

# **METROPOLITAN COUNCIL RELATIONSHIPS WITH METROPOLITAN AIRPORTS COMMISSION AND METROPOLITAN SPORTS FACILITIES COMMISSION**

The following is a summary of Minnesota statutes establishing Metropolitan Council relationships or "oversight" functions relating to the Metropolitan Airports Commission and the Metropolitan Sports Facilities Commission. Statutory and other authorities are cited parenthetically.

The Metropolitan Airports Commission's organization, structure and administration generally are governed by Minnesota Statutes sections 473.601 to 473.679. The organization, structure and administration of the Metropolitan Sports Facilities Commission generally are governed by Minnesota Statutes sections 473.551 to 473.5995.

## **METROPOLITAN AIRPORTS COMMISSION**

**Council Members Serving with the Commission.** The Metropolitan Council appoints one of its members "to serve with" the Metropolitan Airports Commission. The appointed Council member serves "without a vote." (Minn. Stat. § 473.129, subd. 6(a)).

**Long-Range Comprehensive Policy Plan for Transportation.** The Council is required to adopt a long-range comprehensive policy plan for transportation that "must include policies relating to all transportation forms" as well as "a long-range assessment of air transportation trends and factors that may affect airport development in the metropolitan area and policies and strategies that will ensure a comprehensive, coordinated, and timely investigation and evaluation of alternatives for airport development." (Minn. Stat. § 473.146, subs. 1 & 3). The Council must develop the non-transit element of its policy plan "in consultation with" the Metropolitan Airports Commission and other designated entities and must "take into consideration the airport development and operations plans and activities of the commission." (Minn. Stat. § 473.146, subd. 3). In addition to other requirements, the Council's transportation policy plan "integrates and maximizes the efficiencies and effectiveness of all modes of transportation in the region." (Minn. Stat. § 473.1465, subd. 2(3)).

**Transportation Planning Advisory Body.** As the designated planning agency for long-range comprehensive transportation planning under federal transportation planning law, the Council must "assure administration and coordination of transportation planning with appropriate state, regional and other agencies, counties, and municipalities." The membership of the Transportation Advisory Board established by the Council must include "one member of the Metropolitan Airports Commission appointed by the commission." (Minn. Stat. § 473.146, subd. 4).

**Reimbursements for Council Costs.** The Metropolitan Airports Commission must “annually reimburse the council for costs incurred by the council in the discharge of its responsibilities relating to the commission.” By May 1 of each year, the Council must transmit to the Commission “an estimate of the costs which the council will incur in the discharge of its responsibilities related to the commission in the next budget year” including estimated costs associated with “the preparation, review, implementation and defense of plans, programs and budgets of the commission.” (Minn. Stat. § 473.164, subs. 1 & 2). At the end of each budget year, “the council, in cooperation with [the] commission, shall adopt a final statement of costs incurred by the council for [the] commission.” (Minn. Stat. § 473.164, subd. 3).

**Applications for Federal Funds.** The Council must review all Commission applications for funds, grants, loans or loan guarantees from the federal government submitted in connection with a proposed matter of metropolitan significance, as well as applications for federal assistance if review by a regional agency is required by federal law or the federal agency. (Minn. Stat. § 473.171, subd. 1).

**Applications for State Funds.** The Council must review all applications or requests of the Commission for state funds allocated or granted for proposed matters of metropolitan significance, as well as Commission applications for state funds if review by a regional agency is required by state law or the granting state agency. (Minn. Stat. § 473.171, subd. 2).

**Commission Plans Consistent with Council Development Guide.** “The plans of the Metropolitan Airports Commission and the development of the metropolitan airports system by the commission shall \* \* \* be consistent with the development guide of the council,” including transportation chapter of the Council’s development guide. (Minn. Stat. § 473.181, subd. 5; 473.611, subd. 5; 473.655). “Any long-term comprehensive plans adopted by the commission for the betterment and enlargement of existing airports, for the acquisition and construction of new airports, and for the categories of use of airports owned or controlled by the commission shall be consistent with the development guide of the Metropolitan Council.” (Minn. Stat. 473.611, subd. 5).

