

10

CITY AND VILLAGE GOVERNMENT

Chapter 10 Section 1

Why They Formed and What They Are

Here are the key concepts in this section:

1. Cities offer many benefits to their residents and one is more government services, but such services always require money and manpower, adding to the complexity of city government.
2. A key difference between village and city government is that villages are still a part of their township while cities are separate from any township.
3. Becoming a city or village is a rather complex process which follows rules set up by the state government.
4. Forming a city or village in Michigan was once even more difficult because the early state constitutions did not provide any plan to follow. This led to much interference from the state legislature until the 1908 constitution.

A majority of Michigan residents live in cities or villages. If people don't actually live in a city, they usually live near one— in its *metropolitan area*. A *metropolitan area includes the smaller cities and towns which are close to the major city. These other cities or suburbs are not under the political control of the major city but they operate in its shadow.* Throughout Michigan, over 5 million residents live in cities or their metropolitan areas.

Detroit is the only really large city in Michigan; the other bigger cities are much farther down in the national rankings. Detroit is huge, of course, with about one million people. According to the 1990 census Detroit is the ninth largest U.S. city— it once was 6th but its population has decreased considerably. Meanwhile, Grand Rapids (189,000) is the 78th largest city in the United States. Warren (145,000), Flint (141,000), and Lansing (123,000) are three other large cities in the state. All cities are not large and Michigan has many smaller ones. Alma (9,034), Gaylord (3,256), Grand Haven (11,951), and Marquette (21,977) are but a few of Michigan's 273 cities.

Franklin (2,626), Lake Orion (3,057), Ravenna (919), and Wolverine (283) are four of 262 villages in Michigan.

How are these cities and villages organized? What services do they provide? These are some of the questions answered in this chapter.

ORIGINS OF CITIES

Benefits of Living Together

History books tell of many great cities existing hundreds, even thousands, of years ago. Such cities as Athens, Alexandria, Rome and the more modern cities of Europe and the United States became the models for others to follow. They all rose out of a need of people to be more secure, to be provided the services needed to work, learn, and live, and the desire to have a voice in their local destiny. Throughout history people have moved to cities because they offered the economic benefits of higher paying jobs, more efficient delivery of essential services, and the cultural benefits that resulted from many people living close to one another. Michigan cities were settled for the same reasons.

Michigan's First Cities

The first *incorporated* city in Michigan was Detroit in 1815. Following closely behind was Monroe in 1820. No new cities incorporated in Michigan for the next 30 years. This was somewhat due to the first Michigan constitution failing to even mention local government. The second constitution in 1850 mentioned local governments in more detail, but it gave the state legislature almost total control of local governments.

Twice after 1850 the people of Michigan tried to rewrite the state constitution. Finally, the electorate succeeded and approved a new constitution in 1908. One of the motivating factors in accepting the new constitution was the frustration of citizens and local leaders over the lack of any real voice in how their local governments were organized. The new constitution gave the legislature the power to create a new category of city government called "home rule cities." The home rule concept lets the people of an area decide for themselves how their city government should be organized. Michigan was the seventh state to adopt this type of city government.

Michigan's Urban Growth

Population growth in Michigan and the United States since 1800 has been nothing short of remarkable. In that year, when the American population was about 6 million and the Michigan non-Indian population only a thousand or so, 96 percent of Americans lived in the "country." In 1790, there were only six cities in the U.S. with populations over 2,500— New York City, Philadelphia, Baltimore, Boston, Norfolk, and Richmond.

The westward migration of people from New England and foreign immigrants looking for a new home in America brought more people into Michigan.

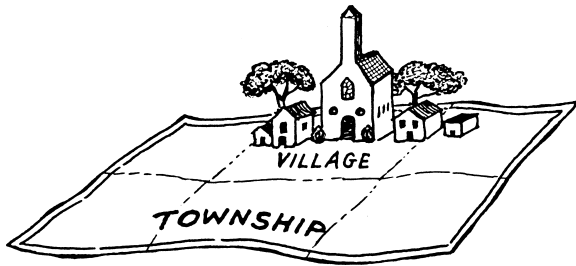
Michigan Government & You by Steven Thomas - Hillsdale Educational Publishers, Inc.

