

MAYOR'S HANDBOOK

A Primer for Small City Mayors



State of Alaska

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Acknowledgments

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There are many people and organizations in Alaska that want you to succeed as a mayor. The Division of Community and Regional Affairs (DCRA) offers a free 32-hour class for Elected Officials through the Rural Utility Business Advisor Program that can provide you with the technical skills to perform your job with confidence. The Alaska Conference of Mayors meets annually with member cities during the Alaska Municipal League Conference, and there may be regional associations that put you in contact with other mayors: often, discussing ideas and problems with other mayors can be useful. DCRA also provides each municipality with an assigned Local Government Specialist who can be a tremendous resource to answer questions, make suggestions, or even provide on-site training and technical assistance to you and other local government officials and staff. DCRA's website includes links to its Local Government Assistance Section, the Local Government Online (LOGON), and Division publications such as *A Primer for City Council Members*, where you can find more information about the role of the mayor, and about the mayor and council's relationship with one another and with administrative staff.

I. INTRODUCTION

This handbook is intended as a primer for the mayors of small municipalities. Its purpose 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. This handbook provides important information about the position and role of the mayor, and of the powers and duties of mayors as prescribed by law. It also addresses some of the roles expected of the mayor by the public, members of the council, and outside agencies.

The actual powers of the mayor differ between “general law” and “home rule” municipalities, between first and second-class cities, and between cities with the strong mayor and the manager forms of government. Although these differences are important, many aspects of the mayor’s job are similar regardless of the class or type of government. This handbook focuses on those similarities.

The position of mayor is typically the most important elected position in town. 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 municipal policies, programs, plans, finances, taxes, services, and other matters.

The mayor is both a spokesperson for the city and a sounding board. As spokesperson, the mayor is expected to represent and advocate for actions or positions taken by the city council. There are many forums in which the mayor may do so, such as public meetings, community gatherings, a local radio program, one-on-one with residents, at a statewide conference, testifying before a legislative committee, or by promoting city projects with state and federal agencies and the legislature. There will be instances when the mayor does not personally support positions taken by the council but must represent them: the city's official position must also be the mayor's public position.

As “sounding board” the mayor must be willing to listen to the concerns and even the complaints of community members. Some residents may not feel comfortable going before the full council to express a concern or a complaint, but will think nothing of contacting the mayor. In some cases, people simply want to get a complaint “off their chest.” 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 it is needed, report to the council and report back to the person making the complaint. If a complaint is without merit, the mayor should explain or defend the city's position.

The mayor is a visible public figure, frequently consulted or criticized about city affairs. He or she chairs the council meetings and is expected to lead the council to resolution even on difficult issues. Typically, the mayor must work harder than council members because the mayor is expected to know about all issues facing the city. The position can be time-consuming and challenging, and often requires personal sacrifice, but it remains a position of responsibility and respect that can bring out the best in people and provide hard-working and committed residents an opportunity for leadership.



II. POWERS AND DUTIES OF THE MAYOR

The legal basis for the mayor's powers and duties is provided in state law (Title 29 of Alaska Statutes) and in local law (the municipality's code of ordinances).

Title 29

Title 29 of Alaska law addresses municipal government, and includes provisions identifying the powers and duties of the mayor. Those powers and duties include:

AS 29.20.220. Executive Power.

- (a) The executive power in a municipality is vested in a mayor.
- (b) The mayor acts as ceremonial head of government, executes official documents on authorization of the governing body, and is responsible for additional duties and powers prescribed by this chapter or by home rule charter.
- (c) This section applies to home rule and general law municipalities.



AS 29.20.250. Powers and Duties of a Mayor.

- (a) If a municipality has not adopted a manager form of government, the mayor is the chief administrator and 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.

EXECUTIVE POWERS AND DUTIES

The mayor's executive powers and duties include presiding over meetings, executing official documents, serving as ceremonial head of the government: in first class or home rule municipalities, mayors have veto power as well.

Preside over meetings (AS 29.20.160 (a))

The mayor serves as presiding officer and chairs the meetings of the council. This job can require tact, patience, problem-solving ability, and persistence in dealing with a wide variety of issues, many of which can be quite challenging. The mayor must understand the issues requiring council consideration and must be prepared to lead the council through discussion in order to bring matters to a vote or other successful resolution. This important role of the mayor is discussed in detail in *Chapter V, Running a Meeting*.

Execute official documents (AS 29.20.220 (b))

A document is official and legally binding when it is signed by someone authorized to do so. Ordinances, resolutions, grant agreements, contracts, or other documents committing the city to some course of action typically require approval by the council, along with the signature of the mayor as chief executive. Documents such as ordinances and resolutions must also be attested to by the city clerk. For other documents such as checks, purchase orders, and correspondence, signing authority can be delegated to a manager, administrator, clerk, or other position authorized by the governing body.

