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GOVERNOR'S ADVISORY COUNCIL ON STATE-LOCAL RELATIONS



1986

ANNUAL REPORT



STATE OF MINNESOTA

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Pursuant to Executive Order #85-1

MINNESOTA

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

1986 ANNUAL REPORT

Submitted to:

**Governor's Subcabinet on Local and Regional Affairs
Steve Keefe, Chair**

For More Information Call or Write:

**Governor's Advisory Council on State-Local Relations
Minnesota State Planning Agency
550 Cedar St., St. Paul, MN 55101
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ACKNOWLEDGMENTS

The Governor's Advisory Council on State-Local Relations wishes to acknowledge the many who have supported and assisted the Council in its second year. Foremost among these are the League of Minnesota Cities, the Association of Minnesota Counties, the Minnesota Association of Townships, the Minnesota School Boards Association and the Minnesota Association of Regional Commissions. Through their appointments of members, these associations have assured a high level of competence and dedication on the Council. They have also 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 professional staff support for the Council's analysis of intergovernmental issues. Thanks are extended to the Minnesota Department of Revenue for its cooperation in the Council's review of tax reform proposals.

Special thanks are extended to the League of Minnesota Cities, which made its conference room available for Council meetings.

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MESSAGE FROM THE CHAIR

This Annual Report marks the completion of the Advisory Council's second year. It is well on its way to becoming a recognized forum for discussion of local government concerns and a source of well reasoned recommendations.

The Council has created an opportunity for cities, townships, counties, school districts and regional commissions to work together for solutions to common problems. An outstanding example is the Council's continuing work toward land use legislation reform. During the next year, the Council will finalize a set of recommendations for changes in legislation effecting local land use planning and regulation. Another example is the use of the Council as a common forum for reviewing and commenting on the impact of proposed tax reform measures on local governments.

As I finish my two-year term as Chairman of the Council, I want to express my thanks to all those who have supported the Council. Special thanks go to my fellow members, who have given generously of their time and talents. I am especially grateful for the interest shown by our four members from the Legislature.

I also want to issue a challenge to all who care about local governments to take advantage of the Council's existence. The Council is the one place where the different local governments, state agencies, and legislators can meet to discuss common concerns away from the heat of the legislative arena. I strongly urge local officials to bring their concerns to the Council. State agencies should be urged to use the Council as a sounding board for programs affecting local governments. And, if the Council does its job well, the Governor and Legislature will come to look to the Council as a reliable source of good advice.

Paul McCarron
Chair

ABOUT THE COUNCIL

Creation

The Governor's Advisory Council on State-Local Relations was created pursuant to Executive Order 85-1 issued by Governor Rudy Perpich in January, 1985. The portion of the Order dealing with membership was amended by Executive Order 85-16 in November, 1985.

Purpose

The Council is charged with monitoring local government issues and state-local relationships, and with 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, and
- brokerage of information on intergovernmental issues.

Membership

The Council has 20 members representing local governments and the legislative and executive branches of state government.

Nine members are appointed by statewide local government associations:

two by the League of Minnesota Cities,

two by the Association of Minnesota Counties,

two by the Minnesota Association of Townships

two by the Minnesota School Boards Association, and

one by the Minnesota Association of Regional Commissions.

The Chair of the Metropolitan Council is a member by executive order designation.

Six members from the executive branch of state government are designated by executive order:

Commissioner of Revenue

Commissioner of Finance

Commissioner of Energy and Economic Development

Commissioner of Education

Commissioner of Human Services

Director of State Planning

Four members are appointed by legislative leaders:

one by the Senate Majority Leader

one by the Senate Minority Leader

one by the Speaker of the House

one by the House Minority Leader

Organization

The Council's business is governed by a set of by laws adopted by the Council.

A Chairperson and Vice-chairperson are elected from among members appointed by the League of Minnesota Cities, the Association of Minnesota Counties, the Minnesota Association of Townships and the Minnesota School Boards Association. Officers serve two year terms.

The Chairperson and Vice-chairperson cannot be appointees of the same local government association, and must be chosen in a manner such that a second officer may not be elected from among the appointees of any one association until representatives from all four eligible associations have had an opportunity to serve.

The Council is required by the Executive Order 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.

The Council does much of its business through special committees. Study committees may include state and local officials from outside the Council.

Official Council resolutions or recommendations to the Governor are adopted by simple majority vote of the Council.

COUNCIL ACTIVITIES IN 1986

The Council met six times in 1986, and dealt with a broad range of issues. Among the highlights of the Council's year were:

- legislative approval of a bill incorporating several of the Council's 1985 recommendations for tort liability reform,
- passage of additional recommendations on tort liability reform,
- review and comment on proposals for tax reform, and
- major progress toward draft legislation to "clean up" statutes governing local government land use powers.

