

## Local Government 102

By Mike Barhorst

In the recent article entitled Local Government 101, we explored the similarities and differences between charter and statutory local government. In this article, we'll examine the three types of city government found in Ohio. These forms of government can be found in either charter or statutory communities. They include the council-manager or city manager form, the mayor-council plan, and the commission form.

In Sidney we enjoy the council-manager form of government. As noted previously, the electorate selected this form of government when they voted to establish our local charter.

The council-manager form of government is the most popular choice among American communities with populations of 2,500 or more. Residents need only look at the examples of corruption and the misuse of local government power in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries to understand why the council-manager form of government became popular.

In the council-manager form, the council appoints a professional manager to conduct nonpartisan governmental operations. Functioning much like a business organization's chief executive officer, the appointed professional manager administers the daily operations of the community and through professional staff ensures community services are being provided effectively, efficiently and consistently.

Under the council-manager form, the elected governing body (commonly called either a city council or a city commission), is responsible for the legislative function of the municipality. Those functions include establishing policy, passing ordinances (laws), approving the appropriation of funds, and developing an overall vision for the community.

Mark Cundiff began his duties as Sidney's City Manager on February 27, 2012. Mr. Cundiff is Sidney's 13th city manager since the local charter became effective on January 1, 1956.

The legislative body, voted into office in public elections, appoints a professional manager to oversee the administrative operations, implement its policies, and advise the council. The position of mayor in this type of legislative body is a largely ceremonial title, and may be selected by the council from among its members or directly elected by the voters.

As a matter of fact, in Sidney, the position of mayor is not directly elected by voters; both the mayor and vice-mayor are selected by members of Council every two years to serve in their respective capacities. Our Piqua neighbors just voted to amend their Charter to provide for the selection of the mayor and vice-mayor by Commission members after experiencing instances when the individual running for mayor was elected to that position, but lost their election as a member of the Commission.

The mayor-council plan is the governance structure still utilized by most of Ohio's municipalities. You will find this local government structure in all the incorporated communities of Shelby County, except Sidney. The villages of Anna, Botkins, Fort Loramie, Jackson Center and Russia have adopted legislation allowing the appointment of a village administrator. A village administrator functions much like that of a city manager, but these communities maintain the mayor-council plan of governance.

The villages of Lockington, Kettlersville and Port Jefferson do not have appointed administrators. In those villages, the mayor is responsible for the day to day operation of the village.

Unincorporated areas such as Houston, Kirkwood, Maplewood, McCartyville, Newport, Pasco, Pemberton, and Tawawa are governed by the three-member board of township trustees. These areas have not petitioned the board of county commissioners to incorporate as a village as provided for in the Ohio Revised Code.

The final form of governance I will cover is the commission form. In this form of government, voters elect a small governing commission, typically five or seven members, on an at-large basis. As a group the commissioners constitute the legislative body of the city responsible for taxation, appropriations, ordinances, and other general functions.

Individually, each commissioner is in charge of a specific aspect of municipal affairs, e.g., public works, finance, or public safety. One of the commissioners is designated chairman or mayor, but functions principally as one of the commissioners who presides at meetings and serves in ceremonial capacities. Thus the commission plan blends legislative and executive functions in the same body. While the commission form of governance is the oldest form of government in the U.S., it exists today in less than 1% of cities.

As noted above, the city of Piqua operates under the council-manager form of government, yet calls their elected officials commissioners. To confuse the matter even more, they have ward commissioners who must live in the ward they represent, but are elected by voters throughout the city.

In any of the three plans of governance, mayors are conferred varying degrees of responsibility and authority. These are frequently characterized as strong or weak-mayor forms of government.

In the strong-mayor form, the elected mayor is given almost total administrative authority and a clear, wide range of political independence. That includes the power to appoint and dismiss department heads without council approval and little or no public input. In this system, the strong-mayor prepares and administers the city budget, although that budget often must be approved by the council. Abuses in this form led to the development of the council-manager form of local government and its wide-spread adoption throughout the United States.

In the weak-mayor form, the mayor has no formal authority outside of the council. The mayor cannot appoint or remove officials, and lacks veto power over council votes. The mayor's influence is solely based on the power of public suasion to accomplish desired goals. From the time Sidney was incorporated on March 1, 1834, until the Charter became effective January 1, 1956, the individuals who served as Mayor of Sidney were strong mayors.

The voters were encouraged to adopt the manager-council form of government by those who had served as mayor as well as local business leaders. Their encouragement came not because there was abuse and corruption but because of the realization that the complexities of government had changed dramatically, requiring the employment of someone who was specifically trained in managing the many facets of city government ranging from finance to refuse collection to underground utilities (water and wastewater) to street maintenance to safety services (fire and police).

Since 1956, the Mayor in Sidney has been a "weak" mayor. The Charter is specific with respect to my duties as Mayor. I am an equal member of Council selected by the members. I preside over meetings of Council, serve as the head of government, and perform ceremonial duties. I retain my vote at Council meetings, but do not have veto power (although in some charter cities, the mayor does have veto power).

We'll next open the doors to City Hall, and look at the departments within the walls and the work that they do. In many cases, the work is largely unseen by the public.