



CHARTER COMMISSION

AGENDA SECTION	OLD BUSINESS
MEETING DATE	APRIL 15, 2021

ITEM:	City Council Vacancies (Chapter 2 Section 9)
DEPARTMENT: Administration	BY/DATE: Nicole Tingley, 4/7/21

BACKGROUND:

As you may recall, at the last Charter Commission meeting in January 2020, the Charter Commission discussed the Appointment Process for Vacancies on the City Council as outlined in Chapter 2 Section 9 of the City Charter. The text of that section in the City Charter is below.

Chapter 2 Section 9. VACANCIES IN THE COUNCIL.

A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, cessation as a resident of the city, continuous absence from the city for more than three months, conviction of a felony of any such person whether before or after qualification, the failure of any council member without good cause to perform any of the duties of membership in the council for a period of three months or for any other cause as may be provided for in Minnesota Statutes, as amended. In each such case, at the next regular meeting following receipt of notice by the council of one of the foregoing conditions, the council shall by resolution declare such vacancy to exist unless further investigation is required. Notice of said vacancy shall be posted at city hall for a period of two (2) weeks from the date of the adoption of the resolution declaring said vacancy. Notice shall also be published in a designated city newspaper for a period of two (2) weeks as soon as possible after the date of the adoption of said resolution, with the publication being completed no later than thirty (30) days from said date. Applications shall be sought and accepted from individuals interested in filling the vacancy, which applications shall be submitted to city hall, to the attention of the City Clerk, within 45 days from the date of said resolution. The council shall interview each of the applicants within 30 days from the close of the application period, and shall conduct said interviews in an agreed upon uniform manner as a council. After said 30 day period, the council shall make its appointment from the pool of applicants within 15 days, whether done so at a regular council meeting or a special meeting. The individuals so appointed shall fill said vacancy until the next regular municipal election, when the office shall be filled for the unexpired term by an eligible person elected at large in the manner hereinafter set forth; provided, however, that if a vacancy is declared by resolution after March 31st in the year of a regular municipal election, then the appointment process as set forth herein shall not take effect and any such vacancy shall continue to exist until said election, at which time the vacancy shall be filled for the unexpired term by an eligible person elected at large in the manner hereinafter provided. Notwithstanding anything to the contrary herein, any vacancy resulting from a recall election or from a resignation following the filing of a recall petition shall be filled in the manner provided in such case. (Ordinance No. 1331, passed September 23, 1996) (Ordinance No. 1086, passed June 11, 1984)

At the meeting the Charter Commission provided direction for the members to put together proposals for putting in a process for a special election for City Council vacancies and separately a proposal for modifying the current process.

Commissioner Frost Simula submitted a proposal with two options. This is attached.

Additionally, I have attached documents for background information on past discussions and to help provide further clarification of the current process.

ATTACHMENT(S):

Proposal from Commissioner Frost Simula with two options

April 20, 2017 Charter Commission Minutes

July 19, 2018 Charter Commission Minutes

January 16, 2020 Charter Commission Draft Minutes

Schedule of 2017 City Council Vacancy Schedule

Current City Council Vacancy Appointment Process By Day