



*Council on*  
**Black Minnesotans**  
Moving Beyond Tolerance to Allophilia

**Response to  
The Office of Legislative Auditors (OLA)  
2014 Draft Council on Black Minnesotans (COBM)  
Program Evaluation**

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## **COBM Summary Statement**

### **Conclusion to OLA 2014 COBM Program Evaluation**

Based on COBM corrections to this draft report and other COBM research, COBM believes OLA needs to improve its understanding of African heritage people, their various cultures, and their history in Minnesota, their protected status and COBM operational approach. One method to achieve this would be for OLA to make a commitment to utilizing more African heritage people as auditors and general personnel in its operations and utilize more African heritage contractors in its procurement activities. Also, OLA should review its agency administrative application of equal opportunity laws, rules and policies germane to its operations and take corrective action were deficiencies exist and improve upon area were proper application exist. COBM could not find any published OLA reports showing OLA had conducted such a review of OLA's application of equal opportunity laws, rules and policies.

OLA recommendations for modifications to COBM approach have no true merit and COBM modifications should be left to COBM, legislators and governor through enabling legislations. This would be in keeping with our constitutional protected status and Minnesota's commitment to that status. We also have concerns OLA chose to omit another protected class group from its evaluation, and the protected class groups of this evaluation should not be subjected to this different treatment.

### **Conclusion to OLA's Evaluation Overview**

COBM would like to be removed from this section of the evaluation because African heritage people are more than a minority. COBM cannot rationalize any reason based on the content of OLA draft report that link the councils approach and duties that would justify a general evaluation of the councils. The OLA's use of the term minorities is an "ism" and its use is elitist, insulting and demeaning to African heritage people. Additionally, COBM functions as a state agency is different than all other state agencies and was created for that purpose. This basic understanding seems to not exist in OLA. We also have concerns OLA chose to omit other protected class groups from its evaluation, and the protected class groups in this evaluation and COBM should not be subjected to this different treatment.

# Recommended Changes to 2014 OLA COBM Program Evaluation To Ensure Accuracy in the Report

## Pages 1-15

### Lines 6 -8 changed to state:

The Minnesota Legislature and the Council on Black Minnesotans agreed its purpose would be 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.

### Lines 12 – 14 change to state:

African heritage people (referred to as Slaves, Negroes, Colored at the time) have lived in Minnesota since before the state was granted territorial status. Most notable were the Bonga Family. **George Bonga** (August 20, 1802 – 1880), the best known of the Bonga family in Minnesota history, was a fur trader of African-heritage and Ojibwe descent was the second son of Pierre Bonga and an Ojibwe mother. Other notables were Dred and Harriet Scott. They were an enslaved African heritage family belonging to Dr. John Emerson, Fort Snelling's surgeon from 1836-40. It is argued that the decision in their Supreme Court case to gain freedom gave fuel to the eventual civil war and the establishment of the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> amendments to the United States Constitution. Minnesota gained legal existence as the Minnesota Territory in 1849, and became the 32nd U.S. state on May 11, 1858.

### Lines 15 – 17 change to state:

The Minnesota Legislature created the Council on Black Minnesotans in 1980 because of the underrepresentation of people identifying themselves as someone with African heritage, to demonstrate the state commitment to the intent of the civil rights act of 1964 and other equal opportunity laws, rules and policies, and 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.

The African heritage community believes the Councils were created to further demonstrate Minnesota's commitment to the African heritage community and other protected groups rights under the following federal constitutional amendments, acts and regulations:

- The **Thirteenth Amendment** to the United States Constitution abolished slavery and involuntary servitude, except as punishment for a crime.
- The **Fourteenth Amendment** to the United States Constitution addresses citizenship rights and equal protection of the laws, and was proposed in response to issues related to former slaves following the American Civil War.
- The **Fifteenth Amendment** to the United States Constitution which prohibits the federal and state governments from denying a citizen the right to vote based on that citizen's "race, color, or previous condition of servitude".
- The **Civil Rights Act of 1964** that outlawed major forms of discrimination against racial, ethnic, national and religious minorities, and women. It ended unequal application of voter registration requirements and racial segregation in schools, at the workplace and by facilities that served the general public (known as "public accommodations").
- The **Americans with Disabilities Act of 1990 (ADA)** is a law that is a wide-ranging civil rights law that prohibits, under certain circumstances, discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964,
- The **Code of Federal Regulations (CFR)** is the codification of the general and permanent rules and regulations. The CFR is divided into 50 titles that represent broad areas subject to Federal regulation and in part addresses administrative requirements to protect protected class people and organization right under the aforementioned.

