

To: Minneapolis Charter Commission Government Structure Work Group

From: Peter W. Ginder

Re: Review of Select Cities' Mayor-Council Form of Government

INTRODUCTION

In 2018, the Charter Commission completed "A Review of Other Cities' Management of Police Department". That review considered the relationship between a number of cities' police departments and their governing authority. The selected cities represented the three common forms of municipal government; mayor-council, council-manager, and, commission.

The purpose of this review is to survey those cities with a mayor-council form of government and explore the larger relationship between each city's mayor and its city council. This review will look at these cities discussed in the 2018 review with a mayor-council system: Detroit, Oakland, Milwaukee, St. Paul, Seattle, San Francisco, and Denver, In addition, this review will also look at Washington, D.C., a mayor-council city which is sometimes used as a comparator for Minneapolis.

This review is limited to outlining each cities' mayor-council relationship as stated in its respective charter. It does not attempt discuss the impact of geographic disparities, the actual implementation of each charter, the local legal interpretation of each charter, or the impact of state general or special law on each city's charter. In addition, this review does not attempt to assign any "good government" criteria, such as flexibility, accountability, transparency, responsiveness, equity, diversity, cost effectiveness or sustainability, to a particular city's charter. The review focuses on the actual language of the respective charters so that the language can be compared to related language in the Minneapolis charter. No particular conclusions are drawn at the end of the survey other than to note that each of the charters affords the mayor greater executive and administrative control in their city than the Minneapolis charter.

REVIEW

MINNEAPOLIS. Prior to the review of other municipal structures, it's useful to summarize the relationship between the Mayor and City Council in Minneapolis. As discussed in the 2018 review, although Minneapolis doesn't operate as strong mayor-council system, it still operates under a fairly conventional mayor-council system, or as some have called a "strong mayor-strong council" system.

The Mayor's duties are discussed in Charter, Art. VII, Sec. 7.1(b):

Duties. The Mayor must

- (1) take care that all laws and ordinances are faithfully observed and enforced within the City;
- (2) take care that each other officer discharges his or her duties, for which purpose the Mayor may seek a writ of mandamus or other appropriate action against any delinquent officer;
- (3) recommend action in the City's interest by any other government;
- (4) address the City Council annually on the state of the City, and recommend appropriate measures for the City's physical and economic development; and
- (5) notify the City Council and any other interested board, commission, or department of any litigation against the City.

In addition, the Mayor may appoint a proxy to serve in their place on any board, commission, committee or other public body. Charter, Art. VII, Sec. 7.1(c). The Mayor also has complete control over the police department. Charter, Art. VII, Sec. 7.3.

The mayor is responsible for creating a vision for the City since they "must deliver an annual address on the state of the City establishing the City's goals and priorities." Charter, Art. IX, Sec. 9.3(a). However, the "City Council must review, and may amend, those goals and priorities..." Id. Similarly, the Mayor must recommend an annual budget and the City Council must adopt a budget after a public hearing which can be an amendment of the Mayor's proposed budget. Charter, Art. IX, Sec. 9.3(a)(5).

The City Council possesses the City's general legislative authority:

(a) **Governing body.** The governing body is the City Council, in which the City's general legislative and policymaking authority resides.

(b) **Scope.** The council may act on the City's behalf in any matter, except where -
(1) this charter reserves the action for a different board, commission, or committee; or
(2) the action is inconsistent with this charter or otherwise unlawful.

Charter, Art. IV, Sec. 4.1. The Mayor may veto any Council action. Art. IV, Sec. 4.4(c). The Council "must establish, organize, and otherwise provide for" any "department necessary or convenient for the efficient delivery of municipal services." Charter, Art. VII, Sec. 7.2. The Council must also provide for the staff and other resources that the Mayor needs for the effective performance of his or her duties. Charter, Art. VII, Sec. 7.1(f).

The Charter complicates the relationship between the Mayor and the City Council through the creation of the Executive Committee. This committee is comprised of the Mayor, as chair; the Council president, and up to three Council members elected by the Council. The Executive Committee "enjoys the powers and performs the duties that this charter, out the Council by ordinance or resolution, prescribes." Charter, Art. IV, Sec. 4.5.

