

CHAPTER 374

POWER OF COUNTY TO UNITE WITH CITY TO BUILD COURT-HOUSE AND CITY HALL

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374.01 COUNTY AND CITY OF FIRST CLASS MAY BUILD COURT-HOUSE. Any county in this state now or hereafter having within its limits a city of the first class may, together with such city, jointly acquire land for, erect, equip, furnish, maintain, and operate a joint court-house and city hall building to be used jointly by such county and city.

[1929 c. 397 s. 1] (643-1)

374.02 EXPENSE DIVIDED. The cost and expense of acquiring land for, erecting, equipping, and furnishing such building shall be borne equally by such county and such city. The building shall not be erected or contracted to be erected and no land acquired therefor and no bonds shall be issued or sold by the county, as provided in section 374.03, until the city has been authorized to issue bonds to defray its proportion of the cost of such land and building and the ordinances providing for the issuance of such bonds have been ratified by the vote of the electors of such city in the manner provided in the charter of such city or by the laws of the state of Minnesota.

[1929 c. 397 s. 2] (643-2)

374.03 COUNTY BOARD TO ISSUE BONDS. At any time after such city shall have been so authorized to issue bonds to defray its part of the cost of acquiring a site and of erecting the city hall and court-house building, the board of county commissioners of any such county may issue and sell certificates of indebtedness or bonds of such county to defray the county's portion of the cost of acquiring land for, erecting, equipping, and furnishing such building in an amount equal to the amount of bonds authorized to be issued by such city, without submission to the vote of the electors of such county, and the full faith and credit of the county shall be pledged to the payment of the principal and interest of such certificates of indebtedness or bonds. In no event shall any such county issue its certificates of indebtedness or bonds for such purpose in an amount exceeding \$2,000,000. Such certificates of indebtedness or bonds may be issued in one or more instalments, but the certificates of indebtedness or bonds of each instalment shall be serial bonds or certificates of indebtedness, a portion of which shall be payable each year after issue, but none of these certificates of indebtedness or bonds shall run for a longer term than three years from their date, and the board of county commissioners shall fix the denominations thereof and shall fix the dates of maturity of each instalment so that the amounts necessary each year to pay the principal and interest maturing in such year shall be approximately the same in each of the years during which the certificates of indebtedness or bonds of the instalment shall run. Such certificates of indebtedness or bonds shall be sold in accordance with the provisions of section 475.15. The rate of interest shall, in no case, exceed six per cent per annum.

[1929 c. 397 s. 3] (643-3)

374.04 BONDS; EXECUTION AND DELIVERY. Such bonds or certificates of indebtedness shall be executed in such manner as the board of county commissioners shall, by resolution, determine. The delivery of the bonds or certificates of indebt-

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edness so executed at any time thereafter shall be valid, notwithstanding any change in such officers or in the seal of the county occurring after such execution.

[1929 c. 397 s. 4] (643-4)

374.05 FORM OF BONDS. Such bonds or certificates of indebtedness may be issued in coupon or registered form, and the board of county commissioners shall have authority, in its discretion, to provide that bonds or certificates of indebtedness issued in coupon form shall be exchangeable, at the option of the holder, for bonds or certificates of indebtedness in registered form, and vice versa; and the board of county commissioners shall have authority to cause to be prepared, to effectuate such exchange, new bonds or certificates of indebtedness in coupon or registered form, as the case may be, in such denomination or denominations as it may deem expedient, which shall be executed in such manner as the board of county commissioners shall determine. Any bond or certificate of indebtedness issued in exchange for a bond or certificate of indebtedness previously issued under the authority of this section shall be in such form as the board of county commissioners shall determine, but shall bear upon its face a clause or recital indicating that it is issued in substitution for one or more bonds or certificates of indebtedness of the original issue, describing them by number or numbers so as to render possible the identification of such substituted bond or bonds, or certificate or certificates of indebtedness with the bonds or certificates of indebtedness originally issued. The board of county commissioners shall have authority to pass such resolutions as may be necessary to carry out the powers hereby conferred, and prescribe such rules and regulations as it may deem expedient for the conversion of the bonds or certificates of indebtedness issued under the provisions of this chapter.

[1929 c. 397 s. 5] (643-5)

374.06 TAX LEVY. The board of county commissioners shall levy a tax, at the time and in the manner prescribed by section 475.26, to pay the principal and interest of such bonds or certificates of indebtedness. This section shall not be construed as limiting the power of a municipality to levy taxes to pay its obligations issued hereunder, but the governing body of every municipality shall have the authority and it shall be its duty to levy any taxes necessary to provide revenue to pay such obligations.

