

A Primer for City Council Members



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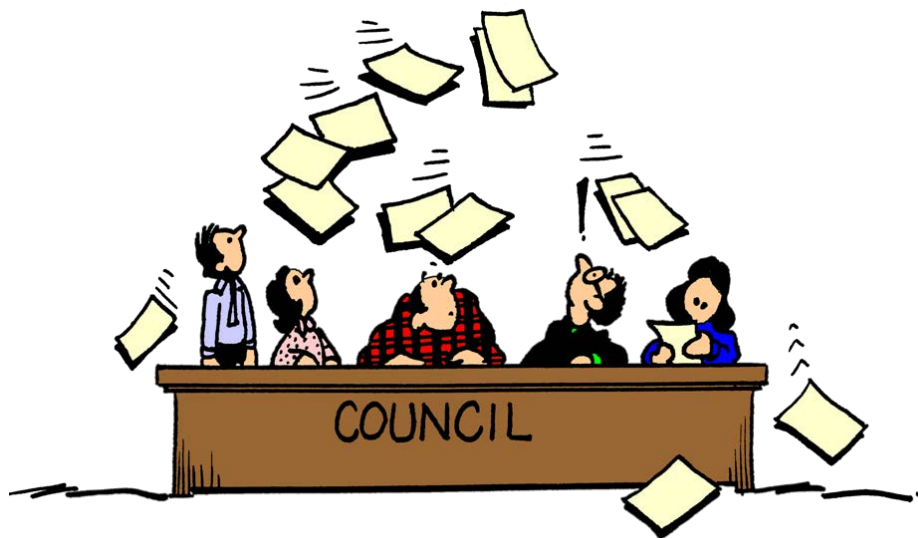
This primer is intended as a helpful guide for new council members. It covers basic duties, legal requirements, and procedures for effectively serving as a city council member. Additional information is available on the Division of Community and Regional Affairs Local Government Assistance website.

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I. INTRODUCTION

A city council member plays an important role in the community. Council members have many duties – from listening to and trying to resolve residents’ concerns, to passing an annual budget that balances demand for city services with available revenues and abilities to pay. They are expected to be knowledgeable about community activities and needs, to be problem-solvers, and to act in the best interests of the community while being responsive and fair to all community members and organizations.



There is prestige in being a council member. However, the position of council member requires commitment, dedication, and hard work. It also requires an understanding of the roles and responsibilities, and the authority and limitations of council members as prescribed by state and local laws. When council members perform their duties in accordance with these laws, they help improve the overall quality of life in the community.

Residents are often elected to the city council without having a clear picture of what is expected of them as council members or really understanding the workload and procedures of the council. The purpose of this primer is to provide newly elected council members with information to make the transition from city resident to city council member easier.

This primer has been written for council members for all classes of cities in Alaska. In general, city powers and council procedures are alike in most communities, although differences do exist between home rule, first class, and second class cities, and between cities that are inside and outside boroughs. This primer covers broader concerns of council members, rather than specific differences between classes of municipalities.

II. CITY COUNCIL OVERVIEW

This section describes the authority and the duties of the council, as well as the council’s role in the community and in upholding the public interest. The council’s chief purpose is to serve the public. It adopts and enforces public policy, oversees the management of public money, and provides services based on what the people of the community want. State law says that the council is the legislative body for the city and identifies a number of duties for which the council is responsible. The council also has a broader purpose: to represent, as well as possible, the values, needs, and desires of the city’s residents. Although all city councils have essentially the same legal requirements, the values, needs, and desires of residents may vary greatly from one community to another.

AUTHORITY OF THE COUNCIL

Article 10 of the Alaska Constitution grants broad powers to cities by stating there shall be “maximum local self-government” and that a “liberal construction shall be given to the powers of local government units”. This support for municipal self-government is repeated in Alaska Statute (AS 29.35.400) which states, “a liberal construction shall be given to all powers and functions of a municipality conferred in this title.” As such, a city council may exercise broad powers, within certain limits, to raise revenues, provide services, and regulate activities within the municipality, and the municipality’s authority is not limited to those specifically spelled out in state law.

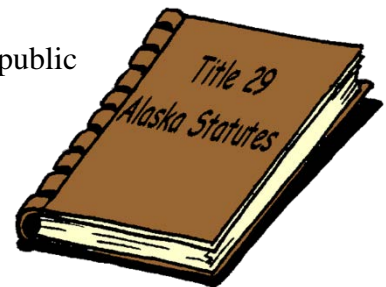
How the council chooses to exercise its authority depends on a number of factors, including the size of a city, its ability to raise revenues, the need for services, and the rate of economic growth and change, but the most important factor is the desires of residents. Residents elect council members to act on their behalf. It is the duty of council members to represent the voters honestly, fairly and impartially.

The powers of a city differ depending on whether it is a first class, second class, or home rule city, and whether the city is inside or outside a borough. All cities have authority from state law to exercise certain powers, but some cities choose to exercise more powers than others.

DUTIES OF THE COUNCIL

Council members are responsible for management of the city’s affairs and are held answerable to the community they serve. Title 29 of Alaska Statutes authorizes municipal governing bodies to perform many duties. Some of the more typical duties include the following:

- Adopt a budget and file required reports with the state
- Adopt a code of ordinances and make the code available to the public
- Establish rules of procedure for the council
- Maintain a public record of meetings
- Establish election procedures
- Acquire, manage, control, use, and dispose of real and personal property



- Provide for the levying of taxes
- Establish, alter, or abolish municipal departments
- Provide for fines and penalties
- Prepare a capital improvements program (CIP)
- Exercise eminent domain (that is, condemn private property for a public use)
- Hire, or confirm the hire of, the police chief, clerk, treasurer, and attorney (depending on the language in the local code)
- Establish a personnel system
- Issue bonds
- Grant, renew, or extend a franchise
- Evaluate the city administration and/or manager (In some cases, the mayor may have this responsibility.)

A city council might not actually perform all these duties, but all city councils have the authority to do so, if they choose. For example, a small city may choose not to exercise eminent domain, issue bonds, or grant a cable television franchise. A city council has other important duties in addition to those listed above. For example:

- Hear and evaluate public testimony
- Assess the need and demand for city services
- Assess public opinion on taxes
- Plan for economic development
- Plan for the future and the well-being of the community
- Hear and respond to citizens' concerns
- Resolve residents' problems
- Lobby for grants and funds
- Perform ceremonial duties

ROLES OF THE COUNCIL

Almost everyone in a small community has an opinion about the council and what it does. Residents often view the council favorably or unfavorably depending on whether or not their own personal needs are addressed or met. So, just what is the council's role in the community?

