

7 Communications

TRANSITIONAL LANGUAGE

SECTION:

201

401

502.2

505.3

506.3

604.1*

703.1

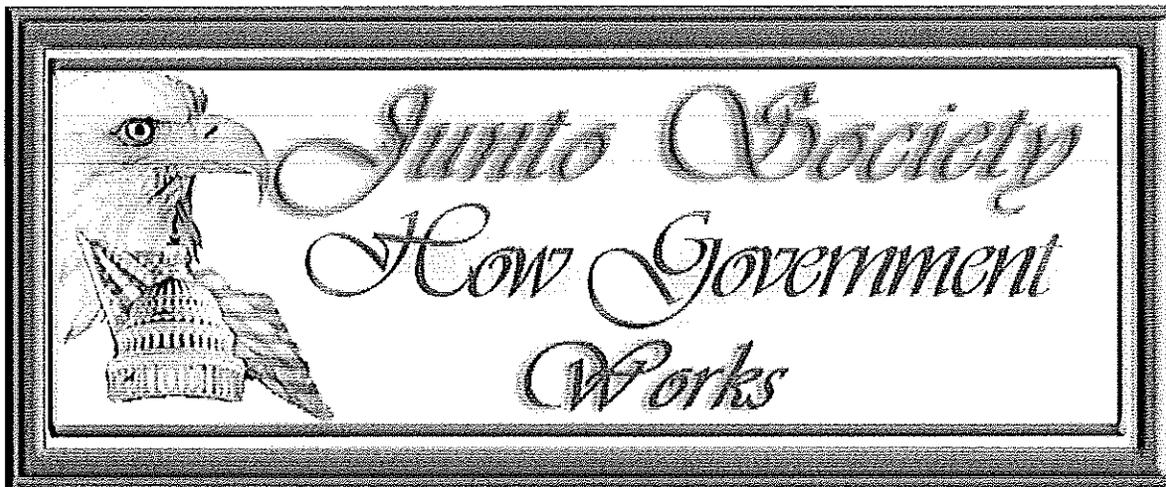
803.1

805.1

1403

1405

Addendum A/B



Municipal Government

by Monty Rainey, Junto Society

Throughout the United States, many different forms of local government are implemented. Though all forms of municipal government may exercise the same basic power structure, there are a variety of different relationships between the legislative (alderman/trustee/councilman) and executive (mayor/president) branches, within these different forms of government.

Individual state constitutions allow for City charters to adopt a constitutional "home-rule" whereby, the citizens of a City may decide which form of municipal government they wish to implement. Some states, may however, impose certain restrictions. For example, a state may not allow a city with a population below 5,000 to perform any actor organize themselves in any fashion not expressly allowed by the state.

Hardly all-inclusive, there are primarily 3 forms of municipal government used in the United States. Anything else is some type of derivative of the basic 3 types. For example, in the state of New Jersey, 12 different types of municipal government are recognized. Illinois recognizes 5 basic forms of municipal government (six when you add incorporated towns), while Texas, only two.

Three basic forms of Municipal Government

Council Manager

The newest of the three major forms of city government, the council-manager form quickly gained acceptance among cities of all sizes and continues to be the most popular form in American cities of more than 10,000 population. This form of home-rule cities operates with a city council as a policy body and a city manager as

the chief executive-administrative officer of city government. Today, most city managers have graduate degrees in public or business administration.

In the council-manager form of government, the council is the governing body of the city elected by the public, and the manager is hired by council to carry out the policies it establishes. The council usually consists of five to nine members including a mayor (or council president) who is either selected by the council or elected by the people as defined in the city charter. The size of the council is generally smaller than that of a mayor-council municipality, and council elections are usually nonpartisan.

The council provides legislative direction while the manager is responsible for day-to-day administrative operation of the city based on the council's recommendations. The mayor and council as a collegial body are responsible for setting policy, approving the budget, and determining the tax rate. The manager serves as the council's chief advisor. Managers also serve at the pleasure of the council and are responsible for preparing the budget, directing day-to-day operations, and hiring and firing personnel.

