



1

The What, Who, and How of Valid Governance

- What can you do?
- Statutory authority is required
- Local governments have no inherent authority. Authority comes from the General Assembly. Actions must be authorized and must within the scope of the delegated authority.



2

The What, Who, and How of Governance

- Who Does What?
- The general statutes for cities and counties delegate broad authority to the governing board
- The governing board has authority to act unless a statute provides otherwise. Examples are managers and the sheriff.



3

The What, Who, and How of Governance

How do you do it: Procedures:

- Delegations of authority often comes with specific procedural requirements
- Failure to comply with these requirements open the board up to a legal challenge as to the validity of the action.



- Board must act as body, in a validly noticed meeting, with a quorum present
- Must adhere to meeting procedures and voting requirements
- Must adhere to statutory procedures such as public hearings and bidding

4

Forms of Government – Cities Mayor- Council

- Council is the deciding body
- Charter determines whether mayor votes on all things or only in the case of equal numbers of ayes or noes
- Council can delegate duties to the mayor
- Council appoints an administrator similar to a manger with duties delegated by the council
- Council can't delegate something that the statute says must be done by the council



5

Forms of Government – Cities Council-Manager

- Council is the deciding body, except with respect to employees
- Charter determines whether the mayor votes on all things or only in the equal numbers of ayes or noes
- Manager has statutory authority to hire, fire, supervise employees and is the budget officer



6

Counties – All have the manager form of government

- Chair typically chosen by the commissioners
- Presides over commission meetings
- Declare emergencies
- Call special meetings
- Can carry out the duties of the manager by action of the commissioners