Although the Council has given duties to the Executive Committee by resolution, e.g., the Executive Committee is responsible for labor negotiations with city unions, its most important role is in the filling of key staff appointments. Article VIII, Sec. 8.4(b) discusses the appointment process for City officers which is vested collectively with the Mayor, City Council and Executive Committee. While the Mayor "enjoys the exclusive power of nominating the office in the first instance", the Executive Committee "must review" the Mayor's nomination and "may forward it to the City Council with a recommendation that the candidate be appointed." The City Council "may appoint" that candidate but is not required to do so. The City Council may "remove" an officer if the Executive Committee so recommends.

Conversely, if the Executive Committee or the City Council has rejected three nominations of the Mayor, then the Executive Committee may name three candidates from whom the Mayor

“must nominate one”. If the mayor does not nominate a candidate, then the Executive Committee may recommend a candidate to the Council who it may appoint without the Mayor’s nomination. While the Mayor clearly takes the lead in nominating key City officers, the Council must ultimately concur and can and has blocked or strongly influenced the Mayor’s selection.

ST. PAUL. St. Paul operates under a classic strong mayor-council system. Pursuant to the St. Paul Charter, all executive power is vested in the mayor and legislative power in the council. Chapter 1, Sec. 1.04 outlines the distribution of powers:

Except as otherwise provided in this Charter or by law, the powers of the city shall be vested in an elective chief executive, the mayor, and an elective legislative body, the council. The mayor shall exercise all powers and perform all executive duties given to the office of mayor by this Charter, the ordinances of the city and the laws of the state. The council shall exercise the legislative powers.

The powers and duties of the mayor are further defined in Chapter 3:

The executive power shall be vested in the mayor. Subject to the provisions of this Charter and the ordinances, the mayor shall control and direct the administration of the city's affairs. Without limiting the generality of the foregoing, the mayor shall have the following powers and duties. (Sec. 3.01).

The mayor shall see that this Charter and the laws and ordinances are enforced. (Sec. 3.01.1).

The mayor shall have the right to attend and participate in council meetings with the right to take part in the discussion, but shall not vote except as otherwise provided herein. The mayor shall make recommendations to the council and deliver messages to the council and the people, including a comprehensive message on the state of the city as soon after the beginning of the mayoral term as practicable. (Sec. 3.01.2).

The mayor shall appoint, with the advice and consent of the council, to the positions of city attorney and all heads of executive departments, which appointees shall serve at the mayor's pleasure, except as provided otherwise in this Charter. (Sec. 3.01.3).

The mayor shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise expressly provided herein. (Sec.3.01.4).

The mayor shall prepare and recommend to the council the budgets as provided in Section 10.03. (Sec.3.01.5).

The mayor shall appoint, with the advice and consent of the council, a secretary and such professional assistants as the council may provide, and all such employees shall serve at the mayor's pleasure; and the mayor shall appoint and may remove, subject to applicable civil service provisions, such other employees in the mayor's office as are provided for by the council. (Sec. 3.01.6).

The mayor shall approve or veto ordinances and resolutions as provided herein. (Sec. 3.01.7).

The mayor shall, with the advice and consent of the council, appoint members of boards and commissions and such advisory committees as are established by the mayor or by the council, except that the council may, by resolution, establish and appoint members to legislative advisory committees. (Sec. 3.01.8).

The duties and powers of the City Council, by contrast, are defined succinctly: "The legislative power shall be vested in the council, which shall be composed of seven (7) councilmembers."

Chapter 4, Sec. 4.01. The council members have been part-time elective positions since January, 1994. Chapter 2, Sec. 2.01.1. In addition to the general advice and consent the council provides to mayor during appointment of executive department heads, the council has an expanded role in the appointment of a police or fire chief. When there is a vacancy in either of the positions, the council forms an examining committee which conducts a competitive examination. After the examination, the council provides the mayor a list of five names from which the selects a nomination which must be approved by the council. Chapter 12, Sec. 12.12. The council also may revise budgets submitted by the mayor. Chapter 10, Sec.10.6.

