

Mayor's Handbook

A Primer for Small City Mayors



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Chapter I. Introduction

This handbook is intended as a primer, or a kind of introductory “how to” book, for the mayors of small municipalities. The purpose of this handbook is to focus on the many similar traits and characteristics in the office of the mayor, regardless of the class of municipality or form of government. The emphasis, however, is on municipalities with the “strong mayor” form of government. The handbook is meant to answer commonly asked questions, provide important information, and familiarize small-town mayors with the full range of responsibilities and duties that are expected of them by the public, members of the council, and outside agencies.

Mayors are elected differently in “first class” and “second class” cities. The actual powers of the mayor differ between “general law” (first and second class) and “home rule” municipalities, and between cities with the strong mayor and the manager forms of government. (These forms of government are described in Chapter III.) Although these differences are important, many aspects of the mayor’s job are similar, regardless of the class or type of government. This handbook highlights those similarities.



Chapter II. The Job of the Mayor

The position of mayor is considered one of the most important elected positions in town. By virtue of being chosen by residents, the mayor is acknowledged to be a civic leader, someone who has earned the confidence of the community. The mayor may not be the most powerful, or even the most popular, person in town. However, the mayor sits in a strong position and can use considerable influence in determining city finances, taxes, services, and other policies. The mayor chairs the council meetings and is expected to lead the council to resolution even on difficult issues.

The mayor is a visible public figure, frequently consulted or criticized about city affairs. Typically, the mayor has to work harder at her or his job than council members because the mayor is expected to know about all issues facing the city. The position can be time-consuming, even unrewarding, but it remains a position of responsibility and respect that can bring out the best in people and give hard-working and committed residents an opportunity for leadership.



Chapter III. Legal Basis for the Mayor's Duties

The legal basis for the mayor's duties is explained in state law (Title 29 of the Alaska Statutes [AS]) and local law (the city code of ordinances).

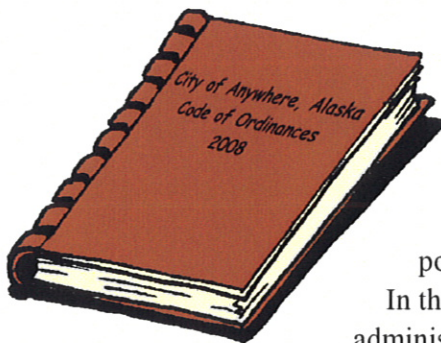
Title 29

State laws, or statutes, are contained in 47 titles covering subjects from agriculture to public records. Title 29 contains state laws for municipal governments, including a description of the powers and duties of the mayor. Title 29 states:

Sec. 29.20.250. Powers and Duties of Mayor.

(a) If a municipality has not adopted a manager form of government, the mayor is the chief administrator and the mayor has the same powers and duties as those of a manager under AS 29.20.500.

(b) The mayor may take part in the discussion of a matter before the governing body. The mayor may not vote, except that the mayor of a first class city or the mayor of a borough with a manager form of government may vote in the case of a tie. The mayor of a second class city, as a council member, may vote on all matters.



For clarification, a manager and an administrator are different. Many cities hire an administrator, who may work for the mayor, but usually works for the whole council. In this arrangement, the mayor is the executive and chief administrator (called strong mayor form of government) and the hired administrator can exercise powers or duties only as delegated by the mayor and council. In the manager form of government, the manager is the chief administrator. A city must hold an election to adopt the manager form of government. The duties of the manager are listed in Title 29.

Sec. 29.20.500. Powers and Duties of a Manager.

The manager may hire necessary administrative assistants and may authorize an administrative official to appoint, suspend or remove subordinates. As chief administrator the manager shall

- (1) appoint, suspend, or remove municipal employees and administrative officials, except as provided otherwise in this title and AS 14.14.065;
- (2) supervise the enforcement of municipal law and carry out the directives of the governing body;
- (3) prepare and submit an annual budget and capital improvement program for consideration by the governing body, and execute the budget and capital improvement program adopted;
- (4) make monthly financial reports and other reports on municipal finances and operations as required by the governing body;
- (5) exercise custody over city property, except property of the school district;
- (6) perform other duties required by law or the governing body; and
- (7) serve as personnel officer, unless the governing body authorizes the manager to appoint a personnel officer.

Keep the following rule of thumb in mind: In a city with the strong mayor form of government, the mayor has substantial authority over the day-to-day operations of the city (as chief administrator) and is the chief executive. In a town with the manager form of government, the mayor remains the chief executive but delegates administrative duties to the manager.

Local Code

The municipal code of ordinances usually has information about the mayor's powers and duties. The mayor should read the section of the city's code about the mayor, so that he or she knows exactly what kind of laws have been adopted by the council. Two examples of the mayor's powers and duties, as described in the municipal code of ordinances for each community, are provided below. The first example is from the City of Rocky Point, a first class city with a strong mayor form of government. The city code is based closely on Title 29. The second example is from the City and Borough of Kivlektortk, which has a manager form of government. The administrative duties are delegated to the manager by law.

Mayor's Powers in the City of Rocky Point

1. Appoint city employees and administrative officers, except as provided otherwise in local ordinance or in AS 14.14.065; hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates.
2. Suspend or remove by written order city employees and officers except as otherwise provided in local ordinance and AS 14.14.065.
3. Supervise enforcement of city law.
4. Prepare the annual budget and capital improvement program for the council.
5. Execute the budget and capital improvement program as adopted.
6. Make monthly financial reports to the council on finances and operations.
7. Report to the council at the end of each fiscal year on the finances and administrative activities of the city.
8. Exercise custody over all real and personal property of the city.
9. Serve as personnel officer unless the council authorizes the mayor to appoint a personnel officer.
10. Execute other powers and duties specified in Alaska Statute (Title 29) or lawfully prescribed by the council.
11. Act as ex officio chairman of the various boards and commissions when required.
12. The mayor may take part in the matters before the governing body, but in the case of a first class city, may not vote except in the case of a tie.

Mayor's Powers in the City and Borough of Kivlektortk

2.16.010 Mayor as Executive. The mayor shall preside at assembly meetings, act as ceremonial head of the borough, execute and/or sign documents on the borough's behalf on authorization of the assembly, and is responsible for those additional duties and powers described in section 2.16.020 and any others which from time to time shall be authorized by the borough assembly.