The council acts on behalf of *all* residents to promote the good of the *entire* community. It is similar to the board of directors of a corporation, except the council's goal is not to maximize profits to shareholders but to maximize the delivery of services to as many people as possible at the lowest possible cost. To achieve this goal, the council must:

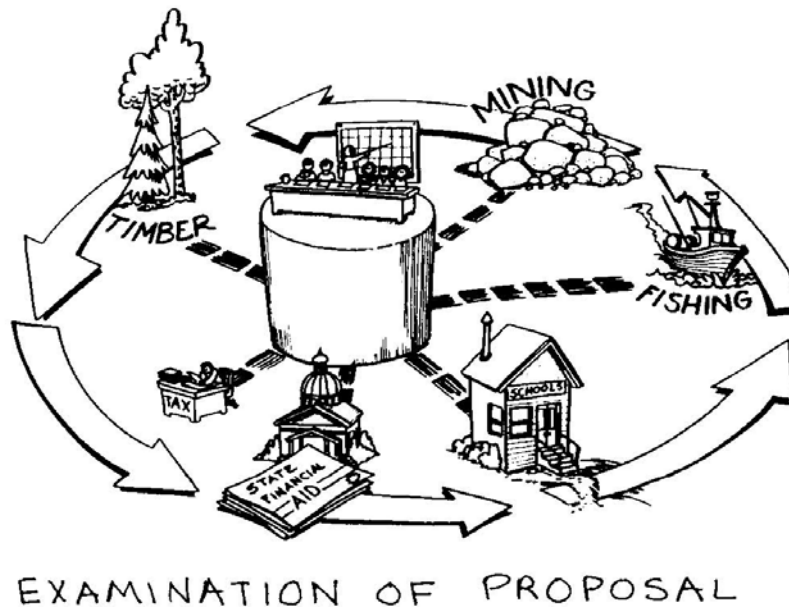
- Manage public funds by planning and budgeting how much money the city will receive and spend.
- Oversee hiring, firing, and evaluating of staff. (The mayor or manager may reserve this authority, but the council must evaluate the mayor and/or manager.)
- Hear citizen complaints and concerns.
- Evaluate projects, proposals, and ideas brought forward by residents, staff, and others.
- Lobby for grants and funds from outside sources and for public support of its proposals.
- Determine the services needed by residents and seek to provide those services.

- Plan for the future and well-being of the community by creating and implementing land use plans, economic development plans, and capital improvement plans.
- Establish policies that provide guidelines for the management and administration of public affairs.



THE CITY COUNCIL UPHOLDS THE PUBLIC INTEREST

The city council is entrusted with upholding the public interest. The public interest seeks the maximum benefit to the community at large, rather than to selected groups or individuals. It is different from a “special interest”, which exists when one person or group of persons seeks to benefit from a council action without regard for the larger interests of the community. To achieve the greatest good for the community with each decision, council members must weigh how that decision affects the public interest and the entire community, rather than only on how it affects a particular individual or group.



III. HOW TO BE AN EFFECTIVE COUNCIL MEMBER



It's not unusual for new council members to be nervous at their first meeting. Should they say anything? What are the right procedures? What rules must be followed? This section provides general tips to help new council members better understand how the council works and how to be an effective member.

KNOW THE COUNCIL PROCEDURES

Councils must follow specific procedures established in state or local laws. For example: Title 29 of Alaska Statutes establishes procedures for meetings of a municipal governing body, for filling vacancies on a city council, and for many other municipal actions. In many cases, cities can adopt procedures that are more specific or detailed than those in Title 29, such as a local requirement to end or recess meetings at 11:00 PM. Following established rules of procedure helps ensure the council conducts its business fairly and consistently.



Your city's **Code of Ordinances** contains all of your local laws. It is the collection of all the permanent ordinances that establish the rules of procedure for the governing body and define how the local government will operate. Ordinances also regulate and control the behavior of the public. You should know what is in the code, especially the chapters on administration, mayor and council, revenue and finance, and public services.

Title 29 of Alaska Statutes addresses municipal government and many of the procedures that apply to city councils. As a public official, you should be familiar with state laws regarding municipal government, and also have an idea how to look something up when questions arise.

BE PREPARED FOR THE MEETINGS

Council members should receive an agenda packet, prepared by the city clerk, before each meeting (generally three to five days in advance of regular meetings, depending on local procedures). The packets include information and documents about the items on the agenda. Take time to read the material in the agenda packets *before* the meeting, so that you will be ready to participate in discussion and decisions *during* the meeting.

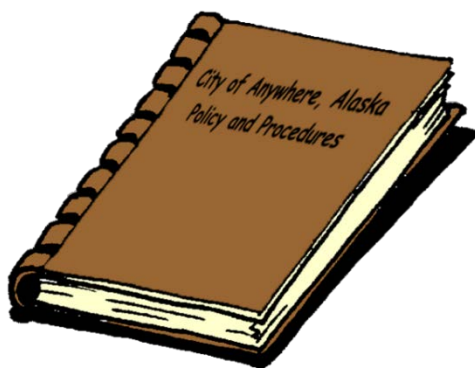
If your city has a comprehensive plan, capital facilities plan, economic development plan, or any similar planning documents, take time to read or review the plans so that you can understand what goals have already been set and what actions have already been completed. Familiarity with planning documents will help prevent unnecessary discussion of issues that have already been decided, and will enable council members to focus on what still needs to be done.

PARTICIPATE IN ALL ISSUES

Sometimes a person gets elected to the council because he or she ran on a single issue, such as lowering the utility rates, or promoting a specific project. Whatever the issue, when single-issue candidates are elected to the council, they must become multi-issue council members, or they are certain to become frustrated and ineffective. The reason is simple. Council members must deal with a lot of different issues on a regular basis. If the single-issue member does not deal with the other issues, he or she risks loss of support and respect from the other members and the public. When this happens, that person's ability to deal with even the single issue important to him or her loses support.



FOCUS ON POLICY, NOT POLITICS



The council is the policy-making body for the city. As such, the council provides guidelines for how the city will do things. Policy making is not a one-time activity that ends after the council approves a policy manual. Instead, it is an ongoing process as the council adopts ordinances, resolutions, and procedures; adopts and revises budgets and plans; establishes fees; implements a capital improvement program; and carries out its other duties and responsibilities.

