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FLINT CHARTER REVISION COMMISSION ADVISORY REPORT: MAYORAL POWERS

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1. Executive Summary

As a continuation of the Charter Revision Advisory Team’s research delivered in December, this memo continues our look at city charters with a focus on Mayoral Powers. We broke the powers of the mayor into four key types and looked at how the structure of those powers is specified by existing charters in other cities. The four key powers we found to be most important to mayoral function include: appointments, vetoes, executive staff management and duties. To find a useful menu of options on how cities structure these powers within their charters, we looked at cities in Michigan, as well as other states. We looked at cities with different structures of government, including council-manager and those with weaker mayoral powers. We also looked at cities that have a comparable factor to Flint, either by way of size, economic dynamics, or Home Rule state structure as is common in the Midwest.

As introduction to the menu of charter options included in this memo, we wanted to take a step back and highlight something that might be valuable for this process. In determining which of the options for mayoral powers presented here works best for Flint, it would be useful to know what governance goal is the priority value for the city’s new charter. Is it to make the city more effective and efficient? To be more transparent or find ways to improve accountability? In our research for this memo, we spoke with the Michigan Municipal League, Citizens Research Council of Michigan, as well as Gregory Hicks who participated in the Charter Review Commission for the city of Detroit a few years ago. In those conversations it became apparent that having a strategic goal that prioritizes a value the new charter should uphold can help effectively focus revisions. For example, Mr. Hicks noted that the Detroit Charter Review Commission prioritized “democratizing” the city charter. This goal helped them prioritize changes in the new charter, including a ward system from at-large, creation of advisory commissions, and the establishment of a Corporation Counsel to represent the charter and citizens. By determining a value and overarching goal for Flint’s new charter, we can help determine which of the options presented here would most help in achieving that purpose. As outlined in this memo, we have found there are multiple options for each type of mayoral power. Charter language on mayoral powers is deeply dependent on the existing structure of the city government, but there are ways to help limit or create more power depending on what is desired.

Appointments and Removals

Within the topic of appointments and removals three separate sub-power topics exist. For each sub-power, there are options as to how authority may be exercised in accordance with different charter mechanism.

(a) Appointment Processes

Option 1: Mayoral Appointment with Advice and Consent

Option 2: Professional Appointment

Option 3: Split Appointment Authority

Option 4: Elected Administrators

(b) Removal Processes

Option 1: Mayoral Removal

Option 2: Grounds for Removal

Option 3: Joint Agreement for Removal

(c) Qualifications and Restrictions of Appointees

Residency Qualifications

Veto Powers

Generally the Mayor's veto power extends to both ordinary legislation and budgetary concerns. However, cities often differ in their exception to Mayoral veto powers, where several options for veto exemption exist.

Option 1: Redistricting Exceptions

Veto exemptions for redistricting limit the Mayor's ability to unilaterally reject plans for new political boundaries agreed upon by the city council [see Appendix: Veto City 1].

Option 2: Emergency Ordinance Exemptions

Exemptions for emergency ordinances allow for the creation of time or subject-limited lawmaking to be free from veto in specified instances of emergency.

Option 3: Investigatory Exemptions

Investigatory exemptions ensure that the office of the executive can always be investigated by limiting the Mayor's authority to reject ordinances or funding for programs scrutinizing his or her own administration.

Executive Department Organization and Management

Option 1: Mayoral department management with council approval

In this option, the mayor is given authority to combine, separate and eliminate executive departments as is useful for the operation of the city, as long as it does not impinge on other laws. [See Appendix: City 1, 4, 6]

Option 2: Mayoral department management with less council involvement

The mayor chooses the director for each department of the executive branch who is then able to manage and make subsequent decisions about the department. This option requires less direct approval and oversight from the city council. [See Appendix: City 2, 7, 8]

Option 3: City Manager oversees executive department decisions

In this option, the mayor and city council, or only the city council, appoint a professional city manager who acts as chief executive of the city. The city manager then has the authority to appoint city employees and department heads as he/she deems fit. [See Appendix: City 3, 5]

Analysis

For many municipalities with an existing strong mayor form, charter stipulation that provides greater approval, oversight and control of executive department positions could be a helpful option. By ensuring that there are checks and balances provided by greater involvement in other elected officials, the likelihood for problematic appointments is lessened.

Duties

In much of our research, we found that the city charter grants sole responsibility to the mayor to prepare and administer the annual budget for a city. [See Appendix: City 1, 4, 6, 8] Another option was to outline responsibility of the annual budget to additional named individuals. For example, requiring the annual budget to be created by the mayor with the budget and planning and development directors. [See Appendix: City 2] In the council-manager governments, the city manager is in charge of preparing the annual budget. However, the charter typically explicitly names other city departments that should be involved in the process, including the budget director. [See Appendix: City 3, 5] Another model outlined a unique budgeting approach, which included the finance director providing quarterly updates on the state of the budget to the mayor and city council. [See Appendix: City 7]

Analysis

The preparation of an annual budget and management of it are one of the most critical duties a mayor can hold. Many city charters seem to acknowledge the importance of this role by explicitly requiring the budget to be prepared by the finance director and other individuals with an intimate and professional knowledge of the city's financial position. Additionally, cities requiring more frequent budget reporting are providing an ability to manage their finances more closely, which may be of use to cities suffering from financial issues.

2. Appointments and Removals

The authority to appoint and or remove officials of the executive and administrative branch (with or without restriction) is one of the most substantive ways an elected mayor can ensure the execution of his or her mandate for governance on a day-to-day basis. Within the topic of appointments three separate sub-power topics exist: (a) the process of appointment, (b) the process of removal, and (c) qualifications or restrictions of appointed personnel. For each sub-power, there are options as to how authority may be exercised in accordance with different charter mechanism. These options, laid out below, span a range of different “forms of government” used across the state and the country, each with their own rationale for good governance.

