

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.011 DEFINITIONS.** Subdivision 1. For the purposes of Laws 1974, Chapter 422, Article I, Sections 1 to 15, the terms defined in this section shall have the meanings given them unless otherwise provided or indicated by the context.

Subd. 2. "Metropolitan area or area" means the area over which the metropolitan council has jurisdiction, including only the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

Subd. 3. "Metropolitan commission or commission" means the metropolitan waste control commission, the metropolitan transit commission, and other such commissions as the legislature may hereafter designate.

Subd. 4. "Independent commission, board or agency" means governmental entities with jurisdictions lying in whole or in part within the metropolitan area but not including the metropolitan commissions referred to herein.

Subd. 5. "Local governmental unit" means any county, city, town, school district, special district or other political subdivisions or public corporation, other than a metropolitan commission, lying in whole or part within the metropolitan area.

Subd. 6. "Metropolitan significance" means a status determined by the metropolitan council pursuant to the regulations and procedures established by section 473B.061, subdivisions 1 and 2.

Subd. 7. "State agency" means the state of Minnesota or any agency, board, commission, department or educational institution thereof.

Subd. 8. "Policy plan" means the long range comprehensive plans of each commission adopted pursuant to section 473B.06, subdivision 5a.

Subd. 9. "Development program" means the detailed technical program of each commission adopted pursuant to section 473B.062.

[1974 c 422 art 1 s 2]

✓ **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 17 members, all of whom shall be residents of the metropolitan area.

Subd. 2. **Terms.** Commencing the first Monday in January, 1975, the council members shall be appointed by the governor from each of the districts described in subdivision 3. The terms of the members shall be as follows: members representing even numbered districts for terms ending the first Monday in January, 1977; members representing odd numbered districts for terms ending the first Monday in January, 1979. Thereafter the term of each member shall be for a term of four years and until his successor is appointed and qualified.

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Members of the council serving as of the first Monday in January, 1975 shall continue to serve the district described in subdivision 3 in which they reside for the term herein prescribed for that district, provided that if more than one such member resides in the same district the governor shall designate one of them to serve as the council member from the district and the terms of the other members are thereupon terminated. The governor shall appoint as members of the council one resident of each district described in subdivision 3 in which no present member of the council resides to serve for the term herein defined. For the purpose of this subdivision the residence of present members of the council serving as of the first Monday in January, 1975 shall be their residence as of July 1, 1974.

Subd. 3. Membership. Sixteen 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. 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 that part of the city of St. Paul described as follows: commencing at the intersection of the center line of University avenue with the west city limits, extending easterly along the center line of University avenue to the center line of Rice street, extending southerly along the center line of Rice street to the center line of Interstate 94, extending easterly along the center line of Interstate 94 to the center line of Summit avenue extended, extending southwesterly along the center line of Summit avenue extended and Summit avenue to the center line of Kellogg boulevard, extending southeasterly along the center line of Kellogg boulevard to the center line of Eagle street, extending southeasterly along the center line of Eagle street to the main channel of the Mississippi river, extending southwesterly, westerly, and northerly along the main channel of the Mississippi river to the west city limits, and extending northerly along the west city limits to the point of origin.

(2) The second council district consists of that part of the county of Ramsey consisting of the cities of Lauderdale, Falcon Heights, and Roseville; and that part of the city of St. Paul described as follows: commencing at the intersection of the center line of University avenue with the west city limits, extending easterly along the center line of University avenue to the center line of Rice street, extending northerly along the center line of Rice street to the Burlington Northern railroad right of way, extending easterly along the Burlington Northern railroad right of way to the center line of Sylvan street, extending northerly along the center line of Sylvan street to the center line of Magnolia avenue west, extending easterly along the center line of Magnolia avenue west to the center line of Agate street, extending northerly along the center line of Agate street to the center line of Jessamine avenue west extended, extending easterly along the center line of Jessamine avenue west extended to the center line of Interstate 35E, extending northerly along the center line of Interstate 35E to the north city limits, and extending westerly, southerly, westerly, southerly, westerly, northerly, westerly, and southerly along the city limits to the point of origin.

(3) The third council district consists of that part of the city of St. Paul described as follows: commencing at the intersection of the center line of Interstate 35E with the north city limits, extending southerly along the center line of Interstate 35E to the center line of Jessamine avenue west extended; extending westerly along the center line of Jessamine avenue west extended to the center line of Agate street, extending southerly along the center line of Agate street to the center line of Magnolia avenue west, extending westerly along the center line of Magnolia avenue west to the center line of Sylvan street, extending southerly along the center line of Sylvan street to the Burlington Northern railroad right of way, extending westerly along the Burlington Northern railroad right of way to the center line of Rice street, extending southerly along the center line of Rice street to the center line of Interstate 94, extending easterly along the center line of Interstate 94 to the center line of Summit avenue extended, extending southwesterly along the center line of Summit avenue extended and Summit avenue to the center line of Kellogg boulevard, extending southeasterly along the center line of Kellogg boulevard to the center line of Eagle street, extending southeasterly along the center line of Eagle street to the main channel of the Mississippi river, extending southwesterly along the main chan-

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nel of the Mississippi river to the south city limits, extending easterly, northerly, easterly, southerly, easterly, southeasterly, easterly, northerly, and westerly along the city limits to the point of origin.

(4) The fourth council district consists of that part of the county of Ramsey consisting of the town of White Bear; the cities of Arden Hills, Gem Lake, Little Canada, Mounds View, New Brighton, North Oaks, North St. Paul, Shoreview, and Vadnais Heights; that part of the city of White Bear Lake lying in the county of Ramsey; and that part of the city of Maplewood lying north of the center line of Larpenteur Avenue.

(5) The fifth council district consists of that part of the county of Hennepin consisting of the city of Robbinsdale; that part of the city of Golden Valley described as follows: commencing at the intersection of the center line of trunk highway No. 100 with the north city limits, extending southerly along the center line of trunk highway No. 100 to the Minnesota Western railroad right of way, extending easterly along the Minnesota Western railroad right of way to the east city limits, and extending northerly, westerly, northerly, and westerly along the city limits to the point of origin; and that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the north city limits, extending southerly along the main channel of the Mississippi river to the Burlington Northern railroad right of way, extending southwesterly along the Burlington Northern railroad right of way to the center line of Sixth street north extended, extending southeasterly along the center line of Sixth street north extended and sixth street north to the center line of Hennepin avenue, extending southwestwardly along the center line of Hennepin avenue to the center line of Franklin avenue west, extending westerly along the center line of Franklin avenue west to the center line of Lake of the Isles boulevard east, extending southerly along the center line of Lake of the Isles boulevard east to the center line of Lake Calhoun boulevard east, extending southerly along the center line of Lake Calhoun boulevard east to the center line of Lake street west, extending westerly along the center line of Lake street west to the west city limits, and extending northerly, easterly, northerly, and easterly along the city limits to the point of origin.

