

shall set forth the percentage of increase over the existing levy and the number of mills or dollars increase proposed.

Sec. 6. **EFFECTIVE DATE.** This act shall become effective upon approval by a majority of the governing body of the park and recreation board of the city of Minneapolis, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 25, 1971.

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CHAPTER 494—S.F.No.1385

[Not Coded]

*An act relating to parks; creating the Byllesby Park District; authorizing taxes, establishing and defining the powers and duties of the Byllesby Park District Commission; prescribing penalties; providing an expiration date.*

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

Section 1. **BYLLESBY PARK DISTRICT; POLICY AND PURPOSE.** The preservation of the Byllesby Reservoir as well as the Byllesby Dam, is a significant portion of the joint Dakota-Goodhue county recreational program. Only through the creation of a unique entity can sufficient attention, talent and resources be brought to bear specifically on the preservation of this recreational facility. It is, therefore, necessary for the counties of Dakota and Goodhue to provide for the initiation, planning, and implementation of a park district with adequate resources and authority for this purpose.

Sec. 2. **BYLLESBY PARK DISTRICT; DAKOTA AND GOODHUE COUNTY.** Subdivision 1. **ESTABLISHMENT OF THE BYLLESBY PARK DISTRICT.** There is hereby created subject to the local consent and provision as hereinafter provided the Byllesby Park District which is a body corporate and political and which when activated, shall be deemed to be a political subdivision of the state of Minnesota and a public corporation. The Byllesby Park District shall consist of the counties of Goodhue and Dakota. The boundaries of the park shall be prescribed and may be enlarged by the county boards of the counties but territory may not be removed from the park without the concurrence of the park district commission.

Subd. 2. **ESTABLISHMENT OF THE BYLLESBY PARK DISTRICT COMMISSION.** The Byllesby Park District Commission is

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hereby established as the governing body of the Byllesby Park District.

**Subd. 3. THE COMPOSITION AND SELECTION OF DISTRICT MEMBERS.** *The commission shall consist of seven members who are to be selected in the following manner: Two county commissioners to be selected by the Goodhue county board and two county commissioners to be selected by the Dakota county board. Two members who must be resident property owners within the boundaries of the Byllesby Park District, to be selected at an annual meeting of all owner residents residing within the Byllesby Park District. One member who shall be selected by the Cannon Valley Development Association.*

**Subd. 4. APPOINTMENT, QUALIFICATION, AND TERMS.** The county commissioner members from Goodhue and Dakota counties shall be selected at the regular organizational meeting in January by each county board of commissioners. The resident property owners within the Byllesby Park District shall be selected at an annual meeting to be held so as to provide for a term beginning on January 1. The Cannon Valley Development Association representative shall be selected in the same manner as the two residents of the Byllesby Park District. All non-county commissioner terms shall be for one year. Initial offices shall be filled upon acceptance of participating counties of this legislation.

**Subd. 5. VACANCIES AND REMOVAL.** The office of any Commission member shall be deemed vacant under the conditions stated in Minnesota Statutes, Chapter 351, and the members will be removed only for the causes and in the manner provided therein. Each vacancy shall be filled by appointment of a successor for the unexpired term in the manner provided in subdivision 4 of this section.

**Subd. 6. CHAIRMAN.** The chairman of the Byllesby Park District Commission shall be selected from and by the members of the Commission at their annual organizational meeting.

**Subd. 7. MEETINGS.** The Commission shall meet regularly at least once a month, at the time and place as the Commission shall by resolution designate. Special meetings may be held at any time upon the call of the chairman or any two other members, upon written notice sent by certified mail to each member at least three days before the meeting, or upon other notice as the Commission may by resolution provide, or without notice if each member is present and files with the secretary a written consent to the meeting either before or after the meeting. Unless otherwise provided, any action within the authority of the Commission may be taken by the affirmative vote of a majority of the members present at a regular or adjourned meeting or at a duly held special meeting, if a quorum is present. A

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majority of all of the members of the Commission shall constitute a quorum, but a lesser number may meet and adjourn from time to time and compel the attendance of absent members.

Subd. 8. **COMPENSATION.** Each Commission member shall be reimbursed for all reasonable expenses incurred in the performance of his duties as determined by the Commission.

Subd. 9. **PROCEDURES.** The Commission 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 Commission.

Subd. 10. **SECRETARY AND TREASURER.** At its first regular meeting each year the Commission shall select a person who must be a member of the Commission to act as its secretary and treasurer. The secretary and treasurer shall hold office for a term consistent with that of the chairman. The secretary shall record the minutes of all meetings of the Commission, and shall be the custodian of all books and records of the Commission. The treasurer shall be the custodian of all moneys received by the Commission.

Subd. 11. **STAFF AND CONSULTANTS.** The Commission shall be authorized to retain the services of staff and to hire the necessary consultants for purposes of carrying out this statute.

