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AN EVALUATION OF

COUNCIL-REGIONAL COMMISSION RELATIONSHIPS

Presented by Charles Weaver,
Chairman, Metropolitan Council
of the Twin Cities Area

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Metropolitan Council of the Twin Cities Area
300 Metro Square Building, 7th and Robert Sts.
St. Paul, Minnesota 55101 Tel. 612 291-6359
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PREFACE

This report was prepared by the Metropolitan Council staff at the direction of the Council. The report contains information pertinent to the Legislative Commission's assessment of the strengths and frailties of Metropolitan Council-regional commission relationships. Where a problem is identified, the staff has presented alternative solutions. The alternatives suggested do not necessarily reflect the views of the Metropolitan Council. The members of the Council have received the report for information purposes, but have not acted on its contents.

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EVOLUTION OF CURRENT COUNCIL-COMMISSION RELATIONSHIPS

The Metropolitan Council, as created by the State Legislature in 1967 (MS 473B), had a relatively strong, but negative, review role over metropolitan commissions and "special purpose" districts.[1] The Council could stop all or parts of their development projects and conduct A-95 reviews of their requests for federal funds. Communications with the larger agencies were handled through a nonvoting Metropolitan Council member on their boards.[2]

The Council was charged with developing proposals for legislative consideration to deal with a number of immediate problems, among them water pollution and parks. The Council responded with specific proposals for the 1969 Legislature. The most important was legislation creating the Metropolitan Sewer Board (to become the Metropolitan Waste Control Commission (MWCC) in 1974 (MS 473.501-473.549)).

Division of responsibilities between the Council and sewer board, defined in the law, was to become a pattern for other Council-commission relationships. The Council has authority to appoint the board's members and prepare a long-range plan dealing with Metropolitan Area sewage treatment and water quality. In addition, it reviews and approves the board's capital improvement plans and sells bonds to finance the metropolitan sewer and sewage treatment systems. The board owns and operates the sewage treatment system. In the 1969 model, the Council also reviewed and approved the board's operating budget, but that provision was dropped in the 1974 amendments.

The model also included Council A-95 reviews of requests for federal funds, approval of sewer service areas, and review and comment on user fees, charges and schedules.

Also in the 1969 legislative session, a metropolitan park board was created at the Council's request. The Council was authorized to appoint a seven-member board to acquire property in accordance with a long-range plan prepared by the Council. The plan was for protection and acquisition of large areas of recreational open space for development of a regional park system. The law was invalidated later.

The relationship between the Council and Metropolitan Transit Commission (MTC), established in 1967, came up again in the 1971 legislative session as policy differences between the two bodies began to emerge. The Legislature told the MTC to implement the transit elements of the Council's Transportation Development Guide, thus affirming the Council's key planning role in regional transportation.

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[1] The commissions and districts included the Metropolitan Airports Commission (MAC), the Metropolitan Transit Commission (MTC), several sewer sanitary districts, the Mosquito Control District and a number of watershed districts.

[2] MAC, MTC, several sanitary sewer districts, Hennepin County Park Reserve District, and the Mosquito Control District.

That issue was finally resolved in the 1974 legislative session, following a 1973 session in which MTC plans and Council policies were diametrically opposed. The MTC proposed a bill in 1973 to implement a fixed rail transit system, to cost $1 billion by its completion in 1990. The Council, meanwhile, had adopted a policy against a rail system for the Metropolitan Area on grounds that population was too dispersed for such a transit mode to be economical.

As part of a major clarification and strengthening of the Council's role, the Metropolitan Reorganization Act (MRA) was passed in 1974 and incorporated into the Council law (MS 473.121-473.249). The act upheld the Council's predominant transportation planning authority. The Council was empowered to appoint members of the MTC, develop a long-range, comprehensive transportation policy plan, and review and approve the MTC's development program and capital improvement plans.

The 1974 law gave the Council identical powers regarding the MWCC and "other such commissions as the legislature may hereinafter designate." To date, however, no other metropolitan commission has been created with quite the same status.

The 1974 law required the Council to develop "policy plans" for the commissions and specified the nature of their content. The law also set a specific, formal Council-commission process for plan and budget preparation, review and adoption.

