

PERSONNEL COMMITTEE

08-0687R

RESOLUTION ELECTING MEMBERS TO THE BOARD OF MANAGERS OF  
THE DULUTH/NORTH SHORE SANITARY DISTRICT PURSUANT TO  
MINNESOTA STATUTES, SECTION 115.23, SUBDIVISION 7.

CITY PROPOSAL:

BE IT RESOLVED, by the governing body of the city of Duluth, St. Louis County, Minnesota, as follows:

Section 1. Recitals.

1.01 The city of Duluth, the town of Duluth and the town of Lakewood, all in St. Louis County, Minnesota, in 1999 submitted a petition to the Minnesota pollution control agency (the MPCA) requesting creation of the Duluth/North Shore Sanitary District (the sanitary district) pursuant to Minnesota Statutes, Sections 115.18 through 115.37 (the act). (The city of Duluth, the town of Duluth and the town of Lakewood are herein referred to collectively as the municipalities.)

1.02 On January 25, 2000, the MPCA issued an order approving creation of the sanitary district (the order). The order was published in the *State Register* on January 31, 2000.

1.03 On March 1, 2000, the time for appeal of the order having expired, a certified copy of the order was duly filed with the Minnesota secretary of state, and creation of the sanitary district was thereupon deemed complete under the act.

1.04 The act requires that the municipalities elect a board of managers for the sanitary district (the board of managers) as soon as practicable after creation of the sanitary district.

1.05 Pursuant to Section 115.23, subdivision 7, of the act, the municipalities may elect a board member or members by resolutions adopted by all of them separately, concurring in the election of the same person or persons.

Section 2. Findings. It is in the best interests of the municipalities and of the sanitary district that the following persons, who are voters residing

in the area of the sanitary district, be nominated for election to the board of managers for the term indicated:

(a) John Bowen, of the town of Duluth, Minnesota, whose term shall commence upon passage of all concurring resolutions by the municipalities, and shall expire on the first business day of January, 2011;

(b) Scott Smith, of the city of Duluth, Minnesota, whose term shall commence upon passage of all concurring resolutions by the municipalities, and shall expire on the first business day of January, 2012.

Section 3. Election of board of managers. Election of the above-named persons to the board of managers of the sanitary district is approved and such persons are elected for the terms indicated.

Section 4. Authorization and direction to clerk. Upon receipt of concurring resolutions from the town of Duluth and the town of Lakewood, the clerk is directed to certify the results of this election to the secretary of the MPCA and to the auditor of St. Louis County and make and transmit to each board member elected a certificate of the board member's election.

Approved:

Approved for presentation to council:

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Attorney

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Chief Administrative Officer

DNSSD/FLF/CLK MT/JJC:jkmr 11/7/2008

STATEMENT OF PURPOSE: The purpose of this resolution is to elect members to the board of managers of the Duluth/North Shore Sanitary District and to authorize the clerk to perform certain procedural functions with respect to the election. The city has been designated as the central related governing body in the order of the MPCA creating the sanitary district, and as such has the procedural duties described in Section 4 of the resolution.