



Minnesota Regional Transit  
Board: Records.

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270 Metro Square Building, Saint Paul, Minnesota 55101  
612/292-8789

MEETING OF THE REGIONAL TRANSIT BOARD  
Monday, March 7, 1988  
Metropolitan Council Chambers  
4:00 p.m.

AMENDED AGENDA

1. Call to Order and Roll Call
2. Approval of Agenda
3. Approval of Minutes of February 16, 1988 Board Meeting, Minutes of the February 11 Committee of the Whole Meeting, and February 25, 1988 Board Meeting
4. Rideshare Advisory Committee Selection Recommendations
5. SPECIAL AD HOC COMMITTEE ON METRO MOBILITY Carole Faricy,  
Chair
  - A. Committee Charge
6. REPORT OF THE POLICY COMMITTEE Doris Caranicas,  
Chair
  - A. Metro Mobility Certification, Addition to Legislative Program
  - B. Anoka County New Transit Services Test Marketing Program
  - C. Approach to Transit Hub Improvements, Approval of Northtown Improvements, and Authorization to Negotiate a Contract with the City of Blaine
7. REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE Ruth Franklin,  
Chair
8. OTHER BUSINESS
  - A. Chairman's Report
  - B. Members' Reports
  - C. Advisory Committee Reports
  - D. Staff Reports
9. PUBLIC COMMENT

Elliott Perovich  
Chairman



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Elliott Perovich  
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Korsted  
Entzel  
Bertoni  
Brant  
de Vries  
Kurt Strom

S. Wilson  
Elynn Tinklenberg  
Bill Hopkins  
Bald  
L Opperhimer  
Gary Kelsey

REGIONAL TRANSIT BOARD

ROLL CALL AND ATTENDANCE SHEET

No 6A  
KC  
TB  
MK  
RR  
CM  
CF

DATE: 3/7

BOARD OR COMMITTEE: RTB board mtg

MEMBER NAME	PRESENT	VOTE	VOTE	VOTE	VOTE	VOTE
Chairman						
Doris Caranicas	✓					
Ruth Franklin	✓					
Carole Faricy	no					
Alison Fuhr	✓					
Rochelle Graves	✓					
George Isaacs	✓					
Paul Joyce	✓					
Edward Kranz	✓					



270 Metro Square Building, Saint Paul, Minnesota 55101  
612/292-8789

Minutes of the Meeting of the  
REGIONAL TRANSIT BOARD  
Metropolitan Council Chambers  
February 16, 1988

BOARD MEMBERS PRESENT: Elliott Perovich, Chairman; Doris Caranicas; Carole Faricy; Ruth Franklin; Alison Fuhr; Rochelle Graves; Paul Joyce; Ed Kranz

MEMBERS ABSENT: George Isaacs

OTHERS PRESENT: Gregory Andrews, Tom Beaver, Howard Blin, Kathy Christopherson, Linda Ehlers, Mary Fitzgerald, Judy Hollander, Mike Kuehn, Ed Kouneski, Katie Turnbull, Liz Carpenter, Regional Transit Board Staff; Gregory Korstad, legal counsel; Lyle Frerichs, Metro Mobility Administrative Center; Natalio Diaz and Emil Brandt, Metropolitan Council; Steve Bertrand, United Handicapped Federation; Greg Failor, Metropolitan Transit Commission; Bill Hopkins, Transportation Handicapped Advisory Committee, Mary O'Hare-Anderson and Barry Schade, Minnesota State Council on Disability; Dick Graham, DARTS; Juanita Collins, Providers Advisory Committee; Tom Todd

The meeting was called to order at 4:00 p.m. and roll taken. The chairman noted that an amended agenda had been distributed, adding a request for authorization to enter into a contract with a public relations firm. Joyce moved approval of the amended agenda and Franklin seconded the motion; the motion carried unanimously.

Joyce moved and Franklin seconded approval of the minutes of the February 1, 1988 board meeting; the motion carried (Caranicas abstained).

AUTHORIZATION TO ENTER INTO A CONTRACT FOR PUBLIC RELATIONS FIRM

Beaver reviewed his memorandum dated February 16, 1988. Faricy questioned why a consultant is needed to handle news releases, public meetings and other on-going duties of public information. Beaver said staff is doing all these things now but there are certain things on which they need help because Public Information has a two-person staff. Faricy said she would like to know how much time is spent, what the associated costs are, and which work will be done by the consultant. Beaver said work must be done on Paratransit and light rail transit. The audience must be identified, mailing lists set up and meetings arranged. Staff should also spend some time developing contacts and talking to newspaper people. For lack of time, some projects have been delayed. Joyce said this type of work cannot be done by two people in a short length of time and other things are also required of them on a day-to-day basis. Caranicas agreed, adding that everything the members sent to their legislators, as required by legislation, went through Public Information.

In response to Faricy's question on LRT, Perovich said that at the special meeting members said they wanted an public relations effort by an outside consultant to work through that process and they instructed Beaver to prepare a plan.

## MEMBERS REPORTS

Franklin moved and Caranicas seconded:

That the Regional Transit Board approve the proposed amendment to the contract for legal services with Larkin, Hoffman, Daly & Lindgren, Ltd.

Andrews said the amendment adds language providing for advice and consultation and a training session. Legal counsel has always been involved in drafting legislation. The cost will be based on ourly fees. The motion carried unanimously.

Graves said Crystal and Brooklyn Center went through a process to develop a park and ride facility. They asked for and did not receive \$20,000. Cyndie Mayer will work on this project with the city councils.

Kranz, who is liaison to the Rideshare Advisory Committee, said he cannot continue to serve because of the constraints on his morning hours. It would be more convenient if the meeting were later in the day. After discussion, Graves agreed to replace him as liaison.

Kranz noted he put information on his trip to the National Association of Regional Council's legislative conference in the members' boxes and recommended that board members stay abreast of the 2020 activities.

Fuhr said she was disturbed about the process followed for the public relations contract because it was not on the original agenda, costs were not identified and it did not go through the committee process. She asked if specifications were developed and responsibilities separated out so the board would have a better picture.

Faricy said the board should establish an ad hoc committee on Metro Mobility to meet about four times before May 15. The purpose is to iron out the communications issues. Kranz and Fuhr indicated they would be willing to serve on that committee. The chairman suggested that Faricy put together a committee charge. Kranz said the issue should not be delayed. He moved:

That the Regional Transit Board establish a Special Ad Hoc Committee on Metro Mobility.

Faricy seconded the motion. Faricy said the committee should review the recertification program and Kranz said there are a number of questions on the availability of Metro Mobility to certain people and contractual questions that can be tightened up so private providers are more accountable to requests for service.

Caranicas said a number of those issues are on the Policy Committee agenda today. An ad hoc committee should have a specific charge. Vote was taken; the motion carried (Caranicas and Joyce voted "nay"). Fuhr, Faricy, Kranz and Graves volunteered to serve. Faricy agreed to co-chair the committee with Kranz. Graves suggested that the members choose the chair when they meet.

#### ADVISORY COMMITTEE REPORTS

Juanita Collins, Chair of the Providers Advisory Committee and former RTB board member, reported on the second meeting of the committee. She complimented staff on the high quality of information prepared for the committee. A draft of the bylaws for the committee and a meeting schedule was approved. The advisory committee saw the RTB slide show and Collins said the board should be proud of it. Members began discussion of the draft capital plan and two public meetings have been scheduled. She said this will be a very professional, working committee. Perovich noted that Alison Fuhr will be the board liaison to the committee.

#### STAFF REPORTS

Andrews said the RTB now has a copy of the San Diego Trolley film and the tape of the LRT segment on "60 Minutes." Fuhr said Hennepin County has a film from Los Angeles on LRT. They are planning on building light rail to Santa Monica. Faricy noted that Minnesota Public Radio discussed the people mover in Detroit, which has been unsuccessful.

There being no further business, Joyce moved and Caranicas seconded to adjourn. The motion carried unanimously.

Respectfully submitted,

Mary Fitzgerald  
Secretary



270 Metro Square Building, Saint Paul, Minnesota 55101  
612/292-8789

Minutes of the Meeting of the  
COMMITTEE OF THE WHOLE  
RTB offices  
February 11, 1988

BOARD MEMBERS PRESENT: Elliott Perovich, Chairman; Doris Caranicas; Carole Faricy; Ruth Franklin; Alison Fuhr; George Isaacs; Rochelle Graves; Paul Joyce; Ed Kranz

OTHERS PRESENT: Gregory Andrews, Mary Fitzgerald, Judy Hollander, Tom Beaver, Linda Ehlers, Ed Kouneski, Jan Hennings, Liz Carpenter, Mark Ryan, Howard Blin, Mike Kuehn, Regional Transit Board Staff; Gregory Korstad, legal counsel; Natalio Diaz and Karen Lyons, Metropolitan Council; Joel Alter, Legislative Audit Commission; Mary O'Hare-Anderson, Rosanne Severance, Kurt Strom and Barry Schade, Minnesota Council on Disability

The meeting was called to order at 4:00 p.m. and roll taken. The meeting was called to begin discussion of the Legislative Audit Commission's January 1988 report, Metropolitan Transit Planning.

In response to Fuhr's question, Alter said there is no deadline for the formal response to the report; several months is the rule. There may be some questions raised at the Legislature, but this meeting may be one of several on this topic.

There was discussion of the sources of funds. All the metro agencies are looking at that question and there will be a legislative study commission formed to study the whole subject of transportation funding.

