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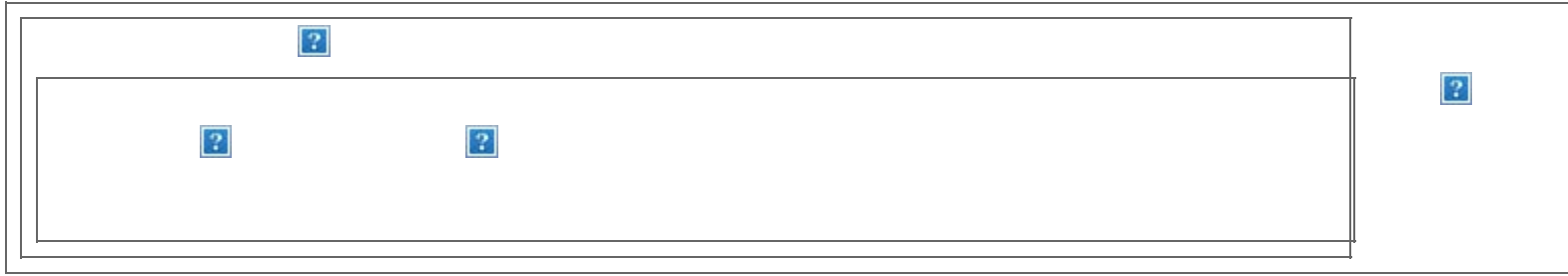
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Renewing the Model City Charter: The Making of the Eighth Edition

Christopher T. Gates and Robert Loper

The National Civic League (NCL) will publish the eighth edition of the Model City Charter in the spring of 2003. The newly revised charter addresses critical issues confronting local governments today and stresses the role of citizen participation in public life. The decision to update the charter evinces NCL's continuing dedication to its historic mission of fostering good government at the local level.

In 1899, the National Municipal League (as NCL was originally named) approved the first Model City Charter, which has been revised periodically to help cities and their citizens improve the structures and procedures of local government.

Revision of the model charter is not an automatic process. It is undertaken when a judgment is made, with the advice of experts in the field, that circumstances have so changed that the model must be updated to ensure that it continues to provide reliable guidance on the relationship between the structure of local government and its performance.

In fact, taken overall, the changes in the Model City Charter over the years present a history of reflection on how cities should be structured to best achieve the goals of efficiency, effectiveness, and equity. Although created under the auspices of NCL, the Model City Charter has from its inception been the result of the combined efforts of leading thinkers and practitioners in the area of municipal administration.

The Need for a City Charter

Before detailing the significant changes made in this newest edition of the model charter, let's consider charters and their impact on government performance. Some readers may find

this topic esoteric. Fortunately, though, in Martin Scorsese's film "Gangs of New York," we have a wonderful cinematic illustration of the turbulence of urban governance in the mid-19th century and thus of the impetus for the reform movement that sought to ensure accountable and professional city government. To anyone who has seen this movie, we think it will come as no surprise that New York was the first home of the National Municipal League.

The events that Scorsese portrays occurred roughly in the middle third of the 19th century. The later history of New York politics, up to the founding of the National Municipal League in 1894, saw the consolidation of rule by political machine evident in nascent form in the film.

During this time, city government was weak and corrupt, and provision for public order was erratic. Volunteer fire companies routinely fought each other while fires burned, and looters took advantage of this disarray. Patronage, graft, bribery, and outright thuggery and violence were the order of the day. Herbert Asbury, author of the book that inspired Scorsese (and gave him the title of his movie) reports that in 1855 gang leaders could draw on some 30,000 individuals. By rioting at polling places and stuffing ballot boxes, gangs doing the bidding of political bosses were instrumental in seizing and maintaining political power.

The fascinating and undeniably violent history of this period is too little known among us today. While any number of examples would illustrate our general point concerning the role of effective charters as means of improving city government, a vignette about the police force in New York City during this period merits mention here.

