

Sizing Up Local Legislatures

Communities in Western New York are deliberating reforms aimed at decreasing the size of city, town and village boards to save money and streamline municipal action. Size choices have tradeoffs, however, and there is no optimal legislative size to maximize performance on all municipal goals. An examination of Erie County conditions, conducted jointly by the University at Buffalo Regional Institute and University at Buffalo Law School, finds that any cost savings from downsizing are negligible and must be weighed against disadvantages in representation and responsiveness. The dilemma, as James Madison remarked over two hundred years ago, is to size a legislature large enough “to guard against the cabals of a few” and small enough “to guard against the confusion of a multitude.”

What do local legislatures do?

Local legislatures – city councils and town and village boards – perform and oversee many functions. First, local legislatures decide on the specific mix of services the locality will offer – and how to pay for them. Local legislatures thus decide whether the locality will offer police, fire, sanitation, water, sewerage, road maintenance and other services, and the extent and quality of these services. Local legislatures also decide how to finance and provide those services. They set wages, hours and duties of public employees, create a budget, establish tax revenue targets, and decide whether to borrow to finance capital improvements.

Local legislatures also have primary responsibility for making policies to promote the health, safety and welfare of local residents, and to maintain the quality of life that residents desire. Local legislatures thus regulate land use through zoning laws; regulate business activity by law and through licensing decisions; and when necessary exercise the power of eminent domain.

Last but not least, local legislators serve their constituents directly. They hear and respond to residents' concerns and complaints. They help residents navigate government bureaucracies. They communicate local policies and programs to community residents. And they represent the local community to important external constituencies such as county, state and federal officials, regional interest groups, the business community and the media.

Most local legislatures perform these tasks through one or two public meetings per month, requisite committee assignments and additional meetings with municipal employees, prospective investors and constituents. Although "on-call" 24/7 for municipal business, legislators typically receive part-time compensation for their work.

Local legislatures perform and oversee many functions.

MANAGE PROVISION OF SERVICES

- police
- fire
- sanitation
- roads & sidewalks
- street lighting
- signage
- parks & recreation
- animal control
- justice system (courts, jails)
- drainage
- economic development

MANAGE MUNICIPAL FINANCES

- oversee property assessment
- set tax rates
- incur debt
- approve municipal budget

MANAGE DEVELOPMENT

- regulate land use
- exercise power of eminent domain
- make final development decisions
- monitor environmental impacts

