



LEAGUE LINES

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www.lwvcolumbiasc.org

Editor Suzanne Rhodes / Co-editor Sej Harman

Volume 66, Issue 2-A

Special Edition

October 2013

OCTOBER EVENTS

17 - THURS – 11:45 AM – Lourie Center

Public Policy Luncheon
Richland Library Bond Referendum
with Melanie Huggins,
Richland Library Executive Director

17 - THURS – 5:30–7:30 PM

USC Law School Auditorium
Moderator, Rita Paul, LWVCA

Panelist Discussion of Pros and Cons of
Forms of Government for Columbia, SC

- **Jon Pierce**, Retired Associate Director of Governmental Research and Service, USC Institute for Public Service and Policy Research
- **Gary Cannon**, Executive Director, SC Workers Compensation Commission
- **James Felder**, author and President, South Voter Education Project

24 – THURS – 6:00 PM

LWVCA Consensus Meeting
on City of Columbia Form of
Government

Cooper Branch of Richland Library

Details



LWVCA CONSENSUS MEETING

Thursday, October 24 – 6:00 PM

City of Columbia Form of Government
Cooper Branch of Richland Library

This Special Edition of *League Lines* contains background information for you to review in preparation for the LWVCA Consensus Meeting.

In a **special election on December 3**, voters will be asked to choose to *retain* our current Council-*Manager* form or begin a new era under a Council-*Mayor* form of governance.

Our choice in that election will have an impact on Columbia for years to come and warrants your serious consideration of the potential changes.

We've condensed and compiled material that examines these forms and answers several questions about this issue. We've also provided links to additional information on the Internet.

Sharing information learned through study at Consensus meetings is the primary way that Leagues develop positions on issues on which they take a public stance.

Please plan to attend this very important meeting to add your input as a League member to the discussion and decision.

RSVP, please, to:

SusanBJames@sc.rr.com or 256-6822

2013-2014 Board: President – Martha Roblee; 1st VP – Julie Sellers; 2nd VP – Sally Huguley; Secretary – Al Roblee; Treasurer – Marianne McGrath. Directors: Pat Forbis (Women's Health), Sej Harman (Communications/Membership), Sarah Leverette (State Liaison), Pat Mohr, Lynn Teague (Advocacy). Nominating Committee (2013-2014): Rita Paul, Susan James. Off-Board: Voter Services – Shirley Geiger; Website – Suzanne Rhodes; Environmental Affairs – Chester Sansbury; Membership – Pam Craig/ Marzi Knight (Co-chairs); *League Lines* – Suzanne Rhodes/Sej Harman (Co-Editors); Social Media - Bridget Tripp

**FACTS AND FAQs ABOUT
FORMS OF GOVERNMENT FOR
COLUMBIA, SOUTH CAROLINA**

FAQs	Mayor-Council	Council-Manager
What is the major difference distinguishing the two forms of municipal government?	The Mayor has the right to exercise executive and administrative authority, and votes as a member of Council.	The Mayor has no powers beyond voting as a member of Council.
What is the role of the city manager in each form of municipal government?	With Council approval, Mayor may hire an administrator to assist in carrying out administrative functions. City administrator reports directly to Mayor.	The Manager serves as the chief executive officer and head of the administrative branch. Council has the power to hire and fire city manager. City manager reports directly to Council.
How does each form of municipal government affect the current 4-2-1 form of city governance?	No change. This aspect of city governance is independent of the form of government.	
Who controls the annual budget?	The Mayor prepares the budget and submits it to Council for amendment and approval. Mayor administers and reports the budget and financials to Council.	The Manager prepares the budget and submits it to Council for amendment and approval. Manager administers and reports the budget and financials to Council.
Do the Mayor and Council members have direct involvement in hiring, firing, or directly dealing with city employees?	The Mayor has oversight of city departments and day-to-day operations and is responsible for all personnel decisions except as otherwise provided by law and Council. The Council does not participate.	The Manager has oversight of city departments and day-to-day operations and is responsible for all personnel decisions except as otherwise provided by law and Council. The Council does not participate.
Is it necessary for the Mayor to build consensus in order to accomplish goals?	Yes - The legislative function remains with Council under both forms of municipal government. The Council is responsible for policy, the "what" and "why" of issues.	

