



OFFICE OF THE LEGISLATIVE AUDITOR
STATE OF MINNESOTA

EVALUATION REPORT

**Councils on Asian-Pacific
Minnesotans, Black
Minnesotans, Chicano/Latino
People, and Indian Affairs**

MARCH 2014

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OFFICE OF THE LEGISLATIVE AUDITOR

STATE OF MINNESOTA • James Nobles, Legislative Auditor

March 2014

Members of the Legislative Audit Commission:

At your request, the Office of the Legislative Auditor evaluated the councils on Asian-Pacific Minnesotans, Black Minnesotans, Chicano/Latino Affairs, and Indian Affairs. This report conveys to you our findings and recommendations.

We identified six overarching problems: isolation from state policy making, lack of clear statutory purposes, inadequate identification of specific objectives and outcome measures, little substantive collaboration among the councils, untimely appointments and lack of attendance at council meetings, and poor communication with constituent organizations.

To address these concerns, our report assesses four options for change. The options range from maintaining the four councils but requiring certain operational improvements to eliminating the councils and creating advisory committees in select state agencies to address issues. While we do not recommend one option over another, we do think that more, rather than less, change is needed.

Our evaluation was conducted by Jo Vos (project manager), Jodi Rodriguez, and Laura Schwartz. We received the full cooperation of each of the four councils.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Nobles'.

James Nobles
Legislative Auditor

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Summary

Overall, there is little evidence that the state's four minority councils have been effective advisors or liaisons to state policy makers.

Key Facts and Findings:

- Between 1963 and 1985, the Legislature created four minority councils: the councils on Asian-Pacific Minnesotans (CAPM), Black Minnesotans (COBM), Chicano/Latino Affairs (CLAC), and Indian Affairs (MIAC). (p. 3)
- The four councils have not been adequately integrated into state policy making. (pp. 9-10)
- Statutes set forth various duties for the councils—most of which involve advising state policy makers and acting as liaisons, but the councils' overall purposes are unclear. (pp. 10-11)
- Over the last few years, the councils have done a poor job setting specific objectives and identifying outcome measures to assess the impact of their activities. (pp. 11-12)
- Although the councils share similar concerns and duties, there has been little substantive collaboration among them. (pp. 12-13)
- The Governor has not always appointed council members in a timely manner nor in accordance with state law, and members' attendance at meetings has often been a problem. (pp. 13-14)
- Communication between the councils and the organizations that work with their constituencies has been inadequate. (p. 14)

Options for Change:

The Legislature should consider adopting one of the following four options. While we do not recommend one alternative over another, we think more, rather than less, change is needed. (p. 15)

- Option 1: Maintain the four councils, but clarify their primary purposes; require them to adopt strategic plans, develop policies and procedures, and work more substantively with state agencies; and encourage them to become more involved in the appointments process and better communicate with the public. (pp. 15-18)
- Option 2: Restructure the councils by placing them under the Department of Human Rights and requiring them to adopt certain operational changes. (pp. 18-19)
- Option 3: Eliminate the councils and create a new state agency—an Office of Minority Affairs—in the executive branch to address minority concerns. (pp. 19-20)
- Option 4: Eliminate the councils and selectively require that state agencies establish advisory groups to focus on disparities between Minnesota's White, non-Hispanic and minority populations. (pp. 20-22)

State laws give the four councils significant flexibility to engage in a wide range of activities.

The councils have generally focused on cataloging their activities rather than measuring their impact.

Report Summary

Between 1963 and 1985, the Legislature created four minority councils to represent the interests of their respective constituencies: the councils on Asian-Pacific Minnesotans (CAPM), Black Minnesotans (COBM), Chicano/Latino Affairs (CLAC), and Indian Affairs (MIAC). Each council is a distinct state agency overseen by a board of directors appointed by the Governor or, in the case of MIAC, the elected leaders of the state's 11 tribal nations. In fiscal year 2013, council spending totaled about \$3 million, and they employed 16 staff.

The councils have not been well integrated into state policy making.

Created as independent state agencies in the executive branch, the councils are structurally isolated from state policy makers, which has limited their effectiveness. Council staff told us that they have not always had adequate access to state policy makers and, when they have gained access, they have not always been taken seriously.

In addition, the councils are only indirectly accountable to the Governor. The councils, rather than the Governor, appoint their respective executive directors. Since they are primarily answerable to council members, executive directors may take actions that do not align with the Governor's priorities.

Similarly, the councils are only partially accountable to the Legislature. Statutes do not require them to report directly to any of the Legislature's policy committees. Consequently, the councils are not routinely held accountable for setting and achieving specific objectives.

Although they appear before the Legislature for funding, their budgets are small. Thus, the Legislature does not spend very much time examining the councils' duties and activities.

The councils have no clear statutory purposes.

State law sets forth a wide variety of duties for the councils. All of the councils are charged with making recommendations to the Governor and Legislature on issues important to their communities. Also, CAPM, COBM, and CLAC serve as liaisons to state policy makers for constituent organizations. MIAC serves as a liaison between state government and elected tribal leaders.

However, state law does not provide any direction as to how the councils should prioritize their activities, nor does it set forth any explicit goals, objectives, or outcome measures. As a result, the councils have significant flexibility to engage in numerous activities, all of which easily fall under the rubric of one of their broad statutory duties. This has generally resulted in a lack of focus and an inability to make a significant impact in any one area.

The councils have done a poor job identifying specific objectives and outcome measures.

Over the last ten years, the councils themselves have done little to clarify expectations or measure the results of their work. For example, they have generally not complied with requirements that their annual reports identify the specific objectives they are seeking to attain and report on their outcome measures. The councils have generally focused on cataloging their activities rather than measuring the impact of those activities.

We offer four options for change and think more change, rather than less, is needed.

Council appointments and meeting attendance have been problematic.

We found lengthy delays in the time required for the Governor to appoint voting members to some of the councils. For example, the time elapsing between the expiration of a member's term and the appointment of a new member for CAPM averaged 26 months. The council has not reached its full complement of 19 voting members in the last 11 years. Four CAPM seats opened up in early 2013 that were not filled until January 2014. Also, statutes limit each ethnic community to one council member, but four of CAPM's members in 2013 were Asian Indian.

We also found problems regarding attendance at council meetings. COBM had quorums at only 58 percent of its meetings in 2013, and three members did not attend a single council meeting that year. MIAC had a quorum only twice between January 2012 and December 2013.

Significant communication problems exist.

In our surveys and interviews with constituent organizations, we found little support for or knowledge of council activities. Several constituent organizations reported having little contact with the councils. We also found that most of the councils were not using their Web sites to provide the public with useful information on their activities, upcoming events, and publications.

The Legislature should consider adopting one of four options.

We present four options that could provide minority communities with more effective representation. While

we do not recommend one option over another, we think that more change, rather than less, is needed.

Option 1: Maintain the four councils, but clarify their purposes and require operational changes.

Under this option, the Legislature would maintain the four councils as separate state agencies, but would clarify their overall purposes. The Legislature would also require the councils to (a) adopt strategic plans that include specific objectives and outcome measures, (b) develop policies and procedures, and (c) work more closely with other state agencies. The councils would be encouraged to become more involved in the appointments process and better communicate with the public. These changes would help the councils prioritize their activities and improve legislative oversight but would not address other problems regarding their structural isolation.

Option 2: Place the councils under the Department of Human Rights.

This option would maintain separate councils under the Minnesota Department of Human Rights (MDHR) and makes the Commissioner, not the Governor, the appointing authority for council members. It would also require the Legislature and councils to adopt the operational changes in Option 1.

This option has several advantages. First, it would more closely link the councils to the executive branch, thereby decreasing their structural isolation. Second, it would provide greater oversight of council staff and activities. Third, it could increase the timeliness of council appointments and facilitate a more rapid response to problems regarding meeting

Constituent organizations are generally opposed to merging or eliminating the four councils.

attendance. Finally, it would provide the councils with needed support in areas such as Web site maintenance.

There are some disadvantages. This option would make the councils less independent and, perhaps, more partisan. Also, moving the councils under MDHR may increase that department's overall costs beyond the General Fund appropriations the councils would bring with them.

Option 3: Eliminate the councils and create a new state agency to address minority concerns.

Under this alternative, the Governor would appoint an executive director for the new office who would organize it as he or she found most appropriate and effective. The new office would obtain input from minority communities and develop a single strategic plan to address community members' top priorities. To do so, the office would bring together policy makers across several state agencies and disciplines.

There are advantages to this option. First, it would be a more cohesive approach than currently exists because it would bring together representatives from a variety of state agencies and organizations to address interagency issues. Second, it could result in minority groups working more closely together, thereby presenting a stronger presence at the State Capitol.

This option has some disadvantages. First, the new agency would likely be small in terms of budget and staff. As such, it would have less access to many support functions that larger state agencies can more efficiently supply. Second, it would not provide minority groups with as close of a link to the Governor's Office as would exist if the councils were placed in

MDHR since the department is part of the Governor's cabinet. Third, concerns of some of the smaller minority groups or new immigrants might not be heard. Finally, in our interviews with constituent organizations, we found considerable opposition to merging the four councils.

Option 4: Eliminate the councils and have state agencies create advisory groups to focus on disparities.

Under this option, the Legislature would require selected state agencies to address disparities in their programs. This has several advantages. First, it places the responsibility for reducing disparities in the hands of those operating related programs. Second, large state agencies are generally more integrated into state policy making. Finally, they also have more resources—both staff and funding—to address minority groups' priorities than do the councils.

There are disadvantages. First, minority groups would lose a visible link to state policy makers. Second, state agencies have shown little progress in reducing disparities thus far. Third, having multiple state agencies each convene an advisory group may be duplicative, and community leaders may be inundated with requests for their input. Fourth, focusing on disparities represents a more narrow range of duties than the councils currently have. Finally, few constituent organizations that we interviewed wanted to see the four councils eliminated.

Introduction

The councils on Asian-Pacific Minnesotans (CAPM), Black Minnesotans (COBM), Chicano/Latino Affairs (CLAC),¹ and Indian Affairs (MIAC) are state agencies that represent the interests of various minority groups in the state.² Over the last few years, legislative interest in the councils has heightened, in part because of the councils' inclusion in the 2011 Sunset Advisory Commission's review of state agencies. In addition, poor financial audits and managerial problems for some of the councils have caused legislators to question their effectiveness. In May 2013, the Legislative Audit Commission directed the Office of the Legislative Auditor (OLA) to jointly evaluate the four councils. Our evaluation addressed the following questions:

- **To what extent has the appointment process for council members contributed toward effective councils that operate in a manner consistent with state laws?**
- **To what extent have CAPM, COBM, CLAC, and MIAC fulfilled their statutory responsibilities?**
- **How effectively have the four councils served their respective constituents?**

To answer these questions, we reviewed state and federal laws, state agency reports and activities, and similar entities in other states. We also conducted a thorough analysis of internal council documents, expenditures over the last ten years, and data on the open appointments process for council members.³ In addition, we electronically surveyed 208 nonprofit organizations that represent the constituents of CAPM, COBM, and CLAC.⁴ Finally, we interviewed council members and staff, legislators, staff from other state agencies, and leaders of constituent organizations.

¹ We use the term "Chicano/Latino Affairs Council" or "CLAC" when referring to the council, which is the term the council and its constituents use. The name given to the council in statute is the Council on Affairs of Chicano/Latino People.

² Throughout this report, we use the term "minority" to refer to people who self-identify as belonging to a racial or ethnic group that comprises less than a majority of Minnesota's overall population.

³ During our evaluation, OLA's Financial Audit Division conducted a limited financial review of the four councils and concluded that a full-scope audit of each council was unnecessary at that time. Office of the Legislative Auditor, Financial Audit Division, *Councils on: Chicano/Latino People, Asian-Pacific Minnesotans, Black Minnesotans, Indian Affairs* (St. Paul, July 2013).

⁴ These three councils have explicit statutory responsibilities to act as liaisons for constituent organizations; statutes do not explicitly require MIAC to act as a liaison for constituent organizations. Consequently, we did not electronically survey nonprofit organizations that primarily serve American Indians. See the Appendix for a description of our survey methodology.

This evaluation focused on the overall effectiveness of each council; we did not review the effectiveness of individual council projects or programs, including MIAC's cultural resources program. Our report is divided into five chapters. Chapter 1 presents background information and our overall findings on the four councils as a group. Chapters 2, 3, 4, and 5 contain additional background information and findings for each individual council.

Evaluation Overview

This chapter presents an overview of our evaluation of Minnesota’s four minority councils:¹ the councils on Asian-Pacific Minnesotans (CAPM), Black Minnesotans (COBM), Chicano/Latino Affairs (CLAC),² and Indian Affairs (MIAC). We begin with background information on all four councils, including their administrative structures, spending, appointments processes, and statutory responsibilities. We then present our conclusions regarding how well the four councils have fulfilled their duties and the challenges they have faced in trying to do so. We end by presenting a range of options for change that the Legislature should consider to provide minority communities with more effective representation. Chapters 2, 3, 4, and 5 contain additional background information and findings for each individual council. Chapter 5 also contains two recommendations specific to MIAC.

BACKGROUND

Over the last 50 years, Minnesota’s population, like that of the nation, has become more racially and ethnically diverse. Concerned with minority groups’ access to government and services:

- **Between 1963 and 1985, the Minnesota Legislature established four minority councils to represent the interests of their respective constituencies.**

The Legislature created MIAC, the oldest of the four councils, in 1963.³ It created CLAC in 1978,⁴ COBM in 1980,⁵ and CAPM in 1985.⁶

Minority groups make up the fastest growing segments of Minnesota’s population. Between 2000 and 2010, the state’s White, non-Hispanic population increased only 3 percent compared with increases of at least 50 percent each in

¹ Throughout this report, we use the term “minority” to refer to people who self-identify as belonging to a racial or ethnic group that comprises less than a majority of Minnesota’s overall population.

² We use the term “Chicano/Latino Affairs Council” or “CLAC” when referring to the council, which is the term the council and its constituents use. The name given to the council in statute is the Council on Affairs of Chicano/Latino People.

³ *Laws of Minnesota* 1963, chapter 888, sec. 2. The 1963 Legislature created the Indian Affairs Commission, which changed over time into what is known today as the Minnesota Indian Affairs Council.

⁴ *Laws of Minnesota* 1978, chapter 510, secs. 1-10. The council was originally established as the Council on Affairs of Spanish-Speaking People. In 1996, the Legislature renamed it the Council on Affairs of Chicano/Latino People. See *Laws of Minnesota* 1996, chapter 420, sec. 3.

⁵ *Laws of Minnesota* 1980, chapter 614, sec. 187.

⁶ *Laws of Minnesota* 1985, First Special Session, chapter 13, sec. 68.

its Asian, Black, and Latino populations. In 2010, the constituencies of the four councils comprised at least 15 percent of Minnesota's population, with minorities making up about 24 percent of the population in the Twin Cities metropolitan area and 9 percent in greater Minnesota.

As we show in Exhibit 1.1, there are significant disparities between Minnesota's White, non-Hispanic and minority populations. For example, minority group members are more likely to live in poverty and less likely to graduate on time from high school than their White, non-Hispanic counterparts. Although not shown in Exhibit 1.1, minority group members are also more likely to suffer from a chronic illness and less likely to own their own homes than White, non-Hispanic Minnesotans.

Exhibit 1.1: Disparities among Minority Groups in Minnesota

	American Indian	Asian	Black	Hispanic	White, Non-Hispanic
Students Graduating on Time from High School, 2012	46%	74%	51%	53%	84%
Individuals Living Below the Poverty Level, 2012	32	16	38	26	8
Proportion of Adults (Ages 16-64) Employed, 2009-2011	51	65	59	71	78
Residents Under the Age of 65 without Health Insurance, 2011	23	12/13 ^a	13/25 ^a	29	9

NOTE: Each percentage has an individual margin of error.

^a Data were disaggregated for Southeast and Other Asians and for foreign-born and U.S.-born Blacks, respectively.

SOURCE: Amherst H. Wilder Foundation, Wilder Research, Minnesota Compass.

Administrative Structure

Each of the state's four minority councils is a distinct state agency in the executive branch. Unlike major state agencies, however:

- **Each minority council is overseen by a board of directors with specific statutory requirements dictating the board's size and composition.**

As shown in Exhibit 1.2, the councils vary substantially in terms of their membership, ranging from 15 to 28 members. Voting members for CAPM, COBM, and CLAC are appointed by the Governor through the open appointments process set forth in state law.⁷ MIAC's voting members are appointed by the chair or president of each of the 11 federally recognized tribal nations in Minnesota.⁸

⁷ *Minnesota Statutes* 2013, 15.0575 and 15.0597.

⁸ See Chapter 5 for a list of the 11 federally recognized tribal nations in Minnesota.

Exhibit 1.2: Statutory Requirements for Minority Council Composition

	Council on Asian-Pacific Minnesotans	Council on Black Minnesotans	Chicano/Latino Affairs Council	Indian Affairs Council
Number of Council Members	23	17	15	28
Number of Voting Members	19	13	11	11
Basis for Selecting Voting Members	<ul style="list-style-type: none"> No more than one member from any Asian-Pacific ethnic community 	<ul style="list-style-type: none"> At least five males and five females At least one member of West African ethnic heritage At least one member of East African ethnic heritage At least one member 60 years of age or more 	<ul style="list-style-type: none"> One member from each of the state's eight congressional districts and three members appointed at large At least one member 60 years of age or more 	<ul style="list-style-type: none"> One member from each of Minnesota's 11 federally recognized tribes
Nonvoting Members	<ul style="list-style-type: none"> Two members of the House of Representatives Two members of the Senate 	<ul style="list-style-type: none"> Two members of the House of Representatives Two members of the Senate 	<ul style="list-style-type: none"> Two members of the House of Representatives Two members of the Senate 	<ul style="list-style-type: none"> Two members of the House of Representatives Two members of the Senate One member of the Governor's staff Commissioner or a designee of 12 state agencies

SOURCES: *Minnesota Statutes* 2013, 3.922, subd.1; 3.9223, subd.1; 3.9225, subd.1; 3.9226, subd.1; and 15.0951.

An executive director, hired by each council, manages the council's daily activities with assistance from staff members. Statutes allow the councils to delegate certain powers and duties to their executive directors. All council staff, including the executive directors, are in the unclassified service.⁹

At the close of fiscal year 2013, the total number of council staff ranged from two at COBM to five at MIAC and CLAC; CAPM employed four staff who worked mostly part time.¹⁰ As required by state law, the Small Agency Resource Team (SmART) in the Department of Administration provides various administrative services to each council, including financial, accounting, payroll,

⁹ Unclassified employees generally serve at the pleasure of their appointing authorities and may be terminated at will.

¹⁰ As of January 2014, COBM had increased its complement to 3.5 full-time staff, and CAPM made all four staff positions full time.

purchasing, and human resources services.¹¹ Finally, MN.ITS provides basic technological support.¹²

Spending

Overall, the councils have small budgets:

- **Together, the four minority councils spent about \$3 million in fiscal year 2013.**

In fiscal year 2013, council spending ranged from \$278,000 for CAPM to \$2.1 million for MIAC.

Individual spending ranged from about \$278,000 for CAPM to \$2.1 million for MIAC; CLAC and COBM spent \$345,000 and \$351,000, respectively. In addition, the councils received about \$500,000 in Arts and Cultural Heritage Fund moneys administered by the Minnesota Humanities Center in fiscal year 2013.¹³ Council budgets for fiscal years 2014 and 2015 should increase by a total of \$800,000 (about \$200,000 per council), due to an increase in General Fund appropriations for each council.

Appointments Process

As noted previously, council appointments are governed by state law:

- **The Secretary of State's Office manages the administrative aspects of the open appointments process for most of the councils, while the Governor makes appointments.**

Council openings for voting members of CAPM, COBM, and CLAC are governed by the open appointments process set forth in state law.¹⁴ The Secretary of State's Office posts vacancy announcements, accepts applications, and records all appointments. It forwards all applications to the Governor's Office, where appointment criteria and practices may vary depending on the particular administration. In addition to making appointments, the Governor may remove voting members for cause or lack of attendance at council meetings.¹⁵

According to staff in the Governor's Office, applications are assessed for quality and adherence to council requirements. If the Governor's Office receives an insufficient number of qualified applications, staff told us that they search for additional candidates. Although applicants are not required to submit references,

¹¹ *Minnesota Statutes* 2013, 16B.371.

¹² Originally known as the Office of Enterprise Technology, MN.ITS exists to (1) set information technology direction, standards, and policies for the state; (2) manage the delivery, accessibility, and security of the state's information technology systems; and (3) provide common technology services (primarily infrastructure) to all levels of Minnesota government.

¹³ From fiscal years 2010 through 2013, the Legislature appropriated about \$2 million from the Arts and Cultural Heritage Fund to the Minnesota Humanities Center for projects developed by the four councils. The 2013 Legislature did not specifically appropriate Arts and Cultural Heritage Fund moneys to the Humanities Center for council use in fiscal years 2014 and 2015.

¹⁴ *Minnesota Statutes* 2013, 15.0575 and 15.0597.

¹⁵ *Minnesota Statutes* 2013, 15.0575, subd. 4.

the Governor’s staff said appointments are not made without speaking to references about council candidates and conducting a thorough background check. Staff may call community organizations, legislators, union representatives, and others to learn about applicants or other potential council members.

Most CAPM, COBM, and CLAC members are appointed to four-year terms that may be renewed through reappointment.¹⁶ To the extent possible, appointments are to be staggered so that one quarter of voting members is appointed each year. According to state law, members whose terms have expired may serve until their successors are appointed, but in no case later than July 1 of the year in which their term expires, unless they are reappointed.¹⁷

Unlike the other three minority councils, MIAC’s 11 voting members are not appointed through the state’s open appointments process. Rather, MIAC appointments are made directly by each elected tribal president or chair.

Each council must have four nonvoting members from the Legislature.

By law, all four minority councils are required to have at least four nonvoting members—two from the Senate and two from the House of Representatives.¹⁸ The Senate Committee on Rules and Administration’s Subcommittee on Committees appoints two members to each council, as does the Speaker of the House. As we discuss in Chapter 5, MIAC is also required to have 13 nonvoting members from various state agencies and the Governor’s Office.¹⁹

Statutory Responsibilities

With the exception of MIAC, council responsibilities have changed little since the councils were first created more than 25 years ago. As shown in Exhibit 1.3:

- **Statutes set forth an array of responsibilities for Minnesota’s minority councils, most of which fall into two categories—advising state policy makers and acting as liaisons.**

All of the councils are charged with making recommendations to the Governor and Legislature on programs, legislation, and issues important to their communities. In addition, CAPM, COBM, and CLAC serve as liaisons with local, state, and federal governments and constituent organizations. In contrast, MIAC serves as a liaison between state government and elected tribal leaders.

As we discuss in the following chapters, the councils have engaged in a wide variety of activities over the last three years to address some of their statutory duties. For example, to varying degrees, the councils have hosted community events; published research reports, policy papers, and issue briefs; developed

¹⁶ As noted above, MIAC members are appointed by the chairs or directors of the state’s 11 federally recognized tribal nations.

¹⁷ *Minnesota Statutes* 2013, 15.0575, subd. 2.

¹⁸ *Minnesota Statutes* 2013, 3.922, subd. 1; 3.9223, subd. 1; 3.9225, subd. 1; and 3.9226, subd. 1.

¹⁹ *Minnesota Statutes* 2013, 3.922, subd. 1(1).

legislative agendas; proposed specific legislation; participated in task forces, working groups, and collaborations; and conferred with staff in the Governor's Office, Legislature, state agencies, and constituent organizations.

Exhibit 1.3: Minority Councils' Major Statutory Duties

Statutory Duties	Council on Asian-Pacific Minnesotans	Council on Black Minnesotans	Chicano/Latino Affairs Council	Indian Affairs Council
Advise and make recommendations to the Governor and Legislature	X	X	X	X
Perform or contract for studies that suggest solutions to constituent problems	X	X	X	
Serve as a conduit to state government for constituent organizations	X	X	X	
Serve as a liaison for local and federal government and private organizations on constituent-related matters	X	X	X	
Refer individual constituents to relevant state agencies for assistance	X	X	X	
Publicize the accomplishments and contributions of the council's constituents	X	X	X	
Review state agencies' applications for federal funds for programs primarily affecting the council's constituency	X	X	X	
Develop or implement programs	X ^a	X ^a	X ^a	X
Work with agencies and organizations to develop business and economic development opportunities	X			
Supervise the development of a trade primer	X			
Assist recent immigrants in adapting to the culture and promote English language skills	X			
Cooperate to improve trade relations between Minnesota and Asian-Pacific countries	X			
Review out-of-home placement data for children in the council's constituency		X		X
Assist in establishing advisory councils in cooperation with state agencies that deliver services to tribes and urban Indian communities				X
Assist state agencies in defining who is eligible for services; ensuring services and resources are provided, and studying service delivery				X
Provide a liaison between state governmental bodies and elected tribal leaders, including proposing an agenda for an annual summit of tribal leaders, legislators, and the governor				X
Recommend necessary revisions to the state's affirmative action program	X	X		
Interact with private organizations involved with constituents when their programs may affect state agencies				X
Advise and make recommendations to elected tribal leaders				X

^a The council may only implement programs when authorized by statute, rule, or order.

