

CHAPTER 510.

[H. F. No. 919.]

AN ACT CONSOLIDATING AND UNITING THE SAINT CLOUD SCHOOL DISTRICT AND THE INDEPENDENT SCHOOL DISTRICT OF THE CITY OF SAINT CLOUD AND ORGANIZING THE SAINT CLOUD SCHOOL DISTRICT.

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

SECTION 1. That chapter eighty-eight (88) of the special laws of A. D., eighteen hundred and seventy-six (1876), together with all acts and parts of acts amendatory thereof, be and the same is hereby repealed.

SEC. 2. That the Saint Cloud independent school district of the city of Saint Cloud in Stearns county, Minnesota, and the Saint Cloud school district of said city, be and they hereby are consolidated and united into one (1) school district, which shall be known as, and by the name of the "Saint Cloud School District."

SEC. 3. That the Saint Cloud school district shall, under the general school laws of the state of Minnesota, except so far as the same are modified in their application to said district by this act, and all schools organized therein and under and pursuant to this act be under the control, direction and supervision of a board of education and be free to all persons between the age of five (5) years and twenty-one (21) years, residing in the said city, subject to such rules and regulations as shall be prescribed by said board.

SEC. 4. The management of the said district shall be vested in a board of education. The first (1st), second (2nd), third (3rd) and fourth (4th) wards of the city of Saint Cloud shall each be entitled to elect two (2) directors of said board and the other wards of the said city of Saint Cloud shall each be entitled to elect one (1) director of the said board. The members of the board of education shall be residents of the ward for which they are elected.

SEC. 5. The said board of education shall be and become a body corporate by the name of the Saint Cloud school district, and under and by that name shall sue and be sued, plead and be impleaded in any court, but no action shall be commenced against said board, save in said Stearns county; shall have and use a common seal, and alter the same at pleasure, and take, hold and purchase any and all such real, personal and mixed estate, as may be required by the said board of education for the purposes thereof, within the limits aforesaid; shall have the right to employ counsel to represent it in all litigation and shall be capable of contracting and being contracted with, and shall possess all the powers of trustees in school districts under the general laws of said state and in addition thereto such powers as are conferred upon them by this act. The members of said board shall be styled directors.

Process shall be served on the said board by serving the same upon the president or in his absence the secretary. It shall be the duty of

the person upon whom process be served to forthwith report the same to the board.

SEC. 6. No member of the said board of education shall be entitled to receive any compensation for his services, excepting the clerk and treasurer of said board, whose compensation shall be fixed by the board. No member of the board shall be interested personally or pecuniarily, directly or indirectly in any contract made and entered into by said board and any contract in contravention of this section shall be void.

SEC. 7. The annual election of members of said board of directors for the first and second wards of said city shall be held at the Union school house, so-called. And for the members from said third (3d) and fourth (4th) wards at the Independent District school house, so-called, or at such other places as the board may direct, and designate. The annual election for directors from the other wards shall be held at such place as the board may direct. The oldest member of the board from each ward shall act as judges of election at such elections, and the clerk or secretary of said board shall be, ex-officio, clerk of one of the said election. It shall be the duty of said board at their meeting held next before the annual election in each year to appoint two (2) directors to act as judges of election at each polling place; also one (1) clerk for each polling place. The board may prescribe the compensation of said clerks, but said clerks shall not receive more than two dollars (\$2.00) per day. It shall be the duty of the directors of said old Saint Cloud district to make all necessary provisions for the first election as herein provided for, held next after the provisions of this act shall be in force: Said board may name as judges and clerks of election to be held in the third (3d) and fourth (4th) wards of said city, the directors and clerk of the Saint Cloud independent district or such other person or persons as they may be advised or consider proper.

The polls shall be opened at two o'clock in the afternoon, and remain open until seven o'clock in the afternoon; if any of the above mentioned judges or the clerks should fail to attend at the hour designated for the opening of the polls, or should be disqualified from serving, the legal voters present, by a majority vote, may designate a proper person or persons to act at such election instead of the person or persons absent or disqualified, for all the purposes of such election. Notices of such election shall be posted by the clerk of said board, at least one (1) in each ward and in a public place therein, at least ten (10) days prior to each election; separate ballot boxes shall be provided and used for the votes for each ward; the returns of the votes cast at such elections shall be by said judges and clerks returned and certified to the said board of education, and by said board, at its first (1st) meeting after such election, canvassed and the result declared in the same manner that votes for city officers of said city are canvassed and declared, and the clerk of said board shall immediately thereafter issue certificates of election as members of said board to the persons entitled thereto.

Said annual election shall be held on the first (1st) Saturday of May of each year.

