

ARTICLE 6

Governance in Mayor-Council Cities

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THE MAYOR-COUNCIL FORM of government is the original form of general-purpose local government in this country, descended from the English borough mayor-and-council system and instituted in the first American colonies. Throughout its long history and in its many variations—such as a bicameral council, a weak versus a strong mayor’s office, and an at-large or a ward system—it has been successfully employed from the smallest colonial town dependent on ferry tolls for operating expense, to the modern megalopolis with a multi-billion-dollar budget.

Pre-Revolutionary towns were typically chartered by the colonial governors, who also usually named the mayor, and councils were elected by the town’s voters. With independence, the state legislatures chartered towns, and the mayor was usually selected by the elected council from among its members. The council as a group made all the decisions concerning town issues, and the mayor, in great contrast to his English counterpart, was not a preeminent figure and held no independent authority. This same principle prevails today in North Carolina cities under the mayor-council form of government.

Following the new federal government model of separate election of the president, the practice of directly electing the mayor began in some small towns, spread to the large cities in the country during the rise of Jacksonian Democracy in the first half of the nineteenth century, and was firmly entrenched by midcentury. In many large cities throughout the country, there was a concomitant shift of power from the council to the independently elected mayor. The council remained the primary deliberative and legislative body, but in these strong-mayor cities, the mayors gradually assumed important individual powers like limited or absolute veto power, direct control of some or all of the city departments,

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and budgetary responsibility. This trend was far from universal, and many cities and towns, especially the small ones, continued under the traditional weak mayor-council system in which the council (including the mayor) exercised all the power as a body and the mayor's individual duties were largely ceremonial.

As cities grew in wealth, responsibilities, and bureaucracy, the spoils system emerged, and popular dissatisfaction grew in those cities that experienced corruption, inefficiency, and political favoritism. In light of the mayor-council form's historical as well as continued popularity, these difficulties may be blamed as much on the people in government—or more probably the size of the government—as on the form of government. The problems were real, however, and in the first decade of the twentieth century, there emerged the commission form of municipal government and then the council-manager form of government as alternatives. Until then, the mayor-council plan had been the exclusive form of municipal government in the United States. The council-manager form has steadily increased in popularity since its inception, and it now is the principal form of municipal government in U.S. cities with populations of 10,000–500,000. The mayor-council form, as either the strong-mayor or weak-mayor type, predominates in cities in the smaller (less than 10,000) and larger (more than 500,000) population classes.

Advantages and Disadvantages of the Mayor-Council Form of Government

The primary advantage of the mayor-council form of government is that it brings government closer to the voters. The people who have the responsibility of not only formulating city policy but also actually operating the gears of government are directly elected by the citizens. The elected leaders are solely accountable for the direct administration as well as the oversight of municipal functions.

On the other hand, there are two major weaknesses inherent in the plan as it is used in North Carolina (the weak-mayor form). The first is the absence of any real concentration of executive authority and responsibility because decision making ultimately rests with the city council as a group. Responsibility for operating the city is divided among and shared by all members of the council, making it administration by committee. Strong, consistent direction depends on maintaining general agreement, which may be difficult at times. This diffusion of authority and responsibility has even been perceived as an advantage of the plan: the difficulty of concerted and decisive action makes it unlikely that the government can do much harm!

The second weakness in the mayor-council form of government is that good politicians are not necessarily good administrators. Those who are elected may be popular with the voters but amateur at running a municipality, and, even if inept administration later brings rejection at the polls, the result is usually a new set of popular but inexperienced administrators.

However, the continued use of the mayor-council form of government belies these weaknesses and indicates that it can and does work where conscientious elected officials work together for the welfare of the city. As a practical matter, many small towns cannot afford to employ an experienced professional administrator. This form of government is best suited for and most often used by small towns, where municipal functions are fewer and less complex and can be well provided by an elected council and relatively few employees.

Extent of Use in North Carolina

Numerically, the mayor-council form is the principal form of local government in North Carolina today. In 2002 it was used by 339 of the 541 cities. It predominates among cities with populations of less than 2,500. The council-manager plan has been the exclusive form in large cities in North Carolina (those with populations greater than 25,000) since the late 1940s, and it is used by most cities with populations between 2,500 and 25,000. Cities in this range have also tended over the last forty years to shift from the mayor-council plan to the council-manager plan.

In 2002, only three of the forty-four North Carolina cities with populations between 5,000 and 10,000 had the mayor-council form of government: Summerfield, Weddington, and Williamston. All three employed a professional administrator. The distribution of mayor-council cities in cities with populations under 5,000 in 2002 is shown below in Table 6-1.