Act as ceremonial head of government (AS 29.20.220 (b))

Whether attending a ribbon cutting ceremony, making opening remarks at a community potlatch, or greeting a visiting delegation from Juneau, the mayor serves as the ceremonial head of municipal government. In this role, the mayor serves as the city's official host, greeter, goodwill ambassador, and master of ceremonies

rolled into one. Sometimes this role is delegated to the vice-mayor or to a council member, but neither of these other positions carries the importance or distinction of the office of the mayor.

Veto power (AS 29.20.270)

Under state law, the mayor of a first class or home rule municipality may veto an ordinance, resolution, motion, or other action of the council and may eliminate or reduce items in the budget: second class city mayors do not have veto power. A veto is a rejection of an action adopted by the council, and prevents that action from taking effect. A veto must be exercised before the next regular meeting of the governing body 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 membership of the governing body within 21 days following the veto, or at the next regular meeting, whichever is later.

Veto power does not extend to appropriations in a school budget ordinance actions of the governing body sitting as the board of equalization or the board of adjustment, adoption or repeal of a manager plan of government or to adoption of an ordinance by initiative to prohibit the possession of alcoholic beverages.

ADMINISTRATIVE POWERS AND DUTIES

In municipalities, with a manager form of government, the manager is the chief administrative officer, with powers and duties prescribed in AS 29.20.500. In municipalities without a manager form of government, the mayor assumes the administrative powers and duties of a manager, or the mayor and council may delegate some of these duties to an administrator or other staff member. The mayor may hire necessary administrative assistants and may authorize an administrative official to appoint, suspend or remove subordinates. As chief administrator, the mayor has the following powers:

Appoint, suspend, or remove municipal employees and staff (except as otherwise provided by law (AS 29.20.500 (1))

This power must be exercised with thought and discretion. Employees should be hired based on merit and ability: they should be suspended or removed based on job performance or budgeting constraints. Abuse of this power can result in hiring unqualified staff, frequent employee turnover, loss of morale, charges of favoritism, loss of public trust, and even lawsuits by employees who feel they were wrongfully terminated. Your municipality should have ordinances, policies, and procedures for hiring, evaluating, and dismissing employees and staff, and even the mayor must comply with them.

Supervise enforcement of municipal law and directives of the governing body (AS 29.20.500 (2))

This supervisory responsibility does not mean the mayor has to be a policeman, but rather that he or she must ensure local ordinances are implemented as adopted, and applied fairly. In this role, the mayor may indeed supervise a police chief or other public safety personnel, although this task can be delegated to a member of the council, an administrator, or other staff member. In small communities without public safety personnel, the mayor and council may have to deal directly with violations of local laws.

Prepare, submit, and execute an annual budget and capital improvement program (AS 29.20.500 (3))

Although budget preparation is the mayor's responsibility, this task is often delegated to the treasurer, clerk, or other appropriate staff, or to a committee. The process begins by estimating revenues and expenditures for the upcoming fiscal year based on current year actual amounts. Typically, a draft budget is provided and the council will hold a work session to review and discuss the draft. The mayor should lead these discussions and may even "push" for certain programs or activities that reflect his or her priorities, but the budget must be adopted by ordinance approved by the governing body, following a process that includes introduction at a public meeting, notice to the public, and a public hearing. After the budget is adopted by the governing body, the mayor must ensure it is executed as adopted.

The mayor is also responsible for preparing and submitting the Capital Improvement Program (CIP) to the governing body. Here too, the task can be delegated to an appropriate staff person or to a committee, and once the governing body adopts the CIP, the mayor must execute it as adopted.

Make monthly financial and operations reports as required by the governing body (AS 29.20.500 (4))

The council needs accurate information for determining whether the municipality is on track with the approved budget and CIP. The mayor must ensure the council receives such information in a timely manner. Monthly financial reports that compare actual income and expenditures with the budget, and monthly progress reports on CIP projects and other activities provide the council with information to make good decisions regarding the operating and capital budgets. Even if these reporting requirements are delegated to appropriate staff, it is still the mayor's duty to ensure the reports are provided to the governing body.

Exercise custody over city property, except property of the school district (AS 29.20.500 (5))

This responsibility does not mean the mayor has the only set of keys to municipal buildings, but rather that the mayor ensures the governing body's policies and procedures related to municipal property are carried out by staff and employees. The actual day-to-day responsibility may be delegated to the administrator, clerk, or other appropriate staff.

Perform other duties required by law or the governing body (AS 29.20.500 (6))

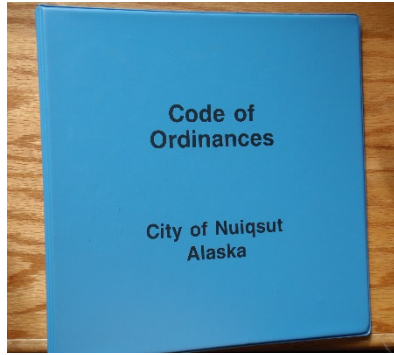
Mayors may have other powers and duties not listed in AS 29.20.500. Some may have evolved as a result of council policy, local tradition or custom, or a particular mayor's leadership style and abilities. Ideally, additional powers and duties should be prescribed by ordinance or resolution of the governing body.

