

**EVALUATION
OF THE
STRONG MAYOR
FORM OF GOVERNMENT
IN
COLORADO SPRINGS, COLORADO**

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On November 2, 2010, voters in Colorado Springs, Colorado, replaced the Council-Manager form of city government with the Strong Mayor form. There was little discussion during the election campaign to approve Strong Mayor of the sharp differences between the Council-Manager form and the Strong Mayor form. Voters were convinced largely by a series of television commercials stating “It’s Obvious” that Strong Mayor was the best choice.

STRONG MAYOR *MINUS*

Strong Mayor city governments are all generally the same but differ greatly in specific details. Those details can make a great difference. Because there are major limitations on the powers of the new Strong Mayor in Colorado Springs, that city can best be described as having Strong Mayor *Minus*.

The new Strong Mayor in Colorado Springs possesses the basic characteristics of that form of government. The Strong Mayor is the top executive official of the city, appoints almost all the major city officers and department heads, originates the city budget, and can veto both laws passed by the City Council and budget items added by the City Council. The Strong Mayor also may appoint a Chief of Staff to be the top administrative official of the city. The Chief of Staff serves exclusively at the Strong Mayor’s pleasure and command.

But there are severe limits on the Strong Mayor in Colorado Springs:

City Council Approval of Major Appointments. All major city officers and department heads must be approved by majority vote of the City Council. This removes from the Strong Mayor the power to have total appointment authority over the executive branch of city government. Because the mayor is the most visible, and therefor responsible, elected official in the city, it makes sense for the Strong Mayor to directly select the top officials who will run city government.

The list of mayoral appointees who require City Council confirmation in Colorado Springs is a long one:

City Clerk

City Attorney

Municipal Judges

Chief Financial Officer

Department Heads

Heads of New Departments (created by City Council)

The only city official over whom the new Strong Mayor exerts complete control of appointment is the Chief of Staff.

Strong Mayor Does Not Control City Utilities or City Hospital. Colorado Springs City Council serves as the Utilities Board and also names the director of Memorial Hospital, the city-owned hospital in Colorado Springs. It is completely illogical to not have the Strong Mayor, the city's top executive official, controlling these two large and important operations of city government. As the most visible and responsible of the city's elected officials, the Strong Mayor is the logical choice to govern both Colorado Springs Utilities and Memorial Hospital.

Changes to Consider:

Amend the City Charter to permit the Strong Mayor to appoint major city officials *without* the approval of City Council.

Amend the City Charter to put Colorado Springs Utilities and Memorial Hospital under the direct control of the Strong Mayor.

CITY COUNCIL

The Colorado Springs City Council possesses the major powers appropriate to a city council operating under the Strong Mayor form of government. First and foremost, the City Council passes all legislation and

sends it to the Strong Mayor for signature. Mayoral vetoes of legislation can be overridden by a 2/3 vote of City Council.

The legislative powers wielded by city councils should not be underestimated, particularly when combined with the override of the mayoral veto. City councils under the Strong Mayor form of government mainly pursue their purposes through the legislative process, often imposing their will on the Strong Mayor through the veto override. Once such a law is enacted over the Strong Mayor's objections, the Strong Mayor is required by the City Charter to enforce it.

The Colorado Springs City Council can pass resolutions and state general policy positions for the city. Although neither of these two powers involve any enforcement powers, they can be used by the City Council to build public support for various programs and policies that the Council majority wishes to implement.

City Council also has the power to amend the Strong Mayor's city budget as it sees fit. This also is an important power. Budget items vetoed by the Strong Mayor can be overridden by a 2/3 vote of City Council.

The auditing process, the final checking of the city budget after expenditures have been made, is under the control of the City Council. The Council appoints the City Auditor with no participation by the Strong Mayor.

As noted earlier, the Colorado Springs City Council currently possesses the power to approve by majority vote the Strong Mayor's appointments of top city officials.

CITY COUNCIL DISTRICTING

Colorado Springs currently has three City Council members elected At Large, or citywide, and six elected from Single-Member Districts.

