

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2271

(SENATE AUTHORS: WIKLUND and Pappas)

DATE	D-PG	OFFICIAL STATUS
03/04/2014	5957	Introduction and first reading Referred to State and Local Government
03/19/2014	6306a	Comm report: To pass as amended and re-refer to Transportation and Public Safety
03/26/2014	6833	Comm report: To pass
	6864	Second reading
04/24/2014	8278	Special Order
	8282	Third reading Passed

A bill for an act

1.1 relating to metropolitan government; repealing obsolete provisions governing
 1.2 the Metropolitan Council; making certain conforming technical changes;
 1.3 amending Minnesota Statutes 2012, sections 473.123, subdivision 4; 473.125;
 1.4 473.129, subdivisions 6, 12; 473.173, subdivision 2; 473.181, subdivision 2;
 1.5 473.254, subdivisions 3a, 4, 5; 473.315, subdivision 1; 473.375, subdivision 11;
 1.6 473.39, subdivision 1e; 473.391, subdivision 1; 473.405, subdivision 5; 473.42;
 1.7 473.504, subdivisions 5, 11; 473.858, subdivision 1; 473.859, subdivision 6;
 1.8 473.861, subdivision 2; 473.862, subdivision 2; repealing Minnesota Statutes
 1.9 2012, sections 473.123, subdivision 7; 473.13, subdivision 1c; 473.23; 473.241;
 1.10 473.243; 473.244; 473.254, subdivision 3; 473.315, subdivision 2; 473.326;
 1.11 473.333; 473.375, subdivision 9; 473.382; 473.388, subdivision 8; 473.392;
 1.12 473.516, subdivision 5; 473.523, subdivision 2; 473.535; 473.852, subdivision
 1.13 11; Minnesota Statutes 2013 Supplement, section 473.517, subdivision 9.
 1.14

1.15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.16 Section 1. Minnesota Statutes 2012, section 473.123, subdivision 4, is amended to read:

1.17 Subd. 4. **Chair; appointment, officers, selection; duties and compensation.** (a)

1.18 The chair of the Metropolitan Council shall be appointed by the governor as the 17th
 1.19 voting member thereof by and with the advice and consent of the senate to serve at the
 1.20 pleasure of the governor to represent the metropolitan area at large. Senate confirmation
 1.21 shall be as provided by section 15.066.

1.22 The chair of the Metropolitan Council shall, if present, preside at meetings of the
 1.23 council, have the primary responsibility for meeting with local elected officials, serve as
 1.24 the principal legislative liaison, present to the governor and the legislature, after council
 1.25 approval, the council's plans for regional governance and operations, serve as the principal
 1.26 spokesperson of the council, and perform other duties assigned by the council or by law.

1.27 (b) The Metropolitan Council shall elect other officers as it deems necessary for the
 1.28 conduct of its affairs for a one-year term. A secretary and treasurer need not be members

2.1 of the Metropolitan Council. Meeting times and places shall be fixed by the Metropolitan
2.2 Council and special meetings may be called by a majority of the members of the
2.3 Metropolitan Council or by the chair. The chair and each Metropolitan Council member
2.4 shall be reimbursed for actual and necessary expenses. ~~The annual budget of the council
2.5 shall provide as a separate account anticipated expenditures for compensation, travel, and
2.6 associated expenses for the chair and members, and compensation or reimbursement shall
2.7 be made to the chair and members only when budgeted.~~

2.8 (c) Each member of the council shall attend and participate in council meetings
2.9 and meet regularly with local elected officials and legislative members from the council
2.10 member's district. Each council member shall serve on at least one division committee for
2.11 transportation, environment, or community development.

2.12 (d) In the performance of its duties the Metropolitan Council may adopt policies
2.13 and procedures governing its operation, establish committees, and, when specifically
2.14 authorized by law, make appointments to other governmental agencies and districts.

2.15 Sec. 2. Minnesota Statutes 2012, section 473.125, is amended to read:

2.16 **473.125 REGIONAL ADMINISTRATOR.**

2.17 The Metropolitan Council shall appoint a regional administrator to serve at
2.18 the council's pleasure as the principal administrative officer for the Metropolitan
2.19 Council. The regional administrator shall organize the work of the council staff. The
2.20 regional administrator shall appoint on the basis of merit and fitness, and discipline and
2.21 discharge all employees in accordance with the council's personnel policy, except ~~(1) the
2.22 performance and budget analysts provided for in section 473.123, subdivision 7, (2) the
2.23 general counsel, as provided in section 473.123, subdivision 8, (3) employees of the
2.24 offices of wastewater services and transit operations, who are appointed, disciplined, and
2.25 discharged in accordance with council personnel policies by their respective operations
2.26 managers, and (4) metropolitan transit police officers.~~ The regional administrator must
2.27 ensure that all policy decisions of the council are carried out. The regional administrator
2.28 shall attend meetings of the council and may take part in discussions but may not vote.
2.29 The regional administrator shall recommend to the council for adoption measures deemed
2.30 necessary for efficient administration of the council, keep the council fully apprised of
2.31 the financial condition of the council, and prepare and submit an annual budget to the
2.32 council for approval. The regional administrator shall prepare and submit for approval by
2.33 the council an administrative code organizing and codifying the policies of the council,
2.34 and perform other duties as prescribed by the council. The regional administrator may be

3.1 chosen from among the citizens of the nation at large, and shall be selected on the basis of
3.2 training and experience in public administration.

