

33947
O.D.

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Henry Dickhaus	Ex-Officio Member
Robert Gambrino	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF WAITE PARK)

NOTICE OF DISMISSAL

NOTICE IS HEREBY GIVEN that the above-entitled proceeding has been dismissed pursuant to a formal request from the petitioners, Robert and Bernice Sis seeking to withdraw the petition.

The property involved is described as follows:

Parcel #1. All that part of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 19, Township 124, Range 28, Stearns County, Minnesota, described as follows, to-wit: Beginning at the East quarter corner of said Sec. 19, thence West along the East and West quarter line a distance of 852 feet; thence North 54 $^{\circ}$ 30' East along the center line of a public road 957 feet to the center of the spur track of the Great Northern Railway Company; thence South along the center line of said railway track 440 feet to the point of beginning, subject, however, to said public road easement and said railway right of way excepting therefrom the following described portion of said premises, to-wit: Beginning on the South line of said tract 250 feet West of the SE corner thereof; thence West on said line to the center line of the public road a distance of 602.0 feet more or less; thence NEly along the center line of said public road to the intersection of said centerline with a line parallel to the East line of said section and 250 feet Wly therefrom; thence South and parallel with the East line of said section to the place of beginning, the tract hereby agreed to be conveyed containing 2.16 acres more or less.

Parcel #2. All that part of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 19, Twp. 124, Rge. 28, described as follows: Beginning at a point on the North side of a public highway leading from St. Cloud to Pleasant Lake, which point is 488 feet North and 25 feet West of the SE corner of the NE $\frac{1}{4}$ of said Sec. 19, thence South 62 $^{\circ}$ 12' West 362 feet along the North line of said highway, thence North 38 $^{\circ}$ West 164 feet, thence North 539 feet, thence South 75 $^{\circ}$ East 605 feet to a point 25 feet West of the East line of said Sec. 19 and thence South 545 feet to the place of beginning containing 8 acres more or less.

Parcel #3. A tract of land lying in and being a part of the NW $\frac{1}{4}$ of Sec. 20, Twp. 124, Rge. 28, as follows, to-wit: Beginning at a point on the West line of said Sec. 20, said point being 770.88 feet South of the NW corner of said Sec. 20; thence continuing South along said West line of said Sec. 20, 593.4 feet; thence deflect 90 $^{\circ}$ to the left and in an Ely direction 241.2 feet; thence deflect 90 $^{\circ}$ right, South and parallel with said West line of said Sec. 20, 726.48 feet to an intersection with the centerline of a public road as now constructed and travelled; thence NEly along said centerline of said public road 160.04 feet; thence North and parallel with said West line of said Sec. 20, 1262.5 feet to a point at right angles to and distant East 391.2 feet from the point of beginning; thence deflect 90 $^{\circ}$ left and West 391.2 feet to the point of beginning and there terminating, said tract containing 7.73 acres (more or less) and subject to any and all roadway rights of record or use.

0.0
#332947

Parcel #4. Tract Number One. Beginning at a point on the West line of Sec. 20, Twp. 124, Rge. 28, 1,930.1 feet South of the NW corner thereof, thence running Ely and at right angles to the West line of said Sec. 20 the distance of 191.2 feet; thence Sly and parallel to said West line of said Sec. 20 a distance of 183.0 feet to the center line of a road; thence running South 65° 38' West along the center line of a road the distance of 210 feet to a point on the West line of said Sec. 20, 269.9 feet South of the point of beginning, thence North along the West line of said Sec. 20 the distance of 269.9 feet to the place of beginning, containing 1 acre, more or less. Tract Number Two. A tract of land lying in and being a part of the NW¼ of Sec. 20, Twp. 124, Rge. 28, Stearns County, Minnesota, to-wit: Beginning at a point 1,364.28 feet South and 16.50 feet East of the NW corner of said Sec. 20, Twp. 124, Rge. 28, thence due South and parallel with the West line of said Sec. 20 for a distance of 565.82 feet; thence running East and at right angles to said West line of said Sec. 20 for a distance of 174.70 feet; thence at right angles South and parallel with said West line of Sec. 20, for a distance of 183 feet to a point in the center line of a public highway; thence running North 65° and 38' East along the center line of said public highway for a distance of 54.87 feet; thence running North and parallel with said West line of said Sec. 20 for a distance of 726.42 feet; thence West for a distance of 224.70 feet to the point of beginning and there terminating, said tract containing 3.12 acres, more or less.

Dated this 26th day of April, 1982

MINNESOTA MUNICIPAL BOARD
 Suite 165 Metro Square Building
 St. Paul, Minnesota 55101

Terrence A. Merritt

Terrence A. Merritt
 Executive Director

STATE OF MINNESOTA
 DEPARTMENT OF STATE
 FILED
 APR 29 1982

James Charles Brown

Secretary of State

#332947
 O.D.

