

CHAPTER 102.

[H. F. No. 1044.]

AN ACT TO AMEND SECTIONS FOUR (4), NINE (9), TEN (10) AND EIGHTEEN (18) OF AN ACT ENTITLED "AN ACT TO AMEND AND CONSOLIDATE THE SEVERAL ACTS RELATING TO THE BOARD OF EDUCATION OF THE CITY OF ST. PAUL," APPROVED FEBRUARY TWENTY-SIXTH (26TH), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887).

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

SECTION 1. That sections four (4), nine (9), ten (10) and eighteen (18) of an act entitled "An act to amend and consolidate the several acts relating to the board of education of the city of St. Paul," approved February twenty-sixth (26th), one thousand eight hundred and eighty-seven (1887), be and the said sections are hereby amended so as to read as follows:

Section 4. It shall be the duty of the board of education to meet on the last week day in May in each year and close up, as far as practicable, all old or unfinished business, audit all proper bills, order the same paid, and transact all such other business as may properly appertain to said board. *Provided, that at such meeting no new business whatsoever shall be transacted, and that at said meeting no person whatsoever shall be nominated, chosen or elected to fill any vacancy in the board.*

Section 9. The board of education shall also, whenever in its judgment additional means may be necessary for the support of public schools in the city of St. Paul, or for the purpose of paying the interest on any bonds now made by said board of education on or before the first (1st) day of August of each year, present to the common council of the city a statement of the amount of money beyond that in the treasury needed for such purpose, and said common council shall levy a tax sufficient for such purposes on all real and personal property within said city, according to the city assessment roll, which shall be collected in the same manner as the money to defray the general expenses of said city, and when collected shall be subject to the order of said board of education, and such levy of the full amount of any such statement so presented and claimed by said board is hereby made mandatory upon said common council. *Provided, that the levy of such tax shall in no year exceed the maximum of four (4) mills on the dollar of property in said assessment roll, provided, however, that when said levy shall exceed three (3) mills on the dollar of the property assessed, the excess shall be set apart in the treasury as a building fund. Provided, also, that the board of education shall have no power or authority to increase the debt of the city or of said board of education by the issue of bonds or otherwise, unless expressly authorized by law; and provided, further, that the board of education shall have full power and authority to issue bonds to fund the present funded or bonded indebtedness of the board of education.*

Such bonds to be payable in not less than thirty (30) years after their date, with interest payable semi-annually at the financial agency of the city of Saint Paul in the city of New York at a rate not to exceed five (5) per cent per annum.

Section 10. The said board of education shall meet for the purpose of organizing and electing its officers on the second (2d) Tuesday in June of each year; and provided such organization shall not be completed at that time, it may be so completed at a future meeting; and immediately after their organization shall proceed to elect a president and vice-president from their number. And at the meeting of said board of education in June eighteen hundred and eighty-nine (1889), as aforesaid, it shall be the duty of said board to elect a secretary who is not a member of said board, who shall hold his office for two (2) years and until his successor is elected and qualified, and every two (2) years thereafter said board shall elect a secretary.

The president shall be the president of said corporation and shall preside at all meetings of said board. The vice-president shall preside at all meetings of said board when the president shall be absent. The secretary shall keep a true record of the proceedings of the said board; he shall see that the enumeration of schools as required by this act and by the general laws of the state is properly taken and duly returned to the proper state officer, and perform all such other duties as said board may require of him by its by-laws or otherwise; he shall be entitled to receive such salary for his service as the board may from time to time determine.

In case of the absence of the president and vice-president, the inspectors present at any meeting may elect one of their number president pro tempore, who shall act as president aforesaid during the absence of the president and vice-president.

The said board shall have power to appoint superintendent, and such other officers, teachers or employes as said board may deem expedient, and to fix the term of office for said officers, teachers, or employes, and their compensation or salaries, if any; and the said board shall have power to dismiss or dispense with the service of any officer, teacher, or other employe, and also to abolish any office created by the board aforesaid, *provided*, that the term of any such officer, teacher, or other employe created by the board aforesaid, shall not continue longer than one (1) year, except as may in this act be provided.

Section 18. No warrant on the treasurer shall be drawn or issued until there shall be funds sufficient to pay the same together with the warrants that may be then outstanding, and the city comptroller is prohibited from countersigning any such warrant until there shall be sufficient funds in the treasury to meet such warrants which may then be outstanding. *Provided*, that this prohibition shall not apply to any warrant to pay for fuel, printing and stationery and the salaries of teachers and all other employes of the board of education.

The board of education is prohibited from borrowing any money or incurring any indebtedness not specially authorized by law, or for which the issue of bonds has not been specially authorized for any purpose whatever other than for the purpose of paying the interest of the bonded debt, and to pay for fuel, printing and stationery, or cur-

rent expenses and the redemption of any notes or certificates of indebtedness that may be outstanding at the present time, together with the salaries of the teachers, and all other employes of said board; but in no instance shall the said board be allowed to borrow money for any of the said purposes unless the funds in the treasury are so depleted as to warrant the same. Further, the said board shall not have the power, and is hereby prohibited from diverting, for any purpose whatever, any money that may be paid into the treasury from the collection of taxes, state school apportionment or from all other sources of revenue, other than for the purpose of paying the legitimate expenditures as required by the annual tax levy estimate, to pay interest on the bonded debt, salary of teachers, fuel, printing and stationery, general expenses, and bonds maturing for which taxes are annually levied. *Provided further*, that if at the time of allowance of any estimate whatsoever on any contract made by the said board of education there shall not be any money in the treasury applicable to the payment of the amount due on said contract as allowed by such estimate, the city comptroller shall issue a certificate of indebtedness for the amount due on said contract, said certificate to be signed by the president of the board, attested by the secretary thereof, and countersigned by the city comptroller. Said certificate shall be payable whenever there is money in the city treasury properly applicable to pay the same with interest not exceeding seven (7) per cent per annum, payable semi-annually at the office of the city treasury of the city of St. Paul. The faith and credit of the city of St. Paul are and shall be irrevocably pledged for the payment of the principal and interest of said certificates, and for all other indebtedness that may be now due or to become due by the board of education of the city of St. Paul.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 22d, 1889.