



LMC Webinar:

Role With It—

Individual vs. Council Authority

How to Keep Your City Running Well and
Out of Trouble!!

Congratulations!

- ★ You're a mayor or council member newly elected last Fall and you've just taken office.
- ★ You're an incumbent mayor or councilmember ready to serve another year.
- ★ You're a city staff member starting or continuing your career in public service.
- ★ AND whichever, you want to make sure things go smoothly in your city!!!

Today's Agenda

Introduction

Sharing Noble Goals

Lesson One

Types of Cities

Lesson Two

Roles & Authorities of
City officials

Lesson Three

Potential Pitfalls

Final Thoughts

How to Make it All Work

Today's Agenda



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Why Do Mayors, Council Members and Staff Do It?



They have a commitment to public service, a high level of satisfaction in doing the job, and, most of all, think they can make a positive difference in their city!

Why Is Serving as a Local Elected Official So Gratifying?

“I like local politics because it all happens here.”

-Mayor

“We talk to real citizens about individual problems.”

-Councilmember

And Do Staff Members Like It, Too?

“Doing work that has real meaning in people’s lives, such as land use, services, and so forth. . . City employees tend to have service as a part of their job motivation; people feel that there is meaning in what they do.”

-City Manager

But With Energy, Enthusiasm, and
Good Intentions There Can Be
Problems!



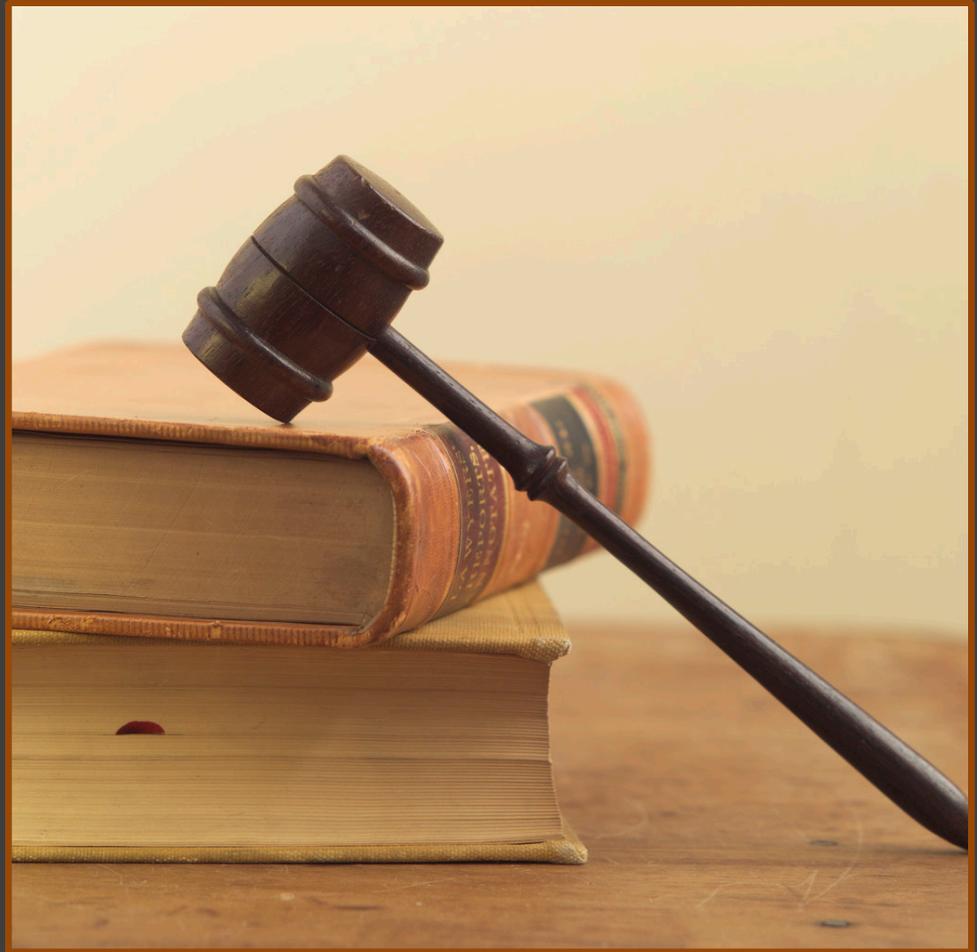
The Roles of the Mayor, Council, and Staff Sometimes Get Turned on Their Head



And There Can Be Frustration About Just
Who's "In Charge"!



