

Management Committee

Meeting dates: November 15, 2018 and November 28, 2018

For the Metropolitan Council meetings of November 15, 2018 and November 28, 2018

Subject: Proposed Bylaws Amendments

District(s), Member(s): All

Policy/Legal Reference: Minnesota Statutes sections 473.123, 473.125, and 473.129

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Division/Department: Office of General Counsel

Proposed Action

That the Metropolitan Council: (1) approve the proposed Bylaws amendments as reflected in the attached draft; and (2) rescind Metropolitan Council Resolution No. 2011-34.

Background

In addition to statutory provisions, the governing body of the Council and the conduct of Council business are governed by the Council's Bylaws which were last amended in July 2012. Some Bylaws provisions are outdated and others need clarification or revision to reflect current Council practices. The attached draft shows proposed changes in redline format. Notes that explain the rationale for the proposed amendments are shown in italicized blue font. The major changes are:

Article I.F; Executive Committee. The reference to the Executive Committee is recommended for deletion and was replaced with language that lists regular meetings with standing committee chairs as a duty of the Chair.

Article II.A.2; Attendance. A new provision addressing attendance at Council meetings is added. This new provision is consistent with state law.

Article II.C; Committee of the Whole Meetings. This new provision will allow the Council when meeting as the Committee of the Whole to take action on business items when it is difficult for the Council to schedule a special meeting and it is impractical to consider the item at the next regular meeting.

Article II.D; Open Meeting Law and Other Meeting Issues. This proposed new text makes it clear that Council and committee meetings will be conducted pursuant to the Open Meeting Law and identifies days when the Council cannot conduct meetings (holidays) and when time limitations apply (election and political party caucus days).

Article III.A: The recommendation is to remove the Litigation Review Committee as a standing committee and instead provide for quarterly briefings to the Management Committee.

Article IV.B.1; Deputy Regional Administrator. Proposed text "codifies" the signature authority already delegated to the Deputy Regional Administrator under a 2011 Council resolution.

Article IV.G & H; Code of Conduct; Rules Governing Conduct at Council Meetings. These proposed new paragraphs “codify” the Code of Conduct and meeting rules that already have been adopted by the Council.

Article VI; Amendment of Bylaws. This proposed amendment would require both the Bylaws and the Code of Conduct to be amended (by a two-thirds vote) but would eliminate the need for the Council to consider proposed amendments at two Council meetings.

Code of Conduct. This proposed amendment would “codify” the Code of Conduct previously adopted by the Council and make some incidental changes to the text of the Code.

Conflicts of Interest. This proposed amendment would “codify” conflicts of interest provisions that are consistent with the statutory conflict of interest provisions that apply to Council members.

Rationale

The proposed amendments will update the Council’s Bylaws and help provide for more efficient management of the Council and the conduct of its business. According to Article VI, the Bylaws may be amended at any regular meeting of the Council by a two-thirds vote of the appointed members after: (1) Council members have received prior written notice of the proposed amendments; and (2) the proposed amendments have been presented to the Council for consideration at a previous regular meeting.

Thrive Lens Analysis

These proposed Bylaws amendments are neutral on Thrive Outcomes.

Funding

No funding implications or impacts.

Known Support / Opposition

N/A