"All powers of a municipality are vested in the council, except as otherwise provided by law. S.C. Code 5-7-160. The council is the municipality for purposes of exercising the powers granted by state law. Mason v. Williams, 194 S.C.290, 9 S.E.2d 537 (1940)."

Municipalities in South Carolina are not sovereign bodies with inherent powers. They are political subdivisions of the state with powers delegated by state law, fairly implied by state law and not inconsistent with the state constitution and state law. The Council may not delegate any part of its legislative and policy power under any form of municipal government in South Carolina.

The forms of municipal government were established by the Local Government Act of 1975, known as the Home Rule Act. The Home Rule Act granted municipal and county governments expanded powers.

**This brochure produced by the
League of Women Voters of the Columbia Area**



The League of Women Voters is a nonpartisan political organization that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

Comparison of Functional Responsibilities of Forms of Municipal Government

<i>Functional Responsibility</i>	Mayor-Council	Council-Manager
Legislative and policy power <ul style="list-style-type: none"> • amends and approves budget, sets limits for changes within and between budget items • sells or leases property • levies taxes for general fund or specific purpose • authorizes bond issues and assessments • creates municipal courts and appoints municipal court judges • enacts zoning ordinances and implementing regulations • authorizes engaging in community development activities 	Council	Council
	Council	Council
	Council	Council
	Council	Council
	Council	Council
	Council	Council
	Council	Council
Executive and administrative authority <ul style="list-style-type: none"> • appoints, sets salaries, and removes employees at will • prepares, administers, and reports budget and financials • oversees city departments and all day-to-day operations • responsible for all personnel decisions, except where provided by law and Council • reports to Council on the operations of departments 	Mayor	Manager
	Mayor	Manager
	Mayor	Manager
	Mayor	Manager
	Mayor	Manager

FORMS OF GOVERNMENT FOR MUNICIPALITIES IN SOUTH CAROLINA

**Prepared by Howard Duvall using “Forms and Powers of Municipal Government” - Municipal Association of South Carolina
- and statistical data from the Municipal Association of SC - 2010**

The first step toward Home Rule for local government in South Carolina was taken in 1967 with the appointment by the legislature of a constitutional study committee. Lt. Governor John C. West, chair of the committee, addressed the 1967 Annual Meeting of the Municipal Association of South Carolina. West said the Constitution of 1895 was ten times longer than the US Constitution and had been amended more than 300 times. However, the state constitution had basically omitted any reference to local government. He reported the study committee was making a thorough review of the entire constitution and would recommend necessary changes and the best method to make them.

In 1972, the legislature adopted the committee’s recommendations and put the proposed constitutional revisions to a vote of the people in the 1972 General Election. Among the revisions suggested was the addition of a new article on local government, Article VIII.

South Carolina voters approved the revisions, and the legislature approved the Home Rule Act, Act 283 of 1975. The Act was codified for municipal government in Title 5 of the South Carolina Code of Law.

According to Article VIII, Section 9 of the revised constitution, the legislature by general law could approve “no more than five forms of government” for municipalities. The Home Rule Act of 1975 authorized three forms: mayor-council form, council form and council-manager form.

Municipalities had to select one of the specified three forms of government “most nearly corresponding to the form in effect in the particular municipality on March 1, 1974” unless they adopted a new form by referendum after March 1, 1974 but before June 1, 1975. On September 17, 1975, the council for the City of Columbia adopted by ordinance the council-manager form.

Municipalities are not sovereign bodies with inherent powers. They are political subdivisions of the state with those powers delegated by state law, fairly implied from state law and not inconsistent with the state constitution and the general law of the state.

All powers of a municipality are vested in the council, except as otherwise provided by state law. Under all three forms of government, the mayor is a voting member of the council. The municipal council, which includes the mayor, is a legislative body and is the only municipal body authorized to enact ordinances, adopt resolutions and establish policies.