The population exploded during the mid 1800s. It jumped from 31,639 in 1830 to 212,267 in 1840, and almost double that figure by 1850! Changing technology helped build our cities. At first, most people earned a living as farmers and their neighbors might be far away, but as manufacturing developed in the late 1800s many moved into the cities to find work in the factories.

WHAT IS A VILLAGE ?

As communities grew, two kinds of local government organization were possible— village or city. Many of the cities Michigan has today started out as villages which later changed their form of government as they grew larger.

Let's discover exactly what the village form of government is. A group of citizens living in close proximity may choose to organize their area into a village if they desire. The population of the area must be at least 150 residents, with a density of 100 residents per square mile. A village remains a part of the township in which it exists, so the township still does certain services for it. The township continues to assess property; collect taxes for the schools, the township, and the county; and conduct county, state, and national elections for villages.



People meeting the requirements for a village will likely consider starting fire and police protection or developing local laws regarding individual behavior or land use. The residents of an area often need some compelling situation to cause them to consider taking the formal steps to form an organized village or city. Such a move may be started because the sheriff took too long to reach

the scene of a crime, or it can be that a house burned to the ground because of inadequate fire protection.

Village government and city government are much the same except a village remains a part of the township and the township will continue to provide the services it did in the past unless the village decides to do some of them itself. The county also has a more important role in a village than it does in a city because the county may continue to provide the village with services through contracts between the two. The village may pay the county for such things as protection by the sheriff's department or road and street maintenance through the county road commission.

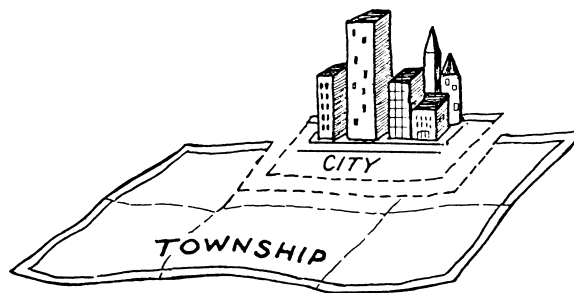
Both a city and village have an elected council; however, the village council members are known as trustees. Instead of a mayor, a village has a president. This official has powers similar to a mayor except he or she also has the powers of a sheriff to stop disorder within the village limits. A few villages have law officers known as village marshals. Village voters have to do a little

extra work because they must register twice, once for village elections and another time for all other elections.

WHAT IS A CITY ?

Residents can choose to become a city if their population exceeds 750 or 2,000, depending on the kind of city they wish to establish. A city, unlike a village, withdraws from its township. It no longer takes part in any township activities. City residents pay no township taxes and elect no township officials.

A city must provide for all the services it no longer receives from the township. It must register voters, conduct elections, assess property, and collect property taxes. A city will also provide some services otherwise provided by the county. The county sheriff generally does not assume responsibilities inside city boundaries, so a city must establish its own police force. It has its own fire department, provides water and sewer services, does road construction and repair, and even generates electricity sometimes.



The great advantage of having the legal status of a city is self-determination. The residents of a city can determine themselves how they wish to be governed. City residents determine what services they desire, what they will pay in taxes, how the city will be planned, and much more. The laws of Michigan allow city residents to tax themselves to a greater extent than villages or townships. This extra funding capability allows the city to provide more services.



Detroit's Renaissance Center and People Mover. Larger cities face more complex problems which often require costly solutions, such as the People Mover. Photo courtesy Metropolitan Detroit Convention & Visitors Bureau.

BECOMING A CITY OR VILLAGE

When the public thinks of cities, the focus is often on the unpleasant aspects of city life. I remember when my township was considering becoming a city a few years ago. Many residents opposed the idea because they thought the township would automatically have slum housing, busy, noisy streets, and higher taxes. The vote to incorporate as a city failed and my township is still a township. The years have gone by and the streets are much busier and noisier anyway. Taxes have gone up about 400% regardless of the vote! A city, as opposed to a village or a township, is for the most part only a difference in the organization of the government. Becoming a city does not automatically change the people, their needs, the environment, the roads, the schools, or even the taxes. All these things are dependent on how the public deals with them— not on the form of government.

MANY STEPS TO BE FOLLOWED

When residents want to become a village or a city they must ask permission to do this. *The legal or formal process of becoming a village or city is called incorporation.* The process to become a city or village is a complex one and can have as many as 73 separate steps. Below is a simplified outline of what happens. Citizens wishing to incorporate a village, or villages hoping to become cities, must first seek approval from the State Boundary Commission.

