

Minutes of the GOVERNOR'S BLUE RIBBON COMMITTEE

Monday, October 26, 2020 | 2:00 p.m.

Committee Members Present:

Mary Liz Holberg, Peter Bell, Patrick Born, John (Jay) Cowles, Pahoua Yang Hoffman, James Hovland, Elizabeth Kautz, Douglas Loon, Mary Jo McGuire, Khani Sahebjam, George Schember, Alene Tchourumoff, Thomas Weaver, Janet Williams, Zhirong (Jerry) Zhao

Committee Members Absent:

None

CALL TO ORDER

Committee Chair Mary Liz Holberg called the meeting of the Governor's Blue Ribbon Committee to order at 2:00 p.m. on Monday, October 26, 2020.

APPROVAL OF MINUTES

It was moved by Kautz, seconded by Zhao to approve the minutes of the October 12, 2020 meeting of the Governor's Blue Ribbon Committee. **Motion carried** on the following roll call:

Aye: 13 Holberg, Born, Cowles, Hoffman, Hovland, Kautz, Loon, McGuire, Sahebjam, Schember, Tchourumoff, Williams, Zhao

Nay: 0

Absent: 0

Not Recorded:2 Bell, Weaver

INFORMATION

1. Metro Cities (Patricia Nauman, Executive Director)

Patricia Nauman gave an overview of Metro Cities and their relationship with the Metropolitan Council. Metro Cities provides lobbying for cities and is considered by many to be a watchdog for the Council. Cities are responsible for the implementation of many regional policies and programs and are a primary constituency of the Metropolitan Council. Metro Cities has statutory appointing authority for municipal officials on the Transportation Advisory Board (TAB) and Technical Advisory Committee (TAC), and a statutory consulting role for municipal members appointed to the Metropolitan Area Water Supply Advisory Committee (MAWSAC). Metro Cities also appoints municipal officials to the regional Geographic Information Systems (GIS) Board. Jim Hovland asked about the position of Metro Cities to favor local elective officials, and the distinction of having both a TAB made up of local elected officials and a Council made up of elected officials. Nauman responded that while TAB is a very important body, it is an advisory body which is a distinction Metro Cities makes as a different level of work.

2. Citizens League (Pat Born, Board Chair; Pahoua Hoffman, former Executive Director)

Pat Born and Pahoua Hoffman shared an overview of the 2015 Citizens League Task Force. The key findings of the task force were: the Council continues to be an important regional advocate; the current governance structure inhibits the Met Council's ability to effectively plan for the long-term and act as an independent advocate for the regions; and challenges in the region have expanded and will continue to evolve due to changing demographics and the growth in poverty in the region. There are also concerns

related to transportation governance including accountability and transparency, efficiency and effectiveness, and equity. The Citizens League recommendations were: four-year staggered terms for Council members, all appointed by the governor; to strengthen the member selection process; and to fully exercise the Council's current authority in statute to reduce concentrations of poverty and foster increased connections to social and economic opportunities. In 2019 Governor Walz did adopt the majority of these recommendations, though not staggered terms. Jerry Zhao asked about staggered terms, and why they were not adopted. Born responded that there were several issues that would be affected by this change, and Chair Holberg added that it would be unusual for a governor to take on a reform change mid-term.

3. Suburban Transit Association (Luther Wynder, MVTA CEO)

Luther Wynder shared the position of the Suburban Transit Association (STA) with regard to the Metropolitan Council. Suburban communities sought legislation in 1982 to create transit agencies to serve fast-growing suburban areas. Before the suburban transit agencies formed, several suburban communities were paying into the transit system and receiving limited to no transit service. Minnesota Valley Transit Authority, Maple Grove Transit, Plymouth Metro Link and Southwest Transit formed. While suburban ridership has grown from one million passengers per year to more than five million passengers per year since the creation of the suburban transit agencies, funding equity has remained an ongoing concern. STA believes that suburban providers should receive an equitable, proportional share of transit funding for the region and would support any Met Council governance alterations that would support this goal. STA favors governance that is more accountable to the region and is structured to ensure suburban communities are directly represented. The innovation, success and service of the Suburban Transit Association can be enhanced by a more collaborative decision-making structure that recognizes member organizations as a full partner with a "seat at the table" when it comes to building a public transportation network for the future. Committee members had questions and comments about revenues and MVST funds allocated to suburban communities. Chair Holberg added that there is a formula for MVST returns to Metro Transit and suburban transit providers. There was also discussion of net contributions and net returns.