(6) The sixth council district consists of that part of the county of Hennepin consisting of that part of the city of St. Anthony lying in the county of Hennepin; and that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the north city limits, extending southerly along the main channel of the Mississippi river to the Burlington Northern railroad right of way, extending southwesterly along the Burlington Northern railroad right of way to the center line of Sixth street north extended, extending southeasterly along the center line of Sixth street north extended and Sixth street north to the center line of Hennepin avenue, extending southwestwardly along the center line of Hennepin avenue to the center line of Lincoln avenue extended, extending easterly along the center line of Lincoln avenue extended to the center line of Lyndale avenue south, extending southerly along the center line of Lyndale avenue south to the center line of Twenty-fourth street east, extending easterly along the center line of Twenty-fourth street east to the center line of Stevens avenue south, extending southerly along the center line of Stevens avenue south to the center line of Twenty-fifth street east, extending easterly along the center line of Twenty-fifth street east to the center line of Fifteenth avenue south, extending northerly along the center line of Fifteenth avenue south to the center line of Twenty-fourth street east, extending easterly along the center line of Twenty-fourth street east to the center line of Cedar avenue south, extending northerly along the center line of Cedar avenue south to the center line of Sixth street south; extending easterly along the center line of Sixth street south to the center line of Twenty-seventh avenue south extended, extending northerly along the center line of Twenty-seventh avenue south extended to the main channel of the Mississippi river, extending southeasterly along the main channel of the Mississippi river to the east city limits, and extending northerly, westerly, northerly, westerly, northerly, and westerly to the point of origin; and that part of the county of Ramsey consisting of that part of the city of St. Anthony lying in the county of Ramsey.

(7) The seventh council district consists of that part of the city of Minneapolis described as follows: commencing at the intersection of the center line of Lake street west with the west city limits, extending easterly along the center line of Lake street west to the center line of Lake Calhoun boulevard east, extending northerly

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along the center line of Lake Calhoun boulevard east to the center line of Lake of the Isles boulevard east, extending northerly along the center line of Lake of the Isles boulevard east to the center line of Franklin avenue west, extending easterly along the center line of Franklin avenue west to the center line of Hennepin avenue, extending northeasterly along the center line of Hennepin avenue to the center line of Lincoln avenue extended, extending easterly along the center line of Lincoln avenue extended to the center line of Lyndale avenue south, extending southerly along the center line of Lyndale avenue south to the center line of Twenty-fourth street east, extending easterly along the center line of Twenty-fourth street east to the center line of Stevens avenue south, extending southerly along the center line of Stevens avenue south to the center line of Twenty-fifth street east, extending easterly along the center line of Twenty-fifth street east to the center line of Chicago avenue south, extending southerly along the center line of Chicago avenue south to the center line of Thirty-eighth street east, extending westerly along the center line of Thirty-eighth street east to the center line of Fourth avenue south, extending southerly along the center line of Fourth avenue south to the center line of Forty-second street east, extending westerly along the center line of Forty-second street east to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the center line of Forty-eighth street east extended, extending westerly along the center line of Forty-eighth street east extended and Forty-eighth street east to the center line of Nicollet avenue south, extending southerly along the center line of Nicollet avenue south to the center line of Fifty-seventh street east, extending easterly along the center line of Fifty-seventh street east and Fifty-seventh street east extended to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the south city limits, and extending westerly, northerly, westerly, and northerly to the point of origin.

(8) The eighth council district consists of that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the east city limits, extending northwesterly along the main channel of the Mississippi river to the center line of Twenty-seventh avenue south extended, extending southerly along the center line of Twenty-seventh avenue south extended to the center line of Sixth street south, extending westerly along the center line of Sixth street south to the center line of Cedar avenue south, extending southerly along the center line of Cedar avenue south to the center line of Twenty-fourth street east, extending westerly along the center line of Twenty-fourth street east to the center line of Fifteenth avenue south, extending southerly along the center line of Fifteenth avenue south to the center line of Twenty-fifth street east, extending westerly along the center line of Twenty-fifth street east to the center line of Chicago avenue south, extending southerly along the center line of Chicago avenue south, to the center line of Thirty-eighth street east, extending westerly along the center line of Thirty-eighth street east to the center line of Fourth avenue south, extending southerly along the center line of Fourth avenue south to the center line of Forty-second street east, extending westerly along the center line of Forty-second street east to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the center line of Forty-eighth street east extended, extending westerly along the center line of Forty-eighth street east extended and Forty-eighth street east to the center line of Nicollet avenue south, extending southerly along the center line of Nicollet avenue south to the center line of Fifty-seventh street east, extending easterly along the center line of Fifty-seventh street east and Fifty-seventh street east extended to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the south city limits, and extending easterly, northerly, easterly, and northerly to the point of origin.

(9) The ninth council district consists of that part of the county of Hennepin consisting of the Fort Snelling area; the city of Richfield; and that part of the city of Bloomington described as follows: commencing at the intersection of the center line of France avenue south with the north city limits, extending southerly along the center line of France avenue south to the center line of One Hundred Second street west, extending westerly along the center line of One Hundred Second Street west to the center line of Johnson avenue, extending southerly along the center line of Johnson avenue to the Minneapolis, Northfield, and Southern railroad right of way, extending southwestwardly along the Minneapolis, Northfield, and Southern railroad right of way to the center line of Normandale boulevard, extending southerly along the center line of Normandale boulevard to the south city limits, extending easterly,

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northeasterly, westerly, northerly, and westerly along the city limits to the point of origin.

(10) The tenth council district consists of that part of the county of Hennepin consisting of the cities of New Hope, Crystal and St. Louis Park; and that part of the city of Golden Valley described as follows: commencing at the intersection of the center line of trunk highway No. 100 and the north city limits, extending southerly along the center line of trunk highway No. 100 to the Minnesota Western railroad right of way, extending easterly along the Minnesota Western railroad right of way to the east city limits, extending southerly, westerly, southerly, westerly, and northerly along the city limits to the center line of Olson Memorial highway, extending easterly along the center line of Olson Memorial highway to the center line of Winnetka avenue north, extending northerly along the center line of Winnetka avenue north to the north city limits, and extending easterly along the north city limits to the point of origin.

