

Roles and Responsibilities of City Leadership

- A Very Broad View -

19 January 2021

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Don Borut, former ED of NLC

- *“Running for public office at the local level is an irrational and unnatural act. You permit yourself to be scrutinized more than an amoeba under a microscope, for below market pay, so that citizens can call you day and night. And for what? The right to make decisions that will tick off half the folks in town.”*

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- *“So why do you do it? Basically, to make a difference in your community and improve the quality of life for your citizens...”*

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Role of the Individual Council member

(Handbook for Minnesota Cities – League of Minnesota Cities)

- Why important?
 - City officials can be held personally liable for failing to act or taking unauthorized actions on the part of the City.
- Duties are to be performed – almost without exception – by the council as a whole.
 - “Most important single responsibility” = participation at Council meetings
 - In an individual capacity, Council members have no administrative authority.
 - Cannot give orders or otherwise supervise city employees.

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Council Acting as a Single Entity

- “We” as opposed to “I”
- Clear, consistent rules of procedure
- Clear, agreed-upon protocols
- All members receive the same information
- Respect for each other and abide by the decisions of the group
 - Respect for position, if necessary
 - move on...
- Set clear direction and policy

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Effective Council Members

- Participate in all issues
 - abstention only if a conflict
- Focus on POLICY not POLITICS
- Discuss, debate and disagree without fighting
- Address issues within the Council's control
- Avoid micromanagement
- Play a supportive role in the group

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Role of Council as a Whole

- Powers are generally to
 - Supervise administrator
 - Formulate policy
 - Exercise city statutory powers
- Should devote time to problems of
 - Basic policy
 - Act as liaison between the City and citizens

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What is Policy???

- What people think it is:
 - An arbitrary set of rules, rigidly enforced, resulting in total frustration of employees and community
- What it should be:
 - A set of high-level decisions serving as a guide for lower-level decisions

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In reality policy is...

- 3 out of 5 votes.
 - Decision Points...

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Major Areas of Council Authority and Responsibility

- Certifying elections results
- Setting rules governing its proceedings
- Exercising city powers granted by law
- Legislating (enacting ordinances)
- Directing enforcement of city ordinances
- Appointing city administrator

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Major Areas of Council Authority and Responsibility (cont.)

- Levying taxes and approving budget
- Appointing members of boards/commissions
- Conducting city intergovernmental affairs
 - JPAs, appointing to other governmental bodies
- Protecting the welfare of the City/inhabitants
- Providing community leadership
- Transacting city business
 - Purchasing, bidding, licensing, contracting

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Role of the Mayor

Has all the powers and duties of Council member, plus...

- Official head of the City
 - Representative before bodies
 - Greets important visitors, gives formal and informal talks, takes part in public events
- Executes official documents
- City Weed Inspector per state law
- Declaration of local emergencies

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Duties of the City Administrator

Shakopee City Code 32.15

- “Chief Administrative Officer of the city... responsible to the Council for the proper administration of all affairs of the City...”
- Supervises the administration of all departments, offices and divisions
- Properly screens and selects/recommends for employment, suspends, recommends for termination
- Develops and issues all administrative rules, regulations and procedures
- Prepares and submits annual budget
- Attends and participates in all Council meetings
- Enforces all laws city code provisions

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Duties of the City Administrator

Shakopee City Code 32.15 (cont.)

- Purchases or enters into contracts for previously budgeted items/services not to exceed \$25,000
- Makes recommendations to Council for actions to improve health, safety and welfare of the community or for administration improvement
- Performs other duties as directed by Council
- Accepts resignations (except from DH, police captains or sergeants)
- Hires, promotes and appoints employees for positions previously budgeted (except DH, police captains/sergeants, or those above mid-point in pay range).

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Personal Liability

- The City will defend you in a lawsuit if:
 - You were acting in the performance of the duties of the position; and
 - You were not guilty of malfeasance, willful neglect of duty or bad faith
 - Malfeasance = willful commission of an unlawful or wrongful act in the performance of a public official's duties which is outside the scope of the authority of the public official and which infringes on the rights of others.
- Exceptions
 - Intentional torts
 - Assault
 - Sexual harassment
 - Defamation

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Ethics (Gifts)

- An interested person may not give a gift or request another to give a gift to a local official. A local official may not accept a gift from an interested person.
- Exceptions
 - Services to assist an official in the performance of their duties (advice/consultation)
 - A plaque or similar memento
 - A trinket costing \$5 or less
 - Food or beverage at a reception, meal or meeting away from the recipient's place of work by organization before whom the recipient is speaking.

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Conflicts of Interest

- Occur when an individual has a personal interest in a decision they have the power to make. It can be contractual or non-contractual and includes decisions in which personal involvement, gain or financial benefit exists for the decision maker.
- General Rule #1 – An officer who is authorized to take part in any manner in making any sale, lease or contract in official capacity shall not voluntarily have a personal financial interest or personally benefit therefrom
 - Multiple exceptions...

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Conflicts of Interest (cont.)

- General Rule #2 – No member of a council shall be directly or indirectly interested in any contract made by the Council.
- General Rule #3 – If the money earned under the contract is used to support a family member so that the council member derives some benefit, it is an indirect interest.
- General Rule #4 – Neither the Mayor nor any City Council member may be employed (full-time) by the City.
- Any official who has a personal economic interest that may conflict with public interest in considering an official action generally is disqualified from participating in the action.

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‘Open Meetings’ Law

- Gatherings of officials where at least a quorum is present and issues relating to official business are discussed or information relating to official business is received or action taken, must be made in a public meeting.
- Exceptions
 - Labor negotiations
 - Required by another law
 - Misconduct allegations
 - Performance evaluations
 - Attorney/client privilege
 - Security briefings
 - Real estate offer/counter

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When in doubt...

- Ask the City Administrator or City Attorney
- Contact the League of Minnesota Cities

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