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REPORT ON METROPOLITAN COUNCIL ELECTION
of the
SENATE TASK FORCE ON METROPOLITAN AFFAIRS

January 18, 1978

The Task Force on Metropolitan Affairs of the Senate Committee on Governmental Operations held hearings during the 1977 interim on the subject of Metropolitan Council Member Selection. The Task Force held a series of four evening meetings in locations around the metropolitan area for the purpose of receiving public testimony. Hearings were held in Forest Lake, Minneapolis, Bloomington, and Fridley. In addition, a round table discussion was held in the Capitol subsequent to the public hearings, and several working sessions of the Task Force were held prior to the preparation of this report.

The Task Force report consists of several sections. The first section is a summary of the views presented both for and against an elected council. The second section presents the recommendations of the Task Force. The third section is an appendix containing (1) a compilation of major policy statements presented to the Task Force on the subject of council member selections (the statements were selected as a representative sample, the complete record of submissions to the Task Force is available for review from Cathy Morrison); and (2) a summary of the introduced bills.

I

The debate over the election of members of the Metropolitan Council covers a range of issues. This section of the Task Force report will summarize the discussion of these issues.

There was extensive public testimony at the public hearings which was critical of the concept of regional government and of the perceived role of the Metropolitan Council in a regional government structure. There was also testimony by local officials criticizing or supporting various Council policies, actions and staff members.

The Function of the Council

Opponents

Some opponents of election do not see election as appropriate for a planning and coordinating body, working with strong local units and commissions and providing policy input to the legislative and executive branches. Opponents argue that elective offices are more suitable for general purpose units of government. Several opponents would support an elected Council if Council powers were increased, while others have advocated shifting some powers to the Council

from other units, particularly counties, at the time when an elected Council begins. The argument that ballots are too long and that there is no need for "another layer of government" often accompany this approach. Opponents point out that appointment by the Governor and confirmation by the Senate provide an important link between this planning and coordinating body and the executive and legislative branches of state government.

Some opponents of the elected Council argue that the method of selection currently being used by Governor Perpich (where legislators from the Council district play the major role in Council member selection) represents the first example of a Governor carrying out the original intent of the legislature for member selection under the 1967 Council Act. They argue that if the current method of selection can be established as a tradition, there will be no need to change the selection process.

Supporters

Some supporters of an elected council argue that the Metropolitan Council as currently constituted is sufficiently powerful to justify election. They state that the Council is a general purpose, policy-making body, and thus a governmental unit. In our system of government, these general purpose bodies are elected. Supporters argue that the Council will not gain additional legal authority as a result of its members being elected. The Council makes important decisions, and the debate accompanying the election campaigns for the Council would be a positive input in the decision-making process. Other supporters believe that there may be some change in the Council with election, but view this change as positive. They see the Council as a body which is constantly evolving where necessary to become effective in resolving important metropolitan issues, with election as a step in this evolutionary process.

Intergovernmental Arguments

Opponents

Opponents of Council election point to changes which will occur in the balance of power among the Council and other units of government. Municipalities are currently the strongest constituency of the Metropolitan Council. An elected Council member, with his own political base, is less likely to look to local elected officials for guidance. In a similar manner, an elected Council is likely to be more independent of the Legislature. Council members will be elected from districts twice the size of Senate districts. While a legislator's campaign will have focused on a large variety of issues of statewide and local concern, the Council election is likely to focus on metropolitan issues. There is not likely to be much deference to the legislature on these issues. To the extent to which the powers of the Council are inadequate to implement the policy decisions of the Council, an elected Council is likely to ask for additional power. Since the metropolitan framework (with a planning and coordinating Council) was designed with an appointed Council in mind, an elected Council is likely to lead to re-alignment of authority in the metropolitan area. This may be particularly true of the relationship between the Council and the metropolitan commissions.

Supporters

Supporters of an elected Council do not see the election/appointment issue as the key factor in determining the intergovernmental relationship in the metropolitan area. At the legislative level, the Metropolitan Council has had considerable success in having its recommendations enacted into law by the legislature. There is no proof that changing to elections will alter this. The League of Metropolitan Municipalities, representing a group most affected by the change has consistently supported council election. They do not see Council election as a threat to their access to the Council. In addition, there were in the past committees of both the House and Senate devoted exclusively to metropolitan issues. Today, neither body has such a committee. There is a need for a body of elected officials who focus on the broad range of metropolitan issues. When this is not being done at the legislature, there is an increased need for an elected Council.

The Quality of Council Members

Opponents

Opponents argue that there is a better chance of having a selection of competent specialists as well as representation by women and minorities with an appointed Council. Appointed members, they say, are less likely to be parochial and will look more at the interests of the metropolitan area as a whole. They point to the danger of logrolling, particularly in A-95 review and similar Council functions. Because of the layout and size of the Council districts, some rural areas are likely to have no representation. There was also concern expressed about the quality of the election campaign, and the difficulty of educating voters for another elected office.

Supporters

Proponents of the elected Council point to the record of elected officials in Minnesota. They see no reason to expect a lack of quality representation on the Council. The election campaign is useful for educating both the electorate and the candidates. The appointed members are seen as too isolated. They are not accountable to their constituents and are generally not well known. Also, many of the Council districts are large and have too broad a representation to allow for a parochial view of metropolitan problems.

Additional Arguments

Some opponents of an elected Council base their position upon a general satisfaction with the performance of the Council. They argue against a change for the sake of change and are open for further consideration in the event that Council performance deteriorates.

Supporters of an elected Council argue that there has always been a strong sentiment in favor of an elected Council, both at the legislature and in public opinion polls. Historically, many people wanted to wait until there had been several years of operation of the Council before moving to an elected Council. The Council has passed through its experimental stage and there is every expectation that it is to be a permanent part of metropolitan government. They argue that it is an appropriate time to move to an elected Council.

Some elected officials at the hearings argued that under the current system, the ultimate responsibility rests clearly with the legislature and the governor. They were concerned that another elected layer would dilute responsibility, and make it less clear who was accountable for metropolitan actions.

There has also been some discussion of the effect of elected Council on relations with the federal government. Supporters argue that an elected Council will qualify for federal legislation requiring regional review without special "Minnesota amendments" for each federal law. Opponents argue that this may be true for some federal laws, but it is not true for all present and future federal requirements.

II

There were two stages in the Task Force deliberation following the public hearings and roundtable discussion. First, a vote was taken on the issue of Council election. From that point on, the issue was limited to what should be included in an elected Council bill if one were to pass.

TASK FORCE RECOMMENDATIONS

1. The members of the Council should be elected.

The views of the Task Force members on election are as indicated:

For Election

Senator Gerry Sikorski
Senator David D. Schaaf
Senator Robert M. Benedict
Senator Franklin J. Knoll

Opposed to Election

Senator William Kirchner
Senator Earl W. Renneke

2. The elected Metropolitan Council should begin following reapportionment of Council districts by the legislature after the 1980 census.

The two options were immediate commencement of Council elections and delay until after the census. The Task Force believes that since there will need to be reapportionment of the districts it is unwise to begin elections so close to the required redistricting.

3. The members should run on the non-partisan ballot.

The non-partisan ballot was chosen because, with a few exceptions, most local elections are held on a non-partisan basis.

4. The members should be elected to four-year staggered terms.

In the initial election, half would be elected for two-year terms.

5. The election should take place in the off year election, if a mandatory uniform municipal election day exists at the time of the first election. Otherwise, the election should be in the general election.

The Task Force preferred election along with local officials, if there is a mandatory uniform municipal election day. However, an off year election was not seen as workable if election of Metropolitan Council seats would be the only item on the ballot.

6. The chairman should be appointed by the Governor with the advice and consent of the Senate.

The Task Force considered at large election of the chairman, election of the chairman by the Council from among its members, and selection by the Council members from outside its membership. The existing selection process was seen as providing a good balance with member election while maintaining some ties with the Governor and the legislature.

7. The members should receive a modest salary plus a reduced per diem.

The Task Force considered a salary, per diem, and the recommended combination. The modest salary reflects the basic level of constituent service required of an elected official. A reduced per diem would adequately compensate members for meetings attended. The chairman's salary would continue to be set by the legislature.

8. The Council should continue to have 16 members, plus a chairman.

The chief alternative considered was a somewhat larger body (24 members plus a chairman) to increase representation of various portions of the metropolitan area. The majority opinion was that the current size was best for representation, cost, and effective decision making.

9. Public Financing

With a delayed effective date, some of the details of the campaign finance provisions and other campaign ethics provisions may have to be resolved by a future legislature. This is in part because the general laws on these subjects are constantly changing, and there will need to be some consistency between the laws applying to Council election and the general law as it exists in the 1980's.

JED:mc

III

APPENDIX



Greer Lockhart
Citizen's League

"I take it as a basic principle of government that bodies that make decisions such as these are elected . . . The decisions made by the Metropolitan Council in recent years have been more important than those made by the Minneapolis City Council . . ."



