

STATEMENT BY THE CITIZENS LEAGUE
TO THE JOINT HEARING OF THE
SENATE AND HOUSE COMMITTEES ON METROPOLITAN AFFAIRS
JANUARY 18, 1973

This is a useful and an important set of hearings, because -- for all its success -- 'the Metropolitan Council' remains a puzzle to a great many people . . . particularly outside Minnesota. They are impressed with what the Legislature has created here. And in many respects they envy the progress being made. But they do not understand the Council. It does not fit the conventional models of governmental organization.

In truth, it is different. There is no master plan, and the underlying principles are not easy to discern. Also, it changes somewhat, as it evolved from year to year.

Partly for this reason, the Legislature has wanted, every session, to spend some time going back for an examination of the basic principles, and of the underlying rationale for this new, metropolitan governmental institution which it has been, gradually, shaping for the Twin Cities area.

The Citizens League has participated in the discussions on each of these occasions. We are pleased to have an opportunity to appear today. We hope we can contribute something to an understanding of the issues as the Legislature reviews and evaluates the metropolitan structure as it stands in 1973.

There are eight things which we believe need to be said.

- 1) The Metropolitan Council has done what the Legislature told it to do. That is, to face issues and make decisions, on behalf of the Twin Cities area.

Major problems within the Twin Cities have consistently ended up on the desk of the Legislature. And the Legislature -- in its effort to reach solutions -- has consistently sought the recommendations of the body charged to make studies and to develop proposals on behalf of the metropolitan area.

The Legislature in 1967 dis-established the old Metropolitan Planning Commission, partly because that body did not face issues and did not make recommendations. Some legislators here may remember their disappointment at its failure to make hard proposals during the 1961-63 interim when the Legislature was preparing to act on the metropolitan sewerage problem -- or the way the internal conflicts among members in 1964 prevented it from declaring that the then-proposed electric power station on the St. Croix River was a matter of metropolitan significance. The Legislature therefore abolished this board, and created the Metropolitan Council as its successor, with a new system of representation that would enable it to face issues and resolve conflict, and gave it a specific charge to bring back proposals in 11 major problem areas.

The Council has now made decisions in several critical areas. It has revised the system of finance for the area's major sewerage system. It has arrived at a policy on the location of federally subsidized housing within the region. It has -- after a decade of studies and discussion within staff and professional agencies -- begun to make decisions about the transportation system. And it has reached a decision about the expansion of the airport system, if and when an expansion is needed.

These decisions are not noncontroversial. But the Legislature did not charge the Council to be noncontroversial. It did not impose a requirement for unanimous consent. And it did not make harmonious intergovernmental relations an end in itself. Rather, it asked for clear positions to be taken on real issues by majority vote. This is what has been done.

2) It is important also to recall what the Legislature did *not* do, in creating the Metropolitan Council.

- * It did not consolidate or abolish local governments -- municipal or county -- in line with the pattern of regionalism that has appeared in the South, in Jacksonville, Florida, and elsewhere. Rather, the decision was that existing local general governments were performing well within the limits of their abilities, and that the new, regional structure required ought not to take over their functions but ought simply to perform those functions that less-than-areawide units could not perform. This decision is a part of the reason why the Twin Cities area has today a relatively high degree of intergovernmental friction. The Legislature could have simplified the intergovernmental relations by abolishing the counties (for example) at the time it created the Metropolitan Council. It chose, instead, to limit the scope of the regional agency more narrowly . . . accepting the consequences of this increased complexity in intergovernmental relationships.
- * It did not create the Metropolitan Council to be a vehicle for intergovernmental cooperation. Vehicles set up for this purpose existed, and continue to exist: the metropolitan associations of municipalities, counties and school districts, for informal and voluntary cooperation; and the joint powers mechanism, for formal, legal cooperation. It created the Metropolitan Council precisely to produce decisions on those issues not resolvable by voluntary negotiation among local units, or parts of the region.
- * It did not intend for the Council to be simply an innocuous, advisory planning body. It wanted coordinated development, not just talk about coordinated development.
- * It did not depart from the basic tradition in Minnesota, which does not provide for the interlocking of the levels of government. Here no 'area' or 'level' of government is built out of representatives from another. Each, in discharging its own responsibilities, is responsible directly to the public -- on a one-man/one-vote basis. In Wisconsin, by contrast (until the system was overturned by a constitutional challenge) local officials could serve on county boards, and a man could serve in local government and in the state legislature at the same time. Here, these conflicts are prevented.
- * It did not create the Metropolitan Council as a 'home rule' agency. No 'charter' grant of general powers was conferred. Authority to determine, for example, what the Council will or will not do; or what powers it will exercise; or what revenue sources it will use, and at what rates; was retained by the Legislature (subject to a qualification only with respect to the use of the Council by the federal government -- which we will discuss in a moment) and not delegated.