3.3 Sec. 3. Minnesota Statutes 2012, section 473.129, subdivision 6, is amended to read:

3.4 Subd. 6. **On metro agencies.** ~~(a)~~ The Metropolitan Council shall appoint from its
3.5 membership a member to serve with each metropolitan agency. Each member of the
3.6 Metropolitan Council so appointed on each of such agencies shall serve without a vote.

3.7 ~~(b) The Metropolitan Council shall also appoint individuals to the governing body~~
3.8 ~~of the cable communications metropolitan intereconnected regional channel entity under~~
3.9 ~~section 238.43, subdivision 5.~~

3.10 Sec. 4. Minnesota Statutes 2012, section 473.129, subdivision 12, is amended to read:

3.11 Subd. 12. **Best value procurement alternative.** (a) Notwithstanding the provisions
3.12 of section 471.345, the council may award a contract for the purchase of transit vehicles
3.13 to the vendor or contractor offering the best value under a request for proposals. For the
3.14 purposes of this subdivision, "transit vehicles" means buses and coaches, commuter rail
3.15 locomotives and coach cars, light rail vehicles, and paratransit vehicles that are used to
3.16 provide transit and special transportation service pursuant to sections 473.371 to 473.449.

3.17 (b) For the purposes of this subdivision, "best value" describes a result intended in
3.18 the acquisition of goods and services described in paragraph (a). Price must be one of
3.19 the evaluation criteria ~~when acquiring such goods and services~~. Other evaluation criteria
3.20 may include, but are not limited to, environmental considerations, quality, and vendor or
3.21 contractor performance. ~~A best value determination must be based on~~ The evaluation
3.22 criteria detailed must be included in the solicitation document. ~~If criteria other than~~
3.23 ~~price are used, the solicitation document must state as well as~~ the relative importance of
3.24 price and other factors.

3.25 Sec. 5. Minnesota Statutes 2012, section 473.173, subdivision 2, is amended to read:

3.26 Subd. 2. **Rules.** ~~By September 1, 1976,~~ The council shall adopt and put into effect
3.27 rules establishing standards, guidelines and procedures for determining whether any
3.28 proposed matter is of metropolitan significance, and establishing a procedure for the review
3.29 of and final determination on such matters in accordance with the powers and requirements
3.30 set forth in this section. The purpose of these rules shall be to promote the orderly and
3.31 ~~economic~~ economical development, public and private, of the metropolitan area.

3.32 Sec. 6. Minnesota Statutes 2012, section 473.181, subdivision 2, is amended to read:

4.1 Subd. 2. **Parks.** The council shall review local government park master plans
4.2 pursuant to section 473.313. ~~The Metropolitan Council shall approve the use of moneys~~
4.3 ~~made available for land acquisition to local units of government from the land and~~
4.4 ~~conservation fund, the open space program of HUD, the natural resources account in the~~
4.5 ~~state treasury, if the use thereof conforms with the system of priorities established by~~
4.6 ~~law as part of a comprehensive plan for the development of parks; otherwise it shall~~
4.7 ~~disapprove of the use thereof.~~

4.8 Sec. 7. Minnesota Statutes 2012, section 473.254, subdivision 3a, is amended to read:

4.9 Subd. 3a. **Affordable, life-cycle housing opportunities amount after 2002.**

4.10 ~~(1) Notwithstanding any other provisions of this section, commencing for calendar~~
4.11 ~~year 2003 and each succeeding calendar year, (a) Each municipality's "affordable and~~
4.12 ~~life-cycle housing opportunities amount" for that year must be determined annually by~~
4.13 ~~the council using the method in this subdivision. The affordable and life-cycle housing~~
4.14 ~~opportunities amount must be determined for each calendar year for all municipalities~~
4.15 ~~in the metropolitan area.~~

4.16 ~~(2) (b) The council must allocate to each municipality its portion of the \$1,000,000~~
4.17 ~~of the revenue generated by the levy authorized in section 473.249 which is credited to the~~
4.18 ~~local housing incentives account pursuant to subdivision 5, paragraph (b). The allocation~~
4.19 ~~must be made by determining the amount levied for and payable in each municipality in~~
4.20 ~~the previous calendar year pursuant to the council levy in section 473.249 divided by the~~
4.21 ~~total amount levied for and payable in the metropolitan area in the previous calendar year~~
4.22 ~~pursuant to such levy and multiplying that result by \$1,000,000.~~

