Minutes of the

MEETING OF THE EQUITY ADVISORY COMMITTEE

Tuesday, August 16, 2016

Committee Members Present: Co-Chair; Acooa Ellis, Co-Chair; Edward Reynoso, Deb Barber, Tie Oei, David Ketroser, Ruthie Johnson, Elham Ashkar, Leslie Redmond, Kimberly Carpenter, Sindy Morales Garcia, Vayong Moua, Claudia Cody, Jennifer Munt

Committee Members Absent: Kadra Abdi, Ishmael Israel, Rebecca Stratton, Shirley Cain, Metric Giles, Leon Rodrigues, Steven Chavez, Nelima Sitati Munene

CALL TO ORDER

Committee Co-Chair Reynoso called the regular meeting of the Council's Equity Advisory Committee to order at 6:08 p.m. on Tuesday, August 16, 2016.

APPROVAL OF AGENDA AND MINUTES

A quorum not being present at the beginning of the meeting, Co-Chair Reynoso continued to the first information item.

A quorum being present at 6:25 p.m., Co-Chair Reynoso returned to the approval of agenda and minutes.

The agenda was moved by Oei, and seconded by Ellis.

The minutes were moved by Barber, and seconded by Ketroser.

INFORMATION

1. Data Practices Act and Open Meeting Law

    Deputy General Counsel David Theisen outlined portions of Minnesota Open Meeting Law and the Data Practices Act that could be relevant to members of the Equity Advisory Committee. Advisory Committees are not covered under Minnesota Open Meeting Law, but it is assumed that the Council's advisory committees will follow the provisions of Minnesota Open Meeting Law. The Data Practices Act dictates that information held by the Council, including emails to a Council email address, is presumed public.

    By Council Bylaws, each advisory committee must have bylaws that are adopted by the Council. One important portion of these bylaws are provisions addressing conflicts of interest, which may occur when an action or decision made by the committee could affect an individual's, or associated individual, business or organization, financial interest.

    A brief Q&A followed:

    > 1. How are emails about potential decisions or business items handled since they are public information?

    > They are still considered public, but there cannot be an effort to willingly circumvent Minnesota Open Meeting Law.

    > 2. Would there be a conflict of interest if a committee member was involved in a lawsuit against a municipality only for that municipality to bring the Council into the lawsuit?

    > Such cases would be evaluated on a case-by-case basis.

2. Environmental Services Division – Overview

    Leisa Thompson, General Manager of Environmental Services, introduced the Environmental Services (ES) division that provides wastewater treatment services to municipalities and industrial customers within the metropolitan area.

Ned Smith, Director of ES Finance and Revenue, then discussed the finances of ES operations. ES operates under a model where all money received from fees goes to wastewater treatment services. ES charges communities a wholesale fee that is proportional to their percentage of wastewater flow, and these fees are 40% below the national average for cities with similar wastewater flows. The communities then charge businesses and residents a retail fee for sewer service. There is also a one-time Sewer Availability Charge (SAC) fee that is charged to municipalities for new connections or increased capacity demand.

Assistant General Manager for Technical Services Bryce Pickart then discussed the Capital Programs for ES. ES is in the fifth year of a long term pipe rehabilitation project, and similar projects operate under the expectation that the neighborhood is left better than the initial condition. Jeannine Clancy, Community Programs Manager for ES Technical Services, outlined how the process of engaging the community for Capital programs. There are two open houses for each project, one in the design phase and one before the construction phase of the project. Information is also distributed by direct door hangings, direct mailings, and an email list of Sewer Interceptor improvement work that is sent to 6,000 people. Each project is subject to the Environmental Justice framework set by the MPCA. Jeannine Clancy then outlined potential topics for conversation between ES and the EAC.

A Q&A between ES staff and committee members followed:

1. Are there certain communities that have had less input in ES projects than other? If so, what improvements have been made?

It is an ongoing process to see what work needs to be done to engage certain communities, from translation or different communication methods, depending on the particular project.

