

CHAPTER 441—S. F. No. 496.

An Act to authorize the creation of Park Boards in all cities and villages having a population of more than one thousand and less than ten thousand in the State of Minnesota.

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

Park board created.—Section 1. There may be created, in the discretion of the governing board thereof, in every city or village in the state of Minnesota, having a population of less than ten thousand and more than one thousand inhabitants, a park board with powers and duties hereinafter provided.

Last census to govern.—Sec. 2. In determining the population of any such municipality, the last census taken thereby by authority of the state of Minnesota or of the United States government shall be conclusive as to the population thereof for the purposes of this act.

Membership of board.—Sec. 3. Said board shall consist of three members and shall be appointed by the mayor of the city or president of the village council and confirmed by the common council of said city or village; and when first created one shall be appointed for the term of one year, one for the term of two years, and one for the term of three years, and said members shall hold their offices for the term of three years and until their successors are appointed and qualified; and each member so appointed shall qualify within ten days after notification of his appointment by subscribing an oath that he will faithfully and impartially perform the duties of his said office, and shall file his said oath in the office of the village recorder or the clerk as the case may be. There shall be appointed each year thereafter by said council one member of said board whose term of office shall be three years, and each member of said board shall be president thereof during the last year of the term for which he is appointed.

Powers and duties.—Sec. 4. Said park board shall have full, absolute and exclusive control of, and power over, all real estate now owned or hereafter acquired by said municipality and set apart for park or boulevard purposes therein or in adjoining territory, and all public property used therein or therefor. Said board shall have power and authority to maintain the same, and to beautify and improve any and all such lands and the approaches thereto for the benefit of the general public; to erect and construct therein such roadways and paths, buildings, fountains, toilet rooms, or other improvements necessary to meet the requirements of the visiting public; to buy all necessary material and fuel required to carry out the provisions of this act; to make such reasonable rules and regulations for the government of the same as may be deemed necessary and proper; to employ such help in and about the conduct of such parks and boulevards as

may be found necessary; to employ a secretary at a salary of not exceeding five hundred dollars per annum, whose duty it shall be to keep a full and complete record of all the transactions of said board, attend its meetings, and do and perform such other duties as may from time to time be required of him by said board; to employ an attorney if found necessary to assist the board at a salary of not exceeding five hundred dollars per annum; to fix the compensation of any and all persons employed by said board; to audit and allow all just claims for labor, services or material furnished by order of said board, and endorse its approval of such claims thereon when allowed, which claims when so audited and allowed and endorsed shall be presented to the council of said municipality for payment and paid by said municipality as other claims are paid; *provided*, said board shall not have the right to sell, rent, lease, or in any other way dispose of or incur, or suffer, or permit the said property, or any part thereof, to come under the control of any other person or corporation whatever. Said board shall also have power and authority to receive on behalf of said municipality any proper donation of statuary, shrubbery, trees, material, or other personal property for use in and about the said parks and boulevards. Said board shall make detailed report of all its doings and proceedings to the council at least once in three months.

Council to fix compensation.—Sec. 5. Said members of said board shall serve without compensation except such as may be provided by the council of said municipality, which council shall in no case fix any greater compensation for service of each of such members than one hundred dollars per annum, which said salary, if any be allowed, shall be paid by the municipality as other claims are paid by it; and nothing in this act shall be construed so as to prevent any person from holding membership in said board, and also in the light, water and power commission.

Council may avail itself of provisions by resolution.—Sec. 6. Any city or village mentioned in the title of this act which may wish to avail itself of the provisions hereof shall do so by resolution of its council, expressly accepting the provisions hereof, which resolution shall be adopted by a majority of all the members of said council and approved by its presiding officer, and this act shall not apply to any such city or village until the adoption as aforesaid of such resolution. This act shall not be construed as in any manner superseding, repealing, amending or qualifying the provisions of any home rule charter heretofore adopted by any city or village under the laws of this state, and this act shall not in any manner apply to any such city or village.

Sec. 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved April 22, 1909.