At Large City Council members made sense under the Council-Manager form of government, because there was a need for elected officials who would take a citywide view of problems. With the adoption of Strong Mayor, however, the Strong Mayor is elected citywide and becomes the major official charged with serving citywide interests. In such a situation, it is a good idea to have all nine City Council members elected from Single-Member Districts.

Because the three of them are elected citywide, there is no direct connection between At Large City Council members and the electorate. Few voters seem to know who their At Large City Council members are, mainly

because there are so many of them. Furthermore, At Large City Council members all run against each other in a big pool of candidates with the top three being elected to office. The votes are split many different ways, and those elected to At Large City Council seats tend to represent particular interest groups that supported them rather than the citywide electorate.

Single-Member Districts offer clearer lines of responsibility than At Large seats. There is only one Council member elected from each Single-Member-District, and that one person is very visible to the district constituency and directly responsible to that constituency for what happens down at City Hall in the City Council Chamber.

Eliminating the three At Large City Council seats and going from six to nine Single-Member Districts would create clear and direct lines of responsibility between city voters and City Council. Every voter would have just one City Council member who would be highly visible and highly responsible to the electorate. Another benefit would be that each of the nine Single-Member Districts would have a slightly smaller population, thus giving improved direct representation.

Minorities do better at winning Single-Member Districts rather than At Large City Council seats. In fact, Colorado Springs created Single-Member Districts in the early 1970s in an effort to increase minority representation on City Council.

Change to Consider:

Amend the City Charter to eliminate the three At Large City Council seats and have nine Single-Member Districts.

CITY COUNCIL ELECTIONS

One of the most important and beneficial improvements that came with the adoption of Strong Mayor in Colorado Springs was the requirement for a Run-Off Election for the Strong Mayor. Under this reform, two elections are held. In the first election, all the candidates for mayor run in a free-for-all. In the second election, the top two finishers in the first election run against each other to determine the final winner.

If, in the first election, one candidate receives a majority of the votes cast, that candidate is declared elected and no second election is held. That situation is most likely to come about when a popular incumbent is running for reelection.

The major benefit of this electoral system is that it produces a winner who, in the end, has received the support of a majority of the voters. This results in a Strong Mayor who has shown the ability to win a broad base of support throughout the entire city electorate.

Under the old Plurality System used to elect the Mayor under the Council-Manager form of government, only one election was held. Multiple numbers of candidates ran against each other, and the winner often enjoyed the support of only a small percentage, called a plurality, of the voters.

The Strong Mayor movement in Colorado Springs fell short in that the Run-Off Election reform was applied only to the new Strong Mayor and not to City Council elections, either for At Large seats or Single-Member Districts. The result is clear lines of visibility and responsibility between the Strong Mayor and constituents but blurred lines of visibility and responsibility for City Council members.

Change to Consider:

Amend the City Charter to provide for Run-Off elections for Single-Member District City Council members.

SLOT AT LARGE CITY COUNCIL SEATS

If the three At Large City Council seats in Colorado Springs are retained, the seats should be “slotted” into At Large Seat #1, At Large Seat #2, and At Large Seat #3. That way, candidates would run for a particular seat and not get into the At Large free-for-all system that is presently used. Most importantly, incumbents could be directly challenged by opponents running for their seat, something that does not happen under the free-for-all system.

If the At Large seats are slotted, they should have the same Run-Off election system proposed for Single-Member Districts.

Change to Consider:

If At Large City Council districts are retained, amend the City Charter to provide for slotting of At Large City Council seats. Then require Run-Off elections for At Large seats.

STRONG MAYOR - WEAK CITY COUNCIL

The Colorado Springs City Council lost a great deal of position and power when the voters adopted the Strong Mayor form of city government in November of 1910. The mayor's powers were greatly strengthened, and the provision for a Run-Off election made the new Strong Mayor a political figure with clear majority support in the community.

But the City Council was not similarly reformed. The preservation of three At Large City Council seats along with plurality rather than Run-Off elections makes the City Council a weak competitor with the Strong Mayor where visibility and importance to the voters is concerned.

CUSTOMARY ROLES OF THE STRONG MAYOR

Up to this point, only the City Charter powers of the Strong Mayor have been considered. In reality, the Strong Mayor has roles to play in city government that go far beyond the narrow powers specified in the City Charter.

