and as a result is not as perfect as either party would like.

Reston Community Association

Due to some of the problems between the residents and the County, the County and the developer and the residents and the developer, the Reston Community Association

(RCA) was formed. The RCA was formed by Reston residents five years ago to provide a community-wide, people-oriented, nonpartisan organization to promote Reston's growth as a New Town, help foster a community spirit, and serve as an independent voice of the community in relations with the County and State.

The interface between Reston residents and the County has been an interesting situation from the standpoint of levels of citizen participation. RCA has been the vehicle through which most of this interaction occurs. While the groups initial focus was on internal matters due to the changeover from Simon to Gulf-Reston as developer, it has since become a citizens advocate to the County as well.

RCA is a voluntary, dues paying association, open to all residents, both renters and home owners, 16 years old and over. It is guided by a Board of Directors, comprised of the RCA president and 14 directors, who are elected from those who file by all day balloting at polls.

Relying on the work of appropriate committees, RCA represents citizen interests relative to land use, education, public safety, and the like, before governmental agencies, and is generally regarded to have the same status as other civic associations in the County. Fairfax County officials have

often relied on RCA to provide information about proposed County projects or services to Reston.

RCA has also been a "watch-dog" of developer activity within Reston, making sure that the Master Plan is adhered to. One example was the effort of RCA and other citizens to prevent Gulf Oil from building a gas station at a dangerous intersection which would further complicate traffic patterns. The County listened and examined the situation and ruled for RCA.

OTHER MAJOR SERVICE SYSTEMS

The Reston Foundation

An additional mechanism Simon established for provision of needed community services and facilities was the Reston Virginia Foundation for Community Programs (Reston Foundation). This non-profit organization was designed to sponsor innovative or needed services and programs from subsidies from Simon and outside grant money it might be able to obtain from the federal government or other foundations. It was expected to help start some high-risk programs which would be able to be self-supporting in time if successful. The Foundation had an operating budget of about \$150,000 a year when Simon left and Gulf-Reston assumed operation and control of the New Community. Unfortunately, it lasted for only two more years although there may be opportunities for its revival.

According to Lloyd Slater, the last Executive Director of the Foundation:

Any growing, vital community needs a source of thoughtful philanthropic help to sustain new institutions and grassroots creative ideas until they can fly on their own. Up to now the Foundation (true, as a conduit for the Developer) has served this function. Reston is still too small in population to ante up a sizable 'kitty' of philanthropic funds...yet creative development is an imperative in our kind of New Town. Since the developer does not on its own staff provide this kind of resource to the Community (it does not seem to put effort into Institutional and Community development) there is a real need for a Reston Foundation....The next question might be, does the Developer merely opt out of community support now that the Foundation is near gone? We are being conditioned to accept a 'yes' in answer to this question. At every RCA and Homeowners meeting (when community-based improvements are suggested) one hears from the Developer that 'it's up to the people to pay for it, our job is primarily to complete the Master Plan!' What a curious rationale for one who is the largest property-holder and the biggest tax payer in Reston--and also one who stands to gain the most from community innovations which can only bring new residents and new industry to the town.⁶⁹

These remarks are of significant importance as one looks at not only what the developer's role might be in Reston with regard to the provision of these kinds of creative devices for

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Reston Times, January 15, 1970, p. 12.

establishing institutions, amenities, and services but also at Fairfax County in its role of service delivery in the New Town. While Fairfax County has a sophisticated array of services, it has not always provided the level of services it might to Reston as well as other growth areas in the County.

LANK

One of the major services the Reston Foundation helped to get off the ground is Lake Anne Nursery-Kindergarten (LANK). Because Fairfax County schools did not provide for public kindergarten parents in Reston began a private facility to provide this much needed service. A special space was designed above the Safeway in Lake Anne Village Center and was first used in November of 1965. Prior to that time one of the Hickory Cluster townhouses had been used to house the 38 children and five professional staff members.

The demise of the Reston Foundation seems to have been, as Mr. Slater stated, due to lack of interest on the part of the developer in the development of community institutions. Because Gulf-Reston was under financial pressure they were anxious to do away with any unnecessary expenditures, which is apparently how they viewed Slater's salary and the subsidy to the Foundation. Slater, among others had felt that one of the reasons the Reston Foundation had been unable to obtain funds from the government or other sources, was the fact that Gulf-Reston retained control and that meant Gulf Oil Company was indirectly involved. Gulf Oil's financial resources made

it impossible for others to get involved in such philanthropic organization.

The RCA Bus

A Reston service which has received national publicity is the Reston Commuter Bus. Public transportation is one of the most costly, least satisfactory services in the Northern Virginia area. Citizen participation in this area of public service has been extremely low in Northern Virginia which is ironic when the number of man hours expended each day traveling to and from the job is considered. Since 1968 the RCA has successfully organized and operated a daily bus service between Reston and Washington, where previous attempts to introduce bus service in the conventional manner had failed.

During the first few years of Reston's existence, the only alternative to the automobile for travel to the from Reston was an infrequent bus service into Washington, passing close to Lake Anne Village Center but not close to any major residential areas. The trip cost was \$1.00 and took about 70 minutes, making numerous stops and using a roundabout route. The service was not suitable for jobs in Washington, D.C. as there were no departures between 6:40 a.m. and 9:19 a.m. and the last bus left town at 4:41 p.m.

The developers, both Simon and Gulf-Reston had made

several attempts to secure access to the Dulles Airport road bisecting Reston, which was finally accepted by the Federal Aviation Agency, which operates the road, in 1972 for the RCA bus only; efforts to preserve the right-of-way of the Washington and Old Dominion Railroad, which passed through Reston, for possible use as a rapid transit service were made, but a key portion was purchased by the Commonwealth of Virginia for a freeway and by the Virginia Electric Power Company for high tension lines; and attempts to secure direct bus service to and from downtown Washington through the Washington, Virginia, and Maryland Coach Company were also made. An early attempt at the latter lasted two weeks in November of 1966 incurring a deficit of \$400 which was paid by the developer.

In early December 1967, the transportation committee of RCA, headed by Karl J. Ingebritsen began recruiting members and discussing the possibility of express bus service between Reston and Washington. The committee also contacted community leaders in nearby Herndon in an effort to get their help in launching the service. Herndon Rotary Club expressed interest and in January of 1968 detailed plans for the express service were made. The route would serve Herndon as well as Lake Anne and Hunters Woods.

The plan was to run the bus non-stop from Reston to the

office complex at Rosslyn, Virginia, just across the Potomac River from the Georgetown section of the District of Columbia. After stopping there, the bus would proceed across the Theodore Roosevelt Bridge to Constitution Avenue and on to the end of the line near the Capital. The estimated cost was \$30 per one-way trip or \$300 per week per bus.

Due to the failure of the 1966 effort because of lack of citizen use, it was decided that Gulf-Reston would be unwilling to take on another operation which would cost them even more. Another potential financial backer, FHOA or SHOA was unlikely because although they had discretionary funds they were controlled by Gulf-Reston and there seemed no likelihood of a prompt agreement through this channel either. Because RCA's dues were only \$1 per year per member, it had little potential as a source of financing for the desperately needed service.

It was obvious that a stronger commitment was required for the prospective riders. Ingebritsen and his committee decided to gain this commitment by selling tickets in advance. The cost was \$2. per round trip, and an effort was made to sell seven round-trip tickets to each prospective rider for the two-week experimental period. Refunds were guaranteed and a record was kept by RCA of each purchaser's name, address, and number of tickets bought.

The experimental run began in March of 1968 and was a success. Flyers were distributed to every household in Reston and an announcement was carried in the *Reston Times*. The Reston Foundation helped by selling tickets, printing time tables, and publicizing the service among visitors to Lake Anne Hall. The bus company reduced the weekly charge from \$300 to \$270, and Glenn Saunders agreed that Gulf-Reston would cover losses up to \$150.

The riders quickly organized a Friday afternoon social hour which soon expanded to a daily event, which, until it was recently outlawed, was an occurrence getting more publicity. The transportation committee put in yeoman hours working out timetables and routes while spirited bus drivers vied to cut minutes off the run. The success story continues with 26 buses making daily trips throughout Washington to National Airport, the CIA, Rosslyn, and the Pentagon. The service has become an incorporated citizen-owned and controlled operation which has attracted national attention.

The Common Ground Foundation and Embry Rucker

With the demise of the Reston Foundation in 1970 there was a void to be filled in the community and this was aptly done by Embry Rucker, the Episcopal vicar of Reston. The Episcopal congregation and Rucker decided not to build a church

facility on their allotted property in Reston, but rather to rent space in Lake Anne Hall for their weekly needs and give their property over to some better use. Presently, two doctors in Reston are proposing a mini-hospital, convalescent-nursing home, preventive medicine clinic using this land. It is planned to serve an area larger than Reston. Such a facility is greatly needed as the Fairfax County Hospital is a 25 minute trip from Reston in non-rush hour traffic.

Adjacent to Lake Anne Hall was a space called the Rathskeller which, during the Simon era had been operated as a place to teenagers to spend free time. It had fallen into disuse and Rucker, supported by his congregation, opened a coffee house there called the Common Ground. It was warmly received by young and old alike and was soon serving food as well as different types of drinks. It now operates as a small sandwich shop during the day as well as the only community gathering place. On Monday and Friday evenings a family dinner is served.

Embry Rucker saw many needs within the community and has been constantly willing to stick his neck out and attempt to fill these voids. Two of his first attempts were the Common Ground Sitter Referral Service and the Reston Employment Agency. Next came coffee and donut service for the RCA buses in the morning.

Some of the attempted services failed, such as coffee service for the morning bus runs, but Rucker has been willing to take a chance and try new services as he feels there is a community interest. His two latest ventures include a day-care facility in the old LANK facility over the Lake Anne Safeway, and free mini-bus service throughout Reston.

The latter, a much needed service in Reston, as parts of Hunters Woods are as much as six to eight miles from Lake Anne. There is no internal public transportation because the WV&M Coach lines have a route which serves only parts of Lake Anne. Consequently, anyone without an automobile or a license to drive one had to choose between calling a taxi, hitchhiking, walking, or staying at home. Bicycle transportation is also an alternative but becomes highly dangerous on the narrow and unimproved Route 602, the only connecting link between Lake Anne and Hunters Woods.

Embry Rucker, assisted by Reston resident Jackie Vergin, organized a small group of volunteer drivers, purchased two used mini-buses with a \$1500.00 gift from RHOA, and began business. Anyone wishing to make a donation for the ride is welcome to drop his coins in a collection box, or ride for free. The routes run throughout most all of Reston's neighborhoods and the service seems to be a success. It has been helped

along by Tom Rosamond, the operator of Reston's Gulf Station, who provides gas and maintenance at no cost.

When LANK was forced to look for new forced to look for new headquarters due to Gulf-Reston raising the rent of all the commercial space in Lake Anne Village Center and no longer offering them a favorable lease, it appeared to some as if the space especially designed for a day-care nursery school would be converted into valuable commercial space. This will not happen, because the Common Ground Foundation will begin a day-care nursery school there in the fall of 1972.

Day Care Facilities

There are several other day care or nursery school facilities in Reston. One is run on a co-op basis with mothers taking turns caring to the children. The other seven operate on a tuition basis which varies depending on the size of the school. None have subsidized facilities any longer, although LANK will soon move into its specially designed new quarters built partially with a loan from RHOA. The other school occupying a specially designed facility is the Reston Town and Country School which leases a building built for it by Gulf-Reston.

Even though Reston has eight day-care or pre-school operations, it is barely enough to meet demands. Although

the County offers day-care programs they are crowded and far away, posing a transportation problem. With the completion of the U.S. Geological Survey, there will be many families with younger children whose mothers work and who may not be able to afford the tuition. The Common Ground facility will be unable to care for all of these and the developer does not seem inclined to help out; by either providing subsidized space or by including a suitable space in the newer apartment complexes, where most of these families will be living, to be used by a co-op. Where the children will go seems to be a question without an answer.

III. COLUMBIA

THE GOVERNMENTAL CONTEXT: HOWARD COUNTY

The Maryland Strong County System

Maryland has had a strong county form of government since colonial times. The county in Maryland operates as a separately organized governmental unit except in the case of Baltimore where some city and county functions are combined.

The counties in Maryland contain over half the state's assessed valuation⁷⁰ and perform important functions for approximately 60 percent of the total population.⁷¹ In those areas of the state not served by municipalities or special districts, counties constitute the only unit of local government.

Maryland counties, like those in other parts of the nation, are creatures of the state. Although they function at times as units of local self-government, counties are first and foremost agents of the state administration. The state's constitution gives the power of county creation to the General Assembly and contains provisions for the structure and function of county government. The larger portion of the legal framework of

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Don L. Brown and Robert S. Friedman, *Local Government in Maryland* (Bureau of Governmental Research; College Park: University of Maryland, 1955), p. 11

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Ibid., p. 11.

Maryland counties, however, is set forth in general and local laws of the state legislature. Herein lies the contrast with most other states whose system of county government is laid out by constitutional provision. Therefore, there is no constitutional demand for uniformity as in many other states. This produces variations from county to county that depend on the economic activity, geography, population, and the like.

There are, however, two factors which have served to keep some thread of uniformity running through all of the counties. The first is caused by the fact that counties act as arms of the state. The other is a deeply ingrained political tradition that produces the same sort of form and structure generation after generation, only changing when absolutely necessary. Conducting state-wide programs of health, education, welfare, and the like, through the county government develops great pressures for uniformity. Because the number of state oriented activities is so large in the total service picture, it becomes inevitable that the counties will resemble one another in structure and function on the surface. Both of these factors have had a long and strong influence on the counties in Maryland.