Harriet Burkhalter
League of Women Voters

"We don't want yet another layer of government . . . Appointment allows Council members to respond to general needs rather than to specific needs of constituents . . . it would be easy for one issue campaigns to emerge . . ."

The great debate: to elect or not?

by Dave Peterson

Should the Metropolitan Council be elected?

That question has been as perennial as the chicken and the egg since the Metropolitan Council was created ten years ago. But now a Senate Governmental Operations Task Force headed by Sen. Gerry Sikorski (DFL-Stillwater) is attempting to come up with what it hopes will be a definitive answer.

The Task Force has been at work during the summer months holding hearings at various locations throughout the

metropolitan area. And in October the Task Force invited a group of articulate spokespersons from both sides of the issue together for a round table discussion of the merits of the appointed versus the elected Metropolitan Council.

Defining the issue:

No one won and no one lost. For no votes were taken and no judges scored debaters' points. But as Sikorski commented afterward, the discussion helped to define the issues more clearly.

There is no want of strong opinion on either side. Neither is there any clear consensus, for the issue is complex. On one side, opposed to the elected Council, was the representative of the League of Women Voters, Harriet Burkhalter. On the other, supporting the elected Council, was the representative of the Citizen's League, Greer Lockhart. So even the "good government" groups are split.

Opening the discussion was Robert Einsweiler, a local planning consultant, who called the issue of election the "primary unfinished business" regarding the Council. Einsweiler said that the

Legislature had three basic options: (1) to abolish the Council and instead pull policy making functions back into the Legislature itself; (2) to continue with the current appointed Council system; and (3) to change to an elected Council.

Pulling back authority?

Einsweiler noted that there was a legislative tendency in recent years to pull back part of the policy authority previously delegated to the Metropolitan Council, and cited the 1976 legislation that gave the Minnesota Department of Transportation planning authority over transportation that superceded plans developed by the Council as an example. Einsweiler said he could envision metro area executive agencies in areas of transportation and other services that could be structured to complement state agencies working in similar areas with policy being determined by the Legislature itself. But regardless of what course was chosen, Einsweiler concluded that there was a clearcut need for some kind of "generalist policy body."

Next it was Greer Lockhart's turn: "I take it as a basic principle of government that bodies that make decisions such as these are elected . . . The decisions that have been made by the Metropolitan Council in recent years have been more important than those made by the Minneapolis City Council. While I live in Minneapolis and can vote for the Minneapolis City Council, I have no vote in determining Metropolitan Council policy."



Sen. Gerry Sikorski
Task Force Chairman

"I've heard nothing yet that would make me change my mind . . ."

Lockhart continued, pointing out that the Metropolitan Council was no longer experimental and that it was time to change away from "undemocratic methods" that could perhaps have been justified earlier to give the experiment time to work. He also argued that decisions are currently made in a manner that is almost invisible to the general public and that "the election process itself would go a long way to solve that problem."

A differing view

But Harriet Burkhalter was yet to be heard. She argued that perhaps the difference of viewpoint stemmed from a different view of what the Council's role actually was. Since in her view its role is primarily in planning, coordination and review, and since it does not legislate or tax, she said she saw no need to elect it. "We don't want yet another layer of government," she said, arguing that this would be the inevitable consequence of electing the Council.

Burkhalter also argued that accountability does exist and suggested that the "excellent track record" of the Metropolitan Council indicates that perhaps it would be best to leave well enough alone. Another strength of the appointed Council, according to her, is that it allows Council members freedom to "respond to general needs rather than to specific needs of constituents." Burkhalter cautioned that it would be "easy for one issue campaigns to emerge," a sentiment later echoed by Task Force member Sen. Earl Renneke (I-R, LeSueur).

Common interests

Arthur Naftalin, former Minneapolis Mayor and University of Minnesota professor of public affairs, was asked to summarize and comment on the other panelists' statements. "One thing that is clear is that we have common interests that need to be addressed in some coherent way," he said in support of the general need of some kind of Metropolitan Council. Regarding the dilemma of general needs of the area conflicting with specific area needs and the role of the Council in deciding such issues, Naftalin said that neither single issue responsiveness nor general leadership for common concerns alone would suffice: "Democracy has to have both," he said.

Reiterating Einsweiler's introductory remarks, Naftalin agreed that the Legislature now faces a fundamental choice. "Criss-crossing of problems and overlapping interests require that there be some kind of generalist body so that we don't think of 120 municipalities but of the Minneapolis-St. Paul metropolitan area and its needs," he argued. While a multitude of problems — such as controlling health care costs and regulating construction of new health care facilities — confront the region, none of these problems is unique to our area, and "there is really no metro area in the country that is



Arthur Naftalin
former Minneapolis Mayor,
University Professor

"There is really no metro area in the country that is as well prepared to address these questions as ours."

as well prepared to address these questions as ours," Naftalin concluded.

Following the presentations by the panel, Senate Task Force Committee members also joined in the debate. While none announced a position on the issue, several were clearly leaning toward endorsing the elected Council concept. Task Force Chairman Gerry Sikorski, who campaigned for election on a platform that included support of an elected Council, said privately later that he'd seen or heard nothing that would make him change his mind. And according to Sikorski, the majority of the Task Force appears to agree, so he expects the Task Force to recommend an elected Council.

Whether or not the full Senate Governmental Operations Committee will concur with that recommendation remains to be seen, but approval by the Task Force could be the first major step in the required chain of approval. Bills to create an elected Metro Council have passed in the Minnesota House of Representatives on several occasions, but none has ever made it to the Senate floor. Sikorski and other elected Council backers in the Senate are hoping that 1978 will be the year.

Editor's update: On November 7th, the Task Force again met and voted to draft legislation that would make the Metropolitan Council elected. Details regarding that bill will be reported later.

STATEMENT BY GREER LOCKHART
On Behalf of the CITIZENS LEAGUE
Before the Subcommittee on Structure
House Committee on Local and Urban Affairs
March 10, 1977

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Mr. Chairman and Members of the Committee: We appreciate your invitation to appear here today. You have some important issues to resolve, as you move toward action making the Metropolitan Council elective. We have some specific suggestions we hope will be useful.

In summary: We propose that the members of the Metropolitan Council be chosen in an election coinciding with the municipal elections in the fall of 1977, and in a new kind of campaign in which public financing is used in part for a much-expanded program of voter information about the office, the candidates, and the issues.

Let me take the major aspects of our proposal, one at a time.

Districts -- Election should be introduced into the Council as it stands today: with 16 members, representing the districts established by the Legislature in 1974. These districts presently contain about 120,000 persons each -- making them, in size, something between a state Senate and a congressional district.

Longer-term (in the reapportionment following the 1980 census) we believe you should consider enlarging the Council in size -- perhaps to 20-25 members. This would reduce the size of a district, and allow for somewhat fuller representation of particular areas within the Twin Cities region. Experience may prove this to be desirable.

We think you should provide for the Metropolitan Council to do its own redistricting (which is consistent with your general policy toward local government). But we believe it is essential that you also provide for this responsibility to be assumed and discharged promptly by some outside party, should the Council fail to perform it.

Terms -- Members of the Metropolitan Council should be elected for four-year terms.

This is long enough for a member to learn his or her job; and short enough to assure he or she will be properly responsive to the voters.

Terms should be staggered. The Metropolitan Council does not make laws and ordinances. Rather, its decisions guide a large and complex program of metropolitan planning and development. A reasonable stability in its policy-making is essential. This would be aided by bringing only half the membership up for election every two years.

Timing of the election - Elections should be held in the odd-numbered year, to coincide with the municipal election day (which we hope you will make uniform). We believe the issues that will arise around the contests for these seats are of the sort that arise in races for local office. They are not most appropriately raised in a campaign filled with issues having mainly to do with state and national office.

The first election should -- and can -- be held this fall. We considered the idea of a start in 1979. But this would mean a re-drawing of district lines after only two years. We felt this would unnecessarily confuse Council members and constituents alike.

Character of the Office -- The office should be on the non-partisan ballot, consistent with most races for offices below the state level. This would not preclude, of course, party involvement in the recruitment, financing or endorsement of candidates.

Compensation -- This should be set to attract competent, less-than-fulltime officials. The compensation should be paid as salary, rather than as per diem.

The Office of Chairman -- This is by all odds the most complex issue that arises as the Metropolitan Council becomes elective. It is important, this year, to eliminate the confusion that has surrounded the discussion of this issue in the past.

There are two quite separate questions here. The first is the nature of the office. The second is the method by which it is filled.

With respect to the first, the central objective is to move through this transition to an elected Council without losing those characteristics in the office of chairman that are critical to its effectiveness, and therefore to the effectiveness of the Council itself.

The chairman should, in other words: 1) represent the people of the entire Twin Cities area in a separate, at-large office; 2) be a voting member of the Council; and 3) serve full time.

Once the concept of the office is clearly maintained, it is possible to turn to the second, separate question of the method by which this office is filled.

