



**Senate Counsel, Research, and Fiscal Analysis**

State of Minnesota

# **Structures of Counties, Cities, and Towns**

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Across Minnesota, territory is divided up into counties, cities, and towns. Every county, city, and town has an elected body. However, each type of government organizes its elected body in a different way. This memo explains the basic structures of county, city, and town governments.

## Counties

There are 87 counties in Minnesota. A county board is made up of elected county commissioners; each commissioner represents a different district.<sup>1</sup> The commissioners are elected for four-year terms, which may be staggered.<sup>2</sup> By default, there are five commissioners; a county may opt to have three, seven, or nine members.<sup>3</sup> In most counties, the county commissioners elect a chair and vice-chair from among the members of the board.<sup>4</sup>

By default, the county auditor, county treasurer, sheriff, county recorder, county attorney, and coroner are elected to four-year terms.<sup>5</sup> The county board may instead appoint any of these positions except the county attorney. In addition, the county may combine the offices of county auditor and treasurer. A public referendum may be necessary to make these changes.

There are five plans of government for counties. The adoption of a plan of government requires a referendum of the voters in the county, except for the county administrator plan which can be adopted without a referendum.<sup>6</sup> A charter county is not an optional form of government; Ramsey County is the only charter county in the state as a result of a special law.

The first optional plan of government is the county administrator plan.<sup>7</sup> This is the most common plan. Under this plan, the position of county administrator is established. The administrator is appointed by the board to be the administrative head of the county. The administrator is responsible for the proper administration of county affairs and has general supervision authority over all county institutions and agencies. A county board may adopt the county administrator plan without a public referendum.

The second optional plan of government is the county auditor-administrator plan.<sup>8</sup> In this plan, a county auditor is assigned most of the duties of the administrator. The auditor-administrator is an elected position. This option may only be adopted if the county has not already provided for the appointment of the county auditor and has not combined the offices of auditor and treasurer.

The third optional plan of government is the elected executive plan.<sup>9</sup> In this plan, an elected executive is elected. The elected executive is elected at-large by the voters of the county and serves a four-year term. The elected executive is the administrative head of the county and has administrative and executive duties. The elected executive is responsible for the proper administration of county affairs. The elected executive is not a member of the county board, but he or she does have veto power over ordinances or resolutions of the board that make appropriations.

The fourth optional plan of government is the county manager plan.<sup>10</sup> In this plan, the manager is appointed to be the chief executive officer of the county. The county manager is responsible for managing county employees.

In the auditor-administrator plan and the elected executive plan, certain boards or committees created by the county board are abolished and the county board performs the duties of each board or committee.<sup>11</sup> The offices of county auditor, county treasurer, and county recorder are abolished. The offices of county coroner and county surveyor are appointed by the board.

The fifth optional plan of government is the at-large chair plan.<sup>12</sup> This plan allows the county residents to elect the board chair in a county-wide election, instead of the commissioners choosing their own chair from among the members. The at-large chair is a member of the board in the same manner as other commissioners. The at-large chair serves a four-year term.

A county may adopt more than one plan if the plans are compatible with each other.<sup>13</sup> There are several plans that cannot be adopted together:

- the elected executive plan, county manager plan, and at-large chair plans cannot be adopted together;
- the county administrator or the auditor-administrator plan cannot be adopted while the county is operating under either the elected executive or the county manager plan; and
- the auditor-administrator plan may not be adopted while the county is operating under the at-large chair plan.

Any county may create the position of county coordinator.<sup>14</sup> This is an appointed position. A county coordinator is not part of any statutory plan. The board prescribes the duties of this position.

## **Cities**

There are 853 cities in Minnesota. A city council is made up of city council members and a mayor. Council members are elected for staggered four-year terms and the mayor is elected for either a two- or four-year term.<sup>15</sup> Generally, the mayor can vote as a member of the council and has the same responsibilities as other council members. These mayors are referred to as “weak mayors.” Charter cities may have a “strong mayor” that includes additional authorities. In a few charter cities, the mayor is elected but is not a voting member of the council.