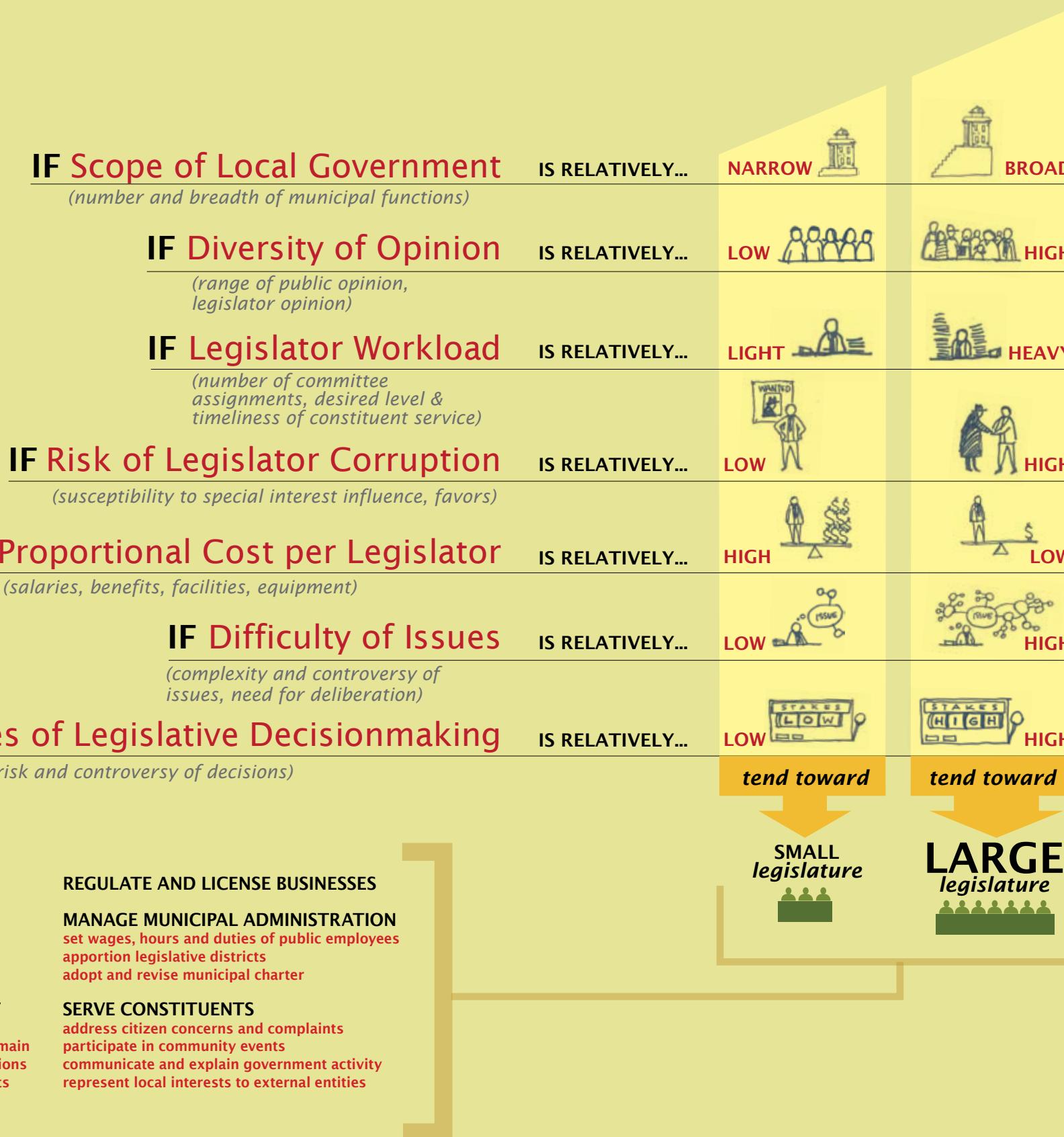
REGULATE AND LICENSE BUSINESSES

- MANAGE MUNICIPAL ADMINISTRATION
- set wages, hours and duties of public employees
- apportion legislative districts
- adopt and revise municipal charter

SERVE CONSTITUENTS

- address citizen concerns and complaints
- participate in community events
- communicate and explain government activity
- represent local interests to external entities

What matters in choosing legislature size?



Which is better – a large local legislature, a small one or something in between? The answer is: it all depends. First, the size of an organization can affect its ability to do certain tasks. Some tasks are more easily performed by a large organization, others by a small one. For example, how heavy is the legislative workload? If the workload is heavy, then a larger legislature will provide more heads and hands than a small one to do the required work, presumably enhancing its quality. Similarly, if the kinds of decisions the legislature is asked to make are complex, or it is important that decisions be well-considered and taken after careful deliberation, then more heads may be better than fewer. If matters for legislative decisions tend to be simple, or the stakes of legislative decision making are so low that a mediocre decision isn't much worse than a good one, then a small legislature may be just as effective as a large one.

Second, local conditions may affect the ability of a legislature to do its job effectively depending on its size. For example, if public opinion in a community is relatively homogeneous, then a small legislature can do as good a job as a large one of representing community opinion accurately. But if public opinion is diverse, a larger legislature may be necessary to reflect the true diversity of opinion. If legislators face unusual temptations toward corruption or capture by special interests, then a large legislature may be less corruptible than a small one. If the cost of legislators and their staff is proportionately high relative to the municipal budget, then a smaller legislature might be more desirable than a larger one.

In sum, to think productively about how big a legislature ought to be, we must first know what tasks the community asks its legislature to perform, and under what local circumstances.

