

**Metropolitan Governance Task Force  
Report to the Legislature\***

February 1, 2024

*\*Report Required by Minnesota Laws 2023, Chapter 68, Article 4, Section 123.*



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## I. Introduction

During the 2023 legislative session, a bipartisan group of lawmakers advocated for the creation of a Metropolitan Governance Task Force (“Task Force”).<sup>1</sup> These lawmakers recognized that there was a bipartisan desire for studying options and making recommendations to reform the Metropolitan Council but a lack of consensus on how that should be done.

The creation of the Task Force was not just a recognition of the many prior unsuccessful attempts to reform the Metropolitan Council governance structure but also an acknowledgement of the growing discontent with Metropolitan Council decision-making both inside the Legislature and among the public.

This Metropolitan Governance Task Force Report to the Legislature is the result of the work of that Task Force.

## II. Background

### A. Enabling Legislation

The Metropolitan Governance Task Force (“Task Force”) was created by the Minnesota Legislature in 2023.<sup>2</sup> The Task Force was established to study and make recommendations to the legislature on reform and governance of the Metropolitan Council. The statute outlined the following duties of the Task Force:

**Duties.** The task force must study and evaluate options to reform and reconstitute governance of the Metropolitan Council. The study must include an analysis of the costs and benefits of:

- (1) direct election of members to the Metropolitan Council;
- (2) a combination of directly elected and appointed members to the Metropolitan Council;
- (3) a council of governments which would replace the current Metropolitan Council;
- (4) reapportioning responsibilities of the Metropolitan Council to state agencies and local units of government;
- (5) adoption of a home rule charter for governance of the Metropolitan Council; and
- (6) any other regional governance approaches that are viable alternatives to the current structure of the Metropolitan Council.

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<sup>1</sup> HF2092 (2023) was authored by Rep. Frank Hornstein (DFL), Rep. Kristin Robbins (R), Rep. Erin Koegel (DFL), Rep. Sydney Jordan (DFL), Rep. Jessica Hanson (DFL), Rep. Andrew Meyers (R), and Rep. Jim Nash (R).

<sup>2</sup> See 2023 Minn. Laws, Ch. 68, Art. 4, Sec. 123.

The Task Force was directed to submit a report with findings and recommendations to the chairs and ranking minority members of the legislative committees with responsibility for or jurisdiction over the Metropolitan Council and metropolitan agencies by February 1, 2024.

The Legislative Coordinating Commission provided the staff support and administrative services for the Task Force.

*Minnesota Laws 2023, Chapter 68, Article 4, Section 123.*

## **B. Task Force Membership**

The Task Force consisted of the following seventeen appointed members:

(1) Two members of the Senate, appointed by the Senate Majority Leader	<b>Senator Scott Dibble</b> <b>Senator Lindsey Port</b>
(2) Two members of the Senate, appointed by the Senate Minority Leader	<b>Senator Julia Coleman</b> <b>Senator Eric Pratt</b>
(3) Two members of the House of Representatives, appointed by the Speaker of the House	<b>Representative Frank Hornstein</b> <b>Representative Ginny Klevorn</b>
(4) Two members of the House of Representatives, appointed by the Minority Leader of the House	<b>Representative Jon Koznick</b> <b>Representative Mark Wiens</b>
(5) One person representing cities in the metropolitan area, appointed by the Association of Metropolitan Municipalities	<b>Mayor James Hovland,</b> City of Edina
(6) One county commissioner representing counties in the metropolitan area, appointed by the Association of Minnesota Counties	<b>Commissioner Karla Bigham,</b> Washington County
(7) One person representing townships in the metropolitan area, appointed by the Minnesota Association of Townships	<b>Jeff Reed,</b> Douglas Township, Board of Supervisors
(8) One person representing an employee collective bargaining unit of the Metropolitan Council, appointed by the Minnesota AFL-CIO	<b>Renae Pereira-Webb,</b> Vice President, AFSCME Local 668
(9) One person appointed by the governor	<b>Kristin Beckmann</b>
(10) One person representing transit, appointed by Move Minnesota	<b>Sam Rockwell,</b> Executive Director, Move Minnesota
(11) One person representing institutions of higher education, appointed by the Office of Higher Education	<b>Professor Myron Orfield,</b> University of Minnesota Law School

(12) Two members of the public, appointed by the Legislative Coordinating Commission

**Commissioner Marion Greene,**  
Hennepin County  
**Mary Pattock**

Task Force member appointments were required to be made by July 15, 2023.

There was one change to Task Force membership after initial appointments were made. Minneapolis Council Member Lisa Goodman was initially appointed as a member of the public by the Legislative Coordination Commission. Due to scheduling conflicts, however, Council Member Goodman resigned from the Task Force. Mary Pattock was then appointed as her replacement by the Legislative Coordinating Commission on September 15, 2023.

### **III. Task Force Meetings**

The Task Force’s statutorily assigned duties provided a framework for the meetings held by the Task Force and the topics and presentations included in those. The Task Force held 15 regular meetings, and it also hosted an additional four public engagement listening sessions.

Video of each Task Force meeting as well as meeting minutes, agendas, and materials are all available on the Task Force’s website: <https://www.lcc.mn.gov/mgtf/>. Meeting Minutes for each regular meeting can be found in Appendix B. The Task Force accepted written public testimony at all its meetings, and that written testimony can be found in Appendix C.

#### **A. Regular Meetings**

##### **Meeting #1 – August 9, 2023**

The Task Force elected Representative Frank Hornstein as Chair and Senator Eric Pratt as Vice-Chair. Staff from the Minnesota House Research Department provided an overview of the Task Force’s enabling legislation and the current governance structure of the Metropolitan Council.<sup>3</sup>

##### **i. Background Information on the Metropolitan Council & Its Duties**

At the outset, the Task Force held four meetings dedicated to gathering information and educating the Task Force membership on the history of the Metropolitan Council, its expansion, and its current roles and duties.

