

CITY of AFTON, MN

PROPOSED HOME RULE CHARTER

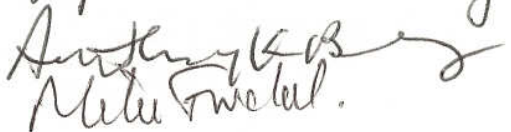
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Afton Charter Commission, Afton MN, 55001
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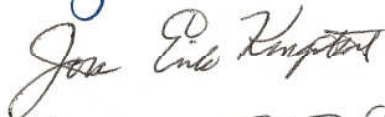


Lynn M. Farley



Anthony K. B. [unclear]
Mick Swickel.

Officers



Joe Eric Kempter



Kathleen M. [unclear]

City of Afton Home Rule Charter Table of Contents

Chapter 1. Name, Boundaries, Powers and General Provisions

- Section 1.01 Name and Boundaries
- Section 1.02 Powers of the City
- Section 1.03 Charter a Public Act
- Section 1.04 Special Laws Superseded and Modified
- Section 1.05 Application of General Laws
- Section 1.06 Inconsistent Ordinances Repealed; Existing Ordinances
- Section 1.07 Ordinances to Make Charter Effective

Chapter 2. Form of Government

- Section 2.01 Form of Government
- Section 2.02 Elective Officers
- Section 2.03 Incompatible Offices
- Section 2.04 Vacancies in the Council
- Section 2.05 Salaries
- Section 2.06 Investigation of City Affairs

Chapter 3. Procedure of Council

- Section 3.01 Council Meetings
- Section 3.02 Secretary of Council
- Section 3.03 Rules of Procedure and Quorum
- Section 3.04 Ordinances, Resolutions and Motions
- Section 3.05 Emergency Ordinances
- Section 3.06 Amendment and Repeal of Ordinances
- Section 3.07 Revision and Codification of Ordinances
- Section 3.08 Adoption of Comprehensive Plan

Chapter 4. Elections

- Section 4.01 Regular Municipal Election
- Section 4.02 Special Elections
- Section 4.03 Candidate Filing
- Section 4.04 Election Procedure
- Section 4.05 Non-Partisan Elections

Chapter 5. Initiative

- Section 5.01 General Authority
- Section 5.02 Commencement of Proceeding
- Section 5.03 Petition
- Section 5.04 Filing of Petition
- Section 5.05 Evaluation and Certification of Petition
- Section 5.06 Council Action on Initiative Petition
- Section 5.07 Election
- Section 5.08 Offenses
- Section 5.09 Forms

Chapter 6. Referendum

- Section 6.01 General Authority
- Section 6.02 Effective Dates of Ordinances
- Section 6.03 Commencement of Proceeding
- Section 6.04 Petition
- Section 6.05 Filing of Petition
- Section 6.06 Evaluation and Certification of Petition
- Section 6.07 Council Action on Referendum Petition
- Section 6.08 Election
- Section 6.09 Offenses
- Section 6.10 Forms

City of Afton Home Rule Charter Table of Contents

Chapter 7. Recall

- Section 7.01 General Authority
- Section 7.02 Commencement of Proceeding
- Section 7.03 Petition
- Section 7.04 Filing of Petition
- Section 7.05 Evaluation and Certification of Petition
- Section 7.06 Council Action on Recall Petition
- Section 7.07 Election
- Section 7.08 Limitation on Recall
- Section 7.09 Offenses
- Section 7.10 Forms

Chapter 8. Administration of City Affairs

- Section 8.01 The City Administrator
- Section 8.02 Powers and Duties of the City Administrator
- Section 8.03 Execution of Instruments
- Section 8.04 Purchases and Contracts
- Section 8.05 Hiring for Personal or Professional Service Purchases Contracts

Chapter 9. Taxation and Finance

- Section 9.01 Council Control; Public Purpose Expenditures
- Section 9.02 Fiscal Year
- Section 9.03 Budget Adoption
- Section 9.04 Budget Enforcement
- Section 9.05 Budget Alterations
- Section 9.06 Special Election Fund
- Section 9.07 Budget Reserve
- Section 9.08 Disbursements
- Section 9.09 Funds
- Section 9.10 Accounts and Reports
- Section 9.11 Bonds and Debt Limit
- Section 9.12 Taxation
- Section 9.13 Special Assessments

Chapter 10. Miscellaneous and Transitory Provisions

- Section 10.01 Official Publications
- Section 10.02 Oaths of Office
- Section 10.03 City Officers not to be Interested in Contracts
- Section 10.04 Sales of Real Property
- Section 10.05 Vacation of Streets

Forms

- Appendix A. 1. 1. Committee Affidavit - Initiative
- Appendix A. 1. 2. Circulator Affidavit - Initiative
- Appendix A. 1. 3. Petition – Initiative
- Appendix A. 2. 1. Committee Affidavit - Referendum
- Appendix A. 2. 2. Circulator Affidavit - Referendum
- Appendix A. 3. 3. Petition – Referendum
- Appendix A. 2. 1. Committee Affidavit - Recall
- Appendix A. 2. 2. Circulator Affidavit - Recall
- Appendix A. 3. 3. Petition - Recall

Chapter 1. NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

Section 1.01 Name and Boundaries

The City of Afton, in the County of Washington and State of Minnesota, is a municipal corporation on the effective date of this charter. The boundaries are those as exist at the effective date of this charter or as are later established.

Section 1.02 Powers of the City

The City has all powers which it now or hereafter is authorized to exercise for a municipal corporation in this State in harmony with the constitutions of this State and of the United States. The intention of this Charter is that every power which the people of the City can lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this charter is deemed to have been so conferred by the provisions of this section. This Charter is to be construed liberally to promote the health, safety and welfare of the City and the conferring of particular powers in the Charter is not to be construed as limiting in any way the generality of the power conferred.

Section 1.03 Charter a Public Act

Subdivision 1. This Charter is a public act and need not be pled or proved in any case, unless otherwise required by law. It shall take effect thirty days from and after its adoption by the voters.

Subdivision 2. Amendment to this Home Rule Charter shall be governed by the Minnesota Constitution and Statutes section 410.12, as it may be amended.

Section 1.04 Special Laws Superseded and Modified

Minnesota Statutes sections 473.175, 473.501 through 473.549, also known as the Metropolitan Waste Treatment Control Act, and sections 473.851 through 473.871, also known as the Metropolitan Land Use Planning Act, are special laws made applicable to the City of Afton by a general law but which, by the Minnesota Constitution, Article XII, section 2, may be superseded or modified by a Home Rule Charter. By virtue of the authority of Constitutional Home Rule reserved to the voters by Minnesota Constitution, Article XII, Section 2, the voters of the City of Afton by adopting this Home Rule Charter of Afton do supersede the foregoing special laws.

Section 1.05 Application of General Laws

This charter is drafted in recognition of M.S. 410.33. Statutory City Law prevails to the extent this charter is silent.