**Line 18 should begin with:**

**The Legislature and Governor established the following primary duties for the Council on Black Minnesotans:**

- 20 Advise the governor and the legislature on the nature of the issues confronting Black people in this state;
- 21 Advise the governor and the legislature on statutes or rules necessary to ensure that Black people have access to benefits and services provided to people in this state;
- 22 Recommend to the governor and the legislature any revisions in the state's affirmative action program and other steps that are necessary to eliminate underutilization of Blacks in the state's work force;
- 23 Recommend to the governor and the legislature legislation to improve the economic and social condition of Black people in this state;
- 24 Serve as a conduit to state government for organizations of Black people in the state;
- 25 Serve as a referral agency to assist Black people to secure access to state agencies and programs;
- 26 Serve as a liaison with the federal government, local government units, and private organizations on matters relating to the Black people of this state;
- 27 Perform or contract for the performance of studies designed to suggest solutions to problems of Black people in the areas of education, employment, human rights, health, housing, social welfare, and other related areas;
- 28 Implement programs designed to solve problems of Black people when authorized by other statute, rule, or order;
- 29 Review data provided by the commissioner of human services under section 260C.215, subdivision 5, and present recommendations on the out-of-home placement of Black children. Recommendations must be presented to the commissioner and the legislature by February 1, 1990; November 1, 1990; and November 1 of each year thereafter; and
- 30 Publicize the accomplishments of Black people and their contributions to this state.

**Begin line 18 with #31 and end with #36**

Change footnote #1 to read Black to refer to people that identify themselves of African heritage

## Page 2

### Line 6 change to state:

East and West Africans – delete the word refugees

### Line 8 change to state:

76, 400 two decades later

### Lines 9 - 10 change to state:

Home to the largest group of African heritage people identifying themselves as Somali and one of the largest self-identified Liberian and Ethiopian communities. Eliminate the remainder

### Line 11 change to start with:

11     Approximately 320,000 Minnesotans who indicated their race was Black alone or Black  
12     along with another race or races in U.S. Census Bureau surveys conducted between 2007  
13     and 2011. These Black Minnesotans represent six percent of Minnesota’s total  
14     population.

### Line 13 and 14 changed to 15, and change to state:

In 2011, Minnesota’s Black population made up 6.0 percent of the state residents

Line 15 becomes 16 ends with a new 24, Line 25 should state:

25     The first African heritage people came to Minnesota with essentially nothing but today they  
26     contribute 3 billion dollars in consumer spending power in Minnesota.  
27     They operate over 12000 firms with almost a billion dollars in sales employing over 10,000  
28     people. These firms provide an annual payroll of \$258 million.  
29     Ranked as a group, Black firms would rank as the 21<sup>st</sup> largest employer in Minnesota.  
30     Minnesotans of African descent pay almost half a billion in state and local taxes annually in 31  
    Minnesota.

### Line 24 changed to 32 ...

## Page 3

### **Line 8 should add the following:**

COBM also used a series of experts in short term consulting roles to assist with achieving its goals and ensuring compliance with its mandates. These dedicated professionals provided the administrative muscle to assist the board, constituency and allies with achieving many advances toward the council's legislative mandates.

### **Line 15 changed to state:**

Discontinued in early 2012.

**Line 16 deleted** – unless OLA can provide the quantitative analysis done to back up this allegation, why a comparative analysis of this nature was commissioned and by whom

### **Lines 17 and 18 change to state:**

COBM has had to improve some financial management issues over the last decade.

