

375.025 COMMISSIONER DISTRICTS.

Subdivision 1. **Standards.** The redistricting plan in use in a county shall be effective and continue to be used until a redistricting plan is adopted in accordance with the provisions of this section. Each county shall be divided into as many districts numbered consecutively as it has members of the county board. Commissioner districts shall be bounded by town, municipal, ward, or precinct lines. Each district shall be composed of contiguous territory as regular and compact in form as practicable, depending upon the geography of the county involved and shall be as nearly equal in population as possible, provided that no district shall vary in population more than ten percent from the average for all districts in the county, unless the result forces a voting precinct to be split. In addition, a majority of the least populous districts shall contain not less than a majority of the population of the county. A county may be redistricted by the county board after each federal census. When it appears after a federal census that the districts of the county are not in accord with the standards set forth in this subdivision, the county shall be redistricted by the county board within 180 days of the date on which certified copies of the latest federal census are filed with the secretary of state in accordance with section 600.18. Before acting to redistrict a county, the county board or a redistricting commission, if one be appointed, shall cause at least three weeks published notice of its purpose to do so, stating the time and place of the meeting where the matter will be considered, to be published in the newspaper having the contract for publishing the commissioners' proceedings for the county for the current year.

Subd. 2. **Voters rights.** Any qualified voter may apply to the district court of the county for a writ of mandamus (a) requiring the county to be redistricted if the county board has not redistricted the county within the time specified in subdivision 1, or (b) to revise any arbitrary action or abuse of discretion by the county board in redistricting the county; provided, any application for revision of a redistricting plan shall be filed with the district court within 30 days after the filing of the redistricting plan with the county auditor. The district court may direct the county board to show cause why it has not redistricted the county or why the redistricting plan prepared by it should not be revised, and on a hearing thereon may allow the county board additional time in which to redistrict the county or to correct errors in the redistricting plan. If it shall appear to the district court that the county board has not been sufficiently diligent in performing its redistricting duties, the court may appoint a redistricting commission to redistrict the county in accordance with the standards set forth in subdivision 1 and any other conditions the court shall deem advisable and appropriate. If a redistricting commission is appointed, the county board shall be without authority to redistrict the county.

Subd. 3. **Redistricting commission.** The redistricting commission shall be composed of not less than five nor more than nine residents of the county. No officer or employee of county or local government except notaries public shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the county board until two years after the redistricting in which they participated becomes effective. Members of the commission shall serve without pay but may be reimbursed their necessary expenses in the conduct of the business of the commission. The county board shall provide for the necessary expenses of the commission.

Subd. 4. **Redistricting plan; election following redistricting.** A redistricting plan whether prepared by the county board or the redistricting commission shall be filed in the office of the county auditor. Notice that the plan is on file shall be published in the newspaper having the contract for publishing the commissioners' proceedings for the current year. A redistricting plan shall be effective on the 31st day after publication of the notice unless a later effective date is

specified; provided, no redistricting plan shall be effective as to the next election of county commissioners unless the plan shall have been filed with the county auditor not less than 30 days before the first date candidates may file for the office of county commissioner. One commissioner shall be elected in each district who, at the time of the election, shall be a resident thereof and the person so elected shall be entitled to hold the office only while he remains a resident of the commissioner district. The county board or the redistricting commission as appropriate shall determine the number of members of the county board who shall be elected for two year terms and for four year terms in order to provide for staggered terms on the county board. Thereafter, all commissioners shall be elected for four years. When a county is redistricted, there shall be a new election of commissioners in all the districts of the county at the next general election except that where the change made in the boundaries of a district is less than 10 percent of the average of all districts of the county, the commissioner in office at the time of the redistricting shall serve for the full period for which he was elected.

History: 1974 c 240 s 1; 1980 c 487 s 13

375.03 TERM OF COMMISSIONERS.

In each new county, and in each county which shall be entitled to an increase of the number of commissioners, there shall be elected at the next general election a commissioner from each odd-numbered district for a term of two years, and one from each even-numbered district for a term of four years; and thereafter all commissioners shall be elected for a term of four years, except that elections to fill vacancies shall be for the unexpired term only. In counties having a population of more than 150,000, every such commissioner, before he enters upon his duties, shall give bond to the state in the sum of \$10,000, with a legally authorized surety company as surety, conditioned for the faithful performance of his official duties. Such bond shall be approved by a judge of the district court, and together with his oath of office and certificate of election, be filed with the county recorder. The premium on the bond shall not exceed that prescribed by law for county treasurers, and shall be paid by the county.

History: RL s 421; 1951 c 102 s 1; 1973 c 524 s 1; 1975 c 280 s 1; 1976 c 181 s 2 (652)

NOTE: Section 375.03 is not applicable to Ramsey county. See Laws 1974, Chapter 435, Article 7, Section 1.

375.04 TIE DETERMINED BY LOT.

If two or more persons have an equal and the highest number of votes for the office of county commissioner in any district, the auditor shall give notice, in writing, to such persons to attend at his office at a time specified, and he shall then and there, in their presence, publicly decide by lot which of them shall be declared elected. The person so selected shall be the commissioner from the district.

History: RL s 422 (653)

375.05 [Repealed, 1967 c 716 s 5]

375.055 COUNTY COMMISSIONERS' COMPENSATION.

Subdivision 1. **Fixed by county board.** The county commissioners in all counties of the state, except Hennepin, Ramsey and St. Louis counties, shall receive as compensation for services rendered by them for their respective counties, annual salaries and in addition may receive per diem payments and reimbursement for necessary expenses in performing the duties of the office as set by resolution of the county board, provided that the salary and schedule of per diem payments shall not become effective until January 1 of the next year. The

resolution shall contain a statement of the new salary to be established set forth on an annual basis. The board may establish a schedule of per diem payments for service by individual county commissioners on any board, committee, or commission of county government including committees of the board, or for the performance of services by individual county commissioners when required by law. In addition to its publication in the official newspaper of the county as part of the proceedings of the meeting of the county board, the resolution setting the salary and schedule of per diem payments shall be published in one other newspaper of the county, if there be one located in a different municipality in the county than the official newspaper. The salary of a county commissioner or the schedule of per diem payments shall not change except in accordance with the provisions of this subdivision.

Subd. 2. [Repealed, 1967 c 716 s 5]

Subd. 3. [Repealed, 1975 c 301 s 16]

Subd. 4. **Inconsistent provisions superseded.** Except as otherwise herein provided, all acts or parts of acts, which relate to salaries of county commissioners, in any county of the state having a population of less than 100,000 according to the 1960 federal census, are hereby superseded as of January 1, 1969 insofar as they are inconsistent with the provisions of this section.

Subd. 5. **Other benefits.** Except as provided herein nothing in this section shall limit the right of a county commissioner to collect and retain any fees, per diem payment made pursuant to subdivision 1, or any mileage or expense allowance, or reimbursement of expenses in attending meetings or in the conduct of the business of a board, commission or committee of county government on which he serves, which he is now authorized by any other provision of the law to collect and retain in addition to the stated amount of his annual salary; or to participate in any group insurance program instituted by the county board for county officers and employees; provided that the several members of the county board shall not receive a per diem for service on the board of auditors, the board of equalization, or the canvassing board.

Subd. 6. **Validation.** The salary heretofore paid any county commissioner under the provisions of any existing law insofar as they are inconsistent with this section, which may be found to be unconstitutional or invalid for any reason, by a court of competent jurisdiction, is hereby legalized and made valid.

Subd. 7. MS 1949 [Repealed, 1951 c 327 s 6]

Subd. 7. MS 1965 [Repealed, 1967 c 716 s 5]

History: 1945 c 526 s 1,2, 4-6; 1947 c 259 s 1; 1949 c 423 s 1; Ex1959 c 4 s 1; 1967 c 716 s 1-3; 1969 c 1133 s 1; 1975 c 301 s 7,8

375.057 SPECIAL ACTS PROVIDING FOR PAYMENT OF PER DIEMS.

Any special act for a single county or group of counties providing for the payment of per diems to county commissioners is superseded to the extent that it is inconsistent with Laws 1975, Chapter 301, Sections 1 to 14. This section shall not apply to Hennepin, Ramsey and St. Louis counties.

History: 1975 c 301 s 15

375.06 COMPENSATION FOR COMMITTEE WORK; TRAVEL EXPENSES.

Subdivision 1. The several members of the county boards in counties other than Hennepin, Ramsey, and St. Louis, may be paid a per diem pursuant to section 375.055, subdivision 1, for each day necessarily occupied in the discharge of their official duties while acting on any committee under the direction of the board, may be allowed and paid their actual and necessary traveling expenses in accordance with section 471.665 for travel incurred in the discharge of such committee work. Any committee may be comprised of all of the members of the county board.

The several members of the county boards in addition to any compensation authorized for their duties may be allowed and paid their actual and necessary traveling expenses in accordance with section 471.665 for travel incurred in attending meetings of the board. The chairman of the county board may receive mileage reimbursement in accordance with section 471.665 for going to the county seat to sign warrants during recess of the county board.

Subd. 2. If a county commissioner is authorized to be reimbursed for his traveling expenses while performing his official duties as a county commissioner or while serving on a board, commission or committee, such reimbursement shall be limited to expenses actually paid or incurred by him. If authorized to be paid mileage or receive reimbursement for expenses in performing any such duty and the commissioner uses his private automobile, he may be reimbursed for the use thereof not to exceed the rate specified for such reimbursement in section 471.665 for each mile actually traveled. This subdivision shall not supersede any law specifying a maximum mileage or expense allowance for a commissioner or for all commissioners on a county board.

History: 1907 c 296 s 1; 1911 c 283 s 1; 1913 c 456 s 1; 1951 c 487 s 1; 1957 c 612; 1963 c 387 s 4; 1965 c 286 s 1; 1967 c 716 s 4; 1975 c 301 s 9 (657)

375.07 MEETINGS; QUORUM.

The board shall meet at the county-seat for the transaction of business on the first Tuesday after the first Monday in January, and on the second Monday in July, in each year, and shall hold such extra sessions as it deems necessary for the interests of the county. A majority shall constitute a quorum, and no business shall be done unless voted for by a majority of the whole board, but less than a majority may adjourn. Extra sessions shall be called by a majority of the board and the clerk shall give at least ten days' notice thereof to each of the commissioners. No session shall continue longer than six days.