SOURCES: *Minnesota Statutes* 2013, 3.922, subd. 6; 3.9223, subs. 3-4; 3.9225, subs. 3-4; and 3.9226, subs. 3-4.

CONCLUSIONS

Based on our review of state laws and the activities of each council, we concluded:

- **Overall, there is little evidence that the state’s four minority councils have been effective advisors or liaisons to state policy makers.**

Furthermore, our surveys and interviews with nonprofit organizations that primarily serve the councils’ constituents generally revealed low levels of satisfaction with some of the councils’ overall performances.²⁰

We identified six major problems adversely affecting or limiting the councils’ effectiveness, accountability, and oversight. First:

- **The state’s four minority councils have not been adequately integrated into state policy making.**

For the most part, the councils are structurally isolated from state policy making. The Legislature created them as distinct state agencies, but unlike other executive branch agencies, they are only indirectly accountable to the Governor. For example, the councils, rather than the Governor, appoint their executive directors. As a result, the executive directors primarily answer to council members and thus may take actions that do not align with the priorities of the Governor’s Office. This arrangement may also limit executive directors’ access to the Governor, as they do not have a direct relationship.

Likewise, the councils are only partially accountable to the Legislature. Statutes do not require the councils to report directly to any of the Legislature’s policy committees; consequently, the councils are not routinely held accountable for setting and achieving specific objectives or for the types of activities in which they choose to engage. Although the councils must appear before the Legislature to request funding, their budgets are small in comparison with other state agencies. As a result, the Legislature does not spend very much time examining the councils’ duties and activities.

Although statutes require the four councils to identify and make recommendations regarding constituents’ access to state programs, they generally have no direct power to implement programs or amend other agencies’ programs. They also have varying degrees of access to state agencies that operate programs of interest. Partly because statutes require that certain state agencies act as nonvoting members of MIAC, these agencies generally have designated staff to act as contact points for American Indian concerns. This has likely made it easier for MIAC to work with state agencies. This is not a requirement for the other three councils.

The four councils are structurally isolated from state policy making, which has reduced their impact.

²⁰ Throughout our report, we refer to the nonprofit organizations that we surveyed or interviewed as constituent organizations. As discussed in the Appendix, we surveyed 208 organizations that work with Asian-Pacific, Black, and Latino Minnesotans and received responses from 105 of them (for an overall response rate of 50 percent). We also interviewed 23 nonprofit organizations for more in-depth information, including groups that work with the state’s American Indian population.

Council staff told us that they have not always had adequate access to state policy makers and, when they have gained access, they have not always been taken seriously. Several added that the councils lack sufficient power to be effective, and that policy makers should make more of an effort to use them. Some council members and executive directors want more direct access to the Governor himself, including representation on the Governor's Executive Cabinet.

The councils' small size and, in some cases, past problems, have further isolated them.

Furthermore, the councils' size may also contribute to their structural isolation. As small agencies with few staff, they do not have the resources and expertise that larger agencies have. Although each of the councils can rely on SmART for financial management and human resources support, Department of Administration staff told us that the councils frequently request assistance or resources that SmART simply cannot provide.

We also think that the councils' own actions and reputations may have isolated them from policy makers. In our surveys and interviews with constituent organizations, several respondents noted that some of the councils have poor reputations within both state government and their respective communities. For example, as we discuss in Chapter 3, OLA has documented numerous and repetitive administrative and financial problems in COBM over the last several years. These problems eventually led to the firing of its executive director in 2011. Between fiscal years 2011 and 2013, minutes from COBM meetings show a growing concern among both community and council members about dysfunction within the council. Issues such as these have hurt COBM's reputation, credibility, and ultimately its effectiveness as an advisor among state policy makers, its own constituency, and the general public.

A second reason why the councils have been ineffective is:

- **State laws establishing the minority councils set forth a wide variety of duties for each council but are unclear as to the overall reason for their existence.**

As we saw earlier, most council duties fall into two broad categories: advising state policy makers and acting as liaisons for government and constituent groups. However, statutes provide little direction as to how the councils should prioritize their activities. In creating or funding the councils, the Legislature has not stated any explicit goals, objectives, or outcome measures for council activities, nor has it indicated what council success should look like. Consequently, the councils have significant flexibility to engage in numerous activities, all of which easily fall under the rubric of one of their broad statutory duties. This has generally resulted in a lack of focus and an inability to make a significant impact in any one area.

Statutes do not set forth a clear purpose for the councils.

Although some council members and staff want the Legislature to expand their statutory duties, we think current statutory language is already too broad and provides insufficient direction as to what the councils' major role as state agencies should be. While some council events, such as dinners and other activities designed to celebrate cultural heritage, are laudable, we think events such as these could be planned and funded by nonprofit organizations instead of the state. As we discuss later in this chapter, we think the councils should be

focusing their efforts (and their budgets) in areas where they can make a unique contribution—advising state policy makers.

Other states have given their minority councils more explicit guidance than has Minnesota. For example, statutes concerning Connecticut’s Asian Pacific American Affairs Commission explicitly state that the commission should focus its efforts on ensuring that all members of the Asian-Pacific American population of the state are healthy, safe, educationally successful, economically self-sufficient, and free from discrimination.²¹

A third reason that the councils have been largely ineffective is:

- **Over the last several years, the councils have done a poor job of setting specific objectives and identifying outcome measures.**

As previously discussed, state law does not clearly spell out the overall purposes of the councils, nor does it address the objectives or expected outcomes of their activities. Over the last ten years, the councils themselves have done little to fill this void by clarifying expectations or measuring the results of their work. As we discuss in the following chapters, the councils have generally not complied with state law requirements that their annual reports identify the “specific objectives” that they are seeking to attain and report on their “outcome measures.”²² Instead, the councils have generally focused on cataloging their activities rather than trying to measure the impact of those activities. Exhibit 1.4 shows how we defined goals, objectives, outputs (activities), and outcomes in evaluating the four councils.

The councils have done a poor job of measuring the impact of their activities.

Exhibit 1.4: Defining Goals, Objectives, Outputs, and Outcomes

	Definition
Goals	Broad statements describing a council’s desired outcomes; closely tied to its mission statement
Objectives	Specific, measurable statements about the end result council activities are expected to achieve in a given period of time
Outputs	Measures of the number of activities in which agencies have engaged over a period of time
Outcomes	Measures of the extent to which agencies have achieved their goals and objectives; also known as effectiveness or impact measures

SOURCE: Office of the Legislative Auditor.

Overall, the councils have, to varying degrees, been busy engaging in different types of activities, and some of them have developed strategic plans. But because they have failed to develop specific objectives and outcome measures or to identify how their activities contribute to their goals, it is difficult to show any

²¹ *General Statutes of Connecticut* 2013, chapter 23f, sec. 2-122(5)(b)(1).

²² *Minnesota Statutes* 2013, 3.9222, subd. 11; 3.9223, subd. 7; 3.9225, subd. 7; and 3.9226, subd. 7.

progress made as a result of their work. Likewise, council members, staff, and legislators expressed differing opinions about how councils should measure their results, and some were not sure how council performance should be measured. Some think council effectiveness should be measured in terms of helping to reduce disparities, while others say it should be measured in terms of the number of reports they issue or meetings they convene or attend. Yet others point to council events such as CAPM's Heritage Month Dinner or COBM's Power of Unity Summit as evidence of their effectiveness.

Poor planning by the councils has had a negative effect on how nonprofit organizations view the councils. Many constituent organizations that we interviewed or responded to our survey thought the councils had an important role to play, but several said the councils have not adequately targeted their efforts. Some said that the councils seem unfocused because they try to fill too many roles. They also told us the councils needed to do a better job setting public expectations regarding their priorities and what they can and cannot realistically accomplish.

Some constituent organizations have negative opinions of their respective council.

Minority councils in a few other states have developed strategic plans or performance measures that go beyond such efforts in Minnesota. For example, Washington's Commission on Asian Pacific American Affairs' 2009-2015 strategic plan identifies goals, performance measures, and action steps in the commission's three priority areas: education, health care/human services, and economic development.²³ Performance measures include not only numerical counts of activities (for example, number of community forums held), but also anticipated outcomes for many of those activities (for example, a reduction in the number of Asian-Pacific businesses that do not close or reduce their staff). Other measures of effectiveness include the percentage of policy recommendations implemented by the Governor, legislature, and state agencies and legislation passed to improve the well-being of Asian-Pacific Americans.

A fourth reason that councils' effectiveness may be limited is:

- **Although all four minority councils share similar concerns and duties, there has been little substantive cooperation and collaboration among them.**

Over the last several years, we could find few examples of the four councils initiating any joint projects or activities whereby they joined forces to achieve a common goal.²⁴ For example, the councils did not sponsor or conduct joint research or join forces to meet with legislators. It was not until late 2013 that the councils initiated joint meetings with individual state agencies responsible for programs affecting the councils' constituencies. Likewise, the four councils did not mobilize their respective constituencies to jointly advocate for policy changes that would resonate across their communities. Several council members, staff,

²³ The State of Washington, Commission on Asian Pacific American Affairs, *Strategic Plan 2009-2015* (Olympia, 2010).

²⁴ While the four councils began to occasionally meet as a group in the last two years, these meetings have occurred at the initiative of the Commissioner of Human Rights, not the councils themselves.

and leaders of constituent organizations that we spoke with said the councils could be more effective if they improved their working relationships with one another.

Some of the councils in other states have closer working relationships than they do in Minnesota. For example, Oregon's Advocacy Commissions Office not only shares staff among the various ethnic entities it represents, but these entities have developed joint strategic priorities and jointly testified on legislation.

Fifth, council effectiveness has been further diluted because:

- **Council members have not always been appointed in a timely manner or in accordance with state law, and members' attendance at meetings has often been a problem.**

We found lengthy delays in appointing voting members to some of the councils. For example, the time elapsing between the expiration of a member's term and the appointment of a new member for CAPM averaged 26 months. CAPM, which has never reached its full complement of 19 voting members in the last 11 years, had three seats open up in January 2013 and another in May—seats that were not filled until January 2014.

Furthermore, CAPM's current composition does not comply with state law. Statutes limit representation to one member per ethnic community, but four of the council's ten members in 2013 were Asian Indian, three of whom were appointed in 2011.

We also found problems regarding attendance at some council meetings. COBM had quorums at only 58 percent of its meetings in 2013, and MIAC has only had a quorum at two of nine meetings held between January 2012 and December 2013. As we discuss in Chapter 3, three COBM members did not attend a single council meeting in 2013. Although the Governor can remove CAPM, COBM, and CLAC members for just cause or missing three consecutive meetings, no COBM member has been removed over the last few years. Poor attendance can prevent the councils from taking action at their meetings and may result in decisions being made by executive committees, rather than full council membership. Also, council members are expected to do a great deal of work. The fewer the members, the fewer people the councils have to carry out their work.

Statutes also require the Senate and House of Representatives to each appoint two of their members to each council. Although legislative members do not have voting privileges, they can serve as a significant link between the councils and the Legislature. However, few legislative members regularly attended council meetings over the last six years. Legislative members attended only 21 percent of COBM meetings, 26 percent of CLAC meetings, and 29 percent of CAPM meetings.²⁵ We noted that some legislators did not attend any meetings or came only once during their tenures on the councils. Also, in 2013, the Senate appointed only one member to COBM.

CAPM has never reached its full complement of 19 voting members in the last 11 years, and its current composition does not comply with state law.

²⁵ Data were not available to determine legislative attendance for MIAC over the last six years.

Finally, we found:

- **There is a significant communication problem between the councils and their constituent organizations.**

In our surveys and interviews with constituent organizations, many respondents expressed low levels of satisfaction with their respective councils, and we found little support for or knowledge of council activities. Aside from routine e-mails, several constituent organizations reported having little interaction with the councils. Several organizations told us that the councils have not adequately communicated with the public about council activities.

We asked constituent organizations how satisfied they were with their respective council's performance. As shown in Exhibit 1.5, high percentages said they were neither satisfied nor dissatisfied, and many said they did not know. In our opinion, the relatively high percentages responding "Don't Know" suggest the councils could do a much better job informing the public of its activities.

Exhibit 1.5: Constituent Organizations' Overall Satisfaction with Council Performance

Council on:	Very Satisfied	Satisfied	Neutral	Dissatisfied	Very Dissatisfied	Don't Know
Asian-Pacific Minnesotans	7%	43%	30%	0%	3%	17%
Black Minnesotans	13	16	31	16	13	13
Chicano/Latino Affairs	7	21	29	11	0	32

NOTE: Percentages may not total 100 due to rounding.

SOURCES: Office of the Legislative Auditor, surveys of constituent organizations, August 2013.

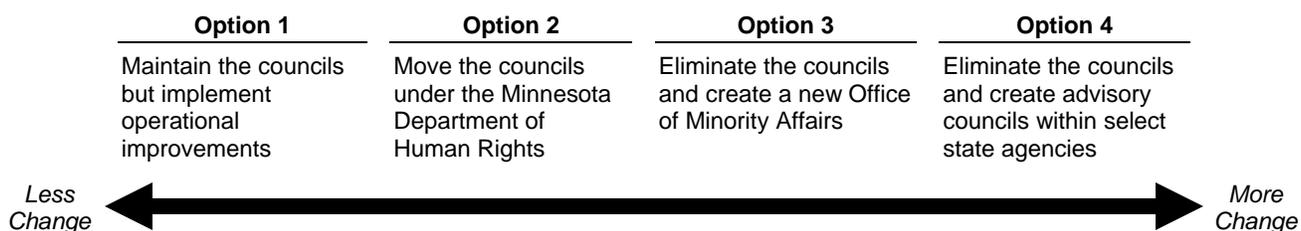
We also found that only CLAC effectively used its Web site as a communication tool. Its Web site provided information to constituents and the general public about council activities, upcoming events, and publications. In contrast, COBM did not have a Web site for several months in mid-2013. Since being restored in October 2013, the council has not published information about upcoming council meetings on it. CAPM's Web site has not been updated for almost two years—meeting dates shown there are for 2012. While MIAC's Web site lists the date and location of the council's next meeting, the Web site provides very little information on council activities. Furthermore, Web site information on MIAC members was outdated during much of our evaluation.

OPTIONS FOR CHANGE

We considered several alternatives to address the above problems and improve the councils’ overall effectiveness, accountability, and oversight. Given our findings and conclusions, we think the status quo is unacceptable. Change is needed to provide minority communities with more effective representation in state government and policy makers with more meaningful input on issues and decisions that affect minorities in Minnesota.

As shown in Exhibit 1.6, we set forth four options for change. Each has advantages and disadvantages that we discuss below. While we do not recommend one option over another, we do think more change rather than less is needed.²⁶

Exhibit 1.6: Options for Change



SOURCE: Office of the Legislative Auditor.

Implement Operational Changes

OPTION 1

The Legislature could maintain the four councils, clarify their primary purposes, and require them to (1) adopt strategic plans, (2) develop policies and procedures, and (3) work more substantively with state agencies. In addition, the councils could become more involved in the appointments process and better communicate with the public.

Overall, this option maintains the current structure of the four councils as independent state agencies but would require several operational changes. Under this alternative, the Legislature would adopt statutory language mandating some of the changes, and other changes would be implemented by the councils without statutory language requiring them to do so. Overall, these changes would increase council accountability and legislative oversight, as detailed below. However, they would not address other problems regarding the councils’ structural isolation.

²⁶ As noted previously, MIAC’s statutory responsibilities differ somewhat from those of CAPM, COBM, and CLAC. Because of this, Chapter 5 contains recommendations solely related to MIAC.

**The councils
need to act more
strategically.**

Clarify Purpose

As discussed previously, current statutory language for each council provides little direction as to their primary purposes. The Legislature should address this gap by clearly delineating why the councils exist. This would help the councils prioritize their activities. It could also improve legislative oversight in that the councils could be held more accountable for the activities in which they choose to engage. As discussed previously, some states, such as Connecticut, provide more direction for their minority councils than does Minnesota.

Develop Strategic Plans

Given their broad statutory responsibilities, the councils need to act in a more targeted, strategic manner. Under this option, in lieu of the annual reports currently required in statute, the Legislature would require each council to submit a written strategic plan to a specific legislative policy committee. The plans would identify specific objectives and measurable outcomes to be achieved over a given period of time. Each council would develop its plan based partially on the results of statewide or regional roundtables, focus groups, or surveys with constituents and constituent organizations; state agency staff, including the Governor's Office; and the Legislature. Strategic planning also requires follow up—measuring and reporting on progress toward goals and objectives. This option would also require that each council report back to that policy committee on its yearly progress through testimony and written reports.

We recognize the difficulty in setting goals, objectives, and outcome measures, and some disagreement among council members, policy makers, and constituents should be expected. Nevertheless, the councils need to reach agreement on their respective plans and then communicate them to state policy makers and constituents. Effective up-front communication may forestall future criticism from legislators and others who say they do not know what the councils are doing or that they are not visible at the State Capitol. Not only would this option force the councils to address their current lack of effective strategic planning, it would more closely tie them into the legislative process and allow the Legislature to better evaluate the councils' effectiveness. As we discussed earlier, minority councils in a few other states have developed strategic plans or performance measures that go beyond such efforts in Minnesota, including the Washington State Commission on Asian Pacific American Affairs.

Some states have clearer statutory guidance about evaluating their councils' performance than does Minnesota. For example, state law requires Connecticut's Asian Pacific American Affairs Commission to develop specific indicators to measure the state's progress in achieving the outcomes envisioned in statute, as well as strategies for achieving these results.²⁷ The commission is required to meet regularly to review progress and report to the Legislature. Such requirements give policy makers the tools they need to measure progress toward stated goals—tools that are missing in Minnesota.

²⁷ *General Statutes of Connecticut* 2013, chapter 23f, sec. 2-122(5)(b)(1).

Adopt Policies and Procedures

Third, the Legislature should require each council to have written internal policies and procedures to help govern its operations. Furthermore, the policies and procedures would be compiled into a single document that the council would review annually. Not only would such a manual clarify roles, responsibilities, and operating procedures, it could also be a useful tool as the councils develop formal orientation programs for their council members. To this end, CLAC's *Policies and Procedures Manual* could serve as a template or guide for the other councils.²⁸

Work Substantively with Other State Agencies

Fourth, the Legislature should require the councils to work more closely with one another and require evidence of their cooperation in the councils' strategic plans. We think all of the councils could have a stronger voice at the State Capitol if they joined forces on issues of common concern. For example, the councils could crosswalk their strategic plans, conduct joint research, share staff to monitor legislative activities during the session, or work in concert with one another on common priorities. We think the four councils' poor track record of doing so in the past merits statutory action.

The four councils should work more closely with one another and with other state agencies.

The councils' working relationships with state agencies also need improvement. To this end, the councils could jointly convene at least semiannual meetings with state agency staff responsible for programs where there are significant disparities between White, non-Hispanic populations and minority groups or in the issue areas the councils have identified as priorities. As an alternative, the councils could jointly meet with program staff from one agency at a time.²⁹ Regardless of the communication method chosen, the councils need to establish working relationships with the departments of Corrections, Education, Employment and Economic Development, Health, and Human Services, and the Minnesota Housing Finance Agency. These agencies generally operate state programs where there are large disparities between Minnesota's White, non-Hispanic and minority populations. While we do not recommend naming state agency staff as nonvoting members to the councils, it is important that the councils and agencies keep one another informed as to their activities and the progress of any joint ventures. We would expect that having a working group of state agency staff focused on the concerns of minority groups would result in more joint projects between state agencies and the councils.

Help Address Appointment Problems

Fifth, the councils should be more involved in the application process when council openings occur or are anticipated. For example, they could more systematically inform constituents when council openings occur, have links to

²⁸ Chicano/Latino Affairs Council, *Policies and Procedures Manual* (St. Paul, 2013).

²⁹ In the last few months, CLAC has been active in trying to convene meetings between the four councils and individual state agencies, beginning with the departments of Health and Employment and Economic Development.

the Secretary of State's vacancy announcements and applications on their Web sites, or advise their appointing authority on the knowledge or skills needed on the council.³⁰

Councils should also be more actively involved when voting members fail to fulfill their responsibilities. For example, the council should send warning letters to members who have missed two consecutive meetings, as required by law.³¹ They could also contact frequently absent members to see if they want to continue serving. Council chairs should also inform the Governor's Office when members fail to attend three consecutive meetings and the Secretary of State's Office when members resign, as required by law.³²

Improve Communication

Finally, the councils need to improve communication with constituents and the general public. At a minimum, CAPM, COBM, and MIAC should significantly improve their individual Web sites. Web sites should show council meeting dates, locations, and agendas; provide links to council reports and policy papers; and make contact information readily accessible. It would also be desirable to post meeting minutes on their Web sites. In addition, council staff should receive the necessary training to routinely update their Web sites.

Restructure Under the Minnesota Department of Human Rights

OPTION 2

The Legislature could restructure the state's four minority councils by placing them under the Minnesota Department of Human Rights and requiring them to adopt the operational changes outlined in Option 1.

This option maintains separate councils under the Minnesota Department of Human Rights (MDHR) and makes the Commissioner of Human Rights, not the Governor, the appointing authority for council members and staff. Furthermore, this option would require the councils and MDHR to implement the operational changes previously put forth in Option 1.³³

We think there are several advantages to such an arrangement. First, because MDHR is a cabinet level agency, it would more closely link the councils to the

³⁰ At the same time, we do not think the councils should be involved in actually selecting council members.

³¹ *Minnesota Statutes* 2013, 15.0575, subd. 4.

³² *Ibid.*, and *Minnesota Statutes* 2013, 15.0597, subd. 4.

³³ As an alternative to placing the councils under MDHR, the Legislature or Governor's Office could appoint a manager to oversee all council activities (for example, a staff person from the Department of Administration).

Some other states house their minority commissions within larger state agencies.

executive branch, thereby decreasing their structural isolation. Second, the councils would report directly to the human rights commissioner, which would result in greater oversight of council staff and activities, including their strategic planning, communication, and inter-council collaboration. Third, because the human rights commissioner rather than the Governor would appoint council members, this option could increase the timeliness and quality of council appointments and facilitate a more rapid response to problems regarding council members' attendance at meetings. Fourth, it would provide the councils with needed support in areas such as Web site maintenance, professional development, and government relations. Finally, it would allow the councils to retain a presence in their respective communities, which may be important as the state continues to become more diverse.

There are also some disadvantages. Implementing this option would make the councils less independent, a move the councils themselves may resist. A closer tie to the executive branch would also decrease the councils' nonpartisan nature and make them more susceptible to the ebbs and flows of changing administrations and political agendas. Finally, moving the councils under MDHR may increase that department's overall costs beyond the General Fund appropriations that the councils would bring with them; funding for current MDHR programs could be diverted to council oversight.

Nationally, it is not uncommon for states with multiple minority councils or commissions to house them within larger state agencies. Of the eight states with four or more minority commissions that we identified, five states place them under an umbrella structure.³⁴ For example, Maryland's councils are housed in the Governor's Office of Community Initiatives. Iowa and New Jersey house their councils within the Department of Human Rights and the Department of State, respectively.

Create a New State Agency

OPTION 3

The Legislature could eliminate the four councils and create a new state agency—an Office of Minority Affairs—in the executive branch to address minority concerns.

Under this alternative, the Legislature would eliminate the four councils as presently structured and create a new office to address minority concerns. The Governor would appoint an executive director for the office, who, in turn, would have the authority and responsibility to obtain input from minority communities on issues affecting those communities. The new director would also have the authority to organize the new office as he or she deems most appropriate. The new office would be responsible for developing a single strategic plan to address community members' top priorities, with specific objectives and outcome

³⁴ The eight states are: Connecticut, Iowa, Maryland, Minnesota, New Jersey, Oregon, South Carolina, and Washington.

Creating a new state agency to address minority concerns may result in more coordination among minority groups.

measures to ensure accountability (as discussed under Option 1). To do so, the office should have the authority to bring together policy makers across several state agencies and disciplines. In this respect, it could operate much like the Minnesota Interagency Task Force on Homelessness, which is charged with identifying, reducing, and eliminating homelessness.

There are some advantages to creating a new state agency to address concerns that cut across minority groups. First, this option would be a more cohesive approach than using councils to address minority concerns since it would bring together representatives from a variety of state agencies and organizations to address interagency issues. For example, poverty and education levels can be interrelated, and it is often difficult to discuss the former without also discussing the latter. Second, creating a new free-standing office in the executive branch would retain more independence than placing the councils under MDHR since the new office would not be under the supervision of another state agency. Third, it could result in the various minority groups working more closely together on issues of concern than they currently do through the councils, thereby presenting a stronger presence at the State Capitol.