Meeting Highlights

January 17 — Commissioner of Revenue and Council member Tom Triplett invited the Council to advise the Department of Revenue on property tax and state aid reform. The Council directed its State-Local Fiscal and Service Relationships Committee to initiate discussions with the Department.

February 21 — Chair Paul McCarron and Vice-chair Mary Anderson reported that Governor Perpich was receptive to the Council's position on state mandates and that he had agreed to send a memorandum to all state agencies supporting the Council's position (see 1985 Annual Report).

April 18 — Chairperson McCarron reported that most of the Council's 1985 recommendations on tort liability reform were adopted by the 1986 Legislature. A technical advisory group was established to monitor welfare reform on the Council's

behalf. The Council heard a report on the proposed Gramm-Rudman federal budget reduction law, and discussed its ramifications for local governments.

May 30 — The Council heard a presentation of the state's jobs program from the Director of the Office of Opportunity and Full Productivity. Director of State Planning and Council member Lani Kawamura briefed the Council of the Administration's issue management process. Department of Revenue officials discussed the Administration's tax reform goals. State Planning Agency staff presented an analysis of special service district legislation.

August 8 — The Council approved a policy statement supporting tax simplification and increased local accountability. The Council also declared its desire to review and comment on proposals developed by the Department of Revenue. It said tax reform should be evaluated not only on the basis of its impact on individual taxpayers, but also on its impact on the state and local governments.

November 14 — The Council reviewed a preliminary study report of the Land Use Legislation Committee, and authorized the Committee to continue its work toward development of legislation for the 1988 legislative session. The Council recommended that the Legislature clarify its intent concerning the waiver of tort liability caps when local governments participate in self-insurance pools. (This recommendation was superseded by a recommendation passed December 9).

December 9 — The Council passed additional tort liability insurance recommendations, calling for elimination

of the concept of joint liability except in certain circumstances, preservation of the ability of local governments to participate in self-insurance pools without waiving liability exceptions or liabilities, and retention of the concept of limited exposure and monetary liability limits. The Council also acted to support simplification of the property tax classification system, broadening of the sales tax base, creation of a targeted state budget preserve, and an educational program to improve taxpayer understanding of the role of state aids and property tax credits in financing local services.

Land Use Legislation Study

The largest policy development project of the Council in its first two years has been a study of legislation governing city, county and township land use planning and regulation. The project, which was authorized in 1985, will be completed during 1987 in time for recommendations to be made to the Governor prior to the 1988 legislative session.

The study has been managed by State Planning Agency staff under the oversight of a Land Use Legislation Study Committee appointed by the Council. The Committee includes two elected officials each from cities, counties, and townships, a representative each from the statewide city, county and township associations, one regional development commission member, a legislator and staff from the House and Senate Local Government Committees.

A separate Technical Advisory Group was established to do technical research and

development recommendations for consideration by the Committee.

The study was motivated by the Council's belief that many years of incremental, piecemeal changes to the city, county and township planning enabling statutes had resulted in undesirable confusion and conflict over the respective roles of cities, counties and townships in land use control.

A preliminary Committee report (*Land Use Legislation Study, Report One: Background, Methodology and Problems, November, 1986*) identified a series of problem areas to be addressed in land use legislation reform. Although the Council has not taken a position on specific recommendations, the Committee's statement of problems is summarized here to indicate the status of the Committee's work.

Comprehensive Plans — Comprehensive plans are not clearly defined in present law. It is not clear whether comprehensive plans must be adopted prior to adoption of land use controls such as subdivision and zoning ordinances.

zoning regulations — There is confusion about the proper relationship between comprehensive plans and zoning ordinances.

subdivision regulations — The county planning law provides little guidance concerning terms, platting, and other procedures. Some cities would like authority to use required payments from developers for development as well as land acquisition.

planning commissions — It is not clear if establishment of commissions are necessary for adoption of plans and controls. Requirements for membership terms and dissolution are inconsistent in city and county statutes.

extraterritorial authority — Authority for cities to extend subdivision controls beyond their corporate limits is inconsistent with similar authority to extend zoning control. Cities, counties and townships disagree about who should have land use control powers in urban fringe areas.

Boards of Adjustment — Cities are allowed to include city council members or planning commissioners on boards of appeals or adjustment. This may create conflict of interest problems. In addition, many feel that boards do not keep adequate records of their proceedings.

Variances — The law does not clearly define the term "variance. Moreover, city and county statutes define the concept of "undue hardship" differently. Many feel the definitions are unnecessarily strict.

