

Sec. 3. The increase in the sum authorized to be expended for salaries in each of said listed county departments shall be applied and used first to increase the salary of each employee in each of said departments in the sum of \$35 per month, payable as follows: \$20 per month retroactive to January 1, 1959, and an additional monthly increase of \$15 from and after January 1, 1960; and each of said employees shall receive such increases in salary.

Sec. 7. This act shall become effective only after its approval by a majority of the governing body of the County of Hennepin.

Approved May 18, 1959.

EXTRA SESSION

CHAPTER 16—H. F. No. 72

An act amending Minnesota Statutes 1957, Sections 398.01, 398.02, 398.04, 398.12, 398.16, 398.20, Subdivision 3, and 398.21, to permit the addition of the City of Minneapolis to the Hennepin County park reserve district.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1957, Chapter 398, Section 398.01 is amended to read:

Section 398.01. **Park districts; single and multi-county.** There are hereby created, *within the counties of Hennepin, Wright, Scott, Carver, Dakota, Anoka and Washington*, subject to activation by the boards of county commissioners, as hereinafter provided, park districts which are bodies corporate and politic and which, when activated, shall be deemed to be political subdivisions of the state of Minnesota and public corporations. Park districts shall be of two kinds—single county and multi-county. *Single county districts shall be coterminous with a county, except that in Hennepin county Minneapolis may be excluded upon initial creation of a park district which is coterminous with the balance of the county, and if initially excluded, Minneapolis may be subsequently annexed as hereinafter provided. Multi-county districts shall include parts or all of more than one county.*

Section 2. Minnesota Statutes 1957, Chapter 398, Section 398.02 is amended to read:

Section 398.02. **Board of park district commissioners.**

Each park district shall be governed by a board of park district commissioners. The board for single county park districts shall consist, *except as otherwise provided herein*, of seven commissioners, *four from election districts to be established as hereinafter provided and three at large*. The board for multi-county park districts shall be constituted as determined in accordance with sections 398.03 and 398.04.

Section 3. Minnesota Statutes 1957, Chapter 398, Section 398.04 is amended to read:

Section 398.04. **Election of commissioners.** Except in the case of the first boards and when vacancies occur before the expiration of a term, Park District Commissioners shall be elected without party designation at the same time and in the same manner as county commissioners. In single county park districts the commissioners at large shall be elected by all the qualified voters in the park district while the successors in office to the commissioners representing the election districts, whether appointed, candidates for election or elected, must reside when appointed or elected and while serving, in the election district which they represent and shall be elected by the qualified voters residing in such district. Park district commissioners shall be elected for terms of four years or until their respective successors are elected and qualify, except where a commissioner is being elected to finish out an unexpired term when election shall be for the balance of such term. Vacancies resulting from the death, resignation or removal of a commissioner shall be filled by appointment by the board of county commissioners, such appointment to be effective only until the first Monday in January following the next general election or until a successor has been elected and qualifies for office. The commissioners representing the election districts shall be elected at the first primary and general elections after the activation of the district and each four years thereafter and the commissioners elected at large shall be elected at the second primary and general election after such activation and each four years thereafter. The terms of elected commissioners shall commence on the first Monday in January following their election.

Section 4. Minnesota Statutes 1957, Chapter 398, Section 398.16 is amended to read:

Section 398.16. **Tax levy, budget.** The park district board, as soon after organization as practicable and on or before the first day of July of each year thereafter, shall prepare a detailed budget of its proposed expenditures during the next fiscal year, other than those to be met by bond issues or by

revenues described in Section 17 and Subdivision (d) of Section 9 of this act, which budgets shall in no year exceed eighteen (18) cents per person in the district as determined by the last federal decennial census. *If the city of Minneapolis is annexed to the Hennepin county park reserve district, as hereinafter provided, the budget of this district shall in no year exceed twice eighteen (18) cents per person in the district living outside the city of Minneapolis as determined by the last federal decennial census.*

