



STAFF REPORT

DATE: December 5, 2023

CONSENT

AGENDA ITEM: Adopt Resolution Declaring a Vacancy on the City Council

TO: Mayor and City Council

SUBMITTED BY: Julie Johnson, City Clerk

BACKGROUND: Councilmember McGinn resigned her City Council seat at the November 21, 2023 meeting, creating a vacancy on the City Council.

ISSUE BEFORE COUNCIL:

State statutes provide that a vacancy “shall” be filled by appointment and the first step in the process is to adopt a resolution declaring the vacancy.

PROPOSAL: The City Attorney has prepared the attached resolution declaring a vacancy. The Council will need to appoint someone to fill the vacancy until December 31, 2024. Because there are more than two years left in Councilmember McGinn’s term, the remainder of that term must be filled via a special election. The special election can be held at the next regular city election which will take place on November 5, 2024.

FISCAL IMPACT:

None

RECOMMENDATION:

If removed from Consent Agenda:

“Motion to adopt Resolution 2023-122 Declaring a Vacancy on the City Council.”

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

RESOLUTION NO. 2023-122

***A RESOLUTION DECLARING A VACANCY TO EXIST IN THE OFFICE OF CITY
COUNCIL MEMBER AND PROVIDING FOR THE APPOINTMENT THEREOF***

WHEREAS, on November 8, 2022, Council Member Lisa McGinn was elected to the office of City Council member; and

WHEREAS, on November 21, 2023, Council Member McGinn resigned her City Council office; and

WHEREAS, Minnesota Statutes Section 351.02 states that a vacancy in a public office occurs upon the incumbent's resignation; and

WHEREAS, Council Member McGinn's term expires on December 31, 2026; and

WHEREAS, Minnesota Statutes Section 412.02, subdivision 2a states that when a vacancy in an elected office of the City 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 of the office, a special election shall 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; and

WHEREAS, more than two years remain in the unexpired term of the vacated office; and

WHEREAS, the City Council desires to fill the vacated office by council appointment until the next regular City election.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lake Elmo, that a vacancy is declared to exist in the office of City Council effective on November 21, 2023 by virtue of the resignation of Council Member McGinn.

BE IT FURTHER RESOLVED, that pursuant to Minnesota Statutes Section 412.02, subdivision 2a, the Council will fill by appointment a successor to serve the remainder of the unexpired term of Council Member McGinn, until the qualification of a successor elected at a special election to fill the remaining unexpired two years for the term.

BE IT FURTHER RESOLVED, that the City Council announces to the public that a special election will be held on November 5, 2024 to fill the remaining two-year term of the office of City Council Member referenced herein.

Passed and duly adopted this 5th day of December, 2023 by the City Council of the City of Lake Elmo, Minnesota.

Mayor Charles Cadenhead

ATTEST:

Julie Johnson, City Clerk