

THE ALDERMAN'S HANDBOOK 2013

**By Stephen T. Nenonen - 2006
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PREFACE

Becoming a city alderman is an exciting event, but one of substantial responsibility. The future of the community often rests with the elected leadership of the municipality. In order for the newly elected official to better understand the City of Racine's organizational structure, municipal services, and the roles and responsibilities of being a city alderman, the following information is being presented.

The council must be informed and understand the role and responsibilities for which they have been elected in order for the city council to make sound decisions and policies for the city.

TABLE OF CONTENTS

Preface	1
TABLE OF CONTENTS.....	3
CHAPTER 1	6
RACINE MAYOR-COUNCIL FORM OF GOVERNMENT	6
Mayor Council Form of Government	6
Mayor, Council and Municipal Officials	6
The Mayor.....	6
Council President.....	7
City Administrator	7
CHAPTER 2	8
CONDUCT OF CITY BUSINESS	8
Organizational Structure	13
City of Racine	14
City Administration	15
Office of the City Attorney/Human Resources	16
Police Department	17
Fire Department	17
Department of Public Works	19
Department of City Development.....	20
Department of Parks, Recreation and Cultural Services.....	21
Finance Department.....	22
Department of Management Information Systems	23
Racine Public Library	24
Department of Municipal Justice.....	25
Water Utilities.....	26
Wastewater Utilities.....	267
Department of Health.....	278
CHAPTER 3	29
COMMITTEES, COMMISSIONS & BOARDS	29
Affirmative Action Human Rights Commission	29
Board of Building Appeals	29
Board of Electrical Appeals	29
Board of Ethics	29
Board of Harbor Commissioners	29
Board of Health	33
Board of Parks, Recreation and Cultural Services.....	30
Board of Review	30
Board of Standards.....	30
Board of Zoning Appeals.....	30
Cable Television Commission.....	30
Cemetery Board	30

City Plan Commission	31
Civic Centre Commission.....	31
Community Development Committee	31
Downtown Area Design Review Committee.....	31
Elderly Housing Authority	31
Health and Sanitation Appeals Board	31
Landmarks Preservation Commission	32
Library Board	32
Police and Fire Commission	32
Racine Sister City Planning Council	32
Redevelopment Authority	32
Traffic Commission	32
Transit and Parking Commission.....	33
Wastewater Commission	33
Waterworks Commission.....	33
CHAPTER 4	34
COMMON COUNCIL RULES OF PROCEDURE.....	34
Municipal Code and State Law.....	34
Organizational Meeting	34
Open Meetings Law	35
Council Agenda	35
Public Notice	35
Closed Session	36
COMMON COUNCIL	40
Authority of Aldermen	41
GENERAL RULES OF THE COUNCIL.....	41
SUSPENSION OF RULES	42
STANDING COMMITTEES	42
ELECTION OF COUNCILMEN	42
COMPENSATION OF ALDERMEN	43
Special Voting Requirements	45
References are to Wisconsin Statutes	45
CHAPTER 5	47
PLANNING	47
Comprehensive Plan	47
Five Year Capital Improvement Plan	47
Budget.....	48
CHAPTER 6	49
LABOR LAW	49
RIGHTS OF MUNICIPAL EMPLOYEES	49
CHAPTER 7	50
ETHICS AND CONFLICT OF INTEREST.....	50
ASSESSMENTS - CITY OF RACINE	54
COMMON RATIONALIZATIONS	56

STATE'S PECUNIARY INTEREST STATUTE.....	58
CHAPTER 8	60
TEAM MANAGEMENT	60
Pitfalls - Dos and Don'ts	60
MUNICIPAL GOVERNANCE CHALLENGES OF THE 1980'S	61
Stress Points.....	62
Changing.....	63
Government's Role.....	63
Financial Crisis	64
Brings Challenge.....	64
Meeting the Challenge	65
APPENDIX A	68
COUNCILMEN AND POLITICAL LEADERSHIP.....	68
Becomes "They" To Public.....	68
Policy Making Body	69
Problem Probing	70
Interest in Government	70
"Watch Dog" Function.....	71
Relating Decisions to Needs.....	71
Making Facts Available	72
APPENDIX B	73
COUNCILMEN AND THE BUSINESS OF GOVERNING	73
APPENDIX C	76
CIVIC LEADERSHIP GOVERNING.....	76
SO YOU JUST GOT ELECTED?.....	79
Ask for Help When Needed.....	79
Reading Makes the Difference.....	80
Determine Ingredients: Blend	80
Stay on Lookout for Ideas.....	80
Find Out Why	81
Consider Council Meeting Manners.....	81

CHAPTER 1

RACINE MAYOR-COUNCIL FORM OF GOVERNMENT

Mayor Council Form of Government

Cities are governed by a common council consisting of alderpersons and the mayor. A common council serves as the legislative arm of city government. It decides policy matters. The corporate authority of the city is vested in the common council and the mayor. Wis. Stat. §62.09(7). The common council enacts ordinances, resolutions and motions; approves and amends the annual budget; levies taxes; approves or denies the paying of claims made against the city; grants or denies licenses issued by the city, and authorizes contracts to be entered into by the city. The council also appoints or confirms the appointment of certain city officers.

The council may conduct business at a meeting only when a quorum is present. Two-thirds of all the members of the council constitutes a quorum. In cities with five or fewer alderpersons, a majority constitutes a quorum. Wis. Stat. §62.11(3)(b). While the mayor is a member of the council and presides over council meetings, the mayor is not counted in determining whether a quorum is present. Wis. Stat. §§62.09(8)(b), 62.11(1).

Cities may determine the size of their councils. Some cities have as many as twenty council members (e.g. Madison), but the average ranges between six and ten.

The council shall be the judge of the election and qualification of its members, may compel their attendance, and may fine or expel for neglect of duty. Wis. Stat. §62.11(3)(a). In order to remove a member, however, the council must comply with the procedures for removal set out in Wis. Stat. §§17.14 and 17.16.

Councils may create as many or as few committees as they wish. Common councils may determine by ordinance the size, organization and powers of the council committees.

Mayor, Council and Municipal Officials

The League of Wisconsin Municipalities Handbook describes the following local government positions and bodies.

The Mayor

The mayor is, by statute, a member of the council, presides at its meetings and may vote on measures before the council in the event of a tie vote. The mayor has the power to veto certain actions of the council. As chief executive officer of the city, the mayor has a statutory duty to "take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties." Wis. Stat §62.09(8)(a). The mayor's authority as chief executive officer is not unlimited. For example, a mayor cannot unilaterally decide what uses are to be made of city property and cannot, without prior council approval, enter into a contract on behalf of the city. Also, a mayor cannot, without prior council approval, expend municipal funds.

The mayor is the head of the police and fire departments, except in cities where the police and fire commission has been granted optional powers by the electorate. Racine has not given optional powers to the police and fire commission.

Council President

The council president presides over the council in the absence of the mayor. The president chairs the committee of the whole meetings of the common council.

City Administrator

The city administrator shall be responsible for planning, organizing, coordinating, and supervising the day-to-day city operations, programs and activities under the direction of the mayor and pursuant to the legislative and policy decisions of the mayor and common council: coordinating and supervising the preparation of the annual city budget; developing budgeting procedures; monitoring budget expenditures; preparing and making such reports as necessary to keep the mayor informed regarding any variations in the operation of the city budget; directing and controlling, through appropriate organizational channels, the efficient performance of all city employees; conducting performance evaluations of administrative managers who report to the mayor and recommending salary adjustments to the mayor based on performance. (Municipal Code, sec. 2-538.) In addition, the city administrator is involved in the "visioning process" for the city which includes:

- Focusing the future vision of the community--long term horizon
- Translating this vision into specific target issues that need to be addressed during the life cycle
- Recommending policy direction and guidelines for the community

In addition, policy leaders have the responsibility of sensing community values and obtaining feedback on local government performance. A comparison is made between the desired outcomes and the actions of the local government.

The management process focuses on designing mechanisms for translating the vision and target issues into action. The key players are the local manager in conjunction with other managers and supervisors within the government organization. The primary functions of the managers are:

- To develop an organizational philosophy that reflects values and beliefs on how the local government should be managed and operated on a daily basis
- To develop specific programs for achieving consistency between values and actions
- To anticipate issues
- To resolve problems hampering management and service delivery
- To build the capacity of the organization

In addition, the mayor and administrator have the responsibility to interpret the directives of the policy leaders and translate them into guidelines for employees.

CHAPTER 2

CONDUCT OF CITY BUSINESS

RACINE MUNICIPAL CODE

Sec. 2-61 Organizational Meeting.

- (a) *Date.* Following a regular city election, the new common council shall meet at 7:00 p.m. on the third Tuesday in April for the purpose of organization.
- (b) *Election of president.* The common council shall, at its organizational meeting, choose one of its members to be president for the ensuing year.

Sec. 2-62 Regular Meeting Times. The regular meetings of the common council shall be held on the first and third Tuesdays of each month at the council chamber in the city hall at 7:00 p.m., except that the last meeting of the common council prior to the organizational meeting of the new council shall be held at 7:00 p.m. on the day prior to the third Tuesday of April. When the day of the regular council meeting falls on a legal holiday, or a primary or other election day, the common council shall meet in regular session on the next following secular day at the same place and time.

If the common council for good cause determines that the time and date of a regular meeting should be changed, it may do so upon motion adopted by a three-fourths vote of the members elect at the regular meeting immediately preceding the meeting at which the change occurs. The city clerk shall give notice of such change by a class 1 notice prescribed by Wis. Stat. § 985.07, seven days before the changed meeting.

Sec. 2-63 Special Meetings. The mayor may call a special meeting at any time by providing written notice to each member of the common council delivered to him personally or left at his usual place of abode at least six hours before the time set for the meeting. Except upon the unanimous consent of all members present, no business shall be transacted or action taken at any special meeting other than that germane to the purpose stated in the notice for the meeting.

Sec. 2-64 Order of Business. At each regular meeting of the common council, the order of business shall be as follows:

- (1) Call to order by presiding officer.
- (2) Roll call. If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specific date and hour.
- (3) Pledge of allegiance to the flag.
- (4) Reading and correcting the journal of the last preceding meeting.
- (5) Public comment, if any.
- (6) Public hearings, if any.
- (7) Presentation of memorials, petitions, remonstrance's and other communications.

- (8) Reports of committees may be made and considered; first from standing committees, and next from special committees.
- (9) Resolutions may be introduced and considered.
- (10) Ordinances may be introduced and referred.
- (11) Miscellaneous business.

Sec. 2-65 Presiding Officer. The mayor, or in the event of his absence or inability to act, the president, shall, at the hour of meeting, call the common council to order. He shall preserve order and decorum, and decide all questions of order, subject to an appeal to the common council. In the case of the absence of both the mayor and president at the time of the meeting, the clerk shall call the common council to order; thereupon, the common council shall elect one of its own number president pro tem.

Sec. 2-76 Standing Committees-Appointment. All standing committees shall be appointed by the mayor annually at the organizational meeting of the common council.

Sec. 2-77 Standing Committees. The following are the standing committees of the common council:

- (1) Finance and personnel: Finance, accounts, claims, insurance, personnel.
- (2) Public works and services: Streets, waterfront, harbors, bridges, traffic, utilities, water, sanitation, lighting and buildings.
- (3) License and welfare: Licenses, permits, parks, recreation, cemetery, education, welfare, board of health, fire, police, and emergency government services.
- (4) Executive committee:
 - a. The executive committee shall consist of the mayor, president of the common council, the chairman of each of the three standing committees and one alderman at-large appointed by the mayor as set out in subsections (1) through (3) of this section. It shall meet at the call of the mayor, or acting mayor, to consider such matters as may be referred to it by the mayor or common council, and its report shall be made to the council in accordance with sections 2-84 through 2-96 of this code.
 - b. In the absence of the chairman of any of the three standing committees at any scheduled meeting, the vice-chairman of the committee should be in attendance and shall have the right to vote. In the absence of both the chairman and vice-chairman of any standing committee at any scheduled meeting, the alderman next named to such standing committee should be in attendance at such scheduled meeting and shall have the right to vote. It is the intent of this provision that at all executive committee meetings there should be in attendance at least one representative of each of the three standing committees with the right to vote on any matter brought before the executive committee.

Sec. 2-78 Membership. Each of the three standing committees set out in section 2-77(1) through (3) shall consist of five members. Each alderman shall be a member of one committee.

Sec. 2-79 Chairman, Vice Chairman. The alderman first named on each standing committee shall be its chairman, and the alderman next named shall be its vice-chairman.

Sec. 2-80 Ex-Officio Members. The mayor shall be an ex officio member of all standing committees and shall have all of the privileges of membership except the right to vote. The president of the common council shall be an ex officio member of all standing committees, except the one to which he has been appointed, and shall have all of the privileges of membership except the right to vote.

Sec. 2-81 Meetings. Each standing committee shall meet during the week following a regular common council meeting. Each such committee shall meet within one week of its appointment and shall determine the day of the week and the hour at which it will meet during the ensuing year, which determination shall be filed with the city clerk, except that a committee may meet during the second week following a regular common council meeting during any month containing five Tuesdays.

Sec. 2-82 Authority to call on City Officials. Any committee of the common council shall be authorized to call upon any city official or employee to assist it in performing its duties.

Sec. 2-83 Committee of Whole. The president of the common council shall be the presiding officer of the committee of the whole, which shall meet at the call of the president. The rules of procedure of the common council shall be observed in the committee of the whole so far as such rules may be applicable.

Sec. 2-84 Reports.

- (a) *In writing; return.* Committees shall make their reports in writing, and shall return the resolution, ordinance, communication or other matter submitted for consideration.
- (b) *Contents.* Each committee making a report to any given meeting of the common council shall include in a single report all of the items on which it has completed action. Each item in the committee report shall be clearly identified by number and a brief summary thereof. The report of the committee shall indicate the recommendation of the committee on each item contained therein.

Sec. 2-85 Objections. Objection by any member of the committee to any specific recommendation of the committee shall be noted immediately following the item in the report to which objection is made.

Sec. 2-86 Minority Reports. Minority reports may be submitted on any committee report or on any item contained in any committee report. Such minority report shall be signed by those members of the committee subscribing to it and shall be filed in the same manner and within the time prescribed for regular committee reports.

Sec. 2-87 Absence of chairman. In the absence of the committee chairman, the vice-chairman of a committee shall have the authority to call a meeting of the committee.

Sec. 2-88 Adoption of report. After the report of the committee has been received by the common council, the chairman of the committee, or in his absence or inability to act, any member of the committee present, shall move for the adoption of the report.

Sec. 2-89 Specific items set aside.

- (a) Any member of the common council shall have the right to request that any specific item in any committee report be set aside for separate consideration. On any such request, the item in question shall be set aside and the common council shall then proceed to vote on the remainder of the report. After all members of the common council have had an opportunity to request that specific items be set aside for separate consideration, the chairperson of the committee submitting the report, or in his absence or inability to act, any member of the committee present, shall move for the adoption of the balance of the committee report.
- (b) After the vote on the remainder of the report has been completed, and there are items that have been set aside for separate consideration, the chairperson of the committee submitting the report, or in his absence or inability to act, any member of the committee present, shall be the first person recognized on such item or items.

Sec. 2-90 Consideration of items set aside.

- (a) Upon completing the vote on a particular committee report, the common council shall, before proceeding to other business, consider and dispose of any items from the report which had been set aside by request.
- (b) The vote on the committee report shall be by ayes and noes and shall be recorded in the journal. Unless requested by a member, a roll call vote shall not be required to defer or refer a report or any item therein.

Sec. 2-91 Adoption of Committee Report. The adoption of the committee report by the common council shall constitute the final action of the common council on the individual items as recommended in the committee report, except where a resolution has been presented, action on such resolution shall be the final action of the common council.

Sec. 2-92 Recall of Measure from Committee. Any measure referred to any committee may be recalled therefrom by the common council as follows:

- (1) The common council may, by a two-thirds vote of the members present, recall any measure from the committee prior to the expiration of 30 days from the date of reference.
- (2) After the expiration of 30 days from the date of reference, the common council may, by a majority vote of the members present, recall any matter from any committee.

Sec. 2-93 Petitions for street oiling. All petitions and requests for street oiling for dust control shall be made directly to the public works committee, which shall consider them at its first meeting following the receipt thereof and shall report thereon at the first common council meeting following such committee meeting.

Sec. 2-94 Petitions for street lighting.

- (a) All petitions and requests for any additions or changes to the street lighting system shall be made directly to the public works and services committee, which shall consider them at its first meeting following the receipt thereof and shall report on all such petitions and requests at the first common council meeting following such committee meeting.
- (b) The adoption of the committee report by the common council shall constitute final authorization by the common council for doing the work required to make the additions or changes approved. The alderman of the district shall be notified of the date and time the committee holds its hearing thereon.

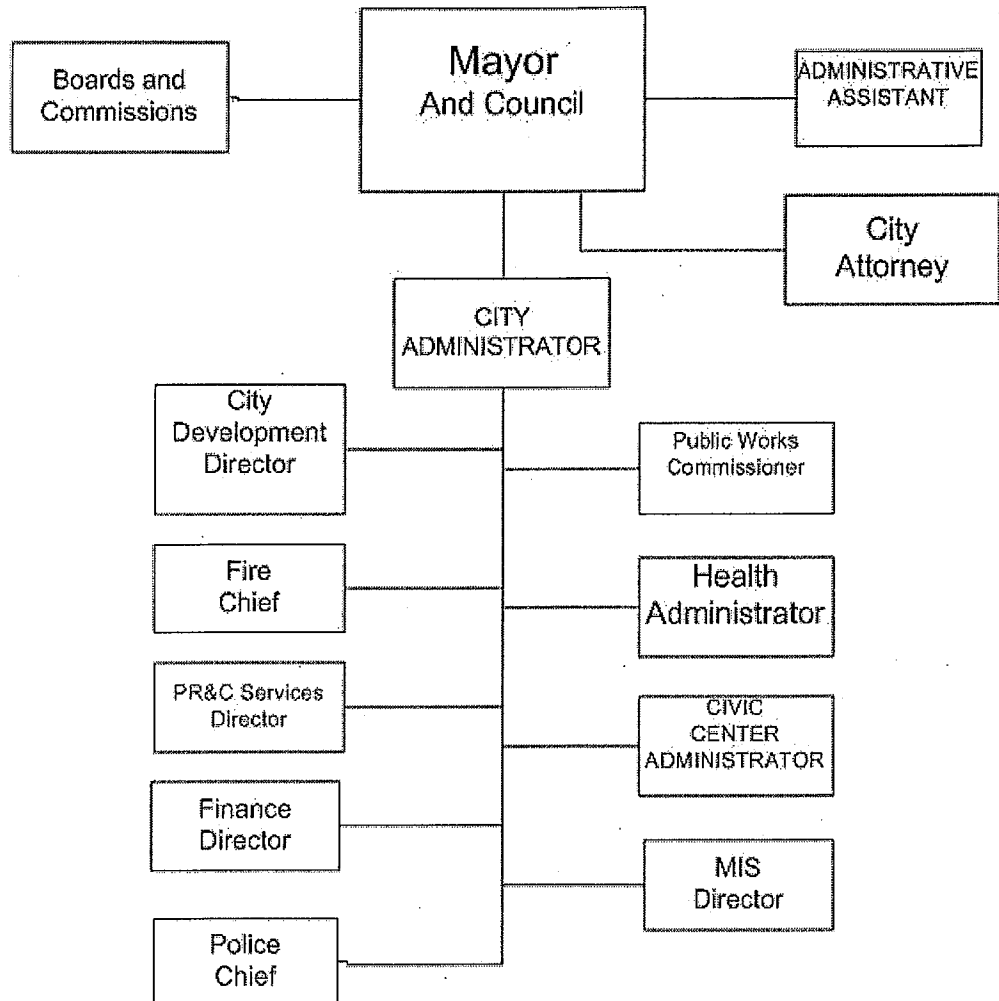
Sec. 2-95 Requests concerning parking.