There are also disadvantages to merging the four councils into one entity. First, in all likelihood, the new state agency would be small in terms of budget and staff. As such, it would have less access to many support functions that larger state agencies can more efficiently supply, such as Web site maintenance, research, and bill tracking during legislative sessions. Second, the new agency would also not provide minority groups with as close of a link to the Governor's Office as would exist if the councils were placed within MDHR (Option 2), since MDHR is one of the Governor's cabinet level agencies. Third, the new office might have to start from scratch in developing working relationships with state policy makers and community organizations. Fourth, concerns of some of the smaller minority groups or new immigrants might not be heard. Finally, our interviews with constituent organizations revealed considerable opposition to merging the four councils into one agency.

Some states use a similar model to address minority concerns. Oregon's Advocacy Commissions Office shares staff among the various ethnic entities who jointly testify on legislation; in 2010, the commissions developed joint strategic priorities. Similarly, South Carolina's Commission for Minority Affairs employs a single director with staff members who support minority programs.

Establish Agency Advisory Groups

OPTION 4

The Legislature could eliminate the four minority councils and selectively require that state agencies establish advisory groups to reduce disparities between Minnesota's White, non-Hispanic and minority populations.

Under this option, the Legislature would require selected state agencies, rather than four independent councils, to identify issues of concern to minority groups

and develop strategic plans to address disparities that exist in department programs.

Although this alternative is the most far-reaching in terms of change, it is not without some precedent in Minnesota. The 2013 Legislature created the Cultural and Ethnic Communities Leadership Council in the Department of Human Services (DHS).³⁵ As of February 2014, the leadership council consisted of 33 members, including the executive directors of the state's four minority councils. The council is charged with reviewing DHS policies and programs for racial, ethnic, cultural, linguistic, and tribal disparities and providing an annual report regarding equitable delivery of services.

As we discuss in more detail in Chapter 5, Executive Order 13-10, issued by the Governor in August 2013, also works through individual state agencies to help address the concerns of Minnesota's tribal nations. Among other items, the Executive Order requires staff in selected state agencies to consult with each tribal nation to identify priority issues for consultation before February 1 of each year.

The Legislature also used an advisory group model to try to reduce disparities in health programs when it created the Eliminating Health Disparities Initiative in the Minnesota Department of Health in 2001.³⁶ Essentially a grant program, the initiative's statutory goal is to "close the gap in the health status" between the state's White, non-Hispanic and minority populations.³⁷

The state agencies that administer significant state programs can have more impact than the councils.

There are several advantages to relying on state agencies rather than four minority councils to affect changes in state programs and minority communities. First, it is a more direct approach than working through intermediaries such as minority councils with little or no programmatic authority. State agencies, not the councils, are responsible for implementing and operating programs in which disparities exist. Second, the state's largest agencies are generally more integrated into state policy making. Because of their sheer size and program diversity, the agencies must work more closely with the Governor's Office and Legislature to obtain their funding. Third, agencies also have more resources—both staff and funding—to address minority groups' priorities than do the councils.

On the other hand, there are disadvantages to abolishing the councils and using state agencies to assume at least some council responsibilities. First, minority groups that are facing significant challenges on several fronts, including education, health, and economic well being, would lose an easily identifiable link to state policy makers. This may negatively impact their ability to connect with government. Knowing which state agency to contact when experiencing problems requires a certain level of knowledge, expertise, and trust that may be absent from some minority communities, especially new immigrant communities. Second, for the most part, existing state agency advisory groups have shown little

³⁵ *Laws of Minnesota* 2013, chapter 107, art. 2, sec. 1.

³⁶ *Laws of Minnesota* 2001, First Special Session, chapter 9, art. 1, sec. 113.

³⁷ *Minnesota Statutes* 2013, 145.928, subd. 1.

Few constituent organizations want to see the councils eliminated.

evidence so far in reducing disparities and providing equal opportunity for all Minnesotans. Third, expecting multiple state agencies to each convene its own advisory group may be duplicative. For example, financial problems faced by Department of Human Services' clientele may be related to educational attainment and job opportunities—priority areas that would presumably be addressed separately by the departments of Education and Employment and Economic Development. Also, constituent organizations and community leaders may be inundated with requests for their input by multiple state agencies. Fourth, this model would likely have a much narrower scope of responsibilities than the councils currently have. Finally, few constituent organizations that we interviewed wanted to see the four councils eliminated. Despite their low levels of satisfaction with some of the councils, most constituent organizations' leaders told us that the councils, as state agencies, play a unique role that nonprofit organizations are unable to play. For example, some organizations' leaders said the councils could best capitalize on their status as state agencies by monitoring legislation, accessing state agency data on minorities, or advising policy makers on issues that affect their constituencies.

Summary

In the final analysis, the decision rests with the Legislature. While not an easy decision to make, it should ultimately be based on what the Legislature's main goals are for the councils. Of course, there are no guarantees that any of the four options will achieve the desired results. Option 2, which moves the councils under the purview of the Department of Human Rights, is the least drastic of the three structural alternatives that we present. It would bring more accountability and oversight to council activities than currently exists. Further, it would allow the councils to retain a presence in their respective communities, which may be important as the state continues to become more diverse. Some newly arrived immigrant groups unfamiliar with how state government works—or distrustful of government—may find it easier to identify and interact with a minority council when the need arises rather than a larger state agency.

Options 3 and 4, which require the Legislature to eliminate the four councils, involve more significant changes. If the Legislature wants the councils to focus on minorities' top priorities or disparities, then these two options may present the best chances for success. Option 3 would be a more comprehensive approach since policy makers across numerous state agencies would be involved. Option 4 would be the more direct approach since the state agencies that operate programs where disparities exist would be in charge of the effort to reduce disparities.

Neither Option 3 nor 4 would address current statutory language requiring three of the four councils to publicize the accomplishments of minority group members. If the Legislature wishes to support and celebrate the history, arts, and cultural heritage of minority communities and members, we think it should use Arts and Cultural Heritage Fund moneys for that purpose and encourage community organizations to apply.

Council on Asian-Pacific Minnesotans

The Council on Asian-Pacific Minnesotans (CAPM) was the last of Minnesota’s minority councils to be established.¹ Although its statutory duties are largely similar to those of the other councils, CAPM is somewhat unique given the immense diversity of its constituency. The council now represents people from more than 40 culturally and linguistically diverse countries. In this chapter, we provide background information on the council and discuss its membership, major responsibilities, and constituents’ opinions.

HISTORY AND DEMOGRAPHICS

Minnesota has been home to people of Asian ancestry for more than one hundred years, and the population has grown rapidly and diversified in the past three decades. Early Asian-Pacific immigrants arrived primarily from China, Japan, and the Philippines. In the 1970s, a large number of Hmong, Vietnamese, and other Southeast Asian refugees came to Minnesota after fleeing oppressive regimes in their home countries. As the number of Asian-Pacific Minnesotans grew:

- **The 1985 Legislature established the Council on Asian-Pacific Minnesotans primarily to advise the Governor and Legislature on issues confronting the state’s Asian-Pacific communities and act as a liaison for constituent organizations.**

Since its creation in 1985, the Legislature has gradually increased CAPM’s size and composition.

Over the last 28 years, the Legislature gradually increased CAPM’s size and changed its composition. In 1985, state law said CAPM should consist of nine voting members broadly representative of the Asian-Pacific community, which was defined as persons from any of the countries in Asia or the Pacific Islands.² In 1989, the Legislature expanded the council to 11 voting members.³

The 1992 Legislature expanded CAPM’s voting membership to 19 and required that the new members be from specific countries.⁴ At the same time, the Legislature required the council to adopt rules regarding the Asian-Pacific ethnic communities represented on the council.

¹ Throughout this report, we use the term “minority” to refer to people who self-identify as belonging to a racial or ethnic group that comprises less than a majority of Minnesota’s overall population.

² *Laws of Minnesota* 1985, First Special Session, chapter 13, sec. 68.

³ *Laws of Minnesota* 1989, chapter 343, sec. 1.

⁴ These countries were Afghanistan, Bangladesh, Malaysia, Myanmar, Pakistan, Singapore, Sri Lanka, and Tibet. *Laws of Minnesota* 1992, chapter 408, sec. 2.

In 1996, the Legislature removed the requirement that some members be from specific countries.⁵ It also amended its definition of an Asian-Pacific person to one whose ethnic heritage is from any of the countries in Asia east of, and including, Afghanistan, or the Pacific Islands. This definition remains in statute today. The 1996 Legislature also added language that allowed Asian-Pacific communities and organizations to designate persons to serve as liaisons to the council. It further allowed liaisons to participate in council meetings and serve on committees, but not to vote. Since 1996, the Legislature has not made any significant changes to CAPM's statutory language.

Increased immigration has contributed to a larger, more diverse Asian-Pacific population in Minnesota. According to the most recent census data:

- **In 2010, Asians and Pacific Islanders made up almost 5 percent of Minnesota's population.**

This represents a 52 percent increase in the Asian population and a 5.8 percent increase in the Pacific Islander population since 2000. As shown in Exhibit 2.1, people of Hmong ancestry comprised the largest percentage (22 percent) of Minnesota's Asian-Pacific population between 2007 and 2011.

People of Hmong ancestry made up 22 percent of Minnesota's Asian-Pacific population in 2007-2011.

Exhibit 2.1: Minnesota's Asian-Pacific Population, 2007-2011

Ancestry	Percentage of Minnesota's Asian-Pacific Population
Hmong	22%
Asian Indian	11
Chinese	9
Vietnamese	9
Korean	8
Laotian	7

NOTE: The ancestries presented are those that represent the highest percentages of Asian-Pacific Islander Minnesotans and do not total 100 percent. We did not include responses that did not specify ancestry.

SOURCE: Department of Administration, Office of Geographic and Demographic Analysis, Minnesota State Demographic Center, February 2014.

There are significant disparities between Asian Minnesotans and White, non-Hispanic Minnesotans. For example, 16 percent of Asian individuals lived below the poverty level compared with 8 percent of White, non-Hispanic Minnesotans in 2012. Likewise, lower proportions of Asians were working, graduating on time from high school, and obtaining health insurance than their White counterparts. In fact, the employment gap between Asians and Whites in Minnesota is the fifth worst in the nation. These disparities are more significant for certain Asian-Pacific groups. While only 14 percent of Hmong Minnesotans had a bachelor's degree or higher in 2008-2010, 82 percent of Asian Indians in

⁵ *Laws of Minnesota* 1996, chapter 420, secs. 5-8.

Minnesota held degrees. Similarly, while the unemployment rate among Laotians was nearly 13 percent, the rate for Filipinos was only 4 percent.

RESOURCES

As the population of Asian-Pacific Minnesotans has increased, the council's resources have decreased slightly until recently. We found:

- **Over the last ten years, CAPM has operated on a small budget and with limited staff.**

In fiscal year 2013, CAPM spent \$278,000 and had four staff.

The council spent approximately \$278,000 in fiscal year 2013, representing a 3.4 percent decrease since fiscal year 2004. In addition, CAPM received about \$112,500 in Arts and Cultural Heritage Fund moneys administered through the Minnesota Humanities Center in 2013. Staff-related expenditures accounted for two-thirds of council spending. As noted in Chapter 1, the 2013 Legislature increased General Fund appropriations for all four minority councils, which amounted to about \$100,000 per year for the 2014-2015 biennium for CAPM. At the close of fiscal year 2013, CAPM had one full-time and three part-time staff. This represents a decrease from four full-time staff in 2006. The current executive director was hired in February 2013, and she took over for a director who had managed the council for more than ten years. By December 2013, the council had increased to include four full-time staff.

MEMBERSHIP

As noted in Chapter 1, the Governor is responsible for appointing voting members to CAPM through the open appointments process. The Senate and House of Representatives each appoint two nonvoting members to the council.

As previously discussed, the Legislature has significantly changed CAPM's size and composition since creating the council in 1985. According to state law today:

- **CAPM consists of 23 members—19 voting members and 4 nonvoting members from the Legislature.**

CAPM's 19 voting members must be broadly representative of the state's Asian-Pacific population, with no more than one member from each "ethnic community."⁶ CAPM is directed to adopt rules that designate the ethnic communities represented on the council. As noted previously, state law further defines an Asian-Pacific person as one whose ethnic heritage is from one of more than 40 countries.

⁶ *Minnesota Statutes* 2013, 3.9226, subds. 1-2.

To examine the appointment process, we spoke with the Governor's Office, Secretary of State's Office, and CAPM staff and members. We also reviewed official appointment data and council records on appointments and member participation. In doing so, we found:

- **The Governor has been untimely with appointments and has not adhered to state law regarding CAPM's composition.**

CAPM ended 2013 with only ten voting members, and it has not had a full complement for over a decade.

CAPM has operated with fewer than 19 voting members for at least the past 11 years. Between 2003 and 2013, CAPM membership ranged between 7 and 17, with an average of 12 members.⁷ According to the Secretary of State's Office, which is required to maintain data on open appointments, CAPM ended 2013 with ten voting members. However, according to the council, two of the members listed in the Secretary of State's 2013 roster resigned in 2011. There is no evidence that the council notified the Secretary of State's Office of these vacancies so they could be advertised and filled. At the same time, the appointments of two members who reapplied and continued to participate in council meetings throughout 2013 expired in January of that year. Although four seats opened up in early 2013, the Governor did not make appointments to the council until January 2014. At that time, 6 people were appointed (including two reappointments), bringing CAPM's voting membership to 14.

Not only have many CAPM seats remained unfilled, but the Governor has been slow to make appointments to the council. According to records from the Secretary of State's Office, it took an average of 26 months to fill vacancies that occurred as a result of previous members' terms ending. Reappointments took an average of nine months. The delay in reappointments is problematic because members lose their voting rights six months after their terms expire. Of the 18 CAPM members reappointed since 2003, only 9 were appointed within six months of their terms' expiration dates.

Asian Indians are currently over represented on CAPM.

CAPM has not only experienced issues with the number and timeliness of appointments, but also their adherence to state law regarding ethnic representation. Although statutes limit representation to one member per ethnic community, four of the council's ten members in 2013 were Asian Indian. The Governor appointed three Asian Indians in a single year—2011. Staff in the Governor's Office told us appointees' applications listed different ethnicities, but none of the three appointees have applications on file with the Secretary of State's Office.⁸ They also told us they consulted with CAPM's former executive director about these appointments and believed that, although the appointees' heritage was from the same country, they represented different ethnic communities within that country. A fourth Asian Indian was reappointed in 2012.

⁷ Membership was counted as of July 2 of each year. Council appointments expire the first Monday of January, and members may serve until July 1 of the year in which their appointments expire. *Minnesota Statutes* 2013, 15.0575, subd. 2.

⁸ State law requires applications for all appointees. If the Governor appoints a person who has not previously submitted an application, the Governor must submit an application on the appointee's behalf.

One reason for the appointment problems is that the Governor's Office has not always received enough qualified applicants for council positions. We found that, for four years between 2003 and 2013, the number of CAPM openings advertised by the Secretary of State's Office exceeded the number of applications received for those seats. In addition, statutory language regarding council composition can affect whether an applicant is eligible for an appointment at any given time. By allowing no more than one member of an ethnic community to be represented on the council, statutes could limit the number of qualified applicants. However, the Governor's Office staff told us that they received at least one qualified applicant for each CAPM opening in calendar years 2011 through 2013.

The Legislature has been somewhat more consistent in appointing members to CAPM. The council had two House members on the council each year between 2003 and 2013. Two Senators served on the council from 2003 through 2010 and in 2013, but only one in 2011 and 2012.⁹

In addition to shortcomings in the Governor's Office and Senate, we found:

- **CAPM has contributed to the council's problems meeting statutory size and composition requirements through noncompliance with state law and administrative lapses.**

Although directed by law to do so in 1992, CAPM has never adopted rules to define the term "ethnic communities."¹⁰ The council has informally defined the term to mean "country," with one exception. It defines Hmong as an ethnic community, although this group cuts across national boundaries. This leaves the appointing authority with little direction as to how the large number of Asian-Pacific communities should be represented on the council.

The council has not routinely advised the Secretary of State's Office of council member resignations, which affects the number of vacancies advertised and appointments made. As noted above, the Secretary of State's records show two members on the council who, according to the council, resigned in 2011. CAPM has not notified the Secretary of State's Office of at least four additional member resignations since 2003.

CAPM has not developed written policies or formal strategies to inform constituents about council openings and help alleviate its representation problems. Instead, the council has relied on the Secretary of State's Office, which uses the same strategy to announce all vacancies and does not target relevant sectors of the public for specific positions. Secretary of State's Office staff said the councils are better able to target specific audiences. CAPM provides information to community members about council openings in person at community events, such as the Dragon Festival, as well as through e-mails and

⁹ It was difficult to track legislative appointments because the Legislature does not require itself to keep records of its appointments to boards and councils, and no other office appears to consistently record this information. Therefore, the data presented here are estimations based on council and Senate records. No office in the House of Representatives appears to track these data.

¹⁰ *Laws of Minnesota* 1992, chapter 408, sec. 2.

Although required to do so since 1992, CAPM has never adopted rules to define "ethnic communities."

social media outlets. However, CAPM members have discouraged too much council involvement in recruiting applicants due to concerns that community members may perceive the appointment process as biased.

CAPM's continual problems with appointments are noteworthy because operating with fewer council members than required can have negative consequences. The lack of adherence to council composition requirements can negatively affect CAPM's ability to complete its statutory duties. Additionally, it leads to a lack of diverse representation. At the end of 2013, only 7 of the more than 40 Asian and Pacific countries represented by the council had members from their communities on the council. This leaves the majority of communities without representation. Fewer members also means fewer people to carry out CAPM's work. Although council members receive only a small monetary compensation, they have many responsibilities and perform a number of duties for the council.

CAPM's effectiveness is also influenced by members' level of commitment to the council. We found:

- **CAPM's members have not consistently attended council meetings.**

Since 2008, CAPM has generally met every other month. In the past six years, voting members attended, on average, 65 percent of meetings. While less than diligent, CAPM's members' attendance has generally been sufficient to meet quorums and conduct council business.¹¹ Between 2008 and 2013, CAPM had a quorum at 34 of 36 meetings for which we received meeting minutes.¹²

Between 2008 and 2013, legislative members attended only 29 percent of CAPM's meetings.

Nonvoting legislative members attended CAPM meetings much less frequently than voting members. Legislative members attended, on average, only 29 percent of meetings in the past six years. This could hamper CAPM's ability to forge strong working relationships with those members and ultimately the Legislature. The council's executive director said many legislators know nothing about CAPM, so building those relationships is important.

Because CAPM is a state agency, it is important that formal policies and procedures are in place to help ensure public accountability. Such documents also help new council members and staff familiarize themselves with their jobs and with the expectations and requirements of public service. We found:

- **CAPM does not have policies and procedures that clearly outline the duties and responsibilities of individual council members or staff.**

Although CAPM discussed a draft document in 2008 that outlined council members' responsibilities, there is no indication that it was adopted or used. In

¹¹ State law says that a majority of a board's voting members constitutes a quorum. *Minnesota Statutes* 2013, 645.08(5).

¹² CAPM could not provide us with minutes for two of the meetings held in the past six years. Attendance rate calculations do not include meetings for which minutes are not available. Average attendance was calculated by finding the average attendance for each member, then taking the average of those calculations.

CAPM has not defined the role or purpose of its community liaison position.

addition, CAPM has offered new members little in the way of formal training or orientation materials as to their roles and responsibilities. This leaves members with little information about basic council functions, officer elections, or relationships among members, staff, and other parties. One member who has been on the council for several years expressed confusion about the role of council members.

The lack of formal policies and procedures has also resulted in a council position without a clearly defined purpose, term length, selection criteria, or duties. CAPM currently has a community liaison who does not have voting rights but participates fully in all council meetings, discussions, and committees. The council could not provide documentation regarding this position, and we could find no position description or method for appointing or reviewing the position in council minutes from 2008 through 2013. When we discussed the community liaison role with CAPM members and staff, several of them were unable to identify the purpose of the position or how the current liaison was selected. According to state law, ethnic communities and organizations, not the council, are supposed to designate persons to serve as community liaisons.¹³

MAJOR RESPONSIBILITIES

As noted in Chapter 1, state law sets forth a broad array of duties and responsibilities for CAPM. Similar to the other councils, the majority of CAPM's duties fall into two categories. First, the council is required to act as an advisor to the Governor and Legislature on programs, legislation, and issues that affect Asian-Pacific Minnesotans. Second, it must serve as a liaison for Asian-Pacific organizations and individuals to government. These duties are listed in Exhibit 2.2. In addition, CAPM must submit annual reports to the Governor and Legislature on its activities.

As we reviewed CAPM's annual reports, event agendas, policy briefs, and other information, we found:

- **Over the last several years, CAPM has addressed some of its statutory duties.**

CAPM has addressed its advisory role through a variety of activities, including developing annual legislative agendas, hosting events such as its annual Asian-Pacific Day at the Capitol, and publishing various reports and policy papers. In addition, the council has spoken with legislators and commissioners at various state agencies and participated in task forces, working groups, and coalitions. For example, CAPM participates in the Department of Human Services' newly formed Cultural and Ethnic Communities Leadership Council, which is tasked with reducing disparities within the department's programs.¹⁴ The council is also part of MinneMinds, a coalition to increase public funding for high quality early child care and education programs.

¹³ *Minnesota Statutes* 2013, 3.9226, subd. 1.

¹⁴ *Laws of Minnesota* 2013, chapter 107, article 2, sec. 1.

Exhibit 2.2: Council on Asian-Pacific Minnesotans' Major Statutory Duties

Advisory Duties	Liaison Duties
<ul style="list-style-type: none"> • Advise and make recommendations to the Governor and Legislature • Perform or contract for studies that suggest solutions to constituent problems • Review the state's affirmative action program • Assist agencies and organizations to develop business and economic development opportunities • Supervise the development of a trade primer • Review state agencies' applications for federal funds for programs primarily affecting the council's constituencies 	<ul style="list-style-type: none"> • Serve as a liaison to state policy makers for constituent organizations and other levels of government • Serve as a liaison for local and federal agencies and constituent organizations • Refer individual constituents to relevant state agencies for assistance • Publicize the accomplishments and contributions of the council's constituents • Assist recent immigrants in adapting to the culture and promote English language skills • Cooperate to improve trade relations between Minnesota and the native countries of the council's constituents

SOURCE: *Minnesota Statutes* 2013, 3.9226, subds. 3-4.

CAPM has also engaged in a number of activities to perform its liaison role. It has held cultural celebration events, such as Asian History Day and Music in the Park. It has collaborated with Asian-Pacific organizations through projects such as the Hennepin County Asian Leadership Initiative. In addition, CAPM has met individually with a number of leaders from constituency organizations.

There are several specific duties outlined in statute, however, that CAPM has not addressed. CAPM has not developed a trade primer, nor has it worked to build relationships between Minnesota and Asian and Pacific countries or promoted the development of English language skills for recent immigrants. In addition, it has not reviewed agencies' applications for federal grants in recent years.¹⁵ However, in order for the council to comply with this requirement, it must have the cooperation of state agencies, which may not be aware of the law.

Although CAPM has performed activities that address a number of its statutory duties, we believe the council could better leverage its position as a state agency by focusing its efforts in other areas. We found:

- **At least for the last three years, CAPM has chosen to focus on cultural celebrations and community-building rather than advisory activities.**

¹⁵ State law requires that state agencies seeking federal funds for programs that primarily serve Asians and Pacific Islanders consult with CAPM before developing their applications. According to CAPM, no agency has ever submitted its application to the council for review. *Minnesota Statutes* 2013, 3.9226, subd. 4.

Over the last several years, CAPM has invested considerable staff time in planning events that celebrate Asian-Pacific cultures. For example, CAPM's signature events have been its annual Dragon Festival and Heritage Month dinner. These events, held each May, are primarily designed to celebrate Asian-Pacific cultures and their contributions to Minnesota. In the last three years, CAPM has also sponsored many events designed to engage Asian-Pacific youth. For example, it has operated a Youth Leadership Council to strengthen Asian-Pacific youth's capacity to understand and celebrate their arts and cultural heritage. In fact, two-thirds of the events hosted by CAPM in the past three years were primarily centered on cultural celebration and youth leadership training.

Over the last three years, CAPM has not focused on its advisory role.

CAPM has focused less attention on advisory activities. The council has not presented testimony in the past three years, nor has it written or sought to pass its own legislation. Because, as mentioned in Chapter 1, CAPM's overall purpose is unclear and its duties are broad, its focus on cultural activities is not out-of-line with its statutory charge. These activities may help promote a positive image of Asian-Pacific Minnesotans and indirectly connect organizations and individuals to government. However, we believe these activities could be performed by other organizations. The council's limited resources may be better dedicated to advisory work, capitalizing on its unique access to policy makers as a state agency. As we discuss later in this chapter, several Asian-Pacific organizations that we surveyed or interviewed said that the council could have its greatest impact as an advocate within state government.

