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Chair, House Government Operations
Chair, Senate Government Operations
Speaker of the House Melissa Hortman
Senate Majority Leader Paul Gazelka

Greetings,

We, as cities that have port authorities, respectfully request consideration of a bill relating to an amendment of Minnesota Statutes section 469.055, subdivision 7. The current statute lays out the requirements for the sale of realty, requiring a two-thirds majority vote for any sale:

Subd. 7 **Sale of realty.** The authority may sell, convey, and exchange any real or personal property owned or held by it in any manner and on any terms it wishes. Real property owned by the authority must not be sold, be exchanged, or have its title transferred without approval of two-thirds of the commissioners. All commissioners must have ten days written notice of a regular or special meeting at which a sale, conveyance, exchange, or transfer of property is to be voted on. The notice must contain a complete description of the affected real estate. The resolution authorizing the real estate transaction is not effective unless a quorum is present.

The function of a port authority is that of economic development, and legislation empowers them in several ways to do so, yet municipalities may sell property with a simple majority. In our opinion, it falls to reason, then, that the abilities of a port authority to sell property not be any more restrictive than that of a municipality's.

Additionally, Subdivision 7 as written currently falls under section 469.055, "Powers and Duties" of a port authority. The next section, 469.065 "Sale of Property" does not list any requirement of a two-thirds majority vote, so the intent of the voting requirements demonstrates some inconsistency. Without any such reference, "port authority" as written would generally be viewed as a quorum in 469.065. And any requirement for the sale of property should fall under this section of "Sale of Realty" rather than "Powers of Duties".

As further demonstration of a discrepancy is the last sentence of Section 469.055, subd 7 statute which requires that a quorum be present. This stipulation is inconsistent because the two-thirds majority vote requirement outlined in the paragraph would clearly present a majority of the port authority and would otherwise be irrelevant.

We would ask for your consideration of legislation Senator Dan Sparks and Representative Jeanne Poppe plan on introducing this session with SF 571 and HF 141 to provide parity between the authority of cities and that of port authorities, as well as to rectify these inconsistencies.

Respectfully,



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Austin Port Authority



Schane Rudlang
Port Authority Administrator
Bloomington Port Authority



Dean Uselman
Executive Director
Wadena Development Authority



Keith Muetzel
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