There are two types of city government structures: home rule charter cities (often referred to as charter cities) and statutory cities. The terms “village” and “borough” are no longer used in Minnesota to classify a city. In laws adopted after July 1, 1976, when the word “city” is used without reference to home rule charter cities, it is defined to include only statutory cities.<sup>16</sup> So, if legislation is intended to cover all cities, the legislation should state that it applies to “home rule charter and statutory cities.”

Home rule charter cities operate under the city charter as well as state law. There are 107 charter cities in Minnesota. Any city in the state may adopt a charter by following the process in Minnesota Statutes, chapter 410.<sup>17</sup> A charter is like a local constitution that gives a charter city more discretion in handling its own affairs. Charter cities may have different powers than statutory cities and different powers from other charter cities. A charter may provide any power to the city government as long as it is not in conflict with state or federal laws. A charter may also restrict powers of a city. A charter city may apply general law if the charter is silent on

subjects covered in Minnesota Statutes, chapter 412, or other general law, and that law does not preempt the charter city from acting on the issue.<sup>18</sup>

Statutory cities operate under the statutory city code found in Minnesota Statutes, chapter 412, as well as other generally applicable statutes.<sup>19</sup> These cities have only the powers granted to them by statute. Statutory cities may organize their government under one of three plans. A city may change its plan by following the process in Minnesota Statutes, chapter 412.<sup>20</sup> An election is required to change a plan of government.

The first optional plan of government is the standard plan.<sup>21</sup> This plan requires a total of five or seven members of the city council: the mayor, the clerk, and three or five city council members. Under this plan, the clerk is elected. The clerk is a member of the city council and votes in the same manner as other members of the council. The treasurer is also elected but is not a member of the council. The clerk and treasurer serve four-year, staggered terms. The positions of clerk and treasurer may be combined into a single position.

The second optional plan of government is plan A.<sup>22</sup> This is the most commonly used plan of organization for cities. This plan requires a total of five or seven members of the city council: the mayor plus four or six council members. In this plan, the clerk and treasurer are appointed and neither position is a member of the council. The clerk and treasurer positions may be combined into one position. This is the default plan for newly formed cities.

The third optional plan of government is plan B, also called the council-manager plan.<sup>23</sup> Only cities with a population over 1,000 may use this plan. This plan requires a total of five or seven members of the city council: the mayor plus four or six council members. Under this plan, the position of city manager is created. The city manager is appointed and is not a member of the city council. The city manager is responsible for administrative duties, including personnel matters. The clerk and treasurer positions are appointed and may be combined. Certain boards and commissions are abolished and the council fulfills the duties of the board or commission. Charter cities often also use city managers, although they do not operate under plan B.

In addition, cities are also identified by class.<sup>24</sup> Classes are based on population. Statutes sometimes grant powers or exemptions to certain classes of cities. First class cities have more than 100,000 people. (The four first class cities are Minneapolis, St. Paul, Rochester, and Duluth.) Second class cities have more than 20,000 and not more than 100,000 people. Third class cities have more than 10,000 and not more than 20,000 people. Fourth class cities have not more than 10,000 people. The majority of cities are fourth class cities. The population is based on the most recent national census.

## **Towns**

There are 1,782 towns in Minnesota. Towns are unique in that they act both through the town board (comprised of town supervisors) and the town residents (called town electors). Depending on the power being exercised, approval by the board, electors, or both may be necessary.

Urban towns are a type of town that may adopt additional powers that other towns do not have.<sup>25</sup> Urban towns must either have a population of 1,200 or more or be within 20 miles of either the Minneapolis or Saint Paul city hall.