[1929 c. 397 s. 6] (643-6)

374.07 LIMITATIONS. The amount of indebtedness authorized to be incurred by any such county shall be in addition to and over and above any limits now fixed by law.

[1929 c. 397 s. 7] (643-7)

374.08 JUDGES TO APPOINT BUILDING COMMISSION. As soon as practicable after the council of any such city and the board of commissioners of any such county shall determine to proceed with the erection of a joint court-house and city hall building, there shall be appointed by, and serve at the pleasure of, those persons who shall be judges of the district court of the judicial district of which such county may be a part, not acting in their judicial capacities, an advisory court-house and city hall building commission of nine members, to be selected as follows: two members from the membership of the city council of such city; two members from the membership of the board of county commissioners of such county; and five members at large who shall be freeholders and residents of such county, one of whom shall reside outside the limits of such city.

[1929 c. 397 s. 8] (643-8)

374.09 PROCEDURE IF JUDGES FAIL TO APPOINT. If the persons who shall be judges of the district court for any reason shall fail to make appointments to the advisory court-house and city hall building commission within 30 days after the city council of any such city and the board of commissioners of any such county have determined to proceed with the erection of any such court-house and city hall building, then such advisory court-house and city hall building commission, consisting of nine members, shall be appointed as follows: four members to be appointed by the city council of such city, two of whom shall be members of such city council; four members to be appointed by the board of county commissioners of such county, two of whom shall be members of the board of county commissioners; the ninth member of the commission shall be appointed by a majority vote of the members of the city council and the board of county commissioners sitting in joint session.

[1929 c. 397 s. 9] (643-9)

374.10 WHO MAY BE MEMBERS OF COMMISSION. No more than two members of the advisory court-house and city hall building commission shall be at any one time members of the board of county commissioners, and no more than two of such members shall be at any one time members of the council; and, in the event any person appointed a member of the commission who was not at the time of his appointment a member of either the city council or the board of county commissioners and shall subsequently become a member of either body, he shall thereupon cease to be a member of the advisory court-house and city hall building commission.

Immediately after the appointment of the commission, the persons appointed as members thereof shall indicate their acceptance of their appointment, in writing, filed with the auditor of the county.

In case any person appointed as a member of the commission shall fail so to file his written acceptance of such appointment within 20 days after such appointment, or in case any member shall die, resign, or be removed from office, or in case any of the members of the commission, who were appointed from the membership of the city council or the board of county commissioners, shall cease to be members of the council or board, their successors shall be appointed in the manner and by the same persons as originally appointed such member.

Immediately upon the expiration of the 20 days following the appointment of the members of the commission, or prior thereto upon the filing of such acceptance by all those appointed as members thereof, the chairman of the board of county commissioners shall call a meeting of such commission and shall preside at the first meeting. At such meeting the commission shall select from its own members a chairman and such other officers as it may deem necessary.

[1929 c. 397 s. 10] (643-10)

374.11 DUTY OF COMMISSION. As soon as practicable after the appointment of the members of such commission, it shall proceed to select a site or sites for such building and may contract with the owners thereof for the acquisition of such site or sites by gift or purchase, which contract or contracts shall be subject to ratification by the city council and board of county commissioners; provided, that if the site selected be not the site of any then existing court-house and city hall building, then the site selected shall be a site located within one city block of the site of any existing court-house and city hall building. The commission shall not recommend erection of the court-house and city hall on a new site, unless two-thirds of the personnel of the commission are in favor thereof and are of the opinion, and shall so state in the report of the commission, that the site of the existing court-house and city hall cannot be used for such court-house and city hall in a manner as advantageous to the city and county as the proposed new site and shall embody in its report a statement of the facts upon which it bases its conclusions in this regard, and such new site shall not be finally selected until the report shall have been published in the daily newspapers of the city and an opportunity given for the public to present its objections thereto, at a hearing on a date not earlier than 30 days after such publication. As soon as practicable after the selection of a site or sites, the commission shall report to the city council and the board of county commissioners, describing the property selected as a site for the building, and the price at which the properties can be acquired. Upon the filing of the report the board of county commissioners and the city council shall consider the report and may either reject the same or ratify the action taken by the commissioners; and, in the event that either or both of these bodies shall reject the report of the commission, the matter shall be resubmitted to the commission for further action. In the event that the city council and the board of county commissioners shall approve the site selected by the commission, but shall not approve the price at which the site or sites can be acquired, the city council and the board of county commissioners shall thereupon proceed to acquire the property by eminent domain. The proceedings in eminent domain for the acquisition of the property may be instituted and carried to completion in the name of either the city or the county, as may be determined by the city council and board of county commissioners, and may be instituted and completed either under the laws governing the condemnation of land by counties or under the provisions of the charter of such city relating to the acquisition of land by eminent domain, or under the laws of the state relating to the acquisition by cities of land by eminent domain.

