



Council-Manager Relationships: Roles, Responsibilities, and Where You Fit

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First: The legal disclaimers:

- You may, or may not know, that I am a recovering politician.
- Almost 12 years on my local board of education.
- 28 years as the mayor of my city.

What does this mean?

- I have had the pleasure of working with 3 Superintendents of Schools
- I have had the pleasure of working with 3 City Managers

I will get back to that in a bit ...

But like anyone, I am a product of my experiences and those six persons shaped the way I looked at things

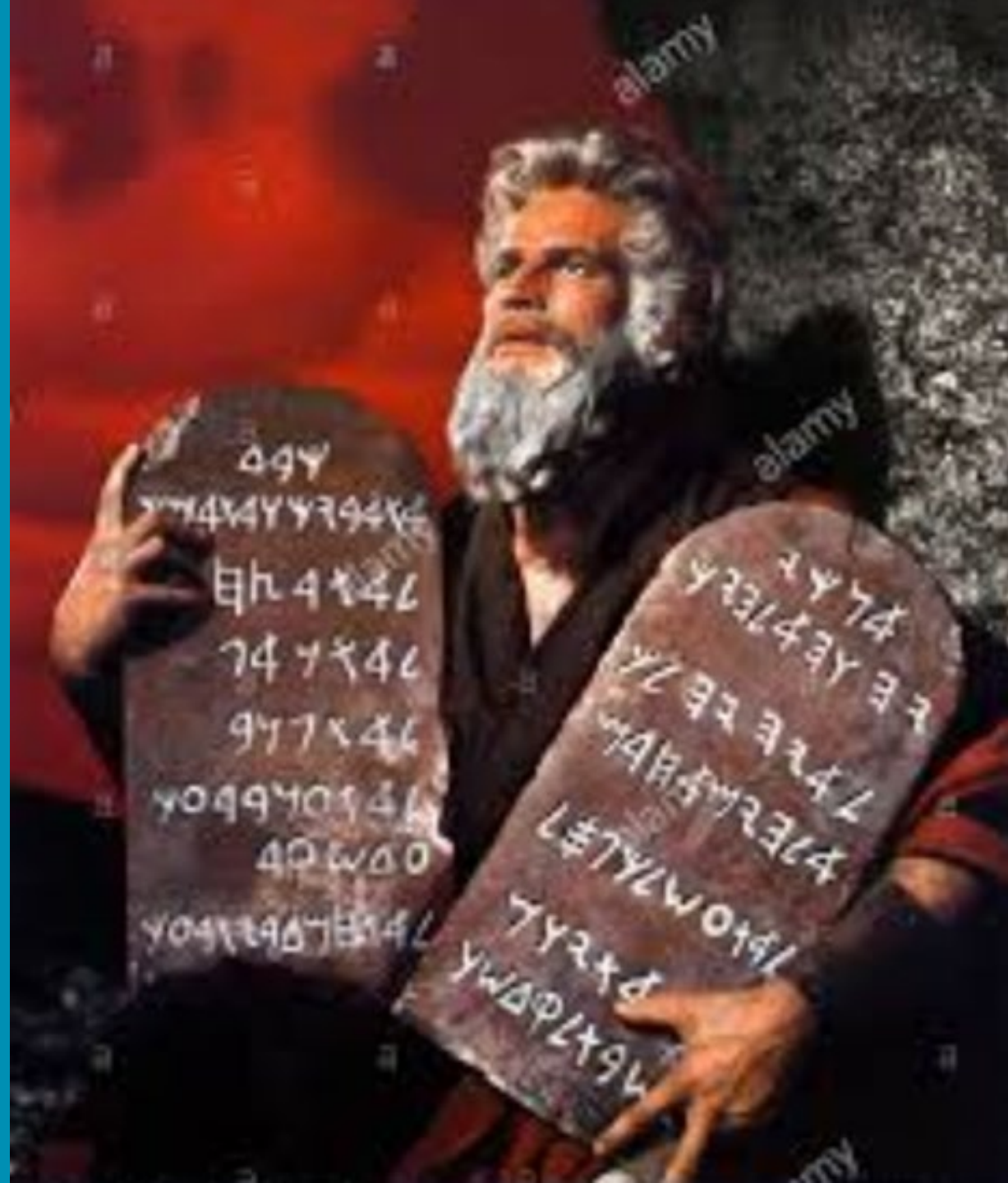
Each person **intentionally or unintentionally** taught me how to deal with different situations

We are going to try to:

Examine the council / manager relationship
and discuss how it will impact you going
forward