And yes, laws can even be broken and liabilities created for both the city and for individuals



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Lesson One

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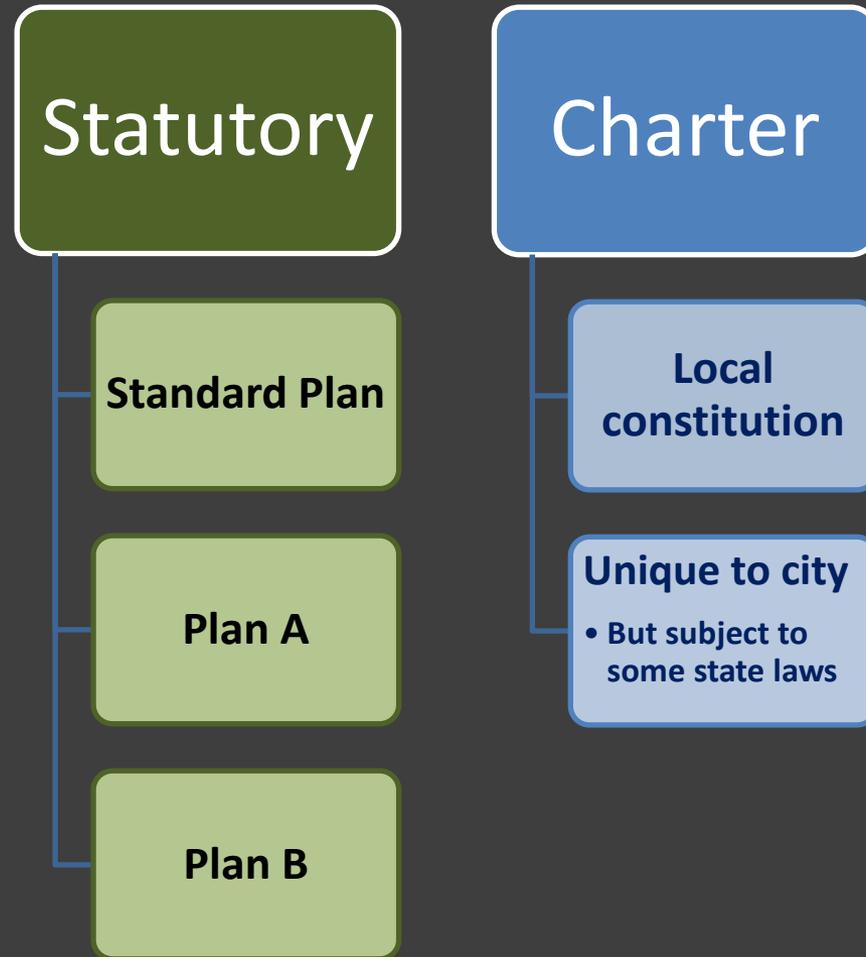
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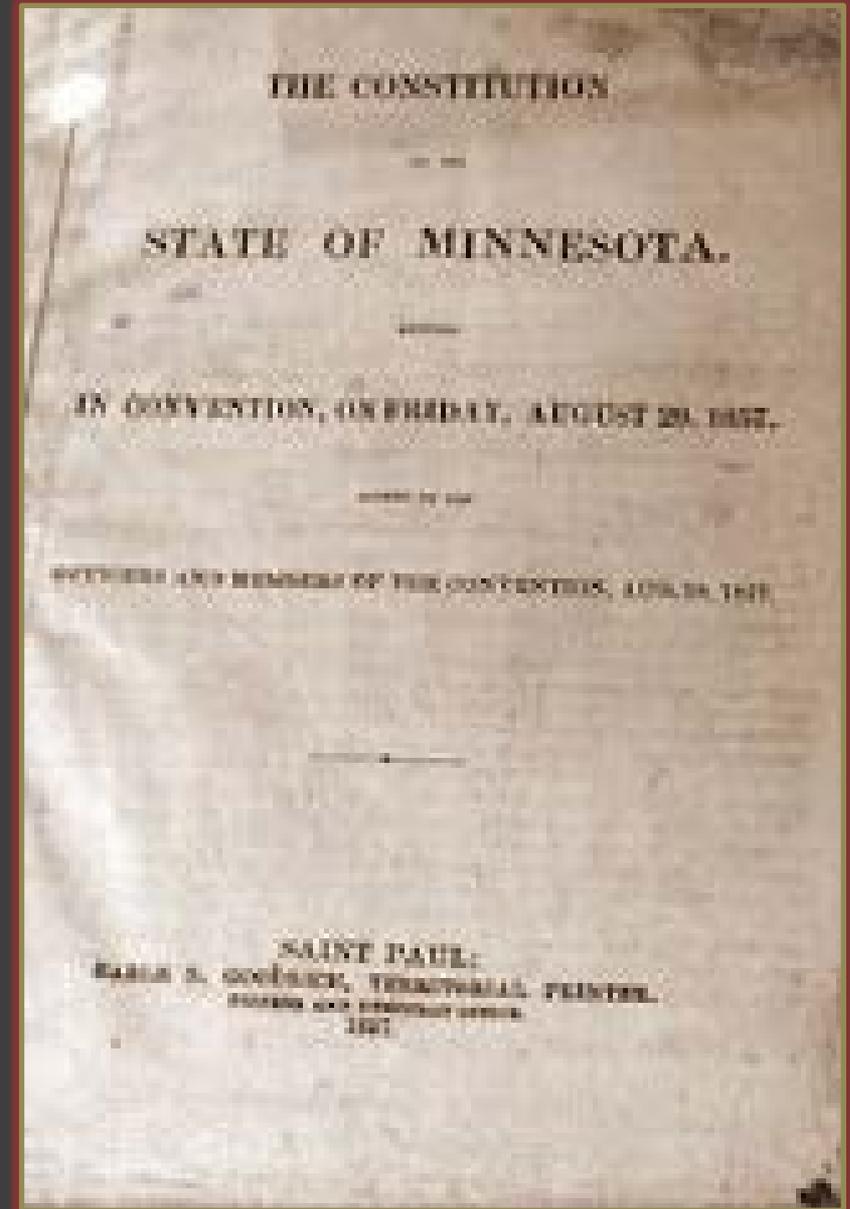
Types of Cities



