

Study Guide for Update of some City Government Positions March 2009

Current San Diego LWV positions on Council, Mayor, and City Manager

Mayor: The Mayor, as political and legislative head of the City, should develop an annual legislative program. The Mayor should remain a member of the Council. He/she should have the authority, in conjunction with the Council, to hire, fire, and give policy instructions to the City Manager. He/she should have salary and staff commensurate with full-time responsibilities. ('95) The Mayor should be involved in the planning of the budget from the beginning of the budget process. (00) In the event of a vacancy in the office of Mayor, a special election should be held if the vacancy is for a year or more. ('83)

City Council: Council members should be nominated and elected by districts; they should have salaries and staff commensurate with full-time responsibilities as the city's legislative and policy-making body. Council should have the authority to hire, and fire and give direction to the City Manager. ('95) In the event of a vacancy on the Council, a special district election should be held if the vacancy is for a year or more. If the vacancy is for less than a year it should be filled by appointment as provided in the City Charter. ('83)

City Manager: The City Manager should be appointed by the City Council and should be responsible for the enforcement of laws and ordinances, for preparation and execution of the budget and for the flow (though, not the control) of information to the Council. The City Manager should receive policy instructions from the Mayor and Council ("95

Introduction

Our current League positions on Mayor, City Council and City Manager do not address the changes in the structure of San Diego City Government that occurred with the passage of Proposition F, in 2004, hence the need to consider an updating of them. The trial period of five years, unless the voters call for an election before then, created a mayor- council (strong mayor) form of government for San Diego.

Under this form of government, the relationship between the Mayor and the Council changes. With the Mayor no longer a member of the Council, the Council must select someone to preside over and to set the agenda for its meetings and to appoint its committees.

There is no City Manager to report to the City Council. The Mayor is now the city's chief executive officer and assumes the responsibilities of a city manager in running the everyday affairs of the city. The Mayor may appoint a chief administrative officer (CAO) to manage the day-to-day running of the city for him with the approval of the City Council, but the administrator reports to the Mayor and can be dismissed by the Mayor.

Supporters market a strong mayor government as a cure for a city's ills. They say that having executive authority to manage day-to-day operations of a city will produce accountability to its citizens because the mayor is elected not appointed as is a city manager.

In our update study, we have researched some of the methods and philosophies of strong mayor-council governments in place in other cities and we have been following the strong mayor-council government in San Diego to learn how it is operating and whether it could operate better.

We have not been delving into the solving of the financial problems, or pension problems of the city. Our purpose has been to review processes that are taking place as the Mayor and Council deal with the overall management of a city under a strong mayor-council government. We are attempting to find a way to encourage adequate openness, accountability, and public involvement in the way our city is being managed. In order to do this it may be advisable to examine some of the criticism that has been aired during the last three years of strong mayor government.

Mayor

San Diego is not an isolated case in its change to a strong mayor form of government. Many large cities are changing or trying to change from the council-manager form of government to the strong mayor with CAO form of government. There are several reasons for this according to the *National Civic Review*. First, the mayor becomes an important asset to cities as the “center of energy and public leadership and the focus of responsibility for policy and performance.” Second, the CAO adds professionalism to the managerial system while preserving the separation of powers in a strong mayor government.

The degree of tension between a mayor and a city council varies from city to city. It sometimes depends upon the personality of the strong mayor currently in office and sometimes upon whether the council members represent specific districts or are elected at large. In one city considering changing from city manager to strong mayor, it was suggested that the mayor continue to be present at city council meetings. This way the council members could still have direct access to the opinion of the mayor and he/she to the reasoning and debates on issues of the council. Under this arrangement the mayor would be accessible to hear comments from the public as well. Some say that this involvement would not be good use of the mayor’s time.

It is probably not surprising that a citizenry that has had its mayor available at the city council meetings for many years is somewhat uneasy when they no longer have a mayor dealing with city business in a public venue. There is a feeling that the public should be able to air their concerns face-to-face with the mayor as they do with council members. Mayors in some cities try to deal with this issue by having what they call an “open door” policy which allows the public some type of personal access to the mayor.

It is generally thought that strong mayors use information strategically and selectively. In other words, a strong mayor can marshal facts and figures to support his thinking and suppress or discredit contrary views arising from civil servants.