Fuhr said the legislative direction was to delegate responsibility for handling Metro Mobility complaints. Alter said there have been some standards, but due to the staffing problems, they have not been strictly enforced. He expects that to change.

On Page 17, fourth paragraph, Isaacs said the board was criticized for retaining inexperienced staff. He would like to hire some people with more experience. The board should start looking for experienced people in the paratransit field because we have to handle \$70 million per year on regular route and Metro Mobility. The board has other things to handle besides Metro Mobility. Joyce agreed that we need people with street sense who run transit systems. Faricy said this is basically a planning agency and asking if they were talking about operating. Isaacs said even in planning you have to know how things run and have a feel for the operation. Faricy asked who he would add to staff now; Isaacs said he would add another person to Metro Mobility.

Franklin said she hoped the board would more closely follow the recommendation to contract out the total service of Metro Mobility; i.e., the computer service belongs to the region. There has been tremendous staff effort put into Metro

Mobility and, while you cannot meet everyone's expectations, it is better than what we had. We got a slow start in hiring and then complement was limited. In the 1989 budget we should look carefully at need and be sure we have staff to fulfill those needs. Our staff has worked very hard and had a lot of hinderances because of turnover and large assignments for the small number of people. We need to look at hiring someone in charge of Metro Mobility or contract it out. Perovich asked Andrews to gather information on the levels of staff experience.

Kranz said the staff and its direction is a direct result of goals established by the board. The board identified goals and has not followed through and triggered hiring of staff. There have been board priorities agreed upon, but not followed through. Metro Mobility and privatization have taken a lot of board and staff time. The board should redefine its goals. We have directed staff into quagmires.

Faricy questioned the line of authority from the executive director. Perovich said he has not gotten involved with hiring staff except for Judy Hollander, Les Johnson, Greg Andrews and Ghaleb Abdul-Rahman. Hiring is strictly the responsibility of the executive director. Andrews was asked to discuss policy decisions and political issues with the chairman. The chairman is responsible for the assistant to the chair.

Isaacs said he would like advance notice of upcoming issues. Andrews said the calendar in the Friday Report is an attempt to give members advance notice but at some times of the year there is a real crunch on staff and board. Fuhr said since the committee reorganization members no longer receive a six month schedule of committee issues.

Fuhr asked if the metro agencies will combine services when they move. Andrews said many functions are already combined. In 1988 the board is budgeted to look for its own computer system.

Kranz said he is not convinced the board lacks staff but perhaps it should reconsider where staff is spending its time. Andrews said there was a presentation on the 1988 budget, that included discussion of staff priorities and how they relate to the budget. Much more time was spent on LRF than was budgeted and other things suffered. Metro Mobility has required more time than anticipated. Kranz said that will not change. *MM*

Fuhr asked if it is possible to cut back on staff by doubling up. Andrews said the Metropolitan Area Financial Advisory Committee (MAFAC) was charged to look at areas where coordination could be enhanced. It was determined that the most potential savings are in the area of capital equipment. *in agencies*

Isaacs said, referring to page 20, the board should communicate more clearly and be clear about the roles of the chairman and the executive director. Perovich said he has asked members in the past to make their requests through the executive director rather than directly to staff. Andrews explained that in the internal process for handling agenda items the staff person responsible for an item puts together a discussion paper. There are internal deadlines and every Tuesday there is a management staff meeting to discuss agenda items and scheduling.

Faricy said that two months ago the board wanted help with a lobbyist and asked why the issue did not resurface. Perovich said the board decided that the lobbyist would report directly to the members and instructed Charles Weaver to put together a proposal. In the interim, letters were received from two legislators expressing their opposition to the additional lobbying expense and Perovich had indicated to the members his own opposition to the proposal. The board accepted the responsibility for dealing with Weaver. The legislative program was on the agenda at the next meeting. Faricy said if the lobbyist had been on the agenda the board would have discussed it. Perovich said the legislative program was approved that day and the board had made it clear that it wanted to deal directly with the lobbyist--there was a misunderstanding. Caranicas said a legislative training session is scheduled next week.

Kranz asked, regarding Page 21, what is the proper procedure is for board discussion; is the intent to foster member discussion or to be chair-directed? The chairman said he will continue to express his opinions as do the other members of the board.

Isaacs said he would prefer that a motion be placed on the table with discussion following the motion.

Fuhr asked what the most effective way is to present ideas. Perovich said members should send policy issues to him and planning issues to Andrews. He would like the board to take some initiative and present some new ideas and programs. Further, members should support board decisions even when they personally oppose them.

Page 22: The chairman said the board has been accused of spending too much time on light rail transit. Fuhr said she disagrees with the stance the Metropolitan Council has taken on LRT. The board should be in the lead on this and the Council backed off, making it very difficult for RTB. LRT should be a regional responsibility. Franklin said Metropolitan Council was directed to go back to the Legislature with a recommendation for coordination. Staff felt this was not the appropriate year to try to change the recommendation because the Legislature gave county rail authorities the authority to go ahead. They felt the new legislation should be presented next year. She questions whether it is wise for the board to hire an engineer before the legislation is changed up because of the restraints on the board's role. Isaacs disagreed, saying the board is criticized for being reactive. The board may be criticized for hiring an engineer but might be criticized even more for doing nothing.

In response to Perovich's question, Karen Lyons said the Council decided it will not seek new legislation but will review any plan or action for consistency with Council policy. Hollander said the Council report is different from the TAB's position that was significantly changed to state that if anything other than county dollars are used, the Council should play a stronger role.

Kranz said the tone of this discussion is justifying things instead of deciding what to do. There is a critical report with specific analysis of things that were not dealt with and he would like members to set more specific goals to deal with those particular issues rather than going back into history. He asked what the board will do with LRT. Andrews said requests for engineers' resumes have been sent out and 30 were received. Hollander reviewed and categorized them. People on the bottom of the list were notified that they were not being considered and the top people were told they are still in the running. Knowing the uncertainty of the role, we cannot tell people where were

are going since most of the action is in Hennepin County. It is difficult to ask an expert to come here on the prospect that we might get the authority. Isaacs said the person would be mature and could decide whether or not to take the risk. We can develop a program of involvement in LRT. If we do not do something it will pass us by.

Regarding suburban service, Kranz said the board delayed it because of Transit Service Needs Assessment or Competitive Bidding, but the report says these things were rarely the topic of discussion. The board should plan how to deal with it. Franklin said the board should consider hiring someone to work only on suburban service, which may be more necessary than an LRT engineer. The Legislature said the board cannot get involved in LRT. If Hennepin County wants an engineer, would they use an RTB employee? The board received a lot of criticism about suburban service and perhaps should concentrate on that. Joyce said we will not have credibility in that area unless we have the people on board. Faricy said Hennepin County did not wait for anyone. We are a totally different agency and may not be able to do that. Kranz said there are lots of reasons not to get involved in suburban service. How are we reacting to the cities that are ready to work on opt-out? If we encourage them and help them provide better service, there would be a better reaction. The chairman said his understanding is that the board wants to move ahead on light rail. (Graves arrived.) The board has placed a high priority on suburban service.

Fuhr said the RTB is supposed to encourage local commissions. We could combine efforts and create a traffic management organization. She asked about a statement Natalio Diaz made on the Rideshare Program. Hollander said RTB does not have a specific policy, but as a product of the evaluation staff will recommend several Rideshare policies to the board.

Perovich said there has to be a high priority on setting goals and getting away from reacting to everyone in the world. Franklin said the most successful city councils hold work sessions, sometimes with a facilitator, and set goals.

Kranz said the board should deal more often with staff expenditures. Andrews said the monthly financial reports present information on expenditures. There is a direct relationship between expenditures and staff time spent on the work program, allowing members to monitor activities. Kranz said staff should inform the board when they are required to spend too much time on an unexpected work product and other work plan elements delayed. Perovich said staff should feel free to tell members during the year that there is no staff time for new projects.

Rozanne Severance, Vice Chair of Transportation Handicapped Advisory Committee, said a rider called at 6:15 a.m. today and could not get a ride. At 11 a.m. she tried to pick up a cancellation and was told she would be notified at 8 p.m. whether a trip would be available. This opens an area where a provider can turn down any person they choose, which means suburban people cannot get the rides for which they contracted. Severance supervises 15 disabled employees, most of whom live in suburbs. Their rides are consistently late and she asked the board to check into it. Legally someone may try to prove discrimination against suburban users and the board could be liable.

Isaacs said the purpose of this meeting is to discuss the Legislative Audit Commission report.

Mary O'Hare-Anderson said she had to spend time yesterday and today with a sobbing girl who needed to get to a job interview. The board has to do something. Isaacs said the issue cannot be solved at this meeting.

The chairman said an agenda was posted and we are in danger of discussing something not on the agenda. Legal counsel indicated that continuing could violate the Open Meeting Law.

Perovich said if members want information they have to direct staff at board meetings.

Fuhr said there was more discussion at smaller committee meetings. Kranz suggested that some items be directly assigned to ad hoc committees.

Graves said she has been asking for an overlay map of providers since May of last year and has not received it. Andrews said staff did not create a map, but had given her a schedule of providers. Fuhr said she also want an overlay map. Perovich said the cost should be considered.

Isaacs discussed the Friday Report and said he would like to know what the chairman is doing. Fuhr suggested that Mike Kuehn prepare items for the report.

Discussion turned to the Implementation and Financial Plan. Andrews said staff refers to it a great deal and the MTC budget was reviewed against it, although business items brought to the board do not cite references to the IFP.