CERTIFICATE OF AMENDMENT TO CHARTER OF

CITY OF AUSTIN
MOWER COUNTY, MINNESOTA

This is to certify that I, Richard Benzkofer, the undersigned am the City Recorder of the City of Austin, Mower, County, Minnesota. That the seal attached hereto is the corporate seal of said City. That pursuant to the recommendation of the City of Austin Charter Commission, a public hearing was duly held by the City Council of the City of Austin on January 4, 1982, at which time the following amendment was submitted to a public hearing of the citizens of said City. That the members of the Austin City Council after said public hearing by unanimous vote of all its members adopted an ordinance amending the City Charter on the following amendment:

SECTION 1. That Section 6 of Chapter 3 is hereby amended by striking out Section 6 in its entirety and substituting in lieu thereof the following:

"SEC. 6. MAYOR. The mayor shall be the chief executive officer of the city and ex-officio president of the common council, but he shall not vote on any question. He shall take care that the laws of the state and the ordinances and regulations of the city are duly observed and enforced within the limits of said city, and that all executive officers and employees of said city faithfully discharge their respective duties and may, for a period not exceeding sixty days, suspend any executive officer, excepting the treasurer, during which suspension such suspended officer shall be entitled to no compensation unless the common council shall decide that such suspension was not warranted. In case of such suspension, the mayor shall immediately report the same, with the reasons therefor, to the common council, by means of a written communication filed with the city recorder, and shall immediately call a meeting of the common council to consider the same and may, pending action in the matter by the council, temporarily devolve the duties of the suspended officer upon some other person, who shall receive the same compensation as that of the officer so suspended.

He shall be head of the police department, and by virtue of his said office, and by and with the consent of the common council, shall appoint such police officers and watchmen as may be necessary except when otherwise provided herein. In case of riot, large public gatherings, or disturbances of the peace, he may provide or appoint as many temporary or special policemen, or watchmen, as he may deem necessary, and any public officer thus appointed by the mayor, as aforesaid, may be discharged by him. But such special or temporary appointment shall not continue for more than one week without the consent of the common council. He shall have the power to remove any officer of said force and shall have, subject to the ordinances and regulations of the city, and the laws of the state, general supervision of all other executive departments of the city government, and of all the executive city officers, and of all of the employees of the city, except employees of the various boards, and shall see that they discharge their respective duties properly. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city.

All ordinances and regulations shall, before they take effect, be presented to the mayor for his approval, and if he approves the same, he shall endorse his approval upon, and sign the same, and such as he shall not approve he shall return to the common council with his objection hereto, by depositing the same with the city recorder, to be presented to the common council at the next stated meeting thereof; and upon the return of any ordinance or resolution without the approval of the mayor, to the common council, the vote by which the same was passed, if it shall be reconsidered, and if, after a reconsideration, it shall be passed by a vote of two-thirds of all of the members of said council, shall have the same effect as if approved by the mayor, and in such case the vote shall be by yeas and nays, which shall be recorded by the city recorder. Any ordinance or resolution not returned by the mayor within five days (Sundays excepted) after the same shall have been presented to him, shall have the same effect as if approved and signed by the mayor. He shall countersign all orders and warrants drawn upon the city treasurer for the payment of money.

He may also, at the request of any person, firm, society or organization, if he deem it necessary, appoint policemen or watchmen, who shall serve without expense to the city, and who shall have police powers to preserve the peace and protect property within such limits and at such places as may be designated in such appointment; but such limited policemen or watchmen shall not exercise any authority or wear any badge of office outside the limits of such appointment. The mayor, may when he deems it necessary, with the consent and approval of the common council, from time to time, make such regulations for the control of the police force, and the powers and duties of the several officers thereof, as may be deemed necessary or expedient.

The Mayor, by and with the consent of the common council of the City of Austin, shall appoint the members of any and all Boards, Advisory Boards, or commissions for which he is empowered to make such appointments by the Charter or the Ordinances of the City of Austin. Each appointment shall be for a specified term or to fill an unexpired term.

All vacancies existing for any reason upon any Board, Advisory Board, or Commission shall be filled by appointment by the Mayor, by and with the consent of the Common Council, with a qualified person within 30 days from the date that such vacancy was created.

A vacancy upon any Board, Advisory Board, or Commission shall exist when any member completes an appointed term, or any member vacates or resigns his or her membership. In any vacation of a term of membership, said vacated member shall immediately terminate his or her activities or representation of the Board, Advisory Board or Commission.

Any member completing, vacating, or resigning his or her terms of membership shall immediately cease to serve in any capacity as a member of the Board, Advisory Board, or Commission.


He shall possess such further powers and perform such further duties as may be conferred or prescribed by this chapter, or by the city ordinances or regulations, duly passed and adopted in pursuance thereof, or by the general laws of this state."

That Amendment as above set forth became effective on April 11, 1982.

This Certificate is made pursuant to MSA 410.12 and is in accordance with the provisions of the Charter of said City of Austin.

I hereby certify that the recitals of this certificate are true and that this certificate is made in duplicate.

Dated, made, and certified to at Austin, Minnesota, this 23rd day of April, 1982.


City Recorder

city

CHARTER COMMISSION CERTIFICATE

We, the undersigned, being the duly appointed, qualified and acting members of the Charter Commission in and for the City of Austin, Mower County, Minnesota, hereby certify that the foregoing document, Amendments to the Austin Charter, is the draft of the proposed Amendments to the Austin Charter prepared and framed by the Charter Commission, and we hereby affix our signatures to that draft in testimony of our approval thereof, and deliver the same to Richard Benzkofer, the City Recorder ~~Clerk~~ of the said City, for action pursuant to law.

<u>Marian B. Robinson</u>	<u>Edward [Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>
<u>John Z. [Signature]</u>	<u>[Signature]</u>

Dated this November 27, 1981

[Signature]
Chairman

I, Richard Benzkofer, ~~Clerk~~ Recorder of the City of Austin, Mower County, Minnesota, hereby certify that the foregoing draft of a proposed Amendments to the Austin Charter and certificate in connection therewith was delivered to me this 1st day of December, 1981.

