Taking Stock of Form and Structure in County Government

by James H. Svara and Kimberly L. Nelson

County governments in the United States combine deeply rooted traditional structures and the forms of government developed in the 20th century reform movement. In the August 2008 issue of *PM,* we used the 100th anniversary of the addition of a city manager to the government in Staunton, Virginia, as the occasion to take stock of form of government in cities. It is appropriate to make a similar assessment in counties, which have used the commission-administrator or manager form for more than 80 years.

County and city governments are similar in many respects. Both fill a mission that is shaped by the preferences and needs of their residents, both interact extensively with citizens, and both share an emphasis on service delivery. They are also different in important respects, and these differences affect how they are structured and operate.

Counties are administrative subdivisions of the state, and their functions reflect both the need to provide uniform administration of certain services as well as the effort to provide other services that are unique to a specific county. By their nature, counties are typically larger than cities in land area, population, and budget, and they tend to be programmatically more diverse. In many states, structure and functions are linked to whether the county has a charter, but most counties do not have charters.

Structurally, the traditional county commission form of government was a plural executive, not the equivalent of the mayor-council form based on separation of powers. Both the commission-administrator/manager and the elected executive are often viewed as reform institutions.

The county commission or board of supervisors is responsible for budgeting, personnel, and provision of services under the control of the board, combined along with departments headed by elected line officers and by department heads responsible to boards and commissions that operate under state oversight.

There has been reform of county government but rarely comprehensive restructuring, in part because some features of county government are rooted in the state constitution and difficult to change unless (and even if) the county acquires home rule.

The principles discussed in the August article (available online at icma.org/pm) that distinguish forms of city government apply to counties as well. If the executive authority exercised by the county commission is transferred in whole to a county manager or in part to a county administrator appointed by and responsible to the commission, the essential features of council-manager government are present.

When executive authority is separated from the commission and shifted to an elected executive with or without a chief administrative officer (CAO), the essential features of mayor-council government are found.

In the commission form and the commission-administrator/manager form, separation of powers does not exist. In the elected executive form, separation of powers between the executive and the commission does exist.

Figure 1. Breakdown of Form of Government in Counties, 1989 and 2001.

Form of government	1989	2001
Commission	61.5% (1,893)	55.4% (1,697)
Commission-administrator/manager	25.4% (781)	31.6% (968)
Elected executive	13.1% (404)	13.0% (398)
Total	(3,078)	(3,063)

Source: National Association of Counties, *County Government Structure* (1989 and 2001).

BRIEF HISTORY OF THE REFORM MOVEMENT IN COUNTY GOVERNMENT

Local government reformers in the early 20th century had specific goals for changes in counties. The reformers' agenda for counties in the period 1900–1920 included:[1]

- Appointing more county officials rather than choosing them by election.
- Putting more county officials on salary and eliminating their dependence on collecting various fees for their incomes.
- Establishing home rule or the authority of the county to determine its structure and what services it provides.
- Increasing professionalism in county government.

One way to improve professionalism was for the commission to appoint a competent administrator who would link the commission and the administrative staff of the county—in other words, a county manager or county administrator. In 1927, this new form was adopted for the first time by Iredell County, North Carolina. In 1930, Arlington County, Virginia, became the first county to adopt the commission-manager form by popular vote.

The pace of adoption of reform institutions in counties was slow. By the mid-1960s, 85 to 90 percent of counties still used the commission form of government.[2] In the first decade of the 21st century, just over half of the counties used the commission form.

Progress in acquiring charters and achieving home rule for counties has been even slower and less extensive. Charters provide a specification of governmental structure, functions, and fiscal tools. They offer the government the potential for greater autonomy, and they have often been used as the constitutional foundation for local government.