- (a) All requests to prohibit, limit the time of or otherwise restrict the stopping, standing or parking of vehicles upon any public street or alley in the city, or modifying or repealing any such existing regulations, shall be made directly to the traffic commission, which shall submit a report on all such requests to the common council within 60 days following the receipt thereof.
- (b) The adoption of the committee report by the common council shall constitute the final action on the individual items as recommended therein and shall also constitute an amendment of schedules A through M inclusive of chapter 94 of the Municipal Code in accordance therewith. The alderman of the district shall be notified by the traffic commission of the date and time it holds its hearing thereon.

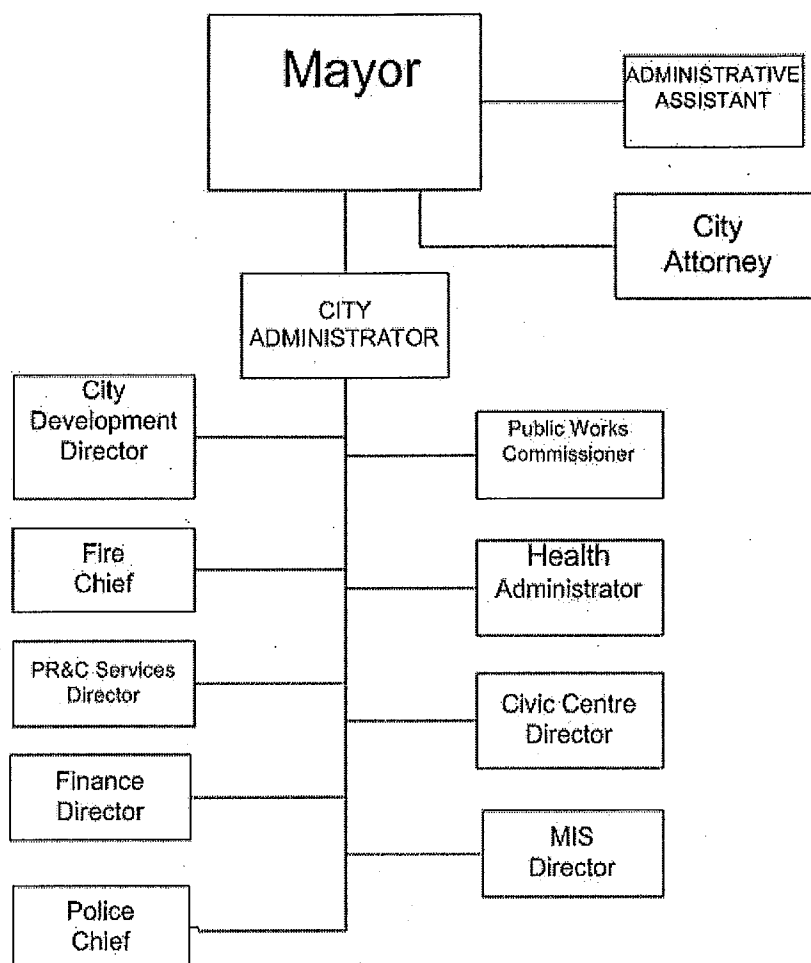
Sec. 2-96 Bids for public works projects. All bids received for equipment, material, supplies or services, or for public work projects, or for amendments to contracts, change orders and final payments to contracts within the statutory limitations, shall be referred directly to the appropriate committee by the official receiving such bids, amendment or change order and final payments, and shall be reported by such committee to the common council together with its recommendations thereon.