Serve as personnel officer (AS 29.20.500 (7))

A personnel officer is in charge of supervising and evaluating employees and implementing personnel policies. In municipalities, without the manager form of government, the mayor serves as personnel officer. In some communities, this duty is delegated to a staff person, such as the administrator. In communities with minimal staffing, delegating this duty 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 to draft personnel policies, write job descriptions, and evaluate employees regularly. The council can also participate in hiring interviews. The mayor and council should work together to ensure that employees are hired and evaluated based on their ability to perform the work required, and that rules are applied fairly to everyone.

In a city, with the manager form of government, the mayor remains the chief executive, but the manager is the chief administrator and has substantial authority over the day-to-day operations of the city. Municipalities may adopt a manager plan of government, but the plan must be approved by voters and adopted by ordinance or resolution of the governing body in accordance with state law (AS 29.20.460 – 480).

For cities without a manager form of government, another option is to hire an administrator. In this arrangement, the mayor is the chief executive and chief administrator, and the hired administrator exercises only those powers or duties specifically prescribed and delegated by the mayor and the council.



MUNICIPAL ORDINANCES

A municipality's code of ordinances contains the local laws adopted by the governing body: it usually includes a section or sections about the mayor's powers and duties. Mayors and council members should familiarize themselves with the section(s) of local code addressing those powers and duties.

The following page includes two sample ordinances defining powers and duties of a mayor. It is evident when reading the two examples that having a manager form of government makes a great difference in the legal powers and duties of the mayor.

Example 1: A second class city without a manager form of government

City of Rocky Point Code of Ordinances

Title II Administration

Chapter 6 Mayor

Section 2. Powers and Duties of the Mayor

The executive power in the City is vested in the Mayor. The Mayor acts as ceremonial head of the City and executes official documents on authorization of the Council. The Mayor presides at City Council meetings and as a Council member shall vote on all matters. The Mayor does not have the power of veto. The Mayor may hire necessary administrative assistants and may authorize an administrative official to appoint, suspend, or remove subordinates in conformance with the City's personnel ordinances. As chief administrator the Mayor shall:

1. Appoint, suspend, or remove city employees and administrative officers as provided in local ordinance Title IX;
2. Supervise enforcement of city law and carry out the directives of the Council;
3. Prepare and submit the annual budget and capital improvement program for consideration by the Council, and execute the budget and capital improvement program as adopted;
4. Make monthly financial reports and other reports on finances and operations as required by the Council;
5. Report to the council at the end of each fiscal year on the finances and administrative activities of the city;
6. Exercise custody over all real and personal property of the city;
7. Serve as personnel officer unless the Council authorizes the Mayor to appoint a personnel officer;
8. Act as ex officio chairman of the City's various boards and commissions when required;
9. Execute other powers and duties specified in Alaska Statute (Title 29) or lawfully prescribed by the council.

Example 2: A first class city with a manager form of government**VACANCY IN THE OFFICE OF MAYOR**

Mayor pro tempore (or *mayor pro tem*) is a Latin term commonly used for a member of the council selected temporarily to the office of mayor if the mayor is away for an extended period of time, or if the mayor is unable to perform his or her duties, or has vacated the office. If the council has appointed a deputy or vice-mayor, this person would serve as mayor pro tem. The mayor pro tem serves only until the position is filled at a regular or special election.

Alaska law (AS 29.20.280) identifies the terms upon which the office of mayor may be declared vacant, for all cities except home rule cities. The council, by a two-thirds vote, can declare the mayor's office vacant only when the person elected:

- fails to qualify or take office within 30 days after election or appointment;
- is physically absent for 90 consecutive days, unless excused by the council;
- resigns and the resignation is accepted;
- is physically or mentally unable to perform the duties of office;
- is convicted of a felony or of an offense involving a violation of the oath of office;
- is convicted of a felony or misdemeanor for elections misconduct (see AS 15.56);
- is convicted of a campaign violation under AS 15.13;
- no longer physically resides in the municipality; or
- if a member of the governing body in a second class city, misses three consecutive regular meetings and is not excused.

SALARY

Alaska law (AS 29.20.620) allows elected officials to be paid a salary, but requires the governing body to determine the salary of elected officials 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 mayor's salary may not be reduced during the term of office of the mayor, unless during the term a manager plan is adopted.

**City of Moose Creek
Code of Ordinances**

**Title II Administration
Chapter 2 Mayor**

2.2.010 Mayor as Executive. The Mayor shall preside at council meetings, act as ceremonial head of the City, execute and/or sign documents on the City's behalf on authorization of the Council, 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 Council.

- (a) The Mayor may take part in the matters before the governing body, but may not vote except in the case of a tie.
- (b) The Mayor may exercise veto power in accordance with procedures described in AS 29.20.270 and in section 2.16.050 of local code.

2.2.020 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 City; and
- (b) Act as ex officio chairman of the board of equalization for matters of taxation and special assessments.

Elected officials may not receive compensation (except for per diem payments or reimbursements for approved expenses) for service to the municipality in addition to the salary received as an elected official, unless otherwise provided by ordinance.



