

this section including allocation of administrative costs against the assets accumulated under this section. Funds to pay such costs are hereby appropriated from the fund or account in which the assets accumulated under this section are placed.

**Subd. 5. OTHER LAWS NOT APPLICABLE.** No provision of this chapter or other law specifically referring to this chapter is applicable to this section unless this section is specifically mentioned therein.

**Sec. 2. [352.97] PRIOR DEFERRED COMPENSATION PLANS; CONSTRUCTION.** This act shall not be construed to pre-empt, prohibit, ratify or approve any other deferred compensation plan which is established prior to or which may be established subsequent to the effective date of this act.

**Sec. 3. REPEAL.** Minnesota Statutes 1974, Section 16A.17, Subdivision 8, is repealed.

**Sec. 4.** This act shall take effect on the day following its final enactment.

Approved June 2, 1975.

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**CHAPTER 274—S.F.No.583**

[Coded in Part]

*An act relating to towns; providing for optional forms of town government and authorizing the combination of certain offices in certain towns; amending Minnesota Statutes 1974, Sections 366.01, Subdivision 1; and 367.03, Subdivision 1.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

**Section 1. [367.30] OPTIONAL PLANS. Subdivision 1. OPTION A; FIVE MEMBER TOWN BOARD.** Any town may provide for a five member board of supervisors as hereinafter provided in this act. This option shall be referred to as option A.

**Subd. 2. OPTION B; APPOINTMENT OF CLERK AND TREASURER.** Any town may provide for the appointment by the town board of its clerk and treasurer, or clerk-treasurer, as hereinafter provided for in this act. This option shall be referred to as option B.

**Subd. 3. OPTION C; TOWN ADMINISTRATOR.** Any town may provide for the appointment of an administrator as hereinafter provided for in this act. This option shall be referred to as option C.

**Subd. 4. OPTION D; COMBINATION OF THE OFFICES OF CLERK AND TREASURER.** Any town exercising the powers of a stat-

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utory city pursuant to Minnesota Statutes, Section 368.01 or pursuant to a special law granting substantially similar powers may provide for combining the offices of clerk and treasurer. This option shall be referred to as option D.

**Sec. 2. [367.31] ADOPTION OF SPECIFIC OPTION.** Subdivision 1. SUBMISSION TO ELECTORS. Except as provided otherwise in subdivision 2, the town board may, and upon a petition signed by electors equal in number to at least 15 percent of the electors voting at the last previous town election shall, submit to the electors at an annual town meeting the question of adopting option A, B, C, or D. Only one plan shall be submitted at any one annual meeting.

Subd. 2. MANDATORY SUBMISSION OF OPTION A IN URBAN TOWNS. The town board of a town exercising the powers of a statutory city pursuant to Minnesota Statutes, Section 368.01 or pursuant to a special law granting substantially similar powers shall submit the adoption of option A to the electors at the annual town meeting next following the effective date of this act. The town board of any town hereafter qualifying under Minnesota Statutes, Section 368.01 or receiving substantially similar powers pursuant to a special law adopted after the effective date of this act shall submit the adoption of option A to the electors at the annual town meeting next following the grant of powers pursuant to Minnesota Statutes, Section 368.01 or special act.

Subd. 3. NOTICE OF QUESTION. When the adoption of a specific option is to be voted on at the annual meeting, the town clerk shall include notice of the question in the notice of the annual meeting.

Subd. 4. ELECTION; FORM OF BALLOT. The proposals for adoption of the options shall be stated on the ballot substantially as follows:

"Shall option A, providing for a five member town board of supervisors, be adopted for the government of the town?"

"Shall option B, providing for the appointment of the clerk and treasurer by the town board, be adopted for the government of the town?"

"Shall option C, providing for the appointment of a town administrator by the town board, be adopted for the government of the town?"

"Shall option D, providing for the combining of the offices of clerk and treasurer, be adopted for the government of the town?"

If a town has combined the offices of clerk and treasurer, the word "clerk-treasurer" shall be substituted for the words "clerk and treasurer" in the question on the ballot on adoption of option B. In any of these cases, the question shall be followed by the words "Yes" and

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"No" with an appropriate square before each in which an elector may record his choice.

Subd. 5. ADOPTION BY AFFIRMATIVE VOTE. If a majority of the votes cast on the question of adoption of option A, B, C, or D is in the affirmative, the option so voted upon shall be adopted in the town, and once placed in effect, shall remain in effect until abandoned by a similar majority at a subsequent annual town meeting at which the question of abandonment is submitted.

Subd. 6. ABANDONMENT OF OPTIONS; THREE-YEAR LIMITATION. At any time more than three years after the adoption of an option, the question of abandonment of the option may be submitted to the electors, in the same manner as provided for the submission of the question of adoption, except that in the statement of the question on the ballot, the word "abandoned" shall be substituted for the word "adopted". If a majority of the votes cast on the question is in favor of abandonment, the plan shall be abandoned. Subject to the provisions for transition back to the regular form of town government, the form of town government existing prior to adoption of the abandoned option shall be resumed in the town. Option A shall not be abandoned in any town exercising the powers of a statutory city pursuant to Minnesota Statutes, Section 368.01 or pursuant to a special law granting substantially similar powers.