2.16.020 Mayor's Additional Duties. The mayor shall, in addition to the powers and duties conferred on his office by section 2.16.010:

- A. Act as ex officio chairman of the board of adjustment for matters of building and zoning regulations of the Borough; and
- B. Act as ex officio chairman of the board of equalization for matters of taxation and special assessments.

It is evident when reading these two codes that having a manager form of government makes a great difference in the legal duties of the mayor.

In the following chapter, the mayor's administrative and executive duties are explained in more detail.

Chapter IV. Legal Responsibilities of the Mayor

The mayor has both administrative duties and executive duties. Basically, administrative duties include work such as paying bills, answering letters, completing forms and applications, submitting reports, researching council questions and explaining council policy, working with vendors such as insurance providers or construction contractors, and other day-to-day activities. In some cities, the mayor and council may delegate these duties to an administrator or other staff.

Executive duties, on the other hand, are the leadership duties that the mayor may exercise. In the case of temporary absence or disability, the mayor may designate a person to act as mayor, subject to the approval of the council or assembly.

Administrative Duties

Appoint, Suspend, or Remove Officials

The mayor has the power to hire, fire, and discipline employees. This power must be exercised with thought and discretion. An employee should be hired based on merit and ability. An employee should be disciplined or removed only for just cause such as inability or failure to perform the job. Abuse of this power can lead to charges of favoritism or cronyism, cause the public to become disenchanted and cynical about the city government, and even lead to lawsuits if an employee is dismissed for personal or political reasons unrelated to job performance. Many cities have personnel ordinances as part of the city code that specify the procedures and rules for hiring, evaluating, and dismissing employees.

Supervise the Enforcement of Law

This supervisory responsibility does not mean the mayor has to be a policeman. It does mean that the mayor is ultimately responsible for the enforcement of local law and must ensure that local laws are being fairly administered and implemented. The mayor may supervise a police officer or a Village Public Safety Officer (VPSO). A member of the council may be in charge of public safety, or, in some cases, the mayor may have to deal directly with a violation. Local officials may also enforce state laws, but they should do so in communication with the state troopers.

Prepare the Annual Budget

Although preparation of the annual budget is listed as a responsibility of the mayor, the entire council should participate. Usually, the whole council sits as a finance committee in the spring to write the next year's budget. The mayor should lead these discussions and may wish to "push" for certain activities, such as road grading or sewer system maintenance, that reflect her or his priorities. The mayor may also take the lead in budget writing by estimating revenues and expenditures for the upcoming fiscal year based on actual figures in the current fiscal year.



Make Monthly Financial Reports

There is no substitute for reliable information. Whether making changes to the budget or developing an accurate "snapshot" of the budget partway through the fiscal year, having accurate information is essential. The monthly financial report provides this information. It is a running tally of revenues, expenditures, and account balances that tells the council whether the municipality is spending more or less than its budget and where funds can be transferred between budget line items if needed.



Exercise Custody over Municipal Property

This custody responsibility does not mean the mayor has the only set of keys to the maintenance garage or the health center. The council adopts policies and procedures for municipal property — which it may write itself or accept as a recommendation from the staff — that the mayor, as chief administrator, is ultimately responsible for implementing. The actual day-to-day responsibility may be delegated to the administrator, clerk, or in a bigger town, the public works foreman.

Perform Other Duties

Mayors have many duties that are not listed in Title 29 or even in the local code of ordinances. The mayor should know what the code says. At the same time, the mayor should also recognize that duties that have “grown up” around the office may have resulted from council policy; local tradition or custom; or a particular mayor’s leadership style and abilities. Many duties expected of the mayor are not described in state or local law. These duties are discussed in Chapter VI, Political Responsibilities of the Mayor.

Serve as Personnel Officer

The personnel officer is the person in charge of hiring, firing, evaluating, and disciplining employees. In a larger town, this duty often is delegated to a staff person, such as the administrator. In a town with minimal staffing, delegation of these personnel-related activities may not be possible. Still, the mayor and council can take actions to make this job easier. For example, the mayor can form a personnel committee on the council to draft personnel policies and procedures for review and adoption by the full council. The mayor and council can (and should) write job descriptions for each city position. Employees can (and should) be evaluated regularly. The council can participate in hiring interviews. Keeping



these simple rules in mind can help the mayor “do the right thing,” such as hire people based on their ability for that job, evaluate employees based on their performance, and always be fair with everyone.

Executive Duties

Preside over Meetings

The mayor chairs the meetings of the council. This job can require tact, patience, problem-solving ability, and persistence. The mayor must know the issues and be prepared to lead the council through discussion and resolution of some difficult issues. This important role of the mayor is discussed in detail in Chapter VIII, Running a Meeting.



Execute Official Documents

The mayor executes an official document by signing it. The document may be an ordinance or resolution adopted by the council and witnessed by (typically) the city clerk. It may also be a grant agreement, a payroll check, or a purchase order for chlorine for the water system. A document is official when it commits the city politically, legally, or financially to some course of action.

Act as Ceremonial Head of Government

The mayor, whether cutting a ribbon to open a new building or greeting a visiting delegation from China, is acting as the ceremonial head of government. As the political leader of the city, the mayor is expected to be the city’s official host and official greeter, basically a goodwill ambassador and master of ceremonies rolled into one. If this role is too uncomfortable or too “foreign” to the mayor, it may be delegated to the vice-mayor or to a council member. However, neither of these other positions carries the importance or distinction of the office of mayor.

Use Veto Power

A veto is the mayor's refusal to sign an ordinance or resolution into law or to accept a council motion or other council action. The mayor must state, in writing, the reasons for vetoing an ordinance, resolution, motion, or other council action. The mayor may also use the veto power to strike or reduce appropriation items in the city budget after it has been adopted by the council.

NOTE: The mayor of a second class city does not have veto authority. Further discussion of vetoes is included in Chapter VII, Technical and Legal Aspects of the Job.

Chapter V. Personal Responsibilities of the Mayor

This chapter describes a range of topics that pertain to the role of mayor, focusing on both personal traits and obligations. The discussion explains what is expected of the mayor in terms of personal contributions and what characteristics help a mayor succeed.

