

ESSAY



CITY MANAGERS AND COUNTY SEATS:

Differences Between Kansas City and Saint Louis Governments

By David Stokes

INTRODUCTION

Missouri's two largest cities, and their related primary counties, have chosen substantially different systems of local government. The stark differences between Saint Louis and Kansas City stand out, even though it is common for larger cities within the same state to have different government structures. These differences among the governments of Kansas City and Jackson County, and Saint Louis City and the neighboring, but separate, Saint Louis County, are both obvious and subtle. In fact, the few similarities are rare enough to be notable by that reason (similarity) alone.

While I would not call it a structural similarity, there is one important trend that is consistent between all four localities. All four of these communities have enacted major checks on executive political power, albeit with different methods. The residents of these four areas do not live and work under the leadership of a powerful executive who runs the city, like the mayors of Chicago, Los Angeles, or New York.² The people of the Kansas City and Saint Louis areas have instituted government systems

with significant checks and balances on the power of any one politician or agency. The ways these checks operate differ substantially; except for Saint Louis and Jackson counties, which have some similarities.

The purpose of this essay is to explain the government systems in each city and county, from the important parts to those that might be nothing more than interesting trivia. We will consider the different choices the cities and counties have made in an effort to provide responsive local government, and it is not our goal to draw sweeping conclusions based on the comparison of just two metropolitan areas.

All four of the city and county governments considered here are "charter" governments under Missouri law. Both cities and both counties long ago reached the constitutional requirements to enact a "charter" form of government, essentially giving the four entities local control over the design and implementation of their own government. The original charters of the two cities date back to the 19th century, while Saint Louis County became the state's first charter

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David Stokes is a policy analyst at the Show-Me Institute, which promotes market solutions for Missouri Public Policy. county in 1950 and Jackson County became the second in 1970. The voters of the four entities approved all of these charters. They all can be — and have been — amended at various times since their adoptions.

Throughout this essay, when terms like "weak mayor" or "strong county executive" are used, they are solely meant to be comments on the structural nature of the offices under discussion. They are not a judgment on the abilities of the officeholders, past or present. Numerous factors need to be considered when discussing whether a system is a "strong" or "weak" mayoral or county executive structure. Those factors include: who has the primary budget authority; whether there are many or few other elected, executive positions; the amount of council input into department director appointments; the existence of a city manager or administrator - and how that person is appointed; the council's authority to introduce, amend, or filibuster legislation; and more.

KANSAS CITY

Kansas City is the largest city in Missouri, both in geographical area and population (459,787 citizens³). It is the county seat of Jackson County, which is the second-largest county (populationwise) in Missouri. (Jackson County is the only county in Missouri, and one of just 33 in the country, with multiple county seats.⁴) Both Independence and Kansas City serve as the centers of Jackson County government, with each boasting a courthouse and hosting county council meetings. While Jackson County hosts the majority of Kansas City, substantial portions of the city are in Clay and Platte counties, and a very small section is within Cass County.

Kansas City has been able to grow and expand into neighboring counties because, as a normal city, it can annex other areas subject only to the laws of Missouri that regulate such actions. Saint Louis, as an "independent city not within a county," is subject to much stricter and more complicated rules of annexation which have, for all intents and purposes, eliminated any opportunities for it to expand via annexation.

Kansas City is one of the larger cities in the United States to operate under a council-manager form of government.⁵ In this system, the mayor serves as a first-among-equals on the city council, while maintaining the symbolic leadership role that can be so important to the position. The city council — upon which the mayor serves — is the legislative body and primary decision-maker. One of its foremost decisions is who to hire as the city manager. The city manager directs the day-to-day operations of Kansas City government.

The council-manager format is common in smaller cities and especially suburbs, but less common for large cities like Kansas City. The principal argument in favor of the city manager system is that it takes politics out of the many daily operating issues of local government. For the most part, this author believes it succeeds in doing that, and can be an effective way to operate local government.