REPRESENTATION IMPACT

Municipality	Population (2006)	Number of Legislators	Citizens per Legislator BEFORE Downsizing	Citizens per Legislator AFTER Downsizing
TOWNS				
Alden	10,330	5	2,066	3,443
Amherst	116,114	7	16,588	23,223
Aurora	13,591	5	2,718	4,530
Boston	7,813	5	1,563	2,604
Brant	1,848	5	370	616
Cheektowaga	88,976	7	12,711	17,795
Clarence	27,908	5	5,582	9,303
Colden	3,306	5	661	1,102
Collins	7,118	5	1,424	2,373
Concord	8,457	5	1,691	2,819
Eden	7,788	5	1,558	2,596
Elma	11,190	5	2,238	3,730
Evans	16,997	5	3,399	5,666
Grand Island	18,879	5	3,776	6,293
Hamburg	55,929	5	11,186	18,643
Holland	3,505	5	701	1,168
Lancaster	40,267	5	8,053	13,422
Marilla	5,594	5	1,119	1,865
Newstead	8,362	5	1,672	2,787
North Collins	3,295	5	659	1,098
Orchard Park	27,983	5	5,597	9,328
Sardinia	2,670	5	534	890
Tonawanda	72,820	7	10,403	14,564
Wales	2,872	5	574	957
West Seneca	43,998	5	8,800	14,666
VILLAGES				
Akron	3,011	5	602	1,004
Alden	2,570	5	514	857
Angola	2,160	5	432	720
Blasdell	2,530	5	506	843
Depew	15,530	7	2,219	3,106
East Aurora	6,306	7	901	1,261
Farnham	317	5	63	106
Gowanda	2,653	5	531	884
Hamburg	9,450	5	1,890	3,150
Kenmore	15,253	5	3,051	5,084
Lancaster	11,280	7	1,611	2,256
North Collins	1,015	5	203	338
Orchard Park	3,092	5	618	1,031
Sloan	3,507	5	701	1,169
Springville	4,231	5	846	1,410
Williamsville	5,207	5	1,041	1,736
CITIES				
Lackawanna	17,851	5	3,570	5,950
Tonawanda	15,042	5	3,008	5,014
Buffalo	274,807	9	30,534	39,258

COST IMPACT

Total Municipal Expenditures, 2006	Total Municipal Expenditures for Legislators*	Savings from Eliminating Two Legislators	Savings as Percentage of Total Expenditures	Savings per citizen AFTER downsizing
\$ 3,693,219	\$ 40,788	\$ 20,394	0.55%	\$ 1.97
\$ 152,042,905	\$ 218,442	\$ 72,814	0.05%	\$ 0.63
\$ 11,580,145	\$ 45,216	\$ 22,608	0.20%	\$ 1.66
\$ 3,944,652	\$ 31,700	\$ 15,850	0.40%	\$ 2.03
\$ 1,340,827	\$ 16,560	\$ 8,280	0.62%	\$ 4.48
\$ 72,093,016	\$ 198,681	\$ 66,227	0.09%	\$ 0.74
\$ 17,806,309	\$ 135,892	\$ 67,946	0.38%	\$ 2.43
\$ 3,425,394	\$ 17,088	\$ 8,544	0.25%	\$ 2.58
\$ 1,856,504	\$ 24,074	\$ 12,037	0.65%	\$ 1.69
\$ 2,371,188	\$ 42,113	\$ 21,057	0.89%	\$ 2.49
\$ 4,637,556	\$ 37,464	\$ 18,732	0.40%	\$ 2.41
\$ 6,777,292	\$ 65,280	\$ 32,640	0.48%	\$ 2.92
\$ 12,839,627	\$ 86,480	\$ 43,240	0.34%	\$ 2.54
\$ 16,999,610	\$ 114,728	\$ 57,364	0.34%	\$ 3.04
\$ 37,594,331	\$ 75,600	\$ 37,800	0.10%	\$ 0.68
\$ 1,843,818	\$ 22,144	\$ 11,072	0.60%	\$ 3.16
\$ 25,264,365	\$ 90,680	\$ 45,340	0.18%	\$ 1.13
\$ 2,364,403	\$ 31,656	\$ 15,828	0.67%	\$ 2.83
\$ 6,011,519	\$ 33,339	\$ 16,670	0.28%	\$ 1.99
\$ 1,626,622	\$ 20,000	\$ 10,000	0.61%	\$ 3.03
\$ 18,328,025	\$ 92,689	\$ 46,345	0.25%	\$ 1.66
\$ 1,227,322	\$ 18,764	\$ 9,382	0.76%	\$ 3.51
\$ 87,407,238	\$ 128,250	\$ 42,750	0.05%	\$ 0.59
\$ 1,131,812	\$ 19,331	\$ 9,666	0.85%	\$ 3.37
West Seneca	46,657,536	93,268	0.10%	\$ 1.06
Akron	5,015,349	20,868	0.21%	\$ 3.47
Alden	2,583,082	19,419	0.38%	\$ 3.78
Angola	2,109,846	11,124	0.26%	\$ 2.58
Blasdell	2,449,513	21,116	0.43%	\$ 4.17
Depew	10,735,801	48,780	0.15%	\$ 1.05
East Aurora	8,702,365	18,882	0.07%	\$ 1.00
Farnham	591,817	7,416	0.63%	\$ 11.70
Gowanda	2,635,338	16,500	0.31%	\$ 3.11
Hamburg	8,494,507	21,012	0.12%	\$ 1.11
Kenmore	12,830,931	45,494	0.18%	\$ 1.49
Lancaster	7,049,510	55,200	0.26%	\$ 1.63
North Collins	806,424	15,860	0.98%	\$ 7.81
Orchard Park	1,597,921	19,104	0.60%	\$ 3.09
Sloan	2,062,673	20,300	0.49%	\$ 2.89
Springville	9,285,076	19,800	0.11%	\$ 2.34
Williamsville	4,413,981	23,368	0.26%	\$ 2.24
Lackawanna	22,475,867	72,615	0.13%	\$ 1.63
Tonawanda	18,652,774	36,500	0.08%	\$ 0.97
Buffalo	450,376,958	598,045	0.03%	\$ 0.48