(11) The eleventh council district consists of that part of the county of Hennepin consisting of the cities of Edina, Medicine Lake, Minnetonka, and Plymouth, Hopkins and Wayzata; and that part of the city of Golden Valley described as follows: commencing at the intersection of the center line of Winnetka avenue north and the north city limits, extending southerly along the center line of Winnetka avenue north to the center line of Olson Memorial highway; extending westerly along the center line of Olson Memorial highway to the west city limits, and extending northerly and easterly along the city limits to the point of origin.

(12) The twelfth council district consists of that part of the county of Anoka consisting of the towns of Burns, Grow, Oak Grove, and Ramsey; the cities of Bethel, St. Francis and Anoka; and that part of the county of Hennepin consisting of the town of Hassan; the cities of Corcoran, Champlin, Dayton, Greenfield, Independence, Loretto, Maple Grove, Maple Plain, Medina, Minnetrista, Osseo, Rogers, St. Bonifacius, Brooklyn Center and Brooklyn Park; and that part of the cities of Hanover and Rockford lying in the county of Hennepin.

(13) The thirteenth council district consists of that part of the county of Anoka consisting of the town of Ham Lake; the cities of East Bethel, Hilltop, Columbia Heights, Coon Rapids, and Fridley; and that part of the city of Spring Lake Park and the city of Blaine lying in Anoka county; and that part of the county of Ramsey consisting of that part of the city of Spring Lake Park and the city of Blaine lying in the county of Ramsey.

(14) The fourteenth council district consists of the county of Washington; that part of the county of Anoka consisting of the towns of Columbus and Linwood; and the cities of Centerville, Circle Pines, Lexington, and Lino Lakes; that part of the county of Dakota consisting of the towns of Marshan, Nininger, and Ravenna; the city of Hastings; and that part of the county of Ramsey consisting of that part of the city of Maplewood lying south of the center line of Larpenteur avenue.

(15) The fifteenth council district consists of that part of the county of Dakota consisting of the towns of Castle Rock, Douglas, Egan, Empire, Eureka, Greenvale, Hampton, Randolph, Sciota, Vermillion, and Waterford; the cities of Apple Valley, Burnsville, Coates, Farmington, Hampton, Inver Grove Heights, Lilydale, Mendota, Mendota Heights, Miesville, New Trier, Randolph, Rosemount, Sunfish Lake, Vermillion, South St. Paul and West St. Paul.

(16) The sixteenth council district consists of the counties of Carver and Scott; that part of the county of Dakota consisting of the city of Lakeville; and that part of the county of Hennepin consisting of the cities of Deephaven, Eden Prairie, Excelsior, Greenwood, Long Lake, Mound, Orono, Shorewood, Spring Park, Tonka Bay, Woodland, Minnetonka Beach; that part of the city of Chanhassen lying in the county of Hennepin; and that part of the city of Bloomington described as follows: commencing at the intersection of the center line of France avenue south with the north city limits, extending southerly along the center line of France avenue south to the center line of One Hundred Second street west, extending westerly along the center line of One Hundred Second street west to the center line of Johnson avenue south, extending southerly along the center line of Johnson avenue south to the Minneapolis, Northfield, and Southern railroad right of way, extending southwest-erly along the Minneapolis, Northfield and Southern railroad right of way to the center line of Normandale boulevard, extending southerly along the center line of Normandale boulevard to the south city limits, and extending westerly, northerly, and easterly, along the city limits to the point of origin.

Subd. 4. **Chairman.** (a) **Appointment.** The chairman of the metropolitan council shall be appointed by the governor as the 17th 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. 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 \$50 for each meeting and for such other services as 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; 1973 c 123 art 5 s 7; 1974 c 422 art 1 s 3-7]

X **473B.021 MEMBERSHIP, PROCEDURES, OFFICERS AND EMPLOYEES OF METROPOLITAN COMMISSIONS.** Subdivision 1. **General.** Metropolitan commissions shall be organized, structured and administered as prescribed in this section.

Subd. 2. **Membership.** Each commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The eight members shall be appointed by the metropolitan council. One member shall be appointed from each of the following precincts:

- (1) Precinct A, consisting of council districts 1 and 2;
- (2) Precinct B, consisting of council districts 3 and 14;
- (3) Precinct C, consisting of council districts 4 and 13;
- (4) Precinct D, consisting of council districts 5 and 6;
- (5) Precinct E, consisting of council districts 7 and 8;
- (6) Precinct F, consisting of council districts 9 and 11;
- (7) Precinct G, consisting of council districts 10 and 12; and
- (8) Precinct H, consisting of council districts 15 and 16.

Subd. 3. **Chairman.** The chairman of each commission shall be appointed by the governor with the advice and consent of the senate and shall be the ninth voting member of the commission and shall meet all qualifications established for members, except the chairman need only reside within the metropolitan area. The chairman shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned to him by the commission or by law. Each commission may appoint from among its members a vice chairman to act for the chairman during his temporary absence or disability.

Subd. 4. **Qualifications.** Each member shall be a resident of the precinct for which he is appointed and shall not during his term of office hold the office of metro-

politan council member, or be a member of another metropolitan commission or hold any judicial office. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article 5, Section 8. Such oath, duly certified by the official administering the same, shall be filed with the executive director of the metropolitan council.

Subd. 5. Terms, removal. Commencing the first Monday in January 1975 the terms of members of each commission shall be as follows: members representing precincts A, B, C, and D for terms ending the first Monday in January 1977, members representing precincts E, F, G, and H and the chairman for terms ending the first Monday in January 1979. Thereafter the term of each member and chairman shall be for a term of four years and until his successor is appointed and qualified. Members, other than the chairman, may be removed by the council only for cause in the manner specified in chapter 351. The chairman may be removed at the pleasure of the governor.

Members of any commission serving as of the first Monday in January 1975 shall continue to serve the precinct described in subdivision 2 in which they reside for the term herein prescribed for that precinct, provided that if more than one such member resides in the same precinct the council shall designate one of them to serve as the commission member from the precinct and the terms of the other members are thereupon terminated. The council shall appoint as members of the commission, in the manner prescribed by subdivision 2, one resident of each precinct described in said subdivision in which no present member of the commission resides to serve for the term herein defined. For the purpose of this subdivision the residence of present members of the commissions serving as of the first Monday in January 1975 shall be their residence as of July 1, 1974.

Subd. 6. Vacancies. If the office of any commission member becomes vacant, the vacancy shall be filled in the same manner in which the last regular appointment for that precinct was made. An office shall be deemed vacant under the conditions specified in chapter 351.

Subd. 7. Compensation. Each commission member shall be paid a per diem compensation of \$50 for each meeting and for such other services as authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties in the same manner and amount as state employees. The chairman shall receive a salary in an amount fixed by the members of that commission or board and shall be reimbursed for reasonable expenses to the same extent as a member.