SEATTLE. The mayor is "the head of the executive department" of the city. Seattle Charter, Article III, Sec. 3. The mayor is also the the chief executive officer of the city. Art. V, Sec. 1. The president of the city council is the head of the legislative department. Id. The duties of the mayor are defined in Article V, "Executive Department", of the Seattle Charter. Section 2 provides:

The Mayor shall see that the laws in the City are enforced, and shall direct and control all subordinate officers of the City, except in so far as such enforcement, direction and control is by this Charter reposed in some other officer or board, and shall maintain

peace and order in the City. He or she may, in any emergency, of which the Mayor shall be the judge, assume command of the whole or any part of the police force of the City; but before assuming such control he or she shall issue his or her proclamation to that effect, and it shall be the duty of the Chief of Police to execute orders promulgated by the Mayor during such emergency. The Mayor shall perform such other duties and exercise such other authority as may be prescribed by law.

The mayor has the general power to appoint all city officers. “In the absence of any express provision in this Charter as to the manner of appointing any officer, the Mayor shall appoint such officer subject” to confirmation of the city council. Art. V, Sec. 3. The appointment process is described in Art. V, Sec.4:

If the City Council shall refuse to confirm any nomination of the Mayor, then the Mayor shall within ninety days thereafter nominate another person to fill the office, and he or she may continue to nominate until confirmation. If the Mayor fails to make another such nomination within ninety days, then the City Council shall elect a suitable person to fill the office during the term.

The mayor has the power to removes any appointive officer. Art. V, Sec. 5.

The mayor is required to give an annual statement of the conditions and affairs of the city to the city council and annually present a proposed budget the council. The mayor also has the right to present any special communications to the council as deemed necessary. Art V, Sec. 6.

Article IV, entitled, “Legislative Department” governs the legislative process of the city. “The legislative powers of The City of Seattle shall be vested in a Mayor and City Council, who shall have such powers as are provided for by this Charter...” Sec. 1. The mayor may veto any bill. Art. IV, Sec. 12. The charter also provides for initiative and referendum outside of the mayor - council legislative process. The council is comprised of seven members elected by district and two members elected at large. The council has “the authority to create and use committees of its members to facilitate its legislative functions; Provided, that no committee of the Council and no members shall have or exercise executive or administrative power, except as otherwise expressly provided in this Charter.” Art. IV, Sec.4. The Council also has the power “to control the finances and property of the City; Provided, that the City Council shall have no administrative as distinguished from the legislative power.” Art. IV, Sec. 14.

DENVER. The city and county of Denver operate jointly under a strong mayor-council system.

The executive department is governed by Article II of the charter. Pursuant to Charter, Art.II,

Part 2, Sec. 2.2.1:

There shall be, and hereby is, created the office of Mayor. The Mayor shall be the chief executive; the Mayor shall possess, have and exercise, all the executive and administrative powers granted to the City and County of Denver by Article XX of the Constitution of the State of Colorado, and all executive and administrative powers contained in the Charter of the City and County of Denver, and otherwise existing by operation of law, except as hereinafter delegated to the departments hereinafter created, and except the powers granted to other elective officers by the Charter of the City and County of Denver.

Art. II, Part 2, Sec. 2.2.2 states:

The Mayor shall be the chief executive and enforce all laws and ordinances. The Mayor shall from time to time give the Council information on the condition of the City and County and recommend such measures as he or she may deem expedient. The Mayor may remit fines and penalties imposed for the violation of any ordinance, and shall report such remissions to the Council at its next meeting, with his or her reasons.

The breadth of the mayor's administrative control is outlined in Part 2, Sec. 2.2.6:

(A) The Mayor shall appoint the heads of all administrative departments, and shall appoint all commissions, boards and officers, under the Mayor's control; and the appointees shall hold said appointments so long as their services are satisfactory to the Mayor.