Corruption within the police force was so bad that in 1857 the state legislature abolished the municipal police force and appointed a metropolitan board to enforce the law in a district encompassing Manhattan, Brooklyn, Staten Island, and other places (this of course was before greater New York City, encompassing the five boroughs, was constituted). The mayor of New York, however, refused to disband the municipal force, and on June 16, rioting broke out between the Municipals and the Metropolitans, as the two police forces were known.

The feud continued throughout the summer, and according to Asbury, members of the rival forces interfered with one another's attempts to make arrests, letting the would-be prisoners go in the process. Aldermen and magistrates supportive of one side would remain in police stations controlled by the other so that they could release prisoners on their own recognizance.

This situation was clearly a far cry from today's professional and accountable administration of municipal affairs. These unruly conditions and the consequent corruption via political machines helped fuel the energies of the reform movement, which resulted in the forming of the National Municipal League and the development of the Model City Charter.

The Model City Charter has always been the result of the combined efforts of leading

thinkers and practitioners in the area of municipal administration.

Although a city charter by itself cannot ensure good government, a well-designed charter can provide a structure that reduces opportunities for corruption and mismanagement while reinforcing efficient and responsible practices. The model charter has long served as a guide for charter commissions, recommending particular arrangements and discussing the merits and potential problems of a range of options for configuring municipal government.

The commentary that forms part of the model charter not only helps clarify the charter's provisions but also draws attention to events and developments that might not warrant extended treatment in the charter itself but that nonetheless have an important influence on the problem-solving capacities of local government.

In the commentary sections of the new edition of the model charter, particular attention is paid to the increasing salience of regionalism, new information technologies, improvements in performance measurement, citizen participation in public life, and the fostering of interaction among neighborhoods.

Changes in the Model City Charter

In an article entitled "Possible Approaches to the Model Charter Revision," which was written before the most recent revision was made, Jim Svara developed a useful typology for thinking about how and why charter reform might be undertaken. He identified four emphases that could guide model revision: innovation, advocacy, conservation, and adaptation. (The entire article is available on the NCL Web site at http://www.ncl.org/npp/charter/articles/possible_approaches.html)

Professor Svara, who was a senior adviser to the charter revision committee for the eighth edition, heads the department of political science and public administration at North Carolina State University. In his article, he pinpointed the approach taken by each of the past editions of the model charter to these four emphases. (For a fuller treatment of changes in the Model City Charter over time, see H. George Frederickson et al., "How American City Governments Have Changed: The Evolution of the Model City Charter," *National Civic Review*, Vol. 90, No. 1, pp. 3–18).

Svara went on to suggest that the new edition of the model charter should take into account the different needs of three types of potential users. The first type would be localities adopting a charter for the first time and needing basic information on government structures and performance. The second type would be a locality that might be looking to revise its existing charter to better address special circumstances it faced. Such local governments require a more sophisticated assessment of alternatives and tradeoffs among possible choices, Svara wrote.

And the third type of user would be a municipality interested in more encompassing processes of community governance than can be specified within the provisions of a city charter. This interest was, and is, of particular concern to NCL, and the eighth edition of the model charter is intended to contribute to this wider discourse on citizen participation and community governance.

City Council

Unsurprisingly, the preference for the council-manager form of government has been

retained in the new edition of the model charter, although the discussion of the mayor-council form has been greatly expanded. The model does not advance a preferred method for electing the council but does stress anew the value of at-large elections. In keeping with the seventh edition, the eighth edition recognizes that the use of single-member districts remains popular for selecting councilmembers as a means of ensuring compliance with the Voting Rights Act, and the benefits of the mixed form (combining at-large and single-member elections) are highlighted.

Given the technological developments that have made proportional representation and instant runoff voting less complicated than before, and the more widespread interest in these voting procedures, the new edition contains an extensive consideration of these alternatives in the commentary on the elections section. (Last year, San Francisco became the nation's first major city to adopt the instant runoff method for selecting the mayor and other top office-holders.)

