

1.1 A bill for an act

1.2 relating to the Metropolitan Council; providing for staggered terms of
1.3 Metropolitan Council members; modifying the membership of the Metropolitan
1.4 Council to include local elected officials; providing for the council to select its
1.5 own chair; modifying the membership of the nominating committee; adding
1.6 duties to the Legislative Commission on Metropolitan Government; providing
1.7 for the Metropolitan Council to budget on a state fiscal year; requiring legislative
1.8 approval of the council's budget; making certain council guidelines and plans
1.9 advisory; amending Minnesota Statutes 2014, sections 3.8841, subdivisions
1.10 7, 8; 473.123, subdivisions 2a, 3, 4; 473.13, subdivision 1; 473.145; 473.175,
1.11 subdivision 1; 473.206; 473.313, subdivision 2; 473.852, subdivision 8; 473.856;
1.12 repealing Minnesota Statutes 2014, section 473.851.

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

1.14 **ARTICLE 1**

1.15 **METROPOLITAN COUNCIL MEMBERSHIP**

1.16 Section 1. Minnesota Statutes 2014, section 473.123, subdivision 2a, is amended to read:

1.17 Subd. 2a. **Terms.** Following each apportionment of council districts, as provided
1.18 under subdivision 3a, council members must be appointed from newly drawn districts as
1.19 provided in subdivision 3a. ~~Each council member, other than the chair, must reside in the~~
1.20 ~~council district represented. Each council district must be represented by one member of the~~
1.21 ~~council.~~ The terms of members end with the term of the governor are staggered as follows:
1.22 members representing even-numbered districts have terms ending the first Monday in
1.23 January of the year ending in the numeral "7"; and members representing odd-numbered
1.24 districts have terms ending the first Monday in January of the year ending in the numeral
1.25 "5." Thereafter the term of each member is four years, with terms ending the first Monday
1.26 in January, except that all terms expire on the effective date of the next apportionment.
1.27 ~~A member serves at the pleasure of the governor.~~ A member shall continue to serve the

2.1 member's district until a successor is appointed and qualified; except that, following each
2.2 apportionment, the member shall continue to serve at large until the governor appoints 16
2.3 council members, one from each of the newly drawn council districts as provided under
2.4 subdivision 3a, to serve terms as provided under this section. The appointment to the
2.5 council must be made by the first Monday in March of the year in which the term ends.

2.6 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
2.7 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
2.8 Scott, and Washington.

2.9 Sec. 2. Minnesota Statutes 2014, section 473.123, subdivision 3, is amended to read:

2.10 Subd. 3. **Membership; appointment; qualifications.** (a) Sixteen members must be
2.11 appointed by the governor from districts defined by this section. Each council member
2.12 must reside in the council district represented. Each council district must be represented
2.13 by one member of the council. Each Metropolitan Council member must be an elected city
2.14 council member. A Metropolitan Council member's office becomes vacant if the person
2.15 appointed to that position ceases to be an elected city council member.

2.16 (b) In addition to the notice required by section 15.0597, subdivision 4, notice of
2.17 vacancies and expiration of terms must be published in newspapers of general circulation
2.18 in the metropolitan area and the appropriate districts. The governing bodies of the statutory
2.19 and home rule charter cities, counties, and towns having territory in the district for which
2.20 a member is to be appointed must be notified in writing. The notices must describe the
2.21 appointments process and invite participation and recommendations on the appointment.

2.22 (c) ~~The governor shall create a nominating committee, composed~~ A committee of
2.23 seven metropolitan citizens ~~appointed by the governor, to shall~~ nominate persons for
2.24 appointment to the council from districts. Three of the committee members must be local
2.25 elected officials appointed by Metro Cities, one must be a county commissioner appointed
2.26 by the Association of Minnesota Counties, and three must be appointed by the governor.
2.27 Following the submission of applications as provided under section 15.0597, subdivision
2.28 5, the nominating committee shall conduct public meetings, after appropriate notice, to
2.29 accept statements from or on behalf of persons who have applied or been nominated for
2.30 appointment and to allow consultation with and secure the advice of the public and local
2.31 elected officials. The committee shall hold the meeting on each appointment in the district
2.32 or in a reasonably convenient and accessible location in the part of the metropolitan area
2.33 in which the district is located. The committee may consolidate meetings. Following
2.34 the meetings, the committee shall submit to the governor a list of nominees for each
2.35 appointment. The governor is not required to appoint from the list.

