

# *Managing without Fear or Favor*

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## **Background**

The township of Fargo, Pennsylvania, was a growing community of 15,000 people in the suburbs of Philadelphia. State law defined Fargo's government structure as a commission form of government using partisan elections to choose the three supervisors in staggered elections. (Voters chose one supervisor every two years.) With no professional manager in place, each board member was responsible for a municipal department and had broad decision-making authority regarding its operations.

Suburban sprawl had brought development pressures to Fargo, affecting residential land use decisions, town center business development, and municipal services. Affordable housing in neighborhoods near the town center had attracted Hispanics to the community, raising tensions among residents as well as claims from the Hispanic community that it was not getting its fair share of township services. Once a community that rarely experienced a contested election, the township now saw stiff competition for seats on the board of supervisors.

Republicans held all three seats on the board, but Democrats seemed likely to win a seat in the next municipal election. Several civic and business leaders had formed a nonpartisan group, Citizens for Effective Government, which complicated the calculations of the two political parties. Although a small group, CEG members were well-known leaders in the community and had the financial resources to pursue their reform agenda. CEG decried the patronage, favoritism, and occasional incompetence of township officials. As a first step toward reform, CEG members unanimously advocated hiring a consultant to study township government. Some CEG members were on record as favoring the adoption of a commission-manager form of government with a code of ethics in a new home-rule charter.

Robert Wagner, a retired business executive and lifelong Republican, was halfway through his first six-year term on the board. He was a popular leader in the community, having devoted many years to volunteer service before his election to the board. Wagner was the leader of a faction in the Republican Party that believed Fargo needed to improve the management of the township government. Some of Wagner's friends, both Republicans and Democrats, were members of CEG, and he had aligned himself with the CEG agenda. Wagner persuaded fellow board member Janet Smith to support him for board chairman instead of voting again for the longest-serving member of the board, James Connor. Smith had won a second term in the most recent election, but only by about one hundred votes, so she recognized the reform agenda was popular. As board chairman and with Smith's support, Wagner believed he could reform Fargo's government on his terms. Wagner also believed that over time he could persuade Connor to support the CEG agenda.

Connor had suspected that Wagner would seek the chairmanship and thus was not surprised when Wagner called to tell him of the arrangement with Smith. Connor expressed his disappointment but did not oppose Wagner's selection. He promised Wagner that he would keep an open mind about CEG's reform agenda, but he was completing his third term and was determined to seek reelection in the next year.

At the next board meeting, Wagner was elected chairman and Janet Smith became vice chairwoman.

### **Changing the Form of Government**

With Wagner presiding, CEG members now began to speak at board meetings, urging the board to hire a consultant to begin the process to change the government structure and rules of operation. Democratic Party leaders and the recent Democratic candidate for supervisor joined the call for reform, advocating the formation of a home-rule study commission.

Although CEG members vigorously proclaimed their nonpartisanship, Connor, his Republican supporters, and even Wagner were alarmed to hear the Democrats take up the form-of-government issue. Wagner and Smith supported hiring a consultant to study the township government structure and operations, as CEG suggested, but Connor continued to defend the status quo. He encouraged his supporters to defend, during public comment, the existing government structure by saying it produced responsive government. Connor further encouraged his supporters to portray the call for reform as an unfair attack on the competence of all municipal employees. He opposed hiring a consultant, saying a consultant was "a waste of money."

Following a 2-to-1 vote by the board, a consultant was hired. Reformers were delighted with the consultant's subsequent report. The consultant recommended hiring a professional municipal manager either by ordinance or by using the state's home-rule charter process to change the government structure to a commission-manager form. The consultant also suggested that the home-rule option would allow the township greater flexibility in addressing problems. If home rule were not pursued, the consultant suggested using the option under the Second Class Township Code to add two members to the board of supervisors by referendum. A five-member board of supervisors would increase representation of community interests. Last, the consultant recommended that an ethics code be added to the charter.

Connor criticized the call for home rule as a way to raise taxes and make government bigger. Defending the work he and his fellow supervisors did in directing department heads, he argued that elected representatives should not transfer their responsibilities to an appointed official. Connor also suggested that an ethics code would create unnecessary and burdensome regulations for municipal officials and employees. He appealed to the trust Fargo citizens had for each other as neighbors living in a community with small-town values.

Hoping to broker a compromise that would secure the support of all factions and deny the Democrats an election issue, Wagner proposed using the ordinance option to hire a professional manager. With some reluctance, the leaders of Citizens for Effective Government endorsed the compromise. Democrats welcomed the idea of a professional manager but continued to advocate for a home-rule charter with a code of ethics. Connor was not persuaded. Wagner and Smith passed the ordinance to create the position of township manager.

