

C Community Development Committee
Meeting date: June 6, 2011

| ADVISORY INFORMATION | |
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| Date: | June 1, 2011 |
| Subject: | Amendment to the Livable Communities Advisory Committee Bylaws |
| District(s), Member(s): | All |
| Policy/Legal Reference: | MN Statutes, Section 473.253 |
| Staff Prepared/Presented: | Paul Burns, Manager, Livable Communities (651-602-1106) |
| Division/Department: | Community Development/Housing and Livable Communities |

Proposed Action

That the Metropolitan Council adopt amended bylaws of the Livable Communities Advisory Committee to eliminate term limits for Committee members and address housekeeping issues.

Overview

The Livable Communities Advisory Committee (LCAC) is a body that was established for the purposes of reviewing and recommending funding awards under the Livable Communities Demonstration Account (LCDA). The LCAC Bylaws govern the requirements and number of members, their terms, how they conduct their review of grant applications and how they conduct their meetings. The LCAC bylaws were most recently amended in 2005, with changes being recommended by a Work Group of the Council's Community Development Committee (CDC). One of the changes recommended by the Work Group, and adopted by the Council at that time was to establish term limits for LCAC members.

The work of the LCAC is extremely valuable to the success of the LCDA grant review process. Members volunteer many hours of their time and expertise to recommend the best projects to the CDC and Council. The experience since 2005 has been that LCAC members develop a level of experience in conducting these reviews that is difficult to replace when they leave the Committee. The elimination of a maximum number of terms allows the Chair of the Metropolitan Council, at his or her discretion, to continue to appoint members willing to continue to contribute their time and expertise.

Attached is a copy of the bylaws reflecting through underlining and strike out how they would be changed. In addition to the elimination of members term limits, other modest changes, allowing staff input to the committee's deliberations, deleting outdated language and simplifying meeting procedures are also being proposed. These amended bylaws would become effective immediately upon adoption by the Council.

Background

The Livable Communities Advisory Committee (LCAC) includes 12 members and a Chair. The LCAC bylaws, as revised in 2005, established six areas of expertise to provide the range of skills and experience necessary for evaluating development and redevelopment projects for which LCDA funding is requested: 1) local government planning, economic or community development; 2) development finance – one private finance, one public finance; 3) development – one new development, one redevelopment; 4) transportation

and land use relationship; 5) environment and land use relationship; 6) site design and land planning. The LCAC committee Chair does not serve in a specific expertise category, and serves at the pleasure of the Council. Member terms begin on July 1.

Rationale

The amendment would allow, at the discretion of the Chair of the Metropolitan Council, for the retention of existing LCAC members.

Funding

The effect of this action would have no impact on funding.

Known Support / Opposition

Council staff is not aware of any opposition to these proposed changes.

BYLAWS OF THE

METROPOLITAN COUNCIL

LIVABLE COMMUNITIES ACT ADVISORY COMMITTEE

ARTICLE I - ORGANIZATION

- A. Establishment and Name.** Pursuant to Minnesota Statutes section 473.127 the Metropolitan Council (“Council”) hereby establishes the Livable Communities Act Advisory Committee (“Committee”).
- B. Committee Charge and Purpose.** The Committee shall assist the Council in the performance of the Council’s duties under the Metropolitan Livable Communities Act, Minnesota Statutes sections 473.25 to 473.255. The Committee shall undertake and have responsibility for reviewing and recommending funding awards under the Livable Communities Demonstration Account of the Metropolitan Livable Communities Fund. The funding recommendations presented ~~to the Council~~ for review and approval by the Council shall be based on the criteria established by the Council for selecting Livable Communities Demonstration Account projects. ~~The Committee~~Council staff shall ~~submit with its funding recommendations~~maintain copies of Committee meeting minutes for the pertinent funding cycle and copies of conflict of interest forms pertinent to the funding cycle that were completed by Committee members.