Before moving to analyze the options within our three topic areas, the role of the Chief Administrative Officer (or City Administrator in the case of Flint) must be discussed as it pertains to the appointment and removal process. Flint is one of the few Michigan cities to follow a national trend toward professional-political partnership in municipal organization through the provision of a City Administrator under a strong mayor. The Chief Administrative Officer position is now common in many American cities, exemplified by the role of the Business Administrator (head of the Department of Administration) in Newark, the Executive Assistant (principal assistant in the Office of the Mayor) in Lansing, the Chief Administrative Office (head of the Administrative Office) in New Orleans, and other similar positions in New York City, Philadelphia, and other large cities. In most cases, the Chief Administrative Officer assumes authority for the appointment and removal of department heads following his or her own appointment; however, many city charters also provide a mechanism for the mayor to relieve the city administrator of their supervisory responsibility over department heads with or without city council consent. In other systems, the Mayor may approve the hiring and firing of department heads selected by the Chief Administrative Officer. In all cases, the relationship between Mayor and Chief Administrative Officer is commonly understood to function as a partnership of political and professional expertise, and the existence of a good working relationship between the two is essential to effective governance. With an understanding of the Chief Administrative Officer position, it is now possible to discuss the various options for appointments, removals, and appointee restrictions in Flint¹.

2(a): Appointment Processes

Option 1: Mayoral appointment with advice and consent

Under a system of mayoral appointment, most if not all of the administrative and executive officials in city government are appointed directly by the mayor, with or

¹ See “Charter Revision Handbook” from the Michigan Municipal League for a more extensive background on mayoral powers and the values systems behind forms of government. http://www.mml.org/resources/publications/ebooks/charter_revision.htm

without a simple majority approval of the city council. Appointments typically fall into the following two categories:

- i. Administrative Leaders
 - a. Chief Administrative Officer (when applicable), professional dept. heads
- ii. Political Personnel
 - a. City Clerk, Attorney, Treasurer, Assessor, and Investigatory Personnel

Under a system of mayoral appointment, the Mayor is almost always solely responsible for appointing all of the city's administrative leaders, with the City Council serving an "advise and consent" role to ensure the qualifications of the Mayor's selections. Political Personnel, such as the city attorney, treasurer, clerk, and others, are also appointed by the mayor under a pure version of this system, although most cities use a hybrid model for positions which work extensively on behalf of the administration [Appendix: City 1].

The Mayoral Appointment systems ensure the Mayor's dominance of the executive branch, and provide an effective vehicle for the implementation of policy leadership from the office of the mayor, with the ancillary benefit of clear lines of authority and accountability to an elected mayor whose performance is reviewed through the electoral process. By tying the city's administration directly to the elected executive, citizens gain a clearer referendum on the apparatus of city governance every four years through mayoral elections. There is little room to dodge accusations of incompetence in administration when all appointees report to a single office.

Option 2: Professional Appointment

In this system, top appointees are hired similarly to civil service employees, commonly by the office of personnel or by a Chief Administrative Officer formerly appointed by the mayor and/or city council. In most cases, this also involves the City Council in an advice and consent role, and may reserve some "Political Personnel" like the City Attorney or Clerk for the Mayor or the Council to appoint. Additionally, most Professional Appointment systems contain a mechanism for the Mayor to assume the Chief Administrative Officer's supervisory role over certain departments if seen fit. In this case it will be the Chief Administrative Officer, and not the Mayor, who presents candidates to the City Council for approval [see Appendix: City 2, 3].

The advantages of a Professional Appointment scheme come from the insulation of "professional" appointees from political systems. In some cases a credentialed city administrator may be better able to supervise the complex technical duties of professional department heads than the elected mayor through training in success metrics and management techniques, providing for the division of political and professional responsibility within the executive branch. Such a system also provides for clear lines of authority, but perhaps not as clear as those under a Mayoral Appointment system.

Option 3: Split Appointment

In many cities, different appointments are made or approve by different elements of government. In some cases the nature of the position determines its appointer, while in

others it appears that appointments are split or shared to check or balance the power of different elements of the government. The most popular rationale for splitting appointments seems to be through analysis of the position's duties to determine which body the appointee most often serves. For instance, the City Clerk (normally responsible for documenting the work of the City Council and administering elections) is often appointed by the Council or Council and mayor under a hybrid system. In contrast, the Chief Administrative Officer of the city depends on a strong working relationship with the Mayor, and is thus normally appointed by the executive branch after demonstrating certain credentials to the City Council (described below). In other cases, split appointment powers call for the City Council and Mayor to agree on all appointments, including those of department heads, which would normally be left to the Mayor's discretion under another system.

While splitting appointment authority between the Council and Mayor can insure broad agreement on the final makeup of the administration, it also risks blurring lines of responsibility. In some cases it is worthwhile to sacrifice a clear line of authority to allow for more stakeholders to participate in the appointment process, with the goal of ensuring that the final candidates are fully qualified for their position on a case by case basis.

Option 4: Elected Administrators

Finally, under a system of elected administrators, several top administrative posts normally appointed by the mayor, council, or chief administrative officer, are instead installed by election [see Appendix: City 4]. In this example, the City Attorney, Treasurer/Tax Collector, and Assessor are elected like the Mayor and Council, ensuring accountability to popular will. However, this system is rare, and usually only seen in very large cities where qualified candidates for specialized positions can be found and expected to run for political office.

2(b): Removal Process

Option 1: Mayoral Removal

Just as under the Mayoral Appointment option for appointments, under a Mayoral Removal system the Mayor has the ability to remove appointees at will. These two systems typically compliment each other, and provide the executive branch with full autonomy over the mechanism of day-to-day administration. Lines of authority here are as clear as possible, and allow a mayor a wide berth to implement his or her policy objectives [see Appendix: City 5, 6]. However, a Mayor-dominated system runs the risk of creating harmful incentives for professional officials. For instance, when the Mayor unilaterally controls the removal process, appointed officials may be more likely to focus of his or her political priorities and not those of the office itself, telling the Mayor what they want to hear instead of what they need to hear. An effective Mayor can use this pressure to achieve results for the city, but a less qualified executive may cause a culture of patronage in place of outcomes.