Another major piece of legislation in 1974 was the Metropolitan Parks and Open Space Act (MS 473.301-473.341). This act created the Metropolitan Parks and Open Space Commission (MPOSC), whose members are named by the Council. It gave the Council authority to issue $40 million in bonds to finance purchase and development of park lands by counties, special park districts and cities.

The parks commission, unlike the MTC and MWCC, was not created as an independent implementing agency. It functions as an advisory body to the Council, helping the Council: 1) prepare a long-range regional park plan for the Seven-County Area; 2) review individual park plans submitted by the local governments or park districts that own the parks and implement the park plan; 3) make grants to those governments to acquire and develop park land; and 4) prepare long-range capital improvement programs and legislative funding requests.

One reason that the parks commission was not made comparable to the other metropolitan commissions was opposition from the counties and special park districts that own the park land. They did not wish to turn over their responsibilities to a regional operating commission and opposed such legislation, which had been proposed by the Council and others.

The 1974 Legislature enlarged the Council's responsibilities in one other area. It empowered the Council to approve capital expenditures of more than $2 million of the Metropolitan Airports Commission (MAC) (MS 473.621 Subd. 6). But the Legislature chose not to place the MAC under uniform provisions of the MRA.

The last commission created by the Legislature (MS 473.551), the Metropolitan Sports Facilities Commission (MSFC), also has ties to the Council. It was set up in 1977 to decide whether a new major stadium should be constructed, and if so, where. Once it was built, the commission was to own and operate it.

The Council's role in the sports commission's operation is minor. It does not appoint commission members and has no veto power over site selection. It reviews and approves the commission's operating budget. During the stadium site selection process, it reviewed suggested sites only for their conformity with regional plans and policies and with legislative conditions. The Council also sold bonds for construction of the stadium.

ACCOMPLISHMENTS UNDER THE CURRENT STRUCTURE

Two scholarly evaluations of the Council have been completed since the Metropolitan Land Planning Act (MS 473.851-473.872) was passed in 1976.[3] Both assessments, prepared independently, conclude that the Council and the regional strategy it exemplifies have made a positive difference.

Naftalin and Brandl, in The Twin Cities Strategy, conclude that "the strategy[4] has brought an undisputed measure of order to region-wide planning and has put in place a mechanism for dealing with complex regional problems. The gains are real and positive, but they cannot be measured with any degree of precision."[5]

The authors identify at least six outcomes directly attributable to the regional strategy:

1.) It provides a legitimate and workable mechanism for resolution of complex regional problems.
2.) It coordinates in an evolving metropolitan system the basic services of sewage control, transit, parks and airports.
3.) It is developing a comprehensive regional development plan in which all of the Region's governmental jurisdictions are participating.
4.) It has effectively vetoed three major capital undertakings.
5.) It is the focal point for regional policies in all functional areas.
6.) It provides a constantly expanding source of information concerning the Region and its needs.[6]

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[3]Arthur Naftalin and John Brandl. The Twin Cities Strategy. St. Paul: Metropolitan Council. 1980. John J. Harrigan and William C. Johnson. Governing the Twin Cities Region: the Metropolitan Council in Comparative Perspective. University of Minnesota Press. 1978.

[4]The term "strategy", as used by Naftalin and Brandl, means both institutional "capacity building" and evolving a growth and development policy for the Region. The authors see the Council as the heart of the strategy.

[5]Naftalin and Brandl, p. 63-64.

[6]Ibid, p. 64.

Harrigan and Johnson draw three conclusions from their look at the Council: "First, and perhaps most functional, the Metropolitan Council has achieved considerable legitimacy and respect as an institution. Second, its metropolitan policies have begun to make a noticeable impact on the life of the Region. And third, a regional political process has begun to emerge."[7]

In the 1970s, the regional planning and coordination process embodied in the Council led directly or indirectly to resolution of the following key issues.

1.) The need for regional parks. The Area's parks were not expanding fast enough to keep up with population growth. Some of the most suitable land for new parks was threatened by development. In addition, a number of old, well-known parks--regional resources but locally funded--were in need of redevelopment. A Council regional park plan was put into effect through state law (MS 473.301-473.341). The law established the system, and biennial appropriations have provided $109 million to date to acquire about 15,000 acres of new land for park development and redevelopment. As a result, regional parks, so central to the Region's identity, have been expanded and improved.

