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**State-Level Autonomy and Municipal Government Structure:
Influence on Form of Government Outcomes**

Kimberly L. Nelson

Northern Illinois University

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Abstract

A number of recent studies have argued that municipal governments have so significantly modified elements of their form of government that it is now difficult to distinguish form. However, none of these studies considers the influence of state government on these choices. This study uses a comprehensive dataset of U.S. municipal governments with populations of at least 10,000 and a dataset of state legislative provisions related to form of government to investigate the influence of state law on municipal form of government choices. The findings demonstrate that state law is associated with some choices of government form and that structures that hybridize the council-manager and mayor-council forms of government are still relatively uncommon.

Keywords: form of government, council-manager, mayor-council, state legislation

Local government structural arrangements—specifically, how legislative and administrative powers are distributed—have important implications for the overall function of government. Form of government, the extent of authority granted to elected and appointed officials, and the level of autonomy granted the government by the state to make structural changes all shape the relationships that develop among officials and have implications for overall governmental efficiency and effectiveness. Prior research has explored factors that contribute to the adoption of various forms of local government (Dye and Macmanus, 1976; Kessel, 1962) but there has been limited consideration of state government influence on form of government choices.

Recently, scholars have advanced the idea that municipal leaders are increasingly choosing to alter their local government form and structure to better meet the needs of their citizens (Frederickson & Johnson, 2001; Frederickson, Johnson, & Wood, 2004; Mullin, Peele, & Cain, 2004). Missing in the literature is a discussion of constraints on local government leaders who wish to alter their institutional arrangements. In particular, state law often places specific restrictions on local government form and electoral arrangements; in some cases, state law delineates mayoral authority and responsibilities. Whereas studies of structural change (DeSantis & Renner, 2002; Frederickson, Johnson, and Wood, 2004; MacManus & Bullock, 2003; Mullin, Peele, and Cain, 2004; Protasel, 1988) make the implicit assumption that the change reflects a local choice or local conditions, it is possible that state statutes or constitutional law mandate municipalities to choose certain features.

An analysis of the number of municipalities in the United States using various forms of government, even when using accurate data, gives a limited picture of the form of government issue. This paper attempts to fill in that picture. How common are deviations from standard

municipal government form? Are these deviations from the standard features of the council-manager or mayor-council forms of government attempts to adapt to today's challenges, or are they a result of state statutory provisions that dictate differences from these standard forms? It seems logical that, given the freedom to do so, municipalities would customize their government structures to fit the needs of the community, but this has never been tested empirically.

The objective of this paper is twofold. First, I seek to summarize the differences between states in legal provisions related to municipal form of government. Second, I explore whether these differences result in the adoption of alternative forms of government in municipalities, controlling for region, population growth, per capita income, and population density.

In states with liberal provisions related to the level of municipal autonomy, states afford local governments the ability to modify their government form; here I expect to find greater variation in form of government. For states with greater restrictions, I expect to find less flexibility related to municipalities' ability to alter their institutional features and therefore a low proportion of municipalities that depart from the norm—either by blurring the lines of separation of powers in mayor-council governments or by empowering the mayor in council-manager governments.

As an initial exploration of this topic, this paper focuses on provisions in state statutes and constitutions that limit local government institutional arrangements. State law may not only prevent municipalities from altering their form of government but may also mandate deviations from standard forms of government. It is difficult to make predictions of the behavior of municipalities without knowing how much autonomy has been granted at the state level.

This study has three parts. I begin with a discussion of municipal form of government, summarizing the literature on the primary forms of municipal government in the U.S., factors

that constitute functional deviations from those forms, and research that argues American cities are actively engaged in seeking to alter their form of government. In the second section, I provide a descriptive analysis of state law related to municipal form and structure. The objective of this research is to provide an analysis of the range of control states maintain over local government form and structure, something that is lacking in the extant literature. I finish the study with a set of regression models that test the proportion of forms of government in the states against state structural autonomy, region, population growth rate, population density, and per capita income, to determine whether the level of state control is predictive of the form of government choices made by municipalities.

Municipal Form of Government Research

Mayor-Council and Council-Manager Forms of Government

Although there are four broad categories of municipal governmental form in the United States—council-manager, mayor-council, commission, and town meeting—this paper focuses on the two most common, council-manager and mayor-council forms. For each form, there are a set of characteristics that serve to identify an ideal or “pure” type of that form. Mayor-council governments are characterized by the separation of legislative and executive powers, similar to the federal system at the national level. They have an elected mayor, who serves as the chief executive of the municipality and is a full-time, salaried employee. An elected council, the members of which are elected by district, is responsible for the legislative functions of the municipality. The mayor typically does not have an official role on council but usually has veto power.

Council-manager governments, also called reform governments, have unified executive and legislative powers in an elected council of which the mayor is a member. The mayor is

chosen from among the other council members rather than being elected at-large, presides and votes in council meetings, and does not have the power of veto. Developed during the Progressive Era to combat the corruption caused by machine politics, the council-manager government typically has council members who are elected at-large in non-partisan elections. Council members delegate administrative responsibility to a professionally trained manager who is appointed and removed by the council.

In practice, many variations in these two forms exist. Some of the more common are the popular election of the mayor in council-manager governments and the addition of a chief administrator in mayor-council governments. In fact, data show that for municipalities with populations of at least 10,000 a council-manager government with a popularly elected mayor is the most common form of local government in the U.S., and mayor-council municipalities are equally likely to have a chief administrative officer (CAO) than not.¹ One key issue is whether these modifications change the essential nature of the form of government—the distribution of legislative and executive powers. Although determining policy implications from the use of alterations to the traditional forms of government is beyond the scope of this paper, certain structural characteristics can be used to identify those municipalities that have combined elements of each form to create an effective hybrid. A second important consideration is whether state statutes mandate or limit these modifications.

Identifying Hybrid Local Governments

In order to explore the influence of state laws on municipal governments' structural choices and the ability to hybridize their forms, it is important to discuss earlier research on form of government modifications and to present a definition of what constitutes a hybrid in the present research context. There are two contrasting views on this subject.

