



Features

More Thoughts on Charter Reform

by James H. Svara

An article by Robert O’Neill and John Nalbandian in the November 2009 issue of PM, “Charter Reform: Ways to Think About It,” identifies the key components in designing governmental structure. The way they interpret form of government and the options they suggest for charter reform, however, call for more thought and additional evidence. Many of the points I make are contained in their thoughtful article, but I feel that they need more emphasis.

O’Neill and Nalbandian start with a common generalization by contrasting the strong political leader of the elected executive form of government who overcomes conflict with the efficient, effective, and equitable service delivery of council-manager governments. In fact, however, the council-manager form also fosters sound governance—not just administrative competence.

Trade-offs or Blended Values

Governmental structures, as the authors observe, make provision for three values—representation, direction, and administrative performance—by assigning responsibilities to three kinds of officials—councilmembers, mayors, and administrators. O’Neill and Nalbandian suggest that tension between the values produces trade-offs. Large, diverse councils produce the need for powerful mayors. Council interference or a powerful mayor creates the need for protections for administrators but produces cumbersome personnel management.

With the authors’ emphasis on trade-offs, it is not clear what logic leads to the choice and ongoing vitality of the council-manager form as opposed to the establishment of a detached civil service. As in Herbert Kaufman’s work that they cite, there seems to be an underlying premise that an elected executive mayor is the unifying and energizing figure who centralizes the operation of government. If the options are either disorganized democracy or detached bureaucracy, the obvious choice seems to be the strong mayor. The council-manager form offers different options by restructuring the relationship among officials.

It appears that each type of official is associated with one of the values—councils promote representation, mayors promote political-policy-executive, and local government managers promote administrative competence. The key missing point is that the council-manager form is designed to blend these values. The idea of a governing body combines representational and

policy leadership, and the manager also contributes to the identification of needs and the formulation of policy options.

The manager is responsible for executive leadership—part of the second value—and bridges policy and administration. But the manager works in close interaction with the council—he or she is not part of a detached bureaucracy. The manager holds the administrative staff accountable with centralized administrative authority but is in turn continuously accountable to the city council.

The council-manager form holds one person (the manager) accountable for performance—unlike the constitutional division of responsibility between an elected executive mayor and a council with offsetting powers. Additionally, the accountability in the council-manager form can be exercised at any time as opposed to waiting for the next election. Administrators in strong mayor communities may need “protection” from the mayor, and strict civil service systems are more common. Managers are individually accountable to the council but shield staff from interference.

How Governance Values Are Advanced

The leadership needed to forge agreement and develop political resolve is likely to be exercised by the mayor, and diverse populations and divergent views make it more important that the mayor have a mandate from the citizenry as a whole through direct election. But this choice does not mean that the mayor necessarily also has executive authority, nor does it have to diminish the policy leadership of the representative council.

It is not good luck or a tranquil community that produces the likelihood of greater coherence and cooperation in the council-manager form. Structural features—unified authority and responsibility of the manager to the council as a whole—counter the conflicts between each set of officials. The suggestion that high levels of conflict and divided councils produce the need for strong mayors ignores the likelihood that the mayor-council form contributes to conflict and divided councils. Thus, forms of government differ in the way they advance the governance values and seek to balance them.

It is unfortunate to link size, diversity, and district elections, on the one hand, and strengthening the executive (as opposed to political) leadership of the mayor, on the other. In the first 50 years of the council-manager form, it was rarely found in large communities. The argument that the council-manager form is better suited for small cities was commonly heard but not widely tested. The council-manager form is now used in a large majority of cities with populations greater than 100,000 and in a third of cities that are larger than 500,000. Large cities with the council-manager form—usually with elected mayors and district elections—demonstrate strong commitment to citizen participation, inclusion, neighborhood renewal, and downtown revitalization appropriate to large, diverse places.

If the community prefers having the mayor drive the agenda, then combining political, policy, and executive leadership in one office is appropriate. The more power in the mayor’s office, however, the more likely it is that the community’s fortunes rise or fall based on the talents of

the individual mayor. There are examples of outstanding mayors, mediocre mayors, and destructive mayors in mayor-council cities.

Mayors can contribute substantial leadership to promote collaboration within the framework of a council-manager form. Visionary facilitators enhance the performance of the council and strengthen the working relationship with the manager. My research shows that mayors are less likely to be visionaries in council-manager cities than in mayor-council cities, but the difference comparing elected mayors is small—58 percent compared to 46 percent—and strong mayors are more likely to be in conflict with the council.

Forms vs. Models

Finally, O’Neill and Nalbandian contribute to the confusion over the difference between forms and models that combine form and electoral practices. Council-manager communities with elected mayors and district-based councils (both common throughout the history of the council-manager form and now the norm in large cities) are pure forms of government even though they have departed from the electoral features of the reform model of organization.

The same is true for mayor-council cities with CAOs. If we cannot maintain clear distinctions between form and other structural features, we will not be able to have meaningful discussions with officials in other countries that use the council-manager form with a variety of electoral practices.

I agree with O’Neill and Nalbandian that form produces only the framework. It is up to the behavior of officials and citizens to make it work. Furthermore, local governments should look first at changing the people in office if they have problems rather than assuming that they should change the form. Every type of local government can look for ways to strengthen each dimension of governance within their formal structure.

Still, structure matters. One can either work within the push-and-pull trade-offs in separation-of-powers settings or choose an alternative constitutional model based on a different conception of the governance process. In the council-manager form, elected officials and administrators are more likely to work together to advance democracy and professionalism.

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