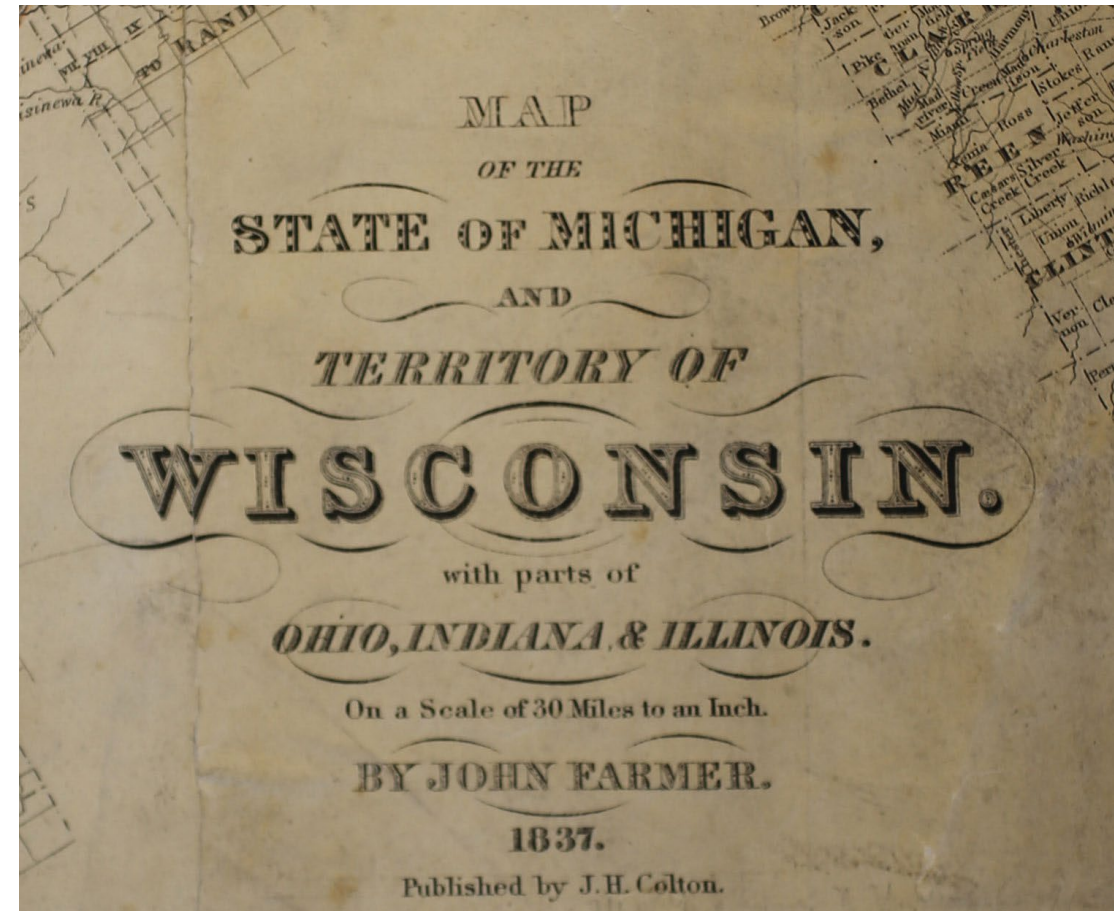
First,

- A little history of local government...



Well, maybe not that far back

- Let's look to 1837 when Michigan became a state...



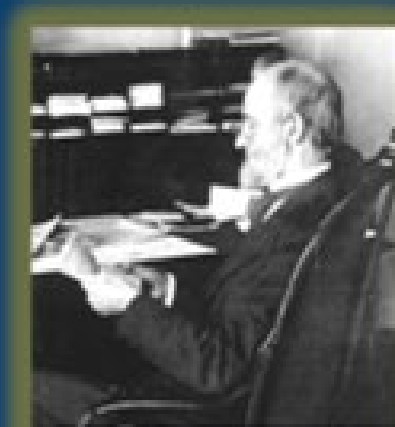
Competing Views on Local Control: Dillon and Cooley



A municipal corporation possesses only powers *expressly* granted, *necessarily* implied, or *essential* to the accomplishment of the declared objects." - Dillon's Rule

"Local government is a matter of absolute right; and the State cannot take it away."

- *People v Hurlbut*, 24 Mich 44 (1871)



Thomas H. Cooley
Thomas H. Cooley Papers, Box 8, 1888

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The result...

- Michigan ends up with the system used by most states at the time
- The view that local government should be limited

However, there is a significant change...