The adapted cities model (Frederickson and Johnson 2001; Frederickson, Johnson, and Wood, 2004) asserts that American municipalities are transforming. The authors argue that their “research finds that the detailed features of these traditional models [mayor-council and council-manager] have been so mingled as to all but eliminate the importance of the formal designation of a city as either a mayor-council or council manager-city” (Frederickson, Johnson, and Wood, 2004, 7). Frederickson et al. present evidence that there are national trends towards greater mayoral authority in council-manager governments and greater professionalism in mayor-council governments. This argument makes the assumption that the municipalities have the power to adjust their structures at will when this may not be the case in all states.

Frederickson, Johnson, and Wood (2004) are not alone in their argument that municipalities are becoming too hybridized to sustain the two major categories of form of government (DeSantis and Renner, 2002; MacManus and Bullock, 2003). These authors argue in support of different typology methods to categorize contemporary American municipalities. Using five variables, the authors propose three categories of council-manager form and four categories of mayor-council form. The variables used to distinguish categories of form are the form of government identified on the survey (council-manager vs. mayor-council), presence or absence of a CAO, mayoral selection method, mayoral veto power, and assignment of budgetary formulation and department head appointment authority. Cities that fit in none of the categories remained unclassified.

All of these studies have a number of limitations. First, they do not distinguish between those governmental features that change the distribution of legislative and administrative powers from those features that merely alter the process of governing. In order to be a hybrid, there must be some shift in the assignment of legislative or executive functions. Second, accurate

longitudinal data tracing changes in form of government are difficult to find, as are current data on very specific structural features (such as budgetary or department head appointment authority).

In a more recent study, Nelson and Svara (2010) present a new typology of municipal government form that is based on distinguishing between those forms that preserve the separation of powers (mayor-council types) and those that have unified powers (council-manager types). They argue that only those municipalities that blend the power relationships are truly hybridized, leading to the conclusion that there are many fewer hybridized governments in the United States than indicated by Frederickson, Johnson, and Wood (2004).

Attempting to address the limitation of earlier studies, Nelson and Svara (2010) argue that many of the features used in earlier reclassification attempts are not related to the distribution of powers in local government. In addition, they argue that some variables used in earlier studies, such as identifying who has the authority to draft a budget, are difficult to determine with accuracy.

In contrast to earlier studies, Nelson and Svara's (2010) typology for form of government is based on whether modifications to council-manager and mayor-council forms have the potential to change the balance of power within the municipal government between the mayor, the council, and the CAO. For municipalities with a population of at least 10,000, the distribution of the seven variations is presented in Table 1. The first two variations are council-manager governments, Variation 1, council (mayor)-manager, with an appointed mayor, and Variation 2, mayor-council-manager with an elected mayor. The final three variations are types of mayor-council governments. According to Nelson and Svara, the only true hybrids are variations 3 and 4; the council-manager form with an empowered mayor and a mayor-council

form with a council that is atypically powerful, having authority to appoint the CAO. Nelson and Svava argue that in municipalities having these arrangements, the balance of legislative or executive power is shifted. Hybrids do not make up a large percentage of municipal governments overall, belying the idea that municipalities are rapidly hybridizing. Hybrid mayor-council governments are considerably more common than the hybrid council-manager type.

In order to gauge the effect of state legislative control over municipal structure, I use the Nelson and Svava typology and determine the percentage of each variation in form of government in each state. These percentages are the dependent variables in the quantitative portion of this study.

Table 1. Nelson and Svava 7-Category Form of Government Typology (Population > 10,000)

	Variation	How is mayor selected in council-manager form?*	Nominal Form	CAO?	CAO appointment	% of total cities
1	Council (Mayor)-Manager	Appointed by council	Council-manager or other	Yes	Council	20.9 (601)
2	Mayor-Council-Manager	Directly elected	Council-manager or other	Yes	Council	34.6 (996)
3**	Empowered mayor-council-manager	Directly elected	Council-manager or other	Yes	Mayor nominates, council approves	0.7 (20)
4**	Mayor and Council-Administrator		Mayor-council or other	Yes	Council	8.3 (239)
5	Mayor-Council-Administrator (M-C-A)		Mayor-council or other	Yes	Mayor nominates, council approves	9.1 (261)
6	Mayor-Administrator-Council (M-A-C)		Mayor-council or other	Yes	Mayor	5.1 (147)
7	Mayor-Council		Mayor-council or other	No	N/A	21.4 (615)
Total						2879

* Nine municipalities select their mayors according to the council candidate who receives the highest number of votes in the at-large election; those communities are not included in the analysis.

** These categories are considered hybrids of council-manager and mayor-council forms.

(From Nelson and Svava 2010, p. 555)

A final limitation of earlier studies is one I address in this article—that state level intervention might be at work in limiting or permitting local level structural modification. I attempt to determine whether the few states with considerable numbers of municipalities having truly hybridized their governmental form (Nelson and Svara's categories 3 and 4) have greater structural autonomy provided in state law or perhaps they are mandated to adopt exceptions to the traditional features of council-manager or mayor-council form.

Factors that Influence Choice of Local Government Form

A number of earlier studies have sought to determine the factors that influence the adoption of structural reforms at the local level (Kessel, 1962; Lineberry & Fowler, 1967; Dye & Macmanus, 1976; Protasal, 1988; Dye, 1991). While these studies test a number of variables, including region, population, growth rate, density, partisanship, minority population, and economic base, the findings are mixed. The exception is region; data show that council-manager governments are more common in the south and west than they are elsewhere in the country (Montjoy & Watson, 1993).

In one of the earliest and most comprehensive studies of predicting local government structure, Dye and Macmanus (1976) used discriminant function analysis to determine what variables predict form of government and election procedures. They found that form of government was related to percent of the population that was foreign born, region, and socioeconomic indicators (although only within regions, not nationwide).