City Manager

A new emphasis is given to recognizing the professionalism of the city manager. The preexisting phrase “[t]he city manager shall be appointed solely on the basis of executive and administrative qualifications” has been changed to “. . . appointed solely on the basis of education and experience in the accepted competencies and practices of local public management.” To clarify the intent of this change, the International City/County Management Association's minimum qualification for a city manager has been inserted into the commentary:

A master's degree with a concentration in public administration, public affairs, or public policy and two years' experience in an appointed managerial or administrative position in a local government or a bachelor's degree and five years of such experience.

A new emphasis on promoting long-term goals, regional and intergovernmental cooperation, and greater citizen participation is exemplified by the addition of the following tasks to the duties of the city manager:

- Assist the council to develop long-term goals for the city and strategies to implement these goals.
- Encourage and provide staff support for regional and intergovernmental cooperation.
- Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community.

Mayor

In one of the most significant changes found in the new edition, a different approach has been taken to the role of the mayor in the mayor-council form of government. Commentary on this form remains in an appendix, but instead of simply addressing the strong mayor-council form alone, the eighth edition presents a choice between two options and provides a set of analytical questions to help guide deliberations in cities that prefer to use the mayor-council form.

The two options 1) are the traditional strong mayor form, with a clear separation of powers between the mayor and the council; and 2) the standard mayor form, with both a separation of powers and a sharing of authority between the mayor and the council. One of the key differences between these two options, of course, involves the role and status of the chief administrative officer (CAO).

In the strong mayor form, the mayor fulfills the functions performed by the city

manager in the council-manager form. If there is a CAO, he or she is appointed and removed by the mayor alone. By contrast, in the standard mayor form, the CAO is nominated by the mayor and approved by the council and can be removed by the mayor. The two mayor-council options are distinguished in shorthand reference as “mayor-CAO-council” and “mayor-council-CAO,” respectively.

The analytical questions used to frame deliberation are “how should authority be divided between the mayor and the council” and “should a chief administrative officer be appointed.” Of these two alternatives, the model charter expresses a clear preference for the mayor-council-CAO option. Regardless of the choice made between the strong and the standard mayor approach, the appointment of a CAO is recommended.

Initiatives, Citizen Referendums, and Recalls

The eighth edition incorporates initiative, referendum, and recall procedures into the provisions of the model charter. This decision was made for a number of reasons. For one, the inclusion of these elements simply acknowledges the fact that they are contained in the vast majority of charters in operation today. But these procedures were an important aspect of the reform movement of the early 20th century, and while the model charter shows a clear preference for relying on the established practices of representative government for day-to-day decision making, committee members decided that it was important to preserve these options as part of the overall armory of governing mechanisms.

This summary has covered only some of the changes made to the model charter. For a fuller discussion, scroll through the NCL Web site at www.ncl.org to the point where the complete text of the charter and the commentary are posted.

Participants in the Model Charter Revision

The revision project was truly an inclusive venture. The committee in charge of writing the eighth edition comprised a diverse set of individuals and representatives from all major organizations with an interest in the revision of the charter. The organizations represented were the American Bar Association, American Society for Public Administration, Association of State Municipal Leagues, International City/County Management Association, International Municipal Lawyers Association, International Personnel Management Association, League of Women Voters, National Academy of Public Administration, National Association of Counties, National Association of Schools of Public Affairs and Administration, and National League of Cities.

Involvement of leading academic experts in the field of public administration has always been part of the history and tradition of the charter revision process. This tradition was maintained in this latest round through insightful contributions from Professors H. George Frederickson, John Nalbandian, David Schulz, David Sink, and Jim Svara.

Unsurprisingly, the preference for the council-manager form of government has been retained in the new edition of the model charter, although the discussion of the mayor-council form has been greatly expanded.

NCL benefited enormously from the generous commitment of time and talent by these individuals and organizations and wishes to thank them all for their great

contributions. We also want to make special mention of the extraordinary leadership provided by the two chairs of the committee, Betty Jane Narver and ICMA Executive Director Bob O'Neill. They reinforced for all of us a deep appreciation of the difference made by inspirational leadership. It is with sadness and respect that the eighth edition of the Model City Charter is dedicated to the memory of Betty Jane, who passed away on December 9, 2001.

