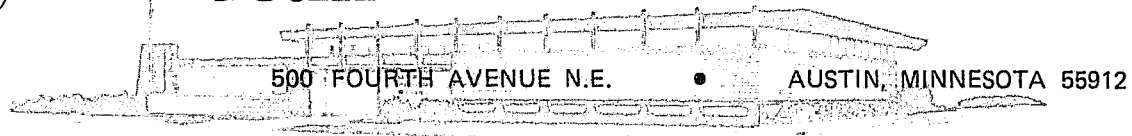


Austin

City of Austin



November 19, 1986

Ms. Joan Anderson Growe
Secretary of State Office
Room 180, State Office Building
St. Paul, MN 55101

Dear Ms. Growe:

Enclosed is a certified copy of a Certificate of Amendments to the Charter of the City of Austin amending Chapter III, Sections 1 & 2; Chapter V, Sections 1 & 4; & Chapter XIV, Sections 3, 8, & 11 relating to terminology. Also amending Chapter III Section 6 paragraphs 8 & 9 relating to vacancies on any Board. These amendments to the City Charter were passed by the voters of Austin on November 4, 1986.

These certified Amendments are being sent to your office for filing pursuant to M.S.A. Section 410.12, Subd. 7.

Sincerely,

Lucy Johnson
City Recorder's Office

LJ/ch

Enclosure

#39121
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAY 23 1989

Joan Anderson Growe
Secretary of State

CERTIFICATE

Richard Benzkofer, City Recorder of the City of Austin, does hereby certify and state:

1. That he is the duly appointed, qualified, and acting Recorder of the City of Austin
2. That as such City Recorder he has charge of all minute, resolution and ordinance books of the City of Austin, and all official records of the City of Austin. That as such City Recorder he also has charge of the corporate seal of the City of Austin, which seal is affixed to this Certificate.
3. That he has compared the document attached to this Certificate with the original document on file in his office and that the attached copy is a full, true, and correct copy of the original Certificate of Amendments to Charter of City of Austin in all respects.
4. That said Certificate of Amendments to Charter of City of Austin... was duly passed and approved upon the date shown upon the said document and was duly published in the official newspaper of the City of Austin.
5. That all formalities required by the Charter of the City of Austin, or the laws of the State of Minnesota have been complied with in the passage of this ~~(motion)~~~~(resolution)~~~~(ordinance)~~ and it is now in full force and effect.
Certificate of Amendments to Charter of City of Austin

Subscribed and sworn to before me this

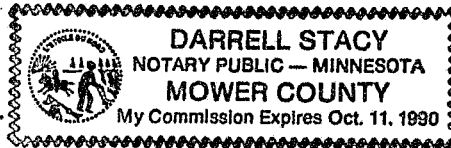
... 19 day of November, 1986

..... Darrell Stacy

Notary Public, Mower County, Minn.

My Commission Expires

Richard Benzkofer



CERTIFICATE OF AMENDMENTS TO CHARTER
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 resolution of the Common Council, a special Charter Amendment election was duly held by the electors of the City of Austin on November 4, 1986, at which time the following amendments were submitted to the electorate of said City. That the judges of election have duly made a return of the results of said election including the number of votes cast, the number of votes for and against said amendments. That such results have been duly examined and canvassed by the Common Council sitting as a Canvass Board.

That the Amendment known as First that was voted upon by the voters of the City of Austin was as follows:

AMENDMENT TO MUNICIPAL CHARTER OF AUSTIN, MINNESOTA
BY AMENDING CHAPTER III, SECTIONS 1 & 2; CHAPTER V, SECTIONS 1 & 4;
CHAPTER XIV, SECTIONS 3 & 8 & 11; TO AMEND THE TERMINOLOGY
TO READ COUNCIL MEMBER, COUNCIL MEMBERS OR COUNCIL MEMBER-AT-LARGE

That Section 1 and Section 2 of Chapter III, be amended to read as follows:

SEC. 1. ENUMERATION OF ELECTIVE OFFICERS; QUALIFICATIONS AND TERMS OF OFFICE; CONFLICTS OF INTEREST. The elective officers of said city shall be the mayor and seven members of the common council, to be styled council member. All of said officers shall be residents and qualified voters in said city and the mayor and council member-at-large shall hold office for two years. Each ward council member shall hold office for a term of four years. All elected officers shall serve until their successors are elected and qualified, and no person shall be eligible to, or shall be elected or appointed, to fill any office in said city who is in any manner, either directly or indirectly, interested in any contract with the city, regardless as to whether said contract was made with the common council, or any officer or board of said city, for the benefit of said city or any of its departments; and all contracts made by the common council, or any officer or board of said city, for the benefit of said city, or any of its departments, with any officer thereof, directly or indirectly, shall be wholly void.

SEC. 2. ELECTION OF COUNCIL MEMBERS. Each ward shall elect two Council Members, each of whom shall be a resident and qualified voter within the ward for which he or she is elected. There shall also be elected within and for said city one council member-at-large, who shall be a resident of said city.

That Section 1 and Section 4 of Chapter V, be amended to read as follows:

SEC. 1. COMPOSITION; QUORUM; STYLE OF ORDINANCES. The mayor and council members shall constitute the common council of the City of Austin, and a majority thereof shall constitute a quorum to transact business, but a smaller number may adjourn from day to day and compel the attendance of absent members.

