

CHAPTER 473

METROPOLITAN AREAS; PLANNING

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473.01 PURPOSE. The legislature finds that because of urban growth and development in metropolitan areas of the state, problems have arisen and will arise which so transcend the boundary lines of local government units that no single unit can make plans for their solution without affecting other units in the area; that under existing legislation no planning agency of sufficient territorial scope exists or can be created to provide an area-wide approach in planning solutions to problems which demand coordinated and cooperative action by affected governmental units; and that comprehensive planning for the orderly and economical growth of entire metropolitan areas consistent with the general welfare requires the establishment of regional planning commissions.

[1957 c 468 s 1]

473.02 DEFINITIONS. Subdivision 1. For the purpose of this chapter the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. "Governmental unit" means a county, city, village, town, school district, or other political subdivision.

Subd. 3. "Commission" or "the commission" means a regional planning and development commission created by this chapter.

Subd. 4. "Central city" means a city of more than 100,000 population contiguous to any other city of more than 100,000 population.

Subd. 5. "Metropolitan area" means the combined area of counties containing any land within five miles of the boundary of a central city and, in addition, the area of any contiguous county made part of the metropolitan area under section 473.03, subdivision 4.

[1957 c 468 s 2]

473.03 REGIONAL PLANNING AND DEVELOPMENT COMMISSION. Subdivision 1. There is hereby established in each metropolitan area a regional planning and development commission consisting of the following members:

(1) Two members representing each central city in the area. One shall be the mayor or a representative appointed by him and one shall be a member of the governing body or some other resident of the city appointed in either case by the governing body.

(2) Seven members representing cities and villages in the metropolitan area other than central cities. No more than two such members shall reside in any one county. Such members shall be officials or other residents of such municipalities and shall be appointed by a majority vote of the mayors of such municipalities voting at a joint meeting, or adjourned meeting, called on at least ten days mailed notice by the mayor of the most populous of such municipalities. The number of such members shall be increased or decreased only when terms of incumbent members expire, except that if the number of members to which such municipalities are entitled is increased by the expansion of the metropolitan area under subdivision 4 of this section, the members of the commission chosen under this clause shall appoint the required number of such additional members for a term expiring at the time when the terms of other such members expire.

(3) One member to represent each county in the area. He shall be a member of the board of county commissioners or some other resident of the county appointed in either case by the county board.

(4) One member to represent the school districts in the area, including special districts. He shall be a school board member or other resident of the area appointed by a majority vote of the chairmen of the boards of such districts voting at a

joint meeting, or adjourned meeting, called on at least ten days mailed notice by the chairman of the board of the most populous of such districts.

(5) Two members to represent the towns in the area. Each shall be a member of the board of supervisors or other resident of a town in the area and shall be appointed by a majority vote of the chairmen of the boards of supervisors of such towns voting at a joint meeting, or adjourned meeting, called on at least ten days mailed notice by the chairman of the board of the most populous of such towns.

(6) One member for each public corporation created by law to perform a service within two or more cities, villages, or towns in the metropolitan area. He shall be appointed by the governing body of the corporation from its own membership, or from persons residing in the territory under the jurisdiction of the corporation.

(7) Seven members representative of private citizens and groups interested in regional planning and development. They shall be appointed by the governor from residents of the metropolitan area who hold no public office other than that of notary public. At least four of the members so appointed shall be residents of the central cities, and not more than four shall be members of the same political party.

Subd. 2. The mayor of each central city in the area or his representative shall serve for a term expiring upon the qualification of the mayor's successor. Each of the other members shall serve for a term of five years and until the qualification of his successor. The term of office of each member holding office on the effective date of Laws 1963, Chapter 866, is extended to and terminates on May 31 next following the date on which his term of office would otherwise expire. Except an appointment to fill an unexpired term, the term of each member shall begin on June 1 next following the date on which the term of the next preceding incumbent expired. Any vacancy occurring before the expiration of the term shall be filled by the appointing authority for the remainder of the term except that a vacancy occurring among the members representing school districts, town, or municipalities other than central cities shall be filled by the commission for the remainder of the term.

