Municipal Government Structure

A municipal government’s structure, or form of government, assigns formal authority among the city’s elected and appointed officials. To this end, municipal government structure determines the primary policymaking and executive responsibilities among municipal officials.

ROLES OF MUNICIPAL OFFICIALS
A municipality’s elected officials act in a policymaking role when they pass ordinances, resolutions, and formally adopted motions. Examples of the policymaking roles include the adoption of the municipality’s annual budget, its personnel policy, and its land use plan. Such examples represent the legislative responsibility of the municipality.

The executive role typically refers to administrative responsibilities, particularly with regard to the day-to-day operations of the municipality. Examples of executive responsibility include implementation of council policies, service delivery, and personnel management.

In some municipalities, these roles - policymaking and executive - are combined, while in other municipalities there is a clear division of these roles to provide for a separation of powers.

FORMS OF MUNICIPAL GOVERNMENT
In Georgia, most municipalities utilize one of three forms of government:

- Mayor-Council (Strong Mayor) Form
- Mayor-Council (Weak Mayor) Form
- Council-Manager Form

These forms of government divide executive and policy-making roles and responsibilities between the municipality’s elected officials - the mayor and council – and appointive staff. While there are distinct differences between these forms of government, there are many variations on structure and policy roles depending on the provisions of the municipality’s charter and the philosophy of the municipality.

**Mayor-Council Form (Strong Mayor)**
Under this form of government, the city council provides the primary policy role, while the mayor provides the primary executive role. This form provides for a distinguishable separation of powers between the city’s executive branch (mayor) and its legislative branch (city council). Thus, the separation of powers contained in the “strong” mayor form is similar to those found in the national and state governments, with the office of mayor being similar to the President of the United States or a governor of a state. Likewise, the council acts as a legislative body similar to the Congress of the United States or a state legislature.

Under this form, the mayor serves as the city’s chief executive officer and has full responsibility for the city’s daily operations. As such, the mayor normally possesses the power to hire and fire
department heads and other city staff, prepare and administer of the city’s budget, and execute contracts. The mayor may also have the authority to appoint council committees, veto legislation passed by the council, and appoint members to city advisory boards. In some cities, particularly larger ones, the mayor may appoint a professional administrator (chief administrative officer, city administrator, etc.) to assist in carrying out the daily operations of the city.

The city council is responsible for enacting the city’s policies, through the adoption of ordinances and/or resolutions. While the mayor may possess the authority to veto actions of the city council, the council may possess authority to override the mayor’s veto.

**Mayor–Council Form (Weak Mayor)**

Under this form of government, the mayor and city council normally share the primary policy-making role, while the mayor provides the primary executive role. However, in many cities, the “weak” mayor’s role is primarily ceremonial, with the “weak” mayor possessing few, if any, of the executive powers provided to a “strong” mayor. For example, the mayor may not have the authority to appoint council committees, develop the city’s budget, or veto actions of the city council. Also, the mayor may have limited authority to appoint department heads, subject to confirmation by the city council. However, the mayor may not possess the authority to fire department heads.

The primary advantage of this form is that it keeps control of the government out of the hands of any single person, so that a corrupt or incompetent individual could do little harm to the city.¹

**Council–Manager Form**

Under this form of government, the city council provides the primary policy-making role, and an appointed city manager provides the primary executive role. It combines the strong political leadership of the elected mayor and council with the strong managerial experience of an appointed local government manager.

The council-manager form of government was developed in the early 1900s by reformers who envisioned a more business-like approach to municipal government. Thus, the structure of a municipality operating under the council-manager form of government is similar to the structure of a corporation. To this end, the municipality’s citizens are treated as shareholders that elect a city council to serve as their board of directors. The city council establishes the city’s policies, while a professional city manager, hired by the city council, is charged with implementing the council’s policies. In this capacity, the city manager functions similarly to a corporation’s chief executive officer, or CEO.²

**Primary Features of the Council-Manager Form of Government**

Generally, the council-manager form of government deviates from the traditional separation of powers structure that exists at the national, state, and local levels of government. Instead of having an elected chief executive (president, governor, etc.), the council-manager form of government gives formal governmental authority to an elected city council. The city council then hires a professional city manager to oversee all administrative and executive functions.
The city manager serves at the pleasure of the city council. If a majority of the council is displeased with the manager’s performance, the manager can be fired, subject to applicable laws and ordinances, as well as the terms of the manager’s employment agreement with the city council, if any.

In summary, the council-manager form of government combines the strong political leadership of elected officials (mayor and council) with the strong managerial experience of an appointed local government manager. Under this form of government, responsiveness to citizens can be enhanced, as administrative accountability is centralized in one individual, the city manager.

