

# **MINNESOTA**

## **GOVERNOR'S ADVISORY COUNCIL ON STATE-LOCAL RELATIONS**

**Annual Report**

**November 15, 1985**

Submitted to:  
Governor's Subcabinet on Local and Regional Affairs  
Sandra Gardebring, Chair

**FOR MORE INFORMATION CALL OR WRITE:**

**Tom Anzelc, Executive Director, ACSLR  
STATE PLANNING AGENCY  
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ST. PAUL, MN 55101  
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## ACKNOWLEDGMENTS

The Governor's Advisory Council on State-Local Relations wishes to acknowledge the support and assistance of many who helped make its first year a success. The League of Minnesota Cities, the Association of Minnesota Counties, The Minnesota School Boards Association, the Minnesota Association of Townships, and the Minnesota Association of Regional Commissions all graciously participated in the membership appointment process. In addition, they have given freely of staff support when asked by the Council. The State Planning Agency, as directed by the Governor's Executive Order, provided administrative services and staff support through the services of an executive director and other professional staff. The League of Minnesota Cities made its conference room available for four of the Council's five meetings.

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## MESSAGE FROM THE CHAIR

Since its first meeting only eight months ago, the Governor's Advisory Council has made great strides toward establishing a clear identity and sense of purpose. We are just coming to understand the major role the Council can and should play in helping policy-makers and administrators respond to an emerging new order in federal-state-local relations. The best possible sign for the success of the Council is the superior quality of members appointed to the Council by the local government and regional development commission associations. Those of us representing local governments commend Governor Perpich for creating the Council, and look forward to a productive exchange of ideas with our state government partners. The Council has taken on a number of important issues in its first year, but none is more important than the desire of local governments for a reduction in mandated controls. If we achieve nothing else in our first year, I hope we can bring a new level of awareness to the legislature and state agencies of the problems created by excessive state mandating. We are a Governor's Council, and therefore our first responsibility is to advise the Governor concerning state-local relations. However, as we move into our second year, I hope our work will be of such quality that others, including the legislature, state agencies and

our local governments will also listen to what we have to say. I am confident that, working together, we can shape innovative suggestions for a local-state partnership, with an eye toward streamlining service delivery and maximizing local control and accountability.

Paul McCarron, Chair

## ABOUT THE COUNCIL

### Creation of the Council

Governor Perpich issued Executive Order No. 85-1 on January 22, 1985, creating the Governor's Advisory Council on State-Local Relations. Creation of the Council followed a recommendation by an inter-agency Executive Branch issue team that there should be established in State Government an intergovernmental advisory group modeled after the U.S. Advisory Commission on Intergovernmental Relations. Similar intergovernmental advisory groups exist in 24 states.

### Purpose

The Council is charged with monitoring local government issues and state-local relationships, and advising the Governor on state-local affairs. The Council's principal functions include:

- consultation between state and local officials
- identification of emerging intergovernmental issues needing state attention
- issue analysis and development of policy recommendations
- brokerage of information on intergovernmental issues

### Membership

The original Executive Order establishing the Council provided for 18 members representing State and local gov-

ernment. In November, the Executive Order was amended to add the Commissioners of the State Departments of Revenue and Human Services, bringing the total to 20.

Nine members are appointed by local government associations and regional development commissions:

- 2 by League of Minnesota Cities
- 2 by Association of Minnesota Counties
- 2 by Minnesota Association of Townships
- 2 by Minnesota School Board Association
- 1 by Minnesota Association of Regional Commissions

The Executive Order designates seven Executive Branch members:

- Chairperson of the Metropolitan Council
- Commissioner of Finance
- Commissioner of Energy and Economic Development
- Commissioner of Education
- Commissioner of Revenue
- Commissioner of Human Services
- Director of State Planning

One Senator each is appointed by the Majority and Minority Leaders

One Representative each is appointed by the Speaker of the House and the Minority Leader.

## Organization

The Council's business is governed by a set of bylaws adopted by the Council at its Second Meeting in June, 1985.

A Chair and Vice-Chair are elected from among members appointed by the four local government associations. State executive and legislative branch members may not be elected officers. Officers serve two-year terms. The Chair and Vice-Chair must be chosen from different local government associations, and must be chosen in a manner such that a second officer may not be elected from any association until representatives from all four local associations have had an opportunity to serve.