Section 1.06 Inconsistent Ordinances Repealed; Existing Ordinances

All ordinances and regulations inconsistent with this charter are hereby repealed. All ordinances and regulations of the city not inconsistent with the provisions of this charter, in force when this charter takes effect, are continued in full force and effect until amended or repealed.

Section 1.07 Ordinances to Make Charter Effective

The City Council must make regulations by ordinance as are necessary to carry out and make effective the provisions of this charter.

Chapter 2. FORM OF GOVERNMENT

Section 2.01 Form of Government

This Charter establishes the "Weak Mayor-Council" form of government. The City Council ("Council") exercises the legislative power of the City and decides all matters of policy. The Council can establish boards, commissions, or positions as advisory to the Council concerning any municipal matter to examine any subject relating to the City or to perform quasi-judicial functions. The Council can create by ordinance departments, divisions, and bureaus for the administration of the City's affairs as it considers necessary, and from time to time can alter their powers and organization.

Section 2.02 Elective Officers

Subdivision 1. Mayor and Council The Council consists of the Mayor, elected at large and four Council members, who are elected from separate wards as defined under this charter. The Mayor and Council members must be registered voters, be at least 21 years of age and be residents of the City for at least 30 days before the election or appointment to office. Council members must be residents of the ward from which elected. Removal from that ward causes a vacancy in the office of Council member from that ward. Elections for the Mayor and Council members must be held as provided in this section.

Subdivision 2. Wards The City is divided into four wards corresponding generally to the four geographic quadrants of the city. The boundaries of the wards are established by ordinance. A ward is composed of compact and contiguous territory. The population of the wards must be as equal as practical, with a variance of no greater, or no less, than five percent of the equal number. If a federal census shows that a ward no longer meets this requirement, the Council must change the ward boundaries to achieve compliance within the time period required by state law. If a ward boundary change places a ward Council member's residence in a different ward, the Council member will continue in office until the next general municipal election, at which time the office must be filled by a resident of the ward for the remainder of that term.

Subdivision 3. Terms of Office At the 2010 city election, the voters must elect one Council member each from Wards 2 and 3 who serve for four years and the Mayor who serves for two years. In the 2012 election, the voters must elect one Council member each from Wards 1 and 4 who serve for four years and the mayor who serves for two years. Thereafter there must be biennial City elections at which two Council members from elective wards must be elected and serve for four year terms and the Mayor who serves for a two year term. The terms of office of the Mayor and each Council member commence on the first business day of January following the election.

Section 2.03 Incompatible Offices

No Council member, including the Mayor, can be appointed City Administrator or hold any other paid office or be employed by the City before the expiration of one year after the member's term.

Section 2.04 Vacancies in the Council

A vacancy in the Council exists for any of the following reasons:

- (a) The failure of a person elected to qualify for office by the date of the second regular meeting of the Council in the term for which the person was elected;
- (b) Death;
- (c) Resignation;
- (d) Removal from office;
- (e) Termination of residency;
- (f) Conviction of a felony, during term of office;
- (g) Failure of a Council member without good cause to perform the duties of the office for a period of three months.

In any of these cases, the Council must declare by resolution that a vacancy exists. The Council must adopt the resolution declaring the vacancy at the next regularly scheduled Council meeting. Within forty-five days after the adoption of the resolution, the Council must appoint an eligible person to fill the vacant office until the next regular state or municipal election when the office will be filled for the unexpired term. If the Council fails to make the appointment within forty-five days, or, if before the end of the forty-five days, votes three times on the appointment and is unable to fill the vacancy, the Mayor must, within fifteen days, appoint an eligible person to fill the vacancy until the next scheduled state or municipal general election when the office will be filled for the unexpired term. When the Council or Mayor makes the appointment after the opening date of filing for the next regularly scheduled state or municipal general election, or in November or December, the voters must elect an eligible person for the unexpired term of office at a special election to be held at the state or municipal general election scheduled for the following year. No special election will be held for an unexpired term of two months or less.

Section 2.05 Salaries

The Mayor and members of the Council are paid a salary, the amount and payment of which must be prescribed by ordinance. Any increase in salary must be passed by a four-fifths majority of the Council. No change in salary takes effect until after the next regular municipal election. When authorized by the Council, its members can be compensated for their expenses incurred in connection with the city's business. The City Administrator and all subordinate officers and employees of the City are paid salaries fixed by the Council.

Section 2.06 Investigation of city Affairs

The Council, or any officer or officers formally authorized by them, can make investigations into the City's affairs, subpoena witnesses, administer oaths, and compel the production of books and papers. The Council must provide for an audit of the City's accounts at least once a year. The Council can at any time provide for an examination or audit of the accounts of any officer or department of the City government. The Council may conduct surveys or studies of subjects of municipal concern.

Chapter 3. PROCEDURE OF COUNCIL

Section 3.01 Council Meetings

The Council must meet prior to its first scheduled Council meeting in January following a regular municipal election at its usual place and time of meeting to assume their duties. Thereafter, the Council meets at the times each month as are prescribed by ordinance or resolution. The Mayor or any three Council members can call special meetings after giving the required Open Meeting Law notice to each Council member. Notice for a special meeting also must be posted at the City Hall before the meeting according to special meeting requirements of the state Open Meeting Law. Notice to Council members must be personally delivered to each member, or left at the member's residence with a responsible person. All Council meetings are public, except those which by law can be made nonpublic. The Council shall make minutes and records of public meetings available to the public. Data made accessible must comply with data practices laws.

Section 3.02 Secretary of Council

The Council secretary must record and maintain minutes of Council proceedings, maintain other records relating to Council meetings, and perform all other duties required by this Charter or the Council. The Council can appoint other officers and employees as are needed to assist at its meetings. The Council can designate any City employee or outside contracting service to act as Council secretary.

Section 3.03 Rules of Procedure and Quorum

The Council may determine its own rules and order of business. A majority of all members constitutes a quorum for transacting business but a smaller number may adjourn.

Section 3.04 Ordinances, Resolutions and Motions

Subdivision 1. All legislation must be by ordinance, unless otherwise stated in this Charter or State law. The votes on ordinances, resolutions, and motions must be recorded unless the vote is unanimous, in which case the vote must be recorded as being unanimous. An affirmative vote of a majority of all Council members is required for the passage of ordinances and resolutions, unless otherwise provided by this Charter. An ordinance must be presented in writing. The enacting clause of an ordinance is: "The City of Afton ordains:". Except for an emergency ordinance, an ordinance cannot be adopted at the meeting when it is introduced, and at least seven days must elapse between introduction and adoption.

Subdivision 2. An ordinance passed by the Council must be signed by the Mayor or acting Mayor and attested to by the City Administrator. An ordinance must be published at least once in the official means of publication. The City Council may by the affirmative votes of at least four members approve publication of only the title and a summary of an ordinance, in the same manner as statutory cities.

Subdivision 3. An emergency ordinance and an ordinance that is not subject to initiative and referendum under Section 5.01 are effective immediately upon passage or at a later date stated in it. Other ordinances adopted by the Council are effective 90 days after publication or at a later date stated in them. An ordinance adopted by the voters is effective immediately upon adoption, or at a later date stated in it.

