

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 40

(SENATE AUTHORS: OSMEK, Pratt, Benson, Limmer, and Chamberlain)

DATE
01/09/2017

D-PG
54 Introduction and first reading
Referred to Local Government

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to the Metropolitan Council; requiring local approval of gubernatorial
1.3 appointees to the Metropolitan Council; providing a method for local governments
1.4 to remove a member of the Metropolitan Council; amending Minnesota Statutes
1.5 2016, section 473.123, subdivisions 3, 4.

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

1.7 Section 1. Minnesota Statutes 2016, section 473.123, subdivision 3, is amended to read:

1.8 Subd. 3. **Membership; appointment; qualifications.** (a) Sixteen members must be
1.9 appointed by the governor from districts defined by this section. Each council member must
1.10 reside in the council district represented. Each council district must be represented by one
1.11 member of the council.

1.12 (b) In addition to the notice required by section 15.0597, subdivision 4, notice of
1.13 vacancies and expiration of terms must be published in newspapers of general circulation
1.14 in the metropolitan area and the appropriate districts. The governing bodies of the statutory
1.15 and home rule charter cities, counties, and towns having territory in the district for which
1.16 a member is to be appointed must be notified in writing. The notices must describe the
1.17 appointments process and invite participation and recommendations on the appointment.

1.18 (c) The governor shall create a nominating committee, composed of seven metropolitan
1.19 citizens appointed by the governor, to nominate persons for appointment to the council from
1.20 districts. Three of the committee members must be local elected officials. Following the
1.21 submission of applications as provided under section 15.0597, subdivision 5, the nominating
1.22 committee shall conduct public meetings, after appropriate notice, to accept statements from
1.23 or on behalf of persons who have applied or been nominated for appointment and to allow
1.24 consultation with and secure the advice of the public and local elected officials. The

2.1 committee shall hold the meeting on each appointment in the district or in a reasonably
 2.2 convenient and accessible location in the part of the metropolitan area in which the district
 2.3 is located. The committee may consolidate meetings. Following the meetings, the committee
 2.4 shall submit to the governor a list of nominees for each appointment. The governor ~~is not~~
 2.5 ~~required to appoint~~ shall select a nominee for each appointment from the list.

2.6 (d) ~~Before making an appointment~~ After receiving the list of nominees from the
 2.7 nominating committee and prior to selecting a nominee, the governor shall consult with all
 2.8 members of the legislature from the council district for which the member is to be appointed.

2.9 (e) ~~Appointments to the council are subject to the advice and consent of the senate as~~
 2.10 ~~provided in section 15.066~~ After the governor selects a nominee, the governor must provide
 2.11 written notice of the name of the nominee to each local government in the district that
 2.12 received written notice pursuant to paragraph (b). The governing body of each local
 2.13 government in the district has 90 days from the date of the notice to consider the nominee
 2.14 and pass a resolution in support of or in opposition to the nominee. A copy of the resolution
 2.15 must be transmitted to the governor within 90 days from the date of the notice. A local
 2.16 government that does not pass a resolution shall be deemed to oppose the nominee. After
 2.17 the 90-day period expires for each local government in the district, if a majority of local
 2.18 governments have passed resolutions in support of the nominee, the governor shall submit
 2.19 the nominee for advice and consent of the senate as provided in section 15.066. If a majority
 2.20 of local governments in the district have not passed resolutions in support of the nominee
 2.21 when the 90-day period expires for each local government, the governor shall select another
 2.22 nominee from the list required in paragraph (c) or request the nominating committee to
 2.23 submit a new list of nominees. After each redistricting, the Geographical Information
 2.24 Systems Office of the Legislative Coordinating Commission must create a list of all local
 2.25 governments wholly or partially located in each district.

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

2.28 (g) Members of the council must be persons knowledgeable about urban and metropolitan
 2.29 affairs.

2.30 (h) Any vacancy in the office of a council member shall immediately be filled for the
 2.31 unexpired term. In filling a vacancy, the governor ~~may forgo the requirements of paragraph~~
 2.32 ~~(e) if the governor has made appointments in full compliance with the requirements of this~~
 2.33 ~~subdivision within the preceding 12 months~~ shall follow the appointment process provided
 2.34 in this subdivision.

3.1 (i) A council member may be removed by the majority of local governments in the
3.2 member's district by submitting resolutions to the chair of the council as provided by this
3.3 paragraph. The governing body of a local government may, at any time, adopt a resolution
3.4 stating that the governing body is seeking to remove the council member representing the
3.5 district. The local government must transmit the resolution to the chair of the council. Within
3.6 ten days of receiving the resolution, the chair must transmit to each local government in the
3.7 district a copy of the resolution and a notice that states that the council member will be
3.8 removed from office if the chair receives, within 90 days of the date of the notice, resolutions
3.9 from a majority of local governments in the district requesting removal of the council
3.10 member. Within 30 days after the expiration of the 90-day period, the chair shall determine
3.11 if a majority of local governments in the district have submitted resolutions requesting
3.12 removal of the member. If so, the member must be immediately removed from office and
3.13 the resulting vacancy shall be filled in the manner prescribed by paragraph (h). This paragraph
3.14 does not apply to the chair.

3.15 (j) For purposes of this subdivision, "local government" means a home rule charter or
3.16 statutory city, or town.

3.17 Sec. 2. Minnesota Statutes 2016, section 473.123, subdivision 4, is amended to read:

3.18 Subd. 4. **Chair; appointment, officers, selection; duties and compensation.** (a) The
3.19 chair of the Metropolitan Council shall be appointed by the governor as the 17th voting
3.20 member thereof by and with the advice and consent of the senate to serve at the pleasure
3.21 of the governor to represent the metropolitan area at large. Senate confirmation shall be as
3.22 provided by section 15.066. No local government approval is required to confirm the chair.

3.23 The chair of the Metropolitan Council shall, if present, preside at meetings of the council,
3.24 have the primary responsibility for meeting with local elected officials, serve as the principal
3.25 legislative liaison, present to the governor and the legislature, after council approval, the
3.26 council's plans for regional governance and operations, serve as the principal spokesperson
3.27 of the council, and perform other duties assigned by the council or by law.

3.28 (b) The Metropolitan Council shall elect other officers as it deems necessary for the
3.29 conduct of its affairs for a one-year term. A secretary and treasurer need not be members
3.30 of the Metropolitan Council. Meeting times and places shall be fixed by the Metropolitan
3.31 Council and special meetings may be called by a majority of the members of the Metropolitan
3.32 Council or by the chair. The chair and each Metropolitan Council member shall be reimbursed
3.33 for actual and necessary expenses.

4.1 (c) Each member of the council shall attend and participate in council meetings and meet
4.2 regularly with local elected officials and legislative members from the council member's
4.3 district. Each council member shall serve on at least one division committee for
4.4 transportation, environment, or community development.

4.5 (d) In the performance of its duties the Metropolitan Council may adopt policies and
4.6 procedures governing its operation, establish committees, and, when specifically authorized
4.7 by law, make appointments to other governmental agencies and districts.

4.8 Sec. 3. **EFFECTIVE DATE; APPLICATION.**

4.9 This act is effective the day following final enactment. This act does not apply to members
4.10 that have been appointed and confirmed prior to the effective date. This act applies to the
4.11 appointment and confirmation of any member on or after the effective date. For individuals
4.12 that have been appointed by the governor but not confirmed by the senate on the effective
4.13 date, the 90-day period described in Minnesota Statutes, section 473.123, subdivision 3,
4.14 paragraph (e), starts on the effective date. This section applies in the counties of Anoka,
4.15 Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.