Typically, the mayor is recognized as the political head of the municipality, but is a member of the legislative body and does not have the power to veto legislative actions.

The Council-Manager Form

Mayor

Council

Manager

Department Heads

Mayor Council

A mayor-council city government consists of a mayor and a number of council members or aldermen. The mayor is elected at large, and the aldermen may be elected at large but generally are chosen from wards or aldermanic districts. The mayor presides at council meetings and is the chief executive officer of the city. He is properly the head of the police force and the budgetary officer of the city. The council is the legislative agent; the proposals and appointments of the mayor are or may be subject to its approval.

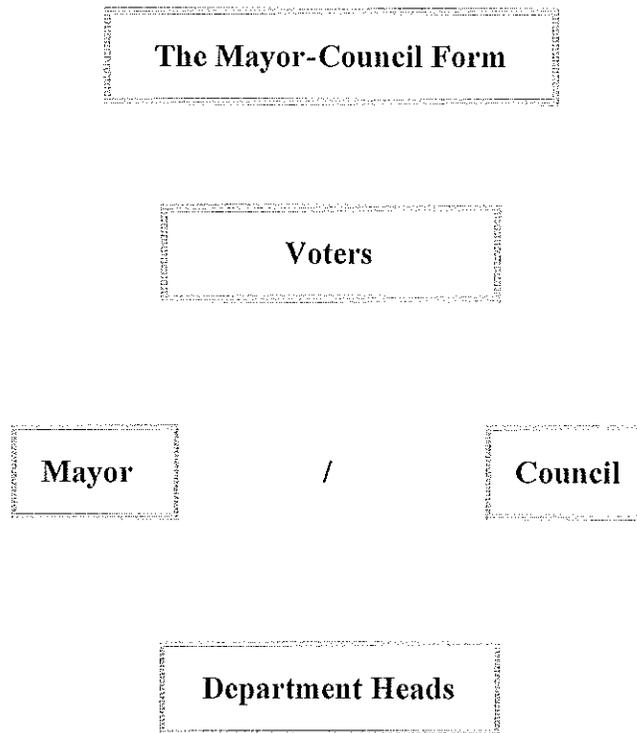
This form of city government has assumed two types. A mayor elected at large and a council elected either by wards, at large, or by a combination of the two, characterize both the weak mayor-council and the strong mayor-council. In the weak mayor-council type, the mayor is not a chief executive in the true sense. His powers are limited in appointments and removals, as well as veto, and there are a large number of elected officials and boards. Many legal powers of the council

prevent him from effectively supervising city administration. In the strong mayor-council form, the mayor has the power to appoint and remove most department heads, and only a few officials are elected. In addition, he prepares the budget for the council's consideration and has an effective veto power. In the 1990s this form of government continued to be the most popular in general-law cities and towns but steadily declined in favor among home-rule cities.

The mayor-council form of government is the form that most closely parallels the American federal government, with an elected legislature and a separately elected executive.

The mayor or elected executive is designated as the head of the city or county government. The extent of his or her authority can range from purely ceremonial to functions to full-scale responsibility for day-to-day operations. But the mayor's or elected executive's duties and powers generally include the following: hiring and firing department heads, preparation and administration of the budget, and veto power (which may be overridden) over acts of legislature. The legislature has the following responsibilities: adoption of the budget, passage of resolutions with legislation, auditing the performance of the government, and adoption of general policy positions.

In some communities the mayor or executive may assume a larger policy-making role, and responsibility for day-to-day operations is delegated to an administrator appointed by and responsible to the chief executive.



Commission

The commission form of city government, also known as the Galveston Plan, was

devised in Galveston, TX in 1901 and became one of the three basic forms of municipal government in the United States. Under the commission plan 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 his function is principally one of presiding at meetings and serving in ceremonial capacities. Thus the commission plan blends legislative and executive functions in the same body.