Commitment

Imagine if a mayor is not really interested in doing the job, or spends very little time or effort at it. Community members likely would not want someone like that representing them at city hall. The mayor needs to care about the community and needs to be committed to the continued well-being of the community. Most of all, the person must want to be the mayor, not for the glamour, the prestige, or the benefits of the office, but because the person is sincerely interested in the position and in doing the best job possible.



Sufficient Time

Time must be devoted to many activities to perform the job of mayor properly. The mayor must find time to do the following:

- ☑ Attend meetings and work sessions,
- ☑ Be available to constituents and to local groups and organizations,
- ☑ Spend time when not at meetings and other activities to learn about issues and problems, and
- ☑ Be available to meet and work with other communities, state and federal agencies, the legislature, and other organizations with which the community does business.

In addition, the mayor must be willing to take the lead on important community initiatives. There is no shortage of activities for the mayor. In fact, a mayor must often say “no” rather than “yes” to many demands on his or her time. Delegating duties, or identifying what not to do, is often a difficult and time-consuming task for the mayor to perform, as well. The mayor should be prepared to put in a considerable amount of time above and beyond a regular job, anywhere from 5 to 20 hours a week.



Concern for Community

Everyone wants a bright future for her or his community: jobs, adequate housing, and good public health. Not everyone, however, is willing, interested, or able to make good things happen for the community. The mayor is very often the focal point for such concern, whether or not she or he wants to be. Residents assume that a person who runs for mayor, or who is elected mayor by the council, wants to work for the benefit and improvement of the community. A mayor who is not concerned about the well-being of the community or who fails to show any interest in community improvement ends up frustrated and unhappy.

Ability

No one is expected to know all about the job of mayor when elected. People realize the mayor has to learn “on the job” and that it takes time — a few weeks or even months — for the mayor to understand his or her duties and establish a pattern. The point is, people expect the mayor to meet the challenge of the office by showing not only energy and interest, but ability as well. The many capabilities and areas of expertise required include knowledge of the law, leadership, fairness, vision, good work ethic, and understanding the issues. As different people have different talents, mayors have differing abilities. Because every mayor brings his or her own abilities, each person also performs the job of mayor differently.

Work Ethic

The mayor is expected to work harder than members of the council because, in the leadership position, the mayor is expected to understand all the issues and guide the council to action. Hard work can overcome many other obstacles. Hard work combined with vision and leadership can effectively achieve community objectives. Communities with lazy mayors, and councils that don’t care, face many obstacles when trying to make positive decisions for the community.



Leadership

Leadership is not just being in charge; it is not achieved by merely having a title or an official position. Leadership is a personal quality that involves taking charge, taking responsibility, making decisions based on credible information, understanding the interests of the community, exercising good judgment, being fair, and respecting others. Many qualities make a good leader.

Vision

Vision is the ability to look into the future and have a picture — a snapshot — of where the community should be in 2, 5, or 10 years. This vision may include new facilities for youth or seniors; increased (or decreased) community services; social initiatives dealing with alcohol; economic development; infrastructure such as water, sewer, housing, and roads; or any number of other matters. Most important is that the vision is strongly linked to the overall welfare and needs of the community. Much harder than having a vision is the ability to identify and undertake the step-by-step accomplishments that fulfill the vision. It can, and probably will, take considerable time to realize a vision through actual projects, accomplishments, budget appropriations, and so on.

Chapter VI. Political Responsibilities of the Mayor

The mayor, as a governmental figure, interacts with the public, council members, and other officials. This chapter describes various expectations associated with different political roles and identifies the political duties of the mayor.

Ombudsman

Webster's Dictionary defines an ombudsman as "a government official who receives and investigates complaints made by individuals against abuses or capricious acts of public officials." People naturally bring their complaints about city employees and city policy to the mayor.

In some cases, people may simply want to voice a complaint. In other cases, people expect the mayor to look into their complaint and respond to them. It is the mayor's job to determine the validity of complaints, take corrective action if necessary, and report back to the person making the complaint. Complaints can also be without merit, in which case the mayor should explain or defend the city's position.

Advocate and Lobbyist

As chief spokesman for the city, the mayor is expected to be an advocate for city interests and for positions taken by the city council. Advocacy can take many forms. For example, the mayor may act as a lobbyist, promoting city projects with state and federal agencies and the legislature. The mayor may testify for or against legislation that affects the city. The mayor may push for city interests in groups such as the Municipal League or a regional government conference (such as Southwest Alaska Municipal Conference or Southeast Conference). The point is, the mayor is expected to advance the city's position or the city's interests in many different forums.

Sounding Board

Many residents who may not feel comfortable going before the full council to express an idea think nothing of taking the mayor aside in the store or at the boat harbor to present an idea for the city to think about. Although some people just want a chance to complain or get something off their chests, others use the mayor to test or “sound out” an idea that may be beneficial to the city. The mayor should be able to tell the difference and respond to ideas or proposals that may be in the city's interest. In response, the mayor has to make judgments, show knowledge of the community, and be a credible indicator of what is realistic or possible.



Spokesman

Frequently, the mayor must present actions or positions taken by the city council to residents of the city. There are many forums in which the mayor may be a spokesman: one-on-one with residents, at the coffee shop, at a chamber of commerce luncheon, in a weekly mayor's report on local radio, or before a legislative committee. In instances when the mayor does not personally support positions taken by the council, he or she still is expected to represent those community views. The city's official position must also be the mayor's public position as the city's spokesman.

Problem-Solver

Suppose a person were told before going to sleep one night that, upon rising the next morning, he or she would need to have the answers to a lot of complicated questions. This is often what happens to someone who is elected mayor. Suddenly, council members, residents, and others expect the mayor to understand issues and situations and to have some idea about how to address or resolve them. Problems can be immediate, such as bringing a tough issue to a vote at a council meeting, or longer term, such as identifying realistic goals for community economic development. The mayor has to solve problems for individuals; problems among council members; and problems with city services. The list of issues to be addressed can be long. The mayor should learn to separate problems according to their importance and immediacy and should never simply set them aside as a means of dealing with them.

