

Minnesota Coalition on Government Information¹

The Minnesota Government Data Practices Act (MGDPA) and cloud-based data

- The MGDPA was crafted to provide broad public access to government information for purposes of oversight

"[The Minnesota Legislature enacted the MGDPA's presumption of public access] in response to media requests that the general concept of openness in government be incorporated into the legislative plan for data practices." *See generally* Donald A. Gemberling & Gary A. Weissman, *Data Privacy: Everything You Wanted to Know About the Minnesota Government Data Practices Act - From "A" to "Z,"* 8 WM. MITCHELL L. REV. 573, 574-75 & nn.8-10 (1982).

- The MGDPA was designed, in part, by information technology professionals (hence “data” and not “records” in the title)

"[M]uch of the advice to the Legislature in its development of the initial Act came from ... data processing professionals" [who helped the Legislature recognize] "the infinite variety of gamesmanship advantages which are available to agencies in their disputes with the public." As such, the Legislature drafted the Act with an "acute awareness" of how "in any contest between ... the public and a government agency ... only the agency has the advantage of knowing what types of data are maintained, how they are maintained and how the data can be made accessible." In its construction of the MGDPA, the Legislature defined government data broadly, so as to stop "agencies from imposing technology as a barrier to access." *See generally* Donald A. Gemberling, *Minnesota Government Data Practices Act: History & General Operation*, IN GOVERNMENT LIABILITY 241, 242 (Minn. CLE Cmte. ed., 1981).

¹ MNCOGI is an all-volunteer, non-partisan, non-profit organization focused on ensuring robust public access to government data.

- The MGDPA's definition of "government data" is intentionally broad, encompassing:

"All data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media, or conditions of use."

"The focus of [the Data Practices Act] is information, not documents." *Northwest Publications, Inc. v. City of Bloomington*, 499 N.W.2d 509, 511 (Min. App. 1993).

- The Legislature added clarifying language to ensure that its definition of "government data" was understood to cover a broad spectrum of data during changing times:

"The legislature added the regardless of physical form, storage media, or conditions of use language to the definition of government data specifically to clarify that electronic and other forms of non-traditional government records are subject to Chapter 13." (Commissioner of Administration Data Practices Advisory Opinion 00-019).

Electronic government data today:

- Not only stored on computers owned, operated, and / or physically possessed by government entities
- Can be stored (“maintained”) on third-party computers and computing systems used by / accessed by government entities:
 - Google “Gmail” used by some municipal employees
 - Body camera footage maintained by police agencies
 - “Drop Box” and other file-sharing systems
- “Cloud-based data” is data maintained on a remote computing system that a user can access from their local computer
- In order to view / access / review remotely stored cloud-based data, the data must be transmitted from the remote computing system, and must be received by a user’s local computer
- Data “received” or “maintained” by a government entity is “government data” within the meaning of Chapter 13

Government data can be maintained on non-government electronic devices

- Electronic data does not have to be maintained on a government device/computer for it to be “government data”
- Multiple Data Practices Advisory opinions have held that “government data” can be maintained on non-governmental devices:

In a 2018 data request submitted by the Star Tribune newspaper, the paper sought access to the text messages of St. Louis County Commissioner Peter Stauber. In replying to the Star Tribune, the county wrote: “[w]ith regard to text messages, Commissioner Stauber does not have a county owned mobile device, therefore the county is not the custodian of the data.” In Data Practices Advisory Opinion 18-013, the commissioner opined that “government employees and public officials can create and maintain government data on personal devices and accounts.”

The commissioner has also issued several opinions on related matters, including Opinion 08-028 (an audio recording of a school board meeting made by a school superintendent on a personal recorder was “government data” accessible to a requester even after the superintendent had retired); Opinion 10-023 (e-mail correspondence in the private e-mail account of the Mayor of North St. Paul was “government data” if it related to an issue involving the City of North St. Paul); and Opinion 12-019 (text messages and e-mails related to government activity involving members of the Duluth Airport Authority sent from and received on the personal devices of authority members were “government data.”)

