



# **Governing Cincinnati: Considerations and Opportunities**

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## **EXECUTIVE SUMMARY**

The city council has created a Charter Review Task Force, which occasions a fresh look at whether the current governance structure will enable Cincinnati to meet the challenges that lie ahead. This paper provides a comparative perspective that may be helpful in this process.

### ***Methodology and Limitations***

Using a comprehensive dataset on U.S. municipal forms of government and prior research studies, four areas are covered: (1) a comparison of Cincinnati's governance structure with the essential features of the council-manager form of government and those of other U.S. cities that could be considered peers; (2) an examination of cities that have changed their form of government in the last 20 years; (3) a synthesis of studies that have been conducted of the governance structure and characteristics of local governments and implications for performance outcomes; and (4) an assessment of areas of potential change and likely consequences. Focal points include: appointment and removal of the city manager; powers and duties of the city manager; powers, duties, and method of election of the mayor; and powers, duties, and method of election of the council.

This report does not offer original research findings regarding how well various forms of local government have worked in their communities over time, nor does it identify "best practices" in peer jurisdictions that should be considered for adoption in Cincinnati. The authors make no attempt to assess how well Cincinnati's hybrid governance structure has performed.

### ***Findings***

Major changes in the form of local government are uncommon. Reform campaigns do not usually command much public interest and enthusiasm, leading to referendum failures. Since 1995, only ten municipalities with populations of at least 100,000 have changed their form of government.

In the six cities that changed to a mayor-council form, the key component of change has been empowerment of the mayor in at least five respects. First, the mayor is elected for a four-year term and may be reelected at least once. Second, the mayor is accorded a veto. Third, the mayor may serve as or appoint a chief executive or administrative officer and in the latter case may not need council concurrence. Fourth, the mayor may hire (if serving as CEO) and fire department heads, and make appointments to city boards and commissions. Finally, in two cities the mayor is responsible for budget preparation.

Only a few large council-manager cities have adapted their form of government to the extent of Cincinnati. However, rarely do large cities have a form identical to the original council-manager model.

Citizen-approved amendments to the city charter since 1925 have produced a hybrid form of council-manager government in Cincinnati, adapting components of the mayor-council form, creating a "stronger" mayor than typically found in council-manager municipalities. As a result, while there are several areas of conformity with the council-

manager model, there are significant differences: (1) the mayor is elected by the voters, from among the top two vote-getters in the primary; (2) the mayor and council members are limited to serving two successive terms in office; (3) the mayor's compensation is twice that of council members; (4) while not having a vote (except in the case of a tie), the mayor has power to exercise a veto as well as a "pocket veto;" (5) the mayor appoints and may remove the vice-mayor and council committee chairs without the advice and consent of council members; (6) the mayor assigns legislation to committees; (7) the mayor gives an annual state of the city address; and (8) the mayor is authorized to take command of the police, with council consent, during emergencies. Particularly noteworthy is the power given to the mayor to recommend a candidate for city manager, who is appointed if five council members concur, and also to recommend removal of the city manager, which takes effect if a majority of the nine members agree. Only two other cities in the United States (Stockton, CA and Kansas City, MO) operate in a similar manner.

Despite these adaptations, Cincinnati still retains the four critical features required by the International City/County Management Association (ICMA) to be recognized as a council-manager jurisdiction. Accordingly, the city manager or administrator: (1) is appointed by and may be removed by a majority of the council; (2) is responsible for policy formulation as well as implementation; (3) prepares, presents, and executes the council-approved budget; and (4) hires, oversees, and may remove most department heads.

### ***Implications***

In considering proposals from the task force to make changes in Cincinnati's governance structure, the Research Institute should keep in mind the following implications revealed in our research.

First, proposed changes in form of government have a generally low profile on the public's radar screen. Incremental changes like strengthening the mayor's powers or modifying the council's electoral system have been more successful than wholesale change. Major change drivers have been wide-ranging, including mayoral stature, service breakdowns, fiscal stress, controversial local projects, official corruption, and economic stagnation. In the absence of such factors, time and resources will need to be devoted to informing the citizens of the rationale for and likely impact of any proposed changes, as well as to encouraging voter turnout in the referendum.

Second, there has been a considerable amount of research on form of government and its relationship to various aspects of local government performance, but there is little conclusive evidence that one form is superior to another. Research is also lacking on whether institutional choices other than form influence local performance, such as the way council members are selected or the presence or absence of mayoral veto authority. Basically, form of government is only one of a number of factors that affect municipal performance outcomes and influence public opinion.

Third, research does indicate that empowerment can give the mayor significant tools to exercise community and policy leadership. For example, representation of interests on a district basis could make it more difficult for the council to agree on citywide goals and priorities, which could increase conflict among the members unless some members are

elected at-large or the mayor exercises significant facilitative leadership. Whether the mayor is an effective leader, however, depends more on the qualities and ambitions of whoever sits in that office than on what is in his/her toolbox.

Fourth, adoption of a hybrid council-manager system may leave the city manager in an awkward position, perceived by some as the “mayor’s person” not as a professional serving as trusted advisor to the entire council. Managerial accountability can be clouded when appointment and removal authority is shared with the mayor, and the manager’s obligations to serve the council as a whole as well as the mayor are confused and perhaps compromised.

Finally, depending on how much further empowerment of the mayor’s office is placed before Cincinnati’s voters, an important caution is that a significant strength of the council-manager plan—unified decision-making by the governing body—could be weakened by a divided, separation of powers approach between the executive and legislative branches.

## **INTRODUCTION**

Much has changed since Cincinnati's current form of government was established in the 1920s. The council-manager system has been tested by the dynamics of economic, demographic, social, and political changes that have swept the city, region, and state. Political, business, and civic leaders have sought to adapt the city's structure to meet the challenges of delivering efficient, effective, and equitable governance, with particular attention given to the mayor's powers. Citizens have supported changes to the structure of government to strengthen the mayor's leadership role, but have not endorsed adoption of the mayor-council form. However, an assessment of Cincinnati's reform record published in 2010 concluded: "The intensity and longevity of ... political conflict resulted in incremental, politically feasible, charter changes rather than more comprehensive and perhaps more appropriate changes to addressing larger community concerns" (Spence 2010: 224). The city council has created a committee to review the city charter, which occasions a fresh look at whether the current hybrid structure will enable the city to meet the challenges that lie ahead. This paper provides a comparative perspective on Cincinnati's structure that may be helpful in this process.

### ***Looming Challenges***

Studies and forecasts by academic experts, think tanks, and government agencies have concluded that local governments will likely face stiff challenges during the remainder of the decade and beyond. Although their nature and severity will vary from jurisdiction to jurisdiction, at least three trends confront city leaders: multi-jurisdictional problems, fiscal retrenchment and service shifting, and political polarization.

