

**CITY OF ROSE CREEK
MOWER COUNTY, MINNESOTA
Ordinance No. 110-2024**

**AN ORDINANCE RELATED TO SPECIAL ELECTIONS
TO FILL MAYORAL AND COUNCIL VACANCIES**

The City Council of the City of Rose Creek ordains:

Section 1. Title. This Ordinance shall be known and cited as the City of Rose Creek Ordinance related to Special Elections to Fill Mayoral and Council Vacancies, and referred to herein as “this Ordinance.”

Section 2. Purpose. The City of Rose Creek (“City”) is a Minnesota municipal corporation subject to Minnesota election laws. Minnesota Statutes, Section 412.02, subdivision 2a provides that the City Council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy if the special election is not held at the same time as the regular city election. This Ordinance provides for such special elections.

Section 3. Definitions. For the purposes of this Section, the following terms shall have the following meanings:

- A. “Regular city election” shall mean an election held at regular intervals by the City on a day determined by law at which the voters of the City choose by ballot any public official for the City.
- B. “Special election” shall mean an election held to fill a vacancy.
- C. “Vacancy” shall mean a vacancy in the Office of Mayor or City Council Member occurring for one of the reasons stated in Minnesota Statutes, Section 351.02 or other applicable law.

Section 4. Requirements. Pursuant to Minnesota Statutes Section 412.02, subd. 2a, a person shall be appointed to fill a vacancy.

- A. The City Council shall, by resolution, call for specific special elections and determine all other action taken by City staff to comply with any applicable deadlines, filing periods, and procedures.
- B. If a vacancy occurs and a special election to fill the unexpired term is required pursuant to Minnesota Statutes Section 412.02, subdivision 2a, the special election shall be held before the next regular city election only if the next regular city election is 365 days or more after the date of the vacancy.
- C. The special election must be held on one of the uniform election dates pursuant to Minnesota Statutes, Section 205.10, subdivision 3a.

D. If the next regular city election is less than 365 days after the date of the vacancy, the special election shall be held on the same day as the next regular city election.

E. All special elections shall otherwise be held in accordance with all applicable laws and regulations.

Section 5. Severability. If any portion of this Ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

This ordinance is hereby adopted this 26th day of December, 2024 and shall be effective upon the first day of publication.

BY THE CITY COUNCIL

Mayor

Attest:

Kristine M Allas, City Clerk-Treasurer