

# Forms of Municipal Government

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by

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## *Forms of Government*

American local government, especially the governing of cities, is marked by a great diversity of basic structures. Three basic structures exist, though within each there can be significant differences. A little background may be useful to understand how such diversity came about and why it persists.

### A Little History

Cities are corporations and thus are governed by **charters** as are any other corporations.<sup>1</sup> The municipal corporate form often but not necessarily provides cities with more discretion about their governing structure than is typically the case with other units of local government. This is particularly the case with traditional units of local government such as: counties, administrative sub-units of the state; townships, sub-units of counties; and special districts, state created units usually offering a single service. Note that some or none of these units may exist in a particular state. State laws vary greatly and only those units created by the law in a particular state can exist. Furthermore, any unit of local government has only the authority that the state grants. The local units may be created by the state constitution or by statute. In many cases, it may be a combination, with the constitution empowering the legislature to detail a particular unit of government. Thus, the ability of a city to determine its governing structure depends upon state law, both the **Constitution** and statutes. States can greatly constrain what cities may do and could in fact control what forms are selected. For example, until a few years ago, no city in Indiana could choose the Council-Manager form of government; state law prohibited the choice.

In Ohio, the **Ohio Constitution** grants cities nearly unlimited choice in their form of government. The grant was the result of the 1912 Constitutional Convention that focused on the problems of the cities. Within a decade all of the major cities in Ohio had selected the Council-Manager form, though Cleveland abandoned it in the early thirties and Toledo in the late 1980's. Since 1912, cities have had the authority to design their own form of government with any variations they desire.<sup>2</sup> Almost all of the forms can be found among Ohio cities, ranging from almost classical forms of Council-Manager and Council-Mayor systems in Dayton and Cleveland respectively.

Though cities can change their form of government there has been infrequent changes over time. Most recently a few cities have abandoned the Council-Manager form while some suburban cities have adopted it. Most of the problems faced by cities are not caused by the form of government and thus there has been little immediate impetus for change in most cities. However, the form of government does affect the ability of a city to deal effectively with its problems; and most immediately, has a large influence on how government is conducted. Often, though, changes in the form of government are driven more by partisan or personal politics than a concern for community problems. A party may not be faring well under a current structure of government - its members occupy few of the offices - and may surmise that changing the form will increase their ability to have their members elected.

For example, a political party may feel it can not win at-large elections and will campaign for ward elections, a structural change that enhances its chances at the polls. Similarly, special interests may feel they would have a better chance of achieving their ends if different types of officials were elected. Such special interests may then campaign for a change in the structure of government, usually publicly articulating a concern for "the public interest" in contrast to their pursuit of self-serving, narrow ends.

At other times, many do want to change the form of government because it will refocus government in ways they think will be of more benefit. Focusing on structure is appropriate as structure does make a difference. For example, the political problems of Cleveland are exacerbated by only electing Councilmembers from wards and more importantly electing those from wards to the Office of Council President. In contrast, the ability of Cincinnati to plan over decades was supported by the Council-Manager form of government. The ability of Columbus to grow was aided by the at-large election structure of its Council in a Council-Mayor form.

Of course, structure by itself is not sufficient. As the old canon from logic goes, structure is a necessary but not sufficient condition for effective government. That is, the theoretically best form of government may be ineffective if it is not supported by key actors and felt to be legitimate by the people. Structure is a starting point not a conclusion.

## Forms of Government

The three forms of local government vary greatly. A basic difference is the extent to which the form provides for separation of powers. The Council-Mayor form follows the state and national governmental structures based on separation of powers. The Commission and Council-Manager forms do not. The two other basic differences are the office of the chief executive and how council people are

### Council-Mayor Form of Government

The Council-Mayor form of government is modeled after state and national governmental structures. The form presumes separation of executive and legislative authority. Separation of powers means the existence of branches of government that draw authority from the basic governance documents, either the **Charter** or state law, and so have independent grants of political authority.

In this form the Council has distinct authority from the Mayor. Typically council members are elected in partisan elections from districts or wards. Councils tend to be quite large, such as Chicago's with 53 members. (Cleveland has 21, down from an earlier total of 33.) Some cities have some members elected at large as well as from districts or wards. The office of Mayor is separately elected. The trend is to give both council members and mayors four year terms.

