

2020

***Iowa Municipal Policy
Leaders' Handbook***



***A Guide for Iowa
Mayors and
Council
Members***

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Chapter 3

Mayor & Council Roles

A. BASICS ABOUT TAKING OFFICE

1. Term of Office

In many cities, council terms are for four years and are staggered so that the entire council is never up for election at any single time. Some cities have two-year council terms. If not specified in your city code, the term of office is two years. Unless your city has an ordinance to the contrary, there is no limit on the number of terms an elected official can serve.

Terms may be changed from two to four years, or from four to two years, by a process of petition and election (see Iowa Code Section 376.2). If approved by a majority of the persons voting, the change becomes effective for terms beginning after the next regular city election. If defeated, the proposal cannot be resubmitted for four years.

Regular terms of office usually begin at noon on the first day of January that is not a Sunday or legal holiday following a regular city election. Elected officials must take the oath of office before your term begins (even if you have been re-elected). Oaths of office can be given any time after the election results have been certified by the county, but they must be administered no later than noon on the first working day following January 1 that is not a Sunday. Persons elected or appointed to fill a vacancy must take the oath within ten days from the election or appointment.

Oaths of office are usually given by the city clerk but may also be administered by a judge or magistrate, a clerk or deputy clerk of court, a notary public,

or a certified shorthand reporter (see Iowa Code Section 63A.1). The mayor may also administer the oath of office to city council members (per Iowa Code Section 63A.2). The elected official must sign a written copy of the oath and have it certified by the person administering it. The wording of the oath of office is found in Iowa Code Section 63.10.

2. Ward versus At-Large Representation

Election to the council can either be at-large or by ward. At-large council members are chosen by the voters of the city as a whole, while ward council members are elected from specific districts. Some cities have a combination of at-large and ward representatives. Cities that elect officials by ward must comply with the “one-person, one-vote” requirement, which means that wards must be roughly equal in population. Ward boundaries usually need to be re-drawn every ten years after cities have received the official results of the federal decennial (every ten years) U.S. Census.

3. Bonds

Mayors may be required to post a bond. Bonds are intended to protect the city from liability and to safeguard the integrity of public funds. They are to ensure the faithful performance of mayoral duties and are executed in favor of the city (see Iowa Code Chapter 64 and Chapter 7, Section C4 of this *Handbook*).

4. Compensation

The amount of your compensation as an elected official is set by your city ordinance. Changes in the compensation of mayors do not become effective during a mayor's current term of office (see Iowa Code Section 372.13(8)). Changes to the compensation of council members become effective for all council members at the beginning of the term following a regular city election. As a result, if a change is made and you have two years remaining in a four-year term, you will receive the same pay as newly elected council members. Any changes to the compensation of any elected officer must be made prior to November 1 of the year of the regular city election.

B. ROLE OF THE MAYOR

Under Iowa Code Section 372, a mayor has two primary roles in city government: chief executive officer of the city and presiding officer of the city council. This section of the *Handbook* discusses the executive role of the mayor. (The mayor's duties as presiding officer of the city council are covered in Chapter 4, Section D2 of this *Handbook*).

Section 372.14 of the Iowa Code provides that the mayor supervises all city officers and departments "except for the supervisory duties which have been delegated by law to a city manager." As chief executive officer, the mayor should carefully balance policy making and administrative responsibilities. Policy making involves addressing the broader problems and issues facing the city, considering alternative actions, and determining or recommending action. Administrative responsibilities may include overseeing organizational operations, directing and managing specific activities, and carrying out organizational policies.

Mayoral duties vary considerably from city to city. Cities with a city manager, city administrator or other administrative-type officer most likely have ordinances that assign duties to that position that might otherwise be held by the mayor. City councils may also retain duties for themselves or delegate additional duties to the mayor. It is important that all members of the team – elected and appointed officials – have a clear understanding of the duties

and responsibilities of the various positions in your city. The more common executive powers and duties of Iowa mayors are:

1. Legislation

The mayor generally has the opportunity to sign, veto or take no action on legislation adopted by the council. However, if the mayor is entitled to vote on a measure at the time of passage, the mayor does not have the authority to veto legislation.

- **Signing Legislation**

Once the mayor signs a resolution, it becomes effective immediately. Ordinances or amendments to ordinances become law after publication (see Chapter 4, Section C7 of this *Handbook*), unless a later date is specified in the measure itself. If the mayor has vetoed a measure and the council re-passes it, the legislation becomes effective upon the date of re-passage.