Mediator

The mayor, as a mediator, must try to bring together the different viewpoints of council members. The mayor must be able to see all sides of an issue and explain the larger picture to council members who may not see it. (They still may not agree.) The mayor may also have to mediate when two or more council members have strongly conflicting views. The chance for success is improved if the mayor keeps in mind the interests of the public and the community at large. In addition, the mayor should never take sides until she or he knows all the facts of a particular issue.

Futurist

No one has a crystal ball to know what is going to happen 5 or 10 years from now. Still, mayors and councils think about the future all the time when they adopt budgets, make five-year capital improvement plans, anticipate the demand for residential and industrial land, and so on. If the mayor and council have a plan in mind — a vision — of what the community can be like, then decisions can be made that help to realize the vision. Linking decisions to the fulfillment of a plan can help the community achieve its goals.

Leader

Books have been written about leadership. No one can tell the mayor how to be a leader, but some characteristics of leadership can be identified. These characteristics include:

- ☑ A willingness to accept duty and responsibility;
- ☑ A willingness to confront challenges and take risks;
- ☑ The ability to choose sides and make informed decisions;
- ☑ The ability to understand basics over details;
- ☑ The composure and confidence to set an example for others;
- ☑ The desire to forge solutions and not seek out others for blame;
- ☑ The ability to look forward as well as backward;
- ☑ The desire to treat people fairly and the expectation that people will behave responsibly; and
- ☑ The ability to understand the community, its values, its standards and its goals for the future.

Hardheaded Realist

Sometimes the mayor may have to get in front of an issue important to the city and drag the council reluctantly along. Because the mayor has to “spend political capital” to convince council members his or her position is right, it is important to pick issues carefully and never to pick issues for which no real support exists or that cannot be won. When the mayor knows that the city must pursue a course of action or address and resolve an issue, she or he may have to be hardheaded in dealings with the council. This persuasion of the council to advance an action or issue could include gathering public support for the position, lobbying other council members (while being mindful of the Open Meetings Act), enlisting the support of key individuals, or simply appealing to their good sense and civic duty.

Chapter VII. Technical and Legal Aspects of the Job

This chapter describes various technical and legal considerations that affect the activities of the mayor. The topics include pitfalls to avoid, some specific powers and matters of protocol, and information about the job of mayor.

Public Interest

The term “public interest” is used a lot, but what does it mean? All citizens have an interest in the actions of their government. All citizens have an expectation that government is working to promote and protect their interests. These interests are the broad, collective interests that people have in common, such as having clean water, knowing that council business is properly advertised and done in public, knowing that public funds are spent to maximize public benefits, and understanding that local laws and ordinances make sense and are consistent with community values and standards.

Obviously, government cannot promote the individual interests of the public, because every individual has different beliefs, values, and ideas. However, as in Gestalt psychology which maintains that the whole is greater than the sum of its parts, in government the overall public interest is greater than the sum of each individual’s interests because these interests may be different for each person.

Public Health and Welfare

The public health and welfare can be viewed as the well-being of the public, or the community, at large, as distinguished from the well-being of an individual or of a small or limited class of the public. The concept of public welfare includes the basic social interests of safety, order, and morals common to the community at large.

Open Meetings

The Alaska Open Meetings Act (AS 44.62.310) says that all meetings of public bodies, including city councils, are open to the public. This requirement means that the council must provide not only notice of its regular and special meetings, but also of its work sessions and committee-of-the-whole meetings as well. The city code should contain all of the requirements



for public notice of meetings, including what information should be in the notice, where the notices should be posted, and how soon before the meeting the notices should be provided.

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 also cost cities a great deal of money to defend officials against charges of Open Meetings Act violations.

Under this Act, a meeting is defined as a gathering of more than three members, or a majority of the members of the governing body, whichever is less. Therefore, public officials should exercise caution when engaged in discussion among themselves of issues outside of any publicly noticed meeting. This kind of discussion has been, and can be, construed as violating the Open Meetings Act.

As a practical matter, a mayor and council members are always going to be talking to one another. After all, people talk about the things they have in common, and a mayor or council member are no exception. When public officials pass each other on the street or sit together in the cafe, it is natural that the conversation includes city business. The mayor must be careful to not commit a vote or seek a council member's commitment, and to not engage in discussion that leads to a conclusion on an issue before it is heard by the full council.

A lot of ideas can result from casual encounters outside the pressure and formality of council chambers or the city office. Exchanging information, ideas, and viewpoints can be valuable. However, a mayor should remember the provisions of the Open Meetings Act.

Financial Conflict of Interest

It is against the law to participate as a public official in a matter in which one has a personal financial interest. Laws on conflict of interest are contained in AS Titles 29 and 39. Title 29 requirements are listed below. Title 39 requirements are contained in the following section on Alaska Public Offices Commission (APOC) reports.

A simple rule of thumb: It is okay to have a conflict of interest, but it is wrong to fail to report it. A statutory conflict of interest occurs when the mayor has a financial interest in a matter before the council. If a city does not have a conflict of interest ordinance, the conflict of interest provisions of AS 29.20.010 apply. These provisions provide that:

1. A member of the governing body shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter.
2. The presiding officer shall rule on a request by a member of the governing body to be excused from a vote.
3. 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.



Mayors in small communities can be expected to encounter conflicts. If the mayor believes she or he has a financial conflict in a matter before the council, the mayor should hand the gavel over to the vice-mayor, seek a ruling from the vice-mayor on whether a conflict exists, and if it does, refrain from taking part in debate or voting on that matter.

NOTE: Some communities have voted to exempt themselves from the requirement to file financial disclosure forms with the Alaska Public Offices Commission (APOC). This action does not exempt anyone, however, from conflict of interest disclosure.

Alaska Public Offices Commission Reports

Mayors and other local elected officials must comply with the conflict of interest reporting requirements contained in AS Title 39. The reports, or disclosure forms, are available from the city clerk, and a copy must be submitted to the APOC, where it is kept on file as a public record. The originals are kept on file by the city clerk. The purposes of Title 39 and the disclosure report are fourfold. AS 39.50.010 states these purposes:



1. To discourage public officials from acting upon a private or business interest in the performance of a public duty;
2. To assure that public officials in their official acts are free of the influence of undisclosed private or business interests;
3. To develop public confidence in persons seeking or holding public office, enhance the dignity of the offices and make them attractive to citizens who are motivated to public service; and
4. To develop accountability in government by permitting public access to information necessary to judge the credentials and performance of those who seek and hold public office.