[Signature]
Clerk

CITY OF AUSTIN
Chapter 3 - Section 6

BOARD MEMBERSHIP TERMINATION

The following paragraph shall be placed in the section dealing with Mayor's Powers, and inserted prior to the present final paragraph:

SEC. 6. MAYOR. The mayor * * * so suspended.

He shall * * * to the City.

All ordinances * * * the payment of money.

He may also, * * * necessary or expedient.

The Mayor, by and with the consent of the Common Council of the City of Austin, shall appoint the members of any and all Boards, Advisory Boards, or Commissions for which he is empowered to make such appointments by the Charter or the Ordinances of the City of Austin. Each appointment shall be for a specified term or to fill an unexpired term.

All vacancies existing for any reason upon any Board, Advisory Board, or Commission shall be filled by appointment by the Mayor, by and with the consent of the Common Council, with a qualified person within 30 days from the date that such vacancy was created.

A vacancy upon any Board, Advisory Board, or Commission shall exist when any member completes an appointed term, or any member vacates or resigns his or her membership. In any vacation of a term of membership, said vacated member shall immediately terminate his or her activities or representation of the Board, Advisory Board, or Commission.

Any member completing, vacating, or resigning his or her terms of membership shall immediately cease to serve in any capacity as a member of the Board, Advisory Board, or Commission.

He shall possess * * * laws of this state.

ORDINANCE NO. 28, SECOND SERIES

AN ORDINANCE AMENDING THE AUSTIN CITY CHARTER
CHAPTER 3, SECTION 6

WHEREAS, the Charter Commission of the City of Austin has recommended the Charter Amendment hereinafter set forth to the City Council for passage.

AND, WHEREAS, pursuant to the provisions of M.S.A. 410.12 Subdivision 7, the Common Council of the City of Austin has held a public hearing on said recommendation after published notice as provided therein.

THE COMMON COUNCIL OF THE CITY OF AUSTIN DO ORDAIN:

SECTION 1. That Section 6 of Chapter 3 is hereby amended by striking out Section 6 in its entirety and substituting in lieu thereof the following:

"SEC. 6. MAYOR. The mayor shall be the chief executive officer of the city and ex-officio president of the common council, but he shall not vote on any question. He shall take care that the laws of the state and the ordinances and regulations of the city are duly observed and enforced within the limits of said city, and that all executive officers and employees of said city faithfully discharge their respective duties and may, for a period not exceeding sixty days, suspend any executive officer, excepting the treasurer, during which suspension such suspended officer shall be entitled to no compensation unless the common council shall decide that such suspension was not warranted. In case of such suspension, the mayor shall immediately report the same, with the reasons therefor, to the common council, by means of a written communication filed with the city recorder, and shall immediately call a meeting of the common council to consider the same and may, pending action in the matter by the council, temporarily devolve the duties of the suspended officer upon some other person, who shall receive the same compensation as that of the officer so suspended.

He shall be head of the police department, and by virtue of his said office, and by and with the consent of the common council, shall appoint such police officers and watchmen as may be necessary except when otherwise provided herein. In case of riot, large public gatherings, or disturbances of the peace, he may provide or appoint as many temporary or special policemen, or watchmen, as he may deem necessary, and any public officer thus appointed by the mayor, as aforesaid, may be discharged by him. But such special or temporary appointment shall not continue for more than one week without the consent of the common council. He shall have the power to remove any officer of said force and shall have, subject to the ordinances and regulations of the city, and the laws of the state, general supervision of all other executive departments of the city government, and of all the executive city officers, and of all of the employees of the city, except employees of the various boards, and shall see that they discharge their respective duties properly. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city.

All ordinances and regulations shall, before they take effect, be presented to the mayor for his approval, and if he approves the same, he shall endorse his approval upon, and sign the same, and such as he shall not approve, he shall return to the common council with his objection hereto, by depositing the same with the city recorder, to be presented to the common council at the next stated meeting thereof; and upon the return of any ordinance or resolution without the approval of the mayor, to the common council, the vote by which the same was passed, if it shall be reconsidered, and if, after a reconsideration, it shall be passed by a vote of two-thirds of all of the members of said council, shall have the same effect as if approved by the mayor, and in such case the vote shall be by yeas and nays, which shall be recorded by the city recorder. Any ordinance or resolution not returned by the mayor within five days (Sundays excepted) after the same shall have been presented to him, shall have the same effect as if approved and signed by the mayor. He shall countersign all orders and warrants drawn upon the city treasurer for the payment of money.

ORDINANCE NO. 28, SECOND SERIES (CONT.)

He may also, at the request of any person, firm, society or organization, if he deem it necessary, appoint policemen or watchmen, who shall serve without expense to the city, and who shall have police powers to preserve the peace and protect property within such limits and at such places as may be designated in such appointment; but such limited policemen or watchmen shall not exercise any authority or wear any badge of office outside of the limits of such appointment. The mayor, may when he deems it necessary, with the consent and approval of the common council, from time to time, make such regulations for the control of the police force, and the powers and duties of the several officers thereof, as may be deemed necessary or expedient.

The Mayor, by and with the consent of the common council of the City of Austin, shall appoint the members of any and all Boards, Advisory Boards, or Commissions for which he is empowered to make such appointments by the Charter or the Ordinances of the City of Austin. Each appointment shall be for a specified term or to fill an unexpired term.

