

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 11-6-12

Via: Patrick Wussow, County Administrator

From: Patrick Wussow, County Administrator

Title of Item:

Draft Newspaper Bid Specifications for 2013

Requested Meeting Date: 11-13-12 Estimated Presentation Time: \_\_\_\_\_

Presenter: Patrick Wussow, County Administrator

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes \_\_\_\_\_ No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

# AITKIN COUNTY ADMINISTRATION

**Aitkin County Courthouse**  
217 Second Street N.W. Room 130  
Aitkin, MN 56431  
218-927-7276  
Fax: 218-927-7374

**TO: Aitkin County Board of Commissioners**

**FROM: Patrick Wussow, Aitkin County Administrator**

**RE: Draft Newspaper Bid Specifications for 2013**

**DATE: November 6, 2012**

Attached is a proposed draft bid specification document that would be used to obtain bids for Aitkin County's "official newspaper." In 2008 the County Board revised the process for obtaining bids by incorporating surrounding counties bid forms into Aitkin County's process.

The following time line is suggested:

November 13th – The County Board reviews and approves a form to obtain bids.

November 14th – County Staff mails out bid specifications to *Newshopper*, *Aitkin Independent Age*, and *Voyager Press*.

December 21st – bids are received and tabulated.

January 8th – County Board designates the County's Official Publication (Newspaper) at the organizational meeting in January 2013.

Please review the proposed document and contact me with questions.

# AITKIN COUNTY ADMINISTRATION

**Patrick Wussow, County Administrator**

Aitkin County Courthouse

217 Second Street N.W.

Aitkin, MN 56431

218-927-7276

Fax: 218-927-7374

November 14, 2012

Aitkin Independent Age  
213 Minnesota Avenue N.  
Aitkin, MN 56431

Voyageur Press  
PO Box 59  
McGregor, MN 55760

NewsHopper  
2215 South 6<sup>th</sup> Street  
Brainerd, MN 56401

Re: 2013 Newspaper Bid Specifications

Please see the attached information requesting 2013 newspaper advertising bids.

The deadline for submitting your bid is Noon on Friday, December 21st. We look forward to receiving your bid.

Please contact Patrick Wussow at 927-7276 or Kirk Peysar at 927-7354 if you have any questions or concerns.

Sincerely,

Sue Bingham  
Administrative Assistant

(Draft for discussion Only)  
**CALENDAR YEAR 2013 BID SPECIFICATIONS  
NEWSPAPER PUBLICATION OF AITKIN COUNTY LEGAL NOTICES**

Aitkin County is requesting bids for newspaper publication of the following County legal notices for 2013:

1. Official Proceedings (in Summary form)
2. Legal Notices
3. Delinquent Real Estate Notice and List
4. First Publication of the Financial Statement
5. Second Publication of the Financial Statement

This bid package contains the following:

- I. General Information for Bidders (page 2)
- II. Specific Requirements for Bidders (pages 2-3)
- III. Bid Award Criteria (page 3)
- IV. Bid Form (page 4)

County Contact Person: Patrick Wussow, Aitkin County Administrator  
(218) 927-7276

(Draft for discussion Only)

## CALENDAR YEAR 2013 BID SPECIFICATIONS NEWSPAPER PUBLICATION OF AITKIN COUNTY LEGAL NOTICES

### I. GENERAL INFORMATION FOR BIDDERS

- A. Sealed bids for newspaper publication of Aitkin County legal notices for 2013 will be received in the **Aitkin County Administrator's Office**, 217 2<sup>nd</sup> Street NW - Room 130, Aitkin, MN 56431, until **Noon on Friday, December 21, 2012** at which time they will be opened, read and tabulated.
- B. All bids must be typewritten or written legibly in ink, sealed in an envelope, and bear the inscription "2013 NEWSPAPER PUBLISHING BID" together with the name and address of the publisher.
- C. Bidders must use the attached form when submitting a bid.
- D. Bids received after the time set for bid opening will be returned to the bidder unopened.
- E. Bids will be considered at the Aitkin County Board of Commissioners meeting on **January 8, 2013**.
- F. Copies of all bids received will be available for inspection in the Aitkin County Administrator's Office at Noon on Friday, December 21, 2012.
- G. Aitkin County will send written notice of bid awards to the successful publishers.
- H. Aitkin County reserves the right to waive any irregularities in the bids, to reject any or all bids and to make any award which it considers to be in the best interest of the County.
- I. Aitkin County does not discriminate on the basis of disability, race, color, national origin, sex, religion, age or handicapped status in employment or the provision of services. If you need assistance due to disability or language barrier please call (218) 927-7276.