In the report, the mayor must list family income; business ownership and interests; property ownership; trust relationships and income; loans and loan guarantees; public contracts; and mineral, timber and oil leases.

The Appearance of a Conflict of Interest

Not all conflicts involve a substantial financial interest. Some conflicts may involve only the appearance of an impropriety or the appearance of an unfair advantage. The “appearance” of a conflict of interest, such as for financial conflicts under Titles 29 and 39, is not a violation of the law. Nevertheless, these conflicts should be declared as well so that the public doesn’t think that the mayor is acting out of self-interest. A good rule of thumb to follow is if the mayor thinks he or she has a conflict, the meeting should be turned over to the vice-mayor, the conflict should be declared, and the vice-mayor should determine whether the mayor should vote. The mayor should only declare a conflict when he or she really believes that one exists, however. A conflict

should never be declared to avoid having to take a position or vote on a tough issue. The mayor didn't get elected to avoid the tough issues, but to deal with them.

Nepotism

Black's Law Dictionary defines nepotism as a "bestowal of patronage by public officers in appointing others to positions by reason of blood or marital relationship to appointing authority." More simply, nepotism occurs when the mayor hires a family member for a city position. No state law forbids nepotism in city employment; however, cities may ban the practice through the local code of ordinances. Even though there is not a state ban, hiring family members looks bad and may affect public confidence in, and support for, the mayor. This kind of situation is worsened when a family member is hired without regard to merit or ability.

In small towns, circumstances may result in a family member of the mayor being hired if that person is best qualified for the position. When hiring for city positions, the mayor should always follow the principle of hiring the most qualified person.

Giving Jobs to Friends

The only difference between hiring friends and nepotism is that nepotism involves family members. Like nepotism, hiring friends for city positions or giving city contracts to friends can raise claims of favoritism and cronyism at city hall, especially if friends are hired without regard to merit. This can affect public confidence in the mayor and council and in their ability to make good decisions. City positions should always be filled on the basis of merit. City contracts should always be awarded to the most qualified or most competitive party.

Use of City Property

It is not uncommon for city employees to drive city vehicles to and from home. For example, the water system operator may drive the utility department pickup truck home, in case there are call-outs after regular working hours. Using the utility department truck to go moose hunting, however, would not be regarded as acceptable. Some cities also rent out

equipment such as backhoes or light plants. Equipment should be rented at set rates and according to policy set by the council. No exceptions to the policy or rates should be made for anyone, including the mayor, council, or city staff.

Veto

All mayors, except mayors of second class cities, have veto powers. A veto is simply the refusal to allow the enactment of measures adopted by the council. Under state law, the mayor may veto an ordinance, resolution, motion, or other action of the council and may eliminate or reduce items in the budget. A veto must be exercised before the next regular meeting of the council and must be accompanied by a written explanation of the reasons for the veto. A veto may be overridden by a vote of two-thirds of the authorized membership of the council within 21 days following exercise of the veto, or at the next regular meeting, whichever is later. AS 29.20.270(b)

Veto power does not extend to the following:

1. Appropriation items in a school budget ordinance;
2. Actions of the governing body sitting as the board of equalization or the board of adjustment;
3. Adoption or repeal of a manager plan of government; and
4. Adoption of an ordinance by initiative to prohibit the possession of alcoholic beverages.

Mayor Pro Tempore

Pro tempore is Latin meaning “temporarily” or “for the time being.” A mayor pro tempore (pro tem is often used) is simply a member of the council selected temporarily to the office of mayor if the mayor is away, unable to perform his or her duties, or has vacated the office. The pro tem mayor serves only until the position is filled at a regular or special election. If the council has appointed a deputy or vice-mayor, this person would serve as mayor pro tem.

Vacancy in the Office of Mayor

For all cities except home rule cities, state law in AS 29.20.280 states the terms upon which the office of mayor may be declared vacant. The council, by a two-thirds vote, declares the office of the mayor vacant only when the mayor:

1. Fails to qualify or take office within 30 days after election or appointment;
2. Is physically absent for 90 consecutive days, unless excused by the council;
3. Resigns and the resignation is accepted;
4. Is physically or mentally unable to perform the duties of office;
5. Is convicted of a felony or of an offense involving a violation of the oath of office;
6. Is convicted of a felony or misdemeanor for elections misconduct (see AS 15.56);
7. Is convicted of a campaign violation under AS 15.13;
8. No longer physically resides in the municipality; or
9. If a member of the governing body in a second class city, misses three consecutive regular meetings and is not excused.

Salary

Under AS 29.20.620, the governing body must determine the salary of an elected official by ordinance. Unless there is an ordinance stating otherwise, elected officials may not receive any pay other than stipends, per diem, or reimbursable expenses. The salary of the mayor may not be reduced during the term of office of the mayor, unless voters have approved the city manager form of government.

Conducting Meetings

The mayor needs to conduct debate and manage other business of the council meetings. For this role, he or she should have a basic understanding of making, amending, and adopting motions. The parliamentary procedure used by most city councils is discussed in Chapter VIII.

Chapter VIII. Running a Meeting

One of the most important roles performed by the mayor is conducting council meetings. This chapter describes how a meeting is conducted and activities that characterize productive meetings.

Role of Presiding Officer

As the presiding officer, the mayor is responsible for running the council meetings. The quality of a meeting, the ability of the council to get its work done, the discussion between council members and the public, and the quality of council decision-making all depend on the mayor's style and ability as presiding officer.

The presiding officer has considerable power. For example, the presiding officer must recognize council members before they may speak. Further, the presiding officer can act on the following items:

- ☑ Decide on points of order such as whether the agenda is being followed or whether a motion is appropriate;
- ☑ Rule on requests for abstention from voting based on a council member's conflict of interest;
- ☑ Appoint members to committees;
- ☑ Control unnecessary critical discussion;
- ☑ Give assignments to individual council members;
- ☑ Refuse to recognize absurd motions intended only to disrupt or obstruct business; and
- ☑ Enforce the rules of order and decorum by ruling disruptive behavior "out of order."