ORGANIZATIONAL STRUCTURE

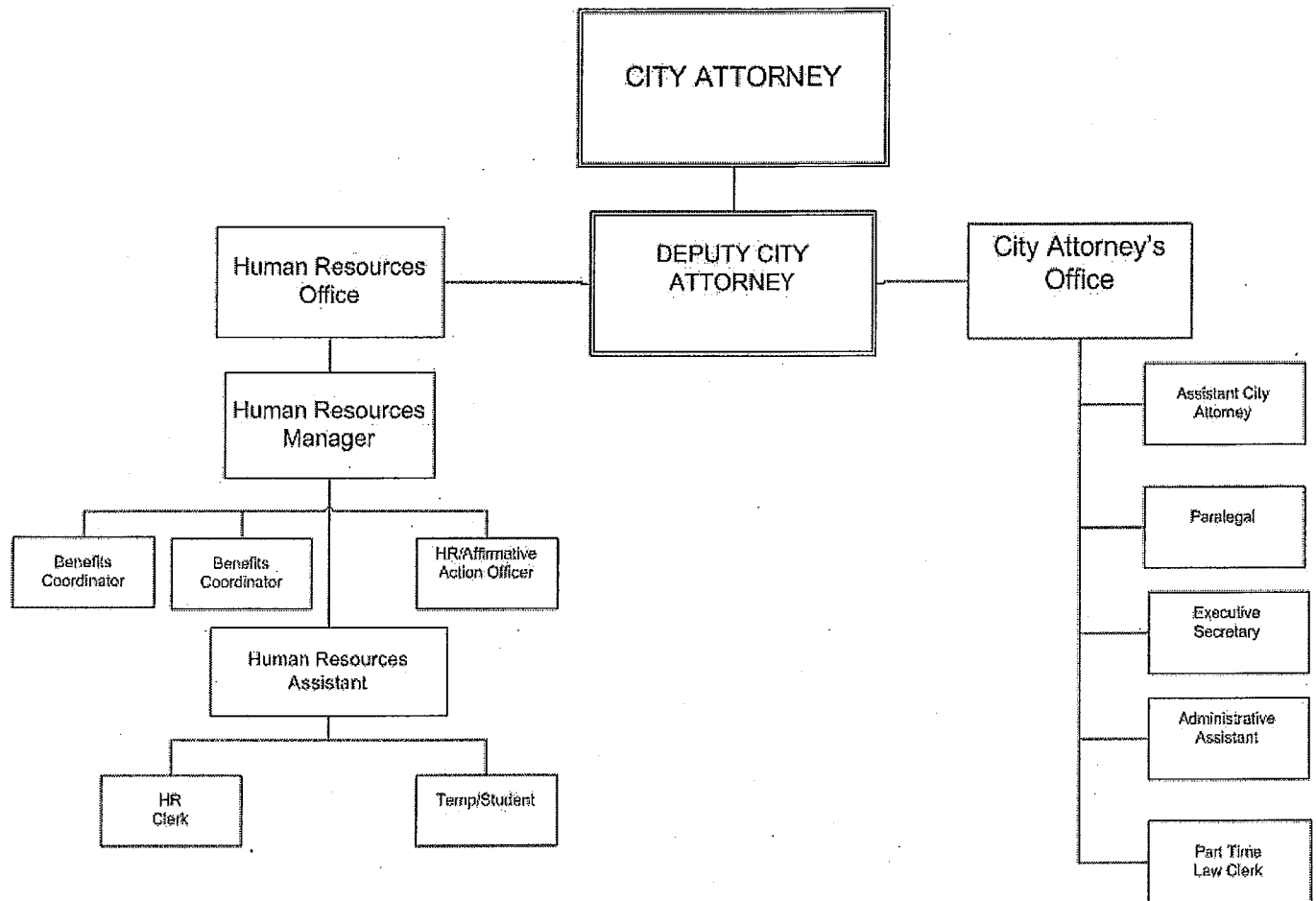
City of Racine



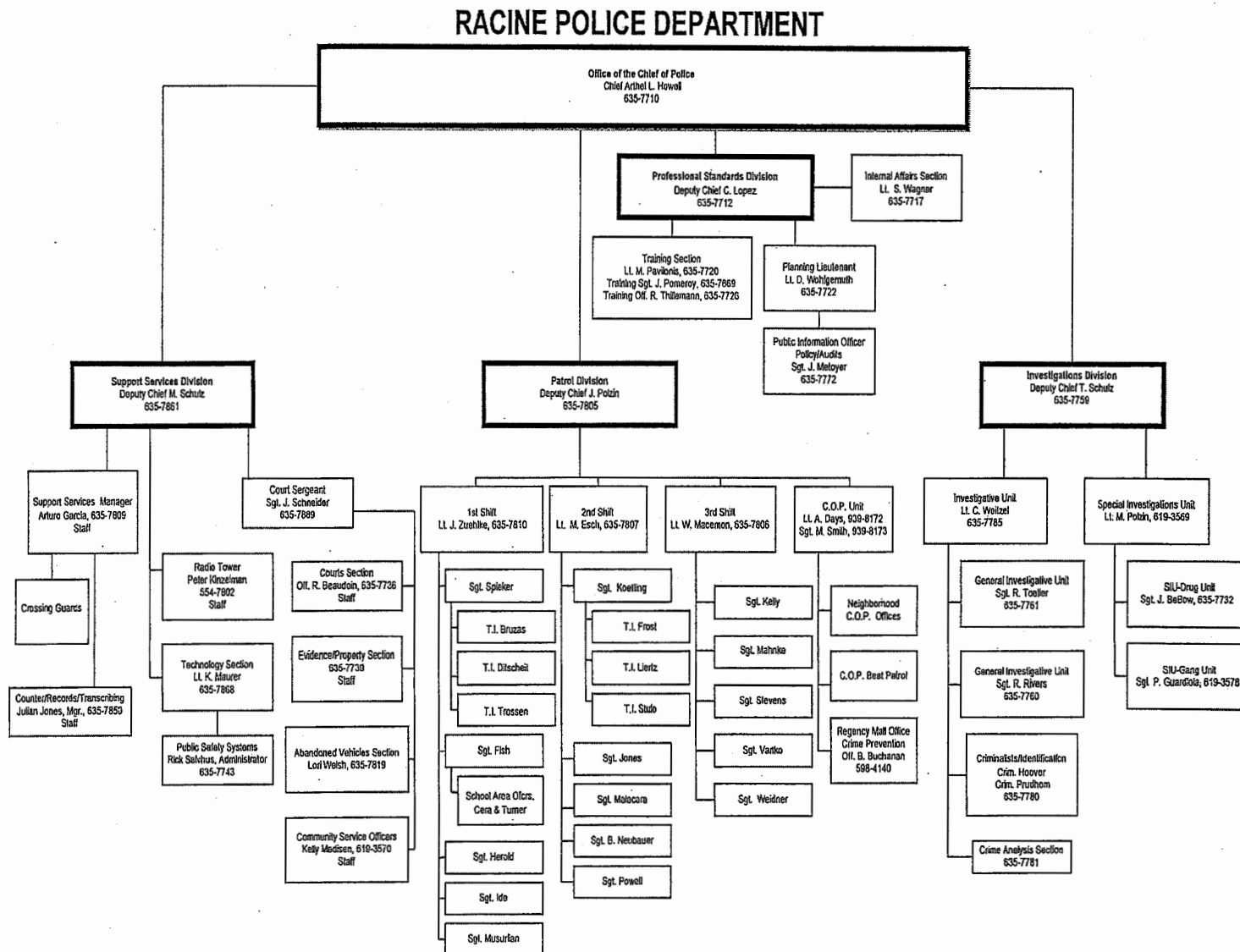
City Administration



Office of the City Attorney/Human Resources



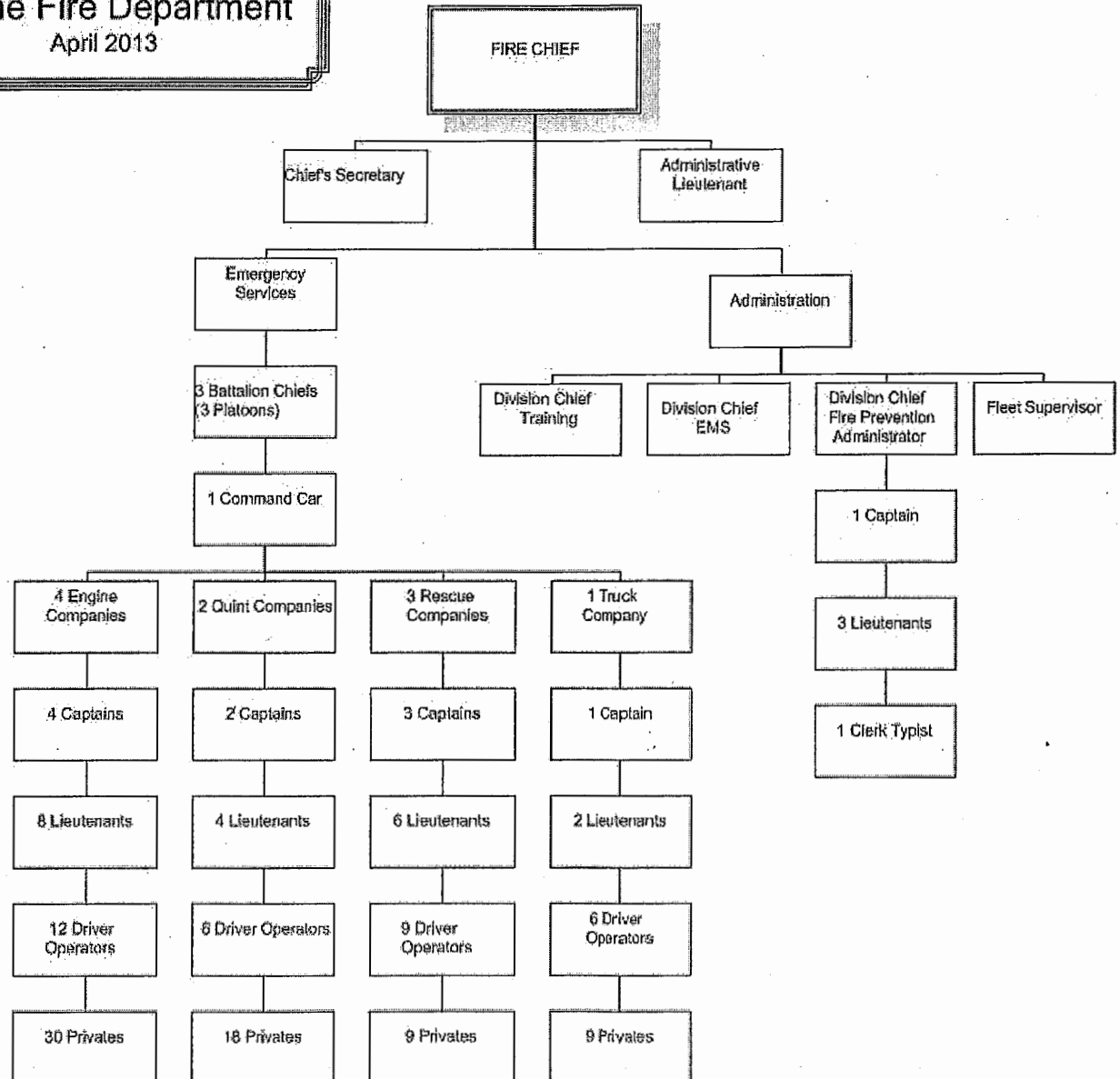
Police Department



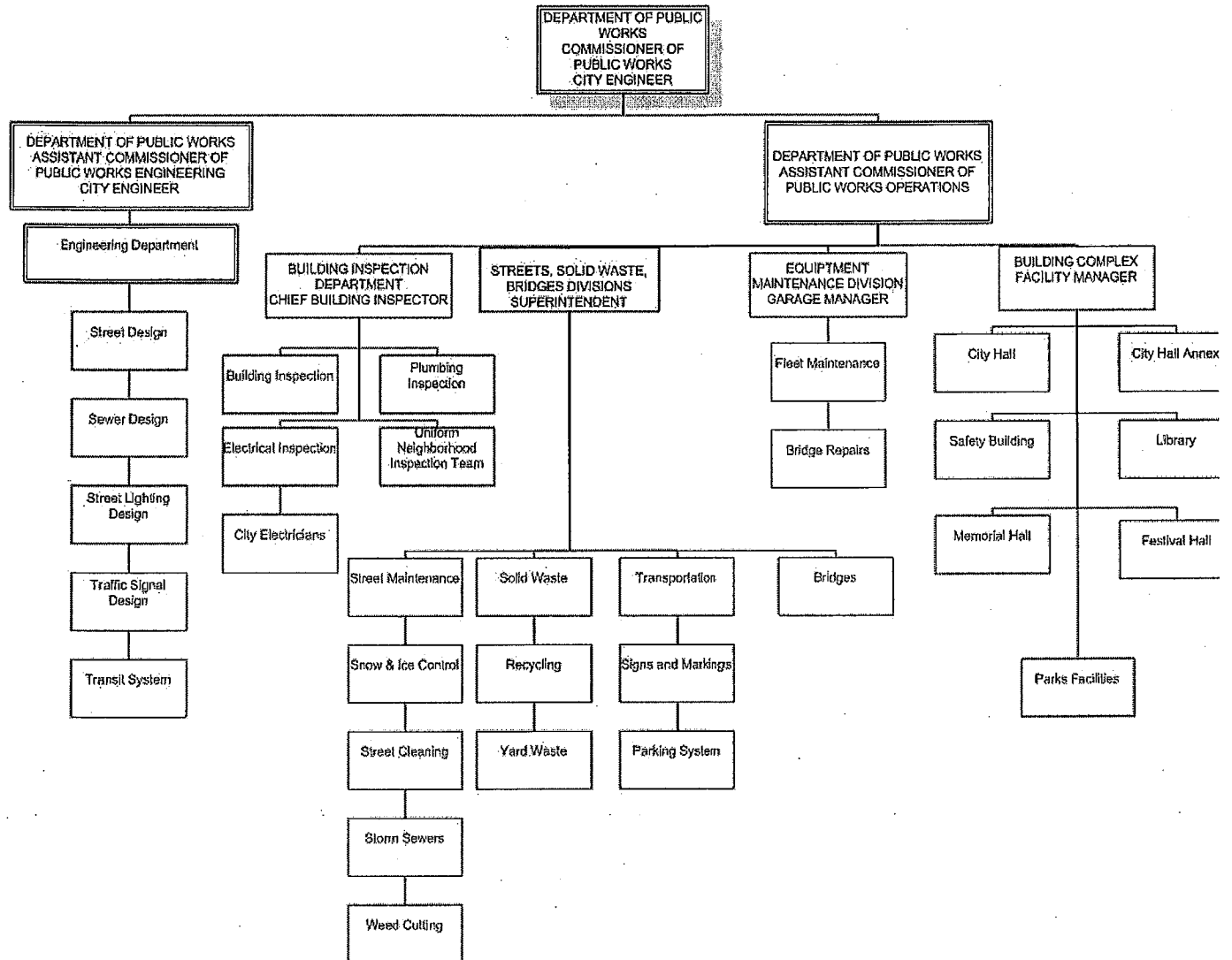
April 4, 2013

Fire Department

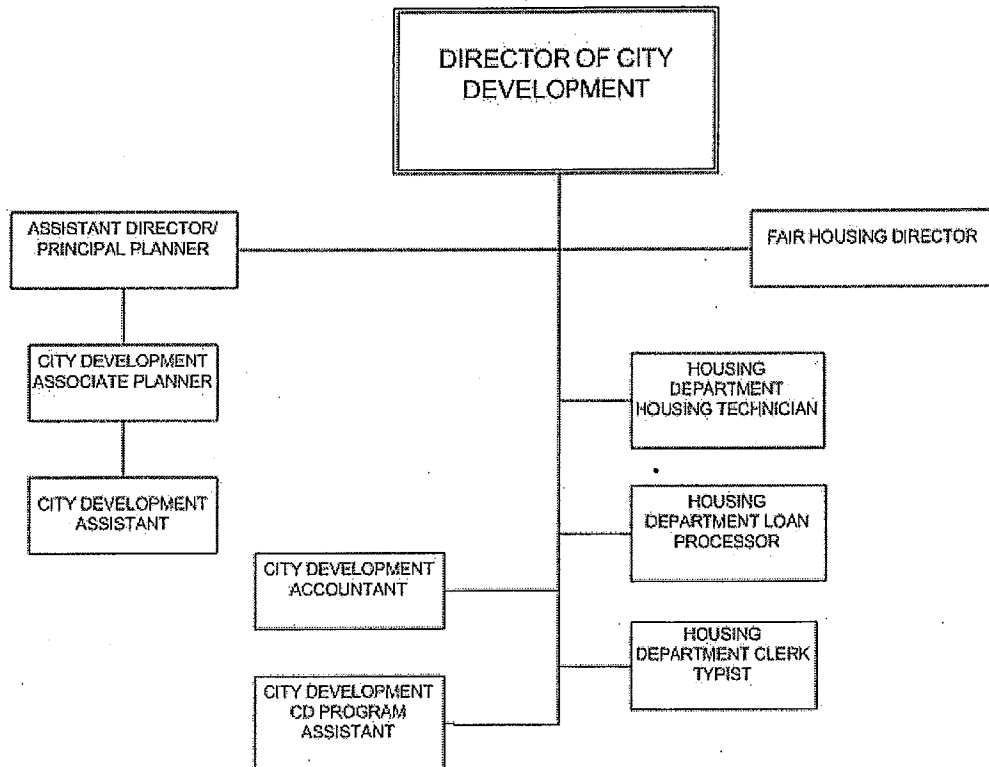
Racine Fire Department
April 2013



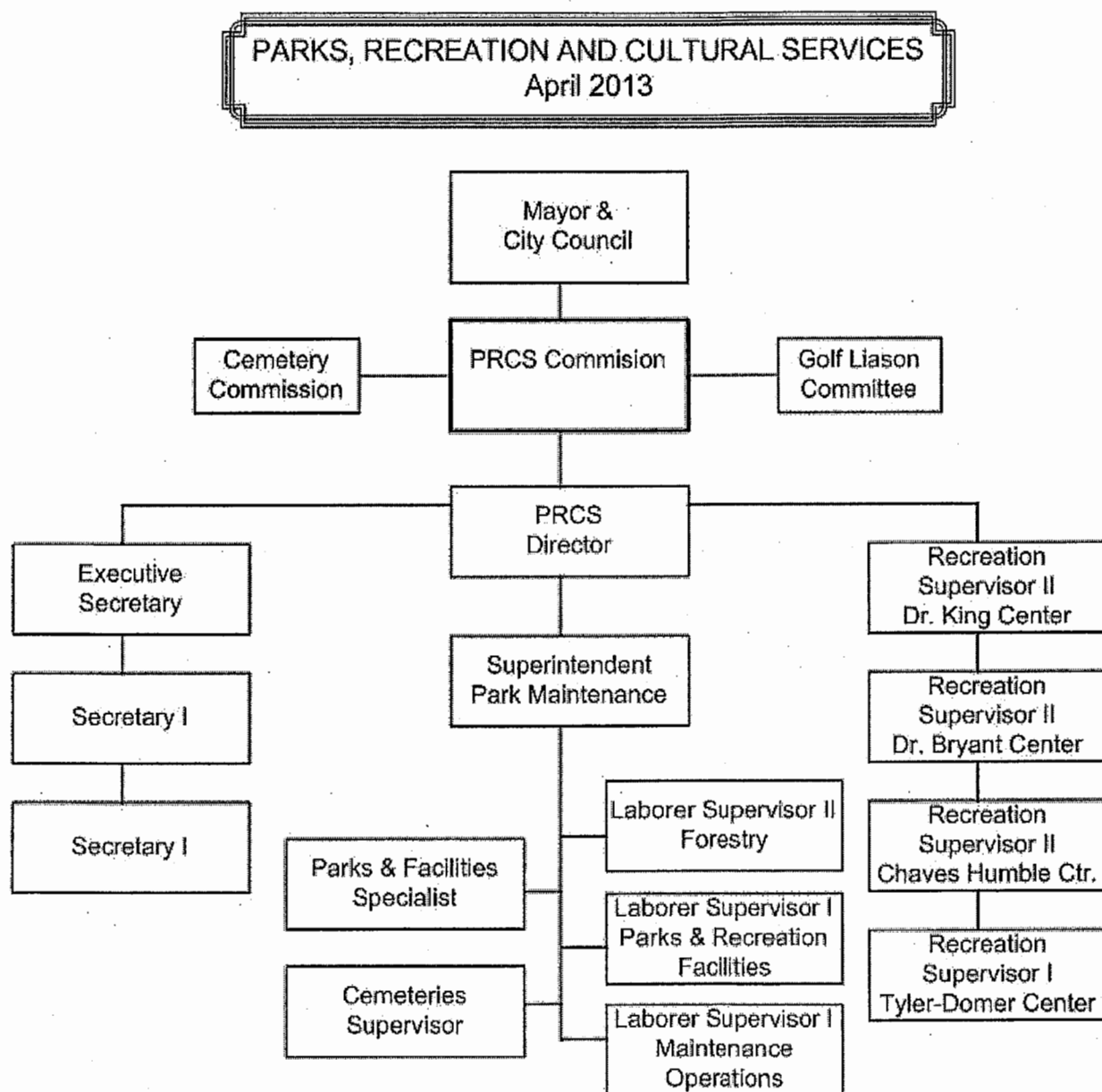
Department of Public Works



Department of City Development



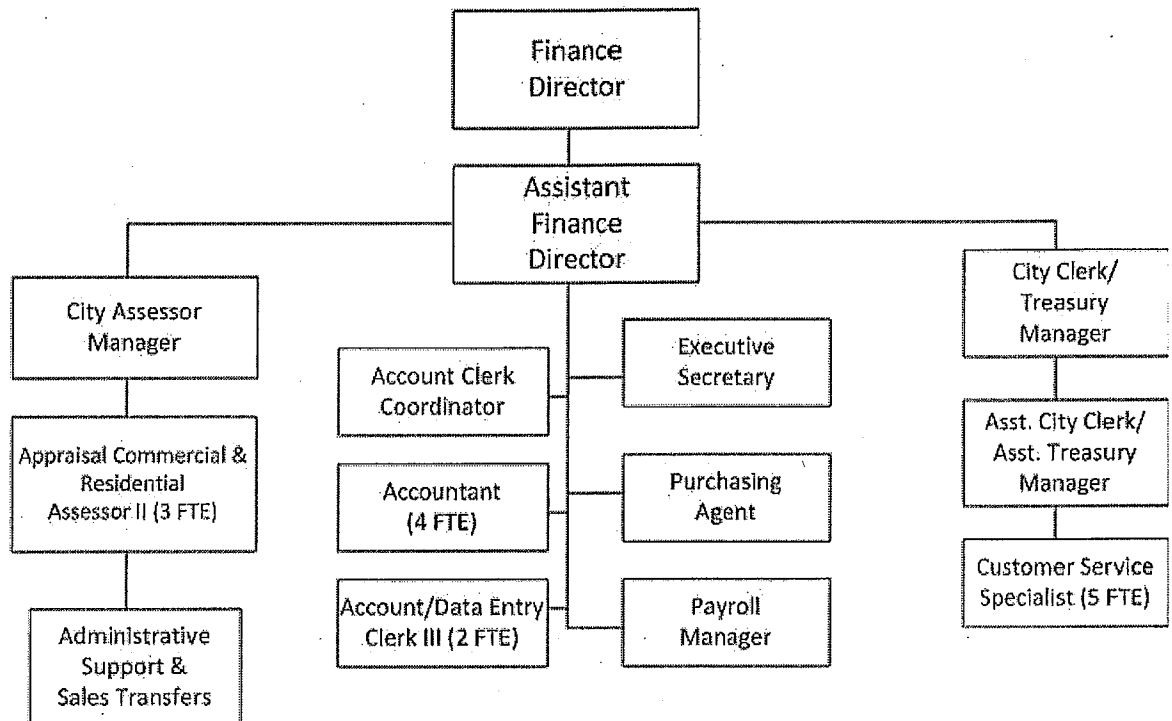
Department of Parks, Recreation and Cultural Services



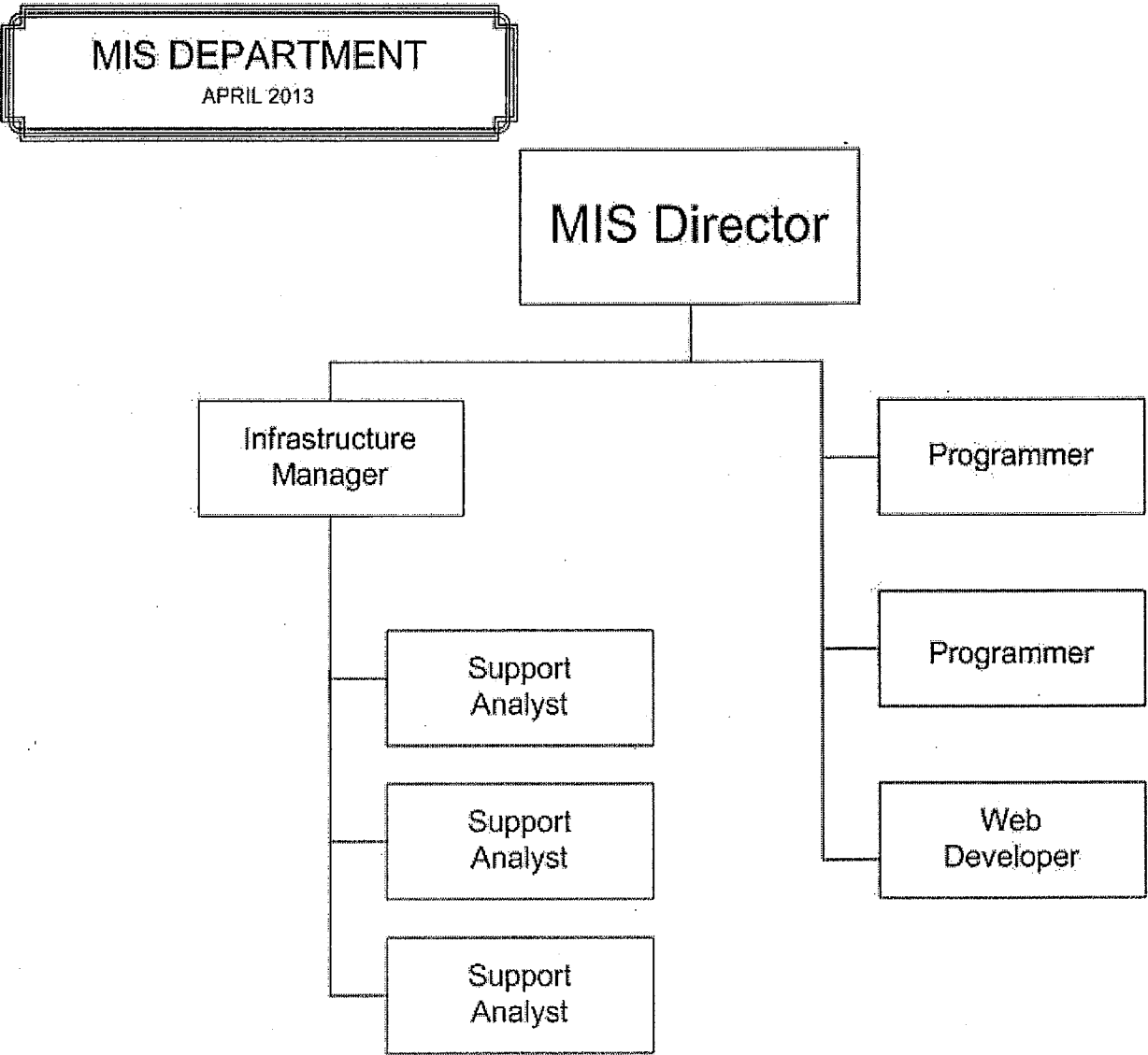
Finance Department

Finance Department

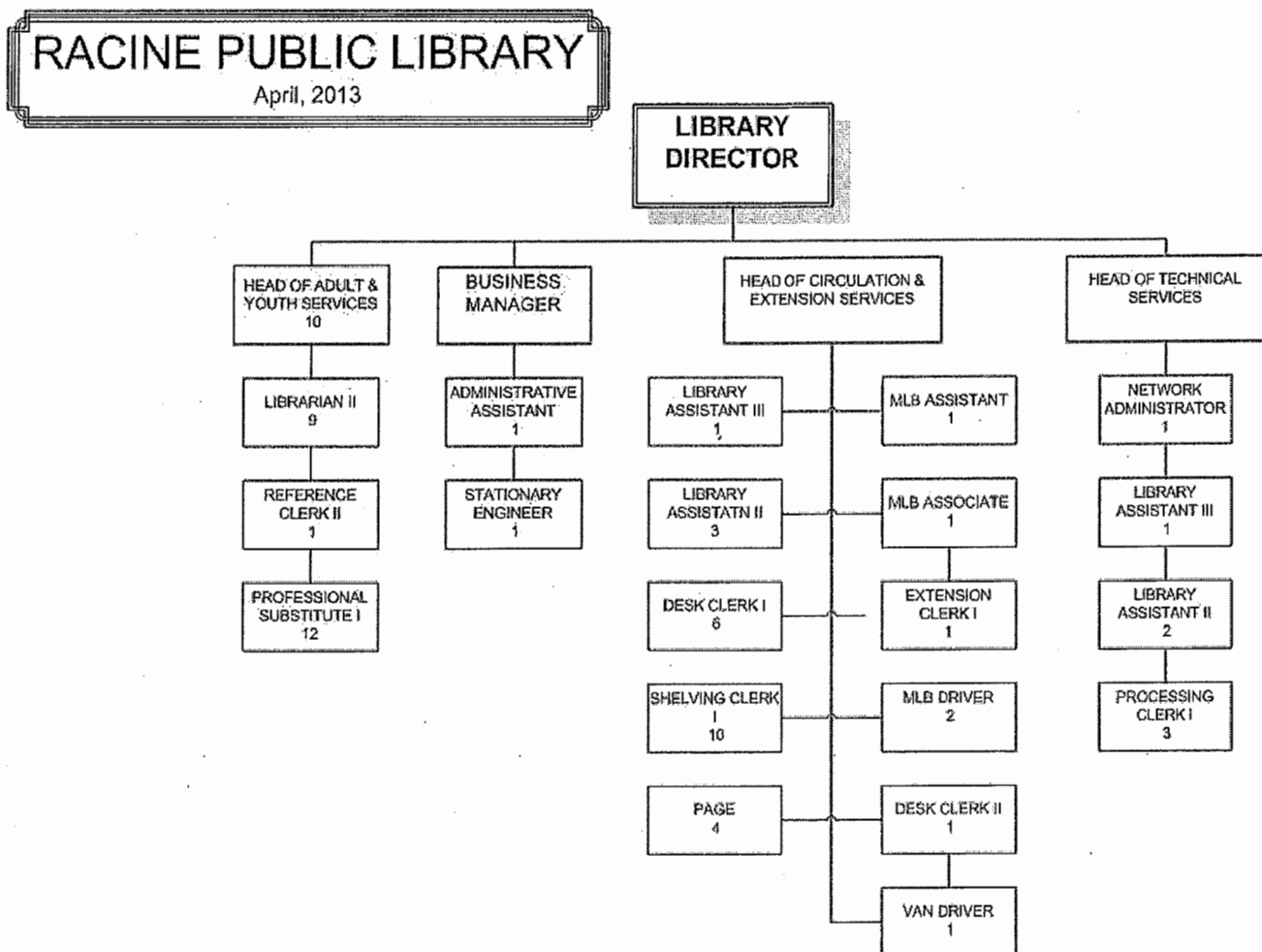
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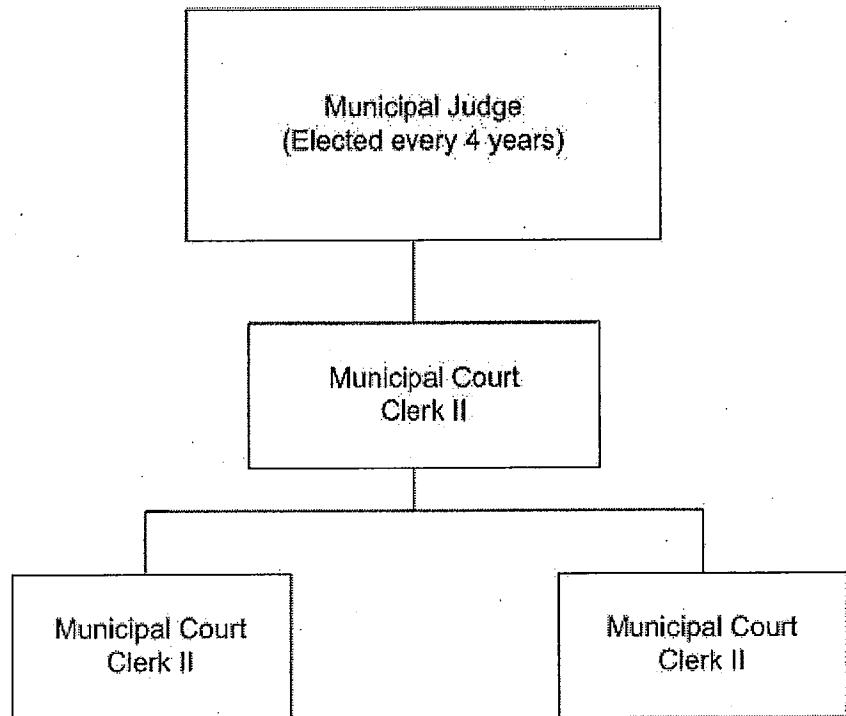
Department of Management Information Systems



