

CHAPTER 471

SEVERAL POLITICAL SUBDIVISIONS

471.01 PUBLIC BUILDINGS IN CERTAIN SUBDIVISIONS; RECORDS OF WORK; PUBLICATION.

HISTORY. 1921 c. 274 s. 1; M.S. 1927 s. 974-1.

The publication of the amount of the estimate as a part of the official proceedings of the county board does not do away with the necessity of publishing the total cost of the work. OAG Feb. 27, 1931.

The estimate for the repair and construction of the bridges of the county need not be published in addition to its publication as a part of the official proceedings of the county board, in which case a publication of the total cost of the work after completion by day labor is sufficient. OAG Sept. 13, 1938 (642a-3).

471.02 CONTENTS OF RECORDS AND ACCOUNTS.

HISTORY. 1921 c. 274 s. 2; M.S. 1927 s. 974-2.

471.03 TOTAL COSTS PUBLISHED.

HISTORY. 1921 c. 274 s. 3; M.S. 1927 s. 974-3.

The publication of the amount of the estimate as a part of the official proceedings of the county board does not do away with the necessity of publishing the total cost of the work. OAG Feb. 27, 1931.

471.04 RECORDS; INSPECTION; CERTIFIED COPIES.

HISTORY. 1921 c. 274 s. 4; M.S. 1927 s. 974-4.

471.05 PUBLIC DOCKS AND WHARVES IN CERTAIN VILLAGES AND ADJACENT TOWNS.

HISTORY. 1923 c. 229 s. 1; M.S. 1927 s. 1918-44.

471.06 SUBMISSION TO VOTE; SPECIAL ELECTION; LIMITATION ON AMOUNT OF BOND ISSUE.

HISTORY. 1923 c. 229 s. 2; M.S. 1927 s. 1918-45.

471.07 NOTICE OF SPECIAL ELECTION.

HISTORY. 1923 c. 229 s. 3; M.S. 1927 s. 1918-46.

471.08 CONDUCT OF ELECTION; BALLOTS.

HISTORY. 1923 c. 229 s. 4; M.S. 1927 s. 1918-47.

471.09 RETURN OF ELECTION.

HISTORY. 1923 c. 229 s. 5; M.S. 1927 s. 1918-48.

471.10 DOCK AND WAREHOUSE COMMISSION.

HISTORY. 1923 c. 229 s. 6; M.S. 1927 s. 1918-49.

471.11 ORGANIZATION OF COMMISSION; GENERAL POWERS.

HISTORY. 1923 c. 229 s. 7; M.S. 1927 s. 1918-50.

471.12 SUPERINTENDENT AND EMPLOYEES; RATES, CHARGES, SITES.

HISTORY. 1923 c. 229 s. 8; M.S. 1927 s. 1918-51.

471.13 BONDS; ISSUE AND SALE.

HISTORY. 1923 c. 229 s. 9; M.S. 1927 s. 1918-52.

471.14 COMPENSATION OF COMMISSIONERS; DUTIES.

HISTORY. 1923 c. 229 s. 10; M.S. 1927 s. 1918-53.

471.15 MUNICIPALITIES MAY ACQUIRE AND OPERATE RECREATIONAL FACILITIES.

HISTORY. 1937 c. 233 s. 1; M. Supp. s. 1933-9a; 1945 c. 396 s. 1.

School district can hire band instructor and conduct concert. OAG May 4, 1937 (161b-11).

This act does not include gift to state teachers college at St. Cloud. OAG June 11, 1937 (359a-10).

School buses may be used to transport musical organizations to other cities and villages in connection with the exchange of programs, and contributions for defraying expenses may be accepted. OAG June 13, 1938 (166a-9).

School board may purchase land for recreational purposes without a vote of the electors, and the law applies to all districts however organized. OAG July 1, 1938 (622i-1).

School authorities may offer musical instruction, and defray the expenses thereof out of the current expense fund, but they may not purchase uniforms for school bands out of tax money, but such uniforms may be purchased out of the recreational fund. OAG July 5, 1939 (159b-11).

School board owning part of a block in a village may purchase or lease another part of the block for playground purposes. OAG Aug. 6, 1939 (622i-2).

Town may operate recreational program without a vote of the electors of the town and where no special levy is provided for expenses may be paid from the general fund. OAG April 12, 1938 (519o).

A town or village may expend public funds to acquire land for the purpose of creating an artificial lake, in connection with a program of public recreation. OAG Sept. 2, 1938 (330-5).

