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REGIONAL GOVERNANCE AND FINANCE IN THE SEVEN-COUNTY METROPOLITAN AREA

An Introduction for Legislators

January, 1985

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PART I METROPOLITAN GOVERNMENT SYSTEMS

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A. THE DEVELOPMENT OF METROPOLITAN INSTITUTIONS

LEGAL STATUS

• Metropolitan agencies are a creation of the Legislature.

Metropolitan governmental institutions in the Twin Cities are a creation of the Legislature. The body of state law on metropolitan governance occupies almost 200 pages of fine print in the state statutes, Chapter 473. Most of this law has been enacted during the last two decades, since 1967, although the origins of regional institutions in the Twin Cities extend back to the early decades of the century.

• This legal status is quite unique.

This fact—that metropolitan institutions here are entirely creations of the Legislature—is one of the things making regional governance in the Twin Cities unique in the nation. In most other metropolitan areas, regional institutions, called Councils of Government (COGs), are creatures, not of the state, but of the local communities in the region. In a few places, regional government has had a plebiscitary origin, and is directly responsible to the citizenry. So unique is the regional structure in the Twin Cities that the congressional delegation in Washington has long been accustomed to scramble to ensure that federal laws do not inadvertently leave out this area in their definition of regional agencies.

HISTORY

Figure 1 on the facing page summarizes the historical development of metropolitan governance law. The seven principal metropolitan agencies were formed in the following years:

1943 Metropolitan Airports Commission (MAC)
 1967 Metropolitan Council
Metropolitan Transit Commission (MTC)
 1969 Metropolitan Waste Control Commission (MWCC)
(originally the Metropolitan Sewer Board)
 1974 Metropolitan Parks and Open Space Commission (MPOSC)
 1977 Metropolitan Sports Facilities Commission (MSFC)
 1984 Regional Transit Board (RTB)

FIGURE 1 DEVELOPMENT OF METROPOLITAN GOVERNANCE LAW

	GENERAL PLANNING	TRANSIT	AIRPORTS	SEWAGE	STORM WATER	SOLID WASTE	PARKS	STADIUM
before 1967	1957 Metro Planning Comm.; Metro tax		1943 MAC	1933 MplsSt. Paul Sanitary District				1956 Sports Comm.
1967	Met. Council	MTC; Metro bond- ing and tax			·			
1969				Metro Sewer Bd.; Metro bonds and funding; state funding		Planning and regulatory system		
1971								
1973								
1974	Reorganization Act	Reorganization Act; State funding	Reorganization Act; Metro bonding and tax	Reorganization Act; MWCC			MPOSC; Regional bonding	
1975							State funding	
1976	Metro Significance Act; Mandatory local land planning; State funding					Powers extended		
1977								MSFC; Metro bonding and tax
1978								
1979								MSFC; Restructured; Mpls. tax
1980						New facilities devel- opment; Metro bonding; State funding		
1981								
1982					Mandatory local planning			
1983								
1984		RTB; MTC restructured				Landfill fee; Abatement Act		

B. GOVERNMENTAL PURPOSES AND FUNCTIONS

LEGISLATIVE PURPOSES

The historical record indicates that the metropolitan governance system was conceived by the Legislature to serve primarily the following five purposes:

1. Research

To collect statistical data, and to do research and planning on the regional level

2. Interlocal coordination

To provide a forum and a mechanism for more comprehensive and continuous interlocal planning and cooperation, in order to better deal with problems that transcend local boundaries and in order to accelerate local economic and community development throughout the state;

3. State agency coordination

To improve and coordinate research, planning, and program administration by state agencies;

4. Federal program coordination

To coordinate federal assistance programs, especially in planning;

5. Regional functions

To construct particular public facilities and deliver particular types of public services at the regional level.

THE LIMITS OF METROPOLITAN GOVERNMENT

• Metropolitan government is limited to certain functions.

Figure 2, below, illustrates that metropolitan governmental institutions are primarily involved in "systems maintenance"—the development and management of large regional physical facility systems—rather than "lifestyle services" to persons and property.

FIGURE 2: THE FOCUS OF METROPOLITAN GOVERNANCE

Little or No Metro Governance	Some Metro Governance	Heavy Metro Governance
"Lifestyle Functions" $\leftarrow \frac{1}{1}$		'Systems Maintenance Functions"
Public safety Human services Welfare Schools Libraries Recreation Redevelopment	Health Air pollution Mosquito control Housing Communication Arts	Ground transportation Airports Sewers Water pollution Solid waste Parks Stadium

• There is no general-purpose "regional government" in the Twin Cities.

Many of the characteristic functions of government do not appear at the metropolitan level. For example:

- The system has no general power to legislate (make ordinances).
- There is no governing body.
- There is no fiscal system--no over-all budget for capital or operating revenues or expenditures.
- There is no general system of administration (government procedure, personnel, contracts, etc.).

C. THE STRUCTURE OF METROPOLITAN GOVERNANCE

A FEDERAL STRUCTURE

• One of the singular features of regional governance in the Twin Cities is its elaborate federal structure.

