INTERNATIONAL MUNICIPAL LAWYERS ASSOCIATION



"Term Limits for Municipal Council Members"

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Term Limits for Municipal Council Members

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No Canadian municipality has a limit on the number of consecutive terms an individual may serve on its council. Furthermore, no Canadian municipality currently has the jurisdiction to establish such a limit.

I believe the time has come to raise and debate the advantages and drawbacks of municipal council term limits.

The history respecting the lengthening of municipal council terms in Ontario will be considered, followed by an overview of existing municipal term limits in the United States. Recent [failed] attempts in Canada to raise the issue of municipal council term limits will be presented. This paper will conclude with a modest recommendation for a term limit proposal with a suggestion as to the manner in which this issue might be broadly considered.

This paper will focus primarily on Ontario legislation.

I – Background on the Lengthening of Municipal Council Terms

Municipal council terms in Ontario were initially only of a one year duration. Annual municipal elections were the norm.

In 1906, legislation was passed which allowed municipalities to establish by by-law a two-year term for its council. The "catch" was that any such by-law establishing this longer term required the assent of the electors.[1]

In 1944, the provision was further revised to allow municipalities with biennial elections the option of establishing a "staggered" system of election whereby in each year one half of the council members' terms would expire.[2]

I have not been able to discover which Ontario municipality was the first to establish a two year term for its council. Nor did my research uncover the first or total number of municipalities that opted for the "staggered" system of election.

Toronto's municipal election in 1956 was that city's first for such a two-year term.[3]

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[1] *The Municipal Amendment Act, 1906*, S.O. 1906, c. 34, s. 4.
[2] *The Municipal Amendment Act, 1944*, S.O. 1944, c. 39, s. 13.
[3] On October 24, 1955, Toronto Council enacted By-Law No. 19533 "To provide for Voting on a By-law to provide for biennial elections of Members of Council"; see Council Minute No. 648 and Appendix "B" at p. 361. The results of the vote were reported to Council at its January 6, 1956 meeting; see Council Minute No. 6 and the Clerk's Report in Appendix "C" at pp. 11-26. The vote was 47,958 in favour and 33,742 against.

Up until 1972 there was a variety of council term lengths throughout Ontario's then 800 plus municipalities. Some still maintained one year terms; more had opted to establish two-year terms, and three "upper-tier" municipalities actually had some three-year terms![4] By 1967, 56% of municipalities had adopted the two-year council term.[5] A provincial committee established to report on municipal elections concluded:

> "The Committee regards as merited and desirable the adoption of a two-year term of office for all municipalities and their local boards."[6]

With the enactment of *The Municipal Elections Act, 1972*[7], which removed election matters from the *Municipal Act* and other provincial legislation to its own discrete act, a universal two-year term was established for all municipal councils throughout Ontario.

Just five years later, a Joint AMO-AMCTO[8] Committee on municipal elections in its final report determined that there were no technical implications to introducing longer municipal council terms than the then current two years on a province-wide basis.[9]

In 1982, municipal council terms were extended to three years.[10] Nine municipal elections were held for such three-year terms.

AMO published a brief background paper[11] and conducted a survey in 2005 on the length of municipal council terms throughout Canada.

The current four-year municipal council term was initially established in 2006.[12] The date for Ontario's third set of municipal elections under this lengthened term is October 27, 2014.

To my knowledge, there are no municipal council terms anywhere in Canada or the United States which are of a duration greater than four years.

No legislation in Canada makes provision for the "recall" of municipal council members.[13]

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[4] *The Municipality of Metropolitan Toronto Amendment Act, 1966*, S.O. 1966, c. 96, s. 2 introduced a three-year term for Metro council. After two three-year terms, Metro Council reverted to two-year terms; see *The Municipality of Metropolitan Toronto Amendment Act, 1972 (No. 3)*, S.O. 1972, c. 168, s. 1. *The Regional Municipality of Niagara Act, 1968-69,* S.O. 1968-69, c. 106, s. 3(2) established an initial three-year council term, followed by subsequent two-year terms [s. 4(3)]. See also *The Regional Municipality of Ottawa-Carleton Act, 1968*, S.O. 1968, c. 115, s. 5(5).

[5] Ontario Municipal Elections Committee *Report*, p. 17 [Toronto, 1970].

[6] *Ibid.*

[7] *The Municipal Elections Act, 1972*, S.O. 1972, c. 95, s. 9.

[8] AMO – Association of Municipalities in Ontario; AMCTO – Association of Municipal Clerks and Treasurers in Ontario.

[9] *Final Municipal Elections Report*, The Committee, AMO-AMCTO, p. 23 [Toronto, 1977].

