**The Mayor-Elect**

**Part A**

The events described in this case occurred in 2019, when the incumbent mayor of a South Carolina city announced he would not seek re-election after serving for 15 years.

A young political newcomer entered the race and won a runoff election by 32 votes. The city's code of ordinances called for the mayor-elect to be sworn into office at the first regularly scheduled council meeting after the election, which fell on May 13, 2019.

Before the scheduled swearing-in of the new mayor, news broke accusing the mayor-elect of 11 counts of sexual exploitation of a minor. The city council members and the public expressed outrage, and a strong desire to avoid the embarrassment and negative publicity likely to result from an accused sex offender serving as mayor.

The mayor-elect denied the allegations, and stated he planned to defend the charges vigorously. He requested to be sworn into office as provided by the city code. City officials immediately consulted the city attorney and state municipal association for advice on handling the matter. Research revealed the following information:

* The facts related to this incident were unique, and there was no direct precedent to guide the city councils’ actions.
* The city code of ordinances stated that newly elected officers shall not be qualified (and therefore sworn in) according to state law until the first regular council meeting following the general election date.
* The city code did not address when the oath of office is to be administered in the case of a runoff or special election. Presumably, as the code provides for general elections, newly elected officials would be sworn in at the next regular meeting following the runoff election.
* State law was no help since it is silent on the matter of when the municipal elected officials’ oath of office must be administered.
* A formal ceremony or council meeting is not required to administer the oath.
* Any judicial officer, clerk of court or notary can administer the oath of office required by state law.
* The mayor-elect could qualify himself for office by having a notary administer the oath and provide a notarized statement to that effect. In this case, he immediately becomes qualified and is officially the city's mayor.
* The city council has the authority to schedule and reschedule council meetings at their discretion, provided proper public notice is provided.
* The South Carolina Constitution grants the governor the authority to suspend a qualified elected official who is indicted for crimes of moral turpitude, including criminal sexual conduct, until the official is formally acquitted or convicted.
* Based on information and belief, a grand jury was considering an indictment of the mayor-elect on or before May 23, 2019.

While researching the issue and evaluating options, an additional complication arose: who will serve as the presiding officer at council meetings if the mayor-elect is not sworn-in or determined to be unable to serve? Research into this issue revealed the following:

* The incumbent mayor's term of office is expired.
* Until the mayor-elect is "qualified," the incumbent mayor continues to serve.
* The incumbent mayor, who did not run for re-election, had no interest in continuing to serve and would likely refuse to attend future meetings.
* In the absence of the mayor, the mayor pro tempore serves as acting mayor.
* State law requires the election of the mayor pro tempore by the councilmembers after each general election. A general election preceded and resulted in the need for the runoff election.

**How do you handle this incident?**

As city manager, it is your role to serve as the chief executive and head of the administrative branch of the city and as a policy advisor to the city council. After carefully evaluating the information obtained during the research, how do you and the city attorney lead the city council through the decision-making process to minimize the negative impacts on the city, while also respecting that the mayor-elect is presumed innocent until proven guilty or acquitted in a court of law? What are the ethical issues arising from the case?