Subd. 8. Regular and special meetings. Each commission shall meet regularly at least once each month, at such time and place as the commission shall by resolution designate. Special meetings may be held at any time upon the call of the chairman or any two other members, upon written notice sent by certified mail to each member at least three days prior to the meeting, or upon such other notice as the commission may by resolution provide, or without notice if each member is present or files with the secretary a written consent to the meeting either before or after the meeting. Unless otherwise provided, any action within the authority of the commission may be taken by the affirmative vote of a majority of the members. A majority of all of the members of the commission shall constitute a quorum, but a lesser number may meet and adjourn from time to time and compel the attendance of absent members.

Subd. 9. Personnel code; merit system. (a) The council shall by resolution adopt guidelines for a personnel code relating to the employees of the commissions, except that nothing in Laws 1974, Chapter 422 shall impair the rights of any commission or employee under Minnesota Statutes 1971, Sections 473A.05, Subdivision 8, and 473A.10. After adoption of the guidelines, each commission shall by resolution adopt a personnel code in general conformance therewith. The code shall include a job classification plan, procedures for employment and promotion of personnel based on merit, procedures for the demotion, suspension or discharge of employees, procedures for hearing grievances, procedures for salary administration, and such other provisions as the council deems appropriate. In addition, the code shall provide for the development by each commission of affirmative action plans, which shall be submitted for approval to the appropriate agency or office of the state. The plans shall include a yearly progress report to the agency or office. The chief administrator of each commission shall administer the code, and no commission shall take any action inconsistent with the personnel code.

(b) All employees of the commission except those expressly designated for the unclassified service, shall serve in the classified service. The unclassified service shall include: members of the commission, the chief administrator of the commission, all officers of the commission, any employee of the commission who is determined by the commission to have a confidential relationship to the commission or the council; and any employee of the commission expressly exempted from the classified service by law. Each code shall also include procedures for open competitive examinations to test the relative skill or ability of all applicants for positions in the classified service. Such examinations may consist of written or oral tests of the subjective or objective type, physical tests, and practical or demonstration tests for the evaluation of past training and experience. Oral tests may be used to test the applicant's knowledge of the position applied for or his personal fitness for the position. Where there is more than one applicant for a position, each code shall provide for the employment of one of the three applicants best qualified for it.

(c) When a commission employee has been demoted, suspended or dismissed by the chief administrator, he may, within 30 days after such action becomes effective, file with the commission a written request for a hearing showing the position from which he was dismissed, the date of dismissal, and the reason for requesting the hearing, his full name and his present mailing address. Upon receipt of a request for a hearing the commission shall appoint three of its members to act as an appeal committee and preside at a hearing on the action of the administrator. The hearing shall be held within 30 days after the request is received by the commission, upon written notice mailed or delivered to the employee at his present mailing address, not less than seven days before the hearing. The appeal committee shall approve or disapprove the action of the administrator, and in the case of approval the action of the administrator shall be final. In the case of disapproval the appeal committee may reinstate the employee under such conditions as it deems proper, and may order the payment to the employee of compensation lost as a result of the demotion, suspension or dismissal.

Subd. 10. Secretary and treasurer. At its first regular meeting each year each commission shall appoint a secretary and a treasurer or, in the alternative, a secretary-treasurer. The secretary and treasurer, or secretary-treasurer, may, but need not be, members of the commission, and shall hold office at the pleasure of the commission, subject to the terms of any contract of employment which the commission may enter into with the secretary or treasurer. The secretary shall record the minutes of all meetings of the commission and shall be the custodian of all books and records of the commission except such as the commission shall entrust to the custody of a designated employee. The treasurer shall be the custodian of all moneys received by the commission except such as the commission shall entrust to the custody of a designated employee. The commission may appoint a deputy to perform any and all functions of either the secretary or the treasurer.

Subd. 11. Chief administrator. The chairman of each commission shall, subject to the approval of the commission, appoint a chief administrator who shall be chosen solely on the basis of his training, experience, and other qualifications, and who shall serve at the pleasure of the commission. The administrator shall attend all meetings of the commission, but shall not vote, and shall have the following powers and duties:

(a) He shall see that all resolutions, rules, regulations, or orders of the commission are enforced.

(b) He shall appoint and remove, subject to the provisions of the personnel code adopted pursuant to subdivision 9 of this section, upon the basis of merit and fitness, all subordinate officers and regular employees of the commission.

(c) He shall present to the commission plans, studies, and reports prepared for commission purposes and recommend to the commission for adoption such measures as he deems necessary to enforce or carry out the powers and duties of the commission, or to the efficient administration of the affairs of the commission.

(d) He shall keep the commission fully advised as to its financial condition, and he shall prepare and submit to the commission its annual budget and such other financial information as it may request.

(e) He shall recommend to the commission for adoption such rules and regulations as he deems necessary for the efficient operation of the commission's functions.

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(f) He shall perform such other duties as may be prescribed by the commission.

Subd. 12. Public employees. All persons employed by the chief administrator shall be public employees, and shall have all rights and duties conferred on public employees under sections 179.61 to 179.76. The compensation and other conditions of employment of such 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. All employees of the commission shall be members of the Minnesota state retirement system, except that employees, who by reason of their prior employment belonged to another public retirement association in the state of Minnesota, may at their option continue membership in that public retirement association, and all other rights to which they are entitled by contract or law. The commission shall make the employer's contributions to pension funds of its employees. Employees shall perform such duties as may be prescribed by the commission. Nothing in Laws 1974, Chapter 422 shall impair the rights of any commission or employee under Minnesota Statutes 1971, Sections 473A.05, Subdivision 8, and 473A.10.

Subd. 13. Commission operating procedures. (a) The commission shall adopt resolutions and bylaws, an administrative code establishing procedures for commission action, keeping records, approving claims, authorizing and making disbursements, authorizing contracts, safekeeping funds and audit of all financial operations of the commission.

(b) The commission and the council may enter into contracts with each other and with other commissions and governmental units for the joint exercise of powers in the manner provided by section 471.59; provided that no commission shall enter into any contract with the council which would assign any operations authority, responsibility or function, other than planning or making studies, from the commission to the council.

Subd. 14. Relocation payment standards. In all acquisitions the commissions shall provide as a cost of acquisition the relocation assistance, services, payments and benefits required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894 (1971), 42 United States Code, Section 4601, et seq.

