

Common Issues and Pro/Con Arguments in Elections to Change Form of Government

What are some of the most common issues and arguments pro and con that have come up in elections to change forms of government?

In our experience, the most common issues revolve around:

- **Responsiveness and accountability** – which form will be the most responsive?
- **Professional management** – which form provides the best quality of management?
- **The appropriate role of politics in administration** – should politics be removed from administration?
- **Effectiveness and efficiency** – which form produces the most efficient and effective management?
- **Political harmony (an oxymoron?)** – which form produces greater harmony and less divisiveness?

These “arguments” have been collected from a variety of sources and do not necessarily reflect the opinions of MRSC or MRSC Staff.

Arguments For the Mayor-Council Form

- This is the form that is familiar to most Americans because it is patterned after our traditional national and state governments. There is a separation of powers between the executive and legislative branches. There are checks and balances. The council can refuse to confirm the mayor's appointments and the mayor can veto the council's legislation.
- Also separation of powers provides healthy independence, debate and creative tension. Separate legislative and executive branches provide the best opportunity for debate and consensus building.
- By electing, rather than appointing a mayor, political leadership is established. The city has a political spokesperson who has a high degree of visibility.
- Some argue that an elected mayor will have a higher standing and greater voice in regional affairs of the city
- The mayor is vested with the veto power and can serve as a check on an unpopular council decision
- A skilled administrator can be hired to minimize weaknesses in the mayor's management background or experience, but the mayor is still fully responsible. (This refers to the appointment of a CAO and the addition of professional expertise to the mayor's office)

Arguments Against the Mayor-Council Form

- The office of the mayor gives too much power and authority to one person. It permits an incumbent to make decisions based largely on political considerations, and to use the office to further personal political objectives
- They also point out that the qualities needed to win an election are not the same qualities needed to manage a modern city. A mayor, while politically astute, may not always possess the necessary management training and experience.
- If an elected mayor proves to be incompetent or worse, he/she cannot be removed until the end of their term, or after an expensive and divisive recall election.
- A separately elected mayor may resist requests from the council. The mayor may attempt to isolate the council by controlling staff, information, and reports.

Arguments For the Council-Manager Form

- Administration of city business is removed from politics
- Efficiency of professional management based on a business model also the familiar model of school board to school superintendent relationship
- Since city managers are appointed rather than elected, greater attention can be given to selecting a qualified manager. The pool of qualified candidates is larger since city managers traditionally are paid better than mayors and since candidates can be recruited from outside the city including a nationwide search. (mayors must be a resident of the city prior to their election).
- Emphasis is placed on the role of the legislative body and its policy-making function. Council gets better cooperation and information because the city manager is their employee.
- Since manager serves at the pleasure of the council without a definite term, he/she can be removed at any time, limiting the danger of an abuse of authority.

Arguments Against the Council-Manager Form

- Critics of the council-manager plan argue the following:
- The council-manager form gives too much power to one person - the city manager
- A professional manager, often chosen from outside the city, does not know the community and is too far from the voters

- Councils may leave too much decision making to the manager, who is not directly accountable to the public
- Without an elected chief executive, the community lacks political leadership
- The council-manager form is too much like a business corporation which is not suitable for managing community needs
- City managers cost too much, local people could handle the job for less cost
- Citizens may be confused about who is in charge. Most expect the mayor to respond to their problems. The mayor has no direct control over the delivery of services and can only change policy through the city council
- City managers may leave a city when offered higher salaries and greater responsibilities in other cities



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October 5, 2016

To Members of Charter Review Commission,

I have a previous engagement tonight, but wanted to share my thoughts on the Mayor versus City Manager discussion.

In my mind, there are 4 primary reasons not to move forward with a change to City Manager form of government at this time:

1. Our government is based on 3 branches of government: Executive, Legislative and Judicial. Each has its own important purpose. Hiring and overseeing day to day operations of the City is not a legislative function and I believe blurs the line between Executive and Legislative authority. A Mayor elected by the people is responsible to the people and must serve for the good of the City as a whole. A City Manager who is appointed/ hired by City Council is responsible to Council.
2. My voice (as a resident) is diluted in this scenario – I now get to vote for Mayor, Council President and my Ward representative. With a change to City Manager, I would only get the opportunity to vote for Council President and my Ward Rep. Where there is currently City Manager locally, those Cities have a greater number of at-large council members. Cleveland Heights has 7 at-large members; Mentor has 4 wards and 3 at-large (voters have a say in 4 of 7 seats); Painesville has 4 wards and 3 at-large members of Council (voters have a say in 4 of 7 seats). As a resident, I want to vote for who will lead the City. Just as I would not want the State legislature choosing who would serve as Governor or the Federal Legislature choosing who will serve as President, I do not want our Legislature choosing Executive leader of the City.
3. As Mayor, I have seen that an elected Mayor as the City representative is important and carries more weight in advocacy efforts/ when seeking funds/ building partnership to our County, State, and Federal representatives.

4. There are cost implications – City managers are paid much more than Mayor and this scenario also adds a Vice City Manager. You are adding 2 highly paid positions without eliminating any positions at a time when finances are a major concern.

While I appreciate the work that the Charter Review Commission has done, I do not believe a change to City Manager is in the best interest of the City of Euclid at this time. Thank you for considering my opinion in this matter and thank you for your service to the City.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten Holzheimer Gail". The signature is written in a cursive, flowing style.

Mayor Kirsten Holzheimer Gail



Forms of Municipal Government

A municipal charter is the legal document that defines the organization, powers, functions, and essential procedures of the city government. The charter also details the form of municipal government, of which there are historically five forms: council-manager, mayor-council, commission, town meeting and representative town meeting.

Council-Manager

Characteristics include:

- City council oversees the general administration, makes policy, sets budget
- Council appoints a professional city manager to carry out day-to-day administrative operations
- Often the mayor is chosen from among the council on a rotating basis

This is the most common form of government. According to surveys by the International City/County Management Association (ICMA), this form of government has grown from 48% usage in 1996 to 55% usage in 2006. It is most popular in cities with populations over 10,000, mainly in the Southeast and Pacific coast areas. Some examples are Phoenix, Arizona; Topeka, Kansas; Salt Lake City, Utah and Rockville, Maryland.

Mayor-Council

Characteristics include:

- Mayor is elected separately from the council, is often full-time and paid, with significant administrative and budgetary authority
- Depending on the municipal charter, the mayor could have weak or strong powers
- Council is elected and maintains legislative powers
- Some cities appoint a professional manager who maintains limited administrative authority

Occurring in 34% of cities surveyed by International City/County Management Association (ICMA), this is the second most common form of government. It is found mostly in older, larger cities, or in very small cities, and is most popular in the Mid-Atlantic and Midwest. Cities with variations in the mayor-council form of government are New York, New York; Houston, Texas; and Minneapolis, Minnesota.

