

MINNESOTA STATUTES 1967

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RIGHTS, POWERS, DUTIES; POLITICAL SUBDIVISIONS 471.01

Municipalities

CHAPTER 471

RIGHTS, POWERS, DUTIES; SEVERAL POLITICAL SUBDIVISIONS

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NOTE: For special laws relating to specific political subdivisions, see Table 1, Vol. 2.

471.01 PUBLIC BUILDINGS IN CERTAIN SUBDIVISIONS; RECORDS OF WORK; PUBLICATION. When a county, city, village, borough, school district, or other political subdivision of the state, or any public agency of such municipality or political subdivision, shall determine that any public work or construction is necessary to be done, either by contract or day labor or otherwise, an estimate of the cost thereof shall be made and if such estimate shall exceed the sum of \$1,500 the total amount of such estimate shall be published in the official newspaper of such county, municipality, or political subdivision. If there be no such official newspaper, the same shall be published in a legal newspaper of the county in which the

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work is to be done. If the estimated cost of such public work or construction exceeds the sum of \$1,500, such municipality, political subdivision, or public agency shall keep and preserve an accurate record and account of such work and construction and of the cost thereof, whether it be done by contract or by day labor or otherwise. Where such estimate is published as part of the official proceeding of the governing body of such municipality, public agency, or political subdivision no further publication shall be required under the provisions of sections 471.01 to 471.04.

[1921 c. 274 s. 1] (974-1)

471.02 CONTENTS OF RECORDS AND ACCOUNTS. The account shall show in accurately tabulated form, under appropriate heads, the totals of all classes, kinds, and descriptions of work performed and of materials entering into such public work or construction, and the cost to such municipality, political subdivision, or public agency of each, including the cost of all materials, supplies, and services furnished or paid for by the municipality, political subdivision, or public agency; and the cost of all labor, when the work or construction is done by day labor, when such public work or construction is done by contract the prices paid to the contractor for, and the amounts paid to him for, each class, kind, or description of work performed and materials furnished; and in all cases, the cost of all overhead, the cost of engineering, and all other expenses involved in the total cost of such public work or construction, which total shall be tabulated and distinctly shown.

[1921 c. 274 s. 2] (974-2)

471.03 TOTAL COSTS PUBLISHED. The total cost of such public work or construction, upon completion thereof, shall be published in a legal newspaper in the county, city, town, borough, or school district in which the work is done, if there be such newspaper published therein. If not, then in some legal newspaper published at the county-seat of the county in which the work or construction is performed.

[1921 c. 274 s. 3] (974-3)

471.04 RECORDS; INSPECTION; CERTIFIED COPIES. The records and accounts hereinabove required to be made and kept, shall be open to inspection by the public at all reasonable times. Certified copies thereof shall be furnished to any citizen of this state on demand, on payment of the legal fee for making and certifying the same.

[1921 c. 274 s. 4] (974-4)

471.05 PUBLIC DOCKS AND WHARVES IN CERTAIN VILLAGES AND ADJACENT TOWNS. In cases where any village in this state which is situated upon navigable waters and has no railroad connections but is dependent upon such navigable waters for transportation and towns in the vicinity of such village desire to combine and organize for the purpose of building, maintaining, and operating one or more docks or wharves on the shore of such navigable waters with warehouse connections for the use by the people in the territory affected, they may so combine and build, maintain, and operate such docks, wharves, and warehouses and raise funds for such enterprise by proceeding as herein directed. No such territory shall so organize unless the whole thereof, when taken together, will constitute one contiguous body of land.

[1923 c. 229 s. 1] (1918-44)

471.06 SUBMISSION TO VOTE; SPECIAL ELECTION; LIMITATION ON AMOUNT OF BOND ISSUE. Upon the filing with the council of such village or the supervisors of such town of a petition signed by one percent or more of the legal voters of such town or village praying that the question of so combining with the other legal divisions of the territory for the purpose of building, maintaining, and operating docks, wharves, and warehouses, be submitted to a vote of the people of such village or town and praying that the bonds of such town or village be issued for the purpose of assisting in the building of such docks, wharves, and warehouses, the council of such village or the supervisors of such town shall call an election of the legal voters thereof to vote upon such proposition. Such petition shall name the village and towns or the towns alone, as the case may be, with which the combination is to be made and shall state the amount of bonds proposed to be issued by the village or town for the purpose of such enterprise, and the date of the same, the rate of interest they are to draw, the denominations thereof, when they are to mature and where to be made payable. In no case shall the bonds

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so to be issued be in an amount in excess of five percent of the assessed value of the real and personal property of the town or village issuing the same.

[1923 c. 229 s. 2] (1918-45)

471.07 NOTICE OF SPECIAL ELECTION. Notice of the time and place of holding such election shall be posted in three public places in such town or village for 15 days prior to the time of holding the same, and shall be published in the newspaper issued nearest the town or village giving such notice once in each week for two successive weeks prior to the time of the holding of such election. Such notice shall be in substantially the following form:

Notice of Special Election.

Notice is hereby given that a special election will be held in the..... (village or town) of.....(name) on the day of, 19..... for the purpose of voting on the proposition of combining with the towns (or village) of (naming them) County, Minnesota, and organizing to build one or more docks, wharves and warehouses for public use on the navigable waters of in the village and upon the proposition of issuing the bonds of the (town or village) in the aggregate sum of \$..... bearing interest at the rate of per cent per annum, the proceeds thereof to be used for the purpose of acquiring a site for, and building, maintaining, and operating a dock or docks, wharf or wharves together with warehouse connections on the shore of in the village, such bonds to be numbered and to mature as set forth in the petition of legal voters of the (town or village) now on file in the office of the clerk (or other officer of the town or village).

Dated, 19.....

Such notice shall be signed by the clerk of the town or village issuing the same.

[1923 c. 229 s. 3] (1918-46)

471.08 CONDUCT OF ELECTION; BALLOTS. Such special election may be held on a day separate or on the day fixed for any other election in such town or village, in which latter event the judges and clerks acting as such for the election then to be held, shall act as judges and clerks for the special election but in either case a special ballot box shall be provided and the ballots cast on the proposition of organizing such town or village with the other towns or village in the vicinity for the purpose of constructing, maintaining, and operating docks and warehouses and the proposition of issuing bonds for such purpose shall be kept separate from all other ballots cast. If such election is to be held on a day different from that of some other election in the town or village, then, the supervisors of the town or council of the village, as the case may be, shall appoint judges and clerks to conduct such special election.

Such election shall be conducted in substantially the same manner as is required for the conduct of general state and county elections; such special elections shall be by ballot and the ballot to be used thereat shall be in the following form:

Organization and Bond Ballot.

Shall the (town or village) of (naming it) unite with the towns of and village of to build, maintain, and operate docks, wharves and warehouses and shall the (town or village) of issue its bonds in the sum of \$..... for the purpose of building, maintaining, and operating docks, wharves and warehouses, such bonds to be numbered, issued and to draw interest as provided in the petition therefor, now on file in the office of the clerk of the (town or village).

Yes.....

No

Electors desiring to vote in favor of such proposition shall make their cross "X" opposite the word "YES" and the electors desiring to vote against the proposition shall make their cross mark "X" opposite the word "NO."

[1923 c. 229 s. 4] (1918-47)

471.09 RETURN OF ELECTION. In case a majority of the voters of such village or town voting thereat shall vote favorably upon such proposition, the supervisors or village council, as the case may be, shall cause a return to be filed

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with the auditor of the county in which such town or village are situated of all of the proceedings had by the town or village, relative to the calling and conduct of such election, which returns the county auditor shall preserve in his office for the inspection of any person or persons who shall be interested therein.

[1923 c. 229 s. 5] (1918-48)

471.10 DOCK AND WAREHOUSE COMMISSION. In case the voters in the various towns and villages affected shall vote favorably upon the proposed proposition, there shall be organized in such territory a commission to be known as "Dock and Warehouse commission of the County of" (designating the county in which such territory is situated). In case more than one such organization shall be effected in any county, then, there shall be added to the name of such commission, as herein provided for, organized after the first one, the designation No. 2 or 3 or 4, as the case may be.

[1923 c. 229 s. 6] (1918-49)

471.11 ORGANIZATION OF COMMISSION; GENERAL POWERS. The commission so to be organized shall be composed of the president or other chief officer of the village in the territory affected and the chairman of each of the several town boards in such territory. The president or other chief officer of the village shall be chairman of such dock and warehouse commission. Within one month after a favorable vote upon such organization, such chairman shall call together the members of such commission and upon organization, the commission shall elect one of its members, other than the chairman, as secretary of the commission. The commission shall, at all times, keep records of all its proceedings and doings for that purpose. The commission shall have power to purchase a site for a dock, wharf, and warehouse or docks, wharves, and warehouses, and is authorized to build and maintain upon such site, one or more docks, wharves, and warehouses and for that purpose to use the moneys obtained as the proceeds of the bonds issued by the several divisions affected as provided in sections 471.05 to 471.14, and have power to direct the institution and defense of all action in which the organization is interested, to employ necessary counsels and attorneys for the prosecution or defense of the same, and is hereby authorized to acquire by condemnation such land or parcels of land as the commission shall determine to be necessary for the use for such docks, wharves, and warehouses, or either of the same, and to raise such sums of money for that purpose as may be deemed necessary.

[1923 c. 229 s. 7] (1918-50)

471.12 SUPERINTENDENT AND EMPLOYEES; RATES, CHARGES, SITES. The dock commission provided for in sections 471.05 to 471.14, may hire one or more superintendents for the care and operation of such dock or docks and may charge all users of such docks and warehouses reasonable rates for the use of the same. The proceeds of the income derived from such charges shall be paid by the party collecting the same into the dock fund of such organization with the treasurer of the county in which such organization is situated. In case any person, village, or town shall offer to donate one or more sites for such dock, docks, or warehouses, the commission may accept such donation. The title to any site acquired by such commission for such docks or warehouses shall be taken in the name of the commission which body is hereby empowered to hold the title to such property and such dock site or sites and all wharves, docks, and warehouses connected therewith shall always be held and used for public dock purposes under the provisions of those sections.

[1923 c. 229 s. 8] (1918-51)

471.13 BONDS; ISSUE AND SALE. The bonds to be voted for at the election provided for in sections 471.05 to 471.14 and issued by the town or village, voting the same, shall be general obligations of such town or village; they shall run for a period not exceeding 20 years and shall draw a rate of interest not exceeding six percent per annum, such bonds shall be issued by the supervisors of the town or the council of the village, as the case may be, and be signed and countersigned in the same manner as in other bond issues of villages or towns and provided for by law, and shall be sold and negotiated by the authorities of the town or village issuing the same and the proceeds thereof and all moneys pertaining to such organization for dock and warehouse purposes, shall be paid to the treasurer of the county in which such territory is situated and all such funds together with other

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funds of such dock commission organization shall be kept by such treasurer in a separate fund to be known as "Dock and Warehouse Funds of (Designating the organization)."

All moneys in such fund shall be paid out by the county treasurer only upon orders drawn thereon and signed by the chairman and secretary of the board of dock commissioners to which such fund belongs.

In case there shall be remaining in the dock and warehouse funds at any time a surplus of moneys after the properties purchased and constructed by the dock commission are completed and paid for, such dock commission may apportion such surplus to the several towns and villages comprising such organization in proportion to the amount of bonds issued, sold, and contributed by each town or village to the fund of such commission.