4. Council of Metropolitan Area Leagues of Women Voters (Karen Schaffer, Chair)

Karen Schaffer gave an overview of the Council of Metropolitan Area Leagues of Women Voters (CMAL) and their study of Metropolitan Council governance. CMAL is an inter-league membership organization that is political but non-partisan. CMAL focusses on government issues of the metropolitan area. CMAL conducted a study of the Met Council from August to December of 2018, through a public forum, literature review, coordinated interview teams and interviews of relevant stakeholders. Their positions are: Metropolitan Council members should be appointed by the governor, with fixed, staggered terms and removed only for cause; members should have a regional perspective, knowledge of regional issues, demographic diversity and the ability to meet the time requirements of service; members should not be local elected officials; members should not be directly elected to the Metropolitan Council; and a nominating committee should recommend a slate of candidates for the Metropolitan Council to the governor. Khani Sahebjam asked for a clarification of the composition of the membership of CMAL.

5. Minnesota Inter-County Association (Mike Beard, Scott County Commissioner; Matt Massman, Executive Director)

Commissioner Mike Beard gave an overview of the Metropolitan Governance Reform principles and statement of objectives. The Twin Cities' Local Government Coalition is a coalition of local government through the area that have joined together to develop a position statement and set of principles for improving metropolitan governance in the Twin Cities. The Coalition supports the need for regional planning, collaboration and coordination, but seeks to expand local government representation on the Metropolitan Council. Their statement of belief is: the Metropolitan Council, due to its taxing and policy authority, should be accountable to a regional constituency of those impacted by its decisions. It should

not operate as a state agency as it does in its current form, answerable to only one person, the governor. Their principles for reforms are: a majority of members of the Metropolitan Council shall be elected officials, appointed from cities and counties within the region; cities shall directly control the appointment process for city representatives; counties shall appoint their own representatives; staggered terms of office not coterminous with the governor; membership on the Council shall include representation from every metropolitan county government; the Council shall represent the entire region, therefore voting shall be structured based on population and incorporate a system of checks and balances. Mary Jo McGuire asked for a comment on the time commitment required for being on the Council, and how would that work for elected officials. Commissioner Beard responded that this has been discussed and the person selected would need to be someone who would be able to devote the time. Committee members also had questions and comments about the selection of municipal elected officials, as well as the question of land use and city comprehensive plans submitted to the Council.

6. Metro Governance Transparency Initiative (Ann Goering)

Ann Goering shared main points of concern regarding the interpretation of the applicable federal statute with regard to Metropolitan Council governance. The 2012 Revision unambiguously requires the Metropolitan Council to comply with statutory membership requirements. Prior to the 2012 amendments to the applicable federal law, the statutory requirement that mandated the inclusion of elected officials on the MPO applied only to organizations that were newly designated as an MPO or who has undergone a redesignation. The 2012 amendment eliminated the phrase “when designated or redesignated” and replaced it as well as added a provision stating, “A metropolitan planning organization may be restructured to meet the requirements of paragraph (2) without undertaking redesignation.” In addition, the “Limitation on Statutory Construction” provision does not grandfather the membership of a non-compliant MPO. While the Council was in existence prior to December 18, 1991, nothing in the statutory provision cited above relieves the Met Council or other entities from complying with the statute. It is not a general grandfathering provision. According to Goering, bringing the Council into compliance with the membership requirements of an MPO as required by federal law is legally mandated. Tom Weaver asked about the FTA’s decision that disagreed with Goering’s letter in 2016, and if anything has changed since that time. Goering responded that the FTA can always change their mind on this decision on compliance. Jim Hovland asked if there has been any litigation, and the response was that there was no lawsuit. Committee members also had questions and comments about the lack of response from the local FTA and if they went to the USDOT, as well as the legality of the structure of the Council. Pat Born suggested that the group should also hear from an attorney from the Council on their interpretation of the law.

7. Committee Discussion

Chair Holberg gave a preview of upcoming meetings. Pat Born suggested that time be provided at the next meeting for a round-robin of committee members to share their positions. This idea was met with approval from the committee members. Khani Sahebjam asked if future conversations could be split between transit and governance.

ADJOURNMENT

Business completed; the meeting adjourned at 3:28 p.m.

Bridget Toskey
Recording Secretary