The Executive Order establishing the Council requires the Council to meet at least four times a year, or more often as requested by the Governor.

The State Planning Agency provides staff support to the Council. A senior Planning Agency staff person is assigned by the Agency Director to serve as Executive Director to the Council.

The Council does much of its business through special committees. Study committees may include state and local officials who are not members of the Council. Official Council resolutions or policy recommendations require a simple majority vote of the Council for approval.

## 1985 WORK PROGRAM

At the Council's inaugural meeting, Governor Perpich urged the Council to set its own agenda, concentrating its attention on those issues it considers most critical to state-local relations in Minnesota.

A Work Program Committee was charged with identifying issues and proposing a work program for the Council's first year. **The committee recommended that the Council study six issues:**

- **State-local Fiscal and Service Relationships**
- **Impact of proposed Federal "Turnbacks" and Program Cuts**
- **Local Government Exposure to Tort Liability Claims**
- **Coordination of Local Land Use Planning**
- **Simplification of Rules and State Agency Procedures affecting Local Governments**
- **Problems Arising from Differences in State and Local Government Fiscal Years**

State Planning Agency staff prepared a brief statement discussing each issue and suggesting possible work strategies for the Council. At its second meeting in June, the Council accepted recommen-

dations from the work program committee and prioritized the issues.

- Tort Liability was given highest priority during the remainder of 1985.
- The issue of federal turnbacks and program cuts was combined with the question of state-local fiscal and service relationships. Work was scheduled to begin in 1985 and continue into 1986.
- Work on the Land use planning issue was scheduled to begin immediately, with completion in time for the 1987 legislative session.
- Consideration of problems arising from differences in state and local fiscal years was delayed until 1986.
- Simplification of rules was established as the Council's lowest priority for research.

## 1985 HIGHLIGHTS

The Governor's Advisory Council on State-Local Relations met five times in only eight months during its first year. The Council's most notable accomplishments in 1985 included:

- Adoption of By-laws
- Election of officers
- Development of work program
- Report and recommendations on tort liability
- Statement on state mandating

Highlights of the Council's five 1985 meetings:

March 5 — Governor Perpich greeted the new Council and discussed his expectations for the Council. Tom Triplett, Director of the State Planning Agency, announced that Tom Anzenc would serve as executive director to the Council. A by-laws committee and a work program committee were established.

June 26 — By-laws were adopted and officers were elected. Paul McCarron, representing the Association of Minnesota Counties, was elected Chair. Mary Anderson, representing the League of Minnesota Cities, was elected Vice-Chair. Work program priorities were established, and committee chairs were appointed for the tort liability and land use planning projects.

August 12 — Finance Commissioner Jay Kiedrowski briefed the Council on the state's budget situation, and discussed the likely impact of alternative national economic scenarios on Minnesota.

September 30 — The tort liability committee presented findings and preliminary recommendations to the Council. The Council approved plans to enlarge the land use planning committee to include other local government officials.

November 8 — The Council adopted recommendations for tort liability insurance reform and a statement urging restraint in state mandating.

During the year, the Council was represented at two national meetings of state-local government advisory councils from other states. The first, in Washington, D.C., was sponsored by the U.S. Advisory Commission on Intergovernmental Relations (ACIR). The second was sponsored by the New York Legislative Commission on State-Local Relations in Albany.

The Council also participated in a joint meeting of the Boards of Directors of the city, county and township associations on October 30.

In November, Chairman McCarron represented the Commission at a hearing on the local government tort liability issue sponsored by the U.S. ACIR in Chicago.

## POLICY STATEMENTS AND RECOMMENDATIONS

### State Mandating

At its November 8 meeting, the Council adopted the following Statement on state mandating. The Statement was transmitted to Governor Rudy Perpich together with a letter asking the Governor to urge state agencies and the Legislature to abide by the principles set forth in the Statement.

### Statement of Principles for Mandating

Nearly every activity in which local governments are engaged is regulated in some way by higher levels of government. This is probably inevitable in a complex modern world where many social and economic problems require cooperative intergovernmental action. However, many local officials believe that state and federal policies mandating local behavior impose unfair costs on local taxpayers and unnecessarily limit local discretion.

