

THE CITY MANAGER PLAN, THE LATEST IN AMERICAN CITY GOVERNMENT

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Scarcely have we become accustomed to the thought that commission government for American cities, unknown fifteen years ago, has taken a permanent and important place in our municipal development when we hear on all sides discussion of a still newer form called the city manager plan. To judge from present indications it seems not unlikely that the phenomenal spread of the commission form will be repeated in the case of this latest development. It becomes a matter of interest therefore to examine into this innovation in American municipal government and to see what elements of strength and weakness it may show and how it is related to our other forms.

If we regard as the essential characteristics of commission government the union of all powers of the city, legislative and administrative, in the hands of a small body of men, each one charged with the responsibility for the proper administration of one of the departments, we may characterize the city manager form by stating that the immediate duty of directing the administration of the city's affairs is imposed upon a single, professional official chosen by the representative body of the city.

There has been some difference of opinion among students of city government as to whether or not the city manager plan should be regarded as a new form of government as compared with the commission form, as for instance the commission form was new as compared with the old mayor and council form, or whether it should properly be designated as merely a variation of the commission form. Such a controversy is likely to become very unprofitable because there is no hard and fast criterion as

to what is to be considered the most characteristic feature of commission government, nor on the other hand as to what is to be regarded as the final test of the existence in a given city of the city manager plan. If we consider the ultimate distinguishing feature of commission government to lie in the union of all local powers in a single body (and that would seem to be a proper view of the fundamental nature of that form) and if we insist, as do some authorities in matters of city government that only those cities which have a single governing body with managers are to be considered among the chosen few, then we are forced to conclude that the city manager plan is merely a variation of commission government. But on the one hand some writers on commission government and advocates of that form are insistent that one of the fundamental and very praiseworthy characteristic features thereof is the assignment of departments to different members of the commission making them personally responsible for the administration of such departments. If that is one of the tests of commission government, then clearly the city manager plan even though operating with a commission, is a departure from commission government as defined by these writers. On the other hand it is possible to have a city manager in a city operating under the mayor and council form, as was the case in the original general manager city, Staunton, Va., in which case clearly there is no manner of connection between the city manager feature and commission government.

We need not be concerned with the solution of this largely verbal controversy. But it is necessary for the purpose of the examination here undertaken to understand how the terms "commission government" and "city manager plan" which will frequently be employed are used. Whether or not it would be possible to call a city a commission governed city if the work of administration were not divided among the members of the commission, certain it is that that feature is found in all, or at least in virtually all of the so-called commission cities, and it will therefore be considered as a general if not essential attribute.

With regard to the nature of the governing body of the city in which a city manager is to be employed, the matter is not so simple. The first city in this country to provide for a city manager was Staunton, Virginia. There, however, the old mayor and council form of organization was retained. Some other cities since that time have provided by ordinance for the position of city manager without changing their form of government in other respects. The combination of commission government features with the city manager idea was not put into practice until after Staunton had made the first move. Yet certain authoritative bodies concerned with city government exclude from their definition and from the consideration of the history of the city manager movement the city which first employed a general manager, and give credit to Sumter, S. C., as being the first city manager city because it was the first to combine commission and manager.

Now it does not seem quite clear that such a course is justified. The general manager feature as introduced in Staunton and some other cities can show at least some of the advantages claimed for the city manager plan as defined by the authorities mentioned above, for instance the application of the principle of a single administrative head chosen not by the electorate but appointed because of special knowledge and training. It would never do therefore to dismiss this original manifestation of the plan as wholly without merit.

However, it is true that the city manager feature has a better chance of successful application in cities governed by a commission and most of the cities that are adopting the city manager plan now are doing so in connection with the commission feature, which of course retains its superiority over the old form of organization, whether the city manager is provided for or not. In speaking of the city manager plan hereafter therefore we shall have in mind the combination of the commission government and general manager ideas.

A more important question than that of classifying the city manager plan with reference to commission government is the consideration of its merits and defects as compared with that

form and the likelihood of its ultimately supplanting the present commission form entirely.

So much has been written concerning the commission form and its advantages over the old mayor and council form that it will not be necessary to dwell at length on those points. Many of the claims put forward by the advocates of commission government have shown themselves to be well founded. Many others have proven to be vain hopes. But the ever increasing number of cities that are turning to this expedient for relief from unbearable municipal conditions and the apparently entire lack of inclination on the part of cities that have made the change to return to the old form are evidence enough that something worth while has been accomplished.

