



Exhibit 6

CAAP Board meeting minutes regarding
commemorative works

STATEMENT OF NEED AND REASONABLENESS

Proposed Revisions to Minnesota Rules Chapter 2400,
governing Commemorative Works on the Minnesota
Capitol Grounds
Revisor ID No. 04720

Capitol Area Architectural and Planning Board
February 2020

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November 18, 2019 - Minutes

Date: November 18, 2019

CAAPB Meeting Minutes may be found on the CAAPB website:

https://mn.gov/caapb/assets/approved%20minutes%20nov%2018%2C%202019_tcm1087-424790.pdf

Agenda Item 3: CAAPB Capital Budget Review

Lt. Governor spoke to the need to more closely evaluate and discuss the merits of both options, with other discussions revolving around the historical issue of who might be forced into the renovated building, what rental costs might be; context given the close proximity to the historic church and the current lack of anything else on the block save surface parking; the impact of the current Comprehensive Plan and studies, as well as past CAAPB policies with regard to the disposition of the Ford Building; and the increase in interest in the site for a number of agencies. Lastly, the possibility of historic designations per the National Register was briefly mentioned.

Lt. Governor Flanagan suggested that there be another opportunity for all to discuss the issues as well as merits of each position and that finalization of the study be held until such time as that discussion resolves the conflicting positions, either with ongoing disagreement or some point in between. Vice-Chair Buck suggested that might be the Comprehensive Plan Committee, with other Board Members invited. Mandell advised the Board that with the Committee at four Members, should six or more Members come, it would be a quorum, requiring posting and follow the rule of open meeting law (inviting RSVPs ahead of time).

Agenda Item #4 – Comprehensive Plan (4a) Land Use Diversity Update:

Lt. Governor Flanagan spoke to the Administration's Mission and Value Statement, published by the Governor's Office at start of the year and sent to Board members in their packet ahead of time. She spoke of the goal "to improve the lives of all Minnesotans by working collaboratively to implement policies that achieve results" (focused on children and families), and how she applies those guiding principle to every one of her responsibilities. As she saw it, it's mirrored in the work we have laid out as the CAAPB, making sure people feel included and welcome, that all work to think about structural inequities and working toward being accessible, transparent and accountable, including voices from under-represented communities.

Agenda Item 4d: Comprehensive Plan: Board Discussion

Taking the first principle "Vision for the Capitol Areas" to be a unifying factor for all those who come to visit, work, live, learn and play. Putting forth two questions, staff and the Chair invited Board responses. First question: "What are some of the lessons that can be learned from the Nation's Capital and what it represents to those who go there"? Some of the responses involved the National Lawn and our Mall and the contrast in amount of open space given the constant pressure for new Memorials, the level of respect and reverence for our current Mall and Memorials, the historic evolution as seen in clearance of old, temporary or substandard structures and an underutilized surface parking lots in the creation of

enhanced open spaces, ceremonial public realm and other areas that contribute to the public good even if the interim use is that of public parking for visitors.

The whole idea of Minnesota's Capitol as the symbolic heart of one of the things that is always at the forefront when it comes to the special quality and pride, we all place on the building and its surroundings – with a renewed sense of history and recognition that it's the People's House. Several expressed a strong affinity with the second-floor porch atop the front entry, known as the loggia and available with reservation, to the public. The Chair, addressing Board Member Belton's point of the need to be able to see yourself reflected in the Capitol, spoke about her experience at the National Museum to the American Indian and the Museum of the African American both of which are on the National Mall.

Additional discussion then focused on "the coherence for both the area itself as well as for how well the building itself works as both a place of work and a museum, with now expanded opportunity for public exhibits and public use. Lt. Governor addressed some of the images that for her and others interfere with the highest possible experience, speaking to Knute Nelson who, as Governor, had ordered the removal of Indigenous people from the State, as well as Columbus, whose dealings with Native Americans is already well documented, then citing the interpretive work on the third floor by the Historical Society – and then, admiringly, of the current temporary art exhibit by Vern Northrup called 'Akinomaage' (a collection of photographs of nature taken with his cell phone). Part of our job, she said, "is being good stewards of this building, place and space, to make sure we're telling the full story and offering the best of high-quality experience and accessibility."