Effective public policy is created when council members work together and focus on the best interest of the whole community to make decisions based on public input, accurate information and facts, and established procedures. A council that is focused on competing local factions and short-term or personal agendas will have difficulty finding agreement on important public policy issues. Doing the city council's business is a group activity that requires patience, vision, cooperation, and at least occasional compromise.

FOCUS ON ISSUES WITHIN THE COUNCIL'S CONTROL

Some issues may be important to council members and the community but may not be within the council's power or authority to deal with. For example, decisions about prayer in schools, fish and game management, or development in wetlands, may be important to a community, but are not within the council's management authority. Of course, the council may adopt resolutions stating its opinion on such matters, or it may lobby state or federal officials on these concerns, but council members should avoid spending time and energy on issues outside the city's control. The council will always have enough work to do without taking on issues that must be resolved by another governmental entity.

LEARN ALL SIDES OF AN ISSUE BEFORE MAKING A DECISION

A council member cannot make fair and informed decisions without learning all sides of an issue. If you think you already know everything about an issue, you may miss an important opportunity to learn something new. Keep an open mind and refrain from forming an opinion or making a decision on a matter until you hear all sides. In the meantime, try to get as much information on the matter as needed.

Rely on Facts, Not Opinions. Understand the difference between facts and opinions. For example, if someone tells you the proposed animal control ordinance is stupid, they are expressing an opinion. However, if they provide evidence to show it would be too costly to enforce and administer the proposed ordinance, then you have a factual basis for a decision.

Focus on Issues, Not Details. Details are important, but don't get lost in them when considering an issue. Maintain a broad perspective of the issues and their effects; leave the detail work to your staff.

TAKE PART IN DEBATE

The quality of the council's decision-making is improved when all members contribute to the discussion. Express your views and the views of the people you represent. Participation doesn't ensure the outcome will be exactly what you want, but it will ensure that your opinions have been considered.

Don't Be Shy. Nobody else is going to speak up for you. Your idea may be the one that will lead to an answer or a solution, so speak up when you've got something to say.

Ask Questions. Your duty as a council member is to know as much as possible about matters before the council, in order to make informed decisions. If you don't understand something, ask questions. If you have a question, other members probably do also. When you ask questions, it can help clarify matters for you and for other council members as well.

Be Inquisitive, Not Argumentative. You should be assertive if you must, to get the information you need, but you should not pick fights or needlessly anger people in the process.

SEEK SOLUTIONS

There are some people who focus on why something can't be done rather than look for ways to get it done. Be a problem-solver, not a problem-maker. Contribute to debate in a way that will lead to solutions that are practical and doable, otherwise, you'll waste everyone's time offering up ideas that are too costly or impractical, or don't relate to the situation the council is looking at.

Discuss, Debate, and Disagree Without Fighting. No one expects council members to agree on everything. In fact, when disagreements exist, it means different viewpoints are being considered before a decision is made. Looking at different viewpoints is an important part of the decision-making process and ensures the interests of all concerned are given consideration. However, when a disagreement becomes a fight, it becomes too personal. Fighting doesn't solve problems, or help conduct the community's business. The best environment for decision making is one that respects the rights of others. As public servants, council members should not engage in personal squabbles, character battles, or shouting matches among themselves or with community members.



Respect Your Peers. There's an old saying, "What goes around, comes around." If you don't respect your fellow council members and their opinions and positions, they won't respect you and your opinions either. There is no rule that says council members have to be friends, but relationships should be polite and professional. Council members are community leaders and should set an example for others to follow. The best environment for decision-making is one that respects all opinions and the right to express them.

Share Information. If you know something about a proposal before the council that other members don't know, share it with the other members. The decision-making process will benefit when council members share important information with the entire group. Withholding information from other council members is unfair to them and unfair to the public.



Put in Extra Effort. The time you spend at meetings is only a part of the time it takes to be a good council member. Be willing to spend extra time staying informed, preparing for meetings, serving on committees, and attending workshops or training sessions. Try to make sure committee assignments and special assignments are divided equally among all council members, and do your share. Don't expect other council members to do all the extra work.

USE THE STAFF

The council depends on the manager, administrator, clerk, administrative staff, and department heads to deal with the day-to-day business of the city. It is the staff's job to provide the council with the facts, information and reports needed to make a decision. In some cases, it is appropriate for staff to make recommendations for council action. The council should listen to such recommendations and weigh their merits when making decisions on behalf of the community.



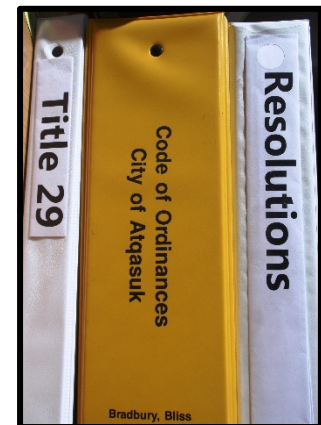
Avoid Micromanaging. The council is responsible for overseeing management of the city's resources, but members must avoid micromanaging. Effective management requires council members to do their jobs without trying to do the staff's jobs too. For example: the council appropriates money in the budget but should not micromanage the money by overseeing every expenditure or by making spending decisions that staff are authorized to make. If \$500 is budgeted for office supplies, the council should not tell the staff which supplies to buy, but should allow staff to make those decisions in accordance with approved purchasing policies. The council is ultimately responsible to account for public money and should have a good sense about what the money is being spent on, but questions that arise need to be addressed through the chain of command.

IV. TOPICS A COUNCIL MEMBER NEEDS TO KNOW

ORDINANCES AND RESOLUTIONS

Ordinances are local laws that establish procedures or govern behavior in the community. They can be enforced through fines or penalties. For example, the city can adopt vehicle and traffic regulations by ordinance, and charge fees for violations. **A resolution** is an official written statement of the council's opinion or position on a particular subject: it does not have the same force of law as an ordinance. For example, a city may adopt a resolution to express support or opposition to a proposed bill in the state legislature, or to authorize participation in a specific grant program.

AS 29.25.010 lists some of the acts required to be by ordinance, for example, establishing a municipal department, or providing for levying of taxes. State law requires that ordinances adopted by the council be assembled into an indexed book called a code of ordinances (AS 29.25.050). Resolutions adopted by the council do not have this same requirement, but are to be kept in a permanent file.