The Council recognizes that some mandates may be necessary, but finds them acceptable only when appropriate financial assistance is made available. However, the Council urges the Legislature and State agencies to subject all proposals for new mandates to careful scrutiny, and enact only those mandates that pass all tests of desirability and necessity.

For purposes of this statement, the Council accepts the definition of mandates used in Laws of Minnesota, 1985, First Special Session, Chapter 10 Minnesota Statutes, Chapter 3.981, subd. 51:

A "mandate" means a requirement which applies to a local agency or school district and which, if not complied with, results in civil liability, criminal penalty, substantial economic sanction such as loss of funding, or severe administrative sanctions such as closure or nonlicensure of a facility or program.

The breadth of this definition underscores the fact that numerous state government actions, whether or not thought of as mandates by the responsible decision-makers, negatively effect local governments. The Council believes that local governments are willing to shoulder duties reasonably imposed, but strongly believes that local governments require and deserve maximum discretion to deal with local matters as local needs and conditions dictate. **For this reason, the Council urges the Legislature, state agencies, and their staffs, to ask the following questions before initiating legislation, rules or other requirements affecting local governments:**

1. Is a formal mandate really necessary to achieve the intended goal? Would a program of positive financial incentives work as well as a legal mandate, or could the goal be mostly obtained through voluntary action by local governments?

2. Who will benefit from the performance of the mandate? Can the cost of performing the mandate be collected from those who benefit? Do local governments have necessary authority to recover costs?

3. Is there research available concerning the effectiveness of the activity being mandated? Has the activity been piloted?

4. Have both short-term and long-term effects and costs been considered? Are unintended consequences likely? How easily can the mandate be reversed in the event unintended consequences occur or the mandate fails to achieve its intended purpose?

5. Does the mandate prescribe performance outputs or inputs? If inputs, or processes, are mandated, do they preclude other equally effective approaches that might be more effective or agreeable to some local units? Would the mandate discourage innovation?

6. Is a uniform state-wide mandate really necessary? Can some categories of local units be exempted without sacrificing the basic intent of the mandate?

7. Have the affected local governments been consulted? Do local governments or their representative statewide membership associations (League of Minnesota Cities, Association of Minnesota Counties, Minnesota Association of Townships, and Minnesota School Boards Association) support both the ends and means of the mandate?

8. If the mandate is determined to be necessary, does the rule or law imposing it provide adequate time for the local government to plan for implementation of the mandate? Is the implementation schedule for the mandate compatible with local government budget cycles?

The Council respectfully requests that the Governor, state agency heads and legislative committee chairmen use their full authority to implement Minnesota Statutes, Chapter 3.982, which requires preparation of fiscal notes for proposed mandates. The Council also requests that fiscal notes prepared under Chapter 3.982 be made available to the Council for informational purposes. Furthermore, the Council urges the Legislature and the Executive Branch to periodically review existing mandates to determine if they are still necessary.

The Council urges legislators and state agency officials to refrain from enacting mandates with significant costs to local governments unless reasonable means exist for local cost recovery.

#### **Tort Liability**

The tort liability study committee submitted its report, including a series of nine recommendations, for Council approval at the November 8 meeting.

The Council concluded that the tort liability crisis is the result of two converging trends: an explosion in liability suits and a fiscal crisis in the insurance industry. Liability suits have increased in volume as protection of the theory of sovereign immunity has been withdrawn from local governments. In an increasingly litigious society, individuals show no more hesitation to

sue governments than they do a business or another individual. In fact, governments are often sued precisely because they, like businesses, are viewed as a deep pocket capable of paying out large amounts for damages.

The tort liability crisis for local governments is accentuated by the fiscal condition of the insurance industry. After many states deregulated insurance rate-setting in the late 1970's, the competitive scramble among insurance companies led to lower premiums for many kinds of policies. In some cases, premiums were set below levels which safe underwriting practices would dictate. The assumption of higher risks and higher claims costs were acceptable to insurers so long as premiums could be invested at inflation-driven high yields. However, when interest rates fell, the escalating volume of claims made it necessary to sharply raise premium rates.