### II. SPECIFIC REQUIREMENTS FOR BIDDERS

- A. Separate bids are required for each type of publication notice.
- B. Bids must be submitted using the attached form.
- C. Types of legal notices to which bids are requested.
  - (1) **PUBLICATION OF OFFICIAL PROCEEDINGS IN SUMMARY FORM:** (Minnesota Statute 375.12 refers.) The County will provide all official proceedings in digital format and may specify font, point size and leading.
  - (2) **PUBLICATION OF LEGAL NOTICES & MISC. ADVERTISEMENTS:** (Minnesota Statute 331A.01 subd. 7 and 331A.05 - .07 refer.) The County will provide all legal notices and miscellaneous advertisements in digital format and may specify font, point size and leading.

(Draft for discussion Only)

## CALENDAR YEAR 2013 BID SPECIFICATIONS NEWSPAPER PUBLICATION OF AITKIN COUNTY LEGAL NOTICES

(3) **PUBLICATION OF DELINQUENT REAL ESTATE NOTICE AND LIST:** Minnesota Statute 279.08 refers.) The list of real estate taxes remaining delinquent on the first Monday of January 2013 shall be published once in each of two non-consecutive weeks. The county will provide the Real Estate List in digital format and may specify font, point size and leading.

(4) **FIRST PUBLICATION OF FINANCIAL STATEMENT:** (Minnesota Statute 375.17 refers.) State Statute requires the County Financial Statement to be published twice, with the second publication to be done in a newspaper located in a different municipality. The Financial Statement must be arranged in the newspaper so as to be pulled out or inserted as a unit, and first publisher may be asked to provide copies of Financial Statement **insert** for second publication. The County will provide the Financial Statement in camera ready format.

(5) **SECOND PUBLICATION OF FINANCIAL STATEMENT:** (Minnesota Statute 375.17 refers.) State Statute requires the County Financial Statement to be published twice, with the second publication of the financial statement to be done in one other newspaper, if one of general circulation is located in a different municipality in the county than the official newspaper. Per MN statute the county board shall call for separate bids for each publication. The Financial Statement must be arranged in the newspaper so as to be pulled out or inserted as a unit. To be considered for award of the bid for second publication of the financial statement, bidders must include a specific bid for the second publication of the Financial Statement. The County will provide the Financial Statement in camera ready format.

### III. BID AWARD CRITERIA

- A. A successful bidder will be designated by the County Board as the "Official County Newspaper" for calendar year 2013 and will be required to publish all legal notices and advertisements as required by law to be published in the official newspaper.
- B. A successful bidder will be designated by the County Board for publication of the "Second Publication of the County Financial Statement." That bidder must be other than the bidder designated as the official county newspaper and located in a municipality other than the official newspaper per MN Statute 375.17 subd. 3.
- C. Bidder must certify by signature they meet the requirements of a qualified newspaper pursuant to MN Statute Chapter 331A.
- D. In determining the lowest bidder, the cost per media impression provided to the public within the boundaries of Aitkin County will be considered.
- E. The board may reject any offer if, in its judgment, the public interests require, and may then designate a newspaper without regard to any rejected offer.
- F. Bidder's adherence to all bid submission instructions and requirements. Failure to properly fill out the bid form may result in that bid being disqualified. Failure to enter a bid amount for each of item designated as "Official Newspaper" (Items 1-4) on the bid form may result in rejection of the entire bid with respect to designation the official newspaper.

# AITKIN COUNTY - BID FORM PRINTING & PUBLISHING SERVICES CALENDAR YEAR 2013

Refer to Page 2 for general printing and publication requirements and Pages 2-3 for details on each specific type of publication.

