

Ethics

Mayor and Council Battle



Scenario: The town administrator, appointed by the mayor, called to discuss a dispute between the mayor and the town council. The town charter gives the mayor authority to nominate candidates for all of the town’s board and commissions. Recently, however, the town council has refused to act on three nominations, leading to some commissioners remaining in place after their terms have expired.

The mayor is furious about the situation, especially after the town attorney issued an opinion that this group of commissioners whose term had expired should be considered “holdovers”. These “holdover” commissioners retain their posts until they are replaced.

The mayor now is threatening to sue the city to get action on his appointments. At one of their daily meetings, the mayor began to air his frustrations about the situation with the town administrator. The town administrator, worried that such discussions might have to be disclosed if the lawsuit goes forward, asked for advice.

Response: While it may be difficult, the town administrator should tell the mayor not to discuss the matter with her if he intends to sue the city. If there is a legal battle between the mayor and the council, the administrator needs to keep a professional distance from the dispute.