
**Is the City Manager Form of
Municipal Government Right
for Annapolis?**

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The Mission

Foster continuous two way communication with those who live, work and visit in Annapolis through all means of outreach, including media, community events, partnering with organizations and direct contact via mail and internet while maintaining a continuous directory of city services, contacts, and information.

4 Forms of Municipal Governments*

- Commission
- Council/weak mayor
- Council/strong mayor
- Council/city manager

* From Maryland Municipal League Workshop, June 30, 2009, presented by Victor Tervalá, Esq. of Funk & Bolton

Commission Form

No separation between legislative and executive functions: all elected officials perform both roles

Often each elected official is responsible for management/oversight of a particular department (e.g. police commissioner or public works commissioner)

Strength: accountability to voters

Weakness: Conflict with professional managers; questionable ability of “commissioners” to manage/oversee a particular department, especially on a part-time basis

Council/weak Mayor Form

Limited separation between legislative and executive functions: all elected officials perform both roles except mayor is deemed head of government for ceremonial purposes. No distinction between the mayor and the council * (MML Handbook)

Strength: accountability to voters

Weaknesses: Conflict with professional managers; questionable ability of “commissioners” to manage/oversee a particular department, especially on a part-time basis. Lack of strong elected leadership

Council/strong Mayor Form*

Mayor is chief executive of administration (executive) branch; council is legislative branch. Mayor appoints all department heads, with council approval. Mayor makes recommendations for new laws and creates executive policy and is responsible for enforcing ordinances and implementing council policies.

Strength: accountability to voters, strong leadership with centralized responsibility, facilitates policy formulation and implementation

Weaknesses: mayor has full management authority, too much responsibility for one person

* From *Handbook for Maryland Municipal Officials*, pp.30 – 31.

Council/City Manager Form

Professional manager hired as chief executive to manage municipal operations. Council performs legislative functions, sets policies, and provides oversight of the executive function

Strength: professional management

Weaknesses: accountability for executive function diffused; tyranny of the expert, tendency for the manager to usurp policy making functions; manager may be a stranger to the city, seeking only to advance his or her career; no strong, effective political leadership

Types of Municipalities in Maryland

Mayor-Council. 109

Council-Manager. 15

Commission. 33

Total. 157

A Brief Comparison

City/ population	Mayor	Council	Manager	Elections	# of Departments
Annapolis, 36,524	Yes	8	City Administrator	Mayor elected citywide, council by ward	18, no City Administrator Department
Gaithersburg, 58,744	Yes	4	City Manager		9, including Office of City Manager
Rockville, 60,734	Yes	4	City Manager	Non-partisan, at-large	11, including Office of CM
College Park, 26,925	Yes	8	City Manager	Two elected for each of the four districts	6, including administration
Aberdeen, 13,087	Yes	4	City Manager (D.M.)	Non-partisan, at-large Mayor is president of council	3, Council appoints department heads: police, planning and zoning, finance. Volunteer fire
Bowie, 52,544	Yes, part time	5 and mayor pro tem	City Manager	Elected by district	7 departments, including CM. no fire, police for 2 years
Hagerstown, 39,728	Yes	5	City Administrator	Partisan, mayor citywide	16 departments, including CA
Cumberland, 21,518	Yes, serves as president of council	4	City Administrator	Non-partisan, mayor is president of council	9 departments, including CA
Takoma Park, 17,229	Yes	6	City Manager	Elected by ward	6 departments
Bel Air, 10,080	No.	5	Town Administrator	Citywide, Chair chosen by commissioners	5 departments

Failed Legislation - A Chronology

- 1987, 1988, 1996 bills were introduced to change the form of City government
- January of 2008 – Alderman Israel sponsored CA-03-08. Public Hearing – 3 in support, 5 opposed
- October of 2008 – Aldermen Israel, Arnett, Shropshire and Stankivic sponsored CA-04-08. Public Hearing on CA-04 and 06 combined – 12 in support, 12 in opposed
- December of 2008, Aldermen Cordle, Hoyle and Finlayson sponsored CA-06-08, Public Hearing, 12 to 12

All three measures failed.

CA-03-08

The city manager would be appointed by the City Council and be responsible to the Council for the management of all city affairs placed in the manager's charge. Principally, the city manager would serve as chief executive officer of the city, but would also be tasked with duties heretofore exercised by the mayor.

The city manager

- (1) appoints, suspends, and/or removes City employees and administrative officers;
- (2) directs and supervises the administration of all departments, agencies, and offices of the City;
- (3) attends all City Council meetings;
- (4) sees that all laws and provisions of the City Council are faithfully executed;
- (5) prepares and submits the annual budget and capital program to the City Council; (6) prepares an annual fiscal report of the City;
- (7) assists the City Council to develop long-term goals; and,
- (8) promotes partnerships among the City Council, staff and citizens in developing public policy and "a sense of community."