- (1) PUBLICATION OF OFFICIAL PROCEEDINGS (Official Newspaper)  
\$ \_\_\_\_\_ per column inch
- (2) PUBLICATION OF LEGAL NOTICES & MISC. ADVERTISEMENTS (Official Newspaper)  
\$ \_\_\_\_\_ per column inch
- (3) PUBLICATION OF DELINQUENT REAL ESTATE NOTICE & LIST (Official Newspaper)  
\$ \_\_\_\_\_ per column inch
- (4) FIRST PUBLICATION OF FINANCIAL STATEMENT (Official Newspaper)  
\$ \_\_\_\_\_ per column inch
- 5) SECOND PUBLICATION OF FINANCIAL STATEMENT (Official Newspaper)  
\$ \_\_\_\_\_ per column inch

Size in inches of newspaper single page sheet = \_\_\_\_\_ by \_\_\_\_\_

Maximum number of columns per page in legal notice section = \_\_\_\_\_

Newspaper circulation within the boundaries of Aitkin County = \_\_\_\_\_

Weekly circulation within the boundaries of Aitkin County = \_\_\_\_\_

Subscription cost per individual customer within Aitkin County for 1 year = \_\_\_\_\_

**(Please Print Clearly)**

Name of Bidding Newspaper: \_\_\_\_\_

Official Address: \_\_\_\_\_

\_\_\_\_\_

Printed Name of Submitter \_\_\_\_\_ Title \_\_\_\_\_

Phone: \_\_\_\_\_

The undersigned certifies that the newspaper listed above meets the requirements for a qualified newspaper pursuant to Minnesota State Statute 331A.

\_\_\_\_\_  
Signature in Ink of Submitter

\_\_\_\_\_  
Date

copy

**JAMES P. RATZ**  
AITKIN COUNTY ATTORNEY  
217 SECOND STREET N.W.  
AITKIN, MINNESOTA 56431

TELEPHONE (218) 927-7347  
TOLL FREE 1-888-422-7347  
FAX (218) 927-7365

SENIOR ASSISTANT COUNTY ATTORNEY  
LISA ROGGENKAMP RAKOTZ

ASSISTANT COUNTY ATTORNEYS  
SARAH WINGE  
BENJAMIN M. SMITH  
REBECCA A. TRAPP

PARALEGALS  
MICHELE J. MOTHERWAY  
TAMMY K. SPELDRICH

CRIME VICTIM COORDINATOR  
JESSICA L. SUNDQUIST  
TELEPHONE (218) 927-7446

### MEMORANDUM

**TO:** Patrick Wussow, Aitkin County Administrator  
**FROM:** James P. Ratz, Aitkin County Attorney *JPR*  
**DATE:** 12/29/2009  
**RE:** Newspaper Bids for 2010

In response to your December 29, 2009 memorandum, inquiring as to whether the NewsHopper is a qualified newspaper, the short answer is yes. The NewsHopper has a court judgment stating it is a qualified newspaper. To my knowledge, no other qualified newspaper or interested person has subsequently challenged the NewsHopper's status as a qualified newspaper.

Two further questions of equal or greater importance focus on the issue of priority of designation and if there is a valid exception to the designation priority. Minn.Stat. §331A.04.

First, if the NewsHopper does not have a known or secondary office in the County, it appears it would a qualified newspaper of general circulation in the County. Other qualified newspapers in the county with a known office or a secondary office would have priority (in that order) over one that does not have an office in the County.

Minnesota Statutes section 331A.04, subdivision 6, does provide for an exception to the designation priority upon the fulfillment of four conditions. The four conditions that must be met are as follows:

- (1) the newspaper is a qualified medium of official and legal publication;
- (2) it must have circulation of not fewer than 75 percent of the households in the County;
- (3) it must provide regular coverage of County Board hearings and meetings; and
- (4) the County Board votes unanimously to designate the newspaper.

If you have any questions, please feel free to contact my office.



## 2012 Minnesota Statutes

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### 331A.01 DEFINITIONS.

Subdivision 1. **Scope.** As used in sections 331A.01 to 331A.11, the terms defined have the meanings given them except as otherwise expressly provided or indicated by the context.

Subd. 2. **Known office of issue.** "Known office of issue" means the newspaper's principal office devoted primarily to business related to the newspaper, whether or not printing or any other operations of the newspaper are conducted at or from the office. A newspaper may have only one known office of issue.

Subd. 3. **Political subdivision.** "Political subdivision" means a county, municipality, school district, or any other local political subdivision or local or area district, commission, board, or authority.

Subd. 4. **Municipality.** "Municipality" means a home rule charter or statutory city or town.