Simmons and Simmons (2004) have published the most recent study analyzing the motivations behind changes in municipal form of government. They included a large number of independent variables to attempt to determine what factors were associated with movement towards the council-manager or mayor-council form. In contrast to earlier studies, their findings

suggest that Southern cities are more likely to move towards the mayor-council form instead of the council-manager form. Other variables associated with movement towards the mayor-council form were larger minority populations and declining manufacturing cities. Movement towards adoption of council-manager form was associated with rising educational levels and a growing professional workforce.

This study takes a different approach from that used by earlier scholars. Instead of examining attributes of the communities themselves and whether those attributes are related to the choice of local form of government, I seek to determine the degree to which state law influences those choices—particularly those choices that result in a hybrid of the two major local government forms.

Autonomy and Institutional Change

While there have been no studies that examine the effect of state control over form of government choices in municipalities, there have been a number of studies that investigate the role of the state in other elements of local government activities and institutional change.

The study that most resembles the current project is an examination of county structural reforms—hiring a CAO, adopting a charter, or electing a county executive. Marando and Reeves (1993) found that urbanization and state were the key explanatory variables related to counties adopting one of the three reforms. They do not, however, attempt to operationalize the level of state legal control over county structural reform.

A number of researchers have examined the effect of state statutes and policies on the fragmentation of local government authority through the formation of special districts. Bollens (1986) found that state laws regulating tax, expenditure, and contractual limitations on local governments encouraged the formation of special districts. Foster (1997) had mixed findings in

her study. While debt limits seemed to promote formation of special districts, property tax limits had the inverse effect. In a later study, Carr (2006) found considerably less evidence of this relationship, finding instead that only tax and expenditure limitations had an effect on the number of special districts.

Researchers have also found that states influence local government financial choices, cooperative agreements, and annexations. Farnham (1988) found that state-imposed debt limits were related to lower debt per capita in the sample communities. State tax and expenditure limitations have been found to influence the revenue structures of counties (Johnston, Pagano, and Russo, 2000). In their study of the effects of state fiscal, structural, functional, and administrative autonomy granted to local governments, Carr and Feiock (2001) found the inverse of their expectation—regulations intended to reduce annexations were instead related to higher numbers of annexation. Finally, Krueger and Bernick (2009) found limited support for their hypothesis that greater state constraints on local governments related to property tax generation, annexation, and the creation of special districts would lead to an increased interest in forming cooperative agreements with other local governments.

Data and Methods

Data used for this study were obtained from two sources. For the form of government variables, this project used a comprehensive dataset of form of government for U.S. municipalities with populations greater than 10,000². This municipal form of government dataset was created by merging three datasets—two form of government survey datasets from the International City/County Management Association (ICMA) and a third from the National League of Cities (NLC) on form of government. The data were then screened for discrepancies between the three datasets and corrected; missing data were filled in by obtaining copies of

charters and ordinances for the municipalities. The dataset is updated regularly as municipalities make changes to their government form and is comprehensive, containing data for 3,096 municipalities.³

Document analysis provided the source for the second set of data. I compiled the second dataset from state statutory and constitutional provisions related to form of government. Specifically, the statutes and constitutions were read to determine home rule powers, types of government structures permitted by state law, regulations that limit institutional flexibility determined by the categories of communities, and the ease with which municipalities are able to make modifications in form. All of the state documents are available via the internet. From this research, I compiled a database of 49 states (Hawaii was excluded since it only has one municipality) that included form of government variables, items related to executive authority, and factors that address overall local government autonomy. Demographic variables used in the study are from the 2000 U.S. Census.

Much of the data presentation is descriptive. There has been no previous comprehensive review of state provisions related to local government structure. The objective of the descriptive analysis is to assess the legal restrictions states place on municipal governments that curtails their ability to modify their form of government. Findings are presented for form of government, mayoral characteristics, and provisions related to chief administrators. When the data are available, state characteristics are compared to the distribution of local government structural features, specifically, form of government, mayoral authority, and presence or absence of a chief administrator.

Using Nelson and Svara's (2010) 7-category form of government variable, I determine the distribution of variations in form of municipal governments throughout the U.S. The

hypothesis for this study is that the level of autonomy granted to local governments by the state to modify their form of government is related to the adoption choices of form of government. Since mayor-council government is the default form in most state statutes, I expect to find that greater levels of autonomy lead to higher rates of adoption of the council-manager and mayor-council-CAO forms of government and lower rates of adoption of the traditional mayor-council form. Higher levels of autonomy should also be related to the proportion of hybrid government forms in the state. To explore the effects of state legislation on form of government choices, I use state structural autonomy as the primary independent variable.

To determine whether local governments do have the power to modify their form, I created a dataset by finding provisions in each state's constitution or statutes related to structural authority of municipal governments. These provisions include structural home rule power and the ease with which municipalities may add provisions that modify their form of government. Twenty-eight states give the majority of their municipalities the power to customize their form, while twenty-one do not. I created a seven-category scale consistent with the Nelson and Svara typology as the structural autonomy variable. The 28 states that give most municipalities the power to customize form at will, received a score of 7. The other states received scores of 2-7 corresponding to the number of variations in form the majority of municipalities are permitted to adopt. For example, the state of Delaware does not restrict local form of government, so Delaware was coded 7. In some states, only home rule communities are provided that level of autonomy. In other cases, such as New Jersey, state statutes provide for all of the form of government variations as optional forms. In some cases, home rule is granted to only a minority of cities over 10,000 in population, in those states statutory provisions that designate form of

government are used to determine the value of the primary independent variable (see Appendix A for state coding).

I also included control variables in the study. Since previous research found region significantly related to the choice of form of government (Dye and Macmanus, 1976; Dye, 1991), I included region as a control variable coded as a three-category dummy variable with the northeast as the benchmark variable. Two population variables—population growth between 1990 and 2000 and population density per square kilometer (in the year 2000)—were also used in the analysis. Finally, I added state per capita income for 1999 as a measure of economic health.

The unit of analysis for this study is the state; I excluded Hawaii due to the small number of municipalities in the state ($n = 49$). The dependent variables in the study were the percentage of each of the seven categories of forms of government identified by Nelson and Svara (2010) in municipalities with populations over 10,000, per state. I ran separate regression models for each variation of government, for a total of seven models.