III. QUALITIES OF EFFECTIVE MAYORS

All residents want a bright future for their community: safe streets and neighborhoods, good public health, and better services. Not everyone is willing or able to make good things happen for the community on their own. Residents expect the mayor to work for the improvement of the community on their behalf. Imagine if a mayor spends very little effort promoting community interests, and is more concerned with the prestige and benefits of the office. Community members would not want such a person representing them at city hall. The mayor needs to care about the community and its well-being. A person who places personal interests above the well-being of the community, or who fails to show interest in community improvement will not be successful as mayor. This chapter describes some of the qualities necessary to be a successful mayor.

LEADERSHIP ABILITY

No one is expected to know all about the job of mayor when first elected. Most 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 settle into his or her role effectively. Every mayor has different talents and skills, and each person brings his or her own abilities to the job. No matter what a person’s skills, the **mayor is expected to be a community leader**. People expect the mayor to meet the challenge of the office by showing energy, interest, knowledge of the law, an understanding of the issues, and the ability to get things done.

Leadership is not achieved merely by having the title of mayor. Leadership is a personal quality that involves taking charge, accepting responsibility, and making good decisions. There are many leadership styles, and no single style fits all mayors, but some of the characteristics of a good leader are the ability to understand issues and to explain them clearly, a willingness to confront challenges, and the ability to make difficult decisions.

Imagine if the mayor tried to lead a discussion of a topic without understanding the issue! The result could be misinformation that leads to a poor decision by the governing body. The mayor **must have a clear understanding of the issues** the council is discussing in order to lead the council toward effective decisions and actions. This often requires extra effort by the mayor, to study the issues, prepare for the meetings, and to report to the council.

As community leader, and as spokesperson for the council, the mayor **must be able to explain issues clearly** to local residents, the media, state and federal agencies, or others such as the Alaska Municipal League. This requires the ability to explain often complex or controversial matters in a way that is easy to understand.

The mayor must also 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 the many demands on his or her time. To be an effective leader, the mayor must be **able to identify priorities** and focus on those issues that are most critical and important to the community.



Sometimes, being a leader requires a person to be firm or tough. This does not mean the mayor should be stubborn or unwilling to listen to new ideas or information, but rather, that the mayor must be willing to uphold a position or decision when it is correct, even in the face of criticism. This also includes the ability to hold council members accountable to the responsibilities they accepted when they took their oath of office, as well as the ability to get the best deal for the city when negotiating with contractors, vendors, and suppliers.

The expression “studying it to death” describes what happens when action is constantly delayed in order to review information. Although studying an issue is important, delay for its own sake, or to avoid making tough decisions, is not good policy. To be an effective leader, a mayor must be **able to make informed decisions in a timely manner** in order to meet deadlines and schedules, or to keep programs and projects moving forward. This includes the ability to think and act quickly when having to make decisions on short notice, for example when dealing with interruptions during council meetings, or when responding to unexpected events such as a broken water main.

Other leadership qualities include the ability to:

- understand the community, its values, and its goals
- treat people with respect
- listen, and to hear all sides of an issue
- be fair and objective
- focus on solutions rather than on blame.

COMMITMENT

A person must commit considerable personal time and energy to perform the duties of mayor effectively. The amount of time varies depending on the size of the community, the form of government, and available staff, but all mayors must find time to:

- attend meetings and work sessions
- be available to constituents and local groups and organizations
- learn about federal, state, and local laws affecting the municipality
- stay informed about local issues and concerns
- meet with representatives from state and other agencies
- meet with employees and staff
- review financial, operational, and other reports
- prepare reports to the governing body and community

- attend appropriate conferences, meetings, and trainings outside the community



The ability to identify priorities, delegate tasks, and identify what *not* to do, will help reduce demand on the mayor's time, but even so, the mayor is expected to work harder, and be better prepared than (other) members of the council, in order to guide the council to action. Hard work can overcome many obstacles. Mayors who are not willing to put in extra effort will have a difficult time leading the council to success in achieving community goals.

VISION

Community vision is the ability to identify the community's long-term needs and goals and the steps that must be taken to achieve them. In small rural Alaskan communities, this vision might include a new youth center, senior center, and community hall; social initiatives dealing with alcohol; economic development; and new infrastructure for water and sewer services, housing, and local roads. Once long-term goals are identified, it can - and often will - take considerable time, effort, and resources to realize the vision.

No one has a crystal ball to know what is going to happen 5 or 10 years from now. Nonetheless, mayors and councils must think about the future when they adopt budgets, make capital improvement plans, anticipate the demand for residential and industrial land, and so on. If the mayor and council have a vision of what the community can be like, then linking decisions to the fulfillment of that vision can help the community achieve its goals.

DIPLOMACY

Diplomacy is the ability to address issues and concerns constructively without arousing hostility. Diplomacy requires the mayor to respect everyone's rights, to be polite and courteous even with people the mayor may disagree with, and to find points of agreement that lead to a solution rather than expound on the differences that separate and divide.

