

May 24, 2021

To: Lawrence City Commission

Fr: John Nalbandian, Chair, Task force on modifications to form of government

Re: Review and recommendations

On February 2, 2021, with Resolution No. 7353, the city commission created a task force to conduct a comprehensive review of the following topics:

1. How to elect the nonpartisan mayor
2. At large and/or district nonpartisan representation of commissioners including the number of commissioners
3. Terms in office of the commissioners and mayor
4. Such necessary subjects directly related to the specific topics listed herein

The resolution states that our discussions and subsequent recommendations are to occur within the foundations of our existing commission (council)-manager form of government. As stated in the resolution, these were:

1. Our form of government places governing authority in the collective leadership of the council or commission. A mayor who may be elected at large by residents is a member of the governing body.
2. The executive and administrative functions of the city government are the responsibility of the professional city manager who is appointed by, and is formally responsible to the governing body as a whole.

#### Task Force Recommendations:

The Task Force recommends the following items for the Commission's consideration:

- The direct election of a nonpartisan mayor to a four-year term. The mayor would be elected by City of Lawrence voters at-large.
- The creation of six districts in the City. Six nonpartisan commissioners would be elected by their district in staggered four-year terms (three district representatives elected every two years).

The task force met on seven occasions from March through May 2021 to discuss the items in our charge. Our work has been informed by our own experiences and research as well as the following resources made available to the members:

Review of academic research on the topics, correspondence with two nationally recognized local government scholars, review of salient sections of the National Civic League's Model Cities Charter, e-mail correspondence with city management professionals nationally whose

jurisdictions have directly elected mayors, and a review of census data. We also were fortunate that our city manager joined us and shared his experiences working in cities that had districts with a directly elected mayor as well as informing us about contemporary council-manager-staff practices in Lawrence.

### A Values Lens

In our initial discussions we realized that a “values lens” could help anchor our deliberations. While we did not formally assess our recommendations against the values lens, our agreement on its elements helped us understand our collective approach to our task.

During discussions, we asked ourselves: Will our proposed recommendations:

1. Provide fair representation for our residents?
2. Increase voter engagement?
3. Recognize the importance of diversity, equity, and inclusion, ensuring that we hear from voices traditionally left out of our government structures and processes?
4. Encourage more civil discourse as a community?
5. Produce results that are widely accepted by the community?
6. Produce results that will lead to effective policy-making and implementation?

The value lens was particularly important in our discussions of district vs. at-large elections.

### Discussion of recommendations:

In relatively short order and after a useful set of discussions, the task force agreed to recommend a directly elected mayor who would be somewhat stronger than the current practice encourages. Currently, the mayor serves a one-year non-recurring term and by tradition the two candidates receiving the most votes in the most recent at-large election of commissioners, each serve as mayor for a year.

Task force members agreed that given a lack of continuity (one-year terms) and the absence of direct election, mayoral leadership potential is weakened compared to the mayoral role in other council-manager jurisdictions. We noted that some 70 percent of council-manager cities have adopted the direct election of their mayor. Further, a proposed revision in the National Civic League’s Model Cities Charter will advocate for a directly elected mayor. We also became aware that the system we presently use—choosing the mayor from among the commission--probably traces back to the original adoption of Lawrence’s form of government in 1951 when Lawrence had a population of about 10,000 residents.

The task force agreed that a four-year mayoral term would provide both greater focus and continuity, and campaigns for mayor might well improve the discourse over the city’s future and increase resident interest in municipal government in contrast to our current election of commissioners, none of whom directly campaign for mayor.

While not part of our recommendations, we thought it might be useful to identify for the city commission the roles/responsibilities that we discussed as we came to our recommendation of a four year, directly elected mayor. We suggest that the city consider the following roles/responsibilities. A directly-elected mayor would:

- Preside over meetings of the governing body,
- Vote as a member of the governing body on every issue before the commission,
- Facilitate governing body in visioning and strategic planning,
- Provide the annual state of the city address,
- Formally represent the city in ceremonial roles,
- Represent the city in intergovernmental roles for elected officials, and
- After consultation with governing body members, appoint residents to advisory boards

We rejected specific roles/responsibilities of the mayor that would increase the mayor's powers at the expense of the other commissioners and could challenge the concept of the mayor as a member of the governing body—for example, mayor only voting in case of a tie or mayor having veto power over commission actions. In broad terms, we expect that the greater focus on a directly elected mayor could be channeled into more influence than now in a “facilitative mayoral role.” City manager Owens participated in all the meetings and provided a highly useful written description of his relations with the mayor and commission, expressing concern that the mayor's role should not be conceived of in ways that would challenge commission-manager-staff relationships and communication.