Subd. 5. [Repealed, 2004 c 182 s 33]

Subd. 6. **Proceedings.** "Proceedings" means the substance of all official actions taken by the governing body of a political subdivision at any regular or special meeting, and at minimum includes the subject matter of a motion, the persons making and seconding a motion, the roll call vote on a motion, the character of resolutions or ordinances offered, including a brief description of their subject matter, and whether defeated or adopted.

Subd. 7. **Public notice.** "Public notice" means every notice required or authorized by law or by order of a court to be published by a qualified newspaper, and includes:

(1) every publication of laws, ordinances, resolutions, financial information, and proceedings intended to give notice in a particular area;

(2) every notice and certificate of election, facsimile ballot, notice of referendum, notice of public hearing before a governmental body, and notice of meetings of private and public bodies required by law;

(3) every summons, order, citation, notice of sale or other notice which is intended to inform a person that the person may or shall do an act or exercise a right within a designated period or upon or by a designated date; and

(4) this subdivision contains no independent requirement for the publication of any public notice.

Subd. 8. **Qualified newspaper.** "Qualified newspaper" means a newspaper which complies with all of the provisions of section 331A.02. The following terms, when found in laws referring to the publication of a public notice, shall be taken to mean a qualified newspaper: "qualified legal newspaper," "legal newspaper," "official newspaper," "newspaper," and "medium of official and legal publication."

Subd. 9. **Secondary office.** "Secondary office" means an office established by a newspaper in a community other than that in which its known office of issue is located, in the same or an adjoining county, open on a regular basis to gather news and sell advertisements and subscriptions, whether or not printing or any other operations of the newspaper are conducted at or from the office.

Subd. 10. **Summary.** "Summary" means an accurate and intelligible abstract or synopsis of the essential elements of proceedings, ordinances, resolutions, financial statements, and other official actions. It shall be written in a clear and coherent manner, and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at a designated location or by standard or electronic mail. A summary published in conformity with this section shall be deemed to fulfill all legal publication requirements as completely as if the entire matter which was summarized had been published. No liability shall be asserted against a political subdivision in connection with the publication of a summary or agenda.

**History:** 1984 c 543 s 20; 1986 c 444; 2004 c 182 s 3-7

## **2012 Minnesota Statutes**

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### **331A.02 REQUIREMENTS FOR A QUALIFIED NEWSPAPER.**

Subdivision 1. **Qualification.** No newspaper in this state shall be entitled to any compensation or fee for publishing any public notice unless it is a qualified newspaper. A newspaper that is not qualified must inform a public body that presents a public notice for publication that it is not qualified. To be qualified, a newspaper shall:

(a) be printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 1,000 square inches, or 800 square inches if the political subdivision the newspaper purports to serve has a population of under 1,300 and the newspaper does not receive a public subsidy;

(b) if a daily, be distributed at least five days each week. If not a daily, the newspaper may be distributed twice a month with respect to the publishing of government public notices. In any week in which a legal holiday is included, not more than four issues of a daily paper are necessary;

(c) in at least half of its issues each year, have no more than 75 percent of its printed space comprised of advertising material and paid public notices. In all of its issues each year, have 25 percent, if published more often than weekly, or 50 percent, if weekly, of its news columns devoted to news of local interest to the community which it purports to serve. Not more than 25 percent of its total nonadvertising column inches in any issue may wholly duplicate any other publication unless the duplicated material is from recognized general news services;

(d) be circulated in the political subdivision which it purports to serve, and either have at least 400 copies regularly delivered to paying subscribers, or 250 copies delivered to paying subscribers if the political subdivision it purports to serve has a population of under 1,300, or have at least 400 copies regularly distributed without charge to local residents, or 250 copies distributed without charge to local residents if the political subdivision it purports to serve has a population of under 1,300;

(e) have its known office of issue established in either the county in which lies, in whole or in part, the political subdivision which the newspaper purports to serve, or in an adjoining county;

(f) file a copy of each issue immediately with the State Historical Society;

(g) be made available at single or subscription prices to any person or entity requesting the newspaper and making the applicable payment, or be distributed without charge to local residents;

(h) have complied with all the foregoing conditions of this subdivision for at least one year immediately preceding the date of the notice publication;

(i) between September 1 and December 31 of each year publish a sworn United States Post Office periodicals-class statement of ownership and circulation or a statement of ownership and circulation verified by a recognized independent circulation auditing agency covering a period of at least one year ending no earlier than the June 30 preceding the publication deadline. When publication occurs after December 31 and before July 1, qualification shall be effective from the date of the filing described in paragraph (j) through December 31 of that year; and

(j) after publication, submit to the secretary of state by December 31 a filing containing the newspaper's name, address of its known office of issue, telephone number, and a statement that it has complied with all of the requirements of this section. The filing must be accompanied by a fee of \$25. The secretary of state shall make available for public inspection a list of newspapers that have filed. Acceptance of a filing does not constitute a guarantee by the state that any other qualification has been met.