The mayor should have the respect of the community if he or she is to govern effectively. To gain respect, the mayor must also show respect to council members, employees, community members, and any others he or she comes into contact with in the course of conducting municipal business. The mayor must also show respect for local laws, rules, and procedures, and apply them fairly and consistently to all. The mayor must be fair when dealing with public matters, and should give everyone the same equal treatment and rights. In many cases, this may require setting aside personal feelings. When people see the mayor is being fair, they are more likely to respect and accept his or her decisions.

Tact is the ability to say or do the right thing without offending others. This does not mean giving in to others, or tolerating aggressive behavior, personal attacks, or false accusations. On the other hand, it does mean not being insensitive, thoughtless, condescending, rude, aggressive, or insulting when addressing others. Tactless or thoughtless behavior makes it difficult to promote cooperation, and can alienate members of the council and the public, lead to a loss of respect, and make it more difficult to reach agreement on complicated or divisive issues.

PROBLEM SOLVER

Suppose you were told before going to sleep one night that you must have the answers to lots of complicated questions by morning. In a small community, this is often what it feels like to be the mayor. Suddenly, council members, residents, and others expect the mayor to understand *every* issue and to resolve problems right away. The list of issues can be long, and can include everything from identifying long-range capital improvement plans, and preparing million dollar operating budgets, to dealing with complaints about a particular service, or ensuring worn out bulbs on local street lights are replaced; from supervising employees, to overseeing enforcement of local laws on curfew and dog control. The mayor must learn to separate

problems, to prioritize them according to their importance and immediacy, and to identify options for solutions.

Mediator

Very often, the mayor must try to bring together the different viewpoints of council members by listening to all sides of an issue and getting members to focus on the larger picture. Sometimes, the mayor may have to mediate when two or more members have strongly conflicting views on a particular matter. The chance for success improves if the mayor helps members avoid arguments and focus on facts, areas of mutual agreement, and the interests of the public and the community at large, rather than on personal opinions and preferences. In addition, the mayor should never take sides on an issue until he or she looks at all the available facts of that particular issue.

Realist

Many ideas, requests, and proposals come up for consideration by the mayor. He or she must be able to recognize those that are frivolous, impractical, unfeasible, and sometimes even unlawful, and focus available energy and resources on those that are most likely to achieve success. At the same time, when the city must pursue an action that may be necessary but unpopular (such as a utility rate increase), the mayor must be willing to expend energy providing information and gathering support from council members, residents, and key individuals, or simply appealing to good sense and civic duty. When advocating for one particular action or another, the mayor should pick issues carefully and avoid spending valuable time and energy on those that have little chance of success.

IV. ETHICS

Citizens have an interest in the actions of their government, and an expectation that government is working to protect their interests. Obviously, government cannot promote the personal interests of every individual, because many of those interests conflict with one another, but government can promote interests that people have in common, such as the need for public safety, and access to clean water. In government, the overall public interest should be greater than any individual's or group's personal or special interests.

Residents have a right to know what their elected officials are doing, and to know that public funds are spent to maximize public benefits and to promote the well-being of the community at large. As elected officials, the mayor and council members must work toward promoting the public good rather than their own benefit or that of family members, friends, business partners, or other special interests.

CONFLICT OF INTEREST

It is against the law to participate as a public official in a matter in which one has a substantial personal financial interest without declaring a conflict of interest. Alaska law (AS 29.20.010) requires each municipality to adopt a conflict of interest ordinance stipulating that *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. The presiding officer shall rule on a request to be excused from a vote, and the decision by the presiding officer may be overridden by a majority vote of the governing body.* If a municipality failed to adopt a conflict of interest ordinance by June 30, 1986, the provisions of AS 29.20.010 automatically apply.



It is not unusual for mayors and elected officials in small communities to have a conflict of interest, but not all conflicts involve a substantial financial or personal interest. Some conflicts may involve only the *appearance* of an impropriety or of an unfair advantage. The appearance of a conflict is not a violation of the

law. Nevertheless, these conflicts should be declared so the public doesn't think elected officials are acting out of self-interest. A simple rule of thumb is that it is okay to have a conflict, but wrong not to declare it. If the mayor believes he or she has a conflict in a matter before the council, the mayor should hand the gavel over to the vice-mayor, seek a ruling on whether a conflict exists, and if it does, refrain from taking part in debate or voting on that matter. On the other hand, a conflict should not be declared simply to avoid voting on a tough issue. The mayor isn't elected to avoid tough issues, but to deal with them.

FINANCIAL DISCLOSURE STATEMENTS

To promote public trust in elected officials and to reduce the potential for conflicts of interest, Alaska law (AS 39.50.020) requires elected officials and even candidates for elected office to file financial disclosure statements listing family income and business and property ownership. The disclosure forms are available from the city clerk, and a copy must be submitted to the Alaska Public Offices Commission (APOC): the originals are kept on file by the city clerk. The purpose of the disclosure statements is to:

- discourage public officials from acting upon a private or business interest in the performance of a public duty;
- ensure that official acts of public officials are free of the influence of undisclosed private or business interests;
- develop public confidence in persons seeking or holding public office; and
- 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.