[10] *Municipal Elections Amendment Act, 1982*, S.O. 1982, c. 2, s. 1.

[11] *AMO Background Paper and Survey on Municipal Council Term and Related Matters*, AMO [Toronto, 2005]; see: http://amo.on.ca/WCM/AMO/AMO_Content/Reports/2005/AMOBackgroundPaperonMunicipalCouncilTerm.aspx.

[12] *Budget Measures Act, 2006*, S.O. 2006, c. 9, Sch. H, s. 2.

[13] *Removing a Municipal Politician from Office: What Can and Should be Done*, PowerPoint, Leo F. Longo, June 4, 2009 – "IMLA in Canada" Conference.

II - American Examples of Municipal Council Term Limits

A very useful and informative research paper, dated February 2, 2011, was prepared and published by The Philadelphia Research Initiative entitled "City Councils in Philadelphia and Other Major Cities: Who Holds Office, How Long They Serve, and How Much it All Costs".[14]

An extract from that study is reproduced and attached as an Appendix to this paper. Examples of existing municipal council term limits are presented therein. Maximum consecutive terms of service range from 6 to 12 years.

Further academic research and assessment will need to be undertaken to measure the impact of term limits as same pertain to local municipal governments.

Academic studies[15] are now being published that assess the impacts and consequences which the imposition of state legislature term limits have had on a variety of subject matters, including the election of women [no real impact yet][16] and minorities [no real impact yet][17]. Nevertheless, one study notes:

> "Term limits, by changing election rules, have altered the selection of the people who make laws, and thus they have had a major influence on public policy. They have dramatically changed the composition of legislative bodies and impacted the authority of the individuals who lead them They have altered the way legislatures function, and even, in some cases, changed the balance of power between the legislative chambers and the executive branch."[18]

Yet other observations by the same authors include the following:

> "…the increased frequency of siblings and spouses succeeding each other in California provides additional evidence that term limits have not lead to a 'new breed' of citizen legislator."[19]

As noted above, as more experience is gained in those states with term limits, further academic research and assessment will more fully measure and reveal the impact of term limits.

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[14] Principal Author: Thomas Ginsberg, See http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Philadelphia_Research_Initiative/City_Council_Philadelphia_Major_cities.pdf.

[15] See *Term Limits and Their Consequences: The Aftermath of Legislative Reform*, Caress, S.M. & Kunioka, T.T., (State University of New York Press, Albany, 2012). This work focusses exclusively on the 21 state legislatures that imposed term limits [6 later repealing same] in the past two decades; no municipal term limits are mentioned or studied. An extensive bibliography is provided.

[16] *Ibid.,* Chapter 4 and p. 170.

[17] *Ibid.,* Chapter 5 and p. 170.

[18] *Ibid*., p. 2.

[19] *Ibid*., p. 108.

III – Some Recent Municipal Council Term Limit Initiatives

(A) – City of Winnipeg

At its meeting of March 22, 2006, the City of Winnipeg considered the following notice of motion by Councillors Peter De Smedt and Russ Wyatt:

> "WHEREAS Civic Government functions best when fully responsive to the electorate;
>
> AND WHEREAS the public interest is well-served through a mandated rotation of its elected officers;
>
> AND WHEREAS the public interest is enhanced when the electorate has more opportunity to unfettered access for public service to the office of mayor and councillor;
>
> AND WHEREAS term limits have been implemented in other democratic jurisdictions with positive impacts;
>
> AND WHEREAS it is deemed desirable to limit the terms of Members of Council to 2 full four year terms, with additional terms possible after a four year stand-down between each set of 2 full four year terms;
>
> AND WHEREAS civic government functions most responsively when matters of significant public impact are tested through the will of the electorate;
>
> THEREFORE BE IT RESOLVED THAT:
>
> 1. The Council of the City of Winnipeg submit a referendum question to the electorate during the 2006 General Municipal Election to seek public support for term limits for Councillors and the Mayor, as described;
>
> 2. The Council of the City of Winnipeg request that The Winnipeg Charter Act be amended accordingly with the limitation on terms commencing November 7, 2006, if accepted by a majority of the electorate;
>
> 3. The Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing."[20]

That motion was defeated on a 14-2 vote.