- **Veto**

In most forms of city government, the mayor may veto an ordinance, amendment or resolution within fourteen days after passage by city council. (In those cities where the mayor has a vote on the city council, the mayor does not have veto authority).

If a mayor vetoes an ordinance, amendment, or resolution, state law requires the mayor to explain the reasons for the veto in a written message to the council at the time of the veto (see Iowa Code Section 380.6). Although not required by law, some city attorneys suggest as good policy that a veto should not be exercised during the regular course of a council meeting in which the item is voted on by the council. This allows for a more attentive reflection of positions offered by the council during their final deliberations.

- **Override**

A council may override the mayor's veto by passing the same legislation again within thirty days after the mayor's veto. To override a mayor's veto, the legislation must be passed by a two-thirds vote of all the members of the council — not just of the members present at the meeting (see Iowa Code Section 380.6(2)).

- **No Action**

If, for any reason, the mayor does not want to take a position on an ordinance, amendment, or resolution, he or she may simply do nothing. The mayor is not required to sign or veto legislation. If the mayor takes no action within fourteen days after passage of a resolution, it becomes effective at that time. An ordinance normally becomes law when published, but not before fourteen days after its passage. The city clerk will make a notation on each measure indicating whether the mayor signed, vetoed, or took no action on the measure and whether it was re-passed over a mayoral veto.

- **Voting by Mayor**

As discussed in Chapter 2 of this *Handbook*, the mayor in most cities has no vote on the city council. Under certain forms of government, the mayor has a vote on the city council the same as council members but then does not have any veto authority. If a city's charter or ordinance authorizes an even number of members on the council on a permanent basis, the mayor may vote on motions, but not on resolutions or ordinances. In special charter cities with ten council members, the mayor may vote to break a tie on all measures.

2. Mayoral Appointment of Officials

Mayors have varying appointive powers. Certain state laws and city ordinances expressly authorize some mayoral appointments, while others appointments are delegated to the city council. In many instances, mayoral appointments must be confirmed by the city council. You should check your city code to determine the full scope of mayoral

appointive powers in your city. For more information regarding appointment and removal of city officials, refer to Sections F1 and F2 of this Chapter.

3. Supervision

Mayors are responsible for supervising all city officers and departments unless that authority has been delegated by your city's ordinances to a city manager, city administrator or other administrative position. You should check the ordinances of your city to understand the full scope of the supervisory powers of the mayor and other city officials in your community.

Supervision of employee activities may require administering discipline. Refer to Chapter 8 Section B of this *Handbook* for more information on this topic.

4. Law Enforcement

Law enforcement is generally the responsibility of your police department or designated law enforcement agency. It is not the job of the mayor. Mayors are not peace officers and do not have the power to arrest people.

Mayors have certain special powers during declared emergencies (see Iowa Code Section 372.14(2)). A mayor may take command of the police and govern the city by proclamation if a state of emergency or public danger is declared.

5. Informal Duties and Powers

Mayors are typically involved in numerous civic activities, such as representing the city at various community organizations, speaking at public events or community groups, and participating in ribbon cutting and other community ceremonies. These informal responsibilities can frequently be quite time-consuming but are considered an important part of the mayor's job.

C. ROLE OF THE CITY COUNCIL

Section 364.2(1) of the Iowa Code provides that "the power of a city is vested in the city council, except as otherwise provided by state law". By virtue of this and other statutory provisions, the city council has broad responsibilities and powers.

1. Summary of Duties and Responsibilities of City Councils

- City councils are the lawmakers of a city. They pass ordinances, resolutions, amendments and motions.
- City councils establish city policies by:
 - Setting goals and priorities.
 - Approving programs and projects.
 - Approving/amending budgets.
 - Approving land use plans and zoning changes.
 - Approving expenditures and payments.
 - Approving contracts.
- City councils oversee the administration of city government by:
 - Evaluating, monitoring and reviewing city programs, services and performance.
 - Monitoring the city budget.
 - Providing direction to the city manager/administrator and/or city staff.
 - Hiring, evaluating and firing certain city officials, such as the city clerk, city attorney, city manager/administrator and other city employees for which the city council has such responsibility.
- City councils provide community leadership by:
 - Making community decisions by systematically studying problems, reviewing alternatives and choosing courses of action.
 - Establishing a vision for the community.
 - Sensing and transmitting community needs, desires and comments.
 - Arbitrating conflicting interests.