Commission

Characteristics include:

- Voters elect individual commissioners to a small governing board
- Each commissioner is responsible for one specific aspect, such as fire, police, public works, health, finance
- One commissioner is designated as chairman or mayor, who presides over meetings
- The commission has both legislative and executive functions

The commission form of city government is the oldest form of government in the U.S., but exists today in less than 1% of cities. It typically occurs in cities with populations below 100,000, such as Sunrise, Florida and Fairview, Tennessee.

Town Meeting

Characteristics include:

- All voters meet to decide basic policy and elect officials to carry out those policies

Although the town meeting form of government is generally viewed as the purest form of democracy, because it allows all eligible voters a voice in local policy decisions, it is practiced in only 5% of municipalities.

Town meeting government is found in Marblehead, Massachusetts.

Representative Town Meeting

Characteristics include:

- Voters select a large number of citizens to represent them at town meetings, where only they can vote
- Each town meeting must be announced with a warrant that provides the date, time and location of the meeting and specifies the items to be discussed
- The selectmen are responsible for implementing policy

This form of government is found in fewer than 1% of cities, almost exclusively in small, New England municipalities, such as Bowdoin, Maine and Lexington, Massachusetts.

Current Trends

Recent examinations of government structure indicate that these forms of government are less distinct than they once were. This is due, in part, to the common practice of incorporating structural features from other forms into one's current form. This mixing is also attributed to local responses to socioeconomic, demographic, and political changes. The most common mixing occurs across the two most prevalent forms, mayor-council and the council-manager. Among all cities proposing a change to their structure of government, the most common proposal was to add the position of chief administration officer/city manager. This professionalization of government administration also had the highest percentage of voter approval. Among other proposed changes, 50% or more respondents of ICMA's 2006 survey reported voter approval to increase or decrease the number of council members, to modify the method of electing the mayor and to decrease the power or authority of the mayor.

The Form of Government in the Thirty Most Populous Cities

Listed below is the form of government for the thirty most populous cities in the United States, based on the 2010 U.S. Census figures. The forms of government are informed by the member

database at the National League of Cities.

Rank	City Name	State	Form Of Government
1	New York	NY	Mayor-Council
2	Los Angeles	CA	Mayor-Council
3	Chicago	IL	Mayor-Council
4	Houston	TX	Mayor-Council
5	Philadelphia	PA	Mayor-Council
6	Phoenix	AZ	Council-Manager
7	San Antonio	TX	Council-Manager
8	San Diego	CA	Mayor-Council
9	Dallas	TX	Council-Manager
10	San Jose	CA	Council-Manager
11	Indianapolis	IN	Mayor-Council
12	Jacksonville	FL	Mayor-Council
13	San Francisco	CA	Mayor-Council
14	Austin	TX	Council-Manager
15	Columbus	OH	Mayor-Council
16	Fort Worth	TX	Council-Manager
17	Louisville-Jefferson County	KY	Mayor-Council
18	Charlotte	NC	Council-Manager
19	Detroit	MI	Mayor-Council
20	El Paso	TX	Council-Manager
21	Memphis	TN	Mayor-Council
22	Nashville-Davidson	TN	Mayor-Council
23	Baltimore	MD	Mayor-Council
24	Boston	MA	Mayor-Council
25	Seattle	WA	Mayor-Council
26	Washington	DC	Mayor-Council
27	Denver	CO	Mayor-Council
28	Milwaukee	WI	Mayor-Council
29	Portland	OR	Commission
30	Las Vegas	NV	Council-Manager

Sources

Barnes, William R. "Forms and Structure of Municipal Government in the United States." Presentation to the Convention of Scottish Local Authorities, Edinburgh, Scotland, October 24, 1991.

DeSantis, Victor S. and Tari Renner. "City Government Structures: an Attempt at

International City/County Management Association

From Wikipedia, the free encyclopedia

ICMA (International City/County Management Association) is an association representing professionals in local government management. It is based in Washington, D.C., USA.

Founded in 1914 as the International City Managers Association, ICMA provides education and networking opportunities for its members, and offers the Credentialed Manager program to offer professional credentialing to city and county executive managers. It also conducts research, provides technical assistance and training, and promotes professional local government management.^[1]

The ICMA Voluntary Credentialing Program recognizes professional local government managers qualified by a combination of education and experience, adherence to high standards of integrity, and an assessed commitment to lifelong learning and professional development. Managers are recognized by ICMA through a peer review credentialing process, and this self-directed program offers an opportunity for interested ICMA members to quantify the unique expertise they bring to their communities. The program also assists ICMA members in focusing and reflecting upon their lifelong professional development experience. Members who participate in the program may earn the designation of ICMA Credentialed Manager granted by the ICMA Executive Board.

References

1. "About ICMA". Retrieved 2008-12-13.

External links

- International City/County Management Association (<http://www.icma.org/>)

Retrieved from "https://en.wikipedia.org/w/index.php?title=International_City/County_Management_Association&oldid=604040753"

Categories: Public administration | Local government organizations
Organizations based in Washington, D.C. | Organizations established in 1914

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State and Local Government Management Associations

Association Leadership and Liaison Directory

State Associations

- Alabama City/County Management Association
- Alaska Municipal Management Association
- Arizona City/County Management Association
- Arkansas City Management Association
- Cal-ICMA
- City Manager's Department, League of California Cities
- Colorado City/County Management Association
- Connecticut Town and City Management Association
- City Management Association of Delaware
- District of Columbia Urban Management Association
- Great Open Spaces City Management Association
- Florida City and County Management Association
- Georgia City/County Management Association
- Idaho City/County Management Association
- Illinois City/County Management Association
- Indiana Municipal Management Association
- Iowa City/County Management Association
- Kansas Association of City/County Management
- Kentucky City/County Management Association
- Maine Town and City Management Association
- Maryland City/County Management Association
- Massachusetts Municipal Management Association (MMMA)
- Michigan Local Government Management Association
- Minnesota City/County Management Association
- Missouri City Management Association
- Nebraska City/County Management Association
- Local Government Managers Association of Nevada
- Municipal Management Association of New Hampshire
- New Jersey Municipal Management Association
- New Mexico City Management Association
- New York State City/County Management Association
- North Carolina City and County Management Association
- Ohio City/County Management Association
- City Management Association of Oklahoma
- Oregon City/County Management Association
- Association for Pennsylvania Municipal Management
- Rhode Island City and Town Management Association
- South Carolina City and County Management Association
- South Dakota City Management Association
- Tennessee City Management Association
- Texas City Management Association
- Utah City Management Association
- Vermont Town and City Management Association
- Virginia Local Government Management Association

Affiliate Associations

- International Hispanic Network
- National Association of County Administrators
- National Forum for Black Public Administrators
- Women Leading Government

Assistants' Associations

- Illinois Association of Municipal Management Assistants
- Metropolitan Association of Local Government Assistants (DC Area)
- Municipal Management Association of Northern California (MMANC)
- Municipal Management Association of Southern California (MMASC)
- Urban Management Assistants of North Texas (UMANT)
- Urban Management Assistants of Southeast Texas
- Urban Management Assistants of West Texas

State Leagues

ARTICLE

6 Strategies to Build the Local Government Workforce of Tomorrow

December 16, 2015

"Workforce of Tomorrow," a report released December 16, 2015, by the Local Government Research Collaborative (LGRC) and the Center for State and Local Government Excellence (SLGE), recommends six strategies to build the workforce of tomorrow:

- Reinvent human resources to become more flexible, nimble, and strategic. Seek staff who champion people management issues and can set the workforce agenda.
- Revamp antiquated policies and practices to meet the needs and expectations of a changing workforce.
- Build a brand that tells the great story of public service
- Focus on talent management, leadership development, and succession planning to prepare for workforce transitions, build capacity, and grow future leaders.
- Create a culture that values and engages employees in meaningful ways.
- Leverage technology, data, and automation to improve operations and provide employees with the tools they need.