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<sup>3</sup> See Appendix D, “Metropolitan Governance Task Force” by Chelsea Griffin, Legislative Analyst, Minnesota House Research Department (Aug. 9, 2023).

## Meeting #2 – September 13, 2023

Staff from the Legislative Coordinating Commission provided a detailed presentation on the history and background of the Metropolitan Council.<sup>4</sup> The presentation covered the legislative history of the Metropolitan Council, including the two competing 1967 proposals for a Metropolitan Council: the Rosenmeier-Albertson Plan and the Ogdahl-Frenzel Plan. The presentation also included information about the expansion of Metropolitan Council duties over time.

The Task Force then began its review of existing reports done on Metropolitan Council governance, and in doing so, acknowledged the ongoing nature of the issues which the Task Force was created to address.

Staff from the Office of the Legislative Auditor provided an overview of the OLA’s 2011 *Evaluation Report: Governance of Transit in the Twin Cities Region*.<sup>5</sup> The “key governance finding” in that report was as follows:

The Metropolitan Council’s role as the regional transit planner has been hampered by how members are appointed; as a result of its structure, the Council lacks adequate credibility and accountability among stakeholders.<sup>6</sup>

The former Co-Chair of the 2016 Citizens League Task Force on the Metropolitan Council then provided an overview of the Citizens League’s report entitled *The Metropolitan Council: Recalibrating for the Future 2016*. The two key governance-related findings in that report were as follows:

Because the Chair and members of the Metropolitan Council are appointed by and serve at the pleasure of the Governor, Council members are perceived by some as primarily accountable to the Governor and not to the districts from which they were appointed or to the region as a whole. This structure is viewed by some as preventing members from acting as an independent advocate for their district or the region.<sup>7</sup>

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<sup>4</sup> See Appendix E, “History and Background of the Metropolitan Council” by Taylor Koehler, Research Analyst, Legislative Coordinating Commission (Sep. 13, 2023).

<sup>5</sup> See Appendix E for “Metropolitan Council Governance” by Judy Randall, Legislative Auditor, Minnesota Office of the Legislative Auditor (Sept. 13, 2023).

<sup>6</sup> *Evaluation Report: Governance of Transit in the Twin Cities Region* 34, Minnesota Office of the Legislative Auditor (2011), <https://www.auditor.leg.state.mn.us/ped/pedrep/transit.pdf>.

<sup>7</sup> Citizens League Metropolitan Council Task Force 2015-16, *The Metropolitan Council: Recalibrating for the Future* 9, Citizens League (2016), <https://citizensleague.org/wp-content/uploads/2017/10/FinalReportv2.pdf>.

With Metropolitan Council member term(s) being coterminous with the Governor's term(s), this results in the possibility of a complete turnover of members with each new Governor. This works against the Metropolitan Council's charge of long-term planning for the orderly and economical development of the region.<sup>8</sup>

At the end of the meeting, the Task Force heard public testimony.

### **Meeting #3 – September 27, 2023**

The Task Force continued its review of existing reports on Metropolitan Council governance. The former Chair of the 2020 Governor's Metropolitan Council Blue Ribbon Panel provided an overview of the Blue Ribbon Panel's final report and recommendations.<sup>9</sup> The final recommendation in this report, completed approximately 3 years ago, recommended governance modification to the Met Council as follows:

The Committee recommends that Metropolitan Council Members should be appointed by the governor and should not be directly elected to the Council. Metropolitan Council Members should not be sitting local elected officials. The Committee recommends a change in current law to establish four-year staggered terms for Council Members, and an expansion of the nominating committee to include a majority of local elected officials.<sup>10</sup>

The Task Force then began addressing the exact responsibilities and duties of the Metropolitan Council. Staff from the Metropolitan Council provided an overview of both the Community Development and the Environmental Services Divisions of the Metropolitan Council.<sup>11</sup>

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<sup>8</sup> Citizens League Metropolitan Council Task Force 2015-16, *The Metropolitan Council: Recalibrating for the Future* 9, Citizens League (2016), <https://citizensleague.org/wp-content/uploads/2017/10/FinalReportv2.pdf>.

<sup>9</sup> See Appendix F, "Blue Ribbon Committee on the Metropolitan Council's Structure and Services," by Mary Liz Holberg, Dakota County Commissioner (Sep. 27, 2023). The Blue Ribbon Panel's report includes in its materials the governance positions of the Council of Metropolitan Area Leagues of Women Voters (CMAL) from its 2019 report entitled *Metropolitan Council Governance*. Those positions are as follows: "(1) the Governor should appoint members of the Metropolitan Council, (2) members of the Metropolitan Council should be appointed to fixed, staggered terms, and should be removable only for cause, (3) Metropolitan Council members should be required to have a regional perspective, knowledge of regional issues, demographic diversity, and the ability to meet the time requirements for serving in the office, (4) Metropolitan Council members should not be local elected officials or be directly elected to the office of Metropolitan Council member, and (5) a nominating committee should recommend a slate of Metropolitan Council nominees to the Governor."

<sup>10</sup> *2020 Final Report & Recommendations Blue Ribbon Panel: Efficient Delivery of Metropolitan Council Services*, Metropolitan Council Blue Ribbon Panel (2020), <https://metrocouncil.org/About-Us/Publications-And-Resources/PERFORMANCE-REPORTS/2020-Blue-Ribbon-Panel-Report.aspx>.

<sup>11</sup> See Appendix F, "Metropolitan Council Overview of Community Development and Environmental Services Divisions" by Lisa Barjas, Community Development Director, Metropolitan Council and Leisa Thompson, Environmental Services General Manager, Metropolitan Council (Sep. 27, 2023).