Howard County, where Columbia is located, like other counties in Maryland, has a characteristic absence of the usual legislative, executive, and judicial branches found in

national and state government and some municipalities. The responsibility for government has been dispersed to an extensive array of boards and officers. What little central legislative and administrative authority exists is vested in the board of county commissioners and the judicial function is almost completely separate from the policy making structure.

It is difficult to chart the organization of Howard or other Maryland counties without exposing the dual role they must play: that of a unit of local government as well as an agent of state administration. It is difficult, at best, to define where county function and organization end and state responsibilities begin.

The county board of commissioners, although limited by both law and tradition in its control of the administrative structure, possesses a broad range of powers. One of the most important of these is fiscal control. Because of its political significance, however, the board of commissioners usually influences county activities far beyond its nominal authority.

The Maryland State constitution provides for the board of commissioners to be elected at-large, and for their terms of office. The General Assembly provides for the number to be elected in each county, their powers, and compensation. Usually, there are three commissioners, who elect among themselves

a chairman or president, but this may vary according to population figures.

The commissioners are charged with the responsibility of approving the annual budget, levying and providing for the collection of taxes, issuing bonds, appointing and setting salaries for county employees, maintaining custody of county property, and exercising limited administrative powers in providing county governmental services. The other officials that serve the county are appointed by the state or the county commissioners or elected the by voters.

The State of Maryland has retained strong control over the creation of towns and cities since 1683, when an act was passed regarding the government, structure, and sites of cities.⁷² In 1955 this power was delegated to the county board of commissioners. If 20 percent of the residents with 25 percent of the property petition the county board for incorporation, and the county board approves, a referendum is held in the area to be incorporated and a simple majority is all that is required for favorable action.

Referendums at the county level may take one of two forms.

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Maryland law does not distinguish between town, city, and municipality.

In both cases, their operation is limited to public local acts of the General Assembly. The first takes place upon petition of 10 percent of the county voters and forces submission of a public local act to the voters by the legislature itself. Regardless of the method, a majority of those voting decides the question. Common referendum issues relate to bond issues, method of electing county commissioners, and the like.

Howard County: History and Structure

It is important to look carefully at this governmental context in Maryland and especially in Howard County because of its significance for Columbia. Equally significant for Columbia and its development is the political background of Howard County.

Howard County has a history which extends back to the colonial and early national period of this county. Awareness of its history and commitment to its heritage on the part of Howard County residents set the tone for discussions concerning development in the County in the early 1960s.

The area which is known as Howard County came into existence in 1838 when development had reached a point where it was declared an administrative district separate from Anne Arundel County of which it had been a part. The District,

slightly over 250 square miles, became a county in 1851 with Ellicott's Mills the county seat.

Howard County contains some of the longest-settled areas in the entire United States, and its residents have, until lately, remained relatively undisturbed by change. The atmosphere of the county changed little between these early times and the end of World War II, when FHA and the automobile carried people away from the city and into the countryside. Until this time, Howard County consisted of, for the most part, proud rural folk and gentlemen farmers. Ellicott City is still the County seat, the original railroad station (built in 1830 as the first stop for the Baltimore and Ohio Railroad outside of Baltimore) is still in operation as is the grist mill built by the Ellicott brothers in 1772, who gave the town its name. To say the least, the social tenor was a limiting factor in the potential for change. Status was determined not by how much money one had but by who his cousins were and what the name of his farm was and how well his fences were kept. The social structure of the County was stable, durable, and impregnable, which was tested as the social status transferred into political control.

"From 1851 to 1880, the population increased at a moderate rate, approximately 1 percent per year. Then followed a period

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of almost stable population.

Between the period of 1930 to 1960, the percent of increase of population jumped from 6.2 percent to 56.3 percent. Despite efforts of the citizenry to stop or slow development through encouragement of restrictive zoning, there seemed to be no way to control the overflow from both the Washington, D.C. and Baltimore metropolitan areas. Howard County's place in the Boswash Megalopolis seemed assured. The Baltimore-Washington corridor, of which Howard County is a part, has been described by Anthony Bailey as follows:

From the center of Baltimore to the center of Washington is thirty-six miles. From the edge of one metropolitan area to another measured from the circumference of each city's beltway, the distance is twenty miles. From the border of the latest Washington subdivisions to the farthest extension of Baltimore's roadside sprawl is less than ten. The gap is closing fast. One reason it is doing so is that Washington is the fastest growing metropolitan area in the country, expected to increase its population from a present two and a half million to nearly four million in 1980. Baltimore, no laggard, ranks ninth in the national city growth rate.⁷⁴

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League of Women Voters of Howard County, *Know Your County* (Columbia, Maryland: The League, 1969), p. 1.

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Anthony Bailey, *Through the Great City* (New York: The Macmillian Company, 1967), pp. 230-231.

Despite the rapid growth rate, Howard County remained different in character from the surrounding highly suburban Montgomery, Prince Georges, and Baltimore Counties. Small farms with well kept barns and fences were common in much of the County. Each new group of residents was quick to join the "old time" residents in fighting further growth that would spoil the beautiful countryside.

Soon after World War II the influx of "outsiders" began to alter the political balance which had heretofore been essentially unchallenged. During the 1962 election of the County Board of Commissioners,⁷⁵ one of the main issues was that of zoning and its impact on County growth. The incumbent County Commissioners, and some members of the Planning Commission had, on occasion, approved apartment and quarter-acre lot zoning hoping to ensure that future growth would be orderly.

The Republican challengers portrayed this action as encouraging high density development which would irretrievably change Howard County for the worse and bring in "undesirable" types. To the Republicans, high density meant more than two units per acre, even though single family dwellings.

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Three commissioners to serve terms of four years.

Because of the long standing rural heritage and the general feeling in the County regarding growth the first all Republican Board of Commissioners since 1895 was elected to office in 1962 on a no-growth, "forever green" slate. When James W. Rouse arrived on the scene with plans for a new town, this demonstrated hostility to development and change was the dominant political force with which he was confronted.

As Columbia became a reality it also became a force for political change within Howard County. In 1968 Howard County residents adopted the charter form of government, providing a full-time County Executive and five Councilmen who served for four years.

Basic County Services Organization

What also confronted Rouse was a relatively limited array of basic County services. The importance of the County as a unit for state administration had been mentioned earlier. This role gears basic County functions to those of state-wide concern.

From the standpoint of expenditure, education is by far the most important activity carried on by Howard County. Its education program, as in other Maryland counties, was and is administered through the county unit system with a high degree of state control and financial assistance. This control covered not only kindergarten through twelfth grade but junior college as

well. The state law provides for a minimum number of school days, certifies teachers, approves key supervisory personnel as well as site and construction plans for school buildings.

The next largest item in the County budget is roads and highways. In Maryland, counties have the choice of assuming total control of roads or of sharing this responsibility with the state. Howard County shares this burden with the state, with the Maryland State Highway Administration, the decision-maker at the state level, and the County Council and County Executive, through the Department of Public Works and Planning Board, the decision-makers at the County level.

Howard County and its officials have considerable freedom in discharging their highway function. In the matter of construction and maintenance standards, for example, they have full authority. Even where County road systems are operated by the State, the law specifies that standards are to be established by the County. County officials also have control over highway planning, programming, and determination of which roads are to be included in the County system. Howard County also exercises controls over traffic operations including speed, parking, marking, and enforcement.

Police protection in Howard County has been organized as a Countywide measure only since 1952. The Howard County

Police Department was organized and designed for patrol by automobile due to sparse, low density development. It was not in a position at the time Columbia was beginning to grow to cope with the kinds of problems brought about by the urban type of development that means a new community.

The Fire Department was equally unprepared to meet the challenge of a new city being placed in its midst. Most of Howard County is protected by volunteer companies who receive allotments of County funds for their operation. These volunteer companies were not prepared for fire fighting in a dense community, as much of their experience dealt with single family detached housing and farm buildings. Not only were they unprepared to provide adequate protection, but ill-equipped as well.

Welfare is administered by the Howard County Welfare Board which handles federal, state, and local funds. It performs assistance for the aged, general public assistance, medical assistance, programs for the blind as well as for disabled persons, and other traditional welfare programs. In the administration of these programs the County Welfare Board is under close supervision of the State Department of Public Welfare. The local Board has few basic policy functions and is operated as an administrative agency for applying the rules of eligibility set forth by the State. Any other activities

come under the supervision of the County Council as the funds to finance these programs are from the County.

Like the County Welfare Board is an administrative arm of the State, the Howard County Public Health Programs come under the jurisdiction of the State Department of Health. At the time Rouse was attempting to convince Howard County residents and officials that they wanted Columbia to come into being, the activities of the Health Department were simply those services required by the State. Some of these included public health nursing, vital statistics registration, sanitation, and communicable disease control.

As of 1963, Howard County had no park system and no space set aside for that purpose. In addition, there were no Countywide recreation programs like those provided by Fairfax County for its residents, and no authority to plan or coordinate such matters.

By State law, Howard County's Planning Commission consists of five members including one County Commissioner serving as *ex officio* member. As mentioned earlier, the main thrust of planning and zoning policy in the early 1960's was toward "no-growth" or low density development.

CRITIQUE OF THE STATUS OF SERVICES WHEN THE COLUMBIA PLAN
WAS BEING ADOPTED

Expected Services from County and State

The educational system in Howard County was almost last on the list of all Maryland Counties when James Rouse was proposing to build Columbia. The School Board was struggling with the influx of new residents, occurring at a rapid rate, which meant most of the time and energy went into providing buildings rather than programs. Because of the random growth the County was largely committed to large consolidated schools because they had no other choice. They were being forced to locate schools where they would be accessible to the developments as they popped up-- unplanned and unscheduled. This meant that many children traveled many miles on buses to school.

Partially through the efforts of Howard Research and Development (HRD--the firm developing Columbia, formed by the Rouse Company and Connecticut General Life Insurance Company), a special educational study was made for the Howard County School Board by Dr. Anderson of Harvard and Dr. Alexander of Florida. The study focused its attention on the importance of developing the child as an individual. It proposed ungraded schools, team teaching, and other programs

intended to strengthen and update the educational effort in Howard County. The Ford Foundation became interested and provided grants to the Howard County School Board to design new elementary, middle, and high schools that would be more responsive to the new curriculum proposals, the primary proposal being a switch from a 6-3-3 grade system to 5-3-4. Although there had been a recognized need for change on the part of some County residents, the advent of Columbia and its in-depth social planning, stimulated the County School Board to accept the ideas proposed by HRD and various other agencies.

Rouse had expected that while the County would provide his new community with schools, he would have to do his part to see that the school system was attractive enough to act as a factor to draw people to buy homes or locate businesses in Columbia, which was to be built in an as yet backward, rural county. This was simply good business. The resulting plans concerned themselves not only with the physical needs for schools, libraries, playgrounds, and the like, but also dealt with personnel, such as teachers and administrators as well as philosophy and methods of the educational process itself. To help make the overall plan attractive to the County, HRD donated all of the land to be designated for school

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use.

Howard County is bisected by two federally operated highways in a north-south direction, U.S. 29 and Interstate 95. Although I-95 was not yet built when the new city of Columbia was proposed it was already planned and would come close to the eastern edge of the Columbia property. U.S. 29 was being widened to four lanes and the advent of Columbia changed it only slightly, and then only the southbound lanes as they passed close to the site of Lake Kittamaquindi. The remaining Howard County and Maryland State highways in Howard County were, for the most part, unimproved, two-land county roads. They were in keeping with the rural farm setting which covered most of Howard County until the early Sixties.

HRD was expected to pay for and accomplish construction of all roads within the new city and then turn them over to the County. As with the dedication of the school sites the capital cost for these improvements was absorbed into the sales cost of the land. Unlike the school site dedication, however, this was one of the items County officials insisted on.

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Except for the site of the Howard County Community College which was sold below profit by HRD to the County.

Unlike Fairfax, Howard County didn't require HRD to dedicate school sites as a part of the agreement to get the special zoning required to build Columbia. Like Reston's developers, however, HRD writes off these donations as a part of the development cost which are ultimately passed on the purchasers of property in Reston and Columbia.

As mentioned earlier, the fire protection offered to Howard County residents was strictly volunteer, with little experience in the kind of protection required by the type of development proposed by Columbia. HRD agreed to provide land for a fire house to the Columbia Park and Recreation Association (CA).⁷⁷ CA then financed construction of the building and turned the site and building over to the County for one dollar. As with other fire units, the major cost of the equipment comes from County funds.

The Police Department of Howard County was, like the Fire Department, not equipped for the type of development envisioned by Columbia's builders. It was expected by HRD that both of these areas of public safety would be provided by the County for the new community. Unlike the school system, however, there seems to have been little thought either on the part of County officials or the developer regarding innovations that these areas might be required in the new community.

Unlike Reston's first developer, Robert Simon, HRD did not set aside land for library space in Columbia's Master Plan. In Reston not only has space been provided in each of the two existing village centers, but subsidies of one kind or another

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A discussion of this organization follows later in the text.

have been provided so that demand on county funds would be minimal.

HRD relied on Howard County's existing library system, which may be been adequate at the beginning of the developmental stages, to provide this service to perspective Columbia residents. This meant, however, that Howard County had to compete with commercial interests for land which meant significant cost increases for building new libraries.

Even so, Columbia library services have not been a source of friction or divisiveness according to the Report of the Columbia Commission published in May of 1971. It has been felt that Columbia has generally been a positive force for library services because of the intense interest on the part of the new residents.