First, many problems that are at the top of the priority list for communities—like education, job creation, environmental sustainability, economic disparity, health care, food supply, and water—ignore local boundary lines and require inter-local and often public-private collaboration to be tackled successfully. Even large cities cannot successfully solve these problems on their own. The structure of local government is not well-prepared to deal with this reality and it is unclear who should be at the forefront of regional leadership. As a result, inter-local cooperation remains an underutilized tool (Frederickson 2005).

Second, in the wake of the Great Recession, many localities and states engaged in a variety of cutback management and fiscal retrenchment practices to balance their budgets. Some are rebuilding their workforces and services, while others are still in tight fiscal times. The management capacities of many localities have been eroded by these cutbacks coupled with the growing number of "baby boomer" retirements. This situation is compounded by the fact that many states are reducing financial aid to cities and counties, restricting local revenue-raising authority, shifting functional responsibilities downward, and imposing unfunded mandates. Ohio has witnessed these trends first-hand. At the same time, the federal government's unsustainable fiscal condition will likely result in cutting, capping, or consolidating important discretionary programs serving local governments like housing and community development block grants. Some experts have predicted that these conditions will lead to a period of "fend-for-yourself localism."

Finally, the partisanship and political polarization that has characterized Washington, D.C. in recent years is shifting to some states and localities. The inability to reach common political ground and find consensus among political leaders has eroded

citizen confidence in government and kindled anti-government candidates and campaigns. Although opinion polls indicate that citizens consider local governments more trustworthy and efficient than state and federal governments, confidence in local government is shaky in many places as elected officials find it increasingly difficult to find common ground in an atmosphere of sharp partisan, policy, and philosophical division. Therefore, efforts towards structural reform may potentially become conflictual, as has occasionally been the case in Cincinnati.

### ***Considerations for Cincinnati***

In light of these looming trends, and the protracted local recovery from the Great Recession, a review of the strengths and weaknesses of the current form of city government is appropriate and timely. Especially in larger cities like Cincinnati, these conditions call for strong visionary and policy leadership. And the values of representation and responsiveness must be balanced against efficiency and effectiveness.

This research paper reviews certain components of Cincinnati's current governance structure against typical practices used in other jurisdictions with a population ranging from 250,000-500,000. Using a comprehensive dataset on U.S. municipal forms of government and prior research studies, this report will cover four areas: (1) a comparison of Cincinnati's governance structure with the essential features of the council-manager form of government and those of other U.S. cities that could be considered peers; (2) an examination of cities that have changed their form of government in the last 20 years; (3) a synthesis of studies that have been conducted of the governance structure and characteristics of large local governments and implications for performance outcomes; and (4) an assessment of areas of potential change and likely consequences.

The focal points of this review will include:

- a) Appointment and removal of the city manager;
- b) Powers and duties of the city manager;
- c) Powers, duties, and method of election of the mayor; and
- d) Powers, duties, and method of election of the council.

Due to time and cost considerations, this report does not offer original research findings regarding how well various forms of local government have worked in their communities over time, nor does it identify "best practices" in peer jurisdictions that should be considered for adoption in Cincinnati. Finally, the authors make no attempt to assess how well Cincinnati's hybrid governance structure has performed.

## **THE COUNCIL-MANAGER PLAN IN THEORY AND PRACTICE**

The council-manager form of government celebrated its 100th anniversary in 2014. The plan took root during the Progressive Era, and the calls by reformers at that time were to run government like a business enterprise instead of on a partisan basis. Consistent with the scientific management philosophy, it was thought that government could be run more efficiently by adapting the principles of business administration. The goal was to insulate the operations of local government from corrupt politicians, political bosses, and the spoils system. Under this model, municipal governing bodies appoint a manager, much

like a corporate board of directors appoints a chief executive officer to conduct operations. The manager reports to the board, faithfully executes its directives, and serves at its pleasure. This arrangement allows elected officials to focus on making political decisions and public policy, while the manager focuses on implementation.

The council-manager plan spread rapidly across the country, and currently 49 percent of municipal governments have adopted this form, while 44 percent operate under the older mayor-council plan. It has been the most prevalent form of city government since 1972 (Carter 2014: 4). The council-manager form of government is found among a wide range of municipalities, in terms of population size, location, and demographics. In comparison with other forms of local government like the mayor-council and commission plans, council-manager government enables a unified approach to policy development and execution.

A number of large cities have joined Cincinnati in adopting the council-manager plan. As will be seen, however, many use variations from the original model of council manager form, such as strengthened mayoral power and electing council members from districts or wards. These variations may occur due to state legal requirements (non-partisan elections; at-large elections of mayors); court mandates (district council elections); or local preferences. Over the past 20 years, six cities over 100,000 population have replaced their council-manager form with a strong mayor-council system while two such cities have replaced their mayor-council form with a council-manager system.

In most council-manager municipalities, the basic features of the plan have not changed dramatically over a century. They include:

- + Appointment of a professionally trained manager who serves as an at-will employee of the governing body;
- + Delegation of executive authority to the manager, including budget preparation and administration, and the hiring, supervision, and firing of all staff who are not direct appointees of the governing body;
- + Adherence by the manager to high ethical standards;
- + Separation of the major roles and responsibilities between the governing body and manager, with the former chiefly responsible for policy making, budget approval, and political agenda-setting;
- + Involvement of the manager as an impartial advisor to the governing body during the policy-formulation process;
- + Election of the governing body members on a nonpartisan, at-large basis;
- + Selection of the mayor from among governing body members;
- + Successful mayors use facilitative leadership skills with formal authority typically limited to ceremonial powers and tiebreaker votes.

## **ESSENTIALS OF THE COUNCIL-MANAGER PLAN: HOW CINCINNATI COMPARES**

A review of relevant sections of the Charter of the City of Cincinnati dealing with the powers and duties of the city manager and mayor reveals several areas of conformity as well as non-conformity with the essential features of the council-manager plan. These are identified below.<sup>1</sup>

### ***Charter-Plan Comparisons: Areas of Conformity***

- + The city manager is appointed for an indefinite term by the mayor and a majority of the council, and may be similarly removed;
- + The city manager reports to the mayor and council;
- + The city manager has direct responsibility for policy implementation, budget formulation and execution, and personnel administration;
- + The city manager makes recommendations to the mayor and council regarding city affairs;
- + The mayor and city council members are prohibited from interfering in administrative services for which the city manager is responsible;
- + The mayor and council are elected city-wide on a nonpartisan basis;
- + The mayor is the presiding officer at all council meetings and does not have a vote;
- + The mayor can call special meetings of the council and introduce legislation;
- + The mayor is recognized as the official head and representative of the city.