As soon after organization as practicable, and on the first day of July each year thereafter, the park district board shall certify to the governing body of each township, town, borough, village or city included in the district, the budget adopted pursuant to this section, together with a statement of the proportion of the budget to be provided by such governmental subdivision. The budget shall be apportioned among such subdivisions within the district in the same proportion as their respective populations bear to the total population of the district, population figures to be based on the last federal decennial census. *If the city of Minneapolis is annexed to the Hennepin county park reserve district, the share of the budget apportioned to Minneapolis shall not exceed the total of the amounts apportioned to the other cities, villages and townships in the district, in due recognition of the fact that Minneapolis has provided and is providing many parks and beaches which are used by Hennepin county residents who do not live in and pay taxes in Minneapolis.*

For the purpose of this section the governing body of any city or village means that board, council, commission or officer authorized by law or charter to levy taxes for park and recreation purposes and the governing body of each unorganized township means the town board of such township.

It shall be the duty of each such governing body in the district to provide the funds necessary to meet its proportionate share of such budget, such funds to be raised by tax levies or other means within the authority of said governing bodies and to pay the same over to the treasurer of the district in such amounts and at such times as may fairly be required by the park district board.

Any such governing body is hereby authorized to levy annually upon all taxable property within its boundaries a tax at the rate necessary to raise, at 98% collection, its proportionate share of the park district's budget, which tax, may be levied in excess of and over and above all other tax limitations. *If the city of Minneapolis is annexed to the Hennepin*

county park reserve district, Minneapolis' share of the operating budget of the district shall be paid from the general funds of the Minneapolis board of park commissioners for the first year Minneapolis is in the district and no additional tax levy may be made therefor.

All moneys received from said levies shall be turned over by the county treasurer collecting the same to the treasurer of the park district. All moneys received by the park district shall be used to carry out the powers and duties imposed on the park district board by this act and shall not be subject to review or reduction by other boards, commissions or councils.

If the governing body of any subdivision fails before October 1 of any year to pay its proportionate share of the park district budget for the next fiscal year or to certify to the county auditor a tax levy specifically designated for said purpose, the park district board shall certify to the county auditor of each county in which such governmental subdivision is located such amount of taxes as is deemed necessary to raise such subdivision's proportionate share of the budget, for collection with and as a part of other taxes on taxable property within such subdivisions, which tax may be levied in excess of and over and above all other tax limitations.

The park district board may by resolution, submit to the electors of the park district at a general or primary state election the question of raising the limit on the park district's budget from eighteen (18) cents to not to exceed thirty-six (36) cents per person in the district. Any resolution providing for an election on raising the budgetary limit shall specify the proposed additional amount per person in the district to be authorized and the number of consecutive years such increase in the limit shall be effective. The resolution shall be certified to the county auditor of each county wherein lies any part of the territory of the district, and the county auditor or auditors shall cause the same to be submitted to the electors residing within such territory at the next ensuing general or primary election on a ballot setting forth the proposed additional amount per person and the number of years such increase shall be effective as provided in the resolution, and shall forward the official returns of the judges of election in the precincts voting on such ballot to the park district board for canvass, and the increase shall be authorized if approved by a majority of the electors of the district voting on such ballot.

The board may borrow money in anticipation of the collection of all taxes levied in its behalf and issue the negotiable

notes of the district in an amount not in excess of 90% of the amount so levied which has not been received by the district at the time of the borrowing. Such notes shall mature not later than March 1 of the year following the year in which the tax levies are to be collected and shall be payable primarily from the proceeds of the levies anticipated thereby, but the full faith and credit of the district shall be pledged to the payment of the notes, and if such levies are not sufficient to pay all principal due and interest accrued thereon, the park district board shall levy for the repayment of the principal and interest on such notes an ad valorem tax in the next ensuing year and for so long thereafter as may be necessary upon all of the taxable property within its corporate limits, which levy may be made without limitation as to rate or amount and shall not be included in applying statutory limitations to other tax levies.

