

1.1 **Office of Administrative Hearings**

1.2 **Adopted Permanent Rules Relating to Municipal Boundary Adjustments**

1.3 **6000.0100 DEFINITIONS.**

1.4 Subpart 1. **Statement of purpose.** For the purposes of parts 6000.0100 to 6000.3500,
1.5 the terms defined in this part have the meanings given them.

1.6 Subp. 2. **Parties.** "Parties" includes petitioners specifically named in the pleadings.
1.7 The term also includes other persons who file an appearance form. To be considered
1.8 parties, persons who fill out the appearance form must establish that they are residents
1.9 or taxpayers in the subject area; or that by the outcome of the proceedings they will be
1.10 bound and affected either favorably or adversely by an interest particular to these persons
1.11 as distinguished from an interest common to the public or other taxpayers in general. No
1.12 person becomes, or is considered to be, a party to the proceeding solely by reason of
1.13 presenting facts or evidence or entering an appearance at the hearing.

1.14 Subp. 2a. **Person.** "Person" means any individual, business, nonprofit association or
1.15 society, or governmental entity.

1.16 [For text of subps 3 and 4, see M.R.]

1.17 **6000.0110 COMMENCEMENT OF PETITION.**

1.18 A "petition," as the term is used in parts 6000.0100 to 6000.3500, may be initiated in
1.19 accordance with Minnesota Statutes, chapter 414, as provided in that chapter. Where the
1.20 petition is filed by residents or property owners, the number of petitioners required by
1.21 statute to commence a proceeding must be stated in the petition. The petition must also state
1.22 on its face the number of petitioners who have signed the petition. Where the petition is
1.23 commenced by a municipality or town, the petition must include the appropriate action by
1.24 the governing body, including the citation to the resolution, ordinance, or notice of intent.

1.25 The municipality, town, or the persons commencing a petition shall be designated as
1.26 the "petitioner" or "petitioners."

2.1 **6000.0200 FORM OF PETITION.**

2.2 [For text of subp 1, see M.R.]

2.3 Subp. 2. **Body.** The title must be followed by a brief description of the subject matter
2.4 to which the petition relates. No petition shall be dismissed, impaired, or prejudiced
2.5 because incorrectly entitled, or the parties incorrectly designated. Opportunity shall be
2.6 given in these cases to correct the error by amendment, giving due consideration to any
2.7 person who may have been misled by the error.

2.8 Sample petition forms will be provided by the chief administrative law judge or the
2.9 delegate of the chief administrative law judge upon request.

2.10 **6000.0400 REPRESENTATION.**

2.11 A party may appear in person or be represented by an attorney. Where a petition is by
2.12 property owners, one of the petitioners may represent the group. A government official
2.13 may appear on behalf of a party that is a county, municipality, town, or government agency.

2.14 When a party appears by an attorney or a person representing a group, service upon the
2.15 attorney or chosen representative shall be deemed service upon the party or group.

2.16 **6000.0500 PLEADINGS.**

2.17 The pleadings before the chief administrative law judge or the delegate of the chief
2.18 administrative law judge shall be the petition. Objections filed pursuant to Minnesota
2.19 Statutes, chapter 414, are jurisdictional documents and not responsive pleadings. No
2.20 responsive pleading is necessary.

2.21 **6000.0600 PETITION AS EVIDENCE.**

2.22 The petition shall be prima facie evidence of the facts contained in the petition if not
2.23 controverted by opposing parties at the hearing. The chief administrative law judge or the
2.24 delegate of the chief administrative law judge may independently verify the accuracy of
2.25 the facts.

3.1 **6000.0700 AMENDMENTS.**

3.2 A petition may be amended at the discretion of the chief administrative law judge or
3.3 the delegate of the chief administrative law judge at any time before a final decision
3.4 on the petition is rendered. Notice is required to all parties entitled to original notice.
3.5 Amendments may be proposed and granted at public hearings. Where the petition is by
3.6 property owners, the petition cannot be amended to include an area different than the one
3.7 described in the petition signed by the property owners unless the amendment or a waiver
3.8 is signed by all the property owners who signed the original petition.

3.9 **6000.0800 FILING OF PETITION.**

3.10 Any petition pursuant to Minnesota Statutes, chapter 414, must be filed with the chief
3.11 administrative law judge or the delegate of the chief administrative law judge together
3.12 with the following:

3.13 A. Filing fee (see part 6000.3400). No
petition will be accepted or acted upon unless
3.14 the filing fee is received.

