

# Knowing Your Roles: City and Town Governments

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For effective and efficient management of city and town government, municipal officials — particularly mayors, councilmembers, and city managers — should understand the roles of their respective offices and their interrelationships with one another. Conflicts among municipal officials can often be the result of confusion as to these roles and the consequent overstepping of them. Although those boundaries may be unclear in some cases, there is a basic structure to city and town government from which these roles derive.

## Forms of City and Town Government

Washington cities and towns are organized under [two principal forms of government](#): the mayor-council form or the council-manager form. This blog focuses on the mayor-council form of government, but the basic principles apply equally to the council-manager form.

The powers of city or town government are distributed among three separate branches: legislative, executive, and judicial, as shown below, along with state and federal equivalents.

### Branch of Government Federal- or State-Level Example City- or Town-Level Example

Legislative branch	Congress/ state legislature	council
Judicial branch	Supreme Court/ district court	municipal court
Executive branch	president/ governor	mayor or manager

The focus of Congress, the state legislature, or a city/town council is policymaking. A municipal court exercises judicial functions, although in a more limited way than the state or federal courts, and the mayor (or manager) heads the executive branch of municipal government much like the president and governor head the federal and state executive branches, respectively.

Under the "separation of powers doctrine," each of the three branches exercises certain defined powers, free from unreasonable interference by the others, yet all three branches interact with each other as part of a checks-and-balances system. The powers of these branches are defined for the most part by state statute ([Ch. 35A.12 RCW](#) for mayor-council code cities; [Ch. 35A.13 RCW](#) for council-manager code cities; [Ch. 35.18 RCW](#) for council-manager non-code cities; and [Title 35 RCW](#) for non-code cities and towns).

## The Responsibility of a City or Town Council

The council has the power to enact laws and policies, consistent with state law, regulating local and municipal affairs, usually through the enactment of ordinances and resolutions. In general, the council's authority also includes the specific authority to:

- Enact an agency budget;
- Define the powers, functions, and duties of municipal officers and employees;
- Fix the compensation of municipal officers and employees;
- Establish the working conditions of municipal officers and employees;
- Maintain retirement and pension systems;
- Impose fines and penalties for violation of city ordinances;
- Enter into contracts;
- Regulate the acquisition, sale, ownership, and other disposition of real property;
- Provide governmental, recreational, educational, cultural, and social services;

- Impose taxes, as authorized by state law;
- Cause the agency to own and operate utilities;
- Approve claims against the agency;
- Grant franchises for the use of public ways; and
- License, for the purpose of revenue and regulation, most any type of business.

In addition, the council is authorized to enact [rules governing its own procedures](#), including for public meetings and hearings.

### **The Responsibility of the Mayor/Manager**

The mayor (or manager in a council-manager city) is the chief executive of the agency, charged with carrying out policies set by the council, seeing to it that local laws are enforced, and managing the day-to-day agency operations, including the supervision of all appointive officers and employees in the performance of their official functions.

The mayor/manager is also in charge of hiring and firing all appointive officers and employees, subject, where applicable, to laws regarding civil service. Councils have some authority to require confirmation of the appointment of certain officials (except for town councils) but do not require confirmation of firings by the chief executive.

In general, the chief executive also has the following authority to:

- Enforce contracts;
- Bring lawsuits, with council approval;
- Preside over council meetings and, in some classes of cities and towns, exercise some tie-breaking authority with respect to council votes or have [veto authority](#) over ordinances;
- Call special meetings of the council;
- Prepare a proposed budget;
- Report to the council on the financial and other affairs and needs of the agency;
- Perform as ceremonial head of the agency; and
- Approve or disapprove all official bonds and contractor's bonds.

Consistent with the separation of powers doctrine, the council is not authorized to interfere with the administration of city or town government. Councilmembers may not give orders to department heads or to other agency employees. In council-manager cities, this prohibition is established statutorily; the council must deal with the city manager concerning matters of city administration. Only under the city manager's direction and "for the purpose of inquiry," may the council deal directly with officers and employees.

However, a council needs information on how the agency is operating to do its job, and the chief executive — either directly or through other municipal officers or employees — should provide that information to the council in a timely and useful fashion.

### **Common Areas of Conflict**

Of course, things do not always run smoothly between the council and agency administration. The line between policy and administration may in some situations be blurred and imprecise. This section explores two areas in which disagreements often arise.

#### **Personnel**

A common source of conflict is personnel, as the following sample scenarios demonstrate.

- An municipal employee may complain to and seek relief from the council about some aspect of employment.
- The mayor (or manager) may believe that certain personnel policies interfere with their supervision of employees or hiring and firing authority and may direct that all communications with agency staff go through the mayor's office. The council, in response, may feel that the mayor is unlawfully restricting its access to agency personnel for information purposes.

The remedy for some of these situations may be that the chief executive and the council review their respective roles to understand the limitations of their respective authorities. Mayoral appointments offer insight into this dynamic, as not all councils have the same authority with respect to these appointments. Here are two examples.

- Council A is not pleased with a recent mayoral appointment, and it has the authority to confirm some appointments. Council A rejects the appointee, which forces the mayor to choose another.
- Council B is also not happy with a mayoral appointment but does not have confirmation authority. Council B can express its dissatisfaction to the mayor but cannot do more with regard to that appointment.

Note that both Council A and Council B may, through policymaking, provide for a detailed personnel system establishing specific qualifications for positions or requiring publication and public posting of job opening announcements for their respective jurisdictions.

Similarly, if the council feels that a municipal officer or employee is performing poorly and should be disciplined or fired, it can say so to the chief executive but has no power to do anything else. Although the council controls the salaries paid to municipal officers and employees, it may not lower a salary so as to cause — and with the purpose of causing — the person holding that position to quit. A rule to follow is that the council (or the chief executive) may not do indirectly what it cannot do directly.

On the issue of communication between the council and municipal officers and employees, the chief executive may not prevent councilmembers from gaining information through an inquiry process, although they could regulate such a process. However, if a councilmember's inquiries of an agency employee serve to harass that employee, become burdensome, or unreasonably take them away from their duties, it may be necessary for the chief executive to require those inquiries be channeled through the executive's office or that of another department head, as long as this can be done without unduly encumbering the council's access to information.

## **Budgets and finance**

Finances and budgets are additional sources of conflict, but generally, the chief executive may not take full advantage of the budget authorized by the council.

For example, the council may authorize a certain position at a certain salary, but the chief executive may decide either not to fill the position or may do so at half-time and half-salary. The chief executive may cite financial challenges, such as revenues falling short of projections, and may conclude that the agency cannot afford to fill this position full-time. The council, on the other hand, may not agree or may determine that a different cost-saving measure is appropriate and should be instituted.

Resolution of this type of issue may prove particularly tricky. Although a chief executive may not pay an employee less than that authorized by the council in the budget or in a separate salary ordinance, the executive may, under certain financial circumstances, be able to partially fill the position, which would proportionately reduce the salary. However, legal authority is hazy on such issues and the best strategy would be for the chief executive and the council to work out a mutually agreeable compromise.