[1923 c. 229 s. 9] (1918-52)

471.14 COMPENSATION OF COMMISSIONERS; DUTIES. The several members of the board of dock commissioners provided for in sections 471.05 to 471.14 shall receive as compensation for their services in attending the meetings and conducting the business of such commission, a compensation of not to exceed \$4.00 per day with mileage at six cents per mile to and from the place of residence of the member of the commission receiving the same and the place where such meetings are held, which compensation shall be paid out of the fund created for the purpose by sections 471.05 to 471.14 upon orders signed by the chairman and secretary of the commission. The chairman of the commission shall be the ex officio manager of the dock, docks, or warehouses under the control of the commission but shall at all times be subject to the direction of the commission itself.

[1923 c. 229 s. 10] (1918-53)

471.15 RECREATIONAL FACILITIES. Any city or any village, borough, town, county, school district, or any board thereof, or any incorporated post of the American Legion or any other incorporated veterans' organization, may expend not to exceed \$800 in any one year, for the purchase of awards and trophies and may operate a program of public recreation and playgrounds; acquire, equip, and maintain land, buildings, or other recreational facilities, including an outdoor or indoor swimming pool; and expend funds for the operation of such program pursuant to the provisions of sections 471.15 to 471.19. Any such city, village, borough, town, county or school district may issue bonds pursuant to Minnesota Statutes, Chapter 475 for the purpose of carrying out the powers granted by this section.

[1937 c 233 s 1; 1945 c 396 s 1; 1957 c 117 s 1; 1957 c 372 s 1] (1933-9a)

471.16 MAY ACT INDEPENDENTLY OR COOPERATIVELY. Any city, however organized, or any village, borough, town, county, school district, or any board thereof, or any incorporated post of the American Legion or any other incorporated veterans' organization, may operate such a program independently, or they may cooperate in its conduct and in any manner in which they may mutually agree; or they may delegate the operation of the program to a recreation board created by one or more of them, and appropriate money voted for this purpose to such board.

[1937 c 233 s 2; 1945 c 396 s 2; 1957 c 17 s 1; 1957 c 499; 1967 c 496 s 1] (1933-9b)

471.17 LOCATION OF ACTIVITIES. Any corporation, board, or body hereinbefore designated given charge of the recreation program is authorized to conduct its activities on:

- (1) property under its custody and management;
- (2) other public property under the custody of any other public corporation, body, or board, with the consent of such corporations, bodies, or boards;
- (3) private property, with the consent of its owners; and
- (4) shall have authority to accept gifts and bequests for the benefit of the recreational service and employ directors and instructors of recreational work.

[1937 c. 233 s. 3] (1933-9c)

471.18 STATE BOARD OF EDUCATION TO ESTABLISH QUALIFICATIONS. In all cases where school funds or property are utilized, the state board of education shall:

- (1) Establish minimum qualifications of local recreational directors and instructors;
- (2) Prepare or cause to be prepared, published, and distributed adequate and

appropriate manuals and other materials as it may deem necessary or suitable to carry out the provisions of sections 471.15 to 471.19.

[1937 c. 233 s. 4] (1933-9d)

471.19 RECREATION PROGRAM TO BE FOR EDUCATION PURPOSES. The facilities of any school district, operating a recreation program pursuant to the provisions of sections 471.15 to 471.19 shall be used primarily for the purpose of conducting the regular school curriculum and related activities and the use of school facilities for recreational purposes authorized by those sections shall be secondary.

[1937 c. 233 s. 5] (1933-9e)

471.191 ACQUISITION OF FACILITIES. Subdivision 1. Any city, village, or borough acquiring a program of public recreation and playgrounds pursuant to sections 471.15 to 471.19 may acquire or lease, equip, and maintain land, buildings, and other recreational facilities, including, but without limitation, outdoor or indoor swimming pools, skating rinks and arenas, athletic fields, golf courses, marinas, and facilities for other kinds of athletic participation, contests, and exhibitions, together with related automobile parking facilities as defined in section 459.14, and may expend funds for the operation of such program and borrow and expend funds for capital costs thereof pursuant to the provisions of this section.

Subd. 2. Any such city, village, or borough may issue bonds pursuant to chapter 475, for the acquisition and betterment of land, buildings, and facilities for the purpose of carrying out the powers granted by this section. Such bonds, unless authorized as general obligations of the issuer pursuant to approval of the electors or pursuant to another law or charter provision permitting such issuance without an election, shall be payable solely from the income of land, buildings, and facilities used or useful for the operation of the program, but may be secured by a pledge to the bondholders, or to a trustee, of all income and revenues of whatsoever nature derived from any such land, buildings, and facilities, as a first charge on the gross revenues thereof to the extent necessary to pay the bonds and interest thereon when due and to accumulate and maintain an additional reserve for that purpose in an amount equal to the total amount of such payments to become due in any fiscal year. In this event the governing body of the issuer may by resolution or trust indenture define the land, buildings, or facilities, the revenues of which are pledged, and establish covenants and agreements to be made by the issuer for the security of the bonds, including a covenant that the issuer will establish, maintain, revise when necessary, and collect charges for all services, products, use, and occupancy of the land, buildings, and facilities, in the amounts and at the times required to produce the revenues pledged, and also sufficient, with any other funds appropriated by the governing body from time to time, to provide adequately for the operation and maintenance of the land, buildings, and facilities. From and after the issuance of any bonds for which revenues are so pledged, the governing body of the issuer shall provide in its budget each year for any anticipated deficiency in the revenues available for such operation and maintenance. For this purpose any issuer other than a city of the first class may levy a tax of not more than two mills on the assessed valuation of all taxable property within its corporate limits, in excess of taxes which may otherwise be levied within legal and charter limitations, provided such excess levy is approved by a majority of its electors voting on such question at a regular or special election. The authority to levy additional taxes granted herein shall not apply to cities, villages or towns in which the assessed valuation consists in part of iron ore or lands containing taconite or semi-taconite.

Subd. 3. Any such city, village, or borough may acquire land, buildings, and facilities for the purpose of carrying out the powers granted by this section under a lease agreement for a term not exceeding 30 years, vesting title in the lessee upon the payment of all amounts due and the performance of all covenants thereunder, provided that the rentals under any such lease agreement shall be payable solely from the revenues of the leased property. The terms and conditions of the lease agreement shall be established by resolution of the governing body of the lessee, and may include a pledge to the lessor of all income and revenues of whatsoever nature derived from the leased property, as a first charge on the gross revenues thereof to the extent necessary to pay the rentals when due, and a covenant that the lessee will establish, maintain, revise when necessary, and collect charges for all service, products, use, and occupancy of the leased property in the amounts and at the times required to produce the revenues pledged, and also suf-

ficient, with any other funds appropriated by the governing body from time to time, to provide adequately for the operation and maintenance of the property. From and after the execution of any such lease agreement, the governing body of the lessee shall provide for any deficiencies in the revenues available for operation and maintenance, to the same extent and in the same manner as provided in subdivision 2. If such lease agreement is entered into with a nonprofit corporation as owner and lessor, organized and existing under chapter 317 for the sole purpose of providing and leasing such land, buildings, and facilities for public use and of conveying the same to the lessee when all sums borrowed therefor have been repaid, such corporation shall be deemed to be a public corporation, agency, and instrumentality of the city, village, or borough, and obligations incurred by it for this purpose, together with the interest on such obligations, shall be exempt from taxation to the same extent as obligations of the city, village, or borough. Any mortgage or trust indenture executed by such corporation for the security of its obligations may provide for the segregation and payment of rentals and revenues of land, buildings, and facilities directly by the lessee to the mortgagee or trustee, whether or not such mortgagee or trustee is in possession under foreclosure proceedings or otherwise, and the mortgage or trust indenture may be enforced by foreclosure and sale and by any other remedy at law or in equity which is available in the event of default in payment of amounts due and performance of covenants under any mortgage of real or personal property; provided that no such mortgage or trust indenture shall impair the continued right of the lessee to the use and enjoyment of the land, buildings, and facilities so long as the lessee is not in default in the payment of rentals due and in the performance of covenants under the lease agreement.

Subd. 4. Any and all properties acquired and used, whether under lease or otherwise, by a city, village, or borough for the purposes authorized and contemplated in this section shall be deemed and are declared to be public property exclusively used for a public purpose and as such exempt from taxation, so long as and to the extent that such property is devoted to said purposes and is not subleased to any private individual, association, or corporation in connection with a business conducted for profit, for a term of three or more years. An agreement whereby a city, village, or borough, as owner or lessee, employs a private individual, association, or corporation to operate facilities for use of the public, for the purposes herein contemplated and subject to regulation by the public owner or lessee, is not a sublease for the purpose of this subdivision.

Subd. 5. All obligations issued by any city, village, or borough pursuant to this section are issued for the acquisition or betterment of revenue producing public conveniences and are payable wholly from the income thereof, within the meaning of all provisions of chapter 475. The rentals payable under a lease and the securities issued by the lessor pursuant to subdivision 3 are not obligations within the meaning of chapter 475.

[1967 c 725 s 1]

471.192 CITIES AND VILLAGES, PLAYGROUNDS AND RECREATION, TAX LEVY. Whenever any city, village, or town in which the assessed valuation consists in part of iron ore or lands containing taconite or semi-taconite, or where a city having more than 10,000 population is located in a county having over 30,000 and less than 32,000 inhabitants and over 40 and less than 50 full and fractional congressional townships operates a program of public recreation and playgrounds or other recreational facilities and expends funds for the operation of the program pursuant to sections 471.15 to 471.19, in addition to funds otherwise provided therefor, the governing body of the city, village, or town may levy a tax in excess of any charter or statutory limitation for the support of this program of public recreation and playgrounds as follows:

(a) In cities and villages the council or governing body may levy a tax of not exceeding two mills and not exceeding \$3 per capita and not exceeding \$15,000.

(b) In towns the governing body may levy a tax of not exceeding two mills and not exceeding \$10,000.

[1953 c 473 s 1; 1955 c 330 s 1; 1957 c 623 s 1; 1965 c 146 s 1]

471.195 UNCLAIMED PROPERTY, DISPOSAL. (1) Any city, village, or borough may by ordinance provide for the custody and disposal of property lawfully coming into its possession in the course of municipal operations and remaining unclaimed by the owner. Such ordinance may provide for the sale of such property to

the highest bidder at public auction or sale following reasonable published notice after the property has been in the possession of the municipality for a period of at least three months. Consistent with other applicable statutory or charter provision, the ordinance shall designate the fund into which the proceeds of any such sale shall be placed, subject to the right of the former owner to payment of the sale price from the fund upon application and satisfactory proof of ownership within six months of the sale or such longer period as provided by ordinance.

(2) This section does not limit the power of any municipality under any other statutory or charter authority.

[1957 c 382 s 1, 2; 1967 c 295 s 2]

471.196 CITIES OF FIRST CLASS; UNCLAIMED MOTOR VEHICLES, DISPOSITION. Subdivision 1. Notwithstanding any other statutory or charter provision, any city of the first class may by ordinance provide for the custody and disposal of any motor vehicle impounded by it or otherwise lawfully coming into its possession and remaining unclaimed by the owner. Prior to the disposal of any such motor vehicle the city shall mail to the registered owner, if any, as shown by the records of the state registrar of motor vehicles, notice of its possession and intent to dispose of said motor vehicle. For the purpose of this section the definition of motor vehicle shall be the same as that set forth in section 169.01. Such ordinance shall provide for the sale of such motor vehicle to the highest bidder at public auction or sale, following reasonable published notice thereof. No such sale shall be conducted until such motor vehicle has been in possession of the city for a period of not less than 30 days after the mailing of notice to the registered owner, if any, as provided by this subdivision. Consistent with other applicable statutory or charter provisions such ordinance shall designate the fund of the city into which the net proceeds of any such sale shall be placed. The net proceeds shall be the sale price less any costs of handling, storing, or sale of such vehicle. Any such net proceeds shall be paid over to the former owner of the motor vehicle upon application and satisfactory proof of ownership within six months of the sale or such longer period as provided by ordinance.