### **Hiring a Professional Manager**

After a national search facilitated by a consultant, the commission voted 2 to 1 to hire Susan Harlow to be Fargo's first professional manager. Harlow was well qualified for the position. She had a master of public administration degree, seven years' experience as an assistant city manager in a suburban municipality about twice the size of Fargo, and the enthusiastic recommendations of several highly regarded managers familiar with her work. Harlow had been an ICMA member since graduate school and had attended several state and national conferences over the past seven years to foster her professional development. However, she did not have a background in managing a community with highly partisan elections, a culture of ethical lapses, and a lack of a tradition of professional management. Harlow started working in mid-January of an election year.

During the job search and interview process, Harlow learned the basics about Fargo's politics, government, and community needs. Although she had not worked in Pennsylvania or in a community with partisan elections, she was confident she could work with community leaders effectively. She was impressed with Supervisor Wagner. The appointed township solicitor, Bill Johnson, had a solid reputation, and Harlow felt confident she could work with him. She thought CEG would be a consistent citizen voice to support her while she introduced management improvements. Harlow was concerned about Supervisor Connor's continued opposition to reform and his vote against hiring her. However, she appreciated his telling her in advance that he thought she was well qualified for the position but would vote against her because he felt that Fargo did not need a professional manager. Harlow hoped that in time her performance would change his mind about the value of professional management.

### **Starting a New Job**

During her first six months on the job, Harlow learned that the culture of the government and community was not going to change simply because the board of supervisors voted to hire her. Over those six months, Harlow encountered situations and general expectations that challenged her professional identity.

In her first week on the job, Robert Wagner, the board chairman, invited Harlow to attend a dinner being held to honor the long-serving chair of the Republican Party in Fargo. The invitations had been sent prior to her employment, and Wagner thought the dinner would be a good place for her to meet individuals active in the community. Harlow thanked Wagner for the invitation but declined, explaining that the partisan character of the event precluded her attending. Wagner said he understood, apologized for putting her in the position of having to decline, and assured her that he fully supported her adhering to the ICMA Code of Ethics because "that is why we hired you."

Harlow spent the first weeks in her new job meeting with staff during the day and attending various Fargo board, commission, and committee meetings in the evening so she could meet all the citizen volunteers. She offered to meet with community groups as part of her effort to get to know them and explain her role as a professional manager. Harlow was pleased with the complimentary profile published in the weekly newspaper that covered Fargo. The editorial appearing in the same issue also was highly positive. At a subsequent board meeting, Connor remarked that the manager was receiving more publicity and credit than the elected officials.

The morning following her first visit with the planning commission, Harlow found a voice-mail message from Donald Evans, the newly appointed chairman of

Fargo's planning commission. He called to have his name added to the "snow list." Harlow did not understand the message and asked her administrative assistant about it. Then she spoke with the public works director about it. She learned that the snow list contains names of the city officials who are entitled to have the township plow their driveways after a major snowstorm.

Harlow knew that plowing private driveways was the kind of favoritism that fueled citizen complaints. She wanted to end the practice but before doing so sought the advice of the city manager for whom she had worked prior to her Fargo job. On his suggestion, she met with Wagner to review the snow-list practice and provided the entire board a memo explaining the rationale for the new policy, which would prohibit the plowing of private driveways by municipal employees during work hours as well as the use of municipal equipment to plow private driveways at any time. She also sent a letter to the officials on the list to inform them about the new policy, thank them for their service, and welcome any questions. Harlow noticed quiet stares at meetings from some of the officials, but no one said anything negative to her about the change.

A few weeks later, Supervisor Wagner called to inquire whether the township had enough salt in the storage shed for the winter. He said he noticed the supply seemed a bit low when he stopped by the public works garage for a bucket of salt for his sidewalk. Harlow was stunned to learn that Wagner was taking salt from the township supply for his personal use, but she said nothing. She told Wagner she would check on the salt supply with public works.