All vacancies existing for any reason upon any Board, Advisory Board, or Commission shall be filled by appointment by the Mayor, by and with the consent of the Common Council, with a qualified person within 30 days from the date that such vacancy was created.

A vacancy upon any Board, Advisory Board, or Commission shall exist when any member completes an appointed term, or any member vacates or resigns his or her membership. In any vacation of a term of membership, said vacated member shall immediately terminate his or her activities or representation of the Board, Advisory Board, or Commission.

Any member completing, vacating, or resigning his or her terms of membership shall immediately cease to serve in any capacity as a member of the Board, Advisory Board, or Commission.

He shall possess such further powers and perform such further duties as may be conferred or prescribed by this chapter, or by the city ordinances or regulations, duly passed and adopted in pursuance thereof, or by the general laws of this state."

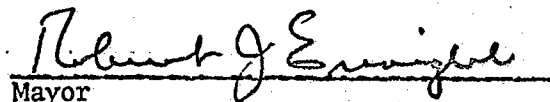
SECTION II: The amendment above set forth shall become effective ninety (90) days after publication of said ordinance, unless within sixty (60) days after the publication of the ordinance a petition for a referendum is filed with the City Recorder pursuant to M.S.A. 410.12 Subdivision 7.

Passed by a vote of Yeas and Nays this 4th day of January, 1982.

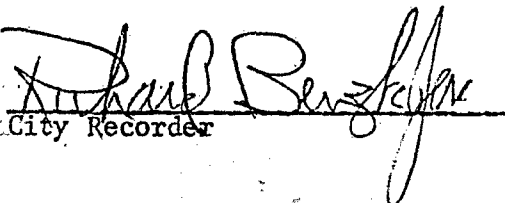
YEAS 7

NAYS 0

APPROVED:


Mayor

ATTEST:


City Recorder

RESOLUTION NO. 6771

RESOLUTION PROVIDING FOR A HEARING ON PROPOSED
AMENDMENTS TO THE MUNICIPAL CHARTER OF AUSTIN,
MINNESOTA.

WHEREAS, a recommendation on proposed amendments to the Municipal Charter of Austin, Minnesota, was duly presented to this Council on the 7th day of December, 1981, for its consideration pursuant to the provisions of Minnesota Statutes Annotated, Chapter 410, and

WHEREAS, proposed amendments were recommended by the Charter Commission of the City of Austin to the City Council for such action under provisions of M.S.A. 410.12, Subd. 7.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF AUSTIN:

SECTION 1. A public hearing will be held at the Austin Municipal Building in Austin, Minnesota, on the 4th day of January, 1982, beginning at 8:00 P.M. to consider the following amendments to the Municipal Charter of Austin, Minnesota:

PROPOSED AMENDMENT NO. 1:

BOARD MEMBERSHIP TERMINATION

That Section 6 of Chapter 3 is hereby amended by striking out Section 6 in its entirety and substituting in lieu thereof the following:

"SEC. 6. MAYOR. The mayor shall be the chief executive officer of the city and ex-officio president of the common council, but he shall not vote on any question. He shall take care that the laws of the state and the ordinances and regulations of the city are duly observed and enforced within the limits of said city, and that all executive officers and employees of said city faithfully discharge their respective duties and may, for a period not exceeding sixty days, suspend any executive officer, excepting the treasurer, during which suspension such suspended officer shall be entitled to no compensation unless the common council shall decide that such suspension was not warranted. In case of such suspension, the mayor shall immediately report the same, with the reasons therefor, to the common council, by means of a written communication filed with the city recorder, and shall immediately call a meeting of the common council to consider the same and may, pending action in the matter by the council, temporarily devolve the duties of the suspended officer upon some other person, who shall receive the same compensation as that of the officer so suspended.

He shall be the head of the police department, and by virtue of his said office, and by and with the consent of the common council, shall appoint such police officers and watchmen as may be necessary except when otherwise provided herein. In case of riot, large public gatherings, or disturbances of the peace, he may provide or appoint as many temporary or special policemen, or watchmen, as he may deem necessary, and any public officer thus appointed by the mayor, as aforesaid, may be discharged by him. But such special or temporary appointment shall not continue for more than one week without the consent of the common council. He shall have the power to remove any officer of said force and shall have, subject to the ordinances and regulations of the city, and the laws of the state, general supervision of all other executive departments of the city government, and of all the executive city officers, and of all the employees of the city, except employees of the various boards, and shall see that they discharge their respective duties properly. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city.

All ordinances and regulations shall, before they take effect, be presented to the mayor for his approval, and if he approves the same, he shall endorse his approval upon, and sign the same, and such as he shall not approve, he shall return to the common council with his objection hereto, by depositing the same with the city recorder, to be presented to the common council at the next stated meeting thereof; and upon the return of any ordinance or resolution without the approval of the mayor, to the common council, the vote by which the same was passed, if it shall be reconsidered, and if, after a reconsideration, it shall be passed by a vote of two-thirds of all of the members of said council, shall have the same effect as if approved by the mayor, and in such case the vote shall be by yeas and nays, which shall be recorded by the city recorder. Any ordinance or resolution not returned by the mayor within five days (Sunday excepted) after the same shall have been presented to him, shall have the same effect as if approved and signed by the mayor. He shall countersign all orders and warrants drawn upon the city treasurer for the payment of money.