The opinions of constituent organizations may not be adequately integrated into the council's priorities, as it has also done little in recent years to reach out to its constituency. Although constituents' concerns should be central to the formation of CAPM's advocacy agenda, we found:

- **In identifying its priorities and major activities, CAPM has not systematically sought input from constituents, constituent organizations, or state policy makers.**

Although CAPM has generally designated half an hour before its council meetings as time for community comments, we found little evidence that community organizations were providing information or raising concerns. Over the last several years, the time has occasionally been used to hear updates from government officials. Since 2011, CAPM has hosted only one community forum. Likewise, it has rarely used other methods, such as focus groups or surveys, to help identify issues of concern. The council conducted one survey of constituents in fall 2013, which it used to develop its priorities for the 2014 legislative session. We think such techniques are essential for CAPM to fulfill its advocacy functions. As noted later in the chapter, constituent organizations have had little contact with the council.

Similarly, in the past, CAPM has not routinely or systematically sought input from legislators or state agencies when forming its legislative agenda. For example, council minutes show that, over most of the last three years, staff and council members had few meetings with legislators (aside from Asian Day at the Capitol) to discuss issues and concerns of the Asian-Pacific community. In the last several months, council members and staff have begun to meet with

individual legislators and agency heads to inform them of council priorities or garner support for the council's agendas. Beyond soliciting limited input from stakeholders, we found:

- **Although CAPM operates under a strategic plan, the council has not identified outcome measures to assess the impact of its activities.**

Good government requires public accountability. Because CAPM is a state agency and spends the public's money, we think it is important that CAPM operate under a concrete strategic plan that guides activities, measures results, and informs stakeholders of its progress.

We reviewed council minutes over the last five years and found some evidence of strategic planning efforts. In 2008, CAPM developed and adopted a five-year strategic plan for fiscal years 2010-2015. The plan identifies a mission statement, three broad goals, and activities related to each goal for the first two years of the plan—activities which CAPM has updated in its subsequent reports to the Legislature and Governor. However, the plan does not describe anticipated results for council activities, nor does it indicate how progress toward its goals would be measured; the document contains no outcome measures to help determine the effectiveness of the council's activities.

We also noted that CAPM has developed work plans identifying various activities and staff assignments. However, the plans do not connect these activities to CAPM's goals, nor do they contain measures that would enable the council to determine whether the activities allowed it to achieve its goals.

This lack of focus on measurable results for CAPM's activities carries through to the council's reports to the Legislature. Statutes require the council to produce an annual report that includes specific objectives for the upcoming biennium. We reviewed CAPM's reports from 2004 through 2013 and found that, in most instances, they simply listed broad goals and various activities in which the council planned to engage, but generally did not link these activities to the specific objectives the council hoped to achieve. In 2012, the Legislature amended the statutes to require CAPM to produce annual rather than biennial reports that also include outcome measures.¹⁶ In its 2012 and 2013 reports, CAPM identified the following desired outcomes: (1) Minnesotans have the education and skills needed to achieve their goals, (2) a thriving economy that encourages business growth and employment opportunities, (3) Minnesotans are healthy, and (4) Minnesotans are safe. The council included a few measures related to these outcomes, such as educational attainment and unemployment rates for the Asian-Pacific population in Minnesota. However, the council failed to link its activities to these measures. It may be important for CAPM to track these figures, but a reduction in disparities cannot be attributed solely to the council's work. As noted in Chapter 1, we think CAPM should also develop and report on outcomes that result directly from the activities it undertakes.

The council's lack of focus on measurable outcomes was also evident when we asked staff to identify CAPM's three major accomplishments in the past three

¹⁶ *Laws of Minnesota* 2012, chapter 278, art. 2, sec. 4.

years. CAPM staff pointed to two research reports and one event, the 2013 Heritage Month dinner that brought together nearly 400 community members.¹⁷ While the activities identified may have had positive effects on the Asian-Pacific or broader communities, the council did not identify their effects or how the activities contributed to reaching the council's overall goals.

When we spoke with CAPM members and staff, they were not sure how the council's performance should be measured. Some council members and staff said council effectiveness could be measured in terms of helping to reduce disparities, such as those mentioned previously. Others said that effectiveness could be measured in terms of activities, such as the number of reports issued or meetings held. This lack of agreement has likely contributed to CAPM's failure to set any specific, measurable objectives and report on the extent to which it has achieved them.

Other issues hindering the council's ability to set measurable objectives may be its structural isolation and lack of clarity of its purpose, as we mentioned in Chapter 1. The Legislature created a loose relationship between itself and the council, which has not required the council to be accountable for setting and achieving objectives. In addition, there is no direct relationship between CAPM and the Governor, and the Legislature defined broad duties in CAPM's enabling legislation. One member told us the role of the council is confusing; members are appointed by the Governor, but are not helping to create his agenda or carry it out as it pertains to Asians and Pacific Islanders.

In addition, we found:

- **CAPM does not effectively inform constituents and the general public of council activities, priorities, upcoming events, or other related information.**

As of January 2014, CAPM's Web site had not been updated for nearly two years—meeting dates shown on its Web site are for 2012. CAPM publishes a newsletter and makes use of social media, including Facebook and Twitter. However, information about the council and its activities is not easily found using these resources.

As of January 2014, CAPM's Web site had not been updated for nearly two years.

¹⁷ CAPM staff cited the following reports: *State of the Asian Pacific Minnesotans, 2010 Census and 2008-2010 American Community Survey Report*, April 2012; and *Asian Pacific Students in Minnesota: Facts, not Fiction, An education report from the Council on Asian Pacific Minnesotans*, March 2012.

OPINIONS OF CONSTITUENT ORGANIZATIONS

Because CAPM is charged with acting as a liaison between government and its constituents as well as advocating for issues important to its constituency, we believed it was important to learn about constituents' views of the council. To that end, we electronically surveyed 80 organizations that primarily work with Asian-Pacific Minnesotans. Our survey elicited 33 responses, which constitutes a 41 percent response rate. We supplemented this survey by interviewing nonprofit leaders from four organizations that focus on serving the Asian-Pacific population and an additional five organizations that serve a wider cross-section of Minnesotans. In this section, we describe the results of this work.

Familiarity

We first sought to establish the extent to which CAPM is visible within the communities it represents.¹⁸ We found:

- **Although most Asian-Pacific organizations were aware of CAPM and its major responsibilities, one-fourth could not tell us how well the council performed its specific duties.**

The vast majority of Asian-Pacific organizations responding to our survey had heard of CAPM; less than 10 percent were unfamiliar with the council.¹⁹ In addition, the majority of Asian-Pacific organizations familiar with CAPM noted that CAPM's responsibilities included advocating for policy changes and serving as a liaison between constituent organizations and policy makers, which is consistent with state law.

Yet, when asked to rate how well CAPM carried out each of its major responsibilities, an average of 28 percent of the organizations said they did not know how well CAPM performed. Community leaders we interviewed said CAPM has not effectively communicated its mission, priorities, or activities. Many people were confused as to exactly what CAPM's role is and how the council fulfills it. They also noted that, while organizational leaders may be familiar with the council, the wider Asian-Pacific community is not.

Interactions

One reason for constituent organizations' lack of knowledge on CAPM's performance may be a low level of interaction with the council. We found:

- **A large percentage of the Asian-Pacific organizations that we surveyed had little interaction with CAPM over the last year.**

¹⁸ Constituent organizations that said they were totally unfamiliar with CAPM were not asked any additional questions about the council.

¹⁹ In our discussion of survey results, percentages refer to the percentage of constituent organizations that responded to each individual question.

Asian-Pacific organizations said CAPM has not done a good job communicating its mission, priorities, or activities to constituents.

We asked constituent organizations how often they interacted with CAPM in various ways between August 2012 and September 2013. Well over half of the respondents told us they had never or infrequently: visited CAPM's Web site (68 percent), contacted the council (62 percent), or read or used CAPM materials (57 percent). Likewise, most respondents (77 percent) said they had not attended a CAPM meeting in the last year, and more than half (58 percent) had not collaborated with the council. On the other hand, 65 percent of the organizations had attended at least one event and 61 percent had met with council members or staff at least once in the last year.

The most frequently used method of contact with the council was council-sent e-mails. Most respondents reported receiving e-mail from CAPM either occasionally (47 percent) or frequently (20 percent).

Priorities

CAPM's priorities only partially reflect the issues of concern to its constituency. In its 2012 and 2013 reports to the Legislature, CAPM identified the following issues of concern: education, employment, health, and safety (including domestic violence). In our survey of Asian-Pacific organizations, respondents said education, workforce and economic development, and civic engagement should be the council's top priorities.

Asian-Pacific organizations think CAPM should involve the community more when developing its priorities.

Leaders at Asian-Pacific organizations told us that CAPM needed to involve the community more when developing its priorities. Without their regular input, they told us the council cannot accurately represent the community's concerns. One leader emphasized the importance of relationship-building within Asian-Pacific cultures and suggested the council needed to place more emphasis on creating personal connections.

There is also some disconnect between the role CAPM has chosen to play and the role that constituent organizations believe would add the most value. According to survey respondents and interviewees:

- **Most constituent organizations thought CAPM performed a unique role as a state agency, and some said it could best capitalize on its status by focusing on its advisory duties.**

In our survey of Asian-Pacific organizations, over half of respondents agreed that CAPM, as a state agency, performs a unique role that could not be effectively performed by nonprofit organizations. Some leaders pointed out that CAPM has the ability to connect organizations with state policy makers. Interviewees also suggested that CAPM, as a state agency, has better access to state agency data.

Leaders of Asian-Pacific organizations we talked with said that CAPM should be focused on connecting constituent organizations to policy makers and advocating for issues that affect Asians and Pacific Islanders. Some interviewees said CAPM should not use its limited resources to plan cultural events, such as the Dragon Festival. They noted that other organizations could do this type of work, while CAPM could more effectively use its time as an advocate and liaison.

Satisfaction

Despite criticism of CAPM’s lack of involvement in the community and poor communication, constituent organizations that responded to our survey had a fairly positive image of the council. While opinions about the council’s overall performance were mixed, we found:

- **Half of the organizations that responded to our survey were satisfied with CAPM’s performance.**

When we asked Asian-Pacific organizations how satisfied they were with CAPM’s performance, 50 percent of respondents said they were satisfied or very satisfied, none reported being dissatisfied, and only 3 percent were very dissatisfied. However, a sizeable percentage was neither satisfied nor dissatisfied with CAPM’s performance (30 percent) or did not know how well the council performed (17 percent).

We asked organizations to rate CAPM’s performance in various areas, and the results are reported in Exhibit 2.3. The council received its highest ratings (excellent) for promoting a positive image (20 percent), creating and compiling information (17 percent), and presenting concerns to policy makers (13 percent). CAPM received its lowest rating for helping organizations connect with state government—20 percent of respondents said the council performed poorly in this area.

Exhibit 2.3: Constituent Organizations’ Ratings of the Council on Asian-Pacific Minnesotans’ Performance

Area of Performance	Excellent	Good	Fair	Poor	Don't Know
Ensuring that council meetings are easily accessible to the public	10%	17%	37%	3%	33%
Creating and compiling information on important issues	17	33	17	10	23
Helping organizations communicate with state officials	3	20	30	20	27
Presenting constituent concerns to policy makers	13	30	23	7	27
Promoting a positive image of Asians and Pacific Islanders in Minnesota	20	27	30	3	20
Providing constituents with referrals	7	13	33	10	37

SOURCE: Office of the Legislative Auditor, survey of Asian-Pacific constituent organizations, August 2013.

Council on Black Minnesotans

In 1980, two years after the creation of the Chicano/Latino Affairs Council (CLAC), the Legislature established the Council on Black Minnesotans (COBM). Like CLAC and the Council on Asian-Pacific Minnesotans (CAPM), COBM is primarily charged with advising policy makers and serving as a liaison to state government. This chapter provides background information on the council and presents our findings regarding member appointments and attendance, council activities, and the opinions of constituent organizations.

HISTORY AND DEMOGRAPHICS

African Americans have lived in Minnesota since before the state's inception. During the nineteenth and twentieth centuries, Minnesota produced a number of civil rights activists, such as Frederick McGhee and Hubert Humphrey. The efforts of state and national leaders like these eventually led to the passage of the Civil Rights Act of 1964. Like the federal government, Minnesota eventually passed legislation to help increase the representation of Black people in state government.¹

- **The 1980 Legislature created the Council on Black Minnesotans to advise state policy makers about the concerns of Black people and to act as a liaison for Black organizations.**

Over the last 34 years, the Legislature has made few major modifications to COBM's enabling statutes. As originally created, the council consisted of 11 members: 7 voting members and 4 nonvoting members from the House of Representatives and Senate.² In 1992, the Legislature increased COBM's voting membership from 7 to 11, which the 2001 Legislature expanded to 13.³ The 2001 Legislature also required the council to have at least one voting member whose ethnic heritage is from East Africa and at least one member whose ethnic heritage is from West Africa.⁴ Since these additions in 2001, the council's statutes have not significantly changed.

Between 1950 and 1970, the number of Black persons in Minnesota increased by almost 150 percent, although they remained a small percentage of the state's

**At least one
COBM member
must be of East
African heritage,
and at least one
must be of West
African heritage.**

¹ Throughout this chapter, we use the term "Black" to refer to people who consider themselves as having African heritage, regardless of country of origin.

² *Laws of Minnesota* 1980, chapter 614, sec. 187.

³ *Laws of Minnesota* 1992, chapter 408, sec. 1; and *Laws of Minnesota* 2001, chapter 39, sec. 1, subd. 1.

⁴ *Laws of Minnesota* 2001, chapter 39, sec. 2, subd. 2.

Minnesota is home to the largest group of Somalis in the United States.

residents. Recently, Minnesota’s Black community has again grown significantly. In the 1990s, large numbers of East and West African immigrants began resettling in the state, increasing the number of African-born residents from fewer than 5,000 in 1990 to over 34,000 a decade later. Minnesota is now home to the largest settlement of Somalis and one of the largest settlements of Liberians in the country. African Americans, however, still comprise the largest share of the Black populace, as seen in Exhibit 3.1. Between 2000 and 2010, the total Black population increased 61 percent. Overall:

- **In 2010, Minnesota’s Black population made up just over 6 percent of the state’s residents.**

As shown earlier in Exhibit 1.1, there are significant disparities between Minnesota’s White, non-Hispanic and Black populations. For example, 38 percent of Blacks lived below the poverty line in 2012 compared with 8 percent of White, non-Hispanics, and only 51 percent of Blacks graduated from high school on time as compared with 84 percent of Whites.

Exhibit 3.1: Minnesota’s Black Population, 2007-2011

Ancestry	Percentage of Minnesota’s Black Population
African American ^a	46%
Somali	10
Ethiopian	4
Liberian	3
Nigerian	2
Sudanese	1

NOTES: The ancestries presented are those that represent the highest percentages of Black Minnesotans and do not total 100 percent. We did not include responses that did not specify ancestry beyond “Black, African American, or Negro.”

^a Includes both “African American” and “Afro American” census selections.

SOURCE: Department of Administration, Office of Geographic and Demographic Analysis, Minnesota State Demographic Center, February 2014.

When compared with other states, Minnesota also has some of the worst disparities in the nation. In 2011, Minnesota had the largest gap between Black and White, non-Hispanic students graduating from high school, and between 2009 and 2011, it had the second worst employment gap.

RESOURCES

For the most part, the council receives its funding from General Fund appropriations. Over the last ten years:

- **COBM has operated with a small budget and few staff.**

In fiscal year 2013, COBM spent \$351,000 and employed two full-time staff.

Since fiscal year 2004, council expenditures have fluctuated significantly, dropping by as much as 30 percent in a single year. Overall, however, expenditures increased 2 percent between 2004 and 2013. At the close of fiscal year 2013, the council had expenditures of about \$351,000 and two full-time staff. As with the other three minority councils,⁵ COBM received a \$200,000 increase in General Fund appropriations for the 2014-2015 biennium.⁶ Some of this increase has been allocated to increasing the council's staff—by the start of 2014, COBM employed three full-time and one part-time staff.

At times, COBM has also received funds for special projects. In 2013, the council received about \$100,000 in Arts and Cultural Heritage Funds administered through the Minnesota Humanities Center. In addition, starting in 2008, the council received special appropriations to participate in an anti-tobacco and anti-obesity campaign. However, Blue Cross Blue Shield, which administered the funds and provided additional resources, terminated the project in early 2012 because of the council's poor oversight.

More so than any of the other three minority councils, we found:

- **COBM has had numerous financial and management problems over the last decade, which it has recently begun to address.**

Internal problems plagued the council between fiscal years 2011 and 2013. Meeting minutes show that there was a growing concern among both community and council members about dysfunction within the council. For example, one council member was accused of harassing fellow members and COBM staff. Minutes also reveal a severe lack of order and procedural decorum in meetings. On numerous occasions, both council and community members called on the council to adhere to rules of order and conduct meetings with respect and civility. In 2011 alone, three members resigned, including the chair.

Some managerial improvements resulted when COBM hired a new executive director in late 2012.

Some managerial improvements came in late 2012 and 2013 after the council hired its new executive director. He drafted a policies and procedures manual that outlined election procedures; committee structures; and board and staff roles, responsibilities, and relationships.⁷ He also called on the council to implement Robert's Rules of Order at board meetings. However, throughout our evaluation, board meetings did not consistently follow these rules. For example, attendees frequently spoke without properly obtaining the floor and strayed off topic and beyond set time limits. In addition, on several occasions, meetings did not start on time, with one beginning 75 minutes late.

Furthermore, in 2013, council meetings were, at times, scheduled with very little advance notice or changed at the last minute. Public meeting laws require

⁵ Throughout this report, we use the term "minority" to refer to people who self-identify as belonging to a racial or ethnic group that comprises less than a majority of Minnesota's overall population.

⁶ *Laws of Minnesota* 2013, chapter 142, art. 1, sec. 19.

⁷ Council on Black Minnesotans, *Draft Policies and Procedures Manual* (St. Paul, May 2013). COBM's manual is largely based on the Chicano/Latino Affairs Council's *Policy and Procedures Manual*.

In recent years, oversight of council finances has improved.

COBM to post a schedule of its regular meetings and a notice of a change in time or venue at least three days before a meeting,⁸ and the council's *Policies and Procedures Manual* requires notification at least ten days before a meeting.⁹ On several occasions, meeting notices were sent out only three to five days before a meeting. Also, some meeting dates conflicted with the council's *Policies and Procedures Manual*, which calls for regular meetings on the second Tuesday of each month.¹⁰ Although it officially adhered to public meeting laws, we think COBM's actions have likely discouraged community participation and contributed to poor attendance by council members.

The council has also suffered from financial mismanagement. The Office of the Legislative Auditor (OLA) conducted financial audits of COBM in 1997, 2002, 2006, and 2008, citing some payroll, recordkeeping, and expense problems, as well as problems with grants administration.¹¹ An outside study conducted in 2010 by the Department of Administration revealed consistent issues with financial mismanagement. Consequently, in late 2011, COBM fired its executive director who had managed the organization for more than 20 years.¹²

Oversight of the council's finances has improved in recent years. This is due in part to the election of a new treasurer who has taken a more active role in overseeing the council's finances since early 2012. In 2013, OLA conducted a limited financial review of the council and concluded that a full-scope audit was not necessary at that time.¹³

MEMBERSHIP

The Governor is responsible for appointing COBM's voting members through the open appointments process described in Chapter 1. According to state law:

- **COBM's 13 voting members must be broadly representative of Minnesota's Black community, with at least one member of East African heritage and one of West African heritage.**

Statutes define a Black person as one who considers himself or herself as having origin in any of the Black racial groups of Africa.¹⁴ The council's membership

⁸ *Minnesota Statutes* 2013, 13D.04, subds. 1-2.

⁹ Council on Black Minnesotans, *Policies and Procedures*, 16.

¹⁰ *Ibid.*, 12.

¹¹ Office of the Legislative Auditor, Financial Audit Division, *Council on Black Minnesotans* (St. Paul, 1997, 2002, 2006, and 2008).

¹² Minnesota Department of Administration, *Investigation Report: Council on Black Minnesotans Prohibited Expenditures of Council Funds* (St. Paul, 2011).

¹³ Office of the Legislative Auditor, Financial Audit Division, *Councils on: Chicano/Latino People, Asian-Pacific Minnesotans, Black Minnesotans, Indian Affairs* (St. Paul, July 2013).

¹⁴ *Minnesota Statutes* 2013, 3.9225, subd. 2. Statutes define "East Africa" as the area of Africa occupied by Burundi, Kenya, Rwanda, Somalia, Tanzania, and Uganda. "West Africa" is defined as the area occupied by Benin, Burkina Faso, Cote d'Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Nigeria, Senegal, Sierra Leone, Togo, and those parts of Mali and Niger south of the Sahara Desert.

must also include at least five males and five females and at least one person age 60 or older.¹⁵ While we did not identify significant problems with the statutory language defining West African heritage for the purposes of COBM's membership, we think:

- **State law defining East African heritage is too narrow.**

The council's statutes specifically name six countries in the eastern region of Africa from which at least one council member must have ethnic heritage.¹⁶ However, current statutory language omits Ethiopia, which is the native home to the state's second largest group of African immigrants. It also leaves out other East African countries with immigrant clusters in Minnesota, such as Eritrea and Sudan.

To learn more about the open appointments process, we interviewed staff from the Governor's and Secretary of State's offices, as well as council staff and members. We also reviewed official appointment data and COBM records. We found:

- **COBM has operated with fewer voting members than required by law during several of the last 11 years.**

COBM had a full complement of 13 voting members for only 5 of the last 11 years.

From 2002 to 2013, the council had an average of 12 members per year. It has been at its full complement of 13 members for only 5 of the last 11 years.¹⁷ In 2006, the council had as few as seven voting members. This problem, at least in part, has been due to appointment delays from the Governor. When members' terms expired, it took the Governor an average of seven months to appoint new members. It also took ten months to make appointments after members resigned and five months to reappoint current members.

In addition to appointment problems, the council has suffered from poor attendance. According to its *Policies and Procedures Manual*, the council meets on the second Tuesday of each month.¹⁸ Meetings typically take place in the council's St. Paul office, although COBM has also held some in greater Minnesota. From 2008 to 2013, voting members attended, on average, 67 percent of COBM meetings. However, attendance has been lower in the last year, averaging only 57 percent.¹⁹ In 2013, three members failed to attend a

¹⁵ *Minnesota Statutes* 2013, 3.9225, subd. 1; and 15.0591.

¹⁶ *Minnesota Statutes* 2013, 3.9225, subd. 1-2.

¹⁷ Membership was counted as of July 2 of each year. Council appointments expire the first Monday of January, and members may serve until July 1 of the year in which their appointments expire. *Minnesota Statutes* 2013, 15.0575, subd. 2.

¹⁸ Council on Black Minnesotans, *Policies and Procedures*, 12.

¹⁹ COBM could not produce meeting minutes for 12 meetings between 2008 and 2013. Attendance rate calculations do not include meetings for which minutes were not available. We calculated the average attendance by computing the average attendance for each member and then taking the average of those calculations.

COBM did not have a quorum at 5 of the 12 meetings it held in 2013.

single meeting, and two others attended fewer than half. As a result, we found:

- **Over the past year, COBM has had a significant problem reaching a quorum at meetings.**

COBM failed to attain a quorum at 42 percent of its 12 meetings in the past year.²⁰ Lack of a quorum at meetings can inhibit the council's ability to conduct business, and during this time period, some major decisions likely had to be tabled for future meetings. The fact that COBM meets monthly rather than bi-monthly or quarterly as the other councils do may contribute to its attendance problems.

State law allows the Governor to remove voting members for just cause or for missing three consecutive meetings—which five members did in the last year.²¹ But despite poor attendance and unbecoming behavior by some members, we found:

- **The Governor has not officially removed any COBM member from his or her position.**

Governor's Office staff could recall only three requests for action, all of which related to attendance problems. They said that when staff contacted these members, they voluntarily resigned. However, council members told us they appealed to the Governor's Office for assistance in removing members for both cause and poor attendance, but did not receive any help. Some council members criticized the Governor for not taking more action to remove these members. In response to this inaction, the council plans to have legislation introduced in 2014 granting it the authority to remove members for violating the attendance policy.

For the most part, COBM does not become involved in recruiting qualified applicants when council openings occur. For example, it does not post vacancy announcements on its Web site, and it does not have a policy to guide staff or members in their recruitment efforts. Meeting records indicate some intentional effort to remain divorced from the member selection process, presumably to avoid usurping the Governor's appointing authority. According to council staff, COBM participates in the open appointments process when the Governor's Office requests its assistance.

