

Appendix C: Intergovernmental Joint Powers

Minnesota cities receive their authority to cooperate with other units of government from state law.

Under the Joint Powers Act (Act), any city may enter into an agreement with one or more governmental units to cooperatively exercise powers that are common to all parties. Local governments may enter into agreements whereby one entity provides services on behalf of all of the participating units of government. A wide range of programs and activities can be provided cooperatively.

Before exercising common powers, each governing body (e.g., city council) must formally approve the joint powers agreement. When an agreement creates a joint board to administer the program, the board must be representative of the parties to the agreement.

In addition to the Joint Powers Act, cities have specific statutory authorization to undertake certain joint programs with other units of government.

For example, cities also have the ability to enter into contracts. Contractual arrangements between governments, or contracts between governmental units and nonprofit and/or profit-making firms, may also be a way to keep costs to a minimum. Examples include: legal services, auto towing, trash collection, snowplowing, tree trimming or animal control.

Extra-territorial Powers of Cities

The term “extra-territorial powers” refers to the authority a city government can exercise over property located outside its city limits. In general, a city’s jurisdiction is confined to its territorial limits. However, there are important exceptions to this rule.

Minnesota cities have no general or inherent authority to extend their police powers beyond city limits. The courts have said that city police power is

limited to the area within the city’s boundaries, even though exercising that power within these limits may affect land outside its boundaries. The same rule applies when a city owns property outside the city limits. A city may exercise all of the usual rights associated with land ownership, but may not exercise police powers, unless specifically authorized by state law.

Subdivisions and Zoning

Minnesota cities may extend their zoning and subdivision regulations to townships (or “unincorporated territories”) within two miles of their city limits. When extended, zoning ordinances may be enforced in the same manner and to the same extent as within the city’s limits.

A city may not extend its zoning regulations if the county (e.g., Sherburne) or town has adopted its own regulations. However, a city may extend its the application of its subdivision regulations to unincorporated territory located within two miles of its limits in any direction but not in a town which has adopted subdivision regulations.

When subdivision or zoning regulations are extended into unincorporated land outside the city boundary, any affected city council, county board, or town board may petition the county auditor to establish a joint planning board. The joint board will consist of an equal number of members appointed from each political subdivision. This joint board will adopt zoning and subdivision regulations under the Municipal Planning Act for the entire area within two miles of the city, and designate one of the governing bodies to serve as the governing body and board of appeals and adjustment. During the time before the joint board adopts subdivision regulations, the city’s subdivision regulations apply.