### ***Charter-Plan Comparisons: Areas of Non-Conformity***

At the same time, as Spence (2010) has observed, citizen-approved amendments to the city charter have produced a hybrid form of council-manager government in Cincinnati<sup>2</sup>. These changes have adapted components of the mayor-council form, particularly transforming the “weak” mayor common in the council-manager plan into a “stronger” mayor. As a result, there are significant differences between Cincinnati and the council-manager model. These include:

- + The mayor is elected by the voters, from among the top two vote-getters in the primary;
- + The mayor and council members are limited to serving two successive terms in office;
- + The mayor’s compensation is twice that of council members;
- + While not having a vote, the mayor has power to exercise a veto as well as a “pocket veto.” (A vote of six out of nine council members is required to override the veto)<sup>3</sup>;

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<sup>1</sup> There is no research that addresses whether minute changes in the council-manager or mayor-council form can or do affect quality of governance or performance outcomes.

<sup>2</sup> In Cincinnati, the manager appoints the solicitor. Although there is no research available on how widespread this practice is, anecdotally, this power is typically assigned to the council.

<sup>3</sup> Cincinnati’s mayor possesses two forms of veto power. Art. II, Sec. 6 of the Charter gives the mayor the explicit right to veto legislation and return it to council. In addition, Art. III, Sec. 2 contains the implied power of the “pocket veto.” This section states that the “mayor shall assign all legislative matters to the appropriate committee for consideration,” but does not specify a time limitation for referring legislative matters to committee. This has been interpreted in recent years to mean that the mayor may withhold assignment to committee until the term of council is about to expire, effectively killing legislation by precluding it from

- + The mayor appoints and may remove the vice-mayor and council committee chairs without the advice and consent of council members;
- + The mayor assigns legislation to committees;
- + The mayor recommends a candidate<sup>4</sup> for city manager, who is appointed if five members concur, and may also recommend removal of the city manager, which takes effect if a majority of the nine members agree;
- + The mayor gives an annual state of the city address; and
- + The mayor is authorized to take command of the police, with council consent, during emergencies.

## PEER CITY COMPARISONS

Cincinnati’s population in 2010 was 296,943. Therefore, for this analysis, we chose cities with populations (2010 Census) between 250,000 to 500,000. There are 19 council-manager (including Cincinnati) and 22 mayor-council municipalities with 2010 populations ranging from 250,000 to 500,000 (Table 1).

**Table 1: Cincinnati Peer Municipalities (Population range = 250,000-500,000)**

Council-Manager	Mayor-Council
Anaheim, CA	Anchorage, AK
Arlington, VA	Atlanta, GA
Aurora, CO	Buffalo, NY
Bakersfield, CA	Cleveland, OH
Corpus Christi, TX	Colorado Springs, CO
Greensboro, NC	Fort Wayne, IN
Henderson, NV	Fresno, CA
Kansas City, MO	Lexington-Fayette, KY
Long Beach, CA	Lincoln, NE
Mesa, AZ	Miami, FL
Plano, TX	Minneapolis, MN
Raleigh, NC	New Orleans, LA
Riverside, CA	Newark, NJ
Sacramento, CA	Oakland, CA
Santa Ana, CA	Omaha, NE
Stockton, CA	Oyster Bay, NY
Virginia Beach, VA	Pittsburgh, PA
Wichita, KS	St. Louis, MO
	St. Paul, MN
	Tampa, FL
	Toledo, OH
	Tulsa, OK

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original consideration or vote. Unlike the express power of veto, council is powerless to override a “pocket veto.” This provision appears to be unique in U.S. municipal governments.

<sup>4</sup> Cincinnati’s charter uses the terms “candidate” and “candidates” alternatively. Therefore it is unclear whether the mayor should submit a single candidate or multiple candidates to council for consideration. Rarely does the mayor have responsibility for nominating a candidate for city manager. An exception is Kansas City, MO, where the mayor and council jointly conduct the manager search and the mayor submits a resolution for hiring of a single candidate.

Only a few large (100,000-500,000 population) council-manager cities have adapted their form of government to the extent of Cincinnati to attempt to better align themselves with changing conditions like population growth or decline, racial and ethnic diversity, revenue changes, and public expectations about services and taxes. However, rarely do large cities have a form identical to the original council-manager model.

The dataset used in this study (created and maintained by one of the authors of this report) is the most comprehensive and accurate data on municipal form and structure in the United States.<sup>5</sup> The following tables illustrate the frequency of use of other features of the council-manager form in large U.S. cities. Features that match Cincinnati are highlighted in yellow.

### ***Appointment and Budgetary Authority***

Some variability exists in municipalities related to the authority to appoint heads of departments (Table 2) and formulate the annual budget (Table 3). While most council-manager cities assign these responsibilities to the manager, in several cases, the mayor has a more significant role in these processes than other members of council do, such as receiving the draft budget for review before the other council members (Table 4). In mayor-council cities, the assignment of authority is reversed, with the mayor typically formulating the budget and appointing department heads. Eleven of the mayor-council cities in the sample have chief administrative officers (CAOs). Only three assign department head appointment authority to the CAO.

**Table 2: Who has authority to appoint department heads?**

	Council-Manager		Mayor-Council	
	Frequency	Percent	Frequency	Percent
Mayor	0	0.0	13	59.1
Manager/CAO	15	78.9	3	13.7
Mayor and manager/CAO	2	10.5	2	9.1
Council	1	5.3	1	4.5
Manager with council approval	1	5.3	0	0.0
Mayor with council approval	0	0.0	1	4.5
Other	0	0.0	2	9.1
Total	19	100.0	22	100.0

In five council-manager cities in this population range, mayors who do not have primary budget drafting responsibility are permitted to view the budget draft prior to its being sent to council (Table 4). In some cases, mayors are permitted to alter the budget.

<sup>5</sup> Given the large number of municipalities in the U.S. and challenges with collecting accurate data on municipalities, the dataset does not contain nuanced details about structural features—such as council member terms, staggered/non-staggered elections, or information on local elected officials other than mayors or council members.

**Table 3: Who has authority to draft the budget?**

	Council-Manager		Mayor-Council	
	Frequency	Percent	Frequency	Percent
Mayor	0	0.0	12	54.5
Manager/CAO	17	89.5	2	9.1
Combination CAO/CEO	1	5.3	4	18.4
Budget director/finance director	1	5.3	1	4.5
Council committee	0	0.0	1	4.5
Mayor & CFO	0	0.0	1	4.5
Other	0	0.0	1	4.5
Total	19	100.0	22	100.0

**Table 4: Does the mayor have the power to receive the budget developed by CAO before it goes to council?\***

	Council-Manager		Mayor-Council	
	Frequency	Percent	Frequency	Percent
Yes	5	26.3	11	100.0
No	14	73.7	0	0.0
Total	19	100.0	11	100.0

\*Note: only 11 of the mayor-council cities have CAOs.

### ***Mayoral Features***

Municipal structure may also vary according to the features that define the parameters of the mayoral position. Mayors are much more likely to be full-time in mayor-council cities than in council-manager cities. However, nearly one-third of the larger council-manager cities have full-time mayors (Table 5). Alternatively, only two mayor-council cities have a part-time mayor.

