

Chapter 4

County and City Managers

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In North Carolina, local governments may operate under different forms of government: (1) a county–manager or council–manager form; (2) a mayor–council or county commissioner form; or (3) an alternative form that complies with state law. While a county may choose to adopt the county–manager model, if the county board of commissioners takes no action in this respect, it then operates without a county manager under the authority of Section 153A-76 of the North Carolina General Statutes (hereinafter G.S.), which permits the board to organize county government however it wishes, consistent with the law. Similar provisions (G.S. 160A-101(9), 160A-146) govern cities in their selection of an organizational form. Under the mayor–council form of government (discussed in detail in Chapter 3, “County and City Governing Boards”), the governing board is not required to employ a professional manager, but it may do so. Any county or city that has not adopted the council–manager/county–manager form may hire an “administrator,” whose duties might not include all of those granted by statute to the manager but may be prescribed by the governing body.

This chapter focuses on local governments that have adopted the county–manager or council–manager forms of government. As used in this chapter, the term *council–manager* includes both forms.

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Council–Manager Form of Government under North Carolina Law

North Carolina’s laws authorizing the council–manager form of government, like those of most states, drew on the provisions contained in the National Municipal League’s (now the National Civic League) *Model City Charter*. The key provisions of the General Statutes relating to county and city managers are discussed in more detail below.

The County Manager

The powers and duties of the county manager specified in G.S. 153A-82 are fairly typical of those found in most state statutes and are, by and large, consistent with the general elements of the council–manager plan in North Carolina. The Introduction and first subsection of the law read as follows:

§ 153A-82. Powers and duties of manager.

The manager is the chief administrator of county government. He [or she] is responsible to the board of commissioners for the administration of all departments of county government under the board’s general control and has the following powers and duties:

- (1) He [or she] shall appoint with the approval of the board of commissioners and suspend or remove all county officers, employees, and agents except those who are elected by the people or whose appointment is otherwise provided for by law. The board may by resolution permit the manager to appoint officers, employees, and agents without first securing the board’s approval. The manager shall make his [or her] appointments, suspensions, and removals in accordance with any general personnel rules, regulations, policies, or ordinances that the board may adopt. . . .

Hiring, Firing, and Disciplinary Powers

Unlike the city manager in North Carolina, the county manager does not have automatic statutory authority to hire, fire, and discipline all employees not otherwise appointed by the governing board. The county manager may perform these actions only with the approval of the board of county commissioners, unless the commissioners take affirmative action to grant the county manager the power to do so without their approval.

The manager’s hiring and firing authority does not extend to administrative officers who are elected by the citizens or to those who are appointed by authorities other than the commissioners. In addition, the board appoints the county clerk, the county attorney, the tax assessor, and the tax collector. Thus, county managers preside over an administrative apparatus in which they have less authority of appointment and removal than city managers. County managers are obligated to exercise whatever authority of appointment and removal they do have in accordance with personnel rules and regulations adopted by the board of commissioners.

Administrative Authority

Under G.S. 153A-82(2), the county manager

. . . shall direct and supervise the administration of all county offices, departments, boards, commissions and agencies under the general control of the board of commissioners, subject to the general direction and control of the board.

This provision makes the county manager responsible for supervision of county operations in accordance with whatever laws, regulations, policies, direction, and guidance are decided upon by the board of commissioners. The commissioners’ control is meant to be general in nature, leaving the manager to exercise professional judgment as to how to carry out the board’s intent. This can be a difficult line to draw, and its actual practice varies from county to county, depending on a variety of factors, such as tradition, confidence in the person who serves as manager, individual personalities and styles, and the issues involved.

Because other individuals elect or appoint several key department heads, and because, as stated above, the commissioners usually appoint the county clerk, attorney, tax assessor, and tax collector (and in many counties the finance

director), the extent of a county manager’s authority over the administrative apparatus for which he or she is responsible is not always clear. To be successful, North Carolina county managers have to be more tolerant of ambiguity in their authority and more facilitative rather than directive in their management styles than their counterparts in North Carolina cities.

Duties Related to Governing Body Meetings

Under G.S. 153A-82(3), the county manager (or his or her designee)

... shall attend all meetings of the board of commissioners and recommend any measures that he [or she] considers expedient.

This provision acknowledges that one of the manager’s fundamental responsibilities is to give professional advice and counsel to the commissioners in their deliberations or, at the very least, to ensure that the board has access to and understands the information it needs to make informed choices in the matters coming before it. The expectation is that the commissioners will be able to access the advice of the manager or the manager’s designee any time they gather. Most managers will not miss a meeting if they can help it and will be careful to secure the concurrence of the chair or the entire board if they must be absent. They will also make sure that an assistant or other designee chosen to act in their place is fully able and prepared to give the board the support it needs.

Oversight Regarding Proper Execution of Orders, Ordinances, etc.

Subsection (4) of G.S. 153A-82 mandates that the manager

... shall see that the orders, ordinances, resolutions, and regulations of the board of commissioners are faithfully executed within the county.

This general supervisory role of the manager is self-explanatory.

Financial Duties

The manager’s financial duties are addressed in G.S. 153A-82(5) and (6):

- (5) He [or she] shall prepare and submit the annual budget and capital program to the board of commissioners.
- (6) He [or she] shall annually submit to the board of commissioners and make available to the public a complete report on the finances and administrative activities of the county as of the end of the fiscal year.

In a county that adopts the county–manager form of government, the manager is also the budget officer (G.S. 159-9) and is required by G.S. 159-11 to prepare a budget for consideration by the commissioners in whatever form and detail the board might specify. This is, of course, a *recommended* budget and capital program; the commissioners may modify these items as they wish before adopting the budget ordinance (see Chapter 20, “Budgeting for Operating and Capital Expenditures”). Further, in addition to the statutorily required annual report (see G.S. 153A-82(6), above), the manager commonly makes periodic financial and administrative reports to the commissioners throughout the fiscal year.

Reports and Miscellaneous Duties

The county manager must, under G.S. 153A-82(7),

... make any other reports that the board of commissioners may require concerning the operations of county offices, departments, boards, commissions, and agencies.

The eighth and final subsection of G.S. 153A-82 is a “catch-all,” requiring that the manager

... perform any other duties that may be required or authorized by the board of commissioners.

The City Manager

The powers and duties of the city manager are specified in G.S. 160A-148. Unless otherwise noted, they are similar to those of county managers. The introduction and first subsection of the statute read as follows:

§ 160A-148. Powers and duties of manager

The manager shall be the chief administrator of the city. He [or she] shall be responsible to the council for administering all municipal affairs placed in his [or her] charge by them, and shall have the following powers and duties:

- (1) He [or she] shall appoint and suspend or remove all city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the city attorney, in accordance with general personnel rules, regulations, policies, or ordinances as the council may adopt.

Hiring and Firing Powers

As indicated in Chapter 3, the laws of North Carolina provide that the city council is to appoint a city attorney. Appointment of a city clerk is also a statutory requirement. Some city charters authorize the council to appoint the clerk, others specify that the manager makes this appointment, and still others are silent on the matter. In all cities, the clerk performs duties for the council, but some clerks report to the council and others to the manager.

A few council–manager cities have charters that require the council to appoint the chief of police, a very high-profile and sensitive position. The General Statutes provide for the council to appoint the tax collector, if such position exists, although some charters authorize the manager to make this appointment. Otherwise, except for these council appointments, the manager is responsible for the hiring, the disciplining, and the removal of all administrative personnel. Managers consider this authority to be of the utmost importance, because if the council is to hold them responsible and accountable for the performance of administrative units, they feel that they must, in turn, have hiring and firing authority over personnel directly responsible for the units' work. An important qualification to this authority of city managers is that it must be exercised in accordance with whatever personnel rules the council adopts.

Administrative Authority

G.S. 160A-148(2) states that the city manager

. . . shall direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the council, except as otherwise provided by law.

This language reflects the long-standing prohibition in the *Model City Charter* (referenced on page 54, above) on “Interference with Administration,” which provides that council members should deal with employees through the city manager. To make sure that the non-interference tenet is honored, some managers have insisted that there be no contact between employees and council members without their permission. However, this can prove frustrating for everyone involved: employees may feel as if they are being deprived of their citizenship, the manager might find that he or she has to devote too much time to managing communications traffic, and council members could come to regard the contact-only-with-permission rule as unduly restrictive of their ability to keep track of the pulse of government or to get simple information. Most managers find it effective to have an understanding that prevents the council from issuing directives to employees but allows council members to freely seek information and keep up with employees' activities and outlooks. Managers also expect that employees will keep them informed of contacts with council members.

Research conducted in 2005 found that the charters of nine of the twenty-eight largest municipalities in North Carolina contained “work through the manager” language, while the remaining charters were silent on the matter of council–staff relations. In the latter cities, there was either an informal unwritten policy or no policy at all. The majority of managers interviewed in the 2005 survey agreed that the norm applicable to their city could be best described as “direct communication between council members/mayor and city employees is neither strongly discouraged nor prohibited, but city employees are advised to inform a supervisor when contacted by council members/mayor.” They

also stated that violations of the council member/staff contact policy or norm seldom occurred. More than three-fourths of the managers indicated that their councils were respectful of the manager’s role as chief executive officer and that their city’s policy on council member/staff contact was “about right.” Reflecting the changing times, one manager stated: “Twenty-five years ago managers wanted everything to go through the manager’s office, and that’s just not practical today.”¹

Miscellaneous Duties

The remaining subsections of G.S. 160A-148, which outline various other city manager responsibilities, are reproduced below.

