Presentation Prepared for the Start of Charter Review
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Municipal Charters
Overview and History
... A page of history is worth a volume of logic
A Federal Republic

Philosophical Structure of American Government

People

Constitution

Federalism

Constitution

National Government

President
Vice President
Personal and Executive Staff
Executive Departments
Public Corporations

Congress

House of Representatives

Senate

Independent Regulatory Agencies
Legislative Staff
Regional Administrations

Supreme Court

Court Clerks and Staff Agencies
Appellate and Trial Courts

State Government

Elected Executives
Governor
Lieutenant Governor

Executive Agencies
Boards and Commissions
Public Service

State Legislature

House

Senate

Legislative Staff
Court Clerks and Judicial Staff Agencies
Appellate and Trial Courts

Local Governments

Special Districts
Public Authorities
Counties
Municipal Corporations
City Councils
City Managers
Mayors

Boards and Commissions
Executive Agencies
Boards and Commissions
Public Service

Definition of Concepts and Terms on back

Dr. L. F. Keller
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Rise of the Concept of a Municipality

Roman need to govern ancient cities that had no ties to Rome other than suffering conquest. Municipal – all but foreign affairs

American cities are legally corporations – thus they need charters.
Rise of the Modern American Municipality

First Urban Revolution – creating the walking city

By 1900 **New York City** – formed by a merger of Brooklyn and Manhattan joined by three other boroughs reaches three and a half million people

Post Reconstruction 1880 to 1920

Inadequate Governments and Political Party Rule
Modern Municipal Government

Reform Movement 1880 to 1920

Non-Partisan systems, Commission and Council-Manager Plans

Strong Mayor and Council-Manager Systems of Governing reform politics
Rise of Home Rule for Cities

Political Party Rule and Politics becomes focused on rewards – Honest Graft

State versus local municipalities over control and rewards

Reformers seek cities along the lines of the historic city states such Athens and Rome
Rise of the Metropolis

Second Urban Revolution and the Driving City Plus

Central Cities, Inner Suburbs, Outer Suburbs and a global economy

Separation by Race and Class
A Charter for the Modern City

After the Second Urban Revolution no one charter fits all

The search is for a legal document that modernizes government, involves active citizens and prepares a community to face problems with a concern for the long term public interest

A Charter alone does not solve public problems
The Purpose and Function of a Charter

A [home rule] Charter is not the act of a Government, but of a people constituting a government, and a government without a constitution is a power without right.

Thomas Paine

A Charter establishes the process, context and mechanisms for a community to make decisions about solving problems and facing the future.
The Core of a Municipal Charter

Form of Government

Structure, Process and Roles of City Council

Other offices of government and relation to Council and Chief Executive

Financial Requirements and Processes

"Good decisions come from experience. Experience comes from making bad decisions."

- Mark Twain (1835 - 1910), American Novelist and Journalist
The Core of a Municipal Charter, Part 2

Elections, Initiative and Referendum

Ethics, both substance and Process

Roles and Processes for Citizen Participation

Training and Development of Officeholders

"The sign of an intelligent people is their ability to control emotions by the application of reason."

- Marya Mannes (1904 - 1990), American Author and Critic
Forms of Municipal Government

Decisions on the Form of Government is the most critical as it has implications for all of the Charter

Forms of Government are significant but like charters generally don’t solve community problems

Forms of Government do create political cultures, environments which can facilitate a community dealing with its problems and building a better future

“Noise proves nothing. Often a hen who has merely laid an egg cackles as if she had laid an asteroid.” ... Mark Twain
Forms of Municipal Government: A Short Overview

Current Forms of Government were created by reformers focused on improving governance.

Governance is making and implementing public policies, providing services to citizens and greatly determining their quality of life.

A Form of Government is the most important structure by which Governance is performed.

"Imagination is more important than knowledge. Knowledge is limited. Imagination encircles the world." - Albert Einstein.
Council-Mayor Form of Government

Elected Chief Executive

Strong or Weak

Type of Mayor depends upon explicit grant of authority as chief executive, veto authority and control of appointments and budgets

Elected Legislature - Council or Commission

Elected at-large or from wards or districts, or a combination of the two

Separation of Powers
Council-Mayor Form of Government

**Strong Mayor Model**
- Voters elect Mayor
- Mayor appoints Council Legislative body
- Council Legislation body appoints Department Heads

**Weak Mayor Model**
- Voters elect Mayor
- Mayor chooses Council Legislative body
- Council Legislative body appoints Department Heads