Subd. 2. The authority provided by this section shall be in addition to the power of a city of the first class to act pursuant to any other statutory or charter authority.

[1967 c 226 s 1, 2]

471.20-471.23 [Repealed, 1953 c 420 s 1]

471.24 VILLAGES AND TOWNS MAY JOIN IN MAINTAINING CEMETERIES. Where a village or town owns and maintains an established cemetery or burial ground, either within or without the municipal limits, the village or town may, by mutual agreement with contiguous villages and towns, each having an assessed valuation of not less than \$500,000, join together in the maintenance of such public cemetery or burial ground for the use of the inhabitants of each of such municipalities; and each such municipality is hereby authorized, by action of its council or governing body, to levy a tax or make an appropriation for the support and maintenance of such cemetery or burial ground; provided, the amount thus levied or appropriated by each municipality shall not exceed a total of \$2000 in any one year except that any of the aforesaid towns the assessed valuation of which exceeds \$3,000,000 may levy \$3000 in any one year.

[1931 c 262 s 1; 1945 c 213 s 1; 1957 c 75 s 1; 1963 c 609 s 1] (1933-64)

471.25 LIMIT TO APPROPRIATIONS. Such appropriation by each municipality shall not exceed the per capita amount paid by any other municipality sharing therein, based on the populations of the respective units; provided, that any arrangement under sections 471.24 and 471.25 shall not alter the management, control, or ownership of any cemetery.

[1931 c. 262 s. 2] (1933-65)

471.26 [Repealed, 1965 c 670 s 14]

471.27 [Repealed, 1965 c 670 s 14]

471.28 [Repealed, 1965 c 670 s 14]

471.29 [Repealed, 1965 c 670 s 14]

471.30 [Repealed, 1965 c 670 s 14]

471.31 [Repealed, 1965 c 670 s 14]

471.32 [Repealed, 1965 c 670 s 14]

471.323 [Repealed, 1965 c 670 s 14]

471.33 [Repealed, 1965 c 670 s 14]

471.34 [Repealed, 1959 c 261 s 4]

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471.35 SPECIFICATIONS OF SUPPLIES OR EQUIPMENT. When any county, city, village, borough, or town, calls for bids for the purchase of supplies or equipment, specifications shall not be so prepared as to exclude all but one type or kind but shall include competitive supplies and equipment.

[1937 c 416 s 2; 1959 c 261 s 1] (1933-77)

471.36 NONCOMPETITIVE SUPPLIES AND EQUIPMENT. The provisions of sections 471.35 to 471.37 shall not apply to noncompetitive types and kinds of supplies and equipment.

[1937 c 416 s 3; 1959 c 261 s 2] (1933-78)

471.37 VIOLATIONS. The violation of any of the provisions of sections 471.35 to 471.36 shall be a gross misdemeanor.

[1937 c 416 s 4; 1959 c 261 s 3] (1933-79)

471.38 CLAIMS. Subdivision 1. **Itemization; declaration.** Except as provided in subdivision 2, where an account, claim or demand against any county, county welfare board, county board of education for unorganized territory, school district, town or city of the second, third or fourth class, including any city with a home rule charter, or any park district, for any property or services can be itemized in the ordinary course of business, the board or officer authorized by law to audit and allow claims shall not audit or allow the claim until the person claiming payment, or his agent, reduces it to writing, in items and signs a declaration to the effect that such account, claim, or demand is just and correct and that no part of it has been paid. The board or officer may in its discretion allow a claim prepared by the clerk or secretary of such board or officer prior to such declaration by the claimant if the declaration is made on the check or order-check by which the claim is paid, as provided in section 471.391, subdivision 2.

Subd. 2. **Application.** The provisions of this section do not apply to any claim or demand for an annual salary or fees of jurors or witnesses, fixed by law, nor to the salary or wages of any employee whose salary or wages have been fixed on an hourly, daily, weekly or monthly basis, by the governing board of the municipality, and which is now authorized by law to be paid on a payroll basis.

[R L s 438; 1949 c 416 s 1; 1951 c 350 s 1; 1953 c 50 s 1; 1955 c 312 s 1; 1959 c 56 s 1; 1961 c 5 s 1] (766)

471.39 [Repealed, 1949, c 416 s 3]

471.391 DECLARATION FORM. Subdivision 1. The declaration provided for in section 471.38 is sufficient if in the following form: "I declare under the penalties of law that this account, claim or demand is just and correct and that no part of it has been paid.

Signature of Claimant"

Subd. 2. The check or order-check by which the claim is paid may have printed on its reverse side, above the space for endorsement thereof by the payee, the following statement: "The undersigned payee, in endorsing this check (or order-check) declares that the same is received in payment of a just and correct claim against the county (county board of education for unorganized territory, school district, town or city), and that no part of it has heretofore been paid." When endorsed by the payee named in the check or order-check, such statement shall operate and shall be deemed sufficient as the required declaration of the claim.

[1949 c 416 s 2; 1951 c 350 s 2; 1959 c 56 s 2]

471.392 PENALTY. Any person who wilfully and falsely makes the declaration provided for in sections 471.38 and 471.391 is guilty of a felony.

[1951 c 350 s 3]

471.40 AUDITING CLAIMS. When any account, claim, or demand against any municipality shall have been verified in the manner prescribed in this chapter, the board or officer to whom it shall be presented may receive and consider it, and allow or disallow the same, in whole or in part, as shall appear just or lawful, saving to the claimant the right of appeal.

[R. L. s. 440] (768)

471.41 AUDITING ACCOUNTS NOT ITEMIZED A GROSS MISDEMEANOR. Every member of such board who shall audit and allow any claim required to be itemized, without the same having been first duly itemized and verified, shall be guilty of a gross misdemeanor.

[R. L. s. 441] (769)

471.415 DUPLICATE WARRANTS OR ORDERS. Subdivision 1. **Issuance.** When any order or warrant of any county, city, town, village, or school district in the state shall become lost or destroyed, a duplicate thereof may be issued by the officers authorized by law to issue such orders or warrants under the regulations and restrictions hereinafter prescribed. Such duplicate shall correspond in number, date, and amount with the original order or warrant and shall have endorsed on its face by the officers issuing the same the word "duplicate," together with the date of its issuance.

Subd. 2. **Affidavit filed before warrant issues.** A duplicate for a lost or destroyed order or warrant shall not issue until there shall have been filed with the proper officer an affidavit of the owner thereof setting forth the ownership of the order or warrant, the description thereof, and the manner of its loss or destruction, and until there shall have been executed and filed with the same officer an indemnifying bond, with sureties to be approved by such officer, in a sum equal to the amount of such order or warrant, conditioned that the parties thereto shall pay all damages which the county, city, town, village, borough, or school district may sustain if compelled to pay such loss or destroyed order or warrant. The governing body of any county, city, town, village, borough, or school district may in its discretion dispense with the requirement of an indemnifying bond.

Subd. 3. **Record to be kept.** Any officer issuing duplicates under section 471.415 shall keep a record showing the number, dates, and amounts of such mutilated, lost, or destroyed orders or warrants, together with the date of issuance of the duplicates therefor, and the names of the persons to whom issued.

[1915 c 36 s 1-4; 1961 c 60 s 1; 1961 c 325 s 1] (1058, 1059, 1060, 1061)

471.42 [Repealed, 1963 c 798 s 16]

471.43 [Repealed, 1963 c 798 s 16]

471.44 MUNICIPALITIES TO FURNISH COUNSEL TO DEFEND PUBLIC OFFICIALS. On and after the passage of Laws 1937, Chapter 442, every city, village, borough, town, or county of this state employing sheriffs, police officers, or peace officers shall be required to furnish legal counsel to defend any sheriff, deputy sheriff, police officer, or peace officer employed by any such governmental subdivision in all actions brought against such officer to recover damages for alleged false arrest or alleged injury to person, property or character, when such alleged false arrest or alleged injury to person, property or character was the result of an arrest made by such officer in good faith and in the performance of his official duties and pay the reasonable costs and expenses of defending such suit, including witness fees and reasonable counsel fees, notwithstanding any contrary provisions in the laws of this state or in the charter of any such governmental subdivision.

[1937 c 442 s 1; 1947 c 390 s 1] (1933-81)

471.45 COSTS AND DISBURSEMENTS TO BE ASSIGNED TO MUNICIPALITIES. If, at the termination of such suit, judgment is rendered in favor of the defendant and against the plaintiff, such judgment for costs and disbursements shall be assigned to such governmental subdivision by such officer, and all moneys collected thereon shall be paid to such governmental subdivision. If judgment be rendered in such action against such officer, such governmental subdivision so employing such officer is hereby authorized to appropriate moneys from any funds available to pay such judgment, if, in the discretion of the governing body of such governmental subdivision, it seems fitting and proper to do so.

[1937 c. 442 s. 2] (1933-82)

471.46 VACANCIES; PERSONS INELIGIBLE TO APPOINTMENT. No county, city, village, borough, town or school district officer shall be appointed to fill a vacancy in any elective office if he has the power, either alone or as a member of a board, to make the appointment; and his ineligibility shall not be affected by his resignation before such appointment is made. This section shall not prevent the appointment of a member of a city or village council to the office of mayor or clerk, but in that case he shall not vote in the appointment.

[1939 c 249; 1943 c 346 s 1; 1959 c 422 s 1] (254-49)

471.47 CONTRACTS BY VILLAGES OR TOWNS WITH PRIVATE HOSPITALS FOR CARE OF INDIGENT SICK. The governing body of any village or town lying within a distance of 15 miles of not more than one private hospital is hereby authorized and empowered to enter into a contract with such hospital for a specified

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term of years not exceeding five years whereby the municipality becomes obligated to appropriate to such hospital not to exceed \$100 annually in the case of towns, and \$200 annually in the case of villages, and such hospital in consideration thereof becomes obligated to care for and treat the indigent sick of such municipality at reduced rates, which shall not exceed three-fourths of the customary rates and charges made by such hospital, and after such contract has been duly executed it shall be lawful for such municipality to appropriate its funds to such hospital in accordance with the terms of such contract.

[1925 c. 311; 1927 c. 33] (1933-16)

471.475 MUNICIPALITIES MAY LEASE HOSPITALS. The governing body of any city, village or town, the valuation of which consists of more than 25 percent iron ore may lease, upon such terms as it deems to be in its best interests, whether for a direct monetary consideration or otherwise, any community or municipal hospital, or any lands, or buildings in connection therewith belonging to said city, village or town to any incorporated non-profit hospital association. However, such hospital must be made and kept available to all inhabitants of such city, village or town on equal terms. Any such city, village or town may lease, sell, assign or donate to such hospital association upon such terms as it determines to be in its best interests, whether for monetary consideration or otherwise, any hospital supplies or equipment for use in such hospital, and may reimburse such association for any expenditures made for such hospital supplies out of the general or permanent improvement fund of the city, village or town or out of any special hospital fund which may be created, or out of moneys obtained as gifts for hospital purposes from individuals, corporations, foundations, or groups of any sort.

