

Responsibilities and Roles of Mayors and Councilmembers (Commissioners) in Florida

In the United States, there are several types (or forms) of municipal governments. The form of government refers to the legislative and administrative structures within that municipal government.

In Florida, there are four basic forms of municipal government. These forms usually are identified in the municipal charter or incorporating documents. Florida's municipalities have a tradition of nonpartisan elections and most elected officials are part time (part time or full time would be specified in the city charter). The word "council" historically is associated with municipalities, but many cities use the word "commission" for their elected body. To best understand the roles and responsibilities of mayors and councilmembers, it is first necessary to define the four forms of government.

Council-Weak Mayor

This is the traditional municipal form, which was copied from the British local government system. The elected body consists of a number of council members, and one ceremonial leader usually called the mayor (or council chair person).

The council collectively governs; supervises department directors; approves budgets, expenditures and audits; and plans for the municipality. Each council person has the same powers, duties and responsibilities, although the mayor may have signatory authority related to fiscal matters.

There is no central administrative position. Staff report to departmental directors who report directly to the council. There are approximately 100 municipalities in Florida with the council-weak mayor form of government. The mayor (or council chair person) usually presides at meetings, signs proclamations and makes ceremonial presentations.

Council-Strong Mayor

In this form of municipal government, the elected body holds a legislative role, and the administrative powers are vested in the mayor. The council often is chaired by a council president or chairperson, and that position might rotate annually. Usually, the mayor is directly elected by the voters and may or may not serve on the council. It is more common in Florida, under this plan, for the mayor to be non-voting (examples are Jacksonville and St. Petersburg).

In a few cities, the mayor is both administrative and legislative (examples are Apopka and Orlando). In larger municipalities, the mayor is full time by charter, and a salary and benefits are provided. Some city charters provide for a mayoral veto. Staff is hired and fired by the mayor, and the mayor is responsible for the implementation of all legislation and policy.

The mayor also has ceremonial responsibilities as listed under the "weak" form. There are approximately 30 cities with this form in Florida.

Commission

This form was widely popular in the early 1900s. However, it has all but disappeared from Florida. In this form of government, the commission serves collectively for legislative purposes. In addition, each commissioner is responsible for one or more departments, and is responsible for the administrative oversight of those departments (for example, the commissioner of parks and recreation, commissioner of streets and drainage, commissioner of police, etc.).

The mayor's role is largely ceremonial and also involves running the public meetings. As government became more complex and the desire for more centralized administration grew, this form usually evolved into either one of the mayor-council forms, or the council-manager form. There are less than 10 cities with this form in Florida (an example is South Pasadena).

Council-Manager

A product of a reform movement of the late 1800s and early 1900s, this form of government is based on the business model of stockholders (voters) choosing a board of directors (council), which in turn appoints a professional chief executive officer (manager).

The manager is responsible for the day-to-day administration and implementation of all legislative and policy action. The manager also recommends policy and legislative options to council, prepares the annual budget, and hires and fires all staff. Many charters provide that the council has no role in the administrative functions. The charter usually provides for the manager's position and its general powers, while municipal policies provide for the specific roles of the manager. The mayor is largely ceremonial in this form and runs the public meetings, although some charters provide for certain appointment powers of the mayor.

In Florida, this form became the most prevalent following World War II, and is still the most common form in the state today. Approximately 270 cities in Florida have the council-manager form of government (some examples are Fort Lauderdale, Tallahassee and Daytona Beach).

Note: There are also hybrid forms that combine elements of the above four types. In Florida, no two cities have identical charters, so there is a great deal of variety to be found in the 400-plus cities, towns and villages.

In addition, it is important to understand whether a mayor or council person is elected "at-large" (by all of the voters within a municipality), by district (only those voters within a specified geographic area), or by seat (there is a geographically defined area in which the council member must live, but all voters within the municipality vote for all seats).

This is important, for example, in knowing whether a council member represents you or the area in which your business is located, or it may be that the entire council represents you. Florida's municipalities have a wide variety of council or commission composition. Each municipal charter specifies the size and make-up of the council or commission.

Roles and Responsibilities

What are the roles and responsibilities of the members of the elected body? The broad powers and duties of mayors and council members are identified in the municipal charter, but this document will give some details of the most common work of municipal leaders. It is sometimes helpful to have an acronym to remember terms. So, lace on your "CLEATS" and let's get out on the municipal field!

Constituent Representative: As with all representative democracies, the mayor or council members (also called commissioners) are the direct representative of the citizens and are responsible to the citizenry. This may include interceding for a citizen on a service matter to any governmental entity (for example, helping a citizen contact a congressional member for Social Security assistance), or carrying forward a citizen's position on issues (for example, reading a constituent's letter on a density hearing for a particular piece of property), and in directing requests for municipal assistance within the city.