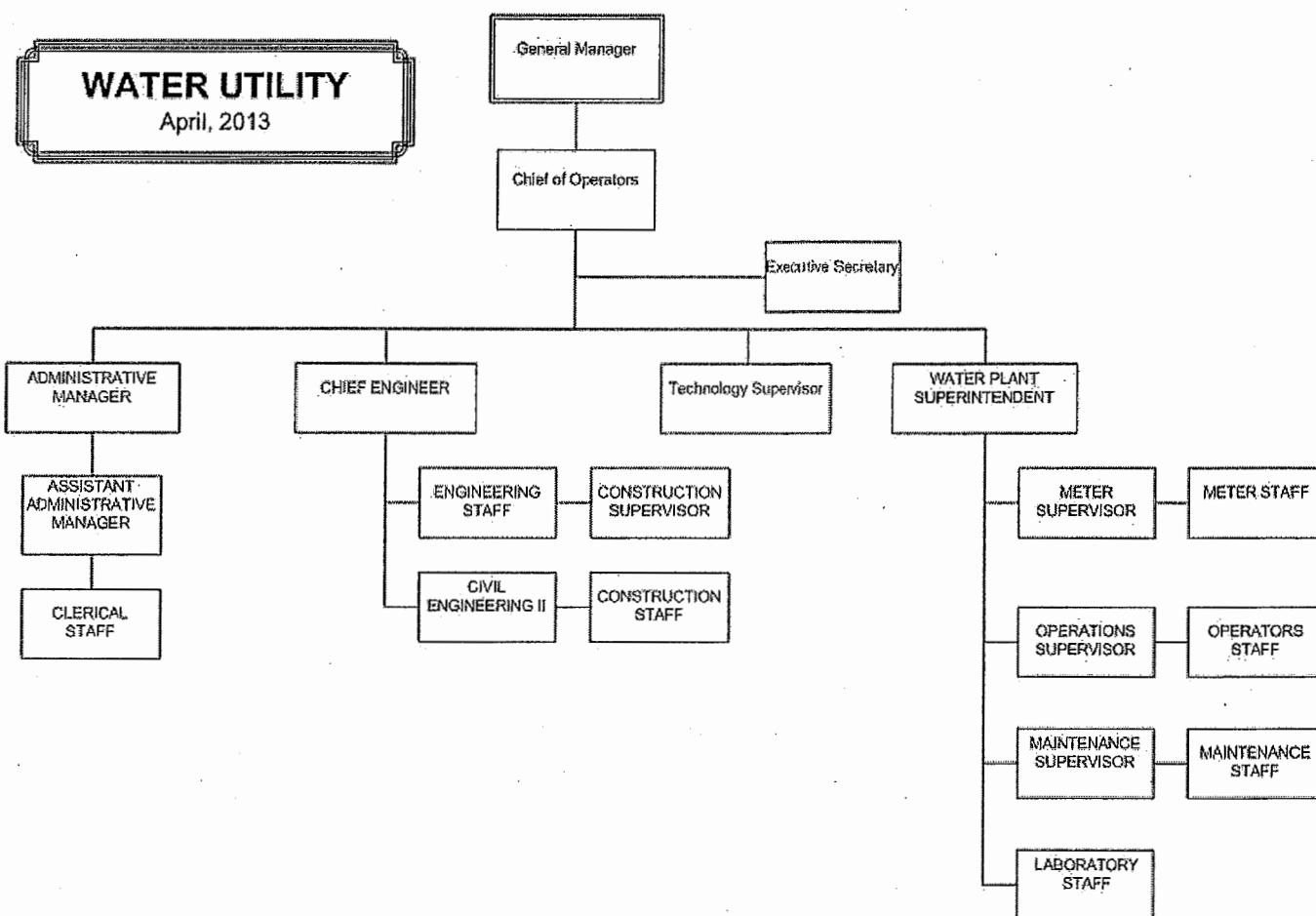
Racine Public Library



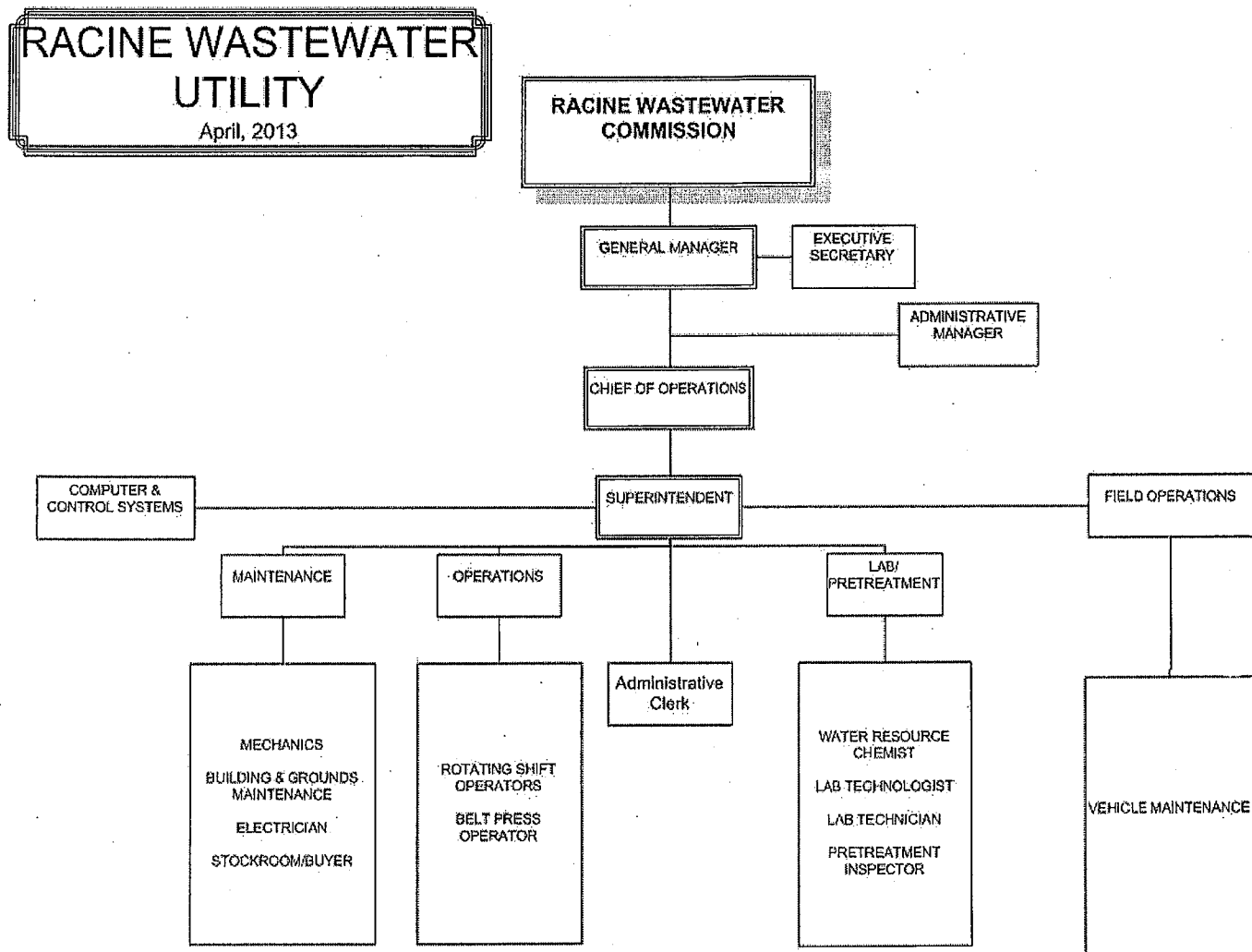
Department of Municipal Justice



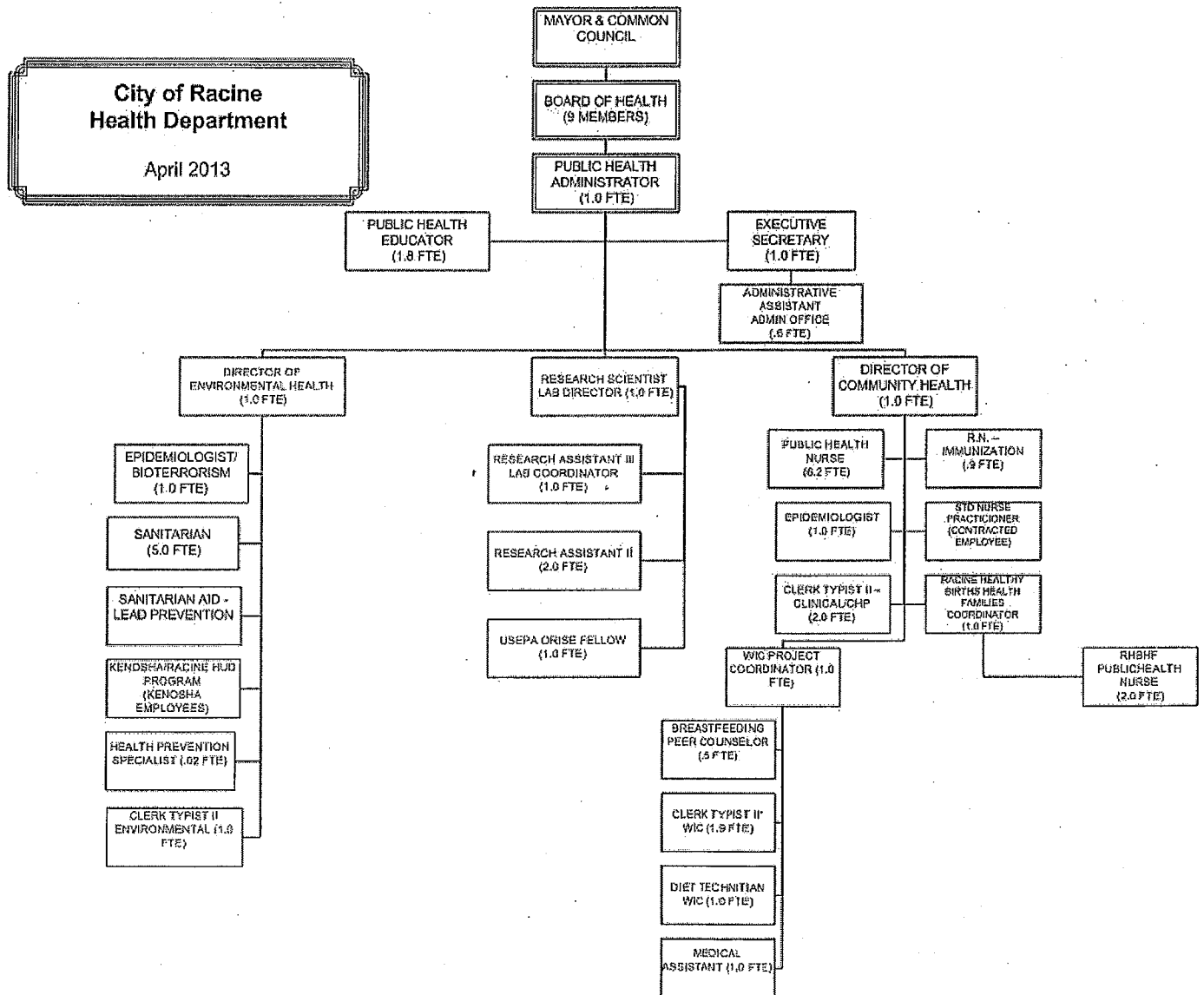
Water Utilities



Wastewater Utilities



Department of Health



CHAPTER 3

COMMITTEES, COMMISSIONS & BOARDS

Affirmative Action Human Rights Commission

This commission consists of nine members appointed by the mayor, subject to council approval. Two members shall be aldermen, one shall be an attorney. Members shall be appointed from the entire city and at no time shall the total of women and ethnic or racial minorities constitute less than a majority of the commission. The purpose of this city-created commission is to investigate allegations of discriminatory housing practices in the city and to refer any substantiated claims of discrimination to the mayor and city attorney for prosecution or other appropriate action.

Board of Building Appeals

The board of appeals consists of five members appointed by the mayor, subject to confirmation by the common council. One member shall be a licensed architect and one shall be a professional engineer. This board acts on appeals made by citizens or property owners requesting variances from the zoning and sign code and also acts on appeals of determinations made by the chief building inspector, who is also the zoning administrator, as to interpretation(s) of the zoning and sign code of the city.

Board of Electrical Appeals

The board of electrical appeals is comprised of seven members appointed by the mayor and confirmed by the common council. The term limit for members is two years. The membership must include one electrical engineer, one electrical contractor, one journeyman electrician, and four city residents not engaged or connected with the electrical trade, contracting or supply.

Board of Ethics

The term limits for members of the board of ethics is six years and is comprised of six members. All members are appointed by the mayor and confirmed by the common council. All members must be residents of the city, and one must be an attorney licensed to practice law in the state.

Board of Harbor Commissioners

This board is comprised of nine members. Four of the members are appointed by recommendation of the county executive. The remaining five members are appointed by the mayor and confirmed by the common council.

Board of Health

The board of health consists of eight members. Three shall not be elected officials or city employees but shall be persons who have a demonstrated interest or competence in the field of public or community health. A good faith effort shall be made to appoint a registered nurse and a physician. The term for appointments to this board is two years and members are appointed by the mayor and confirmed by the common council.

Board of Parks, Recreation and Cultural Services

This board is a statutory authorized body consisting of eleven citizens appointed by the mayor, subject to council approval, two aldermen, one from the license and welfare committee, one county board supervisor, and one school board member. A board member shall not be eligible for appointment if such member has served six or more consecutive years. This board has statutory powers with respect to parks and also provides advice to the common council on recreation-related activities of the city. (Wis. Stat. §27.08.)

Board of Review

The board of review consists of the city clerk and four citizens appointed by the mayor, subject to council confirmation. This is a state-mandated board under Wis. Stat. §70.46. The board is responsible for hearing appeals on personal property and real property assessments made by the city assessor. The city assesses commercial and residential property while the state assesses industrial property.

Board of Standards

The mayor appoints and the common council confirms the seven members of the board of standards.

The term for each appointment is three years. One member shall be an alderman, one shall be the general manager of the water and wastewater utilities and three shall be members with experience in the field of industrial wastewater management.

Board of Zoning Appeals

This board consists of five members and two alternates appointed by the mayor and confirmed by the common council. The term limit for each appointment is three years. Such appointments and members shall be governed by Wis. Stats §62.23(7)(e)2. The city attorney shall assign a member of his staff to meet with the board in an advisory capacity without vote.

Requests for variances must demonstrate a uniqueness of the situation for justifying the waiver being requested and also demonstrating hardship caused by a strict interpretation of the code. Wisconsin courts require strict interpretation of the statute and variances should be granted sparingly. Cost or economic impacts are generally not considered hardships under this definition.

Cable Television Commission

The cable television commission consists of nine members. The mayor appoints the members and the common council confirms. Two members shall be members of the common council and shall hold their term for one year, one representative of each of the following shall be members: organized labor, education, business, industry, churches and two representatives from the general public. The term for members is three years.

Cemetery Board

This board consists of five members. Four members shall be citizens, one shall be an alderman. The council elects the citizen members, the mayor appoints the alderman. The term limit for each citizen member is four years.

City Plan Commission

The plan commission consists of seven members, including the mayor as chairperson, the city engineer, and one alderman appointed by the mayor. Pursuant to state law, the plan commission shall have seven members, three of whom shall be citizen members who are not city employees. This is a Wisconsin statutory body deriving its authority from Wis. Stat. §62.23.

The plan commission is responsible for the development and maintenance of a master development plan for the city. The commission also advises the council on land purchases and sales, lot divisions, platting, subdivision development, zoning changes, conditional use permits, and all other developmental plans for the community.

Civic Centre Commission

The civic centre commission consists of ten members. The members shall consist of one representative from parks, recreation and cultural services, one member shall represent the Downtown Racine Corporation, one member from Racine Convention and Visitors Center, one veteran of the armed forces who is a member of a veteran's organization, one aldermanic member, one representative of the festival sponsors, and five citizen members. The term for each appointment is two years and members are appointed by the mayor and confirmed by the common council.

Community Development Committee

The community development committee consists of fourteen members. The members are appointed by the mayor and confirmed by the council. The members consist of the mayor, president of council, chairman of each standing committee, one alderman at-large and one alderman (rotated yearly), director of city development, three administrative managers, and five electors with specific interests. The term for member is three years.

Downtown Area Design Review Committee

The downtown area design review committee consists of seven members appointed by the mayor and confirmed by the council. The committee shall consist of the director of city development, the alderman that represents downtown, a member of the landmarks preservation commission, a member of Downtown Racine Corporation, a registered architect or building design professional, a person operating a retail business downtown, an at-large member and a person owning property within the downtown area.

Elderly Housing Authority

The elderly housing authority consists of five members appointed by the mayor and confirmed by the council. The term for members is five years.

Health and Sanitation Appeals Board

The health and sanitation appeals board consists of five members appointed by the mayor and confirmed by the council. The members shall consist of five residents, including one alderman, one property owner, and one renter. The mayor shall appoint annually from the members a chairman of the board and a secretary.

Landmarks Preservation Commission

The landmarks preservation commission consists of seven members appointed by the mayor and confirmed by the council. The members shall consist of one registered architect, one historian qualified in historic preservation, one licensed real estate broker, one alderman, and three citizen members. Each member shall have, to the highest extent practicable, a known interest in landmarks preservation.

Library Board

The library board is a Wisconsin statutory board under Wis. Stat. Chapter 43. The library board consists of nine members appointed by the mayor, subject to common council confirmation and three members appointed by the County Executive. The library board is responsible for personnel matters, including the hiring of personnel, budget approval, and the management of the library services. The common council annually determines the total amount of tax appropriation authorized for the library budget.

Police and Fire Commission

This commission consists of five members appointed by the mayor. This is a mandatory body under Wis. Stat. §62.13 that has autonomous control over police and fire personnel, including hiring, firing, and disciplinary actions. All other administrative functions are controlled by the mayor and the department chiefs. The council is responsible for all other policy and budgetary activities. The hiring of both the police chief and the fire chief is the responsibility of the police and fire commission.

Racine Sister City Planning Council

The sister city planning council consists of 18 members, one of which is a representative of the common council. The members are appointed by the mayor and confirmed by the council. The term of each appointment is three years.

Redevelopment Authority

The redevelopment authority is responsible for blight elimination, slum clearance, urban renewal, and redevelopment projects. This authority is governed by Wisconsin Statutes and consists of seven members appointed by the mayor with confirmation by the common council. (Wis. Stat. §66.1331, *et seq.*)

Stationary Engineer Examining Board

This board consists of three members appointed by the mayor and confirmed by the council. The members must hold a city chief engineer's license and an ASOPE examiner's commission.

Traffic Commission

This commission is a city-created advisory commission to study and advise the council on matters related to vehicular and pedestrian traffic and to review adult crossing guard requests and the appointment of such guards based on intersection surveys in accordance with Institutes of Traffic Engineer's Standards. The commission consists of seven members. Three citizens are appointed by

the mayor, subject to confirmation by the common council, and the chairman of the public works and services committee, the chief of police, and an assistant city attorney. The term for members is three years.

Transit and Parking Commission

This commission consists of five members. The term of each appointment is three years. The commission is made up of one citizen member, one citizen member of the traffic commission, two citizens of recognized business ability and one alderman elected by the common council. The other four members are appointed by the mayor and confirmed by the council.

Wastewater Commission

This commission consists of eleven members, with seven representatives of the city, including the Racine mayor, ex officio, and six representatives appointed by the mayor and confirmed by the common council, two of whom may be city elected officials and four of whom shall not be city elected officials, two alternates, and four representatives of outlying municipalities, who shall be selected by those governing bodies.

Waterworks Commission

The waterworks Commission consists of seven members. The term for each appointment is four years. The members consist of the mayor, two aldermen, one of whom shall be on the finance committee, and four citizens. The aldermen are appointed by the mayor and confirmed by the common council, and the common council elects the four citizen members.

CHAPTER 4

COMMON COUNCIL RULES OF PROCEDURE

Municipal Code and State Law

The common council operates under rules of procedure established in the municipal code and operating rules as established by the council. Unless otherwise spelled out in established city policy, Robert's Rules of Order are used to guide meeting procedures.

Public hearings are normally held by the common council at the beginning of each council meeting. The mayor will announce the rules of procedure at the beginning of each hearing. The mayor will call for public comment, and everyone will be allowed a reasonable amount of time to speak once at each call. Public hearings are required for budget adoption, rezoning, conditional use permits, and other statutory requirements.

There are three types of actions that implement policy by the council. The first is by simple motion. A motion is the simplest of actions by a governing body or committee. Motions are used to process work activity, to handle procedural actions such as receiving and filing minutes, to process directives such as suspension of rules, and to generate consensus of the body. Motions adopting a report or predefined action can have more permanence and effect--much like a resolution or ordinance. Motions should be made as follows:

I move that . . . (action to be taken)

When permanence and a detailed written record of an action of the governing body is desirable, a resolution should be utilized. Resolutions often define the reason for the policy action and then make a statement of position and/or directive of action.