Option 2: Grounds for Removal

In a “Grounds for Removal” system, a governmental entity such as the city council or Mayor may initiate a removal process for any appointee with cause. Most charters outline several grounds for removal including lack of qualifications, negligence or neglect, ethics violations, or any violation of state or local law. In some cases, grounds for removal are waived for a certain period of time following appointment, allowing the appointing body to remove any appointee without cause during the first several months of their tenure [see Appendix: City 7]. Establishing a set of grounds for removal able to be invoked by any entity provides for a check on appointment ability, but risks paralyzing governance if abused. Many cities attempt to strike a balance by drawing out the review period for removal or requiring some type of Joint Agreement for removal as described below.

Option 3: Joint Agreement

Joint agreement for removal of appointed officials usually requires a majority or supermajority of council members to agree with the Mayor in deciding to remove an appointee from office. Under such a system either side can initiate the process of removal, forcing the other to respond with either a vote or decision. This system can be used to ensure the impartiality of an appointee who deals with both the executive and legislative, as neither can remove him or her without overwhelming consensus from both branches [see Appendix: City 8].

2(c): Qualifications and Restrictions

Option 1: Residency Qualifications

Charters differ on the existence or duration of residency qualifications for appointed officials, but the most common aspects are as follows:

- i. Appointee must establish residency within the city within 3-6 months of assuming office
- ii. Appointee must be a registered elector of the city at the time of appointment, or a resident of the city for a determined amount of time prior to appointment.
- iii. No residency requirements for appointed officials

In establishing residency requirements, charters attempt to balance the need for familiarity with the community with the Mayor or Council’s ability to recruit and appoint the most qualified personnel for tasks that are often highly technical and complex. Most cities opt for (i), establishing a residency requirement to take effect only after the appointee has been installed. Some positions requiring top credentials which would benefit from a nationwide talent search (such as the office of Chief Administrative Officer or other technical roles) many benefit from a more lenient requirement, whereas those requiring specialized knowledge of the area and the intricacies of its politics (such as City Clerk or Ombudsman) might be better served by a requirement that ensures regional familiarity. Acknowledging which positions would be best served by which requirements allows for flexibility in the use of residency as a restriction on appointments.

3. Veto Powers

The power of an elected mayor to veto decisions of the legislature is a defining power of the strong mayor systems, and is also seen in many hybrid forms of government. Generally the Mayor's veto power extends to both ordinary legislation and budgetary concerns, where he or she drives most of their budget-setting power from the ability to veto line items within the document. However, cities often differ in their exception to Mayoral veto powers, as described below:

Option 1: Redistricting Exceptions

In an effort to provide for impartiality in the drawing of political boundaries, charters can explicitly restrict the veto power of the mayor over the drawing of political wards in the city [see Appendix: City 1]. In such cases it may be prudent for the Mayor (who is elected city-wide in most systems) to be divorced from the redistricting process, which affect the councilmembers as representatives of their individual wards.

Option 2: Emergency Ordinance Exemptions

Most city charters, including the Flint Charter, provide for "emergency ordinances" in crises of public health or wellbeing, which are restricted from taxation or indefinite effect. For such ordinances, the mayor normally foregoes his veto privilege as a matter of expediency so that the council's action may take effect immediately without the typical review period. When such ordinances are time limited, a restriction on the Mayor's veto power can save precious time in an emergency. However, such exemptions run the risk of divorcing the executive and administrative branches from crucial policy making decisions in crises, thus such exemptions are often clearly relegated to extraordinary emergency circumstances

Option 3: Investigatory Exemptions

Exemptions from veto authority for investigation into the office of the executive cover both legislative and budgetary vetoes, providing the council with a mechanism to scrutinize the power of the mayor and city administration even in opposition to the wishes of the executive branch. Such exemptions provide the authority for an independent council to check and balance an executive which benefits from many privileges under most models of municipal governance.

4. Executive Department Organization and Management

Closely related to appointment powers, the ability to oversee and manage the executive branch as a chief executive officer is another mayoral power we researched. The form of government in a city influences this power greatly, as before mayoral executive powers are enumerated in a charter the differences between council-manager, mayor-council, and other municipal government types matters.

In a council-manager government, it is common for the city manager to hold the majority of power for the executive staff. The city manager can choose who to appoint and when to remove heads of departments. In this government form, the city council will have oversight and authority to make decisions about the organization and what departments the city has.¹

In a mayor-council government, the mayor often has the ability to make decisions about executive staff from appointments, organization and termination. The differences emerge by how strong or weak the mayor's powers are. In the case of weak mayoral powers in the charter, the city council may have greater authority to approve, monitor and remove members of the executive staff.²

Our research explored a few specific options for executive department organization and management:

Option 1: Mayoral department management with council approval

In this option, the mayor is given authority to combine, separate and eliminate executive departments as is useful for the operation of the city, as long as it does not impinge on other laws. City council provides approval and oversight. Additionally, the mayor can recommend the establishment of additional departments to city council, which the body would need to formally allow by ordinance. Or, the mayor can create or privatize departments directly. [See Appendix: City 1, 4, 6]

Option 2: Mayoral department management with less council involvement

The mayor chooses the director for each department of the executive branch who is then able to manage and make subsequent decisions about the department. This option requires less direct approval and oversight from the city council. [Appendix: City 2, 7, 8]

Option 3: City Manager oversees executive department decisions

In this option, the mayor and city council, or only the city council, appoint a professional city manager who acts as chief executive of the city. The city manager then has the authority to appoint city employees and department heads as he/she deems fit. It is possible for the council to then have authority to remove any incompetent department heads, but one charter we reviewed explicitly limited the council's ability to make any removals. [See Appendix: City 3, 5]

Analysis

For many municipalities with an existing strong mayor form, charter stipulation that provides greater approval, oversight and control of executive department positions could be a helpful option. By ensuring that there are checks and balances provided by greater involvement in other elected officials, the likelihood for problematic appointments is lessened.

5. Mayoral Duties

Another key mayoral power of consideration is the outlining of specific duties, in particular if and how the mayor's budget responsibilities are addressed. In this arena, again the differences in form of government are a major influencer of how mayoral duties are enumerated.

