

CHAPTER XV

THE ROLE OF COUNTIES IN LOCAL GOVERNMENT REFORM

William M. (Marty) Wiseman

With the Assistance of the Staff of
The John C. Stennis Institute of Government
Mississippi State University

INTRODUCTION

The issue of reform of local government structure has been one fraught with controversy since the founding of the republic. Local governments hold a unique place in the minds of their constituents. Rarely is the average citizen in a position of leveraging policy at the national level. Only slightly more often is the opportunity presented for that citizen to influence policy at the state level. It is at the local level that citizens attempt to influence government most often and with the highest expectation of their input having some impact.

Thus, local government plays several roles for the tax-paying, service-expecting public. There are national programs, state programs, and regional programs; but all of these, at some point, are local programs. "Local" is where the people are. The concept of local government implies a real place where real people exist apart from bureaucracy and government-defined missions. This is an added dimension that is of secondary concern to governments at other levels. The roles of local governments can be delineated as follows:

1. *A sense of place.* This concept may have been "over-done" but it remains useful in explaining the unique way in which citizens identify with where they live. Being from Tippah County, for example, implies a place one calls home rather than a governmental management system. It is up to that government, however, to be involved in the preservation of that locality.
2. *Access to the federal system.* As implied above, county government plays a pivotal role as the means of access to the entire federal system for most citizens. These citizens rarely attempt to discern the proper jurisdiction for solutions to problems they deem as belonging to the government. Citizens address these issues at the level to which they have access, the local level.
3. *Service delivery.* When we speak of delivery or receipt of services, we are virtually always speaking of services generated at the local level. Citizens come to expect a specific array of services delivered in a certain way. Any deletions from this array of services or changes in their mode of delivery or in their cost can create quite a problem. Citizen faith in local government seems to rest as much on predictability as on anything else.
4. *Governmental demand and response.* Citizens generally have a very real perception of their relationship with democratic government. They perceive their role as one of making demands and receiving some response, either positive or negative, to those demands. These are the basic requirements of representative democracy. It is at the local level where citizens feel that they have the best opportunity of exercising this formula.

Editor's Note: The statistical information contained in this chapter is accurate through December 2000.

What do these government roles have to do with the issue of government reform? It has been proven in every corner of the United States that local government reform is a delicate matter and thus must be undertaken with careful attention to the relationship that has evolved between the respective units of government and their citizens. Local government, particularly county government, is a very personal thing with many people. There have been numerous studies conducted which reveal that citizens have more faith in local government than in government at either of the other levels. If reform means change, it must be undertaken with an eye toward preserving, albeit in a different form, those elements of place, service delivery, ready access to the federal system, and responsiveness that are of such obvious importance to those citizens whose support is critical to government.

This is not to say that reform at the local level is ill-advised. The need to insure that taxpayers get the most for their money is greater now than ever before. This, coupled with the changing nature of local service delivery, makes reform an issue. The increase in unfunded mandates from the federal and state levels and the variety of special districts that have appeared on the scene have added detail to an already crowded mosaic. It is normal to ask if the way we are currently managing governmental services is the best way. The answer often comes in the form of prescriptions for eliminating duplication of, or at least in streamlining, government services as a means of better understanding the use of resources.

Issues Associated With Reform

The issue of local government reform is gaining prominence in Mississippi. Local government functions which were once funded by a tax level that could best be described as a slightly benign irritant are now becoming a major pocketbook issue. Though many of these tax increase-inducing services are not the idea of the local policy makers themselves, they nevertheless serve as a litmus test for the fragmentation of government at the local level. When citizens feel that they are paying for the same services more than once and the act of paying is beginning to hurt, questions begin to be raised. Is the answer automatically to merge or consolidate simply to have fewer governments? If consolidation is the answer, to what degree and which units of government will be subject to consolidation? Furthermore, are there any constitutional or statutory impediments to be overcome before consolidation, merger, or other reforms become viable?

The situation in Mississippi provides some unique answers to these questions. First, cities and counties in Mississippi could well benefit from being able to access other forms of government than those currently available to them. Whether these forms are additional forms of county government, hybrid governments resulting from comprehensive consolidation efforts, or service consolidations, having the ability to move from one form to another appears necessary in order for local government in Mississippi to meet the challenges laid before it. Second, there are currently no options for local government in Mississippi under current constitutional and statutory provisions. Without doubt, changes of a constitutional and statutory nature will be necessary if county government is to be given this added structural flexibility.

This chapter seeks to accomplish several things. It sets out the issues associated with providing for alternatives to the current structure of government at the local level in Mississippi. It also discusses the means of allocating control over local government structure. Should determination of structure be purely a legislative matter? Should there be virtually total local discretion over what that structure might be, or will the final determination fall somewhere in between? The chapter also summarizes an extensive examination of local government structure in other southern states, including current laws allowing for alternative forms as well as the actual descriptions of a number of governing arrangements that have evolved as a result of these laws. In addition, this chapter introduces the concept of Home Rule Charter, which is fairly common in most states but has been

little used in Mississippi. This concept is discussed because it offers a great deal in the way of local discretion over local government reforms.

The Context of Reform

Essentially, the examination of reform at the local level boils down to two questions. What types of reforms will be allowed and who decides on whether or not to implement these reforms? With regard to the former question the answer hinges on which of two schools of thought policymakers choose to accept.

Traditional Management Concepts Versus Public Choice Theories

No matter where in the United States one chooses to look, when local government is mentioned the word “fragmentation” comes to mind. Local government has certainly been broken into many “general purpose” and “single purpose” units. In fact, there are over 80,000 units of government in this country. Mississippi makes its contribution to this number. In addition to our 82 counties and 297 cities, Mississippi has several hundred special districts, several hundred newly formed fire districts, and 151 school districts. This fragmentation results in over 1,400 geographically identifiable taxing districts. This is a significant number, especially for a rural state like Mississippi. At first glance the reader, particularly one committed to principles of “good government,” is tempted to demand a reduction and streamlining of the number and functions of these local government entities. It is only logical, so the thinking goes, that maintaining fewer government entities would be more efficient. On the other hand, if one examines the nature of many of these governments and the functions they perform, a different picture emerges. In fact numerous studies have indicated that the competition resulting from fragmentation of governments at the local level actually serves to limit the overall cost of local government. In addition, special districts allow specific services to be targeted and paid for only by those citizens who need them.