Village council may acquire land outside the corporate limits of the village for park and recreation purposes and appropriate money from the general revenue fund, not exceeding \$2,000, without submitting the proposition to its electors, if the village has sufficient money on hand or available out of current tax levy in the process of collection. OAG Jan. 17, 1938 (476b-10).

City of Litchfield has authority to acquire and maintain a golf course. OAG June 4, 1937 (469a-12).

City of LeSueur is authorized to construct a municipal swimming pool and playground, and may issue bonds therefor in an unlimited amount so long as the total bonded indebtedness does not exceed ten percent of the assessed valuation. OAG April 27, 1938 (59b-11).

City may provide inhabitants with transportation to public park and bathing beach. OAG June 24, 1938 (59b-11).

It is not necessary for city of St. James to submit the question of constructing a swimming pool to its electors where the expenditure is for work and materials, but the question of purchasing a site must be submitted to the voters. OAG Aug. 1, 1938 (59b-11).

City and school district may operate a joint recreational project, but at present lack legislative authority to delegate the operation to a commission. 1942 OAG 41, Feb. 25, 1942 (159a-16).

This statute does not authorize a joint library service. 1942 OAG 47, Oct. 2, 1942 (285-D).

MINNESOTA STATUTES 1945 ANNOTATIONS

2633

SEVERAL POLITICAL SUBDIVISIONS 471.25

City and school districts may cooperate in erecting and operating a warming house for skaters on school property. 1942 OAG 135, Aug. 19, 1941 (476B-10).

A village may accept 240 acres of land. 1942 OAG 256, Dec. 22, 1942 (476B-10).

471.16 MAY ACT INDEPENDENTLY OR COOPERATIVELY.

HISTORY. 1937 c. 233 s. 2; M. Supp. s. 1933-9b; 1945 c. 396 s. 2.

Unexpended school district funds, not otherwise obligated, can be used for recreational purposes, but school board cannot operate a recreational program in connection with another political subdivision, or donate money to a recreation board, without a vote of its people. OAG June 1, 1937 (159b-11).

School district may own and operate a recreation building jointly with a town, if the voters authorize it. OAG Oct. 8, 1937 (622b).

See notes under section 471.15.

A village may acquire and operate recreational facilities, and may operate in conjunction with the local school district. OAG April 24, 1944 (469c); OAG March 13, 1944 (159b-1).

471.17 LOCATION OF ACTIVITIES.

HISTORY. 1937 c. 233 s. 3; M. Supp. s. 1933-9c.

Village may accept as a gift playground equipment and the right to use property not belonging to the village. OAG June 13, 1938 (844b-1).

471.18 STATE BOARD OF EDUCATION TO ESTABLISH QUALIFICATIONS.

HISTORY. 1937 c. 233 s. 4; M. Supp. s. 1933-9d.

State board may prescribe reasonable qualifications for recreation directors and instructors, and may require that they hold a teacher's certificate and such additional qualifications as the board may prescribe. OAG June 21, 1939 (172b).

471.19 RECREATION PROGRAM TO BE FOR EDUCATION PURPOSES.

HISTORY. 1937 c. 233 s. 5; M. Supp. s. 1933-9e.

471.20 COMBINED RECREATIONAL COUNCIL FOR VILLAGE AND SCHOOL DISTRICT.

HISTORY. Ex. 1936 c. 29 s. 1; M. Supp. s. 1263-4.

471.21 CREATION; MEMBERSHIP; POWERS.

HISTORY. Ex. 1936 c. 29 s. 2; M. Supp. s. 1263-5.

471.22 EXPENDITURES; BUDGET.

HISTORY. Ex. 1936 c. 29 s. 3; M. Supp. s. 1263-6.

471.23 COMPENSATION; TENURE.

HISTORY. Ex. 1936 c. 29 s. 4; M. Supp. s. 1263-7.

471.24 VILLAGES AND TOWNS MAY COOPERATE IN SUPPORT OF CEMETERIES.

HISTORY. 1931 c. 262 s. 1; M. Supp. s. 1933-64; 1945 c. 213 s. 1.

471.25 LIMIT TO APPROPRIATIONS.

HISTORY. 1931 c. 262 s. 2; M. Supp. s. 1933-65.

MINNESOTA STATUTES 1945 ANNOTATIONS

471.26 SEVERAL POLITICAL SUBDIVISIONS

2634

471.26 MUNICIPALITIES MAY CARRY ON CITY PLANNING ACTIVITIES.

HISTORY. 1937 c. 287 s. 1; M. Supp. s. 1933-68.