Section 3.05 Emergency Ordinances

Subdivision 1. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, safety or welfare of the City. Every emergency ordinance shall be automatically repealed on the 61st day following the date on which it was adopted but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists.

Subdivision 2. Such ordinance must be adopted by at least four members of the Council and contain a preamble that defines and declares the emergency. No prosecution can be based upon the provisions of an emergency ordinance until 24 hours after the ordinance has been filed with the City Administrator and posted in a conspicuous place at the city hall or until the ordinance has been published, unless the person charged with a violation had actual notice of the passage of the ordinance before the violation.

Section 3.06 Amendment and Repeal of Ordinances

An ordinance amending or repealing a prior ordinance or part of an ordinance must state the subject and number of the ordinance or City code section to be affected. It must set forth in full each section or subdivision to be amended or repealed. Any ordinance adopted by the vote of the people cannot be repealed or amended except by the vote of the people or the unanimous vote of all the members of the Council.

Section 3.07 Revision and Codification of Ordinances

The City can revise, rearrange and codify its ordinances with such additions and deletions as the Council considers necessary. The ordinance code must be published in book, pamphlet or continuously revised loose-leaf form and copies must be made available on the City's website and at City Hall for distribution to the public free or at a reasonable charge as the Council determines.

Section 3.08 Adoption of Comprehensive Plan

Subdivision 1. Comprehensive Plan Minnesota Statutes, Chapter 462 requires that the City prepares and adopts a comprehensive plan. The comprehensive plan is defined as a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs.

Subdivision 2. Adoption of Comprehensive Plan The Council may by resolution by a unanimous vote of all its members adopt or amend the comprehensive plan as the official municipal plan upon such notice and hearing as may be prescribed by ordinance. If the resolution fails to garner a unanimous vote, the Council may by a resolution by a majority vote of its members take the proposed comprehensive plan or amendment of a portion thereof to a vote by the citizens of Afton. This vote may be by a special or general election.

Subdivision 3. Savings Clause Nothing in this charter shall supersede, modify or repeal any comprehensive plan of the City in existence on the date of the adoption of this charter.

Chapter 4. ELECTIONS

Section 4.01 Regular Municipal Election

Regular municipal elections must be held on the first Tuesday after the first Monday of November of each even numbered year. Municipal elections must be held at a place or places as the Council designates. The City Administrator must give notice of all elections in the manner prescribed by Minnesota Statutes for cities of the fourth class, but failure to give notice does not invalidate an election.

Section 4.02 Special Elections

The Council, by resolution, can order special elections other than for recall, initiative and referendum and provide procedures for holding them. Published notice of a special election must be given in the official publication as defined in section 10.01 at least four weeks before a special election. The procedure at the election must conform as nearly as possible to that prescribed for regular municipal elections.

Section 4.03 Candidate Filing

An eligible person may file as a candidate for election by filing their affidavits of candidacy with the City Administrator not more than 70 days nor less than 56 days before the first Tuesday after the second Monday in September preceding the municipal general election. Each position on the Council is a separate office. Each person wishing to be a candidate for a Council office must designate which office is sought. A person may not be a candidate for more than one Council office at an election.

Section 4.04 Election Procedure

State law will govern all City elections, except as otherwise provided in this Charter or city ordinance.

Section 4.05 Non-Partisan Elections

Elections for Council positions must be held on a nonpartisan basis, with no party designation on the ballots.

Chapter 5. INITIATIVE

Section 5.01 General Authority

Subdivision 1. The people of the City of Afton reserve to themselves the power of initiative. Initiative is the process for voters to propose and adopt an ordinance or other measure legislative in character. This power must be exercised in compliance with this Charter and may be exercised only by City residents who are eligible voters under State law.

Subdivision 2. Initiative cannot be used with respect to settlement of lawsuits, entering of contracts, acceptance or rejection of bids, sale of municipal bonds, appointment of city officials, levying of taxes, granting of licenses and permits, and the adoption of budgets nor with respect to any subject matter for which a valid and sufficient initiative or referendum petition has been certified to the Council within the preceding six months.

Section 5.02 Commencement of Proceeding

Five or more Afton city residents who are eligible voters may form a committee to undertake an initiative proceeding. The committee must file an affidavit and its proposed petition with the City Administrator's office before circulating the petition for signatures. The affidavit must be substantially in the form attached as Appendix A.1.1, must state that a committee has been formed, must contain the names and addresses of the committee members, and must be signed by each member of the committee, whose signatures must each be verified by a notary public. For an initiative petition, the affidavit must also attach a copy of the new ordinance proposed by the committee. No petition may be circulated until the City Administrator has approved its form. The City Administrator must rule on the petition's form within five business days after its submittal.

Section 5.03 Petition

Subdivision 1. General provisions. An initiative petition must relate to only one subject which is clearly expressed in the petition. A petition must be signed by a sufficient number of registered voters of the city of Afton with their respective residence addresses and dates of signature. The signatures may be on more than one page. The circulator of a signature page must be a resident of the city of Afton who is an eligible voter and must execute an affidavit for each page, in the form attached as Appendix A.1.2, verifying that each signature on the page is genuine.

Subdivision 2. An initiative petition shall consist of the signature pages substantially in the form provided in Appendix A.1.3, each with the attached text of the proposed ordinance. The number of valid signatures for an initiative petition must equal at least 20 percent of the number of persons voting in the City of Afton in the last state general election.

Section 5.04 Filing of Petition

The text of the proposed ordinance, all signature pages and the corresponding affidavits for those signature pages must be filed in the City Administrator's office as one petition.

Section 5.05 Evaluation and Certification of Petition

Within 15 days after the petition is properly filed the City Administrator must evaluate the petition for compliance with this chapter. The validity of the signatures must be judged as of the date the petition was filed. If the City Administrator finds the petition to be sufficient, the City Administrator must certify the petition to the Council at its next regular meeting, stating the number of valid signatures and the percentage of voters in the last state general election constituted by that number. If the City Administrator finds the petition to be insufficient, the Administrator must notify at least three listed members of the sponsoring committee with the reasons for the finding within one business day. The committee then shall have 30 days in which to correct and re-file the petition. If the City Administrator finds at the end of the 30 days that the petition is still insufficient, the Administrator must notify at least three listed members of the sponsoring committee that the petition will not be certified to the Council. A final finding of insufficiency does not prevent the filing of a new petition for the same purpose nor prevent the Council from referring the proposed ordinance to the voters at a regular election

Section 5.06 Council Action on Initiative Petition

Subdivision 1. After receiving a certified initiative petition, the Council may refer the proposed ordinance to an appropriate committee. The committee or full Council must hold a public hearing on the proposed ordinance. After the public hearing, but no later than 65 days after the certification of the petition to the Council, the Council must take final action on the proposed ordinance. If the Council passes the proposed ordinance, the ordinance need not be submitted to the voters. If the Council passes the proposed ordinance with amendments and the members of the sponsoring committee have not filed a statement (as specified below) with the City Administrator within 10 days after passage, the ordinance need not be submitted to the voters.