*excluding supervisor or mayor

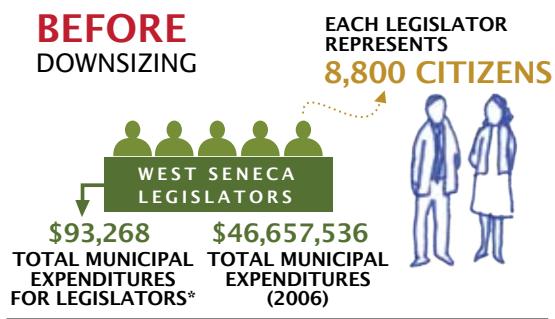
Sources: Erie County Board of Elections (number of legislators), New York State Comptroller (municipal expenditures) and "The Cost.org" (legislator expenditures)

What are the impacts of downsizing?

Contemporary discussions in Erie County over downsizing—defined in current proposals as a reduction by two in the size of city, town and village legislative bodies—focus on the impacts of downsizing on cost, representation and local politics. While understanding local political dynamics requires detailed case studies, we can examine municipal data to reveal downsizing's effect on representation and cost.

How to read this chart:

The Town of West Seneca with a population of 43,998, currently has 5 legislators, each representing 8,800 citizens. The municipality's total expenditures amount to \$46,657,536, annually.



The impacts of downsizing by eliminating two legislators:

Representation for each legislator increases to 14,666 citizens, an additional 5,866 citizens per legislator.

The Town of West Seneca would annually save \$46,634—1/10 of 1 percent, or 1/1000th of the total municipal budget—by eliminating two board members, a per citizen annual savings of \$1.06, less than 9 cents a month.

One inevitable impact of downsizing is a reduction in representation. The loss of two legislators requires each remaining legislator to serve a greater number of constituents—67 percent more for downsized five- to three-member boards and 40 percent more for seven- to five-member boards. (Sample calculation: each member of a five-member council representing 5,000 people serves an average of 1,000 people. After downsizing, each of the three remaining board members represents 1,667 people, an increase of 67%.)

The magnitude of these increases depends on municipal population. Each of three board members of the Town of Sardinia, for example, would represent an additional 256 citizens after downsizing, while the comparable increase for Town of Hamburg board members would be 7,457 citizens. To the degree that a larger "constituent load" per legislator means less time or attention to each citizen concern, downsizing diminishes representation.

Downsizing will also reduce direct municipal costs, but the savings are minimal on a per-capita basis and relative to total municipal spending. Because annual legislator compensation is relatively low—generally under \$25,000 in towns and \$10,000 in villages—the per-person savings from downsizing is typically under \$4.00 annually, or 33 cents a month. The primary exceptions, evident in the villages of Farnham and North Collins, are communities with low population where the cost per legislator is spread over a small base. Relative to total municipal expenditures, downsizing savings are scant. Across all Erie County towns, villages and cities, the cost savings from two fewer legislators are uniformly under 1 percent—less than 1/100th—of total municipal expenditures and often closer to 1/1000th of municipal spending. To the degree that cost savings is a goal, downsizing is a less effective means to achieve it than are reforms in more significant municipal cost centers.