In a federal system, governmental authority is distributed and shared among levels and branches of government, each having a semi-independent constitution and base of legal authority, but each also having its powers limited and checked by the dispersion of authority.

The Legislature has deliberately created and consistently maintained a federal structure in the metropolitan area over a period of almost twenty years.

• Responsibility for performing regional functions is divided between regional and local governments.

Federation is something less than consolidation of power at higher levels and at the same time something more than simple inter-local cooperation. The Legislature could have entirely eliminated local authority over regional affairs, or it could have been content simply to encourage local coordination. This has been the pattern elsewhere in the nation. Instead the Legislature created:

- autonomous regional agencies of government, with authority derived from the Legislature and not local governments,
- but with limited powers, exercised concurrently with local governments who retain important authority in regional affairs.
- Responsibility for regional functions is also dispersed at the regional level.

The federal principal is employed in the Twin Cities not only in the division of regional functions between regional and local authorities but also at the regional level itself, where we have not one unified regional governmental system but rather one regional planning agency and a half dozen special-purpose agencies—each with its own independent constitution and base of authority in state law, but each also, by virtue of a legislatively—devised system of checks and balances, locked into an embrace, an often unwilling and embittered dance of death, with all the others.

ASSIGNMENT OF FUNCTIONS POLICY

• The legislative policy underlying this metropolitan federalism is based upon distinctions among types of governmental responsibilities.

The division of authority--both between the local and regional levels and also at the regional level--has not been randomly done by the Legislature. It is based on a policy, a fairly consistently maintained legislative policy, that attempts to separate two governmental functions:

- 1. Comprehensive planning--long-range policy decisions; and
- 2. Implementation--the execution of policy.

The Legislature has further subdivided implementation into two functions:

- 2a. Implementation planning—detailed "systems" planning and development; and
- 2b. Implementation -- actual ownership and operation.
- Thus, the metropolitan federal system allocates three types of governmental responsibility among three "levels" of government.

The three subdivisions of governmental responsibility are: (1) comprehensive planning, (2) implementation planning, and (3) actual implementation.

The three "levels" of government are: (1) a regional planning organization, (2) regional functional agencies or special-purpose districts, and (3) local governments (a level of government that is itself, of course, also layered in complicated ways).

This federal system is sometimes applauded as a brilliant experiment in checks-and-balances federalism--one that has saved the region from many an egregious mistake--and sometimes decried as a supreme example of paralysis in government:

Figure 3, on the next page attempts to portray this complicated federal structure.

FIGURE 3: A FEDERAL STRUCTURE

LONG-RANGE POLICY DECISIONS	LONG-RANGE POLICY PLANNING AND CAPITAL FINANCE CONTROLS	METRO COUNCIL . * * *							
rion		TRANSIT	AIRPORTS	SANITARY SEWERS	STORM WATER	SOLID WASTE	PARKS	SPORTS FACILITIES	
IMPLEMENTATION PLANNING	REGIONAL SYSTEMS PLANNING AND DEVELOPMENT	RTB	MAC *	MWCC	none	Metro Council local gov'ts.	MPOSC local gov'ts.	none	GOVERNMENTS REGIONAL
IMPLEMENTATION	REGIONAL SYSTEMS OWNERSHIP AND OPERATIONS	MTC * - other providers	MAC - other providers	MWCC	local gov'ts special joint districts	local gov'ts. - special joint districts	local gov'ts.	MSFC -	LOCAL GO

^{*}Regional debt--issued by the Council for some systems, the functional agency for others.

THE PROBLEM OF ACCOUNTABILITY

• The most enduring problem in metropolitan governance law, the subject that the Legislature returns to year upon year in different ways, is the problem of accountability.

The problem arises, in part at least, from the Legislature's continuing struggle to strike a balance between the purpose and the structure of metropolitan governance in the Twin Cities. Observe that we have here a structure of dispersed and divided authority created for the express purpose of fostering coordinated planning and management. The question for the Legislature has always been—and it remains—how to achieve coordinated regional management without destroying the federal structure.

• One aspect of this problem is the accountability of metropolitan agencies to external authority.

Effective oversight is difficult when powers are dispersed among many agencies and levels of government. The problem is complicated by the many sources of external authority: local governments and citizens, the Governor and the executive branch of state government, the Legislature, and the federal government.

• The other aspect of the problem is internal accountability—the accountability and coordination among agencies of government within the region.

As Figure 3 clearly shows, the Council is charged with the responsibility for planning and coordinating regional policy, but the Council does not itself, for the most part, have executive powers. The Council does not implement its plans; it does not build or operate anything. These duties are divided among regional special-purpose agencies and local governments.

This separation of policy planning, implementation planning, and implementation gives rise to problems of interagency coordination and accountability. To put the problem of internal accountability concretely:

- How, in a structure like this, does regional policy get "done"?
- How does the Council work its will without infringing on the responsibility of other units of government?
- How can the Legislature give the Metropolitan Council enough authority to effectuate policies, while still excluding the Council from the details of systems planning, development, and operations that are supposed to be the responsibility of other regional and local governmental agencies?

