

The Administration of Local governments in the United States

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Abstract

In the US, local governments are those below the state's level. There are two kinds of local governments in most areas: municipalities and counties. Alaska and Louisiana use the terms borough and parish respectively. A population center can be organized into a variety of incorporated municipalities, such as a village, town, or borough. Municipal entities can be created in different states. In addition to serving general purposes, local governments can also be created for special needs. In most states, local governments can operate under either a general law or charter. In some cases, a state has a mix of both general-law and chartered local governments. A municipality is typically subordinate to the county government in most cases. Some municipalities have consolidated with the county government to form consolidated city counties. In Virginia, cities are independent of the county where they would be incorporated. In other states, such as New England, towns establish their own local government units below the state level, which eliminates the need for the county government. Municipal governments are also not common in rural areas and suburban regions.

This paper aims to analyze the relationship between local government and federal government, as well as councils of government, and the Environment and the levels of local government

Keywords: US Local government – Federal Government – Councils of Government

Introduction

Local Governments are part of a highly complex inter-governmental system that operates on two planes (Berman, 2003)

First: a vertical plane in which they interact with state governments and federal government, both of which have the advantages of operating from higher levels of formal authority

Second: Horizontal Plane in which they interact with their fellow local government

Federalism is the form of government in the United States where separate states are united under one central authority but with specific powers granted to both components in written constitution

(Bowman & Kearney, 2012) mentioned that the US constitution have a three main powers according to the following table

National Government powers Delegated and Numerated powers	Concurrent powers	Government power state
<ul style="list-style-type: none"> - Coin Money - Regulate interstate and foreign commerce - Tax imports and exports - Make treaties - Make all laws - Make war - Regulate postal system <p>Power denied</p> <ul style="list-style-type: none"> - Tax state boundaries - Change state boundaries - Impose religious tests - Pass law that conflict with bill of rights 	<ul style="list-style-type: none"> - Tax - Borrow money - Charter banks and corporation - Size property(eminent domain) - Make and enforce laws - Administer a judiciary 	<ul style="list-style-type: none"> - Conduct election - Regulate intrastate commerce - Establish republican forms of state and local government - Protect public health, safety and morals - All powers not delegated to the national or denied to the state by the constitution <p>Power denied</p> <ul style="list-style-type: none"> - Tax imports and exports - Coin money - Enter into treaties impair a legal contract - Enter compacts with other state without congressional consent.

The delegated powers are the powers granted to the national government by the US constitution, they are powers of government which states gave up when they ratified the US constitution.

There are two categories of powers delegated to congress by US constitution

- A) Enumerated or expressed powers which are contained in the US constitution: Article I section 8, article IV section 3 and amendment 16.
- B) Implied Power which are not listed or mentioned in the constitution but are deemed by the congress and the US courts to be reasonably from the enumerated powers of congress.

The seventeenth delegated powers, to be exercised through Congress including taxation, regulation of commerce, operation of post offices, establishment of a national court system, declaration of war, conduct foreign affairs and administrative of military forces but concurrent powers would be exercised by both the state and national government. The states would wield any residual powers under the tenth amendment. (Robert P. Sutton (2002:1)

The Environment and the levels of local government:

There are two levels for the local administration: - Counties and Municipalities. Municipalities include Cities, Towns and villages. Counties are local units that follow the statewide directly; it is used to manage some of the government activities. Each county includes Cities or Towns which are established by an act of the state's Congress according to the people's desire, and it has a Charter of different ways, including: (James & John, 1998)

- **Special Act Character**, this is issued to every city separately, it is a style that takes into account local variations, but it allows the state's authority to interfere in drafting it and determining the validity of the city.
- **General Act Character**, it is a general legislation in all the state's cities, and thereby reduces its regulatory mission, though it does not take into account the local conditions of the cities.
- **Classified Character**, it is the constitutions' categories established by the States to classify cities and their charters according to the quantity of population and the area.
- **Home Rule charter**, it is derived from England, whereby the City is responsible for its own local interests without the interference of the state's legislature, this charter is issued by an act of the state's legislature according to the city's request.

The county also includes a number of villages; the county's administration office is in the county capital city. The numbers of counties in the United States are about 3033 counties, at the rate of 60 counties for each state. Counties vary from a state to another according to their sizes and population. The county plays a dual role; it expresses home rule, also it is a frame to manage the state's authorities, the county is established under the law of the county's Congress according to the citizens' request. (Susan, John, John, & Susan, 2010)

On the other hand, Municipalities are local units that follow counties immediately and vary according to their area and population.

In addition to the counties and municipalities that represent traditional local units, there are around 30000 Special-Purpose Districts. David Berman (2003:12), which are local units with one purpose, they deal with the departments directly, but they are not a representative of either the state or the local units, they are established according to citizens' desire, and they work in a local area or more. Their establishments and the increase of their numbers return to: -

- A) the inadequacy of the municipalities or the counties to perform certain services,
- B) Their desire for independence, to provide success factors to an activity or to a particular program, such as school districts.

It specializes mostly in performing a single service, such as education, drinking water or sanitation; it also can be specialized in two or more homogenous services. These areas vary according to number,

competence and organization, which make it difficult to reach to general properties that distinguish them. (John, 2008).

Special purpose districts services provide specialized services only to people who live in them, on contrary to public areas or of public purpose, such as municipalities and counties. These areas have the power to impose taxes and fees (Property Tax or Tax Sales) and they have the ability to determine their own budgets.