Section 5. Minnesota Statutes 1957, Chapter 398, Section 398.20 is amended to read :

Section 398.20. Park districts. Boundaries of park districts as created by this statute shall be determined and park districts activated as follows :

Subd. 1. Application for the creation of a park district shall be made to the county board or boards of the county or counties within which the district is to be located. The application shall either be signed by one percent of the electors residing within each county or portion thereof to be included *within the proposed district as determined by the number of electors voting at the last preceding general election within such territory*, or, in lieu thereof, shall be authorized by resolutions adopted by a majority of the governing bodies, as defined in section 16, of the cities and villages within each county or portion thereof to be included in the proposed district. The application shall contain an accurate description of the territory to be included in the proposed district and when presented to the board or boards of county commissioners shall be accompanied by an accurate map or plat thereof. Where multi-county districts are proposed, applications for the various portions of the district shall be presented to the respective boards of county commissioners in which the portions of the district lie.

An application may consist of more than one counterpart, each setting forth the description of the proposed territory of the district and containing the signatures of one or more electors and having endorsed thereon or attached thereto the affidavit of the person obtaining such signatures stating that

to the best of his information or belief they are genuine and are the signatures of duly qualified electors residing within the proposed park district.

Subd. 2. Upon the filing of the applications provided for in Subd. 1, each county board shall fix a time for the hearing of the application which shall not be less than 20 nor more than 40 days after the date of such filing. Notice of such filing and the date of hearing shall be published in a newspaper of general circulation within the proposed district. If there is no newspaper of general circulation within the proposed district, then the notice shall be posted in five of the most public places within the proposed district. The notice shall be published or posted for not less than 15 days prior to the date fixed for the hearing. The hearing may be adjourned from time to time. At a hearing on an application for the creation of a park district, each county board shall consider and determine the sufficiency of the application and shall hear all arguments for and against the creation of the district. Joint hearings may be held pursuant to notice thereof where the activation of a multi-county district is applied for. If the county board finds the application to be insufficient, additional signatures or resolutions may be obtained and the application may be resubmitted to the board at any time within six months of the original filing thereof. Signatures or resolutions may be withdrawn at any time prior to the final determination by the board as to sufficiency of the application.

Subd. 3. When the application has been determined to be sufficient, the board of county commissioners in single county districts, and each board of county commissioners in multi-county districts, shall consider whether or not the designation and activation of the district will be conducive to the general welfare. If a majority of the board of county commissioners in single county districts or a majority of each board of county commissioners in multi-county districts shall determine that it will be conducive to the general welfare, a resolution so stating shall be adopted designating and activating the district. Such resolution shall not be adopted sooner than 90 days after the first hearing is held. The boards may change but not expand the boundaries of proposed multi-county districts from those described in the application at the time of the hearing, and may exclude all territory within any county if the county board of that county disapproves the application. Park districts when finally activated must include all of one county *except that* cities of the first class therein *may be excluded*, or parts of more than one county, but the

boundary lines of the district as finally ordered by the board or boards shall not divide any existing town or municipal corporation and shall not include any territory situated in any other park district activated pursuant to this act and shall not include any non-contiguous areas unless such areas are located in Hennepin county.

Subd. 4. The board of county commissioners on its own motion may, and if requested to do so by petition of one percent of the electors in the proposed district residing within the county, as determined in Subd. 1 of this section, shall submit to a referendum of the electors in the proposed district residing within the county at the next general or primary election the following question which shall be worded on the ballot in this way:

Shall a park district be activated encompassing the following territory: (here insert the designation of each county to be included in the district in its entirety or in its entirety except for cities of the first class, and of each city, village, borough or town to be included which is outside any such county, and a legal description of any unorganized territory to be included which is outside any such county) ?

If a majority of the votes cast on this issue in single county districts are "yes" votes, the referendum shall be declared carried and the park district shall be activated. In multi-county districts, a majority of the votes cast on the issue in each county where a referendum is held must be "yes" votes for the referendum to carry. In all cases where referenda carry, the county boards shall have 60 days to appoint park district commissioners. If they fail to appoint such commissioners within 60 days after the referendum, the governor shall make such appointments. Referenda need be held in only those counties where a petition bearing the required number of electors' signatures is filed or where the board of county commissioners orders a referendum.

