

## Shadow of Sanibel's clerk

**Pamela Smith (USA) and Andries Knevel Andries (NL) participated in the first international exchange program of the International Institute of Municipal Clerks. Below the report of Andries Knevel.**

### IIMC

I'm a member of the International Institute of Municipal Clerks (IIMC) since 1997. In that year I visited – together with a full-size Dutch delegation - the annual conference in Buffalo. The Association of Dutch City Managers, the VGS was responsible for the Millennium conference in 2000. We were in Buffalo to learn about the organization of this event and to interest the American clerks for the trip to Rotterdam. It was my first introduction to the local public administration in the United States. Apart from the information I got from the American colleagues, my experience was limited to a visit to the Council meeting in Buffalo.



### Nederland en Littleton

After I attended more IIMC conferences, had more contacts with U.S. counterparts and also got befriended with an American scientist in public administration, I became increasingly interested in how local government is organized in the U.S.. Especially the large degree of freedom for municipalities to make their own choices fascinated me. For all 441 Dutch municipalities the same legislation applies. Though there is some diversification (e.g. the number of Councilors depends on the number of inhabitants) the role of the City Council, the Mayor, the executive board, the City Manager and the Clerk are equal in all municipalities, in accordance with the Municipality Act.



In August 2008 I took the initiative to visit a few cities in the State of Colorado. I was a guest in Nederland, a nice little town, founded by Dutch gold diggers. It has less than 1.400 inhabitants, is 1.336 ft high, 17 miles away from Boulder and in "the foothills of the Rocky Mountains". The Mayor there was right, when he said to me: "This must be the highest level you ever reached in Nederland".

Compared with Dutch municipalities Nederland is very small. In The Netherlands the average population per municipality is more than tripled since 1960, from 11.5 thousand in 1960 to 37 thousand in 2008. In 2008 332 municipalities had fewer residents than average. Only 3 municipalities are as small as Nederland, Colorado.

The municipality of Nederland does not have a Charter of its own. Their local government is organized according to the basic rules of the State. They have 7 Councilors, all elected at large. Let me make here a comparison with the Netherlands: the number of Councilors varies from 9 (in places with less than 3000 residents) up to 45 (in cities, bigger than 200.000 people).



**Mayor of Littleton receives a gift of guests from their twin city in Australia during council meeting**

The day after, I was hosted by the Clerk of Littleton, a town with 43,000 residents, south of Denver. I talked to the city manager and the Mayor and was evening guest at a Council meeting. Also Littleton has 7 Councilors, but according to their Charter, four of them are elected by their own constituency and three at large. The Mayor is one of them and he is elected by the City Council. He explained to me: "Actually, I'm not a real Mayor, but more the chairman of the Council". In comparison with the Netherlands: our Mayors are appointed

(officially by the Queen, but in fact by the Minister of Home Affairs, after a recommendation of the city Council). They chair the Council (where they not do have a vote) and the executive body as well (where they do have a vote). In this context I found the position of the City Manager very interesting. He and his staff are making the policy proposals to the Council and he defends them. In the Netherlands, policy proposals are made by the collective of Mayor and Aldermen (the executive board). The city manager is the first advisor of the board and primarily the chief executive of the administration. Though also in The Netherlands city managers are working in a very sensitive political situation, their colleagues in the USA, at least the ones I've seen, are even more acting in the political arena. I figure their job is even more vulnerable than in The Netherlands.

### **International Exchange Program**

I was still in the U.S. when I received an e-mail from Tom van der Hoven (UK), at that time one of the directors on the IIMC Board for region XI. Tom invoked members of region XI to submit an application for the International Exchange Program. After my visits to the two municipalities in Colorado my curiosity about the functioning of local democracy in North America was increased. I was more than motivated to participate in the program. And I figured that I had something to offer in return. Currently I'm working (on an interim basis) as clerk for the Dutch municipality Maasbree. This town with around 13,000 people will (at its own request) merge with three other municipalities in the region, with effect from January 1, 2010. Preparations for the new town of "Peel and Maas", which will include 43,000 inhabitants, are in full swing and the four Councils are fully involved in this process. They are supported and facilitated by the four clerks and since September 2007 it was my duty as a senior to give a significant contribution to the amalgamation project. The different organization and culture of the Dutch municipalities in conjunction with the fusion would, in my view, be a good fundament for an interesting program for an American clerk.

That's how I became the shadow of Pamela Smith for a whole week in February 2009 and why she marched along with me during a week in April. It was a sort of blind date. We received the mutual addresses from the IIMC. But it was up to us to settle the date and to determine the program. We both enjoyed the opportunity, given by the IIMC. It was an excellent chance to broaden your horizon and to encourage your creativity on the job. It makes one think 'out of the box'.

## Pamela Smith

Pamela is city clerk of the City of Sanibel. Her municipality is established in 1974 and includes the barrier island Sanibel on the west coast of Florida. Before 1974 the administration was conducted by Lee County. For me this was a new phenomenon. The territory of the Netherlands is fully covered by municipalities. Many of the more than 6000 residents of Sanibel have an above average age, education and income. In short: there are many well-off pensioners living on the island. But in the tourist season some 32,000 people are staying on the island. They too are attracted by the pleasant climate, beautiful beaches and, not in the least, by the beautiful J. N. "Ding" Darling National Wildlife Refuge, a paradise for birders.



