

Business Item

Community Development Committee



Committee Meeting Date: June 21, 2022

For the Metropolitan Council: July 13, 2022

Business Item: 2022-177

Proposed Amendments to the Livable Communities Advisory Committee (LCAC) Bylaws

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| District(s), Member(s): | All |
| Policy/Legal Reference: | Minn. Stat. §§ 473.127 and 473.253; Council Bylaws art. III.B.4 |
| Staff Prepared/Presented: | LisaBeth Barajas, Executive Director, Community Development (651-602-1895) |
| Division/Department: | Community Development / Regional Planning |

Proposed Action

That the Metropolitan Council approve the proposed amendments of the Livable Communities Advisory Committee bylaws as shown in the Attachment.

Background

Under the Metropolitan Council's Bylaws, the Council adopts and amends bylaws for its advisory committees. The Livable Communities Advisory Committee (LCAC) is an advisory body that was established to review grant applications and recommend funding awards under the Livable Communities Demonstration Account (LCDA). The LCAC bylaws govern the requirements of number of members, their terms, how they conduct their review of grant applications, and how they conduct their meetings.

Until the onset of the pandemic, Council advisory committee meetings were conducted on an in-person basis because Council-approved advisory committee bylaws typically require advisory committees to conduct their meetings consistent with Open Meeting Law requirements even though several Council advisory committees are not subject to the Open Meeting Law. LCAC meetings are not subject to the Open Meeting Law because the LCAC has no decision-making authority, and the advisory committee only makes LCDA grant award recommendations to the Community Development Committee. In response to the pandemic the Council acquired technology that made it possible for the Council and its advisory committees to conduct remote meetings. Committee members, local government applicants and members of their development teams, and Council staff found time efficiency in conducting virtual meetings for the review and recommendation of grant awards. A great deal of time was saved by removing travel requirements for in-person meetings.

Council staff propose amending the LCAC bylaws to permit the LCAC to determine the format in which they conduct their meetings, and are summarized below with detailed redlines in the Attachment:

Pages 2-3; Article II, Paragraphs D.4 and E (Terms; Vacancies and Appointments). These proposed amendments correct a clerical item in Paragraph E relating to the terms of members who are appointed to fill vacancies.

Page 3; Article II, Paragraph E.1 (Removal). This proposed amendment would delete

references to “regular” meetings because LCAC meetings are not subject to the Open Meeting Law and “regular meetings” are Open Meeting Law requirements. Under this proposed amendment the LCAC will simply have “meetings” rather than “regular meetings.” References to “regular meetings” in Paragraph A and (what is now) Paragraph C of Article III also would be changed to “meetings.”

Page 3; Article III, Paragraph A (Meetings). These proposed amendments would: add text permitting the LCAC to conduct either in-person meetings or remote meetings as determined by the LCAC Chair and committee members; add text that, to the extent practical, allows members of the public to monitor remote LCAC meetings and participate by electronic means when public participation is permitted under the bylaws; and add text allowing the Council Chair or Regional Administrator to require in-person LCAC meetings for technology, resource availability, staffing, or policy considerations.

Page 3; Article III, Paragraph B (Special Meetings). This proposed amendment would delete this paragraph because LCAC meetings are not subject to the Open Meeting Law and “special meetings” are Open Meeting Law requirements. The LCAC would only have “meetings” rather than “regular” and “special” meetings.

Page 4; Article III, Paragraph D (Recording Secretary). This proposed amendment to (what is now) Paragraph D would substitute “minutes” for “journal” because votes and other business conducted at LCAC meetings are recorded in meeting minutes rather than in a journal.

Page 4; Article III, Paragraph E.2 (Voting, Motions and Recordings). This proposed amendment would delete the sentence that refers to LCAC votes on proposed budget matters because the LCAC does not vote on budget adoptions or amendments.

Rationale

Specific rationale for each of the proposed changes is detailed above. The proposed changes provide flexibility in the format in which to conduct LCAC meetings that allows for less time commitment for LCDA grant applicants and local governments to participate by removing travel time associated with meeting attendance. As an advisory committee that was established by the Council, the LCAC is not required to meet the public meeting requirements of the Open Meeting Law.