[1957 c 116 s 1]

471.48 SOCIETIES FOR THE PREVENTION OF CRUELTY; APPROPRIATION AUTHORIZED. When there exists in any county, city, or village in the state a society for the prevention of cruelty, incorporated under Laws 1889, Chapter 224, and acts amendatory thereof, the board of county commissioners of such county and the council of the city or village in which such society is located may, at their discretion, appropriate for the maintenance and support of such society in the prosecution of the work for which they are organized, any moneys not otherwise appropriated, not exceeding the sum of \$2,400 in any one year. No part of such appropriation shall be expended for the payment of the salary of any officer of such society.

[1897 c 182 s 1; 1965 c 45 s 63]

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

Subd. 2. **Agreement.** "Agreement" means "contract" and includes renewals and alterations of a contract.

Subd. 3. **Political subdivision.** "Political subdivision" means any agency or unit of this state which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

Subd. 4. **Services.** "Services" means such public and municipal functions as are performed for property in and persons residing within a political subdivision.

Subd. 5. **United States.** "United States" means the United States of America.

Subd. 6. **County board.** "County board" means the county board of any county in this state.

Subd. 7. **Project.** "Project" means any resettlement project or rural rehabilitation project for resettlement purposes of the United States located within a political subdivision and includes the persons inhabiting such a project.

Subd. 8. **Governing body.** "Governing body" means the council, board, body, or persons in which the powers of a subdivision as a body corporate, or otherwise, are vested.

Subd. 9. **Fund.** "Fund" means, unless otherwise expressed, the "government project fund" to be established pursuant to section 471.54.

[1941 c. 480 s. 1]

471.50 COUNTY BOARD MAY MAKE AGREEMENTS IN REGARD TO TAXES. The county board of any county in this state is hereby authorized and empowered to make requests of the United States for and on behalf of the county

and the political subdivisions whose jurisdictional limits are within or coextensive with the limits of the county, for the payment of such sums in lieu of taxes as the United States may agree to pay, and to enter into agreements with the United States, in the name of the county, for the performance of services by the county and such political subdivisions for the benefit of the project and for the payment by the United States to the county, in one or more instalments, of such sums in lieu of taxes; provided, that at least ten days' notice, in writing, of the meeting of the county board at which such proposed agreement will be considered and acted upon shall be given by the county auditor to the clerk of each political subdivision affected.

[1941 c. 480 s. 2]

471.51 AGREEMENTS MUST STATE TIME FOR WHICH PAYMENTS ARE TO BE MADE. Every such agreement shall state the year or years for which the payments are to be made in lieu of the taxes that would have been levied upon the premises concerned for such year or years if the same has been subject to taxation. All payments made by the United States under any such agreement shall be received by the county treasurer and shall be distributed in the same manner and in the same proportions as such taxes for each year or years would have been distributed.

[1941 c. 480 s. 3]

471.52 APPORTIONMENT OF PAYMENTS. Each agreement entered into pursuant to section 471.50 shall contain the names of the political subdivisions with respect to which it is consummated, and a statement of the proportionate share of the payment by the United States to which each subdivision shall be entitled.

[1941 c. 480 s. 4]

471.53 WHO MAY MAKE REQUESTS. If the United States declines to deal with a county board with respect to any political subdivision whose jurisdictional limits are within or coextensive with the limits of the county, or in the event the jurisdictional limits of a political subdivision lie in more than one county, that subdivision is hereby authorized to make request of the United States for payment of such sums in lieu of taxes as the United States may agree to pay, and is hereby empowered to enter into agreements with the United States for the performance by the subdivision of services for the benefit of a project and for the payment by the United States to the subdivision, in one or more instalments of such sums in lieu of taxes. The amount of such payment may be based upon the cost of performing such services during the period of the agreement, after taking into consideration the benefits to be derived by the subdivision from the project, but shall not be in excess of the taxes which would result to the political subdivision during such period if the real property of the project within the political subdivision were taxable. When any payment is received by a subdivision under an agreement entered into pursuant to this section, the governing body of such subdivision shall issue a receipt for such payment.

[1941 c. 480 s. 5]

471.54 USE OF MONEYS. All money received by a political subdivision hereunder shall be used in like manner as the proceeds of taxes upon the premises concerned.

[1941 c. 480 s. 6]

471.55 CONSTRUCTION OF SECTIONS 471.49 TO 471.55. No provision of sections 471.49 to 471.55 shall be construed to relieve any political subdivision of this state, in the absence of an agreement for payment of sums in lieu of taxes by the United States as provided therein, of the duty of furnishing, for the benefit of a project, all services which the subdivision usually furnishes for property in and persons residing within the subdivision without a payment of sums in lieu of taxes.

[1941 c. 480 s. 7]

471.56 MUNICIPAL FUNDS. Subdivision 1. Any municipal funds, not presently needed for other purposes, may be invested in any obligations in which sinking funds are now authorized to be invested pursuant to section 475.66, including appreciation bonds issued by the United States of America on a discount basis.

The term "municipal funds" as used herein shall include all general, special, permanent, trust, and other funds, regardless of source or purpose, held or administered by any county, city, village or borough, or by any officer or agency thereof, in the state of Minnesota.

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Subd. 2. Investments of municipal funds shall be made by the officer or agency controlling their disposition.

Subd. 3. Such county, city, village, or borough, or official or agency thereof, may at any time sell such obligations purchased pursuant to this section, and the money received from such sale, and the interest and profits or loss on such investment shall be credited or charged, as the case may be, to the fund from which the investment was made. Neither such official nor agency, nor any other official responsible for the custody of such funds shall be personally liable for any loss so sustained. Any such obligation may be deposited for safekeeping with any bank or trust company.

Subd. 4. This section is supplemental to any other statutory or charter provisions relating to the investment or administration of municipal funds and supersedes such provisions only to the extent that said provisions restrict or prohibit investments now authorized by the provisions of this section.

[1943 c. 193 ss. 1, 2; 1943 c. 532 s. 1]

471.57 PUBLIC WORKS RESERVE FUND. Subdivision 1. **Tax levy.** The council of any city, village, or borough, however organized, may establish by ordinance a public works reserve fund and may annually levy taxes within existing limits for the support of such fund. It may, by the ordinance establishing the fund, designate a specific capital improvement or a type of capital improvement for which the fund is to be used. The proceeds of taxes levied for its support shall be paid into the public works reserve fund. There may be paid into such fund any other revenue not required by statute or charter to be paid into some other fund or used for purposes other than those provided in this section for the use of the public works reserve fund.

Subd. 2. **Purposes.** Except as provided in subdivision 3, the public works reserve fund shall be used only for the specific capital improvement or type of capital improvement designated by the ordinance establishing the fund. If not so designated, it shall be used only for capital improvements of a type for which the municipality establishing the fund is authorized to issue bonds. The term "capital improvement" does not include the construction or acquisition of any steam heat, telephone, gas or electric plant or system. No expenditures shall be made from the public works reserve fund before the first fiscal year following cessation of hostilities in the present war as declared by proper federal authority.

Subd. 3. **May use fund for other purposes upon vote.** The council of any municipality which has established a public works reserve fund by an ordinance designating the specific improvement or type of capital improvement for which the fund may be used may submit to the voters of the municipality at any regular or special election the question of using the fund for some other purpose. If a majority of the votes cast on the question are in favor of such diversion from the original purpose of the fund, it may be used for any purpose so approved by the voters.

[1943 c. 437]

471.571 PERMANENT IMPROVEMENT FUND, CERTAIN CITIES AND VILLAGES. Subdivision 1. **Application.** This section applies to each city or village in which the assessed valuation of real and personal property consists in part of iron ore or lands containing taconite or semi-taconite and in which the total assessed valuation of real and personal property exceeds \$200,000.

Subd. 2. **Creation of fund, tax levy.** The governing body of such city or village may create a permanent improvement and replacement fund to be maintained by an annual tax levy. The governing body may levy a tax in excess of any charter or statutory limitation for the support of such permanent improvement and replacement fund, but not exceeding the following:

(a) In cities or villages having a population of not more than 500 inhabitants, the lesser of \$20 per capita or ten mills;

(b) In cities or villages having a population of more than 500 and less than 2500, the greater of \$12.50 per capita or \$10,000 but not exceeding ten mills;

(c) In cities or villages having a population of more than 2500 inhabitants, the greater of \$10 per capita or \$31,500 but not exceeding ten mills.

Subd. 3. **Expenditure from fund, limitation.** No expenditure for any one project in excess of 60 percent of one year's levy or \$25,000, whichever is greater, may be made from such permanent improvement or replacement fund in any year without first obtaining the approval of a majority of the voters voting at a general or special municipal election at which the question of making such expenditure

has been submitted. In submitting any proposal to the voters for approval, the amount proposed to be spent and the purpose thereof shall be stated in the proposal submitted. The proceeds of such levies may be pledged for the payment of any bonds issued pursuant to law for any purposes authorized hereby and annual payments upon such bonds or interest may be made without additional authorization.

Subd. 4. Additional to charter fund. When any such city or village shall be created by charter provision or otherwise any permanent improvement or replacement fund, the funds from the collection of taxes provided for in subdivision 2 shall be in addition to and in excess of any amount or limitations on the tax levies provided in any of its charter provisions.

Subd. 5. Use of fund. Any such city or village may use such fund for any permanent improvement authorized by law and for the betterment, including reconstruction, extension, major improvement or rehabilitation, or remodeling, of any public building or municipal facility, but not including ordinary current repairs thereto. Nothing herein shall restrict any powers which any city or village may have under existing law. In the event the moneys in said fund exceed the amounts necessary for any of the purposes for which such fund may be used, and the council shall adopt a resolution to that effect, the excess may be used for other authorized municipal purposes.

[1955 c 638 s 1-5; 1957 c 614 s 1-4; 1965 c 145 s 1]

471.58 RANGE MUNICIPAL AND CIVIC ASSOCIATION; MEMBERSHIP.

Any city, village, town or school district in which the assessed valuation consists in part of iron ore, or lands containing taconite or semitaconite, may pay annual dues in the range municipalities and civic association; provided, that in cities, villages, towns or school districts having a population of 3,000 inhabitants, such dues shall not exceed the sum of \$500 per year and in cities, villages, towns or school districts having a population of less than 3,000 inhabitants, such dues shall not exceed the sum of \$250.

[1943 c 517 s 1; 1965 c 309 s 1]

471.59 JOINT EXERCISE OF POWERS. Subdivision 1. **Agreement.** Two or more governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised. The agreement may provide for the exercise of such powers by one or more of the participating governmental units on behalf of the other participating units. The term "governmental unit" as used in this section includes every city, village, borough, county, town, and school district, and other political subdivision of this or any adjoining state, and any agency of the state of Minnesota or the United States.

Subd. 2. Agreement to state purpose. Such agreement shall state the purpose of the agreement or the power to be exercised and it shall provide for the method by which the purpose sought shall be accomplished or the manner in which the power shall be exercised. When the agreement provides for use of a joint board, the board shall be representative of the parties to the agreement. Irrespective of the number, composition, terms, or qualifications of its members, such board is deemed to comply with statutory or charter provisions for a board for the exercise by any one of the parties of the power which is the subject of the agreement.