Ordinances are the most formal of actions taken by the common council. Some specific actions of the council are required to be adopted by ordinance. If the action of the council is one of permanence and should be part of the municipal code or has a regulatory or penalty implementation, an ordinance is preferable to a resolution. The structure of an ordinance is similar to a resolution except for the phrase, "It is hereby ordained . . .".

Some resolutions and ordinances require what is often referred to by state law as an extraordinary majority vote. This means that in order to adopt certain specific actions by the governing body more than a simple majority vote is required.

Organizational Meeting

On the third Tuesday in April following a municipal election, the common council is required to reorganize, to choose a council president, and to appoint committees. Chapter 2-61 of the municipal code defines the operating procedure for the organizational meeting.

Open Meetings Law

The open meetings law of the State of Wisconsin has been amended several times since its adoption in 1958 and continues to be redefined by the courts through court interpretation. The open meetings law is covered under Wis. Stat. §§19.81 through 19.98. Wisconsin Statute §19.81(2) states: "To implement and ensure the public policy herein expresses, all meetings of all state and local governmental bodies shall be publicly held in a place reasonably accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law." This open meetings law establishes the right of people to be present at all public meetings, with only a few exceptions, but not to participate. State required public hearing requirements are dealt with in separate sections of the statutes.

The term "meeting" is defined by Wis. Stat. §19.82(2):

"Meeting" means the convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. The term does not include any social or chance gathering or conference which is not intended to avoid this subchapter....

Recent court decisions expanded the criteria of majority of the governing body to effective majority, or a sufficient number of members to determine the outcome of a governmental action. Caution must be used when members of a governing body meet for the purposes of discussing government business so that the open meetings laws are not violated, since personal liability could result from such violations.

Council Agenda

The common council meets on the first and third Tuesday of each month. There are several ways items or issues are placed on the agenda for council action. Agenda items referred to the council by a committee, commission, or board or directly communicated to the council through the city clerk's office.

Items brought up requesting council action during a council meeting cannot be acted on unless the item has been published as part of the agenda. Such items may be discussed but must be referred to the next agenda or committee for proper action.

Public Notice

Public notice requirements are part of the open meetings law. Notice must be made by providing a copy of the agenda to the official newspaper and other news media requesting such notification at least 24 hours in advance of the meeting. In addition, notice of the meeting must be posted on a public bulletin board (located in the city hall, first floor lobby) announcing the meeting. An

emergency meeting may be called on a two-hour notice, providing proper notification of the media and all members of the governing body are provided.

Closed Session

Wisconsin Statute §19.85(1) authorizes closed sessions of the governing body for limited and specific purposes, as follows:

19.85 (1) Any meeting of a governmental body, upon motion duly made and carried, may be convened in closed session under one or more of the exemptions provided in this section. The motion shall be carried by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes. No motion to convene in closed session may be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made, the nature of the business to be considered at such closed session and the specific exemption or exemptions under this subsection by which such closed session is claimed to be authorized. Such announcement shall become part of the record of the meeting. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session. A closed session may be held for any of the following purposes:

- (a) Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.

NOTE: A quasi-judicial hearing is a hearing conducted with most of the formality that characterizes a court hearing, as part of the quasi-judicial proceeding. A quasi-judicial proceeding is a process of fact gathering and decision-making in which specific rights of individuals are being decided by a body that conducts proceedings and exercises discretion similar to that of a court. Coffey vs. Milwaukee, 74 Wis.2d 526, 247 N.W.2d 132 (1976)

The word *deliberation* deserves emphasis. Deliberations are discussions by a governmental body of facts that were presented at hearings, contained in applications for relief, or gained through other fact-gathering activities which were conducted by the body before the start of closed deliberations. Deliberations do not include acquisition by the body of new evidence or testimony.

- (b) Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board of commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; provided that the faculty member or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. This paragraph and par (f) do not apply to any such evidentiary hearing or meeting where the employee or person licensed requests that an open session be held.

NOTE: This paragraph applies to sessions of a governing body held to discuss and act on the demotion or dismissal of one of its employees. It is possible to hold a closed session to handle such a matter. However, the staff person has to be given notice if such a session is an evidentiary hearing or involves formal action and can demand that the session be open.

- (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

NOTE: This section could apply to discussions of the governing body regarding hiring, performance, pay, etc., of staff persons for whom it has jurisdiction or supervisory responsibility.

- (d) Considering specific applications of probation or parole, or considering strategy for crime detection or prevention.
- (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

- (ee) Deliberating by the council on unemployment compensation in a meeting at which all employer members of the council or all employee members of the council are excluded.

NOTE: For example, this exemption would apply to discussions of a liquor licensing committee regarding possible prosecution for an ordinance violation in which an alleged violator's history of noncompliance is being considered. It would also apply to discussions by a municipal housing authority regarding the financial ability of a particular developer to carry out promises made in connection with a project proposal. Note that in both cases it is the potential for damaging reputations through disclosure of personal data that justifies the holding of a closed meeting. On the other hand, if the information being reviewed as past history is already a part of the public record (court records on previous ordinance violations, for example), the argument cannot be made that discussing such past history at an open meeting will unduly damage the violator's reputation, since no information is likely to become involved.

- (eg) Deliberating by the council on worker's compensation in a meeting at which all employer members of the council or all employee members of the council are excluded.
- (em) Deliberating under s. 157.70 if the location of a burial site, as defined in s. 157.70(1)(b) is a subject of the deliberation and if discussing the location in public would be likely to result in disturbance of the burial site.
- (f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

- (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
- (h) Consideration of requests for confidential written advice from the ethics board under s. 19.46(2) or from any county or municipal ethics board under s. 19.59(5).
- (i) Considering any and all matters related to acts by businesses under s. 560.15 which, if discussed in public, could adversely affect the business, its employees or former employees.
- (j) Considering financial information relating to the support by a person, other than an authority, of a nonprofit corporation operating an ice rink which is owned by the state if the information is exempt from disclosure under s. 23.37 or would be so exempt were the information to be contained in a record. In this paragraph, authority and record have the meaning given under s. 19.32

NOTE: An additional type of meeting, normally considered a public meeting, is given special dispensation within the law.

Bodies (multi-member entities) which are engaged in collective bargaining under the Municipal Employment Relations Act are exempt from the requirements of the open meeting law. Such entities are defined, for purposes of the law, as nongovernmental bodies. As such, those entities can meet in closed session at will, without having to go through the procedural steps to close the meeting to the public. The unit engaged in collective bargaining also need not be given notices of its sessions or otherwise obey the prescriptions of the open meeting law.

COMMON COUNCIL

(a) **POWERS OF THE COUNCIL.** The city's common council shall possess and exercise all legislative and general ordinance powers imposed and conferred by general law or special charter upon the mayor and common council and the various boards and commissions, not inconsistent with Wis. Stat. Chapter 62.

(b) **ORGANIZATIONAL MEETING; COUNCIL PRESIDENT**

(1) Following the regular city election, the common council shall hold an organizational meeting on the third Tuesday in April. At the organizational meeting, the council shall choose by majority vote one of its members to act as President.

(2) The mayor shall be the presiding officer of the common council and shall not have a vote except in case of a tie vote of the council. The mayor shall have veto power as described in Wis. Stat. §62.09(8). In the absence of the mayor the president of the council will preside over the council meeting.

(3) The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting.

(c) **REGULAR MEETINGS.** The common council shall hold its regular meetings on the first and third Tuesday of each month at 7:00 PM, except when any such day is a legal holiday or an election day or on an alternative date established by the council.

(d) **SPECIAL MEETINGS.** Special meetings shall be called by the mayor and notice made legally notifying each member of the council in compliance with the notice requirements of the open meeting law and Wis. Stat. §62.11(2).

(e) **QUORUM.** Two-thirds of the members of the council shall constitute a quorum, and a majority vote of all the members of the council shall be necessary to adopt any ordinance or resolution, except that adoption of charter ordinances requires a two-thirds vote of all aldermen.

(f) **RECORDING OF VOTES.** The ayes and noes shall be called and recorded on the vote upon every ordinance and resolution.

(g) **ORDER OF BUSINESS.** The order of business for all meetings of the council shall be as follows:

- (1) Call to order by presiding officer of the common council
- (2) Roll call by the clerk
- (3) Pledge of allegiance to the flag

- (4) Reading and correcting the journal
- (5) Public comments
- (6) Public hearings
- (7) Memorials, petitions, remonstrance, communications
- (8) Committee reports
- (9) Resolutions
- (10) Ordinances
- (11) Adjournment

Authority of Aldermen

It is important to remember that aldermen are legislators and not administrators. An alderman's authority is limited to the legislative process. While aldermen may vote to set policy, they would not be authorized to direct staff to take an action by themselves.

If an alderman is unsure of who or what department to contact for information, they should contact the city administrator or mayor for assistance.

GENERAL RULES OF THE COUNCIL

(a) **ROBERT'S RULES OF ORDER.** Unless otherwise provided in these ordinances, the council in its deliberations shall be governed by Robert's Rules of Order, Revised. (Sec. 2-124, municipal code.)

(1) No member shall address the council until he has been recognized by the presiding officer. He shall thereupon address himself to the presiding officer and confine his remarks to the question under discussion. No member shall be interrupted except by a call to order. Visitors addressing the council shall be limited by such restrictions established by the presiding officer to facilitate the business of the council.

(2) When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

(3) When a member is called to order, he shall take his seat and shall not be allowed to proceed until the question of order is decided. No member shall speak more than two times at the same meeting on any questions except on leave of the presiding officer.

SUSPENSION OF RULES

The rules of order shall only be suspended upon the request of an alderman, with the approval of the presiding officer, or by the presiding officer, except that if any member of the council so requests, a majority vote of all the members shall be required. (Sec. 2-122, municipal code.)

STANDING COMMITTEES

(a) **COMMITTEE APPOINTMENTS.** At the first regular meeting of the city council, the mayor shall appoint councilmen to each of the following standing committees:

(1) Finance and personnel committee. Five aldermen shall be appointed by the mayor. The mayor shall select the committee chairman.

(2) Public works and services committee. Five aldermen shall be appointed by the mayor. The mayor shall select the committee chairman.

(3) License and welfare committee. Five aldermen shall be appointed by the mayor. The mayor shall select the committee chairman.

(4) Committee of the whole. All aldermen are members. The council president will be chairman of the committee.

(5) Executive committee. The chairman of each of the standing committees are members plus the mayor, the council president and an alderman at-large appointed by the mayor.

(b) **COMMITTEE REPORTS.** Each committee shall at the next regular council meeting submit a report on all matters requiring council action. Such report shall recommend a definite action on each item. (Chapter 2, division 4, municipal code.)

ELECTION OF ALDERMEN

(a) **COMPOSITION – TERMS.** The common council shall consist of 15 members elected by aldermanic districts. Alderman shall be elected for a term of two years.

(b) **ELECTION.** Alderman shall be elected in the following sequences: Eight in even numbered years, seven in odd numbered years.

(c) **VACANCY.** A vacancy in the office of alderman shall be filled as provided in Wis. Stat. §17.23(1)(a).

COMPENSATION OF ALDERMEN

The compensation of aldermen shall be as determined by the council from time to time, provided that such compensation shall not be inconsistent with the provisions of the Wisconsin Statutes.

CHART OF PROCEDURE

(Selected Motions Only)

Type of Motion	Second Required	Debatable	Amendable	Priority Over Pending Motion	Reconsidered	Interrupt Speaker	Vote Required
Adjourn (Sine Die)	Y			Y			Majority
Amend or Substitute	Y	Y	Y	Y	Y		Majority
Appeal	Y	Y	Y		Y	Y	Majority
Limit Debate	Y		Y	Y	Y		2/3
Main Motion	Y	Y		Except "Table"	Y		Majority
Nominations		Y					Majority
Personal Privilege or Point of Order				Y	Y	Y	Majority
Postpone to Time Certain	Y	Y	Y				Majority
Previous Question	Y			Y			2/3
Recess or Adjourn to Time Certain	Y	Y	Y				Majority
Reconsider	Y ¹	Y ²				³	Majority
Table or Take from Table	Y			Y ⁴			Majority
Take up Out of Order	Y						Unanimous
Withdraw a Motion ⁵				Y	Y	Y	Majority

No mark indicates that this action cannot be taken, is unnecessary or is inapplicable

Y Indicates that this action can be taken, is necessary, is required, is permitted or is applicable

¹ This motion may only be made by a person who voted on the prevailing side and is not applicable to □ table □ motions

² If prior motion was

³ Except for request for later action

⁴ Highest subsidiary motion--takes precedence over all motions except adjourn and privilege

⁵ Must be voted unless no objection

Special Voting Requirements

References are to Wisconsin Statutes

Simple Majority	2/3 of All Members	3/4 of all Members
Spring primary 8.05(4); 8.1(1)(a)	Reducing membership of library board in 2nd and 3rd class cities 43.54(3)	Removal of city officers by council 17.12(1)(d)
Removal of City officers by Common Council 17.13(1) and (2)	Redistricting of aldermen in cities 62.08(4)	Initially determining to pay salaries to mayor, aldermen or trustees 61.32; 62.09(6)(a)
Confirmation of appointments in cities 62.11(3)(b)	Providing for two aldermen per district when one per district provided in incorporation referendum (requires referendum) 62.09(1)(a)	Electing to do own construction work 61.56; 62.15(1)
Adoption of police and fire commission law 62.13(2)	Abolishing city offices of street commissioner, engineer, comptroller, constable or board of public works 62.09(1)(b); 62.14(1)	Zoning amendments when protesting petition is filed 61.35; 62.23(7)(d)
Condemnation for streets in cities upon petition by freeholders 62.22	Stagger terms of aldermen 62.09(5)(c)	Detach territory 66.0227
Ordinances or resolutions in manager cities and villages 64.07(3)	Override mayor's veto 62.09(8)(c)	Establishing utility districts 66.0827
Acquiring public utility or bus system 66.0803	Rejecting all bids under city bid law 62.15(5)	
Initial bonding resolution in villages	Change in city name 62.26(7)	
	Setting tax rate in board of estimates cities 65.07(1)(a)	
	Budget alterations 65.90(5)(a)	
	Charter ordinances 66.0101(2)	
	Certain annexation ordinances and proceedings 66.0217; 66.0219	
	Authorize clerk to issue check in excess of available or appropriated funds 66.0607	
	Relief from conditions of gift or dedications to municipality 66.1025	
	Approving redevelopment plan 66.1303; or redevelopment plan 66.1333; or modifying redevelopment plan 66.1333	
	Overnight parking restrictions without signs in each block 349.13(1e)	

In addition, Wis. Stat. §62.22(4)(d), requires a 4/5 vote of all members of the governing body. Under this statute, cities elect to condemn land for streets or alleys in the absence of a petition to do so.

Ordinances generally fall into four distinct categories. They are:

- (1) Police power ordinances prohibiting, licensing or regulating acts or conduct in the interest of the public health, safety, or welfare and containing penalties;

- (2) Franchise or contract ordinances;
- (3) Ordinances relating to public improvement, construction, and property; and
- (4) Ordinances relating to public finances such as bonding, investment, or salary ordinances.

CHAPTER 5

PLANNING

The planning process in Racine has become a sophisticated procedure relying heavily on three separate activities. The three activities or tools the city uses extensively in its planning process are the: Comprehensive plan, five year capital improvement plan, and the annual budget process. Each activity is separate, but they are all related to setting goals and objectives for the community.

Comprehensive Plan

This document is designed to identify the long-range goals (20 to 30 years) for the community. Subject to periodic review, the comprehensive plan defines needs of the community both inside and adjacent to the city. This planning document broadly covers land use, transportation, recreation, public facilities, economic development, public services, and all of the city activities which impact on the quality of life.

Five Year Capital Improvement Plan

From the broad planning perspective of the comprehensive plan, we move to the five year capital improvement plan which is both a financial plan and a project plan. Each year in May or June, the city staff prepares an update to the five year capital improvement plan, submitting it to the council for consideration.

A capital improvement plan is a statement of intent by the city officials that established a program or plan for the utilization of the financial resources of the city over a specified period of time to accomplish specified objectives related to major capital expenditures and city services. Capital improvement plans are not formal, rigid, binding documents which cannot be easily altered as conditions change; rather they are a planning tool designed to be altered annually as conditions warrant. The C.I.P. does not authorize any expenditures. Only the budget authorizes expenditures.

A long-range capital expenditure plan provides a long-range viewpoint for the community to define needed projects and expenditure plans, select those projects deemed most important in comparison to all others (priorities), determine when such projects should occur, and anticipate what impact such expenditures will have on the community and especially on the city's financial condition. Some of the major advantages to developing a long range capital expenditure plan are as follows:

1. Develop a stable tax rate eliminating unnecessary fluctuations which can cause hardships to the taxpayer and the city government
2. Provide adequate time to plan and coordinate construction projects and expenditure plans, eliminating costly duplication of efforts
3. Provide a perspective of how projects or plans relate to each other and what the ultimate objectives are

4. Provide adequate time to search for alternate methods of financing, including debt issue and grants-in-aid
5. Provide time to acquire land and right-of-way where needed
6. Allow more public knowledge and input into the development of plans for the community
7. Reduce spur-of-the-moment decisions which may have major economic impact on the community (often a result of special interest groups)
8. Assist in planning efforts of other public utilities, companies, agencies, and businesses

Budget

The budget process is the vehicle which sets and implements the objectives of the city in the short term. The process starts in August of each year with a directive from the mayor to administrative managers to prepare budget requests for their respective departments. The department requests are submitted to the city administrator in September. After a preliminary screening is made by the city (taking into account the comprehensive plan, and the five year capital improvement plan), a preliminary budget is submitted to the mayor for evaluation. The mayor will make adjustments necessary and submit his proposed budget to the council in November for its consideration. A public hearing is held on the mayor's budget proposal prior to council consideration. Several workshops are scheduled with the mayor and staff to review the budget proposal. The council amends the budget draft as it believes necessary. The council approves the budget as amended and sets the tax levy for the next fiscal year beginning January 1. The mayor may veto portions of the budget, which the council can override by a 2/3 vote of all members.

CHAPTER 6

LABOR LAW

Wisconsin municipalities are regulated by both state law and federal law concerning employment and collective bargaining agreements. In a recent United States Supreme Court decision (Garcia vs. San Antonio Transit Systems) the court reversed its earlier ruling, resulting in the applicability of the Fair Labor Standards Act to state and local governments. Although it is suggested to be a simple, 40-hour workweek law, the actual implementation is extremely complex. Most municipalities have claimed the 7-K exemption for police and fire--allowing up to a 28-day work cycle. Because of the hourly work schedules of police and fire employees some overtime is incurred by simply working normal work schedules and is paid at a time and half rate even though the hours are not worked.

Wisconsin regulates collective bargaining under Wis. Stat. §111.70, Municipal Employment Relations. This law is often referred to as the mediation/arbitration law as it substantially eliminates the right to strike, substituting binding whole package arbitration. Wis. Stat. §111.70(2) provides as follows:

RIGHTS OF MUNICIPAL EMPLOYEES

Municipal employees shall have the right of self-organization, and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection, and such employees shall have the right to refrain from any and all such activities except that employees may be required to pay dues in the manner provided in a fair-share agreement.

The City of Racine has many unions representing a majority of the work force. The human resources director is responsible for contract negotiations under the guidance of the city administrator, mayor and common council.

CHAPTER 7

ETHICS AND CONFLICT OF INTEREST

Ethics and conflict of interest are related issues, but also separate and distinct. Ethics tends to deal with principles of right and wrong and is based in philosophy of life. Conflict of interest tends to deal with legal constraints on public official's conduct which originates from society's ethical beliefs. Thomas Jefferson simplified the definition of proper ethical conduct of public officials by stating:

Whenever you are to do a thing, though it can never be known but to yourself, ask yourself how you would act were the entire world looking at you, and act accordingly.