CA-03-08 also redefines the powers and duties of the Office of Mayor. **Although no longer the chief executive of the City, the mayor remains a voting member of the City Council and presides at all meetings of the City Council.** In addition, the mayor delivers an annual state of the city address and appoints members and officers of council committees. Finally, the "mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law" but has no administrative duties. The mayor is elected in an at-large election and serves a term of four years; he or she may not serve more than two consecutive terms.

- Prepared by Seth B. Zirkle, Office of Law

CA-04-08

The present charter amendment creates the position of city manager within the government of the City of Annapolis. The city manager would be appointed by the City Council and be responsible to the Council for the management of all city affairs placed in the manager's charge. Principally, the city manager would serve as chief executive officer of the city, but would also be tasked with duties heretofore exercised by the mayor.

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- (8) promotes partnerships among the City Council, staff and citizens in developing public policy and "a sense of community."

CA-04-08 also redefines the powers and duties of the Office of Mayor. **Although no longer the chief executive of the City, the mayor remains a voting member of the City Council and presides at all meetings of the City Council.** In addition, the mayor delivers an annual state of the city address and appoints members and officers of council committees. Finally, the "mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law" but has no administrative duties. The mayor is elected in an at-large election and serves a term of four years; he or she may not serve more than two consecutive terms.

CA-06-08

The city manager will be responsible for appointing departmental directors with the approval of the mayor. Art. VI, §2(A). Likewise, the city manager is charged with “promptly” designating a “qualified person to serve as acting director, Art. VI, §2(B), and is empowered to conducting “job performance evaluations of department directors.” Art. VI, §2B.

In addition, the proposed legislation stipulates that the city manager will:

- (1) administer the day-to-day operations of the municipal government and oversee the delivery of municipal services;
- (2) exercise supervisory authority over the department directors;
- (3) direct the operations of the city government;
- (4) participate in the preparation of the city budget;
- (5) advise the mayor in the formation of policy and the implementation of plans to address demands for municipal services, enhance the quality of life and strengthen the economic vitality of the city; and,
- (6) perform such duties not inconsistent with this Charter as may be delegated by the mayor from time to time.

Prepared by Seth B. Zirkle, Office of Law

Myths about City Managers: What does it really mean for you?

Myths about city manager (per Annapolitans for a Better Community)

Does this mean we don't need a mayor?

- No - we do need a mayor - the mayor is the political leader of the city
- The City manager is responsible for day-to-day operations, trash pick, sidewalk repair, street sweeping.
- We need to get the mayor out of the weeds to focus on the bigger issues
- We need the mayor to focus on revitalizing the downtown, resolving the market house issue, or solving the parking and transportation problems.

Answer: The mayor will not be able to do any of these things if the City Manger is adopted. Revitalizing downtown is in the Economic Development Department; the Market House is controlled by Central Services; parking and transportation are in the Transportation Department.

The mayor will have to get permission from the City Manager to engage in finding the solutions to any of these issues.

Myths about City Managers: What does it really mean for you?

This will just cost more money. And raise my taxes!

- A good city manager will cost about \$150K per year; we offset part of that by eliminating the administrator position that costs us \$100K per year.
- And most cities find the city manager actually saves money - 3 to 5 times their salary.
- The City's budget is more than \$81 Million. It is time we had professional management for a budget of this size, and a staff of more than 650 employees

Answer: Every jurisdiction that has a City Manager has a staff for that City Manager. With the long list of duties for the Manager, he/she will need a considerable staff to get it all done. Not only will it cost more, it will cost considerably more.

Myths about City Managers: What does it really mean for you?

This just creates another layer of management.

- Not really - the layer already exists, we have an administrator that is supposed to supervise people in 17 different departments, but that doesn't happen because the mayor has all the power.
- The administrator position will be removed. The new City Manager will have the authority to manage the city staff.

Answer: This can be accomplished within the existing Charter. The mayor could grant all of the authority cited in this petition to the city administrator/manager today.

Another level of bureaucracy will be created to serve the residents of the City. They will have to go through the city manager before they can communicate with the departments.

Myths about City Managers: What does it really mean for you?

Do we lose control of our City? Is some outsider going to run the city?

- No, we actually get better representation - your aldermen get more say in how the city is managed because the city manager reports to the full city council.
- We would hire an experienced City Manager based on his track record- this is much different from hiring someone based on politics - such as a friend of the mayor who contributed to the mayor's campaign

Answer: The better representation is questionable. Hiring someone without the commitment to the City does not guarantee better representation. There are only 7 certified CM in the entire State of Maryland. Track records vary but most stay no longer than five years in a job.

There is much room for cronyism with city managers. A perfect example is someone who may be assisting with this petition. A person who has been in the current job for only a couple of years, yet his Council President knows he/she is looking for the next job, in a larger, more lucrative city. Annapolis, maybe?

