

## CHAPTER 374

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#### 374.001 DO NOT APPLY TO RAMSEY OR HENNEPIN COUNTY.

Sections 374.01 to 374.21 do not apply to Ramsey or Hennepin County.

**History:** 1974 c 435 art 7 s 1; 1979 c 198 art 4 s 13

#### COUNTY AND CITY OF FIRST CLASS

##### 374.01 COUNTY AND CITY OF FIRST CLASS MAY BUILD COURTHOUSE.

Any county having within its limits a city of the first class may, together with the city, jointly acquire land for, construct, equip, furnish, maintain, and operate a joint courthouse and city hall building.

**History:** (643-1) 1929 c 397 s 1; 1985 c 109 s 4

##### 374.02 EXPENSE DIVIDED.

The county and city shall share equally in the cost of acquiring land for constructing, equipping, and furnishing the building. The building shall not be constructed or contracted to be constructed, no land shall be acquired, 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 pay its share of the cost and the ordinances providing for the bond issue have been ratified by the vote of the electors of the city in the manner provided in the city charter or by law.

**History:** (643-2) 1929 c 397 s 2; 1985 c 109 s 4

**374.03** [Repealed, 1996 c 310 s 1]

**374.04** [Repealed, 1996 c 310 s 1]

**374.05** [Repealed, 1985 c 109 s 17]

**374.06** [Repealed, 1996 c 310 s 1]

**374.07** [Repealed, 1996 c 310 s 1]

##### 374.08 JUDGES TO APPOINT BUILDING COMMISSION.

As soon as practicable after the city council and the county board decide to proceed with the construction of a joint courthouse and city hall building, an advisory courthouse and city hall building commission of nine members shall be appointed by, and serve at the pleasure of,

the judges of the district court of the judicial district of which the county may be a part, not acting in their judicial capacities, to be selected as follows: two members from the membership of the city council; two members from the membership of the county board; and five members at large who shall be landowners and residents of the county, one of whom shall reside outside the limits of the city.

**History:** (643-8) 1929 c 397 s 8; 1985 c 109 s 4

#### **374.09 PROCEDURE IF JUDGES FAIL TO APPOINT.**

If the judges of the district court fail to make appointments to the advisory courthouse and city hall building commission within 30 days after the city council and the board of county commissioners decide to proceed with the construction of the courthouse and city hall building, then the advisory courthouse and city hall building commission, consisting of nine members, shall be appointed as follows: four members to be appointed by the city council, two of whom shall be members of the city council; four members to be appointed by the county board, two of whom shall be members of the county board; the ninth member of the commission shall be appointed by a majority vote of the members of the city council and the county board sitting in joint session.

**History:** (643-9) 1929 c 397 s 9; 1985 c 109 s 4

#### **374.10 WHO MAY BE MEMBERS OF COMMISSION.**

No more than two members of the advisory courthouse and city hall building commission shall be at any one time members of the county board, and no more than two of the members shall be at any one time members of the city council. If a member of the commission who was not at the time of appointment a member of either the city council or the county board subsequently becomes a member of either body, the person shall cease to be a member of the advisory courthouse and city hall building commission.

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

If a person appointed as a member of the commission fails to file written acceptance of the appointment within 20 days after the appointment, dies, resigns, or is removed from office, or a member of the commission, appointed from the membership of the city council or the county board, ceases to be a member of the council or board, a successor shall be appointed in the manner and by the same persons that originally appointed the member.

Immediately after the expiration of the 20 days following the appointment of the commission members, or after the filing of acceptance by all those appointed as members, the chair of the county board shall call a meeting of the commission and shall preside at the first meeting. The commission shall select from its own members a chair and other officers it considers necessary.

**History:** (643-10) 1929 c 397 s 10; 1985 c 109 s 4; 1986 c 444

#### **374.11 DUTY OF COMMISSION.**

As soon as practicable after the appointment of the members of the commission; it shall select a site or sites for the building and may contract with the owners to acquire the site or sites by gift or purchase. The contract or contracts shall be subject to ratification by the city council and board of county commissioners; provided, that if the site selected is not the site of an existing courthouse and city hall building, then the site selected must be a site located within one city block of the site of an existing courthouse and city hall building. The commission shall not recommend constructing the courthouse and city hall on a new site, unless two-thirds of the commission members are in favor. The commission's report shall state that the proposed new site is more advantageous to the city and county than the site of the existing courthouse and city hall and the facts upon which this conclusion is based. The new site must not be finally selected until the report has been published in the daily newspapers of the city

