

Agenda Item 6 B

- Section 3.5. - Vacancies in the Council or in the Office of Mayor.

An elective office becomes vacant when the person elected or appointed thereto dies before taking office or fails to qualify, or the incumbent dies, resigns in writing filed with the city clerk, fails to attend council meetings for sixty (60) days without just cause, is convicted of a felony, ceases to reside in the city or ward from which elected, or is adjudged incompetent by a court of competent jurisdiction. In each such case, the council shall by resolution declare the vacancy to exist and shall forthwith appoint an eligible person to fill the vacancy. If the vacancy occurs between July 1 and December 31, the appointee shall serve until the end of the following year. If the vacancy occurs between January 1 and June 30, the appointee shall serve until the end of the current year. A replacement shall be elected on the first Tuesday after the first Monday in November of the year in which the appointment expires. A special election shall be held if no regular municipal election is scheduled for that date. The elected replacement shall serve a full term if the term of the person requiring replacement ends at the end of the year in which the replacement election occurs. Otherwise the elected replacement shall have a shortened term that fills the unexpired part of the term of the person requiring replacement.

(Ord. No. 545, § 3.5, 1-2-1990; Ord. No. 739, § 3.5, 11-6-2000; Ord. No. 781, 3-17-2003; Ord. No. 863, 7-9-2007; Ord. No. 938, 8-7-2012, effective 11-5-2012)

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If the vacancy occurs before the first day of the filing period for candidacy, the election shall be held in the current year and the appointed person shall serve until the qualification of a successor. If the vacancy occurs on or after the first day of the filing period for candidacy, the election shall be held in the following year and the appointed person shall serve until the qualification of a successor. For the purposes of this section, "filing period for candidacy" shall mean the dates set by the Minnesota Secretary of State for filing affidavits of candidacy for city offices for candidates in cities where a primary is possible, regardless of whether or not a regular municipal election is scheduled.

A special election shall be held if no regular municipal election is scheduled for the designated current or following year.

If the appointed person resigns after a successor is elected but before the successor is qualified, the elected successor shall be qualified as soon as practicable. The elected successor shall serve the remainder of the vacated term or, if the vacated term has expired, serve a full term.

• Section 3.5. Vacancies in the Council or in the Office of Mayor.

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