

shall be granted all of the rights and shall be subject to all of the duties applicable to a motor vehicle as provided by law, except as to those provisions which by their nature can have no application.

(h) Clause (e) of this subdivision shall not apply to police officers in the performance of their official duties.

Passed by the Senate May 26, 1969.

Approved June 9, 1969.

CHAPTER 1124—H. F. No. 1339

[Coded]

An act relating to the establishment of a metropolitan park board and defining the powers and duties of the metropolitan council and metropolitan park board for park and open space systems and programs.

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

Section 1. **[473E.01] Metropolitan park board; policy and purpose.** The preservation of regional parks and open space is seriously jeopardized in the metropolitan area of the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington because of the limited resources and capability of the governmental units in its area. It is therefore necessary to establish a metropolitan park board charged with coordination, operation and maintenance of a metropolitan park and open space system in cooperation with local units of government according to priorities established by the metropolitan council park and open space plan.

Sec. 2. **[473E.02] Metropolitan park board and council.** Subdivision 1. **Establishment of park board.** A metropolitan park board is established as a public corporation. The metropolitan council and the park board shall have all powers specified in sections 2 to 4 and all powers which are necessary or convenient to carry out the policies expressed in section 1.

Subd. 2. **Composition and selection of board members.** The board shall consist of seven members who when appointed and while serving shall be residents of the respective precincts for which they are appointed and shall be selected on the basis of their knowledge, ability, and interest in and dedication to the metropolitan park and open space program.

Subd. 3. **Appointment, qualification, and terms.** Board

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members shall be appointed by the council on or before September 1, 1969. Three members of the first board shall be appointed for terms ending on December 31, 1971, and successors to these members shall be appointed for four year terms ending on December 31 in every fourth year thereafter, and four members of the first board shall be appointed for terms ending on December 31, 1973, and successors to these members shall be appointed for four year terms ending on December 31 in every fourth year thereafter, except that every member shall serve until his successor has been duly appointed and qualified. Each vacancy shall be filled by appointment of a successor for the unexpired term.

Subd. 4. **Chairman.** The chairman of the metropolitan council with the approval of the council shall appoint a board member to act as the first chairman of the board until December 31, 1971. Successor chairmen shall be appointed by the board from its membership, each for a two year term.

Subd. 5. **Procedures.** The board shall adopt resolutions or bylaws establishing procedures for board action, personnel administration, keeping records, approving claims, authorizing and making disbursements, safekeeping funds, and audit of all financial operations of the board and establish a program of compensation for the chairman over and above his regular *per diem*. Such resolutions or bylaws shall be consistent with any general administrative or personnel code adopted by the council.

Subd. 6. **Secretary and treasurer.** At its first regular meeting each year the board shall select a person or persons who may but need not be a member or members of the board to act as its secretary and treasurer. The secretary and treasurer shall hold office at the pleasure of the board, subject to the terms of any contract of employment which the board may enter into with the secretary or treasurer. The secretary shall record the minutes of all meetings of the board, and shall be the custodian of all books and records of the board except such as the board shall entrust to the custody of a designated employee. The treasurer shall be the custodian of all moneys received by the board except such as the board shall entrust to the custody of a designated employee. The board may appoint a deputy or deputies to perform any and all functions of either the secretary or the treasurer.

Subd. 7. **Director.** The board may appoint and remove at will a director of the park and open space program who shall be chosen solely on the basis of his training, experience, and other qualifications in the field of the administration of a major park and open space program. The director shall be responsible to the chairman and the

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board for the proper administration of the affairs of the board and shall appoint and remove, upon the basis of merit and fitness, all subordinate officers and regular employees of the board as may be prescribed by the board.

Subd. 8. Staff and consultants. The board may maintain a regular staff of employees to assist it in carrying out its powers and duties. The employees of the board shall have all rights and duties conferred upon public employees under Minnesota Statutes, Sections 179.50 to 179.571. Their compensation and other conditions of employment shall not be governed by any rule applicable to state employees in the classified service nor to any of the provisions of Minnesota Statutes, Chapter 15A, unless the council so provides. They shall be members of the Minnesota state retirement system except that they may at their option continue as members of any public retirement association to which they belonged immediately preceding their employment by the board. The board shall make the employer's contributions to pension funds of its regular officers and employees. To aid in the metropolitan park and open space program the board may employ on such terms as it deems advisable consistent with council policy, consultants to perform engineering, architectural, planning, survey, legal, financial, and other services of a professional nature.

