

## CHAPTER 367.

[H. F. No. 1826.]

AN ACT ENTITLED AN ACT TO RE-ENACT AND CONFIRM THE PROVISIONS OF CHAPTER THREE HUNDRED AND THIRTEEN (313) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN, BEING AN "ACT TO PROVIDE FOR THE CREATION OF A BOARD OF PARK COMMISSIONERS IN AND FOR THE CITY OF SAINT PAUL, MINNESOTA," AND THE SEVERAL ACTS AMENDATORY THEREOF, AND TO AMEND THE SAME.

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

SECTION 1. That chapter three hundred and thirteen (313) of the special laws of one thousand eight hundred and eighty-seven, being an act entitled "an act to provide for the creation and organization of a board of park commissioners in and for the city of Saint Paul, Ramsey county, Minnesota," approved February twenty-fifth (25th), one thousand eight hundred and eighty-seven (1887), construed as amended by the several acts amendatory thereof heretofore adopted is hereby re-enacted and confirmed. *Provided, however,* that said board of park commissioners shall consist of eight members, whose term of office shall be two (2) years from the date of their respective appointments, and until their successors shall be appointed and qualified, and until the expiration of the terms for which they have been respectively appointed; said board shall be composed of the same persons heretofore appointed and now acting as a board of park commissioners for said city.

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

Approved April 24, 1889.

## CHAPTER 368.

[H. F. No. 1098.]

AN ACT TO ESTABLISH A BOARD OF PUBLIC WORKS IN THE CITY OF WINONA.

*Be it enacted by the Legislature of the State of Minnesota.*

SECTION 1. There is hereby established an executive department of the Municipal government of the city of Winona to be known as the board of public works of the city of Winona, to be constituted and organized as hereinafter provided.

SEC. 2. The board of public works of the city of Winona shall

consist of three reputable freeholders and qualified electors of said city, no two (2) of whom shall be residents of the same ward, and none of whom shall hold any other office under the charter and ordinances of the city. They shall be appointed by the mayor by and with the approval of the council as soon as practicable after the passage of this act, and they shall hold office as follows: One for one (1) year, one for two (2) years, and one for three (3) years, and until their successors are appointed and qualified. And the mayor shall designate in his appointments the term for which each member shall serve. The mayor shall on the second Monday in May, one thousand eight hundred and eighty-nine (1889), and annually thereafter appoint one member of said board, whose term of office shall be three (3) years and until his successor is appointed and qualified. In case the office of any member shall become vacant during his term, the said mayor shall in like manner as soon as practicable thereafter, appoint a person of like qualification aforesaid to fill the vacancy during said unexpired term, and until a successor shall be appointed and qualified. The members of the board of public works shall be required to give all the necessary time and attention to the proper and efficient discharge of the duties imposed upon them by the provisions of this act. The members of the said board shall receive each five hundred dollars (\$500) per annum salary, payable monthly.

SEC. 3. The said mayor shall deliver to each person appointed by him as aforesaid, pro tempore or otherwise, a certificate of his appointment, and each of said persons shall, before entering upon the discharge of his duties, take and subscribe an oath to be endorsed upon the said certificate to the effect that he will faithfully and impartially execute his duties to the best of his ability, and cause such certificate and oath, within ten (10) days after said appointment, to be deposited with the city recorder of the city of Winona, whose duty it shall be to file the same at the expense of said city.

SEC. 4. In case any person so appointed by said mayor fails for the space of ten (10) days after receiving said certificate of appointment to deposit the same with his oath, as aforesaid, in the office of said city recorder, as aforesaid, or in case any member of said board shall remove into or become a resident of a ward wherein another member resides, said office shall be declared vacant by the said mayor upon the fact being made known to him. Any member wishing to resign his office shall tender his resignation in writing to said mayor, who shall be at liberty to accept or reject the same.