He may also, at the request of any person, firm, society or organization, if

he deem it necessary, appoint policemen or watchmen, who shall serve without expense to the city, and who shall have police powers to preserve the peace and protect property within such limits and at such places as may be designated in such appointment; but such limited policemen or watchmen shall not exercise any authority or wear any badge of office outside of the limits of such appointment. The mayor may, when he deems it necessary, with the consent and approval of the common council, from time to time make such regulations for the control of the police force, and the powers and duties of the several officers thereof, as may be deemed necessary or expedient.

The Mayor, by and with the consent of the Common Council of the City of Austin, shall appoint the members of any and all Boards, Advisory Boards, or Commissions for which he is empowered to make such appointments by the Charter or the Ordinances of the City of Austin. Each appointment shall be for a specified term or to fill an unexpired term.

All vacancies existing for any reason upon any Board, Advisory Board, or Commission shall be filled by appointment by the Mayor, by and with the consent of the Common Council, with a qualified person within 30 days from the date that such vacancy was created.

A vacancy upon any Board, Advisory Board, or Commission shall exist when any member completes an appointed term, or any member vacates or resigns his or her membership. In any vacation of a term of membership, said vacated member shall immediately terminate his or her activities or representation of the Board, Advisory Board, or Commission.

Any member completing, vacating, or resigning his or her terms of membership shall immediately cease to serve in any capacity as a member of the Board, Advisory Board, or Commission.

He shall possess such further powers and perform such further duties as may be conferred or prescribed by this chapter, or by the city ordinances or regulations, duly passed and adopted in pursuance thereof, or by the general laws of the this state."

PROPOSED AMENDMENT NO. 2.

INITIATIVE, REFERENDUM AND RECALL

That Chapter 1 is hereby amended by adding Section 13 as follows:

INITIATIVE, REFERENDUM AND RECALL

Subdivision A. POWERS RESERVED BY THE PEOPLE

The people of Austin reserve to themselves the powers, in accordance with the provisions of this charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, to require such an ordinance when passed by the council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

Subdivision B EXPENDITURES BY PETITIONERS

No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for service rendered in connection with the circulation thereof, but this shall not prevent any such committee from incurring an expense for legal advice, stationery, copying, printing, and notaries' fees. Any violation of the provisions of this section shall constitute a misdemeanor.

INITIATIVE

Subdivision C INITIATION OF MEASURES

Any five electors may form themselves into a committee for the initiation of any ordinance except as provided in Subdivision A. Before circulating any petition they shall file a verified copy of their proposed ordinance with the city recorder together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

Subdivision D FORM OF PETITION AND OF SIGNATURE PAPERS

The petition for the adoption of any ordinance shall consist of the ordinance, together with all signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to at least 15 percent of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

Initiative Petition

proposing an ordinance to _____ (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of electors:

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned electors, understanding the terms and the nature of the ordinance hereto attached, petition the council for its adoption, or in lieu thereof, for its submission to the electors for their approval.

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____

At the end of the list of signatures shall be appended the affidavit of the circulator mentioned above.

Subdivision E FILING OF PETITIONS AND ACTION THEREON

All the signature papers shall be filed in the office of the city recorder and one instrument. Within five days after the filing of the petition, the city recorder shall ascertain by examination the number of electors whose signatures are appended thereto and whether this number is at least 15 percent of the total number of electors who cast their votes at the last preceding regular municipal election. If he finds the petition insufficient or irregular, he shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his finding. The Committee shall then be given 30 days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the recorder shall file it in his office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the council from referring the ordinance to the electors at the next regular or any special election at its option.

Subdivision F ACTION OF COUNCIL ON PETITION

When the petition is found to be sufficient, the city recorder shall so certify to the council at its next meeting, stating the number of petitioners and the percentage of the total number of voters which they constitute, and the council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the ordinance after the holding of which the ordinance shall be finally acted upon by the council not later than 65 days after the date upon which it was submitted to the council by the city recorder. If the council fails to pass the proposed ordinance or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the council to the vote of the electors at the next regular municipal election; but if the number of signers of the petition is equal to at least 25 percent of the total number of voters voting at the last regular municipal election, the council shall call a special election upon the measure. Such special election shall be held not less than 30 nor more than 120 days from the date of final action

on the ordinance by the council or after the expiration of 65 days from the date of submission to the council when there has been no final action; but if a regular election is to occur within 120 days, the council may submit the ordinance at that election. If the council passes the proposed ordinance with amendments and at least 4/5 of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the city recorder within 10 days of the passage thereof by the council, the ordinance need not be submitted to the electors.

Subdivision G INITIATIVE BALLOTS

The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on the question of adoption. If a majority of the electors voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the city. Any number of proposed ordinances may be voted upon at the same election but the voter shall be allowed to vote for or against each separately. In case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of electors voting on the question shall prevail to the extent of the inconsistency.

Subdivision H INITIATION OF CHARTER AMENDMENTS

Nothing in this charter shall be construed as in any way affecting the right of the electors under this constitution and statutes of Minnesota to propose amendments to this charter.

REFERENDUM

Subdivision I THE REFERENDUM

If prior to the date when an ordinance takes effect a petition signed by qualified electors of the city equal in number to 15 percent of the total vote at the last regular municipal election is filed with the city recorder requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. The council shall thereupon reconsider the ordinance at its next regular meeting, and either repeal it or by aye and no vote reaffirm its adherence to the ordinance as passed. In the latter case the council shall immediately order a special election to be held thereon, or shall submit the ordinance at the next regular municipal election unless the next municipal election is to be held more than 120 days from the date the council has reconsidered the ordinance, pending which the ordinance shall remain suspended. If a majority of the electors voting thereon is opposed to the ordinance it shall not become effective; but if a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately or on the date therein specified.

