

**FORMS OF GOVERNMENT
FOR
MISSOURI MUNICIPALITIES**



Growing Our Communities Together

June 2007
Price: \$15.00
**(Single copies available to
member cities at no charge)**

Published by
Missouri Municipal League
1727 Southridge Drive
Jefferson City, MO 65109

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INTRODUCTION

Municipal officials often request information from League headquarters concerning the forms, or structures, of government that are authorized by state law for their respective municipalities. This publication is intended to provide comprehensive analyses of the various forms of government available for each class of municipality, and some of the purported advantages and disadvantages of each form. Furthermore, we will examine several of the statewide trends in the structure of municipal government.

Within the last thirty years, many municipalities have modified the basic structure of city government under which public policies are determined and municipal activities are administered. Several factors may be identified in city government modifications, including the passage of the city administrator law (1969) and the approval of increased home rule powers (1971). Also, as our complex society requires municipalities to assume additional service functions such as economic development, stormwater management, housing and recreation facilities, municipal officials will have to stretch inadequate city revenues by utilizing the most efficient, effective government possible. The form of government is one factor in securing the most efficiency and effectiveness in municipal government operations.

Periodically, civic groups and individual citizens engage in debates on the “best form” of municipal government. In reality, such debates probably are futile because each municipality is unique, with its own traditions, problems and administrative needs. Although the form of government is an important aspect of effective, efficient city administration, many other factors are equally important; including quality of personnel, sound administrative practices, adequate revenues and active citizen participation.

Alexander Pope’s often quoted statement seems applicable.

“For forms of government let fools contest;
Whate’er is best administered is best.”

Nevertheless, the number of modifications in municipal government structures has resulted in an increased need for information on the basic characteristics of each form of government, trends with respect to adoption and rejection of the various forms and specific data on the current use of each form. This publication is in response to that need.

CLASSIFICATION OF MUNICIPALITIES

Municipal officials and the citizens of their respective communities do not have complete discretion on the structure of their municipal government. The Missouri state statutes classify municipalities on the basis of population and limit the form of government options of each classification. The Missouri statutes provide that a community may incorporate as a city of the third class, fourth class or village on the basis of the population at the time of incorporation¹. (See Table A) It should be emphasized that once a community is incorporated under a given classification, the municipality does not automatically change classifications with a gain or loss of population. A municipality may change classification only when the change is approved by a majority vote of the people.

TABLE A

<u>Class</u>	<u>Population Requirement</u>	<u>Total Number</u>
Class 3	3,000 – 29,999 inhabitants	56
Class 4	500 – 2,999 inhabitants	550 (approx.)
Village	fewer than 500 inhabitants	300 (approx.)
Constitutional Charter	more than 5,000 inhabitants	38
Legislative Charter	no requirement	6

FORMS OF GOVERNMENT

Before analyzing in detail the various forms of government, it is necessary to discuss the forms of government permitted for each classification of municipality. (See Table B) Villages are permitted only one form of government – an elected board of trustees, five in number if the village has fewer than 2,500 population and nine if more than 2,500 population. Fourth class cities are permitted to have the mayor-board of aldermen form and the mayor-city administrator form². The board of aldermen may adopt the city administrator form by ordinance, without a vote of the people. Third class cities are granted greater flexibility with the authority to establish the mayor-council form, the council-manager form, the commission form and the mayor-city administrator-council form. Finally, constitutional charter cities may adopt any form of government the people approve in the charter. It would seem that the classification of municipalities and the limitations on the permissible forms of government provide adequate flexibility for the efforts to secure and retain effective, efficient municipal administration.

The legislation authorizing third and fourth class cities to adopt the mayor-city administrator-council form of government increases the flexibility of the governmental structures available to these classes. Although the statutes do not erect significant barriers to effective municipal management, municipal officials should be aware that the state laws do regulate the forms of government available to their municipalities.

TABLE B

<u>Class</u>	<u>Form of Government</u>
Village	Board of Trustees
Fourth	Mayor-Board of Aldermen Mayor-City Administrator-Aldermen
Third	Mayor-Council Mayor-City Administrator-Council Council-Manager Commission
Constitutional Charter	To be decided by the people
Legislative Charter	As set forth in the individual legislative charter

MAYOR-COUNCIL FORM

The mayor-council form (also known as the mayor-board of aldermen form in fourth class cities) is the most common form of municipal government in Missouri, as in other states. (See Table C) There are two types of mayor-council form, the weak mayor-council form and the strong mayor-council form. Under the weak mayor-council form, the mayor does not have a great deal of appointive powers because most of the administrative officials, such as the collector, treasurer and marshal, are elected by the voters. Thus, under the weak mayor-council form, the mayor does not have a great deal of administrative authority because many administrative officials are elected independently and are responsible only to the electorate.