The invention of the commission plan was a direct result of the Galveston hurricane of 1900. An estimated 6,000 lives were lost, and millions of dollars worth of property was swept away. Fearful that the island city might never recover its prosperity under the leadership of the incumbent city council, a group of wealthy businessmen known as the Deep Water Committee devised a plan to have the governor appoint a commission to govern the city during the rebuilding period. To appease opponents who contended that appointed government was undemocratic, the plan was altered to provide for popular election of two of the five commissioners. This plan went into operation one year after the great storm. Court challenges to the constitutionality of the partially appointive government led the legislature to make the office of all five commissioners elective, and in this form the commission plan became popular across Texas and the nation.

Galveston's apparent success with the new type of government inspired Houston to adopt the plan in 1905 and Dallas, Fort Worth, El Paso, Denison, and Greenville to follow in 1907. By then sometimes referred to as the Texas Idea, the commission plan began to be noticed nationally and to be regarded as a progressive reform. Des Moines, Iowa, was the first city outside Texas to adopt the commission plan. The Des Moines version included nonpartisan balloting, merit selection of employees, and the direct-democracy devices of initiative, referendum, and recall. Although Dallas, Fort Worth, and some other Texas cities also used direct democracy, Des Moines was able to take credit for making commission government a package of reforms often billed as the Des Moines Plan.

Usually supported by chambers of commerce and other businessmen's groups, the commission plan spread rapidly from 1907 to 1920. In this period about 500 U.S. cities adopted commission charters. (Exact figures are not available because of poor reporting and imprecise definitions.) Leading figures of the Progressive Era, including Theodore Roosevelt and Woodrow Wilson, endorsed the plan. Reformist periodicals such as *Outlook* and *McClure's* praised the idea. Historians have generally regarded the Galveston-Des Moines plan as an important aspect of the progressivism thrust toward expertise and efficiency. Some progressive reformers, however, questioned the plan because they viewed it as an effort by business interests to take influence away from the working class.

To a significant extent the commission plan served as a precursor to the popular council-manager form of city government. Richard S. Childs, often called the father of the city manager plan, worked through the Short Ballot Organization and the National Municipal League to make the manager plan rather than the commission plan the progressive idea of choice for business-minded reformers. Childs and

others pointed out that the specific departmental interests of commissioners often caused internal squabbling and that the absence of a chief executive could result in a lack of leadership. Manager charters, many argued, could retain the beneficial aspects of the Galveston-Des Moines system, such as the short ballot, at-large voting, nonpartisanship, the merit system, and direct democracy, but could replace leaderless bickering with businesslike management in the corporate model.

Indeed, after World War I very few cities adopted the commission plan, and many existing commission cities shifted to the manager system; a few reverted to mayor-council charters. From a peak in 1918 of about 500, commission plan cities had dwindled to only 177 by 1984. In contrast, there were 3,776 mayor-council and 2,523 council-manager cities in that year. Even Galveston abandoned its own child when the island city adopted manager government in 1960. Because at-large balloting is intrinsic to the commission concept and since at-large elections may dilute minority voting strength, some southern cities, including Shreveport, Jackson, and Mobile, have dropped the commission plan because of suits brought under the Voting Rights Act of 1965 and subsequent amendments. In Texas as of May 1993 there were no true commission forms of government. Twenty-seven cities had manager-commission governments, but they were more like mayor-council government than the original commission form.

Variations

Town Meeting

All qualified voters of the town gather on a given day (usually once a year, but more often if necessary) to elect a board of officers (selectmen) and to make policy decisions. The board of selectmen has the responsibility for carrying out the policy set by the citizens. In some towns a manager or administrator is appointed to carry out the administrative operations of the town.

Representative Town Meeting

The representative town meeting form of government is structured in much the same way as the town meeting form, with the exception that a large number of citizens are chosen by the general electorate to represent them in voting. All citizens can attend the meetings and participate in debates, but only those chosen as representatives have a direct vote.

Township

Generally speaking, a township will consist of Mayor and 3 to 5 elected committee members. The committee members will act as the legislative body and assumes all legislative responsibilities not placed on the office of mayor. The Township Committee may delegate, by ordinance, all or a portion of executive responsibilities to an appointed administrator.

Borough

Mayor and 6 Council, all elected at large. The Mayor presides over the Council and

votes only to break ties. Subordinate officers are appointed by the Mayor. Again, the Council serves as the legislative body.