History: *RL s 424 (658)*

375.08 BOARD TO FILL VACANCIES IN COUNTY OFFICES.

When a vacancy occurs in the office of county auditor, county treasurer, county recorder, sheriff, county attorney, county surveyor, or coroner, the county board shall fill the same by appointment. For that purpose it shall meet at the usual place of meeting, upon one day's notice from the chairman or clerk, which shall be served personally upon each member in the same manner as a district court summons is authorized to be served. The person so appointed shall give the bond and take the oath required by law, and shall hold for the remainder of the unexpired term, and until his successor qualifies; provided, that when such vacancy occurs in any of the offices hereinbefore mentioned, in which office there is a chief deputy or first assistant, then the chief deputy or first assistant is empowered and authorized to perform all of the duties and functions of the office until such time as the same is filled by appointment by the county board.

History: *RL s 425; 1939 c 153; 1976 c 181 s 2; 1978 c 706 s 65 (659)*

375.09 MAY NOT HOLD OTHER OFFICE; NO INTEREST IN CONTRACT; VIOLATION; MALFEASANCE.

No county commissioner shall be appointed or elected by the board of which he is a member to any office or position of trust or emolument, and no commissioner shall receive any money or other valuable thing as a condition of voting or inducement to vote for any contract or other thing under consideration by the board, or become a party to, or directly or indirectly interested in, any contract made by the board; and every appointment or election made and every

contract or payment voted for or made contrary to the provisions of this section shall be void. Any violation of the provisions of this section shall be a malfeasance in office.

History: *RL s 447 (778)*

375.10 [Repealed, 1975 c 280 s 3]

375.101 VACANCY IN OFFICE OF COUNTY COMMISSIONER.

Subdivision 1. A vacancy in the office of county commissioner shall be filled at a special election to be held not less than 30 nor more than 60 days after the vacancy occurs. The special primary or special election may be held on the same day as a regular primary or regular election, provided that the special election shall be held not less than 14 days after the special primary election. The person elected at the special election shall take office immediately after receipt of the certificate of election and upon filing the bond and oath of office and shall serve the remainder of the unexpired term. If the county has been reapportioned since the commencement of the term of the vacant office, the election shall be based on the district as reapportioned.

Subd. 2. If the vacancy occurs less than 60 days before the general election preceding the end of the term, the vacancy shall be filled by the person elected at that election for the ensuing term who shall take office immediately after receiving the certificate of election and upon filing the bond and oath of office.

Subd. 3. In addition to the events specified in section 351.02, absence from the county for six consecutive months shall be deemed to create a vacancy.

History: *1975 c 280 s 2*

375.11 SEAL; AUTHENTICATED COPIES OF BOARD PROCEEDINGS PRIMA FACIE EVIDENCE.

The seal of the county auditor shall be the seal of the board and copies of its proceedings, authenticated as required by law, shall be prima facie evidence thereof in all cases.

History: *RL s 427 (661)*

375.12 PUBLICATION OF PROCEEDINGS.

Subdivision 1. The county board shall cause the official proceedings of its sessions to be published in some qualified newspaper produced and published in its county, which publication shall be let annually by contract to the lowest bidder, at the first regular session of the board in January each year. In each county whose population exceeds 600,000, the proceedings shall be published in a daily newspaper. The board may reject any offer if, in its judgment, the public interests so require, and may thereupon designate a newspaper without regard to any rejected offer. In any county whose population exceeds 50,000, and is less than 250,000, the proceedings may be published in one daily and one weekly newspaper at their respective county seats. If the official newspaper of the county shall cease to exist for any reason, except by consolidation with another newspaper, the county board shall have authority to designate another newspaper for the remainder of the year. For the purpose of this section, a newspaper is produced and published in the county if it has in the county its known office of issue, as such term is defined in section 331.02, and if it does its typographic composition or presswork or both in the county.

Subd. 2. Individualized itemized accounts, claims or demands allowed by the county board pursuant to section 471.38, subdivision 1, need not be published pursuant to subdivision 1, provided that the amount allowed from each claim is \$100 or less. The official proceedings following the itemization of

accounts required shall contain a statement showing the total number of claims that did not exceed \$100, and the total dollar amount of those claims.

History: *RL s 428; 1907 c 447; 1941 c 507; 1947 c 161 s 1; 1949 c 69 s 1; 1967 c 532 s 1; 1971 c 532 s 1; 1978 c 743 s 14; 1979 c 252 s 3 (662)*

375.13 CHAIRMAN.

The county board, at its first session in each year shall elect from its members a chairman and a vice-chairman. The chairman shall preside at its meetings and sign all documents requiring signature on its behalf and his signature as chairman, attested by the county auditor, shall be binding as the signature of such board. In case of the absence or incapacity of the chairman, the vice-chairman shall perform his duties. If the chairman or vice-chairman are absent from any meeting, all documents requiring the signature of the board shall be signed by a majority thereof and likewise attested.

History: *RL s 429; 1937 c 165 s 1; 1978 c 743 s 15 (663)*

375.14 OFFICES AND SUPPLIES FURNISHED FOR COUNTY OFFICERS.

The county board shall provide offices at the county-seat for the auditor, treasurer, county recorder, sheriff, judge of probate, clerk of the district court, and shall provide an office for the county engineer at a site determined by the county board, with suitable furniture therefor, also safes and vaults for the security and preservation of the books and papers belonging thereto, and provide for the heating, lighting, and maintenance of such offices. The board shall furnish all county officers with all books, stationery, letter-heads, envelopes, postage, telephone service, office equipment, and supplies necessary to the discharge of their respective duties and make like provision for the judges of the district court so far as may be necessary to the discharge of their duties within the county or concerning matters arising therein; provided, that the board shall not be required to furnish any county officer with professional or technical books or instruments except in so far as the board may deem the same to be directly necessary to the discharge of his official duties as part of the permanent equipment of his office.

History: *RL s 430; 1927 c 346; 1976 c 181 s 2; 1978 c 706 s 66; 1980 c 560 s 2 (664)*

375.15 DAMAGED RECORDS TRANSCRIBED.

In case the records of any offices named in section 375.14 shall be damaged so as to render any portion of them liable to become illegible, destroyed, or lost, the county board shall provide suitable books, and cause such records to be transcribed, so that the new volumes will correspond, in designation, letter or number, and page, to the original records. The fees for such work shall be fixed by such board, and shall not exceed seven cents per folio for the whole work done. Printed record books shall be used when practicable for both original and transcribed records.

History: *RL s 432 (666)*

375.16 APPROPRIATION FOR INCIDENTAL EXPENSES.

At its regular meetings in January and July the county board may appropriate from the county revenue fund a sum to pay incidental expenses of county officers incurred for postage, and for necessary express, freight, telephone, telegraph, water, and light and other utility charges, the mileage and per diem of town officers making election returns, to be paid on the warrant of the county auditor upon the presentation of a properly itemized and verified bill, except in cases where the county auditor considers the sum charged excessive, in which

case he shall file the bill, if requested by the person presenting the same, for action by the board at its next meeting.

History: *RL s 431; 1907 c 390 s 1; 1919 c 305; 1947 c 149 s 1; 1957 c 55; 1961 c 538 s 1; 1973 c 100 s 1 (665)*

375.161 INCIDENTAL COSTS AND EXPENSES; CONTINGENT FUND; ADDITIONAL APPROPRIATIONS.

Subdivision 1. In addition to the amount authorized by section 375.16, each county board may annually appropriate from the county revenue fund a sum not exceeding \$750 as a contingent fund for use by the county board to pay for incidental costs and expenses incurred by them in expediting the business of the county.

Subd. 2. Nothing in subdivision 1 shall operate to lessen the amount of a contingent fund available to the county board or the chairman of a county board under the authority of a special act for a single county enacted previous to the effective date of Laws 1973, Chapter 373.

History: *1973 c 373 s 1*

375.162 IMPREST CASH FUNDS.

Subdivision 1. The county board may establish one or more imprest funds for the payment in cash of any proper claim against the county which it is impractical to pay in any other manner, except that no claim for salary or personal expenses of a county officer or employee shall be paid from such funds. The county board shall appoint a custodian of each such fund and he shall be responsible for its safekeeping and disbursement according to law. Money for the operation of such fund shall be secured by a warrant issued on the general revenue fund. A claim itemizing all the various demands for which disbursements have been made from the fund shall be presented to the county board at the next county board meeting after the month in which the disbursements have been made. The county board shall act upon it as in the case of other claims and a warrant shall be issued to the custodian for the amount allowed. The custodian shall use the proceeds of the warrant to replenish the fund, and if the county board fails to approve the claim in full for any sufficient reason, the custodian shall be personally responsible for the difference.

Subd. 2. The county board may authorize an imprest fund for the purpose of advancing money to officers or employees to pay the actual and necessary expenses of such officer or employee in attending meetings outside the county. The county board shall appoint a custodian of such fund and he shall be responsible for its safekeeping and disbursement according to law. Attendance at such meetings shall be authorized in advance by the county board. At a meeting of the county board in the month after such meeting, the officer or employee shall submit an itemized claim for the actual and necessary expenses incurred and paid by him in attending such meeting. The county board shall act upon it as in the case of other claims and a warrant shall be issued to the officer or employee for the amount allowed. The officer or employee shall use the proceeds of the warrant to repay the amount advanced from the fund, and if the amount approved by the county board is insufficient to repay the advance, the officer or employee shall be personally responsible for the difference.

History: *1974 c 254 s 1*

375.163 ASSOCIATION OF COUNTY COMMISSIONERS; DUES, EXPENSES.

The county board of any county may appropriate out of its general fund money to pay the annual dues of the county for membership in the state associa-

tion of county commissioners and the actual necessary expense of delegates designated by the county board to attend meetings of the league.

History: 1955 c 364 s 1

375.164 TELEVISION TRANSLATOR STATIONS, CONSTRUCTION BY COUNTY.

The county board of any county in this state is hereby authorized to appropriate annually from the general revenue fund of such county an amount necessary to fund the construction, acquisition, improvement, or maintenance of a translator station within such county for the purpose of receiving and transmitting television broadcasting signals.