Bob O'Neill, ICMA Executive Director and chair of SLGE's board, stressed that slow, stodgy practices don't work anymore. "Local governments that respond quickly will capture promising job candidates. We need to convey the excitement of the opportunity and tell the great stories about local government careers."

Author Daniel Pink, one of those interviewed for the report, explained the imperative of local government leadership this way: "Talented people need organizations a lot less than organizations need talented people."

Tom Lundy, county manager, Catawba County, North Carolina, and LGRC member, emphasizes the importance of adapting to attract future employees. "Local government offers a broad array of professional careers, from community services to public safety to administration. As community challenges become more complex, local government practices have to adapt in order to stay innovative and relevant. This report provides a solid framework for attracting and retaining creative local government employees who want the chance to make a difference in their communities."

"Workforce of Tomorrow" includes the results of a graduate and undergraduate student survey and their views of local government careers; interviews with a wide range of human resources and management experts, academics, and authors; and a review and analysis of practitioner and academic research and data sets on the changing workforce.

Download the report [here](#).

Ordinance No. XXX-2016

By – Charter Review Commission

An ordinance providing for the submission to the electorate of the City of Euclid, the question of whether the Charter of the City of Euclid, Articles I, II, Sections 1, 2, 6 and 7, IV, Sections 1, 2, 6 and 7, and V, Section 1 with its current Mayor-Council form of government shall be amended to provide for a Council-Manager form of government, to provide for the administration of the City by the City Manager, who will be appointed by City Council, such amendment to become effective January 1, 2020.

WHEREAS, the City of Euclid presently is a mayoral form of government; and

WHEREAS, the City of Euclid Charter Review Commission analyzed the mayoral and city manager forms of government; and

WHEREAS, the Charter Review Commission believes that by adopting a Council-Manager form of government the citizens of Euclid will benefit from a City Manager having the highest level of professional leadership skills, including education, training, and experience directing all areas of municipal city government; and

WHEREAS, the Charter Review Commission believes that a City Manager will be able to obtain greater efficiencies, cost savings, higher resale values of homes, and higher overall service levels within city government and to all the citizens of Euclid.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That pursuant to the requirements of Article X, Section 1 of the Charter of the City of Euclid, the Council hereby authorizes the submission to the electors of the City of Euclid at the first election to be held in 2017, at the usual place of voting of a proposed amendment to the Charter of the City of Euclid amending Articles I, II, Sections 1, 2, 6 and 7, IV, Sections 1, 2, 6 and 7, and V, Section 1 to read as follows:

ARTICLE I POWERS

The government of the City of Euclid shall be vested with all powers which may now or hereafter be granted to municipalities by the Constitution or Laws of Ohio. Unless otherwise provided in the grant or in this Charter, all such powers, whether expressed or implied, shall be exercised in such manner as shall be provided by the Council created hereby. All general laws of the State of Ohio applicable to municipal corporations other than those pertaining to matters of statewide concern, now existing or hereafter enacted, not in conflict with the provisions of the Charter, or with the ordinances enacted thereunder, shall apply to the government of the City of Euclid. There is reserved to the electors of the City the initiative and referendum powers to be exercised in the manner provided by law; the nomination and election of Mayor/President of Council and Council, and their recall as provided herein; the adoption of amendments to this Charter; and there is reserved to the people the right to petition for redress of grievances.

ARTICLE II THE COUNCIL

SECTION 1. POWER, ELECTION AND TERM OF OFFICE.

Except as reserved to the people by this Charter, the legislative power of the City shall be vested in a Council of nine members, eight members of whom shall be elected by separate, headtohead elections in wards and shall be designated as Council Ward Members 1, 2, 3, 4, 5, 6, 7, and 8. Council Ward Members 1, 3, 5, and 7 shall be elected to four year terms commencing December 1, 2011, and thereafter. Council Ward Members 2, 4, 6, and 8 shall be elected to two year terms commencing December 1, 2011, and a four year term thereafter. Commencing December 1 following the first regular Council election after passage of this amendment, no person may serve more than three full consecutive terms. Any person serving as a member of Council, pursuant to the provisions of Article II, Section 7, shall not have such service be considered a full term. The Council term commencing on December 1, 2011, and all council terms thereafter, will expire on December 31 at midnight. Thereafter all Council terms will begin on January 1. One member shall be elected citywide as Mayor/ President of Council.

The Mayor/Council-President of Council shall be elected to a two year term commencing December 1, 2011, and shall be elected to a four year term thereafter. The term for the Mayor/President of Council commencing on December 1, 2011, and all terms of the Mayor/President of Council commencing thereafter, will expire on December 31 at midnight. Thereafter all terms for the Mayor and President of Council will begin on January 1. The position of Mayor/President of Council shall be a separate and distinct term from the other eight council positions. An individual elected to the position of Mayor/President of Council may serve not more than three full consecutive terms as Mayor/President of Council, above and beyond, and irrespective of any previous continuous service as a council person. Any person serving as Mayor/President of Council pursuant to the provisions of Article II, Section 7, shall not have such service be considered a full term. Term limitations as contained in this Section, shall commence with the service of the four year terms of office without regard to any period of prior service as a Member of Council. Any Member of Council elected or appointed to office under the provisions contained in Article II, Section 7, and such period being more than 27 months until the conclusion of the term, said Member of Council shall stand for election at the next municipal election to remain in that position for the balance of the term. Members of the Council shall be electors of the City, shall have resided in the City, and Ward Councilmen shall have resided in their respective wards for at least one year immediately preceding their election, and shall hold no public office incompatible with that of Councilman. Council shall be the judge of the election and qualifications of its own members. Within sixty days after the proclamation of the Secretary of State announcing the population of cities of Ohio, as determined by the Federal census decennially taken, the Council shall redivide the City into eight wards which shall be as nearly equal in population as is possible, each composed of contiguous and compact territory bounded by natural boundaries or street lines. Upon failure of the Council to redivide the City within the period provided, the Director of Law shall redivide it as herein provided and file such plan with the Clerk of Council. This plan shall thereupon become the new division by ward of the City.

SECTION 2. ORGANIZATION OF COUNCIL.

