

Passed by the Senate May 26, 1969.

Approved June 9, 1969.

CHAPTER 1138—S. F. No. 2634

[Not Coded]

An act relating to the city of Saint Paul; creating a civic center authority and prescribing its powers and duties; amending Laws 1967, Chapter 459, Sections 3 and 4, and adding a new section.

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

Section 1. Laws 1967, Chapter 459, Section 3, is amended to read:

Sec. 3. **St. Paul, city of; civic center authority.** ~~Subdivision~~
~~4.~~ The city shall have power to negotiate and to obtain, and shall obtain, from responsible persons, firms, and corporations, non-cumulative guarantees in an aggregate amount not to exceed \$150,000 annually for a period of ten years, commencing after one year of operation of the arena portion of the civic center, which shall bind each guarantor respectively to pay his pro rata share of the annual principal and interest payments necessary upon the bonds authorized by section 2 hereof to the extent revenues from the civic center are insufficient for such purpose. Provided, however, that guarantors' aggregate obligations under said noncumulative annual guarantees of \$150,000 (for any calendar year) shall be further limited to the amount by which income available for debt retirement from all parking and concessions associated with the civic center falls below \$500,000. "Income available for debt retirement," with respect to parking facilities, means gross receipts minus all operating, promotional or other expenses; and "income available for debt retirement" with respect to concessions means the earned income received by the city from the concessionaire or if operated by the city means gross receipts minus all operating, promotional, or other expenses; both of which shall be subject to the control of the civic center commission defined herein.

Guarantees shall run from the guarantor to the city of Saint Paul and shall, upon their acceptance by resolution of the city council, constitute legal and enforceable obligations of the respective guarantors in accordance with the terms thereof, notwithstanding any provision

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of law which might otherwise declare such guarantees to be ultra vires on the part of the guarantor or the city.

The failure of any such guarantee, or all of them, shall not affect the city's responsibility to pay the principal and interest upon the bonds, nor shall any purchaser of such bonds be required to inquire whether such guarantees have been obtained or given.

The guarantees required hereby shall be obtained prior to the issuance of any bond under section 1 or section 2 hereof.

Subd. 2: *The design of the civic center, its final plans, all contracts for its construction and equipment, and all operating policies for the center and its facilities shall, prior to final approval by the council, be approved by a civic center commission consisting of the commissioner of libraries, auditorium and civic buildings and eight citizen members, of whom three shall be chosen by the mayor, with the consent of the council; from the general public; and five shall be chosen by the mayor, with the consent of the council, from a list of ten nominees submitted to the mayor by the guarantors as described in section 1 hereof. The three citizen members chosen by the mayor with the consent of the council shall be residents of the city of Saint Paul. Of the five members chosen from the list of nominees submitted by the guarantors, not less than three of such members shall be residents of the city of Saint Paul. The said eight citizen members shall serve from the time of their appointment until termination of the commission as provided in this section. Any vacancy occurring with respect to the position of any citizen member shall be filled by appointment in the same manner as such original appointment was made. No such plan, contract, or operation policy, shall be placed into effect unless the commission shall approve it by a majority vote of the members of the commission.*

The commissioner shall be ex officio chairman of the commission; and the commission shall select a vice chairman from among its members.

In the event of an alteration of the charter of the city of Saint Paul which abolishes the commission form of government, the place of the commissioner shall be taken by an additional citizen member appointed by the mayor with the consent of the council, and in such circumstance, the commission shall elect its own chairman.

The commission shall have power at any reasonable time to examine the books and records of the civic center, and may, for that purpose, engage accountants and such other consultants as it may deem fit, whose reasonable fees, not to exceed \$10,000 in any calen-

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dar year, shall be paid by the city from the revenues of the civic center notwithstanding any provision of law or charter to the contrary.

~~The commission shall terminate without further action of the council upon the expiration of the last of the guarantees accepted by the council pursuant to section 3 hereof.~~

Sec. 2. Laws 1967, Chapter 459, Section 4, is amended to read:

Sec. 4. All parking ramps and other parking facilities owned by the city within or adjacent to the auditorium and civic center shall be operated by *city forces the authority* and shall not be contracted out directly or indirectly to any private party.

Sec. 3. Laws 1967, Chapter 459, is further amended by adding a new section to read:

Sec. 8. *Subdivision 1. There is created an agency of the city of Saint Paul known as the civic center authority.*

The authority shall have nine members. Seven public members shall be appointed by the mayor, with the consent of the council, and shall hold no other public office save notary public. Two members shall be designated by the mayor from among the members of the city council.

Until termination of the guarantees provided hereunder five of the seven public members shall be appointed from among nominees presented to the mayor by the guarantors. Three of the five public members nominated by the guarantors, and the two not so nominated, shall reside in Saint Paul.

Three of the public members first appointed shall serve two-year terms. All other appointments of public members shall be for four-year terms, to expire on July 1 in the year of expiration. Councilmen shall serve two-year terms expiring the first Tuesday in June in each even-numbered year.

All appointments to fill vacancies shall be for the remainder of the unexpired term.

Members of the Authority shall serve without compensation but may be reimbursed for their necessary expenses.

Any public member may be removed by the mayor, with the consent of the council, for good cause shown.