A town must hold an annual meeting on the second Tuesday in March.<sup>26</sup> The town board and the electors act on town business at this meeting. The town electors have direct input into town operations at the town meeting. Electors run the town meeting through a moderator. Town elections are conducted on the same day as the town meeting, unless the town designates the first Tuesday after the first Monday in November of an even-numbered or odd-numbered year as the date of the town election.<sup>27</sup>

Generally, there are three town supervisors on the town board.<sup>28</sup> The board selects one of the supervisors to be the chair. Town supervisors serve three-year staggered terms, unless the town opts to have six-year terms. If the town has its town elections in November instead of March, then the supervisors serve four-year terms.<sup>29</sup>

The town clerk and treasurer positions may be elected or appointed.<sup>30</sup> Although the clerk and treasurer are often referred to as part of the town board, they do not vote as members of the board. The clerk serves a two-year term and, if elected, is elected in the even-numbered years. The treasurer serves a two-year term and, if elected, is elected in the odd-numbered years. The town administrator is an appointed position. The administrator is the administrative head of the town and is responsible for the administration and supervision of the affairs of the town as assigned.

Towns also have optional organizational plans.<sup>31</sup> An election is required to adopt an optional plan. Towns may adopt more than one optional plan. Option A provides for five supervisors. Option B allows the town board to appoint the clerk or treasurer, or both. Option C allows a town administrator to be appointed. Option D allows the positions of clerk and treasurer to be combined into one position. This combined position is elected or appointed, depending on what other options have been adopted.

There is some territory in the state where there is no city or town government. These areas are referred to as “unorganized territory.” Sometimes these areas are called “unorganized towns,” but the more accurate term is unorganized territory. These areas are regulated by the county government.

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- <sup>1</sup> Minn. Stat. § 375.025, subd. 1  
<sup>2</sup> Minn. Stat. § 375.01; Minn. Stat. § 375.03  
<sup>3</sup> Minn. Stat. § 375A.09  
<sup>4</sup> Minn. Stat. § 375.13  
<sup>5</sup> Minn. Stat. § 382.01; Minn. Stat. § 375A.10; Minn. Stat. § 390.005  
<sup>6</sup> Minn. Stat. § 375A.12; Minn. Stat. § 375A.06  
<sup>7</sup> Minn. Stat. § 375A.06  
<sup>8</sup> Minn. Stat. § 375A.08  
<sup>9</sup> Minn. Stat. § 375A.02  
<sup>10</sup> Minn. Stat. § 375A.03  
<sup>11</sup> Minn. Stat. § 375A.04  
<sup>12</sup> Minn. Stat. § 375A.05  
<sup>13</sup> Minn. Stat. § 375A.01  
<sup>14</sup> Minn. Stat. §§ 375.48-375.50  
<sup>15</sup> Minn. Stat. § 412.02; Minn. Stat. § 412.022  
<sup>16</sup> Minn. Stat. § 410.015  
<sup>17</sup> Minn. Stat. § 410.04  
<sup>18</sup> Minn. Stat. § 410.33  
<sup>19</sup> Minn. Stat. § 412.016  
<sup>20</sup> Minn. Stat. § 412.551  
<sup>21</sup> Minn. Stat. § 412.541; Minn. Stat. § 412.191  
<sup>22</sup> Minn. Stat. § 412.541; Minn. Stat. §§ 412.572-412.591  
<sup>23</sup> Minn. Stat. § 412.541; Minn. Stat. §§ 412.601-412.751  
<sup>24</sup> Minn. Stat. § 410.01  
<sup>25</sup> Minn. Stat. § 368.01  
<sup>26</sup> Minn. Stat. § 365.51  
<sup>27</sup> Minn. Stat. § 205.075  
<sup>28</sup> Minn. Stat. § 367.03  
<sup>29</sup> Minn. Stat. § 205.075; Minn. Stat. § 367.03  
<sup>30</sup> Minn. Stat. § 367.03  
<sup>31</sup> Minn. Stat. §§ 367.30-367.36