Lesson One

Types of Cities

Starting point:
City powers come
from the state
constitution . . .



Lesson One
Types of Cities

...And the Minnesota legislature



Lesson One

Types of Cities

How many?

Statutory Cities

101 Standard Plan Cities; weak–mayor council, elected clerk

628 Statutory Plan A Cities; weak-mayor, council, appointed clerk

16 Statutory Plan B Cities; council-manager plan

Charter Cities

107 Charter Cities — unique to city, may incorporate any of above forms with other modifications

Lesson One
Types of Cities

City Council

Authority is exercised by the council
acting together as a decision-making body.



Pursuant to state statute the council **collectively exercises** authority to:

- Control city finances
- Adopt ordinances
- Enter into contracts
- Appoint city personnel (under council-manager plan, appoints only the city manager)
- Appoint committee members
- Establish policies and rules of procedure

Delegation of Council Authority

 A council cannot delegate legislative or quasi-judicial decisions.

**(specific statutory or charter authority required)*

 A council cannot delegate administrative power of a discretionary nature.

**(specific statutory or charter authority required)*

 A Council can delegate Ministerial functions.

So What Can **Individual** Councilmembers Do?

- **Participate** in council meetings and **vote**
- **Educate** themselves on issues
- **Act as liaison** between city and residents
- **Work with staff** on issues of individual interest or **as delegated** by council

Lesson One
Types of Cities

Review

MAYOR

Standard Plan Cities - elected clerk

Statutory Plan A Cities - appointed clerk, mayor and 4 councilmembers

Statutory Plan B Cities – city manager

Charter Cities - unique to city

Mayor in **Statutory** Cities

Weak-mayor form of government

Cannot act alone

No individual authority over staff

No veto

Mayor - limited additional powers

Presides at meetings

Break tie votes for Council Vacancies

Make Appointments, but subject to council approval

Cosigns city documents with clerk

Public & Ceremonial Head of the City

Mayor in Charter Cities

*Depends on the Charter

Three charter cities have “strong mayor” role

Duluth, St. Cloud and St. Paul

Summary

- ✔ Cities have limited powers
- ✔ Know your type of city government
- ✔ Council governs city as authorized by law
- ✔ Individual council members have no authority to act alone
- ✔ Mayors have limited additional authority
- ✔ **Charter cities** – check the charter

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Sharing Noble Goals



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Lesson Two

Roles & Authorities

Council-Manager Form of Government

Council exercises legislative authority.

