



City of Sunfish Lake
City Council Agenda Report

7b

TO: Mayor O'Leary and Members of the Sunfish Lake City Council
FROM: Kori Land, City Attorney
DATE: May 12, 2026
RE: Filling Council Vacancy

BACKGROUND

At the April 14, 2026 Council meeting, the Council accepted the resignation of Councilmember Steve Bulach due to his change in residency from Minnesota to Florida. The Council must temporarily fill the vacancy and this memo will explain the process.

DISCUSSION

The City Council must appoint someone to temporarily fill the seat until a successor is elected who will complete his unexpired term.

Councilmember Bulach was elected in 2024, therefore more than 2 years remain on his term. Pursuant to Minn. Stat. §412.02 subd. 2a, when a vacancy occurs before the first day to file affidavits of candidacy and more than two years remain on the unexpired term, a special election must be held at the next regular city election. This means that the special election for his seat will be held during the November election and will be for a 2-year term.

Minn. Stat. §412. Subd. 2a. Vacancy.

Except as otherwise provided in subdivision 2b, a vacancy in an office shall be filled by council appointment until an election is held as provided in this subdivision. In case of a tie vote in the council, the mayor shall make the appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at or before the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy and the appointed person shall serve until the qualification of a successor. The council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy other than a special election held at the same time as the regular city election.

Filling a vacant seat

There is no statutory requirement outlining the process of filling the vacant seat. The Council can solicit applications and hold interviews, authorize one person on the Council to explore candidates and come back at a future meeting with a recommendation, or the Council can simply agree on who should fill the seat and adopt a resolution appointing that person to fill the vacancy until the newly elected person takes the oath of office in January 2027.

I have prepared a *draft* resolution with a blank for the appointee's name, which can be adopted when the Council is ready to name the temporary appointee.

RECOMMENDATION

Discuss how to fill the vacant seat of former Councilmember Bulach.

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 26-

**RESOLUTION APPOINTING _____ TO FILL THE
VACANT SEAT OF STEVE BULACH**

WHEREAS, Councilmember Steve Bulach (“Bulach”) was elected as councilmember for the City of Sunfish Lake for a term of 4 years that expires on the first Tuesday of January, 2028; and

WHEREAS, Bulach submitted his resignation from office effective April 14, 2026 and the Council accepted his resignation and declared a vacancy; and

WHEREAS, more than two years remain in the term of office of Bulach and, therefore, a special election is necessary under Minn. Stat. 412.02, Subd. 2a, which shall be held during the general election on November 3, 2026 to fill the remaining two years of Bulach’s term.

WHEREAS, the remaining members of the Council may select and appoint a qualified person to fill the seat as councilmember; and

WHEREAS, the remaining members of the Council desire to appoint _____ to fill Bulach’s seat as councilmember until the first Tuesday of January 2027, at which time the seat shall be filled by the person who received the most votes in the November 3, 2026 election, who shall serve the remaining two years of Bulach’s term.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNFISH LAKE THAT:

1. Effective as of the close of the council meeting on Tuesday, _____, 2026, the Council appoints _____ to fill seat the vacated by Councilmember Steve Bulach to serve until the first Tuesday in January, 2027.
2. The City Clerk is authorized to initiate a special election to be held on November 3, 2026 for the office of Councilmember to fill remaining 2-years of Councilmember Bulach’s term.

Adopted by the City Council of the City of Sunfish Lake on _____, 2026.

Dan O’Leary, Mayor

ATTEST:

Christy Wilcox, City Clerk