



**REPORT TO CITY COUNCIL**

**Report Prepared by: Nancy Malecha**

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**Date:** November 5, 2019

**Subject:** Jerry Akerson's Absence

**Report:** For the past several months, Jerry Akerson has been absent at City Council meetings due to personal reasons. I spoke with Jerry today and he is asking for a leave of absence until the April 2020 City Council Meeting and to appoint an interim officeholder. The Council has the following options for consideration per Minnesota Statute 412.02 Subd. 2b.

*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.*

Therefore, the Council has the following options.

- Do nothing and wait for Jerry Akerson's return, which is anticipated in April.
- Because of Jerry Akerson's ongoing illness and resulting absence, declare a vacancy and appoint a temporary officeholder until Jerry is able to resume duties and attend council meetings. The appointment process could entail a public notice to citizens informing them of this vacancy and request resumes

or letters of interest, or such other process as the Council determines. See attached resolution.

- In the event of a vacancy due to written resignation, declare a vacancy and appoint an officeholder until the November 2020 Special Election is held. The appointment process could entail a public notice to citizens informing them of this vacancy and request resumes or letters of interest, or such other process as the Council determines.

**Council Action Requested:** Council discussion and motion to proceed with one of the above options.

**CITY OF PEQUOT LAKES  
RESOLUTION 19-\_\_\_**

**RESOLUTION DECLARING CITY COUNCIL VACANCY  
AND APPOINTMENT**

**WHEREAS**, Minnesota Statute 412.02, Subd. 2b states that a vacancy in the office of council member may be declared by 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; and

**WHEREAS**, if any of the preceding conditions occur, the council may, after it has by resolution declared a vacancy exists, 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; and

**WHEREAS**, because of Council Member Jerry Akerson's ongoing illness and resulting absence, the Pequot Lakes City Council hereby declares a City Council vacancy exists; and

**WHEREAS**, pursuant to Minnesota Statute 412.02, Subd. 2a, the Council shall fill this vacancy by appointment.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PEQUOT LAKES, MINNESOTA, AS FOLLOWS:**

1. The Council appoints \_\_\_\_\_ to fill the vacant City Council position until Jerry Akerson is again able to resume duties and attend council meetings.

Adopted by the City Council of the City of Pequot Lakes this 5<sup>th</sup> day of November, 2019.

ATTEST:

\_\_\_\_\_  
James Tayloe  
Mayor

\_\_\_\_\_  
Nancy Malecha  
City Administrator

**CITY OF PEQUOT LAKES  
RESOLUTION 19-\_\_\_**

**RESOLUTION DECLARING CITY COUNCIL VACANCY AND  
CALLING FOR SPECIAL ELECTION**

**WHEREAS**, Minnesota Statute 412.02, Subd. 2b states that a vacancy in the office of council member may be declared by 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; and

**WHEREAS**, if any of the preceding conditions occur, the council may, after it has by resolution declared a vacancy to exist, fill the vacancy at a regular or special council meeting until the special election is held in November of 2020; and

**WHEREAS**, the Pequot Lakes City Council hereby declares that a City Council vacancy exists due to Council Member Jerry Akerson's absence; and

**WHEREAS**, the vacancy occurred before the first day to file affidavits of candidacy for the next regular City election; and

**WHEREAS**, the vacancy occurred when more than two years remain in the unexpired term.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PEQUOT LAKES, MINNESOTA, AS FOLLOWS:**

1. A special election is ordered to fill the vacancy on the Pequot Lakes City Council. The person elected shall fill the vacancy for the remainder of the term.
2. The special election will be held at the next regular City election in November of 2020.
3. The Council appoints \_\_\_\_\_ to fill the vacant position until the special election is held in November of 2020.

Adopted by the City Council of the City of Pequot Lakes this 5<sup>th</sup> day of November, 2019.

ATTEST:

\_\_\_\_\_  
James Tayloe  
Mayor

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Nancy Malecha  
City Administrator