

From: Shamus O'Meara

Sent: Sunday, April 30, 2023 5:11 PM

To: Danny Nadeau <Rep.Danny.Nadeau@house.mn.gov>; Ginny Klevorn <Rep.Ginny.Klevorn@house.mn.gov>; sen.erin.murphy@senate.mn; 'scottd@senate.mn' <scottd@senate.mn>; 'Sen. Bruce Anderson' <sen.bruce.anderson@senate.mn>

Cc: Jonah Westerman <Jonah.Westerman@house.mn.gov>; Marion Greene <Marion.Greene@hennepin.us>; rep.dave.pinto@house.mn.gov

Subject: April 25 letter from city of Mpls/Hennepin County - Municipal Building Commission Dissolution

All:

I enclose a deeply troubling city/county letter sent to Municipal Building Commission employees on April 25, after the Senate passed [HF 1826 as amended](#), declaring the city's intent to hire only MBC's union employees. This letter contradicts positions to legislators and testimony that ["Current employees of the Municipal Building Commission would become city or county employees"](#) Rep. Nadeau at 18:35, and the Senate's bill ensuring the continued employment of all MBC employees.

The letter also mischaracterizes the dissolution process, stating "exclusive representatives of unionized MBC employees" must agree on the dissolution's impact on all MBC employees. However, the Senate bill defines MBC employees as "employees represented by unions and employees not represented by unions" while the House bill states "representatives of MBC employees" must agree on the dissolution impact.

I remain hopeful the conference committee will address these important issues to ensure the continued employment of *all* MBC employees.

Thank you.

Shamus

Shamus P. O'Meara

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Office of Public Service
350 S. Fifth St. – Room 301M
Minneapolis, MN 55415
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www.minneapolismn.gov

To: MBC staff
From: Heather Johnston, Interim City Operations Officer
David J. Hough, Hennepin County Administrator
Date: April 21, 2023

As you know, the Minnesota Legislature is considering a bill impacting the Municipal Building Commission (MBC). We are writing to update you about next steps, should this bill become law. We want to let you know that we value you as employees and the work you have done over the years taking care of our shared historical building. We want to work with you to ensure that fine work continues.

The bill would repeal the existing statute establishing the MBC and instead set in place a process for the MBC's dissolution. Under that process, the MBC, the City of Minneapolis, and Hennepin County would negotiate all issues necessary to determine the ownership of MBC assets, responsibility for MBC liabilities, and the ongoing operation and management of the City Hall building. In addition, the MBC, the City of Minneapolis, and the exclusive representatives of unionized MBC employees must reach agreement on the impact of the dissolution on the MBC's employees. After negotiation and execution of these agreements, the MBC would be dissolved.

If the bill becomes law, the City of Minneapolis is committed to engaging in good faith discussions with the exclusive representatives of unionized MBC employees, with the goal of reaching consensus about the process for absorbing unionized MBC employees as City employees. Non-unionized MBC employees would be encouraged to apply for job opportunities at the City of Minneapolis and/or Hennepin County, with hiring decisions based on job qualifications and experience, and subject to the personnel rules, policies, and procedures applicable to each organization.

We understand you may have questions about these next steps. We will do our best to answer those questions, but please keep in mind that there is still much to be determined at this early stage. We will continue to keep you informed as this process progresses.

A handwritten signature in blue ink, appearing to read 'Heather A. Johnston'.

Heather A. Johnston
Interim City Operations Officer

A handwritten signature in blue ink, appearing to read 'David J. Hough'.

David J. Hough
Hennepin County Administrator

From: Shamus O'Meara <SPOMeara@olwklaw.com>

Sent: Sunday, April 16, 2023 8:37 AM

To: Danny Nadeau <Rep.Danny.Nadeau@house.mn.gov>; Ginny Klevorn <Rep.Ginny.Klevorn@house.mn.gov>

Cc: Jonah Westerman <Jonah.Westerman@house.mn.gov>; Marion Greene <Marion.Greene@hennepin.us>; rep.dave.pinto@house.mn.gov

Subject: RE: April 17 General Order 143 - SF 1424/HF 1826 (Municipal Building Commission dissolution without protection of employees)

Representative Nadeau:

Your response below is disappointing. I reiterate the vital importance of protecting the continued employment of all MBC employees in the bill— union and non-union alike.