In March, Harlow learned that two employees in the department of parks and recreation were selling tickets to other township employees for a dinner celebrating Supervisor Janet Smith's reelection. Harlow met with the employees to find out why they thought it appropriate to engage in political activity at work. She learned that other employees did the same thing for their candidates and no one thought it a problem. She decided to issue a clear memo announcing zero tolerance for such political work. When she informed the board during a board meeting, Wagner and Smith fully supported her policy. Smith apologized for the overenthusiasm of her supporters. However, she appeared slightly defensive, explaining that the employees were longtime friends and that she never pressured anyone to either sell or buy tickets on her behalf. Connor simply sat silently shaking his head. During the public comment period at the board meeting, several citizens including Democratic leaders complained about the employees' conduct and thanked Harlow for her actions. On the way out the door after the meeting, Connor sarcastically thanked both Harlow and Wagner for handing the Democrats an election issue "on a silver platter."

### **The Decision Problem**

As she began her sixth month on the job, Harlow believed she had the full support of Wagner and Smith. During the public comment period at board meetings, CEG members praised her for initiating the management audit that was nearly completed. She planned to use the management audit as a foundation for establishing professional personnel relations, a citizen-service orientation, and improved information management. Although Supervisor Connor seemed to keep his distance from her, she thought he might recognize the value of her performance.

Thus she was unprepared for the week that began with a meeting Connor had scheduled with her to discuss upcoming agenda items.

### **The Monday Meeting with Connor**

Harlow's worst fears came true. At their meeting, Connor complained about the change in the plowing policy. He said he gave so much time to the community—as

do the citizens volunteering to serve on boards, commissions, and committees—that the least the township can do is plow their driveways. He stated that Wagner and Smith were not “pure as the driven snow,” as they liked to portray themselves, and he could provide proof of that if Harlow wanted. Connor also thought Harlow went too far in restricting the political activity of employees and that she infringed on their rights as citizens to participate in Fargo politics. He concluded by saying that the management audit was really a way for her to help the Democrats defeat him in the November election. He urged her to go more slowly on her reform agenda.

Harlow listened to Connor patiently. She assured Connor the changes in policy and the management audit would in time produce efficient, effective, and fair government for the citizens of Fargo with or without him. Harlow pointed to the ICMA Code of Ethics hanging on the wall behind her desk to emphasize that she was nonpartisan. As Connor stood to leave, he said he knew Harlow had registered to vote as a nonpartisan, but he also knew that as an undergraduate she had earned academic credit working on a Democratic candidate’s campaign. He left the office telling Harlow her position was a waste of taxpayers’ money.

### **The Tuesday Board Meeting**

During public comment at the board meeting the next day, several Democrats suggested that, based on the recent conduct of parks and recreation employees and the issue concerning the snow list, hiring a professional manager was not enough. They praised Harlow’s work but stressed that more needed to be done to change the culture of favoritism in Fargo. They renewed their call for a home-rule study commission to create a charter with a code of ethics so “good government” would not depend on the efforts of the township manager. As the meeting continued, Connor asked Harlow if she agreed with the Democrats’ comments. Harlow was caught off guard by the question. Before she answered, Wagner intervened and suggested the matter would be best discussed at the next meeting, when it could be placed on the agenda after everyone had time to prepare his or her comments.

### **The Wednesday Meeting with Chief Cleary**

On Wednesday, Police Chief Richard Cleary, who was one of Harlow’s biggest supporters, asked Harlow to hire his son as a police officer. Recently returned from a tour of duty in Iraq, his son had been promised a position in the police department, just like the public works director’s son who was hired a year ago. Asked the name of the person who had promised his son the position, Cleary said all the supervisors had promised the job at his son’s emotional going-away party. He added that all the supervisors had helped people get jobs with the township over the years. Harlow scheduled an appointment to meet with Cleary and his son the following week but did not say how she would respond to the request. After Cleary left, Harlow reminded herself of tenet 11 in the ICMA Code of Ethics, regarding handling “all matters of personnel on the basis of merit.” If only it were that simple!

### **The Thursday Interview Request**

As if things could not get worse that week, on Thursday, Sally Mansfield, the newspaper reporter covering Fargo, e-mailed Harlow, asking for a convenient time to meet for a lengthy interview. Sally explained she was working on a feature story about political reform in Fargo. She also wanted to clarify rumors that Harlow was helping Democrats. Harlow decided to wait until Friday morning to respond to Sally’s e-mail to give herself time to think of the appropriate way to handle the interview.

### **The Friday Crisis of Confidence**

Sitting in her office Friday morning, contemplating the requested interview, Harlow reflected on the admonition she once heard a city manager give at a conference: "You never have more authority than the day you walk into your office." Harlow now understood exactly what he meant. Despite all of her efforts, problems continued to arise, challenging her ability to manage township affairs without fear or favor. Under the stress of the week's events, Harlow found herself considering whether she should resign.