

CHAPTER 399

MOSQUITO CONTROL

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**399.01 DEFINITIONS.** Subdivision 1. As used in sections 399.02 to 399.12, the terms defined in this section shall have the meanings given them.

Subd. 2. "District" means a metropolitan mosquito control district created pursuant to sections 399.02 to 399.12. The area of the district is the area of the counties which elect to come within it as hereinafter provided.

Subd. 3. "Commission," unless otherwise specified, means a metropolitan mosquito control commission which is the governing body of the district, and is authorized to exercise the powers enumerated in sections 399.02 to 399.12.

Subd. 4. "Commissioner" means a member of the commission.

Subd. 5. "Eligible counties" means the counties which have now joined together in a joint agreement to control mosquitoes, and such counties are the counties of Anoka, Dakota, Hennepin, Ramsey, Scott, and Washington.

Subd. 6. "Contiguous county" is a county which is contiguous to any of the counties named in subdivision 5.

[1959 c 488 s 1]

**399.02 ESTABLISHMENT OF DISTRICT.** Any two or more of the aforementioned eligible counties are hereby authorized to establish a metropolitan mosquito control district in order to continue to control mosquitoes in the district.

[1959 c 488 s 2]

**399.03 COMMISSION.** Subdivision 1. The district shall be operated by a commission which shall consist of two members from each county within the district. Commissioners shall be members of the board of county commissioners of their respective counties, and shall be appointed by their respective boards of county commissioners.

Subd. 2. The terms of the members of the first commission shall expire on December 31 next following their appointment. Thereafter the terms of the commissioners shall be one year commencing on January 1 of each year.

Subd. 3. If a vacancy occurs on the commission, it shall be filled by the appropriate board of county commissioners.

Subd. 4. A person appointed to the commission shall qualify as a commissioner by filing with the director of the commission a written certificate of appointment from his county auditor, together with a written acceptance of appointment from his county auditor, together with a written acceptance of the appointment; provided that the members of the first commission shall file in the office of the county auditor of Hennepin county.

Subd. 5. The commission shall first meet immediately after its appointment at the call of the chairman of the county board of Hennepin county to select its officers. Thereafter, the selection of officers shall be made at the first meeting in January of each year.

Subd. 6. The officers, who shall be commissioners, shall be a chairman, a vice chairman, and a secretary, no two of whom shall be from the same county. The chairman shall preside at all meetings of the commission, and in his absence, the vice chairman shall preside. The secretary shall keep a complete record of the minutes of each meeting.

Subd. 7. Contracts and other written instruments of the commission shall be signed by the chairman or vice chairman and by the business administrator of the commission pursuant to authority from the commission.

Subd. 8. The commission may adopt bylaws to regulate its own proceedings.

Subd. 9. Each county in the district shall have one vote. Each commissioner

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shall have one-half vote, but if only one commissioner from a county is present, he shall have one full vote. The majority of the voting power of the commission shall be a quorum although a smaller number may adjourn from time to time. Any motion other than adjournment shall be favored by a majority of the voting power of the commission in order to carry.

[1959 c 488 s 3]

**399.04 POWERS AND DUTIES.** Subdivision 1. The commission shall have the powers and duties set forth in this section.

Subd. 2. It may take measures to control mosquitoes in the district in accordance with expert and technical plans.

Subd. 3. It may employ and fix the duties and compensation of a director who shall develop the mosquito control program of the district and shall supervise its execution; such director shall be an entomologist.

Subd. 4. It may employ and fix the duties and compensation of a business administrator who shall administer the business affairs of the commission.

Subd. 5. It may employ such other persons and contract for such other services as may be needed to carry out the program of the commission for mosquito control in the district, except that no person may be employed by the commission who is related to any commissioner.

Subd. 6. It may reimburse commissioners and employees for expenses necessarily incurred or paid in performance of their duties and provide reasonable per diem.

Subd. 7. It may purchase materials, supplies, and equipment as may be necessary to carry out the program of the commission for mosquito control in the district.

Subd. 8. It may accept gifts of property for mosquito control purposes.

Subd. 9. It may sell and dispose of any of the property of the commission whenever such property is no longer needed for the purposes of the commission. If the estimated value of any such property is over \$500, it shall be sold on competitive bids after two weeks published notice.

Subd. 10. It shall keep proper minutes of all its proceedings which shall be open to public inspection at all reasonable times.

