

CITIZENS LEAGUE
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STATEMENT CONCERNING PROPOSED LEGISLATIVE STUDY OF THE METROPOLITAN COUNCIL

RENEWED ATTENTION TO THE METROPOLITAN COUNCIL IS ENCOURAGING.

The Legislature this year is expressing a renewed interest in the Metropolitan Council. The Legislature, which created and has nurtured the Council over the 14 years of its existence, may this year undertake a formal review of further steps it needs to take to fulfill its commitment—greater than that of any other Legislature in the nation—that this major metropolitan area have an effective system of governance.

A CENTRAL ROLE FOR THE LEGISLATURE IN RE- VIEWING THE METROPOLITAN COUNCIL IS ESSEN- TIAL.

For the last quarter century the Legislature has been the central body in the evolving system of metropolitan governance. Many persons may not be aware that it was state government in Minnesota, not the national government, which established the predecessor to the Metropolitan Council, the Metropolitan Planning Commission (MPC) in 1957. Ten years later the Legislature built upon that earlier legislation and established the Metropolitan Council. In the years since then the Legislature has passed several acts building upon this foundation. Perhaps most significant among these were the Metropolitan Reorganization Act of 1974, which spelled out the relationship between the Council and its subordinate agencies, and the Metropolitan Land Planning Act of 1976, which instructed the Council to assure that new growth within the seven county area takes place in those locations which have the necessary urban services.

The Legislature seems to be giving more attention to government structure at the metropolitan level than at the other levels of government.

We are encouraged by the continued commitment by the Legislature in 1981 to play the central role in looking at metropolitan government. Although in April 1981 action on a legislative interim study still was pending, one of the first amendments adopted to a bill for the study was to limit its membership exclusively to legislators. When introduced the bill provided mainly for membership from local

government officials.

METROPOLITAN COUNCIL CONTINUES TO ENJOY NATIONAL RESPECT.

Since its creation in 1967 and on through today the Metropolitan Council has continued to receive national acclaim. It has been cited repeatedly by the Advisory Commission on Intergovernmental Relations as an example of appropriate and effective metropolitan governance.

SEVERAL ISSUES NEED ATTENTION IN A LEGISLA- TIVE REVIEW.

We believe legislative review presents an excellent opportunity to address several questions which have concerned us in recent years. Our interest in the Council goes back to the years prior to its establishment, when we began to see the need for more effective areawide action on problems such as sewage disposal and transit. We advocated the creation of the Metropolitan Council. Two features of the Council, that its members be elected from districts of equal population and that the Council not engage in direct operational responsibility, have been central to our ideas about the Council from the outset. Following are several issues that are present today, including our own positions on those issues:

Whether the Council is adequately fulfilling its responsibilities as policy advisor to the Governor and Legislature. We believe the Council should take more policy initiatives.

In recent years, the Council's work program seems to have been made up primarily of assignments given to it by the state and federal governments. The Council's work program is extensive. It has played a central role in implementing the 1976 Metropolitan Land Planning Act. It reviews requests for federal funds from local governments and agencies in the metropolitan area. It regularly updates chapters in its metropolitan development guide. It has ongoing planning responsibility in a host of areas, including aging, arts, air quality, health, housing, transportation, parks and open space, public safety, solid waste and water quality. It oversees the activities of several metropolitan commissions, including parks, airports, sewers, and transit. "It is being overwhelmed by large numbers of individual applications

and by an endless flow of detailed plans and projects," wrote Arthur Naftalin and John Brandl, professors of public affairs, University of Minnesota, in their recent booklet, *The Twin Cities Regional Strategy*.

The heavy load of "activities" may be squeezing out the Council's ability to take policy initiatives on its own. The Council seems to be functioning more as an administrative body, doing what others want it to do, as contrasted with presenting its own ideas about the metropolitan area's needs before the Legislature. The following are examples where in our view the Legislature needs greater areawide leadership from the Council:

- **Cable communications.** In the absence of Council leadership, regional interconnection of cable television is uncertain; each municipality in the metropolitan area is on its own in dealing with the variety of firms competing with cable franchises.
- **Regional employment policy.** Several years ago, the Council decided not to enter this area. Although the region is one employment market, efforts are fragmented among a variety of CETA offices, each with its own "turf".
- **Financing regional services.** The Council lets the individual regional agencies, such as the Transit Commission develop their own financing proposals to the Legislature. Council leadership on the appropriate balance among users fees, regional taxes and state aids is not present. Nor does the Council present any plan to the Legislature for coordinating the financing of all regional agencies.
- **Functions, structures and boundaries of local governments.** The Twin Cities area has about 300 different units of government. The Council has not provided leadership in sorting out which units of government should perform which services.

A legislative study of the Council should address the question of whether the Council's role as the region's policy advisor to the Legislature should be clarified. For example, should the Council be required to present to the Legislature every two years policy proposals on the region's needs, broadly construed, as distinguished from proposals which might relate to the Council's own activities or which are in response to specific legislative directives?

Whether the Council remains a policy body rather than an operational body. We think the principle of separating policy and operational responsibilities should be reaffirmed.

