

ARTICLE 5

Leading and Governing in Council-Manager Counties and Cities

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NORTH CAROLINA HAS a long tradition of using a professional manager to assist the elected leadership in governing their community and to ensure efficient and effective local government. In 1917 Catawba and Caldwell counties secured authorization by special acts of the General Assembly to appoint a county manager, although neither did so at the time.¹ In that same year, Buncombe County designated the chair of the board of commissioners as a full-time manager.² In 1927, following the success of the general law allowing cities to determine their form of government by local action, the General Assembly passed similar legislation to allow counties to choose their form of government without special legislation.³ In 1929 Robeson County became the first county in the United States to adopt the county-manager form⁴ and in 1930 Durham County became the second in the country to do so.⁵

Although they were ahead of their counterparts in other states, North Carolina counties were more cautious than cities in adopting this new form of government: until 1960 only nine counties had used the general law to appoint county managers, and three other counties elected commissioners to serve in the capacity of county manager.⁶ By 1970 thirty-five counties were using the county-manager form, and by 1980 eighty-two had adopted it. Today 99 of the 100 counties in North Carolina employ a full-time professional county manager.

Hickory and Morganton first adopted the council-manager plan as part of their charters in 1913, just one year after the first charter adoption of the plan in the country by Sumter, South Carolina. Another twenty-three North Carolina cities had adopted the plan by 1940, and two or three more adopted it each year from the 1940s through the 1960s. Between 1994 and 2002, twenty-four additional cities adopted the council-manager plan, while the number operating under the mayor-council form decreased by three cities.

By 2002, all but thirty-seven of the 189 cities with a population over 2,500 had appointed a manager under their charters, including all of the twenty-three largest cities in the state. Appendix 5-1 shows that the council-manager plan is more prevalent in the state's large cities. The small communities under 2,500 populations tend to favor the mayor-council form (see Article 5).

Origins and Reasons for the Growth in the Use of the Council-Manager Form of Government

Where did this growth in professional management originate? The form of government employing a professional manager who is accountable to those elected to office appeared in the United States nearly a century ago. It was created as part of a reform effort to eliminate the corruption in American local government that existed at the time. Nineteenth-century Jacksonian democracy—with its aversion to concentrated power in government—had created a system (the

1. 1917 N.C. Pub.-Local Laws ch. 433 (Catawba); 1917 N.C. Pub.-Local Laws ch. 690 (Caldwell). Neither special legislation was used. At its organizational meeting in 1936, the Catawba Board of County Commissioners, having decided the county needed an executive to manage the county's affairs when the board was not in session, voted to hire Nolan J. Sigmon as county accountant with the intention of making him county manager. In March 1937 the commissioners passed a resolution adopting the county-manager form, which had by then been authorized by Chapter 91 of the Public Laws of 1929 [now Chapter 81 of the North Carolina General Statutes (hereinafter G.S.)], and appointed Sigmon to the post of county manager.

2. This arrangement continued until December 1984 when the offices of county manager and chairman were separated pursuant to special legislation passed by the 1983 session of the General Assembly (1983 N.C. Sess. Laws ch. 129). This arrangement continues in effect.

3. 1927 Pub. Laws ch. 91, §§ 5–8, modified and recodified in 1973; now G.S. 153A-81 (*adoption of county manager plan; appointment or designation of manager*) and G.S. 153A-82 (*powers and duties of manager*).

4. Robeson County is the only county in the United States to have had the appointed-manager form of government continuously since that time.

5. The International City/County Management Association lists Durham County as having adopted the form in 1930.

6. In Catawba, Davidson, Durham, Forsyth, Gaston, Hertford, Rockingham, Guilford, and Robeson counties, commissioners appointed a separate county manager. In Buncombe, Haywood, and Mecklenburg counties, the chair served as county manager.

so-called long ballot) by which popularly elected officials filled not only the most critical administrative positions but many others as well. Few of these officials had the requisite skills or incentives to cooperate with other officials to run an efficient or effective government. This system created a leadership void that was quickly filled by party machines, whose political bosses controlled and manipulated voting. In return for delivering the vote, political bosses told elected officials how to run local operations, usually in a way that enriched them and their friends. Public affairs were organized and conducted on the basis of personal favors, political deals, and private profit. Party machine politics resulted in much inefficiency, laid waste to local government treasuries, and became a blatant affront to notions of a broader public good as the guiding principle of government. To remedy this, progressive reformers promoted widespread citizen access to accountable, elected officials through such devices as the short ballot, the strong executive, nonpartisan at-large elections, the initiative, the referendum, and the recall.

At the same time, reformers sought to introduce into local government the application of business and scientific management principles that were popular at the time. One vehicle was the council-manager plan for cities, originated by reformer Richard Childs in 1910⁷ and officially incorporated into the *Model City Charter* of the National Civic League in 1915. The plan sought to bring a balance of democratic political accountability and honest, competent administration to local government. In a move away from the reformers' previous support of the strong, elected executive, the plan called for a small, accountable, elected body with a presiding officer to employ a politically neutral, expert manager to serve at its pleasure. The manager would give objective, rational advice to the elected body and then faithfully execute whatever decisions the elected body made for the welfare of the citizens, using sound business practices to administer efficiently the day-to-day affairs of government. Many of the early managers were civil engineers by training, and much of their time was spent on public works problems.

While these reforms were initially employed in cities, the impetus to use measures aimed at increasing the efficiency of local government affected counties as well, as they grew in population and became more urbanized in some parts of the country. In almost 100 years, the main elements of the plan have changed very little. Today the criteria of the International City/County Management Association (ICMA) for officially recognizing a jurisdiction as a *council-manager jurisdiction* (the term applies to counties as well) includes that the manager:

- be appointed by majority vote of the governing body for a definite or indefinite term;
- serve at the pleasure of the entire governing body (not the chair or mayor alone), and be subject to termination by majority vote at any time;
- have direct responsibility for the operation of government services and functions;
- have direct responsibility for policy formulation on overall problems, especially developing and analyzing alternatives, and for implementation of policy approved by the governing body;
- have direct responsibility for budget preparation, presentation, and implementation; and
- have appointment, removal, and administrative authority over principal department heads, who are administratively responsible to the manager.⁸

Adoption of the County-Manager Form of Government in North Carolina

The county-manager form of government is one of two forms under which counties in North Carolina may operate. If the board of commissioners takes no action in this respect, it operates without a county manager under the authority of G.S. 153A-76, which permits the board to organize county government however it wishes, consistent with the law. Among other things this would permit the commissioners to hire an "administrator" whose duties might not include

7. Richard Childs first articulated the plan in a proposal to combine the commission form of government with a professional city manager. (The commission form of government became popular after its successful use in resurrecting Galveston, Texas, from almost complete destruction from a hurricane in 1900.) Childs drafted a bill incorporating the plan and persuaded the Lockport (N.Y.) Board of Trade to sponsor its introduction in the New York State Legislature with the public support of reform organizations. Thus the earliest version is known as the Lockport Plan.

8. ICMA. "ICMA Local Government Recognition." November 18, 2005, <http://www.ICMA.org>.

all of those granted by statute to the county manager but might be prescribed by the commissioners themselves. Unlike councils in small North Carolina cities, boards of county commissioners have seldom used this more circumscribed position.⁹

If the commissioners wish to employ the county-manager plan, they may do so by passing a resolution adopting the plan by authority of G.S. 153A-81. The plan can be carried out in any one of three ways:

1. The commissioners may employ a county manager who holds no other office simultaneously and who serves at the pleasure of the commissioners. In this alternative the county manager must be appointed solely on the basis of his or her administrative qualifications [G.S. 153A-81(a)].
2. The commissioners may confer the duties of county manager upon the chair or some other commissioner, as was done in Jackson County until 2000.¹⁰
3. The commissioners may confer the duties of county manager upon any other county employee, as did the Brunswick County commissioners at one time when they appointed the county attorney to also serve as county manager.¹¹

Unlike cities, counties have no requirement to continue to operate with or without the county-manager plan for any minimum period of time after passing a resolution to change from one arrangement to the other.¹²

Adoption of the Council-Manager Form of Government in North Carolina Cities

The council-manager form of government is one of two forms that cities in North Carolina may adopt under the General Statutes [G.S. 160A-101(9)]. The other form, mayor-council, in which there is no requirement for the governing board to employ a professional manager, is discussed in Article 6. It is fairly typical for very small communities to operate under the mayor-council form, usually because their size and administrative simplicity make the attention of a full-time professional manager neither necessary to make things run well nor worth the cost. Once a community reaches a population of a few thousand, however, it usually begins to see benefits that it can realize by employing a professional manager.

Among communities that decide a change is warranted, some cities change their form of government and hire a city manager; others hire a chief administrator without immediately changing the form of government and then after some successful experience with that arrangement, make the full transition to the council-manager form. Under the municipal statute, adoption of the council-manager form requires that the manager be given hiring and firing authority over all employees not otherwise hired by the council. As a result, some councils that want to retain this authority but also want the help of a chief administrative officer retain the mayor-council form but hire an administrator. Conversely, county commissioners have a choice in whether or not to grant hiring and firing authority to the manager under the county-manager plan. No charter amendment is required for a city council to hire an administrator, but if a city wants

9. At the end of 1997, Tyrrell County employed a county administrator without adopting the county-manager form of government. Swain County uses the title “county administrator” but has adopted the county-manager form of government by passage of a resolution.

10. G.S. 153A-81(2), which is consistent with the provisions of G.S. 128-1.1(b), allowing any person holding an elective office in state or local government to hold concurrently one other appointive office in either state or local government. This arrangement has been used only in Jackson County, until November 29, 2000, where the chair was elected with the incumbency of serving as county manager.

11. G.S. 153A-81(3). This arrangement was used from 1990 until 1993, when the county manager/county attorney left the position and the commissioners chose not to continue to combine the offices.

12. G.S. 160A-107 requires that a city that changes its charter to create or eliminate the council-manager plan keep the change in effect for at least two years after adoption.

to adopt the council-manager form, it may do so by amending its charter in any one of four ways: by ordinance; by ordinance subject to a referendum; by initiative petition and a referendum; or by special act. These options are discussed in the following sections.

Options for Amendment of the Charter

Amendment by Ordinance

A city council may simply pass an ordinance adopting the council-manager form of government (G.S. 160A-102). This is the option most commonly used by cities today. To exercise it, a council must first adopt a resolution of intent that describes the proposed charter amendment and, at the same time, call a public hearing to be held within 45 days. The council must publish a notice of the hearing and a summary of the proposal at least 10 days before the hearing is to take place. After the hearing, the council may not take action before its next regular meeting, but it may act on the ordinance at that meeting or at any time after that. If the council adopts the ordinance, the council must publish a notice within 10 days of adoption summarizing its substance and the effects of the action.