### **Lines 19 - 28 should be deleted for the following reasons:**

- The only formal complaint of harassment was reviewed by the State Department of Human Rights and ruled to be meritless
- No one knew a gun was being carried to our meetings and the council has no authority to control who carry guns
- COBM over the past decade has had 111 board members 34 representing East and West Africa. Three board members resigning are irrelevant.
- Roger Banks had health issues when he was hired and his death should not be viewed or reported as a financial or managerial issue.
- Line 24 through 26 should be deleted unless OLA can show the quantitative analysis, identify who requested the analysis and methodology used to back up such a claim that there was growing perception of dysfunction, with many in the Black Community and the general public community questioning COBM's effectiveness.
- Line 26 through 28 is not true. COBM reached out to administration to hold it meetings in a secure location (Centennial Building) to ensure the safety of everyone that wanted to attend. This was driven more by societal hostile climate than anything happening at COBM meetings. Our office was not in a secure building like all other state agencies.

## Page 4

**Lines 1 should delete the first sentence.**

- It reads as if a criminal offense had occurred.

Line 4 should add “in April 2013 an OLA Financial Audit found COBM financial management had been cleaned up.

Line 7 should be deleted, the executive director resigned and he was not COBM’s only Executive Director (Steve Belton served as the first director and COBM had several interim Directors).

**Lines 13 – 14 should be changed to state:**

A State Council on Black Minnesotans consists of 13 members appointed by the governor. The members of the council must be broadly representative of the Black community of the state and include at least five males and at least five females. One member of the council must be a person whose ethnic heritage is from West Africa, and one member of the council must be a person whose ethnic heritage is from East Africa.

## Page 5

**Line 6 should add the following:**

While the statute omits these African countries, in part due to state department recognition and united state relations with the region, the council has a Sudanese member on its board, a past chair of the board was from Ethiopia, and members of the Eritrea community are active in COBM activities.

**Line 22 should add the following:**

All meetings may be called by the Chair or by the vote of a majority of the Council. A Special meeting may be called by three Council Members by submitting a written request to the Executive committee that includes the purpose of the meeting.

**Line 23 should be changed to read:**

COBM has historically held board and community meetings in greater Minnesota.

## Page 6

**Line 2 should add the following:**

COBM board will hold additional meetings in a given year to ensure they have a quorum at a required 12 meeting in a year.

**Lines 3 – 10 should be deleted and the following language inserted:**

From 2008 – 2012 COBM held 60 meetings to ensure 12 official meetings for each year during that time period.

**Line 6 – 10 should be deleted** – because it not true and it should state:

COBM board uses authority in 3.9225 Subd. 5. Powers to enable its Executive Director to carryout out duties of the council and use the Executive committee and board for check and balance.

**Line 13 should be deleted** “disruptive behavior” unless OLA can define how this was determined and what is classified as disruptive behavior.

**Line 20 should be deleted** “disruptive” unless OLA can define how this was determined and what classify as disruptive.

**Line 22 – 24 should be deleted** – COBM is not required to carry out this function and COBM has honored the law as it relates to the governor’s appointment process. We participate when the governor’s office ask for our involvement.



## Page 7

**Lines 1-2 should be deleted** – it is not relevant and the governor’s office currently has a waiting list of people interested in serving on the COBM board

**Lines 1-2 should read as follows:**

The governor’s office currently has a waiting list of individuals who have made application to serve on COBM’s board

**Lines 11-13 starting at**, “This lack...” should be deleted because COBM doesn’t believe this has been the case and should only stay if OLA can quantify how it made this determination and provide the methodology for such an analysis.