2. Are there any lessons to be learned from the water crisis in Flint, MI? Is water quality different for different areas of the region?

The Council and ES handle flow capacity and wastewater rather than drinking water.

3. Is there an ongoing condition assessment of pipes?

Yes, there are televised pipes and special inspections. Inspections generally operate under a 10 year cycle. Future projects are often based off of pipe condition, as well.

4. How do SAC charges on new construction impact affordable housing?

There have been calls for SAC credits for affordable housing projects, but SAC task forces have decided against these credits. ES has worked with Community Development to find grants that can provide additional funding to help the cost of SAC charges on affordable housing projects.

5. How are SAC fees distributed?

SAC fees are roughly composed of 50% industrial customers and 50% residential. The distribution of SAC fees for municipalities is usually within 2% of the breakdown of wastewater flow charges by municipality.

6. Are families able to pay any special assessments associated with SAC fees?

Special assessments are carried out by the municipalities, not the Council.

7. Who isn't ES hearing from in capital projects?

The ES team has a lot of work yet to do, but is reaching out to different municipalities asking the same questions about what parts of the community aren't being heard, and trying to incorporate any resulting feedback.

8. Is someone able to answer calls from community if a resident does not speak English?

There are existing translation services, but there are generally few requests for these services for ES related calls. There are more robust translation services in the Council's HRA, which may be extended to ES in the future.

3. Group Norms and Expectations

Co-Chair Reynoso then invited committee members to provide their feedback on the way orientation for the committee had played out. Committee members discussed the following topics:

- While it is important to lay a foundation of knowledge of the Council, the narrative is important; it's not helpful to only hear positive side of what the Council does. It would be helpful to hear the downside, as well.

- The committee has been encouraged by Chair Duininck to Push the envelope, and voice the "not so good" areas where the Council can do better

- Presentations could be more tailored to the equity related perspectives on what is happening

- There are some clashes of communication and mixed messages. Committee members are told to "push the envelope" but difficult questions were hard to ask in orientation because of time constraints. It seemed that the priority was to get through information, rather than examine issues.

- Committee members are not accustomed to the Council's work culture. It seems that the table is not a shared table, but the Council's table.

- There are better ways of using orientation time than presentations. Instead, working in groups to assess issues and form recommendations could be a more constructive use of committee times.

- Education about the Council is necessary, and there needs to be a common language before the committee can work.

- The nature of equity advocacy isn't technical, and should be about fighting for priorities. Committee members are hoping to assess areas where equity is an issue. It is key to set the tone and build power together.

Co-Chair Ellis then shifted conversation about what suggestions the committee has for future meetings:

- Robert's Rules of Order are not a culturally competent way of leading meetings, and should be discussed at a future meeting

- The committee will decide the work plan, based off of what committee members can to do

- The committee should look into having public input at meetings for the public to speak on their own behalf

- There should be a future meeting set aside for discussion of ideas.

- Remaining questions after presentations can be posted on the wall so that they are addressed in the future

- Should a consultant be brought in to help facilitate the formation of the work plan?
    - The committee should have the ability to approve and evaluate potential facilitation consultants.
    - There was no prior conversation about a consultant. Is one necessary or can committee members lead the facilitation themselves? Several members have experience in facilitation of these types of conversations

- What should the frequency of future meetings be?
    - Twice per month, until November?
    - Frequent meetings go beyond the expectations and commitment made at the beginning of the committee process.
    - It should be more about content of meetings, rather than frequency
    - Some might prefer a longer, perhaps 5-hour meeting, rather than more frequent meetings.

- There should be three themes going forward:
  - Adaptability
  - Integration
    - Looking at the consultant decision process
  - Core Functions
    - The committee should look at core functions of the Council, rather than areas or divisions of work.

ADJOURNMENT
Business completed, the meeting adjourned at 8:18 p.m.

Kevin Murphy
Recording Secretary