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# Knowing Your Forms of Government

## Understanding Structures and Functions in Local Governance

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### Field Services Managers



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Field Services Manager

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Upstate Region

Field Services Manager

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Coastal Region

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**Civility. Respect. Solutions.**

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### Pillars of Civility

- Be as eager to listen as to speak.
- Consider what you have to communicate and what represents you.
- Act as you would expect someone to act in your place.
- Make your voice an example for other people who follow.
- Ask those to participate. Go to where you don't always go.
- Ask questions to learn. Answer questions with respect.
- Concentrate on facts, not emotions.
- Ask "what will someone perceive if this doesn't get what we think is great news?"
- Make your plans about the future, not the present.

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## Forms and Powers of Government

### *Municipal Government In S.C.*

- FOG established by the Local Government Act of 1975, known as the Home Rule Act
- Home Rule Act granted municipal and county governments expanded powers
- Act clearly states local governments are units of state government

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## Forms and Powers of Government

### *Policy vs. Administration*

Two distinct areas of functional responsibility in local governments regardless of the form

1. Policy
  - Policy = Council
  - The “What” and “Why” of issues
2. Administration
  - Administration / Operations = Staff
  - The “How”, “When” and “Where” of issues

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## Forms and Powers of Government

### *What Distinguishes The FOG*

The major difference is where the executive and administrative powers and responsibilities of the local government are vested

- The legislative function remains with the council under all forms of municipal government
- Powers, roles and responsibilities exercised by the mayor, council and chief administrative officer (CAO) differ among FOG

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## Forms and Powers of Government

### *Municipal Government In S.C.*

General Information

- 271 municipalities
- Most are very small (122 less than 1,000, 206 less than 5,000 and 230 less than 10,000 in population)
- Great variation in population and complexity of municipal governments

Three Authorized Forms

- Mayor-Council - 135 (85 under 1K, 3 over 25K)
- Council - 102 (36 under 1K, 3 over 25K)
- Council-Manager – 34 (1 under 1K, 11 over 25K)

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## Forms and Powers of Government

### ***Mayor Council Form***

#### General Information

- Most utilized form of municipal government in S.C. (135 of 271)
- Often called the strong mayor form because the Mayor is granted by state law the right to exercise legislative as well as executive and administrative authority

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## Forms and Powers of Government

### ***Mayor Council Form***

#### Council Powers

- Serves as legislative body
- Determines policy for municipality
- Appoints:
  - City Attorney
  - City Judge
  - Municipal Clerk
- Approves annual budget

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## Forms and Powers of Government

### ***Mayor Council Form***

#### Mayor's Powers

- State statute designates mayor as presiding officer
- Serves as chief executive officer (CAO) and is responsible for:
  - Preparation, administration and reporting of the budget and financials to council
  - Oversight of city depts and all day to day operations
  - Responsible for all personnel decisions except as otherwise provided by law and council

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## Forms and Powers of Government

### *Mayor Council Form*

Mayor's Powers

- Votes as a member of council
- Presides over meetings of council
- Makes annual financial reports to public and council
- Reports to council on the operations of departments
- May hire an Administrator with Council's approval
- Insures the faithful execution of laws

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## Forms and Powers of Government

### *Council Form*

General Information

- Second most used form of municipal government in S.C. (102 of 271 municipalities)
- Sometimes called the weak mayor form which refers to the Mayor's lack of formal executive authority
- No separation of powers between the executive and the legislative functions
- Often called governance by committee because of shared powers

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## Forms and Powers of Government

### *Council Form*

Council Powers

- Exercises all legislative and administrative functions
- Establishes all departments and agencies of the municipal government
- Appoints:
  - Municipal Clerk
  - City Attorney
  - City Judge
  - All Employees
- May hire an administrator whose duties should be defined by ordinance of council
- Responsible for adopting balanced budget



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## Forms and Powers of Government

### ***Council Form***

#### Mayor's Powers

- Performs administrative duties only if authorized by council
- Presides at meetings of council by tradition, not statutory authority
- May exercise "informal" authority as leader of council/staff and as spokesperson for the council

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## Forms and Powers of Government

### ***Council Form***

#### CAO's Powers

- The chief administrative officer, if appointed by council, is called an administrator
- Administrator's authority may vary from city to city
- The administrator's powers are limited to those specifically delegated and prescribed by council

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## Forms and Powers of Government

### ***Council Manager Form***

#### General Information

- Third most used form of municipal government in S.C. (34 of 271 municipalities)
- The Council and Mayor are forbidden by law from interfering with the operation of the departments, offices and agencies under the direction of the manager
- No direct involvement in the hiring and firing of employees under the manager or directly dealing with or giving orders to those employees

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## Forms and Powers of Government

### ***Council Manager Form***

#### Council Powers

- Serves as the legislative body
- Determines all municipal policies
- Appoints:
  - City Manager
  - City Attorney
- City Judge
- Responsible for adopting balanced budget

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## Forms and Powers of Government

### ***Council Manager Form***

#### Mayor's Powers

- No formal authority under state law beyond that of serving as a member of council
- Presides at meetings of council by tradition, not statutory authority
- May exercise "informal" authority as leader of council/staff and as spokesperson for the council

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## Forms and Powers of Government

### ***Council Manager Form***

#### City Manager's Powers

- The city manager serves at the pleasure of council
- State statute defines the powers of the city manager
- The city manager serves as the chief executive officer and head of the administrative branch
- Empowered to appoint, remove and fix the salary of all employees

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## Forms and Powers of Government

### ***Council Manager Form***

#### City Manager's Powers

- Prepares, submits to council and then upon approval, administers a balanced budget
- Prepares an annual financial report to council and advises council of the financial condition of the municipality
- Implements policies through administrative control of all departments, offices and agencies
- Appoints municipal clerk



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## Forms and Powers of Government

### ***Council Manager Form***

#### City Manager's Powers

- Recommends appointment to boards
- Advises council on the creation, change or abolition of departments
- Designates a temporary manager in his or her absence
- Performs any other duties prescribed by law or required by council

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## Forms and Powers of Government

### ***Change Form of Government***

- May only be implemented with approval of the voters via referendum
- Ordinance Method
  - The municipal council calls for referendum by ordinance
- Petition Method
  - Requires the signatures of at least 15% of the municipality's qualified electors
- Another referendum to consider a change in FOG may not be held for another 4-years following the vote

- ☐ What are the risks of role confusion during a crisis?
- ☐ How could clearer structure and communication have helped?



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## Case Study 1: “Who’s in Charge Here?”

The City of Love has just experienced major flooding. Residents are demanding immediate action. The mayor holds a press conference promising emergency

- ❑ Who holds the executive authority in this situation?



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## Case Study 2: “The Budget Blame Game”

The city is facing a budget shortfall. The finance director proposes cuts to community programs. The mayor wants to protect public safety funding, while the council wants to increase utility fees instead. Residents are angry, and staff morale is dropping. Who decides what?

- ❑ Who drives the budget process under each form of government?
- ❑ What role should staff play in presenting options versus making recommendations?
- ❑ How do politics and governance intersect during difficult financial decisions?



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## Forms and Powers of Government Resources



S.C. Code of Laws Title 5  
Chapters 5,9,11,13

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**Knowing Your Forms of**

Understanding Structures and  
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Thank you!



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