You testified, [“Current employees of the Municipal Building Commission would become city or county employees.”](#), later advising me you were told this by city and county attorneys. I provided amendment language to make this clear and unequivocal to all. The incredible pushback received on this reasonable request speaks volumes.

At the last minute, you now ask me to have non-union (unrepresented) employees contact MBC board members who excluded these excellent public employees from a process which is deciding their livelihoods. Of course, your request comes only after objection to their exclusion in your bill. If the MBC board truly wanted dialog it would have long ago reached out to the director and other non-union employees on such vital issues.

Your referenced amendment stating only the exclusive union representative under Ch.179A can address the dissolution impact on employees further highlights the total exclusion of non-union employees under this process.

I will continue efforts to make this right for all MBC employees and their families.

Thanks for the ongoing candor and dialog on this extremely important issue.

Shamus

Shamus P. O'Meara

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From: Danny Nadeau <Rep.Danny.Nadeau@house.mn.gov>

Sent: Saturday, April 15, 2023 9:25 PM

To: Shamus O'Meara <SPOMeara@olwklaw.com>; Ginny Klevorn <Rep.Ginny.Klevorn@house.mn.gov>

Cc: Jonah Westerman <Jonah.Westerman@house.mn.gov>; Marion Greene <Marion.Greene@hennepin.us>

Subject: RE: April 17 General Order 143 - SF 1424/HF 1826 (Municipal Building Commission dissolution without protection of employees)

EXTERNAL Email: Validate First - OLWK-IT

Shamus,

As I mentioned in our most recent meeting, I will not be offering any amendments to the current language around the dissolution of MBC when it comes to the floor of the house. I remain confident that bill clearly provides for the city and county to negotiate and find agreement on the many issues around this complicated arrangement, including all employees.

Hopefully, any forthcoming memo from the MBC board will eliminate your concerns, but again, I strongly encourage that you convince any/all of the commission employees to reach out to members of the MBC with specific questions and to discuss decision timelines.

However, your inquiries have uncovered a drafting error that I'm having an amendment prepared to correct if the bill goes to conference committee and the committee feels it vital to include. I'm adding back the word "exclusive" along with the statutory reference for the definition of exclusive representative found in PELRA. If adopted, Art. 4, sec. 5(b) would read:

The Municipal Building Commission, city of Minneapolis, and the exclusive representatives as defined in Chapter 179A.03, subdivision 8, of the Municipal Building Commission employees must reach an agreement addressing the impact of a dissolution on employees before fully executing the transactional documents.

I'm not convinced amended language is necessary, but I want to be prepared. Thank you again for your attention to this bill.

Rep. Danny Nadeau
House District 34A

291 State Office Building
St. Paul, MN 55155

[651-296-4315](tel:651-296-4315)

Rep.Danny.Nadeau@House.Mn.Gov

Click [here](#) to receive my email newsletter!

From: Shamus O'Meara <SPOMeara@olwklaw.com>

Sent: Saturday, April 15, 2023 4:12 PM

To: Ginny Klevorn <Rep.Ginny.Klevorn@house.mn.gov>

Cc: Jonah Westerman <Jonah.Westerman@house.mn.gov>; Danny Nadeau <Rep.Danny.Nadeau@house.mn.gov>; Marion Greene <Marion.Greene@hennepin.us>

Subject: RE: April 17 General Order 143 - SF 1424/HF 1826 (Municipal Building Commission dissolution without protection of employees)

Thank you, Representative Klevorn.

Attaching the proposed amendment language provided in my prior emails to you and Rep. Nadeau. I had also asked Rep. Nadeau to please send the amendment language he referenced at our Thursday meeting (regarding an exclusivity issue).

Candidly, a memo to employees doesn't do much at this stage with nothing in the bill to protect the jobs and benefits of MBC employees earned over many years of excellent public service. The fair approach is to amend the bill to include that important protection for all MBC employees.

I appreciate our earlier dialog and your follow up today.

Shamus

Shamus P. O'Meara

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Amendment to HF 2246 / SF 2165

A bill for an act

relating to Hennepin County; dissolving the Municipal Building Commission; authorizing the transfer of property, assets, and obligations of the Municipal Building Commission to the city of Minneapolis; repealing Minnesota Statutes 2022, sections 383B.75; 383B.751; 383B.752; 383B.753; 383B.754.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Sec. 1. **PREEMPTION.**

This act supersedes any other law, home rule charter provision, and city ordinance to the contrary.

