

August 15, 2024

Members

Cities:

Belle Plaine
Credit River
Elko New Market
Jordan
New Prague
Prior Lake
Savage
Shakopee

Townships:

Belle Plaine
Blakeley
Cedar Lake
Helena
Jackson
Louisville
New Market
St. Lawrence
Sand Creek
Spring Lake

School Districts:

Belle Plaine
Burnsville-Eagan-
Savage
Jordan
New Prague
Prior Lake-Savage
Shakopee
Shakopee Area
Catholic Schools
Southwest Metro
Intermediate District

County Entities:

Scott County
Scott County
Community
Development Agency
Scott County
Township Association

Tribal Community:

Shakopee
Mdewakanton Sioux
Community

Regional Entities:

Metro Cities (AMM)
Minnesota Valley
Transit Authority
Prior Lake-Spring
Lake Watershed
District
Scott Soil & Water
Conservation District
Three Rivers Park
District

Minnesota Campaign Finance Board
658 Cedar Street,
Suite 190
St. Paul, MN 55155
Attn: Jeff Sigurdson, Executive Director

Re: SCALE Comments on Potential Changes to Minnesota's Law Regulating Lobbying Local Units of Governments

Dear Mr. Sigurdson and Members of the Minnesota Campaign Finance Board:

On behalf of the Scott County Association for Leadership and Efficiency (SCALE), I am writing in response to the Board's call for input regarding potential changes to Minnesota's law regulating lobbying of local units of government. We appreciate the opportunity to contribute to this important discussion and offer our perspective on the matter.

Introduction

SCALE is a unique organization designed to facilitate efficiency and conversation across county, tribal, city, township, school, and other governments in Scott County. Our mission aligns closely with the principles of transparency and good governance. We commend the Board's initiative to study and potentially refine the distinctions between lobbying public officials and local officials in political subdivisions.

SCALE members fully support full transparency in local governments to their constituents. But, we believe that the 2023 law, without substantial modifications, may have significant unintended consequences which will frustrate, rather than foster, transparency. We offer the following considerations and recommendations:

Key Considerations and Recommendations: Unlike the Minnesota Legislature or state agencies, local governments are already highly transparent entities, *especially* to the residents of our communities. For example, the Minnesota Open Meeting Law ensures that discussions of official business among a quorum of local officials occur only with proper public notice and opportunity for public attendance. The gift ban prohibits gifts from "interested persons" to local officials. This inherent transparency differs significantly from the more private nature of legislative lobbying at the state level. In crafting its revisions, we urge the Board to recognize these fundamental differences and tailor any new regulations to complement, rather than duplicate, existing transparency measures in local governments.

1. **Redefining "Local Lobbying"** The current broad definition of "lobbying" inherently assumes a relationship or transaction that is common at the Legislature and state agencies, and very *uncommon* at the local level. Merely expanding the existing definition to local officials will, without question, inadvertently capture routine interactions between citizens and their local governments, potentially stifling civic engagement and unnecessarily burdening local officials and citizens alike. *Recommendation:* We propose creating a definition of "local lobbying" that more closely aligns with what public expectations of who a "lobbyist" is:

- A "local lobbyist" should be defined as a person or firm paid by a client specifically for the purpose of advocacy before a governmental agency.
 - The primary purpose of the lobbyist should be *advocacy*, not information-sharing or where discussion of an official action is ancillary to the regular business of the purported "lobbyist."
 - Exemptions should be clearly stated for:
 - Local business owners collaborating with local officials in the regular course of their business
 - Community relations representatives of large businesses require regular interactions with local officials (e.g., electric utilities, railroads, communications companies).
 - Residents leading specific efforts to change local laws, even where expenditures may be made to influence the outcome, if the expenditures are for a "one off" and not part of the resident holding themselves out as a "local lobbyist."
 - Professionals providing specific expertise (e.g., engineers, architects, lawyers)
2. **Uniform Treatment of Local Governments** The current population-based distinction in lobbying requirements creates an arbitrary divide between similarly functioning local governments. We agree with Rep. Coulter that the distinction between (for example) Bloomington and Shakopee is arbitrary. *Recommendation:* Treat all local units of government the same, regardless of population size. This approach recognizes that while larger municipalities may experience more lobbying activity, the fundamental nature of local government operation remains similar across the state.
3. **Local Disclosure vs. State Reporting** Residents seeking information about "local lobbying" activities are far more likely to look to their local government than to a state agency for information about that activity. *Recommendation:* Consider a modified disclosure requirement that mandates local units of government maintain and make available records of "local lobbying" activity to their residents upon request. This approach would be more accessible to the public and more manageable for those required to report. Local governments could comply in a way that best fits their communities. Minneapolis, for example, may have a volume of local lobbying activity that requires a searchable database with regular reporting. Northome may go years or decades without any such activity, and should it occur, may merely keep a record of who was retained, for what purpose, as a document available upon request to a resident.
4. **Balancing Transparency and Administrative Burden** Any new regulations should strike a balance between providing meaningful transparency and avoiding undue administrative burdens on local governments and citizens engaging with their local officials. The board should clearly express its desire to avoid creation of a chilling effect between residents and their local officials. *Recommendation:* Consider a tiered approach to reporting requirements based on the nature and frequency of lobbying activities, rather than the size of the local government.

Conclusion

SCALE believes that with thoughtful modifications, the lobbying regulations can achieve their intended purpose of transparency while respecting the unique nature of local governance and citizen engagement. We stand ready to collaborate with the Board in refining these regulations to best serve Minnesota's communities.

We appreciate your consideration of our input and would welcome the opportunity to discuss these matters further.

Sincerely,



Commissioner Barbara Weckman Brekke
Chair
Scott County Association for Leadership and Efficiency (SCALE)