History: 1973 c 213 s 1

375.165 COUNTY TRANSLATOR SYSTEMS; FUNDING.

Notwithstanding the provisions of section 375.164, or any other law to the contrary, the county board of any county owning, operating or maintaining a translator system on April 14, 1976, may singly or jointly with contiguous counties appropriate from the general revenue fund an amount necessary to fund the construction, acquisition, improvement maintenance and operations of a translator system either within or without the county for the purpose of receiving and transmitting television broadcasting signals. The county may singly or jointly with contiguous counties acquire, by gift, lease or purchase, any real estate or interest therein upon such terms or conditions, including contracts for fees, as it shall determine, either within or without the county, for the purpose of establishing, improving or operating a television translator system. No real estate located in another county may be acquired unless the county board of the county in which the real estate is located approves the proposed acquisition. The county may issue bonds in accordance with the provisions of chapter 475, for the acquisition, construction or improvement of television translator systems and the acquisition of real estate therefor.

History: 1976 c 249 s 17

375.167 NONPROFIT LEGAL ASSISTANCE CORPORATIONS.

Subdivision 1. **Appropriations.** Notwithstanding the provisions and limitations of section 275.09, and any other law to the contrary, the county board of any county may appropriate from the general revenue fund to any nonprofit corporation a sum not to exceed one-fourth of a mill on the dollar of the taxable valuation of the county for the purpose of providing legal assistance to persons who are unable to afford private legal counsel. This levy shall be subject to the levy limits established by sections 275.50 to 275.59.

Subd. 2. **Contiguous counties may combine appropriations.** Any two or more contiguous counties may by concurrent resolution of their county boards combine their appropriations to a single nonprofit corporation to serve the purpose of subdivision 1 in their counties.

History: 1974 c 321 s 1,2

375.17 PUBLICATION OF FINANCIAL STATEMENTS.

Annually, not later than the first Tuesday after the first Monday in March, the county board shall make a full and accurate statement of the receipts and expenditures of the preceding year, which shall contain a statement of the assets and liabilities, a summary of receipts, disbursements, and balances of all county funds together with a detailed statement of each fund account, under the form and style prescribed by and on file with the state auditor, which prescribed form and any changes or modifications thereof shall so far as practical be uniform for

all counties and shall be approved by the attorney general and the state printer and within 30 days thereafter shall cause the same to be published for one issue in some newspaper within the county, which newspaper must be a duly qualified legal newspaper, as provided by law. The county board may also refrain from publishing an itemized account of amounts paid out, to whom and for what purpose to the extent that the published proceedings of the county board contain such information, provided that all disbursements aggregating \$5,000 or more to any person are set forth in a schedule of major disbursements showing amounts paid out, to whom and for what purpose and are made a part of, and published with, the financial statement. The county board may refrain from publishing the names of persons receiving poor relief or direct relief and the amounts paid to each, but the totals of the disbursements for such purposes must be published. In addition to the publication thereof in the newspaper designated by the board as the official newspaper for publication of the financial statement, the same shall be published in one other newspaper of the county, if there be one located in a different municipality in the county than the official newspaper. The county board shall call for separate bids for each publication. Insofar as any provision of this section is inconsistent with the provisions of section 393.07, the provisions of that section shall prevail.

History: *RL s 433; 1907 c 205 s 1; 1933 c 410; 1941 c 370 s 1; 1945 c 170 s 1; 1947 c 235 s 1; 1957 c 543; 1973 c 492 s 7; 1975 c 278 s 1; 1979 c 252 s 4; 1980 c 379 s 1 (667)*

375.18 GENERAL POWERS.

Subdivision 1. **Accounts, examination, settlement and allowance.** Each county board may examine and settle all accounts of the receipts and expenses of the county, and examine, settle, and allow all accounts, demands, and causes of action against the same, and, when so settled, issue county orders therefor, as provided by law.

Subd. 2. **Manage property, funds, business.** Each county board may have the care of the county property, and management of the county funds and business, except in cases otherwise provided for, and make such orders concerning the same as it deems expedient.

Subd. 3. **Courthouse.** Each county board may erect, furnish, and maintain a suitable court house but no indebtedness shall be created for such purpose in excess of 1-2/3 mills on each dollar of assessed valuation without the approval of a majority of the voters of the county voting on the question of issuing the obligation at an election.

Subd. 4. **Towns, organization, boundaries.** Each county board may set off, organize, vacate, and change the boundaries of towns subject to the limitations hereinafter prescribed, designate the time and place of holding the first town meeting therein, and make all necessary orders for the disposition and preservation of the records of any town vacated.

Subd. 5. **Towns, apportionment of funds.** Each county board may apportion, pro rata, according to the assessed valuation, among the several parts of a town divided by it, any funds of such town not raised or theretofore appropriated for a purpose inconsistent with such apportionment.

Subd. 6. **Towns, apportionment of taxes.** Each county board may apportion all uncollected taxes then levied or assessed for the benefit of any town divided by the board, and provide for the payment thereof when collected, pursuant to the apportionment, having due regard to the purpose for which such taxes were levied.

Subd. 7. **Transfer of surplus.** Each county board may transfer by unanimous vote any surplus beyond the needs of the current year in any county fund

to any other such fund to supply a deficiency therein, except in counties having over 75,000 inhabitants.

Subd. 8. County agricultural society, farm improvement association, appropriation. Each county board may appropriate to any county agricultural society of its county, which is a member of the state agricultural society, or to any farm improvement association organized by the citizens of two or more counties jointly for the purpose of advancing the agricultural interest of each of such counties, a sum of money not exceeding \$1,000 each, annually; provided, that in any county in which two county agricultural societies are members of the state agricultural society any appropriation so made shall be divided equally between them; and, in addition to the appropriation above referred to, in all cases where a county owns grounds and buildings used for agricultural fairs and other purposes, the county board, by a four-fifths vote, may appropriate annually a sum of money equal to five percent of the total value of such property to the association or society having the management, control, and direction of agricultural fairs held therein, for the purpose of repairs, upkeep, improvements, extensions, and alterations of such grounds and buildings; and, in all such cases, if the area of any such county is not less than 43, nor more than 45, full or fractional congressional townships and the population thereof is not less than 25,000, nor more than 31,000, according to the last federal census, such additional appropriation may be a sum not exceeding ten percent of the total value of such property.

Subd. 9. County fairs, purchase or condemnation of lands. Each county board may purchase or condemn land with such improvements, if any, as may be thereon, for the purpose of holding thereon agricultural fairs and exhibitions and appropriate money in payment therefor, not exceeding the sum of \$5,000, and such county board may purchase or condemn land for holding such fairs and exhibitions thereon and appropriate money in payment therefor in excess of the sum of \$5,000 when authorized so to do by a vote of the people; accept and receive a donation or donations to be used to obtain lands for the purpose of holding thereon agricultural fairs and exhibitions and in such case and for such purpose, without being authorized by a vote of the people, to purchase or condemn lands not exceeding in value the amount of such donation or donations; improve and erect structures thereon, for which purpose they may receive donations of money, materials or labor; and lease such land from time to time to agricultural and other societies of similar nature and establish reasonable rules and regulations under which such land may be used by all such societies in the county; provided, that all structures and improvements made on such land by societies using the same shall belong to the county.

(All proceedings for the condemnation of such lands shall be had under the provisions of chapter 117.)

Notwithstanding this section, upon majority vote of the Dakota county board, the Dakota county board may spend up to but not to exceed \$240,000 for the purposes of payment for property needed for expansion of the Dakota county fairgrounds. This provision expires January 1, 1978.

Subd. 10. Erection of memorials to veterans. Each county board may appropriate, in counties having a population of not more than 20,000, a sum not exceeding \$10,000, and in counties having a population of more than 20,000, and less than 100,000, a sum not exceeding \$20,000, to erect or aid in erecting a monument or other memorial to the soldiers and sailors of the nation, such monument or other memorial to be constructed on the court house square, or in a public park at the county-seat, or in a cemetery adjacent to the county-seat, or elsewhere in the county-seat.

Subd. 11. **Construction of railways.** Each county board may authorize by resolution any person, company, or corporation to construct and maintain railway lines to be operated by other than steam power upon any public road outside of cities not boulevarded or parked, for a period not exceeding 25 years, upon the terms as to use and occupation prescribed in such resolution; the use so granted not to interfere with the reasonable use of such road as a highway, and to cease in case of the vacation thereof, unless proceedings to condemn are taken within six months thereafter and diligently prosecuted; provided, that such railway and its property shall be subject to taxation by such methods and at such rate as the proper authorities may from time to time prescribe in accordance with law.

Subd. 12. **Parks, acquisition of land.** Each county board may acquire by gift or purchase and improve not exceeding one acre of land within the county, for use as a park, site for a building, or other public purpose, and, when required by the public interest, sell and convey the same; which land may be paid for out of moneys in the county treasury not otherwise appropriated, or by issuing bonds of the county.

Subd. 13. **Powers conferred by law.** Each county board may exercise such other powers as are or may be conferred upon them by law.

History: *RL s 434; 1911 c 89; 1911 c 255; 1913 c 94; 1913 c 347; 1913 c 478; 1915 c 219; 1917 c 347; 1919 c 125; 1919 c 139; 1921 c 337; 1941 c 130; 1947 c 637 s 1; 1951 c 82 s 1; 1973 c 123 art 5 s 7; 1973 c 773 s 1; 1977 c 347 s 56; 1977 c 442 s 15; 1980 c 597 s 1 (668)*

375.181 SITES FOR COUNTY BUILDINGS.

If the board of county commissioners of any county at any regular or extra meeting shall adopt and enter in the minutes of its proceedings a resolution declaring that it is necessary to acquire for the use of the county any land, describing it, to be used as a site for a courthouse or other public building or for the purpose of enlarging the site of any such building already owned by the county, and the board of county commissioners is unable to purchase the land at a reasonable price, the title to any such land may be acquired by condemnation as provided in chapter 117.