Within five days after the commencement of their term, at the call of the Mayor/President of Council, members of the Council shall meet in the Council Chamber and organize. The Mayor/President of Council, in addition to their obligations, rights, and duties as a Councilman elected at large, (1) shall preside at all of its meetings; (2) perform ceremonial duties and functions as necessary; and (3) perform or exercise such other powers, duties and functions as provided by the Charter and Council to the extent such authorization or direction of Council is consistent with the Charter. ~~shall perform such other duties as may be imposed upon him by the Council.~~ In the absence of the Mayor/President of Council, the Council shall elect an Acting Mayor/President of Council pro tem. The Council shall also elect a Clerk and such other officers and employees of Council as it may deem necessary, to serve at the pleasure of the Council. The Clerk shall keep the records of the Council and perform such other duties as may be required by this Charter or the Council.

SECTION 6. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution providing for the appropriation of money, or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the foot frontage of the property to be benefited and specially assessed therefor, and any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health, or safety, shall take effect, unless a later time be specified therein, upon its signature by the Mayor/President of Council, ~~or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be.~~ No other ordinances or resolutions shall go into effect until thirty days after its final passage by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative votes of at least two thirds of the members of Council for its enactment. No action of the Council in authorizing any change in the boundaries of the City or the surrender or joint exercise of any of its powers, or in granting any franchise, or in contracting for the supply to the City or its inhabitants of the product or service of any utility, whether Municipally owned or not, or in increasing sewer service charge rates for the Waste Water Treatment Plant, shall be taken as an emergency measure.

SECTION 7. VACANCY.

~~If when the office of a Councilperson or the Mayor and President of the Council shall become vacant, the vacancy shall be filled by election by a majority vote of all the remaining members of the Council. If the Council fails within thirty days to fill such vacancy, the Mayor/President of Council shall fill it by appointment.~~ If the office of the Mayor/President of Council shall become vacant, the vacancy shall be filled by election by a majority vote of all the remaining members of the Council. If the Council fails within thirty days to fill such vacancy, the City Manager shall fill it by appointment.

ARTICLE IV CITY MANAGER THE MAYOR

SECTION 1. APPOINTMENT.

The City Manager shall be appointed by the Council to serve at the will of the Council, a majority of all the members of the Council being required for their appointment, suspension or removal. The City Manager shall be chosen by the Council on the basis of qualifications determined by Council, including professional qualifications, executive qualifications and knowledge of the duties, standards and accepted practices of the office. The City Manager shall be an exclusive employee of the City. No member of Council may be appointed City Manager while serving on Council or within one (1) year thereafter.

SECTION 2. RESIDENCE REQUIREMENTS.

The City Manager need not be a resident of the municipality at the time of the appointment, but shall, within a reasonable time after the appointment, establish and maintain residence in the municipality, unless otherwise provided by Council.

SECTION 3. POWERS AND DUTIES.

A) General Powers & Duties.

The City Manager shall exercise supervision and control of all the executive departments and divisions of the City. The City Manager shall be the chief conservator of the peace within the City and shall see that all laws, ordinances, and resolutions are faithfully obeyed and enforced. The City Manager shall have the power to appoint, promote, transfer, reduce, or remove any officer or employee of the City, but such power shall be subject to the other provisions of this Charter, or to the Laws of Ohio, where it is beyond the competence of this Charter to provide; and such power of removal shall be exercised over a member of a board or commission, after complaint and hearing, only for neglect of duty, incapacity, incompetency, or malfeasance in office. The City Manager shall submit to the Council an annual estimate of revenues and expenditures, and the City Manager shall advise the Council as to the financial condition and needs of the City, including necessary appropriation measures. The City Manager shall see that the terms and conditions of any franchise or contract to which the City is a party are faithfully kept and performed. Unless otherwise provided by ordinance, the City Manager shall execute all contracts to which the City is a party. Together with the Director of Finance, the City Manager shall execute on behalf of the City all conveyances and evidences of indebtedness. At the first regular meeting in February of each year, and at such other times as the Council shall direct, the City Manager shall report to the Council concerning the affairs of the City.

B) Right in Council.

The City Manager, their directors, and department heads shall attend all meetings of the Council. The City Manager may introduce ordinances and resolutions in Council, with the right to participate in its discussions, but without the right to vote; and the City Manager shall attend meetings of any committee of the Council when so required by such committee. The City Manager shall make such recommendations to the Council for the welfare of the City as they deem wise.

SECTION 4. VICE CITY MANAGER.

The City Manager shall appoint a qualified City administrative officer as Vice City Manager to exercise the powers and perform the duties of the office during the City Manager's temporary absence or disability. The City Manager shall certify such appointment in writing to the Clerk of Council annually by January 31.

SECTION 5. ACTING CITY MANAGER.

If the Council suspends the City Manager or there is a vacancy in the office of the City Manager, the Council may appoint an Acting City Manager to serve until such suspension ceases or until another City Manager is appointed. The Council may suspend or remove an Acting City Manager at any time.

SECTION 6. REMOVAL

The City Manager may be suspended by resolution of Council which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have five (5) days in which to reply in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten (10) days nor later than fifteen (15) days after the hearing is requested.

After the public hearing, if requested, and after full consideration, Council may adopt a final resolution of removal. The decision of Council to suspend or remove the City Manager shall be in the sole discretion of Council and shall not be subject to review by any court. If the City Manager is suspended from duty as provided in this Section, Council shall appoint an Acting City Manager.

SECTION 1. QUALIFICATIONS AND TERM OF OFFICE.

~~(a) The chief executive power shall be vested in a Mayor, who shall be an elector of the City and shall have resided in the City continuously for a period of at least the one year immediately preceding his election. At the time of this amendment the current Mayoral term runs through November 30, 2011. The subsequently elected Mayor shall serve a term of forty-nine months, commencing on December 1, 2011, and running through December 31, 2015. Thereafter, the Mayor shall be elected for a term of four years, to commence on the first day of January next after his election. (Amended November 2, 1993; May 4, 2010.) (b) Commencing January 1 following the first regular Mayoral election after passage of this amendment (May 5, 1992), no person may serve more than three consecutive terms or twelve consecutive years as Mayor of the City of Euclid, whichever is less, provided that such person must wait for one term or four years before again serving as Mayor. The beginning of this term limitation computation shall also begin on January 1 following the first regular Mayoral election after the passage of this amendment. (Amended May 5, 1992)~~

SECTION 2. POWERS OF THE MAYOR.