The difficulty for local governments has arisen from the size of the increases and the decision of some insurers to not offer general liability coverage. One would expect local governments to pay more for insurance if their liability exposure increased. However, many local governments have been quoted three- to six-fold rate increases during the past year. In other cases, policies have been cancelled or insurers have offered policies with coverage exclusions or not even offered bids.

Minnesota local governments are subject to many forms of liability imposed by federal statutes and caselaw. For example, local governments are subject to Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Sherman Antitrust Act, the Fair Labor Standards Act, the Racketeer Influenced and Corrupt Organizations Act, and the civil rights provisions of Section 1983 of Title 42 of the U. S. Code. However, the Council's recommendations are limited to those kinds of liability imposed by state statutes and caselaw and broadly subsumed under the category of "tort."

#### Recommendations

**1. THE PRESENT LEGISLATIVE SCHEME OF "CAPING" LOCAL GOVERNMENT LIABILITY IS A PROPER MECHANISM FOR COMPENSATING INJURED PARTIES, WHILE AT THE SAME TIME PROTECTING LOCAL UNITS, AND SHOULD BE MAINTAINED. THE DOLLAR "CAPS" IN CURRENT LEGISLATION ARE ADEQUATE AND SHOULD BE MAINTAINED.**

Discussion: When the Minnesota Supreme Court struck down the doctrine of sovereign immunity as it applied to local governments (*Spanel vs. Mounds View School District*, 1962), it invited the legislature to devise a scheme for regulating local government tort liability. Minnesota Statutes Chapter 466, enacted in 1963, limited the general tort

liability of local governments to \$100,000 per person and \$300,000 for any number of claims arising out of a single occurrence. In 1983, the caps were doubled to \$200,000 per person and \$600,000 for single occurrences. Liability caps are used by most states as a means of providing a limited universe of risks against which local governments can budget, while at the same time protecting the right of injured parties to compensation. Minnesota's liability caps are among the highest in the nation. Raising or eliminating the caps would make it more difficult for local governments to purchase insurance.

**2. THE LANGUAGE IN MINNESOTA STATUTES, CHAPTER 466 SHOULD BE HARMONIZED WITH THE LANGUAGE IN MINNESOTA STATUTES, CHAPTER 3.736 (THE STATE TORT CLAIMS ACT) TO AVOID EQUAL PROTECTION PROBLEMS.**

Discussion: The State Tort Claims Act provides more generous exclusions than does Chapter 466. Chapter 3.736, subd. 3 exempts the state and its employees from liability for several kinds of losses which the Council felt local governments are equally deserving of protection against. These include losses caused by pain and suffering, losses of benefits or compensation due under welfare and public assistance programs, and losses based on care in correctional programs. In addition, the notice of claims

provisions in the two statutes are different, and have been attacked by the courts on equal protection grounds.

**3. THE EXCLUSIONS IN CHAPTER 466 AND CHAPTER 3 FOR SNOW AND ICE SHOULD BE EXPANDED TO EXCLUDE LIABILITY FOR NATURALLY OCCURRING SNOW AND ICE CONDITIONS AND PUBLIC SAFETY FUNCTIONS.**

Discussion: Chapter 466 exempts local governments from claims based on snow or ice conditions, except when the condition is affirmatively caused by negligent acts of the local government. Chapter 3 contains a similar exemption for the State. Recent court cases have narrowed the exclusion for claims based on snow and ice under discretionary analysis. An exclusion for public safety functions would give local governments more discretion in deployment of maintenance personnel and equipment so long as the personnel were acting within the scope of their employment.

**4. THE STATE SHOULD STATUTORILY INDEMNIFY LOCAL GOVERNMENTS AGAINST LIABILITY WHEN ACTING IN AN AGENCY CAPACITY.**

Discussion: Local governments often act as administrative agents for the State (for example, inspections and investigations for state licensure). Indemnification would

protect local governments from claims resulting from actions required by state law.

