

ments thereto; *provided*, that the State of Minnesota shall bear no part of the cost of such proceedings, nor pay any part of the damages awarded therein.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 25, 1907.

1907 C 412  
129-NW 377

1907 C 412  
113-M - 237

C 412  
85 - - 8  
117-M - 324  
136-NW 402  
Supp. 4775<sup>a</sup>

CHAPTER 412—S. F. No. 759.

*An Act to authorize the creation of water, light, power and building commissions in all cities and villages having a population less than ten thousand in the State of Minnesota.*

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

**Board—how created.**—Section 1. There may be created in every city and village in the State of Minnesota having a population of less than ten thousand inhabitants, a water, light, power and building commission, with powers and duties as hereinafter provided.

**Population—how determined.**—Sec. 2. In determining the population of any such municipality, the last census taken therein and by authority of the State of Minnesota shall be conclusive as to the population thereof, for the purpose of this act.

**Appointment—term.**—Sec. 3. Said commission shall consist of three members and shall be appointed by the common council of said city or village, as the case may be, and when first created one shall be appointed for the term of one year, one for the term of two years, and one for the term of three years, and all said commissioners shall hold their office until their successors are appointed and qualified by subscribing to an oath that he will faithfully and impartially perform the duties of this office.

**President—how appointed.**—Sec. 4. There shall be appointed each year thereafter by the said council one member of the said commission whose term of office shall be for three years, and each member of said commission shall be president of said commission during the last year of the term for which he is appointed.

**Secretary—records.**—Sec. 5. The village recorder or the city clerk, as the case may be, shall be the secretary of the said water, light, power and building commission and shall keep an accurate record, in books kept by him for that purpose, of all the proceedings and business transactions of said commission and he is also empowered and it is hereby made his duty to collect water, light and rent charges from patrons for the said city or village as the case may be, and at once pay the same into the treasury of said municipality and he shall make a detailed statement of the same at the regular monthly meeting of said commission, which shall be held on the first Tuesday of each month. He shall be furnished by said municipality with all the necessary books and stationery to properly perform the duties of his office, and he shall be required to furnish a corporate bond running to such municipality, in such amount to be fixed by said commission, conditioned that he will faithfully perform all the duties of his office as is required of him by law and promptly pay over to the treasurer of said city or village, as the case may be, all moneys and deliver up all property to the council of said city or village, all property belonging to said municipality, that he may have in his possession. Said bond shall be approved by the said commission and filed with the city or village treasurer, as the case may be. The said recorder or clerk's compensation, as the case may be, shall be fixed by the said commission not to exceed twenty-five dollars (\$25.00) per month, as compensation for services as secretary of said commission, which shall also be paid out of the treasury of the said municipality.

**Powers and duties.**—Sec. 6. Said commission shall have full, absolute and exclusive control of and power over the water, light, and power plant or plants, and all parts, attachments and appurtenances hereto, and all apparatus and material of every kind and description used or to be used in operating said plants, or any or either of them in all said municipalities aforesaid, including all other public buildings and halls owned by said municipality. They shall have the power and authority to operate the same and each thereof, and to extend, add to, change or modify the same, and to do any and all things in and about the same which they may deem necessary for a proper and economical operation of the same; *provided*, they shall not have the right to sell, lease, rent or in any way dispose of or incumber, or suffer, or permit, the said property or any part thereof, to come under

the control of any other person or corporation whatever, *provided, however*, this shall not prevent the said commission from renting or leasing public halls or buildings for public use and entertainments. They shall have authority to buy all material, and employ all help necessary, or they may contract to extend, add to, change or modify said plants, buildings and halls, or any part thereof; they shall also have authority to buy all fuel and supplies, and employ all help necessary to operate said plants.

11-230 Rates—how established.—Sec. 7. Said commission shall fix all water and lighting rates to patrons, and rents for public halls and buildings as hereinbefore provided; *provided, however*, that the provisions of this act shall not impair the obligations of existing contracts; said commission shall audit all claims and the said recorder or clerk, as the case may be, shall draw his warrant upon the treasurer of said city or village for the amount allowed by said commission, and said warrant shall be countersigned by the president of the said commission, said commission shall publish in the official newspaper in said municipality at the end of each three months, all proceedings of said commission, together with the detailed statement of all the revenue received by said commission during the three preceding months. This act shall apply to all cases where the plant or plants or buildings are wholly or in part within, or wholly or in part without, the corporate limit of said municipality.

Resolution of common council.—Sec. 8. Any city or village in the class mentioned in the title in this act which may wish to avail itself of the provisions of this act shall do so by resolution of its common council, expressly accepting the provisions hereof, which resolution shall be adopted by a vote of a majority of all the members of said council, and be approved by the mayor of such city or the president of such village council, and this act shall not apply to any sub-city or village until the adoption as aforesaid of such resolution.

Exceptions.—Sec. 9. This act shall not include or apply to cities now or hereafter governed under a charter adopted under and pursuant to section 36, article 4 of the constitution of this state, and the several acts of the legislature authorizing cities to adopt their own charter.

Sec. 10. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved April 25, 1907.