Subdivision 2. The ordinance proposed in the petition must be submitted to the voters if:

- (a) The Council passes the ordinance with amendments and within 10 days at least 60 percent of the members of the sponsoring committee file a statement with the city administrator expressing dissatisfaction with the Council amendments; or
- (b) The Council fails to pass the ordinance within 65 days after the certification of the petition with or without amendments.

Subdivision 3. If Subd. 2 applies, the proposed ordinance must be considered at the next regular municipal or statewide election, unless there is less than 60 days between that election and the date that the Council establishes the form of the ballot question under section 5.08. If there is less than 60 days between that election and the date the Council establishes the form of the ballot question, then:

- (a) if the number of valid signatures submitted with the petition comprises at least 40 percent of the number of persons voting in the city of Afton in the last state general election, the proposed ordinance shall be considered at a special election in the City of Afton within 65 days; or
- (b) if the number of valid signatures submitted with the petition comprises less than 40 percent of the number of persons voting in the City of Afton in the last state general election, the proposed ordinance must be considered at the following regular municipal or statewide election.

Section 5.07 Election

Subdivision 1. The Council must within 21 days after the event in section 5.07, Subd. 2 (a) or (b), publish the proposed ordinance along with a sample ballot and mail a copy of same to each registered voter no later than 10 days prior to the date of the election. The ballot question must state the substance of the proposed ordinance exactly as stated in the original petition and give the voters the opportunity to vote either “yes” or “no” on the adoption of the proposed ordinance.

Subdivision 2. If a majority of the people voting on an initiated ordinance vote in favor of adoption, it becomes a city ordinance, effective immediately after the vote has been certified, or on the date specified in the ordinance, whichever is later. If less than a majority of the people voting on an initiated ordinance vote in favor of adoption, it will not become effective.

Subdivision 3. More than one proposed ordinance may be considered at an election, but the voters must be allowed to vote on each separately. If two initiated ordinances are approved at one election and are inconsistent, the one approved by the higher percentage prevails.

Section 5.08 Offenses

It is unlawful for a person to:

- (a) sign a name other than one's own to an initiative petition;
- (b) circulate an initiative petition not in its entirety;
- (c) circulate an initiative petition when unqualified to do so; or
- (d) pay or offer to pay a person, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative petition.

A violation of this section is a misdemeanor punishable in accordance with state law.

Section 5.09 Forms

Subdivision 1. Each affidavit filed by a committee under Section 5.03 must be substantially in the form attached as Appendix A.1.1.

Subdivision 2. Each affidavit attached to a signature page must be substantially in the form attached as Appendix A.1.2.

Subdivision 3. Each signature page for an initiative petition must be substantially in the form attached as Appendix A.1.3.

Chapter 6. REFERENDUM

Section 6.01 General Authority

Subdivision 1. The people of the City of Afton reserve to themselves the power of referendum. Referendum is the process to require part or all of an ordinance or other measure legislative in character passed by the Council to be referred to the voters for approval or disapproval. This power must be exercised in compliance with this charter and may be exercised only by city residents who are eligible voters under state law.

Subdivision 2. The referendum process cannot be used with respect to an emergency ordinance as defined in Section 3.05 or to the settlement of lawsuits, entering of contracts, acceptance or rejection of bids, sale of municipal bonds, appointment of city officials, levying of taxes, granting of licenses and permits, and the adoption of budgets.

Section 6.02 Effective Dates of Ordinances

Subdivision 1. Except as provided in subdivision 2, no ordinance or other measure legislative in character adopted by the Council shall take effect until 90 days following its passage, and if during that time a referendum petition regarding the ordinance is certified under the provisions of section 6.06, the ordinance shall be suspended until approved by a majority of voters as provided under section 6.08.

Subdivision 2. The 90 day period shall not be applicable to an emergency ordinance as defined in section 3.05 or to any ordinance settling a lawsuit, approving a contract, accepting or rejecting bids, approving the sale of municipal bonds, appointing any city official, levying taxes, granting licenses or permits, or adopting a budget.

Section 6.03 Commencement of Proceeding

Five or more Afton city residents who are eligible voters may form a committee to undertake a referendum proceeding. The committee must file an affidavit and its proposed petition with the city administrator before circulating the petition for signatures. The affidavit must be substantially in the form attached as Appendix A.2.1, must state that a committee has been formed, must contain the names and addresses of the committee members, and must be signed by each member of the committee, whose signatures must each be verified by a notary public. For a referendum petition, the affidavit must also cite the adopted ordinance that the committee seeks to reconsider. No petition may be circulated until the city administrator, has approved its form. The City Administrator must rule on the petition's form within five business days after its submission.

Section 6.04 Petition

Subdivision 1. General provisions. A referendum petition must relate to only one subject which is clearly expressed in the petition. A petition must be signed by a sufficient number of registered voters of the city of Afton with their respective residence addresses and dates of signature. The signatures may be on more than one page. The circulator of a signature page must be a resident of the City of Afton who is an eligible voter and must execute an affidavit for each page, in the form attached as Appendix A.2.2 verifying that each signature on the page is genuine.

Subdivision 2. A referendum petition shall consist of the signature pages substantially in the form provided in Appendix A.2.3, each with the attached text of the adopted ordinance to be reconsidered. The number of valid signatures for a referendum petition must equal at least 25 percent of the number persons voting in the City of Afton in the last state general election.

Section 6.05. Filing of Petition

The text of the adopted ordinance to be reconsidered, all signature pages and the corresponding affidavits for those signature pages must be filed in the City Administrator's office as one petition. A referendum petition must be submitted to the Administrator's office no later than 60 days after passage by the Council of the ordinance that is the subject of the petition in order to be valid.

Section 6.06 Evaluation and Certification of Petition

Within 15 days after the petition is properly filed the City Administrator must evaluate the petition for compliance with this chapter. The validity of the signatures must be judged as of the date the petition was filed. If the City Administrator finds the petition to be sufficient, the Administrator must certify the petition to the Council at its next regular meeting, stating the number of valid signatures and the percentage of voters in the last state general election constituted by that number. If the City Administrator finds the petition to be insufficient, the Administrator must notify at least three listed members of the sponsoring committee with the reasons for the finding within one business day. . The committee then shall have 30 days in which to correct and re-file the petition. If the Administrator finds at the end of the 30 days that the petition is still insufficient, the Administrator must notify at least three listed members of the sponsoring committee that the petition will not be certified to the Council. A final finding of insufficiency does not prevent the filing of a new petition for the same purpose nor prevent the Council from referring the proposed ordinance to the voters at a regular election.

Section 6.07 Council Action on Referendum Petition

Subdivision 1. After receiving a certified referendum petition, the Council must reconsider the ordinance at its next regular meeting and either repeals the ordinance, or the section or sections of the ordinance to which the petitioners object or reaffirm the ordinance as passed. In the latter case the Council must submit the ordinance to an election by the voters.