- (3) [The manager] shall attend all meetings of the council and recommend any measures that he [or she] deems expedient.
- (4) [The manager] shall see that all laws of the State, the city charter, and the ordinances, resolutions, and regulations of the council are faithfully executed within the city.
- (5) [The manager] shall prepare and submit the annual budget and capital program to the council.
- (6) [The manager] shall annually submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year.
- (7) [The manager] shall make any other reports that the council may require concerning the operations of city departments, offices, and agencies subject to his [or her] direction and control.
- (8) [The manager] shall perform any other duties that may be required or authorized by the council.

Origins and Reasons for the Growth of the Council–Manager Form

History—North Carolina

North Carolina has a long tradition of using professional managers to assist elected leaders in governing their respective communities and generally ensure that local governments operate efficiently and effectively. In 1917, Catawba and Caldwell counties each secured authorization by special acts of the General Assembly to appoint a county manager, although neither did so at the time.² In that same year, Buncombe County designated the chair of the board of commissioners as a full-time manager.³ In 1927, following the success of a general law allowing cities to determine their form of government by local action, the General Assembly passed similar legislation to allow counties to choose their form of government without special legislation.⁴ In 1929, Robeson County became the first county in the United States to adopt the county–manager form,⁵ and in 1930, Durham County became the second.⁶

1. Parker Wiseman, “Examining Council Contact with Subordinate Staff in Large and Mid-Size North Carolina Municipalities,” a paper submitted to the faculty of The University of North Carolina at Chapel Hill in partial fulfillment of the requirements for the degree of Master of Public Administration, March 11, 2005.

2. 1917 N.C. Pub.-Local Laws ch. 433 (Catawba); 1917 N.C. Pub.-Local Laws ch. 690 (Caldwell). More than two decades later, at its organizational meeting in 1936, the Catawba Board of County Commissioners, having decided that the county needed an executive to manage county affairs when the board was not in session, voted to hire Nolan J. Sigmon as county accountant with the intention of making him county manager. In March 1937, the commissioners passed a resolution adopting the county–manager form, which had by then been authorized by Chapter 91 of the Public Laws of 1929 (now Chapter 81 of the North Carolina General Statutes (hereinafter G.S.)), and appointed Sigmon to the post of county manager.

3. This arrangement continued until December 1984, when the offices of county manager and chairman were separated pursuant to special legislation passed by the 1983 session of the General Assembly (1983 N.C. Sess. Laws ch. 129). This arrangement continues in effect today.

4. 1927 Pub. Laws ch. 91, §§ 5–8, modified and recodified in 1973; now G.S. 153A-81 (adoption of county manager plan; appointment or designation of manager) and 153A-82 (powers and duties of manager).

5. Robeson is the only county in the United States to have had the appointed-manager form of government continuously since the late 1920s.

6. The International City/County Management Association (ICMA) lists Durham County as having adopted the form in 1930.

Although they were ahead of their counterparts in other states, North Carolina counties were more cautious than cities in adopting this new form of government: Until 1960, only nine counties had used the general law to appoint county managers, and three other counties elected commissioners to serve in the capacity of county manager.⁷ By 1970, thirty-five counties were using the county–manager form, and by 1980, eighty-two had adopted it. Today, all of North Carolina’s 100 counties employ a full-time professional county manager.

The cities of Hickory and Morganton first adopted the council–manager plan as part of their charters in 1913, just one year after the first charter adoption of the plan in the country by Sumter, South Carolina. Another twenty-three North Carolina cities had adopted the plan by 1940, and two or three more adopted it each year from the 1940s through the 1960s. Between 1994 and 2002, twenty-four additional cities adopted the council–manager plan, while the number operating under the mayor–council form decreased by three cities.

By 2012, all but thirty-six of the 222 North Carolina cities with populations exceeding 2,500 had appointed a manager under their charters, including all of the thirty-four largest cities in the state. Small communities (with populations of less than 2,500) seem to favor the mayor–council form (see Chapter 3).

History—Generally

Exactly when did this growth in professional management begin? The form of government where there is a professional manager who is accountable to elected officials first appeared in the United States a century ago. It was created as part of a reform effort to eliminate the corruption in American local government that existed at the time. Nineteenth-century Jacksonian democracy—with its aversion to concentrated power in government—had created a system (the so-called long ballot) in which popularly elected officials filled not only the most critical administrative positions in government, but many others as well. Few of these officials had the requisite skills or incentives to cooperate with other officials to run an efficient or effective government.

This system created a leadership void that was quickly filled by party machines, whose political bosses controlled and manipulated voting. In return for delivering the vote, political bosses told elected officials how to run local operations, usually in a way that enriched them and their friends. Public affairs were organized and conducted on the basis of personal favors, political deals, and private profit. Party machine politics resulted in much inefficiency, laid waste to local government treasuries, and became a blatant affront to notions of a broader public good as the guiding principle of government. To remedy this, progressive reformers promoted widespread citizen access to accountable, elected officials through devices such as the short ballot, the strong executive, nonpartisan at-large elections, the initiative, the referendum, and the recall.

Reformers sought to apply to local government business and scientific management principles that were popular at the time. One such vehicle was the council–manager plan for cities, originated by reformer Richard Childs in 1910⁸ and officially incorporated into the *Model City Charter* of the National Civic League (referenced above) in 1915. The plan sought to bring a balance of democratic political accountability and honest, competent administration to local government. In a move away from the reformers’ previous support of a strong, elected executive, the new plan called for a small, accountable elected body with a presiding officer to employ a politically neutral, expert manager to serve at its pleasure. The manager would give objective, rational advice to the elected body and then faithfully execute whatever decisions the elected body made for the welfare of the citizens, using sound business practices to administer efficiently

7. In Catawba, Davidson, Durham, Forsyth, Gaston, Hertford, Rockingham, Guilford, and Robeson counties, commissioners appointed a separate county manager. In Buncombe, Haywood, and Mecklenburg counties, the board of commissioners’ chair served as county manager.

8. Childs first articulated the plan in a proposal to combine the commission form of government with a professional city manager. (The commission form of government became popular after its successful use in resurrecting Galveston, Texas, from almost complete destruction from a hurricane in 1900.) Childs drafted a bill incorporating the plan and persuaded the Lockport (N.Y.) Board of Trade to sponsor its introduction in the New York State Legislature with the public support of reform organizations. Thus, the earliest version is known as the Lockport Plan. See Robert Paul Boynton, “The Council–Manager Plan: An Historical Perspective,” *Public Management* (Oct. 1974): 3–5.

the day-to-day affairs of government. Many of the early managers were civil engineers by training, and much of their time was spent on public works problems.

While these reforms were initially employed in cities, the impetus to use measures aimed at increasing the efficiency of local government affected counties as well, as they grew in population and became more urbanized in some parts of the country. In 100 years, the main elements of the plan have changed very little.

ICMA Recognition

The International City/County Management Association (ICMA) officially recognizes jurisdictions “. . . that have established positions of professional authority. Recognition means the community is identified as one that provides a legal framework conducive to the practice of professional management.” Criteria for ICMA recognition as a jurisdiction having a *council–manager position* (the term applies to both cities and counties) include that the manager

- be appointed by majority vote of the governing body, based on professional experience, administrative qualifications, and education, for a definite or indefinite term;
- serve at the pleasure of the entire governing body (not the chair or mayor alone) and be subject to termination by majority vote at any time;
- have direct responsibility for policy formulation on overall problems, especially developing and analyzing alternatives, and for implementation of policy approved by the governing body;
- have responsibility for budget preparation and presentation and direct responsibility for administration of the approved budget; and
- have full authority to appoint and remove, at minimum, most heads of principal departments and local government functions who are administratively responsible to the manager.⁹

Roles and Responsibilities of the Manager

Basics of the Council–Manager Plan

A few assumptions implicit in the council–manager plan have influenced North Carolina’s (and other states’) general laws regarding this form of government and affected the way in which elected officials and managers perceive their roles in relation to one another. The plan, for the most part, assumes that the governing body fairly represents the electorate, that competing public values can be reconciled, that a public interest can be discerned to guide most decisions, and that the governing body can, with some degree of consensus, give the manager clear direction for carrying out its policies. The plan promotes separation of the governing body’s responsibility for political judgments and policy direction from the manager’s responsibility for administration in accordance with the board or council’s overall policy guidance and his or her own politically neutral expertise. In these ways, the plan seeks to create an effective balance between objective, honest, expert governmental operation and democratic access and control through the authority and the accountability of the elected body.