Refuse collection in Howard County is provided by private collectors who are paid by the County. It was expected by HRD officials that this service would be extended to both residents and businesses in the new community as well. There was no attempt made by either County officials or the developer to rethink the method of collection or disposal as had been the case in Reston.

The New Town Zoning Classification

By early 1964, it was clear to both HRD and to Howard

County officials that no zoning classification in the Howard County regulations was suitable for the new town which Rouse sought to build. Under these conditions it was thought that rezoning of the land held by HRD would be unrealistic as would any changes to the Howard County General Plan.

The Howard County Planning Commission, consisting of William M. Sanner, William P. Brendel, Doris S. Thompson, Ralph Green, and Charles E. Miller, took it upon themselves to draw up a new community zoning ordinance. This move was taken in order that the resulting document would benefit the interests of the entire County rather than only those of HRD. They were quick to discover, however, that the easiest route was to work with HRD officials and evaluate their proposals in terms of the total County picture.

Outside consultants hired by HRD initially thought that an ordinance similar to Fairfax County's RPC zoning classification would be in order but soon determined that something more flexible was needed.

The first proposal was built around the concept of a process of gradual refinement rather than the typical yes-or-no zoning decision. This meant the developer would get general approval for an area of development then would come back when the site was fixed and plans drawn for more detailed approval.

This was called a "Planned Community District" zoning classification and would apply to any single land holding of 750 acres or more. The main feature was that once a site was designated a P.C. District zone, all prior existing zoning controls over the property would no longer be in effect. The owner could then place the land under any of the uses permitted in the existing zoning ordinances, except for heavy industry, in unspecified proportions, contingent upon the final approval of the County Commissioners.

The initial reactions in Howard County were negative especially those of the Howard County Citizens Association, which heretofore had been favorable to Rouse's stated social goals. Substantial changes were requested. In March of 1965, HRD withdrew the proposal and submitted two new proposals which they felt would satisfy the opposition which had finally surfaced. The proposals were for a New Town District and for a Residential Cluster District. The New Town District proposal centered around the following, summarized by Edward R. Eichler and Marshall Kaplan in *The Community Builders*:

1. The criteria for qualification (among them, that the minimum acreage be 2,500, and that all property be contiguous.
2. Definite standards for minimum and maximum land

3. Procedures for regulating the height of buildings, lot sizes, coverage by buildings and setbacks; and
4. Requirements for public water and sewer, public transportation, cultural, and recreational facilities.⁷⁸

The Residential Cluster District was similar except that it was applicable to single land holdings of 500 acres or more, industrial uses would not be allowed, and commercial uses would be limited to those which would serve the residents of the property to be developed under the ordinances.

The County Commissioners set a public hearing for May 4, 1965 which was the earliest date possible given that time required for legal notices to appear in local newspapers. During this time Doris S. Thompson, editor of the *Howard County Times*, conducted a reader's poll on the overall opinion of the Columbia project. The results were overwhelmingly in favor of the project and the feeling was that this helped to secure Columbia's success.

The hearing went much better than HRD officials had expected. Nearly every County organization was represented at the meeting and all spoke in favor of the New Town District with one exception who did so an individual but urged the Commissioners to vote for it.

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Edward R. Eichler and Marshall Kaplan, *The Community Builders* (Berkeley: University of California Press, 1970), p. 76.

Due to the results of the *Times* poll and the expression of support at the zoning hearing, it was evident to the County Commissioners that the grass-roots campaign led by Rouse had captured the enthusiasm of the voters. Faced with the open amount of public support for the Columbia project, the Board of County Commissioners amended the County zoning regulations to include the New Town District classification as proposed by HRD, on May 27, 1965.

This led HRD to apply to have almost all of its land rezoned under the new ordinance on June 3, 1965. The continued enthusiasm for the project overcame some of the objections to this and on August 10, 1965 the Commissioners reclassified the land as requested.

Services to be Provided by the Developer

At the same time it was being decided which services the County was to provide for the new community, there were decisions as to what services would be required of HRD. It was felt by Rouse and HRD officials that their plan would be accepted by the County if the questions of zoning, water, and sewer were answered. It was determined that the developer would make the water and sewer installation at his expense but under standards imposed by the County. The same mechanism would apply for new streets that would be necessary in Columbia.

The initial cost to HRD was \$12,000,000 for water and sewer mains and laterals to serve the site. These were then turned over to Howard County free of charge. Ninety-five percent of this investment is turned back to the developer, however, as the County collects a charge from each piece of property hooked up to the system. This would allow the County to have full usage of the system for its new taxpaying properties without having to finance a capital improvement bond issue.

The additional water lines, interceptors, and treatment facilities that had been planned for normal growth but would advance in timing due to the impact of Columbia were to be financed as always through front footage benefit charges and *ad valorem* taxes that would be levied on those properties which would be affected by the new installation, and then the standard connection and service charges as service was provided.

The New Town District zoning regulation called for not less than 20 percent of the land within Columbia to be devoted to "open space uses". These are defined in the ordinances (in paragraph 17.018J) as:

"...those uses which do not involve any extensive coverage of land with buildings, as, for example, all lands devoted to the raising of crops, agricultural uses, parks, playing fields, golf courses and

any other outdoor recreational uses (whether any such uses be publically owned or privately owned and operated for profit), as well as all land covered by lakes, rivers or streams, and all lands devoted to public or community uses."

In addition the same paragraph goes on to impose the following limitations:

"Open space designated for residential uses shall be considered qualified as 'open space uses' only if it is held for common use of the public or persons residing in the particular locality within the community and it is larger than two acres in size. For the purpose of meeting the 20 percent requirement imposed above,

- (1) the term 'open space uses' shall not include parking lots, vehicular rights-of-way, amusement parks, golf driving ranges or drive-in movies and,
- (2) at least 50 percent of the land so designated shall be available to the public at large."

In Columbia, the Columbia Park and Recreation Association (CA) is the owner and operator of most of the "community-oriented" open space use lands. This occurs because HRD deeds the land over to CA to operate and maintain. Each property owner in the new community is required by the terms of his deed to contribute at a current rate of \$.75 per \$100 assessed valuation of his property, up to 60 percent of the total value for the financial support of CA. This assessment is in addition to the normal payment of County property taxes, as is paid by every other Howard County property owner. But, unfortunately for

the Columbia resident, this is not a "tax" in the legal sense, so that he is unable to deduct this when computing income taxes.

These involuntary "membership dues" in CA then provide the funds which support the construction and maintenance of facilities and other expenses of operation of the community centers and other activities of CA. Those facilities and activities which permit participation of non-Columbia, Howard County residents do so through a non-member charge.

In Reston's case, specific areas have been designated for open space uses, even though the definition differs (golf courses are included, for example). In Columbia, problems have arisen because of the lack of specificity regarding what amounts of open space occur where. In neither case are the open space uses related to the respective County park and recreation plans. In Columbia's case this was due to a lack of such a program when Columbia was being planned.

Additional Facilities and Services Needed

In undertaking the development of Columbia, James Rouse and HRD were committed to four main planning objectives. The first was to build a town not just a better suburb, but a complete new town, with business and industry to establish a sound economic base, jobs, houses, and apartments at prices for all who would work there. There were planned schools,

churches, hospitals, colleges, concert halls, theatres, hotels, restaurants, and department stores. Like any city of 100,000, Columbia was planned to be economically diverse, polycultural, multi-faith, and interracial.

Columbia's second goal was to respect the land and to allow it to impose itself as a discipline on the form of the community. There would be forests and lakes; stream valleys would be preserved and green spaces would separate the seven villages.

The third goal was to provide the best possible environment for the growth of people. This was the heart of the planning process, to plan out from the needs and yearnings of people to the kind of community that would best serve and nourish their growth.

The fourth goal was to make a profit. This was not a residual goal, not just to be hoped for as a possibility, but a prime objective. Rouse felt that if he could produce an outstanding profit, he would be able to speak to the city-building industry with positive evidence. He would be able to induce attention to a good environment as the right product in city building and hopefully warn against the unmarketability of sprawl and traditional development.

In general, the planning goals were the same as those of

Robert Simon and Reston, Va., Inc. In order to accomplish these goals it became necessary to provide additional services and facilities beyond those already discussed. One of the most innovative of these services was the Columbia Medical Plan and Clinic.

On October 1, 1969, the Connecticut General Life Insurance Company and the Johns Hopkins Medical Institutions joined in forming the Columbia Hospital and Clinics Foundation which undertook to provide a prepaid comprehensive insurance health plan open to all citizens of Columbia and some parts of surrounding Howard County. The plan is marketed to employer groups and to individual residents of Columbia through the Columbia Park and Recreation Association (CA). Residents may choose to join the comprehensive medical plan on a voluntary basis or are free to seek medical services elsewhere.

The initial facility in Columbia provides out-patient services, with hospitalization when required at The Johns Hopkins Hospital in Baltimore. The first one-third phase of a 180-bed hospital plus expanded clinic facilities was due to be completed in Columbia late in 1972.

The current staff practicing as a group includes physicians in internal medicine, pediatrics, obstetrics/gynecology, surgery, orthopedic surgery, neurology, otolaryngology, radiology, ophthalmology,

otometry, and psychiatry. The medical group is augmented on an as-needed basis by the staff at Johns Hopkins.

In addition, there are also a few private physicians and dentists located in the village centers, although during the time this author was doing research these were few and far between not only in Columbia itself but in Howard County as well.

An equally timely idea was the mini-bus system. The idea was to provide internal transportation in the new community to offer an alternative to the automobile. The vehicles themselves were the size of a VW micro-bus and for a nominal fee one could ride throughout the town on a scheduled route. Although door-to-door service was not provided, it was usually only a block or so away and experimental enough to obtain a grant from the U.S. Department of Transportation.

Although the system was used there was not a great enough demand and when the DOT grant expired in April of 1970 and CA had to fund the operation completely on its own, changes were made in the type of service offered. One, not very successful, was called "Easy Rider". This was designed to provide a five route express commuter service between five neighborhoods and Columbia's existing employment centers. A major reason for lack of ridership is that only 18 percent of Columbia residents work within the community and only half of those work in the two employment centers

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served by Easy Rider.

The other service was "Call-A-Ride". This was a radio-dispatched transit service, using the same mini-bus vehicles, which provided door-to-door transportation anywhere in Columbia. It was so well received that a third bus was added in an attempt to meet volume demands during peak periods. The system, inaugurated January 4, 1971, was the first demand-activated transit system in the country. Utilization and interest continued even with the operational constraints.

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With the opening of Columbia Mall in August of 1971, demand for internal transportation became so great that a return to regularly scheduled routes became necessary. This seems to have been not only an innovative service on the part of Columbia's planners but also a necessity in light of both population growth and the sprawling 14,000 acres the community covers.

Recreation and cultural opportunities abound in Columbia. It was decided from the beginning by the developer, that a certain variety of facilities should be in place when the first families moved in. Each village, therefore, has its own community center

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The Columbia Association Annual Report of 1971 (Columbia, Maryland: Columbia Association, 1971), p. 10.

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Howard County's only Regional Shopping Facility, it contains two large department stores plus 102 other stores, shops, and restaurants.

with a CA employed director. These facilities provide activities and space for all age groups in the new community.

The Recreation Department staff of the CA provides activities for teenagers, that are offered on a daily and year-round basis. There are also programs aimed specifically at senior citizens. These two groups are often left out in the new community simply because at the very beginning the developer must sell homes in order to begin the long road to a positive cash flow. The largest portion of homes are purchased by families with younger children and so most of the recreational activities that develop are those which appeal to those age groups. In Columbia there has been a distinct effort through CA and other groups to see that the needs of teens and senior citizens are not overlooked.

In addition to programs a wide variety of facilities are available to the Columbia resident.

There are two golf courses, one open to the public and the other to Columbia residents only for a membership fee of \$25. Also, like Reston there are neighborhood tennis courts open to all and seasonal swimming pools where a family can swim for \$35 per season. Sailboats, paddleboats, rowboats, and canoes can be rented on Lake Kittamaquindi. There is also the Columbia Horse Center which offers equestrian instruction and boarding facilities. Here, however, is where the similarity stops.

In each village center built to date there is a special

recreation facility. The covered swimming pool is available year-round for \$100 per family, there is also a tennis barn open all year also for a \$100 family membership. The Columbia Health Club offers steam baths, saunas, exercise rooms, whirlpools, massages, and has facilities for squash and handball. An individual membership for a year is \$125. The Columbia Ice Rink, also charging a user fee, is a most popular facility.

All of these facilities were built, owned, and are operated by the CA. They offer a package deal to a family for \$200 which includes membership in all the facilities mentioned above plus a year pass on the mini-bus system.

In addition, CA operates a day camp during the summer months for children ages six through 14. They are divided into age groups and various athletic and educational programs are provided. All participate in several overnight campouts.

Organic garden plots, like those provided by Reston's Nature Center are also available in Columbia. Everyone is welcome to plant and weed and the charge is \$.50 per month during June through August.

In addition to the pathways which run through the open space there are special bike trails throughout Columbia which can be used by non-motorized bicycles and maps are published and distributed by CA.

Cultural opportunities are plentiful in Columbia. In the heart of Symphony Woods, a 50 acre forest adjacent to downtown, is the Meriweather Post Pavillion. This is an outdoor hall much like Tanglewood in Massachusetts and the Saratoga Performing Arts Center in New York. Originally designed as the summer home of the National Symphony and designed to seat 5,000 under cover and 5,000 on the surrounding grassy slopes, there have been Broadway musicals, children's theaters, and rock groups scheduled there.