When the Metropolitan Council was first created there was

considerable controversy over whether the Council itself would take over the direct operations of transit, airports, sewers, and other regional functions. With our support, the Legislature made a conscious decision to assure that the Council would maintain effective control over those functions, but that the Council itself would not directly operate them. Keeping the Council free from operational responsibilities makes it possible for the body to cut across a variety of regional issues and present policy proposals to the Legislature. If the Council were responsible for the day-to-day operations of these metropolitan services, it would have time for little else. The Metropolitan Reorganization Act of 1974 underlined the importance of this separation of responsibility.

From time to time there has been some tendency for the Council to drift towards direct operations. Perhaps the closest it has come is in the area of housing, where the Council functions as a housing and redevelopment authority. So far, however, the Council has not actually purchased and run housing itself. But the matter of handling rent subsidies is carried out through an advisory committee to the Council which does not have authority independent of the Council as is true of the other metropolitan agencies. One issue is whether a separate housing commission should be created to replace the advisory committee, to keep policy review by the Council separate from implementation.

Whether the Council is maintaining adequate control over the metropolitan commissions. We think the Council as a whole should assert more influence in the selection of commission members.

The Council is responsible for selecting the members of these subordinate commissions, approving their long range plans and approving their capital budgets. From time to time there is some criticism over the alledged autonomy of these other bodies.

It is possible that some of the concern over the Council's influence may relate to how the Council exercises its responsibilities in selecting the members of the subordinate commissions. Officially the members of the commissions are named by the Council as a whole. In actual practice, however, a form of "aldermanic courtesy" often prevails. While there has been a few exceptions, usually the Council members from the precincts from which members of the subordinate commissions will be named pick the persons for the job. Sometimes Council members take turns so that in practice only one person's judgment is involved in the nomination. In fact, it is possible that the only person who interviews a candidate may be the appointing Council member in a private discussion. What this means, therefore, is that there is a possibility that persons appointed to the subordinate boards may not sense their responsibility to the Metropolitan Council as a whole. This may interfere with

the ability to assert regional leadership at critical times.

The Council has taken particular steps to make sure that persons named to subordinate commissions do not "represent" any unit of local government. This principle was built in at the outset to assure that people who serve on the boards and commissions would not wear "two hats". However, this principle has come narrowly close to being violated in the case of two appointments to the Parks and Open Space Commission. In these two cases some persons believe that in recent years seats have been "reserved" for the city of St. Paul and the Minneapolis Park Board. As a consequence, county and municipal governments elsewhere in the metropolitan area which own and operate metropolitan parks too, have begun arguing that they, too, are entitled to have seats on the commission. Thus in the 1981 Legislature, a bill was being drafted to permit local government officials to name persons to the Parks and Open Space Commission. Such a change would be wholly inconsistent with our position. It would not be possible for any such agency to reach an independent judgment. Undoubtedly there would be strong forces at play for one representative not to go contrary to the desires of another city or county for fear of retribution.

At legislative review should look at two other issues involving the relationship between the Council and the commissions: 1) *Whether all commissions should have the same relationship to the Council.* For example, now the Council does not exercise the same amount of control over the Metropolitan Airports Commission and the Metropolitan Sports Facilities Commission as it does over the Metropolitan Waste Control Commission, the Metropolitan Transit Commission, and the Metropolitan Parks and Open Space Commission. 2) *Whether the Council should approve annual operating budgets of the commissions.* Some persons believe this is needed to strengthen the Council's influence over the commissions, while others believe such a move would push the Council too much in the direction of day-to-day involvement in the commissions' operations.

Whether the Metropolitan Council should have "home rule" power. We think the Council should have only those powers specifically given to it by the Legislature.

The principle established at the outset was that the Council would have powers only as explicitly given to it by the Legislature. It would have no general grant of authority. We believe that position was sound and it remains so today. From time to time there has been some suggestion that the Council might get into the area of taxing. No general grant of taxing authority should be provided. However, we have supported the idea that the Council should make a proposal to the Legislature every two years concerning the financing of all of the subordinate agencies. The Legislature could make

one decision on financing of all of them, together.

Whether the office of Chairman of the Council should continue to be representative of and responsible to area as a whole. We think it should be.

From the time the Council was first named in 1967 the office of the Chairman has been a separate office providing areawide leadership. We strongly supported this approach, as contrasted with the idea of making the Chairman simply a presiding officer at meetings, selected from one of the other members. Because the other members all represent parts of the metropolitan area, it is critical that the Chairman represent the entire area. But furthermore, the Chairman, as the areawide leader, can be the official spokesman for the Council and direct its overall operations. Although this principle has been preserved, suggestions have been made to select the Chairman from among the other members. For example, one bill to select members of the Council provides that the Chairman would be a presiding officer named by the other members of the Council. Under such an approach the Chairman would have no areawide constituency.

Currently, the Chairman serves as head of the Council staff, too. If the Chairman were only a presiding officer selected by the other members, it is likely the Council's staff operations would be directed by a professional "city manager". The result could be that the staff would be insulated from direct policy leadership. Under the existing Council structure the policy leader is also the staff leader.

