

CHAPTER 473B

METROPOLITAN COUNCIL

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473B.01 PURPOSE. In order to coordinate the planning and development of the metropolitan area comprising the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, it is in the public interest to create an administrative agency for that purpose.

[1967 c 896 s 1]

473B.02 METROPOLITAN COUNCIL. Subdivision 1. **Creation.** A metropolitan council with jurisdiction in the metropolitan area consisting of the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, is created. It shall be under the supervision and control of 15 members, all of whom shall be residents of the metropolitan area.

Subd. 2. **Terms.** The first members of the metropolitan council appointed by the governor shall be appointed as follows: the chairman as provided in subdivision 4; four for terms ending the first Monday in January 1969; five for terms ending the first Monday in January 1971; and five for terms ending the first Monday in January 1973. Thereafter the term of each member shall be for a term of six years and until his successor is appointed and qualified.

Subd. 3. **Membership.** Fourteen members of the metropolitan council shall be appointed by the governor on a nonpartisan basis, after consulting with all members of the legislature from the area composing the council district for which the member is to be appointed, by and with the advice and consent of the senate. Each such council member shall reside in the council district which he represents. Council districts consist of combinations of legislative and representative districts established by Extra Session Laws 1966, Chapter 1, as prescribed herein. Each council district shall be represented by one member of the council. Council districts are hereby created as follows:

- (1) The first council district consists of legislative district 12, that part of representative district 6A within Dakota county, and representative district 14A, and that part of representative district 14B within Scott county.
- (2) The second council district consists of legislative districts 8 and 50.
- (3) The third council district consists of legislative districts 49 and 57, and representative district 32B.
- (4) The fourth council district consists of legislative district 33 and representative districts 13A and 21A.
- (5) The fifth council district consists of legislative districts 30 and 31 and representative district 32A.
- (6) The sixth council district consists of legislative districts 29 and 37.
- (7) The seventh council district consists of legislative districts 27 and 28.
- (8) The eighth council district consists of legislative districts 34 and 35.
- (9) The ninth council district consists of legislative districts 36 and 38.
- (10) The tenth council district consists of legislative districts 39 and 40.
- (11) The eleventh council district consists of legislative districts 41 and 42.
- (12) The twelfth council district consists of legislative districts 43 and 44.
- (13) The thirteenth council district consists of legislative districts 45 and 46.
- (14) The fourteenth council district consists of legislative districts 47 and 48.

Subd. 4. **Chairman.** (a) **Appointment.** The chairman of the metropolitan council shall be appointed by the governor as the 15th voting member thereof by and with the advice and consent of the senate to serve at his pleasure. He shall be a person experienced in the field of municipal and urban affairs with administrative training and executive ability.

(b) **Duties.** The chairman of the metropolitan council shall preside at the meetings of the metropolitan council and shall act as principal executive officer.

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He shall organize the work of the metropolitan council, appoint all officers and employees thereof, subject to the approval of the metropolitan council, and be responsible for carrying out all policy decisions of the metropolitan council. His salary and expense allowances shall be fixed by the metropolitan council.

Subd. 5. Metropolitan council; duties and compensation. The metropolitan council shall elect such officers as it deems necessary for the conduct of its affairs other than the chairman. A secretary and treasurer need not be members of the metropolitan council. Meeting times and places shall be fixed by the metropolitan council and special meetings may be called by a majority of the members of the metropolitan council or by the chairman thereof. Each metropolitan council member other than the chairman shall be paid a per diem compensation of \$35 for each meeting and for such other services as are specifically authorized by the metropolitan council, and shall be reimbursed for his reasonable expenses.

In the performance of its duties the metropolitan council may promulgate rules governing its operation, establish committees, divisions, departments and bureaus and staff the same as necessary to carry out its duties and when specifically authorized by law make appointments to other governmental agencies and districts. All officers and employees of the metropolitan council shall serve at the pleasure of the appointing authority in the unclassified service of the state civil service. Rules promulgated by the metropolitan council shall be in accordance with the administrative procedure provisions contained in chapter 15.

Subd. 6. Executive director. Upon the recommendation of the chairman the metropolitan council may appoint an executive director to serve at his pleasure as the principal operating administrator for the metropolitan council. He may be chosen from among the citizens of the nation at large, and shall be selected on the basis of his training and experience in the field of municipal and urban affairs.

[1967 c 896 s 2]

473B.03 ADVISORY COMMITTEES. The metropolitan council may establish and appoint persons to advisory committees to assist the metropolitan council in the performance of its duties. Members of the advisory committees shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the metropolitan council.