Step 1— A Petition

At least one percent of the voters in the area to become a city must sign a petition which goes to the State Boundary Commission.



Step 2— A Hearing

The commission hears the arguments for the change, then holds a public hearing in the area after notifying interested parties.

The State Boundary Commission

The State Boundary Commission is composed of three individuals appointed by the governor. When they consider incorporation within a particular county, the senior probate judge within the county appoints two additional members to make a total of five people. One of the new appointees must be from a city. The other must be from a township.



The commission considers such criteria as population, density, land area, valuation, urban growth factors, and additional information that will help them determine if it is reasonable to consider village or city incorporation for the area.

Step 3— Vote to Write a Charter

If the commission concludes that incorporation is appropriate, they accept the petition. A referendum vote on the matter is then held for the approval of the residents involved.



Step 4— A Charter Commission

If successful, the residents must establish a charter commission which produces a charter for the city or village. The completed charter must be presented to the governor.



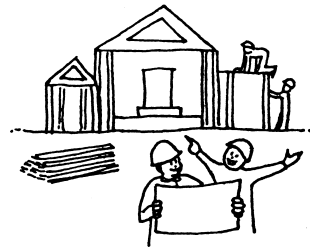
Step 5— The Governor Approves the Charter

If the governor approves the charter, it is presented to the people of the area for their approval in another referendum vote.



Step 6— People Give Final Approval

If that vote is successful, the new government is formed, officials are elected and appointed, and the new government begins its operation.



TYPES OF CITY AND VILLAGE INCORPORATION

GENERAL LAW CITY GOVERNMENT

The first Michigan cities were created under special legislation by the territorial government and later by the state legislature. Because of that creation by the legislature, such cities were known as “General Law Cities.” Since the legislature made the rules, the cities had very little control in how they were governed. Over the years all general law cities have changed to other options but some villages continue to operate under the general law provisions.

State Legislative Control

Since the first constitution in 1835 neglected to mention local governments, the state legislature was left with the question of how they should be established and organized. The legislators were delighted to assume this power. The result was the state legislature not only decided under what circumstances to allow a city to form but it also meddled with its daily affairs.

1. The *strong-mayor form* of government, meaning the mayor is given substantial powers of appointment, budget preparation, veto, and there is a small weak council.

2. The *weak-mayor form* where the mayor only has limited power. The office of mayor is mostly ceremonial. The council has executive powers and often appoints the heads of city departments. The weak-mayor system is usually found in smaller cities.

3. The *council-manager form*. The elected council has wide powers. It can hire and fire a city manager who controls day to day operations of city government. The city council sets basic city policies and has legislative powers to pass laws for the city. This form of city government still usually has a mayor with limited powers.

Questions

1. Name the first two places in Michigan to legally become organized as cities.
2. What omission caused problems in the formation of Michigan's early cities and villages? What corrected this problem and when did it take place?
3. Make a list of all the differences between village government and city government.
4. What are the basic steps needed to become a city?
5. Explain what the phrase "Home Rule City" means.

Chapter 10 Section 2

Types of Organization for City Government City Officials and What They Do

Here are the key concepts in this section:

1. There are four basic types of organization for city government in Michigan and three of them are still in use.
2. When a city is formed, it takes on some responsibilities previously done by the county and townships.
3. The mayor is the chief executive officer of a city, but depending on the form of city government, some mayors have many powers while others have very few.
4. Often the city manager is the most powerful city official, even though this is not an elected position.
5. In Michigan it is the law that all meetings of government officials be open to the public, though there are some minor exceptions.
6. Both state and local governments have the right to obtain private land at a fair price for public use, even if the owner does not want to sell it.