Other states have faced controversies over access to government information held in “cloud-based” storage

- Florida (litigation over access to mayor’s records in Drop Box)
- Wisconsin (litigation over Drop Box data held by legislator)
- Florida and Wisconsin cases ended in disclosure of data

In Minnesota, a dispute over “cloud-based” data emerged during a data request for the State of Minnesota’s Amazon “HQ2” bid¹

- The Amazon bid was jointly produced by Minnesota’s Department of Employment and Economic Development and regional economic development agency Greater MSP

¹ The data request (and subsequent MGDPA litigation) was undertaken by non-partisan, non-profit organization Public Record Media (PRM), which requests government data and produces articles and reports based on the data. MNCOGI board member Matt Ehling also serves as the volunteer executive director of PRM.

Initial data request

VIA U.S. mail and electronic mail

RE: Minnesota Government Data Practices Act request

Dear Commissioner Hardy,

This is a request under Minnesota Statutes Chapter 13, the Minnesota Government Data Practices Act. Through my request (the "Request"), I am seeking the following government data maintained by your agency:

1. Any and all data submitted by the State of Minnesota to AMAZON.COM.NVDC, Inc. ("Amazon") in response to Amazon's request for proposals ("RFP") related to a search for a new corporate headquarters;
2. Any and all data, including any RFPs, submitted by Amazon to the State of Minnesota between January 1, 2017 and October 19, 2017 that relate to Amazon's search for a new corporate headquarters;

In addition, I am seeking the following government data produced, maintained, transmitted, and/or received by your agency between September 1, 2017 and October 19, 2017:

3. Any and all correspondence (in written and/or electronic form) between staff of your agency and staff of Greater MSP regarding the State of Minnesota's response to Amazon's RFP related to a search for a new corporate headquarters.

Please note that any data responsive to Item 1 of the Request would not qualify for protection under Minn. Stat. § 13.37 as "trade secret" data, as the data was not supplied by a private party (an "affected individual or organization" in the language of the statute), but rather by a government entity to a private party (in this instance, Amazon).

- Initial request for Amazon bid submitted to DEED
- Expectation that Amazon bid document would be “public” data in full, or in part, and thus disclosable

Initial data production



October 16, 2017

Mr. Jeff Bezos
Founder, Chairman, and Chief Executive Officer
Amazon Office of Economic Development
c/o Site Manager Golden
2121 7th Avenue
Seattle, Washington 98121

Dear Mr. Bezos:

On behalf of the State of Minnesota we are proud to submit our state's response to Amazon's call to establish a second corporate headquarters in North America. As you will see in our proposal, Minnesota will be a terrific second home for Amazon.

Our state offers exceptionally talented and productive people, an excellent education system, a high quality of life, and a diverse business community that will help Amazon hit the ground running. Seventeen Fortune 500 companies are headquartered here, including some of North America's largest food, retail, computing, medical device, and logistics companies. The international airport is within 15 minutes of each downtown. The University of Minnesota is a top ranked research university and our entire system of higher education will provide a pipeline for new talent. Additionally, the quality of life in Minnesota is unmatched. The Twin Cities has a thriving art and theatre scene, while unbound outdoor recreational opportunities are at our doorstep.

We believe in strong public-private partnerships as a key strategy for economic development and business success. If Amazon selects Minnesota as the site of HQ2, we will partner with you to ensure that Amazon has access to the best workforce, education systems, and infrastructure in the world.

We are grateful for this unprecedented opportunity and look forward to continue working with you to ensure that Amazon thrives in Minnesota.

Thank you for your consideration.

Sincerely,

Handwritten signature of Mark Dayton in black ink.
Mark Dayton

Handwritten signature of Tina Smith in black ink.
Tina Smith

Attached are the responsive materials you requested regarding Minnesota's submitted proposal to Amazon's HQ2 RFP. These are the only documents DEED possesses that are responsive to this request.

Minnesota's complete proposal to the Amazon HQ2 RFP was submitted by Greater MSP, an organization that partnered with DEED on this project. After assessing the requirements of the Amazon RFP and the deadline to respond, it was clear that DEED and Greater MSP would need to perform duties that best fit each organization's strengths. Greater MSP took on the task of compiling Minnesota's response and submitting it to Amazon.

Second data production (e-mails)

Fwd: Amazon HQ #2

From: "Hardy, Shawntera (DEED)" <shawntera.hardy@[REDACTED]>
To: "Shalda, Samantha (DEED)" <samantha.shalda@[REDACTED]>, "Jones, Allison (DEED)" <allison.jones@[REDACTED]>, "McKinnon, Kevin (DEED)" <kevin.mckinnon@[REDACTED]>, "Rossate, Jeff (DEED)" <jeff.rossate@[REDACTED]>, "Delaney, Shane M (DEED)" <shane.m.delaney@[REDACTED]>
Date: Thu, 07 Sep 2017 10:42:51 -0500

See below. Let Sarah know what external partners should be at the meeting tomorrow. I'm assuming if we agree. Langley, Sage Martinson and Frank at CPED. Kevin and Jeff anyway to see if other regions have been contacted?