We believe, first, that it need not be and should not be filled by the members elected to represent the districts. The chairman must stand for the interests of the people of the metropolitan area as a whole. And this kind of leadership is unlikely to emerge from a shadowy process of caucusing among the 16 other members, in which no accountability could be adequately established.

Two other possible methods of selection remain: direct election, and gubernatorial appointment.

Of these, we propose election. We have supported gubernatorial appointment in the past, with a sense that it might not be, and perhaps should not be, the long-term arrangement. It now seems to us that direct at-large election is most appropriate, for a Council whose members will be chosen by voters. We suggest a four-year term.

The second most desirable system of selection would be appointment by the Governor.

The Campaign and its Financing -- We propose an experiment with the election process, designed to maximize voter awareness and understanding -- of the Council, of the candidates, and of the issues in the races for this important new elective office.

We support the proposed experiment with public funds during the campaign that

follows the primary election. On two specifics, however, we urge a change from what is now before you.

First: We believe that in return for financing the campaign, the public is entitled to an improvement in the content and -- if you will -- quality of the campaign. We therefore propose that a part of the public funds available be used for the preparation and distribution of a Voter Information Pamphlet, similar to those coming into use in the western states. This would be put together by an election official, from information supplied by the candidates. It would be mailed to every residence in each district. The cost would amount to about one quarter of the funds available per district. The balance would be for use by the candidates. Among the things the Legislature should require be included in the pamphlet -- along with the normal information about the personal and public life of the candidate -- is a list of the contributors to his or her pre-primary campaign.

We do not make a firm recommendation whether or not the funds to be spent in the general election campaign should be limited to those provided from public sources. There appear to be constitutional issues here which we have not worked-through. Generally, the League has felt that the level of spending in local races is not a problem in Minnesota -- and perhaps should be increased, where that will raise the visibility of the office and the level of voter information. It is contributions that need to be controlled.

Second, with respect to contributions: We think it would be desirable to make an exception to the otherwise desirable limit of \$100 from a single source, in the case of political parties. They can play a useful role in further diminishing the impact of special-interest pressures, through their role in recruiting and supporting candidates, and should be encouraged to do so.

Powers -- No change is implied or required in order to justify election of the

More recently, the trend of opinion has again begun to move in favor of having the members of the Council stand for election. This is reflected in the actions taken in the Legislature. In 1973, election was first approved by the House. In 1975-76 it was again approved by the House, and by the committee in the Senate.

The time has now arrived, in 1977, when final action can be taken.



COUNCIL of METROPOLITAN AREA LEAGUES

League of Women Voters of Minnesota



ANOKA
ARDEN HILLS
AINE
BLOOMINGTON
BROOKLYN CENTER
BROOKLYN PARK
CHASKA
COLUMBIA HEIGHTS
COTTAGE GROVE
CRYSTAL-NEW HOPE
EDINA
EXCELSIOR-DEEPHAVEN
FALCON HEIGHTS
FRIDLEY
GOLDEN VALLEY
MAHTOMEDI AREA
MINNEAPOLIS
MINNETONKA-EDEN
PRAIRIE-HOPKINS
MOUNDS VIEW
NEW BRIGHTON
NORTHERN DAKOTA
COUNTY AREA
RICHFIELD
ROBBINSDALE
ROSEVILLE
ST. ANTHONY
ST. CROIX VALLEY
ST. LOUIS PARK
ST. PAUL
SHOREVIEW
WAYZATA AREA
WESTONKA
WEST DAKOTA COUNTY
WHITE BEAR LAKE
WOODBURY

August, 1977.

CMAL SUPPORTS RETAINING AN APPOINTED METROPOLITAN COUNCIL

for the following reasons:

1. The appointive process has provided high caliber individuals with broad vision and concern for the metro area as a whole.
2. The appointed Council is seen as less parochial, less subject to special interests, and better able to adopt and maintain unpopular positions for the good of the entire area.
3. The appointed council is responsible to our elected State Legislature and watched over by our elected local officials.

CMAL'S OBJECTIVE IS A GENUINELY OPEN PROCESS FOR THE APPOINTMENT OF METROPOLITAN COUNCIL MEMBERS.

The appointive process should include:

1. publication of vacancies and encouragement of applications from individuals
2. increased citizen, local government, and Legislative influence on appointments
3. listing of formal qualifications for Council membership
4. a requirement for the Governor to make appointments from names submitted and recommended through an open process
5. establishment of a removal procedure for Council members.



COUNCIL of METROPOLITAN AREA LEAGUES

League of Women Voters of Minnesota



ANOKA
 ARDEN HILLS
 CLAINE
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 CHASKA
 COLUMBIA HEIGHTS
 COTTAGE GROVE
 CRYSTAL-NEW HOPE
 EDINA
 EXCELSIOR-DEEPAVEN
 FALCON HEIGHTS
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 NORTHERN DAKOTA
 COUNTY AREA
 RICHFIELD
 ROBBINSDALE
 ROSEVILLE
 ST. ANTHONY
 ST. CROIX VALLEY
 ST. LOUIS PARK
 ST. PAUL
 SHOREVIEW
 WAYZATA AREA
 WESTONKA
 WEST DAKOTA COUNTY
 WHITE BEAR LAKE
 WOODBURY

October 19, 1977

Statement before the Senate Governmental Operations Committee
 Task Force of Metropolitan Affairs: Why the Metropolitan Council
 Should be Appointed.

We can afford within our democratic system to maintain an appointed Metropolitan Council for reasons which fall into two categories. First, the council's role. The League of Women Voters looked at what it is and what it does. What the Council could or should do is another question that perhaps needs consideration. I can only speak to what we saw when we looked at the role of the Council at this time. The Council is a planning, coordinating and review agency. The Metropolitan Council makes decisions which affect the lives of citizens in this area because their decisions shape decisions made and implemented by other government bodies. The issue of whether or not they are a "policy making body" is determined to some extent by a definition of "policy". They do not legislate and they have limited tax authority. An elected Council would be more government. Our members are concerned about adding another layer of government to our already complex system. Would an elected Council replace an existing layer? There is definitely a need to clarify the roles of all layers of government. Which level can best meet the needs of the citizen in which areas? Who should do what and who should elect who to do what? Clarification of the roles of various governmental levels is needed before an additional layer is added. Traditionally, planning bodies have been appointed. There is a need to remove these decision makers from parochialism and allow them the freedom to make decisions based on the needs of the whole area. CMAL sees a role for the Council as they are now, not a true government, but a planning and co-ordinating body with implementation carried out by local governments.

The second area of reasons the Council can remain appointed is accountability. The Council does not necessarily need the ballot box to provide accountability, they already have it. The Council is accountable to the State Legislature. This relationship provides the opportunity to



cont'd

raise and discuss metropolitan issues in a forum where a broad perspective can be heard. Responsivness is also important. Under the present system the Council is responsive to the wishes of local and county officials. The implementation of the Council's decisions depends on the willingness of other levels of government to cooperate. It is presently forced to seek consensus and compromise from a wide range of community elements. This process makes the Council responsive to the committees, community groups, officials, and individuals who participate in the decision making process. Elected officials have to respond to the needs of those who elect them; appointed Council members are able to serve and respond to the needs of the whole region. Election would place both responsiveness and accountability with a limited constituency.

There are two other areas, not necessarily reasons in themselves to appoint the Council, but they need to be considered in making this decision. First, the excellent track record of the Council and its national reputation as being able to deal with the challenge of regional planing. It probably deserves the chance to work thru the course it has set without a major change such as a move to election. Will an elected Council be able to initiate studies of Metropolitan problems with the breath of perspective excercised in the past? Are the reasons for change of sufficient magnitude to risk jeopardizing the Council's effectiveness?

Second, the problems presented by a metropolitan wide election must be kept in mind. As the League of Women Voters we are close to election campaigns and we know the problems of educating the voter. There is already a tremendous hodge-podge of condidates at many levels of government on the ballot. Education of the voter to understand the complex role of the Council and its activities would be difficult. It would be easy for "one issue" campaigns to occur. ~~This task is extremely~~

On balance, when our members considered the issue of election - appointment of the Council, we looked at their present role as a planing and co-ordinating agency, their accountability to the State Legislature, their responsiveness to local officials, and knowing the strengths of the present Council and the difficulties presented by a metropolitan election, we found ourselves on the side of maintaining the appointed Council.



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October 21, 1977

Senator Gerry Sikorski
G-24 State Capitol Building
St. Paul, Minnesota 55155

Dear Senator Sikorski:

I am very sorry that a last minute emergency prevented my participating in the elected Metropolitan Council with the Metropolitan Affairs Task Force. I am grateful that I was not responsible for the main presentation.

Larry Bye suggested that it might be helpful for me to send some brief notes on what I would have said at the meeting had I been present. I will comment on the points I assume were made by the proponents of an elected Council and you are welcome to use them in any way.