March 10, 2020 – Minutes

Date: March 10, 2020

CAAPB Meeting Minutes may be found on the CAAPB website:

https://mn.gov/caapb/assets/MARCH%2010%202020%20mtg%20minutes%20edited_tcm1087-438907.pdf

Agenda Item 3: Architectural Advisors

...Next [Paul Mandell] spoke of the Nellie Stone Johnson Statue in the Capitol Building, reporting that the Administration Department Project Manager and he spent a Saturday in Duluth as part of helping the client group build a stronger relationship with the selected artist. It started with a social lunch with all at a local restaurant, and then a lengthy visit to his studio in Hermantown, where, by modeling and showing options he'd secured from the U of W theater program where he is a teacher, the client group was able to select facial expression, pose, shoes, skirt and outfit, with the image selected from a photo taken when she was an elevator operator in her 40s. By the end of the day, all were happy, and the project was finally moving forward. **Lt. Gov. Flanagan said that she couldn't wait to see Nellie in the Capitol as it will be well worth all the effort and struggles.**

June 25, 2020 - Minutes

Date: June 25, 2020

CAAPB Meeting Minutes may be found on the CAAPB website:

<https://mn.gov/caapb/assets/CAAPB%20Board%20meeting%20minutes%20June%2025%202020%20Approved%20tcm1087-441642.pdf>

Lt. Governor Peggy Flanagan called the meeting to order at 1:00 p.m. As Chair, the Lt. Governor read a statement detailing why a virtual meeting was necessary due to the health crisis and how, under the emergency declaration, the meeting would be conducted will all votes by roll call establishing a quorum as present. She also had CAAPB Architectural Advisors Tony Chevalier, Michael Bjornberg and Denita Lemmon introduced, as well as Staff.

Lt. Governor noted that Dr. Kate Beane was a new Board Member and Tony Chevalier was a new Architectural Advisor appointed by the State Arts Board. She then noted that the Board meeting would be conducted via MNIT Microsoft Teams, with the public viewing via live stream.

She next spoke to how much the world had changed since the Board last met on March 10. Covid 19 Pandemic, which has taken a toll on many, some personally, and George Floyd's murder, which has sparked a conversation nationwide on how to address systemic racism. While this conversation has been occurring for a long time, there is now an urgency and unity to this movement at this time, and statues and monuments commemorating our shared history that don't reflect the best of us have come down around the country, including here in Saint Paul. Our work on this Board comes at a crucial time, and we must work through it.

Three months ago, we'd planned to discuss the Sears site at the next meeting, and that discussion will still happen, as it is more critical now than ever, but with the demonstrations and unrest, and with the removal of the Columbus statue, we decided to have this conversation now that our State is having about representation about community and about a shared vision of our future together. She noted questions and confusion about process, and that there is no explicit CAAPB process on how commemoratives on the Capitol Grounds can be removed. We have lots of policies for other things, but there's a gap on the Capitol Grounds, referencing Exec. Sec. Paul Mandell and Historical Society's David Kelliher who will speak to what procedures do exist with regard to the Capitol Building and the Capitol Grounds, and how each is handled by respective bodies, as well as where the gaps are.

She acknowledged that the Board needs to build a robust, transparent and accessible public process for cases as we consider and re-consider choices we make. People need to know that they are listened to, and a way to assure them that they are heard, because this is their House. It may seem like a tall order and one that must happen, citing several success stories including Bemidji (with a statue of Chief Bemidji), and others like Reconciliation Park in Mankato, or the Clayton, Jackson, McGee Memorial Park in Duluth; examples of what can happen when Minnesotans come together and can be reflective. Our own CAAPB work on the Nellie Stone Johnson statue to be installed in the Capitol Building, is also an

example of what is possible, expressing her appreciation to the Board for their work on seeing this addition through over these past few years, and expresses that she is looking forward to the discussions to come as an opportunity.

She noted that the discussion today is not intended to focus on the Columbus statue, but on the process regarding changes or removals of monuments so that after this work is done, people will know that they are seen, heard and valued; which will then lay the groundwork for the discussions to come.

... Lt. Gov. suggested that such a change would have to be a change to Statute, while this document, is merely a working document, noting that of course, statute itself can only be changed by the Legislature and Governor. That removal is not qualified currently in the actual statue as per the sixth footnote on the back of the matrix. The Senator suggested that perhaps the law should be updated.