~~A. Judicial Powers. (Repealed November 8, 1977.)~~

~~B. Mayor's Right in Council.~~

~~The Mayor, his directors, and department heads shall attend all meetings of the Council. The Mayor may introduce ordinances and resolutions in the Council and take part in the discussion of all matters coming before it. He shall make such recommendations to the Council for the welfare of the City as he deems wise.~~

~~C. Veto Powers.~~

~~Every ordinance and resolution of the Council shall be signed by its President or President pro tem and shall be presented forthwith to the Mayor by the Clerk. If the Mayor approves such ordinance or resolution, he shall sign and return it, but if he does not approve it, he shall return it with a statement of his objections to the Council, who shall enter his objections on its journal. The Council may then reconsider the vote on the passage of such legislation not later than at its next regular meeting. If, on reconsideration, it is approved by two-thirds of the members of Council, it shall become effective. If any ordinance or resolution shall not be returned by the Mayor within seven days after it was presented to him, it shall become effective in the same manner as if he had signed it on the last day of the seven-day period. The Mayor may disapprove any item or items of an ordinance making an appropriation of money, and the item or items so disapproved shall be void unless repassed by the Council in the manner herein prescribed.~~

~~D. General Powers and Duties.~~

~~The Mayor shall exercise supervision and control of all the executive departments and divisions of the City. He shall be the chief conservator of the peace within the City and shall see that all laws, ordinances, and resolutions are faithfully obeyed and enforced. He shall have the power to appoint, promote, transfer, reduce, or remove any officer or employee of the City, but such power shall be subject to the other provisions of this Charter, or to the Laws of Ohio, where it is beyond the competence of this Charter to provide; and such power of removal shall be exercised over a member of a board or commission, after complaint and hearing, only for neglect of duty, incapacity, incompetency, or malfeasance in office. The Mayor shall submit to the Council an annual estimate of revenues and expenditures, and he shall advise the Council as to the financial condition and needs of the City, including necessary appropriation measures. He shall see that the terms and conditions of any franchise or contract to which the City is a party are faithfully kept and performed. Unless otherwise provided by ordinance, he shall execute all contracts to which the City is a party. Together with the Director of Finance, he shall execute on behalf of the City all conveyances and evidences of indebtedness. At the first regular meeting in February of each year, and at such other times as the Council shall direct, he shall report to the Council concerning the affairs of the City. (Amended June 8, 1976.)~~

SECTION 3. VACANCY.

During such a period when the Mayor is absent from the City, or is otherwise not accessible, or is temporarily unable for any cause to perform his duties, or the office of Mayor has become vacant due to the death, resignation or removal of the Mayor and continuing until permanent succession is chosen pursuant to the provisions of this section, the order of succession as Acting Mayor shall be as follows: Director of Law, Administrative Director, Director of Service, and Director of Finance. In case of the death, resignation or removal of the Mayor, the order of succession as Mayor shall be as follows: President of Council, a member of City Council elected by a majority of the Council members. The President of Council shall have ten working days after the office of Mayor becomes vacant to determine whether or not to succeed to the office of Mayor. He shall notify the Clerk of Council of his decision. Should the President of Council decline to succeed the Mayor or not inform the Clerk of Council within ten working days, then the City Council shall meet forthwith and elect one of its members by a majority vote to succeed to the office of Mayor. Should the President of Council so decline, he shall forfeit none of the rights and duties incumbent upon him as President of Council. The person who succeeds the Mayor shall serve as Mayor until a successor for the remainder of the unexpired term is elected at the first regular Municipal election, if such election is held more than 120 days after the vacancy shall have occurred. Otherwise, he shall serve for the unexpired term.

ARTICLE V ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS

SECTION 1. GENERAL PROVISIONS.

The City shall have a Department of General Administration, a Department of Service, a Department of Finance, and a Department of Law. The Mayor shall appoint as the head of each department, a director, who shall exercise supervision and control of his department and who shall serve at the pleasure of the Mayor. There shall be a director of each department who shall have the supervision and control thereof, and who shall be appointed by, and shall be immediately responsible to the City Manager for the administration of their department. The City Manager's appointment of the Director of Law and Director of Finance shall be effective only upon the approval of a majority of the members of Council. The City Manager may remove the director of any department without the approval of Council. Each director shall have such powers and duties as shall be prescribed by this Charter and the Council. There shall be a Department of Police and a Department of Fire under the supervision of Chiefs, as prescribed by the Laws of Ohio, responsible to the Mayor City Manager, who shall be the executive head thereof. The City shall also have a Civil Service Commission, a City Planning and Zoning Commission and a Recreation Commission. The Council may by ordinance establish additional departments, boards, or commissions, or divisions thereof, and provide for them as it may deem necessary. With the exception of the departments, boards, or commissions established by this Charter, the Council may combine or abolish any department, division, board, commission, nonelective office, or job classification and may authorize one person to serve in any capacity in two or more departments, divisions, boards, or commissions, when such positions are not incompatible.

Section 2: That the ballot submitting the question of the adoption of the foregoing proposed amendments shall read as follows:

PROPOSED CHARTER AMENDMENT CITY OF EUCLID, OHIO

"An ordinance providing for the submission to the electorate of the City of Euclid, the question of whether the Charter of the City of Euclid, Articles I, II, Sections 1, 2, 6 and 7, IV, Sections 1, 2, 6 and 7, and V, Section 1, with its current Mayor-Council form of government shall be amended to provide for a Council-Manager form of government, to provide for the administration of the City by the City Manager, who will be appointed by City Council, such amendment to become effective January 1, 2020."

ARTICLE I POWERS

The government of the City of Euclid shall be vested with all powers which may now or hereafter be granted to municipalities by the Constitution or Laws of Ohio. Unless otherwise provided in the grant or in this Charter, all such powers, whether expressed or implied, shall be exercised in such manner as shall be provided by the Council created hereby. All general laws of the State of Ohio applicable to municipal corporations other than those pertaining to matters of statewide concern, now existing or hereafter enacted, not in conflict with the provisions of the Charter, or with the ordinances enacted thereunder, shall apply to the government of the City of Euclid. There is reserved to the electors of the City the initiative and referendum powers to be exercised in the manner provided by law; the nomination and election of Mayor/President of Council and Council, and their recall as provided herein; the adoption of amendments to this Charter; and there is reserved to the people the right to petition for redress of grievances.

ARTICLE II THE COUNCIL

SECTION 1. POWER, ELECTION AND TERM OF OFFICE.

