

JOINT POWERS AGREEMENT

NEIGHBORHOOD REVITALIZATION PROGRAM

AGREEMENT, made on the effective date herein between the City of Minneapolis, a municipal corporation (the City), the Independent School District No. 1, a political subdivision (the School District), the Library Board of the City of Minneapolis, (the Library Board), the Park and Recreation Board of the City of Minneapolis (the Park Board), and the County of Hennepin, a body politic and corporate, all governmental units of the State of Minnesota, and collectively referred to as the participating jurisdictions.

WHEREAS, the parties hereto desire to participate in a neighborhood revitalization program in order to preserve and enhance the private and public infrastructure, public health and safety, economic vitality, the sense of community and social benefits within the neighborhoods of the City of Minneapolis; and

WHEREAS, the city, in cooperation with the other governmental units, has established a neighborhood revitalization program as authorized under subdivision 2 of Minnesota Statutes Section 469.1831, and is thereupon required under subdivision 6 of Section 469.1831 to establish the Policy Board to review, modify and approve, in whole or in part, neighborhood action plans and to forward recommendations to appropriate governing bodies which shall review, modify and approve, in whole or in part, those actions over which they have programmatic jurisdiction; and

WHEREAS, each of the governmental units is authorized to form and participate on a multi-jurisdictional neighborhood revitalization policy board (the Policy Board) under Minnesota Statutes, Section 469.1831, subdivision 6, as amended, and under Minnesota Statutes, Section 471.59;

and

WHEREAS, representatives of the governmental units have met since March 7, 1990 for the purpose of forming and participating on a policy board, and their respective governing bodies have taken appropriate actions to affirm their commitment to such participation.

WHEREAS, the parties hereto intend to cooperate in fulfilling the purposes and the terms of this Agreement and the objectives of applicable legislation, bylaws, and rules in the furtherance of a coordinated neighborhood revitalization program;

THEREFORE, in consideration of the terms contained herein and in consideration of the execution of this Agreement by each of the governmental units hereto, it is agreed as follow:

ARTICLE I

Purposes

This Agreement has been executed by the parties hereto for the purpose of complying with the applicable provisions of Laws of Minnesota 1990, Chapter 604, Article 7, as amended, and Minnesota Statutes, Section 471.59, as amended, through a Joint Powers Policy Board. The purpose of the Policy Board is to provide overall policy direction and governance of the Minneapolis Neighborhood Revitalization Program, heretofore created, to provide a forum for the coordination of private, public and intergovernmental efforts in the implementation of neighborhood action plans, and to insure and promote neighborhood participation and cooperation of governmental units and agencies.

ARTICLE II

Definitions

The definitions of terms contained in statutory provisions applicable to the Neighborhood Revitalization Program and the Policy Board shall apply in the Agreement where those terms are used.

ARTICLE III

Joint Board

Section 1. Creation and Composition. A board, known as the Minneapolis Neighborhood Revitalization Policy Board, is hereby established for the purposes contained herein with the powers and duties set forth in this Agreement. The Policy Board shall be created upon the execution of this Agreement by at least two of the governmental units identified in the introduction to this Agreement. The Policy Board shall consist of the participating jurisdictions, who shall be represented by public officials as stated below, and shall include representatives of community organizations and neighborhood representatives as authorized in Minnesota Statutes, section 469.1831, subdivision 6(c) and as provided in the Bylaws of the Neighborhood Revitalization Program.

a. The participating jurisdictions shall be represented on the Policy Board by the Mayor of the City of Minneapolis and the presiding officers of the Minneapolis City Council, the School Board, the Library Board and the Park Board. A representative from the city delegation in the State House of Representatives and a representative from the city delegation in the State Senate shall also be members of the Policy Board. Delegation members shall appoint their respective representatives. Hennepin County shall be represented by the Chair and three additional commissioners of the Hennepin County Board, to be appointed by the Hennepin County Board.

b. Community organizations shall be represented by five members on the Policy Board. Five city-wide organizations representing business, labor, communities of color, philanthropic and charitable interests shall be invited by a majority vote of the governmental members of the Policy Board identified in subsection a. of this section to authorize by resolution or other official agreement their respective chief staff executives to serve on the Policy Board. The authorized chief staff executives of the community organizations shall be appointed to the Policy Board by a majority vote of the Policy Board members representing the governmental jurisdictions, including the House and Senate members, in accordance with the Bylaws of the Neighborhood Revitalization Program.

c. The residents of neighborhoods shall be represented on the Policy Board by four non-governmental neighborhood representatives who reflect the diversity of the city. The appointment of neighborhood representatives shall be made by a majority vote of the governmental members of the Policy Board in accordance with the Bylaws of the Neighborhood Revitalization Program.

