

# MUNICIPAL GOVERNMENT

## Lawrason Act/Legislative Charter

# INTRODUCTION

Legislature shall provide by general law for municipal incorporation, consolidation, merger, and government

Legislative Charter – 24

Lawrason Act – 245

Home Rule Charter - 34

# GENERAL LAWS THAT APPLY

- Open Meetings Law
- Public Records Law
- Local Government Budget Act
- Audit Law
- Official Journal and Publications
- Fiscal Depository

# GENERAL LAWS THAT APPLY

- Code of Governmental Ethics
- Public Bid Law
- Civil Service Law
- Constitution
- Code of Ordinances

# LIMITS ON MUNICIPAL POWER

- May not define or provide for punishment of felony
- Except as authorized by law, may not enact an ordinance governing private or civil relationships
- May not abridge the police power of the state

# LEGISLATIVE CHARTERS

- No local or special law shall create a municipal corporation or amend, modify, or repeal a municipal charter
- However, a special legislative charter existing on January 1, 1974 may be amended, modified, or repealed by local or special law

# LEGISLATIVE CHARTERS

- Municipal government established and maintained by act of legislature
- If conflict exists between legislative charter and Lawrason Act, the charter prevails
- If legislative charter is silent on matter, the Lawrason Act governs

# LAWRASON ACT MUNICIPALITIES

- Statutory government structure for municipalities created since 1898
- Legislative charter municipality may change to Lawrason Act by election



# LAWRASON ACT MUNICIPALITY POWER/LIMITS

- **May exercise any power and perform any function necessary, requisite, or proper for the management of its affairs not denied by law.**

# ELECTIONS

- Held every four years
- Mayor and elected chief of police elected at large
- Board members may be at large or by district

# MUNICIPAL OFFICERS

- Mayor
- Alderman
- Chief of Police
- Tax Collector
- Clerk

# MAYOR – EXECUTIVE AUTHORITY

- Supervises and directs administration and operation of municipal departments, other than police department with elected chief
- Delegates performance of duties
- Subject to law, civil service, rule, and ordinance, appoints and removes employees
  - Not police department with elected chief
  - Not department head, appointed police chief, clerk, attorney, auditor

# MAYOR

- Signs all municipal contracts
- Prepares and submits annual operations and capital improvement budget
- Represents municipality
- Keeper of municipal seal
- Signs warrants drawn on municipal treasury
- Has any other power or duty necessary or proper for administration of municipality not denied by law

# MAYOR PRO TEMPORE

- Board selects one of its members as mayor pro tempore
- Presides over board meeting in absence of mayor with same rights as mayor in presiding
- Performs duties of mayor when mayor is unable to carry out duties by reason of disability
- No additional authority as mayor unless provided by law or upon written consent of mayor

# ALDERMAN

- Vested with legislative authority
  - Ordinances with penalties of fine not more than \$500, not more than 60 days in jail, or both
  - Subject to law and civil service rule, may provide personnel policies by ordinances
- Number
- At Large or by District

# CHIEF OF POLICE

- Elected or appointed
- Changing elected or appointed
- General responsibility for enforcement of law and ordinances within municipality concurrent with sheriff
- Personnel of elected chief generally – chief is to make recommendation to mayor and board for appointment, promotion, disciplinary action, or dismissal of personnel.



# CHIEF OF POLICE

- Elected chief may immediately effect discipline and dismiss personnel pending board approval at next special or regular meeting.
- Elected chief may provisionally fill a vacancy with the mayor's approval, pending board approval; remains in effect unless board rejects.

# CLERK

- Auditor, tax collector, assessor
- Keeps Minute book
- Keeps Seal
- Keep Docket Book
- Custodian of municipal records
- Keeps tax records

# OTHER OFFICIALS

- Treasurer
- Street Commissioner
- Attorney

# MATTERS REGARDING OFFICIALS

- Appointment
- Bond
- Compensation
- Term
- Vacancy
- Conflict of interest

# BOARD MEETINGS

- Presiding Officer
- Mayor Pro Tempore
- Initial Meeting
- Regular, Special, and Emergency Meetings
- Quorum
- Continuance
- Open Meetings Law
- Rules of Order

# MUNICIPAL ACTIONS

- ORDINANCES
  - Appropriations
  - Procedure – Introduction, Public Hearing, Passage, and Publication
  - Veto, Veto Override
  - Ordinance Book
- RESOLUTIONS
- MOTIONS
- PROCLAMATIONS

# MAYOR'S COURT

- Authorization
- Presiding Officer
- Jurisdiction
- Procedure – not “court of record”, appeal
- Docket – “perfect record”
- Mayor as Magistrate
- Appointed Magistrates and Prosecutors
- Marshal
- Under jurisdiction of Supreme Court

# FUNDS

- Executive Budget
- Appropriation Ordinance
- Expenditures and Warrants
- Annual Financial Statements



# REFERENCE RESOURCE

- **“Lawrason Act”** on the LMA website under “Resources and Links” then “Publications”.
- **“Lawrason Act FAQs”** on the Legislative Auditor’s website under Local Government, then Operations of Government.