

Addendum to Charter Amendment Fact Sheet

April 23, 2018

Prepared by:

Suellen M. Ferguson, Esq.

Victoria M. Shearer, Esq.

The Mayor and City Council received legal advice from outside counsel in 2017 concerning the Charter. A copy of an attorney-client memorandum, marked as confidential, has been circulated without the approval of the Mayor and Council. A written interpretation of the memorandum has been made by at least one resident of the City, who has come into possession of the memorandum and shared that interpretation with others. The interpretation by this resident of the meaning of the advice contained in this memorandum is incorrect. Without waiving the attorney-client privilege, we repeat and confirm the information provided in the Charter Amendment Fact Sheet dated April 6, 2018.

The “interpretation” takes the memorandum wording out of context. The Mayor, although *intended* to be considered a member of the legislative body by being included in the listing of the elected officials allowed to vote (and considered to be such in the past), was not *explicitly* made so by the language of the Charter. In other words, the Charter did not use the words “legislative body,” as that term is used in state law, to describe who can vote. The proposed Charter amendments make it explicit that the Mayor was and is intended to be a member of the legislative body.