Sec. 2. **DEFINITIONS.**

(a) For the purposes of this act, the terms defined in this section have the meanings given unless the context indicates otherwise.

(b) "Benefits" means all of the health insurance, health savings, sick leave, vacation time, deferred compensation, retirement benefits, PERA benefits, and all other employee benefits, monies, balances, accounts, allowances, accruals and credits of the Municipal Building Commission Employees.

(cb) "City hall and courthouse" means the city hall building and courthouse owned by the city of Minneapolis and Hennepin County and under the care and control of the Municipal Building Commission pursuant to Minnesota Statutes, sections 383B.75 to 383B.754.

(de) "Dissolution date" means the day after the Municipal Building Commission, the city of Minneapolis, and Hennepin County fully execute the transactional documents.

(ed) "Municipal Building Commission" means the entity created by Minnesota Statutes, section 383B.75.

(f) "Municipal Building Commission Employees" means all employees of the Municipal Building Commission including employees represented by unions and employees unrepresented by unions.

(g) "Representatives of the Municipal Building Commission Employees" means the person or entity selected by each Municipal Building Commission Employee to represent that employee pursuant to Section 6(b) of this act.

(he) "Transactional documents" means the agreements and documents, including the agreement between the city of Minneapolis, Hennepin County and representatives of the Municipal Building Commission Employees required by Section 6(b) of this act, any real estate ownership structure or joint powers agreement under Minnesota Statutes, section 471.59, needed to effectuate the efficient dissolution of the Municipal Building Commission pursuant to this act.

Sec. 3. **TRANSFER OF ASSETS.**

Notwithstanding any other law to the contrary, the transaction documents shall provide for the transfer of all assets of the Municipal Building Commission including but not limited to all furniture, fixtures, equipment, and other personal property of the Municipal Building Commission to the city of Minneapolis or other legal entity as necessary and appropriate for the use of the assets in the ongoing operation and management of the city hall and courthouse.

Sec. 4. CONTINUED EMPLOYMENT OF MUNICIPAL BUILDING COMMISSION EMPLOYEES

Notwithstanding any other law to the contrary, immediately upon the full execution of the transactional documents, all Municipal Building Commission Employees shall be employees of the city of Minneapolis or Hennepin County employed in equivalent positions at their current salaries and wages with all of their current benefits, and shall continue to have all rights, remedies and privileges under Minnesota Statutes 2022, section 383B.751.

Sec. 54. MUNICIPAL BUILDING COMMISSION DISSOLUTION.

(a) Notwithstanding any other law or home rule charter provision to the contrary, the Municipal Building Commission and all its functions will be dissolved upon the dissolution date.

(b) The transactional documents must include how the city of Minneapolis and Hennepin County will manage the outstanding liabilities of the Municipal Building Commission that exist as of the dissolution date.

Sec. 65. TRANSACTIONAL DOCUMENTS; AGREEMENTS.

(a) The Municipal Building Commission, city of Minneapolis, and Hennepin County may execute transactional documents to effectuate the transfer of assets and dissolution provided for in this act.

(b) The Municipal Building Commission, city of Minneapolis, and the representatives of the Municipal Building Commission Employees must reach an agreement addressing the impact of a dissolution on Municipal Building Commission Employees before fully executing the transactional documents.

(c) The Municipal Building Commission, city of Minneapolis, and Hennepin County must fully execute the transactional documents before the filing of a certificate of local approval of this act.

Sec. 7. ONGOING STATUTORY RIGHTS OF MUNICIPAL BUILDING EMPLOYEES

Notwithstanding any other law or home rule charter provision to the contrary, this act shall not be construed to invalidate the rights, remedies and privileges of the Municipal Building Employees under Minnesota Statutes 2022, section 383B.751.

Sec. 86. REPEALER.

Except as set forth in Section 7 of this act, Minnesota Statutes 2022, sections 383B.75; 383B.751; 383B.752; 383B.753; and 383B.754, are repealed.

Sec. 97. EFFECTIVE DATE.