[1967 c 896 s 3]

473B.04 REPORTS. On or before January 15th, of each odd numbered year the metropolitan council shall report to the legislature. The report shall include:

- (1) A statement of the metropolitan council's receipts and expenditures by category since the preceding report;
- (2) A detailed budget for the year in which the report is filed and the following year including an outline of its program for such period;
- (3) An explanation of any comprehensive plan adopted in whole or in part for the metropolitan area;
- (4) Summaries of any studies and the recommendations resulting therefrom made by the metropolitan council, and a listing of all applications for federal moneys made by governmental units within the metropolitan area submitted to the metropolitan council;
- (5) A listing of plans of local governmental units submitted to the metropolitan council; and
- (6) Recommendations of the metropolitan council for metropolitan area legislation, including the organization and functions of the metropolitan council.

[1967 c 896 s 4]

473B.05 METROPOLITAN PLANNING. Subdivision 1. All the powers, duties, obligations and property now vested in or imposed upon the commission established under chapter 473, for the metropolitan area, are hereby transferred to, imposed upon, and vested in the metropolitan council as the successor of such commission. At the time of such transfer the commission established under such laws is abolished.

Subd. 2. All employees of the commission shall be employees of the metropolitan council without interruption of salaries and employee benefits.

[1967 c 896 s 5]

473B.06 ADMINISTRATION OF METROPOLITAN COUNCIL. Subdivision 1. **General powers.** The metropolitan council shall have and exercise all powers which may be necessary or convenient to enable it to perform and carry out the duties and responsibilities now existing or which may hereafter be imposed upon it by law. Such powers include the specific powers enumerated in this section.

Subd. 2. **Officers and employees.** The metropolitan council may prescribe all terms and conditions for the employment of its officers, employees, and agents including but not limited to the fixing of compensation, their classification, benefits, and the filing of performance and fidelity bonds and such policies of insurance as it may deem advisable, the premium for which, however, shall be paid for by the district. Officers and employees of the metropolitan council, however, are public employees. The compensation and other conditions of employment of such officers and employees shall not be governed by any rule applicable to state employees in the classified service nor to any of the provisions of chapter 15A, unless the council so provides. Those employed by the metropolitan council are members of the state employees retirement association. Those employed by a predecessor of the metropolitan council and transferred to it may at their option become members of the state employees retirement association or may continue as members of the public retirement association to which they belonged as employees of the predecessor of the metropolitan council. The metropolitan council shall make the employer's contributions to pension funds of its employees.

Subd. 3. **Consulting contracts.** The metropolitan council may contract for the services of consultants who perform engineering, legal, or services of a professional nature. Such contracts shall not be subject to the requirements of any law relating to public bidding.

Subd. 4. **Gifts and appropriations.** The metropolitan council may accept gifts, apply for and use grants or loans of money or other property from the United States, the state, or any person for any metropolitan council purpose and may enter into agreements required in connection therewith and may hold, use, and dispose of such moneys or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto. All moneys of the metropolitan council received pursuant to this subdivision or any other provision of law shall be deposited in the state treasury and the amount thereof is appropriated annually to the metropolitan council for the purposes of carrying out its duties and responsibilities.

Subd. 5. **Development guide.** The metropolitan council shall prepare and adopt, after appropriate study and such public hearings as may be necessary, a comprehensive development guide for the metropolitan area. It shall consist of a compilation of policy statements, goals, standards, programs, and maps prescribing guides for an orderly and economic development, public and private, of the metropolitan area. The comprehensive development guide shall recognize and encompass physical, social, or economic needs of the metropolitan area and those future developments which will have an impact on the entire area including but not limited to such matters as land use, parks and open space land needs, the necessity for and location of airports, highways, transit facilities, public hospitals, libraries, schools, and other public buildings.

Subd. 6. **Council review; independent commissions, boards, and agencies.** (1) The metropolitan council shall review all long term comprehensive plans of each independent commission, board, or agency prepared for its operation and development within the metropolitan area but only if such plan is determined by the council to have an area-wide effect, a multi community effect, or to have a substantial effect on metropolitan development. Each plan shall be submitted to the council before any action is taken to place the plan or any part thereof, into effect.

(2) No action shall be taken to place any plan or any part thereof, into effect until 60 days have lapsed after the date of its submission to the council, or until the council finds and notifies the submitting commission, board, or agency that the plan is consistent with its comprehensive guide for the metropolitan area and the orderly and economic development of the metropolitan area, whichever first occurs. If, within 60 days after the date of submission, the council finds that a plan, or any part thereof, is inconsistent with its comprehensive guide for the metropolitan area or detrimental to the orderly and economic development of the metropolitan area, or any part thereof, it may direct that the operation of the plan, or such part thereof, be indefinitely suspended; provided that the council shall not direct the suspension of any plan or part thereof of any sanitary sewer district operating within the metropolitan area which pertains to the location and construction of a regional sewer plant or plants or the expansion or improvement of the present Minneapolis-St. Paul sanitary district treatment plant. An affected commission, board, or agency may appeal the decision of the metropolitan council suspending a plan, or part thereof, to the entire membership of the metropolitan council for public hearing. If the metropolitan council and the affected commis-

sion, board, or agency are unable to agree as to an adjustment of the plan, so that it may receive the council's approval, then a record of the disagreeing positions of the metropolitan council and the affected commission, board, or agency shall be made and the metropolitan council shall prepare a recommendation in connection therewith for consideration and disposition by the next regular session of the legislature.