On the other hand, under the strong mayor-council form, the mayor appoints the administrative officials, usually subject to approval by the council, and the administrative officials are directly responsible to the mayor and council. In Missouri, the state statutes permit the election of numerous administrative officers in both third and fourth class cities. Therefore, because many of these officials usually are elected rather than appointed by the mayor, Missouri third and fourth class municipalities with the mayor-council form often have the weak mayor-council variety.

TABLE C

Forms of Government in Missouri Municipalities

Mayor-Council	800* (approx.)
Mayor-Administrator-Council	135
Council-Manager	37
Commission	2

*Includes villages, which have a chairman and board of trustees.

Third Class City Mayor-Council Form

In third class cities with the mayor-council form, the voters elect a mayor to a four-year term, councilmen from wards to two-year terms, ³ and may elect the following officials to two-year terms: city attorney, assessor, collector, treasurer, marshal (except in cities that have adopted a merit system police department) and municipal judge. In 1985, the General Assembly enacted legislation to permit third class, mayor-council cities, by ordinance, to provide that all officers of the city, except the mayor and councilmen, shall be appointed instead of elected.

The mayor has the following specified duties and powers:

- 1) To serve as president of the council;
- 2) To vote in order to break a tie;
- 3) To have superintending control of all officers and affairs of the city;
- 4) To ensure compliance with the city ordinances and any relevant state laws;
- 5) To veto ordinances and resolutions (including all or parts of appropriation bills);
- 6) To direct communications to the council;
- 7) To prepare a written report containing his estimate of necessary appropriations and anticipated revenues;
- 8) To require any city officer to exhibit his accounts and records;
- 9) To sign all commissions and appointments of city officers, both elected and appointed;
- 10) To appoint (with council approval) a street commissioner and other officers authorized by ordinance;
- 11) To remove for cause (with council approval) any elective or appointive officer;
- 12) To enforce all laws and ordinances; and
- 13) To remit fines and forfeitures and to grant reprieves and pardons for offenses against the city ordinances.

The city council has the following specified duties and powers:

- 1) To elect one of its members as president pro tem, who will preside at meetings of the council in the absence of the mayor;
- 2) Along with the mayor, to have care, management and control of the city and its finances;
- 3) To enact any ordinance in conformance with the state constitution and laws;
- 4) To compel attendance of witnesses and the production of papers;
- 5) To override the mayor's veto of an ordinance (requires two-thirds vote

of the elected councilmen);

6) To override the mayor's veto of a resolution or order calling for expenditures of city revenues (requires three-fourths vote of elected councilmen);

7) With mayor's approval, to remove any elective officer (requires two-thirds vote);

8) To publish a semi-annual statement of the municipal receipts, expenditures and indebtedness; and

9) To fix the compensation of all officers and employees of the city.

Fourth Class City Mayor-Council (Board of Aldermen) Form

In fourth class cities with the mayor-council form, the voters elect aldermen from wards to two-year terms⁴ (or to a four-year term if approved by a vote of the people), a mayor and a collector to a two-year term (or to a three or four year term if approved by a vote of the people); and a marshal to a four-year term⁵. The mayor, with the approval of the board of aldermen, has the authority to appoint a treasurer, city attorney, assessor, street commissioner and night watchman, and such other officers as authorized by ordinance. Appointive officers may be removed by the mayor at will with the consent of a majority of all the members of the board of aldermen or without the mayor's approval or recommendation if approved by a two-thirds vote of all the members elected to the board of aldermen. The board of aldermen may provide for the election of the following city officials: municipal judge, city assessor, city attorney, city clerk and street commissioner. Elective officers may be removed from office, for cause shown, by the mayor with the consent of a majority of all the members elected to the board of aldermen, or without the mayor's approval with a two-thirds vote of all members elected to the board of aldermen, but elective officials first must be given an opportunity, together with witnesses, to be heard before the board of aldermen sitting as a board of impeachment.