(C) The heads of all departments, all officers and employees not transferred or assigned to a department or office herein created, and not by this Charter expressly provided for, shall be appointed and their duties fixed by the Mayor; and the Mayor may assign them or transfer them from or to any department, or office.

In addition, any powers and duties not specifically delineated by the charter fall under the mayor's authority and any vacancies in elective or appointed office and not specifically for shall be filled by the mayor. Part 2, Sec. 2.2.8 and Sec. 2.2.9.

The mayor and his or her cabinet have complete control of administrative policy in the city:

The Mayor and the cabinet, which shall consist of the Manager of the Department of Transportation and Infrastructure, the Manager of the Department of Finance, the Manager of the Department of Parks and Recreation, the Manager of the Department of Environmental Health, the Manager of the Department of Safety, the Manager of the Department of General Services, the Manager of the Department of Human Services, the Manager of the Department of Aviation, the Manager of the Department of

Community Planning and Development, and the City Attorney, shall formulate the general administrative policies of the City and County, and each Manager and Officer in its department, shall be responsible for and have full power to carry out such policies.

Part 2, Sec. 2.2.10 (A). The mayor and cabinet also control all license inspectors and to make rules and regulations for all employees under their control. Sec. 2.2.10, (B) and (C). The mayor may also conduct a public investigation into any city department. Part 2, Sec. 2.2.11.

The legislative department's power and duties are in Article III of the charter. The city council is comprised of eleven members from the eleven council districts and two at

large members. The council powers are legislative only:

All legislative powers possessed by the City and County of Denver, conferred by Article XX of the Constitution of the State of Colorado, or contained in the Charter of the City and County of Denver, and otherwise existing by operation of law, except as otherwise provided by this Charter shall be vested in a Council consisting of thirteen members. No enumeration of particular powers granted to the Council shall be construed to impair any general grant of power herein contained, nor to limit any such grant to powers of the same class or classes as those so enumerated.

Article III, Part 2, Sec. 3.2.1. And whenever an executive or administrative function or duty shall be required to be performed by ordinance, the same shall be performed by the executive department and not by the legislative. Id., Sec.3.2.2. Except as otherwise provided in the charter, the council has power to appropriate all money necessary for the expenses of the city and county. Part 2, Sec. 3.2.44. The mayor may veto any ordinance. Part 3, Sec. 3.3.5(G).

SAN FRANCISCO. Like Denver, the city and county of San Francisco operate as consolidated city and county under a charter. The mayor is the chief executive officer and the official representative of the city and county. Art. III. Sec. 3.100. The duties of the mayor are laid out in detail in that section:

The Mayor shall have responsibility for:

1. General administration and oversight of all departments and governmental units in the executive branch of the City and County;
2. Coordination of all intergovernmental activities of the City and County;
3. Receipt and examination of complaints relating to the administration of the affairs of the City and County, and timely delivery of notice to the complainant of findings and actions taken;

4. Assurance that appointees to various governmental positions with the City and County are qualified and are as representative of the communities of interest and diverse population of the City and County as is reasonably practicable, and are representative of both sexes;
5. Submission of ordinances and resolutions by the executive branch for consideration by the Board of Supervisors;
6. Presentation before the Board of Supervisors of a policies and priorities statement setting forth the Mayor's policies and budget priorities for the City and County for the ensuing fiscal year;
7. Appearance, in person, at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board;
8. Introduction before the Board of Supervisors of the annual proposed budget or multi-year budget which shall be initiated and prepared by the Mayor. The Mayor shall seek comments and recommendations on the proposed budget from the various commissions, officers and departments; and
9. Preparation of and introduction to the Board of Supervisors of supplemental appropriations.