**Table 5: Is the mayor full-time or part-time?**

	Council-Manager		Mayor-Council	
	Frequency	Percent	Frequency	Percent
Full-time	6	31.6	20	90.9
Part-time	13	68.4	2	9.1
Total	19	100.0	22	100.0

Overwhelmingly, mayors in both council-manager and mayor-council municipalities serve four-year terms (Table 6).

**Table 6: Mayor's term in office**

	Council-Manager		Mayor-Council	
	Frequency	Percent	Frequency	Percent
Two years	4	21.1	1	4.5
Three years	0	0.0	1	4.5
<b>Four years</b>	<b>15</b>	<b>78.9</b>	20	91.0
Total	19	100.0	22	100.0

Consistent with the original conceptualization of the council-manager form, the mayor is typically considered a member of council in the sample cities (Table 7). Mayor-council cities have nearly the opposite arrangement, with nearly all mayors not designated as members of council.

**Table 7: Is the mayor a member of council?**

	Council-Manager		Mayor-Council	
	Frequency	Percent	Frequency	Percent
Yes	16	84.2	6	27.3
<b>No</b>	<b>3</b>	<b>15.8</b>	16	72.7
Total	19	100.0	22	100.0

While council-manager mayors are more likely to be given a vote on council than mayor-council mayors, they are much less likely to have veto authority. Cincinnati is one of the few exceptions. While nearly 70% of Cincinnati's peer cities give the mayor the same voting authority as other council members, Cincinnati only allows the mayor to vote in the case of a tie (Table 8). Likewise, Cincinnati is one of only five of the peer cities that grants veto authority to the mayor (Table 9).

**Table 8: Does the mayor vote with council?**

	Council-Manager		Mayor-Council	
	Frequency	Percent	Frequency	Percent
On all issues	13	68.4	2	9.1
Only to break a tie	4	21.0	4	18.2
<b>Never</b>	<b>2</b>	<b>10.6</b>	16	72.7
Total	19	100.0	22	100.0

**Table 9: Does the mayor have veto authority?**

	Council-Manager		Mayor-Council	
	Frequency	Percent	Frequency	Percent
<b>Yes</b>	<b>5</b>	<b>26.3</b>	20	90.9
No	14	73.7	2	9.1
Total	19	100.0	22	100.0

Mayors in both council-manager and mayor-council cities typically have the power to appoint citizens to advisory boards (Table 10). This responsibility is nearly universally assigned to mayor-council mayors, while 63% of council-manager cities in the peer group (including Cincinnati) give the mayor this authority.

**Table 10: Does the mayor have the power to appoint citizens to advisory boards?**

	Council-Manager		Mayor-Council	
	Frequency	Percent	Frequency	Percent
Yes	12	63.2	18	81.8
No	7	36.8	4	18.2
Total	19	100.0	22	100.0

The state of the city address, an annual report given to council on the financial and overall status of the city, once was solely in the purview of the mayor-council mayor's responsibilities. Increasingly, large council-manager cities, like Cincinnati, require the mayor to give a similar address. While this continues to be rare in smaller municipalities, more than 60% of large council-manager cities today require the mayor to make an annual report (Table 11).

**Table 11: Does the mayor have the power to make an annual report to council (state of the city address)?**

	Council-Manager		Mayor-Council	
	Frequency	Percent	Frequency	Percent
Yes	12	63.2	21	95.5
No	7	36.8	1	4.5
Total	19	100.0	22	100.0

While shared budgeting and appointment authority may represent significant shifts in the balance of power between the mayor and CAO, ultimately, assigning those functions to a mayor versus a manager does not fundamentally alter the form of government. However, when the mayor has a significant role in the hiring and/or firing of the manager, the question of to whom that role is responsive has less clarity. If a manager is more responsive to the mayor versus the council, true unification of executive and administrative powers no longer exists, and the form of government shifts closer to a hybrid.

As Table 12 shows, seven council-manager cities (including Cincinnati) in the peer group grant the mayor a significant and independent role in the hiring and/or firing of the manager.

**Table 12: Does the mayor have the power to initiate hiring/firing of the manager/CAO?**

	Council-Manager		Mayor-Council	
	Frequency	Percent	Frequency	Percent
Yes	7	36.8	9	81.8
No	12	63.2	2	18.2
Total	19	100.0	11	100.0

\*Note: only 11 of the mayor-council cities have CAOs.

### **Council-Member Selection Methods**

As originally developed, council-manager cities would have all at-large elections for council members. This choice was designed to mitigate the power of the political machines that existed in many large cities at the time. However, due to lawsuits related to minority representation on council, state legal mandates, and preferences of citizens to have a more representative council, pure at-large election of council-members in council-manager cities in the peer group is no longer the preferred choice. Instead, cities are likely to use either all district elections or some combination of at-large and district elections (Table 13).

**Table 13: How are Council Members Selected?**

Council Selection Methods	Council-Manager		Mayor-Council	
	Frequency	Percent	Frequency	Percent
All by district	7	36.8	11	50.0
All at-large	5	26.3	11	50.0
Mixed at-large/district	7	36.8		
Total	19		22	

### **MODIFICATIONS TO THE TRADITIONAL MODEL OF COUNCIL-MANAGER GOVERNMENT: RESEARCH FINDINGS**

As revealed in the previous sections, the vast majority of municipalities across the United States conform to the council-manager plan, but some larger cities have made modifications to reflect their particular circumstances. For example, the data in the peer city sample reveals that the number of council members varies considerably, ranging from five to twelve. Seven of the municipalities in the sample elect all council members by district (37%), while five others (26%) elect all council members at-large, including Cincinnati. The others use a combination of at-large and district elections. In addition, all mayors in the sample are elected at-large and all mayors preside in council meetings.

Despite these changes, the large cities still retain the four critical features required by the International City/County Management Association (ICMA) to be recognized as a council-manager jurisdiction. Accordingly, the city manager or administrator: (1) is appointed by and may be removed by a majority of the council; (2) is responsible for policy formulation as well as implementation; (3) prepares, presents, and executes the council-approved budget; and (4) hires, oversees, and may remove most department heads.

#### **Mayoral Authority**

Cincinnati's adaptation to the first criterion, with the mayor recommending a candidate for the city manager position to the council, is used by only two other cities (Stockton, California and Kansas City, Missouri). Kansas City may be the most like Cincinnati in the extent to which it has made charter changes that depart from the council-manager form. Given these changes, Kansas City can be considered a true hybrid, one in which it is unclear whether unification of legislative and executive powers still exists as in other council-manager governments. As in Cincinnati, the mayor in Kansas City recommends a manager for appointment by the council, can remove the manager with a support of the majority of council, and gives an annual state of the city presentation to

council. An incident that occurred in Kansas City, directly related to the charter provisions, is illustrative of conflict that can occur between the mayor and council members in hybrid systems. In 2007, Kansas City's mayor attempted to remove City Manager Wayne Cauthen from his post by refusing to renew his contract. The mayor argued that the charter granted only the mayor the authority to renew the contract. Council members refused to endorse the mayor's choice and instead voted to renew the manager's contract (Kansas City Business Journal 2008). This action led to a lawsuit that eventually resolved in favor of the council and manager. However, this incident tarnished the reputation of all involved and led to negative public sentiment towards the Kansas City government. In this case, both the council and mayor argued they had the authority to hire and fire the manager.