The substitution of one responsible body for two or more has undoubtedly increased both popular interest and popular control in the commission governed cities. The abolition of wards has helped to eliminate ward politics. The reduction in the number of elective offices has simplified the task of the voter and enabled him to exercise better judgment in the choice of representatives. The emphasis placed upon the importance of applying business principles to city government and the selection in many cases of competent men to places on the commission with a view to profiting by their business experience has in many instances resulted in a decided improvement in the business aspects of the city's government. These are all results to be thankful for and justify the conclusion that commission government has had some very definite beneficial effects on the quality of the government in many cities of this country. Nothing could be gained by a return to the old form at any rate.

But perfection is not to be found in commission government any more than in any other human institution. There were of course prophets of disaster when commission government was first established who predicted a destruction of popular government under so concentrated a form of city administration. Lack of responsiveness to popular opinion, greater ease of domination by the city boss, these and other calamities were foresaid for the new city government. In general, however, we may say

that these were false prophets. It would be hard to find a single city which having changed from the mayor and council form to the commission government form finds its government less responsive or more corrupt than before.

There is, however, evidence of dissatisfaction with the government in certain of the commission governed cities. This it seems may be attributed to two distinct causes. One is a diminution of the popular interest aroused in the affairs of the city by the original campaign for a change of government. The other is the inherent defect from an administrative point of view in the ordinary commission form of government. For the first of these causes there is no remedy except unremitting efforts on the part of the best element in the community to stimulate and keep alive civic interest. Americans are proverbially indifferent to questions of civic importance and act as though a city government should run itself. It was this chronic attitude that was in large measure responsible for the rottenness of city government in this country in former times, and undoubtedly a good part of the success attained by commission government must be attributed to the unusual public interest aroused by the campaign for a change in government. With a definite and more or less permanent end to be attained it was possible to arouse enthusiasm among voters whose civic patriotism was not equal to the routine task of registering an intelligent vote at the perennial elections. This enthusiasm once so aroused had a certain impetus which carried the voters' interest in civic affairs during the years immediately following the change of government. The energy has spent itself somewhat already in a number of the cities and the declining interest of the citizens is being reflected in the declining calibre of the commissioners elected. This result can clearly not be laid at the door of commission government, however, for whatever interest there is can still express itself more effectively through the medium of commission government than through the old mayor and council form.

But the other cause for dissatisfaction with the commission form is more easily removed and has a direct bearing on the question of the value of the city manager plan. As was stated

above one of the distinguishing features of commission government is the partitioning out of the various departments among the commissioners and the charging of each one with the responsibility for the proper administration of his department. The commissioners are, it is true, collectively responsible as a commission, at least in theory, for the entire administration of the city. But in point of fact, both in the minds of the commissioners and in the opinion of the public this collective responsibility is a very secondary matter. The real responsibility is an individual one attaching with regard to each department to the commissioner in charge of that department.

Now this feature of commission government is open to some very serious objections. In the first place the work of looking after the administration of a city department is such that it requires considerable time and attention. This means that commissioners cannot be expected to give their services free. They must be paid a salary therefore as though they were experts in their line. But of course real experts cannot be procured for the salaries offered to commissioners, and if obtainable would not be gotten by means of popular election. The result is that the services of really competent men cannot be procured as heads of the administrative departments and the best that can be hoped for is to secure fairly representative men without special training of any kind for their work. As though to make sure that no specially qualified man from an administrative point of view be chosen to the commission, most commission cities provide that commissioners be elected merely to the commission and then distribute the departments among themselves after election. In this manner five lawyers or bankers or business men might be chosen, instead of having men elected to particular posts with some regard to the diversity of needs to be met. In recent times the tendency seems to be somewhat in the direction of having commissioners run for particular posts, but of course that still leaves us with the difficulties of popular choice of professional administrators. The results of this system are of course the same in commission government as they would be in a railroad corporation which chose a board of directors consisting of corner

grocerymen and then entrust the passenger department to one, the freight department to another and so on.

This brings us to the second fundamental defect of commission government. Even if our municipal electorate were able and willing to be guided in its choice of commissioners solely by considerations of fitness for particular administrative posts, and even if they were willing to provide salaries large enough and terms of office long enough to procure the services of administrative experts, the system would still be open to very grave objections. Administration is that function of government which demands for its proper exercise centralization of power and responsibility. The proposal in the national constitutional convention of 1787 to provide a plural executive was wisely rejected in favor of the single executive plan. The result has been the centralization of the administration of the United States in the hands of the President. Private business everywhere applies the principle and it is a curious fact that advocates of commission government while stressing in their arguments for the new form of government the analogy between the city commission and the board of directors of a corporation fail to take the further step and provide a counterpart for the manager of the corporation. From the administrative point of view an expert manager is much more important for a corporation than an expert board of directors. A railroad corporation might conceivably thrive under a board of corner grocerymen if only it had the proper kind of a manager.

