

favorable reputation for skill, knowledge and experience in the building construction field abstains from discussion, deliberation, action and vote by the authority in specific respect to construction or acquisition of any project of the authority in which any partnership, firm, joint venture, sole proprietorship or corporation of which such person is an owner, venturer, participant, partner, officer or employee who has a past, current or future interest.

Sec. 18. [136A.42] **ANNUAL REPORT.** The authority shall keep an accurate account of all of its activities and all of its receipts and expenditures and shall annually make a report thereof to the higher education coordinating commission. The authority's report shall be included in the higher education coordinating commission's biennial report to the governor and the legislature.

Approved June 7, 1971.

CHAPTER 869—S.F.No.1551

[Not Coded]

An act relating to the city of Alexandria and the townships of Alexandria, Carlos, Hudson and LaGrand, in the county of Douglas; providing for the creation of a sanitary sewer board, prescribing its duties and powers, and providing for the collection, treatment and disposal of sewage in the Alexandria lake area.

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

Section 1. ALEXANDRIA LAKE AREA; SANITARY SEWERS; LEGISLATIVE PURPOSE AND POLICY. The legislature determines that in the lake area in and around the city of Alexandria, Minnesota, there are serious problems of water pollution and disposal of sewage which cannot be effectively or economically dealt with by existing government units under existing laws. The legislature, therefore, declares that for the protection of the public health, safety and welfare of the area, for the preservation and best use of waters and other natural resources of the state in the area, for the prevention, control and abatement of water pollution in the area, and for the efficient and economic collection, treatment and disposal of sewage, it is necessary to establish in Minnesota for said area a sanitary sewer board assigned the responsibility of carrying on a continuous long range program of planning with respect thereto and given the authority to take over, acquire, construct, better, administer, operate and maintain any and all interceptors and treatment

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works needed for the collection, treatment and disposal of sewage in such area, as well as local sanitary sewer facilities over which the board assumes responsibility at the request of any local government unit.

Sec. 2. **DEFINITIONS.** Subdivision 1. The terms defined in this section shall have the meaning given them unless otherwise provided or indicated by the context.

Subd. 2. "Alexandria Lake Area Sanitary District" and "district" mean the area over which the sanitary sewer board has jurisdiction which shall include all that part of Douglas county, Minnesota, described as follows, to-wit:

(a) all of the city of Alexandria, Minnesota;

(b) the NW $\frac{1}{4}$ of section 3, the SW $\frac{1}{4}$ of section 3 except the SE $\frac{1}{4}$ thereof, all of sections 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20 and 21, section 22 except the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ thereof, the NW $\frac{1}{4}$ and the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of section 27, section 28 except the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ thereof, all of sections 29, 30, 31 and 32, and section 33 except for the E $\frac{1}{2}$ of the E $\frac{1}{2}$ thereof all in township 128 north, range 37 west, excepting that part of the foregoing territory already included within the district by reason of its being within the corporate limits of the city of Alexandria;

(c) all that part of the W $\frac{1}{2}$ of section 4 and all of section 5 lying north of the north right of way line of Interstate Highway I-94, and the N $\frac{1}{2}$ of section 6 all in township 127 north, range 37 west, excepting that part of the foregoing territory already included within the district by reason of its being within the corporate limits of the city of Alexandria;

(d) the S $\frac{1}{2}$ of section 17, the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of section 19, all of section 20, the W $\frac{1}{2}$ of section 21, the W $\frac{1}{2}$ of section 28, all of section 29, the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of section 30, the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ and all of the SE $\frac{1}{4}$ of section 31, all of sections 32 and 33 and the SW $\frac{1}{4}$ of section 34 all in township 129 north, range 37 west;

(e) all of sections 1 and 2, section 10 except the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ thereof, all of sections 11, 12, 13 and 14, section 15 except the SW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ thereof, the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ and all of the SE $\frac{1}{4}$ of section 22, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 22, all of sections 23, 24, 25 and 26, section 27 except the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ thereof, the SE $\frac{1}{4}$ of section 28, the NE $\frac{1}{4}$ of section 33 except the SW $\frac{1}{4}$ thereof, and the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 34 all in township 128 north range 38 west, excepting that part of the foregoing territory already included within the district by reason of its being within the corporate limits of the city of Alexandria;

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(f) such other territory within or without Douglas county, Minnesota as may be included within the district pursuant to section 21.

Subd. 3. "Sanitary sewer board" or "board" means the sanitary sewer board established for the Alexandria Lake Area Sanitary District as provided in section 3.

Subd. 4. "Person" means any individual, partnership, corporation, cooperative or other organization or entity, public or private.

Subd. 5. "Local government unit" or "government unit" means any municipal or public corporation or governmental or political subdivision or agency located in whole or in part in the district, authorized by law to provide for the collection and disposal of sewage.

Subd. 6. "Acquisition" and "betterment" shall have the meanings given to them in Minnesota Statutes, Chapter 475.

Subd. 7. "Agency" means the Minnesota pollution control agency created and established by Minnesota Statutes, Chapter 116.

Subd. 8. "Sewage" means all liquid or water-carried waste products from whatever sources derived, together with such ground water infiltration and surface water as may be present.

Subd. 9. "Pollution" and "sewer system" shall have the meanings given them in Minnesota Statutes, Section 115.01.

Subd. 10. "Treatment works" and "disposal system" shall have the meanings given them in Minnesota Statutes, Section 115.01.

Subd. 11. "Interceptor" means any sewer and necessary appurtenances thereto, including but not limited to, mains, pumping stations, and sewage flow regulating and measuring stations, which is designed for or used to conduct sewage originating in more than one local government unit, or which is designed or used to conduct all or substantially all the sewage originating in a single local government unit from a point of collection in that unit to an interceptor or treatment works outside that unit, or which is determined by the board to be a major collector of sewage used or designed to serve a substantial area in the district.

Subd. 12. "District disposal system" means any and all of the interceptors or treatment works owned, constructed or operated by the board unless designated by the board as local sanitary sewer facilities.

Subd. 13. "Local sanitary sewer facilities" means all or any part of any disposal system in the district other than the district disposal system.

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Subd. 14. "Municipality" means any city, village or town located in whole or in part in the district.

Subd. 15. "Total costs of acquisition and betterment" and "costs of acquisition and betterment" mean all acquisition and betterment expenses which are permitted to be financed out of bond proceeds issued in accordance with section 13, subdivision 4, whether or not such expenses are in fact financed out of such bond proceeds.

Subd. 16. "Current costs of acquisition, betterment and debt service" means interest and principal estimated to be due during the budget year on bonds issued to finance said acquisition and betterment and all other costs of acquisition and betterment estimated to be paid during such year from funds other than bond proceeds and federal or state grants.

Sec. 3. SANITARY SEWER BOARD. Subdivision 1. **ESTABLISHMENT.** A sanitary sewer board with jurisdiction in the Alexandria Lake Area Sanitary District is established as a public corporation and political subdivision of the state with perpetual succession and all the rights, powers, privileges, immunities, and duties which may be validly granted to or imposed upon a municipal corporation, as provided in this act.

Subd. 2. **MEMBERS AND SELECTION.** The number of board members and method by which they are selected shall be determined as follows: The elected chief executive of each municipality located in whole or part within the district shall select one member and one additional member for each full 3,000 population in the municipality according to the latest official census and shall designate the term of each such member according to subdivision 5, subject to the approval of the voting members of the governing body of such municipality.