History: *1905 c 7 s 1; 1961 c 561 s 7 (6558)*

375.19 ADDITIONAL POWERS.

In addition to all other powers now or hereafter by law conferred upon county boards, authority hereby is given to receive and accept for their counties real or personal property by gift, bequest, devise, conveyance, or otherwise from any person whose care, support, treatment, or maintenance, in whole or in part, is or may be chargeable to or furnished or provided by such counties, and to hold or dispose of the same for the benefit of their counties, as by law provided in the case of other county property; to permit use of county equipment for soil conservation projects and to make annual expenditures from the general revenue fund for soil conservation purposes. All expenditures made by any county board of commissioners subsequent to May 1, 1947, not exceeding any annual amount provided for, are hereby validated.

History: *1923 c 241; 1947 c 255 s 1; 1951 c 645 s 1; 1969 c 637 s 1; 1974 c 72 s 1 (669)*

375.191 [Repealed, 1969 c 333 s 7]

375.192 REDUCTIONS IN ASSESSED VALUATION OF REAL PROPERTY.

Subdivision 1. Notwithstanding section 270.07, upon written application by the owner of the property, the county board of each county shall have power to grant such reduction, for the current year, of the assessed valuation of any real property in that county which erroneously has been classified, for tax purposes, as non-homestead property, as is necessary to give it the assessed valuation which it would have received if it had been classified correctly. The application shall be made on a form prescribed by the commissioner of revenue. It shall include the social security number of the applicant and a statement of facts of ownership and occupancy, and shall be sworn to by the owner of the property before an officer authorized to take acknowledgments. Before it is acted upon by the county board, the application shall be referred to the county assessor, or if the property is located in a city of the first class having a city assessor, to such assessor, who shall investigate the facts and attach his report of such investigation to the application.

With respect to abatements relating to the current year's tax processed through June 30, the county auditor shall notify the commissioner of revenue on or before July 31 of that same year of all applications granted pursuant to this subdivision. Subsequently, with respect to abatements relating to the current year's tax processed after June 30 through the balance of the year, the county auditor shall notify the commissioner of revenue on or before the following January 31 of all such applications granted pursuant to this subdivision. The form submitted by the county auditor shall be prescribed by the commissioner of revenue and shall contain the information which the commissioner deems necessary.

Subd. 2. Notwithstanding section 270.07, upon written application by the owner of the property, where such application seeks a reduction in full and true valuation not in excess of \$300, the county board may grant such reduction or abatement of assessed valuation or taxes and of any costs, penalties or interest thereon as said board may deem just and equitable and to order the refundment in whole or in part of any taxes, costs, penalties or interest thereon which have been erroneously or unjustly paid. Such application must be approved by the county assessor, or if the property is located in a city of the first class or city of the second class having a city assessor, by such assessor, and by the county auditor prior to consideration by the county board. The methods of obtaining a reduction or abatement of ad valorem values contained in subdivisions 1 and 2 shall be in addition to the method provided in Minnesota Statutes 1965, Section 270.07.

Subd. 3. Subject to the approval of the commissioner of revenue, the county board shall authorize the county auditor to grant the credits denied under section 272.115, subdivision 4, provided that a certificate of value has been filed with the county auditor. The county board shall not hear any requests under this subdivision after May 31 of the year in which the taxes are payable.

History: 1949 c 76 s 1; 1949 c 485 s 1; 1963 c 591 s 1; Ex1967 c 32 art 8 s 4; 1973 c 582 s 3; 1977 c 423 art 4 s 3; 1980 c 607 art 3 s 8

375.193 RETAIL VENDORS OF SOFT DRINKS, LICENSES.

There is hereby conferred upon each county board the authority, by resolution or ordinance, to license or regulate the business of vendors at retail of soft drinks and other non-alcoholic beverages located outside the limits of any municipality. The board may impose a reasonable license fee therefor and suspend or revoke such license for any violation of such ordinance or resolution or of chapter 340. Any person violating the terms of any resolution or ordinance adopted pursuant to this section shall be guilty of a misdemeanor.

History: 1955 c 810 s 1; 1957 c 229; 1971 c 23 s 33

375.195 SALE OF BUILDINGS ON PUBLIC PROPERTY.

Subdivision 1. **County auditor may sell property.** Upon resolution of the county board, the county auditor may offer for sale and sell at public auction for cash at not less than the value appraised by the county board, any buildings or improvements upon any lands held by the state in trust for the taxing districts. If such buildings are not sold at public auction as herein provided, they may thereafter, and at any time within one year from the date thereof, be sold at private sale by the county auditor at not less than the appraised value.

Subd. 2. **Sale on request of commissioner of natural resources.** The county auditor may offer for sale and sell at public auction any buildings or improvements upon state lands or platted lots under the control of the commissioner of natural resources not held in trust for the taxing districts, at not less than the value appraised by the county board and approved by the commissioner of natural resources, provided such buildings or improvements shall not be offered for sale by the county auditor unless requested to do so by the commissioner of natural resources. If such buildings or improvements are not sold when offered at such public sale, they may thereafter and within the period of one year therefrom be sold at private sale by the county auditor at not less than the appraised value thereof.

Subd. 3. **Finding by county board.** No such buildings or improvements shall be offered for sale or sold until the county board has, by resolution, found that such buildings or improvements constitute a fire hazard, an inducement to trespass, or constitute a public nuisance. At least two weeks prior to the sale of such buildings or improvements, the county auditor shall cause to be published in a legal newspaper in the county and shall post on the bulletin board in his office and at least one other prominent place in the court house, a notice of such sale, which notice shall include the date of the sale, a description of the buildings and improvements, the lands upon which they are situated and the appraised value thereof.

Subd. 4. **Sale conditioned upon removal.** All sales under subdivisions 1 or 2 shall be conditioned upon the removal from the land by the purchaser of all buildings and improvements within 90 days of the date of purchase, and upon failure to so remove them, the buildings shall revert to the state and may be resold as provided in subdivisions 1 or 2.

Subd. 5. **Disposition of proceeds.** The proceeds from the sale of any such buildings or improvements located on lands held by the state in trust for the taxing districts, shall be deposited in the forfeited tax fund of the county and shall be distributed in the same manner as if the parcel of land on which the buildings or improvements were situated had been sold. The proceeds from the sale of any buildings or improvements on lands held by the state free of any trust for the taxing districts shall be remitted by the county auditor to the commissioner of natural resources to be deposited in the state treasury in the fund to which the proceeds from the sale of the lands from which the buildings are removed would properly be credited.

History: 1945 c 465; 1947 c 181 s 1-4; 1969 c 1129 art 3 s 1

375.197 [Repealed, 1965 c 45 s 73]

375.20 QUESTIONS SUBMITTED TO VOTE; BALLOT.

When the county board is authorized to do any act, incur any debt, appropriate money for any purpose, or exercise any other power or authority, only when authorized to do so by a vote of the people, the question to be voted upon may be submitted at a special or any general election, by a resolution specifying

the matter or question to be voted upon; and, if it is to authorize the appropriation of money, creation of a debt, or levy of a tax, shall state the amount thereof. Notice of such election shall be given as in the case of special elections; and, if the question submitted be adopted, the board shall pass an appropriate resolution to carry the same into effect. In all such elections the form of the ballot shall be: "In favor of (here state the substance of the resolution to be submitted), Yes No.....," with a square opposite each of the words "yes" and "no," in one of which the voter shall make a cross to indicate his choice; provided that the county board may call a special county election upon any such question to be held within 60 days after a resolution to that effect shall be adopted by the county board. Upon the adoption of such a resolution the county auditor shall post and publish notices of such election, as required by section 202A.66. The election shall be conducted and the returns canvassed in the manner prescribed by sections 202A.61 to 202A.71, so far as practicable.

History: *RL s 450; 1931 c 384; 1961 c 560 s 32; 1975 c 5 s 133 (786)*

375.21 CONTRACTS OF COUNTY BOARDS.

Subdivision 1. No contract for work or labor, or for the purchase of furniture, fixtures, or other property, or for the construction or repair of roads, bridges, or buildings, the estimated cost or value of which exceeds \$3,500, shall be made by a county board without first advertising for bids or proposals in some newspaper of the county. If, for the purchase of property or for work and labor, two weeks published notice that proposals will be received, stating the time and place, shall be given. If, for the construction or repair of roads, bridges, or buildings, three weeks published notice shall be given. The notice shall state the time and place of awarding the contract and contain a brief description of the work. Every such contract shall be awarded to the lowest responsible bidder and duly executed in writing, and the person to whom the same is awarded shall give a sufficient bond to the board for its faithful performance. If no satisfactory bid is received, the board may readvertise. Every contract made without compliance with the provisions of this section shall be void. In case of an emergency arising from the destruction or impassability of roads or bridges by floods, rain or snow, or other casualty, or from the breaking or damaging of any county property, where the public interests would suffer by delay, such contracts for purchase or repairs may be made without advertising for bids, but in such case the action of the board shall be recorded in its official proceedings.

Subd. 2. [Repealed, 1967 c 364 s 2]

Subd. 3. [Repealed, 1967 c 364 s 2]

History: *RL s 618,619; 1919 c 355; 1921 c 376; 1923 c 80; Ex1934 c 69; 1935 c 17; 1939 c 5; 1939 c 246; 1947 c 138 s 1; 1957 c 497 s 1; 1959 c 337 s 1; 1967 c 364 s 1; 1969 c 153 s 1; 1969 c 613 s 3 (991, 992, 993-1)*

NOTE: See sections 160.17 and 471.345.

375.22 EMERGENCY.

In case of an emergency arising from breakage, damage, or decay in any county property of any county with a population of more than 225,000, that cannot be allowed to wait for the time required to advertise for bids, then such repairs may be made without advertising for bids; provided, such work is authorized by a majority of the board of county commissioners, and such action shall be ratified and recorded in the official proceedings of the board at its next meeting.

History: *1905 c 189 s 1 (993)*

NOTE: Section 375.22 is not applicable to Ramsey county. See Laws 1974, Chapter 435, Article 7, Section 1.

375.23 ASSESSMENT AND ROAD DISTRICTS IN UNORGANIZED TERRITORY; ASSESSORS; OVERSEERS OF ROADS.

The county board of any county, any part of which is not organized into towns, shall, at its meeting in January, in each year, divide such unorganized territory into one or more assessment and road districts and appoint a qualified person residing therein as assessor for each district and another as overseer of roads therein, each of whom shall possess the powers and perform the duties of a town assessor and town overseer of roads, respectively. Each shall hold his office for the term of one year. The compensation of any such overseer of roads shall be fixed by the county board, not exceeding \$4 per day. The compensation of any such assessor shall be fixed by the county board, not exceeding \$6 per day; provided, that the county board at its annual meeting may fix the compensation of the assessor on an annual basis, but such compensation when so fixed shall not exceed \$400 and shall not be less than \$75 in any one year and, in addition to the per diem or compensation fixed on an annual basis, the county board is authorized in its discretion to allow the assessor mileage at the rate of five cents per mile for each mile necessarily traveled in his assessment work.