Within the Community Development Division, the Metropolitan Council is responsible for:

- Housing, Development, and Contamination Clean Up Grants (Minn. Stat. § 473.25-255)
- Regional Land Use Planning (Minn. Stat. § 473.145, 473.851-867)
- Housing Services (Minn. Stat. § 473.195)
- Regional Parks and Open Space Planning and Funding (Minn. Stat. § 473.301-351)<sup>12</sup>

Within the Environmental Services Division, the Metropolitan Council is responsible for:

- Wastewater (Minn. Stat. § 473.511)
- Surface Water Quality (Minn. Stat. § 473.157)
- Water Supply Planning (Minn. Stat. § 473.1565)<sup>13</sup>

### **Meeting #4 – October 11, 2023**

The Task Force focused on understanding the Metropolitan Council’s role as the Twin Cities region’s Metropolitan Planning Organization (MPO). The Task Force endeavored to understand MPOs broadly, both within the national and greater Minnesota context.

Staff from the Minnesota Department of Transportation provided an overview of Greater Minnesota’s MPOs.<sup>14</sup> Then, staff from the University of Minnesota provided information on how MPOs are a federal designation with very specific parameters and duties.<sup>15</sup> During this presentation, Task Force members learned how the MPO designation process and the role of MPOs is outlined in both federal law and federal regulation, specifically, 23 U.S.C. § 134 and 23 CFR § 450.310.

Additionally, staff from the Minnesota House Research Department provided an overview of the Metropolitan Council’s budget.<sup>16</sup>

At the end of the meeting, the Task Force heard public testimony.

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<sup>12</sup> *Ibid.*

<sup>13</sup> See Appendix F, “Metropolitan Council Overview of Community Development and Environmental Services Divisions” by Lisa Barjas, Community Development Director, Metropolitan Council and Leisa Thompson, Environmental Services General Manager, Metropolitan Council (Sep. 27, 2023).

<sup>14</sup> See Appendix G, “Greater Minnesota’s Metropolitan Planning Organizations” by Tim Sexton, Assistant Commissioner, Minnesota Department of Transportation (Oct. 11, 2023).

<sup>15</sup> See Appendix G, “Metropolitan Planning Organizations: Definitions, History, and Other Context,” by Frank Douma, Researcher, Humphrey School of Public Affairs and Kyle Shelton, Director, Center for Transportation Studies (Oct. 11, 2023).

<sup>16</sup> See Appendix G for Metropolitan Council budget handouts put together by Andrew Lee, Staff Researcher, Minnesota House Research Department.

## Meeting #5 – October 25, 2023

The Task Force returned to learning about the roles and duties of the Metropolitan Council, focusing specifically on the transit-related duties.

Staff from the Metropolitan Council provided an overview of the Metro Transit and the Metropolitan Transportation Services Divisions of the Metropolitan Council.<sup>17</sup>

Within the Transportation Divisions, the Metropolitan Council is responsible for:

- Regional Transportation Planning (Minn. Stat. § 473.146)
- Transitway Development (Minn. Stat. § 473.399)
- Transit Services (Minn. Stat. § 473.385)<sup>18</sup>

Following the presentation, Ann Bloodhart, General Counsel for the Metropolitan Council, answered Task Force member questions relating to the governmental status of the Metropolitan Council. General Counsel also followed up on its written response to an October 13, 2023, Task Force Letter.<sup>19</sup> The Letter asked the following 3 questions of Metropolitan Council:

1. Is the Metropolitan Council a local government? If so, how can its enabling statute survive Minnesota's constitutional prohibition on special legislation?
2. Is the Metropolitan Council a state agency? If so, how can it constitutionally exercise the legislative power of taxation or operate with such broad discretionary authority?
3. Is the Metropolitan Council a special district or public authority? If so, how can it exercise the legislative power of taxation, operating in so many areas, without being directly subordinate to an elected government?<sup>20</sup>

General Counsel advised that the Metropolitan Council is a legislatively created body “established as a public corporation and political subdivision of the state.”<sup>21</sup>

Task Force members initiated a discussion on the values they believed should guide the task force in evaluating different governance models.

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<sup>17</sup> See Appendix H, “Metropolitan Council Overview of Transit, Transportation, and Metropolitan Planning Organization Roles” by Lesley Kandaras, Metro Transit General Manager, Metropolitan Council; Nick Thompson, Interim Executive Director of METRO Projects, Metropolitan Council; and Charles Carlson, Executive Director of Metropolitan Transportation Services, Metropolitan Council (Oct. 25, 2023).

<sup>18</sup> See Appendix H, “Metropolitan Council Overview of Transit, Transportation, and Metropolitan Planning Organization Roles” by Lesley Kandaras, Metro Transit General Manager, Metropolitan Council; Nick Thompson, Interim Executive Director of METRO Projects, Metropolitan Council; and Charles Carlson, Executive Director of Metropolitan Transportation Services, Metropolitan Council (Oct. 25, 2023).

<sup>19</sup> See Appendix H for “October 13, 2023, Letter to Metropolitan Council from Task Force” and “October 18, 2023, Letter to Task Force from Metropolitan Council.”

<sup>20</sup> See Appendix H for “October 13, 2023, Letter to Metropolitan Council from Task Force.”

<sup>21</sup> See Appendix H for “October 18, 2023, Letter to Task Force from Metropolitan Council”; see also Minn. Stat. § 473.123, subd. 1.

At the end of the meeting, the Task Force heard public testimony.

ii. Types of Governance Models

Guided by its statutory duties, the Task Force then initiated an investigation of governance model options for the Metropolitan Council.

**Meeting #6 – November 1, 2023**

The Task Force’s focus in this meeting was on the directly elected council governance model.

In the Portland, Oregon, metropolitan region, Portland Metro is the regional governing body and MPO. The Metro Council is made up of “a president, elected regionwide, and six councilors who are elected by district every four years in nonpartisan races.”<sup>22</sup> Portland Metro’s Council President, Lynn Peterson, presented on Portland Metro.<sup>23</sup> She provided an overview of Portland Metro’s work and explained how its elected council governance structure works.

The Task Force then received a presentation on TriMet, the transit operator for the Portland metropolitan region. Task Force members learned how TriMet engages and works with Portland Metro to achieve transit goals.