SEC. 8. The present members of the board of education of the Saint Cloud school district, from the first (1st) and second (2d) wards, shall continue members of the board of education for the district herein and by this act provided for, for the terms for which they were elected and until their successors are elected, or appointed and qualified as provided for in this act; and the present board shall take and provide all necessary measures for carrying into effect this act, and all acts and measures of said board heretofore done or passed, are legalized and confirmed.

At the first annual election herein provided for, there shall be two (2) directors elected from each of the third (3d) and fourth (4th) wards of said city, one (1) in each for the terms of one (1) year, and one (1) for two (2) years. There shall be also one (1) director elected from each of the other wards of said city, who shall serve two (2) years; at each annual election subsequent to the election hereinbefore referred to, one (1) director shall be elected annually from each of the first (1st), second (2d), third (3d) and fourth (4th) wards, whose term of office shall be as hereinafter stated. And at every alternate annual election, each of the above wards shall elect one (1) director for the term of two (2) years.

SEC. 9. When any person elected or appointed as a member of said board neglects to qualify, resigns, dies, removes from the ward for which he was elected or appointed, or is absent without leave from three (3) consecutive regular meetings of the board, the board may by resolution entered in the minutes, declare the office vacant; and the board shall have authority to fill such vacancy by appointment, at any regular meeting. The person so appointed by the board, shall hold until the next general election, or until his successor is elected or appointed and qualified.

SEC. 10. The Board of Education shall have power to levy a tax of not more than ten mills on each dollar of the assessed taxable valuation of property in said district, in any one year, to maintain necessary schools in said district not less than eight (8) months in each year, including the amount required for fuel, repairs of school buildings, to purchase necessary school apparatus, heating apparatus, furniture and other necessary appendages for school houses, and to defray the other necessary expenses of the board, to pay for record books, stationery and such other incidental matters as may be deemed necessary and proper by the Board.

SEC. 11. For the purpose of paying off bonds of said district heretofore issued and bonds and other indebtedness which may be duly assumed by said district in accordance with any law, and for the purpose of providing a sinking fund for the redemption of the bonds hereinafter specified, the said Board shall have power to levy a tax not exceeding two mills on the dollar of the assessed taxable valuation of all property in said district in any one year. And for the purpose of liquidating and paying any outstanding bonds of said district, and any bonds or other indebtedness which may be duly assumed by said district in accordance with any law, and for the payment of which a sufficient tax shall not have been collected prior to the time the said bonds of indebtedness may become due and payable, and for the pur-

pose of procuring grounds and for erecting a new school house, or houses, the said board is hereby empowered and authorized to issue the bonds of said district for such amount as may be necessary, not exceeding thirty-five thousand dollars (\$35,000).

Provided, That the amount of bonds so issued by said Saint Cloud district and said old districts shall at no time exceed thirty-five thousand (\$35,000) dollars in the aggregate.

SEC. 12. Such bonds shall be issued in such denominations as said board by a majority vote may determine, and shall bear interest payable annually or semi-annually as the board may determine, at a rate not exceeding eight (8) per cent per annum, to be expressed in coupons attached to such bonds, and the principal thereof, payable at such time and times not less than three (3) years nor more than ten (10) years after date thereof, as said board may determine; the said bonds shall be signed by the president of said board and countersigned by the clerk of said board, and the said clerk shall keep a record of all bonds so issued.

Provided, That no such bonds shall be issued except such as are issued to take up and pay outstanding bonds, until the legal voters of the said district at a duly called election for that purpose shall have voted by ballot in favor of issuing such bonds. If a majority of the votes cast at such election shall be in favor of the issuance of bonds, then the same shall be considered carried. The board of education shall prescribe the form of ballots to be used, and designate the time and place or places for voting upon the issuance of said bonds, at least ten (10) days notice of the submission of such proposition to issue bonds shall be given by posting a copy thereof in at least one public place in each of the wards of said city. Said bonds shall not be negotiated at less than par.

SEC. 13. The clerk of said board shall on or before the first day of October in each and every year, certify in due form to the county auditors of all the respective counties in which any portion of the territory of said district shall be situated, all taxes that may be levied by virtue of this act, and the said auditors shall extend the same on the proper tax duplicates for collection in the same manner that other taxes are collected under the general laws of the state.

SEC. 14. The title to all real estate and school property now or formerly owned or possessed by any school district within the limits of the city of Saint Cloud as now constituted or hereafter may be constituted shall be and become and hereby is vested in the said Saint Cloud school district.

All territory in said city which heretofore has been annexed to or formed a part of any other school district other than said districts hereby consolidated and united is hereby detached therefrom and hereby attached to and made a part of the school district hereby created.