The Mayor shall have the power to:

10. Speak and be heard with respect to any matter at any meeting of the Board of Supervisors or any of its committees, and shall have a seat but no vote on all boards and commissions appointed by the Mayor;
11. As provided in Section 3.103 of this Charter, veto any ordinance or resolution passed by the Board of Supervisors;
12. Subject to the fiscal provisions of this Charter and budgetary approval by the Board of Supervisors, appoint such staff as may be needed to perform the duties and
13. Designate a member of the Board of Supervisors to act as Mayor in the Mayor's absence from the state or during a period of temporary disability;
14. In the case of an emergency threatening the lives, property or welfare of the City and County or its citizens, the Mayor may direct the personnel and resources of any department, command the aid of other persons, and do whatever else the Mayor may deem necessary to meet the emergency;

In meeting an emergency, the Mayor shall act only with the concurrence of the Board of Supervisors, or a majority of its members immediately available if the emergency causes any member of the Board to be absent. The Mayor shall seek the Board's concurrence as soon as is reasonably possible in both the declaration of an emergency and in the action taken to meet the emergency. Normal notice, posting and agenda requirements of the Board of Supervisors shall not be applicable to the Board's actions pursuant to these provisions;

15. Make an appointment to fill any vacancy in an elective office of the City and County until a successor shall have been elected;
16. Subject to the provisions of Charter Section 2.113, submit to the voters a declaration of policy or ordinance on any matter on which the Board of Supervisors is empowered to pass;
17. Have and exercise such other powers as are provided by this Charter or by law for the chief executive officer of a City and County;
18. Unless otherwise specifically provided, make appointments to boards and commissions which shall be effective immediately and remain so, unless rejected by a two-thirds vote of the Board of Supervisors within 30 days following transmittal of Notice of Appointment. The Notice of Appointment shall include the appointee's qualifications to serve and a statement how the appointment represents the communities of interest, neighborhoods and diverse populations of the City and County;
19. Appoint department heads subject to the provisions of this Charter; and
20. Prepare and submit schedule of rates, fees and other similar charges to the Board of Supervisors.

The mayor also can appoint a city administrator who enjoys broad administrative power under Art. III, Sec. 3.104:

The Mayor shall appoint or reappoint a City Administrator, subject to confirmation by the Board of Supervisors. The appointee shall have at least ten years' governmental management or finance experience with at least five years at the City, County, or City and County level. The City Administrator shall have a term of office of five years, and may be removed by the Mayor subject to approval by the Board of Supervisors.

The City Administrator shall have responsibility for:

1. Administrative services within the executive branch, as assigned by the Mayor or by ordinance;
2. Administering policies and procedures regarding bonded or other long-term indebtedness, procurement, contracts and building and occupancy permits, and for assuring that all contracts and permits are issued in a fair and impartial manner and that any inspections involved with the issuance of permits shall be carried out in a like manner;
3. Coordinating all capital improvement and construction projects except projects solely under the Airport, Port, Public Utilities and Public Transportation Commissions;
4. Preparing and recommending bond measures for consideration by the Mayor and Board of Supervisors; and
5. Administering, budgeting and control of publicity and advertising expenditures.

The City Administrator shall have power to:

6. With the concurrence of the Mayor, appoint and remove the directors of the Departments of Administrative Services, Solid Waste, Public Guardian/Administrator, and Public Works, and such other department heads which are placed under his or her direction;

7. Propose rules governing procurement and contracts to the Board of Supervisors for consideration;

8. Award contracts without interference from the Mayor or Board of Supervisors; and

9. Coordinate the issuance of bonds and notes for capital improvements, equipment and cash flow borrowings, except for projects solely under the Airport, Port, Public Utilities and Public Transportation Commissions.

In those instances where contract awards are not subject to Board of Supervisors' review, the City Administrator shall award contracts in full compliance with applicable laws and this Charter. The City Administrator's decision in such cases shall be final.

The mayor also enjoys broad power to appoint a majority number of members to the city's many boards and commissions. See, generally, Art. IV.

The legislative branch of San Francisco government is comprised of an eleven member board of supervisors. Art. II, Sec. 2.100. The board, like the mayor, may submit to the voters declarations of policy, and any matter which the Board of Supervisors is empowered to pass.