Communities can vote to exempt themselves from the APOC reporting requirement, but the exemption does not relieve elected officials from their responsibility to declare conflicts of interest.

NEPOTISM AND CRONYISM

Nepotism in government is defined as favoritism shown to family members, especially when hiring or appointing someone for a government position or job. Hiring family members often looks bad and may affect public confidence in, and support for, the local government. State law does not explicitly forbid nepotism in city employment; however, cities should adopt ordinances and policies to ensure that hiring and other decisions are based on merit, ability, and qualifications rather than on family relationships. In small communities it can be difficult to avoid the potential for nepotism. Circumstances may result in a relative of the mayor or of a council member being hired, but when hiring for city positions, the mayor and council should always seek to hire the most qualified person based on local ordinances and policies.

Like nepotism, hiring friends for city positions or contracts can raise claims of favoritism and **cronyism** that affect public confidence in the governing body. Here too, city positions should always be filled on the basis of merit, and city contracts should always be awarded to the most qualified or most competitive party.

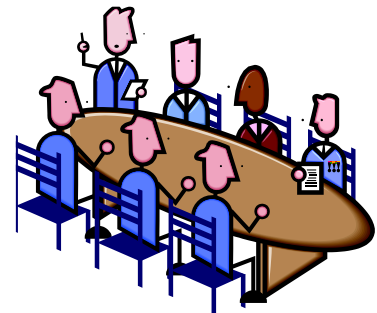
USE OF CITY PROPERTY

It is not unusual for city employees to have access to city-owned vehicles and equipment. For example, in some communities, the water operator may drive the utility pickup truck home, in case there are call-outs after regular working hours. However, personal use of the truck (e.g. to go moose hunting) would not be appropriate. Some cities also rent out facilities and equipment such as the city shop, a backhoe, or portable generators. Use of city facilities, vehicles, and equipment should be based on rates and policies adopted by the council. No exceptions to the rates or policies should be made for anyone, including the mayor, council, or city staff.



V. RUNNING A MEETING

One of the most important roles performed by the mayor is chairing the city council meetings. This chapter describes the mayor's role as presiding officer, and some guidelines for conducting effective meetings.



OPEN MEETINGS

To protect the public's right to know what its elected officials are doing, AS 44.62.310, commonly referred to as the Open Meetings Act (OMA), requires all meetings of public governing bodies, including city councils, to be open to the public. The OMA also requires public governing bodies to provide "reasonable notice" of their meetings to the public. Your municipal code should contain all the local requirements for public notice of meetings, including what to include in the notice, and where and when notices should be posted. Actions taken at unnoticed or improperly noticed meetings can be voided, and can cost cities a great deal of money to defend against charges of OMA violations.

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, to consider a matter upon which the governing body is authorized to act. As a practical matter, a mayor and council members often talk to one another about city business in various settings outside of public meetings. After all, people talk about things they have in common, and a mayor or council members are no exception. However, public officials should exercise caution when discussing municipal matters among themselves outside of any publicly noticed meeting. This kind of discussion can be construed as violating the OMA, and Alaska courts have consistently ruled strongly in favor of the OMA. The mayor and council members should heed the provisions of the OMA and must refrain from committing to a vote or a particular position on an issue outside of a properly noticed public meeting.

ROLE OF PRESIDING OFFICER

As presiding officer, the mayor is responsible for running council meetings. 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 control over the conduct of a meeting. Council members must first be recognized by the presiding officer before speaking on a topic, and the presiding officer can:

- decide on points of order, such as whether the agenda is being followed
- rule on requests to abstain from voting based on a conflict of interest
- control unnecessary discussion
- refuse to recognize motions intended only to disrupt or obstruct business
- enforce the rules of order and decorum by ruling disruptive behavior "out of order"

Maintain Order

The mayor is responsible for ensuring items are brought before the council according to the approved agenda. The mayor should ensure discussion is limited to the topic at hand, and should not allow people to interrupt a person who has the floor (i.e. a person who is speaking after being recognized by the chair). The mayor should also not allow name-calling, attacks against a person's character, offensive language, and other disruptive behavior: the mayor should stop this kind of behavior and instruct people to follow the rules. Although people may express sharply differing views during a meeting, comments should be limited to the topic at hand, and the mayor should not allow them to grow into arguments and attacks on one's personal character. Maintaining polite discussion, debate, and exchange of views promotes a better understanding of all sides, better decisions by the governing body, and also helps uphold the credibility of the mayor and council.

The mayor must treat everyone at meetings fairly, with courtesy and respect, even if what they have to say is contrary to the mayor's own personal feelings. The mayor should not be "preachy", heavy handed, or rude, and should not take advantage of persons unfamiliar with the rules or proceedings. For example, the mayor should help a new council member to phrase motions properly rather than ruling the motion out of order.

Manage Public Testimony

AS 29.20.020 (a) requires municipal governments to provide reasonable opportunity for the public to be heard at regular and special meetings. Members of the public wishing to speak must first be recognized by the presiding officer, and testimony should be held to a reasonable length of time – typically 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, except when time is specifically allotted for items not identified on the agenda. The mayor should not allow persons to speak repeatedly on the same topic unless asked to do so, and should never allow personal accusations against council and community members.