The sections that follow describe some duties and responsibilities the presiding officer has while running a meeting.

Maintain Order

The mayor should never allow members of the public to clap, cheer, whistle, and so on during public comments or when the council is deciding or discussing an issue. The mayor should stop this kind of behavior, instruct people to follow the rules, and run an orderly meeting. The mayor should never allow members of the council to accuse or challenge one another, members of the public who are testifying, or people in the audience.

Keep the Business Moving

The council should not endlessly agonize over issues, constantly request new information, or otherwise delay making a decision when members have the information necessary to make a decision. The mayor needs to move the meeting along. To help business move forward, the mayor can summarize council members' positions, identify facts and points of agreement, clarify the actual issues, and bring matters to a vote. Failure to do so leads to issues piling up. That result is unfair to the public, which expects business to be conducted, and to individuals who may have a direct interest in matters before the council.

Manage Testimony

Public testimony should be held to a reasonable length of time – say, three to five minutes per person – especially if a lot of people want to address the council. Testimony should be about the matter before the council. The mayor should not allow witnesses to repeat the same testimony over and over again. The mayor should never allow members of the public to make personal accusations against council members or other members of the public.

Use Fair Treatment

The mayor must treat everyone fairly, even if this fairness is contrary to her or his personal feelings. Generally, running a meeting with a polite, positive tone helps achieve this goal. The mayor should not be “preachy” and heavy-handed or be short or rude to council members or members of the public. He

or she should also not take advantage of the ignorance or naiveté of members. Finally, the mayor should work with members to phrase motions properly rather than ruling them out of order.

Prevent Arguments

The mayor should stop sharp or personal exchanges from taking place between council members or between council members and members of the public. The mayor should limit dialogue between council members and members of the public who are testifying to fact-gathering that contributes to the council's ability to make decisions. Maintaining polite discussions and exchange of views helps uphold the credibility and standing of the mayor and council.

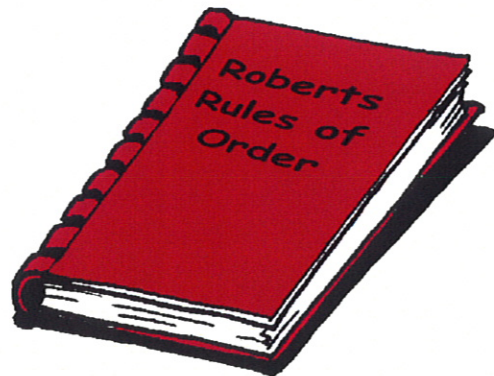
Parliamentary Procedure

Although people often think parliamentary procedure is too complicated to ever make any sense, the protocol is not as complex as they fear. Rules, or tips, are available to understand parliamentary procedure and use it correctly. Almost all city councils use either Robert's Rules of Order or Mason's Manual of Legislative Procedure.

The use of rules, or parliamentary procedure, for debate fulfills several important purposes:

- Provides form or structure for debate;
- Ensures that only one item at a time is before the council for debate;
- Provides a forum for debate that is fair and impartial to everyone;
- Permits the will of the majority to prevail while protecting the rights of the minority; and
- Permits all sides of an issue to be heard.

Although councils can use their own rules for parliamentary procedure, the use of Robert's Rules of Order is most common because these guidelines are familiar and well-established.



Parliamentary procedure works on a system of motions, directing how they are made and acted on. There are four types of motions and distinct relationships between motions. The four types of motions are described below.

Main Motion

The main motion is the motion that brings an item of business before the council for formal deliberation. Only a main motion can bring matters before the council for a vote.

Subsidiary Motion

A subsidiary motion relates directly to, and amends, a main motion. The seven types of subsidiary motions are listed below:

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



These motions are listed in order (from top to bottom) in which they must be dealt with. This is their “order of precedence.” They must be dealt with in this order if more than one is on the floor at the same time. For example, a motion to “lay on the table” has precedence over, or must be dealt with first, before all the other subsidiary motions, and so on down the list. In addition, any subsidiary motion on the table must be voted on before the main motion may be voted on. The most common subsidiary motion is the motion to amend.

Privileged Motion

A privileged motion is characterized by immediate and overriding importance that indicates the motion should, without debate, be permitted to interrupt any other business. A privileged motion is not related to the main motion and may be any of the following:

- Fix the time to adjourn,
- Adjourn,
- Recess,
- Raise a question of privilege, and
- Call for the orders of the day.

Like subsidiary motions, the privileged motions are also listed in order of precedence, from top to bottom.

Incidental Motion

An incidental motion deals with a question of procedure and is not related to the main motion. Incidental motions do not have an order of precedence and, as a rule, are not debatable. An incidental motion must be dealt with before the council can return to the main or subsidiary motions. There are 15 incidental motions. The three most common are:

- Point of order,
- Appeal a ruling of the chair, and
- Suspend the rules.

The other 12 incidental motions are used only rarely and can be researched by reviewing Robert's Rules of Order.

Sometimes a council member may attempt to use parliamentary procedure to block the will of the majority by making motions to table or defer a matter or otherwise prevent it from being adopted. A member skilled in parliamentary procedure can produce a lot of confusion and divert the attention of the council from acting on a main motion. It is the mayor's job to sort out the order and precedence of motions, explain the order of business to the council, and make sure that the will of the majority is not thwarted by clever maneuvers.

Making a Motion

A main motion places an item before the council for its consideration and action. A council member says, "I move for the adoption of ordinance 08-16." The mayor then asks for a second, and when the motion is seconded, asks if there is any debate on the motion. Any subsidiary motions that may be made, such as a motion to amend the ordinance, table it, or send it to a committee, must be voted on before the main motion can be voted on. Robert's Rules of Order requires that every motion have a second. In Mason's Manual of Legislative Procedure, however, motions are not required to be seconded.

Every motion consists of eight steps (or seven if using Mason's) that follow in this 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. The motion is seconded (Robert's Rules of Order);
5. The chair restates the motion to the body;
6. Council debates the motion;
7. Council votes on the motion; and
8. The chair announces the result of the vote.

Tying Things Together

In guiding the council toward a decision, the mayor must be able to take into account public testimony, council deliberations, her or his own knowledge of the issue at hand, public attitudes, and an understanding of the community. Tying the threads of an issue together successfully to bring the matter to a vote depends on the mayor's ability to piece together a position that a majority of the council can support.