Subdivision 2. An ordinance does not become effective if a sufficient referendum petition is filed with the City Administrator's Office before the ordinance's effective date. The ordinance remains suspended pending an election regarding the referendum and becomes the proposed ordinance.

Subdivision 3. The proposed ordinance must be considered at the next regular municipal or statewide election, unless there is less than 60 days between that election and the date that the Council establishes the form of the ballot question under section 6.08. If there is less than 60 days between that election and the date the Council establishes the form of the ballot question, then:

- (a) if the number of valid signatures submitted with the petition comprises at least 40 percent of the number of persons voting in the City of Afton in the last state general election, the proposed ordinance must be considered at a special election in the city of Afton within 65 days; or
- (b) if the number of valid signatures submitted with the petition comprises less than 40 percent of the number of persons voting in the City of Afton in the last state general election, the proposed ordinance must be considered at the following regular municipal or statewide election.

Section 6.08 Election

Subdivision 1. The Council must within 21 days after the event in section 6.07, Subd. 2 , publish the proposed ordinance along with a sample ballot and mail a copy of same to each registered voter no later than 10 days prior to date of the election. The ballot question must state the substance of the proposed ordinance exactly as stated in the original petition and give the voters the opportunity to vote either "yes" or "no" on the adoption of the proposed ordinance.

Subdivision 2. If a majority of the people voting on a proposed ordinance vote in favor of adoption, it becomes a city ordinance, effective immediately after the vote has been certified, or on the date specified in the ordinance, whichever is later. If less than a majority of the people voting on a proposed ordinance vote in favor of adoption, it will not become effective.

Subdivision 3. More than one proposed ordinance may be considered at an election, but the voters must be allowed to vote on each separately.

Section 6.09 Offenses

It is unlawful for a person to:

- (a) sign a name other than one's own to a referendum petition;
- (b) circulate a referendum petition not in its entirety;
- (c) circulate a referendum petition when unqualified to do so; or
- (d) pay or offer to pay a person, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating a referendum petition.

A violation of this section is a misdemeanor punishable in accordance with state law.

Section 6.10 Forms

Subdivision 1. Each affidavit filed by a committee under section 6.02 must be substantially in the form attached as Appendix A.2.1.

Subdivision 2. Each affidavit attached to a signature page must be substantially in the form attached as Appendix A.2.2.

Subdivision 3. Each signature page for a referendum petition must be substantially in the form attached as Appendix A.2.3.

Chapter 7. RECALL

Section 7.01 General Authority

The citizens of Afton reserve to themselves the power of recall. Recall is the process through which the holder of any elective office can be removed from that office. This power must be exercised in compliance with the provisions of this charter, by the electors qualified to vote for a successor of such incumbent.

Section 7.02 Commencement of Proceeding

A recall proceeding regarding the holder of an elective office can be undertaken by five or more Afton city residents who are qualified to vote for a successor of such incumbent by forming a committee to undertake such a proceeding. The committee must file an affidavit and its proposed petition with the City Administrator's office before circulating the petition for signatures. The affidavit must be substantially in the form attached as Appendix A. 3.1, must state that a committee has been formed, must contain the names and addresses of the committee members, and must be signed by each member of the committee, whose signatures must each be verified by a notary public. For a recall proceeding, the affidavit must also attach a recall certificate stating the name of the officer whose removal is sought, a written statement, in not more than 250 words, of the grounds for recall, which shall be malfeasance, nonfeasance or felony conviction of the officer, and the intention of the sponsoring committee to bring about the officer's recall. No petition may be circulated until the City Administrator has approved its form. The City Administrator must rule on the petition's form within five business days after its submission.

Section 7.03 Petition

Subdivision 1. A recall petition shall consist of the signature pages substantially in the form provided in Appendix A.3.3, each with the attached recall certificate. Only voters qualified to vote for a successor to the officer whose removal is sought may validly sign the recall petition. The number of valid signatures for a recall petition must equal at least 30 percent of the number persons voting with regard to the office held by the officer in the City of Afton in the last election for that office.

Subdivision 2. The circulator of a signature page must be a resident of the City of Afton who is qualified to vote for a successor to the incumbent and must execute an affidavit for each page in the form attached as Appendix A.3.2, verifying that each signature on the page is genuine.

Section 7.04 Filing of Petition

The text of the Recall Certificate, all signature pages and the corresponding affidavits for those signature pages must be filed in the City Administrator's office as one petition.

Section 7.05 Evaluation and Certification of Petition

Within 15 days after the petition is properly filed the City Administrator must evaluate the petition for compliance with this chapter. The validity of the signatures must be judged as of the date the petition was filed. If the City Administrator finds the petition to be sufficient, the Administrator must immediately transmit the petition to the Council, stating the number of valid signatures and the percentage constituted by that number of voters who voted with regard to the office held by the officer in the last election for that office, and officially notify the person sought to be recalled of the sufficiency of the petition. If the City Administrator finds the petition to be insufficient, the Administrator must notify at least three listed members of the sponsoring committee with the reasons for the finding within one business day. The committee then shall have 30 days in which to correct and re-file the petition. If the Administrator finds at the end of the 30 days that the petition is still insufficient, the Administrator must notify at least three listed members of the sponsoring committee that the petition will not be certified to the Council. A final finding of insufficiency does not prevent the filing of a new petition for the same purpose.

Section 7.06 Council Action on Recall Petition

Unless the officer whose recall is sought resigns in the interim, after receiving a certified recall petition, the Council must at its next meeting, by resolution, provide for the holding of a special recall election not less than 45 nor more than 90 days after such meeting, except that if any other citywide election is to occur within 120 days of such meeting, the Council may in its discretion provide for the holding of the recall election at that time.

Section 7.07 Election

Subdivision 1. In the published call for the election there shall be given the statement of grounds for recall and also, in not more than 500 words, the answer of the officer sought to be recalled in justification of his or her course in office.

Subdivision 2. Only voters qualified to vote for a successor to the officer whose removal is sought may vote on the recall issue. If a majority of those people vote in favor of recalling the officer, then the recall of that officer shall be effective immediately after the vote has been certified and the office shall be deemed vacant as provided in section 2.04 of this Charter.

Section 7.08 Limitation on Recall

No recall petition may be filed against any officer until that officer has held office for at least six months.

Section 7.09 Offenses

It is unlawful for a person to:

- (a) sign a name other than one's own to a recall petition;
- (b) circulate a recall petition not in its entirety;
- (c) circulate a recall petition unless qualified to sign said petition; or
- (d) pay or offer to pay a person, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating a recall petition.

A violation of this section is a misdemeanor punishable in accordance with state law.

Section 7.10 Forms

Subdivision 1. Each affidavit filed by a committee under Section 7.02 must be substantially in the form attached as Appendix A. 3.1.

Subdivision 2. Each affidavit attached to a signature page must be substantially in the form attached as Appendix A.3.2.

Subdivision 3. Each signature page for an initiative petition must be substantially in the form attached as Appendix A. 3.3.