In council-manager municipal governments there is less variety in the specific duties outlined as most duties have been given to the city manager. Budget duties in particular are delegated to the county treasurer through the appointment and oversight of the city manager.

In mayor-council municipal governments there is greater variety since cities are able to establish a system that works for their comfort with shared powers. Some charters do not have very much explicitly outlined as mayoral duties and some do not include as much budget detail as might be helpful.

Our research explored a few specific options for mayoral duty charter stipulations:

Budget options:

In much of our research, we found that the city charter grants sole responsibility to the mayor to prepare and administer the annual budget for a city. [Appendix: City 1, 4, 6, 8]

Another option was to outline responsibility of the annual budget to additional named individuals. For example, requiring the annual budget to be created by the mayor with the budget and planning and development directors. [Appendix: City 2]

In council-manager governments, the city manager is in charge of preparing the annual budget. However, the charter typically explicitly names other city departments that should be involved in the process, including the budget director. [Appendix: City 3, 5]

Another model outlined a unique budgeting approach, which included the finance director providing quarterly updates on the state of the budget to the mayor and city council. [Appendix: City 7]

Other outlined duties:

Beyond annual budget reporting, charters outline many other mayoral duties. Of the research we completed, we found two other provisions to be commonly used:

- The mayor is “conservator of the peace” and in one charter the responsibilities even explicitly include riot control. [City 1, 2, 3, 6, 8]
- The mayor is named as the primary enforcer of all laws and ordinances. [City 1, 7,8]

Analysis

The preparation of an annual budget and management of it are one of the most critical duties a mayor can hold. Many city charters seem to acknowledge the importance of this role by explicitly requiring the budget to be prepared by the finance director and other individuals with an intimate and professional knowledge of the city's financial position. Additionally, cities requiring more frequent budget reporting are providing an ability to manage their finances more closely, which may be of use to cities suffering from financial issues. The Citizens Research Council of Michigan wrote of Detroit's charter revisions a few years ago that, "a different approach to addressing [budget problems] would be for the Mayor to require the Budget Department to make more frequent surplus/deficit estimates and to share that information with City Council, to hold or reject personnel and purchasing requisitions as necessary to control expenditures, and to seek City Council approval for deficit reduction measures on the appropriate fund basis."³

6. Appendix

Charter Language

1. Appointments and Removals

Hamtramck [City 1]

Chapter 5 - Appointed Department Heads, Boards, and Commissions

...

(f) All appointed department heads shall be appointed by the city manager, subject to approval by a majority vote of the council- and mayor-elect. "Department head" shall mean the city clerk, city treasurer, police chief, fire chief, city controller, city assessor, city attorney, and such other department heads as may be established by ordinance.

...

(i) The appointing authority shall have the power to fill any vacancy, caused by his removal of a department head or member of a board or commission. This appointment shall be in the same manner that is defined by this charter regarding appointing department heads, and board and commission members.

Lansing [City 2]

Chapter 2. EXECUTIVE STAFF

4-201 Executive Assistant To The Mayor

1 The Mayor shall have an Executive Assistant who shall perform such duties and functions as may be required by this Charter or directed by the Mayor for the efficient operation of administrative services and functions.

2 The Mayor may direct the Executive Assistant to act on behalf of the Mayor with other officers of the City for the purpose of coordinating departments, the development of the budget, communication with City Council, and in carrying out the ordinances and policies of the City.

3 The Executive Assistant shall be appointed solely on the basis of the person's ability to exercise the powers and perform the duties conferred upon the Executive Assistant pursuant to this Charter, or which may be assigned to the Executive Assistant by the Mayor. This ability shall have been demonstrated by relevant executive or administrative experiences in a federal, state or municipal government or by equivalent experiences in a field other than government.

4 The Executive Assistant shall be appointed by the Mayor and shall serve at the pleasure of the Mayor.

New Orleans [City 3]

Section 4-106. Appointment and Removal of Department Heads.

(1) The City Attorney shall be appointed and may be removed by the Mayor.

(2) All other department heads shall be appointed and may be removed by the Chief Administrative Officer with the approval of the Mayor, except where other appointing authority is designated by this Charter or by applicable State law.

(3) No appointing authority shall appoint any person in the unclassified service until satisfied by proper investigation that the person to be appointed is of good moral character and is fully qualified by experience or ability properly to perform the duties and execute the functions assigned to the position.

San Francisco [City 4]

ARTICLE VI: OTHER ELECTIVE OFFICERS

SEC. 6.100. DESIGNATION OF OTHER ELECTIVE OFFICERS.

In addition to the officers required to be elected under other Articles of this Charter, the following shall constitute the elective officers of the City and County: the Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff and Treasurer. Each such officer shall be elected for a four-year term and shall serve full time.

The City Attorney shall be licensed to practice law in all courts of the State of California and shall have been so licensed for at least ten years next preceding his or her election. The District Attorney and Public Defender shall each be licensed to practice law in all courts of the State of California and shall have been so licensed for at least five years next preceding his or her election. Such officers shall not engage in the private practice of law during the period they serve as elective officers of the City and County.

Subject to the powers and duties set forth in this Charter, the officers named in this section shall have such additional powers and duties prescribed by state laws for their respective office. The terms of office in effect for these officers on the date this Charter is adopted shall continue.

Dearborn [City 5]

Section 10.2. - Duties of the mayor.

The Mayor shall be the Chief Executive Officer of the City. The Mayor shall be the conservator of the peace and shall exercise within the City, the powers as necessary for the preservation of the public peace, health and safety of persons and property. The power and duties of the Mayor shall include the following:

...

(b) Appointment and removal of appointive officers and members of multi-member bodies except as otherwise provided for in this charter or by law. The appointment of the person as Corporation Counsel shall be subject to the confirmation of the Council;

...

(i) Ensuring the efficient administration of all departments and functions of the city government not under the jurisdiction of any other elected official; or the Civil Service Commission. The Mayor may create, eliminate, or privatize any administrative department, or any or all of its functions, that are deemed appropriate in order to deliver necessary services and for the city government to function efficiently, with prior approval of the Council, except there shall be a Clerk, Treasurer and Assessor.

