

# What's Your Role?

## Resolving and Preventing Conflicts Between Mayors and Councils

It is essential for effective local government that municipal officials, particularly mayors, councilmembers, and city managers, understand the roles of their respective offices and their interrelationships with others. Many of the conflicts in city governments are the result of confusion as to these roles and the consequent overstepping of the boundaries between the respective roles. Although those boundaries may, in some cases, be unclear, there is a basic structure to city government, no matter what form of government your city has adopted.

The following is excerpted from the League's *Handbook for Oregon City Councilors*, Chapter 2, "City Councilorship."

City councilors have many official responsibilities. Essential ingredients for proper job performance of the city councilor are a thorough knowledge of the community, its people, and its problems, as well as the roles of individual councilors and the council as a whole.

### Roles of Elected Officials

Most city councilors consider the formulation of city policy to be their primary responsibility. They are also concerned with the way in which policy is administered, although the extent of their involvement in administration depends on the size of the city and its form of government.

### What is Policy?

Classroom definitions of "policy" and "administration" do not always fit real-life situations. The traditional distinction between policy and administration has been that policy is the process of deciding *what* is to be done, while administration is deciding *how* to do it and doing it. However, any issue or

decision can become a "policy" matter when it is seen as one of great importance to the city or as one that is, or might become, controversial.

While it might be helpful if policy and administration could always be defined and separated, city councilors usually have major responsibilities in both processes.

### Policy Role of the City Council

City councilors clearly have the dominant voice in policy matters, but they do



not have a "corner" on setting policy. They share this responsibility with city administrators, other city employees and private citizens. Administrators take part in the policy-making process when they make recommendations to the council. Many city charters make it mandatory that they do so. Administrators also set policy when they make decisions on specific matters that are not clearly covered by existing ordinances or regulations.

The unique role of the council in the policy-making process is to serve as the highest authority within city government in resolving issues of policy. Although administrators or city employees may be involved in policy formulation, only the council may pass an ordinance, adopt a

comprehensive plan, or otherwise put into final form a plan or course of action. The budget is the major vehicle for making city policy decisions – and only the council may adopt the budget.

**THE POLICY PROCESS** – For a council to effectively assume a positive and active role in bringing issues forward for discussion in setting policy, councilors need a clear understanding of the policy process and the stages at which council intervention is most effective. It may be helpful to think of the policy process as a series of steps or phases:

- 1) Identification of problems and needs;
- 2) Establishment of community goals;
- 3) Determination of objectives;
- 4) Development and analysis of alternative means for achieving objectives;
- 5) Establishment of priorities;
- 6) Development of programs;
- 7) Implementation of programs;
- 8) Monitoring and evaluation of programs; and
- 9) Feedback.

These steps usually do not occur as separate actions or decisions, but they may occur more or less in sequence, as in adoption and periodic review of the comprehensive plan, a capital improvement plan, or an annual budget.

Councilors may be involved in each of these steps, but their most important contributions are likely to be in identifying needs, establishing goals and objectives, choosing among alternatives, setting priorities, and providing feedback.

### Administrative Role of the Council

The council is collectively responsible for the oversight of administration in every city, but the roles that individual city councilors play in city administration vary considerably, depending on the size

of the city and its form of government. Some small cities have no full-time employees and rely on contracted legal and engineering services and volunteer and part-time help. Councilors may be deeply involved in administration in many of those cities.

Somewhat larger cities have full-time employees. Even so, councilors may still perform administrative functions or oversee projects, usually through council committees. As cities grow and the complexity of their operation increases, councils often employ a city manager or a city administrator to relieve councilors of increasingly time-consuming duties. Councils in the largest cities seldom attempt to retain any significant personal involvement in day-to-day supervision of city employees and departments.

Even without regard to differences in city size, the council's administrative role varies according to the form of government. The council in a weak-mayor city is more likely to be directly involved in administration than under the strong-mayor form. The strong mayor's appointive powers give that office special responsibility for administrative supervision, and the council's administrative role is less direct.

Under the council-manager form of government there are likely to be both practical and legal limits to the council's administrative activities. Administrative authority is vested in a professional manager who is appointed and removed by the council. Under the commission form there is maximum council involvement in administration because each member of the council is also a city department head.

**METHODS OF COUNCIL OVERSIGHT** — There are several ways in which city councils can, and do, influence city administration. Briefly, the list includes ordinance enactment, special investigations, approval of appointments, public hearing, the budget process, legislative audits, review of administrative rules, and agency reporting requirements. Through these devices, the council exercises significant control over administration, even if the administrative branch is structurally separated from the council, as in the case of the strong-mayor form.

Regardless of the size of the city or its form of government, communication

between a council and a city employee must be made with recognition of two facts:

- 1) The city employee is responsible to his or her immediate supervisor and cannot "take orders" from a councilor; and
- 2) Each councilor has authority in administrative matters only to the extent delegated by the council as a whole. This delegation is often formally contained in an ordinance or charter provision.