In the council-manager form, although the mayor may be "first among equals," the city manager reports to and serves at the pleasure of a majority of the governing body. By contrast, in mayor-council cities having a chief administrative officer, this person usually reports directly to the mayor not the council. As a practical matter, the manager may spend more time with the mayor than with other council members working on meeting planning, agenda setting, and other presiding officer business, but he/she is obligated to work with the governing body as a whole. This responsibility includes sharing information, responding to requests, and making recommendations. In cases where the council shares appointment and removal authority with the mayor, managers may be unclear about to whom they have primary accountability.

### ***Hybrid Governments***

Although some scholars argue that municipal governments are "adapting" to meet contemporary challenges, the assertion that government forms have been merging to the point that they are virtually indistinguishable—hybridization—has not been validated in subsequent research (Nelson and Svava 2010). First, many of the features that are considered "adaptations," such as the direct election of the mayor, are often mandated at the state level. Second, as shown in the next section, changes to form of government are not common. Finally, true hybrids represent a blend of executive and legislative powers. Therefore, it is difficult to determine whether separation of powers is present.

In a national study of cities with populations of at least 10,000, Nelson and Svava (2010) developed seven categories of form of government, only two of which can be considered hybrids (see Table 14). In one version of the council-manager form (category 3), mayors can be empowered to the degree that council power is lessened, for example, when the mayor has the authority to hire and/or fire the manager. Similarly, in one version of the mayor-council form (category 4), the council can subsume mayoral (executive) authority, as when the council appoints the chief administrative officer. This variation is most common in Illinois and Wisconsin where the council-manager form can be approximately created through ordinance but in which the mayor retains chief executive authority. As shown in Table 14, these hybrid type governments (categories 3 and 4) are very rare. They account for only eight municipalities out of 242 in the population range of 100,000 to 500,000.

Cincinnati is considered to be one of the few hybrid-type municipal governments. However, it is still classified as a council-manager municipality by ICMA, which does not designate municipalities as hybrids. Kansas City, Missouri is the most similar to Cincinnati in terms of expanded mayoral authority.

**Table 14: Hybrid-Type Municipal Governments**

7-Category Typology for Form of Government		Population Categories			
		100,000-199,999	200,000-299,999	300,000-399,999	400,000-499,999
1	Council-Manager	16.2% 27	0.0% 0	0.0% 0	0.0% 0
2	Mayor-Council-Manager	57.5% 96	50.0% 24	47.1% 8	50.0% 5
3	Empowered Mayor-Council-Manager	2.4% 4	2.1% 1	0.0% 0	10.0% 1
4	Mayor and Council-Administrator	0.0% 0	4.2% 2	0.0% 0	0.0% 0
5	Mayor-Council-Administrator	3.6% 6	4.2% 2	11.8% 2	10.0% 1
6	Mayor-Administrator-Council	5.4% 9	16.7% 8	35.3% 6	10.0% 1
7	Mayor-Council	15.0% 25	22.9% 11	5.9% 1	20.0% 2
TOTAL		100.0% 167	100.0% 48	100.0% 17	100.0% 10

**CHANGES IN FORM OF GOVERNMENT SINCE 1995**

Major changes in the form of local government are uncommon. Although there are numerous referenda around the country each year proposing a form of government change these initiatives do not usually pass. Since 1995, only ten municipalities with populations of at least 100,000 have changed their form of government (See Table 15). The last large city to change its form of government was Colorado Springs, which did so in 2010. Of those ten, one was a city-county consolidation and another was a change from commission to council-manager. Therefore, we will focus on the remaining eight cities in our analysis.

***From Council-Manager to Mayor-Council***

During the past 20 years, six cities have changed their form of government from council-manager to mayor-council and two from mayor-council to council-manager form. One reason for the paucity of successful change proposals is that while the public cares about the quality and cost of local services, which entity provides them and the form of government they operate under are of lesser concern. Moreover, few citizens understand the details and nuances involving the roles, responsibilities, and relationships of mayors, council members, and managers. Therefore, change proponents have been challenged to make a strong case to explain how the benefits outweigh the costs of adopting a new form, to build coalitions of interests to champion change, and to convince citizens to cast their vote in the campaign to adopt proposed changes. Since under state laws, form changes require a majority vote in a referendum it is not surprising that the track record is relatively unimpressive. In this context, more incremental changes – such as strengthening the mayor’s powers or modifying the electoral system for council members – have been more successful than wholesale change.

**Table 15: Large Municipalities that Changed Form of Government (1995-2014)**

City	State	2010 Population	Date of Change	Change
Oakland	CA	390,724	1998	Council-manager to mayor-council with CAO
Spokane	WA	208,916	2001	Council-manager to mayor-council with CAO
Hartford	CT	124,775	2002	Council-manager to mayor-council
Louisville-Jefferson County	KY	597,337	2003	City-county consolidation
El Paso	TX	649,121	2004	Mayor-council to council-manager
San Diego	CA	1,307,402	2004	Council-manager to mayor-council with CAO
Topeka	KS	127,473	2004	Mayor-council with CAO to council-manager
Cedar Rapids	IA	126,326	2005	Commission to council-manager
Richmond	VA	204,214	2005	Council-manager to mayor-council with CAO
Colorado Springs	CO	416,427	2010	Council-manager to mayor-council

A related factor is the political culture of the local government system influences receptivity for form change. In the northeast, for example, the mayor-council form is firmly embedded and rarely are there serious calls for change. Likewise, in the southern “sunbelt” region, council-manager government has been the form of choice for growing suburban communities.

Given the low profile that form of government has on the public’s radar screen, what conditions have proven to be major change drivers? Generally, there are five categories that have these effects: (1) demographics, including population growth, decline, and diversity; (2) economics, including service and personnel cutbacks, tax base loss, and missed job creation and economic development opportunities; (3) services and infrastructure, including police protection and schools, central business district condition, and renewal projects; (4) personalities, including the mayor’s stature and leadership capacity and the manager’s relationship with elected officials; and (5) politics, including the reduced influence of the “old guard” and rise of ethnic and racial minorities, environmentalists, and labor unions. Of course, media accounts of public official corruption, collusion, and conflict can also produce a loss of confidence in the current form of local government and lend support to campaigns for reform led by the business community and “good government” groups.

Table 16 summarizes the main change drivers in the six cities that have adopted a mayor-council form over the past 20 years (Svara and Watson 2010).