and an opportunity given for the public to present its objections, at a hearing held at least 30 days after the 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. When the report is filed, the county board and the city council shall consider the report and may either reject or ratify the action taken by the commission. If either or both of these bodies rejects the commission's report, the matter must be resubmitted to the commission for further action. If the city council and the county board approves the site selected by the commission, but does not approve the price at which the site or sites can be acquired, the city council and the county board shall acquire the property by eminent domain. The proceedings in eminent domain to acquire 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 county board. The proceedings may be instituted and completed either under the laws governing the condemnation of land by counties or under the provisions of the city charter relating to the acquisition of land by eminent domain, or under state law relating to the acquisition by cities of land by eminent domain.

The cost of acquiring this land, whether acquired by purchase or eminent domain, shall be paid one-half by the county and one-half by the city. If the property is acquired by eminent domain in proceedings instituted and completed by the city, the county shall reimburse it for one-half of the cost and expense of acquiring the land. If the proceedings are instituted and completed by the county, the city shall reimburse the county in the same manner. All land acquired as a site for the courthouse and city hall building shall be owned jointly by the county and the city. If the entire tract is acquired by either the city or the county, an undivided one-half interest shall be conveyed to the other upon reimbursement for one-half of the cost of acquiring the land.

**History:** (643-11) 1929 c 397 s 11; 1985 c 109 s 4

#### **374.12 PLANS AND SPECIFICATIONS DRAWN.**

Either before or after the selection of the building site, the commission shall have plans and specifications for the building prepared and may employ architects, engineers, drafters, and clerical help to prepare the plans and specifications. The commission shall set the compensation of the employees. The city and the county shall pay the compensation in equal parts when presented with statements certified to be correct by a majority of the commission. All contracts and employment shall be subject to approval by the city council and county board. When the plans and specifications for the building are completed, the commission shall submit them to the city council and the county board for approval. The council and board shall approve the proposed plans and specifications, or reject them and resubmit them to the commission for further consideration. When the plans and specifications are satisfactory to both the city council and the county board, each of those bodies shall pass a resolution authorizing and instructing the commission to proceed with the work.

**History:** (643-12) 1929 c 397 s 12; 1985 c 109 s 4; 1986 c 444

#### **374.13 TO ADVERTISE FOR BIDS.**

When the plans and specifications are completed and approved by the city council and the county board, the commission shall, after notice appropriate to inform possible bidders, obtain 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. All bids or proposals shall be sealed by the bidders or proposers and filed with the commission at or before the time specified for the opening of bids or proposals. At the time and place specified for the opening of bids or proposals, the commission shall meet, open the bids or proposals, tabulate them, and 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. If all bids or proposals are rejected, the commission may, after similar notice, obtain more bids or proposals or may modify or change the plans and specifications and submit the modified plans and specifica-

tions to the city council and the county board for approval. When the modified or changed plans and specifications are satisfactory to both the city council and the county board, the plans and specifications shall be returned to the commission and the commission shall proceed again, after similar notice, to obtain bids or proposals. Any contract awarded by the commission shall be subject to approval by the city council and the county board.

**History:** (643-13) 1929 c 397 s 13; 1984 c 543 s 37; 1985 c 109 s 4

#### **374.14 CERTIFIED CHECKS WITH ALL BIDS.**

Each person submitting bids or proposals under section 374.13 shall file with the 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 it is awarded.

All contracts shall be in writing and made in the name of the county and city and shall be executed in their behalf by the officers empowered by law or charter to execute the contracts. All persons awarded building contracts shall furnish bonds as required by state law relating to contracts for public improvements. The bonds shall run to the county and city.

**History:** (643-14) 1929 c 397 s 14; 1985 c 109 s 4

#### **374.15 WAGES.**

Work specifications shall contain a provision that skilled and unskilled laborers employed in the work shall be paid the wage required to be paid by contractors doing work for the city, if the city has an ordinance providing a scale of wages.

**History:** (643-15) 1929 c 397 s 15; 1985 c 109 s 4

#### **374.16 COST OF REMOVING AND REMODELING.**

If the selected site is occupied by an existing city hall and courthouse, and temporary quarters must be provided for officers and officials before completion of the new building, the cost of remodeling temporary quarters and moving expenses shall be considered part of the cost of the new building.

