

Community Development Committee

For the Metropolitan Council meeting of May 12, 2021

Subject: Amendment to the Livable Communities Advisory Committee (LCAC) Bylaws

Proposed Action

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

Summary of Committee Discussion/Questions

Livable Communities Manager Tara Beard and White Bear Lake Mayor Jo Emerson presented a summary of the proposed amendments to the bylaws.

Chair Lilligren asked if the Recording Secretary changes to the bylaws would create a staffing challenge with our current administrative capacity. Manager Beard responded that LCAC was different from other committees in that it meets frequently over a short period of time, rather than monthly or quarterly. Manager Beard noted that with LCAC work beginning in late fall, there was time to plan for administrative staff time for LCAC. Community Development Director Barajas added that no new staff would be needed to meet the need for an LCAC Recording Secretary.

Council Member Chamblis suggested revising the amended bylaws to retain a description of the new Community Engagement expertise category that had been stricken along with the Community-based Organization expertise category. The description will ensure that community engagement experts would have specific expertise in equitable outreach outcomes.

Council Member Wulff questioned if the amended bylaws would create adequate small town and rural development expertise on the committee. Staff noted that Article II.B calls for development expertise from urban communities to suburbs and small towns. Council Member Wulff expressed the desire for more specificity in the requirement to ensure diversity of developer expertise across community types.

Mayor Emerson shared that the existing LCAC members care very much about equitable outcomes and equitable representation on the committee. She noted that the application process is arduous and can be a barrier to smaller community participation in the program.

Council Member Vento expressed encouragement to the committee members to assist with recruitment for the committee. Council Member Atlas-Ingebretson noted that membership requirements in the bylaws ensure committee diversity lasts beyond the current administration. Chair Lilligren commented on his experience with the diversification of advisory committees at the City of Minneapolis and the importance of doing so intentionally.

Council Member Atlas-Ingebretson asked why “first-generation immigrants” were specifically called out in the examples of groups that are traditionally not included in the development process. Staff noted that the intention was to capture particularly dense populations of first-generation immigrants in parts of the region so there were a variety of examples of how this experience could be demonstrated.

Council Member Lee asked why the two-term limit did not prohibit non-consecutive terms beyond the initial two. Staff responded that the attempt is to

encourage healthy turnover without creating a situation where valuable past members couldn't serve again in situations where recruitment was not as successful as intended.

The Committee voted unanimously to amend the LCAC bylaws as proposed by staff with the exception of not eliminating language about addressing equitable development where it had been stricken along with the Community-based Organization expertise category, but keeping it as a description of the new Community Engagement expertise category. The proposed amendments to the LCAC bylaws with changes recommended by the Committee are shown in Attachment B.

Community Development Committee

Meeting date: May 3, 2021

For the Metropolitan Council meeting of May 12, 2021

Subject: Amendment to the Livable Communities Advisory Committee (LCAC) Bylaws

District(s), Member(s): All

Policy/Legal Reference: MN Statutes, sections 473.127 and 473.253; Council Bylaws art. III.B.4

Staff Prepared/Presented: Tara Beard, Livable Communities Manager (651-602-1051), and Honorable Jo Emerson, LCAC Chair and mayor of White Bear Lake

Division/Department: Community Development | Regional Planning

Proposed Action

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

Background

Under the 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 and number of members, their terms, how they conduct their review of grant applications and how they conduct their meetings.

The LCAC currently includes 14 members and a Chair. The LCAC bylaws were originally adopted in 1995, and were revised in 2005, 2011, and 2015. They establish seven areas of expertise to provide the range of skills and experience necessary for evaluating LCDA applications: 1) local government planning, economic or community development; 2) development finance – public and private sector; 3) development – new development, redevelopment; 4) transportation and land use relationship; 5) environment and land use relationship; 6) site design and land planning; and 7) community-based organizations to address equitable development. The LCAC Chair serves at large and at the pleasure of the Council.