*excluding supervisor or mayor

How do we compare?

A national survey of municipalities by the International City Management Association in 2006-07 reported an average municipal council size of six members, slightly higher than the 5.4 member average for Erie County municipalities.

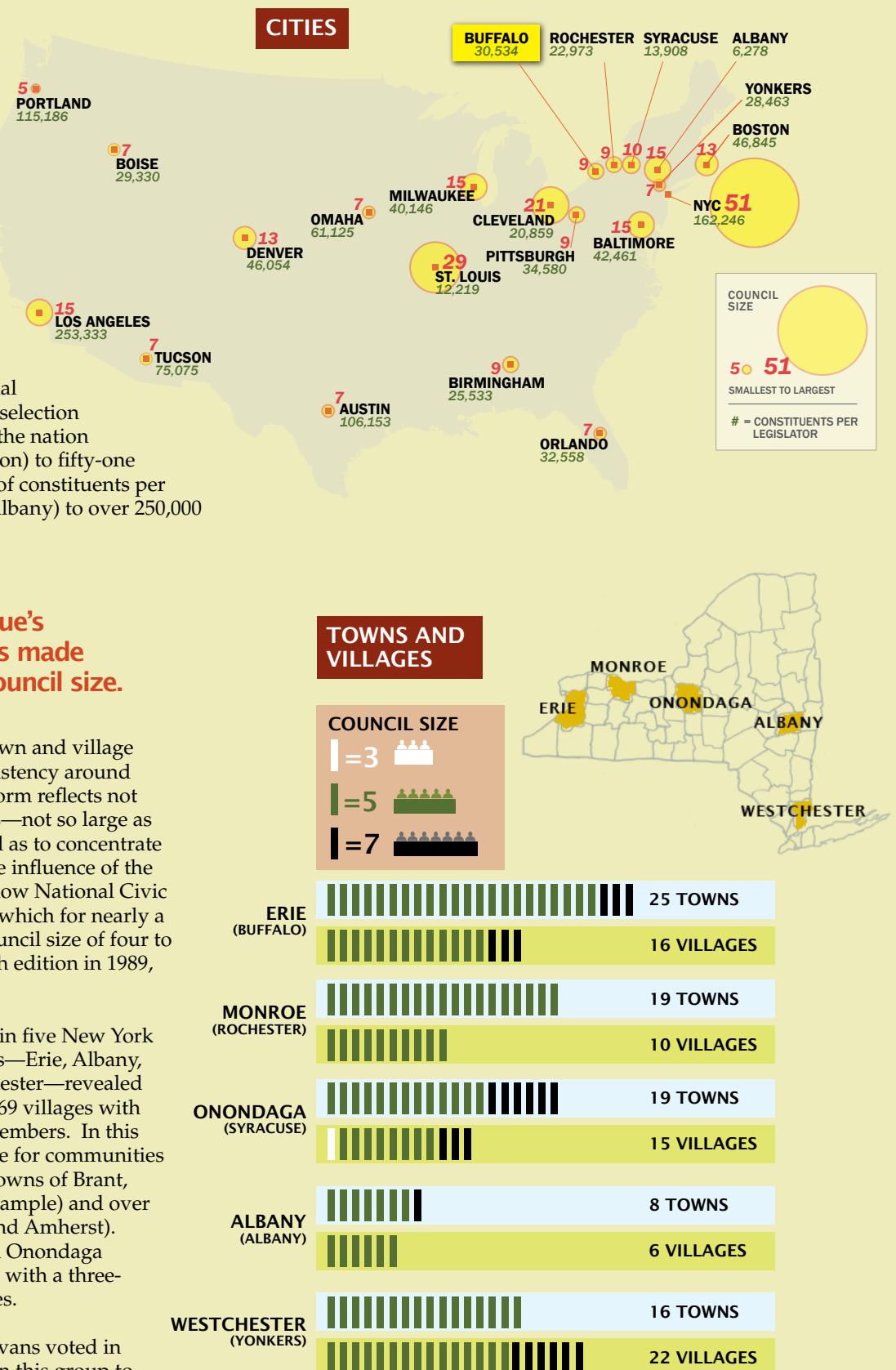
For cities, legislative sizes and population per legislator range widely, a reflection of varied histories, city size and political cultures. As the national map indicates, council size in a selection of cities in New York State and the nation range from five (Portland, Oregon) to fifty-one (New York City), with number of constituents per legislator ranging from 6,278 (Albany) to over 250,000 (Los Angeles).

