

Being a Productive Council or Committee Member

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Characteristics of a Good Elected Official

- Commitment
- Integrity
- Patience
- Humor
- Forethought
- Respect
- Interest
- Communication

Public perception matters. Act with intentionality and expect that your decisions may be under a microscope.

How Does Local Government Work

- Follows the same pattern as Constitutional Government



- Which branch do you fit into as a newly elected official?
 - How can you maximize your role and obligations without impacting or causing detriment to the other branches or staff?

It Starts with Knowledge & Understanding

Knowing and Understanding Your Role on a Council or Committee:

Duties and
Responsibilities of
the Body

Powers of the Body
(Section 62.11,
Wis. Stats.)

Separation of
Powers – Home
Rule

Powers of the
Individual Office
Holders in the
Body

Clarity of Role for Council/Committee

The board's function is primarily ***policy making and legislative***, not administrative or executive those are the functions of an administrator and manager or in some occasions a clerk. *See, e.g., 80 Op. Atty Gen. 49 (1991).*

Policy has been defined as “a high-level overall plan embracing the general goals and acceptable procedures esp. of a governmental body.” *Webster's New Collegiate Dictionary 890 (1977).*

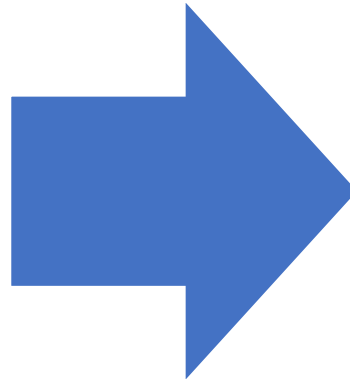
“Legislative power, as distinguished from executive power, is the authority to make laws, but not to enforce them.” *See 2A MCQUILLIN, MUNICIPAL CORPORATIONS § 10.06 at 311 (3d ed. 1996).*

“The crucial test for determining what is legislative and what is administrative has been said to be whether the ordinance is one making a new law, or one executing a law already in existence.” *Schuetz v. Van De Hey, 205 Wis.2d 475 (Ct. App. 1996).*

Understanding: Policy vs. Administration

Council or
Committee:

Considers issues and
creates policy or
legislation to address



Administration/
Operational Staff:

Effectuates existing
policy to correct
issues or provide
enforcement.

Working within your role helps create efficient,
responsive, and functional government administration.

Examples of Policy vs. Admin/Ops

Policy

- “What” – Will the city establish a hiking trail system?
- “Why” – Will the system benefit the city?

Admin/Ops

- “How” – Who will build and maintain the system?
- “When” – What is the timeframe for implementation?
- “Where” – Where will the system need to be maintained?

The dividing lines blur when implementing a plan, but once the plan is complete, the “hand off” occurs.

Council/Committee Roles and Responsibilities

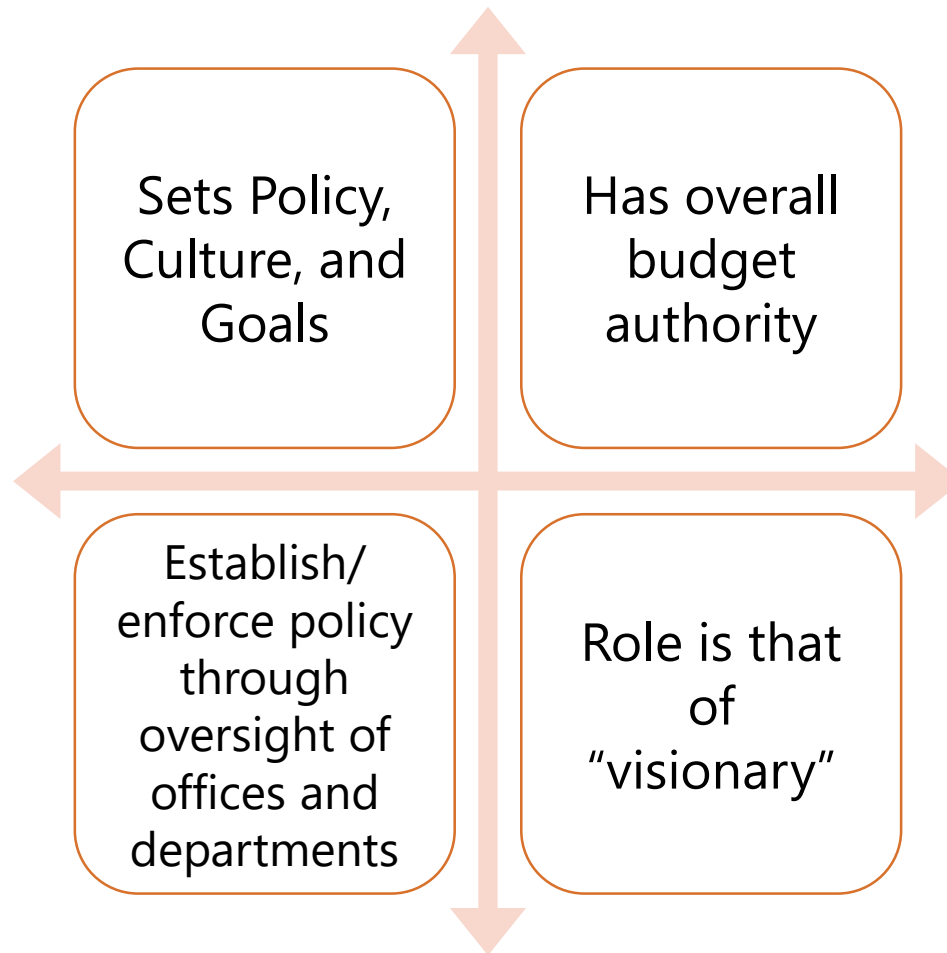
- Council/Committee and Staff have vastly different responsibilities
 - Council/Committee members serve primarily a legislative role
 - Staff serve in an operational and advisory role (executive)
- Administration is full-time when Council is in session