4.23 ~~(3) (c) The council must also determine the amount levied for and payable in~~
4.24 ~~each municipality in the previous calendar year pursuant to the council levy in section~~
4.25 ~~473.253, subdivision 1.~~

4.26 ~~(4) (d) A municipality's affordable and life-cycle housing opportunities amount~~
4.27 ~~for the calendar year is the sum of the amounts determined under clauses (2) and (3)~~
4.28 ~~paragraphs (b) and (c).~~

4.29 ~~(5) Within 90 days after the effective date of this act, the council must notify each~~
4.30 ~~municipality of its affordable and life-cycle housing opportunities amount for calendar~~
4.31 ~~years 2003 and 2004 as determined by the method in this subdivision. These amounts~~
4.32 ~~replace the affordable and life-cycle housing opportunities amount for each municipality~~
4.33 ~~for calendar years 2003 and 2004 as previously determined by the method in subdivision 3.~~

5.1 ~~(6)~~ (e) By ~~August 1, 2004, and by~~ August 1 of each succeeding year, the council
 5.2 must notify each municipality of its affordable and life-cycle housing opportunities
 5.3 amount for the following calendar year determined by the method in this subdivision.

5.4 Sec. 8. Minnesota Statutes 2012, section 473.254, subdivision 4, is amended to read:

5.5 Subd. 4. **Affordable and life-cycle housing requirement.** ~~In 1998, and thereafter,~~
 5.6 (a) A municipality that does not spend 85 percent of its affordable and life-cycle housing
 5.7 opportunities amount to create affordable and life-cycle housing opportunities in the
 5.8 previous calendar year must do one of the following with the affordable and life-cycle
 5.9 housing opportunities amount for the previous year as determined under subdivision 3
 5.10 ~~or 3a, as applicable:~~

5.11 (1) distribute it to the local housing incentives account; or

5.12 (2) distribute it to the housing and redevelopment authority of the city or county in
 5.13 which the municipality is located to create affordable and life-cycle housing opportunities
 5.14 in the municipality.

5.15 (b) A municipality may enter into agreements with adjacent municipalities to
 5.16 cooperatively provide affordable and life-cycle housing. The housing may be provided
 5.17 in any of the cooperating municipalities, but must meet the combined housing goals of
 5.18 each participating municipality.

5.19 Sec. 9. Minnesota Statutes 2012, section 473.254, subdivision 5, is amended to read:

5.20 Subd. 5. **Sources of funds.** (a) The council shall credit to the local housing
 5.21 incentives account any revenues derived from municipalities under subdivision 4,
 5.22 paragraph ~~(b)~~ (a), clause (1).

5.23 ~~(b) The council shall credit \$1,000,000 of the proceeds of solid waste bonds issued~~
 5.24 ~~by the council under Minnesota Statutes, section 473.831, before its repeal, to the local~~
 5.25 ~~housing incentives account in the metropolitan livable communities fund. In 1998 and each~~
 5.26 ~~year thereafter,~~ The council shall annually credit \$1,000,000 of the revenues generated by
 5.27 the levy authorized in section 473.249 to the local housing incentives account.

5.28 ~~(c) In 1997, and each year thereafter,~~ The council shall annually transfer \$500,000
 5.29 from the livable communities demonstration account to the local housing incentives
 5.30 account.

5.31 Sec. 10. Minnesota Statutes 2012, section 473.315, subdivision 1, is amended to read:

5.32 Subdivision 1. **To metro local governments.** The Metropolitan Council with the
 5.33 advice of the commission may make grants, from any funds available to it for recreation

6.1 open space purposes, to any ~~municipality, park district or county located wholly or~~
6.2 ~~partially within the metropolitan area~~ implementing agency, as defined in section 473.351,
6.3 to cover the cost, or any portion of the cost, of acquiring or developing regional recreation
6.4 open space in accordance with the policy plan; and all such agencies may enter into
6.5 contracts for this purpose or rights or interests therein. The cost of acquisition shall
6.6 include any payments required for relocation pursuant to sections 117.50 to 117.56.

6.7 Sec. 11. Minnesota Statutes 2012, section 473.375, subdivision 11, is amended to read:

6.8 Subd. 11. **Ride sharing.** The council shall administer a ride-sharing program in
6.9 the metropolitan area, except for the statewide vanpool leasing program conducted by the
6.10 commissioner of transportation and shall cooperate with the commissioner in the conduct
6.11 of ride-sharing activities in areas where the commissioner's programs and the council's
6.12 program overlap. ~~The council shall establish a rideshare advisory committee to advise it in~~
6.13 ~~carrying out the program.~~ The council may contract for services in operating the program.