Conduct Business

The mayor must allow appropriate discussion and debate on all items before the council. On the other hand, persons should not be allowed to talk endlessly, to constantly request new information, or to otherwise prolong discussion when the council has the information necessary to make a decision. The mayor must move the meeting along by focusing on the business at hand. Unnecessary discussion can result in excessively long meetings, loss of focus, poor decisions, and delays that can have a negative impact on funding, programs, and services.

Bring Matters to a Vote

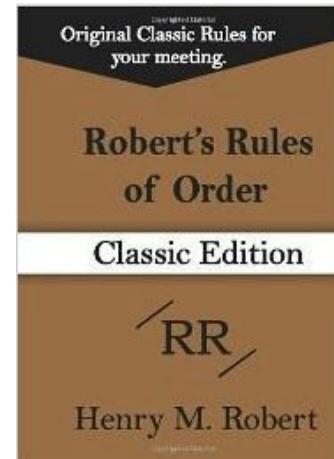
As presiding officer, the mayor plays an important role in guiding the council toward decisions on matters requiring council action. If the mayor is able to conduct the meeting in an orderly manner, and to allow appropriate discussion and debate on agenda topics without arguments, distractions, or long and repetitious comments, the council will be able to stay focused on the matters at hand. A good presiding officer will know

when to bring discussion to an end, and will then be able to bring matters to a vote. Before voting on a matter, the mayor (or clerk) should restate the motion in its entirety so that it is clear what is being voted on. The vote of each member should be recorded as a Yes or No (except if the vote is unanimous), and the result of the vote should be stated for the record.

PARLIAMENTARY PROCEDURES

Parliamentary procedures are formal rules governing the conduct of meetings. Although some people think parliamentary procedures are too complicated, the basic rules are easy to follow in most cases, and there are many resources available to help understand how to use parliamentary procedures correctly. Councils can use their own rules for parliamentary procedure, but most city councils use Robert's Rules of Order. The basic principles of these procedures are:

- Only one main topic is up for debate at a time
- All sides of an issue should be heard
- Only one person speaks at a time
- Debate is fair and impartial to everyone
- The rights of the minority are protected
- The will of the majority prevails



Parliamentary procedures are based on a system of motions, and describe how they are made and acted on.

MOTIONS

Only members of the governing body or committee holding the meeting may make a motion. In general:

- a member should first seek recognition from the chair before making a motion
- the motion is seconded (some motions do not require a second) and restated by the chair
- the council debates the motion (some motions are not debatable)
- the council votes on the motion, and the chair announces the result of the vote

There are four categories of motions: main, subsidiary, incidental, and privileged.

A **main motion** brings an item of business before the council for formal deliberation. For example: *I move to adopt ordinance 17-01*. Only one main motion may be on the floor at a time. All main motions require a second, can be debated, and require a majority vote.

Subsidiary motions relate directly to a main motion. There are seven subsidiary motions:

- Lay on the table (i.e. suspend consideration of a pending main motion in order to deal with another matter that has come up unexpectedly)
- Move the previous question (i.e. call for a vote on the main motion)
- Limit or extend the limits of debate
- Postpone to a certain time
- Refer to a committee or to staff
- Amend (the main motion, or a previous amendment to the main motion)
- Postpone indefinitely.

These motions are listed in *order of precedence*, that is, 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* must be dealt with before all the other subsidiary motions, and so on down the list. Any subsidiary motions on the table must be dealt with before returning to the main motion. The most common subsidiary motion is the motion to amend.

A **privileged motion** is one that has immediate and overriding importance, and that is permitted to interrupt any other business. Privileged motions are not related to other motions on the floor, are not debatable, and require a majority vote. In order of precedence, they are the motions to:

- Fix the time to adjourn
- Adjourn
- Recess
- Raise a question of privilege, related to the rights of members, including matters of comfort or safety (e.g. a request for members to speak louder, a request to close the windows.)
- Call for the orders of the day (called if a member believes the meeting is not following the approved agenda).

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

- Raise a point of order (if a member believes there is a violation of parliamentary procedures),
- Appeal a ruling of the chair
- Suspend the rules.

The other 12 incidental motions are used only rarely and can be found in Robert's Rules of Order.

Sometimes council members skilled in parliamentary procedure try to use it to block the will of the majority by making motions to table or defer a matter, or otherwise prevent it from being adopted. As presiding officer, the mayor must be familiar enough with parliamentary procedure to ensure the will of the majority is not thwarted by clever maneuvers. The municipal clerk is also available as parliamentary advisor to the governing body.

VI. RELATIONSHIP WITH THE COUNCIL

In first-class and home rule cities, the mayor is not a member of the council; instead, residents elect the mayor separately. In second-class cities, residents elect the council members, and the council members elect a mayor from among themselves. However, even in second-class cities, the mayor is distinct from the other council members because of his or her executive and administrative responsibilities and leadership role.