One basic decision when constructing a legislative body is whether to have the elected officials serve designated areas or be elected "at-large," representing the entire city. There is some evidence that electing officials "at-large" reduces expenditures in local governments, because both the costs and benefits of spending decisions are disbursed equally throughout the city.6 Most cities elect their council members (a.k.a., aldermen) by districts, commonly called "wards." Kansas City has chosen a modified version of these choices, electing six members of its 13-member council by wards, and six council members (seven, including the mayor) who are elected city-wide. Additionally, each of the six council members elected at-large is designated to represent one of the six wards, and must reside within that ward. The requirement that the six council members elected "at-large" also represent individual districts would, in theory, limit many of the benefits that are presumed from "at-large" voting. The political pressure to make certain your district gets its "fair share" of government largesse is still there, even if it is slightly less than it is for officials who only answer to voters from a certain district.

Kansas City elects its mayor and council

members on a non-partisan ballot. It is the only one of the four governments discussed here that operates in that manner. The main problem with non-partisan voting, especially in larger cities or counties, is that it takes away a major method, or "cue," for voters to make an informed decision, employing the false hope they will work harder to cast an informed vote when they don't have party affiliation to guide them.⁷

Kansas City is one of two cities in Missouri, along with Saint Louis, that imposes a local income tax, called the "earnings tax." It is also the only city in Missouri to impose a property tax on the value of land only, instead of on both the land and the improvements, which it uses to fund its extensive system of parkways and boulevards.

JACKSON COUNTY

Jackson County is the second-largest county population-wise in Missouri, behind Saint Louis County. It is the most heavily-incorporated county in the state, with 97 percent of the population of 674,158 people living within cities, towns or villages. Only one other county even comes close to that total — neighboring Clay County has a 93 percent incorporation rate. The average incorporation rate for Missouri's larger counties (Class 1, 2 and 4) is 66 percent. Furthermore, only 1 percent of Jackson County residents live in smaller communities. Ninety-six percent of the county's residents live in cities or towns with more than 2,500 people; by far the highest percentage in the state.

Jackson and Saint Louis counties were the first two in the state to become charter counties, giving them additional independence from state control. Jackson County elects a county executive, the county prosecutor, the sheriff, and a nine-member county council. Much like Kansas City's council, the county board elects six members by district and three members at-large. The three at-large members also simultaneously represent certain districts. Unlike the Kansas City Council, elected officials in Jackson County are elected along partisan lines and run as Democrats or Republicans. As of October 2011, seven of the nine council members are Democrats, as are the

holders of the three executive positions.

The Jackson County executive is an interesting position. Like Saint Louis County, the charter is designed around having a strong county executive with the council principally serving as a check on the office. The Jackson County executive is at once the highest elected office in one of Missouri's two major counties, and also very limited in its powers because of the heavily-incorporated nature of the county. The unincorporated population of Jackson County is 22,350. For those people, the county executive essentially serves as both their local mayor and county leader. However, for the bulk of the population, the local mayors (and city managers) have more influence on the citizens' daily lives.

Missouri law gives a great deal of autonomy to cities from county government. It is a common misconception to think cities are "under" the authority of county government. In reality, the two levels of local government are generally equal, with well-defined areas of responsibility. There are only a few areas where county government can direct the actions within cities, and many of those examples are in the Saint Louis area. Larger cities function with particular independence from counties, and Jackson County's four largest cities (Kansas City, Independence, Lee's Summit, and Blue Springs) are all constitutionally-chartered cities under state law. Simply put, the role the county plays within larger cities inside that county is small. In general, that role is most common in the court system and in transportation issues, although use of county tax dollars to fund sports stadiums within cities has recently become another major role.9

Much of the power of the Jackson County executive's office comes from political influence and how he or she chooses to exercise his or her symbolic leadership; not from direct authority over the majority of the people in the county. As an example, recent Jackson County executives have run for mayor of Kansas City. That would be very unlikely to happen in Saint Louis County, where the unincorporated population is much larger and the cities are much smaller.