**Table 16: Mayor-Council Form Adoption Change Drivers: 1995-2015**

City	Change Drivers
Oakland, CA	Urban decline (growing crime & poverty); downtown deterioration; Mayor’s celebrity status (Jerry Brown); reactions against strong city manager/weak mayor
Spokane, WA	Downtown decline; financial pressures; misplaced development priorities and continued economic stagnation; weak high-tech infrastructure; dissatisfaction with city manager; controversial/costly local project
Hartford, CT	Demographic diversity/racial tensions; population, job, and tax base losses; pension & police scandals; deteriorating services and divisive social issues; high crime rates; council resistance to strong city manager; desire to attract quality candidates for mayor and council and for leadership continuity; deep-rooted partisan politics
San Diego, CA	Financial irregularities/fraud; unsustainable pension debt; low credit ratings; prior Mayor’s leadership legacy (Pete Wilson); loss of confidence in council-manager structure
Richmond, VA	Service decline (education & police); racial tensions; slow progress with economic revitalization and development; Mayor’s high political profile (Douglas Wilder); “mediocracy” and mismanagement in government operations; council conflict and dysfunction; strong business community support; need for visionary and accountable citywide leadership
Colorado Springs, CO	Unpopular budget cuts; employee layoffs; confusion about who makes decisions on development

### ***The Case for a Strong Mayor***

In the cities that experienced a change in government form, the key component of change has been empowerment of the mayor in at least five respects. First, the mayor is elected for a four-year term and may be reelected at least once. Second, the mayor is accorded a veto that may be overridden by a majority or super-majority of council members. Third the mayor may serve as or appoint a chief executive or administrative officer and in the latter case may not need council concurrence. Fourth, the mayor may hire (if serving as CEO) and fire department heads and make appointments to city boards and commissions. Finally, in two cities (Hartford and San Diego) the mayor is responsible for budget preparation.

### ***What arguments have been used by proponents to bolster the case for such empowerment?***

Table 17 shows the general areas in which a strengthened mayor’s office is purported to produce benefits to the local government. Of course, the interpretation of these terms can vary widely and could lead to unrealistic expectations. There is no universal description for the “strong mayor.” For example, the strong mayor may be considered the “person on a white horse” who can single-handedly bring about major reforms. As policy leader the mayor may be expected to rise above the contentiousness that sometimes accompanies ward or district based electoral systems arising from differences in neighborhood expectations, needs, and priorities and to speak and act on behalf of the entire community. This is a tough challenge. And some of the criticisms can be overdone,

such as singling out the manager as too autonomous or powerful when in fact he/she serves at the council's pleasure.

**Table 17: Making the Case for a Strong Mayor**

<b>Policy Leadership</b>	<b>Accountability</b>	<b>Efficiency</b>	<b>Responsiveness</b>	<b>Anti-Bureaucracy</b>	<b>Less Political Conflict</b>
Oakland	Spokane	Hartford	Hartford	Oakland	Hartford
Spokane	San Diego	Richmond		Spokane	Richmond
San Diego	Richmond	Colorado Springs		Richmond	San Diego
Richmond	Colorado Springs			Colorado Springs	

In view of some of the uncertainties that can accompany a change in form of government, three of the six cities included “sunset” provisions in the referendum. Citizens would be given the opportunity to ratify or permanently approve the change in a subsequent election, presumably when the new form and the political and managerial players would have had an opportunity to demonstrate that performance has met promise. In all three cities the new form was subsequently ratified.

***Have Results Met Expectations?***

Case studies that have been conducted of the reform campaigns of these cities and the aftermath have not been conclusive regarding whether the strong mayor system was able to successfully address the conditions that drove change and meet the expectations about the performance of local government. There are simply too many variables that affect outcomes over time. Some of these—such as deteriorating national economic conditions and state-imposed limits on authority – local governments can do little to effect while others – such as the caliber and commitment of elected officials and the CEO – citizens and civic organizations can impact. As the author of the Richmond case study observed: “...there is no guarantee, as the reform advocates strongly suggested at the outset of their movement ... that by changing the form of city government, the community would be the beneficiary of strong and unified political and managerial leadership, ensured a much brighter future, and a more productive inclusive governing process. Personalities and personal styles matter” (Wikstrom 2010: 100).

The empowered mayor has several important tools that can be used to produce better outcomes than were accomplished under the previous form. But whether and how these tools are used is problematic. As the author of the Oakland case study concluded: “... although a strong-mayor system can help remove some obstacles that impede motivated mayors from achieving their goals, there is no structural reform that will overcome a mayor’s lack of interest or leadership skill” (Mullin 2010: 134).

**RESEARCH ON GOVERNMENT FORM AND PERFORMANCE**

There has been a considerable amount of research on form of government and its relationship to various aspects of local government performance. Although researchers have been attempting to reach a definitive finding of what form of municipal government is best, there is still little conclusive evidence that one form is superior to another. In surveys, citizens in council-manager cities report greater satisfaction with public services, their

environment, and the local economy (Franzel and Chavez 2011), but these findings have never been tested for statistical significance. Below, we have summarized the bulk of the academic research on form of government and performance and categorized the research by the most common topic areas.

### ***Conflict and Cooperation***

One area that has been studied a number of times is how local government institutional variables may promote cooperation or prevent conflict among elected and administrative officials. All but one study found a lower propensity towards conflict and greater likelihood of cooperation in municipalities using the council-manager form of government or other features typically associated with the council-manager form of government. In a frequently cited study, James Svava (1988) studied six pairs of cities that were similar in population size and socioeconomic characteristics but differed in form of government—mayor-council and council-manager. Through research that included surveys, interviews, meeting observations, and news analysis, Svava concluded that council-manager municipalities have less conflict and higher levels of cooperation among and between elected and administrative officials.

Welch and Bledsoe (1988) evaluated the relationship of conflict and city government structure (district or partisan elections of council members) but not form of government. They found higher conflict in municipalities that used district elections than in those that used at-large elections of council members.

The most recent study on conflict and cooperation (Nelson and Nollenberger 2011) related to form of government had findings consistent with those already mentioned. They found greater levels of cooperation and lower levels of conflict in municipalities that had a professional administrator compared to those that did not.

Ihrke and Niederjohn's (2005) findings were inconsistent with those of the earlier studies, but this was the only single-state analysis. Surveying municipalities in Wisconsin, they compared the mayor-council form to the council-manager and hybrid forms (mayor-council with CAO). They did not find a relationship between form of government and council conflict.

### ***Finance***

Research is inconclusive regarding form of government's affect on the overall financial performance of a local government. Some researchers have used form of government as a variable to determine whether it influences a local government's overall fiscal condition. More commonly, the literature includes studies that investigate the relationship between form of government and municipal choices in a recession (Morgan and Pammer 1988), or examine single variables that may influence fiscal condition such as spending level (Lineberry and Fowler 1967; Morgan and Pelissero 1980; Nunn 1996; Campbell and Turnbull 2003; Coate and Knight 2009; Craw 2008).