... Senator Nelson again spoke to the need for process, as well as to Dr. Beane's points, citing the unique role the Lt. Governor can play. The Chair spoke of how for many in the community, that statue presented a false narrative, and true historical education is necessary; and that it is important to both get to a clear process and an inclusive society. Senator Nelson asked Exec. Se. Mandell to briefly explain how well the CAAPB process worked for a particular piece in the Capitol Rotunda for a plaque regarding the Spanish American War with inaccuracies and discriminatory remarks.

... Lt. Governor Flanagan cited this as a situation where it's not always one case fits all. Mandell and Kelliher said they were done, while addressing gaps for removal of pieces in the grounds, as well as update of the policies for the inside of the Capitol Building. Mandell added that at the end of the meeting, an email and snail mail address will be posted for any public comments.

July 23, 2020 - Minutes

Date: July 23, 2020

CAAPB Meeting Minutes may be found on the CAAPB website:

https://mn.gov/caapb/assets/JULY%2023%202020%20Minutes%20Approved_tcm1087-454133.pdf

Lt. Governor Flanagan opened the second virtual Board meeting in two months, announcing why the meeting needed to be virtual and describing details for the Board and/or public involvement in the Board meeting.

With a new Board Member appointed by Mayor Carter, replacing David Lanegran (both of whom were present), the Lt. Governor had everyone introduce themselves. She then spoke at length, capturing the key takeaways from the June 2020 Board meeting addressing the process regarding commemorative art in or around the Minnesota State Capitol, under the jurisdiction of the Capitol Area Architectural and Planning Board (CAAPB) and, inside the Capitol Building itself, the CAAPB and the Minnesota Historical Society (MNHS). She recapped the presentation's by CAAPB Executive Secretary Paul Mandell and

Legislative Policy Director David Kelliher of the MNHS, detailing where and how the two bodies carry out their duties regarding art on the grounds (a CAAPB decision) and, in the Capitol Building where there is joint jurisdiction, with MNHS the final decision maker, noting that this applies to the historic and ceremonial public spaces of the Building, while for the new public spaces created in the Capitol restoration project for those other spaces not considered either historic or ceremonial spaces, the Department of Administration is the lead responsible party.

She also spoke of the work of the MNHS in conducting several conversations over the history of commemorative art, memorials and other works statewide, and then she briefed all on the work before the Board regarding creation of two task forces to advise the CAAPB on commemorative art; the first looking to refine the process and procedures for modification or removal of existing artwork, to propose to the CAAPB for their consideration; and the second, to solicit public input on the range of concerns regarding commemorative art, addressing the diverse populations of today's Minnesota, what they like and what they might not like or might want to see.

She made it clear that there will be no action on any specific monuments, including the Columbus Statue, until the Board has received and acted upon the reports of the two task forces regarding existing pieces on the ground, and that the process must be transparent and accessible to all Minnesotans.

The Chair then moved on to numerous administrative business items, starting with the minutes. The June 25th Board Minutes were MOVED and SECONDED. Board Member Lentz suggested that the matrix (chart), jointly developed by the CAAPB and MNHS to address commemorative art and monuments, be included in the June 25th minutes as an attachment. With that, all voted to approve the June 25, 2020 minutes, as amended to include the chart.

Next, the Lt. Governor turned to the Task Forces for Commemorative Works. These advisory bodies will consist of fifteen members appointed through the Secretary of State's Office via Gubernatorial appointments. They're intended to reflect the diversity of Minnesota, and to assume as much transparency and accessibility for the general public to understand how existing commemorative works of art are examined for relevance and appropriations as well as any process for determining if such works are amended, modified, relocated or removed. One task force will be charged to make recommendations to the Board on how to process requests for such changes to existing monuments; and the other task force, to solicit public input about monuments and commemoratives in and around the State Capitol.

Next, the Chair spoke to the "public engagement task force" – which will be focused on "providing the space for Minnesotans to share their experience about what the Capitol means to them. They will hold public meetings, virtually and hopefully in person too, so folks can feel heard and that the Board can better understand and articulate the shared vision for the Capitol grounds and State Capitol Building. The Task Force will share its findings on key themes and recommendations to the Board to ensure proactive decisions. She recognized the great work and outreach and public response in the Capitol restoration, acknowledging the work of both Anton Treuer and Gwen Westerman, both of whom served on the earlier art review work for the Capitol Building.