An attempt to amend the motion to refer to a maximum of three consecutive terms of office was defeated by a similar vote.[21]

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[20] See Council Minute No. 375, March 22, 2006 Council Minutes: http://winnipeg.ca/CLKDMIS/ViewDoc.asp?DocId=6135&SectionId=&InitUrl.
[21] *Ibid.*

(B) – Norm Sterling MPP

Norm Sterling moved the following motion under the "Private Members' Public Business" portion of the Ontario Legislature's proceedings of March 5, 2009:

> "that, in the opinion of this House, a Select Committee on Municipal Governance for municipalities with populations greater than 500,000 people be appointed to consider and report to the House its observations and recommendations with respect to alternative governance models for larger municipalities. In developing its recommendations the committee will:
>
> (1) Work with municipal politicians, academics, experts and other interested parties to determine better governance models for larger municipalities;
>
> (2) **Recognize the low turnout of voters for municipal elections**;
>
> (3) **Recognize the very high rate of incumbents re-elected**;
>
> (4) Recognize the difficulty of a mayor to get consensus from a large number of independent councillors;
>
> (5) Recognize the difficulty electors face in determining the platforms of the candidates with regard to broad municipal and fiscal issues;
>
> (6) Consider the pros and cons of the current municipal governance model;
>
> (7) Consider the terms, timing and conditions of a referendum for the approval by municipal electors of any municipality for any change of governance in their municipality;
>
> (8) Consider the introduction of political parties and party financing at the municipal level;
>
> (9) **Consider term limitations for elected municipal officials**;
>
> (10) Consider models from other large municipalities in jurisdictions outside of Ontario." [emphasis added][22]

At that time, only Toronto, Ottawa, Mississauga and Hamilton had populations in excess of the 500,000 threshold mentioned in the motion.

Most of the discussion in the Legislature at the time this motion was debated concerned matters other than the term limit aspect of this motion.

Without government support, the motion was lost on a 13 ayes – 27 nays vote.[23]

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[22] *Hansard*, Legislative Assembly of Ontario, Votes and Proceedings, No. 119, March 5, 2009, Private Member's Notice of Motion No. 78 [under hyperlink "municipalities"]: http://www.ontla.on.ca/web/house-proceedings/house_detail.do?Date=2009-03-05&Parl=39&Sess=1&locale=en#P696_204287.

(C) - Toronto

Earlier this year, first-term Councillor Mary-Margaret McMahon addressed a brief letter to City Council in which she stated, in part:

> "One way to continually refresh our civic debate is to impose term limits on elected officials ensuring new faces and new ideas are always being brought to the table. Toronto needs to begin discussing the value that term limits could bring to our democratic system."
>
> "As elected officials we encourage Torontonians to get involved in municipal politics, term limits could give the youth of Toronto a better chance at becoming public representatives themselves. It is time that Toronto explores whether or not term limits will make Toronto City Council more reflective of the demographics, aspirations and culture of Toronto."[24]

A formal motion by Councillor McMahon [seconded by Jaye Robinson] was tabled at the February 20-21, 2013 council meeting[25] and referred to Executive Committee. The motion read as follows:

> "City Council direct the City Manager to report to City Council no later October 8, 2013, on the potential for term limits for City Councillors and Mayors which will include, but is not limited to:
>
> a. opinions and recommendations from the City Solicitor regarding the term limit under existing legislation specifically City of Toronto Act (2006) and Municipal Elections Act (1996);
>
> b. a survey and comparison of term limits for elected representatives in North American municipalities;
>
> c. the potential effects on political engagement and participation that could arise from the imposition of term limits in Toronto; and
>
> d. a robust public consultation process to assess Torontonians attitude toward term limits."[26]

At the March 20, 2013 Executive Committee meeting, this matter was "deferred indefinitely" upon the motion of Councillor Denzil Minnan-Wong[27] who has continuously served in office since 1994. The *Toronto Sun* reported that he boasted:

> "'We shot it into outer space', Minnan-Wong insisted after the vote."[28]

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[23] *Ibid*.
[24] February 5, 2013 letter; see: http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-56269.pdf.
[25] See Motion MM30.8: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.MM30.8.
[26] *Ibid*.
[27] See Item EX29.11: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EX29.11.

There has been no further consideration of term limits at City Hall.

IV - Is it Time to Consider Municipal Council Term Limits?

Why should municipal council term limits be examined? This paper will briefly examine some of the arguments usually advanced in responding to the question as to the need for such an initiative.

(A) - Term Limits Already Exist

Mayors and council members in office tend to suggest that we already have term limits in effect in Ontario…they are called elections! This trite response completely fails to recognize that the status quo has produced many of the negative consequences raised in this paper by those seeking the favourable consideration of municipal council term limits. This "do nothing" approach should not be allowed to succeed in forestalling or preventing a fulsome debate about the merits and drawbacks of term limits.