Village

Generally, a Village governing body will consist of a Board of Trustees, usually 5, who are elected at large. One of these board members will serve as the Board President and is granted all of the powers given a Mayor by general law. The Board of Trustees serves as the legislative body of the municipality.

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Gibbs, Judy

From: robertstackpole@rsu57.org on behalf of Robert Stackpole [rstackpole@aol.com]
Sent: Wednesday, May 25, 2011 4:31 PM
To: blittlefield@sanfordmaine.org; cricketsplmb@gwi.net; IAFFLOCAL1624@yahoo.com; jon@hamapes.com; salord@sanfordmaine.org; Gibbs, Judy; tkhenke@metrocast.net
Cc: rstackpole@aol.com
Subject: Suggested motion

I have put together a brief motion for tomorrow evening's meeting. I intend make this motion at the beginning of item #9 on the Agenda. My thinking is that if we are going to move ahead with an evaluation of governmental structures (which is our task under Item 9) then logically we have to have a reason to do so. The intent of this motion is simply a declaration for change. It doesn't pigeon hole the Commission into anything but change. And, I think we had a great deal of consensus on that at the last meeting. I doesn't define in any way what that change will look like. I hope everyone understands my logic. I'm just trying to lay a solid foundation for us to build on.

It will be a motion and therefore subject to all of Robert's Rules. I hope you will support it. If you have any questions or need any clarifications please do not hesitate to contact me by email or call my cell phone 608-9073.

Motion as follows:

We, the members of the Sanford Charter Commission, find fault with the current town governmental structure as dictated by the existing town charter. We find it inefficient, resistant to change, and lacking in accountability. Therefore, we resolve that in order for the citizenry of Sanford to prosper in the 21st century, a modern governmental structure must be designed and implemented via this charter revision process that brings efficiency, expediency, and accountability, to the municipal business of the town and its educational responsibilities.

5/26/2011

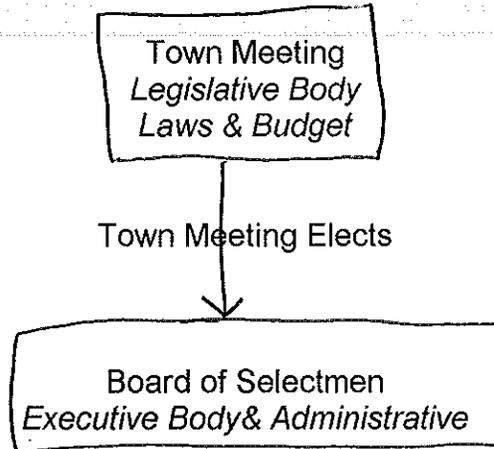
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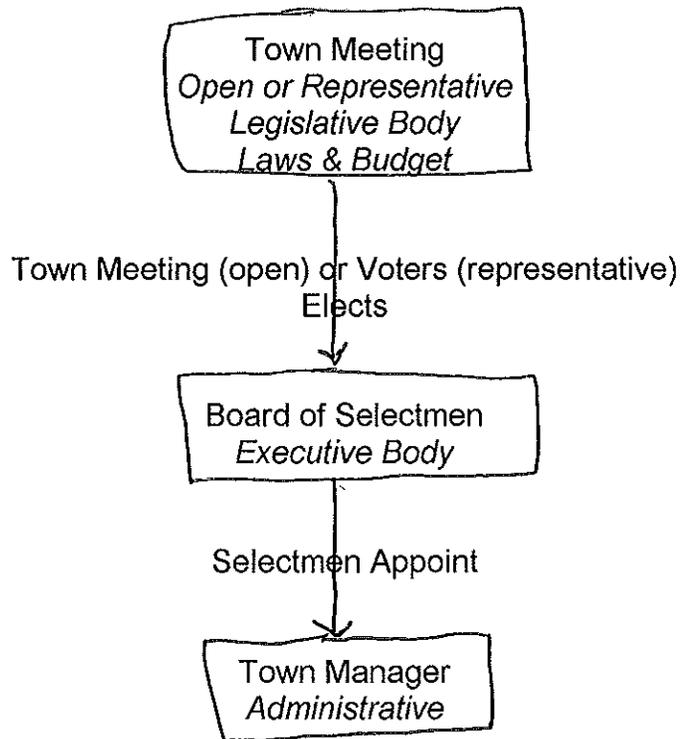
and to facilitate increased economic opportunities, and striving for a better quality of life for all citizens of Sanford.