A manager for a city then would not only present the possibility of expert administration, which commission government practically excludes, but it would provide a unification and centralization of the administration which is now wholly lacking. It is true that the work of municipal administration can be roughly classified under five or six different heads more or less clearly defined, but of course these departments cannot work quite independently of each other since their spheres of operation inevitably intersect. The health department must coöperate on the one hand with the education department in the matter of school hygiene. It must work hand in hand with the police department in the matter of executing its administrative orders.

It must consult with the department of public welfare in the matter of housing legislation, public baths, etc. The department of public works must in the same way be guided by considerations of public health, safety and convenience in the provision of water and sewerage facilities, in the construction and maintenance of streets and in the location of public buildings. All of the departments must be in close touch with the city attorney's office if they are not to be involved in legal and constitutional difficulties. Finally the department of finance must have a certain jurisdiction in all the other departments if accuracy and completeness of accounts are to be insured. The instances in which no one city department can properly act alone in matters apparently falling under its jurisdiction could be multiplied without number. In fact the difficulty would consist rather in discovering instances in which any city department could effectively act with entire disregard of all the other departments. Then finally there must be some central authority to act in matters of appointment, discipline and removal of subordinate officials so that the service may be standardized and organized on a proper basis.

Commission government, it is true, might in a measure remedy the evils of administration by amateurs through the appointment of expert officials directly subordinated to the heads of departments, somewhat as the permanent under-secretaries in England provide the necessary administrative experience for the non-professional department heads. But even if that were done there would still be lacking the necessary centralization to insure harmonious coöperation.

That the evils resulting from this lack of administrative centralization are not purely theoretical is evidenced by the complaints voiced by persons actively engaged in the administration of cities as commissioners. The log-rolling tactics, working at cross purposes, duplication of work, gaps in the distribution of functions are features of commission government that are actually encountered and against which those most directly concerned have raised a voice in protest. It is interesting to note that the Houston, Texas has realized the disadvantages from an admin-

istrative point of view of five coördinate department heads and has given to the mayor a degree of authority which is quite unusual in commission governed cities. Indeed it is hard to see how the mayor could be given any more power without practically destroying the very foundation on which commission government rests and returning to the mayor and council form with the single change of a reduction in the size of the council. So-called mayors in other commission cities have felt the very real need of greater administrative concentration.

There must then, it is clear, be a change from the principle of administrative coördination and decentralization now applied in commission cities to a policy of centralization. This is exactly wherein the city manager plan is an improvement over the commission form in the very point in which the latter was weakest, namely, on the administrative side. A general manager chosen by and responsible to the commission would do for municipal administration what the general manager does for business administration. The analogy is close and the soundness of the principle admits of no doubt.

When it comes to applying the doctrines laid down above the matter immediately shows some complications. In private business where the directors of a corporation are directly concerned in a financial way in the success of their corporation the incentive for appointing the best manager available and keeping him as long as possible are evident. There is no need of elaborate safe-guards against improper appointments or removals either with reference to the manager himself or to the inferior officers appointed by him. He knows that he will have to provide an efficient machinery or lose his place. In the case of the city however the situation is different. The only dividends that a city declares are satisfactory municipal conditions and the possibilities of financial gain lie all in the direction of misuse of power. One of the most corrupting influences in our politics has been the abuse of the power of official patronage. An authority in matters of municipal government has pointed out what a glorious opportunity the city manager plan would afford for the city boss. If he can control the election of the commissioners,

and have himself or a tool of his selected as manager the very advantages of the city manager form become opportunities for an absolute and strictly legal control.

Administrative efficiency demands the greatest possible freedom in the manager's power of appointment, discipline, and removal. Public protection against corrupt politicians demands a limitation of those powers. Between these two opposing principles the proper path is not easy to find. It is clear, however, that until we have progressed much farther than we are at present in the development of a sound public opinion with regard to public offices some sort of civil service merit rules must be applied especially to city manager cities, in order to guard against the danger of machine control.

