

**The information contained in this document is from chapter 6 of the League of Minnesota Cities (LMC) “Elected Officials and Council Structure and Role”, as of January 26, 2023.**

## **II. City council and its powers**

It is the duty of the mayor, clerk, and council members to ensure that the city is fulfilling its duties under the law and lawfully exercising its powers. City officials can sometimes be held personally liable for failing to act or for taking unauthorized actions on the part of the city. To avoid personal liability, city officials should gain a working knowledge of the laws that regulate city government. Whenever there is any doubt about the validity of an action or procedure, city officials should consult their city attorney.

### **A. Role of the individual council member**

Council members’ statutory duties are to be performed, almost without exception, by the council as a whole. For example, it is the council and not individual council members that must supervise administrative officers, formulate policies, and exercise city powers.

Council members should devote their official time to problems of basic policy and act as liaisons between the city and the general public. Council members should be concerned, not only with the conduct of daily affairs, but also with the future development of the city.

The most important single responsibility of a council member is participation at council meetings. In statutory cities, each council member, including the mayor, has full authority to make and second motions, participate in discussions, and vote on every matter before the council.

In a statutory city, the mayor or any two council members of a five member council or any three council members of a seven-member council may call a special meeting. Care should be exercised to give proper notice, however.

As individuals, council members have no administrative authority. They cannot give orders to or otherwise supervise city employees unless specifically directed to do so by the council. The council, however, has complete authority over all administrative affairs in the city. In Plan B cities, this authority is generally restricted to conducting investigations and establishing policies to be performed by the manager.

The mayor and individual council members no longer have peace-officer authority.

### **B. The council’s authority**

The city council is a continuing body. New members have no effect on the body except to change its membership. This means that all ordinances and resolutions remain in effect until the council alters or rescinds them, or until they expire through their own terms.

At any time, the council can change any resolution, ordinance, or administrative order whether or not the individuals presently on the council are the same as those serving when the council originally took action.

There are exceptions to this rule. For example, the council cannot dissolve a perpetual cemetery-maintenance fund. In addition, the council cannot rescind or unilaterally alter any valid contracts. This means the law of contracts applies to the council as it does to any other party. Whether a contract was validly made is a question of fact.

**For additional information regarding council roles, authority, and more, click the link below and refer to the following sections:**

**II. City council and its powers .**

<https://www.lmc.org/wp-content/uploads/documents/Elected-Officials-and-Council-Structure-and-Role.pdf?fbclid=IwAR2yWbpjpeo0hQCuLb3O5WBrj8ixF2hp3ki9c55FJRXJO6k4U8Olvr9-mgk>

### **III. Mayor**

As the head of the city, the mayor officially speaks for both the council and the community as a whole. In all statutory cities and in most charter cities, the mayor is the presiding officer and a regular member of the council. The mayor has all the powers and duties for the office of council member in addition to those of mayor.

Many mayors belong to the Minnesota Mayors' Association (MMA), which is affiliated with the League and holds an annual conference on issues of interest to mayors. Contact the League for more information about the MMA.

#### **A. Official head of the city**

As the official head of the city, the mayor has three important responsibilities. First, the mayor usually serves as the city's representative before the Minnesota Legislature, federal agencies, and other local governments. Second, the mayor performs ceremonial duties on behalf of the community. The mayor usually greets important visitors, gives formal and informal talks, and takes part in public events. Because local civic groups frequently ask the mayor to speak, the mayor must be prepared to explain and defend city problems and programs. A third responsibility is to exert leadership in city affairs. Because the mayors of statutory cities lack significant individual authority, this responsibility frequently calls for tact rather than overt acts of direction or supervisory control.

#### **B. Executing official documents**

The mayor of a statutory city must sign ordinances, contracts authorized by the council, and written orders for payment of claims that have been audited and allowed by the council. These are ministerial duties, and the mayor may not refuse to sign if the purpose, approval, and form are legally correct and complete.

#### **C. Power to make some appointments**

The power to appoint usually resides in the council. The mayor has authority to make the following appointments subject to council approval:

- Park board members.
- Public library board members.
- Hospital board members.
- Some members of the police civil-service commission.
- HRA members.
- EDA members.

The mayor has authority to make the following appointments without needing council approval:

- City art commission members (First Class cities).
- Emergency management director

- The mayor also appoints to fill vacancies in elective offices if the council's vote to fill the vacancy is tied.

#### **D. Presiding officer at council meetings**

Plan A and Plan B statutory city councils are usually composed of five members consisting of the mayor and four council members.

2. The mayor serves as presiding officer at council meetings. The mayor generally recognizes speakers for debate and motions, and rules on questions of council procedure. The power to rule on council procedure is especially significant because once rulings are made they are binding on the council, unless the council votes to challenge them.

A statutory city mayor can vote on all motions put before the council but does not have the right to veto council actions. The right of the mayor to make and second motions is implied from the mayor's privilege of voting and taking part in regular council deliberations. The mayor has an obligation to be impartial and objective in conducting the meeting. To maintain this objectivity, many mayors choose to minimize making or seconding motions, and to allow other members of the council to speak before expressing an opinion. Mayors may also call special meetings.

**For additional information regarding the Mayor's role and authority, click the link below and refer to the following sections:**

#### **III. Mayor .**

<https://www.lmc.org/wp-content/uploads/documents/Elected-Officials-and-Council-Structure-and-Role.pdf?fbclid=IwAR2yWbpjpeo0hQCuLb3O5WBrj8ixF2hp3ki9c55FJRXJO6k4U8Olvr9-mgk>