Subd. 3. Disbursement of funds. The parties to such agreement may provide for disbursements from public funds to carry out the purposes of the agreement. Funds may be paid to and disbursed by such agency as may be agreed upon, but the method of disbursement shall agree as far as practicable with the method provided by law for the disbursement of funds by the parties to the agreement. Contracts let and purchases made under the agreement shall conform to the requirements applicable to contracts and purchases of any one of the parties, as specified in the agreement. Strict accountability of all funds and report of all receipts and disbursements shall be provided for.

Subd. 4. Termination of agreement. Such agreement may be continued for a definite term or until rescinded or terminated in accordance with its terms.

Subd. 5. Shall provide for distribution of property. Such agreement shall provide for the disposition of any property acquired as the result of such joint or cooperative exercise of powers, and the return of any surplus moneys in proportion

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to contributions of the several contracting parties after the purpose of the agreement has been completed.

Subd. 6. **Residence requirement.** Residence requirements for holding office in any governmental unit shall not apply to any officer appointed to carry out any such agreement.

Subd. 7. **Not to affect other acts.** This section does not dispense with procedural requirements of any other act providing for the joint or cooperative exercise of any governmental power.

[1943 c 557; 1949 c 448 s 1, 2, 3; 1961 c 662 s 1, 2; 1965 c 744 s 1-3]

471.60 [Renumbered 435.19]

471.61 GROUP INSURANCE, PROTECTION FOR OFFICERS, EMPLOYEES, RETIRED OFFICERS AND EMPLOYEES. Subdivision 1. **Officers, employees.** Any county, municipal corporation, town, school district, county extension committee, other political subdivision or other body corporate and politic of this state, other than the state or any department thereof, through its governing body, and any two or more subdivisions acting jointly through their governing bodies, may insure or protect its or their officers and employees, and their dependents, or any class or classes thereof, under a policy or policies, or contract or contracts of group insurance or benefits covering life, health, and accident, in the case of employees, and medical and surgical benefits, and hospitalization insurance or benefits, for both employees and dependents, or any one or more of such forms of insurance or protection. Any such governmental unit, including county extension committees and those paying their employees, may pay all or any part of the premiums or charges on such insurance or protection. Any such payment shall be deemed to be additional compensation paid to such officers or employees but for purposes of determining contributions or benefits under any public pension or retirement system it shall not be deemed to be additional compensation. Any one or more of such governmental units may determine that a person is an officer or employee if such officer or employee receives a portion of his income from such governmental subdivisions without regard to the manner of his election or appointment. The appropriate officer of such governmental unit, or those disbursing county extension funds, shall deduct from the salary or wages of each officer and employee who elects to become insured or so protected, on the officer's or employee's written order, all or part of the officer's or employee's share of such premiums or charges and remit the same to the insurer or company issuing such policy or contract.

Any governmental unit which pays all or any part of such premiums or charges is authorized to levy and collect a tax, if necessary, in the next annual tax levy for the purpose of providing the necessary funds for the payment of such premiums or charges, and such sums so levied and appropriated shall not, in the event such sum exceeds the maximum sum allowed by any law or the charter of a municipal corporation, be considered part of the cost of government of such governmental unit as defined in any tax levy or per capita expenditure limitation; provided at least 50 percent of the cost of benefits on dependents shall be contributed by the employee or be paid by levies within existing per capita tax limitations.

The word "dependents" as used herein shall mean spouse and minor unmarried children under the age of 19 years actually dependent upon the employee.

Subd. 2. [Repealed, 1953 c 696 s 4]

Subd. 2a. **Retired officers, employees.** Any county, municipal corporation, town, school district, county extension committee, other political subdivision or other body corporate and politic of this state, other than a city of the first class having a population of over 400,000 or the state or any department thereof, through its governing body, and any two or more subdivisions acting jointly through their governing bodies, may insure or protect its or their retired officers and retired employees entitled to benefits under any public employees retirement act and their dependents, or any class or classes thereof, under a policy or policies, or contract or contracts of group insurance or benefits covering life, health, and accident, medical and surgical benefits, or hospitalization insurance or benefits, for retired officers and retired employees and their dependents, or any one or more of such forms of insurance or protection. Any such governmental unit, including county extension committees, may pay all or any part of the premiums or charges on such insurance or protection. Any one or more of such governmental units may determine that a person is a retired officer or a retired employee if such officer or employee, when employed, received a portion of his income from such governmental

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subdivisions without regard to the manner of his election or appointment. The appropriate officer of such governmental unit, or those disbursing county extension funds, shall collect from each such retired officer and retired employee who elects to become insured or so protected, on such officer's or employee's written order, all or part of the retired officer's or retired employee's share of such premiums or charges and remit the same to the insurer or company issuing such policy or contract.

Any governmental unit which pays all or any part of such premiums or charges is authorized to levy and collect a tax, if necessary, in the next annual tax levy for the purpose of providing the necessary funds for the payment of such premiums or charges, and such sums so levied and appropriated shall not, in the event such sum exceeds the maximum sum allowed by any law or the charter of a municipal corporation, be considered part of the cost of government of such governmental unit as defined in any tax levy or per capita expenditure limitation; provided at least 50 percent of the cost of benefits on dependents shall be contributed by the retired officer or retired employee or be paid by levies within existing per capita tax limitations.

The word "dependents" as used herein shall mean spouse and minor unmarried children under the age of 19 years actually dependent upon the retired officer or retired employee.

Subd. 3. Payroll Deductions. A like payroll deduction and remittance shall be made upon the written order of any such officer or employee who are, or become, subscribers under a contract with a nonprofit hospital service plan corporation as defined by law.

Subd. 4. [Repealed, 1965 c 780 s 9]

[1943 c 615 s 1-4; 1955 c 193 s 1, 2; 1957 c 321 s 1; 1959 c 611 s 1; Ex1959 c 76 s 1; 1965 c 296 s 1, 2]

471.62 STATUTES, RULES, OR REGULATIONS MAY BE ADOPTED BY REFERENCE. Any (city), village, borough, or town, however organized, may incorporate in an ordinance by reference any statute of Minnesota, any administrative rule or regulation of any department of the state of Minnesota affecting the municipality, or any code. Any such municipality situated wholly or partly within 20 miles of the limits of a city of the first class may similarly adopt by reference any ordinance of such first class city or of any contiguous first class city regulating the construction, alteration, improvement, repair, or maintenance of buildings or the installation of equipment therein. All requirements of statutes and charters for the publication or posting of ordinances shall be satisfied in such case if the ordinance incorporating the statute, regulation, ordinance or code is published or posted in the required manner and if, prior to such posting or publication, at least three copies of the ordinance or code are marked as official copies and filed for use and examination by the public in the office of the municipal clerk or recorder. Provisions of the statute, rule, regulation, ordinance or code thus incorporated in such ordinance by reference shall be as much a part of the ordinance as if they had been set out in full therein. The clerk or recorder of the municipality shall furnish a copy of any such ordinance thus incorporated by reference at cost to any person upon request. This section does not authorize any municipality to adopt ordinances on any subject on which it does not have power by statute or charter to legislate. The term "code" as used herein means any compilation of regulations or standards or part thereof prepared by any governmental agency, including regional and county planning agencies or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, planning, zoning, subdivision, housing, public health, safety, or welfare.

[1945 c 200 s 1; 1957 c 220 s 1; 1967 c 489 s 1]

471.63 PROMOTION OF SAFETY AND PRESERVATION OF HUMAN LIFE.

Subdivision 1. Authorization. In each county in this state not containing a city of the first class, and in any county having an excess of 5,000 square miles and a population in excess of 150,000 containing a city of the first class, the county board or the governing body of any municipality is hereby authorized and empowered to appropriate to set aside or to make a special levy to be included in its general revenue fund for the purpose of defraying the cost of necessary supplies, postage, materials, awards, expenses of safety workers, administration expenses, and inci-

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dentials in the promotion of general safety and the preservation of human life in this state.

Subd. 2. Limit of appropriation. The total amount so appropriated by any county board or governing body of any municipality shall not exceed the sum of \$500 annually, except that in counties having an area in excess of 5,000 square miles and a population in excess of 150,000 containing a city of the first class, the amount so appropriated annually by the county board to any county safety council, which is a recognized affiliate of the Minnesota Safety Council, shall not exceed \$1,500, and said appropriation shall be placed in a separate fund and paid out therefrom in the same manner as other county funds except the warrants shall be signed by the president of said county safety council and the county auditor of said county.

Subd. 3. Funds, payment to local safety council. Funds so appropriated or allocated may be paid to any local safety council which is a recognized affiliate of the Minnesota Safety Council.

Subd. 4. General fund of safety council; payment therefrom. Such funds so appropriated shall be deposited in a state or national bank same as other public funds in the manner provided by law by the treasurer of the said local safety council and credited to a fund to be established and known as the general fund of the said safety council. Any moneys expended from such fund shall be on verified claims allowed by the safety council, to which such moneys are allocated, in meeting assembled and all checks signed by the chairman and countersigned by the treasurer or secretary of such safety council.

Subd. 5. Funds audited; annual report. Such funds and records shall be subject to audit the same as any other public funds, and the treasurer of the safety council shall, on the first Monday in January of each year, submit a statement in detail of receipts, expenditures, and balances for the preceding year to the county, or municipality making such appropriation.

Subd. 6. Bond of treasurer. The treasurer of the safety council shall be required to give a corporate surety bond in favor of the county, or municipality making such appropriation in the amount so appropriated to the safety council by such governing body. The premium for such bond when approved shall be charged against the general fund of the safety council. The bond shall be approved by the legal advisor of the governing body as to form, legality, and surety.

Subd. 7. Appropriation resolution filed with county auditor. A certified copy of the resolution appropriating such funds by any municipal governing body shall be filed with the county auditor in which county such appropriation is made, within 30 days after such appropriation. The county auditor shall keep a record of the total appropriations so made.

[1945 c 6 s 1-7; 1949 c 486 s 2]

471.64 ACQUISITION OF PROPERTY FROM UNITED STATES AND POLITICAL SUBDIVISIONS. **Subdivision 1.** Any county, city, village, borough, town, school district, or other political subdivision of the state may enter into any contract with the United States of America or with any agency thereof, or with any other political subdivision of the state for the purchase, lease, or other acquisition of equipment, supplies, materials, or other property, including real property, without regard to statutory or charter provisions. The acquisition of such property from the federal government shall be in accordance with the rules and regulations which may be prescribed by the United States of America or any agency thereof.

Subd. 2. The governing body of any political subdivision of the state may designate by appropriate resolution or order any officer or employee of its own to enter a bid or bids in its behalf at any sale of equipment, supplies, material or other property, including real property, owned by the United States of America or with any agency thereof, or with any other political subdivision of the state and may authorize him to make any down payment, or payment in full, required in connection with such bidding.

[1945 c 167 s 1, 2; 1955 c 637 s 1; 1957 c 148 s 1]

471.65 GRANT, ADVANCE, OR LOAN FROM FEDERAL OR STATE GOVERNMENT. **Subdivision 1. Acceptance.** Notwithstanding inconsistent provisions of any other statute or home rule charter, any county, city, village, borough, town, school district or other political subdivision of the state, however organized, may accept from the government of the United States or the State of Minnesota grants, loans, or advances of money for the planning of public works projects, and may make agreements to repay any such loans or advances for planning purposes with-

out submitting the proposal to a vote of the people. Funds received by any political subdivision under this subdivision shall not be used for the planning of public housing projects, or housing authority projects.