Table 6-1. *Prevalence of the Mayor-Council Form of Government in Small North Carolina Cities, by Population, 2002*

Population Class	2,500- 4,999	1,000- 2,499	500- 999	Less than 500	Total
Cities	83	118	96	138	435
Mayor-Council Cities	30	80	87	131	328

Source: David M. Lawrence, *Forms of Government of North Carolina Cities*, 2002 ed. (Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill, 2002), 44.

Operation of the Plan

Organization of the City Council

Designation and Composition

The city council is designated as the *board of aldermen*, the *board of commissioners*, or the *village, town, or city council*. The designation used makes no difference; the choice is merely a matter of custom and local preference.

The number of council members varies from two to twelve; smaller cities sometimes have three council members and a mayor; larger cities usually have five or six council members and a mayor. Most councils are elected on a non-partisan basis and at large by all the city's qualified voters. However, two or more electoral districts may be established from which some or all of the council members are elected. The district candidates may be elected exclusively by residents of the district in which they live or by the electorate at large.

The members of most city councils have four-year staggered terms to ensure a degree of continuity in municipal affairs and prior experience among at least some members of the council. Two-year terms for council members is a distant second in popularity of terms of office.

Organizational Meeting

A new council usually takes office at its first regular meeting in December after the results of the city elections have been certified, at which time the members take the oath of office and organize the government for the conduct of business (G.S. 160A-68). The council must appoint a mayor pro tempore to preside over it and to fulfill the other duties of the mayor when he or she is absent or incapacitated (G.S. 160-70).

Officers and Employees

A city's charter ordinarily states that certain officers and employees will be appointed by the city council and specifies their duties. The General Statutes require that the following officers be appointed and have the described general duties in addition to any other duties specified by the council.

Clerk (G.S. 160A-171). The clerk is responsible for giving the proper notices of regular and special meetings of the council, keeping an accurate journal of the council's proceedings, and being the custodian of all city records. A *deputy clerk* may (but need not) be appointed to perform whatever duties the council specifies (G.S. 160A-172).

Budget Officer (G.S. 159-9). The budget officer receives budget requests from the various city departments, prepares a proposed budget for submission to the council, and complies with other requirements concerning budget preparation and administration prescribed by the General Statutes. Unlike cities with a council-manager form of government, under which the city manager is the budget officer, cities with the mayor-council plan may designate any city officer or employee (including the mayor, if he or she agrees) as budget officer.

Finance Officer (G.S. 159-24). The finance officer may also be called *accountant, treasurer, or finance director*. He or she has the general responsibility to keep the accounts and disburse the city's funds in a manner consistent with the General Statutes' provisions pertaining to the finance officer's duties. These duties may be conferred on the budget officer or on another officer or employee who is eligible to perform the duties of budget officer.

Attorney (G.S. 160A-173). The council must appoint a city attorney to be its legal advisor. He or she serves at the council's pleasure.

Tax Collector (G.S. 105-349). The tax collector has the general responsibility to collect property, privilege license, and all other taxes due the city and to fulfill the other duties imposed by the General Statutes concerning tax collection. Any officer or employee may be appointed tax collector except a member of the council; the finance officer may be appointed to that office only with the Local Government Commission's consent. Many cities, both large and small, contract with the county to collect their taxes.

Appointments to Boards and Commissions

Either the city council or the mayor makes initial appointments and fills vacancies on all separate boards and commissions that are authorized by special or general laws of the state. Planning boards, boards of adjustment, and parks and recreation commissions are examples of the separate boards and commissions to which the council is authorized to make appointments. Members of housing authority boards are appointed by the mayor. The number of board or commission members and their terms of office are established by general law authorizing such boards or by ordinance implementing the authority granted by statute. In addition, the council is authorized to create special citizen advisory committees, such as a human relations committee, and to appoint their members.

Appointment of Department Heads and Employees

The council is responsible for establishing the city operating departments deemed necessary or desirable and for appointing, suspending, and removing department heads and all other city employees. It may delegate to an administrative officer or a department head the authority to appoint, suspend, or remove employees assigned to that department (G.S. 160A-155). In mayor-council cities with populations of less than 5,000, the mayor and the members of the council may serve as department heads or other city employees and may receive reasonable compensation. In mayor-council cities with populations of 5,000 or more, and in council-manager cities, they may not (G.S. 160A-158).