Except as reserved to the people by this Charter, the legislative power of the City shall be vested in a Council of nine members, eight members of whom shall be elected by separate, headtohead elections in wards and shall be designated as Council Ward Members 1, 2, 3, 4, 5, 6, 7, and 8. Council Ward Members 1, 3, 5, and 7 shall be elected to four year terms commencing December 1, 2011, and thereafter. Council Ward Members 2, 4, 6, and 8 shall be elected to two year terms commencing December 1, 2011, and a four year term thereafter. Commencing December 1 following the first regular Council election after passage of this amendment, no person may serve more than three full consecutive terms. Any person serving as a member of Council, pursuant to the provisions of Article II, Section 7, shall not have such service be considered a full term. The Council term commencing on December 1, 2011, and all council terms thereafter, will expire on December 31 at midnight. Thereafter all Council terms will be on January 1. One member shall be elected citywide as Mayor/ President of Council. The Mayor/Council-President of Council shall be elected to a two year term commencing December 1, 2011, and shall be elected to a four year term thereafter. The term for the Mayor/President of Council commencing on December 1, 2011, and all terms of the Mayor/President of Council commencing thereafter, will expire on December 31 at midnight. Thereafter all terms for the Mayor and President of Council will begin on January 1. The position of Mayor/President of Council shall be a separate and distinct term from the other eight council positions. An individual elected to the position of Mayor/President of Council may serve not more than three full consecutive terms as Mayor/President of Council, above and beyond, and irrespective of any previous continuous service as a council person. Any person serving as Mayor/President of Council pursuant to the provisions of Article II, Section 7, shall not have such service be considered a full term. Term limitations as contained in this Section, shall commence with the service of the four year terms of office without regard to any period of prior service as a Member of Council. Any Member of Council elected or appointed to office under the provisions contained in Article II, Section 7, and such period being more than 27 months until the conclusion of the term, said Member of Council shall stand for election at the next municipal election to remain in that position for the balance of the term. Members of the Council shall be electors of the City, shall have resided in the City, and Ward Councilmen shall have resided in their respective wards for at least one year immediately preceding their election, and shall hold no public office incompatible with that of Councilman. Council shall be the judge of the election and qualifications of its own members. Within sixty days after the proclamation of the Secretary of State announcing the population of cities of Ohio, as determined by the Federal census decennially taken, the Council shall redivide the City into eight wards which shall be as nearly equal in population as is possible, each composed of contiguous and compact territory bounded by natural boundaries or street lines. Upon failure of the Council to redivide the City within the period provided, the Director of Law shall redivide it as herein provided and file such plan with the Clerk of Council. This plan shall thereupon become the new division by ward of the City.

SECTION 2. ORGANIZATION OF COUNCIL.

Within five days after the commencement of their term, at the call of the Mayor/President of Council, members of the Council shall meet in the Council Chamber and organize. The Mayor/President of Council, in addition to their obligations, rights, and duties as a Councilman elected at large, (1) shall preside at all of its meetings; (2) perform ceremonial duties and functions as necessary; and (3) perform or exercise such other powers, duties and functions as provided by the Charter and Council to the extent such authorization or direction of Council is consistent with the Charter. ~~shall perform such other duties as may be imposed upon him by the Council.~~ In the absence of the Mayor/President of Council, the Council shall elect an Acting Mayor/President of Council pro tem. The Council shall also elect a Clerk and such other officers and employees of Council as it may deem necessary, to serve at the pleasure of the Council. The Clerk shall keep the records of the Council and perform such other duties as may be required by this Charter or the Council.

SECTION 6. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution providing for the appropriation of money, or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the foot frontage of the property to be benefited and specially assessed therefor, and any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health, or safety, shall take effect, unless a later time be specified therein, upon its signature by the Mayor/President of Council, ~~or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be.~~ No other ordinances or resolutions shall go into effect until thirty days after its final passage by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative votes of at least two thirds of the members of Council for its enactment. No action of the Council in authorizing any change in the boundaries of the City or the surrender or joint exercise of any of its powers, or in granting any franchise, or in contracting for the supply to the

City or its inhabitants of the product or service of any utility, whether Municipally owned or not, or in increasing sewer service charge rates for the Waste Water Treatment Plant, shall be taken as an emergency measure.

SECTION 7. VACANCY.

If when the office of a Councilperson or the Mayor and President of the Council shall become vacant, the vacancy shall be filled by election by a majority vote of all the remaining members of the Council. If the Council fails within thirty days to fill such vacancy, the Mayor/President of Council shall fill it by appointment. If the office of the Mayor/President of Council shall become vacant, the vacancy shall be filled by election by a majority vote of all the remaining members of the Council. If the Council fails within thirty days to fill such vacancy, the City Manager shall fill it by appointment.

ARTICLE IV CITY MANAGER ~~THE MAYOR~~

SECTION 1. APPOINTMENT.

The City Manager shall be appointed by the Council to serve at the will of the Council, a majority of all the members of the Council being required for their appointment, suspension or removal. The City Manager shall be chosen by the Council on the basis of qualifications determined by Council, including professional qualifications, executive qualifications and knowledge of the duties, standards and accepted practices of the office. The City Manager shall be an exclusive employee of the City. No member of Council may be appointed City Manager while serving on Council or within one (1) year thereafter.

SECTION 2. RESIDENCE REQUIREMENTS.

The City Manager need not be a resident of the municipality at the time of the appointment, but shall, within a reasonable time after the appointment, establish and maintain residence in the municipality, unless otherwise provided by Council.

SECTION 3. POWERS AND DUTIES.

A) General Powers & Duties.

The City Manager shall exercise supervision and control of all the executive departments and divisions of the City. The City Manager shall be the chief conservator of the peace within the City and shall see that all laws, ordinances, and resolutions are faithfully obeyed and enforced. The City Manager shall have the power to appoint, promote, transfer, reduce, or remove any officer or employee of the City, but such power shall be subject to the other provisions of this Charter, or to the Laws of Ohio, where it is beyond the competence of this Charter to provide; and such power of removal shall be exercised over a member of a board or commission, after complaint and hearing, only for neglect of duty, incapacity, incompetency, or malfeasance in office. The City Manager shall submit to the Council an annual estimate of revenues and expenditures, and the City Manager shall advise the Council as to the financial condition and needs of the City, including necessary appropriation measures. The City Manager shall see that the terms and conditions of any franchise or contract to which the City is a party are faithfully kept and performed. Unless otherwise provided by ordinance, the City Manager shall execute all contracts to which the City is a party. Together with the Director of Finance, the City Manager shall execute on behalf of the City all conveyances and evidences of indebtedness. At the first regular meeting in February of each year, and at such other times as the Council shall direct, the City Manager shall report to the Council concerning the affairs of the City.

B) Right in Council.

The City Manager, their directors, and department heads shall attend all meetings of the Council. The City Manager may introduce ordinances and resolutions in Council, with the right to participate in its discussions, but without the right to vote; and the City Manager shall attend meetings of any committee of the Council when so required by such committee. The City Manager shall make such recommendations to the Council for the welfare of the City as they deems wise.

SECTION 4. VICE CITY MANAGER.

The City Manager shall appoint a qualified City administrative officer as Vice City Manager to exercise the powers and perform the duties of the office during the City Manager's temporary absence or disability. The City Manager shall certify such appointment in writing to the Clerk of Council annually by January 31.

SECTION 5. ACTING CITY MANAGER.

If the Council suspends the City Manager or there is a vacancy in the office of the City Manager the Council may appoint an Acting City Manager to serve until such suspension ceases or until another City Manager is appointed. The Council may suspend or remove an Acting City Manager at any time.

SECTION 6. REMOVAL

The City Manager may be suspended by resolution of Council which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon City Manager. The City Manager shall have five (5) days in which to reply in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten (10) days nor later than fifteen (15) after the hearing is requested. After the public hearing, if requested, and after full consideration, Council may adopt a final resolution of removal. The decision of Council to suspend or remove the City Manager shall be in the sole discretion of Council and shall not be subject to review by any court. If the City Manager is suspended from duty as provided in this Section, Council shall appoint an Acting City Manager.