Subd. 3. **TIME LIMITS FOR SELECTION; ALTERNATIVE APPOINTMENT BY DISTRICT JUDGE.** The board members shall be selected as provided in subdivision 2 within 60 days after this act becomes effective. The successor to each board member shall be selected at any time within 60 days before the expiration of his term in the same manner as his predecessor was selected. Any vacancy on the board shall be filled within 60 days after it occurs. If any selection is not made as hereinbefore provided within the time prescribed therefor, the chief judge of the seventh judicial district of the Minnesota district court on application by any interested person shall forthwith appoint an eligible person to the board with like effect as if the selection were made as hereinabove otherwise provided.

Subd. 4. **VACANCIES.** If the office of any board member becomes vacant, the vacancy shall be filled for the unexpired term in like manner as provided for selection of the member who vacated the office. The office shall be deemed vacant under the conditions specified in Minnesota Statutes, Section 351.02.

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Subd. 5. **TERMS OF OFFICE.** The term of each of the first board members shall expire on January 1 in a calendar year to be determined in accordance with subdivision 2 by the governing body selecting such member, provided that such term shall not expire any later than January 1, 1975. Succeeding terms of all board members shall be for one, two, three or four years to be determined in accordance with subdivision 2 by the governing body selecting such member, except that each member shall serve until his successor has been duly selected and qualified.

Subd. 6. **REMOVAL.** A board member may be removed by the unanimous vote of the governing body appointing him, with or without cause, or by the governor for malfeasance or nonfeasance in the performance of his official duties as provided by Minnesota Statutes, Sections 351.03 and 351.04.

Subd. 7. **QUALIFICATIONS.** Each board member may but need not be a resident of the district and may but need not be an elected public official.

Subd. 8. **CERTIFICATES OF SELECTION; OATH OF OFFICE.** A certificate of selection of every board member selected under subdivision 2 stating the term for which he was selected, shall be made by the respective municipal clerks. Such certificates, with the approval appended by other authority, if required, shall be filed with the secretary of state. Counterparts thereof shall be furnished to the board member and the secretary of the board. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article 5, Section 8. Such oath, duly certified by the official administering the same, shall be filed with the secretary of state and the secretary of the board.

Subd. 9. **BOARD MEMBERS' COMPENSATION.** Each board member, except the chairman, shall be paid a per diem compensation of \$25 for meetings and for such other services as are specifically authorized by the board, not to exceed \$1,000 in any one year. The chairman shall be paid a per diem compensation of \$35 for meetings and for such other services as are specifically authorized by the board, not to exceed \$1,500 in any one year. All members of the board shall be reimbursed for all reasonable expenses incurred in the performance of their duties as determined by the board.

Sec. 4. GENERAL PROVISIONS FOR ORGANIZATION AND OPERATION OF BOARD. Subdivision 1. **ORGANIZATION; OFFICERS; MEETINGS; SEAL.** After the selection and qualification of all board members, they shall meet to organize the board at the call of any two board members, upon seven days a notice by registered mail to the remaining board members, at a time and place within the district specified in the notice. A majority of the members shall constitute a quorum at that meeting and all other

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meetings of the board, but a lesser number may meet and adjourn from time to time and compel the attendance of absent members. At the first meeting the board shall select its officers as hereinafter provided and conduct such other organizational business as may be necessary. Thereafter the board shall meet regularly at such time and place as the board shall by resolution designate. Special meetings may be held at any time upon call of the chairman or any two members, upon written notice sent by mail to each member at least three days prior to the meeting, or upon such other notice as the board by resolution may provide, or without notice if each member is present or files with the secretary a written consent to the meeting either before or after the meeting. Except as otherwise provided in this act, any action within the authority of the board may be taken by the affirmative vote of a majority of the board may be taken by regular or adjourned regular meeting or at a duly held special meeting, but in any case only if a quorum is present. All meetings of the board shall be open to the public. The board may adopt a seal, which shall be officially and judicially noticed, to authenticate instruments executed by its authority, but omission of the seal shall not affect the validity of any instrument.

Subd. 2. CHAIRMAN. The board shall elect a chairman from its membership. The term of the first chairman of the board shall expire on January 1, 1973, and the terms of successor chairmen shall expire on January 1 of each succeeding year. The chairman shall preside at all meetings of the board, if present, and shall perform all other duties and functions usually incumbent upon such an officer, and all administrative functions assigned to him by the board. The board shall elect a vice chairman from its membership to act for the chairman during his temporary absence or disability.

Subd. 3. SECRETARY AND TREASURER. 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 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 to perform any and all functions of either the secretary or the treasurer. No such secretary or treasurer who is not a member of the board or a deputy of either shall have any right to vote.

Subd. 4. EXECUTIVE DIRECTOR. The board shall appoint an executive director who shall be selected solely upon the basis of his training, experience and other qualifications and who shall serve at

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the pleasure of the board and at a compensation to be determined by the board. The executive director need not be a resident of the district. He may also be selected by the board to serve as either secretary or treasurer, or both, of the board. As executive director, he shall attend all meetings of the board, but shall not vote, and shall have the following powers and duties:

(a) He shall see that all resolutions, rules, regulations, or orders of the board are enforced.

(b) He shall appoint and remove, upon the basis of merit and fitness, all subordinate officers and regular employees of the board except the secretary and the treasurer and their deputies.

(c) He shall present to the board plans, studies and other reports prepared for board purposes and recommend to the board for adoption such measures as he deems necessary to enforce or carry out the powers and duties of the board, or the efficient administration of the affairs of the board.

(d) He shall keep the board fully advised as to its financial condition, and he shall prepare and submit to the board, and to the governing bodies of the local government units, the board's annual budget and such other financial information as the board may request.

(e) He shall recommend to the board for adoption such rules and regulations as he deems necessary for the efficient operation of a district disposal system and all local sanitary sewer facilities over which the board may assume responsibility as provided in section 18.

(f) He shall perform such other duties as may be prescribed by the board.

Subd. 5. PUBLIC EMPLOYEES. All persons employed by the executive director shall be public employees, and shall have all the rights and duties conferred on public employees under Minnesota Statutes, Sections 179.50 to 179.571. The board may elect to have such employees become members of either the public employees retirement association or the Minnesota state retirement system. The compensation and conditions of employment of such employees 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 board so provides.

Subd. 6. PROCEDURES. The board shall adopt resolutions or bylaws establishing procedures for board action, personnel administration, keeping records, approving claims, authorizing or making disbursements, safekeeping funds, and audit of all financial operations of the board.

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Subd. 7. **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 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 injuries or death and property damage and destruction and in such amounts as may be deemed necessary or desirable, with the force and effect stated in Minnesota Statutes, Chapter 466.

Sec. 5. **COMPREHENSIVE PLAN.** Subdivision 1. **BOARD PLAN AND PROGRAM.** The board shall adopt as its first comprehensive plan for the collection, treatment, and disposal of sewage in the district for such designated period as the board deems proper and reasonable the comprehensive plan adopted by the joint powers board heretofore established for the Alexandria Lake Area Sanitary District by agreement among local government units pursuant to Minnesota Statutes, Section 471.59. The board shall prepare and adopt subsequent comprehensive plans for the collection, treatment and disposal of sewage in the district for each such succeeding designated period as the board deems proper and reasonable. The first plan, as modified by the board, and any subsequent plan shall take into account the preservation and best and most economic use of water and other natural resources in the area; the preservation, use and potential for use of lands adjoining waters of the state to be used for the disposal of sewage; and the impact such a disposal system will have on present and future land use in the area affected thereby. Such plans shall include the general location of needed interceptors and treatment works, a description of the area that is to be served by the various interceptors and treatment works, a long range capital improvements program and such other details as the board shall deem appropriate. In developing the plans, the board shall consult with persons designated for such purpose by governing bodies of any municipal or public corporation or governmental or political subdivision or agency within the district to represent such entities and shall consider the data, resources and input offered to the board by such entities and any planning agency acting on behalf of one or more such entities. Each such plan, when adopted, shall be followed in the district and may be revised as often as the board deems necessary.