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The most obvious difference between Jackson County and Saint Louis County is in the municipalities. Jackson County has far fewer of them, and they are, on average, much larger than in Saint Louis. Jackson County has 18 cities, towns and villages. The average population of a municipality in Jackson County is approximately 36,000.10 An estimated 84 percent of the county lives in just the four largest cities. By comparison, the four largest cities in Saint Louis County have less than 20 percent of the population, and the average city size in Saint Louis County is just 7,464 residents.11 Kansas City and Jackson County have chosen to have larger and more streamlined governments, while Saint Louis city and county have opted for more local, direct representation.

Kansas City and Jackson County are not unusual nationally. Their governmental measurements are average when compared nationally; it is only in comparison to the Saint Louis area where they stand out.¹²

Jackson and Saint Louis counties provide utilities differently. Private, investor-owned companies provide all major utilities (water, gas, electricity) in Saint Louis County. There are a few exceptions to this: Kirkwood, Eureka, and the sewer system, ¹³ but otherwise, private, regulated companies handle all utilities. In Jackson County, most cities operate their own water and sewer utilities, and Independence (like Kirkwood) also operates a local electric utility.

Kansas City and the City of Saint Louis each operate a municipal water division, but do not provide electrical or gas services. The only difference (in utilities) between the two large cities is that Kansas City also provides sewer services, while in Saint Louis, that is the provision of an independent government agency: the Metropolitan St. Louis Sewer District (MSD).

SAINT LOUIS CITY

The city of Saint Louis is Missouri's secondlargest city. For most of the history of the state, it was the largest. However, its inability to expand as well as the standard problems of industrial cities in America caused it to lose population at an incredible rate between the end of World War II and 2010. The population of Saint Louis went from 856,796 in 1950 to 319,294 in 2010. One of the reasons it could not expand is because Saint Louis, along with Baltimore, Md., is one of the two major "independent cities" in the United States; meaning that they are not located within any county. The city's eastern boundary is the Mississippi River, and it is bordered on its three other sides by the politically separate Saint Louis County.

The city has a very large number of primary elected officials. I define "primary" elected officials as those with full-time responsibilities, large salaries, or service on the main legislative body of a local government. These can be contrasted with "secondary" elected officials, who serve part-time in unpaid (or very lowpaid) positions, such as on a school board, fire district board, soil and conservation district, etc. Because the city only has one school district and one municipal fire department (no fire districts) it has fewer of these secondary elected officials than many other counties. The city elects 11 officials citywide; three of which are considered to be municipal offices and eight of which are considered to be "county" offices. The residents of the city elect the mayor, comptroller, president of the board of aldermen, treasurer, collector of revenue, circuit attorney, circuit clerk, sheriff, license collector, recorder of deeds, and public administrator. In this manner, the City of Saint Louis is comparable to most counties in the state that also elect those same positions, but quite different from the charter counties of Saint Louis and Jackson and the city of Kansas City.

Along with those 11 executive positions, the city elects 28 members of the board of aldermen via a ward system. This forms a 29-member board of aldermen, which includes the president of the board, who is elected citywide. This is the largest, local, legislative body per capita for any major city in the United States. Individual members of the Saint Louis Board of Aldermen also have the authority to filibuster legislation, which increases

the power of individual members. The size of the board gives the city a total of 39 primary elected officials, whereas Kansas City has just 13.

Saint Louis City does not have a city managertype position. The mayor and other executive officials direct the executive functions of the government. The mayor, comptroller, and president of the Board of Aldermen all serve on the Board of Estimate and Apportionment (E & A); a very interesting body which must approve all major city budget expenditures, over and above the approval of the Board of Aldermen. The Board of E & A serves as the primary vehicle for the executive branch of government for the city. Yet, in some ways, city government also functions like a bicameral legislature, with the Board of E & A playing the role of the Senate.¹⁶ The functions and existence of the Board of E & A can certainly reduce the logrolling behavior of the 28 ward-based aldermen, or at least constrain it.

Saint Louis and Kansas City are similar in that a governor-appointed board runs each city's police department, and they are not locally-controlled, although the cities pay for the departments. This is a holdover from the Civil War, which local politicians in each city often criticize, although the mayor of each city automatically serves as a member of the police board. Similarly, the governor appoints the election boards in both cities, as well as in Jackson and Saint Louis counties.