Realities of the Council–Manager Plan’s Implementation

Unfortunately, the council–manager plan’s underlying assumptions (discussed above) have, in reality, been difficult to implement and are becoming even more problematic in the political and social landscape of contemporary local government. In 1993, the ICMA convened a task force of city and county managers from across the country to examine council–manager relations. This panel began its work by examining the forces of change that were affecting the council–manager form of government. Managers suggested that citizens seemed to be losing respect for both politics

9. International City/County Management Association, “ICMA Local Government Recognition; Criteria for Recognition of a Council–Manager Position” (adopted Oct. 11, 1969, and revised July 22, 1989), www.icma.org/en/icma/about/overview/local_government_recognition.

and government itself and that the public was becoming increasingly fragmented into interest groups with competing narrow agendas, an unwillingness to cooperate, and a tendency to vie for absolute control. As a result, managers saw themselves faced with mixed signals and sometimes irresolvable conflicts of expectations from elected officials and citizens. Managers felt that directly elected mayors often viewed them as competitors in the arena of local leadership and that the business traditions of the profession had evolved into such a state of “thriving on chaos” that managers who played by the old rules might find themselves characterized as impediments to progress.¹⁰

Also in 1993, an article was published in the ICMA’s monthly magazine, *Public Management*, presenting research findings on council members’ perceptions of the council–manager relationship. It identified the following seven “unspoken” concerns and beliefs often held by governing body members that restrict “. . . the development of trust and meaningful partnerships in governing”¹¹: (1) managers “hide” money amidst complex budget accounts, arcane language, and detailed provisions and are reluctant to inform governing bodies how much discretionary money is available; (2) managers have personal agendas that they advance, especially when the governing body is divided; (3) governing bodies will not acknowledge or deal with personality conflicts with their manager; (4) governing body members want to hire their own manager, so many newly elected officials are not committed to the current manager; (5) governing bodies do not take seriously the task of evaluating the manager, in part because they have not set clear goals and objectives for the community; (6) managers should be out in front of issues that are “lose-lose” for elected officials, like tax hikes and service cuts; and (7) elected officials expect the manager to discipline or coach controversial “mavericks” on the governing body.

A little more than ten years later, contributors to the third edition of the ICMA book *The Effective Local Government Manager* noted a number of trends that create tension in the relationships between managers and governing bodies and could even jeopardize the existence of the council–manager plan in some communities.¹² These include:

- an expectation by citizens and interest groups that local government can deliver “more for less” and provide customized services, sometimes without regard for due process, social equity, and other core values of deliberative democracy;
- perpetuation of antigovernment feelings among the public—even though opinion surveys reveal local governments are considered more honest, trustworthy, and efficient than other levels of government—leading to local candidates running against the government itself, including the professional “bureaucrat” in the manager’s office;
- a shift from a “trustee” to a “delegate” or “activist” role for local elected officials, exemplified by increases in single-issue candidates who are more concerned about addressing their particular program or advancing the interests of special constituencies than working collaboratively with the governing body to address general needs or common problems;
- the steadily increasing power and visibility of directly elected mayors in areas such as budget-making, vetoes of governing body decisions, appointment of council committee chairs, and annual state of the city addresses, which creates competition with the manager for publicity and leadership;
- a growing tendency among elected officials to focus on implementation matters instead of policy, since their re-election hinges on constituent service, leading to micromanagement of administration;
- the emphasis that governing bodies demand managers place on privatization as a way of dealing with the citizenry’s desire for “quicker, better, cheaper” services, making it difficult for a manager to introduce other more potentially useful tools; and
- the technology revolution, which, in addition to providing new ways for citizens to obtain services and receive information, has empowered citizens by enabling them to quickly and easily obtain data about local

10. The task force’s conclusions were summarized in three parts in *ICMA Newsletter* 74, no. 10 (May 17, 1993); no. 11 (May 31, 1993); and no. 13 (June 28, 1993).

11. R. William Mathis, “What Councils Want from Managers . . . But Do Not Tell Them,” *Public Management* 75 (Sept. 1993): 5–10.

12. See James H. Svara, “Achieving Effective Community Leadership,” in Chardean Newell, ed., *The Effective Local Government Manager* 3rd ed. (Washington, D.C.: International City/County Management Association, 2004), 27–40.

operations, register complaints to elected officials and administrators, monitor performance of agencies, and put an administration under the spotlight.

These changes—and managers’ attempts to adjust to them—have led to confusion over what the absolutes of the council–manager plan are; i.e., which of the elements in the idealized version of the plan are essential to its integrity and which can be adapted to the political needs in a given community. Managers and elected officials must seek ways to forge a true partnership in leading their communities, one that recognizes that governing body members, chairs, mayors, and managers are mutually dependent on one another, share responsibility for most aspects of local government, yet need to divide some responsibility in order to make the system work for the benefit of the community.

Concept of Governance

The need for this type of awareness on the part of managers and elected officials has grown with the complexity of local government. Most important public problems, to be successfully addressed, require working across jurisdictional and sector boundaries—with other communities, nonprofit organizations, businesses, citizen groups, and volunteers. Since the 1990s, the term *governance* has been used to describe the reality that “governments” are only one of the players in local service delivery, albeit the key player. The need to manage within and work with a diverse array of vertical and horizontal networks of intergovernmental partners, public–private organizations, and regional and community groups has changed the traditional roles and authority of managers and governing bodies. They have come to act more as facilitators, brokers, networkers, and enablers and to operate less in a hierarchical, command-and-control, “we know best” model. While the responsibilities of managers and governing bodies have grown, their authority has become more shared.¹³

University of Kansas professor H. George Frederickson has observed that this notion of governance creates two fundamental paradoxes: (1) to serve a locality, elected and appointed officials must transcend the boundaries of their respective communities and share power with others; and (2) since local boundaries are meaningful mainly to elected officials for political purposes, increasingly interjurisdictional relationships, power-sharing arrangements, and other aspects of democratic governance must be handled by professional administrators.¹⁴

In a 2013 report, ICMA executive director Bob O’Neill noted five key drivers of local government: fiscal crisis, demographic changes, technology, polarized politics, and economic disparities. He predicted that “. . . this is the decade of local government” and observed that an important facilitating factor in addressing critical issues like jobs, education, safety, health care, the environment, and infrastructure is the trust citizens have in local government. In this context, O’Neill finds that

[l]eadership will have to span the normal boundaries of the local government organization and the political boundaries of the jurisdiction: (1) to match the geography and scale of significant issues, and (2) to reach all of the sectors and disciplines necessary to make meaningful change. At the same time, local governments will need to preserve their own sense of “place” and what distinguishes their community and makes it special.¹⁵

Managers are spending more and more time with their governing bodies seeking to build partnerships that can respond to and survive the diverse, divisive, and difficult demands of contemporary governance. But such partnerships must often be formed and sustained in an arena in which personal interests, district interests, and political divisions make building political consensus and trust on governing bodies quite challenging.

13. Svava, “Achieving Effective Community Leadership,” at 28.

14. H. George Frederickson, “Transcending the Community: Local Leadership in a World of Shared Power,” *Public Management* 87 (Nov. 2005): 14. See also Eric S. Zeemering, “Governing Interlocal Cooperation: City Council Interests and the Implications for Public Management,” *Public Administration Review* 68 (July/Aug. 2008): 731–41.

15. Bob O’Neill, “Leadership and the Profession: Where to From Here? Be Reformers or Be Reformed?” *Public Management* 95 (March 2013): 22.

The responsibilities of the manager that come from the law, from the managers' professional code of ethics, from realistic notions of roles in policy and administration, and from commonly understood expectations of behavior can be helpful in understanding how the manager–governing body partnership might work and how it is often challenged in the context of the council–manager form of government.¹⁶

ICMA Code of Ethics

The professional county or city manager has a specific set of expectations governing his or her behavior: a code of ethics originally developed in 1924 by the International City Managers' Association (the original name of the International City/County Management Association (ICMA)).¹⁷ The code and related guidelines have been modified periodically since then; the former was most recently amended in 1998, and the latter in 2004.

The ICMA Code of Ethics is a point of pride among professional managers. Any manager admitted to the association is bound by its ethical tenets and subject to censure by or even expulsion from the association for violations of this professional code. The code seeks to enforce and balance what the ICMA believes to be the prerogatives a professional manager must have to do his or her job properly and the obligations the manager must meet in order to honor the authority of the governing body and promote the overall welfare of the citizens. The twelve tenets of the ICMA Code of Ethics are as follows:¹⁸

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.
3. Be dedicated to the highest ideals of honor and integrity in public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.
4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.
6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.
7. Refrain from political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.
8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.
9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

16. John Nalbandian and Shannon Portillo, "Council–Manager Relations Through the Years," *Public Management* 88 (July 2006): 6–7; Gary O'Connell, "Council–Manager Relations: Finding Respectable Ground," *Public Management* 89 (Nov. 2007): 20–23.

17. In 1969, the ICMA changed the word "*Managers*" in its name to "*Management*" in order to recognize the inclusion of members who are deputies, assistants, directors of councils of governments, and local government chief administrative officers who do not have the title or the traditional authority of a manager. In 1991, the ICMA included a reference to county managers, who had by then become a significant proportion of its membership—thus the name International City/County Management Association. Because of tradition and widespread recognition of the original acronym, ICMA, the association decided to continue it in that form.

18. Adapted from International City/County Management Association, "ICMA Code of Ethics with Guidelines" (2004), downloadable at www.icma.org.