ORDINANCE PROCEDURE

State law (AS 29.25.020) requires that certain specific steps be followed to adopt an ordinance.

1. An ordinance may be introduced by a council member, a committee of the council, the mayor, or the manager.
2. The council, typically at a regular meeting, must set a date for a public hearing on a proposed ordinance. (Usually, the hearing is set for the council's next regular meeting).
3. At least five days before the public hearing, a summary of the ordinance must be published or posted for public review together with a notice of the time and place for the hearing. Municipalities may require a longer notice period for public hearings on ordinances, so always check your city code.
4. Copies of the ordinance must be available to everyone at the hearing, or the ordinance must be read in full.
5. During the public hearing the council must take public testimony from everyone wishing to be heard on the ordinance.
6. After the public hearing, the council shall consider the ordinance, and may adopt it with or without amendment.
7. After the ordinance is adopted, printed copies must be made available to the public in a reasonable period of time.
8. Ordinances take effect upon adoption by the council, unless a later effective date is specified in the ordinance.

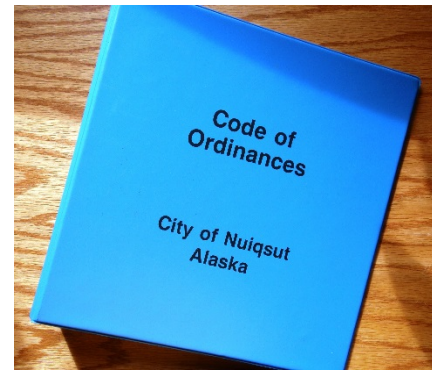
EMERGENCY ORDINANCES

Occasionally, the council may need to adopt an ordinance to address an emergency situation under unusual or extreme circumstances. An emergency ordinance may be adopted without a public hearing, at the same meeting at which it is introduced. The affirmative vote of all members present, or three-fourths of the total membership, whichever is less, is required for adoption of an emergency ordinance. Each emergency ordinance must contain a finding by the council that an emergency exists and a statement of the facts on which the finding is based. An emergency ordinance may not be used to levy taxes; grant, extend, or renew a franchise; or regulate public utility rates. An emergency ordinance is effective for no more than 60 days.

The council should never get in the habit of adopting emergency ordinances as an alternative to the normal ordinance process. The public process should only be avoided for truly emergency situations, otherwise abuse of this procedure could affect the public's trust and confidence in the council.

CODE OF ORDINANCES

All ordinances of a “general and permanent nature” approved by the governing body must be codified. Codification is the process of organizing and arranging ordinances by subject matter (e.g. administration, personnel, revenue and finance, public services, health and safety), assigning a permanent identifying number, and placing them in a “properly indexed book maintained for the purposes of organizing and recording the ordinances” [AS 29.25.050(1)]. This book is referred to as the Code of Ordinances (or Municipal Code) and these codified ordinances are called “code” ordinances. Ordinances that address some specific event in time and are not general and permanent are referred to as “non-code ordinances” and are not placed in the Code of Ordinances. For example: ordinances adopting the annual operating budget, authorizing a special election, or authorizing the sale or disposal of a specific parcel of city land.



The city clerk is responsible, by state law, for codifying local ordinances [AS 29.20.380(a)(5)]. Small communities frequently use a three-ring binder to keep the city’s code organized and updated. Some larger cities have their ordinances codified by a company that specializes in this type of work. These companies typically place the codified ordinances in a hardbound, expandable binder with the city’s name printed on the cover. A city that does not have its ordinances codified and organized should recognize that this matter is serious and should be addressed as soon as possible.