The mayor of Saint Louis, like the mayor of Kansas City, is a structurally weak position. In Kansas City, it is primarily because of the choice to enact a city manager form of government. In Saint Louis, that weakness is the result of a number of factors: the large and powerful Board of Aldermen, the three-member Board of E and A, 10 other citywide executive officials operating independent of the mayor, and the lack of city authority over the police department, school district and election board. The lack of authority for both cities' mayors can put them in a position where voters expect them, as mayor, to achieve goals that are not within their power to achieve.

SAINT LOUIS COUNTY

Saint Louis County is the largest county in the state of Missouri by population, with just less than one million residents. Saint Louis County, like Jackson County, elects a small number of countywide officials: three. Only the county executive, prosecuting attorney, and assessor are elected countywide in Missouri's first charter county. That is not to say that Saint Louis County has few elected officials. It actually has a very large number of officials, most of them of the secondary nature, as described in the section on Saint Louis City. Saint Louis County has 165 different government entities; the only county in the state with more than 70.17 Elected officials run almost all of the cities, boards, and districts, although higher authorities appoint a few of officials.

Saint Louis County has more cities (91) per capita than any other large county in the United States except for Allegheny County, Pa. A large number of very small cities are practically the defining characteristic of the county. It also has a surprisingly large unincorporated population¹⁸ (319,692), which, taken alone, would make it the second-largest city in Missouri. That large unincorporated population is one of its major differences from Jackson County (and Allegheny County).

Saint Louis County is the only one of the four entities discussed in this paper that historically has had a strong, two-party political system. As recently as 2006, the Republican Party had a majority on the county council. Like most large, urban cities, the Democrat Party has dominated Saint Louis and Kansas City for decades. Jackson County does have an active Republican organization, and can successfully elect Republicans to the suburban districts on the Jackson County Council and the state legislature, but Jackson County Republicans have long been a secondary party within the overall county. Until the 1990s, Saint Louis County was one of the GOP strongholds in Missouri, and while it has become a majority Democrat county, it still has a solid, two-party system.

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The many independent political entities within Saint Louis County means that even in Florissant, which has perhaps the most powerful mayoral system in Missouri - the mayor has absolutely no control over the following services in the city: schools (independent district), fire protection (independent district), library (county), elections (state-controlled board), major roads (state- and countymaintained), sewers (independent district), all other utilities (private), or municipal boundary changes (county board).

Several of the suburbs within Saint Louis County have established a strong-mayor form of government. Florissant, the largest city in the county with a population of 52,158, is the most prominent city to maintain a strong executive system. However, there remain major checks on the power of a strong mayor in a suburb. The many independent political entities within the county means that even in Florissant, — which has perhaps the most powerful mayoral system in Missouri — the mayor has absolutely no control over the following services in the city: schools (independent district), fire protection (independent district), library (county), elections (state-controlled board), major roads (stateand county-maintained), sewers (independent district), all other utilities (private), or municipal boundary changes (county board). If that is a strong mayor, then the people of Missouri need to talk to the people of Chicago to find out the real meaning of a strong mayor.

On the other hand, several factors combine to make the county executive position powerful despite the 91 municipalities within the county. Most obviously, the substantial unincorporated population, which makes up almost a third of the county (compared to 3 percent in Jackson County) serves as a power base. Also, many of the smaller cities in Saint Louis County contract with county government to provide certain services, such as policing or property inspections, so county government has a good deal of influence within those cities. The larger cities in Jackson County generally perform all local services on their own.

If the people of Jackson County have traded larger cities for the benefits of economies of scale in taxing and spending, what have the people of Saint Louis County chosen? Have they intentionally chosen higher taxes and inefficient spending? To some extent, yes; but for the most part, no. The cities and other governments within Saint Louis County do a far better job of pooling resources and services than one might think at first glance. One 1993 study looked at the public service efficiencies in Saint Louis County and Allegheny County, Pa. (They are considered the

two most "fragmented" counties in the country.) The authors found that the willingness of the various governments in those two counties to work together led to efficiencies. Ronald Parks and Roger Oakerson concluded:¹⁹

If fragmented structures with extensive horizontal differentiation of direct service production are inefficient, as critics argue, the estimated relationships of jurisdiction population and per capita expenditures should be negative and significant, both substantively and statistically. No such negative, significant relationships were found in either area.