Chapter 8. ADMINISTRATION OF CITY AFFAIRS

Section 8.01 The City Administrator

The Council shall appoint a City Administrator who shall be the chief administrative officer of the City. The City Administrator shall be appointed in the manner provided by Minn. Stat. § 412.641 providing for the procedure for appointment of a city manager and shall exercise the powers described in section 8.02.

Section 8.02 Powers and Duties of The City Administrator

The City Administrator controls and directs the administration of the City's affairs. The City Administrator has the powers and duties set forth in the following subdivisions:

Subdivision 1. The City Administrator is responsible for the enforcement of this charter, the laws, ordinances and the resolutions of the City.

Subdivision 2. The City Administrator controls all City administrative departments and divisions created by this Charter or by the Council.

Subdivision 3. The City Administrator must attend all meetings of the Council, unless excused by the Council, and can take part in the discussion but cannot vote.

Subdivision 4. The City Administrator recommends to the Council all matters the City Administrator considers necessary for the welfare of the people and the efficient administration of the City's affairs.

Subdivision 5. The City Administrator must fully advise the Council on the financial condition and needs of the city. The City Administrator must prepare and transmit an annual preliminary budget to the Council.

Subdivision 6. The City Administrator must maintain the Code of Ordinances and recommend amendments to the Code, as necessary

Subdivision 7. The City Administrator shall perform all other duties that are required by this Charter or by law or ordinances or resolutions adopted by the Council.

Section 8.03 Execution of Instruments

Every contract and all bonds and instruments to which the City is a party and which are approved by the Council must be signed and be executed in the name of the City by the Mayor and the City Administrator.

Section 8.04 Purchases and Contracts

The City Administrator shall be the chief purchasing agent of the City. All City purchases and contracts shall be made or let by the City Administrator, either personally or by appropriate delegation. The amount shall be governed by ordinance. All other purchases shall be made and all other contracts let by the Council after the recommendation of the City Administrator has first been obtained. Contracts shall be made in compliance with the uniform contracting law, and whenever competitive bids are required, the contract shall be let to the lowest responsible bidder. All contracts, bonds, and instruments of any kind to which the City is a party shall be signed by the Mayor and the City Administrator on behalf of the City and shall be executed in the name of the City. The Council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

Section 8.05 Hiring for Personal or Professional Service Purchases Contracts

Subdivision 1. Procedure followed. It is the intent of this section to require that the Council only obtain personal or professional services through an open application process after advertising the requirements for said services in the official means of publication for the City of Afton at least one week before the applications are due. The Council must exercise reasonable discretion to award the contract in the best interests of the City, considering such factors as price, quality, experience, suitability, availability, compatibility, efficiency, and overall best value. A contract for personal or professional services or any other contract for which competitive bidding is not required by Minnesota Statutes section 471.88, subdivision 5, is void unless the procedure prescribed by subdivisions 2 and 3 is followed.

Subdivision 2. Resolution by Council. Except in an emergency making such procedure impracticable, the Council shall authorize the contract in advance of its performance by adopting a resolution setting out the essential facts and determining that the contract price is as low as or lower than the price at which the commodity or services could be obtained elsewhere. In case of an emergency when the contract cannot be authorized in advance, payment of the claims shall be authorized by a like resolution in which the facts of the emergency are also stated.

Chapter 9. TAXATION AND FINANCE

Section 9.01 Council Control; Public Purpose Expenditures

The Council has full authority over the City's financial affairs and must use sound discretion in exercising this authority. The Council must provide for the collection of revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public funds. The City must spend public funds only for public purposes, and the Council may adopt a policy establishing guidelines regarding which expenditures qualify as having a public purpose consistent with Minnesota law.

Section 9.02 Fiscal Year

The City's fiscal year is the calendar year.

Section 9.03 Budget Adoption

The Council must consider the budget in compliance with State law. The budgeting process must be done in a fully transparent manner and provide sufficient opportunity for interested citizens to be heard. The adopted budget must show in detail the City's financial plan for the next fiscal year. It must show the amounts and sources of revenues and the amounts and purposes of expenditures. The budget must be adopted in compliance with State law. A majority of the Council must adopt the budget by resolution and must by resolution levy taxes needed to fund budgeted expenditures. The City Administrator will file the tax levy resolution with the county auditor within the required time period.

Section 9.04 Budget Enforcement

The Council must enforce the budget. The Council may transfer uncommitted funds in the general fund to any lawful purpose. The Council may not approve expenditure unless there are sufficient funds to pay for it. This is determined by deducting the total actual and expected expenditures from the actual and expected revenues plus allocated surplus. The Council may authorize certain employees to make purchases and to approve claims for payment. An obligation incurred by a City employee that does not comply with this Charter or that exceeds the employee's authority is the employee's personal obligation, unless ratified by the Council.

Section 9.05 Budget Alterations

The Council may not increase the total expenditures in the adopted budget beyond the amount that actual receipts plus transfers exceed estimated revenues. The Council may reduce an appropriation in the budget by a resolution adopted by a majority of all members. The Council may transfer uncommitted budget appropriations to other purposes by approval of a super majority of at least 4 Council members. The Council must adopt by approval of a super majority of at least 4 Council members for a revised budget for the current year when adopting the next year's budget. The revised budget should incorporate any changes in estimated revenues and expenditures based on actual revenues and expenditures to that date. A capital expenditure that exceeds the amount designated in the Council's adopted capital improvement plan is a budget alteration that requires a super majority of at least 4 Council members.

Section 9.06 Special Election Fund

The Council must include an amount in the budget of at least 1.5 percent of the total budget as a contingency for Special Elections. This fund may only be used for Special Elections. The Council may transfer any uncommitted funds at the beginning of the fourth quarter of the budget year, from the Special Election Fund to another line item only by approval of a super majority of at least 4 Council members.

Section 9.07 Budget Reserve

A budget reserve of at least 40 percent of the current year budget must be maintained. Should the current budget reserve fall below this target level in any year, at least 2 percent of the total budget for that year must be allocated to the budget reserve. This budget reserve may only be used for cash flow bridging during the current budget year, or as a temporary advance of funds for an emergency but only subject to the approval of a super majority.

Section 9.08 Disbursements

Disbursements of City funds are made in accordance with procedures specified in a resolution of the Council. A disbursement must specify the fund from which it is to be made. A disbursement may not be made unless the claim to which it relates has been documented by an itemized bill, payroll, time sheet or other document approved and signed by a responsible City officer who attests to its correctness and reasonableness. The Council must note on a contract requiring the payment of City funds the particular fund from which the contract is to be paid. The Council must adopt further regulations for the safekeeping and disbursement of City funds.

Section 9.09 Funds

The Council must account for the City's finances through a classification of funds, including a general fund for operating expenses and other required funds. The Council may by ordinance or resolution make permanent transfers among all funds, except when prohibited by this Charter or law.

