

Well into the second decade of the twenty-first century, the political structure for local governance continues to be a topic of discussion in cities and counties. American local government continues to represent a model for replication in newly formed democratic governments where the rule of law is developing in Africa, Asia, and Eastern Europe. American cities continue to demonstrate and promulgate best practices that may contribute to governmental effectiveness and efficiency. The choice of political structure has certainly been the key decision for municipalities throughout the past century. Local interest groups that want governmental change often argue for the need for new organizational arrangements, and, although the relationship between form and function undoubtedly has been overestimated, local political structure does indeed matter. The form and powers of municipal government and the institutional arrangements for citizen input into policymaking represent part of the local “rules of the governmental game.” As in any game, rules make a difference.<sup>1</sup> Adopted rules favor some groups and put others at a disadvantage, although it is sometimes difficult to know the extent to which structures advantage one group over another.

Twentieth-century reform groups in particular had exceptional faith in the efficacy of particular forms of governmental institutions. These groups recognized that merely “throwing the rascals out” might not be enough. If local government was to be improved permanently, basic institutions had to be changed. And so, in the name of good government, reformers fought the battle for basic changes in urban structure, and their impact is still felt in the twenty-first century.

### THE REFORM MOVEMENT

What has been labeled the urban reform movement was largely a product of the Progressive Era in the United States—a period that ran from the late 1880s through the 1920s, when the muckrakers and other reformers aroused public opinion with their exposés on dishonesty, greed, and corruption in public life. Unsavory politics was not confined to urban areas, of course, but the physical development of the city during the latter half of the nineteenth century provided abundant opportunities for the buying and selling of contracts for paving streets, installing lighting, and building water and sewage systems.<sup>2</sup> Reacting to this graft and corruption, reformers searched for ways to eliminate the excesses and to oust unscrupulous profiteers from city halls and state capitals around the country.<sup>3</sup>

By the late nineteenth century, the problem of corruption had been compounded by the growth of the political machine. By means of political organization, those holding office in many large cities had found it possible to remain in power indefinitely. Now the reformers had to contend not just with corruption but also with the potential for long-term control by self-perpetuating, machine organizations dominated by political bosses.

Why were political machines so successful in a number of large cities? Many scholars contend that the machine succeeded because it distributed material incentives to its office-holding supporters and to those voters who supported them.<sup>4</sup> The machine clearly did not make its appeal on issues or ideology; favors and protection—with a special human touch—were the order of the day. One of the most colorful and enlightening accounts of a machine's operation comes from the famous Tammany sage George Washington Plunkitt, who became a millionaire during his forty-year service with the Tammany organization in New York. He had this to say about how the machine was able to gain such widespread support:

There's only one way to hold a district; you must study human nature and act accordin'. You can't study human nature in books. . . . To learn real human nature you have to go among the people, see them and be seen. . . .

For instance, here's how I gather in the young men. I hear of a young feller that's proud of his voice, thinks he can sing fine.

I ask him to come around to Washington Hall and join our Glee Club. He comes and sings, and he's a follower of Plunkitt for life. Another young feller gains a reputation as a baseball player in a vacant lot. I bring him into our baseball club. That fixes him. You'll find him workin' for my ticket at the polls next election day. Then there's the feller that likes rowin' on the river, the young feller that makes a name as a waltzer on his block, the young feller that's handy with his dukes—I rope them all in by givin' them opportunities to show themselves off. I don't trouble them with political arguments. I just study human nature and act accordin'.<sup>5</sup>

Now, of course, the machines have largely withered away, although not necessarily because of the reformers. Not that the reform movement had no impact on twentieth-century urban politics—to the contrary, the reform heritage is impressive. The decline and near-demise of the political machine, however, generally is thought to have resulted from other, more fundamental influences. Edward C. Banfield and James Q. Wilson, for example, indicate that voters gradually became less interested in what the machines had to offer: "The petty favors and 'friendship' of the precinct captains declined in value as immigrants were assimilated, public welfare programs were vastly extended, and per capita incomes rose steadily."<sup>6</sup> Banfield and Wilson emphasize the importance of the assimilation of lower-class people into the middle class, and the growing acceptance of the middle-class political ethos: "The central idea of which is that politics should be based on public rather than on private motives and, accordingly, should stress the virtues of honesty, impartiality, and efficiency."<sup>7</sup>

Perhaps the reformers were not instrumental in bringing down the bosses and their organizations. In fact, Steven Erie argues that machine bosses had a very limited supply of rewards to meet the demands of their supporters. He contends that the demise of machines was as much a response to the changing relationship between party resources and claimants as it was to the actions of reformers.<sup>8</sup> Still, many of the changes sought by reform groups were implemented in city after city across the land.<sup>9</sup>

#### THE GOALS AND ASSUMPTIONS OF MUNICIPAL GOVERNMENT REFORMERS

City governments perform two basic functions: they provide services and they manage local political conflict. To many, this second task is far less legitimate than the first. Perhaps it would be unfair to say that the municipal government reformers of the Progressive Era wanted to eliminate politics from city government altogether; but clearly they felt there was no room for party politics in municipal government. Obviously a city must provide fire and police protection, water and sewage facilities, and other essential services, but party influence was not appropriate to the exercise of any of these functions. "There is no Democratic or Republican way to pave a street," the old saying goes. Moreover, according to these reformers, partisan politics had led to abuses by the bosses and their machines, which contributed to corrupting the cities. It seemed impossible, then, to eliminate graft and corruption—to rid the cities of the machines—without freeing city government from partisan politics. These reformers' basic objective was to eradicate corruption; the means to that end was the exclusion of political parties from local public affairs. But eliminating corruption was just one goal of the early urban reform movement.

Making government more efficient was another goal of reformers. If the primary purpose of city government was to provide services, the Progressive Era reformers held, this function ought to be performed as economically and efficiently as possible. According to Lawrence J. R. Herson, "In the period just prior to the First [World] War, a new concern moved toward the top of the [reformers'] agenda: rationalized management of urban government. . . . The new reforms were a mixture of the business ethic and Taylorism, the new science of managerial efficiency."<sup>10</sup> The reformers found in the business corporation the ideal model for streamlining and rationalizing the municipal administrative process. The city-manager plan seemed to offer what was needed: an elected local council would choose an outside administrator on the basis of managerial experience and skill. The city government, then, not only needed rescuing from the baneful effects of partisan politics; it also needed restructuring to operate as efficiently as possible. These urban reformers were not apolitical; in fact, a political economy explanation of the urban reform movement is now widely accepted.

