

ORDINANCE NO. 2021-40

AN ORDINANCE AMENDING SECTION 2.05 OF THE CITY CHARTER  
RELATING TO VACANCIES IN OFFICE

The City Council of the City of Bloomington, Minnesota does hereby ordain:

Section 1. That Chapter 2, Section 2.05, of the City Charter is amended by deleting those words struck through and contained in brackets [ ] and by adding those words that are underlined, to read as follows:

§ 2.05 VACANCIES IN THE COUNCIL.

A vacancy in the council exists for any of the following reasons:

- (a) The failure of a person elected to qualify for office by the date of the second regular meeting of the council in the term for which the person was elected;
- (b) Death;
- (c) Resignation;
- (d) ~~[Removal from office]~~ Recall election wherein a majority of voters voted in favor of recalling the official;
- (e) Loss of residency;
- (f) Continuous absence from the city for more than three months;
- (g) Conviction of a felony of a councilmember, whether before or after qualification for office;
- (h) Failure of a councilmember without good cause to perform the duties of the office for a period of three months.

In any of these cases, except a recall election, the council must declare by resolution that a vacancy exists. The council must adopt the resolution declaring the vacancy at the next regularly scheduled council meeting. Within forty-five days after the adoption of the resolution, the council must appoint an eligible person to fill the vacant office until the next regular state or municipal election when the office will be filled for the unexpired term. If the council fails to make the appointment within forty-five days, or, if before the end of the forty-five days, votes three times on the appointment and is unable to fill the vacancy, the mayor must, within fifteen days, appoint an eligible person to fill the vacancy until the next scheduled state or municipal general election when the office will be filled for the unexpired term. When the council or mayor makes the appointment ~~[after]~~ less than 28 days before the opening date of filing for the next regularly scheduled state or municipal general election, [or in November or December, the voters must elect an eligible person for the unexpired term of office at a special election to] a special election to elect an eligible person for the remainder of the unexpired term of office shall be held at the next state or municipal general election ~~[scheduled for the following year]~~. No special election will be held for an unexpired term of two months or less.

Passed and adopted this 29<sup>th</sup> day of November, 2021.

/s/ Tim Busse  
Mayor

ATTEST:

/s/ Matt Brillhart  
Secretary to the Council

APPROVED:

/s/ Melissa J. Manderschied  
City Attorney