

**AGENDA**

**MINNETONKA CITY COUNCIL**

**SPECIAL MEETING, WEDNESDAY, NOVEMBER 2, 2011**

**7:00 PM  
COUNCIL CHAMBERS**

1. CALL TO ORDER
2. ROLL CALL: Ellingson-Allendorf-Greves-Wiersum-Hiller-Wagner-Schneider
3. Vacancy in At-Large City Council Seat B  
RECOMMENDATION: Approve process to fill vacancy (4 VOTES)
4. ADJOURNMENT

**City Council Agenda Item #3  
Special Meeting of November 2, 2011**

**Brief Description:** Vacancy in At-Large City Council Seat B

**Recommended Action:** Approve process to fill vacancy

**Background**

At the October 24, 2011 city council meeting, Council Member Greves announced that she and her family will be moving to Colorado. As a result, she stated she will be resigning her at-large seat on the council sometime in December.

Council Member Greves has indicated that she will submit her resignation in writing, and currently expects the effective date will be December 12. If she does not, in accordance with the city's charter, the council must declare by resolution that a vacancy exists.

Within 30 days after the vacancy occurs, the council must either appoint a replacement or schedule a special election to take place within 90 days. If the council does neither, the mayor has seven days to appoint an eligible person to fill the vacancy. If after 37 days no appointment is made nor an election scheduled, the clerk must schedule a special election to be held within 60 days after expiration of this 37-day period.

A special election is not required because the time for filing for the next municipal election (November 8, 2011) has passed. The council has the option to schedule a special election, however. If the council chooses to have a special election, these rules apply:

- (a) candidates must file for office no later than four weeks before the election,
- (b) no primary will be held,
- (c) the candidate receiving the highest number of votes is elected, and
- (d) the election must be held on a Tuesday.

If the council chooses to appoint a current council member to the at-large position leaving another council position vacant, the same rules generally apply. However, if there is more than two years remaining on the term of the open seat that is created by the appointment, an appointment for the open seat would only last until the next municipal election, at which time a special election would be held to fill the remaining two years of the term.

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State law prohibits Council Member Greves from participating in the decision to name her replacement. However, a council member appointed to her position could participate in the decision to fill the vacancy that was created by the appointment.

### **Appointment Options**

#### Open replacement process

If the council opts for an open replacement process to appoint a new at-large council member from the general public, the following schedule is proposed:

November 4, 2011	Post application information on city's website
Week of November 7, 2011	Publish <i>Lakeshore Weekly News &amp; Sailor</i> articles
November 12 - 23, 2011	Mail <i>Minnetonka MEMO</i> with article announcing vacancy and requesting applicants
December 8, 2011	Application deadline
December 9, 2011	Council members receive applications for review
December 12, 2011	Potential resignation date for Council Member Greves
December 12, 2011	Convene special city council meeting to screen applications and select candidates for interviews
Week of December 12 and/or December 19, 2011	Special city council meeting(s) for finalist interviews
January 9, 2011	Appoint new at-large council member at regular city council meeting and administer oath of office. This is the same date winners from the November 8, 2011 election will be sworn-in.

#### Appoint a current council member

Should the council choose to appoint a replacement for Council Member Greves from within the council, official action could be taken at the December 19, 2011 or January 9, 2012 city council meeting.

An open replacement process with a similar time frame as noted above would be utilized to fill that vacancy, with an anticipated appointment date of January 30, 2012.

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As already specified, that appointment would only last until the next municipal election, at which time a special election would be held to fill the remaining two years of the term.

### **Special Election Option**

Within 30 days after the vacancy occurs, the council may instead schedule a special election within 90 days which must be held on a Tuesday. The anticipated cost for a special election is \$25,000 – \$30,000, with election judge pay as the largest expense. If the council opts for a special election, the following schedule is proposed:

December 12, 2011	Potential resignation date for Council Member Greves
December 19, 2011	City council schedules a special election (regular meeting date)
December 21, 2011	Post filing information on city's website
December 27, 2011	Publish notice of filing period in official newspaper and place articles in <i>Lakeshore Weekly News &amp; Sailor</i>
December 30, 2011 - January 10, 2012	Mail <i>Minnetonka MEMO</i> with article announcing special election
January 11 – January 25, 2012	Filing period
January 27, 2012	Last day to withdraw filing
February 8, 2012	Receive printed ballots
February 10 – March 12, 2012	Absentee voting
March 13, 2012	Special election
March 19, 2012	Canvass election
March 26, 2011	Oath of office for new council member

In addition to the cost and nearly three month replacement delay associated with a special election, this process is further complicated by redistricting requirements. The city council must adopt new precinct changes by April 3, 2012. Once approved, notices must be sent to affected voters and changes posted for 56 days. Although the changes will not be effective until the state primary election, the redistricting process and notifications may cause confusion amongst voters during a special election.

Additionally, if any of the 27 precinct locations are unavailable during the special election, there may be further confusion for some voters directed to alternate sites.

**Recommendation**

Discuss the options, and approve a process to fill the upcoming council vacancy.

Submitted through:

John Gunyou, City Manager

Originated by:

Geralyn Barone, Assistant City Manager

Desyl Peterson, City Attorney

David Maeda, City Clerk