

Forms of Municipal Government in South Carolina

Scott Slatton
Municipal Association of South Carolina



Establishment of FOG

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



Policy vs. Administration

- Two distinct areas of functional responsibility in local governments regardless of the form
 - Policy
 - Policy = Council
 - The “What” and “Why” of issues
 - Administration
 - Administration and Operations = Staff
 - The “How” “When” and “Where” of issues



What Distinguishes The Forms Of Government

- The major difference is where the executive and administrative powers and responsibilities of the local government are vested
 - The legislative function remains with the council under all forms of municipal government
 - Powers, roles and responsibilities exercised by the mayor, council and chief administrative officer (CAO) differ among FOG



Municipal Government In South Carolina

- General Information
 - 270 municipalities
 - Most are very small (207 less than 5,000 population)
 - Great variation in population and complexity of municipal governments
- Three Authorized Forms Of Municipal Government
 - Mayor-Council - 145 (91 under 1K, 3 over 25K)
 - Council - 93 (30 under 1K, 3 over 25K)
 - Council-Manager – 32 (1 under 1K, 10 over 25K)



Mayor-Council Form

- General Information
 - Most used form of government in South Carolina municipalities (145 of 270 municipalities)
 - Often called the strong mayor form because the Mayor is granted by state law the right to exercise legislative as well as executive and administrative authority



Mayor-Council Form

- **Council Powers**
 - Serves as legislative body
 - Determines policy for municipality
 - Appoints city attorney, city judge and municipal clerk
 - Approves annual budget



Mayor-Council Form

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



Mayor-Council Form

- **Mayor's Powers**
 - Votes as a member of council
 - Presides over meetings of council
 - Makes annual financial reports to public and council
 - Reports to council on the operations of departments
 - With Council approval, may hire an administrator to assist
 - Insures the faithful execution of laws



Council Form

• **General Information**

- Second most used form of government in South Carolina municipalities (93 of 270 municipalities)
- Sometimes called the weak mayor form which refers to the Mayor's lack of formal executive authority
- No separation of powers between the executive and the legislative functions
- Often called governance by committee because of shared powers



Council Form

• **Council Powers**

- Exercises all legislative and administrative functions
- Establishes all departments and agencies of the municipal government
- Appoints the city clerk, attorney, judge and all employees
- Council may hire an administrator whose duties should be defined by ordinance of council
- Responsible for adopting a balanced operating budget



Council Form

• **Mayor's Powers**

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



Council Form

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



Council-Manager Form

- General Information
 - Third most used form: 32 of 270 municipalities
 - The mayor and council members are forbidden by law from interfering with the operation of the departments, offices and agencies under the direction of the manager
 - No direct involvement in the hiring or firing of employees under the manager or directly dealing with or giving orders to those employees



Council-Manager Form

- Council Powers
 - Serves as legislative body
 - Determines all municipal policies
 - Hires and fires city manager
 - Appoints the municipal attorney and judge



Council-Manager Form

- Mayor's Powers
 - No powers beyond that of being a member of council
 - Presides at meetings of council by tradition, not statutory authority
 - May exercise "informal" authority as leader of council and spokesperson for the council



Council-Manager Form

- City Manager's Powers
 - The city manager serves at the pleasure of council
 - State statute defines the powers of the city manager
 - The city manager serves as the chief executive officer and head of the administrative branch
 - Empowered to appoint, remove and fix the salary of all employees
 - Prepares, submits to council and then upon approval, administers a balanced budget
 - Performs any other duties prescribed by law or required by council
 - Appoints municipal clerk



Council/Manager Form

- City Manager's Powers continued
 - Prepares an annual financial report to council and advises council of the financial condition of the municipality
 - Advises council on the appointment to boards, recommends the creation, change or abolition of departments and designates a temporary manager in his or her absence
 - Implements policies through administrative control of all departments, offices and agencies



Change in Form of Municipal Government

Ordinance Method

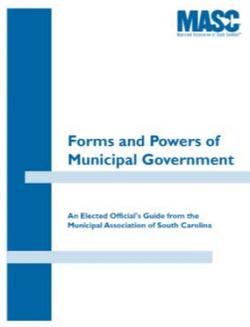
- The Municipal council calls for referendum by ordinance

Petition Method

- Requires the signatures of at least fifteen percent of the municipality's qualified electors
 - A majority of referendum voters must vote for a change
 - If the referendum fails, a minimum of four years before another referendum can be held



Resources



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

Municipal Association
of SC

www.masc.sc
Keyword: forms of government