



## MAYOR & COUNCIL COMMUNICATION

**DATE: January 6, 2014**

**REGULAR**

**ITEM # 13**

**AGENDA ITEM:** Appointment of Acting Mayor

**SUBMITTED BY:** Adam Bell, Assistant City Administrator/City Clerk

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Beckie Gumatz, Deputy Clerk

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### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECOMMENDER:** This item is mandated by state statute.

**FISCAL IMPACT:** None

**SUMMARY AND ACTION REQUESTED:** Pursuant to Minn. State Statute §412.121, the City Council is asked to select an Acting Mayor on the City's behalf, should Mayor Pearson be unavailable or unable to attend a meeting, sign an agreement, or attend functions on behalf of the City. Any member of the council is eligible for this position. The recommended motion to act on this organizational function is as follows:

***“Move to appoint Council Member \_\_\_\_\_ as Acting Mayor for 2014, to comply with and fulfill all duties enumerated in Minn. Statute § 412.121 relating to selection of an Acting Mayor”***

**LEGISLATIVE HISTORY:** Minnesota State Statute § 412.121 reads: “At its first meeting each year the council shall choose an acting mayor from the council members. The acting mayor shall perform the duties of mayor during the disability or absence of the mayor from the city or, in case of vacancy in the office of mayor, until a successor has been appointed and qualifies.”

This requirement is also prescribed in Lake Elmo City Code § 31.01(E)(3). Council Member Justin Bloyer was appointed Acting mayor for 2013.

**BACKGROUND INFORMATION (SWOT):**

**Strengths**                      Appointing an “Acting Mayor” makes the City compliant with state law and provides a back-up for when the mayor is unavailable.

**Weaknesses**                      There are no identified weaknesses.

**Opportunities**                      The Acting Mayor is able to learn more about running meetings and serving the City/Council in a slightly different role.

**Threats**                              There are no identified threats.

**RECOMMENDATION:** It is recommended that the City Council appoint an Acting Mayor for 2014, pursuant to state statute, by making the following recommended motion:

*“Move to appoint Council Member \_\_\_\_\_ as Acting Mayor for 2014, to comply with and fulfill all duties enumerated in Minn. Statute § 412.121 relating to selection of an Acting Mayor.”*

**AUTHORITIES:**

**2012 Minnesota Statutes: § 412.121 ACTING MAYOR**

“At its first meeting each year the council shall choose an acting mayor from the council members. The acting mayor shall perform the duties of mayor during the disability or absence of the mayor from the city or, in case of vacancy in the office of mayor, until a successor has been appointed and qualifies.”

**Lake Elmo, MN Code of Ordinances (2008): § 31.01 MEETINGS**

(E) *Initial meeting.* At the first regular Council meeting in January of each year, the Council shall: ....

(3) Choose 1 of the Council Members as Acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city or, in case of a vacancy in the Office of Mayor, until a successor has been appointed and qualifies;