10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions pertaining to appointments, pay adjustments, promotions, and discipline.
12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

Roles and Relationships in Policy and Administration

Dichotomy Theory

Although both the law and the ICMA Code of Ethics and guidelines prescribe responsibilities for the manager and the governing body, these responsibilities are very general and do not describe in any detail how these officials should interact with one another to be effective in the division of labor set out in the code's twelve tenets (see above). Years ago, popular wisdom promoted the notion of a strict dichotomy between policy making and administration: the elected body should make policy, the thinking went, and the administration should carry it out, each without interference from the other as it performed its functions. The dichotomy concept probably arose originally from misinterpretation of a highly respected paper by Woodrow Wilson in which he advocated the use of appointed officials to relieve legislators of the burden of administrative functions.¹⁹ The fact that the popular interpretation of this dichotomy theory reduced council–manager relations to a simple, easy-to-follow formula probably accounts for its perpetuation. However, as anyone who works in local government for very long soon realizes, matters are not that simple. For example, the manager often has training, analytical skills, experience in other jurisdictions, and in-depth knowledge of the county or city and its governmental operations that can be extremely helpful to the governing body in establishing policy. And when constituents complain about the quality of a service or the treatment they receive from local government employees, a member of the board or council is unlikely to feel that it is an administrative matter that does not concern him or her.

Dichotomy-Duality Model

John Nalbandian, a local government scholar who has served as council member and mayor of Lawrence, Kansas, has observed:

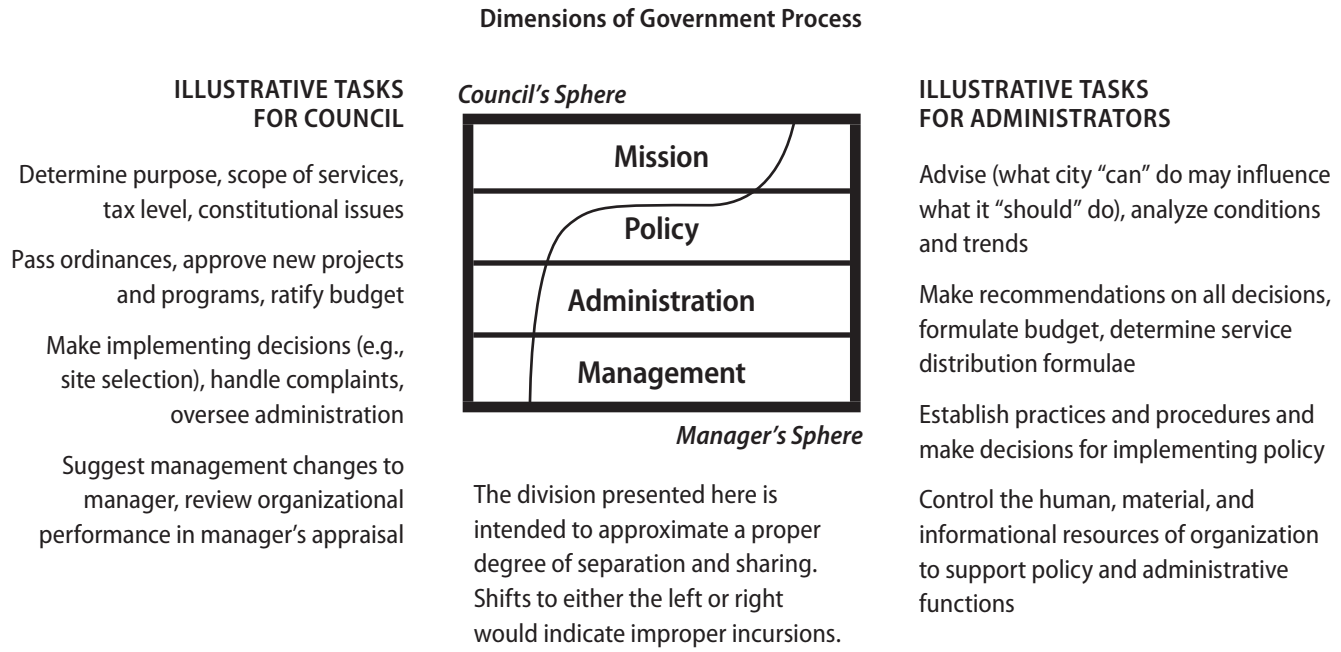
The practical world of city management often suggests a more complicated view [than the dichotomy theory]. The manager is deeply involved in policy-making as well as implementation, responds to a multitude of community forces as well as to the governing body, and incorporates a variety of competing values into the decision-making process.²⁰

A more realistic relationship between elected officials and managers in policy and administration has been depicted by Professor James H. Svara, as shown in Figure 4-1.²¹

19. Woodrow Wilson, "The Study of Administration," *Political Science Quarterly* 2 (June 1887): 197–222. When Wilson wrote that "administration lies outside the proper sphere of politics. Administrative questions are not political questions. Although politics sets the tasks for administration, it should not be suffered to manipulate its offices" (p. 210), he was arguing for the provision of administrative support to legislative bodies, not prescribing a strict separation of duties between the two.

20. John Nalbandian, *Professionalism in Local Government* (San Francisco: Jossey-Bass, 1991), xiii. See also Tansu Demir and Christopher G. Reddick, "Understanding Shared Roles in Policy and Administration: An Empirical Study of Council–Manager Relations," *Public Administration Review* 72 (July/Aug. 2012): 516–36; and Yahong Zhang and Richard C. Feiock, "City Managers' Policy Leadership in Council–Manager Cities," *Journal of Public Administration Research and Theory* 20 (April 2010): 461–76.

21. A more thorough discussion of the relationships among the council, the manager, and the mayor over a continuum from mission to management, as depicted in Figure 4.1, can be found in a series of articles by James H. Svara: "Understanding the Mayor's Office in Council–Manager Cities," *Popular Government* 51 (UNC Institute of Government, Fall 1985): 6–11; "Contributions of the City Council to Effective Governance," *Popular Government* 51 (UNC Institute of Government, Spring 1986): 1–8; and "The Responsible Administrator: Contributions of the City Manager to Effective Governance," *Popular Government* 52 (UNC Institute of Government, Fall 1986): 18–27. See also James H. Svara, "Mayors in the Unity of Powers Context: Effective Leadership

Figure 4.1 Dichotomy-Duality Model**Mission-Management Separation with Shared Responsibility for Policy and Administration**

Source: Taken from James H. Svara, "Dichotomy and Duality: Reconceptualizing the Relationship between Policy and Administration in Council-Manager Cities," *Public Administration Review* 45 (Jan./Feb. 1985), 228.

Svara's depiction recognizes that there is no strict dichotomy; rather, there is involvement of both elected and administrative officials at all levels of policy and administration. The engagement and the responsibility of each are proportionately different depending on the level at which they occur. At the highest level, the governing body is responsible for setting the overall direction, or *mission*, of local government, including its purpose, scope, and philosophy. Figure 4.1 suggests that although the governing body has a clearly dominant role in this function, the manager can bring knowledge and experience to the table that enhances the elected official's ability to make informed choices and decisions. The governing body must enact *policy* to achieve the mission that it sets for local government. It does this through functions such as budgeting, capital improvement programming, comprehensive planning, and the making of laws and policies regarding county or city quality of life and governmental operations. Although the governing body has final responsibility for adopting budgets, plans, and ordinances, the manager and his or her staff play a major role in developing technical studies and estimates and analyzing the impact of alternative choices. These kinds of policy making are a shared responsibility in practice.

In government, how something is done is often as important to citizens' satisfaction with the outcome as what is done. Consequently, although the manager and the staff are responsible for implementing the policies adopted by the governing body, elected officials still have a stake in how those policies are carried out—that is, in *administration* and *management*. For example, after making a decision to build a new community center and budgeting funds for it, the

in Council-Manager Governments," in H. George Frederickson and John Nalbandian, eds., *The Future of Local Government Administration: The Hansell Symposium* (Washington, D.C.: International City/County Management Association, 2002), 43-54; "Exploring Structures and Institutions in City Government," *Public Administration Review* 65 (July/Aug. 2005): 500-506; "The Myth of the Dichotomy: Complementarity of Politics and Administration in the Past and Future of Public Administration," *Public Administration Review* 61 (March/April 2001): 176-83; "Effective Mayoral Leadership in Council-Manager Cities: Reassessing the Facilitative Model," *National Civic Review* 92 (Summer 2003): 57-72; and "Beyond Dichotomy: Dwight Waldo and the Intertwined Politics-Administration Relationship," *Public Administration Review* 68 (Jan./Feb. 2008): 46-52.

governing body will have a continued interest in how the facilities actually look and work. It will be concerned about how well the scheduling of work on a downtown streetscape project minimizes disruption of business for merchants. It will want to know how increases in public safety spending have affected reported crime rates and citizen perceptions of safety in their neighborhoods. And it will have an interest in how overall employee morale is affected by internal operating policies developed by the administration.

Figure 4.1 describes a partnership at every level of endeavor, with the elected body shouldering most of the responsibility, authority, and initiative at the mission level, the administration shouldering most of it in internal management, and the two sharing it significantly in policy. The line that is depicted in Figure 4.1 is symbolic; for the reasons described earlier, it would vary among jurisdictions, within a particular jurisdiction over time, and by the issue. Some governing bodies want the manager to push aggressively for policies that he or she deems necessary, while others want the manager to stay in the background and respond to the governing body's initiatives. Some elected officials feel the need to be intimately familiar with day-to-day occurrences in service delivery, while others want to concern themselves with administrative matters only when those matters might create public controversy or relate to special interests of constituents.