(B) - New Ideas

In his regular "Governance Zone" column published in *Municipal World*, George Cuff wrote a submission entitled "New Ideas" wherein he stated:

> "It has been my observation that few council members who have served more than two terms are likely to be the initiators of any substantive change."[29]

Those supporting terms limits believe that the eventual turnover of councillors that will ensue will automatically result in new voices and new ideas being heard at the council table. While not an unreasonable assumption to make, it will remain to be seen if indeed such an outcome is in fact achieved.

(C) - Incumbent Advantage

As Norm Sterling noted in the Ontario Legislature commenting on the 2006 municipal election results in the province's four largest cities:

> "The results are that people are disengaged from the process. They only vote on the basis of the name and not on the basis of policy for the good of their city as a whole. This is demonstrated so clearly by the statistics in the 2006 municipal elections across the four cities that I mentioned.
>
> In the city of Toronto there were 275 candidates for 44 council seats. When it came down to council seats, 36 of 37 incumbents were returned. The only incumbent who was defeated was by another former councillor and MPP, Tony Perruzza. In Mississauga, there were 76 candidates for 11 seats on council, including 23 in one seat. All of the llincumbents were re-elected in Mississauga. In Ottawa, all of the incumbents were re-

[28] *Toronto Sun*, March 20, 2013; see: http://www.torontosun.com/2013/03/20/call-for-term-limits-wont-go-away-at-city-hall.
[29] *Municipal World*, June, 2007, pp. 37-38.

> elected in all 23 council seats. In Hamilton, all incumbents were elected save one, and the incumbent in Hamilton lost to a former MPP of our Legislature, Brad Clark, who I believe was also involved in municipal politics before he became an MPP.
>
> In all, 73 of 75 incumbents in our four largest cities were re-elected and the other two lost to former councillors, former MPPs who could almost be described as incumbents themselves."[30]

In an editorial, the *Toronto Star* noted:

> "Few jobs in Canadian politics are more secure than being elected to municipal office. City hall incumbents are notoriously hard to defeat — not necessarily because they're good, but because the system is tilted in their favour. And they like it that way."[31]

This unfair "tilted" playing field is one of the prime reasons advanced for the introduction of term limits. Many councillors appear to be returned to office not for their vision, productivity or effectiveness…but simply voter recognition of their name and that they are the current office holder. Current councillors have numerous means and advantages to reach out and become better known to their constituents. This includes use of publicly-funded councillor office expenses to produce and distribute newsletters and hire administrative staff.

New candidates must overcome this substantial hurdle; and it is one that becomes ever greater with each passing election that an incumbent remains in office.

(D) - Poor & Declining Voter Turnout

The interest in and turnout for municipal council elections are the poorest amongst all levels of elected government in Canada and are declining. This disinterest is attributable, in part, to the incumbency reality noted above which leads to feelings of inevitability of result which diminishes the apparent value and importance of each individual's vote.

Making voting for municipal councils more convenient [telephone and internet-based] is receiving serious consideration and some implementation throughout Canada.[32] Extending voting rights to non-Canadian urban residents has also been advanced.[33] The imposition of term limits should be assessed as an additional possible means of addressing poor voter turnout in local municipal elections.

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[30] *Hansard*, Legislative Assembly of Ontario, Votes and Proceedings, No. 119, March 5, 2009.
[31] *Toronto Star*, February 19, 2013; see: http://www.thestar.com/opinion/editorials/2013/02/19/toronto_should_study_term_limits_for_city_council_editorial.html.
[32] See ISI Inteli√ote Systems Inc.'s website: http://www.intelivote.com; and *Internet Voting: The Canadian Municipal Experience*, Nicole Goodman, Jon H. Pammett and Joan DeBardeleben, Canadian Parliamentary Review (Autumn, 2010): http://www.revparl.ca/33/3/33n3_10e_Goodman.pdf.
[33] See *The Municipal Franchise and Social Inclusion in Toronto: Policy and Practice*, Myer Siemiatycki (October, 2008): http://cdhalton.ca/pdf/icc/ICC_Municipal_Franchise_and_Social_Inclusion_in_Toronto.pdf.

V - My Proposal

Each municipality should be given the choice and power to establish by by-law term limits for its council members.

The municipal council term limit that I suggest is appropriate and be considered would impose a three consecutive term, twelve year limit for the council position in question.

My proposal would not establish a maximum lifetime limit of a number of years that one is permitted to hold office as a council member. That is, after sitting out an election, a former councillor would again be entitled to be elected as a councillor for up to three more consecutive terms.

Furthermore, should a councillor, after twelve years [or less], seek the office of and be elected as Mayor, he or she could serve in that position for up to twelve years. This equates to a potential twenty-four years of consecutive public service at the municipal level.