In a classic article, Samuel P. Hays dispels the myth that the municipal government reform movement was a product of the working and/or middle class, arguing that, instead, the driving force came from business and professional groups.<sup>11</sup> In fact, according to political scientists Dennis Judd and Todd Swanstrom, the recommended changes in structure

and electoral rules were an attempt to undercut the political strength of lower-class groups.<sup>12</sup> Certainly one purpose was to curtail corruption and compel city governments to operate more efficiently, but Judd and Swanstrom contend that upper-income and business groups sought a local political climate that would be favorable to growth and economic development. These were not true social reformers, who would have wanted lower utility rates, safer and more affordable housing, or additional public services to improve the lives of the poor. Instead, the structural reformers were interested primarily in more efficient government and lower taxes as a way of advancing the political agenda of the business community.

Another reform goal was greater popular control of local government. Banfield and Wilson suggest that the reform movement was concerned that local government be more democratic.<sup>13</sup> The reformers felt that greater popular participation was a primary means of weakening the political machine. If only the political process at the grassroots could be opened up—removed from the smoke-filled back rooms—perhaps the people could regain control of city hall. To this end, Progressive Era reformers pushed for the initiative, referendum, recall, and direct primary.

Behind these three goals—elimination of corruption, greater efficiency, and more democracy—lay a basic presupposition regarding the nature of city government. The reformers assumed that a single public interest existed for the city as a whole and that this interest should prevail over competing, partial, and usually private interests.<sup>14</sup> This larger community interest presumably could be discovered and agreed on if rational, well-intended people could free themselves from narrow partisan or geographic ties. The “best” people should be elected to municipal office regardless of where they lived. Therefore, at-large elections became an essential part of the reformers’ search for rational, efficient local government. In addition, they believed that destroying the ward system would free council members from petty ward politics. Elected officials would no longer be required to serve as political brokers, exchanging services and favors for votes. Mutual accommodation, or logrolling, among council members would cease.

#### THE CHARACTERISTICS OF REFORM GOVERNMENT

Over time, a number of proposals were advanced by reformers to reorganize the structure of city government formally. Although modern reform groups have focused on somewhat different governmental features, one constant characteristic in the municipal reform model had emerged by the 1920s and 1930s: a dual emphasis on rational decision making and on increased efficiency in providing services.

How does the reform model compare to the more political model? Robert Boynton contrasts the reform model of city government with a political model.<sup>15</sup> The *reform model* embraces council-manager government; nonpartisan ballots; at-large elections; the separation of municipal elections from state and national elections; merit systems; and the initiative, referendum, and recall petition processes. We examine several of these features, particularly the ballot type and method for selecting council members, in the sections that follow.

Here we should note that separating city elections from state and national elections presumably is an additional means (beyond removing party labels) of isolating local elections, thus lessening the influence of political parties and their organizations. Merit systems, of course, are the obvious answer to the spoils and patronage arrangements so crucial to the success of the political machine. Putting legislation or propositions on the ballot through a referendum petition is an attempt to make local government more responsive to the people. The same is true of the recall process, whereby a petition containing a sufficient number of names can force a new election for city council positions.

What other features of today's city governments reflect reform ideals? For one, a short ballot avoids fragmented executive authority. Also, reformers generally favor small councils to avoid potential divisiveness and cumbersome decision processes. Finally, no premium is placed on concurrent council terms: "On the contrary, overlapping terms are thought of as providing stability and continuity in decision making and are encouraged in the reform model."<sup>16</sup>

Boynton's *political model*—the opposite of the reform ideal—is committed to providing maximum representation for various community interests, especially those with some geographic base. The model's structural arrangements also enhance the conflict-managing capacity of city government. Its characteristics include a strong mayor-council form of government, partisan elections, ward representation, coterminous council elections, and a relatively large council. In the political model, a directly elected strong mayor is responsible for taking the lead in policymaking and controlling the administrative apparatus of the city. The council is relatively large (and elected from geographic constituencies), so that all legitimate community groups are represented. And the political party is a legitimate, if not essential, mechanism for aggregating and articulating competing local interests.

As with all ideal types, Boynton's two models seldom appear in their pure forms. Still, certain reform mechanisms commonly are found together. Overall, 66 percent of cities use the at-large election system, 17 percent elect by district, and another 17 percent have a mixed system in which some seats are elected by district and others in an at-large fashion.<sup>17</sup> For example, among council-manager cities, 70 percent utilize at-large elections, compared to 54 percent of mayor-council cities. And in council-manager cities, the next most popular option are mixed systems (17 percent), followed by district elections at 13 percent.<sup>18</sup> Reform structures, moreover, are apt to be found in certain kinds of cities. Historically, very large cities resisted reform structures. As recently as 2001, only 25 percent of cities over 500,000 used the council-manager plan.<sup>19</sup> However, by 2011, the largest U.S. cities were somewhat more likely to have adopted the council-manager form. As Table 3.1 reveals, over 40 percent of the 28 largest central cities used the council manager plan. Council-manager cities are much more common in the population range of 25,000–250,000—medium to large-sized cities, where more than two-thirds employ this reform structure. In smaller cities (less than 25,000), the odds are about even that the city adopted the council-manager form of city government or another governmental form, such as the mayor-council arrangement.<sup>20</sup> But most cities—regardless of size—now employ nonpartisan ballots. Only 21 percent of

Table 3.1 **Municipal Reform Characteristics by City Population, 2011**

Population of Cities (number studied)	Council-Manager Form (percentage)
Over 500,000 (11)	45
250,000–499,999 (17)	41
100,000–249,999 (86)	77
50,000–99,999 (199)	74
25,000–49,999 (366)	69
2,500–24,999 (2,336)	57
Under 2,500 (551)	50
Total (3,566)	59

SOURCE: James H. Svara and Jennifer Claire Auer, "Perspectives on Changes in City Government Structure," *2013 Municipal Year Book* (Washington, D.C.: ICMA, 2013), 20. Adapted and reprinted with the permission of the International City/County Management Association, 777 North Capitol Street, N.E., Suite 500, Washington, D.C., 20002. All rights reserved.

cities have the political party on the ballot and is more likely to be found in a mayor-council city.<sup>21</sup> This does not mean that all city elections are free of party influence; such influence is simply more subtle.

Region and type of city (central city, suburb, or independent) are also linked to reformism.<sup>22</sup> Sunbelt and Pacific Coast cities are more likely to employ the council-manager form of government. Nonpartisan elections are likely to be used in all regions, except the Mid-Atlantic. Whereas central cities are somewhat more likely to adopt the council-manager plan than are suburban cities,<sup>23</sup> central cities are much less likely to use at-large elections.