It is in devising these "enforcement" or management tools, while yet keeping the Council from interfering with actual implementation, that the Legislature has exercised its greatest ingenuity over the years.

INTERAGENCY ACCOUNTABILITY: THE COUNCIL'S MANAGEMENT POWERS

This section lists the Council's management powers, grouped in four categories: advice, grants administration, consent, and appointments.

1. ADVICE

The Council has the power to give advice and recommendations to others.

<u>Legislative</u> recommendations

Examples:

- speedskating rink
- solid waste
- CSO

Review and comment

Examples:

- applications for state or federal grants
- local government comprehensive plans
- school district capital development plans

Joint planning

Examples:

- Transportation Advisory Board
- Health Board
- LRT planning

Technical assistance

To state, federal, and local agencies

2. GRANTS ADMINISTRATION

The Council's role in administering certain state and federal grant programs gives it considerable influence over other agencies. The Council administers such grant programs in housing, solid waste management, the arts, and services for the elderly. In addition the Council has some say over grant programs administered by other agencies—for example, in transportation and parks.

3. CONSENT

The strongest enforcement tool given to the Council is the veto--the power to approve or disapprove of plans and proposals of others:

• Long-range plans

Of regional agencies

Of local governments, but only for substantial and adverse effects on the large regional systems (transportation, airports, sewers, solid waste, and parks)

• Fiscal matters

(1) Capital projects

Of larger MAC projects

(2) Capital development programs and budgets

Of all regional agencies except MAC

(3) Operations and financing plans

Of the RTB

(4) Operating budgets

Of MSFC and MPOSC

• Proposals of "metropolitan significance"

One year suspension of large projects, public or private

• Permits

For any solid waste facility

4. APPOINTMENTS

The Council has the power to make some appointments to other regional agencies: the RTB, MWCC, MPOSC. Figure 4, on the next page, shows how members of regional agencies are appointed.

FIGURE 4: THE COMPOSITION OF METROPOLITAN AGENCIES

This figure shows, for each metropolitan agency, the total number of members and the manner of appointment, residency or status qualification and term of the chair and other members.

		CHAIR			MEMBERS			
	NUMBER	APPOINTED BY	RESIDENCE OR STATUS	TERM	APPOINTED BY	RESIDENCE OR STATUS	TERM	
MET COUNCIL	17	Governor	Metro	at pleasure	Governor	16 statutory geographic districts	4 years	
RTB	15	Governor	Metro	4 years at pleasure	Met Council	14 statutory geographic districts	4 years	
MTC	3	Elected by Commissioners	Commissioner	l year	RTB	l - Minneapolis l - St. Paul l - served suburbs	3 years	
MAC	11	Governor	None	Coterminous with Governor	8 - Governor 2 - Mayors of	8 non-statutory geographic districts	4 years	
					the 2 cities	qualified voter	with Mayor	
MWCC	9	Governor	Metro	4 years at pleasure	Met Council	8 statutory geographic districts	4 years	
MPOSC	9	Met Council	Metro	4 years	Met Council	8 statutory geographic districts	4 years	
MSFC	7	Governor	Non-Metro	4 years	Minneapolis City Council	No Minneapolis officials	4 years	

SOME CURRENT LEGISLATIVE ISSUES IN METROPOLITAN GOVERNANCE

Inter-agency accountability

Proposals by the Council and the Governor to increase accountability of the RTB and the MWCC to the Council by: (1) having the Council appoint the chair as well as members, and (2) increasing oversight by the Council of service delivery, finances, and administrative practices OF THE RTB and the MWCC.

A report by the Legislative Auditor urging more vigorous oversight by the Council of the other metropolitan agencies.

A report by the State Planning Agency to the Legislature due this year on the proper scope of review by the Council of capital projects of the MAC.

• External accountability

Various reports and studies lamenting the insularity of metropolitan agencies and urging an increase in the external accountability of these agencies—to the Legislature and to local governments and citizens.

• Transit

Numerous refinements--small and large--to the massive transit reorganization act passed in 1984.

Solid waste

- Restrictions on land disposal

A Council proposal to prohibit land disposal of unprocessed municipal solid waste by 1990.

- Mandatory "source separation"

A Council proposal to require all local governments to require generators to separate yard waste and recyclables by 1988.