And finally, the process greatly benefited from the involvement of four senior advisers: Terrell Blodgett, William N. Cassella, Jr., Robert Kipp, and Jim Svara. Terrell Blodgett is the Mike Hogg Professor Emeritus in Urban Management at the LBJ School of Public Affairs at the University of Texas and a former chairman of NCL, while William N. Cassella, Jr., is the former long-time executive director of NCL, and Robert Kipp is group vice president at Hallmark Cards and a former city manager of Kansas City, Missouri.

The expertise of these individuals and the range of experiences and perspectives that they brought to bear on revising the model charter make us confident that this edition of the Model City Charter not only updates best practices to keep the document current but also orients it to the future.

We wanted to modernize the charter and ensure its relevance to the new millennium, and we feel that we succeeded in doing so.

NCL, as the nation's oldest political reform organization promoting the cause of good government at the local level, will continue to update the model charter as changing circumstances warrant. This focus on understanding and supporting effective local government is a significant part of NCL's overall commitment to the goal of reinvigorating citizen democracy.

Whether through NCL's 53-year-old civic recognition program, the All-America City award, or the work it does on civic engagement and political reform, NCL is dedicated to the principle that all sectors of our society, the public, private, and nonprofit, must work together to address our common needs and build a thriving democracy. NCL recognizes that in the modern American community, local government not only provides services to the public but also contributes the leadership that allows new models of community governance to flourish.

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Profile: Raymond A. Beck

One More Year, the Energizer Beck



Raymond A. Beck is the city manager of [Columbia, Missouri](#).

It happens every year. The Columbia [Missouri] City Council does a review of the performance of City Manager Ray Beck, issues a glowing report, and bestows an overly modest pay raise.

Once again [in November 2002], the council praised Beck and for good reason. The 70-year-old shows no sign of fatigue. Indeed, in my own view, the city of Columbia is rocking along quite well, its government management in excellent condition, its city councilmembers with eyes and ears open and feet on the ground. Most of the credit for this abiding effectiveness and tranquility belongs to Beck.

In Columbia's council-manager form of government, citizens hold top policy jobs, and professionals perform administrative functions. Like any good business organization, the city is managed by a chief executive officer. In our city charter, that person is the city manager, who is hired by the city council and who in turn hires department heads to run the complex business.

Make no mistake. The city of Columbia, relatively speaking, is complex. Unlike many municipalities, Columbia is a full-service city, operating its own water and light utility, an unusually extensive parks and recreation program, and a demanding public works operation. Regardless of economic conditions, Columbia continues to grow as population increases. Growth outside city limits poses challenges, too. There is more to do each year, but revenue growth is slowing.

Columbia's budget is in better shape than that of the state, largely because the city has been able to control spending more effectively. Revenue for both public agencies has slowed. For the first time during Beck's reign, a city employee merit-pay freeze is in force. Though he could have had a raise, in thoroughly expected fashion, Beck has agreed his salary should be frozen along with all others in the city. Accompanying the glowing words of councilmembers came nothing beyond the citywide increase of 1 percent plus \$300 to offset higher insurance costs issued last October.

Beck is not starving. Currently, he makes \$124,906 and is covered by a good but not grand retirement program. But considering the duties involved, the Columbia city manager traditionally has been underpaid. The situation is somewhat better now, but it's still easy to justify the amount of money Beck receives.

Beck agreed to stay one more year. For some time now, he has opted for one-year extensions, avoiding for himself and the city the pressures of a longer-term agreement. He keeps his mind open about his retirement and allows similar flexibility for councilmembers.

It's clear that when he decides to leave, he will be hard to replace, but the job for his successor will be infinitely easier because of the Beck legacy. All a newcomer need do while he or she learns the ropes is keep the Columbia government machine running along its well-defined tracks. Beck will leave no internal management crisis to resolve.

This sort of benign caretaker role is only part of the job. Most citizens do not appreciate the continual influence Beck has on city policy. His experience and good instincts allow him to give excellent advice to policy makers. The manager and councilmembers know and exercise their respective roles very well. Beck keeps his place, so to speak, but he knows so much that policy makers would be fools not to seek his counsel.