Subd. 7. Council review; municipalities. Each city, village, borough, and town, all or part of which lies within the metropolitan area, shall submit to the metropolitan council for comment and recommendation thereon its long term comprehensive plans or any matter which has a substantial effect on metropolitan area development, including but not limited to plans for land use. The council shall maintain such plans in its files available for inspection by members of the public. No action shall be taken to place any such plan or part thereof into effect until 60 days have elapsed after its submission to the council. Promptly after submission, the council shall notify each city, village, borough, town, county, or special district which may be affected by the plans submitted, of the general nature of the plan, the date of submission, and the identity of the submitting unit. Political subdivisions contiguous to the submitting unit shall be notified in all cases. Within ten days after receipt of such notice any governmental unit so notified may request the council to conduct a hearing at which the submitting unit and any other governmental unit or subdivision may present its views. The council may attempt to mediate and resolve differences of opinion which exist among the participants in the hearing with respect to the plans submitted.

Subd. 8. Review of federal programs. The metropolitan council shall review all applications of governmental units, independent commissions, boards or agencies operating in the metropolitan area for a loan or grant from the United States of America or any agency thereof if review by a regional agency is required by federal law or the federal agency. Each governmental unit, independent commission, board, or agency, before submitting such an application to the United States government or an agency thereof shall first transmit the application to the metropolitan council for its comments and recommendations with respect to whether or not the project proposed is consistent with the comprehensive development guide for the metropolitan area. The comments and recommendations made by the metropolitan council shall then become a part of the application and if submitted to the United States of America or an agency thereof, such comments and recommendations shall also be submitted.

Subd. 9. 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.

Subd. 10. Urban research. Where studies have not been otherwise authorized by law the metropolitan council may study the feasibility of programs relating but not limited to water supply, refuse disposal, surface water drainage, communication, transportation, and other subjects of concern to the peoples of the metropolitan area, may institute demonstration projects in connection therewith, and may accept gifts for such purposes as otherwise authorized in this section.

Subd. 11. Civil defense. The metropolitan council may coordinate civil defense, community shelter planning within the metropolitan area, accept gifts for such purposes as otherwise authorized in this section and contract with local governmental agencies and consultants in connection therewith.

Subd. 12. Local governmental participation. The metropolitan council may (1) participate as a party in any proceedings originating before the Minnesota municipal commission under chapter 414, if the proceedings involve the change in a boundary of a governmental unit in the metropolitan area, (2) conduct studies of the feasibility of annexing, enlarging, or consolidating units in the metropolitan area, (3) furnish space and other necessary assistance to a metropolitan expeditor assigned to the metropolitan area or any part thereof under the Federal Demonstration City Act of 1966, on condition that such expeditor files monthly reports with the metropolitan council concerning his activities. The metropolitan council shall approve the use of moneys made available for land acquisition to local units of government from the land and conservation fund, the open space program of HUD, the natural resources account in the state treasury, if the use thereof con-

forms with the system of priorities established by law as a part of a comprehensive plan for the development of parks; otherwise it shall disapprove of the use thereof.

Subd. 13. **Participation in special district activity.** The metropolitan council shall appoint from its membership a member to serve with the metropolitan airports commission, a member to serve with the mosquito control commission, a member to serve on the Minneapolis-St. Paul sanitary district or any successor thereof, and may appoint a member to serve on any metropolitan area commission or board authorized by law. Each member of the metropolitan council so appointed on each of such commissions shall serve without a vote.

[1967 c 896 s 6]

473B.07 SPECIAL STUDIES AND REPORTS. Subdivision 1. The metropolitan council shall engage in a continuous program of research and study concerning the matters enumerated in this section.

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

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

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

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

Subd. 6. 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. The examination of the tax structure in the metropolitan area and consideration of ways to equalize the tax resources therein.

Subd. 8. Assessment practices in the metropolitan area.

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

Subd. 10. 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 land acquisition for development purposes in the metropolitan area and the role of the public in connection therewith.

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

[1967 c 896 s 7]

473B.08 TAX LEVY. The metropolitan council may levy a tax on all taxable property in the counties named in section 473B.02 to provide funds for the purposes of sections 473B.01 to 473B.08. The tax shall not exceed one-half mill on each dollar of assessed valuation of all such taxable property, and shall be levied and collected in the manner provided by section 473.08.

[1967 c 896 s 8]