6.14 Sec. 12. Minnesota Statutes 2012, section 473.39, subdivision 1e, is amended to read:

6.15 Subd. 1e. **Obligations; additional authority.** In addition to the authority in
6.16 subdivisions 1a, 1b, 1c, and 1d, the council may issue certificates of indebtedness, bonds,
6.17 or other obligations under this section in an amount not exceeding \$32,500,000, which may
6.18 be used for capital expenditures as prescribed in the council's transit capital improvement
6.19 program and for related costs, including the costs of issuance and sale of the obligations.

6.20 ~~The Metropolitan Council, the city of St. Paul, and the Minnesota Department~~
6.21 ~~of Transportation shall jointly assess the feasibility of locating a bus storage facility~~
6.22 ~~near Mississippi and Cayuga Street and I-35E in St. Paul. If the metropolitan council~~
6.23 ~~determines feasibility, the first priority for siting must be at that location.~~

6.24 Sec. 13. Minnesota Statutes 2012, section 473.391, subdivision 1, is amended to read:

6.25 Subdivision 1. **Contracts.** The council may contract with other operators or local
6.26 governments for route planning and scheduling services in any configuration of new
6.27 or reconfiguration of existing transit services and routes, ~~including route planning and~~
6.28 ~~scheduling necessary for the test marketing program, the service bidding program, and the~~
6.29 ~~interstate highway described generally as Legislative Routes Nos. 10 and 107 between~~
6.30 ~~I-494 and the Hawthorne interchange in the city of Minneapolis, commonly known as I-394.~~

6.31 Sec. 14. Minnesota Statutes 2012, section 473.405, subdivision 5, is amended to read:

7.1 Subd. 5. **Acquisition of transit systems.** The council may acquire by purchase,
 7.2 lease, gift, or condemnation proceedings any existing public transit system or any part
 7.3 thereof, including all or any part of the plant, equipment, shares of stock, property, real,
 7.4 personal, or mixed, rights in property, reserve funds, special funds, franchises, licenses,
 7.5 patents, permits and papers, documents and records belonging to any operator of a public
 7.6 transit system within the metropolitan area, and may in connection therewith assume any
 7.7 or all liabilities of any operator of a public transit system. The council may take control of
 7.8 and operate a system immediately following the filing and approval of the initial petition
 7.9 for condemnation, if the council, in its discretion, determines this to be necessary, and
 7.10 may take possession of all right, title and other powers of ownership in all properties
 7.11 and facilities described in the petition. Control must be taken by resolution which is
 7.12 effective upon service of a copy on the condemnee and the filing of the resolution in
 7.13 the condemnation action. In the determination of the fair value of the existing public
 7.14 transit system, there must not be included any value attributable to expenditures for
 7.15 improvements made by the former Metropolitan Transit Commission or council.

7.16 ~~The council may continue or terminate within three months of acquisition any~~
 7.17 ~~advertising contract in existence by and between any advertiser and a transit system that~~
 7.18 ~~the council has acquired. If the council determines to terminate the advertising contract,~~
 7.19 ~~it shall acquire all of the advertiser's rights under the contract by purchase or eminent~~
 7.20 ~~domain proceedings as provided by law.~~

7.21 Sec. 15. Minnesota Statutes 2012, section 473.42, is amended to read:

7.22 **473.42 EMPLOYER CONTRIBUTIONS FOR CERTAIN EMPLOYEES.**

7.23 Notwithstanding any contrary provisions of section 352.029, the council shall make
 7.24 the employer contributions required pursuant to section 352.04, subdivision 3, for any
 7.25 employee who was on authorized leave of absence from the transit operating division of the
 7.26 former Metropolitan Transit Commission who is employed by the labor organization which
 7.27 is the exclusive bargaining agent representing Metro Transit Division employees of the
 7.28 Office of Transit Operations council and who is covered by the Minnesota State Retirement
 7.29 System in addition to all other employer contributions the council is required to make.

7.30 Sec. 16. Minnesota Statutes 2012, section 473.504, subdivision 5, is amended to read:

7.31 Subd. 5. **Gifts, grants, loans.** The council may accept gifts, may apply for and
 7.32 accept grants or loans of money or other property from the United States, the state, or any
 7.33 person for any of its purposes, ~~including any grant available under the federal Water~~
 7.34 ~~Pollution Act amendments of 1972,~~ whether for construction, research₂ or pilot project

