

City of Carlton

Job Description for Council Members

Job Title: MEMBER OF THE CITY COUNCIL

Department: CITY COUNCIL

Position Classification: ELECTED OFFICIAL

Position Reports to: CITIZENS

DEFINITION

Council Member's direct the City's conduct of daily affairs and plan for the future development of the City. The future development of the City means not only the obvious physical land use, but also establishing effective and ethical policies and securing a strong financial stability. Council Member's should devote their official time to problems of basic policy and act as liaisons between the City and the general public.

QUALIFICATIONS

To hold elective city office, individuals must be qualified city voters, at least 21 years of age on the date of taking office, U.S. citizens, and residents of the city for at least 30 days before the election. An individual who has been convicted of a felony under either state or federal law cannot hold elective office in Minnesota unless the individual's civil rights have been restored.

RESPONSIBILITIES

The City Council has several major responsibilities. Please note that, as individuals, Council Member's have no administrative authority. They cannot give orders or otherwise supervise City employees unless specifically directed to do so by the Council. As a Council, however, Council Member's have complete authority over all administrative affairs in the City.

Primary Responsibilities

- The most important single responsibility of a Council Member is participation at Council meetings. Each Council Member, including the mayor in statutory cities, has full authority to make and second motions, participate in discussions, and vote on every matter before the Council
- Council Member's' statutory duties are to be performed, almost without exception, by the Council as a whole. The Council, not individual members, must supervise administrative officers, formulate policies and exercise City powers. Even the duties of City employees are the direct or indirect responsibility of the Council.
- Council Member's should devote their official time to problems of basic policy and act as liaisons between the City and the general public. Council Member's should be concerned, not only with the conduct of daily affairs, but also with the future development of the City.
- The Council may enact ordinances by a majority vote except where a larger number is required by law. The power to legislate also includes setting administrative policies and otherwise establishing public policy for the City.

City of Carlton

Job Description for Council Members

Secondary Responsibilities

- To preserve order during its own meeting and to establish rules of procedure;
- Except for powers that the statutes delegate to a specific official or independent board or commission, the Council has the authority to exercise all the powers the statutes give to the City.
- The power to appoint officials (department heads and other employees) resides in the Council. Final authority of all departments belongs to the Council as a whole; the Council has the sole authority to appoint all employees of the City government. How the Council uses this power determines the quality of government itself.
- The Council certifies election results, and deciding whether a Council vacancy has occurred.
- All departments and employees responsible for the administration of policies and ordinances are under the direction of the City Council in the general administration of their duties. However, in the interest of general good government and chain of command, the Council should focus on general policy decisions and direction, but not common administrative details. The City Council should not direct employees as to how to act step-by-step in a particular situation.
- Council Member's are often criticized as acting from some personal agenda or on behalf of unseen interests. For these reasons, in order to be, and to be perceived as, an effective decision-maker, certain standards of conduct should be followed. The laws and rules governing openness and ethics in government must be followed and promoted. Any actual or perceived conflict of interest should be avoided. All members of the City Council should encourage high ethical standards in making decisions. An ethical manner is essential to restore public confidence in our democratic institutions.
- A Council Member of a statutory City may not have a direct or indirect personal, financial interest in any sale, lease, or contract they are authorized to make in their official capacity. There are limited exceptions to this law. But, unless there is an exception, any contract made in violation of this law is void. That is, neither the Council Member who benefits from the contract nor the City may enforce the contract.
- There are also situations where a Council Member may find they have an interest in a non-contract decision the Council will make. This type of interest could be of a financial nature. These non-contract matters may include such things as Council decisions on zoning, local improvements, and the issuance of licenses. Although not generally prohibited by law, an interested Council Member should abstain from participating in the Council discussions and from voting on these issues.
- Virtually every resident of the City and anyone doing business in the City could at some time have a direct financial interest in a decision a local official is authorized to make and thus would qualify as an interested person. The levying of property taxes, the spreading of special assessments, the valuation of property for tax purposes, the issuing of a license, the zoning of property or granting of a land use permit, are all examples where a property or business owner's financial interested could be effected. Thus, any person doing business or residing in the City is potentially an interested person as far as a City Council member is

City of Carlton

Job Description for Council Members

concerned. Whether a resident or business owner is a potential interested person as far as members of boards and commissions are concerned depends on the types of decisions or recommendations they are authorized to make.

- City officials can sometimes be held personally liable for failure to act, for improper actions, and for unauthorized actions on the part of the City. To avoid personal liability suits, City officials should gain a working knowledge of the laws that regulate City government. Whenever there is any doubt about the validity of an action or procedure, City officials should consult the City Attorney. The Council should not adopt ordinances unless they are enforceable. The City should not begin new projects and programs unless their City is committed to their success. The City Council should determine what it expects the City to accomplish and keep the City's activities within the scope of the Council's determination. This will reduce the possibility of an inadequate job, resulting in potential liability exposure
- A City Council Member, who knowingly authorizes a prohibited contract, even though they do not benefit from it, may be guilty of a crime. The Council Member who would benefit from the contract could also be guilty of a crime if that person entered into it knowing it would be illegal. The contract is invalid even if the benefiting Council Member did not participate in the discussion of the contract or vote on it. And, even if the Council Member acted in good faith and the contract was fair and reasonable, the contract is void because it is prohibited by the conflict of interest in contracts law.
- With some exceptions, every gift to any City official is prohibited. An interested person may not give a gift or request another to give a gift to a local official. A local official may not accept a gift from an interested person. The law prohibits gifts to local officials, not to cities. Thus, a gift can be given by an interested person to a city. The following types of gifts are permitted: political contributions, services to assist an official in the performance of official duties, services of insignificant monetary value, a plaque or similar memento recognizing individual services in a field or specialty or to a charitable cause, a trinket or a memento of insignificant value, and informational material of unexceptional value.
- Overall, it is the duty of all Council Members to ensure the City is properly exercising its functions, fulfilling its duties under the law, and not exercising powers that it does not legally possess. Furthermore, the Council must direct and control the actions of City employees, making sure they are properly carrying out their duties and not exercising authority they do not possess.
- The voters of the City and the courts hold elected City officials responsible for the proper performance of these duties.
- Although the statutes do not require the use of committees, some councils find they are helpful in reducing workload. By dividing their membership into several committees, a council enables its members to devote most of their time to specific areas of the city's operations. Each councilmember becomes a relative specialist in these areas and that councilmember's services become of greater value to the council as a whole. Council action is necessary to establish committees either in the council's bylaws, by special resolution, or through a motion. The council may set up special and standing committees. The council appoints special committees to deal with a

City of Carlton

Job Description for Council Members

single transaction or project. For example, the council might appoint a special committee to study the advisability of purchasing land for a new park. Standing committees concentrate on work that is continuous or repeated from time to time during the year. Many cities, for example, have a standing committee on finance.

SUMMARY

- The Council Member term of office is for 4 years
- Oath of office is given at the first regular meeting in January following the election
- A Council Member's term begins at the first meeting held in January following the election
- The salary for a Council Member is \$150.00 per month. Council Members are paid monthly.
- City Council meetings are held on the second Tuesday of each month at 6:00 pm in the Council Chambers in the Carlton Civic Center located at 310 Chestnut Avenue.
- The City Council consists of one (1) Mayor and four (4) Council members
- The City of Carlton is a Statutory Plan "B" City

In addition to participating in civic events, city officials must provide leadership by promoting new ideas and suggesting new programs to improve the community and its surrounding areas.