Under this option a council may simply adopt an ordinance after following the specified procedure, without any actual vote of the citizens. However, adoption by this method may have to be confirmed by a referendum if enough of the voters want it so (G.S. 160A-103). If a valid petition is filed with the city clerk within 30 days after the council publishes the notice of its adoption of the ordinance, an election must be held on the question between 60 and 120 days following the receipt of the petition. To be valid, the petition must include the signatures of 10 percent or 5,000 of the city's registered voters, whichever is less. If the election supports the ordinance, the ordinance takes effect; if not, it becomes void.

Amendment by Ordinance Subject to a Referendum

A city council may on its own initiative make its ordinance subject to a referendum (G.S. 160A-102). Council members might believe that the council-manager form would be in the best interest of the community, but want to give citizens an opportunity to confirm or deny that judgment. In this case the council follows the same procedures described earlier for the simple passage of an ordinance without a referendum; however, on passage of the ordinance the council simultaneously adopts a resolution calling a referendum election on the issue. The election must be held within 90 days of adopting the ordinance. If the council takes the initiative to call an election in this manner, then it must publish a notice of the election at least 30 days before voter registration closes, and does not have to publish a separate notice of the ordinance's passage. If a majority of those voting in the election support the ordinance, it is put into effect; if not, it becomes void.

Amendment Following Initiative, Petition, and a Referendum

The voters themselves may initiate a referendum to change the form of government (G.S. 160A-104). If a petition that is valid by the same standards described earlier is initiated by citizens and submitted to the city council, the council must call a referendum election on the issue between 60 and 120 days after receiving the petition. The council need not pass any ordinance before the election, but must publish a notice of the election, including a description of the issue to be voted on, 30 days before registration closes. If the election decides in favor of the proposed changes, then the council must pass an ordinance putting them into effect. In this case the ordinance is immune to a petition to put it to a vote after the fact as provided in G.S. 160A-102.

Amendment by Special Act

A city council may ask the General Assembly to enact a bill amending the city's charter. The special act may or may not require a referendum. This method is now seldom used because of the ease with which a city can decide the matter under the general law described earlier.

Requirement to Keep the Change for Two Years

G.S. 160A-107 requires a city that changes its charter by any of the first three general law provisions to keep the change in effect for at least two years after adoption. The purpose of this provision is to give the new arrangement an opportunity to get through the transition period and to prove itself. In the case of moving to the council-manager form, this provides an opportunity for the council, the mayor, and the manager to develop and test new ways of doing things, clarify roles and responsibilities, and determine how to make their arrangement work well for everyone involved. The transition is seldom easy. Old habits are difficult to change quickly, and the powers and duties assigned to the city manager by statute are ones that others on the council or staff may have been exercising for a long time, making them

difficult to relinquish under the new arrangement. Adjustment and acceptance of the roles that various elected and appointed officials play under the new form of government are usually a more complex and difficult undertaking than the change in the charter that preceded it.

Roles and Responsibilities of the Governing Body, the Chair and Mayor, and the Manager

A few assumptions implicit in the council-manager plan have influenced North Carolina's and other states' general laws regarding this form of government and affected the way in which elected officials and managers perceive their roles in relation to each other. The plan, for the most part, assumes that the governing body fairly represents the electorate, that competing public values can be reconciled, that a public interest can be discerned to guide most decisions, and that the governing body can, with some degree of consensus, give the manager clear direction for carrying out its policies. The plan promotes separation of the governing body's responsibility for political judgments and policy direction from the manager's responsibility for administration in accordance with the board's or council's overall policy guidance and his or her own politically neutral expertise. In these ways the plan seeks to create an effective balance between objective, honest, expert governmental operation and democratic access and control through the authority and the accountability of the elected body.

These underlying assumptions have been difficult to realize in reality and are becoming even more problematic in the political and social landscape of contemporary local government. In 1993 ICMA convened a task force of city and county managers from across the country to examine council-manager relations. The task force began its work by examining the forces of change that were affecting the council-manager form of government. Managers suggested that citizens seemed to be losing respect for both politics and government itself and that the public whom managers served was increasingly fragmented into interest groups with competing narrow agendas, an unwillingness to cooperate, and a tendency to vie for absolute control. As a result, managers saw themselves faced with mixed signals and sometimes irresolvable conflicts of expectations from elected officials and citizens. They felt that directly elected mayors often viewed managers as competitors in the arena of local leadership and that the old business traditions of the profession had themselves evolved into such a state of "thriving on chaos" that managers who played by the old rules might find themselves characterized as impediments to progress.¹³

That same year an article was published in ICMA's monthly magazine, *Public Management*, presenting research findings on council members' perceptions of the relationship. It identified seven "unspoken" concerns and beliefs often held by governing body members that restrict "... the development of trust and meaningful partnerships in governing."¹⁴ These were: (1) managers "hide" money amidst complex budget accounts, arcane language, and detailed provisions, and are reluctant to inform governing bodies how much discretionary money is available; (2) managers have personal agendas that they advance especially when the governing body is divided; (3) governing bodies will not acknowledge or deal with personality conflicts with their manager; (4) governing body members want to hire their own manager, so many newly elected officials are not committed to the current manager; (5) governing bodies do not take seriously the task of evaluating the manager, in part because they have not set clear goals and objectives for the community; (6) managers should be out in front of issues that are "lose-lose" for elected officials, like tax hikes and service cuts; and (7) elected officials expect the manager to discipline or coach controversial mavericks on the governing body.

Ten years later, contributors to the third edition of ICMA's book, *The Effective Local Government Manager*, noted a number of trends that create tension in the relationships between managers and governing bodies and could even jeopardize the existence of the council-manager plan in some communities.¹⁵ These include:

13. The task force's conclusions were summarized in three parts in the *ICMA Newsletter* 74, no. 10 (May 17, 1993), no. 11 (May 31, 1993), and no. 13 (June 28, 1993).

14. R. William Mathis, "What Councils Want from Managers . . . But Do Not Tell Them," *Public Management* 75 (September 1993): 5–10.

15. See James H. Svara, "Achieving Effective Community Leadership," in Charledean Newell, ed., *The Effective Local Government Manager* 3d ed. (Washington, DC: International City/County Management Association, 2004), 27–40.

- the expectation by citizens and interest groups that local government can deliver “more for less” and provide customized services, sometimes without regard for due process, social equity, and other core values of deliberative democracy;
- perpetuation of antigovernment feelings among the public—even though opinion surveys reveal local governments are considered more honest, trustworthy, and efficient than other levels—leading to local candidates running against the government, including the professional “bureaucrat” in the manager’s office;
- the shift from “trustee” to “delegate” or “activist” roles of local elected officials, exemplified by increases in single-issue candidates who are more concerned about addressing their particular program or advancing the interests of special constituencies than working collaboratively with the governing body to address general needs or common problems;
- the steadily increasing powers and visibility of directly elected mayors in such areas as budget-making, vetoes of governing body decisions, making appointments of council committee chairs, and giving annual state of the city addresses, which creates competition with the manager for publicity and leadership;
- the growing tendency of elected officials to focus on implementation matters instead of policy, since their reelection hinges on constituent service, leading to micromanagement of administration;
- the emphasis governing bodies demand managers to place on privatization as a way to deal with the citizenry’s desire for “quicker, better, cheaper” services, making it difficult for the manager to introduce other more potentially useful tools; and
- the technology revolution, which in addition to providing new ways for citizens to obtain services and receive information, has empowered citizens by enabling them to quickly and easily obtain data about local operations, register complaints to elected officials and administrators, monitor performance of agencies, and put the administration under the spotlight.

These changes and managers’ attempts to adjust to them have led to confusion over what the absolutes of the council-manager plan are—which of the elements in the idealized version are essential to its integrity and which can be adapted to the political needs in a community. For example, they sometimes have caused managers to emphasize policy, leadership, and constituent relations in their dealings with governing bodies. Managers and elected officials must seek ways to forge a true partnership in leading and governing their community, one that recognizes that governing body members, chairs, mayors, and managers are mutually dependent on one another, share responsibility for most aspects of local government, yet need to divide some responsibility in order to make the whole system work for the benefit of the community.

This recognition has grown with the complexity of contemporary local government. Most important public problems require working across jurisdictional and sector boundaries—with other communities, nonprofit organizations, businesses, citizen groups, and volunteers—in order to be successfully addressed. Since the 1990s the term *governance* has been used to describe the reality that “governments” are only one of the players in local service delivery, albeit the key player. The need to manage within and work with a diverse array of vertical and horizontal networks of intergovernmental partners, public-private organizations, and regional and community groups has changed the traditional role and authority of both managers and governing bodies. They have become more facilitators, brokers, networkers, and enablers, and operate less in a hierarchical command-and-control, “we know best” model. While the responsibilities of managers and governing bodies have grown, their authority has become more shared.¹⁶

University of Kansas professor H. George Frederickson has observed that this governance context creates two fundamental paradoxes: (1) to serve a locality, elected and appointed officials must transcend the boundaries of their community and share power with others; and (2) since local boundaries are meaningful mainly to elected officials for political purposes, increasingly interjurisdictional relationships, power-sharing arrangements, and other aspects of democratic governance must be handled by professional administrators.¹⁷

16. Svava, 28.

17. H. George Frederickson, “Transcending the Community: Local Leadership in a World of Shared Power,” *Public Management* 87 (November 2005): 14.

Managers are spending more and more time with their governing bodies seeking to build partnerships that can respond to and survive the diverse, divisive, and difficult demands of governance. But such partnerships must often be formed and sustained in an arena in which personal interests, district interests, and political divisions make building political consensus and trust on governing bodies real challenges.

The responsibilities of the governing body, the chair or mayor, and the manager that come from the law, from the managers' professional code of ethics, from realistic notions of roles in policy and administration, and from commonly understood expectations of behavior can be helpful in understanding how this partnership might work, and how it is often challenged in the context of the council-manager form of government.

