

## Appointed Town Clerk Chronology

12-9-2024

### Authority of Clerk Office

- MN Statute § 367.11 generically defines the role of town clerk as the clerk of the town board and the custodian of town records and documents, with other related duties.
- MN Statute § 358.15 gives town clerks the power to act as *ex officio* notaries by virtue of their office.
- MN Statute § 367.03, subd. 6 designates the only situation when a town clerk has a vote on the town board. When a vacancy in the office of supervisor exists, the town clerk serves on the nomination committee with the remaining supervisors and is authorized to make motions and vote on who is appointed to fill the supervisor vacancy.
- These statutes apply to the clerk position without regard to the form of government adopted by the town.

### Optional Forms of Town Government

- MN Statute § 367.30 designates the default town board as three supervisors, one clerk, and one treasurer, all of whom are elected.
- MN Statute § 367.31 authorizes either the town board or electors to begin the process of adopting an optional form. In either case the question of adoption is submitted to the electors at the next town election. In our case, the residents who are voters at the General Election.
- Optional forms are as listed:

<b>Plan</b>	<b>Effect</b>
<b>Option A</b> – Five Supervisor Board	Allows for 5 elected supervisors instead of 3
<b>Option B</b> – Appointed Clerk or Treasurer	Allows supervisors to appoint either a clerk, a treasurer, or both. Eliminates elections for clerk and/or treasurer
<b>Option C</b> – Town Administrator	Allows supervisors to appoint a town administrator who has powers listed in MN Statute § 367.35, subd. 2
<b>Option D</b> – Combined Clerk & Treasurer	One person serves as the town’s clerk and treasurer. Depending on the town’s annual revenue, the town may need independent-outside audits.

### Ballot Initiative & Appointment Process

- Once clerk Anna Anderson informed the town board in her 7-12-2024 email that she would not be seeking re-election, the board explored recommending the electors adopt the Option B form of government for the clerk position.
- The town board received guidance on how to proceed from our town attorney in his 7-17-2024 email.
- In a special meeting on 7-25-2024, the town board unanimously adopted Resolution 2024-06-A resolution determining to submit the Option B question to make the town clerk position appointive to the town electors as prepared by our town attorney. The urgency in proceeding was dictated by Crow Wing County’s deadline of August 13 for submission of ballot questions.

- MN Statute 367.31, Subd. 4 specifies the proposals for adoption of the options shall be stated on the ballot substantially as follows: "Shall option B, providing for the appointment of the clerk by the town board, be adopted for the government of the town?" If a majority of the votes cast on the question of adoption of option B, is in the affirmative, the option voted upon shall be adopted in the town. It shall remain in effect until abandoned by a similar majority at a subsequent annual town election at which the question of abandonment is submitted.
- The Fall Newsletter advised electors of the ballot question and town board rationale for placing it on the ballot.
- The question was adopted by a majority vote of 345 in favor and 173 opposed, or 67% in favor.
- Following the election, the town board posted the clerk position on our website and received two applicants, both township residents. At the last minute, one applicant withdrew, and the board interviewed the remaining applicant on 12-2-2024. Following the interview, the town board unanimously appointed Naomi Scott as the appointed clerk effective the first Monday in January per MN Statute 367.03, subd. 4.