

City Council Roles and Responsibilities



INDEPENDENCE
★ MISSOURI ★

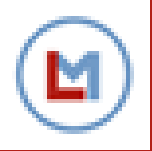
A GREAT AMERICAN STORY



LAUBER MUNICIPAL LAW, LLC

Serving those who serve the public

Presented by
Joe Lauber, Assistant City Counselor



Defining and Understanding Roles

Role of City Council See Article 2 of City Charter

- The Council consists of seven (7) members: the mayor, two (2) councilmembers at large, and four (4) district councilmembers. shall have power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and
- Section 2.10 of Charter vests certain powers in the Council. Some, but not all, examples are:
 - Enacting municipal legislation relating to any or all subjects and matters within powers of the City (see Section 1.3 for general powers of the City),
 - Adopting budgets, providing revenues and making appropriations; regulating salaries, wages, and other compensation to City employees and officers.
 - Sell or convey property belonging to City.
- See Section 2.10 for other authorized powers.
- Section 2.15 expresses that Council shall not interfere with administrative service.



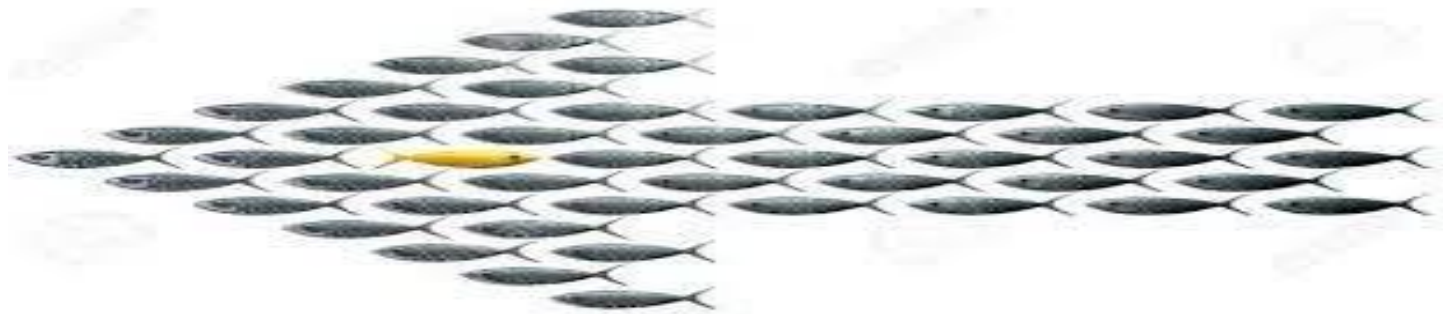
Practical Role of City Council

- Represent the public
- Develop and evaluate policies and programs
- Maintain fiscal integrity
- Determine services
- Ensure accountability and transparency



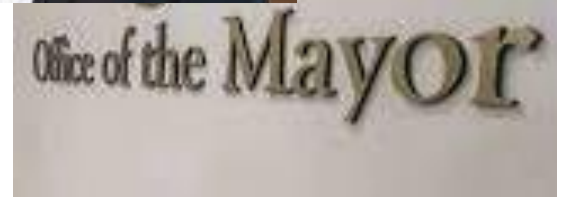
Role of Councilmembers

- ④ Individual councilmembers have little or no power
- ④ Ultimately the City Council has all the power



Role of Mayor – Home Rule Charter (Refer to City Charter Section 2.5)

- ④ Mayor, while still a councilmember, is recognized as head of City government for all legal and ceremonial purposes.
- ④ Mayor presides at City Council meetings and can vote on questions.
- ④ Mayor, has all powers, rights, privileges, and responsibilities of councilmember.
- ④ Mayor has no veto power.
- ④ Mayor has authority to declare the existence of an emergency in the City and may suspend hours of business, close certain business, and take immediate action to preserve the peace, property, and safety of its citizens.
- ④ Mayor appoints municipal judges (after process elaborated in Section 4.1 is followed)



Mayor's Role



Council members should meet with the mayor routinely to discuss ideas or concerns



The mayor works closely with the city manager, to move council goals forward, anticipate issues on the horizon, and manage the action of the council meetings



All of this works most effectively if the mayor understands council concerns and shares this feedback with the city manager