Thrive Lens Analysis

The proposed amendments to the LCAC bylaws would advance the Equity outcome in *Thrive MSP 2040*, by reducing barriers to participation in the Council’s advisory committees for Committee members, grant applicants, and local governments, especially those that may be distant from the Council’s primary meeting location. The proposed amendments do not impact the other Thrive outcomes.

Funding

The proposed amendments would not have an impact on funding or require additional funding resources to carry out.

Attachment

Attachment: Proposed Amendments to LCAC Bylaws (redlined)

**BYLAWS OF THE
METROPOLITAN COUNCIL
LIVABLE COMMUNITIES ACT ADVISORY COMMITTEE**

ARTICLE I - ORGANIZATION

- A. **Establishment and Name.** Pursuant to Minnesota Statutes section 473.127 the Metropolitan Council (“Council”) hereby establishes the Livable Communities Act Advisory Committee (“Committee”).
- B. **Committee Charge and Purpose.** The Committee shall assist the Council in the performance of the Council’s duties under the Metropolitan Livable Communities Act, Minnesota Statutes sections 473.25 to 473.255. The Committee shall undertake and have responsibility for reviewing and recommending funding awards under the Livable Communities Demonstration Account of the Metropolitan Livable Communities Fund. The funding recommendations presented for review and approval by the Council shall be based on the criteria established by the Council for selecting Livable Communities Demonstration Account projects. Council staff shall maintain copies of Committee meeting minutes for the pertinent funding cycle and copies of conflict of interest forms pertinent to the funding cycle that were completed by Committee members.

ARTICLE II - MEMBERSHIP

- A. **Members.** The Committee shall consist of a chair and 14 members. The Committee eChair, vVice eChair, and members shall be recommended by the Chair of the Council and approved by the Council. Members appointed to the Committee shall represent and have primary expertise in the following:
1. local government (planning, economic or community development);
 2. development finance (affordable housing finance, private banking, real estate, mixed- use development; public finance);
 3. development (equitable development strategies, new development, redevelopment);
 4. transportation (development relationship, transportation specialty, multimodal transportation);
 5. environment (integration of natural and water resources in development, climate
 6. mitigation and adaptation, environmental justice);
 7. site design (landscape architecture, land planning specialty, urban design, public space design); and
 8. community engagement (community organizing, arts-based engagement, engagement strategy).

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- B. **Expertise.** To ensure diversity of expertise, the Council will strive to meet the following criteria to the extent reasonably possible:
1. appoint two members from each area of expertise;
 2. appoint at least one member from each area of expertise who represents or works directly with historically underrepresented communities (those identifying as BIPOC, first generation immigrants, non-English speaking residents, people with disabilities, or other individuals from communities typically excluded from public process) or has experience advancing equitable outcomes in their area of expertise and as directed by Council policy;
 3. appoint only one member from each Council district, including the Committee Chair; and
 4. include representatives with perspectives from across a range of community types from urban to suburban to small town.
- C. **Officers.** The officers of the Committee are the Chair and Vice Chair.
1. **Committee Chair.** The Committee Chair shall be recommended by the Chair of the Council, approved by the Council, and shall serve as the 15th voting member of the Committee. The Committee Chair shall preside at all meetings of the Committee and have the duties and responsibilities normally attendant upon that office as well as duties and responsibilities prescribed by these bylaws and delegated or assigned by the Council or the Committee.
 2. **Committee Vice Chair.** The Committee Vice Chair shall be counted as one of the 14 Committee members and shall be recommended by the Chair of the Council and approved by the Council. The Committee Vice Chair shall act for the Committee Chair during the Chair's temporary absence or disability.
- D. **Terms.** The Committee Chair shall serve at the pleasure of the Council and may be removed by the Council at any time. For all appointments made on or after September 1, 2021:
1. The Committee Chair shall serve two-year terms but shall not serve more than four consecutive years.
 2. The Vice Chair shall serve a two-year term or until the Vice Chair's successor is approved by the Council.
 3. The Committee members other than the Committee Chair and Vice Chair shall serve two-year terms and may be reappointed for one additional term, but shall not serve more than two consecutive terms, provided however that the members shall serve at the pleasure of the Council and may be removed by the Council at any time.
 4. Incomplete terms where the original member is replaced will count as full terms toward the original member's limits and not the replacement member's except as provided in Paragraph E of this article.
- The terms of the Committee members shall commence on July 1 of the year of the appointment term.
- E. **Vacancies and Appointments.** A Committee member who intends to resign must provide a written notice of resignation to the Chair of the Committee. When a vacancy occurs, the Committee Chair shall immediately notify the Chair of the Council and the Council shall, as soon as reasonably possible, appoint a new member to fill the vacated Committee position and serve the remainder of the term. This appointment ~~will~~ will not count as a term for purposes of the term limits unless the remainder of the term to which the new member is appointed exceeds one



