

INTER-OFFICE MEMO

THE UNIVERSITY OF TENNESSEE

MUNICIPAL TECHNICAL ADVISORY SERVICE

DATE: 22 JUN 06
FROM: David Angerer, Municipal Management Consultant
TO: The Honorable Mayor and Aldermen – City of Dyer
SUBJECT: Structure of the Local Government
Items for Discussion at the July 6th Meeting

1. Thank you for asking me to visit with the Dyer Board of Mayor and Aldermen on the evening of Thursday, July 6, 2006. It is my understanding that we will discuss, among other things, how changes to the structure of the municipal government might affect daily operations. I shall look forward to meeting with you and answering whatever questions you may have at that time.

2. Specifically, I have been asked to address the advantages and disadvantages associated with changing Dyer to a commission form of government. The purpose of this memo is to provide a working definition of such a government and to preview the remarks I will be making.

THE COMMISSION FORM OF GOVERNMENT – A WORKING DEFINITION

3. In a commission form of government, each member of the city's governing body would be assigned supervisory duties over one or more municipal departments. Usually, the town charter of such cities stipulates that one seat on the city council is reserved for a police commissioner, one for a public works commissioner, one for a parks commissioner, and so on. Candidates for the city council run for a specific seat – that is, one is elected Police Commissioner, etc. Once elected, each commissioner has a vote on all business coming before the council, but he/she becomes a "specialist" for those departments under his/her authority.

4. The commissioners in this form of government usually assume administrative duties for the departments they oversee. This would include a wide variety of tasks including the setting of work schedules and policies, hiring, firing, etc.

5. The role of a mayor in such cities tends to be mostly ceremonial. In some cases, the mayor may oversee the day-to-day operation of the city hall staff, but does not have much authority outside of city hall.

6. Some Tennessee cities have charters which create commissioners – but in a way which varies from this traditional method of election. In Kenton, for example, citizens run for the office of Aldermen without campaigning to oversee any specific department. Then, once elected, they are appointed to such oversight duties by the Mayor.

7. This form of government has been around for about 100 years. Initially, it was seen as a means of diluting the concentration of power in a single elected official (the mayor) and promoting specialization in office. It was popular during the first half of the 20th Century. Over the past 40 years or so, however, cities have generally abandoned the commission form of government – opting for strong mayor forms or those overseen by a city manager.

8. The advantages of the Commission form of municipal government are these:

- (a) Schools of public administration traditionally teach that this form of government is capable of making better responses to emergency situations. There is some historical evidence of this – but most such evidence is quite old.
- (b) There is a simple organizational structure to this form of government.
- (c) Policy decisions are directly and swiftly implemented – no “middle men” to work around or through.

9. The disadvantages have generally been described as follows:

- (a) There is no distinction between the legislative and administrative functions of the local government – administrative decisions become politicized.
- (b) Because legislative and administrative functions are unified, there is an absence of “checks and balances”.
- (c) Accountability is diffuse – no single person is accountable for achieving municipal goals.
- (d) Especially in smaller towns, it is difficult to elect legislators having specific administrative abilities.

THE COMMISSION FORM OF GOVERNMENT HAS ITS OWN PROBLEMS

10. Governing bodies which are primarily concerned with making rapid policy decisions might find something in the commission form of government to satisfy them. But, particularly in Dyer's case, I suspect that rapid policy implementation is not a high priority. If Dyer is like most small, west Tennessee municipalities, the Board of Mayor and Aldermen will rank other priorities much higher – and the commission form of government will not serve these priorities:

- (a) Efficiency – the ability of the governmental structure to deliver quality services at the lowest possible price. There is nothing to suggest that the commission form of government represents an improvement in efficiency. To the contrary, a commission-type government lacks organizational unity and is likely to be less efficient than more modern forms of government.
- (b) Effectiveness – the ability of the governmental structure to improve the quality (the results) of municipal programs. The commission form of government does not

guarantee that government services will be more successfully implemented than other forms of government.

- (c) Equity (fairness) – Fairness in government is assured when the governing board is comprised of a diverse representation of the community. Decisions made by such boards are more likely to consider a wide variety of perspectives. In a commission form of government, with a single commissioner making decisions for an entire department, decision making is less likely to be seen as the result of a consensus.
- (d) Transparency – decisions made by a Board, operating in compliance with the Sunshine Law and in full public view, will always be seen as more ethical than the same decisions made by a single commissioner operating on his/her own.
- (e) Unity – commissions are, almost by definition, divided groups. Every commissioner has his/her own “turf” and will be less inclined to see “the big picture” when voting on city matters.
- (f) Leadership – it is difficult for a single community leader to emerge from the commission form of government.

11. There are legitimate and rational reasons for cities to periodically change their form of government. But the selection of a new form of government should be made only after a complete and thorough review has been made of the community's long-range goals and public expectations. Only then, after the Board is clear on the priorities it wants local government to have, should the decision be made to select a particular form of government.

RECOMMENDATION

12. In Dyer's case, it is my recommendation not to give up too easily on your current form of government – as it has obviously served the community quite well for many years. Some minor amendments to the charter may be needed, but broad changes should be slowly considered. If the Board is intent on pursuing this course of action, I suggest a period of study of at least six months during which time the Board members would:

Review printed and internet materials on the various forms of municipal government and the advantages/disadvantages of each.

Visit with mayors and board members from other cities having the commission form of government – and, possibly, those having council-manager, mayor-aldermen forms.

Hold a few public hearings to obtain input from local residents and address any concerns about changing the form of government.

13. Consider securing specific amendments to the existing charter – changes which will address the Board's current concerns while leaving the form of government intact.

14. One specific amendment should be the creation of a vice-mayor position – a person who can be in charge when the mayor is out of town or otherwise unavailable. Another might be the expansion of the City Recorder's authority during times when the mayor is absent.

15. As always, MTAS is available to the Board – free of charge – to assist the mayor and aldermen in making these important decisions. Our approach would be to maintain neutrality in the process and to avoid attempting to force any particular choice. Instead, our role would be to help the mayor and aldermen come to a mutually acceptable solution on this issue – a decision for which each member of the Board would have a sense of ownership.

David Angerer
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