Sample Role of Members

From City of Kingston, Canada Council Staff Relations Policy



Lauber Municipal Law, LLC

- ④ To conduct themselves in an ethical and respectful manner at all times;
- ④ To act in manner consistent with the effective and responsible governing of the municipality in a transparent and accountable manner;
- ④ To set and clearly articulate strategic goals and objectives for the municipality based on consultation with City Staff and, where applicable, members of the broader community;
- ④ To render decisions regarding matters of service level delivery and corporate policy based on consultation with City Staff and, where applicable, members of the broader community;
- ④ To respond to concerns from the public and, where appropriate, refer the concerns to City Staff through the Mayor or Chief Administrative Officer for action;
- ④ To only give direction to City Staff through resolution by Council as a whole;
- ④ To be open to discussion with and to seek clarification from City Staff as required; and
- ④ To be respectful of the role of City Staff pertaining to their administration or management of the day-to-day operations of the municipality.

Role of City Manager (Chapter 3 of Charter)



- Ⓜ **Chapter 3 of Charter provides for City Manager position.**
 - Ⓜ Council appoints City Manager for indefinite term by affirmative vote of at least five (5) members.
 - Ⓜ City Manager's powers and duties derived from Section 3.3.
 - Ⓜ Generally, the City Manager “shall execute the laws and ordinances and administer the government of the City, and shall be responsible therefore to the council.”
 - Ⓜ Rest of Section 3.3 provides for express list of City Manager powers and duties.

Role of City Manager (Chapter 3 of Charter)

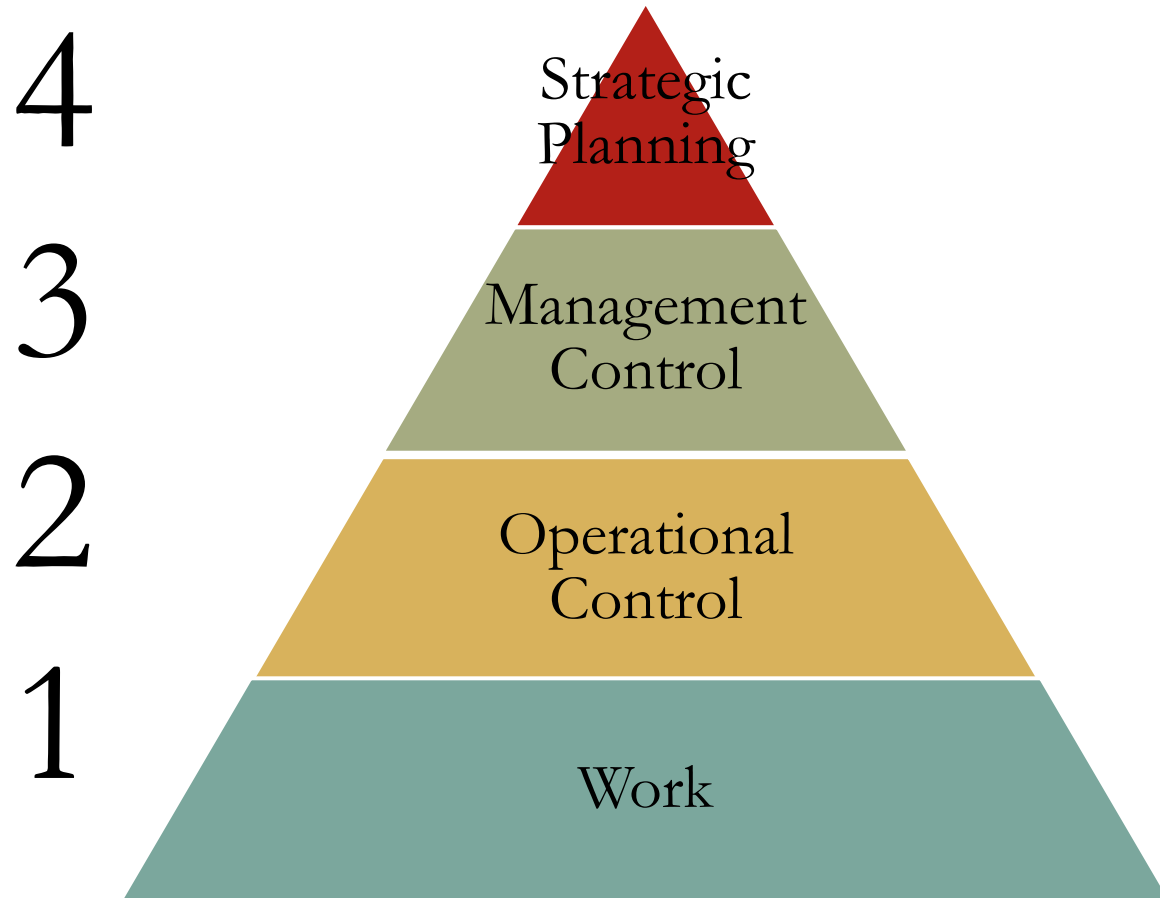
- ④ Section 3.3 of the Charter provides express powers and duties of City Manager:
 - ④ Appoint, fire, suspend, demote, or remove directors, or heads of administrative departments and all other administrative employees (subject to correct procedure)
 - ④ Supervise administrative departments, agencies, officers, and employees of City.
 - ④ Administer, prepare and submit annual budget to Council.
 - ④ Submit to Council, complete report on finances and administrative activities of City for preceding year.
 - ④ Advise Council on financial condition and future needs of City and make recommendations on matters of policy.
 - ④ Any other powers and duties as the Charter provides, and powers and duties consistent with Charter as Council may provide.