There continues the debate between the classical administrative perspective which holds that consolidation is always necessary at the local level and the public choice perspective which advocates competition among numerous small governing units as the best way to produce efficiencies at the local level. Public choice advocates would maintain that the consolidations supported by the classical administrationists result in “big government” at the local level and, as such, are fraught with all of the dysfunctions normally associated with large, unwieldy bureaucracies. Furthermore, they would maintain that the elimination of competition removes a key factor in holding taxes in line. By the same token, the classical administration adherents hold that the presence of many small local governments is conducive to needless duplication in services and, more importantly, the duplication of taxes necessary to finance those services. The classical administrationists also maintain that many of these governmental units are too small to be able to offer some needed services at all. Thus, they say, the only way to have greater efficiency and to produce the economies of scale necessary to address major problems is to consolidate or merge the smaller governmental units into one larger unit.

Which side is right? Space does not permit a resolution of that specific argument. However, we are able to offer elements that are palatable to proponents of either set of ideas. Inherent in the public choice perspective is the ability to choose the conditions under which citizens will be represented and the means whereby services will be rendered. This includes the freedom and ability to select from alternative forms of government or to create a hybrid form peculiar only to the citizens who live in that locality. Comprehensive consolidations, mergers, and service consolidations are all possible in this context. Currently, however, in Mississippi any consideration of alternative governing structures is forbidden by the constitution and statutes of the state. What considerations

are involved in solving this problem? Before examining these we must look at the second question concerning who is allowed to decide the issue of specific local government structure.

Dillon's Rule Versus Home Rule

If it can be assumed that local governments will be allowed to examine and possibly adopt alternative forms of government other than those currently in use, then it must be decided how this process will take place. Will the structure of alternate forms be strictly dictated by the state legislature, or will significant powers over their structure be granted to local government entities? This debate is one that is new to Mississippi, but it has already taken place in many other states. Essentially, it is a debate between Dillon's Rule and Home Rule.

Dillon's Rule

Dillon's Rule rejects the idea that state-local relations are the same as national-state relations. The latter embraces the principle of federalism whereas the former constitutes a unitary arrangement. Briefly, Dillon's Rule is a rule of law enunciated in a famous case which holds that municipal corporations, counties and other units of local government are legally under the control of state government and can exercise only those powers expressly permitted by the state (*City of Clinton v. Cedar Rapids and Missouri River Railroad Co.*, 24 Iowa 455, 475: 1868). Dillon held that local entities could exercise only those powers expressly granted to the local unit by the state constitution or statute, those powers that can be reasonably implied from those granted and those powers essential for the corporations operations. According to Judge Dillon, "Municipal corporations (and other local governmental entities) owe their origin to, and derive their powers and rights wholly from, the legislature." This leaves little room for discretion on the part of local governing units. This fact is significant for this research in that it says something about the way alternative forms of government would be accessed by local governing units in Mississippi. Before going into greater detail on this issue it is necessary to examine the other half of this debate – the home rule principle.

Home Rule

Home rule is the power vested in local units of government to carry on their affairs with a minimum of external legislative or administrative control. Home rule implies that local units have the power to write and adopt a charter, to change the charter, and to adopt ordinances and make administrative decisions that have the force of law. In theory, Mississippi claims to have limited home rule. When compared to home rule provisions in other states, emphasis should be placed on the word *limited*.

Once again the question may be asked as to the significance of the Dillon's Rule versus Home Rule debate for the study at hand. The answer goes to the heart of the matter of who should be deciding issues related to governmental structure at the local level. It clarifies the significance of the unique nature of local government to its citizens. It is important for Mississippi to be able to sort out these issues as it seeks to broaden the alternatives of local government structure available to citizens. Perhaps a brief look at the history of local government reform will assist in making this point.

There have been numerous efforts at city/county consolidation during the two centuries since the founding of the country. Success has been achieved in less than forty. Furthermore, depending on how the term mandatory is defined, there have only been two instances in which a major reform such as city/county consolidation has been mandated by a state legislature. These are Indianapolis-Marion County, Indiana, and Las Vegas-Clark County, Nevada. The implications of these facts are clear. In virtually every successful consolidation or major effort to adopt an alternative local governing structure, local initiative has been a key factor. This is true whether the issue is one of

adopting a pre-designed structure or engaging in a charter commission process. *Thus, it can not be over emphasized the necessity of having local initiative in the reform process.* To do otherwise would be to attempt something that has met with very little success in the past.

In summarizing these two (2) sets of issues and their relevance for the legislative effort at hand, two concepts are important. First, allow for streamlining of local government structure without legislating competition out of existence. Second, provide for substantial support-building input from citizens at the local level. These principles will be apparent in further sections of this chapter. In addition to reviewing in detail the actions of other states in this regard, alternative forms of government for Mississippi will be suggested.

STATE BY STATE COMPARISONS

As the issue of reform of local government in Mississippi grows more visible, several questions are beginning to be asked. These questions go to the heart of the nature of changes that would take place and who would have the authority to make them. Some of the most often asked questions include:

1. Will there be an executive?
2. How will the executive obtain his position, election or appointment?
3. What about the Constitutional offices? Will they remain elective or become appointive?
4. How will representation on the policy making body be handled? How many members will there be? Will they be elected by district, at-large, or by some combination?
5. What role will the state legislature play? Will it prescribe forms, approve locally designed charters, or both?
6. Will changes be necessary in the Constitution, in the statutes, or both?

Perhaps the best method Mississippi may employ to answer these questions is to examine conditions in surrounding states. This section contains a synthesis of a detailed research effort into the nature of local government reform authority, effort, and potential in southern states. In order to facilitate comparisons, most data are included on a series of tables.

In Table 1, sixteen southern states are examined regarding what degree of authority their local governments have over their functional operations and structure. Each state's constitution and statutory laws were reviewed to determine which categories of the table were appropriate to describe the particular situation in each state.