Urban research has long validated the connection between certain social and economic characteristics and a city's form of government.<sup>24</sup> In fact, very little has changed in the last fifty years of research on this topic. Cities with more homogeneous populations find the reform model's emphasis on efficiency and businesslike practices more to their liking. Indeed, growth-oriented middle-class cities and cities with mobile populations tend to embrace the council-manager plan. Industrial cities, with their greater ethnic, social, and religious diversity, lean more toward the mayor-council form of government.

#### THE IMPACT OF REFORM

Except in bigger, more socially diverse cities, Progressive Era reform efforts begun at the onset of the twentieth century had largely succeeded in depoliticizing municipal government by the century's end, an achievement that has had several effects. What have been the effects of these reforms? For one, certain reform arrangements—nonpartisan ballots, the council-manager form, short ballots, and nonconcurrent elections—tend to depress voter

turnout in city elections. Recent participation in municipal elections continues to be very low and getting lower. As discussed in Box 3.1, average voter turnout in city elections hovers around 20 percent. Since lower levels of voter participation often work to the advantage of the well-to-do and the middle class, reform city governments may not be as responsive to the interests of the less advantaged. Ward-based elections, in contrast to at-large systems, produce more representative city councils. Historically, African Americans, for example, have been more likely to be elected to city councils in cities using ward-based as opposed to at-large elections.<sup>25</sup> This is generally also true for Latinos, who have made gains in representation with changes to district (or mixed) systems.<sup>26</sup> Election of Asians to city councils, however, appears to be unrelated to method of representation.<sup>27</sup> And the representation of females on city councils does not appear to be affected by electoral structures.<sup>28</sup>

### BOX 3.1 Policy and Practice

#### THE CONTINUING DECLINE IN VOTER PARTICIPATION IN CITY ELECTIONS

An unintended consequence of municipal reform was a decline in voter participation in local elections. No single change brought about the decline; rather a combination of new practices in cities led to reduced voter turnout. One factor was taking partisan labels off of candidate ballots. When the parties had a direct stake in the election outcomes, party leaders worked to get city residents to the polls. The same was true of incentives associated with the ward-based representation; ward leaders, typically political party members, were focused on voter turnout to maintain control of the ward's representatives.

Still one more significant factor was holding municipal elections on a separate date and year than national and state elections. This practice separated interest in a presidential, congressional, or gubernatorial election from that of mayors and city councilors. The election of city offices no longer benefited from the higher interest in a presidential election and required voters to turn out for another election held in a different year or month.

How much has voter turnout declined? A recent study reported in *Governing* draws on the research of University of Wisconsin researchers. Their work shows that in 2001, average voter turnout in 144 large U.S. cities was already less than half of presidential elections at 26.6 percent. It declined annually to about 18 percent in 2009, before showing a slight increase to 20.9 percent by 2011. Speculating that municipal turnout could drop even lower, researcher Aaron Weinschenk of the University of Wisconsin stated "I wonder if the negativity surrounding government in general is seeping into local government and polluting politics at all levels."

Even high profile municipal elections are showing lower voter interest. For example, in 2013 New York's mayor Bill deBlasio was elected by the lowest turnout since the 1950s. Providing the lowest turnout in more than thirty years, only about 25 percent of voters in the District of Columbia participated in the election of mayor Muriel Bowser in 2014. And just about one-fifth of Los Angeles voters showed up for the elections that brought Eric Garcetti to the mayor's office in 2014.

So what are cities to do, if anything, to try to reverse this waning interest in city elections? "Of all proposals to boost voter turnout, moving the election date to coincide with state or federal elections has, by far, the greatest effect." Los Angeles is considering this right now. "Weinschenk's research indicates that shifting mayoral elections to presidential years results in an 18.5 percentage point jump in turnout, while changing to

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**BOX 3.1 Policy and Practice**

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November of a midterm election yields an 8.7-point average increase." Maryland recently changed Baltimore's next city election to coincide with the 2016 presidential election and is estimated to save the city nearly \$4 million in costs associated with a separate election.

Although skeptics worry that combining municipal and national or state elections will take the focus off of the important local candidates and issues, proponents of this approach believe it will save money and reinvigorate participation in local politics. "Motivating more voters to participate in local elections is difficult. But while governments can't instill voters with enthusiasm, [Professor Eric] Oliver said they can make it easier for citizens to find information and remove barriers preventing people from voting to make for a stronger, more representative government."

SOURCE: Mike Maciag, "Voter Turnout Plummeting in Local Elections," *Governing*, October 2014, at <http://www.governing.com/topics/politics/gov-voter-turnout-municipal-elections.html>.

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Reformed structures also may affect municipal policy outcomes. Perhaps the major study on this issue was done by political scientists Robert Lineberry and Edmund Fowler, who examined two hundred cities of 50,000 or more inhabitants. They hypothesized that the policymaking of reformed city governments would differ from that of unreformed city governments. Indeed, they found lower levels of taxation and expenditures among reform cities, even when the social and economic characteristics of the cities were taken into account. In addition, the policies of unreformed cities were more responsive to socioeconomic cleavages in their environments. The authors conclude: "If one of the components of the middle-class reformer's ideal was to 'seek the good of the community as a whole' and to minimize the impact of social cleavages on political decision making, then their institutional reforms have served, by and large, to advance that goal."<sup>29</sup> Others, however, question the relationship between political structures and taxing and spending patterns in cities. Using a time-series analysis, for example, David Morgan and John Pelissero matched eleven cities that had changed political structure with eleven that had not. They found that taxing and spending differences were largely unaffected by changes in city government structure.<sup>30</sup> This research has largely been confirmed by later studies on the same question.

Perhaps the linkage between political structure and public policy is through representation. Unreformed political structures apparently enhance minority representation, and research shows that representation does have an impact on public policy outputs. Case studies have found, for example, that the election of black mayors can lead to substantive changes in public policies in a city.<sup>31</sup> Several important studies found that the election of a black mayor may result in higher levels of municipal spending on social services, housing, and welfare programs.<sup>32</sup> And other research shows that minority elected officials increase employment of minorities in municipal government.<sup>33</sup>

Some observers of city politics believe that city governments are not equally responsive to low-income and minority groups as to other groups in the city, and often blame the

reform legacy for contributing to the problem. Their criticism often is directed at municipal bureaucrats whose power is enhanced under reform institutions. With the passing of political machines, the governance of cities increasingly has been influenced by bureaucratic independence and expertise. So some critics fault the merit system and the professionalized civil service for depersonalizing city government and isolating it from the individual citizen. Middle-class city dwellers do not suffer unduly from this situation because they have fewer needs for public services and are reasonably well positioned to make the system respond. Low-income residents, however, often have complicated social and economic problems that may require extensive governmental help. For these groups, bureaucratic inertia, centralized offices, and complex programs make it much more difficult for the disadvantaged to obtain needed assistance.