In an attempt to address this issue of ethics, the City of Overland Park, Kansas, adopted a resolution setting forth a statement of public policy, or 'A Councilman's Creed'. (See inside front cover)

An article addressing conflict of interest that was published in "The Municipality" magazine in January, 1992. Following that article is a list of common rationalizations as published through the Joseph and Edna Josephson Institute, February, 1991.

Conflict of interest charges refer to violations of Wisconsin statutes. Wis. Stat. §946.13 specifically addresses pecuniary interests and how such interests be considered violations of state law. The article on Page 42 was published in "The Municipality" magazine and specifically addresses this important issue. It should be noted that spousal relationships can be interpreted the same as if it were the councilmember and includes employment which has contractual implications. For example, a councilmember could not also be city attorney; likewise, neither could the councilmember's spouse.

The State of Wisconsin Code of Ethics contains prohibitions relating to local public officials. These prohibitions are incorporated into the Racine Municipal Code. The statute provides:

Wis. Stat. §19.59, Code of ethics for local government officials, employees and candidates

(1)(a) No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. A violation of this paragraph includes the acceptance of free or discounted admissions to a professional baseball or football game by a member of the district board of a local professional baseball park district created under subch. III of ch. 229 or a local professional football stadium district created under subch. IV of ch. 229. This paragraph does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by ch. 11.

- (c) No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official

actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official. This paragraph does not prohibit a local public official from engaging in outside employment.

(br) No local public official or candidate for local public office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any person who is subject to a registration requirement under s. 11.05, or any person making a communication that contains a reference to a clearly identified local public official holding an elective office or to a candidate for local public office.

(c) Except as otherwise provided in par. (d), no local public official may:

1. Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.
2. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

(d) Paragraph (c) does not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a local public official from taking official action with respect to any proposal to modify a county or municipal ordinance.

(f) Paragraphs (a) to (c) do not apply to the members of a local committee appointed under s. 289.33(7)(a) to negotiate with the owner or operator of, or applicant for a license to operate, a solid waste disposal or hazardous waste facility under s. 289.33, with respect to any matter contained or proposed to be contained in a written agreement between a municipality and the owner, operator or applicant or in an arbitration award or proposed award that is applicable to those parties.

Subsections (1)(g) and (1m) (1) through (6) omitted.

(7)(a) Any person who violates sub. (1) may be required to forfeit not more than \$1,000 for each violation, and, if the court determines that the accused has violated sub. (1)(br), the court may, in addition, order the accused to forfeit an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained.

(b) Any person who violates sub. (1) may be required to forfeit not more than \$1,000 for each violation, and, if the court determines that a local public official has violated sub. (1)(br) and no political contribution, service or other thing of value was obtained, the court may, in addition, order the accused to forfeit an amount equal to the maximum contribution authorized under s. 11.26(1) for

the office held or sought by the official, whichever amount is greater.

(8)(a) Subsection (1) shall be enforced in the name and on behalf of the state by action of the district attorney of any county wherein a violation may occur, upon the verified complaint of any person.

(b) In addition and supplementary to the remedy provided in sub. (7), the district attorney may commence an action, separately or in conjunction with an action brought to obtain the remedy provided in sub. (7), to obtain such other legal or equitable relief, including but not limited to mandamus, injunction or declaratory judgment, as may be appropriate under the circumstances.

(c) If the district attorney fails to commence an action to enforce sub. (1)(a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if the district attorney refuses to commence such an action, the person making the complaint may petition the attorney general to act upon the complaint. The attorney general may then bring an action under par. (a) or (b), or both.

(cm) No complaint alleging a violation of sub. (1)(br) may be filed during the period beginning 120 days before a general or spring election, or during the period commencing on the date of the order of a special election under s. 8.50, and ending on the date of that election, against a candidate who files a declaration of candidacy to have his or her name appear on the ballot at that election.

(cn) If the district attorney for the county in which a violation of sub. (1)(br) is alleged to occur receives a verified complaint alleging a violation of sub. (1)(br), the district attorney shall, within 30 days after receipt of the complaint, either commence an investigation of the allegations contained in the complaint or dismiss the complaint. If the district attorney dismisses the complaint, with or without investigation, the district attorney shall notify the complainant in writing. Upon receiving notification of the dismissal, the complainant may then file the complaint with the attorney general or the district attorney for a county that is adjacent to the county in which the violation is alleged to occur. The attorney general or district attorney may then investigate the allegations contained in the complaint and commence a prosecution.

(d) If the district attorney prevails in such an action, the court shall award any forfeiture recovered together with reasonable costs to the county wherein the violation occurs. If the attorney general prevails in such an action, the court shall award any forfeiture recovered together with reasonable costs to the state.

PROCESSING OF COMPLAINTS

As elected officials, you will be continually receiving questions, comments, and complaints about city services and employees. In fact, one of your responsibilities as an elected official is to respond to questions and concerns of the public you serve. As an alderman, you are a legislator and a city policymaker and not a shop foreman, an eloquent mayor once pronounced. When receiving a question or complaint, an alderman should first try to have the citizen's concern articulated to the point that you understand the issue at hand. This may even require an on-site inspection on your part. The issue should then be directed to the city administrator or administrative manager for investigation. It is important not to make judgments until all of the facts are known. The city administrator or administrative manager will then investigate, or have appropriate staff investigate, the situation and file reports on the status of the issue at hand. Upon receiving a report, the alderman can then determine whether a current policy is sufficient and whether it is being enforced properly. If either the policy needs correction, or lack of enforcement is evident, the alderman may determine council direction is warranted. At no time should an alderman direct the city workforce or interject himself or herself into an administrative role.

Being knowledgeable of city policies is very important when receiving a complaint from a citizen. When the city policy is unknown, defer comment until it is researched and the reasoning behind the policy can be considered. One of the most common complaints received by an alderman relates to special assessment policies. Pages 70 - 72 in this handbook are the policy statement for special assessments, which may be of assistance and demonstrate the complexity of city policies.

Complaints about employees require special consideration because of numerous laws protecting individuals. When receiving a complaint, or if you wish to file a complaint about any public employee, first contact the city or the human resources director, who can advise you on the proper procedure and forms to be filed.

ASSESSMENTS - CITY OF RACINE

Assessable cost is the contract price or the construction cost when city forces do the work, plus 6% to cover engineering and administration, except where a maximum rate has been established by the common council. In the case of installment payments, an 8% interest rate is charged on the unpaid balance.

ITEM	ASSESSABLE FOOTAGE	PERIOD FOR INSTALLMENT PAYMENTS ¹
Sanitary Sewer	Front footage or on corner lots, short side ²	10 Years
Water Main	Front footage or on corner lots, short side ²	Cash
Sewer & Water Services	Cost per Sewer & Water Service, footage not used.	10 Years
Storm Sewer	None – Entire cost absorbed by City	---
Stoning & Grading	Entire front footage	Cash
Curb & Gutter	Front footage ³	10 Years
Dust Control Oil ⁴	Front footage ³	Cash
Bituminous Concrete Paving	Front footage ³	10 Years
Portland Cement Concrete Paving	Front footage ³	10 Years
Sidewalk – New	Entire front footage	10 Years
Sidewalk – Repairs	Entire front footage	10 Years
Alley Improvements	See notes below ⁵	10 Years

¹Any Assessment less than \$200 will be collected in a single installment on the next tax bill.

²Assess for short side of lot, plus in the case of work on long side or the case of work on both the long and the short sides, the portion of the long side in excess of 150'. The city absorbs the cost of the unassessed portion. The difference in cost for sanitary sewers larger than 10" and water mains larger than 8" is absorbed by the city.

³The long side of a corner lot is given a reduction; 60% of the long side is assessable up to 150', the excess over 150' is fully assessable. Special consideration is also given to pie-shaped lots, or lots with excessive frontage in comparison to area. The city absorbs the cost of the unassessed portion.

⁴There shall be no charge for dust control oil performed between the time the street has been approved for paving and construction begins.

⁵The entire cost is always assessed to the property owners being served. The rate is determined by dividing the assessable cost by the assessable footage.

When the long side only of a lot abuts an alley, the street frontage is used. When encountering multiple platted lots combined under one tax number, unplatted lands, or parcels created by the split of platted lots having the long side abutting an alley and the short side abutting the street and another

segment of a "T" or "H" alley, use the short side or 120' whichever is less, plus that part of the long side that exceeds 120'.

In the case of a T-alley or an H-alley, the lot which has two sides abutting the alley shall be assessed for the short side footage for each portion of the "T" or "H". The cost shall be apportioned equally among all the lots abutting "T" or "H" alleys. Even if only a portion of a "T" or "H" alley is paved, the assessment shall be treated as if the entire alley were being paved; however, only those abutting the improvement will be assessed at that time.

COMMON RATIONALIZATIONS

Joseph & Edna JOSEPHSON INSTITUTE February, 1991

In making decisions which involve ethical principles and conflicting interests of various stakeholders, it may be useful to take into account the most common rationalizations which tend to justify unethical conduct.

- I. *If It's Necessary It's Ethical.*** Based on the false assumption that necessity breeds propriety. Necessity is an interpretation not a fact. But even actual necessity does not justify unethical conduct. Leads to ends-justify-the-means reasoning and treating assigned tasks or desired goals as moral imperatives.
- II. *If It's Legal and Permissible It's Proper.*** Substitutes legal requirements (which establish minimal standards of behavior) for personal moral judgment. Does not embrace full range of ethical obligations, especially for those involved in upholding the public trust. Ethical people often choose to do less than they are allowed to do and more than they are required to do.
- III. *I Was Just Doing It For You*** Primary justification of "white lies" or withholding important information in personal or professional relationships, especially performance reviews. Dilemma: honesty and respect v. caring. Dangers: Violates principle of respect for others (implies a moral right to make decisions about one's own life based on true information), ignores underlying self-interest of liar, and underestimates uncertainty about other person's desires to be "protected" (Most people would rather have unpleasant information than be deluded into believing something that isn't so). Consider perspective of persons lied to: if they discovered the lie, would they thank you for being considerate or feel betrayed, patronized or manipulated?
- IV. *I'm Just Fighting Fire With Fire.*** Based on false assumption that deceit, lying, promise-breaking, etc., are justified if they are the same sort engaged in by those you are dealing with.
- V. *It Doesn't Hurt Anyone.*** Rationalization used to excuse misconduct based on the false assumption that one can violate ethical principles so long as there is no clear and immediate harm to others. It treats ethical principles so long as there is no clear and immediate harm to others. It treats ethical obligations simply as factors to be considered in decision making rather than ground rules. Problem areas: Asking for or giving special favors to family, friends or politicians, disclosing nonpublic information to benefit others, using one's position for personal advantages (e.g., use of official title/letterhead to get special treatment).
- VI. *It Can't Be Wrong, Everyone's Doing It.*** A false safety in numbers rationale fed by the tendency to uncritically adopt cultural organizational or occupational behavior systems as if they were ethical.
- VII. *It's OK If I Don't Gain Personally.*** Justifies improper conduct done for others or for institutional purposes on the false assumption that personal gain is the only test of impropriety.

A related more narrow excuse is that only behavior that results in improper *financial gain* warrants ethical criticism.

VIII. *I've Got It Comin'.* Persons who feel they are overworked or underpaid rationalize that minor perks or acceptance of favors, discounts or gratuities are nothing more than fair compensation for services rendered. Also used to excuse all manner of personnel policy abuses (re: sick days, insurance claims, overtime, personal phone calls or photocopying, theft of supplies, etc.)

IX. *I Can Still Be Objective.* Ignores the fact that a loss of objectivity always prevents perception of the loss of objectivity. Also underestimates the subtle ways in which gratitude, friendship, anticipation of future favors and the like affect judgment. Does the person providing you with the benefit believe that it will in no way affect your judgment? Would the benefit still be provided if you were in no position to help the provider in any way?

STATE'S PECUNIARY INTEREST STATUTE¹

In many Wisconsin municipalities, there may be only one hardware store, grocery store, lumber yard or other local business with which municipal officials often contract to secure necessary goods and services. It is also occasionally the case that the owners or operators of these businesses are elected to service on the municipal governing body or are appointed to fill some other official position. While such officers rarely use their position to further their own private business, and indeed often provide goods or services to the municipality at cost or below, there is always a possibility for self-dealing in such situations. Consequently, the statutes contain a provision intended to limit dealings between individuals in their private capacity who also service in a public position. The specific statute is Sec. 946.13, Stats., commonly referred to as the pecuniary interest statute, and all local officials should be aware of its provisions.

Section 946.13 is a criminal statute and provides that any public officer or public employee who does any of the following is guilty of a Class E felony:

“(a) In his private capacity, negotiates or bids for or enters into a contract in which he has a private pecuniary interest, direct or indirect, if at the same time he is authorized or required by law to participate in his capacity as such officer or employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on his part; or

(b) In his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his part.”

This is a rather broad prohibition and applies to a wide range of contracts, whether formally executed written documents or simple verbal agreements to provide goods or services. However, the statute does provide an exception for the following types of contracts:

1. Contracts in which any single public officer or employee is privately interested which do not involve receipts or disbursements by the state or its political subdivision aggregating more than \$5,000 in any year;
2. Contracts involving the deposit of public funds in public depositories;
3. Contracts involving promissory note borrowings pursuant to Sec. 67.12;
4. Contracts providing for the publication of legal notices, provided such notices are published at a rate not higher than that prescribed by law;
5. Contracts for the issuance to a public officer or employee of tax titles or tax sales

¹"All Local Officials Must Be Aware of State's Pecuniary Interest Statute," League of Wisconsin Municipalities magazine.

certificates, provided such titles or certificates are issued in payment of salary or other obligations due such officer or employee; and

6. Contracts for the sale of bonds or securities issued by a political subdivision of the state as long as the bonds or securities are sold at a public sale to the highest bidder and the officer or employee acquiring the private interest has no duty to vote upon the issuance of the bonds or securities.

In addition, this prohibition would not apply to a public officer or employee by reason of his or her holding not more than 2% of the outstanding capital stock of the corporate body involved in the contract or to an officer or employee who receives less than \$10,000 per year as compensation for his or her services merely by reason of being a director, officer or employee, agent, or attorney for a bank or trust company. This provision also does not apply to contracts or transactions relating to industrial development revenue bonds.

As a criminal statute, a violation would subject the individual to a fine of not more than \$10,000

or imprisonment for not more than two years, or both. In addition, any contract entered into in violation of this provision is void and the political subdivision in whose behalf the contract was made would incur no liability under the void contract. Conviction under this section would also result in a vacancy in the office held by the convicted person under sec. 17.03(5), Stat. As a final point, it is also quite likely that a violation of sec. 946.13 might be considered an "infamous crime" for purposes of Art. XIII, Sec. 3, Wis. Const. and would prohibit the person from holding any future public office.

Because of the liability created by sec. 946.13 is a personal one, the League's legal staff has consistently urged that public officers and employees who wish to enter into a contract with a municipality which they serve, first seek the advice of their own private legal counsel to assure that a violation of sec. 946.13 would not result. In addition, the governing body should seek the advice of the municipal attorney to make sure that no impropriety results.

CHAPTER 8

TEAM MANAGEMENT

Most organizations operate from the top down. In Peters and Watermann's book, In Search of Excellence, it was noted that the reason businesses were successful was in large part due to the leadership from the very top of the organization. The quality of the leadership from the elected officials and the chief administrative personnel will determine the success of the municipal organization--and ultimately, the quality of services and the quality of life in that community.

If the council loses the community-service perspective and their understanding that the city employees are, in fact, their employees, debate and discussion of community issues will degenerate into personal issues; the community will suffer the consequences. If the elected leadership concentrates its energies on leading the community toward new horizons and enlists the support and participation of its staff, the collective resources will be formidable; and certainly man-made problems will fall in its wake.

If we can control our selfish interests and credit our people with gifts of service, then we can lead. Setting the tone and atmosphere of the organization cannot be developed from below; it must come from the elected officials at the top of the organization.

On Pages 54 - 66 of this handbook are the thoughts and remarks of a city councilman, Harry Marks. Although the dialogue is directed toward his own city and the commentary is several decades old, it is certainly valid today and addresses the core of community service.

Pitfalls - Dos and Don'ts

There is a tendency to try to fix every problem and to address every concern when first elected to the common council; this is a natural tendency. Having an enormous burst of energy upon winning one's first election, it is important to maintain one's objectivity and, most important, one's sense of humor when dealing with both minor and significant community issues. Mr. Stanley York, former executive director of the League of Wisconsin Municipalities, developed a list of certain laws in public service worth mentioning:

1. There are no right answers. Corollary: There may be no answers at all.
2. Today's solutions are tomorrow's problems.
3. Idealism exists in inverse proportion to understanding and expertise.
Corollary: The ability to adopt simplistic solutions is in inverse proportion to knowledge about issue.
4. Life is a series of irreconcilable dilemmas; success in life is measured by the ability to hold the dilemmas in balance.
5. Nothing works like it is supposed to.

6. Government always does the right thing--after it has tried everything else.

Added to this commentary, I submit the following article by Carl H. Neu, Jr., and Lyle J. Somek.

MUNICIPAL GOVERNANCE CHALLENGES OF THE 1980'S²

Most municipalities are well managed, but poorly governed. Theodore Lowi has captured the thoughts of many observers of local governments when he pointed out: "Modern local governments are generally honest, impressively efficient, and decently humanitarian. Nonetheless, the city is badly governed."

- Governance is a process for:
- Developing a vision of the future
- Setting community direction and goals
- Anticipating issues which may affect the community
- Focusing and solving problems facing the community
- Providing a policy framework and guidelines for municipal operations and services
- Monitoring performance of staff in carrying out programs to achieve community goals
- Mobilizing support in the community to address city needs
- Inspiring others to become a part of the city's future

As we move into the 1980's, it is evident that the governance process is not working well.

² Carl H. Neu, Jr. and Lyle J. Somek, "Municipal Governance Challenges of the 1980's," The Municipality (October, 1982) p. #242.

The reason is not that the nature of public officials changed. Instead, the nature of the context in which they are operating changed, negating many of the conceptions they have about what it "takes to run a city." In fact, the problems of modern municipalities require responses most governing bodies simply are not capable of providing because of the way they organize themselves to do work and the limitations they place upon their own perspective about what a city or village really is. They also have little understanding of the complexity of issue and people interrelationships that affect municipal performance. The challenge for local elected officials is whether the governance process can be modified toward the leadership effectiveness required in the remaining 18 years of this century.

In reality, the problems of municipalities defy the simple slogans and remedies of the past. The experience and intuition many bring to the governing process, either as citizens or elected officials, are increasingly ineffective and, in many cases, detrimental when applied to a complex system such as a modern city or urban area. Many professional staffs and municipal management personnel have long grasped this point. However, the incomprehension of many elected officials and ordinary citizens has led to a progressive inability to master those strategic issues and forces that really determine the destiny of the municipality and to form really effective council (board)-staff teamwork.

In truth, the governing process is enfeebled because the members of governing bodies are not learning as quickly as the societal contexts

and relationships in which they operate demand. Council/board members suffer from what James W. Botkin of Harvard University calls the "human gaps" – "the dichotomy between a growing complexity of our own making and a lagging development of our own capacities."

The simple fact is that few councils or boards engage in any systematic effort to develop the wisdom, skills, and group decision-making processes:

- (1) to understand what it is they are about;
- (2) to identify and truly understand problems they and their communities face; and
- (3) to anticipate and innovatively master those forces that ultimately will shape the future of their city. Any innovation usually is after a crisis, but the risk associated with this approach to governing is too high. This has fostered a natural tendency to avoid long-term commitments or issues and a dependency upon state or federal agencies to fund the solutions to problems created by council neglect, inaction, or lack of comprehension.