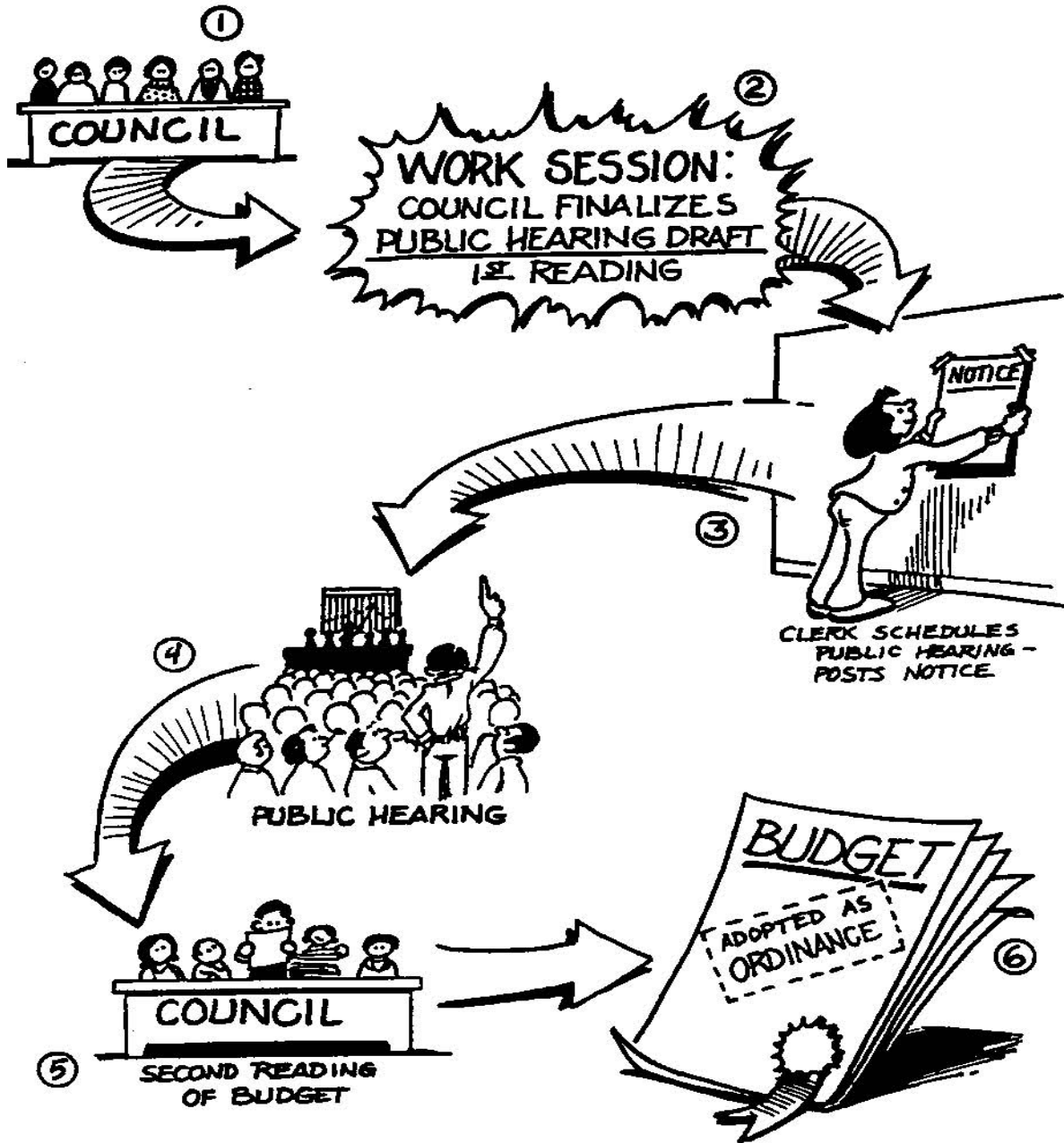
THE BUDGET

One of the council’s main duties is to adopt and implement the annual operating budget each year. The budget is the council’s financial plan for city services, revenue collection, expenditures, and staffing: it is one of the most important documents the council produces.

Work on the budget should typically begin three months before the current fiscal year ends. Council members should carefully evaluate all revenues and expenditures to make sure they are reasonable and necessary. A chart of accounts should be created so that all expenditures can be tracked to the right department, (e.g. administration and finance, council, public works, and public safety) and to the correct cost categories (e.g. wages, benefits, supplies, travel and per diem).

The council adopts the budget when it approves the annual budget ordinance. It implements the budget by reviewing monthly financial reports that compare actual revenues and expenditures to the approved budget amounts, and by making adjustments as needed. Council members should spend time to review and understand the budget and the monthly financial reports. They need to clearly understand if money is being received and spent as approved, and amend the budget when necessary.

BUDGET PROCESS



CONFLICT OF INTEREST

A conflict of interest occurs when a council member has a direct personal interest, usually financial, in a matter before the council. It is okay to have a conflict of interest, but it is wrong to fail to report it and request to be excused from voting on the matter. If a city does not adopt a conflict of interest ordinance, the provisions of AS 29.20.010 automatically apply as the language that directs the city's conflict of interest process:

- A member of the governing body should declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter;
- The presiding officer shall rule on a request by a member of the governing body to be excused from a vote; and
- The decision by the presiding officer on a request by a member of the governing body to be excused from a vote may be overridden by a majority vote of the governing body.

It is not unusual for council members in small communities to have conflicts of interest, but not all conflicts involve a substantial financial interest. Some conflicts may only appear to be improper or to provide an unfair advantage. In order to retain the public's trust and confidence, if a council member thinks he or she has a conflict on a matter before the council, the member should declare the conflict and allow the presiding officer and the governing body to decide whether the council member should vote. A conflict should only be declared when a conflict is really believed to exist: it should never be declared to avoid having to vote on a tough issue.

EX PARTE CONTACT

“Ex parte contact” occurs when someone who wants something from the council takes a council member aside and gets him or her to commit to a position outside the public forum, before the council member has had a chance to hear all sides of an issue. Elected officials are always going to be approached by members of the public who want to raise issues, make complaints, hear explanations, or otherwise talk with council members. One of the duties of elected officials is to speak with and listen to residents, but the line should be drawn when a council member is taken aside, given one side of an issue, and asked to make a commitment before knowing all the facts or having heard the other side.

If someone is trying to persuade council members to take a certain position, that person should be told to present his or her views to the entire council, either in person at a public meeting or in written or digital format that can be copied and distributed to each member as part of a meeting packet. If information is so important that someone persists in giving it to a council member, then it is important enough to share with the whole council.

BOARD OF EQUALIZATION

The council, or its appointees, convenes as the board of equalization only in cities that levy a property tax. AS 29.45.200(a) states, “The governing body sits as a board of equalization for the purpose of hearing an appeal from a determination of the assessor.” The assessor determines the taxable value of property within the city on an annual basis. A property owner who believes the assessor has erred in valuing his or her property may appeal the assessor’s decision to the board of equalization which meets once a year after the assessor has set the taxable values. The person appealing, the appellant, has the burden of proof to show that the assessor’s valuation is wrong.

A council member’s review of the property tax rolls as a member of the board of equalization is a narrow one: there are very limited grounds on which the council member may overrule the property value set by the assessor. The only grounds for adjustment of the assessment are proof of unequal, excessive, or under-valuation based on facts that are stated in a valid written appeal or proven at the appeal hearing. The council sets a poor precedent if it lowers an assessment for someone because he or she is unemployed, has not maintained his or her property, or simply opposes the assessment on principles or personal grounds.

BOARD OF ADJUSTMENT

In cities that exercise planning powers, the council typically sits as a board of adjustment to hear appeals from decisions of the planning commission. The council may also appoint a hearing officer or a committee of residents sitting as the board of adjustment to hear appeals. Appeals may be made from decisions of the planning commission on requests for variances, requests for conditional use permits, and alleged errors in the enforcement of zoning and building codes. The board sits in a quasi-judicial capacity, meaning that the board examines the matter on appeal as a judge might – by examining the record of the planning commission’s decision, calling witnesses, administering oaths, considering testimony, and making a judgment based on the facts. Appeals may be heard “on the record,” meaning no further evidence may be introduced, or “de novo,” meaning new testimony and evidence may be heard to consider evidence that was not presented to the commission at the time of its hearing.

V. MEETINGS

Council members may mingle with the public in various settings, but the official business of the council is conducted in properly posted public meetings, in which matters are brought before the council and discussed, and in which the council makes its decisions. Meetings should be conducted in a calm, orderly environment that promotes decisions based on facts, available information, and respectful discussion or debate.



OPEN MEETINGS ACT

State law (AS 44.62.310) requires that all meetings of a governmental body of a public entity be open to the public, and that reasonable notice of such meetings (including regular and special meetings, work sessions, and committee meetings) must be given. This law is commonly referred to as the Open Meetings Act (OMA).

The city code should contain all requirements for public notice of meetings, including what to include in the notice, where to post the notices, and when to post them. State law requires that notices include the date, time, and place of the meeting; notices be posted at the principal office of the public entity, in addition to any other means and locations stated in local ordinance; and that notices be posted in a consistent manner.