SEC. 15. The said board of education herein provided for, shall have entire control and management of all common schools within the city of Saint Cloud. It shall be entitled to demand, have and receive all moneys which have accrued or shall accrue, to either of said districts hereinbefore referred to or that has accrued or shall hereafter accrue to the territory which is comprised in and included in the other wards

of the city of Saint Cloud, or any other territory embraced therein, and may appropriate and use such moneys for the support and maintenance of the schools within said district as such board may deem best.

It may also hire or erect or maintain as it shall deem best school houses and school rooms and other buildings necessary for its purposes, but it shall never erect any building upon land to which it has not the title in fee simple absolute.

The board may employ superintendents, principals, teachers and such other persons as may be required, and make such rules and regulations for the government of the schools and for the employment and examination of teachers as they may see fit.

And it shall be authorized to and it shall be the duty of said board to prescribe the grading and classification of scholars and the books to be used and all other things pertaining to the management and government of the schools of the city of St. Cloud.

It may also make and adopt by-laws, rules and regulations for its own government.

SEC. 16. Every school director before he shall enter upon the duties of his office shall take, subscribe and file an oath or affirmation that he will support the constitution and the laws of the State of Minnesota and discharge the duties of his office to the best of his ability.

The meetings of said board of education shall be held at such times and places as they shall be appointed by the board.

Its officers shall consist of a president, secretary and treasurer who shall be school directors.

The treasurer of said board shall before entering upon his duties execute and deliver to the board of education of the city of St. Cloud a good and sufficient bond, payable to the board of education of the city of St. Cloud, in such sum as shall be fixed by the board with sureties, who shall be freeholders of the said city of St. Cloud; and who shall justify in the aggregate to double the amount of the bond conditioned that the principal in the bond shall well and faithfully perform all duties of his office and pay and turn over to his successors or whomsoever the board shall direct all moneys and every valuable thing that shall come into his hands by virtue of his office. Such bond shall be filed for safe keeping with such officers of the city of St. Cloud or of the board of education as the board of education may direct.

SEC. 17. It shall be the duty of the treasurer of said district, to receive all moneys apportioned to, or belonging to said district, and to keep an accurate account of the common school fund and the district funds raised by taxation, and from other sources, and the same shall be open for the inspection of any citizen of said district at all reasonable hours. He shall pay all orders drawn on the treasurer, signed by the president and attested by the clerk, if there is sufficient funds in his hands so to do, and enter the amount of such orders and the name of the payee in a book for that purpose. In his annual report he shall account in detail for all moneys belonging to said district received and paid out by him since the last annual report.

SEC. 18. The president or in his absence a president pro tempore, shall preside at all meetings of the board and sign all orders on the

treasurer for all moneys voted to be paid by the treasurer and shall perform all duties necessary for the transaction of the business of the board and which are usually performed by the president of a corporation.

The secretary or during his absence the secretary pro tempore shall keep a full and fair record of all the proceedings of the board at its meetings and shall draw and attest all orders drawn upon the treasurer and keep a record thereof showing the number, date, amount, purpose for which drawn and the name of payee of each order separately.

All such orders shall be made payable to the order of the payee therein named, and shall not be paid without his endorsement either personally or by his authorized agent or attorney.

The secretary shall perform such other duties as are usually performed by such officers, or as may be directed by the board and shall draw no orders on the treasurer except such as have been allowed by the board by a majority vote of all its members, taken by ayes and nays and entered on the record of the proceedings of the board.

SEC. 19. The regular meetings of the board shall be fixed by its rules and by-laws. An annual meeting of the board shall be held at the Union school house, so called, or at such other place as the board may direct, on the first Monday in June in each year.

Special meetings may be called by the president or any two (2) school directors, by written notice stating the time, place and object of the meeting, to be served personally or by mail, at least twenty-four (24) hours before such meeting. And the president shall in all cases call a special meeting of the board when required so to do by five (5) residents and freeholders of said district.

But whenever all the directors are present at any meeting the same shall be a legal meeting, at which any business which could come before a regular meeting may be transacted irrespective of whether there was any notice given for such a meeting or not.

SEC. 20. At the next city election held in the city of Saint Cloud, pursuant to the charter thereof, there shall be submitted to and the qualified voters and electors of the said city of Saint Cloud shall vote upon the question as to whether the said consolidation and union of the said school districts shall take place.

The return of the vote upon said election shall be made and certified to the same as the returns for candidates for office at said election, and the said votes shall be canvassed and the results declared the same as votes are canvassed and results are declared for persons voted for under the city charter at said election. The ballots used at said election by the voters voting upon the question of the consolidation and union of said school districts shall be separate from the ballots cast for candidates for office of said city of Saint Cloud, and shall be deposited in separate ballot boxes; in all cases the ballots cast in favor of the consolidation of said districts, shall have printed or written, or partly printed and partly written thereon the following words, "For consolidation of the Saint Cloud school district and the Saint Cloud independent school district—Yes." Said ballots shall be procured by the city clerk at the expense of the city of Saint Cloud.