In 1911, California voters approved the first constitutional amendment to allow counties to adopt home rule charters. During the rest of the 20th century, eligibility to adopt charters spread across the country to 28 states and more than 1,200 counties. Through 2002, however, the number of charter counties had reached only 144, or 12 percent of the counties eligible to adopt a home rule charter.[3]

With or without charters, counties in 32 states may be permitted the freedom to make certain changes locally.[4] In comparison, the municipalities in 43 states have the same kinds of home rule authority. Thus, counties are still more likely to be subject to Dillon's rule limiting governmental powers to those explicitly authorized by the legislature than are cities. Being closely tethered to state government adds to the difficulty and complexity of county government.

FORM OF GOVERNMENT

Counties show more variation in the characteristics of the forms of government than cities do. In a number of states—for example, Arizona, California, North Carolina, and Virginia—a clearly recognized county manager position is supported by law and tradition. In other states, however, the status is variable and the number of administrators is hard to pin down.[5]

Similarly, the elected executive can be found in organizations that were restructured relatively recently or in counties whose governments have evolved from a long-standing elected county judge system mandated in several states. To an even greater extent than in cities, a form of local government reflects a distinctive set of structures or practices that reflect basic principles but differ in specific details.

The scope and frequency of structural change was initially slower and more limited in counties than in cities, but there is a clear movement toward the commission-administrator/manager form of government. There were only 240 commission-administrator/manager counties in 1976,[6] but the number tripled over the next 13 years. A complete breakdown of the number and percentage of counties using the major forms in 1989 and 2001 presented in Figure 1 indicates how much growth there continues to be in use of this form.

Note in Figure 1 that the number of counties using the commission form without an administrator has declined, whereas the number with either an administrator or manager has increased by another 24 percent in 12 years. The number of counties with elected executives has remained essentially the same. In 2008, ICMA recognizes 190 counties as council-manager governments and 231 as general management governments.

In addition, the use of appointed administrators and elected executives is more prevalent as population increases. Among the largest counties providing information in a 1993 survey, the commission-administrator form was used in 54 percent, elected executive in 39 percent, and the commission form in only 7 percent of the counties.[7]

Thus, many people are being served in a relatively small number of counties where professional administrators or elected executives are likely to be found. Scholar Beverly Cigler has estimated that fewer than 170 counties contain more than half the U.S. population.[8] These counties are most likely to use the commission-administrator/manager form followed by the elected executive form.

Of the counties with elected executives, almost three-quarters are found in three states that have traditionally required all counties to have an elected judge (Arkansas), judge executive (Kentucky), or county mayor or executive (Tennessee). These states have not recently adopted the county executive as a government reform.

Of the counties that have chosen to change the form of government in the 20th century onward, far more have adopted the commission-administrator/manager form of government. Some elected county executives employ a CAO who works with the executive and commission, like CAOs who work for mayors and councils in city government. However, the extent of appointing CAOs across all county executive governments is not known.

Although regional differences are often considered in studies that examine structural differences in counties, the state variable is rarely used. This is perhaps the most important distinction to make when comparing cities and counties. Counties are considerably more dependent on states for financing and face greater legal constraints when choosing form of government than are cities.

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The consideration of abandoning the use of the commission-administrator/manager form through the referendum process has been rare in counties during the past two decades. Change in form is less likely to be an issue that voters decide (except as part of the shift to charter county status or city-county consolidation).

Between 1990 and 2008, ICMA has recorded more than 150 referenda to change charters in cities, but only eight in counties. The results, however, have been virtually identical. In approximately three-quarters of the counties and cities, the council-manager form was retained or adopted. Still, governmental structure has been relatively stable in comparison with cities.

OTHER STRUCTURAL FEATURES

With regard to elections, there are two substantial differences between counties and cities. First, whereas mayors in council-manager cities are now usually directly elected, it appears that most chairpersons in counties are chosen by other commissioners.[9] Only 23 percent are directly elected making them more like the structure of city government recommended by the second Model City Charter that endorsed the council-manager form.

The typical county commission is partisan (82 percent) and elected by district (62 percent) or a combination of district and at-large seats (11 percent). Nonpartisan and at-large elections are more common in cities. The method of selection is viewed as having important impacts on definition of constituency, legislative style, and leadership in cities. Presumably, these characteristics matter in counties as well.