Attempts were made early in Columbia's development to attract Peabody Institute and a branch of the Corcoran Gallery of Art to Columbia. They were unsuccessful, however, but the Garland Dinner Theatre, located near Columbia's downtown, has been able to maintain itself with a Broadway-type theatre and smorgasbord dinner six nights a week.

Because there was no park system in Howard County at the time Columbia was being planning, and because the County lacked the necessary personnel to provide maintenance and other duties, the parks and open spaces were turned over the CA to maintain. This amounts to approximately 3,200 acres of land some of which contains community buildings, ball parks, tennis courts, and the like.

Finally, there is the question of architectural review. This was also designed at a part of the Columbia Association. Each village has an Architectural Committee which is appointed

by the developer for the first seven years that village is in existence. After that period, the Committee is under the control of the CA. This Committee approves the plans for homes within each village and after the homes are purchased and covered by the covenants,⁸² a resident must have approval of the Architectural Committee before any additions or changes are made in the structure. The covenants also contain general restrictions about TV and radio antennas, storing garbage cans, parking boats or travel trailers in view, and permanent clothes lines.

The Architectural Committee works with a Residential Architectural Committee in each village to help determine and enforce policy. The Columbia example contrasts Reston's Architectural Review Board both because of its scheduled exit of developer control and also because it seems to have little concern for other than residential development.

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To be discussed in detail in the next section.

METHODS OF PROVIDING THE ADDITIONAL SERVICES

Columbia Park and Recreation Association

As has been mentioned, the vehicles created by HRD to provide additional services for Columbia, while bearing some similarities to those established in Reston have many important differences. Some of the differences become evident from a study of the legal documents used to establish the major private service-delivery mechanisms for Columbia.

Covenants

Columbia Parks and Recreation Association Declaration

The basic document establishing the legal foundation for the Columbia Parks and Recreation Association (CPRA or simply CA) is the "Deed, Agreement and Declaration of Covenants, Easements, Charges and Liens" or simply the CA Declaration of Covenants.⁸³ The Declaration was a device used by HRD by which the land encompassing Columbia could be first conveyed from and then reconveyed back to HRD in order to establish the CPRA and also covenants running with the land.

The CA Declaration of Covenants contains many of the same elements as the Reston Deed of Dedication. It creates the legal basis for CA to assess all assessable property at a yearly rate not to exceed \$.75/\$100 current assessed valuation as established by either the County or the state. This assessment scheme

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Copies may be obtained from the Columbia Park and Recreation Association.

differs from the Reston approach in two ways: (1) the language of the Declaration is precise; CA assessments must be based on the assessed valuation of the property, flat fee assessments could not be imposed; and (2) in Columbia commercial and industrial property are included along with residential in the association's assessable base.

The Declaration also sets forth the functions which the private government (CA) may perform. These are specified in part and imply a broad scope for CA. ⁸⁴

In addition, the Declaration touches on the financing of CA. Sections 4.01 and 4.02 dealing with CA expenditures give top priority to repayment of all principal and interest due on loans borrowed by CA. The foundation for the wide range of activities detailed for the Columbia Association was enabled by a substantial ⁸⁵ initial loan by HRD, Connecticut General Life Insurance, Co., and the Teachers Insurance and Annuity Association and followed later by additional loans. Thus, CA is deficit financed, whereas, RHOA must balance its revenue

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Article IV, Use of Funds, CA Declaration of Covenants.

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In the amount of \$15 million, due December 1, 1975.

and expenditures yearly. Particularly in the early years when population is low this deficit-financing approach has the potential of providing many more facilities and services for community use than does the pay-as-you-go budgeting.

Another contrast with the Reston Deed of Dedication is that in the CA Declaration user fees for CA community facilities are clearly permitted in addition to the yearly assessment. This wording is lacking in the Reston Deed and has brought into question the legality of RHOA's user fees for recreational facilities.

CA also is entitled through the Declaration to convey any of its property to a public body for public use at some future date should it so choose. This is not explicitly so with RHOA; such property in Reston would have been allowed to fall into disrepair for a period of a year in order for a public body to legally be able to serve as recipient of such land.

Columbia Park and Recreation Association Inc., Articles of Incorporation

Many separate and distinct documents and agreements were required in Columbia in order to establish CA, its substructure, and the covenants. The second most important document providing a method for these additional services is the Columbia Park and Recreation Association's Articles of Incorporation.

The CA Articles of Incorporation, which actually

chronologically preceded the CA Declaration created the Columbia Association as a Maryland non-profit corporation. Its provisions are as follows:

- 1) Only the Board of Directors of CA are defined as members of the Association.
- 2) The right of the corporation (CA) to assist in the establishment of sub-Columbia (village-wide) associations is set forth.
- 3) The size of the Board of Directors varies with time--as some original HRD-appointed Directors terms expire they are not replaced, resident members may also be added without any vacancies occurring.
- 4) The transition schedule for resident participation and control of the Board is explicitly states, as well as the method by which such citizen members shall be determined. The Village Associations each elect one of their members to a Columbia Council which in turn can recommend its members to the CA Board for appointment to the Board. For every 4000 dwelling units in Columbia one member of the Council recommended to the Board must be appointed to the Board.

Village Covenants and Associations

In addition to the above mentioned legal documents Village covenants and the Village Community Associations Article of Incorporation play a role in establishing the total private

government in Columbia.

The Village Covenants are a second set of documents (in addition to the CA Declaration) by which further covenants are attached to the land. Additionally, it is from these documents that the architectural committee derives its standing. The Village Covenants state that the architectural committee shall consist of three or more persons determined by (1) HRD during the Village's development period (2-7 years), or (2) the Village and CA after the Village is developed, with CA appointing the majority of the Committee. The Architectural Committee is required to examine all plans or proposed exterior alterations in Columbia, without its approval no construction may occur. Procedural rules for the operation of the committee are also set forth in these documents.

The Articles of Incorporation of the Village Community Associations create a participatory substructure for CA and a method by which both home owners and tenants may vote to choose residents to sit on the CA Board. They establish a separate association of each of Columbia's villages which though it has no assessable base, could operate to provide a variety of services or facilities through voluntary assessments, grant monies, loans to be repaid by user fees, etc. Additionally, the mechanism establishing a Village Association allows all

households, tenants, and owners, to cast their votes for a Village Representative to serve on the Columbia Council which acts as a body of eligibles qualified for membership on the CA Board. Thus, all households are enfranchised to choose the resident CA Board member by an indirect process.

Potentially, the Village Articles of Incorporation give the Village Association a good deal of power to conduct activities autonomously of CA although without granting them a steady source of revenue these powers could easily remain potentialities. The primary purpose for the associations seems to have been that they would serve as a means for participation for the citizens and as representative bodies through which citizen-developer dialogue could occur in addition to that limited to the dialogue between the citizen and developer members of the CA Board.⁸⁶

CA Powers and Functions

James Rouse and his associates recognized early in the planning stages of Columbia that the new city would need municipal services and amenities beyond those that could be provided by the existing Howard County government in the near

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The preceding material was researched by Jean S. March who also assisted in the preparation.

future. The legal apparatus discussed above enables CA to build, operate, and maintain parks, community services, and recreational activities. It also gives CA broad powers to operate programs in child care, transportation, and other areas desired by Columbia residents.

The basic purposes of the Association are twofold:

1) to provide professional management of its properties and programs with a goal to making available the highest quality of services and amenities; and (2) to serve as a channel for the energy and resources of the community in building a better community life.

As mentioned earlier, the Association is governed by a Board of Directors. The initial seven members of the Board are representatives of the developer, and as such will control the Board until 1976 or 1977. From 1976 to 1980 the offices of the original directors expire in annual units, and assuming the existence of an adequate number of dwelling units,⁸⁷ the Board members selected by and from the Columbia Council will constitute at least half of the Board. By 1981 the offices of the original directors will have expired, and the Columbia

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In December of 1970 the first resident became eligible for appointment to the Board of Directors as the first 4000 dwelling units were occupied.

Council representatives selected by the Columbia community will be the only remaining board members.

The Columbia legal documents do not call for the President of the Board of CA to be the chief executive officer of the corporation. The president is charged with performing "...all duties incident to the office of a president of a corporation, and such other duties as, from time to time, may be assigned to him by the Board of Directors." ⁸⁸ The legal documents are silent regarding the position of Executive Director and his responsibilities. As in Reston, this has meant that problems have occurred from time to time regarding authority and duties of the person holding this position. The Board of Directors has the power, however, to appoint such persons to administer the affairs of CA and has never relinquished this duty to a lesser body as happened in Reston.

The Columbia Association has a large staff which is organized on a departmental basis and reports to the Executive Director. Each function or service provided by CA is supervised by a Director and sometimes a staff. For example,

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Articles IV. Section 4.03 of the By-Laws of the Columbia Park and Recreation Association.

the transportation department has a director, but no staff listed. on the other hand, recreation has a director as well as an assistant and six staff persons.

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One of the basic concepts in Columbia is that of "pre-servicing". This means that the first resident to move in will have pools, tennis courts, walkways, and the like at his disposal rather than having to wait for the first 1000 residents to move in a make the provision of these services economically feasible. The early capital costs and operating deficits that are being incurred are being financed by the note agreements mentioned earlier.

CA Finances

The CA has two principal sources of revenues, the annual assessment charge and income received from the revenue producing facilities and programs. The annual charge provides CA with a permanent source of funds from which to provide services for Columbia residents. The concept, then, is that the revenues collected from the annual charge on property according to its assessed valuation are used to construct the facilities and to pay such costs as maintenance or parks and open space which produce no revenues and the user pays for the operational costs of the programs and physical facilities.

As anticipated under the pre-servicing concept, nearly

all facilities were still operating at a deficit as of July 1971. It is the intention of CA and HRD, that these facilities will eventually produce revenues to "...cover actual operating costs and when possible generate additional revenues that can be used by the Association for other programs.

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A number of financial controls have been implemented since the beginning of the Association to insure that both the physical and fiscal goals will be met. A central element in this process is the Columbia Association's Economic Model. Within the model is a projection of all capital costs and operating costs and revenues through 1981. The model is used to evaluate the effect of decisions that are to be made. The model is updated and reviewed quarterly by the Board of Directors so the progress can be measured against plans and objectives. In addition, HRD provides assistance to the management of CA so that it can become self-sustaining. CA's economic success is essential to HRD as it is to the community. It is impossible for Columbia to be successful without the establishment of the Association as an economic entity with its affairs managed by the community through the

resident members of the Board of Directors. As of September of 1971 the CA was ahead of where the original economic models had predicted it would be in paying off debt.

Currently residential property accounts for 70 percent of the money obtained from assessments and commercial industrial property accounts for 30 percent.

As of March of 1972, the Capital Development Debt stands at approximately \$15,000,000, which is close to the original projection. The peak debt to be reached in 1979 is currently projected to be about \$28,000,000.⁹¹ Operating facilities should break even; that is, pay their operating costs and individual debt service during 1973, according to Raymond Meals, Treasurers of the Columbia Association.

When Columbia is fully developed assessment income will be \$7.8 million; operation expenses will be \$5.6 million and debt service will be \$2.5 million; commercial and industrial property will account for 45 percent of the assessment income. If CA does not increase the debt after the development period, the projected debt should be retired in 2009.⁹²

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First Annual Conference on Community Governance (Columbia, Maryland: The Columbia Conference Committee, 1972) p. 19.

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Ibid., p. 19.

Even if Howard County eliminates property taxes as a source of revenue, CA covenants state that CA assessment will be maintained at the level of the last assessed property valuation of the Howard County government.

Other CA Activities

In addition to the actual recreational facilities mentioned earlier in the text, CA operates a wide variety of recreational programs for all ages. Although like Reston, the largest part of the recreational demand is for young children, an attempt is made to see that the needs of other age groups are met. The staff is quick to point out that safety is a great concern and such activities as tackle football for boys under 15 and other potentially damaging sports are not endorsed.

CA has also made exploratory efforts in early childhood education. While the programs have been successful, two day care classes, one half-day care class for those in public kindergarten, four nursery school programs, and two hourly care programs are not enough to meet the demands of the residents. Two additional programs were scheduled for the fall of 1971 but it is doubtful if this will relieve the need. Columbia has a high percentage of working mothers who need these services and who have had to be turned away for lack of space. A critical program for the mothers living in the

low and moderate-income housing.

In its hopes to enrich early childhood education in Columbia, CA has worked with the pediatricians and psychiatrists from the Columbia Clinic, has developed evening programs for parent participation, as well as provided a workshop for student teachers from the University of Maryland, Towson State College, and Antioch College.

The community services department of CA serves as a link between residents and CA management and as a clearinghouse for community information. The first contact a new resident has with the Columbia Association is a welcome visit, a primary part of this department. At this time an informed caller brings the CA resident handbook to the new Columbian and perhaps a cake or some other type of food and answers questions the new resident might have. Each village has a committee which provides this CA service.

Another function of the community service department is the resident information desk which processes in inquiries, requests, and complaints of residents. The local newspapers publish the most frequently asked questions so that the information is widely disseminated.

This department also serves as a liaison with the village and townhouse associations, Chamber of Commerce, Howard County

Community Services, and other groups in an effort to keep CA aware of and responsive to resident needs. Through the liaison office it is possible for members of low and moderate income families, who cannot afford the user charges for pools and other facilities, to do jobs for CA that are exchanged for membership at desired facilities.

One of the more important aspects of this office is data coordination. As CA begins to plan for the facilities to be constructed in each village, information is gathered here to ascertain what the residents wish to have. In addition, this department compiles and publishes population figures.