**History:** (643-16) 1929 c 397 s 16; 1985 c 109 s 4

#### **374.17 COMMISSION MAY APPOINT ARCHITECTS.**

The work of constructing, equipping, and furnishing the building shall be conducted and completed under the direction and supervision of the commission. The commission members are charged with the duty of requiring that the work is done in accordance with the plans and specifications. The commission may employ architects, engineers, supervisors, inspectors, clerks, and other employees to supervise and inspect the work and assist in the performance of the duties of the commission. The county and city shall pay the fees and salaries of the employees in the amounts fixed by the commission, one-half by the county and one-half by the city, when presented with statements certified to be correct by a majority of the commission. The employment is subject to the approval of the city council and county board in the manner provided in this chapter.

**History:** (643-17) 1929 c 397 s 17; 1985 c 109 s 4

#### **374.18 MANAGEMENT OF BUILDING.**

If the county and city jointly own and operate a city hall and courthouse building when a new building is constructed, the same persons or committees that managed the old building shall manage the new building. In all other cases, a joint committee consisting of two members of the county board selected by the board, and two members of the city council selected by the council shall manage the building. The committee shall have full charge and management of the building and the power to appoint employees the committee considers necessary for the proper care, management, and operation of the building. The committee shall set the

salary and compensation of the employees, and the county board and the city council shall each pay one-half of the expense of operating the building.

**History:** (643-18) 1929 c 397 s 18; 1985 c 109 s 4

### **374.19 TO SERVE WITHOUT COMPENSATION.**

The members of the advisory courthouse and city hall building commission and the members of the joint building management committee of the city council and county board shall not receive any compensation for their services upon the committee or commission. None of the members of the advisory courthouse and city hall building commission shall have any financial interest in any of the contracts awarded by the commission.

**History:** (643-19) 1929 c 397 s 19; 1985 c 109 s 4

### **374.20 SALE OR LEASE OF LANDS NOT USED.**

If any land or buildings owned and used by either the county or the city, or jointly owned and used by them, is not required for use by the county or city, or both of them, after the new building is completed, the land and buildings shall be sold as soon as practicable. The proceeds shall be placed in separate funds of the county and city and used for the payment of bonds or certificates of indebtedness authorized by the county and courthouse and city hall bonds issued by the city. The proceeds of the sales shall be paid to the county and city in the proportion of ownership of each in the real property sold. So far as practicable the proceeds of the sales shall be used to pay a portion of the bonds or certificates of indebtedness maturing in each year after sales so that the annual payments from the proceeds of the 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 the sales shall be used to pay interest charges on any bonds issued. No part shall be used for any purpose other than the payment of maturing bond or certificates of indebtedness, unless there is a surplus after the payment of all bonds or certificates of indebtedness. The surplus shall then be paid into the general sinking fund of the city and county.

The city and county may sell or lease to the other for a nominal or other consideration, all or part of its interest in the land. If the purchasing city or county resells the land to a purchaser other than the city or county as soon as practicable, the proceeds of the resale shall be equally divided between the city and county. If the land or any part is leased by either the city or county, as provided under this section, the lease must permit the sale of the land to a purchaser other than the city or county as soon as practicable.

If either the city or county acquires full title to the property, the city or county may, in the sale of the property, consider their combined economic, financial and industrial interests, as well as the price offered, with relation to a proposed project, and include these factors in the specifications or proposals for the sale.

This section shall be liberally construed to carry out its purpose. If any portion or clause of the section is held invalid, the validity of the balance shall not be affected.

**History:** (643-20) 1929 c 397 s 20; 1951 c 545 s 1; 1985 c 109 s 4

### **374.21 AUDITORIUM; VETERAN ORGANIZATIONS, MEETING PLACES.**

**Subdivision 1. Municipal auditorium.** If the city desires to construct an auditorium, the building may be included in the courthouse and city hall building if the county board agrees, an agreement is reached between the board and the city council on the cost of the addition to the courthouse and city hall building, and the entire amount of the additional cost is paid by the city. Nothing contained in this section shall require that the city must sell any existing auditorium building if an auditorium is constructed in the city hall and courthouse building. If the auditorium is included in the city hall and courthouse building, the auditorium shall not be managed by the joint building management committee of the city council and county board. The city shall manage the auditorium and shall pay for any additional expense in the care, upkeep, and maintenance of the courthouse and city hall building arising from the inclusion of the auditorium.