1. **Symbol of the City.** Because the Strong Mayor is elected citywide, he or she symbolizes more than any other person in city government the hopes, dreams, and aspirations of the city. The Strong Mayor is expected to be present at, or at least comment upon, major events occurring in the city. The Strong Mayor welcomes important visitors to the city, honors great achievements by citizens of the city, and lends the mayoral name and face to important movements in the city such as charity campaigns. Any event in the city takes on added luster if the Strong Mayor is present, no matter how briefly.

Successful Strong Mayors become closely identified, even synonymous, with the cities they lead. The classic examples were Fiorello LaGuardia and John Lindsay in New York.

2. **Honest Broker of Competing Interests.** This role is the main reason Strong Mayor has become so popular in the late 20th and early 21st Centuries. As United States cities become more diverse, the Strong Mayor is in the best position to mediate between various interest groups and come up with solutions and programs that serve the majority of interests, vested and not, in the city. In

short, the Strong Mayor is to provide the negotiating skills that will get competing interests to work together to achieve city goals.

There are many competing interests in Colorado Springs, but there are two that have stood out over the years. One is a large group of voters, centered in downtown Colorado Springs and its close-in neighborhoods, that favors a more activist city government. This group wants the city government to take positive steps to stimulate the city's economy and expand services to the public.

A second major group, however, is further removed from the downtown area and located mainly in northern and eastern Colorado Springs. This group is somewhat skeptical of government activity, tends to resist increases in city taxes, and wants to see more attention paid to its part of town.

The Strong Mayor's job in Colorado Springs is to mediate between these two major groups and generate positive city programs as acceptable as possible to both camps.

3. **Originator of Major City Projects.** Strong Mayors are generally associated with the creation and implementation of major city projects. These would include new airports, grand boulevards, major bridges, convention centers, downtown and suburban redevelopment programs, park and open space projects, etc. Prime examples in Colorado would be Mayor Robert Speer of Denver building beautiful Speer Boulevard along both banks of Cherry Creek, and Denver Mayor Federico Pena leading the way in the construction of Denver International Airport (DIA).
4. **Pro- and Con- Leader on Initiatives and Referendums.** This role of the Strong Mayor is peculiar to Colorado, a state in which it is relatively easy for initiated city laws and initiated City Charter amendments to be petitioned on to the ballot.

In some cases, the Strong Mayor will want to take the leadership role in bringing about positive change in the city by initiating new laws and City Charter amendments on to the ballot and strongly supporting their adoption by the electorate. Perhaps more

importantly, however, the Strong Mayor will be ready to oppose those initiated city laws and City Charter amendments that, in the Strong Mayor's opinion, will have negative and destructive effects on the city.

Colorado has evolved into a state where many major decisions about government are made by the general electorate voting on initiated city laws and City Charter amendments. Being an "initiative leader," both pro- and con-, will be a big part of the Strong Mayor's job in Colorado Springs.

5. **Chief Legislator.** City Council clearly possesses the legislative power in the Strong Mayor form of city government. The Strong Mayor, however, is expected to propose legislation to City Council rather than only respond to legislation when it hits the mayoral desk for signature.

There is a good reason for this. As head of the executive branch of city government, the Strong Mayor is the best informed individual on what problems are developing as the city goes about enforcing existing laws. The Strong Mayor thus becomes the conduit by which city officials transmit to City Council their desires and needs in the way of legislative change.

Another reason the Strong Mayor should have a legislative program is because of the Mayor's greater powers to mobilize public opinion behind needed legislative changes. City Council members seeking to gain popular support for legislative proposals will often seek the Strong Mayor's public support because of the Strong Mayor's greater publicity powers.

6. **Chief of Financial Stability.** The Strong Mayor originates the city budget and sends it to City Council, but the Strong Mayor's financial responsibilities are much broader than only the preparation of the city budget. The Strong Mayor is expected to secure the economic future of the city by seeing that high-value properties paying high property taxes are continuously added to the city's property tax base. In the same way, commercial establishments that collect sales taxes for the city should be

regularly added to the city's sales tax base. Maintenance of strong tax sources in order to support a high-level of city services is a responsibility in Colorado Springs that has been shifted from the old City Manager to the new Strong Mayor.