The extent to which the blame for bureaucratic inertia, insensitivity, and red tape should be assigned to the reformers is debatable; but the municipal reform movement did place its faith in a bureaucratic rather than a political process for identifying the public interest. And although city governments now may be more efficiently run, some authorities contend that large cities, in particular, are poorly governed. Chief executives today lack the power to control the autonomous agencies—the islands of functional power—because reform institutions, according to critics, destroyed the informal centralizing influence of the political party. Although municipal reform may contribute to more businesslike management of a city, one thing still appears to be true: it does so at a price—less responsiveness to disadvantaged groups within the community and more control by autonomous bureaucrats.<sup>34</sup>

## FORMS OF CITY GOVERNMENT

What are the key differences between the mayor-council government and the council-manager plan? In this section, we contrast these basic forms of municipal government, and offer some new alternatives that have emerged in practice.<sup>35</sup>

### MAYOR-COUNCIL GOVERNMENT

We can identify the two variations most commonly found in mayor-council government: the weak-mayor and strong-mayor forms. Essentially, the two types differ in degree only, and few cities reflect an extreme version of either type. The mayor-council form of government, which is used in nearly 33 percent<sup>36</sup> of cities, preserves the basic separation of powers between the legislative and executive branches. Historically, owing to widespread suspicion of concentrated executive power, councils were the dominant force in city government, but gradually, as cities grew and government became increasingly complex, more concentrated authority was put in the hands of the chief executive. Now, most authorities favor the strong-mayor variation as a way of providing the political leadership and full time management thought to be crucial for larger cities. For smaller communities, the weak-mayor form, typically with a part-time mayor and city council, still remains popular.

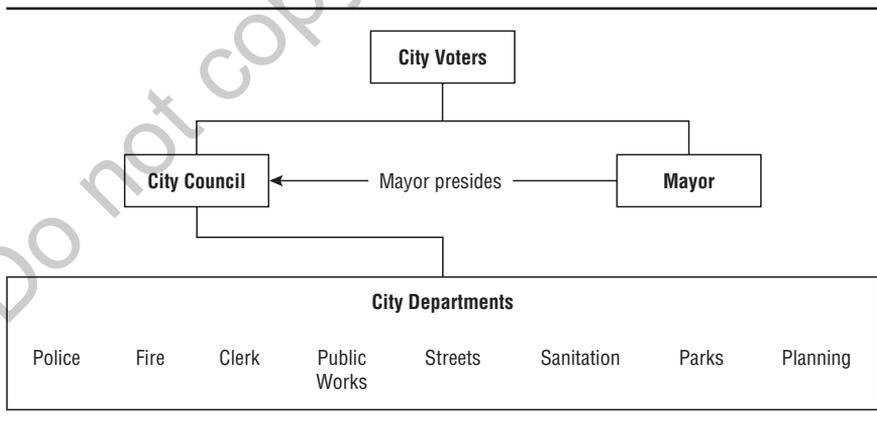
*The Weak Mayor-Council Form*

The weak mayor-council plan is a product of Jacksonian democracy, which held that if politicians have few powers and many checks upon them, they can do relatively little damage—if one politician becomes corrupt, he or she will not necessarily corrupt the whole city government. The following features distinguish this severely decentralized form:

- The council, which possesses both legislative and executive authority, may appoint several important administrative officials and invariably must approve the mayor’s appointees.
- The mayor, whose appointive powers are restricted, may share power with the city council, and sometimes with other boards or commissions made up of elected or unelected city officials.
- The council exercises primary control over the municipal budget, often through the operation of a city council budget or finance committee.

Figure 3.1 illustrates the essence of the weak-mayor form. Notice that the voters elect both the mayor and the city council; in some cities, voters may also elect several other administrative officials, such as a clerk or treasurer. Moreover, the council has considerable appointive power itself and, if the mayor does choose department heads or appointees to various boards and commissions, city council approval is usually required. Clearly, this arrangement establishes no single administrative head of city government; power is fragmented, and the mayor is severely hemmed in. The mayor is “weak” because he or she lacks administrative power over the daily affairs of city government.

Figure 3.1 **Weak Mayor-Council Form of Government**



SOURCE: Reprinted with permission from John P. Pelissero, “The Political Environment of Cities in the Twenty-first Century,” in John P. Pelissero, ed., *Cities, Politics, and Policy: A Comparative Analysis* (Washington, D.C.: CQ Press, 2003), 15.

The weak-mayor plan was designed for an earlier era, when cities were smaller and government simpler. Today it seems especially ill-suited for large cities, where centralized political and administrative leadership is vital. Many of the nineteenth-century machines evolved under the weak-mayor structure because its lack of administrative centralization was an open invitation for external direction and control. Fragmented authority at the top also encourages greater bureaucratic independence. As Lana Stein has observed, "Despite the variations in institutional structure, a mayor has to be able to negotiate and compromise with key players in his or her environment in order to implement an agenda. In the American system of divided government, few elective executives can move forward by fiat."<sup>37</sup> The effect of autonomy is to make city government into a series of many little governments rather than a single coordinated one. For a number of reasons, then, larger cities have searched for ways to bring about more central control of administrative activities.

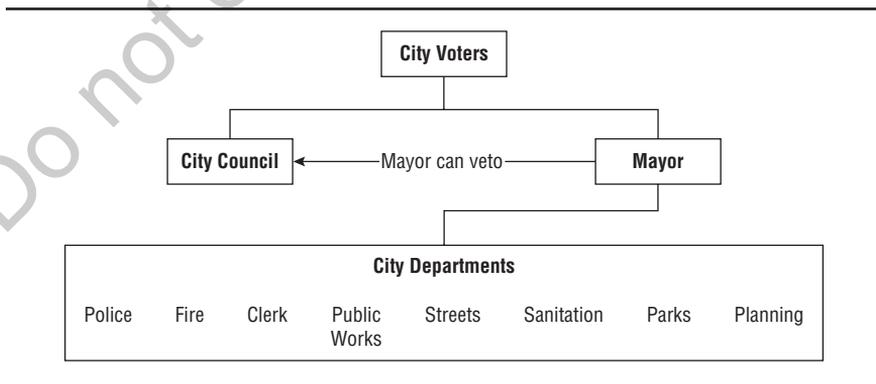
*The Strong Mayor-Council Form*

The strong mayor-council government represents a significant contrast to the fragmented executive office of the weak-mayor plan. It includes the following features:

- The mayor has almost total administrative authority, including the power to appoint and dismiss virtually all department heads without council approval.
- The mayor prepares and administers the budget.
- A short ballot restricts the number of elected administrative officials.
- Policymaking is a joint enterprise between mayor and council.