SECTION 1. QUALIFICATIONS AND TERM OF OFFICE.

(a) The chief executive power shall be vested in a Mayor, who shall be an elector of the City and shall have resided in the City continuously for a period of at least the one year immediately preceding his election. At the time of this amendment the current Mayoral term runs through November 30, 2011. The subsequently elected Mayor shall serve a term of forty-nine months, commencing on December 1, 2011, and running through December 31, 2015. Thereafter, the Mayor shall be elected for a term of four years, to commence on the first day of January next after his election. (Amended November 2, 1993; May 4, 2010.) (b) Commencing January 1 following the first regular Mayoral election after passage of this amendment (May 5, 1992), no person may serve more than three consecutive terms or twelve consecutive years as Mayor of the City of Euclid, whichever is less, provided that such person must wait for one term or four years before again serving as Mayor. The beginning of this term limitation computation shall also begin on January 1 following the first regular Mayoral election after the passage of this amendment. (Amended May 5, 1992)

SECTION 2. POWERS OF THE MAYOR.

A. Judicial Powers. (Repealed November 8, 1977.)

B. Mayor's Right in Council.

The Mayor, his directors, and department heads shall attend all meetings of the Council. The Mayor may introduce ordinances and resolutions in the Council and take part in the discussion of all matters coming before it. He shall make such recommendations to the Council for the welfare of the City as he deems wise.

C. Veto Powers.

Every ordinance and resolution of the Council shall be signed by its President or President pro tem and shall be presented forthwith to the Mayor by the Clerk. If the Mayor approves such ordinance or resolution, he shall sign and return it, but if he does not approve it, he shall return it with a statement of his objections to the Council, who shall enter his objections on its journal. The Council may then reconsider the vote on the passage of such legislation not later than at its next regular meeting. If, on reconsideration, it is approved by two-thirds of the members of Council, it shall become effective. If any ordinance or resolution shall not be returned by the Mayor within seven days after it was presented to him, it shall become effective in the same manner as if he had signed it on the last day of the seven-day period. The Mayor may disapprove any item or items of an ordinance making an appropriation of money, and the item or items so disapproved shall be void unless repassed by the Council in the manner herein prescribed.

D. General Powers and Duties.

The Mayor shall exercise supervision and control of all the executive departments and divisions of the City. He shall be the chief conservator of the peace within the City and shall see that all laws, ordinances, and resolutions

are faithfully obeyed and enforced. He shall have the power to appoint, promote, transfer, reduce, or remove any officer or employee of the City, but such power shall be subject to the other provisions of this Charter, or to the Laws of Ohio, where it is beyond the competence of this Charter to provide; and such power of removal shall be exercised over a member of a board or commission, after complaint and hearing, only for neglect of duty, incapacity, incompetency, or malfeasance in office. The Mayor shall submit to the Council an annual estimate of revenues and expenditures, and he shall advise the Council as to the financial condition and needs of the City, including necessary appropriation measures. He shall see that the terms and conditions of any franchise or contract to which the City is a party are faithfully kept and performed. Unless otherwise provided by ordinance, he shall execute all contracts to which the City is a party. Together with the Director of Finance, he shall execute on behalf of the City all conveyances and evidences of indebtedness. At the first regular meeting in February of each year, and at such other times as the Council shall direct, he shall report to the Council concerning the affairs of the City. (Amended June 8, 1976.)

SECTION 3. VACANCY.

During such a period when the Mayor is absent from the City, or is otherwise not accessible, or is temporarily unable for any cause to perform his duties, or the office of Mayor has become vacant due to the death, resignation or removal of the Mayor and continuing until permanent succession is chosen pursuant to the provisions of this section, the order of succession as Acting Mayor shall be as follows: Director of Law, Administrative Director, Director of Service, and Director of Finance. In case of the death, resignation or removal of the Mayor, the order of succession as Mayor shall be as follows: President of Council, a member of City Council elected by a majority of the Council members. The President of Council shall have ten working days after the office of Mayor becomes vacant to determine whether or not to succeed to the office of Mayor. He shall notify the Clerk of Council of his decision. Should the President of Council decline to succeed the Mayor or not inform the Clerk of Council within ten working days, then the City Council shall meet forthwith and elect one of its members by a majority vote to succeed to the office of Mayor. Should the President of Council so decline, he shall forfeit none of the rights and duties incumbent upon him as President of Council. The person who succeeds the Mayor shall serve as Mayor until a successor for the remainder of the unexpired term is elected at the first regular Municipal election, if such election is held more than 120 days after the vacancy shall have occurred. Otherwise, he shall serve for the unexpired term.

ARTICLE V ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS

SECTION 1. GENERAL PROVISIONS.

The City shall have a Department of General Administration, a Department of Service, a Department of Finance, and a Department of Law. The Mayor shall appoint as the head of each department, a director, who shall exercise supervision and control of his department and who shall serve at the pleasure of the Mayor. There shall be a director of each department who shall have the supervision and control thereof, and who shall be appointed by, and shall be immediately responsible to the City Manager for the administration of their department. The City Manager's appointment of the Director of Law and Director of Finance shall be effective only upon the approval of a majority of the members of Council. The City Manager may remove the director of any department without the approval of Council. Each director shall have such powers and duties as shall be prescribed by this Charter and the Council. There shall be a Department of Police and a Department of Fire under the supervision of Chiefs, as prescribed by the Laws of Ohio, responsible to the Mayor City Manager, who shall be the executive head thereof. The City shall also have a Civil Service Commission, a City Planning and Zoning Commission and a Recreation Commission. The Council may by ordinance establish additional departments, boards, or commissions, or divisions thereof, and provide for them as it may deem necessary. With the exception of the departments, boards, or commissions established by this Charter, the Council may combine or abolish any department, division, board, commission, nonelective office, or job classification and may authorize one person to serve in any capacity in two or more departments, divisions, boards, or commissions, when such positions are not incompatible.

This amendment shall take effect and be in force on January 1, 2020; thereupon, amended Articles I, II, Sections 1, 2, 6 and 7, IV, Sections 1, 2, 6 and 7, and V, Section 1 of the Charter of the City of Euclid shall be in full force and effect as of that date.

To the left of said words, in boxes, with appropriate places for the marking, shall appear the words "Yes" or "No" and each voter shall indicate his or her vote by placing an "X" in the place so provided.

Section 3: That the Director of Law for the City of Euclid is hereby authorized to review the wording of the proposed Charter amendment as well as ballot language with appropriate election officials and to revise the language as necessary to comply with any applicable legal requirements so long as the intent of the amendment is not changed.

Section 4: That the Clerk of Council shall cause the full text of the Charter amendment to be published once a week for not less than two consecutive weeks in a newspaper published in the municipal corporation, with the first publication being at least fifteen days prior to the election at which the amendment is to be submitted to the electors. If no newspaper is published in the municipal corporation, then such publication shall be made in a newspaper of general circulation within the municipal corporation.

