



Fonda L. Jovick | Managing Partner  
Zachary W. Jones | Partner  
[fjovick@lclattorneys.com](mailto:fjovick@lclattorneys.com)  
[zjones@lclattorneys.com](mailto:zjones@lclattorneys.com)

**To:** Mayor and City Council

**From:** Fonda L. Jovick and Zachary W. Jones, City Attorneys

**Date:** July 17, 2025

**Re:** Legal Analysis re: Roles of Elected Officials in City Government

---

## **ISSUES PRESENTED**

Overview of the roles of elected municipal officials and analysis of mayor's superintending role over city officers, directors and staff in relation to their interaction with city council.

## **LEGAL ANALYSIS**

Municipal governments in Idaho recognize the same separation of powers as state and federal governments in the United States by establishing a division of responsibility between legislative, executive and judicial branches of government. This separation of powers ensures that necessary checks and balances are in place to prevent the concentration of power in any one branch or official.

The principle of separation of powers in municipal government serves multiple critical functions: it ensures accountability through mutual oversight, prevents the arbitrary exercise of power by any single official, promotes transparency in decision-making, and creates a system where different branches can check potential overreach by others. This framework is particularly important in municipal settings where the same staff members must serve multiple branches of government simultaneously.

### **Mayoral Role in Local Government**

Mayors in Idaho derive their authority from specific statutory provisions, which define and limit their powers.<sup>1</sup>

---

<sup>1</sup> Mayoral powers and responsibilities extend beyond what is specifically detailed herein.

Idaho Code § 50-602 designates the mayor as the chief administrative official of the city and grants superintending control over all officers and affairs of the city, as well as the responsibility to ensure compliance with city ordinances, subject to the rules and regulations prescribed by the city council. This role gives the mayor authority over the implementation and oversight of laws and policies adopted by the city council as well as the management of city operations, officers, directors and staff. Additionally, the mayor is authorized to break tie votes of the city council. *See also* Sandpoint City Code (SCC) § 1-5-2.

However, the scope of the mayors' superintending control is not absolute and has been limited by Idaho courts. In *Moore v. Hupp*, 17 Idaho 232 (1909), where the mayor hired private police officers without the approval of city council, the Idaho Supreme Court cautioned that allowing unchecked executive authority would "substitute the will and caprice of a mayor for the legislative body of the city" and would "nullify, abrogate and ignore any and all provisions of the ordinances of the city enacted by the city council." The Court emphasized that mayoral powers must be exercised "in accordance with the provisions of the statute" and cannot circumvent the collaborative framework established by law.

To that end, Idaho Code § 50-607 provides that the mayor shall perform such duties as may be prescribed by law or city council. This includes the authority to administer oaths, and sign contracts and conveyances in the name of and on behalf of the city. This statutory language creates a limitation on mayoral authority and establishes the city council's supervisory role over mayoral powers. The requirement that mayoral powers be "expressly granted" reflects the principle of strict construction that Idaho courts apply to municipal authority under Dillon's Rule. *See Ceaser v. State*, 101 Idaho 158 (1980).

Idaho code § 50-611 grants the mayor veto power over ordinances passed by city council, provided that an ordinance vetoed by the mayor may still be passed by a vote of one-half plus one of the members of city council. *See also* SCC § 1-5-2.

This veto power represents another example of checks and balances in municipal government. The mayor can reject council legislation that may be impractical to implement or inconsistent with efficient administration, while the council retains the ultimate authority to override such vetoes with full majority support. This mechanism, along with the mayor's authority to break a tie vote, ensures that neither branch can unilaterally control the legislative process and requires both branches to consider the other's perspective.

### **City Council Role in Local Government**

City councils in Idaho have legislative authority, oversee the appointments of key administrative officers, are responsible for passing ordinances and policies, working with officers, directors and staff in issuing key decisions on zoning, permitting, code violations or variances, and overseeing the funding of government operations<sup>2</sup>.

---

<sup>2</sup> Again, City council powers and responsibilities extend beyond what is detailed herein.

Idaho Code § 50-204 provides that the mayor, with the consent of the city council, appoints officers such as the city clerk, city treasurer, and city attorney, as well as other officers deemed necessary for efficient city operations. These appointments are subject to council approval, and the council may also determine the duties and responsibilities of these officers (see I.C. §§ 50-207, 50-208 & 50-208A).

The requirement of council consent for key appointments represents an important example of shared authority that creates mutual checks on power. While the mayor has the initiative in proposing appointments and direct oversight of daily operations, the council's consent requirement ensures that key positions are filled through a collaborative process. This prevents either branch from unilaterally controlling the city's administration while respecting the mayor's operational responsibilities.