Role of Staff

- ④ Offer professional advice
- ④ Implement the council's decision
- ④ Establish sound administrative practices
- ④ Maintain operations of the municipality



Public Administration 101



- ④ Most spend little time in level 4
- ④ Most governing bodies spend most of their time in levels 2 and 3
- ④ Result:
 - ④ Staff are frustrated by micro-managing
 - ④ Decisions are not being made by most skilled
 - ④ No strategy or direction

Proper Role of Council

FIGURE 1. LEVELS OF GOVERNANCE



Governing Body-Staff Flight Analogy





Establishing Expectations

Landwehr's Rules

- ④ Council meetings are for final position statements, debate, and voting. Not for rolling out novel ideas to make everyone think you're a stud.
- ④ If you vote against a measure and lose, briefly state why you disagreed and drop it after 24 hours it's old news. Don't keep it in your arsenal for two years to justify other actions.
- ④ If somebody disagrees with you, don't take it personally. Maybe on this issue, you simply had your head up your butt. It happens once in while to us all.
- ④ Even if they deserve it, do not publicly criticize the integrity or intentions of a fellow office holder or staff person. Disagree with ideas, not with people. Preface statements of disagreement with an acknowledgment of the other person's perspective.
- ④ Ditto for private statements. They're just as important.

JDL
4/15/04

Landwehr's Rules

- ④ Don't play "gotcha" with staff. If you have a concern about something, discuss it with someone in advance of any public statements. They make mistakes. So do you. Public statements should consist of recommended policy changes to fix the problem.
- ④ If you find a problem and want to talk about it publicly, have a solution ready. You will be asked for one.
- ④ Learn how to tell constituents you disagree with them. They'll respect you for it. Don't be a wimp.
- ④ Each vote deserves your independent analysis and vote. Anyone who trades votes doesn't deserve to hold office.
- ④ Allow measures to be considered on their merits. If you want to play parliamentary games to sabotage a bill, run for higher office. You're much too sophisticated for us.
- ④ Don't build private alliances with segments of staff. It's destructive.

Expectations of Elected Officials

- ④ Understand Responsibilities of Public Office
- ④ Comply with the Law
- ④ Practice Good Behavior
- ④ Performance of Duties
- ④ Participate in Public Meetings
- ④ Effective Communication
- ④ Avoid Conflicts of Interest
- ④ Deny Gifts – Gratuities – Favors
- ④ Confidentiality of Information
- ④ Prudent use of Public Resources
- ④ Speaking on Behalf of the City (or appearing to)
- ④ Respect and adhere to the City Charter.
- ④ Positive Workplace Environment

Staff Members' Expectations of Council Members

- ④ Prepare for meetings by reading all reports and ordinances on the agenda.
- ④ Whenever possible, call staff with your questions *before* the meeting, so answers can be researched and shared during the meeting.
- ④ Examine all the facts on a given issue and make the best decision possible.
- ④ Do not ridicule or make light of the staff in public; instead, provide criticism in private. Criticism should be made through the City Manager.
- ④ Do not assume the staff is wrong and the citizen is right when there is a disagreement.
- ④ Compliment the staff when and where appropriate.
- ④ Trust and respect the staff.
- ④ If the Council disagrees with a staff recommendation, explain your reasoning.
- ④ Do not hold a grudge if you disagree with a staff recommendation.
- ④ Act in a fair, ethical and consistent manner.