Typical city departments are police, fire, water, streets, sanitation, recreation, planning, and inspections. The council may combine the responsibilities of departments, or appoint one person to supervise several departments or to fill duties in more than one department (G.S. 160A-146). For example, a public works director may be appointed to supervise both the street and the sanitation department, or the fire chief may also be assigned the duties of building inspector.

Supervision of Officers and Employees

In organizing, directing, and supervising the various functions or departments of municipal government, the city council may use one of several administrative or organizational plans unless the charter provides otherwise. Whatever type of administrative plan is used, it is important for the council to define clearly the responsibility of each officer or department; to coordinate, as far as possible, the activities of each; to establish clear lines of authority between the council, the department heads, and employees; and in general, to establish a sound administrative plan that will enable the council to supervise all municipal activities adequately.

Three basic administrative plans are used in cities under the mayor-council form of government: (1) the entire council directly supervising all departments; (2) one council member assigned to supervise each department; and (3) committees of the council supervising one or more functions or departments.

Direct Supervision of All Departments

When direct supervision is used, the council appoints and removes all department heads and directs and supervises them in carrying out their duties. Each department head or officer reports directly to the council and is responsible to it for the operation of his or her department. This plan is widely used but can be cumbersome if the city has many departments. It is probably best suited to small cities with not more than three or four departments or functions that require the council's direct supervision.

Assignment of Council Members to Departments

Under this administrative arrangement a designated city council member has charge of a department and may exercise such administrative control over the operation of the department and its head as the council may direct. The department head or officer is directly responsible to that council member rather than to the entire council, although personnel decisions, such as hiring and termination, remain the responsibility of the entire council. The member reports to and recommends measures to the entire council regarding the department's affairs. This system expedites the administration of departmental affairs, but council members may become more concerned with their department than with the total operation and administration of all departments, which is the council's principal responsibility.

Committee System

Under this organizational plan the city council creates committees of the council to study and make recommendations concerning the operation of the respective departments; in some places these committees are given the authority to supervise departmental operations. When this system is used, the committees are normally assigned general areas of responsibility that may include several departments. For example, supervision of police, fire, and inspection services might be assigned to a public safety committee that is composed of several council members. Governing bodies should be aware that committees of the council are themselves considered public bodies under the open meetings law and will have to comply with its requirements.

The number of committees and their membership will vary depending on the council's size, the number of departments, and other factors. If the charter is silent regarding requirements for committees, the council may establish committees and assign them such duties, consistent with the charter and general laws of the state, as it deems best. Suggested committee structures for a council consisting of a mayor and five council members appear in Table 6-2.

Use of an Administrator

Some communities hire a chief administrative official while maintaining the mayor-council form of government. A charter amendment is not required to have an administrator although the municipality may wish to adopt an ordinance to create the position and specify its duties. Typically such employees are called administrators, but some may be called "managers" even though the municipality has not yet changed to the council-manager form of government. In a council-manager form of government, managers are granted specific powers and responsibilities by statute, including the power to hire and fire. If the governing body of a mayor-council municipality wishes to grant the full powers of a manager to its administrator, that signals the need to change to the council-manager form.

The Role of the Mayor

The mayor is directly elected by the city's qualified voters except in a few places where election is by the city council from its members. The mayor is recognized as the head of the municipal government and usually is its spokesperson, but he or she has only the limited authority granted by the city's charter and the general laws of the state. He or she presides at meetings of the council, is the city's representative for ceremonial purposes, and has whatever other powers and duties the city council assigns, if any. Any power and influence that the mayor enjoys usually result from force and vigor of personality rather than from legal authority. Unless the city charter provides otherwise, a mayor elected directly has the right to vote on council matters only when there is a tie vote of the council, but a mayor elected by the council from among its members votes on all council matters (G.S. 160A-69).

Adoption of the Mayor-Council Form of Government

The mayor-council and council-manager plans are the two alternative forms of municipal government available by general law and in use in North Carolina. The form of government is set forth in a city's charter. An initial charter is an act of the General Assembly. A few cities were originally chartered by the Municipal Board of Control, a state commission that is now defunct.

The General Assembly can amend a charter, but the General Statutes also provide a method for a city to change its own form of government by a local ordinance that amends the charter (G.S. 160A-101 through -110). Thus a city that has either the council-manager or the mayor-council form of government may adopt the other form by following the statutory procedure for amending its charter. The procedure calls first for a resolution of intent to amend the charter and then a public hearing on the issue before the amending ordinance may be adopted. The ordinance may be made effective either with or without voter approval, at the council's option. If the council does not provide for a vote on the ordinance, a referendum on the issue must be called if enough voters sign a petition requesting it. The General Statutes also provide a procedure for an initiative petition, under which an election on the form of government may be called on petition of sufficient qualified voters; the new form of government is established if the voters approve it. Article 5 discusses these options in more detail.