Subd. 2. **Municipal auditorium building; county equipping.** A county board issuing and selling bonds to pay for acquiring land for constructing, equipping, and furnishing a joint courthouse and city hall building may appropriate and spend not more than \$10,000 from the bond proceeds for equipping a municipal auditorium building located in a city of the first class located within the county, without reference to the courthouse and city hall building commission or other public body or bodies.

Subd. 3. **Veteran organizations, meeting places.** 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 courthouse, for veteran organizations and their auxiliaries, and in the opinion of those bodies halls or quarters should be provided, the county board and city council may provide not more than \$20,000 for improving halls or quarters in a municipally-owned auditorium building for the organizations and their auxiliaries out of the balances remaining in the funds referred to in section 374.23. If the halls or quarters in a municipal auditorium are improved for the use of the organizations and their auxiliaries, the halls and quarters shall be under the sole control and management of the same persons or committees that manage the city hall and courthouse building. All costs of heating, lighting, and operating the halls or quarters shall be paid by the persons or committees. The persons or committees may direct the organizations and their auxiliaries to form a joint housing or other proper committee to represent and act for the organizations and their auxiliaries in all matters relating to the halls and quarters and to prepare and adopt rules and regulations setting the time, manner, and conditions under which the halls or quarters shall be used by the organizations and auxiliaries. If the joint housing or other committee is formed, any rules or regulations it adopts must be approved by the persons or committees having control and management of the halls or quarters before becoming effective.

**History:** (643-21) 1929 c 397 s 21; 1933 c 127 s 1; 1933 c 400; Ex1936 c 99; 1947 c 459 s 1; 1985 c 109 s 4

**374.22** [Repealed, 1996 c 310 s 1]

**374.23** [Repealed, 1996 c 310 s 1]

## COUNTY AND MUNICIPALITY

### 374.25 JOINT COUNTY AND MUNICIPAL BUILDING AUTHORIZED.

Any county which does not have within its limits a city of the first class, may, together with the city which is the county seat, jointly acquire land for, construct, equip, furnish, maintain and operate a joint courthouse and city hall building.

**History:** 1947 c 288 s 1; 1973 c 123 art 5 s 7; 1985 c 109 s 4

### 374.26 PROPORTIONAL DIVISION OF COST.

The cost and expense of acquiring land for, constructing, equipping, and furnishing the building shall be paid by the county and the city in proportion to the amount of space used by each governmental unit in the building. The architect preparing the plans and specifications for the building shall certify the amount of space within the building which is designed for use by each governmental unit. The building shall not be constructed or contracted to be constructed and no land shall be acquired and no bonds shall be issued or sold by the county, until the city has been authorized to issue bonds to pay its share of the cost of the land and building and the ordinances providing for the bond issue have been ratified by the vote of the electors of the city in the manner provided in the city charter or by state law.

**History:** 1947 c 288 s 2; 1973 c 123 art 5 s 7; 1985 c 109 s 4

### 374.27 BOND ISSUE.

When the city has been authorized to issue bonds to pay its share of the cost, the county board may submit to the voters, in the manner provided, under section 375.20, the question as

to whether or not to issue and sell bonds of the county to pay the county's share of the cost of acquiring land for, constructing, equipping and furnishing the building. The full faith and credit of the county must be pledged to the payment of the principal and interest of the bonds issued. The bonds may be issued in one or more installments, but the bonds of each installment must be serial bonds, a portion of which shall be payable each year after issue. None of the bonds shall run longer than 20 years from their date. The board of county commissioners shall fix the denominations and the dates of maturity of each installment so that the amounts necessary each year to pay the principal and interest maturing any year shall be approximately the same in each of the years during which the bonds of the installment shall run. The bonds shall be sold as provided under section 475.60, at a rate of interest as authorized under section 475.55.

**History:** 1947 c 288 s 3; 1973 c 123 art 5 s 7; 1985 c 109 s 4

### **374.28 EXECUTION AND DELIVERY OF BONDS.**

The county board shall, by resolution, determine the manner of executing the bonds. The delivery of the bonds executed shall be valid, notwithstanding any change in officers or in the seal of the county occurring after their execution.