**Aircraft Noise Attenuation.** Cities within aircraft noise zones designated in the Council’s transportation policy plan “may adopt and enforce ordinances and controls to regulate building construction methods and materials for the purpose of attenuating aircraft noise in habitable buildings in and around the noise zone.” The ordinances “must be adequate to implement the Metropolitan Council’s guidelines for land use compatibility with aircraft noise.” (Minn. Stat. § 473.192, subd. 3). The adoption of local ordinances does not “diminish the responsibility of the Metropolitan Airports Commission to conduct noise abatement programs under other state or federal law.” (Minn. Stat. § 473.192, subd. 4).

**Coordinated Aeronautical Activities.** The Commission “shall cooperate with and assist the Metropolitan Council, the federal government, the commissioner of transportation of this state, the Pollution Control Agency, and others engaged in aeronautics or the promotion and regulation of aeronautics and shall seek to coordinate its activities with the aeronautical activities of these bodies.” (Minn. Stat. § 473.602).

**Acoustical Barriers.** The Commission is required to “construct an acoustical barrier in or along the perimeter of maintenance areas of the Minneapolis-St. Paul International Airport.” However, “none of the construction authorized by this subdivision shall be subject to review or approval by the Metropolitan Council.” (Minn. Stat. § 473.608, subd. 19).

**Comprehensive Airport Planning.** By January 1, 1992, the Commission was to have adopted "a long-term comprehensive plan for the international airport at its existing location" to "satisfy the air transportation needs for a prospective 20-year period" as well as a concept plan for the airport, "including an estimate of facilities requirements, to satisfy the air transportation needs for an additional ten-year period." Both plans "must be consistent with the development guide of the council" and "must be updated at least every five years." (Minn. Stat. § 473.616, subd. 1).

**Council Review of Commission Capital Projects.** The Council reviews large Commission capital projects. (Minn. Stat. §§ 473.181, subd. 5). "All Minneapolis-St. Paul International Airport capital projects of the commission requiring the expenditure of more than \$5,000,000 shall be submitted to the Metropolitan Council for review. All other capital projects of the commission requiring the expenditure of more than \$2,000,000 shall be submitted to the Metropolitan Council for review." (Minn. Stat. § 473.621, subd. 6). If a proposed Commission capital project has a "significant effect on the orderly and economic development of the metropolitan area," the project may not be commenced "without the approval of the Metropolitan Council." (Minn. Stat. § 473.621, subd. 6). The Council may not approve a proposed project "unless the council finds that the commission has completed a process intended to provide affected municipalities the opportunity for discussion and public participation in the commission's decision-making process." (Minn. Stat. § 473.621, subd. 6). The statute defines which types of capital projects have a "significant effect on the orderly and economical development of the metropolitan area." (Minn. Stat. § 473.621, subd. 7). ★ *The complete text of the capital project review provisions of Minnesota Statutes section 473.621, subdivisions 6 and 7 are reproduced in the Attachment.*

**Acquisition and Sale of Property.** The Commission is authorized to retain, sell or otherwise dispose of property in accordance with a redevelopment plan. The Commission and the Council may "enter into any agreements with the United States or the state of Minnesota, or any agency or subdivision of either, and do all acts and things required by state or federal law or rules as a condition or consideration for the loan or grant of funds or property for the purpose of land acquisition or improvement." (Minn. Stat. § 473.638, subd. 3).

## METROPOLITAN SPORTS FACILITIES COMMISSION

**Council Members Serving with the Commission.** The Metropolitan Council appoints one of its members "to serve with" the Metropolitan Sports Facilities Commission. The appointed Council member serves "without a vote." (Minn. Stat. § 473.129, subd. 6(a)).