In discussing recommendations on page 31, Isaacs said staff should build bridges with MTC and get ranges of costs associated with these strategies.

It was agreed that another meeting would be held to continue discussion of the report. Isaacs moved and Farcy seconded a motion to adjourn. The motion carried unanimously. The meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Mary Fitzgerald  
Secretary



270 Metro Square Building, Saint Paul, Minnesota 55101  
612/292-8789

Minutes of the Special Meeting of the  
REGIONAL TRANSIT BOARD  
RTB Offices  
February 25, 1988

BOARD MEMBERS PRESENT: Elliott Perovich, Chairman; Doris Caranicas; Carole Faricy; Ruth Franklin; Alison Fuhr; Rochelle Graves;

MEMBERS ABSENT: George Isaacs, Paul Joyce, Ed Kranz

OTHERS PRESENT: Gregory Andrews, Kathy Christopherson, Mary Fitzgerald, Judy Hollander, Regional Transit Board Staff; Charles Weaver, legal counsel; Arnie Entzel, Amalgamated Transit Union; Emil Brandt, Karen Lyons and Steve Wilson, Metropolitan Council; Joel Alter, Legislative Audit Commission; Greg Failor, Metropolitan Transit Commission (MTC)

The meeting was called to order at 3:45 p.m. and roll taken. Fuhr moved approval of the agenda; Franklin seconded the motion. Motion carried unanimously.

The chairman said this special meeting was called on short notice because next week the House will begin allocating funds and he should have an official position of the board on the Hennepin County proposal to receive 30 percent of the Motor Vehicle Excise Tax. Further, Ruth Franklin is a member of the Intergovernmental Coordination Committee, which may be voting tomorrow, February 26, on the proposal. Resolution 88-01 was distributed to the members for discussion. Franklin distributed copies of the Hennepin County Regional Railroad Authority Finance Advisory Committee's recommendations on methods of financing the light rail transit debt, including a table prepared by Miller and Schroeder on projections of funds and a table showing the proposed use of the MVET funds (Exhibit A). She pointed out that if this becomes a metropolitan light rail transit system, other counties may not have the tax base to build their own systems and this transfer might be to their advantage.

In response to Fuhr's question on whether those funds had been programmed, Perovich said the board took a position that it needs an additional \$7.2 million for Metro Mobility, which would come from MVET monies since it is not in the Governor's budget. Andrews said he sent the members a copy of potential MVET expenditures that was sent to Rep. Bernard Lieder. (Graves arrived.) Andrews distributed copies of information prepared for a presentation on February 17 to the Metro Affairs Transportation Committee chaired by Rep. McLaughlin (Exhibit B).

Members discussed the effect of the proposed transfer of funds on other transit services and the possibility of lower bond ratings. Caranicas moved:

That the Regional Transit Board approve Resolution 88-01 on  
Expenditure of Transit Assistance Funds.

Graves seconded the motion. Legal counsel agreed that the proposed language of the resolution was appropriate. Entzel asked if this had been discussed with Hennepin County. Perovich said Franklin represents the board on the committee dealing with financing. The resolution is not meant to imply RTB would not fund Hennepin County efforts, but the funds would flow through the RTB. Roll call vote was taken and the motion was unanimously approved.

Franklin said the board has been criticized for not providing services in the suburbs and this is an argument for not losing those funds for suburban service. Perovich said the MTC is also looking for ways to provide new service, which will also require more money.

There being no further business, Fuhr moved and Graves seconded that the meeting be adjourned. The motion carried unanimously. The meeting was adjourned at 4:20 p.m.

Respectfully submitted,

Mary Fitzgerald  
Secretary

REGIONAL TRANSIT BOARD

Suite 270 Metro Square Building, Saint Paul, Minnesota 55101  
292-8789

DATE: March 4, 1988  
TO: Regional Transit Board Members  
FROM: Tom Beaver, Public Information Officer  
SUBJECT: Rideshare Advisory Committee Selection Recommendations

SUMMARY

This memorandum recommends a slate of candidates to be appointed to the Rideshare Advisory Committee (RAC) for approval by the members of the Regional Transit Board.

DISCUSSION

Rideshare Advisory Committee members are appointed by the members of the RTB. Members of the Rideshare Advisory Committee serve a two-year term. In order to be considered for membership on RAC, applicants must live or work in the RTB district from which they are appointed.

Terms expired on January 1, 1988 for four members of the committee. There was also one vacant position to be filled.

In December, 1987 Public Information Office staff member Janice Hennings wrote and distributed more than 300 media releases announcing the vacancies on the Rideshare Advisory Committee and to solicit people interested in serving on the committee. Five people expressed an interest in serving on the Rideshare Advisory Committee and submitted applications for appointment. Staff member Hennings then contacted board members about the applicants from their area.

District D Representative Rochelle Graves is submitting the name of Mark Kosmas as the District D representative. Mr. Kosmas represents the Metropolitan Transit Commission Advisory Committee on Transit. Mr. Kosmas is a new appointment.

District E Representative Ruth Franklin is submitting the name of Thomas Jensen for reappointment. Mr. Jensen is with the Minnesota Senate Economic Development and Housing Committee.

District G Representative Paul Joyce submits the name of Marjorie Friederichs for reappointment. Ms. Friederichs is with the Eden Prairie Chamber of Commerce.

Regional Transit Board  
March 4, 1988  
Page 2

District H Representative Ed Kranz is submitting the name of Burdetta Rossow as the representative from his district. Ms. Rossow is a rideshare driver and is with the U.S. Department of Agriculture. Ms. Rossow is a new appointment.

There remains one vacancy for District F. Board member Alison Fuhr and RTB staff are looking for applicants to fill the vacancy.

The full membership of the Regional Transit Board can either approve the nominations for the membership on the Rideshare Advisory Committee or seek new applicants for committee members.

RECOMMENDATION

That the Regional Transit Board approve the appointment of the following people to the Rideshare Advisory Committee:

District D	Mark Kosmas
District E	Thomas Jensen
District G	Marjorie Friederichs
District H	Burdetta Rossow

bdmemo  
RTBTX4



270 Metro Square Building, Saint Paul, Minnesota 55101  
612/292-8789

### REPORT OF THE POLICY COMMITTEE

The Policy Committee met on February 16 and, because of the length of the meeting, reconvened the meeting on February 22 to complete the discussion of the agenda. The committee approved the following recommendation:

#### METRO MOBILITY CERTIFICATION

That the Regional Transit Board recommend to the Minnesota Legislature that a \$500 fine be imposed on persons who provide false information regarding the certification of Metro Mobility users.

#### ANOKA COUNTY NEW TRANSIT SERVICES TEST MARKETING PROGRAM

That the Regional Transit Board approve the transit test marketing of weekend services for the Anoka County area as outlined in the memorandum of February 3, 1988, and the following specific recommendations:

1. Authorize staff to develop and issue a Request for Proposal (RFP) for the weekend service Anoka Test Marketing Program. The RFP and bidding process will be based on the RTB's competitive procurement guidelines as adopted by the board. The RFP will include Saturday service operated on Routes A, B and D, and Sunday service operated on Routes A, B, C and D.
2. Request the MTC to discontinue high subsidy Saturday Route 24 and Sunday Route 27, based on the MTC's previous request to do so and coordinate the change in services.
3. Request the MTC to increase the frequency on Saturday Route 27 to coordinate with the circulation services, and extend Sunday Route 10 to Northtown, similar to existing Saturday service.
4. Direct staff to prepare an MTC Impact Assessment and present it to the board.
5. Direct RTB staff to continue to work with the Anoka County Transit Advisory Committee on marketing, monitoring and evaluation and with the MTC on service changes, service coordination, transfer reciprocity and overall coordination.

APPROACH TO TRANSIT HUB IMPROVEMENTS, APPROVAL OF NORTHTOWN IMPROVEMENTS, AND AUTHORIZATION TO NEGOTIATE A CONTRACT WITH THE CITY OF BLAINE

That the Regional Transit Board approve the following recommendations on the approach to improvements at transit hubs and the specific improvements at Northtown:

1. In negotiating improvements to transit hubs, which include the long-term lease for real estate or interest in real estate, the RTB shall utilize a flexible approach for third party agreements which will utilize the most appropriate entity. These include the city, county, provider or Minnesota Department of Transportation.
2. In negotiating improvements to transit hubs, the RTB's cost-sharing guidelines will be followed to ensure that shopping centers or other developments, which may also benefit from the improvements, share in the cost. This may be done through the provision of in-kind services, providing land or right-of-way use, or financial contributions.
3. The City of Blaine act as the third party contractor for funding the improvements to the Northtown transit hub and that staff be authorized to work with Blaine and Northtown to develop the necessary contracts and agreements.
4. The executive director be authorized to negotiate and enter into an agreement with the City of Blaine for an amount not to exceed \$65,000 for funding the improvements to the Northtown transit hub. That the \$65,000 be authorized from the Transit Test Marketing Program (Activity Number 88-26) in the 1988 budget.

OTHER BUSINESS

The committee discussed, but took no action on:

- \* Metro Mobility Actions to Improve Service Quality and Rider Communications
- \* Metro Mobility Provider Contract Language
- \* Metro Mobility Provider Selection Process
- \* Draft Capital Plan
- \* Midway Corridor Light Rail Transit Analysis
- \* Hennepin County Draft Feeder Bus Policies and Criteria

The next meeting of the committee will be March 21.