There was some lengthy discussion of how the task forces members would be selected by Senator Nelson who had missed that part after she stepped off the call, as well as other details of how each would function. The Lt. Governor noted how hundreds of such appointments are regularly handled by

the Secretary of State Appointment Office for the Governor, as well as this Administration's focus on diversity in all bodies. In addition, the Lt. Governor reiterated that the Task Forces are all strictly advisory and that all decisions, at least for the grounds, would be made by the CAAPB Board.

Lt. Governor Flanagan added reference to the work the Historical Society was about, examining memorialization and commemorative work in general, looking historically how society recognizes key historical people and/or events.

Lt. Governor Flanagan added that she and the Governor continue to hold conversations with tribal leaders and encouraged all to tune in for the Historical Society's programs – starting July 30.

November 13, 2020 - Minutes

Date: November 13, 2020

CAAPB Meeting Minutes may be found on the CAAPB website:

https://mn.gov/caapb/assets/Minutes%2011-13-20_tcm1087-457962.pdf

Lt. Governor Flanagan then turned to Peter and Linda for presentation of the final three chapters (1-3) for review and approval. Principal Planner Musty noted that these are the final three chapters, the result of several months of work by staff, Architectural Advisors and the Board's Comprehensive Plan Committee. Intermediate Planner Linda Spohr referenced chapter 1-3, noting that the Introduction, approved by the Board early in 2018, precedes these chapters, and advised the Board to review these three chapters in depth that the Board and countless other stakeholder groups participated starting back in fall of 2019.

Linda also noted that the Board should be comfortable with approving content today, reminding them that final formatting and graphics still needs to be applied, after which the completed document will be released for the required three-month review by all prior to final adoption.

Linda then reviewed the latest set of 'Guiding Principles', serving as chapter headings, along with minor changes, reflecting a new Chapter 3 (originally planned as Chapter 5), noting that these principles are not in any ranked order, simply serving to locate chapters in logical order. She said that the first two chapters focused generally on the Capitol in relation to first the State and second, to the Capital City, while the four latter chapters were focused on theme or topic relevant to the community, with the new chapter/principle 3 serving as the transition between the first two grouped chapters and as an introduction to the latter four chapters.

Chapter 1 focuses on the Capitol as seat of Government and its civic role, the workplace, along with some history; recognizing the Mall that serves as the State's "Front Yard", and lastly, seeing the Capitol as the symbol for both the State and the City. Much of the language results from surveys of the public,

users and the Board. Objectives focused on seven areas: art, open space, educational value, signage, personal comfort, accessibility and lastly safety.

Kate Beane raised a point, related to the Introduction (with a question on language referencing history, from the website archive, which will need to be reviewed and corrected). On the first page, board member Lentz, referenced 'Minnesotans', which Exec. Sec. Mandell noted was a qualifying factor CAAPB-approved projects but not applied to prior installations like that of Columbus and Leif Erickson. Another question focused on the history pre-settlement, which Spohr noted had yet to be inserted and encouraged Kate Beane's help, most likely, for the Introduction section.

June 03, 2021 - Minutes

Commented [DLC(1):

Date: June 03, 2021

CAAPB Meeting Minutes may be found on the CAAPB website:

https://mn.gov/caapb/assets/CAAPB%20Mtg%2006.03.21%20Minutes%20-%20APPROVED_tcm1087-513516.pdf

Mr. Mandell next addressed agenda item #6, the memorials update. He spoke to the recently Memorials Rehab project, funded with a balance from the Capitol Building fund that was going to tie out and was re-authorized during the 2019 Special Session as well as a Memorials appropriation, citing the Vietnam Veterans, the Woman's Suffrage, the Wilkins and the Peace Officers memorials as the four most thoroughly addressed.. At the Peace Officers, the pool and thin blue line (light) were completely replaced, at the Wilkins, all doors were repaired and entire stainless steel wall re-patinated, at the Woman's Suffrage Garden, the wall was rebuild the trellis cleaned and re- anchored, and in the garden, three feet of new soils were brought in on top of weed barriers, with all new pollinators planted, while the concrete ribbons all replaced. In addition, new landscape was brought in at Workers, at Humphrey, Lindbergh and at Peace Officers memorials, and Mandell noted that prior to this work, the endangered rusty patch bumble bee had been found at both the Woman's and the Workers' gardens.