This act is effective the day after the governing body of the city of Minneapolis and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

From: Ginny Klevorn <Rep.Ginny.Klevorn@house.mn.gov>

Sent: Saturday, April 15, 2023 1:22 PM

To: Shamus O'Meara <SPOMeara@olwklaw.com>

Cc: Jonah Westerman <Jonah.Westerman@house.mn.gov>; Danny Nadeau <Rep.Danny.Nadeau@house.mn.gov>; Marion Greene <Marion.Greene@hennepin.us>

Subject: Re: April 17 General Order 143 - SF 1424/HF 1826 (Municipal Building Commission dissolution without protection of employees)

EXTERNAL Email: Validate First - OLWK-IT

Thank you Seamus. Rep.Nadeau has been keeping me in the loop of your conversations. Further, I have spoken with Commissioner Greene regarding your concerns. It is my understanding a memo will be sent to employees shortly. I do not know contents of memo.

Chair Klevorn

On Apr 15, 2023, at 9:56 AM, Shamus O'Meara <SPOMeara@olwklaw.com> wrote:

Rep. Klevorn:

I am advised omnibus bills SF 1424 and HF 1826 (both containing the MBC dissolution without protecting the continued employment of MBC employees) are part of the General Orders for Monday, April 17.

There are deep concerns the bill be amended to protect the continued employment of MBC employees, including its non-represented (nonunion) employees. The non-represented employees (director, two project managers, HR/Payroll technician, administration manager, accountant, building operations supervisor, custodial/security manager) have not been provided any specific information about their continued employment, no operational agreement, nothing about their future employment after dissolution of the MBC. I am unaware of what information, if any, has been provided to union employees of the MBC.

I have tried contacting the two lobbyists for the bill, Kirk Pederson and Inderia Falana, after Senate counsel Joan White asked them to contact me about this situation. They have not replied.

The fair approach would be to amend the bill to include protection of the MBC employees.

Will there be any amendment offered to protect the continued employment of MBC employees, including its non-represented employees?

143 -- S.F. No. 1424: (SENATE AUTHORS: MURPHY; Companion to H.F. No. 1826) A bill for an act relating to state government; designating the state fire museum; changing provisions in state government operations; modifying enabling statutes for the Legislative Commission on Cybersecurity; modifying provisions related to the Office of the Legislative Auditor and the Legislative Audit Commission; authorizing forms of collateral for state deposits; modifying procedures for challenging accuracy of government data; modifying provisions relating to the Legislative Salary Council; modifying senate confirmation process for appointee nominations; modifying the targeted small business contracting program; modifying provisions related to the Regent Candidate Advisory Council; modifying provisions related to the State Historical Society; modifying the Healthy Eating, Here at Home program; modifying provisions relating to the Mississippi River Parkway Commission membership terms; modifying the classified status of several positions in public safety; eliminating legislative action on collective bargaining agreements and arbitration decisions; moving and modifying the Office of Collaboration and Dispute Resolution; creating the Office of Enterprise Sustainability; eliminating the Candidate Advisory Council; modifying the setting of a fee for electric vehicle chargers for public use on the Capitol complex; modifying provisions related to local government; amending Minnesota Statutes 2022, sections 3.303, subdivision 6; 3.855, subdivisions 2, 3, 5; 3.888, subdivision 5, by adding subdivisions; 3.97, subdivision 2; 3.972, subdivision 3; 3.978, subdivision 2; 3.979, subdivisions 2, 3, by adding a subdivision; 9.031, subdivision 3; 13.04, subdivision 4; 15.066, by adding a subdivision; 15A.0825, subdivisions 1, 2, 3, 4; 16B.32, subdivisions 1, 1a; 16B.58, by adding a subdivision; 16B.87, subdivision 2; 16C.16, subdivisions 6, 6a, 7; 16C.19; 16C.36; 43A.06, subdivision 1; 43A.18, subdivisions 1, 9; 118A.09, subdivisions 1, 2, 3; 137.0245, subdivision 2, by adding a subdivision; 138.081, subdivision 3; 138.665, subdivision 2; 138.912, subdivisions 1, 2; 161.1419, subdivision 2; 179A.22, subdivision 4; 383B.32, subdivision 2; 428A.01, by adding subdivisions; 428A.02, subdivision 1; 462A.22, subdivision 10; 473.606, subdivision 5; 507.0945; proposing coding for new law in Minnesota Statutes, chapters 1; 16B; 118A; 134; 428A; 471; repealing Minnesota Statutes 2022, sections 16B.24, subdivision 13; 16B.323, subdivisions 1, 2; 16B.326; 43A.17, subdivision 9; 136F.03; 179.90; 179.91; 383B.75; 383B.751; 383B.752; 383B.753; 383B.754.