PART II METROPOLITAN FINANCE: THE ROLE OF THE LEGISLATURE

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A. FINANCING THE METROPOLITAN SYSTEM

ANNUAL EXPENDITURES

The current annual expenditures of the metropolitan agencies are approximately as follows:*

• Operations \$240 million

• Capital and debt service \$170 million

• Total \$410 million

DEBT

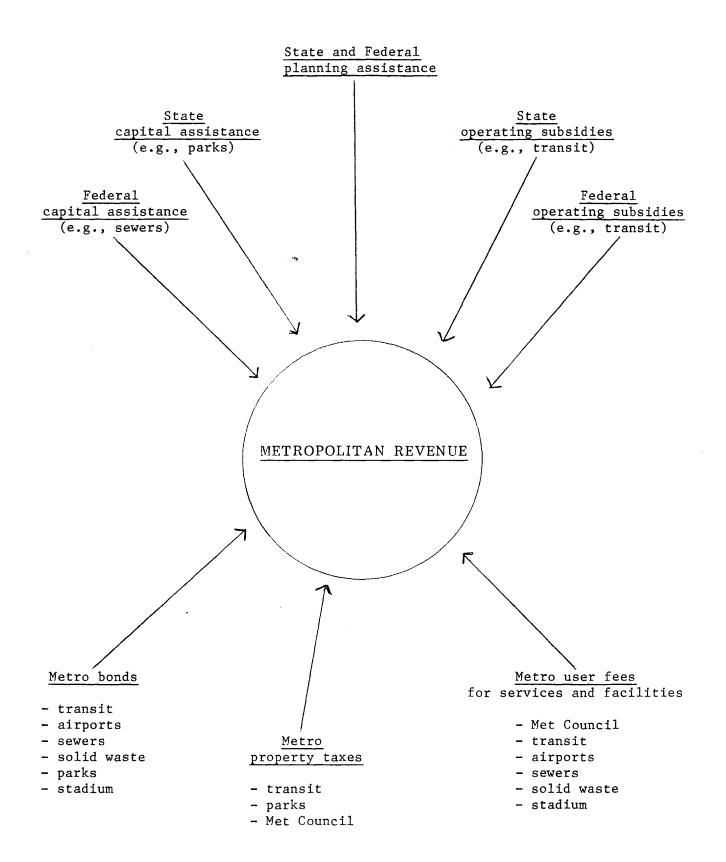
The current long-term debt of the metropolitan agencies is about \$475 million.*

SOURCES OF REVENUE

Figure 5, on the next page, displays the revenue sources, by category, of the metropolitan system.

^{*}Source: Office of Legislative Auditor.

FIGURE 5: SOURCES OF METROPOLITAN REVENUE

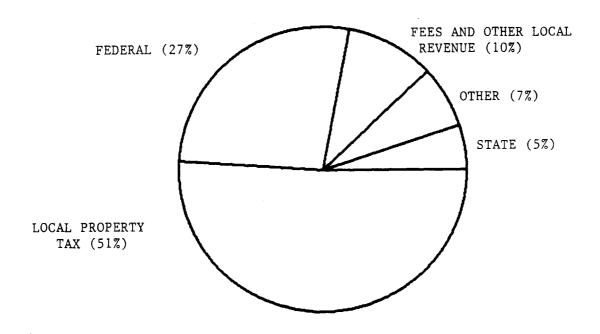


B. FINANCING GENERAL PLANNING--THE METROPOLITAN COUNCIL

THE LEGISLATURE

- Authorizes the Council's regional revenue raising capability:
 - a metropolitan property tax (8/30 mill)
 - fees for services rendered to other agencies
- Authorizes the Council to receive federal planning funds
- Provides state assistance for planning or administering certain state programs

FIGURE 6:
METRO COUNCIL--ESTIMATED SOURCES OF REVENUE 1985
(TOTAL: \$12,109,000)



The Council's sources of revenue have changed significantly in the last five years: the proportion of local revenues has increased substantially, replacing federal revenues, which halved.

C. TRANSIT FINANCE

THE LEGISLATURE

- Appropriates state general fund operating subsidies for metro transit
- Determines the allocation of motor vehicle excise tax (MVET)
 - Under present law there is a phased 7-year transfer of MVET proceeds from general to dedicated funds (FY 1985-91)
 - 25% of MVET proceeds are to be allocated to transit, and 75% to highways
 - Of the transit allocation, 80% is for the metro area, and 20% for the non-metro area. (Estimated metro allocation--\$10 million in FY 1985, rising to \$55-60 million by the early 1990s)
 - Under current law, MnDOT "may distribute up to 100 percent" of the FY 1985 allocation for LRT planning and design
- Periodically authorizes the amount of metroG.0. bonds (repaid by metro property tax levy)
- Sets the metro property tax levy, as follows:
 - 1. Area with MTC service ("transit taxing district")
 - MTC full service area: 2 mills plus debt service
 - Area of limited off-peak MTC service: .5 mills less than full levy
 - Area of limited peak MTC service: .75 mills less than full levy
 - 2. Area without any MTC service: 10% of levy for full service area
- Indirectly or directly sets <u>fares</u>

The following two pages display the general structure of metropolitan transit finance.