ADMINISTRATIVE FRAGMENTATION

An area of special concern to counties is internal fragmentation. Change in form does not necessarily mean the overall reorganization of county government under the direction of the executive. Counties generally have a high number of elected department heads (for example, sheriffs and county clerks) and a number of quasi-independent agencies, boards, and commissions.

As Sedgwick County, Kansas, County Manager William Buchanan points out, the election of many line department heads (he identifies 10 elected officials) "makes the concept of singular executive authority cloudy at best."[10] These conditions of fragmentation of authority, lack of centralized decision making, and political

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competition make counties highly vulnerable to conflict and heighten the need to better understand how to strengthen cooperative patterns of interaction in counties.[11]

Some counties reduce the scope of authority for elected row officers by assigning some of their functions to departments that are accountable to the executive or county administrator. There are, for example, county police departments that handle law enforcement (as in Gwinnett County, Georgia, and Arlington County, Virginia) and county corrections departments that have taken over functions usually administered by the elected sheriff (in Montgomery County, Maryland, and Orange County, Florida).

Separate boards of health, social services, and mental health have been consolidated under a human services board that is advisory to the county commission in Wake County, North Carolina. We need to know more about how common such practices are.

COUNTIES AND URBAN REGIONS

County administrators have the opportunity to work with town and city managers and other municipal officials on developing regional approaches to issues that don't stop at city boundaries. They often have the need to work with other counties in their region as well. Counties may fall into one of three settings in relationship to urban regions (technically, metropolitan statistical areas or MSAs):

- Non-metropolitan county: 1,941 counties are outside metropolitan areas.
- Single-county metropolitan statistical areas (MSAs): 145 counties encompass the entire MSA.
- Multiple county MSAs: 952 counties are part of these 216 MSAs made up of two or more counties.

The non-metropolitan counties are important governments for small-town and rural populations. They are the biggest governments around, but their small size and lack of a large urban center limits the resources from which they can draw to provide services.

The single-county metropolitan areas have the potential to encourage planning for the entire region and coordination of the city governments and special districts within their boundaries. If the structural change to city-county consolidation is achieved in these counties, a high degree of regional consolidation is achieved.[12] Single-county regions tend to be moderate-sized, with an average population of 273,000.

Most metropolitan counties are found in larger metropolitan areas with two or more counties. At the upper end of the range, there are 41 extremely large urban regions out of a total of 361 that have six or more counties, have an average population of over 2.5 million, and encompass more than 400 counties.

With or without charters, counties in 32 states may be permitted the freedom to make certain changes locally. In comparison, the municipalities in 43 states have the same kinds of home rule authority.

All counties in dual to multicounty regions need to cooperate and coordinate with other counties as well as with the cities and special districts within their boundaries, and this need increases as the scale of regions grows. Even greater intergovernmental challenges will arise in megapolitan regions encompassing more than one MSA.

REFORM AND SPENDING

Research has shown differences in county performance indicators based on form of government. Several studies have found higher per capita expenditures in reformed county governments—those having an appointed administrator or an elected executive—and spending is even greater when the county has a charter.[13]

Reformed counties are likely to have an expanded role in service delivery compared with their unreformed counterparts. Professional administrators help to identify unmet service needs in the county. Scholar Ed Benton finds that spending for regional but nontraditional services—disaster preparedness, comprehensive planning, county (as opposed to neighborhood) parks, and community colleges—increased substantially and at a faster pace than was the case in these counties during the period preceding the change in the form of government.[14]

Many counties are experiencing rapid population growth and greater urbanization. With these changes come an increasing role in service provision and a movement away from the traditional commission government. Reform increases the capacity of local government to address the problems and challenges of their communities. Reformed local government is not simply concerned with greater efficiency and lower spending. This finding from counties needs to be examined more fully in cities as well.