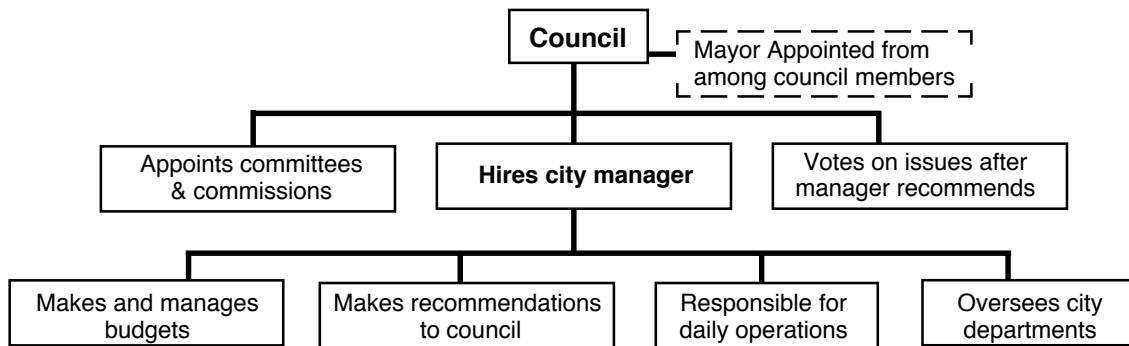
CITY GOVERNMENT ORGANIZATION

While there are many different considerations for charter commissions to debate, there are only four basic structures used by cities and villages. Simply speaking, each of these four types relates to which official or officials have the most power.

COUNCIL—MANAGER

The most professional approach in organizing is the council-manager form of city government. This plan is characterized by a *city council*, which selects a professional *city manager* to run the city on a day-to-day basis and make recommendations to the council. The city must have a mayor, but the position is mostly honorary. These mayors may be elected by the voters or selected by the council. About 175 of Michigan's 271 cities use this form. The organizational chart shows who controls what areas. You can see that the manager is the one person who oversees the work of nearly every department in city government.

Organizational Chart for Council-Manager Form of City Government

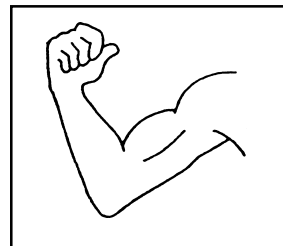


MAYOR-COUNCIL

The mayor-council form of city organization is the second most often used in Michigan. It is also the oldest in use in the country. Most large cities use this form. There are two types of mayor-council government: the “strong” mayor-council and the “weak” mayor-council.

Strong Mayor-Council

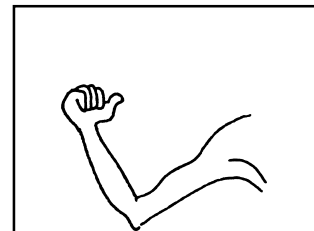
The *strong mayor-council* form of city government provides a city organization with a city council which is accompanied by a mayor who has considerable power. The mayor is referred to as “strong” because the position is provided a number of powers in the charter that a “weak” mayor is not given. A powerful mayor, for instance, is given broad appointive powers, a veto over measures passed by the council, and budget-drafting responsibilities. The mayor may also preside over council meetings, be able to vote in case of a tie council vote, and be able to recommend legislation.



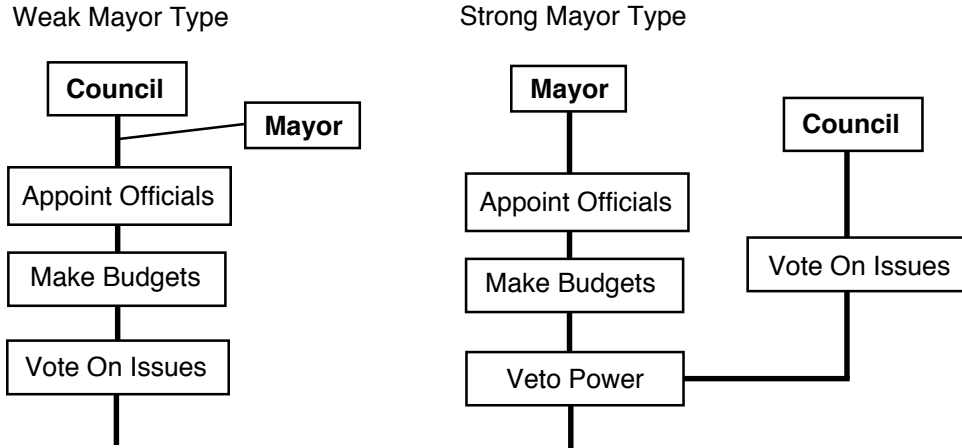
The mayor is elected separately and can gather significant political clout in city matters. He or she is the chief executive of the city. Mayors of larger cities are often found lobbying in Lansing or Washington for more benefits back home. The mayor of Detroit is an example of a “strong” mayor.