3.1 (d) Before making an appointment, the governor shall consult with all members of
3.2 the legislature from the council district for which the member is to be appointed.

3.3 (e) Appointments to the council are subject to the advice and consent of the senate as
3.4 provided in section 15.066.

3.5 (f) Members of the council must be appointed to reflect fairly the various
3.6 demographic, political, and other interests in the metropolitan area and the districts.

3.7 (g) Members of the council must be persons knowledgeable about urban and
3.8 metropolitan affairs.

3.9 (h) Any vacancy in the office of a council member shall immediately be filled
3.10 for the unexpired term. In filling a vacancy, the governor may forgo the requirements
3.11 of paragraph (c) if the governor has made appointments in full compliance with the
3.12 requirements of this subdivision within the preceding 12 months.

3.13 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
3.14 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
3.15 Scott, and Washington.

3.16 Sec. 3. Minnesota Statutes 2014, section 473.123, subdivision 4, is amended to read:

3.17 Subd. 4. **Chair; appointment, officers, selection; duties and compensation.** (a)
3.18 The chair of the Metropolitan Council shall be ~~appointed~~ elected by the ~~governor~~ 16
3.19 members of the council as the 17th voting member thereof by and with the advice and
3.20 consent of the senate to serve at the pleasure of the ~~governor~~ council to represent the
3.21 metropolitan area at large. Senate confirmation shall be as provided by section 15.066.

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

3.27 (b) The Metropolitan Council shall elect other officers as it deems necessary for
3.28 the conduct of its affairs for a one-year term. A secretary and treasurer need not be
3.29 members of the Metropolitan Council. Meeting times and places shall be fixed by the
3.30 Metropolitan Council and special meetings may be called by a majority of the members
3.31 of the Metropolitan Council or by the chair. The chair and each Metropolitan Council
3.32 member shall be reimbursed for actual and necessary expenses.

3.33 (c) Each member of the council shall attend and participate in council meetings
3.34 and meet regularly with local elected officials and legislative members from the council

4.1 member's district. Each council member shall serve on at least one division committee for
4.2 transportation, environment, or community development.

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

4.6 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
4.7 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
4.8 Scott, and Washington. The term of the chair of the Metropolitan Council serving on the
4.9 effective date of this section ends on that date, but the chair may continue serving until
4.10 a new chair is elected by the council under this section.

4.11 Sec. 4. **METROPOLITAN COUNCIL APPOINTMENTS; IMMEDIATE**
4.12 **TRANSITION TO STAGGERED TERMS.**

4.13 For members serving on the Metropolitan Council on the effective date of this
4.14 section, other than the chair, members representing even-numbered districts shall serve
4.15 terms ending the first Monday in January 2019, and members representing odd-numbered
4.16 districts shall serve terms ending the first Monday in January 2017. Thereafter the term of
4.17 each member is four years, with terms ending the first Monday in January.

4.18 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
4.19 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
4.20 Scott, and Washington.

4.21 **ARTICLE 2**

4.22 **METROPOLITAN COUNCIL BUDGET**

4.23 Section 1. Minnesota Statutes 2014, section 3.8841, subdivision 7, is amended to read:

4.24 Subd. 7. **Meetings; procedures.** The commission meets at the call of the chair.
4.25 The commission shall meet at least once per calendar year. If there is a quorum, the
4.26 commission may take action by a simple majority vote of commission members present.

4.27 Sec. 2. Minnesota Statutes 2014, section 3.8841, subdivision 8, is amended to read:

4.28 Subd. 8. **Powers; duties; Metropolitan Council levy, budget oversight.** The
4.29 commission must monitor, review, and make recommendations to the Metropolitan
4.30 Council and to the legislature by February 1 of each year for the following calendar fiscal
4.31 year. The recommendations shall be on:

- 5.1 (1) the tax rate and dollar amount of the Metropolitan Council's property tax levies
 5.2 and any proposed increases in the rate or dollar amount of tax;
- 5.3 (2) any request for an increase in the debt of the Metropolitan Council;
- 5.4 (3) the overall work and role of the Metropolitan Council;
- 5.5 (4) the Metropolitan Council's proposed operating and capital budgets, work
 5.6 program, and capital improvement program; and
- 5.7 (5) the Metropolitan Council's implementation of the operating and capital budgets,
 5.8 work program, and capital improvement program.