The mayor has the following specified powers and duties:

1) With the board of aldermen, to have the care, management and control of the city and its finances and to enact any and all ordinances not repugnant to the state constitution and laws for good government of the city and the health of the residents;

2) To vote in case of tie on any matter before the board;

3) To sign or to veto all bills passed by the board;

4) To sign commissions and appointments of all elected and appointed city officials;

- 5) To enforce all laws and ordinances of the city;
- 6) To communicate to the board such measures he believes will tend to improve the finances, police, health, security and general prosperity of the city; and
- 7) To remit fines and forfeitures and to grant reprieves and pardons for violations of city ordinances.

The board of aldermen has the following specified powers and duties:

- 1) To elect an acting president to serve in the absence of the mayor;
- 2) With the mayor, to have the care, management and control of the city and its finances and to enact any and all ordinances not repugnant to the state constitution and laws for good government of the city and the health of the residents;
- 3) To override the mayor's veto of bills with two-thirds of the vote of all the members elected to the board;
- 4) To keep a journal of its proceedings;
- 5) To adopt and enforce rules of order for transaction of board business;
- 6) To publish a semi-annual statement of the receipts, expenditures and indebtedness of the city;
- 7) To compel the attendance of witnesses and the production of papers and records relating to city interests; and
- 8) To fix the compensation of all city officers and employees.

Villages; Chairmen-Trustee Form

Villages are permitted by Missouri statutes to have only one form of government – an elected board of trustees. In villages under 2,500 population, the board of trustees consists of five members, and in villages over 2,500 population, the board may consist of nine members.⁶ The trustees are elected to two-year terms. The trustees select one of their members to serve as chairman and some other person to serve as village clerk. The chairman may vote on any issue before the board and is required to publish a semi-annual financial statement of all receipts and expenditures. The board of trustees is granted statutory authority to pass ordinances in more than forty specified areas.⁷ The board has the power to appoint an assessor, collector, marshal, treasurer and such other officers as may be necessary; to remove them from office; to prescribe their duties; and to fix their compensation. The board may provide by ordinance for either the appointment or election of a municipal judge. The village form of government is relatively easy to chart: the voters elect the board of trustees, which appoints the other municipal officials.

Evaluation of the Mayor-Council Form

The mayor-council form separates legislative and executive powers between the council and mayor respectively. However, a system of checks and balances allows the mayor some legislative functions, such as presiding over meetings of the council and the power to veto council ordinances, while the council is vested with some executive authority, such as approval of the mayor's appointees and adoption of the city budget.

Under the mayor-council form, the mayor is elected at-large by the citizens, rather than by the council from among its members as in the council-manager form. The mayor clearly is the political leader of the community. However, in both fourth class and third class cities with the mayor-council form, the statutes either require or permit the election of a number of administrative officers, such as the city marshal, city collector and city assessor. The election of a number of independent city officials who are responsible only to the electorate weakens the powers and coordinating abilities of the mayor and council. If an elected administrative officer fails to comply with the wishes of the mayor or council, it is difficult to dismiss the official from his position. Many municipalities have replaced elective positions, such as the marshal, with appointive positions that are directly responsible to the mayor and council.

Nevertheless, most Missouri municipalities with the mayor-council form may be classified as relatively weak mayor cities because of the retention of numerous elective administrative officials.

COMMISSION FORM

The commission form of government was initiated in Galveston, Texas, in 1900 after a hurricane and tidal wave disaster brought the necessity for immediate local government action. The governor of Texas appointed five commissioners to govern the community as an emergency measure. The Commission form spread rapidly and reached its peak in 1917 with about 500 municipalities operating under this form. Since 1917, the number of municipalities operating under the commission form has steadily decreased. At the present time, two Missouri municipalities operate with the commission form: Monett and West Plains.

Under the commission form of government, each member of the city council, referred to as the commission, directly heads or supervises an administrative department. Thus, the commissioners serve a dual capacity: as the municipal legislative body, they formulate municipal policy, and as individuals, they serve as administrative heads of the various departments. The voters elect a mayor who presides at meetings of the commission, but the mayor typically does not have significant powers over the operations of the other commissioners' departments.

In Missouri, only third class municipalities are permitted to adopt the commission form of government. In order to adopt the commission form, petitions must be signed equal in number to twenty-five percent of those who cast ballots in the last election for mayor, and then the issue is submitted to the voters at a special election. If the voters approve the commission form, they next elect a mayor and commissioners – four commissioners in cities 10,000 to 30,000 and two commissioners in cities 3,000 to 10,000. The mayor presides at all meetings of the council and may vote on all issues, but he has no power to veto measures.