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The cost of acquiring this land, whether acquired by purchase or eminent domain, shall be paid one-half by such county and one-half by such city; and, in case the property is acquired by eminent domain in proceedings instituted and completed by such city, the county shall reimburse it for one-half of the cost of acquiring such land and one-half of the expense incident thereto; and, if the proceedings are instituted and completed by such county, the city shall likewise reimburse the county. All land acquired as a site for such court-house and city hall building shall be owned jointly by such county and such city; and, in case the entire tract is acquired by either such city or such county, it shall convey an undivided one-half interest thereof to the other upon reimbursement for one-half of the cost of acquiring the same.

[1929 c. 397 s. 11] (643-11)

374.12 PLANS AND SPECIFICATIONS DRAWN. Either before or after the selection of the site of such building, the commission shall cause to be prepared plans and specifications for such building and may employ architects, engineers, draftsmen, and such clerical help as may be deemed necessary for the purpose of preparing such plans and specifications. The compensation of such employees shall be fixed by the commission and shall be paid in equal parts by the city and the county upon presentation of statements therefor certified to be correct by a majority of such commission. All such contracts and employments shall be subject to approval by the city council and board of county commissioners. Upon the completion of the plans and specifications for such building, the commission shall submit the same to the city council and the board of county commissioners for approval. The council and board shall thereupon approve the proposed plans and specifications, or reject them and resubmit them to the commission for further consideration; and, when the plans and specifications are satisfactory to both the city council and the board of county commissioners, each of those bodies shall thereupon pass a resolution authorizing and instructing the commission to proceed with the work.

[1929 c. 397 s. 12] (643-12)

374.13 TO ADVERTISE FOR BIDS. Upon the completion of such plans and specifications and their approval or adoption by the city council and the board of county commissioners, the commission shall proceed to advertise for bids or proposals for all or any portion of the work or materials, or both, to be done, performed, or furnished in the construction of the building. The advertisement for bids or proposals shall be published in the official newspaper of such city, if there be one, and, if not, in any newspaper published in such county to be selected by the commission, and may be published in such other newspapers or publications, either within or without the state, as the commission may deem advisable, and shall be published for such length of time as the commission may determine. All bids or proposals shall be sealed by the bidders or proposers and shall be filed with the commission at or before the time specified in such advertising for the opening of bids or proposals. At the time and place specified in the advertisement for the opening of bids or proposals, the commission shall meet, open the bids or proposals, and tabulate the same, and shall thereupon award the contract or contracts to the responsible bidder whose bid or proposal is the most favorable to the city or county, or reject all bids and proposals. In the event all bids or proposals are rejected, the commission may readvertise for bids or proposals or may modify or change the plans and specifications and submit such modified plans and specifications to the city council and the board of county commissioners for approval, and when such modified or changed plans and specifications are satisfactory to both the city council and the board of county commissioners, the plans and specifications shall be returned to the commission and the commission shall proceed to again advertise for bids or proposals in the manner hereinbefore provided. Any such contract awarded by the commission shall be subject to approval by the city council and the board of county commissioners.

[1929 c. 397 s. 13] (643-13)

374.14 CERTIFIED CHECKS WITH ALL BIDS. Each person submitting bids or proposals under the terms of section 374.13 shall file with his bid or proposal a certified check in an amount prescribed in the specifications of the commission for the building, to be retained as liquidated damages and divided equally between the city and county in case of failure to enter into a contract if he is awarded the same.

All contracts shall be in writing and shall be made in the name of the county and city proposing to erect such building, and shall be executed in behalf of such

county and city by the officers empowered by law or charter to execute contracts in behalf of such county and such city. All persons who may be awarded contracts in connection with the erection of such building shall be required to furnish bonds in the amount and in the form prescribed by the laws of the state relating to contracts for public improvements, and such bonds shall run to the county and city erecting such building.

[1929 c. 397 s. 14] (643-14)

374.15 WAGES. Specifications for all such work shall contain a provision that skilled and unskilled laborers employed in such work shall be paid a wage equal to the wage required to be paid by contractors doing work for such city, if such city has in force an ordinance providing such a scale of wages.