2.) Expanding housing availability and choice. Council activities and the willingness of suburbs to meet a regional "fair share" housing plan resulted in a significant change in location of subsidized housing in the Region. The number of subsidized units increased from 18,736 in 1971 to 39,309 in 1980. The percentage of these units in suburban locations grew from 10 percent in 1971 to 41 percent in 1980. The Metro HRA (the Council), established in 1974 (MS 473.193-473.201) provided an administrative mechanism for much of the change. Local and regional housing effort led directly to a federal Department of Housing and Urban Development (HUD) bonus award of $14 million to the Twin Cities Area for additional housing and community development programs. The funds were earmarked by HUD to "reward" regions showing concern and active programs in housing for people with low and moderate incomes.

3.) Cleaning up polluted rivers and lakes. At the Council's urging, the Legislature set up the mechanism through which independent sewage collection and treatment systems were unified on a metropolitan basis and a major river and lake clean-up effort was initiated. The MWCC was created in 1969 to operate the new system. The Council plan that forms the basis for the commission's expansion program has been modified twice. One modification contracted the planned sewer service area to correspond to the Council's regional growth plan. As a result of the law that set up the system, a number of local pollution conditions have been rectified. Overall, water quality in the Region has improved.

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[7]Harrigan and Johnson, p. 114.

4.) Coordination among regional commissions. The Metropolitan Reorganization Act of 1974 and the planning framework established in the Council's Development Framework have greatly improved coordination between the Council and regional commissions. Prior to 1974, the Council twice used the authority of its enabling law to stop a plan by the MAC to construct a second major air carrier airport in Anoka County. The Council also demonstrated to the Legislature that the fixed rail transit system proposal before it was not in the best interest of the Twin Cities Area. The capital cost of the two projects was estimated to be $1.5 billion. Under the 1974 law, the Council halted an expensive, experimental "pyrolysis" energy recovery project planned by the MWCC for the Metropolitan Wastewater Treatment Plant. The law has resulted, by and large, in a shared policy direction, even though there are continuing issues in need of attention. In addition, the Council's current annual review of commission capital improvement programs ensures that the Region's finances remain on sound footing.

5.) Coordination between the Council and local governments. The 1976 Metropolitan Land Planning Act established a planning partnership between the Council and local units of government. The goal was to link regional-scale and local-scale planning, thus reducing uncertainty of land use decisions. The law provided the Council with a means to carry out its regional guided growth plan through collective decisions of local governments in their local land use plans. Local plans are being prepared under certain regional systems "givens", namely the presence or absence of regional transportation, airports, sewers, or park facilities in the community. Initial local planning and Council review of those plans for conformity with regional-scale plans is nearing an end.

6.) Coordination with the private sector. The Council's review of plans and projects has improved coordination of individual projects with regional-scale plans. The Council recently logged in referral No. 10,000.

The referral process includes Council review of projects seeking federal funds or projects requiring review under state law or regulation. The review process often results in communication and better coordination between the sponsor and local units of government, as well as modifications to proposals to meet needs of all affected parties.

7. The pattern of regional growth. To reduce scattered, uneconomic growth in outlying parts of the Region, the Council prepared a regional growth plan--the Development Framework. The plan generally identifies areas to be kept in agricultural use and areas where the Region's growth should be channeled. Under the plan, regional services--sewers, parks, transportation and airports--are planned for growth areas, but prohibited in other areas. The plan, the most ambitious regional planning effort in the nation, makes agriculture a priority land use. It focuses attention on public support services, such as parks or sewers, in built-up areas.

8.) Raising issues: working for change. The Council developed a regional consensus on need for a 9-1-1 emergency telephone system. It recommended legislative action to set up and finance the system, which will be in operation in late 1982.

Through work of the Metropolitan Health Board, an arm of the Council, the Region has pursued a voluntary hospital planning program aimed at containing the rise in health care costs. The Council and the board are currently considering the role regional planning might play in the evolution of a more competitive health care system.

The Council played a key role in legislation that set up the current land disposal system for solid waste. The Council also played an advisory role to the Legislature in passage of the 1980 Waste Management Act. (Chapter 115A.01-115A.38).