Art. II, Sec. 2.113. All rights and powers of the city and county which are not vested in another officer or entity by this charter shall be exercised by the Board of Supervisors. Art. I, Sec.

1.101. The board of supervisors is prohibited from interfering in administration:

Except for the purpose of inquiry, the Board of Supervisors shall deal with the administrative service for which the City Administrator is responsible solely through such officer, and for administrative or other functions for which elective officials or boards or commissions are responsible solely through the elective official, the board or commission or the chief executive officer of such board or commission concerned, or their designees.

Neither the Board of Supervisors, its committees, nor any of its members, shall have any power or authority, nor shall they dictate, suggest or interfere with respect to any appointment, promotion, compensation, disciplinary action, contract or requisition for purchase or other administrative actions or recommendations of the City Administrator or of department heads under the City Administrator or under the respective boards and commissions. The Board of Supervisors shall deal with administrative matters only in the manner provided by this Charter, and any dictation, suggestion or interference herein prohibited on the part of any Supervisor shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the power of hearing and inquiry as provided in this Charter.

Art. II, Sec. 2.114.

MILWAUKEE. The Milwaukee City Charter is a compilation of laws affecting the city adopted by the Wisconsin Legislature and the Milwaukee Common Council. It contains the original 1874 charter and all subsequent amendments. It also contains session laws adopted by the Legislature which affect the city but are not printed in the Wisconsin Statutes. A number of session laws contained in previous editions of the charter were removed because of actions by the State Legislative either repealing them or incorporating them into the printed Wisconsin Statutes. Forward, Milwaukee City Charter. The Charter runs some three hundred sixty pages (excluding appendices) and makes Minneapolis' former charter appear as model of brevity and comprehensibility. Therefore, Milwaukee's governmental system as describe in the charter will only be discussed briefly.

The city operates as a mayor-council system. The mayor:

shall take care that the laws of the state and the ordinances of the city are duly observed and enforced; and that all officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer, and the head of the fire department and of the police of the city,...

Charter, Chapter 3, Sec. 3-01. The mayor may veto any common council action. Chapter 4, Sec. 4-23.

Chapter 2, Sec. 2-01 denominates a number of city officers without describing whether they are appointed or elected. For example, the city attorney, comptroller and treasurer are elected but this reviewer had to go to the city website to determine this since that process was not located in the charter. There is a similar lack of clarity for any appointive process for non elected officers in the charter:

Appointed Officers. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council, or by the mayor, or in such manner as the common council may direct, except when otherwise directed in ch. 184, L. 1874.

Chapter 2, Sec.2-04.

According to the City Clerks's website, the Mayor exercises executive powers through preparation of the annual city budget and appointment of department heads, who serve at the pleasure of the Mayor. The fifteen member Common Council reviews the Mayor's budget recommendations and may make changes to them. The Council also reviews the Mayor's appointment of department heads and may confirm or reject appointments. A Council member serves both as legislator and district administrator. As legislator, the alderman or alderwoman helps to shape city policy. As administrator, he or she is responsible to citizens in the district for the services they receive. <https://city.milwaukee.gov/cityclerk/MilwaukeesGovernment3215.htm>.

DETROIT. The mayor is the chief executive of the city and has control of and is accountable for the Executive Branch of city government. Art.5, Sec. 5-101. Except as otherwise provided by law or the charter, executive and administrative authority for the implementation of programs, services and activities of city government is vested exclusively in the Executive Branch. Art. 5, Sec. 5-102. Except as otherwise provided by law or the 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. Art. 5, Sec. 5-103. Staff departments in the Executive Branch include: budget; planning and development; finance; human resources; and, building, safety engineering and environmental. Art. 6.

The Executive Branch is responsible for a number of programs, services and activities. See, Art. 7. Under this Article, for example, the mayor appoints the Fire Commissioner who heads the fire department and serves at the mayor's pleasure. Art. 7, Sec. 7-501. The mayor similarly appoints the director of human resources but may only remove that person for cause. Art. 7, Sec. 7-701. The mayor appoints the police chief subject to the approval of the city council. Art. 7, Sec. 7-805.