8.1 implementation, may enter into any agreement required in connection therewith, and may
8.2 hold, use, and dispose of such money or property in accordance with the terms of the gift,
8.3 grant, loan, or agreement relating thereto. ~~The council has all powers necessary to comply~~
8.4 ~~with the federal Water Pollution Control Act amendments of 1972 and any grant offered to~~
8.5 ~~it thereunder including, but not limited to, the power to enter into such contracts with,~~
8.6 ~~or to impose such charges upon, persons using the metropolitan disposal system as it~~
8.7 ~~shall determine to be necessary for the recovery of treatment works and intercepter costs~~
8.8 ~~paid with federal grant funds. Insofar as possible these costs shall be recovered by local~~
8.9 ~~government units on behalf of the council.~~

8.10 Sec. 17. Minnesota Statutes 2012, section 473.504, subdivision 11, is amended to read:

8.11 Subd. 11. **Surplus property.** The council may sell or otherwise dispose of any real
8.12 or personal property acquired by it which is no longer required for accomplishment of its
8.13 purposes. ~~Such property may be sold in the manner provided by section 469.065, insofar~~
8.14 ~~as practical. The council may give such notice of sale as it shall deem appropriate. When~~
8.15 ~~the council determines that any property or any intercepter or treatment works or any part~~
8.16 ~~thereof which has been acquired from a local government unit without compensation is no~~
8.17 ~~longer required, but is required as a local facility by the government unit from which it~~
8.18 ~~was acquired, the council may by resolution transfer it to such government unit.~~

8.19 Sec. 18. Minnesota Statutes 2012, section 473.858, subdivision 1, is amended to read:

8.20 Subdivision 1. **No conflicting zoning, fiscal device, official control.** Within nine
8.21 months following the receipt of a metropolitan system statement for an amendment to a
8.22 metropolitan system plan and within three years following the receipt of a metropolitan
8.23 system statement issued in conjunction with the decennial review required under section
8.24 473.864, subdivision 2, every local governmental unit shall have reviewed and, if
8.25 necessary, amended its comprehensive plan in accordance with sections 462.355, 473.175,
8.26 and 473.851 to 473.871 and the applicable planning statute and shall have submitted the
8.27 plan to the Metropolitan Council for review pursuant to section 473.175. The provisions
8.28 of sections 462.355, 473.175, and 473.851 to 473.871 shall supersede the provisions of the
8.29 applicable planning statute wherever a conflict may exist. If the comprehensive municipal
8.30 plan is in conflict with the zoning ordinance, the zoning ordinance shall be brought into
8.31 conformance with the plan by local government units in conjunction with the review
8.32 and, if necessary, amendment of its comprehensive plan required under section 473.864,
8.33 subdivision 2. ~~After August 1, 1995,~~ A local government unit shall not adopt any fiscal
8.34 device or official control which is in conflict with its comprehensive plan, including any

9.1 amendments to the plan, or which permits activity in conflict with metropolitan system
9.2 plans, as defined by section 473.852, subdivision 8. The comprehensive plan shall provide
9.3 guidelines for the timing and sequence of the adoption of official controls to ensure planned,
9.4 orderly, and staged development and redevelopment consistent with the comprehensive
9.5 plan. For purposes of this section, a fiscal device or official control shall not be considered
9.6 to be in conflict with a local government unit's comprehensive plan or to permit an activity
9.7 in conflict with metropolitan system plans if such fiscal device or official control is adopted
9.8 to ensure the planned, orderly, and staged development of urbanization or redevelopment
9.9 areas designated in the comprehensive plan pursuant to section 473.859, subdivision 5.

9.10 Sec. 19. Minnesota Statutes 2012, section 473.859, subdivision 6, is amended to read:

9.11 Subd. 6. **Plan review.** The council shall, ~~by January 1, 1994,~~ prepare guidelines
9.12 for the preparation of the water supply plans required in subdivision 3, clause (4). The
9.13 plans must be submitted to the council ~~by January 1, 1996~~ as part of the decennial review
9.14 required under section 473.864, subdivision 2. The council shall review the plans under
9.15 section 473.175, subdivision 1, after submitting them to affected counties that have
9.16 adopted groundwater plans under section 103B.255 for their review and comment.

9.17 Sec. 20. Minnesota Statutes 2012, section 473.861, subdivision 2, is amended to read:

9.18 Subd. 2. ~~By 1976~~ **Plan preparation.** ~~By December 31, 1976,~~ Each town within
9.19 the counties of Anoka, Carver, Dakota, Scott and Washington, authorized to plan under
9.20 sections 462.351 to 462.364, or under special law, shall by resolution determine whether it
9.21 will prepare the comprehensive plan for its jurisdiction. Each such town also shall specify,
9.22 pursuant to agreement with the county within which it is situated, any parts of its plan and
9.23 official controls, if any, the preparation of which it delegates to the county.