Detroit [City 6]

C. Removal of City Appointees.

1. Grounds.

A city appointee who serves at the pleasure of his or her appointing authority may be removed by the appointing authority without cause. A city appointee who is subject to removal for cause may be removed by the appointing authority for:

- a. Lack of qualifications;
- b. Incompetence;
- c. Neglect of duties;
- d. Misconduct;
- e. Pleading to or conviction of a felony;
- f. Violation of this Charter;
- g. Violation of federal or state law;
- h. Violation of any city ordinance, rule, or regulation; or
- i. Any reason under subsections (B)(1) and (B)(2) of this section.

In addition, where a person is appointed to a multimember body, the appointee is subject to removal for cause for habitual non-attendance of meetings as defined in the Body's rules, or as established by review of the minutes from the Body's meetings.

2. Procedure.

A city appointee who is removable for cause may not be removed under this subsection without an opportunity for a hearing before the appointing authority. A copy of the charges shall be furnished at least fourteen (14) days in advance of the hearing.

3. Hearing Rules.

In accordance with section 2-111 of this Charter, each appointing authority shall promulgate procedural rules for removal hearings. Such rules shall comport with procedural due process and shall be in effect prior to any notice or resolution charging the city appointee.

Hamtramck [City 7]

Sec. 5-01 Appointed department heads, boards, commissions; qualifications, removals; filling vacancies

(h) The appointing authority may remove, without assigning cause, except where prohibited by state law, any department head or member of any board or commission who by the terms of this charter or ordinance of the City shall be appointed by the appointing authority provided, that for the first ninety (90) days after his election or appointment, the appointing authority may remove such department head, and commission or board members only for cause.

Detroit [City 8]

Sec. 7.5-201. Law Department.

The Law Department is headed by the Corporation Counsel who is the duly authorized and official legal counsel for the City of Detroit and its constituent branches, units and agencies of government. The Mayor shall appoint the Corporation Counsel subject to

approval of the City Council. However, if the City Council does not disapprove the appointment within thirty (30) days, it is deemed confirmed.

The Mayor may remove the Corporation Counsel without cause, with a two-thirds (2/3) majority vote of the membership of City Council. City Council may remove the Corporation Counsel, without cause, by a two-thirds (2/3) vote and concurrence of the Mayor. A Mayor occupying the Office of Mayor through succession under section 5-109 (Succession to Office) may only remove Corporation Counsel with cause and approval of one (1) less than the entire membership serving on City Council.

2. Veto Powers

New Orleans [City 1]

Section 3-103. Council Districts.

(2) It shall be the mandatory duty of the Council to redistrict the City by ordinance, which shall not be subject to veto by the Mayor, within six months after the official publication by the United States of the population of the City by precinct as enumerated in each decennial census.

3. Executive Department Organization and Management

Dearborn [City 1]

Section 10.1. Administrative officers. The administrative officers of the City shall be the Mayor, Clerk, Treasurer, Assessor, Corporation Counsel, Chief of Staff, Chief Labor Negotiator and all directors of departments and members of multi-member bodies of the city government. The Mayor, with Council approval may combine any administrative offices and departments, or separate, or eliminate them, in any manner it considers advisable for the proper and efficient operation of the City, except as may be otherwise provided by law.

Section 10.7. Administrative departments. Upon recommendation of the Mayor, the Council may establish by ordinance administrative departments to provide the most effective and efficient services to the community, including, but not limited to: public safety; health and welfare; the maintenance, expansion, and improvement of public infrastructure; financial operations; legal representation; assessment of properties; collection of taxes and fees; community master planning and zoning; redevelopment; historical preservation, cultural and recreational activities; employee/labor relations; and municipal services as mandated by State law.

Section 10.8. Mayoral appointees and directors of departments. Except as otherwise provided in this charter, all appointive officers, other than members of multi-member bodies, and directors of departments shall be appointed by the Mayor. [2007]⁴

Detroit [City 2]

Mayoral Appointments. The Mayor may appoint a secretary and other necessary assistants. Except as otherwise provided by law or this Charter, the Mayor shall appoint for each department of the executive branch a director who serves at the pleasure of the Mayor as head of the department. As used in this chapter, "director" means the administrative head of each department regardless of the title of a particular director.[2012]⁵

Appointment of Deputies. Except as otherwise provided by law or this Charter, the Director of each department of the executive branch may, with the consent of the Mayor, appoint a Deputy. The appointment shall be made and may be revoked without cause by a writing filed with the City Clerk.[2012]⁶

Deputy Mayor. By a writing filed with the City Clerk, the Mayor shall designate a member of the Mayoral staff or the director of a department of the executive branch as the deputy Mayor. The Mayor may terminate the designation without cause by filing a notice of termination with the City Clerk. [2012]⁷

Hamtramck [City 3]

City Manager Sec. 9-18

City manager; appointment; qualifications; compensation The council- and mayor-elect shall, by a majority vote of its total membership, appoint a city manager solely on the basis of executive and administrative qualifications. (a) Powers and duties. The city manager shall be the chief administrative officer of the City. He shall be responsible to the council and mayor for the administration of all city affairs placed in his charge by this charter. He shall have the following powers and duties: (1) He shall appoint and, when he deems it necessary for the good of the City, suspend or remove all city employees and department heads provided for in this charter or by ordinance, except as otherwise provided by law. He may authorize any person appointed by him who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency. (2) He shall be responsible for the efficient administration of all departments of the city government, control and supervise the department heads of the city government that he appoints and their subordinates, and see that all such officers of the city faithfully comply with and discharge their official duties, except as otherwise provided by this charter or state law. (3) He shall attend all council meetings, unless excused by a resolution of council, and have the right to take part in discussion, but shall not vote. (4) He shall see that all laws, provisions of this charter, and acts of the council subject to enforcement by him or by officers subject to his direction and supervision are faithfully executed. (5) He shall prepare and submit the annual budget and capital improvement program to the council. (6) He shall submit a monthly report and shall within ninety (90) days after the end of each fiscal year submit to the council and make available to the public a complete report on the financial operations prepared by the Controller, financial condition, and administrative activities of the City as of the end of each fiscal year. (7) He shall keep the council fully advised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city as he deems advisable. (8) He shall make such other reports as the council may require concerning the operations of the city

departments, offices, and agencies subject to his direction and supervision. (9) He shall be responsible for implementing and maintaining an effective training program for the police and fire departments. Such training shall be reported to council on a semi-annual basis. (10) He shall have the custody and control of all property, books, records, and equipment belonging to the several departments under his control, with the exception of any evidentiary property, records, books and equipment as determined by the discretion of the chief of the police department or the chief of the fire department. (11) He shall perform such other duties as are specified in this charter or may be required of him by the council. (12) He shall be responsible for scheduling and performing maintenance and improvements to all city property. [2005]⁸