ARTICLE II - MEMBERSHIP

- A. Members.** The Committee shall consist of a chair and twelve (12) members. The Committee members shall be recommended by the Chair of the Council and approved by the Council. Members appointed to the Committee shall represent and have primary expertise in the following: local government (planning, economic or community development); development finance (one from each category: private banking, real estate, mixed-use development; public finance); development (new development, redevelopment); transportation (development relationship, transportation specialty); environment (integration of natural and water resources in development); and site design (architecture, land planning specialty). Each of the six expertise areas should be represented by two members. To the extent possible, the Committee membership shall represent a geographic balance and include representatives with perspectives of developed and developing communities.
- B. Officers.** The officers of the Committee are the Chair, Vice Chair and Secretary. The Chair and Vice Chair must be Committee members. The Secretary shall be a Council employee.
- 1. Committee Chair.** The Committee Chair shall be recommended by the Chair of the Council, approved by the Council, and shall serve as the thirteenth (13th) voting member of the Committee. The Committee Chair shall preside at all meetings of the Committee and have the duties and responsibilities normally attendant upon that office as well as duties and responsibilities prescribed by these bylaws and delegated or assigned by the Council or the Committee.
 - 2. Committee Vice Chair.** The Committee Vice Chair shall be selected by the Committee members. The Committee Vice Chair shall act for the Committee Chair during the Chair’s temporary absence or disability.

3. **Committee Secretary.** The Secretary shall be a designated Council employee. The Secretary shall not ~~participate in discussions about or~~ vote on any matters before the Committee. The Secretary shall keep a current and correct journal of all Committee proceedings.

C. **Terms.** The Committee Chair shall serve at the pleasure of the Council and may be removed by the Council at any time. The Committee members other than the Committee Chair shall serve three-year terms and may be reappointed ~~to serve no more than one additional term~~, provided however that the members shall serve at the pleasure of the Council and may be removed by the Council at any time. The terms of the Committee members shall commence on July 1 of the year of the appointment term. Notwithstanding the three-year terms of the Committee members, each Committee member shall continue to serve until the member's successor is appointed. The Committee members' terms shall be staggered. ~~The initial Committee member appointments under this staggered appointments process shall be made as follows: four of the twelve members shall be appointed for a one year term; four of the twelve members shall be appointed for a two year term; and four of the twelve members shall be appointed for a three year term. Thereafter, f~~Four members of the Committee shall be appointed each year to serve three-year terms.

D. **Vacancies and Appointments.** A Committee member who intends to resign must provide a written notice of resignation to the Chair of the Committee. When a vacancy occurs, the Committee Chair shall immediately notify the Chair of the Council and the Council shall, as soon as possible, appoint a new member to fill the vacated Committee position. The person appointed to fill a Committee vacancy shall serve the unexpired term of the vacated Committee position to which the person is appointed.

1. **Removal.** A Committee member is automatically removed if the member misses three consecutive regular meetings of the Committee unless such absences are excused. After a Committee member misses two consecutive regular meetings and such absences are unexcused, the Committee Chair prior to the third regular meeting must notify the Committee member in writing that the member will be removed automatically if the member misses the next regular meeting of the Committee and such absence is not excused.

2. **Excused Absences.** An absence shall be deemed excused if: (a) the absence was due to injury, illness, family or work-related emergency; and (b) the Committee member notified the Council staff person responsible for administration of the Committee of the reasons for the absence, if possible, prior to the Committee meeting but not later than one calendar day after the meeting.

ARTICLE III - COMMITTEE MEETINGS

A. **Regular Meetings.** The Committee shall establish a regular time and place for the Committee's regular meetings. The agenda for each regular meeting, together with appropriate material pertaining to the agenda items, shall be sent to the Committee members at least five (5) calendar days prior to the meeting. The public shall be notified of Committee meetings in accordance with general Council procedures.

B. **Special Meetings.** Special meetings of the Committee may be called by a majority of the members. Notices of special meetings shall include the date, time, place and agenda and be sent to Committee members at least three (3) days prior to the special meeting. The Committee must give adequate public notice of its special meetings. Business at special meetings must be limited to the subjects listed in the noticed agenda.