**5. CHAPTER 466 SHOULD BE AMENDED TO PROVIDE THAT LOCAL GOVERNMENTS FOUND LIABLE UNDER THE DOCTRINE OF JOINT AND SEVERAL LIABILITY ONLY BE REQUIRED TO PAY DAMAGES IN PROPORTION TO THE PERCENTAGE THEY ARE FOUND TO BE LIABLE.**

Discussion: Under the doctrine of joint and several liability, if any party of several found to be responsible for the plaintiff's injuries can not pay the judgment, the party or parties which can pay become liable for the entire judgement. This doctrine has had the effect of local governments often being treated as "deep pockets" when other co-defendants cannot pay. Limiting liability to the local government's share of responsibility would make local governments more insurable. Deficiency judgments could conceivably be paid through some sort of statewide pooled fund.

**6. AS A MEANS OF CONTAINING ESCALATING INSURANCE COSTS, INSURERS AND LOCAL UNITS ARE ENCOURAGED TO PILOT OPTIONS FOR DISPUTE RESOLUTION FOR THE SETTLEMENT OF CLAIMS.**

Discussion: A voluntary mediated insurance claim settlement procedure might reduce

court cases and reduce expenses for all parties. Such a procedure could be established on a pilot basis, perhaps by one of Minnesota's local government associations as part of its self-insurance pool.

**7. MINNESOTA STATUTES CHAPTER 466 SHOULD BE AMENDED TO PROVIDE THAT LOCAL GOVERNMENTS ARE NOT LIABLE FOR PUNITIVE DAMAGES ASSESSED AS PART OF JUDGEMENTS AGAINST GOVERNMENT EMPLOYEES.**

Discussion: Section 466.04, subd. 1 provides that no awards for damages against local governments can include punitive damages. However, judgments against governmental employees may include punitive damages, and the local government is obligated to pay them under Section 466.07, subd. 1a. This recommendation is based on the Council's belief that, while the purpose of punitive damages is to punish and deter tortious conduct, it is unreasonable to punish a governmental entity and in effect deter it from providing governmental services.

**8. MINNESOTA STATUTES CHAPTER 471 SHOULD BE AMENDED TO CLARIFY THAT LOCAL GOVERNMENT SELF-INSURANCE POOLS ARE EXEMPT FROM STATE REGULATION.**

Discussion: Minnesota Statutes Sections 471.981-471.982 authorize local governments to self-insure against property, motor vehicle and general liability claims. The League of Minnesota Cities, the Association of Minnesota Counties and the Minnesota School Board Association operate self-insurance pools for their members. Section 471.982, subd. 3 states that these insurance pools are exempt from the regulatory provisions of Section 471.982. However, the Association of Minnesota Counties has received an informal legal opinion through the Department of Commerce that only the property liability portion of the Association's insurance pool is exempt from regulation by the Department. The automobile no-fault portion of the Association's plan, however, was found to be subject to the statutory requirements of Minnesota Statutes, Chapter 65B relating to the responsibilities of no-fault reparation obligors. The recommendation is based on the Council's belief that the association pools are financially safe and actuarially sound, and that compliance with Chapter 65B would impose unnecessary administrative burdens and expenses.

**9. MINNESOTA STATUTES, CHAPTERS 3 AND 466 SHOULD BE AMENDED TO INCLUDE A DEFINITION OF "TORT".**

Discussion: Many states define tort in their statutes. However, the lack of a definition poses some problems under Minnesota statutes. The absence of a statutory definition may make state and local governments vulnerable to increased liability if the courts create new torts or expand the bounds of existing ones. For example, Minnesota Statutes, Section 13.08 creates a civil remedy for violations of the Data Practices Act. However, it is not clear if damages awarded under the Data Privacy Act are subject to the limitations in Chapters 3 or 466. A carefully crafted definition of tort would remove considerable ambiguity in the law.

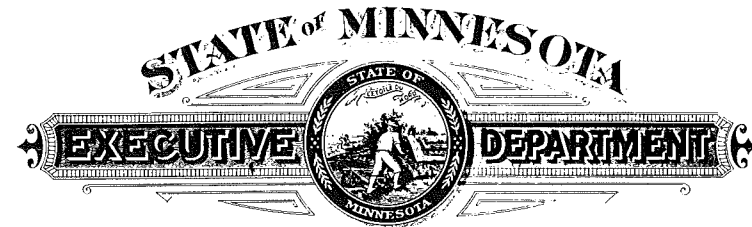


APPENDICES

I. Executive Order

II. By-laws

III. Membership Roster



EXECUTIVE ORDER NO. 85-16

AMENDING EXECUTIVE ORDER NO. 85-1  
PROVIDING FOR THE ESTABLISHMENT  
OF THE GOVERNOR'S ADVISORY COUNCIL  
ON STATE-LOCAL RELATIONS