Additionally, because political power is concentrated in the entire city council rather than in one elected official, the council-manager form may provide citizens with greater opportunities to serve their community and to influence the future of their community.

Responsibilities of the City Council
The city council is the city’s legislative and policy-making body. Its members are the community’s decision-makers. As such, the city council is responsible for enacting policies, approving the city’s annual budget, setting the city’s tax rate, and focusing on such major projects and issues as land use planning, capital financing, and strategic planning. The council is also responsible for hiring the city manager, supervising the manager, and evaluating the manager’s performance.

By its very nature, the council-manager form of government is designed to free the city’s governing body from the administration of daily operations, allowing them to instead devote attention to policy-making responsibilities.

Responsibilities of the Mayor
In the purest sense of the council-manager form, the mayor is a member of the city council, with the position of mayor usually being chosen from among the council members on a rotation basis. Under this scenario, the mayor presides at council meetings, signs official documents (ordinances, resolutions, proclamations, etc.) and serves as the city’s official spokesperson. In this sense, the mayor in a council-manager city is similar to a corporation’s chairman of the board.

In actual practice, however, numerous cities, including many in Georgia, now elect the mayor citywide by the voters. In these cities, the mayor may possess expanded powers, including the power to veto legislation, appoint council committees, appoint citizen advisory boards, and/or prepare an annual report (“State of the City”) to the council and the community. However, the mayor normally does not possess any day-to-day administrative responsibilities.

Responsibilities of the City Manager
The city manager is hired by the city council to carry out the policies established by the council and to oversee the city’s daily operations. The manager should be hired solely on the basis of relevant education and professional experience.

Typically, the city manager is responsible for implementing policies and programs adopted by the city council; hiring and supervising the city’s department heads and administrative staff;
developing a proposed budget for the council’s consideration; administration of all city contracts; and serving as the mayor and council’s chief advisor. The city manager also serves as the mayor and council’s liaison to the city’s department heads.

While the reformers who created the council-manager form of government originally sought to separate the politics of local government from its administration, this separation is now mostly fiction. Today, most city councils desire and expect their manager to make policy recommendations, with such recommendations providing accurate and detailed information, possible alternatives, and any long-term impacts. The city council can then adopt, modify, or reject the manager’s recommendations.

While city managers are typically hired by the city council and serve at the council’s pleasure, most managers, particularly those in medium and large cities, now operate under the terms of an employment agreement. Such agreements normally outline the terms and conditions of employment and separation, along with providing clear guidelines for evaluating the manager’s performance.

<table>
<thead>
<tr>
<th>Pro</th>
<th>Con</th>
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</thead>
<tbody>
<tr>
<td>As city government has become more complex, it stresses professionalism, with administrators chosen on the basis of competence.</td>
<td>An appointive city manager is less responsive. Most large American cities with a population of over one million have a politically elective chief executive.</td>
</tr>
<tr>
<td>Municipal administration is segregated from city politics.</td>
<td>Policy rarely can be separated from its implementation and management.</td>
</tr>
<tr>
<td>The city manager gives expert advice to council, resulting in maximum efficiency and economy.</td>
<td>The council still has ties to the municipal bureaucracy, and potential political liabilities may outweigh the savings in cost recommended by the manager.</td>
</tr>
<tr>
<td>The city manager, as an appointed expert, can provide more impartial judgment than can the council.</td>
<td>The manager may lack political sensitivity, and if there is an elected mayor, the roles of the manager and mayor may be ambiguous.</td>
</tr>
</tbody>
</table>


Other Forms of Government

**Commission Form**

Another form of municipal government, although it is not common in Georgia, is the commission form. Under this form of government, the council members (“commissioners”) are typically elected at large. A chair is normally selected from among the commissioners to preside at their meetings and to serve as the ceremonial head of the commission. The chairmanship may be rotated on an annual basis. The commission form of government is unique because each elected commissioner oversees one or more departments (e.g., police, recreation, utilities, etc.). Thus, this form of government combines legislative and executive responsibilities.
While the commission form is used by a majority of the county governments in Georgia, the City of Trenton is the only municipality in Georgia to use the commission form in its purest sense. A small number of cities in Georgia, including Cedartown, Cordele, Decatur, Rome, and Toccoa, refer to their legislative body as “city commissions” rather than as “city councils.” However, each of these cities operates under the council-manager form of government, and each has an appointed city manager.