Statutory Responsibilities: Counties

The County Commissioners

Regardless of the form of government, G.S. 153A-76 gives the board of commissioners broad authority to organize county government:

The board of commissioners may create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the county government, may impose ex officio the duties of more than one office in a single officer, may change the composition and manner of selection of boards, commissions, and agencies, and may generally organize and reorganize county government in order to promote orderly and efficient administration of county affairs, subject to the following limitations:

1. The board may not abolish an office, position, department, board, commission, or agency established or required by law.
2. The board may not combine offices or confer certain duties on the same officer when this action is specifically forbidden by law.
3. The board may not discontinue or assign elsewhere a function or duty assigned by law to a particular office, position, department, board, commission, or agency.
4. The board may not change the composition or manner of selection of the local board of education, board of health, board of social services, board of elections, or board of alcoholic beverage control.

This seemingly broad grant of responsibility nonetheless leaves many county functions outside the commissioners' direct control:

- The sheriff¹⁸ and the register of deeds¹⁹ are elected officers.
- Board of education members are separately elected and appoint the superintendent.²⁰
- The state board of elections appoints the local board, which in turn appoints the director of elections.
- The directors of health and social services are appointed by their respective boards, except in the state's two largest counties.²¹

18. Elected by provision of Article VII, Section 2, of the constitution.

19. Elected by provision of G.S. 161-1.

20. Appointed by provision of G.S. 115C-271.

21. By exception, if and when a county reaches a population of 425,000, then G.S. 153A-77 allows the commissioners to combine or assume direct control of social services, health, mental health, developmental disabilities, and substance-abuse area boards as well as any other commission, board, or agency appointed by the commissioners. This option was legislated in 1973 specifically to allow the Mecklenburg County Commissioners to assume direct responsibility for several health and social services agencies. Since the state constitution does not allow special acts affecting health, it was enacted as a general law, which, by virtue of the population threshold, could apply only to Mecklenburg County at that time. Wake County has since passed the threshold and took similar action under the current law, which now provides for the creation of a consolidated human services board. Guilford has reached the population threshold but not taken action.

These exceptions notwithstanding, the commissioners still have fairly broad authority to organize the administrative apparatus of county government to carry out the board's policies, including the option of appointing a county manager to oversee the administration of county services.

The Chair

G.S. 153A-39 requires that the board of commissioners select a chair from among its members at its first regular meeting in December, unless the chair is elected to this office by the people or otherwise designated by law. The board also elects a vice-chair to serve in the absence of the chair, and, when both are absent, the commissioners present may choose another member to act temporarily as chair. The statutory powers and duties conferred on the chair are few: G.S. 153A-39 designates the chair as the presiding officer and requires him or her to vote on measures before the board. The only other clearly stipulated duty of the chair is to use his or her authority under G.S. 143-318.17 to direct persons who disrupt a meeting to leave (the refusal to do so being a misdemeanor). Without any further enumeration of powers and no provision for the board of commissioners to confer additional powers and duties, the chair's ability to lead or guide the board is largely dependent on his or her personal and political skills and willingness to use them.

Unlike mayors of cities who are expressly prohibited from assuming the duties of the manager on any basis (G.S. 160A-151), chairs of county boards of commissioners are able to do so by action of the board in accordance with G.S. 153A-81, as mentioned earlier.

The County Manager

North Carolina's laws authorizing the council-manager form of government, like those of most states, drew on the provisions contained in the National Municipal League's (now the National Civic League) *Model City Charter*. Consequently, the specifications of the powers and duties of the county manager found in North Carolina's General Statutes (G.S. 153A-82) are fairly typical of those found nationwide and, with one exception, are consistent with the general elements of the council-manager plan:

Section 82. Powers and duties of manager. The manager is the chief administrator of county government. He is responsible to the board of commissioners for the administration of all departments of county government under the board's general control and has the following powers and duties:

(1) He shall appoint with the approval of the board of commissioners and suspend or remove all county officers, employees, and agents except those who are elected by the people or whose appointment is otherwise provided for by law. The board may by resolution permit the manager to appoint officers, employees, and agents without first securing the board's approval. The manager shall make his appointments, suspensions, and removals in accordance with any general personnel rules, regulations, policies, or ordinances that the board may adopt.

Unlike the city manager in North Carolina, the county manager does not have automatic statutory authority to hire, fire, and discipline all employees not otherwise appointed by the council. The county manager performs these duties only with the approval of the board, unless the commissioners take positive action to grant the county manager the power to do so without their approval. The manager's hiring and firing authority does not extend to the administrative officers noted earlier who are elected by the citizens or to those who are appointed by authorities other than the commissioners. In addition, the board appoints the county clerk, the county attorney, the tax assessor, and, except in the few cases where a local act provides otherwise, the tax collector.²² Thus county managers preside over an administrative apparatus in which they have less authority of appointment and removal than city managers. Of course, county managers must exercise whatever authority of appointment and removal they have in accordance with personnel rules and regulations adopted by the board of commissioners.

(2) He shall direct and supervise the administration of all county offices, departments, boards, commissions and agencies under the general control of the board of commissioners, subject to the general direction and control of the board.

22. At the end of 2004, three counties, Haywood, Henderson, and Transylvania, elected the tax collector.

This provision makes the county manager responsible for supervision of county operations in accordance with whatever laws, regulations, policies, direction, and guidance the board of commissioners might decide. The commissioners' control is intended to be general in nature, leaving the manager to exercise professional judgment on how to carry out the board's intent. This can be a difficult line to draw clearly, and its actual practice varies from county to county, depending on a variety of factors such as tradition, confidence in the person who serves as manager, individual personalities and styles, and the issues involved. Because others elect or appoint several key department heads, as described earlier, and because the commissioners usually appoint the county clerk, attorney, tax assessor, and tax collector, and in many counties the finance director, county managers' authority over the administrative apparatus for which they are responsible might seem less than clear. To be successful, North Carolina county managers have to be more tolerant of ambiguity in their authority and more facilitative than directive in their management styles than their counterparts in North Carolina cities.

(3) He shall attend all meetings of the board of commissioners and recommend any measures that he considers expedient.

The manager or his or her designee must attend all meetings of the board of commissioners in person. This provision acknowledges that one of the manager's fundamental responsibilities is to give professional advice and counsel to the commissioners in their deliberations or, at the very least, to ensure that the board has access to and understands the information it needs to make informed choices in the matters coming before it. The expectation is that the board of commissioners will have access to the advice of the manager or the manager's designee any time it gathers. Most managers will not miss a meeting if they can help it and will be careful to secure the concurrence of the chair or the entire board if they must be absent. They will also make sure that an assistant or other designee chosen to act in their place is fully able and prepared to give the board the support it needs.

(4) He shall see that the orders, ordinances, resolutions, and regulations of the board of commissioners are faithfully executed within the county.

This general supervisory role of the manager is self-explanatory.

(5) He shall prepare and submit the annual budget and capital program to the board of commissioners.

In a county that adopts the county-manager form of government, the manager is also the budget officer (G.S. 159-9) and is required by G.S. 159-11 to prepare a budget for consideration by the commissioners in whatever form and detail the board might specify. This is, of course, a *recommended* budget and capital program, which the commissioners may modify as they wish before adopting the budget ordinance (see Articles 15 and 17).

(6) He shall annually submit to the board of commissioners and make available to the public a complete report on the finances and administrative activities of the county as of the end of the fiscal year.

In addition to the required annual report, the manager commonly makes periodic financial and administrative reports to the commissioners throughout the fiscal year.

(7) He shall make any other reports that the board of commissioners may require concerning the operations of county offices, departments, boards, commissions, and agencies.

(8) He shall perform any other duties that may be required or authorized by the board of commissioners.

These responsibilities are also self-explanatory.

Statutory Responsibilities: Cities

The City Council

Regardless of the form of government, G.S. 160A-67 provides that "except as otherwise provided by law, the government and general management of the city shall be vested in the council." The city council has authority to confer powers and duties on both the mayor and the manager in addition to those conferred on them by law. Further, under G.S. 160A-146 the council has authority to organize and reorganize city government. Except when expressly prevented by other laws, the council can ". . . create, change, abolish, and consolidate offices, positions, departments, boards,

commissions, and agencies . . . to promote orderly and efficient administration of city affairs. . . .” Finally, G.S. 160A-147 provides that in a council-manager city, the council as a body appoints the city manager to serve at its pleasure. Thus, by statute the city council has the primary responsibility to establish the general framework under which the government can meet the needs of the community, and as the employer of the manager, it is the body to which the manager is directly responsible and accountable.

The Mayor

G.S. 160A-101(8) gives a city the options of electing the mayor separate from election of council members, in a vote of the people, to serve from two to four years; or of having the council select the mayor from among its members to serve at its pleasure. In either case few statutory powers and duties are conferred on the mayor. Most of the significant powers held by a mayor in North Carolina are created by individual city charters, by action of the city council, or by the mayor’s own political stature. G.S. 160A-67 confers on the mayor all powers and duties enumerated in the General Statutes as well as any others conferred on him or her by the council. This statute recognizes the mayor as the official head of the city for purposes of serving civil process, and most federal and state agencies extend this same recognition for purposes of official correspondence or actions such as grant awards or enforcement of federal laws and regulations. G.S. 160A-69 requires the mayor to preside at council meetings, and G.S. 160A-71 gives the mayor the power to call special meetings of the council. If the mayor is elected by the people, he or she may be given the right to vote on all matters before the council or only the right to vote to break a tie. If the mayor is selected from the council, he or she does not give up his or her vote as a member of the council and may vote on all matters.

Sometimes when the manager has resigned or been dismissed by the council, the mayor might seem like a natural choice as a stand-in until another manager can be found; however, G.S. 160A-151 expressly makes the mayor (and any member of the council) ineligible to serve as manager, interim manager (temporarily filling a vacancy), or acting manager (serving in the manager’s absence). Under this provision the mayor could always resign his or her office and be appointed as manager, but could not hold the elected and appointed offices at the same time.

The City Manager

The specifications of the powers and duties of the city manager are found in North Carolina’s General Statutes (G.S. 160A-148). Unless otherwise noted, they are similar to those of county managers:

Section 148. Powers and duties of manager. The manager shall be the chief administrator of the city. He shall be responsible to the council for administering all municipal affairs placed in his charge by them, and shall have the following powers and duties:

(1) He shall appoint and suspend or remove all city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the city attorney, in accordance with general personnel rules, regulations, policies, or ordinances as the council may adopt.