Pontiac [City 4]

Staff of the Office of Mayor

The Mayor may, within appropriations provided in the budget, appoint such assistants and secretaries to the staff of the office of Mayor as may be reasonably necessary all of whom serve at the pleasure of the Mayor.

Appointments of Directors; Failure to Act on Appointments

Except as otherwise required by law or this charter, the Mayor shall appoint for each department of the executive branch a director who serves at the pleasure of the Mayor as head of the department. Each appointment is subject to approval by the Council. [1982]⁹

Port Huron [City 5]

Appointment and duties of City Manager

The City Council shall appoint a City Manager who shall be the Chief Administrative Officer and the head of the administrative branch of the city government.

Administrative officers and employees (a) The City Manager shall have the power to appoint and remove, subject to the provisions of this Charter, the City Clerk, City Treasurer, City Assessor, City Attorney, Director of Finance, Police Chief, Fire Chief and such other administrative officers and employees of the City as may be deemed necessary. The City Manager may authorize administrative officers responsible to him or her to appoint and remove subordinates in such department or office. The appointments made by or under authority of the City Manager shall be based on the experience, training and ability of such appointees for the work they are to perform.

City Council not to interfere in appointments or removals

Neither the City Council, nor any of its individual members, shall direct or request the appointment or removal of any person from office or employment by the City Manager or any of his or her subordinates. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service solely through the City Manager; and neither the City Council, nor any individual members thereof, shall give orders to any subordinate of the City Manager either publicly or privately. [2010]¹⁰

Baltimore, Maryland [City 6]

Staff. The Mayor may appoint such persons to aid in the discharge of the Mayor's duties as provided in the Ordinance of Estimates.[2014]¹¹

Appointments of municipal officers.

Appointment subject to confirmation. Except as otherwise provided in the Charter, the Mayor shall have the sole power of appointment of all municipal officers, subject to confirmation by the City Council by a majority vote of its members; provided the Council shall take action on the nomination within the first three regular meetings of the Council after the nomination is sent to it by the Mayor. If the Council fails to take action within this time, then the person nominated shall be, by operation of this subsection, confirmed by the Council. If the Council, by the required vote and in the prescribed time, shall refuse to confirm the nomination, the Mayor shall send to it another name for the office, who shall be subject to confirmation pursuant to this subsection.

Terms of officers. The terms of all municipal officers appointed by the Mayor shall expire at the end of four years or at the end of the Mayor's term of office, whichever first occurs, with the exception of the terms of some of the members of the Board of School Commissioners, the Civil Service Commission, the Planning Commission, the Board of Municipal and Zoning Appeals, and those boards and commissions governed by State or federal law. The terms of the members of these boards and commissions are prescribed elsewhere in the Charter or by other law.

Removal – in general. The Mayor shall have the power to remove at pleasure all municipal officers, except members of boards and commissions established by Charter or other law, appointed by the Mayor in the manner prescribed in this section and confirmed by the City Council; provided, however, that appointees holding office pursuant to the provisions of the Charter relating to the Civil Service may be removed from office only in accordance with such provisions.[2014]¹²

Bellingham, Washington [City 7]

Authority of the Mayor

The Mayor shall be the chief executive and administrative officer of the City with the prime responsibility of coordination and supervision of the activities of all departments and employees of the City.

The Mayor shall have the power to appoint and remove, subject to applicable civil service provisions, and except as otherwise provided in this Charter or by state law, all appointive officers of the City under the Mayor's jurisdiction or may authorize the head of a department or office responsible to the Mayor to appoint and remove subordinates in such department or office.[2008]¹³

Cleveland, Ohio [City 8]

The Mayor shall have power to appoint and remove directors of all departments and officers and members of commissions not included within regular departments. Officers appointed by the Mayor shall serve until removed by him or until their successors are appointed and have qualified. [1931]¹⁴

4. Mayoral Duties

Dearborn [City 1]

Section 10.2. Duties of the mayor. The Mayor shall be the Chief Executive Officer of the City. The Mayor shall be the conservator of the peace and shall exercise within the City, the powers as necessary for the preservation of the public peace, health and safety of persons and property. The power and duties of the Mayor shall include the following: (a) Enforcement of all laws and ordinances; (b) Appointment and removal of appointive officers and members of multimember bodies except as otherwise provided for in this charter or by law. The appointment of the person as Corporation Counsel shall be subject to the confirmation of the Council; (c) Enforcement of all terms and conditions of any franchise, contract or other agreement entered into by the City; (d) Authentication by signing such instruments as are required by law, the Council and this charter; (e) Attendance at any meeting of the Council which the Mayor has been requested by the Council to attend, however, in the event of illness or absence from the City, the Mayor may satisfy such a request by the Council for attendance at meetings by sending a personal representative; (f) Preparation and administration of the annual budget of the City; (g) Submission to the Council and to the citizens on or before the first day of September of each year, of a complete report on the activities, during the prior fiscal year, for those departments not under the jurisdiction of any other elected official; (h) Recommendation to the Council for adoption of measures deemed to be necessary and beneficial to the City and its citizens; 26 (i) Ensuring the efficient administration of all departments and functions of the city government not under the jurisdiction of any other elected official; or the Civil Service Commission. The Mayor may create, eliminate, or privatize any administrative department, or any or all of its functions, that are deemed appropriate in order to deliver necessary services and for the city government to function efficiently, with prior approval of the Council, except there shall be a Clerk, Treasurer and Assessor. [2007]¹⁵