[1929 c. 397 s. 15] (643-15)

374.16 COST OF REMOVING AND REMODELING. In the event the selected site be then occupied by an existing city hall and court-house, such that temporary quarters must be provided for officers and officials located therein pending completion of the new building, the cost of any remodeling of such temporary quarters, and moving expenses incident to their occupancy shall be considered a part of the cost of the new building.

[1929 c. 397 s. 16] (643-16)

374.17 COMMISSION MAY APPOINT ARCHITECTS. The work of erecting, equipping, and furnishing the building shall be conducted and completed under the direction and supervision of the commission and the members thereof are charged with the duty of requiring the work to be done in accordance with the plans and specifications. The commission is hereby authorized to employ such architects, engineers, supervisors, inspectors, clerks, and other employees as it may deem necessary or advisable to supervise and inspect the work and assist in the performance of the duties of the commission, and the county and city shall pay the fees and salaries of such employees in the amounts fixed by the commission, one-half by the county and one-half by the city, upon the presentation of statements therefor certified to be correct by a majority of the commission. Such employments shall be subject to the approval of the city council and board of county commissioners in the manner provided in this chapter.

[1929 c. 397 s. 17] (643-17)

374.18 MANAGEMENT OF BUILDING. If, at the time of the erection of such building, the county and city so erecting a court-house and city hall shall then be jointly owning and operating a city hall and court-house building under authority and power granted by law, the management of the new building shall be vested in the same persons or committees as managed the old building then jointly owned and operated by such city and county. In all other cases the management of the building shall be vested in a joint committee consisting of two members of the board of county commissioners selected by the board, and two members of the city council selected by the council. The committee shall have full charge and management of the building and shall have the power to appoint such employees as the committee shall deem necessary for the proper care, management, and operation of the building, the salary and compensation to be fixed by the committee, and the board of county commissioners and the council of the city shall each provide an amount sufficient to pay one-half of the expense of operating the building.

[1929 c. 397 s. 18] (643-18)

374.19 TO SERVE WITHOUT COMPENSATION. The members of the advisory court-house and city hall building commission and the members of the joint committee of the city council and county board to manage the building shall not receive any compensation for their services upon the committee or commission, and none of the members of the advisory court-house and city hall building commission shall have any financial interest in any of the contracts awarded by the commission.

[1929 c. 397 s. 19] (643-19)

374.20 LANDS NOT USED SOLD. In case any land or buildings owned and used by either the county or the city, or jointly owned and used by them, shall not be required for the use of the county or city, or both of them, after the completion of the new building, the land and buildings shall be sold as soon as practicable and the proceeds placed in separate funds of the county and city to be used for the payment of bonds or certificates of indebtedness authorized hereunder and court-house and city hall bonds issued by any such city. The proceeds of such sales shall

be paid into the county and city treasuries in the proportion of ownership of each in the real property so sold. So far as practicable the proceeds of such sales shall be used to pay a portion of the bonds or certificates of indebtedness maturing in each year after sales in such manner as to make the annual payments from the proceeds of such sales as nearly equal as may be in each of the years in which bonds or certificates of indebtedness mature. No part of the proceeds of such sale shall be used to pay interest charges on any bonds so issued, and no part thereof shall be used for any purpose other than the payment of maturing bonds or certificates of indebtedness, unless there is a surplus after the payment of all bonds or certificates of indebtedness, in which case such surplus shall be paid into the general sinking fund of such city and county.

[1929 c. 397 s. 20] (643-20)

374.21 AUDITORIUM IN NEW BUILDING; PROVIDE MEETING PLACES FOR MILITARY ORGANIZATIONS. If any such city desires to construct an auditorium, such building may be included in the court-house and city hall building if the board of county commissioners shall agree thereto and an agreement is reached between such board and the council of such city as to the cost of such addition to the court-house and city hall building, and the entire amount of such additional cost arising from the inclusion of such auditorium building in the court-house and city hall building shall be borne by such city. Nothing herein contained shall require that in the event such auditorium is made a part of the city hall and court-house building the city shall sell any existing auditorium building. In the event the auditorium is included in the city hall and court-house building, the management and control of such auditorium shall not be vested in the joint committee hereinbefore provided for to manage the city hall and court-house building, but the management and control of the auditorium shall be vested in such city. Any additional expense in the care, upkeep, and maintenance of the court-house and city hall building arising from the inclusion of such an auditorium shall be borne by such city.