The OMA defines a meeting as a gathering of more than three members, or a majority of the members of the governing body, whichever is less. Public officials should exercise caution when engaged in discussion about municipal issues among themselves outside of a publicly noticed meeting. This kind of discussion can be construed as violating the Open Meetings Act.

As a practical matter, people talk to one another about the things they have in common, and council members are no exception. When members pass each other on the street or visit one another at home, it is natural that the conversation includes city business. Council members must be careful not to commit a vote or seek another member's commitment on an issue before topic can be discussed at a public meeting. Exchanging information, ideas, and viewpoints can be valuable, but council members, and all public officials, must be mindful of the provisions of the Open Meetings Act.

Alaska courts have ruled strongly in favor of the Open Meetings Act. Actions taken at unnoticed or improperly noticed meetings can be voided. It can cost cities a great deal of money to defend officials against charges of OMA violations.

TYPES OF MEETINGS

City councils hold various types of meetings, including the following:

State law requires municipal governing bodies to hold **regular meetings** at least once a month unless otherwise provided by ordinance [AS 29.20.160(b)]. In some communities, regular meetings are held twice a month. A regular meeting is one that is held at the same time and place each month, such as the first Tuesday of each month at 7:00 PM in the City Hall. The code of ordinances should specify the date, time, and place of regular meetings. This requirement is in place to make it easier for the public to attend meetings without concern about the date, time, and place always changing. At times it may be necessary to reschedule a regular meeting, in which case notice must be posted for a special meeting, informing the public of the change in schedule.

Special meetings are meetings that are called for a different time than that fixed for regular meetings. A regular meeting that is postponed and rescheduled to a new time or place is considered a special meeting. Special meetings can also be held if action is required that cannot wait until the next regular meeting, or to address issues requiring special attention; in which cases they are usually limited to one or two specific topics. Special meetings must have at least 24 hour notice.

In rare cases when a situation is so urgent that the council must meet right away (e.g. during a natural disaster), a special meeting may be held with less than 24 hour public notice if:

- a majority of council members are given at least a 24-hour oral or written notice and reasonable efforts are made to notify all members;
- all members are present; or
- absent members have waived in writing the required notice. Waiver of notice can be made before or after the meeting is held. The waiver of notice must be made part of the journal or minutes for that meeting.

The mayor may appoint both standing and ad hoc committees of the council to examine particular questions or issues in greater detail. Standing committees exist permanently. These may include a finance committee, a public works committee, and a facilities committee. Ad hoc committees are formed to address a specific situation and are disbanded once the situation has been dealt with. Committees may be composed of council members, or a mix of council and community members. **Committee meetings** give the council a chance to study issues before they are ready for council action and to identify any problems, concerns, or difficulties that may exist. A committee cannot take action on behalf of the full council; instead, it recommends an action to the council.

A work session is a gathering of the council members to gather information, exchange ideas, develop plans, or participate in training regarding a specific topic or issue before it comes before the full council as an action item. Work sessions differ from meetings in that council members cannot make motions, approve resolutions or ordinances, or take action on an item that requires a council vote, although members can make recommendations for action at a future council meeting. Because the council cannot take official actions during a work session, minutes are not required.

When the whole council meets in a work session, it is often called the “committee of the whole.” Usually the committee of the whole meets to discuss important items that are not ready for council action but need further council discussion in an informal setting that promotes the exchange of ideas. For example, if a second class city is considering adopting planning powers, the council may want to meet as a committee of the whole to talk the issue through before an ordinance is drafted for formal action.

NOTICE OF MEETINGS



Proper public notice must be provided in advance of council meetings. For regular meetings, notice of three to five days is considered reasonable. Special meetings require at least 24 hour notice, but can be held with less notice to address urgent situations, as long as they meet the requirements in state law. Notice should also be provided for work sessions and committee meetings.

State law requires notices to include the date, time, and place of the meeting; to be posted at the principal office of the public entity, and to be posted in a consistent manner. Many communities provide the meeting agenda as the public notice, and post it at well-used locations in town, such as the post office, the store, and the community bulletin board.

Notices may also be published in a newspaper of general circulation in the community or broadcast over a local radio station. It is important that the public knows where notices will be posted and knows what business will be discussed at the meeting. Your local ordinances should specify when and where to post notices, and what should be included in them.

THE AGENDA

A meeting agenda is a list of the order of business to be taken up at a meeting, in the order that it will be considered. For example:

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes of Previous Meeting
- IV. Public Comment on Non-Agenda Items
- V. Manager’s or Administrator’s Report
- VI. Ordinances for Introduction
- VII. Public Hearing on Ordinances and Resolutions
- VIII. New Business
- IX. Old Business
- X. Committee Reports
- XI. Council Comments and Questions
- XII. Adjournment

The council should approve an agenda format to be used at all regular meetings. The order of the agenda may be changed at a meeting by majority vote of the council, but changes should be made only when there is a good reason.

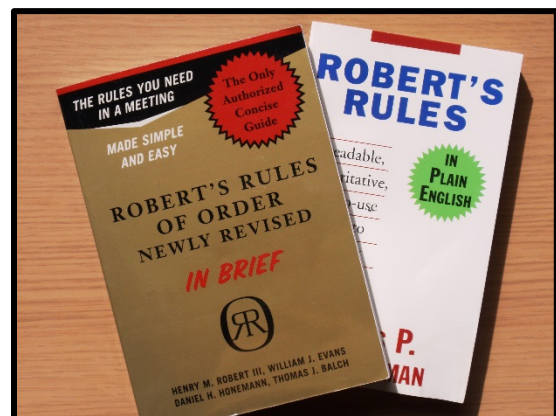
QUORUM

A quorum is the minimum number of council members required to conduct business. For municipal governing bodies, state law defines a quorum as “a majority of the total membership of the council” [AS 29.20.160(c)]. In first and second class cities, the majority is always four members or more. In second class cities, the mayor is elected as a council member. In first class cities, the mayor is elected separately; he or she is not considered a member of the council, and is not counted as part of the quorum.

A member who is disqualified from voting is considered present for purposes of a quorum. If a quorum is not present, any number of the members present may recess or adjourn the meeting to a later date. Formal actions of the council must be adopted by a majority of the full membership, never by a majority of the quorum. If only four members (a quorum) are present at a meeting, all four members must vote in favor of a motion in order for that motion to pass: if any one of the four members votes against the motion, it fails. For this reason, it is highly recommended that sensitive, complex, or difficult matters should be brought up for a vote only when all the members are present.