The commissioners have all executive, legislative and judicial powers and duties possessed by the mayor, city council, city attorney, assessor, treasurer, collector and other administrative and executive officers in cities of the third class. The executive and administrative powers, authority and duties are distributed into the following five departments: public affairs, accounts and finance, public safety, streets and public improvements, and parks and public property. The commission determines the powers and duties of each department. By state law, the mayor must be the superintendent of the department of public affairs, and the commissioners designate one of their members to head the other departments.

The commissioners are authorized to appoint, by a majority vote, the following officers: city clerk, attorney, assessor, treasurer, auditor, engineer, marshal, fire chief, municipal judge and any other officers and assistants deemed necessary for the proper and efficient transaction of city affairs. Any officer or assistant appointed by the commissioners may be removed from office at any time by a majority vote of the members.

Thus, the organization chart for the commission form is relatively simple; the voters elect a mayor and the commissioners who establish municipal policy, administer their respective departments, and appoint the other municipal officials.

Evaluation of the Commission Form

The commission form has been praised for the simplicity of its structure:

- 1) a small commission, elected at large, which serves as the legislative body;
- 2) with each commissioner serving as the head of an administrative department.

Also, the proponents of the commission form observe that it attracts leading business and professional men to serve their city, and thus, raises the prestige of public office. However, other observers point out that the commission form does not make an organizational distinction between the policy formulation function of government and the administrative function. Furthermore, the operation of a municipal department may require a considerable amount of time, executive ability and specialized information. There is no assurance that the elected commissioner will have these skills. Third, under this form, no single commissioner, not even the mayor, has authority over the other commissioners in their administrative capacity. In short, there is no executive head to serve as the mechanism to coordinate the activities of the various departments. Finally, each commissioner may tend to seek increased funds for his particular department without regard to the needs of the other departments.

Although the commissioner form continues to function in two Missouri municipalities, it would appear that the number of cities operating under this form will continue to decrease in both Missouri and the United States as a whole.

COUNCIL-MANAGER FORM

The council-manager form was devised in the early twentieth century in response to a need for full-time, professional city management. In 1908, Staunton, Virginia, created the position of general manager, and in 1912, Sumter, South Carolina, became the first city to operate under a charter provision providing for council-manager government. The council-manager form spread rapidly throughout the United States and the number of council-manager cities continues to increase each year. In Missouri, the first adoption of the council-manager form was by Excelsior Springs in 1922 and the second by Kansas City in 1926. At the present time, thirty-eight Missouri municipalities operate under the council-manager form. The plan has been abandoned three Missouri municipalities – Lebanon in 1946, Hannibal in 1947, Marshall in 1948 and Flat River in 1993. Nevertheless, this form of government has shown slow but consistent growth in Missouri as noted below:

Number of Missouri Cities with Council-Manager
Government 1940-2005

<u>Year</u>	<u>Number of Cities</u>
1940	2
1945	4
1950	12
1955	18
1960	24
1965	27
1970	32
1975	34
1980	35
1985	35
2007	38

CITIES OPERATING UNDER COUNCIL-MANAGER PLAN

<u>City</u>	<u>Population</u>	<u>City</u>	<u>Population</u>
Aurora	7,014	Kirksville	17,304
Berkeley (HR)*	10,063	Maplewood (HR)	9,228
Brookfield	4,769	Marceline	2,558
Cameron	8,312	Maryville	10,581
Cape Girardeau (HR)	35,349	Mexico	11,320
Charleston	4,732	Moberly	13,741
Clayton (HR)	15,935	Neosho (HR)	10,505
Columbia (HR)	88,291	Nevada (HR)	8,607
De Soto	6,735	Olivette (HR)	7,438
El Dorado Springs	3,775	Poplar Bluff	16,651
Ellisville (HR)	9,104	Richmond Heights (HR)	9,602
Excelsior Springs	10,847	St. John (HR)	6,871
Ferguson (HR)	22,406	St. Joseph (HR)	74,707
Gladstone	26,365	Sikeston (HR)	16,992
Hannibal (HR)	17,757	Springfield (HR)	151,580
Hazelwood (HR)	26,206	University City (HR)	37,428
Independence (HR)	114,345	Warrensburg	16,340
Joplin (HR)	45,504	Webster Groves (HR)	23,230
Kansas City (HR)	441,545		

*HR indicates home-rule city.

Generally, the council-manager plan has the following characteristics:

- 1) A small council usually elected at-large.
- 2) All legislative and policy-making functions are located in the council.
- 3) The council employs a professionally trained city manager who is subject to dismissal by the council at any time.
- 4) The manager is responsible for administration, having the power of appointment and removal subject to specified regulations.
- 5) The manager is responsible for the preparation and presentation of the budget to the council.