The Council shares the assessment of academicians who have looked at regional organization. The record speaks for itself. The system--the regional strategy in Naftalin and Brandl's terms--is in place. It works. Most of the time the Council and commissions are in agreement. However, there continue to be issues, some serious ones, that limit effectiveness of the regional process. They fall into two general categories. Some are issues common to all the commissions. Others are issues unique to the individual commissions.

ISSUES COMMON TO MORE THAN ONE COMMISSION

Planning Time Frame

The MTC and the MWCC prepare development programs (capital improvement programs (CIPs)) for five-year periods. Each is also required to prepare an annual budget, and to submit the capital expenditure portion to the Council for review and approval. The MAC currently prepares an annual and five-year CIP and an annual operating budget. Development of an airports system must, by law, be consistent with the Council's Aviation chapter of the Metropolitan Development Guide (MS 473.611). The MPOSC prepares a five-year CIP for Council consideration that carries out the Council's park and open space policy plan.

However, the commissions are planning for capital facilities in their development programs that go well beyond a five-year limit. For example:

- MWCC treatment plants are designed for a 20-25 year period;
- Interceptor sewers are planned for 50-100 years;
- Airports and buildings are designed for 20-50 years;
- The life of a bus is about 12 years; and
- Parks are designed for a long, long time.

Current economic conditions, plus reduced funding from traditional revenue sources of commissions, argue for careful planning at the outset. More assurances are needed that expenditure decisions are on target and in the public's best interest.

The principle applies not only to development programs, but to CIPs and operating budgets as well. Longer range planning and monitoring are needed to spot trends and assess how today's decisions will affect tomorrow's service bills and taxes.

Alternatives. Commission development program planning could be extended by law to 10 years. Operating and maintenance budgeting could be mandated for a five-year period. The second through fifth year would be subject to revision up to the time the annual budget would take effect. This flexibility would allow the commissions and the Council to recognize trends and make adjustments. A five-year operating budget would require some development, so the result isn't just a quick distillation of superficial information or "straight-line" projections.

Timing of Council Review

Current law requires MTC and MWCC to prepare development programs and submit them to the Council every two years (MS 473.161). But the law is silent on when this should occur. The MAC (and the MPOSC) voluntarily submit capital improvement programs to meet the Council's review schedule. Doing so has enabled the Council to measure the collective fiscal impacts of the commissions' expenditures on the Seven-County Area. Without a mandated timetable, there is usually a delay in receipt of the programs. However, even with a legislative mandate, the MTC has prepared only one development program since 1974, though it has a second under way.

Alternative. Council review could be performed more expeditiously if state law required submittal of development programs by Feb. 1 in even numbered years. The Council would have its current 90-day review. This would allow for completion of development programs prior to opening of a new legislative session in odd-numbered years. An alternative approach holds that a change in law is unnecessary; the Council could "mandate" the change.

Operational Decisions

The prevailing philosophy of the Metropolitan Reorganization Act of 1974 was that Council involvement in operational matters would embroil the agency in too much detail to perform its policy-making role and conflict with an effort to lodge operating responsibility with the commissions. As a result, the Legislature removed the operating budget approval the Council exercised over the MWCC as part of the Act.

But the Legislature also recognized this split would cause ambiguity that would need to be clarified through interaction of the Council and commissions. Rather than trying to pinpoint the precise theoretical point where planning becomes operations, the Legislature chose to set up a "creative tension." The resulting process recognizes that planners cannot perform effectively in isolation from operating conditions and system operators cannot perform without an established planning direction. The commissions, under this school of thought, ought to be policy-making advisors. The Council should have a mechanism under which it can influence certain operating practices. The Transportation Prospectus summarizes the point:

In practice, it seems reasonable to conclude that a signficant gray area will always exist, and that the Legislature intended for the two agencies (the Council and MTC) to cooperate in the allocation of responsibility within this gray area. The view seems particularly appropriate as one considers that regional policy plans invariably are highly general in their early versions, and are "fleshed out" on the basis of more detailed studies over the years. This perception suggests that the relationship between the policy plan and the development program should be an interactive one, with the former explicitly suggesting key study priorities for the planners who develop the latter and, subsequently, being modified on the basis of the conclusions of these studies. It suggests as well that Council and Transit Commission staff should probably undertake numerous joint planning efforts aimed at "fleshing out" the policy plan on the basis of development program analyses of alternatives, and aimed as well at ensuring that no discontinuities develop between the policy planning and development programming phases.

