

Municipalities

CHAPTER 470

MUNICIPALITIES EMERGENCY ACT

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470.01 CITATION. This chapter may be cited as the municipalities emergency act of 1935.

[1935 c. 125 s. 1] (1918-54)

470.02 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that different meanings are intended, the following words, terms, and phrases, for the purposes of this chapter, shall be given the meanings subjoined to them.

Subdivision 2. **Municipality.** The term "municipality" means a county, a city of any class, including a city organized under a charter framed pursuant to the Constitution of the State of Minnesota, Article 4, Section 36, a town, a village, a borough, or a school, road, sanitary or drainage district, or a county or district agricultural society.

Subdivision 3. **Governing body.** The term "governing body" means the board of supervisors, council, board of trustees, board of commissioners, or other body, board, commission, or other authority charged with governing any municipality.

Subdivision 4. **Law.** The term "law" means any act or statute, general, special or local, of this state, including, without being limited to, the charter of any municipality.

Subdivision 5. **Bonds.** The term "bonds" means bonds, interim receipts, certificates, or other obligations of a municipality issued or to be issued by its governing body for the purpose of financing or aiding in the financing of any work, undertaking, or project for which a loan or grant, or both, has heretofore been made or may hereafter be made by any federal agency.

Subdivision 6. **Recovery act.** The term "recovery act" means the national industrial recovery act, being the act of the Congress of the United States, approved June 16, 1933, entitled "an act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes," and any acts amendatory thereof, and any acts supplemental thereto, and revisions thereof, and any further acts, or joint resolutions of the Congress of the United States to reduce and relieve unemployment.

Subdivision 7. **Federal agency.** The term "federal agency" includes the United States, the president of the United States, the federal emergency administrator of public works, reconstruction finance corporation, or any agency, instrumentality, or corporation of the United States, which has heretofore been or hereafter may be designated, created, or authorized by or pursuant to any act or acts of the Congress of the United States to make loans or grants.

Subdivision 8. **Public works project.** The term "public works project" means any work, project, or undertaking which any municipality is authorized or required by law to undertake or any lawful purpose for which they are authorized or required by law to make an appropriation.

Subdivision 9. **Contract or agreement.** The term "contract" or "agreement" between a federal agency and a municipality includes contracts and agreements in the customary form and shall be deemed to include an allotment of funds, resolution, unilateral promise, or other commitment by a federal agency by which it shall undertake to make a loan or grant, or both, upon the performance of specified

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conditions or compliance with rules and regulations theretofore or thereafter promulgated, prescribed or published by a public agency. In the case of such an allotment of funds, resolution, unilateral promise, or other commitment by a federal agency, the terms, conditions and restrictions therein set forth and the rules and regulations theretofore or thereafter promulgated, prescribed or published shall, for the purpose of this chapter, be deemed to constitute covenants of such a contract that are to be performed by the municipality, if the municipality accepts any money from such federal agency.

[1935 c. 125 s. 2; Ex. 1936 c. 114] (1918-55)

470.03 POWERS OF MUNICIPALITIES. Every municipality shall have power and is hereby authorized:

(1) To accept from any federal agency grants for or in aid of the construction of any public works project;

(2) To make contracts and execute instruments containing such terms, provisions, and conditions as in the discretion of the governing body of the municipality may be necessary, proper or advisable for the purpose of obtaining grants or loans, or both, from any federal agency pursuant to or by virtue of the recovery act; to make all other contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of any public works project and to carry out and perform the terms and conditions of all such contracts or instruments;

(3) To subscribe to and comply with the recovery act and any rules and regulations made by any federal agency with regard to any grants or loans, or both, from any federal agency;

(4) To perform any acts authorized under this chapter through, or by means of its own officers, agents and employees, or by contracts with private corporations, firms or individuals;

(5) To award any contract for the construction of any public works project or part thereof upon any day at least 15 days after one publication of a notice requesting bids upon such contract in a newspaper of general circulation in the municipality;

(6) To sell bonds at private sale to any federal agency without any public advertisement;

(7) To exercise any power conferred by this chapter for the purpose of obtaining grants or loans or both, from any federal agency pursuant to or by virtue of the recovery act independently or in conjunction with any other power or powers conferred by this chapter or heretofore or hereafter conferred by any other law; and

(8) To do all acts and things necessary or convenient to carry out the powers expressly given in this chapter.

[1935 c. 125 s. 3] (1918-56)

470.04 COSTS OF PUBLIC WORKS DETERMINED. In determining the cost of any public works project, the following items may be included as part of the cost of such public works project and financed by the issuance of bonds: (1) Engineering, inspection, accounting, fiscal and legal expenses; (2) The cost of issuance of the bonds, including engraving, printing, advertising, accounting and other similar expenses; (3) Any interest costs on money borrowed or estimated to be borrowed during the period of construction of such public works project and for six months thereafter.

[1935 c. 125 s. 4] (1918-57)

470.05 ACTS MUST BE APPROVED. The provisions of this chapter shall not operate to dispense with the approval of a public works project by a state department, board, officer, commission, or a vote of the electors or freeholders where such approval or vote is necessary or required by law.

[1935 c. 125 s. 5] (1918-58)

470.06 CERTIFICATES OF INDEBTEDNESS MAY BE ISSUED. Pending the preparation or execution of definitive bonds for the purpose of financing the construction of a public works project, interim receipts, certificates of other temporary obligations may be issued by the municipality to the purchaser of such bonds. Such interim receipts, certificates or other temporary obligations shall be in such form and contain such terms, conditions and provisions as the governing body of the municipality issuing the same may determine.

[1935 c. 125 s. 6] (1918-59)

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470.07 BONDS LEGALIZED. Bonds bearing the signatures of officers in office on the date of signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof any or all the persons whose signatures appearing thereon shall have ceased to be the officers of the municipality issuing the same.

[1935 c. 125 s. 7] (1918-60)

470.08 POWERS SUPPLEMENTAL. The powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law. In so far as the provisions of any other law are inconsistent with this chapter, the provisions of this chapter shall be controlling.

[1935 c. 125 s. 8] (1918-61)

470.09 PUBLIC RELIEF ACT. This chapter is intended to aid in relieving the public emergency arising from unemployment by simplifying the procedure for the construction and financing of public works projects. This chapter is remedial in nature and the powers hereby granted shall be liberally construed.

[1935 c. 125 s. 9] (1918-62)

470.10 LIMITATION. Nothing in this chapter shall be construed to authorize the issuance of bonds for any purpose by any municipality not authorized to issue bonds for such purpose under any other law heretofore or hereafter enacted; nor to authorize the levy or expenditure of taxes for any purpose, or in any amount, in excess of the limits provided under any existing or hereafter enacted law of this state, nor for any public works project until such project shall be authorized in the manner now or hereafter provided by law.

[1935 c. 125 s. 10] (1918-63)

470.11 POWERS OF MUNICIPALITY. Except in pursuance of any contract or agreement theretofore entered into by and between any municipality and any federal agency, no municipality shall exercise any of the powers conferred by this chapter after December 31, 1943.

[1935 c. 125 s. 12; 1937 c. 328 s. 1; 1939 c. 425; 1941 c. 274] (1918-65)