Findings

State legal provisions can lead to exceptions to the pure forms of municipal government in one of three ways—the law mandates an exception to the traditional characteristics, the law expressly gives the option to adopt an exception, or the state gives municipalities the power to change their institutional features at will (through home rule or special charter powers). A more complete picture of how these deviations occur can be developed by presenting descriptive data comparing state law to outcomes in overall form and more detailed institutional features.

Form of Government

While municipalities can be governed using one of four general structural forms: mayor-council, council-manager, town meeting, or commission form, analysis for this study was limited to mayor-council and council-manager governments. Nearly half of the states (N = 21) use the mayor-council form as the default form of government, meaning that state law dictates mayor-council form as the starting point for new local governments (Table 2).

The majority of states permit both council-manager and mayor-council forms of government (26) for municipalities of any size or classification. Ten additional states put no prohibitions on form of government for municipalities. Utah removed the council-manager form as an option in the statutes effective 2008; however, municipalities may adopt the council-manager government by drafting charters. Nine states do not mention form of government in state statutes.

In some cases, although states permit council-manager governments, municipalities must meet highly restrictive conditions in order to enact that form. For example, in Indiana, only towns or cities of the third class (fewer than 35,000 residents) can have an appointed manager; state law also mandates that the mayor appoint the manager, not the city council. Nebraska uses population to designate which municipalities can use the council-manager form of government (i.e., municipalities with populations of 1,000-200,000). Both Indiana and Nebraska have essentially prohibited the largest municipalities in those states from adopting the council-manager form. Similarly, Louisiana has expressly barred New Orleans from adopting the council-manager form. In Alabama, municipalities with 300,000 or more residents cannot adopt the statutory council-manager form, but they can add a manager by passing an ordinance. Nevada also restricts the use of the council-manager form. Most municipalities operate under a

general charter which is based on a mayor-council form of government. In order to adopt the council-manager or commission form, the municipality must obtain a special charter.

Table 2. Legal Arrangement and Form of Government*
Municipalities over 10,000 population

The categories below are not mutually exclusive	M-C%	MC-CAO%	C-M%
Mayor-council form is the default form (N = 21)	30.99	25.42	43.59
State expressly permits mayor-council form (N = 40)	25.82	23.04	51.14
State expressly permits council-manager form (N = 26)	23.31	17.73	58.96
Council-manager form restricted to cities in minimum population class (N = 8)	29.82	31.15	39.03

* Numbers in brackets represent the number of states with legal provisions that permit each form of government. The percentages are the mean percentage adoption rates of those forms within the states represented by N.

State law regarding form of government seems to have a mild influence on implementation. In the states that identify the mayor-council form as the default, the majority (56%) of municipalities with populations above 10,000 use the mayor council form or mayor-council with CAO (see Table 3). Restricting council-manager form according to population leads to a minority of municipalities adopting that form of government (39%) while nationwide, a majority of municipalities in the 10,000 or greater population range use the council-manager form (57%, from the Municipal Structure Dataset).

Despite these weak patterns, there are a number of states in which permitting a range of choice has made much difference. Some states that provide for optional forms of government have seen limited implementation of certain options. For example, municipalities in Arkansas, Idaho, and South Dakota, have only a handful of municipalities using the council-manager form of government. However, in North Dakota, half the municipalities use commission or council-manager forms of government.

In some cases, states permit the addition of an appointed chief administrator to handle operations, usually, but not always, under the direct authority of the mayor. Municipalities are

permitted by state law to add a professional chief administrative officer (CAO) in 19 states. In three states (Alabama, Arkansas, and Washington) a city must fall into a particular population classification in order to hire a CAO (see Table 3). Alabama, for example, permits chief administrators in mayor-council municipalities with a minimum population of 250,000 (Code of Alabama Title 11 Ch. 43 §11-43-81.1 (1975)). Most states place no provisions related to an appointed chief administrator in the statutes but home rule and charter municipalities are usually free to add a chief administrator in those cases.

Table 3. Legal Arrangement and Use of CAO*

Are CAOs permitted by state law?	M-C%	MC-CAO%
Yes (19)	19.42	28.45
Yes w/ pop requirement (3)	60.06	11.73
Not specified (27)	24.75	17.46
Total (49)	26.30	18.97

* Numbers in brackets represent the number of states with legal provisions that permit each form of government. The percentages are the mean percentage adoption rates of those forms within the states represented by N. Municipal population 10,000 and greater.

Not surprisingly, a greater number of municipalities add a chief administrator when statutes expressly permit it than in states that do not contain a CAO provision in their laws. More than 28% of municipalities in states with unrestricted laws permitting CAOs have chief administrators while only 17% of municipalities have chief administrators in states that do not specify the addition of a CAO. In the three states that restrict the addition of the CAO to a certain population, fewer than 12% of municipalities use a chief administrator.

Mayors and State Law

Simply knowing the form of government alone does not necessarily give a full picture of limitations the state may place on institutional construction at the local level. States that restrict criteria for selection of the mayors or chief administrators or that designate specific powers for each are able to substantially curtail structural autonomy at the local level. For example,

Frederickson et al (2004) suggest that council-manager municipalities have chosen to elect their mayors directly in order to strengthen political leadership. In twelve states, however, that choice has been made at the state level, and council-manager municipalities are limited to a single procedure for mayoral selection—either to elect the mayor at-large or have council select the mayor from among its ranks (see Table 4). The most common method is election at-large (N = 9). Eight states give council-manager municipalities the option to choose from two or more methods for mayoral selection. The remaining states either do not specify a procedure for mayoral selection or allow municipalities to customize their structure, including choice of mayoral selection method.

Table 4. Legal Arrangement for Selection of Mayors in Council-Manager Municipalities*

Method	Number
Elected at-large	9
Selected by council	3
Multiple methods permitted	8
No provision in state law/structural home rule	28
Depends on population class	1
Total	49

*Municipal population 10,000 and above.

With regard to municipalities with mayor-council governments, 31 states require that the mayors be elected at-large, as indicated in Table 5. Although the legal arrangements might suggest that there would be some variation in actual practice, virtually all—98.6%—of mayor-council mayors in municipalities with population 10,000 and above are directly elected.