One of the reasons for this relative efficiency is that there are many state statutes that were created to give more power to county government within Saint Louis, specifically because of the large number of small cities. Some examples include:

- Cities within the county do not have as many options to enact sales taxes as other cities in Missouri. Some potential taxes, such as the transportation sales tax, are restricted to the county. (RSMo 94.705.2)
- Certain licensing powers and rules, such as for electricians, plumbers, and pipefitters, are granted to cities in Missouri except within Saint Louis County, where the powers are given to the county. (RSMo 77.505.5)
- Municipal expansion and incorporation is handled differently within the county than elsewhere. It is more difficult in Saint Louis County, where a special county board must first give approval. (RSMo 72.401)
- A recent change that gave more power to the county relates to the powers of Tax Increment Financing (TIF). A new, countywide board has been created to authorize future TIFs within the county, in both incorporated and unincorporated areas, and has taken some of that power away from the individual cities. The county board consists of county representatives appointed by the county executive, and then representatives from whatever city, school district, etc., in which

the TIF will be located. It remains to be seen how effectively the new board will work, but it is a positive step to have tax abatement or incentive issues decided at the county level. (This change was also made for several counties surrounding Saint Louis.) (RSMo 99.820.2)

• Only in Saint Louis County are taxing districts required to set different tax rates for different property classifications. In the rest of Missouri (except for the city of Gladstone – please don't ask me why), commercial, residential, agricultural, and personal property are all taxed at the same rate. (RSMo 137.073, 137.115 and 138.100)

All of these reasons combine to make the county executive position powerful despite the large number of cities in the county. Of the four primary executive positions discussed in this essay (two mayors and two county executives), the Saint Louis County executive position is in many ways the most powerful. But even that power is substantially limited as it applies to the approximately 679,000 residents (68 percent) of Saint Louis County who live within incorporated areas, in particular within the larger cities that do not rely on the county for any services. Furthermore, even within the unincorporated areas and the municipalities that contract for services with the county, the county executive has no control over schools, fire protection, the election board, or the many state roads within the county.

CONCLUSION

The consistent trend among the four entities discussed here – Kansas City, Jackson County, Saint Louis County, and the City of Saint Louis – is that none has a political system with a strong executive empowered to enact his or her political will on the residents of that city of county. The people of these communities have established numerous checks and balances into their systems, for better or for worse depending on your perspective. Those checks and balances come in many different ways, and result from both state laws (many independent districts, e.g., school

boards), or local choices, including numerous municipalities, many elected officials, city managers, or powerful legislative councils. These systems operate to constrain individual executive power either within the two-party system or, more importantly, in the absence of it.

Believers in strong leaders driving a community forward probably think these checks are impediments to progress. There is no doubt that some examples can be found where these cities or counties would have benefited from more empowered local leadership. There is an attraction to the idea of a local benevolent despot like Richard J. Daley or David Lawrence, or a zealous, take-charge reformer like Fiorello La Guardia. How will an urban area ever benefit from that type of strong leadership if its system prevents one from emerging in the first place?

Believers in individuals making their own choices probably think the systems described here are working well. The benefits of a diffuse system may be harder to see and measure, but they are always there. They residents of Saint Louis and Kansas City seem to intrinsically understand that, as all four of the primary cities and counties in the two most heavily-populated parts of Missouri have instituted their own system where no one official can enact their political will without consensus and cooperation.

FURTHER RESEARCH

Internationally-known economist and demographer Wendell Cox is preparing policy studies for the Show-Me Institute analyzing the reasons why land and housing prices are comparatively affordable in Missouri's largest cities. One of the major points of consideration will be how fractured governments prevent comprehensive land use policies, which keeps land and housing prices low. Additionally, the important role of city managers in Missouri government would be worthy of future analysis.

