

**REGENT CANDIDATE ADVISORY COUNCIL  
MEETING MINUTES  
May 3, 2002  
400S State Office Building**

Present:

Rondi Erickson, Chair  
Joe Aitken  
Ken Albrecht  
Jane Belau  
Carol Batsell Benner  
Humphrey Doermann  
Paul Dovre  
Frances Gardeski  
Chris Georgacas  
Richard Ista  
Mary McLeod  
Elizabeth Morrison  
J. David Naumann  
Colman O'Connell  
Jo-Anne Stately  
Nedra Wicks  
Billie Young

Absent:

Sam Garst  
Bernie Steffen  
Paul Rexford Thatcher  
Bob Vanasek  
Gary Willhite

Rondi Erickson, council chair, called the meeting to order at 1:05 p.m. There was a quorum present.

Carol Batsell Benner moved approval of the minutes from the meeting on October 19, 2001.  
Seconded and APPROVED.

Ms. Erickson reviewed the agenda.

Announcements

Ms. Erickson reported that the House and Senate intend to soon appoint individuals for those RCAC terms that expired in 2002.

Committee Reports

Paul Dovre said that the Interview Process and Questions Committee will be looking at the list of questions and the length of interviews. He also noted a 2001 candidate questionnaire in which the candidate did not feel that all candidates were awarded the same level of seriousness during the interviews. The council will also need to consider whether questions should be given to candidates in advance (and if so, what questions).

Chris Georgacas reported on the progress of the Orientation Committee. He and Bob Vanasek will

begin planning closer to the time of the orientation.

Humphrey Doermann presented the Recruitment Committee report. The committee includes council members from each of the open districts (1,4, 6 and 7). Mr. Doermann reported on his conversations with sitting regents whose terms expire in 2003, and outlined the recruitment plan phases: letters (with phone follow-up), press releases and personal council recruitment.

Carol Batsell Benner and Billie Young (Document Review Committee) reviewed materials such as the application packet, and the reports to the legislature. Besides noting that the council should retain its conflict of interest statement, they had no recommendations other than updating dates, etc.

J. David Naumann and Elizabeth Morrison presented the References Committee report. The committee reviewed the handout and questionnaire that was used in 2001. The forms are not meant to be turned in; they provide a guideline to ensure that the questions for each candidate are generally the same. The council suggested adding a question like “Can you think of an exceptional contribution that this person had made?”

The council discussed the issue of whether reference names should be confidential. The committee will draft a revised policy to address this issue and present it at the next meeting.

#### Length of Council Recommendations

Ms. Erickson presented the background to this issue. At the October 19 discussion with legislators, several council members raised the question of how long recommendations should be considered valid. Ms. Erickson and Mr. Doermann drafted a resolution and presented it to the council by email and mail in January. The resolution reads: *Be it resolved, that the RCAC recommendations of candidates for regent be considered current and valid from the point of transmission to the legislature until the close of that same legislative session.*

Ms. Batsell Benner moved consideration of the resolution. Seconded and APPROVED. The council discussed the issue at length—debating whether the council should have such a policy, and if so, discussing how the resolution might be worded to specify whether the recommendations were valid for that regular session, that year, that biennium, etc. The resolution as presented was NOT APPROVED.

The council discussed whether there was some consensus of the group that Ms. Erickson could share with legislative leadership informally. The group consensus was that the recommendations of the council are valid until the end of the biennium in which they were selected. However, in her discussions with leadership, Ms. Erickson will indicate more generally that the council has discussed some concerns about the shelf life of recommendations.

#### Actions Without Formal Meeting

This issue stemmed out of the length of council recommendations discussion. The resolution was distributed by email and mail, according to an RCAC procedural rule that states: *Any action required to be taken by the council or any committee of the council may be taken without a formal meeting by unanimous consent of the members. Meetings may be conducted by mail, telephone, or in any other way the council approves. However, a written consent setting forth the action so taken and signed by all members of the council or of a committee must be filed with the minutes of the*

*meeting*. Distribution of the resolution was with the goal of establishing this consent.