Table 1 lists four categories which illustrate the degree of authority that each state's localities (cities and counties) have over their operations and structure. These categories are Dillon's Rule, limited functional home rule, broad functional home rule, and structural home rule which is broken down into sub-categories of statutory structural home rule and structural home rule through a home rule charter. In addition, the table explains from where each state locality receives its authority, the state's constitution or statutes.

A number of the terms used in the table are easily understood; however, there are a few others which need some explanation. In this context, the terms Dillon's Rule and Home Rule refer to a description of the authority of local governments. Dillon's Rule means that local governments are

legally under the control of the state government and can exercise only those powers expressly permitted by the state. In other words, local governments in states with this doctrine in use can only exercise those powers expressly granted to the local government by the state constitution or statutes, those powers that can be reasonably implied from those granted and those powers essential for the local government's operations. Home rule means that local governments are vested with the power to carry on their affairs with a minimum of external legislative or administrative control.

Home rule authority is granted in varying degrees which can be categorized as limited functional, broad functional, and structural. Limited functional home rule can be explained as limited discretion granted to local governments in carrying out local functions. Broad functional home rule gives local governments extensive discretion over their local functions. Structural home rule describes the degree of autonomy local governments have in determining their form of government. There are two methods by which local governments can be granted structural home rule. The first method, and the one that most closely approximates what occurs in Mississippi, is a narrow authority which gives local governments the ability to choose from a set of governmental forms set out in the state's statutes. Although this is considered a form of home rule, it is very restrictive with regard to what local governments are permitted to do. The second method, known as the home rule charter, is the broadest grant of authority which can be given to a local government by its legislature. However, even the home rule charter authority can be circumscribed by the legislature through the use of conditions or mandated inclusions for the home rule charter option.

It is possible for a local government to have its functional operations governed by Dillon's Rule and still have some degree of structural home rule authority. Cities, towns, and counties in Virginia are an example of this. Counties in Delaware are also an example of this situation, except that Delaware's structural options come from the Delaware constitution rather than statutes.

However, the opposite from the Virginia and Delaware examples can be true also. In North Carolina, the counties have been granted broad functional home rule authority from the state's statutes. However, North Carolina counties have been mandated one form of government in the state's constitution. North Carolina's cities are also in a unique situation. The North Carolina Supreme Court has yet to change the status of North Carolina's cities from Dillon's Rule to some form of home rule.

The only other state with a unique situation is Georgia. In Georgia, the structural home rule of cities and counties is a hybrid form of the two methods discussed. Although the cities and counties have the ability to create any form of government they choose through their home rule charter authority, the charter must meet the approval of the legislature and be passed into law through a legislative local act.

Mississippi's cities and counties have limited functional home rule authority over their operations. The cities' authority is granted to them in the statutes; the counties' authority is granted to them in the constitution and the statutes. Both cities and counties in Mississippi have statutory structural home rule authority. The *Mississippi Code* allows five options for cities and four options for counties.

Table 1: State by State Comparison of Legislative and Local Authority Over Structure and Function

States	City/ County	Dillon's Rule	Home Rule					
			Limited Functional	Broad Functional	Structural		Authority Granted	
					Statutory	Charter	Constitution	Statutory
MS	Cities		X		X			X
	Counties		X		X		X	X
AL	Cities			X	X			X
	Counties	X						
AR	Cities		X		X			X
	Counties			X	X			X
DE	Cities			X	X	X		X
	Counties	X			X			
FL	Cities			X	X	X	X	X
	Counties			X	X	X	X	X
GA	Cities			X	X		X	X
	Counties			X	X		X	
KY	Cities			X	X			X
	Counties			X	X			X
LA	Cities			X	X	X	X	X
	Counties			X	X	X	X	X
MD	Cities			X		X	X	X
	Counties			X	X	X	X	X
NC	Cities	X			X			X
	Counties			X				X
OK	Cities			X	X	X	X	X
	Counties			X	X	X		X
SC	Cities		X		X		X	X
	Counties			X	X		X	X
TN	Cities			X	X	X	X	X
	Counties			X	X	X	X	X
TX	Cities			X	X	X	X	X

States	City/ County	Dillon's Rule	Home Rule					
			Limited Functional	Broad Functional	Structural		Authority Granted	
					Statutory	Charter	Constitution	Statutory
	Counties	X						
VA	Cities	X			X	X		X
	Counties	X			X			X
WV	Cities			X	X	X	X	X
	Counties	X						

In Table 2, sixteen southern states are examined regarding the issue of consolidation. Each state's constitution and statutes were reviewed to determine if any kind of consolidation is allowed. Table 2 is divided into five categories which describe the status of the consolidation issue in each state: the type of consolidation (city/city, city/county, and county/county), whether the authority to consolidate comes from the state's constitution or statutes, if a petition from the citizens of the localities concerned is necessary to start the consolidation process, whether a consolidation charter commission is used to determine the new governmental structure and operation, and by what means the consolidation is approved and becomes effective. It is important to note that there are state-to-state variations regarding the order in which some of these activities occur.

Certain states have unique situations which could not be fully depicted in the table, so a brief explanation of each of their particular situations follows:

- ! In Alabama, in addition to the method illustrated in the table, city/city consolidation can occur from the adoption of a local act by the legislature. However, if this method is used, the senators and representatives from the areas involved insist on general agreement from the citizens and governing bodies of the localities involved.
- ! In Kentucky, city/county consolidation exists in the form of an urban-county government or a charter county government which are both allowed under the statutes of Kentucky. In these situations, a city and county can merge following the same activities outlined in the table with the exception that the process is begun by an ordinance creating a study commission on the issue. However, in lieu of the ordinance, a citizen petition can be used as is noted in the table.
- ! In Maryland, the consolidation process is begun by the passage of a "proposal of unification" in the local legislative bodies which outlines certain aspects of the consolidation (boundaries, name, etc.). However, Maryland differs from Kentucky in that a citizen petition is not substitutable.
- ! In North Carolina, a local ordinance must be passed to begin the consolidation process. The ordinance creates a study commission on the issue of consolidation.
- ! In Oklahoma, in addition to the citizen petition process, a resolution by the governing body can begin the consolidation process. A proposal for consolidation which states certain specifics about the consolidation (boundaries, name, etc.) is prepared in either case.