History: *RL s 442; 1909 c 250 s 1; 1945 c 528 s 1 (770)*

375.24 APPOINTMENT OF JUSTICES OF THE PEACE AND CONSTABLES IN CERTAIN UNORGANIZED TERRITORY.

In any county of this state having no organized townships or in which the distance from any full and fractional unorganized township is more than 20 miles from the nearest town or municipality or county-seat, and which full and fractional unorganized township is entirely separated from the town or municipality or county-seat by water, the county board of such county may appoint one or more justices of the peace and one or more constables for such unorganized township, who shall have the same powers and duties as like officers in towns in the county.

Before entering upon their duties such officers shall give bond to the county in such penal sum as the county board shall determine, which bonds shall be otherwise conditioned as bonds for such officers in towns in the county. Such bonds shall be approved by the county board and filed with the clerk of the district court.

History: *1935 c 85 s 1,2; 1941 c 234 (1081-1, 1081-2)*

375.25 COUNTY BONDS MAY BE BOUGHT BY FUNDS IN TREASURY; RE-SALE.

When any fund in the treasury of any county of this state having not more than 50,000 population is of such size that, in the opinion of the county board, the same would not be necessary to be expended for the purpose for which it was paid in within two or more years from the time of such determination, the board may thereupon authorize the auditor and treasurer of the county to purchase out of such fund any outstanding bonds of the county at not exceeding the face value thereof and accrued interest thereon to date of purchase and the bonds so purchased shall be kept by the treasurer as an asset of such fund. Any bonds so purchased may again be sold by the board at not less than the face value thereof when, in its judgment, it is deemed necessary to replenish the fund out of which such bonds were purchased.

History: *1907 c 214 s 1,2 (669-1) (669-2)*

375.26 GIFTS, ACCEPTANCE.

Any county in this state may receive by grant, gift, devise, or bequest, and take charge of, own, hold, control, invest, and administer free from taxation, in accordance with the terms of the trust or the conditions of the gift, any personal property, and any real property not to exceed 40 acres in any one county, for the use and benefit of the inhabitants of the county or as a park or recreation grounds, and in the encouragement, aid, and maintenance of the county cooperative work and education in agriculture and home economics. Such county may, from time to time, by resolution of the county board, appropriate from the county revenue fund such sum or sums as may by the board be deemed necessary to suitably maintain, improve, and care for the property for such use and purpose.

History: 1925 c 13 s 1; 1933 c 59 s 1; 1939 c 30 s 1; 1949 c 481 s 1; 1951 c 158 s 1; 1957 c 8 s 1; 1980 c 379 s 2 (669-12)

375.27 LIABILITIES, LIMITATIONS, AND CONDITIONS OF GIFTS OF REALTY.

No county, by receiving any grant, gift, devise, or bequest of any property pursuant to section 375.26 and holding and managing the same, shall incur or be subject to any liability of any kind or nature growing out of the ownership or management thereof; except that limitations and conditions may be imposed by the deed of gift as to the use of the property donated and, if the gift is accepted by the county, it shall be the duty of the county to comply with the limitations and conditions so imposed.

History: 1925 c 13 s 2 (669-13)

375.273 ACCEPTANCE OF DONATIONS FOR CARE OF CEMETERIES.

Subdivision 1. **Acceptance of donations.** The board of county commissioners of any county may accept money from private sources or from any person, firm, or corporation, including fiduciaries, donated for the perpetual care of cemeteries located either wholly or partly within the county, and use such funds for the purposes provided in subdivision 2.

Subd. 2. **County board may expend funds in care of cemeteries.** Any such board of county commissioners may expend public funds under its control for the purpose of maintaining and improving, and otherwise permanently caring for cemeteries located either wholly or partly within the county, but any such expenditures shall be included in, and shall not be in excess of, any limitations on expenditures now fixed by law.

Subd. 3. **Donations deposited with county treasurer.** All money donated or made available for use by such board in permanently caring for such cemeteries, shall be paid into the county treasury, and kept in a separate fund and disbursed only as authorized by the county board.

History: 1945 c 364 s 1

375.28 REWARDS FOR CAPTURE OF PERSONS ACCUSED OF CRIME OR ESCAPING FROM JAIL.

The county board of any county in this state shall have the power to offer and pay rewards in such amounts, not exceeding \$500 in any one case, as by it may be deemed advisable for the apprehension, arrest, or conviction, or for information leading to the apprehension, arrest, or conviction, of any person or persons accused of crime in any of the courts of the county or for the apprehension, or for information leading to the apprehension, of any prisoner escaped from any jail in the county.

History: 1925 c 23 s 1 (669-15)

375.29 REWARDS, PAYMENT OF.

When any county in this state, having a population of more than 200,000, and an assessed valuation of more than \$250,000,000, shall have, by resolution of its county board, authorized the payment of a reward for the recovery of the body of a murderer, such county board shall be authorized to pay such reward and claim therefor, provided that no such payment shall exceed the sum of \$200, and no such payment shall be made except by resolution of the county board. The county board, before allowing any such reward, shall require proper and sufficient legal proof of the fact evidencing the recovery of the body of any such murderer. Any seven taxpayers may appeal to the district court of such county from the action of the county board, as provided by law for appeal from the allowance or disallowance of any claim by the county board.

History: 1935 c 234 (669-15 1/2)

375.30 COUNTY BOARD MAY APPROPRIATE MONEY FOR CERTAIN PURPOSES.

Subdivision 1. In addition to the powers now conferred on it by law, the county board of any county shall have power to appropriate, annually, a sum of money, not exceeding \$500, for the purpose of eradicating and removing rust-producing bushes, including barberry and mahonia and excluding Japanese barberry. The money so appropriated to be expended in such manner as the county board may, by resolution, provide.

Subd. 2. The county board of any county, by resolution, may appropriate and expend such sums of money as may be necessary to spray and otherwise eradicate wild hemp, commonly known as marijuana, on private property within the county. The county board of any county may authorize the use of county equipment, personnel and supplies and materials in spraying or otherwise eradicating wild hemp on such private property, and may pro rate the expenses involved between the county and owner or occupant thereof.

History: 1921 c 142; 1971 c 812 s 1 (671)

375.31 MOTOR VEHICLES, DAMAGE FROM OPERATION.

The county board of any county may indemnify any officer or employee of the county for loss or expense arising or resulting from any claim made against him because of bodily injury, death or property damage sustained by reason of his operation of a motor vehicle while performing official duties. The county board of any county may defend any suit brought against any such officer or employee to enforce any such claim. The county board of any county may settle any such claim or suit and pay the amount of any such settlement or the amount of any final judgment rendered against any such officer or employee on any such claim without first requiring him to pay it.

History: 1931 c 330 s 1; 1951 c 131 s 1 (672-1)

375.32 INSURANCE POLICIES; PREMIUM, PAYMENT.

Subdivision 1. **Payment of premium.** The county board of any county may pay the premium on any insurance policy which insures any officer or employee of the county or any group of such officers or employees against liability for injuries to person or property within the limitations of section 375.31. Such payment shall not impose any liability upon the county. Such insurance may be written in any insurance company authorized to transact business in the state of Minnesota.

Subd. 2. **Automobile insurance coverage.** The county board of any county may take such action as may be necessary to bring the county and its officers and employees within the provisions and limitations of chapter 65B.

History: 1931 c 330 s 2; 1951 c 131 s 2,3 (672-2)

375.33 FREE COUNTY LIBRARIES.

Subdivision 1. **Creating, financing.** The county board of any county may establish and maintain, at a location determined by the board, a public library for the free use of residents of the county, and may levy an annual tax upon all taxable property which is not already taxed for the support of any free public library and all taxable property which is situated outside of any city in which is situated a free public library. The proceeds of this tax shall be placed in the county library fund.

Subd. 2. **Establishment; petition, election.** If such county library be not otherwise established, upon petition of not less than 100 freeholders of the county, the county board shall submit the question of the establishment and maintenance of a free public library to the voters at the next county election. If a majority of the votes cast on such question be in the affirmative, the county board shall establish the library and shall levy annually a tax for its support.

Subd. 3. **Contract with library board.** If there be a free public library in the county, the county board may contract with the board of directors of such library for the use of such library by residents of the county, and may place the county library fund under the supervision of such library board, to be spent by such board for the extension of the free use of the library to residents of the county. If there be more than one such free public library in the county the county board may contract with one or all of such library boards for such free service if in its judgment advisable.

Subd. 4. **Library board.** If no free public library in the county is available for use as a central library of the county system, the county board shall appoint a library board of at least five directors. The term of office of these directors is three years, and each director shall hold office until his successor is appointed and qualifies. Of the directors first appointed, two shall hold office for three years, two for two years, and one for one year from the third Saturday of July following their appointment, as specified by the county board; and thereafter the directors shall be appointed for a term of three years. If more than five directors are appointed, terms shall be staggered as nearly as possible so no more than one-third of the membership terms expire each year. This board of directors shall have the powers and duties of a board of directors of any free public library in a city and shall be governed by the provisions of sections 134.09, 134.11 to 134.15.

History: 1919 c 445 s 1; 1943 c 94 s 1; 1947 c 64 s 1; 1949 c 266 s 1; 1951 c 217 s 2; 1963 c 144 s 3; 1973 c 123 art 5 s 7; 1973 c 583 s 23,24; 1978 c 624 s 1 (673)

NOTE: See also section 134.12.

375.335 REGIONAL LIBRARIES.

Subdivision 1. Two or more contiguous counties, except counties one or more of which contain a city of the first class over 300,000 according to the 1960 United States census may, through action by their governing bodies under the provisions of section 471.59, establish and maintain a regional library, even though any one or more of the counties may already have a county library with a library board; provided that in any such county already having a county library board, the approval of said library board shall also be required. Cities in any of the contracting counties having public libraries may join in the regional library

by being parties to the agreement which establishes the regional library through action of their library boards, or as hereinafter provided in subdivision 3.