Subd. 2. **COMPREHENSIVE PLANS; HEARING.** Before adopting any subsequent comprehensive plan the board shall hold a public hearing on such proposed plan at such time and place in the district as it shall determine. The hearing may be continued from time to time. Not less than 45 days before the hearing, the board shall publish notice thereof in a newspaper or newspapers having general circulation in the district, stating the date, time and place of the hearing, and the place where the proposed plan may be examined by any interested person. At the hearing, all interested persons shall be permitted to present their views on the plan.

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Subd. 3. MUNICIPAL PLANS AND PROGRAMS; COORDINATION WITH BOARD'S RESPONSIBILITIES. As soon as practicable after the adoption by the board of the first comprehensive plan, and before undertaking the construction of new sewers or other disposal facilities or the substantial alteration or improvement of any existing sewers or other disposal facilities, each local government unit may, and shall if the construction or alteration of any sewage disposal facilities is contemplated by such government unit, adopt a similar comprehensive plan and program for the collection, treatment and disposal of sewage for which the local government unit is responsible, coordinated with the board's plan, and may revise the same as often as it deems necessary. Each such local plan or revision thereof shall be submitted forthwith to the board for review and shall be subject to the approval of the board as to those features of the plan affecting the board's responsibilities as determined by the board. Any such features disapproved by the board shall be modified in accordance with the board's recommendations. Once the board's plan is adopted, no such construction project involving such features shall be undertaken by the local government unit unless its governing body shall first find the project to be in accordance with the government unit's comprehensive plan and program as approved by the board. Prior to approval by the board of the comprehensive plan and program of any local government unit in the district, no such construction project shall be undertaken by such government unit unless approval of the project is first secured from the board as to those features of the project affecting the board's responsibilities as determined by the board.

Sec. 6. SEWER SERVICE FUNCTION. Subdivision 1. DUTY OF BOARD; ACQUISITION OF EXISTING FACILITIES; NEW FACILITIES. At any time after the board has become organized it shall assume ownership of all existing interceptors and treatment works which will be needed to implement the board's comprehensive plan for the collection, treatment, and disposal of sewage in the district, in the manner and subject to the conditions prescribed in subdivision 2, and shall design, acquire, construct, better, equip, operate and maintain all additional interceptors and treatment works which will be needed for such purpose. The board shall assume ownership of all treatment works owned by a local government unit if any part of such treatment works will be needed for such purpose.

Subd. 2. METHOD OF ACQUISITION; EXISTING DEBT. The board may require any local government unit to transfer to the board, all of its right, title and interest in any interceptors or treatment works and all necessary appurtenances thereto owned by such local government unit which will be needed for the purpose stated in subdivision 1. *Appropriate instruments of conveyance for all such property shall be executed and delivered to the board by the proper officers of each local government unit concerned.* All persons

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regularly employed by a local government unit to operate and maintain any treatment works so transferred to the board, on the date on which the transfer becomes effective, shall be employees of the board, in the same manner and with the same options and rights as are reserved to employees of the joint powers board under subdivision 3. The board, upon assuming ownership of any such interceptors or treatment works, shall become obligated to pay to such local government unit amounts sufficient to pay when due all remaining principal of and interest on bonds issued by such local government unit for the acquisition or betterment of the interceptors or treatment works taken over. The board shall also assume the same obligation with respect to so much of any other existing disposal system owned by a local government unit as the board determines to have been replaced or rendered useless by the district disposal system. The amounts to be paid under this subdivision may be offset against any amount to be paid to the board by the local government unit, as provided in section 9.

Subd. 3. EXISTING JOINT POWERS BOARD. Effective January 1, 1973, or such earlier date as determined by the board, the corporate existence of the joint powers board created by agreement among local government units pursuant to Minnesota Statutes, Section 471.59, to provide interceptors and treatment works for the Alexandria Lake Area Sanitary District, shall terminate. All persons regularly employed by such joint powers board on that date shall be employees of the board, and may at their option become members of the retirement system applicable to persons employed directly by the executive director or may continue as members of a public retirement association under Minnesota Statutes, Chapter 422 or any other law, to which they belonged before such date, and shall retain all pension rights which they may have under such latter laws, and all other rights to which they are entitled by contract or law. The board shall make the employer's contributions to pension funds of its employees. Such employees shall perform such duties as may be prescribed by the board. On January 1, 1973, or such earlier date, all funds of such joint powers board then on hand, and all subsequent collections of taxes, special assessments or service charges or any other sums due the joint powers board or levied or imposed by or for such joint powers board shall be transferred to or made payable to the sanitary sewer board and the county auditor shall remit the sums to the board. The local government units otherwise entitled to such cash, taxes, assessments or service charges shall be credited with such amounts, and such credits shall be offset against any amounts to be paid by them to the board as provided in section 9. On January 1, 1973, or such earlier date, the board shall succeed to and become vested with all right, title and interest in and to any property, real or personal, owned or operated by such joint powers board; and prior to that date the proper officers of such joint powers board shall execute and deliver to the sanitary sewer board all deeds, conveyances, bills of

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sale, and other documents or instruments required to vest in the board good and marketable title to all such real or personal property, but this act shall operate as such transfer and conveyance to the board of such real or personal property, if not so transferred, as may be required under the law or under the circumstances. On January 1, 1973, or such earlier date, the board shall become obligated to pay or assume all outstanding bonds or other debt and all contracts or obligations incurred by such joint powers board, and all such bonds, obligations or debts of the joint powers board outstanding on the date this act becomes effective are validated.

Subd. 4. CONTRACTS BETWEEN LOCAL GOVERNMENT UNITS. The board may terminate upon 60 days mailed notice to the *contracting parties, any existing contract between or among local government units requiring payments by a local government unit to any other local government unit, for the use of a disposal system, or as reimbursement of capital costs of such a disposal system, all or part of which will be needed to implement the board's comprehensive plan.* All contracts between or among local government units for use of a disposal system entered into subsequent to the date on which this act becomes effective shall be submitted to the board for approval as to those features affecting the board's responsibilities as determined by the board and shall not become effective until such approval is given.

Sec. 7. SEWAGE COLLECTION AND DISPOSAL; POWERS.
Subdivision 1. POWERS. In addition to all other powers conferred upon the board in this act, it shall have the powers specified in this section.

Subd. 2. DISCHARGE OF TREATED SEWAGE. The board shall have the right to discharge the effluent from any treatment works operated by it into any waters of the state, subject to approval of the agency if required and in accordance with any effluent or water quality standards lawfully adopted by the agency, any interstate agency or any federal agency having jurisdiction.

Subd. 3. UTILIZATION OF DISTRICT SYSTEM. The board may require any person or local government unit to provide for the discharge of any sewage, directly or indirectly, into the district disposal system, or to connect any disposal system or a part thereof with the district disposal system wherever reasonable opportunity therefore is provided; may regulate the manner in which such connections are made; may require any person or local government unit discharging sewage into the disposal system to provide preliminary treatment therefor; may prohibit the discharge into the district disposal system of any substance which it determines will or may be harmful to the system or any persons operating it; and may require any local government unit to discontinue the acquisition, betterment, or operation of any facility for such unit's disposal system wherever and so far as adequate service is or will be provided by the district disposal system.