Mayor-Council Form

Under the mayor-council form, the mayor is both a member of the council and chief administrative officer of the city. The mayor presides at the council meeting and may call special meetings. The council may appoint an administrator to assist the mayor. The mayor appoints and removes all municipal employees with the exception of the clerk, attorney, judge and administrator. The mayor supervises all departments of the city, prepares and submits to council a balanced budget, and reports to the council on the financial condition and operations of the city.

In the mayor-council form of government, the council has all powers not otherwise prescribed by law. The council establishes departments, appoints a clerk, attorney and judge, and may appoint an administrator to assist the mayor. The council must adopt a balanced budget.

The mayor-council form includes a mayor and no less than four council members. The City of Charleston has a mayor and twelve members of council.

Of the 270 municipalities in South Carolina, 145 representing 31 percent of the municipal population operate under this form.

Council Form

The mayor under the council form of government has no additional statutory authority beyond that of other council members. By tradition, the mayor presides at council meetings. The mayor performs no administrative duties unless authorized by ordinance of the council. The mayor may call special meetings. The mayor acts and votes as a member of the council.

The council in this form has all legislative, policy and administrative powers. The council establishes departments, prescribes their function and appoints a clerk, attorney and judge. The council may hire an administrator and delegate administrative authority by ordinance. The council may appoint officers to administer departments subject to direction of the council. The council prepares and adopts a balanced budget.

Under this form, the council may have five, seven or nine members, including the mayor.

In South Carolina, 93 municipalities representing 28 percent of the municipal population operate under this form.

Council-Manager Form

The City of Sumter is credited with being the first city in the United States to adopt the council-manager form of government. Sumter established this form in 1912. The National Civic League, established in 1895 to advocate for more professional and honest government at the municipal level, endorsed the council-manager form in 1915. NCL continues to recommend this form of municipal government.

Mark Keane, executive director of the International City Management Association, gave the keynote address for the 1971 Annual Meeting of the Municipal Association of South Carolina. Keane spoke of the increasing demands on local government and with insufficient revenue to meet the demands. He emphasized the importance of the elected political leadership working closely with the professional manager to efficiently achieve the goals set by the political leadership.

“The first requirement for this, as I have said, is effective political leadership. Leadership which truly represents the community, which understands the needs of all the citizens, which has the intelligence to analyze complex problems and the courage to make the tough decisions.

Working along with this elected leadership we need the best possible kind of professional management capability. We need it in the police department; we need it in the public works operations; we need it in each of the functional areas of city government. But even more today we need the kind of analytical and managerial talent that can take the basic objectives set by the political leadership and see to it that everybody in the city organization is working together to get there.”

Keane suggested the best way for the political leadership to be able to meet the challenges of running a city was to have the best possible professional management. “The elected political leaders must be able to tap the services of experienced and well-trained professional managers. Managers who are dedicated to the concepts of effective and democratic local government and the belief that professional general management is essential to the achievement of this objective by responsible elected officials.”

These words, first spoken in 1971 are just as true in 2013. It is essential for the elected leadership to cooperate and support the appointed manager. Political interference with personnel and day to day operation of the city negates the benefits of a professional manager.

Under the council-manager form, council, which includes the mayor, hires the manager based on his professional qualifications. The professional manager is chief executive and head of the administrative branch. The manager appoints employees, sets salaries and may remove employees at will, including the clerk. The manager prepares and administers the annual balanced budget.

The mayor and council are by law prevented from interfering with the manager in regards to personnel matters and direction of the departments. The manager must be given a written explanation if dismissed by the council and is entitled to a public hearing on the dismissal.

By tradition, the mayor presides at council meetings. The mayor may call special council meetings. The mayor acts and votes as a member of council and has no additional statutory authority.

The council, which includes the mayor, has all legislative and policy powers. The council employs the manager, attorney and judge. The council establishes departments, adopts a balanced budget, authorizes bond issues, and appoints boards and commissions.

In South Carolina, 32 cities representing 41 percent of the municipal population operate under this form of government.