Subd. 11. It shall keep proper and adequate books of accounts showing all its receipts and disbursements by date, source, and amount.

Subd. 12. It may obtain suitable, proper, and adequate public liability and workmen's compensation insurance and such other insurance as it deems necessary.

Subd. 13. It may enter into agreements with counties, cities, villages, boroughs, or towns of the state of Minnesota outside of the district to conduct mosquito control activities in these political subdivisions in order to effectuate mosquito control in the district.

Subd. 14. It may collect and receive from all counties in the district the money for operation of the district.

Subd. 15. It may perform whatever other acts are reasonable and necessary to carry out the general and specific powers of the commission.

Subd. 16. It may require employees of the commission who handle commission funds to furnish surety bonds in such amount as is determined by the commission.

Subd. 17. Members of the commission, its officers, and employees, while on the business of the commission, may enter upon any property within the district at reasonable times to determine whether mosquito breeding exists thereon, and such persons may take all necessary and proper steps for the control of mosquitoes on such property as the director of the commission may designate. Subject to the paramount control of the county and state authorities, commission members and officers and employees of the commission may enter upon any property and clean up any stagnant pool of water, the shores of lakes and streams, and other breeding places for mosquitoes within the district. Such persons may spray with insecticides approved by the director any area within the district that is found to be a breeding place for mosquitoes.

Subd. 18. It may indemnify any commissioner, officer, or employee for loss or expense resulting from any claim made against him because of bodily injury, death, or property damage sustained by reason of performance of his official duties for the commission, including bodily injury, death, or property damage sustained by reason of his operation of a motor vehicle while performing his official acts. It may defend any suit brought against any such person on any such claim without first requiring him to pay it. It may pay the premium on any insurance policy which

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insures any commissioner, officer or employee of the commission, or any group of such commissioners, officers, or employees against liability for injuries to persons or property within the limitations of this subdivision. It may take such action as may be necessary to bring the commission and its commissioners, officers, and employees within the provisions and limitations of Minnesota Statutes, Chapter 170. Any insurance contract covering such risk shall contain, as a condition precedent, a clause or provision expressly waiving the defense by the insurer that the commission is engaged in a governmental function.

[1959 c 488 s 4]

**399.05 CONTRACTS FOR MATERIALS, SUPPLIES AND EQUIPMENT.** No contract for the purchase of materials, supplies, and equipment costing more than \$500 shall be made by the commission without the giving of at least two weeks published notice in the official newspaper of each of the counties in the district that bids or proposals will be received. Such notice shall state the nature of the work or purchase and the terms and conditions upon which the contract is to be awarded, naming therein a time and place where such bids will be received, opened, and read publicly, which time shall be no less than seven days after the date of publication. After such bids have been duly received, opened, read publicly, and recorded, the commission shall award such contract to the lowest responsible bidder or it may reject all bids. Each contract shall be duly executed in writing and the party to whom the contract is awarded shall give sufficient bond to the commission for the faithful performance of the contract. If no satisfactory bid is received the commission may readvertise. The commission shall have the right to set qualifications and specifications and to require bids to meet such qualifications and specifications before bids are accepted. If the commission by an affirmative vote of five-sixths of the voting power of the commission shall declare that an emergency exists requiring the immediate purchase of materials or supplies at a cost in excess of \$500 but not to exceed \$5,000 in amount, or in making emergency repairs, it shall not be necessary to advertise for bids, but such material, equipment, and supplies may be purchased in the open market at the lowest price available without securing formal competitive bids. An emergency as used in this section shall be an unforeseen circumstance or condition which results in placing life or property in jeopardy. All contracts involving employment of labor shall stipulate terms thereof and such conditions as the commission deems reasonable as to hours and wages.

[1959 c 488 s 5]

**399.06 ADVERSE INTEREST OF COMMISSIONERS.** No commissioner shall have any personal or financial interest in any sale, lease, or other contract made by the commission nor shall he benefit therefrom directly or indirectly. Any violation of this section may make such sale, lease, or other contract void. Upon conviction for a violation of this section a commissioner shall be automatically disqualified from further service on the commission.

[1959 c 488 s 6]

**399.07 FINANCING.** Subdivision 1. The method of providing funds for the commission shall be as set forth in this section.