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

Whereas, Executive Order No. 85-1 was issued on January 22, 1985, providing for the establishment of the Governor's Council on State-Local Relations (ACSLR); and

Whereas, it is necessary to amend Executive Order No. 85-1 by amending a clause;

NOW, THEREFORE, I hereby order that:

2. The Council shall be composed of the following:

- a. Two members appointed by the League of Minnesota Cities,
- b. Two members appointed by the Association of Minnesota Counties,

- c. Two members appointed by the Minnesota Association of Townships,
- d. Two members appointed by the Minnesota School Board Association,
- e. One member appointed by the Minnesota Association of Regional Commissions,
- f. The Commissioner of the Department of Energy and Economic Development,
- g. The Commissioner of the Department of Finance,
- h. The Commissioner of the Department of Education,
- i. The Director of the State Planning Agency,
- j. The Chairman of the Metropolitan Council,
- k. The Commissioner of the Department of Revenue, and
- l. The Commissioner of the Department of Human Services.


The Speaker and the Minority Leader of the House of Representatives are each invited to appoint one Representative to the Council. The Majority Leader and the Minority Leader of the Senate are also each invited to appoint one Senator to the Council.

In the event that an agency or department head who is a member of the Council is unable to attend a scheduled meeting, he or she shall designate a deputy or an assistant to represent the department or agency.

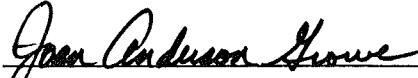
The Council shall elect a chairperson from among its membership, and adopt by-laws governing its operation.

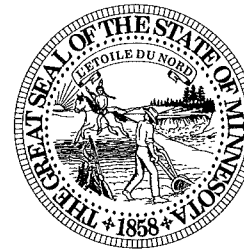
Pursuant to Minnesota Statutes, Section 4.035, this Order shall be effective fifteen (15) days after publication in the State Register and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF I have set my hand this 19th day of November, 1985.

  
RUDY PERPICH  
Governor

Filed According to Law:

  
JOAN ANDERSON GROWE  
Secretary of State



**BY-LAWS  
GOVERNOR'S  
ADVISORY COUNCIL ON  
STATE-LOCAL RELATIONS**

**Section 1 AUTHORIZATION**

The Governor's Advisory Council on State-Local Relations is established by Executive Order 85-1 dated January 22, 1985.

**Section 2 PURPOSES**

The purpose of the Council is to monitor local government issues and state-local relations, and to advise the Governor and Legislature on state-local affairs.

**Section 3 DUTIES**

The Council shall monitor local government affairs and state-local relationships, identify issues needing attention by the State, and make policy recommendations to the Governor and Legislature. These responsibilities shall be met through the following activities:

- a. informal hearings and surveys to solicit local government attitudes on state-local issues,
- b. review of and comment on proposals submitted to the Council for review by the Governor,
- c. review of special research reports and issue papers on local government issues prepared by state agencies and departments, and

d. development and adoption of policy recommendations on specific issues.

**Section 4 MEMBERSHIP**

- A. Eighteen members with full voting rights shall be appointed by the authorities indicated in Executive Order 85-1. Written notice of appointments shall be provided by the appointing agency to the Director of the State Planning Agency.
- B. Terms of membership shall be at the discretion of each of the appointing authorities. Vacancies created for any reason shall be filled within 60 days by the appointing authority responsible for the vacated membership position.

**Section 5 OFFICERS**

- A. At the first meeting after January 1 of odd-numbered years, the Council shall elect a chairperson and a vice-chairperson for two-year terms from among members appointed by:
  1. The League of Minnesota Cities,
  2. The Association of Minnesota Counties,
  3. The Minnesota Association of Townships, and
  4. The Minnesota School Board Association.

- B. The chairperson and vice-chairperson shall not be drawn from members appointed by the same appointing authority.
- C. The chairperson and vice-chairperson shall be elected in such manner that a second member from any eligible appointing authority in (A) shall not be elected until there has been an opportunity for an officer to be elected from each of the eligible appointing authorities in (A).
- D. The vice-chairperson shall become chairperson upon the end of the chairperson's term, or if the office of chairperson is vacated for any other reason.