Administrative authority is vested in a professional manager appointed by the Council.

- Legal Basis
 - Statutory Plan B – 16 Cities; or
 - Home Rule Charter – 30 Cities

Lesson Two

Roles & Authorities

Managers have specific legal authorities

- Enforce statutes, ordinances, and resolutions
- **Appoint, supervise, and remove most city staff**
- Have control over city departments
- Recommend policies and ordinances
- Oversee finances and budget
- Act as chief purchasing agent
- Prepare administrative regulations
- **Managers powers are granted by statute or charter, not by council; only the voters can change**

But My City Has a **City Administrator**, Not a Manager

- The title of “Administrator” is not found in State statute
- But it has been commonly adopted in cities by ordinance, resolution, or policy
- Usually found in Plan A or Home Rule Charter cities that have the weak mayor-council plan

Lesson Two

Roles & Authorities

- May vary substantially from city to city
- In Minnesota, frequently has responsibilities similar to those of a city manager
- Administrative authority legally remains with the council, but much is delegated to the Administrator
- **Appointment and removal of employees usually requires explicit council action**
- Check any home rule charter provisions

Lesson Two OK, So Where Does A **City Clerk**
Roles & Authorities Fit Into All This?

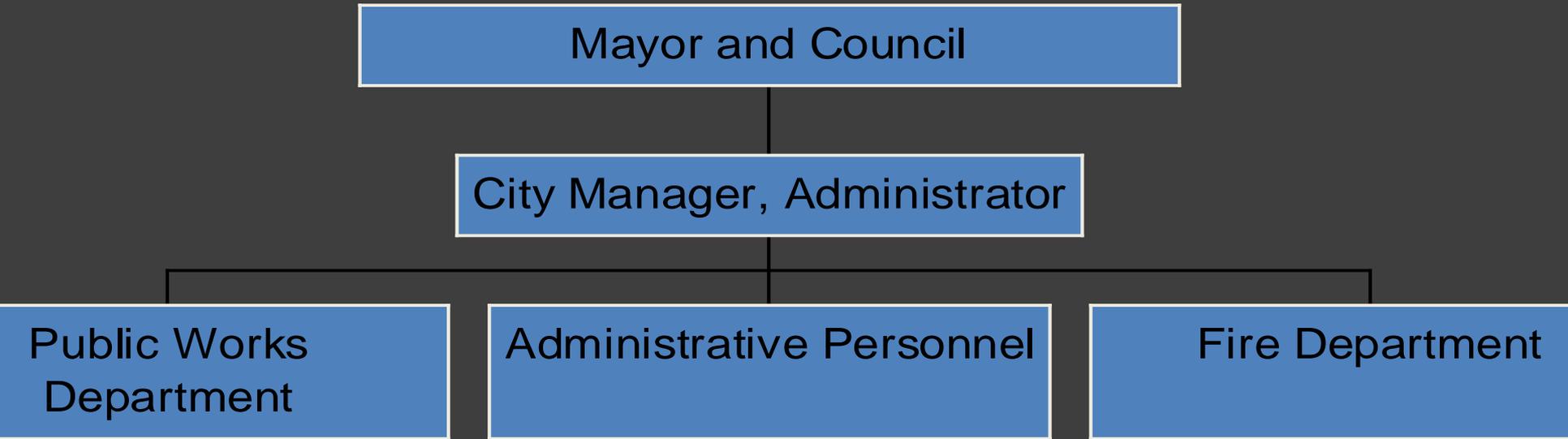
By law, the clerk is usually the “**keeper of the records**” and **runs the elections**

- In some smaller cities, the clerk has been given some authority over other department heads – i.e. public works
 - Clerk, at least, may be seen as the “first peer among equals”
- Some cities have broadened the title to “Chief Administrative Officer” as job duties have grown