Whether the members should represent people or units of government. We think they should represent people.

The Metropolitan Planning Commission (MPC) had represented various local units of government. Such an approach provided a forum for discussion, but not decisions. Moreover, the various local units of government—cities, counties, and school districts—each had in addition its own association of members in the metropolitan area. The Minnesota Legislature consciously moved away from creating a "council of governments" when it set up the Metropolitan Council. In fact, these other associations of local governments can be called councils of government for the metropolitan area. By moving to a system of representation of people, the Legislature was creating a body with the capacity to decide. It also was recognizing that issues of the metropolitan area, are not issues for residents served by local government, but area issues for the people of the region as a whole.

We supported this concept and continue to do so. Minnesota has received very little cooperation from the federal government on this issue. On several occasions federal regulations have required that there be a metropolitan

agency composed of local elected officials to carry out certain functions. It has been a difficult matter to assure that the Metropolitan Council, though representative of the region, can still carry out these areawide planning functions. We have felt that the federal government should accept the decision by our directly-elected state Legislature on how regional government should be structured.

How the members of the Metropolitan Council should be selected. We think they should be elected, except for the Chairman who should be appointed by the Governor.

We have urged that the Council be directly elected from districts of approximately equal population, be salaried and serve less than full-time. This was our position on our report on the Council's creation in 1967 and it remains a central part of our thinking regarding the Council today. In 1967 efforts to elect the Council failed by one vote in the Senate and four votes in the House. In the years since then the elective issue has been introduced in almost every session. It has passed the House several sessions but not the Senate. We have felt that the Council as a policy body appropriately should be elected. It makes decisions affecting the region as a whole and its members need to be accountable to the public directly for those decisions.

One of the more fascinating dimensions of the question of election concerns whether "better" people are selected through appointment rather than election. Some persons claim that it is easier for someone to take a more areawide approach being appointed than if a person were elected. Others state that the members are likely to reflect the area from which they were named no matter what. The election approach, however, gives the Council the necessary visibility and enables members to be credible. Elected officials normally can have the respect of other elected officials, but Council members sometimes do not have the degree of respect that they should from local officials because they are not elected.

Part of the Legislature's reluctance to permit election has been the fact that a district for the Council election would probably be larger than a state Senate district, thereby possibly giving greater prominence to a member of the Metropolitan Council than to the Legislature. Some persons have pointed out that this is not a valid argument because all of the powers that the Council has are derived from the Legislature.

Legislators have been, by statute, involved informally in the selection of members. The Governor is required to consult with Legislators from each Council district before an appointment is made. At least one Governor turned over the decision entirely to the members of the Legislature from the affected districts. Most Governors, however, have made

the appointments themselves. One suggestion for selection of members other than by the Governor or by direct election has been to have the persons officially selected by the legislators from the affected districts.

One possible modification of the elective process might have to do with dividing the question of who is nominated and who is elected. The nomination process has been assumed to be one in which persons would self-select themselves and be then subject to a primary and general election. Some persons have wondered whether candidates might be nominated in some other way while still preserving the election.

We believe the Chairman, who serves at-large, should continue to be appointed by the Governor. This will continue a meaningful tie with state government and will afford maximum opportunity for coordination of metropolitan programs with state programs. Moreover, we believe that an election campaign for chairman of the Metropolitan Council—involving one-half the voters of the state—could be very expensive. An elected chairman might be seen as competition for the Governor. Also, there would be no comparable office representing the rest of the state.

Whether—in the event the Council is made elective—the same type of political campaign should be contemplated as now exists for other elective offices. We think a new approach should be tried.

Whether members of the Council are appointed or elected, there is very little opportunity for their knowledge and viewpoint of metropolitan issues to be discussed in advance of their selection. We have advocated that should the Council be made elective that there be a portion of public funds set aside to assure that the positions of candidates for the Council on metropolitan issues are broadly distributed. This could take place through special publicly financed publications circulated to every household and through special television programs, perhaps on public television stations.

The question of conduct of a campaign and its expense has emerged in recent years as a major factor in the discussion of whether the Council should be elected. As the costs of political campaigns has risen, people have wondered whether it would be in the public interest to add another group of people to this list.

This statement was prepared by the Structure Task Force of the Citizens League. The statement is consistent with positions the League has taken in several studies of metro-

politan structure over the last 15 years, including the following:

The Future Role of the Metropolitan Planning Commission, May 10, 1965.

A Metropolitan Council for the Twin Cities Area, March, 1967.

Metropolitan Policy and Metropolitan Development, October 14, 1968.

Metropolitan Issues and Metropolitan Organization, February 25, 1971.

Metropolitan Capital Improvements: Tying Them All Together, August 1, 1972.

Statement to Joint Hearing of Senate and House Committees on Metropolitan Affairs, January 1973.

Growth Without Sprawl, September 19, 1973.

Statement Re Elected Metropolitan Council, February 23, 1977.

Letter to Metropolitan Council Concerning Appointments to Commissions, June 21, 1977.

Statement on Regional Financing, April 19, 1979.

Comments on the 1980 Metropolitan Council Work Program, September 13, 1979.