A lack of transparency and openness is one complaint that has been made regarding the San Diego Mayor’s office. It is not always clear what is meant exactly by those terms, but some point out that not allowing San Diego city employees to speak to a reporter without permission from the Office of the Mayor is not being very open. That regulation was explained by a spokesman of the Mayor as wanting to be sure that comments from city personnel reflect the philosophy of the Mayor.

Another issue that has risen with the Mayor becoming responsible for the duties of City Manager is Council members complaining that they pass legislation, but have to rely on departments to carry it out that now are supervised by the Mayor's office. One news report touched on this when telling of the Council voting for a project that the Mayor's office then had decided not to implement. It was difficult for the Council committee to get the department head involved to come talk with them and when he appeared he did not have information with him to justify the decision to drop the project nor why they hadn't been notified of the decision.

With a strong mayor, politics can enter the picture. Keeping politics under control can be difficult. Political advisors vie with bureaucratic managers for the mayor's ear. Political operatives question the probable consequences of the decisions put forth by the administrators who were hired by the mayor for their business and administrative skills. San Diego's first Chief Operating Officer said in an exit interview in 2007, that she originally thought a mayor's office could make decisions solely on its operations and management, but soon learned that every decision had to be made through a political filter.

It has been suggested that criticism similar to that surrounding the office of mayor could have been made about some San Diego city managers.

City Council

In strong mayor cities, the city council sometimes struggles to define its role and relationship with the mayor and to determine its responsibility to the public who elected both the council and the mayor. In San Diego when the Mayor was a member of the Council he/she had one vote as did the other members. As strong mayor, the Mayor is no longer a part of the City Council, is not required to attend City Council meetings, and can veto legislation passed by the Council. The Mayor prepares a city budget that the Council votes on. The Council has a budget analyst to help it with consideration of the budget the Mayor proposes. When the mayor was a member of the council he/she presided over the meetings. At present, the Council elects a president who presides at its meetings, who sets the agenda/docket for the meetings and who appoints Council committees.

A question that may arise when a city changes to an executive mayor (strong mayor) form of government is whether an equal balance of power is desirable between the mayor and the city council? And if so, can it be made to happen?

There are several philosophies as to what helps make a council strong. Some think that it is having the setting of the agenda/docket readily available to all of the council members and not just in the hands of the council president. Others feel that a strong council president means a strong city council and to assure that, the president must have control over which of the issues go onto the docket and when they will appear.

A result of the strong mayor as chief executive officer assuming the duties formerly held by the city manager means that the strong mayor forfeited the position of setting the city's legislative agenda. It is feared by some San Diego Council members who want the Council president to maintain control of the docket that changing the rules to allow Council members easier access to getting items on the docket could shift power to the Mayor who could persuade friendly Council members to put the Mayor's agenda on the docket. The balance of power could be lost.

There is a difference of opinion among current San Diego Council members as to who should control the docket and why. They are presently debating this.

Steve Erie, one of the authors of Proposition F has been quoted as saying that the position of council president will become more powerful as time goes on but the one year term of the presidency in San Diego and the general term limits of city officials will curb the potential power it has.

Los Angeles and Fresno councils elect the council president for two-year terms with reelection permitted. Some other cities choose to rotate the presidency annually among the members. Whether San Diego's Council might benefit from other than the current one-year term with reelection permitted of the Council President is not clear.

A city council sometimes is seen as a platform to advocate for the community. In order for a council to do this well one element that is desirable is good communication between the council and the mayor.

Some San Diego City Council members have pointed out that the Council cannot do a good job of advocating for the public if it receives information on issues from the Mayor's office at the last minute or not at all. They feel this is especially crucial at budget time. The Independent Budget Analyst also has said that her office needs to receive budget information far enough in advance so that she can adequately advise the Council on budget proposals.

Whether the Council is strong or weak may not depend upon the form of government. It may depend upon how it interacts or doesn't interact with the office responsible for the budget and the day-to-day affairs of the City be it mayor or city manager.

Chief Administrative Officer (CAO)

Chief administrative officer is a new office in San Diego city government.

Cities with strong mayors usually have a person appointed to handle the day-by-day operations of the city. There are some cities that continue to identify this position as city manager, others use the title chief administrative officer (CAO). Some, including San Diego use the title chief operating officer (COO). The COO in San Diego is appointed by the Mayor with the approval of the City Council. The Mayor has the authority to dismiss the COO at will. Currently there is nothing in the San Diego City Charter requiring professional qualifications for the position nor defining responsibilities or authority connected with it as there was for city manager.

