The Powers of a Mayor

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THE PROBLEM.

The problem of municipal finance is to furnish the greatest service with least hardship to the taxpayer. A hardship is placed on the taxpayer when taxes are unreasonably high or the tax rate fluctuates too greatly. To avoid both it is necessary that a municipality adopt annually a budget of expenditures. Only in this way can it be certain of accomplishing the most necessary things and at the same time live within its means. Work must not be allowed to accumulate or the result will be an abnormal increase in the taxes at a future period. Bonds should be provided only if there is some extraordinary expense. It must be remembered that improvements financed out of the proceeds of bonds always cost more because of the interest. Even extraordinary improvements can sometimes be done in part each year and in that way be paid out of current funds. Municipalities which have been wrongly financed, and have for years issued bonds for annually recurring improvements, cannot, without great hardship on the taxpayer, suddenly adopt a policy of paying such expenditures out of current funds. But they can, with the aid of a carefully worked out financial plan covering a period of years, gradually attain this end without hardship to the taxpayer.

THE POWERS OF A MAYOR

The mayors of most American cities are much in the same position as municipal corporations. Both lack authority to do many things worth while; are frequently prevented by charter restrictions from carrying out functions efficiently, and are seldom given the leeway of officials of private corporations so necessary to make good. This is the natural sequence of the decadent Laissez Faire theory of political science. City government was from this viewpoint regarded by many as a necessary evil. The theory being that every increase in local governmental authority meant a corresponding decrease in private rights. This was reflected in the action of legislatures which granted the broadest possible scope of action in the charters of private corporations, while just the reverse policy was pursued in giving authority in charters of municipal corporations.

The rapid growth of the cities, however, the increase of their problems, and the burdening of legislatures with bills to meet necessary changes, has caused a growth of sentiment in the
opposite direction. There is now a general demand to grant to
cities complete Home Rule in all of their municipal affairs. Eight
states have already amended their constitutions in this respect
and no doubt Wisconsin will very early do the same.

Viewing, therefore, the powers of mayor in the light of
this past policy of restriction, we find him to be an individual who
is chief executive of the city in name more than in function.
To illustrate, no executive of a large corporation could undertake
to secure the highest efficiency in a given plant without having
power of appointment and removal of heads of departments.
Here the Common Council must confirm all appointments of the
Mayor to important positions. This power may be grossly
abused. A mayor may be deprived of the power to appoint men
most fitted by the refusal of the Common Council to approve the
selections. The result of this is that the legislative branch of
government exercises executive power, to-wit: the power to make
appointments to executive departments by defeating the selections
of the mayor. The power of removal is even more important to
an efficient administration than the power of appointment. But
in no case save that of Building Inspector can the mayor remove
an officer for inefficiency and neglect of duty. The executive.
nevertheless, is expressly charged with the obligation of seeing
that the laws of the State and ordinances of the city are enforced
and that all officers of the city discharge their respective duties.
The mayor must rely on his faculties of tact and persuasion
rather than on his power of removal to achieve this end. If
these fail, his only recourse is to figuratively hammer the head
of the recalcitrant subordinate in the columns of the public press.

It follows that in framing the charter of the future American
city, there must not only be a grant of power to do things worth
while, but that there must be a cleavage drawn between func-
tions which are legislative and those administrative. To grant
one or the other to the wrong branch of government never has
and never will result in satisfaction or progress.

A further legal duty of mayors is to give the Common Coun-
cil such information and recommend such measures as they may
deem advantageous to the city. The effectiveness of this provi-
sion like his authority to veto measures of the Common Council
need little discussion save to say that their effectiveness depend
upon the problems arising, the personality of the mayor, and the
character of the Common Council.
The mayor of Milwaukee is by virtue of his office, a member of the Board of Review, the Board of Estimates, the Purchasing Board, the board that fixes the compensation paid for special privileges granted by the Common Council, and also the firemen's and policemen's pension boards.

The president of the Common Council becomes the acting executive in the absence of the Mayor or in case of a vacancy. He cannot, however, perform any duty which can be carried out by the mayor upon his return. *State ex rel Olsen vs. Lalief*, 146 Wis. 490.

To summarize, it may be said that the Mayor is the chief executive officer of the city and while his effectiveness as such is limited by charter restrictions, still the courts have held that as chief executive he is more than a mere ministerial officer and mandamus will not lie to control his discretion in the performance of his duties. *State ex rel Davern vs. Rose*, 140 Wis. 366. Regardless of his powers, his achievements may be measured by his ability, first, to arouse public sentiment to favor projects beneficial to the community and against measures having the opposite effect; secondly, to get the various departments of governments to do things and to do them well.

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