Most city charters in North Carolina provide for the council to appoint the city clerk and the city attorney. There are a number of exceptions. The Greensboro charter makes the manager responsible for both of these appointments, while in Chapel Hill the manager appoints the clerk but not the attorney. A few council-manager cities, like New Bern, have charters that require the council to appoint the chief of police, a very high-profile and sensitive position. The General Statutes provide for the council to appoint the tax collector, if such position exists, although some charters authorize the manager to make this appointment. Otherwise, except for the clerk and the attorney, the manager is responsible for the appointment, the disciplining, and the removal of all administrative personnel. Managers consider this to be one of their most important authorities because if the council is to hold them responsible and accountable for the performance of administrative units, they feel that they must, in turn, have hiring and firing authority over personnel directly responsible for the units’ work. An important qualification to this authority is that it must be exercised in accordance with whatever personnel rules the council adopts.

(2) He shall direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the council, except as otherwise provided by law.

This language reflects the long-standing prohibition in the *Model City Charter* on “Interference with Administration,” providing that council members should deal with employees through the manager. To make sure the tenet is honored, some managers have insisted that there be no contact between employees and council members without their permission. However, this can prove frustrating for everyone: employees feel that they are being deprived of their

citizenship, the manager finds that he or she has to devote too much time to managing communications traffic, and council members regard it as unduly restrictive of their ability to keep track of the pulse of government or to get simple information. Most managers find it effective to have an understanding that the council will not issue directives to employees, but that members are free to seek information and keep up with employees' activities and outlook. Managers also expect that employees will keep them informed of contacts with council members.

Research conducted in 2005 found that the charters of nine of the twenty-eight largest municipalities in North Carolina contained "work through the manager" language, while the remaining charters were silent on the matter of council-staff relations. In these cities, there was either an informal unwritten policy or no policy at all. The majority of managers interviewed agreed that the norm applicable to their city could be best described as "direct communication between council members/mayor and city employees is neither strongly discouraged nor prohibited, but city employees are advised to inform a supervisor when contacted by council members/mayor." They also stated that violations of the council member/staff contact policy or norm seldom occurred. More than three-fourths of the managers indicated their council was respectful of the manager's role as chief executive officer, and that their city's policy on council member/staff contact was "about right." Reflecting the changing times, one manager stated: "Twenty-five years ago managers wanted everything to go through the manager's office, and that's just not practical today."²³

(3) He shall attend all meetings of the council and recommend any measures that he deems expedient.

(4) He shall see that all laws of the State, the city charter, and the ordinances, resolutions, and regulations of the council are faithfully executed within the city.

(5) He shall prepare and submit the annual budget and capital program to the council.

(6) He shall annually submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year.

(7) He shall make any other reports that the council may require concerning the operations of city departments, offices, and agencies subject to his direction and control.

(8) He shall perform any other duties that may be required or authorized by the council.

The ICMA Code of Ethics

The professional county or city manager has another set of expectations governing his or her behavior: a code of ethics originally developed in 1924 by the International City Managers' Association (the original name of ICMA).²⁴ The code and related guidelines have been modified periodically since then. The ICMA Code of Ethics is a point of pride among professional managers. Any manager admitted to the association is bound by its ethical tenets and is subject to censure by or even expulsion from the association for violations of this professional code. Overall, the code seeks to enforce and balance what ICMA believes to be the prerogatives that the professional manager must have to do his or her job properly, and the obligations that the manager must meet in order to honor the authority of the governing body and promote the overall welfare of the citizens.

23. Parker Wiseman, "Examining Council Contact with Subordinate Staff in Large and Mid-size North Carolina Municipalities." A paper submitted to the faculty of The University of North Carolina at Chapel Hill in partial fulfillment of the requirements for the degree of Master of Public Administration, March 11, 2005.

24. Originally called the International City Managers' Association, ICMA has modified its name twice since 1924. In 1969 it changed *Managers' to Management* to recognize the inclusion of members who are deputies, assistants, directors of councils of governments, and local government chief administrative officers who do not have the title or the traditional authority of a manager. In 1991 it included a reference to county managers, who had become a significant proportion of the membership—thus the International City/County Management Association. Because of tradition and widespread recognition of the original acronym, ICMA, the association decided to continue it in that form.

The twelve tenets of the Code of Ethics are as follows:²⁵

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.
3. Be dedicated to the highest ideals of honor and integrity in public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.
4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.
6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.
7. Refrain from political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.
8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.
9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.
12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

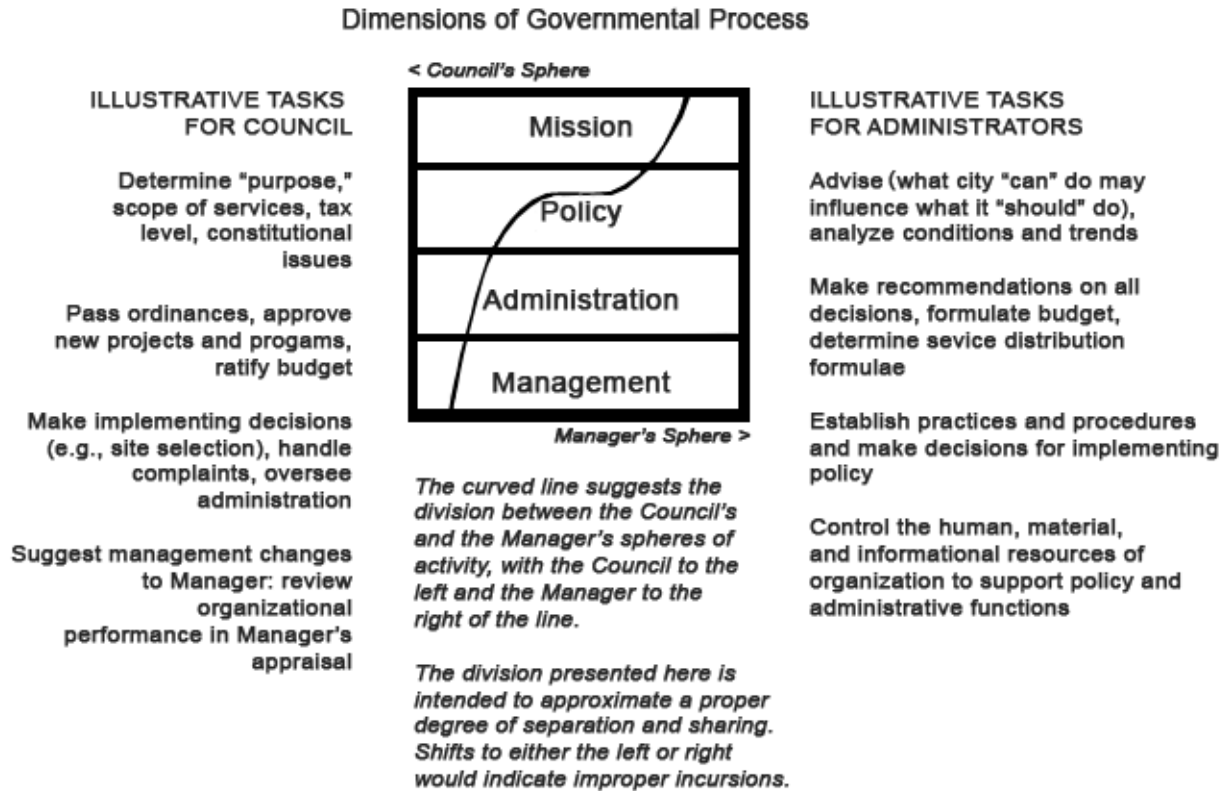
Roles and Relationships in Policy and Administration

Although both the law and the ICMA Code of Ethics and guidelines prescribe responsibilities for the manager and the governing body, they are very general and do not go far in describing exactly how these officials should actually interact with one another in order to be effective in the division of labor set out in these tenets. Years ago popular wisdom promoted the notion of a strict dichotomy between policy making and administration: the elected body should make policy, and the administration should carry it out, each without interference from the other as it performed its functions. The dichotomy probably arose originally from a misinterpretation of a highly respected paper by Woodrow Wilson in which he advocated the use of appointed officials to relieve legislators of the burden of administrative functions.²⁶ The fact that the popular interpretation of this dichotomy theory reduced council-manager relations to a simple, easy-to-follow formula, probably accounts for its perpetuation. However, as anyone who works in local government for very long soon realizes, matters are not that simple. For example, the manager often has training, analytical skills, experience in other jurisdictions, and in-depth knowledge of the county or city and its governmental operations that can be extremely helpful to the governing body in establishing policy. And when constituents complain about the quality of

25. Adapted from ICMA. "ICMA Code of Ethics with Guidelines." July 2004, <http://www.ICMA.org>.

26. Woodrow Wilson, "The Study of Administration," *Political Science Quarterly* 2 (June 1887): 197–222. When Wilson wrote that "administration lies outside the proper sphere of politics. Administrative questions are not political questions. Although politics sets the tasks for administration, it should not be suffered to manipulate its offices" (p. 210), he was arguing for the provision of administrative support to legislative bodies, not prescribing a strict separation of duties between the two.

Figure 5-1. *Dichotomy-Duality Model* Mission-Management Separation with Shared Responsibility for Policy and Administration



Source: "Dichotomy and Duality: Reconceptualizing the Relationship between Policy and Administration in Council-Manager Cities," *Public Administration Review* 45 (January/February 1985), 228.

a service or the treatment they receive from local employees, a member of the board or council is unlikely to feel that it is an administrative matter that does not concern him or her. John Nalbandian, a local government scholar who has served as council member and mayor of Lawrence, Kansas, has observed:

The practical world of city management often suggests a more complicated view [than the dichotomy theory]. The manager is deeply involved in policy-making as well as implementation, responds to a multitude of community forces as well as to the governing body, and incorporates a variety of competing values into the decision-making process.²⁷

A more realistic relationship between elected officials and managers in policy and administration has been depicted by Professor James H. Svara, as shown in Figure 5-1.²⁸

27. John Nalbandian, *Professionalism in Local Government* (San Francisco: Jossey-Bass, 1991), xiii.

28. A more thorough discussion of the relationships among the council, the manager, and the mayor over a continuum from mission to management as depicted in Figure 5-1, can be found in a series of articles by James H. Svara: "Understanding the Mayor's Office in Council-Manager Cities," *Popular Government* 51 (Fall 1985): 6-11; "Contributions of the City Council to Effective Governance," *Popular Government* 51 (Spring 1986): 1-8; and "The Responsible Administrator: Contributions of the City Manager to Effective Governance," *Popular Government* 52 (Fall 1986): 18-27. See also James H. Svara, "Mayors in the Unity of Powers Context: Effective Leadership in Council-Manager Governments," in H. George Frederickson and John

This depiction recognizes that there is no strict dichotomy; rather, there is involvement of both elected and administrative officials at all levels of policy and administration. The engagement and the responsibility of each are proportionately different depending on the level at which they occur. At the highest level the governing body is responsible for setting the overall direction, or *mission*, of local government, including its purpose, scope, and philosophy. Figure 5-1 suggests that although the governing body has a clearly dominant role in this function, the manager can bring knowledge and experience to the table that enhances the elected official's ability to make informed choices and decisions. The governing body must enact *policy* to achieve the mission that it sets for local government. It does this through functions such as budgeting, capital improvement programming, comprehensive planning, and the making of laws and policies regarding county or city quality of life and governmental operations. Although the governing body has final responsibility for adopting budgets, plans, and ordinances, the manager and his or her staff play a major role in developing technical studies and estimates, and analyzing the impact of alternative choices. These kinds of policy making are a shared responsibility in practice. In government, how something is done is often as important to citizens' satisfaction with the outcome as what is done. Consequently, although the manager and the staff are responsible for implementing the policies adopted by the governing body, elected officials still have a stake in how those policies are carried out—that is, in *administration* and *management*. For example, after making a decision to build a new community center and budgeting funds for it, the governing body will have a continued interest in how the facilities actually look and work. It will be concerned about how well the scheduling of work on a downtown streetscape project minimizes disruption of business for merchants. It wants to know how increases in public safety spending have affected reported crime rates and citizen perceptions of safety in their neighborhood. And it will have an interest in how overall employee morale is affected by internal operating policies developed by the administration.