Subd. 2.[Repealed, 2004 c 182 s 33]

Subd. 3. **Publication; suspension; changes.** The following circumstances shall not affect the qualification of a newspaper, invalidate an otherwise valid publication, or invalidate a designation as official newspaper.

(a) Suspension of publication for a period of not more than three consecutive months resulting from the destruction of its known office of issue, equipment, or other facility by the elements, unforeseen accident, or acts of God or by reason of a labor dispute.

(b) The consolidation of one newspaper with another published in the same county, or a change in its name or ownership, or a temporary change in its known office of issue.

(c) Change of the day of publication, the frequency of publication, or the change of the known office of issue from one place to another within the same county. Except as provided in this subdivision, suspension of publication, or a change of known office of issue from one county to another, or failure to maintain its known office of issue in the county, shall deprive a newspaper of its standing as a qualified newspaper until it again becomes qualified pursuant to subdivision 1.

Subd. 4. **Declaratory judgment of legality.** A person interested in a newspaper's qualification under this section may petition the district court in the county in which the newspaper has its known office of issue for a declaratory judgment to determine whether the newspaper is qualified. Unless filed by the publisher, the petition and summons shall be served on the publisher as in other civil actions. Service in other cases shall be made by publication of the petition and summons once each week for three successive weeks in the newspaper or newspapers the court may order and upon the persons as the court may direct. Publications made in a newspaper after a judgment that it is qualified but before the judgment is vacated or set aside shall be valid. Except as provided in this subdivision, the Uniform Declaratory Judgments Act and the Rules of Civil Procedure shall apply to the action.

Subd. 5. **Posting notices on Web site.** If, in the normal course of its business, a qualified newspaper maintains a Web site, then as a condition of accepting and publishing public notices, the newspaper must agree to post all the notices on its Web site at no additional cost. The notice must remain on the Web site during the notice's full publication period. Failure to post or maintain a public notice on the newspaper's Web site does not affect the validity of the public notice.

**History:** 1984 c 543 s 21; 1985 c 174 s 1; 1Sp1985 c 13 s 315; 1987 c 30 s 1; 1987 c 286 s 1; 1988 c 682 s 42; 1990 c 395 s 1; 1991 c 205 s 17; 1997 c 137 s 13; 2001 c 38 s 1; 2004 c 182 s 8-11; 2009 c 152 s 5

## 2012 Minnesota Statutes

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### 331A.03 WHERE NOTICE PUBLISHED.

Subdivision 1. **Generally.** Except as provided in subdivision 2, a public notice shall be published in a qualified newspaper, and except as otherwise provided by law, in one that is likely to give notice in the affected area or to whom it is directed. When a statute or other law requires publication in a newspaper located in a designated political subdivision or area and no qualified newspaper is located there, publication shall be made in a qualified newspaper likely to give notice unless the particular statute or law expressly provides otherwise. If no qualified newspaper exists, then publication is not required.

Subd. 2. **Exception; certain cities of the fourth class.** A public notice required to be published by a statutory or home rule charter city of the fourth class located in the metropolitan area defined in section 473.121, subdivision 2, is not required to be published in a qualified newspaper if there is no qualified nondaily newspaper of general circulation in the city, provided the notice is printed in a newsletter or similar printed means of giving notice that is prepared by the city and either mailed or delivered to each household in the city.

Subd. 3. **Alternative dissemination of bids and requests.** (a) In addition to or as an alternative to the statutory requirements for newspaper publication, a political subdivision may disseminate solicitations of bids, requests for information, and requests for proposals by a means authorized in paragraph (b), if the political subdivision simultaneously publishes, either as part of the minutes of a regular meeting of the governing body or in a separate notice published in the official newspaper, a description of all solicitations or requests so disseminated, along with the means by which the dissemination occurred.

