

**MEMORANDUM**

**FROM: CITY ATTORNEY, Timothy P. Driscoll**  
**TO: CITY COUNCIL/CITY MANAGER, Debbie Manns**  
**DATE: September 11, 2020**  
**RE: City Council Elections**

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I am enclosing a proposed ordinance to address City Council elections. The City Charter provides terms pertaining to election of city council members and the mayor that cannot be altered without a charter amendment. The charter also provides that the city council may adopt ordinances to address the conduct of city council elections consistent with the charter.

City Code Chapter 7 pertains to city elections. There are terms in the code that do not align with the City Charter or merely repeat provisions of the City Charter. This ordinance addresses those provisions by removing inconsistent or repetitive provisions, and by amending other provisions as explained below.

In 2006, the City Charter was amended and Section 2.02 addresses the terms of city council members and the mayor, making all terms three years in length. The chart attached shows the staggered terms of all council members, including the mayor. (There is a scrivener's error in the charter as it relates to election of the mayor. Section 2.02(c)(6) has an incorrect year identified. It should be 2011 rather than 2010.)

Section 7-16 of the City Code addresses the determination of the winners of city council elections, including those required to fill council vacancies. That provision is inconsistent with the City Charter since it does not contemplate three-year terms of office. It provides, however, that the lowest vote getter, of the highest vote getters equivalent to the number of council seats up for election, will fill the vacant position. The attached ordinance provides for separating qualified candidates between the mayor election, regularly scheduled council member elections, and vacant seat council member elections.

The ordinance also removes canvassing board appointment requirements if the county canvassing board is available as provided in the code. The ordinance also addresses three matters which are not fully provided for in the code or charter – unopposed candidates, tie elections and a state-mandated provision pertaining to the death, withdrawal or removal of a candidate for office after the qualifying period.

Please let me know if you have any questions about this matter.