

**Presentation by J. Edward Johnson, Director of Legislative Affairs for Columbus City Council (as prepared for delivery)**

Good evening members of the Charter Review Committee.

My name is Edward Johnson and I am the Director of Legislative Affairs for Columbus City Council. Chair Coe asked staff to offer an overview of the structures of municipal government throughout the United States and to provide committee members with data on the top 15 largest cities in Ohio and to offer the committee a brief overview on how Columbus City Council works.

First, an overview of the forms of municipal government, with an acknowledgment of the assistance of the National League of Cities for providing much of the following information.

**Forms of Municipal Government**

The first form I will introduce members to is the *mayor-council* form of government, which is the category Columbus falls into.

Primary characteristics of mayor-council governments include:

- The mayor is elected separate from the council, is often full-time and paid, with significant administrative and budgetary authority;
- Depending on the municipal charter, the mayor could have “weak” or “strong” powers – in Columbus’ case we have a strong mayor system:
  - Strong mayors are the chief executives of cities, centralizing executive power:
    - The mayor directs the administrative structure, appoints and removes department heads;
    - May exercise veto powers;
    - The council does not oversee daily operations of city government
  - Weak mayors have a powerful council, with both legislative and executive authority:
    - The mayor is not truly the chief executive officer, and has limited or no veto powers;

- The council can prevent the mayor from effectively supervising city administration;
- There may be many administrative boards and commissions that operate independently from city government.
- Council is elected and maintains legislative powers;
- Some cities – like Cincinnati – appoint a professional manager who maintains limited administrative authority

The mayor-council form of government is used in 34 percent of cities surveyed by the International City/County Management Association, making it the second most common form of city government. It is found mostly in older, larger cities, or in very small cities, and is most popular in the Mid-Atlantic and Midwest. New York, Houston, Salt Lake City and Minneapolis are examples of other mayor-council cities.

The next form of government is the ***council-manager*** system. Several cities throughout Ohio use the council-manager system, as well as several peer cities that Columbus tends to benchmark itself against.

For the purposes of this committee and its scope, however, it should be noted that Columbus is neither a council-manager form of government, nor is the committee being asked to consider changes to that effect. Accordingly, the differences in council responsibilities will show that comparison between cities that employ a council-manager system and Columbus are not “apples-to-apples.”

Characteristics of council-manager forms of municipal government include:

- City council oversees the general administration, makes policy and sets the budget;
- Council appoints a professional city manager to carry out day-to-day administrative operations;
- The mayor is chosen from among council members on a rotating basis to serve a ceremonial role.

Large peer cities that using a council-manager form of government are Phoenix and San Antonio.

Lastly, I will remark on the **commission** form of government, which has some degree of popularity in southwest Ohio, in addition to one of Columbus' major peer cities, Portland.

The commission form of government is the oldest form of government in United States, however, is present in less than one percent of cities, mostly with populations below 100,000. Characteristics of the commission form of government include:

- Voters elect individual commissioners to a small governing board;
- Each commissioner is responsible for one specific aspect of city business, such as fire, police, public works, health, or finance;
- One commissioner is designated as chair or mayor, and presides over meetings;
- The commission has both legislative and executive functions.

The Columbus City Charter provides for a mayor-council form of government with a strong mayor system. This explanation is not provided to preclude members from looking at the size and structure of city councils around the nation that do not fall into that category, rather to provide useful information in how the members analyze the data being presented and understand that there may be a city or cities that we admire and look to, however, their form of government may necessitate a certain size or form.

The second piece of information members should be aware of when looking at research that has been or will be provided, is that several cities employ a city-county consolidated government, which is different from the context Columbus is in.

The United States Census Bureau identifies 34 city-county consolidated governments out of the 3,069 county governments that exist throughout the nation. The cities that this information applies to that members should use caution when examining are the City and County of San Francisco, California; The City and County of Denver; Nashville/Davidson County; the County of Duval/City

of Jacksonville; the County of Marion/City of Indianapolis; and County of Jefferson/City of Louisville.

City-county consolidations are attempts at metropolitan reorganization for one of many reasons, depending on local context.

For example, the City of Jacksonville consolidated with Duval County in 1968 after the industrial city's center declined. With population shifting to the suburbs, the tax base was eroded and its services overlapped with other governments in the area. Additionally, three major scandals in the city led to a reorganization with an elected chief executive, and a 19-member council.

Additionally, we can look to the consolidated City and County of San Francisco's consolidation in 1900 as the result of residents seeking to remedy the City of San Francisco's ails of enormous debt and taxation, which was deterring capital investment, and leading to population at flight at the time. Consolidating with the more frugal and economic County of San Francisco provided the remedy to an impending fiscal crisis and gave California its only city-county consolidated government to this day.

I mention these examples because it is worth noting that major events in local politics usually lead to the city-county consolidated government, with peculiar local sensitivities being catered to in the formation of the new government. Accordingly, any examination of a city-county consolidated government should be done with the knowledge that further historical context may be required to explain attributes of the respective municipal government.

I will further note that not all major cities have home rule authority, while many have state constitutional factors that directly limit the ability of municipalities to craft local solutions for government structure and form of election. For example, Chicago, Boston, and Memphis are ruled by a byzantine collection of state constitution, state law, quasi-home rule, and local charter provisions. Other states, such as Indiana and South Carolina, do not provide home rule authority as we have in Ohio.