Mandell also spoke of the memo he sent out under separate cover after the Board packet mailing addressing the name wall issue at the Vietnam Veterans memorial, with Administration now planning to do a test procedure at the wall using the more subtle, lighter spray process to see if the whole wall should be redone. He also referenced the Medal of Honor Memorial, now fully funded with the latest grant secured, awaiting a notice to proceed, with dedication new probably delayed to spring of '22.... The first to fix and reuse a broken state asset, namely the Promise of Youth statue and water feature. Lastly, Mandell spoke of progress on the life-size Nellie Stone Johnson slated for the first-floor north corridor immediately off the Rotunda, slated for installation probably prior to the next full Legislative Session in January. The Lt. Governor, as Chair, suggested a future field trip for the Board to tour all the memorials once it's nicer weather.

September 18, 2021 - Minutes

Date: September 18, 2021

CAAPB Meeting Minutes may be found on the CAAPB website:

https://mn.gov/caapb/assets/September%2028%20Approved%20Minutes_tcm1087-515007.pdf

Commemorative Works Task Forces – Status Update

Public Engagement Task Force (Chair Carl Crawford) gave an overview of the study.

The process and finding of the Task Force were presented. The Task Force was surprised to learn how few respondents had visited the Capitol for reasons other than school trips or protests and spoke on the importance of the Capitol area for all Minnesotans.

Lt. Gov. Flanagan requested elaboration on the focus groups and other individuals who contributed to the work of the Task Force. Task Force Chair Carl Crawford discussed the information received from various ethnic groups on how they view the Capitol, and the Task Force's desire to make the Capitol an inclusive and welcoming space for all.

Exec. Sec. Merritt Clapp-Smith remarked that the report on the findings of the Task force was nearing completion at time of meeting.

Task Force Chair Carl Crawford expressed interest in repeating the process of the Task Force in the future in order to represent all groups and individuals. Chair Crawford also noted the importance of making the Task Force's questionnaire available in different languages and expressed his honor in participating in the project. Decision Process Task Force (Chair Dr Gwen Westerman)

Task Force Chair Westerman noted the lack of process for the removal of commemorative works. Also noted was the new use of plain language in procedures to ensure accessibility for the public. Task Force Chair Westerman stated that the Task Force's report would be presented to the CAAP Board upon receipt of information from the Public Engagement Task Force.

Clarification was requested on whether the reports of the Decision Process and the Public Engagement Task Forces would be joint or separate, and the conclusion was the latter.

Clapp-Smith provided an overview of Next Steps, showing some slides of schedule and activities. Clapp-Smith reiterated the lack of process for alteration, re-interpretation, or removal of existing commemorative works. Clapp-Smith gave an overview of the rule-making process.

A motion was requested by Lt. Gov. Flanagan to embark on the rule-making process. The motion was moved, and then seconded by Sen. Pappas. Ten votes were cast in favor of the motion and no vote opposed -- the motion was approved.

Other Business

Exec. Sec. Clapp-Smith provided an update on the Nellie Stone Johnson memorial. Clapp-Smith stated that the artist had completed a cast and arrangements would be made for the client group to view the cast. After the client group's approval, casting for the memorial would proceed. At time of meeting there was no projected date for completion, but progress was being made.

November 18, 2021 –Minutes

Date: November 18, 2021

CAAPB Meeting Minutes may be found on the CAAPB website:

https://mn.gov/caapb/assets/Item%206a%20-%201.18.22%20CAAPB%20mtg%20-%20Nov%2018%202021%20Board%20Mtg%20APPROVED%20Minutes_tcm1087-515708.pdf

Commemorative Works Discussion (Part 1 of 2, continued Dec 1st)

Public Engagement Task Force Report:

Task Force Chair Carl Crawford presented the major themes found by the Task Force. Some of these themes included the following: people are proud of the Capitol, people do not feel represented by the current art & monuments, over half of survey respondents did not feel welcome, the public is divided on how to handle Commemorative Works going forward.

The Task Force found that the public's perceptions ranged from positive feelings about aesthetics and/or historical significance, to neutral experiences with protests, to negative feelings stemming from poor accessibility and feeling unwelcome.