[1974 c 422 art 1 s 8]

Y **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]

X **473B.04 REPORTS.** On or before January 15th, of each 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 policy plan and other comprehensive plan adopted in whole or in part for the metropolitan area and the review comments of the affected commission;
- (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 and proposed matters of metropolitan significance 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 and the commissions. The council shall include in its 1975 report to the legislature its recommendations for solid waste recycling facilities in the metropolitan area.

[1967 c 896 s 4; 1974 c 422 art 1 s 9]

NOTE: Laws 1974, Chapter 406, Section 72, also amended section 473B.04 to read as follows: "Sec. 72 Minnesota Statutes 1971, Section 473B.04, is amended in line 1 by deleting "'January 15th, of each odd'" and inserting in lieu thereof "'November 15 of each even'."

X **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]

X **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.

X 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 Minnesota state retirement system. Those employed by a predecessor of the metropolitan council and transferred to it may at their option become members of the Minnesota state retirement system 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.

X 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.

X 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.

X 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.

X Subd. 5a. **Policy plans for metropolitan commissions.** (1) Within 12 months after April 12, 1974, the council shall adopt after appropriate study and such public hearings as may be necessary, as a part of its development guide, long-range comprehensive policy plans for each commission and when adopted, the policy plans shall be followed by the council and the affected commissions. The plans shall substantially conform to all policy statements, purposes, goals, standards, and maps in development guide sections and comprehensive plans as developed and adopted by the council pursuant to the chapters of the Minnesota Statutes directly relating to

the council and the commissions. In preparing or amending a policy plan the council shall consult with and make maximum use of the expertise of the affected commission, and each such commission shall cooperate with and make its employees, records, studies, plans and other information available to the council. Each such policy plan shall include, to the extent appropriate to the functions covered thereby, the following:

(a) A statement of the needs of the metropolitan area with respect to the functions covered and the objective of and the policies to be forwarded by the policy plan;

(b) A general description of the physical facilities and services to be developed by the commission in performing its functions;

(c) A statement as to the general location of physical facilities and service areas;

(d) A general statement of timing and priorities in the development by the commission of those physical facilities and service areas;

(e) A general statement on the level of public expenditure both capital and operating appropriate to the facilities and a statement of the relationship of the policy plan to other policy plans and chapters of the metropolitan development guide;

(f) A statement of the relationships to any current local comprehensive plans and any related development programs on file with the council;

(g) Such additional general information as may be necessary to develop the policy plan or as may be required by the laws relating to the commission and function covered by the policy plan; and

(h) A general statement relating to future population, employment levels, and land use in the metropolitan area and in the individual local governmental units located therein, including population densities and anticipated rates of change in such densities.

(2) Before adopting a policy plan, the council shall submit the proposed plan to the affected commission for its review, and the commission shall report its comments to the council within 60 days and may, within that period request the council to hold a special public hearing for the purpose of receiving the commission's report and comments. Within 60 days after the submission of the proposed plan to the commission, any local governmental unit may request a public hearing for the purpose of receiving testimony from local governmental units and the general public concerning the proposed policy plan prior to the adoption of a policy plan. Within a reasonable time, not to exceed 60 days, after receiving a request for a hearing, the council shall hold a public hearing on the proposed policy plan at such time and place in the metropolitan area as it shall determine. Not less than 15 days before the hearing, the council shall publish notice thereof in a newspaper or newspapers having general circulation in the metropolitan area, stating the date, time and place of hearing, and the place where the proposed policy plan and commission comments may be examined by any interested person. At any hearing interested persons shall be permitted to present their views on the policy plan, and the hearing may be continued from time to time. After receipt of the commission's report and such hearing, if any, the council may revise the proposed plan giving appropriate consideration to all comments received, and thereafter shall adopt the plan by resolution. An amendment to a policy plan may be initiated by the council or by an affected commission. At least every four years the council shall engage in a comprehensive review of the policy plan. Development guide sections, comprehensive plans, capital improvement programs and other plans in substantial conformance with the requirements of clause (1) which have been adopted by the council pursuant to chapters 473A, 473B and 473C, shall continue in force and effect until expressly superseded by a policy plan adopted pursuant to this subdivision. The council shall not amend a policy plan except in accordance with the procedures herein established.

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

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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 commission, 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. [Repealed, 1974 c 422 art 1 s 15]

Subd. 8. [Repealed, 1974 c 422 art 1 s 15]

X 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.

X 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.

X 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.

X 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 conforms 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.

X 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.

X Subd. 14. **Local planning assistance.** The metropolitan council may, at the request of local governmental units, enter into contracts or make other arrange-

ments with local governmental units and others for the provision of services for and assistance with comprehensive community planning. This may include:

(a) Assistance in the preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities together with long-range fiscal plans for such development;

(b) Programming of capital improvements based on a determination of relative urgency, together with definitive financing plans for the improvements to be constructed in the earlier years of the program;

(c) Coordination of all related plans of the departments or subdivision of the government concerned;

(d) Intergovernmental coordination of all related planned activities among the state and local governmental agencies concerned; and

(e) Preparation of regulatory and administrative measures in support of the foregoing.

[1967 c 896 s 6; 1969 c 9 s 86; 1971 c 541 s 1; 1974 c 422 art 1 s 10, 11]

473B.061 REVIEW BY COUNCIL. Subdivision 1. **Metropolitan significance.** Within 12 months following April 12, 1974, the council shall adopt regulations pursuant to the administrative procedures act, chapter 15, establishing standards and guidelines for determining whether any proposed matter is of metropolitan significance, and establishing a procedure for the review of all proposed matters required to be considered and reviewed by the council. These regulations shall take effect on July 1, 1975. The purpose of these regulations shall be to promote the orderly and economic development, public and private, of the metropolitan area. The metropolitan council shall submit the regulations adopted pursuant to this section to the session of the legislature in 1975 for approval. The council shall establish an advisory committee, consisting of elected officials of local governmental units and representing all council districts equally, to provide advice and make recommendations in the preparation of these regulations and may thereafter review and make recommendations to the council concerning the metropolitan significance of any proposed matter considered by the council. The regulations adopted shall provide for a public hearing prior to the determination that an action is of metropolitan significance.

Subd. 2. Regulations. (a) In developing the above regulations establishing standards and guidelines for determining metropolitan significance the council and the committee shall give consideration to all factors deemed relevant to that determination including the following:

(1) The impact a proposed matter will have on the orderly, economic development, public and private, of the metropolitan area and its consistency with the development guide;

(2) The relationship a proposed matter will have to the policy statement goals, standards, programs and other applicable provisions of the development guide;

(3) The impact a proposed matter will have on policy plans adopted by the council and on the development programs and functions performed and to be performed by the commission;

(4) Functions of municipal governments in respect to control of land use as provided for under the municipal planning act;

(5) Such other factors as are deemed relevant.