FIGURE 7:

METROPOLITAN TRANSIT FINANCE: SCHEMATIC FLOW CHART

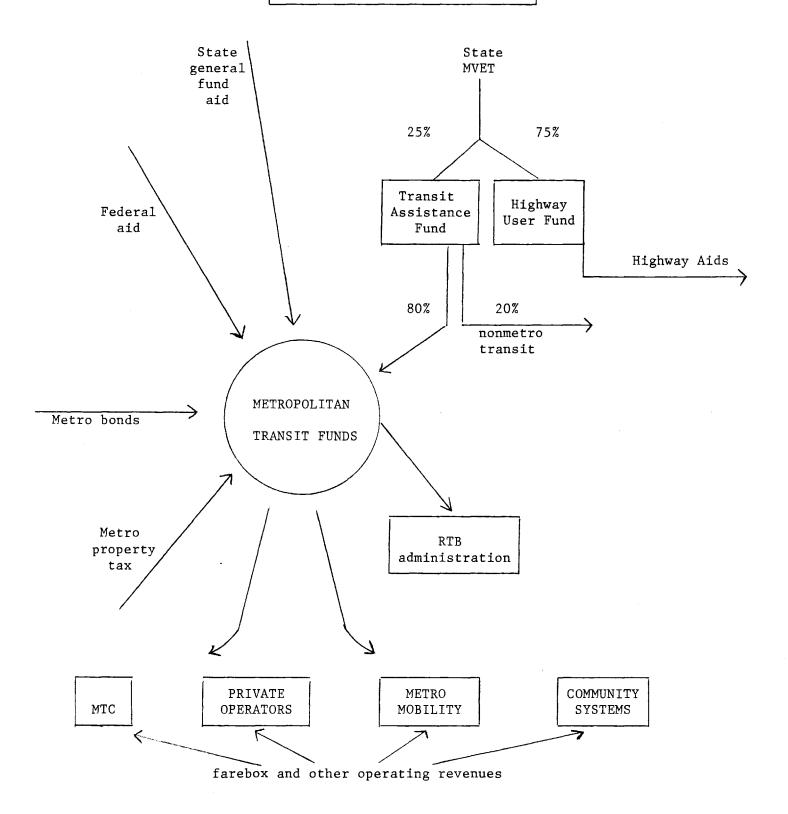
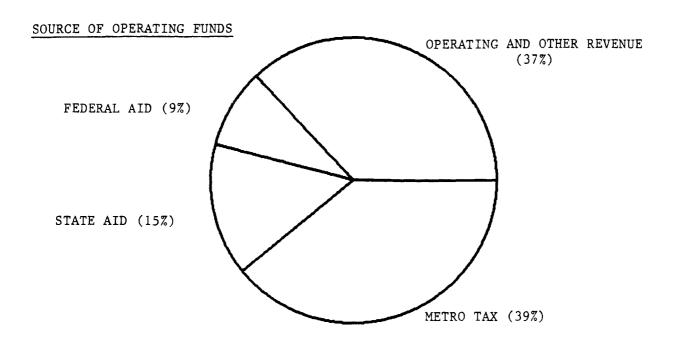


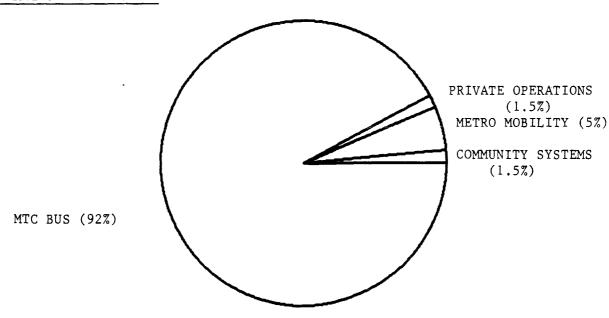
FIGURE 8:

METROPOLITAN TRANSIT FINANCE 1983



Over the last half decade the federal and, particularly, the state pieces of this pie have shrunk considerably, and the other two pieces have enlarged substantially.

OPERATING EXPENDITURES



D. AIRPORTS FINANCE

THE LEGISLATURE

- Periodically authorizes <u>state bonds</u> for airport development, for which the MAC may apply (repaid by air transportation user charges)
- Periodically authorizes the amount of <u>MAC bonds</u> (currently repaid by user charges)
- Authorizes metro tax levy (one-third mill plus debt service). This authority has been unused in recent years.

E. SEWER FINANCE

THE LEGISLATURE

- Establishes state capital assistance program
- Authorizes metro G.O. bonds (unlimited amount), repaid by MWCC user charges
- Establishes or authorizes MWCC revenue-raising powers:
 - User Charges: charge for current use billed to local governments who in turn bill users (e.g., through water bill). 86% of 1985 revenue.
 - <u>SAC</u> (Service Availability Charge): a one-time "hook up" charge, for reserve capacity previously invested in the system to accommodate new buildings. 10% of 1985 revenue.
 - <u>Industrial Strength Charge</u>: a fee (required by federal law) for treating highly polluted industrial waste discharges

F. STORM WATER FINANCE

THE LEGISLATURE

• Authorizes <u>local funding</u> capability (In 1982, a new metro law authorized G.O. bonds, special taxing districts, and local ad valorem levies outside levy limits)