As *Toronto Star* urban affairs columnist Royson James succinctly noted:

> "Three terms – 12 years service – should be enough. Move on. Run for Mayor. Do something else for at least a term. Then, return if the voters clamor for a reprise."[34]

The matter of Regional Councillors will need to be addressed. Ought there to be distinct three term, twelve year maximum for that discrete office? Or should there simply be a combined twelve year maximum that one may consecutively serve as either a local or regional councillor? My suggestion would be the latter.

Alternatively, while leaving it at the option of a municipality to "opt in" by by-law to a municipal council term limit, the Province could stipulate that the term limit regime be as specified by the Province. This would ensure that there was a uniform municipal council term limit regime throughout the Province rather than a variety of local schemes with varying provisions and exceptions.

A final alternative would be for the Province, after full consultation with all stakeholders, to impose council term limits on all of its 444 municipalities. Whether it be through a uniform term limit regime or a variety of schemes [e.g. one best suited for municipalities over 500,000; another for those under 20,000], the Province could mandate same.

VI - What Would Need to Change…other than people's resistance to the idea of term limits?

All municipalities in Ontario, other than Toronto, obtain their general jurisdiction and powers pursuant to the *Municipal Act, 2001*[35]. That act would need to specify that a council may, by by-law, establish a maximum term limit of consecutive service by its head and members.

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[34] *Toronto Star*, February 8, 2013; see: http://www.thestar.com/news/city_hall/2013/02/08/its_time_for_term_limits_at_city_hall.html.
[35] *Municipal Act, 2001*, S.O. 2001, c. 25.

While a municipal council currently has the power to determine the size of its council [subject to same being composed of at least five members[36]] and the titles used for its head of council and council members[37], all council members must be elected in accordance with the *Municipal Elections Act, 1996*[38] and there is no authority to change the length of term of office of any council member.[39]

The authority to establish and impose term limits ought likely to be placed in a discrete section of the *Municipal Act, 2001* and *City of Toronto Act, 2006*. In addition, subsection 29(1) of the *Municipal Elections Act, 1996*[40] should be revised to clarify that a person is ineligible to be a candidate for council if that person has reached any consecutive maximum term limit of service in effect in a municipality. It would remain and need to be determined whether any other consequential legislative amendments might be warranted to fully implement municipal council term limits.

The time has come to raise and debate the advantages and drawbacks of municipal council term limits. The Federation of Canadian Municipalities [FCM] and the Association of Municipalities of Ontario [AMO] are significant stakeholders and should consider examining this issue and contributing to its discussion.

It is hoped that this paper will assist in sparking that conversation.

[36] *Ibid.*, s. 217(1) 1.; *City of Toronto Act, 2006*, S.O. 2006, c. 11, Sch. A, s. 135(3) 1. ["*COTA*"].
[37] *Ibid.*, s. 220.
[38] *Ibid.*, s. 217(1) 2.; *COTA*, s. 135(3) 2.
[39] *Ibid.*, s. 217(5); *COTA*, s. 135(5).
[40] S.O. 1996, c. 32, Sch.



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CITY COUNCILS IN PHILADELPHIA AND OTHER MAJOR CITIES:

Who Holds Office, How Long They Serve, and How Much It All Costs

February 2, 2011

KEY FINDINGS

The 17 current members of Philadelphia City Council have served longer, on average, than their peers in 14 other big cities, and they comprise Philadelphia's longest-tenured council in at least the past six decades.

At 15.5 years, Philadelphia's average council tenure at the end of 2010 was approached only by Baltimore and Chicago at roughly 13 years each. In Philadelphia, first-term members held only 18 percent of the seats; they held more than a third in most of the other cities studied. Council President Anna Verna has been in office 35 years, longer than any other Philadelphia City Council member since at least 1920, and two other members have served for more than 30 years.

Longevity, which can be both a positive and a negative force in government, is one of a number of measurable characteristics of city councils that The Pew Charitable Trusts' Philadelphia Research Initiative examined in the nation's 10 most populous cities plus five other large cities chosen because of their similarity and/or proximity to Philadelphia. They are Baltimore, Boston, Chicago, Dallas, Detroit, Houston, Los Angeles, New York, Phoenix, Pittsburgh, San Antonio, San Diego, San Jose and Washington, in addition to Philadelphia.

This examination was conducted on the heels of a recession that has led many cities to cut their budgets. City councils were heavily involved in those decisions, and councils' own spending levels have come under increased scrutiny. And the cities are about to engage in the once-a-decade council redistricting process that will define the parameters of local political representation for the next 10 years.