(b) The regulations establishing a procedure for the review of proposed matters shall include, among other provisions, the following:

(1) No applicant shall be required to submit a proposed matter for review more than once unless it is materially altered.

(2) The council shall be empowered to suspend action on a proposed matter for a period not to exceed 12 months following the issuance of its recommendation or determination.

(3) The council's recommendation or determination concerning a proposed matter, including the determination as to its metropolitan significance, shall be issued within 90 days following its receipt of an adequately supported and documented proposal.

(4) The council shall be required to review a proposed matter upon request of an affected local governmental unit or metropolitan commission. The regulations

shall include a procedure for review of a proposed matter upon petition by a specified number of residents of the metropolitan area.

(5) The council shall be empowered to review all proposed matters of metropolitan significance regardless of whether the council has received a request from an affected body to conduct that review.

(6) The council shall review all proposed matters determined to be of metropolitan significance as to their consistency with the comprehensive development guide and, if appropriate, an applicable policy plan.

(7) Any major alteration or amendment to the regulations adopted by the council shall be developed and promulgated by the council in the same manner as the original regulations.

(8) Previously approved policy plans and development programs and areas of operational authority of the metropolitan commissions shall not be subject to review under this section, except as specifically provided in paragraphs (b) and (c) of subdivision 3.

(c) Once the development of all of the regulations has been completed by the council and the committee, and no later than 30 days prior to the date specified for their adoption, the council shall hold a public hearing for the purpose of considering the developed regulations and receiving comments and recommendations thereon. Notice of the hearing, containing the developed regulations and such other comments as are deemed appropriate, shall be published in a newspaper or newspapers circulated throughout the metropolitan area and mailed to all state agencies and all local governmental units which may be affected by these regulations no later than 30 days prior to the hearing. Following the hearing, the council may revise the proposed regulations, giving consideration to all comments received, and thereafter the council shall finally adopt these regulations.

Subd. 3. Council review; metropolitan significance; applications for federal and state aid. The council shall review the following matters, applications, and plans proposed for or with respect to the metropolitan area in accordance with the regulations to be adopted and the provisions of any other relevant statute.

(a) All proposed matters of metropolitan significance to be undertaken by any private organization, independent commission, board or agency, local governmental unit, or any state agency.

(b) All applications of a metropolitan commission, independent commission, board or agency, and local governmental units for funds, grants, loans or loan guarantees from the United States of America or agencies thereof submitted in connection with proposed matters of metropolitan significance, all other applications by commissions and local governmental units for grants, loans, or loan guarantees 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, and all applications of the commissions for grants, loans, or allocations from funds made available by the United States of America to the metropolitan area for regional facilities pursuant to a federal revenue sharing or similar program requiring that the funds be received and granted or allocated or that the grants and allocations be approved by a regional agency.

(c) All applications or requests of a metropolitan commission, independent commission, board or agency, and local governmental units for state funds allocated or granted for proposed matters of metropolitan significance, and all other applications by metropolitan commissions, independent commissions, boards, agencies, and local governmental units for state funds if review by a regional agency is required by state law or the granting state agency.

Subd. 4. Council review; comprehensive plans, land use plans. Each city, town, and county all or part of which lies within the metropolitan area, shall submit to the metropolitan council for written comment and recommendation thereon its proposed long-term comprehensive plans, including but not limited to plans for land use. The proposed plans shall be submitted to the council after their approval by the planning commission of the local government unit and before final approval by the governing body of the city, town or county. The council shall maintain such plans in its files available for inspection by members of the public. No local government action shall be taken to place any such plan or part thereof into effect until 90 days have elapsed after its submission to the council. Promptly after submission, the

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council shall notify each city, 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 30 days after receipt of such notice any governmental unit so notified or the local governmental unit submitting the plan 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. If within 90 days the council fails to complete its written comments and recommendations the plans shall be deemed approved and may be placed into effect. Any major alteration to a plan subsequent to the council's review shall be submitted to and acted upon by the council in the same manner as the original plan. The written comments and recommendations of the council shall be filed with the plan of the local government unit at all places where the plan is required by law to be kept on file.

[1974 c 422 art 1 s 12]

473B.062 DEVELOPMENT PROGRAMS OF COMMISSIONS. Subdivision 1. **Preparation of development programs.** Each metropolitan commission shall prepare a development program covering the detailed technical planning, engineering, financing, scheduling and other information necessary to the development of the program elements to be performed by the commission in implementing the policy plan adopted by the council pursuant to section 473B.06, subdivision 5a. The program may include such other technical information as the commission deems necessary. The program shall prescribe and delineate the functions to be performed and activities to be undertaken by the commission and shall cover at least the five year period commencing with the first calendar year beginning after its approval or such longer period as the council may prescribe. The program shall describe all capital improvements to be undertaken in such period and with respect to each improvement shall include the following:

- (a) A description of the improvement, its location, function and estimated cost;
- (b) The proposed manner of financing the capital costs of the improvement, and the sources of revenue available for payment of such costs;
- (c) A schedule showing on a yearly basis the timing of land acquisition, construction and capital expenditures for the improvements;
- (d) A review and description of the public need for the improvement, alternatives to the improvement, (including alternatives not involving capital expenditures), the environmental and social effects of the improvement and all actions and steps theretofore taken by the commission with respect to the improvement;
- (e) An estimate of the probable impact of the improvement on the responsibilities of the other metropolitan commissions;
- (f) An estimate of the annual operating costs of the improvement and the sources of revenue available for payment of such costs;
- (g) An evaluation of the relative priority of the improvement taking into consideration other capital improvements described in the program;
- (h) Each program shall include such additional information as the council or commission may deem appropriate.

Upon a request from any local governmental unit, the commission shall hold a public hearing for the purpose of receiving testimony from local governmental units and the public prior to submission to the council as provided in subdivision 2.

Subd. 2. Submission to and approval by council. The development program prepared by the commission shall be submitted to the council for review and approval or disapproval. The council shall complete its review within 90 days after receipt of the proposed development program. If the council determines that the program is consistent with the policy plan it shall approve the program as submitted. If it determines that the program is inconsistent with the policy plan, it shall disapprove it and return it to the submitting commission with comments and the commission shall make appropriate revisions in the program and resubmit it to the council for review and approval or disapproval. Before approving a program or returning it to the submitting commission, the council shall hold a public hearing for the purpose of considering the program and the council's comments thereon, if requested to do so by the affected commission. The council may approve or disapprove a development program in whole or in part. Within two years of the ap-

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proval of its first development program by the council and at least biennially thereafter each commission shall review the program, make such revisions as are necessary, including an updating of the five year capital improvement program, and submit the program to the council for its review and approval or disapproval as herein provided.