Detroit [City 2]

Budget Department. The Budget Department is headed by the Budget Director. Sec. 6-102. Powers and Duties. The Budget Department shall assist other city agencies in the development of program and service objectives and in the conduct of financial planning to achieve those objectives. The Budget Department shall obtain from city agencies all information required by the Mayor for the preparation of the capital agenda and the capital and annual budgets. That information shall be furnished in the manner prescribed by the Budget Director. The Budget Director, with the assistance of the Planning and Development Director, shall assist the Mayor in the preparation of the capital agenda and the capital budget.¹⁶

Other Mayoral Powers. The Mayor is a conservator of the peace of the City and may administer oaths and take affidavits. Sec. 5-105. Appointment of Deputies. Except as otherwise provided by law or this Charter, the Director of each department of the

executive branch may, with the consent of the Mayor, appoint a Deputy. The appointment shall be made and may be revoked without cause by a writing filed with the City Clerk.¹⁷

Community Meetings. Each calendar year the Mayor shall hold at least one community meeting in each of the non at-large districts. A city-wide community meeting shall be held not later than September 30 of each calendar year at the Coleman A. Young Municipal Center auditorium or other location suited to accommodate at least an equal number of citizens.[2012]¹⁸

Hamtramck [City 3]

Sec. 9-01 Powers and duties

The mayor shall be presiding officer of the council and chief executive officer of the city and shall perform such other duties as are, or may be, imposed or authorized by the laws of the State or this charter. He shall execute or authenticate by his signature such instruments as the council, this charter, or any statute of the State of Michigan or law of the United States shall require, including certifying the minutes. He shall be the conservator of the peace and may in emergencies exercise within the City the powers conferred upon sheriffs to suppress riot and disorder and shall have the authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the City and to suppress riot and disorder. In times of public danger or emergency, he may, with consent of the council, take command of the police and such other departments and subordinates of the City as may be deemed necessary by the council to maintain order and enforce laws. The mayor shall keep an office in some convenient place in the City to be provided by the city council. The mayor may recommend such appointments to office as are prescribed by this charter or ordinance of the council and may remove such appointees without assigning cause, except as provided in Chapter 5 Sec. 5-01, and may recommend appointment to the vacancy caused thereby. The mayor shall perform all acts required by the constitution and laws of this State and this charter, whether herein specifically enumerated or not. The mayor shall be ex-officio a member of such boards or commissions of which he is appointed a member by the terms of this charter or ordinances of the city. [2005]¹⁹

Pontiac [City 4]

The Mayor possesses all powers inherent in being the chief operating officer of the executive branch, including:

- a. seeing that laws and ordinances are faithfully executed
- b. presenting the proposed annual budget and a state of the City address
- c. supervising expenditures of all sums appropriated to and the attainment of all objectives established for departments of the executive branch. [1982]²⁰

Port Huron [City 5]

Financial control

The Director of Finance shall have charge of the administration of the financial affairs of the City. He or she shall provide a system of accounts which shall conform to such uniform system of accounts as may be required by law. He or she shall maintain such accounting control over the finances of the City, make such financial reports and perform

such other duties as may be required by law, this Charter, City ordinance or by the City Manager.

Proposed budget

At such times as may be required by the City Manager or specified by ordinance, each administrative officer or director of a department shall submit to the Director of Finance an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his or her control. The Director of Finance shall prepare and submit to the City Manager a complete budget for the next fiscal year in such detail and supporting schedules as the City Manager shall require.

Budget control

After each quarterly period during the fiscal year, the City Manager shall submit to the City Council data showing the relation between the estimated and actual income and expenses to date. If it shall appear that the income is less than anticipated, the City Council shall reduce appropriations for any item or items, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within available revenue. If the revenues exceed the amounts estimated in the budget, the City Council may make supplemental appropriations. [2010]²¹

Baltimore, Maryland [City 6]

General powers. (a) Conservator of peace; financial oversight; report on state of City. The Mayor, by virtue of the office, shall have all the powers of a conservator of the peace. The Mayor may call upon any officer of the City entrusted with the receipt or expenditure of public money, for a statement of account as often as the Mayor thinks necessary, and may at any time by expert accountants and bookkeepers, examine the books and accounts of any department, commission, board, officer, assistant, clerk, subordinate or employee. The Mayor shall report to the City Council as soon as practicable after the end of each fiscal year, the general state of the City, with an accurate account of the money received and expended, to be published for the information of the citizens. (b) Chief executive officer. The Mayor shall be the chief executive officer of the City, shall see that ordinances and resolutions are duly and faithfully executed, and shall have general supervision over all municipal officers and agencies. (c) Economic development. Subject to more specific provisions of the Charter, the Mayor shall have general responsibility for the economic development of the City.[2014]²²

Bellingham, Washington [City 7]

Duties of the Mayor

The Mayor shall make certain that all laws and ordinances are faithfully enforced and that law and order is maintained in the City and shall have general supervision of the administration of City government.

All official bonds and bonds of contractors with the City shall be reviewed by the Mayor or such person designated by the Mayor, for approval or disapproval. The Mayor shall make certain that all contracts and agreements made with the City or for its use and benefit are faithfully kept and performed. To this end, the Mayor may cause any legal

proceedings to be instituted and prosecuted in the name of the City, subject to approval by majority vote of the Council.

The Mayor, when present, and otherwise a delegate of the Mayor, shall attend all regular meetings of the City Council, but shall have no vote. The Mayor shall report to the Council concerning the affairs of the City and its financial and other needs, and shall make recommendations for Council consideration and action. The Mayor shall prepare and submit to the Council a proposed budget, as required by law, Charter or ordinance.