9.24 Sec. 21. Minnesota Statutes 2012, section 473.862, subdivision 2, is amended to read:

9.25 Subd. 2. ~~Towns with no plan by 1976~~ **Town planning.** Each county other than
9.26 Hennepin, Ramsey, Anoka, and Dakota shall prepare, with the participation and assistance
9.27 of the town, the comprehensive plan for any town within the county which ~~fails by~~
9.28 ~~December 31, 1976, to take~~ has not taken action by resolution pursuant to section 473.861,
9.29 subdivision 2 and shall prepare all or part of any plan delegated to it pursuant to section
9.30 473.861, subdivision 2.

9.31 Sec. 22. **REPEALER.**

10.1 Minnesota Statutes 2012, sections 473.123, subdivision 7; 473.13, subdivision 1c;
10.2 473.23; 473.241; 473.243; 473.244; 473.254, subdivision 3; 473.315, subdivision 2;
10.3 473.326; 473.333; 473.375, subdivision 9; 473.382; 473.388, subdivision 8; 473.392;
10.4 473.516, subdivision 5; 473.523, subdivision 2; 473.535; and 473.852, subdivision 11,
10.5 and Minnesota Statutes 2013 Supplement, section 473.517, subdivision 9, are repealed.

10.6 Sec. 23. **APPLICATION.**

10.7 This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
10.8 Scott, and Washington.

473.123 METROPOLITAN COUNCIL.

Subd. 7. **Performance and budget analyst.** The council, other than the chair, may hire a performance and budget analyst to assist the 16 council members with policy and budget analysis and evaluation of the council's performance. The analyst may recommend and the council may hire up to two additional analysts to assist the council with performance evaluation and budget analysis. The analyst and any additional analysts hired shall serve at the pleasure of the council members. The 16 members of the council may prescribe all terms and conditions for the employment of the analyst and any additional analysts hired, including, but not limited to, the fixing of compensation, benefits, and insurance. The analyst shall prepare the budget for the provisions of this section and submit the budget for council approval and inclusion in the council's overall budget.

473.13 BUDGET, FINANCIAL AID.

Subd. 1c. **Report on consultants.** The annual budget must list by contract or project, expenditures for consultants and professional, technical, and other similar services for the preceding fiscal year and those proposed or anticipated in the next year. The council shall consult with the state auditor and the legislative auditor on how to coherently and effectively communicate in the budget information on professional services contracts, including a detailed description of the:

- (1) methods the council used to obtain consultant services;
- (2) criteria used by the council to award the contract;
- (3) number of consultants who sought the contract;
- (4) total cost of the contract;
- (5) duration of the contract; and
- (6) source of the funds used to pay for the contract.

473.23 PUBLIC FACILITIES REVIEW.

Subdivision 1. **Inventory.** The Metropolitan Council, in consultation with appropriate state agencies and local officials, must develop an inventory of all public buildings located within the metropolitan area. The inventory must include an assessment of the condition of each public building and document any underused space in the buildings.

Subd. 2. **Shared facilities.** The Metropolitan Council must review and comment on any joint facility proposed under section 123A.78 and may submit comments to the commissioner of education on any school district facility that is proposed within the metropolitan area.

473.241 DATA COLLECTION.

The Metropolitan Council in cooperation with other departments and agencies of the state and the regents of the University of Minnesota may develop a center for data collection and storage to be used by it and other governmental users and may accept gifts as otherwise authorized in this section for the purposes of furnishing information on such subjects as population, land use, governmental finances, and the like.

473.243 EMERGENCY SERVICES.

The Metropolitan Council may coordinate emergency services, community shelter planning within the metropolitan area, accept gifts for such purposes as otherwise authorized in section 473.129 and contract with local governmental agencies and consultants in connection therewith.

473.244 SPECIAL STUDIES AND REPORTS.

Subdivision 1. **Research and study topics.** The Metropolitan Council shall engage in a continuous program of research and study concerning the matters enumerated in this section.

Subd. 2. **Air pollution.** The control and prevention of air pollution.

Subd. 3. **Parks, open space.** The acquisition and financing of suitable major parks and open spaces within and adjacent to the metropolitan area.

Subd. 4. **Water pollution.** The control and prevention of water pollution in the metropolitan area in conformity with applicable federal and state laws.

APPENDIX

Repealed Minnesota Statutes: S2271-1

Subd. 5. **Local long-range plans.** The development of long-range planning in the metropolitan area but not for the metropolitan area.

Subd. 6. **Solid waste.** The acquisition of necessary facilities for the disposal of solid waste material for the metropolitan area and the means of financing such facilities.

Subd. 7. **Tax structure, equity.** The examination of the tax structure in the metropolitan area and consideration of ways to equalize the tax resources therein.

Subd. 8. **Assessment practices.** Assessment practices in the metropolitan area.

Subd. 9. **Storm water facilities.** The acquisition of necessary storm water drainage facilities for the metropolitan area and the means of financing such facilities.