(b) A political subdivision may use its Web site or recognized industry trade journals as an alternative means of dissemination. A dissemination by alternative means must be in substantially the same format and for the same period of time as a publication required by this chapter.

(c) For the first six months after a political subdivision designates an alternative means of dissemination, it must continue to publish solicitation of bids, requests for information, and requests for proposals in the official newspaper in addition to the alternative method. The publication in the official newspaper must indicate where to find the designated alternative method. After the expiration of the six-month period, an alternative means of dissemination satisfies the publication requirements of law for solicitation of bids, requests for information, and requests for proposals.

**History:** 1984 c 543 s 22; 1991 c 53 s 1; 2004 c 182 s 12, 13

## 2012 Minnesota Statutes

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### 331A.04 DESIGNATION OF A NEWSPAPER FOR OFFICIAL PUBLICATIONS.

Subdivision 1. **Priority.** The governing body of a political subdivision, when authorized or required by statute or charter to designate a newspaper for publication of its public notices, shall designate a qualified newspaper in the following priority.

Subd. 2. **Known office in locality.** If there are one or more qualified newspapers, the known office of issue of which are located within the political subdivision, one of them shall be designated.

Subd. 3. **Secondary office in locality.** When no qualified newspaper has a known office of issue located in the political subdivision, but one or more qualified newspapers maintain a secondary office there, one of them shall be designated.

Subd. 4. **General circulation in locality.** When no qualified newspaper has its known office of issue or a secondary office located within the political subdivision, then a qualified newspaper of general circulation there shall be designated.

Subd. 5. **Other situations.** If a political subdivision is without an official newspaper, or if the publisher refuses to publish a particular public notice, matters required to be published shall be published in a newspaper designated as provided in subdivision 4. The governing body of a political subdivision with territory in two or more counties may, if deemed in the public interest, designate a separate qualified newspaper for each county.

Subd. 6. **Exception to designation priority.** (a) Notwithstanding subdivisions 1 to 3, the governing body of a political subdivision may designate any newspaper for publication of its official proceedings and public notices, if the following conditions are met:

(1) the newspaper is a qualified medium of official and legal publication;

(2) the publisher of the newspaper furnishes a sworn statement, verified by a recognized independent circulation auditing agency, covering a period of at least one year ending no earlier than 60 days before designation of the newspaper, stating that the newspaper's circulation reaches not fewer than 75 percent of the households within the political subdivision;

(3) the newspaper has provided regular coverage of the proceedings of the governing body of the political subdivision and will continue to do so; and

(4) the governing body votes unanimously to designate the newspaper.

(b) If the circulation of a newspaper designated under this subdivision falls below 75 percent of the households within the political subdivision at any time within the term of its designation as official newspaper, its qualification to publish public notices for the political subdivision terminates.

Subd. 7. **Joint bidding.** A bid submitted jointly by two or more newspapers for the publication of public notices must not be considered anticompetitive or otherwise unlawful if the following conditions are met:

(1) all of the qualified newspapers in the political subdivision participate in the joint bid;

(2) the existence of the joint bid arrangement is disclosed to the governing body of the political subdivision before or at the time of submission of the joint bid; and

(3) the board is free to reject the joint bid and, if it does, individual qualified newspapers do not refuse to submit separate bids owing to the rejection of the joint bid.

**History:** 1984 c 543 s 23; 2003 c 59 s 1; 2004 c 182 s 14

## **2012 Minnesota Statutes**

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### **331A.05 FORM OF PUBLIC NOTICES.**

Subdivision 1. **English language.** All public notices shall be printed or otherwise disseminated in the English language.

Subd. 2. **Time of notice.** Unless otherwise specified by law, or by order of a court, publication of a public notice shall be as follows:

(a) the notice shall be published once;

(b) if the notice is intended to inform the public about a future event, the last publication shall occur not more than 30 days and not less than seven days before the event;

(c) if the notice is intended to inform the public about a past action or event, the last publication shall occur not more than 45 days after occurrence of the action or event.

Subd. 3. **Type face.** Except as otherwise directed by a particular statute requiring publication of a public notice or by order of a court, a public notice shall be printed in a type face no smaller than six point with a lowercase alphabet of at least 90 points. Larger type faces may be used.

Subd. 4. **Title or caption.** Every public notice shall include a bold face title or caption in a body type no smaller than brevier or eight point referring to the content of the notice. Larger type faces may be used.