Shawntera Hardy | Commissioner
Minnesota Department of Employment and Economic Development
1st National Bank Building | 332 Minnesota Street, Suite E200
Saint Paul, MN 55101

Yes, definitely. Then, Sarah, please set up a meeting tomorrow morning at 9:00am at the Residence with Shawntera, whomever she wants to include from her office or MSP, Joanna, and Kate. Have them send me the RFP tonight.

Thanks.

-----Original Message-----

From: Zakula, Linden (GOV) (GOV) <linden.zakula@[REDACTED]>

Governor – Amazon is looking to build another Headquarters which would be "a full equal" to their Seattle HQ according to Jeff Bezos. It would be up to 50,000 jobs. Kessler already reached out to me this morning and asked if we would be making a pitch. I spoke with DEED who is already reviewing the RFP requirements and Commissioner Hardy said they will put together a bid, likely in partnership with GreaterMSP. I thought it might be good for you to issue a statement early today and state that you have directed your Commissioner of DEED to put together a proposal. DEED does anticipate a response would require large state incentives and will be competing with states with large economic development packages. Let me know if you like that idea and we can draft something up for you.

Linden Zakula | Deputy Chief of Staff
Office of Governor Mark Dayton & Lt. Governor Tina Smith
130 State Capitol, St. Paul, MN 55155
Office: [REDACTED] | Cell: [REDACTED] | @lindenzakula

Good morning, Legislative Leaders, Chairs, and Leads:

At the Governor's direction, DEED will be partnering with Michael Langley's team at Greater MSP to develop and submit a proposal in response to Amazon's RFP to establish a second corporate headquarters in North America. This proposal will be submitted by October 19, as requested by Amazon. Amazon has outlined a number of requirements, preferences, and key decision drivers for their future "HQ2". We will consider each of these closely as we explore all possible sites in the region for this transformational and once in a lifetime project.

E-mails indicated use of "Box" cloud-based file-sharing system during work on Amazon bid

RE: Meeting this Thursday 10:30am at DEED

From: Valerie Vannett <valerie.vannett@[REDACTED]>
To: "McKinnon, Kevin (DEED)" <kevin.mckinnon@[REDACTED]>, Maura Donovan <mndonovan@[REDACTED]>, "Rothchild, Mary T" <mary.rothchild@[REDACTED]>, pcerkvenik@[REDACTED], jdukich@[REDACTED], "Bill Blazar (bblazar@[REDACTED])" <bblazar@[REDACTED]>, "Henkel, Timothy (DOT)" <tim.henkel@[REDACTED]>, "Probst, Dennis" <denny.probst@[REDACTED]>, "Ryks, Brian" <brian.ryks@[REDACTED]>, "Lambrecht, Thomas GRE-MG" <tambrecht@[REDACTED]>, "Pfeiffer, Daniel N" <dan.pfeiffer@[REDACTED]>, "Tchourumoff, Alene (Met Council)" <alene.tchourumoff@[REDACTED]>, "Sorenson, Nichole (OHE)" <nichole.sorenson@[REDACTED]>, libby.starling@[REDACTED]
Cc: David Griggs <david.griggs@[REDACTED]>, "Young, Neal (DEED)" <neal.young@[REDACTED]>, "Rossate, Jeff (DEED)" <jeff.rossate@[REDACTED]>, Joel Akason <joel.akason@[REDACTED]>
Date: Thu, 28 Sep 2017 15:27:02 -0500

Hello,

I had noted this morning that I can open a folder on Box, our file share system, as a repository for documents/information. Please give me the email for the person(s) you'd like to have access and I'll get that moving – the Box system will then send them an invite to the folder.

If you'd rather email docs to me or Neal Young you're welcome to do that as well.