G. SOLID WASTE FINANCE

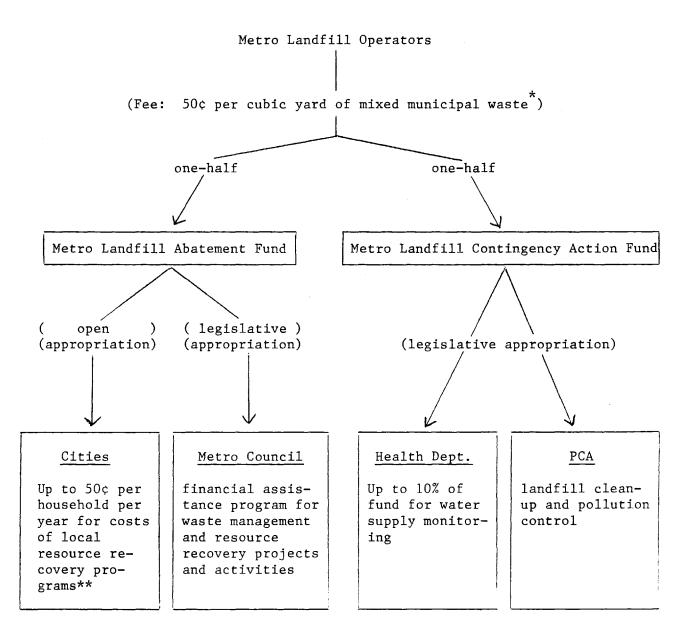
THE LEGISLATURE

- Provides state capital assistance to local governments for resource recovery facilities. The assistance programs are administered by:
 - Waste Management Board: \$8.8 million, from G.O. bonds
 - Minnesota Energy and Economic Development Authority
- Provides state <u>tax incentives</u> for resource recovery. E.g.,
 - Tax deduction of 10% of net cost of processing equipment for resource recovery facilities
 - Exemption from state sales tax for such processing equipment
- Authorizes metro G.O. bonds, (\$15 million) for new disposal facilities (repaid by a property tax levy allocated among counties by the Council)
- Authorizes local government bonding and general revenue raising powers
- Authorizes local governments, where there is a disposal facility, to levy local disposal fees on mixed municipal waste
 - Counties in the metro areas may levy up to 25¢ per cubic yard. Nonmetro county fees are unlimited. (The proceeds may be used only for local solid waste management.)
 - Cities and towns everywhere may levy up to 15c per cubic yard. (The proceeds may be used only to mitigate and compensate for adverse local effects of the facility.
- Establishes disposal-fee financing for landfill abatement in the metro area
 - 50¢ per cubic yard disposal fee
 - One-half of the proceeds are to be used for alternatives to landfills and one-half for responding to landfill pollution

The schematic flow chart on the following page displays the new disposal fee financing system created by 1984 law.

FIGURE 9:

SOLID WASTE FINANCE:
METROPOLITAN LANDFILL ABATEMENT ACT
(1984)



*Estimated proceeds: \$2-2.8 million per year.

Optional local fees: metro counties, up to 25¢, elsewhere unlimited (used for waste management); cities and towns, up to 15¢ (used for mitigation and compensation for adverse effects).

All fees must be reduced one-half for 85% volume reduction of waste through processing before disposal.

**Estimated maximum payout: \$.4 million per year.

H. PARKS AND OPEN SPACE

THE LEGISLATURE

- Authorizes metro G.O. bonds (\$39 million, issued from 1974-1977). This debt is repaid by a metro property tax, authorized by the Legislature, (currently less than .1 mill) and state capital assistance funds
- Provides state capital assistance, from state G.O. bonds and cigarette tax proceeds. For FY 1976-FY 1986 this assistance was:

\$ 87 million in capital grants funds \$ 26 million for metro debt service \$113 million total

I. SPORTS FACILITIES

THE LEGISLATURE

- Authorized <u>metro G.O.</u> bonds for stadium (\$55 million), repaid by operating revenues and revenues from a metro (later Minneapolis) hotel-motel and on-sale liquor tax
- First imposed metro hotel-motel-liquor tax; later authorized Minneapolis to levy the tax
- Required 10% admission (ticket) tax to stadium
- Authorized other MSFC revenues (rentals, seat sales, etc.)

METROPOLITAN FINANCE:

SOME LEGISLATIVE ISSUES

TRANSIT

Capital funding

Request for new bonding authority

Operating subsidy

Request for state operating subsidy (\$52 million, cut by Governor to \$35 million)

MVET

The dedication and allocation of MVET; the use of the funds; the administration of the funds

• <u>LRT</u>

Whether to construct and how to finance and govern a proposed Light Rail Transit system (39 miles in three legs; estimated cost, in 1984 dollars, \$364 million)

SEWERS

• CSO

Combined Sewer Overflow describes the discharge of untreated sewage into the Mississippi River, as a result of combined storm and sanitary sewers in parts of Minneapolis, St. Paul, and South St. Paul (estimate: 4.6 billion gallons annually). Federal pressure and a Wisconsin lawsuit have spurred a proposal to accelerate the separation of these sewers, at a cost of \$214 million, in 1984 Recent discussion has focused proposals for state assistance for part of this capital cost.