Six basic Town Government Structures

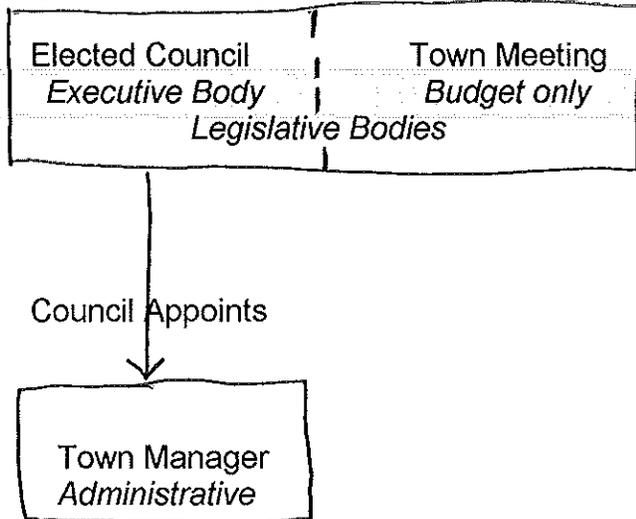
1. Town Meeting – Selectmen



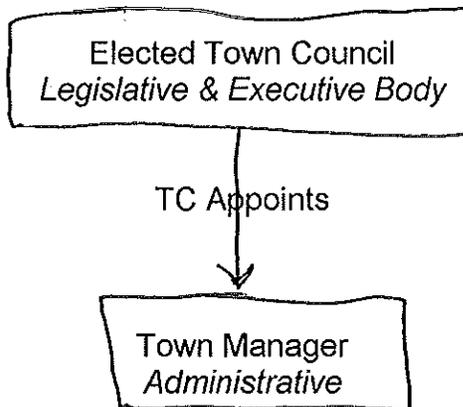
2. Town Meeting – Selectmen – Town Manager



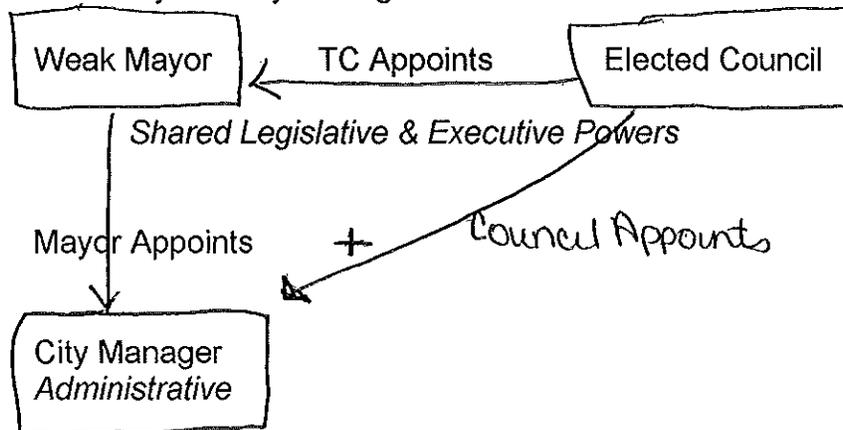
3. Council – Town Meeting – Town Manager