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Subd. 4. **SYSTEM OF COST RECOVERY TO COMPLY WITH APPLICABLE REGULATIONS.** The board may require that any charges, connection fees or other cost recovery techniques imposed by a local government unit on persons discharging sewage directly or indirectly into the district disposal system, comply with applicable state and federal law, including but not limited to state and federal regulations governing grant applications.

Sec. 8. **BUDGET.** The board shall prepare and adopt, on or before October 1, 1971 and on or before October 1, 1972, and each year thereafter, a budget showing for the following calendar year or other fiscal year determined by the board, sometimes referred to in this act as the budget year, estimated receipts of money from all sources, including but not limited to payments by each local government unit, federal or state grants, taxes on property, and funds on hand at the beginning of the year, and estimated expenditures for:

- (1) deferred payments under section 9, subdivisions 3 and 4;
- (2) costs of operation, administration and maintenance of the district disposal system;
- (3) cost of acquisition and betterment of the district disposal system; and
- (4) debt service, including principal and interest, on general obligation bonds and certificates issued pursuant to section 13, obligations and debts assumed under section 6, subdivisions 2 and 3, and any money judgments entered by a court of competent jurisdiction. Expenditures within these general categories, and such others as the board may from time to time determine, shall be itemized in such detail as the board shall prescribe. The board and its officers, agents and employees shall not spend money for any purpose other than debt service without having set forth such expense in the budget nor in excess of the amount set forth in the budget therefor, and no obligation to make such an expenditure shall be enforceable except as the obligation of the person or persons incurring it; provided that the board may amend the budget at any time by transferring from one purpose to another any sums except money for debt service and bond proceeds or by increasing expenditures in any amount by which cash receipts during the budget year actually exceed the total amounts designated in the original budget. The creation of any obligation pursuant to section 13 or the receipt of any federal or state grant is a sufficient budget designation of the proceeds for the purpose for which it is authorized, and of the tax or other revenue pledged to pay the obligation and interest on it, whether or not specifically included in any annual budget.

Sec. 9. **ALLOCATION OF COSTS.** Subdivision 1. **DEFINITION OF CURRENT COSTS.** The estimated cost of administration,

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operation, maintenance and debt service of the district disposal system to be paid by the board in each fiscal year and the estimated costs of acquisition and betterment of the system which are to be paid during the year from funds other than state or federal grants and bond proceeds and all other previously unallocated payments made by the board pursuant to this act to be allocated in such year are referred to as current costs and shall be allocated by the board to the local government units as hereinafter provided in the budget for such year.

Subd. 2. METHOD OF ALLOCATION OF CURRENT COSTS.

All current costs shall be allocated to local government units in the district on such equitable basis as the board may from time to time determine by resolution to be in the best interests of the district. In determining what is an equitable basis and in the best interests of the district with respect to allocating current costs of interceptors, the board shall take into account the amount of capacity of such interceptors to be apportioned to each local government unit. In determining what is equitable and in the best interests of the district with respect to allocating costs of treatment works, the board shall take into account the quantity, pollution qualities and difficulty of treatment of sewage discharged directly or indirectly into the district disposal system. With respect to both interceptors and treatment works, treated separately or as a single system, the board shall also take into account any substantial or demonstrable error in any previous allocation of costs, and may take into account all or any combination of the following additional factors: Any of the mandatory factors heretofore set forth for either interceptors or treatment works, the extent to which the facilities are not used to total capacity, any substantial benefit to the district as a whole, the assessed value of all taxable property within each local government unit in the district, the area primarily served by all or part of the district disposal system, the population of each local government unit in the district, the extent to which the territory of a local government unit has been connected to the district disposal system, distinctions between capital and operating costs, and any other factors which the board deems to be fair and reasonable for purposes of allocating costs. The adoption or revision of any method of allocation used by the board shall be by the affirmative vote of at least two thirds the members of the board.

Subd. 3. MANDATORY DEFERMENT OF PAYMENTS. The board shall by resolution provide for the deferment of payment of 75 percent of that part of the current costs of any interceptor which is allocated to a government unit in any budget year on account of the amount of capacity of the interceptor apportioned to agricultural land in the government unit. Such resolution shall set forth the amount of payments so deferred with respect to each parcel of land. Such deferred payments shall be repaid by such government unit at such time or times as the board determines by resolution that all or a

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part of such agricultural land is no longer agricultural land as defined in this subdivision. When the board requires payment of any such deferred payments by the government unit it shall in the statement submitted to the government unit set forth separately the amounts deferred with respect to each such parcel, along with all other costs allocated to the government unit for the budget year. Such deferred payments shall bear interest at the approximate average annual rate borne by bonds issued by the board and outstanding at the time of deferment or, if no bonds are outstanding, at such rate as may be determined by the board, but not to exceed the maximum rate of interest which may be paid on bonds issued by the board at the time of deferment. Agricultural land as used herein shall mean contiguous acreage of ten acres or more, primarily used during the preceding year for agricultural purposes. Agricultural use may include pasture, timber, waste, unusable wild land and land included in federal farm programs. Real estate of less than ten acres used principally for raising poultry, livestock, fruit, vegetables or other agricultural products, shall be considered as agricultural land, if it is not used primarily for residential purposes.

Subd. 4. PERMISSIVE DEFERMENT OF PAYMENTS. The board may by resolution adopted by a two thirds vote of its members provide for the deferment of payment of all or part of current costs, except the costs of administration, operation and maintenance, which are allocated by the board to a local government unit in any budget year, repayable at such time or times as the board shall specify in the resolution with interest at the approximate average annual rate borne by bonds issued by the board and outstanding at the time of the deferment as determined by the board or if no bonds are outstanding at such rate as may be determined by the board but not to exceed the maximum rate of interest which may be paid on bonds issued by the board at the time of deferment.

Subd. 5. REALLOCATION OF DEFERRED PAYMENTS. Payments deferred pursuant to subdivisions 3 or 4 shall, to the extent necessary, be reallocated to and paid by local government units in such proportion as the board deems to be equitable and in the best interests of the district, and applying so far as practicable and appropriate the criteria set forth in subdivision 2. The adoption of such method of reallocation, or any revision thereof, shall be by the affirmative vote of at least two thirds of the members of the board. When such deferred payments are repaid, they shall be applied in reduction of the total amount of current costs thereafter allocated to each of the local government units to which such deferred payments were reallocated in the year of deferment in the same proportion as such deferred payments were reallocated.

Sec. 10. GOVERNMENT UNITS; PAYMENTS TO BOARD.
Subdivision 1. OBLIGATIONS OF GOVERNMENT UNITS TO THE BOARD. Each government unit shall pay to the board all sums

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charged to it as provided in section 9, at the times and in the manner determined by the board. The governing body of each such government unit shall take all action that may be necessary to provide the funds required for such payments and to make the same when due.

Subd. 2. AMOUNTS DUE BOARD; WHEN PAYABLE. Charges payable to the board by local government units may be made payable at such times during each year as the board determines, after it has taken into account the dates on which taxes, assessments, revenue collections and other funds become available to the government units required to pay such charges.

Subd. 3. GENERAL POWERS OF GOVERNMENT UNITS; LOCAL TAX LEVIES. To accomplish any duty imposed on it by the board, the governing body of every government unit may, in addition to the powers granted in this act and in any other law or charter, exercise the powers granted any municipality by Minnesota Statutes, Chapters 117, 412, 429, 475, Sections 115.46, 444.075 and 471.59 with respect to the area of the government unit located in the district. In addition thereto, the governing body of every government unit located in whole or part in the district may levy taxes upon all taxable property in that part of the government unit located in the district for all or a part of the amount payable to the board, to be assessed and extended as a tax upon such taxable property by the county auditor for the next calendar year, free from any limitation of rate or amount imposed by law or charter. Such tax shall be collected and remitted in the same manner as other general taxes of the government unit.