Subd. 2. The agreement establishing such regional library may provide for a library board to govern the organization having all the powers and duties of county library boards as provided in section 375.33. Such regional library board may consist of as many members as the contracting parties deem necessary, appointed in such numbers and for such terms by each county board party to the contract as may be determined by the contracting parties, irrespective of the existence of one or more county library boards already in existence in the participating counties. In such participating counties, such portion of the proceeds of the county library tax authorized by section 375.33, subdivision 1, shall be used for the support of the regional library as the contracting agreement may provide.

Subd. 3. Where such regional library is established, any city located in any of the contracting counties which is excluded from the county tax supporting the regional library under the provisions of section 375.33, subdivision 1, may, upon recommendation of its library board and upon action by its governing body, be included in such county tax and become an integral part of the regional system. Such cities and any other cities in the participating counties, whether or not governed by home rule charter provisions, may levy taxes for the additional support of their local library services provided that said combined levies shall not exceed the statutory limit on the library levy. Any such local public library board or governing body may, at its option, continue to control such local library fund or pay all or part thereof into the regional library fund, to be used for the increase or improvement of library services in such city.

Subd. 4. Any multicounty regional library heretofore created, and the agreements creating them, are hereby validated, ratified, and confirmed and the benefits of subdivisions 1 to 4 shall hereafter apply to said libraries.

History: 1961 c 55 s 1; 1973 c 123 art 5 s 7

375.34 MEMORIAL DAY, APPROPRIATION FOR OBSERVANCE.

The county board of each county may appropriate from the revenue fund of the county not more than \$1,500 annually to aid in the observance of Memorial Day in commemoration of the noble and valiant deeds of the nation's soldier dead.

History: 1911 c 109 s 1; 1955 c 24 s 1; 1979 c 310 s 1 (762)

375.35 APPROPRIATION TO MILITARY SERVICE ORGANIZATIONS, MEMORIAL DAY SERVICES.

The several county boards in this state are hereby empowered, in addition to the power now conferred on them by law, to appropriate annually not to exceed \$100 to each post of a recognized military service persons' organization or society, holding charter from congress or incorporated in this state, organized and existing in their respective counties, for defraying the expenses of Memorial Day exercises.

History: 1921 c 233 s 1; 1927 c 407; 1949 c 120 s 1; 1974 c 161 s 14; 1979 c 310 s 2 (762-1)

375.36 COUNTY BOARD TO ESTABLISH SOLDIERS' REST.

The board of county commissioners of any county in this state may purchase a plot of ground in any duly organized cemetery lying, in whole or in part, in the county, or in a county contiguous thereto, to be designated, set aside, and used exclusively as a soldiers' rest, and appropriate for the payment, embellishment, and upkeep thereof, and for the opening and the closing of graves therein, not to exceed the sum of \$1,000 in any one year. Any county in this

state now having, or which may hereafter have, a population of not less than 150,000 may appropriate for such purposes not to exceed the sum of \$3,500 in any one year.

The county board is authorized to use such portion of the appropriation as it may deem necessary for compensation and expenses of an agent, who shall be a veteran, to care for such burial ground and to issue permits for burial therein.

History: 1917 c 60 s 1; 1923 c 335 s 1; 1937 c 178 s 1; 1945 c 257 s 1 (763)

NOTE: Section 375.36 is not applicable to Ramsey county. See Laws 1974, Chapter 435, Article 7, Section 1.

375.37 "SOLDIERS' REST" USED EXCLUSIVELY FOR SOLDIERS, SAILORS, MARINES AND WAR NURSES.

Any plot of ground secured and designated as a "soldiers' rest" shall be used exclusively for the interment of deceased soldiers, sailors, marines, and war nurses of the United States, without charge for space therein.

History: 1917 c 60 s 2; 1933 c 336; 1937 c 178 s 2; 1945 c 145 s 1 (764)

375.38 VIOLATION A MISDEMEANOR.

Any person interring or causing to be interred a body, or make a charge for a burial lot in such soldiers' rest, except as provided by section 375.37, shall be guilty of a misdemeanor.

History: 1917 c 60 s 3; 1937 c 178 s 3 (765)

375.383 WAR RECORDS, PUBLICATION.

The board of county commissioners of any county may, by resolution, authorize the compilation, printing, and distribution of a book containing the war records, and, if desired by the board, pictures of residents of the county who served in the armed forces of the United States or any of its allies during the second world war, or who had active service on and after June 27, 1950, and prior to the final cessation of hostilities as proclaimed by proper federal authority, and such other information relative to war activities or services as the board deems desirable.

The board may make a tax levy in a sufficient amount to carry out the provisions of this section, which levy may be in addition to all other levies now authorized by law.

History: 1945 c 571 s 1; 1953 c 699 s 15

375.39 CHANGE OF NAME OF COUNTY; ORDER OF COUNTY BOARD.

The county board of any county in this state may change the name of the county upon a petition signed by a number of the legal voters of the county equal to 55 percent of the votes cast at the last preceding general election, and shall adopt the new name suggested in such petition as the official name of the county. Such petition shall be filed with the county auditor and it shall be the duty of the auditor thereupon to give public notice of the filing of such petition by publishing the same in the official newspaper of the county, and the petition shall be taken up and considered at the next meeting of the board held not less than 30 days after the date of such notice.

The prayer of the petition being granted, the board shall make a formal order to that effect, which shall be filed with the auditor, and thereupon the official name of the county shall be the one so adopted.

History: 1905 c 23 s 1,2 (674, 675)

375.40 COUNTY BOARD MAY LICENSE EXHIBITIONS AND SHOWS.

The board of county commissioners of any county of this state is hereby authorized to license and regulate itinerant shows, carnivals, circuses, endurance contests, and exhibitions of any nature whatsoever, except those prohibited by section 624.66. Sections 375.40 to 375.42 shall not apply to shows, carnivals, circuses, contests, and exhibitions held within the incorporated limits of a city.

The fee for such license shall be fixed by the board of county commissioners in such amount as it shall deem advisable.

The board of county commissioners may require, as a condition to the granting of such license, the posting of a penal bond in such amount as it shall determine.

Application for such license shall be made on such form as the board of county commissioners shall determine. Upon the approval of such application and the payment of the license fee and the posting of such bond as may be required, the county auditor shall issue the license.

History: 1937 c 331 s 1-4; 1973 c 123 art 5 s 7 (10536-11, 10536-12, 10536-13, 10536-14)

375.41 TAKING PART IN UNLICENSED EXHIBITION OR SHOW A MISDEMEANOR.

Any person, partnership, association, or corporation who conducts, or takes part in, any itinerant show, carnival, circus, endurance contest, or exhibition not licensed, as provided in section 375.40, shall be guilty of a misdemeanor.

History: 1937 c 331 s 5 (10536-15)

375.42 EXCEPTIONS.

The provisions of sections 375.40 and 375.41 shall not apply to any itinerant show, carnival, circus, endurance contest, or exhibition held in connection with any agricultural association fair.

History: 1937 c 331 s 6 (10536-16)

375.43 [Repealed, 1975 c 301 s 16]

375.435 COST OF LIVING ADJUSTMENT.

A cost of living adjustment to the salary paid to a county auditor, county treasurer, county recorder, clerk of the district court, sheriff, county attorney, county assessor, or county commissioner pursuant to section 375.43, prior to January 1, 1976, shall be deemed part of the salary paid to the officer from January 1, 1976.

History: 1975 c 301 s 11; 1976 c 181 s 2

375.44 MILEAGE, COUNTY HOSPITAL BOARD MEMBERS.

The county board of any county in which a county hospital is located may by resolution authorize the members of any county hospital board who are not members of the county board to receive seven and one-half cents for each mile necessarily traveled in attending meetings in the performance of their duties.

History: 1957 c 83 s 1

375.45 CHANGE FUNDS, ESTABLISHMENT.

The county board shall establish funds in the offices of the auditor, treasurer, clerk of the district court, county recorder, sheriff and such other offices and departments as it deems necessary for the purpose of making change only. The change funds shall be established by making an appropriation therefor from

the proper fund in whatever amounts the county board shall determine. The officer receiving such fund shall be custodian of such fund and he shall be responsible for its safekeeping and use. The change fund shall not be used for the purpose of making payments of expenses such as are provided for in section 375.16.

History: 1959 c 502 s 1; 1967 c 44 s 1; 1976 c 181 s 2

375.46 ROAD AND HIGHWAY PATROL; SHERIFF'S DUTY.

Subdivision 1. The board of county commissioners of any county may appropriate, out of its general fund, money to permit the sheriff to patrol the roads and highways of his county to investigate conditions respecting observances of laws.

Subd. 2. Upon request by the board of county commissioners the sheriff of such county shall provide a patrol of roads and highways as provided in subdivision 1.

History: 1961 c 258 s 1; 1977 c 158 s 1

375.47 EXPENSE ALLOWANCES FOR MEMBERS OF BOARDS AND AGENCIES.

Subdivision 1. Except in Hennepin and St. Louis counties, the board of county commissioners of each county may, by resolution, set a reasonable allowance for expenses or a per diem allowance in lieu of expenses and a mileage allowance to be paid the members of boards or agencies authorized by statute, and members of advisory boards or committees, performing duties for all or part of the county, when the board or agency does not itself have power to make expense allowances for its members. The allowances shall be paid from the funds under the administration of the boards or agencies. Members of the board of county commissioners shall not receive any per diem pursuant to this subdivision.

Subd. 2. No member of a board, agency, advisory board, or committee shall receive an allowance for expenses, or a per diem allowance in lieu of expenses, or a mileage allowance pursuant to subdivision 1, if in another capacity he receives from the county under authority of any other statute or resolution either:

(a) an allowance for or per diem allowance in lieu of the same expenses or mileage; or

(b) a fixed amount, whether as part of his salary or otherwise, for expenses of like kind incurred in the performance of his duties in such other capacity.