Figure 5-1 describes a partnership at every level of endeavor, with the elected body shouldering most of the responsibility, authority, and initiative at the mission level, the administration shouldering most of it in internal management, and the two sharing it significantly in policy and administration. The line that is depicted in Figure 5-1 is symbolic; it would vary among jurisdictions, within a particular jurisdiction over time, and with the issues for the reasons described earlier. Some governing bodies want the manager to push aggressively for policies that he or she thinks necessary; others want the manager to stay in the background and respond to the governing body's initiatives. Some elected officials feel the need to be intimately familiar with day-to-day occurrences in service delivery; others want to concern themselves with administrative matters only when those matters might create public controversy or relate to special interests of constituents. Another factor influencing where the line is drawn is the manager's experience and tenure, and the degree of trust and confidence in his or her relationship with the governing body. Agreement between elected and appointed officials on where the line is drawn is an essential element of a good relationship and, because the relationship is dynamic, should be revisited frequently to make sure everyone understands and is comfortable.

Elected officials have to consider more than their own personal preferences and operating styles in this matter, taking into account how citizens perceive the relationship between elected and appointed officials. Citizens' most important expectation is that quality public services will be provided reliably and efficiently. If the professional staff does not satisfy this expectation by their service and behavior, citizens will expect the governing body to take a more dominant role. If citizens' needs are being met routinely, they may be satisfied with elected officials taking a more passive role on a day-to-day basis.

In the dynamic world of local government, it is harder for either the governing body or the administration to please everyone, harder for elected officials to achieve consensus on many issues that might have been routine in the past, and therefore harder for the governing body to give the manager clear direction at all times. As a result, it is harder for the manager to administer in a way that satisfies the entire governing body. As noted previously, some observers of local government bemoan the increase in confrontational politics on the part of constituents, the trend back to district representation on governing bodies, and the growing number of single-issue and antigovernment candidates for local elective office as undermining the principles of broad representation of the public good and efficient administration. Others, however, point out that these developments are just a surfacing of the reality of constituent politics

Nalbandian, eds., *The Future of Local Government Administration: The Hansell Symposium* (Washington, D.C.: International City/County Management Association, 2002), 43–54; “Exploring Structures and Institutions in City Government,” *Public Administration Review* 65 (July/August 2005): 500–6; “The Myth of the Dichotomy: Complementarity of Politics and Administration in the Past and Future of Public Administration,” *Public Administration Review* 61 (March/April 2001): 176–83; and “Effective Mayoral Leadership in Council-Manager Cities: Reassessing the Facilitative Model,” *National Civic Review* 92 (Summer 2003): 157–72.

and make for more open, fairer representation of all the diverse interests in the community, instead of just those of a powerful privileged few or an exclusive majority. John Nalbandian has observed the implications for managers: “In the future the legitimacy of professional administrators in local government will be grounded in the tasks of community-building and enabling democracy—in getting things done collectively, while building a sense of inclusion.”²⁹ Nevertheless, managers may feel it is more difficult than it used to be to obtain and maintain the kind of clear consensus and direction from the governing body that is one of the fundamental assumptions of the council-manager form of government.

Common Expectations among the Governing Body, the Chair and Mayor, and the Manager

Specific expectations and practices among the governing body, the chair and mayor, and the manager vary greatly from community to community, depending on social and political norms, traditions, and local codes. They can also vary over time in a particular community with changes in the personalities involved as elected offices turn over and managers come and go. However, experience and research have shown that in some critical aspects of the partnership, there are fairly consistent expectations across jurisdictions and over time. For the most part these expectations may be regarded as basic and necessary to defining roles and maintaining a healthy relationship between the elected members of the governing body and the manager.

Expectation 1: The Manager is an Organization Capacity-Builder

From the inception of the council-manager form, governing bodies have expected their professional manager to ensure that county and city operations run smoothly, services are provided efficiently and effectively, and prudent fiscal practices are followed. This heritage continues. In order to meet citizen and governing body expectations, the manager must build a modern organization that has both capacity and competence. This entails implementing and updating business practices and processes for personnel administration, finance, purchasing, payroll, contracting, and other basic local systems. It also involves adept use of management tools like strategic planning, performance measurement, benchmarking, and program evaluation to ensure continuous improvement of operations as well as use of technologies like web sites and e-government to increase public outreach and access and reduce costs.

A critical component of organization capacity-building is professional staff. The manager must attract and retain talented and motivated personnel for the systems of government to work well. This involves careful workforce and succession planning and investments in training and professional development. Increasingly, the local government workforce is diverse and multigenerational, and strategies will need to be put in place to respond to the “changing faces” of the administrative staff, such as bilingual education, job rotation, job sharing, and flexible work hours.

When the processes and personnel perform as expected, local operations run smoothly and routinely. They might be almost invisible to citizens and elected officials. If there is a breakdown in organizational capacity, however, managers and elected officials can be placed under a harsh public spotlight.

Expectation 2: The Manager is a Valued Advisor to the Governing Body

Both the General Statutes and the ICMA Code of Ethics require the manager to give policy advice to the governing body and to carry out its policy decisions; however, neither tenet deals specifically with some subtle but important aspects of this process. The General Statutes require the manager to “recommend any measures that he deems expedient,” and the Code of Ethics requires him or her to “submit policy proposals” and provide “facts and advice” to help the governing body make policy decisions and set goals. Governing bodies expect the manager to offer balanced and impartial advice: to present alternatives and provide all relevant information that is reasonably available on the different options, assess the advantages and disadvantages of each option, explain the professional reasoning and analysis that leads him or her to a recommendation, and base that reasoning on established professional, technical, ethical, or legal principles, not on personal beliefs, no matter how strongly held, unless the governing body specifically solicits them. Even the appearance or the suspicion that the manager is being selective in the information he or she gives, personally biased in the judgment he or she renders, or manipulative of the governing body’s decision in the way he or she presents material, can severely damage the manager’s credibility and undermine his or her effectiveness.

29. John Nalbandian, “Facilitating Community, Enabling Democracy: New Roles for Local Government Managers,” *Public Administration Review* 59 (May/June 1999): 189.

Most managers feel responsible for arguing for a professionally compelling course of action no matter how unpopular it might be with the public or even with the board or council itself. This often requires the manager to have the courage to make an unpopular recommendation that might not have very good prospects of being accepted. Managers must have in mind at those times the human propensity for striking out at the messenger who bears bad news. Elected officials or citizens who are upset over the facts that are presented or who disagree with the recommendations might, at best, attack the validity of the advice, or at worst, attack the competence, motives, or character of the manager who gives the advice. One of the most difficult tests of a professional manager as policy advisor is to remain cool and nondefensive during heated debate over the information and the recommendations that he or she has brought to the governing body.

Once the governing body has made a decision, the manager must get behind it fully and ensure that the administration does the same. The General Statutes require the manager to see that all actions of the council are “faithfully executed,” and the Code of Ethics requires him or her to “uphold and implement” all policies adopted by elected officials. This sometimes requires the manager to aggressively implement what he or she thinks is a bad idea. If the manager believes that the directive the governing body has given is illegal or if it is professionally or personally repugnant, and if the manager cannot dissuade the board or council from its action, he or she can, of course, resign. If the manager chooses to stay, however, he or she is obliged to assist the governing body in carrying out its will. Sometimes the manager will be put in the awkward position of arguing strenuously for a course of action that the governing body subsequently rejects, and then having the media ask what he or she thinks of the decision. Unless reasoned debate has changed the manager’s mind, to agree completely with the governing body will make the manager look weak. On the other hand, to criticize or denigrate the governing body for its decision will violate the Code of Ethics and invite censure.

Most professional managers who find themselves in this situation acknowledge the differences in judgment that were exhibited in the deliberations and try to explain the reasoning that brought the governing body to the decision it made. In other words, they will help elected officials explain their decision to the public and help the public understand the governing body’s point of view. Carrying out this important responsibility often takes great emotional maturity and keen diplomatic and communications skills.

Expectation 3: The Governing Body and the Manager Jointly Strive for Good Service to Citizens

Service to citizens is the litmus test of local operations, and it is one of the most obvious points where the dichotomy theory fails the test of reality. Regardless of what the governing body accomplishes, or the capacity and competence of the administration, if the county or city does not satisfactorily deliver basic services to citizens, citizens will be dissatisfied with the elected officials, and the governing body in turn will be dissatisfied with the manager and the administration. Everyone’s fate rises or falls with citizens’ satisfaction over services.

Therefore, one of the most important responsibilities of the manager is to be assertive in ensuring that his or her administration provides the very best service possible to the community. Careful planning, budgeting, and management help, but the manager cannot be everywhere at all times to supervise day-to-day execution, so he or she has to create in the organization a culture of responsiveness and performance, both in providing routine service to citizens and in handling special requests and complaints. This usually involves delegating to the front-line service providers of the organization the responsibility and the authority to make decisions and to act, being supportive of staff who take initiative, and helping staff learn from mistakes made in good faith. The manager must take personal risks on behalf of employees and fully accept responsibility with the governing body when things go wrong.