Whether the council-manager form leads to improved fiscal outcomes has not been conclusively determined. In an early study, Lineberry and Fowler (1967) determined that municipalities with reform model characteristics (council-manager form, at-large and non-partisan elections) tax and spend at lower levels than those with unreformed structures. Results of later studies on the effect of form on spending levels were less conclusive. Some

studies find no differences in spending or taxing levels between forms of government (Morgan and Pelissero 1980; Deno and Mehay 1987; Campbell and Turnball 2003, Carr and Karuppusamy 2010). However, Stumm and Corrigan (1998) found evidence of lower property taxes and lower general fund expenditures in municipalities using the council-manager form. Focusing on capital spending, Nunn (1996) finds that capital spending is significantly higher in council-manager cities than in mayor-council cities.

Studies examining the role of form of government on overall fiscal condition are rare. Giroux and McLelland (2003) examine the possible link using general fund equity as a percent of revenues as a measure of financial viability. They find that council-manager cities are significantly more likely to have better financial viability scores. Although not an academic source, CNNMoney (2011) ranked its 100 “Best Places to Live” and found that a professional local government manager runs two-thirds of Moody triple-A bond-rated cities.

### ***Government Efficiency***

Some research has also been conducted that attempts to investigate form of government’s relationship to efficiency. Hayes and Chang (1990) created a vector of city services—fire protection, police protection, refuse collection—and estimated the relative outputs to inputs as a measure of municipal efficiency. When analyzed by form of government (council-manager or mayor-council), they found no significant differences. In a similar but later study, the findings were similar (Davis and Hayes 1993).

Beyond academic studies, private institutions have financed studies of large U.S. cities and their relative efficiency. Form of government is often included as part of this analysis. A 2001 study of service delivery efficiency in 44 of the 50 largest U.S. cities for which data was available found that those with the council-manager form are more efficient than those with the mayor-council form (Moore, Nolan, Segal, and Taylor 2001). IBM sponsored a similar study in 2011 (Edwards 2011). Analyzing the core government services in the 100 largest U.S. cities, Edwards concluded, “the most important factor in determining the relative efficiency of a city is ‘management’” (Edwards 2011: 8). Cities using the council-manager form of government were 10% more efficient than those with the mayor-council form.

### ***Sustainability***

Although there are only a few studies related to environmental policy choices and form of government the council-manager form has been associated with the greater probability of using sustainable policies (Homsy and Warner 2014; Christensen, Duncan, Reinagel 2011). The Christensen study examined the adoption of only two policies, infill incentives and impact fees (Christensen, Duncan, Reinagel 2011). The Homsy study used a broader array of sustainable policies, including 11 types of environmental policies from recycling to sustainable building and land-use regulations (Homsy and Warner 2014).

### ***Innovation***

There have been a number of studies that explored form of government in terms of its ability to influence adoption of innovations in local government. The studies vary according to the operationalization of innovation and the factors tested as contributors to the adoption of innovation. For example, Moon and deLeon (2001) studied both the factors

that relate to the intention to adopt innovative techniques and implementation of those techniques. They found that a manager's reinvention values (including a willingness to adapt private management and financial practices, seek reductions in bureaucratic red tape, and promote competition in service delivery), a municipality's population and economic condition, and the use of the council-manager form of government, were related to the adoption of innovative practices.

Krebs and Pelissero (2010) found that greater mayoral power led to fewer reinventing government proposals by the top administrator. The authors did not use form of government as a variable; in its place, Krebs and Pelissero created an index of mayoral power that included veto power, whether the mayor was directly elected, budgetary preparation authority, power to appoint department heads, and whether the mayor's position was full-time. Krebs and Pelissero also found that two environmental characteristics influenced reinventing government proposals—higher population and non-partisan elections were both linked to higher numbers of such proposals.

The most recent study on innovation's relationship between form of government used a seven-category typology of local government form (Nelson and Svava 2012). Using three separate datasets to encompass a broad range of innovative ideas, the findings indicated that higher innovation rates were associated with the council-manager form (with or without an elected mayor). Mayor-council and hybrid municipalities were not significantly correlated with innovation.

### ***Council Member Selection Methods***

The most common method used to select council members under the council-manager form of government remains at-large elections. In council-manager municipalities with populations of at least 10,000, 64% use at-large elections exclusively for selection of council members (See Table 13 for peer city statistics on council selection methods).

At-large elections were initially incorporated into the council-manager form by the Progressives at the turn of the 20<sup>th</sup> century as a method to reduce the influence of urban political machines. At-large elections served a less honorable purpose as well—reducing the power of the ethnic immigrant classes and strengthening that of the natural-born white elites. Evidence surfaced in the mid-twentieth century that use of an all at-large system reduced the potential for African American candidates to win seats on municipal councils (Davidson and Korbel 1981; Engstrom and McDonald 1981). Reacting to these findings and to lawsuits<sup>6</sup> seeking better racial representations, municipalities began switching from purely at-large systems to district or mixed systems of council member elections (Welch 1990).

While studies from the 1970s found conclusive evidence that African Americans were disadvantaged in at-large elections (Karnig and Welch 1982; Engstrom and McDonald 1981; Davidson and Korbel 1981, Robinson and Dye 1978), contemporary studies such as Welch's examination of cities with populations of 50,000 or more, show a less significant link between district elections and African American representation and no link to Hispanic representation on city councils (Welch 1990).

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<sup>6</sup>Cincinnati's purely at-large voting system withstood constitutional challenges in *Clarke v. City of Cincinnati* (6<sup>th</sup> Cir. 1994) 40 F.3d 807, cert. denied 514 U.S. 1109.

Most research on the effects of district versus at-large elections has focused on race. Given the small proportion of mixed electoral systems, researchers have included those systems in comparative studies. As for other factors that might be influenced by choice of council electoral systems, studies have shown that district elections are associated with greater conflict (Nelson and Nollenberger 2011) and higher city manager turnover (Feiock and Stream 1998). Some studies indicate higher voter turnout with district elections (Bullock 1990) but others have not found a relationship (Hajnal and Lewis 2003; Oliver 2001).

## **IMPLICATIONS FOR CINCINNATI**

The peer comparisons and research findings raise at least four considerations that could be taken into account in the review of Cincinnati's government structure:

1. While the bulk of the research evidence indicates that cities operating under the council-manager form are less conflictual, stronger financially, and more efficient, environmentally sustainable, and innovative, generalizations along these lines should be treated with caution. Most of the studies did not focus on outcomes in larger cities which, it could be argued, are a special case in light of their political cultures and dynamics, racial diversity, fiscal constraints (especially underfunded pension obligations and municipal overburden), and citizen activism.

