

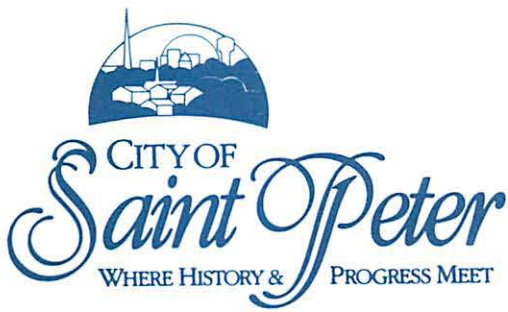
**CITY OF SAINT PETER, MINNESOTA
AGENDA AND NOTICE OF MEETING**

Special Workshop Session of Tuesday, November 13, 2018
Community Center, St. Peter Room – 5:30 p.m.
600 South Fifth Street

- I. **CALL TO ORDER**
- II. **DISCUSSION**
 - A. Election Impact on Council
- III. **ADJOURNMENT**

Office of the City Administrator
Todd Prafke

TP/bal



Memorandum

TO: Honorable Mayor Zieman
Members of the City Council

DATE: 11/9/18

FROM: Todd Prafke
City Administrator

RE: Election Impact on City Council

ACTION/RECOMMENDATION

None needed. For Council review and discussion only.

BACKGROUND

With Councilmember Jeff Brand's election to the state legislature a vacancy on the City Council will exist. It's important to develop a process to fill that position in a timely manner.

Attached please find a copy of Minnesota Statutes 412.02, Subdivision 2a which addresses vacancies in office. While you may think that a special election would take place when Councilmember Brand resigns, that is not the case in this instance. Under State law, unless a vacancy occurs because of inability or refusal to serve, vacancies "shall be filled by Council appointment until an election is held as provided in this subdivision. In the case of a tie vote in the Council, the Mayor shall make the appointment." Since there is only a year left in this term the position is filled via appointment.

Although it has been many years since we have had a vacancy on the Council, past practice has included three different ways of filling a vacancy:

- Accepting applications for appointment.
- Mayor making recommendations for Council consideration – similar to the process followed for Committee and Board appointments
- Councilmembers nominating individuals for consideration by the Mayor for recommendation to the Council.

Other than holding a special election, the process to be followed is open to discussion. Whatever process is followed for determining candidates for appointment to a vacancy, please remember it is important to have the plan in place before the need arises. In addition I think you may find value in setting some of the criteria should you move forward in an appointment process.

A couple ideas just to get you thinking:

- Do you want to appoint someone who is likely or not likely to run in the next election?

- Will you work to focus on folks that have run before, maybe served on a commission or committee before, maybe someone who was previously on the Council and while not wanting to run may be interested in a one year "tour of duty"?
- Are there specific "areas of expertise" you may be looking for.
- Do you want to do interviews?
 - There are a lot of things that come with the part of a process. We are equipped to do that should the Council desire.
- How do you sort those folks who express interest?

To get you started here are a few ideas:

Advertise in the legal notice in your official publication, your web site, Hotsheet, SPPA, and Facebook that there is an opening the North Ward for City Council. This would not preclude members from encouraging people to express interest but would provide an open opportunity to all who meet the legal criteria to express interest. We should also let interested folks know that the term is one year in length. They must live in the City, be 18 years of age and eligible to vote.

The offer could ask for a letter of interest as opposed to filling out an application. The letter could/should include:

- An expression of why are you interested in serving.
- What experiences and/or education you have that may be helpful.
- An expression of willingness to serve not only on the Council but what other boards and commissions you have interest in.
- Other criteria that the Council may wish to set.

Ask that the letters be submitted by November 28th at 5p.m. so they may be included in the packet to the Council at the next workshop. The members could review the letters of interest and work to come to consensus and an appointment could take place at your December 10th meeting. This assumes no interview process. If you desire an interview process I think the time line could be an appointment at your second meeting in January.

My goal is to have you discuss these and other actions so that we leave the meeting with a plan.

Please feel free to contact me if you have any questions or concerns on this agenda item.

TP/bal

2018 Minnesota Statutes

Authenticate

412.02 MS 1945 [Repealed. 1949 c 119 s 110]

412.02 CITY ELECTIONS; OFFICERS, TERMS, VACANCIES, CITY EMPLOYEES.

Subdivision 1. **Officers elected.** The following officers shall be elected for the terms and in the years shown and in the cities described in the table.