Subd. 2. **Charter limitation on expenditures not to apply.** Expenditures of grants, advances or loans of money received by any city, village, or borough from the government of the United States or the State of Minnesota for the planning of public works projects by such municipality shall not be considered as part of the cost of government within the meaning of any statutory or charter limitation on expenditures.

[1945 c 316 s 1, 2]

471.655 ECONOMIC OPPORTUNITY PROGRAM, POWERS OF MUNICIPALITIES. With respect to programs funded in whole or in part under the Economic Opportunity Act of 1964, Public Law 88-452, as amended, any city, county, town, or other municipality, any school district, any special purpose district, or any other public body of this state shall have power to:

(1) Plan, prepare for, and apply for any grant for which it may be eligible under the act, and to receive and expend the same in accordance with its terms;

(2) Cooperate with any other unit of government or private agency, in connection with any grant received by such other unit or agency under the act, and to receive and expend funds under any subcontract with such other unit or agency in accordance with its terms;

(3) Expend such public moneys and gifts as may be or become available to it, to the extent necessary to provide matching funds or services in connection with such grant or subcontract.

[1967 c 374 s 1]

471.66 VACATIONS. Hereafter the governing body of each city, village, and town in the State of Minnesota, however organized, may by resolution or ordinance provide for the granting of vacations, with or without pay, to all its regularly employed employees or officers, upon such terms and under such conditions as said governing body may determine, and subject to such requirements as to length of service with such municipality as said governing body may require.

Nothing in the foregoing provisions shall be construed as retroactive in its purpose or intent so as to give the governing body of any such city, village or town the right to grant vacations based on service of its employees or officers rendered prior to the enactment of such ordinance or resolution.

[1945 c 504 s 1, 2]

471.67 AGREEMENT BETWEEN COMMISSIONER OF CONSERVATION AND MUNICIPALITY. Subdivision 1. **Terms and conditions.** The commissioner of conservation and any city or village, however organized, by its governing body or duly authorized park board or park commission, may make an agreement under such terms and conditions as they deem advisable for the management, maintenance and improvement by such municipality of any lands lying wholly within its boundaries which were acquired by the state for park purposes by gift, purchase or condemnation not inconsistent with the terms and conditions or restrictions under which such lands were acquired.

Subd. 2. **Municipality to maintain.** Such municipality may appropriate and expend moneys from its general revenue or other fund available for the purposes authorized by this section.

[1947 c 555 s 1, 2]

471.68 DISTRIBUTION OF PUBLICATIONS BY ANY COUNTY, CITY OR VILLAGE. Subdivision 1. **Annual or biennial reports.** When any county, city, or village, or any department, agency, or official thereof issues for public distribution an annual or biennial report, copies thereof shall upon request be delivered immediately as follows:

One copy to each public library serving such local area of government for which said report is made; provided that in counties containing no county library, such report shall be delivered to the public library serving the most populous city or village in the county;

One copy to the Minnesota Historical Society;

One copy to the general library of the University of Minnesota.

Additional copies may be delivered upon request.

Subd. 2. **Appearing in newspaper.** The publications enumerated in subdivision 1 shall not include publications appearing in newspapers.

[1949 c 438 s 1, 2]

471.69 LIMITATION OF TAX LEVIES; STATEMENT. No school district, county, town, or village shall contract any debt or issue any warrant or order in any calendar year in anticipation of the collection of taxes levied or to be levied for that year in excess of the average amount actually received in tax collections on the levy for the three previous calendar years plus ten percent thereof, and an average of other income excluding gifts received by the school district for the past three years. This section shall not apply to any school district, county, town or village, wherein the mineral valuation, as assessed, exceeds 25 percent of the assessed valuation of real property in such taxing district. This section shall not apply to any school district in a city of the first class which constitutes one single school district.

As soon as practicable after the beginning of each calendar year, the clerk or other recording officer of any municipality described in this section shall present to the governing body of his municipality a statement of tax collections and other income excluding gifts credited to each fund of his municipality during each of the three previous fiscal years and the yearly average thereof. The auditor of the county shall be required to furnish information as appears in the records in his office to the clerk upon request.

[1931 c 159 s 1, 2; 1937 c 180 s 1; 1949 c 457 s 1] (1938-21, 1938-22)

471.70 REPORTING OF OBLIGATIONS BY CITIES, VILLAGES, TOWNS, SCHOOL DISTRICTS, AND BODIES CORPORATE AND POLITIC. For the purposes of this section "municipality" means a city, however organized; a village; a borough; a school district, however organized; a town; or any other body corporate and politic created under Minnesota law.

An "obligation" as used in this section means an obligation as defined in chapter 475.

On or before February first each year, it shall be the duty of the principal accounting officer of each municipality to report to the auditor of each county in which such municipality is situate, the total amount of outstanding obligations, and the purpose for which issued as of December thirty-first of the preceding year. Such report shall be kept by the auditor of each county in a suitable record. On March first each year, it shall be the duty of the auditor of each county to make report to the public examiner of such obligations as reported to him by the principal accounting officer of the municipality, together with the amount and character of all outstanding obligations issued by the county of which he is the auditor.

[1927 c 163 s 1, 2; 1945 c 187 s 1; 1967 c 48 s 1] (1938-14, 1938-15)

471.705 MEETINGS OF GOVERNING BODIES OPEN TO PUBLIC. Except as otherwise expressly provided by law, all meetings, including executive sessions, of the governing body of any school district however organized, unorganized territory, county, city, village, town or borough and of any board, department or commission thereof, shall be open to the public. The votes of the members of such governing body, board, department or commission on any action taken in a meeting herein required to be open to the public shall be recorded in a journal kept for that purpose, which journal shall be open to the public. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute.

[1957 c 773 s 1; 1967 c 462 s 1]

471.71 DEFINITIONS. Subdivision 1. **Terms.** For the purposes of sections 471.71 to 471.83 the terms defined in this section shall have the meanings ascribed to them unless the context otherwise requires.

Subd. 2. **Municipality.** "Municipality" includes cities, villages, towns, and school districts.

Subd. 3. **City, village, town, school district.** "City," "village," "town," or "school district," include only those of the class made subject to sections 471.71 to 471.83 by sections 471.72 and 471.73.

Subd. 4. **Unfunded indebtedness.** "Unfunded indebtedness" includes all general obligations and indebtedness except bonds and except indebtedness which is payable from special assessments against benefited property.

Subd. 5. **Year.** "Year" means calendar year, except that it means "fiscal year" in the case of any school district or city as to which both of the following conditions exist:

(1) In the case of a city, the charter or law under which it is organized provides for a fiscal year differing from the calendar year; in the case of a school

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district, the books of account are kept on the basis of a fiscal year differing from the calendar year;

(2) The governing body of such city or school district shall have adopted a resolution determining that its operation under sections 471.71 to 471.83 shall be on the basis of such fiscal year and giving the date of the beginning of that year.

[1943 c 526 s 1, subd (a); 1951 c 63 s 1]

471.72 APPLICATION; PURPOSE. Sections 471.71 to 471.83 apply to all cities, villages, towns, and school districts in which more than 50 percent of the assessed valuation of taxable real and personal property, excluding money and credits, consists of unmined iron ore. Their purpose is to secure sound fiscal policies in, and remedy the financial condition of, municipalities, a large proportion of the property of which consists of a diminishing natural resource in which the state has a substantial interest.

[1943 c 526 s 1, subd (c); 1951 c 63 s 2]

471.73 ACCEPTANCE OF PROVISIONS. In the case of any city within the class specified in 471.72 having an assessed valuation, as defined in section 471.72, in excess of \$9,000,000; and in the case of any village within such class having an assessed valuation, as defined in section 471.72, of less than \$1,100,000; and in the case of any village within such class which is governed by Laws 1933, Chapter 211, or Laws 1937, Chapter 356; and in the case of any village within such class which is governed by Laws 1929, Chapter 208, and has an assessed valuation of less than \$20,000,000; and in the case of any school district within such class having an assessed valuation, as defined in section 471.72, of more than \$13,000,000; and in the case of all towns within said class; sections 471.71 to 471.83 apply only if the governing body of the city or village, the board of the school district, or the town board of the town shall have adopted a resolution determining to issue bonds under the provisions of sections 471.71 to 471.83 or to go upon a cash basis in accordance with the provisions thereof.

[1943 c 526 s 1, subd (b); 1951 c 63 s 3]

471.74 BONDS TO RETIRE UNFUNDED INDEBTEDNESS. Subdivision 1. If any such municipality, prior to January 1, 1943, (or, in the case of municipalities referred to in section 471.73, prior to January 1 of the year preceding the adoption of the resolution referred to in section 471.73) has incurred by proper authority a valid unfunded indebtedness in excess of its cash on hand not specifically set aside for the retirement of bonds and interest thereon, it may, for the purpose only of paying and discharging such indebtedness and interest thereon, issue its bonds in the manner now provided by law, except that such bonds may be issued by vote of the governing body without a vote of the electors. The purchasers of such bonds shall not be charged with notice of the invalidity of any indebtedness, and bonds issued under sections 471.71 to 471.83, in the total amount of such indebtedness as determined by resolution of the governing body, in the hands of any purchaser, shall be valid obligations of the municipality notwithstanding any claim of invalidity of any indebtedness funded thereby. If any money received from taxes payable, or local income received, in 1943 (or, in the case of municipalities referred to in section 471.73, in the year of the adoption of the resolution referred to in section 471.73) have been used prior to the issuance of bonds authorized by sections 471.71 to 471.83 for the retirement of indebtedness which could have been funded under sections 471.71 to 471.83, the bonds issued under such sections may include the amount of such payments for the purpose of reimbursing the funds from which such moneys were paid.

Subd. 2. The governing body of any municipality issuing bonds under sections 471.71 to 471.83 shall, at the time of the issuance thereof, by resolution, provide for a levy of taxes for the payment thereof, such levy to be in accordance with the provisions of Minnesota Statutes, Chapter 475. Levies for the payment of these bonds shall be within the limitations upon tax levies for the payment of funding bonds in the particular municipality issuing the bonds. Such levies shall be subject to the provisions of Minnesota Statutes, Sections 275.10, 275.11, 275.12, 275.13, 275.31, and 275.35, to the extent that these sections are applicable to the municipality issuing such bonds. In all cases the levies for these bonds shall be spread by the county auditor in full and the levy of the municipality for other purposes shall be reduced, if necessary, so that the total amount levied for the municipality does not exceed said limitations.

Subd. 3. Such bonds may be issued and sold to the State of Minnesota pursu-

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ant to existing laws at the time of the issuance thereof, except as herein modified, or to private purchasers, or to both.

[1943 c 526 s 2; 1951 c 63 s 4]

471.741 BONDS, CERTAIN SCHOOL DISTRICTS. Any school district in which more than 50 percent of the assessed valuation of taxable real and personal property consists of iron ore and which is not now subject to the provisions of Minnesota Statutes 1953, Sections 471.71 to 471.83, inclusive, shall be subject to the provisions thereof as of January 1, 1958. If any such district has incurred prior to January 1, 1957, a valid unfunded indebtedness in excess of its cash on hand not specifically set aside for the retirement of bonds and interest thereon and not representing the unobligated portion of the proceeds of the sale of bonds issued for building purposes, it may issue its bonds or certificates of indebtedness for the purpose only of paying and discharging such indebtedness and interest thereon, in the manner now provided by law, except that such bonds or certificates of indebtedness may be issued by vote of the governing body without a vote of the electors. Taxes may be levied for the payment of such bonds or certificates of indebtedness and interest thereon in excess of the limitations of Section 275.12 as amended, and shall be disregarded in computing the limitations of said section. In the event that between the dates January 1, 1957, and December 31, 1957, the amount of such valid unfunded indebtedness in excess of cash on hand not specifically set aside for the retirement of bonds and interest thereon and not being the unobligated portion of the proceeds of the sale of bonds issued for building purposes, shall have increased over the amount thereof as of December 31, 1956, bonds or certificates of indebtedness may be issued in the same manner as bonds or certificates of indebtedness are authorized for such unfunded indebtedness incurred prior to January 1, 1957, except that tax levies for the payment thereof and interest thereon shall be within the limitations of Section 275.12, as amended.

