

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2385

(SENATE AUTHORS: DIBBLE and Pratt)

DATE	D-PG	OFFICIAL STATUS
03/08/2016	4911	Introduction and first reading Referred to State and Local Government
04/07/2016	5738a	Comm report: To pass as amended
	5745	Second reading
05/10/2016	6879a	Special Order: Amended
	6884	Third reading Passed

A bill for an act

relating to the Metropolitan Council; providing for staggered terms; expanding the membership of the nomination committee; requiring additional information to be made publicly available as part of the selection process; clarifying council member qualifications; requiring new advisory committee; establishing sewer availability charges stakeholder group; amending Minnesota Statutes 2014, sections 473.123, subdivisions 2a, 3; 473.127.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 473.123, subdivision 2a, is amended to read:

Subd. 2a. **Terms.** Following each apportionment of council districts, as provided under subdivision 3a, council members must be appointed from newly drawn districts as provided in subdivision 3a. Each council member, other than the chair, must reside in the council district represented. Each council district must be represented by one member of the council. The terms of members ~~end with the term of the governor~~ are staggered as follows: members representing an odd-numbered district have terms ending the first Monday in January of the year ending in the numeral "1" and members representing an even-numbered district have terms ending the first Monday in January in the year ending in the numeral "3." Thereafter, the term of each member is four years, with terms ending the first Monday in January, except that all terms expire on the effective date of the next apportionment. ~~A member serves at the pleasure of the governor.~~ A member shall continue to serve the member's district until a successor is appointed and qualified; except that, following each apportionment, the member shall continue to serve at large until the governor appoints 16 council members, one from each of the newly drawn council districts as provided under subdivision 3a, to serve terms as provided under this section. The appointment to the council must be made by the first Monday in March of the year in which the term ends.

2.1 **EFFECTIVE DATE; APPLICATION; TRANSITION.** (a) This section is
2.2 effective for appointments made on or after January 1, 2019, and applies in the counties of
2.3 Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

2.4 (b) Each member serving on the Metropolitan Council on the effective date of this
2.5 section shall continue to serve until the member's successor is appointed and qualified.
2.6 Thereafter, subject to Minnesota Statutes, section 473.123, subdivision 3a, the term of
2.7 each member is four years, with terms ending the first Monday in January.

2.8 Sec. 2. Minnesota Statutes 2014, section 473.123, subdivision 3, is amended to read:

2.9 Subd. 3. **Membership; appointment; qualifications.** (a) Sixteen members must be
2.10 appointed by the governor from districts defined by this section. Each council member
2.11 must reside in the council district represented. ~~Each council district must be represented~~
2.12 by One member of the council must represent each council district.

2.13 (b) In addition to the notice required by section 15.0597, subdivision 4, notice of
2.14 vacancies and expiration of terms must be published in newspapers of general circulation
2.15 in the metropolitan area and the appropriate districts. The governing bodies of the statutory
2.16 and home rule charter cities, counties, and towns having territory in the district for which
2.17 a member is to be appointed must be notified in writing. Within ten days of submitting
2.18 notice to the secretary of state as required by section 15.0597, subdivision 4, the notice
2.19 must be published and provided to statutory and home rule charter cities, counties, and
2.20 towns. The notices required by this section must describe include a description of the
2.21 appointments process and a detailed position description that includes the required skills,
2.22 expected time commitment, and connection to the district; and must invite participation
2.23 and recommendations on the appointment.

2.24 (c) The governor shall create a nominating committee, ~~composed of seven~~
2.25 ~~metropolitan citizens appointed by the governor,~~ to nominate persons for appointment
2.26 to the council from districts. ~~Three of the committee members must be local elected~~
2.27 ~~officials. The governor must appoint seven members. The Association of Metropolitan~~
2.28 Municipalities must appoint three members to represent cities. The Association of
2.29 Minnesota Counties must appoint three members to represent counties.