The CAO/COO is not the chief executive but is a professional administrator who is accountable to the mayor. However, the responsibilities of the CAO/COO in strong mayor forms of government have not been clearly delineated in the literature. For example, the duties of the CAO/COO may include any of the following: providing assistance to the mayor in filling executive responsibilities, assisting in the preparation of the budget, providing central coordination of administrative functions, contributing to sound governance and professional leadership, basing policy and service delivery on need rather than demand, controlling and supervising the merit system, and attending City Council meetings when possible.

A primary argument criticizing the mayor-council with CAO/COO form of government is that the CAO/COO can be hired merely for his or her political connections to the mayor.

However, a mayor must consider the quality of the CAO/COO's management skills in achieving a highly functioning government. When a mayor has to choose between hiring a friend or ally versus an experienced, professional manager, one may not assume that every mayor will make the same decision about which choice is preferable.

An advantage of the mayor-council with CAO/COO form of government is that it is a flexible, powerful adaptation of the reform model to large city, strong mayor systems. The mayor has the ability to adjust the CAO/COO's position to suit his political and personal needs but with a professional administrator in the management role.

The stated mission of the San Diego Mayor and COO is to provide a fiscally sound, effective government that is responsive and dependable; a safe, well maintained, and healthy environment; and abundant opportunities so residents and visitors can enjoy the highest quality of life. In addition, through the COO, the Office oversees the City's daily operations and implements initiatives and objectives. The COO also oversees and guides the activities of other members of the executive leadership team.

CAOs/COOs are recognized as having policy. They see administration as their main concern. According to a local academic, there is so little transparency with the current San Diego Mayor that it is difficult to know how much influence the COO has regarding public policy in San Diego.

San Diego's city charter at present does not include the COO's qualifications or responsibilities. There are some cities that have included the CAO position in their charters. For example, Albuquerque, New Mexico's 1974 city charter created a strong mayor-council form of government for the city and included provisions for a CAO. Albuquerque's clarification of the CAO position is probably the clearest currently available example. Los Angeles is another city that includes the CAO position in its city charter. In an interview with the League, Steve Erie offered the view that the public should have access to the COO. He feels that public employees and department heads should not be muzzled. And he said that there should be qualifications for a CAO. It is an administrative job and because of this might justify a description of the duties in the City Charter.

City Manager

There is no longer a city manager in San Diego city government. Whether or not this will become a permanent situation will be decided by the voters in 2010. An amendment to Section 27 of the City Charter which is the section dealing with the office of City Manager states that "Section 27 is super-ceded in its entirety by Charter sections 260 and 265 during the operative period of Charter Article XV. " Charter Article XV is The Strong Mayor Trial of Governance. Responsibilities of the city manager for running the city were given to the strong mayor who is the chief executive officer of the city during the trial period for the strong mayor form of government.

The Public

After electing their government officials, much of the public turns to other things and doesn't get involved until the next election. There are usually special interest groups who do stay involved. This is not always in the best interest of all of the citizens. Various cities have tried to find ways to encourage on-going public involvement in their government. Los Angeles has created official neighborhood groups to bring issues

forward to city government. The results in encouraging this involvement have been mixed. There are some in San Diego, who are suggesting something similar to stimulate public involvement. Currently there are official neighborhood groups in San Diego whose purpose is to advise and work with the city's planning department. Some areas of the city have organized their own town councils to make their concerns known to city government. Political observers say that government is more apt to meet the needs of all the people if there are a variety of active watchdog groups keeping an eye it.

CONSENSUS QUESTIONS

1. How important is it for the Mayor to respond to the City Council in a timely manner?
2. Should the Mayor be required to hear in person the concerns from individual citizens and citizen groups on a regular basis in a public venue?
3. How much power does the San Diego City Council need under the strong mayor form of government?
4. Should the City Council take responsibility for ensuring that legislation and policies that have been enacted are carried out?
5. How should the president of the City Council be selected? Should the Council president control the council's agenda? Why or why not?
6. How much need is there for the qualifications of the Chief Operating Officer to be defined in the San Diego City Charter?
7. How important is citizen participation to ensure good government? If it is important how can it be encouraged?

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