Doris Caranicas  
Chair

Caruthers H.F. 2514

1 A bill for an act

2 relating to metropolitan government; establishing  
3 various requirements on agency organization, work  
4 programs, budgets, and reports; amending Minnesota  
5 Statutes 1986, sections 473.13, subdivision 1;  
6 473.146, subdivision 3; 473.173, subdivision 6;  
7 473.245; and 473.375, subdivision 16; Minnesota  
8 Statutes 1987 Supplement, section 473.1623,  
9 subdivisions 4 and 6.

10

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

12 Section 1. Minnesota Statutes 1986, section 473.13,  
13 subdivision 1, is amended to read:

14 Subdivision 1. [BUDGET.] On or before October 1 of each  
15 year the council, after a public hearing, shall adopt a budget  
16 covering its anticipated receipts and disbursements for the  
17 ensuing year and shall decide upon the total amount necessary to  
18 be raised from ad valorem tax levies to meet its budget. The  
19 budget shall state in detail the expenditures for each program  
20 to be undertaken, including the expenses for salaries,  
21 consultant services, overhead, travel, printing, and other  
22 items. The budget shall state in detail the capital  
23 expenditures of the council for the budget year, based on a  
24 five-year capital program adopted by the council and transmitted  
25 to the legislature. After adoption of the budget, an increase  
26 of over \$10,000 in the council's budget, a program or department  
27 budget, or a budget item, must be approved by the council before

1 the increase is allowed or the funds obligated. After adoption  
2 of the budget and no later than October 1, the council shall  
3 certify to the auditor of each metropolitan county the share of  
4 the tax to be levied within that county, which must be an amount  
5 bearing the same proportion to the total levy agreed on by the  
6 council as the assessed valuation of the county bears to the  
7 assessed valuation of the metropolitan area. The maximum amount  
8 of any levy made for the purpose of this chapter may not exceed  
9 the limits set by sections 473.167 and 473.249.

10 Sec. 2. Minnesota Statutes 1986, section 473.146,  
11 subdivision 3, is amended to read:

12 Subd. 3. [TRANSPORTATION CHAPTER OF THE DEVELOPMENT  
13 GUIDE.] The transportation chapter must include policies  
14 relating to all transportation forms and be designed to promote  
15 the legislative determinations, policies and goals set forth in  
16 section 473.371. In addition to the requirements of subdivision  
17 1 regarding the contents of the policy plan, the nontransit  
18 element of the transportation chapter must include the following:

19 (1) a statement of the needs of the metropolitan area with  
20 respect to the functions covered and the objectives of and the  
21 policies to be forwarded by the policy plan;

22 (2) a general description of the physical facilities and  
23 services to be developed;

24 (3) a statement as to the general location of physical  
25 facilities and service areas;

26 (4) a general statement of timing and priorities in the  
27 development of those physical facilities and service areas; and

28 (5) a detailed statement, updated every two years, of  
29 timing and priorities for improvements and expenditures needed  
30 on the metropolitan highway system; and

31 (6) a general statement on the level of public expenditure  
32 appropriate to the facilities.

33 The council shall develop the nontransit element in  
34 consultation with the transportation advisory board and shall  
35 transmit the results to the state department of transportation.

36 Sec. 3. Minnesota Statutes 1987 Supplement, section

1 473.1623, subdivision 4, is amended to read:

2 Subd. 4. [FINANCIAL REPORTING; BUDGETING.] (a) The  
3 advisory committee, with the assistance of the state auditor and  
4 the legislative auditor, shall develop uniform or consistent  
5 standards, formats, and procedures for the budgets and financial  
6 reports of the council and all metropolitan agencies. The  
7 council shall report to the legislature from time to time on  
8 progress made by the committee in improving the uniformity and  
9 quality of budgets and financial reports and on legislation that  
10 may be needed for this purpose.

11 (b) The council and each metropolitan agency shall prepare  
12 a summary budget for agency fiscal year 1988 and each year  
13 thereafter. The advisory committee, with the assistance of the  
14 state auditor and the legislative auditor, shall develop  
15 guidelines and models for the summary budgets. The purpose of  
16 the summary budget is to increase public knowledge and agency  
17 accountability by providing citizens outside of the agency with  
18 a condensed, accessible, and graphic description of the  
19 financial affairs of the agency. The document should contain a  
20 coherent, effectively communicated, understandable statement  
21 of: financial trends and forecasts; budget policies and policy  
22 changes; agency financial assumptions, objectives and plans;  
23 revenue sources and expenditures by program category; personnel  
24 policies, decisions, and allocation; budgetary performance  
25 measures; and similar matters serving the purpose of the  
26 document.

27 (c) The council and each metropolitan agency shall include  
28 in the annual budget:

29 (1) a statement of the reserve or fund balance carried  
30 forward at the end of the budget year, for at least the two  
31 preceding fiscal years;

32 (2) a comparison of budgeted and actual expenditures,  
33 reported by department and, if the agency has a program budget,  
34 by program, for at least the two preceding fiscal years;

35 (3) a listing of consulting contracts and the amount of  
36 each contract.

1       Sec. 4. Minnesota Statutes 1987 Supplement, section  
2 473.1623, subdivision 6, is amended to read:

3       Subd. 6. [PERSONNEL AND ETHICAL PRACTICES; COMMUNICATION.]

4 By January 1, of each year, the council and each agency  
5 represented on the advisory committee established under this  
6 section shall report to the legislature on the following:

7       (1) agency personnel practices, including an analysis of  
8 trends, compliance with legal requirements, health care and  
9 other benefits, and salary levels in comparison with relevant  
10 job markets; and

11       (2) ethical practices requirements for board members and  
12 employees of each agency, including the sources of the  
13 requirements, agency comparisons, and comparison with  
14 requirements for state and local government officers and  
15 employees; and

16       (3) the activities undertaken by each agency board member  
17 and council member to regularly meet with and communicate with  
18 local officials and legislators in the member's district about  
19 issues before the agency or council.

20       The report on salaries must include details of: all lump  
21 sum payments or bonuses; and a description of all payments,  
22 expense accounts, allowances, including travel allowances, and  
23 other current benefits that are not made generally available to  
24 employees of the council.

25       Sec. 5. Minnesota Statutes 1986, section 473.173,  
26 subdivision 6, is amended to read:

27       Subd. 6. The council and the advisory metropolitan land  
28 use committee shall review and assess the rules following their  
29 effective date and at least every two years thereafter. ~~On or~~  
30 ~~before January 15 of each year, the council shall report to the~~  
31 ~~legislature concerning metropolitan significance.~~ No major  
32 alteration or amendments to standards for determining the  
33 ~~necessity for a comprehensive review~~ metropolitan significance  
34 shall be put into effect by the council until 90 days have  
35 elapsed following the a report to the legislature in which the  
36 alteration or amendment was proposed and recommended by the

1 council in the form of a proposed rule published under section  
2 14.14, subdivision 1a, or 14.22. The report to the legislature  
3 must be made during the month of January.

4 Sec. 6. Minnesota Statutes 1986, section 473.245, is  
5 amended to read:

6 473.245 [REPORTS.]

7 On or before January 15, of each year the metropolitan  
8 council shall report to the legislature. The report must be  
9 evaluative and analytical rather than merely descriptive and  
10 must include a substantive assessment and evaluation of the  
11 effectiveness of each significant program of the council, with,  
12 to the extent possible, quantitative information on the status,  
13 progress, costs, benefits, and effects of each program. The  
14 report shall include:

15 (1) A statement of the metropolitan council's receipts and  
16 expenditures by category since the preceding report;

17 (2) A detailed budget for the year in which the report is  
18 filed and the following year including an outline of its program  
19 for such period;

20 (3) An explanation of any policy plan and other  
21 comprehensive plan adopted in whole or in part for the  
22 metropolitan area and the review comments of the affected  
23 metropolitan agency;

24 (4) Summaries of any studies and the recommendations  
25 resulting therefrom made by the metropolitan council, and a  
26 listing of all applications for federal money made by  
27 governmental units within the metropolitan area submitted to the  
28 metropolitan council;

29 (5) A listing of plans of local governmental units and  
30 proposed matters of metropolitan significance submitted to the  
31 metropolitan council;

32 (6) A detailed report on the progress of any project  
33 undertaken by the council pursuant to sections 473.193 to  
34 473.201; and

35 (7) Recommendations of the metropolitan council for  
36 metropolitan area legislation, including the organization and

1 functions of the metropolitan council and the metropolitan  
2 agencies.

3 Sec. 7. Minnesota Statutes 1986, section 473.375,  
4 subdivision 16, is amended to read:

5 Subd. 16. [REPORT.] The board shall annually submit a  
6 report to the metropolitan council, the governor, and the  
7 legislature detailing its activities and finances for the  
8 previous year. The report must be evaluative and analytical  
9 rather than merely descriptive and must include a substantive  
10 assessment and evaluation of the effectiveness of each  
11 significant program of the board, with, to the extent possible,  
12 quantitative information on the status, progress, costs,  
13 benefits, and effects of each program.