Chapter IX. Relationship with the Council

Working with the council requires specific skills and considerations that are described in this chapter. The roles of committees and work sessions also are explained.

The Mayor Is Not a Member of the Council, Except in Second Class Cities

In first class and home rule cities, the mayor is not a member of the council; instead, the mayor is elected separately. In second class cities, the mayor is first elected as a council member; then he or she is elected as the mayor by the other council members. The position of mayor must be regarded as separate and distinct from the position of council member. This separation is necessary because of the mayor's separate executive and administrative responsibilities and because the mayor is chosen, either by the voters or by council members, to fill the city's top leadership position.

The mayor can be compared to a chairman of the board. She or he is charged with carrying out "board" (council) directives and is the leader of the council. In addition, the mayor is often expected to have a broader and more community-based view on issues — more so than individual members of the council, who may lean toward certain viewpoints or certain groups of people in the community.

Who Works for Whom?

The mayor and council are supposed to work together for the benefit of the entire community and its residents. Sometimes, though, the relationship between the mayor and the council can become confusing and lead to questions of just exactly who is in charge and exactly who works for whom.

The mayor is the political leader of the city. The mayor also has executive and administrative powers (such as those granted in Title 29) that may be exercised without the prior consent of the council unless local ordinances state differently. These powers could include hiring, evaluating, and dismissing employees; establishing committee memberships; and preparing or ordering the preparation of financial reports.

On the other hand, the mayor may not adopt new policies, commit city finances, undertake new initiatives, or represent the official views of the city without prior council approval. For example, the mayor does not have the authority to enter into a grant agreement; the council approves that action. The mayor, however, unlike a member of the council, has the authority to formally execute the grant agreement with her or his signature.

Hearing the Whole Council

Typically, the council is composed of people with differing points of view, just as there are many voices and points of view in the community. In making decisions and taking positions, the mayor is expected to hear and take into account all voices of the council, the weak as well as the strong. In doing so, the mayor unavoidably accepts the advice and opinions of some and omits the advice and opinions of others.

The mayor is expected to take positions and make decisions. In a practical sense, this process means leaving some people “in” and other people “out.” Council members understand this outcome and do not expect the mayor to try to bend to everyone’s will. What council members do expect, though, is that the mayor will listen to them and take reasonable positions based on their ideas and advice. A mayor who does not listen to the council, discounts the advice of certain members even when it is good advice, or has obvious favorites, risks losing the input and support of the full council. Finally, the mayor has no interest in alienating a member of the council today whose support she or he may need tomorrow.

Keeping the Council Informed

The mayor must keep the whole council informed, not just selected members of the body. If the mayor fails to share with the council information it needs to make decisions or to be fully informed on issues important to the community, this failure to communicate and



be informed breeds suspicion and mistrust. People may believe the mayor has a hidden agenda, is playing favorites, or has something to hide. A well-informed council is more capable of making good decisions and more likely to be responsive to the mayor's initiatives.

Using the Council's Talents

The men and women on the council have many personal abilities and talents that can be used for the benefit of the community and its residents. The mayor should keep in mind council members' abilities when making committee assignments. She or he should solicit advice from council members with special knowledge or expertise. For example, if the city is considering a sales tax, a member of the council who is a small business owner may have good ideas on reporting sales tax earnings or designing the reporting forms. The mayor should get to know council members according to their abilities, their attitudes and other personal characteristics so that she or he knows best when and how to use their skills.

Using Committees

The use of committees offers the council an opportunity to make the flow of business both more manageable and more efficient. Committees offer several advantages:

- Committees allow the council to use its time more efficiently by assigning issues that are not ready for council action to a committee for further work.
- Committees give the council a look at new or unfamiliar issues in a more relaxed setting that does not require a decision be made immediately.
- Committees allow for expanded discussion of complex, sensitive, or difficult issues so that council members can become more fully informed before having to make a decision.
- Committees permit a more even paced scheduling of work.
- Committees are a good place to "sort things out" on complicated issues.

Generally, councils have two sorts of committees: standing committees that operate on a permanent basis and ad hoc committees that are organized for a particular purpose, then disbanded.

Standing Committee

A standing committee might focus on finance, public works, lands and resources, or human services. The council refers issues needing work to these committees, and the committees bring recommendations back to the council for action. A standing committee consists of council members and may sometimes have a city planning commissioner as a member. Committee chairs are expected to give committee reports at each council meeting.

Ad Hoc Committee

An ad hoc committee is established to form recommendations for council action on a special or nonrecurring issue. Councils often appoint citizens with interest or expertise in a given subject to an ad hoc committee. Typically, in this instance, at least one member of the council is appointed as a liaison. An ad hoc committee should be given a definite time for bringing a recommendation back to the council. The committee should be disbanded once its work is done.

Using Work Sessions

Work sessions comprising a committee of the full council — often called the committee of the whole — can be very useful for informal discussion of complex or difficult issues. This kind of discussion can help the council spot problems, or areas of agreement and disagreement, before a matter is actually brought before the council for action. Usually, an issue that is important enough for full council review, but is not yet ready or may not be appropriate for council action, is referred to the committee of the whole for discussion in a work session, rather than to a standing or ad hoc committee.



Maintaining Working Relationships

There is an old saying or adage, “What goes around, comes around.”

This statement means, more or less, that if a person is rude or forceful in relationships, others treat that person the same way. As a public official, the mayor must rely on input from council and community members. Running a community involves the mayor in many dealings with others, and the mayor’s ability to accomplish work depends on having good working relationships. The mayor does not have to be friends with another person to have a good working relationship with him or her; however, the mayor does need to have a shared understanding of what he or she is trying to accomplish, and be willing to place community interests above personal interests.

Chapter X. Desirable Personal Characteristics

This chapter identifies many attributes that help the mayor work effectively.

Fairness

The mayor must be fair in his or her dealings with the public, treat everyone equally, and allow each person to exercise their individual rights. However, being fair does not mean the mayor has to tolerate people who are aggressive or those who launch personal attacks or accusations without facts to back them up. The mayor has a responsibility to defend his or her, as well as the council’s, record and reputation. But the mayor must view people equally without regard to personal feelings.