[1957 c 731 s 1]

471.75 ORDERS, SUFFICIENT FUNDS; CERTIFICATES OF INDEBTEDNESS. Subdivision 1. From and after January 1, 1944 (or in the case of municipalities referred to in section 471.73, from and after January 1 of the year following the adoption of the resolution referred to in section 471.73) no municipality subject to sections 471.71 to 471.83 shall draw or issue any order or warrant on any fund (except as authorized by subdivision 6) until there is sufficient money in the fund to pay the same, together with all warrants and orders previously issued against the fund.

Subd. 2. Whenever, from and after the date provided by subdivision 1, the expenses and obligations incurred chargeable to any particular fund of a municipality subject to sections 471.71 to 471.83 in any year are sufficient to absorb such available cash as may remain in the fund from prior years or may have been received from other sources, plus (in the case of school districts) such amounts as have been certified by the State Department of Education as due for state aids of any kind, or income tax distributions for said district for such year, plus the percentage of the entire amount of the tax levy for such fund payable in that year indicated in subdivision 3, neither the governing body nor any officer, board, or employee of such taxing district shall have power, and no power shall exist, to create any additional indebtedness (save as the remainder of such tax levy is collected or available money is received from other sources) which shall be a charge against that particular fund or shall be in any manner a valid claim against such municipality; but such additional indebtedness attempted to be created shall be a personal claim against the officer or member of the governing body voting for or attempting to create the same. Whenever the county auditor shall have certified to the municipality the portion of the remainder of the tax levy which has been collected by the county treasurer, such portion shall be deemed to have been collected within the meaning of this section.

Subd. 3. The percentage of the entire amount of the tax levy which may be expended or against which obligations may be incurred under subdivision 2 shall be 95 percent in the case of any municipality in which the average tax delinquency in the three preceding years shall not exceed 5 percent, and shall be 90 percent in the case of any municipality in which the average tax delinquency in the three preceding years shall exceed five but shall not exceed 10 percent, and shall be 85 percent in the case of any municipality in which the average tax delinquency in the

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three preceding years shall exceed 10 percent. Taxes involved in litigation as to the amount thereof shall not be considered delinquent within the meaning of this section.

Subd. 4. At any time after the first day of the year following the making of an annual tax levy, the governing body of any municipality may, for the purpose of meeting the obligations of the current year, by resolution, with or without advertisement for bids, issue and sell as many certificates of indebtedness as may be needed in anticipation of the collection of taxes so levied for any fund named in the tax levy, for the purpose of raising money for such fund. All certificates of indebtedness issued under the provisions of sections 471.71 to 471.83 shall be negotiable and shall be payable to the order of the payee and shall have a definite due date, but may be made payable on or before such date. No certificate shall be issued to become due and payable later than the last day of the year of issuance. Such certificates shall not be sold for less than par and accrued interest and shall not bear a greater rate of interest than six percent per annum, which interest shall be payable at maturity or at such earlier times as the governing body may determine. Each certificate shall state upon its face for which funds the proceeds of the certificate shall be used, the total amount of the certificates so issued against such fund, and the total amount embraced in said tax levy for that fund. They shall be numbered consecutively and be in denominations of \$25 or any multiple thereof and shall otherwise be in such form and be made payable at such place as will best aid in their negotiation.

Subd. 5. The total amount of certificates of indebtedness issued against any fund for any year, with interest thereon to maturity, shall not exceed in any municipality that percent of the tax levy for the fund for such year which is prescribed by subdivisions 2 and 3 as the maximum percentage of the tax levy against which obligations may be incurred in the municipality, and the aggregate of outstanding certificates against any fund at no time shall exceed the uncollected portion of such percentage of the tax levy for the fund, and prior to the beginning of the seventh month of the year shall not exceed 50 percent of the uncollected portion of such percentage of the levy. Any such municipality may renew any outstanding certificates of indebtedness from any prior year or issue new certificates, notwithstanding the fact that prior certificates may be unpaid, whenever inability to pay such outstanding prior certificates is due solely to failure to collect sufficient moneys upon the tax levy against which they were issued to discharge such certificates; in the event such certificates are renewed, the municipality may pay accrued interest thereon at the time of renewal. Except as authorized in this subdivision, no certificate for any year shall be issued until all certificates for prior years have been paid, nor shall any certificate be extended.

Subd. 6. If any such municipality is unable to sell certificates of indebtedness in the manner prescribed hereby, it may issue such certificates, within the limitations herein provided, to the treasurer of the municipality, or his order, and deposit the same with him. Certificates so issued shall be held by the treasurer until they may be sold and shall bear interest at not to exceed six percent per annum. The municipality may thereupon, as long as such certificates are on deposit with the treasurer, issue warrants on funds against which such certificates were issued, the principal amount of such warrants not to exceed the total principal amount of the certificates so held by the treasurer. Such warrants shall bear interest at the rate specified by the governing body but not to exceed six percent per annum from and after the day they are presented to the treasurer and stamped "Not paid for want of funds, but protected by certificates of indebtedness now held by me." Such certificates may be sold by the governing body of the municipality for not less than par and accrued interest, and the proceeds of such sale shall be used to take up such warrants in the order of which they were presented to the treasurer, registered by him, and stamped as aforesaid. Interest upon such warrants shall stop upon the date they are called by the treasurer for payment. Such certificates of indebtedness so held by the treasurer shall be paid at the same time and the same manner as if they had been issued to a purchaser thereof. All warrants attempted to be issued and all obligations of indebtedness attempted to be incurred under authority of this subdivision in excess of the principal amount of the certificates of indebtedness so held by such treasurer shall be void.

Subd. 7. The proceeds of the taxes assessed as aforesaid on account of said fund and the faith and credit of the municipality shall be irrevocably pledged for

the redemption of the certificates issued hereunder in the order of issuance against each respective fund.

Subd. 8. From and after the date specified in subdivision 1, any such municipality shall be deemed for all purposes to be on a cash basis. All taxes shall be levied as now provided by law, but shall be considered as tax revenues for the year in which such taxes are payable. Any balance remaining in any fund at the end of any such year may be used in later years in addition to the taxes levied for such year or years.

Subd. 9. During the first month of each year the governing body of each municipality subject to this section, on the basis of the tax levy made, with allowance for probable delinquencies, if any, and on the basis of probable receipts from other sources, shall determine the moneys which will be available for each fund and department during each quarter of the ensuing year, and, by resolution, shall fix the maximum amount of money which shall be expended by each department and from each fund in each quarter of said year. When it appears that money budgeted for any fund is not needed therefor, the governing body, by resolution, may transfer the excess to any other fund unless such transfer is prohibited by any law governing such municipality. If under the law the governing body has no control over the expenditures of a particular department or board, such resolution shall, as to such department or board, set forth the amount of tax moneys or other funds, if any, which will be made available for such department or board by action of the governing body.

[1943 c 526 s 3; 1951 c 63 s 5]

471.76 EXPENDITURES, OBLIGATIONS; CLERK'S STATEMENT. The clerk or recording officer of each municipality subject to sections 471.71 to 471.83 shall prepare and present to the governing body, at its first meeting in each month, a statement showing expenditures made and estimated obligations or indebtedness incurred for the preceding month and for the preceding portion of the year; the amount allotted by the resolution referred to in section 471.75, for such month and quarter and the preceding quarters of the year; the amount allotted by such resolution and the probable expenditures for the remaining quarters of the year. If at any time it appears from such statement or from other evidence that the municipality is incurring obligations at a rate or upon a scale which would make it probable, if such rate or scale of expenditures be continued, that the total attempted expenditures for that year would exceed the available revenues, after allowance for probable tax delinquencies, the district court, in an action by any taxpayer, may enjoin expenditures during the remainder of the year in excess of probable available revenues.

[1943 c 526 s 4; 1951 c 63 s 6]

471.77 INDEBTEDNESS CONTRACTED IN EXCESS OF REVENUE. Whenever any department, board, or commission of such municipality has power under the law to expend money, such department, board, or commission shall not contract any indebtedness or incur any obligations which, when added to other indebtedness, obligations, or liabilities, previously incurred during the year, would be in excess of the sum that may be allotted to the department, board, or commission for that year by the governing body of the municipality, plus available actual receipts from such other sources as are under its control.

[1943 c 526 s 5; 1951 c 63 s 7]

471.78 INDEBTEDNESS IN EXCESS OF REVENUE, CONTRACTS VOID. Each contract attempted to be entered into or indebtedness or pecuniary liability attempted to be incurred in violation of the provisions of sections 471.71 to 471.83 shall be null and void in regard to any obligation thereby sought to be imposed upon the municipality or any department thereof, and no claim therefor shall be allowed by the governing body or any officer, board, or commission; nor shall the clerk or any other officer issue or execute, nor shall the treasurer or other disbursing officer thereof pay, any check, warrant, or certificate of indebtedness issued on account thereof. Each member of the governing body, board, or commission, and each other officer of the municipality participating in or authorizing any violation of sections 471.71 to 471.83 shall be individually liable to the municipality for any damage that is caused thereby, and shall be liable to any person furnishing any labor, services, or materials on any contract entered into or obligations assumed in violation thereof. Each member of the governing body or of a board or com-

mission who is present at any meeting thereof when any action is taken with reference to paying money or incurring indebtedness or entering into any contract in violation of the provisions of this section shall be deemed to have participated in and to have authorized the same unless he shall have caused his dissent therefrom to be entered upon the minutes of the meeting.

[1943 c 526 s 6; 1951 c 63 s 8]

471.79 ENFORCEMENT. The district court may, at the suit of any taxpayer, enforce the performance by any governing body, board, commission, officer, or agent of any municipality of any action which he is directed to perform by sections 471.71 to 471.83, to the full extent necessary to carry out the purpose thereof.

[1943 c 526 s 7; 1951 c 63 s 9]

471.80 APPLICATION. Sections 471.71 to 471.83 shall supersede inconsistent home rule charter provisions, but shall not supersede or repeal home rule charter provisions not inconsistent therewith which impose other and additional restrictions on the incurring of obligations or expenditures of moneys.

[1943 c 526 s 8; 1951 c 63 s 10]

471.81 CONSTRUCTION. Nothing in sections 471.71 to 471.83 shall be construed as restricting the power of a municipality to issue bonds for any purpose when authorized by any other law.

[1943 c 526 s 9; 1951 c 63 s 11]

471.82 REPEALER, EXCEPTIONS. Laws 1929, Chapter 303; Laws 1931, Chapter 342; Laws 1933, Chapters 210, 275, and 415; and Laws 1935, Chapter 261, are hereby repealed, except that the provisions thereof regulating the making and allocating of levies for the payment of bonds issued thereunder and interest thereon, and any other provisions relating to tax levies, shall remain in force.