Table 2. Form of Government Comparison

<table>
<thead>
<tr>
<th>Form of Government</th>
<th>Primary Policymaking Role</th>
<th>Primary Executive Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor-council “strong” mayor</td>
<td>Shared by city council and mayor</td>
<td>Mayor (perhaps with the assistance of an appointed administrator)</td>
</tr>
<tr>
<td>Mayor-council “weak” mayor</td>
<td>Shared by city council and mayor</td>
<td>Mayor, although executive authority is sharply limited by requirement of council concurrence for various administrative actions and by the long ballot*</td>
</tr>
<tr>
<td>Council-manager</td>
<td>City council</td>
<td>Appointed manager is held accountable for executive functions by city council. In pure form, manager reports to full council rather than primarily to the mayor.</td>
</tr>
</tbody>
</table>

* In the “weak” mayor form, the typical existence of several separately elected administrative officers, who often operate beyond effective control of the mayor or city council, generally dilutes policy-making and executive authority.
Municipal Government Structure

“Strong” Mayor

Voters ➔ Elect

Mayor appoints

City Council

City Clerk
City Attorney
Police Chief
Public Works Director
Fire Chief
Finance Director
Utilities Director
Recreation Director

“Weak” Mayor

Voters ➔ Elect

Mayor appoints

City Council

City Clerk
City Attorney
Auditor

Fire Chief
Public Works Director
Utilities Director
Parks and Recreation Director

— Council concurrence required for appointment of heads —
Municipal Government Structure

## Council-Manager

- **Voters**
  - Elects
- **Mayor and Council**
  - Appoints:
    - City Clerk
    - City Manager
    - City Attorney
- **Utilities Director**
- **Fire Chief**
- **Police Chief**
- **Finance Director**
- **Public Works Director**
- **Recreation Director**

## Commission

- **Voters**
  - Elect
- **Commission Chair**
  - Supervises:
    - Public Works
    - Public Safety
    - Finance and Administration
    - Utilities
    - Leisure Services
Professional Management in Municipal Government

What determines whether a municipality is professionally managed? Many municipal governments claim to be professionally managed, while many others aspire to be managed in a professional manner. However, it is difficult to determine not only what constitutes professionalism, but also whether or not a municipality is actually managed in a professional manner.

A city’s form of government is not an effective indicator of the city’s professionalism. Professional management can exist in any of the forms of government found in Georgia. However, a municipality operating under the council-manager form of government has clearly chosen to fundamentally alter its form of government in order to instill professional management considerations in daily operations and the provision of service delivery.

The decision to employ a professional manager to serve as the municipality’s chief executive is generally regarded as the ultimate desire for professionalism in municipal government. The form of government that best embraces this desire - the council-manager form - has been endorsed by the National Civic League since 1915.

The authority of a professional manager to appoint and remove department heads is essential for effective executive control. When the mayor or city council has authority for such personnel actions, such decisions – and many resulting operational decisions - often remain political.

The manager’s authority to develop the city’s annual budget is necessary to increase the likelihood that management factors will be injected and considered during the preparation of the budget.

Finally, the manager should possess a direct reporting relationship with the city council. This allows the manager to provide his or her professional advice to the full governing body rather than to a single political official.

ICMA Recognition

The International City/County Management Association (ICMA) compiles a list of cities recognized as having professional local government management. The recognition process identifies municipalities that have established positions of professional authority by ordinance, charter amendment, or other legal means. ICMA’s recognition process contains two categories: council-manager and general management. The criteria for the council-manager category require that the city manager:

- Be appointed by a majority of the council;
- Have a direct role in both policy formulation and policy implementation;
- Have responsibility for preparation and implementation of the annual budget; and
- Have authority for the appointment and removal of at least most department heads.
Changing a City’s Form of Government

A municipality may change its form of government by amending its municipal charter through a local act of the Georgia General Assembly. If changing to the Council-Manager form of government, the charter amendment should specify the duties and responsibilities of the city manager, the manager’s relationship to the city council, and other associated requirements that involve this form of government.

Georgia law requires a local Act of the General Assembly to take “(A)ction affecting the composition and form of the municipal governing authority…” Additionally, the Georgia Supreme Court has held that fundamental and substantive changes in city government cannot be made by a municipality under general home rule laws.

Of course, a city council can establish the position of city administrator or city manager simply through the passage of an ordinance creating such position. Such ordinance could be abolished at any time by a subsequent city council. However, such an ordinance cannot fundamentally alter the city’s form of government, without the city running afoul of the limitation on home rule powers contained under state law.

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1 See generally, Georgia Municipal Association, Model Municipal Charter, 4th ed. (Atlanta, Ga.: Georgia Municipal Association, 2007)
2 Ibid.
3 National Civic League, Model City Charter, 8th ed. (Denver, Colo.: National Civic League, 2003)
4 International City/County Management Association (ICMA), Internet Website, http://icma.org
7 O.C.G.A. § 36-35-6.