Table 5. Mayoral Selection in Mayor-Council Municipalities

Method of Mayoral Selection	N	%
Elected at-large	31	62
Appointed by council	1	2
Multiple methods permitted	8	16
No provision in state law	9	18
Depends on population classification	1	2
Total	50	100

In addition to limiting how mayors may be selected, state law may also prescribe specific mayoral powers and responsibilities. In this study, I examine state law pertaining to the mayor’s authority to vote in council sessions, veto ordinances, and appoint city staff members. Although these powers do not necessarily alter the balance of power between the mayor and council, a number of earlier studies on form of government have argued that they are important considerations. Twenty-one states grant mayors the power to vote on all council matters in council-manager governments while only 11 states grant mayors voting power in mayor-council governments (see Table 6). In addition, 18% of states grant mayors the right to vote with conditions in council-manager governments, generally the condition is to break a tie vote. Veto power is most often denied to mayors in council-manager municipalities (24 states) although state law is silent on this matter in 16 states. In contrast, 24 states grant veto power to mayors in mayor-council governments, and only six deny it.

Table 6. State Legal Provisions on Mayoral Power

Mayoral Power	Yes	No	Conditional	No provision in state law
<i>Council-Manager</i>				
Vote	45%	12%	18%	25%
Veto	10%	49%	10%	31%
Appointment	4%	67%	4%	25%
<i>Mayor-Council</i>				
Vote	25%	18%	37%	20%
Veto	49%	12%	10%	29%
Appointment	67%	4%	4%	25%

Following the standard characteristics of mayor-council governments, authority to appoint city staff is overwhelmingly more common for mayors in mayor-council governments (permitted in 33 states) than for mayors in council-manager governments (permitted in four states). These results indicate that states generally reinforce the standard features of each form of

government. Still, a sizeable minority of states (five to ten depending on the power in question) require a feature of government that differs from the standard characteristics.

City Managers and State Law

States that formally provide for council-manager governments also tend to exercise control over the selection of managers and the duties that they may perform. Every state except Utah (although some municipalities are grandfathered in) allows at least some municipalities to use the council-manager form, either because the states have no restrictions on municipal government form or because state statutes explicitly provide for the council-manager form of government as an option for municipalities. Thirty states (61%) contain statutory provisions mandating that city managers be appointed based on professional qualifications for the job (Table 7), the other states have no provisions related to managerial qualifications.

Table 7. City Managers and State Legal Provisions

State Law Mandates:	Minimum Professional Qualifications for Manager	Duties of Manager
Yes	61%	78%
No	39%	22%

Wisconsin statutes provide an example of the typical state statute that details the requirements for selection of the manager:

The city manager shall be elected purely on merit. In electing the city manager the council shall give due regard to training, experience, executive and administrative ability, and efficiency and general qualifications and fitness for performing the duties of the office, and no person shall be eligible to the office of city manager who is not by training, experience, ability, and efficiency well qualified and generally fit to perform the duties of such office. No weight or consideration shall be given by the council to nationality, political, or religious affiliations, or to any other considerations except merit and direct qualifications for the office (Wisconsin Statutes Database Subch. 1 of Ch. 64 § 64.09 (2005)).

In cases where state law is less specific, the statute will contain a general statement that city managers are to be hired based on professional qualifications.

In addition to mandating professionally competent managers, 38 states (78%) list the duties city managers are to perform. Ten percent of states grant municipalities the authority to assign duties to managers through local ordinances. The remaining 12% do not reference city manager responsibilities in state legislative documents.

Chief Administrative Officers and State Law

Mayor-council municipalities seeking to enhance the professionalism of local government may add an appointed chief administrative officer (CAO) to manage various operations of the government. As noted previously, eighteen states expressly provide for the option of appointing CAOs to mayor-council governments. These provisions typically include a requirement for the administrator to be professionally qualified and to answer solely to the mayor. For example, in Mississippi,

the council of any municipality adopting the mayor-council form of government may, within its discretion, adopt an ordinance providing that the mayor shall appoint, with the advice and consent of the council, a chief administrative officer to coordinate and direct the operations of the various departments and functions of municipal government; such chief administrative officer shall serve at the pleasure of the mayor and shall possess such qualifications and experience as shall be set out in the aforesaid ordinance. (Miss. Code § 21-8-25 1972).

Arkansas has an optional city administrator form of government. Although this form is distinct from the council-manager form (also permitted under Arkansas law), the Arkansas statutes mandate that council appoint the administrator and detail the administrator's duties, making the form nearly identical to the council-manager form of government.

Hybrid Forms of Government

In order for a local government to be classified as a hybrid form, there should be some shift in the typical distribution of powers between the mayor and the council. Using the Nelson and Svara (2010) typology, I classify hybrid municipalities as (1) those mayor-council communities in which the CAO is appointed by the council (or council with the mayor serving on council) instead of by the mayor independent of council (i.e., Nelson and Svara's variation 3), and (2) those council-manager cities in which the mayor (in place of the council) nominates or appoints the manager (i.e., Nelson and Svara's variation 4).

Referring again to Table 1, there are a very small number of municipalities nationwide that fit these criteria in the population range of 10,000 and above. Mayors have a role in appointing the manager separate from council (in council-manager form) in only 20 municipalities with populations of at least 10,000. In 239 mayor-council cities with a minimum population of 10,000, the council appoints the CAO. It is difficult to make generalizations with such small numbers of cases in statistical testing, particularly when aggregating to the state level. However, it is enlightening to study the prevalence of these hybrid forms in relation to the level of state structural autonomy.

As shown in Table 8, municipalities using variation 3 are found in fourteen states, including two that do not allow for full customization of governmental form (Illinois and Missouri). Illinois provides structural home rule for municipalities with a minimum population of 25,000, but all municipalities are required to elect their mayors at-large. In Missouri, Kansas City is the only municipality that departs substantially from the traditional council-manager form by giving the mayor a greater role than is typical in both the appointment of the manager and the budgeting process.

