

PART IV
REGULATORY AND DEVELOPMENT FUNCTIONS OF COUNTIES

CHAPTER 15: PARKS

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1. Parks

Parks are an important part of the built environment of any county. Creating, operating, and maintaining parks are thus important county functions. When developing a park system, counties should consider both small local parks and larger “regional” parks and conservation areas.

There are two governing bodies that may be responsible for parks, depending on the county. This chapter covers both configurations:

I. Parks Controlled by County Board

II. Parks Controlled by Park District

I. Parks Controlled by County Board

[Minn. Stat. § 398.31](#)

In all counties, the county board is responsible for small, local parks. In counties for which no park districts have been established (see sec. II below), the county board is also responsible for larger, regional parks.

[Minn. Stat. § 365.10 subd. 8](#)

Local parks may also be established by cities and towns within the county.

[Minn. Stat. § 412.491](#)

A. Powers and Duties

[Minn. Stat. § 394.25](#)

Counties’ zoning and comprehensive plans can require that land be set aside for parks or open space. Counties may also acquire land or water deemed suitable for use as a public park by purchase, lease, gift, or condemnation.

[Minn. Stat. § 398.32](#)

[Minn. Stat. § 398.32 subd. 5](#)

If holding a tract of land is no longer deemed to be in the public interest, it may be sold, leased, or otherwise disposed of after a public hearing.

[Minn. Stat. § 398.32](#)

Counties may provide for the construction, installation, maintenance, and operation of suitable facilities, accommodations, and services for public use.

[Minn. Stat. § 398.32](#)

A county may be a party to a joint cooperative project with other counties, governmental subdivisions, or public agencies.

[Minn. Stat. § 398.34](#)

The board may enact ordinances prescribing regulations for the protection and use of any county park. The regulations may include any waters extending 300 feet beyond the shore lying within a park’s boundaries. Ordinances affecting public waters must be approved by the commissioner of natural resources.

Before an ordinance may be enacted, a public hearing is required. At least three weeks’ notice of a hearing must be given by the county auditor, by publication in the official newspaper of the county. For ordinances affecting public waters, three weeks; notice must also be given to the commissioner of natural resources.

B. Financing

Minn. Stat. §§ 398.33;
475.52 subd. 2

Counties may levy taxes and charge fees for uses applicable to these powers and duties. They may also accept gifts, grants, or loans of money or other property. Finally, they may issue bonds to raise funds for the cost and expense of acquisition of areas for county parks.

All money received from any of these sources specified in sections must be paid into the county treasury and placed in a special fund designated as the county park fund.

Minn. Stat. § 282.08

The county board may annually by resolution set aside no more than 20 percent of the receipts from sales of forfeited lands to be used for the acquisition and maintenance of parks or recreational areas.

1. Support from Dept. of Natural Resources

Minn. Stat. § 85.019 subd.
2

The commissioner of natural resources administers grants to units of government for up to 50 percent of the costs of acquisition and betterment of public land and improvements needed for parks and other outdoor recreation areas and facilities. Outside the metropolitan region, the local match required for such a grant is \$2 of nonstate money for each \$3 of state money.

Minn. Stat. § 85.019

The commissioner also administers for the acquisition and betterment of natural and scenic areas such as blufflands, prairies, shorelands, wetlands, and wooded areas. A grant may not exceed 50 percent or \$500,000, whichever is less, of the costs of acquisition and betterment of land acquired under this subdivision.

C. Park Officials

Minn. Stat. § 398.36

The board may create a county park commission, and may delegate to such commission authority to exercise any of the powers conferred on the board by sections 398.32 to 398.35, except the power to acquire or sell land or water or interests therein, to levy taxes, to appropriate money, or to enact ordinances.

The provisions for membership in the park commission, terms of office, and other administrative details may be prescribed by the board by ordinance.

The county board may appoint a superintendent for parks, and any other personnel necessary for their care, maintenance, and operation.

II. Parks Controlled by Park District

In larger counties, the board may establish a separate park district. The primary duty of the park district is the acquisition, development and maintenance of large parks, wild life sanctuaries, forest and other reservations, as opposed to small local parks.

Minn. Stat. § 398.01

Park districts can be created in counties with at least 350,000 people as of the most recent decennial census, or in counties contiguous to them. As of the 2000 Census, there were three counties populous enough: Hennepin, Ramsey, and Dakota. There are also eight contiguous counties in which park districts can be established: Washington, Anoka, Sherburne, Wright, Carver, Scott, Rice, and Goodhue. Anoka County is forecast to reach 350,000 as of the 2010 Census, which would enable Isanti and Chisago counties to establish park districts.

Three Rivers Park District

Despite being given this authority, only Hennepin County has established a park district as of 2008. Most other counties have opted to establish park commissions which are advisory to the county board (see above).

D. Organization

Minn. Stat. § 398.01

A park district may be coterminous with an entire county, or it may span all or part of two or more counties. Both single county and multicounty park districts must exclude cities of the first class. A multicounty district must include at least part of a county having a population of 350,000 people or more, or an entire county contiguous to a county having such a population. Park districts have all the rights, powers, privileges, and immunities of a municipal corporation

Minn. Stat. § 398.08

Minn. Stat. § 398.02

Minn. Stat. § 398.03

Each park district shall be governed by a board of park district commissioners. The board for single county park districts shall consist of seven commissioners: four elected from election districts within the park district, and three elected at large. The composition of the board for multicounty park districts and the method of elections shall be determined by a joint resolution adopted by the county boards of the counties in which the park district is located.

