



TO: Framingham Charter Commission

FROM: Tanya Stepasiuk, Edward J. Collins, Jr. Center for Public Management

DATE: July 28, 2016

RE: Manager/Mayor Considerations

You asked the Collins Center to present some information regarding the different considerations the Charter Commission might take into account when deciding upon a Mayor or a Manager for the charter.

The following chart represents elements the Commission might consider:

Item	Mayor	Manager
Appointment/Election	Elected by voters.	Appointed by Council.
Residency	Must be a resident of the city.	May come from anywhere. Charter may include a residency requirement.
Qualifications	None, but determined by popularity among voters.	The council can look for someone with the specific qualifications the municipality wants at that point. General qualifications may be put into charter.
Accountability	Accountable only to the voters (election or recall).	Accountable to the Council. Council may review performance on a regular basis.
Relationship with Council	Dependent upon the circumstances. Acts independently of council in most cases.	Appointed by and can be dismissed by the Council.
Veto Power	Can typically veto certain Council actions.	Has no veto power.
Term	Unless term-limited, serves in increments of terms until voted out of office or leaves office.	Manager may serve a long tenure or may be terminated by the Council at any point. Other limiting factors can be put in employment contract.
Future Planning	Mayor may have a vision, but must be able to execute within his or her tenure. May be less likely to make tough short-term decisions with long-term benefits.	Manager might have the ability to plan for future issues, but may not have a mandate from the people or the power to execute a vision.

Political Aspects	Generally more political as an elected official. Some time may be spent campaigning for subsequent terms.	Typically not seen as political, but rather managerial. No time spent campaigning.
Power Elements	Generally more powerful than a manager. May have more clout outside of the city. Only beholden to the voters.	Generally less formal power than a Mayor. Power generally rests with personality, relationship building, or given by the council.
Trends	Becoming less popular across the country. However, very common in larger cities in Massachusetts.	Becoming more popular around the country.

The following questions may help inform a discussion of the issue:

1. Is it important for Framingham to have a leader who is from the community, is deeply connected to it, and will remain significantly involved with all aspects of it (beyond the specific work of city government itself)?
2. Is Framingham more likely to need someone over the long-term who will focus primarily on the mechanics and management of the city government, and will not participate to a significant degree in the community outside the realm of the city government?
3. Does Framingham have a culture and tradition that produce first-rate leaders (whether in government, business, non-profits, or any other realm) and that would make it possible for them to be competitive candidates for a mayoral position?
4. Would combining political and managerial leadership in one person create a position that feels too strong for Framingham?
5. Would the idea of appointing a highly-qualified and experienced manager who was outsider with little knowledge of the community be unacceptable to the majority of the public?
6. Is Framingham politically polarized along some axis that would make mayoral elections more a fight between political factions than a contest over which candidate is going to be more competent, has more valuable experience, and provides a better vision for the city?
7. Are there neighboring cities with one or the other form of government that the public would be likely to use to inform their opinions (positive or negative) about a mayoral form or a manager form?

While most cities in Massachusetts have either a “Strong” Mayor or a Manager, there are a few variations that are worth mentioning.

A “Weak-Mayor.” A weak Mayor system is found only in Worcester, Lowell, and Cambridge in Massachusetts, but found in other cities such as Minneapolis, Sacramento, Phoenix, and Dallas. In a weak-mayor system, the mayor has little or no formal authority outside of the council; the mayor cannot appoint or remove officials, and lacks veto power over council votes. The administrative elements of the city are handled by a city manager. Often the Mayor is not elected directly by the voters, but by the City Council itself. However, Worcester does have a form of government in which the Mayor is elected by popular vote, and the City Council appoints a manager.

Chief Administrative Officer. Some cities have been concerned that a Mayor might not bring the necessary administrative expertise to the office. Newton has drafted a provision requiring a Chief Administrative Officer with certain qualifications to attempt to ensure that a person with certain qualifications is hired by the Mayor for this function.

Newton's proposed language:

The mayor shall appoint a chief administrative officer to coordinate and direct the operations of the various departments and functions of municipal government. The chief administrative officer shall serve at the pleasure of the mayor and be appointed on the basis of having strong administrative and executive qualifications or such other qualifications and shall be especially fitted by education, training and experience to perform the duties of the office.

How the Executive Articles Would Differ:

A main difference in the executive article within charters is typically how they approach the duties and responsibilities of the executive. Mayor articles are rather broad with generalizations rather than specific roles. Many of the duties and responsibilities are found within other articles such as the budget and administrative organization articles.

We have attached the executive articles of two cities with Managers (Chelsea and Barnstable) and two cities with Mayors (Newton's current draft version and Northampton). Some of the sections are similar (temporary absence, delegation of power), but others are distinct based upon the choice of Manager or Mayor. Manager articles usually have an articulated list of powers and duties, a section regarding qualifications, and a detailed section on removal. A Mayoral article would include detailed directions for a vacancy. Generally, these are common sections found in each of the types of articles:

- Manager
 - a) Appointment (how made), qualifications (negotiating contract, etc.)
 - b) Powers of appointment
 - c) Administrative Powers and Duties (usually very detailed)
 - d) Compensation
 - e) Vacancy
 - f) Temporary Absence
 - g) Powers of temporary city manager
 - h) Annual review
 - i) Removal (usually detailed)
- Mayor
 - a) Qualifications, term, compensation, etc.
 - b) Executive powers – usually broad, general
 - c) Appointment power
 - d) Temporary appointments
 - e) Communications, special meetings

- f) Approval, veto
- g) Temporary absence
- h) Delegation of authority
- i) Vacancy