Variation 4 is found in twenty-nine states. Even states that do not give municipalities a great deal of power to modify form often allow for the addition of a professional administrator through the adoption of an ordinance. Since several states, including Illinois and Wisconsin, require municipalities to seek approval through a referendum to change to council-manager form but may add a CAO through ordinance, the adoption of a council-appointed CAO position may be an attempt to add professional management in way that is most expedient.

Table 8. Hybrid Municipal Form and the Presence in the States

Autonomy to modify form?	Number of states with municipalities using:	
	Variation 3	Variation 4
Yes	12	19
No	2	10

Classification of Municipalities

Twenty-eight states maintain legal classifications of municipalities, typically dependent on population, which affects municipal structural characteristics. Often, the classifications designate which municipalities are entitled to home rule status, although the minimum size varies greatly between states. In Arizona, the minimum size is 3,500 while in Illinois the minimum is 25,000.

Six states restrict choices for form of government based on population classification. Indiana, for example, dictates form of government. Only third class municipalities in Indiana (those with populations under 35,000) are permitted to use council-manager government and the mayor is responsible for appointing the manager under state law. First and second class municipalities in South Dakota can choose one of three forms of government—mayor-council, council-manager, commission. Third class cities or towns have town government, similar to mayor-council but without a separately elected mayor.

New Jersey's classification system is perhaps the most complicated. In addition to classifying according to population, municipal governments can also be designated as cities, towns, boroughs, villages, or townships. Within each subclass of government are various choices for structural form; the details for all forms are expounded in state law.

Other states have specific provisions that dictate variation from the traditional characteristics of mayor-council or council-manager governments. Massachusetts requires all municipalities with populations above 150,000 to have council members elected by districts or wards. In West Virginia, the term mayor-council government in state law refers to a hybridized government form in which the mayor and council share legislative and administrative responsibilities. State law designates what would normally be called mayor-council as "strong mayor."

Regression Analysis

Seven models were used to test the influence of state legislation on the adoption of forms of municipal government. The percentage of each of the seven variations in forms of government (from the Nelson & Svara 2010 typology) in use in each state for municipalities with populations of at least 10,000 serve as the dependent variables. Descriptive statistics for the dependent and independent variables (Table 9) shows considerable variation for most. However, Variation 3, council-manager governments with empowered mayors, ranges from only 0% to 4.5% in the states.

Each of the seven models tests the proportion of one of the seven variations in government form in each state against the primary independent variable of state autonomy and the control variables—population growth rate, population density, per capita income, and region. Models one, two, three, and seven were statistically significant. Model 1 tested the proportion of

council-manager governments with appointed mayors relative to the independent and control variables. Although the overall model was significant (Table 10), the primary independent variable—state autonomy to modify form—was not. Variables that were significant were southern region (significance < .05) and midwest region (significance < .01). Though above the .05 level of significance, population density was significant at the .1 level ($p = .07$). The adjusted r-squared for the model was .167. Population density was negatively related to proportion of council (mayor) manager governments—lower population density is associated with higher levels of council-manager governments with appointed mayors.

The regression findings provide some support for the hypothesis. Greater state autonomy was significantly related to higher proportions of council-manager government (though only those with elected mayors) and negatively related to mayor-council governments without CAOs. However, when examining the hybrid categories (Models 3 and 4), there was not a significant relationship between autonomy and adoption of either category.

Table 9. Descriptive Statistics for Independent and Dependent Variables

Variable	N	Min.	Max.	Mean	Std. Dev.
Percent Variation 1: council (mayor) manager	49	.00	75.00	17.72	19.28
Percent Variation 2: mayor-council-manager	49	.00	100.00	34.19	29.09
Percent Variation 3: empowered mayor-council-manager	49	.00	4.50	.58	1.13
Percent Variation 4: mayor and council-administrator	49	.00	52.90	7.70	11.90
Percent Variation 5: mayor-council-administrator	49	.00	50.00	9.06	11.46
Percent Variation 6: mayor-administrator-council	49	.00	33.30	6.21	9.57
Percent Variation 7: mayor-council	49	.00	84.10	24.51	25.59
Per capita income (1999)	49	15,853.00	28,766.00	20,751.92	2,876.14
Population density—per square km (2000)	49	.4	438.00	70.18	97.59
Population growth 1990-2000	49	.50	66.30	13.92	11.38

Election of the mayor in the council-manager form is considered a departure from the traditional elements of the form despite the fact that it is the more popular variation in practice. The findings support the proposition that departures from a traditional form of government require higher levels of structural autonomy from the state government. The inverse applies in the case of mayor-council governments—as the default form of government in many states, departures from the mayor-council form requires some level of structural autonomy from the state.

Minnesota, New Jersey, Pennsylvania, Wisconsin, and Illinois have the highest numbers of municipalities using the arrangement in variation 5—mayor-council form with a CAO appointed by council. In these cases, state law does play an important role, although this role is not reflected by the autonomy variable. In New Jersey and Pennsylvania, municipalities using this variation are typically either borough or township forms of government, not mayor-council cities. Minnesota law provides for a weak mayor municipal form that allows for the addition of a CAO appointed by council. In Illinois and Wisconsin, municipalities can add a CAO through ordinance and also determine how the CAO will be appointed—therefore, they can closely approximate a council-manager form without attaining a vote through referendum to change to the statutory council-manager form.

The regional dummy variable provided some interesting results as well. Findings indicate that council-manager governments with appointed mayors are less common in southern, western, and midwestern states than in northeastern states, with statistically significant differences in the southern and midwestern states. This departs somewhat from earlier findings

that have indicated that council-manager governments are more common in the south and west than in other regions.