SEC. 5. No member of the board of public works nor any officer or clerk in their employ shall be interested either directly or indirectly in any contract made and entered into by said board of public works, for any work or any material to be furnished therefor, and all contracts made with said board, in which any member or officer of said board shall be interested, shall at the option of the city be declared utterly void and of no binding effect whatever, and any member or officer of said board interested in any contract shall thereby forfeit his office and be removed therefrom on proof of such delinquency; and it is hereby made the duty of each member of said board of public works, and of the mayor and every officer of said city, to report to the

common council any such delinquency when discovered. Any member, officer or clerk of said board who shall be interested directly or indirectly in any such contract or contracts, aforesaid, and any contractor or other person who shall take any such contract or contracts with knowledge of such interest of such member, officer or clerk of said board in said contract or contracts, or who shall corruptly influence or attempt to influence the action of any member, officer or clerk of said board in the letting or making or entering into any contract, or in the performance of any official duties of such member, officer or clerk, shall be guilty of a misdemeanor, and liable, on indictment and conviction thereof, to be punished by imprisonment not exceeding six (6) months, or a fine not exceeding one thousand (1,000) dollars, or both such imprisonment and fine, in the discretion of the court.

SEC. 6. Any member of said board may be removed for cause by a two-thirds vote of all the aldermen authorized to be elected and under the same regulations as provided by this act in relation to elective officers of said city and not otherwise.

SEC. 7. Said board shall annually elect one of their number president, and they shall have the power to establish by-laws, rules and regulations for their government and the officers and employees thereof.

SEC. 8. The city recorder shall be clerk of said board and it shall be his duty to keep the records and papers thereof and he shall record their proceedings and perform such other duties as may be assigned to him by said board, and for the performance of such duties he shall receive a salary of two hundred dollars (\$200) per annum in addition to his salary as recorder and clerk of the municipal court.

SEC. 9. The city engineer shall be ex-officio civil engineer of the board and shall have general charge of all engineering work required by the city. Said engineer shall perform all the civil engineering officially required by said board, and neither said engineer or his assistants shall perform any other service except that connected with their official duties, without the permission of said board.

SEC. 10. Meetings of said board shall be called by the president or a majority of said board, and they may meet at such stated times and in such manner as may be established by their rules, by-laws or regulations.

SEC. 11. The duties of the president shall be prescribed by the by-laws of said board, and in his absence the board may appoint a president pro tempore with like powers and duties. A majority of said board shall constitute a quorum for the transaction of business, and they shall cause to be kept a record of their proceedings which shall at all times be open to public inspection. The board shall furnish the common council whenever required with any information needed in relation to their proceedings.

SEC. 12. A majority of said board shall be a quorum in all cases where a full vote of all the members may not be expressly required, and said board may adjourn from time to time. In case a quorum is not present at any meeting the member or members present may adjourn said board to another day, and in case none of the members are present at any time appointed for a meeting of said board the clerk of said board may adjourn the same to another time.

SEC. 13. The board of public works may adopt and use a common seal and alter the same at pleasure.

SEC. 14. All applications or propositions for any improvement authorized by the charter of the city of Winona shall be made to or emanate from the city council, and shall in the discretion of the council be first referred to the board of public works by said council. Upon such reference said board shall proceed to investigate the same, and if they determine that such improvement is proper and necessary, they shall report the same to said council, accompanied with an estimate of the expense thereof and such other advice and suggestion in regard to the prosecution of the work as they may deem advisable, or as the council may require. If such board does not approve of any such application or proposition they shall report their reasons for such disapproval, and in case such disapproval of said board is by unanimous vote of all the members of said board, the said council shall not order the doing of such work except by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the council. In case the said board shall report in favor of said improvement or some part thereof or a modification of said improvement the common council may, in its discretion, proceed in the proper manner to order and direct the doing of such work and the making of such improvement. The board shall have the power to cause surveys to be made and plans constructed in such manner as to enable it to make a full and complete report to the common council.

SEC. 15. The board of public works hereby established shall not be deemed to have the power of assessment, nor of ordering public work to be done, but shall be deemed a board advisory to the common council, and the common council may refer any and all questions of public improvement to said board for investigation and report, and said board shall upon resolution of the council to that effect examine into the advisability and cost of any proposed improvements and report upon the same. The board shall also upon proper direction by the council take charge of any public improvements and assume the direction and control of the same, and shall report to said council as to the progress of the same when directed by proper resolution thereof.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved April 15, 1889.