- ! The 1992 South Carolina Legislative Act (319) which made city/county consolidation a reality has been found to have some imperfections and will probably be amended this year.
- ! In Tennessee, the consolidation process is begun by the creation of a metropolitan government charter commission. This can be accomplished through local ordinance of the governing bodies of the localities involved or by private act of the Tennessee legislature. Similar to Kentucky’s urban-county or county charter set up, Tennessee provides for the creation of a metropolitan government in its statutes. This governmental form merges cities and counties into one metropolitan government.
- ! In Virginia, the consolidation process is initiated by two methods, one of which is illustrated in the table (citizen petition). The other method is by an act of the governing bodies of the localities involved in the process. Virginia is a very unique state because it has independent cities which are not contained within counties. This situation creates another kind of consolidation in Virginia called tier-city. The tier-city consolidation process would be part of a town/county consolidation process whereby an independent city would become a part of a consolidated county but would retain certain autonomy. Another unique aspect of Virginia consolidation is that it is the only state in which approval is needed, in addition to referendum, by the state’s local government commission and a special court.

Table 2: State by State Comparison of Consolidation Powers and Process

States	Types of Consolidation	Authority	Petition	Consolidation Commission	Approval
MS	City/City	Statutory			Chancery Court
	County/County	Constitution			Legislative
AL	City/City	Statutory	X	X	Referendum
AR	City/City	Statutory	X		Referendum
DE	NONE				
FL	City/County	Constitution, Statutory	X	X	Legislative Approval, Referendum
GA	City/County	Constitution, Statutory		X	Legislative Approval, Referendum, DOJ Approval
	County/County	Constitution		X	Legislative Approval, Referendum, DOJ Approval
KY	City/County	Statutory	X	X	Referendum
	County/County	Statutory	X		Referendum
LA	City/City	Constitution, Statutory	X		Referendum
	City/County	Constitution, Statutory	X		Referendum
MD	City/City	Statutory	X	X	Local Legislative Approval, Referendum
NC	City/City	Statutory	X	X	Referendum, Legislative Approval

States	Types of Consolidation	Authority	Petition	Consolidation Commission	Approval
	City/County				
	County/City				
OK	City/City	Statutory	X	X	Referendum
SC	City/City	Constitution, Statutory			Referendum
	City/County	Constitution, Statutory	X	X	Referendum
TN	City/City	Statutory	X		Referendum
	City/County	Constitution, Statutory	X	X	Referendum
TX	City/City	Statutory	X		Referendum
VA	City/City	Constitution	X	X	State Commission on Local Government, Special Court, Referendum
	County/County				
	Town/County				
WV	City/City	Statutory	X		Referendum

Table 3 lists seven consolidation case studies with summary data of legislative composition, state constitutional offices, route of establishment, and voter approval. Each consolidation has a different legislative composition in order to provide adequate representation to the citizens of the community. However, each consolidation retained all constitutional offices except Lynchburg-Moore County, Tennessee. Moreover, each consolidation had a charter commission to examine the effects of consolidation with the exception of Indianapolis-Marion County, Indiana, where the legislature mandated consolidation. In all cases of consolidation, some form of voter approval was usually required for the consolidation.

Each of these case studies is important to the outlook of consolidation in Mississippi. There are examples of large cities that encompass the county boundaries and small towns which sought consolidation for other reasons, such as a hope for increase in service delivery efficiency. Each consolidation tailored the new form of government to the constituents' needs in order to provide greater access, efficiency and better representation. Moreover, most of these examples are located within the same U.S. region; therefore, some of the attributes of these consolidations may be transferable to a consolidation process in Mississippi.

Table 3: Consolidation Case Studies

	Jacksonville-Duval County, FL	Lynchburg-Moore County, TN	Nashville-Davidson County, TN	Lexington-Fayette County, KY	Athens-Clarke County, GA	Columbus-Muscogee County, GA	Indianapolis-Marion County, IN
Legislative Composition	19 Member Council with 5 at-large members	3 Member Council	40 Member Council with 5 at-large members	15 Member Council with 3 at-large members	10 Member Council	10 Member Council with 6 at-large members	29 Member Council with 4 at-large members
Constitutional Offices	All Retained	All Retained, except County Executive and County Commissioners	All Retained	All Retained	All Retained	All Retained	All Retained
Establishment	Charter Commission with Legislative Approval	Charter Commission	Charter Commission	Charter Commission	Charter Commission with Legislative Approval	Charter Commission with Legislative Approval	Legislative Mandate
Voter Approval	Referendum	Referendum	Referendum	Referendum	Referendum	Referendum	N/A

ALTERNATE FORMS

In the state of Mississippi there are currently only two, rather closely related forms of county government – the beat system and the unit system. Each of these systems has a variation associated with it that pertains to the presence of and means of selecting a county administrator. For this reason, the National Association of Counties formally recognizes four forms of county government in Mississippi. The state legislature (in the case of constitutional changes, the legislature and the people) maintains absolute control over the structure of county governing bodies. State law contains five options for forms of municipal government. Furthermore, municipal governmental structures are controlled by the more flexible statutory provisions rather than the *Constitution*.

It has been suggested that one solution to the restrictive nature of governmental reform at the local level is to provide a number of alternate forms of county government similar to those available to municipalities. Such provisions would afford sufficient flexibility to both county and municipal government to enable them to create the most appropriate fit of local government structure. An additional option which may be made available is that of the home rule charter. This was discussed in some detail in the previous section. Home rule charter provisions would add the ultimate amount of flexibility to local government entities in that these statutes would create a track whereby local charter commissions would create hybrid forms of government and submit them to the legislature for approval. The Home Rule Charter option should be among the alternatives to current governing structures.

Basic outlines describing the authority and powers of various offices, as well as the organizational structure of each of four forms of county government follow. The two forms of county government that currently exist in Mississippi (unit and beat) are included. In addition, a sketch of the home rule charter process is included as a fifth option. All of these forms are summarized for comparison purposes in Table 4.