SOLID WASTE

• Resource recovery finance

Proposals to increase financial support for resource recovery facilities and other alternatives to land disposal, particularly a Met Council proposal for: (a) using metro bonds (now authorized only for landfills), and (b) borrowing general funds from the state to be paid back over several years from the metropolitan landfill abatement fund.

PARKS AND OPEN SPACE

• <u>Capital assistance</u>

Metro request for \$25 million in state bonding assistance for FY 1987 (in addition to the unused authorization of \$11.6 million through FY 1986)

• Funding

Metro proposal of state funding (preferably dedicated) to pay up to one-half of local costs of operating and maintaining regional parks, which are now about \$17-18 million per year

SPORTS FACILITIES

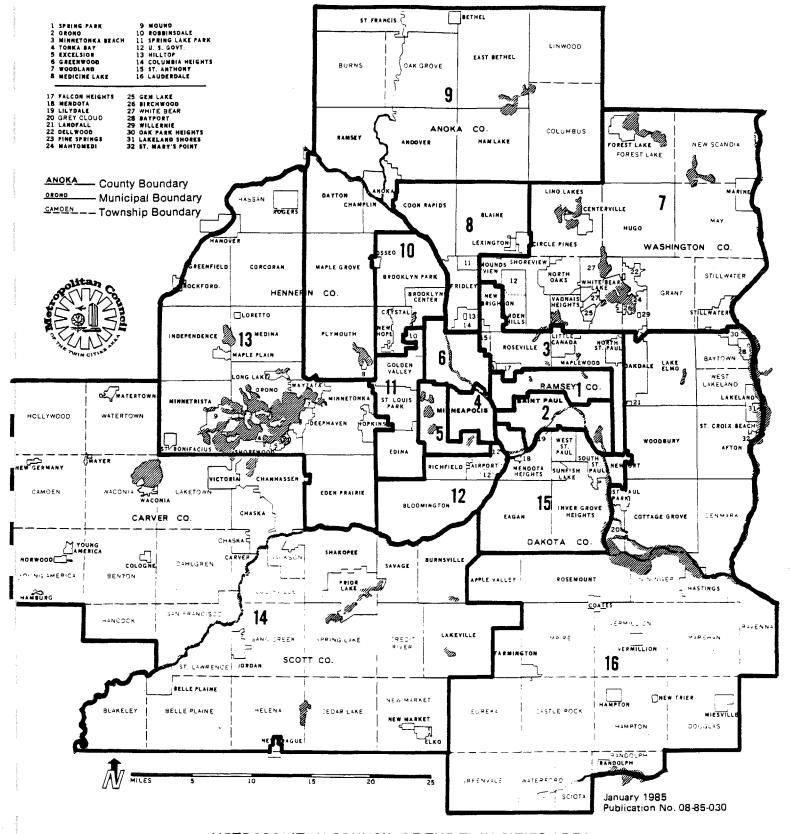
Speedskating rink

Recommendations from Met Council/MPOSC (requested by legislature) relating to finance, location, and governance for an olympic-sized speedskating rink

APPENDIX

METROPOLITAN DISTRICTS (Statutory)

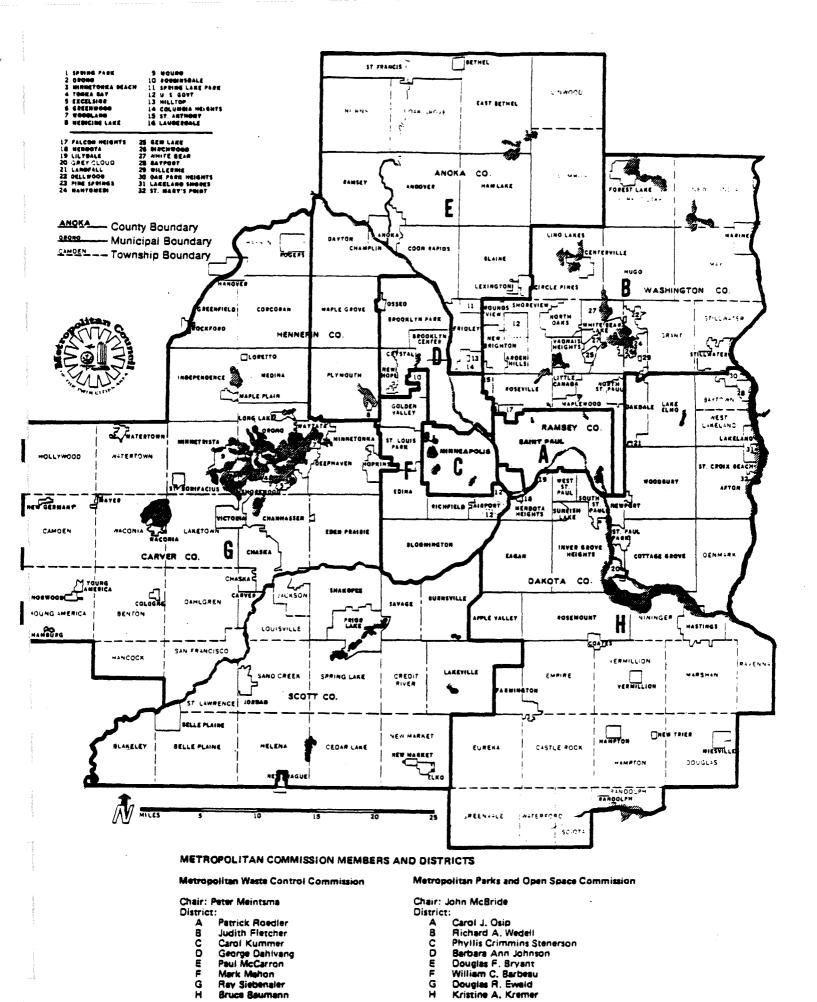
- Metropolitan Council
- Regional Transit Board
- Waste Control Commission Parks and Open Space Commission