Subd. 4. DEFICIENCY TAX LEVIES. If the local government unit fails to make any payment to the board when due, the board may certify to the auditor of the county in which the government unit is located the amount required for payment of such amount with interest at not more than the maximum rate per annum authorized at that time on assessments pursuant to Minnesota Statutes, Section 429.061, subdivision 2. The auditor shall levy and extend such amount as a tax upon all taxable property in that part of the government unit located in the district, for the next calendar year, free from any limitation imposed by law or charter. Such tax shall be collected in the same manner as other general taxes of the government unit, and the proceeds thereof, when collected, shall be paid by the county treasurer to the treasurer of the board and credited to the government unit for which the tax was levied.

Sec. 11. PUBLIC HEARING AND SPECIAL ASSESSMENTS.
Subdivision 1. PUBLIC HEARING REQUIREMENT ON SPECIFIC PROJECT. Before the board orders any project involving the acquisition or betterment of any interceptor or treatment works, all or a part of the cost of which will be allocated to local government units pursuant to section 9, as current costs, the board shall hold a

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public hearing on the proposed project following two publications in a newspaper or newspapers having general circulation in the district, stating the time and place of the hearing, the general nature and location of the project, the estimated total cost of acquisition and betterment, that portion of such costs estimated to be paid out of federal and state grants, and that portion of such costs estimated to be allocated to each local government unit affected thereby. The two publications shall be a week apart and the hearing shall be at least three days after the last publication. Not less than 45 days before the hearing, notice thereof shall also be mailed to each clerk of all local government units in the district, but failure to give mailed notice or any defects in the notice shall not invalidate the proceedings. The project may include all or part of one or more interceptors or treatment works. No such hearing shall be held on any project unless the project is within the area covered by a comprehensive plan adopted by the board pursuant to section 5, except that the hearing may be held simultaneously with a hearing on such a comprehensive plan. A hearing is not required with respect to a project, no part of the costs of which are to be allocated to local government units as the current costs of acquisition, betterment and debt service.

Subd. 2. NOTICE TO BENEFITTED PROPERTY OWNERS.

If the governing body of any local government unit in the district proposes to assess against benefitted property within such unit all or any part of the allocable costs of the project as provided in subdivision 5, such governing body shall, not less than ten days prior to the hearing provided for in subdivision 1 cause mailed notice thereof to be given to the owner of each parcel within the area proposed to be specially assessed and shall also give one week's published notice of the hearing. The notice of hearing shall contain the same information provided in the notice published by the board pursuant to subdivision 1, and in addition, a description of the area proposed to be assessed by the local government unit. For the purpose of giving mailed notice, owners shall be those shown to be on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. However, as to properties which are tax exempt or subject to taxation on a gross earnings basis and are not listed on the records of the county auditor or the county treasurer, the owners thereof shall be ascertained by any practicable means and mailed notice shall be given them as herein provided. Failure to give mailed notice or any defects in the notice shall not invalidate the proceedings of the board or the local governing body.

Subd. 3. BOARD PROCEEDINGS PERTAINING TO HEARING. Prior to adoption of the resolution calling for such a hearing, the board shall secure from the district engineer or some other competent person of the board's selection a report advising it in a preliminary

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way as to whether the proposed project is feasible and as to whether it should best be made as proposed or in connection with some other project and the estimated costs of the project as recommended; but no error or omission in such report shall invalidate the proceeding. The board may also take such other steps prior to the hearing, as will in its judgment provide helpful information in determining the desirability and feasibility of the project, including but not limited to preparation of plans and specifications and advertisement for bids thereon. *The hearing may be adjourned from time to time and a resolution ordering the project may be adopted at any time within six months after the date of hearing.* In ordering the project the board may reduce but not increase the extent of the project as stated in the notice of hearing and shall find that the project as ordered is in accordance with the comprehensive plan and program adopted by the board pursuant to section 5.

Subd. 4. EMERGENCY ACTION. If the board by resolution adopted by the affirmative vote of not less than two thirds of its members determines that an emergency exists requiring the immediate purchase of materials or supplies or the making of emergency repairs, it may order the purchase of such supplies and materials and the making of such repairs prior to any hearing required under this section, provided that the board shall set as early a date as practicable for such hearing at the time it declares such emergency. All other provisions of this section shall be followed in giving notice of and conducting such hearing. Nothing herein shall be construed as preventing the board or its agents from purchasing maintenance supplies or incurring maintenance costs without regard to the requirements of this section.

Subd. 5. POWER OF GOVERNMENT UNIT TO SPECIALLY ASSESS. A local government unit may specially assess all or any part of the costs of acquisition and betterment as herein provided, of any project ordered by the board pursuant to this section. Such special assessments shall be levied in accordance with the provisions of Minnesota Statutes, Sections 429.051 to 429.081, except as otherwise provided in this subdivision. No other provisions of Minnesota Statutes, Chapter 429 shall apply. For purposes of levying such special assessments, the hearing on such project required in subdivision 1 shall serve as the hearing on the making of the original improvement provided for by Minnesota Statutes, Section 429.051. The area assessed may be less than but may not exceed the area proposed to be assessed as stated in the notice of hearing on the project provided for in subdivision 2. For the purpose of determining the allocable cost of the project, or part thereof, to the local government unit, the government unit may adopt one of the following two procedures:

(1) At any time after a contract is let for the project, the local government unit may obtain from the board a current written

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estimate, on the basis of such historical and reasonably projected data as may be available, of that part of the total costs of acquisition and betterment of such project or of some portion of the project which the government unit shall designate, which will be allocated to the government unit and the number of years over which such costs will be allocated as current costs of acquisition, betterment and debt service pursuant to section 9. The board shall not in any way be bound by this estimate for the purpose of allocating the costs of such project to local government units.

(2) The governing body may obtain from the board a written statement setting forth, for such prior period as the governing body designates, that portion of the costs previously allocated to the local government unit as current costs of acquisition, betterment and debt service only, of all or any part of the project designated by the governing body. In addition to the allocable costs so ascertained, the local government unit may include in the total expense it will pay, as a basis for levying assessments, all other expenses incurred directly by the government unit in connection with said project, or any part thereof. Special assessments levied by the government unit with respect to previously allocated costs ascertained under the second procedure above shall be payable in equal annual installments extending over a period not exceeding by more than one year the number of years over which such costs have been allocated to the government unit or the estimated useful life of said project, or part thereof, whichever number of years is the lesser. No limitation is placed upon the number of times the governing body of a government unit may assess such previously allocated costs not previously assessed by the government unit. The power to specially assess provided for in this section shall be in addition and supplemental to all other powers of government units to levy special assessments.

Sec. 12. INITIAL COSTS. Subdivision 1. CONTRIBUTIONS OR ADVANCES FROM LOCAL GOVERNMENT UNITS. The board may, at such time as it deems necessary and proper, request from all or some of the local government units necessary moneys to defray the costs of any obligations assumed under section 6 and the costs of administration, operation and maintenance, including but not limited to expenses and services described in subdivision 3, paid or to be paid by the board on or before January 1, 1974. Before making such request the board shall, by formal resolution, determine the necessity for such moneys, setting forth in such resolution the purposes for which such moneys are needed and the estimated amount for each such purpose. Upon receiving such request, the governing body of each such government unit may provide for payment of the amount requested or such part thereof as it deems fair and reasonable. Such moneys may be paid out of general revenue funds or any other available funds of any local government unit and the governing bodies thereof may levy taxes to provide

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funds therefor, free from any existing limitations imposed by law or charter. Such moneys may be provided by such government units with or without interest but if interest is charged it shall not exceed five percent per annum. The board shall credit the local government units for such payments in allocating current costs pursuant to section 9, on such terms and at such times as it may agree with the unit furnishing the same.