Subdivision J REFERENDUM PETITIONS

The requirements laid down in sections _____ and _____ above as to the formation of committees for the initiation of ordinances and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall read as follows:

Referendum Petition

proposing the repeal of an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of electors:

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned petitioners, understanding the nature of the ordinance hereto attached and believing it to be detrimental to the welfare of the city, petition the council for its submission to a vote of the electors for their approval or disapproval.

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____

Subdivision K REFERENDUM BALLOTS

The ballots used in any referendum election shall conform to the rules laid down in Sec. _____ of this charter for initiative ballots.

RECALL

Subdivision L THE RECALL

Any five electors of a ward may form themselves into a committee for the purpose of bringing about the recall of any elected alderman for that specific ward. In the case of the mayor and the alderman at large, any five electors within the City may form themselves into a committee for the purpose of bringing about the recall of the mayor or alderman at large. For the purposes of this section, the ward alderman, and the alderman at large, and the mayor are considered the elected officers of the City. The committee shall certify to the city recorder the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred and fifty words and their intention to bring about his recall. The grounds for recall shall be limited to misfeasance or malfeasance in office. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

Subdivision M RECALL PETITIONS

The petition for the recall of any official shall consist of a certificate identical with that filed with the city recorder together with all the signature papers and affidavits thereto attached. All the signatures need not be on one signature paper, but the circulator of each such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

Recall Petition

proposing the recall of _____, from his office as _____, which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of electors:

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned electors, understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____

At the end of the list of signatures shall be appended the affidavit of the circulator, mentioned above.

Subdivision N FILING OF PETITION.

Within thirty days after the filing of the original certificate, the committee shall file the completed petition in the office of the city recorder. The city recorder shall examine the same within the next five days, and if he finds it irregular in any way, or finds that the number of signers is less than 25 percent of

of the total number of electors who cast their votes at the last preceding regular municipal election, he shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the city recorder finds the petition still insufficient or irregular, he shall notify all the members of the committee to that effect and shall file the petition in his office. No further action shall be taken thereon.

Subdivision O RECALL ELECTION

If the petition or amended petition be found sufficient, the city recorder shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting, by motion, provide for the holding of a special recall election throughout the city or in the ward in question, not less than thirty nor more than forty-five days thereafter, provided that if any other regular municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time.

Subdivision P PROCEDURE AT RECALL ELECTION

In the published call for the election, whether posted on bulletin boards or printed in the official paper, there shall be given the statement of the grounds for the recall and also, in not more than five hundred words, the answer of the officer concerned in justification of his course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections.

Subdivision Q FORM OF RECALL BALLOT

Unless the officer whose removal is sought shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall A _____ be recalled from the office of _____?" the name of the officer whose recall is sought being inserted in place of A and the electors shall be permitted to vote separately "Yes" or "No" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy in case the recall is successful, under the caption: "Candidates to fill the place of A, if recalled." But the officer whose recall is sought shall not himself be a candidate upon such ballot. If a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, he shall be thereby removed from office, and in that event, the candidate who receives the highest number of votes for his place shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as may be, as the form in use at a regular municipal election.

SECTION 2. The City Recorder is hereby directed to give notice of such hearing in the manner provided by law.

Passed by a vote of Yeas and Nays this 7th day of December, 1981.

YEAS 7

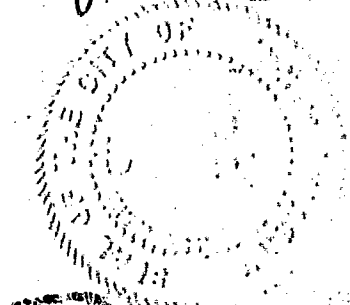
NAYS 0

APPROVED:

Richard E. Enright
Mayor

ATTEST:

Richard Benzel
City Recorder



NOTICE OF HEARING ON PROPOSED AMENDMENTS TO MUNICIPAL CHARTER OF AUSTIN, MINNESOTA

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Common Council of the City of Austin, Minnesota, will meet in the Council Chambers of the City of Austin at the Austin Municipal Building at 8:00 o'clock P.M. on the 4th day of January, 1982, to consider the proposed amendments to the Municipal Charter of Austin, Minnesota, as follows:

PROPOSED AMENDMENT NO. 1:

BOARD MEMBERSHIP TERMINATION

That Section 6 of Chapter 3 is hereby amended by striking out Section 6 in its entirety and substituting in lieu thereof the following:

"SEC. 6. MAYOR. The mayor shall be the chief executive officer of the city and ex-officio president of the common council, but he shall not vote on any question. He shall take care that the laws of the state and the ordinances and regulations of the city are duly observed and enforced within the limits of said city, and that all executive officers and employees of said city faithfully discharge their respective duties and may, for a period not exceeding sixty days, suspend any executive officer, excepting the treasurer, during which suspension such suspended officer shall be entitled to no compensation unless the common council shall decide that such suspension was not warranted. In case of such suspension, the mayor shall immediately report the same, with the reasons therefor, to the common council, by means of a written communication filed with the city recorder, and shall immediately call a meeting of the common council to consider the same and may, pending action in the matter by the council, temporarily devolve the duties of the suspended officer upon some other person, who shall receive the same compensation as that of the officer so suspended.

