



STAFF REPORT

TO: Mayor Fischer and Members of the City Council

FROM: Chris Heineman, City Administrator

DATE: February 8, 2023

RE: Discuss City Council Appointment Process

ACTION TO BE CONSIDERED

Discuss City Council appointment process.

BACKGROUND

Council Member McGraw submitted a letter of resignation from the City Council effective February 10, 2023. As there are less than two years remaining in McGraw's term, a new Council member must be appointed to fill the remainder of the term. The City Council vacancy was advertised in the Le Petit Canadien newsletter and on the City's website, and applications were accepted from January 1-31, 2023.

A total of eight (8) applications were received for the Little Canada City Council vacancy. The potential candidates, in alphabetical order, are as follows:

- 1) **Luke Baker**
- 2) **Taelor Johnson**
- 3) **Dawn Kulousek**
- 4) **Chris Kwapick**
- 5) **Tom Maida**
- 6) **Rick Montour**
- 7) **Joe Sullivan**
- 8) **Eric Thorson**

The next step in the appointment process will be for the City Council to review the applications and discuss which candidates will be invited for an interview. City staff is recommending that the City Council take the following steps during the workshop:

- 1) Discussion of key characteristics or attributes desired for a City Council member
- 2) Discussion regarding the total number of applicants to be interviewed
- 3) Secret Ballot Voting
 - a. Conduct Secret Ballot for each City Council member's top four candidates
 - b. Conduct Secret Ballot for each City Council member's top two candidates
- 4) Selection of Final Candidates to be Interviewed
- 5) Determination of proposed date and time(s) for City Council interviews
- 6) Discussion and selection of proposed interview questions

Both ballots will be collected at the same time and tallied by staff prior to the selection process by the City Council. City staff will provide two different colored ballots and each applicant will be assigned a number or letter to keep each candidate's name anonymous during City Council discussion. A list of potential meeting dates for the interview process will be provided. City staff has also assembled a list of over 30 potential interview questions for your consideration.

For your information, I have included Subdivision 2a and 2b of MN Statute 412.02 regarding the process for filling a vacancy in office. The City of Little Canada is a Plan A Statutory City, and as such should follow the statutory process listed below.

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

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. All of the provisions of the Minnesota Election Law are applicable to special elections as far as practicable.

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.

RECOMMENDATION

Staff recommends that the City Council take the steps outlined above and provide staff with direction on how to proceed with the City Council interview process.