The Council policy plan role and the commission development program approach have made it possible for the Region to make some large-scale decisions that would have been difficult without clarification in the 1974 MRA. A basic transit decision was reached under the law. Today's water quality system improvements were made possible under it. Treatment plant expansions were carried out. A pyrolysis energy recovery proposal for the Metro Plant was scrapped in favor of a more conventional, but proven, technology.

However, beyond these decisions, the Council has experienced instances in which it was difficult to use its development program-capital budget control to work toward the service-related aspirations in its regional policy plans. Statements and plans in commission development programs are a first step, but there is no guarantee the commission will implement the service. A veto threat, or other negative action by the Council to, in effect, bully a commission to act in an unrelated area over which the Council exercises authority does not seem to be legislative intent.

A major change has occurred since passage of the MRA. Many key decisions that implement regional policy are both planning, capital and operating activities. In water quality planning for example, the Council has no formal mechanism to require the MWCC to carry out what is now labelled an "interim" sludge disposal program. Under the program sludge is not incinerated, but taken to farms around the area for use as fertilizer. Council policy envisions the possibility of an ambitious long-range land spreading program to complement incineration, but the Metro Plant in a few years will have capacity to incinerate all the sludge. The argument might be raised that the disposal program is an operational decision, not a planning or capital one, with the exception of a few conveyer belts and some trucks.

As a second example, suppose the Council wanted the MWCC to beef up its water quality monitoring program because the Council needed data for planning. Again, the Council might not be able to get the commission to do so because monitoring is in the sphere of operations.

A third MWCC example, a recent one, involves the Anoka leg of a regional sewer interceptor. In light of a potential cash flow problem and without the Council's knowledge, the commission contemplated delaying the project for a three- to six-month period. The Council prevailed upon the commission to proceed with some haste on the project, but the commission could have refused. The Council could quickly find itself in an administrative quagmire if it had to keep track of all such developments.

The state and federal governments are beginning to blur the distinction between planning and implementation by naming the Council as a co-permittee with the MWCC on all new sewage treatment plant permits. The action makes the Council equally responsible with the MWCC to meet permit conditions at the facilities, and opens the Council to any sanctions that might be imposed due to noncompliance.

In airports planning, the Council and the MAC have a joint committee dealing with land use problems associated with aircraft-airport noise. Noise abatement is clearly in the planning arena. Yet the MAC's noise abatement operations plan is viewed by the MAC as operations, not planning. To what extent is noise abatement part of an overall plan for an airport? The MAC currently has $250,000 in its operating budget for noise monitoring equipment. Is this a good use of funds? There is no plan that forms a basis for the expenditure. If need is demonstrated, does the expenditure have an impact on off-airport conditions or implications for the Metropolitan Area?

The Council currently exercises an oversight role for the commissions. Through its capital and development program review, the Council can ensure that no commission can implement a major activity that is inconsistent with regional policy. Through its Investment Framework guidelines, the Council monitors debt and spending. These "controls" do not generally carry over into operational decisions, or to major administrative decisions by the commissions. Yet such decisions can either support or circumvent delivery of regional policy-based services.

By and large the commissions have performed well. However, the Council recently, and reluctantly, had to commit up to $31.5 million over and above a previously approved contract to finish work on a sludge processing building at the Metro Plant. The Council did not think it had any other options. The Council and the public questioned why the massive additional expense was needed. A 22-month delay had resulted from a contract dispute between the commission and Paul A. Lawrence Co. over adequacy of the building design. The Council decided it was too late and too expensive to re-bid the job. Rebidding would not settle the lawsuit either. As a result, the Council had to sell bonds to pay additional costs not covered by federal or state grants. The point here is not to chastise the commission or second guess. The point is that, under the current Council-commission relationship, the Council can do little to ensure that a similar problem will not occur again.

Can a stronger Council oversight role be defined? If so, in what areas: supervising construction, auditing management practices, selecting planning consultants or managing contracts?