Subd. 7. REPORT BY TOWN CLERK. When the question of adoption or abandonment of an option is submitted, the town clerk shall promptly file with the county auditor and with the secretary of state a certificate stating the date of the election, the question submitted, and the vote on the question.

**Sec. 3. [367.32] APPLICABLE LAWS AND ORDINANCES; RIGHTS PRESERVED. Subdivision 1. All laws of the state applicable to a town before adoption of an option and not inconsistent with the provisions relating to the option shall apply to and govern the town after adoption of an option.**

Subd. 2. Any ordinance or resolution in effect at the time of adoption of an option shall continue in effect until amended or repealed, notwithstanding the adoption of the option.

Subd. 3. No valid and legally subsisting right or liability and no judicial proceeding shall be affected by a change in the form of town government unless otherwise provided.

**Sec. 4. [367.33] OPTION A; ELECTION OF ADDITIONAL SUPERVISORS. Subdivision 1. ELECTION AT ANNUAL MEETING OR SPECIAL ELECTION. Following the adoption of option A in a town, except a town exercising the powers of a statutory city, the town board may call a special town election to be held not less than 30 days nor more than 60 days after the annual town meeting at which the op-**

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tion is adopted, for the purpose of electing two additional members to the board of supervisors. In lieu of calling a special election, the town board may determine to elect the additional two members of the town board at the next annual town meeting. If the town is exercising the powers of a statutory city pursuant to Minnesota Statutes, Section 368.01 or pursuant to a special law granting substantially similar powers, the town board shall call a special election to be held not less than 30 days nor more than 60 days after the annual meeting at which option A is adopted for the purpose of electing the two additional supervisors.

Subd. 2. NOTICE OF SPECIAL ELECTION. If a special election is called pursuant to subdivision 1, the clerk shall cause ten days posted notice thereof to be given, specifying the purpose for which it is to be held. If a newspaper is published in the town, the clerk shall cause one week's published notice of the election to be given.

Subd. 3. AFFIDAVITS OF CANDIDACY. The provisions of Minnesota Statutes, Section 205.05 shall apply to the filing of affidavits of candidacy, except that if the additional supervisors are to be elected at a special election, the affidavits shall be filed not more than three weeks nor less than ten days before the election, and notice of the first and last dates for filing affidavits of candidacy shall be published at least two weeks before the first day for filing. Where publication schedules do not allow sufficient time to give two weeks notice, at least one weeks notice shall be given.

Subd. 4. TERMS. If the additional supervisors are elected at a special election, they shall serve only until the next annual town meeting, at which the additional members shall stand for election, one for a term of two years and one for a term of three years. The candidate receiving the highest number of votes shall be elected for the longer term. If the additional supervisors are elected at an annual meeting, one shall serve for a term of two years and the other for a term of three years with the candidate receiving the highest number of votes being elected for the longer term.

Subd. 5. ABANDONMENT OF OPTION A. In a town in which option A is abandoned, the terms of incumbent supervisors shall not be affected, but if one or more supervisors are to be elected at the annual meeting at which the option is abandoned, the election of one supervisor, or two if there be more than one elected, shall be considered null. Otherwise the offices of the two incumbent supervisors expiring at the annual meeting or meetings next following the meeting at which the option is abandoned shall not be filled. Thereafter the town board shall be composed of three supervisors unless option A is again adopted in that town.

Sec. 5. [367.34] CONTINUANCE IN OFFICE; ELECTIONS. Subdivision 1. OPTION B; INCUMBENT CLERK AND TREASURER. If option B is adopted at the election at which the office of clerk or trea-

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surer, or clerk-treasurer, is to be elected, the candidate elected to that office shall not assume his office and his election shall be considered null. Otherwise when option B is adopted in a town, the incumbent clerk and treasurer, or clerk-treasurer, shall continue to serve until the expiration of their terms or until an earlier vacancy occurs.

Subd. 2. ABANDONMENT OF OPTION B. When option B is abandoned, the offices of clerk and treasurer, or clerk-treasurer, that would be filled at that election, shall be filled conditionally at that election, and the ballot shall indicate that the successful candidate or candidates shall assume office only if the option is abandoned as a result of the election.

Sec. 6. [367.35] TOWN ADMINISTRATOR. Subdivision 1. APPOINTMENT; REMOVAL. As soon as practicable after adoption of option C in a town, the town board shall appoint an administrator upon terms and conditions it deems advisable. He shall be chosen solely on the basis of his training, experience, and administrative qualifications and need not be a resident of the town. The town clerk may be designated the administrator if he meets these qualifications. The administrator shall be appointed for an indefinite period and he may be removed by the board at any time, but after he has served as administrator for one year he may demand written charges and a public hearing on the charges before the board before his final removal takes effect. Pending a hearing and removal, the board may suspend him from office, with or without pay. The board may appoint a qualified person to perform the duties of the administrator during his absence or disability.