First, the proponents make much of the "principle" that political bodies with important responsibilities in our system should be elected. My response to this is that we have made very extensive use of the appointive process for important policy making agencies, throughout our history. Originally, the U.S. Senate and in some respects the President were appointed institutions. Today we use appointment for many types of local governments; planning bodies, housing commissions, thousands of Special Districts, etc. Of course, the most extensive use of the appointive system is in the judiciary, especially in the federal courts, and most especially the U.S. Supreme Court. I submit that the higher federal appellate courts, particularly the Supreme Court are some of the most important policy-making bodies in our system and we have never challenged the process by which justices are selected.

There has been some debate over whether or not good people will run, over whether or not better people are recruited through the appointive or elective system. My response is that we have no evidence either way on this point and since both procedures have produced both good and bad officials in the past, I don't think it's a point worth debating.

However, I have been concerned about the kind of election process that might occur for Metropolitan Council representatives. First, I think they would be low visibility, low interest races that will inevitably reduce their "educational" value for the electorate. To some extent they will dilute even further whatever interest there is in existing local elections, for municipal, school, county, and state legislative races.

October 21, 1977 -- Senator Gerry Sikorski

My view is that the voter is already handling more than he is willing or able to in an intelligent fashion and this results in candidates using unfortunate shortcuts to try and gain the voter's attention; e.g., almost any kind of name identification, single issue campaigning, use of expensive advertising type techniques through the media, etc.

What concerns me most is that candidates, in an effort to attract attention will focus on one issue such as "stop the freeways" or "extend the sewers" or "stop the airport" which voters will respond to in a visceral fashion and that we will, therefore, elect persons to the Council who are committed to short-term popular issues and who must continue to exploit those issues to maintain their electoral base. Persons running for traditional local and state office can and should campaign on program issues, tax issues, efficiency issues, etc. Most of these are relatively short range issues that are of immediate concern to the voters. Persons serving on the metropolitan Council are supposed to take the long view, to think for us in terms of ten, twenty, fifty years down the road. I submit that it is extraordinarily difficult to conduct an intelligent, effective campaign with that kind of perspective.

Some proponents of the elected Council argue that election will give the Council more legitimacy in the eyes of the citizen. My response is that, unfortunately none of our public institutions (and few of our private ones) currently enjoy much popular legitimacy, no matter how their officers are selected. Even in these dismal circumstances, however, the most respected of our governmental institutions remains the Supreme Court. Its legitimacy obviously does not depend on the election system. My own view is that the Council's legitimacy could be increased in many ways; partly by being more responsive to local concerns (incidentally, I think that John Boland has helped immensely in increasing the legitimacy of and respect with which the Council is held and partly by altering the selection process; perhaps by holding public hearings with potential Council representatives in the districts from which they will serve; perhaps by creating a procedure where local interests can nominate a slate of candidates from which the Governor would select the representative, etc. I see nothing wrong in altering the appointive process to make it more public and visible so that the sense of legitimacy can be raised, so that interested citizens feel they have something to say about their representation and so that some of the "educational" benefits of the selection process might be realized.

My major point of view on this whole issue is that governmental forms and structures should be related to and serve the functions being performed; i.e., we define our problems and decide what needs to be done and then design the appropriate forms and structures; not the other way around. In my judgment, the Metropolitan Council is a unique governmental body, it does not perform the same functions as traditional local units; cities, counties, towns, special districts, etc. It is a unit uniquely charged with the responsibility for long term planning and policy direction for the region. It is not an operating agency. It is only marginally a taxing agency. Its politics are implemental through existing state and local government.

October 21, 1977 -- Senator Gerry Sikorski

Because of this unique role, I feel that the Council's officers should stand in a unique relationship to the political system. Their position should maximize the possibilities that they can learn about long term region-wide problems and make appropriate decisions without having to be concerned with the next immediate election and a nagging constituency. In my judgment this means relatively long terms of service and appointment by a person or persons with considerable public authority and respect, probably the Governor.

Even the proponents of election admit that there is greater likelihood of local "parochialism" if Council representatives are elected from local districts. I don't think that parochialism is bad, rather I believe that the decision making process for those decisions affecting the future of the entire metropolitan region should result from argument and debate representing the broadest possible range of opinion and perspective including local view. But, our system is already loaded with persons and officials who can express and defend local positions; central cities, developed suburbs, fringe suburbs, poor communities, rich communities, etc. What we need to enrich the decision process is an agency whose representatives can view things from a broader and longer term perspective. Electing Metropolitan Council representatives would, in my judgment, simply give as another body where local concerns would be paramount. The appointive Council increases the odds that local interests will have to be tested in a context where area-wide concerns are also considered. In the long run, I believe we will get better decisions, both for the region and for local units.

Finally, the question remains: is the Metropolitan Council simply another layer of local government or does it somehow link the metropolitan region with the State legislature? My judgment is that one of the main reasons for the difficulties of local governments in the past 40 years has been the policy of benign neglect practiced by many state governments regarding their local units. I think Minnesota, especially the legislature, has done much better than most states in this respect and particularly in the metropolitan area, because the legislature has taken local problems in the metropolitan area very seriously for at least a decade. In my view, in order for local governments to survive they must have the constant and careful attention of state government. Electing the Metropolitan Council would create a popularly elected body representing more than half the state's population and would, I feel, alter the relationship between the Council and the legislature. I suspect that it would be much more difficult for the legislature to keep close track of the Council, if it were elected and in the long run this will weaken the intergovernmental system we have carefully developed in Minnesota.

I recognize that to be against elections in a democratic system is like being against apple pie and motherhood. I know that some of our local people who travel around the country talking about the Council and how well it works are embarrassed when they must report to their counterparts elsewhere that the Council is appointed, not elected. I know that some local units in this metropolitan region feel that Council policies have not always served their

October 21, 1977 -- Senator Gerry Sikorski

interests well; this may be true and it may be that their interests should not always be served well in terms of a regional perspective. I know that some persons simply believe, as a matter of ideology, that everybody needs to be elected in order to have a democracy.

It seems to me that none of these reasons is sufficient by itself or in the aggregate to warrant the election of Council representatives. I do believe, as I indicated earlier, that the appointive process can and probably should be improved but in my judgment we will lose more than we will gain if we move to election.

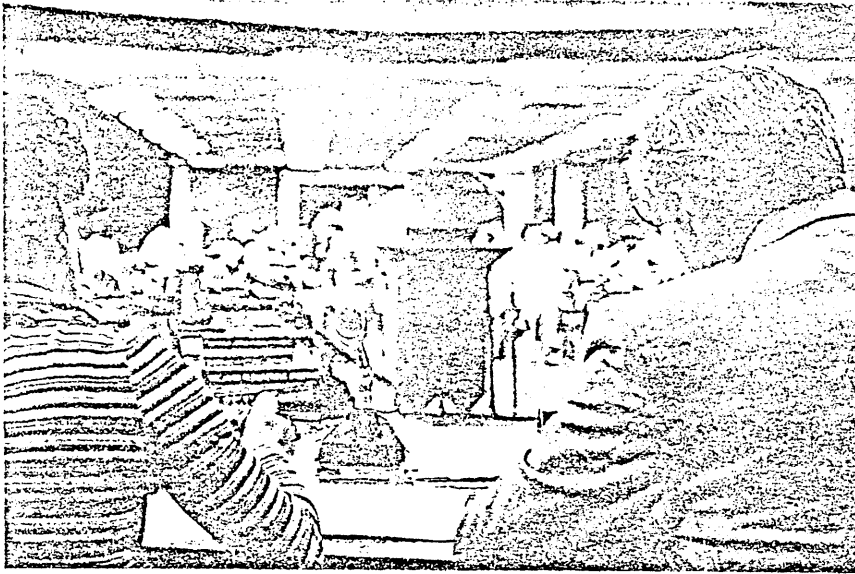
Again, I'm sorry to have missed the meeting of the Task Force. I hope these comments will be of some assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Thomas M. Scott', written over a horizontal line.

Thomas M. Scott
Professor

TMS/jat



The Council's structure and decision-making format were designed to insure deliberation and concentration on issues of policy.

Thoughts About an Elected vs. Appointed Metropolitan Council

By Robert C. Einsweiler
Planning Consultant

The spirited public debate on an elected versus appointed Metropolitan Council is now entering its eleventh year. While a good deal of time has passed, the focus of the debate remains unchanged. That is, which selection process would yield the most able and productive Metropolitan Council members? The question is important, yet concentration on that issue has led to a rather narrow discussion and to the exclusion of other, more important, considerations.

The larger view is to look at the issue not from the *who* but from the *what* perspective. What is the nature of the Metropolitan Council

as an agency? What should it be? What should be its long-range relationship to local and state government?

It is my contention that the most critical questions revolve around the roles of the Council, the State Legislature and the executive branch of state government in setting urban policy. For instance, should the Metropolitan Council, whether elected or appointed, have greater autonomy or is its place to be tightly linked to the Legislature or state operating agencies?

We should decide what we want to result from our choice of election or appointment

and not receive it as an unintended consequence of our decision.