Clarity of Roles for Council/Committee and Staff is Key

If the Council/Committee and Staff take the appropriate organizational design steps at this juncture, the government entity will be able to make better decisions more quickly and use the talents of its council/committee members and staff. To do so, all need to:

- Be clear about their respective roles;
- Approve procedures for how the council/committee and staff are going to operate; and
- Solidify the partnership so council/committee and staff can take the actions needed to accomplish the intended end results of the organization.

Legislative Body Roles and Responsibilities



Legislative Bodies Do Their Job By:

- Providing strategic direction to Staff
- Establishing, maintaining and operating within governance guidelines and expectations
- Staying focused, educated and committed with respect to the priority of efficient and effective governance

Understanding There May Be Different Individual Roles

- **Council President** (Wis. Stat. 64.07)
 - Afforded voting powers, but also helps maintain process and procedure at public meetings.

Understanding There May Be Different Individual Roles

- **City Managers** (Wis. Stat. 64.09/ 64.11)
 - Executive branch authority to exercise administrative power over functioning of the municipality.
 - Wis. Stat. 64.09 speaks to the Council's appointment and removal authority over the City Manager.
 - Wis. Stat. 64.11 speaks to the City Manager's authority once appointed.

Understanding There May Be Different Individual Roles

▪ City Manager Powers under Wis. Stat. 64.11

- (1) The city manager shall be the chief executive officer of the city and head of the city administration and shall possess and exercise all the executive and general administrative powers imposed and conferred by general law or special charter upon the mayor and common council and upon the various boards, commissions and officers and in force in such city at the time of its reorganization under ss. 64.01 to 64.15, and such additional powers as are herein imposed and conferred.
- (2) The city manager shall have the power to create minor administrative offices and positions and to discontinue such offices and positions according to the city manager's judgment of the needs of the city.

Understanding There May Be Different Individual Roles

▪ City Manager Powers under Wis. Stat. 64.11

- (3) The city manager shall have the power to appoint all heads of departments, all subordinate city officials and all city employees and to remove such appointees at any time their services or the conduct of their offices becomes unsatisfactory to the city manager. This subsection shall not be construed as depriving the board of fire and police commissioners or the chiefs of fire or police departments of any city of all the powers conferred by s. 62.13.
- (4) No head of a department, city official, or city employee shall be appointed for a fixed term, but during good behavior and satisfactory service.

Understanding There May Be Different Individual Roles

- **City Manager Powers under Wis. Stat. 64.11**
 - (5) All appointments shall be purely on merit and with a view to securing the best available appointee for the place. Due consideration shall be given to training, experience, ability, and general qualifications and fitness for performing the duties of the office and no weight or consideration shall be given to residence, nationality, or to political or religious affiliations.
 - (6) Residence in the city or state shall not be a qualification for any such appointment.

Obtaining and Keeping the Job: ***Yours and Theirs***

Council/Committee: Represents the will of the people.