Under the council-manager form, there is a differentiation between the policy-making function of government and the administrative function. The voters elect the city council, which formulates municipal policy. The council appoints the city manager who is responsible to the council for the administration of the city government. Usually, the councilmen deal with the various city departments only through the city manager. The manager has the responsibility to prepare the city budget for council approval and also to execute the budget after adoption. Under the council-manager plan, the mayor presides over council meetings and serves as the city's ceremonial and political leader but has no administrative authority or veto power. The city manager serves at the discretion of the council, which may hire and fire the manager at will, not merely for cause. The council-manager form provides clear lines of authority and responsibility with the city manager as chief executive officer who can be held strictly accountable for municipal operations.

Council-Manager Form in Missouri

In Missouri, the council-manager form may be adopted in any city of the third class or in any city with a population entitling it to become a city of the third class (more than 3,000 population).⁸ The procedure to adopt the council-manager form requires a petition signed by electors equal in number to twenty-five percent of the votes cast for all candidates for mayor in the last election. After the submission of the petitions, the mayor must call a special election within sixty days. If the council-manager plan is not approved by a majority of voters, the issue may not be resubmitted to the voters for at least one year. Any municipality that has operated under the council-manager form for at least six years may abandon the plan in the following manner:

- 1) Petitions must be signed by at least 25 percent of the voters casting votes for governor in the last preceding general election of the city.
- 2) A special election is called to determine if the city shall continue to operate under the council-manager plan.

- 3) If a majority of the votes cast are against the plan, the city reverts to the form of government it abandoned when the council-manager plan was adopted.

The statutes provide an alternative for third class, council-manager cities.

- 1) The traditional form is a council consisting of five councilmen who are elected at-large to staggered three-year terms.
- 2) A 1985 statute permits a council consisting of five councilmen who are elected from wards and two councilmen who are elected at-large to staggered three-year terms.

A primary election may be held when there are more than two candidates for a vacancy on the council, but the city council may, by ordinance, eliminate the primary election. The city council must elect one of its members as mayor and another as chairman pro tem for a term of one year. The mayor presides at all meetings of the council and has a voice and vote in council proceedings, but no veto power. The mayor is recognized as the official head of the city for legal and ceremonial purposes. When the mayor is temporarily absent or disabled, his duties are performed by the chairman pro tem. The city council must appoint a city manager, city clerk, city assessor and city treasurer, but all other officers and employees of the city must be appointed and discharged by the city manager; however, the council retains power to adopt and modify personnel rules and regulations.

The city manager is the administrative head of city government subject to the direction and supervision of the council. The manager holds his office at the pleasure of the council, or he may be employed for a term not to exceed one year. The city manager must become a resident of the city and shall devote his entire time to the duties of his office. The city manager has the following duties and responsibilities:

- 1) To make all appointments of municipal employees;
- 2) To see that the laws and ordinances are enforced;
- 3) To exercise control of all departments that may be created by the council;
- 4) To attend all meetings of the council with the privilege of taking part in discussions but without a vote;
- 5) To recommend to the council for adoption such measures as he may deem necessary or expedient;
- 6) To prepare and submit the annual budget and to keep the city council fully advised as to the financial condition and needs of the city;
- 7) To prepare and file with the council a monthly itemized statement of receipts

and expenditures of the city;

8) To perform such other duties as prescribed by council action.

Evaluation of the Council-Manager Form

Both supporters and opponents of the council-manager plan voice many arguments to support their positions. The supporters of the council-manager plan claim that:

- 1) The city manager brings professionalism and efficiency to city government;
- 2) The council-manager form provides clear lines of authority and responsibility;
- 3) Continuity is ensured because city employment is based on ability and productivity, rather than on political affiliation;
- 4) Community leaders will be more willing to serve on the city council because the position no longer requires making a multitude of minor decisions;
- 5) The elimination of numerous elective offices will permit a shorter ballot and less voter confusion;
- 6) The complexity of municipal problems requires a trained, full-time manager rather than a part-time, elected administrative head;

The opponents of the council-manager plan claim that:

- 1) The city manager is able to exercise extraordinary authority for a non-elected official;
- 2) The manager is able to influence the decisions of the city council;
- 3) The city council lacks leadership, because all councilmen have equal powers and responsibilities;
- 4) City managers are transient professionals who will move to a better job opportunity; and
- 5) Out-of-town experts are not familiar with local problems and needs.