Village assessor may be a member of the planning commission. 1942 OAG 227, March 10, 1942 (358E-2).

Laws 1937, Chapter 287, is constitutional. OAG July 27, 1944 (59a).

471.27 PLANNING CITY DEVELOPMENTS.

HISTORY. 1937 c. 287 s. 2; M. Supp. s. 1933-69.

471.28 MAY LAY OUT STREETS.

HISTORY. 1937 c. 287 s. 3; M. Supp. s. 1933-70; 1945 c. 287 s. 1.

That part of section 471.28 that grants the right of the municipality to take over improvements without compensation is unconstitutional. OAG July 7, 1944 (59a).

471.29 TO APPROVE PLATS.

HISTORY. 1937 c. 287 s. 4; M. Supp. s. 1933-71; 1945 c. 287 s. 2.

471.30 PLATS MUST BE CHECKED.

HISTORY. 1937 c. 287 s. 5; M. Supp. s. 1933-72; 1945 c. 287 s. 3.

471.31 PUBLIC UTILITIES MUST HAVE PERMITS.

HISTORY. 1937 c. 287 s. 6; M. Supp. s. 1933-73; 1945 c. 287 s. 4.

471.32 GOVERNING BODY MAY CREATE AND DISSOLVE PLANNING COMMISSION.

HISTORY. 1937 c. 287 s. 7; M. Supp. s. 1933-74.

Useless personal property may be sold without advertising for bids. OAG May 5, 1944 (707a-4).

471.323 CERTIFIED COPIES FILED WITH REGISTER OF DEEDS.

HISTORY. 1945 c. 287 s. 5.

471.33 APPLICATION.

HISTORY. 1937 c. 287 s. 8; M. Supp. s. 1933-75.

471.34 BIDS FOR PURCHASE OF SUPPLIES.

HISTORY. 1937 c. 416 s. 1; M. Supp. s. 1933-76.

The term "supplies or equipment" does not refer to a contract for the construction or repair of sidewalks, sewers, water-mains, and similar improvements involving work and labor as well as material, but does apply where the city purchases the material and hires the work done. OAG July 9, 1938 (707b-2).

The act does not apply when the contract also includes work or labor. OAG July 12, 1938 (707a-1).

The act does not of itself require calling for bids but speaks only to insure competitive bidding when a municipality is otherwise required to call for bids. OAG Sept. 14, 1939 (707b-2).

Where there was not only a purchase of equipment but an installation under a contract requiring a substantial amount of work and labor, the contract was not governed by this section and if the bids were advertised for properly, even though there was only one bid, it was lawful to accept it. OAG May 25, 1939 (707a-12).

MINNESOTA STATUTES 1945 ANNOTATIONS

2635

SEVERAL POLITICAL SUBDIVISIONS 471.38

471.35 BIDS SHALL NOT BE EXCLUSIVE.

HISTORY. 1937 c. 416 s. 2; M. Supp. s. 1933-77.

471.36 APPLICATION.

HISTORY. 1937 c. 416 s. 3; M. Supp. s. 1933-78.

471.37 VIOLATION A GROSS MISDEMEANOR.

HISTORY. 1937 c. 416 s. 4; M. Supp. s. 1933-79.

471.38 CLAIMS ITEMIZED, VERIFIED.

HISTORY. 1869 c. 27 s. 1; G.S. 1878 c. 8 s. 115; G.S. 1894 s. 687; R.L. 1905 s. 438; G.S. 1913 s. 760; G.S. 1923 s. 766; M.S. 1927 s. 766.

As a prerequisite to bringing an action against a county to recover taxes, interest, and penalties received by the county treasurer, which he neglected and refused to pay over to a city, it is not necessary that an itemized claim be filed with the county board. *General Statutes 1894, Section 687, (471.38) has no application to the case. City of Fergus Falls v County Board, 88 M 346, 93 NW 126.*

The filing of an itemized and verified claim against the town with the auditing town board was a condition precedent to commencing an original action thereon against such town. *Bank v Town of Middletown, 67 M 1, 69 NW 471.*

Under *General Statutes 1894, Section 687*, an attorney's claim for legal services for the collection of delinquent personal property taxes must be filed for allowance by the county board, as a preliminary to an action against the county; but, where the attorney has collected money upon a judgment for delinquent personal property taxes, he has an equitable lien or set-off, as against the fund so collected, to the extent of the reasonable value of his services, and in such case he is not required to pay the amount of fees over to the county, but may retain the same and pay over the balance. *County Board v Clapp, 83 M 512, 86 NW 775.*