Pamela has over 20 years experience in government. Nine years ago she was appointed in Sanibel as Deputy Clerk. Under the City Charter of Sanibel, the city manager was also clerk at that time. He thus had a position similar to the dual function of our city managers under the monistic regime.<sup>1</sup> In 2004 Pamela requested an adjustment of the City Charter. After approval by her Council and a positive outcome of the ballot, she could be sworn in as city clerk in March 2005.

I arrived in Florida on a Friday night. During my visit I was guest of Pamela, her husband, the hospitable, good cooking and pleasant conversationalist Walter Smith and their dogs and cats. The couple lives in Cape Coral, approximately 40 minutes driving from the city hall of Sanibel. During that weekend Pamela and Walter spoiled me with some sightseeing and a welcome party. She had invited some friends and colleagues, and I also met Marie Adams, city clerk of Ford Meyers, and her husband.

## Program

Pamela prepared my program very thoroughly. During the first days I had interviews with all department heads and I spoke with the Mayor, Council members, city manager and city attorney. On Monday night there was a little reception in the local library where I had the opportunity to talk in a nice and informal atmosphere with colleagues from the town hall, politicians and interested residents of the island. On that occasion the keys of the town were handed to me by the amiable and very involved Mayor Mick Denham.



In the days that I spent in Sanibel I visited the local recreation center, the very modern (high tech) waterworks, the J. N. "Ding" Darling National Wildlife Refuge and the Clinic for the Rehabilitation of Wildlife, a private animal hospital for entire region. I was shown around in the arts center, the outdoor museum and we made a tour over the entire island. And this list of activities is not even exhaustive!

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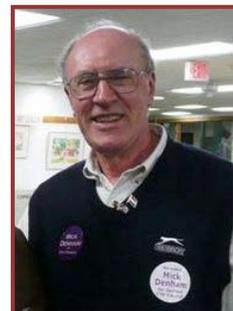
<sup>1</sup> Before 2002 there was a so called 'monistic' system in The Netherlands: members of the executive board were also member of the Council. In this respect they were not only voting about their own policy proposals, but they controlled themselves as well. With effect from March 2002 the responsibilities of the Council and the executive body were unbundled. The members of the executive board (aldermen) are appointed by the Council, but no longer member of it. Since the introduction of this dualistic system, the city manager is no longer first advisor of the executive body and the Council, but only from the executive body (Mayor and aldermen); the clerk now is the first advisor of the Council and he/she is appointed by the Council.

Sanibel is and shall remain a barrier island sanctuary, one in which a diverse population lives in harmony with the island's wildlife and natural habitats.

All together it gave me a very good impression of the island. And especially of the very professional way the local government of Sanibel serves the people. I really was impressed by the quality of the management and the employees of this municipality and by their involvement in the community. This is also meant as a compliment to the City Manager who obviously succeeded in finding well educated, experienced and competent staff members. An example of the results is the recently updated Sanibel Plan, which received the American Planning Associations' 2007 National Planning Landmark Award. In studying this impressive document and the zoning of Sanibel, it struck me that the rules for planning are less strict than in my own country. Although the policy explicitly aims at the preservation of the unique character of the island, more interpretations are left to the owners and to the political process afterwards. The role of the Planning Commission seems to be very influential, which makes the effecting of the strategic policy more and enduring a political issue than in our system. I presume that the differences between the concepts of planning are caused by the fact that The Netherlands is one of the highest populated countries in the world (397,7 people per km<sup>2</sup> versus 31,9 in the US), which forces us to be extremely careful with the available public space.

Naturally, I noted more differences between the American and the Dutch systems of local government. Let me give you some examples.

1. In my own country all clerks (and the employees of the clerk's office) are appointed by the Council. The Council is their boss. The city manager however and the employees of the municipality, are appointed by the Executive Board of Mayor and Aldermen. In the U.S., the citizens can decide how the relations and responsibilities within the municipality are organized. In Sanibel only two officials are appointed by the council: the City Manager and the City Attorney. The clerk is appointed by the city manager, which is a quite common construction. But in other communities the clerk is appointed by the Mayor or by the City Council. There is a large variety, also in Florida: some clerks are elected and must be re-elected to keep their jobs.
2. There is a similar diversity to the Mayors. The most common structure seems to be the one I found in Sanibel: a Council member who is chosen by the other Councilors to be their President. Pamela assured me that Mick Denham considers himself as a real Mayor, not like the one I met in Littleton, who somewhat downplayed his role. And she was right. Denham really has the stature of a Mayor and he is overall respected for his great personality. But it goes without saying that the position of a 'strong Mayor', who is directly elected on a program of his own, completely differs to the one who is chairman of the Council: in his relation to the Council as well as in relation to the city manager. The experiences with the different alternatives can be of interest for the Dutch discussion about the democratic legitimacy of the appointed Mayor. The legislation on an elected Mayor failed some time ago. But to me it is without any doubt that the discussion about this subject will be reopened someday. And it is plausible that then the possibility will be discussed to create solutions, suitable for different situations. A matter of recognition of the differences between municipalities.