The study compares such measurable items as council budgets, staffing, salaries, certain electoral conditions, tenure and representativeness. In examining comparative costs, the report also looks at Denver, Nashville and San Francisco, three other large municipalities that, like Philadelphia, have the added responsibilities that come with being consolidated city/counties. No attempt is made to assess the political effectiveness of any council.

Among the other key findings are these:

- The Los Angeles City Council spends the most per seat, about $1.7 million, and Pittsburgh the least, about $226,000. The 15 councils cost local tax-payers a median of about $607,000 per seat this past year, the biggest part of which was salaries and benefits for staff and members. The Philadelphia City Council's 2011 budget for staff salaries, employee benefits and operations was roughly $1.1 million per seat, sixth highest among the cities. On a per-resident basis, Washington, which functions as a city, county and state, spent the most on its council, $32.41, while Phoenix spent the least, $2.10. Philadelphia has one council employee (including members) for every 7,900 city residents compared with 1 for 13,500 across all the cities studied.
- Detroit's council consumes 1.01 percent of city general-fund spending, the largest among the cities studied. New York's 0.10 percent is the lowest. Across all 15 cities, the median is 0.46 percent of total general-fund spending. That share changed little through the recession (fiscal 2008 to 2011) for many of the cities including Philadelphia, which is at 0.50 percent. After inflation, seven of the councils reduced their own budgets during the period, led by Phoenix's 33 percent cut, while seven recorded increases.
- Los Angeles has the highest average salaries for council members, $178,789, and San Antonio has the lowest, a maximum of only $1,400 per member. The average council salary in Philadelphia is $121,107, fourth-highest out of the 15 councils studied.
- The size of city councils ranges from 51 seats in New York and 50 in Chicago, to 17 in Philadelphia, to just eight seats in San Diego. Relative to local populations, Los Angeles has the smallest council, with just one seat for every 255,500 residents. Pittsburgh has the biggest, one seat per 34,600 residents. Philadelphia's 91,000 residents per seat is at the middle of the pack.
- As for historically under-represented groups, most of the cities have about the same percentage of blacks in council as in their general populations; in Philadelphia, blacks make up 43 percent of the population and 41 percent of the council. Philadelphia has the second-highest proportion of women in council, at 41 percent. Dallas has the highest, 47 percent, while Los Angeles is lowest at 13 percent. Hispanics and Asians have smaller shares of council seats compared to populations in most of the cities.
- Democrats dominate councils in the six cities that have party-based voting. The other nine cities have non-partisan elections.
- Philadelphia City Council has the most weeks during which no hearings or sessions appear on its official calendar—12 weeks during a typical summer—although many members continue to work during that period. In contrast, Houston, officially a part-time panel, schedules some type of council business every week of the year, although often only partial days.
- Only three councils—Philadelphia, Detroit and Los Angeles—provide a city-owned car to each member. Most other councils give an auto allowance or reimbursement instead.
- Most of the councils, including Philadelphia, post videos of council meetings online as well as searchable databases of legislation. A majority do not post members' personal financial disclosure statements or lobbying records. Philadelphia plans to start doing the latter in 2011.

Overall compared to other city councils, Philadelphia's 17 members on average have held their positions longer and are less likely to be first-termers. They are comparatively well-paid and well-staffed, and they have more unscheduled time in the summer. They are more likely to be women. More of them use a city-owned car. And they are among the few council members who must quit their terms early to run for another elective office.

All of the cities are different in fundamental ways, as are their governments. Several are city/counties, and Washington is a city, county and state. Four of the cities—Dallas, Phoenix, San Antonio and San Jose—have "council-manager" systems, in which council members generally have fewer duties than in the "mayor-council" systems used in the other 11 cities. In some cities, council service is full-time; in others, it is not. These factors account for some of the statistical variations among the councils.

TENURE

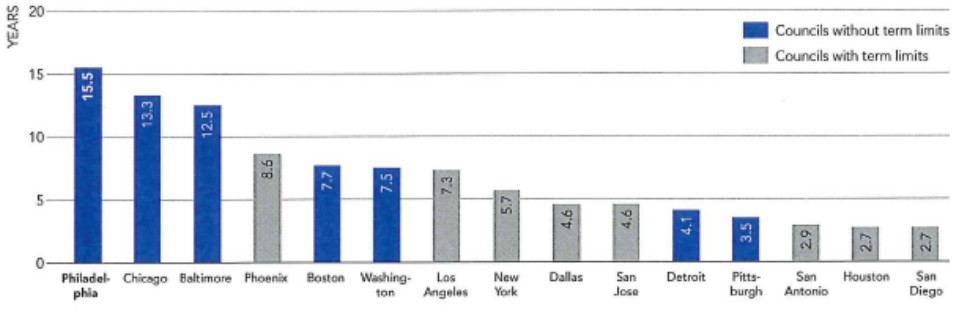
How long council members choose to stay in office—and how long the voters let them stay—are major parts of any city's political culture and civic life.