2. General Legislative Powers

Your city council exercise its powers when acting as a group (quorum) in official open session and by adopting legislation (ordinances, resolutions, motions). Individual council members have no authority of their own. The process of adopting legislation is discussed in Chapter 4, Section C of this *Handbook*.

3. Council Appointment of Officials

The authority for appointing city officials overlaps between the mayor and council. Unless otherwise

provided in state or local law, the council has the power to appoint city officials. The council by ordinance may delegate some of this power to the mayor, city manager or city administrator. See Section F1 of this Chapter for more information regarding appointment of city officials.

4. Setting Wages and Terms of Employment

The council is responsible for setting the wages of city officers and employees. It is required to fix by ordinance the terms of office of all appointed officials whose terms are not set by state law. See Section F1 of this Chapter for more information regarding term lengths of city officials.

City councils usually establish the powers and duties of municipal officers by ordinance. If responsibilities have been established by state statute, your council cannot take them away (but may add to them). The council may also remove city officers and employees it appointed (see Section F2 of this Chapter).

5. Division of Powers

As previously discussed, powers may be divided between the city council, mayor and city manager/administrator. To avoid confusion, the powers and duties of the mayor, council and city manager/administrator should be established by ordinance or a resolution and reviewed by all parties on a regular basis.

D. CITY COUNCIL ORGANIZATION

1. Mayor

The mayor is the presiding officer at city council meetings. As presiding officer, the mayor has the following functions:

- Calls the meeting to order.
- Announces the order of business as provided on the agenda.
- States motions on “the table”.
- Calls for votes, when appropriate, and then announces the result of the vote.
- Generally prevents irrelevant or frivolous debate or discussion.
- Maintains order and decorum.
- Enforces the council’s rules of procedures.

Most of these procedures should be outlined in some type of council rules of procedure. A more detailed discussion of council meetings and their procedures is found in Chapter 4 of this *Handbook*.

2. Mayor Pro Tem

Under the Mayor-Council form of government, the mayor appoints the mayor pro tem and the council as a whole is not required to approve this appointment. Under other forms of government, the council may be directly involved in the selection of the mayor pro tem. You should check your city code or consult with your city attorney to determine how the mayor pro tem is selected in your city.

The mayor pro tem performs the duties of the mayor when the mayor is absent or unable to act. The mayor pro tem has no authority to appoint, employ or discharge officers or employees without the approval of the council. The mayor pro tem cannot veto legislation. Any official action taken by the mayor pro tem during the mayor's absence is legal and binding to the same extent as if the mayor had done it. The mayor pro tem can vote as a regular council member and retains all powers as a council member.

If both the mayor and mayor pro tem are absent at a council meeting, the council should select one of its members to preside over the meeting. The council's rules of procedure should set forth the process by which a presiding officer is to be determined under these circumstances.

In the event of the resignation or death of a mayor, the mayor pro tem only serves as mayor until the vacancy has been filled. The mayor pro tem does not automatically become the permanent mayor. Chapter 12, Section F8 of this *Handbook* provides information regarding the filling of mayor/council vacancies.

If the mayor pro tem performs the duties of the mayor for fifteen days or more, the council may provide a salary to that person. The salary should reflect both the mayor's salary and the extent of the mayoral duties actually being performed by the mayor pro tem.

3. City Council Members

City council members have the duty to responsibly govern their city. This duty generally includes attending meetings regularly and punctually, actively participating in debate, carefully reviewing materials prior to meetings, respecting fellow council members, citizens and staff, and following democratic procedures. Outside of council meetings, council members' responsibilities usually involve meeting with constituents, keeping informed about the city and its activities, taking advantage of training opportunities, and conducting everyday affairs in a dignified and proper manner. It is important to remember that the business of government must take place in open session at official meetings of the city council.

4. Committees of the Council

Many city councils have some form of committee structure. A city council may have as many committees as it chooses, or it may operate without committees. Likewise, city councils may create or do away with any committee at any time. All council committees are responsible to the city council and may be required to report to that body.

- **Appointments**

As creator of committees, the council determines who appoints members to committees and the process for doing so. The council may appoint committee members or it may delegate that responsibility to the mayor.

- **Written Policies**

Your council should have written policies or rules regarding your committee system. The policies should include each committee's responsibilities, number of members, and specify who is responsible for appointment of committee members. The rules should also identify who is responsible for establishing and appointing special or ad hoc committees.