[1943 c 526 s 10; 1951 c 63 s 12]

471.83 SEVERABLE, EFFECT. The provisions of sections 471.71 to 471.83 are severable, and the unconstitutionality of any provision or the unconstitutionality of these sections as applied to any municipality shall not invalidate other provisions or prevent the application of these sections to other municipalities; provided, that if for any reason these sections be held to be inapplicable to any municipality which is now governed by any of the laws specifically repealed by section 471.82, such law shall not be repealed as to such municipality.

[1943 c 526 s 11; 1951 c 63 s 13]

471.84 CEMETERIES; APPROPRIATION BY CERTAIN SUBDIVISIONS. The governing body of any city of the fourth class or village or town may, in its discretion, appropriate a sum not to exceed \$2,500 per annum to any public or privately owned cemetery located within or without its boundaries if the cemetery is used for the burial of the dead of any city of the fourth class or village or town without restriction.

[1951 c 121 s 1; 1953 c 231 s 1; 1957 c 452 s 1]

471.85 PROPERTY TRANSFER; PUBLIC CORPORATIONS. Any county, city, village, borough, town, or school district may transfer its personal property for a nominal or without consideration to another public corporation for public use when duly authorized by its governing body.

[1951 c 176 s 1]

471.86 FIREMEN, PROTECTION; MOTOR VEHICLES, OPERATION, LOSS FROM. Subdivision 1. **Legal counsel, employment.** Every city, village, township, or other governmental subdivision of the state shall furnish legal counsel for any fireman employed by it upon his written request in all actions brought against such fireman to recover damages for injury to person or property, or for wrongful death, when such action arose out of the operation of a motor vehicle by such fireman in the performance of his official duties, and pay the expenses of defending such suit, including witness and reasonable counsel fees, notwithstanding any contrary provision in the law or in the charter of any such governmental subdivision.

Subd. 2. **Judgment, payment authorized.** If judgment is rendered in favor of the fireman, costs and disbursements included therein shall be assigned to such governmental subdivision by him, and all money collected thereon shall be paid to it. If judgment is rendered against the fireman, such governmental subdivision shall appropriate money from any funds available to pay such judgment, or shall levy funds for the payment thereof pursuant to law.

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Subd. 3. **Application.** The obligation of this section shall not apply in any case where such fireman is fully indemnified against claims for such damages and for such expenses by contract with another, and this section shall not be construed to waive any existing immunity accorded by law to municipalities or governmental subdivisions from claims for damages sustained as the result of the negligence of its officers, agents or servants in the exercise or performance of governmental or public functions.

[1951 c 183 s 1-3; 1957 c 199 s 1]

471.87 PUBLIC OFFICERS, INTEREST IN CONTRACT; PENALTY. Except as authorized in section 471.88, a public officer who is authorized to take part in any manner in making any sale, lease, or contract in his official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom. Every public officer who violates this provision is guilty of a gross misdemeanor.

[1951 c 379 s 1; 1955 c 41 s 1]

471.88 M.S. 1957 [Repealed, 1961 c 651 s 2]

471.88 EXCEPTIONS. Subdivision 1. The governing body of any port authority, seaway port authority, town, school district, village, or city, by unanimous vote, may contract for goods or services with an interested officer of the governmental unit in any of the following cases:

Subd. 2. In the designation of a bank in which the officer is interested as an authorized depository for public funds and as a source of borrowing, no restriction shall apply to the deposit or borrowing of any funds or the designation of a depository by such authority or governmental unit in any bank in which a member of an authority or officer of a governmental unit shall have an interest if such deposited funds are protected in accordance with Minnesota Statutes, Chapter 118; provided, however, that any member or officer having such an interest shall disclose that he is a director or employee of the bank, which disclosure shall be entered upon the minutes of the authority or governmental unit, such disclosure shall be made when such bank is first designated as a depository or as a source of borrowing, or when such member or officer is elected whichever is later, and such disclosure shall serve as notice of such interest and need not be made with each successive transaction;

Subd. 3. The designation of an official newspaper, or publication of official matters therein, in which the officer is interested when it is the only newspaper complying with statutory or charter requirements relating to the designation or publication;

Subd. 4. A contract with a cooperative association of which the officer is a shareholder or stockholder but not an officer or manager;

Subd. 5. A contract for which competitive bids are not required by law and where the amount does not exceed \$1000 when the commodity or service contracted for is not otherwise available in the affected governmental unit;

Subd. 6. A contract with a volunteer fire department for the payment of compensation to its members or for the payment of retirement benefits to these members;

Subd. 7. A contract with a municipal band for the payment of compensation to its members;

Subd. 8. Contracts for goods or services when the consideration does not exceed \$1,000 in any year and the contracting governmental unit has a population of less than 5,000;

Subd. 9. When a port authority commissioner is engaged in or employed by a firm engaged in the business of importing or exporting or general trade, it shall be lawful for the authority to do business with the commissioner or his employer provided that in the fixing of any rates affecting shippers or users of the terminal facility, said commissioner shall not vote thereon.

Subd. 10. When a seaway port authority commissioner is engaged in or employed by a firm engaged in the business of importing or exporting or general trade, it shall be lawful for the authority to do business with the commissioner or his employer provided that in the fixing of any rates affecting shippers or users of the terminal facility, said commissioner shall not take part in the determination of, except to testify, nor vote thereon.

Subd. 11. When a commissioner of any public housing or port authority is employed by a bank engaged in making loans or performing trust services involving real or personal property affected by any plan or such housing or port authority, no restriction shall apply to any such loans made or trust services performed by said bank if the commissioner shall disclose the nature of such loans or trust services of which he has personal knowledge, which disclosure shall be entered upon the minutes of such authority.

[1961 c 651 s 1; 1965 c 806 s 1-4]

471.881 EXCEPTIONS; APPLICATION. The exceptions provided in section 471.88 shall apply notwithstanding the provisions of any other statute or city charter.

[1967 c 18 s 1]

471.89 CONTRACT, WHEN VOID. Subdivision 1. **Procedure followed.** A contract made pursuant to section 471.88, subdivision 5, is void unless the procedure prescribed by subdivisions 2 and 3 is followed.

Subd. 2. **Resolution by governing body.** Except in an emergency making such procedure impracticable, the governing body of the governmental unit shall authorize the contract in advance of its performance by adopting a resolution setting out the essential facts and determining that the contract price is as low as or lower than the price at which the commodity or services could be obtained elsewhere; and that the commodity or service cannot be otherwise obtained in the affected governmental unit. In case of an emergency when the contract cannot be authorized in advance, payment of the claims shall be authorized by a like resolution in which the facts of the emergency are also stated.

Subd. 3. **Claims, affidavits filed.** Before such a claim is paid, the interested officer shall file with the clerk of the governing body an affidavit stating:

- (a) The name of the officer and the office held by him;
- (b) An itemization of the commodity or services furnished;
- (c) The contract price;
- (d) The reasonable value;
- (e) The interest of the officer in the contract;
- (f) That to the best of his knowledge and belief the contract price is as low as, or lower than, the price at which the commodity or services could be obtained from other sources; and
- (g) That to the best of his knowledge and belief the commodity or service cannot be otherwise obtained in the affected governmental unit.

[1951 c 379 s 3; 1965 c 45 s 64-66; 1967 c 125 s 1, 2]

471.90 VILLAGES, HOSPITAL; TRANSFER TO COUNTY. Subdivision 1. **Authorization.** When duly authorized by unanimous vote of its governing body any village owning real estate and a hospital building situated thereon and equipment jointly with the county in which said village is located, may, for a nominal consideration or without consideration, transfer its title and interest in the real estate, hospital building, and equipment to said county.

Subd. 2. **County may accept.** Said county, when authorized by a majority vote of its governing body, may accept such grant and conveyance.

Subd. 3. **Village obligations not assumed by county.** Such county does not assume and shall not be liable for any part of the obligations incurred by said village in the joint enterprise of the village and county in the construction or operation of said hospital.

[1951 c 497 s 1-3]

471.91 AIR TRAVEL ACCOUNTS. The governing body of any city of the first class or any county containing a city of the first class is authorized to enter into a contract with any airline company regularly engaged in carrying passengers on schedule flights in interstate commerce for the establishment of an air travel account for any such city or county, subject to such terms and conditions as may be necessary and proper to facilitate air travel by the officers and employees of the city or county, and to deposit with the airline company a sum not exceeding \$500 to the credit of such account.

[1951 c 630 s 1]

471.92 DANGEROUS EXCAVATIONS; MAINTENANCE, ABANDONMENT. Subdivision 1. The governing body of any county, city, village, borough or town may regulate the maintenance or abandonment of open wells, cesspools, cisterns, recharging basins, catch basins and may provide penalties for the violation thereof.

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The use, maintenance or abandonment of any such installation so as to endanger the safety of any considerable number of persons, may be defined as a public nuisance and abated pursuant to the laws relating to public nuisances.

Subd. 2. The abatement of any such nuisance may include suitably covering such installation or surrounding the same with a suitable protective fence.

[1955 c 601 s 1, 2]

471.93 APPROPRIATIONS FOR HISTORICAL WORK BY MUNICIPALITIES.

In cities of the second, third or fourth class, villages and boroughs at any regular or properly called special meeting of the council, it may appropriate money for the purpose of collecting, preserving, storing, housing, printing, publishing, distributing and exhibiting data and material pertaining to the history of the city or village, for the purpose of commemorating the anniversary of any important and outstanding event in such history, and to preserve such history data and material for future generations. The amount appropriated shall not exceed \$500 in any one year.

[1957 c 358 s 1]

471.94 [Repealed, 1959 c 500 art 6 s 13]

471.95 PATIENTS IN PUBLIC HOSPITALS, EXTENSION OF CREDIT.

The body or bodies authorized by law to levy taxes for the maintenance and operation of any county, city, village, borough, or town hospital, sanatorium, or nursing home; hospital district; or of any such facility operated jointly by any combination of county, city, village, borough, or town, may authorize the furnishing of care, treatment, and maintenance to the persons cared for in such hospital, sanatorium, or nursing home without requiring that such services be paid for in advance.

Such body or bodies may authorize the employment of whatever legal and other services which may be deemed necessary and appropriate to secure the collection of any accounts unpaid and due the hospital, sanatorium, nursing home, or hospital district for services rendered to the persons cared for therein, and may compromise and settle said accounts for such amounts as in their discretion may be collectible.

[1961 c 58 s 1]

471.96 MEMBERSHIP IN STATE AND NATIONAL ASSOCIATIONS. Subdivision 1. The governing bodies of cities, villages; boroughs and counties are hereby authorized to appropriate necessary funds to provide membership of their respective municipal corporations or political subdivisions respectively in county, regional, state, and national associations of a civic, educational or governmental nature which have as their purpose the betterment and improvement of municipal governmental operations. Cities, villages and counties are also authorized to participate through duly designated representatives in the meetings and activities of such associations, and the governing bodies of cities, villages and counties respectively are authorized to appropriate necessary funds to defray the actual and necessary expenses of such representatives in connection therewith, which expenses may be paid only upon the presentation and allowance of a properly verified itemized claim.

Subd. 2. This section does not affect any statutory, charter or common law power of cities, villages and boroughs to provide for membership in and to participate through duly designated representatives in the meetings and activities of state and national associations, nor the power to appropriate money therefor.

[1961 c 714 s 1; 1963 c 529 s 1, 2; 1967 c 329 s 1]