**Figure Head**

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Mayor
Chief Executive

Department Heads
Administrators of agencies such as public safety, public works, finance, education
Commission Form of Government

Elected Commissioners

   Typically at Large Elections

Collectively the Commissioners are legislators

Individually the Commissioners are Directors of Administration; each directs a different department or departments

No Separation of Powers
Commission Form of Government
Commission/Council - Manager

Form of Government

Elected Commissioners or Council Members

Often by at Large Elections

Commission/Council appoints a chief executive, the City Manager, who serves at its pleasure

City Manager has sole administrative authority and administers the budget

No Separation of Powers
Commission/Council Manager Form of Government

COUNCIL-MANAGER

MAYOR AND CITY COUNCIL

ADVISORY BOARDS

PARKING AUTHORITY BOARD

LIBRARY BOARD

RECREATION/_AUDITORIUM BOARD

Parking Authority Manager

Library Director

Aud/Rec Director

CITY MANAGER

City Clerk/
Human Resources

City Attorney

Airport Director

City Assessor

City Engineer

Finance Director

Fire Chief

Police Chief

Public Works Director
Forms of Municipal Government: Some Strengths and Weaknesses

Forms of Government are significant but like charters generally don’t solve community problems.

Forms of Government do create political cultures, environments which can facilitate a community dealing with its problems and building a better future.
Council-Mayor Form of Government

Strengths and Weaknesses

Strengths

Elected Chief Executive can mobilize electoral support

Campaigns can highlight issues publicly

Can form political coalitions

Connections via Party to other units and levels of government
Council-Mayor Form of Government

Strengths and Weaknesses

Weaknesses

Mayor can be popular but ineffective
Mayoral candidates seldom have managerial or administrative backgrounds
Mayor can dominate the agenda
Can slight and sometimes ignore Council
May not deal with unpopular issues that could thwart political ambition
Commission Form of Government

Strengths and Weaknesses

Strengths

Commissioners experience internal issues at the work level

Non-partisan which matches voters more and more declaring independent as their political status

Typically 5 to 9 Commissioners so it is possible to reach consensus by deliberation

Unlikely to have one person dominate agenda
Commission Form of Government
Strengths and Weaknesses

Weaknesses

Difficult to cope with conflicts among commissioners

Leadership difficult to establish

Coordination of administration very difficult to accomplish

Difficult to conduct inter-unit and inter-governmental relations
Commission/Council - Manager
Form of Government
Strengths and Weaknesses

Strengths
Empowers Council – People’s Representatives
Chief Executive educated professional
Hiring of the City Manager facilitates Council identifying issues
City Manager in but not of the local politics
Accountability of the City Manager for how governing is conducted
Commission/Council - Manager

Form of Government

Strengths and Weaknesses

**Weaknesses**

Partisan Politics are difficult to address
Depends upon the quality of Council
Can lack political leadership
Citizens may lack understanding of the system
Forms of Municipal Government: Hybrid Systems

Many Current Forms of Government were modified over time and place.

Many were created as political compromises to obtain better governance when reform is not supported.

Both major Forms of Government have been modified.
Council-Mayor Hybrid Forms of Government

Elected Chief Executive

Typically Strong Mayor
Mayor may preside over Council, including setting agenda and appointing committee members

Elected Legislature - Council or Commission

Elected at-large or from wards or districts, or a combination of the two

Separation of Powers
Council-Mayor Hybrid Forms of Government

Chief Administrative Officer

Appointed by and terminated by the Mayor
Administrative or other qualifications
Has Administrative Authority

CAO Office created by Charter or Ordinance
Strong Mayor retains most political authority such as Veto
Council-Manager Hybrid Forms of Government

Appointed Chief Executive

Elected Legislature - Council or Commission
  Elected at-large or from wards or districts, or a combination of the two

No Separation of Powers
Council-Manager Hybrid Forms of Government

Elected Mayor or similar office

Mayor has policy and appointive authority
  May nominate City Manager
  May initiative termination of Manager

City Manager accountable to Council
  Appointment and Termination require
  Majority or supra-majority vote of Council
Municipal Charters and Politics

Unless written locally, charters are provided by state legislatures.

Ability to and the process for writing a local charter controlled by state law.

Writing or reviewing a charter an opportunity to educate a community.

As with any representative body a charter or charter review committee must seriously but civilly deliberate.
Concluding Remarks

All public activities in a community are political

Politics is a process by which a community determines the “authoritative allocation of values” – that is what is valuable to the community as a whole

The quality of politics is determined by how it is done and creates the public character of the community