3.15 B. Certification. A certification showing
that the petition was served upon the proper
3.16 parties when the statute indicates such necessity and the date filed or a waiver authorized
3.17 by Minnesota Statutes, section 414.033.

3.18 C. Map. A map showing the subject area and its relationship to any adjacent
3.19 municipality or town. All distance references should be given by length. Beginning
3.20 points should be land survey monuments and the description must close the boundaries.
3.21 References to roads or railroads should be to survey lines such as centerline or known
3.22 right-of-way line. The intent to include or exclude highway, railroad, and street
3.23 rights-of-way surrounding platted blocks or lots should be clearly stated.

3.24 D. Description. The geographical description of the subject area.

4.1 **6000.0900 CONTINUANCES.**

4.2 Continuanes will be granted or denied by the presiding administrative law judge at
4.3 the judge's discretion for cause shown, or upon the presiding administrative law judge's
4.4 own initiative.

4.5 **6000.1150 PREHEARING CONFERENCE.**

4.6 The presiding administrative law judge may, at the judge's discretion, hold a prehearing
4.7 conference according to the procedures of part 1400.6500.

4.8 **6000.1200 PUBLIC HEARINGS.**

4.9 The petitioner shall notify the presiding administrative law judge at least seven days
4.10 prior to the hearing of any personal knowledge of controversy regarding the hearing.
4.11 Public hearings shall be held by the presiding administrative law judge in accordance
4.12 with Minnesota Statutes, section 414.09.

4.13 The presiding administrative law judge may hear the facts or evidence of any person or
4.14 organization. Any person may note an appearance for the record. No person becomes,
4.15 or is considered to be, a party to the proceeding solely by reason of presenting facts or
4.16 evidence or entering an appearance at the hearing.

4.17 The petitioner must pay for the publication of notices of hearings required by Minnesota
4.18 Statutes, section 414.09.

4.19 **6000.1310 EXAMINATION OF WITNESSES.**

4.20 Witnesses shall be examined according to the procedures of part 1400.7800.

4.21 **6000.1400 EXHIBITS.**

4.22 Unless the presiding administrative law judge directs otherwise, persons offering
4.23 exhibits shall submit a single copy. Where possible, parties should offer an exhibit
4.24 in 8-1/2 by 11-inch size.

5.1 **6000.1510 ORDER OF PROCEDURE.**

5.2 The order of procedure at a hearing shall be according to the procedures of part
5.3 1400.7800.

5.4 **6000.1600 FAILURE TO APPEAR.**

5.5 If the initiating party fails to appear at a proceeding, the hearing may be dismissed with
5.6 or without prejudice at the discretion of the presiding administrative law judge. The
5.7 presiding administrative law judge may allow the record to remain open for receipt of
5.8 stipulated facts which may be used in reaching the judge's decision.

5.9 **6000.1700 ADMISSION OF EVIDENCE.**

5.10 The admission of evidence shall be according to the procedures of part 1400.7300.

5.11 **6000.1900 EVIDENCE IN A PROCEEDING.**

5.12 Subpart 1. **Notice of certain facts.** All evidence shall be made a part of the record in
5.13 the proceeding according to the procedures of part 1400.7300.

5.14 Subp. 2. **Record of proceedings.** The chief administrative law judge, delegate of the
5.15 chief administrative law judge, or presiding administrative law judge shall record all
5.16 proceedings or use an official court reporter.

5.17 **6000.2210 SUBPOENAS.**

5.18 Subpart 1. **Generally.** Requests for subpoenas shall be made according to the
5.19 procedures of part 1400.7000.

5.20 [For text of subp 2, see M.R.]

5.21 Subp. 3. **Service.** A subpoena shall be served in the manner provided by the Rules of
5.22 Civil Procedure for the district courts of Minnesota unless otherwise provided by law.

5.23 **6000.2500 REQUESTS FOR WRITTEN OR ORAL ARGUMENTS.**

5.24 Requests for written or oral arguments shall be made according to the procedures
5.25 of part 1400.7800.

6.1 **6000.2600 FILING AND SERVICE OF WRITTEN ARGUMENTS.**

6.2 All written arguments must be filed with the presiding administrative law judge
6.3 accompanied by certification showing service upon all parties.