| DATE | D-PG | OFFICIAL STATUS |
|------------|-------|-----------------------------------------------------|
| 02/08/2023 | 742 | Introduction and first reading |
| 02/08/2023 | | Referred to State and Local Government and Veterans |
| 03/27/2023 | 2533a | Comm report: To pass as amended |
| 03/27/2023 | 2722 | Second reading |

Thanks

Shamus

Cell: 612.749.4908

Shamus P. O'Meara

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From: Shamus O'Meara

Sent: Monday, March 27, 2023 11:33 AM

To: 'Ginny Klevorn' <Rep.Ginny.Klevorn@house.mn.gov>

Subject: RE: Follow up to discussion re. H.F. 2446 (Municipal Building Commission Dissolution)

Representative Klevorn:

I am following up on this issue. Can we reconnect at your convenience to further discuss.

Thank you.

Shamus

Cell: 612.749.4908

Shamus P. O'Meara

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From: Ginny Klevorn <Rep.Ginny.Klevorn@house.mn.gov>
Sent: Thursday, March 16, 2023 4:31 PM
To: Shamus O'Meara <SPOMeara@olwklaw.com>
Subject: RE: Follow up to discussion re. H.F. 2446 (Municipal Building Commission Dissolution)

EXTERNAL Email: Validate First - OLWK-IT

Thank you, Shamus, I'll review the matter. I appreciate the conversation yesterday.

Rep. Ginny Klevorn
HD 42B, Plymouth & Medicine Lake
Chair, *State and Local Government Policy & Finance*
581 State Office Building
St. Paul, MN 55155
651-296-5511

Legislative Assistant:
Jonah Westerman
Email: jonah.westerman@house.mn.gov

From: Shamus O'Meara <SPOMeara@olwklaw.com>
Sent: Thursday, March 16, 2023 4:20 PM
To: Ginny Klevorn <Rep.Ginny.Klevorn@house.mn.gov>
Subject: Follow up to discussion re. H.F. 2446 (Municipal Building Commission Dissolution)

Representative Klevorn:

Thank you for the brief discussion yesterday concerning H.F. 2446 (Municipal Building Commission Dissolution), including my enclosed Objection to H.F. 2446/S.F. 2165. I hope we can continue discussions to address significant ongoing concerns including:

1. MBC's non-represented employees* have not been provided any specifics about their continued employment after MBC's proposed dissolution, nor any representation concerning it. H.F. 2446 says nothing about their future jobs, health benefits, vacation/sick leave, or existing civil service protections under the MBC statute which would be repealed if H.F. 2446 is enacted.

* Director, two project managers, HR/Payroll technician, administration manager, accountant, building operations supervisor, custodial/security manager

2. H.F. 2446 does *not* state MBC employees will be transferred to the city or county.

The only MBC "assets" transferred are "furniture, fixtures, equipment, and other personal property." Nothing is said about transferring MBC employees.

Rep. Nadeau states, "Current employees of the Municipal Building Commission would become city or county employees." March 12 [State and Local Govt Finance and Policy](#)

[Comm. Hearing](#) at 18:35. However, such comments are not part of H.F. 2446 and do not protect the jobs of MBC employees. To do that H.F. 2446 would need to be amended to specifically provide for the continued employment of all MBC employees with their benefits intact including continued civil service protections under Minn. Stat. § 383B.371 after that statute is repealed. See [Minn. Stat. 645.35](#) (Effect of Repeal).

3. H.F. 2446 states “representatives of the Municipal Building Commission employees” must agree with the city and MBC on “addressing the impact of a dissolution on employees” before transactional documents are fully signed.

What does this mean? Who are the “representatives of the MBC employees.” Is it meant for all MBC employees? How far will the dissolution process go before providing continued employment for all MBC employees? If there is no agreement is the MBC still dissolved despite objection? What happens to the employment and due process protections for MBC employees when the MBC statute is repealed?

MBC non-represented employees have not been provided any representation to discuss the impact of MBC’s proposed dissolution on them or anything else in H.F. 2446. Rep. Nadeau states “the city and the county have been involved in protracted discussions” (comm. hearing at 18:18), but MBC’s non-represented employees have never been invited to such discussions despite the enormous impact on all MBC employees and their families.

Thank you.

Respectfully,

Shamus

Cell: 612.749.4908

Shamus P. O’Meara

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