A consultant's study of operational practices at the Metro Plant during 1980 concluded there were a number of problems at the plant, some of which were readily correctible with little expense. The consultant, Williams and Works of Grand Rapids, Michigan, concluded the air and water quality performance of the plant could be improved and plant capacity increased through improvements in operating procedures and equipment maintenance, among others. The study was commissioned as part of a requirement imposed under NDPES permit conditions.

Alternatives. State law could be amended to require Council review and approval of the metropolitan commissions' annual and two- to five-year operating budgets.

The Council reviewed and approved the MWCC operating budget during the early 1970s. The Council did not use the review to "pick and choose" among proposed commission operating programs. Rather, the Council's review focused on the total operating budget. The Council trimmed $1.43 million, largely labor and debt service, from the budget one year, but increased the budget by $500,000 for additional debt service funding another year. Operating budget review also included approval of the formula by which MWCC costs were allocated to local governments and setting the sewer service availability charge.

The argument for an "advisory only" operating budget review role by the Council holds that more potent "approval-disapproval" authority may give the Council more operating responsibility and more liability if things go wrong than a planning agency should have or can handle competently.

Second alternative would be to influence operating matters through Council appointments to commissions under current law and/or, with a change in the law, Council appointment of commission chairs.

A third alternative would be legislation requiring the commission operating budgets to be consistent with commission development programs.

A fourth choice might be to change state law to establish stronger oversight role for the Council in its relations with the commissions in certain defined areas.

A fifth alternative would hold that the existing law is adequate.

Review of User Fees

The law requires the Council to review and comment on proposed changes in commission "user fees" (MS 473.163) and to advise the Legislature about the fees in an annual report. Council review is advisory only, but is required before the MWCC and MTC can put changes into effect. The Council has reviewed fare box fees proposed by the MTC and the MWCC's sewer service availability charge and cost allocation formula.[8] The latter increased by about 15 percent in 1981. The commission says the increase is due to inflation and increasing costs of operating additional pollution control equipment in the treatment plants.

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[8] A study of the MWCC's cost allocation system is under way.

The Council's user fee reviews have been persuasive at times, but they are often performed in a perfunctory manner, and sometimes after the fact. One reason for perfunctory review is that the Legislature has made the fare structure determination itself as part and parcel of the state financial aid program to the MTC. The Council also reviewed changes in MSFC's parking fee at "the Met" under the provisions of the stadium act.

Alternative. The Council could review and, with change in state law, approve "user fee" changes. However, the alternative is more likely to be viewed in the context of other review alternatives above.

Audit Reports

The legislature and the public expect the Council to have full knowledge of the financial status of all metropolitan commissions and to use the current information for planning. However, except for the MWCC, commission-adopted budgets and year-end financial reports are provided sporadically and often very late in the succeeding fiscal year.

Alternatives. All commission-approved budgets could be submitted to the Council by Dec. 20 of the preceding year. All audited financial reports could be presented to the Council within six months after the end of the year being reported.

SINGLE COMMISSION ISSUES

Metropolitan Transit Commission

The Council prepared a policy plan for transportation in 1976, as required by law, and expects to have a new plan ready for public airing early this year. The MTC has prepared only one development program, in 1978, although the program is required by law every two years (MS 473.161). The Council only partially approved the commission's initial development program. As a result, meshing policy plans and development programs in the transit area has not occurred as envisioned. Certain MTC-proposed services were disappoved, but the MTC can provide the services so long as they do not involve capital expenditures.

The Council disapproved local bus service that did not have a subregional orientation. In its 1978, 5-year development program, the MTC proposed continuing local-level bus service (as opposed to express) that would carry passengers through one or more suburbs, eventually to the downtown areas. Most routes of this type were already in place in 1978. Since then, the commission has been slow to implement the subregional policy. While it is no easy task to reorient bus service, the Council--and MRA process--assume that the MTC and other commissions will make every effort to pursue activities that carry out the Council's policy plans, as reflected in the Council's development program review. The MTC, it should be noted, last year undertook a comprehensive study of service in one of the transportation subregions, a preliminary step to reorienting bus service.

