

ORDINANCE NO. 30.16

AN ORDINANCE DEALING WITH FILLING A VACANCY ON THE BROWNS VALLEY CITY COUNCIL

Purpose.

The purpose and intent of this section is to establish a procedure for filling a vacancy on the Browns Valley City Council.

THE CITY COUNCIL OF THE CITY OF BROWNS VALLEY ORDAINS:

That Ordinance No. 30.16 of the Code of Ordinance for the City of Browns Valley is hereby enacted to read as follows:

“30.16. VACANCIES IN OFFICE

(A) *Statutory Authority.*

- (1) Under M.S.A. §205.10, Subd. 2, statutory cities may hold special elections in conjunction with the municipal general election to fill vacancies in elective City offices. M.S.A. §412.02, Subd. 2a, provides for the procedure in filling these vacancies.
- (2) 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 may be held at 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. (M.S.A. §412.02, Subd. 2a).
- (3) 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. (M.S.A. §412.02, Subd. 2a).
- (4) 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. (M.S.A. §412.02, Subd. 2a).

(B) *Vacancies in Council.*

- (1) When a vacancy should occur in the City Council or office of the Mayor, the City Council must publicly declare such vacancy and specify the date of occurrence of the vacancy within 14 days of its occurrence, unless the vacancy results from the death of the Mayor or Council member, whereupon the City Administrator shall make the public declaration.

- (2) The Mayor or Council member shall forfeit the office for:
 - (a) Lack at any time during the term of office of any qualification for the office prescribed by law.
 - (b) Conviction of a crime involving moral turpitude.
 - (c) Failure to attend regular meetings of the Council for a ninety-day period without being excused by the Council.
 - (d) Departure of residence from the City.
 - (3) Regardless of the remaining length of the unexpired term, the Council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy and the appointed person shall serve until the qualification of a successor at the next general election.
- (C) *Procedures to Fill Council Vacancies.* When there is a vacancy on the Council, the Council by majority vote of all its remaining members may appoint a qualified person to fill the vacancy. Notice of the vacancy, with a description setting forth the minimum set of legal qualifications to hold the subject public office shall be posted at City Hall and sent to the official City newspaper on the next business day and shall include the following description of the application and appointment process, which shall be followed by the City Council:
- (1) Uniform applications in a form approved by the City Council must be received by the City Administrator not later than 14 days from the date of the declared vacancy. Application forms submitted by the applicants are public documents. Applications shall request, at a minimum, all information required by Minnesota Statutes of candidates filing for the office. Additional information forms may be adopted by the City Council and shall be required of each applicant uniformly. The applicant may submit a resume, in addition to the uniform application forms.
 - (2) Tentative interview scheduling shall be completed and posted at City Hall not later than 18 days from the declared vacancy. Applicants shall be responsible for requesting schedule changes.
 - (3) The interview process shall not start earlier than 21 days from the declared vacancy.
 - (a) Applicants shall be interviewed by the Council, in accordance with the State of Minnesota open meeting laws.
 - (b) A uniform list of questions shall be developed to be asked of all applicants during the interviews.

- (4) Upon completion of the interview process, the Council may call for a vote to appoint an applicant. Each Council member may cast only one vote for a preferred applicant on each called-for vote to appoint. No vote which does not result in a majority vote for one candidate shall result in elimination from consideration of any candidate. Written ballots listing the applicant(s) shall be used. Each Council member's vote shall be recorded. A simple majority of the Council votes shall appoint that applicant to the City Council. In the event of a tie vote of the Council, the Mayor (or Vice-Mayor if the vacancy is in the office of Mayor) shall make the appointment.
- (5) If the Council pursues the appointment process but then fails to fill a vacancy within 45 days from the occurrence of the vacancy, the City Administrator shall call a special election to fill the vacancy.
 - (a) The City Council must by resolution order a special election and provide all means for holding it.
 - (b) The special election will be held at the earliest date deemed reasonably practicable by the City Council. The date designated by the City Council for special election shall comply with all applicable time frames under state law.
 - (c) If more than two candidates file for the unexpired term, a primary election shall be held.
 - (d) At least two weeks of weekly published notice of a special election shall be given in the official newspaper.
 - (e) The procedure at such election shall conform as nearly as possible to that prescribed for regular municipal elections.
 - (f) Candidates must file with payment of the required filing fee to the City Administrator, who shall place the name of the candidate upon the special primary election ballot without partisan designation.”

PASSED AND ADOPTED this 11th day of August, 2025.

BROWNS VALLEY CITY COUNCIL


Mike Heck, Mayor

ATTEST:



Jodi Hook-Hansen, City Administrator

SUMMARY OF ORDINANCE NO. 30.16

A SUMMARY OF AN ORDINANCE DEALING WITH FILLING A VACANCY ON THE BROWNS VALLEY CITY COUNCIL

In order to allow a smoother process to fill in a vacancy on the City Council, the Ordinance establishes procedures for the City Council to appoint a qualified person to fill the vacancy. Upon the death or resignation of a council member, including the Mayor, a notice shall be immediately put out giving applicants 14 days to apply for the vacancy. Interviews with applicants shall be set up within 18 days from the vacancy, with interviews occurring after 21 days. The Council shall have 45 days to fill the vacancy. If they cannot do so within that timeframe, the City Administrator shall call a special election to fill the vacancy. Anyone appointed or elected at a special election shall serve until the next general election.

This summary is being published in compliance with Minnesota Statutes Section 331A.01, Subdivision 10 and Minnesota Statutes Section 412.191, Subdivision 4. A copy of the full text of this Ordinance shall be available at regular office hours of the office of the Browns Valley City Administrator. The full text of this Ordinance will be in full force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED this 11th day of August, 2025.

BROWNS VALLEY CITY COUNCIL


Mike Heck, Mayor

ATTEST:


Jodi Hook-Hansen, City Administrator