Officer	Number of Years in Term	Year Elected	City Elected
Mayor	Two or four	Every two years except where four years is otherwise provided pursuant to statute	Every statutory city
Clerk	Four	Every four years in year when treasurer is not elected	Every statutory standard plan city in which there is no clerk-treasurer
Treasurer	Four	Every four years in year in which clerk is not elected	Every statutory standard plan city in which there is no clerk-treasurer
Clerk-Treasurer	Four	Every four years in year in which one council member is elected	Every statutory standard plan city where such office exists pursuant to subdivision 3
Three Council members	Four	Two every four years and one in alternative election	Every statutory standard plan city with a council of five
Four Council members	Four	Two each election	Every statutory optional plan city with a council of five
Five Council members	Four	Three every four years and two in alternative election	Every statutory standard plan city with a council of seven
Six Council members	Four	Three each election	Every statutory optional plan city with a council of seven

Subd. 1a. City council; city employees. Neither the mayor nor any city council member may be employed by the city. For purposes of this subdivision, "employed" refers to full-time permanent employment as defined by the city's employment policy.

Subd. 2. Term. Terms of elective officers shall commence on the first Monday in January following the election at which the officer is chosen. All officers chosen and qualified as such shall hold office until their successors qualify.

Subd. 2a. Vacancy. Except as otherwise provided in subdivision 2b, a vacancy in an office shall be filled by council appointment until an election is held as provided in this subdivision. In case of a tie vote in the council, the mayor shall make the appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at or before the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, there

need not be a special election to fill the vacancy and the appointed person shall serve until the qualification of a successor. The council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy other than a special election held at the same time as the regular city election.

Subd. 2b. Inability or refusal to serve. A vacancy in the office of mayor or council member may be declared by the council when the officeholder is unable to serve in the office or attend council meetings for a 90-day period because of illness, or because of absence from or refusal to attend council meetings for a 90-day period. If any of the preceding conditions occurs, the council may, after it has by resolution declared a vacancy to exist, fill the vacancy at a regular or special council meeting for the remainder of the unexpired term, or until the person is again able to resume duties and attend council meetings, whichever is earlier. When the person is again able to resume duties and attend council meetings, the council shall by resolution remove the temporary officeholder and restore the original officeholder.

Subd. 3. Clerk, treasurer combined; audit standards. (a) In cities operating under the standard plan of government the council may by ordinance adopted at least 60 days before the next regular city election combine the offices of clerk and treasurer in the office of clerk-treasurer, but such an ordinance shall not be effective until the expiration of the term of the incumbent treasurer or when an earlier vacancy occurs. After the effective date of the ordinance, the duties of the treasurer and deputy treasurer as prescribed by this chapter shall be performed by the clerk-treasurer or a duly appointed deputy. The offices of clerk and treasurer may be reestablished by ordinance.

(b) If the offices of clerk and treasurer are combined as provided by this section and the city's annual revenue for all governmental and enterprise funds combined is more than the amount in paragraph (c), the council shall provide for an annual audit of the city's financial affairs by the state auditor or a public accountant in accordance with minimum auditing procedures prescribed by the state auditor. If the offices of clerk and treasurer are combined and the city's annual revenue for all governmental and enterprise funds combined is the amount in paragraph (c), or less, the council shall provide for an audit of the city's financial affairs by the state auditor or a public accountant in accordance with minimum audit procedures prescribed by the state auditor at least once every five years, which audit shall be for a one-year period to be determined at random by the person conducting the audit.

(c) For the purposes of paragraph (b), the amount in 2004 is \$150,000, and in 2005 and after, \$150,000 adjusted for inflation using the annual implicit price deflator for state and local expenditures as published by the United States Department of Commerce.

Subd. 4. [Repealed, 1973 c 34 s 7]

Subd. 5. [Repealed, 1983 c 359 s 151]

Subd. 6. Council increased or reduced. The council may by ordinance adopted at least 60 days before the next regular city election submit to the voters of the city the question of whether the city council should be increased or reduced to seven or five members. The ordinance shall include a schedule of elections and terms to accomplish the change. The proposal shall be voted on at the next city general election and, if approved by a majority of those voting on the question, go into effect in accordance with the schedule.

History: 1959 c 675 art 6 s 30; 1961 c 230 s 1; 1963 c 799 s 5; 1963 c 811 s 1; 1965 c 417 s 1-4; 1967 c 289 s 2; 1973 c 34 s 1; 1973 c 123 art 2 s 1 subd 2; art 2 s 2; 1973 c 492 s 7; 1974 c 337 s 5; 1976 c 2 s 131; 1976 c 44 s 21; 1981 c 172 s 3, 4; 1983 c 359 s 62; 1986 c 444; 1989 c 30 s 1, 2; 1995 c 27 s 2; 1996 c 422 s 2, 3; 1999 c 75 s 2; 1999 c 132 s 43; 2004 c 281 s 2; 2010 c 206 s 2

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