If the manager is going to accept such responsibility, he or she should be able to expect that board or council members will give the system a chance to work and will channel complaints through the manager. The gratitude that an elected official might enjoy as a result of personally wading into a problem and doing something about it is ordinarily short-lived and transitory. More lasting credit usually comes from citizens’ recognition that the governing body has created and maintains a responsive, customer-service-oriented workforce as an essential ingredient of efficient and effective local government. Even when an administration is very good at responding to citizens’ needs, people will ask their elected officials for help, usually in good faith, but sometimes with manipulation in mind. Managers expect governing body members to determine whether the citizen has tried administrative remedies and to steer the citizen into the system if he or she has not. If the administration has in fact been unresponsive, then the manager expects to be informed and to have the opportunity to get the problem fixed, and the manager will give the elected official the necessary information to follow up with the citizen if he or she wishes.

Expectation 4: Elected Officials’ Relationships with Employees Are Carefully Managed

Observing a chain of command in answering service needs is desirable from the standpoint of managing resources effectively. The problems that can arise when elected officials intervene directly in service operations include confusing employees with conflicting directives or priorities from supervisors and elected officials, weakening or destroying

clear accountability for work results, wasting staff time and resources, and short-circuiting coordinated plans developed by the supervisor responsible for day-to-day operations. This does *not* mean that elected officials should not have regular or even periodic contact with county or city employees. To prohibit such contact would be to ask employees and elected officials to give up some of their basic rights as members of the community, and would make it harder to build harmony among the critical people in local government. It would also be inefficient. To funnel all communication through the manager would fill his or her time with unnecessary traffic and would be awkward and inconvenient for elected officials.

A common arrangement to protect planned workflow and still reap the benefits of regular interaction is to encourage direct contact between elected officials and employees for routine inquiries or requests that do not affect administrative workloads, and to route more significant requests through the manager. This permits elected officials to obtain routine information that they need quickly and accurately from the persons who are closest to the action and most informed about details—just as citizens can (or should be able to do!). It also provides the opportunity for regular informal communication between elected officials and employees, helping each become more familiar, more comfortable, and more trusting of the other over time. Anything an elected official wants from employees that will involve significant and unplanned expenditures of time or money, or disrupt agreed-on work schedules, is taken up with the manager so as not to put employees on the spot. The manager and the member can then make informed choices about whether the request should take precedence over existing commitments, whether something could be done that would meet the elected official's needs but not be disruptive, or whether it should not be done at all, given other commitments. The manager and the elected official who made the request might also agree to submit the question to the entire governing body to decide as a body whether a change in resource allocation would make sense.

Sometimes managers have attempted to cut off direct contact between elected officials and employees to counteract members of the council who meddle with or harass employees, or employees who are manipulative and disloyal. Like most treatments of a symptom alone, such an approach usually does little or nothing to solve the problems that underlie these dysfunctional behaviors. Often it makes matters worse by creating a siege mentality among administrators, anxiety among employees, and distrust and frustration among elected officials.

Expectation 5: The Governing Body Acts as a Body and Is Dealt with as a Body

One of the delicate aspects of dealing with a governing body is that by law, it takes official action as a body, yet it is made up of two to eleven individual politicians (counting the chair or mayor) with various constituencies, personal interests, public values, and personalities. Without benefit of consensus or at least formal support of a majority of the board or council, individual elected officials will find it difficult to refrain from imposing their own personal agendas on the administration. Most managers will welcome, discuss, and frequently respond directly to suggestions at any time from individual members, as long as they do not conflict with the pleasure of the governing body as a whole. However, if a request sets new directions or requires allocation of funds or staff time not anticipated by the governing body, the manager will usually ask the member making the proposal to put it to the entire body for consideration. It is important for the manager to treat all members alike in this respect. Unless he or she is scrupulous in avoiding even the appearance of favoritism, the manager can seriously undermine his or her effectiveness by alienating the members who feel slighted or barred from some inner circle, real or imagined. Even in the case of routine requests for information, most managers will keep all members informed of transactions with individuals by sending copies of written responses or summaries of opinions rendered or actions agreed to in conversation, to all members for their information.

One area in which the manager must take initiative in this matter is in keeping members up to date on day-to-day events. Elected officials do not like surprises. It is embarrassing for an elected official to be asked about some newsworthy item of local business and have to admit that he or she does not know much about it. It is unforgivable for someone to be the *only* member of the governing body who is ignorant about it! Governing bodies expect their managers to be sensitive, alert, and responsive to their needs for current information, including making occasional extraordinary efforts that might be necessary to ensure that every member has the same level of information and understanding.

Expectation 6: The Manager and the Governing Body Give Each Other a Chance to Prove Themselves

One of the implicit foundations of council-manager government is that a professional manager, who is dedicated to serving whatever elected governing body is seated by the people, will provide smooth transitions, some institutional stability and memory, and make changes, as different individuals or groups join and leave the governing body. Nevertheless, it is sometimes hard for members who have sought election because they too want to bring about changes, to trust the loyalty of the manager to the new members or to have confidence in the ability of the manager to help bring about the changes they want. Even in communities where the manager routinely makes available to all candidates information about local operations and finances to help inform discussion and debate, this step could be viewed as defense of the status quo. In short, the manager is sometimes viewed as inextricably tied to the old way of doing things

and assumed to be an impediment to progress. Managers strive to change the direction of administration in whatever way a majority of the governing body decides (they can resign if they feel they cannot serve the new governing body's agenda in good conscience). Therefore managers expect newly elected officials to give them a chance to prove that they can serve the new members as well as the old ones.

Sometimes after an election the manager finds himself or herself working for one or more board or council members who as candidates roundly criticized the way in which the community was governed and managed. During their campaigns, some of those members may have called for the manager's dismissal. Few elected officials would dispute that even if they had prior county or municipal involvement on volunteer boards or commissions, the view of government from the inside is very different than the view from the outside. Candidates, on taking office, usually learn that the simplicity and the surety of campaign rhetoric seldom stand up to the complexity of governing, leading, or managing. Realizing this, experienced managers will withhold judgment on members whose campaigning seems threatening and will set about to prove that they can serve the new governing body as well as they served the old. They will hope that given a chance, they will eventually earn the trust and the confidence of the new members as those members learn the realities of governing, gain skill as legislators, and observe the manager's performance at close hand.

Expectation 7: The Manager and the Governing Body Freely Give and Seek Feedback

One of the key ingredients for building and maintaining a relationship of trust and confidence is open communication. Managers and elected officials invariably find themselves caught up in a whirlwind of daily activity. There never seems to be enough time to do everything and especially to do it all just right. So both elected officials and managers make mistakes; they overlook side effects of actions taken in the heat of urgency, and they say or do things that convey unintended messages. All these occurrences can generate dissatisfaction, disappointment, offense, anger, and distrust if they are not recognized and resolved appropriately. The key to dealing effectively with such matters is to work to maintain open communication among elected officials and the manager. The jobs of both elected official and manager can make the persons holding them feel very isolated. The manager, accountable to a body of citizens and responsible for a county or city workforce, might feel apart from both, a part of neither. The elected official, held accountable by fellow citizens for oversight of the county's or city's administration, might feel that he or she has very little direct role to play in making sure things go well. Open communication is one effective cure for these feelings of isolation. Managers must provide all governing body members with accurate, relevant, and timely information, and members must take initiative to ask questions and make their interests, positions, and feelings known to the manager.

Most managers appreciate clear signals about how well they are satisfying the elected officials whom they serve, even when those signals are negative. Being criticized is not pleasant, but it is in fact more comforting than inferring unexpressed dissatisfaction from elected officials' behavior. Many people find it easier to give faint compliments or remain silent than to confront others—even subordinates—with criticism; however, dissatisfaction withheld is usually hard to conceal for very long without being revealed indirectly by behavior or rumor. This kind of indirect revelation almost always produces at least some inaccuracy and misinterpretation regarding facts, feelings, and underlying motivations; distracts the manager, who becomes unduly preoccupied with figuring out where he or she stands; and often has the effect of shutting down communication and producing an increasing spiral of tension between the manager and the elected official involved. On the other hand, when a governing body member openly directs constructive criticism at the manager—gets the issue out on the table—the manager can ask questions, provide information that the member might not have, and respond to his or her concerns. Such dialogue gives members the opportunity to clarify their expectations of the manager by means of concrete examples as they come up, and it gives the manager more certainty about what he or she has to do to satisfy the elected officials and how well he or she is succeeding. Each governing body and its manager have to work out for themselves how publicly they are willing to give and receive this individual feedback. They should come to an agreement early in the manager's tenure and confirm or modify it when there is turnover on the governing body.

Many elected officials appreciate the same candor from the manager when they are behaving in a way that frustrates effective management. This attitude is by no means universal, however, and managers are very careful to determine the comfort zone of a particular body and its individual members in offering them constructive criticism. Nevertheless, the benefits of freely giving and accepting feedback are potentially as great for elected officials as for the manager.

Expectation 8: The Manager and the Governing Body Work Together to Develop a Highly Effective Governing Body

The ideological and political trends discussed earlier have sometimes produced dysfunctional effects on governing bodies. To the extent that elected officials are interested primarily in promoting particular causes or special constituencies, micromanaging administration, and criticizing their colleagues and the manager, prospects for responsible

decision making in the public interest are diminished. These tensions on the governing body are exacerbated by a knowledge gap that inevitably separates a full-time professional staff from a body of part-time elected officials.³⁰ The usual lack of government expertise on the part of newer members is compounded by the frequency of turnover on boards and councils. In most communities, governing bodies are comprised of “amateurs,” in the very best sense of the term, who function as civic-minded citizen-legislators. Although they may be interested in seeking reelection, they are not professional politicians. The vast majority of local elected officials do not derive the bulk of their income from serving on governing bodies. They see themselves individually and collectively as local government leaders, and as noted earlier, as trustees, delegates, and activists responsible for representing citizens and making public policy for their community.

Who is responsible for closing the gap, for giving the board or council the tools it needs in order to become a high-performing decision-making body, and for developing a partnership with the professional staff? While some might answer “the chair or mayor,” and others might respond “the veteran members on the board or council,” the manager also has an obligation here.