The council is also required to have four nonvoting legislative members—two appointed by the House of Representatives and two by the Senate.²² We reviewed the council's appointments and attendance records and found:

- **Legislative attendance at COBM meetings has been poor, and the council did not have a full complement of senators in 2013.**

Legislative members attended only 21 percent of meetings over the last six years.

²⁰ State law indicates that a majority of board members constitutes a quorum. *Minnesota Statutes* 2013, 645.08(5).

²¹ *Minnesota Statutes* 2013, 15.0575, subd. 4.

²² *Minnesota Statutes* 2013, 3.9225, subd. 1.

Between January 2008 and December of 2013, legislative appointees attended, on average, only 21 percent of meetings—the worst attendance record for any of the state’s minority councils. Furthermore, the Senate appointed only one senator to COBM in both 2003 and 2013.²³ This lack of legislative involvement can hamper the council’s ability to forge strong relationships with lawmakers, gather their input, and ultimately influence policy.

MAJOR RESPONSIBILITIES

As noted in Chapter 1, COBM is charged with a wide variety of duties, most of which relate to advising state policy makers and serving as a liaison between constituent organizations and government. Specific duties are shown in Exhibit 3.2. COBM must also submit annual reports to the Governor and Legislature summarizing its activities. After reviewing the council’s annual reports, event agendas, policy briefs, meeting minutes, and other records, we found:

- **COBM has addressed most of its statutory duties.**

Since hiring a new executive director in late 2012, the council has assumed a more active role in advising state policy makers. COBM has primarily addressed its advisory duties by issuing reports, participating in state agency task forces, and drafting bills. For example, in the last year, the council contracted for a report analyzing racial disparities in the state.²⁴ It also advised the Department of Human Services on portions of the agency’s omnibus human services bill related to the out-of-home placement of Black children and participated in state agency groups addressing issues such as homelessness.

In the last year, COBM has been active in proposing and drafting legislation.

During the 2013 session, the council drafted and found authors for four bills on employment, housing, youth violence prevention, and the enforcement of human rights laws. Although only one bill received a hearing and none were passed, the council hopes to revive them in 2014. It also plans to seek authors for an additional nine bills. Despite these ambitious bill drafting efforts, the council has yet to gain support from a broad base of legislators or state agencies or to align its session priorities with those of its allies. Further, it has done little to seek support from the state’s other minority councils. It also has not testified before the Legislature in the past two years, aside from committee hearings related to council funding and Sunset Advisory Commission hearings.

Recently, the council has worked to strengthen its relationships with constituents to better inform its advisory duties. For example, over the last two years COBM conducted two constituent surveys and hosted a listening tour in five cities across

²³ It was difficult to track legislative appointments because the Legislature does not require itself to keep records of its appointments to boards and councils, and no other office appears to consistently record this information. Therefore, the data presented here are estimations based on council and Senate records. No office in the House of Representatives appears to track these data.

²⁴ Council on Black Minnesotans, *Disparity Analysis: A Review of Disparities Between White Minnesotans and Other Racial Groups* (St. Paul, 2013).

Exhibit 3.2: Council on Black Minnesotans' Major Statutory Duties

Advisory Duties	Liaison Duties
<ul style="list-style-type: none"> • Advise and make recommendations to the Governor and Legislature • Perform or contract for studies that suggest solutions to constituent problems • Review the state's affirmative action program • Review data and make recommendations on the out-of-home placement of black children • Review state agencies' applications for federal funds for programs primarily affecting council's constituencies 	<ul style="list-style-type: none"> • Serve as a liaison to state policy makers for constituent organizations and other levels of government • Refer individual constituents to relevant state agencies for assistance • Publicize the accomplishments and contributions of the council's constituents

SOURCE: *Minnesota Statutes* 2013, 3.9225, subds. 3-4.

the state. It used the information it gathered to develop its priority issues which, in 2013, included: (1) human/civil rights and fair housing, (2) healthcare, (3) jobs/economic development, (4) education, and (5) criminal justice. In addition, the council recently began holding meetings in greater Minnesota, including Rochester, where it opened a second office in January 2014. And in 2013 it hosted Black Minnesotans Day at the Capitol, which drew about 100 people.

COBM has also hosted, funded, or helped organize a number of events or projects designed to publicize the accomplishments and contributions of Minnesotans of African descent, as required by statute.²⁵ Within the last two years, the council held a cultural summit and produced two documentary videos and a report outlining such contributions. In addition, for the last several years the council has spearheaded the Governor's Celebration of the Rev. Dr. Martin Luther King, Jr.

One statutory duty that the council has not performed, at least in the past year and a half, is the review of state applications for federal funds of programs that primarily affect Black Minnesotans.²⁶ However, in order for the council to comply with this requirement, it must have the cooperation of various state agencies, which may not even be aware of the law.

COBM is required to submit a report to the Governor and Legislature by November 15 of each year.²⁷ The report must summarize activities, receipts, and expenditures over the last year; major problems and issues confronting Black

COBM has spearheaded the annual Rev. Dr. Martin Luther King, Jr. Day at the State Capitol.

²⁵ *Minnesota Statutes* 2013, 3.9225, subd. 3(k).

²⁶ *Ibid.*, subd. 4.

²⁷ *Ibid.*, subd. 7.

people; and recommendations for addressing these issues. In addition, the council is required to include specific objectives for the upcoming biennium and, per legislation adopted in 2012, outcome measures.²⁸

To examine COBM's compliance with reporting requirements and its strategic planning efforts, we used the definitions of goals, objectives, and outcome measures described previously in Exhibit 1.4. We found:

- **In the last year, COBM has begun to engage in strategic planning, but it has not addressed how it will measure the effectiveness of its activities.**

Since 2004, the council's biennial reports have generally not included specific objectives for the upcoming biennium as required by law.²⁹ Instead of articulating what the council hoped to achieve over the biennium, COBM focused on listing its activities. While the council's 2013 report is an improvement over previous reports, it still focuses on the council's anticipated activities rather than the intended impact of those activities. In 2012, the Legislature also began requiring the council to identify outcome measures, but COBM failed to do so in its 2012 report.³⁰ In its 2013 report, the council generally focused on measuring the completion of activities (outputs) rather than presenting outcome measures that would examine the effectiveness, quality, or impact of those activities.

Under the management of the new executive director, the council also developed its first strategic plan in recent history. While the plan includes short-term goals and expected products for 2013-2014, it fails to identify measures that would help the council and state policy makers ascertain the effectiveness of council activities.³¹ We also noted that two of the three goals in the strategic plan are generally operational in nature (for example, improving council members' skills). Only its goal to "Increase the Council's community outreach and action work" pertains to the council's statutory duties. Given the council's historical managerial problems, operational goals may be appropriate at this time. However, we would expect future plans to place greater emphasis on measuring the effectiveness of activities related to the council's statutory duties.

Similar to our findings for the other councils:

- **There is little consensus among council members and other stakeholders as to how the council should measure its effectiveness.**

Through our review of COBM's meeting minutes and annual reports over the last five years, we found little evidence that council members have examined outcome measures to gauge the success of their activities. In one of our interviews, a council member also admitted that identifying measures is difficult

²⁸ *Laws of Minnesota* 2012, chapter 278, art. 2, sec. 3.

²⁹ *Minnesota Statutes* 2013, 3.9225, subd. 7.

³⁰ *Laws of Minnesota* 2012, chapter 278, art. 2, sec. 3.

³¹ Council on Black Minnesotans, *Strategic Doing Plan* (St. Paul, 2013).

COBM's annual reports and strategic plan focus on output measures rather than outcome measures.

because members are confused about the council's overall goal—which is not defined in statute.

Further, council staff tend to think of COBM accomplishments in terms of activities rather than outcomes. For example, we asked the executive director to describe COBM's top accomplishments over the last three years. In response, he identified the council's Legacy Listening Tour, 2013 legislative recommendations, and establishment of new governance and administrative operations as its major accomplishments. However, the latter achievement is purely administrative in nature. COBM's listening tour, while a laudable and necessary activity, is just that—an activity that the council has not tied to specific objectives or outcome measures. The director also listed the council's survival through the 2012 Sunset Advisory Commission's review (which included almost two dozen other state agencies) as its most significant achievement.³² However, it was the Legislature's decision to dismantle the Sunset Advisory Commission, not the council's actions, that allowed COBM to avoid further scrutiny and possible closure.³³

To improve council effectiveness, COBM wants a more direct relationship with the Governor.

The council's structural isolation in state government may also contribute to its problem setting objectives and measurable outcomes. Although the Governor appoints members, the council is not directly accountable to the Governor's Office as are major state agencies. Such agencies both help shape the Governor's agenda and are required to follow it, which gives them much more guidance about their priorities and activities. COBM's executive director told us he wants a more direct relationship with the Governor and is frustrated by his current lack of access. The council is similarly isolated from the Legislature. Although COBM is required to have four nonvoting legislative members, their attendance at meetings has been low. And because the council's budget is small, the Legislature spends relatively little time reviewing its effectiveness when appropriating funds each biennium. As a result, the council is only minimally accountable to the Legislature.

Finally, we linked many of the council's problems to a lack of communication. Overall, we found:

- **COBM has done a poor job informing its constituents and the general public of its roles, priorities, and activities.**

As we discuss later in this chapter, some of the constituent organizations we surveyed or interviewed said the council should do a better job setting expectations for the public about its capabilities and its limitations. Because constituents do not know COBM's roles and priorities, they do not know what to expect of the council.

COBM did not have a working Web site for several months during 2013.

In addition, the council's Web site was completely offline for several months during the summer of 2013. Although a new site was launched in October 2013, it has had significant function and design problems. The new Web site also lacked basic information, such as council meeting notices, agendas, and minutes.

³² *Laws of Minnesota* 2011, chapter 10, art.3, sec. 22.

³³ *Laws of Minnesota* 2013, chapter 142, art. 2., sec. 10.

OPINIONS OF CONSTITUENT ORGANIZATIONS

Because COBM's statutory duties include acting as a liaison between government and its constituent organizations, we electronically surveyed 80 nonprofit organizations that primarily work with Black Minnesotans. We received responses from 41 organizations, which constitute a 51 percent response rate. We supplemented this survey by interviewing nonprofit leaders from four Black constituent organizations as well as five nonprofit organizations that serve a broader cross-section of Minnesotans, rather than just Africans or African Americans.

Familiarity

We first sought to establish the extent to which COBM is visible in the communities it represents. We found:

- **Although most Black organizations surveyed were aware of COBM and its major responsibilities, over one-fourth could not tell us how well the council performed its specific duties.**

About 85 percent of the organizations responding to our survey had heard of COBM and many correctly identified the council's duties, including advocating for policy changes and serving as a liaison.³⁴ But when asked to rate how well the council carried out each of its major duties, around 30 percent said they did not know how well the council performed in most areas. Some constituent organizations that we interviewed also said that the majority of their community members probably do not know the council exists, and those that do may not know what the council does or what it should be doing. As a result, individual constituents may not reach out to the council or view it as a legitimate representative of the Black community.

Interactions

We asked constituent organizations about the extent to which they had interacted with the council between August 2012 and September 2013. We found:

- **Only a few of the Black organizations that we surveyed had frequent or occasional contact with COBM over the last year.**

In fact, more than half had never or infrequently: read or used COBM materials (72 percent), visited the council's Web site (62 percent), or contacted the council (53 percent). A number of respondents also said they had never attended a council event (50 percent), collaborated with the council (66 percent), or attended a council meeting (67 percent) in the last year. Most constituent organizations

³⁴ Constituent organizations that said they were totally unfamiliar with COBM were not asked any additional questions about the council. Survey results refer to the percentage of organizations that responded to each question, not the total responding to the survey.

said the council needed to make more of an effort to create partnerships and build relationships in order to earn the community's respect and trust—which has been damaged over the last few years. One person explained that, without the buy-in of community leaders and organizations, the council cannot effectively perform its advisory duties.

Priorities

Thanks in part to the community discussions the council hosted during its 2012 listening tour, we found:

- **COBM's priorities match those of its constituents.**

In our survey, respondents identified civil/human rights, education, and workforce development as top priorities, which tracks with those identified in the council's *2013 Legislative Recommendations* report.³⁵ However, one constituent organization leader told us that council members have too many priorities and are not able to manage them all. As a result, the council does not adequately focus its attention and resources. In addition, leaders told us the council fails to set expectations about what it can accomplish, leaving many in the community disappointed when the council does not deliver.

Most interviewees also said that the council could have the most impact as an official voice of, and advocate for, Black issues at the State Capitol. Still others told us that COBM would help most by accessing, disaggregating, and analyzing state data about Minnesota's Black populations.

Satisfaction

Finally, we sought to gauge constituents' overall satisfaction with the council's performance. Generally, we found:

- **Black organizations that we surveyed did not express widespread satisfaction with COBM's performance.**

When asked how satisfied they were with COBM, only 29 percent of respondents were satisfied or very satisfied with the council's performance. An equal percentage—29 percent—were dissatisfied or very dissatisfied, and the remaining organizations either did not know (13 percent) or were neither satisfied nor dissatisfied (31 percent). Overall, COBM received somewhat poorer satisfaction ratings when compared with CLAC and significantly poorer ratings than CAPM.

We also asked respondents to rate COBM's performance in specific areas. Few people rated COBM's performance as excellent in any area, as seen in Exhibit 3.3. More than one-fourth of respondents rated COBM's performance as poor in several areas: helping organizations communicate with state policy makers (35 percent),

More Black organizations were dissatisfied with COBM's performance than were constituent organizations for CLAC or CAPM.

³⁵ Council on Black Minnesotans, *2013 Legislative Recommendations* (St. Paul, February 2013).

Exhibit 3.3: Constituent Organizations' Ratings of the Council on Black Minnesotans' Performance

Area of Performance	Excellent	Good	Fair	Poor	Don't Know
Ensuring that council meetings are easily accessible to the public	16%	16%	16%	16%	38%
Creating and compiling information on important issues	13	25	16	13	34
Helping organizations communicate with state officials	10	13	13	35	29
Presenting constituent concerns to policy makers	7	30	10	27	27
Promoting a positive image of Blacks in Minnesota	16	25	19	22	19
Providing constituents with referrals	9	6	19	28	38

NOTE: Rows do not sum to 100 percent due to rounding.

SOURCE: Office of the Legislative Auditor, survey of African and African American constituent organizations, August 2013.

referring constituents to government agencies and programs (28 percent), and presenting constituent concerns to state policy makers (27 percent).

At the same time:

- **Most of the community leaders we interviewed did not want to see COBM eliminated or merged with the other minority councils.**

Several constituent organizations that we spoke with told us COBM should not be merged with the state's other minority councils, noting the difficulty COBM already has in unifying the different groups it represents. Others said the diverse issues affecting the different minority groups required varied approaches and solutions. Although some did not support merging the councils, several constituent organizations told us the minority councils could benefit by working more closely together.

Chicano/Latino Affairs Council

Created in 1978, the Chicano/Latino Affairs Council (CLAC) is the state's second-oldest minority council.¹ As discussed in Chapter 1, CLAC has many of the same statutory responsibilities as the councils on Asian-Pacific Minnesotans (CAPM) and Black Minnesotans (COBM). CLAC's response to those responsibilities, however, has been different in many respects. In this chapter, we provide background information on the council and discuss its membership, major responsibilities, and constituents' opinions.

HISTORY AND DEMOGRAPHICS

The 1960s and 70s were important decades for the Chicano movement across the nation. This movement heightened Americans' awareness of issues regarding farm workers' living and working conditions. Although Minnesota was not one of the major epicenters, local concern over migrant farm workers' rights helped contribute to a state government response:

- **The 1978 Legislature established the Council on Affairs of Spanish-Speaking People and gave it broad responsibilities, largely related to advising policy makers and acting as a liaison for constituent organizations.**

CLAC has 11 voting members—1 from each of the state's eight congressional districts, plus 3 at-large members.

Since its creation in 1978, CLAC has undergone only one substantive change to its size and composition. From 1978 to 1996, the Council on Affairs of Spanish-Speaking People, as the council was then known, consisted of seven voting members. Spanish-speaking people were defined simply as people who used Spanish as their primary language or were the spouses of people who did. In 1996, the Legislature (1) changed the council's name to the Council on Affairs of Chicano/Latino People, (2) expanded its membership to 11 voting members, (3) required that one voting member be appointed from each of the state's eight congressional districts, plus three at-large members, (4) added four nonvoting legislative members, and (5) defined Chicano/Latino in terms of ancestry or country of origin.²

¹ Throughout our report, we use the term "Chicano/Latino Affairs Council" or "CLAC" when referring to the council, which is the term the council and its constituents use. The name given to the council in statute is the Council on Affairs of Chicano/Latino People. Also, we use the term "minority" to refer to people who self-identify as belonging to a racial or ethnic group that comprises less than a majority of Minnesota's overall population.

² *Laws of Minnesota* 1996, chapter 420, sec. 3.

Minnesota’s Latino population grew 75 percent between 2000 and 2010.

Latinos made up 4.7 percent of Minnesota’s population in 2010.³ As shown in Exhibit 4.1, the largest percentage (about 48 percent) was Mexican. Although Latinos do not represent Minnesota’s largest minority group—African/African Americans comprised 6.2 percent of the state’s population in 2010—the Latino population is the fastest growing, increasing 75 percent between 2000 and 2010.

Exhibit 4.1: Minnesota’s Latino Population, 2007-2011

Ancestry	Percentage of Minnesota’s Latino Population
Mexican	48%
Mexican American	7
Puerto Rican	3
Ecuadorian	3
Salvadoran	2
Guatemalan	2

NOTE: The ancestries presented are those that represent the highest percentages of Latino Minnesotans and do not total 100 percent. We did not include responses that did not specify ancestry.

SOURCE: Department of Administration, Office of Geographic and Demographic Analysis, Minnesota State Demographic Center, February 2014.

As noted in Chapter 1, significant disparities exist between Latinos and White, non-Hispanic Minnesotans. For example, in 2010, the unemployment rate for Latinos was 12 percent, but only 6 percent for Whites. In addition, while 42 percent of White, non-Hispanic Minnesotans held an associate’s degree or higher in 2008, the same was true for only 22 percent of Latinos.

RESOURCES

Similar to CAPM and COBM:

- **Over the last ten years, CLAC has operated on a small budget with a limited number of staff.**

In fiscal year 2013, CLAC spent \$345,000 and employed five full-time staff.

In fiscal year 2013, CLAC expenditures totaled about \$345,000, 23 percent more than its 2004 expenditures. In addition, CLAC received approximately \$112,500 in Arts and Cultural Heritage Fund moneys administered by the Minnesota Humanities Center in fiscal year 2013. CLAC’s General Fund appropriations for fiscal years 2014 and 2015 increased by about \$200,000 over the biennium. Similar to CAPM and COBM, staff-related expenditures accounted for the majority of CLAC expenditures—about 80 percent. At the close of fiscal year 2013, CLAC employed five full-time employees.

³ We use the term “Latino” to refer to those whose origin or descent is one of the Spanish or Portuguese-speaking countries in North or South America.

Over the last ten years, the Office of the Legislative Auditor’s financial audit division has not found major financial issues in CLAC. However:

- **CLAC experienced significant internal conflict from 2009 through early 2011 that has since been addressed.**

Unlike the other three minority councils, CLAC has had several executive directors in the last ten years. Its current director was hired in 2009. He told us that when he was hired, the council’s focus began to shift from that of a “think tank” to a “problem solver”—a refocus with which not all council members agreed. Council members also began to tighten control over managerial issues, for example, by recommending that the council approve all communication before being made public. After several months of tense debate about the division of roles between council members and staff, the council took a vote to remove the executive director in early 2011. The vote failed 5-6. Over time, as new council members were appointed, CLAC members and the executive director began to work together more effectively.

MEMBERSHIP

As noted in Chapter 1, CLAC’s executive director receives direction from appointed council members. In accordance with its authorizing statutes:

- **CLAC consists of 11 voting members appointed by the Governor and 4 nonvoting members appointed by the Legislature.**

State law sets forth various requirements for CLAC’s voting membership.⁴ In addition to three at-large council members, one member is appointed from each of the state’s eight congressional districts. Members must reflect the demographic composition of Minnesota’s Chicano/Latino population, including migrant workers. A Chicano/Latino person is defined as someone born in, or whose ancestors are from, one of 20 Spanish and Portuguese-speaking countries and territories in North and South America.⁵ The council must also have at least one member age 60 or older.⁶ The Governor appoints CLAC’s 11 voting members through an open appointments process described in Chapter 1. The Minnesota Senate and House of Representatives each appoint two nonvoting members using their own procedures.

Overall, CLAC has had relatively few problems related to member appointments and participation. We spoke with the Governor’s Office, Secretary of State’s Office, and CLAC staff and members. We also reviewed official appointment

Compared with the other councils, CLAC has had fewer problems with voting member appointments or participation.

⁴ *Minnesota Statutes* 2013, 3.9223, subds. 1-2.

⁵ The 20 countries and territories are: Argentina, Bolivia, Brazil, Chile, Columbia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Puerto Rico, Uruguay, and Venezuela.

⁶ *Minnesota Statutes* 2013, 15.0591.

data and council records on appointments and member participation. In doing so, we found:

- **Over the last 11 years, CLAC’s size and composition has generally reflected statutory requirements with the exception of legislative appointments, which have not always been made in a timely manner.**

Since 2003, CLAC membership has ranged between 7 and 11 members.⁷ It averaged 10 members and was at its full capacity of 11 members for 9 of the last 11 years.

The Governor’s appointments were generally made in a timely manner. On average, it took five months to fill vacancies for end-of-term appointments and six months for reappointments. Few CLAC members resigned from their positions before their terms concluded. Following a resignation, CLAC seats were open an average of six months. The Legislature was less diligent about appointing members to the council. According to CLAC records, the council had a full complement of legislators from 2003 through 2010 and in 2013, but none in 2011 or 2012.⁸

Perhaps because CLAC does not have major issues with timely appointments of voting members or member turnover, it is not very involved in recruiting applicants when vacancies occur. The council does not have written policies or formal strategies to inform constituents about council openings and does not advertise them on its Web site. The executive director is concerned it would be perceived as inappropriate by the Governor’s Office for CLAC to promote openings, although he does alert constituents about council openings by word of mouth.

CLAC’s legislative members attended only 26 percent of council meetings between 2008 and 2013.

In addition to low turnover, the council has had few problems with voting member attendance in comparison to other councils. We found:

- **Over the last six years, voting members have attended, on average, 80 percent of council meetings.**

During this time, CLAC met an average of five times per year and achieved a quorum at all of its meetings.⁹ In contrast, nonvoting legislative members had a 26 percent attendance rate. Because the council’s relationship with legislative members is its most direct link to policy makers, we believe their low level of attendance weakened CLAC’s connection with the Legislature. This connection

⁷ Council membership was measured as of July 2 of each year. Council appointments expire on the first Monday of January, and voting members may continue to serve on the council until July 1 following the expiration of their appointments. *Minnesota Statutes* 2013, 15.0575, subd. 2.

⁸ It was difficult to track legislative appointments because the Legislature does not require itself to keep records of its appointments to boards and councils, and no other office appears to consistently record this information. Therefore, the data presented here are estimations based on council and Senate records. No office in the House of Representatives appears to track these data.

⁹ State law says a majority of voting members constitutes a quorum. *Minnesota Statutes* 2013, 645.08 (5).

was weakened further during the two years in which the council did not have any legislative members.

Unlike CAPM and MIAC, we found:

- **CLAC has developed clear policies and procedures and has defined members’ roles and responsibilities.**

While general council duties are outlined in state law, members’ individual responsibilities are not. CLAC developed a policies and procedures manual in 2008 that it updates as necessary. The manual clearly and succinctly sets forth council policies; roles and responsibilities of individual members, staff, and the council as a whole; and internal operating procedures. For example, the manual stipulates the duties and terms for the council’s chairperson, vice-chair, treasurer, and secretary. It also outlines the structure meetings should follow and how agendas are to be developed. However, one person told us members would benefit from a more formal orientation that better explained their responsibilities.

MAJOR RESPONSIBILITIES

Overall, CLAC’s duties and responsibilities have changed little since the Legislature created the council in 1978. As shown in Exhibit 4.2, statutes set forth a broad array of advisory and liaison duties for CLAC. Unlike CAPM, CLAC’s list of statutory duties does not specifically include economic development responsibilities. When we talked with CLAC members and staff, some told us that they wanted the Legislature to broaden CLAC’s duties to specifically include economic development, and the council anticipates developing legislation to this effect for the 2014 session. As we explained in Chapter 1, we think current statutory language spelling out the councils’ responsibilities is already too broad and provides insufficient direction as to what the councils’ major role as state agencies should be.

State law sets forth a broad array of advisory and liaison duties for CLAC.