Among the seven city councils with no term limits, Philadelphia's council had the longest average tenure at the end of 2010, 15.5 years; Pittsburgh's had the shortest at 3.5 years; and the eight-city average was 10.9 years. Among the eight cities with term limits, Phoenix had the longest average at 8.6 years, Houston and San Diego the shortest at 2.7 years, and the overall average was 5.1 years. Among all the cities, term-limited or not, the typical incumbent city council member had 7.9 years of service. See Figure 1.

FIGURE 1

AVERAGE YEARS IN OFFICE

At the end of 2010, the average tenure was 7.9 years for members of all 15 councils and 10.9 years for members of the seven councils without term limits (blue bars). Average tenure was 5.1 years in the eight councils with term limits (gray bars); term limits were six years in Houston, 8-12 years in the others. Tenure is calculated as of Dec. 31, 2010 from the date of each member's first election or interim appointment. Tenure includes any earlier terms for "second-time" members who returned to office after a gap in time. Calculations include the mayors of Dallas, Phoenix, San Antonio and San Jose, who are members of their city councils.



SOURCE: Member biographies, election calendars and council officials in each city.

At the close of 2010, three of Philadelphia's 17 council members had been in office for more than 30 years, representing 18 percent of the body. The only city studied which had more such members is Chicago; there, four of the 50 members were 30-year veterans, representing 8 percent of the council. In the other 13 cities, there was only one other council member (from Baltimore) with at least three decades in office.

Philadelphia had the second-largest imbalance between veterans and newcomers. As Figure 2 shows, its share of first-termers was less than half the median of 37 percent.[1] Only Los Angeles had a lower percentage of first-termers, 2 out of 15 for 13 percent. At the other extreme was San Diego, which has term limits; six of its eight members, 75 percent, were in their first four-year terms. To reach the median, Philadelphia would need seven first-term members, four more than it has now.

For any city, longevity in office can be positive, negative or both. Experienced city council members may be better able to advocate for their constituents and neighborhood interests. Or they may become roadblocks to change. New members, on the other hand, can bring fresh ideas, issues and constituencies into the governing process, although the newcomers may be handicapped by lack of knowledge of the workings of government.

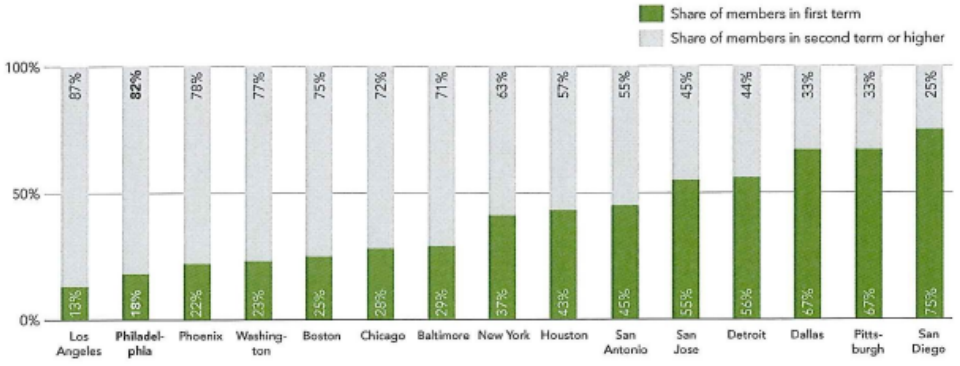
A number of factors affect the desirability of anyone's retaining a seat long term. Among them are pay, benefits and the ability of council members to work with the mayor to get things done.

One factor for which Philadelphia stands out is its city charter's ban on any member running for another elective office while serving any part of his or her term. This forces them to step down as soon as they announce a candidacy for another position. Members say this has had the effect of deterring their colleagues from launching such candidacies. Two other cities in the study—

FIGURE 2

VETERANS VS. FIRST-TERMERS

Across all 15 councils, more than a third of members were serving their first terms in office at the end of 2010. First-termers include those appointed to vacancies but do not include "second-time" members who returned to office after a gap in service. Calculations include the mayors of Dallas, Phoenix, San Antonio and San Jose, who are members of their city councils.



SOURCE: Council Web sites, city election boards and calendars, and news clips.