CHOICE BASED ON MEMBERSHIP

In the long standing debate participants ask which system will produce more qualified people who are talented, non-political and free from special interest. Current national reforms show there are dangers in the elected route, but political appointees on local planning commissions have often reflected vested interests. Obtaining "expertise" without getting a "vested interest" is not easy. In fact, if an organization has little effect on the real world, its representatives may be equally non-involved. On the other hand, if an agency develops real bite, either elected or appointed representatives get special interest pressure to obtain a vote.

Three qualities—visibility, responsibility and accountability—support election over appointment if the prime criterion is the relationship to the voters. Election campaigns would create more visibility for Council policies and programs. In addition, anyone who must run a campaign and learn local issues first hand is bound to be more able to effectively articulate those issues in developing a policy.

In what ways might the Council operate differently if it were elected? It is argued that election will produce parochialism, but I think not. Why? First, the Metropolitan Council is a government of limited authority. It is not a general government with a charter. No one has proposed making it one. Second, it is not a true legislative body whose actions are given a presumption of validity by the courts. Third, the Metropolitan Council is an organization without ordinance authority or the ability to act on short notice on single, small issues of personal interest to individual elected officials. Rather, it is an agency charged with setting forth its thoughts in general policies and programs that are given legal effect through public hearings and adoption in the Metropolitan Development Guide.

The Council's structure and decision-making format were designed to insure deliberation and concentration on issues of policy.

It seems to me that the "process" that is set for the Council by law and whether mem-

bers are part-time or full-time will have more effect on what the Council can and will do in the future than election or appointment.

I think the power of an individual Council member to change the path of the Council or to get it to respond parochially to individual citizens is small as long as that Council member is part-time, and as long as Council policy plans remain the prime legal means of stating what others do. The change in membership by election will have relatively limited effect compared to changes in relationships to the state and federal governments that will flow from the change in agency status.

CHOICE BASED ON DESIRED INTERGOVERNMENTAL ROLES

Setting aside the *who* questions, the broader perspective that I think is vital is a delineation of Council relationships with other governmental entities, particularly state government.

With whom should Council relationships be strengthened? Citizens? Local government? Governor? State Legislature or the federal government? In fact, neither appointment nor election can satisfy all, but deciding how members are selected largely determines the potential intergovernmental relationships.

Citizens—At present, Council members represent equal population districts. Election would seem to heighten the identification between Council members and their voting constituency. But what the Council can do for citizens depends on these other governmental relations.

Local Government—The Council and the Legislature have spent a great deal of time on relationships with local governments, a logical outgrowth of legislative action to create a governmental unit to deliver services local governments needed and could not provide for themselves. The relationship has evolved from a purely advisory one during the Metropolitan Planning Commission period, through the early days in which disputes between local governments could be mediated by the Council, to the current process in which metropolitan and local plans and programs will be integrated by 1980.

State Government—The Council's role has been advisory. In general, the state-metropolitan relationship is the least fully develop-

ed. In addition, the relationship has been a fluid one that has changed from session to session. It is this relationship which would change the most with election.

Federal Government—At the moment, because every new federal law does not contain a so-called Fraser amendment, which Representative Don Fraser put into a housing act some time ago to make a state-established metropolitan council as eligible as any council of local elected officials, the Region is experiencing some harassment in receiving federal funds. The central issue is how the funds come down, not whether they will. The State and Region are not losing money in this regard. With election this situation would be changed. The direct federal agency/Metropolitan Council relationship would be considerably strengthened. This is compatible with a notion of greater autonomy.

The effect of continuing appointment is to move the relation toward one with a stronger gubernatorial role and closer state agency ties. Funds would be received through State agencies.

What changes can be anticipated with continued appointment or Council election? This can be viewed best, I think, from the aspect of land use or development issues, the allocation of scarce dollars, and policy implementation.

Land Use—The role of the Council and local governments in land development and physical systems is fairly well spelled out by the Metropolitan Land Planning Act; it is now a matter of administering compliance. The State has delegated most of its land use authority to the local governments and the Metropolitan Council. The law settles the issue of physical resource allocation.

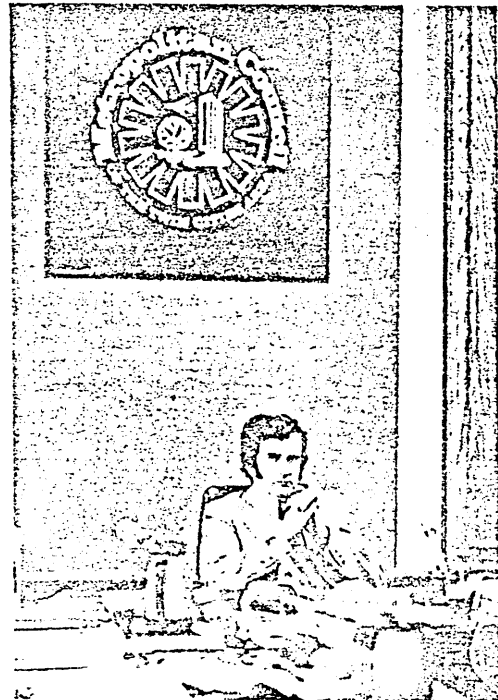
Fiscal Planning—The Council began studying fiscal issues some time ago. It was involved with fiscal disparities in 1970, recently adopted its Investment Framework Guide chapter, and will be looking at local programming under the Metropolitan Land Planning Act. This fiscal or programming focus is bound to gain more attention in the future as pressures on local taxes continue to rise.

Election of Council members, I think, would accelerate the trend toward Council programming and fiscal management for two reasons. First, while Council policies *should*

be one of the items debated in the local election campaigns, specific projects or program elements are more likely topics because they are more real. Second, an elected Council is bound to be treated with more deference and autonomy in decision-making by the State Legislature and state agencies, and thus, would be more relied on for advice.

With election, it is logical to assume there will be an increased move toward functional block grant allocations from the Legislature for regional programs. For example, the Council now decides how the Region's share of state park and open space funds will be spent. (Although this past session saw some legislators voting on specific open space projects in the Council's park program. This would be a step away from the block grant approach.) Highway dollars do not presently go directly to the Council to allocate, but the plan which is the basis for the allocation is prepared by the Council. Further, there is a somewhat arbitrary split of State funds between the Metropolitan Area and the rest of the State.

It is a long way from a functional block



At present, Council members represent equal population districts. John Boland (above), Council chairman, represents the area-at-large.

grant approach to a lump sum allocation for the Council to reallocate as it sees fit. However, it is not so great a change to envision the Council coordinating planning for programs within the limits of the Investment Framework to support Council policy plans tied to the Metropolitan Land Planning Act. This work would be the basis for legislative testimony on bills for new authority or policy, and also on appropriation measures.

It is only one more step to see the Council advising on resource allocation of programs of functional state agencies. To cope effectively with either of these changes, the State Legislature may have to establish a budgeting and programming process akin to that recently established by the Congress. Is the State prepared for such a change?

Policy Implementation—A coherent relationship among state agencies, regional commissions, the Council and the Legislature in implementing adopted policies has not been spelled out. This is not easy to do, and recent actions head in different directions. By law, the new state transportation plan will supersede the Council plan, even though the Council plan is more comprehensive. State is above Region. The individuals who currently execute these laws are of a common mind and will undoubtedly produce compatible solutions, but the law suggests a movement to make the Council less autonomous and more responsive to state functional programs.

The American Law Institute, in preparing its Model Land Development Code, concluded there should be no independent regional planning agency. Rather, there should be a sub-state division of the State Planning Agency so that the problems among local governments and among state agencies could be worked out as a state/local relationship.

How should the state/metro relationship evolve? Should the Metropolitan Area be given greater autonomy in decisions concerning physical development and allocating dollars among functions? If so, regional plans should be accepted as the state plan for the Region, subject to override when state interests are threatened—the reverse of the recent state transportation plan-Council plan relationship. The Council should prepare program statements for legislative appropriations and consideration should be given to a re-

gional focus in state budgeting. This direction would be reinforced by election and a stronger relationship with the Legislature although it could be pursued with an appointed Council.

A greater focus in integrating the work of state agencies with regional and local ones would call for strengthening ties to the Governor and State Planning Agency and giving the Governor express responsibilities for this coordination. Continuation of the gubernatorial appointment process would be more logical for this approach.

IN SUMMARY

The most significant question, then, is do we see an emerging Council role toward greater autonomy with a greater capacity to allocate resources across functions within the Region, or do we see the role more tightly linked with state operating agencies? That should be the basis for voting on election or appointment.

However it is answered, the relationship with local governments will not change much.



The role of the Council and local governments in land development and physical systems is fairly well spelled out by the Metropolitan Land Planning Act. Above, Council member Robert Hoffman addresses an issue. Next to him is Council member Charles Rafferty.