5.9 Sec. 3. Minnesota Statutes 2014, section 473.13, subdivision 1, is amended to read:

5.10 Subdivision 1. **Budget.** (a) On or before ~~December 20~~ January 15 of each year, the
 5.11 council shall ~~adopt a final~~ present a proposed budget covering its to committees in the
 5.12 senate and house of representatives with jurisdiction over the Metropolitan Council.
 5.13 The proposed budget must cover the council's anticipated receipts and disbursements
 5.14 for the ensuing next fiscal year commencing July 1 and shall decide upon the total the
 5.15 proposed amount necessary to be raised from ad valorem tax levies to meet its budget. The
 5.16 proposed budget shall state in detail the expenditures for each program to be undertaken,
 5.17 including the expenses for salaries, consultant services, overhead, travel, printing, and
 5.18 other items. The proposed budget shall state in detail the capital expenditures of the
 5.19 council for the budget fiscal year, based on a five-year capital program adopted by the
 5.20 council and transmitted to the legislature. After adoption of the budget and The council
 5.21 cannot adopt a final budget until a law authorizing the council's budget is enacted. In any
 5.22 year in which a law is not enacted to authorize the council's budget, the council may
 5.23 continue to operate and implement its previously approved budget, but at no greater level
 5.24 than previously authorized by the legislature.

5.25 (b) No later than five working days after December 20 the council's budget is
 5.26 enacted, the council shall certify to the auditor of each metropolitan county the share of the
 5.27 tax to be levied within that county, which must be an amount bearing the same proportion
 5.28 to the total levy agreed on by the council as the net tax capacity of the county bears to the
 5.29 net tax capacity of the metropolitan area. The maximum amount of any levy made for the
 5.30 purpose of this chapter may not exceed the limits set by the statute authorizing the levy.

5.31 (b) (c) In each fiscal year starting in an even-numbered year the council shall prepare
 5.32 for its transit programs a financial plan for the succeeding three calendar fiscal years, in
 5.33 half-year segments. The financial plan must contain schedules of user charges and any
 5.34 changes in user charges planned or anticipated by the council during the period of the

6.1 plan. The financial plan must contain a proposed request for state financial assistance for
6.2 the succeeding biennium.

6.3 (e) (d) In addition, the proposed budget must show for each fiscal year:

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

6.7 (2) capital improvement funds estimated to be on hand at the beginning of the fiscal
6.8 year and estimated to be received during the year from all sources and estimated cost of
6.9 capital improvements to be paid out or expended during the fiscal year, all in such detail
6.10 and form as the council may prescribe; and

6.11 (3) the estimated source and use of pass-through funds.

6.12 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2015,
6.13 for budgets beginning in fiscal year 2018 and thereafter. This section applies in the
6.14 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

6.15 Sec. 4. **METROPOLITAN COUNCIL; TRANSITIONAL BUDGET.**

6.16 By July 1, 2016, the Metropolitan Council shall prepare and adopt a detailed
6.17 six-month budget for the period of January 1, 2017, to June 30, 2017. Thereafter, the
6.18 council shall prepare annual budgets with each fiscal year commencing July 1 and ending
6.19 June 30. The council must submit by January 15, 2017, a detailed budget for the fiscal
6.20 year beginning July 1, 2017, to the legislature for approval consistent with Minnesota
6.21 Statutes, section 473.13.

6.22 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2015,
6.23 and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and
6.24 Washington.

