

Municipal Public Safety

CHAPTER 436

LAW ENFORCEMENT

Sec.
436.02 Mayor to have supervision of police department
436.04 Maximum expenditure of police department

Sec.
436.05 Police service provided by sheriff
436.06 Joint municipal police departments

436.01 [Repealed, 1949 c 119 s 110]

436.02 MAYOR TO HAVE SUPERVISION OF POLICE DEPARTMENT. In each city of the second class in the state the mayor shall hereafter have the exclusive power to direct the law enforcing activities of the police department, and the chief of police and such other officers as may be acting in such department shall at all times be subordinate to the mayor; but this section shall not apply to cities of the second class operating under a special charter.

[1923 c. 87 s. 1; 1943 c. 235 s. 1] (1643)

436.03 [Repealed, 1949 c 331 s 1]

436.04 MAXIMUM EXPENDITURE OF POLICE DEPARTMENT. Any city of the first class in this state, in addition to all powers now possessed by it, shall have the power and authority, acting by and through its council, to fix the maximum expenditure each year for the support and maintenance of its police department, and to include the amount so fixed in the current annual tax levy for the city.

[1907 c. 301 s. 1] (1431)

436.05 POLICE SERVICE PROVIDED BY SHERIFF. Subdivision 1. Any city or town and the sheriff of the county in which that governmental unit is situated may contract for the furnishing of police service to that unit by the sheriff, through the use of personnel and equipment subject to his authority. Any such contract shall be approved by both a majority of the members of the governing body of the contracting city, the board of supervisors of any contracting town and by a majority of the members of the board of commissioners of the county.

Subd. 2. Except that service under the contract may be supplied by only one of the contracting parties, any contract authorized by subdivision 1 shall otherwise comply with Minnesota Statutes, Section 471.59.

Subd. 3. Under any such contract, a person employed by the sheriff may be empowered to exercise some or all of the police powers and duties of a city or town police officer, but that person shall not by reason thereof be classified as an employee of the city or town for any purpose other than the discharge of such powers and duties.

Subd. 4. Subdivisions 1, 2, and 3 above do not dispense with procedural requirements of any other act providing for the joint or cooperative exercise of any governmental power.

Subd. 5. The sheriff shall not by virtue of this section be relieved of any duties imposed upon him or his office by law.

Subd. 6. When a contract is entered into by the county and any municipality pursuant to the provisions of this section, those employees of the municipality who are at the time of the contract working on a full time basis for the municipal-

MINNESOTA STATUTES 1974

5121

LAW ENFORCEMENT 436.06

ity in a law enforcement capacity may, by action of the county civil service commission, if there be a county civil service commission, become employees of the county in such appropriate classification as may be determined by the said county civil service commission, and such employees shall be subject to and protected by the provisions of the laws establishing such county civil service commission.

[1961 c 415 s 1-6; 1973 c 123 art 5 s 7]

436.06 JOINT MUNICIPAL POLICE DEPARTMENTS. Subdivision 1. Two or more adjacent cities may, by agreement entered into through action of their governing bodies, establish, equip, and operate a joint municipal police department to protect and safeguard life and property and to furnish police protection in the municipalities entering into the agreement. Any such agreement shall comply with Minnesota Statutes, Section 471.59 relating to the joint or cooperative exercise of powers by two or more governmental units.

Subd. 2. Upon execution of an agreement to establish, equip, and operate a joint municipal police department the governing bodies of all participating municipalities shall meet in joint session and thereafter hold joint sessions from time to time for the purpose of organizing and supervising the administration of such a department and establishing rules and regulations for the government of the same. In lieu of joint sessions the agreement may provide for a board of police commissioners to control and supervise the administration of the joint department. Each municipality entering into the agreement shall be entitled to representation on the board as the agreement may provide, but otherwise the organization, composition, selection, removal, and powers delegated to the board shall be as specified in the agreement. Subject to the authority of a joint police civil service commission, if one is established under subdivision 3, the board of police commissioners may be given the power to appoint, promote, suspend, and remove officers and employees of the joint department.

Subd. 3. The agreement may also provide for a joint police civil service commission. If a joint police civil service commission is established each municipality shall be entitled to representation on the commission as the agreement may provide, but otherwise the organization, composition, selection, and removal of members of the joint police civil service commission shall be as specified in the agreement. Except as otherwise provided in this subdivision, sections 419.01 to 419.181 and acts amendatory thereof relating to police civil service commissions shall apply to and govern the commission. If the agreement provides for a joint police civil service commission, any existing police civil service commission in any municipality which becomes a party to the agreement is automatically abolished upon the effective date thereof.

Subd. 4. Any person regularly employed as a police officer in any municipality entering into a joint municipal police department agreement shall automatically become an officer of the joint police department unless he refuses to accept such employment. Except for layoffs due to reduction in force made in accordance with civil service law and rules any such officer regularly employed in a police department under a civil service or merit system at the time he becomes an officer of the joint department shall not be removed or discharged except for cause upon written charges and after an opportunity to be heard in his own defense; but the rank and grade of such officers and of any other officers who automatically become officers in the joint department shall be as determined in the agreement.

Subd. 5. Police officers of a joint municipal police department are peace officers and shall have all the powers of peace officers in each municipality participating in a joint police department agreement.

MINNESOTA STATUTES 1974

436.06 LAW ENFORCEMENT

5122

Subd. 6. This section shall not apply to any cities or statutory cities located in counties containing a city of the first class unless otherwise authorized by law to maintain a joint municipal police department.

[*Ex1961 c 94 s 1-6; 1973 c 123 art 5 s 7*]