

Minutes of the GOVERNOR'S BLUE RIBBON COMMITTEE

Monday, November 9, 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, November 9, 2020.

APPROVAL OF MINUTES

It was moved by Kautz, seconded by Zhao to approve the minutes of the October 26, 2020 meeting of the Governor's Blue Ribbon Committee. **Motion carried** on the following roll call:

Aye: 11 Holberg, Born, Hoffman, Hovland, Kautz, Loon, McGuire, Sahebjam, Schember, Williams, Zhao

Nay: 0

Absent: 0

Not Recorded:4 Bell, Cowles, Tchourumoff, Weaver

INFORMATION

1. Metropolitan Council Metropolitan MPO Compliance (Dave Theisen, Deputy General Counsel, Metropolitan Council)

Dave Theisen shared the Council's standing with regard to Metropolitan Council MPO compliance. The Council has had multimodal planning responsibilities since 1975, and the responsibilities have been uninterrupted since that time. The abolishment of three regional agencies in 1994 created the Metropolitan Council as it is today. This action also ended staggered terms, changing to terms coterminous with the governor. 2012 federal legislation required MPOs to consist of local officials, officials of public transportation agencies, and state officials within two years after MAP-21 enactment, but statute also states: Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities. FHA and FTA have frequently reviewed Council multimodal transportation planning work and have not raised questions about the Council's MPO status. The Council governing body does not include local officials, public transportation agency officials, or state officials, but a "grandfather" provision allows the Council to continue operating under the state law as it was first enacted in 1975. FHWA and FTA have confirmed that the Council is covered under the grandfather provision and are fully aware of the Council's status. In addition, more than half of TAB members are elected local and county officials; 88% represent counties, cities, and transit/transportation interests. TAB is more than an advisory committee; it is integral to transportation planning processes under long-existing protocol.

Committee members had questions about TAB, and their approval abilities as a body consisting of some elected officials. Doug Loon asked if a change to the Council such as moving to staggered terms could put the Council's grandfathered status in jeopardy. Theisen replied that a change in terms would not be a substantial enough change, but a change to elected officials would be a change that may require redesignation. It would also be dependent upon the language in the legislation.

2. Metropolitan Area and Greater Minnesota Paratransit Service Delivery and Funding Discussion
(Nick Thompson, Director, Metropolitan Transportation Services)

Nick Thompson gave an overview of ADA paratransit in Minnesota. There are two systems of paratransit in Minnesota, Metro Mobility and Greater Minnesota ADA. Metro Mobility is required by the State of Minnesota to serve the Transit Taxing District in place in 2006 as well as new cities as directed by the Legislature. Metro Mobility serves customers with a certified disability. There is no limit on distance but must stay within the Metro Mobility geographic boundaries. This is a door-through-door service. Greater Minnesota ADA serves customers within $\frac{3}{4}$ of a mile of fixed route service. This service is available in several large greater Minnesota cities, and serves the elderly and those with disabilities. The maximum trip lengths are within city limits of the respective city. This is a door-to-door service. In greater MN there are trips provided through the transit providers via contract. These contracts are funded through a care provider via DHS.

3. Committee Discussion on Executive Order Direction:

- The role of elected versus appointed Metropolitan Council members
- The Metropolitan Council's role as a Metropolitan Planning Organization, and identify and evaluate the ways this federal designation may complement and/or conflict with the Met Council's responsibilities under Minnesota law
- The effectiveness of the delivery of regional transit service

Each committee member shared his or her thoughts on the above topics. Mayor Kautz said that she has not heard anything compelling about having elected officials on the Council. She also compared a Council of elected officials to the now disbanded Counties Transit Improvement Board.

Mayor Hovland shared that he has been happy with the current model of the Council, and he has no question about the legality of the Council. He believes that a benefit of the current model is TAB making biennial decisions about federal money that comes in. He has found that the process works well and is a model of good governance. He also believes that there would be time constraints and conflicts of interest to have elected officials on the Council. He is in favor of staggered terms. Mayor Hovland is also in favor of the nominating committee, and the governor selecting from the slate of candidates presented by the nominating committee. With respect to transit service as it currently exists, he is in favor of keeping the same model of transit service delivery.

Mayor Williams feels that the Council as it operates with the TAB traditionally has done a good job. The majority of the studies done do not recommend changing the make-up of the Council. She pointed out that the nominating committee is made up of elected officials. With Governor Walz this was expanded so that there were seven elected officials, including an elected official representing each county. She is not in favor of elected officials on the Met Council. With regard to suburban transit, this transit service began because those in the suburbs did not believe they were getting the transit service for the money they paid. Now over 40% of those using suburban transit are from outside the taxing district, which is something that should be explored further.

Jerry Zhao shared that it seems that current system is working well, and that if a new system is designed it will need to be set up in a way that meets current legislature. Zhao is also in favor of staggered terms for Council Members.

Khani Sahebjam shared that it appears that the Council and TAB are working well together, but this governance issue is not going to go away. He also said that it is clear that there are some transit trust issues and some inefficiencies that will need to be addressed.