Table (1) Number of Local governmental Units by Type

Type of Government	1962	1972	1982	1992	2002	2007
Total units	91,237	78,269	81,831	85,006	87,504	89,527
U.S Government	1	1	1	1	1	1
State Government	50	50	50	50	50	50
Local Governments	91,186	78,218	81,780	84,955	87,525	89,476
County	3043	3044	3041	3043	3043	3033
Municipal	18,000	18,517	19,076	19,279	19,429	19,492
Town	17,142	16,991	16,743	16,656	16,504	16,514
School District	34,678	15,781	14,851	14,422	13,506	13,051
Special District	18,323	23,855	28,087	29,532	35,052	37,381

Source: US Census Bureau on www.census.gov

These areas are managed by a Governing Board (the school's board or board of trustees or school's committee) which consists of a range from a few to several dozen numbers elected or appointed members, the membership period is (2, 4 or 6 years). (Kathryn, 1997) Between 1992 and 2007 the number of special district grew from 29532 to 37381, an increase of about 8000.

The district council has unlimited powers on staff's appointment or ending their services. A manager or an observer is appointed, he works as an executive manager of the special region in order to execute daily decisions and implement policy. Also, the school's board may practice a quasi-judicial function toward students or staff.

One of the advantages of the special district, that it allows the establishment of governmental units specified in providing one service not provided by the municipality, and it shall present economies of scale during providing it, also it is a mechanism to achieve cooperation between local units to provide services

One of the disadvantage of the special district: the lack of coordination between the special units, thus the service areas can overlap, which leads to the increase of stress on citizens and the lack of accountability to citizens, when its leaders are not elected, as well as being less responsive, where the citizens are not engaged in founding it. (Kim, 2008)

Councils of Government

They are one of the five main forms of regional government agencies in U.S, councils of government may include a number of contiguous cities, contiguous cities and the county they are located in, or contiguous cities and multiple neighboring counties. (Kemp, 2007)

Members of local councils in the United States are elected by the citizens through one phase, where the whole local unit is considered to be a one constituency or divided into a number of sections, and each section chooses one or more members to represent it in the local council. Or the selection of the members is made through two phases; in the first stage the local unit is divided to a number of departments, the people of every department elect a number of citizens to be members of the local council.

In the second phase, the whole local unit is considered to be as one constituency, the people elect members of local council from among the candidates who have been elected in the first phase. Council members of some local units are chosen (particularly special purpose districts) by appointment. In addition to the above, there is direct democracy, where the voters of every local unit are considered to be its Board, and on this basis, they pursue with all local affairs, this is called Town Meeting. According to this method, an annual meeting is held; it is attended by the local unit citizens of political rights. They discuss a lot of issues as; the budget, the imposition of fees and taxes, loans and set the administrative policy to the local unit. Then after that, the meeting staff will elect the employees who shall implement the decisions.

The duration of the local councils in the United States is between 1 to 8 years, but it is mostly 4 years, and there is no partial renewal of the members during the membership period.

In many municipalities in the United States of America, the elections are legally non-partisan; where Candidates are not voted by parties (only 25% of U.S. cities with a population that exceeds 50,000 people allow partisan competition). And about 85% of the Council / Director systems are non-partisan, compared with 60% of the Mayor / Council cities systems. The non-partisan local elections are based on the personality and the elimination of the party's potential impact; also it increases the authority of the Mayor

Conclusion

The United States of America follow the exclusive manner which is based on determining the functions of the local units; so that not to be under the control of the central government, unless there is a purview that states not of the local unit tasks. In this case, local institutions are not allowed to practice any other competence unless Congress approves it, or there is a central government mandate. Local units' issued functions are restricted according to the state legislature. Also there are other ways as Home Rule character which mentioned before.

The state constitution often provides methods and procedures that the local unit should follow to get this privilege. In some states, judiciary governs in the dispute over the functions between the central government and the local unit on the basis of Dillon's Rule is used in interpreting state law when there is a question of whether or not a local government has a certain power. Lawyers call it a rule of statutory construction. Dillon's Rule construes grants of power to localities very narrowly. The bottom line is that if there is a question about a local government's power or authority, then the local government does not receive the benefit of the doubt. Under Dillon's rule, one must assume that the local government does not have the power in question. (The judge consider the specialties local, if they are mentioned directly in the law, and if they complete a local specialty stated directly in the law). In other states, separation depends on standard public benefit, which allows the judge to consider disputed competence as local, if the financial, economic, social and political circumstances require that or if it achieves the benefit of local citizens.

Counties are concerned with the following. Bonghee Kin(2008:13).

- Implementing law, preserve security and order and prevent crimes.
- Managing justice through the establishment of civil and criminal courts, supplying them with staff and financial support.
- Taking care of the poor, homeless, criminal children, displaced and elder persons.
- Establishing and maintenance of second-class roads that connect small towns to each other and to the main roads.
- Agriculture extension, to increase land productivity and raise the level of peasants and farmers.
- Managing primary and Secondary Education or implementing the regulations and the instructions of the Department of Education in the county range.
- Providing other services, such as preventive health services, public libraries, and entertainment places and determining the uses of rural land. Municipalities practice various specialties such as:
- Cultural activities: public libraries, entertainment programs, museums and parks. Etc.
- Social welfare activities: includes caring for the: poor, infirm, elderly, children, and homeless. Etc.
- Economic activities, by covering public utilities (it is often run by private companies), and by developing trade and industry (by attracting projects, in cooperation with the chambers of commerce and by competition on the exemption of taxes and by reducing the prices of lands and rents, also cities practice tourism development activities to attract tourists).

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