Exhibit 4.2: Chicano/Latino Affairs Council’s Major Statutory Duties

Advisory Duties	Liaison Duties
<ul style="list-style-type: none"> • Advise and make recommendations to the Governor and Legislature • Perform or contract for studies that suggest solutions to constituent problems • Review state agencies’ applications for federal funds and proposed rules for programs primarily affecting the council’s constituencies 	<ul style="list-style-type: none"> • Serve as a liaison to state policy makers for constituent organizations and other levels of government • Refer individual constituents to relevant state agencies for assistance • Publicize the accomplishments and contributions of constituents

SOURCE: *Minnesota Statutes* 2013, 3.9223, subds. 3-4.

CLAC has engaged in a wide variety of activities to fulfill its statutory responsibilities. We found:

- **Over the last three years, CLAC has fulfilled most of its statutory duties, choosing to largely emphasize its advisory role.**

As an advisor within state government, CLAC has (1) testified at legislative hearings, (2) developed annual legislative agendas, (3) proposed legislation, (4) sponsored Latino Day at the Capitol, (5) held community forums statewide to identify community concerns, and (6) published a research report and policy papers. Over the last three years, CLAC has been the most active of the four councils in holding community forums throughout the state and publishing policy briefs. In addition, CLAC has met or talked with staff in the Governor's Office, legislators, and various state agencies and participated in task forces, working groups, and policy coalitions. For example, CLAC participated in the Department of Education Commissioner's Funding Task Force. It was also part of a coalition that supported the Minnesota DREAM Act, which makes certain undocumented students eligible for in-state tuition and other benefits. The council has not reviewed state applications for federal funds since the current executive director was hired in 2009.¹⁰ However, in order for CLAC to comply with this requirement, state agencies must first send their applications to CLAC, and state agencies may not be aware of the law.

Over the last three years, CLAC has worked with groups outside of government to improve education and economic development opportunities for Latinos.

Perhaps more than any other minority council, CLAC has been an advocate for its constituents outside state government. Over the last three years, CLAC has worked with private foundations, the business community, local nonprofit organizations, and educational institutions to improve educational and economic development opportunities for Latinos. In addition, CLAC has attended meetings of other groups or collaborations that are organized around specific issues, such as economic development. For example, CLAC helped in the formation of the Corporate Latino Advisory Committee for Greater MSP and the Minnesota Latino Network, a professional group focused on improving educational opportunities for Latinos.

Although CLAC does not emphasize its liaison role as much as some of the other councils, it has participated in celebrations sponsored by other organizations, such as the Cinco de Mayo Celebration in Saint Paul. As with CAPM and COBM, CLAC has cosponsored various types of events and programs designed primarily to engage or empower its constituency. For example, in addition to its annual Latino Day at the Capitol, CLAC has collaborated with a community nonprofit to produce bilingual videos with instructions on how to vote.

CLAC has also actively worked to fulfill its statutory duty to publicize the accomplishments of Latinos to the state. The council has collaborated with other organizations to produce videos highlighting the economic, artistic, and cultural contributions of Latinos. For example, CLAC worked with Twin Cities Public Television to produce a documentary showcasing local Latino artists' work. The

¹⁰ State law requires that state agencies seeking federal funds for programs that primarily serve Latinos consult with CLAC before developing their application. *Minnesota Statutes* 2013, 3.9226, subd. 4.

executive director has also written articles for local newspapers, including the Star Tribune and La Voz Latina.

While we believe CLAC has appropriately emphasized its advisory function, we also think that:

- **Over the last three years, CLAC’s advisory efforts have not always been strategic.**

Some council members and Latino organizations say that CLAC needs to be more focused.

In trying to address all of its statutory duties, CLAC has often spread itself thin with its diverse and numerous commitments. Council members told us that, at times, staff leadership seems unwilling or unable to focus resources on a few areas where the council could have its greatest impact, especially in the legislative arena. In a similar vein, one of the Latino organizational leaders that we spoke with said CLAC needs to be more intentional in its actions. Some organizations explained that CLAC needs to find its unique niche, which some constituent organizations identified as research-based advisory work within state government.

More so than any other council, we found:

- **CLAC has engaged in strategic planning over the last several years, but it is unclear the extent to which it has adhered to its plans or measured its results.**

CLAC shared five different plans with us that were in effect in the last three years. The five plans covered operations, marketing and communications, community engagement, legislative activities, and the council itself. Four plans were an outgrowth of its 2006 *Operational Excellence Project*, which set forth a two-part strategy to build the organizational structure and operational practices necessary to effectively advise state policy makers on issues important to Latinos.¹¹ This plan laid out an overall strategy for 2007 and beyond, complete with goals, objectives, and activities or outputs. The plan generally did not identify outcome measures, as defined earlier in Exhibit 1.4, to help CLAC measure the effectiveness of its activities. Between 2007 and 2011, CLAC developed four additional plans originally called for in its 2006 plan. Again, these plans consisted largely of activities the council planned to undertake to meet its statutory responsibilities, with few outcome measures tied to its activities to help the council gauge their impact. In reviewing CLAC’s mandated reports from 2008 through 2012, we saw little mention of its strategic planning efforts. In its 2013 report, CLAC mentioned it had a strategic plan, but provided very little specific information about it.¹²

Although statutes have required CLAC to include specific objectives for the upcoming biennium in each of its biennial reports, the council has been inconsistent in identifying specific objectives. As part of our evaluation, we reviewed CLAC’s biennial reports since 2004. In general, CLAC identified

¹¹ Chicano/Latino Affairs Council, *Operational Excellence Project* (St. Paul, 2006).

¹² Chicano/Latino Affairs Council, *Report to Governor Mark Dayton and the Minnesota State Legislature* (St. Paul, 2013).

objectives in the reports it issued between 2004 and 2010, but the objectives were generally very broad and did not address the end results the council wanted to achieve. CLAC's 2012 and 2013 reports did not identify any of the council's specific objectives for the next biennium.

CLAC included some outcome measures in its 2012 report to the Legislature, but none in its 2013 report.

Finally, the 2012 Legislature required CLAC to include outcome measures in its annual reports, and the council included both output and outcome measures in its 2012 report.¹³ For example, CLAC reported on the number of participants attending its annual Latino Legislative Day at the Capitol as well as the number of civic participation training events, community forums, and events related to education and economic development that it held, and it included letters of support from several state agencies and constituent organizations. The council also reported on the results from a small survey it conducted regarding the community's perception of CLAC. Among the items included were survey results that showed the majority of respondents believed CLAC was fulfilling its mission and goals. In its 2013 report, CLAC again included letters of support and reported on the various meetings, events, and activities in which it engaged over the year (output measures), but did not include any outcome measures. While output measures may be useful, the lack of consistent outcome measures makes it difficult to assess the extent to which CLAC's various activities have been successful.

The council's lack of focus on specific objectives and measurable outcomes was evident when we asked staff to identify CLAC's three major accomplishments in the past three years. CLAC staff responded with the following: (1) generating interest in the executive and legislative branches of state government in improving the connections that CLAC and other noncabinet agencies have to the rest of state government; (2) generating interest in potential contributions of Latinos and other immigrants within local government, education institutions, and the private sector; and (3) developing a pilot project plan in Rochester to include the Latino community, education institutions, and international business. While the third accomplishment can be tied to CLAC's efforts to reduce education disparities, it is not clear to us how staff would measure the first two accomplishments listed or how the activities named helped the council reach its goals.

While council staff indicated its relationship with other state government entities has improved, CLAC's executive director noted difficulties the council has encountered when attempting to connect to policy makers. He told us the minority councils were created as isolated entities and have, therefore, been ignored by some policy makers. He further cited challenges the council faced in connecting with the previous administration in the Governor's Office.

As noted in Chapter 1, the Legislature has not stated any explicit goals for CLAC, nor is there agreement among the council's members, staff, or constituents as to how the council should measure its effectiveness. Some council members and staff that we spoke with said CLAC's effectiveness should be measured in terms of helping to reduce the state's disparities between its White, non-Hispanic and

¹³ *Laws of Minnesota* 2012, chapter 278, art. 2, sec. 2.

Latino populations. Others think that effectiveness should be measured in terms of the quality of the council's reports or the quality of its advice to policy makers.

Despite little agreement on how to measure the effectiveness of its activities, we found:

- **CLAC has sought input from constituents to identify its priorities, but it has been less effective in gaining legislative support.**

As noted previously, over the last three years CLAC has held community forums in cities statewide to help it identify constituent concerns. The majority of these forums were held in cities outside the seven-county metropolitan area, including Faribault, Marshall, Willmar, and Worthington. However, some interviewees told us the community forums were not always effective. One person explained that CLAC has to do a better job of communicating the purpose of the forums. For instance, if the council is simply gathering information to set its priorities, then it needs to make that clear so it can manage the community's expectations about further action.

Although CLAC works with some of the legislators that serve on the council, not all of its legislative members actively participate. Although CLAC has held meetings with legislators to gather their input when developing the council's priorities and setting its agenda, it has been less successful in gaining legislative support. One legislator told us that CLAC is largely ignored by both the Governor's Office and the Legislature because it has become irrelevant. To gain relevancy, this legislator said CLAC needs to be more strategic by focusing on a few key issues and creating a plan to accomplish its objectives.

Finally, unlike the other three minority councils, we found:

- **Over the last several years, CLAC's Web site has done a good job informing constituents and the general public of council activities, upcoming events, and related information.**

CLAC has posted, in advance, the dates, times, and locations of upcoming council meetings on its Web site. Other community events of interest are also frequently posted. On the other hand, it does not make meeting agendas and past meeting minutes available on its Web site.

OPINIONS OF CONSTITUENT ORGANIZATIONS

As part of our evaluation, we electronically surveyed 48 Latino nonprofit organizations to learn their views on CLAC's performance. Overall, our survey had a 65 percent response rate, with 31 organizations responding. We supplemented these surveys by interviewing leaders from four Latino organizations and five other organizations representing a broader spectrum of Minnesotans. Below we discuss constituent organizations' familiarity with CLAC, their interactions with the council, their views on council priorities, and their overall satisfaction with the council and its activities.

Over the last three years, CLAC has held community forums across the state to identify constituent concerns.

Familiarity

We asked Latino organizations how familiar they were with CLAC and its activities.¹⁴ We found:

- **Most Latino organizations were familiar with CLAC and could correctly identify its statutory responsibilities.**

Almost all (97 percent) of the Latino organizations responding to our survey had some level of familiarity with the council. However, most interviewees thought the general public's familiarity with the council was lower. One told us that organizations know CLAC exists, but Latino individuals are probably less familiar with the council. The majority of organizations familiar with CLAC said the council's responsibilities included advocating for policy changes and serving as a liaison between constituent organizations and policy makers. This is consistent with CLAC's duties as outlined in state law.

Interactions

CLAC is charged with acting as a liaison for Latino organizations. In this respect, we found:

- **A large percentage of the Latino organizations responding to our survey had some contact with CLAC over the last year.**

At least half of the Latino organizations we surveyed said they had either collaborated with CLAC or met with its staff in the last year.

We asked constituent organizations how often they had contact with CLAC between August 2012 and September 2013. More than half of the organizations responding to our survey (52 percent) had collaborated with the council at least once, and nearly two-thirds (64 percent) had met with council members or staff. On the other hand, at least half of the respondents told us they had never or infrequently: read or used CLAC materials (57 percent), contacted the council (55 percent), visited its Web site (50 percent), or received e-mails from the council (50 percent). Likewise, most Latino organizations (77 percent) said they had not attended a CLAC meeting in the last year, and over half (58 percent) had never attended one of CLAC's community events. One interviewee told us CLAC's relationships with community organizations are not as strong as they should be, and another said the council is underutilized by its constituents.

Priorities

To be an effective advocate, we believe CLAC must address issues of importance to its constituents. We found:

- **CLAC and the Latino organizations we surveyed largely agreed on what the council's major priorities should be.**

¹⁴ Constituent organizations that said they were totally unfamiliar with CLAC were not asked any additional questions about the council. Survey results refer to the percentage of organizations that responded to each question, not the total responding to the survey.

In its 2013 report to the Legislature, CLAC identified education and economic development as its top priorities. In our survey of Latino organizations, respondents said that education, workforce/economic development, and civic engagement should be the council's top priorities.

Several leaders of Latino organizations stressed the importance of taking the community's opinion into account when CLAC sets priorities and communicates with policy makers. As noted earlier in this chapter, although CLAC has held a number of community forums, not all stakeholders believe CLAC effectively connects with its constituents. One person said the council's process for soliciting input could be greatly improved. Another told us the community's feedback was not sufficiently integrated into CLAC's priorities and activities.

Satisfaction

When we asked Latino organizations how satisfied they were with CLAC's overall performance, we found:

- **Our surveys and interviews with Latino organizations did not find widespread satisfaction with CLAC's performance.**

Only 28 percent of the Latino organizations responding to this question were satisfied or very satisfied with the council's performance, with 11 percent dissatisfied and none very dissatisfied. Nearly one-third (32 percent) of the respondents indicated "Don't Know," which suggests that CLAC must do a better job informing constituent organizations about its priorities and accomplishments.

Some Latino organizations said CLAC has trouble communicating its role and priorities to constituents.

Leaders of Latino organizations confirmed this was the case. Several interviewees said CLAC did a poor job of communicating its role, priorities, and activities to its constituents. Others said the council needs to do a better job tracking legislation and communicating policy changes to the community. One interviewee said there is a misperception in the community that CLAC is pushing the government's agenda. Another said the council needs to better explain its role in order to set expectations as to how it can serve constituents.

CLAC may have trouble communicating its role because, according to some stakeholders, the council lacks focus. One interviewee said that the council is trying to be everything to everyone, but cannot do this with its limited resources. This was reflected in the variety of answers leaders gave us when asked about CLAC's proper role. They said the council should focus on advocating with state policy makers, writing legislation, tracking legislation, and creating stronger ties between the council and the community.

Beyond low levels of overall satisfaction, Latino organizations expressed mediocre levels of satisfaction with CLAC's fulfillment of specific duties, as shown in Exhibit 4.3. Few survey respondents rated CLAC's performance as excellent in any area. CLAC received its most positive ratings in the following

Exhibit 4.3: Constituent Organizations' Ratings of the Chicano/Latino Affairs Council's Performance

Area of Performance	Excellent	Good	Fair	Poor	Don't Know
Ensuring that council meetings are easily accessible to the public	10%	10%	14%	3%	62%
Creating and compiling information on important issues	7	34	14	3	41
Helping organizations communicate with state officials	7	14	21	7	52
Presenting constituent concerns to policy makers	14	21	14	4	46
Promoting a positive image of Latinos in Minnesota	17	24	14	3	41
Providing constituents with referrals	7	14	14	7	59

NOTE: Rows do not sum to 100 percent due to rounding.

SOURCE: Office of the Legislative Auditor, survey of Latino constituent organizations, August 2013.

areas: promoting a positive image of Latinos (17 percent) and presenting concerns to policy makers (14 percent). At the same time, less than eight percent of respondents rated CLAC's performance as poor in any area.

Despite somewhat low levels of satisfaction with CLAC's performance, we found:

- **Many of the constituent organizations we surveyed and interviewed thought CLAC, as a state agency, played a unique role.**

In our survey of constituent organizations, we asked respondents whether CLAC, as a state agency, performed a unique role that could not be effectively performed by nonprofit organizations. About 45 percent of survey respondents agreed that CLAC performed a unique role. However, another 45 percent said they did not know whether CLAC performed a unique role. The remaining 10 percent said that CLAC's role was not unique.

Some interviewees felt the community would not be impacted if CLAC ceased to exist, while some also said CLAC has an important role to play. In addition, some stakeholders that we spoke with told us CLAC should not be merged with the state's other minority councils, noting that issues and methods for solving those issues likely vary across minority groups.

Minnesota Indian Affairs Council

The Minnesota Indian Affairs Council (MIAC) is the oldest of the state's four minority councils and one of the first American Indian councils in the nation.¹ As we discuss in this chapter, MIAC shares some of the same statutory responsibilities as the councils on Asian-Pacific Minnesotans (CAPM), Black Minnesotans (COBM), and Chicano/Latino Affairs (CLAC). At the same time, there are important differences. Most significantly, MIAC serves as a liaison for 12 distinct governments—the State of Minnesota and 11 federally recognized tribal nations.²

HISTORY AND DEMOGRAPHICS

Under federal law, tribal nations possess inherent governmental powers over their internal affairs. Each of Minnesota's 11 American Indian tribes is a distinct nation, and each has an independent relationship with the State of Minnesota and the federal government.

For the most part, the state has only limited jurisdiction over American Indians living on most of the state's reservations. However, the state's obligation to ensure that all of its citizens have access to basic government services, such as education or health care, is the same on the state's tribal reservations as it is off. For example, the Minnesota Department of Education funds and oversees public schools serving American Indians, and it provides financial aid to Minnesota's four tribal schools. This type of relationship presents unique challenges to state government—challenges that MIAC is intended to help bridge:

- **Originally established in 1963, today MIAC is principally a liaison agency between the State of Minnesota and its 11 federally recognized tribal nations.**

MIAC's 28-member council consists of 11 voting members appointed by each of the state's 11 federally recognized tribal nations. The council also includes 17 nonvoting members representing state agencies, the Governor's Office, and the Legislature.

MIAC is the oldest of the state's four minority councils.

¹ Throughout this report, we use the term "minority" to refer to people who self-identify as belonging to a racial or ethnic group that comprises less than a majority of Minnesota's overall population.

² The 11 tribal nations are: Bois Forte Band, Fond du Lac Band, Grand Portage Band, Leech Lake Band, Lower Sioux Community, Mille Lacs Band, Prairie Island Mdwakanton Dakota Community, Red Lake Nation, Shakopee-Mdwakanton Sioux Community, Upper Sioux Community, and White Earth Band.

Unlike the other minority councils whose roles and responsibilities have changed little since their creation, we found:

- **Over the last 50 years, the Legislature has significantly altered MIAC's structure, composition, and duties.**

Originally created as a legislative commission in 1963, MIAC consisted of 15 members, including representatives from four state agencies and the Governor's Office.³ The remaining ten members included an American Indian from each of three Indian bands or tribes (consolidated Chippewa, Red Lake, and Sioux) appointed by the Governor after consultation with tribal leaders, two members appointed by the House of Representatives, two members appointed by the Senate, and three at-large members appointed by the Governor. The commission's primary duty was to pull together information related to employment, housing, civil rights, education, health, welfare, and law and order to help inform legislation, plans, and programs for American Indians needing assistance. In 1976, the Legislature made the commission a state board and revised its duties to include both a liaison role between state and tribal governments and an advisory role on issues facing American Indians statewide.⁴ The Legislature designated the elected chairs of Minnesota's 11 federally recognized tribal nations as voting members. It also required the board to have two at-large members representing the state's American Indians who were members of tribes that did not have a reservation in Minnesota.⁵ Finally, it created an Urban Indian Advisory Board (UIAB) to advise the full board on the concerns and interests of American Indians living in urban areas.⁶

The Legislature has not made any significant changes to MIAC since 2007.

In 2007, the Legislature more narrowly defined MIAC's duties to focus on tribal nations and urban Indians rather than American Indians statewide.⁷ For example, prior to 2007, MIAC's statutory duties included making recommendations to legislators about laws or legislation that would benefit "the statewide Indian community." The 2007 Legislature changed this duty to making recommendations to tribal leaders, legislators, and the Governor on legislation "of importance to tribal governments and nontribal Indian organizations." Further, it deleted language requiring MIAC to have two at-large members. In 2007, the Legislature also allowed elected tribal chairs or presidents to designate other tribal members to represent their nations on the council in their stead. The Legislature has not made any significant changes to MIAC since 2007.

³ *Laws of Minnesota* 1963, chapter 888, sec. 2. The four state agencies were the departments of business development, conservation, education, and public welfare.

⁴ *Laws of Minnesota* 1976, chapter 314, sec. 1. In 1983, the Legislature changed MIAC to a council rather than a board. See *Laws of Minnesota* 1983, chapter 260, sec. 1.

⁵ Although the at-large members could not be members of Minnesota tribes, they were elected by all American Indians living in Minnesota, regardless of their tribal affiliation. One election was held between 2003 and 2007; in 2005, only 29 American Indians voted, and they elected two members.

⁶ Advisory board members were not members of the full board, and no MIAC member was appointed to be a liaison with the advisory board.

⁷ *Laws of Minnesota* 2007, chapter 130, sec. 1.

American Indians made up about 2 percent of Minnesota's population in 2010, a fifth of whom lived on one of the state's 11 tribal reservations.

American Indians made up about 2 percent of Minnesota's population in 2010, an increase of 26 percent from 2000. As shown in Exhibit 5.1, about 21 percent of Minnesota's American Indian population lived on one of the state's federally recognized reservations in 2010. The bulk of American Indians—79 percent—lived off-reservation, with about half residing in the seven-county metropolitan area or in major cities in greater Minnesota.

Exhibit 5.1: Minnesota's American Indian Population, 2010

Region of Residence	Percentage of Minnesota's American Indian Population
Non-reservation areas	78.7%
Ojibwe Reservations	20.2%
Red Lake	5.7
Leech Lake	5.0
White Earth	4.9
Fond du Lac	1.8
Mille Lacs	1.7
Bois Forte	0.6
Grand Portage	0.4
Sioux Reservations	1.1%
Lower Sioux Indian Community	0.4
Shakopee Mdewakanton Sioux Community	0.4
Prairie Island Indian Community	0.2
Upper Sioux Community	0.1

NOTE: Percentages do not sum to 100 due to rounding.

SOURCE: Department of Administration, Office of Geographic and Demographic Analysis, Minnesota State Demographic Center, October 2013.

As shown earlier in Exhibit 1.1, significant disparities exist between the state's White, non-Hispanic population and American Indians. For example, only 46 percent of Minnesota's American Indian students graduated from high school on time compared with 84 percent of White, non-Hispanic students in 2012. Also, 32 percent of the state's American Indians were living below the poverty line compared with 8 percent of White, non-Hispanics in 2012. Nationally, Minnesota had the third largest employment gap between American Indians and White, non-Hispanics from 2009 through 2011, 51 percent compared with 78 percent, respectively.⁸

⁸ Amherst H. Wilder Foundation, Wilder Research, Minnesota Compass, *Disparities by Race*, <http://www.mncompass.org/disparities/key-measures.php?km=race#1-10666-g>, accessed December 23, 2013.

RESOURCES

Of the state's four minority councils, MIAC has traditionally had the largest budget:

- **Due largely to state and federal grants, MIAC has had substantially higher expenditures and operated with slightly more staff than the state's other three minority councils over the last ten years.**

In fiscal year 2013, MIAC spent about \$2.1 million and employed five full-time staff.

By the end of fiscal year 2013, MIAC had spent about \$2.1 million and employed five full-time staff. In contrast with the other three minority councils, staff-related expenditures accounted for a small share of MIAC's expenditures—about 17 percent. Instead, grant-related expenditures comprised the largest portion of MIAC's spending, about 71 percent. Since fiscal year 2004, MIAC's spending has grown about 300 percent, due largely to Arts and Cultural Heritage Fund moneys appropriated directly to the council, federal grants, and state appropriations for special programs.

Overall, MIAC's biennial budget for fiscal years 2014 and 2015 is expected to increase by about \$200,000, due largely to an increase in the council's General Fund appropriation.⁹ According to council staff, MIAC will use some of its increased funding to add staff—as of January 2014, MIAC had five full-time staff and was looking to fill another staff position.

Unlike the other three minority councils, MIAC operates a small number of programs. The council has a Cultural Resources Department that works to protect American Indian burial sites across the state. It also has a Dakota and Ojibwe Language Revitalization Grant Program to help preserve the state's two principal American Indian languages. Finally, MIAC has an interagency agreement with the Department of Human Services that allows the two agencies to mutually implement projects to help tribal nations plan, develop, and administer projects, including transitional housing and support services for homeless youth.

MEMBERSHIP

As pointed out in Chapter 1, MIAC's appointment process and composition differ significantly from those of the other three minority councils. According to state law:

- **MIAC's 28-member council consists of 1 voting member from each of the state's 11 federally recognized tribal nations and 17 nonvoting members from state government.**

More specifically, statutes say that the elected president of each of the state's 11 federally recognized tribal nations appoints one voting member each; 12 state

⁹ *Laws of Minnesota* 2013, chapter 142, art. 1, sec. 20. Similar to the other three councils, MIAC will not receive Arts and Cultural Heritage Fund moneys administered through the Minnesota Humanities Center in fiscal years 2014 and 2015, as it has in previous years.

MIAC is the only minority council that has nonvoting members from the Governor's Office and 12 state agencies.

agencies and the Governor's Office each appoint one nonvoting member, and the Senate and House of Representatives each appoint two nonvoting members.¹⁰ The state agency commissioners (or their designees) that are named as nonvoting members are: Administration, Corrections, Education, Employment and Economic Development, Health, Housing Finance, Human Rights, Human Services, Iron Range Resources and Rehabilitation, Natural Resources, Transportation, and Veterans Affairs.