Despite the various claims and arguments, the council-manager form of government has slowly, but consistently, increased in number in both Missouri and other states. In addition to the gradual growth of the council-manager form, Missouri cities have been authorized by legislative act to adopt another form of government that provides professional city management – the city administrator form.

CITY ADMINISTRATOR FORM

The city administrator form permits municipalities to combine the mayor-council form with a trained, full-time municipal administrator. It enables the mayor and council to delegate specific duties and responsibilities to an appointive city administrator, who is accountable to and serves at the pleasure of the mayor and council. In some municipalities, the functions of the city administrator are performed by an employee entitled “city supervisor” or “city superintendent.”

In 1950, the City of Centralia was the first Missouri municipality to adopt an ordinance establishing the position of city administrator. Centralia officials desired professional city management, but Centralia was a fourth class city and did not have sufficient population to change to third class status.⁹

During the 1960s, a dozen more Missouri municipalities adopted city administrator ordinances, granting various degrees of responsibility to the office. These early adoptions of the city administrator form were brought about by three primary factors:

- 1) Need – the inability of part-time elected officials to administer increasingly complex city governments.
- 2) Legal restrictions – the requirement that fourth class cities adopt only the mayor-council form of government.
- 3) A bias against the council-manager plan in some communities.¹⁰

However, there was no specific legal authority for municipalities to adopt the city administrator form of government. As might be expected, the legality of this form of government was tested in the state courts. In 1967, a group of citizens of the City of Washington questioned the legality of a city ordinance creating the office of city administrator with specific duties, including the power to appoint and dismiss city employees. In 1969, the Missouri Supreme Court issued a decision that questioned the council’s delegation of appointment and dismissal authority to the city administrator because this authority is granted by state law only to the mayor.¹¹ The questionable legal status of the city administrator form soon was clarified by a new state law. In 1969, the Missouri General Assembly passed legislation to permit third and fourth class cities to adopt the city administrator form of government.

Unlike the city manager form, which requires petitions and an election before adoption, the city administrator form is adopted simply by ordinance of the governing body. The city administrator is employed by the governing body with the approval of the mayor. The administrator serves as the chief administrative assistant to the mayor and has general superintending control of the administration and management of city business and municipal employees, subject to the direction and supervision of the mayor. When the governing body adopts a city administrator ordinance, they may provide that all other officers and employees of the city, except elected officers, may be

appointed and discharged by the city administrator, subject to reasonable rules and regulations of the governing body. However, the ordinance may provide that such powers are to be retained by the mayor. Because the ordinance establishing the city administrator form may be amended at any time to eliminate or add to the powers of the city administrator, some professional managers prefer the certainty of the city manager form with the powers specified in either state law or the city charter.

Similar to the city manager, the city administrator serves at the pleasure of the governing body and may be dismissed at any time. The mayor and governing body retain all the powers granted to the city by statute before the adoption of the city administrator form and all ordinances in effect when the city administrator form is adopted remain in force until repealed or altered by the governing body.

At the present time, 135 Missouri municipalities are operating under the city administrator form of government. They are:

<u>City</u>	<u>Population</u>	<u>City</u>	<u>Population</u>
Albany	1,937	Creve Coeur	16,500
Arnold	19,965	Dellwood	5,255
Ashland	2,201	Desloge	4,802
Ballwin	31,283	Des Peres	8,592
Belle	1,324	Dexter	7,430
Belton	21,730	East Prairie	3,227
Bethany	3,087	Eldon	4,895
Black Jack	6,792	Eureka	7,696
Blue Springs	48,080	Farmington	13,924
Boonville	8,202	Fayette	2,793
Branson	6,050	Fenton	4,360
Branson West	408	Festus	9,660
Brentwood	7,693	Foristell	331
Butler	4,209	Forsyth	1,686
Byrnes Mill	2,376	Four Seasons	1,493
Cabool	2,168	Fredericktown	3,928
Camdenton	2,779	Fulton	12,128
Carl Junction	5,294	Garden City	1,500
Carthage	12,668	Glendale	5,767
Cassville	2,890	Grain Valley	5,160
Centralia	3,774	Grandview	27,242
Chaffee	3,044	Hallsville	978
Charlack	1,431	Harrisonville	10,000
Chesterfield	46,802	Hermann	2,674
Chillicothe	8,968	Higginsville	4,682
Clinton	9,311	Hillsboro	1,675
Concordia	2,360	Hollister	3,867
Cottleville	1,928	Houston	1,992
Country Club Hills	1,381	Innsbrook	469
Crestwood	11,863	Jackson	11,947