6.25 **ARTICLE 3**

6.26 **PLANNING**

6.27 Section 1. Minnesota Statutes 2014, section 473.145, is amended to read:

6.28 **473.145 DEVELOPMENT GUIDE.**

6.29 The Metropolitan Council shall prepare and adopt, after appropriate study and
6.30 such public hearings as may be necessary, a comprehensive development guide for the
6.31 metropolitan area. It shall consist of a compilation of policy statements, goals, standards,
6.32 programs, and maps prescribing guides for the orderly and economical development,

7.1 public and private, of the metropolitan area. The comprehensive development guide shall
7.2 recognize and encompass physical, social, or economic needs of the metropolitan area and
7.3 those future developments which will have an impact on the entire area including but not
7.4 limited to such matters as land use, parks and open space land needs, the necessity for
7.5 and location of airports, highways, transit facilities, public hospitals, libraries, schools,
7.6 and other public buildings. The development guide is advisory in nature and no local unit
7.7 of government shall be required to comply or conform to the guide, unless specifically
7.8 required by law. A local unit of government may, by a vote of the governing body, decide
7.9 that all provisions of the development guide are binding on it.

7.10 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to all
7.11 policies, plans, ordinances, applications, or other matters submitted on or after August
7.12 1, 2015.

7.13 Sec. 2. Minnesota Statutes 2014, section 473.175, subdivision 1, is amended to read:

7.14 Subdivision 1. **For compatibility, conformity.** (a) The council shall review the
7.15 comprehensive plans of local governmental units, prepared and submitted pursuant
7.16 to sections 473.851 to 473.871, to determine their ~~compatibility with each other and~~
7.17 conformity with metropolitan system plans. The council shall review and comment on the
7.18 apparent consistency of the comprehensive plans with adopted plans of the council. The
7.19 council may require a local governmental unit to modify any comprehensive plan or part
7.20 thereof if, upon the adoption of findings and a resolution, the council concludes that the plan
7.21 is more likely than not to have a substantial impact on or contain a substantial departure
7.22 from metropolitan system plans. A local unit of government may challenge a council
7.23 action under this subdivision by following the procedures set forth in section 473.866.

7.24 (b) The council may comment on the apparent consistency of the comprehensive
7.25 plans with adopted plans of the council and the compatibility of a plan in relation to other
7.26 comprehensive plans in the metropolitan area, but these comments are advisory in nature
7.27 and no change may be required, unless authorized by paragraph (a).

7.28 Sec. 3. Minnesota Statutes 2014, section 473.206, is amended to read:

7.29 **473.206 LOCAL ORDINANCES.**

7.30 Each county, city or town in the metropolitan area shall be provided with standards,
7.31 criteria and suggested model ordinances and may, after review and comment by the
7.32 Metropolitan Council, adopt ordinances which provide for the protection of the resources
7.33 that are the subject of the standards, criteria, and model ordinances. The council shall

8.1 not require any changes or amendments to the ordinances submitted, unless specifically
8.2 authorized by law.

8.3 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to all
8.4 policies, plans, ordinances, applications, or other matters submitted on or after August
8.5 1, 2015.

8.6 Sec. 4. Minnesota Statutes 2014, section 473.313, subdivision 2, is amended to read:

8.7 Subd. 2. **Council review.** The Metropolitan Council shall review with the advice of
8.8 the commission, each master plan to determine whether it is consistent with the council's
8.9 policy plan. ~~If it is not consistent, the council shall return the plan with its comments to~~
8.10 ~~the municipalities, park district or county for revision and resubmittal.~~

8.11 Sec. 5. Minnesota Statutes 2014, section 473.852, subdivision 8, is amended to read:

8.12 Subd. 8. **Metropolitan system plans.** "Metropolitan system plans" means the
8.13 transportation portion of the Metropolitan Development Guide; and the policy plans; and
8.14 capital budgets for metropolitan wastewater service; and transportation; ~~and regional~~
8.15 ~~recreation open space.~~

8.16 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to all
8.17 policies, plans, ordinances, applications, or other matters submitted on or after August
8.18 1, 2015.

8.19 Sec. 6. Minnesota Statutes 2014, section 473.856, is amended to read:

8.20 **473.856 METROPOLITAN SYSTEM STATEMENTS; AMENDMENTS.**

8.21 The council shall prepare and transmit to each affected local governmental unit a
8.22 metropolitan system statement when the council updates or revises its comprehensive
8.23 development guide for the metropolitan area in conjunction with the decennial review
8.24 required under section 473.864, subdivision 2, and when the council amends or modifies
8.25 a metropolitan system plan. The statement shall contain information relating to the
8.26 unit and appropriate surrounding territory that the council ~~determines necessary for~~
8.27 recommends that the unit to consider in reviewing the unit's comprehensive plan. The
8.28 statement may include:

8.29 (1) the timing, character, function, location, projected capacity, and conditions on use
8.30 for existing or planned metropolitan public facilities, as specified in metropolitan system
8.31 plans, and for state and federal public facilities to the extent known to the council; and

9.1 (2) the population, employment, and household projections which have been used by
 9.2 the council as a basis for its metropolitan system plans.