IMPACT OF COUNCIL-ADMINISTRATOR/MANAGER FORM IN COUNTIES

County administrators and managers have improved the administration of the extensive service delivery responsibilities and management functions of counties and offered advice in handling the growing policy challenges that counties have faced. They have supported the elected commission and enhanced their decision-making capability.

Far fewer studies to measure the impact of different structures and processes have been conducted in counties than in cities. We expect that the benefits of professional practice found in cities will also be present in county government, but much of this research remains to be done.

Distinctive contributions from the county administrator and manager are particularly important in county government. Internally, the role of the county manager is "coordinator in chief," creating an integrated organization, including officials the manager does not control.

County administrators and managers must be capable of creating a negotiated structure based on coordination and some controls rather than a formally centralized structure.[15] Externally, the county managers must be adept at intergovernmental relations.

County managers deal with state and federal government agencies as a part of their routine operation. They work extensively with nonprofit organizations in human services, and they must help to foster and sustain intergovernmental cooperation and networking with municipal governments and special districts.

In the majority of regions with two or more counties, county managers have a critical role to play as governments need to cooperate with other counties as well.

Given the role of the county manager in fostering intergovernmental and intersectoral cooperation, we would expect the presence of a county manager to reduce conflict related to structural fragmentation in county government. County managers report that an essential feature of their job is facilitating relationships between and among elected and administrative officials, although one study suggests that the presence of an appointed manager increases conflict in county government.[16]

It is likely that the presence of a professional administrator increases the scrutiny given to requests from elected department heads or autonomous commissions compared with a greater tendency to accommodate requests in the commission form. Buchanan observes that objections by the county manager to proposals that promote partisan advantage are likely to produce conflict.[17]

County administrators need to provide independent and honest professional advice to elected officials. The approach of county administrators is not the same as the assertive behavior of the elected executive who may generate conflict by seeking power over the commission. Former County Administrator David Krings, Hamilton County, Ohio, has observed that confusion about who is responsible for performance "can result because of the power mix between the elected board and elected executive."[18]

HOLDING ITS OWN

Governmental reform is taking hold in county governments. A majority of counties still use the commission form, but the numbers are declining. The elected county executive form is holding its own but still is largely found in three states where there is a long-standing state mandate to use the form.

The commission-administrator/manager form has been continuously growing and now represents almost one-third of the counties in the United States. Because the form tends to be found when population is greater, these counties serve far more than one-third of the American population.

Counties have been slow to take advantage of the opportunity for home rule although many counties are pursuing a comprehensive array of traditional, urban, and regional services without home rule charters.

County administrators must take full advantage of limited resources and be adept at persuasion and building partnerships. They are developing a high level of competence in using collaborative leadership methods both within and beyond their organizations.

The council-manager form and the expanded use of chief administrative officers offer a model approach to blending political and professional leadership in complex counties as well as more clearly structured cities. In both settings, the goal of professional administrators is to support sound governance by elected officials, serve the public with dedication and compassion, and manage public affairs with a commitment to excellence and innovation. **PM**

[1]H.S. Gilbertson, *The County: The "Dark Continent" of American Politics* (New York: The National Short Ballot Organization, 1917).

PM's 90 Years

An excerpt from the January 15, 1934, *City Managers' News Letter*:

December 1933 brought in more subscriptions to *Public Management* than any December on record. Many cities are subscribing for their entire council at the special rate of $2.50, available to councilmen as a group. If your councilmen are not receiving this journal, January is a good month to begin. It will certainly help the councilmen to a better understanding of your day-to-day problems.

The January issue just out contains an article by Paul V. Bottors in which he states that there is a definite agitation for federal relief direct to cities instead of through state relief bodies. His article contains other last minute developments in Washington on PWA, CWA, planning, and housing.

In another article, Charles E. Merriam, member of the National Planning Board, says that cities must look to the federal government. The same issue contains a symposium on how cities in eight different states are handling the liquor problem. Can any public official hope to keep up to date these days without *Public Management*?

