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**Subject:** Comment on Proposed Rule  
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Jeff,

A proposed CFB rule was brought to my attention by Beth Fraser and John Boehler, and I wanted to offer a thought. The rule I'm referring to is:

4511.1100 MAJOR DECISION OF NONELECTED LOCAL OFFICIALS.

18.20 Subpart 1. Major decision regarding the expenditure of public money. Attempting  
18.21 to influence a nonelected local official is lobbying if the nonelected local official may make,  
18.22 recommend, or vote on as a member of the political subdivision's governing body, a major  
18.23 decision regarding an expenditure or investment of public money.

19.1 Subp. 2. Actions that are a major decision regarding public funds. A major decision  
19.2 regarding the expenditure or investment of public money includes but is not limited to a  
19.3 decision on:

19.4 A. the development and ratification of operating and capital budgets of a political  
19.5 subdivision, including development of the budget request for an office or department within  
19.6 the political subdivision;

19.7 B. whether to apply for or accept state or federal funding or private grant funding;

19.8 C. selecting recipients for government grants from the political subdivision; or

19.9 D. expenditures on public infrastructure used to support private housing or business  
19.10 developments.

19.11 Subp. 3. Actions that are not a major decision. A major decision regarding the  
19.12 expenditure of public money does not include:

19.13 A. the purchase of goods or services with public funds in the operating or capital  
19.14 budget of a political subdivision;

19.15 B. collective bargaining of a labor contract on behalf of a political subdivision;  
19.16 or

19.17 C. participating in discussions with a party or a party's representative regarding  
19.18 litigation between the party and the political subdivision of the local official.

My only comment is on Subpart 2, Section D, referring to "expenditures". My concern is that the term could be construed as only referring to direct expenditures, not more indirect forms of financing such as Tax Increment Financing, land value write-downs, etc. I think some clarification is warranted – perhaps something like "expenditures and/or financing"?

Thanks!

Nathan

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