Public Hearings — Provisions concerning public hearings are scattered throughout the statutes and are hard to follow. In addition, requirements for counties and cities are unnecessarily different. Notification requirements may not adequately protect subdivisions immediately outside corporate limits.

Joint Planning Boards — Joint city-county-township planning boards, authorized in 1982, have not worked as intended.

POLICY STATEMENTS AND RECOMMENDATIONS

Action on 1985 Recommendations

Mandates — As a result of a meeting with the Council's Chair and Vice-chair, the Governor agreed in February to send a memorandum to all state agency heads urging them to adopt the principles for mandating outlined in the Council's 1985 "Statement of Principles for Mandating." The memorandum, which was sent to agency heads on February 28, asked state departments and agencies to refrain from imposing significant costs on local governments unless reasonable means exist for local cost recovery.

Tort Liability — The 1986 Legislature passed legislation incorporating most of the Council's 1985 recommendations for tort liability reform. Measures in the legislation incorporating Council positions included:

- expanded liability exclusions for local government, bringing local government exposure more in line with State government exposure,
- Immunity for snow or ice conditions on public sidewalks not abutting public buildings or parking lots,
- indemnification for local employees acting within the scope of their duties as agents of the State,
- limitations on local government exposure to the doctrine of joint and several liability,
- prohibition of local government payment of punitive damages of local employees, and

- exemption of the no-fault portion of self-insurance pools from state regulation.

Tort Liability Recommendations

At its December 9 meeting, the Council adopted a series of recommendations concerning tort liability exposure of local governments.

The Council recommends that the Legislature amend existing statutes concerning civil or tort liability and insurance as follows:

1. *Eliminate punitive damages as an element of damages in civil lawsuits or, as an alternative, substantially restrict the circumstances in which they may be granted. If punitive damages are not eliminated, local governments should be allowed discretion to indemnify for damages arising within the scope of employment when the employee has not acted maliciously and willfully to injure the individual. The size of the award should be limited and be levied by the judge rather than the jury. Damages should be payable to the State, not the plaintiff.*

Historically, courts have levied punitive damages to punish defendants for harm to plaintiffs stemming from the defendant's egregious conduct. As the pleading of punitive damages has become commonplace, insurance protection for personal liability has become increasingly expensive.

In an attempt to reduce the number of frivolous claims for punitive damages, the 1986 Legislature provided that a claim for

punitive damages can be included in a complaint only after the judge has determined that there is *prima facie* evidence supporting the claim.

The Council believes the 1986 legislation does not eliminate all the inherent difficulties with punitive damages. Punitive damages may still be levied by a jury which, though well-intentioned, may misapply the vague legal standard and award punitive damages in an amount far exceeding criminal fines for felonies.

The Council's recommendation to eliminate punitive damages in civil cases is based on a belief that egregious conduct should be addressed by the criminal justice system rather than by the civil justice system. Short of total elimination, imposition of a stricter standard of willful and malicious intent to injure or damage an individual would reduce the number of awards.

The current standard only requires willful indifference to the rights or safety of others. If stricter standards are not adopted, the Council believes governmental units should be given authority to indemnify an employee who acts in good faith and within the course and scope of his or her employment. Governmental units should not be permitted to make a blanket agreement to indemnify or insure against all punitive damages.

Because the purpose of punitive damages is not to compensate victims, but to punish defendants and deter future damaging behavior, the Council believes it makes more sense for punitive damages to be paid to the State, not the plaintiff. The State Legislature would specify an appropriate use for such funds.

2. Eliminate the concept of joint liability except in limited situations involving concerted action of negligent parties.

The doctrine of joint and several liability provides that, should any defendant found responsible for a plaintiff's injury be unable to pay a judgement, defendants who can pay are obligated to pay all damages. As the number and size of liability suits has grown, governments have been increasingly named as co-defendants because of their "deep pockets."

The 1986 Legislature limited the exposure of governmental units to the doctrine of joint and several liability by providing that, when governmental units are found to be less than 35 percent at fault, their liability is limited to no more than twice their percentage of fault.

In lobbying for this protection, local governments presented actual cases in which governmental units had been severely affected by the application of joint and several liability. However, because this protection is provided only to governments, there is some concern that it could be found unconstitutional for failing to provide equal protection under the law.

Elimination of joint and several liability, except in cases where defendants act together to cause injury, would resolve any constitutional questions. Extension of the 1986 protections to all nongovernmental defendants would accomplish the same, while preserving the basic doctrine.

