COUNCIL DECISION REQUEST

SUBJECT: Seating of Newly Election Mayor and Council Members

MEETING DATE: May 7, 2009

PAYSON GOAL: NEW: EXISTING:

ITEM NO.:

TENTATIVE SCHEDULE:

SUBMITTED BY: Silvia Smith, Town Clerk

AMOUNT BUDGETED: -0-

SUBMITTAL TO AGENDA
APPROVED BY TOWN MANAGER

EXPENDITURE REQUIRED: -0-

CONT. FUNDING REQUIRED: -0-

DAG

EXHIBITS (If Applicable, To Be Attached):

POSSIBLE MOTION:

I move to direct Staff to draft an administrative policy clarifying the procedures for the seating of the newly elected Mayor and Council Members.

SUMMARY OF THE BASIS FOR POSSIBLE MOTION:

Town Council Elections are held during even numbered calendar years. Pursuant to State law, the Primary Election is held on the second Tuesday in March and the General Election is held on the third Tuesday in May. A regularly scheduled Special Meeting[1] to Canvass the votes is held on the Tuesday following each election.[2]

Candidates receiving the necessary number of votes to be elected at the primary election are sworn into office in the same manner and within the same time period as candidates elected during the general election. In other words, all newly elected council members must assume their new office within twenty days after the canvassing of the General Election votes.[3] Even if a General Election is not necessary, because all offices are filled at the primary, candidates are not sworn in until after the date the General Election would have been held. State law also requires that newly elected Council members must be administered the oath of office at least one day before commencement of the term of office. See A.R.S. §38-232.

The Town Code provides that the Council Members "assume office at the regularly scheduled Council meeting next following the date of the general election" and that "immediately prior to assumption of the duties of office, each Council member shall, *in public,* take and subscribe to the oath of office." See §§30.03 and 30.05.

With these requirements in mind, Staff is recommending an administrative policy that would harmonize and implement these requirements and allow the current Council, incoming Council, the public, and Staff to clearly understand the seating timing and procedures.

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[1] For the purposes of the Town Code, "regularly scheduled" means meetings on the annual schedule prepared by the clerk and approved by Council; "special meeting" means any meeting other than the bimonthly Thursday meetings (such as budget meetings, work study meetings, canvass meetings, etc.).

[2] A.R.S. §16-642 states "The governing body holding an election shall meet and canvass the election not less than six days nor more than twenty days following the election."

[3] Under State law, the 'date of the general election' is really the date at which the general election is canvassed.

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SUMMARY OF THE PROPOSED ADMINISTRATIVE POLICY:

On the Annual Council Meeting Schedule, for election years, the following meetings will be included:

First Tuesday following the General Election - A Regularly Scheduled Special Meeting to canvass the votes. (*Canvas Meeting*)

Second Tuesday following the General Election – A Regularly Scheduled Special Meeting to swear in the new Council. At this meeting, the outgoing Council Members would have an opportunity to address the public, the new Council Members would be sworn, and the new Council Members will also have an opportunity to address the public. No other agenda items would be included on this meeting. (*Swearing In Meeting*)

No Council Meetings, except in the case of an actual emergency, will be held between the *Canvass Meeting* and the *Swearing In Meeting*. The new Council will take up regular Council business at the next Regular Council Meeting following the *Swearing In Meeting*.

PROS: Candidates, Citizens and Staff are all aware of the schedule of events following an election.

CONS:

PUBLIC INPUT (if any):

BOARD/COMMITTEE/COMMISSION ACTIONS/RECOMMENDATIONS (if any) (give dates and attach minutes):

FUNDING:

Acct:	Budget:	Available:	Expense:	Remaining:
Acct:	Budget:	Available:	Expense:	Remaining:
Acct:	Budget:	Available:	Expense:	Remaining:

BA: _____ Date: _____