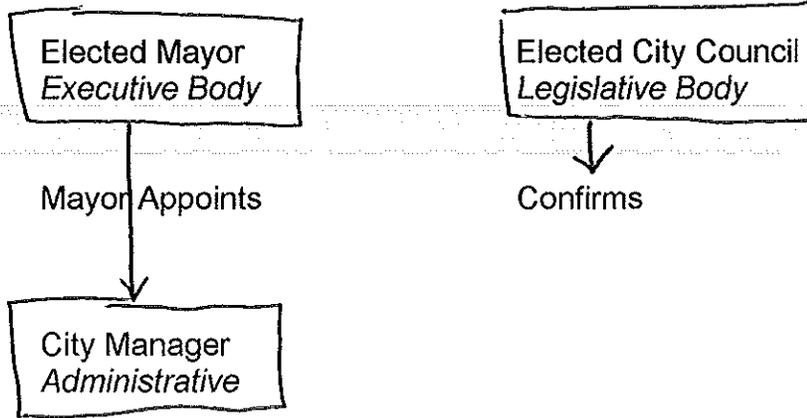
4. Town Council – Town Manager



5. Council – Weak Mayor – City Manager

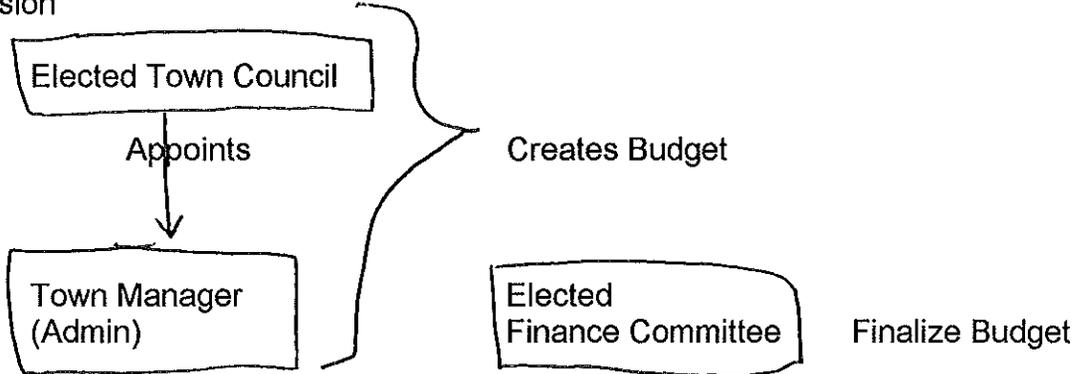


6. Council – Strong Mayor – City Manager



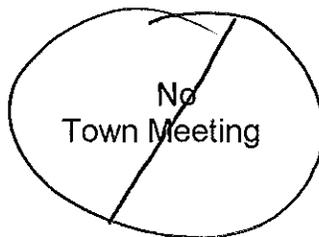
VISIONS

1. Troy's Vision



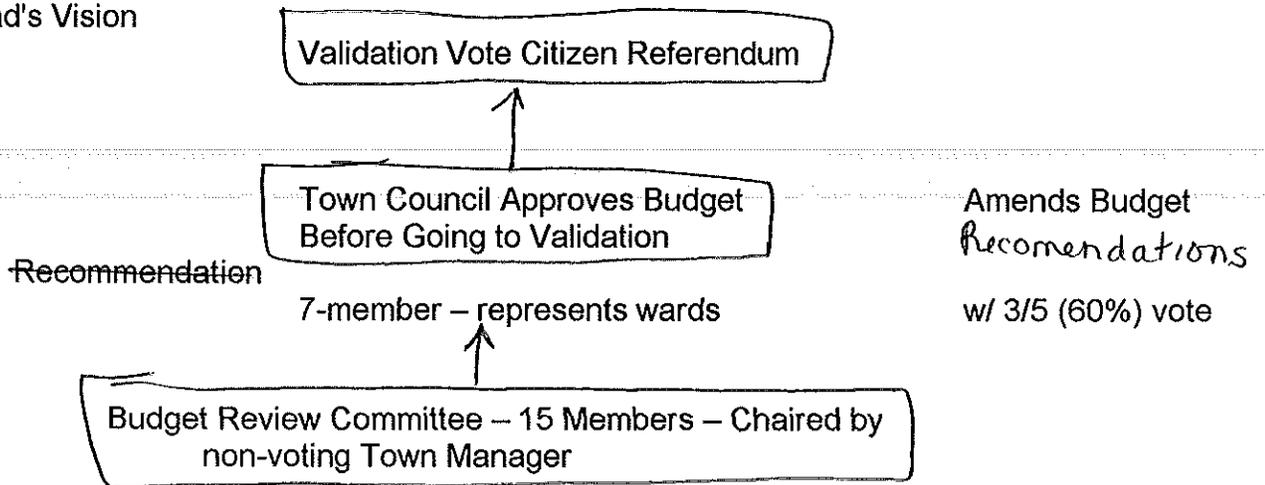
reference 30-A Art. G-A
chapter 4

Only majority vote of both can
increase or decrease budget items
after FC decision