3. Ensure that a governmental unit is not deemed to have waived liability exceptions or limitations by virtue of participation in a self-insurance pool. Immunities should not be deemed waived

except by express language in the insurance coverage document.

After the courts struck down the extension of sovereign immunity to local governments, the 1983 Legislature limited government liability to \$200,000 per victim and an aggregate of \$600,000 per incident. A recent Court of Appeals decision has been interpreted as holding that, to the extent it participates in a self-insurance pool, a local government is deemed to have waived not only its liability caps, but also its liability immunities.

The Council finds the practical effect of this ruling to be that only large governmental units that can effectively self-insure remain protected by the tort limits and immunities granted by the Legislature.

While some believe the appeals court ruling is consistent with legislative intent, others think it goes beyond any clear legislative intent and unfairly treats small local governments which can not internally self-insure. Some large units can effectively self-insure without participating in a pool, thus avoiding "purchase" of insurance which would force waiver of the liability caps.

The argument in favor of waiving the caps is that plaintiffs should not be denied recourse to higher awards when such awards are covered by insurance. Others believe, whether or not participation in a pool constitutes "purchase" of insurance, that local governments should be able to insure themselves beyond the \$200,000 and \$600,000 caps to protect themselves from the possibility that the courts might allow higher awards under some unforeseen circumstances.

4. Retain the concept of limited exposure and monetary limits.

The Council believes that governments are unique entities which require unique treatment in the civil justice system if they are to effectively serve taxpayers. The risk of damage suits and the escalation of liability insurance costs in recent years has caused many governmental units to eliminate or curtail valuable public services.

Without some limitations on liability, governments would be increasingly unable or unwilling to deliver the services which taxpayers have come to expect. The dollar limitations enacted in 1983 remain sufficient to pay for most any reasonable claim. This is evidenced by the lack of cases where the limits have actually been applied to reach a verdict. The limits are necessary to give a government a relatively firm estimate of its liability exposure in order to evaluate its insurance needs. The Council believes the limits are reasonable and should not be modified except to provide governments with additional protection.

State-Local Finance Recommendations

Early in 1986 Governor Perpich announced his desire to seek major reform of the local property tax system during the 1987 legislative session. Following the Governor's announcement, the Council reactivated its State-Local Fiscal and Service Relationships Committee, and charged it with opening a dialogue with the Administration's tax policy planners. In August, the Council approved a general policy statement on tax reform.

The Governor's Advisory Council on State-Local Relations supports tax reform efforts in Minnesota that have as their goal simplifying and making more understandable the tax system, while also increasing the accountability of all governmental units involved in the tax system. Specifically, the Council supports the goals of stability, competitiveness, equity, accountability, simplicity and enforceability which have been identified by the Department of Revenue.

It is also important that tax reform be evaluated not only on the basis of its impact on individual taxpayers, but also on its impact on the state and its local units of government. Further, the impact of tax reform on individual regions and communities must be analyzed and shared with the ACSLR. A proposal that appears balanced on a statewide basis can have a very diverse impact on individual governmental units.

The statement also expressed the Council's desire to participate in development of the Administration's tax program, and argued for consideration of the impact of tax reform on local communities. The Council adopted another resolution in November specifically asking the Department of Revenue to "provide a background presentation to the Committee prior to the unveiling of a definitive tax reform plan."

At its December meeting, the Council adopted an additional set of recommendations regarding the effect of tax reform on state-local fiscal relations.

1. The Council supports simplification of the property tax classification system.

This recommendation reflects the Council's belief that a reduction in the number of property classifications used for assessment purposes would simplify the system and improve public understanding.

2. The Council finds that a necessary condition for property tax reform is the reduction of state revenue volatility. The Council supports modifications to the system which would enhance revenue stability. Specifically, the Council supports:

- a. a targeted budget reserve,*
- b. expansion of the state sales tax base (but not to include local government purchases), and*
- c. trigger tax concepts such as temporary suspension of income tax indexing.*

The Council believes it would be inappropriate to deal with volatility in State revenues by simply transferring that volatility to the local property tax.

The Council believes that the kinds of mechanisms alluded to in this recommendation would help deal with the problem of revenue volatility. In developing the recommendations, the State-Local Fiscal and Service Relationships Committee felt that the state budget reserve should have both a targeted or dedicated source of revenue and that disbursements from the reserve should be metered out in a predefined, and thus predictable, manner to protect local governments and property taxpayers.

An expanded sales tax base would make sales tax collections less vulnerable to fluctuations in retail spending. The Council

opposes collection of sales tax on purchases made by local governments because the increased costs to local governments would have to be passed on in the form of higher local taxes or fees.

