
Coates' Canons Blog: Signing Minutes and Ordinances

By David Lawrence

Article: <https://canons.sog.unc.edu/signing-minutes-and-ordinances/>

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We occasionally get phone calls from local government officials who are concerned that the mayor – or in the case of a county, the chair of the board of commissioners – has not signed an ordinance or has not signed the minutes of the meeting. In one instance the ordinance had been adopted several years earlier, and the mayor at the time was no longer in office. What to do?

Well, doing nothing would be appropriate. Although it is a widespread practice in North Carolina for presiding officers to sign copies of approved minutes or to sign ordinances, there is no statutory requirement that they do so. Nor can I find any such requirement under earlier versions of the municipal or county statutes. It is common to find such requirements in the laws of other states, and perhaps the practice grew up in North Carolina because officials, or their lawyers, were familiar with those other states and assumed the requirement was universal. Another possible source of the practice is the former requirement, under old G.S. Chapter 160, that the mayor (or the clerk) certify an ordinance in order for it to be admitted into evidence. (Current G.S. 160A-79, which applies to both cities and counties, requires only the certification of the clerk.) It may be that mayors began routinely signing ordinances when they were adopted as a way of meeting the certification requirement.

Even if there were such a requirement – which, I repeat, there is not – the courts in those states that have the requirements have treated them as directory rather than mandatory. That is, the failure of the presiding officer to sign an ordinance has not affected the ability of the local government to enforce the ordinance in court. As a Michigan court pointed out, a requirement that a mayor sign an ordinance is not the same as giving the mayor a veto, and a mayor is not permitted to transform the signature requirement into a veto by refusing to sign an ordinance. (The case is *City of North Muskegon v. Miller*, 227 N.W. 743 [1929].) The same logic, were it necessary, would apply to minutes. The mayor or chair could not invalidate minutes approved by his or her board simply by refusing to sign the document.

(As an aside, there is also no statutory requirement that the mayor or chair sign a city's or county's contracts, either. They are the normal people to sign on behalf of the government, but the board could certainly designate some other officer to sign if it wished to – or if the mayor or chair was being recalcitrant.)

David Lawrence is retired from the faculty of the School of Government. For questions about the subject of this blog post, please refer to our **list of faculty expertise** to identify the appropriate faculty member to contact.

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