Legislator: Municipal laws, called ordinances, may be written by attorneys, but they are adopted, amended and enforced through the actions of the legislative body (also called governing body). Whether it is setting the speed limit on a municipal street, establishing a water system and the rates applicable to it, adopting and enforcing growth management plans, or setting internal policies for all city employees to use, the municipal council is the elected legislative body for the municipality. In addition to ordinances and policies, the elected body is responsible for the municipal charter. Charters are broad, constitutional-type documents that are created to provide the essential structure of the government without the details that are best set by policy. Charters are usually amended for structural change when the municipality has undergone dramatic changes.

Enforcer: The council must decide what and who will enforce the ordinances set by the council. Depending upon the form of government and the size and scope of city services, there are a variety of enforcement tools available (such as code enforcement; fines, penalties and forfeitures; land-use regulations; misdemeanors and other criminal penalties, etc.).

Advocate: Whether for the council member's own goals for the city, or in representing the municipality before the county, school board, state, regional and national governments, and public-private ventures, the elected officials also serve as advocates.

Teacher: One of the key responsibilities each elected official must accept is that of instructor. Most citizens have little idea of the complexity of municipal government, service delivery, intergovernmental relations and/or growth management. They look to their elected officials for a "lay person's" ability to explain it clearly and to advocate wisely for or against changes to it.

Steward and Supervisor: Only the council may appropriate funds and is responsible for the fiscal health of the municipality. Staff may prepare the budget and recommend fiscal strategies, but the ultimate “fiscal officer” is the elected body. This is a tremendous public trust, and cannot be overstated! The ability to set a fee or levy a tax is one of critical importance.

This role also goes beyond finance. The mayor and council are also stewards of the municipality’s resources (land, equipment and personnel). The mission, goals, ordinances and policies adopted by the elected body should reflect the sense of stewardship entrenched in the elected body.

Depending upon the form of government, the charter usually establishes the oversight function of the council – and the elected body serves a vital function as supervisors.

In the council-weak mayor form, for example, this includes supervising department directors as well as charter officials such as the municipal clerk, attorney and/or fiscal officer (might be called a treasurer or finance director).

In the council-strong mayor form, the council may have a much more restricted role. In fact, the council might only supervise those positions that answer directly to council, such as council aides or administrative support. All other supervision is the mayor’s responsibility.

In the commission form, each commissioner has direct supervision over the positions within his or her respective department.

In the council-manager form, the council generally supervises the manager, attorney and possibly the clerk (this position often reports to the manager). The council is prohibited from supervising other staff, as this is the manager’s responsibility. The council’s supervision, by policy, might include an annual review (written, oral or a combination of both) of certain positions, salary and benefit reviews for those positions, contract negotiations, discipline and termination.

Council Perspective

Source of Vision: Some observers of municipal government have compared the elected body to “the pilot at 30,000 feet,” while charter officers, managers (depending upon the form of government) and municipal staff are the ground crew who make sure the plane flies as safely, effectively and efficiently as possible. Without an up-to-date flight manual (ordinances and policies), weather reports (staff forecasting and research), and a top-notch crew, most flights would never leave the ground.

What can be frustrating for the elected official, however, is that they know a citizen expects the elected body to be both at 30,000 and street level at the same time.

Here is a classic example. It's late at night in a grocery store, a citizen stops the mayor in the produce aisle to discuss garbage and recycling pick-up. The citizen is annoyed and thinks, "How can the mayor not know my trash pick-up date and route"? The mayor replies that she will check with staff right away and call the citizen. Then she wonders if she should be memorizing this information or carrying it around with her.

While those encounters may be frustrating, learning a large city's 200 solid waste collection routes could be the undoing of that mayor's *policy* role.

Effective constituent services can be delivered by learning the government's structure, knowing key staff and using the best communications procedures with the staff that carry out the work. Councils must build those strong communications channels so they can focus on overall policy development and stay focused enough to know when it is time for laws and policies to be revised. Look back at the example above. An experienced mayor hands the citizen her business card with a note on the back referencing the appropriate department, and also makes a note to call staff to follow through on the concern. This should also include a feedback loop to the mayor when the task is completed, so that a further call can be made to the citizen to determine if the situation is completely resolved.

Being a Catalyst: An elected official often runs for office with one or two very specific goals, and then puts his or her energies into making these goals a reality. Elected officials are definitely a catalyst for change and for bringing new ideas into action. Elected officials may find that government moves more slowly than other sectors, particularly business.

