

CHAPTER 471

MUNICIPAL RIGHTS, POWERS, DUTIES

471.371	Contracts for construction of treatment works.	471.705	Meetings of governing bodies; open to public; exceptions.
471.468	Building plans; approval; exceptions.	471.88	Exceptions.
471.59	Joint exercise of powers.	471.975	Payment of salary differential for reserve forces on active duty.

471.371 CONTRACTS FOR CONSTRUCTION OF TREATMENT WORKS.

Subdivision 1. [Repealed, 1991 c 212 s 4]

Subd. 2. **Authorization of design and construct contracts.** Notwithstanding the provisions of any law or charter to the contrary, any municipality authorized by law to enter into a contract for the design and/or construction of water or wastewater treatment facilities may advertise for sealed bids for the design and construction thereof under a single contract. Prior to such advertisement the municipality shall prepare or cause to be prepared documents which shall serve as a basis for the comparison of bids and any contract to be entered into. These documents shall be prepared by a professional engineer in sufficient detail, including hydraulic flow and organic loading calculations, design capacity, effluent limits, design life, and the treatment alternatives for the wastewater treatment facility, for the bidder to describe the probable cost, scope of work, equipment and materials of construction; and the documents shall include performance standards for the construction and performance standards for the operation of the facility which must be met for specified conditions and time periods, prior to final acceptance of the facility by the municipality. The documents shall require the bidder to furnish estimates of the annual operation and maintenance costs of the facility, conceptual plans and specifications and any other information deemed relevant for contract award.

In awarding the contract, the municipality shall take into consideration the performance guarantee, completion date, construction cost, capacity of the facility, design life estimated annual operation and maintenance cost, and other relevant factors.

The provisions of any law which require the Minnesota pollution control agency to approve all plans and specifications on a municipal or regional water or wastewater treatment facility prior to calling for construction bids shall not be applicable to contracts authorized by this section. However, after bids have been received and evaluated by the governing body, the best bid determined, and the contract awarded, a municipality shall not, by the terms of the awarded contract, allow construction to commence until all legal requirements are met and the plans and specifications for construction of a wastewater treatment facility have been approved by the Minnesota pollution control agency or, in the case of a water treatment facility, the plans and specifications for construction have been approved by the Minnesota department of health.

Upon award of the contract the municipality shall require the successful bidder to furnish detailed plans and specifications and shall provide for termination of the contract and may provide for penalties if such plans and specifications are insufficient to permit the municipality to satisfy the requirements of any federal or state permit.

[For text of subd 3, see M.S.1990]

Subd. 4. **Definitions.** As used in this section, "municipality" has the meaning given to it in section 471.345; "contract" includes not only construction work but also all necessary design services, including process and mechanical equipment, provisions for the start-up of the new facility, performance guarantee, and the other necessary and related items to make an operable plant; and "facility" or "facilities" shall, in addition to the treatment facility, include collection and distribution systems.

Subd. 5. **Contract security and insurance.** Each awarded contract:

(1) shall require a payment and performance bond for the construction portion of the contract;

(2) shall require the successful bidder to guarantee the performance of the facility to the level required by a permit for the operation of the facility, for 12 months after the date operation begins; and

(3) may allow construction progress payments by the municipality to the successful bidder.

Subd. 6. [Repealed, 1991 c 212 s 4]

History: 1991 c 212 s 1-3

471.468 BUILDING PLANS; APPROVAL; EXCEPTIONS.

On site construction or remodeling shall not hereafter be commenced of any building or facility until the plans and specifications of the building or facility have been reviewed and approved by the local authority. The provisions of sections 471.465 to 471.469 are applicable only to contracts awarded subsequent to May 22, 1971. The local authority shall certify in writing that the review and approval under this section have occurred. The certification must be attached to the permit of record.

History: 1991 c 345 art 1 s 94

471.59 JOINT EXERCISE OF POWERS.

[For text of subd 1, see M.S.1990]

Subd. 2. **Agreement to state purpose.** Such agreement shall state the purpose of the agreement or the power to be exercised and it shall provide for the method by which the purpose sought shall be accomplished or the manner in which the power shall be exercised. When the agreement provides for use of a joint board, the board shall be representative of the parties to the agreement. A joint board that is formed for educational purposes may conduct public meetings via interactive television if the board complies with section 471.705 in each location where board members are present. Irrespective of the number, composition, terms, or qualifications of its members, such board is deemed to comply with statutory or charter provisions for a board for the exercise by any one of the parties of the power which is the subject of the agreement.

[For text of subds 3 to 12, see M.S.1990]

History: 1991 c 44 s 3

471.705 MEETINGS OF GOVERNING BODIES; OPEN TO PUBLIC; EXCEPTIONS.

Subdivision 1. Except as otherwise expressly provided by statute, all meetings, including executive sessions, of any state agency, board, commission or department when required or permitted by law to transact public business in a meeting, and the governing body of any school district however organized, unorganized territory, county, city, town, or other public body, and of any committee, subcommittee, board, department or commission thereof, shall be open to the public, except meetings of the commissioner of corrections. The votes of the members of such state agency, board, commission or department or of such governing body, committee, subcommittee, board, department or commission on any action taken in a meeting herein required to be open to the public shall be recorded in a journal kept for that purpose, which journal shall be open to the public during all normal business hours where such records are kept. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. This section shall not apply to any state agency, board, or commission when exercising quasi-judicial functions involving disciplinary proceedings.

[For text of subds 1a to 3, see M.S.1990]

History: 1991 c 292 art 8 s 12; 1991 c 319 s 22

471.88 EXCEPTIONS.

[For text of subds 1 to 11, see M.S.1990]

Subd. 12. An officer of a government unit may contract with the unit to provide construction materials or services, or both, by sealed bid process if the unit has a population of 1,000 or less according to the last federal census. The officer may not vote on the question of the contract when it comes before the governing body for consideration.

Subd. 13. A public officer may rent space in a public facility at a rate commensurate with that paid by other members of the public.

History: 1991 c 65 s 1,2

471.975 PAYMENT OF SALARY DIFFERENTIAL FOR RESERVE FORCES ON ACTIVE DUTY.

A statutory or home rule charter city, county, town, school district, or other political subdivision may pay to each eligible member of the reserve components of the armed forces of the United States an amount equal to the difference between the member's active duty military salary and the salary the member would be paid as an active political subdivision employee, including any adjustments the member would have received if not on leave of absence. Payments must be made at the intervals at which the member received pay as a political subdivision employee. Back pay authorized by this section may be paid in a lump sum. Such pay shall not extend beyond four years from the date the employee was called to active duty plus such additional time in each case as such employee may be required to serve pursuant to law.

An eligible member of the reserve components of the armed forces of the United States is a reservist or national guard member who was an employee of a political subdivision at the time the member was called to active duty and who was or is called to active duty after August 1, 1990, because of Operation Desert Shield, Operation Desert Storm, or any other action taken by the armed forces relating to hostilities between the United States and the Republic of Iraq.

History: 1991 c 345 art 1 s 95