

# THE MUNICIPAL REPORTER

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## The ABCs of Being a Newly Elected Official



By Randy Van Vleck, League General Counsel

- A. **Attitude.** The right attitude is essential. You may think that this is your opportunity to “change the world” or at least your little part of it. Municipal government is a complicated business. Before embarking on a crusade of change, take the opportunity to listen and to learn about the business of governing from those who **have** governed and also from those who **are** governed.
- B. **Budget.** The budget is much more than dollars and cents. It is the most important policy document you will ever put together. Municipalities must have a budget that is balanced, yet one that provides an appropriate level of services to its inhabitants. Care must be taken to obtain accurate predictions of municipal revenue and to limit spending to an amount that can be covered by anticipated revenues and reserved savings.
- C. **Conflicts of Interest.** As a member of the governing body, you are prohibited from take an official act (such as voting) for the primary purpose of directly enhancing your financial interest. An elected official should treat the office as a public trust. Full disclosure of real or potential conflicts of interest should be the guiding principle.
- D. **Debt.** A debt is an obligation resulting from borrowing money or entering into contracts for the purchase of goods and services. Debts of governments may also include bonds. No individual elected official may bind the municipality; it is the collective decision of the governing body that is required to bind the municipality financially.
- E. **Employees.** Employees are your most precious asset. Treat your employees with care and respect. Public employees are a rare breed of individual that is willing to sacrifice the larger salaries of private life for the feeling that they have done something to promote the public good. Employees are there to make the municipality a better place to live and work, a goal that should be shared with everyone in the public service.
- F. **Freedom of Information.** The activities of public employees and elected officials are the public’s business. The Inspection of Public Records Act provides the vehicle for making the actions of public official open to public inspection. You should be mindful that the actions you take are and should be open to the public and that the municipality should strictly comply with the procedures provided for to allow inspection and copying of public records.
- G. **Gifts.** The Gift Act prohibits a state officer, employee or candidate for state office from accepting a gift with a value in excess of \$250. Although the Gift Act applies to state officers, employees and candidates for state office it is a good guideline for municipal officers and employees to follow. Gifts to public officials always arouse suspicions and are best avoided altogether.
- H. **Home Rule.** Home rule municipalities are those that have undertaken the process for adopting a local charter. Home rule municipalities are typically larger, and they have the advantage of being able to legislate and act on all matters unless the legislature has expressly prohibited the municipality from acting in the given subject matter.

*(Continued on page 4)*

## Notable Cities

From NLC's "Cities 101"

Over the years, cities and towns have earned nicknames, but none are as unique as a "Capital of the World" distinction. The following cities are known for a specific food, industry, object, or animal.

- Albertville, Alaska is known as the Fire Hydrant Capital of the World.
- Fort Payne, Alaska is known as the Sock Capital of the World.
- Anchorage, Alaska is known as the Hanging Basket Capital of the World.
- Alma, Arkansas is known as the Spinach Capital of the World.
- Gilroy, California is known as the Garlic Capital of the World.
- Tulelake, California is known as the Horseradish Capital of the World.
- Ouray, Colorado is known as the Jeep Capital of the World.
- Groton, Connecticut is known as the Submarine Capital of the World.
- Wilmington, Delaware is known as the Corporate Capital of the World.
- Tarpon Springs, Florida is known as the Sponge Capital of the World.
- Claxton, Georgia is known as the Fruitcake Capital of the World.
- DeKalb, Illinois is known as the Barbed Wire Capital of the World.
- Peru, Indiana is known as the Circus Capital of the World.
- Dyersville, Iowa, is known as the Farm Toy Capital of the World.
- Le Mars, Iowa is known as the Ice Cream Capital of the World.
- Windom, Kansas is known as the Covered Dish Capital of the World.
- Rayne, Louisiana is known as the Frog Capital of the World.
- Berrien Springs, Michigan is known as the Christmas Pickle Capital of the World.



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# Getting to Know You

This feature focuses on learning more about the League Executive Committee, Board of Directors and other elected officials. This month is Ruidoso Councilor Joseph Eby.



**What was your primary motivation to run for political office in your community?**

I love our mountain community, and care greatly about the vitality of our Village. To serve the residents and Village in securing the needed infrastructure and economic base to keep Ruidoso strong and vibrant.

**How do you view your role in serving as an elected official in your community?**

I take my role very seriously. We have a great part in the well-being of our communities in the present and for the future.

**What do you think is the primary role of municipal government?**

Our primary role is to set policy, review and approve the budget. We also serve as a liaison for the residents and the management in the administration of the Village’s department functions. A source where residents can come and express concerns

**What do you think is the primary role of the New Mexico Municipal League in municipal government?**

In my opinion the NMML is a watchdog. Watching out for the welfare of municipalities by watching, tracking, and lobbying for or against legislation that would either help or harm the vitality of a community. It also serves a very important function in educating officials in the duties and boundaries of an elected official.

**What is your favorite “after work” pastime?**

After work my favorite pastime is to sit down and spend a little time visiting with my wife. If there is time, we enjoy coming up with ideas and working on the house together. Great way to enjoy each other, wind down, and get things done.