The Problems of CA and Analysis

The Columbia Association, although much better organized than RHOA, is not without its problems. The primary ones revolve around the four-way struggle between the Village Boards, the citizens, the Columbia Council, and the combined Village Boards (Tri-Boards). The initial reaction is that there is a proliferation of organizations here, all doing the same thing separately. Countless meeting hours both paid and voluntary, are worked by these four overlapping groups in community-centered activities. Some have felt that it is not uncommon that this work is stymied because of poor communication, unclear objectives and roles, inadequate resources, no coordination of

of effort, and quite frequently, a lack of leadership.

The increasing importance of resident participation in the growth of new town development places increasing time demands on the residents of the Reston and Columbia. It has been difficult with both CA and RHOA, to meet the objective of meaningful and effective citizen involvement unless steps are taken to make participation interesting and something more than just an exercise in beating heads together. Much distress has been expressed, for example, that the meetings of the CA Board of Directors and Executive Committee are not open to the press and the public. This sort of action serves only to widen the credibility gap and make citizen involvement seem more and more fruitless.

The relationship between the developer, HRD, and CA has often been confused and conflicting. The problem stems from the fact that, on one hand, CA is supposed to represent the citizens of the community. Yet, on the other hand, it appears to many primarily to serve the developer. This is compounded by the flow of personnel from one organization to another without a clear point of accountability. For example, Mickey Dunham, a former director of CA community services is now employed by HRD as the "developer's representative". She is responsible for "...identifying and communicating to the appropriate authority

within HRD (or CA) deficiencies in our services to the community.

The representative will be available as a resource to the community." ⁹³

The Developer--HRD and the Rouse Company

In an effort to attract people to Columbia, James Rouse and his planners felt that the new city would have to offer the home buyer or businessman something beyond what might be found in some other Baltimore or Washington suburb. As mentioned earlier, many of these were provided through the Columbia Association.

The Meriweather Post Pavillion has been both a boon and a boondoggle. While the entertainment was being handled through the National Symphony there was a wide variety of programs and they were usually well attended. The bookings, when taken over by the Rouse Company, leaned heavily toward rock music groups and there was little variety. As a result, general audience attendance began to fall off and there was trouble with youth riots and drugs at rock concerts. This provided some negative publicity for Columbia as well as adding fuel to the fires of some Howard County residents who felt from the beginning that Columbia could mean trouble.

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Job description, "Developer's Representative". January 5, 1971.

Rouse and HRD attempted to attract colleges and institutions of higher learning to Columbia. Antioch College of Yellow Springs, Ohio has been the only one to maintain a study program in Columbia. It began in 1969 and although it has trimmed back some of its original programs, Antioch students have become an almost integral part of Columbia's society, several started a newspaper there in the fall of 1971 which is still in operation at this writing.

While Rouse might be applauded for his efforts to attract these institutions to his new town, one must question just how much pre-servicing can be attempted successfully. He was more fortunate than Robert Simon, however, in having a better location, which attracted this sort of an institution even to attempt such a venture.

Another "service" unique to Columbia which has had more success than Corcoran and Peabody, is the concept of the Ecumenical Center. The planners of Columbia felt that the new city offered special opportunities to participate in new meaningful forms of community sharing. This potential in the religious sphere was recognized by the key religious leaders in the Baltimore-Washington area who worked with Rouse and the HRD officials to plan a shared religious facility for each village in the new city.

The first Interfaith Center was built in Wilde Lake Village

and financed by the Columbia Religious Facilities Corporation. Membership in the Corporation is proportioned among the various denominations according to the share of the financing they provide. The denominations include: the Howard County Jewish Council, the Unitarian Universalist Society of Howard County; the Archdiocese of Baltimore; the Southern Baptist Convention of Maryland; United Methodist Church; United Church of Christ; United Presbyterian Church; U.S.A. Lutheran Church in American; and the Episcopal Church.

The architectural form of the Interfaith Center was evolved in the process of planning by these many groups. The initial concept was to have all the churches clustered at one site and from this the idea of a shared facility came into being. One of the accomplishments this concept brought about was the ability to share costs thus reducing expenses. The building grew from these ideas and became a common entrance court with several sanctuaries and office space. It was hoped that this sort of environment would be stimulating, encouraging new patterns of worship and community life with people creating their spiritual community with assistance from the physical structure.

The most important means of providing an influence in the community comes as a part of the development plans of HRD. This

is, of course, the construction of community facilities and the provision of extra services by HRD for CA. The first fire station is such an example but there are others. The ice skating facility in the Oakland Mills Village center has had as much as 60 percent non-resident membership,⁹⁴ for example. The services provided for Columbia have had a great effect on all of Howard County and its residents. Unlike the impact of Reston, which is such a small part of Fairfax County's total growth picture, Columbia will come close, during 1973 and 1974, to having a larger population than the rest of Howard County.

Although there have been problems with the non-Columbia residents regarding who is getting a "fair deal" with new schools, the average dollar spent on County programs and increased drug use, and the like, the Report of the Columbia Commission as well as the observations made during this research, confirm that the positive effects probably outweigh the negative ones in the total picture.

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Interview with Thomas Wilson, Manager of the Columbia Park and Recreation Association, October 13, 1971.

THE HOWARD COUNTY GOVERNMENT

Because of the sizable impact Columbia has had on Howard County the response to its government in delivering a variety of services to the new town has been a positive one. The school system has been the primary area of cooperation, but there have been others as well. The Columbia Commission in its report of May 1971 sited many areas where the existence of the new town has helped the County to progress. While there have been issues such as the schools, where Howard County residents felt that even though some inequities existed, the overall picture was positive.

One area which stands out has been the effects of Howard County's mental health services. In August of 1966, the Board of County Commissioners established the Mental Health Advisory Committee to periodically review available services and facilities and determine local mental health program needs, to advise and report to both County and State officials on progress of local programs and possible future needs, and to make recommendations for the allocation of funds. Since then this body and the Howard County Mental Health Association have worked with the County officials and private groups in establishing a wide variety of programs ranging from psychological and psychiatric services and programs for retarded individuals

to drug and alcohol abuse programs for all ages. There have been efforts made to coordinate communication between the County Health and Social Service Departments, the police, Board of Education, and volunteer services, as well as hospitals, and agencies dealing with mental health problems. A survey of mental health needs and services published by the Howard County Mental Health Association in October of 1971 lists an impressive array of these services for a County which in the early Sixties was rural and unsophisticated.

The County planning staff has also become more sophisticated and aware than the individuals who dealt with Rouse and his partners during the first phases of negotiations over the special zoning package. The growth in Columbia has stimulated growth in the rest of Howard County and this particular branch of County government has had to respond to the demands that growth brings as well as administer the regulations adopted for Columbia.

One of the service areas that the County has not adequately addressed itself to is that of public transportation. Like Fairfax County, but even more so, Howard County suffers from the crisis of suburban areas which surround large metropolitan areas, many links in and out of the city, but none which serve intra-county needs. The growth of Columbia as an attraction for

business and industry has produced traffic problems, even with the existence of two major north-south highways. As Columbia and the County continue to grow, this is going to be an ever increasing problem. Little has been attempted on the part of the County, or Columbia's developer, to address this area of major concern.

In assessing the role of Howard County as a cog in the service delivery wheel, one must bear in mind that Columbia has forced the County to grow in many areas. Therefore, it helps to supplement a "private government" which was designed to cope with the lack of sophisticated service offered by the County at the outset of the development period. It would probably be fair to say that in most areas, the County has been performing beyond what might be expected in such a situation given its initial handicaps.

OTHER MAJOR SERVICE SYSTEMS

In addition to the services provided by the Columbia Park and Recreation Association, Howard County and Howard Research and Development there are a vast number of other services provided to the new town and Howard County residents by other groups.

The Columbia Pre-Paid Medical Plan is probably the most widely know and also the most innovative service. While offering

a wide variety of medical assistance to Columbia residents and some others in Howard County, the cost is prohibitive to many who might like to enroll, \$51 a month for a family of three⁹⁵ as of July 1971. Thus, only about 45 percent or less of Columbia's population belong. This precludes low and moderate income families who would probably benefit greatly from such a plan. Because the ratio of physicians to population in Howard County is 1:4000,⁹⁶ this increases the need for such a service but also the desirability to have a lower cost per family in order to provide adequate care for all.

NTL CoRAL--Center for Human Resources

A service group which has helped many other groups to become established is the Community Research and Action Laboratory (CoRAL). It was established in October of 1970 in order to make knowledge about human behavior available to individuals and groups seeking to improve the quality of life in Columbia and Howard County. The individuals working there have committed themselves to creating a citizenry able to solve its own problems. It functions as a locally based consultant

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The Wall Street Journal (New York), July 14, 1971.

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Clifton Gaus, "Who Enrolls in Prepaid Group Practice: The Columbia Experience?" *The Johns Hopkins Medical Journal* Vol. 121, No. 1 (Baltimore: Johns Hopkins, January 1971) p. 12.

group working with individuals, groups, and institutions in the community as a: (1) monitor helping to anticipate community needs, (2) as a coordinator promoting communication between agencies, institutions, and citizens, (3) as a trainer/educator enabling citizens and groups to acquire improved leadership, problem solving, and program developing skills, (4) as a facilitator aiding residents to identify problem areas and work towards problem resolution, and (5) as a researcher evaluating community programs in order to provide a feedback and information system to be used as a basis for continued community planning.

During the research period of this thesis, CoRAL and Charles Simpkinson, its project director, were more helpful because of the tremendous store of knowledge regarding Columbia. An institution like this one and the services it can provide are needed in every new community.

Another organization, the Center for the Development of Human Resources, directed by Dr. Joll Elkes, also chairman of the Department of Psychiatry and Behavioral Science, Johns Hopkins Medical School and Associate Director Dr. Vincent Sweeney, has been established as a center for the development of human resources through training, consultation information exchange and linkage, behavioral-environmental research, and

social program evaluation. There is a basic commitment on the part of this center to the self-helping aspects of community life. Through its efforts CoRAL and other groups have obtained assistance and help in obtaining grants with which to operate, among these are the Women's Center, Awareness, Inc., and Grassroots.

Grassroots

Grassroots is a 24 hour drug crisis and counseling center operating in space James Rouse was convinced to donate. It opened in August of 1970 and is manned by trained peer counselors who are provided with continuous medical and psychiatric back-up when needed. It operates under the supervision of the Maryland Drug Authority and the Maryland Department of Mental Hygiene and is funded by a grant from that Department.

Problems encountered by Grassroots counselors and advisors include: drug abuse, family problems, runaways, requests for birth control and abortion information, legal aid, draft information, and many other of the problems of the young people of Columbia and Howard County.

The Women's Center

The Women's Center is a non-sectarian, free of charge service open to all women. Its primary goal is to reach,

encourage, and provide tools for all women to experience themselves as complete human beings with the potential to influence their own lives and the community in which they live and work. The center provides a variety of large and small group presentations, experimental and free university programs, emergency babysitting, temporary lodging, child care programs, and is hoping to build up a media center to augment its existing services. Many women in Columbia and Howard County have made use of its services and feel that it is one of the most exciting aspects of the new community.

Awareness, Inc.

Awareness, Incorporated, is an intergenerations, intercultural communication program. It was created out of a response to "precipitating incidents" involving these groups in Howard County. Awareness has tried to maintain a focus among these groups and their mutual communication, understanding, and acceptance. The staff, under director Gaines Steer, operates in a detached worker stance providing direct peer-counseling services, linkages with the decision making process, and as a sounding board for problem solving and the re-creation of service structures.

Two other groups which have contributed greatly to the community are Friendship Exchange, Inc., and the Columbia

Conference Committee. The latter, a group of volunteers, organized a study of the institutions involved running Columbia, conducted surveys and neighborhood meetings, and organized the First Annual Columbia Conference on Community Governance which took place in March of 1972.

Friendship Exchange

Friendship Exchange, Inc. is a community-centered, person-to-person membership organization which has provided a much needed human service factor in Columbia since early 1969. It was incorporated as an independent non-profit organization designed to enable people to help each other without pay, to be a catalyst through which requests for help and offers of help would flow. It has provided a wide variety of services from a 24 hour telephone service to extra beds for unexpected visitors. It maintains two apartments which can be rented, if you move to Columbia and your new home isn't completed, at far less than motel rates.

The staff have served as company for lonely residents who are too new in town to have made friends and have provided sheets and towels to a family until the moving van arrives. They have helped in several suicide attempts, which were perhaps due to the loneliness and disillusionment of a new environment. There isn't a service or an emergency that

they haven't been asked to meet and they have received financial support from the residents as well as businesses in the community.

Interfaith Housing

Because of the increased revenues derived from the shared religious facilities, the Columbia religious groups have built 350 units of low and moderate-income (221-D3) housing in Columbia.⁹⁷ In such housing a three bedroom apartment can be rented for \$99 per month⁹⁸ including utilities. Unlike Reston, with only 10 units during the same period, Columbia can begin to achieve one of its goals; to be a community with socio-economic diversity.

Drug Abuse

The Maryland State Department of Mental Hygiene has fully paid for drug and alcohol abuse programs. The Howard County Mental Health Clinic, located in Ellicott City, administers this service but it is only staffed two days and three evenings each week. Although the State funds such

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Figures as of September 1971.

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Figures as of September 1971.

programs as methadone maintenance, the closest clinic providing this service for Columbia or Howard County, is Baltimore.

