

METROPOLITAN COUNCIL
390 North Robert Street, St. Paul, MN 55101
Phone (651) 602-1000 TDD (651) 291-0904

DATE: December 4, 2012

TO: Metropolitan Parks and Open Space Commission

FROM: Arne Stefferud, Manager—Regional Parks and Natural Resources Unit
(651) 602-1360

SUBJECT: Reimbursable Expenses for Metropolitan Parks and Open Space Commission Activities

INTRODUCTION

At the November 8 Metropolitan Parks and Open Space Commission meeting, the Commission considered a report on the reimbursable expenses for MPOSC activities and specifically inquired about receiving annual park permits to enter regional parks that required a vehicle permit. (See attached memorandum dated October 24, 2012)

The Commission was informed about a change in compensation to the Commission when Minnesota Statutes, section 473.303, subdivision 6 was amended in 2003. That change eliminated a \$50 per diem payment to the Commission and replaced it with the following provision: "Members and the chair shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as determined by the metropolitan council."

Commissioner Piper noted that Minnesota Statutes section 15.059 permitted a \$55 per diem payment for advisory committees. The Commission asked Metropolitan Council staff to research this law and determine whether it is applicable to the Commission, and to research the compensation of other advisory committees to the Metropolitan Council. The results of that research should be reported at the December Commission meeting.

RESPONSE

Minnesota Statutes section 15.059 does not apply to the Metropolitan Parks and Open Space Commission, or to advisory committees of the Metropolitan Council. That law applies to advisory committees to State government and is applied when the law creating the advisory committee references this statute as the framework for creating the advisory committee. Neither the Metropolitan Council nor the Metropolitan Parks and Open Space Commission is a state agency. The Council is defined by law as a public corporation and political subdivision of the State; the Commission is defined by law as an agency of the Metropolitan Council and a "metropolitan agency."

The law that applies to the compensation of Metropolitan Parks and Open Space Commissioners is Minnesota Statutes section 473.303, subdivision 6 as shown below:

Compensation. *Members and the chair shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as determined by the Metropolitan Council.*

The law that applies to compensation of Metropolitan Council advisory committee is Minnesota Statutes, section 473.127 as shown below:

473.127 ADVISORY COMMITTEES.

The Metropolitan Council may establish and appoint persons to advisory committees to assist the Metropolitan Council in the performance of its duties. Members of the advisory committees shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the Metropolitan Council.

As shown here, these statutes make it clear that Commission members and Metropolitan Council advisory committees “serve without compensation” and do not receive per diem payments, but are reimbursed for actual, necessary and reasonable expenses incurred in performance of their duties.

METROPOLITAN COUNCIL
390 North Robert Street, St. Paul, MN 55101
Phone (651) 602-1000 TDD (651) 291-0904

DATE: October 24, 2012

TO: Metropolitan Parks and Open Space Commission

FROM: Arne Stefferud, Manager—Regional Parks and Natural Resources Unit
(651) 602-1360

SUBJECT: Reimbursable expenses for Metropolitan Parks and Open Space Commission Activities

INTRODUCTION

The Metropolitan Parks and Open Space Commission (MPOSC) requested Metro Council staff to report on the reimbursable expenses for MPOSC activities and specifically inquired about receiving annual park permits to enter regional parks that required a vehicle permit.

RESPONSE

The MPOSC bylaws provide guidance on this matter as shown in the following excerpt:

VII. COMPENSATION AND EXPENSES

- A. Commission members and the Chairperson shall be reimbursed for reasonable expenses in connection with the performance of their duties in accordance with the travel and expense reimbursement policy of the [Metropolitan] Council to attend the following types of meetings and other services:
1. All meetings of the Commission and its committees.
 2. All public hearings held by the Commission or the [Metropolitan] Council upon matters related to parks and open space.
 3. All meetings of the [Metropolitan] Council and its committees upon matters related to parks and open space where such attendance is requested by the Chairperson of the Commission.
 4. All meetings of the governing boards of regional park implementing agencies (cities, counties, special park districts) to which the Commission member is appointed by the Chairperson of the Commission as the Commission's liaison representative.
 5. Meetings of local governmental units, special park districts, community organizations, committees of the Legislature, or federal or state agencies, when the Commission member is specifically requested to participate as a Commission member by that agency or organization or by the Chairperson of the Commission.
 6. Conferences, seminars, workshops and other similar meetings where such attendance is duly authorized and approved by the Chairperson.

7. Informal meetings of individual members of the Commission with representatives of private or public organizations or members of the State Legislature, or for appearance on radio or television programs when the Commission member is specifically requested to participate as a Commission member by that agency or organization or by the Chairperson of the Commission.
- B. Any of the above meetings for which reimbursement for reasonable expenses is to be paid must be public meetings of the governmental units or private organizations and must be approved by the Chairperson.

CONCLUSION

Based on these bylaws, MPOSC members could be reimbursed for visiting regional parks requiring vehicle permit entry fees when on official MPOSC business. The daily fee to enter the park would be a reimbursable expense. Providing an annual permit as part of MPOSC member compensation would not be consistent with the bylaws.