Weak Mayor-Council

In the *weak mayor-council* form, the city council is given most of the powers and the mayor is given very few. The council has the power to make most appointments. The mayor may not even be given veto power. The council prepares the budget with only recommendations from the mayor. Departments are often run by commissions appointed by the council.



Organizational Chart for Mayor-Council Form of City Government



The weak-mayor form is not a popular choice for a number of reasons. One big problem is that there is no strong leader in the city. Power is too decentralized and spread out among the council members, the mayor, and various elected or appointed commissions and boards. At election time, voters are sometimes confused by the long list of candidates on the ballot. The advantages are that it provides for more citizen input and gives the council more control over the operation of the city. Often this form of city government is confused with the council-manager form because *both* types may hire a city manager.

COMMISSION

The *commission* form looked great on paper, but it did not work well. The last Michigan city to use it was Highland Park, which changed in 1968. There are no Michigan cities using the commission form today.

CITY FUNCTIONS

Services Increased

One reason people came to cities in the first place was to receive better services in a more efficient manner. No longer does each family need to take care of its own water, sewage, and garbage. In a city there is easy access to libraries, municipal swimming pools, tennis courts and other conveniences.

One of the first services to be provided was protection. Where large numbers of people gather, violence, crime, and the risk of fire become serious threats to the public welfare. Police and fire departments are basic city services. Cities also provide street lights, parks, and other conveniences to city dwellers, all to meet the needs, demands, and wishes of their residents.

Since people live closer together in a city than in the country it is easier to provide many services in a city. Less ground has to be covered. So it is more efficient to build sewers, pipelines, electric lines, have police patrols, drive to the scene of a fire, and maintain roads. It is usually less costly to connect city residents to a water system than to have each household dig its own well. The city can more inexpensively add fluoride and soften, purify, and pressurize the water. Similarly, municipal treatment of sewage is more efficient than having each family build and maintain a septic tank and drain field. It would be hard for the people in a sparsely settled township to pay for a park or library, and even if they could, it might be too far away to be usable.

Depending on the size and needs of the city, it may also have garbage pickup, public transportation, land-use planning and zoning laws, parks, libraries, museums, zoos, cemeteries, and many other services. The extent of the services and regulations is left to the voters of the city to decide. The residents of Grand Rapids desire to spend some of their tax dollars on such items as John Ball Park and outdoor art in addition to their other needs. Residents in Lansing are provided electricity and water through a separate authority called the Board of Water and Light. These decisions are made through the selection of various elected officials and through ballot issues presented to the voter.

Local government is a creation of the state constitution so the legislature can require cities and villages to do various jobs too. For example, cities are required to conduct national, state, and local elections.

When an area becomes a city, it must take on many responsibilities previously handled by the township and some of the responsibilities of the county. The county is responsible for the construction and maintenance of roads, for example, except within city boundaries. The city must assume those responsibilities.

CITY AND VILLAGE OFFICIALS

Cities and villages may choose to provide a variety of services to residents, but the major elected and appointed officials are generally the same in any city or village.

THE MAYOR

The chief executive of the city is the mayor. The mayor is generally elected directly by the people in mayor-council city organizations. In council-manager forms, the mayor may be elected by the people or may be chosen by the council from among its own members. Qualifications for mayor and all other city and village offices are minimal and allow the voters the greatest opportunity of choosing among a large number of candidates. Mayors usually serve for terms of four years.

CITY MANAGER

A city manager is a trained specialist with preparation in the various phases of city government including city law, accounting and budgeting, problems of health and sanitation, personnel matters, and traffic management. The duties of the city manager are to take care of the daily operation of the city. He or she supervises all city departments from police to garbage collection. The manager usually attends city council meetings and answers questions from the public about city programs.

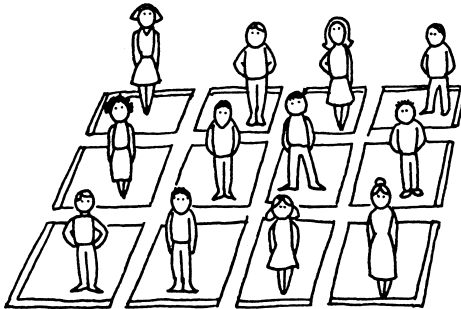


Many aspects of the job require a political sensitivity and yet the manager is not elected but is instead hired by the city council. While this person may be an expert in all areas of city government, he or she may not be in touch with the residents of the city. The manager is usually an outsider who may not sense the direction of the general public. This may be a drawback in some cases.