Stress Points

Based upon our experiences working with municipalities, we have identified nine key stress points affecting the governance process in cities today. All of these stress points are interrelated and can cumulatively work to overwhelm a council.

Decision Workload In most municipalities, governing bodies are overloaded with the number of decisions they attempt to make. This is because there is no process for managing the workload. Time is spent on the easily understandable issues and items that are visible to the public. Long-term strategic issues are neglected or discussed but never resolved effectively. Most council/board

members are frustrated by their inability to manage their own workload. As a result, the governance process seems to be overloaded with decisions "that must be made," but which contribute little to solving critical issues affecting the community's destiny.

Informational Load In handling issues, councils/boards are overloaded with information. In many communities, there are no mechanisms for focusing these data or clarifying their meaning. Additionally the explosion of technical data regarding municipal problems has results in a tremendous amount of paper overload on policy issues. Few communities have productive work sessions which provide an opportunity for staff and the governing body to interact. As a result, the council/board develops a dependent relationship upon staff for providing information. As a result of their dependence upon staff, governing may come to view staff as manipulating the governance process.

Loss of Sense of Community In most municipalities, the community-wide view has given way to desires of special interest groups. These special interest groups focus on "what can the municipality do for me and my needs?" without concern for the overall welfare of the community. Due to resource scarcity, interest groups are engaged in healthy competition with each other. But pressures then mount on local elected officials to make decisions that respond to the needs of an individual interest group. This may create counter-reactions by other interest groups whose territory is impinged upon. Interest groups become very protective of their own turn and frequently seek to provide directions to specific local government staff members.

Myth of Democracy The myth that most decisions are made by majority rule has been

perpetuated by local governing bodies. In actuality, many city councils or village boards permit one of their members to veto a policy action (for a variety of political reasons) thus determining the ultimate direction of the governing body. At other times, these officials may push for consensus on value-laden issues when consensus is impossible. If consensus is not obtained, the issue is avoided. As a result, many of the activities in governing revolve more around personalities than around facts or long-term community needs.

Aloneness Local officials frequently feel that they are the only ones who can make decisions. Most do not see that they share the policy-making and governance process with boards and commissions and staff. In many communities, there is a lack of trust between the various partners in the governance process. As a result, there is duplication of work with partners creating frustration for other partners.

Lack of Decision Ownership Many governing bodies do not accept responsibility for the decisions that they have made previously. If a problem arises with a past action, the tendency is to blame the staff. Most councils or village boards do not have an opportunity to develop their own consensus about how to correct the problems due to time constraints and the number of issues they face. As a result, scapegoats are sought which may include past officials, staff, and boards and commissions. An example would be the budget document. Even after the budget document has been approved, it is still referred to in some communities as "the manager's budget," not the governing body's budget.

Orientation Toward the Past Few city councils and village boards focus on the future. They seem to be captivated by the past. They focus on what has happened and not what should happen. As a result, many officials get into "Monday morning quarterbacking," trying to second guess what other

policy alternatives would have worked more effectively. Decisions may shift and change due to this past orientation and community goals are neglected or not used to guide current decision-making.

No Governmental Learning Today's problems are yesterday's solutions. Municipalities are using the same old ways in dealing with these problems. Municipalities do not appear to be learning from past experiences. As a result, we are likely to relive our current experiences in the future because significant issues affecting the community have not been dealt with. Examples include inadequate revenue generation policies, failure to maintain infrastructures and major capital assets, etc.

Immediate Payoff Councils and village boards tend to focus on the immediate payoff. Thoughts of re-election limit the perspective of most councils. The horizon is on how much we can get done during our term rather than on the long-term community direction. Long-range plans do not have political payoffs for most councils yet they are the keystone of effective governance.

Changing Government's Role

In addition to stress points on the governance process, local elected officials must contend with a significant shift in community values. During the past 40 years, government has been expansionary. This expansionism has been stimulated by:

- Government takeover of services formerly provided by private companies;
- Responding to federal and state government mandates; and
- Growth in service quality and quantity in response to citizen

demands and the professional desires of staff

During the 1960's and 1970's, municipalities were able to mobilize resources since inflation increased sales tax revenues and increased property values swelled property taxes. Programs became self-perpetuating with minimal thought about long-term consequences or legitimacy of need.

However, municipalities now are faced with the "degovernmentalizing" of society. Recently, federal officials have noted the passing of New Deal and Great Society programs and proposed New Federalism. The role of government is in transition but many communities have not accepted the new responsibilities emerging from this transition.

Prevailing values for the 1980's appear to be characterized by the following:

Self-Sufficiency There appears to be a trend towards less dependence on government for the provision of services. Alternative approaches are being sought out which do not rely on involvement of government.

Collaboration More emphasis is being placed on working together rather than duplication or competing. Governmental agencies which have in the past competed for scarce resources are now being forced to collaborate in order to address basic problem areas. This collaboration includes private-public sector partnerships and joint projects.

Pay for Service Emphasis appears to be placed on having those who are served pay for services they use. No longer is it likely that others will subsidize the services for certain interest groups. This could revolve around the support for various recreational activities by others who are not directly involved.

Living Within Means Government is being forced to work within its income. No longer can great debts be built up by governmental bodies.

Market Place Emphasis is being placed on the market value of programs and services. Salaries in many communities are based on market value in the private sector.

Pay As You Go Greater emphasis is being placed on paying for program services and facilities as they are developed and used rather than going into long-term financing.

Most communities have been living with values similar to these for years. However, state mandates and citizen actions such as Proposition 13 and Proposition 2 1/2 in California have symbolized a deep shift in community values. As a result, the challenge for the future is to reduce individuals' dependency upon government.

At this time, the public and most elected officials do not grasp the significance of this value shift. Instead, they focus on the dissatisfaction voiced by voters and special interest groups in our community. The value shifts still remain vague for most local elected officials. Therefore, they tend to discount their implications for the future.

Financial Crisis Brings Challenge

Governance failure is symbolized in many municipalities by the financial crisis they face to one degree or another. However, governing bodies tend to view these crises as short term and resort to "cutback management" or "retrenchment" as a remedy.

Cutback management has been a necessity for some communities. However, if it becomes a

normal operating mode, the long-term consequences frequently are forgotten. As a result, many municipalities that "cut back" now are boxed into corners, with limitations on their own operation and services and a rapidly deteriorating base of capital assets. The failures of cutback management are due to insufficient long-term perspectives. When the implications become painfully evident, the result is the termination of managers or to blame past governing bodies. Options have been reduced by focusing on specific cutbacks rather than the exploration of innovative methods for achieving a long-term fiscal and operations plan for the community.

In fact, some governing bodies and managers are becoming "cutback management" heroes. They really are constructing the financial time bombs of the future if they are curtailing maintenance and good planning, or inadequately building up capital equipment replacement funds, etc.

Meeting the Challenge

In responding to the governance challenge, municipalities need to look at how they improve the governance process. New approaches for governance need to be developed, even in health communities. It will require more interactive leadership, involving teamwork between elected officials and staff. No longer can they and their staffs give lip service to the shared partnership in governing the city.

In order to develop interactive leadership capacity, the council and village board must address the following issues:

Assessment of Government's Role

Municipalities need to assess their role in providing programs and services to citizens. There is a need to redefine the service necessity and service level. In many cases, the question of whether the municipality should exist at all should be confronted. In confronting that issue, municipalities may find that the service might be

better provided by other governmental agencies or by the private sector.

Teamwork All those connected with local government must begin to realize that the municipality requires teamwork if the governance process is to be modified and critical issues addressed. A municipality is elected officials, staff and citizens working together rather than in adversary roles.

Corporate Planning Municipalities must begin to identify future direction. An image of the community's future needs to be developed with strategic plans being outlined for the fulfillment of that image. No longer can municipalities react to current issues only and hope that future will take care of itself. Leaders build futures.

Intergovernmental Cooperation During the 1980's old enemies will have to work together. Communities which have negative stereotypes regarding one another must overcome their past experiences. Collaboration between old foes is a necessity for the survival of many municipalities and the provision of effective services. For example, in one community two cities are jointly working on a wastewater treatment plant. In the past, these two communities have experienced open warfare, as well as hatred between elected officials.

Re-establishment of Governing Body

Leadership Role There appears to be a gap between the professional level of the mayor and council, president and board and staff. Staff is perceived as domineering, which creates an aura of distrust. Staff members have drifted into leadership positions to fill leadership voids created by the governing body. As a result, in many communities, there is a sense of manipulation by staff of the governance process. Municipalities need to explore the proper relationship between the

governing body and staff and explore the proper utilization of staff in addressing policy issues. This may revolve around the restructuring of the governance process.

Individual Responsibility Individual governing body members need to assume responsibilities for their governance decisions. In the past, too many have blamed faulty decisions on staff or other governmental agencies. These elected officials need to assume responsibility for their decisions from both a short-term and long-term perspective. This means that they may need to reduce their responsiveness to special interest groups in order to achieve a long-term image for the community. Most governing bodies are currently mortgaging their future for the sake of political expediency. The mortgaging may take the form of emphasizing program cutbacks, reduction of maintenance programs, or reductions in personnel, without looking at the long-term consequences. As a result, in many communities, the infrastructure of sewers, streets, sidewalks, utility lines, etc., are in a rapidly deteriorating situation. At the present time, few individuals are willing to assume the responsibility for this long-term perspective.

With regard to the immediate financing crisis municipalities need to explore the following issues:

Marketing Municipalities need to develop marketing strategies for linking their programs and services to the citizens. This may involve a detailed assessment of community needs as well as marketing in terms of willingness to pay for certain services. Municipalities have traditionally not been involved in active marketing of their services. This may no longer be true during the 1980's. In fact, some communities have, today, added marketing staffs to assist them in linking to the citizen regarding programs and services.

Program Evaluation All current programs and services within a community need to be evaluated. The assessment of effective use of resources coupled with citizen necessity need to be evaluated. Tough questions have been avoided for years in many areas. For example, in the police department, how effective are patrol activities? Only recently have police departments begun to examine the necessity of police patrols.

Community Resource Inventory and Utilization Municipalities may need to inventory the various resources that are available, including other governmental bodies as well as private sector. In addition, the municipalities need to explore ways of tapping these resources toward the provision of services essential to the community.

Revenue Expansion Municipalities need to look at innovative mechanisms for generating revenues and develop long-term revenue generating programs and strategies that build economic base and municipal income.

The only way that municipalities can effectively address these issues is through interactive leadership involving effective team relationships between the chief executive, the governing body and staff.

Interactive leadership emphasis providing future direction to the community and making "today's policy decisions" from that future-oriented perspective. Interactive councils and village boards address a number of issues. These issues are likely to be addressed by establishing broad goal statements and supporting guidelines, in which the governing body's vision of the future is outlined. Specific plans then are developed for accomplishment of these goals. Specific actions and responsibilities are outlined so time and resources are used wisely. When issues or

problems arise, they are resolved within the broad framework of goals and performance objectives which have been established.

Interactive governance is a unique combination of insight, skills, and governing body-staff-community collaboration, not found in many communities. Inactive governance recognizes that the future can be created and that one does not have to depend upon the past for guidance to the future. It also demands a commitment to excellence and not being satisfied with dealing with the trivia that can consume one's time. It is the purview of leaders--people who serve--to make a difference in their community by creating the potential for a positive future.

The challenges of the 1980's no longer are amenable to the practices of the past and the perspectives most people bring before the governing body. City councils and village boards need to close the human gap by developing the ability to deal with complexity and ambiguity and to create desired futures for their community rather than just react to present pressures.

APPENDIX A

COUNCILMEN AND POLITICAL LEADERSHIP

By Harry Marks

It is our privilege as councilmen to help the citizens who elected us plan their future. There is no duty or obligation which is greater than to exercise wisdom and perception in this task. We know in general that future years will continue to bring to our cities more people, more industries, more need for municipal services, more problems of every sort. Yet we know, too, that the increasing stress of modern living will make more and more essential an orderly pattern of civic growth within which individual families and individual persons can achieve satisfaction and serenity.

A city is not just a market place, or a system of streets or municipal services. It is not even just a place to live, but a way of living. And to the extent that it meets both the physical and spiritual needs of all its inhabitants, to that extent only can it become a fine city. As councilmen, we have an opportunity to contribute to such a future for our cities. It is a privilege and a sacred trust.

The job of being a city councilman has been described as an "iceberg job"--the biggest part of it doesn't show. For this reason a newly elected councilman, prepared though he may be in spirit for the duties which he is undertaking, not infrequently discovers that the personal adjustments demanded of him are more taxing than he had expected.

He has planned, if elected, and he now most sincerely intends, to do his absolute best for his city and to give community needs priority over his personal desires. But immediately upon taking office he is faced with two difficulties which seem suddenly to loom larger than they had before: First, the problem of continuing to function energetically in the private business on which his livelihood depends while supporting community proposals or program which may not be advantageous to him privately and may be opposed by a great many other people, including many of his customers: and secondly, the problem of time, which sounds simple, but which, as many will testify, can be the source of endless complications.

Becomes "They" To Public

The new councilman should not be dismayed. He must simply gird himself the more determinedly for the fray. For these two particular problems he will have with him for as long as he remains in office. They will recur again and again with perennial persistence, and they will have to be met and wrestled with individually every time. Their answers lie in the strength and character of the councilman and in the earnestness of his desire to serve his community.

First, he must resign himself to the fact that never again, unless he is re-elected because of his position on some highly controversial issue, will he be the pleasantly popular person that he was before and during his campaign for office. Overnight he will have ceased to be that likeable guy, Joe Doakes, a really fine character, who ought to run for council. He has become, instead, one of the "they" who posted two-hour parking limits in the block where downtown merchants used to leave their cars all day, or the "dog" who hired an auditor especially to spot-check city sales tax payments.

If he is approached by old pals on subjects currently under consideration by the council, he is unhappily aware that no matter how the matter is decided, just as many of his acquaintances are apt to be rebuffed as are pleased. He finds, too, that many people whose friendship he has enjoyed now become less intimate, not because they like him less, but because he has been required to take strong positions on issues which are "controversial."

These consequences are part of the price of public service, and our new councilman has to some extent anticipated them and prepared himself, but the nagging ever-newness of them dismays him--it dismays all councilmen. It is sad that so large a proportion of most civic improvements which make life better for a majority are inconvenient or expensive for a few. For every street that is widened to ease a traffic problem, some property owners will have smaller yards and less privacy; for every improvement district voted in by a majority of householders there are some who voted against it not because they did not want the improvements but because they honestly felt they couldn't afford them, and who now must pay; for every zoning ordinance properly enforced there are those who must cease or are prohibited from conducting their own affairs as they would like.

A councilman must work for the benefit and welfare of the greatest possible number of people. Still, he must protect, also, the rights of the few. Since a suggestion made by a friend can be just as valid as one by a stranger, he must not lean over too far backward in his effort to be unprejudiced and thus listen more receptively to the one than the other. Nor can he refrain from supporting action which will be good for the community as a whole because it will also benefit him personally and there may be those who remark on this adversely. He cannot even strive to insulate himself against all citizen comment and criticism in order to insure that his viewpoint may remain impartial.

Policy Making Body

He must serve as a walking suggestion and complaint box, and the continuing requests of those whose desires might unbalance the over-all program of community services are a burden which he must bear with patience. He will learn when to stand solidly and when to yield--or seem to yield. As one of my favorite philosophers said, "Whereas force may not prevail, a man may gain his end by seeming to yield, as a ship yields to the sea. And that is good, provided the ship does not yield too much and be swamped."

It has been said that in public service the problem is to compromise issues without compromising your principles, and sometimes, if necessary, even to compromise a principle without compromising yourself.

In the problem of time our councilman is more fortunate, though at first he may not think so. In the sudden multiplicity of things which demand his attention, he must hold fast to and return again and again to the basic principle that a city council is a policy-making body. He and his fellow council members must appraise, clear-headily and determinedly, the work they are doing, and take steps to see that as little as possible of the time they spend on city affairs is wasted. Much of the pressure on city officials these days, especially here in the West, spring from the burgeoning growth of cities themselves, the tremendous increase in demand for public facilities of every nature, and the lack of

adequate planning and foresight to guide such growth in an orderly fashion. Often, however, the administrative procedures still being followed in cities which have doubled and tripled their size are those which were used, and perhaps were suitable, in the days when a more leisurely tempo was in order.

Problem Probing

All routine procedures should be scrutinized for possible elimination or improvement. If it is found that the council is being required to consider individually each request for a curb cut or a tree removal or to authorize financial transactions or personnel actions of a routine nature, then action by resolution to establish governing policies in all such cases and to assign the responsibility for carrying them out to specified administrative personnel will not only free the council for more urgent considerations but will guard against inequities and result in more convenient operations for the general public. Legislative changes or charter amendments may be indicated to make the rules under which the council operates sufficiently broad and adequate for present-day needs instead of restrictive and limiting as originally formulated.

After all the non-essentials have been pruned, the bulk of work which remains for the council will still seem hopeless of accomplishment unless adequate preliminary staff work is done and unless a certain mental discipline in "problem probing" is achieved.

The first of these two requisites may be the easier to come by. Though the administrative staff of a city is charged with carrying out the policies of government which the city council shall determine, it is also the duty of the staff to investigate each of the possible alternatives in a given situation and present to the council for its consideration a careful summary of the advantages, disadvantages, implications, and estimated costs of each. Such investigation may include the study of similar practices in other cities, the preparation of comparative summaries of their evaluations of results, and fiscal analysis which are both accurate and thorough--the why, how, when, and how much of municipal administration. It is the duty of the council to be certain that such staff work is done on a truly impartial basis and to assimilate and understand thoroughly the material so presented. Councilmen who are assisted by conscientious and punctual administrators are not forced to waste valuable conference time in speculation.

Interest in Government

Some parts of the matter of "problem probing" however, cannot be assigned to anyone else. Such probing is the personal concern of each individual councilman and has just as strong a bearing on the clarity and effectiveness of the legislation he helps to promulgate as does the thoroughness of the research on which he based his decision. In these days of sprawling, expanding cities, a councilman's mind can easily become so frayed by the very number and variety and complexity of municipal problems which present themselves that a large part of his power of decision may be dissipated. For those of you who--like me--have found yourself on occasion a victim of this sort of confusion, may I recommend an article entitled "How to Chair a Conference," written by Thomas H. Nelson, which appeared in the January, 1953, issue of Advanced Management. The steps Mr. Nelson advises to guide the Problem Solving Conference are as illuminating an outline to constructive thinking as I have ever read and could be beneficially applied to any council session.

Let us say, then, that our councilman has learned and adjusted himself to the effort required to maintain an objective viewpoint, and that through organization and disciplined thought he is able to cope with the workload. He still cannot properly serve the people who elected him unless he has or develops in addition to the honesty and deep sincerity which must be basic several necessary characteristics.

First, he must be interested in municipal government--not passively, but actively; indeed, perhaps I should say he must be curious about municipal government. Not only will he wish to investigate the way that other cities have solved their problems or have prevented problems from arising, and not only will he take advantage of every opportunity to listen to and to trade ideas with experienced and expert men in the various fields of municipal operation, but he will also be insatiably curious as to how his own city works and how it has worked and why. His inquisitive mind will lead him to investigate the operation of present city functions and to appraise them in the light of present needs.