Subd. 2. Each county in the district shall levy a special tax each year in order to defray its share of the cost of the activities of the commission, which share shall be based on population. This levy shall not exceed two mills in any year in excess of charter or statutory millage limitations and shall not exceed 50 cents per capita within the county making the levy. Such per capita limitation shall be calculated on the basis of the last official federal census. Such levy where necessary may be made separate from the general levy of the county and may be made at any time of the year, however, no participating county shall levy any tax for mosquito control except under sections 399.01 to 399.12.

Subd. 3. Each county in the district shall turn over to the commission all proceeds of such special tax and any subsequent special tax immediately after such proceeds are received, to be deposited in a bank or banks designated by the commission as its official depository, in an account to be known as the metropolitan mosquito control fund; and such funds may only be expended by the commission for the activities of the commission. Any county which issues certificates of indebtedness in anticipation of the collection and payment of such special tax shall deposit the funds procured thereby in the metropolitan mosquito control fund and said county shall redeem these certificates of indebtedness out of the special tax levy provided in this section. Any balance shall be deposited in the metropolitan mosquito control

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fund. All disbursements made pursuant to sections 399.02 to 399.12 shall be made from said fund upon order of the commission signed by the chairman or vice chairman and by the business administrator, and each warrant shall be signed by the business administrator and shall specify the name of the payee, the amount to be disbursed, and the purpose of the disbursement.

[1959 c 488 s 7]

**399.08 COUNTY PARTICIPATION, TERMINATION; DISSOLUTION.** Any county may terminate its participation in the district by written notice given to the chairman of said commission on or before July 1 of any year and such termination shall become effective on January 1 of the following year. In the event of the dissolution of the district all property of the commission shall be sold and the proceeds of such sale remaining after payment of all debts, obligations, and liabilities of the district, along with any balance in the fund, shall be divided and paid over to the county treasurers of the respective counties which are then members of the district in proportion to their undivided interest computed as above specified. In the event a county terminates its participation in the district as provided in this section an appraisal of the property of the commission shall be made by a board of appraisers and the value determined as of the date of such termination. The board of appraisers shall consist of three members, one of which shall be appointed by the terminated county, one by the remaining counties within the district, and the third by the other two members of the appraisal board. In the event that the two appraisers cannot agree as to the appointment of the third appraiser within a period of 30 days then and in that event the matter should be referred back to said commission and the commission should then have the authority to appoint the third appraiser. There shall be paid over to the treasurer of the terminated county an amount equal to that county's share in the net assets of the commission proportionate to its financial contribution to the metropolitan mosquito control fund.

[1959 c 488 s 8]

**399.09 COMPENSATION OF COMMISSIONERS.** Each commissioner, including the officers of the commission shall be reimbursed for his actual and necessary expenses incurred in the performance of his duties. The chairman shall be paid a per diem for attending meetings, monthly, executive, and special, and each commissioner shall be paid a per diem for attending meetings, monthly, executive, and special, which per diem shall be established by the commission, such expense reimbursement and per diem notwithstanding any other funds which such commissioners may receive from any other public body.

[1959 c 488 s 9]

**399.10 CONTIGUOUS COUNTIES; MEMBERSHIP.** Any county contiguous to the district may become a party to the district whenever the county board of such county petitions the district to be admitted and the commission by resolution gives its consent to include such county in the district.

[1959 c 488 s 10]

**399.11 COOPERATION WITH OTHER AGENCIES; ADVISORS.** Subdivision 1. The commission shall cooperate for the purposes of research and protection of public health and welfare, with the state department of agriculture, the state department of health, the state department of conservation, the university of Minnesota, the state agricultural experiment station, the state highway department, the U. S. department of agriculture, and U. S. public health service.

Subd. 2. The commissioners of agriculture, of conservation, of highways, the secretary and executive officer of the Minnesota department of health, and the head of the department of entomology and economic zoology of the university of Minnesota shall act in an advisory capacity to the metropolitan mosquito control commission and the director of said commission shall furnish to each of these departments a copy of the operational plan and pertinent technical reports of said district.

[1959 c 488 s 11; 1961 c 113 s 1]

**399.12 ELIGIBLE COUNTIES MUST APPROVE.** Sections 399.01 to 399.12 shall be effective as to any eligible county or any contiguous county only after its approval by a majority vote of the governing body of such county. When and at such time as this approval is given, then the district consisting of the eligible counties shall have the authority to take over the assets of the contractually formed commission which heretofore existed.

[1959 c 488 s 12]