CITY COUNCIL

The city council is the legislative body for the city. Unlike state and national legislatures, city councils are unicameral (have only one group), as are village, township, and county boards. Their numbers are also quite small in comparison. City councils usually consist of five to nine members. Terms of office are either two or four years and may be staggered so the entire council is not up for re-election at the same time. Most council members are elected by

the voters from the entire city. In larger cities, some of the council members are elected from *wards*. *Wards are geographical divisions of the city used to elect the council. Usually one member of the council is elected from each ward.* This allows the residents of each ward to have closer contact with their representative on the council.



CITY MAP

City councils pass *ordinances* (city laws), make some appointments, and approve the budget. Depending on the city

government's organization, the council may be very powerful. This is especially true in the council-manager and weak mayor-council forms.

CITY CLERK

The city clerk has responsibilities similar to a township clerk. He or she keeps a record of the council meetings and of the finances of the city. The clerk is also responsible for issuing permits for a variety of activities, including parades, use of city buildings, and many others. It is the clerk who registers voters and conducts elections.

CITY TREASURER

The city treasurer is responsible for the finances of the city. He or she will receive taxes, especially property taxes, pay the bills of the city on the order of the council, and report to the council at appropriate times on the financial status of the city.

OTHER OFFICES

Occasionally, other officers are elected, but a city usually has most officials and employees appointed to their positions. The personnel department will be chiefly responsible for finding the most qualified individuals for various positions. Although the county will elect offices like the sheriff, prosecutor, and drain commissioner, most cities appoint their police chief, city attorney, building inspector and so forth. They also have departments concerned with assessing, finance, public works, fire, and planning. The number of offices and employees in a city is usually related to its size.

PROBLEMS OF AGING CITIES

Many large cities have been around for decades. Buildings, water pipes, and roads were not necessarily meant to last that long. As the *infrastructure* ages (*Infrastructure is the roads, bridges, water and sewer lines, and so forth, required for a city to function efficiently and safely.*), and as more people leave for the suburbs, many cities have fallen into disrepair. It becomes a vicious cycle, property values decline and little new construction takes place, there is less money available in the budget for improvements and repairs and as the city deteriorates, more people move away. Shopping malls draw customers away from downtowns and businesses in the city centers close or decay.

Some Michigan cities are organizing to respond to this situation. There are numerous state and federal programs to assist them in this effort. Many efforts are from the private sector, as well. Detroit's Renaissance Center and Grand Rapids' Amway Plaza are just two examples of private projects designed to give a boost to the inner city.

POWERS AND RESPONSIBILITIES

State and local governments have some special powers and responsibilities. One of these powers and one of the responsibilities apply to all levels of government in Michigan. They are explained as follows.

EMINENT DOMAIN— *The Right of Government to Take Land*

As cities increase in population more services are needed and sometimes this means local government needs more land. This is true with state government activities as well.

One obvious example is the need for roads. This was most apparent during the construction of the interstate highway system that began in Michigan in the 1950s and continues today. When the plans were still "on the drawing

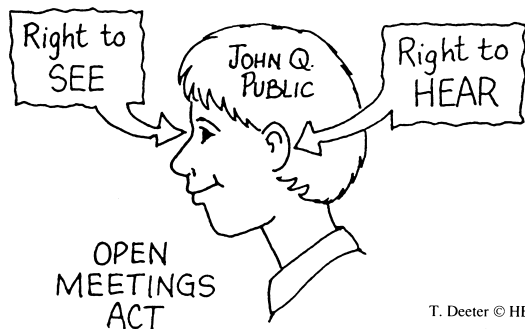
board,” it was determined where the roads should be built. Part of this project was to construct an interstate from Detroit to Muskegon called I-96. As the highway engineers decided where the highway should be laid, one consideration was the interruption of businesses and family life. The highway department sent agents to all the residents along the route to tell them of their plans to buy their land and build a highway on it. This was not welcome news for most and some fought the plans. In such cases, the land is usually *condemned*, which means the government buys needed property whether or not the owner wants to sell. The argument may end up in court. The government still gets the needed land but the court decides fair payment.