Section 9.10 Accounts and Reports

The Council shall prescribe and enforce proper accounting methods, forms, periodic reports and other mechanisms consistent with state law, this Charter and city ordinances. On or before the last day of each June, the Council must submit a comprehensive annual financial report of the City's entire financial operation for the past fiscal year.

Section 9.11 Bonds and Debt Limit

Subdivision 1. The City shall have the powers regarding issuance of obligations granted to cities of its same class and to statutory cities by the laws of the State of Minnesota and shall comply with all provisions of law applicable to such obligations.

Subdivision 2. A resolution regarding issuance of a bond or other borrowing obligation must be approved by a unanimous vote of all Council members. If the resolution fails to garner a unanimous vote, the Council may by resolution, by a majority vote of all its members, take the proposed bond or borrowing obligation issuance or amendment or a portion thereof to a vote by the citizens of Afton. This vote may be by special or general election.

Subdivision 3. The total bonded debt of the City at the time any bonds are issued shall not exceed the limit imposed by State law.

Section 9.12 Taxation

The City shall have, in addition to the powers by this Charter expressly or impliedly granted, all the powers to raise money by taxation pursuant to the laws of the State which are applicable to cities of the fourth class, provided that the amount of taxes levied against real and personal property within the City for general City purposes shall not exceed in dollars, a tax levy that is greater than the prior year tax levy increased by an inflationary index. Said inflationary index shall be that as defined by the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all Urban Consumers in the Minneapolis, St. Paul metropolitan area.

Section 9.13 Special Assessments

Subdivision 1 . Powers. The City may make any type of public improvement not prohibited by law and may levy special assessments to pay all or part of the costs that are of local character. Special assessments must be levied according to State law.

Subdivision 2. Current Services. The Council may provide by ordinance that the cost of City services to streets, sidewalks or other public or private property may be assessed against the property served and collected in the same manner as special assessments.

Chapter 10. MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 10.01 Official Publications

The Council must annually designate an official means of publication in accordance with State law. The official means of publication will be used to publish ordinances, matters the Council considers in the public interest to be published and other matters required by law to be published.

Section 10.02 Oaths of Office

Every officer of the City must take and subscribe an oath of office before entering upon the duties of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution of the United States and of the State of Minnesota and to discharge faithfully the duties devolving upon me as (Mayor, Council member, City Administrator, etc.) of the City of Afton to the best of my judgment and ability."

Section 10.03 City Officers Not to be Interested in Contracts

Unless permitted by law, no officer of the City authorized to take part in any manner in any contract with the City can voluntarily have a personal financial interest in or derive a personal financial benefit from that contract. Violation of this provision is a gross misdemeanor.

Section 10.04 Sales of Real Property

The City can dispose of its real property only by ordinance. The City must use the proceeds of any sale of the property as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of the property. If there is no such outstanding indebtedness, the Council can designate by resolution some other public use for the proceeds.

Section 10.05 Vacation of Streets

The Council can vacate any street or alley in the City by ordinance approved by at least four members of the Council. Vacation requires published notice and an opportunity for affected property owners and the public to be heard, and any additional requirements prescribed by ordinance. A notice of completion of vacation proceedings must be filed with the proper county officers according to law.

Appendix

FORMS

The following are the standard forms to be used for the Initiative, Referendum and Recall processes.

Appendix A.1.1

Committee Affidavit - Initiative

State of Minnesota, Washington County, City of Afton

We certify that the undersigned are all residents of the city of Afton who are eligible voters and have formed a committee for the purpose of circulating an **Initiative** petition to propose an ordinance regarding _____, a copy of which is attached.

The specific ballot question for a yes/no public vote shall be:

The names and addresses of the sponsoring committee members are (a minimum of five is required). Signatures of each committee member are required, each of which must be notarized:

1. NAME: _____

ADDRESS: _____

SIGNATURE: _____

Signed and sworn before me on _____ by _____

2. NAME: _____

ADDRESS: _____

SIGNATURE: _____

Signed and sworn before me on _____ by _____

3. NAME: _____

ADDRESS: _____

SIGNATURE: _____

Signed and sworn before me on _____ by _____

4. NAME: _____

ADDRESS: _____

SIGNATURE: _____

Signed and sworn before me on _____ by _____

5. NAME: _____

ADDRESS: _____

SIGNATURE: _____

Signed and sworn before me on _____ by _____

6. NAME: _____
ADDRESS: _____
SIGNATURE: _____
Signed and sworn before me on _____ by _____

7. NAME: _____
ADDRESS: _____
SIGNATURE: _____
Signed and sworn before me on _____ by _____

8. NAME: _____
ADDRESS: _____
SIGNATURE: _____
Signed and sworn before me on _____ by _____

9. NAME: _____
ADDRESS: _____
SIGNATURE: _____
Signed and sworn before me on _____ by _____

10. NAME: _____
ADDRESS: _____
SIGNATURE: _____
Signed and sworn before me on _____ by _____

Appendix A.1.2

Circulator Affidavit - Initiative

State of Minnesota, Washington County, City of Afton

I, _____ certify that:

- a. I am an eligible voter in the City of Afton, MN;
- b. I reside in the City of Afton, MN at _____;
- c. I circulated the attached **Initiative** petition which consists of ____ pages;
- d. Each signature contained on the attached petition was executed in my presence;
- e. To the best of my knowledge and belief, each person who signed the attached petition is a registered voter of the City of Afton, MN; and
- f. To the best of my knowledge and belief, each petitioner's signature contained on the attached petition is the genuine signature of the person whose name it purports to be.

Sponsoring Committee

This Initiative is sponsored by the following committee of City of Afton residents who are eligible voters (a minimum of five):

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

Signed and sworn before me on _____ by _____

Notary Public

Appendix A.1.3

Petition - Initiative

State of Minnesota, Washington County, City of Afton

This **Initiative** petition proposes an ordinance regarding _____, a copy of which is attached. The undersigned want the proposed ordinance to be adopted by the City of Afton according to the relevant requirements of the Afton City Charter.

The specific ballot question for a yes/no public vote shall be:

Sponsoring Committee

This Initiative is sponsored by the following committee of City of Afton residents who are eligible voters (a minimum of five):

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

Instructions to Petition Signers

You are being asked to sign a petition. **You must be a resident of, and a registered voter in, the City of Afton.** All signers must include their entire residence address and the date of signing. Every person signing this petition must do so in the presence of the person circulating the petition.

I have read the attached proposed Initiative petition. My signature indicates my understanding and support of this Initiative petition.

Name	Address	Signature	Date
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____
23. _____	_____	_____	_____
24. _____	_____	_____	_____
25. _____	_____	_____	_____

Appendix A.2.1

Committee Affidavit - Referendum

State of Minnesota, Washington County, City of Afton

We certify that the undersigned are all residents of the city of Afton who are eligible voters and have formed a committee for the purpose of circulating a **Referendum** petition to propose a voter referendum approval or disapproval of Ordinance No. _____ regarding _____, adopted on _____ by the Afton City Council.

Information on the proposed Referendum regarding the abovementioned Ordinance is attached.