Once a park district is activated, referenda may be held on its enlargement as herein provided, but not on its activation.

Section 6. Minnesota Statutes 1957, Chapter 398, Section 398.21 is amended to read :

Section 398.21. **Enlargement of park district.** When conducive to the general welfare, any territory adjacent and contiguous to an existing park district, whether located within any county in which the district was created or not, may be annexed to the district under the following procedure: A petition shall be filed with the board of park commissioners

requesting such annexation, containing an accurate description of the territory proposed to be annexed, accompanied by an accurate map or plat of the territory, and signed either by one percent of the electors residing within the territory or authorized by resolution of a majority of the *governing bodies*, as defined in Section 398.16, of the cities and villages within the area to be annexed. The board shall determine whether the petition is sufficient and whether it is advisable that the annexation be made. If the board determines in favor of the annexation, it makes application to the county board of the county in which the territory is located, setting forth the fact of the filing of the petition and the reasons why it is advisable that the territory be annexed to the district. The board may on its own motion file such petition with the county board. Upon the filing of such petition, like proceedings shall be had as are provided in Section 20 upon application for the creation of a park district. The territory annexed may not include a part only of an existing town or municipal corporation and shall not include any territory situated in any other park district activated pursuant to this act unless the park district board of such district consents to the transfer of such territory.

In the event of the annexation to a park district of territory located in a county other than the county or counties in which the district was created, the county board of the county in which the annexed territory is located shall exercise, with reference to the annexed territory, the powers conferred upon county boards by Section 20 and the auditor and the treasurer of the county in which the annexed territory is located shall exercise, with reference to taxes levied and collected by the board of park district commissioners upon the annexed territory, the powers conferred upon auditors and treasurers by Sections 16 through 18.

If the city of Minneapolis is annexed to the Hennepin county park reserve district as hereinabove provided, the number of commissioners constituting the board for such district shall be increased from seven to nine with one of the additional commissioners to reside in and to represent the city of Minneapolis and to be appointed by the board of park commissioners of the city of Minneapolis for two year terms starting in the odd-numbered years with the first meeting in July of the board of Hennepin county park reserve district commissioners. The other additional commissioner will represent the entire district and will be appointed by the Hennepin county board in the same way as commissioners were appointed when the district was activated. At the expiration of

their terms or when vacancies occur, the four park district commissioners serving at large for Hennepin county shall not be elected but shall be appointed by majority vote of all of the members of the Hennepin county board. The appointments shall be for four year terms commencing in January on the first Monday but in the case of the first appointments made to each position subsequent to the enactment of this law the terms shall be of such shorter duration as is necessary to stagger the four terms so that one expires each year.

Section 7. Minnesota Statutes 1957, Chapter 398, Section 398.12 is amended to read:

Section 398.12. **Ordinances, resolutions; enactment.** The board may, after public hearing held upon two weeks published notice, enact such ordinances as it may deem necessary or convenient to carry out the general and special powers herein granted. It may also, without notice of hearing, adopt such resolutions as may be deemed necessary or convenient to carry out such powers, except where action is herein directed to be taken by ordinance. An ordinance or resolution shall be signed by the chairman *and* attested by the secretary. *Ordinances shall be published once in one legal newspaper published within the district. Proof of the publication shall be attached to and be filed with the ordinance. Every ordinance shall be recorded in an ordinance book within 20 days after its publication. All ordinances shall be suitably entitled and shall be substantially in the style: "The board of the park district of Ordains"*

Sec. 8. *This act shall become effective as to each of the counties of Wright, Scott, Carver, Dakota, Anoka, and Washington only after its approval by a majority of the board of county commissioners of each of such counties, and upon compliance with Laws 1959, Chapter 368, by each of such counties. This act shall become effective as to the county of Hennepin only after its approval by a majority of its board of county commissioners, a majority of the board of park commissioners of the city of Minneapolis, a majority of the city council of the city of Minneapolis, and a majority at a regular or special meeting of the board of Hennepin county park reserve district commissioners, and upon compliance with Laws 1959, Chapter 368.*

Approved May 18, 1959.