Angelica Klebsch, a consultant who collaborated with the Task Force, presented a summary of data collected during the public input process. There were over 6,500 comments gathered, and 65% of survey respondents expressed a desire for some form of change at the Capitol. Another point raised was seemingly popular idea of making the Capitol a more public space which would host non-governmental events.

Task Force member Christina Woods spoke on the need to include and elevate Native peoples' perspectives on Commemorative Works.

Task Force member Alicia Belton presented priorities for the CAAP Board based on the perspectives that were collected. The big picture priorities were to be explicitly welcoming and inclusive to all communities, focus on commonalities between Minnesotans, present accurate and complete historical narratives, and to include diverse experiences and communities in the Commemorative Works on display.

There was discussion between Board member James McClean and Exec. Sec. Merritt Clapp-Smith regarding increased transparency about Board meetings and continuing to livestream meetings post-pandemic. Exec. Sec. Clapp-Smith agreed that continuing to livestream meetings in the future would be

beneficial.

Decision Process Advisory Task Force Report:

The major recommendations of the Task Force were presented by Exec. Sec. Clapp-Smith. The recommendations included the update of the Commemorative Works policy, the increased accessibility of application forms and FAQs, the review of policy and artwork collection every 10 years with public input, and obtaining legislative appropriation for the CAAP Board to support implementation of updated policy.

Board members Dr. Kate Beane and Daniel Yang, and Commissioner of Administration Alice Roberts-Davis expressed their appreciation of the Task Force's process and inclusivity as well as the leadership of Dr. Gwen Westerman.

Exec. Sec. Clapp-Smith provided overview of both the conditions for addition of a new Commemorative Work, and the conditions for modification or removal of a Commemorative Work. Also described were the evaluation criteria for modification and/or removal, and the proposed composition of the review committee for modification or removal of Commemorative Works.

Board Questions and Discussion on proposed rule amendments:

Board member Elaine Fink expressed concern about the rule that anyone desirous of removing a Commemorative Work would be responsible for funding. James Garrett Jr. agreed with Ms. Fink and added that there is also a racial equity element to the issue. Exec. Sec. Clapp-Smith expressed hope that funds might be raised via campaigns.

Lt. Gov. Flanagan emphasized that this process is new and ongoing, as no process for removal or modification had previously existed.

David Kelliher (Minnesota Historical Society) reiterated the nationwide lack of process for removal or modification of Commemorative Works, and the Lt. Gov. requested that the CAAP Board research into how funding is acquired in similar situations nationwide.

There was also discussion regarding the logistics of the small CAAP Board staff undertaking the responsibility of reviewing Commemorative Works on a 10-year cycle.

December 1, 2021 –Minutes

Date: December 1, 2021

CAAPB Meeting Minutes may be found on the CAAPB website:

https://mn.gov/caapb/assets/Item%206b%20-%2001.18.22%20CAAPB%20mtg%20-%20Dec%201%202021%20Board%20Mtg%20APPROVED%20Minutes_tcm1087-515709.pdf

Commemorative Works Rulemaking Discussion (Part 2 of 2)

CAAP Board Exec. Sec. Merritt Clapp-Smith presented information regarding the Rulemaking process for Commemorative Works within the Capitol grounds.

The information included the date and time for the Administrative Law Judge Hearing. Also noted were the number of responses received by the CAAPB regarding their request for public comment.

The rule changes recommended by the Revisor included capitalization and wordsmithing, with no significant changes of substance.

Rep. Hertaus requested clarification of the difference between the example of rules shown on the slide and materials given to Board members. Merritt Clapp-Smith clarified that the information on the slide was an example, and not representative of the full document.

The proposal that any new Commemorative Works should depict Minnesotans was discussed.

Rep. Hertaus questioned whether Commemorative Works should be limited to Minnesotans. Rep. Hertaus also asked whether this would preclude people who had occupied the area pre-statehood, and also whether the limitation would lead to removal of current monuments that depict non-Minnesotans.

Dr. Kate Beane emphasized the need to ensure that the definition of being Minnesotan is made clear and inclusive.

Dr. Beane also noted the limited space for memorials on the Capitol grounds, and that the addition of previously underrepresented peoples as subjects of Commemorative Works would be inclusive rather than exclusive.