Table 10. Regression Models: Form of Government Adoption and State Autonomy

Independent Variables	Models (7-Variation Form of Government)													
	1 Council (Mayor)-Manager		2 Mayor-CM		3 Empowered Mayor CM		4 Mayor & Council-Administrator		5 Mayor-Council-Administrator		6 Mayor-Administrator-Council		7 Mayor-Council	
State Autonomy	.156	6.027	.247*	14.400	.237	.539	.018	.436	-.142	-3.253	-.079	-1.512	-.325*	16.657
	5.649		6.822		.330		3.815		3.590		2.976		7.543	
South [#]	-.535*	21.772	.303	18.623	.448*	1.078	-.030	-.764	-.296	-7.154	.619**	12.511	-.047	-2.552
	9.341		11.279		.546		6.307		5.936		4.921		12.472	
West	-.395	17.524	-.081	-2.249	.295	.772	.021	.567	-.051	-1.338	.663*	14.596	.143	8.397
	11.526		11.423		.674		7.782		7.325		6.072		15.389	
Midwest	-.612**	27.162	-.034	-2.249	.570**	1.494	.352	9.640	.206	5.433	.255	5.608	.123	7.254
	9.461		11.423		.553		6.388		6.012		4.984		12.632	
Per capita income 1999	.234	.002	.314*	.003	.453*	.000	-.131	-.001	-.312	-.001	.136	.000	-.404*	-.004
	.001		.002		.000		.001		.001		.001		.002	
Population density	-.411	-.081	-.411*	-.122	-.188	-.002	.149	.018	.236	.028	.258	.025	.514*	.135
	.044		.053		.003		.030		.028		.023		.058	
Growth rate 1990-2000	-.290	-.491	.531**	1.357*	-.102	-.010	-.065	-.068	-.003	-.003	-.366	-.308	-.213	-.478
	.309		.373		.018		.209		.196		.163		.412	
Constant	12.310 (26.527)		-54.497 (32.031)		-4.054 (1.552)		16.094 (17.911)		36.178 (16.858)		-8.810 (13.975)		102.767 (35.419)	
R ²	.289		.544		.301		.149		.186		.198		.280	
Adjusted R ²	.167		.466		.182		.003		.047		.061		.157	
F	2.377*		6.990***		2.527*		1.022		1.341		1.448		2.277*	

Values shown are standardized coefficients, unstandardized coefficients, with standard errors below. * p < .05; ** p < .01; *** p < .001 (N = 49)

[#] Northeast is the reference variable for the region dummy variable.

Variations: 1 = Council-manager (appointed mayor); 2 = Council-manager (elected mayor); 3 = Empowered mayor-council-manager; 4 = Mayor and council-administrator (council appoints CAO); 5 = Mayor-council-administrator (mayor nominates CAO); 6 = mayor-administrator-council (mayor appoints CAO); 7 = Mayor-council (no CAO)

When the numbers of each of the two types of council-manager government are compared by region (northeast to south), the results suggest that while council-manager government with an appointed mayor is preferred in the northeast over the south, the results are reversed when comparing the council-manager with elected mayor. There are 146 municipalities in the northeast with an appointed mayor but only 98 with an elected mayor. In the south, there are only 66 council-manager municipalities with an appointed mayor, but 478 with an elected mayor. Therefore, the total number of council-manager governments remains higher in the south, though the elected mayor provision is preferred over the appointed mayor. In some cases, this is due to state law mandating direct election of the mayor for most communities (i.e. Texas) and in other cases (i.e. North Carolina), the state allows municipalities to choose the selection method of the mayor. Region was also significant for Variation 6. Strong mayor-council governments with a CAO are more common in the South and West than in the Northeast. In these communities, the mayor selects the CAO who generally works at the behest of the mayor.

Per capita income was found to influence the choice of three variations in government form. Both council-manager governments with an elected mayor (Variation 2) and empowered council-manager governments (Variation 3, a hybrid) were related to higher levels of per capita income. This finding is consistent with Simmons and Simmons' (2004) determination that higher education levels and a growing professional workforce were associated with the adoption of the council-manager form.

Population density was related to both the adoption of the council-manager form with an elected mayor (Variation 2) and mayor-council governments without CAOs (Variation 7). Prior studies found mixed results for this variable. In this study, greater population densities were

associated with lower proportions of mayor-council-manager governments and higher proportions of mayor-council governments.

Finally, population growth rate was significantly related only to the proportion of mayor-council-manager governments. Higher growth rates were associated with higher proportions of mayor-council-manager cities (Variation 2).

Discussion and Conclusion

These findings suggest that the Frederickson et al.'s (2004) hypothesis that adapted cities are the modal form of government is questionable. While there is evidence that municipalities are more likely to have professional management than not, whether this is a result of a conscious decision to adapt or occurs for other reasons is not conclusive. In fact, even in states where municipalities are free to adopt any variations in form of government they choose, there are only a few truly hybridized systems adopted in the United States. Instead, evidence presented in this paper suggests that most communities with populations of 10,000 and above are retaining governmental structures that are consistent with the principles of either the council-manager or mayor-council form.

Why are municipalities not hybridizing when they have the power to do so? The data show that slight departures from traditional characteristics of the council-manager and mayor-council form are common. Popularly electing the mayor in the council-manager form and hiring a CAO in the mayor-council form are the two most common deviations. However, substantively altering the forms to the point where a change occurs between the balance of executive and legislative power, creating a hybrid form, or changing to a different form is quite rare. This is consistent with Svava's argument that cities are more likely to modify institutional features within their form rather than abandoning their form altogether (Svava, 1990).

Aside from autonomy, there are some patterns of associations between certain variations in form and the control variables in the study. The results suggest that region, per capita income, and population density may influence the choice of municipal government form whether hybridized or of another type. Southern and midwestern cities are less likely to use the traditional council-manager model (with an appointed mayor) than are northeastern cities. While southern and western cities are more likely to use mayor-council-CAO forms with a strong mayor than are northeastern cities. These findings are generally consistent with earlier research—although previous studies used a dichotomous form of government variable.

Findings from this study indicate that state legislative provisions can be an important variable influencing city government structural change. While in some states, few controls exist at the state level, others greatly limit their municipalities' ability to modify their government form. Since variation is so great, it is an important consideration when tracking the transformation of government features.