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year.

1. **Removal.** A Committee member is automatically removed if the member misses three consecutive ~~regular~~ meetings of the Committee unless such absences are excused. After a Committee member misses two consecutive ~~regular~~ meetings and such absences are unexcused, the Committee Chair prior to the third ~~regular~~ meeting must notify the Committee member in writing that the member will be removed automatically if the member misses the next ~~regular~~ meeting of the Committee and such absence is not excused.
2. **Excused Absences.** An absence shall be deemed excused if: (a) the absence was due to injury, illness, a recognized religious holiday, family or work-related emergency; and (b) the Committee member notified the Council staff person responsible for administration of the Committee of the reasons for the absence, if possible, prior to the Committee meeting but not later than one calendar day after the meeting. Meeting minutes should identify all excused absences.

ARTICLE III - COMMITTEE MEETINGS

- A. ~~Regular Meetings.~~ The Committee shall establish ~~a regular~~ the time and ~~place~~ date for the Committee's ~~regular~~ meetings. If the Committee conducts in-person meetings, the Committee also shall establish an accessible location for its in-person meetings. As determined by the Committee Chair in consultation with the Committee, the Committee may conduct remote Committee meetings by any device, software program, or other application that allows Committee members in different locations to see and hear one another. Any votes on business items at a remote meeting must be conducted by roll call vote. The agenda for each ~~regular~~ Committee meeting, together with appropriate material pertaining to the agenda items, shall be sent to the Committee members at least three calendar days prior to the meeting. The agenda for each Committee meeting shall identify whether the meeting will be in person or will be conducted remotely and the public shall be notified of Committee meetings in accordance with general Council procedures. To the extent practical, members of the public will be allowed to: (1) electronically monitor remote Committee meetings from a remote location; and (2) participate by electronic means when public participation is permitted by the Committee Chair under Article III, Paragraph F, of these Committee bylaws. If the Council Chair or the Regional Administrator determines, in their discretion, that Committee meetings should be conducted in person for technology, resource availability, staffing, or policy considerations, the Committee must conduct its meetings in person.
- ~~B. Special Meetings.~~ ~~Special meetings of the Committee may be called by a majority of the members. Notices of special meetings shall include the date, time, place and agenda and be sent to Committee members at least three days prior to the special meeting. The Committee must give adequate public notice of its special meetings. Business at special meetings must be limited to the subjects listed in the noticed agenda.~~
- ~~C.B.~~ Quorum. A majority of the appointed Committee shall constitute a quorum for the conduct of Committee business, except that a quorum shall not be necessary for conducting public hearings.
- ~~D.C.~~ Order of Business. ~~Regular~~ mMeetings of the Committee will be conducted in the following order:

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1. **Agenda Approval.** Motions, if any, by Committee members to amend the published agenda and approval of the agenda or the amended agenda;
2. **Minutes Approval.** Approval of the minutes of prior meetings;
3. **Agenda.** Consideration of agenda items on the published agenda or the amended agenda;
4. **Other Business.** Other matters which properly may come before the Committee;
5. **Reports.** Reports of the Committee Chair, Committee members and staff; and
6. **Adjournment.** Motion to adjourn.

E.D. Recording Secretary. The Recording Secretary shall be a Council employee. The Recording Secretary shall not vote on any matters before the Committee. The Secretary shall keep ~~a~~ current and correct journal minutes of all Committee proceedings.