Subd. 2. **LIMITED TAX LEVY.** The board may levy ad valorem taxes on all taxable property in the district to defray any of the costs described in subdivisions 1 and 3, provided that:

(a) Such costs have not been defrayed by contribution under subdivision 1;

(b) Such costs have been or will be paid by the board prior to January 1, 1974;

(c) Such tax levy in any year shall not exceed 15 mills annually;

(d) The last year in which such taxes may be levied shall be 1973, collectible in 1974.

Before certification of such levy to the county auditor, the board shall determine the need for the money to be derived from such levy by formal resolution setting forth in said resolution the purposes for which the tax moneys will be used and the amount proposed to be used for each such purpose. In allocating current costs pursuant to section 9 the board shall credit the government units for taxes collected pursuant to levy made under this subdivision on such terms and at such times as it deems just and reasonable but in no event shall such credit or any part thereof be allocated later than the fiscal year of the board ending in the calendar year 1978.

Subd. 3. **EXPENSES INCURRED PRIOR TO ORGANIZATION OF THE BOARD.** The board shall pay within a reasonable time after its organization:

(a) All sums paid to defray any expenses incurred,

(b) All sums paid to defray the cost of the reasonable value of any services furnished, and

(c) The reasonable value of all uncompensated services furnished, provided that such expenses were paid or such services were paid or furnished prior to the organization of the board, and provided further that such expenses and services are reasonably and necessarily incident to the establishment of the board.

Services and expenses reasonably and necessarily incurred shall include but are not limited to all legal, engineering, administration

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and fiscal services performed and expenses paid incident to the establishment of the board. Payments made by the board under this subdivision out of funds other than bond proceeds or federal or state grants shall be allocated by the board to local government units at such time or times as the board deems fair and reasonable and upon such terms as are consistent with the provisions of section 9, subdivision 2.

Sec. 13. BONDS, CERTIFICATES AND OTHER OBLIGATIONS. Subdivision 1. **BUDGET ANTICIPATION CERTIFICATES OF INDEBTEDNESS.** At any time or times after adoption of its annual budget and in anticipation of the collection of tax and other revenues estimated and set forth by the board in such budget, except:

(a) Taxes already anticipated by the issuance of certificates under subdivision 2;

(b) Deficiency taxes levied pursuant to this subdivision, and

(c) Taxes levied for the payment of certificates issued pursuant to subdivision 3, the board may, by resolution, authorize the issuance, negotiation and sale in accordance with subdivision 5 in such form and manner and upon such terms as it may determine of its negotiable general obligation certificates of indebtedness in aggregate principal amounts not exceeding 50 percent of the total amount of such tax collections and other revenues and maturing not later than three months after the close of the budget year in which issued. The proceeds of the sale of such certificates shall be used solely for the purposes for which such tax collections and other revenues are to be expended pursuant to such budget.

All such tax collections and other revenues included in the budget for such budget year, after the expenditure of such tax collections and other revenues in accordance with the budget, shall be irrevocably pledged and appropriated to a special fund to pay the principal and interest on the certificates when due. If for any reason such tax collections and other revenues are insufficient to pay the certificates and interest when due, the board shall levy a tax in the amount of the deficiency on all taxable property in the district and shall appropriate this amount when received to the special fund.

Subd. 2. TAX LEVY ANTICIPATION CERTIFICATES OF INDEBTEDNESS. At any time or times after a tax is levied by the board pursuant to section 12, subdivision 2, and certified to the county auditors in anticipation of the collection of such tax, provided that such tax has not been anticipated by the issuance of certificates under subdivision 1, the board may, by resolution, authorize the issuance, negotiation and sale in accordance with subdivision 5 in such form and manner and upon such terms and conditions as it may determine

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of its negotiable general obligation tax levy anticipation certificates of indebtedness in aggregate principal amounts not exceeding 50 percent of such uncollected tax as to which no penalty for nonpayment or delinquency has attached. Such certificates shall mature not later than April 1 in the year following the year in which such tax is collectible. The proceeds of the tax in anticipation of which such certificates were issued and other funds which may become available shall be applied to the extent necessary to repay such certificates.

Subd. 3. EMERGENCY CERTIFICATES OF INDEBTEDNESS. If in any budget year the receipts of tax and other revenues should for some unforeseen cause become insufficient to pay the board's current expenses, or if any calamity or other public emergency should subject it to the necessity of making extraordinary expenditures, the board may by resolution authorize the issuance, negotiation, and sale in accordance with subdivision 5 in such form and manner and upon such terms and conditions as it may determine of its negotiable general obligation certificates of indebtedness in an amount sufficient to meet such deficiency, and the board shall forthwith levy on all taxable property in the district a tax sufficient to pay the certificates and interest thereon and shall appropriate all collections of such tax to a special fund created for the payment of such certificates and the interest thereon. Certificates issued under this subdivision shall mature not later than April 1 in the year following the year in which such tax is collectible.

Subd. 4. GENERAL OBLIGATION BONDS. The board may by resolution authorize the issuance of general obligation bonds for the acquisition or betterment of any part of the district disposal system, including but without limitation the payment of interest during construction and for a reasonable period thereafter, or for the refunding of outstanding bonds, certificates of indebtedness, or judgments. The board shall pledge its full faith and credit and taxing power for the payment of such bonds and shall provide for the issuance and sale and for the security of such bonds in the manner provided in Minnesota Statutes, Chapter 475, and shall have the same powers and duties as a municipality issuing bonds under that law, except that no election shall be required and the debt limitations of Minnesota Statutes, Chapter 475, shall not apply to such bonds. The board may also pledge for the payment of such bonds any revenues receivable under section 10.

Subd. 5. MANNER OF SALE AND ISSUANCE OF CERTIFICATES. Certificates issued under subdivisions 1, 2 and 3 may be issued and sold by negotiation, without public sale, and may be sold at a price equal to such percentage of the par value thereof, plus accrued interest, and bearing interest at such rate or rates as may be determined by the board. No election shall be required to authorize the issuance of such certificates. Such certificates shall bear the same rate of interest after maturity as before and the full faith and

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credit and taxing power of the board shall be pledged to the payment of such certificates.

Sec. 14. TAX LEVIES. The board shall have power to levy taxes for the payment of bonds or other obligations assumed by the district under section 6 and for debt service of the district disposal system authorized in section 13 upon all taxable property within the district without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the board for other purposes or by any local government unit in the district. No other provision of law relating to debt limit shall restrict or in any way limit the power of the board to issue the bonds and certificates authorized in section 13. The board shall also have power to levy taxes as provided in sections 10 and 12. The county auditor shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the board in each year which is certified to him by the board. The county treasurer shall collect and make settlement of such taxes with the treasurer of the board.

Sec. 15. DEPOSITORIES. The board shall from time to time designate one or more national or state banks, or trust companies authorized to do a banking business, as official depositories for moneys of the board, and thereupon shall require the treasurer to deposit all or a part of such moneys in such institutions. Such designation shall be in writing and shall set forth all the terms and conditions upon which the deposits are made, and shall be signed by the chairman and treasurer, and made a part of the minutes of the board. Any bank or trust company so designated shall qualify as a depository by furnishing a corporate surety bond or collateral in the amounts required by Minnesota Statutes, Section 118.01. However, no bond or collateral shall be required to secure any deposit insofar as it is insured under federal law.