CITY OF CHANHASSEN

7610 LAREDO DRIVE • P.O. BOX 147 • CHANHASSEN, MINNESOTA 55317
(612) 474-8885

September 2, 1977

Senator Gerry Sikorski
G-24 State Capitol Building
St. Paul, Mn. 55155

Re: Metropolitan Council

Dear Senator Sikorski:

Thank you for giving me the opportunity to express my views on the proposition of making the Metropolitan Council an elected body and whether the provisions of the Administrative Procedures Act should be extended to cover the Metropolitan Council and other metropolitan agencies. Both of these subjects are extremely important to me as Mayor of the City of Chanhassen.

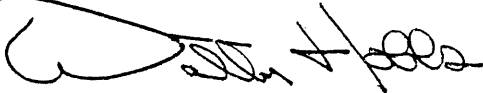
Historically, Chanhassen has been supportive of the concept of the Metropolitan Council as envisioned by the 1967 legislature. We support the concept of a non-partisan planning body charged with development of a comprehensive development guide for the metropolitan area. We believe the metropolitan council, as presently constituted, has done an adequate job of developing plans for area wide systems and facilities. Further, it seems important that the Metropolitan Council be given the opportunity to effectuate adopted area wide plans as developed on a "non-partisan and non-political basis." To this end, I strongly suggest that you and your constituents, in the Legislature, not make the Metropolitan Council an elected body.

The legislature and cities, such as ours, have advocated the necessity for the metropolitan council to maintain a professional non-political character. Within this framework, policies were to be established by the metropolitan council and such applied to cities and counties within the metropolitan area on an equitable, non-political basis. To destroy these basic premises through an elected metropolitan council would be disastrous. In addition to formally recognizing a new independent level of government, further fragmenting governmental structures within our region, a new perspective would be added to metropolitan council decisions - a political agency on a non-representative ward system totally non-responsible to the local governments being controlled. I fail to see where professional policies in planning, land use control, etc. could be accomplished in this type of arena.

On the subject of expanding the provisions of the Administrative Procedures Act to the Metropolitan Council and other metropolitan agencies, I strongly believe your efforts in this direction should be complimented. By requiring the Metropolitan Council to follow the procedures as prescribed under MSA Chapter 15, would give every elected and non-elected resident of the metropolitan area a better opportunity to interject their feelings on specific rules and regulations contemplated to be promulgated by the Metropolitan Council and other metropolitan agencies.

Thank you for giving me the opportunity to share my concerns on these important subjects. I trust my comments will be considered constructive.

Sincerely,



Walter Hobbs
Mayor

WH:n

CITY (BOROUGH) OF BELLE PLAINE

BELLE PLAINE, MINNESOTA

Mayor: C.F. MUELLER
Clerk-Treasurer: WILLIAM M. CHARD
City Clerk: SANDRA LARSON

Councilmember: GENE TIKALSKY
Councilmember: FRANCES SCHUMAN
Councilmember: JAMES LEGG
Councilmember: CONNIE DENZER
Councilmember: MICHAEL FOGARTY

August 22, 1977

Task Force on Metropolitan Affairs
c/o Honorable Senator Gerry Sikorski
Room 205 State Capital
St. Paul, MN 55155

Dear Senator,

On behalf of the City of Belle Plaine, Scott County, I want to thank you for the opportunity to express our views of Metro Council.

Frankly and very firmly, under no circumstances should the Metro Council be an elected body. The Senators and Representatives that have been elected by the people are expected to perform the duties pertinent to being a good Legislator.

The Metro Council even in it's present form is too powerful and dictatorial. They possibly serve a need in the Twin City area, but we are definitely capable of resolving our problems on a local level or through the efforts of our elected Legislators.

The City Council formally went on record to be released from within the Metro Area. However, our quest never was successful.

The only plus for Belle Plaine and the far areas of Scott County is the fact the District 16 Commissioner on the Metro Council is one of our fine citizens, namely Mr. James Daly. We regret that an individual of his caliber was not selected to represent District 16 many years ago.

The City does respectfully submit this testimony and does request fine elected Senators and Representatives like yourself to sincerely assess the creation called Metro Council. This Council, if allowed to continue to receive power, will eliminate your position and continue to waste tax dollars in amounts that will become unbearable.

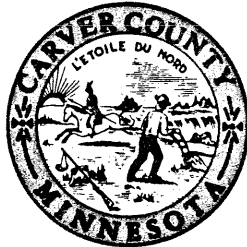
Once again, thank you for the opportunity to express our position.

Sincerely,



William M. Chard.
Clerk

Office of
COUNTY COMMISSIONERS
Phone 448-3435, Ext. 217



CARVER COUNTY COURTHOUSE
600 EAST 4TH
CHASKA, MINNESOTA 55318

COUNTY OF CARVER

August 23, 1977

Task Force on Metropolitan Affairs
Senate Governmental Operations Committee
Room #205
State Capitol
St. Paul, Minnesota 55155

Dear Senators:

The Carver County Board of Commissioners makes the following statement in response to your request for opinions regarding an elected versus appointed Metropolitan Council.

The 1967 legislation that created the Metropolitan Council "In order to coordinate the planning and development of the metropolitan area..." also provided for a gubernatorial appointed 16 member Council plus one appointed chairman. Since that time the Council has come to exert much influence over the social and physical development of the metropolitan area through its agencies, various development policy guides, the A-95 review process, etc. The powers given to the Council by the Metropolitan Mandatory Planning Act, for instance, is one example of greater Council influence over physical development in the metropolitan area. Arguments are now made that a Council with increased influence and responsibility should be directly elected.

Inherent in the discussion of an appointive Council vs. a directly elected Council is the question of the future character of the Council itself. Were the Council to become an elected body, would it retain its present planning and coordinating role as set by statute, or would it evolve into a unit of government having jurisdiction over more governmental services and programs in the metropolitan area, even to an operating role as a basic provider of services?

In addition to its planning and coordinating role, the Council presently exercises budgetary or other limited controls over the operations of the MTC, MWCC, and the MAC - metropolitan operating agencies in the area of mass transit, waste control, and airports. With minor exceptions in the remaining governmental services and programs are being provided by local units of government in the metropolitan area. We think it is appropriate that local units of government continue their jurisdiction over the governmental services and program for which they are presently responsible, and that the Council maintain its planning and coordinating role.

Since we believe the Council should maintain its planning and coordinating role, we see no need to provide for direct election of members to the Council, thereby inviting an attendant increase in jurisdiction over governmental programs and services currently reserved for local units of government in the metropolitan area.

In addition, we think it is premature to consider direct election of members to the Council until it can be demonstrated that as an appointive body the Council is not fulfilling its legislative mandate to plan and coordinate. We think the Council has fulfilled its legislative charge to plan and coordinate.

Were the members of the Council to be directly elected, then the "one man, one vote" form of representation would be necessarily invoked throughout the metro area. While the present appointive Council precincts are essentially on a population basis, a modification of this is at least possible by legislation. We are certain that much of the "outer ring" area would join us in encouraging and supporting changes in the Council precincts to reflect both population and area. Maintaining a strong, healthy agricultural industry in the Rural Service Area is an essential factor in the Council's "controlled growth" strategy reflected in its Development Framework. We have supported these general concepts and feel that there is a need for some participation and representation at the Council level which reflects a knowledge of the rural, agricultural areas. Under the present structure, this role can be minimal at best. If the Metropolitan Council were elected, it would be nearly impossible to assure any rural representation without an unusual degree of "gerrymandering".

An argument that is common to any discussion of an elected vs. an appointed body is that the appointive process tends to insure greater expertise among its members in comparison to the elective process. Due to the complex issues that surface at the Council it is important to retain expertise among Council members.

We are opposed to an elected Metropolitan Council for the reasons cited above and strongly urge that the Legislature explore modifications to the present appointive process to make it more representative of the entire metropolitan area.

We hope the above rationale for opposing an elected Council will be of benefit to you.

Sincerely,



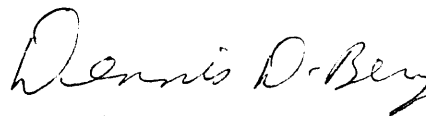
Joseph F. Neaton, Chairman
Carver County Board of Commissioners

August 23, 1977

Task Force on Metropolitan Affairs
Room 205
State Capitol
St. Paul, Minnesota 55155

Dear Sirs:

By unanimous vote of the Burns Township - Town Board and Planning and Zoning people, we want to go on record as being in favor of the Metropolitan Council becoming an elected body.



Dennis D. Berg
Acting Chairman
Burns Township

INDEPENDENT SCHOOL DISTRICT 719

5040 Minnesota Street Southeast

PRIOR LAKE, MINNESOTA 55372

August 9, 1977

Senator Gerry Sikorski, Chairman
Task Force on Metropolitan Affairs
Senate Governmental Operations Committee
Room 205 - State Capitol
St. Paul, Minnesota 55155

Dear Senator Sikorski:


May I express appreciation for your letter of July 27, 1977 seeking input regarding the status of the Metropolitan Council. Representation from our school district will not be present to testify at the hearing scheduled for August 24th regarding whether the Metropolitan Council should become an elected body. However, at its regular meeting held August 1, 1977 the School Board of Independent School District 719 took the following action:

"Borgerding/Pautz to support the dissolution of the Metropolitan Council but should dissolution not be possible, the School Board's preference would be for an elected council rather than an appointed council.
Motion carried: 6 - 0"

The Board has requested that I convey this action to your attention and that you consider it as written testimony.