PARLIAMENTARY PROCEDURES

Parliamentary procedures are formal procedures governing the conduct of meetings. Although people often think parliamentary procedure is too complicated to make sense, the basic rules are not as complex as they fear, and there are many resources available to help understand parliamentary procedure and use it correctly. The use of parliamentary procedure for meetings fulfills some important purposes. It provides form or structure for debate. It ensures that only one item at a time is before the council for debate. It provides a forum for debate that is fair to everyone and partial to no one: and it permits the will of the majority to prevail while protecting the rights of the minority and allowing all members to be heard. Councils can adopt their own rules for parliamentary procedure, but most use *Robert's Rules of Order* because this set of guidelines is familiar and well- established.



MOTIONS

Under parliamentary procedure, all items requiring action by the council at a meeting must be brought before the members as motions. A motion is a formal proposal by a member of the governing body that a specific action be taken. (E.g. “I move that we approve the proposed rate increase”). There are four basic types of motions: main, subsidiary, privileged, and incidental.

A main motion brings an item of business before the council for its formal deliberation. Only one main motion may be on the floor at a time. Main motions cannot be made when any other motions are on the floor. All main motions require a second before discussion on the motion can take place.

Subsidiary motions amend the main motion, and are voted on before returning to the main motion.

There are seven subsidiary motions:

- Postpone indefinitely
- Amend
- Refer to a committee or staff
- Postpone to a certain time
- Limit or extend the limits of debate
- Call for the previous question (vote)
- Lay on the table

These motions are listed in their order of precedence: that is, they must be dealt with in order (from bottom to top) if more than one is on the floor at the same time. For example, a motion to “lay on the table” has precedence over all other subsidiary motions and so on up the list. The most common subsidiary motion is the motion to amend.

Privileged motions deal with the rights of the members and with the group, not with the other motions on the floor. A privileged motion may interrupt other business, is not debatable, and must be dealt with before any other pending business. There are five privileged motions:

- Call for the orders of the day (made when a member believes the meeting is not following the approved agenda)
- Raise a question of privilege (called for example, if a member cannot hear the speaker)
- Recess
- Adjourn
- Fix the time to adjourn

The privileged motions are listed here in the order of precedence (from bottom to top), with the motion to fix the time to adjourn having precedence over the others, and so on up the list.

Incidental motions deal with questions of procedure and rather than the main motion. They do not have an order of precedence, and as a rule, are not debatable. An incidental motion must be dealt with before returning to the main or subsidiary motions. There are 15 incidental motions, but the most common ones are:

- Point of order
- Point of information
- Parliamentary inquiry
- Division of the question
- Appeal a decision of the chair

Other incidental motions are rarely used, but can be reviewed in *Robert’s Rules of Order*.

MAKING A MOTION

Robert's Rules of Order require that every motion have a second. In *Mason's Manual of Legislative Procedure*, motions do not require a second.

Making a motion consists of the following steps, in order:

1. A council member seeks recognition from the chair
2. The member is recognized by the chair and "has the floor"
3. The member makes a motion
4. Under Robert's Rules of Order, the motion is seconded. (Under Mason's Manual of Legislative Procedure, motions do not require a second).
5. The chair restates the motion to the body
6. For main and subsidiary motions, the council debates the motion. (Incidental and privileged motions are not debatable).
7. Council votes on the motion
8. The chair announces the result of the vote

Discussion (or debate) on agenda topics occurs after a motion has been made and seconded by council members. If a council member wants to speak, he or she must be recognized by the mayor (or presiding officer, if the mayor does not run the meetings). The member may then speak only on the motion under discussion. Comments should be concise and to the point, and members should not interrupt one another.

VOTING

Once debate on a motion is completed, the council must vote on the motion. Every member present must vote unless the member declares a conflict of interest and the mayor (or presiding officer) rules that the conflict prevents him or her from voting. Members may vote by a show of hands, roll call vote, or some other method prescribed in local procedures but every council member's vote must be recorded as a "yes" or "no" unless the vote is unanimous.

A member can only abstain from voting if he or she has a conflict of interest on the particular matter being voted on. The member must explain his or her conflict and get a ruling that a conflict does or does not exist. The mayor's ruling may be overridden by a majority of the council.

Unanimous consent occurs when all members vote in favor of a motion. Sometimes unanimous consent may be requested as part of a motion, especially when the person making the motion knows the item is not controversial. The person making the motion might say, "Mr. Chair, I move for the adoption of Resolution 10-23 and ask for unanimous consent." The chair then asks if there is any objection: if there is none, the item is adopted by unanimous consent. Discussion may be permitted but usually only for clarification. If there is objection, then debate occurs and the matter goes to a vote.

ROLE OF THE MAYOR IN COUNCIL MEETINGS

According to Title 29, the mayor is the presiding officer at council meetings. Council and community members look to the mayor to provide leadership during the meeting. The mayor should understand the issues before the council, know and understand the members of the council, and be able to bring matters to a vote.

As presiding officer, the mayor is responsible for running an orderly meeting and conducting public business in a fair and timely manner. The mayor should not permit council members to be rude, confrontational, or argumentative with one another or the audience, nor should the mayor allow cheering, booing, or other demonstrations or interruptions from the audience. Discussion between council members and members of the public who are testifying should be limited to fact gathering that helps the council make informed decisions. A sign-up sheet should be used to identify members of the public who want to speak on items before the council, and to manage their testimony. If a lot of people want to speak, the mayor should set a time limit per speaker (usually three minutes). Rambling, irrelevant testimony should be discouraged.

Under state law, the city clerk serves as parliamentary advisor for the governing body, but the mayor needs to know enough about parliamentary procedure to be able to run an orderly meeting and to bring matters to a vote. The mayor must be able to take into account public testimony and council deliberations, and must have an understanding of the issues at hand when guiding the council toward a decision. Once a decision is made, the mayor should have the ability to follow through on the actions decided at the meeting.

VI. COUNCIL RELATIONSHIPS

The council interacts with many different individuals and groups of people: the mayor and the administrator or manager, the planning commission or other committees, the administrative staff, the public, and others. This section addresses those relationships.