There are two variants of Council-Mayor form of government. The first grants few powers to the Mayor and is called, appropriately, a Weak Mayor system. In contrast the Strong Mayor variant grants considerable powers to the Mayor, such as a veto over Council actions, executive budget powers, appointment, firing, etc. Smaller cities often have the Weak Mayor and, in fact, this is the statutory form of government for villages in Ohio, that is, municipalities with less than 5,000 population.

In states with home rule provisions, cities can have hybrid systems, granting some powers to the office of Mayor, such as appointment, but denying others, such as veto. Cleveland is an example of a mixed system.

Finally, independent agencies can be present. An example is a planning commission as illustrated below. These agencies may have members appointed by the Mayor with approval by Council or with the appointment process involving both, such as some members appointed by the Mayor and some by the Council. Independence is emphasized by a term of office, that is, a member can not be removed from the office unless she/he violates the law, or by requiring both the Mayor and Council to remove.

elected. This section discusses some of these basic differences. Separate sidebar sections, set-off with boxes, address each form. A diagram for each of the basic structures is also provided on page 5. The diagram is simplified and concentrates on illustrating the differences. Thus, only two (2) departments and one (1) independent commission are shown whereas in an actual city of any size, there will be many such departments and commissions.

The Council-Mayor form provides for independent legislative and executive offices. Mayors are elected in separate elections by the voters, not by council. Both councilmembers and mayors serve independent terms of office. Councils are typically large and elected in partisan, ward or district based elections. The executive power is concentrated in the mayor, though weak mayor systems may grant the office of mayor few if any of the major political authority of an executive; that is, preparation of an executive budget, appointment of subordinates, veto over proposed ordinances, etc. It should be noted that the third branch of government, the judicial, is usually controlled by state government. Local courts, such as Mayor's Courts, have limited jurisdiction, often focused on vehicular law enforcement - parking, speeding, etc.

### Commission Form of Government

The Commission form of government arose from the effort to deal with the extensive damage from a catastrophic hurricane that leveled Galveston, Texas, in 1900. The city was operated by a Commission that had many of its members appointed by the Governor. A similar form was created to run the District of Columbia following the corruption of the Shepard administration in the 1860's. In the latter case the system continued until home rule in 1970's.

All of the public authority is invested in a Commission whose members usually are elected at-large in non-partisan elections. The number of commissioners is small, typically 3 to 9, and odd to avoid tie votes as there are no other elected actors to break any ties. Collectively, the Commission is the legislature, passing ordinances. Individually, they are administrators with each responsible for a specific department or group of departments. As with most city governments independent commissions or committees can exist, such as civil service or planning.

With difficulty in coordinating administration, the form is in use in only a few cities. It declined relatively rapidly from its heyday in the first two decades of the twentieth century.

In contrast, the Commission and Council-Manager forms concentrate public authority. All political authority is granted to the Council. There is no separation of powers. In these systems, the council is a small body of five (5) to nine (9) members typically elected in non-partisan at-large elections. The reformers advocated these numbers in order to expedite honest and accountable decisionmaking.<sup>3</sup> There is no veto power in such systems. The Commission has a plural executive in which each member of the Commission is an executive, supervising a department or group of departments. The Council-Manager form has an appointed chief executive, the City Manager. The Manager is an expert often selected from outside of the city and serves at the pleasure of the Council; that is, she/he can be fired at any time by a vote of the Council. The Manager possesses all of the administrative authority in the city, such as appointing subordinates, preparing an executive budget, firing errant employees, etc.

The other major difference among the forms is in the selection of council members. Classical<sup>4</sup> forms had council members elected from districts or wards in partisan elections in the Council-Mayor system and at-large, non-partisan elections, that is, from the city as a whole with no party affiliations listed on the ballot, in the Commission and Council-Manager systems. However, some cities with Council-Mayor and the Council-Manager forms select some council members from districts and others from at-large. In most cases, Council-Mayor cities will select most council members from districts or wards while Council-Manager cities will select most members at-large.

### Does Form Make a Difference?

The unsettling answer is yes - and no. The "no" represents the importance of the support for the form. As underscored above, no matter what the form of government or even the quality of the officials, if the form of government is not supported it will not be effective. With support the forms do indeed differ in how and what they do. In many instances, lack of support is a result of not understanding the system, often by both the public officials and the electorate.