Day Care Programs

Day care services always lagging behind needs has lagged behind in Columbia. HRD and CA have treated it as a secondary issue and the Singer Company which operates a private facility, cannot meet the demand. Some mothers have formed co-ops like those in Reston but this still has not been adequate to meet the needs of Columbia's residents. Some of the co-ops in the Interfaith Housing units have been a bit more fortunate in that they have been able to use the community space built in their buildings. For others the space problem becomes a large factor.

IV. SERVICE DELIVERY AND GOVERNANCE IN RESTON AND COLUMBIA: A COMPARATIVE ASSESSMENT

Reston's Service Delivery System--A Summary

At the present time Reston's service delivery system suffers most from a weak articulation to the Fairfax County government. Although Reston is the largest and most rapidly growing area in the western section of the County, it is nothing more than a large real estate venture in the County's eyes. Even though the RPC zoning ordinance differentiates it from rapidly growing Herndon, there has been no attempt on the part of County officials to treat Reston's service problems in any special way. The poor quality of planning by the County has been mentioned earlier.

Many of the roles played by the various groups involved, the developer, the County, RHOA, the clusters, and other are highly ambiguous. The services delivered by these various bodies tend to overload, and the responsibilities of each to the citizens becomes blurred in a hopeless mass of bureaucratic red tape. For example, in other areas of the County, County agencies are responsible for the maintenance of open space whereas in Reston this falls to RHOA, or the clusters in some cases. One can walk through certain parts of Lake Anne Village on the Reston walkways and pass through RHOA open space, land belonging to the County, land owned by the Methodist Church, and cross underneath a highway whose right-of-way

is maintained by the Virginia State Department of Highways. This results in a multiplicity of different groups attempting to service and maintain an area less than one mile long; often causing them to be at odds with one another, or to completely neglect the area. Another result is the lack of continuity and economies of scale for managing grass cutting, light maintenance, planting, etc.

While in other areas of the County there has been no problem with school construction, School Board officials and the County Supervisor argue that Reston's developer should bear some of the cost of school construction because the developer is profiting from unusually rapid growth. This, however, seems unfair--the tract builders profit as well. Although the results of the study being undertaken at VPI & SU⁹⁹ in Reston are as yet not conclusive, it indicates that a substantial portion of the real estate tax yielded in Reston remained after its education expenses were paid.

The hue and cry in Fairfax County at this time seems to be much like that earlier in Howard County, the last residents to move in want to be the last and the oldest areas of development want to stop growth entirely. This attitude is held by both

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Written by Ida Cuthbertson and referred to previously in the Reston Chapter.

County officials and citizens. Rather than opt for an orderly form of growth like that occurring in Reston, these voices in Fairfax County are asking for the costly effects of unordered sprawl. With a jurisdiction the size of Fairfax County lacking an operational comprehensive plan, it is difficult at best to envision what alternative service delivery mechanisms might serve residents in a more effective, efficient, and equitable manner.

Robert Simon and Gulf-Reston as developers were expected to provide trunk sewers as well as laterals within the Reston development, whereas this has not always been the case in other parts of Fairfax County. The County Board of Supervisors in now allocating no new sewer taps. One wonders why the enormous amounts of money collected from Reston in sewer connection fees alone, were not put to use in expanding capacities at the appropriate treatment facilities. With the federal money faucet turned off, it may be some time before funds are available to bring this service in line with needs. Reston and its developers have been asked to pay more and yet receive less in service than tract builders throughout the County.

Internally, there has been confusion as to what exactly RHOA's role should be in light of the legal documents. This can be clearly seen in the discussion of the transition from two associations to one and in that of the Town Council. Some have felt there should be more maintenance and less attention to quasi-governmental activities. Yet, this leaves a void in the provision of needed and desired services between the "private government", or RHOA, and those provided by Fairfax County, some of which have been filled by such groups as RCA and the Common Ground Foundation.

RHOA, as defined by its legal documents is relatively weak and inadequate as either a service delivery body or a private government. Its financial structure, as mentioned earlier, does not enable it to hire staff enough to meet the demands of either role adequately. In fact, its basic structure and powers provided for in the Deed of Dedication, Covenants, and By-Laws, is one that could, and has been, interpreted quite differently by different lawyers. This is especially confusing for those citizens attempting to participate within its structure. The primary difficulty here, being a lack of definite policy for who is in control-- developer, or citizens, and a transition schedule for the gradual takeover by the citizens as population increases.

Another area of concern involves the assimilation of new growth within Reston into the service system, either that of the County or of RHOA. A wide band of medium and high density development occurring just south of the Dulles Access Highway in Hunters Woods Village during 1972 has been, for all purposes isolated from both the County and from RHOA. Neither body can adequately deal with Reston's service needs as the population approaches 25,000 and one is want to question what strains twice that population will place on the present system, not to mention an eventual population of 75 to 80,000 people.

At approximately one-quarter of its final population, there are major gaps in Reston's service delivery system which show no signs of being solved and have the potential of becoming serious drawbacks. The most prominent of these relates to schools. At Reston's rapid rate of growth the citizens, County officials, and the developer will have to move rapidly in order to catch up to else they will fall hopelessly behind in providing adequate educational programs and facilities for Reston's young people.

Youth services in general lack an innovative approach from both Fairfax County and from the developer. Although Embry Rucker and the Common Ground Foundation ne directs have made attempts in this area, they cannot possibly serve the

present, much less future needs of a young population with increasingly more leisure hours. RHOA's attempts in this area through the Nature Center and with the addition of a Recreation Director, have merely been band-aids when major surgery has been called for.

Active recreation itself, beyond tennis courts, seasonal swimming pools, and a golf course is aimed at a small portion of the total population. Reston's youth athletic programs, while attempting to provide some activity have completely overlooked for the most part, all but competitive group activities.

In the area of health programs and facilities, Reston remains much like the surrounding suburban jurisdictions. There are many doctors with offices in Reston but no emergency treatment facility closer than an hour away. Although Georgetown University has been working with various citizen groups and the developer for a number of years, regarding some sort of group health insurance plan for Reston, nothing concrete has materialized as yet.

The question of community safety services such as police and fire protection has been a constant thorn in the side of the citizens, County, and the developer. Providing

a foot patrolman for Lake Anne Village Center was long fought by the County while demanded by the citizens and the developer. The "Plaza", although like any other urban setting has more people in one place at one time and, therefore, more need for protection, is not the only high density area in Reston. The clusters surrounding Lake Anne are known by the Fairfax County Police as drug hangouts and they hold a record for the number of stolen automobiles. Yet, cluster property is private property so the question becomes one of jurisdiction. This is compounded by the physical design of some of the clusters which make automobile surveillance practically impossible.

The walkways and streets in the low density areas have no lighting or markings, making them not only physically dangerous but also an object of vandalism. Again, the walkways are on RHOA property or rights-of-way and so it becomes a question again to whom the responsibility of protection belongs, to RHOA or to Fairfax County.

The areas of social programs, consumer, and cultural services are still deficient in this "planned" environment. While churches, private groups, and the County itself have made some attempts at meeting these needs these areas of the service delivery system are the most in needs of major action. These areas, although perhaps the least expensive

In terms of infra-structure needed by the developer at the outset of development, always seem to be last on the list of priorities for the new town. Reston offers Fairfax County a unique opportunity to work with the developer and the citizens to set up a laboratory in which to test programs of a creative social nature. The sad reality is, however, that none of these three groups seem sufficiently enlightened to tackle this challenge.

A final area of concern which has recently been partially filled by the Common Ground Foundation, is that of internal transportation. This can be an all important factor in the next generation of new towns that will spread over 2,000 or more acres.

Until the summer of 1972, when the Common Ground Foundation began operation of one mini-bus by volunteer drivers, Reston residents who were not within walking distance of Lake Anne Village Center had to have a car in order to buy groceries or do their shopping. RHOA contributed \$1,500 toward the purchase of the "bus" to help with transportation of the elderly who are isolated from the village center because of no direct access by walkway or underpass.

Although the service is well used and sorely needed it is another example of using a band-aid instead of surgery. One must again query how long such stop-gap measures on the

part of RHOA, Fairfax County, Gulf-Reston, or private groups can hope to meet the needs of the rapidly growing Reston population.

What becomes immediately obvious, even to the unenlightened, is that in spite of the wide range of services offered by Fairfax County from the beginning of Reston's development problems have still arisen. In spite of the fact that the County accepted Reston's Master Plan which spelled out the densities and population, and even though this area had been designated by early County planners as one of the growth areas, the County has failed to take care of its responsibility in providing Reston with services.

Reston's developers, on the other hand cannot remain completely blameless. The experience in Columbia suggests that in spite of certain small deficiencies, preservicing or at least a private governmental structure with a debt financing mechanism is necessary to meet the rapidly growing needs of a new town. Robert Simon was perhaps unaware such problems would arise and left before they did. Gulf-Reston is slowly beginning to recognize these problems but probably only because the political situation in the County threatens to curtail their development activities. Heretofore, they have felt it necessary only to fulfill the Master Plan and no more.

Although Reston, at present, is a better way to physically

develop suburban Fairfax County, it has a long way to travel before it can own up to the name "new town" in terms of its service delivery system. If, in fact, no attempts are made within a reasonable time frame, one might expect the system to begin to break down as any overloaded system must. A rapid "transfusion" appears necessary to prevent such a failure, and no single component of the system, RHOA, Gulf-Reston, the Reston citizenry, or Fairfax County, can be expected to provide all the necessary new energy.

Columbia's Service Delivery System--A Summary

The service delivery system in Columbia, while operating more efficiently than Reston's is not without its problems. The strong central control of CA by HRD has both positive and negative implications. Because of this control, projects can be accomplished and services far beyond Reston's are provided even before a resident demand exists. Even with the strong central control, the Columbia Council separating the directly elected village boards and the Columbia Association, there is a definite mechanism for both renters and home owners to become involved and a precise schedule for citizen control.

There have been complaints on the part of the residents that there is a lack of opportunity for the citizens to decide how their money will be spent to develop new community facilities.

Through the efforts of the citizen member of the CA Board of Directors, the developer was convinced that village representatives should be allowed to work with the CA director of finance to help determine these matters.

The Committee on the Columbia Conference helped with this area as well. It produced information regarding residents' feelings and provided suggestions which would allow the governance mechanism to operate more efficiently.

In eight years, when the Board of Directors of CA will be completely turned over to the citizens, it is estimated that CA will have paid for and own \$27.5 million worth of facilities and have an annual income of \$9 million. Although citizen participation is as yet operating on the lowest of levels the Columbia citizens are able to help to decide what those millions of dollars will be used for. This is a stark contrast to RHOA which had little funding and even less citizen participation.

Columbia is also beginning to experience some of the same troubles with Howard County that Reston has had with Fairfax. Because Columbia is new and is attracting social innovation as well as getting new schools and other public services from Howard County, older, rural County residents feel they are giving much more than they are getting in return.

In spite of the economic benefits Columbia is bringing through

increased tax base (\$100 million in one year) and more job opportunities as well as attracting business and industry, there is a deep grassroots resentment of Rouse and his development. This has continued from the beginning of Columbia's development in Howard County. Older residents feel that County resources are being poured only into the new town--especially in the schools. The Report of the Columbia Commission in 1971, however, has pointed out that of the seven new schools built in the County by May 1971, three were outside Columbia. The deep, ingrained rural heritage in Howard County was perhaps one of the aspects which Rouse did not plan on and even the money and effort spent on public relations have not begun to solve this problem.

Fortunately for the developer and the residents of Columbia, the town is growing so rapidly that it will become close to half the total population of the entire County by the end of 1973. Because the County Council is elected at-large and is responsible to all parts of the County, Columbia has a large political advantage which Reston will never enjoy in Fairfax County.

Unlike Reston, where residents are struggling with filling the primary gaps in the service delivery system, the residents in Columbia can address themselves to services of secondary importance. The question in Reston is "how will we be able to build a community center?" Columbia residents can concern themselves

with how to best put the existing community center to work.

The total governance/service delivery system based on preservicing concept and debt-financing, seems to offer the better results of the two communities studied. As a whole, the citizens interviewed seemed much more satisfied with the services structure than their counterparts in Reston. While there are times then the developer is questioned on social commitments, there is a general recognition that HRD and Rouse are willing to face these issues and to try to resolve conflict.

Although there are some citizen complaints regarding the Rouse organization and its communication with the citizens, the position of Developer's Representative has helped to answer some of those questions. Mickey Dunham has served both residents and developer since she took the position and has been recognized by both groups as an ally.

As indicated above, there is a general feeling that CA is working well. This reflects general satisfaction with the way in which HRD has been developing Columbia and the company's almost unique interest and receptivity to citizen interest in planning and implementing new community activities and facilities. The major gaps have been a dissatisfaction with general architectural control on the part of citizens and the lack of citizen input in hiring the professional staff of CA. In both areas it is still the developer's organization and not the citizens.

RESTON AND COLUMBIA: A COMPARATIVE ASSESSMENT

Analysis of the Preservicing Concept

One of the most important lessons to be learned from the experience in Reston and Columbia is the value of preservicing the community as opposed to attempting to provide social and community programs after the development has taken place. To some extent both communities have provided the pre-planning and preservicing of major recreational and certain other community facilities. Columbia has, however, through the device of the Columbia Park and Recreation Association (CA) provided a stronger financial base on which to have programs in place when residents occupy their homes. Reston's RHOA has financial constraints which are quite severe and it would appear in light of the two examples, that the broader base, using industrial and commercial property as well as homes, provides a sounder arrangement for financing community amenities and services. This approach has the added advantage of making possible lower home purchase and rental prices in the new town and of amortizing community improvements over a longer period of time.