The Mayor shall be the official and ceremonial head of the City and shall represent the City on ceremonial occasions, except when illness or other duties prevent the Mayor's attendance at an official function and no Mayor Pro Tempore has been appointed by the Council, a member of the Council or some other suitable person may be designated by the Mayor to represent the City on such occasion.²³

Budget Control

At the beginning of each quarterly period during the fiscal year, and more often if required, the Finance Director shall submit to the Mayor and the Council a written report showing the relation between the estimated income and expenses and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the Council may reduce appropriations, except amounts required to meet contractual obligations and for debt, interest, and other fixed charges, to such a degree as may be necessary to keep expenditures within the cash income. [2008]²⁴

Cleveland, Ohio [City 8]

Mayor's Estimate: The fiscal year of the City shall begin on the first day of January. On or before the fifteenth day of November in each year the Mayor shall prepare an estimate of the expense of conducting the affairs of the City for the following year and shall submit such estimate to Council no later than February 1 of said following year. This estimate shall be compiled from detailed information obtained from the various departments on uniform blanks prepared by the Director of Finance, and shall set forth:

- (a) An itemized estimate of the expense of conducting each department.
- (b) Comparisons of such estimates with the corresponding items of expenditure for the last two complete fiscal years and with the expenditures of the current fiscal year plus an estimate of expenditures necessary to complete the current fiscal year.
- (c) Reasons for proposed increases or decreases in such items of expenditure compared with the current fiscal year.

The Mayor shall submit the estimate thus prepared to the Council and at least one thousand (1,000) copies thereof shall be printed for distribution to citizens who may call for them. Copies of the estimate shall also be furnished to the newspapers of the City, and to the public library and each of its branches.²⁵

General Powers and Duties of the Mayor

It shall be the duty of the Mayor to act as chief conservator of the peace within the City; to supervise the administration of the affairs of the City; to see that all ordinances of the City are enforced; to recommend to the Council for adoption such measures as he may deem necessary or expedient; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council such reports as may be required by that body, and to exercise such powers and perform such duties as are conferred or required by this Charter or by the laws of the State.²⁶

Mayor's Right in Council

The Mayor and the directors of all departments established by the Charter, or that may hereafter be established by ordinance, shall be entitled to seats in the Council. Neither the Mayor nor the director of any department shall have a vote in the Council, but the Mayor shall have the right to introduce ordinances and to take part in the discussion of all matters coming before the Council; and the directors of departments shall be entitled to take part in all discussions in the Council relating to their respective departments. The Council by ordinance or resolution may authorize other City officials to have seats in Council. [1931]²⁷

¹ <http://www.nlc.org/build-skills-and-networks/resources/cities-101/city-structures/forms-of-municipal-government>

² <http://www.nlc.org/build-skills-and-networks/resources/cities-101/city-structures/forms-of-municipal-government>

³ <http://www.crcmich.org/PUBLICAT/2010s/2011/memo1110.pdf>

⁴ <http://www.mml.org/resources/information/charter/pdf/122.pdf>

⁵ <http://www.detcharter.com/charter/pdf/2012-Detroit-Charter.pdf>

⁶ <http://www.detcharter.com/charter/pdf/2012-Detroit-Charter.pdf>

⁷ <http://www.detcharter.com/charter/pdf/2012-Detroit-Charter.pdf>

⁸ <http://www.mml.org/resources/information/charter/pdf/212.pdf>

⁹ <http://www.mml.org/resources/information/charter/pdf/402.pdf>

¹⁰ Port Huron Charter, provided by the Michigan Municipal League

¹¹ <http://archive.baltimorecity.gov/Portals/0/Charter%20and%20Codes/ChrtrPLL/01%20-%20Charter.pdf>

¹² <http://archive.baltimorecity.gov/Portals/0/Charter%20and%20Codes/ChrtrPLL/01%20-%20Charter.pdf>

¹³ <http://www.codepublishing.com/WA/Bellingham/html/BellinghamCH/BellinghamCH04.html#Article IV>

¹⁴ [http://library.amlegal.com/nxt/gateway.dll/Ohio/cleveland_oh/cityofclevelandohiocodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:cleveland_oh](http://library.amlegal.com/nxt/gateway.dll/Ohio/cleveland_oh/cityofclevelandohiocodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:cleveland_oh)

¹⁵ <http://www.mml.org/resources/information/charter/pdf/122.pdf>

¹⁶ <http://www.detcharter.com/charter/pdf/2012-Detroit-Charter.pdf>

¹⁷ <http://www.detcharter.com/charter/pdf/2012-Detroit-Charter.pdf>

¹⁸ <http://www.detcharter.com/charter/pdf/2012-Detroit-Charter.pdf>

¹⁹ <http://www.mml.org/resources/information/charter/pdf/212.pdf>

²⁰ <http://www.mml.org/resources/information/charter/pdf/402.pdf>

²¹ Port Huron Charter, provided by the Michigan Municipal League

²² <http://archive.baltimorecity.gov/Portals/0/Charter%20and%20Codes/ChrtrPLL/01%20-%20Charter.pdf>

²³ <http://www.codepublishing.com/WA/Bellingham/html/BellinghamCH/BellinghamCH04.html#Article IV>

²⁴ <http://www.codepublishing.com/WA/Bellingham/html/BellinghamCH/BellinghamCH04.html#Article IV>

²⁵ [http://library.amlegal.com/nxt/gateway.dll/Ohio/cleveland_oh/cityofclevelandohiocodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:cleveland_oh](http://library.amlegal.com/nxt/gateway.dll/Ohio/cleveland_oh/cityofclevelandohiocodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:cleveland_oh)

²⁶ [http://library.amlegal.com/nxt/gateway.dll/Ohio/cleveland_oh/cityofclevelandohiocodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:cleveland_oh](http://library.amlegal.com/nxt/gateway.dll/Ohio/cleveland_oh/cityofclevelandohiocodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:cleveland_oh)

²⁷ [http://library.amlegal.com/nxt/gateway.dll/Ohio/cleveland_oh/cityofclevelandohiocodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:cleveland_oh](http://library.amlegal.com/nxt/gateway.dll/Ohio/cleveland_oh/cityofclevelandohiocodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:cleveland_oh)