The matter of the presentation of claims against the city, the auditing and allowing of the same, and the manner and proceedings for reviewing the action of the auditing body, are appropriate subjects for charter supervision and regulation. *State ex rel v District Court, 90 M 457, 97 NW 132.*

Certain verified claims and demands presented to a county board for auditing and allowance were a substantial and sufficient compliance with the provisions of *General Statutes 1894, Section 687*. *Bayne v County Board, 90 M 1, 95 NW 456.*

In view of all the circumstances, it was not necessary for one acting as an agent of and in behalf of a corporation to state, in his verification of the corporation's claim against a county presented to the county board pursuant to *General Statutes 1894, Section 687*, that he was the corporation's agent. *Gillette-Herzog Mfg. Co. v County Board, 69 M 297, 72 NW 123.*

When a claim against a county is founded on an express contract for the payment of a fixed sum as compensation for services rendered, the county board has no discretion to exercise, but must allow and pay the stipulated compensation if the services have been performed. Such a claim need not be itemized as provided by *General Statutes 1913, Section 760*. *Bank v County of Cook, 146 M 103, 177 NW 1013.*

An action to enforce the statutory liability against a municipality which lets a contract for doing public work without taking a bond to secure the payment of claims for material and labor furnished may be maintained without first presenting a verified statement of the claim on which it is based. *Fargo Cornice & Ornament Co. v School District, 152 M 342, 188 NW 733.*

School districts are not included in the word "municipality" as used in *General Statutes 1923, Sections 766 to 768 (471.38 to 471.40)*. *Olsen v Ind. & Cons. School Dist. 175 M 201, 220 NW 606.*

The evidence shows sufficient compliance with *General Statutes 1923, Section 766 (471.38)*. *Hawley v Town of Stuntz, 178 M 411, 227 NW 358.*

MINNESOTA STATUTES 1945 ANNOTATIONS

471.39 SEVERAL POLITICAL SUBDIVISIONS

2636

Traveling expenses of the county superintendent of schools can be allowed only upon presentation to the board of itemized and verified claims. Van Loh v County of Waseca, 196 M 452, 265 NW 298.

471.39 VERIFICATION.

HISTORY. 1869 c. 27 s. 2; G.S. 1878 c. 8 s. 116; G.S. 1894 s. 688; R.L. 1905 s. 439; G.S. 1913 s. 761; G.S. 1923 s. 767; M.S. 1927 s. 767.

471.40 AUDITING CLAIMS.

HISTORY. 1869 c. 27 s. 3; G.S. 1878 c. 8 s. 117; G.S. 1894 s. 689; R.L. 1905 s. 440; G.S. 1913 s. 762; G.S. 1923 s. 768; M.S. 1927 s. 768.

When a county board has once deliberately acted upon a claim against a county and definitely allowed or disallowed it, so that the time for appeal therefrom has begun to run, it cannot thereafter, at least in the absence of fraud or mistake and notice of hearing, set aside its decision and take some other action thereon. State ex rel v Peter, 107 M 460, 120 NW 896.

471.41 AUDITING ACCOUNTS NOT ITEMIZED A GROSS MISDEMEANOR.

HISTORY. 1869 c. 27 s. 4; G.S. 1878 c. 8 s. 118; G.S. 1894 s. 690; R.L. 1905 s. 441; G.S. 1913 s. 763; G.S. 1923 s. 769; M.S. 1927 s. 769.

Where acts of the town board were not only unauthorized by law, but were in violation thereof, town orders issued in payment of obligations thus incurred were illegal. Town of Buyck v Buyck, 112 M 94, 127 NW 452.

Millers selling flour to public charitable organizations and filing claims against counties therefor should set out the amount of the processing tax separate from the price of the product sold. OAG Dec. 9, 1933.

471.42 CERTAIN TOWNS AND SCHOOL DISTRICTS MAY CARRY INSURANCE.

HISTORY. 1929 c. 81 s. 1; 1935 c. 338 s. 1; M. Supp. s. 1920-1.

Municipality may pay the premium on liability insurance on fire department automobiles. OAG Feb. 25, 1933.

Members of a purely volunteer fire department whose services are gratuitous are not employees, but if they receive a stated compensation they are, and the village is authorized to purchase a liability insurance policy for their benefit. OAG April 7, 1933.

Members of a volunteer fire department who are paid \$1.00 for each fire and 25 cents for each monthly meeting attended are employees of the village within this chapter. OAG April 11, 1933.

