

COMMON COUNCIL POLICY ON GOVERNANCE AND AUTHORITY

The Stoughton Common Council recognizes that elected and appointed officials of the City of Stoughton each perform important and distinct roles in the governance and administration of municipal services. The continued success of the City depends on mutual cooperation between elected officials and City staff as well as a consensus understanding of their respective duties and authority. Further, the Common Council recognizes that both elected officials and City staff ultimately must be responsive to the needs of the residents and the taxpayers that elect and employ them.

To assist in implementing these principles on a City-wide basis without unduly restricting the rights and actions of individual alderpersons, the Stoughton Common Council adopts the following policy guidelines:

1. The Council recognizes that each individual alderperson is vested with the authority of a duly elected official to represent the interests of his or her constituents as well as the City at large, and to participate in the various legislative and policy-making functions of City government. The Council also recognizes that, unless delegated to other committees, bodies, or individual alderpersons, the power to act on behalf of the City rests with the entire Common Council, or a required majority of the Council. The authority vested in the Council as a whole is described in Wisconsin Statute section 62.11(5) which states:

Except as elsewhere in the statutes specifically provided, the council shall have the management and control of the city property, finances, highways, navigable waters, and the public service, and shall have power to act for the government and good order of the city, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its powers by license, regulation, suppression, borrowing of money, tax levy, appropriation, fine, imprisonment, confiscation, and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants, and shall be limited only by express language.

2. The Council further recognizes that the phrase "management and control" as used in Wis. Stat. 62.11(5) above, refers to its general role as the governing body of the City rather than to any daily management or supervision of City affairs, which are vested in the mayor and delegated to various department heads and staff under Wisconsin statutes, City ordinances, and acts of the Council. Wisconsin Statute section 62.09(8)(a) states that:

The mayor shall be the chief executive officer. The mayor shall take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties.

In interpreting the mayor's function, the Wisconsin Supreme Court has concluded that the mayor's duty to carry out official functions and to enforce state laws or local ordinances

is not merely ministerial but necessarily includes the right to exercise discretion and judgment. Consistent with that view, the Council recognizes that the "management and control" that it exercises should be interpreted and applied in the context of the City's overall organizational structure. The Council encourages alderpersons to follow the appropriate avenues for making inquiries of City staff and investigating City issues through the committee structure and department heads. As a general rule, the Council recognizes that it is responsible for making policy decisions; incurring contractual obligations or delegating the authority to do so; and approving or denying certain petitions or applications; but that the mayor and departmental staff are responsible for the execution and management of City affairs.

The mayor of Stoughton oversees the heads of the various City departments. In addition to conducting periodic performance evaluations, the mayor interacts with department heads and other staff on a daily basis regarding a broad range of issues that include administrative duties as well as policy development. The Council recognizes that many of the mayor's daily decisions and actions regarding these matters may not be within the direct purview of the Council, although they may be determined or guided by ordinances or policies previously established by the Council, or may subsequently come before the Council for consideration. In addition, in certain instances the mayor's authority is restricted by statute to actions authorized by the Common Council.

3. The Common Council further recognizes the valuable role of City department heads and staff and seeks to continually develop positive and constructive working relationships between staff and elected officials. The Council may enact ordinances, resolutions, and policies, and has final authority to enter into contracts or obligations that are performed by City staff. The Council also acknowledges the time and resource demands on City departments and individual staff members in serving the City as an employer and responding to the needs of the public.

Given these considerations, it shall be the policy of the Council that, in the course of their duties as elected officials, individual alderpersons generally should attempt to seek information and assistance from City staff through contact with either the appropriate department head or the mayor, who has the initial responsibility to delegate resources and prioritize workload. The Council also recognizes that inquiries of individual alderpersons that do not represent the actions of the Council or one of its committees are to be treated with the same priority as requests from the general public. To minimize the inherent risk that City staff may perceive a conflict between a request from an individual alderperson and his or her duties as assigned by the department head, the Council expects City staff to forward such requests to the appropriate supervisor or department head.

In some instances, the Council as a whole or one of its committees may, within its authority, directly require some action by a department head or other City staff. In such cases the direction carries the weight of the governing body or delegated committee and shall be treated accordingly.

4. As a guide for communication between alderpersons and department heads, and to establish the Council's expectations for both individual alderpersons and department heads, the Council has adopted the following policy regarding how Council members should interact with department heads:
 - a. Common Council members are encouraged to contact the department head regarding all questions related to the department. Department heads should keep the mayor aware of all non routine contacts with Common Council members and copy the mayor with all correspondence provided to the Common Council members by the department head.
 - b. Common Council members are encouraged to invite department heads to participate in meetings with the approval of the Mayor.
 - c. Department heads need to be afforded the opportunity to respond to Common Council member requests based on their schedule, and should be allowed ample time to address requests for written responses or materials, keeping in mind that department heads are expected to manage their departments during a 40-hour workweek.
 - d. Common Council members should understand that they are responsible to develop policies and that the Mayor and the department heads implement them. Generally speaking, department heads are also involved with policy development.
5. Furthermore, the Council recognizes that department heads and City staff offer a degree of experience and expertise that is essential to the continued success of the City. In developing and executing its policy goals and decisions, the Council relies on staff for factual information as well as recommendations, keeping in mind that the Council as a whole is the final decision-maker as to legislative and policy matters. The Council expects that such input will include consideration of the advantages and disadvantages of possible alternatives. When offered or requested, staff recommendations will be treated with respect and due consideration, without regard to whether the recommendation is ultimately adopted.

ADOPTED BY THE COMMON COUNCIL: December 11, 2007

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