Subd. 10. **Consolidation of local services.** The necessity for the consolidation of common services of local governmental units and the kind of consolidation most suitable in the public interest.

Subd. 11. **Advance development land acquisition.** Advance land acquisition for development purposes in the metropolitan area and the role of the public in connection therewith.

Subd. 12. **Recommendations.** All studies shall include recommendations as to the governmental organization, governmental subdivision, or governmental district best suited to discharge the powers recommended.

473.254 LOCAL HOUSING INCENTIVES ACCOUNT.

Subd. 3. **Affordable, life-cycle housing opportunities amount through 2002.** (1) By July 1, 1996, each county assessor shall certify each municipality's average residential homestead limited market value for the 1994 assessment year, including the value of the farm house, garage, and one acre only in the case of farm homesteads, multiplied by a factor of two, as the municipality's "market value base amount." For 1997 through 2001, the "market value base amount" shall be equal to the product of (i) the market value base amount for the previous year multiplied by (ii) the annual average United States Consumer Price Index for all urban consumers, United States average, as determined by the United States Department of Labor, for the previous year divided by that annual average for the year before the previous year.

(2) By July 1, 1996, and each succeeding year through 2001, the county assessor shall determine which homesteads have market values in excess of the municipality's market value base amount and the county auditor shall certify the aggregate net tax capacity corresponding to the amount by which those homesteads' market values exceed the municipality's market value base amount as the "net tax capacity excess amount" for the assessment year corresponding to the current taxes payable year. By July 1, 1996, the county auditor shall also certify the net tax capacity excess amount for taxes payable in 1995.

(3) By July 1, 1996, and each succeeding year through 2001, the county auditor shall also certify each municipality's local tax rate for the current taxes payable year.

(4) By July 1, 1996, and each succeeding year through 2001, the county auditor shall certify for each municipality the amount equal to four percent of the municipality's current year total residential homestead tax capacity multiplied by the local tax rate.

(5) By August 1, 1996, and each succeeding year through 2001, the Metropolitan Council shall notify each municipality of its "affordable and life-cycle housing opportunities amount" for the following calendar year equal to the lesser of the amount certified under clause (4) or the amount, if any, by which the net tax capacity excess amount for the current year exceeds the amount for taxes payable in 1995, multiplied by the municipality's local tax rate certified in clause (3).

473.315 GRANTS FOR RECREATION OPEN SPACE.

Subd. 2. **Immediate grants.** In order to avoid further delays in acquisition and development of regional recreational open spaces heretofore identified by the council and within existing metropolitan development guidelines, the Metropolitan Council is authorized to immediately make grants to acquire or develop such areas. The existing development guide sections on regional recreation open space shall continue in force and effect and shall constitute the policy plan until the adoption of revisions or modifications pursuant to section 473.147.

473.326 COMO PARK ZOO BONDS.

Subdivision 1. **Up to \$2,300,000.** Subject to the provisions of subdivision 2, the Metropolitan Council shall by resolution authorize the issuance of general obligation bonds of the council in an aggregate principal amount not exceeding \$2,300,000, in addition to the amount authorized under the provisions of section 473.325. The proceeds shall be used by the council for grants to the city

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of St. Paul for the repair, construction, reconstruction, improvement, and rehabilitation of the Como Park Zoo owned and operated by the city. The bonds shall be sold, issued, and secured as provided in section 473.325, and the terms of each series thereof shall be fixed so that the annual principal and interest payments thereon, together with those on all outstanding and undischarged bonds issued pursuant to section 473.325, will not exceed the limit provided in that section.

Subd. 2. **Contingent on plan conformity.** The city council shall cause to be prepared, approve, and submit to the Metropolitan Council plans for any work for which a grant is requested. The Metropolitan Council shall determine whether the plans are consistent with Ramsey County's master plan and the Metropolitan Council's policy plan for regional recreation open space. If not, or if the determination cannot be made on the basis of the plans as submitted, they shall be returned with comments to the city council for revision and resubmission. No bonds shall be issued under this section until the plans for the work to be financed thereby are approved by the Metropolitan Council.

Subd. 3. **Reappropriated state funds.** Of any state funds reappropriated to the Metropolitan Council for use for the acquisition and betterment of regional recreation open space, at least \$1,400,000 shall be used by the council for grants to the city of St. Paul for the repair, construction, reconstruction, improvement, and rehabilitation of the Como Park Zoo.

Subd. 4. **City's ownership, management.** No grant made under this section shall affect the city's ownership of or power to manage and operate the zoo, in a manner consistent with the master plan and policy plan.