History: 1967 c 78 s 1,2; 1975 c 301 s 10; 1978 c 481 s 1

375.471 LAND CONSERVATION AND UTILIZATION; FEDERAL AID.

The county boards of the several counties which have been designated as a resource conservation and development project area under the provisions of 7 USCA, Sec. 1011(e) and acts amendatory thereof, are authorized to enter into such agreements as may be necessary with the secretary of agriculture of the United States and other agencies of the federal government for the program of land conservation and land utilization authorized by 7 USCA, Sec. 1010 and acts amendatory thereof, to accept assistance therefor under 7 USCA, Sec. 1011 and acts amendatory thereof, to engage in such works of improvement as are necessary to effectuate the purpose of such acts and to cooperate with the said secretary of agriculture and federal agencies to the end that residents of this state shall obtain the benefits and advantages available to them and intended by congress to be so available in such acts. The said county boards shall comply with any and all requirements of federal law and any rules and regulations promul-

gated thereunder and with appropriate state laws in accomplishing the purposes here intended. If a proceeding is instituted by petition for an improvement under this section, the proceedings thereafter may be conducted by a board in the same manner as is provided for the establishment of a drainage system under chapter 106. A majority of the landowners as defined in section 106.031, shall be required for a valid petition. They may also proceed under authority as otherwise provided by law.

History: 1967 c 581 s 1; 1976 c 2 s 136

375.48 EXECUTIVE SECRETARY; APPOINTMENT; QUALIFICATIONS.

Subdivision 1. Notwithstanding the provisions of sections 375A.01 and 375A.12, the board of county commissioners of any county may appoint and employ an executive secretary upon such terms and conditions as it deems advisable and is authorized to appropriate funds and provide suitable office space for such office. The county board shall set the salary of the secretary. He shall be chosen solely on the basis of his training, experience and administrative qualifications and need not be a resident of the county at the time of his appointment. The executive secretary serves at the pleasure of the board and his employment may be terminated by the board without notice. The county board may provide for a termination allowance.

Subd. 2. The county board may appoint as executive secretary any county officer or employee except a county commissioner during the term for which he was elected. If a county officer or employee is appointed executive secretary, the county board may provide that the duties of executive secretary are in addition to his duties as such officer or employee.

History: 1967 c 585 s 1; 1973 c 542 s 14; 1978 c 462 s 2

375.49 DUTIES OF EXECUTIVE SECRETARY.

Subdivision 1. The county board shall prescribe the duties and responsibilities of the executive secretary. Insofar as required by the county board, he is responsible to the board for the proper administration and management of any duty assigned to him and for these purposes is deemed the head of a department.

Subd. 2. The executive secretary may be assigned any of the following duties and responsibilities:

(a) To manage any or all of the affairs of the county which county board has authority to control;

(b) To examine regularly the books, papers and accounts of each department, office, and agency of the county under the control of the county board and to report to the board the condition in which he finds them and such other information as the board directs;

(c) To submit to the board such recommendations concerning the affairs of the county, its future financial needs, and its offices, departments and agencies as he deems proper;

(d) To see that all orders, resolutions and regulations of the county board are faithfully executed;

(e) To initiate and present a proposed annual budget to the county board for its review and consideration; and

(f) To serve as clerk of the county board. Upon the adoption of a resolution directing the executive secretary to assume the responsibilities of clerk of the board, the county auditor shall no longer be held responsible for the duties as clerk to the board imposed by section 384.09.

History: 1967 c 585 s 2; 1973 c 542 s 14

375.50 RESCISSION OF RESOLUTION ESTABLISHING EXECUTIVE SECRETARY'S OFFICE.

The board at any time may rescind the resolution establishing the office of executive secretary. Any duties and responsibilities previously assigned to the executive secretary, upon adoption of the rescinding resolution, shall be vested in the officer or department which had responsibility for the function previous to the transfer of the function to the executive secretary.

History: 1967 c 585 s 3; 1973 c 542 s 14

375.51 ORDINANCES; ENACTMENT, PUBLICATION.

Subdivision 1. **Enactment.** In any instance in which a county board is authorized by law to enact ordinances, such county ordinances shall be adopted in the manner hereinafter prescribed except as otherwise provided by law. A public hearing shall be held prior to the enactment of any ordinance adopting or amending a comprehensive plan or official control as defined in section 394.22. Every county ordinance shall be enacted by a majority vote of all the members of the county board except where a larger number is required by law. It shall be signed by the chairman of the board and attested by the clerk of the board. The ordinance shall be published as hereinafter provided. Proof of the publication shall be attached to and filed with the ordinance in the office of the county auditor. Every ordinance shall be recorded in an ordinance book in the office of the county auditor within 20 days after its publication. All ordinances shall be suitably entitled and shall be substantially in the style: "The county board of county ordains:".

Subd. 2. **Notice of intention.** No ordinance of a county shall be enacted unless a notice of the intention to enact such ordinance has been published in the official newspaper of the county not less than ten days before the meeting or public hearing required by subdivision 1 at which the ordinance is to be considered. Public hearings may be continued from time to time and additional hearings may be held. The notice shall state the subject matter and the general purpose of the proposed ordinance. Proof of the publication of the notice shall be attached to and filed with the ordinance, if enacted, in the office of the county auditor.

Subd. 3. **Publication.** Every ordinance enacted by a county board shall be published at least once as part of the proceedings of the meeting at which the ordinance was enacted. Publication shall be made in the official newspaper of the county but additional publications, either in the official newspaper or other newspaper, may be ordered. An ordinance may be published in its entirety, or otherwise as hereinafter provided.

To the extent of the authority described in subdivision 1 of this section, a county 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 county, or any code. The term "code" as used herein means any compilation of regulations or standards or parts thereof prepared by any governmental agency 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, public health, safety, or general welfare.

In the case of lengthy ordinances, or ordinances which include charts or maps, the ordinance need not be published in its entirety if the title of the ordinance and a summary of the ordinance is included in the publication of the proceedings of the meeting at which the ordinance was enacted. In such case and in

the case a statute, administrative rule or regulation or a code is adopted by reference, all requirements of statute for the publication of ordinances shall be satisfied if the summary of the ordinance or the ordinance incorporating the statute, regulation, ordinance or code is published in the required manner and if, prior to such publication, at least one copy of the entire ordinance or of the statute, rule, regulation or code are marked as the official copy and filed for use and examination by the public in the office of the county auditor. Provisions of the entire ordinance or of the statute, rule, regulation 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.

History: 1967 c 698 s 1; 1974 c 571 s 47-49

375.52 REVISION AND CODIFICATION.

Any county may revise and codify and print in book, pamphlet or newspaper form any general and special laws, ordinances, resolutions and rules in force in the county. Such codification shall be a sufficient publication of any ordinance included in it and not previously published in a newspaper if a substantial quantity of the codification is printed for general distribution to the public. A notice that copies of the codification are available in the office of the county auditor shall be published in the official county newspaper for at least two successive weeks. The county board is authorized to make a reasonable charge for the cost of printing and distribution of ordinances or a codification of ordinances.

History: 1967 c 698 s 2

375.53 VIOLATIONS OF ORDINANCES, PENALTIES.

The county board shall have power to declare that the violation of any ordinance shall be a penal offense and to prescribe penalties therefor. Such penalties shall not exceed those permitted for conviction of a misdemeanor as defined by law.

History: 1967 c 698 s 3

375.54 PROSECUTIONS UNDER ORDINANCE.

All prosecutions for violation of county ordinances shall be brought by the county attorney in the name of the county upon complaint and warrant as in other criminal cases.

History: 1967 c 698 s 4

375.55 DISPOSITION OF FINES RECOVERED FOR ORDINANCE VIOLATIONS.

All fines, forfeitures, and penalties recovered for the violation of any county ordinance shall be paid into the county treasury. Every court or officer receiving such moneys, on or before the tenth day after the last day of the month in which such moneys were collected, shall make return thereof under oath and be entitled to duplicate receipts for the amounts paid. One of the receipts shall be filed with the county auditor.

History: 1967 c 698 s 5

PERSONNEL ADMINISTRATION SYSTEM

375.56 COUNTY PERSONNEL ADMINISTRATION SYSTEM; RESOLUTION TO ESTABLISH SYSTEM.

Any county board may establish a county personnel administration system by adopting a resolution creating a personnel department, establishing an effective date and appointing a personnel appeals board pursuant to section 375.65.

History: 1976 c 182 s 1

375.57 DEFINITIONS.

Subdivision 1. For the purpose of sections 375.56 to 375.71, unless the context clearly indicates that a different meaning is intended, the terms defined herein shall have the meanings ascribed to them in this section.

Subd. 2. "Appointing authority" means the official, employee, board, or commission, or the person or group of persons empowered by statute, ordinance or resolution to make an appointment to positions as county employees within the scope of sections 375.56 to 375.69.

Subd. 3. "Director" means the director of the department of personnel.

Subd. 4. "Personnel department" means the personnel director and his employees engaged in the administration of the personnel department.

Subd. 5. "Board of appeals" means the personnel board of appeals established pursuant to section 375.65.

History: 1976 c 182 s 2

375.58 JURISDICTION.

Subdivision 1. The jurisdiction of a county personnel department created pursuant to section 375.56 shall include every county level public employment position for which the appointing authority is the county board, the county welfare board, the county human services board, an elected county official, an appointed county department head, or a commission or board appointed by the county board, except the positions excluded under subdivisions 2 and 3.

Subd. 2. The following positions are excluded from the jurisdiction of the county personnel department:

- (a) Elected positions;
- (b) Positions for which a county or district court judge is the appointing authority;
- (c) Positions designated as department heads appointed by the county board;
- (d) Positions designated as department heads appointed by boards or commissions appointed by the county board;
- (e) One position designated by each elected department head as his chief or principal assistant;
- (f) One position designated by each elected department head as his personal secretary.

Subd. 3. At the option of the county board, the following positions may be excluded from the jurisdiction of the county personnel department:

- (a) Any or all positions subject to merit systems established pursuant to sections 12.22, subdivision 3, 144.071, 387.31 to 387.45, and 393.07, subdivision 5;
- (b) Positions designated as temporary or seasonal;
- (c) Positions held by special deputies and volunteers serving without pay;
- (d) Positions held by students in training.