The Council's ability to conduct its transportation planning under state law has been affected by direct legislative involvement. Legislative actions often influenced development decisions in the Twin Cities Area. But the legislative actions have, in some instances, superceded the Council-commission planning process. In some cases, these actions have also been in conflict with the Council's regional plans and policies.

Legislative actions in transit performance funding, paratransit planning and fare box revenues are recent examples. In transportation planning in general, legislative actions have influenced the regional plan for highways by the so-called freeway "moratorium" and by mandating design constraints for the proposed Interstate Hwy. 35E segment in St. Paul.

In airports planning, though not formally part of the MRA, the Legislature prohibited upgrading of any minor airport in the system (MS 473.641). This immediately affected the status of the Anoka County airport. Council-MAC planning was still underway about the role of the airport, even though a preliminary conclusion had been reached. In addition, the Legislature (MS 473.608) prohibited Council review or approval of a MAC noise acoustical barrier at Minneapolis-St. Paul International Airport, even though the price tag will be $6 million.

Metropolitan Airports Commission

The MAC voluntarily submits five-year CIP information so the Council can review implications of all commission budgets on regional debt and revenues. A probable decrease in federal aids for airport facility construction could mean more use of local funds for airport facilities. This may argue for a stronger Council fiscal role over the MAC. The MAC's bonded debt is backed up by the Region.

Metropolitan Sports Facilities Commission

The Council has an ongoing financial role with the MSFC. The commission's enabling act requires Council review of the commission's proposed operating budget. The Council sold bonds for the new stadium. For this reason, it has some continuing responsibilities, even though liability to pay bonded indebtedness will transfer to the city of Minneapolis. The Council has an interest in seeing that, once the new stadium opens, the many assumptions in the stadium's financing hold true. In addition, the Council, by law, certifies the levy that helps support the facility.

Metropolitan Parks and Open Space Commission

The MPOSC is an advisory body to the Council. It is served by the same staff that works for the Council. The structure of an advisory parks commission and a decision-making Council, embodied in the law, has worked well. Both groups share the same aspirations for the regional park system.

A time or two, however, staff has found itself in a position of serving two masters. The 1981-82 legislative funding request is an example. The commission wanted to request a larger legislative appropriation than did the Council. Staff is in the position of trying to be equally responsive to both points of view.

A major area of concern in the regional parks arena is the relationship between the Council and implementing agencies--the counties, special park districts and cities that purchase, develop and operate the regional parks. The Council prepares a CIP that serves as the "development program" in the park area. But carrying out the CIP is solely the implementing agencies' job. The Council only offers grants. If an agency chooses not to purchase or develop parkland, the Council has no direct power to require action. Nor can the Council site the facility itself, because it does not have eminent domain power. The example is more than hypothesis. Washington County has, to date, refused to proceed with planning and acquisition for several parks in the county, an area where regional facilities are in short supply.

Regional park operation and maintenance costs pose a second important concern. Should operating costs for regional facilities be paid from region-wide sources? A special task force established by the Council recently prepared recommendations on the question, together with the question whether, and if so how, the parks and open space commission should be reconstituted.

The task force--and subsequently, the Council--concluded that $10.6 million in regional park operation and maintenance costs should be raised from new state and local sources. Currently, it costs about $14.7 million to maintain the parks. About 75 percent of the revenue for this purpose comes from local property taxes.

Council studies show, however, that the regional parks are used by people from throughout the Region, not just those that live near the parks.

The Council has recommended that the Legislature apply a five percent state sales tax to candy and soft drinks, which would raise an estimated $7.6 million for Twin Cities Area regional parks. In addition, additional park user fees primarily parking, would bring in about $2 million. An additional one million would come from redirecting a portion of the state's natural resources funds to regional park operation and maintenance.

Removing the sales tax exemption on candy and soft drinks actually would bring in about $15.3 million statewide. The Council recommended that half of this amount be used for the regional park system: the remainder should go to the Department of Natural Resources for state parks and the Office of Local and Urban Affairs for operation and maintenance of regional parks outside the Twin Cities Area. The Council is currently drafting proposed legislation to bring about the change.

The Task Force recommended no change in the composition of the Metropolitan Parks and Open Space Commission, which consists of eight members appointed by the Council on a commission precinct (two Council districts) basis, plus a chair also appointed by the Council. The Council is currently reviewing the question.