Thank you for your attention to this matter.

Sincerely,



Cy F. Kruse, Ed.D.
Superintendent of Schools

CFK:ojr

c.c. Senator Robert Schmitz
Representative Ted Suss
Representative K. J. McDonald
School Board Members

CY F. KRUSE, ED. D.
Superintendent of Schools
(612) 447-2185

F. MILES NELSON
Director of Curriculum
and Personnel
(612) 447-2185

CARTER A. CHRISTIE
Director of Business Affairs
(612) 447-2185

DAN A. DAHLGREN, Principal
Senior High School
100 Fish Point Road S.E.
(612) 447-4131

J. N. D. KALTON, Principal
Junior High School
5060 Minnesota Street S.E.
(612) 447-2188

RONALD E. MACHACEK, Principal
Five Hawks Elementary
16620 Five Hawks Avenue S.E.
(612) 447-4139

HAZEL HOLMES, Principal
WestWood Elementary
5370 Evelith Avenue S.E.
(612) 447-2178

BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA

Date February 17, 1976

Resolution No. 75234

Motion by Commissioner Worm Seconded by Commissioner Oldenburg

RESOLUTION REQUESTING AN INVESTIGATION BY A JOINT SENATE-HOUSE COMMITTEE ON THE CONSTITUTIONALITY OF THE TRANSFER OF AUTHORITY OF ELECTED OFFICIALS AND BODIES OF COUNTY GOVERNMENT TO APPOINTED AGENTS, AGENCIES AND BODIES OF REGIONAL GOVERNMENT.

WHEREAS, the Minnesota Legislature has divided the State of Minnesota into multi-county planning districts on which appointed regional counsels and their agents have assumed authority previously and properly reserved to elected municipal and county officials and have made efforts to assume control and regulation over land, business, development utilities, production, services, property and people, which control and regulation has never been delegated to any other jurisdiction or agency by the people of Scott County; and

WHEREAS, various comprehensive planning acts, environmental land and water management acts and funding bills introduced by regional council agents before the Minnesota State Legislature in compliance with the provisions of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577, 90th Congress, S.698, October 16, 1968), certain provisions of which are deemed unconstitutional by many units of local government and their citizens, will establish an operating regional government in the State of Minnesota and Scott County; and

WHEREAS, regional government in the State of Minnesota and its respective regional councils, correspond in function and regulation with the concept of the division of the United States into ten Standard Federal Regions ordered by the President in his "Statement by the President on the Restructuring of Government Service Systems" dated March 27, 1969, and by virtue of Executive Order No. 11647 on "Federal Regional Councils", dated February 12, 1972; and

WHEREAS, the resulting federal region sub-state regional governance system which consolidated the State of Minnesota and several other states into a Standard Federal Region is in violation of paragraph 1, section 4, Article IV of the United States Constitution; and

WHEREAS, it is the declared objective of such regional governance to seize the power and authority which properly belongs to county governments and even of the sovereign State of Minnesota, and to bypass these traditional and constitutional governmental bodies and usurp the rights and freedoms of individual citizens guaranteed by the Constitution of the State of Minnesota and the Constitution of the United States of America.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners in and for the County of Scott, Minnesota that:

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date _____

Resolution No. _____

Motion by Commissioner _____ Seconded by Commissioner _____

1. That such state statutes governing comprehensive planning acts, environmental land and water management acts as well as legislative funding bills and executive orders introduced by agents of regional bodies, be repealed.

2. That there be created, a joint committee of the Minnesota Senate and House of Representatives, to conduct an investigation into regional governance, particularly as it usurps or attempts to usurp, the power, jurisdiction and authority of local governmental bodies, and to prepare recommendations to the 1976 Legislature, for the enactment of appropriate corrective legislation.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded with dispatch, to Governor Wendell R. Anderson, and to the President of the Association of Minnesota Counties requesting support to Scott County's concerns conveyed herewith, by Resolution or by proposed legislation.

BE IT FURTHER RESOLVED, that copies of this Resolution be furnished as well to the members of the Scott County Congressional and Legislative Delegations, requesting an accounting of their stewardship relating to federal and state regional governance legislation.

YES

Koniarski _____ X
 Worm _____ X
 Hron _____ X
 Oldenburg _____ X
 Boegeman _____ X

NO

Koniarski _____
 Worm _____
 Hron _____
 Oldenburg _____
 Boegeman _____

State of Minnesota }
 County of Scott } ss.

I, Joseph F. Ries, Duly appointed, qualified and acting County Administrator for the County of Scott, State of Minnesota, do hereby certify that I have compared the foregoing copy of a Resolution with the original minutes of the proceedings of the Board of County Commissioners, Scott County, Minnesota, at their session held on the 17th day of Feb. 19 76, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Shakopee, Minnesota, this 17th day of February, 1976

Joseph F. Ries

 County Administrator

By _____

 Deputy Administrator

Testimony, Metropolitan Affairs Task Force, August 17, 1977:

1. John Boland, Metropolitan Council
2. Harriette Burkhalter, League of Women Voters
3. Art Forsberg, Forest Lake City Councilman
4. Dick Zelinka, Lino Lakes Councilman
5. Florence Daninger, Forest Lake
6. Charles Cook, Committee for Constitutional Government
7. William Houle, Hugo
8. Duane Rasmussen, editor, Forest Lake Times
9. Dick Damchik, Chairman, Forest Lake Board
10. Dave Kulenkamp, Forest Lake Township Board
11. Dave Winnick, Forest Lake
12. Richard O'Dea, Mahtomedi
13. Marvin Lavalley, Mayor, Hugo
14. Eva Frochmer, Forest Lake
15. Harry Aberg, North Oaks
16. Maurice Boehm
17. Karl Foster, Anoka
18. Jack Anderson, White Bear Lake

Testimony, Metropolitan Affairs Task Force, August 23, 1977:

1. Bob Christiansen, Legal Counsel, Metropolitan Transit Commission
2. Tom Johnson, Alderman, City of Minneapolis
3. Senator Hubert H. Humphrey, III
4. Karlyn Fronek, League of Women Voters
5. Ted Shields, Minnesota Association of Commerce and Industry
6. Dorothy Jackson, Minneapolis
7. Edward Smith, Minneapolis
8. Nathaniel Forbes, Minneapolis, Guild of Taxi Drivers
9. John R. Bergin, Concerned Taxpayers of Minnesota
10. Lorraine Peterson
11. Greg O'Connor, Minnesota Committee for Constitutional Government
12. Charles Cook, Minnesota Committee for Constitutional Government
13. Chris Heille
14. Gilbert Wolf

Testimony, Metropolitan Affairs Task Force, August 24, 1977:

1. Greer Lockhart, Citizens League
2. Karen Hilger, League of Women Voters
3. Ann Thomas, League of Women Voters
4. C. D. Norling, Richfield
5. Bob Short, Metropolitan Council
6. Senator Robert Schmitz
7. Gordon Shepard, Metropolitan Airports Commission
8. William Koniarski, Chairman, Scott County Commission
9. Walt Harbeck, Mayor, City of Shakopee
10. Patrick Murphy, Carver County Director of Public Works
11. Representative Ken McDonald
12. Representative Robert Searles
13. Jim Benson, Minnesota Committee for Constitutional Government
14. Jan Haugen, Shorewood Councilwoman
15. Kurt Laughinghouse, Bloomington
16. Leo Zurn, Minnesota Committee for Constitutional Government
17. Joanne Van Poperin, Concerned Taxpayers of Minnesota
18. Greg O'Connor, Minnesota Committee for Constitutional Government
19. Charles Cook, Minnesota Committee for Constitutional Government
20. Louis Honibrink, Waconia Town Board

Testimony, Metropolitan Affairs Task Force, August 30, 1977:

1. Ralph McGinley, Executive Secretary, Anoka County Board of Commissioners
2. Todd Lefko, Metropolitan Council
3. Lillian Meyer, League of Women Voters
4. Ernest Gustafson, Moundsview
5. Margaret Langfeld, Blaine City Council Member
6. M. M. Mahurin
7. John Schneider
8. David Van Ness, Ramsey Action Programs of St. Paul
9. Jack Kirkham, former mayor of Fridley
10. Mr. Reif, White Bear Lake
11. Fritz Wierdescheg, New Brighton Councilman
12. Al Lamkin
13. Bob Lee, Mayor of Fridley
14. Representative Gene Waldorf
15. Ed Hamernick, Fridley Councilman
16. Mr. Lachinsky, Andover Councilman
17. Dan Slater, Minnesota Citizens Legislative League
18. Al Holter
19. Charles Cook, Minnesota Committee for Constitutional Government
20. Ernest L. Everett

Testimony, Metropolitan Affairs Task Force, October 19, 1977:

1. Robert C. Einsweiler, Planning Consultant, Minneapolis
2. Greer Lockhart, Citizens League
3. Harriet Burkhalter, League of Women Voters
4. Professor Arthur Naftalin, School of Public Affairs, University
of Minnesota

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March 16, 1977

TO: Members of the Metropolitan Affairs Subcommittee

FROM: James E. Dinerstein

SUBJ: Selection of Metropolitan Council Members

Since the first proposals for a Metropolitan Council in the early '60s, there have been numerous proposals for the selection of council members. I will summarize as many of the proposals as I have been able to discover in my review of the development of the Metropolitan Council act.

