

## MEMO FROM THE MAYOR

### SUBJECT: The Proper Role of Government at the Local Level, Final

#### At a Glance:

- Remember, democracy never lasts long. It soon wastes away, exhausts, and murders itself. There never was a democracy yet that did not commit suicide.  
John Adams to John Taylor (1814)
- Neither the wisest constitution nor the wisest laws will secure the liberty and happiness of a people whose manners are universally corrupt.  
Samuel Adams (1749)
- Energy in the executive is a leading character in the definition of good government.  
Alexander Hamilton (1788)

### Completing the Discussion of Mayoral Powers

We left off last month with a list of the mayor's executive powers, ranging from supervising city employees to ordering emergency hold-backs on city spending when necessary. Nevertheless, Idaho mayors also possess other powers of the non-executive type.

#### Mayoral Legislative, Appointment and Removal Powers

Idaho Code empowers the mayor to veto any ordinance passed by the council, subject to an override by the majority of the *full* council. In Emmett, that means four votes because the city has a six-person council. The mayor may also call special council meetings. This writer has done so on the average of two to three times per year. This usually happens when action on a grant or budgetary matters must be carried out before the next regular meeting. The mayor, of course, presides over (i.e., chairs) the council meetings and determines the order of business subject to any procedure the council may have already prescribed.

Furthermore, the mayor nominates persons to serve in appointed positions, subject to confirmation by the council. Accordingly, the mayor also has the power to remove any appointed officer for any cause the mayor deems sufficient; however, a mayoral removal must be affirmed by a vote of one-half (1/2) plus one vote of a full council. Happily, this mayor has never had to exercise this power. Note, however, the council, by its own initiative, may remove any appointed officer by *unanimous* vote.

## **The General Legislative Authority Resides in the City Council**

Idaho Code Section 50-701 provides as follows: “The legislative authority of each city... shall be vested in a council consisting of either four (4) or six (6) members, one-half (1/2) of whom shall be elected at each general city election. Councils shall have such powers and duties as are now or may hereafter be provided under the general laws of the state of Idaho.”

Emmett, long ago, chose the six-person council. It’s ironic how this writer is often blamed for policies voted in by the council, often unanimously. It’s natural to do so because, in accordance with the oath I have taken as the chief executive, I carry out the enforcement of all city council decisions, whether they amount to ordinances or contractual obligations.

So, when one hears some disgruntled citizen or former city contractor say “You can blame the mayor for the traffic circles on Johns”, as an example. The truth is the council informed the City Engineer by poll (5 to 1) that it favored “mini roundabouts” after public testimony and the City Engineer describing them as the most efficient and safest traffic control we could install. Lights, which would be the only other alternative for safety and efficiency, would have cost at least \$1 million, money we did not have.

Sadly, while governments are often blamed for wasting money (Emmett has none to waste) they seldom receive praise for saving money (which Emmett does daily) when it interferes with anyone’s comfort zone. Human nature has modeled this for millennia; nothing new to see here.

The primary legislative powers of the city council, then, encompass the following: (1) Adopting ordinances, including zoning which regulates how land may be used. (Come on, no reasonable person wants heavy industrial in their otherwise quiet neighborhood no matter how “libertarian” they claim to be); (2) Annexation; (3) Adopting a comprehensive plan; (4) Negotiating with county commissioners on area of impact; (5) Creating Urban Renewal agencies; (6) Overriding by majority of full council vote, any mayoral veto; (7) Establishing the place and time of regular meetings; (8) Majority of full council can call a special meeting; (9) Authorizing and holding Executive Session in accordance with Idaho law; (10) Determining which services the city provides and what the charge for each shall be; (11) Adopting quarantine laws; (12) Adopting franchise fee ordinances for use of public rights-of-way; (13) Licensing and regulating businesses and occupations, including setting licensing fees; (14) Vacating streets and public rights-of-way.

### **Fiscal Duties of the Council**

The council has the primary fiscal responsibilities in city government. It (1) prepares an annual budget; (2) approves an appropriations ordinance; (3) certifies to the county the property to be levied upon (i.e., we agree to the “allowance” we are being given); (4) obtains quarterly reports from all officers responsible for managing monies; (5) provides for annual audits; (6) establishes by ordinance where the city will deposit its funds; (7) and approves, by resolution, any investments the city makes.

### **Quasi-Judicial, Appointments and Removals and Miscellaneous**

While legislation and money matters comprise most of its duties, city councils also review appeals coming out of the zoning commission on rezones, conditional use permits, variances and subdivision preliminary plats. They also review denials of retail beer, wine and liquor licenses by the drink. We have already discussed city officer appointment or removal by the mayor, and their function with or without the mayor’s approval. They also choose one of them to serve as president of the council and establish, by ordinance, permanent city boards, commissions, committees and the like, defining their terms and duties.

### **Conclusion**

I’ve been hanging around local governments in one capacity or another since the mid-1970’s. While being an official may look easy to many, it takes thick skin, a sense of purpose beyond self, a true desire to make it better than you found it, and a sense of humor.