Subd. 3. Initial members shall be appointed in the case of a metropolitan area hereafter established, within 30 days after the effective date of the decennial census by which the area becomes a metropolitan area; and the mayor of each central city, the county auditor of each county, the secretary of each public corporation, and the mayor, school board chairman, and town board chairman responsible for the calling of meetings to make appointments under subdivision 1 shall notify the governor of appointments made by him or the appointing authority to which he is responsible. At the end of such 30-day period, or as soon thereafter as the governor has been informed that a majority of the commission members have been appointed, he shall call a meeting of the commission at which the commission may be organized and commence its operations notwithstanding the existence of vacancies on the commission.

Subd. 4. Any county contiguous to a county in a metropolitan area shall be added to the metropolitan area whenever (a) the county board of the county finds by resolution that there is need for a regional planning commission to function in the county under this chapter and that the adjoining metropolitan area should be expanded to include such county, and (b) the commission by resolution gives its consent to the expansion.

[1957 c 468 s 3; Ex 1961 c 39 s 1; 1963 c 866 s 1, 2]

NOTE: See note following section 473.11.

473.04 DUTIES AND OFFICERS OF COMMISSION. Subdivision 1. The commission shall elect its own officers, and shall establish its own rules governing its internal organization, its meetings, and its procedure. It shall keep a record of its resolutions, transactions, findings, and reports, and these shall be public records.

Subd. 2. Members of the commission shall receive no compensation for their services; but they may be reimbursed for actual expenses incurred in carrying on their duties.

[1957 c 468 s 4]

473.05 PLANS. Subdivision 1. The commission shall make plans for the physical, social, and economic development of its metropolitan area with the general purpose of guiding and accomplishing a coordinated and harmonious development of the area and of public facilities, improvements, and utilities which do not begin and terminate within the boundaries of any single governmental unit or which

do not relate exclusively to the development of any single governmental unit. Such plans may include, among other things, suggestions as to highways and other transportation facilities, parks and recreational facilities, drainage and water supply facilities, public buildings, utilities and services, as well as suggested standards for the subdivision of land and for control over the construction, height, bulk, location and use of buildings and premises. The commission may adopt by resolution of a majority of its full membership any such plan or portion of any plan as its official recommendation for the development of the area.

Subd. 2. The commission may conduct research studies, collect and analyze data, prepare maps, charts and tables, and conduct all necessary studies for the accomplishment of its other duties; it may publicize and advertise its purposes, objectives, and findings, and may distribute reports thereon; it may advise and assist the legislature and other governmental units and the public in its area on planning matters within the scope of its duties and objectives and may act as a coordinating agency for programs and activities of governmental units affecting metropolitan area planning.

[1957 c 468 s 5; 1963 c 866 s 3]

473.06 GOVERNMENT UNITS TO COOPERATE. Subdivision 1. Each governmental unit, its officers and employees, shall cooperate with the commission in its metropolitan area in accomplishing the purposes of this chapter. Such unit may aid the commission by furnishing staff, services, property, or financial support to the commission.

Subd. 2. The commission shall promote the cooperation of the planning commissions of governmental units within its metropolitan area, the coordination of the plans of such units, and the coordination of such plans with plans adopted by the commission; it shall confer with and advise with officers and employees of such governmental units and all other public and private agencies that can be helpful in promoting a coordinated and desirable development of the metropolitan area.

Subd. 3. Whenever requested by the governing body of a governmental unit in the area, the commission may, at the expense of the governmental unit concerned, prepare studies or plans relating to the future growth and development of the governmental unit; but such local planning shall not be done if it handicaps or delays the commission's primary objective of regional studies and plans.

Subd. 4. Each constituent governmental unit shall give the commission access to all its studies, reports, surveys, records, and other information and material as are requested by the commission for the accomplishment of its purposes. All such material belonging to the commission shall also be made available to each governmental unit within its metropolitan area.