The Commission form is of minor importance today. It

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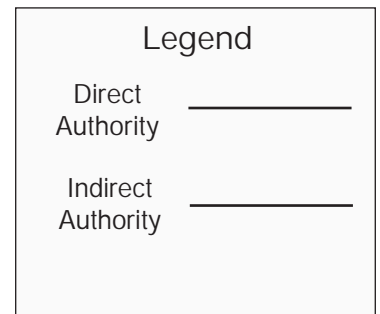
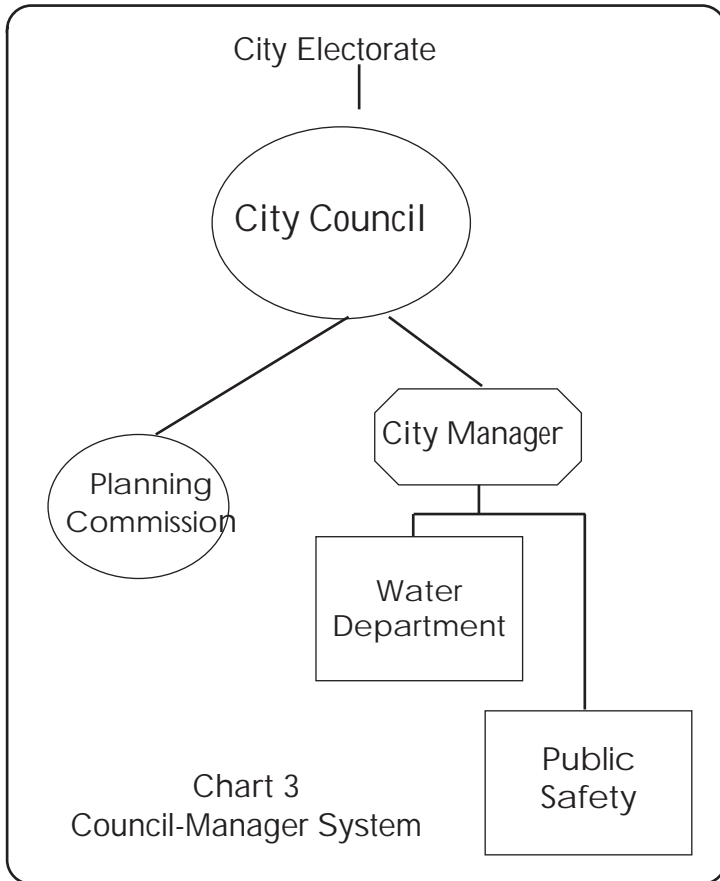
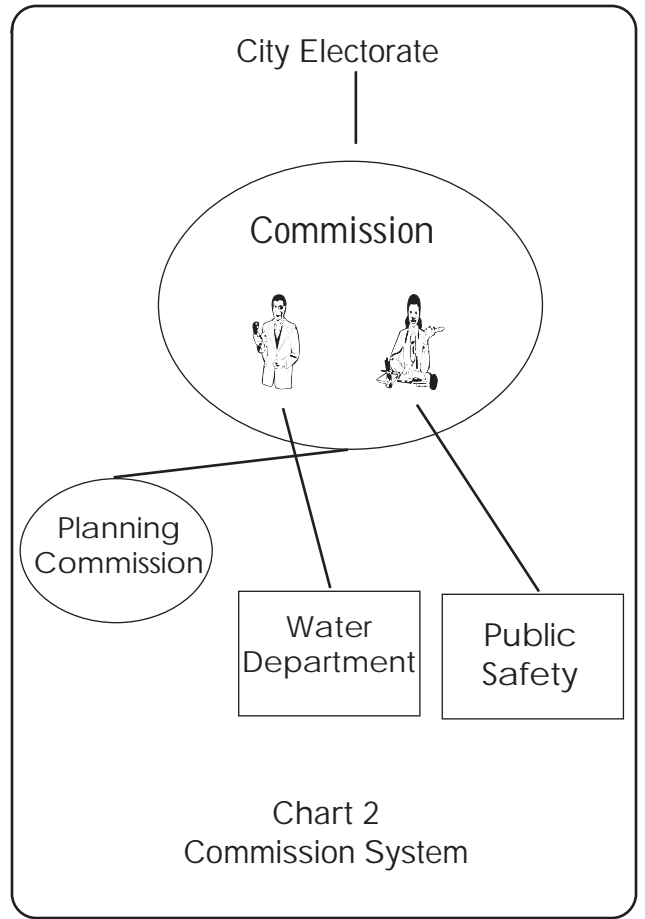
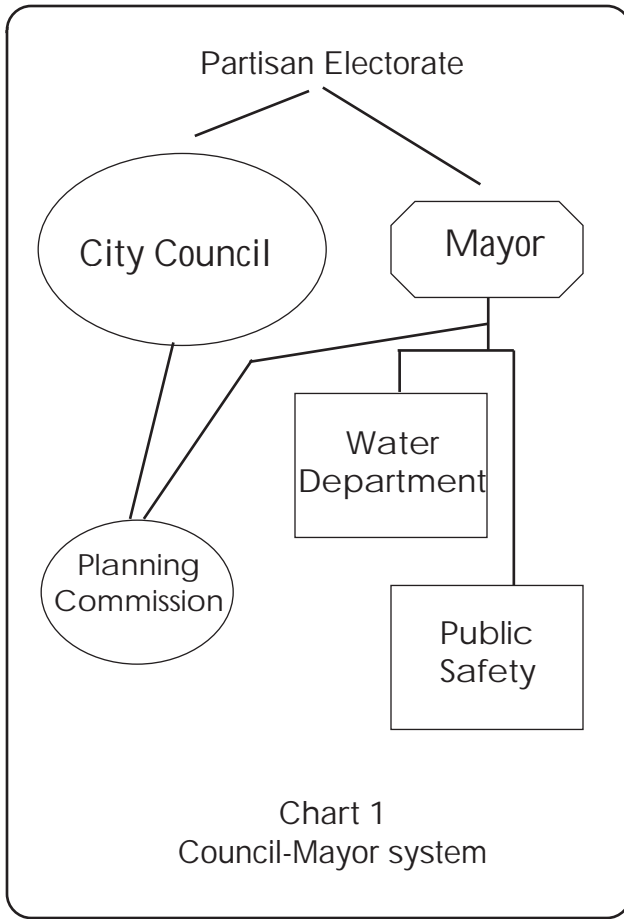
### Council-Manager Form of Government