Council Members' Expectations of Staff Members

- ④ Be well organized and anticipate the type and kind of information the council will need to perform its duties.
- ④ Respond to requests for information in a timely and professional manner.
- ④ Prepare accurate, well-documented, and well-written reports that, where appropriate, *lay out options* for the council to consider.
- ④ Provide exhibits, illustrations, and/or pictures to help aldermen visualize the location or layout of proposals.
- ④ Leave personal or political bias out of reports.
- ④ Help orient new members and provide educational opportunities for all members.
- ④ Be accessible to councilmembers, whether in person, at meetings, or over the phone (within chain of command)
- ④ Keep all councilmembers equally informed; do not show favoritism.
- ④ Make the council's decision work after it's made.
- ④ Act in a fair, ethical and consistent manner.



How Things Go Wrong (and what to do about it)

What Causes Difficult Council Members?

- ④ Member may represent a new viewpoint in the community.
- ④ Inappropriate expectations of what role of council member is.
 - ④ Council works as a group
- ④ Campaign Promises
 - ④ If member promised to “drain the swamp” it is hard to work with veteran members.
 - ④ Local Issues vs. National Issues
- ④ Urge to fix things.
- ④ Failure to understand council/manager relationship.
- ④ Fear
 - ④ If you vote no, you might be less likely to be criticized by your constituents

Characteristics of Difficult Council Members

- ❑ Interfering with employees
- ❑ Demanding special access
- ❑ Treats every staff presentation as an inquisition
- ❑ Routinely discloses confidential information to the media
- ❑ Spends all his or her time on minutia and misses the big picture completely
- ❑ Is never prepared for a meeting and regularly asks questions that were answered in the council meeting or council packet
- ❑ Is never willing to bring closure and always wants more information before voting.
- ❑ Refuses to abide by the meeting rules of order
- ❑ Circumvents the manager, going instead to internal staff, including the manager's assistants
- ❑ Tries to make staff and the city manager and fellow elected officials look bad

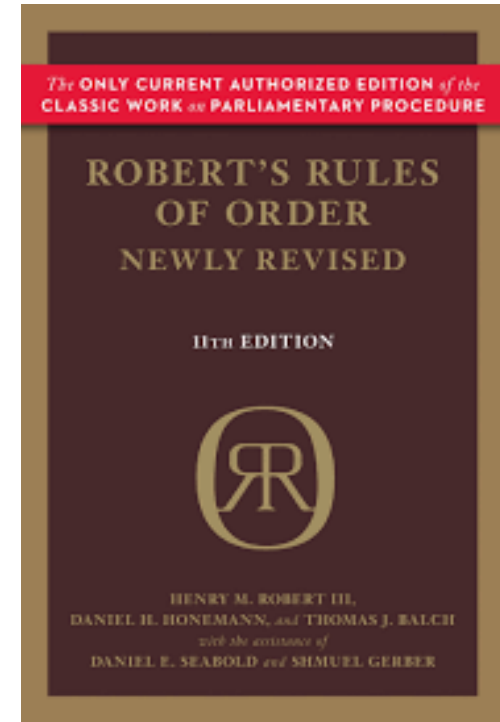


Tips for Dealing with Difficult Councilmember

- ④ Exercise emotional maturity/intelligence. Try to stay professional and not make it appear that you have made it personal. Hold firm to required positions but in a way that does not communicate personal animosity.
- ④ Keep communication open. It won't be helpful to shut down communication with the individual, though he or she may choose to do so.
- ④ Keep it in perspective.
- ④ Insulate your staff from any negative conduct to the greatest extent possible.
- ④ Help the council and staff stay focused on the work of the organization.
- ④ Accept that the best you may be able to do is to minimize the negative consequences of the outlier's conduct.

Use Procedural Rules to Control Meetings

- Ⓜ Mayor as presiding officer should keep order
- Ⓜ Don't allow council members to speak unless recognized
- Ⓜ Don't allow public to interrupt
- Ⓜ Motion BEFORE discussion
- Ⓜ Roll call votes force commitment
- Ⓜ Stick to the agenda— items not on the agenda should be taken up at another meeting or vote to add to agenda
- Ⓜ Council comments should be comments, not motions



Situations that Require Action

 Sexual Harassment

 Call City Attorney. Follow personnel policies.