Additionally, city councils have the authority to establish boards, commissions, and committees to assist in carrying out their responsibilities. The council, in collaboration with the mayor, defines the duties and authority of these entities through ordinances (see Idaho Code § 50-210).

City council's authority further extends to such financial matters as preparing the city's annual budget pursuant to I.C. § 50-1002, approving claims against the city and maintaining internal accounting controls, as outlined in Idaho Code § 50-1017. Essentially, council must work together with the city treasurer and other necessary staff when preparing the city's annual budget.

The council's budgetary authority represents a significant legislative check on executive implementation, while the mayor's operational oversight provides practical input on budgetary feasibility. As the Idaho Supreme Court noted in *Mountain States Telephone & Telegraph Company v. City of Boise*, 95 Idaho 264 (1973), municipal councils have broad authority to make policy decisions about future municipal operations and resource allocation. However, this financial oversight must be balanced with the mayor's responsibility for implementing policies within allocated resources and providing operational expertise to inform budget decisions.

## **Mayoral and City Council Roles Relating to City Staff**

Case law further clarifies mayoral and council authority. For example, in *Tate v. Johnson*, 32 Idaho 251 (1919), the Idaho Supreme Court held that a city council cannot ratify the action of the mayor that was beyond its statutory authority. The Court emphasized that city councils can prescribe the powers and duties of officers and employees by resolution but cannot extend their authority beyond statutory limits. Similarly, in *Caesar v. State*, 101 Idaho 158 (1980), the court reaffirmed that municipal corporations, including city councils and mayors, operate under powers expressly or impliedly granted by the state legislature, adhering to Dillon's Rule<sup>3</sup>. Therefore, authority cannot extend beyond what is granted by the constitution or by statute.

---

<sup>3</sup> *Dillon's Rule* states that local governments have three types of powers: those granted expressly, those necessarily or fairly implied in or incident to powers expressly granted, and those essential to the declared objects and purposes of the corporation, not simply convenient, but indispensable. Further, if reasonable

Unlike state or federal governments, cities in Idaho operate by and through officers, directors and staff members who simultaneously support both the legislative and executive branches of municipal government (i.e. the city council and mayor) requiring direct communication with members of each individual branch for various purposes. For example, planning and zoning requires directors and staff to work with both the mayor and city council to analyze, report, and assist council with issuing decisions on applications brought pursuant to Sandpoint City Code; the city treasurer must work directly with city council in the preparation of the city's annual budget, the city clerk provides staff support to both the mayor and city council by preparing meeting packets with information related to each agenda item, ensuring accurate minutes are taken at meetings, preparing meeting notices and agendas, etc.

This dual-service structure creates unique challenges for maintaining appropriate balance of powers in municipal government. Staff members must be able to provide information and support to both branches while avoiding conflicts that could undermine their effectiveness. The system depends on clear communication channels and mutual respect for each branch's distinct functions. The mayor's superintending control and council's legislative oversight needs must be balanced. This ensures that both branches can effectively perform their statutory duties without interfering with the other's essential functions. While city staff and department heads may communicate with individual council members to provide information and answer questions, it is important to note that the city council can only provide official direction to staff through majority vote as a collective body. This distinction ensures that individual council members cannot unilaterally direct city operations while still allowing the free flow of information necessary for informed legislative decision-making. This framework protects both the mayor's administrative authority and the council's legislative oversight function.

## CONCLUSION

As previously outlined, Idaho Code § 50-607 directs that the mayor's powers be limited to those conferred upon him by the laws of the State of Idaho or by city council, reinforcing the principle that the mayor cannot unilaterally impose restrictions unless expressly authorized by law or council action. Therefore, the superintending power granted by I.C. § 50-602 does not explicitly give the mayor absolute power over the officers, directors and staff members who function as support for both legislative and executive branches of municipal government. The statute also emphasizes that the mayor's powers are subject to the rules prescribed by council, suggesting that city council retains significant authority over procedural matters.

The balance of powers analysis reveals that Idaho's municipal government structure intentionally creates a system of mutual checks and collaborative decision-making. The statutory framework and supporting case law establish clear boundaries that prevent any branch from controlling all aspects of municipal operations. This system depends on maintaining open communication

---

doubt exists regarding whether a power has been conferred on a local government, then the power has not been conferred. See [https://www.law.cornell.edu/wex/dillon%27s\\_rule](https://www.law.cornell.edu/wex/dillon%27s_rule).

channels between branches and ensuring that staff can effectively serve both the legislative and executive functions of city government.