Should memorials be reviewed every 10 years? Discussion:

The Board discussed the proposed changes in rules language from the review of Commemorative Works every 10 years, to either:

After any updates to the rules OR Every ten years as resources allow.

Board member Elaine Fink asked if there could be another option to make the schedule more flexible to take pressure of the Board & Board staff.

Dr. Kate Beane gave her opinion that the ten-year cycle makes sense to ensure that there is a process in place for consistent reflection on Commemorative Works.

Board member James McClean suggested that evaluation from outside the Board could be a possible solution.

Lt. Gov. Peggy Flanagan suggested that staff evaluate the priorities for what would be most important in a review process.

There were questions on what actions the Board would take based on the findings of any periodic reviews. It was suggested that the Board spend time deciding protocols in future.

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Should the rules also be subject to continuous 10-year reviews? Discussion:

Lt. Gov. Flanagan expressed support for the idea of retaining the ten-year rule, with CAAP Board Exec. Sec. Clapp-Smith adding the suggestion that the language be changed to “at least every 10 years” to leave room for more frequent reviews as needed.

Should Applicants be required to secure all funding for proposed changes? Discussion: Merritt Clapp-Smith presented a summary of funding sources used by other cities and states to remove or modify monuments.

At time of meeting, no change in current funding process was proposed (currently, applicant must provide funding).

Also noted: rules state that 20% of construction budget would be set aside for future maintenance of the Commemorative Work.

Rulemaking Activity/Rulemaking Public Hearing:

A timeline of Rulemaking activity was provided by Merritt Clapp-Smith.

Details on the public hearing with the Administrative Law Judge were also given.

January 18, 2022 – Draft Minutes

Date: January 18, 2022

CAAPB Meeting Minutes may be found on the CAAPB website:

https://mn.gov/caapb/assets/January%2018th%20BM%20Minutes%20draft_tcm1087-517245.pdf

Commemorative Works Rulemaking Discussion (Part 3)

Rulemaking Tentative Schedule:

CAAPB Exec. Sec. Merritt Clapp-Smith gave an overview of the tentative Rulemaking schedule. The process is summarized as follows: After the public hearing on March 14th, 2022, there would be a public comment period followed by a CAAP Board meeting to review and vote on potential revisions to the rules draft. The Administrative Law Judge would then prepare a recommendation to the Board, and after consideration the Board would vote on rules for adoption.

SONAR Purpose and Need Statement:

The SONAR (Statement of Need and Reasonableness) is required to accompany the proposed rules. Exec. Sec. Clapp-Smith gave a summary of the key elements addressed in the SONAR:

- Why the rule is needed and how it will address the need
- Explanation and rationale for each part of the rule
- Who will be affected
- Costs associated with both adopting and not adopting
- Alternative, less costly, and less intrusive methods of regulation
- Notification plans for affected people

Notice of Intent to Adopt:

The Notice of Intent to Adopt will be posted on the Office of Administrative Hearings webpage. It will include links to the Rules draft and SONAR. The Public comment period pre-hearing opens Feb. 7, 2022.

Hearing Notice includes rulemaking topic, procedure, and links for SONAR and draft rules, results of hearing, and how to contact the CAAPB and Office of Administrative Hearings.

Rulemaking Public Hearing:

Public Hearing scheduled for Monday, March 14, 2022, from 10:00 A.M. until all public comments are complete. Administrative Law Judge Ann O'Reilly will be presiding.

Amendments on Addition of Commemorative Works:

An overview and explanation were given for the "Comparison of Existing and Proposed Rules on the Addition of Commemorative Works", which was included in the documents provided to Board Members (also available on the CAAPB website). Members were encouraged to bring any questions or comments on the document to Exec. Sec. Clapp-Smith.

Recent Revisions and 01/13/22 Rules Draft:

Exec. Sec. Clapp-Smith explained that most changes included in the most recent Rules draft were technical in nature.

Board Member Badgerow noted that the changes did not seem substantive and were mostly wordsmithing.

Action Item: Approve Release of Notice of Intent to Adopt, to set Hearing, and to Publish Draft Rules and SONAR:

Lt. Gov. Flanagan asked for a motion to approve the resolution.

Board Member McClean moved, and Rep. Freiberg seconded the motion.

The motion was passed with six votes.