He shall be head of the police department, and by virtue of his said office, and by and with the consent of the common council, shall appoint such police officers and watchmen as may be necessary except when otherwise provided herein. In case of riot, large public gatherings, or disturbances of the peace, he may provide or appoint as many temporary or special policemen, or watchmen, as he may deem necessary, and any public officer thus appointed by the mayor, as aforesaid, may be discharged by him. But such special or temporary appointment shall not continue for more than one week without the consent of the common council. He shall have the power to remove any officer of said force and shall have, subject to the ordinances and regulations of the city, and the laws of the state, general supervision of all other executive departments of the city government, and of all the executive city officers, and of all of the employees of the city, except employees of the various boards, and shall see that they discharge their respective duties properly. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city.

All ordinances and regulations shall, before they take effect, be presented to the mayor for his approval, and if he approves the same, he shall endorse his approval upon, and sign the same, and such as he shall not approve, he shall return to the common council with his objection hereto, by depositing the same with the city recorder, to be presented to the common council at the next stated meeting thereof; and upon the return of any ordinance or resolution without the approval of the mayor, to the common council, the vote by which the same was passed, if it shall be reconsidered, and if, after a reconsideration, it shall be passed by a vote of two-thirds of all of the members of said council, shall have the same effect as if approved by the mayor, and in such case the vote shall be by yeas and nays, which shall be recorded by the city recorder. Any ordinance or resolution not returned by the mayor within five days (Sunday excepted) after the same shall have been presented to him, shall have the same effect as if approved and signed by the mayor. He shall countersign all orders and warrants drawn upon the city treasurer for the payment of money.

He may also, at the request of any person, firm, society or organization, if he deem it necessary, appoint policemen or watchmen, who shall serve without expense to the city, and who shall have police powers to preserve the peace and protect property within such limits and at such places as may be designated in such appointment; but such limited policemen or watchmen shall not exercise any authority or wear any badge of office outside of the limits of such appointment. The mayor, may when he deems it necessary, with the consent and approval of the common council, from time to time make such regulations for the control of the police force, and the powers and duties of the several officers thereof, as may be deemed necessary or expedient.

The Mayor, by and with the consent of the common council of the City of Austin, shall appoint the members of any and all Boards, Advisory Boards, or Commissions for which he is empowered to make such appointments by the Charter or the Ordinances of the City of Austin. Each appointment shall be for a specified term or to fill an unexpired term.

All vacancies existing for any reason upon any Board, Advisory Board, or Commission shall be filled by appointment by the Mayor, by and with the consent of the Common Council, with a qualified person within 30 days from the date that such vacancy was created.

A vacancy upon any Board, Advisory Board, or Commission shall exist when any member completes an appointed term, or any member vacates or resigns his or her membership. In any vacation of a term of membership, said vacated member shall immediately terminate his or her activities or representation of the Board, Advisory Board, or Commission.

Any member completing, vacating, or resigning his or her terms of membership shall immediately cease to serve in any capacity as a member of the Board, Advisory Board, or Commission.

He shall possess such further powers and perform such further duties as may be conferred or prescribed by this chapter, or by the city ordinances or regulations, duly passed and adopted in pursuance thereof, or by the general laws of this state."

PROPOSED AMENDMENT NO. 2:

INITIATIVE, REFERENDUM AND RECALL

That Chapter ²~~1~~ is hereby amended by adding Section 13 as follows:

Subdivision A POWERS RESERVED BY THE PEOPLE

The people of Austin reserve to themselves the powers, in accordance with the provisions of this charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, to require such an ordinance when passed by the council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

Subdivision B EXPEDITURES BY PETITIONERS

No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for service rendered in connection with the circulation thereof, but this shall not prevent any such committee from incurring an expense for legal advice, stationery, copying, printing, and notaries' fees. Any violation of the provisions of this section shall constitute a misdemeanor.

INITIATIVE

Subdivision C INITIATION OF MEASURES

Any five electors may form themselves into a committee for the initiation of any ordinance except as provided in Subdivision A. Before circulating any petition they shall file a verified copy of their proposed ordinance with the city recorder together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

Subdivision D FORM OF PETITION AND OF SIGNATURE PAPERS

The petition for the adoption of any ordinance shall consist of the ordinance, together with all signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to at least 15 percent of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

Initiative Petition

proposing an ordinance to _____ (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of electors:

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned electors, understanding the terms and the nature of the ordinance hereto attached, petition the council for its adoption, or in lieu thereof, for its submission to the electors for their approval.

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____

At the end of the list of signatures shall be appended the affidavit of the circulator mentioned above.

Subdivision E FILING OF PETITIONS AND ACTION THEREON

All the signature papers shall be filed in the office of the city recorder as one instrument. Within five days after the filing of the petition, the city recorder shall ascertain by examination the number of electors whose signatures are appended thereto and whether this number is at least 15 percent of the total number of electors who cast their votes at the last preceding regular municipal election. If he finds the petition insufficient or irregular, he shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his finding. The committee shall then be given 30 days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient, or irregular, the recorder shall file it in his office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the council from referring the ordinance to the electors at the next regular or any special election of its option.