14 Sec. 8. [APPLICATION.]

15 Sections 1 to 7 are effective in the counties of Anoka,  
16 Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Wogenius, Caruthers

- 1 \_\_\_\_\_ moves to amend H.F. 2514 as follows:
- 2 Page 2, line 19, after "needs" insert "and problems"
- 3 Page 2, line 19, after "covered" strike "and" and insert ",
- 4 including the present and prospective demand for and constraints
- 5 on access to regional business concentrations and other major
- 6 activity centers and the constraints on and acceptable levels of
- 7 development and vehicular trip generation at such centers;
- 8 (2)"
- 9 Page 2, line 22, strike "2" and insert "3"
- 10 Page 2, line 24, strike "3" and insert "4"
- 11 Page 2, line 26, strike "4" and insert "5"
- 12 Page 2, line 28, strike "5" and insert "6"
- 13 Page 2, line 31, strike "6" and insert "7"

- 1 \_\_\_\_\_ moves to amend R28015-4 as follows:
- 2 Page 3, line 35, before "consulting" "proposed or
- 3 anticipated"; after "contracts" insert "or projects"
- 4 Page 3, line 36, before the period insert "or project"
- 5 Page 4, line 20, after "on" insert "employee"; after
- 6 "salaries" insert "under clause (1)"
- 7 Page 4, line 23, after "benefits" insert "granted to
- 8 individuals"
- 9 Page 4, line 24, before the period insert "or agency"

1 A bill for an act

2 relating to metropolitan government; creating a  
3 legislative task force to monitor performance of  
4 metropolitan agencies in complying with certain laws;  
5 prescribing the contents of affirmative action plans  
6 for metropolitan agencies and a process for approval  
7 and reporting of those plans; requiring purchases from  
8 small businesses and businesses owned by socially or  
9 economically disadvantaged persons; amending Minnesota  
10 Statutes 1986, sections 473.141, subdivision 9, and by  
11 adding a subdivision; and 473.406, subdivisions 2, 5,  
12 6, and 7; proposing coding for new law in Minnesota  
13 Statutes, chapters 3 and 473; repealing Minnesota  
14 Statutes 1986, section 473.556, subdivision 14.

15

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

17 Section 1. [3.863] [LEGISLATIVE TASK FORCE.]

18 Subdivision 1. [MEMBERSHIP.] A ten member legislative task  
19 force is created to study and monitor equal employment  
20 opportunity activities of each of the metropolitan agencies  
21 established by chapter 473. Five members shall be appointed by  
22 the speaker of the house and five members by the senate  
23 committee on rules and legislative administration. Two of the  
24 members from each house must be from the minority party. The  
25 appointing authority from each house shall appoint one member to  
26 serve as a co-chair.

27 Subd. 2. [DUTIES.] The task force shall monitor the  
28 performance of metropolitan agencies in complying with sections  
29 3 and 4. The task force shall recommend action necessary to  
30 assure that metropolitan agencies comply with principles of

1 equal employment opportunity in establishing their work forces  
2 and to assure that these agencies maintain work environments  
3 free of forbidden discrimination. The task force has powers  
4 granted to legislative committees under section 3.153, to the  
5 extent necessary to perform its duties.

6 Subd. 3. [SPECIAL INVESTIGATIONS.] (a) A special  
7 investigation of a metropolitan agency within the jurisdiction  
8 of the task force may be initiated by direction of the  
9 legislature or upon a finding by vote of a majority of all  
10 members of the task force that a special investigation of an  
11 agency is necessary to assure compliance with the principles of  
12 equal employment opportunity and nondiscriminatory employment.  
13 Upon initiation of a special investigation, the task force shall  
14 exercise the authority provided in this subdivision and assure  
15 agency compliance with the requirements of this subdivision.  
16 The task force may terminate the special investigation upon a  
17 determination that the investigation has achieved its objective  
18 and is no longer necessary.

19 (b) The task force shall receive complaints concerning  
20 equal employment opportunity policies and alleged instances of  
21 forbidden discrimination relating to the agency. The task force  
22 shall investigate complaints to the extent necessary to  
23 determine if the agency's internal policies and procedures are  
24 adequate to assure that complaints are dealt with fairly and  
25 that the circumstances underlying complaints are corrected. The  
26 task force does not have authority to decide the merits of  
27 individual cases. The task force may designate a person to be  
28 present at agency facilities to the extent necessary to fulfill  
29 duties assigned by this subdivision. The agency shall cooperate  
30 with the task force by providing access to requested documents  
31 that are public data under chapter 13, and by providing space  
32 and support at agency facilities upon request.

33 (c) The agency must report monthly to the task force,  
34 summarizing personnel actions that it has taken since the last  
35 report. For purposes of this subdivision personnel action means  
36 a new hire, promotion, transfer, demotion, suspension with or

1 without pay, letter of reprimand, involuntary termination, other  
2 disciplinary action, and voluntary termination. Each report  
3 must include the job title of the affected person and must  
4 specify what protected group, if any, the person is a member  
5 of. Each report must also include the percentage of members of  
6 each protected group, as defined in section 43A.02, subdivision  
7 33, in the applicant pool for each new hire or promotion, to the  
8 extent that the agency knows this information. The agency must  
9 also report monthly to the task force each:

10 (1) charge filed against the agency with the state or a  
11 local human rights department or commission alleging employment  
12 discrimination;

13 (2) lawsuit filed in federal or state court against the  
14 agency, alleging employment discrimination;

15 (3) complaint filed under a nondiscrimination clause of a  
16 union contract;

17 (4) complaint filed under the agency's affirmative action  
18 plan or sexual or racial harassment policies; or

19 (5) discrimination complaint filed under other agency  
20 personnel policies.

21 The reports required by clauses (1) to (5) must include the  
22 basis for the complaint or lawsuit, and any disciplinary action  
23 taken against an agency employee in relation to the complaint or  
24 lawsuit. In filing reports on complaints and lawsuits, the  
25 agency is not required to reveal information that is not public  
26 data under chapter 13.

27 (d) The agency shall report to the task force on the  
28 composition of the workforce under the direction of each person  
29 that the agency designates as a managerial or supervisory  
30 employee. The report must be in the form and submitted at the  
31 time intervals requested by the task force, and must show the  
32 percentage of the relevant workforce that is composed of members  
33 of each protected group.

34 Subd. 4. [WASTE CONTROL COMMISSION.] The task force shall  
35 initiate a special investigation of the metropolitan waste  
36 control commission under subdivision 3.

1        Subd. 5. [REPORTS.] The task force shall report to the  
2 legislature by January 15, 1989. The report must include:

3        (1) an evaluation of the performance of each metropolitan  
4 agency in complying with sections 3 and 4;

5        (2) recommendations for further legislation related to  
6 personnel and procurement functions of metropolitan agencies;  
7 and

8        (3) a recommendation on what form of continued legislative  
9 oversight of these personnel and procurement functions is  
10 appropriate, and on when or under what conditions the task force  
11 should be eliminated.

12        Sec. 2. Minnesota Statutes 1986, section 473.141,  
13 subdivision 9, is amended to read:

14        Subd. 9. [PERSONNEL CODE; MERIT SYSTEM.] (a) The council  
15 shall by resolution adopt guidelines for a personnel code  
16 relating to the employees of the commissions, except that  
17 nothing in Laws 1974, Chapter 422 shall impair the rights of any  
18 commission or employee under sections 473.405 and 473.415.  
19 After adoption of the guidelines, each commission shall by  
20 resolution adopt a personnel code in general conformance  
21 therewith. The code shall include a job classification plan,  
22 procedures for employment and promotion of personnel based on  
23 merit, procedures for the demotion, suspension or discharge of  
24 employees, procedures for hearing grievances, procedures for  
25 salary administration, and such other provisions as the council  
26 deems appropriate. In addition, the code shall provide for the  
27 development by each commission of affirmative action plans,  
28 ~~which shall be submitted for approval to the appropriate agency~~  
29 ~~or office of the state. The plans shall include a yearly~~  
30 ~~progress report to the agency or office~~ as provided in section 4.  
31 The chief administrator of each commission shall administer the  
32 code, and no commission shall take any action inconsistent with  
33 the personnel code.

34        (b) All employees of the commission except those expressly  
35 designated for the unclassified service, shall serve in the  
36 classified service. The unclassified service shall include:

1 members of the commission, the chief administrator of the  
2 commission, all officers of the commission, any employee of the  
3 commission who is determined by the commission to have a  
4 confidential relationship to the commission or the council; and  
5 any employee of the commission expressly exempted from the  
6 classified service by law. Each code shall also include  
7 procedures for open competitive examinations to test the  
8 relative skill or ability of all applicants for positions in the  
9 classified service. Such examinations may consist of written or  
10 oral tests of the subjective or objective type, physical tests,  
11 and practical or demonstration tests for the evaluation of past  
12 training and experience. Oral tests may be used to test the  
13 applicant's knowledge of the position applied for or personal  
14 fitness for the position. Where there is more than one  
15 applicant for a position, each code shall provide for the  
16 employment of one of the three applicants best qualified for it.

17 (c) When a commission employee has been demoted, suspended  
18 or dismissed by the chief administrator, the employee may,  
19 within 30 days after such action becomes effective, file with  
20 the commission a written request for a hearing showing the  
21 position from which the employee was dismissed, the date of  
22 dismissal, and the reason for requesting the hearing, full name  
23 and present mailing address. Upon receipt of a request for a  
24 hearing the commission shall appoint three of its members to act  
25 as an appeal committee and preside at a hearing on the action of  
26 the administrator. The hearing shall be held within 30 days  
27 after the request is received by the commission, upon written  
28 notice mailed or delivered to the employee at the employee's  
29 present mailing address, not less than seven days before the  
30 hearing. The appeal committee shall approve or disapprove the  
31 action of the administrator, and in the case of approval the  
32 action of the administrator shall be final. In the case of  
33 disapproval the appeal committee may reinstate the employee  
34 under such conditions as it deems proper, and may order the  
35 payment to the employee of compensation lost as a result of the  
36 demotion, suspension or dismissal.