At the end of the meeting, the Task Force heard public testimony.

**Meeting #7 – November 8, 2023**

The Task Force’s focus in this meeting was on a governor-appointed governance model, although with some changes from the current model.

The Executive Director of Metro Cities provided a brief presentation outlining Metro Cities’ support for a governor-appointed council with members serving staggered terms.<sup>24</sup>

Task Force members continued their discussion from the October 25, 2023, meeting on the values they believed should guide the task force in evaluating different governance models.

At the end of the meeting, the Task Force heard public testimony.

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<sup>22</sup> Portland Metro, “What is Metro,” <https://www.oregonmetro.gov/regional-leadership/what-metro> (last accessed Jan. 28, 2024).

<sup>23</sup> See Appendix I, “Metro: The Greater Portland Region” by Lynn Peterson, Portland Metro Council President.

<sup>24</sup> See Appendix J, “Association of Metropolitan Municipalities (Metro Cities) Legislative Policy Position: Regional Governance” by Patricia Nauman, Executive Director, Metro Cities (Nov. 8, 2023).

### **Meeting #8 – November 29, 2023**

The Task Force’s focus in this meeting was on the regional council of governments (COG) governance model.

In the Denver, Colorado, metropolitan region, the Denver Regional Council of Governments (DRCOG) is the region’s MPO. DRCOG is made up of “representatives of [the] region’s counties, cities, and towns.”<sup>25</sup> DRCOG’s Executive Director, Douglas Rex, gave a presentation outlining DRCOG’s work and its role as the region’s MPO.<sup>26</sup>

The Task Force then received a presentation on Denver’s Regional Transportation District (RTD), the transit operator for the Denver metropolitan region. RTD’s General Manager provided an overview of RTD and its interaction with DRCOG. RTD’s Director explained the role of RTD’s elected directors and how those directors interact with both RTD and DRCOG staff.

The Task Force then heard from the Scott County Administrator on the ways in which counties interact and engage with the Metropolitan Council.<sup>27</sup>

### **Meeting #9 – December 6, 2023**

In this meeting, the Task Force returned to the Portland, Oregon (elected MPO, appointed transit board) and Denver, Colorado (COG MPO, elected transit board) examples of alternative governance models.

Former Portland Mayor Charlie Hales discussed his view of metropolitan governance and what makes it successful.<sup>28</sup> Mr. Hales was able to speak to his opinion of the elected council of Portland Metro, though he did not touch on the governor-appointed model used for TriMet.

Former Denver Mayor Michael Hancock discussed his view of metropolitan governance and what makes it successful. Mr. Hancock was able to speak to his opinion of the COG model used by the Denver Regional Council of Governments (DRCOG), though he did not touch on the elected model used for RTD.

After discussion with the former mayors, the Task Force began a focused discussion around the following questions:

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<sup>25</sup> Denver Regional Council of Governments, “About DRCOG,” <https://drcog.org/about-drcog/about-drcog> (last accessed Jan. 28, 2024).

<sup>26</sup> See Appendix K for “Denver Regional Council of Governments,” by Douglas Rex, Executive Director, DRCOG (Nov. 29, 2023).

<sup>27</sup> See Appendix K, “Metropolitan Council Touch Points with Local Governments” by Lezlie Vermillion, Scott County Administrator (Nov. 29, 2023).

<sup>28</sup> See Appendix L, “Portland Metro Area Regional Growth Management” by Charles Hales, Senior Vice President, HDR and Former Mayor of Portland (Dec. 6, 2023).

- 1) What are the problems, if any, with the Metropolitan Council?
- 2) Given those identified problems, what should the Task Force be solving for?

Following this meeting, Task Force members wrote up their own answers to these questions, which were then later shared with the membership.<sup>29</sup>

### **Meeting #10 – December 13, 2023**

The Task Force’s focus in this meeting was on the home rule charter process.

Professor Nestor Davidson, of Fordham School of Law, provided an overview of the home rule charter process and what that entails from a legal perspective.

Mike McKeever, a former Sacramento Area Council of Governments (SACOG) Executive Director, then provided additional context to how a home rule charter process can work in the context of a regional body. Mr. McKeever explained how the home rule charter process engaged local governments in Portland, Oregon. Finally, Robert Liberty, provided additional information on how the home rule charter process functions alongside an elected council.<sup>30</sup>

#### iii. Member Proposals for Task Force Recommendations

Following discussion of various alternative Metropolitan Council governance models, the Task Force initiated a process to recommend governance models to the legislature and began addressing members’ own ideas and proposals.

### **Meeting #11 – January 3, 2024**

The Task Force had its legislative members present on any legislation they had previously brought forward relating to Metropolitan Council governance.

Senator Pratt discussed his bill, SF2809 (2018),<sup>31</sup> which would have created a COG model of governance for the Metropolitan Council. Senator Dibble discussed his bill, SF1624 (2023),<sup>32</sup> which would have created a directly elected Metropolitan Council, as well as his former proposal for a home rule charter commission which had been incorporated into the Senate Omnibus Transportation bill, SF3517 (2023), 2nd Engrossment, Article 6, Section 32.<sup>33</sup> Representative

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<sup>29</sup> See Appendix L for Task Force members’ “Problem Questionnaire” responses.

<sup>30</sup> See Appendix M, “Presentation of Robert Liberty” by Robert Liberty (Dec. 13, 2023).

<sup>31</sup> See S.F. 2809 (2018), Office of the Revisor of Statutes, <https://www.revisor.mn.gov/bills/bill.php?f=SF2809&y=2018&ssn=0&b=senate>.

<sup>32</sup> See S.F. 1624 (2023), Office of the Revisor of Statutes, <https://www.revisor.mn.gov/bills/bill.php?b=senate&ssn=0&y=2023&f=sf1624>.

<sup>33</sup> See S.F. 3517 (2023), Office of the Revisor of Statutes, <https://www.revisor.mn.gov/bills/bill.php?b=senate&f=SF3157&ssn=0&y=2023>.