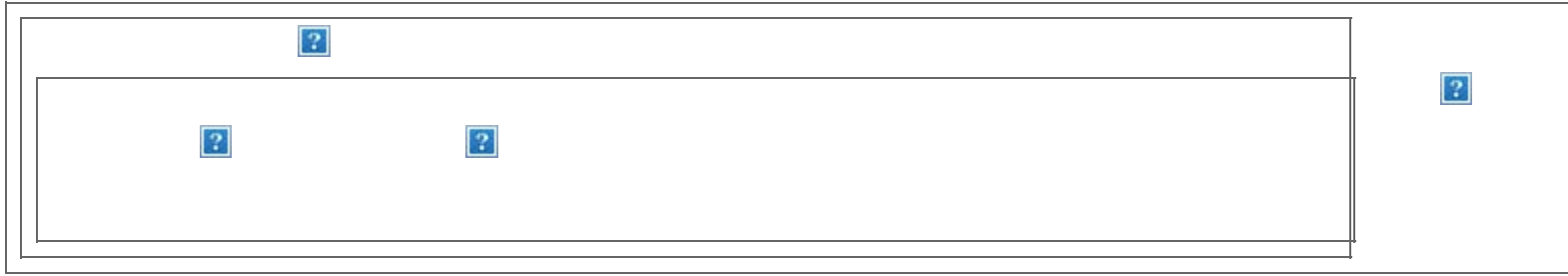
It is this personal factor that must be regained with a new manager. Beck has set a great example. Councilmembers will be looking for another Ray Beck.

Meanwhile, maybe our favorite Teutonic martinet will just keep on going and going and going.

Henry J. Waters III
Publisher, *Columbia Daily Tribune*
Columbia, Missouri

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Corporate Profile: Red Oak Consulting

Government Services Under Pressure

Red Oak Consulting is a very different kind of consultant—we focus on the unique management and information technology needs of water and wastewater utilities and state and local governments.

David Smith, Director of Client Development, Red Oak Consulting

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Utilities and municipalities are under greater pressure than ever to *do more with less* and maximize every efficiency and cost-saving opportunity. Recognizing that our insight and experience could help them develop lasting improvements was the impetus to create Red Oak Consulting.

As a division of Malcolm Pirnie, Inc., an environmental engineering and consulting firm, Red Oak provides municipalities, along with water and wastewater utilities with a combination of capabilities. Unlike general management consultants, our strengths reflect our clients' specific needs—over a century of water and wastewater environmental expertise and hands-on operational experience combined with cutting-edge management know-how.

Total-Systems Problem-Solving Perspective

Red Oak's unique 'total-systems' approach uses an asset-based framework to address issues in terms of the organization's major assets—customers, people, infrastructure, IT and knowledge base. By developing solutions within the context of the total organization, we help create lasting, implementable pathways to higher performance.

As a national practice, Red Oak can call upon the strengths of high-level experts from Malcolm Pirnie's offices across the country. These experienced professionals in planning, management, human resources and information technology focus on the utility's unique issues—from planning, design engineering and operations assistance to utility management, financing, customer issues, private-sector procurement and contracting for alternative service delivery.

Focus on Implementation

Red Oak maintains a strong focus on implementation—delivering the right solutions to the right challenges. To manage unpredictable organizational changes such as reorganization, downsizing, mergers or privatization, Red Oak draws on strong multi-disciplinary capabilities—engineers, financial analysts, and licensed psychologists experienced in organizational strengthening, managing change and leadership development. And, we work collaboratively with stakeholders to ensure their productive involvement.

We Care About Our Clients' Issues

Perhaps above all else, we empathize with the challenges confronting municipalities and the water and wastewater utility industry. For more than a century we have worked alongside our clients, supporting the industry's mission to create a healthier environment for us all. So we are confident that, as utilities and municipalities search for more effective ways to address today's issues and lead their organization into the future, we have the unique framework that will help them to achieve their goals.

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