Subd. 9. Funds and accounts. All money appropriated to the board shall be deposited and disposed of in the same manner as funds handled by the metropolitan council. The board shall provide for and pay the cost of an annual audit of its official books and records by the state public examiner or a certified public accountant.

Subd. 10. Contracts. The board may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes, including but not limited to agreements with governmental units for the joint or cooperative exercise of powers pursuant to Minnesota Statutes, Section 471.59. The board may enter into any contracts or agreements with the state or United States or any agency thereof to do all acts and things required by state or federal law or regulations as a condition or consideration for the loan or grant of funds or property for the metropolitan park and open space program, and may sue or be sued on its contracts and agreements. Agreements made with the state or the United States or any agency thereof shall be subject to the provisions of Minnesota Statutes, Chapter 473B. The board may make contracts for construction work and the purchase of equipment, supplies and materials in accordance with the procedures set forth in Minnesota Statutes, Section 445.15.

Subd. 11. Property acquisition. The board may acquire

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real and personal property and any estate, easement, or right therein, and may acquire it subject to any estate, easement, or right, by purchase, gift, devise, adverse possession, prescription, contract for deed, conditional sale contract, purchase option, operating or management contract, or otherwise, and all documents necessary for this purpose may be executed by such officers of the board as it may designate. The commissioner of conservation, the commissioner of highways, and the governing body or park board or commission of any political subdivision or public corporation may convey to the board or permit the board to use any public property under their management and control, with or without compensation and notwithstanding any legal or charter provision for an election or other condition precedent to such conveyance or use. The board may agree with the owner of real property taken or otherwise acquired to pay any part or all of the purchase price in not to exceed 30 annual installments, with interest at an agreed rate not exceeding seven per cent per annum, the payment of which may be secured by a contract for deed to or mortgage on the property. The board may acquire positive easements for public use of privately owned real property in ways reasonably related to the objectives of the park and open space program, or it may acquire negative easements restricting or preventing the use or development of private property by any person except in specified ways deemed consistent with such objectives. It may acquire air rights and water rights with or without land. No real property may be acquired unless it is designated in the park and open space plan.

Subd. 12. Lease and disposal of property. The board shall wherever economically practical and feasible enter into contracts or leases with local units of government for the acquisition, development, maintenance and protection of properties acquired in the name of the metropolitan park board. The board may also lease property and contract with any private person, firm or corporation for its management operation, maintenance and protection. It may sell, convey, and otherwise dispose of property and all documents necessary for this purpose may be executed by such officers of the board as it may designate. The terms of each lease and contract shall assure the use of the property in a manner consistent with the objectives of the park and open space program. Except as otherwise provided in this subdivision, no lease shall be made for a term which exceeds or is subject to extension at the sole option of the lessee for a total period more than 30 years. Upon acquisition property may be leased to the previous owner or to such owner and his spouse, for a term of years or for the lives of the owner and spouse, and in fixing the rentals the board may consider the original cost of the property, the time when it will be needed for active use, and the value to the public of its reservation

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until such time, and may if deemed reasonable require no net rentals in excess of the annual sums necessary to operate, maintain, and pay taxes and assessments on the property. When property is acquired subject to any trust, mortgage, lien, condition, covenant, or other encumbrance, the board shall faithfully and promptly observe and perform all terms and conditions thereof until and unless the encumbrance is extinguished by its terms or by law or by order of a court of competent jurisdiction. The board may accept or decline appointment as trustee of any express trust of real or personal property or both for uses and purposes referred to in Minnesota Statutes, Section 501.12, and may use and administer the same as provided in the trust instrument and Section 501.12. The board but no other person may petition the district court for confirmation of its appointment as such trustee and for allowance of its accounts and for instructions in its administration of the trust in accordance with Minnesota Statutes, Sections 501.33 to 501.35. No real property constituting part of the metropolitan park and open space system shall be sold or conveyed in fee simple except upon recommendation by the board that it is not needed for the park and open space program, or that its sale or other disposition will further the objectives of the program. Upon such determination the board may provide for the sale or other disposition of the property in accordance with a redevelopment plan in the same manner and upon the same terms as the housing and redevelopment authority and governing body of a municipality under the provisions of Minnesota Statutes, Section 462.525.