Other factors influencing where the line is drawn are the manager's experience and tenure and the degree of trust and confidence in his or her relationship with the governing body. Agreement between elected and appointed officials is an essential element of a good working relationship and, because the relationship is dynamic, its contours should be assessed frequently to ensure that everyone involved understands and is comfortable with where the line is drawn.

When it comes to these interrelationships, elected officials have to consider more than their own personal preferences and operating styles, taking into account, for example, how citizens perceive the relationship between elected and appointed officials. Citizens' most important expectation is that quality public services will be provided reliably and efficiently. If the professional staff does not satisfy this expectation by their service and behavior, citizens will expect the governing body to take a more dominant role. If citizens' needs are being met routinely, they may be satisfied with elected officials taking a more passive role on a day-to-day basis.

In the dynamic world of local government, it is hard for both the governing body and the administration to please everyone, hard for elected officials to achieve consensus on many issues that might have been routine in the past, and therefore hard for the governing body to continually give the manager clear direction. As a result, it is hard for the manager to perform his or her administrative duties in a way that satisfies the entire governing body.

As noted previously, some observers of local government bemoan the increase in confrontational politics on the part of constituents, the trend back to district representation on governing bodies, and the growing number of single-issue and antigovernment candidates for local elective office as undermining the principles of broad representation of the public good and efficient administration. Others, however, point out that these developments typify the reality of constituent politics and make for more transparent, fairer representation of all the diverse interests in the community, instead of just those of a powerful privileged few or an exclusive majority. Nalbandian has observed the implications of such matters for managers: "In the future the legitimacy of professional administrators in local government will be grounded in the tasks of community-building and enabling democracy—in getting things done collectively, while building a sense of inclusion."²² Nevertheless, managers may feel it is more difficult than it used to be to obtain and maintain the kind of clear consensus and direction from the governing body that is one of the fundamental assumptions of the council–manager form of government.

Common Expectations among the Governing Body, the Chair or Mayor, and the Manager

Specific expectations and practices among the governing body, the chair or mayor, and the manager vary greatly from community to community, depending on social and political norms, traditions, and local codes. They can also vary over time in a particular community with changes in the personalities involved as elected offices turn over and managers come and go. However, experience and research have shown that in some critical aspects of these partnerships, there are fairly consistent expectations across jurisdictions and over time. For the most part, these expectations may be

22. John Nalbandian, "Facilitating Community, Enabling Democracy: New Roles for Local Government Managers," *Public Administration Review* 59 (May/June 1999): 189.

regarded as basic and necessary to defining roles and maintaining healthy relationships among the elected members of the governing body, the chair or mayor, and the manager.

Expectation 1: The Manager Is an Organization Capacity-Builder

From the inception of the council–manager form, governing bodies have expected their professional managers to see to it that county and city operations run smoothly, services are provided efficiently and effectively, and prudent fiscal practices are followed. This heritage continues. In order to meet citizen and governing body expectations, the manager must build a modern organization that has both capacity and competence. This entails implementing and updating business practices and processes for personnel administration, finance, purchasing, payroll, contracting, and other basic local systems. It also involves adept use of management tools like strategic planning, performance measurement, benchmarking, and program evaluation to ensure continuous improvement of operations as well as use of technologies like websites and social media to increase public outreach and access and reduce costs.

A critical component of this organization capacity-building is professional staff. The manager must attract and retain talented and motivated personnel for the systems of government to work well. This involves careful workforce and succession planning and investments in training and professional development. Increasingly, local government workforces are diverse and multigenerational, and strategies will need to be put in place to respond to the “changing faces” of the administrative staff, such as bilingual education, job rotation, job sharing, and flexible work hours.

When the processes and personnel perform as expected, local operations run smoothly and routinely. Their workings might be almost invisible to citizens and elected officials. If there is a breakdown in organizational capacity, however, managers and elected officials can be placed under a harsh public spotlight.

Expectation 2: The Manager Is a Valued Advisor to the Governing Body

While both the North Carolina General Statutes and the ICMA Code of Ethics require the manager to give policy advice to the governing body and carry out its policy decisions, neither tenet deals specifically with some subtle but important aspects of this advise-and-implement process. The General Statutes require the manager to “recommend any measures that he [or she] deems expedient,” and the Code of Ethics requires him or her to “submit policy proposals” and provide “facts and advice” to help the governing body make policy decisions and set goals. Governing bodies expect the manager to offer balanced and impartial advice—to present alternatives and provide all relevant information that is reasonably available on the different options, assess the advantages and disadvantages of each option, explain the professional reasoning and analysis that leads him or her to a recommendation, and base that reasoning on established professional, technical, ethical, or legal principles and not on personal beliefs, no matter how strongly held, unless the governing body specifically solicits them. Even the appearance or the suspicion that the manager is being selective in the information he or she gives, personally biased in the judgment he or she renders, or manipulative of the governing body’s decision in the way he or she presents material can severely damage the manager’s credibility and undermine his or her effectiveness.

Most managers will express support (and perhaps push) for a course of action they believe in, no matter how unpopular it might be with the public, the board, or the council. This often means that managers must have the courage to make recommendations that might not have very good prospects of being accepted. On such occasions, managers must bear in mind the human propensity for “killing the messenger” who brings bad news. Elected officials or citizens who are upset over the facts that are presented by the manager or who disagree with the recommendations made might, at best, attack the validity of the manager’s advice or, at worst, attack the competence, motives, or character of the manager himself or herself. One of the most difficult tests for a professional manager acting as policy advisor is to remain cool and nondefensive during heated debate over the information and the recommendations that he or she has brought to the governing body.

Once the governing body has made a decision, the manager must get behind it fully and ensure that the administration does the same. The General Statutes require the manager to see that all actions of the council are “faithfully executed,” and the Code of Ethics requires him or her to “uphold and implement” all policies adopted by elected officials. This sometimes requires the manager to aggressively implement what he or she thinks is a bad idea. If the

manager believes that the directive the governing body has given is illegal, or if the manager deems it professionally or personally repugnant, if the manager cannot dissuade the board or council from its action, he or she can, of course, resign. If the manager chooses to stay, however, he or she is obliged to assist the governing body in carrying out its will.

Sometimes the manager will be put in the awkward position of arguing strenuously for a course of action that the governing body subsequently rejects, and then having the media ask what he or she thinks of the decision. Unless reasoned debate has changed the manager's mind, to agree completely with the governing body will make the manager look weak. On the other hand, to criticize or denigrate the governing body for its decision will violate the Code of Ethics and invite censure. Most professional managers who find themselves in this situation will acknowledge the differences in judgment that were exhibited in the deliberations and try to explain the reasoning that brought the governing body to the decision it made. In other words, they will help elected officials explain their decision to the public and help the public understand the governing body's point of view. Carrying out this important responsibility often takes great emotional maturity and keen diplomatic and communications skills on the part of the manager.

Expectation 3: The Governing Body and the Manager Jointly Strive for Good Service to Citizens

Service to citizens is the litmus test of local operations, and it is one of the most obvious points where the dichotomy theory (discussed above) fails the test of reality. Regardless of what the governing body accomplishes or the capacity and competence of the administration, if the county or city does not satisfactorily deliver basic services to citizens, those citizens will be dissatisfied with the elected officials, and the governing body, in turn, will be dissatisfied with the manager and the administration. Everyone's fate rises or falls with citizen satisfaction with services. Therefore, tirelessly urging his or her administration to provide the very best service possible to the community is one of the key responsibilities of a manager.

Careful planning, budgeting, and management help in ensuring high-quality service delivery, but the manager cannot be everywhere at all times to supervise day-to-day execution. Thus, he or she has to create a culture of responsiveness and performance within the organization, both in providing routine service to citizens and in handling special requests and complaints. This usually involves (1) delegating to front-line service providers in the organization the responsibility and authority to make decisions and take action, (2) supporting staff who take initiative, and (3) helping staff learn from mistakes made in good faith. The manager must take personal risks on behalf of employees and fully accept responsibility with the governing body when things go wrong.

The manager should be able to expect that board or council members will give the system he or she has put in place a chance to work and will channel complaints through the manager. The sense of accomplishment an elected official might enjoy as a result of personally wading into a problem and doing something about it is ordinarily short-lived and transitory. More lasting credit usually comes from citizen recognition that the governing body has created and is maintaining a responsive, customer-service-oriented workforce—an essential ingredient of efficient and effective local government.

Even when an administration excels at responding to citizen needs, people will ask their elected officials for help, usually in good faith, but sometimes with manipulation in mind. Managers expect governing body members to determine whether a citizen seeking assistance has tried administrative remedies and expect members to steer the citizen into the system. If the administration has been unresponsive, then the manager expects to be informed of this and to have the opportunity to get the problem fixed. A manager in this situation will give the elected official(s) involved the necessary information to follow up with the citizen.