Lesson Two

Roles & Authorities

Council Oversees the City Through the Clerk/Administrator



Lesson Two

Roles & Authorities

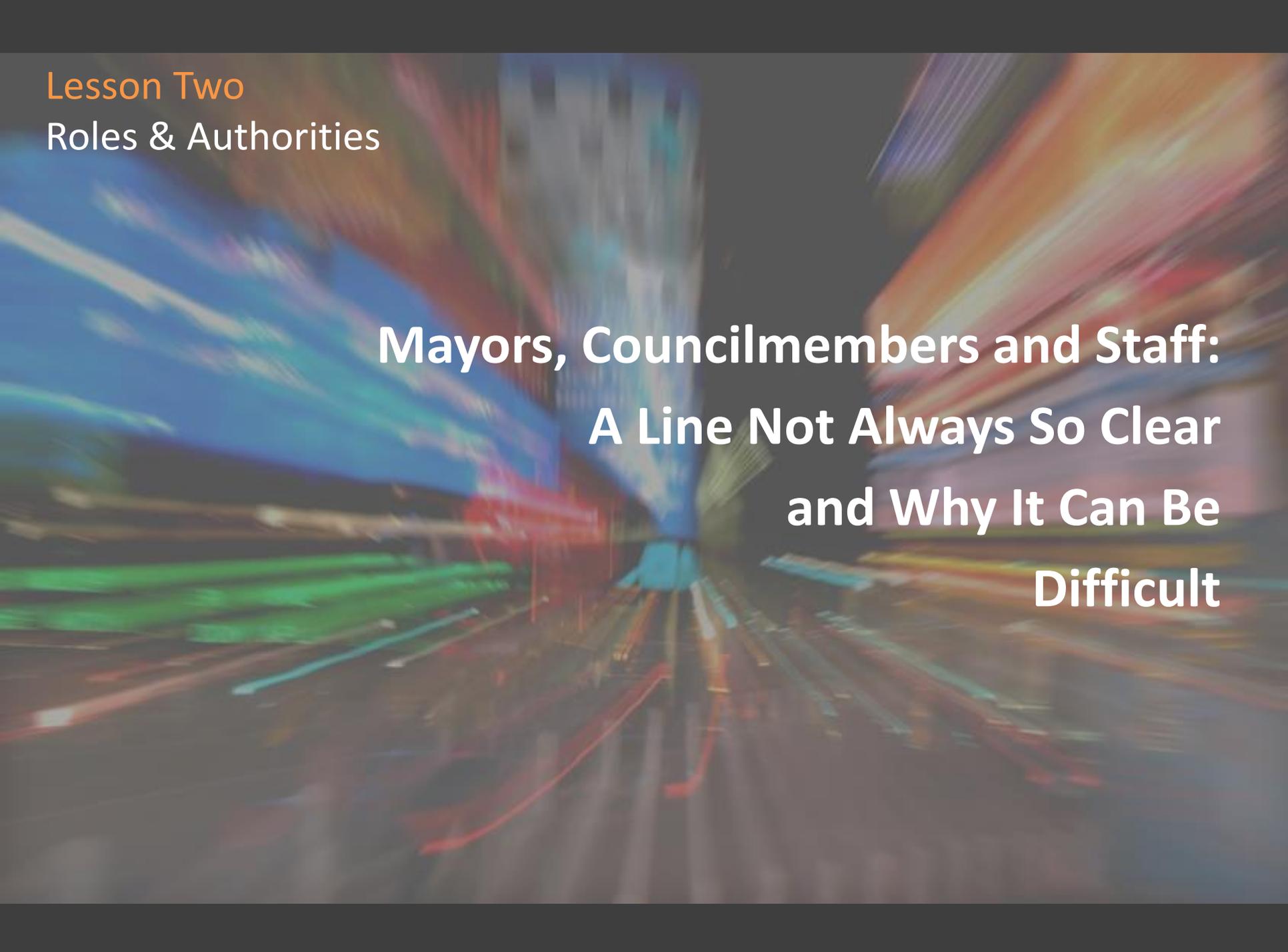
And Who Does that

Chief Staff Person Report To?

The Mayor and
Council acting as
one!

(Although the mayor and
CAO may have a special
working relationship.)





Lesson Two

Roles & Authorities

**Mayors, Councilmembers and Staff:
A Line Not Always So Clear
and Why It Can Be
Difficult**

Lesson Two

Roles & Authorities

The Traditional Model: A Policy-Administration Dichotomy



COUNCIL SPHERE

Sets Policy



STAFF SPHERE

Administers policy

DIVISION OF RESPONSIBILITY

Clear lines of responsibility are nice, but often unrealistic. The situation changes based on change in council and administration.