Subd. 12. **FUNDS AND ACCOUNTS.** All money appropriated to and by the Commission for the acquisition, betterment, replacement, administration, planning, development, operation, and maintenance of all grounds, buildings, and capital improvements within the boundaries of the Blylesby Park District, shall be credited as received to funds and accounts established by the treasurer on the official books and records of the Commission. The Commission shall provide for and pay the cost of an annual audit of its official books and records by the state public examiner.

Subd. 13. **CONTRACTS.** The Commission 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 other governmental units for the joint or cooperative exercise of powers pursuant to Minnesota Statutes, Section 471.59, 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 its program, and may sue or be sued on its contracts and agreements. Before entering into a contract for construction work or for the purchase of materials, supplies, or equipment costing more than \$5,000, except in case of emergency, the Commission shall cause notice of the time and place of opening of sealed bids or proposals

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therefor to be published once, not less than two weeks before the date of bid opening, in a legal newspaper or trade paper published in a city of the first class, stating the nature of the work or purchase and the terms and conditions upon which the contract is to be awarded. After public opening and recording of the bids received in accordance with the notice the Commission shall award the contract to the lowest responsible bidder or it may reject all bids and readvertise for bids in the same manner. Each contract for construction work shall be executed in writing, and the contractor shall give bond or security to the Commission as required by Minnesota Statutes, Sections 574.26 and 574.261 in an amount equal to that payable under the contract and securing performance in accordance with the plans and specifications. The Commission may fix qualifications and specifications for bids. The Commission may by resolution approved by two-thirds of its members find that an emergency exists requiring the immediate purchase of materials or supplies or the making of emergency repairs at a cost in excess of \$5,000, and enter into a contract therefor without advertising for bids. The Commission may authorize the director to enter into a contract on its behalf for construction work or for the purchase of materials, supplies, or equipment at a cost not exceeding \$5,000, without prior approval and without advertising for bids.

**Subd. 14. PROPERTY MANAGEMENT AND CONTROL.** The Commission shall have full power of management and control of all real and personal property owned by the Commission as part of the Bylesby Park District. The Commission 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.

**Subd. 15. POLICE.** The Commission may enforce its ordinances and may employ police officers and attorneys for that purpose, and may designate employees as police officers with authority to exercise all powers of peace officers in areas owned by the Commission and under the jurisdiction of the Commission, or may enter into contract with other law enforcement agencies to provide police protection.

**Subd. 16. ORDINANCES AND PENALTIES.** The Commission may enact ordinances for the regulation of the use and protection of the Bylesby Park District property and the conduct of persons entering thereon. Ordinances shall become effective upon approval by the Commission and publication in a legal newspaper. Any violation thereof may be declared to be a penal offense, the penalty for which may be a fine not exceeding \$300 or imprisonment in a municipal or county jail for not more than 90 days or both, and the cost of prosecution may be added to the penalties imposed. Any municipal, county or town ordinance or regulation may be enforced in

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the areas under the jurisdiction of the Commission if consistent with the ordinances of the Commission.

**Sec. 3. BYLLESBY PARK DISTRICT; BUDGET AND FINANCES.** Subdivision 1. **ANNUAL BUDGET.** The Byllesby Park District Commission shall, on or before August 1 of each year, prepare and submit to the member county boards a budget showing for the following calendar year or other fiscal year determined by the Commission, estimated receipts of money for park and open space purposes from all sources, for current costs of operation, administration, and maintenance of property and programs, or capital costs of acquisition, major replacements and betterment of property and facilities. The park district commission budget must be approved by the Dakota and Goodhue county boards of commissioners before January 1 of the year following its submission.

Subd. 2. **TAX LEVIES.** The budget or total expenses incurred annually by the Byllesby Park District shall not exceed \$50,000. Moneys to meet the budget of the Byllesby Park District shall be included as part of the regular park levy allowable under Minnesota Statutes 389.33, Subdivision 1.

Subd. 3. **DAKOTA-GOODHUE COST SHARING.** All costs, expenses and expenditures incurred and approved by the Dakota and Goodhue county boards shall be shared 40 percent Goodhue county—60 percent Dakota county.

Subd. 4. **EXISTING FUNDS.** The funds which were transmitted to Dakota and Goodhue county jointly as part of the transfer of the Lake Byllesby Dam and Property shall be audited and certified as to amount before July 1, 1971, and upon receipt of a budget prepared by the newly created Byllesby Park District Commission, part of these funds shall be apportioned to the Commission. No additional tax funds shall be committed to the Byllesby Park District Commission until all existing funds are exhausted.

**Sec. 4. COMPREHENSIVE PLAN.** The Byllesby Park District Commission shall prepare a comprehensive plan for the development and operation of the Byllesby Park District. This comprehensive plan shall cover a five-year program and shall be transmitted to the Goodhue and Dakota county boards of commissioners annually prior to the submission of the annual budget. The comprehensive plan must be consistent with existing plans of the counties of Dakota and Goodhue, as well as contiguous political subdivisions.

**Sec. 5.** This act is effective when approved by the governing bodies of Dakota county and Goodhue county and upon compliance with Minnesota Statutes, Section 645.021.

**Sec. 6.** The provisions of this act shall expire on July 1, 1975.

Approved May 25, 1971.

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