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NOTES

- ¹ In Missouri's border state of Oklahoma, both Oklahoma City and Tulsa serve as county seats, use a city manager form of government, and have an elected mayor and city council. The city council in Oklahoma City consists of eight members from eight wards, while in Tulsa it is nine members from nine wards. As Missouri's two primary cities are so different, this is the opposite end of the spectrum. The larger cities of most states will generally not be this similar in their systems.
- ²In recent years, partisan differences between the mayor and council in New York have increased the checks and balances within that city.
- ³ All population quotes in this essay are taken from the 2010 United States Census.
- ⁴ Source: http://en.wikipedia.org/wiki/County_seats
- ⁵According to www.strongmayorcouncil.org, it is the 14th-largest city in the United States with a council-manager form of government.
- ⁶ Southwick, L. Jr. July 1997. "Local Government Spending and At-Large Versus District Representation; Do Wards Result in More 'Pork'?" Economics and Politics Vol. 9, No. 2: 173-203.
- ⁷ Schaffner, Brian, Matthew Streb and Gerald Wright. 2001. "Teams Without Uniforms: The Nonpartisan Ballot in State and Local Elections." Political Research Quarterly Vol. 54, No. 1.
- ⁸ University of Missouri extension. "Social and economic profile of Jackson County, Missouri." http://mcdc2.missouri.edu/cgi-bin/ broker?_PROGRAM=websas.cntypage.sas&_ SERVICE=appdev&_debug=0&county=29095

- ⁹These comments on the role of counties within large cities are generally focused on cities and counties throughout Missouri, and not just limited to Saint Louis and Kansas City.
- ¹⁰ We use only the population of the 18 cities that are within Jackson County, so Kansas City's population is considerably lower. We are also using an approximation, because all the data on city-county breakdowns by population for cities in more than one county was not available yet from the 2010 census.
- ¹¹ Saint Louis County has only one very small city within multiple counties, so the 2010 census city-county breakdown issue was not an issue there.
- ¹² Kansas City and Jackson County are not high nationally in these rankings. The entire Kansas City metropolitan area does rank highly. According to the St. Louis Post-Dispatch, the metro Kansas City area ranks fourth nationally – right behind Saint Louis - in governments per capita. I believe this metro ranking is inflated by the fact that two of the counties in the outer metro area have adopted township government, which significantly increases the total government count. Those two counties are Bates and Caldwell, with 36 township governments between them.
- ¹³ The Metropolitan St. Louis Sewer District (MSD) handles storm and wastewater treatment in both Saint Louis city and county. MSD is an independent government entity; the mayor and county executive appoint a board that directs the agency.
- ¹⁴ Numerous cities in Virginia and Carson City, Nev., are also independent cities. Several cities in the northeast, such as New York City and Boston, are within counties in name only, but those counties do not perform any functions or have any role within the city.

- ¹⁵ Before Saint Louis could expand, its arrangement with Saint Louis County would have to be changed through a complicated process requiring voter approval.
- ¹⁶ Perhaps a better comparison is to the House of Lords in Great Britain. The Senate and House of Representatives have roughly equal powers, while the House of Lords is far less powerful than the House of Commons. Like the Lords, the Board of Estimate and Apportionment is not quite as powerful as the Board of Aldermen. The author realizes that comparing the government of Saint Louis to the British House of Lords might seem to be a stretch.
- ¹⁷ According to the 2002 Census of Governments, the most recent data for that detail. The number has likely changed very slightly since that count.
- ¹⁸ University of Missouri Extension. "Social and economic profile of Saint Louis County, Missouri." http://mcdc2.missouri.edu/cgi-bin/ broker?_PROGRAM=websas.cntypage.sas&_ SERVICE=appdev&_debug=0&county=29189
- ¹⁹ Parks, Roger, and Ronald Oakerson. Winter 1993. "Comparative Metropolitan Organization: Service Production and Governance Structures in Saint Louis (MO) and Allegheny County (PA)." Publius Vol. 23, No. 1: 19-39.
- ²⁰The author believes the checks and balances are for the better.

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