<u>City</u>	<u>Population</u>	<u>City</u>	<u>Population</u>
Jefferson City	39,636	Richland	1,805
Jonseburg	695	Richmond	6,116
Kearney	6,313	Riverside	2,979
Kimberling City	2,253	Rock Hill	4,765
Kirkwood	27,324	Rock Port	1,395
Knob Noster	2,462	Rogersville	1,508
La Plata	1,486	Rolla	16,367
Lake Ozark	1,489	St. Peters	51,381
Lake Saint Louis	10,169	St. Robert	2,760
Lamar	4,425	Ste. Genevieve	4,476
Lathrop	2,092	Savannah	4,762
Lawson	2,336	Scott City	4,591
Lebanon	12,155	Sedalia	20,339
Lee's Summit	82,528	Shelbina	1,943
Liberty	26,232	Shrewsbury	6,644
Macon	5,538	Smithville	5,514
Manchester	19,161	Stanberry	1,243
Marshall	12,433	Sugar Creek	3,839
Marshfield	5,720	Sullivan	6,351
Maryland Heights	25,756	Town and Country	10,894
Monroe City	2,588	Trenton	6,216
Montgomery City	2,442	Union	7,757
Mount Vernon	4,017	Vandalia	3,863
Mountain Grove	4,574	Washington	13,243
New Madrid	3,334	Waynesville	3,507
Nixa	12,124	Webb City	9,812
Normandy	5,153	Weldon Spring	5,270
North Kansas City	4,714	Wentzville	15,000
Northwoods	4,643	West Plains	10,866
Oak Grove	5,535	Wildwood	32,884
Odessa	4,818	Willow Springs	2,147
O'Fallon	66,000	Winchester	1,651
Osage Beach	3,662		
Ozark	9,665		
Pacific	5,482		
Park Hills	7,861		
Parkville	4,059		
Peculiar	2,604		
Perryville	7,667		
Platte City	3,866		
Plattsburg	2,354		
Pleasant Hill	5,582		
Raymore	11,146		
Raytown	30,388		
Republic	8,438		

The various city ordinances include a wide variety of powers, duties and qualifications of the city administrators. Some administrators have the qualifications and powers of city managers, and others serve as an assistant to the mayor without the power to appoint and dismiss city employees.

Evaluation of the City Administrator Form

The growth of the city administrator plan seems to be a response to two needs in municipal government – the need for leadership from a strong mayor who is elected directly by the people and the need for full-time, professional city management. There are a number of differences between the city manager form in third class cities and the city administrator form, including:¹²

- 1) The city manager form must be adopted after a petition and a popular election, while the city administrator form may be adopted by ordinance of the governing body;
- 2) The city manager plan may be adopted only by third class cities; the city administrator form may be adopted by either third or fourth class cities;
- 3) Under the city manager plan, the council elects the mayor from among their members; under the city administrator form the mayor is elected directly by the people;
- 4) Under the city manager form, the mayor has no greater power and authority than any member of the council; under the city administrator form, the mayor has all powers and authority conferred by statute on mayors of that particular class of city, including the power to veto ordinances passed by the governing body;
- 5) The powers and authority of the city manager are set by state statute; the powers and authority of the city administrator are set by the ordinance establishing this form of government.

While the manager-council form has shown slow growth in Missouri, the city administrator form has experienced more rapid growth and probably will continue to increase in number because of the large number of relatively populous fourth class cities and the ease of adoption in both third and fourth class cities.

CONSTITUTIONAL CHARTER CITIES

In 1875, the Missouri Constitution led the nation in providing that the state's largest municipalities could provide their own structure of government by drafting home rule charters for approval by the voters. For many years, St. Louis and Kansas City were the only constitutional charter cities in the state. In 1946, the voters approved a constitutional amendment to permit home rule status for municipalities over 10,000 population. Between 1946 and 1971, twenty municipalities drafted and adopted home rule charters, in addition to the previously adopted charters in St. Louis and Kansas City. In 1971, the voters approved another amendment that broadened home rule powers and lowered the population requirement from 10,000 to 5,000. The amendment provided that:

“Any city which adopts or had adopted a charter for its own government, shall have all powers which the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution of this State and are not limited or denied either by the Charter so adopted or by statute. Such a city shall, in addition to its home rule powers, have all powers conferred by law.”