Government has the right to do this through the power of *eminent domain*. This is the power of government to take private property for public use. The concept of eminent domain goes back hundreds of years and has roots in the idea that the king owns everything, that what we consider “ownership” is a limited right to use the property. Government could never build a highway, or many other important structures, without this power. Eminent domain is not very popular with those it directly affects, but it is essential.

Occasionally, it is used for purposes that barely resemble government activity. The most dramatic recent example of this was the takeover of the Polish community in Detroit called Poletown by the city of Detroit. Wrecking balls smashed 1,362 homes, 143 businesses, 16 churches and 1 hospital. This entire community was condemned so General Motors could build a large automobile plant there. The only relationship to government activity was that the plant would provide jobs and pay taxes. Of course this use of eminent domain was hotly contested and it led to over \$100 million in lawsuits which were still being resolved years after the event.

OPEN MEETINGS ACT— *the Public’s Right to Know*

If government is to truly be “of the people, by the people, and for the people,” it is essential for the people to know what is going on and to have the opportunity to tell government what they desire. There seems to be a powerful tendency for many government officials to forget that their role in a representative democracy is to represent the interests of the people. Their job should not be to advance the interests of powerful lobbyists, unions, or businesses, or



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worse yet, themselves. When government activities take place behind closed doors this is exactly what can happen. In the early 1970s there was a move by citizen groups in Michigan to force all levels of government to do their business in the open. Because of this the state legislature passed the *Open Meetings Act* in 1976.

The Open Meetings Act requires open meetings of all legislative, city, village, township, and county governing boards. It requires open meetings of all local and intermediate school boards, state colleges, universities, community colleges, zoning boards, road commissions, public hospitals and others.

The Open Meetings Act requires that, before a meeting is held, notice of the time, place, and subject matter of the meeting must be provided to the public. Any person has the right to peaceably address a meeting of any body. To accommodate this, most government bodies have a time on the agenda for “public comment”.

A meeting can be closed to the press and the public only when the body is discussing specific kinds of sensitive matters where more potential harm than good would likely occur from a public discussion. Examples are: labor negotiations, employee or student discipline, an option to purchase property, or a pending legal action. To close a meeting to the public, a two-thirds majority of the body must vote to do so by a roll call vote (so the public knows who was responsible). Only the stated agenda item can be discussed.

The Act also guarantees the availability of the minutes of open meetings at a reasonable cost of printing and copying.

Some governmental groups may still try to work out of sight of the public. They may prefer the public not know how their decisions were reached. Of course, such groups would certainly be violating the “spirit of the law,” if not the actual law itself. The law’s requirement for open meetings goes into effect whenever and wherever a majority of the group is present. For example, a seven member group which would have to meet in the open if four members are present, might meet in groups of two or three. Some might meet in a member’s home causing the public to feel they are intruding. Occasionally, groups have met in sections of restaurants too small to accommodate any additional people. These situations are violations of the intent (“spirit”) of the law. Still, the Open Meetings Act gives Michigan citizens greater access to the decision-making process of government. Today, most governmental groups understand the responsibility to do business in an open and democratic way.

Questions

1. Outline the type of government organization your city has or that of a city nearby. Name each of the major elected officials. Is the mayor elected or appointed by the council? How many members does the council have and are they elected from the entire city or by wards?
2. Let us suppose you are interested in running for city council. Under which type of basic city government organization would you prefer to work? Explain your reasoning.

3. Explain why it is more efficient for government services, such as water, sewer, police, fire protection, and libraries, to be provided in a city than in a rural township.
4. Make a list of city services which were once done by the township, county or individual before the city was formed.
5. Explain what eminent domain is and tell if you believe this procedure is fair. If you could change the way this procedure is used what changes would you make?
6. Frank Fox is a member of the city council. He finds most council meetings to be much too long— often delayed by arguments among the council members and the amount of time required for public comments. Frank has found it speeds up the meeting if he and some of his friends on the council meet at a restaurant over supper and decide on their positions before the meeting. This way they are ready to vote when the issues come up later.

Is Frank doing anything wrong? Does his action and the actions of his friends on the council shortchange the public in any way? Should these council members change their practice of getting together before public meetings? What do you think and why?