PERSONNEL COMMITTEE

11-0631R

RESOLUTION ELECTING MEMBER 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 person, who is a voter residing

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

Scott Smith, of the city of Duluth, Minnesota, whose term shall commence upon the first business day of January, 2012 and shall expire on the first business day of January, 2015.

Section 3. Election of board of managers. Election of the above-named person to the board of managers of the sanitary district is approved and such person is 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 the board member elected a certificate of the board member's election.

Approved:

Attorney

Approved for presentation to council:

Chief Administrative Officer

DNSSD/FLF/CLK MT/JJC:jkmr 11/18/2011

STATEMENT OF PURPOSE: The purpose of this resolution is to elect a member 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.