City staff often helps with policy development.

Councils are and should be interested in administration.



**Elected Officials and Staff
are Different,
but Complementary**

**Council and Staff Have
Fundamentally Different
Perspectives in the City
Government:**

**Council – the Elected
Representatives**

**Staff – the Appointed
Specialists**



Different Political and Administrative Worldviews

Similarly, they respond to a fundamentally different question:

Council – What Do You Hear?

Staff – What Do You Know?



What Exactly Does **Staff** Do to **Support** Council?



- Research the **pros and cons**
- Think through **long-range implications**
- Recall the **history** of why things were done
- Keep track of the **Finances!**
- Present **reasonable options**
- **Make recommendations** based on professional judgment

- **Implement well**

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Potential Pitfalls

Mayors or Council Members Acting Alone

You can really muck things up!



Confusion about who makes what decisions



Loss of accountability



Loss of council ability to work as team

And there are legal minefields!



Lesson Three
Potential Pitfalls

Access to Government Data



Public Data

Elected officials follow **general access procedures**.

Private Data

Includes much personnel data.

Elected officials **may view if their duties so require**.

Individual elected officials cannot view unless **authorized by council**.

*Work with the city attorney

Lesson Three

Potential Pitfalls

Open Meeting Law



Meetings must be open to public
Meeting = Quorum (majority) of elected officials, dealing with city matters

*Limited exceptions

Liability for intentional violations

Civil penalty up to \$300

Costs and attorney's fees up to \$13,000

Forfeiture of office with three violations



Lesson Three

Potential Pitfalls

Defamation

A reputation-damaging statement that a speaker or writer shares, **knowing it's false**.



Some such statements are protected if,:

They are **true**

Matters of **opinion**

Legally 'privileged'

Councilmember acting alone, but in council role, may not be protected.

Lesson Three

Potential Pitfalls

Legal Issues & Personal Liability?



Official Immunity

When exercising judgment in course of official duties

Statutory Immunity

Cities must defend and indemnify

No protection if acting with **bad faith or malice**,
and/or **beyond scope of authority**.

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And finally... Making it All Work!

Communications

Good communication is a

must,
not an option.

A two way street!



And finally... Making it All Work!

For Staff



Appreciate Your Mayor and Councilmembers.

Learn to value the perspective that elected officials bring to the business of city government.

And finally... Making it All Work!

Recognize that people run for office for a reason!

- ❖ They're just plain interested and generally supportive
- ❖ They don't like what's going on
- ❖ They feel they can do a better job
- ❖ They are interested in just one or two critical issues



Try to **adapt your style** to that reality.

And finally... Making it All Work!

Newly elected officials are sometimes skeptical of the current council and staff.

Steps to take:

- ❖ Help correct misperceptions, if any, by being open, honest to public.
- ❖ Help convince newly elected officials that staff has a vested interest in their success and will provide all information necessary to help.



Develop **trust** through **shared goals** and a history of **achievement**.

And finally... Making it All Work!

For Mayors and Councilmembers

Learn to appreciate what your staff does.

Their Success is Your Success!



Be as supportive as you can, even as you hold them accountable.

Set an expectation of **civility**.

Praise in public; Critique in private.



Communicate, communicate, communicate!

Take responsibility for your own training as an elected official .

“People didn’t elect me to be stupid!”



Tools for when things go downhill



Workshops

Strategic Plans

**Sessions with newly elected
in own city**

Do Elected Officials and Managers Think It's All Worth It?

“Personally, I find my council work so rewarding that I’ll never be able to give back to the community what they’ve given to me.”

-Councilmember

“The job’s not BS, even if it sometimes feels like it!”

-City Manager

A white, rectangular sticky note is pinned to a white background with a single red pushpin at the top left corner. The note is slightly crumpled and has a soft shadow cast to its right. The word "Questions?" is written in a bold, orange, sans-serif font, slanted slightly upwards from left to right. The entire scene is framed by a thin, dark brown border.

Questions?

RESOURCES

Recording of the webinar:

www.lmc.org/cityroles14

Online hub for newly elected officials:

www.lmc.org/goodstart

Questions? Contact us:

www.lmc.org

800.925.1122 or 651.281.1200