1       Sec. 3. Minnesota Statutes 1986, section 473.141, is  
2 amended by adding a subdivision to read:

3       Subd. 15. [SOCIALY AND ECONOMICALLY DISADVANTAGED  
4 BUSINESSES.] The metropolitan council and agencies specified in  
5 section 4, subdivision 1, are subject to the requirements of  
6 section 16B.19, subdivisions 1 to 8, relating to procurement  
7 from small businesses and businesses owned and operated by  
8 socially or economically disadvantaged persons. The council and  
9 each agency may adopt rules to implement these requirements, and  
10 are not subject to rules adopted by the commissioner of  
11 administration to implement sections 16B.19 to 16B.22. This  
12 subdivision does not apply to procurement financed in whole or  
13 in part with federal funds if the procurement is subject to  
14 federal disadvantaged business enterprise regulations. The  
15 council and each agency must report annually to the legislature  
16 on compliance with this subdivision. The reports must include  
17 the information specified in section 16B.21.

18       Sec. 4. [473.142] [AFFIRMATIVE ACTION PLANS.]

19       Subdivision 1. [APPLICATION.] For purposes of this  
20 section, the term "agency" means metropolitan agency as defined  
21 in section 473.121, except the metropolitan parks and open space  
22 commission. Agency also means the metropolitan mosquito control  
23 commission. For purposes of this section, "commissioner" means  
24 the commissioner of the state department of employee relations.

25       Subd. 2. [DEVELOPMENT AND CONTENTS.] The council and each  
26 agency must develop an affirmative action plan and submit its  
27 plan to the commissioner for approval. The commissioner may not  
28 approve a plan unless the commissioner determines that it will  
29 be effective in assuring that employment positions are equally  
30 accessible to all qualified persons, in eliminating the  
31 underutilization of qualified members of protected groups, as  
32 defined in section 43A.02, subdivision 33, and in dealing with  
33 discrimination complaints. A plan must contain at least the  
34 elements required in this subdivision.

35       (a) It must identify protected groups that are  
36 underrepresented in the council's or agency's workforce.

1       (b) It must designate a person responsible for directing  
2 and implementing the affirmative action program, and assign the  
3 specific responsibilities and duties of that person. The person  
4 responsible for implementing the program must report directly to  
5 the council's or agency's chief executive officer regarding the  
6 person's affirmative action duties.

7       (c) It must describe the methods by which the plan will be  
8 communicated to employees and to other persons.

9       (d) It must describe internal procedures in accordance with  
10 this paragraph for processing complaints of alleged  
11 discrimination from job applicants and employees. The  
12 procedures must provide for an initial determination of whether  
13 the complaint is properly a discrimination complaint subject to  
14 the procedure under the affirmative action plan. Complaints  
15 filed under the discrimination procedures that allege reprisals  
16 against an employee for opposing a forbidden practice or for  
17 filing a charge, testifying, or participating in an  
18 investigation, proceeding, or hearing relating to a forbidden  
19 practice must be heard initially by the chief executive officer  
20 of the council or agency.. Procedures under this paragraph must  
21 be distinct from any procedures available under a union contract  
22 or personnel policy for nondiscrimination complaints. Use of  
23 procedures developed under this paragraph is not a prerequisite  
24 to filing charges with a governmental enforcement agency, nor  
25 does it limit a person's right to file these charges.

26       (e) It must set goals and timetables to eliminate  
27 underutilization of protected group members in the council or  
28 agency workforce.

29       (f) It must provide a plan for retaining and promoting  
30 protected group members in the council or agency workforce.

31       (g) It must describe methods of auditing, evaluating, and  
32 reporting program success, including a procedure that requires a  
33 preemployment review of all hiring decisions for occupational  
34 groups with unmet affirmative action goals.

35       (h) It must provide for training of management and  
36 supervisory personnel in implementation of the plan and in

1 dealing with alleged acts of discrimination in the workplace.

2 (i) It must provide for periodic surveying of the council  
3 or agency workforce to determine employee attitudes toward  
4 implementation of the plan.

5 Subd. 3. [HARASSMENT.] The council and each agency must  
6 adopt written policies forbidding sexual and racial harassment  
7 in their workplaces and establishing implementation plans and  
8 grievance procedures to deal with complaints of sexual and  
9 racial harassment.

10 Subd. 4. [PERFORMANCE EVALUATION.] The evaluation of the  
11 performance of each supervisory and managerial employee of the  
12 council and the agencies must include evaluation of the person's  
13 performance in implementing the council's or agency's  
14 affirmative action plan and in preventing forbidden  
15 discrimination in the workplace.

16 Subd. 5. [REPORT.] By February 15, each year, the  
17 commissioner shall report to the legislature and to the task  
18 force created in section 1 on affirmative action progress of the  
19 council and of each agency. The report must include:

20 (1) an audit of the record of the council and each agency  
21 to determine compliance with affirmative action goals and to  
22 evaluate overall progress in attainment of overall affirmative  
23 actions objectives;

24 (2) if the council or any agency has failed to make  
25 satisfactory progress toward its affirmative action goals, a  
26 list of unmet goals and an analysis of why the failure occurred;

27 (3) a summary of all personnel actions, as defined in  
28 section 1, subdivision 3, taken by the council and each agency  
29 during the past calendar year, categorized by occupational  
30 group, protected group status, compensation, and full-time,  
31 part-time, and seasonal status; and

32 (4) a summary of discrimination complaints and lawsuits  
33 against the council and each agency filed or resolved during the  
34 past calendar year, including the basis for the complaints and  
35 lawsuits.

36 The council and each agency must report to the commissioner

1 all information that the commissioner requests to make the  
2 report required by this subdivision.

3 The council and each agency must submit these reports at  
4 the time and in the manner requested by the commissioner. The  
5 commissioner shall report to the legislature on the failure of  
6 the council or an agency to file the required report in a timely  
7 manner.

8 Subd. 6. [COORDINATION.] The commissioner or a designee  
9 shall meet with affirmative action officers of the council and  
10 all of the agencies to share successful techniques and foster  
11 innovative means to implement affirmative action plans and  
12 eliminate discrimination in the workplace.

13 Sec. 5. Minnesota Statutes 1986, section 473.406,  
14 subdivision 2, is amended to read:

15 Subd. 2. [SET-ASIDES.] The metropolitan transit commission  
16 ~~may, on a fiscal-year-basis, designate and set aside for~~  
17 ~~awarding to~~ shall comply with the requirements of section 3  
18 relating to procurement from business entities controlled by  
19 socially or economically disadvantaged persons ~~or handicapped~~  
20 ~~persons, or for awarding to business entities which guarantee~~  
21 ~~the use of subcontractors controlled by socially or economically~~  
22 ~~disadvantaged persons or handicapped persons, approximately five~~  
23 ~~percent of the value of its anticipated total procurement of~~  
24 ~~goods and services, including construction.~~ The failure of the  
25 commission to set aside particular procurements shall not be  
26 deemed to prohibit or discourage business entities controlled by  
27 socially or economically disadvantaged persons or handicapped  
28 persons from seeking the procurement award through the normal  
29 solicitation and bidding processes.

30 Sec. 6. Minnesota Statutes 1986, section 473.406,  
31 subdivision 5, is amended to read:

32 Subd. 5. [RECOURSE TO OTHER BUSINESSES.] If this  
33 section ~~does~~ and section 3 do not operate to extend a contract  
34 award to a business entity controlled by socially or  
35 economically disadvantaged persons ~~or handicapped persons~~, the  
36 award shall be placed pursuant to the normal solicitation and

1 award procedures set forth in section 471.345.

2 Sec. 7. Minnesota Statutes 1986, section 473.406,

3 subdivision 6, is amended to read:

4 Subd. 6. [RULES.] The commission shall promulgate by rule  
5 standards and procedures for certifying that business entities  
6 eligible to participate in the set-aside program authorized  
7 ~~in~~ required by this section and section 3 are controlled by  
8 socially or economically disadvantaged persons ~~or-handicapped~~  
9 persons. The commission shall promulgate other rules as may be  
10 necessary or advisable to carry out the provisions of this  
11 section and section 3.

12 Sec. 8. Minnesota Statutes 1986, section 473.406,  
13 subdivision 7, is amended to read:

14 Subd. 7. [OTHER LAWS SUPERSEDED.] In the event of conflict  
15 with other laws or rules, the provisions of this section and  
16 section 3 and rules promulgated pursuant to ~~it~~ them shall govern.

17 Sec. 9. [REPEALER.]

18 Minnesota Statutes 1986, section 473.556, subdivision 14,  
19 is repealed.

20 Sec. 10. [EFFECTIVE DATE.]

21 Section 1 is effective the day following final enactment.

22 This act applies in the counties of Anoka, Carver, Dakota,  
23 Hennepin, Ramsey, Scott, and Washington.

1 A bill for an act

2 relating to metropolitan government; creating a  
3 legislative task force to monitor performance of  
4 metropolitan agencies in complying with certain laws;  
5 prescribing the contents of affirmative action plans  
6 for metropolitan agencies and a process for approval  
7 and reporting of those plans; requiring purchases from  
8 small businesses and businesses owned by socially or  
9 economically disadvantaged persons; amending Minnesota  
10 Statutes 1986, sections 473.141, subdivision 9, and by  
11 adding a subdivision; and 473.406, subdivisions 2, 5,  
12 6, and 7; proposing coding for new law in Minnesota  
13 Statutes, chapters 3 and 473; repealing Minnesota  
14 Statutes 1986, section 473.556, subdivision 14.