Sec. 16. MONEYS, ACCOUNTS AND INVESTMENTS. Subdivision 1. **RECEIPT AND APPLICATION.** All moneys received by the board shall be deposited or invested by the treasurer and disposed of as the board may direct in accordance with its budget; provided that any moneys that have been pledged or dedicated by the board to the payment of obligations or interest thereon or expenses incident thereto, or for any other specific purpose authorized by law, shall be paid by the treasurer into the fund to which they have been pledged.

Subd. 2. **FUNDS AND ACCOUNTS.** The board's treasurer shall establish such funds and accounts as may be necessary or convenient to handle the receipts and disbursements of the board in an orderly fashion.

Subd. 3. **DEPOSIT AND INVESTMENT.** The moneys on hand in said funds and accounts may be deposited in the official depositories of the board or invested as hereinafter provided. The amount

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thereof not currently needed or required by law to be kept in cash on deposit may be invested in obligations authorized for the investment of municipal sinking funds by Minnesota Statutes, Section 475.66. Such moneys may also be held under certificates of deposit issued by any official depository of the board.

Subd. 4. **BOND PROCEEDS.** The use of proceeds of all bonds issued by the board for the acquisition and betterment of the district disposal system, and the use, other than investment, of all moneys on hand in any sinking fund or funds of the board, shall be governed by the provisions of Minnesota Statutes, Chapter 475, the provisions of this act and the provisions of resolutions authorizing the issuance of such bonds. Such bond proceeds when received shall be transferred to the treasurer of the board for safekeeping, investment and payment of the costs for which they were issued.

Subd. 5. **AUDIT.** The board shall provide for and pay the cost of an independent annual audit of its official books and records by the state public examiner or a certified public accountant.

Sec. 17. **GENERAL POWERS OF BOARD.** Subdivision 1. The board shall have all powers which may be necessary or convenient to discharge the duties imposed upon it by law. Such powers shall include those herein specified, but the express grant or enumeration of powers shall not be deemed to limit the generality or scope of the grant of power contained in this subdivision.

Subd. 2. The board may sue or be sued.

Subd. 3. The board may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

Subd. 4. The board shall have the power to adopt rules and regulations relating to the board's responsibilities and may provide penalties for the violation thereof not exceeding the maximum which may be specified for a misdemeanor, and the cost of prosecution may be added to the penalties imposed. Any rule or regulation prescribing a penalty for violation shall be published at least once in a newspaper having general circulation in the district. Such violations may be prosecuted before any court in the district having jurisdiction of misdemeanors, and every such court shall have jurisdiction of such violations. Any constable or other peace officer of any municipality in the district may make arrests for such violations committed anywhere in the district in like manner and with like effect as for violations of village ordinances or for statutory misdemeanors. All fines collected in such cases shall be deposited in the treasury of the board, or may be allocated between the board and the municipality in which such prosecution occurs on such basis as the board and the municipality agree.

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Subd. 5. The board may accept gifts, may apply for and accept grants or loans of money or other property from the United States, the state, or any person for any of its purposes, may enter into any agreement required in connection herewith, and may hold, use and dispose of such money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto; and, with respect to any loans or grants of funds or real or personal property or other assistance from any state or federal government or any agency or instrumentality thereof, the board may contract to do and perform all acts and things required as a condition or consideration therefor pursuant to state or federal law or regulations, whether or not included among the powers expressly granted to the board in this act.

Subd. 6. The board may act under the provisions of Minnesota Statutes, Section 471.59, or any other appropriate law providing for joint or cooperative action between government units.

Subd. 7. The board may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with the design, construction and operation of the district disposal system; and may advise and assist other government units on system planning matters within the scope of its powers, duties and objectives.

Subd. 8. The board may employ on such terms as it deems advisable, persons or firms performing engineering, legal or other services of a professional nature; require any employee to obtain and file with it an individual bond or fidelity insurance policy; and procure insurance in such amounts as it deems necessary against liability of the board or its officers or both, for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Statutes, Chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property as it deems necessary.

Subd. 9. The board may acquire by purchase, lease, condemnation, gift, or grant, any real or personal property including positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain, and operate any interceptor, treatment works, or water facility determined to be necessary or convenient for the collection and disposal of sewage in the district. Any local government unit and the commissioners of highways and natural resources are authorized to convey to or permit the use of any such facilities owned or controlled by it, by the board, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation, without an election or approval by any other government unit or agency. All powers conferred by this subdivision may be exercised both within or without the district as may be necessary for the exercise by the board of its powers or the accomplishment of its purposes. The board may hold,

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lease, convey or otherwise dispose of such property for its purposes upon such terms and in such manner as it shall deem advisable. Unless otherwise provided, the right to acquire lands and property rights by condemnation shall be exercised in accordance with Minnesota Statutes, Sections 117.01 to 117.202, and shall apply to any property or interest therein owned by any local government unit; provided, that no such property devoted to an actual public use at the time, or held to be devoted to such use within a reasonable time, shall be so acquired unless a court of competent jurisdiction shall determine that the use proposed by the board is paramount to such use. Except in case of property in actual public use, the board may take possession of any property or which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation.

Subd. 10. The board may construct or maintain its systems or facilities in, along, on, under, over, or through public waters, streets, bridges, viaducts, and other public rights of way without first obtaining a franchise from any county or local government unit having jurisdiction over them; but such facilities shall be constructed and maintained in accordance with the ordinances and resolutions of any such county or government unit relating to construction, installation, and maintenance of similar facilities on such public properties and shall not unnecessarily obstruct the public use of such rights of way.

Subd. 11. The board may sell, lease or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. Such property may be sold in the manner provided by Minnesota Statutes, Section 458.196, insofar as practical. The board may give such notice of sale as it shall deem appropriate. When the board determines that any property or any part of the district disposal system which has been acquired from a local government unit without compensation is no longer required but is required as a local facility by the government unit from which it was acquired, the board may by resolution transfer it to such government unit.

Subd. 12. The board may contract with the United States or any agency thereof, any state or agency thereof, or any regional public planning body in the state with jurisdiction over any part of the district, or any other municipal or public corporation, or governmental subdivision or agency or political subdivision in any state, for the joint use of any facility owned by the board or such entity, for the operation by such entity of any system or facility of the board, or for the performance on the board's behalf of any service, including but not limited to planning, on such terms as may be agreed upon by the contracting parties. Unless designated by the board as a local sanitary sewer facility, any treatment works or interceptor jointly used, or operated on behalf of the board, as provided in this subdivision, shall

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be deemed to be operated by the board for purposes of including said facilities in the district disposal system.

Sec. 18. LOCAL FACILITIES. Subdivision 1. **SANITARY SEWER FACILITIES.** Except as otherwise provided in this act, local government units shall retain responsibility for the planning, design, acquisition, betterment, operation, administration and maintenance of all local sanitary sewer facilities as provided by law.

Subd. 2. **ASSUMPTION OF RESPONSIBILITY OVER LOCAL SANITARY SEWER FACILITIES.** The board shall upon request of any government unit or units assume either alone or jointly with the local government unit all or any part of the responsibility of the local government unit described in subdivision 1. Except as provided in subdivision 4 and for the purpose of exercising such responsibility the board shall have all the powers and duties elsewhere conferred in this act with the same force and effect as if such local sanitary sewer facilities were a part of the district disposal system.