The Council believes that trigger taxes — automatic adjustments in the tax system "triggered" by changes in fiscal conditions — would help soften excessive swings in state revenue collections. As an example, the Council points to temporary suspension of income tax indexing during economic downturns as a means of improving revenue stability.

In developing the recommendations for the Council, the Committee was especially concerned with some proposals under consideration by the Department of Revenue which would make it difficult for local governments to buffer property taxpayers from tax increases resulting from shortfall-induced cuts in local government aids and property tax credits. Thus, the Council felt it necessary to specifically express its disfavor for measures which would deal with state revenue volatility by transferring the problem to the property tax.

3. The Council supports a program to increase taxpayer's generalized knowledge of the role of state aids and credits in funding local government services.

The Council believes the large number of property classifications and the complex system of property tax credits and refunds is confusing to most taxpayers. Taxpayers have a difficult time clearly understanding the connection between assessments, budgeting, the tax levy, and their net tax bill. Few taxpayers know what portion of

their sales or income taxes is used for property tax relief. The Council believes improved public understanding of these relationships would enhance accountability at both the state and local level.

APPENDICES

Executive Order 85-1

Council By-laws

Membership and Officers

EXECUTIVE ORDER 85-1

PROVIDING FOR THE ESTABLISHMENT OF THE GOVERNOR'S ADVISORY COUNCIL ON STATE-LOCAL RELATIONS

as amended by

EXECUTIVE ORDER 85-16

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, questions regarding the division of service delivery and financing responsibilities and powers between the state and its local governments are of preeminent importance for responsible and efficient governance; and

WHEREAS, the state is responsible for the overall design of a workable system of local governments; and

WHEREAS, it is desirable to improve the state government's capacity to anticipate and identify emerging issues in state-local relations and to improve the quality of discussion of state-local relations issues;

NOW, THEREFORE, I order:

1. There is hereby created a Governor's Advisory Council on State-Local Relations to monitor local government issues and state-local relations, and to advise the Governor on state-local issues.
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 Association of Minnesota Townships,
- d. Two members appointed by the Minnesota School Boards 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 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.

3. Duties of the Council

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. 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 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.
- d. Development of policy recommendations on specific issues.

The Council shall prepare an annual report identifying emerging issues prior to each legislative session. The report shall be presented to the Governor's Subcabinet on Local and Regional Affairs no later than November 15 of each year.

The Council shall meet at least four times each year or more often, as requested by the Governor.

4. Administrative Provisions

The Director of the State Planning Agency shall provide staff support as he deems necessary for the Council to fulfill its duties.

BY-LAWS

Governor's Advisory Council on State-Local Relations

Adopted June 26, 1985

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 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 off-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 Boards 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 preceedings 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 afforded full rights and privileges of membership, 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.

MEMBERSHIP AND OFFICERS

Governor's Advisory Council on State-Local Relations

(as of November 15, 1986)

Officers

Paul McCarron
Chair

Mary Anderson
Vice-Chair

Henry Schumann
High Forest Township Clerk
(Olmsted County)

Appointed by the
Minnesota School Boards
Association:

Members

Appointed by the League
of Minnesota Cities:

Mary Anderson
Mayor, Golden Valley

Sam Huston
Mayor, St. Cloud

Appointed by the
Association of Minnesota
Counties:

Frank Hansen
Commissioner, Cook County

Paul McCarron
Commissioner, Anoka County

Appointed by the
Association of Minnesota
Townships:

David Fricke
Executive Director
Association of Minnesota
Townships

Willard Baker
Executive Director
Minnesota School Boards
Association

Harry Sjulson
President, Minnesota
School Boards Association

Appointed by the
Minnesota Association of
Regional Commissions:

Carl Hauschild
Chair, Southwest Minnesota
Regional Development
Commission

Appointed by House
Leadership:

Rep. John Burger
District 43A

Rep. Glen Anderson
District 20A

Appointed by Senate
Leadership:

Sen. Michael Freeman
District 40

Sen. Phyllis McQuaid
District 44

Leonard Levine
Commissioner
Department of Human
Services

Sandra Gardebring
Chair
Metropolitan Council

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

Tom Triplett
Commissioner
Department of Revenue

Note: On December 1, 1986, David Speer became Commissioner of Energy and Economic Development, Steve Keefe became Chairman of the Metropolitan Council, and Sandra Gardebring became Commissioner of Human Services. In accordance with the Executive Order, Commissioner Speer replaced Mark Dayton on the Council. Commissioner Gardebring remained on the Council in her new position, replacing Leonard Levine. Mr. Keefe became a member as Chair of the Metropolitan Council.

John Larson represented the Minnesota Association of Regional Commissions through September 28, 1986.