Subd. 3. **Effect of development program.** After approval by the council of a development program the commission shall implement the program. No capital improvements shall be undertaken by the commission unless authorized by the program or specifically approved by the council. The council shall not approve any improvement not in substantial conformance with the appropriate policy plan.

[1974 c 422 art 1 s 13]

473B.063 METROPOLITAN COMMISSION BUDGET PREPARATION; REVIEW AND APPROVAL. Subdivision 1. Each metropolitan commission shall prepare a proposed budget for calendar year 1976 and each calendar year thereafter. The proposed budget shall be prepared on or before August 1, 1975 and each year thereafter. The budget shall show for each such year:

(a) the estimated operating revenues from all sources including funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service; and

(b) capital improvement funds estimated to be on hand at the beginning of the year and estimated to be received during the year from all sources and estimated cost of capital improvements to be paid out or expended during the year; all in such detail and form as the council may prescribe. Between August 1 and September 1 of each year, the commission shall hold a public hearing on the proposed budget. Not less than 14 days before the hearing, the commission shall publish notice thereof in a newspaper having general circulation in the metropolitan area, stating the date, time and place of hearing, and the place where the proposed budget may be examined by any interested person. Those parts of the budget relating to revenues and expenditures for capital improvements shall be submitted to the council on or before August 1 of each year and shall be subject to approval by the council. The council shall act to approve or disapprove by October 1 of each year. Before December 15 of each year the commission, after obtaining approval of the council for any changes in the capital improvements budget, shall by resolution adopt a final budget. Each commission shall file its final budget with the council on or before December 20 of each year. Except in an emergency, for which procedures shall be established by the commission, the commission and its officers, agents and employees shall not spend money for any purpose, other than debt service, without an appropriation by the commission or in excess of the amount appropriated therefor, and no obligation to make such an expenditure shall be enforceable except as the obligation of the person or persons incurring it. The creation of any debt obligation or the receipt of any federal or state grant is a sufficient appropriation of the proceeds for the purpose for which it is authorized, and of the tax or other revenues pledged to pay the obligation and interest on it whether or not specifically included in any annual budget. The commission may, after obtaining approval of the council, amend the capital improvements budget at any time by transferring any appropriation from one purpose to another, except appropriations of the proceeds of bonds issued for a specific purpose. The council shall file the budgets of all commissions with the secretary of the senate and the clerk of the house of representatives not later than January 15 of each year.

Subd. 2. **Program budgeting.** The council may in consultation with the commissions adopt regulations providing for program budgeting, as defined in section 16.141, subdivision 1, by each of the commissions. Upon adoption of such regulations, each commission shall submit program budgets to the council in the form established by the regulations, subject to the provisions of subdivision 1 of this section. Within three years after January 1, 1975, the council and all commissions shall adopt budgets in program budget form.

Subd. 3. **Review of user charges.** Thirty days prior to the establishment of or change in any user charges or fees or schedule of user charges or fees the commission shall forthwith submit proposed charges or fees or schedule to the council. The council shall review and comment upon the charges, fees, or schedule with particular reference to (1) their consistency with the development guide and policy plan, and (2) their fiscal impact on the metropolitan area, especially their impact on future

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debt service requirements, the financing of future capital improvements, and on the various local governmental units and classes of users. Upon a request from any local governmental unit, the council shall hold a public hearing for the purpose of receiving testimony from local governmental units and the public prior to commenting upon the establishment or change in any user charges, fees, or schedules. On or before January 15 of each year, the council shall transmit the charges, user fees or schedules of all commissions and its comments thereon to the secretary of the senate and chief clerk of the house of representatives.

[1974 c 422 art 1 s 14]

X **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]

X **473B.08 TAX LEVY.** Subdivision 1. 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 seven-thirtieths of one 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.

Subd. 2. This section applies to taxes levied in 1969 and subsequent years.

[1967 c 896 s 8; 1969 c 1114 s 3; 1973 c 773 s 1]

MUNICIPAL HOUSING AND REDEVELOPMENT AUTHORITY POWERS

X **473B.15 FINDINGS AND DECLARATION OF POLICY.** It is hereby found and determined that: The conditions found to exist by the municipal housing and redevelopment act as amended continue to exist throughout the state and in the area in which the metropolitan council established by chapter 473B, has jurisdiction; substandard, slum and blighted areas exist in the metropolitan area which cannot be redeveloped without government assistance; there is a shortage of decent, safe and sanitary dwelling accommodations available to persons of low and moderate income at rentals or prices they can afford; many municipalities in the metropolitan area are unable adequately to provide the financing and staff necessary to an effective municipal housing and redevelopment authority; for each such municipality to establish a separate authority would result in an inefficient use of manpower and services; and there is therefore a need to enable the metropolitan council to make available to the municipalities in the metropolitan area those services provided for in the municipal housing and redevelopment act.

[1974 c 359 s 1]

X **473B.16 DEFINITIONS.** Subdivision 1. Unless the context clearly indicates otherwise, the following terms, for the purposes of sections 473B.15 to 473B.19, shall have the meanings ascribed to them in this section.

Subd. 2. The terms defined in the municipal housing and redevelopment act

shall, for the purposes of sections 473B.15 to 473B.19, have the meanings given them in that act.

Subd. 3. "Council" shall mean the metropolitan council created by section 473B.02.

Subd. 4. "Metropolitan area" means the area in which the council has jurisdiction under section 473B.02.

Subd. 5. "Comprehensive development guide" means that document prepared by the council pursuant to section 473B.06, subdivision 5.

[1974 c 359 s 2]

473B.17 POWERS. Subdivision 1. In addition to, and not in limitation of, all other powers invested in it by law, the council, and the members thereof, shall have, throughout the metropolitan area, the same functions, rights, powers, duties, privileges, immunities and limitations as are provided for housing and redevelopment authorities created for municipalities, and for the commissioners of such authorities. The provisions of sections 462.411 to 462.711 and of all other laws relating to housing and redevelopment authorities shall be applicable to the council when functioning as an authority, except as herein provided or as clearly indicated otherwise from the context of such laws. Section 462.425 shall have no application to the council nor to any municipality or county within which the council undertakes a project. Any municipality or county, and the governing bodies of any municipality or county, within and for which the council undertakes a project shall have all the powers, authority and obligations granted to municipalities and counties by the provisions of sections 462.411 to 462.711 and all other laws relating to housing and redevelopment authorities. The council may plan and propose projects within the boundaries of any municipality, and may otherwise exercise the powers of an authority at any time; provided, however, that the council shall not implement any housing project, housing development project, redevelopment project or urban renewal project within the boundaries of any municipality or county without the prior approval of the governing body of the municipality or county in which any such project is to be located; and provided further that the council shall not propose any project to the governing body of a municipality or county having an active authority created pursuant to section 462.425, or pursuant to special legislation, without first submitting the proposed project to the municipal or county authority for its review and recommendations; and provided further that as to any project proposed by the council and approved by the municipality or county, the council shall not undertake the project if within 60 days after it has been proposed, the municipality or county agrees to undertake the project. All plans and projects of the council shall be consistent with the comprehensive development guide.