Expectation 4: Elected Officials' Relationships with Employees Are Carefully Managed

Observing a chain of command in answering service needs is desirable, especially from the standpoint of managing resources effectively. The problems that can arise when elected officials intervene directly in service operations include confusing employees with conflicting directives or priorities from supervisors and elected officials, weakening or destroying accountability for work results, wasting staff time and resources, and short-circuiting coordinated plans developed by the supervisor responsible for day-to-day operations. This does *not* mean that elected officials should not have regular, or even periodic, contact with county or city employees. To prohibit such contact would be to ask

employees and elected officials to give up some of their basic rights as members of the community, and it would make it harder to build harmony among the critical players in local government operations. It would also be highly inefficient. Funneling all communication through the manager would fill his or her time up with unnecessary traffic and would be awkward and inconvenient for elected officials.

A common arrangement designed to protect planned workflow and still reap the benefits of regular interaction is to encourage direct contact between elected officials and employees for routine inquiries or requests that do not affect administrative workloads and to route more significant requests through the manager. This lets elected officials get the routine information they need quickly and accurately from the persons who are closest to the action and most informed about details; citizens should be able to do the same. This arrangement also provides the opportunity for regular informal communication between elected officials and employees, helping each group become more familiar with, more comfortable with, and more trusting of the other over time. Anything an elected official might want from employees that will involve significant and unplanned expenditures of time or money or that will disrupt agreed-upon work schedules is taken up with the manager so as not to put employees on the spot. The manager and the elected official can then make informed choices about whether the official's request should take precedence over existing commitments, whether something could be done that would meet the official's needs but not be disruptive, or whether it should not be done at all, given other commitments. The manager and the elected official who made the request might also agree to submit the question to the entire governing body for a vote by all as to whether a change in resource allocation would make sense.

Sometimes managers attempt to cut off direct contact between elected officials and employees in order to counteract council members who meddle with or harass employees or employees who are manipulative and disloyal. Like most treatments of a symptom alone, such an approach usually does little or nothing to solve the problems that underlie these dysfunctional behaviors. Often it makes matters worse by creating a siege mentality among administrators, anxiety among employees, and distrust and frustration among elected officials.

Expectation 5: The Governing Body Acts as a Body and Is Dealt with as a Body

By law, the governing body takes official action as a body, yet it is made up of two to eleven individual politicians (counting the chair or mayor) with various constituencies, personal interests, public values, political philosophies, and personalities. This can sometimes make dealing with the governing body a delicate proposition. Without benefit of consensus or at least formal support of a majority of the board or council, individual elected officials may seek to make their views known and impose their own personal agendas on the administration. Most managers will welcome, discuss, and frequently respond at any time to suggestions from individual members, as long as they do not conflict with the pleasure of the governing body as a whole. However, if a request sets new directions or requires allocation of funds or staff time not anticipated by the governing body, the manager will usually ask the member making the proposal to put it to the entire body for consideration. It is important for the manager to treat all members alike in this respect. Unless he or she is scrupulous in avoiding even the appearance of favoritism, the manager can seriously undermine his or her effectiveness by alienating members who feel slighted or barred from some inner circle, real or imagined. Even in the case of routine requests for information, most managers will keep all members informed of transactions with individuals by sending copies of written responses or summaries of opinions rendered or actions agreed to in conversation to all members for their information.

One area in which managers must be especially ardent is keeping members up to date on day-to-day events. Elected officials do not like surprises. It is embarrassing for an official to be asked about some newsworthy item of local business and have to admit that he or she does not know much about it. It is unforgivable for someone to be the *only* member of the governing body who is ignorant about such an item! Governing bodies expect their managers to be sensitive, alert, and responsive to their needs for current information, and this expectation includes the manager making occasional extraordinary efforts necessary to ensure that every member has the same level of information and understanding.

Expectation 6: The Manager and Members of the Governing Body Give One Another a Chance to Prove Themselves

One of the implicit foundations of the council–manager form of government is that a professional manager, who is dedicated to serving whatever elected governing body is seated by the people, will provide smooth transitions and institutional stability and memory and will make changes as different individuals or groups join and leave the governing body. Sometimes members—who sought election because they, too, want to make changes—may find it hard to trust the loyalty of the manager to new members or to have confidence in the ability of the manager to help bring about the changes they (the members) want. Even in communities where the manager routinely makes available to all candidates information about local operations and finances to help inform discussion and debate, this behavior could be viewed as defense of the status quo. In short, the manager is sometimes viewed by members as inextricably tied to the old way of doing things and assumed to be an impediment to progress. It should be noted, though, that managers strive to change the direction of administration in whatever way a majority of the governing body decides (though they can always resign if they feel they cannot serve the new governing body’s agenda in good conscience). Therefore, managers are entitled to expect newly elected officials to give them a chance to prove that they can serve new members as well as veterans.

Sometimes after an election the manager finds himself or herself working for one or more board or council members who as candidates roundly criticized the way in which the community was governed and managed. During their campaigns, some of these members may have called for the manager’s dismissal. Few elected officials would dispute that even if they had prior county or municipal involvement on volunteer boards or commissions, the view of government from the inside is very different than the view from the outside. Candidates, upon taking office, usually learn that the simplicity and surety of campaign rhetoric seldom stands up to the complexity of governing, leading, or managing. Realizing this, experienced managers will withhold judgment on members whose campaigning seems threatening and will set about to prove that they can serve the new governing body as well as they served the old one. They will hold out hope that, given a chance, they will eventually earn the trust and confidence of new members as those members learn the realities of governing, gain skill as legislators, and observe the manager’s performance at close hand.

Expectation 7: The Manager and the Governing Body Freely Give and Seek Feedback

One of the main ingredients for building and maintaining any relationship of trust and confidence is open communication. Managers and elected officials find themselves caught up in a whirlwind of activity on a daily basis. There never seems to be enough time to do everything, let alone do it all just right. So both elected officials and managers make mistakes—they overlook side effects of actions taken in the heat of urgency and say or do things that convey unintended messages. Any/all of these occurrences can generate dissatisfaction, disappointment, offense, anger, and distrust if not acknowledged and resolved appropriately. The key to dealing effectively with such matters is maintaining clear and open communication between elected officials and the manager.

The nature of both the elected official and manager jobs can make the persons holding them feel very isolated. The manager, accountable to a body of citizens and responsible for a county or city workforce, might feel apart from both constituencies, a part of neither. The elected official, held accountable by fellow citizens for oversight of the county or city’s administration, might feel that he or she has no real direct role to play in making sure things go well. Open communication is one effective cure for these feelings of isolation. Managers must provide all governing body members with accurate, relevant, and timely information, and members must take initiative to ask questions and make their interests, positions, and feelings known to the manager.

Most managers appreciate clear signals about how well they are satisfying the elected officials whom they serve, even when those signals are negative. Being criticized is never pleasant, but it is more comforting than having to infer dissatisfaction from elected officials’ behavior (or not pick up on dissatisfaction at all due to silence). Many people find it easier to give faint compliments or remain silent than to confront others—even subordinates—with criticism. However, dissatisfaction is often hard to conceal for very long—it usually ends up being revealed indirectly by behavior or by rumor. This kind of indirect revelation almost always produces at least some inaccuracy and misinterpretation regarding facts, feelings, and underlying motivations; distracts the manager, who becomes unduly preoccupied with figuring out where he or she stands; and often has the effect of shutting down communication and producing a downward

spiral of tension between the manager and the elected official involved. On the other hand, when a governing body member openly directs constructive criticism toward the manager—gets issues out on the table—the manager can ask questions, provide information the member might not have, and respond to his or her concerns. Such dialogue gives members the opportunity to clarify their expectations of the manager by means of concrete examples as they come up, and it gives the manager more certainty about what he or she has to do to satisfy the elected officials and how well he or she is succeeding. Each governing body and its manager must work out how publicly they are willing to give and receive this feedback. They should come to an agreement early in the manager’s tenure and confirm or modify it when there is turnover on the governing body.

Many elected officials appreciate the same sort of candor from the manager when they (the officials) are behaving in a way that frustrates effective management. This attitude is by no means universal, however, and managers must be very careful in determining the comfort zone of a particular body and its individual members regarding the offering of constructive criticism. Nevertheless, the benefits of freely giving and accepting feedback can be as great for elected officials as they are for the manager.

Expectation 8: The Manager and the Governing Body Work Together to Develop a Highly Effective Governing Body

The ideological and political trends discussed earlier have sometimes produced dysfunctional effects on governing bodies. To the extent that elected officials are interested primarily in promoting particular causes or special constituencies, micromanaging administration, and criticizing their colleagues and the manager, prospects for responsible decision making in the public interest are diminished. Tensions on the governing body are exacerbated in such cases by a knowledge gap that separates a full-time professional staff from a body of part-time elected officials.²³ The usual lack of government expertise on the part of newer members is compounded by the frequency of turnover on boards and councils. In most communities, governing bodies are comprised of “amateurs,” in the very best sense of the term, who function as civic-minded citizen-legislators. Although they may be interested in seeking re-election, they are not professional politicians. The vast majority of local elected officials do not derive the bulk of their income from serving on governing bodies. They see themselves individually and collectively as local government leaders and, as noted earlier, as trustees, delegates, and activists responsible for representing citizens and making public policy for their community.

