

Letter to council members of the town of Quartzsite;

This is the article of the constitution that authorizes the government of the town of Quartzsite. I believe you should read this section of the constitution carefully before you try to enforce ordinance 09-15. This is the only authority granted to a common council form of government and there is nothing there granting the council the authority to set the qualifications for council membership.

<b>Article 3</b>	<b>Town Incorporated Under Common Council Government</b>
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9-232	Council; qualifications of members; oath; selection of mayor
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-232. Council; qualifications of members; oath; selection of mayor

A. A person shall not be a member of a city or town council unless, at the time of the election, the person is eighteen years old, is a qualified elector residing within the city or town at the time of the election, and has resided in the city or town for one year next preceding the election, or if an area has been annexed to the city or town for a period of less than one year next preceding the election has resided in such area for one year next preceding the election. If an annexed area is subject to the provisions of this subsection, a person may meet the residency requirements if he has resided within the existing limits of the city or town for the one year period.

B. Every member of the council shall hold the office for the term of two years, except the members of the council first appointed, and before entering upon the duties of the office, the member shall take and subscribe the oath of office.

C. The common council shall assemble within twenty days after their appointment or election, and choose a mayor from among their number.

9-255. Unlawful act of officer; liability of council

A member of the common council of a town incorporated under the provisions of this article shall not be personally liable in damages or otherwise for an unlawful act of an officer or employee of the town, unless the act is committed by the authority of the member, or he has notice or knowledge thereof, or unless the act is committed under circumstances which would cause, or would have caused, a reasonable or prudent person to have knowledge of the act.

I believe that the council has knowingly committed an unlawful act in try to restrict the right of citizens to run for office. The law would hold the council open to lawsuits from any damaged person in this matter.

Ed Foster