



**Minnesota
Association
of
Townships**

**Whose Role is It Anyway and The Grave Mis-
take Handout:
Town Officer Duties and Traditional Roles
Is this a Town Cemetery?**

Karl-Christian Johannessen

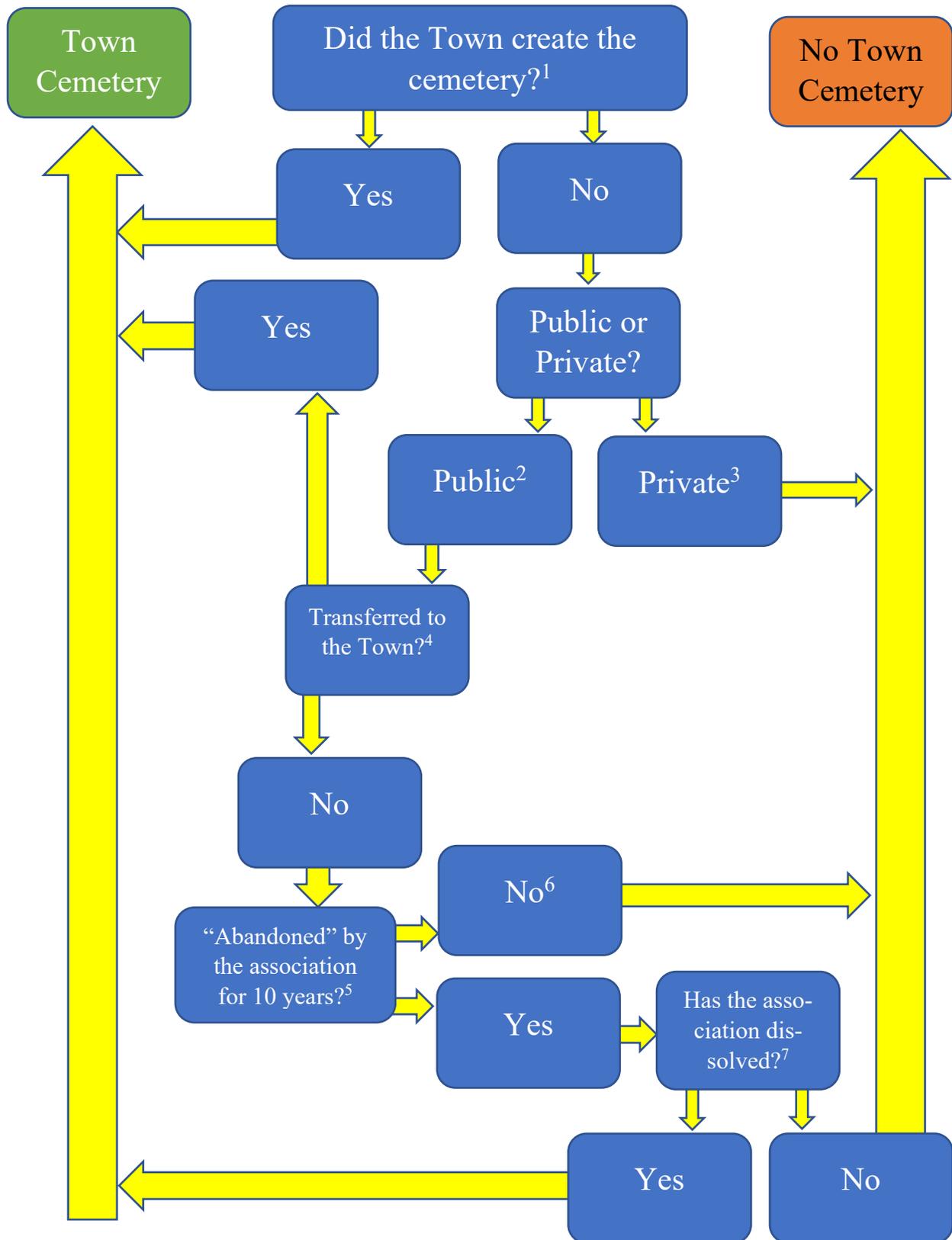
Each number below corresponds to a bubble on the “Does the Town Have a Cemetery?” flowchart.