What would a “high-performing” governing body look like? At least nine common habits have been identified: (1) thinking and acting strategically and with a vision for the community’s future; (2) respecting the “shared constituency” with the citizens in horizontal and vertical relations with other jurisdictions; (3) demonstrating teamwork; (4) mastering small-group decision making; (5) honoring the council-staff partnership; (6) allocating governing body time and energy appropriately in four key areas—goal setting retreats, study sessions, regular public hearings and meetings, and community relations; (7) having clear rules and procedures for board or council meetings; (8) obtaining objective feedback and conducting systematic and valid assessment of policy and implementation performance; and (9) practicing continuous personal learning and leadership development of individual elected officials.³¹

There are a number of practical steps a manager can take to help improve the efficiency of governing body deliberations. Among these are preparing the meeting agenda in a timely manner; scheduling meetings in a way that promotes good time management and the ability to focus on major topics; not overwhelming elected officials with highly detailed, lengthy technical reports; creating an annual policy calendar to identify and address long-range issues; and identifying and costing-out in advance possible alternative courses of action. Managers can also serve as “coaches” for their elected officials and governing bodies to help them develop their high-performing habits. One useful beginning point here is orientation sessions for new members of the governing body. At the same time, the chair or mayor should work with members to improve the conduct of the governing body’s business, including encouraging colleagues to do their homework, ask good questions, and not make too many speeches or embarrass the staff by public comments that would be better said in private. The chair or mayor also should let the manager know if the elected officials want other professional staff members to be present and contribute to the meeting, and whether the agenda and related materials meet the governing body’s expectations in terms of timeliness, priority, quantity, and quality of the information. In these respects, both the manager and the chair or mayor can play important roles of “coaches” to the governing body.

Many governing bodies routinely televise their public hearings and deliberations. Becoming a more high-performing board or council can have important dividends beyond the efficient and effective conduct of the public’s business. The image on a television screen of a deliberative body, asking thoughtful questions of one another and the professional staff, listening carefully to the views expressed by citizens, treating everyone with courtesy and respect, and making decisions after assessing options and alternatives, goes a long way toward maintaining citizen confidence in local government, as well as conveying a sense of genuine partnership between the governing body and manager in the governance process.

There is no set formula for building a high-performing governing body, but the above process improvements are important steps in this direction. While the lines between policy and administration will always be blurred, the desired outcomes are for the governing body members to be able and willing to successfully balance a number of competing interests—to focus on the vision and big picture for the community while dealing with concrete projects and programs, to think and act long term and strategically while dealing with pressing immediate problems and needs, and to decide on the collective best interest while satisfying constituent expectations.

30. John Nalbandian, “Professionals and the Conflicting Forces of Administrative Modernization and Civic Engagement,” *American Review of Public Administration* 35 (December 2005): 311–26.

31. Carl H. New Jr., “The Manager as Coach: Increasing the Effectiveness of Elected Officials,” *ICMA IQ Report*, October 2003, 10.

The Special Roles of the Chair and Mayor

As noted earlier, the formal role of the chair or mayor in a council-manager community in North Carolina is largely limited to serving as ceremonial head of the government and presiding over its affairs.³² Not only does the chair or mayor have no veto over governing body actions and no executive authority, in some jurisdictions he or she may not even vote on matters coming before the governing body. Yet many chairs and mayors in council-manager communities are very influential in exerting political leadership and in facilitating the work of both the council or commissioners and the administration by assuming roles for themselves that are not specifically prescribed by statute.

Political Leadership

In the vast majority of council-manager cities in North Carolina, candidates run specifically for the office of mayor. Only a handful still select the mayor from among the members of the elected council. Just by being elected to office apart from the council, the mayor assumes a certain amount of political clout and an image of leadership in the eyes of the public. The chair of the board of county commissioners is held in similar regard.

Therefore, regardless of the paucity of powers granted to the office by statute, most chairs and mayors in council-manager communities enjoy a popular image as government and community leader and are in a position to exert political leadership in the affairs of the board or council if they have the skill and the disposition to do so. This might include proposing policy, organizing public support of or opposition to issues, mediating solutions to political struggles, and encouraging the manager to accomplish certain tasks. The actual performance of chairs and mayors in this situation seems to be highly personalized, depending on both individual style and the degree to which the governing body is willing to cooperate with the chair or mayor exercising such informal authority.

Facilitative Leadership

If the chair or mayor wins the trust and confidence of governing body members and the manager, then he or she is in a good position to enhance the performance of both elected and appointed officials by helping them channel their individual and collective energies into productive actions. By staying abreast of members' interests, positions, and feelings, the chair or mayor can help stimulate thought and discussion among them, and facilitate understanding and possibly consensus on issues. In turn, the chair or mayor is in a position to communicate developing board or council consensus on issues to the manager and to provide an effective sounding board by which the manager can sense the climate on the governing body for ideas, options, or issues that he or she and the staff are considering. The bigger the governing body, the more time and energy this can save for the manager, but the harder it can be to develop consensus or even to discern or predict any meaningful or dependable pattern among members' opinions. By the same token, if the manager can demonstrate the merit of an idea to the chair or mayor, then the chair or mayor can be effective in promoting understanding of the issue, possibly helping move the governing body toward its acceptance. This facilitative role becomes more difficult if the governing body suffers from fractiousness born of political conviction, representation of a divided constituency, or personal animosity. In addition, managers who are fortunate enough to have a chair or mayor who takes on this kind of facilitative role, are usually very careful not to let it replace regular and direct contact with individual members, recognizing how important that contact is to their relationship with the whole governing body.

Both of the foregoing roles cast the chair or mayor as a central figure in the affairs of the county or city—the “first among equals” on the governing body. Boards and councils typically accept the notion that the chair or mayor will spend more time with the manager than any one governing body member and will play a preeminent role among them in representing the county or city to the public and other governments. However, there is an important boundary that most chairs or mayors observe in order to maintain their relationship of trust with the governing body and the manager. Although the chair or mayor may encourage administrative actions or suggest policy interpretations on the basis of his or her position as first among equals, he or she must be careful not to violate the governing body's prerogatives.

32. Svara's study of the five largest cities in the state showed these two roles of the mayor to be overwhelmingly the ones identified with the office: 82.8 percent of respondents saw the mayor as “performer of ceremonial tasks,” and 51.7 percent saw the mayor as “presiding officer.” No other role exceeded 36 percent [James H. Svara, *Official Leadership in the City: Patterns of Conflict and Cooperation* (New York: Oxford University Press, 1990), 108].

Indeed, the manager as chief executive is accountable to the entire body and is ethically bound to ensure that at least a majority of the members concur, before taking actions that would deviate from the governing body's established policies, expectations, or norms. The original council-manager plan purposely precluded a separately elected mayor because of the possibilities for conflict between a strong political leader and a strong appointed chief executive. However, an effective chair or mayor can complement a competent manager and an active governing board in a working relationship of harmony and trust.

The Search for an Effective Manager

Hiring a county or city manager is one of the most important actions that a governing body may be called on to take. From the preceding description of how the manager and the governing body work together, it should be evident that their relationship can have a significant influence on the effectiveness of the local government they serve. Whether a governing body is hiring its first manager or replacing one who has resigned or been dismissed, it can take several basic steps to ensure that it makes a good choice:

1. *Determine the future needs of the community and the county or city government.* It is well worth the governing body's time to spend a few hours discussing what it thinks will be the future demands on the manager's position. What will be happening in the community? What will the prominent or controversial issues be? What will the workforce be like, and how will it change? The answers to these questions are likely to be different for every community. By thinking about them, the governing body increases the probability that it will find somebody who has the right talents to deal with the issues facing its particular community.
2. *List the critical competencies and skills that are required to deal with those needs.* Over 18,200 men and women have met ICMA's criteria for professional membership, and many more capable public administrators working in the public and private sectors are not members. As of 2007, approximately 960 managers had successfully completed ICMA's Voluntary Credentialing Program, and committed to an additional 40 hours of professional development each year in order to retain their credential. Many applicants for a county or city manager position will have educational credentials and experience that are at least adequate and often impressive, but no two of them will be exactly the same. Each applicant will have slightly different strengths and weaknesses. The challenge facing the governing body is to choose from many capable applicants the person who comes closest to having the unique set of skills and abilities that is needed to deal with local issues and the board's or council's personality. For example, ICMA has identified eighteen manager competencies considered essential to effective local government management. These content areas are: staff effectiveness; policy facilitation; functional and operational expertise and planning; citizen service; quality assurance; initiative, risk taking, vision, creativity, and innovation; technological literacy; democratic advocacy and citizen participation; diversity; budgeting; financial analysis; human resources management; strategic planning; advocacy and interpersonal communication; presentation skills; media relations; integrity; and personal development.³³
3. *Recruit and screen applicants.* This step typically includes setting a salary range within which the governing body is willing to negotiate, advertising to attract persons with the attributes it seeks, screening applications, and deciding on and arranging to interview a set of top candidates. Normally the governing body needs a staff person or search consultant to assist it in this process, and it is important that this be somebody who has the confidence of the entire membership. Care must be taken to preserve the confidentiality of the applications³⁴ unless and until the applicants release the county or city from that obligation. The governing body typically seeks a release in the interview stage when it becomes very difficult to ensure confidentiality to any applicant. Depending on the candidate pool, screening interviews will be arranged for five to ten semifinalists with a committee of the governing body or videotaped interviews conducted by a search consultant, after

33. ICMA. "Practices for Effective Local Government Management." November 21, 2005, <http://www.ICMA.org>.

34. See *Elkin Tribune v. Yadkin County Bd. of Comm'rs*, No. 431PA91 (N.C. June 25, 1992). The court held that applications for employment were personnel records under G.S. 153A-98 and therefore their disclosure was prohibited.

which three to five finalists are invited for an interview with the entire body. Alternatively, it might be possible to narrow the field down to three to five finalists simply by reviewing and discussing the applications and talking to references.