Tact

The mayor must be tactful in dealing with members of the public and the council. Rude, aggressive, or insulting behavior by the mayor reflects poorly on the mayor and the whole council. Tactless or thoughtless behavior can alienate members of the council and the public, lead to a loss of respect, and make it more difficult for the mayor to provide leadership on complicated or divisive issues or to promote a positive agenda for the community.

Quick Thinking

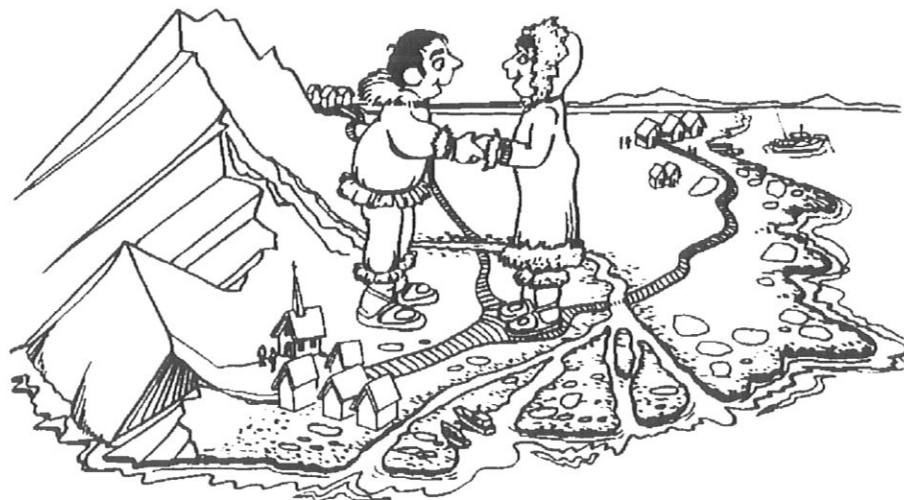
The mayor may have to think, and act, quickly in overseeing the business of the council. This quick action may include summarizing the positions of council members, restating or clarifying council member motions, giving direction to the staff based on the differing views of council members, and hearing and taking into account new information on short notice.

Respect

The mayor should have the respect of the residents if he or she is to govern effectively. Also, the mayor should show respect to the public, council, and staff. The mayor may gain respect during the term when his or her judgment has been tested and found to be good, when his or her opinion is sought out, or when he or she gains support from diverse elements of the community. Earning and holding this respect helps the mayor conduct business and enhance his or her role and reputation in the community.

Speaking Ability

As the council's spokesperson, the mayor must be able to explain the council's positions to residents of the city, the media, state and federal agencies, and other organizations such as the Alaska Municipal League or Southeast Conference.



The mayor should be able to explain complex or controversial matters that are either poorly understood or disputed in the community.

Understanding the Issues

Imagine if the mayor tried to lead the debate without understanding the issue! The mayor must be able to understand the issues the council is discussing and acting on. Failure to understand an issue can leave the mayor out of the discussion, lead to confusion, and result in poor decision-making. Of everyone involved in municipal government, the mayor needs to put in extra effort learning the issues, studying the agenda, and preparing for the meetings.

Diplomacy

Webster's Dictionary defines diplomacy as "skill in handling affairs without arousing hostility." Like tact, diplomacy is the ability to get along with people and relate to them positively and constructively on their issues and concerns. It does not mean agreeing with everybody. Diplomacy requires the mayor to take the following approach:

- ☒ Respect everyone's rights,
- ☒ Behave politely, even with people with whom the mayor may disagree, and
- ☒ Find points of agreement that can bring people to a solution rather than expound upon the differences that separate and divide.

Toughness

This characteristic may not seem to fit with the other qualities that make a good mayor. However, toughness does not mean unwillingness to listen or respond to new ideas or new information. Essentially, toughness describes sticking to a position when it is correct, even if it is unpopular, and holding other council members to promises or commitments they have made. Toughness enables a mayor to maintain the council's position in negotiations with city contractors and get the best deal for the city in dealing with vendors and suppliers. Toughness can also lead the council to make a difficult decision.

The Ability to Make Decisions

The expression “studying it to death” is used to describe what sometimes happens when a decision is difficult, complex, unpopular, or not ready for action. Although studying an issue is important to get the necessary information and complete an analysis, it is not a substitute for taking action. Delay for its own sake, to avoid making tough or unpopular decisions, is not good policy. Deciding complex matters thoughtfully and carefully gives the mayor and council confidence in their abilities which may, in turn, make future decisions less difficult.

Chapter XI. The Rewards of Being Mayor

The position of mayor offers several opportunities to affect positive results within the community. This chapter identifies the overarching rewards a good mayor can achieve.

Get the Job Done

Normally, not much satisfaction results from completing a task that is easy or routine. But completing a task that is difficult — a task that takes time, effort, and energy — usually results in a deserved feeling of accomplishment. If a person spent 1,000 hours watching television and 1,000 hours building a skiff, which would he or she be more proud of? -+6-+Anyone who said watching television should not run for mayor. However, a person who values work, and the satisfaction that comes with performing to his or her best, is rewarded for this service.

Help People

Many people, even at the local community level, aren't sure how to work effectively with government. They may be mistrustful or think no one will listen to them. Perhaps they don't know how to approach city officials. For some, the process of city government seems too formal and too distant. Helping people who have an issue, but don't know how to bring it forward, can be personally gratifying. It can also boost the image of local government

and “city hall.” A mayor should be honest with people about what the local government can and cannot do; honesty goes a lot farther than making unrealistic promises or misleading people.

Improve the Community

Which sounds better: a legacy of accomplishment and good work, or a reputation as an ineffective leader who could not get things done for the betterment of the community? The idea of improving the community may sound easy. In fact, it means working effectively with others, including those who disagree; understanding local issues and opportunities; and being determined to find solutions to hard questions. In short, improving the community requires working hard, working smart, and working together.

All the qualities that make a good mayor (tact, fairness, speaking ability, and good problem-solving) are important elements in the mayor’s ability to leave a legacy of good work. Dedication to improving the community — providing a new water system, a library, a new fire truck — requires hard work that can instill pride in everyone.