Subd. 2. The council may provide technical assistance to existing municipal or county housing and redevelopment authorities at the request of such authorities.

Subd. 3. The council may cooperate with or act as agent for the federal government, the state government, or any agencies or instrumentalities thereof, in carrying out the provisions of any federal or state legislation relating to the general purposes of the municipal housing and redevelopment act.

Subd. 4. The council shall, as part of any project proposal to a municipality, propose a means for citizens substantially affected by the proposed project to participate in the formulation and carrying out of projects undertaken by the council pursuant to the terms of sections 473B.15 to 473B.19.

Subd. 5. The council shall prepare a detailed report on the progress of any project it undertakes. The report shall be filed with the legislature not later than January 15 of each year.

[1974 c 359 s 3]

473B.18 EFFECT UPON MUNICIPAL AND COUNTY HOUSING AND REDEVELOPMENT AUTHORITIES. Nothing in sections 473B.15 to 473B.19 shall be construed to impair the powers and obligations of municipal, county or multi-county housing and redevelopment authorities within the metropolitan area.

[1974 c 359 s 4]

473B.19 FINANCES. Subdivision 1. The council shall allocate the net unreimbursed costs of any project which it undertakes to the municipality or group of municipalities or county for which the project is undertaken. The governing body

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of each such municipality or county shall impose taxes or other revenue measures to provide funds necessary to pay the allocated costs, and the governing body of each such municipality or county shall have all the powers, authority and obligation granted to authorities by section 462.545 and all other provisions of law regarding the financing of such projects, provided that the council shall have the powers of an authority for purposes of applying for and receiving federal grants in connection with all projects which it undertakes.

Subd. 2. The council may expend for the purposes of sections 473B.15 to 473B.19 any revenues derived pursuant to section 473B.08.

[1974 c 359 s 5]

473B.21 LEGISLATIVE POLICY. The legislature finds and declares that the rapid spread of urban development in the metropolitan area presents major problems in the management and use of the natural resources of the area. The effects of development policies extend beyond municipal and county boundaries, requiring coordination throughout the metropolitan area and assistance from the state. It is the policy of the state and the purpose of sections 473B.21 to 473B.26 to provide for the protection of the health, safety and welfare of the people of the area and the conservation of natural resources by encouraging local governmental units to adopt and enforce sound policies regulating the subdivision, use and development of the limited land and water resources of the metropolitan area, and to provide the assistance of metropolitan and state agencies in achieving that objective.

[1974 c 565 s 1]

473B.22 DEFINITIONS. Subdivision 1. For purposes of sections 473B.21 to 473B.26, the terms defined in this section have the meanings given them.

Subd. 2. "Metropolitan area" means the area defined in section 473B.02.

Subd. 3. "Metropolitan council" means the metropolitan council created by section 473B.02.

Subd. 4. "Local governmental unit" means a county, city or town in the metropolitan area.

[1974 c 565 s 2]

473B.23 STANDARDS AND CRITERIA. Subdivision 1. Before January 1, 1976, the metropolitan council shall, after public hearings, promulgate standards and criteria and suggested model ordinances for the regulation of the use and development of the land and water within the metropolitan area which will provide for:

(a) the protection and preservation of those wetlands and lowlands permanently or intermittently covered with waters, such as marshes, swamps, bogs, meadows, potholes and sloughs which are essential to hydrological or ecological systems or for flood control;

(b) the protection of groundwater recharge areas which contribute significantly to the recharge of groundwater aquifers;

(c) the minimum erosion of those slopes which are subject to severe or moderate erosion because of their degree of slope and soil type;

(d) the maximum retention of existing forests and woodlands, the minimum removal of trees for development, and the encouragement of replanting where removal is unavoidable;

(e) the determination of the suitability of soils or bedrock for development, design and construction measures for development which would compensate for existing soil or bedrock problems, and the prevention of the type of development for which such soils or bedrock are unsuitable;

(f) the protection and preservation of the natural water courses, intermittent or permanent, and minimizing the discharge of pollutants into water bodies and water courses by storm runoff and otherwise;

(g) the protection and preservation of areas containing unique or endangered species of plants and animals;

(h) the prevention of premature development for nonagricultural use of prime agricultural lands where such land is essential for agricultural purposes;

(i) the regulation of the extraction of minerals, including sand and gravel, to minimize undesirable environmental effects and provide for future utilization of the lands involved;

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(j) the preservation of natural resource areas of particular historical significance.

Subd. 2. In preparation of these standards, criteria and model ordinances, described in clauses (a), (b), (d), (f), (g) and (i) and in order to assure consistency with regulations, standards, criteria and model ordinances promulgated by other state agencies, the metropolitan council shall seek the assistance and approval of the department of natural resources; in preparation of these standards, criteria and model ordinances, described in clauses (c) and (e), the metropolitan council shall seek the assistance and approval of the soil and water conservation commission; in preparation of these standards, criteria and model ordinances, described in clause (h), the metropolitan council shall seek the assistance and approval of the department of agriculture. In addition, the metropolitan council shall, where appropriate, seek the assistance of the state planning agency, the Minnesota pollution control agency, soil and water conservation districts, the university of Minnesota, the department of agriculture, and other appropriate agencies.

[1974 c 565 s 3]

473B.24 LOCAL ORDINANCES. Each local governmental unit in the metropolitan area shall be provided with standards, criteria and suggested model ordinances and may, after review and comment by the metropolitan council, adopt ordinances which provide for the protection of the resources described in section 473B.23.

[1974 c 565 s 4]

473B.25 COOPERATION. In adopting and enforcing the ordinances for which standards and criteria are provided by sections 473B.21 to 473B.26, local governmental units shall consult and cooperate with affected soil and water conservation districts, watershed districts, and lake conservation districts on matters of common concern.

[1974 c 565 s 5]

473B.26 METROPOLITAN COUNCIL ASSISTANCE. The metropolitan council may provide technical assistance to local governmental units to expedite adoption and enforcement of local ordinances under sections 473B.21 to 473B.26 and sections 104.04 and 105.485.

[1974 c 565 s 6]