The proposed bylaws amendment includes the following changes:

- Article II.A. **Members** and Article II.B. **Expertise**. The 2015 bylaws require members to have expertise on one of seven different subjected related to land use and community development. The “community-based organization” area of expertise was intended to add equitable development expertise to the committee. In practice, however, this area of expertise has not been linked to land use and community development. Replacing this area of expertise with “community engagement” will provide a needed perspective to the committee that can be linked to land use and community development, especially given new scoring criteria that focuses on project process. Rather than looking for equitable development experience in one category of expertise, staff propose to strive to appoint at least one person for each of the seven areas of expertise who represents or works directly with historically underrepresented communities.
- Article II.C. **Officers**. Reflect that under the Council's Bylaws the Council Chair recommends to the Council for its approval the chair *and vice chair* of Council advisory committee.
- Article II.D.1. **Terms**. Limit consecutive terms to two, for a total of 4 years for appointments made on or after September 1, 2021. This will ensure reasonable rotation of members to ensure a variety of perspectives and skills across the committee.

- Article II.D.3. **Terms.** Reduce terms from 3 years to 2 years. This is intended to lessen the commitment required of committee members in the hopes of attracting a wider pool of applicants.
- Article III.E. **Recording Secretary.** Clarify the role of the Recording Secretary for the committee; making the role external to the committee and staffed by appropriate Council administrative staff.

Attached is a redlined copy of the bylaws reflecting the proposed amendments.

Rationale

The rationale for each proposed amendment is described in the Background section above. Generally, the amendments are intended to weave equity expertise more thoroughly throughout the committee, encourage a wider pool of applicants, and make the bylaws more consistent with those of other Council advisory committees. The Council's Office of General Counsel was consulted about these changes.

Thrive Lens Analysis

This action would advance the Thrive Equity outcome by ensuring more LCAC members represent or have experience working with historically underrepresented communities. Other Thrive outcomes would not be impacted by these proposed amendments.

Funding

The effect of this action would have no impact on funding.

Known Support / Opposition

Council staff is not aware of any opposition to these proposed amendments. The LCAC chair has been informed of these changes and supports them.

**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 chair, vice chair, 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 mitigation and adaptation](#), [environmental justice](#));
 6. ~~6.~~ [site design \(landscape architecture, land planning specialty, urban design, public space design\)](#); and
 - 6.7. [community engagement \(community organizing, arts-based engagement, engagement strategy\)](#).
 7. ~~community-based organizations to address equitable development (planning, economic and/or community development/engagement representing traditionally under-represented communities).~~
- B. **Expertise.** To ensure diversity of expertise, the Council will strive to meet the following criteria to the extent reasonably possible:
1. ~~Each of the seven expertise areas should be represented by~~ appoint two members from each area of expertise;
 2. appoint at least one member from each category 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. ~~To the extent possible, the Committee membership appoint only one member shall represent a geographic balance from each Council district, including the Committee Chair; and~~

4.4. include representatives with perspectives ~~of developed and developing communities~~ 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, ~~and Secretary. The Chair and Vice Chair must be Committee members. The Secretary shall be a Council employee.~~
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 selected by the Committee members each review cycle 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.
 - ~~3. **Committee Secretary.** The Secretary shall be a designated Council employee. The Secretary shall not vote on any matters before the Committee. The Secretary shall keep a current and correct journal of all Committee proceedings.~~
- 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~~three-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.

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.
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 time and place for the Committee's regular meetings. The agenda for each regular meeting, together with appropriate material pertaining to the agenda items, shall be sent to the Committee members at least ~~three~~^{five} calendar days prior to the meeting. The public shall be notified of Committee meetings in accordance with general Council procedures.
- 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 ~~(3)~~ 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. **Quorum.** ~~Eight members~~^{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. **Order of Business.** Regular meetings of the Committee will be conducted in the following order:
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. 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 of all Committee proceedings.
- F. **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 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 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.

FG. **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.