Subd. 5. Any constituent governmental unit having authority to adopt a master plan or official map may adopt all or any part of any plan prepared and adopted by the commission of its metropolitan area by following the procedure for the adoption of a master plan or official map.

Subd. 6. Before a governmental unit in the metropolitan area makes a final decision on any matter which, in the sole discretion of its governing body, is not predominantly local but has a substantial effect on regional development, the tentative proposal or plans shall be presented to the commission for its recommendation, and the governing body shall take no binding action on the matter thereafter until the commission has made its recommendations or until 30 days have elapsed from the time of submission to the commission without a report from the commission. Failure to present the proposal or plans to the commission shall be a finding by the governing body that the matter is predominantly local. The recommendations of the commission shall be advisory only.

[1957 c 468 s 6]

473.07 DIRECTOR, EMPLOYEES. The commission may appoint a director and such employees as it may deem necessary for its work and may hire such experts and consultants as may be necessary in performing its duties. It shall provide for the bonding of its treasurer and may make necessary contracts in the name of the commission, provide for office space, purchase supplies and equipment, and do anything necessary and proper to the performance of its duties. It shall be considered an employer under Minnesota Statutes, chapters 176 and 353, and may purchase insurance covering its liability under the workmen's compensation law. It shall be considered a political subdivision within the meaning of Minnesota Statutes, section 471.59.

[1957 c 468 s 7]

473.08 BUDGET, FINANCIAL AID. Subdivision 1. On or before October 1 of each year the commission shall adopt, after a public hearing, a budget covering its anticipated receipts and disbursements for the ensuing year and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget. After adoption of the budget and no later than October 1, the secretary of the commission shall certify to the auditor of each county within its metropolitan area the county share of such tax, which shall be an amount bearing the same proportion to the total levy agreed on by the commission as the assessed valuation of the county bears to the assessed valuation of the metropolitan area. The maximum amount of any levy made for the purpose of this chapter shall not exceed 13/100 of a mill on each dollar of assessed valuation of all taxable property in the metropolitan area, provided however a maximum levy of one fifth of a mill may be made for the years 1965 and 1966.

Subd. 2. The auditor of each county in a metropolitan area shall add the amount of any levy made by the commission within the limits imposed by subdivision 1 to other tax levies of the county for collection by the county treasurer with other taxes. When collected the county treasurer shall make settlement of such taxes with the treasurer of the commission in the same manner as other taxes are distributed to political subdivisions. The levy authorized by this section shall be in addition to any other county taxes authorized by law.

Subd. 3. The commission may accept financial aid from governmental units within its metropolitan area, from the state or federal government, and from private donors, if the conditions under which it is offered are not incompatible with the provisions of this chapter.

Subd. 4. The commission shall keep an accurate account of its receipts and disbursements. Disbursements of funds of the commission shall be made by check signed by the chairman or vice chairman or secretary of the commission and counter-signed by the director or assistant director or administrative assistant thereof after such auditing and approval of the expenditure as may be provided by rules of the commission. The public examiner shall audit the books and accounts of the commission once each year, or as often as funds and personnel of the public examiner permit. The commission shall pay to the state the total cost and expenses of such examination, including the salaries paid to the examiners while actually engaged in making such examination. The revolving fund of the public examiner shall be credited with all collections made for any such examination.

Subd. 5. Every contract of the commission for the purchase of merchandise, materials, or supplies which requires an expenditure of \$1,000 or more shall be let to the lowest responsible bidder after notice has been published once in a legal newspaper of general circulation in the metropolitan area at least ten days in advance of the last day for the submission of bids.

[1957 c 468 s 8; 1963 c 866 s 4, 5; 1965 c 501 s 1]

473.09 ANNUAL REPORT; LEGISLATIVE REPORT. Subdivision 1. The commission shall make an annual report of its activities to the governing bodies of the governmental units and to the public in its metropolitan area:

Subd. 2. The commission shall make a report of its finances and activities biennially to the legislature. The report shall include a copy of the commission's expenditures by category for the preceding two years and shall include detailed budget projections, including an outline of its work program, for the current year and for the following year.

