

The role and powers of the mayor

Do you know what legal authority your mayor possesses? Residents and elected officials alike often misunderstand the role and powers of their mayor. This confusion may stem from the very definition of the term “mayor,” which from its Latin root means “bigger.”

In the United States, most people assume that mayors exercise a bigger role and expanded powers compared to other members of the municipal council.

In South Carolina, whether this assumption is true or not depends on two factors: the formal authority as defined by state law depending on the municipality’s form of government and the authority granted the mayor by council.

There are three approved forms of municipal government in South Carolina: mayor-council (strong mayor), council (weak mayor) and council-manager. In all three forms of government, the legislative or law-making function rests solely with the municipal council as a body. All members of the council, including the mayor, have an equal vote. What sets these forms of government apart is who exercises administrative authority.

Only under the mayor-council form of government does state law grant the mayor administrative powers. Council may not assume or delegate to anyone the statutory

authority of the mayor. Under this form of government, the mayor, by state law, serves as the chief administrative officer of the municipality, directing the day-to-day operations of all municipal departments, offices and agencies. He has the sole power to hire, suspend and fire all municipal employees, except the city attorney, municipal clerk and administrator, if one is employed.

In the mayor-council form of government, the mayor also presides at meetings of council and votes in the same manner as all members of council. It is the mayor’s responsibility to prepare and present the annual budget to the city council for consideration and report to council on the finances and administrative matters of the municipality.

In the council form of government, city council, as a body, is responsible for administrative matters unless the mayor, a councilmember, council committee(s) or a administrator is formally authorized by council to perform these functions. Council should pass an ordinance defining the level of delegated administrative authority, which can change at any time through an ordinance amendment or repeal.

When these roles are assumed rather than formally granted by council action, there is a potential for confusion by residents and future councils. “It is important

to limit the unauthorized expansion of roles and powers before they become entrenched and assumed customary for the position,” advised Eric Budds, Association deputy executive director.

Under the council-manager form, the mayor has no administrative powers or responsibilities beyond that of any other member of council. A city manager serves as the appointed chief administrative officer for the city and is solely responsible for all administrative matters. The mayor and councilmembers are limited to a legislative function.

It is common for the municipal council, in the council and council-manager forms, to allow the mayor to serve as presiding officer at council meetings, to represent the municipality at ceremonial events and to sign documents approved by council. These informal roles are discretionary and subject to change by vote of council.

To learn more about the powers and duties of mayor and council under form of government, review the Forms and Powers of Municipal Government handbook available on the Association’s website, www.masc.sc (keyword: publications).

The Association also offers an on-demand class on the forms of municipal government. Access the course at www.masc.sc (keyword: MEO)