A mayor can be compared to a chairman of the board, charged with overseeing operations, providing information, and carrying out "board" (council) directives. The mayor is expected to have a broad view of community issues, unlike individual council members, who often represent specific viewpoints, groups, or special interests within the community.

As a public official, the mayor must rely on participation and input from council members. The mayor's ability to accomplish work depends on having good working relationships with those members. This does not mean the mayor must be friends with every member, agree with every member, or hang out with every member outside of official meetings. It does however mean that the mayor should treat every member with the same level of courtesy and respect, and allow members to express their views whether the mayor agrees with them or not. The mayor must be willing to place community interests above personal interests. When disagreements arise, the mayor should address them in accordance with established rules of conduct and procedure, in a manner that reflects well on the council as a whole.

The mayor and council should work together for the benefit of the entire community. Sometimes, the relationship between the mayor and council can become confusing and lead to questions of who is in charge, and who works for whom? As political leader of the city, a mayor has authority to exercise certain executive and administrative powers (such as those granted in Title 29) without prior consent of the council, unless local ordinances state differently. For example, these powers could include hiring or firing employees, establishing committee memberships, and ordering the preparation of financial reports. On the other hand, the mayor may not adopt new policies, commit city finances, undertake new programs, or represent the official views of the city without prior council approval. For example, although the mayor has authority to

formally *execute* a grant agreement approved by the council, the mayor does not have authority to approve a grant agreement on his own.

Informing the Council

The mayor should keep the whole council fully informed on issues that require council action or that are important to the community. A well-informed council is more likely to make good decisions and to be responsive to the mayor's initiatives. The mayor should share information with all council members, not just selected members of the body. Withholding information leads to uninformed decisions, and can breed suspicion, mistrust, and a perception that the mayor has a hidden agenda, is playing favorites, or has something to hide.



Listening to the Council

City councils are typically 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, a mayor must hear and take into account *all* voices on the council, the weak as well as the strong. In doing so, the mayor must often unavoidably choose between the advice and opinions of some rather than the advice and opinions of others, but the mayor's decisions should be based on careful consideration of all views presented, rather than on favorites or preconceived points of view. A mayor who does not listen to the council, or who has obvious favorites and who disregards the input of other members, even when it is good advice, risks losing the input and support of the full council and alienating members whose support the mayor may need on other issues.

Work Sessions

A **work session** is an informal meeting of the governing body called to exchange ideas or receive information or training regarding a specific topic or area of concern. Work sessions differ from meetings in that the council may not take any formal action during the work session. However, they can be very useful for discussing and sharing ideas on complex or difficult issues, and can help the council spot problems, or areas of agreement and disagreement, before a matter is actually brought before the council for action. Work sessions require public notice, and they are open to the public.

Committees

Committees are groups of people appointed by the governing body to perform some function such as analyzing a particular issue, providing recommendations on a topic, or planning a specific activity. The use of committees offers the council a way to address issues or areas of concern that require more attention than what the council can give in the course of its meetings, and a way to gather information, input, and recommendations on complex or important issues. Committees can be permanent or temporary.

A **standing committee** is a permanent committee that focuses on an area of continuing or recurring concern (e.g. finance, lands, personnel, planning and zoning, and public works). It usually consists of council members, but may also include others such as a department head, or community members with expertise in the committee's area of concern. Committee members serve for terms established by ordinance or policies of the council. The council refers issues to these committees, and the committees are expected to study the issues and report back to the council with information and recommendations.

An **Ad hoc committee** is a temporary committee created to provide information and recommendations on a specific or nonrecurring issue, or to perform a specific service such as planning a community event. Ad hoc committees often include citizens with interest or expertise in a given subject, with at least one member of the council appointed as a liaison. Ad hoc committees should be given a timeline for reporting back to the council, and should be disbanded once their work is done.



Using the Council's Talents

Individual council members may have abilities and expertise that can be used for the benefit of the community and its residents. The mayor should get to know council members according to their abilities, and should keep those abilities in mind when making committee assignments or addressing other issues. For example, if the city is considering a sales tax, a member of the council who has financial recordkeeping experience may have good ideas on reporting sales tax earnings or designing the reporting forms.



VII. THE REWARDS OF BEING MAYOR

The position of mayor can be very challenging and even frustrating, but it can also be very rewarding. 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. Which would you be more proud of - spending 1,000 hours watching television or 1,000 hours building a cabin? Anyone who said “watching television” should not run for mayor. On the other hand, a person who values work, and the satisfaction that comes with performing to his or her best, certainly has the potential for being an effective mayor.

The position of mayor provides a unique opportunity to help people within the community. 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. For some people, 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, and being honest with people about what the local government can and cannot do, promotes public trust in the local government, as well as a sense of public participation and civic pride.

The idea of improving the community may sound easy, but it requires working effectively with others (including those with whom you disagree); understanding local issues, needs, and opportunities; and finding effective and affordable solutions. Improving the community requires working hard, working smart, and

working together. The position of mayor provides a unique opportunity to work with others to find positive solutions that can improve the community not only in the present, but for years to come.