"Watch Dog" Function

He should be not only curious but critical as well. His is the unpopular responsibility of appraising dispassionately the "status quo" and recommending changes where indicated. He should insist on the kind of continuing evaluation which results in eliminating outmoded or unnecessary procedures and streamlining current ones, thus gaining efficiency at less expense. And mind you, he must be thus interested in and critical of all the aspects of city government including those operations for which he has no natural bent, whether bond issues or library costs or statistics on industrial sewage flows. A councilman is not elected to serve only in those fields which are pleasant or in which he already may be well-versed; he is elected to help set all the fundamental policies that the welfare of his community requires. He is elected to do, not only that which is pleasant, but also that which is unpleasant when it is in the public interest.

He must equally be concerned with and critical of things not yet existing but proposed. Mindful that he is an elected watch-dog of the people's interest, their guardian against an ill-planned future, he must try to consider all of the ramifications of current actions proposed and hold firm against any which would in his opinion create lasting problems or fiscal unbalance in years to come. It is not enough for him to support that which is good for the community; he must vigorously oppose that which is not good. It is not enough for a gardener to love flowers; he must also hate weeds.

Relating Decisions to Needs

This brings us to a third requirement: a council should be creative. A conscientious councilman relates today's decisions to tomorrow's needs. Adequacy in coping with day-to-day affairs has never been enough, municipally speaking, and we see on all sides of us the fruits of lack of foresight in the past. The judgment and the vision of the city officials of today will shape the future of tomorrow's citizens--in big things, such as the kind of community they inherit or whether their children must leave the community to find a job, and in smaller things, such as how long it will take to find a parking place or whether their water will have to be metered. This is a responsibility which cannot fail to be a challenge to every worthy councilman, and one which he will meet with the very best that there is in him. He will soon learn that his term of office, and even his lifetime, are a short space in

the life of a city. He will learn what is meant by the expression "In making decisions, a politician thinks of the next election--a statesman thinks of the next generations."

Making Facts Available

If it sounds as if we're asking quite a lot of councilmen, we are, but we are not through yet. There is more, and it may even be that the more is worse. For it is not enough that a councilman be honest and sincere and impartial; that he be inquisitive about the workings of his city and other cities; that he be both critical and creative in all his work--he has also the duty of political leadership.

This means that having weighed with care each action which he supports or disapproves; he then should endeavor to make clear the reason for that support or disapproval to his constituents, and to have them go along with what is best for the community. He should try at all times to see that the facts on which he and his fellow councilmen based their actions are available and interpreted to the citizens of the community so that public opinion of civic decisions can be informed and fair. Such information should be given out continuously and energetically even though it sometimes seem that those people who would rather disregard facts are so articulate that they drown out other citizens, and even though there is some evidence that informative articles are read mostly by those who already know the facts.

A councilman, therefore, though pressed, as we admit, for time, can never be too busy to explain to a perplexed or worried citizen just why a certain action is advisable. He should be available to speak to clubs, to schools, to luncheon groups, to contribute what he can to community understanding of community problems. And when community action, rather than council action is required, then these activities should take priority over his private life.

For I cannot believe that public officials exist simply to carry out the expressed wishes of the majority of the people. We have a higher duty; a duty to find out for the people what is needed and what, within reason, can be done, and then to give them the facts, so that every voting citizen is so well-informed on the subject that the majority will support what is right and best. The "essence of democracy is that the people decide; the peril is that they decide in ignorance."

APPENDIX B

COUNCILMEN AND THE BUSINESS OF GOVERNING

By Harry Marks

We are a policy-making body. The administrative staff does not determine policy. The city manager administers the policies that we set out; the city attorney serves us as legal counsel; the city clerk and auditor acts as our recorder and checker. During the past few years we on the council have developed a technique of analyzing matters that come before us on the basis of--this is the situation, these are the facts, these are the alternatives and these are the recommendations.

You will note that the city manager so submits his reports to us on matters which come before us for consideration and action. It has proven a sound, dependable technique of operation. As a council, we recognize that career specialists are vital and essential to our form of government. They are responsible for presenting the technical facts.

But we realize, too, that the expert, filled with special knowledge, may tend to confuse his knowledge with social wisdom. Only the council's understanding of local circumstances, illuminated by insight gained through years of residence, can most beneficially adapt the specialized knowledge of experts to the specific needs of our community. Indeed, only the members of the council, as elected representatives, are appropriate filters for community sentiment as to policy, since political neutrality is a basic requirement of career civil service. No career administrator can properly concern himself with partisan interests within the community he serves, and that administrative staff most useful to its council and to its community is one which has taken a vow of political poverty and chastity.

In a very real sense, those who assume administrative responsibilities must be willing to accept limited citizenship. We, the council, must

be responsive and responsible go-betweens in interpreting the wishes of the electorate into policy assignments to the city staff.

In our representative form of government, we as elected officials must fulfill the wishes and desires of the people, tempered by the practical and financial facts of life. Technical facts alone are not enough. If they were, it would be unnecessary to have a council. The wisdom of the people, expressed by their duly elected representatives must prevail. The council manager form of government thus provides a basis for joining expert career administrators in a logical working association with competent, well-informed political superiors. To the extent that we are able to do this in Modesto, we will have both efficiency and responsibility to the people who elect us. To achieve this result will demand the very best that is in each of us.

Councilmen, however, have other duties as important as the proper conduct of day to day business. They must provide political leadership to the people of their community. There must be no lack of understanding of the responsibility this entails.

We are not just running a business; we are personally responsible for the continuing dignity and integrity of the whole American concept of government. This is serious business. Any public official, elected or appointed, is in an extremely vulnerable position. And the person who holds any position of public trust seems, to small-minded men, to be a justifiable target for their own frustrations and inadequacies. Yet despite the recurring provocation of uninformed

abuse, or perhaps because of it, the council's principal duty is to see that the government of our city is administered responsibly, honestly, and with good grace.

I would like to point out to you that it is definitely the responsibility of a council to work together harmoniously, even though the views of its members do not always coincide, and to preserve a solid integrity. Once a council becomes vulnerable, through weakness on the part of any member, or by a desire to be all things to all men, it becomes a special target.

Usually those people who would capitalize on the council's disunity will not shoot initially at you. You are the second line of attack. Snipers may pick first on the administrative officials of the city and then if they get away with it, continue on up the line. You will find that, in cities where this has taken place, the whole business of government has lost stature and is a sorry mess indeed. Tragic as it may seem, when this happens, the council, through its lack of unity, has brought it upon itself.

As members of the council, we must serve as a bulwark against those who for their own purposes wish to divide and conquer and who thrive on confusion and chaos.

It is a very easy, very cheap pleasure for men of small minds to smear others who merely disagree with them. Unfortunately, to some it has become a national pastime. It contains the seeds of our own destruction. It seems to me that in our local communities, where democracy has its roots and where its strength and vitality are tested, we have a compelling, overriding duty to see that this situation does not arise. I am well aware that in the throes of the recent election this kind of smear campaign has already started. I want to warn you that repercussions have already been very grave.

I pledge myself to every member of the council, as well as to every administrative official, and to every citizen of this city, to bring these issues out in the open when I hear them. I will not repeat rumors. I will not repeat gossip. Anybody who smears any member of this council or any member of our administration will be brought down to the council chambers to repeat his charges, and I will expect them to be answered.

I do not have much use for a council that will always be in agreement. There are seven of us here. Each of us has a different background and that is good. Complete unanimity of opinion is not our goal. But we should be unanimous in our desire to seek out the facts. We should pledge ourselves to keep our minds open until we have all the facts and then to decide in the best interests of the people we serve. This basically is our job. Anything that deters us from this, anything that would keep any one of us from being intellectually honest or even intellectually at ease with the others is subversive in the true sense of the word.

In this business of government, very few things are either white or black. Many things are gray. Here in Modesto we have always been proud of the fact that although on many issues we have differed we have walked out of the council chambers still friends. This will continue if all of us are wholly honest.

Actually our job is simple. We are not only conducting the day to day affairs of the city but we are holding this city in trust for our children and our children's children. It will take courage, patience and wisdom to honestly represent them. Long years after we who are sitting here are gone, others will be living with

the results of the decisions that we make. But each of us, too, must live with these decisions and with ourselves. May God grant us always the strength to be true to ourselves.

APPENDIX C

CIVIC LEADERSHIP GOVERNING

By Harry Marks

Leadership is a basic element in human affairs. It is particularly important in representative government. With the increasingly complex nature of governmental responsibilities, it is just not possible to operate a pure democracy under which all of the people would make each decision. No individual citizen can hope to keep himself abreast of the technical and detailed knowledge essential to the operation of a modern city. Instead, he delegates the responsibilities of government to his elected representatives, who draw upon the resources and knowledge of a trained administrative staff and of experienced citizen members of boards and commissions to make sure that these responsibilities are fulfilled wisely. This is the answer to the cry which is sometimes raised during controversy. "We demand that it be put to a vote of the people!" □ On some major issues this should be done. But ordinarily it just isn't practicable, since the problem is so complicated that the necessary information to assure an intelligent vote cannot be brought to the mass of the people. This fact is the very reason people have elected representatives to make decisions which lead the community in the right direction. This is why such sobering responsibilities rest on those positions of community leadership.

Under varying circumstances both the techniques and the rewards of leadership differ sharply. An individual citizen who undertakes the promotion of a specific project may feel rewarded by achievement of the project, no matter what bitterness the campaign for its adoption may have left in the community. The true civic leader, on the other hand, measures the success of a campaign as much by the unity and long-range public understanding engendered as by achievement of the immediate objective. He gauges the effectiveness of his leadership by the number of others who have joined in and led with him. He is interested not so much in being recognized as a leader as in stimulating an ever-growing group of vigorous well-informed leaders throughout the community. While sometimes leadership may have a substantial element of loneliness, an effective leader must keep close to others who are also leading and he must not lose touch with those who are also leading, and he must not lose touch with those who are following. It is possible to get so far in the lead that you think you are leading when actually you are being chased.

Even within the council group itself, leadership may vary widely both as to method and as to recognition. It depends on where you are sitting. This I saw effectively demonstrated several years ago in a city where I visited frequently and where I came to know some members of the council. The mayoralty there revolved, with each councilman serving in turn. When the time arrived to choose as mayor a man who had seemed a very quiet councilman without much evidence, I thought, of leadership qualities, I felt some sympathy for his fellow councilmen and his constituents. Therefore I found it most surprising--and enlightening--that he made a splendid mayor. Forceful and effective--clearly he had been quietly channeling his strengths to supplement those of preceding mayors with whom he had served, subordinating his own ability for leadership to his city's need for concerted action. I hold no brief, mind you, for "yes" councilmen, or for a compromise of basic principles. I merely point out that there are many different kinds and levels of leadership, each essential at

different times and in different ways to the good of the community. This councilman had found that knowing when and how to follow is also an important essential to successful leadership.

I also learned that as a councilman this man had been provided what might be called leadership at the "secondary" level to substantial elements of the community. These people looked to him for guidance and representation because they knew and trusted him. In every community there are a few "primary" leaders. Working with and strengthening these few are many "secondary" leaders. They are true leaders on a different level. This kind of leadership can do much to promote a spirit of unity and consolidate public support for worthwhile programs. The sum of all these separate leaderships is the rounded harmony of good government.

The conductor of a great orchestra does not play all the instruments, but his leadership blends them all together to produce a magnificent symphony. Similarly, it is not required of city officials that each one be expert in every field. In each section of an orchestra, in each board, commission, or department of a city, other leaders make vital contributions, lending support to those "out front" and fulfilling, in turn, their own responsibilities for leadership.

Good leadership includes responsibilities so varied and so seemingly endless that they demand of every city official the very best that is in him. It is our duty to be sure that all aspects of each situation are considered; that the benefit and welfare of the greatest possible number of people are served without unfair infringement upon the few; that the needs and wishes of today's citizens are met without unduly burdening the future; that aesthetic and spiritual values are given proper consideration. Our capacity to do all this marks the record of our service.

Leadership is equally important in less conspicuous fields, such as directing or facilitating actual council proceedings so that meeting time may be used to best advantage; making careful evaluation of staff research and other available material in weighing proposed decisions; noting methods used by other cities which might solve or prevent local problems; channeling citizen assistance into productive fields. Each of these requires of a mayor or a councilman vigor and objectivity which can be achieved only through persistent effort. All of us, as we grow older, share the human tendency to cling to the routine we once fought to escape, and to prefer the serenity of the past to the problems of the present. But alert and enterprising leadership is worth the effort. "An army of sheep led by a lion is more formidable than an army of lions led by a sheep."

To insure that an adequate number of potential "lions" continues to be available for public service, one other responsibility of those in office is of tremendous importance--the responsibility for preserving in the minds and hearts of all our citizens the dignity and integrity of our concept of representative government. It is our sacred duty to see that government is administered ably, humanely, and with good grace. The people have entrusted to our judgment many decisions. Edmond Burke, in a speech delivered in 1774 to the Electors of Bristol, England, on being elected a Representative in Parliament for that city, said of this trust:

Certainly, Gentlemen, it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinions high

respect; their business unmerited attention. It is his duty to sacrifice his repose, his pleasure, his satisfactions, to theirs,--and above all, ever, and in all cases, to prefer their interest to his own.

But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure,--no, nor from the law and the Constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serves you, if he sacrifices it to your opinion.

Though every member of a council may have, and frequently does have, a different point of view, it is obvious that the success of any administration depends on how well the council functions as a team. Again, this does not mean that an individual councilman will not stand firm on his principles or his judgment or will hesitate to speak his mind when appropriate. It does mean that tolerance and understanding are essential tools in every councilman's kit and that a spirit of harmony is essential to maximum accomplishment. Any evidence, however slight, of disunity or disrespect among officials will be seized upon by unscrupulous persons and used to the disadvantage of the people as a whole--to divide opinion, to divide the council if possible, and, through sniping and confusion to dissipate its cohesion and its strength. We should avoid unnecessary conflict, but if it is important, we should fight with all our strength. There is rarely an excuse for fighting, and never an excuse for fighting feebly.

This is a matter which has been much in all our minds. I say this because my statement along these lines to our own council, recently published in Western City Magazine, has brought a flood of comments, and requests from all over the country for additional copies. I think the League office still has copies if any of you are interested.

The preservation and strengthening of integrity and cooperation in government is the fundamental duty of leadership. It is our trust as public officials to leave to those who came after us a physical community in which they can live with pride. It is an even more important part of that trust that we pass on to them also a way of government they can honor and respect. Believe me, the people want honest, efficient, government. In his book, The City of Man, Christopher Tunnard includes this quote from Louis Sullivan:

If you seek to express the best that is in yourself, you must search out the best that is in your people; for they are your problem and you are indissolubly a part of them. It is for you to affirm that which they really wish to affirm, namely, the best that is in them, and they as truly wish you to express the best that is in yourself. If the people seem to have but little faith it is because they have been tricked so long; they are weary of dishonesty, more weary than they know; much more weary than you know; and in their hearts they seek honest and fearless men, men simple and clear in mind, loyal to their manhood and to the people.

SO YOU JUST GOT ELECTED?³

So you just got elected as a council member? Now what are you going to do? In the heat of the campaign, you made a lot of dreams. It is now time to carry out the planks in your platform.

The prospect is pretty scary. No longer can you gripe about "the gang" at city hall. You are one of the gang, and it is you who must guide the progress of your city for the next two years.

Where does one go to learn to be a council member? There is no such thing as a "natural-born city legislator." Obviously, some have more natural political talent than others, but becoming a good city council member is an activity which never ends.

One thing which you must accept is that the job you have taken on is not a part-time job--mentally, at least. Being a council member is a way of thinking and requires the proper attitude 24 hours a day, 365 days a year.

No longer can you consider municipal activity relative to how it affects you personally. You must now look at every item from the standpoint of the community as a whole.

There are times when it is necessary to do the will of the people, and other times you will feel compelled to rely on your own judgment. When this time comes, take comfort in the fact that you, as a municipal official, are better informed than your constituents.

Therefore, the first suggestion for newly elected council members is Proceed Slowly. The people who voted for you (all of them did) will now claim the right to the first favor and they will be bombarding you with demands. Make no commitments, until all aspects of the problems can be investigated.

Ask for Help When Needed

Please notice that the suggestion is to exercise care. No one would deny a council member strong feelings and opinions. In fact, the opposite is true. Officials with bold new programs and courage to back them up are among the greatest needs of today's city, but imagination can be put to work later when the facts are in and experience is gained.

Do not be afraid to admit your ignorance, whether you are a newly elected council member, or one of many years' experience. Ben Franklin, writing in Poor Richard's Almanac in 1755, said, "Being ignorant is not so much of a shame, as being unwilling to learn." Particularly in the early stages of your term of office, admitting that you do not know the answer to the problem will forestall many wrong decisions.

³Excerpts from Tennessee Town and City

The point is to seek out the experts and ask them questions, even though the questions may seem "foolish" to you. No expert worthy of the name will ever consider any question "foolish." After all, the way he got to be an expert was by picking other people's brains.

Information obtainable from these sources is an integral part of the process of educating yourselves. This "education" will continue as long as you remain a council member. It is a very complicated process and will be composed of many elements. Much of your learning will come from the political interaction between you and your constituents. Therefore, experience is the one irreplaceable part of your education.

Reading Makes the Difference

However, if you wish to speed the process and make it more valuable, you must read, read, read! Never before has there been so much literature about American cities, from the dream-world of far-out planning concepts to technical articles about such day-to-day work as laying water and sewer lines.

Determine Ingredients: Blend

It has been said so many times that it is almost trite but it is nonetheless true; you must know your city. It is insufficient that you are known (you had to be known to be elected); but you must be familiar with every aspect of your community and its people.

Stay on Lookout for Ideas

Do not hesitate to take good ideas wherever you find them, even from your enemies. There is room for, and a need for, all of the progressive suggestions available, from whatever source.

One would never commence a football game or other athletic contest without a clear knowledge of the ground rules; neither should you begin your service as a council member without studying the basic precepts of municipal government.

Your city may have a code of ordinances or group of individual ordinances. These are your area of responsibility. You should know their contents for several reasons:

1. to be able to tell citizens what the law is;
2. to be aware of omissions; and,
3. to be able to intelligently consider future legislation

Find Out Why

One thing which incoming officials seldom do, but should, is to read minutes of previous council meetings and watch the recorded meetings on CAR25. Much knowledge can be gained about past actions and the reasons therefore. This information will also form the basis for future decisions.

It should be remembered that the budget is the most important means you have for implementing programs. Great care should be given to the meaning of the budget document. Granted that the figures are important, but the budget should further community goals rather than just spend money. If economy is one of the avowed goals, be sure to start with the largest expenditure and work down.

Written reports serve to keep you informed. Recommendations in writing will enable you to study them at length and, therefore, render better decisions on them.

Try to train citizens to take their complaints to the administrative head of the organization. Listen to the complaint courteously, tell the citizen that you will pass it along to the proper person, and suggest that in the future, he call the city administrator, who will handle the matter or refer the caller to the proper specialist.

Consider Council Meeting Manners

A few final words are in order about council meetings. Take council meetings seriously but not too seriously.

Do your homework for the council meeting. It is very disconcerting to have to wait until the next meeting for a decision when there has been sufficient time for studying the problem in advance.

It is important to strive for a feeling of goodwill and a spirit of good fellowship between members of the council. This does not mean, however, that all votes of the council should be unanimous, nor that debate should never take place. It means that when the board meeting is over, so are the differences. The council should limit discussion between members to issues, thereby excluding the dealing in personalities.

Maturity is necessary to follow the next suggestion. You should constantly try to sell decisions of the council to the public, even though you may not agree and did not vote for it. It is unnecessary and undesirable to represent yourself as being for the decision, but you should make every effort to explain the reasoning behind the specific decision and urge the public to comply, as you undoubtedly will.

A last admonition is to attempt to avoid decisions based entirely on whether or not it will affect the outcome of the next election and your consequent re-election.