F.E. Conduct of Business. The business of the Committee shall be conducted in accordance with the following provisions:

1. **Robert's Rules of Order.** Committee meetings shall operate in accordance with the current edition of *Robert's Rules of Order*, newly revised, Council and Committee bylaws, and all other applicable Council policies and procedures. If there is a conflict between the Council's bylaws and the Committee's bylaws, the Council's bylaws shall prevail.
2. **Voting, Motions and Recordings.** Voting on any matter at an in-person meeting shall be by voice vote, provided a roll call vote shall be called and recorded on any issue if requested by one or more members. Upon request of any member, the Recording Secretary shall repeat the motion and the name of the mover and seconder immediately preceding a vote by the Committee. ~~The vote of each Committee member shall be recorded in the Committee minutes for motions involving the proposed adoption or amendment of a budget.~~ There shall be no voting by proxy and each member shall be entitled to only one vote on any issue.
3. **Public Record.** All minutes and reports of the Committee shall be retained on file at the Metropolitan Council offices and shall be available for inspection by any member of the public unless otherwise made not public by the Minnesota Government Data Practices Act or other applicable state or federal law.
4. **Conflict of Interest.** No Committee member shall seek to influence other Committee members or participate in any deliberations or vote on any matters or proposals in which the Committee member has a conflict of interest. A conflict of interest exists when:
 - (a) an action or decision by the Committee or the Council could substantially affect the Committee member's financial interests or the financial interests of an organization with which the Committee member is affiliated;
 - (b) the Committee member is a director, trustee, officer, employee or agent of an institution or organization directly involved in an issue or proposal before the Committee or the Council;
 - (c) the Committee member is related by blood or marriage to an individual directly affected by an issue or proposal before the Committee or the Council; or
 - (d) the Committee member knows or has reason to know an organization with which the Committee member is affiliated is or is reasonably likely to become a participant in a project or development which will be affected by an action or decision by the Committee or the Council.

A conflict of interest generally does not exist if the effect of a Committee or Council action or decision on the Committee member will be no greater than on other individuals engaged in the

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business, profession or occupation of the Committee member or if the effect on the organization with which the Committee member is affiliated is indirect, remote and insubstantial.

Prior to the commencement of Committee deliberations on an issue with which a conflict of interest exists, a Committee member who has a conflict of interest shall orally disclose to the Committee Chair and Recording Secretary that the Committee member has a conflict of interest. The Committee member also shall prepare a written statement describing the matter requiring action or decision and the nature of the Committee member's conflict of interest. The written disclosure shall be entered upon the minutes of the Committee at the Committee's next meeting. The written disclosure shall be submitted to the Committee Chair no later than one week after the Committee member becomes aware of the conflict of interest.

G.F. Limitation of Discussion. The Committee Chair or the presiding officer may limit discussion on any agenda item. Public participation at Committee meetings, when permitted by the Committee Chair, should present information not previously available to the Committee.

ARTICLE IV - SPECIAL COMMITTEES

The Committee Chair may appoint or dissolve special committees subject to Committee approval. Except as otherwise provided in these bylaws, procedures governing notification of meeting time and place, order of business, and conduct of business at meetings of special committees shall be the same as those for meetings of the Committee.

ARTICLE V - STAFF

The Regional Administrator of the Council will assign Council staff to assist the Committee to carry out the Committee's duties and responsibilities.

ARTICLE VI - REIMBURSEMENT

The Committee members shall serve without compensation but may be reimbursed for reasonable expenses in accordance with adopted Council policy.

ARTICLE VII - AMENDMENT OF BYLAWS

The Council may amend these Committee bylaws at any regular meeting of the Council by a majority vote of the Council members present. Written notice of the proposed amendments must be given to the Committee Chair prior to Council action.

Adopted by the Metropolitan Council December 7, 1995.

Adopted by the Metropolitan Council October 13, 1999.

Adopted by the Metropolitan Council September 28, 2005.

Adopted by the Metropolitan Council June 15, 2011.

Adopted by the Metropolitan Council March 25, 2015

Adopted by the Metropolitan Council May 12, 2021.



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Adopted by the Metropolitan Council _____, 2022.