Strong mayors are likely to have a veto power that usually can be overridden only by a two-thirds or three-fourths majority of the council. Because of this commanding legal position, the mayor becomes the dominant force in city government, as Figure 3.2 illustrates.

Figure 3.2 **Strong Mayor-Council Form of Government**



SOURCE: Pelissero, "The Political Environment of Cities," 15.

The strong-mayor form is subject to criticism. First, it requires that the mayor be both a good political leader and a competent administrator—two traits that are not always found in a single mayoral candidate. In addition, much as in national government, conflict can erupt periodically between a strong, politically ambitious mayor and a recalcitrant council. Therefore, a legislative-executive deadlock remains a continual threat. In some large strong-mayor cities, the first potential shortcoming of the plan—the need to combine a good administrator and a good politician in the same office—is being rectified by a new development: a chief administrative officer (CAO) is appointed by the mayor to serve at his or her pleasure. Recognizing this need, about 85 percent of cities have an appointed CAO, including 61 percent of mayor-council cities.<sup>38</sup> The CAO may supervise department heads, prepare the budget (under the mayor's direction), coordinate various departments in the performance of day-to-day activities, and give technical advice to the mayor. By assigning these more mundane responsibilities to the CAO, the mayor frees time for two other major jobs: serving as ceremonial head of the city and providing broad policy leadership. The CAO remains the mayor's deputy because she or he is responsible only to the mayor, not to the council. It is this mayoral control that distinguishes the job of the CAO from that of the city manager.

More recent research suggests that we need to expand our understanding of the variations in mayor-council governments.<sup>39</sup> In addition to traditional strong or weak mayor-council governments, there are now strong-mayor governments with managers or CAOs in 3 percent of cities and weak-mayor governments with CAOs in 17 percent of cities.<sup>40</sup> Political scientists James Svava and Jennifer Claire Auer's study of nearly 3,500 cities found that 61 percent of mayor-council governments in their survey had a CAO appointed by either the mayor or the council.<sup>41</sup> With or without the CAO, the strong-mayor form is especially suitable to large cities with diverse populations, where strong political leadership is required to arrange compromises and arbitrate struggles for power among contending interests.

#### COUNCIL-MANAGER GOVERNMENT

For many who live in cities, especially suburbs of more than 5,000 residents, the council-manager plan has been the only form of government in use. The council-manager form of government began in 1913 when Dayton, Ohio, became the first city of any size to successfully adopt the council-manager form of government. Since then, with the approval and ardent support of reform groups, the plan has spread rapidly; today, between 50 and 77 percent of cities with populations from 5,000 to 250,000 use this form.<sup>42</sup> The council-manager plan includes the following basic characteristics:

- A small city council, usually five to seven people, is elected, usually at-large, on a nonpartisan ballot.
- The council has responsibility for making policy, passing ordinances, voting appropriations, and overall supervision of the administration of city government.

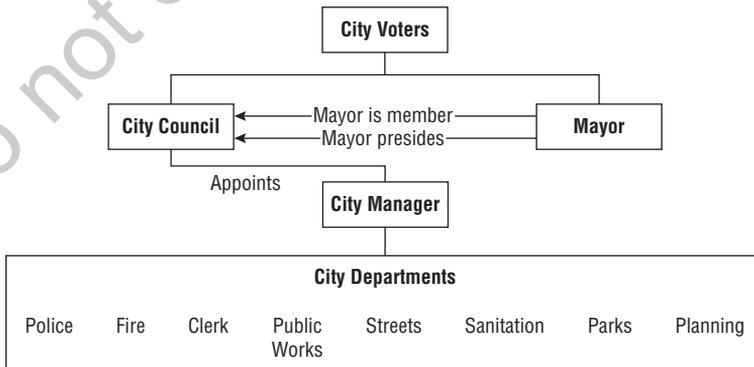
- A full-time, professionally trained city administrator is hired to serve at the pleasure of the council, with full responsibility for managing day-to-day city operations (including hiring and firing department heads without council approval).
- An executive budget is prepared and administered by the city manager.
- A mayor performs largely ceremonial duties and has little or no involvement in the city’s administrative affairs.

This description represents the plan as ideally conceived (and as shown schematically in Figure 3.3); usually only slight deviations are found in actual practice. The council-manager plan departs most drastically from American government tradition in its abandonment of the doctrines of separation of powers and checks and balances. All executive and legislative authority resides in the council alone. The manager is essentially the council’s hired hand and has no direct responsibility to the citizenry. Originally, reformers feared that the mayor might be tempted to interfere in the administrative affairs of city government unless mayoral powers were circumscribed strictly. The solution was to make the mayor responsible to the council rather than to the people. Over time, this view has undergone modification, so that today 69 percent of council-manager cities and 96 percent of mayor-council governments provide for direct popular election of the mayor.<sup>43</sup>

*Strengths of the Form*

The council-manager plan’s main attribute is its businesslike approach to city government, which presumably maximizes efficiency and technical expertise. In fact, in many places, this form has been supported by business groups, which tout—perhaps excessively—the potential for saving taxpayers’ money. These groups argue that

Figure 3.3 Council-Manager Form of Government



SOURCE: Pelissero, "The Political Environment of Cities," 16.

professional administration reduces waste and inefficiency and thereby realize great savings. The plan's reputation for efficiency makes it appealing in the upper- and middle-class suburbs that so many business executives call home. And, unmistakably, the council-manager system of government has achieved considerable success in areas with little community diversity, where a high degree of consensus exists over the proper scope and function of city government.

### *Limitations of the Form*

A reading of the reform literature and regular research reports from the International City/County Management Association (ICMA) would suggest that the council-manager system is the best form of government. But despite its obvious popularity, there are potential shortcomings in the council-manager form. For instance, its sharp distinction between policymaking and administration is unrealistic. We look at the policymaking relationship between manager and council in Chapter 4; here we should stress that the full-time professional manager inevitably will provide considerable policy advice to the part-time amateur council. Yet council members may not be certain just what the policy relationship between themselves and the manager should be. Citizens also may wonder who is really in charge of city affairs. Should administrative problems be brought to the mayor or to the city manager? And if a council merely rubber-stamps a manager's recommendations, then the manager—who is not directly accountable to the people—may seem to have too much power. Obviously, this confusion cannot improve a government's responsiveness.