As we addressed the question of a directly elected mayor, we necessarily considered the composition of the city commission, in that the mayor would no longer come from the commission's ranks. The task force viewed the current electoral system, in which three commissioners are elected every two years, with the top two vote-getters receiving four-year terms with one year as mayor and the third-place finisher a two-year term, as potentially confusing to the average voter. Furthermore, it was noted that campaigning against those you may actually end up serving with could lead to difficult relationships among the resultant commission.

With an elected mayor being a voting member of the commission, the task force members propose that there should be six commissioners (plus the mayor), elected to four-year terms, with three commissioners being elected every two years. Although we considered electing all commissioners at the same time as the mayor for four-year terms, that idea was discarded in the interests of a more responsive and continuous set of staggered terms.

We also addressed the question of at-large elections vs district elections (or a hybrid system). In many ways, our discussions here were the most interesting for the group, in that few of us had clear positions as we began to address the subject. Committee members did their research and reported back to the full body on what they had learned--which was less definitive than we might have expected.

Filtered through our values lens, we talked at length about the pros and cons of the two systems, especially in light of Lawrence's growth over the past seventy years. One classic reason for adoption of districts is to represent distinct populations within a community, but it became apparent that conventional markers, such as race or ethnicity provided little guidance in Lawrence, where our minority population is relatively low and not particularly concentrated. Nor did income diversity provide much guidance in large part because income data in college towns—e.g. Lawrence, Manhattan, Iowa City—seem distinct when compared to cities like Olathe, Overland Park, Shawnee, and Lenexa.

For the task force, the most salient consideration in favor of districts was the capacity for a six-district format to provide enhanced representation to geographic areas that would consist of approximately 16,000 individuals. These relatively small units of representation would allow citizens a direct point of contact with the commission. In addition, the costs/barriers to running for election in a 16,000-person (11,000 voter) district would be lower than mounting a full-city campaign, and this might encourage a wider range of candidates to seek office, more candidate engagement within the district, and more resident engagement in city governance. Also, we considered that districts could enhance a sense of place and attachment for residents, increasing quality of life.

The downside of districts is the potential for parochial thinking. But based on the profile of issues the city has faced over the years, the future of Lawrence and overall quality of life do not seem district focused, and we minimized this potential negative. As our discussions evolved, the district option picked up an increasing number of supporters within the task force, although we never considered the current situation unworkable or a failure. We also discussed a hybrid model with four districts and two at-large commissioners, but in the end discarded that option due to the potential to cause confusion among voters without much apparent benefit.

Thus, we recommend that the city commission to be composed of six districts, which the city commission would be formally responsible for creating in accordance with legal requirements and with staff assistance.

While not specifically in our charge, we did have a brief discussion of term limits. We dismissed that requirement in light of past experiences in Lawrence with actual length of time commissioners have served. In short, terms limits seem to be a solution to a problem we have not encountered in Lawrence.

Beyond our recommendations, we spent time discussing electoral formats. Presently, we elect on what may be a plurality of voters rather than a majority. There are ways to ensure majority elections, including the newer ranked choice voting (RCV) method for mayor and commission members. The more traditional way is primary elections reducing the number of candidates to two if no one earns a majority. Although there was some support in general for RCV, we concluded that our current recommendations were workable and relatively straightforward and would stimulate enough community engagement that introducing further changes with

uncertain outcomes was not appropriate at this time. Still, RCV may be worth considering in the future, given its capacity to produce majority results without primaries.

All in all, the task force, worked well together; our unanimous recommendations on the issues at hand reflect a strong desire to help Lawrence adapt its governing structure to its substantial growth over the 70 years since it adopted our present form of government.