It is not necessary to specifically enumerate individual names of drivers of buses. OAG May 28, 1936 (622d).

Towns may carry public liability and property insurance. OAG April 10, 1939 (523e-2).

Relating to the purchase of insurance. 1942 OAG 281, Jan. 26, 1942 (618A-9).

Governmental responsibility for torts. Statutes providing for indirect assumption of liability. 26 MLR 855, 859.

471.43 GOVERNING BODIES MAY PAY PREMIUM.

HISTORY. 1929 c. 81 s. 2; 1935 c. 338 s. 2; M. Supp. s. 1920-2.

471.44 MUNICIPALITIES TO FURNISH COUNSEL TO DEFEND PUBLIC OFFICIALS.

HISTORY. 1937 c. 442 s. 1; M. Supp. s. 1933-81.

MINNESOTA STATUTES 1945 ANNOTATIONS

2637

SEVERAL POLITICAL SUBDIVISIONS 471.58

471.45 COSTS AND DISBURSEMENTS TO BE ASSIGNED TO MUNICIPALITIES.

HISTORY. 1937 c. 442 s. 2; M. Supp. s. 1933-82.

471.46 CERTAIN PERSONS INELIGIBLE TO APPOINTMENT TO OFFICE.

HISTORY. 1939 c. 249 s. 1; M. Supp. s. 254-49; 1943 c. 346 s. 1.

A member of the village council though eminently qualified for the position, may not be appointed recorder. OAG June 6, 1939 (470L).

471.47 CONTRACTS BY VILLAGES OR TOWNS WITH PRIVATE HOSPITALS FOR CARE OF INDIGENT SICK.

HISTORY. 1925 c. 311; 1927 c. 38; M.S. 1927 s. 1933-16.

471.48 SOCIETIES FOR THE PREVENTION OF CRUELTY; APPROPRIATION AUTHORIZED.

HISTORY. 1897 c. 182 s. 1.

471.49 DEFINITIONS.

HISTORY. 1941 c. 480 s. 1.

471.50 COUNTY BOARD MAY MAKE AGREEMENTS IN REGARD TO TAXES.

HISTORY. 1941 c. 480 s. 2.

471.51 AGREEMENTS MUST STATE TIME FOR WHICH PAYMENTS ARE TO BE MADE.

HISTORY. 1941 c. 480 s. 3.

471.52 APPORTIONMENT OF PAYMENTS.

HISTORY. 1941 c. 480 s. 4.

471.53 WHO MAY MAKE REQUESTS.

HISTORY. 1941 c. 480 s. 5.

471.54 USE OF MONEYS.

HISTORY. 1941 c. 480 s. 6.

471.55 CONSTRUCTION OF SECTIONS 471.49 TO 471.55.

HISTORY. 1941 c. 480 s. 7.

471.56 MUNICIPAL FUNDS, INVESTMENT.

HISTORY. 1943 c. 193 ss. 1, 2; 1943 c. 532 s. 1.

471.57 PUBLIC WORKS RESERVE FUND.

HISTORY. 1943 c. 437 ss. 1 to 3.

471.58 ANNUAL DUES TO RANGE MUNICIPALITIES AND CIVIC ASSOCIATIONS.

HISTORY. 1943 c. 517 s. 1.

MINNESOTA STATUTES 1945 ANNOTATIONS

471.59 SEVERAL POLITICAL SUBDIVISIONS

2638

471.59 JOINT EXERCISE OF POWERS.

HISTORY. 1943 c. 557 ss. 1 to 7.

471.60 SPECIAL ASSESSMENTS AGAINST SCHOOL PROPERTY IN CERTAIN CASES.

HISTORY. 1943 c. 609 ss. 1 to 3.

471.61 INSURE OFFICERS AND EMPLOYEES IN GROUP INSURANCE.

HISTORY. 1943 c. 615 ss. 1 to 4.

471.62 STATUTES, RULES, OR REGULATIONS MAY BE ADOPTED BY REFERENCE.

HISTORY. 1945 c. 200 s. 1.

471.63 PROMOTION OF SAFETY AND PRESERVATION OF HUMAN LIFE.

HISTORY. 1945 c. 6 ss. 1 to 7.

471.64 CERTAIN PROPERTY MAY BE ACQUIRED FROM FEDERAL GOVERNMENT.

HISTORY. 1945 c. 167.

471.65 GRANT, ADVANCE OR LOAN FROM FEDERAL OR STATE GOVERNMENT.

HISTORY. 1945 c. 316.

471.66 VACATIONS.

HISTORY. 1945 c. 504.