- The Michigan Constitution of 1908 recognizes the concept of home rule
- The Michigan Constitution of 1963 has two sections devoted to home rule (Article 7, Sections 22 and 34)

Local government is always evolving...

- **Legislation** – some statutes empower, some constrain
- **Court opinions** interpret statutes and the constitution
- **Public opinion**

Types of Local Governments in Michigan

- Counties -Delegated powers only (83)
- Townships – General Law and “Charter” (1240, inc. 138 charter townships)
- Villages – General Law and Home Rule (253)
- Cities – Home Rule, 4th Class, 5th Class, SC (280)
- Special Purpose Units – e.g. school districts, intermediate school districts, authorities, district libraries (and so on)

County Government/Functions

- Largest unit of government except for state itself
- Delegated powers only
- Delegated powers interpreted narrowly by courts

County Government/Functions

- Criminal justice
- Civil and criminal court functions
- Record keeping
- Tax assessing and collecting
- Road acquisition, construction, and maintenance (Townships do not maintain streets and roads)

General Law Townships

- Much governing originally done at annual meeting
- Limited discretion in organizational structure
- The governing board is the Board of Trustees, either 5 or 7 total members depending on the size of the township
- Assess Property
- Collect Taxes
- Conduct local, county, state and national elections

General Law Townships

- Elected supervisor, clerk and treasurer serve on board, with a vote
- Township Board may hire a manager

Charter Townships

- No individually written charter (Charter Township Act is the charter)
- Of the 1240 townships in Michigan, 138 are charter townships
- Greater protection from annexation
- Greater taxing authority
- May hire manager
- Elected supervisor, clerk and treasurer serve on board, with a vote

Village Government

- Historically formed when greater population density led to need for increased services
- Licensing and regulation
- Establish own water supply, sewerage
- Control and maintain own streets, roadways
- Villages remain a part of the township
- Residents vote in village and township elections
- Subject to both village and township taxes

Village Government

Two types village government:

General Law and Home Rule

Governing Structure – General Law Village

General Law Villages are organized and governed under the GLV Act.

The GLV Act is not the equivalent of a home rule city charter.

It is a state statute....but some key options have been provided for, most notably for a village manager.

Home Rule City/Village Charter

- “The 1963 Michigan Constitution provides that the electors of every city have the right and responsibility of home rule. That right is enshrined in the city charter, which is written by locally elected charter commissioners, approved by the Governor, and adopted by the voters, within constraints established by Art 7, Sec 22 ... and state statutes including the Home Rule City Act (PA 279 of 1909).”
Citizens Research Council Memorandum No. 1110, October, 2011

City Government

- As primary units, cities conduct state-imposed duties
- Assessing property
- Collecting taxes
- Conducting county, state, national elections

Home Rule Cities/Villages' Governing Structure

- **Council/manager**
 - Approximately 234 cities in Michigan use council/manager form;
 - policy and legislative role is for the council; council hires the manager to be the administrative head of the city. (82 villages have managers.)
- **Strong mayor/council**
 - Mayor is directly elected; full time and salaried; appoints top administrators (hire and fire); may have veto power over council actions.

Governing Structure – HRCs

- *Many options for home rule cities/villages
- *Partisan/non-partisan elections (city only -- following a recent state-mandated change to local election law)
- *Ward or district council elections, or at large, or combination
- *Mayor chosen at large, by highest vote total among those running for council, or elected from among council members
- *Clerk and treasurer appointed or elected

Council / Manager form of government

- This form of government was created in the early 1900's
- The purpose was to bring professional management to government
- The professional manager is more equipped to handle municipal issues than a person who has the most votes in the last election

City or Village Council; Township Board

- Policy-making body for local unit of government
- Responsible for long and short-term goal setting
- Responsible for adopting budget and any capital improvement plan
- May only act as a body, through resolutions and ordinances
- **Governing Board can, and should, adopt rules and procedures. GLV's must!**

City or Village Council; Township Board

- City Council Members may only act as a council.
- Individual members of council should not be directing staff or interfering with day-to-day operations of the City. You are just one member.
- A majority of the council is necessary to provide direction to administration.

City, Village, or Township Manager

- Responsible for implementing policy to achieve council goals and responsible to report status to council
- Generally responsible for day-to-day operations
- Compared to the corporate structure, the manager is the CEO

So now we come to the relationship...

- The relationship between the Manager and the Council is often compared to a marriage played out in public
- When it works well, the entire unit succeeds. When it turns dysfunctional, everyone suffers, chaos ensues and separation often occurs
- The electorate, meanwhile, observes the whole thing with a bizarre and sometimes malevolent sense of humor

Why the relationship matters...