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: That the Clerk of Council be and is hereby authorized and directed to certify to the election authorities described by general law a duly authorized copy of this ordinance forthwith upon its passage.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

PART IV:

THE ARGUMENTS PRO AND CON

Introduction

Since the founding of this nation, democracy and the notion of self- rule have never lost their valued importance in our society. Our representative government, in which we freely vote for the candidate of our choice, has always and will always be a cause worthy of the fight. This representative form of government is what is meant by "government of the people, by the people, and for the people." So, then, the citizens of the city in Salisbury will have in May 2000, an opportunity to participate once again in this demonstration of democracy, when they cast their vote in the referendum put before them on how their city is to be governed. It is the purpose of this section, first, to explore in an impartial way the pros and cons of two forms of city government and then to discuss the issues involved in the specific form proposed in the Salisbury referendum.

The Issue

One basic question citizens might ask themselves in determining their stance and deciding their vote on the proposed change from a Mayor-Council system to a Council-Manager system is: how do we view the nature and purpose of city government? Is the overriding consideration: (1) the direct democratic election by the citizens of the city's chief executive officer (the mayor) or (2) the appointment of a professional city manager by an elected council to create an efficient operation of the city's government services? Option #1, the current system, stresses the democratic and participatory civic values of an executive directly responsible to the people. Option #2, the proposed change, stresses the

value of efficiency and organizational operation as found in corporate management. There are other significant and more specific issues involved but these two philosophies seem to express the underlying options in the debate. What follows then is an exploration of these two systems.

The Basic Position and Argument

Mayor-Council

Those who speak in favor of a Mayor-Council form of government emphasize the importance of the mayor as the city's chief executive. As the city's chief executive, the mayor formulates the budget, recommends policy and oversees, usually along with an administrative aide, the day-to-day administration of city programs. The mayor also appoints and removes department heads. The voters know what to expect from their elected mayor and they see the benefit of having a mayor who is an accountable leader. The mayor in turn needs to respond to the voters, as a public figure, and should be available and open to their opinions. It is the voters who have by their direct participatory involvement elected this one particular person as their city's leader and who then is accountable to them. Proponents also state that, traditionally, the favored form of city government has been the Mayor-Council form. They also claim that mayors with real authoritative power have more influence at the state level and are thus more effective at bringing in state money.

Council-Manager

Those who speak in favor of a Council-Manager form of government seek efficiency and economy in delivering public services, often taking as their model the

corporate board with its administrative director. Supporters of this form of government argue that providing basic public services is a complex, professional process and should therefore not be vulnerable to political influences. The purpose then of the Council-Manager system is to take politics out of city administration. The political dimension of this system resides in an elected council which is responsible for the hiring and firing of the city manager. This city manager is expected to be a politically neutral and a skilled professional dedicated to providing excellence in the management and delivery of public services. Proponents state that the council-manager form is fast becoming the most popular form of government in cities of a certain size. They also stress that city managers, as professionals, are experts in money management and have the added advantage of a network of other professionals when advice is needed. Let us look at some of the more specific issues and counter arguments that follow from the two opposing options about city government.

The Counter-Arguments

1. Efficiency and productivity

Opponents of the Mayor-Council system point out that efficiency and productivity in the city government may be compromised because those traits that make a person electable in no way guarantees that he or she will have the management skills to run a highly complex, administrative apparatus. They claim that a mayor who wants to stay in office or advance may pay more attention to winning elections than to the day-to-day mundane matters of administration. They also point out that some mayors are better trained than others in fulfilling their management obligations and that it is more likely in

smaller cities that the mayor will come into office without much expertise or developed management skills. Opponents of the Mayor-Council form also worry that, once elected, a mayor may abuse the power inherent in their position of chief executive officer.

In response to these claims proponents of the Mayor-Council system say that the public arena of campaigning leaves the candidates, their views and their credentials, open for scrutiny and debate so that the voter is able to make an informed decision. Candidates in fact are deliberately open about their political views for it is the hope that their particular outlook will win the favor of the voter. It cannot be denied that it certainly would be advantageous for any mayor to have expertise and be skilled in management, still proponents of the Mayor-Council contend that direct election of an executive is a more important consideration when deciding which form of city government to embrace. In addition, they point out that the mayor could still appoint an administrative director who possessed the necessary budgeting skills.

2. Separation of Powers

Opponents of the Council-Manager system point out the fact that their system of government offers a clear separation of power. The mayor acts as chief executive officer and administrator while the city council is the legislative body. In this way authority is divided between the executive and the legislative bodies of government. This may be seen as a positive attribute keeping corruption and abuse of power at bay in the form of checks and balances.

Those in opposition to the Mayor-Council approach and in favor of a city manager generally look upon this division of power as a generator of gridlock and potential inertia

in getting things accomplished. In the Council-Manager form, gridlock and conflict are kept to a minimum because the city council possesses all governmental authority, except as it delegates authority to the manager. The city manager is hired by the council and can be fired by the council and in all respects serves at the discretion of the city council and is not accountable to the voters. In this model then the council is the political element of the local government, providing policy guidelines, representation and accountability. Proponents state that the structure of the Council-Manager government promotes cooperative relationships among officials and eliminates the power struggles that account for potential gridlock.

3. Neutrality of City Manager

The city manager appointed by the council is to be the objective, neutral, professional administrator, overseeing the city bureaucracy and carrying out the council's programs competently and efficiently. Those in favor of a city manager claim that the neutrality and objectivity indicative of the city manager's position eliminates the bottleneck of conflicting and opposing ideologies in getting things done. The Council-Manager form of government from its beginning has been promoted as a model which separates policy and politics from administration. The manager's job is to administer not to govern; nor is it to seek to impress his or her values on the council. Like a corporation, the council, as the board of directors, directs the manager to implement council policy, efficiently dispatching administrative duties and rendering services to the public.

Opponents of the Council-Manager system point out that city government is not a business nor is it a corporation. Because efficiency is prioritized over other values, critics

argue that managers could show disregard for citizens and even council members who are not professionally trained. Opponents also point out that city managers, while enjoying the aura of purported neutrality, would not in practice be neutral but could implement their own political agenda. They also state that Council-Manager form of government works best in a homogenous population rather than a diverse population.

These are, in a general sense, the most pertinent issues involved in the current debate of which form of civic government is the best. We turn now to the argument as it has and may develop with respect to the specific charter amendment proposed for Salisbury.

In Salisbury

The proposal put before the citizens of Salisbury represents an amalgamation of the two types of government discussed in the previous section but the primary thrust of the proposal is to move Salisbury from the Mayor-Council model to the Council-Manager form of government. Thus, the arguments outlined above are relevant to the discussion and should help guide citizens' understanding of the Salisbury debate. Both forms have their strengths and limitations and, given the right situation, both forms can work. So the remaining question then is: which form will work best in Salisbury? That requires us to look at some of the specifics of the Salisbury situation.

Appropriateness

The arguments need to be applied in finding the most appropriate form of government for Salisbury's particular size, its particular history, and its particular diversity. Some will say that Salisbury's size makes it a definite candidate for a Council-