There are also certain “independent” departments. The auditor general, the inspector general and ombudsperson are all appointed by a majority of the city council. Art. 7.5. However, the corporation counsel is appointed by the mayor subject to council approval. Art. 7.5, Sec. 7.5-201.

The mayor proposes, and the City Council approves, with the modifications it deems necessary, a Master Plan of policies for the social, economic and physical development and conservation of the city, and the full range of transportation, access and mobility options. Art. 8, Sec. 8-101. The mayor also prepares an annual budget for the city council. After a public hearing the council can adopt the budget with or without amendments. The mayor can veto any amendments to the budget which the council can override by a two-thirds vote. Art. 2, Ch. 2.

The city council is the city's legislative body. Art. 4, Sec. 4-101. The city council may make investigations into the affairs of the City and the conduct of any city agency. Art. 4, Sec. 4-109. Except for the purposes of inquiries and investigations, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the mayor solely through the mayor, and neither the city council or its members shall give orders to such officer or employee, either publicly or privately. Art. 4, Sec. 4-113. Any ordinance or resolution can be vetoed by the mayor and overrode by a two-thirds vote of the council. Art. 4, Sec. 4-117.

OAKLAND. The council consists of eight council members, seven elected by district and one elected at large. The mayor is not be a member of the council, but has a vote on the council if the council members are evenly divided. Charter, Art. II, Sec. 200 and Sec. 203. The powers of the council are defined in Art. II, Sec. 207:

Powers of the Council. The Council shall be the governing body of the City. It shall exercise the corporate powers of the City and, subject to the expressed limitations of

this Charter, it shall be vested with all powers of legislation in municipal affairs adequate to provide a complete system of local government consistent with the Constitution of the State of California. It shall have no administrative powers.

There are strict limitations on the council interfering with city administration:

Non-Interference in Administrative Affairs. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service for which the City Administrator, Mayor and other appointed or elected officers are responsible, solely through the City Administrator, Mayor or such other officers. Neither the Council nor any Council member shall give orders to any subordinate of the City under the jurisdiction of the City Administrator or such other officers, either publicly or privately; nor shall they attempt to coerce or influence the City Administrator or such other officers, in respect to any contract, purchase of any supplies or any other administrative action; nor in any manner direct or request the appointment of any person to or his removal from office by the City Administrator or any of his subordinates or such other officers, nor in any manner take part in the appointment or removal of officers or employees in the administrative service of the City. Violation of the provisions of this section by a member of the Council shall be a misdemeanor, conviction of which shall immediately forfeit the office of the convicted member.

Art. II. Sec. 218. The council, by ordinance may adopt or amend an administrative code or establish, alter or abolish any city department, office or agency as authorized in Article VI of the charter. Art. II, Sec. 219.

The mayor's duties are outlined in Art. III. Sec. 305:

Functions, Powers and Duties. The Mayor shall be the chief elective officer of the City, responsible for providing leadership and taking issues to the people and marshalling public interest in and support for municipal activity. The Mayor shall have the following powers, duties, and responsibilities:

- (a) The Mayor shall be responsible for the submission of an annual budget to the Council which shall be prepared by the City Administrator under the direction of the Mayor and Council. The Mayor shall, at the time of the submission of the budget, submit a general statement of the conditions of the affairs of the City, the goals of the administration, and recommendations of such measures as he may deem expedient and proper to accomplish such goals.
- (b) Recommend to the Council such measures and legislation as he deems necessary and to make such other recommendations to the Council concerning the affairs of the City as he finds desirable.
- (c) Encourage programs for the physical, economic, social and cultural development of the City.
- (d) Actively promote economic development to broaden and strengthen the commercial and employment base of the City.
- (e) Appoint the City Administrator, subject to confirmation by the City Council, remove the City Administrator and give direction to the City Administrator. The Mayor shall advise the Council before removing the City Administrator.
- (f) Serve as ceremonial head of the City.
- (g) Represent the City in inter-governmental relations as directed by the Council.
- (h) Provide community leadership.