Peter Bell shared that he is an opponent of an elected Council, but he differs from other committee members as he has serious concerns about the continued existence of suburban transit providers. They do not represent all suburban communities and there is some duplication in administrative costs. He also believes that TAB works well as-is.

Tom Weaver doesn't believe the governance structure is broken but does believe there are things worth looking at. He is not in favor of elected officials on the council but believes the group should be mindful of local governments' view on this and whether they think they are adequately represented. He believes there are some things that could be done to give local elected officials more influence in the appointment process. With respect to the delivery of transit, it is clear that the current structure is legally sufficient from a federal perspective and that the TAB works.

Pat Born said that he is in favor of appointed Council Members with staggered terms, which would lead to additional trust within local officials of the Metropolitan Council. Born has not heard anything compelling toward an MPO redesignation. With regard to the suburban transit providers, he believes there is an argument that they are not as efficient, simply because they are smaller, not because they are not good managers. If they were to do away with suburban transit providers, there would need to be something in place to address the attention to service that they provide.

Commissioner McGuire agrees that there should not be an elected Council and would be happy to look at staggered terms. She doesn't think it is a broken system, and that it works as-is. Commissioner McGuire also believes that TAB works well as a body that advises the Council. She also agrees that the Council should continue to be the MPO for the region.

Alene Tchourumoff shared that she also agrees with others and hopes that the outcome of this is that it is clear that the Council is in compliance with federal law. She believes that there would be several issues with having elected officials on the Council, and that the appointment process works well. She also is in favor of staggered terms for continuity. In terms of the effectiveness of regional transit providers, Tchourumoff has concerns about the efficiency of the system overall. She thinks there are opportunities to enhance the overall efficiency and effectiveness of our transit system.

George Schember doesn't believe there should be changes to the MPO status, and that it would be a solution in search of a problem. He is not in favor of a Council of elected officials nor expansion of the opt-out service.

Doug Loon stated that the Chamber has long aligned itself with the 2011 report from the Office of the Legislative Auditor that the legislature should restructure the Met Council along the lines of a mix of appointed and elected members. He believes that elected officials would be a great way to address the question of validity of the Council. That being said, he does not believe the Met Council is broken, and that the Council has been executed well over time. He questions the long-term validity of the Council without governance reforms. He is in favor of staggered terms to increase legitimacy of the Council. He agrees that if this is not addressed now the issue will linger. He also asks that if having elected officials at the TAB works, why wouldn't it work for the full Council. He believes the suburban transit provider system works well.

Jay Cowles shared that the MPO legal case appears to be well-answered by the Council, and that moving to a different form of MPO would be very complicated and difficult to achieve. The Met Council has done a good job and made a number of accommodations in past years to address concerns.

Cowles doesn't believe that the committee has received enough information about the opt-outs for him to have an opinion.

Pahoua Hoffman shared that cities were not supportive of elected officials. Hoffman and the Citizens League both support staggered terms. There is so much work building the knowledge and understanding of roles for Council Members; staggered terms would allow for continuity. She also believes that there is room for improvement in the appointment process.

Mary Liz Holberg shared a few issues that have not yet been addressed. Representing a community that for decades has not felt a part or represented by TAB, when people talk about TAB working well she doesn't know that if that is a shared opinion across the region. With regard to the appointment process, she suggested raising the appointment recommendation threshold, and that perhaps the recommendations would have to be a super majority; in other words having elected officials having weighted recommendations might make sure that a fair share of the composition of the groups' desires would be reflected. She is not in favor of an entirely elected Council but is in favor of staggered terms in some form. The MPO issue is a very small issue in the grand scheme of things, as it is a very small share of transportation money in the state. She believes there does need to be a discussion about some of the inherent conflicts with the Council being an operator and a funder. She also believes that all of Metro Transit should be funded as a forecasted program because it appears that Metro Mobility with its rapidly increasing cost is taking funding from regular route bus and rail operations. She believes that there should also be leadership continuity as transit projects take decades to complete.

Peter Bell shared that he does not believe the Council is as effective as it could be. However, he is in favor of smaller changes rather than wholesale changes. Mayor Williams believes that some of the struggle comes from some of the animosity between cities and counties. There was also some committee discussion about the Counties Transit Improvement Board.

Judd Schetnan shared that he will be drawing from today's committee discussion to begin working on recommendations for the committee before the final meeting. He said that the group does not seem to be interested in pursuing a Council of elected officials, but that the group seems to be in favor of staggered terms as well as elected officials on the appointing committee. He said that the group also seems to be in favor of the Council remaining as the region's MPO. He also said that it does not seem that the group is coalescing around the idea of making any changes to the suburban transit providers. He said the group has talked somewhat around Metro Mobility, and that it is important as a state and federally mandated program. He asked that committee members let him know if he is missing anything. Peter Bell asked to learn more about Metro Mobility, and how far beyond the federally mandated services Metro Mobility is and if there is a cost for those services. Schetnan will get this information out to committee members before the next meeting. Chair Holberg asked that he also send the financials from opt-out providers to committee members before the next meeting as well.

ADJOURNMENT

Business completed; the meeting adjourned at 3:46 p.m.

Bridget Toskey
Recording Secretary