Form 1: Elected Executive

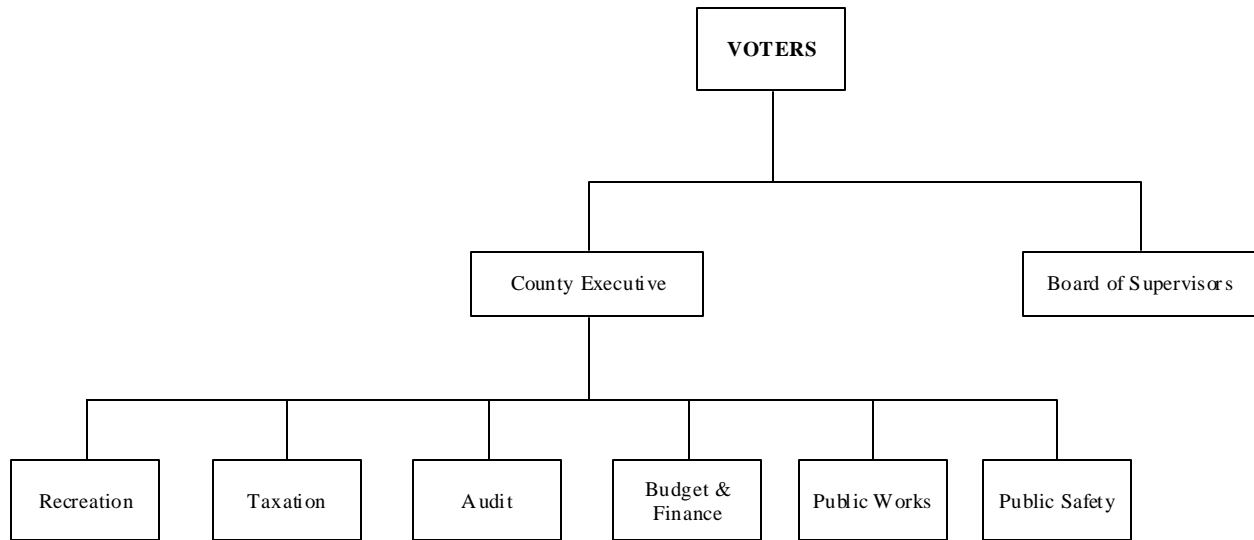
- ! Legislative Powers
 - " *exercised by county board of supervisors*
 - confirms executive appointments
 - investigates departments

- ! Executive Powers (*elected executive*)
 - " heads administrative branch
 - " participates at his discretion on the board of supervisors
 - " may veto action of the board of supervisors - no action of the board may take effect without executive's approval
 - " may prepare and submit budget
 - " directs and supervises all employees of the county

- ! Other County Officials (Departments)
 - " administration
 - " others are created by the board of supervisors
 - " departments are headed by a director who, unless otherwise provided, is appointed by the executive and confirmed by the board of supervisors, and serves at the will and pleasure of the executive
 - " board of supervisors deals with departments solely through the executive - no member will give order directly to any subordinate of the county

- ! Means of Adoption
 - " petition addressed to county board of supervisors requesting election to abandon its existing form and adopt "Elected Executive" form
 - " petition must be signed by at least fifteen percent (15%) or 1,500 of the qualified electors of the county, whichever is the lower
 - " majority vote of qualified electors requested for adoption of "Elected Executive" form

Figure 1: The Elected Executive System



Form 2: Board/Manager

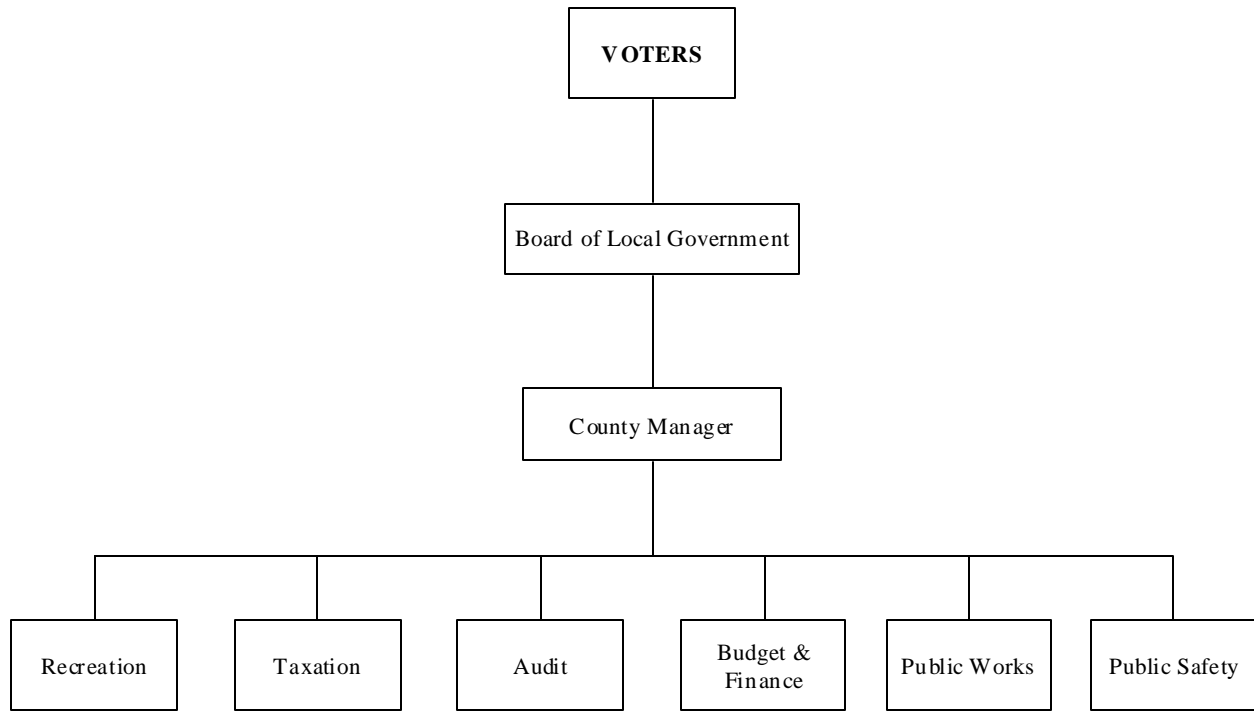
- ! Legislative Powers
 - " *county board of supervisors will execute all executive, legislative, and judicial powers, duties, and obligations*