Subd. 2. POWERS AND DUTIES. The town administrator shall be the administrative head of the town and shall be responsible for the administration and supervision of the affairs of the town placed in his charge. He shall, with the approval of the town board, coordinate the various activities of the town. He shall exercise the authority and responsibilities assigned to him by the town board by ordinance or resolution which may include the following duties:

(a) To provide for the execution of all ordinances, resolutions, and orders of the board and all laws of the state required to be enforced through the town board, by him or by officers who are under his direction and supervision;

(b) To recommend to the town board the appointment, suspension, and removal of all town personnel whose appointment, suspension, or removal is a function of the town board by law;

(c) To provide for town purchases in accordance with statutory procedures;

(d) To prepare and submit to the town board a proposed annual budget, including detailed estimates of revenue and expenditures, and

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enforce the provisions of the budget as adopted by the board;

(e) To attend all meetings of the board and recommend measures for adoption as he deems advisable or expedient;

(f) To advise the board as to the financial condition and needs of the town;

(g) To perform other ministerial, nondiscretionary duties assigned to him.

Subd. 3. ABOLISHING OFFICE OF ADMINISTRATOR. If option C is abandoned, the town board shall, as soon as practicable thereafter, abolish the office. Duties and responsibilities previously assigned to the administrator shall be assumed by the town board or by the officer having responsibility for the function prior to the appointment of the administrator.

**Sec. 7. [367.36] COMBINING THE OFFICES OF CLERK AND TREASURER. Subdivision 1. INCUMBENT TREASURER; ANNUAL AUDIT. In a town in which option D is adopted, the incumbent treasurer shall continue in office until the expiration of his term. Thereafter the duties of the treasurer as prescribed by law shall be performed by the clerk who shall be referred to as the clerk-treasurer. If the offices of clerk and treasurer are combined, the town board shall provide for an annual audit of the town's financial affairs by the state auditor or a public accountant in accordance with minimum audit procedures prescribed by the state auditor.**

**Subd. 2. ABANDONMENT. If option D is abandoned, the office of treasurer that would be filled at that election shall be filled conditionally at that election, and the ballot shall indicate that the candidate shall assume office only if the option is abandoned as a result of the election.**

**Sec. 8. Minnesota Statutes 1974, Section 366.01, Subdivision 1, is amended to read:**

**366.01 POWERS. Subdivision 1. The supervisors of each town shall constitute a board to be designated "The Town Board of .....,," and any two shall constitute a quorum except in towns operating under option A in which case any three shall constitute a quorum and except when otherwise provided. The supervisors shall have charge of all the affairs of the town not by law committed to other officers. They shall draw orders on the treasurer for the disbursement of money to pay the town expenses, and for all money raised by the town to be disbursed for any other purpose. They may pay the premium upon the bond of the town treasurer where the surety is a corporation authorized by law to be surety.**

**Sec. 9. Minnesota Statutes 1974, Section 367.03, Subdivision 1, is**

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amended to read:

**367.03 OFFICERS ELECTED AT ANNUAL MEETING; VACANCIES.** Subdivision 1. **OFFICERS, TERMS.** Except in towns operating under option A, there shall be elected in each town three supervisors as provided in this section. Where a new town has been or may be organized and supervisors have been or may be elected for such town at a town meeting prior to the annual town meeting, such supervisors shall serve only until the next annual town meeting at which meeting three supervisors shall be elected, one for three years, one for two years, and one for one year, so that the term of one shall expire each year. The number of years for which each is elected shall be indicated on the ballot. At all other annual town meetings one supervisor shall be elected for three years to fill the place of the one whose term expires at that time. There shall also be elected at each annual town meeting one town clerk, one treasurer, two justices of the peace, and two constables, except as otherwise provided in this section. Each of these officers shall hold office for a term of two years and until their successors are elected and qualified.

**Sec. 10. EFFECTIVE DATE.** This act is effective on the day following final enactment.

Approved June 2, 1975.

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**CHAPTER 275—S.F.No.803**

[Not Coded]

*An act relating to Chisago county; authorizing the expenditure of funds for certain purposes.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

**Section 1. CHISAGO COUNTY; FIRE DEPARTMENTS AND AMBULANCE SERVICES.** Notwithstanding any law to the contrary, Chisago county may expend funds to aid and assist local public and nonprofit fire departments and ambulance services in the county. In furtherance of this objective the county may purchase equipment and lend or lease it on terms and conditions as it deems expedient and proper. It may also make conditional or unconditional gifts of equipment and funds.

**Sec. 2.** This act is effective upon its approval by the board of county commissioners of Chisago county and upon compliance with Minnesota Statutes, Section 645.021.

Approved June 2, 1975.

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