Subdivision F ACTION OF COUNCIL ON PETITION

When the petition is found to be sufficient, the city recorder shall so certify to the council at its next meeting, stating the number of petitioners and the percentage of the total number of voters which they constitute, and the council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the ordinance after the holding of which the ordinance shall be finally acted upon by the council not later than 65 days after the date upon which it was submitted to the council by the city recorder. If the council fails to pass the proposed ordinance or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the council to the vote of the electors at the next regular municipal election; but if the number of signers of the petition is equal to

at least 25 percent of the total number of voters voting at the last regular municipal election, the council shall call a special election upon the measure. Such special election shall be held not less than 30 nor more than 120 days from the date of final action on the ordinance by the council or after the expiration of 65 days from the date of submission to the council when there has been no final action; but if a regular election is to occur within 120 days, the council may submit the ordinance at that election. If the council passes the proposed ordinance with amendments and at least 4/5 of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the city recorder within 10 days of the passage thereof by the Council, the ordinance need not be submitted to the electors.

Subdivision G. INITIATIVE BALLOTS

The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on the question of adoption. If a majority of the electors voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the city. Any number of proposed ordinances may be voted upon at the same election but the voter shall be allowed to vote for or against each separately. In case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of electors voting on the question shall prevail to the extent of the inconsistency.

Subdivision H. INITIATION OF CHARTER AMENDMENTS

Nothing in this charter shall be construed as in any way affecting the right of the electors under this constitution and statutes of Minnesota to propose amendments to this charter.

REFERENDUM

Subdivision I. THE REFERENDUM

If prior to the date when an ordinance takes effect a petition signed by qualified electors of the city equal in number to 15 percent of the total vote at the last regular municipal election is filed with the city recorder requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. The council shall thereupon reconsider the ordinance at its next regular meeting, and either repeal it or by aye and no vote reaffirm its adherence to the ordinance as passed. In the latter case the council shall immediately order a special election to be held thereon, or shall submit the ordinance at the next regular municipal election, unless the next municipal election is to be held more than 120 days from the date the council has reconsidered the ordinance, pending which the ordinance shall remain suspended. If a majority of the electors voting thereon is opposed to the ordinance it shall not become effective; but if a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately or on the date therein specified.

Subdivision J. REFERENDUM PETITIONS

The requirements laid down in section C and D above as to the formation of committees for the initiation of ordinances and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with verbal changes as may be necessary. A referendum petition shall read as follows:

Referendum Petition

proposing the repeal of an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of electors:

	NAME	ADDRESS
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

The undersigned petitioners, understanding the nature of the ordinance hereto attached and believing it to be detrimental to the welfare of the city, petition the council for its submission to a vote of the electors for their approval or disapproval.

	NAME	ADDRESS
1.	_____	_____
2.	_____	_____
3.	_____	_____

Subdivision K REFERENDUM BALLOTS

The ballots used in any referendum election shall conform to the rules laid down in Sec. 9 of this charter for initiative ballots.

RECALL

Subdivision L THE RECALL

Any five electors of a ward may form themselves into a committee for the purpose of bringing about the recall of any elected alderman for that specific ward. In the case of the mayor and the alderman at large, any five electors within the City may form themselves into a committee for the purpose of bringing about the recall of the mayor or alderman at large. For the purposes of this section, the ward alderman, and the alderman at large, and the mayor are considered the elected officers of the City. The committee shall certify to the city recorder the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred and fifty words and their intention to bring about his recall. The grounds for recall shall be limited to misfeasance or malfeasance in office. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

Subdivision M RECALL PETITIONS

The petition for the recall of any official shall consist of a certificate identical with that filed with the city recorder together with all the signature papers and affidavits thereto attached. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

Recall Petition

proposing the recall of _____, from his office as _____, which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of electors:

	NAME	ADDRESS
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

The undersigned electors, understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

	NAME	ADDRESS
1.	_____	_____
2.	_____	_____
3.	_____	_____

At the end of the list of signatures shall be appended the affidavit of the circulator, mentioned above.

Subdivision N FILING OF PETITION

Within thirty days after the filing of the original certificate, the committee shall file the completed petition in the office of the city recorder. The city recorder shall examine the same within the next five days, and if he finds it irregular in any way, or finds that the number of signers is less than 25 percent of the total number of electors who cast their votes at the last preceding regular municipal election, he shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the city recorder finds the petition still insufficient or irregular, he shall notify all the members of the committee to that effect and shall file the petition in his office. No further action shall be taken thereon.

Subdivision O RECALL ELECTION

If the petition or amended petition be found sufficient, the city recorder shall transmit it to the council without delay and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting, by motion, provide for the holding of a special recall election throughout the city or in the ward in question, not less than thirty nor more than forty-five days thereafter, provided that if any other regular municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time.


Subdivision P PROCEDURE AT RECALL ELECTION

In the published call for the election, whether posted on bulletin boards or printed in the official paper, there shall be given the statement of the grounds for the recall and also, in not more than five hundred words, the answer of the officer concerned in justification of his course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections.

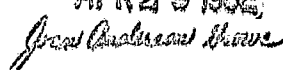
Subdivision Q FORM OF RECALL BALLOT

Unless the officer whose removal is sought shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall A be recalled from the office of ?" the name of the officer whose recall is sought being inserted in place of A and the electors shall be permitted to vote separately "Yes" or "No" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy in case the recall is successful, under the caption: "Candidates to fill the place of A, if recalled." But the officer whose recall is sought shall not himself be a candidate upon such ballot. If a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, he shall be thereby removed from office, and in that event, the candidate who receives the highest number of votes for his place shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as may be, as the form in use at a regular municipal election.

DATED THIS 8TH DAY OF DECEMBER, 1981.


City Recorder

PUBLISH DECEMBER 14, 1981

STATE OF MISSOURI
DEPARTMENT OF STATE
FILED
APR 20 1982

Secretary of State