Another important lesson is the need for professional management in the provision of community services. Expert management is a particularly important requirement in preservicing to handle the financing, planning, construction, operation, and

development of such programs. Although volunteer participation is necessary, the experience of Reston shows that reliance strictly on this sort of effort to produce a high level of services can be severely limiting, and can possibly hinder development of new services.

The difference between the Reston and Columbia systems for provision of services is especially pointed up in the area beyond community facilities. Reston's community facilities are about the limit of the developer's participation. In contrast, Columbia's mechanism provides for expansion beyond facilities and their maintenance into the "software" of community amenities which do not seem possible in light of the financial and political structure of the Reston Home Owner's Association. The similar rapid rate of development in both communities and the ability, or lack of it in Reston's case, for the service/governance mechanisms to respond effectively, efficiently, and equitably to that rapid change, and still provide for transition from developer to citizen control, underlines the need for a mechanism like that in Columbia.

Reston and Columbia represent both the traditional and the preservicing methods of service delivery, and each illustrates some of the problems which exist in establishing a structure for participation, producing, and financing community services,

and providing an atmosphere in which the interests of citizens, local governments, and the developer are met. Neither Reston nor Columbia resolves the dilemma of how much power should be exercised through private government as contrasted with public government. Beyond school and libraries, neither community has depended to a large degree on the public sector for facilities or amenities beyond those that would normally be expected; schools, sewers, etc. It is obvious that if other new communities develop in a similar way to Reston, however, that the assessment structure will have to change significantly to be more like Columbia's if the private government is going to be able to provide the level of public services which the residents demand. On the other hand, it is also quite clear that neither Reston nor Columbia are obtaining from local government that level of local services which is desirable.

Relationship to Respective Counties

Reston and Columbia both offer different governmental contexts for new community development to occur in. Fairfax County is extensively developed and somewhat urbanized and Reston, when complete, will be less than 10 percent of its total population. Columbia, on the other hand, will cause Howard County's population to double and will eventually contain well over three-fourths of the total County population.

Prior to Reston's development Fairfax County seemed willing to provide Reston with the services it would require. Although Simon provided school sites and sewers, the County would have to provide the school themselves and supervise the special zoning ordinance required. The attitude seemed to be a positive one for all concerned and this was perhaps due to the fact that the County did not believe, at that time, the population projections of Robert Simon and his planners. During the money and credit squeeze of the mid-Sixties, which eventually slowed Reston's development to a standstill, caused Simon to leave, and Gulf Oil to take over, Fairfax County was meeting Simon's demands quite happily.

With the advent of the Gulf takeover and a better financial picture, Reston began to grow by leaps and bounds. Suddenly, because of its size it was requiring more energy than the County officials and other Fairfax residents thought was right. The officials on the school board as well as residents of older parts of the County, began to ask why Gulf-Reston didn't build the needed school. In order to have a fire station it was built on dedicated land by Gulf-Reston on a lease-purchase agreement with Fairfax County. In June 1972, the school bond issue failed because of the high cost of new schools for rapidly developing areas like Reston.

Reston's most recent crisis deals with the RPC (Residential Planned Community) zoning. As each new section of Reston is developed, Gulf-Reston must appear before the Board of Supervisors and request that each section be changed from traditional to RPC zoning. Many Board members, as well as residents from the low density areas bordering Reston, feel that the densities in the original Master Plan are too high and should be lowered because of the impact on sewer treatment and school facilities. This could mean an end to Reston's urban development altogether.

Because in the view of Fairfax County Reston offers little more than a lucrative tax base, and has made demands for its fair share of services, their relationship is traveling rapidly downhill. Any local government which plans poorly is going to be reluctant to provide more schools, police, and fire protection, and the like to one part of its jurisdiction than it does to another, as it must when one part of its area grows more rapidly than the others and it cannot distinguish between good development and bad.

From the very beginning Howard County residents were suspicious of the kind of development James Rouse and his associates were proposing. There was a very definite negative feeling on the part of Howard County officials as well. The Rouse organization was excellent at public relations, however,

and convinced those that mattered to go along with their plan.

While Howard County was relied on to provide schools, the developer helped to upgrade the entire County school system, not just those schools for the new community. Fifty percent of the open space in Columbia was to be turned over for public use, the amenities to be built could be used by County residents as well. In short, the relationship began to take a positive turn.

Even though there has been some negative feeling by some residents of the County, during early development stages these were the minority. With the advent of more development and the subsequent problems resulting from so many people, County residents and officials were again concerned, about racial problems, drug abuse, and other things with which they had no prior experience. The appointment of the Columbia Commission and its subsequent report were an attempt to stem some of the negative attitudes.

The Howard County Council and others have begun to ask why the developer doesn't build the schools and other questions regarding their responsibility to Columbia as well as the entire County. Because of the percent of total population factor mentioned previously, Columbia has less to fear in this situation. It is a significant political force whereas Reston is not.

Still, Columbia enjoys a better position with Howard County vis-a-vis services because it demands less in County resources due to its particular financing mechanism and because of preservicing. Reston's RHOA has neither the financial base nor the appropriate staff, to say nothing of the legal basis, to take on such functions. If Fairfax County does not provide the service there is faint hope that Gulf-Reston would or RHOA could.

Functions of the Respective Systems

The services that RHOA is able to produce are mostly related to maintaining and operating existing facilities and caring for the common land. In both cases, the level of satisfaction of the residents was low as of early 1972 with this research was being done. Although there have been some governmental trappings from time to time, RHOA is basically a land and facilities maintenance organization and little else.

What Reston lacks most now is a sense of community. While Reston residents share certain experiences with each other, they lack a political sense of community maintained by a governmental body capable of getting their diverse backgrounds and personalities to work together toward a common end. This can readily be seen in the pathetic lack of interest in any of the activities of RHOA or RCA. The only issue to being about

any extensive citizen activity is schools.

Columbia, however, not only has an association, which through debt financing and preservicing, has offered a wide range of services that are consumed by Columbia and other Howard County residents; but it has the beginnings of being an organization which provides a political framework within which public issues can be resolved. The sense of community in Columbia is much stronger and while it doesn't always mean political relations that are harmonious, it is successful at providing opportunities for social and economic diversity. This added to the different attitudes regarding schools, taxes, and the developer, will produce conflict. The result is a high level of community identity and participation producing a wider range of policy choices. The difference in attitude and participation is evident to anyone studying both communities in depth. While Columbia is not without its shortcomings, it is in this regard far ahead of Reston because of the structure of its private government and perservicing.

Implications and Recommendations for Other New Communities

The lessons to be learned from Reston and Columbia are many. They have provided laboratories for ideas about development which the Europeans accepted decades ago but are just beginning to take hold in the United States. Both have

served as learning experiences for other new towns springing up almost weekly across the country, as to how to approach a variety of the planning problems the new community developer is confronted with.

Edmund Faltermeyer, in *Redoing America*, states: "New towns now being built are mostly the result of a fortuitous combination of circumstances: a well-financed, rather idealistic entrepreneur who has managed somehow to acquire a large expanse of land, and who is willing to incur the rather large risks that are involved. We cannot depend solely upon luck, idealism and persistence on the part of private entrepreneurs to build new towns; government will have to take some of the initiatives."¹⁰⁰

The need to institutionalize the element of luck is nowhere more apparent than in the service delivery/governance areas of new community development. Developers have concentrated the largest amount of their budgets on the creation of viable physical designs, yet have spent little money and an equally small proportion of time on the evaluation of what services can be offered in the new town and by whom.

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Edmund Faltermeyer, *Redoing America*, (New York: Harper and Row, 1968), p. 170.

Developers must take the initiative if new communities are going to be marketable. Subdivisions and apartment complexes don't face the same sort of servicing problems and so there is a need to pay more attention to the relationship between the locality and the developer. Without this attention, new communities will have little impact on the market which will result in increased costs to both the developer and the locality. They must realize they have a common interest.

It is also important that the plans for development within the new community be well coordinated with the total development plans for the entire jurisdiction, assuming the existence of such. From a marketability standpoint this can affect the new town as well as the local government. If a large area of the new town is designated for industrial growth, for example, then it is poor planning to allow other land within short distances of the new town to develop for industrial purposes. It is obvious that the industrial property in one place or the other will not be marketable.

There are lessons for local governments to learn. There are contributions that can be made which will cost little financially. First is a more sensitive understanding of the powers and resources of the new community developer. More development in the new town may mean more revenue for the local

government. If development policy is moved by this understanding then more can be gained by both parties.

Of the two new communities examined in this study, Columbia is the more successful at attempting to resolve this problem; but the right solution has yet to be found. In the meantime, the *ad hoc* approach of many developers to governance and service delivery should be replaced with operational guidelines that will enable developers to apply the pre-planning techniques that characterize other components of the development process to these two areas. Because of the varying conditions each new community will face, these guidelines should be flexible enough to apply to various areas of the country as well as to the different types of new community development.

Reston, although so far it has proved to be a better attempt at suburban development rather than a full blown new community, has lessons to teach as well. If nothing else, Reston's private government and service delivery system serve to demonstrate the need that if the new community concept is to be used to its fullest, state governments such as Virginia's will need to revise their laws regarding local government and special districts to permit governmental development of new towns that will keep pace with their physical growth.

Although preservicing is the more efficient way of the

two to provide services for the new community, state and local governments will have to move toward making mandatory some means of citizen participation in all the planning and development stages because of the heavy public investment in new communities.

Because of the problems both Reston and Columbia have experienced in their relationships with their respective counties, it seem logical for each new community to have an intergovernmental relations planner/liaison within its staff. This would mean one person would have the responsibility for dealing with all the governmental entities involved. The lack of recognition of the importance of this dimnesion of the development process and the failure of such coordination have resulted in development which is less than effective in producing sound planning efforts.

Will the planners and developeps rely on the traditional means of transportation in the suburbs, the automobile, as in Reston and Columbia, or will some other alternatives be tested. Both of these new communities leave alternative transporation questions to chance or to an organization of citizens like the Reston Community Association or the Common Ground Foundation. This approach to answering service needs in the new community is hardly innovative nor does it help to solve

some of the problems new communities have addressed themselves to.

Another area in need of special attention is the level and stability of democracy of the private governments of new communities. Because of their special responsibility for service delivery and as a cohesive force within the community, as well as the possibility for their functioning as interim governments, their structure, membership, and control mechanisms require careful scrutiny.

There should also be a provision within the Title VII agreement between HUD and the developers of the new community to promote an open and educational process for the local decision makers. Such a process would make clear the goals and objectives of the new community and the responsibilities of both the local government and the developer. Such a program would serve to decrease the hostility at the beginning of the development period and hopefully prevent some of the problems that occur later in the development period, such as Reston and Columbia are experiencing now.

Ideally, this process should continue and constantly reinforce positive ends. It would seem relevant to include university personnel or local experts in such a process so that regional as well as local questions might be addressed.

The federal government, in spite of Title VII has played

a rather restrictive role in financial assistance to new communities. Many private developers hold the belief that the heavy handed approach at the national level will hinder rather than help the development of new towns. Title VII is restrictive and heavy handed in the sense that it requires a great deal of money to even apply, much less be accepted and the developer must agree to include certain federal objectives once his loans are guaranteed. This prevents smaller scale developments from availing themselves of funds. This has an effect on the housing market just as FHA policies did 20 years ago.

This restrictive role combined with the states' indifferent attitude toward regional growth policies and the limited resources of metropolitan agencies, plus the often hostile attitude of local governments, have created an atmosphere discouraging new community development. The resources exist in the United States today to tackle these problems and produce new communities which not only answer governance and service delivery questions but that also will be a step toward evolving a viable growth policy at all three levels, local state, and federal. The major challenge, it seems, is to identify the proper solutions at these levels and allow the new community idea to help to meet some of the challenges before it.

What is necessary is private-public cooperation as well

as intergovernmental cooperation if new towns are going to be as much a success in the United States as they are in Europe. Just as it serves no end for the developer and the local government to go on operating in the absence of knowledge of each others operation, so is this true of the two other levels of government and their relationships. None of these parties can continue to operate in isolation and expect an efficient, effective, or equitable answer to some of the growth problems and related issues involved in the new community.

Bibliography

Books

Bailey, Anthony, *Through the Great City*, New York: The Macmillian Co., 1967.

Brown, Don L. and Friedman, Robert S., *Local Government in Maryland*, College Park: Bureau of Governmental Research, University of Maryland, 1955.

Connell, Kathleen M., *Regional New Towns and Intergovernmental Relations: Four Case Studies*, Detroit: Metropolitan Fund, 1972.

Eichler, Edward R. and Kaplan, Marshall, *The Community Builders*, Berkeley: University of California Press, 1970.

Faltermeyer, Edmund, *Redoing America*, New York: Harper and Row, 1968.

Hanson, Royce, *Managing Services for New Communities*, Washington, D.C.: The Washington Center for Metropolitan Studies, 1972.

Hanson, Royce, *New Towns: Laboratories for Democracy* (Report of the Twentieth Century Fund Task Force on Governance of New Towns) New York: The Twentieth Century Fund, 1971.

Howard, Ebenerzer, *Garden Cities of To-Morrow*, Cambridge: M.I.T. Press, 1965.

Jennings, George W., *Virginia Government*, Richmond: Virginia State Chamber of Commerce.

Mumford, Lewis, *The Urban Prospect*, New York: Harcourt, Brace, and World, Inc., 1968.

von Hertzen, Heikki and Spreiregen, Paul D., *Building a New Town: Finland's New Garden City, Tapiola*, Cambridge: M.I.T. Press, 1971.

Reports

Report of the Columbia Commission, *Impact of New Town Zoning on Howard County, Maryland*, Ellicott City: Howard County, May 19, 1971.

