



Evaluation Report Summary / March 2014

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

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).
- The four councils have not been adequately integrated into state policy making.
- 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.
- 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.
- Although the councils share similar concerns and duties, there has been little substantive collaboration among them.
- 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.
- Communication between the councils and the organizations that work with their constituencies has been inadequate.

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.

- 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.
- Option 2: Restructure the councils by placing them under the Department of Human Rights and requiring them to adopt certain operational changes.
- Option 3: Eliminate the councils and create a new state agency—an Office of Minority Affairs—in the executive branch to address minority concerns.
- 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.

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.

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

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.

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

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 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

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

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.

Summary of Agencies' Responses

In a letter dated February 26, 2014, CAPM's Executive Director agreed with many of the evaluation's key findings and supported Option 1 as "the best strategy to effectively serve our diverse Minnesotan communities." In a letter dated March 2, 2014, COBM's Executive Director objected to the entire report, noting that it "traps the reader in a litany of revisionist history and the promotion of stereotypical rhetoric about African heritage people and other ethnic groups." In a February 26, 2014, letter, CLAC's Executive Director said that the report "has very valuable recommendations" that can "improve the performance of CLAC" and "produce an impact on the disparities affecting the Latino community for the past several decades." He said that a combination of Options 1 through 4 was the best way to achieve this effect. Finally, in a letter dated February 26, 2014, MIAC's Executive Director said that the Legislative Auditor's Office "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."