d. Each of the Policy Board members, except as otherwise indicated herein and as otherwise provided in applicable statutes and the Bylaws of the Neighborhood Revitalization Program, shall have one vote on matters before the Policy Board, except that each of the Commissioners of the Hennepin County Board shall have three-quarters of one vote.

e. The Policy Board may establish provisions in the Bylaws of the Neighborhood Revitalization Program under which each Policy Board member may designate an alternate who would be empowered to attend and vote on matters at regular or special meetings of the Policy Board in the event that the member is unable to attend, except that alternates may not be empowered to serve as Chair or Vice Chair.

Section 2. Terms. Terms of the Policy Board members shall be as follows:

a. The Mayor, the President of the City Council, and the Chairs of the Hennepin County Board of Commissioners, the School Board, the Library Board and the Park Board, who are members of the Policy Board by reason of their elective or appointive positions, shall have continuous terms for so long as they shall hold such positions.

b. The chief staff executives of the community organizations selected to be on the Policy Board shall also have continuous terms for so long as they shall hold such positions unless a community organization terminates by resolution or other formal agreement its authorization to be represented or unless the governmental members of the Policy Board withdraw by majority vote a community organization's invitation to be represented in accordance with the Bylaws of the Neighborhood Revitalization Program.

c. The terms of the Policy Board members who represent the Hennepin County Board of Commissioners, excluding the Chair of the Hennepin County Board, shall be determined by the Hennepin County Board; and the terms of the Policy Board members who represent the House and Senate delegations shall be determined by their respective delegations.

d. Neighborhood representatives shall be appointed by the governmental members of the Policy Board for one-year terms in accordance with the Bylaws of the Neighborhood Revitalization Program. Appointment of a neighborhood representative to fill a vacancy shall be for the remainder of the vacated term.

Section 3. Policy Board Officers. The Policy Board shall have officer positions whose selection process, tenure and duties shall be delineated in the Bylaws of the Neighborhood Revitalization Program. The officer positions shall include, at a minimum, a Chair and a Vice Chair. The Policy Board shall establish through the Bylaws by March 1, 1992 a process by which to elect or appoint officers of the Policy Board. Until such process is established, the Mayor or the Mayor's alternate shall serve as Chair. The Chair shall preside at all meetings of the Policy Board and shall perform other duties and functions as may be determined by the Policy Board and authorized in the Bylaws of the Neighborhood Revitalization Program. The Vice Chair shall preside over and act for the Policy Board during the absence of the Chair.

Section 4. Meetings. The Policy Board shall meet at regular meetings at such times and places as the Policy Board shall determine in its Bylaws. Special meetings may be called by the Chair or by any other five members of the Policy Board under reasonable terms and conditions, including sufficient notice to all members. Each member shall have the right to vote as indicated in Section 1 of this Article. Except on matters for which the Bylaws of the Neighborhood Revitalization Program specifically require an extraordinary majority, an affirmative vote of a simple majority of members present shall be required before approval of any recommendation or action provided that a quorum is present at the call of the meeting to order. A majority of all votes on the Policy Board shall constitute a quorum.

ARTICLE IV

Powers of the Board

Section 1. General Powers. The Policy Board is hereby authorized to exercise such authority as is expressly granted by statute and such authority as may be implied from the expressly granted authority necessary to fulfill the purposes and the intent of such statutes. Such authority shall include the authority contained in Minnesota Statutes, Section 471.59, as amended to date, except subdivision 11 thereof. As provided in Minnesota Statutes, Section 469.1831, subdivision 6, the Policy Board may also exercise the specific powers enumerated therein.

Section 2. Specific Powers. The Policy Board may:

- a. Sue and be sued. All defenses and limitations available to municipalities under Chapter 466 and other laws, shall apply to the Policy Board, its members, director, and other staff members;
- b. Hire, retain, discipline, and terminate a Director to direct its activities and accomplish its program. The Director may hire necessary staff subject to authorization by the Policy Board.
- c. Enter into contracts, leases, purchases, or other documents evidencing its undertakings. No contract, lease, or purchase or other document may be entered into unless funds have been appropriated or otherwise made available to the Policy Board and encumbered for the purpose;
- d. Adopt bylaws for its own governance;
- e. Enter into agreements with governmental units, governing boards and nongovernmental organizations represented on the Policy Board for services required to fulfill the Policy Board's purposes;
- f. Accept gifts, donations and appropriations from governmental or nongovernmental sources and apply for grants from them;
- g. Review activities to determine whether the expenditure of program money and other money is in compliance with approved neighborhood action plans and all applicable statutes, ordinances and resolutions;