**Line 22 should begin with the following:**

22 Over the past ten years some of COBM’s significant outcomes / impacts with meeting its statutory are;  
23 Assisted in Minnesota’s compliance with the Supreme Court’s decision in Miller V Oakley;  
24 Creating the MLK Violent Prevention Act; Advancing Reverend Dr. Martin Luther King  
25 Statewide Celebration (HF 1587, SF 1533); Creating the State of Minnesota Ombudsman  
26 for Children/ Families; Advancing the State Minnesota Racial Profiling Legislation;  
27 Advancing the Minnesota Crime Victims Reparations Act; Assisted with Advancing the  
28 Minnesota Livable communities Act; Assisted with Advancing the Minnesota North Star  
29 legislation; Assisted Planning for the Minnesota Preventing and Ending Homelessness  
30 Initiative; Provided Recognition of the Significant Achievement of Thousands in African  
31 American community (documentary, pictures, awards, etc.); Assisted with Establishing  
32 Minnesota Housing Trust Fund; Hosted 15 African dignitaries; Sponsor Annual Youth  
33 Summits; Served as the Lead Partner with Census Bureau to Conduct Census in African  
34 American Community; Served as the Lead group on Minnesota Eliminating Health  
35 Disparities Initiative; Creating the Rally for Adoption and Foster Care; Convened the  
36 First Black Arts Legislative Group to Develop Legislation Especially for Black Arts;  
37 Organized the First African Heritage Cultural Relation Summit

**Line 22 - 26 on page 7 , all of page 8, all of page 9, all of page 10, all of page 11, and Lines 1-2 on page 12 should be deleted and the following inserted because it is the truth;**

Since hiring a new executive director in late 2012 and the reelection of its board chair that provided the leadership in early 2012 with COBM tours of high population centers for African descent residents to build relationships and gather information on community concerns, COBM ushered in a comprehensive top to bottom assessment of COBM operations. COBM now uses the community information and operations assessment as the foundation for strategic planning that incorporated “a doing approach”. This proven method of strategic planning allows for increased participating of stakeholders in the creation and implementation of the plan. It makes the plan a living document and not something that is created at a retreat and then sits on the shelf and collects dust.

Since 2012 COBM has organized a working and constituency-based board. This means that in addition to its policy making function, it is expected that COBM members actively perform in leadership functions within the organization’s committee structure and act as liaisons to agency constituencies. In general, the Board and staff functions can be divided along the following lines. COBM Board sets broad policy, identifies priorities with constituency input, oversees staff, and engages in strategic planning and implementation. COBM staff implements and executes COBM projects, pursues COBM priorities and objectives, informs the Board of opportunities and problems of interest and concern to constituency and handles the daily work of serving as a link between constituency and federal, state and local governments, and private and nonprofit entities policy processes, and administrative operations.

The COBM's committee structure is fluent and is driven by an assessment of needs identified through community forums and research, and opportunities that develop outside of the information gathering process of the COBM. Each year COBM's newly established priorities provide the opportunity for the board to establish new committees that provides the guidance with the development of service referrals, programmatic activities and public policy initiatives. COBM uses a shared leadership approach with corresponding assigned responsibilities and committee infrastructure to achieve annual organizational goals and compliance with its statutory mandates as set forth in MN statute 3.9225.

The Strategic Doing Planning establishes annual goals for Community Outreach, Governance Operations, Administration, and Organization Operations and Assessment Activities to meet its statutory mandates/duties and purpose establish by the legislature. COBM sees its purpose/mission as established in statute and its programmatic outcomes and goals being the duties established in statute so the strategic doing plan is the appropriate strategic planning and implementation model to deploy activities to show progress toward achieving its duties (outcomes/goals) and purpose/mission.

During the last two years COBM has used its strategic doing plan to achieve many of its goals. Some of them are:

- Turn outward to build a community base, inward to assess its operations, reorganize its staff job duties and the roles and responsibilities of the board, and deployed a strategic doing plan.
- Completed a thorough assessment of all its operations and are correcting systems that need it and maintaining systems that need no action.
- Held one or more meetings in Minnesota cities with large populations of African heritage people.
- Engaged with state department's task forces and assisted with the review of federal grant application such as the DHS TANF Waiver and Department of Health Autism grant request.
- Established a solid base of community organizations and private corporation allies.
- Developed 13 legislative bills for the 2014 legislative session with all but one having an author and three scheduled for hearings on the second day of the session.
- Published African heritage demographic report, a legacy tour report, Black capital assets report and current disparity report.
- Advised legislative leadership and the governor office on concerns of the African heritage community.
- Trained COBM board members in their roles and responsibilities and strengthen their skill with using Robert's Rules of Order and standardized their evaluation process for staff and board members.
- Held annual retreats in May and will continue to produce a strategic doing plan that build off its work from the previous year and use it to ensure an outcome based approach with its work.
- Assisted with organizing the Governor's Statewide Celebration of Reverend Dr. Martin Luther King Holiday Celebration.
- Conducted a thorough review of its space with the assistance of the State of Minnesota Real Estate Division in 2012, COBM relocated its office to the First National Bank Building in Downtown Saint Paul. The move will save the COBM \$10,000 which is being used to operate an office at the Rochester Community Technical College and pay part of the salary for a part time staff person to work with African descent residents in Olmstead and Rice counties.
- Worked very close with the Department of Finance, Budget and Management to develop its biennium budget and continue to meet monthly to review the budget administration.
- Added three new staff members to assist with the day to day operations. One of the significant skills all the staff brings that were not apparent with former staff is the ability to integrate web based social media in the work of COBM.
- Worked extensively with MNIT services to revamp its website and make it operational. COBM has also added a complete social media infrastructure that includes Twitter, a YouTube Channel, LYNC, LinkedIn, Facebook, Nation Builder and Word Press. COBM now has the ability to video conference

constituency from around the state to its meetings and activities, and perform analytics with its social media activities.

- Worked with a consultant to develop a social media strategic plan.
- Revamped its phone system to a voice over IP system that now allows them to not use an attendant to route phone calls. The incorporation and upgrade of our phones and other technology will save the COBM over \$9,000 annually. COBM plan to use this money to ensure greater constituency contact and engagement.
- Developed and published documentaries on the achievement of African heritage people in Minnesota.
- Submitted all its backlog of reports (biennium's 2010 and 2012, Chapter 10 section 38, and internal control review).

Additionally, COBM has had a successful OLA financial audit in 2013. The one significant gap in COBM activities is tracking referrals to state department for services. At this point referral activities are not that numerous but is expected to grow. Staff indicates a strategy for documenting and reporting in this area will be deployed in the next fiscal.

COBM has fulfilled all its reporting requirements in Minnesota Statute 3.9225 and continues to work to meet all its statutory duties.

### **Page 13- the End**

All other pages in this section of the evaluation report on COBM can remain if relevant with these recommended changes. However, we have serious concerns with the research methodology and assumption about COBM duties and approach. Those concerns are listed below.

### **Conclusion to OLA 2014 COBM Program Evaluation**

Based on COBM corrections to this draft report and other COBM research, COBM believes OLA needs to improve its understanding of African heritage people, their various cultures, and their history in Minnesota, their protected status and COBM operational approach. One method to achieve this would be for OLA to make a commitment to utilizing more African heritage people as auditors and general personnel in its operations and utilize more African heritage contractors in its procurement activities. Also, OLA should review its agency administrative application of equal opportunity laws, rules and policies germane to its operations and take corrective action were deficiencies exist and improve upon area were proper application exist. COBM could not find any published OLA reports showing OLA had conducted such a review of OLA's application of equal opportunity laws, rules and policies.

OLA recommendations for modifications to COBM have no true merit and COBM modifications should be left to COBM, legislators and governor through enabling legislations. This would be in keeping with our constitutional protected status and Minnesota's commitment to that status. We also have concerns OLA chose to omit another protected class group from its evaluation, and the protected class groups of this evaluation should not be subjected to this different treatment.

# **COBM Comments on the Evaluation Section Titled: Evaluation Overview**

## **Summary Statement**

COBM would like to be removed from this section of the evaluation because African heritage people are more than a minority. We are a protected class group under the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> amendment of the US constitution, and enabling federal and state laws, acts and rules. Also COBM functions as a state agency, is different than all other state agencies and was created for that purpose. Also because OLA chose to omit the Minnesota State Council on Disabilities, another protected group, and we should not be subjected to this different treatment.