Dallas and Phoenix—also impose so-called "resign-to-run" rules. But Phoenix exempts office-holders in the last year of their terms, and both cities have term limits that cap how long a council member may serve.[2] Philadelphia council members have often criticized the rule. When the issue was put on the ballot in 2007, the voters refused to change it.[3]

In the other cities without term limits, a factor contributing to shorter stays in office appears to be the councils' relative lack of power vis-à-vis the mayor and other officials. In Pittsburgh and Boston, for instance, council longevity is relatively low, 3.5 years and 7.7 years respectively, despite the lack of term limits. Observers in those cities say council seats don't hold much long-term appeal for local politicians. In Pittsburgh's case, the city operates under state fiscal oversight that curtails the autonomy of its nine-member council and mayor.[4] In Boston, the 13-member council has been widely perceived as weak compared to five-term Mayor Thomas Menino.[5]

Similar factors, though, can have the opposite effect. In Chicago, Mayor Richard Daley has dominated the 50-member city council for much of his 24 years in office. Even so, there has been little council turnover; the average tenure is 13.3 years.[6] Now that Daley has decided not to seek a seventh term, and the balance of power between the council and mayor might change, there has been a rush of candidates for the council. Some local researchers and commentators believe the council is in store for its biggest turnover in years.[7]

Philadelphia has a lot of conditions in place that tend to keep members in office. Its council seats are seen as attractive and influential, especially the district council seats; all three of the city's 30-year veterans are district members.[8] The at-large seats, which require candidates to run citywide, hold special appeal for people with strong name recognition; three of the seven current at-large members are sons and namesakes of former mayors.[9] Over the years, council office budgets have held stable or grown in relation to other departments. Members get relatively high salaries and can have outside jobs if they want. In short, there are good reasons to stay. And most members do, some until death: in the past four decades, six members have died in office.[10]

Council President Verna won her first council election in 1975 in South Philadelphia's Second District, a seat left vacant after her father died in office. According to the official *Journal of City Council*, no other council member since 1920 has served as long as Verna—35 years as of the end of 2010.[11] In announcing that she would not seek a tenth four-year term, Verna called her council service "my life's work."[12]

Four long-serving council members—including Verna and 31-year veteran Joan Krajewski—are not seeking re-election, meaning there will be at least four new members in 2012.

TERM LIMITS

The voters, of course, have the power to terminate the service of any council member at election time. Beyond that, one way to guarantee turnover and new members is through term limits. Of the 15 cities studied, eight have term limits for their city councils. Houston's limits are the toughest, allowing members no more than three two-year terms, or just six years in all. All other cities allow 8-12 consecutive years. The other cities in this study with term limits are Dallas, Los Angeles, New York, Phoenix, San Antonio, San Diego and San Jose. See Figure 3.

Philadelphia has never had term limits. In early 2010, Councilman W. Wilson Goode, Jr. floated a proposal to limit members to three four-year terms. His stated goal was to increase opportunities for newcomers. "Long tenure, in and of itself, is not important," said Goode, an 11-year member himself.[13]

Goode's proposal never got to a committee vote. At least one early supporter, first-term Councilwoman Maria Quiñones-Sánchez, changed her mind after concluding that recently-adopted term limits in New York have tended to reduce the number of Hispanic council members there.[14] In fact, voters in some cities with term limits have eased them in recent years. Los Angeles changed its limit on council's four-year terms from two to three in 2006, a decade after imposing them.[15] New York voted to go from two to three terms in 2008, although it has since gone back to two terms.[16] San Antonio in 2008 increased the limit on its two-year terms from two to four.[17] "The mood was that it was too restrictive, and council members needed more time in office," said Christopher Callanen, Assistant to the San Antonio City Council.[18]

FIGURE 3

LIMITS ON COUNCIL SERVICE

Eight of the 15 cities studied impose limits on service. In seven of the cities, the limits apply to consecutive years, meaning members must leave when they reach the limit but may run again in the future. One city, San Antonio, imposes a lifetime limit, meaning members may never return after reaching the limit. In New York, the eight-year limit applies only to members elected in November 2010 and thereafter. For members elected before then, the limit is 12 years. All of the cities listed that have no term limits are in the Northeast and Midwest.

6 Years	8 Years	12 Years	No Limits
Houston	Dallas	Los Angeles	Baltimore
	New York	Phoenix	Boston
	San Antonio		Chicago
	San Diego		Detroit
	San Jose		Philadelphia
			Pittsburgh
			Washington

SOURCE: Council Web sites and officials.



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Ontario Bar Association (Municipal Law Section, Member and Past Chair)
International Municipal Lawyers Association
Lambda Alpha International Simcoe (Toronto) Chapter
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