Koznick discussed his bill, HF3323 (2023),<sup>34</sup> which would have provided for continued governor appointment of Metropolitan Council members but with staggered terms and expanded membership of the nomination committee, among other changes.

The authors of these bills also discussed how their views on Metropolitan Council reform, as encapsulated in their bills, had changed in light of the Task Force's work, and they advised where they might make changes to their former bills if they were writing them now. In particular, Rep. Koznick suggested that while his bill, HF3323 (2023), maintained governor appointment, he would no longer propose legislation which would have Metropolitan Council members serve at the pleasure of the governor.

At the end of the meeting, the Task Force heard public testimony.

#### **Meeting #12 – January 10, 2024**

Task Force members discussed the process for the remainder of the meetings.

Members voted to share and then discuss governance proposals, recommendations, and member comments at the following meeting on January 17, 2024, but to not vote on any core report recommendations until January 24, 2024.

#### **Meeting #13 – January 17, 2024**

This meeting was focused on the Task Force's discussions around potential recommendations for the report.

The Task Force voted to adopt a problem statement to be included in the report. The problem statement identified accountability as the basic issue which the legislature should address in any Metropolitan Council reform or governance changes. Task Force members also began an engaged discussion around adopting guiding principles for inclusion in the report, but it was decided that voting on principles would be held for January 24, 2024.

Task Force members who had submitted governance proposals, recommendations, and commentary individually spoke about their submissions.<sup>35</sup>

At the end of the meeting, the Task Force heard public testimony.

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<sup>34</sup> See H.F. 3323 (2023), Office of the Revisor of Statutes, <https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF3323&ssn=0&y=2023>.

<sup>35</sup> See Appendix N for all submissions from Task Force members for the January 17, 2024, meeting.

### **Meeting #14 – January 24, 2024**

The Task Force’s second to last meeting was dedicated to voting on and adopting items to be included in the Task Force’s report, including recommendations.<sup>36</sup>

The Task Force adopted a series of guiding principles for the legislature to use as a guide when reviewing the Task Force’s recommendations and making decisions on Metropolitan Council reform.

Task Force members presented on and discussed the remaining governance proposals from the prior week as well as the updated and new proposals submitted in advance of the current meeting.

Rather than vote on any of the governance model proposals for inclusion as a report recommendation though, the Task Force voted to instead include all of the governance model proposals submitted by Task Force members in the report. The Task Force expressed a desire for the legislature to thoroughly review the Task Force’s work and its discussions, which are available through the Task Force’s report, Meeting Minutes, meeting materials, and the actual video recordings of each meeting. The Task Force failed to pass Commissioner Bigham’s motion to *only* include Senator Dibble’s proposal and Senator Pratt’s proposal #1 in the report.

The Task Force did, however, vote on a series of other recommendations. Those which passed are included in the Recommendations section of this report. Below are the proposed recommendations which failed to receive majority votes.<sup>37</sup>

The below proposed recommendation by Senator Pratt failed:

The Task Force recommends that the operation and construction of Metro Transit be separated from the Metropolitan Council by January 1, 2027. The Task Force recommends that the legislature work on potential legislation and create a working group of all necessary stakeholders to recommend options on how to implement such a separation.

The below proposed recommendation by Sam Rockwell failed:

The legislature should study whether to establish a comprehensive set of statutory goals for the Metropolitan Council. These goals can and should then serve as guideposts for Metropolitan Council vision and action and as benchmarks for Metropolitan Council success and public accountability.

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<sup>36</sup> See Appendix O for all submissions from Task Force members for the January 24, 2024, meeting.

<sup>37</sup> Meeting Minutes in Appendix B should be referenced for vote counts.

The below proposed recommendation by Mary Pattock failed:

The Met Council should adopt a vision that prioritizes quality of life.

### **Meeting #15 – February 1, 2024**

At its final meeting, the Task Force voted to approve the Final Report for submission to the legislature.

## **B. Public Engagement Listening Sessions**

In an effort to bring the public into the Task Force’s work, the Task Force decided to hold four public engagement listening sessions for the purpose of taking testimony from the public. To hear from the widest number of voices, the Task Force selected meeting locations in not only the two core cities of Minneapolis and St. Paul but also in the east and west suburbs.

At each of the public engagement listening sessions, Task Force members attended in-person, via Zoom, and from the Capitol Complex location. Although no official business was conducted at these public engagement listening sessions, they were all well attended by Task Force members.

Many Task Force members used the public feedback gathered at these listening sessions to help guide their thoughts and proposals around Metropolitan Council governance and reform.

### **Public Engagement Session #1 – December 8, 2023**

The Task Force held its first public engagement listening session at the Amherst H. Wilder Foundation in St. Paul, MN. The meeting was held from 2:00 PM – 4:00 PM. The following individuals were invited to be opening speakers for the event:

- Commissioner Victoria Reinhardt, Ramsey County
- Council Member Mitra Jalali, Saint Paul City Council
- Veronica Burt, Executive Director, Dayton’s Bluff Community Council
- Russ Stark, Chief Resilience Officer, City of Saint Paul

After the opening speakers shared their commentary on the Metropolitan Council and reform efforts, community members were invited to give their public testimony. Some members of the public also submitted written testimony as well.<sup>38</sup>

Video of the oral testimony from the public can be found here:

[https://www.youtube.com/live/\\_xMkfGpVtNU?si=TEupaPL4UfQH-TY7](https://www.youtube.com/live/_xMkfGpVtNU?si=TEupaPL4UfQH-TY7)

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<sup>38</sup> See Appendix C for Written Testimony.