It is important to remember that representative democracies are designed to be *effective*. Efficiencies can be implemented (and absolutely should because of the stewardship role of council), but effectiveness is more important for the citizens as a whole. One of the earliest definitions ascribed to municipal governments was "health, safety and welfare of the citizen," and that is just as true today.

The elected official learns the cycles of government (fiscal year versus calendar year, for example) and through that learning becomes adept at recommending new ideas, revising existing programs, learning from the successes of others (not "re-inventing the wheel" as the old saying goes), finding partners for new ventures and building the municipality's relationships on every scale. In time, efficiencies are then adopted into each service, program and project, while effectiveness is the ultimate measure used in evaluating the city's performance.

Communication:

Within the Elected Body: Mayors and council members in Florida are bound by Florida's open meeting and open record laws, which are quite extensive. Each newly elected official should meet with his or her city attorney for a full briefing on these laws, and should also attend training with other elected officials to learn the most common mistakes

and pitfalls. Be sure to have a full understanding of the difference between legislative sessions and those that are “quasi-judicial.”

One opportunity used by many cities for elected official communication is the workshop. A workshop provides for open discussion within the open meeting laws, while not requiring the council to take decisive action at that meeting.

Elected officials must be careful with meetings, telephone, electronic and written correspondence. As to the meetings themselves, elected officials often get frustrated with *Robert's Rules of Order*, or the procedures adopted for the city's public meetings. Having someone coach new council members in these procedures is very helpful, as is attending other city or county meetings to watch their processes and interactions.

A number of Florida cities have also adopted civility codes, so that meeting conduct is in writing for both the elected body and the public to observe. Team-building workshops are another good idea for elected bodies, especially those experiencing a turnover of the majority of seats. Council members must get to know one another, and learn how best to communicate with themselves and staff – there is no “science” here, only “art.”

Within the City: Whether talking to citizen groups, individuals, civic clubs or a possible business partner, wise municipal officials have learned how to balance a genuine interest in what is being proposed (a new subdivision, for example) while not committing the city to a legal obligation, or violating the quasi-judicial restrictions related to discussions of pending issues. When in doubt, elected officials should always bring staff into the discussion for guidance, counsel (both legal and experience) and advice.

With the Press: After being briefed by your city attorney, and whoever the city has designated as spokesperson, many municipal officials find media training classes to be helpful. They also recommend talking to elected officials from other municipalities to learn from experience. The best advice when talking to the press: tell the truth; be brief; return to your message if you are interrupted; and when you don't know, agree to find out the answer and get back with the reporter.

As an Intergovernmental Member: Most councils develop annual strategies for their intergovernmental partnerships and relationships. It takes time to build these relationships. As with anything that grows, relationships take nurturing, time and attention to really help them bloom.

These strategies also require regular review, especially in light of legislative term limits and officials' turnover, and fiscal constraints upon Florida's governments. It helps to think of these relationships in terms of teams, partners and colleagues. It also is important to remember to hold such partners accountable. Give them praise when a task is well-done, and when it is not well done, remember to ask “why” and then develop new strategies for success. When viewing these relationships, it is important to work on conflict before it becomes a battle.

Other Advice:

You are not alone: Your colleagues are a great resource. An elected mayor, deputy mayor, commissioner or council member cannot violate the open meetings laws by talking to a member of a different collegial body (another city's council). Getting to know your colleagues from across Florida can be one of the greatest benefits and learning tools! You'll find common ground in the similar problems, challenges and opportunities – as well as great ideas for solutions.

Attend Local/Regional League Meetings and Florida League of Cities Annual Conferences: One of the best ways to meet those colleagues is locally, through your local or regional municipal league. If you aren't sure whether there is one in your area, call Linda Bridges at the Florida League of Cities at 1-(800) 342-8112 or visit www.flcities.com/executive/local_regional.asp. For information on the Florida League of Cities annual conferences, visit www.flcities.com/conference/#annual_conference.

Enroll in the Institute for Elected Municipal Officials (IEMO) and Advanced Institute: These are training programs sponsored by the Florida League of Cities and the John Scott Dailey Florida Institute of Government. The IEMO provides elected municipal officials with an intensive academic program that will assist them in effectively meeting the requirements of their elected role. The program offers a comprehensive overview of Florida municipal government, in a three-day program structured in a Friday through Sunday format. The Advanced Institute for Elected Municipal Officials is for graduates of the IEMO or those elected city officials who have completed one or more terms in office. Designed to pick up where the IEMO leaves off, this two-day program features four classes and two workshop-style lunches. For more information, contact Gail Dennard at 1-(800) 342-8112 or visit www.flcities.com/conference/#iemo.