Who is responsible for closing the gap, for giving the board or council the tools it needs to become a high-performing decision-making body and for developing a partnership with the professional staff? While some might answer “the chair or mayor” and others might respond “the veteran members on the board or council,” the manager also has an obligation here. The nature of this obligation is discussed in the sections that follow.

Tips for Ensuring Peak Performance of Governing Bodies

What would a “high-performing” governing body look like? At least nine common habits have been identified: (1) thinking and acting strategically and with a vision for the community’s future; (2) respecting the “shared constituency” with citizens, in horizontal and vertical relations with other jurisdictions; (3) demonstrating teamwork; (4) mastering small-group decision making; (5) honoring the council–staff partnership; (6) allocating governing body time and energy appropriately in four key areas—goal-setting retreats, study sessions, regular public hearings and meetings, and community relations; (7) having clear rules and procedures for board or council meetings; (8) obtaining objective feedback and conducting systematic and valid assessment of policy and implementation performance; and (9) practicing continuous personal learning and leadership development of individual elected officials.²⁴

There are a number of practical steps a manager can take to help improve the efficiency of governing body deliberations. These include preparing the meeting agenda in a timely manner; scheduling meetings in a way that promotes good time management and the ability to focus on major topics; not overwhelming elected officials with highly detailed, lengthy technical reports; creating an annual policy calendar to identify and address long-range issues; and identifying

23. John Nalbandian, “Professionals and the Conflicting Forces of Administrative Modernization and Civic Engagement,” *American Review of Public Administration* 35 (Dec. 2005): 311–26.

24. Carl H. Neu Jr., “The Manager as Coach: Increasing the Effectiveness of Elected Officials,” *ICMA IQ Report*, Oct. 2003, 10.

and costing-out in advance possible alternative courses of action. Managers can also serve as “coaches” for their elected officials and governing bodies to help them develop high-performance habits.

One useful beginning point is for the manager to hold orientation sessions for new members of the governing body. At the same time, the chair or mayor should work with members to improve the conduct of the governing body’s business, including encouraging colleagues to do their homework, ask good questions, and not make too many speeches or embarrass the staff by public comments that would be better said in private. The chair or mayor also should let the manager know if elected officials want other professional staff members to be present and contribute to the meeting and whether the agenda and related materials meet the governing body’s expectations in terms of timeliness, priority, quantity, and quality of the information. In these respects, both the manager and the chair or mayor can play the important role of “coach” to the governing body.

Becoming a more high-performing board or council can pay important dividends beyond just the efficient and effective conduct of the public’s business. Many governing bodies routinely televise their public hearings and deliberations. The image on a television screen of members of a deliberative body asking thoughtful questions of one another and the professional staff, listening carefully to the views expressed by citizens, treating all who are present with courtesy and respect, and making decisions after assessing options and alternatives goes a long way toward maintaining citizen confidence in local government, not to mention conveying a sense of genuine partnership between the governing body and manager in the governance process.

There is no set formula for building a high-performing governing body, but the above process improvements are important steps in this direction. While the lines between policy and administration will always be blurred, the desired outcome is for governing body members to be able and willing to successfully balance a number of competing interests—to focus on the vision and big picture for the community while dealing with concrete projects and programs, to think and act long-term and strategically while dealing with pressing immediate problems and needs, and to decide on the collective best interest while satisfying constituent expectations.

Searching for an Effective Manager

Hiring a county or city manager is one of the most important actions a governing body may be called upon to take. From the preceding discussion of how the manager and the governing body work together, it should be evident that the parties’ relationship can have a significant influence on the effectiveness of the local government they serve. Whether a governing body is hiring its first manager or replacing one who has resigned or been dismissed, it can take the following basic steps to ensure that it makes a good choice.

1. *Determine the future needs of the community and the county or city government.* It is well worth the governing body’s time to spend a few hours discussing what it thinks the future demands on the manager’s position will look like. What will be happening in the community? What will be the prominent or controversial issues? What will the workforce be like and how will it change? The answers to questions like these are likely to be different for every community. By thinking about them, the governing body increases the probability of finding somebody for the manager’s post who has the right talents and experience to deal with the issues facing its community.
2. *List the critical competencies and skills that are required to deal with those future needs.* More than 9,000 men and women are members of the International City/County Management Association (ICMA) and forty-two affiliated state associations, and there are many capable public administrators working in the public and private sectors who are not members. As of 2014, 1,326 managers had successfully completed the ICMA’s Voluntary Credentialing Program and committed to an additional forty hours of professional development each year to retain their credentials.

Many applicants for a county or city manager position will have educational credentials and experience that are at least adequate for the job and often are impressive, but no two of them will be exactly the same.

Each will have different strengths and weaknesses. The challenge facing the governing body involves having to choose from such a large pool of capable applicants the one person who comes closest to having the unique set of skills and abilities needed to deal with local issues and with the board or council's personality. The ICMA has identified the following eighteen manager competencies considered essential to effective local government management, and these competencies can guide governing boards in selecting a manager: staff effectiveness; policy facilitation; functional and operational expertise and planning; citizen service; performance measurement/management and quality assurance; initiative, risk taking, vision, creativity, and innovation; technological literacy; democratic advocacy and citizen participation; diversity; budgeting; financial analysis; human resources management; strategic planning; advocacy and interpersonal communication; presentation skills; media relations; integrity; and personal development.²⁵

3. *Recruit and screen applicants.* This step typically includes setting a salary range within which the governing body is willing to negotiate, advertising the job to attract persons with the attributes the governing body seeks, screening applications, and deciding on and arranging to interview the top candidates. Normally the governing body needs a staff person or search consultant to assist with this process, and it is important that this be somebody who has the confidence of the entire membership. Care must be taken to preserve the confidentiality of the applications²⁶ unless and until the applicants release the county or city from that obligation. The governing body typically seeks such a release in the interview stage.

Depending on the candidate pool, screening interviews will be arranged for five to ten semifinalists with a committee of the governing body or with a search consultant who will videotape the interviews, after which three to five finalists will each be invited for an interview with the entire governing body. Alternatively, it might be possible to narrow the field down to three to five finalists simply by reviewing and discussing the applications and talking to the candidates' references.

4. *Interview finalists.* The structure of the interview process can vary quite a bit in practice, ranging from (1) simply interviewing each candidate, to (2) having candidates participate in an assessment center and take various performance-related tests on key aspects of the manager's job, to (3) conducting highly structured interviews. At the very least, the interviews should be designed to allow governing body members to make reliable judgments about the important attributes they have agreed are needed in a manager and to make valid and consistent comparisons among the candidates. G.S. 143-318-11(6) (a section of the state open meetings law) allows these interviews to be conducted in a closed session.²⁷ Sometimes all of the candidates and their spouses are brought in together to see various aspects of the community and meet key people in and outside of county government.
5. *Hire the manager.* After the interviews have wrapped up, the governing body usually tries to reach consensus on one candidate, with, perhaps, a backup if the chosen candidate does not accept an offer of employment. Many managers insist on consensus before they will accept an offer, feeling that anything less would make their positions too tenuous to survive the stress and strain that the demands of leadership and management put on the relationship between them and the elected officials. Some managers, however, are willing to start with no more than the tentative security of support from a simple majority.

25. International City/County Management Association, "Practices for Effective Local Government Management," www.icma.org/en/university/about/management_practices_overview. For a detailed treatment of the hiring process, see Vaughn Mamlin Upshaw, John A. Rible IV, and Carl W. Stenberg, *Getting the Right Fit: The Governing Board's Role in Hiring a Manager* (Chapel Hill: UNC School of Government, 2011).

26. *Elkin Tribune, Inc. v. Yadkin Cnty. Bd. of Comm'rs*, 331 N.C. 735, (1992). The state supreme court held that applications for employment were confidential personnel records under G.S. 153A-98 and that, therefore, their disclosure was prohibited. See also Robert Joyce, "Confidentiality of Applicants' Names," *Coates' Canons: NC Local Government Law Blog* (UNC School of Government, Oct. 2, 2012), <http://canons.sog.unc.edu/?p=6866>.

27. The governing body must nevertheless follow all of the other procedural requirements contained in Article 33C of G.S. Chapter 143. While manager interviews are typically done in closed session, the law does not require that they be so conducted.

If the leading finalist is not an inside candidate, sometimes the governing body will choose to send one or more of its members (or will send its search consultant) to the candidate's community for confirmation of its impressions. Usually, however, the governing body simply arranges for a final background investigation while it negotiates the terms and conditions of employment with the prospective manager.

When these negotiations are complete, the other candidates are notified, and the governing body takes formal action in open session to hire the successful candidate. The entire recruitment, screening, selection, and hiring process can normally be completed in about six months.