The city council of any such city issuing and selling bonds as herein authorized for the purpose of defraying the expense of acquiring land for erecting, equipping, and furnishing any such joint court-house and city hall building is hereby authorized and empowered without reference to any such advisory court-house and city hall building commission or other public body or bodies to reconstruct, remodel, and improve the theater section of any municipal auditorium building located in any such city and to defray the expense, not in excess of the sum of \$25,000, of reconstructing, remodeling, and improving the theater section of any such building from the balance of the proceeds of the issuance and sale by any such city of any such bonds, remaining after the expense of acquiring land for erecting, equipping, and furnishing any such joint court-house and city hall building has been defrayed, as herein provided.

The county board of any such county issuing and selling bonds as herein authorized for the purpose of defraying the expense of acquiring land for erecting, equipping, and furnishing any such joint court-house and city hall building is hereby authorized and empowered, without reference to any such advisory court-house and city hall building commission, to appropriate and expend not more than \$10,000 for the funds provided by the sale of such bonds for the purpose of equipping any municipal auditorium building situated in any city of the first class located within any such county.

If, in the opinion of the city council and county board, it is inadvisable to provide meeting halls or quarters in the city hall and court-house, for organizations the membership whereof is composed of persons who served the United States in the army, navy, or marine corps in the civil war, Spanish-American war, Philippine insurrection, Boxer uprising, Chinese relief expedition, or the recent world war, and for the auxiliaries to or of those organizations, and in the opinion of those bodies such halls or quarters should be provided, the county board and city council may provide not to exceed \$15,000 for the improving, out of funds issued for the erection of a new court-house and city hall, of such halls or quarters in a municipally-owned auditorium building for such organizations and their auxiliaries. In the event halls or quarters in a municipal auditorium are improved for the use of such organizations and their auxiliaries, such halls and quarters shall be under the sole control and management of the same persons or committees as manage the city hall and court-house building; and all costs of heating, lighting, and operation

of such halls or quarters shall be the expense of such persons or committees; provided, that the last named persons or committees may, if they so elect, direct such organizations and their auxiliaries to form a joint housing or other proper committee to represent and act for such organizations and their auxiliaries in all matters relating to such halls and quarters and to prepare and adopt rules and regulations prescribing the time when, manner in which, and conditions under which such halls or quarters or portions thereof shall be used by the several organizations and auxiliaries; and provided, further, that in the event such joint housing or other committee be formed, any rules or regulations by it adopted shall, before becoming effective, be approved by the persons or committees having control and management of such halls or quarters.

[1929 c. 397 s. 21; 1933 c. 127 s. 1; 1933 c. 400; Ex. 1936 c. 99] (643-21)

374.22 MAY RECONSTRUCT AUDITORIUM. The city council of any such city issuing and selling bonds as herein authorized for the purpose of defraying the expense of acquiring land for erecting, equipping, and furnishing any such joint court-house and city hall building is hereby authorized and empowered, without reference to any such advisory court-house and city hall building commission or other public body, to reconstruct, remodel, and improve the theater section of any municipal auditorium building located in any such city and to defray the expense, not in excess of the sum of \$25,000, of reconstructing, remodeling, and improving the theater section of any such building from the balance of the proceeds of the issuance and sale by any such city of any such bonds, remaining after the expense of acquiring land for erecting, equipping, and furnishing any such joint court-house and city hall building has been defrayed, as herein provided.

[1929 c. 397 s. 21; 1933 c. 400 s. 1] (643-21)

374.23 COMMISSION TO FILE REPORT UPON COMPLETION OF BUILDING. Upon the completion of the erection and equipping of the city hall and court-house building the commission herein provided to be appointed shall make and file with the district court of the county, the office of the auditor of any such county, and the clerk of any city of the first class located in such county a report of its proceedings, setting forth, in general terms, the acts performed by such commission pursuant to this chapter, as well as the contracts which were let in the erection and equipping of such building, and the balances remaining in the funds provided by the sale of bonds, as herein provided. Upon the filing of such report the commission shall thereupon be discharged. The council of any such city and the board of commissioners of any such county may, not later than ten years from the date of the filing of such report, expend the balances remaining in the funds provided by the sale of bonds for enlarging the court facilities in such building, to be done, however, only upon the request of the judges of the district court in the county in which the building is located. The remainder of the proceeds of the bonds shall be used for the purpose of retiring bonds issued hereunder, and upon the expiration of the ten-year term, in the event the above mentioned improvements to the building have not been contracted for, the funds provided therefor shall thereupon be used to retire the bonds.

[1929 c. 397 s. 21a; 1937 c. 274 s. 1] (643-21a)