15

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

17 Section 1. [3.863] [LEGISLATIVE TASK FORCE.]

18 Subdivision 1. [MEMBERSHIP.] A ten member legislative task  
19 force is created to study and monitor equal employment  
20 opportunity activities of each of the metropolitan agencies  
21 established by chapter 473. Five members shall be appointed by  
22 the speaker of the house and five members by the senate  
23 committee on rules and legislative administration. Two of the  
24 members from each house must be from the minority party. The  
25 appointing authority from each house shall appoint one member to  
26 serve as a co-chair.

27 Subd. 2. [DUTIES.] The task force shall monitor the  
28 performance of metropolitan agencies in complying with sections  
29 3 and 4. The task force shall recommend action necessary to  
30 assure that metropolitan agencies comply with principles of

1 equal employment opportunity in establishing their work forces  
2 and to assure that these agencies maintain work environments  
3 free of forbidden discrimination. The task force has powers  
4 granted to legislative committees under section 3.153, to the  
5 extent necessary to perform its duties.

6 Subd. 3. [SPECIAL INVESTIGATIONS.] (a) A special  
7 investigation of a metropolitan agency within the jurisdiction  
8 of the task force may be initiated by direction of the  
9 legislature or upon a finding by vote of a majority of all  
10 members of the task force that a special investigation of an  
11 agency is necessary to assure compliance with the principles of  
12 equal employment opportunity and nondiscriminatory employment.  
13 Upon initiation of a special investigation, the task force shall  
14 exercise the authority provided in this subdivision and assure  
15 agency compliance with the requirements of this subdivision.  
16 The task force may terminate the special investigation upon a  
17 determination that the investigation has achieved its objective  
18 and is no longer necessary.

19 (b) The task force shall receive complaints concerning  
20 equal employment opportunity policies and alleged instances of  
21 forbidden discrimination relating to the agency. The task force  
22 shall investigate complaints to the extent necessary to  
23 determine if the agency's internal policies and procedures are  
24 adequate to assure that complaints are dealt with fairly and  
25 that the circumstances underlying complaints are corrected. The  
26 task force does not have authority to decide the merits of  
27 individual cases. The task force may designate a person to be  
28 present at agency facilities to the extent necessary to fulfill  
29 duties assigned by this subdivision. The agency shall cooperate  
30 with the task force by providing access to requested documents  
31 that are public data under chapter 13, and by providing space  
32 and support at agency facilities upon request.

33 (c) The agency must report monthly to the task force,  
34 summarizing personnel actions that it has taken since the last  
35 report. For purposes of this subdivision personnel action means  
36 a new hire, promotion, transfer, demotion, suspension with or

1 without pay, letter of reprimand, involuntary termination, other  
2 disciplinary action, and voluntary termination. Each report  
3 must include the job title of the affected person and must  
4 specify what protected group, if any, the person is a member  
5 of. Each report must also include the percentage of members of  
6 each protected group, as defined in section 43A.02, subdivision  
7 33, in the applicant pool for each new hire or promotion, to the  
8 extent that the agency knows this information. The agency must  
9 also report monthly to the task force each:

10 (1) charge filed against the agency with the state or a  
11 local human rights department or commission alleging employment  
12 discrimination;

13 (2) lawsuit filed in federal or state court against the  
14 agency, alleging employment discrimination;

15 (3) complaint filed under a nondiscrimination clause of a  
16 union contract;

17 (4) complaint filed under the agency's affirmative action  
18 plan or sexual or racial harassment policies; or

19 (5) discrimination complaint filed under other agency  
20 personnel policies.

21 The reports required by clauses (1) to (5) must include the  
22 basis for the complaint or lawsuit, and any disciplinary action  
23 taken against an agency employee in relation to the complaint or  
24 lawsuit. In filing reports on complaints and lawsuits, the  
25 agency is not required to reveal information that is not public  
26 data under chapter 13.

27 (d) The agency shall report to the task force on the  
28 composition of the workforce under the direction of each person  
29 that the agency designates as a managerial or supervisory  
30 employee. The report must be in the form and submitted at the  
31 time intervals requested by the task force, and must show the  
32 percentage of the relevant workforce that is composed of members  
33 of each protected group.

34 Subd. 4. [WASTE CONTROL COMMISSION.] The task force shall  
35 initiate a special investigation of the metropolitan waste  
36 control commission under subdivision 3.

1        Subd. 5. [REPORTS.] The task force shall report to the  
2 legislature by January 15, 1989. The report must include:

3        (1) an evaluation of the performance of each metropolitan  
4 agency in complying with sections 3 and 4;

5        (2) recommendations for further legislation related to  
6 personnel and procurement functions of metropolitan agencies;  
7 and

8        (3) a recommendation on what form of continued legislative  
9 oversight of these personnel and procurement functions is  
10 appropriate, and on when or under what conditions the task force  
11 should be eliminated.

12        Sec. 2. Minnesota Statutes 1986, section 473.141,  
13 subdivision 9, is amended to read:

14        Subd. 9. [PERSONNEL CODE; MERIT SYSTEM.] (a) The council  
15 shall by resolution adopt guidelines for a personnel code  
16 relating to the employees of the commissions, except that  
17 nothing in Laws 1974, Chapter 422 shall impair the rights of any  
18 commission or employee under sections 473.405 and 473.415.  
19 After adoption of the guidelines, each commission shall by  
20 resolution adopt a personnel code in general conformance  
21 therewith. The code shall include a job classification plan,  
22 procedures for employment and promotion of personnel based on  
23 merit, procedures for the demotion, suspension or discharge of  
24 employees, procedures for hearing grievances, procedures for  
25 salary administration, and such other provisions as the council  
26 deems appropriate. In addition, the code shall provide for the  
27 development by each commission of affirmative action plans,  
28 ~~which shall be submitted for approval to the appropriate agency~~  
29 ~~or office of the state. The plans shall include a yearly~~  
30 ~~progress report to the agency or office~~ as provided in section 4.  
31 The chief administrator of each commission shall administer the  
32 code, and no commission shall take any action inconsistent with  
33 the personnel code.

34        (b) All employees of the commission except those expressly  
35 designated for the unclassified service, shall serve in the  
36 classified service. The unclassified service shall include:

1 members of the commission, the chief administrator of the  
2 commission, all officers of the commission, any employee of the  
3 commission who is determined by the commission to have a  
4 confidential relationship to the commission or the council; and  
5 any employee of the commission expressly exempted from the  
6 classified service by law. Each code shall also include  
7 procedures for open competitive examinations to test the  
8 relative skill or ability of all applicants for positions in the  
9 classified service. Such examinations may consist of written or  
10 oral tests of the subjective or objective type, physical tests,  
11 and practical or demonstration tests for the evaluation of past  
12 training and experience. Oral tests may be used to test the  
13 applicant's knowledge of the position applied for or personal  
14 fitness for the position. Where there is more than one  
15 applicant for a position, each code shall provide for the  
16 employment of one of the three applicants best qualified for it.

17 (c) When a commission employee has been demoted, suspended  
18 or dismissed by the chief administrator, the employee may,  
19 within 30 days after such action becomes effective, file with  
20 the commission a written request for a hearing showing the  
21 position from which the employee was dismissed, the date of  
22 dismissal, and the reason for requesting the hearing, full name  
23 and present mailing address. Upon receipt of a request for a  
24 hearing the commission shall appoint three of its members to act  
25 as an appeal committee and preside at a hearing on the action of  
26 the administrator. The hearing shall be held within 30 days  
27 after the request is received by the commission, upon written  
28 notice mailed or delivered to the employee at the employee's  
29 present mailing address, not less than seven days before the  
30 hearing. The appeal committee shall approve or disapprove the  
31 action of the administrator, and in the case of approval the  
32 action of the administrator shall be final. In the case of  
33 disapproval the appeal committee may reinstate the employee  
34 under such conditions as it deems proper, and may order the  
35 payment to the employee of compensation lost as a result of the  
36 demotion, suspension or dismissal.

1       Sec. 3. Minnesota Statutes 1986, section 473.141, is  
2 amended by adding a subdivision to read:

3       Subd. 15. [SOCIALY AND ECONOMICALLY DISADVANTAGED  
4 BUSINESSES.] The metropolitan council and agencies specified in  
5 section 4, subdivision 1, are subject to the requirements of  
6 section 16B.19, subdivisions 1 to 8, relating to procurement  
7 from small businesses and businesses owned and operated by  
8 socially or economically disadvantaged persons. The council and  
9 each agency may adopt rules to implement these requirements, and  
10 are not subject to rules adopted by the commissioner of  
11 administration to implement sections 16B.19 to 16B.22. This  
12 subdivision does not apply to procurement financed in whole or  
13 in part with federal funds if the procurement is subject to  
14 federal disadvantaged business enterprise regulations. The  
15 council and each agency must report annually to the legislature  
16 on compliance with this subdivision. The reports must include  
17 the information specified in section 16B.21.

18       Sec. 4. [473.142] [AFFIRMATIVE ACTION PLANS.]

19       Subdivision 1. [APPLICATION.] For purposes of this  
20 section, the term "agency" means metropolitan agency as defined  
21 in section 473.121, except the metropolitan parks and open space  
22 commission. Agency also means the metropolitan mosquito control  
23 commission. For purposes of this section, "commissioner" means  
24 the commissioner of the state department of employee relations.