2.30 (d) Following the submission of applications as provided under section 15.0597,
2.31 subdivision 5, the nominating committee shall conduct public meetings, after appropriate
2.32 notice, to accept statements from or on behalf of persons who have applied or been
2.33 nominated for appointment and to allow consultation with and secure the advice of
2.34 the public and local elected officials. The committee shall hold the meeting on each
2.35 appointment in the district or in a reasonably convenient and accessible location in the part

3.1 of the metropolitan area in which the district is located. The committee may consolidate
 3.2 meetings. Following the meetings, the committee shall submit to the governor ~~a list of~~
 3.3 ~~nominees~~ three finalists for each appointment. The nominating committee shall publish
 3.4 the names and qualifications of each of the three finalists in the same newspaper in which
 3.5 the notice of vacancy was published. The governor must not make an appointment until
 3.6 the names of the finalists have been public for 14 calendar days. The governor is not
 3.7 required to appoint from the list.

3.8 (d) (e) Before making an appointment, the governor shall consult with all members
 3.9 of the legislature from the council district for which the member is to be appointed.

3.10 (e) (f) Appointments to the council are subject to the advice and consent of the
 3.11 senate as provided in section 15.066.

3.12 (f) (g) Members of the council must be appointed to reflect fairly the various
 3.13 demographic, political, and other interests in the metropolitan area and each of the districts.

3.14 (g) (h) Members of the council must be persons knowledgeable about urban and
 3.15 metropolitan affairs. Members must have relevant experience in areas including, but
 3.16 not limited to, local government, transportation, housing, environment, and regional
 3.17 development. Members appointed to the council must be able to meet time commitments
 3.18 required by the position including attending council meetings, attending community
 3.19 meetings, and completing other job duties.

3.20 (h) (i) Any vacancy in the office of a council member shall immediately be filled
 3.21 for the unexpired term. In filling a vacancy, the governor may forgo the requirements
 3.22 of paragraph (c) if the governor has made appointments in full compliance with the
 3.23 requirements of this subdivision within the preceding 12 months.

3.24 **EFFECTIVE DATE; APPLICATION.** This section is effective for appointments
 3.25 made on or after January 1, 2017, and applies in the counties of Anoka, Carver, Dakota,
 3.26 Hennepin, Ramsey, Scott, and Washington.

3.27 Sec. 3. Minnesota Statutes 2014, section 473.127, is amended to read:

3.28 **473.127 ADVISORY COMMITTEES.**

3.29 **Subdivision 1. Advisory committees.** The Metropolitan Council may establish
 3.30 and appoint persons to advisory committees to assist the Metropolitan Council in the
 3.31 performance of its duties. Members of the advisory committees shall serve without
 3.32 compensation but shall be reimbursed for their reasonable expenses as determined by
 3.33 the Metropolitan Council.

4.1 Subd. 2. **Equity Advisory Committee.** The Equity Advisory Committee must
4.2 assist the Metropolitan Council in looking at ways to reduce concentrations of poverty in
4.3 the region and foster increased connections to social and economic opportunities. This
4.4 advisory committee must include diverse regional stakeholders. The committee must:

4.5 (1) create an equity policy plan to reduce concentrations of poverty in the region for
4.6 consideration by the full Metropolitan Council;

4.7 (2) evaluate existing transit routes to ensure the best means to more directly connect
4.8 areas of concentrated poverty with job centers and high-growth industry centers; and

4.9 (3) explore and evaluate strategies that will reduce poverty and its concentration,
4.10 increase economic and social opportunities to advance future economic growth, and
4.11 mitigate the impact of demographic changes in the region related to aging.

4.12 **EFFECTIVE DATE; APPLICATION.** This section is effective January 1, 2017,
4.13 and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and
4.14 Washington.

4.15 Sec. 4. **SEWER AVAILABILITY CHARGES STAKEHOLDER GROUP.**

4.16 The Metropolitan Council must convene a stakeholder group to review and make
4.17 recommendations on sewer availability charges for new or expanded outdoor seating
4.18 at eating or drinking establishments. The Metropolitan Council must consult with
4.19 stakeholders representing the range of users who are served by the Metropolitan Council
4.20 Environmental Services wastewater treatment system and are subject to sewer availability
4.21 charge determinations. The Metropolitan Council must submit a report to the chair and
4.22 ranking minority members of the committees in the house of representatives and the senate
4.23 with jurisdiction over the Metropolitan Council by January 25, 2017. The Metropolitan
4.24 Council must provide a technical basis for any proposed changes.