Unlike the other three minority councils, MIAC's voting members are not appointed through the state's open appointments process. Rather, MIAC appointments are made directly by each elected tribal president or chair. Although statutes permit the tribal nations to designate any of their members to serve on MIAC, in practice, the tribal chairs most often serve rather than their designees.¹¹

Although statutes set MIAC's voting membership at 11, we found:

- **For the last few years, 10 of Minnesota's 11 tribal nations have formally participated in MIAC.**

One tribal nation, Upper Sioux Community, has formally withdrawn from MIAC and is no longer counted as a member for purposes of reaching a quorum.¹² In testimony before the Legislature's Sunset Review Commission in 2012, the Upper Sioux Community Chair said that MIAC, in its current form, was a threat to each tribal nation's sovereignty.¹³ He said that, at times, the council was considered the de facto government for all Indian nations, which diminished the individual government-to-government relationship between each nation and the state. He also cited the composition of the council as problematic; it heavily favored Ojibwe representation because there are seven Ojibwe tribes but only four Sioux tribes.

Although no other tribal nation has withdrawn from MIAC in the last few years, several others have attended few MIAC meetings. We reviewed MIAC meeting minutes and appointment data that the council maintains and found:

- **Voting members' attendance at MIAC meetings has been low, and the council has had difficulty establishing quorums.**

Between 2008 and 2013, we estimated that MIAC had a quorum at 13 of 21 meetings for which we received minutes or attendance counts. However, it had a

¹⁰ *Minnesota Statutes* 2013, 3.922, subd. 1.

¹¹ In 2013, the Chair of the Mille Lacs Band of Ojibwe was the only tribal leader to formally designate another tribal member as the nation's representative on MIAC.

¹² According to Minnesota statutes, a majority of voting members is needed to achieve a quorum. Therefore, MIAC would need 6 voting members present at a meeting to have a quorum, regardless of whether it considers its membership to be 10 or 11 tribal nations. *Minnesota Statutes* 2013, 645.08(5).

¹³ Kevin Jensvold, Chair, Upper Sioux Community, testimony before the Sunset Review Commission, January 17, 2012.

quorum at only two of nine meetings held between January 2012 and December 2013.¹⁴ On average, over the last six years, tribal nation representatives attended 57 percent of council meetings, with individual nations' attendance ranging between 14 and 100 percent. Participation by Minnesota's four Sioux nations was significantly lower than its seven Ojibwe nations, with no Sioux nation represented at more than 38 percent of the meetings between 2008 and 2013.¹⁵

There are several possible reasons for voting members' low attendance. First, some members must travel great distances to attend MIAC meetings. The council holds quarterly meetings, typically alternating among reservations in greater Minnesota. Second, MIAC members are generally the tribal nations' highest ranking government officials. In addition to their local duties, they are called upon to represent their governments at national forums, such as congressional hearings. Third, MIAC itself has no authority to compel members to attend meetings. The council is not subject to the open appointments process as are the other three minority councils, and there is no statutory language related to removing members who are not fulfilling their council responsibilities. Fourth, the types of issues MIAC focuses on may prevent some members from attending. For example, we were told that representatives from Sioux nations attend fewer meetings because they think the council is too concerned with Ojibwe or northern Minnesota issues.¹⁶ Finally, as we discuss later in this chapter, we think MIAC meetings are a more valuable forum for state agencies than they are for tribal nations, and thus, tribal nations have less incentive to attend.

Tribal leaders can appoint designees to serve on MIAC, but only one tribal nation has formally done so.

We talked with MIAC's chair and staff about attendance, and they agreed that it has been a problem. The council hopes to address its quorum problem in the coming year by having staff prepare a list of designees preapproved by tribal chairs. MIAC's chair would use the list to seat other tribal members at meetings in their respective tribal chairs' absence. In the past, MIAC's chair has occasionally seated tribal designees at meetings to reach a quorum, but only after obtaining approval from the absent tribal leader. The chair told us that one of the reasons the 2007 Legislature allowed tribal nations to appoint designees to MIAC was to encourage greater attendance. However, as noted previously, very few tribal chairs have done so.

¹⁴ We found it difficult to determine the number of meetings that reached quorum from 2008 through 2013 because MIAC has not consistently recorded member attendance. We did not receive minutes or attendance counts for three meetings held during this time period.

¹⁵ We could not track legislative appointments to MIAC because the Legislature does not require itself to keep records of its appointments to boards and councils, and no other office appears to consistently record this information. Furthermore, MIAC did not consistently record legislative appointments to the council or nonvoting members' attendance at meetings.

¹⁶ The four Sioux nations are located in southern Minnesota while the seven Ojibwe nations are in northern Minnesota.

As discussed in Chapter 1, MIAC is a state agency; thus, it is important that formal policies and procedures are in place to help ensure public accountability. Such documents also help new council and staff members familiarize themselves with their jobs and the expectations and requirements of state service. We found:

- **MIAC has not clearly spelled out council policies and procedures to help guide council deliberations and relationships.**

While council duties are outlined in state law, members' individual responsibilities are not. MIAC has not developed and maintained a manual that describes how it will operate or the roles and responsibilities of the council, individual members, and staff. Furthermore, MIAC lacks formal policies and procedures that describe its working relationship and duties relative to the 11 tribal nations, its Urban Indian Advisory Board (UIAB), and American Indians statewide, regardless of their tribal affiliation. Finally, the council lacks procedures that lay out the kinds of records that it should keep. As noted previously, poor recordkeeping hindered our ability to measure attendance for voting members at several of MIAC's meetings over the last six years or to determine the attendance of nonvoting members during that time period.

MAJOR RESPONSIBILITIES

Although state law is unclear as to the overall reason for MIAC's existence, the Legislature has redefined the council's duties over the years. As shown in Exhibit 5.2, state law sets forth several responsibilities for MIAC. Although some aspects of MIAC are markedly different from the other three minority councils, they generally share similar roles:

- **Most of MIAC's statutory duties fall into two broad categories: (1) advising state policy makers and tribal leaders and (2) serving as a liaison between state government bodies and tribal leaders.**

Generally speaking, MIAC exists to make recommendations to state policy makers and elected tribal leaders on issues, programs, and proposals of importance to tribal governments and nontribal Indian organizations. It further exists to provide a liaison between state government and elected tribal officials. Also, the council is charged with proposing an agenda for the annual summit of elected tribal leaders, legislative leaders, and the Governor. Similar to COBM, MIAC's duties include reviewing Department of Human Services' data on the out-of-home placement of American Indian children.

Unlike the other three minority councils, MIAC serves as a liaison between governments.

Unlike the other three minority councils, statutes do not explicitly require that MIAC serve as a liaison to state government for constituent organizations, refer individual constituents to state agencies, when warranted, or publicize the accomplishments and contributions of community members. MIAC is also not required to comment on state agencies' applications for federal assistance for programs that primarily affect American Indians.

Exhibit 5.2: Minnesota Indian Affairs Council's Major Statutory Duties

Advisory Duties	Liaison Duties
<ul style="list-style-type: none"> • Advise and make recommendations to tribal leaders and state policy makers, including the Governor and Legislature • Help state agencies establish Indian advisory councils • Develop programs for Indians subject to discrimination or prejudice • Review data and make recommendations on the out-of-home placement of Indian children • Help state agencies implement and update studies and ensure service delivery to tribal nations and urban Indian communities • Appoint a six-member Urban Indian Advisory Board 	<ul style="list-style-type: none"> • Serve as a liaison between state government and elected tribal leaders • Propose an agenda for the annual summit of the Governor, legislative leaders, and elected tribal leaders • Interact with private organizations involved with Indian people when their programs affect state agencies

SOURCE: *Minnesota Statutes* 2013, 3.922, subds. 6 and 8.

To determine how well MIAC has fulfilled its statutory roles as an advisor and liaison, we reviewed MIAC's annual reports, event agendas, policy briefs, and other information. We found:

- **Over the last three years, MIAC has focused on its role as liaison between the state and tribal nations.**

MIAC provides a forum for state officials and elected tribal leaders to discuss issues of concern.

As part of its liaison role, MIAC provides a forum for state policy makers and elected tribal leaders to discuss issues of concern. For example, in November 2011, MIAC collaborated with the Minnesota Department of Education to conduct a listening session with representatives of the tribal nations to help identify American Indian concerns related to preK-12 education, and MIAC helped the department hold the first Governor's American Indian Education Summit in January 2012. In July 2013, the council helped plan the Minnesota American Indian Health Symposium with the American Indian Cancer Foundation in Grand Portage. The event brought together tribal leaders and state and federal government officials to discuss health issues affecting American Indians. In August 2013, MIAC helped bring Minnesota State College and University representatives and tribal leaders together to discuss issues related to postsecondary education for American Indians. In November 2013, the council cosponsored a similar forum on criminal justice issues with the departments of Corrections and Public Safety.

State agencies have developed stronger relationships with MIAC than they have with the other minority councils, and this has made MIAC less structurally isolated. In part, this is likely due to statutes that require certain state agencies to serve as nonvoting members of MIAC. In addition, several state agencies have

programs specifically for American Indians or staff designated as points of contact for American Indians' concerns. For example, the Department of Human Services has an Office of Indian Policy to help ensure that American Indian clientele have full access to department programs. (MIAC staff think this office, rather than MIAC, should take the lead in reviewing and making recommendations regarding the department's out-of-home placement data for American Indian children.) The departments of Education and Health and the Minnesota Housing Finance Agency also have American Indian offices or liaisons.

As a liaison, MIAC has generally been a useful tool for state government. As noted earlier, statutes name the commissioners or designees from 12 state agencies and the Governor's Office as nonvoting members of MIAC. As part of our evaluation, we talked with staff from these agencies. They told us that MIAC has been useful to them in a variety of ways. First, agencies often use MIAC meetings as opportunities to bring early-stage ideas and proposals before tribal chairs for their input. Second, MIAC meetings offer an opportunity for agencies to keep tribal chairs—at least those in attendance—up-to-date on agencies' activities. Third, staff told us that MIAC acts as a distribution center in that agencies can submit documents to MIAC staff, who, in turn, distribute them to all tribal chairs. Fourth, staff pointed to two recent forums put on by various state agencies, with assistance from MIAC, that were valuable in helping to identify issues of concern that agencies could address. Finally, attending MIAC meetings gives agency staff—especially new staff members—the opportunity to talk more casually with council members before and after meetings.

MIAC has been a more useful tool for state government than it has been for tribal nations.

At the same time, MIAC's overall effectiveness as a government-to-government liaison has been limited. First, some state agency staff told us that, because MIAC consists of tribal chairs rather than tribal program staff, it can be too high-ranking to be of practical use to them. In this regard, one state agency staff said that, when working with tribal nations, it is most helpful to work directly with tribal program staff rather than with high-ranking officials. Some state agencies, such as the departments of Health and Transportation, have put together their own working groups of staff from the tribal nations or participate in other organizations that bring together program-level staff.

Second, MIAC's usefulness to tribal nations as a liaison may have gradually eroded as tribal nations themselves have grown more complex and important to the state's economy. For example, altogether tribal governments are one of the largest employers in the state. Some tribal nations have their own lobbyists to monitor legislation, meet with legislators, or testify before the Legislature. Furthermore, most—if not all—tribal chairs do not need MIAC to open the doors of the Governor's Office, state agency commissioners, or legislators. As discussed previously, MIAC meetings have not been well attended by many tribal nations, especially over the last two years, which may be related to MIAC's lack of relevance as a liaison.

We asked MIAC's executive director what she thought were the council's greatest accomplishments over the last three years. She identified the following: Executive Order 13-10, the government-to-government tribal-state relations training program for state employees, and the council's treaties exhibit and

Dakota Ojibwe language program.¹⁷ The training program educates state employees on the unique relationship that exists between the state's 11 sovereign Indian nations and state government. First offered to state agency commissioners and executive staff in October 2013, MnDOT spearheaded this effort in collaboration with various state agencies, including MIAC. The collaborative also brought in outside experts from the University of Minnesota, Duluth. The same group was also instrumental in the development of Executive Order 13-10 (which we discuss in greater detail later in this chapter), and the Governor's Office is heavily involved in overseeing its implementation. Although MIAC played a role, it was not the driving force behind these two initiatives; rather, they were the result of several state agencies working together. Nevertheless, both initiatives represent significant changes in state government's approach to tribal-state relations.

In terms of its advisory role, we found:

- **Over the last three years, MIAC has done little to directly advise or make recommendations to state policy makers and tribal governments.**

Statutes direct the council to advise the Governor and Legislature on programs, proposals, and projects of importance to the state's tribal nations and nontribal Indian organizations. We asked council staff to provide us with copies of all research reports, planning documents, policy or issue briefs and papers, and legislative agendas and proposals it produced from 2011 through 2013, as well as copies of all testimony given by the council. Although MIAC monitors legislative activities and keeps council members informed of proposed legislation, the council has not produced annual legislative agendas that set forth council priorities or objectives for upcoming sessions, nor has it sought authors for any proposed legislation that it developed. Similarly, it has published no issue or policy papers advising policy makers of the council's position on issues of importance. Although legislation adopted in 2012 requires that MIAC's annual reports to the Legislature make recommendations to address the major problems facing American Indian people, the council's 2012 and 2013 reports fail to do so.¹⁸ When asked to produce copies of testimony given over the last three years, MIAC could produce few such documents related to policy positions the council had taken. At most, the council has passed resolutions on several issues brought to it by outside organizations. For example, in late 2013, MIAC passed resolutions regarding state travel policies and the use of racist and derogatory images and logos in organized sports. Finally, MIAC has not produced any research reports that identify problems and recommend solutions.

Contrary to state law, MIAC's annual reports to the Legislature do not contain recommendations to help address major problems facing American Indians.

¹⁷ Office of the Governor, *Executive Order 13-10* (August 8, 2013). Since 2010, MIAC has partnered with the Smithsonian Institute's National Museum of the American Indian to create a traveling treaties exhibit that has been showcased around the state. We described MIAC's language revitalization program previously on page 66.

¹⁸ *Laws of Minnesota* 2012, chapter 278, art. 2, sec. 1.

Further, MIAC has done little substantive work with the other three minority councils, although they have some of the same concerns.¹⁹ For example, all of the minority councils are concerned about education disparities, and three of the councils, including MIAC, identified economic development/jobs, criminal justice issues, and health disparities as one of their top concerns in 2012. As we discussed in Chapter 1, we think all of the councils could have a stronger voice at the State Capitol if they joined forces on issues of common concern.

MIAC's effectiveness as an advisor has been further limited because:

- **MIAC has not engaged in strategic planning, including identifying goals, objectives, and outcome measures to direct its work.**

When we asked staff about the council's strategic planning efforts, they were unable to produce an overall strategic plan or specific objectives they were working toward.²⁰ Although MIAC has undertaken some noteworthy projects in the last few years, such as its language revitalization project and treaties exhibit, the council suffers from an overall lack of direction, focus, and strategic planning. As we discussed in Chapter 1, good government requires public accountability. Because MIAC is a state agency designed in part to advise state government leaders, we think it should operate under a strategic plan to help guide its activities, measure results, and inform stakeholders.

In addition, statutes require MIAC to include specific objectives for the upcoming biennium in each of its biennial (now annual) reports.²¹ We examined MIAC's reports from 2006 through 2013 and noted that the council has consistently failed to include any specific objectives. Likewise, MIAC did not identify outcome measures in its 2012 and 2013 annual reports, as required by legislation adopted in 2012.²² In the absence of specific objectives, it is very difficult, if not impossible, for MIAC and the Legislature to tell whether the council is achieving its desired results.

Likewise, MIAC's annual reports do not contain specific objectives or outcome measures.

As noted previously, state law does not explicitly require MIAC to address the concerns of American Indians statewide. Instead it refers to tribal nations, nontribal Indian organizations, and urban Indian communities. However, MIAC's mission statement says the council exists "to protect the sovereignty of the 11 Minnesota Tribes and ensure the well-being of American Indians citizens

¹⁹ MIAC does participate in the joint council meetings pulled together by the departments of Education and Human Rights.

²⁰ MIAC did help a volunteer group develop a strategic plan for its Dakota and Ojibwe Language Revitalization Project, as required of MIAC by state law in 2009. The plan included various goals, objectives, and actions that would be taken toward that end. However, the plan did not have an evaluation component that tied its actions to its desired outcomes. See: Minnesota Indian Affairs Council, *Strategic Plan for Dakota and Ojibwe Language Revitalization in Minnesota* (St. Paul, February 15, 2013); and *Laws of Minnesota* 2009, chapter 172, art. 4, sec. 9.

²¹ *Minnesota Statutes* 2013, 3.922, subd. 11.

²² *Laws of Minnesota* 2012, chapter 278, art. 2, sec. 1.

throughout the State of Minnesota.”²³ In examining MIAC’s activities, however, we found:

- **There is little evidence to suggest that MIAC has advocated for or addressed the concerns of urban Indian communities or American Indians statewide.**

In accordance with state law, MIAC has a six-member Urban Indian Advisory Board (UIAB) to advise it on the unique concerns and problems of Minnesota Indians living in urban areas.²⁴ Board members must live in the vicinity of Bemidji, Duluth, Minneapolis, or St. Paul, with at least one member coming from each city. According to MIAC records, UIAB meetings have been sporadic, meeting only twice in 2011, once in 2012, and three times in 2013.

We reviewed MIAC meeting minutes from 2008 through 2013 to see how often the UIAB appeared before the council. We found references to the UIAB in 9 of the 20 minutes made available to us. Several of those references were simply introducing UIAB members to the council or reminders of the need to appoint advisory board members. Few issues of substance, such as urban housing, have been brought to MIAC’s attention via the UIAB since 2008. Also, one long-standing council member that we interviewed told us that he knew very little about the UIAB—only that it occasionally gave reports to the full council. Some nonvoting members of MIAC did not know that MIAC had an advisory board for urban Indians.

MIAC’s Urban Indian Advisory Board is largely disconnected from the council itself.

In the past, the UIAB’s role was more visible. Old operating rules for the UIAB indicated that the board was to meet every other month (unless otherwise determined by the board chair).²⁵ As a way to establish communication links with individual Indians, social service organizations, and others, it was recommended that each board member convene and facilitate community-wide meetings semiannually. In talking with advisory board members and attending UIAB meetings, we also learned that the UIAB used to be more actively linked to the full council. For example, at one time advisory board members sat alongside MIAC members at council meetings, took part in discussions, and were able to vote on issues.

Although largely disconnected from MIAC, the UIAB initiated and planned MIAC’s Indian Education Day at the State Capitol in spring 2013 with assistance from the Minnesota Department of Education—an event the UIAB hopes to repeat in 2014. While the UIAB has not been very visible, we noted that individual board members have been active in their communities, which may indirectly help inform advisory board members of urban Indian issues. We attended two UIAB meetings in 2013 in which advisory board members summarized their individual activities over the last few months. Members’

²³ Minnesota Indian Affairs Council, *Report to Governor Mark Dayton & the Minnesota State Legislature* (St. Paul, 2013), 4.

²⁴ *Minnesota Statutes* 2013, 3.922, subd. 8.

²⁵ Minnesota Indian Affairs Council, *Urban Advisory Council: Operating Rules* (St. Paul, undated), art. IV, sec. III; and art. V, sec. I.

involvement in local affairs spanned a broad range of interests and issues, including a fitness program for American Indians in the Twin Cities area and a project recognizing the contributions tribal elders make as keepers of American Indian traditions, culture, and language.

To some extent, we think MIAC's lack of effectiveness as both an advisor and liaison is due to MIAC's lack of authority:

- **MIAC does not have the authority to act or speak on behalf of all tribal nations, nor do individual MIAC members always have the authority to act or speak on behalf of their respective tribal nations.**

MIAC is an agency of state government, not tribal government. As council staff explained, conferring with MIAC does not constitute—or substitute for—conferring with the individual tribal nations. As discussed earlier, each of Minnesota's 11 tribes is a distinct nation, and each has an independent relationship with the State of Minnesota. Any agreements entered into by the State of Minnesota and the 11 tribal nations must go through each tribal nation separately. Furthermore, MIAC members may not have the individual authority to act on behalf of their tribal nations because many are governed by three- or five-person councils.

In August 2013, Governor Dayton issued Executive Order 13-10.²⁶ The order requires 11 state agencies to each: (1) designate a staff person to serve as its point of contact for the tribal nations, (2) develop and implement tribal consultation policies regarding the agency's interactions with individual tribal nations, and (3) consult with each tribal nation to identify priority issues for consultation prior to February 1 of each year.²⁷ All other cabinet-level executive branch agencies must coordinate with the Governor's tribal liaison whenever they have to consult with any of the tribal nations.²⁸ Finally, all cabinet-level agencies must provide training for designated staff members who work with the tribal nations to help foster a collaborative relationship. As discussed previously, the Minnesota Department of Transportation, not MIAC, coordinated the development of a state employee training program.²⁹ Overall, we think:

- **Executive Order 13-10 establishes a clearer and more direct relationship with the 11 tribal nations than currently exists through MIAC.**

We see little role for MIAC as presently structured in light of Executive Order 13-10. Because MIAC has no specific authority to act on behalf of the tribal nations, it is not necessary for state agencies to consult with MIAC.

²⁶ Office of the Governor, *Executive Order 13-10* (August 8, 2013).

²⁷ The 11 state agencies are the departments of Corrections, Education, Health, Human Rights, Human Services, Natural Resources, Public Safety, Transportation, and Veterans Affairs, and the Pollution Control and Housing Finance agencies.

²⁸ The Governor's Cabinet includes 24 state agencies.

²⁹ According to council staff, MIAC will be responsible for administering the training program once developed.

By Executive Order, major state agencies must develop tribal consultation policies and consult with each tribal nation by February 1 of each year.

MIAC's Web site provides very little information on the council's activities.

Furthermore, the order requires most major state agencies to develop tribal consultation policies and designate a point of contact for the tribal nations. We think this should solidify the agencies' direct relationships with tribal nations, thereby reducing MIAC's usefulness as a liaison. Also, agencies not required to have a point of contact must coordinate with the tribal liaison in the Governor's Office, not MIAC.

Finally, while MIAC posts meeting announcements and links to information about the 11 tribal nations on its Web site, the site provides little information about the council. Other than a link to one 2008 report, we could not find information on MIAC's Web site about council activities, mandated reports, policy papers, or resolutions adopted by MIAC. Furthermore, MIAC's Web site contains no links to information about related activities in other state agencies, which could be helpful to constituents or the general public. For example, it does not have any information on or links to the Governor's Executive Order or state efforts to develop a government-to-government training program for state employees. Finally, Web site information on MIAC members was outdated during much of our evaluation.

OPINIONS OF CONSTITUENT ORGANIZATIONS

Because state law does not explicitly require that MIAC act as a liaison with state government for nontribal American Indian organizations, we did not survey MIAC's constituent organizations as we did with the other councils. However, we interviewed eight leaders in six American Indian organizations to learn how satisfied they were with MIAC and UIAB. Five of the six organizations were based in the Twin Cities metropolitan area, and none were affiliated with a specific tribal nation.

Of the six American Indian organizations that we interviewed, five were at least somewhat familiar with MIAC.³⁰ Some leaders told us that they occasionally saw council staff at meetings of community organizations. Also, some interviewees said they had contacted MIAC staff to request time to present information at an upcoming MIAC meeting. Aside from occasionally presenting information at a MIAC meeting, most of the organizations we talked with had not contacted the council for assistance. Some leaders noted that members of their organizations were well known at the State Capitol and did not need MIAC's help to access state policy makers. Several also said that average American Indians were probably unaware that MIAC exists and have had no interaction with the council.

Most of the constituent organizations we talked with said MIAC is too heavily focused on reservation issues.

Most of the organizational leaders that we interviewed who were familiar with MIAC told us that it is too heavily focused on reservation issues. They explained that tension exists between those living on the reservations and those living in

³⁰ For the most part, we tried to select organizations that were familiar with MIAC.

urban areas, and that MIAC is primarily concerned with the former. In their opinion, MIAC has done a poor job representing urban Indians.

Although MIAC has an Urban Indian Advisory Board to keep it abreast of urban Indian issues, we found that over half of the leaders that we interviewed did not know it existed. This is in spite of the fact that their organizations are based in urban areas. Aside from a statutory reference and an outdated list of board members, MIAC does not post information about the UIAB's activities on its Web site. Some of the leaders who knew about the UIAB were unfamiliar with the appointment process for the advisory board or the board's activities in the community. Some interviewees also told us that the UIAB's efforts are ineffective because it is largely ignored by the larger council.

RECOMMENDATIONS

Because there are important differences between MIAC and the other three minority councils, we have additional recommendations for MIAC that go beyond the options presented in Chapter 1.

RECOMMENDATION

The Legislature should enact Executive Order 13-10 into law.

As previously discussed, we think Executive Order 13-10 establishes a clearer, more direct relationship between the State of Minnesota and the 11 tribal nations than currently exists through MIAC. The order recognizes the sovereign status of the tribal nations and sets forth an appropriate road map for dealing with the tribal nations on a one-to-one basis. Because it is far easier for future governors to rescind their predecessors' executive orders than it is for the Legislature to rewrite law, we think the order should be codified into state law.