### **Public Engagement Session #2 – December 14, 2023**

The Task Force held its second public engagement listening session at the Lake Elmo City Center in Lake Elmo, MN. The meeting was held from 12:00 PM – 2:00 PM. The following individuals were invited to be opening speakers for the event:

- Mayor Charles Cadenhead, City of Lake Elmo
- Commissioner Gary Kriesel, Washington County
- Will Schroerer, Executive Director, East Metro Strong

After the opening speakers shared their commentary on the Metropolitan Council and reform efforts, community members were invited to give their public testimony. Some members of the public also submitted written testimony as well.<sup>39</sup>

Video of the oral testimony from the public can be found here:

<https://www.youtube.com/watch?v=qATBWUnQ3ms>.

### **Public Engagement Session #3 – January 5, 2024**

The Task Force held its third public engagement listening session at the University of Minnesota’s Robert J. Jones Urban Research/Outreach-Engagement Center (UROC) in Minneapolis, MN. The meeting was held from 12:00 PM – 2:00 PM. The following individuals were invited to be opening speakers for the event:

- Commissioner Irene Fernando, Hennepin County
- Kristel Porter, Executive Director, West Broadway Business and Area Association

After the opening speakers shared their commentary on the Metropolitan Council and reform efforts, community members were invited to give their public testimony. Some members of the public also submitted written testimony as well.<sup>40</sup>

Video of the oral testimony from the public can be found here:

<https://www.youtube.com/watch?v=CjaNZERz1Fw>

### **Public Engagement Session #4 – January 9, 2024**

The Task Force held its fourth public engagement listening session at the Scott County Government Center in Shakopee, MN. The meeting was held from 6:00 PM – 8:00 PM. The following individuals were invited to be opening speakers for the event:

- Mayor Matt Lehman, City of Shakopee
- Mayor Chris Kostik, City of Credit River
- Commissioner Jon Ulrich, Scott County

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<sup>39</sup> See Appendix C for Written Testimony.

<sup>40</sup> See Appendix C for Written Testimony.

After the opening speakers shared their commentary on the Metropolitan Council and reform efforts, community members were invited to give their public testimony. Some members of the public also submitted written testimony as well.<sup>41</sup>

Video of the oral testimony from the public can be found here:

<https://www.youtube.com/watch?v=RIBEXsCSmMA>

## IV. Task Force Recommendations

After six months of meetings in which the Task Force undertook the completion of its statutory duties, it voted upon a number of recommendations for the legislature’s consideration. These recommendations are based upon the information gathered both in the Task Force’s regular meetings and at the public engagement listening sessions. Not all recommendations were adopted unanimously, and the Meeting Minutes in Appendix B should be consulted for vote count information.

### A. Identified Problem Statement

On January 17, 2024, the Task Force unanimously, on a vote of 15-0, with 2 members absent, adopted the below “Problem Statement”:

#### ***The Problem: Accountability is the Basic Issue***

***Finding.*** *We have determined that there is widespread confusion and widespread disagreement about who is and who should be accountable for Met Council vision, planning, execution (construction and operation), and performance evaluation.*

***Recommendation.*** *The basic issue the legislature should address in any Metropolitan Council reform or governance changes is how the Council should be accountable to the public and to state and local governments. We recommend that the legislature make clear assignment of these areas of accountability.*

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<sup>41</sup> See Appendix C for Written Testimony.

## B. Guiding Principles

The Task Force spent a great deal of time in its meetings discussing the principles which should guide any reform to the Metropolitan Council, including its governance structure. The Task Force adopted the following guiding principles on January 24, 2024:<sup>42</sup>

***Proportionality.*** *The Course of Action (COA) ensures there is equal representation for all residents.*

***Regional.*** *The COA provides a regional orientation whereby Metropolitan Council members are locally selected.*

***Compensation.*** *The COA includes the establishment of compensation and the resources necessary for Metropolitan Council members commensurate with the level of responsibility entrusted to them.*

***Clarity of Accountability:*** *The COA delivers actual, rather than just perceived, accountability to the public by ensuring that the public knows and understands to whom Metropolitan Council members are accountable to on an ongoing basis.*

***Credibility.*** *The COA delivers immediate credibility in Metropolitan Council members who are accountable to their district and the region and operate under the principle of being held accountable for their actions.*

***Accessibility.*** *The COA delivers immediate accessibility in Metropolitan Council members who are accountable to their district and the region and operate under the principle of responsiveness to the public.*

***Transparency.*** *The COA delivers immediate transparency in Metropolitan Council members who are accountable to their district and the region and operate under the principle of openness to the public.*

***Collaboration.*** *The COA delivers immediate collaboration in Metropolitan Council members who are accountable to their district and the region and operate under the principle of a non-partisan collaborative planning and service delivery environment.*

The Task Force believes that these principles should serve as a guide for the legislature as it considers the Task Force's governance reform proposals and other recommendations.

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<sup>42</sup> Each principle was separately voted upon, and the Meeting Minutes in Appendix B should be referenced for vote counts.

## C. Governance Reform Proposals

During the Task Force’s January 17, 2024, and January 24, 2024, meetings, members discussed their proposals for Metropolitan Council governance reform.

On January 24, 2024, the Task Force determined, on a vote of 14-3, to “*include all the options for reforming the governance of the Metropolitan Council submitted to the [Task Force] by January 24<sup>th</sup> in the final report to the Minnesota State Legislature.*”

Below are the six Metropolitan Council governance proposals submitted to the Task Force for consideration.<sup>43</sup>

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<sup>43</sup> The proposals included in this section are those that were governance model proposals. All other recommendations, comments, and proposed task force motions can be found in Appendix N and Appendix O. Professor Orfield did submit a governance model proposal, which can be found in Appendix N, but given its similarity to Senator Dibble’s proposal, he deferred to Senator Dibble’s proposal during meetings and declined to speak on it or have it included in this section of the report.