- 3) The creation of this regional, or metropolitan, structure is a part of a much larger and continuing reorganization of local government, in which the Legislature has been engaged since 1945.

The Legislature's involvement, now, in the reorganization of government in the Twin Cities metropolitan region is the most recent of a number of major decisions.

These included the revision of the village code in 1949 (which laid the framework for the suburban expansion), the home rule amendment in 1957, the re-writing of the statute on annexation and incorporation and the creation of the Minnesota Municipal Commission in 1959, the establishment of regional organizations in 1967 and 1969, and the changes in the system of local finance in 1971.

It has been a strikingly successful work: by and large, people here have little appreciation of the extent to which this state is admired and envied for its ability to change and to innovate and -- through the newly-created or newly-reorganized agencies -- really to begin making progress toward the solution of the difficult urban problems that continue to plague most of the metropolitan areas of the country.

- 4) At the metropolitan level, the Legislature -- while reserving final authority to itself -- has also left some scope for local policy-making.

As with respect to all general local government, the Legislature has the ultimate authority. But this does not mean it makes all the decisions itself. Manifestly, it cannot. At the smallest level, the local governments are essential. At the regional level, the Council is essential. A hierarchy of policy-making bodies is required, so that as many issues as possible can be resolved within the area directly affected, and so that the time of the Legislature is required only when a major issue of statewide policy is presented.

The review, by the Legislature, of proposals from the Metropolitan Council has most often been concentrated on ensuring that its decision was soundly and properly arrived-at, and does represent, in fact, the consensus of the area. Where it has been satisfied -- as with the sewerage proposal in 1969 -- the Legislature has accepted the Council's decision. Where it has not -- as with the open space proposal in 1971 -- it has rejected the Council's decision.

The Legislature has distinguished the regional level, for policy-making, not only from the state but also from the county and municipal levels. The Twin Cities area is -- as appears so clearly from an airplane -- a single community. And, for some purposes at least, decisions must be made at a scale embracing the region as a whole. Municipalities do, in turn, make many decisions of their own. But the Legislature has recognized the fundamental distinction -- within the field of municipal government -- between those cities and villages (such as Willmar or Winona) which govern whole real communities; and those cities and villages (such as Maplewood or New Hope) which govern, essentially, neighborhoods of a real community. Only the Metropolitan Council comprehends both the entire community, and the entire range of problems and issues.

- 5) The Metropolitan Council is no exception to the traditional rule that all general policy-making bodies tend to be unpopular.

The job of the Council -- like the job of the municipal councils or of the county boards or of the Legislature itself -- is to make choices, in public, in situations where real interests conflict. There is no way to make everybody happy. Some parties are, inevitably, displeased. And the general constituency may never be aware how well it has been served.

This contrasts with the basic situation of the single-purpose agency -- whether independent agencies or line departments. Its job is to press for the best, and the most, for the program for which it is responsible, leaving the difficult business of priority-setting, and trade-offs, to others.

This situation is not a problem. It is, in fact, desirable. The tension, and the open debate, can be constructive -- if it is understood that, when the issue has been thoroughly talked-through, the decision lies with the general-purpose body which has the broader responsibilities -- whether this be the municipal council, with respect to the city departments or the Metropolitan Council with respect to the regional special-purpose agencies. In a sense, unpopularity is the price such general policy bodies pay for their right to make the decisions.

- 6) The Legislature has wisely built into the metropolitan structure a separation of powers to provide an essential check and balance in the system.

It has established a policy side . . . and an operational side.

The policy side consists of the Metropolitan Council itself (with its own staff) and the related advisory boards and committees, permanent (such as the Health Board) and temporary (the Open Space, or Housing, Advisory Committees).

The operational side consists of all those agencies whose facilities and programs are involved with metropolitan development, and are to be coordinated and guided by the policy decisions and recommendations of the Council. These may be state agencies, as in the case of the Highway Department. Or they may be regional agencies, as in the case of the Sewer Board, Transit Commission, or Airports Commission. Or they may be counties, with their refuse disposal, park or road programs. Or they may be municipalities.

This separation has two critical advantages. First: the proposals from the 'builder' agencies are public, and are known. The Council may disagree, or may set general policies which limit or direct the program. But a discussion occurs, and alternatives are debated openly. Second, because it is separated from the immediate and pressing issues that go with program operations, the Council is forced to concentrate on issues of basic policy, and to sell its proposals to the program agencies -- on the merits, and through the credibility which results from the fact that only the Council has responsibility both for the entire seven-county area and for the whole range of policy issues. Put another way: The Metropolitan Council is the client/architect/general contractor on the job of metropolitan development. The program agencies are essentially the sub-contractors: they build the individual systems. But each fits into the 'building' of which it is a part.