RECOMMENDATION

If the Legislature chooses to move the four minority councils under the Minnesota Department of Human Rights, it should reframe the Minnesota Indian Affairs Council to address the issues and concerns of American Indians statewide.

We think MIAC should be reframed to advise and make recommendations to policy makers on issues of concern to American Indians statewide, regardless of their tribal affiliation or where they choose to live. This has not been a statutory responsibility of MIAC's for several years, nor has it been a focus of its activities despite MIAC's mission statement. In this respect, MIAC would function less as a liaison between governments and more as an advisor to state and tribal governments on issues of concern to American Indians in Minnesota and a liaison for constituent organizations. Placing the reframed council under the

Minnesota Department of Human Rights' purview would also make the Commissioner of Human Rights, not tribal leaders, the appointing authority for MIAC members. It is our expectation that the Commissioner would consult with tribal and community leaders in making such appointments. In addition, we would expect the annual summit of elected tribal leaders, legislative leaders, and the Governor to continue. Set forth in state law, the summit can be a useful tool in bringing together the elected heads of both state and tribal governments.³¹

³¹ *Minnesota Statutes* 2013, 3.922, subd. 6(11).

List of Recommendations

- The Legislature should enact Executive Order 13-10 into law. (p. 77)
- If the Legislature chooses to move the four minority councils under the Minnesota Department of Human Rights, it should reframe the Minnesota Indian Affairs Council to address the issues and concerns of American Indians statewide. (p. 77)

Constituent Organization Survey and Interview Methodology

APPENDIX

As part of this evaluation, we sought to measure how effectively the councils on Asian-Pacific Minnesotans (CAPM), Black Minnesotans (COBM), Chicano/Latino Affairs (CLAC), and Indian Affairs (MIAC) have served their respective constituencies. Three of the councils, CAPM, COBM, and CLAC, have explicit statutory responsibilities to act as liaisons for constituent organizations. We electronically surveyed nonprofit organizations that represent the constituencies of CAPM, COBM, and CLAC. We also conducted interviews with the leaders of a small number of these organizations. Since MIAC is not required to serve as a liaison for American Indian organizations, we chose not to include them in our survey, although we did conduct interviews with a small number of American Indian organizations. The methodology we used to select organizations to survey and interview is detailed below.

SURVEYS

In August 2013, we sent three separate electronic surveys to organizations that primarily serve Asian and Pacific Islander, Black, or Latino Minnesotans. The survey questions were intended to gauge respondents' familiarity with their respective councils, the degree and type of interaction they had with them between August 2012 and September 2013, and their satisfaction with the councils' performance. In order to measure whether the councils were aware of or engaged in addressing issues that were important to their constituents, we also asked respondents what they thought should be the councils' top priorities.

Although some organizations were undoubtedly left out, we made an effort to identify and survey as many organizations as possible within our criteria and time constraints. In general, we deemed an organization to be a constituent of one of the councils if its name or mission statement indicated that it primarily serves Asians or Pacific Islanders, African Americans or Africans, or Latinos. We did not include organizations that serve a wide variety of races or ethnicities. In order to limit the scope of our survey, we chose not to include for-profit companies, focusing instead on both incorporated and unincorporated nonprofit organizations. We also excluded churches, synagogues, mosques, temples, or other places of worship, but included organizations with religious affiliations. In addition, we focused on organizations in Minnesota, excluding national organizations without a local office.

We identified constituent organizations through public and nonprofit publications, including, but not limited to: the University of Minnesota’s Center for Urban and Regional Affairs’ *Directory of Nonprofit Organizations of Color in Minnesota*; reports from the Minnesota Council of Nonprofits on minority nonprofits; and reports from CAPM, COBM, and CLAC. We also identified organizations using GuideStar.org and through our interviews with various stakeholders.

Before distributing the survey questionnaires, we provided them to CAPM, COBM, and CLAC for their feedback. The electronic surveys were then distributed via e-mail to the most senior staff, volunteer, or board member that we could identify in each organization. We sent two follow-up e-mail requests to individuals who did not initially respond, and we made calls to constituent groups with low response rates. Some surveys were completed over the telephone with staff from the Office of the Legislative Auditor. Overall, we surveyed 208 organizations and obtained a 50 percent response rate. Exhibit A.1 shows the number of organizations per council that received surveys and respective response rates. We identified far fewer Latino organizations in Minnesota compared to Asian-Pacific or Black organizations. As a result, we made more attempts to get Latino organizations to complete the survey to ensure an adequate response rate for CLAC’s survey.

Exhibit A.1: Survey Response Rates per Council

Council	Number of Organizations Receiving Survey	Total Number of Responses	Response Rate
Asian-Pacific Minnesotans	80	33	41%
Black Minnesotans	80	41	51
Chicano/Latino Affairs	48	31	65

NOTE: We identified significantly fewer Latino organizations in Minnesota than Asian-Pacific or Black organizations. As a result, we made more attempts to contact Latino organizations to ensure an adequate response rate.

SOURCE: Office of the Legislative Auditor, surveys of constituent organizations, August 2013.

Because organizations with at least some familiarity with the councils may have been more likely to respond to the survey, our results may have nonresponse bias. This means that responses to questions about familiarity with the councils likely overestimate all Minnesota minority organizations’ familiarity with the councils.

INTERVIEWS

We complimented our survey data with 23 in-depth interviews. Like our surveys, the interviews were intended to gauge constituent organizations’ perceptions of the councils’ performance, as well as their current and potential value to constituents. The interviews were semi-structured in that we asked each

organization the same set of questions but allowed spontaneous diversions in the conversation.

We interviewed four constituent organizations each for CAPM, COBM, and CLAC and six for MIAC. Most of the interviews were conducted with either the organizations' executive director or board chair, and in some cases, senior program staff also participated. Some interview subjects were leaders of two constituent organizations, so they shared their experiences in both capacities.

For each council, we selected constituent organizations with a range of characteristics to learn how well they serve and are perceived by various constituent groups. We chose one organization per council that was large in terms of revenue and well-known in the nonprofit community. We also chose one organization that serves a smaller or less well represented group of constituents. In addition, we tried to select a range of missions or service areas and geographical locations. For each council except CAPM, we selected one organization from outside the Twin Cities metropolitan area. Finally, we also interviewed leaders from five prominent organizations in Minnesota's nonprofit community that serve a cross section of the four councils' constituencies.

COUNCIL ON
ASIAN PACIFIC
MINNESOTANS
A STATE AGENCY SINCE 1985



February 26, 2014

Dear Mr. Nobles:

I respectfully submit this brief letter articulating the Council on Asian Pacific Minnesotan's (CAPM) overall reaction to your office's report. First, thank you for the care and hard work you and your team put into producing this report. Irrespective of whether or not our vision aligns with your office's recommendations for change, CAPM recognizes and appreciates the spirit behind your work and this specific report. Clearly, CAPM needs to do a better job; we are in a state of transition as we seek to more effectively help state government achieve its goals.

Our council represents a very diverse community of Minnesotans. We are charged with representing ethnic groups from over 40 Asian and Pacific Islander nations. Some of us are immigrants, some of us are refugees; some of us are the children and grandchildren of immigrants and refugees. Some of us are doing extremely well economically and educationally; to the extent that the most successful of us are doing better than most Minnesotans and Americans overall. Some of us are not doing so well; in fact, many of us are among the poorest in our state and country. Many of us are struggling economically and educationally. For many in our community, housing is a major issue; family stability is often lacking; and our children are not thriving in our schools. All too often, legislators and most non-AAPI Minnesotans focus on only one of the two previous groups: they see us as either the thriving model minority or the struggling faceless refugee population. We are more than just one of these two groups; with appropriate support, our community members aspire to become fully participatory Minnesotans. With that, CAPM has a big task ahead to fulfill our statutory duties, to which our new team is fully committed.

Our council agrees with many of your key findings; others, we do not. We believe it is important to highlight a few in both categories here. We submit that our council must identify meaningful goals and develop strategic plans to accomplish them; establish internal policies and procedures to ensure that we are in full compliance with our enabling statute; and, build more transparent and collaborative relationships with other councils, key government offices, and our own constituency to strategically affect measurable and meaningful change. These are our responsibilities and we are committed to achieving them, even with our limited resources and consequently, limited capacity. On the other hand, while it is true that state law does not provide directions on how we should prioritize our activities and identify our objectives, for the reasons in the previous paragraph and more, CAPM believes that Minnesota statute 3.9226 sufficiently spells out that CAPM exists to provide factual information, policy suggestions, and communication pathways from our communities to the legislature; and from the legislature to our communities. We also wish to elaborate on the issue of communication: as a state agency, we are required to operate within the boundaries of certain operating policies and procedures such as those concerning our IT needs. In spite of our consistent and repeated requests for support, until a few weeks ago, we did not have access to our own website for even simple content management.

Given the breadth and depth of this report, the state of the four councils is clearly complex and speaks to the changing times and stakeholders we are accountable to; with regard to the latter, mainly the communities we seek to represent. As the many communities within our communities mature, the noble goals of government alone are no longer sufficient. It is in this state of restlessness and ongoing effort to serve our communities, in spite of language and cultural differences, that we truly understand the task before us is more challenging than it looks. While we recognize where your office is coming from and sincerely appreciate your presentation of the pros and cons, we respectfully disagree with recommendations for change, options 2 through 4; we believe that option 1 is the best strategy to effectively serve our diverse Minnesotan communities.

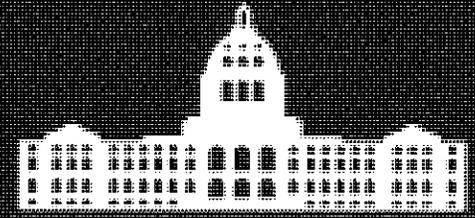
CAPM was created in 1985. The needs that existed then remain. In an increasingly diverse Minnesota, CAPM and our other three councils, if properly funded and utilized in the policy-making arena, would contribute significantly to state government's ability to more equitably and broadly accomplish its legislative goals. As our communities grow and the four councils become more effective at seeking a place at the table, we are committed to assisting government with finding ways to grow the pie and fostering cooperation rather than competition.

We look forward to hearing from the legislature about its vision given your office's findings and recommendations.

Sincerely,

A handwritten signature in cursive script that reads "Sia Her".

Sia Her
Executive Director
651-757-1741
sia.her@state.mn.us



March 2, 2014

Mr. James Nobles
Office of the Legislative Auditor
658 Cedar Street, Room 140
Saint Paul Minnesota 55155

Dear Mr. Nobles:

This letter represents our final written comments regarding your latest draft of the Office of the Legislative Auditor's (OLA) Program Evaluation of the Council on Black Minnesotans (Council).

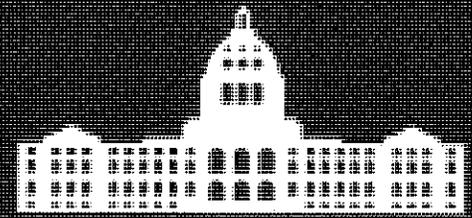
As you know, the council provided 13 pages of corrections to the OLA's initial draft report because it lacked an understanding of African heritage people, their various cultures, their history in Minnesota, their protected status and the Council's evolution as a state agency, and its overall operational approach. While we appreciate your attempt to make our suggested changes, this updated report would require just as many corrections.

When reading the current OLA evaluation document, it traps the reader in a litany of revisionist history and the promotion of stereotypical rhetoric about African heritage people and other ethnic groups. The report provides a false depiction of the Council's relationship with the Office of the Governor, Legislators, State Departments Administrators and Workers, and our Constituents. As we stated in our 13 pages of corrections, we have a good working relationship with state leaders and they have been supportive which is reflected in all our annual reports. Also, the report survey of constituency is flawed because it interviews organizations of white people about the Council when our mandate is to serve primarily African heritage people and serve as a conduit to local, state, federal government and private interest for organizations of Black people. The white organizations you interviewed brought this to our attention because they were concerned your interviewer's questions were laced with bias about the council.

Additionally, the report failed to detail the fact that African heritage people have lived in Minnesota since before the state was granted territorial status. Most notable was George Bonga (August 20, 1802 – 1880), a fur trader of African-heritage and Ojibwe descent. Also, Dred and Harriet Scott an enslaved African heritage family at Fort Snelling from 1836-40. Minnesota gained legal existence as a territory in 1849, and became the 32nd U.S. state on May 11, 1858. It is argued that the decision in the Dred Scott Supreme Court case gave fuel to the eventual civil war which Minnesota mobilized the largest number of participants, and gave rise to the establishment of the 13th, 14th, and 15th amendments to the United States Constitution.

The report also failed to mention Minnesota Legislature and African heritage people agreed to create the Council on Black Minnesotans in 1980 because we were underrepresented in the state's social political deliberations and administration operations. Also, to further affirm the

MOVING FROM TOLERANCE TO ALLOPHILIA



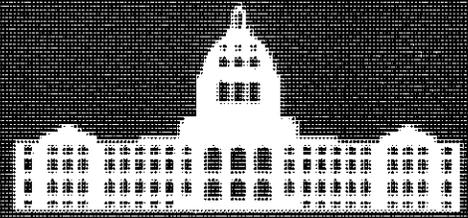
state's commitment to the 13th, 14th, and 15th amendments to the United States Constitution, Civil Rights Act of 1964 and other equal opportunity laws, rules and policies. This historical fact is generally spelled out in the council's statutory purpose/mission (MN Statute 3.9225) which states: to ensure that people of African heritage fully and effectively participate in and equitably benefit from the political, social and economic resources, policies and procedures of the State of Minnesota. This was a very thoughtful and serious decision by all parties but your report depicted it as some type of waste of time endeavor.

While the report correctly states the purpose and duties of the council are set forth in Minnesota Statute 3.9225 as amended from time to time, it omits the aforementioned foundation for the statute and minimizes the council's deployment of a strategic doing approach to achieve its legislative purpose and duties (mandates). The council's expertise in strategic planning helped us to realize that traditional approaches of strategic planning (John M. Bryson method), developed by corporations 40 years ago are too slow and too rigid for today's fast cycle world. Long, drawn-out exercises like the OLA recommended strategic planning approach outlined in this current report sap energy and predictably, leads to frustration and discouragement. The council's strategic doing approach balances both open constituency participation and leadership while keeping focus on mandates (Purpose/duties as established in MN Statute 3.9225 et.al) and move organization participants to action that achieve those mandates. Strategic doing planning has proven to be the best model for our operational approach. OLA may disagree with our approach but no serious strategic planning theorist would support the deployment of your recommended approach for an agency structured like the council to achieve its legislative mandates.

Further the OLA's report use of the term "minorities" throughout the report and deficit statistics about African heritage people is an insult to our state, and only serves to fuel pretentiousness, dominance and victimization. It also serves to mask African heritage people's true socioeconomic contributions to the great State of Minnesota. The first African heritage people settled in Minnesota with essentially nothing but today make great contributions to Minnesota's quality of life in part due to the Council on Black Minnesotans 34 year existence. Minnesota is home to nearly 320, 000 residents of African heritage people. African heritage immigrants make up 25 percent of that population. These Minnesotans contribute great cultural diversity and 3 billion dollars in consumer spending power. They operate over 12,000 firms with almost a billion dollars in sales employing over 10,000 people. These firms provide an annual payroll of \$258 million. Ranked as a group, these firms would rank as Minnesota's 21st largest firm.

African heritage people pay almost half a billion dollars in state and local taxes annually in Minnesota. They assisted the state with exporting almost \$200 million to African countries in 2012. Their lifetime earnings are estimated to be \$388 billion with projected total tax payments in Minnesota of \$28 billion over their lifetime. Additionally, African heritage people make up at least 10 percent of the population in 22 House and 10 Senate districts. The African heritage community continues to strive to improve upon these contributions to Minnesota's quality of life. African heritage people are humans, Minnesotans and Americans not just minorities.

MOVING FROM TOLERANCE TO ALLOPHILIA



In conclusion, the report not only traps the reader in a litany of falsehoods, it appears to be nothing more than a veiled attempt to stymie the Council on Black Minnesotans' civic engagement and the promotion of strong human rights enforcement in Minnesota. It is an incoherent attempt to promote stereotypes and irrelevant information about African heritage people and their council in order to usurp the long established formal relationship with its state government so to position others to decide how and what form the relationship continues.

The release of this so called evaluation or the adoption of any of its recommendations would be a disgrace to the great human relations approach the State of Minnesota has established to ensure protected class African heritage people and others are intrinsic to its operational approach. The Council will continue to promote strong human rights enforcement up to constitutionalizing that enforcement because it's the operational pathway to void operational "isms" in our society and create a human existence. We will also continue to stand against those that have no statutory authority to speak for our community or try to usurp that authority for their sociopolitical benefit.

We respectfully request that the so called evaluation not be released. If it is to be released, it should include this letter and the 13 pages of corrections we provided as the first viewed pages of your document.

Sincerely,

Edward McDonald, Director

Patwin Lawrence, Chair

MOVING FROM TOLERANCE TO ALLOPHILIA

The Council on Black Minnesotans' 13-page response to our original draft report can be viewed on our Web site at: <http://www.auditor.leg.state.mn.us>.

To obtain a copy in an accessible format (electronic ASCII text, Braille, large print, or audio), please call 651-296-4708. People with hearing or speech disabilities may call us through Minnesota Relay by dialing 7-1-1 or 1-800-627-3529.



February 26, 2014

Jim Nobles and Jo Vos
Office of the Legislative Auditor
658 Cedar Street
140 Centennial Office Building
St. Paul, MN 55155

Dear Jim Nobles and Jo Vos,

We thank you and your staff for the hard work and long hours that OLA invested in producing this document. As you know, I had recommended to OLA, the Governor's office and to several legislators since 2010 that improvements be made to the definition of CLAC's purpose so that progress could be measured and to our connectivity to the system so that progress could be made.

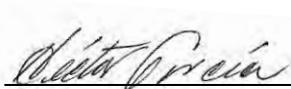
After reading your letter of 2/21/14 and the attached final report, we reached the conclusion that there was a misunderstanding between OLA and CLAC in the focus and framing of the request for CLAC's input regarding goal, objectives and outcomes. We believe that the attached document (which had been originally sent to you in October 2013) with the outcomes added today to specifically point out objectives and outcome will address the misunderstanding. All the information added today (in bold) was included in the interviews and more than 100 documents that CLAC submitted to you. It seems that the lack of specific reference and same terminology expected by OLA, though present, is what led to the misunderstanding. We also attach the type of information that you are prioritizing for our Humboldt HS pilot project; we will be preparing a similar document for the Rochester education project.

We think your report has very valuable recommendations, which can lead to improve the performance of CLAC and to produce an impact on the disparities affecting the Latino community for the past several decades. We feel that a combination of your 4 options is what can produce the best formula to this effect. An either... or approach of one or other of the 4 options, in our opinion, will have limited results or, in the case of option 4 alone, negative results. Among other reasons, Option 4 assigns all duties and control on disparities to the agencies, which have had most to do with the existence of the disparities as well as to new Councils within those agencies whose performance and modus operandi does not seem to have been evaluated by the OLA research to determine if they will be successful where all others have failed. Options 3 and 4 as stated in lines 1 to 6 on page 24 of 24 are said to represent the best chances for success.

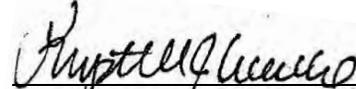
Neither one of these have been tested for success and option 3 by itself does not seem viable since the various minority and American Indian communities can be expected not to welcome the idea that one person can represent all of them, understands all their different cultures and speaks their different languages. The disparities are a long-standing, seemingly intractable, systemic dilemma, which demands the collaboration of all stakeholders to incorporate the contributions of a marginalized segment of our community; such a situation, in our opinion, calls for bridges not new silos. It also calls for a prevalence of innovation and leadership over measurement and management; the seriousness of the situation is due to an unprecedented context created by globalization and the dramatic increase in the demographic proportions of the minorities vis a vis the majority communities. We made some minor observations below.

We look forward to your final edit.

Sincerely,



Hector Garcia
Executive Director



Krystell Theisen Escobar
Council Chair

The attachments referred to in the Chicano/Latino Affairs Council's response to our original draft report can be viewed on our Web site at: <http://www.auditor.leg.state.mn.us>.

To obtain a copy in an accessible format (electronic ASCII text, Braille, large print, or audio), please call 651-296-4708. People with hearing or speech disabilities may call us through Minnesota Relay by dialing 7-1-1 or 1-800-627-3529.



STATE OF MINNESOTA INDIAN AFFAIRS COUNCIL

www.indianaffairs.state.mn.us

February 26, 2014

James Nobles
Legislative Auditor
Office of the Legislative Auditor
State of Minnesota
658 Cedar Street
Room 140 Centennial Building
St. Paul, MN 55155-1603

Dear Mr. Nobles:

This letter is in response to the audit draft of the evaluation of the councils of the Asian-Pacific Minnesotans, Black Minnesotans, Chicano/Latino People, and Indian Affairs.

The Indian Affairs Council welcomes the internal controls suggestions of the Legislative Auditor and will work to implement them. Unfortunately during this process the OLA has chosen to ignore the unique nature of the Council and the crucial role that it plays in fostering and developing the government to government relationship between the state of Minnesota and the tribal governments within the state. Indian tribes are not just another ethnic minority group. We are recognized politician entities with a unique and rich legal and cultural history.

We sincerely hope that in the future the OLA would work to include this perspective in its analysis and audit. It is impossible to accurately and meaningfully critique any organization when a fundamental understanding of its history and purpose is ignored or misunderstood. We look forward to working with the OLA going forward.

Sincerely,

/s/ Annamarie Hill

Annamarie Hill
Executive Director
Minnesota Indian Affairs Council
161 St. Anthony Avenue, Suite 919
St. Paul, MN 55103
www.indianaffairs.state.mn.us

Forthcoming OLA Evaluations

Agricultural Commodity Councils, 2014
DNR Forest Management, 2014
Managed Care Organizations' Administrative Expenses, 2014
MnDOT Selection of Pavement Surface for Road Preservation, 2014

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"Green Acres" and Agricultural Land Preservation Programs, February 2008
Pesticide Regulation, March 2006

Criminal Justice

Health Services in State Correctional Facilities, February 2014
Law Enforcement's Use of State Databases, February 2013
Public Defender System, February 2010
MINNCOR Industries, February 2009
Substance Abuse Treatment, February 2006
Community Supervision of Sex Offenders, January 2005

Education, K-12, and Preschool

Special Education, February 2013
K-12 Online Learning, September 2011
Alternative Education Programs, February 2010
Q Comp: Quality Compensation for Teachers, February 2009
Charter Schools, June 2008

Education, Postsecondary

Preventive Maintenance for University of Minnesota Buildings, June 2012
MnSCU System Office, February 2010
MnSCU Occupational Programs, March 2009
Compensation at the University of Minnesota, February 2004

Energy

Renewable Energy Development Fund, October 2010
Biofuel Policies and Programs, April 2009
Energy Conservation Improvement Program, January 2005

Environment and Natural Resources

Sustainable Forest Incentive Program, November 2013
Conservation Easements, February 2013
Environmental Review and Permitting, March 2011
Natural Resource Land, March 2010
Watershed Management, January 2007

Government Operations

Councils on Asian-Pacific Minnesotans, Black Minnesotans, Chicano/Latino People, and Indian Affairs, March 2014
Helping Communities Recover from Natural Disasters, March 2012
Fiscal Notes, February 2012
Capitol Complex Security, May 2009
County Veterans Service Offices, January 2008
Pensions for Volunteer Firefighters, January 2007
Postemployment Benefits for Public Employees, January 2007

Health

Financial Management of Health Care Programs, February 2008
Nursing Home Inspections, February 2005

Human Services

Medical Assistance Payment Rates for Dental Services, March 2013
State-Operated Human Services, February 2013
Child Protection Screening, February 2012
Civil Commitment of Sex Offenders, March 2011
Medical Nonemergency Transportation, February 2011
Personal Care Assistance, January 2009

Housing and Local Government

Consolidation of Local Governments, April 2012

Jobs, Training, and Labor

State Employee Union Fair Share Fee Calculations, July 2013
Workforce Programs, February 2010
E-Verify, June 2009
Oversight of Workers' Compensation, February 2009
JOBZ Program, February 2008
Misclassification of Employees as Independent Contractors, November 2007
Prevailing Wages, February 2007

Miscellaneous

The Legacy Amendment, November 2011
Public Libraries, March 2010
Economic Impact of Immigrants, May 2006
Liquor Regulation, March 2006
Gambling Regulation and Oversight, January 2005
Minnesota State Lottery, February 2004

Transportation

MnDOT Noise Barriers, October 2013
Governance of Transit in the Twin Cities Region, January 2011
State Highways and Bridges, February 2008