### **The Ohio experience**

Staff has provided members with a spreadsheet, outlining the characteristics of legislative branches of Ohio's 15 largest cities. This list provides members with information on the form of government, council structure, council size, and meeting frequency for cities ranging in size from 50,000 to over three-quarters of a million; mayor-council, council-manager, and commission-manager forms of government; and at-large, hybrid and district-based councils.

As members can see, 13 of the 15 largest cities in Ohio use the mayor-council form of government, with Dayton and Springfield of southwest Ohio being notable users of the commission-manager form of government.

Nine cities employ a hybrid structure of representation, five elect members at-large, with one city exclusively electing members from districts. It is notable that Ohio's three largest cities – Columbus, Cleveland and Cincinnati – are not in the majority of cities using a hybrid form of representation. Columbus and Cincinnati elect all of their members at-large, while Cleveland is the one major Ohio city to elect all members from districts. Additionally, Cleveland stands alone in being the only legislative body to have a variable number of municipal legislators based upon city population.

Historically, it is worth noting Cincinnati's storied history with its charter and municipal government, which has ultimately produced the longest running third-party in American politics to continually have elected officials in office – the Charter Party or Committee. Established in 1924, the Charter Committee was a direct response of the Boss Cox era of city politics, where the City of Cincinnati had a 32-member city council, with six of those seats being reserved for at-large election. In 1924, the year of the Charter Committee's founding, Cincinnati City Council was split between 31 Republicans and one Democrat – orchestrated by Boss Cox's lead protégé, Rudolph Hynicka. Leading to the adoption of a new city charter, the Charterites brought Cincinnati a council-manager form of government, a civil service bureaucracy, and a nine-member nonpartisan city council. Those at-large members are served by city's 52 community councils, covering all 80 square miles of the city.

Cleveland's history is also notable in this area. Prior to home rule, Cleveland City Council's sized varied between six and 40. Once home rule was introduced in Ohio

in 1912, Cleveland's charter gave the city a ward-based 26-member council. The electors of Cleveland would fundamentally change their charter in 1921 to move to a council-manager system, in addition to adding three council members, moving the total membership to 29. Two years later, four additional members would be added, raising the total number of municipal legislators to 33 within ten years of adopting a home rule charter. By 1931, the council-manager system was abandoned in Cleveland, but the 33-member city council persisted. Twenty years later, in 1951, Cleveland's electors reduced the size of council from 33 to 21. In 2008, the electors of Cleveland once again instituted further change to their charter relative their city council, introducing a population-based system ensuring a City Council between 11 and 25 members. The current Cleveland City Council has a membership of 17, with a decennial review after every census.

Lastly, as members deliberate, it is worth noting that Akron, Cincinnati, Cleveland, Columbus, Dayton, Elyria, Hamilton, Kettering, Lakewood, Springfield, Toledo and Youngstown are home rule charter cities, as outlined by City Attorney's Office Chief Counsel Joshua T. Cox. The other cities – Canton, Lorain and Parma – are statutory cities under Ohio law, making those cities subject to state legislative changes to their governmental structures.

Specifically, as it relates to the City of Columbus, our form of government is a mayor-council form of government, with a strong mayor. Columbus City Council has seven seats, all elected at-large. While Columbus is a strong mayor, mayor-council form of government, City Council maintains legislative authority under the classical separation of powers – Council is responsible for enacting the laws of the city and appropriating the money necessary to operate the government through its role in deliberating and taking action on the Mayor's budget when it is submitted to Council. Additionally, Columbus City Council makes land use decisions through the Zoning Committee. In those regards Council is an equal partner with the Mayor in the governing of Columbus.

Council members must be residents of the city for at least one year prior to election and maintain that residency throughout his or her term of service, and may not hold any other public office except notary public or member of an Armed Forces reserve unit.

Members of Council serve four-year terms on a staggered basis, and elect a president and a president pro tempore from amongst their membership. The Council President organizes and appoints members to the committee structure of Council. The committee structure organizes legislation to provide a division of labor to give departments an appropriate level of oversight from Council. Currently, Columbus City Council has 18 committees to cover a variety of policy areas ranging from Public Safety, to Economic Development, Public Utilities, and Zoning. Each council member chairs at least one standing committee.

Once organized, Council acts through legislation, which takes one of two forms – a resolution or an ordinance. A resolution expresses the views of City Council on a topic, while an ordinance directs that specific action be taken. Enacting new “law” requires action by City Council and at least one other branch of municipal government. Often times, executive departments are requesting authorization to do something, and so that agency submits an ordinance or resolution to City Council for review. Other times, council members, in their respective capacity as legislators, enact new policies after consultation with the community and executive branch.

After adoption of a resolution or passage of an ordinance, the legislation is sent to the Mayor, who may veto any legislation passed by City Council. The checks and balances provided by the City Charter give the City Council the authority to override a mayoral veto. The Mayor may also return legislation to Council unsigned, in which case the resolution or ordinance becomes law ten days later.

Council is supported in its work by two staffers assigned to each member and a pool of support staff for communications, research and community engagement functions.

### **Conclusion**

It is my hope that this presentation has provided members with the tools to evaluate cities’ legislative branches moving forward, with a deeper understanding of the intricacies of municipal governance and how Columbus City Council operates.

In subsequent meetings, staff will provide the committee with research on national peer and benchmark cities based on size, similarity, growth rates, placement on the best cities index, other factors and committee member input.

Thank you for your time and attention and I am available to answer any questions members have.