This form of government was created by Richard Childs, a tireless advocate of urban governmental reform, as an amended version of the Commission form. (In many cities with this form, the Council is still called the "Commission.") Mr. Childs was concerned with the lack of administrative direction in the Commission form and so added a City Manager to oversee all of the administration.

The Council in this form retained all of the policy powers of the Commission. The Council was also elected at-large in non-partisan elections and was composed of a small, odd number of members. The Council selected the City Manager who served at its pleasure. She/he could be fired by a majority vote in most cities. The manager possessed all of the administrative powers, from appointing and firing personnel to preparing an executive budget.

City managers in those cities certified as complying with the plan by the International City and County Management Association (ICMA) are professionals. Most managers start their careers in small cities and over time serve in 5 to 10 cities. ICMA was started as the City Managers Association and in 1965 changed its name to reflect its acceptance of professional urban administrators as well as City Managers. County was added to the name in 1991, recognizing the growing numbers of professional County Managers. The Association provides excellent materials on contemporary city management.

Originally, many Councils were elected through proportional representation (PR). Under this system members are elected if they receive a requisite proportion of the vote. It was used in Cleveland during the nearly 10 years the city had the Council-Manager form and in Cincinnati until 1957. No major city uses PR as an election method currently though it may well be a procedure for assuring equal access of minorities to public office in systems with at-large elections.



came and disappeared relatively quickly at the turn of the century, though a few cities still have it. The crucial problem that developed with the system was the plural executive. There were, and are, no sure methods for resolving differences among the commissioners and thus administration could be greatly harmed by their conflicts. I will address the Council-Mayor and Council-Manager forms as these are the real options in most cases today.

The Council - Manager form of government promotes professional, democratic governance.<sup>5</sup> The Council-Mayor form facilitates partisan systems of governance. For cities where party identification is important, the Council-Manager system has not reached its goals. Similarly, where people want professional and democratic governance, the Council-Mayor system has not been effective. Note that this means that most of the time people are disappointed. Periodically, a popular Mayor or City Manager may overcome the lack of support but the issue may arise anew with the popular person is no longer in office. Effectiveness of a form of government is a long term issue and is best tested when a relatively unpopular actor is in one of the key offices. This situation tests the support of the system compared to support for individuals. Of course, in reality, people and systems are intertwined, making it difficult to know just what is and what is not supported. As noted above, this is further complicated when people do not understand the systems.