**History:** 1947 c 288 s 4; 1985 c 109 s 4

### **374.29 COUNTY TAX LEVY.**

The county board shall levy a tax, at the time and in the manner prescribed by section 475.61, to pay the principal and interest of the bonds. This section shall not be construed to limit the power of a municipality to levy taxes to pay its obligations issued, 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 the obligations.

**History:** 1947 c 288 s 5; 1985 c 109 s 4

### **374.30 BOND LIMITATION NOT APPLICABLE.**

The amount of indebtedness authorized to be incurred by the county shall be in addition to any limits now fixed by law.

**History:** 1947 c 288 s 6; 1985 c 109 s 4

### **374.31 BUILDING COMMISSION.**

As soon as the city and county have both authorized the issuance of bonds for the construction of a joint courthouse and city hall building, the county board and the city council shall constitute the courthouse and city hall building commission of the county, and the chair of the county board shall act as chair of the commission. The commission shall select from its own members other officers it considers necessary.

**History:** 1947 c 288 s 7; 1973 c 123 art 5 s 7; 1985 c 109 s 4; 1986 c 444

### **374.32 JOINT OWNERSHIP OF SITE.**

The commission shall select a site for the building and may contract with the owner to acquire the site by gift or purchase, or the site may be acquired by proceedings in eminent domain in the name of either the city or the county, as the commission may determine. All land acquired as a site for the courthouse or city hall shall be owned jointly by the county and the city, in the same proportion as each contributes to the acquisition of land and the construction of the building. If the entire tract is acquired by either the city or county, it shall convey the proper undivided interest to the other.

**History:** 1947 c 288 s 8; 1973 c 123 art 5 s 7; 1985 c 109 s 4

### **374.33 PLANS AND SPECIFICATIONS.**

Either before or after the selection of the building site, the commission shall have plans and specifications for the building prepared and may employ architects, engineers, drafters,

and clerical help to prepare the plans and specifications. The commission shall set the compensation of the employees.

**History:** 1947 c 288 s 9; 1985 c 109 s 4; 1986 c 444

### **374.34 ADVERTISEMENT FOR BIDS.**

When the plans and specifications are completed and approved by the commission, the commission shall, after notice appropriate to inform possible bidders, obtain 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. All bids or proposals shall be sealed by the bidders or proposers and filed with the commission at or before the time specified for the opening of bids or proposals, at which time the commission shall meet, open the bids or proposals and tabulate them, and award the contract or contracts to the responsible bidder whose bid or proposal is the most favorable, or reject all bids and proposals. If all bids or proposals are rejected, the commission may, after similar notice, obtain more bids or proposals or may modify or change the specifications, and shall again, after similar notice, obtain more bids or proposals in the manner provided.

**History:** 1947 c 288 s 10; 1973 c 123 art 5 s 7; 1984 c 543 s 38; 1985 c 109 s 4

### **374.35 CERTIFIED CHECK; CONTRACTS.**

Each person submitting a bid or proposal shall file with the 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 in case of failure to enter into a contract if the bidder is awarded the contract.

All contracts shall be in writing and made in the name of the county and the city and shall be executed in their behalf by the officers empowered by law or charter to execute the contracts. All persons awarded building contracts shall furnish bonds as required by state law relating to contracts for public improvements. The bonds shall run to the county and the city.

**History:** 1947 c 288 s 11; 1973 c 123 art 5 s 7; 1985 c 109 s 4

### **374.36 SUPERVISION.**

The work of constructing, equipping and furnishing the building shall be conducted and completed under the direction and supervision of the commission. The commission members are charged with the duty of requiring the work to be done in accordance with the plans and specifications. The commission may employ architects, engineers, supervisors, inspectors, clerks and other employees to supervise and inspect the work and assist in the performance of the duties of the commission.

**History:** 1947 c 288 s 12; 1985 c 109 s 4

### **374.37 MANAGEMENT.**

The management of the building when constructed shall be vested in the commission with the power to appoint employees for the management and operation of the building. The commission shall fix the employees' compensation and determine the proportion which is to be paid by the county and by the city.

**History:** 1947 c 288 s 13; 1973 c 123 art 5 s 7; 1985 c 109 s 4

### **374.38 COMPENSATION OF COMMISSIONERS.**

The members of the commission shall receive no compensation for their services upon the commission other than their compensation which they receive as members of the county board or of the city council. No member of this commission shall have any financial interest in any of the contracts awarded by the commission.

**History:** 1947 c 288 s 14; 1973 c 123 art 5 s 7; 1985 c 109 s 4