6.4 **6000.3000 REQUEST FOR ADDITIONAL HEARING.**

6.5 A party may submit a written request for an additional hearing at any time prior to the
6.6 presiding administrative law judge's final decision. The request shall clearly set forth the
6.7 reasons for the additional hearing; and include a brief summary of additional evidence
6.8 proposed to be submitted. No additional hearing will be granted where it appears that the
6.9 evidence to be submitted will be incompetent, irrelevant, immaterial, cumulative, or
6.10 repetitious. The request shall be served upon all parties to the proceeding. A party shall
6.11 have seven days from the date of service of the request to make a written response. No reply
6.12 to the response will be permitted. The presiding administrative law judge may grant or
6.13 deny the request without hearing or, at the judge's discretion, hold a hearing on the request.

6.14 **6000.3100 REQUEST FOR AMENDMENT.**

6.15 Within seven days from the date of service of the presiding administrative law judge's
6.16 order, any party may submit a written request for an amendment of the findings of fact,
6.17 conclusions of law, and order. The request shall specifically set forth the reasons for
6.18 the amendment, any claimed errors, and any proposed amendments to the findings of
6.19 fact, conclusions of law, and order. The request shall be served upon all parties to the
6.20 proceeding. A party has seven days from the date of the service of the request to respond.
6.21 No reply will be permitted. The presiding administrative law judge may grant or deny the
6.22 request without a hearing or, at the judge's discretion, hold a hearing. No request shall
6.23 extend the time of appeal from the findings of fact, conclusions of law, and order.

7.1 **6000.3400 SCHEDULE OF FILING FEES.**

7.2 Subpart 1. **Incorporation of municipality.** A petition for incorporation of a
7.3 municipality pursuant to Minnesota Statutes, section 414.02, must be accompanied by a
7.4 filing fee of \$600.

7.5 Subp. 2. **Annexation of an entire town to a municipality.** A petition for annexation
7.6 of an entire town to a municipality pursuant to Minnesota Statutes, section 414.031,
7.7 subdivision 1, paragraph (a), clause (4), must be accompanied by a filing fee of \$200.

7.8 Subp. 3. **Annexation of property by chief administrative law judge's order.** A
7.9 petition to annex unincorporated property by chief administrative law judge's order
7.10 pursuant to Minnesota Statutes, section 414.031, must be accompanied by a filing fee of
7.11 \$5 per acre, with a minimum fee of \$100 and a maximum fee of \$600.

7.12 Subp. 4. **Orderly annexations.** A joint resolution for designation of an orderly
7.13 annexation area pursuant to Minnesota Statutes, section 414.0325, must be accompanied
7.14 by a filing fee of \$2 per acre, with a minimum fee of \$25 and a maximum fee of \$200. The
7.15 annexation of any part of a designated area requires an additional filing fee of \$2 per acre,
7.16 with a minimum fee of \$25 and a maximum fee of \$200.

7.17 Subp. 5. **Annexation by ordinance.** A petition for annexation by ordinance pursuant
7.18 to Minnesota Statutes, section 414.033, must be accompanied by a filing fee of \$5 per
7.19 acre, with a minimum fee of \$100 and a maximum fee of \$600.

7.20 Subp. 6. **Consolidation of two or more municipalities.** A petition for consolidation
7.21 of two or more municipalities pursuant to Minnesota Statutes, section 414.041, must
7.22 be accompanied by a filing fee of \$200.

7.23 Subp. 7. **Detachment of property from municipality.** A petition for detachment of
7.24 property from a municipality pursuant to Minnesota Statutes, section 414.06, must be

8.1 accompanied by a filing fee of \$5 per acre, with a minimum fee of \$100 and a maximum
8.2 fee of \$600.

8.3 Subp. 8. **Concurrent detachment and annexation of incorporated land.** A petition
8.4 for concurrent detachment and annexation pursuant to Minnesota Statutes, section
8.5 414.061, must be accompanied by a filing fee of \$5 per acre, with a minimum fee of
8.6 \$100 and a maximum fee of \$600.

8.7 Subp. 9. **Waiver of fees.** If the chief administrative law judge or the delegate of the
8.8 chief administrative law judge finds that the strict application of the filing fee requirements
8.9 would impose an unreasonable hardship on the petitioner, the judge shall waive the filing
8.10 fee or a portion of the filing fee.