**Reimbursements for Council Costs.** The Metropolitan Sports Facilities Commission must "annually reimburse the council for costs incurred by the council in the discharge of its responsibilities relating to the commission." By May 1 of each year, the Council must transmit to the Commission "an estimate of the costs which the council will incur in the discharge of its responsibilities related to the commission in the next budget year" including estimated costs associated with "the preparation, review, implementation and defense of plans, programs and budgets of the commission." (Minn. Stat. §§ 473.164, subs. 1 & 2; 473.595, subd. 4). At the end of each budget

year, “the council, in cooperation with [the] commission, shall adopt a final statement of costs incurred by the council for [the] commission.” (Minn. Stat. § 473.164, subd. 3).

**Applications for Federal Funds.** The Council must review all Commission applications for funds, grants, loans or loan guarantees from the federal government submitted in connection with a proposed matter of metropolitan significance, as well as applications for federal assistance if review by a regional agency is required by federal law or the federal agency. (Minn. Stat. § 473.171, subd. 1).

**Applications for State Funds.** The Council must review all applications or requests of the Commission for state funds allocated or granted for proposed matters of metropolitan significance, as well as Commission applications for state funds if review by a regional agency is required by state law or the granting state agency. (Minn. Stat. § 473.171, subd. 2).

**Commission Member Qualification.** Members of the Commission qualify by taking and subscribing an oath of office prescribed by the Minnesota Constitution. “The oath, duly certified by the official administering it, shall be filed with the chair of the Metropolitan Council.” (Minn. Stat. § 473.553, subd. 4).

**Personnel Code.** The Council was required to adopt by resolution “guidelines for a personnel code relating to the employees of the commission.” The Commission was required to adopt a personnel code that generally conforms with the Council-adopted guidelines. (Minn. Stat. § 473.553, subd. 9).

**Joint Powers Agreements.** The Commission and the Council are authorized to enter into joint exercise of powers contracts with each other and with other commissions and governmental units. However, the Commission “shall not 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.” (Minn. Stat. § 473.553, subd. 12(b)).

**Assessments for Local Improvements.** The Commission’s real and personal property are exempt from state and local ad valorem taxation, but its properties are subject to assessments levied by political subdivisions for local improvements. “All assessments shall be subject to final confirmation by the council, whose determination of the benefits shall be conclusive upon the political subdivision levying the assessment.” (Minn. Stat. § 473.556, subd. 4).

**Gifts and Grants.** “Except for the acquisition, clearance, relocation, and legal costs [relating to the Metrodome], the commission shall not accept gifts, grants, or loans valued in excess of \$2,000,000 without the prior approval of the council. In evaluating proposed gifts, grants, loans, and agreements required in connection therewith, the council shall examine the possible short-range and long-range impact on commission revenues and commission operating expenditures.” (Minn. Stat. § 473.556, subd. 9).

**Exemptions from Council Review.** The acquisition and betterment of sports facilities by the Commission are “not affected by the provisions of sections 473.165 and 473.173.” (Minn. Stat. § 473.561). ★ *Section 473.165 authorizes the Council to review all long-term comprehensive plans of independent commissions, boards or agencies prepared for their operation and development within the metropolitan area if those plans have areawide effect or substantially affect metropolitan development. Section 473.173 authorizes the Council to review 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.”*

**Council Review of Commission Budget.** The Commission is required to prepare a proposed budget by August 1 of each year and must hold a public hearing on the proposed budget before August 15 of each year. The budget must include information on capital improvement funds "in such detail and form as the council may prescribe." "The council shall approve or disapprove the entire budget by October 1 of each year." The Commission must file its final budget with the Council on or before December 20 of each year. "The council shall file the budgets with the secretary of the senate and the clerk of the house of representatives not later than January 1 of each year." "After obtaining the approval of the council, the commission may amend the 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." (Minn. Stat. § 473.595, subd. 3(c)).

**Audits and Examination of Books and Accounts.** The Commission's books and accounts are audited annually by the Legislative Auditor. "The council may examine the commission's books and accounts at any time." (Minn. Stat. § 473.595, subd. 5).