- ! Executive Powers (*county manager*)
 - " appointed as chief administrative officer
 - " compensation as determined by the board
 - " serves terms set by ordinance and may be removed at any time by majority vote of the board of supervisors
 - duties
 - # entire administration of county
 - # prepares and recommends annual budget
 - # administers and secures enforcement of all laws and ordinances
 - # appoints and removes all department heads, unless otherwise provided
 - # supervises and controls all department heads and subordinates
 - # negotiates all contracts and makes all purchases for the county, except as provided in existing purchasing laws
 - # provides reports and information to board of supervisors as deemed expedient and necessary
 - # board of supervisors may deal with county employees solely through the county manager

- ! Other County Officials (Departments)
 - " administration
 - " county board of supervisors establishes departments and creates new departments only as recommended by the county manager
 - " department heads, employees, and non-elected officials are appointed and removed by county manager, unless otherwise provided - board of supervisors may retain authority to appoint county attorney, auditor, head of public safety, chancery and circuit clerk
 - " board of supervisors deals with departments solely through the executive - no member will give order directly to any subordinate of the county

- ! Means of Adoption
 - " petition addressed to county board of supervisors requesting election to abandon its existing form and adopt "Board/Manager" form
 - " petition must be signed by at least fifteen percent (15%) or 1,500 of the qualified electors of the county, whichever is the lower
 - " majority vote of qualified electors requested for adoption of "Board/Manager" form

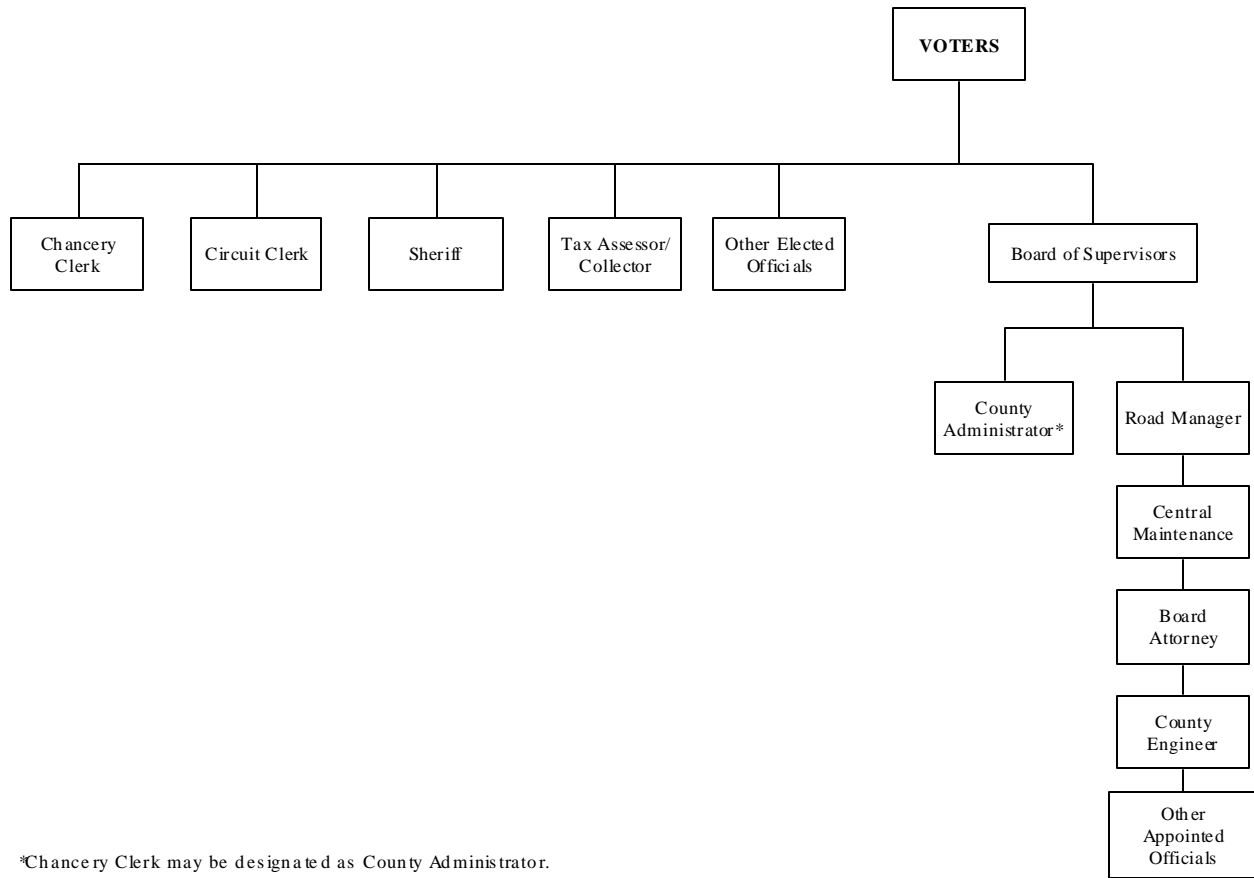
Figure 2: The Board/Manager System



Form 3: Unit System

- ! Legislative Powers (*exercised by the county board of supervisors*)
- ! Executive Powers (*appointed county administrator*)
 - " prepares and submits budget
 - " administers county personnel system
 - " directs the activities of administrative and support functions falling directly under the county board of supervisors, with the exception of county wide road administration appointed by and serves at the discretion of a majority of the board of supervisors
- ! Other County Officials (Departments)
 - " county-wide road administration – county road manager appointed by, answerable to and serves at the discretion of the board of supervisors
 - " board of supervisors deals with road and bridge matters through road manager, and matters of all other non-elected employees through the county administrator
 - " the duties of all elected officials remain as currently specified by the *Constitution* and statutes
- ! Means of Adoption
 - " petition addressed to county board of supervisors requesting election to abandon its existing form and adopt “Unit System” form
 - " petition must be signed by at least fifteen percent (15%) or 1,500 of the qualified electors of the county, whichever is the lower
 - " majority vote of qualified electors requested for adoption of “Unit System” form