The ballots cast against the said consolidation and union shall have printed or written or partly printed and partly written thereon the following words, "For the consolidation of the St. Cloud School District and the St. Cloud Independent School District—No."

Five(5)days notice of said submission of said proposition shall be given by the city clerk of said city by posting a copy of the same in one public place in each of the wards of said city except the fifth, sixth and seventh.

SEC. 21. If a majority of the votes cast at said election shall be in favor of the consolidation and union of said school districts the same shall be considered complete and no other act or thing shall be required to carry the provisions of this act into effect and force.

If a majority of such votes cast are against such consolidation and union of said school districts then the same shall be considered not carried and all acts and parts of this act shall be void and of no force or effect.

SEC. 22. If said consolidation and union shall be carried at said election, at the annual election of the school directors to be held as hereinbefore provided, there shall be elected two school directors from each of the third and fourth wards of the said city and one from each of the other wards, who shall be elected for the term and in the manner hereinbefore provided.

SEC. 23. All existing debts and liabilities whether bonded or floating of the said Saint Cloud independent school district shall be paid by and chargeable against the territory formerly embraced therein. No part or portion of said territory shall be liable for the payment of the existing debt of any other part or portion of the territory embraced in the district hereby created. All existing debts and liabilities of said old Saint Cloud school district shall be paid by the balance of the territory embraced in the district hereby created. Appropriate provision pursuant to this act shall be made by said board of education for the payment of the debts of each of said districts.

SEC. 24. It shall be the duty of the secretaries and treasurers of each of the school boards hereinbefore referred to, to attend the first (1st) meeting of the board of directors of said consolidated school district held next after the election in May of the present year, to surrender to the school directors so elected all books, records, vouchers, papers and property in their custody belonging to their respective boards; and as soon thereafter as the new board of school directors shall organize and elect a treasurer and such treasurer shall qualify it shall be the duty of the treasurers of said boards of education of said districts hereby consolidated and united to pay over to the treasurer all moneys in their hands and for which they are responsible and all records, books, vouchers, papers and property in their custody and under their control as such treasurers, and any failure so to do shall be held a breach of the official bond of such treasurer so failing, and such bonds may be prosecuted by the board of education of the said school district in the city of Saint Cloud, as may also any other right of action which but for this act might have accrued in favor of either of said former boards of education.

SEC. 25. Whenever said board deems it necessary or expedient to

acquire title to any lands situate within the city of Saint Cloud, either for the site of a school house or for an addition to any school house site, the same may be acquired at the option of said board, by proceeding as provided in sections seven (7), eight (8), nine (9), ten (10) and eleven (11) of chapter thirty-six (36) of the general laws of eighteen hundred and seventy-eight (1878) and the several acts amendatory thereof, except as otherwise directed.

SEC. 26. Said board in its application to the district court for the appointment of commissioners shall, in addition to the requirement of section seven (7) of chapter thirty-six (36) of the general statutes of one thousand eight hundred and seventy-eight (1878), state that the title to be acquired by said board is an absolute estate in fee simple.

In proceedings brought by said board under the provisions of this act, judgment shall not be entered as provided in section ten (10) of chapter thirty-six (36) of the general statutes of one thousand eight hundred and seventy-eight (1878), but it shall be entered declaring that upon payment of the amount of the assessment or verdict in case of appeal, with costs to the owner of such lands or to the clerk of the district court, an absolute estate in fee simple of such lands as are in said petition described, shall be and become vested in said board of education.

It is further provided that said board of education may at any time after the filing of its petition, as aforesaid, enter upon and occupy such lands as are in its petition described, until the proceedings contemplated by this act shall have been fully determined, and it shall not during such time be disturbed in such possession or occupancy by any proceedings either in law or equity.

Said section seven (7), eight (8), nine (9), ten (10) and eleven (11) of chapter thirty-six (36) of the general statutes of one thousand eight hundred and seventy-eight (1878) as herein amended and qualified to conform to the intentions of this act, are made a part hereof.

SEC. 27. The said board shall have the right to sell and dispose of any real estate belonging to said district at public or private sale, and for such sums as they may by vote determine; and shall by resolution determine by whom and how all deeds and other instruments of conveyance shall be executed.

SEC. 28. All acts and parts of acts conflicting with or inconsistent with this act, are hereby repealed.

SEC. 29. This act shall take effect and be in force from and after its passage.

Approved March 30, 1889.