Referendum Validation of
Budget

2. Brad's Vision



Annual Appointment

7 members appointed by TC

4 members elected at large

4 members
2 - TC (majority/minority)
2 - SC (majority/minority)

Budget Developed by Town Manager & Staff
Forward to Budget Review Committee
forward to Town Council Approval

Build Checks and Balances

Budget Development

Goals and objectives development shall be conducted each fiscal year by Council. A Public Hearing shall be held before adoption of said goals and objectives, (204.5)

The School Board shall separately conduct and develop respective goals and objectives each fiscal year and conduct a Public Hearing before adoption of said goals and objectives. (204.51 new)

Council Participation in Budget Development

The Sanford Town Council shall assist the Town Manager and the School Board in developing the general parameters and guidelines for the Town Manager's municipal and School Board's budget programs and after public hearing and review shall consider approving submission of Town Managers and School Board's budget to the Budget Review Committee. The Town Manager's and School Board's budget submission need not have the Council's endorsement when submitted to Budget Review Committee review. If the Town Council cannot arrive at consensus for budget submission the Town Manager and/or the School Board shall submit the municipal budget with or without Town Council comment, however the Town Manager and School Board shall submit their respective budgets to the Town Council for consideration for possible comment and/or approval. (204.41 New) & (302.11)

Budget Review Committee

Budget Review Committee shall be fifteen (15) person committee appointed annually (502.2) in the following manner: (502.1)

Council member nomination/appointment by ward: (7)

Seven (7) members, each of the seven would represent a voting ward. Each member of the town council shall nominate a candidate for budget review committee to the town council for confirmation. The Town Council may reject a councilor nominee for confirmation but may not appoint another candidate without said appointment being a Councilor nominee. Each appointment shall meet the requirements of one (1) Budget Review Committee member from each ward. Should no qualified Council candidate be available from a voting ward, the Council may by majority vote waive the requirement that a Council nominee be a resident from a particular ward, multiple Council candidate nominations may be from one (1) ward, however each appointment would require individual waivers by majority vote from the Town Council. To insure fairness and to insure enforcement of this provision the town council shall promulgate rules that would allow for appointment and subsequent ward appointment waivers from each ward based on election seniority of council membership.

Town Council voter-at-large appointment: (4)

The town council shall appoint four (4) citizens-at-large from the community who are voters and the council shall appoint said members by majority vote.

Town Council and School Board appointment: (4)

The town council shall appoint two (2) members from the Town Council and two (2) members of the School Board for a total of four (4). The School Board shall nominate Budget Review Committee candidates and submit to the Town Council for confirmation.

The Town Council shall promulgate rules so that no council member or school board member shall serve more than two (2) consecutive terms on the Budget Review Committee. The town council representative and the school board representative shall be given autonomy from undue restrictions from their respective membership to assist in facilitating consensus toward a final recommendation for review by the town council. Where possible the Council shall appoint a representative from their respective bodies, one representing (1) majority and another one (1) representing minority positions on the respective budget submissions.

Town manager shall be the non-voting chair of said Budget Review Committee. Budget Review Committee shall elect a vice-chair and secretary from its membership.

Alternative method for Budget Review Committee membership: Chosen by caucus by ward...in much the same way that the county does...