Who provides policy leadership? One major potential limitation of the council-manager plan is its lack of formal provision for strong policy leadership: theoretically, at least, the council is a group of equals, the mayor is limited to a ceremonial role, and the manager presumably serves only in an advisory role. But what happens in practice often deviates from theory. The mayor or one of the council members may emerge as a policy leader, but "more likely, the council will flounder about or turn to the manager."<sup>44</sup> Sometimes, mayors can help managers to be more successful—with the council and with the public. The mayor can be a "stabilizer" who allows the municipal system to operate better<sup>45</sup> or can form a policymaking team with the city manager.<sup>46</sup> Contemporary research shows the trend toward more powerful roles for mayors in the council-manager system is increasingly common.

An argument can be made, of course, that the experienced professional manager is in a better position than the council to interpret the needs of the community and thus should take the lead in policy formulation. But what does this do to the idealized role of the council? The issue is easy to resolve, and we return to it in the next chapter.

### **BALLOT TYPE**

One goal of the Progressive reformers was to remove the partisan influence on local elections. In 1910 almost no cities held nonpartisan elections, but by about twenty years later, more than half of all cities with populations over 30,000 used nonpartisan ballots.<sup>47</sup> Today, over one hundred years after the highpoint of reformers' efforts, over 80 percent

of American cities of all sizes use nonpartisan ballots.<sup>48</sup> As often happens with any reform, however, unanticipated side effects have developed. Reform groups wanted to get the political party out of municipal government as a way of destroying bosses and machine politics. Moreover, they considered parties irrelevant, if not harmful, to providing services; experts and professionals should determine the service needs of the populace. But evidence now reveals that nonpartisanship has other effects as well, some of which are of dubious value. Before examining the consequences of removing party labels in municipal elections, we should mention that much of the research done on nonpartisan elections focuses on cities that also have adopted other reform features, namely the council-manager plan and citywide elections. Therefore, in some instances it is difficult to separate the effects of nonpartisan ballots from other influences.

Some early research suggested that nonpartisan ballots gave a slight edge to Republicans.<sup>49</sup> More often, however, research indicates that this relationship is not clear-cut. Relying on surveys from about 1,000 city council members from around the nation, political scientists Susan Welch and Timothy Bledsoe report that a significant Republican bias appears only in smaller communities and in cities that have both nonpartisan elections and at-large balloting.<sup>50</sup> Nonpartisanship also tends to produce elected officials who are more representative of the upper socioeconomic strata than of the general populace, especially when combined with at-large elections: “When nonpartisan and at-large structures are combined, both lower income and lower educational level groups and Democrats are disadvantaged.”<sup>51</sup>

Ballot type still does not seem to make a difference with respect to reelection of council members—the incumbents overwhelmingly win reelection regardless of ballot type. An ICMA survey showed that ballot type is not related to the election of women or minorities to city councils, although Hispanics fared a little better in nonpartisan elections.<sup>52</sup> Welch and Bledsoe report no differences in the level of conflict between partisan and nonpartisan elected council members. The nature of conflict on partisan versus nonpartisan councils was distinct, however: a “Democratic versus Republican rivalry was the most commonly cited principal source of factionalism among partisan council members, but the least commonly cited among those that are nonpartisan.”<sup>53</sup>

## ELECTORAL SYSTEMS

Citywide or district elections—which should a city have? Again, there is no simple answer. We know that at-large elections are used in 66 percent of cities, compared to just 17 percent that divide the balloting by districts or wards. The latter is twice as likely in mayor-council cities.<sup>54</sup> Proponents of at-large elections argue that they offer the following benefits:

- Council members in an at-large system can rise above the limited perspective of the ward and concern themselves with the problems of the whole community.
- Vote trading and logrolling are minimized.

- The chance of domination by a machine is lessened.
- Better-qualified individuals are elected to the council.

In contrast, those advocating ward-based elections insist on the following points:

- District elections give all legitimate groups, especially those with a geographic base, a better chance of being represented on the city council.
- Ward council members are more sensitive to the small but frequently important little problems that people have (neglected potholes, needed stop signs).
- Ward-based elections reduce voter alienation by bringing city government close to the people.

Because of the apparent strengths and shortcomings of both electoral systems, various combinations of the two have developed in about 17 percent of cities.<sup>55</sup> In one combination, council members are nominated by district and then elected citywide. This arrangement ensures geographic representation but also forces selected officials to think about the needs of the whole city; it also guarantees that the larger community will have the dominant voice in choosing representatives from each district. Blacks have objected to the arrangement, however, claiming that it can be confusing and potentially divisive for the minority community.<sup>56</sup>

A second combination requires that a certain number of the council members be elected from wards, while others run at-large. For example, a city might be divided into four wards, and one council member elected from each ward; then, three or four additional council members would be voted on by the entire city. This approach has been subject to critiques, too: members elected at-large may consider themselves more important than the others and in some cases may see themselves as rivaling the mayor.<sup>57</sup>

The method of choosing council members—either by ward or at-large—does affect who is elected. As noted earlier, citywide elections tend to disadvantage blacks and other geographically concentrated minority groups. On the other hand, research shows that women do slightly better in at-large electoral systems, particularly if the city has a large council.<sup>58</sup> Additional evidence indicates that ward-based elections provide a greater opportunity for people of lower income and education levels to be elected, regardless of race.<sup>59</sup> Welch and Bledsoe note that council members elected at-large are better educated and are “less likely to focus on representing a neighborhood, ethnic, or party group and more likely to focus on the city as a whole.”<sup>60</sup> They also report less conflict on councils where members are elected at large instead of from wards.<sup>61</sup>

#### JUDICIAL AND LEGISLATIVE INTERVENTION

The importance of electoral structure is demonstrated by a series of recent legal battles over equal representation, many of which involve ward-based and at-large elections.<sup>62</sup> After decades of controversy, a court decision forced Springfield, Illinois, to change from an arrangement in which four officials were elected at-large to a mayor-council form in which

ten aldermen would be chosen by wards.<sup>63</sup> To avoid litigation, Tulsa, Oklahoma, decided to move from a commission form of government with at-large elections to a strong-mayor form with ward-based elections. One city that has received a large amount of public attention in recent years is Dallas, Texas. Through a series of contentious court battles with sharp racial overtones, that city's wholly at-large electoral system was changed in 1975 to a mixed system, with both at-large and single-member districts, and then in 1990 to an all-ward system (except the mayor). In 2015 the fourteen-member council was composed of eight white, four black, and two Hispanic council members; Michael Rawlings, a white man, has served as mayor since 2011, being reelected in 2015. The city manager appointed in 2014 is A. C. Gonzalez, who once was superintendent of the Austin, Texas, schools.<sup>64</sup>