7. **Occupier of the Bully Pulpit.** The Strong Mayor occupies the position in the city that former U.S. President Theodore Roosevelt described as the "Bully Pulpit." More than any other elected official in the city, the Strong Mayor has the power to command the public spotlight and speak to constituents about what should be happening in the city. The Strong Mayor can propose bold new programs for the city, or strongly oppose ideas that, in the Strong Mayor's opinion, will harm the city and its citizens. If change and progress are to come to the city, it is mainly the Strong Mayor's job to initiate them.

CUSTOMARY ROLES OF CITY COUNCIL

1. **Open Forum.** One of the great strengths and charms of the Colorado Springs City Council has been its openness. In the spirit of the New England town meeting, all persons are encouraged to speak to major issues when they come before the City Council. Two of the most familiar phrases heard at meetings are: "Is there anyone else who wants to speak *for* this measure?" "Is there anyone else who wants to speak *against* this measure?"

City Council meetings thus become the principal forum in which the words, policies, and actions of the Strong Mayor can be examined, questioned, and criticized. Because City Council controls its own agenda, this City Council critique of the Strong Mayor does not have to be limited to legislative matters but can be directed to the full range of the Strong Mayor's activities.

In short, City Council meetings are the City Council's best weapon in checking the awesome governing and publicity powers of the Strong Mayor.

It is interesting that, at the May 2011 municipal election, the voters of Colorado Springs authorized the Strong Mayor to attend and

speaking at City Council meetings. This was a sentimental holdover from the Council-Manager form of government that, in my opinion, is completely out of place in the Strong Mayor form of government with its emphasis on separation of powers.

The voters have spoken, however, so having the Strong Mayor attend City Council meetings should be given an honest try. If things do not work well as time goes by, the Strong Mayor should only speak to City Council on special occasions such as a “State of the City” speech.

2. **Errand Runner.** City Council members in Colorado Springs, particularly Single-Member District City Council members, are in the habit of taking complaints and requests from their constituents, even when those complaints and requests have nothing to do with legislation. Most of these complaints and requests, such as filling potholes and fixing burned-out streetlights, fall under the jurisdiction of the Strong Mayor rather than City Council.

City Council members will be reluctant to sacrifice this errand running function to a complaint bureau under the jurisdiction of the Strong Mayor. Errand running is one of the best ways for City Council members to maintain contact with constituents and gain their good will in preparation for the next municipal election.

Change to Consider:

Create an office under the Strong Mayor to take complaints and requests from both citizens and City Council members speaking on behalf of citizens. The complaints should be remedied as quickly as possible. The requests should be evaluated and, if found meritorious, put into effect.

3. **An Ear to All.** Since the early 1970s, Colorado Springs City Council has set aside time for anyone to speak to City Council on any issue of interest to them. This additional openness on the part of City Council should be preserved.

In a number of cities, the Strong Mayor also sets aside some time each week for any citizen to meet and speak with the Strong Mayor

on any subject of interest to the citizen. This occurs in populous cities as well as less-populous ones. Former Colorado Governor Roy Romer conducted such meetings with citizens under his Dome on the Range program.

Change to Consider:

Have the Strong Mayor set aside time for meetings with individual citizens and groups on any topic of interest to the citizens or groups.

SUMMARY OF CHANGES TO CONSIDER:

1. Amend the City Charter to permit the Strong Mayor to appoint major city officials *without* the approval of City Council.
2. Amend the City Charter to put Colorado Springs Utilities and Memorial Hospital under the direct control of the Strong Mayor.
3. Amend the City Charter to eliminate the three At Large City Council seats and have nine Single-Member Districts.
4. Amend the City Charter to provide for Run-Off elections for Single-Member District City Council members.
5. If At Large City Council districts are retained, amend the City Charter to provide for slotting of At Large City Council seats. Then require Run-Off elections for At Large seats.
6. Create an office under the Strong Mayor to take complaints and requests from both citizens and City Council members speaking on behalf of citizens.
7. Have the Strong Mayor set aside time for meetings with individual citizens and groups on any topic of interest to the citizens or groups.