Budget Submission to Budget Review Committee

At least eighty-five (85) days prior to the beginning of the municipal fiscal year, the Town Manager shall submit to the Budget Review Committee a complete line-item budget containing the estimated receipts and expenditures for all municipal departments, excluding the School Department, for the upcoming municipal fiscal year. This budget shall be known as the municipal budget. Along with the municipal budget, the Town Manager shall also submit an accompanying message meeting the requirements of Section 507 of this article. (506.1)

At least eighty-five (85) days prior to the beginning of the municipal fiscal year, the School Superintendent shall submit to the Budget Review Committee a complete line-item budget containing the estimated receipts and expenditures for the school department, for the upcoming municipal fiscal year. This budget shall be known as the school budget. Along with the school budget, the School Superintendent shall also submit an accompanying message meeting the requirements of Section 507 of this article. (506.1)

Public Hearing(s) on Municipal and School Budgets (509).

Within fourteen (14) days after receiving municipal and school budgets, the Budget Review Committee shall hold a public hearing(s) on the proposed budgets. The Town Manager shall post notice of the public hearing(s) as soon as possible by publishing in one or more newspapers of general circulation in the town a notice stating:

- A. The time and places where copies of the municipal and school budgets and budget messages are available for inspection by the public;
- B. The time, place and purpose of the public hearing(s) which is to be held not less than two weeks after such publication;
- C. A statement that all residents interested in speaking on the proposed municipal and school budgets shall have an opportunity to be heard at the public hearing. (509.1)

Adoption of Budget Recommendation

Except where otherwise provided the Budget Review Committee budget recommendations shall be adopted by simple majority vote of the Town Council. (516)

Budget Recommendation Revisions

The Budget Review Committee budget recommendations may be revised by a Town Council vote with no less than a 60% majority vote (5 members) of the membership of the council to adopt amendments to Budget Review Committee's recommendation.

Final Authority Budget Adoption

The municipal and school budget shall be placed on a municipal wide ballot and shall be known as the Budget Validation Referendum. Time, date and location of said Budget Validation Referendum shall be established by the Sanford Town Council. (516.01 New)

Capital Improvement Program

Capital Improvement Plan shall be 4% of the previous year's budget....at least 2% shall be allocated to infrastructure improvements.... (508.6)

The Capital Improvement Committee membership shall remain as currently structured in the Sanford Town Charter (508.1)

The Capital Improvement Committee recommendations shall be presented directly to the Town Council, the Capital Improvement Committee shall advise the Budget Review Committee of its recommendation to the Town Council. (508.5) and shall be adopted by the Town Council in same manner as the municipal and school budgets. The CIP budget shall be included in the municipal budget for adoption and submission to budget validation referendum.

Budget Adoption

At least forty-five (45) days prior to the date set for the annual Town Council's Budget Adoption Meeting the Budget Review Committee shall return to the Town Manager the municipal and school budgets to be voted upon by the Town Council at the annual Town Council Budget Adoption Meeting. (510.4)
Budget shall be submitted to town council by warrant (as formatted in present Charter) for approval or revision by ordinance after two (2) public hearings. (502.7) & (516.1 new)

At least forty (40) days prior to the Town Council's Budget Adoption Meeting, the Town Manager shall post to the Town Website and to a designated public location in Town Hall, Town Hall Annex, and in the Sanford and Springvale libraries as well as any other public gathering place, copies of the warrant containing the Budget Review Committee's recommended budget for the upcoming fiscal year. (510.5)

The Sanford Town Council shall adopt the budget by ordinance, (as per section 213) for the next fiscal year on or before the last day in May of the current fiscal year and shall submit both municipal and school budgets for final approval to referendum for budget validation.

Failure to Adopt Budget

If the Sanford Town Council fails to adopt a municipal budget or school budget by June 30 for any reason, or if any vote of the Town Meeting Members related to the municipal budget or school budget is repealed by referendum pursuant to Section 1205 of this Charter,

The amounts appropriated for the current operation for the current fiscal year shall be deemed adopted for the following fiscal year on a month-to-month basis, with all items in the respective budget prorated accordingly until such time as the Sanford Town Council adopts a budget for the following fiscal year or the referendum procedure sustains the town meeting action (516)

Consider removing Budget Approval date to give council and Budget Committee flexibility in budget deliberations.....consider a definitive start date for budget submission to budget committee.....have Town Council promulgate timeline rules each Dec after elections....