Minn. Stat. § 398.10

The board must elect a park superintendent to serve as the chief administrative officer of the district. The superintendent serves at the pleasure of the board, but may not be elected to a term longer than five years.

Minn. Stat. § 398.18

In single county districts, the county treasurer shall serve as the treasurer of the board. In multicounty districts, the county treasurer of the county containing the largest portion of the district shall so serve.

1. Park board meetings

See Handbook, ch. 7

Minn. Stat. § 398.06

Meetings of the board must be held in accordance with the Open Meeting law, [Minn. Stat. ch. 13D](#), as explained in chapter 7 of this handbook. Regular meetings of the park district boards shall be held at least monthly at such times and places as may be prescribed by their rules.

Minn. Stat. § 398.06

At the first meeting of the board each calendar year, the board shall elect from its membership a chair and a vice-chair who shall serve in such capacity for the calendar year. The chair shall preside at all meetings; in the absence of the chair, the vice-chair shall preside.

E. Establishment

Minn. Stat. § 398.20 subd. 1

An application to create a park district must be approved by the county or counties within which the district would be located. The application must either be signed by one percent of electors in the district or authorized by a majority of the governing bodies of the cities within the district. The application must contain an accurate description of the territory to be included in the proposed district, including an accurate map or plat thereof.

Minn. Stat. § 398.20

Each county board shall schedule a hearing of the application between 20 and 40 days after the date of filing. Notice of the filing and hearing must be published in a newspaper of general circulation within the proposed district.

[Minn. Stat. § 398.20](#)

If a majority of the board(s) determines that creating the park district will be conducive to the general welfare, a resolution so stating shall be adopted. This resolution activates the district. The resolution may not be adopted sooner than 90 days after the first hearing is held.

[Minn. Stat. § 398.20](#)

Instead of being decided by the board, the question may be submitted to voters as a referendum. A referendum may be called either by a motion of the county board or by the petition of one percent of electors within the proposed district.

1. Expansion

[Minn. Stat. § 398.21](#)

Any territory adjacent and contiguous to an existing park district may be annexed to the district under a similar procedure to the one outlined above, except that application to add territory must be presented to the county board by the park district board. Electors may also make a petition to the park district board; if the park board supports the petition, it may then apply to the county board.

F. Powers and Duties

As mentioned above, park districts are responsible for large parks, wild life sanctuaries, forest and other reservations, and means for public access to historic sites, lakes, rivers, streams and other natural amenities. Small neighborhood parks are usually the responsibility of cities, towns, or county boards.

[Minn. Stat. § 398.09](#)

Park districts have the following powers similar to county boards, as described in section I:

Regulate by ordinance the use of the waters or lakeshore of any lake lying wholly within a park established by the district.

Acquire lands, either within or without the park district, for conversion into forest reserves and for the conservation of natural resources.

- Acquisition of real estate outside of the district requires the consent of the appropriate governing body.

Dispose of land by sale, lease, or transfer.

Cooperate with any governmental organization, public or municipal corporation, or private or public organization, including entering into a joint powers agreement under [Minn. Stat. § 471.59](#).

Park districts also have several additional powers. They may:

Borrow from any governmental organization, state or federal government or agency for any purpose within the scope of its authority.

Act as trustee of land, money or other property and use and administer the same as stipulated by the donor, or as provided in the trust agreement.

Assume control of all or a portion of any existing parks or park lands owned by any county government or municipal corporation in the park district, at the request of the public authority in control of such parks or park lands.

Designate employees as police officers within the parks. Employees so designated may exercise all the powers of police officers within the park lands.

Contract with municipalities or with the county or counties for the policing of park properties.

[Minn. Stat. § 398.12](#)

[Minn. Stat. § 398.13](#)

The board may enact resolutions without holding a public hearing; ordinances may only be passed after a public hearing with at least two weeks' notice. The board has the power to employ police officers and attorneys to enforce its ordinances.

[Minn. Stat. § 398.19](#)

Within 18 months of the activation of a park district, the board for such park district must develop and approve a written plan for development of parks within the district.

G. Financing

[Minn. Stat. § 398.09](#)

Park district lands may be acquired by gift, purchase, condemnation, or through donations of money or property. The district may establish fees, tolls, and charges for the use of facilities of the park district, or for services, commodities, or licenses provided the board.

[Minn. Stat. § 398.16](#)

On or before the first day of July, the park board must prepare a detailed budget of its proposed expenditures for the next fiscal year. On the first day of July, the board shall certify the budget to the governing body of each township, town or city included in the district.

The budget may not exceed 18 cents per person in the district. However, the park board may submit to voters during a primary or general election the question of whether to raise this limit to as high as 35 cents per person.

The district does not have taxing authority; rather, local units of government are responsible for levying taxes to raise their portions of the budget.

The board may borrow money in anticipation of the taxes collected, but the amount borrowed may not exceed 90 percent of the taxes levied.

[Minn. Stat. §§ 398.17,
475.52 subd. 2](#)

The park board may issue general-obligation bonds for the purpose of financing the acquisition and betterment of park properties and facilities, or for refunding outstanding obligations of the district. The net debt of the district may not exceed five-tenths of one percent of the latest full and true valuation.

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