For over 100 years, the National Municipal League's "Model City Charter" has made recommendations for council size.

While city council sizes vary, town and village boards show considerable consistency around a norm of 5-7 members. This norm reflects not only avoidance of size extremes—not so large as to be unwieldy and not so small as to concentrate power—but also the nationwide influence of the National Municipal League's (now National Civic League) "Model City Charter," which for nearly a century has recommended a council size of four to six members or, since its seventh edition in 1989, five to seven members.

A survey of towns and villages in five New York counties with large central cities—Erie, Albany, Monroe, Onondaga and Westchester—revealed all but one of the 87 towns and 69 villages with boards of either five or seven members. In this sample, board size was the same for communities with population below 2,000 (Towns of Brant, Spafford, Rensselaerville, for example) and over 90,000 (Towns of Greenburgh and Amherst). Only the Village of Marcellus in Onondaga County differed from this norm with a three-member village board of trustees.

Residents of West Seneca and Evans voted in 2009 to become the first towns in this group to use the three-member structure, effective 2010.



The appropriate size of a legislature is a question of institutional design. It thus resembles many other kinds of questions that designers of government institutions routinely face. How many branches of government should be created? What powers should they exercise? Should offices be elective or appointive? How long should officials serve?

To design means to plan and build for the future. To design a government means to do so for many people and for future generations. Designers in every field routinely ask themselves similar kinds of questions. What long-term goals am I trying to achieve? What are the various means by which those goals may be achieved and sustained? What are the pros and cons of alternative approaches?

Virtually all design decisions entail tradeoffs to balance multiple competing goals and values. In the case of legislative size, both the goals and the tradeoffs are relatively clear. A legislature should be representative of the community and responsive to its needs. It should make high-quality decisions. It should operate efficiently and cost-effectively. It should be incorruptible. Yet not all of these goals can be achieved equally well by legislatures of all sizes. Larger legislatures are generally better able to represent diverse public opinion, respond to demands for constituent service, deliberate reflectively, tackle complex or controversial issues, and resist corruption or capture by special interests. Small legislatures are better able to operate cheaply, respond to community consensus, and handle a light workload of routine and uncontroversial decisions.

Because designing a government requires hard choices among these values, not all communities will make the same choices. There are no right or wrong answers to the question of legislative size. There are only choices that reflect more or less accurately the goals, values and preferences of the community.

A council should be "large enough to be truly representative, to provide for the deliberation of public issues, to prevent control by corrupt influences, and to guard against too easy a combination for improper purposes [...]

and small enough to get capable men and women, to avoid confusion and expedite action, to avert excessive involvement by its members in administrative details,

and to center responsibility for its action or inaction."

- New York State Commission on Governmental Operations of the City of New York, *Background Research on the Top Structure of the Government of the City of New York*, 1961

Downsizing data for Erie County show clearly one element of this broader community choice. The main expenses of local governments lie not in their legislatures, but in the package of municipal services provided to community residents, businesses and visitors—roads, parks, street lights, water, community centers and so forth—and the infrastructure and staff financed to sustain these services. Eliminating services at the same level and quality for lower cost—through personnel reductions, service mergers or other cost-saving reforms—are the primary means by which a community will reduce its budget. If the primary community goal is to save money, legislative downsizing is insufficient, offering a cost-negligible—but, because of tradeoffs, not inconsequential—means to achieve it.

For More Information

International City Management Association. "Municipal Form of Government, 2006: Trends in Structure, Responsibility and Composition" (accessed online at <http://icma.org>).

National Civic League. 2003. *Model City Charter, 8th edition*. Denver, Colorado: National Civic League.

New York Department of State. 2008. *Local Government Handbook, 5th edition* (accessed online at <http://www.dos.state.ny.us/lgs/pdfs/Handbook.pdf>).

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