Misunderstandings may arise when a councilor intends only to ask for information. The employee receiving the request directly from a councilor can easily jump to erroneous conclusions or misinterpret the councilor's intent. The best way for councilors to get information about administrative matters is to



request it through the manager or administrator or to make the request during a regular council meeting.

### City Council Organization

Although city councils and other legislative bodies are not organized in the hierarchical structure ordinarily found in administrative agencies and businesses, they nevertheless require some formal internal organization.

#### Mayor

The mayor's role varies from city to city depending on charter requirements. In many cities the mayor presides over council meetings and participates in

discussions, but votes only to break ties. Depending on charter provisions, the mayor may appoint committees with council approval and veto ordinances passed by the council. Most mayors also sign all ordinances and other records of proceedings approved by the council, and in small cities they may sign all orders to disburse funds. In all cases the mayor is the recognized civic leader in the eyes of the community.

#### Presiding Officer

In addition to the mayor, who ordinarily presides over meetings of the city council, most cities also have a council president or mayor pro tem, who presides over the council in the mayor's absence and may perform other functions of the mayor at those times.

The functions of the mayor or other presiding officer are to call the meeting to order; announce the order of business as provided in the agenda; state motions, put them to a vote, and announce the result of the vote; prevent irrelevant or frivolous debate or discussion; maintain order and decorum; and otherwise enforce the council's rules and appropriate parliamentary procedures.

#### Committees of the Council

Oregon law requires each municipal corporation to establish a budget committee to assist with the budget process. (ORS 294.336) Other council committees can be divided generally between standing committees and special or ad hoc committees. Standing committees continue indefinitely until terminated by the council. Not all cities have these committees, but when they do exist they may be assigned to develop recommendations to the full council and exercise oversight over certain city departments or groups of departments (e.g., public safety committee, public works committee) or they may be charged with a continuing problem (e.g., finance, economic development).

Special committees are established to study and make recommendations to the whole council on specific problems or decisions. They cease to exist after they have completed their assignments. Examples might include site investigations for a proposed public facility or study of a proposal to consolidate the police and fire departments.

The power to establish and appoint committees may be fixed by charter. The Model City Charter prepared by the Bureau of Governmental Research and Service (1988) provides that "the mayor shall appoint members of committees established by council rules." In the absence of a charter provision, the council is free to create its own procedures. However, committees are subject to the same open meeting laws and requirements as the council.

### **Councilor Liaison Roles**

Individual councilors may perform a liaison role, which may be formally established by council rules or resolutions. Individual liaison responsibilities have developed because of the complexity of city government and the need for councilors to share the time-con-

suming job of maintaining communications with the many organizations and groups that are interested in city affairs.

One common type of liaison role assigns a councilor to specific city departments or groups of departments or to certain city boards and commissions. Some city councils also assign liaison responsibilities for selected interest groups such as the chamber of commerce, central labor council, builders' organizations, civic reform groups, environmental organizations, and other civic groups. Finally, there is an increasing number of intergovernmental bodies on which the city council may be directly represented with which it needs active contact - for example, a council of governments or joint city-county parks committee.

Understanding roles is a necessary step in preventing and resolving conflicts. However, when the roles are not clearly defined in a particular situation, compromise may be in order. Statutes and case law may not provide a ready answer. All sides need flexibility to meet the challenges of a functioning and dynamic city government.

If the focus is on providing good government rather than on turf wars, councilmembers, mayors and managers can better fulfill their roles as public servants.

*The Handbook for Oregon City Councilors* is available for \$20 each. To receive a copy, contact the League office at (503) 588-6550.

## **Oregon Mayors Association Mayor's Leadership Award**

### **Background —**

The Oregon Mayors Association's Board of Directors in April 1993 established the annual Mayor's Leadership Award. The award was established to recognize the valuable contributions that mayors throughout Oregon make each year in their communities. Mayors in Oregon have long been observed as providing the leadership which facilitates dynamic changes in cities. Their dedication of time and energy in the pursuit of making their communities the best they can be are the foundation for this award.

### **Criteria —**

1. Candidates must be members of the Oregon Mayors Association (OMA).
2. A candidate must have demonstrated under his/her tenure exceptional leadership qualities which have contributed to lasting benefits in their city and the community as a whole.
3. Special consideration will be given to:
  - a. Those who have shown considerable involvement in community affairs and intergovernmental relations.
  - b. Those who have shown exceptional skill in helping to facilitate productive relationships between the governing body and city employees.
  - c. Those who have helped other Oregon mayors reach their full potential as community leaders.

### **Process —**

All nominations must be received at the League office, c/o OMA Leadership Award, by July 1, 1994. A three-person panel appointed by the President of OMA will serve as a selection committee. The award will be made at the annual OMA Banquet during their summer conference, to be held July 28-30 (note date change) in Hood River.