Myths about City Managers: What does it really mean for you?

Won't the City Manager just be another political appointment?

- No - the City council would form a search committee. A majority vote of city council is needed to hire the city manager
- The city manager is hired on performance - Any candidate with at least 8 years of city management experience and an advanced degree in public administration, or MBA or related experience

Answer: The CM would not have a political appointment but would have an allegiance to his/her supporters on the Council. After all, he/she owes his/her job to those members. What will that mean for the other aldermen and the services to their wards?

At a time when we are talking about limited revenue, we will have to do a search. With only 7 CM's in the state, we'd have to do a search outside of Maryland. There will be a considerable cost for the search. (\$50 to 100K potentially).

Myths about City Managers: What does it really mean for you?

What if we get a bad city manager?

- We fire that person, this is not a tenured job.
- We will hire the person based on past performance, so we will know in advance that we are getting a quality person.

Answer: Firing someone is never that easy. (Just ask my dad!) First of all, we will need five votes on the Council to fire the CM. Then there will be the issue of the contract. Do we pay out the balance of the contract? How much will it cost to fire this person? Will there be legal action? And, how long will it take? What happens to city services while this process plays itself out? Several Maryland cities have waited YEARS to remove CM's. Then we begin the search all over again?

Finding a quality person and being assured that that person is a good fit for Annapolis are two very different things.

Myths about City Managers: What does it really mean for you?

How can the manager work for 9 bosses - the 9 people on City council?

- The City manager is like a CEO who works for a board of directors. In our case, the Board of directors is the City Council.
- This works today, over 3,500 cities in the US have a city manager reporting to city council.
- Working for city council is much better than the structure today, where basically everybody works for one person - the mayor.
- Example - the council would say "give us a couple options to fix the sidewalks." The city manager would come back with 2-3 options, the council would decide what plan they like, and the city manager would go off and execute.

Answer: The CM will have his allegiances to those who are most supportive of him/her. What does that say for the other wards and their needs? Where will they be on the priority list? CM's can count to five also!

While many cities around the country have CM, they are not all happy with the form. One only needs to talk to elected officials around this state to hear the horror stories about bad CM's. And, they will attest to the fact that it takes years to get rid of a bad fit.

Today, we have the exact same situation that is being suggested except, everyone will be working for one person who will be a hired staff person, not someone elected by the residents of Annapolis. We will have empowered the CM to hire and fire staff yet he/she is not answerable to the residents of Annapolis. Scary!

We have excellent Department Directors in the City today. The scenario on sidewalks can be accomplished with existing staff. We don't need a middle man to go back to Public Works, talk to existing staff and get the recommendations and then bring them to us. Surely we would have additional questions so he/she would have to start the process all over. Today, we can ask the director of the department to present the suggestions to us, with no middle man. Far more expeditious.

Dispell the Myth

Myth: We are opposed to professional management of the City

Fact: We want the most professional and efficient management for our city.

We do not want the power of the City taken out of the hands of the only citywide elected representative and placed in the hands of an employee.

Your Voice/Your Vote

The Mayor is the only official who is elected citywide. With a CM, the mayor is just another member of the council, just another alderman/alderwoman, who chairs the meetings.

Questions from Residents?

Why would we want an unelected individual dispensing all powers. . . making the process of election entirely irrelevant?

This process completely ignores equal opportunity demands of Title VII of the Civil Rights Act. Are we setting ourselves up for future lawsuits?

Community Response

“The City Administrator (Manager), duly authorized to assist the Mayor (and the Council), is a better and more effective means of running the city – and doing so without setting up yet another expensive bureaucracy.”

What does it really mean for you?

With a City Manager, we will not have input into what goes into the Market House, unless it is legislated.

Last week, we went to the Bel Air Market to meet with a vendor about what he could bring to Annapolis.

We could not have made that trip nor have any input into the vendors. That would become the CM's responsibility.

It really is about your voice being stifled by someone who is not answerable to you.

What does really it mean for you?

Last week, I received an email from the Heritage community about speeding and the running of stop signs. I forwarded the email to the Police Chief and the Director of Public Works. We set up a meeting and walked the community to see what could be done to make this community safe.

With a City Manager, I could not have reached out to the department heads. I would have had to rely on the CM to make this a priority and then, what would he have done? Would he have directed the department heads to act? To meet with me? What?

It really is about serving our communities and assuring the quality of life we want and expect in Annapolis.

What is Next?

The first responsibility is to have a clear understanding of this petition and what it means for you, the resident, and for our city. There are two sides to every issue and a flip side to every scenario. There is no panacea.

There is an excellent question to ask the candidates: Would you empower the City Administrator/Manager to oversee the executive responsibilities of managing the City?

This City has been accused of getting into things without clearly knowing all of the ramifications of our actions. Let's not make that mistake again!