i. Senator Scott Dibble's Proposal

**Bodies**

- Metropolitan Regional Civic Council
- Council of Governments

**Metropolitan Regional Civic Council**

- Membership and Selection
  - 19 members: 16 elected to represent districts, 3 at large, appointed by the Governor
  - All districts to be equal in size. Districting consistent with laws allowing for creation of minority opportunity districts. Redistricting to occur once every 10 years, following the census
  - Staggered terms
  - Gubernatorial appointees serve a set term
  - Chair elected by the body from their own
  - Non-partisan elections, funded by with a public election finance system similar to Minnesota Legislature's public finance system
  - Full time. Salary is the average of metro area county commissioners
- Roles and Responsibilities
  - Taxing authority, bonding, discretionary policy decisions, budgeting and appropriations, delivery of public services (transit, sewers, etc.)
  - Planning responsibility and authority to be shared equally with the Council of Governments (Long Range, Transportation, Water Resources, Regional Parks, Housing Policy Plans, etc.)
  - Designated as the MPO
- Other
  - Includes a dedicated and fiscal research and analysis staff, accountable only to the Civic Council (including staff dedicated to supporting work and office of individual members)
  - Members are encouraged and incented to avail themselves of national and international educational opportunities on issues of regional governance, planning and services

**Metropolitan Council of Governments**

- Membership and Selection
  - Locally elected officials
  - Two types of districts: County Districts and Municipal (cities and townships) Districts, apportioned proportionally according to population
  - County appointees selected by a caucus of counties
  - Municipal appointees selected by a like caucus of cities and townships (which can then further be categorized by community type [central, developed and developing communities, for example])
  - Number of members to be at least as large as Regional Civic Council, with sufficient number to ensure proportionality, and allowing for greater County representation

- Each County must have at least one seat
- County districts would not cross county boundaries
- Redistricting to occur once every 10 years, following the census
- Staggered terms
- Appointees serve a set term
- Chair elected by the body from their own
- Roles and Responsibilities
  - Shall be consulted by Regional Civic Council on all major policy decisions
  - Planning responsibility and authority to be shared equally with the Civic Council (Long Range, Transportation, Water Resources, Regional Parks, Housing Policy Plans, etc.)
  - Responsible for evaluation of services provided (effectiveness, efficiency, consistency with laws and policies, etc.)
  - Shall have the power by majority vote to require the Regional Civic Council to reconsider any major policy decisions
  - Shall have the power, via two-thirds vote to veto major actions of the Regional Civic Council (paired with the ability for the Regional Civic Council to override via two-thirds vote)
  - Must ratify any new major policy power or expansion of scope, authority, and duties of the Regional Civic Council (except those mandated and directed by the Legislature)
  - Holds an equal number of voting seats on Committees of the Regional Civic Council
- Other
  - Includes a dedicated and fiscal research and analysis staff, accountable only to the Local Government Council
  - Members paid for additional time and responsibilities (within bounds of state law and state constitution)
  - Members are encouraged and incented to avail themselves of national and international educational opportunities on issues of regional governance, planning and services

ii. Senator Eric Pratt's Proposal #1

**Modified Council of Governments (COG) Model** (made up of 40 members):

- 7 Seats representing each County
  - 4 year staggered terms
  - Must be a currently seated county commissioner
  - Chosen by the respective board
- 33 Seats proportionally allocated for cities & Townships
  - 4 year staggered terms
  - Must be a currently elected official from a city or township
  - Chosen by a committee of representatives within a district
- For MPO purposes, 4 MPO members are:
  - Commissioner of Transportation
  - 1 Non-Motorized transportation rep appointed by Commissioner of Transportation
  - 1 public transit rep appointed by Commissioner of Transportation
  - 1 freight transport rep appointed by Commissioner of Transportation
  - Vote only on MPO decisions
  - Advisory in all other decisions
- The Board selects a Chair and hires an Executive Director to manage staff.
- The governing body of each home rule charter or statutory city and town in each Metropolitan Council district shall appoint a member to serve on a municipal committee for the council district.
  - If a city or town is in more than one council district, the governing body must appoint a member to serve on each council district's municipal committee.
    - District boundaries will be based on population, but also respect jurisdictional boundaries – minimize the occurrences of a municipality being split into multiple districts
    - A member appointed to a council district's municipal committee must reside in the council district. If a district is wholly contained within a municipality, the city council will choose a representative.
- The municipal committee must meet at least quarterly to discuss issues relating to the Metropolitan Council. Municipal committee meetings are subject to the Minnesota Open Meeting Law, chapter 13D.

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iii. Senator Eric Pratt's Proposal #2

**Modified Council of Governments (COG) Model** (made up of 40 members):

- 7 Seats representing each County
  - 4 year staggered terms
  - Must be a currently seated county commissioner
  - Chosen by the respective board
- 33 Seats proportionally allocated for cities & Townships
  - 4 year staggered terms
  - May be a currently elected official from a city or township or a community member
  - Chosen by a committee of representatives within a district
- For MPO purposes, 4 MPO members are:
  - Commissioner of Transportation
  - 1 Non-Motorized transportation rep appointed by Commissioner of Transportation
  - 1 public transit rep appointed by Commissioner of Transportation
  - 1 freight transport rep appointed by Commissioner of Transportation
  - Vote only on MPO decisions
  - Advisory in all other decisions
- The Board selects a Chair and hires an Executive Director to manage staff.
- The governing body of each home rule charter or statutory city and town in each Metropolitan Council district shall appoint a member to serve on a Municipal Committee for the council district.
  - If a city or town is in more than one council district, the governing body must appoint a member to serve on each council district's municipal committee.
    - District boundaries will be based on population, but also respect jurisdictional boundaries – minimize the occurrences of a municipality being split into multiple districts
    - A member appointed to a council district's municipal committee must reside in the council district. If a district is wholly contained within a municipality, the city council will choose a representative.
- Each Municipal Committee will nominate up to 3 nominees, The Governor must appoint a representative from the slate provided by the Municipal Committee. Senate confirmation is required. At least 50% of the appointees must be locally elected officials.
- The municipal committee must meet at least quarterly to discuss issues relating to the Metropolitan Council. Municipal committee meetings are subject to the Minnesota Open Meeting Law, chapter 13D.