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- I. **Internet.** A wonderful tool that places almost infinite information at your fingertips, including the New Mexico Municipal League website at [www.nmml.org](http://www.nmml.org). Use the Internet as a starting point for your research but always rely on primary sources over those found online.
- J. **Judge.** The municipal judge is also a partner in the governing of the municipality. The judge is responsible for hearing criminal cases involving the violation of municipal ordinances. Separation of the judicial functions from the executive and legislative branches is the cornerstone of government structure in the United States and New Mexico. Make the judge feel like they are a member of the team while at the same time respecting their boundaries.
- K. **Kickbacks.** A kickback is the illegal act of receiving something of value in exchange for providing help (or a vote) in a secret and dishonest business deal. Kickbacks are one of the most common forms of government corruption and are easily avoided; just say no.
- L. **Liability.** Elected officials will generally not be held liable for acts or omissions that are outside the scope of your duties as an elected official. Action that you take that are within the scope of your duties might give rise to liability of the municipality as you are a duly elected/appointed representative of the municipality. Liability is limited, however, under the Tort Claims Act.
- M. **Meetings.** Meetings are the vehicle through which the elected officials pronounce the policy objectives of the municipality and through which municipal actions are initiated. Meetings of the governing body are required to be open to the public under the Open Meetings Act, and can only be closed for a limited number of reasons and only after the proper procedure has been invoked.
- N. **Nepotism.** It is the act of an elected official to employ as clerk, deputy or assistant, any person related by within the third degree to the person giving such employment, whose compensation is to be paid out of public funds. There are exceptions to this general rule and sometimes it is unavoidable in very small towns, but in general, the hiring of relatives of elected officials should be avoided or at least strictly scrutinized.
- O. **Open.** Meetings of the governing body and the court must be open to the public. The open and transparent exercise of government functions is essential to maintaining the trust and legitimacy of government activities.
- P. **Personnel.** Personnel actions fall primarily to the executive branch for action. The supervision and direction of personnel activities is outside the scope of duties of governing body members, and if the municipality employs a manager or administrator, are beyond the authority of the mayor as well. There are some actions that require approval of the governing body members, but these are the extraordinary matters. Daily personnel actions should be left to the executive branch, through a manager or other department directors to implement.
- Q. **Quorum.** A majority of the members of the governing body (including the mayor) is a quorum. A quorum of the governing body, convened in an open meeting (with a few exceptions) is required to conduct business.
- R. **Respect.** Respect for the fellow members of the governing body, respect for the citizens whom you serve and respect for yourself are the ingredients for a highly successful career as an elected official. Respect is recognizing value from different opinions and following through with commitments.
- S. **Service.** Your service and sacrifice for choosing to become an elected official are appreciated for more than you might imagine. It takes a special individual to make room in their life for the important job of governance. It is a complex, sometimes personal and controversial. Whether it is said directly to you or not, let it be known that the citizens of your community thank you for your service and sacrifice to the better good.
- T. **Tort Claims Act.** The Tort Claims Act is the statute that deals with the notion of sovereign immunity. In New Mexico, the government (including local governments and their elected officials) enjoy sovereign immunity (meaning they cannot be sued or held responsible) for acts that injure others, except as that immunity is waived by the Tort Claims Act. The Tort Claims Act sets forth very specific areas where sovereign immunity has been waived meaning the government and its

*(Continued on page 5)*

ABCs . . . continued from page 4

officials may be sued and held liable. The Tort Claims Act also sets limits on the amount of money that individuals may recover for the bad or negligent acts of government officials.

- U. Unilateral.** Unilateral acts are those actions undertaken by a single individual. You are a member of a team, a team that is required to act collectively. Elected officials are rarely empowered to act unilaterally. Seek out your team and act collectively.
- V. Vote:** As an elected official, you speak to the public by your vote. Be prepared to cast a vote on every agenda item, unless you have some sort of conflict of interest or other reason you cannot legitimately vote or participate. Choosing not to vote because the matter is controversial is not responsible. You were placed in this important position of trust to tackle the tough situation and to vote for the betterment of the community.
- W. Wisdom:** With your wisdom, anything is possible.
- X. "Xcellence"** Strive every day to be your very best. Excellent cities begin with excellent leaders. The citizens who elected you to office depend on your ability to be your very best.
- Y. Yesterday** Yesterday is history, but tomorrow is a mystery. Look always forward for the future has yet to be written and you can be the author.
- Z. Zoning.** The ability for a municipality to establish zones throughout and to regulate the look, construction and use of the land in those particular districts. Zoning is a powerful tool but it is also one that can be abused. Zoning authority must be exercised judiciously and consistently, in doing so, property values will increase and the overall appearance of your municipality will be enhanced.

There you have it. Keep these ABCs handy and refer to them often. Remember, you occupy a great position of trust and authority. The citizens of your community are looking to you to provide the leadership to lead the community into the future. Remember also that the League is just a phone call or e-mail away.

Best wishes in all you do.

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