

Municipal Clerks and Treasurers Institute


Year One, Session Two

September 11 – 13, 2013
Clarion Downtown Hotel



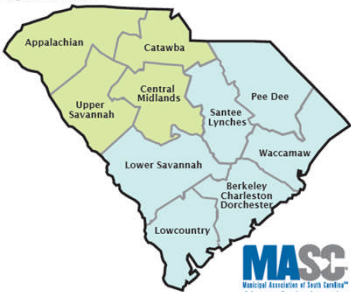
Forms of Municipal Government in South Carolina

Municipal Clerks and Treasurers Institute - Session II
September 11, 2013

Field Services Managers

Assigned a specific region of the state, two field services managers provide technical assistance, discuss municipal issues and coordinate resources with the Association's 270 cities and towns. Also, they communicate with municipal officials about key legislative issues.



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MASC
Municipal Association of South Carolina
Advocacy. Service. Innovation.

Establishment of FOG

- ❖ FOG established by the Local Government Act of 1975, known as the Home Rule Act
- ❖ Home Rule Act granted municipal and county governments expanded powers
- ❖ Act clearly states local governments are units of state government



Policy vs. Administration

- ❖ Two distinct areas of functional responsibility in local governments regardless of the form
 - **Policy**
 - Policy = Council
 - The “What” and “Why” of issues
 - **Administration**
 - Administration and Operations = Staff
 - The “How” “When” and “Where” of issues



What Distinguishes The FOG

- ❖ The major difference is where the executive and administrative powers and responsibilities of the local government are vested.
 - The legislative function remains with the council under all forms of municipal government.
 - Executive powers, roles and responsibilities exercised by the mayor, council and chief administrative officer differ among FOG.



Municipal Government In S.C.

❖ General Information

- 270 municipalities
- Great diversity in level of services delivered
- Most are very small (207 less than 5,000 population)
- Great variation in population and complexity of municipal governments

❖ Three Authorized Forms Of Municipal Government

- Mayor-Council (Strong Mayor) 145
- Council (Weak Mayor) 93
- Council-Manager 32



Mayor-Council Form

❖ General Information

- Most popular form of government in South Carolina municipalities (145 of 270 municipalities)
- Often called the strong mayor form because the Mayor is granted by state law the right to exercise legislative as well as executive and administrative authority



Mayor-Council Form

❖ Council Powers

- Serves as legislative body
- Determines policy for municipality
- Appoints city attorney, city judge and municipal clerk
- Approves annual budget



Mayor-Council Form

❖ Mayor's Powers

- State statute designates mayor as presiding officer
- Serves as chief administrative officer and is responsible for:
 - Preparation, administration and reporting of the budget and financials to council
 - Oversight of city departments and all day to day operations
 - Responsible for all personnel decisions except as otherwise provided by law and council



Mayor-Council Form

❖ Mayor's Powers

- Ensures the faithful execution of laws
- Makes annual financial reports to public and council
- Reports to council on the operations of departments
- With council approval, may hire an administrator to assist
- Presides over meetings of council
- Votes as a member of council



Council Form

❖ General Information

- Second most popular form of government in South Carolina municipalities (93 of 270 municipalities)
- Sometimes called the weak mayor form which refers to the mayor's lack of formal executive authority
- No separation of powers between the executive and the legislative functions
- Often called governance by committee because of shared powers



Council Form

❖ Council Powers

- Exercises all legislative and administrative functions
- Establishes all departments and agencies of the municipal government
- Appoints the city clerk, attorney, judge and all employees
- Council may hire an administrator whose duties should be defined by ordinance of council
- Responsible for adopting a balanced operating budget



Council Form

❖ Mayor's Powers

- Performs administrative duties only if authorized by council
- Presides at meetings of council by tradition, not statutory authority
- May exercise "informal" authority as leader of council/staff and as spokesperson for the council



Council Form

❖ CAO Powers

- The chief administrative officer, if appointed by council, is called an administrator
- Administrator's authority may vary from city to city
- The administrator's powers are limited to those specifically delegated and prescribed by council



Council-Manager Form

❖ General Information

- Third most popular form: 32 of 270 municipalities
- The mayor and council members are forbidden by law from interfering with the operation of the departments, offices and agencies under the direction of the manager
- No direct involvement in the hiring or firing of employees under the manager or directly dealing with or giving orders to those employees



Council-Manager Form

❖ Council Powers

- Serves as legislative body
- Determines all municipal policies
- Hires and fires city manager
- Appoints the municipal attorney and judge



Council-Manager Form

❖ Mayor's Powers

- No powers beyond that of being a member of council
- Presides at meetings of council by tradition, not statutory authority
- May exercise "informal" authority as leader of council and spokesperson for the council



Council-Manager Form

❖ City Manager's Powers

- The city manager serves at the pleasure of council
- State statute defines the powers of the city manager
- The city manager serves as the chief executive officer and head of the administrative branch
- Empowered to appoint, remove and fix the salary of all employees
- Prepares, submits to council and then upon approval, administers a balanced budget
- Performs any other duties prescribed by law or required by council
- Appoints municipal clerk



Council-Manager Form

❖ City Manager's Powers continued

- Prepares an annual financial report to council and advises council of the financial condition of the municipality
- Advises council on the appointment to boards, recommends the creation, change or abolition of departments and designates a temporary manager in his or her absence
- Implements policies through administrative control of all departments, offices and agencies



Change in Form of Government

❖ Ordinance Method

- The municipal council calls for referendum by ordinance

❖ Petition Method

- Requires the signatures of at least 15 percent of qualified electors
 - Majority of those voting in referendum must vote for change
 - If the referendum fails, a minimum of four years before another referendum can be held



Whose Job Is It?



Scenario One

The city planning director has continually violated the city's dress code policy. The mayor has decided the planning director should be suspended. Council disagrees with the mayor and says that by ordinance only the city administrator can discipline employees. Who has the authority to suspend the planning director?

- Mayor-Council
- Council
- Council-Manager



Scenario Two

Council member Jones visits the city clerk and demands to see the fire chief's personnel file. He doesn't say why. Should you give him the file?

- Mayor-Council
- Council
- Council-Manager



Scenario Three

The mayor recently negotiated an employment contract with the new city administrator. However, the mayor didn't present the contract for the council's approval. Did the mayor need approval from council?

- Mayor-Council
- Council
- Council-Manager



Scenario Four

The mayor recently negotiated two contracts: one for the purchase of a new fire truck; one to privatize city garbage collection. She didn't present either contract to the council for its approval. Did the mayor need approval from the council for either contract?

- Mayor-Council
- Council
- Council-Manager



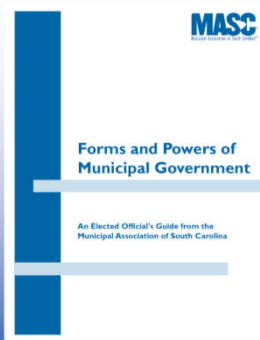
Last One!

Sun City's clerk, attorney and municipal judge have each decided to retire December 31. The city will need to replace each of these employees as soon as possible. Who is responsible for replacing these employees?

- Mayor-Council
- Council
- Council-Manager



Resources



S.C. Code of Laws Title 5
Chapters 5,9,11,13

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