2. Empowerment of the mayor, whether through strengthening particular powers or adopting a strong mayor-council form, can give the mayor significant tools to exercise community and policy leadership. The trend towards district or ward elections in larger cities has been accompanied by greater political conflict among the members seeking to serve their constituents or achieve their particular policy priorities. In this environment, the mayor can serve as the voice of the greater community and a bridge over divided council members. Both council-manager and mayor-council plans call upon the mayor to provide facilitative leadership, but the latter requires especially strong leadership skills. But whether the mayor is a leader or a caretaker depends on the qualities and ambitions of whoever sits in that office more than on what is in his/her toolbox. Indeed, even so-called weak mayors in council-manager communities can exercise significant influence through their personal and organizational leadership skills and stature in the community.

3. In cities that have adopted hybrid council-manager systems, or replaced the form with the mayor-council form, the city manager may be left in an awkward position. Regardless of the council's role in confirming the appointment or removal recommendation, the manager or chief administrative officer may be perceived as the "mayor's person," not as a professional serving as trusted advisor to the entire council. In addition, to the extent the mayor is given appointment and removal authority over key departmental personnel, the manager's/administrator's role as CAO is compromised and staff will likely have divided loyalties and may receive conflicting directives. This situation undermines morale, undercuts efficiency and effectiveness, and may promote cronyism. In this environment it may be difficult to recruit and retain high caliber managerial personnel, which would negatively impact city performance.

4. As evidenced in the cities that have changed from council-manager to mayor-council form, reform campaigns do not usually command much public interest and enthusiasm leading to referendum failures. Like Cincinnati, in five of the six cities that have changed their form a number of attempts at the ballot box were required. Politics is all about timing, and as seen in the summary of change drivers, the catalysts were wide-ranging, including mayoral stature, service breakdowns, fiscal stress, corruption, and economic stagnation. In addition, some cities have sought to lessen the risks of adopting a new form of government by including “sunset” provisions in the plan requiring voters to permanently ratify the change at the next general election, giving the new leadership an opportunity to demonstrate its superiority over the previous system. Other local governments require a periodic review of their governmental structure, usually at 10-year intervals, and a growing number have joined Cincinnati in imposing term limits on elected officials. Cincinnati’s reform leaders are advised to carefully assess the community’s readiness for wholesale change in form of government and identify the arguments that would excite and engage the public, and give them confidence that the chosen form of government will meet their expectations.

## **WHAT THE RESEARCH CANNOT ADDRESS**

As stated earlier, researchers have been attempting to uncover the superiority of one municipal form versus another since scholarship on form of government first began. Despite the findings summarized in the previous section, there is a lack of definitive evidence in support of one form over another. We will address some of the reasons why this is so in this section of the report.

### ***So Many Variables, So Much Variability***

When researching form of government, it is important to control for other variables that may influence the results. Different researchers use different control variables, so comparing studies is a challenge. In addition, states have a great deal of control over the institutional choices available to local governments, and many studies neglect this important consideration. There are more than 3,500 municipal governments in the U.S. with populations over 10,000. An accurate analysis of the effects of form on performance must have a broad sampling of cities from various states—many studies lack such a sample.

### ***The People Matter***

Given that there are high-performing local governments using various forms and structural features, it is logical to conclude that any form of government can work well. If that is the case, what is the key difference between high performing and low performing local governments? Although this question is difficult, if not impossible to answer empirically, most experts believe the difference lies in the people who are elected or hired into the key positions of these local governments. As one researcher observed about the strong mayor form: “The chief lesson we have learned is the strong-mayor works or doesn’t work depending upon who the strong mayor is” (Ress 2004: B1).

One thing that we do know is that an advantage of the council-manager form is its flexibility. If a person is hired into that role is not competent, he or she can be fired immediately. If an elected official is administering the local government, change must wait until the next election (or a recall if that option is available). Five of the six cities examined

earlier (excluding Colorado Springs) have discovered that subsequent elections produced mayors who were unwilling or unable to utilize their enhanced powers.

### ***Other Structural Features of Local Government***

Ideally, research would also be able to indicate whether institutional choices other than form influence local government performance, such as the way council members are selected or the presence or absence of mayoral veto authority. However, research on how the various features associated with certain forms of government may influence governance is also lacking.

One problem is that the variability in these features among and within states. For example, there are dozens of variations possible in methods used to select members of city councils. Given the variability and the number of municipalities, no researcher tracks detailed data on these variations. Even if someone did collect the data, it would be impossible to determine whether these features have any impact on government performance given the difficulty in separating out the influence of other variables and the small sample sizes of the many variations.

Although it is beyond the scope of our work, the task force could follow up on some of this missing data by contacting the peer cities directly to seek information about some of the more nuanced variations in local government form. In addition, by directly contacting the cities that changed their form of government, the task force may be able to get more information about outcomes related to the choice to change the government form.

## **CONCLUSION**

The dynamics of political, social, and economic change have led to changes in the components of the council-manager plan that could be problematic. Cincinnati's peers have focused on the powers of the mayor and the methods of electing council members. Cincinnati's charter revisions since 1925 have sought to move toward a "strong" mayor and, more recently, the Charter Review Task Force Elections Subcommittee has considered whether some or all council members should run from districts instead of at-large or city-wide. Depending on how much further empowerment of the mayor's office is approved by Cincinnati's voters, an important caution is that a significant strength of the council-manager plan—unified decision-making by the governing body—could be compromised by a divided, separation of powers approach between the executive and legislative branches unless some members are elected at-large or the mayor exercises significant facilitative leadership. Further, representation of interests on a district basis could make it more difficult for the council to agree on citywide goals and priorities, which could increase conflict among the members. And managerial accountability can be clouded when appointment and removal authority is shared, and the manager's obligations to serve the council as a whole as well as the mayor are confused.

In this context, the experience of Topeka may be instructive. Topeka was one of two cities that changed from the mayor-council to the council-manager form, as citizens became impatient with political turmoil and sought institutional stability, cooperation, and competence. Following adoption of the plan in 2004, elected mayors engaged in a contest of wills and authority with the council and city manager, seeking to bolster their "weak" "ribbon-cutter" status especially by retaining voting and veto authority. Subsequent charter

amendments attempted to clarify the mayor's powers but issues have continued to arise over policy and community leadership. As the author of the case concluded: "The confusion over the respective roles of the mayor, city manager, and council over policy issues suggests that citizens are tolerant of some political maneuvering but unclear as to policy responsibilities for each. It seems that Topeka would like to have its cake and eat it too. The city is merely applying more structural reforms to previous governments....the quest for 'good government' is proving difficult as cities adapt common characteristics applicable to both strong-mayor and council-manager forms in an effort to appease everyone. The aftermath of the referendum effort in Topeka resulted in a complex governance arrangement where there are no clear winners or losers" (Battaglio 2010: 256).

Whatever the reforms that are put before the voters, it is essential that the proposed charter provisions are clear and free of ambiguity on these and other important governance areas. As the next stage of this research project, the Institute should consider commissioning an examination of how Cincinnati's hybrid form of council-manager government has performed relative to reformer's expectations and whether the above concerns about roles and responsibilities of the mayor, council, and city manager have been addressed.

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