Figure 3: The County Unit System

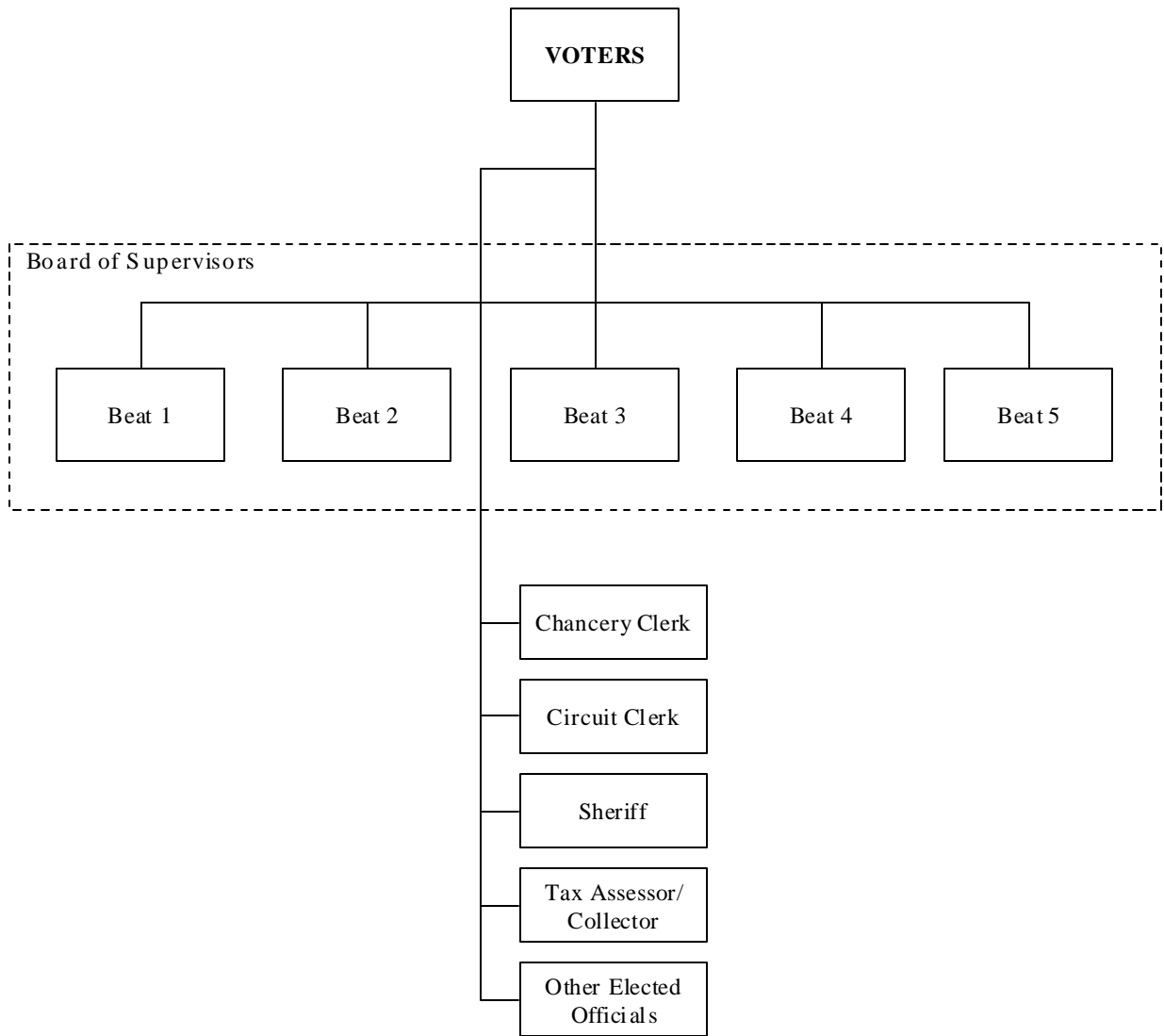


*Chancery Clerk may be designated as County Administrator.

Form 4: Beat System

- ! Legislative Powers (*exercised by the county board of supervisors*)
- ! Executive Powers (*no county administrator*)
 - " county administrator is currently optional for this form of government
- ! Other County Officials
 - " elected county officials and duties specified by constitution and statutes – no discretion by board or county administrator in this regard
 - " all other departments and functions established by the board and employees serve at the discretion of the board
 - " board of supervisors may deal directly with all employees employed by the board and not directly assigned to another county elected official
 - " each member of the board of supervisors will be responsible for roads and bridges and other beat-specific county functions within his beat, unless other means have been agreed upon by a majority vote of the board
- ! Means of Adoption
 - " petition addressed to county board of supervisors requesting election to abandon its existing form and adopt “Beat System” form
 - " petition must be signed by at least fifteen percent (15%) or 1,500 of the qualified electors of the county, whichever is the lower
 - " majority vote of qualified electors requested for adoption of “Beat System” form

Figure 4: The County Beat System



Home Rule Charter

- ! Legislative Powers(*legislative body structured by charter commission – must insure representation based on U.S. Justice Department guidelines*)
- ! Executive Powers (*duties and means of selection established by charter commission*)
- ! Other County Officials
 - " those officials designated as department heads, as established by the charter commission – means of selection established by charter commission – legislature may require that certain basic departments be established
- ! Means of Adoption
 - " petition addressed to the various policymaking entities within the county requesting the formation and empowerment of a charter commission
 - " petition must be signed by at least fifteen percent (15%) or 1,500 of the qualified electors of the county and cities within it, whichever is less
 - " referendum held on empowering charter commission – majority vote of jurisdictions necessary to form commission
 - " completed charter presented for public referendum
 - " majority vote of each jurisdiction is required for passage
 - " final approval must be granted by legislature

CONCLUSION

Some of the changes discussed on the previous pages appear to be rather extensive. Questions are sure to arise as to the sequence of events that will be required to bring them about, and also as to how much opportunity would be available for public input during this process. In summary, there are no magic answers to the questions surrounding county government reform. The material on the foregoing pages is indicative not of the effectiveness of specific reforms, but rather, of the flexibility necessary for county government and its citizens to make alterations. Very rarely will it be possible for county reforms passed at the state level to fit every situation at the local level. This can only be accomplished by local citizens themselves. To make this possible, there must be changes enabling stronger charter and home rule capabilities for counties. Considerable work on constitutional and statutory provisions must be undertaken in order to bring this about. If one accepts the necessity for constitutional changes and for the creation of enabling statutes, then one must assume that a multi-year sequence will be put into place.