## **1. OLA Grouping of Council for Its Evaluation Issues**

If the councils were established at different times and If the councils have:

- Distinct agencies,
- Structure differences in policy body size and compositions,
- Different social economic realities affecting their constituencies,
- Different racial and ethnic group as constituencies,
- Different budget sizes,
- Differences in number of FTE staff,
- Different appointment approaches existing from administration to administration,
- Different policy board voting requirements,
- Different liaison relationships state and local governments and nonprofits

Is OLA grouping the Councils for this evaluation because they are being seemed as minorities and the same? Does OLA see an African heritage agency as the same as an Asian, Native American and Latino run agencies? If not, why is COBM being grouped with other councils in OLA general review and general conclusions in it evaluation of councils? Why it is OLA used examples of COBM activities to cast all councils in a bad light and as a justification for policymakers and state agencies refusing to work with Councils?

## **2. OLA General Evaluation Of Councils Performance Issues**

- If COBM is bringing forth constituency driven recommendations to the legislature and governor,
- If COBM's resources allows the type of events it organizes,
- If COBM has a financial audit that show no problems,
- If COBM want its legislative purpose and duties,
- If COBM plan the activities to accomplish duties/goals and work toward COBM mission,
- If COBM has a waiting list of people willing to serve on its policy boards,
- If COBM is publishing annual reports, holding monthly meetings, structured for community involvement, hold community events and gathering and use social media to inform its constituency,
- If COBM is advancing constituency driven modifications to their enabling legislation,
- If COBM work as close as possible, when considering staffing capacity, with state departments,
- If COBM is fulfilling its statutory responsibilities,
- If the OLA evaluation survey indicate COBM constituency don't want to see them merged or eliminate,

Why does OLA conclude that COBM is not meeting its constituency needs?

## **OLA Survey Methodology Issues**

COBM mandates/duties overwhelming focus on representing “people” of African heritage. To a lesser degree serve as a conduit to state government for “organizations of Black people” in the state. Only one question in the survey speaks to this function with organizations of Black people and only organizations were contacted to determine constituency satisfaction. The question wording doesn’t go far enough to discern issues surrounding conduit relations or making contact with policymakers for organizations of Black people.

Does OLA see African Heritage people and Organizations of Black People as the same? If not, why did OLA only reach out to these organizations?

There are nearly 7000 nonprofits in Minnesota. Why did OLA not list the number of nonprofits own and operated by Blacks surveyed about COBM? Why did OLA not list the number of nonprofits own and operated by Blacks, surveyed about COBM and returned a survey? Why did OLA not provide how they determined which organizations surveyed where own and operated by organizations of Black people? Why did OLA not provide who completed the survey and if there were African heritage people in the organization? Why did OLA not provide an explanation about how basis was controlled when the person was someone other than an African heritage person or organizations of Black people when asking about a Black organization? Why was the survey rounding so severe in the COBM survey numbers?

Does OLA see Organizations of Black People as the same as any organization? If not, why did OLA not detail its methodology for conducting the survey and controlling for the statutory details of COBM when serving organizations of Black people?

### **3. OLA General Evaluation of Councils Operations Issues**

If COBM has the right through legislative action to:

- ask for structural integration with policymakers and the governor,
- amend agency programs,
- ask for a larger budget,
- ask for directions with prioritizing its activities,
- ask for changes to its purpose/mission/duties/goals,
- ask for one area of impact, and/or
- ask to forge formal collaborations with other councils

Why does OLA feel it should intervene and modify it on behalf of African Heritage People and their Council?

### **Conclusion to OLA’s Evaluation Overview**

COBM would like to be removed from this section of the evaluation because African heritage people are more than a minority. COBM cannot rationalize any reason base on the content of OLA draft report that link the councils approach and duties that would justify a general evaluation of the councils. The OLA’s use of the term minorities is an ism and its use are elitist, insulting and demeaning to African heritage people. Additionally, COBM functions as a state agency is difference than all other state agencies and was created for that purpose. This basic understanding seems to not exist in OLA. We also have concerns OLA chose to omit other protected class groups from its evaluation, and the protected class groups in this evaluation and COBM should not be subjected to this different treatment.