The mayor's most important appointment is the city manager/city administrator. "The Mayor shall appoint a City Administrator, subject to the confirmation by the City Council, who shall be the chief administrative officer of the City." Art. V, Sec. 500. The city manager has significant personnel power:

The City Administrator shall be responsible to the Council for the proper and efficient administration of all affairs of the City under his jurisdiction, and shall, subject to the provisions of Article IX of this Charter and except as otherwise provided in this Charter, have the power to appoint, assign, reassign, discipline and remove all directors or heads of departments and all employees under his jurisdiction. He may delegate to directors or other department heads responsible to him/her the authority to appoint, discipline and remove subordinate employees, subject to the provisions of Article IX of this Charter.

Art. V, Sec. 503. The city administrator has a significant list of other duties which are detailed in Art. V, Sec. 504.

Finally, it appears the mayor and city council share in fiscal administration through the budget process:

Each department, office and agency of the City shall provide in the form and at the time directed by the Mayor and City Administrator all information required by them to develop a budget conforming to modern budget practices and procedures as well as specific information which may be prescribed by the Council. Under the direction of the Mayor and Council, the City Administrator shall prepare budget recommendations for the next succeeding fiscal year which the Mayor shall present to the Council, in a form and manner and at a time as the Council may prescribe by resolution. Following public budget hearings, the Council shall adopt by resolution a budget of proposed expenditures and appropriations necessary therefor for the ensuing year, failing which the appropriations for current operations of the last fiscal year shall be deemed effective until the new budget and appropriation measures are adopted.

Art. VIII, Sec. 801.

WASHINGTON D.C. On December 24, 1973, Congress obliged the demands of local residents and enacted the District of Columbia Home Rule Act, providing for an elected mayor and the 13-member Council of the District of Columbia. The council has the ability to pass local laws and ordinances. However, pursuant to the Home Rule Act all legislation passed by the D.C. government, including the district's local budget, remains subject to the approval of

Congress. Otherwise, except for certain prohibitions, the powers devolved to the mayor and council are those that would typically be normally exercised by city officials in the rest of the country.

The council consists of thirteen members elected on a partisan basis. The Chairman and four members shall be elected at large in the District, and eight members shall be elected one each from the eight election wards. The legislative power granted to the District by this [Home Rule] Act is vested in and shall be exercised by the Council in accordance with this Act. Title IV, Sec. 404. The mayor has the power to veto any act of the council, and, in the case of the budget, the mayor can veto any item or provision. Mayoral vetos can be overrode by a two-thirds vote of the council. Id. The council, or any committee or person authorized by it, has the power to investigate any matter relating to the affairs of the District. Title IV, Sec. 413.

The executive power of the District is vested in the Mayor who shall be the chief executive officer of the District government. Title IV, Sec. 422. The mayor's powers under section 422 include, among others, the power to:

- (1) administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the Office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies;
- (2) administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices and agencies;
- (3) through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies;
- (4) submit drafts of acts to the Council;
- (5) appoint a city administrator, who shall serve at the pleasure of the mayor. The city administrator shall be the chief administrative officer of the mayor, and he shall assist the mayor in carrying out his functions under this act, and shall perform such other duties as may be assigned to him by the mayor; and
- (6) may reorganize the offices, agencies, and other entities within the executive branch of the government of the District by submitting to the council a detailed plan of such reorganization. Such a reorganization plan shall be valid only if the council does not adopt, within sixty days (excluding Saturdays, Sundays, and holidays) after such reorganization plan is submitted to it by the mayor, a resolution disapproving such reorganization.

See, generally, Title IV, Sec.422. The mayor is the central planning agency for the District and is responsible for the coordination of planning activities of the municipal government. Title IV,

Sec. 423.

At such time as the council directs, the mayor shall prepare and submit to the council each year, and make available to the public, an annual budget for the District. Title IV, Sec. 442.

After a public hearing, and by a vote of a majority of the members present and voting, the council adopts the annual budget for the District. Title IV, Sec. 446.