3. The five Councilors of Sanibel do not get any compensation for their work. They are working on the basis of involvement in society. In The Netherlands the fees of the Councilors depend on the size of the municipality but the general opinion amongst Councilors is that their compensation is too low to interest competent people to take part in the political process.
4. On the local level there is a non-party system. The councilors are elected by the electorate of their respective municipality, solely based on their personal (perceived) qualities to be a good representative. In The Netherlands exists a party system. The candidates are also elected by the electorate, but they are placed on a party list. Unless a candidate reaches the quota of votes, the number 1 on the list will be elected. The system is based on the principle that the electorate supports the ideas and/or ideology of the party rather than the persons of the candidates. The appointments of the aldermen in the executive board are supported by the majority in the Council. Because of the number of parties, this usually leads to coalitions between fractions in the Council.
5. I was impressed by the organization of the elections. Together with the Electoral Commission of Sanibel we went to the offices of the Supervisor of Elections in Lee County located in Fort Meyers in order to check the proper functioning of the voting machines, designated for the use during the coming Council elections in Sanibel. All machines were calibrated and the whole procedure reminded me of my air force experiences as an air traffic controller: "Check! Recheck! Double check! Cross check!" Election fraud should be excluded in all ways. In The Netherlands we have been voting with machines for years and we were very proud of our hardware and software. "Much better than the systems, used in Florida due to the presidential elections in 2000!". But..... an action group warned against electronic voting and convinced the Ministry of Home Affairs that there is a chance, even if it's a limited one, to interfere in the system with electronic devices like cell phones. Result: we're voting again with a red pencil on paper. And the votes have to be counted manually. How can we convince people that we are a modern state?

### **The Florida Association**

At the end of the week we traveled 390 km north, to Ocala. Pamela and I attended meetings of the Florida Association of City Clerks. She was the incoming president by that time and since June she's chairing the organization. Like many other organizations also this one had to downsize its costs. The economical crisis obliged them to turn around every dime twice before spending it. Only one topic was taboo: education. The core business of the IIMC/FACC was absolutely assured. No cutting on professionalism! Chapeau!

### **Election fever**

In the week of my exchange, no meeting of the City Council was scheduled. But something happened. The weekend before my visit, and about 10 days before the (re-) election for three members of the City Council, Sanibel was shaken by a political advertisement in a local newspaper. It stipulated that the financial situation of the municipality was in a crisis and that the pensions of the employees were underfunded. The ad was placed by COTI (the Committee of the Islands), a local political group.

We arrived on Monday morning at 7 o'clock in the town hall and Pamela was greeted by the head of HRM, also Director of Administrative Services, Jim Isom. He was really indignant when he showed her the

accusations in the newspaper. Two hours later Mayor Mick Denham arrived; he was even more disturbed by the ad than Jim Isom. The content, he stated, was simply not true. But there were also appeals to support 3 of the candidates, including himself. The other two were new candidates for the Council and they were pushed forward by COTI. None of the candidates was asked to approve the ad. Denham felt abused.

At 10 o'clock that morning an extra meeting was held. Present: the Mayor, the city manager, the head of the financial department, Jim Isom, the city attorney and Pamela Smith. I was in the room as an observer. The Mayor wanted an additional meeting of the City Council in order to prove the allegations were false. That Council meeting was issued on Wednesday morning 10:00 am, against the advice of the officials. They feared the meeting would be interpreted primarily as an election meeting. But the Mayor felt attacked in his governmental integrity. "I'm in charge here!", he said: "and we are going to do this in a very professional way! Without emotions. Just facts!" The staff was ordered to gather all the data and to prepare themselves thoroughly for the discussion in the Council. Immediately after the meeting Pamela placed an announcement on the municipal website and she informed over a 6,000 people using her mailing list.



Although the meeting was issued at short notice, the number of people on the public gallery exceeded the number of seats. The hall has a capacity of 125 seats; many people had to stand. But it was not necessary to move to the alternative location that was made ready in case the fire brigade would

consider that too many people were in the hall. The meeting lasted for more than three hours. The staff was interviewed firmly by the Councilors and they themselves gave the necessary explanations to their policy. Most of the time however was spent on the debate with the present islanders. At least 40 people asked for clarification, made statements, took positions and discussed with the Councilors and with each other. Never before, I witnessed a city Council giving account so clear and extensive in a direct interaction with its citizens. And I'm told that what happened here, also in the U.S. belongs to the exceptions.

In a short evaluation after the meeting the general opinion was that the audience could be convinced that the allegations in the ad were unfounded. And the position of the incumbent Mayor and Council had not weakened. That conclusion showed up to be correct: the next Wednesday, when I was back in The Netherlands, they were convincingly re-elected.

Andries Knevel