25       Subd. 2. [DEVELOPMENT AND CONTENTS.] The council and each  
26 agency must develop an affirmative action plan and submit its  
27 plan to the commissioner for approval. The commissioner may not  
28 approve a plan unless the commissioner determines that it will  
29 be effective in assuring that employment positions are equally  
30 accessible to all qualified persons, in eliminating the  
31 underutilization of qualified members of protected groups, as  
32 defined in section 43A.02, subdivision 33, and in dealing with  
33 discrimination complaints. A plan must contain at least the  
34 elements required in this subdivision.

35       (a) It must identify protected groups that are  
36 underrepresented in the council's or agency's workforce.

1       (b) It must designate a person responsible for directing  
2 and implementing the affirmative action program, and assign the  
3 specific responsibilities and duties of that person. The person  
4 responsible for implementing the program must report directly to  
5 the council's or agency's chief executive officer regarding the  
6 person's affirmative action duties.

7       (c) It must describe the methods by which the plan will be  
8 communicated to employees and to other persons.

9       (d) It must describe internal procedures in accordance with  
10 this paragraph for processing complaints of alleged  
11 discrimination from job applicants and employees. The  
12 procedures must provide for an initial determination of whether  
13 the complaint is properly a discrimination complaint subject to  
14 the procedure under the affirmative action plan. Complaints  
15 filed under the discrimination procedures that allege reprisals  
16 against an employee for opposing a forbidden practice or for  
17 filing a charge, testifying, or participating in an  
18 investigation, proceeding, or hearing relating to a forbidden  
19 practice must be heard initially by the chief executive officer  
20 of the council or agency.. Procedures under this paragraph must  
21 be distinct from any procedures available under a union contract  
22 or personnel policy for nondiscrimination complaints. Use of  
23 procedures developed under this paragraph is not a prerequisite  
24 to filing charges with a governmental enforcement agency, nor  
25 does it limit a person's right to file these charges.

26       (e) It must set goals and timetables to eliminate  
27 underutilization of protected group members in the council or  
28 agency workforce.

29       (f) It must provide a plan for retaining and promoting  
30 protected group members in the council or agency workforce.

31       (g) It must describe methods of auditing, evaluating, and  
32 reporting program success, including a procedure that requires a  
33 preemployment review of all hiring decisions for occupational  
34 groups with unmet affirmative action goals.

35       (h) It must provide for training of management and  
36 supervisory personnel in implementation of the plan and in

1 dealing with alleged acts of discrimination in the workplace.

2 (i) It must provide for periodic surveying of the council  
3 or agency workforce to determine employee attitudes toward  
4 implementation of the plan.

5 Subd. 3. [HARASSMENT.] The council and each agency must  
6 adopt written policies forbidding sexual and racial harassment  
7 in their workplaces and establishing implementation plans and  
8 grievance procedures to deal with complaints of sexual and  
9 racial harassment.

10 Subd. 4. [PERFORMANCE EVALUATION.] The evaluation of the  
11 performance of each supervisory and managerial employee of the  
12 council and the agencies must include evaluation of the person's  
13 performance in implementing the council's or agency's  
14 affirmative action plan and in preventing forbidden  
15 discrimination in the workplace.

16 Subd. 5. [REPORT.] By February 15, each year, the  
17 commissioner shall report to the legislature and to the task  
18 force created in section 1 on affirmative action progress of the  
19 council and of each agency. The report must include:

20 (1) an audit of the record of the council and each agency  
21 to determine compliance with affirmative action goals and to  
22 evaluate overall progress in attainment of overall affirmative  
23 actions objectives;

24 (2) if the council or any agency has failed to make  
25 satisfactory progress toward its affirmative action goals, a  
26 list of unmet goals and an analysis of why the failure occurred;

27 (3) a summary of all personnel actions, as defined in  
28 section 1, subdivision 3, taken by the council and each agency  
29 during the past calendar year, categorized by occupational  
30 group, protected group status, compensation, and full-time,  
31 part-time, and seasonal status; and

32 (4) a summary of discrimination complaints and lawsuits  
33 against the council and each agency filed or resolved during the  
34 past calendar year, including the basis for the complaints and  
35 lawsuits.

36 The council and each agency must report to the commissioner

1 all information that the commissioner requests to make the  
2 report required by this subdivision.

3 The council and each agency must submit these reports at  
4 the time and in the manner requested by the commissioner. The  
5 commissioner shall report to the legislature on the failure of  
6 the council or an agency to file the required report in a timely  
7 manner.

8 Subd. 6. [COORDINATION.] The commissioner or a designee  
9 shall meet with affirmative action officers of the council and  
10 all of the agencies to share successful techniques and foster  
11 innovative means to implement affirmative action plans and  
12 eliminate discrimination in the workplace.

13 Sec. 5. Minnesota Statutes 1986, section 473.406,  
14 subdivision 2, is amended to read:

15 Subd. 2. [SET-ASIDES.] The metropolitan transit commission  
16 ~~may, on a fiscal-year basis, designate and set aside for~~  
17 ~~awarding to~~ shall comply with the requirements of section 3  
18 relating to procurement from business entities controlled by  
19 socially or economically disadvantaged persons ~~or handicapped~~  
20 ~~persons, or for awarding to business entities which guarantee~~  
21 ~~the use of subcontractors controlled by socially or economically~~  
22 ~~disadvantaged persons or handicapped persons, approximately five~~  
23 ~~percent of the value of its anticipated total procurement of~~  
24 ~~goods and services, including construction.~~ The failure of the  
25 commission to set aside particular procurements shall not be  
26 deemed to prohibit or discourage business entities controlled by  
27 socially or economically disadvantaged persons or handicapped  
28 persons from seeking the procurement award through the normal  
29 solicitation and bidding processes.

30 Sec. 6. Minnesota Statutes 1986, section 473.406,  
31 subdivision 5, is amended to read:

32 Subd. 5. [RECOURSE TO OTHER BUSINESSES.] If this  
33 section does and section 3 do not operate to extend a contract  
34 award to a business entity controlled by socially or  
35 economically disadvantaged persons ~~or handicapped persons~~, the  
36 award shall be placed pursuant to the normal solicitation and

1 award procedures set forth in section 471.345.

2 Sec. 7. Minnesota Statutes 1986, section 473.406,  
3 subdivision 6, is amended to read:

4 Subd. 6. [RULES.] The commission shall promulgate by rule  
5 standards and procedures for certifying that business entities  
6 eligible to participate in the ~~set-aside~~ program authorized  
7 ~~in~~ required by this section and section 3 are controlled by  
8 socially or economically disadvantaged persons ~~or-handicapped~~  
9 persons. The commission shall promulgate other rules as may be  
10 necessary or advisable to carry out the provisions of this  
11 section and section 3.

12 Sec. 8. Minnesota Statutes 1986, section 473.406,  
13 subdivision 7, is amended to read:

14 Subd. 7. [OTHER LAWS SUPERSEDED.] In the event of conflict  
15 with other laws or rules, the provisions of this section and  
16 section 3 and rules promulgated pursuant to ~~it~~ them shall govern.

17 Sec. 9. [REPEALER.]

18 Minnesota Statutes 1986, section 473.556, subdivision 14,  
19 is repealed.

20 Sec. 10. [EFFECTIVE DATE.]

21 Section 1 is effective the day following final enactment.

22 This act applies in the counties of Anoka, Carver, Dakota,  
23 Hennepin, Ramsey, Scott, and Washington.

Msey -

Hands out tonight  
w/ other legislation

1 \_\_\_\_\_ moves to amend H.F. \_\_\_\_\_ as follows:

2 Page 6, line 4, before "The" insert "(a)"

3 Page 6, line 5, delete everything after "1"

4 Page 6, delete lines 6 to 11 and insert "shall attempt to  
5 award at least nine percent of the value of all procurement,  
6 other than contracts under clause (c), to small businesses owned  
7 and operated by socially or economically disadvantaged persons  
8 with their principal place of business in Minnesota. In  
9 furtherance of this goal, the council or an agency ~~may~~ <sup>shall</sup> set aside  
10 a percentage of all procurements for bidding only by these  
11 businesses. The council or an agency may also award a five  
12 percent preference to these businesses in the amount bid on  
13 selected procurements.

14 (b) The council and each agency specified in section 4,  
15 subdivision 1, as a condition of awarding procurements for  
16 construction, consultant, professional or technical service  
17 contracts in excess of \$200,000, shall require that at least ten  
18 percent of the contract award to a prime contractor be  
19 subcontracted to a small business owned and operated by a  
20 socially or economically disadvantaged person, or that at least  
21 ten percent of the contract award be expended in purchasing  
22 materials or supplies from this type of business. This  
23 paragraph does not apply if the council or agency determines  
24 that there is no small business owned and operated by a socially

1 or economically disadvantaged person able to perform the  
2 subcontract or provide the supplies. Subcontracting or  
3 purchasing of supplies under this subdivision is not included in  
4 determining achievement of goals under paragraph (a).

5 (c) The council and each agency specified in section 4,  
6 subdivision 1, shall attempt to award at least six percent of  
7 the value of all procurements for consultant services or  
8 professional or technical services to small businesses owned and  
9 operated by socially or economically disadvantaged persons.

10 (d) The council and each agency may adopt rules to  
11 implement this section.

12 (e) This section"

13 Page 6, line 12, delete "subdivision"