- C. **Quorum.** Seven (7) members of the Committee shall constitute a quorum for the conduct of Committee business, except that a quorum shall not be necessary for conducting public hearings.
- D. **Order of Business.** Regular meetings of the Committee will be conducted in the following order:
- ~~1. **Roll Call.** Roll call by the Secretary or the presiding officer;~~
 - 1. ~~2.~~ **Agenda Approval.** Motions, if any, by Committee members to amend the published agenda and approval of the agenda or the amended agenda;
 - 2. ~~3.~~ **Minutes Approval.** Approval of the minutes of prior meetings;
 - 3. ~~4.~~ **Agenda.** Consideration of agenda items on the published agenda or the amended agenda;
 - 4. ~~5.~~ **Other Business.** Other matters which properly may come before the Committee;
 - 5. **Reports.** Reports of the Committee Chair, Committee members and staff; and
 - 6. **Adjournment.** Motion to adjourn.
- E. **Conduct of Business.** The business of the Committee shall be conducted in accordance with the following provisions:
1. **Robert's Rules of Order.** Committee meetings shall operate in accordance with the current edition of *Robert's Rules of Order*, newly revised, Council and Committee bylaws, and all other applicable Council policies and procedures. If there is a conflict between the Council's bylaws and the Committee's bylaws, the Council's bylaws shall prevail.
 2. **Voting, Motions and Recordings.** Voting on any matter shall be by voice vote, provided a roll call vote shall be called and recorded on any issue if requested by one or more members. Upon request of any member, the Secretary shall repeat the motion and the name of the mover and seconder immediately preceding a vote by the Committee. The vote of each Committee member shall be recorded in the Committee minutes for motions involving the proposed adoption or amendment of a budget. There shall be no voting by proxy and each member shall be entitled to only one vote on any issue.
 3. **Public Record.** All minutes and reports of the Committee shall be retained on file at the Metropolitan Council offices and shall be available for inspection by any member of the public unless otherwise made not public by the Minnesota Government Data Practices Act or other applicable state or federal law.
 4. **Conflict of Interest.** No Committee member shall participate in any deliberations or vote on any matters or proposals in which the Committee member has a conflict of interest. A conflict of interest exists when: (a) an action or decision by the Committee or the Council could substantially affect the Committee member's financial interests or the financial interests of an organization with which the Committee member is affiliated; (b) the Committee member is a director, trustee, officer, employee or agent of an institution or organization directly involved in an issue or proposal before the Committee or the Council; (c) the Committee member is related by blood or marriage to an individual directly affected by an issue or proposal before the Committee or the Council; or (d) the Committee member knows or has reason to know an

organization with which the Committee member is affiliated is or is reasonably likely to become a participant in a project or development which will be affected by an action or decision by the Committee or the Council.

A conflict of interest generally does not exist if the effect of a Committee or Council action or decision on the Committee member will be no greater than on other individuals engaged in the business, profession or occupation of the Committee member or if the effect on the organization with which the Committee member is affiliated is indirect, remote and insubstantial.

Prior to the commencement of Committee deliberations on an issue with which a conflict of interest exists, a Committee member who has a conflict of interest shall orally disclose to the Committee Chair and Secretary that the Committee member has a conflict of interest. The Committee member also shall prepare a written statement describing the matter requiring action or decision and the nature of the Committee member's conflict of interest. The written disclosure shall be entered upon the minutes of the Committee at the Committee's next meeting. The written disclosure shall be submitted to the Committee Chair no later than one week after the Committee member becomes aware of the conflict of interest.

F. Limitation of Discussion. The Committee Chair or the presiding officer may limit discussion on any agenda item. Public participation at Committee meetings should present information not previously available to the Committee.

ARTICLE IV - SPECIAL COMMITTEES

The Committee Chair may appoint or dissolve special committees subject to Committee approval. Except as otherwise provided in these bylaws, procedures governing notification of meeting time and place, order of business, and conduct of business at meetings of special committees shall be the same as those for meetings of the Committee.

ARTICLE V - STAFF

The Regional Administrator of the Council will assign Council staff to assist the Committee to carry out the Committee's duties and responsibilities.

ARTICLE VI - REIMBURSEMENT

The Committee members shall serve without compensation but may be reimbursed for reasonable expenses in accordance with adopted Council policy.

ARTICLE VII - AMENDMENT OF BYLAWS

The Council may amend these Committee bylaws at any regular meeting of the Council by a majority vote of the Council members present. Written notice of the proposed amendments must be given to the Committee Chair prior to Council action.

Adopted by the Metropolitan Council December 7, 1995.

Adopted by the Metropolitan Council October 13, 1999.

Adopted by the Metropolitan Council September 28, 2005.