473.333 COUNCIL ACQUISITION.

The Metropolitan Council shall have the same powers as a county under section 398.32, subdivision 1, to acquire any land or water area, or any interests, easements or other rights therein, which are included in the policy plan whenever such areas have not been acquired for recreation open space purposes within the period of time hereinafter specified; provided that the council shall not have the power of eminent domain. Before proceeding with the acquisition of any such area or other rights, the council shall by resolution offer a grant covering the full cost of acquisition to the municipality, park district or county in which the area or other rights are situated. If the acquisition process has not been initiated within 60 days or if the area or other rights have not been acquired within 12 months after the adoption of the resolution, the council may by resolution offer such a grant to another park district or county or to a municipality in the metropolitan area. If the acquisition process has not been initiated within 60 days or if the area or other rights have not been acquired within six months after the adoption of the resolution, the council may direct the commission to proceed with acquisition. The council may, in its discretion, direct the commission to contract with a municipality, park district or county for such services as may be needed to complete such acquisition. The council shall direct the commission to manage such areas so as to preserve them for future recreation open space purposes and may contract with a municipality, park district or county for such management. The council shall convey such areas to a municipality, park district or county for development and operation consistent with an approved recreation open space master plan.

473.375 POWERS OF COUNCIL.

Subd. 9. **Advisory committees.** The council may establish one or more advisory committees composed of and representing transit providers, transit users, and local units of government to advise it in carrying out its purposes. The members of advisory committees serve without compensation.

473.382 LOCAL PLANNING AND DEVELOPMENT PROGRAM.

The council shall establish a program to ensure participation by representatives of local government units and the coordination of the planning and development of transit by local government units. The council shall encourage the establishment of local transit planning and development boards by local governments for the purpose of:

- (a) identifying service needs and objectives;
- (b) preparing, or advising and assisting local units of government in preparing the transit study and service plan required by section 473.384;
- (c) preparing or advising the council in the review of applications for assistance under section 473.384.

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The council may provide local boards with whatever assistance it deems necessary and appropriate.

473.388 REPLACEMENT SERVICE PROGRAM.

Subd. 8. **Service incentive.** A replacement transit service shall receive an additional two percent of available local transit funds, as defined in subdivision 4, if the service increased its ridership for trips that originate outside of the replacement transit service's member communities and serve the employment centers in those communities by at least five percent from the previous year, provided the service operates within regional performance standards. A replacement transit service that is receiving the maximum amount of available local transit funds may receive up to two percent over the maximum amount set in subdivision 4 if it increases its ridership as provided in this subdivision. The additional funding received under this subdivision may be reserved by the replacement transit service for future use.

473.392 SERVICE BIDDING.

The council may competitively bid transit service only in accordance with standards, procedures, and guidelines adopted by resolution of the council. The council shall establish a project management team to assist and advise the council in developing and implementing standards, procedures, and guidelines. The project management team must include representatives of the Amalgamated Transit Union Local 1005, private operators, local governments, and other persons interested in the subject. At least 60 days before adopting any standards, procedures, or guidelines for competitive bidding of transit service, the council shall hold a public hearing on the subject. The council shall publish notice of the hearing in newspapers of general circulation in the metropolitan area not less than 15 days before the hearing. At the hearing all interested persons must be afforded an opportunity to present their views orally and in writing. Following the hearing, and after considering the testimony, the council shall revise and adopt the standards, procedures, and guidelines.

473.516 WASTE FACILITIES; SEWAGE SLUDGE DISPOSAL.

Subd. 5. **Sludge ash contracts.** Notwithstanding section 473.523, the council may enter into a negotiated contract with a private person to use the sludge ash generated by the council in a manufacturing process. The contract may not exceed 30 years.

473.517 ALLOCATION OF COSTS.

Subd. 9. **Advisory committees.** The council may establish and appoint persons to advisory committees to assist the council in the performance of its wastewater services duties. If established, the advisory committees shall meet with the council to consult with such members concerning the acquisition, betterment, operation and maintenance of interceptors and treatment works in the metropolitan disposal system, and the allocation of costs therefor. Members of the advisory committee serve without compensation but must be reimbursed for their reasonable expenses as determined by the council.

473.523 CONSTRUCTION CONTRACTS SUBJECT TO MUNICIPAL BID LAW.

Subd. 2. **Manager's authority.** The manager of wastewater services may, without prior approval of the council and without advertising for bids, enter into any contract of the type referred to in subdivision 1 which is not in excess of the amount specified in section 471.345, subdivision 3.

473.535 CAPITAL IMPROVEMENT PROGRAM; BUDGET.

The council shall prepare and adopt a capital improvement program and a budget for the acquisition or betterment of any interceptors or treatment works determined by the council to be necessary or desirable for the metropolitan disposal system. When the council issues debt under section 473.541, it must be for the projects identified in the adopted capital improvement program and budget.

473.852 DEFINITIONS.

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Subd. 11. **School district.** "School district" has the meaning given it by section 120A.05, subdivisions 10 and 14, and includes any independent or special school district whose administrative offices are located within the metropolitan area as of April 3, 1976.