Effective January 1, 2027



iv. Commissioner Marion Greene's Proposal

**Directly Elected Metropolitan Council**

- Districts proportional by population
- Constituents: residents of the region
- Size: similar to current
- Non-partisan
- 4-year staggered terms
- Governed by open meeting law
- Full-time
- Salaried
- Staffed
- Elect their own Chair
- Choose the regional administrator
- Redistricted every decade after the census
- Responsibilities (same as current)
  - Sewer
  - Metro Transit
  - Transit planning
  - Housing
  - Regional planning

v. Position of Mayor James Hovland<sup>44</sup>

Maintain the present geography of each district and the number of districts and district membership on the Metropolitan Council in its present configuration at 16; and

Four-year staggered terms of Metropolitan Council members which would reduce ideological shifts in the make-up of the Council and allow for knowledge and experience continuity of Council members; and

An increase in the number of members on the statutory nominating committee to 15 and an increase in the number of local elected officials on the committee to 8, composed of 4 local elected officials, 3 county elected officials and 1 township elected official. The balance of the nominating committee would be composed of citizens at large and with knowledge of transportation and modal representatives, with all members appointed to the nominating committee by the Governor. This composition of the nominating committee would provide for a higher level of engagement by community members and local officials; and

The nominating committee would submit the names of three finalists from each district to the Governor and the Governor would be required to select amongst the three finalists selected by the nominating committee for each district; and

A public comment period requirement once potential members are nominated and before they are appointed by the Governor to increase transparency in how members of the Metropolitan Council are selected.

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<sup>44</sup> Mayor Hovland was appointed by the Association of Metropolitan Municipalities, and his position is on behalf of cities in the metropolitan area.

vi. Mary Pattock's Proposal

This proposes two organizations: a Met Council for metro-wide planning, coordination and collaboration among jurisdictions, and a new Metro Transit District for planning, building and operating transit. The proposal addresses these issues:

1. Accountability:
  - a. To local officials and to the public,
  - b. Via a system with checks and balances,
  - c. Ensuring that the organization building and operating transit would also pay for it (per OLA finding)
2. Competence: The two organizations would operate in areas of specific expertise
3. Conflict of Interest: Removing the current conflict of interest between the Met Council and Metro Transit

**The Met Council: A Council of Governments**

The Met Council would be a council of governments responsible for cooperative and collaborative planning, coordination, and technical assistance on issues of mutual concern that cross jurisdictional lines, including transportation. The Council would continue to be the metro area's MPO.

Members would be mayors, county board and township chairs appointed by the governor according to specific legislative requirements that ensured balance and equity with respect to 1) population density, 2) geographic distribution and 3) type of jurisdiction (county, city, township). There would be an odd number of members, and they would serve staggered terms. The board would include two non-voting members, one from MnDOT and one from Metro Transit. The board would elect a chair from among its members. Committees would be established by vote of the council. Members would have assigned staff to adequately assist them in their duties.

The Council would be funded by the state legislature.

**Metro Transit: A Special District<sup>45</sup>**

A Metro Area Transit District would be a Special District\* with the sole function of building and operating a metro-wide transit system consistent with broad policy goals of the Met Council. It would have taxing authority and receive project funds from the Met Council.

The transit district would be governed by a board of directors: 15 voting members would be popularly elected, three from Hennepin County and two from each of the other counties; there

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<sup>45</sup> Although Mary Pattock's governance proposal includes the separation of the operation and construction of Metro Transit from the Metropolitan Council, it should be noted that on January 24, 2024, the Task Force voted on a recommendation by Senator Pratt to separate the operation and construction of Metro Transit from the Metropolitan Council. The Task Force voted not to include this proposed recommendation in the report. *See* Appendix B for Meeting Minutes.

would also be one non-voting member from the Met Council and one non-voting member from MnDOT. The chair would be elected by the board from among its voting members.

\*Special districts are independent, governmental units with substantial autonomy that provide a specific service or services not provided by existing governments. Examples of special districts that exist in Minnesota are the Metropolitan Airport Commission, the Metropolitan Mosquito Control District, various watershed districts, Saint Paul Port Authority and the existing Met Council. Since this transit district could levy taxes, its board would be elected.

## **D. Additional Recommendations**

The Task Force also voted to adopt the following additional recommendations for the legislature:<sup>46</sup>

- 1. The Task Force recommends that performance measures, especially related to funding for transportation and transit projects should be part of any legislative proposal to ensure member accountability and financial transparency.*
- 2. The Task Force recommends the develop[ment], adopt[ion], and articulat[ion] [of] agreed-upon regional transit service efficiencies and allow[ance] for strong local input into decisions about investment and operations.*
- 3. The Task Force recommends that a reformed Council would need to review the funding structure and relationship between the Metro HRA and other regional HRAs related to administration of housing vouchers.*

## **V. Appendices**

**Appendix A:** 2023 Session Law Establishing the Metropolitan Governance Task Force

**Appendix B:** Meeting Minutes

**Appendix C:** Written Public Testimony

**Appendix D:** Presentation Materials for August 9, 2023, Meeting

**Appendix E:** Presentation Materials for September 13, 2023, Meeting

**Appendix F:** Presentation Materials for September 27, 2023, Meeting

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<sup>46</sup> Meeting Minutes in Appendix B should be referenced for vote counts.

**Appendix G:** Presentation Materials for October 11, 2023, Meeting

**Appendix H:** Presentation Materials for October 25, 2023, Meeting

**Appendix I:** Presentation Materials for November 1, 2023, Meeting

**Appendix J:** Presentation Materials for November 8, 2023, Meeting

**Appendix K:** Presentation Materials for November 29, 2023, Meeting

**Appendix L:** Presentation Materials for December 6, 2023, Meeting

**Appendix M:** Presentation Materials for December 13, 2023, Meeting

**Appendix N:** Submissions from Task Force Members for the January 17, 2024, Meeting

**Appendix O:** Submissions from Task Force Members for the January 24, 2024, Meeting