 Criminal Activity

 Call the Police.

 Ethics

 Contact Ethics Commission.

 Nepotism

 Immediately removed from office

Levels of Intervention



- ④ Personal intervention.
- ④ Soliciting help from others, including potentially a facilitator.
- ④ Formal and outside intervention:
 - ④ Formal complaint
 - ④ Investigation
 - ④ Censure.
 - Requires only a majority vote of the council.
 - Can be public or private, but private subject to sunshine law.
- ④ Impeachment
 - ④ Council adopts articles of impeachment.
 - ④ Hearing, each side can call witnesses.
 - ④ Council stands as judges and jury.
 - ④ If impeached; removed from office.



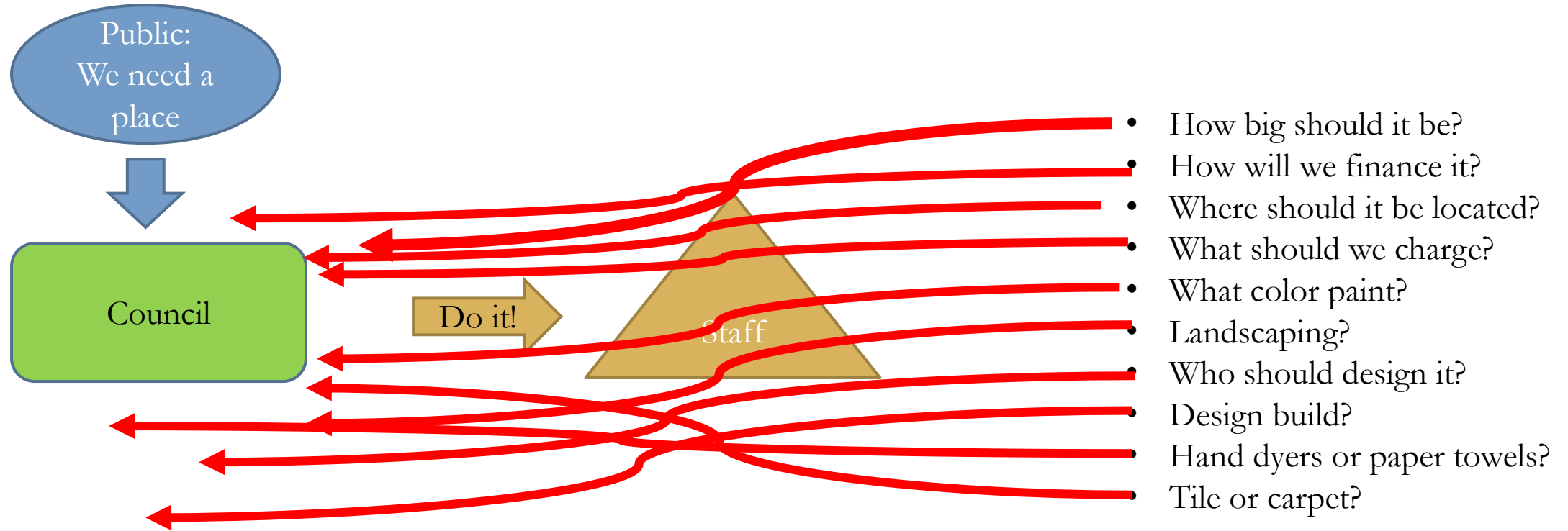
Habits of Highly Functional Cities

Good Councils Have Good Meetings

- ④ Smooth and productive
 - ④ Staff must let the council know when controversial issues are coming up
 - ④ Give them enough information to make an informed decision, but not so much that you are inviting them to micro-manage
 - ④ Do the math – Calculate out totals, create bid tables, show salary ranges.
- ④ Follow Agenda
- ④ Follow good procedure
 - ④ Also makes minutes easier.
 - ④ Staff can gently assist with correct procedure



Staff Shouldn't Invite the Council to Micro-Manage



Council Member Decorum

- ④ Always be polite, show respect to other council members, staff and the audience
- ④ Always address the chair (Mayor) and always use titles or last names (for example “Mr. Mayor I will be voting in favor of Ms. Long’s bill because”)
- ④ Turn on your mike when you speak, turn it off when you’re done. Speak so the audience can hear and avoid side conversations
- ④ Pay attention to the speaker
- ④ Stop looking at your phone