h. Prepare an annual administrative budget for the ensuring year, estimating its expenditures and revenues, and forward it to the governmental units and agencies and nongovernmental organizations for appropriate action;

i. Disburse funds from its annual budget in a manner which, as far as practicable, is consistent with the methods provided by law for the disbursement of funds disbursed by the participating jurisdictions; and

j. Purchase public liability insurance and such other bonds and insurance as are necessary for its officers, agents and employees. The exercise of such authority by the Policy Board shall not be construed as a waiver or modification of the limitations, defenses and immunities applicable to municipal liability contained in Minnesota Statutes, Chapter 466.

ARTICLE V

Committees

Section 1. Implementation Committee. The Policy Board shall establish and maintain an Implementation Committee for the purposes of advising the Policy Board, coordinating implementation of neighborhood action plans and other activities, and providing technical and professional assistance to the Director and neighborhoods. Members of the Implementation Committee shall be appointed by the Policy Board.

Section 2. Additional Committees. The Policy Board may establish and appoint members to additional committees as may be necessary to accomplish the purposes of the Neighborhood Revitalization Program and this Agreement. The membership of such committees may include Policy Board members, other officers and representatives of the governmental units and other representatives of community interests, organizations and neighborhoods.

ARTICLE VI

Director

The Director shall perform all appropriate administrative duties to accomplish the purposes of the Neighborhood Revitalization Program, and shall perform such other duties as may be directed and authorized by the Policy Board.

ARTICLE VII

Indemnification

The participating jurisdictions shall defend, hold harmless, and indemnify the Policy Board, its members, the Director and employees from all claims, liabilities and judgments, including costs, expenses and attorneys fees, arising out of occurrences for which indemnification and defense would be required under the provisions of Minnesota Statutes, Section 466.07. Each of the participating jurisdictions shall, within fifteen (15) days after the effective date of this agreement,

appoint a representative of its governing board to a Commission whose purpose shall be the development of an equitable and fair method of apportioning among the participating jurisdictions the responsibility for any liability accruing to those jurisdictions under this Article VII. This Commission shall, by March 1, 1992, report its recommendation to the participating jurisdictions for their ratification within thirty (30) days.

Article VIII

Financial Audits

The Policy Board shall provide audited financial information on the activities of the Neighborhood Revitalization Program to each of the participating jurisdiction, including (a) annual audited financial statements for the fiscal year of the Neighborhood Revitalization Program, and (b) financial information required by each participating jurisdiction to comply with required disclosures for their annual reports as defined by applicable provisions established by the Governmental Accounting Standards Board.

ARTICLE IX

Effective Date, Amendments, Termination and Withdrawal

Section 1. Effective Date. This Agreement shall become effective as of January 1, 1992 upon the approval of any two members of the participating jurisdictions and shall become binding upon other parties on the dates of approval of each of them, and shall continue in force for twenty (20) years from the effective date herein.

Section 2. Amendments. This Agreement may be amended by unanimous written consent of the signatory participating jurisdictions.

Section 3. Termination. Notwithstanding Section 1 of this Article, this Agreement may be terminated by the concurrent agreement of four of the five participating jurisdictions. Upon termination, all property of the Policy Board shall be sold, or otherwise distributed, to its members in proportion to contributions made by its members.

Section 4. Unilateral Withdrawal. Any participating jurisdiction may withdraw from this agreement on December 31 of any year after 1996 by giving notice to the Chair and Director of the Policy Board of a certified copy of a resolution of its governing body indicating its intent to withdraw from this agreement. To be effective, such notice must be given to the Chair and the Director of the Policy Board by June 1 of the year of withdrawal. Upon receipt of the resolution, the director of the board shall forward a copy of the resolution to all members

of the Policy Board and their alternates. Withdrawal by any participating jurisdiction shall not act to discharge any liability incurred or chargeable to any participating jurisdiction before the effective date of withdrawal. Such liability and any formal agreements between the withdrawing jurisdictions and the Policy Board or made by the withdrawing jurisdiction pursuant to its participation in this agreement shall continue until appropriately discharged by law or agreement. The withdrawing jurisdiction shall not be entitled to a refund of administrative or operating funds paid, or forgiveness of any such funds owed, to the Policy Board.

ARTICLE X

Prior Actions

With approval of this Agreement, the participating jurisdictions ratify all actions taken and agreements made by the body of representatives of the governmental units serving as the Policy Board at the meeting on March 7, 1990 and subsequent meetings.