**Section 6 MEETINGS**

- A. The Council shall meet at least four times each year. At its first meeting after January 1 of each year, the Council shall adopt a meeting schedule for the following 12-month period.
- B. Additional meetings may be called by the chairperson, at the request of a majority of the membership, or by an approved motion at a meeting of the Council.
- C. Written notice of meeting time and location shall be mailed to members 30 days prior to a scheduled meeting.

- D. Items of business may be placed on the agenda for a future meeting by the chairperson, or by an approved motion or, between scheduled meetings, by request of three members to the chairperson.
- E. Conduct of proceedings shall be in accordance with Robert's Rules of Order, revised, except as otherwise provided in these bylaws or by state law.
- F. An executive director, or other staff person assigned to the Council by the Director of the State Planning Agency for that purpose, shall act as secretary to the Council. Said person shall keep minutes of proceedings, prepare meeting notices, and prepare meeting agendas in consultation with the chairperson.
- G. A simple majority of the voting membership shall constitute a quorum.
- H. Motions must receive an affirmative vote from a majority of a quorum for approval.
- I. Motions do not require a second for consideration.
- J. The chairperson, or vice-chairperson acting in the absence of the chairperson, may make motions and is accorded full rights and privileges of members, including voting.

K. Only members or their designated alternatives may vote. Alternates are afforded voting privileges only if the member notifies the chairperson of the identity of the alternate.

#### Section 7 COMMITTEES

Committees may be appointed by the Council to advise the Council in the conduct of its business. Committees may include persons other than members of the Council.

#### Section 8 OFFICIAL POLICY RECOMMENDATIONS

Resolutions expressing policy positions or recommendations of the Council must be approved by simple majority vote of the full Council membership.

#### Section 9 AMENDMENTS

These bylaws may be amended by a motion approved by at least two-thirds of the full Council membership. Written notice of proposed amendments must be made to all members at least 30 days before the meeting at which the amendment is to be considered.

#### Section 10 TIME OF TAKING EFFECT

These bylaws shall take effect when approved by at least two-thirds of the members present and voting at a meeting of the Council.

### GOVERNOR'S ADVISORY COUNCIL ON STATE-LOCAL RELATIONS

#### Membership

Officers  
(elected June 26, 1985):

Paul McCarron, Chairman

Mary Anderson, Vice-chair

Appointed by League of Minnesota Cities:

Mary Anderson\*, Mayor,  
City of Golden Valley  
Susan Edel,  
Council-member,  
City of Winona

Appointed by Association of Minnesota Counties:

Frank Hansen,  
Commissioner,  
Cook County  
Paul McCarron\*\*,  
Commissioner,  
Anoka County

Appointed by Minnesota Association of Townships:

David Fricke,  
Executive Director,  
Minnesota Association  
of Townships  
Henry Schumann,  
Clerk,  
High Forest Township  
(Olmsted County)

Appointed by Minnesota Association of Regional Commissions:

Johnny Larson,  
Upper Minnesota Valley (6W)  
Regional Development Commission

Appointed by Speaker of the House of Representatives:

Representative John Burger,  
Long Lake (Dist. 43A)

Appointed by House Minority Leader:

Representative  
Glen Anderson,  
Bellingham (Dist. 20A)

Appointed by Senate Majority Leader:

Senator Michael Freeman,  
Richfield (Dist. 40)

Appointed by Senate Minority Leader:

Senator Phyllis McQuaid,  
St. Louis Park (Dist. 44)

Designated by Executive Order:

Lani Kawamura, Director,  
State Planning Agency

Jay Kiedrowski,  
Commissioner,  
Department of Finance

Mark Dayton,  
Commissioner,  
Department of  
Energy and Economic  
Development

Ruth Randall, Commissioner,  
Department of Education

Sandra Gardebring, Chair,  
Metropolitan Council

\*Leonard Levine,  
Commissioner, Department  
of Human Services

\*Tom Triplett,  
Commissioner,  
Department of Revenue

\* Added by Amendment to  
Executive Order, November 1,  
1985.