

CHAPTER 85.

[S. F. No. 322.]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE ESTABLISHMENT AND REGULATION OF THE PUBLIC SCHOOLS IN THE CITY OF WINONA," APPROVED MARCH SIXTH (6TH), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), AND BEING CHAPTER ONE HUNDRED AND FIFTY-FIVE (155) OF THE SPECIAL LAWS OF THAT YEAR, AND SEVERAL ACTS AMENDATORY THEREOF.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two (2) of said chapter one hundred and fifty-five (155) be amended so as to read as follows:

SEC. 2. The board of education shall consist of two (2) directors from each ward of said city, who shall be actual residents of such ward, and elected by the qualified voters therein, and one director at large, who shall be a resident of said city and elected by the qualified voters therein, at the regular city election, to be held on the first (1st) Monday in April, one thousand eight hundred and eighty-seven (1887), and on that day annually thereafter, there shall be elected by the voters of each ward in said city one (1) director, whose term of office shall begin on the third (3d) Monday in April in the year of his election, and continue two (2) years, and until his successor shall be elected and qualified; and on the first (1st) Monday in April, one thousand eight hundred and eighty-seven (1887), and biennially thereafter there shall be elected by the voters of the entire city one (1) director at large whose term of office shall begin on the third (3d) Monday of April in the year of his election, and continue two (2) years and until his successor shall be elected and qualified; *Provided* That all ballots cast for directors shall be separate from ballots cast for other officers, and shall be deposited in a separate box. Each of the persons so elected shall, before entering upon his office, take, subscribe and file with the clerk of the board of election, an oath to support the constitution of the United States, and the constitution of this state, and to faithfully discharge the duties of his office.

SEC. 2. That section three (3) of said chapter as amended by section two (2) of chapter sixty-five (65) of the special laws of one thousand eight-hundred and seventy-nine (1879), be so amended as to read as follows:

SEC. 3. In case of vacancy in the office of a director by death, resignation or removal from his ward, or in the case of a director at large, by removal from the city, the board of education shall fill the vacancy by appointment and the person so appointed shall, within ten (10) days after his appointment, qualify as prescribed in section two (2) and hold his office during the remainder of the unexpired term. Should any person so elected as a director fail to qualify as above required at or before the time fixed for the beginning of his term of office, or should any person appointed to fill a vacancy as above pro-

vided fail to qualify, within ten (10) days after the date of his appointment, the board of education may declare the office to which such person is so elected or appointed to be vacant, and may fill the vacancy as hereinabove required.

SEC. 3. That section four (4) of said chapter be so amended as to read as follows:

Section. 4. The said board shall be a body corporate under the name of the board of education of the city of Winona in relation to all the powers and privileges conferred upon it by this act, and shall be capable of making contracts and of suing and being sued, in any court of this state of competent jurisdiction, and may have a corporate seal which it may change or alter at pleasure. A majority of its members shall be necessary to a quorum.

SEC. 4. That section five (5) of said chapter be so amended as to read as follows:

Section. 5. An annual meeting of the board of education shall be held at its usual place of meeting on the third (3d) Monday in April of each year at half-past seven (7½) o'clock, P. M., at which meeting the board shall elect one of its members president, and shall also elect a clerk who shall not be a member of the board. The president and the clerk shall hold their positions respectively for one (1) year from said last mentioned day. The members of the board shall serve without compensation, but the clerk shall receive an annual salary for his services as such, the amount whereof shall be fixed by the board, at the time of his election, and shall be paid in equal quarterly installments.

SEC. 5. That section thirteen (13) of said chapter, as amended by section four (4) of chapter sixty-five (65) of special laws of one thousand eight hundred and seventy-nine (1879), be so amended as to read as follows:

Section. 13. The fiscal year of the school shall begin on the first (1st) day of April. On or before the first (1st) day of August in each year, the board of education shall make an estimate of the whole amount of moneys which shall be required to defray the expenses of the schools during the next ensuing fiscal year, and the probable income during such year from all sources aside from special taxation; in which estimate shall be set forth in detail the several items of expected expenditure, including the cost of the erection or enlargement of school buildings, not raised or to be raised by the issue of bonds, and the several sources of anticipated income, and in which shall also be stated the amount of any deficiency which may be likely to exist at the end of the then current fiscal year, and separately the sum which will be necessary for the payment of the principal or interest, or both, of school bonds payable during such next ensuing fiscal year. The clerk of the board shall immediately file with the recorder of said city a duly certified copy of the estimate so made, to be presented for approval to the city council at its next regular meeting; upon submission of said estimate as aforesaid, the council shall consider the same, and may disapprove and reject entirely, any item of proposed expenditure, but shall not have the power to lessen

or enlarge the amount of such item. The council shall cause such estimate to be returned to the board by the recorder, on or before the tenth (10th) day of September next following its presentation to the council, with the recorder's certificate of the action of the council thereon, and if the council shall have disapproved and rejected any item of proposed expenditure, as set down in the original estimate, the question shall at the regular meeting of the board in said month of September, or at a special meeting in said month for that purpose, be put to vote by ayes and noes, whether the item or items so rejected, shall be retained, notwithstanding such rejection thereof by the council, if three-quarters ($\frac{3}{4}$) of the members of the board vote to retain such item or items the same shall be retained, otherwise the same shall be stricken out, and the board shall not have the power to make the expenditure or expenditures thereby represented. The board shall finally establish the original estimate or the modified estimate, as the case may be, and shall cause a special levy of taxes to be made, as provided in section twenty (20) of this act, for such part of such estimate as may not be supplied by income from sources other than special taxation, and the clerk of the board shall certify back to the city council the final estimate as thus established.