1. Minnesota Statute § 365.26, provides town boards, with elector approval, the ability to create and manage a town cemetery.
2. Minnesota Chapter 306 applies to public cemeteries. Typical characteristics of a public cemetery are:
 - a. Does not restrict who may be buried there based upon religion, creed, race, gender, sexual orientation, or any other protected class status.
 - b. Owned by a cemetery association
 - c. Not associated with a specific religious organization.

Towns may accept transfers from these cemeteries (306.025) and create a town cemetery. Minnesota Statute § 471.84, allows towns to appropriate up to \$10,000 to cemeteries if it buries the dead without restrictions, which should be all public cemeteries.

3. Private cemeteries are governed by Minnesota Chapter 307. Generally, these are cemeteries used by churches or other religious organizations and have some sort of restriction. Towns cannot affect these cemeteries except in one instance. Towns may also appropriate up to \$10,000 to private cemeteries if it does not have restrictions.
4. Minnesota Statute § 306.025 allows public cemetery associations to transfer cemeteries and the funds of the cemetery to towns, upon board approval. Minnesota Statute § 306.02 allows the opposite, where towns may transfer a cemetery to an association.
5. Abandonment is not defined in the statute, for the purposes of finding a cemetery abandoned. However, general factors to look at are:
 - a. Is the cemetery maintained?
 - b. Have burials occurred?
 - c. Does the association exist?
6. A neglected cemetery may be cared for by a town after ten years of neglect, utilize the same factors listed in #5 to find whether a cemetery has been neglected.
7. If the association has dissolved, and been abandoned for 10 years, the town has a cemetery. There is no acceptance procedure, the cemetery automatically becomes the towns. The town may care for the cemetery, manage it, and use it. Or the town may close the cemetery.

Does the Town Have a Cemetery?



WHOSE ROLE IS IT ANYWAY?

CLERK

OFFICIAL DUTIES

- All Duties listed in Minn.Stat. § 367.11.
- Annual Town Meeting Duties:
 - Minn.Stat. § 365.51-54;
 - Minn.Stat. § 366.22;
 - Minn.Stat. § 366.11 (7).
- Election management duties as found in Minn. Ch. 205.
- Others:
 - Minn.Stat. § 299F.04; Fire investigation if no fire dept.
 - Minn.Stat. § 365.05; Notary Public
 - Minn.Stat. § 367.03, subd. 6(c); supervisor appointment
 - Minn.Stat. § 367.30, subd. 2 & 4; Options B and D

COMMON ROLES

- Open Meeting Law Compliance
 - Taking Minutes,
 - Posting for Meetings,
 - Publishing for meetings and other materials.
- Reviewing Treasurer's Books

TREASURER

OFFICIAL DUTIES

- Minn.Stat. § 367.16
- Minn.Stat. § 367.161 Ability to appoint a deputy
- Minn.Stat. § 365.41 Pay judgements against the town
- Minn.Stat. § 162.081 Receive money for the town road account
- Minn.Stat. § 366.07 Choose a depository if undecided
- Minn.Stat. § 367.15 File a bond with the town

COMMON ROLES

- Generally do not do roles outside of the scope of statutes, but:
 - May help with open meeting law:
 - Minutes;
 - Posting;
 - Publishing.
 - May help with election management.

SUPERVISOR

EXPLICIT DUTIES

- Minn.Stat. § 366.01 General Powers:
 - Making contracts;
 - Road, building, park maintenance;
 - Hiring employees.
- Minn.Stat. § 204B.21 Election Judges.
- Minn.Stat. § 204B.16 Polling Places
- Conflicts of Interest Compliance
- Minn.Stat. § 274.01, subd. 1(a) Board of Appeals and Equalization—Delegatable to County
- Minn.Stat. § 205.185, subd. 3 Board of Canvass
- Minn.Stat. § 366.20-22 Board of Audit

IMPLICIT DUTIES

- Open Meeting Law Compliance—Delegatable
 - Minutes,
 - Posting,
 - Publishing
- Comply with common law conflicts of interest.