9.3 Within nine months after receiving a system statement for an amendment to a
 9.4 metropolitan system plan, and within three years after receiving a system statement issued
 9.5 in conjunction with the decennial review required under section 473.864, subdivision 2,
 9.6 each affected local governmental unit shall review its comprehensive plan to determine if an
 9.7 amendment is necessary to ensure continued conformity with metropolitan system plans. If
 9.8 an amendment is necessary, the governmental unit shall prepare the amendment and submit
 9.9 it to the council for review pursuant to sections 462.355, 473.175, and 473.851 to 473.871.

9.10 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to all
 9.11 policies, plans, ordinances, applications, or other matters submitted on or after August
 9.12 1, 2015.

9.13 Sec. 7. **APPLICATION.**

9.14 This article applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
 9.15 Scott, and Washington.

9.16 Sec. 8. **REVISOR'S INSTRUCTION.**

9.17 In each section of Minnesota Statutes referred to in column A, the revisor of statutes
 9.18 shall delete the reference in column B and insert the reference in column C.

9.19	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
9.20	<u>473.146</u>	<u>473.851</u>	<u>473.852</u>
9.21	<u>473.175</u>	<u>473.851</u>	<u>473.852</u>
9.22	<u>473.852</u>	<u>473.851</u>	<u>473.852</u>
9.23	<u>473.854</u>	<u>473.851</u>	<u>473.852</u>
9.24	<u>473.856</u>	<u>473.851</u>	<u>473.852</u>
9.25	<u>473.858</u>	<u>473.851</u>	<u>473.852</u>
9.26	<u>473.859</u>	<u>473.851</u>	<u>473.852</u>
9.27	<u>473.867</u>	<u>473.851</u>	<u>473.852</u>
9.28	<u>473.869</u>	<u>473.851</u>	<u>473.852</u>
9.29	<u>473.871</u>	<u>473.851</u>	<u>473.852</u>
9.30	<u>473H.02</u>	<u>473.851</u>	<u>473.852</u>

9.31 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to all
 9.32 policies, plans, ordinances, applications, or other matters submitted on or after August
 9.33 1, 2015.

9.34 Sec. 9. **REPEALER.**

10.1 Minnesota Statutes 2014, section 473.851, is repealed.

10.2 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to all
10.3 policies, plans, ordinances, applications, or other matters submitted on or after August
10.4 1, 2015.

APPENDIX
Article locations in CEH1297-1

ARTICLE 1 METROPOLITAN COUNCIL MEMBERSHIP Page.Ln 1.14
ARTICLE 2 METROPOLITAN COUNCIL BUDGET Page.Ln 4.21
ARTICLE 3 PLANNING Page.Ln 6.25

473.851 LEGISLATIVE FINDINGS AND PURPOSE.

The legislature finds and declares that the local governmental units within the metropolitan area are interdependent, that the growth and patterns of urbanization within the area create the need for additional state, metropolitan and local public services and facilities and increase the danger of air and water pollution and water shortages, and that developments in one local governmental unit may affect the provision of regional capital improvements for sewers, transportation, airports, water supply, and regional recreation open space. Since problems of urbanization and development transcend local governmental boundaries, there is a need for the adoption of coordinated plans, programs and controls by all local governmental units in order to protect the health, safety and welfare of the residents of the metropolitan area and to ensure coordinated, orderly, and economic development. Therefore, it is the purpose of sections 462.355, 473.175, and 473.851 to 473.871 to (1) establish requirements and procedures to accomplish comprehensive local planning with land use controls consistent with planned, orderly and staged development and the metropolitan system plans, and (2) to provide assistance to local governmental units within the metropolitan area for the preparation of plans and official controls appropriate for their areas and consistent with metropolitan system plans.