METROPOLITAN COUNCIL OF THE TWIN CITIES AREA

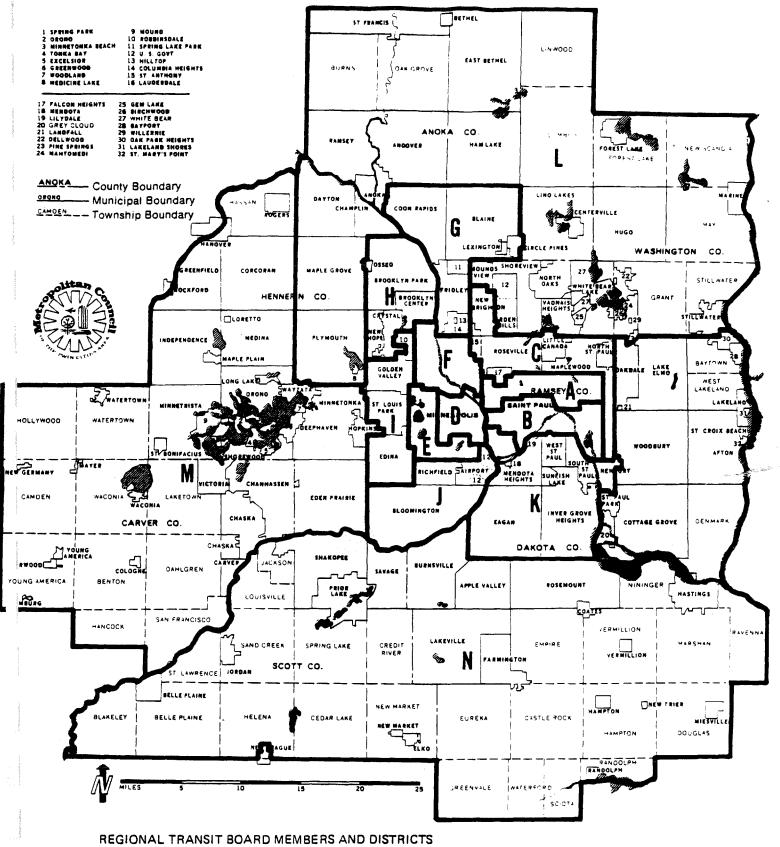
The Council members and their districts are as follows: Chair-Sandra S. Gardebring

- 1 Liz Anderson, St. Paul
- 2 Mike McLaughlin, St. Paul
- 3 Charles William Wiger, North St. Paul
- 4 Carol Flynn, Minneapolis
- 5 Leon F. Cook, Minneapolis
- 6 Joan Campbell, Minneapolis
- 7 Mary Hauser, Birchwood
- 8 Donald E. Stein, Coon Rapids
- 9 Josephine D. Nunn, Champlin
- 10 Philip C. Carruthers, Brooklyn Park
- 11 Dottie Rietow, St. Louis Park
- 12 Gertrude Ulrich, Richfield
- 13 Dirk deVries. Minnetonka
- 14 Raymond J. Joachim, Jordan
- 15 Mary K. Martin, West St. Paul
- 16 Patrick J. (Pat) Scully, Hastings



Note: The eight districts on this map are based on the 16 Metropolitan Council districts. Each commission district is comprised of two Council districts, as follows. District A, Districts 1-2; 8, 3-7; C, 4-5; D, 6-10; E, 8-9; F, 11-12; G, 13-14; H, 15-16.

Bruce Baumann



Chair: Elliott Perovich

District:

Α	Todd Lefko	F	Gail MarksJarvis	κ	Steve Loeding
8	Ruben Acosta	G	James Newland	· L	Ruth Franklin
С	Bernard Skrebes	Н	Margaret Snesrud	М	Paul Joyce
D	Doris Caranicas	ŀ	Alison Fuhr	N	Edward Kranz
Ε	Frank Snowden	J	Juanita Collins		

Note: All but two districts on this map are based on the 16 Metropolitan Council districts. Districts A through L correspond to Council districts, as follows: RTB District A - Council District 1; 8-2; C-3; D-4; E-5; F-6; G-8; H-10; I-11; J-12; K-15; L-7,9. RTB District M includes Council District 13 and all of Carver County; District N includes District 16 and all of Scott County.