[1957 c 468 s 9; 1963 c 866 s 6; 1965 c 501 s 2]

473.10 DEPOSITORIES. The commission shall from time to time designate one or more national or state banks, or trust companies authorized to do a banking business, as official depositories for money of the commission, and thereupon shall require the treasurer to deposit all or part of such money in such bank or banks. Such designation shall be in writing and set forth all the terms and conditions upon which the deposits are made, and shall be signed by the chairman and secretary, and made a part of the minutes of the commission. Any bank or trust company so designated shall qualify as a depository by furnishing a corporate surety bond or collateral as required by Minnesota Statutes, Section 118.01, and shall thereafter, as long as money of the commission is on deposit therein, maintain such bond or collateral in the amounts required by said section. However, no

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bond or collateral shall be required to secure any deposit, insofar as it is insured under federal law, as provided in Minnesota Statutes, Section 118.10.

[*Ex1961 c 39 s 2*]

NOTE: See note following section 473.11.

473.11 BORROWING MONEY; CERTIFICATES OF INDEBTEDNESS. Subdivision 1. At any time after a tax has been levied by the commission and certified to the county auditors to be spread on the next tax roll for collection, the commission may borrow money and in evidence thereof issue and sell its certificates of indebtedness in anticipation of the collection of such levy.

Subd. 2. The aggregate principal amount of such certificates then remaining outstanding, issued in anticipation of any levies whatsoever, plus the then unpaid accrued interest and interest to accrue to maturity on all such certificates, shall not exceed 50 percent of all taxes certified to the county auditors to be spread and collected which are not delinquent, less the amount thereof received by the commission before the latest certificates were issued.

Subd. 3. All certificates shall mature not later than April 1 following the close of the year of collection of the taxes in anticipation of which they were issued, and may be made subject to redemption before maturity.

Subd. 4. The commission shall, by the resolution authorizing each issue of certificates, fix the amount, date, maturity or maturities, prepayment provisions, form, denominations, interest rate or rates, and other details of the certificates, and also pledge the full faith and credit of the commission for the payment thereof. In and by such resolution, the commission shall also irrevocably appropriate to a special fund such amount, stated in dollars, of the levy anticipated as will be required to pay the principal of and interest on the certificates when due.

Subd. 5. If, due to delinquencies in collection thereof, the levy is not received at the times and in the amounts sufficient to meet principal of and interest on certificates payable therefrom, the commission may levy and cause to be extended, assessed and collected upon all taxable property within the metropolitan area, such ad valorem taxes as may be required to pay such principal and interest and to restore to other funds advances made for that purpose.

Subd. 6. All such certificates may be negotiated and sold in such manner as may be determined by the commission.

[*Ex1961 c 39 s 3*]

NOTE: Extra Session Laws 1961, Chapter 39, Sections 4 and 5, read:

"Sec. 4. This act, by virtue of the provisions of Minnesota Statutes 1957, Sections 473.02 and 473.03, will apply on its effective date to a single local government unit, viz., the Twin Cities Metropolitan Planning Commission; wherefore this act shall become effective only after its approval by resolution duly adopted by the favorable vote of a majority of all the commissioners constituting the members and governing body of said unit, and upon compliance with the provisions of Laws 1959, Chapter 368.

"Sec. 5. If section 4 of this act shall be held unconstitutional or invalid for any reason by a court of competent jurisdiction, a decision by such court so holding shall not affect the validity of the remaining sections of this act, namely, sections 1, 2 or 3; and to that end sections 1, 2, 3 and 4 of this act are hereby declared to be severable, and it is hereby further declared that this act would have been passed irrespective of a decision by such a court declaring section 4 unconstitutional or invalid for some other reason."