4. *Interview finalists.* The structure of the interview process varies quite a bit in practice, from simply interviewing each candidate to bringing all the candidates and their spouses in together to see various aspects of the community, meet key people in and outside county or city government, and participate in an assessment center, or highly structured interview. At the very least the interviews should be structured to allow governing body members to make reliable judgments about the important attributes that they have agreed they need in a manager, and to make valid and consistent comparisons among the candidates. G.S. 143-318-11(6) in the open meetings law allows these interviews to be conducted in a closed session.³⁵
5. *Hire the manager.* After the interviews the governing body usually tries to reach consensus on one candidate, with perhaps a back-up if the chosen candidate does not accept the offer. Many managers insist on consensus before they accept an offer, feeling that anything less would make their position too tenuous to survive the stress and the strain that the demands of leadership and management put on the relationship between elected officials and the manager. Some managers, however, are willing to start with no more than the tentative security of support from a simple majority. If the leading finalist is not an inside candidate, sometimes the governing body chooses to send one or more members or its search consultant to the candidate's community for confirmation of its impressions, but usually it simply arranges for a final background investigation while it negotiates the terms and the conditions of employment with the prospective manager. When these negotiations are complete, the other candidates are notified, and the governing body takes formal action in open session to hire the successful candidate. The entire recruitment, screening, selection, and hiring process can normally be completed in about six months.
6. *Conclude an employment agreement.* An increasing number of counties and cities in North Carolina have formal employment agreements with managers. Sometimes called *contracts*, they may set out a variety of conditions specific to the manager's employment. ICMA's model employment agreement covers optional and recommended approaches to: compensation; health, disability, and life insurance benefits; vacation, sick, and military leave; use of a car for official business; retirement fund contributions; expense accounts; participation in professional activities; moving and relocation expenses; home sale and purchase expenses; and other terms of employment that establish a clear understanding between the governing body and the manager about the responsibilities, benefits, and privileges of the office. These agreements commonly include severance provisions, which specify the manager's responsibilities for notifying the governing body in advance of his or her intention to resign, and provide a lump-sum severance payment in the event that the manager's employment is involuntarily terminated for reasons other than illegal or improper behavior.³⁶ These agreements do not and cannot guarantee any tenure to the manager, inasmuch as G.S. 153A-81(1) and G.S. 160A-147(a) provide that the board or council, respectively, shall appoint the manager to serve at its pleasure.

Evaluating the Manager—and the Governing Body

Evaluating the county or city manager is a task that governing bodies often find difficult and uncomfortable. Sometimes a manager's evaluation is done in the context of decisions on an annual salary increase, and the feedback is general or even perfunctory. In other cases, the chair or mayor gives the manager feedback on how he or she is doing on behalf of the governing body. In still other communities, the fact that the manager continues to hold his or her job is a clear indication that their performance is satisfactory to the majority of the governing body. Why then should a governing body take valuable time to evaluate the manager, especially if "things are going OK?"

35. The council must nevertheless follow all the other procedural requirements contained in Article 33-C. These interviews are typically conducted in closed session. However, it is not required that they be so conducted.

36. See "ICMA Model Employment Agreement," 2003.

The relationship between a governing body and a manager can enhance or impede the process of leading and governing significantly, so it is important that they devote time to establishing and maintaining a good one. As soon as possible, they should decide what they expect of each other beyond the very general tenets of statutory and professional responsibilities. No two governing bodies are exactly alike, nor are any two managers. No matter how much previous experience a new manager has had or how many managers a particular community has had, the relationship between a particular board or council and a particular manager is certain to be different in some ways than any previously experienced by either party. So it is critical for all parties to be clear and in agreement around priorities, performance, and process.

Soon after a new manager is hired, and again if a significant turnover in governing body membership occurs or a new chair or mayor is elected, all parties will find it important to discuss their specific expectations of one another. Such a discussion allows them to understand what each thinks he or she needs from the others to be effective in carrying out major responsibilities. The chair's and mayor's and the governing body's expectations of the manager provide a sound basis for them to be effective in both formally evaluating the manager and giving the manager informal feedback about his or her specific behavior and general performance.

Most governing bodies find it useful and convenient to conduct a formal evaluation of the manager once a year, usually associated with their consideration of adjustments in the manager's compensation.³⁷ The ICMA model employment agreement establishes the following minimum requirements on both the manager and the governing body: (1) a written evaluation; (2) a meeting to discuss the evaluation; (3) a written summary; and (4) delivery of the final written evaluation to the manager within thirty days of the evaluation meeting.

More and more governing bodies are using retreats to set out these initial expectations among themselves and the manager and to achieve other purposes that contribute to effective governance. The idea behind a retreat is for the governing body, and other parties it invites, to convene at a time and a place other than those of its regular meetings³⁸ to deliberate about matters that are difficult to fit into the routine formal business that fills its regular meeting agendas. Retreats are commonly used for a variety of important purposes: to identify strategic goals, objectives, and priorities to advance the governing body's vision for the community; to identify agreements and differences among governing body members in their beliefs and goals for the community; to plan how they will achieve common goals and accommodate differences; to understand one another's expectations about working together and their leadership styles and behaviors; and to review progress in achieving previously agreed-upon goals.³⁹ Facilitators from outside the local government are often used to bring neutrality into the retreat proceedings and to enhance listening and communications among the participants. Annual retreats are an effective way to build and sustain a unity of effort that is difficult to develop in the course of governing body regular meetings, and to help keep elected officials and the manager focused on the "big picture" for the community.

Once the governing body and manager have reached agreement on performance expectations in the context of the vision, goals, and objectives for the community, they should agree on the purpose, procedure, and timing of the evaluation. As indicated above, often evaluations are related to the governing body's decisions about adjustments in the manager's compensation. Evaluations also are important tools for giving the manager feedback on strong points and weak points, which can be useful in strengthening his or her competencies and approaches. This regular dialogue can go a long way to avoiding surprises on the part of all parties and building trust between the manager and governing body. There are a variety of evaluation approaches—from "one-on-one" reviews with the chair or mayor to a complete 360-degree assessment of the manager by the governing body, professional staff, and community leaders. In accordance with the ICMA model agreement, the elected officials are asked to complete a written form prior to the evaluation session with the manager, rating the manager on how well he or she exercises general organization management responsibilities, works with the governing body, carries out goals and objectives set by the board or council, develops and executes the budget, provides leadership, relates to the community, deals with the media and external audiences, communicates,

37. For a detailed treatment of the evaluation process, see Margaret S. Carlson. "How Are We Doing? Evaluating the Performance of the Chief Administrator," *Popular Government* 59 (Winter 1994): 24–29. See also "Case Study: It's (gulp) Evaluation Time," *Public Management* 87 (July 2005): 11–17.

38. A retreat must still meet all the requirements set out in the open meetings law.

39. For a more thorough discussion of retreats, see Kurt Jenne, "Governing Board Retreats," *Popular Government* 53 (Winter 1988): 20–26.

delegates and supervises, and performs in other key areas. Usually the manager is also rated on personal characteristics, such as objectivity, integrity, productivity, judgment, initiative and risk-taking, ethics and morals, imagination, drive, self-assurance, stress management, and positive image. The manager normally does a self-assessment, which is shared with the governing body members. These materials become the basis for the two-way conversation about the manager's performance and strong as well as weak points, led by the chair or mayor or in some cases by an outside facilitator, in closed session. In addition to decisions on compensation and continuity, the results are used by managers in their plan for personal and professional development prior to the next evaluation cycle.

Increasingly, managers are giving feedback regarding the governing body's performance, and boards and councils are evaluating themselves as decision-making bodies and representatives of the citizens. As indicated in the previously discussed research by John Nalbandian and James Svava, leading and governing council-manager communities are shared responsibilities. Just as the governing body expects the manager to conduct himself or herself in accordance with the General Statutes and ICMA Code of Ethics, the manager has expectations of the governing body that impact upon his or her performance. These might include looking to the board or council to take ownership of its decisions, to recognize and uphold its role as policy maker not micromanager, to defend staff members when they are attacked for carrying out board or council policy, to be decisive and consistent, and to show respect and support for professional staff. Elected officials could fill out a questionnaire assessing how the governing body as a unit sets goals, makes policy decisions, establishes priorities, understands the budget, engages the public, operates in a businesslike manner, handles information provided by the professional staff, and relates to the manager.⁴⁰ For some governing bodies, annually evaluating the manager might seem to be a big step, and evaluating its own effectiveness could be viewed as potentially disruptive and dysfunctional. However, just as regular feedback can enhance the manager's performance, introspection by the governing body of how it conducts its work and relates to the professional staff can lead to improvements in its decision-making capacity and ability to represent the community.

The council-manager form of government has a long and successful history in the United States and especially in North Carolina. Like any governmental arrangement, it has potential advantages that are not automatically realized in practice; however, it provides many advantages if the elected officials and the manager work together in a good-faith effort to observe the tenets on which the system is based. The General Statutes and ICMA Code of Ethics constitute a solid foundation for the council-manager form of government, but they are only a starting point in a very complex working relationship. Using the council-manager form successfully depends on the governing body and the manager establishing clear expectations, maintaining good communication, and developing a sense of shared vision and teamwork on behalf of the community.

Additional Resources

Publications

- International City/County Management Association. *Elected Officials Handbooks*, 4th ed. Washington, DC: ICMA, 1994.
- . *Ideal and Practice in Council-Manager Government*, 2d ed. Washington, D.C.: ICMA, 1995.
- . *Working Together: A Guide for Elected and Appointed Officials Training Workbook*. Washington, D.C.: ICMA, 1999.

40. See Craig M. Wheeland, "Enhancing the governing body's effectiveness," in Charldean Newell, ed., *The Effective Local Government Manager*, 3d ed. (Washington, D.C.: International City/County Management Association, 2004), 57–69, 79–81; "Case Study: It's (gulp) Evaluation Time," *Public Management* 87 (July 2000): 11–17.

Organizations

International City/County Management Association, 777 North Capitol Street, NE, Washington, DC 20002.

National League of Cities, 1301 Pennsylvania Avenue, NW, Washington, DC 20004.

National Association of County Administrators, 500 South Grand Central Parkway, Las Vegas, NV 89155.

North Carolina League of Municipalities, Albert Coates Local Government Center, 215 North Dawson Street, Raleigh, NC 27602.

North Carolina Association of County Commissioners, Albert Coates Local Government Center, 215 North Dawson Street, Raleigh NC 27602.

North Carolina City and County Management Association, P.O. Box 3069, Raleigh, NC 27602.

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This article is a revision and update of the chapters on "County Management" and "Governance in Council-Manager Cities" in the book's previous editions authored by two former Institute of Government faculty members: Kurt Jenne (1985–2003), whose work included teaching in the Institute's schools for newly elected officials, assisting governing boards in hiring city and county managers, and facilitating board retreats; and Donald Hayman (1948–1985), who has been advisor, mentor, and friend to countless county and city managers, the boards and councils they served, and the Institute faculty who have followed in his footsteps. The author gratefully acknowledges his indebtedness to the previous authors and appreciates the opportunity to build on their work.

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Appendix 5-1. Form of Government in North Carolina Cities, by Population, 2002

Population Class	25,000 & over	10,000– 24,999	5,000– 9,999	2,500– 4,999	1,000– 2,499	500– 999	Under 500	Total
Cities	23	39	44	83	118	96	138	541
Council-Manager Cities	23	37	39	53	38	9	7	206

Source: David M. Lawrence, *Forms of Government of North Carolina Cities*, 2002 ed. (Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill, 2002), 44.