The Metropolitan Council is a successor to the Twin Cities Metropolitan Planning Commission, which was created in 1957. The Planning Commission statute provided five-member counties, and two counties, Scott and Carver, voluntarily joined the commission. Membership on the commission was as follows:

1. Each central city had two members, one representing the mayor and one representing the city council;
2. Seven members representing other cities in the metropolitan area appointed by a majority vote by the mayors of the municipalities, with no more than two members from any one county;
3. One member for each of the counties;
4. One representing school districts appointed by a majority vote of all of the school district chairmen in the metropolitan area;
5. Two members representing towns elected by a majority vote of the chairmen of town boards in the metropolitan area;
6. One member for each single purpose district covering more than one local unit; and
7. Seven members representing private citizens and groups interested in regional planning and development, to be appointed by the governor (four from the central cities).

Except for the seven private citizen representatives, all of the members were public officials or their designees.

In the mid '60s proposals were made for the creation of a metropolitan council to replace the planning organization. A major early participant was the Citizens League which made a report in February, 1976, entitled "A Metropolitan Council for the Twin Cities Area". They recommended an elected council of 30 members, one from each state senate district. Council members would have a salary of \$6,000 to \$8,000 a year and serve for four-year terms. The chairman would be appointed by a majority vote of the council members.

The 1967 Citizens League report included a minority report by Peter Seed suggesting that the chairman of the council be elected by a two-thirds vote and have "item" veto power. Peter Seed also recommended that there be a second legislative chamber made up of locally elected municipal and county officials which would have the power to approve, reject or amend all policy making decisions made by the council. The council would have the authority on a two-thirds vote to override a veto by the second chamber.

The Citizens League published a summary of proposals which led to the 1967 report, including various positions on council membership. They report Senator Ashbach as suggesting a 20-member council with two members each from Anoka, Dakota, Washington, Carver and Scott Counties, five from Hennepin County, four from Ramsey County, and one representing the areawide school board association. He was reported as indicating that it would not be one-man, one-vote, but would be the most practicable. Senator Ashbach was also listed as one of the people who favored appointment of local public officials by vote of locally elected officials. One other plan, suggested by Ted Kolderie, was that the state senator and state representatives in each legislative district jointly make the appointment of the representative from their district. Under that plan the representative would be a local elected official.

A book about the development of the Metropolitan Council (Planning and Governing the Metropolis - The Twin Cities Experience, by Stanley Baldinger) summarized other proposals for a Metropolitan Council which existed during the 1967 session. In support of a directly elected council from equal population districts, he lists the Citizens League, the League of Metropolitan Municipalities, Hennepin County League of Municipalities, Governor Levander, the major metropolitan chambers of commerce, the Metropolitan Planning Commission, and the bill introduced by Representative Frenzel and Senator Ogdahl.

The Ashbach-Newcombe bill, which represented Senator Rosenmeier's views on metropolitan government, had the governor appoint members on an at-large basis. The Ramsey County League of Municipalities suggested that the members be appointed from equal population districts by a caucus of local governmental officials.

During the 1967 session of the legislature, there was debate on the two Metropolitan Council bills (Frenzel-Ogdahl and Ashbach-Newcombe) with the Ashbach-Newcombe bill eventually passing with council members appointed by the governor to districts set up on a one-man, one-vote basis. An amendment by then Senator Wendell Anderson to make the council elected failed on a 33 to 33 vote.

Since the 1967 session of the legislature, there have been over 30 bills introduced in the House and Senate aimed at modifying in some manner the selection of Metropolitan Council members. Well over half of them have called for council member elections.

In 1971 an elected council bill passed out of one committee of the House but was marooned in the House Governmental Operations Committee. In 1973, the elected council passed the House but not the Senate. In the most recent biennium, the elected council passed the House and the Senate Committee on Metropolitan and Urban Affairs but did not get out of the Governmental Operations Committee in the Senate. There was an attempt to add the elected council bill to the metropolitan significance bill on the floor of the Senate in 1976.

In addition to the elected bills, there have been a number of other strategies proposed. In 1971 and 1973, bills were introduced providing for the appointment of Metropolitan Council members by the legislators for the area in which the council district is located. Most of these bills were introduced at a time when the metropolitan council districts were co-terminous with a combination of senate districts. In the Senate, the 1971 bill for appointment by legislators was authored by Senators Ashbach, Glewwe, and Gearty, and in 1973, the legislative appointment bill was authored by Senators Kirchner, Milton and Ashbach.

In 1971 and 1973 there were bills to replace the Metropolitan Council with a legislative commission. The 1971 extra session bill in the Senate was authored by Senator Conzemius, and the other two bills were House Files. In addition, a 1971 House File provided for a legislative appeals board for Metropolitan Council decisions.

In the 1974 session of the legislature, Senators Hughes, Ashbach and McCutcheon introduced a bill providing for a 24-member council consisting of: seven members chosen by the governing body of each county; four members from the city of Minneapolis nominated by the mayor and approved by the city council; three members from the city of St. Paul nominated by the mayor and approved by the city council; ten members to be apportioned equally according to population, among ten suburban districts established by the municipal commission, with the chief elected official of every city and town voting on the selection (the governor chooses if there is no agreement); and a chairman appointed by the governor with the advice and consent of the Senate.

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During the debate on the elected metro council in the 1976 session, Senator Schmitz presented an alternative proposal for a 16-member council. The chairman of the council would be appointed by the governor. The remaining members would be chosen as follows: seven members appointed by the county board of each county; one representative from each of the two major cities, appointed by their respective city councils; two representatives from the inner ring suburbs; appointed by inner ring suburb mayors; two representatives from the developing suburbs; appointed by developing ring mayors; and two representatives from the free standing growth center appointed by free standing growth center mayors. All of the appointments under this plan would have to be approved by the Senate. The terms for various suburban areas and growth centers come from the Metropolitan Council's development framework plan.

JED:mc

	S.F. 8 - Chenoweth	S.F. 27 - Chenoweth	S.F. 29 - Pillsbury	S.F. 31 - Humphrey	S.F. 439 - Schmitz
Method of Selection of Members	Direct election	Direct election	Elected by local officials	Direct election	Appointed by local officials
Date of Change	All elected at uniform municipal election in 1981	1/2 elected in 1977, 1/2 in 1979. All at uniform municipal election	Succeed current members this summer	1/2 elected in 1978, 1/2 in 1980. All at the general election	January 1, 1979
Number of Members	16	16 plus a chairman	16 plus a chairman	16 plus a chairman	15
Terms of Members	4 years, staggered	4 years, staggered	4 years, staggered	4 years, staggered	4 years
Districts	Existing districts	Existing districts	Existing districts	Existing districts	1 from each county 1 from Minneapolis 1 from St. Paul 2-inner ring suburbs 2-developing suburbs 2-freestanding growth centers
Chairman	Elected from among members for a 2 year term	Appointed by Governor	Appointed by Governor	Elected at large	None - replaced by an executive director
Compensation for Members	Determined by the legislature	\$50 per diem chairman's set by the council	\$50 per diem chairman's set by the council	Members \$8,400 chairman _____	\$50 per diem
Election Provisions	A "candidate" pursuant to chapter 10A Tied to legislative candidates for most expenditures, but no limit on total expenditures - partisan	A "candidate" pursuant to chapter 10A Tied to legislative candidates for most expenditures, but no limit on total expenditures - non-partisan	---	Non-partisan	---

THE SUMMARY OF COUNCIL MEMBER SELECTION BILLS

	<u>S.F. 1552 (Knoll)</u>	<u>S.F. 1553 (Pillsbury)</u>
Method of Selection of Members	Direct Election	Appointed by governor after receipt of the recommendation of a screening committee made up of legislators representing parts of the district. The screening committee holds hearings prior to making recommendation. Each legislator receives one vote for each 1,000 persons he represents in the district.
Date of Change	1/2 elected in 1978 and 1/2 elected in 1980	1/2 in 1980 and 1/2 in 1982 Existing members continue until then
Number of Members	16	16
Terms of Members	4 years, staggered	4 years, staggered
Districts	Existing districts	Existing districts
Chairman	Appointed by governor	Appointed by governor
Compensation for Members	\$50 per diem, chairman's set by legislature	\$50 per diem, chairman's set by legislature
Election Provisions	Non-partisan	---
Other Provisions	---	Removes New Prague from the metropolitan area