The thirty-eight constitutional charter or home rule cities have selected a wide variety of governmental structures. Although the majority of home rule cities have adopted the council-manager form, others provide for the mayor-council form or the mayor-city administrator-council form.

CONSTITUTIONAL CHARTER CITIES

<u>City</u>	<u>Population</u>	<u>Form</u>
Berkeley	10,063	Council-Manager
Blue Springs	48,080	Mayor-City Administrator-Council
Bridgeton	15,550	Mayor-Administrative Assistant-Council
Cape Girardeau	35,349	Council-Manager
Carthage	12,668	Mayor-City Administrator-Council
Clayton	15,935	Council-Manager
Columbia	88,291	Council-Manager
Crestwood	11,863	Mayor-City Administrator-Council
Creve Coeur	16,500	Mayor-City Administrator-Council
Ellisville	9,104	Council-Manager
Ferguson	22,406	Council-Manager
Florissant	52,006	Mayor-Council
Fulton	12,128	Mayor-Director of Administration-Council
Hannibal	17,757	Council-Manager
Hazelwood	26,206	Council-Manager
Independence	114,345	Council-Manager
Jefferson City	39,636	Mayor-City Administrator-Council
Joplin	45,504	Council-Manager

<u>City</u>	<u>Population</u>	<u>Form</u>
Kansas City	441,545	Council-Manager
Kirkwood	27,324	Mayor-Chief Administrative Officer-Council
Lee's Summit	82,528	Mayor-City Administrator-Council
Maplewood	9,228	Council-Manager
Neosho	10,505	Council-Manager
Nevada	8,607	Council-Manager
Olivette	7,438	Council-Manager
Palmyra	3,467	Mayor-Council
Raymore	11,146	Mayor-City Administrator-Council
Republic	8,764	Mayor-City Administrator-Council
Richmond Heights	9,602	Council-Manager
Sikeston	16,992	Council-Manager
St. Charles	60,321	Mayor-City Administrator-Council
St. John	6,871	Council-Manager
St. Joseph	74,707	Council-Manager
St. Louis	348,189	Mayor-Board of Aldermen
Springfield	151,580	Council-Manager
University City	37,428	Council-Manager
Webster Groves	23,230	Council-Manager
Wildwood	32,884	Mayor-City Administrator-Council

CONCLUSION

Although it is not possible to identify “the best form” of municipal government, it is possible to identify trends in municipal government in Missouri. In recent years, there has been a significant increase in the number of mayor-city administrator-council cities, but the majority of Missouri cities have retained the mayor-council form. It seems clear that the city administrator law (1969) and the home rule amendment (1971) provide each municipality with flexibility in deciding on the most appropriate form of government for its particular situation and needs. The larger selection of legally sanctioned forms of government requires municipal and civic leaders to examine their present structure of government and to consider potential modifications and improvements.

ENDNOTES

¹ From 1821 to 1875 the Missouri General Assembly passed special legislative charters for specific cities, until the 1875 Constitution prohibited further granting and amending of special legislative charters. However, six Missouri municipalities still are operating under special legislative charters granted before 1875. They are Carrollton, Chillicothe, La Grange, Liberty, Miami and Pleasant Hill. If the voters of these municipalities decide to relinquish their special charters, they will be governed by the appropriate sections of the statutes relevant to their population classification.

² These forms are explained in detail in later sections.

³ The city is divided into at least four wards and has a choice of electing either one or two councilmen from each ward.

⁴ The city is divided into at least two wards and two aldermen are elected from each ward. In 1998, the legislature allowed fourth class cities the option of a four-year term for members of the board if approved by a vote of the people.

⁵ The board of aldermen may provide by ordinance, after approval by the voters, for the appointment of a collector and for the appointment of a chief of police who shall perform the duties of the marshal as required by law.

⁶ The number is determined by a vote of the residents.

⁷ Section 80.090 RSMo.

⁸ The council-manager form may be adopted by constitutional charter cities, but this aspect is discussed in another section.

⁹ As mentioned previously, Missouri statutes do not permit fourth class cities to adopt the council-manager plan.

¹⁰ Dohm, Richard R., "A New Form of Government for Missouri Cities," *Missouri Municipal Review*, January 1970, p.8.

¹¹ *A.R. Pearson et al. v. City of Washington*, S.W. 2d 756, (April, 1969).

¹² This discussion does not apply to the city manager form as adopted by constitutional charter cities, because of the flexibility and lack of uniformity among the various existing charters.