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### Overview

This bill would allow any county to change the office of recorder from an elected to an appointed position under certain conditions. Current general law allows a county to change this elected office to an appointed position but only after a referendum approving the change is passed.

Over the years, 35 counties have been authorized to make these changes by special law, under substantially the same conditions, although not all have implemented the change. For more information, see "*County Offices: Combining or Making Appointed*" (updated December 2016)  
<http://www.house.leg.state.mn.us/hrd/pubs/cntyoff.pdf>

### Section

- 1 **Board to fill vacancies in county offices.** Conforming amendment.
- 2 **Appointing county recorders.**

**Subd. 1. Authority to appoint county recorder.** Allows a county board to appoint, without a referendum, the county recorder if (1) there is a vacancy in the office, or (2) there is a signed contract between the board and the incumbent to the elected office that provides that the incumbent will be appointed to the position at the same or better tenure, pay, and benefit level. See subdivision 6, however, which authorized a petition to require a referendum.

## Section

**Subd. 2. Responsibility of county officer.** Requires an elected county recorder to notify the county board in writing whether he or she will be filing for election for another term. If the current county officer will not file for election to the office and the board has passed a resolution to make the position appointed, affidavits of candidacy will not be accepted for that office and the office will not be placed on the ballot.

**Subd. 3. Board controls; may change as long as duties done.** Requires the duties of an office made appointive to be discharged by the county board acting through a department head. Allows for reorganization, delegation, and administrative changes and specifies that any change does not diminish, prohibit, or avoid discharge of statutory duties.

**Subd. 4. Discharge or demotion.** Provides that an incumbent appointed to the office must not be involuntarily demoted or discharged except for incompetency or misconduct. Before demoting or discharging an incumbent, the board must notify the incumbent appointed. The incumbent appointed may request a hearing before an arbitrator. The arbitrator must determine, by a preponderance of the evidence, whether the discharge or demotion is supported by the grounds provided. The arbitration hearing must be a closed meeting unless the incumbent appointed requests the meeting to be open. If the arbitrator rules not to demote or discharge, the board must pay all costs and fees.

**Subd. 5. Incumbents to complete term.** Requires that the person elected to the position be allowed to complete his or her term.

**Subd. 6. Publishing resolution; petition, referendum.** Requires the county board to publish notice of the proposal to make the office an appointed, and to allow for public comment on the proposal at a regular meeting of the board before the resolution is adopted. The resolution must be approved by at least 80 percent of the members of the board and takes effect after 30 days, unless a later date is provided in the resolution. If a sufficient petition requesting a referendum signed by at least ten percent of the registered voters in the county and filed within 30 days after the adoption of the resolution, the resolution is rescinded.

**Subd. 7. Reverting to elected offices.** Prohibits the board from reverting to elected offices within three years after making the positions appointed. After notice and a hearing, the county board may adopt by a resolution to revert if approved by at least 60 percent of the board, effective on August 1 following the adoption. The question of whether to revert to elected offices must be placed on the ballot for the next general election if the position has been appointed for at least three years; a petition signed by ten percent of the registered voters in the county is submitted, and the petition is sufficient. If a majority of voters voting on the question vote in favor of reverting to electing the offices, elections for that office must be held at the next regular or special election.

3 **Officers elected; terms.** Conforming amendment.

4 **Vacancies, how filled.** Conforming amendment.