- Improves goal setting and achievement
- Aligns all precious (limited) resources in the same direction
- The community wants, and deserves, harmony
- Failure is very expensive

Think about the kind and content of communication with the Manager

- What information do you need? (Critical infrastructure; budget priorities; where do we buy the pencils?)
- If the information is important to you, it should be important to all of the members.
- Playing “Gotcha” does not build healthy personal relationships with fellow council or staff members.

Strategies to build the relationship

1. Have a common foundation

The council/manager form of government combines the strong political leadership of elected officials with the managerial experience of the professional manager. It establishes a representative governance where the power to weigh competing community values is placed in the council as a whole.

In this system, the council hires a professionally trained manager to oversee the delivery of services to execute that direction.

Strategies to build the relationship

2. Move in the same direction

3. Agree on who's job is who's (this is critical)

4. Set expectations and rules of behavior

5. Regularly check in

In a perfect world it would look like:

Dimensions of the governmental process

Illustrative tasks for council

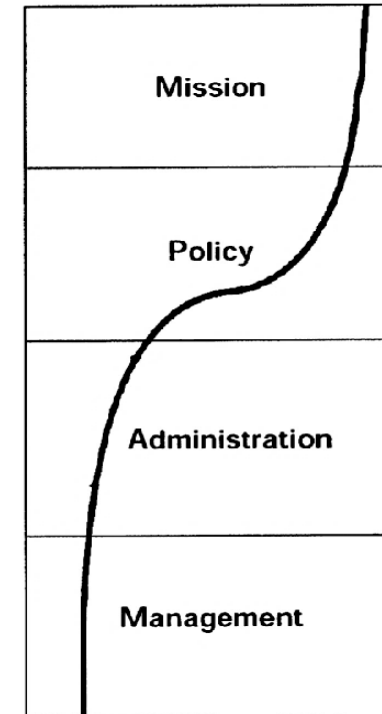
Determine "purpose," scope of services, tax level, constitutional issues

Pass ordinances; approve new projects and programs; ratify budget

Make implementing decisions (e.g., site selection); handle complaints; oversee administration

Suggest management changes to manager; review organizational performance in manager's appraisal

Elected officials' sphere



Appointed official's sphere

Illustrative tasks for administrators

Advise (what city "can" do may influence what it "should" do); analyze conditions and trends

Make recommendations on all decisions; formulate budget; determine service distribution formulae

Establish practices and procedures and make decisions for implementing policy

Control the human, material, and informational resources of organization to support policy and administrative functions

The curved line suggests the division between the elected officials' and the appointed official's spheres of activity, with the council to the left and the manager to the right of the line. The division represented is intended to roughly approximate a "proper" degree of separation and sharing. Shifts to either the left or right would indicate improper incursions.

Source: Reprinted with minor editing from James H. Svara, "Dichotomy and Duality: Reconceptualizing the Relationship between Policy and Administration in Council-Manager Cities," *Public Administration Review* 45 (1985): 228. Used with permission of the American Society for Public Administration.

Strategies for checking in ...

- Ground rules and expectations conferences
- Annual retreats (know your community first and consider OMA)
- Regular face-to-face meetings
- Periodic evaluation and performance review

Symptoms of an ailing relationship

Signs that marriage counseling or CPR may be in your future:

Symptoms:

- Communication stops
- Members stop spending time with each other and/or the manager
- Eye contact becomes rare (before, during or after meetings)
- Team members find themselves badmouthing each other
- Conversations stop when others enter the room

Symptoms:

- Councilmembers begin to meet in small groups
- Council stops or delays hard decisions
- Council stops relying on staff recommendations
- Council will not defend or support the actions of the manager and staff
- Team members “throw each other under the bus” when tough decisions are necessary

Some red flags...

- “My job as an elected official is to find out where the money is hidden.”
- “It’s nearly impossible for me to get what I want done. There must be a secret agenda.”
- “Those employees had better figure who makes the decisions around here.”
- “The manager has favorites and special friends on the council and in the community.”

Red flags...

- “If a problem exists, they need to change. I was elected for my honest approach.”
- “Since she has been elected, we haven’t been able to get anything done. The manager had better figure out how to get her under control.”
- “We pay her top dollar. She’ll have to do a better job behind the scenes, so we aren’t taking the heat from the voters.”

Remember:

- There are many ways to accomplish a task.
- Honesty and integrity are the bedrock of serving in public office.
- The manager's job is a public office.

Additional resources:

- ICMA:
- <https://icma.org/blog-posts/6-keys-excellent-council-manager-relationships>

Questions and comments:

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