History: 1976 c 182 s 3

375.59 PERSONNEL DIRECTOR APPOINTMENT.

A county board which has adopted the resolution authorized in section 375.56 shall as soon as practicable thereafter appoint a personnel director or shall assign the function of personnel director to an existing officer or employee. In a county which is operating under an optional form pursuant to sections

375A.01 to 375A.13, the authority to appoint the personnel director shall be the same as for the appointment of other department heads. The terms and conditions of employment of the person appointed as director or assigned the function of director shall be established by the county board.

History: 1976 c 182 s 4

375.60 DUTIES AND POWERS OF THE DIRECTOR.

Subdivision 1. **Preparation of personnel administration rules.** The personnel director shall prepare personnel rules which shall become effective upon approval by the county board for the purpose of carrying out the provisions of sections 375.56 to 375.71. These rules shall provide, among other things, for:

(a) Preparation of classification plan and classification of positions within the jurisdiction of the department in accordance with the plan.

(b) Creation and maintenance of lists of eligibles. No name shall remain on an eligible list for more than two years.

(c) Certification of names to the appointing authority from the eligible list for appointment, promotion, or reemployment.

(d) Establishment of procedures for the recruitment, selection and advancement of personnel on the basis of relative ability, knowledge and skills.

(e) Establishment of procedures assuring nondiscriminatory and fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed.

(f) Establishment of procedures for suspension or termination or other disciplinary action, including procedures for appeal of actions by appointing authorities with respect to suspension or termination or other disciplinary action.

Subd. 2. **Administration of the department.** The director shall administer the personnel department. In addition to the duties imposed on him elsewhere in sections 375.56 to 375.71, he shall:

(a) Appoint, supervise and direct the work of the employees of the personnel department.

(b) Schedule and conduct hearings as required by rules adopted pursuant to sections 375.56 to 375.71 or at the direction of the county board.

(c) Provide for, formulate and hold competitive examinations as required by rule to determine the qualifications of persons seeking employment in positions within the jurisdiction of the department.

(d) Make investigations concerning the administration and effect of rules made pursuant to sections 375.56 to 375.71 and report his findings and recommendations to the county board.

(e) Establish programs for training and continuing education of employees as deemed appropriate by the county board to improve the quality of service of employees holding positions within the jurisdiction of the department.

(f) Prepare a compensation plan and recommend a schedule of salary or wage rates for positions within the jurisdiction of the personnel department for adoption by the county board.

History: 1976 c 182 s 5

375.61 PAYROLLS APPROVED BY DIRECTOR.

No disbursing officer shall pay any salary or compensation for service to any person holding a position within the jurisdiction of a personnel department established pursuant to sections 375.56 to 375.71 unless the payroll or account for the salary or compensation shall bear the certification of the personnel direc-

tor or his authorized employee that the persons paid or compensated have been appointed in accordance with the provisions of sections 375.56 to 375.71 and rules adopted pursuant to sections 375.56 to 375.71. The director shall not certify a payroll item for a person holding a position within the jurisdiction of the department unless the person shall have been appointed and employed in accordance with the provisions of sections 375.56 to 375.71 and rules adopted pursuant to sections 375.56 to 375.71.

History: 1976 c 182 s 6

375.62 CIVIL SERVICE AND MERIT SYSTEM RELATIONSHIPS.

Unless a county board has elected to exclude any or all positions otherwise subject to merit systems established pursuant to sections 12.22, subdivision 3, 144.071, 387.31 to 387.45, and 393.07, subdivision 5, from the jurisdiction of the personnel department, the provisions of sections 12.22, subdivision 3, 144.071, 387.31 to 387.45, and 393.07, subdivision 5 and any rules and regulations promulgated pursuant to those sections shall be superseded insofar as they are inconsistent; provided that no positions subject to merit systems established pursuant to sections 12.22, subdivision 3; 144.071; and 393.07, subdivision 5, shall be removed from existing merit system coverage and placed under a personnel department established pursuant to sections 375.56 to 375.71, until that personnel department is certified by the United States Civil Service Commission as meeting the operating standards of a merit system. Nothing in section 387.43, shall be construed to prohibit the inclusion of sheriff's department personnel in a personnel system established pursuant to sections 375.56 to 375.69.

History: 1976 c 182 s 7

375.63 VETERANS TO BE GIVEN PREFERENCE.

Nothing in sections 375.56 to 375.71 shall be construed to remove, limit, or extend the rights and preferences of veterans as established by the provisions of sections 197.455 and 197.46, except that the county board may enact rules relative to retirement age which shall apply to veterans on the same basis as they apply to other persons.

History: 1976 c 182 s 8

375.64 COLLECTIVE BARGAINING RELATIONSHIPS.

Subdivision 1. For purposes of negotiating collective bargaining agreements and resolving grievances involving such agreements pursuant to sections 179.61 to 179.76, the appointing authority and the county board shall be deemed the joint employer for positions within the jurisdiction of a personnel department established pursuant to sections 375.56 to 375.71 and both shall be signatories to negotiated agreements or grievance settlements except that in the event of disagreement between the county board and the appropriate appointing authority as to the final terms of a negotiated agreement or grievance settlement, the decision of the county board shall be final and binding on behalf of the county as employer for all employees of the county, including employees under the jurisdiction of an appointing authority other than the county board.

Subd. 2. Any employee holding a position covered by sections 375.56 to 375.71 shall, upon the effective date of the establishment of a county personnel administration system, retain his position without further examination and suffer no loss in wages, seniority or benefits as the result of the implementation of sections 375.56 to 375.71.

History: 1976 c 182 s 9

375.65 PERSONNEL BOARD OF APPEALS.

Subdivision 1. The county board shall appoint three persons to serve staggered terms as members of a personnel board of appeals. After the first appointments, successors shall serve for terms of three years each. Expiration dates for expiring terms shall be fixed by the county board and vacancies shall be filled by a majority vote of the county board for the unexpired term. Persons appointed to the personnel board of appeals shall not serve while holding any county office or while standing as a candidate for any county office, or while employed by the county. Each member of said board shall be a resident of the county and shall forfeit his office if he becomes a non-resident.

Subd. 2. Compensation for members of the personnel board of appeals shall be set by the county board and each member shall be paid actual and necessary expenses.

Subd. 3. The personnel board of appeals shall organize by electing a chairman and vice-chairman and shall develop rules of procedure for matters brought before it under the provisions of sections 375.56 to 375.71 and rules promulgated pursuant to sections 375.56 to 375.71.

History: 1976 c 182 s 10

375.66 DUTIES OF BOARD OF APPEALS.

Subdivision 1. **Jurisdiction.** The personnel board of appeals shall meet upon call of its chairman or the personnel director to make findings and to report to the county board within 30 days of the filing of an appeal by an applicant, employee, or appointing authority in the following circumstances:

(a) Alleged arbitrary or capricious action on the part of the county board with respect to final establishment of rules under sections 375.56 to 375.71.

(b) Alleged discrimination by the personnel director or his employees in examination procedures or preparation of lists of eligible candidates, or discriminatory use thereof by the appointing authority under the provisions of sections 375.56 to 375.71 or rules promulgated hereunder.

(c) Alleged misinterpretation or evasion by the personnel director or the county board of provisions of sections 375.56 to 375.71 or the rules promulgated thereunder in a manner seriously detrimental to the party or parties bringing the appeal.

(d) Such other matters of grievance as may be provided for in rules promulgated under the authority of sections 375.56 to 375.71.

Subd. 2. **Procedures.** The personnel board of appeals shall establish procedures setting forth the methods and requisite timetable for appeals to the board.

Subd. 3. **Appeal findings.** Findings and reports of the personnel board of appeals shall be submitted to the county board for consideration and action as deemed appropriate by the county board, except that to the extent required with respect to employees of departments and agencies paid in full or in part by federal funds, the findings of the personnel board of appeals shall be final and binding in those circumstances necessary to conform to any valid federal or state regulation affecting the department or position.

History: 1976 c 182 s 11

375.67 JUDICIAL REVIEW.

Subdivision 1. **Notice.** The employee or the appointing authority may appeal to the district court from an order of the board of appeals concerning the employee's termination or suspension without pay for more than 30 days by serving written notice of the appeal upon the board of appeals within ten days after he has received written notice of the board's order.

Subd. 2. **Certification of record.** Within five days after service of the notice the board shall certify the record of the proceedings, including all documents, testimony, and minutes to the clerk of the district court. The clerk shall then place the cause on the calendar for determination at the next general term of the court. The question to be determined by the court shall be: "Was the order of the personnel board of appeals reasonably supported by the evidence?"

Subd. 3. **Appeal.** The employee or the appointing authority may appeal from the district court to the supreme court in the same manner as provided for in other court cases.

History: 1976 c 182 s 12

375.68 ABOLITION OF SYSTEM.

A personnel administration system established pursuant to sections 375.56 to 375.69 may be abolished at any time by resolution of the county board adopted by a majority of all its members. Upon adoption of the resolution, the personnel department shall cease to exist and the status of all departments, commissions, and employees shall be the same as if no personnel administration system had been established.

History: 1976 c 182 s 13

375.69 APPROPRIATION BY COUNTY BOARD.

The county board is hereby authorized to make appropriations as necessary to carry out the provisions of sections 375.56 to 375.71.

History: 1976 c 182 s 14

375.70 FEDERAL AID FOR MANPOWER SERVICES.

Notwithstanding any law to the contrary, any county may receive financial assistance from agencies of the United States, and plan for, and carry out comprehensive manpower services as provided for in the Emergency Employment Act of 1971, as amended, and the Comprehensive Employment and Training Act of 1973, as amended.

History: 1976 c 182 s 15

375.71 PROTECTION OF RIGHTS UNDER STATE AND FEDERAL LAWS.

Subdivision 1. Nothing in sections 375.56 to 375.69 shall be construed to permit or encourage any action or conduct prohibited by the Minnesota human rights act or prohibit recourse to any remedies provided in the Minnesota human rights act or any other state or federal law relating to equal employment opportunities, and the provisions of these acts shall continue to apply to county employment generally, including those positions excluded from the jurisdiction of the county personnel administration system.

Subd. 2. Nothing in sections 375.56 to 375.69 shall be construed to affect the rights and obligations of employees and employers under the provisions of sections 179.61 to 179.76, or to in any way supersede provisions regarding public employment relationships under the public employment labor relations act of 1971, as amended, or the provisions of any contracts or agreements executed pursuant thereto.

History: 1976 c 182 s 16