

MEMORANDUM OF LAW

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DATE: November 29, 1989

TO: Charles G. Abdelnour, City Clerk

FROM: City Attorney

SUBJECT: Who May Administer Oath of Office

This is in response to your memorandum of November 28, 1989. You want to know whether a member of the State Legislative Assembly may administer the oath of office to a newly elected councilmember at the inauguration ceremony on December 4, 1989.

The short answer is "Yes." Under the City's Charter section 211, the oath of office for city officers, which includes councilmembers, is to be administered in accordance with the General Laws and the Constitution of the State of California.

Under Government Code section 36507, city officers must take and file the constitutional oath of office prior to assuming their duties. The constitutional oath is set forth in article XX, section 3, of the California Constitution. The constitution does not specify who may administer the oath.

Government Code section 1362 specifies that the constitutional oath may be taken before any officer authorized to administer oaths. Government Code section 1225 states that "every executive and judicial officer and every Member of the legislature may administer and certify oaths . . . ." A 1959 amendment added the language regarding "Members of the Legislature."

Therefore, a member of the California Legislative Assembly may validly administer the oath of office to the new councilmember on December 4, 1989.

JOHN W. WITT, City Attorney

By

Cristie C. McGuire

Deputy City Attorney

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