- 7) The metropolitan structure is not an end in itself. It was created -- and continues to be maintained by the Legislature -- because very real and urgent problems remain to be solved. Three such problems are of pressing importance in 1973. We hope the Legislature will:

- * Establish a regional program for the preservation of major open space.

This will need to be adequately funded. Perhaps more important, it will need to be organized in such a way that funds that are available do actually get spent. One of the tragedies in recent years is that -- because of the dis-establishment of the Metropolitan Park Reserve District by the Supreme Court opinion, and because of the failure of the Legislature in 1971 to re-enact the open space program -- money actually made available by the Legislature for park and open space acquisition in the Twin Cities area simply did not get invested.

This program is most likely to get handled successfully through an open-space district clearly representing the region as a whole. Structure is not an end in itself. But any departure from the regional district must guarantee that the projects deemed to be of regional significance do, in fact, get acquired, and that money raised by the state or the region does, in fact, get spent on projects of regional significance.

- * Establish an areawide housing, and housing authority, program.

A single, central agency for the handling of the federal and state housing and redevelopment programs is a far superior approach to the alternative effort of trying to develop, within each individual municipality, a fully competent HRA. The proposal that the regional HRA operate in a given municipality only with the consent of that municipality's council makes it, in effect, the instrumentality of that municipality -- yet achieves substantial economies of scale, in operation and workload. For reasons explained below, we do, however, recommend that a regional housing agency not be established as a line operation of the Metropolitan Council itself.

- * Give direction to the regional transportation and transit program.

We came, several years ago, to the conclusion that there must be some kind of transportation board, under the Metropolitan Council -- a 'sub-contractor', if you will -- responsible for the specific program decisions and proposals for this element of the overall metropolitan development effort. In particular, there must be a knitting-together of the highway/auto and the 'transit' elements of the transportation program.

It is a most complex area. We hope to be able to bring a proposal to you within a month or so -- partly as to organization, and partly as to the particular transit system which would be most appropriate for this metropolitan area.

- 8) Some further development of the structure is needed, however, in 1973 -- partly because the Legislature is, to some degree, responsible for the confusion and controversy of the last two years.

The key changes need to be made in the relationship between the Metropolitan Council, as the policy body, and the agencies responsible for building facilities and operating programs.

We urge that the Legislature this year take whatever steps are necessary to establish that this relationship is indeed like the relationship between the general contractor and his 'subs': that, while the specialized operating agencies should exist separately to carry on the function they know best, there is, at the same time, no way decisions about these individual functions can be made apart from a larger decision about the nature of the metropolitan area being built here. There is, for example, no concept of a 'best' plumbing system . . . and/or heating system . . . or electric system. Nor can the final decision on the design of such a system rest with the subcontractor: that system is 'best' when it fits most closely into the plan and design for the buildings of which it is a part.

We believe this relationship could best be established if the other regional agencies were brought into the same relationship with the Metropolitan Council that the Legislature has previously established for the metropolitan sewer program . . . to ensure the Council is put under pressure to provide them with clear, early direction; and to ensure that they will, indeed, be responsive.

At the same time, some changes do need to be made in the structure of the policy body itself. Specifically, the Legislature should:

- * Redistrict the Metropolitan Council along the lines created by the recent reapportionment of the State Legislature.
- * Provide for the selection of members from within these Council districts by direct election for six-year staggered terms.
- * Continue the chairman as a separate office, with the incumbent selected by the Governor to serve at his pleasure.

We strongly urge also that the Legislature force the issue as to who -- the Legislature, or the federal government -- is to design the governmental structure for this metropolitan region.

At present, most of the responsibilities and powers residing in the Metropolitan Council and its related agencies are there as a result of actions by the Legislature -- in 1967, and subsequently. Some, however, -- such as the health planning, and the criminal justice planning -- are there as a result of federal laws and regulations which require, for the dividing-up of federal block-grant programs, some 'local' (usually regional) agency. In most cases, largely to avoid the creation of additional 'free-floating' special-purpose districts, these functions have been assigned to the Metropolitan Council.

The problem is that the federal government does not simply require that this planning and priority-setting be done: It frequently, if not commonly, specifies the organizational framework through which it shall be done. This tendency of the federal laws and regulations to design and create the local and regional governmental structure has on several occasions conflicted with the policies being pursued by the Legislature in designing regional structure.

We believe the federal government should take a 'performance' rather than a 'specifications' approach; and that the Legislature should in 1973 firmly set its own policy with respect to the organizational framework (and perhaps also with respect to the distribution formulas) through which these federal aids are to run.