**Reserves.** The Commission "shall maintain, as authorized by resolutions of the council, reserves for major repairs, replacements, and improvements and for working capital. The commission shall remit to the council for deposit in its Metrodome debt service funds, at the times required by resolution of the council, the net revenue attributable to the Metrodome in excess of these requirements and for deposit in its basketball and hockey arena (Target Center) debt service fund or funds, at the times required by resolution of the council, the net revenue attributable to the basketball and hockey arena in excess of these requirements." (Minn. Stat. § 473.595, subd. 6).

**Local Sales Tax.** The City of Minneapolis is authorized to enter into agreements with the Council and the Commission that require the City to impose a sales tax within a downtown taxing area "to be determined by the council." The sales tax is supplemental to the general sales tax and is imposed "to produce revenues which are determined by the council from year to year to be required, together with the revenues available to the commission, to pay when due all debt service on bonds and revenue anticipation certificates issued [for the Metrodome], all debt service on bonds and revenue anticipation certificates issued [for the basketball and hockey arena], and all expenses of operation, administration, and maintenance of the Metrodome and the basketball and hockey arena." (Minn. Stat. § 473.592, subd. 1). "The agreements shall provide for the suspension, reimposition, reduction, or increase in tax collections upon determinations by the Metropolitan Council that such actions are appropriate or necessary for the purposes for which the tax is imposed." (Minn. Stat. § 473.592, subd. 1). ★ *The so-called "hotel-motel/liquor" tax has not been required or collected since 1984.*

**Accounting for Tax and Other Revenue.** The Commission must "receive and account for all tax and other revenue of the commission and from the revenue shall provide, contract, and pay for proper operation, administration, and maintenance of all of its property and facilities and shall maintain, as authorized by resolutions of the council, reserves for major repairs, replacements, and improvements and for working capital." (Minn. Stat. § 473.595, subd. 6). The Commission "shall remit to the council \* \* \* for deposit in its basketball and hockey arena debt service fund or funds, at the times required by resolution of the council, the net revenue attributable to the basketball and hockey arena in excess of these requirements." (Minn. Stat. § 473.595, subd. 6).

## ATTACHMENT A

### Selected Metropolitan Airports Commission Statutes

Subd. 6. **Capital projects; review.** All Minneapolis-St. Paul International Airport capital projects of the commission requiring the expenditure of more than \$5,000,000 shall be submitted to the Metropolitan Council for review. All other capital projects of the commission requiring the expenditure of more than \$2,000,000 shall be submitted to the Metropolitan Council for review. No such project that has a significant effect on the orderly and economic development of the metropolitan area may be commenced without the approval of the Metropolitan Council. In addition to any other criteria applied by the Metropolitan Council in reviewing a proposed project, the council shall not approve a proposed project unless the council finds that the commission has completed a process intended to provide affected municipalities the opportunity for discussion and public participation in the commission's decision-making process. An "affected municipality" is any municipality that (1) is adjacent to a commission airport, (2) is within the noise zone of a commission airport, as defined in the Metropolitan Development Guide, or (3) has notified the commission's secretary that it considers itself an "affected municipality." The council must at a minimum determine that the commission:

- (a) provided adequate and timely notice of the proposed project to each affected municipality;
- (b) provided to each affected municipality a complete description of the proposed project;
- (c) provided to each affected municipality notices, agendas, and meeting minutes of all commission meetings, including advisory committee meetings, at which the proposed project was to be discussed or voted on in order to provide the municipalities the opportunity to solicit public comment and participate in the project development on an ongoing basis; and
- (d) considered the comments of each affected municipality.

Subd. 7. **Capital projects.** For purposes of this section, capital projects having a significant effect on the orderly and economic development of the metropolitan area shall be deemed to be the following:

- (a) the location of a new airport,
- (b) a new runway at an existing airport,
- (c) a runway extension at an existing airport,
- (d) runway strengthening other than routine maintenance to determine compliance with Federal Air Regulation, part 36,
- (e) construction or expansion of passenger handling or parking facilities which would permit a 25 percent or greater increase in passenger enplanement levels,
- (f) land acquisition associated with any of the above items or which would cause relocation of residential or business activities.

*Source: Office of the Revisor of Statutes, State of Minnesota (2007).*