- Elected by the people; appointed by elected officials.
- Local connections.
- Removal through elections or elected officials.

Staff: Provides the tools, resources and guidance.

- Largely career public servants.
- Background checked
- Professional associations
- Accountable as at-will employees

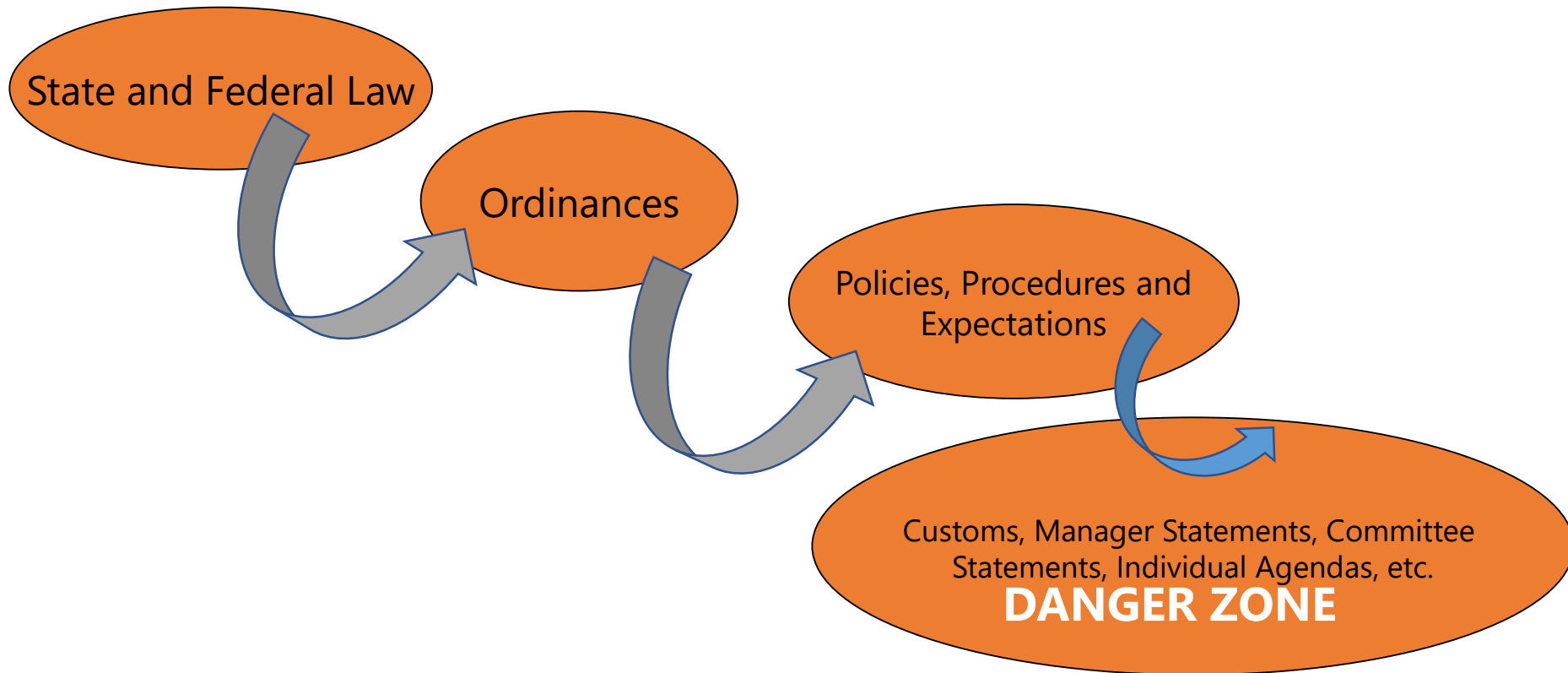
Know and Appreciate Staff Roles

- They carry out the vision and duties in a manner consistent with the policy direction of the body
- They are to advise and give professional advice to the body
- They do not make policy but they are responsible for procedures to carry out policy and directives of the body

Staff Roles

- Provide information to the policymakers to assist the policymakers to make an informed decision
- Answer questions and present reports during meetings to enable elected officials to make informed decisions
- Offer alternatives and recommendations as needed
- Provide municipalities with continuity and historical “know how” as elected officials turnover

Legislative Authority and the “Danger Zone”



Important Documents for Establishing the Foundation

1.

Organizational Philosophy

2.

Expectations on Council/Committee Roles
(governance rules and structures, job descriptions)

3.