The names and addresses of the sponsoring committee members are (a minimum of five is required). Signatures of each committee member are required, each of which must be notarized:

1. NAME: _____

ADDRESS: _____

SIGNATURE: _____

Signed and sworn before me on _____ by _____

2. NAME: _____

ADDRESS: _____

SIGNATURE: _____

Signed and sworn before me on _____ by _____

3. NAME: _____

ADDRESS: _____

SIGNATURE: _____

Signed and sworn before me on _____ by _____

4. NAME: _____

ADDRESS: _____

SIGNATURE: _____

Signed and sworn before me on _____ by _____

5. NAME: _____

ADDRESS: _____

SIGNATURE: _____

Signed and sworn before me on _____ by _____

6. NAME: _____

ADDRESS: _____

SIGNATURE: _____

Signed and sworn before me on _____ by _____

7. NAME: _____

ADDRESS: _____

SIGNATURE: _____

Signed and sworn before me on _____ by _____

8. NAME: _____

ADDRESS: _____

SIGNATURE: _____

Signed and sworn before me on _____ by _____

9. NAME: _____

ADDRESS: _____

SIGNATURE: _____

Signed and sworn before me on _____ by _____

10. NAME: _____

ADDRESS: _____

SIGNATURE: _____

Signed and sworn before me on _____ by _____

Appendix A.2.2

Circulator Affidavit - Referendum

State of Minnesota, Washington County, City of Afton

I, _____ certify that:

- g. I am an eligible voter in the City of Afton, MN;
- h. I reside in the City of Afton, MN at _____;
- i. I circulated the attached **Referendum** petition which consists of ____ pages;
- j. Each signature contained on the attached petition was executed in my presence;
- k. To the best of my knowledge and belief, each person who signed the attached petition is a registered voter of the City of Afton, MN; and
- l. To the best of my knowledge and belief, each petitioner's signature contained on the attached petition is the genuine signature of the person whose name it purports to be.

Sponsoring Committee

This Referendum is sponsored by the following committee of City of Afton residents who are eligible voters (a minimum of five):

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

Signed and sworn before me on _____ by _____

Notary Public

Appendix A.2.3

Petition - Referendum

State of Minnesota, Washington County, City of Afton

This **Referendum** petition proposes to repeal Ordinance No. _____ regarding _____, adopted on _____ by the Afton City Council, a copy of which is attached. For reasons explained in the attached document previously filed with the Committee Affidavit, the undersigned want the ordinance to be repealed by the City of Afton according to the relevant requirements of the Afton City Charter.

Sponsoring Committee

This Referendum is sponsored by the following committee of City of Afton residents who are eligible voters (a minimum of five):

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

Instructions to Petition Signers

You are being asked to sign a petition to repeal the abovementioned City Ordinance. **You must be a resident of, and a registered voter in, the City of Afton.** All signers must include their entire residence address and the date of signing. Every person signing this petition must do so in the presence of the person circulating the petition.

I have read the attached proposed Referendum petition. My signature indicates my understanding and support of this Referendum petition.

Name	Address	Signature	Date
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____
23. _____	_____	_____	_____
24. _____	_____	_____	_____
25. _____	_____	_____	_____

Appendix A.3.1

Committee Affidavit - Recall

State of Minnesota, Washington County, City of Afton

We certify that the undersigned are all residents of the city of Afton who are eligible voters qualified to vote for a successor of the said incumbent elected official, have formed a committee for the purpose of circulating a **Recall** petition to propose recalling elected officer _____ currently holding the office of _____.

Information on the grounds of the proposed Recall, which shall be malfeasance, nonfeasance or conviction of the officer of a felony, is attached (maximum 250 words).

The names and addresses of the sponsoring committee members are (a minimum of five is required). Signatures of each committee member are required, each of which must be notarized:

1. NAME: _____
ADDRESS: _____
SIGNATURE: _____
Signed and sworn before me on _____ by _____

2. NAME: _____
ADDRESS: _____
SIGNATURE: _____
Signed and sworn before me on _____ by _____

3. NAME: _____
ADDRESS: _____
SIGNATURE: _____
Signed and sworn before me on _____ by _____

4. NAME: _____
ADDRESS: _____
SIGNATURE: _____
Signed and sworn before me on _____ by _____

5. NAME: _____
ADDRESS: _____
SIGNATURE: _____
Signed and sworn before me on _____ by _____

6. NAME: _____
ADDRESS: _____
SIGNATURE: _____
Signed and sworn before me on _____ by _____

7. NAME: _____
ADDRESS: _____
SIGNATURE: _____
Signed and sworn before me on _____ by _____

8. NAME: _____
ADDRESS: _____
SIGNATURE: _____
Signed and sworn before me on _____ by _____

9. NAME: _____
ADDRESS: _____
SIGNATURE: _____
Signed and sworn before me on _____ by _____

10. NAME: _____
ADDRESS: _____
SIGNATURE: _____
Signed and sworn before me on _____ by _____

Appendix A.3.2

Circulator Affidavit - Recall

State of Minnesota, Washington County, City of Afton

I, _____ certify that:

- m. I am an eligible voter in the City of Afton, MN and qualified to vote for a successor of the incumbent elected official who is the subject of this Recall petition;
- n. I reside in the City of Afton, MN at _____;
- o. I circulated the attached **Recall** petition which consists of ____ pages;
- p. Each signature contained on the attached petition was executed in my presence;
- q. To the best of my knowledge and belief, each person who signed the attached petition is a registered voter of the City of Afton, MN; and qualified to vote for a successor of the incumbent elected official who is the subject of this Recall petition, and
- r. To the best of my knowledge and belief, each petitioner's signature contained on the attached petition is the genuine signature of the person whose name it purports to be.

Sponsoring Committee

This Recall is sponsored by the following committee of City of Afton residents who are eligible voters and qualified to vote for a successor of the incumbent elected official who is the subject of this Recall petition (a minimum of five):

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

Signed and sworn before me on _____ by _____

Notary Public

Appendix A.3.3

Petition - Recall

State of Minnesota, Washington County, City of Afton

This **Recall** petition proposes recalling elected officer _____ currently holding the office of _____.

For reasons explained in the attached document previously filed with the Committee Affidavit, the undersigned want the said elected officer removed from office.

Sponsoring Committee

This Recall is sponsored by the following committee of City of Afton residents who are eligible voters qualified to vote for a successor of the incumbent elected official who is the subject of this Recall petition (a minimum of five):

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

Instructions to Petition Signers

You are being asked to sign a petition to repeal the abovementioned City Ordinance. **You must be a resident of, and a registered voter in, the City of Afton, who is qualified to vote for a successor of the incumbent elected official who is the subject of this Recall petition.** All signers must include their entire residence address and the date of signing. Every person signing this petition must do so in the presence of the person circulating the petition.

I have read the attached proposed Recall petition. My signature indicates my understanding and support of this Recall petition.

Name	Address	Signature	Date
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____
23. _____	_____	_____	_____
24. _____	_____	_____	_____
25. _____	_____	_____	_____