Table 4: Comparisons of Alternate Forms of County Government

	Elected Executive	Board/Manager	Unit System	Beat System	Home Rule Charter
Legislative Power	Exercised by County Board of Supervisors <ul style="list-style-type: none"> • confirms executive appointments • investigates departments 	County Board of Supervisors will execute all executive, legislative, and judicial powers, duties, and obligations	Exercised by County Board of Supervisors	Exercised by County Board of Supervisors	Executive Power

	Elected Executive	Board/Manager	Unit System	Beat System	Home Rule Charter
Executive Power	<p>Elected County Executive</p> <ul style="list-style-type: none"> • heads administrative branch • participates at his discretion on the board of supervisors • may veto action of the board of supervisors – no action of the board may take effect without approval of the executive • may prepare and submit budget • directs and supervises all employees of the county. 	<p>County Manager</p> <ul style="list-style-type: none"> • appointed as chief administrative officer • compensation as determined by the board • serve terms set by ordinance and may be removed at any time by majority vote of the board of supervisors. <p>Duties</p> <ul style="list-style-type: none"> • entire administration of county • prepares and recommends annual budget • administers and secures enforcement of all laws and ordinances • appoints and removes all department heads, unless otherwise provided • supervises and controls all department heads and subordinates • negotiates all contracts and makes all purchases for the county, except as provided in existing purchasing laws • provides reports and information to board of supervisors, as deemed expedient and necessary • board of supervisors deals with county employees solely through the county manager 	<p>Appointed County Administrator</p> <ul style="list-style-type: none"> • prepares and submits budget • administers county personnel system • directs the activities of administrative and support functions falling directly under the county board of supervisors, with the exception of county-wide road administration • appointed by and serves at the discretion of a majority of the board of supervisors 	<p>None</p> <p>County administrator to perform administrative duties for the board of supervisors is currently optional</p>	<p>Duties and means of selection established by charter commission.</p>

	Elected Executive	Board/Manager	Unit System	Beat System	Home Rule Charter
Other County Officials (Departments)	<ul style="list-style-type: none"> administration others are created by the board of supervisors departments are headed by a director who, unless otherwise provided, is appointed by the executive and confirmed by the board of supervisors, and serves at the will and pleasure of the executive board of supervisors deals with departments solely through the executive – no member will give order directly to any subordinate of the county 	<ul style="list-style-type: none"> administration county board of supervisors establishes departments and creates new departments only as recommended by the county manager department heads, employees, and non-elected officials appointed and removed by the county manager unless otherwise provided – board of supervisors may retain authority to appoint county attorney, auditor, head of public safety, chancery and circuit clerk board of supervisors deals with departments solely through the executive – no member will give orders directly to any subordinate of the county 	<ul style="list-style-type: none"> county-wide road administration – county road manager appointed by, answerable to, and serves at the discretion of the board of supervisors board of supervisors deals with road and bridge matters through road manager, and matters of all other non-elected employees through the county administrator the duties of all elected officials will remain as currently specified by the Constitution and statutes 	<ul style="list-style-type: none"> elected county officials and duties specified by constitution and statutes – no discretion by board or county administrator in this regard all other departments and functions established by the board, and employees serve at the discretion of the board board of supervisors may deal directly with all employees employed by the board and not directly assigned to another county elected official each member of the board of supervisors is responsible for roads and bridges and other beat-specific county functions within his beat, unless other means have been agreed upon by a majority vote of the board 	<ul style="list-style-type: none"> those officials designated as department heads, as established by the charter commission means of selection established by charter commission legislature may require that certain basic departments be established

	Elected Executive	Board/Manager	Unit System	Beat System	Home Rule Charter
Means of Adoption	<ul style="list-style-type: none"> petition addressed to county board of supervisors requesting election to abandon its existing form and adopt "Elected Executive" form petition must be signed by at least fifteen percent (15%) or 1,500 of the qualified electors of the county, whichever is the lower majority vote of qualified electors requested for adoption of "Elected Executive" form 	<ul style="list-style-type: none"> petition addressed to county board of supervisors requesting election to abandon its existing form and adopt the "County Manager" form petition must be signed by at least fifteen percent (15%) or 1,500 of the qualified electors of the county, whichever is the lesser majority vote of qualified electors required for adoption of "County Manager" form 	<ul style="list-style-type: none"> petition addressed to county board of supervisors requesting election to abandon its existing form and adopt the "County Unit" form petition must be signed by at least fifteen percent (15%) or 1,500 of the qualified electors of the county, whichever is the lesser majority vote of qualified electors required for adoption of "County Unit" form 	<ul style="list-style-type: none"> petition addressed to county board of supervisors requesting election to abandon its existing form and adopt the "Beat System" form petition must be signed by at least fifteen percent (15%) or 1,500 of the qualified electors of the county, whichever is the lesser majority vote of qualified electors required for adoption of "Beat System" form 	<ul style="list-style-type: none"> petition addressed to the various policy making entities within the county requesting the formation and empowerment of a charter commission petition must be signed by at least fifteen percent (15%) or 1,500 of the qualified electors of the county and cities within it, whichever is less referendum held on empowering charter commission--majority vote of jurisdictions necessary to form commission completed charter presented for public referendum majority vote of each jurisdiction required for passage final approval granted by legislature