Subd. 13. Property management and control. The board shall have full power of management and control of all real and personal property owned by it as part of the metropolitan park and open space system. The board may establish, revise, and collect schedules of fees, charges, and rentals for any facilities and services used by and made available to the public, and may issue and charge for licenses and permits for admission to any areas and for use of any facilities, or may grant free use of any facility, service, or area by the public. The charge established for any facility, service, license, or permit shall be uniform for all members of the public, except that the board may authorize reduced rates or free use or admission at particular times, or for particular school or other groups sponsored by public agencies or nonprofit corporations. The board may schedule the times of use and restrict or prohibit the use of or entry upon any area or facility in any manner determined necessary or desirable to fulfill the objectives of the park and open space program. Subject to regulation by the state of Minnesota, the board may regulate by ordinance the use of the waters of any lake or of a portion of any stream lying wholly within an area owned by it, and the use of any river or stream bank or lake shore

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owned by it, for any purpose. The board may grant concessions for the sale and furnishing of commodities and services in and about park property.

Subd. 14. Surety bonds and insurance. The board may procure surety bonds for its officers and employees and in such amounts as are deemed necessary to assure the proper performance of their duties and proper accounting for funds in their custody. It may procure insurance against such risks to property and such liability of the board and its officers, agents, and employees for personal injury or death and property damage or destruction and in such amounts as may be deemed necessary or desirable, with the force and effect stated in Minnesota Statutes, Chapter 466.

Subd. 15. Protection of park property. The board may contract with counties, cities, villages, and towns for policing of park properties.

Subd. 16. Ordinances and penalties. The board may enact ordinances for the regulation of the use and protection of metropolitan park and open space property and the conduct of persons entering thereon, and may make the violation thereof a misdemeanor, and may provide for the enforcement of such ordinances. Any municipal or county ordinance or regulation may be enforced in areas under the jurisdiction of the board if consistent with ordinances of the board.

Sec. 3. [473E.03] Metropolitan park and open space plans. **Subdivision 1. Metropolitan planning.** The metropolitan council, with the assistance of the metropolitan park board, shall prepare a comprehensive long range plan for the preservation, acquisition, development, and regulation of parks and open space in the metropolitan area, and such amendments and revisions thereof as may be deemed necessary or desirable from time to time, and portions thereof may be adopted from time to time, to be incorporated in the total plan when completed. The plan shall be developed in consultation with officers responsible for park and open space planning in local government units. The council may provide for a public hearing on any part of the plan, and shall do so at the request of the governing body of any local government unit affected thereby, at such time and in such manner as will not delay or prevent the completion of this plan.

Subd. 2. Metropolitan objectives. Planning for the metropolitan park and open space system shall be directed toward immediate protection of open space by a program of easement and less than fee title acquisition and to the retention acquisition, and development of large areas of open space for metropolitan parks

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serving the purposes of recreation, conservation, and amenity for the metropolitan area as a whole; recreational facilities of kinds for which such areas are needed; open space along rivers and streams and around lakes; forest and wild life preserves; historic sites, and trails and scenic parkways in parks and along other open spaces such as highways, utility easements, and water courses.

Subd. 3. **Cooperation with local government units.** The metropolitan park board and council shall cooperate with local government units in their zoning and land acquisition programs. They may provide technical assistance and advice on flood plain zoning and open space zoning. They shall cause copies of the comprehensive plan to be filed with each county, city, village, borough, and town, together with all official maps or portions thereof which identify areas therein for public use and acquisition.

Sec. 4. **[473E.04] Metropolitan park and open space budget and finance.** Subdivision 1. **Annual budget.** The metropolitan park board shall prepare and submit to the council for review in accordance with Minnesota Statutes, Chapter 473B.06, Subdivision 6 on or before October 1 in 1969 and each year thereafter an operative and a capital expenditure budget.

Subd. 2. **Certificates of indebtedness.** At any time or times after organization, the board may by resolution issue, negotiate, and sell general obligation certificates of indebtedness in anticipation of the collection of revenues to pay overhead and operating costs of the board.

Subd. 3. **Property tax exemption.** All property and estates, easements, and rights therein acquired by the board as part of the metropolitan park and open space system shall be deemed and are declared to be public property exclusively used for a public purpose and as such exempt from taxation, so long as they are devoted to the objectives authorized and contemplated in section 3. Minnesota Statutes, Sections 272.01, Subdivision 2, and 273.19, Subdivision 1, are applicable to board property. Any agreement whereby the board employs a nonprofit corporation to operate the facilities thereof for the use of the public is not a lease for the purpose of this subdivision.

Passed by the Senate May 26, 1969.

Approved June 9, 1969.

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