The Council-Mayor form demands governance through party conflict.<sup>6</sup> Often, the parties organize around specific interests and thus the cities are marked by political conflicts between groups such as labor and management, races, etc. Government positions are occupied by professional politicians who provide governance by mobilizing their party and capturing a majority of the governmental positions. These are characteristics of most of the large cities of the United States and thus most have a Council-Mayor form of government.

In contrast, the Council-Manager system promotes governance through non-partisan, part-time council members who hire and can fire professional chief executives. It requires non-professional politicians, or professional politicians who are mainly interested in the city, to occupy the chief governmental positions and to hire professionals to conduct government. Both conditions must be met to for the system to work best: politicians interested in local government more than a political career generally and the willingness to hire professionals who are granted significant authority to govern. Professional relates first to a commitment to a set of values. Secondly, it relates to particular knowledge which a professional should possess. We note the first when we say a person acted "professionally." When we hire a professional, it is often for their knowledge base though we tend to assume certain values are held by the person - and will be characteristic of their actions.

Democratic politics are characterized by the ability of citizens to participate meaningfully in government. Meaningful participation is more than voting. To be meaningful citizens should be able to affect policies and their administration by informed action. Parties can be democratic if individuals can influence their actions. However, parties reward loyalty and party contributions. Thus partisan based systems often limit participation to those willing to engage in party work.

Examples of systems that worked well are Columbus and Cincinnati. The former has a Council-Mayor form and the latter a Council-Manager. Both draw quality people into office who have pursued long term directions that benefit the city. Recently, there has been discussions in Cincinnati over the form of government, especially by minority politicians, who feel thwarted by the system. The Cincinnati Charter was amended to grant the Mayor more importance in the appointment of the City Manager. In contrast, Cleveland's adoption of the Council-Manager form

in 1924 illustrates the consequences of a mis-match between the needs of a system and the support it receives. Though Cleveland formally had a Council-Manager form, the two political parties continued to control patronage in government and eventually defeated the system.

In sum, the Council-Mayor form of government is a partisan system of governance. It requires parties to attract talent and govern. In contrast, the Council-Manager form requires locally oriented citizens to staff elected, part-time offices and to appoint qualified professionals to govern. Each type will work if actively supported. Each type will have problems, reflecting current issues and people. In the long run, the differences will be substantial.

## Some Considerations

Whenever a city thinks about its form of government it must deal with some basic issues. First, the nature of the local culture must be understood. If it is partisan and conflictual, then systems that work best in such situations should be examined. Conversely, if the city supports professionalism, then partisan systems may reduce governmental effectiveness and credibility.

Culture is not immutable. It can be changed over time by the efforts of sometimes a small number of people. Often social scientists seem to paint pictures of inevitability, that certain things are going to happen regardless of what anybody does. This is an erroneous perception of both social science and reality. All that social science states is that if no one changes her/his behavior that such and such is the most likely outcome. History has dramatically demonstrated that individuals who are willing to spend time and effort can greatly and permanently alter a culture. (This is analogous to the principle of Physics that states systems only change if energy is introduced or subtracted. Time and effort are the "energy" of public affairs, especially at the local level.)

Second, councils are the democratic cores to local government. Their method of election and relation to the executive are paramount concerns. It seems best to have some council members elected at large in Council-Mayor systems and some elected from districts and wards within Council-Manager systems. Relations between council and the chief executive need to be spelled out but in ways that are consistent with the selected form of government and internally consistent. Also, the U. S. Supreme Court has become concerned with how councils are elected, based on who is represented and who may not be.

For example, professional chief executives must have all of the administrative authority. They serve at the pleasure of councils which provides accountability and if denied the administrative authority they can not fulfill their chief executive responsibilities. Along with the authority, normally granted in the **Charter**, the chief executive must also have the power; that is, an actual ability to perform her duties. All too often, an actor has considerable authority on paper, but is denied the power in practice. Similarly, political chief executives must be able to maintain their independence of the council but issues of when council and mayor differ must be addressed. There are no set or even easy answers to such council/mayoral conflicts but they can undermine a city, especially in a time of crisis, and poison the public service experience of citizens, especially those who serve on Council.