The authority shall elect, for one-year terms, a chairman and such other officers as it may deem appropriate.

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Subd. 2. The authority shall build, equip, maintain, and operate the civic center of the city of Saint Paul. Title to all properties shall remain in the city.

Subd. 3. To discharge its responsibilities the authority shall have power to:

(1) appoint and at its pleasure remove a managing director and a deputy director and fix their compensation.

(2) use the services of the Civil Service Department of the city of St. Paul to secure such other employees as may be necessary to operate the authority and the civic center, who shall be in the classified service of the city of St. Paul.

(3) manage the civic center, and make regulations regarding its use, and in particular prescribe the charges to be made for its use, determine when free use shall be granted for worthy civic activities, and control the actions of any person licensed for the sale of intoxicating liquor upon the premises of the center. This enumeration of powers shall not be construed as a limitation upon the general powers of the authority.

(4) make contracts and purchases which shall, except as provided in Subdivision 5, be made as in the case of other city agencies and bureaus.

(5) accept and expend according to their terms any gifts from governments or individuals for civic center purposes.

Subd. 4. Receipts of the authority shall be deposited to its credit in a revolving fund in the city treasury and expended in accordance with an annual budget. The budget shall be submitted to the comptroller before August 15 of each year and shall be transmitted by him, without modification, to the council as part of his budget estimates. The council may modify the budget of the authority only with respect to those amounts proposed to be financed by general revenues of the city or bond proceeds.

The budget shall follow the method of subdivision into items prescribed for other city agencies and bureaus but may, in the discretion of the authority, be on an accrual basis, and all sums remaining to the credit of the authority at the close of the city's budget year shall be automatically appropriated to its credit for the following year.

The city may levy in 1970, in addition to other levies permitted by law or charter, an ad valorem tax sufficient to pay all deferred free use charges currently payable to the present auditorium fund, which shall be credited to the authority's revolving fund.

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Subd. 5. All contracts of the authority to be financed with bond funds shall be subject to approval or disapproval by the council, as shall all building and remodeling plans. All other contracts shall, upon approval by the authority, be executed by its chairman, the mayor, and the comptroller. Contracts for advertising and promotional services and materials may be made without competitive bidding.

Subd. 6. The authority shall use the services of the comptroller, civil service, legal department, and purchasing department of the city.

Subd. 7. The council may in its discretion require the authority to contribute to the city from its revolving fund its pro rata share of the costs of operating the departments specified in Subdivision 6, as well as the costs of workmen's compensation, unemployment insurance, health and welfare benefits, retirement, and tort liability claims apportionable to the operation of the authority.

Subd. 8. Upon its appointment the authority shall succeed to all the powers and duties of the commission established by Laws 1967, Chapter 459, which shall thereupon cease to exist. Any guarantees approved by the council pursuant to the statute aforesaid shall remain binding upon the guarantors except with respect to those guarantors who within thirty days after the effective date of this act file an instrument of non-acceptance of the provisions of this act with the city clerk.

The authority shall take jurisdiction over the present Saint Paul public auditorium and associated facilities January 1, 1970, and the provisions of the charter of the city of Saint Paul relating to management of the auditorium shall thereafter be of no effect. Employees hired after the effective date hereof with respect to the auditorium shall be in the unclassified service of the city. No auditorium employees shall be promoted to supervisory positions after the effective date hereof without consent of the authority, which may make such consent conditional upon the acceptance of unclassified status. As of January 1, 1970, all current auditorium employees shall pass under the jurisdiction of the authority.

Subd. 9. Notwithstanding any provision of law or charter, the council of the city of Saint Paul is hereby authorized to appropriate, by resolution, from funds available to it, such funds as the authority may require to commence operations in 1969, to include the hiring of an executive secretary and such other personnel as may be necessary. Such funds may be borrowed from other funds of the city

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to be repaid from the authority's revenues or from the proceeds of bonds issued hereunder. Such appropriation shall not cancel but shall remain available for use until expended.

Sec. 4. *This act shall become effective only after its approval by a majority of the governing body of the city of Saint Paul and upon compliance with the provisions of Minnesota Statutes, Section 645.021.*

Approved June 9, 1969.

CHAPTER 1139—S. F. No. 2660

[Coded in Part]

An act relating to the organization and operation of state government; appropriating money therefor and limiting the use thereof; providing for the transfer of certain moneys in the state treasury; adjusting the salaries of certain state officers and employees; authorizing land acquisition in certain cases including conservation, parks, wild life, and spawning areas, and historic sites; fixing and limiting the amount of fees to be collected in certain cases; providing penalties for misusing appropriated funds; repealing Minnesota Statutes 1967, Sections 414.01, Subdivisions 6 and 7; 526.181; and Laws 1969, Chapter 481, Section 2.

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

Section 1. **State government; organization and operation; appropriation.** Except as herein otherwise specifically provided, the sums hereinafter set forth in the columns designated "APPROPRIATIONS", or so much thereof as may be necessary, are hereby appropriated out of the general fund in the state treasury, or any other fund herein designated, for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1969", "1970", and "1971", wherever used in this act, shall mean that the appropriation or appropriations listed thereunder shall be available for the year ending June 30, 1969, June 30, 1970, and June 30, 1971, respectively.

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