Recent changes in government structures, and especially electoral systems, have been aided by legislation and a changing U.S. Supreme Court position on the issue. Originally, the Court found the issue of fair representation for minorities to be a slippery one. By a 6–3 vote in *Mobile v. Bolden* (1980), the Court overturned a lower court opinion that had forced the city of Mobile to abandon its historic three-member commission form mandating at-large elections, which had never produced a black commissioner. In effect, the higher court's decision forced protesting groups to prove that at-large elections were *designed* to discriminate against minorities—that is, the plaintiffs had to demonstrate that there had been *intent* to discriminate. This would be a heavy burden of proof against electoral systems, many of which were put in place at the turn of the century, during the heyday of the reform movement.

In response to the *Mobile* decision and over the vigorous objections of the Reagan administration, in 1982 Congress amended the Voting Rights Act to require that courts look not only at intent to discriminate but also at the results or effects of political structures. In 1986, in *Thornburg v. Gingles*, the U.S. Supreme Court therefore moved beyond the judicial restraint position that had obtained in the *Mobile* decision. In striking down some multimember state legislative districts in North Carolina, the Court analyzed a number of factors:

... the degree of historical discrimination; the degree of racially polarized block voting; racial appeals in political campaign rhetoric; the proportion of minorities elected to public office (although the Court made it clear that minorities do not have a right to have a fixed percentage of elected positions); and the extent to which there is responsiveness to minorities on the part of public officials in a community.<sup>65</sup>

Post-*Gingles* court decisions suggest that the federal judiciary is willing to enforce the Supreme Court's more activist position. And even where a court case is not at issue, racial and ethnic minorities continue to try to force cities away from at-large elections.

At-large or district elections, which is preferable? The court cases and the debate continue. In *Protest Is Not Enough*, Rufus Browning, Dale Rogers Marshall, and David Tabb demonstrate, however, that black and Latino council members can successfully join with

liberal whites to create winning electoral coalitions.<sup>66</sup> Minority political incorporation results in more responsive city management.<sup>67</sup>

#### THE INITIATIVE, THE REFERENDUM, AND THE RECALL

When political machines controlled cities, reformers searched for various ways to circumvent boss-dominated local councils and return control of government to the people. One way to do this was to allow citizens to petition for a community-wide vote on various local propositions.

The *initiative* enables a legally determined number of electors, by means of a petition, to force the placement of a charter amendment or city ordinance on the ballot for a vote by the people. The city council is not involved in the process and cannot prevent the vote except by challenging the validity of the petition in court. The *referendum* allows a prescribed number or percentage of qualified voters, by means of a petition, to force a vote on a legislative measure after it has passed the council. If no emergency clause is attached (attesting to the urgent need to protect the public health, safety, or welfare), city ordinances often do not take effect immediately. This delay gives a disenchanted group the opportunity to collect signatures and bring the ordinance to a popular vote. *Recall* provides a mechanism for voters to remove an unsatisfactory council member before the official's term expires. Again, a petition is required.

Proponents of direct democracy contend that these devices are essential to keep legislative bodies in check and to provide the opportunity for citizens to act directly on local policy issues. Skeptics feel that most voters are not sufficiently well informed to vote intelligently on the kinds of matters often placed on these ballots. Indeed, some referendum items are complex and esoteric, and many voters simply are not interested in them. The result frequently is to turn the initiative and referendum into tools for special interests that have the time and money to take advantage of the process. Defenders counter that these voting procedures should not be condemned because of occasional misuse—that, in fact, they represent an effective means to enhance citizen control of local government.<sup>68</sup>

Regardless of the pros and cons, a recent ICMA survey shows staunch popular support for direct democracy. Over 70 percent of cities report some provision for referendum procedures, and recall elections are allowed in 56 percent. More than half (54 percent) of cities allow initiative petitions.<sup>69</sup> Box 3.2 presents evidence of the growing number of local government recall elections.

#### HOME RULE AND THE LEGAL STATUS OF THE CITY

Despite the restricted view of municipal power reflected in Dillon's rule—that cities derive their powers solely from the state, which has the right to abridge and control those powers (see Chapter 2)—courts permit cities with home-rule charters to exercise a greater degree of control over strictly local affairs. Municipal home rule provided by state law or constitution ensures that cities have “the right to make decisions on local matters without

**BOX 3.2 Policy and Practice****LOCAL RECALL ELECTIONS ARE ON THE RISE**

Political news from around the country often includes reports of efforts to remove elected officials through direct democracy tools such as the recall election. An increasing number of these stories concern local elected officials who are the targets of efforts to remove the individual from office through a recall election held before an individual's term ends or a reelection is scheduled. As reported in *Governing* in 2011, "In cities across the country, citizens are increasingly using recall elections to boot local leaders from office—or at least force them to spend time and money fighting to keep their jobs."

Few recall elections or recall petitions are targeted at removing public officials for criminal wrongdoing, although there have been some high-profile cases where this has occurred, such as in Detroit, Michigan, and Bell, California. Often, the recall efforts are initiated for political differences between an elected official and citizens. For example, in the city of Johnstown, Colorado, the mayor survived a recall election that was brought about by voters who were unhappy with "a plan to switch from diagonal to parallel parking spaces."

Recall efforts are on the rise in many cities, including fifty-seven mayors who were subject to recall elections in a single year (2010). The mayor of Miami-Dade, Carolos Alvarez, lost his office in one of the largest city recall elections on record back in 2011. This has been labeled "recall fever" by Tom Cochran, the executive director of the U.S. Conference of Mayors. These recalls seem to fit into one of the following categories: "anti-corruption campaigns; citizen grass-roots movements fighting a particular issue; and old political battles that are being rehashed, often with the help of wealthy, politically involved backers." And they are expensive, exact an emotional toll on the community and the subject of the recall effort, and can stop governance in its tracks.

What can mayors do to avoid this distraction and cost? Perhaps, not much. "Mayors say recalls are often used by groups who saw their preferred candidate lose in a general election and hope that a do-over will have a different result. In April 2009, for instance, Stillwater, Oklahoma, mayor Nathan Bates defeated the incumbent mayor by only twenty-seven votes. Less than a year later, he survived a recall election—organized just months after he was sworn in—by an even narrower margin: four votes."