Subd. 5. **Local options.** The governing body of a political subdivision may, to better inform the public, increase the frequency of publication of a public notice beyond the minimum required by a particular statute. It may use forms and styles for the notice as it deems appropriate, including the use of display advertisements and graphics. In addition to publication in the newspaper required to be designated under section 331A.04, it may publish or disseminate the notice in other newspapers and by means of standard and electronic mail. Regardless of whether a particular statute specifies "legal notice," "public notice," "notice," or uses similar terms, the governing body may use whatever form for the published notice that it deems appropriate in order to adequately inform the public, subject to the requirements of sections 331A.01 to 331A.11. Nothing in the foregoing provisions of this subdivision shall require the governing body of a political subdivision to use the options described.

Subd. 6. **Conflict of laws.** Nothing in this section shall invalidate or affect any statutory or charter provision imposing additional or special qualifications for publication of particular notices or proceedings.

Subd. 7. **Errors in publication.** If through no fault of the political subdivision, an error occurs in the publication of a public notice, the error shall have no effect on the validity of the event, action, or proceeding to which the public notice relates.

Subd. 8. **Notice regarding published summaries.** If a political subdivision elects to publish a summary of the political subdivision's financial statement or proceedings as authorized by other law, it must include with the published summary a notice stating that a copy of the full version of the financial statement or proceedings other than attachments to the minutes is available without cost at the offices of the political subdivision or by means of standard or electronic mail.

**History:** 1984 c 543 s 24; 1997 c 56 s 1; 2004 c 182 s 15-19; 2008 c 154 art 10 s 4





## **2012 Minnesota Statutes**

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### **331A.06 RATES FOR PUBLICATION.**

Subdivision 1. **Maximum rate.** The maximum rate charged for publication of a public notice shall not exceed the lowest classified rate paid by commercial users for comparable space in the newspapers in which the public notice appears, and shall include all cash discounts, multiple insertion discounts, and similar benefits extended to the newspaper's regular customers.

Subd. 2. **Rate increases.** Notwithstanding subdivision 1, no newspaper may increase its rates for publication of public notices by more than ten percent per year, as compared to the maximum rate actually charged by the newspaper in the previous year for publication of public notices, and in any case the new rate shall not exceed the rate described in subdivision 1. Nothing in this section shall be interpreted to mean that such an increase is required.

Subd. 3. **Rate from competitive bidding.** When the governing board of a political subdivision awards a contract for the publication of public notices based on competitive bidding, the rate established by the competitive bidding shall be the rate charged for publication of the public notices.

Subd. 4. **Publication at legal rate.** When a statute refers to publication of a public notice at the legal rate the maximum rate shall be as provided in this section.

Subd. 5. **Multiyear publication contracts.** Notwithstanding other law, a political subdivision may enter into multiyear contracts with a qualified newspaper for publication of the political subdivision's public notices. No multiyear contract may be for a term longer than three years.

**History:** 1984 c 543 s 25; 1985 c 174 s 2; 1994 c 465 art 2 s 18; 2004 c 182 s 20,21

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### 331A.12 WEB SITE ADVERTISEMENT FOR BIDS.

Subdivision 1. **Definitions.** (a) The terms defined in this subdivision and section 331A.01 apply to this section.

(b) "Web site" means a specific, addressable location provided on a server connected to the Internet and hosting World Wide Web pages and other files that are generally accessible on the Internet all or most of the day.

Subd. 2. **Designation.** At the meeting of the governing body of the local public corporation at which the governing body must designate its official newspaper for the year, the governing body may designate in the same manner publication of transportation projects on the local public corporation's Web site. Publication on the Web site may be used in place of or in addition to any other required form of publication. Each year after designating publication on the Web site for transportation projects, the local public corporation must publish in a qualified newspaper in the jurisdiction and on the Web site, notice that the local public corporation will publish any advertisements for bids on its Web site.

Subd. 3. **Form, time for publication same.** A local public corporation that publishes on its Web site under this section must post the information in substantially the same format and for the same period of time as required for publication in an official newspaper or other print publication.

Subd. 4. **Record retention.** A local public corporation that publishes notice on its Web site under this section must ensure that a permanent record of publication is maintained in a form accessible by the public.

**History:** 1Sp2003 c 19 art 2 s 56