While earlier studies contend that municipalities transform their form of government to optimize their performance, my findings suggest that choices such as granting greater mayoral authority are not always within the realm of local government power. Structural autonomy is greatly constrained by many states, particularly for smaller municipalities. Generally, home rule municipalities have substantially more latitude when making structural changes. However, the home rule designation does not guarantee structural free-reign. In order for studies to gauge whether municipalities are intentionally choosing elements from both mayor-council and council-manager forms of government, consideration of the influence by state government is essential.

There are some limitations in this study that can be addressed in future research. In order to achieve optimal accuracy with form of government characteristics, the dataset was limited to municipalities with a minimum population of 10,000. Limiting population to 10,000 and above undoubtedly means that a number of potentially hybrid municipalities are not counted. Future research should explore patterns in small municipalities, particularly since these are the communities that are typically most constrained by state law.

The level of state autonomy afforded to municipal governments is related to some of the form of government choices in local government. Research that examines structural choices only from the perspective of the local governments is missing part of the picture. These findings indicate that departures in form from the traditional mayor-council or council-manager models are not the modal form of local government in the United States and are not solely the result of choices made at the local level.

References

- Bollens, S. A. (1986). Examining the link between state policy and the creation of local special districts. *State and Local Government Review*, 18 (3): 117-24.
- Carr, J. B. (2006). Local government autonomy and state reliance on special district governments: A reassessment. *Political Research Quarterly*, 59 (3): 481-492.
- Carr, J. B., & Feiock, R.C. (2001). State annexation “constraints” and the frequency of municipal annexation. *Political Research Quarterly*, 54 (2): 459–70.
- DeSantis, V. S., & Renner, T. (2002). City government structures: An attempt at clarification. In H. G. Frederickson and J. Nalbandian (Eds.), *The Future of Local Government Administration*. (pp. 71-80). Washington, D.C.: ICMA.
- Dye, T. R., & Macmanus, S. A. (1976). Predicting city government structure. *American Journal of Political Science*, 20 (2): 257-271.
- Dye, T. R. (1991). *Politics in states and communities*. Englewood Cliffs, N.J.: Prentice-Hall.
- Farnham, P. G. (1988). The impact of state regulatory activity on the use of local government debt. *Journal of Urban Affairs*, 10 (1): 63-76.
- Foster, K. A. (1997). *Political Economy of Special Purpose Governments*. Washington, D.C.: Georgetown University Press.
- Frederickson, H. G., & Johnson, G. A. (2001). The adapted American city: A study of institutional dynamics. *Urban Affairs Review*, 36 (6): 872-884.
- Frederickson, H. G., Johnson, G. A., & Wood, C. H. (2004). *The adapted city: Institutional dynamics and structural change*. Armonk, NY: ME Sharpe.

- Johnston, J. M., Pagano, M. A., & Russo, Jr., P. A. (2000). State limits and state aid: An exploratory analysis of county revenue structure. *State and Local Government Review*, 32 (2): 86–97.
- Kessell, J. H. (1962). Government structure and political environment: A statistical note about American cities. *American Political Science Review*, 56 (3): 615-620.
- Krueger, S., & Bernick, E. M. (2009). State rules and local governance choices. *Publius: The Journal of Federalism* (Advance Access published online December 16, 2009, DOI 10.1093/publius/pjp037).
- Lineberry, R. L., & Fowler, E. P. (1967). Reformism and public policies in American cities. *American Political Science Review*, 61: 701-716.
- Macmanus, S. A., & Bullock, C. S. (2003). The form, structure, and composition of American municipalities in the new millennium. In the *Municipal Yearbook 2003*, Washington, D.C.: International City/County Management Association.
- Marando, V. L., & Reeves, M. M. (1993). County government structural reform: Influence of state, region, and urbanization. *Publius*, (23)1: 41-52.
- Montjoy, R. S., & Watson, D. J. (1993). Within-region variation in acceptance of council-manager government: Alabama and the Southeast. *State and Local Government Review*, 25 (1): 19-27.
- Mullin, M., Peele, G., & Cain, B. E. (2004). City Caesars? Institutional structure and mayoral success in three California cities. *Urban Affairs Review*, 40 (1): 19-43.
- Nelson, K. L., & Svara, J. H. (2010) Adaptation of models versus variations in form: Classifying structures of city government. *Urban Affairs Review*, 45 (2): 544-562.

Protasel, S. (1988). Abandonment of the council-manager plan: A new institutional perspective.

Public Administration Review, 48: 807-812.

Simmons, J. R., & Simmons, S. J. (2004). Structural conflict in contemporary cities. *American*

Journal of Public Administration, 34 (4): 374-388.

Svara, J. H. (1990). *Official Leadership in the City: Patterns of Conflict and Cooperation*. New

York: Oxford University Press.

Appendix A

State Coding for Independent Variable—Number of Variations Permitted by State Law

Alaska	2	North Carolina	3
Alabama	2	North Dakota	7
Arkansas	5	Nebraska	3
Arizona	6	New Hampshire	4
California	7	New Jersey	7
Colorado	7	New Mexico	7
Connecticut	7	Nevada	7
Delaware	7	New York	7
Florida	7	Ohio	7
Georgia	7	Oklahoma	7
Iowa	7	Oregon	7
Idaho	4	Pennsylvania	7
Illinois	6	Rhode island	7
Indiana	5	South Carolina	4
Kansas	7	South Dakota	7
Kentucky	4	Tennessee	5
Louisiana	7	Texas	7
Massachusetts	7	Utah	7
Maryland	7	Virginia	4
Maine	7	Vermont	3
Michigan	7	Washington	7
Minnesota	7	Wisconsin	7
Missouri	3	West Virginia	4
Mississippi	3	Wyoming	5
Montana	7		

¹ From the Municipal Structure Dataset, 1,019 municipalities with populations of at least 10,000 (35%) use council-manager form with a popularly elected mayor and 51% of mayor-council governments have CAOs.

² The Municipal Structure Dataset compiled and maintained by Kimberly Nelson at Northern Illinois University.

³ For comparison purposes, the 2001 ICMA dataset had 1,848 cases with a population of at least 10,000 and the NLC dataset contained 3001 cases with a population of at least 10,000.