Although advocates for the recall process believe that this threat helps to keep public officials' behavior in check, most of the recall elections do not result in an official being removed from office. In 2010, only fifteen of fifty-seven recall elections resulted in the mayor being ousted. Nonetheless, tens of thousands of dollars are being spent on the recall efforts and, even when successful, these may not lead to policy change. As former Mission Viejo, California, mayor Lance McClean, himself the target of a successful recall effort, says, "All this money, all this angst, and nothing has changed. They just got rid of someone they didn't like. I think the community got duped."

SOURCE: Ryan Holeywell, "The Rise of the Recall Election," *Governing*, April 2011, at <http://www.governing.com/topics/politics/rise-recall-election.html>.

specific grants of authority and . . . limits the power of the state to intervene in local matters."<sup>70</sup> Such autonomy may be granted to all cities or to just a few, generally on the basis of population. In Oklahoma, for example, any incorporated place with a population of 2,000 or more can adopt a home-rule charter by following certain procedures spelled out in the state constitution. In contrast, Illinois's constitution awards home rule to cities with

populations of 25,000 or more and permits smaller cities to achieve home rule through local referendum. Among other powers, a home-rule charter allows a city to determine its own form of government, type of ballot (partisan or nonpartisan), and method of electing council members (ward or at-large). In effect, the charter becomes the basic law, or constitution, of the city. Home rule for cities is available in forty-eight states.

Does home rule really give cities greater independence? Apparently so, at least in some areas of governance. Clearly, home-rule cities are free to choose the form of government they want. Morton Grove, Illinois, for example, used home-rule authority in the 1980s to enact local gun control.<sup>71</sup> Smoking bans in public places have been adopted under home rule in cities from New York to California. In other areas, such as finance, however, charter cities may not have much more authority than other cities. In California, where about a quarter of the cities have their own charters, recent years have witnessed several charter cities seeking bankruptcy protection, including San Bernardino, Stockton, and Vallejo.<sup>72</sup> In Pennsylvania, home-rule cities can set property-tax rates, but the state's general assembly retains the power over taxation and rates of taxation on nonresidents.<sup>73</sup> Also, states can always preempt local powers or determine that state and local governments may exercise some powers concurrently. In effect, then, home-rule powers are largely subject to restraints imposed by state legislatures.<sup>74</sup> But administrative flexibility is only one aspect of home rule; its greatest importance may be psychological. Home rule encourages state legislators to stay out of local affairs for fear of interfering with the rights of local self-government—of violating “the principle of home rule.”<sup>75</sup>

Traditionally, home-rule supporters have feared state encroachment. In the past thirty years, however, even more concern has been expressed over federal preemption of local law. In a landmark decision affecting state and local governments, *Garcia v. San Antonio Mass Transit Authority* (1985), a divided (5–4) Supreme Court ruled that federal wage and hour standards apply to states and their local governments. The Court reasoned that the political process followed by Congress in passing laws provides sufficient protection to ensure that states and localities will not be unduly burdened. Although legislation lessened the impact of the *Garcia* ruling, critics point to other instances of federal intrusion on local affairs.

Today, above all, local officials complain of unfunded federal mandates, which force cities to comply with certain costly provisions of federal law. Many of these mandates relate to environmental protection—for example, requirements imposed by the Safe Drinking Water Act. Even efforts to abide by provisions of the 1990 Americans with Disabilities Act or the 2002 No Child Left Behind law regulating public schools may impose significant costs on local governments. In general, most municipal officials have little quarrel with the intent of these federal laws, but they do object to being forced to comply without being provided the funds to pay for the required improvements. Although local officials are now pursuing their complaints through the political process, relief may be long in coming. As one researcher has noted, “There’s an iron law: When the easy money disappears, our federal system starts pushing things down, down, down.”<sup>76</sup> Genuine home rule will probably continue to shrink as the federal government pursues deficit reduction and as some state governments contend with budgetary shortfalls.

## SUMMARY

Municipal reformers established new systems of city governance that provided the foundation for modern cities to professionalize city governments. The structural characteristics now found in most city governments—including the council-manager plan, nonpartisan ballots, at-large constituencies, and nonconcurrent elections—were part of the reform agenda of the Progressive Era. Although all cities have embraced some degree of change, such reformist features are more likely to be found in certain kinds of cities—particularly white, suburban, middle-class cities, where greater consensus exists regarding the overall community interest. But this is not to say that larger U.S. cities have not embraced a heavy dose of reform, as well: these cities, for example, are largely staffed by employees selected through merit systems. And even in cities with the less reformed structures, today we find more than half of mayor-council governments have chosen to appoint a chief administrator for the day-to-day management of its municipal affairs.

A consideration of the forms of city government and their accompanying electoral systems follows naturally from the discussion of the reform movement. The council-manager plan is now the most popular for cities with populations of 25,000–250,000, while mayor-council government remains more common in the smallest and largest municipalities. Debates persist over the alleged advantages and disadvantages of various electoral arrangements. Nonpartisanship is pervasive regardless of city size, but the at-large electoral form has not been as overwhelmingly adopted. The interest in city government structure is more than academic: although structure alone does not determine who gets what, certain arrangements may benefit some groups while working to the disadvantage of others.

Whereas cities remain creatures of the state, contemporary experience suggests that home-rule provisions have given municipalities greater freedom to frame their charters and choose their own forms of government. But with good reason, local government officials and scholars worry about growing federal preemption or intervention in local affairs, as well as about the impact of so-called unfunded mandates on the independence and fiscal health of America's cities.

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## NOTES

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72. Tamara Audi, Bobby White, and Max Taves, "California's 'Charter' Cities are Under the Microscope," *Wall Street Journal* (July 18, 2012).
73. See Charles Hoffman, "Pennsylvania Legislation Implements Home Rule," *National Civic Review* 61 (September 1972): 390–393.
74. See, for example, the discussion in Samuel Gove and Stephanie Cole, "Illinois Home Rule: Panacea, Status Quo, or Hindrance?" in *Partnership within the States: Local Self-Government in the Federal System*, ed. Stephanie Cole (Urbana: Institute of Government and Public Affairs, University of Illinois; Philadelphia: Center for the Study of Federalism, Temple University, 1976), 158–161. The authors conclude that home rule has made some difference, but after five years the changes have not been dramatic (167).
75. Charles Adrian and Charles Press, *Governing Urban America*, 5th ed. (New York: McGraw-Hill, 1977), 142.
76. Quoted in Steven D. Gold, "Passing the Buck," *State Legislatures* 19 (January 1993): 37.