Expectations on Administration and Staff Role
(administrative guides, handbook and rules, org structure, job descriptions)

Legal Concerns

Good Council/Committee Members:

- Know the Legal Standards and comply with them:
 - Ethics: Conflicts of Interest – Personal & Issue
 - Misconduct in Office
 - Open Meetings Laws
 - Public Records Laws

Understanding Conflicts

- Personal conflicts
- Family conflicts
- Business conflicts
- Issue conflicts
- Admitting and dealing with conflicts legally

Misconduct and the Appearance of Misconduct

Section 946.12 - Misconduct in public office

- 1) *Intentionally* fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty
- 2) In the officer's or employee's capacity as such officer or employee, does an act which the officer or employee *knows* is in excess of the officer's or employee's lawful authority or which the officer or employee knows the officer or employee is forbidden by law to do in the officer's or employee's official capacity; or
- 3) Whether by act of commission or omission, in the officer's or employee's capacity as such officer or employee exercises a discretionary power in a manner inconsistent with the duties of the officer's or employee's office or employment or the rights of others and *with intent* to obtain a dishonest advantage for the officer or employee or another; or
- 4) In the officer's or employee's capacity as such officer or employee, makes an entry in an account or record book or return, certificate, report or statement which in a material respect the officer or employee *intentionally* falsifies; or
- 5) Under color of the officer's or employee's office or employment, *intentionally* solicits or accepts for the performance of any service or duty anything of value which the officer or employee knows is greater or less than is fixed by law.

Open Meetings Rules

Good Council and Committee Members:

- Understand the underlying purpose of the Open Meetings Law—transparency—and conduct themselves accordingly; encourage fellow Council members to do the same. This means:
 - Avoiding walking quorums (including walking negative quorums)
 - Avoiding improper meetings, such as electronic meetings
 - Staying within the bounds of the agenda
 - Utilizing closed sessions sparingly
 - Avoiding public gatherings of a quorum of the Council without appropriate notice

Public Records Rules

Good Council and Committee Members:

- Understand and respect their role and legal obligations as the legal custodian of their office's public records.
- Cooperate with employees of their governmental entity, if they've designated someone else as custodian of their records or stored their records in such a manner that assistance is needed in accessing them.
- Comply with their governmental entity's record retention schedule and policies, including the maintenance of records in appropriate government-owned locations, such as a server or database that has the capability of keeping the record for the necessary retention period.
- Utilize government-owned communication methods, rather than personal communication methods.
- Understand the law seeks maximum disclosure to the public and operates accordingly.

Working Together As A Goal

Good Council and Committee Members:

- Reflect the culture for the whole organization.
- The Mission, Vision, and Values of an organization matter, are thoughtful, and are unique to your entity.
- Civility, dignity, respect, courage and grace all go a long way.

Working Together As A Goal

Good Council and Committee Members:

- **Respect roles.** Know their job and try not to interfere with others' jobs.
- **Time.** Devote the time needed to do a good job.
- **Be Curious.** Know what they don't know and admit that they don't know something.
- **Informed Decision-making.** Do not jump to conclusions; instead, hear and weigh all the facts.
- **Listen.** Listen twice as much as they speak.

Working Together As A Goal

Good Council and Committee Members:

- **Open-mindedness.** Keep their mind open to change.
- **Respect for the Work and Commitment.** Understand that staff is practicing a career – a highly complex one for which staff have prepared with formal education, training and, in most cases, years of progressive experience.
- **Are not a complaint department.** Communicate with the staff through the administration as much as possible. Remember the role of the “shepherd” in constituent relations and the importance of chain of command within the organization.

Working Together As A Goal

Good Council and Committee Members:

- **Don't make Promises.** Don't make promises outside of meetings, not only for legal reasons, but also out of respect for the ethics of the situation and regard for the other council/committee members, the administration and staff.
- **Be a Fair Listener.** Listen to what employees have to offer and let them know you are listening.

Working Together As A Goal

Good Council and Committee Members:

- **Practice constructive criticism.** Criticize the work rather than the individual.
- **Do not surprise staff** at a meeting with resolutions, problems and issues without their prior knowledge. If you “spring” something at a meeting, staff probably will not have the necessary data at hand to allow full and complete discussion of the issue. Incomplete data and discussion lead to unwise decisions.
- **Be supportive.** If someone complains to you about a member of staff, listen but do not agree. Being supportive of staff shows that you have confidence in yourself and in the management team.



THANK YOU.