The style of all ordinances shall be, "The Common Council of the City of Austin do ordain".

SEC. 4. JUDGE OF ELECTION; QUALIFICATION, ETC. OF MEMBERS; RULES; CONDUCT AND ATTENDANCE OF MEMBERS. The common council shall be the judges of the election, return and qualification of its members, subject to section seven (7) of chapter two (II), and of section two (2) of chapter three (III) hereof, and in such case shall have the power to send for persons and papers. It shall determine the rules of its own proceedings and provide for the punishment of its members for absence or disorderly conduct, and, with the concurrence of two-thirds of all the council members, may expel a member after due notice given, and an opportunity extended to the accused to be heard by counsel or otherwise; and shall have power to compel the attendance of absent members. Continued absence from the meetings of the common council by any council member, without excuse, for three (3) consecutive meetings, shall be deemed good cause for removal.

That Section 3, Section 8, and Section II of Chapter XIV, be amended to read as follows:

SEC. 3. REMITTING OF PENALTIES AND JUDGMENTS. No penalty or judgment in favor of the City of Austin shall be remitted or discharged except by a vote of two-thirds of all of the council members elect, but nothing contained in this section shall be construed to prohibit any justice of the peace from remitting or reducing any penalty or judgment rendered by him or her, nor to prohibit said court from suspending execution of sentence in its discretion.

SEC. 8. SERVICE OF PROCESS UPON CITY. When any suit or action shall be commenced against said city, all and every process and notice whatever affecting said city, shall be served upon the mayor, or in case of his or her absence from the city, upon the council member-at-large, and a copy thereof shall be filed in the office of the city recorder; provided, that when the issues have been joined in any action or proceeding all further notices or papers proper to be served in such manner shall be served upon the city attorney, who shall file a report thereof with the city recorder.

SEC. 11. TERMINATION OF OFFICE OF PRESENT COUNCIL MEMBERS, REPEAL OF CONFLICTING ACTS. For the purpose of putting this Charter into better effect the office of each council member of the City of Austin whose term of office does not sooner expire, shall terminate and expire on the 1st day of May, A.D. 1904, or as soon thereafter as their successors have been duly elected, qualified, and at the same time all offices heretofore filled by the common council and which not sooner have become vacant by limitation of appointment, shall become vacant.

All acts and parts of acts inconsistent herewith shall, upon the passage of this Charter, be deemed to be repealed.

That the Common Council of the City of Austin finds and determines the results of the election on First Amendment to be as follows:

Votes for First Amendment	5,210
Votes against First Amendment	3,136
Votes cast at said election	8,346
Votes necessary to carry said First Amendment	4,256

That First Amendment as above set forth as amendment amending the Charter of the City of Austin be declared carried by virtue of the fact that said proposed amendment as above set forth was carried by more than the majority of the votes cast on said amendment.

That the Amendment known as Second that was voted upon by the voters of the City of Austin was as follows:

AMENDMENT TO MUNICIPAL CHARTER OF AUSTIN, MINNESOTA, TO CHANGE SECTION 6 OF CHAPTER III BY INSERTING A NEW PARAGRAPH BETWEEN PARAGRAPHS 8 AND 9, RELATING TO VACANCIES ON ANY BOARD, ADVISORY BOARD OR COMMISSION.

That paragraph 9 of Section 6, Chapter III, is hereby added to read as follows:

"In order to assist the appointing authority in considering all interested persons for vacancies on any board, advisory board or commission to be filled by appointment; it shall be the duty of the Appointing Authority:

1. Not less than 10 days prior to appointment to fill any such vacancy to cause to be published in a newspaper of general circulation within the city, a notice of the vacancy which shall include a description of the position, term, special qualifications, duties including frequency and length of meetings, compensation, and any other pertinent information.

2. Anyone desiring to be considered for appointment to position vacated or to be vacated may submit a written application on the form to be provided by the Appointing Authority.
3. The applications shall be transmitted to the appointing authority for consideration along with other suitable candidates for such vacant position.
4. Failure to publish such notice shall not invalidate any appointment made to any vacant position."

That the Common Council of the City of Austin finds and determines the results of the election on Second Amendment to be as follows:

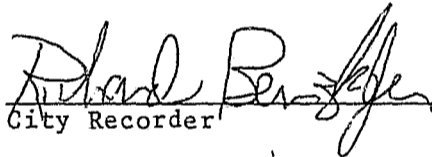
Votes for Second Amendment	5,723
Votes against Second Amendment	2,730
Votes cast at said election	8,453
Votes necessary to carry said Second Amendment	4,311

That Second Amendment as above set forth as amendment amending the Charter of the City of Austin be declared carried by virtue of the fact that said proposed amendment as above set forth was carried by more than the majority of the votes cast on said amendment.

This certificate is made pursuant to MSA Section 410.12, and 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.

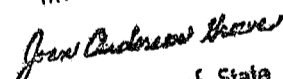
Dated, made, and certified to at Austin, Minnesota, this 18th day of November, 1986.



City Recorder

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAY 23 1989


Secretary of State

39121