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MEMORANDUM

TO: Mayor Wolfe and City Council Members

FROM: *RQW* Robert Q. Williams

DATE: October 22, 2010

RE: Swearing in of New Council and Organizational Meeting

The Mayor has scheduled a special Council Meeting for next Wednesday, October 27, 2010 at 4:30 p.m. to consider whether to cancel the November 3, 2010 Council meeting and allow the business of that meeting to be continued until the November 17, 2010 regular meeting. A number of you have raised questions about the annual organizational meeting procedures, and this memo will attempt to address all those issues.

This year's election day falls on Tuesday, November 2, 2010. Because there are only three qualified candidates for three open City Council seats, those three candidates will be deemed elected as of the closing of the polls on election day. The Supervisor of Elections does not need to "certify" the election of those candidates, nor is it necessary to wait for provisional or overseas ballots to be resolved.

Although the three candidates will be deemed to have been "elected" on November 2, 2010, they will still need to be officially sworn in to the new office. Under our Charter, newly elected council members are to be sworn in at the first council meeting after the municipal election. To be sworn in, the elected candidates must be physically present to take the oath of office from the Clerk. Since Mayor Wolfe will be out of the country on November 3, 2010, he cannot attend that meeting and he cannot be sworn in at that time.

Also at the first meeting following the general election and after the swearing in of the newly elected council members, the Charter calls for the annual organizational meeting of the council to take place. At that organizational meeting, the council members elect among themselves a Mayor and Vice Mayor, and they also designate the official depository for municipal funds and the official signatories on municipal accounts. Legally, if the first council meeting following the general election remains on

Wednesday, November 3, 2010, the newly elected council members in attendance could be sworn in and the annual organizational meeting could be held. However, current Mayor Wolfe could not attend that meeting; he could not vote in that meeting; and he could not be nominated as candidate for Mayor.

Additionally, because there would only be four council members in attendance on November 3, 2010, there is a possibility that the elections for Mayor and Vice Mayor might result in a tie vote. In that event, those elections would have to be continued to the November 17, 2010 meeting when a full council would be present.

If the council elects to cancel the November 3, 2010 council meeting, it may do so by simple majority vote. The swearing in of new council members; and the election of Mayor and Vice Mayor; and other organizational matters would then take place at the November 17, 2010 meeting, which would be the first council meeting following the general election. Your City Charter only requires that the council meet at least once a month; it does not specify particular meeting dates or times.

Please feel free to contact me or Kaely Frye if you have any questions about this memorandum in advance of the upcoming meeting.

RQW/clc