6. *Conclude an employment agreement.* An increasing number of counties and cities in North Carolina have formal employment agreements with managers. Sometimes called *contracts*, these documents may set out a variety of conditions specific to the manager's employment. The ICMA has a model employment agreement that (1) covers optional and recommended approaches to items such as compensation; health, disability, and life insurance benefits; vacation, sick, and military leave; use of a car for official business; retirement fund contributions; expense accounts; participation in professional activities; moving and relocation expenses; home sale and purchase expenses; and other terms of employment and (2) seeks to establish a clear understanding between the governing body and the manager about the responsibilities, benefits, and privileges of the office. These types of agreements commonly include severance provisions, which, among other things, specify the manager's responsibilities for notifying the governing body in advance of his or her intention to resign and provide for a lump-sum severance payment in the event the manager's employment is involuntarily terminated for reasons other than illegal or improper behavior.²⁸ These agreements do not and cannot guarantee any tenure to the manager, inasmuch as G.S. 153A-81(1) and 160A-147(a) provide that the board or council shall appoint the manager to serve at its pleasure.

Evaluating the Manager—And the Governing Body

Generally

Evaluating the county or city manager is a task that governing bodies often find difficult and uncomfortable. Sometimes a manager's evaluation is done in the context of decisions on an annual salary increase and the feedback is general or even perfunctory. In other cases, the chair or mayor, outside of the yearly salary review, simply gives the manager feedback on how he or she is doing on behalf of the governing body. In still other communities, the fact that the manager continues to hold his or her job is a clear indication that performance is satisfactory to the majority of the governing body (i.e., it amounts to a positive evaluation). Why, then, should a governing body take valuable time to more formally evaluate the manager, especially if "things are going OK?"

Clearly Set Expectations

As has been stressed throughout this chapter, the relationship between a governing body and a manager can greatly enhance or impede the processes of governing, leading, and managing, so it is important that the parties devote time to properly establishing and maintaining it. As soon as possible, they should decide what they expect of one another beyond the general tenets of statutory and professional responsibilities. No two governing bodies are exactly alike, nor are any two managers. No matter how much previous experience a new manager has had or how many managers a particular community has had, the relationship between a particular board or council and a particular manager is certain to be different in some ways from any other relationship previously experienced by either party. Thus, it is critical for all parties to be clear and in agreement around priorities, performance, and process.

Soon after a new manager is hired, and again if a significant turnover in governing body membership occurs or a new chair or mayor is elected, all parties will find it useful to discuss their specific expectations of one another. Such

28. See International City/County Management Association, "ICMA Model Employment Agreement" (2003), http://icma.org/en/icma/career_network/career_resources/model_employment_agreement.

a discussion allows each party to discover what is needed from him/her and to express what he/she needs from the others to effectively carry out major responsibilities. The chair, mayor, and governing body's expectations of the manager inform their ability to both formally evaluate the manager and give him or her informal feedback about specific behavior and general performance.

Evaluation Process for Managers

Once the governing body and manager have reached agreement on performance expectations in the context of the vision, goals, and objectives for the community, they should agree on the purpose, procedure, and timing of the manager's evaluation. As indicated above, evaluations are often related to the governing body's decisions about adjustments in the manager's compensation.²⁹ Evaluations also are important tools for giving the manager feedback on strong points and weak points, which can be useful in strengthening his or her competencies and approaches. This regular dialogue can go a long way in avoiding surprises on the part of all parties and in building trust between the manager and governing body. The ICMA model employment agreement (referenced above) establishes the following minimum requirements for both the manager and the governing body: (1) a written evaluation, (2) a meeting to discuss the evaluation, (3) a written summary, and (4) delivery of the final written evaluation to the manager within thirty days of the evaluation meeting.

There are a variety of evaluation approaches—from “one-on-one” reviews with the chair or mayor to a complete 360-degree assessment of the manager by the governing body, professional staff, and community leaders. In accordance with the ICMA model employment agreement, elected officials are asked to complete a written form prior to the evaluation session with the manager, rating the manager on how well he or she exercises general organization management responsibilities, works with the governing body, carries out goals and objectives set by the board or council, develops and executes the budget, provides leadership, relates to the community, deals with the media and external audiences, communicates, delegates and supervises, and performs in other key areas. Usually the manager is also rated on personal characteristics, such as objectivity, integrity, productivity, judgment, initiative and risk-taking, ethics and morals, imagination, drive, self-assurance, stress management, and positive image. The manager normally does a self-assessment, which is shared with governing body members. These materials become the basis for a two-way conversation about the manager's performance and strong/weak points led by the chair or mayor or, in some cases, by an outside facilitator, in closed session. In addition to decisions on compensation and continuity, evaluation results are used by managers in their plan for personal and professional development prior to the next evaluation cycle.

More and more governing bodies are using retreats to set out these initial expectations between themselves and the manager and to address other issues that contribute to effective governance. The idea behind a retreat is for the governing body (and other parties invited by it) to convene at a time and a place different from its regular meeting time and place³⁰ to deliberate about matters that are difficult to fit into the routine formal business that fills its regular meeting agendas. Retreats are commonly used by governing bodies for the following purposes: to identify strategic goals, objectives, and priorities to advance the governing body's vision for the community; to identify agreements and differences among members in their beliefs about and goals for the community; to plan how to achieve common goals and accommodate differences; to understand one another's expectations about working together and learn individual leadership styles and behaviors; and to review progress in achieving previously agreed-upon goals.³¹ Facilitators from outside the local government are often used to bring neutrality into the retreat proceedings and to enhance listening and communications among the participants. Annual retreats are an effective way to build and sustain a unity of effort that is difficult to develop in the course of a governing body's regular meetings and to help keep elected officials and the manager focused on the “big picture” for the community.

29. See Vaughn Mamlin Upshaw, *How Are We Doing? Evaluating Manager and Board Performance* (Chapel Hill, N.C.: UNC School of Government, 2014).

30. Note: A retreat must still meet all of the requirements set out in the open meetings law (G.S. Chapter 143, Article 33C).

31. For a more thorough discussion of retreats, see Kurt Jenne, “Governing Board Retreats,” *Popular Government* 53 (UNC Institute of Government, Winter 1988): 20–26; Amy Cohen Paul, “The Retreat as Management Tool,” *ICMA IQ Report* (Jan. 2001); and Robert Porter, “Secrets of a Successful Board Retreat,” *Trustee* (May 2000): 26–27.

Evaluating the Governing Body

Increasingly, managers are giving feedback regarding the governing body's performance, and boards and councils are evaluating themselves as decision-making bodies and representatives of the citizens. As indicated in the previously discussed research by John Nalbandian and James Svara, managing, leading, and governing in council–manager communities are shared responsibilities. Just as the governing body expects the manager to conduct himself or herself in accordance with the General Statutes and the ICMA Code of Ethics, the manager has expectations of the governing body that impact upon his or her performance. These might include looking to the board or council to take ownership of its decisions, to recognize and uphold its role as policy maker not micromanager, to defend staff members when they are attacked for carrying out board or council policy, to be decisive and consistent, and to show respect and support for professional staff. Elected officials could fill out questionnaires assessing how the governing body as a unit sets goals, makes policy decisions, establishes priorities, understands the budget, engages the public, operates in a businesslike manner, handles information provided by the professional staff, and relates to the manager.³²

For some governing bodies, annually evaluating the manager might seem to be a big step, and evaluating their own effectiveness could be viewed as potentially disruptive and dysfunctional. However, just as regular feedback can enhance the manager's performance, introspection by the governing body as to how it conducts its work and relates to professional staff can lead to improvements in its decision-making capacity and ability to represent the community.

Conclusion

The council–manager form of government has a long and successful history in the United States and especially in North Carolina. Like any governmental arrangement, it has potential advantages that are not automatically put into practice. However, many of these advantages can be realized if elected officials and managers work together in a good faith effort to observe the tenets on which the council–manager system is based. The General Statutes and the ICMA Code of Ethics constitute a solid foundation for this form of government, but they are only a starting point in a very complex working relationship. Success under the council–manager form depends, ultimately, on the governing body and the manager's ability to establish clear expectations, maintain good communication, and develop a sense of shared vision and teamwork on behalf of the community.

Additional Resources

Publications

- International City/County Management Association. *The Effective Local Government Manager*. 3rd ed. Washington, D.C.: ICMA, 2004.
- . *Managing Local Government: Cases in Effectiveness*. Washington, D.C.: ICMA, 2009.
- . *Leading Your Community*. Washington, D.C.: ICMA, 2008.
- . *Working Together: A Guide for Elected and Appointed Officials Training Workbook*. Washington, D.C.: ICMA, 1999.

Organizations

- International City/County Management Association, 777 North Capitol St. NE, Suite 500, Washington, D.C., 20002, www.icma.org.
- National League of Cities, 1301 Pennsylvania Ave. NW, Suite 550, Washington, D.C., 20004, www.nlc.org.

32. See Craig M. Wheeland, "Enhancing the Governing Body's Effectiveness," in Chardean Newell, ed., *The Effective Local Government Manager*, 3rd ed. (Washington, D.C.: International City/County Management Association, 2004), 57–69, 79–81.

National Association of Counties, 25 Massachusetts Ave. NW, Suite 500, Washington, D.C., 20001,
www.naco.org.

North Carolina League of Municipalities, Albert Coates Local Government Center, 215 North Dawson St.,
Raleigh, NC, 27603, www.nclm.org.

North Carolina Association of County Commissioners, Albert Coates Local Government Center, 215 North
Dawson St., Raleigh, NC, 27603, www.ncacc.org.

North Carolina City and County Management Association, P.O. Box 3069, Raleigh, NC, 27602-3069,
www.ncmanagers.org.

About the Author

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