While the danger of abuse of the administrative power of appointment and removal for party or selfish purposes constitutes perhaps the most serious danger of the city manager plan, it is not the one which will be so viewed by the general public. That word of universal taboo in this country, that anathema of the political demagogue, "undemocratic," has already pointed its reactionary and destructive finger at the new development. It is claimed that it is "undemocratic" to lodge all administrative power in the hands of a single individual even though he be appointed and removed by the elected representatives of the people and though his administrative powers be circumscribed by civil service merit regulations. It takes but little thought to show that a city manager thus at the mercy of the commission will have to make good with the electorate through energy and efficiency coupled with the necessary amount of tact if he is long to retain his position. He is, it is true, once removed from the improper political pressure brought to bear by a discontented minority whose personal interests are interfered with by an impartial and vigorous enforcement of the law. But who will say that the barrier thus set up against illegitimate influence is not a salutary one, or, that the evident will of the law abiding decent element in the community cannot make itself effectively felt against the retention of a manifestly undesirable city manager. Democracy need fear no setback through the intro-

duction of this new form of administration; and efficiency; so long absent from the councils of democracy; can come into her own at last.

Finally, the question has been raised whether or not the city manager plan, even if adapted to cities of medium size, could be made to work well in our largest cities of a million inhabitants and over. So far as some of the commission features are concerned there would seem to be some real need of modification. So for instance it is a fair question whether a commission of five, the usual number of representatives in commission cities, would be satisfactory for these larger cities. The principle of efficient administration is well served by a small governing body whether the city be large or small. At the same time it is well to remember that city government, though much more largely business than is state or national government, is not without its important legislative problems in matters of municipal policy. For these matters it is desirable to have an adequate representative body and no doubt the commission might well be doubled or trebled over its normal size for the largest cities.

Closely connected with the matter of the size of the commission in our largest cities is the question of general ticket or district election. The practice of election on general ticket presents increasing difficulties the larger the area of election, since the labor and expense of conducting a campaign are greatly augmented. But aside from that, it seems unquestionable that some of our largest cities are made up of several geographic divisions which really have rather distinct needs and whose interests would perhaps better be conserved by a representative body in which these geographical divisions as such have representation.

These questions, however, as was stated above, are not connected with the general manager features of city government. There is no reason why the efficiency of management should be destroyed by departing from the principle of a single administrative head in cities. This principle is fundamental whatever the size of the city, indeed it may be said to increase in importance with the size and consequent complexity of the administrative service. There may be a need of an assistant city manager or

even of more than one, as in the largest German cities there are three burgomasters, but a single manager must still remain the head of the service.

Predictions are of course dangerous and it would be folly to attempt a prophecy as to the spread of the city manager plan in this country. But if we may conclude from the rapidity of the spread of commission government that the American municipal electorate has at last awakened to a realization of the importance of improving the machinery of city government, it seems safe to conclude that the superiority of the city manager plan over the ordinary commission government will not be any slower to receive recognition than were the merits of commission government over the old mayor and council form.

LEGISLATIVE NOTES AND REVIEWS¹

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Special Municipal Corporations. During the past few years there has been a significant increase in the number and diversity of municipal corporations, and the creation and development of interesting political units seems to be only in its infancy. A municipal corporation is a public corporation, created by competent governmental authority, for political or economic purposes, and possessing subordinate and local powers of legislation. The three distinguishing characteristics of a municipal corporation are a contiguous, fairly compact and accurately defined territory, a separate corps of administrative officers, and adequate power to carry an enterprise to completion and to collect taxes to provide the necessary revenue. The most obvious examples are counties, townships, cities, towns, villages and school districts. The inadequacy of these arbitrary political subdivisions to effectually discharge the obligations imposed by an increasingly complex community life, has led to the creation of special municipal corporations of greater flexibility and with more homogeneous interests.

The constitutionality of the laws creating such additional administrative areas has been attacked. In 1911, the state of Washington provided for the establishment of a port district at Seattle and the development of harbor improvements and terminal facilities. This law was upheld in *Paine v. Port of Seattle, et al.*, 126, p. 628, on the theory that the legislature may constitutionally create other municipal corporations than cities, towns, counties and school districts. To guard against any adverse contingency, Texas will submit a constitutional amendment to the people on July 19 of the present year which is de-

¹ The aim of this Department of the REVIEW will hereafter be to furnish notes of legislation of special significance to political scientists, and annual reviews of legislation of a distinctively political science character. Such subjects as constitutional amendments, nomination and election of public officers, legislative processes including direct legislation, executive and administrative changes, judicial reform, and the relation of state to local government and to the federal government, will be emphasized.