The Columbia Conference Committee, *First Annual Conference on Community Governance*, Columbia: The Columbia Conference Committee, March 1972.

The Columbia Park and Recreation Association, *The Columbia Association Annual Report, 1971*, Columbia: The Columbia Park and Recreation Association, 1971.

Metropolitan Fund, *Regional New Town Design: A Paired New Town for Southeast Michigan*, Detroit: The Metropolitan Fund, February 1971.

The Report of the Study Team of RHOA Role and Structure, *Toward New Town Governance*, Reston: Reston Home Owner's Association, January 1972.

Virginia Metropolitan Areas Study Commission Report, *Metropolitan Virginia, 1967: A Brief Assessment*, Richmond 1967.

Journals

Foer, Bert, "Democracy in New Towns: The Limits of Private Government," *The University of Chicago Law Review* Vol. 36, No. 2 (Winter 1968), pp. 379-412.

Gaus, Clifton, "Who Enrolls in Prepaid Group Practice: The Columbia Experience?" *The Johns Hopkins Medical Journal*, Vol. 121, No. 1 (January 1971), pp. 9-14.

Hoppenfield, Morton, "A Sketch of the Planning-Building Process for Columbia, Maryland," *Journal of the American Institute of Planners*

Mullarkey, Mary, "The Evolution of a New Community: Problems of Government," *Harvard Journal of Legislation*, Vol. 6, No. 4 (May 1969) pp. 462-495.

Periodicals

Columbia Flier, September 1, 1971, Vol. 3, No. 10.

Reston Times, 1965-1972.

Columbia Villager, Vol. 1, No. 1; Vol. 1, No. 11; and Vol. 1, No. 42.

Columbia Times, No. 5, No. 16.

The Wall Street Journal, July 14, 1971.

Public Documents and Pamphlets

The Columbia Park and Recreation Association, Inc., Articles of Incorporation, witnessed and signed December 10, 1965.

The Columbia Park and Recreation Association, Inc., By-Laws.

Columbia Park and Recreation Association, Inc., Declaration of Covenants, Easements, Charges and Liens. Recorded in the Land Records of Howard County, Maryland. Liber 463, Page 158.

Cuthbertson, Ida D. "Education Expenditures and Real Estate Tax Revenues in New Town and Suburb," (A New Communities Research Bulletin) Reston: The New Communities Study Center, 1973.

Fairfax County, *The Citizens Handbook, August 1971*, Fairfax City: Fairfax County Division of Public Affairs, 1971.

Fairfax County, *1971 Fairfax County Annual Report*, Fairfax City: Fairfax County Division of Public Affairs, 1971.

Harper's Choice Community Association, Inc., Articles of Incorporation.

Harper's Choice Community Association, Inc., By-Laws.

Harper's Choice Village Covenants, Deed, Agreement and Declaration, Recorded in the Land Records of Howard County, Maryland. Liber 481, Page 514.

Hickory Cluster Association, Articles of Incorporation.

League of Women Voters of Howard County, *Know Your County*. Columbia: League of Women Voters of Howard County, 1969.

Reston First Home Owner's Association By-Laws. (As in effect August 1, 1966).

Reston First Home Owner's Association, Deed of Dedication. Recorded as Instrument No. 9328 in the Clerk's Office of Fairfax County, Virginia on March 31, 1966, Deed Book 2750, page 130.

Unpublished Materials

A taped interview with Karl J. Ingebritsen, former Executive Director of the Reston Home Owner's Association, made at the New Communities Study Center of Virginia Polytechnic Institute and State University at Reston, 1972.

March, Jean S. and Stenberg, Linda C., "Comparative Study of the Production and Delivery of Community Services in Reston, Virginia and Columbia, Maryland" Unpublished report done at the New Communities Study Center of Virginia Polytechnic Institute and State University at Reston, Virginia, 1972.

Stone, Kathryn, "Reston, Virginia: A Study in Beginnings" An unpublished manuscript for the Washington Center for Metropolitan Studies, Washington, D.C., September 1966.

Interviews

Awareness, Inc. Interview with Gaines Steer, Director, October 7, 1971

Columbia, Maryland. Interview with Fitz Ford, resident, October 13, 1971.

_____. Interview with Jean Toomer, Director of Community Services, October 13, 1971.

_____. Interview with Ruth Keeton, Citizen Member of the Board of Directors, October 13, 1971.

Columbia Park and Recreation Association. Interview with Tom Wilson, Manager, October 13, 1971.

Friendship Exchange, Inc. Interview with William McHargue, Director, October 7, 1971.

Gulf-Reston, Inc., Reston, Virginia. Personal interview with William Magness, Executive President, May 8, 1972.

Howard County, Maryland. Interview with Peg Whyte, resident. October 10, 1971.

Howard Research and Development Corporation. Interview with James Rouse, President. September 13, 1971.

_____. Interview with Mickey Dunham, Developer's Representative. September 13, 1971.

_____. Interview with Scott Ditch, October 5, 1971.

NTL CoRAL. Interview with Charles Simpkinson, Director. August 1971-March 1972.

Reston, Virginia. Interview with Margaret Cram, Member of the Architectural Board of Review of the Reston Home Owner's Association. August 29, 1972.

_____. Interview with Rita Berman, Secretary of the Council of Clusters. May 10, 1972.

_____. Interview with Robert E. Simon, former developer of Reston. October 1971.

TABLE I

Recreational Facilities Rates*

	Columbia**	Reston
Outdoor Tennis Courts	Free	\$20/year
Outdoor Tennis Club	\$40 April-October 31	No Facility
Indoor Tennis Club	\$100 October-April	No Facility
Neighborhood Swimming Pool	\$35 May 27-Sept. 17	\$60 May 31-Sept. 14
Indoor Swimming Club	\$100 year round	No Facility
Athletic Club	\$175 year round	No Facility
Golf Club	\$40 per year \$320 per year inc. green fees	\$800 initiation fee \$50 per month dues \$20 per month min. for food only
Ice Rink	\$180 October 1-May 30	No Facility

* Rates for family membership

** A package plan is available for all of the above facilities plus use of the internal bus system on scheduled routes and the public golf facility for \$200 per family.

TABLE II

RHOA and CA Dues and Assessments*

Reston

RHOA Annual Dues per household	\$50.00
Cluster Annual Dues per household (townhouses only)	\$120.00 - 240.00

Columbia

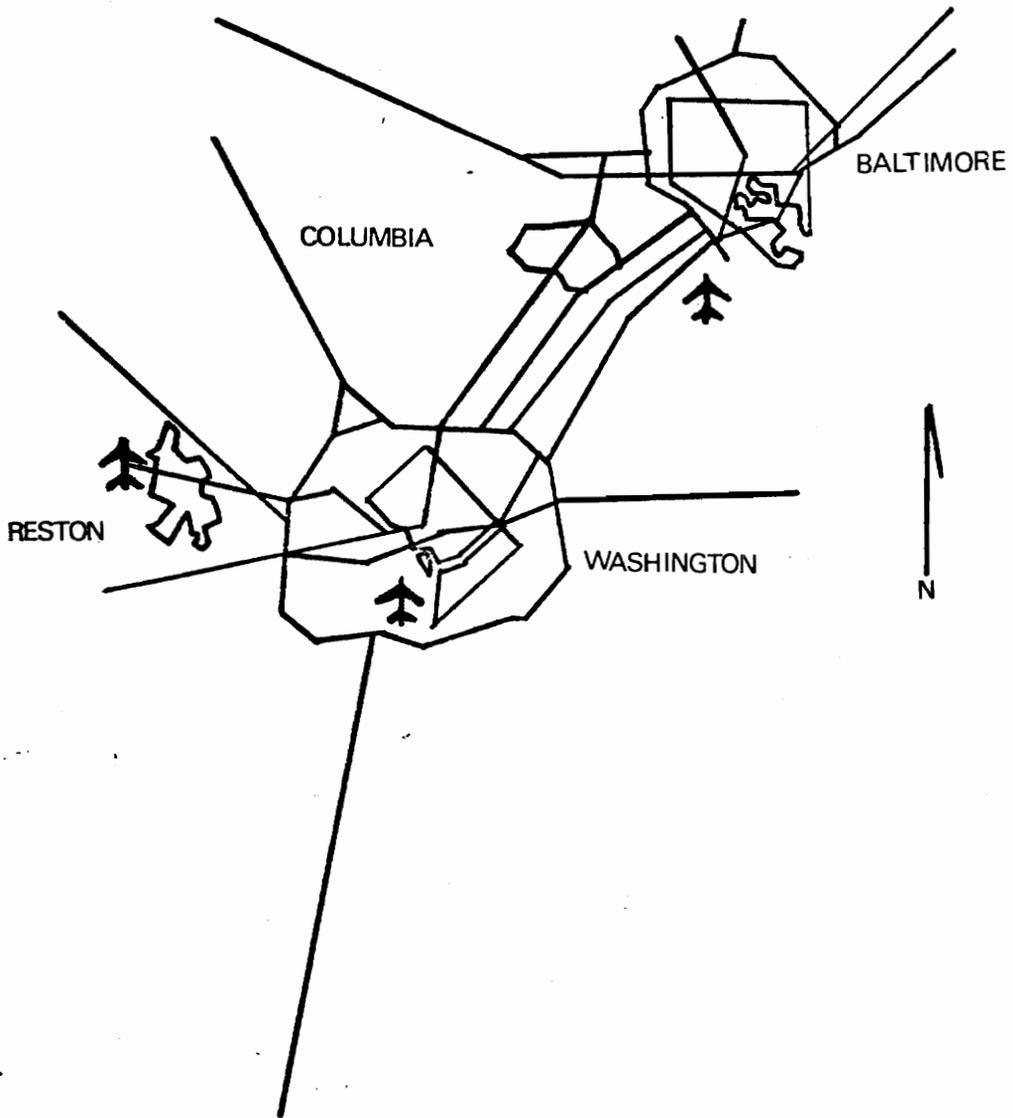
CA Annual Assessment \$.75 per \$100 assessed value, as assessed by the County, to 60 percent of the total value of the house.	
for a \$40,000 house	\$180.00

*These dues and assessments must be paid, as a home purchaser signs an agreement to do so at settlement. If they remain unpaid each association is empowered to take the matter to court.

In Columbia, commercial and industrial property is also assessed at the same rate. In Reston, there is no provision for these types of properties to pay RHOA dues.

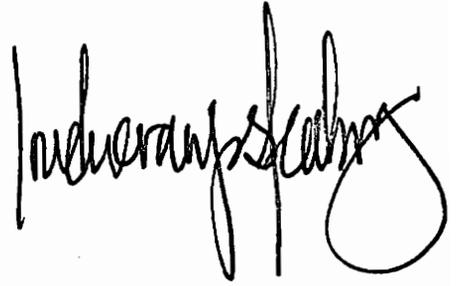
Table III

LOCATION OF RESTON AND COLUMBIA IN WASHINGTON METROPOLITAN AREA



Vita

Linda Crump Stenberg
Born: April 29, 1944, married, no children
Residence: 2617 Soapstone Drive
Reston, Virginia 22091



Education

Undergraduate--New York State University College at Buffalo
Regents Scholarship: September 1962-February 1966
Experiment in International Living--Study Abroad participant in
Art History--1964
Bachelor of Science in Art Education, February 1966

Graduate--Virginia Polytechnic Institute and State University--
Reston
Graduate Research Assistant at New Communities Study Center under
Dr. Royce Hanson--June 1971-August 1972

Teaching Experience

Court Street Elementary School
Lancaster, New York 14086
Grades k-6
January 1966-June 1966

East Greenbush Junior High School
East Greenbush, New York 12061
Grades 7 & 8
September 1966-June 1968

George Mason Junior-Senior High School
7124 Leesburg Pike
Falls Church, Virginia 22046
Grades 7 - 12
September 1968-June 1971

Community Activities

Member of the Study Team on Reston Home Owner's Association Role
and Structure--a group which for 18 months studied the
possibilities for governing Reston and defining its relation
to Fairfax County.

Volunteer driver for Common Ground Foundation Community Bus

Other Activities

Art Consultant to *The Bureaucrat* a quarterly journal dealing with
public policy issues of concern to public administrators, published
by the American Society for Public Administration, National
Capital Area Chapter.

CITIZENS, SERVICES AND NEW TOWNS

by

Linda Crump Stenberg

(ABSTRACT)

"Citizens, Services and New Towns" is a study of two new towns, Reston, Virginia and Columbia, Maryland, their private governmental structures and their service delivery mechanisms.

Because of the relative success of Reston and Columbia and the 1970 Housing Act, new towns are springing up across the country. There has been much concern for their physical planning and impact on the environment, yet relatively little attention has been focused on the effects of a new town on existing local governments. Little attention also has been given to how the new town will provide its citizens with services and how they will be financed.

This study attempts to compare Reston and Columbia's servicing mechanisms, private governmental structures, and the local governmental context within which they operate, and to determine the more efficient, effective, and equitable service delivery system.

The Columbia service delivery system meets these criteria. It combines preservicing and debt financing with a municipal-like private government. It seems to be more responsive to citizen needs than that of Reston, which waits until population creates a demand for services.

Much of the data used to support the hypothesis was gathered during a research project done by Jean March and Linda Stenberg at Virginia Polytechnic Institute and State University. Additional information was gathered from interviews and from the existing literature.

Reston's private government has been unable to provide services beyond land maintenance. It is too limited financially and structurally to do otherwise. Columbia has been able to offer a wide range of services and amenities because of its debt-financing mechanism.