Table 6-2. Alternative Plans for Organizing a City Council Composed of a Mayor and Five Council Members**Three-Committee System**

The council is organized into three committees: Finance, Public Works, and Public Safety.

The committees' responsibilities are as follows:

- Finance: budgets, taxation, recreation, and library
- Public Works: streets, transportation, water and sewer, electric light and power, storm-water drainage, and solid wastes
- Public Safety: police, fire, and health and sanitation

Alternative Organization Plans	Finance	Public Works	Public Safety
Plan 1	Mayor (mayor pro tempore) Commissioner 2 Commissioner 3	Commissioner 1 Commissioner 4 Commissioner 5	Commissioner 2 Commissioner 3 Commissioner 4
Plan 2	Commissioner 1 (mayor pro tempore) Commissioner 2 Commissioner 3	Commissioner 4 Commissioner 5 Commissioner 2	Commissioner 3 Commissioner 4 Commissioner 5
Plan 3	Mayor (mayor pro tempore) Commissioner 2	Commissioner 1 Commissioner 3	Commissioner 4 Commissioner 5

Two-Committee System

The council is organized into two committees: Finance and Public Safety, and Public Works. The committees' responsibilities are as follows:

- Finance and Public Safety: budgets, taxation, recreation, library, police, fire, and health and sanitation
- Public Works: streets, transportation, water and sewer, stormwater drainage, electric light and power, and solid wastes

Alternative Organization Plans	Finance and Public Safety	Public Works
Plan 1	Mayor (mayor pro tempore) Commissioner 2 Commissioner 3	Commissioner 1 Commissioner 4 Commissioner 5
Plan 2	Commissioner 1 (mayor pro tempore) Commissioner 2 Commissioner 3	Commissioner 4 Commissioner 5 Commissioner 2

Number of Committee Assignments per Member, by Plan	Three-Committee System			Two-Committee System	
	Plan 1	Plan 2	Plan 3	Plan 1	Plan 2
Mayor	1	0	1	1	0
Commissioner 1 (mayor pro tempore)	1	1	1	1	1
Commissioner 2	2	2	1	1	2
Commissioner 3	2	2	1	1	1
Commissioner 4	2	2	1	1	1
Commissioner 5	1	2	1	1	1

Comments:

Plan 1 requires the mayor to serve on the Finance Committee; this is often advantageous. Also, Plan 1 requires only three members to serve on two committees. Plan 2 requires four members to serve on two committees. Plan 3 requires that each member serve on only one committee; this is desirable, but a committee composed of only two members is often unworkable.

Carefulness in Speaking for the Council

Members of city councils should be careful when talking with the news media, citizens' groups, and even individuals to make certain that their comments reflect the council's view rather than their personal opinion. Opinions and statements of position expressed by council members are usually taken to be those of the entire body. If a council member misstates the city's position, assumes a council position that has not actually been taken, or incorrectly predicts a council position or action, the result can be embarrassment, mistrust, and resentment on the part of the listener and other council members, as well as the public. Citizens often do not distinguish between the thoughts of an individual council member and those of the council as a whole, nor do they remember that one council member's feelings may not be shared by the others. The listener may infer that what is actually only a personal expression of opinion is an authoritative pronouncement of official city policy. On important or sensitive city matters requiring clarity and careful explanation, it may be desirable for the council to designate one of its members as spokesperson; a written statement agreed on by the whole council that is available for distribution may be advisable for some situations.

Additional Resources

- Adrian, Charles B., and Ernest S. Griffith. *The Formation of Traditions, 1775–1870*. New York: Praeger Publishers, for the National Municipal League, 1976.
- Griffith, Ernest S. *A History of American City Government: The Progressive Years and Their Aftermath, 1900–1920*. New York: Praeger Publishers, for the National Municipal League, 1974.
- International City/County Management Association. *The Municipal Year Book*. Washington, D.C.: ICMA, published annually.

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The author expresses his appreciation to Fred P. Baggett, the late S. Leigh Wilson, and the late Warren Jake Wicker, whose combined authorship of this article in earlier editions of *Municipal Government in North Carolina* is reflected in this article. Baggett was General Counsel to the North Carolina League of Municipalities and is the [retired] city attorney of High Point; Wilson was Executor Director of the North Carolina League of Municipalities; and Wicker was an Institute of Government faculty member who worked in many areas of local government.