Of the 19 cities in South Carolina with populations greater than 20,000, 11 use the council-manager, four use the mayor-council and four use the council form of government.

A BRIEF HISTORY OF THE FORMS OF GOVERNMENT IN THE CITY OF COLUMBIA

Prepared by Danny Crowe, Esquire, General Counsel of the Municipal Association of South Carolina - 2005

The forms of government for the City of Columbia were prescribed by various Acts of the General Assembly from the time of the City's incorporation in 1805 until 1910. The 1805 Act specified an Intendent and six Wardens, elected by the eligible voters. An Act of the legislature in 1854 referred to election of a Mayor and six Aldermen (two from each of the City's three wards). The number of Aldermen was increased to 12 (three from each of four wards) in 1858 and further increased to 15 (three from each of five wards) in 1897. The 1907 City Code described the Mayor as the "chief executive officer".

In 1910, the voters of the City were allowed by an Act of the General Assembly to vote for the first time on the form of government. By a vote of 1310 to 68, the commission form of government was adopted. The form provided for a Mayor and four Councilmen, all elected at large. Under this form of government, the executive and administrative powers and duties were distributed by the Council among five departments with each of the Council members serving as the superintendent of one department. Assignments to the departments were made by the Mayor with reassignments by a vote of Council," when deemed necessary."

The change from the ward system to at-large elections in 1910, as depicted by contemporaneous newspaper accounts, was motivated by a call for reform due to dissatisfaction with "ward-heeling", "logrolling", inefficiency, and lack of responsiveness to service needs of the City residents. Such reform changes also were widespread over the nation at the time. (Another historical account of the 1910 election result described it as a middle-class response to the influx of mill workers and an intentional dilution of the political power of the "mill vote".)

An election challenge to the commission form was defeated in 1914. By a four-to-one margin, the voters rejected a proposal to abolish the commission government. In 1930, criticism of the Council for filling a council vacancy by appointment, rather than by election, lead to a brief call in the local press for a city manager form of government.

The 1933 and 1943 City Codes also described the commission form of government with a Mayor and four Councilmen, each as the superintendent of one of five departments. However, the Codes also referred to the Mayor as the "chief executive officer." Section 2 of the 1933 Code provided:

The Mayor of the city shall be the chief executive officer of the City of Columbia; and in addition to the powers and duties now exercised and required of him by law, or ordinance, it shall be his duty to be vigilant and active at all times in causing the ordinances and laws for the government of the city to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government or management of their respective offices; and, as far as in his power, to cause all negligence, carelessness, and positive violation of duty to be duly prosecuted and punished.

Section 3 of the 1933 Code also set out an additional duty for the Mayor: and he shall, from time to time, communicate to the City Council all such information and recommend all such measures, as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornament of the city. The 1943 Code contained nearly identical language in its section 3 and section 4.

A 1949 Act of the General Assembly amended the State Code to create the option of the "commission form of government with city manager" for cities with a population (by the 1940 U. S. Census) of 50,000 to 70,000. (Columbia's was 62, 396.) An election was required for adoption of that form. At the election for adoption of the form in August 1949, the voters approved the new form by a vote of 1222 to 650. The change became effective on June 1, 1950.

One historian described the events leading to the election in this way:

During the late 1940's, there was bickering within Columbia's five-member city council as well, prompted, it would appear, by dissension in the police and fire departments. Simply put, some council members worked harder than others on municipal matters and often enjoyed greater clout because of governmental units they theoretically supervised. This system, which intermingled legislative and administrative responsibilities in a questionable manner, obviously was outmoded, and those debates led in June of 1948 to suggestions that the city hire a manager. Fourteen months later, voters gave approval (1,222-650), although this move failed to end wrangling among mayor, police chief, and county sheriffs concerning gambling and illegal liquor. In May of 1950, J. Macfie Anderson succeeded [Frank C.] Owens as mayor, amid promises that each city department would control its own affairs with the "least interference possible" from council, and in August, Thomas P. Maxwell became Columbia's first city manager.

(John Hammond Moore, *Columbia & Richland County: A South Carolina Community, 1740-1990*, University of South Carolina Press (1963), at page 402.)