—Clarence Ridley, Executive Director

[2]Herbert Sydney Duncombe, *County Government in America* (Washington, D.C.: National Association of Counties Research Foundation, 1966), p. 9.

[3]Dawn Cowan and Tanis J. Salant, *County Charter Government in the West* (Tucson: University of Arizona and National Association of Counties, 1999).

[4]Dale Crane, Platon N. Rigos, and Melvin B. Hill, Jr., *Home Rule in America: A Fifty State Handbook* (Washington, D.C.: Congressional Quarterly Press, 2001), table A3.

[5]For example, in Alabama, the role of the county administrator "is as varied as the size, population and powers of Alabama's county commissions" and is "dictated primarily by local laws and local politics, rather than by state statute"; see "Changing Philosophy Means Change in County Administration," *The County Line,* January/February 2000, www.acca-online.org/acca_mag/countycommissioner/2000/001-coline.htm. When the state delineates the commission-administrator form of government statutorily, as in North Carolina, it is probably easier for counties to move towards professional management.

[6]David J. Krings, "Appointees Mean Counties Succeed," *City & State*, Perspective, October 9, 1989.

[7]Susan A. MacManus, "County Boards, Partisanship, and Elections," in *The American County,* ed. Donald Menzel (Tuscaloosa: University of Alabama Press, 1996), 56, reports on 83 counties that reported information about form of government.

[8]Beverly A. Cigler, "Administration in the Modern American County," in *The Future of Local Government: The Hansell Symposium,* ed. H. George Frederickson and John Nalbandian (Washington, D.C.: ICMA, 2002), p. 158.

[9]All data in this paragraph are from the ICMA Form of Government Survey taken in 2002. The results of the 2007 survey will be reported in *The Municipal Year Book 2009.*

[10]William P. Buchanan, "Response," in *The Future of Local Government,* p. 175.

[11]Kenneth Klase, Jin W. Mok, and Gerald M. Pops, "County Conflict and Cooperation," in *The American County,* 92–105.

[12]Since 1805, city and county governments have been combined 38 times; see Kurt Thurmaier and Suzanne Leland, "Lessons from 35 Years of City-County Consolidation," in *The Municipal Year Book 2006* (Washington, D.C.: International City/County Management Association, 2006). Since 1990, nine of 40 referenda to approve city-county consolidation have been successful.

[13]Victor S. DeSantis and Tari Renner, "The Impact of Political Structures on Public Policies in American Counties," *Public Administration Review* 54 (May/June 1994): 291–295; and J. Edwin Benton, "County Service Delivery: Does Government Structure Matter?" *Public Administration Review* 62 (July–August 2002): 471–479.

[14]J. Edwin Benton, "The Impact of Structural reform on County Government Service Provision," *Social Science Quarterly* 84 (December 2003): 858–874. David R. Morgan and Kenneth Kickham, "Changing the County Form of Government: Effects on Revenue and Expenditure Policy," *Public Administration Review* 59 (July/August 1999): 315–324, showed no difference in revenue and expenditure policies.

[15]James H. Svara, "Leadership and Professionalism in County Government," in *The American County,* 109–127.

[16]William J. Pammer, Jesse Lightler, and David Watson, "Fostering Cooperation in Counties: Governing by Cajoling: Conversations with County Managers," *Public Administration Quarterly* 24 (Fall 2000): 305–319; Kenneth A. Klase and Soo Geun Song, "Evaluating the Influence of the County Manager Form of Government on County Conflict," *Public Administration Quarterly* 24 (Fall 2000): 286–304.

[17]Buchanan, "Response," in *The Future of Local Government,* p. 177. Buchanan's examples include opposing an unneeded staff increase proposed by an elected registrar of deeds who has ties to a party majority on the commission as well as an unsuccessful attempt to end the review of worker compensation claims by an attorney who is the county chairman of the political party that controls the commission.

[18]Krings, "Appointees Mean Counties Succeed" in *City & State.*

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