

# **Presentation to the Metropolitan Governance Task Force**

**Ted Kolderie -- January 5, 2024**

Today it's hard to believe there was a time when the main item on the public agenda was governance . . . the redesign, mostly of the policy side of cities, counties, the state; the Legislature itself. The creation of the Metropolitan Council was the design of a new institution, of regional governance.

Over time it has changed; been changed. *As you rethink the question it is good to go back to the original concept of what it was intended to be, and do.*

We'll find even the name is significant. We talk about city government, county government, state government. Significantly, for the metropolitan level we say, "Metropolitan Council".

I was able to follow the discussion and decisions. In the early years, from the editorial page of the Minneapolis Star and Tribune. In 1966, in Washington as a Congressional Fellow in the vice president's Capitol office, I followed the federal legislation. Later, with the Citizens League, the early implementation of the new regional arrangement.

Some recollections from those years might be helpful.

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Clearly a new kind of 'city' had appeared; a real city, larger than the legal city. Individually Minneapolis and Saint Paul were the 27th and 43rd largest cities in America; minor-league. As a region we could be the 15th largest; major league.

The driver for the creation of a council for the region was the ground-water contamination problem that appeared in 1959. Far too many people were trying at the same time to bury wastewater in, and draw drinking water from, the back yard.

Municipalities could and did build the central water supply. But state action was needed for action on sewage collection, treatment and disposal. To make that decision the Legislature needed local agreement on what was wanted.

Session after session legislative action was frustrated by the absence of agreement within the region. *What finally came clear was that the Legislature first needed to give us an entity within which we could develop the politically valid agreement legislators require in order to act.*

After the failure of the 1965 session a serious local discussion began about what that entity should be, and do. The governance questions were clear: Who, what, was to be represented? How would its members be selected? And, what was to be its scope of authority?

The answers emerged for the 1967 session.

- o It should be a local body, representing people. The idea of a 'council of governments' was considered, but did not find favor; conspicuously, not among suburban mayors.

- o The consensus was for direct election, with the clear understanding that *you are an 'elected official' only when elected to the seat in which you are voting.*

- o The Legislature's earlier structure of representation -- three members each from Minneapolis and Saint Paul and a chair from outside the region appointed by the governor -- obviously could not be continued.

- o Finally, the new state-created local body was to deal only with problems beyond the capacity of local government.

This worked. The '67 session accepted a bipartisan bill for a council with 14 districts (Senate districts combined by twos). Legislators from the Twin Cities area favored direct election roughly 2-1, but the amendments proposed by Representative Sabo and Senator Anderson failed; narrowly: Members of the Council would be appointed by the governor.

It was, the attorney general carefully said, neither purely a state entity nor purely a local entity but something intermediate between the two, possessing some of the characteristics of each.

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The Council was charged, as adviser to the Legislature, to return in '69 with its proposal for a sewerage system.

It did. The central cities proposed an extension of their system, contracting with the suburbs. The council proposed their sanitary district be taken into regional ownership; the plant to remain downstream at Pig's Eye. Legislators asked dissenters: "Did you get a fair hearing?" Minneapolis allowed it had. That was enough.

The Legislature did not accept the Council's proposal that it should itself build and operate the system. Instead, it created a waste control commission separate from but subordinate to the Council.

Now consider the governance arrangement at this point.

The Council was put in an essentially policy role; not an operator of regional systems. There was no consolidated regional administration. Over the years special districts had been created as regional systems needed to be built; for airports and transit, for example; and there was a state agency, the highway department, building the region's major roads. The Legislature was now adding the sanitary district, another sub-contractor, to the operating side of this regional government.

The essential concept comes clear if you think about the construction of a major building:

Sub-contractors put up the structure; design and install its plumbing, electrical, internal transportation, heating-and-ventilating systems. *But there is also an architect and general contractor.* There was no counterpart in the region in 1967. The Council was created to play that role; to make the overall plan and to give direction and coordination to the 'sub-contractors'.

Note that in this role the Council could also plan for and help to coordinate *non-governmental* systems of regional scope -- as it did, later, with the proposal by Hennepin County for a new public medical center.

(In this important case traditional Council thinking was reversed. The Council had believed its influence lay in approval of a final plan. That is too late. *To be influential, tell the operating agency up front and clearly the few things it must and must not do.* Comply, and your plan will get approval. Fail, and it will not. The county complied.)

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National policy, concurrently, was moving differently with respect to regional governance.

The Johnson administration had bought into the 'council of governments' idea. Regional councils were to be created, made up of sitting officials of the local units. Each would develop a regional plan. It would review local applications for federal aid to ensure conformity to the plan. From this process, coherent regional development would proceed.

Congressman Fraser had been following the Minnesota discussion. On final passage he got the bill amended to say, ". . . except as otherwise provided by state law". That cleared the way for our legislature to act.

*In operation through the 1970s the COG idea proved not a success.* The Commission on Intergovernmental Relations found many to be 'paper mills', seldom if ever finding an application not to approve. The whole scheme was taken down by the administration that took office in 1981.

Another kind of national influence *did* intervene in Minnesota; one never much recognized. The National Association of Counties, Bernie Hillenbrand's creation, did not approve of Minnesota's metropolitan approach. He wanted counties to play the central role. Hillenbrand sent Jim Shipman to Minnesota, to put a stop to the expansion of metropolitan arrangements. His influence is visible in the subsequent evolution of the regional programs here.

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Inevitably, pressure developed for 'the Council' to operate the regional programs. Governments do want to 'run things'. In the 1994 legislation key separate-but-subordinate commissions were abolished; the Council became an operating body.

This has most significantly affected transportation, the most complex of all urban physical systems . . . with public vehicles and private vehicles, state agencies and local agencies, and differing concepts of 'transit'.

After initially buying the bus company, the Metropolitan Transit Commission in 1971 made clear it would propose a rail system. The Council quickly got itself a transit plan: It looked instead to bus on busway. The MTC declined to be guided by that; appealed to the Legislature. Legislators spent two sessions looking at personal rapid transit; never did resolve the dispute.

With the abolition of the MTC in 1994 the effort at rail transit was taken up by the counties. County government shaped the system plan for transit. The Council, holding now the operating responsibility for transit, got to build and run it. In the end the Council chair cut a deal with the counties: Some of each.

*The original concept of governance, of system-planning and system-operation, had been turned upside down.*

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Finally, a quick suggestion as to representation and membership that could help re-establish the Council as a local entity.

There is an idea, not seriously advanced of course when the argument was between direct-election and governor-appointment, that you might consider, should it prove necessary to find an alternative to direct election.

*This is to return the districting to Senate districts combined by twos, and have the six legislators in each district select the person who will represent that district on the Metropolitan Council.*

Should this be ruled constitutionally beyond legislative authority, the six legislators would recommend candidates to the governor for appointment.