SEC. 6. That section fifteen (15) of said chapter, be amended by adding thereto the following proviso: *Provided*, That the council shall have power only to approve or reject such estimate as a whole, but not to increase or decrease the same.

SEC. 7. That section nineteen (19) of said chapter, and the amendment thereto, by section six (6), of chapter sixty-five (65), of the special laws of one thousand eight hundred and seventy-nine (1879), be and it hereby is repealed.

SEC. 8. That section twenty (20) of said chapter, as amended by section seven (7) of chapter sixty-five (65) aforesaid, be amended so as to read as follows:

Section 20. The board of education shall, before the tenth (10) day of October in each year, by resolution in writing direct a levy of taxes to be made upon all the taxable property in said city of Winona, sufficient to cover all deficiencies as shown by the estimate established, as provided in section thirteen (13) of this chapter, which said levy shall be for two separate funds as follows: For the general city school fund, covering all estimated expenditures, less receipts expected from sources other than special taxation, of the board during the next ensuing fiscal year, aside from the payment of principal and interest of bonds, and including the estimated cost, not raised or to be raised by the issue of bonds, of the erection and enlargement of school buildings as aforesaid, for the city school bond fund covering the amount of principal and interest to become due on city school bonds during such ensuing fiscal year; *Provided*, that such levy for the general fund for any one fiscal year shall not exceed eight (8) mills on the dollar of the valuation of all the taxable property in the city, according to the last preceding official assessment thereof.

On or before the tenth (10) day of October, in each year, the clerk of the board shall transmit to the auditor of Winona county a duly

certified copy of said resolution of the board directing such levy as aforesaid, and said auditor shall thereupon at the proper time make such levy of taxes, and cause the same to be entered upon the tax-list for said city under the two (2) heads; for the general city school fund, and the city school bond fund. And the taxes so levied shall be collected by the same officer at the same time and in the same manner as required by the general statutes of this state relating to taxes; and the collecting officer shall keep separate accounts of the moneys collected for the said two (2) funds respectively, and when he shall pay over such moneys to the city treasurer as hereinafter required, he shall accompany said payment with a statement of the several amounts belonging to the said two (2) funds respectively.

SEC. 9. That section twenty-four (24) of said chapter be amended so as to read as follows:

Section 24. Whenever the treasurer of said city shall receive any money by virtue of this act, or any money appropriated, or in any way acquired for the support of said schools, he shall apportion and credit the same to the particular school fund or funds to which it belongs; that is to say, all moneys collected for the payment of principal or interest of city school bonds shall be credited to the city school bond fund, and all other moneys from whatever source received, shall be credited to the general city school fund, and he shall keep the said two (2) funds separate and distinct from each other, and from all other funds of which he may be the custodian, and shall keep a separate and distinct account of each of the aforesaid two (2) school funds. He shall make no disbursements, nor shall the board of education authorize, or attempt to authorize, any disbursements from the city school bond fund for any other purpose than the payment of principal or interest on city school bonds when due, nor shall any transfer of moneys or securities be made or authorized from one of said funds to the other; *Provided*, that in case it shall become necessary at any time in order to protect the credit of the board a transfer of the requisite amount from the general city school fund to the city school bond fund may be authorized by resolution of the board duly certified to the city treasurer, and in like manner the money transferred may be returned to the general city school fund, by resolution of the board, as soon as the condition of the city school bond fund will permit. All disbursements for city school purposes, aside from the payment of principal or interest, on city school bonds, shall be made from said general fund.

SEC. 10. That section twenty-six (26) of said chapter be amended so as to read as follows:

Section 26. At the first regular meeting of the board of education in April in each year, the city treasurer shall submit to the board a detailed report in writing, showing separately all receipts in and expenditures from each of said funds, during fiscal year ending March thirty-first (31st) next preceding and the balance to the credit of each of said funds, and shall immediately thereafter on demand exhibit to said board or to its committees on finance, as the board may direct, his accounts of said receipts and expenditures, and shall surrender

to said board or its said committee, as the case may be, for examination and cancellation, all vouchers taken by him for such expenditures, during such last preceding fiscal year, when his term of office shall expire he shall furnish the board a statement of the balance then remaining in his hands to the credit of each of said funds, and shall deliver a true copy of such statement, together with all the moneys, books, vouchers and other papers, belonging or pertaining to said funds, to his successor in office, and he shall render to the board such other reports and statements as the board may from time to time require, in any of his statements or accounts, he shall be entitled to credit only for orders of the board duly paid, city school bonds and interest coupons duly redeemed and lawful money of the United States, or its equivalent in value, and he shall receive no compensation for his services under this act, beyond his regular salary as treasurer of said city.

SEC. 11. The superintendent shall have the power and authority to recommend his corps of teachers in all departments of the schools, including the principal of the high school, and the names so nominated shall be submitted to the board for approval, but such recommendations must be approved by a majority vote of all members of the board, otherwise the teachers so recommended shall not be employed.

SEC. 12. That section twenty-nine (29) of said chapter, be amended by striking out the words "city council" in next to the last line thereof, and inserting in lieu of the words so stricken out, the words "board of education."

SEC. 13. All acts and parts of acts inconsistent with this act are hereby repealed, and said chapter one hundred and fifty-five (155) of the special laws of one thousand eight hundred and seventy-eight (1878) as hereby amended, is hereby revived and made of full force and effect.

SEC. 14. This act is hereby made a public act, and shall take effect and be in force from and after its passage.

Approved February 12, 1887.