Upon advice of one of the members, staff contacted Senate Counsel Peter Wattson to determine if this action was in violation of the open meeting law. Mr. Wattson said that the informal discussion that ensued was not in violation, but that the council may not take action on an item without a formal meeting. Minnesota Statutes 302A.239, subd. 1, and 317A.239, subd. 1, make such allowances for private and nonprofit corporations. However, Mr. Wattson believes that the council is a public body governed by the Open Meeting Law (codified in Chapter 13D).

Mary McLeod will chair a subcommittee to make changes to the council's procedural rules on this matter. Ms. Erickson will also serve on the subcommittee and staff will assist with the changes.

### Public Balloting

On April 31, 2001 (preceding voting on candidates), staff advised the council of a Senate counsel opinion requiring public votes. Members directed staff at that meeting to investigate whether the council is bound by the opinions of Senate Counsel. Staff proceeded by posing the question of public balloting to House counsel. Deb McKnight, House Research Department, issued an opinion concluding that the Open Meeting Law, as codified in Chapter 13D, does not apply to the RCAC. She suggested that absent of a written policy requiring public votes, the council should rely on whatever parliamentary guide it has chosen to follow. The council's procedural rules state: *Meetings shall be conducted according to Robert's Rules of Order, except as otherwise provided in these rules.* Robert's says that roll call votes are typically only used in a representative body.

Staff will distribute copies of both Senate and House opinions on the issue before the next meeting, along with information on the consequences of following either opinion. The issue was tabled until the next meeting.

### Joint Rules of the House and Senate

During the 2001 regular session, the legislature formed a joint task force to study and propose changes to the joint rules, including those rules governing the election of regents. The task force met during the interim and issued a report on January 15, 2002. The report recommends the following changes to the rules regarding regent selection:

1. Current rules necessitate that the joint education committee shall meet by May 7, or a date agreed to by concurrent resolution. The report suggests that the joint committee meet by April 7, and it eliminates reference to a date set by concurrent resolution.
2. Current rules identify the membership of the joint education committee as members of the Senate and House committees on education. The report recommends that the House and Senate appointing authorities appoint a joint committee of 24 members, and it specifies the standing committees of which those individuals should be members.
3. Current rules state that there should be a joint convention for the election of regents. The report suggests that the convention be held by May 7 of the odd-numbered year.

The legislature did not act on any of these suggestions during the 2002 regular session.

### Legislative Initiatives

Bills were introduced in the Senate and House (SF2488/HF2955) proposing a constitutional

amendment that would shift responsibility for regent appointment to the governor (with advice and consent of the Senate). The bills were heard in House and Senate committees, but they were not voted on by the full legislature. Mr. Doermann testified before a Senate committee on the importance of the council in the recruitment and selection process.

#### Legislative Action on Regent Election

There was nothing new to report. The legislature has not acted on regent election for the 2001 vacancies.

#### Program for September 13 Meeting

Council members made some of the following suggestions for individuals to invite: regents who will not be returning, former regents who have served recently, Becky Kelso, and individuals who could speak to the relationship between MnSCU and the University. Members also suggested that regents submit written comments to the council.

#### RCAC Timeline

The council reviewed the timeline of activities. The next council meeting is scheduled for September 13, 2002. The application deadline is December 2, 2002, and interviews will be held the week of January 27, 2003.

#### Board of Regents Meetings

Ms. Erickson requested volunteers to attend upcoming board meetings:

June 13: Wicks

June 14: Morrison

July 11-12: Erickson, Wicks

September 12-13: Ista

October 10-11: Georgacas

November 7-8: McLeod

December 12-13: Gardeski

#### Other Business

There being no other business, the meeting was adjourned at 2:55 p.m.

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Rondi Erickson, Chair