The State statutes authorizing the "commission form with city manager" specified a city council consisting of "four commissioners or councilmen and a mayor to be elected by the electors at large." Under that form, the mayor "shall preside at all meetings of the council and shall be the recognized head of the city government for all ceremonial and general purposes. He shall have no regular administrative duties other than attending meetings of council." The form also established the separate legislative/policy role of the council and the chief executive

officer/administrative head role of the city manager chosen by the council. The "commission form with city manager" was almost identical to the current statutory council-manager form of municipal government.

The 1975 Home Rule Act required that a municipality select the one of the specified three forms of government "most nearly corresponding to the form in effect in the particular municipality on March 1, 1974," unless a new form were adopted by a referendum after March 1, 1974 and before June 1, 1975. On September 17, 1975, the City Council adopted by ordinance the council-manager form of government.

TWO DECADES OF CONTINUITY AND CHANGE IN AMERICAN CITY COUNCILS

**James H. Svava Professor of Political Science and Public Administration North Carolina State University
Commission by the National League of Cities - September 2003**

EXECUTIVE SUMMARY

The men and women chosen by their fellow citizens to govern America's cities and towns play an essential role in ensuring that local governments are meeting community needs and in shaping the quality of the democratic process. Despite their important work at the frontlines of American democracy, we know relatively little about those who serve on America's city councils.

Who sits on city councils in this country? Why do they run for office? What are the problems and challenges city council members experience, and how do they assess their performance? In 2001, the National League of Cities commissioned a study to examine these and other questions about city councils in the United States and to determine how councils and their members have changed over the past two decades, drawing on earlier NLC surveys in 1979 and 1989.

The results of this study reveal that:

- City councils continue to grow more diverse in racial and ethnic terms with the percentage of people of color serving on city council doubling from 1979 to 2001 from 7 percent to 13 percent.
- Representation of women on America's city councils increased in all three city size categories (small: population 25,000-69,999; medium: population 70,000-199,999; and large: population 200,000 and up) between 1989 and 2001, although there was no more gender diversity among council members in 2001 than in 1979.
- Council members are a well educated group; three-quarters (75%) had a college degree in 2001, and two in five (40%) had a professional or graduate degree.
- As in previous surveys, council members reported that the personal costs of their service are high, both in expenses for campaigning and in the loss of time for family and other work.

- Council members typically receive little or only modest compensation for their work, and two out of three (66%) said they would welcome an increase in pay. Only 2 percent of council members from small cities (population: 25,000-69,999) and 7 percent of those from medium-sized cities (70,000-199,999) receive \$20,000 or more in salary. Among those from large cities (200,000 and up), three-quarters of council (73%) members receive \$20,000 or more.
- Large majorities of council members rated their own performance as good or excellent in 2001.
- Effectiveness ratings tended to be lower in large cities than in small and medium-sized cities.
- When asked what factors limit the effectiveness of city councils and create problems for city government, council members cited state and federal government controls, as well as polarization within their communities over various issues.

The 2001 study is based on a mail questionnaire completed by a random sample of 664 council members in cities with populations of 25,000 and higher. The results were compared with similar studies conducted by the National League of Cities in 1979 and 1989 to ascertain historical trends. [more at: www.skidmore.edu/~bturner/Svara%20citycouncilrpt.pdf]

An Elected Official's Guide from the Municipal Association of South Carolina

<http://www.masc.sc/SiteCollectionDocuments/Administration/Forms%20and%20Powers2.pdf>

LWV Studies of City Government at:

Montgomery Alabama: <http://www.lwval.org/montgomery/montgomery-govt-structure.pdf>

Tulsa Oklahoma: <http://lwvtulsa.org/local-positons/criteria-for-good-government/>

Sacramento: <http://www.cityofsacramento.org/charter/documents/LWV - Does Sacramento Need a New Form of Government.pdf>

Houston criteria for good government:

- “Well-defined channels for citizen participation and review
- Coordination among agencies and levels of government
- Adequate financing
- Effective enforcement
- Competent personnel with clear responsibilities”