COUNCIL AND THE MAYOR



State law grants executive power in a municipality to the mayor [AS 29.20.220(a)]. The powers and duties of the mayor vary depending on the class of city (home rule, first class, or second class) and on whether or not the city has a manager form of government, in which the manager serves as chief administrative officer and mayor's role is more as the ceremonial head of government. However, the relationship between the mayor and the council is basically the same for all classes of cities. The mayor is the political leader of the city and holds the city's highest elected office. As such, the office of mayor is typically granted a certain respect.

Whether or not the mayor is personally liked by council members, they should set aside any personal differences and work together for the common good of the community. If the mayor and the council let personal differences get in the way of conducting public matters, the results will be wasted time and effort, constant conflict, lack of progress on important matters, and loss of trust and public confidence. The council members may not always agree with the mayor and all of his or her decisions but they should strive to work with the mayor in a manner that:

- Projects a positive image
- Makes best use of the council's time
- Promotes teamwork
- Permits work to go forward and progress to be made, and
- Involves the whole council, including the mayor, in solving problems.

An organized, well-informed council that works together with the mayor helps strengthen the well-being of the community.

COUNCIL AND THE ADMINISTRATOR

Cities may have either a mayor or a manager form of government. In cities that do not have the manager form of government, the mayor is the chief executive and administrative officer and may exercise powers granted to the position in Title 29 and the local code. An administrator may be hired to conduct city business and carry out the directives of the mayor and council. The mayor typically hires the administrator, which may be subject to council approval, depending on the local code.



Unlike a manager, an administrator's authority doesn't come from state statute. The administrator performs only those duties that are delegated to his or her position. It is very important that the council clearly identify the duties of the administrator by ordinance, resolution, written job description, or written delegations of authority, so that everyone, including the public, understands what the administrator is authorized and expected to do.

The administrator works for the entire council, but as a practical matter, reports directly to the mayor. Individual council members are not authorized to order the administrator to do things the council has not discussed and approved or that the mayor is unaware of and has not approved: attempting to do so disrupts the chain of command and can easily create friction and confusion. After all, what if another council member or the mayor has an entirely different view and also orders the administrator to do something? The full council should evaluate the administrator annually, although the mayor may also complete the evaluation. The council should have authority to approve of the administrator's contract.

COUNCIL AND THE MANAGER

In a manager form of government, the manager is hired by the council and serves as the chief administrator and assumes many of the powers and duties that would otherwise belong to the mayor. These powers and duties are specifically identified in state law (AS 29.20.500). The manager is hired by and serves at the pleasure of the council. The council is responsible for evaluating the manager.



Tips on the Council's Relationship with the Manager or Administrator

Whether a city employs a manager or an administrator, the council should:

- Clearly define its expectations for the person in that position
- Give the manager or administrator clear direction on assigned tasks or duties
- Give the manager or administrator the opportunity to use his or her professional skills
- Evaluate the manager's performance on a regular basis
- Never blame the person for actions initiated by the council that may be unpopular

When interacting with the council, the manager or administrator should:

- Always help to resolve issues
- Seek clarification if council direction is unclear or conflicting
- Focus on facts rather than personal opinions
- Avoid picking sides in a dispute
- Explain items to the council – never lecture
- Never promote conflict or division
- Never act as the eighth council member
- Never try to hide or cover up mistakes



COUNCIL AND STAFF

City staff are supervised by the mayor, the administrator, or manager. The council may hire, fire, and evaluate the manager or administrator, attorney, and clerk, but the council should not engage in the day-to-day supervision of employees. The relationship between council members and staff plays a significant role in determining how effective the council and staff can be.

The Staff Advises. It is the staff's job to provide the council with facts, information, and reports needed to make good decisions. As such, it is also customary for managers, administrators, department heads, and other staff to make recommendations and provide options for council action. Council members should consider such recommendations and options when making decisions. At the same time, the council should not expect staff to make decisions that are the responsibility of the council. Such expectations can place a staff member in the awkward position of substituting his or her judgment for the collective judgment of the council. This expectation is unfair to the staff person, and can unnecessarily make him or her a scapegoat for mistakes.

If you have problems with a staff report - for example, if it appears to favor one group or person over another or you question whether the facts are accurate, ask for clarification. If possible, talk to the staff member beforehand instead of putting him or her on the spot during a public meeting. It is important to maintain a good working relationship with the staff.

When providing instructions to staff to perform assignments, the council must go through the manager, mayor, or administrator) and not directly from the council to the staff member. Following the chain of command allows the manager, mayor, or administrator to know what staff members are doing, manage the workloads, and make staff assignments appropriately. Individual council members should not give instructions to the staff without the prior consent of the full council because one member's instructions may not represent the shared viewpoint or position of the full council.

COUNCIL AND COMMITTEES



Councils often form committees to work on short-term or one-time issues (ad hoc committees) or long-term interests (standing committees). Committees (and boards or commissions) typically serve as advisory bodies to the council. Depending on the authority granted by the council and local ordinances, they can make decisions or recommendations, subject to council approval. The council benefits from having strong, capable committees that can focus

on specific issues (e.g. planning, utility rates) and handle a lot of work on behalf of the council, work the council does not have time to do. A committee that can give the council solid reasons for the positions it takes will help the city council make good decisions.

EVALUATIONS

The mayor, council, or both should evaluate the administrator or manager and any other position under their direct control once a year. The city personnel policy should specifically identify who performs the evaluation. Performance evaluations tell affected staff how well they are performing and what – if any -improvements can be made to meet job expectations or improve job performance. Evaluations provide records of employee performance that can be used for personnel actions or to respond to requests for references. Evaluations are also useful exercises for council members to assess their own expectations for the performance of city employees.

Employees should be hired based on their abilities and evaluated based on their performance; otherwise, the council could be accused of cronyism or favoritism. Preferential treatment can create distrust and can erode community respect and support for the council. A weakened council cannot represent the community as well as a council that is principled and fair.

Council members should not base evaluations of a manager, administrator, or employee on personal feelings. After all a manager who is not particularly well liked by a member of the council could be doing a great job and exceeding the council's overall expectations, whereas a manager who is close friends with a council member might be doing an average or unacceptable job. Employees and staff should not be evaluated on the basis of popularity. Each evaluation should be based only on performance.

Summary

Each city council member is entrusted to make objective, well-informed decisions which affect the everyday lives of people in the local community. Council member can meet this challenge by understanding their roles and responsibilities, knowing laws and procedures that govern their actions, setting aside personal agendas, and working together with other council members, the mayor, staff, and the public to make decisions in the best interest of the community.