Subd. 3. **WATER AND STREET FACILITIES.** The board may, upon request of any government unit or units enter into an agreement under which the board may assume either alone or jointly with such unit or units, the responsibility for the acquisition and construction of water and street facilities in conjunction with (a) any project for the acquisition or betterment of the district disposal system, or (b) any project undertaken by the board under subdivision 2 above. Except as provided in subdivision 4, and for the purpose of exercising any responsibilities pursuant to this subdivision the board shall have all the powers and duties elsewhere conferred in this act with the same force and effect as if such water or street facilities were a part of the district disposal system.

Subd. 4. **ALLOCATION OF CURRENT COSTS.** All current costs attributable to responsibilities assumed by the board over local sanitary sewer facilities and water and street facilities as provided in this section shall be allocated solely to the local unit for or with whom such responsibilities are assumed on such terms and over such period as the board determines to be equitable and in the best interests of the district.

Subd. 5. **INCLUSION AS A PART OF THE DISTRICT DISPOSAL SYSTEM.** Nothing contained in this section or in any other part of this act shall be construed to prevent the board from including, where appropriate, treatment works or interceptors, previously designated or treated as local sanitary sewer facilities, as a part of the district disposal system.

Subd. 6. **LOCAL POWERS.** Any local government unit may assume jointly with the board all or any part of the responsibility of the local government unit described in subdivision 1 and may perform all acts and things required for the purpose of exercising such joint

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responsibility, whether or not included in the powers otherwise granted to such local government unit by this act or any other law or charter.

Sec. 19. SERVICE CONTRACTS WITH GOVERNMENTAL ENTITIES OUTSIDE THE JURISDICTION OF THE BOARD. The board may contract with the United States or any agency thereof, any state or any agency thereof, or any municipal or public corporation, governmental subdivision or agency or political subdivision in any state, outside the jurisdiction of the board, for furnishing to such entities any services which the board may furnish to local government units in the district under this act, including but not limited to planning for and the acquisition, betterment, operation, administration and maintenance of any or all interceptors, treatment works and local sanitary sewer facilities, provided that the board may further include as one of the terms of the contract that such entity also pay to the board such amount as may be agreed upon as a reasonable estimate of the proportionate share properly allocable to the entity of costs of acquisition, betterment and debt service previously allocated to local government units in the district. When such payments are made by such entities to the board, they shall be applied in reduction of the total amount of costs thereafter allocated to each local government unit in the district, on such equitable basis as the board deems to be in the best interests of the district, applying so far as practicable and appropriate the criteria set forth in section 9, subdivision 2. Any municipality in the state of Minnesota may enter into such contract and perform all acts and things required as a condition or consideration therefor consistent with the purposes of this act, whether or not included among the powers otherwise granted to such municipality by law or charter.

Sec. 20. CONTRACTS FOR CONSTRUCTION, MATERIALS, SUPPLIES, AND EQUIPMENT. Subdivision 1. **PLANS AND SPECIFICATIONS.** When the board orders a project involving the acquisition or betterment of a part of the district disposal system, it shall cause plans and specifications of the project to be made, or if previously made, to be modified, if necessary, and to be approved by the agency if required, and after any required approval by the agency, one or more contracts for work and materials called for by such plans and specification may be awarded as provided in this section.

Subd. 2. CONTRACTS IN EXCESS OF \$5,000. No contract for any construction work, or for the purchase of materials, supplies, or equipment, estimated to cost more than \$5,000 shall be made by the board without publishing once in a newspaper having general circulation in the district and once in a trade paper or legal newspaper published in any city of the first class, not less than 14 days before the last day for submission of bids, notice that bids or proposals will be received. Such notice shall state the nature of the work or purchase

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and the terms and conditions upon which the contract is to be awarded, and the time and place where such bids will be received, opened, and read publicly. After such bids have been duly received, opened, read publicly, and recorded, the board shall within a reasonable time award such contract to the lowest responsible bidder or it may reject all bids and readvertise. Each contract shall be duly executed in writing and the party to whom the contract is awarded shall give sufficient bond or security to the board for the faithful performance of the contract as required by law. If the board by an affirmative vote of not less than two thirds of its members declares that an emergency exists requiring the immediate purchase of materials or supplies or in making emergency repairs, at a cost estimated to be in excess of \$5,000, it shall not be necessary to advertise for bids.

Subd. 3. CONTRACTS OR PURCHASES FOR \$5,000 OR LESS. The board may, without advertising for bids, enter into any contract or purchase any materials, supplies or equipment of the type referred to in subdivision 2 the cost of which is estimated to be \$5,000 or less, or it may in the alternative authorize the executive director to enter into a contract on behalf of the board for such work or to make such purchases without prior approval of the board and without advertising for bids.

Subd. 4. UNIFORM MUNICIPAL CONTRACTING LAW. Except as otherwise provided in this section, Minnesota Statutes, Section 471.345 shall apply.

Sec. 21. ANNEXATION OF TERRITORY. Any municipality upon resolution adopted by a four-fifths vote of its governing body may petition the board for annexation to the district of the area then comprising the municipality, or any part thereof and, if accepted by the board, such area shall be deemed annexed to the district and subject to the jurisdiction of the board under the terms and provisions of this act. The territory so annexed shall be subject to taxation and assessment pursuant to the provisions of this act and shall be subject to taxation by the board like other property in the district for the payment of principal and interest thereafter becoming due on general obligations of the board, whether authorized or issued before or after such annexation. The board may in its discretion condition approval of the annexation upon the contribution, by or on behalf of the municipality petitioning for annexation, to the board of such amount as may be agreed upon as being a reasonable estimate of the proportionate share, properly allocable to the municipality, of costs of acquisition, betterment and debt service previously allocated to local government units in the district, on such terms as may be agreed upon. For the purpose of paying this contribution, the municipality petitioning annexation may exercise the powers conferred in section 10. When such contributions are made by the municipality to the board, they shall be applied in reduction of the total amount of costs

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thereafter allocated to each local government unit in the district, on such equitable basis as the board deems to be in the best interests of the district, applying so far as practicable and appropriate the criteria set forth in section 9, subdivision 2. Upon annexation of such territory, the secretary of the board shall certify to the auditor and treasurer of the county in which the municipality is located the fact of such annexation and a legal description of the territory annexed.

Sec. 22. PROPERTY EXEMPT FROM TAXATION. Any properties, real or personal, owned, leased, controlled, used, or occupied by the sanitary sewer board for any purpose under this act are declared to be acquired, owned, leased, controlled, used and occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any political subdivision of the state, provided that such properties shall be subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from such improvement. No possible use of any such properties in any manner different from their use as part of a disposal system at the time shall be considered in determining the special benefit received by such properties. All such assessments shall be subject to final approval by the board, whose determination of the benefits shall be conclusive upon the political subdivision levying the assessment. All bonds, certificates of indebtedness or other obligations of the board, and the interest thereon, shall be exempt from taxation by the state or any political subdivision of the state.

Sec. 23. RELATION TO EXISTING LAWS. The provisions of this act shall be given full effect notwithstanding the provisions of any law or charter inconsistent therewith. The powers conferred on the board under this act shall in no way diminish or supersede the powers conferred on the agency by Minnesota Statutes, Chapters 115 and 116.

Sec. 24. AFFECTED LOCAL GOVERNMENT UNITS. The city of Alexandria and the townships of Alexandria, Carlos, Hudson and LaGrand, in the county of Douglas, are affected by this act. Local consent shall not be required.

Approved June 7, 1971.

CHAPTER 870—S.F.No.1643

An act relating to minimum wages; powers and duties of boards; amending Minnesota Statutes 1969, Section 177.09.

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