

## Mayoral Powers versus Council Member Powers

Kevin Burke received the following request for information from Councilmember Dembow:

“Please make sure we have all practice, policy, ordinances, resolutions and anything that there is a difference between what the mayor’s powers are and the council members powers are for anything. I want to discuss a way to ensure that the structure of the direct elect for Mayor is complimented by the structure of the power the Mayor possesses.”

Understanding the “we” to be mayor and council, this was provided to all members. The list of possible documents in which “any” mayor and council powers may reside is quite expansive and a full research would exceed Town Council Policy Section XVIII. However, the Town Manager and Directors during its February 21, 2017 staff meeting were able to conduct a quick search of the most likely documents in which this information would be contained and did so in about an hour’s time. Below is our list. There is no guarantee that it is exhaustive, but suspect it covers the vast majority of instances where power is exerted under our current operations.

- I. Call Meetings (Rules and Procedures Section II)
  - a. Mayor has the power to call special meetings. Any meeting outside of the day and time set by the Rules and Procedures would be considered a special meeting.
  - b. Three or more Councilmembers may call a special meeting.
- II. Agenda Setting (Rules and Procedures Section III)
  - a. Mayor has the power to place items on the agenda
  - b. Any Member of the Town Council may request that an item be placed on a future Council agenda pursuant to the provisions in Section VIII(b)(13). This is the future agenda items on the Council agenda. This rule requires the concurrence of “three more Members” for a total of four. This rule further seems to indicate that the agenda item can only be placed during a Council meeting. Further clarification of requests outside of that forum would be welcomed.
- III. Powers & Duties of the Mayor (Town Code 2-2-4) (also ARS 9-236)
  - a. Chief Executive Officer of the Town
  - b. Chairman of the Council
    - i. Preside over meetings
    - ii. Make and second motions and vote in proceedings
    - iii. Administer oaths and compel attendance of witnesses
  - c. Enforce the provisions of the code
  - d. Execute by signature statutes, ordinances or other instruments.
    - i. Failure to sign within 5 days, then a majority of Council, by majority vote, may authorize the Vice Mayor to sign.
  - e. Make recommendations and suggestions to the Council he may consider proper.
  - f. Command the police force and govern by proclamation in event of an emergency
    - i. Declare and enforce curfews
  - g. Shall perform other duties required by State statute and Code
- IV. Appointments to Boards and Commissions

- a. The Mayor shall appoint (in the code the term appoint is used but it is used synonymous with nominate) Board and Commission members for Council to consider for confirmation on the following:
    - i. Board of Adjustment (2-5-3a)
    - ii. Hillside (2-5-6b)
    - iii. Advisory Committee on Public Safety (resolution 1330)
    - iv. Arts Committee (Council Action in 1999)
    - v. Historic Committee (Council Action in 2000)
    - vi. Mummy Mountain Trust (Resolution 923)
    - vii. Public Safety Pension Board (ARS 38-847(a))
    - viii. Any new board or commission of the Council (Rules and Procedure Section XVIII)
  - b. Council nominates and confirms members of the following boards
    - i. Planning Commission
    - ii. Municipal Property Corporation
    - iii. Personnel Appeals Board
  - c. All Board and Commission members seeking reappointment are to send a letter to the Mayor.
- V. Confirmation of Board Chairs
  - a. Council confirms the selection of the chair of the Planning Commission and Board of Adjustments
- VI. Mayor may direct the Building Official to conduct investigations and render written reports (ARS)
- VII. Financial Responsibilities
  - a. The Mayor shall co-sign checks greater than \$25,000
  - b. In the absence of the Mayor, the Vice Mayor shall co-sign checks over \$25,000