Finally, any change in the **Charter** should promote an intensive campaign to educate the people. Most Americans do not understand their government, either generally or specifically, and thus often complain about it based on ignorance. Times of changing a **Charter** provide an excel-

lent opportunity for a community to engage in an educational process. A successful educational campaign requires use of local resources, such as newspapers and other media and ideally experts from the outside, such as those from the **Ohio Municipal League** International City/County Management Association (ICMA), leaders from other cities and university professors. The community dialogue should prepare the citizens to exercise their responsibilities. Without such education, citizens may well act from ignorance and sadly contribute to ineffectual government without understanding the causes - and their role in that outcome.

### *Notes*

1. Even though cities are corporations the courts have treated them differently than private, for-profit entities. The courts have recognized the public nature of a municipal corporation and the primacy of state government over such corporations. Even cities with **Charters** must abide by general state laws, though in many cases it is not clear what state laws qualify as general. The **Ohio Supreme Court** has been noticeably inconsistent in delineating this issue.
2. The flip-side to this discretion has been very little serious attention by state government to the problems and needs of the cities. This may change as the national government withdraws from funding urban programs, but history cautions against any expectations of dramatic changes in the behavior of state governments.
3. Contemporary research on the optimal (best) size a decisionmaking body supports the size of councils preferred by reformers. Seven (7) is the optimal number for a committee charged with making decisions. With seven (7) members, nearly all relevant options are generated and examined, with each member having sufficient time to speak while keeping the system efficient.
4. Classical does not refer to better. It means how the original system was designed. Over time most of the systems have changed in form and often exchanged some features. For example, some Council-Mayor systems have an appointed administrator, sometimes called a Chief Administrative Officer, who may possess some independence of the Mayor. Similarly, some Council-Manager systems have a separably elected Mayor. However, the City Manager is still the chief executive officer with the executive authority.
5. Governance refers to the ability of the political system to provide policy and administrative direction to solving present and future problems. A critical requirement is pursuing long term policies that enhance the general public.  
Democratic refers to the non-partisan, individual emphasis in elections in the Council-Manager form. This is closer to traditional notions of democracy than the party based systems in the Council-Mayor systems. Note that all systems can be equally supportive or inhibiting of citizen participation.
6. Party conflict is not necessarily bad. I am not judging it good or bad in this discussion. It is definitely an acceptable method for governance and its status depends upon the local political culture, that is, how people think governance should be accomplished and how political parties should behave. Its effectiveness depends upon how well the voters and party officials play their expected roles.

## Bibliography

Below is a brief bibliography on local government. Both historical and current books are included. The purpose is to provide an overview that addresses both the formal and informal dimensions of local governance from a practice perspective.

Ernest S. Griffith, **The History of American City Government**(a four volume study; the subtitles are self-explanatory and listed below)

### **The Colonial Period**

#### **The Conspicuous Failure, 1870 - 1900**

The Progressive Years and their Aftermath, 1900-1920

#### **The Formation of Traditions, 1775 - 1870**(with Charles R. Adrian)

Patricia M. Melvin and Zane L. Miller, **The Urbanization of Modern America: A Brief History**

Jon C. Teaford, **The Twentieth Century American City**(2nd edition)

, **City and suburb: the political fragmentation of metropolitan America, 1850-1970**

### ***Government and Governance***

*Consult the publications of the **Ohio Municipal League (OML)** and the **International City and County Management Association (ICMA)**. **OML** has compiled, for example, Ohio statutes relevant to cities. Many of their publications may be free if your city is a member. Both organizations publish high quality materials appropriate to most aspects of city government.*

Demetrios Caraley, **City governments and urban problems: a new introduction to urban politics**

George E. Peterson, **Big city politics, governance, and fiscal constraints**

James Reichley, **The Art of Government: Reform and Organization Politics in Philadelphia**

### **Blacks and the City**

George C. Galster and Edward W. Hill, eds., **The Metropolis in black & white: place, power and polarization**

Kenneth L. Kusmer, **A Ghetto Takes Shape: Black Cleveland, 1870 -1930**