
Coates' Canons Blog: Powers of Mayors

By Frayda Bluestein

Article: <https://canons.sog.unc.edu/powers-of-mayors/>

This entry was posted on December 23, 2009 and is filed under **Board Member Powers & Authority, Board Structure & Procedures**

Compared with many other states, North Carolina has created a very limited role for mayors. Our state laws leave many decisions about the management and operation of municipalities to the governing board, or, in jurisdictions operating in a council-manager form of government, to managers. Here's a review of the basic authority the legislature gives mayors.

There are two main statutes that describe the role of the mayor: **G.S. 160A-67** and **G.S. 160A-69**. They set out the basic powers of the mayor as follows:

- The powers and duties of the mayor are those that are “conferred upon him by law,” and those that are “conferred upon him by the council pursuant to law;”
- The mayor is the official head of the city for the purpose of service of civil process and for all “ceremonial purposes;”
- The mayor “shall preside over all council meetings.”

G.S. 160A-67 describes the mayor's powers when it comes to voting:

- If the mayor is elected separately by a vote of the people, he or she votes only in the case of tie. If the mayor is elected as a council member (rather than directly to the office of mayor), and is elected mayor from among the membership of the council, he or she retains all of the voting privileges of a council member, but has no right to break a tie vote in which he or she participated.

According to a database that describes **forms of government in North Carolina**, most of our municipalities (553) have separately elected mayors.

In contrast to the mayor's limited powers, the legislative delegation of power to the council is quite broad. **G.S. 160A-67** states: “Except as otherwise provided by law, the government and general management of the city are vested in the council.” So unless something specific in the law gives power to the mayor (or someone else, like the manager), the default is that the council decides.

Sometimes powers “otherwise provided by law” can be found in a municipality's charter. Charters may contain different or additional provisions dealing with the operations of the council and the mayor's role. For example, **Greensboro's charter** specifically authorizes the mayor and the mayor pro tem to execute contracts, deeds and other documents on behalf of the city. While this is the practice in many jurisdictions, it's not a power the mayor has unless it has been delegated by the board, or is specified in a charter provision like the one in Greensboro. It's important for mayors and council members to familiarize themselves with their municipal charters, and to identify and follow any charter provisions that modify the general law.

In addition to the general authority described above, several statutes specifically call for the mayor to take certain actions, such as **filing maps of annexations**, or making appointments, such as to a **hospital authority** or **housing authority**. The mayor also has the power, along with others listed in the relevant statutes, to **call special meetings** of the council.

As noted above, **G.S. 160A-67** specifically allows the council to delegate powers to the mayor in addition to those that the legislature delegates by statute or charter. This might occur by resolution or, over time and less explicitly, by practice and habit. These delegations of authority are examples of things that are not permanently binding, either on the board that makes them or on future boards, as described in **this post**. So the council may expand or contract these discretionary powers – that is, those that are conferred by council rather than by statute or charter, as it sees fit.

Developing and defining the respective roles of mayors and council members can be challenging, but it is an important step in establishing effective working relationships among the members of the governing body. Two resources available from the School of Government to help local governments with these issues are:

Suggested Rules of Procedure for a City Council, Fourth Edition, by Trey Allen and

Leading Your Governing Board: A Guide for Mayors and County Board Chairs, by Vaughn Upshaw.

Links

- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-67.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-69.html
- www.sog.unc.edu/resources/microsites/forms-north-carolina-city-government/
- www.municode.com/library/nc/greensboro/codes/code_of_ordinances?nodeId=CH
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-29.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_131E/GS_131E-17.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_157/GS_157-5.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-71.html
- www.sog.unc.edu/publications/books/suggested-rules-procedure-city-council-fourth-edition-2017
- www.sog.unc.edu/publications/books/leading-your-governing-board-guide-mayors-and-county-board-chairs