Thanks,
Val

Val Vannett
Director, Research & Analysis
GREATER MSP™
Minnesota's South East Regional Economic Development Partnership
400 Robert Street North, Suite 1600, Saint Paul, MN 55101
Office: [REDACTED] Fax: 651.292.4656

From: McKinnon, Kevin (DEED) [mailto:kevin.mckinnon@[REDACTED]]
Sent: Monday, September 25, 2017 4:22 PM
To: Maura Donovan <mndonovan@[REDACTED]>, "Rothchild, Mary T" <Mary.Rothchild@[REDACTED]>; pcerkvenik@[REDACTED]; jdukich@[REDACTED]; Bill Blazar (bblazar@[REDACTED]) <bblazar@[REDACTED]>; Henkel, Timothy (DOT) <tim.henkel@[REDACTED]>; Probst, Dennis <Denny.Probst@[REDACTED]>; Ryks, Brian <Brian.Ryks@[REDACTED]>; Lambrecht, Thomas GRE-MG <tambrecht@[REDACTED]>; Pfeiffer, Daniel N <dan.pfeiffer@[REDACTED]>; Tchourumoff, Alene (Met Council) <alene.tchourumoff@[REDACTED]>; Sorenson, Nichole (OHE) <nichole.sorenson@[REDACTED]>; libby.starling@[REDACTED]
Cc: David Griggs <David.Griggs@[REDACTED]>; Valerie Vannett <Valerie.Vannett@[REDACTED]>; Young, Neal (DEED) <neal.young@[REDACTED]>; Shalda, Samantha (DEED) <samantha.shalda@[REDACTED]>; Rossate, Jeff (DEED) <jeff.rossate@[REDACTED]>; Joel Akason <Joel.Akason@[REDACTED]>

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Thanks,
Val

E-mails indicated review of Amazon bid materials in "Box"

Subject: RE: you've been busy!

Hi Thu-Mai,

I gave them (our marketing head and his 'writer' team) a separate sheet with all the quotes/testimonials you had sometime last week. I don't know what they did with them so I left one or two in the text almost as a reminder to them(!).

Our marketing head had talked about getting full letters as testimonials, so perhaps was leaning against sprinkling them, but then I didn't hear where they landed on that 'testimonials' part of the rfi so don't know what they'll end up doing....

Val

From: Ho-Kim, Thu-Mai (DEED) [mailto:thu-mai.ho-kim@deed.com]
Sent: Monday, October 16, 2017 8:46 AM
To: Valerie Vannett <Valerie.Vannett@deed.com>
Subject: you've been busy!

Hi Val,

Was looking at the Box files, and it looks like you guys have been busy putting together a final package. It looks good!

I noticed that you included one business quote in the Arts section (#8; from Brunsfeld exec about supporting the arts). I have a bunch more that I think that you could sprinkle here and there, that would work out well. Amazon had mentioned in the RFP that they'd be interested in testimonials from companies.

I collected these quotes mostly from the expansion news stories. Magda included (an earlier version of) my list into the Summary_Markets and Innovation file at the end, but I think they would work better if they were used sparingly in the appropriate sections.

Here are some I would most recommend (also so that the Brunsfeld one isn't sticking out as the only inclusion). But consult the list if you'd like to see more.

- **For the Diversity area in the Additional Considerations (#9):**

"Diversity is a competitive weapon for 3M as it spurs new ideas and fresh perspectives, which powers our creativity," said 3M Chairman, President and CEO Inga Thulin. "From appointing women to top leadership positions to our new expanded parental leave benefits, we are creating an even more diverse and inclusive culture where women and men have an equal opportunity to grow, succeed and advance in our enterprise."

- **For living in Minneapolis (#8) or quality of life:**

"The attraction is the neighborhood. Our tenants love being here because everything is so close — restaurants, parks, the river. And it's small enough so everyone knows each other."
Gina Lampe, leasing manager of Brunsfeld North Loop in Minneapolis.

- **Civic engagement**

"We deeply believe that our business success is tied to the success of the community. It's not just a

From: Ho-Kim, Thu-Mai (DEED) [mailto:thu-mai.ho-kim@deed.com]
Sent: Monday, October 16, 2017 8:46 AM
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Subject: you've been busy!

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Second data request (for bid/drafts)

Under Minnesota Statutes Chapter 13, "government data" subject to public inspection and copying are defined as "all data collected, created, received, maintained, or disseminated by any government entity regardless of its physical form, storage media, or conditions of use."⁴ Through its access to the Box, DEED has the ability to both upload or transmit documents and to review or receive documents created by Greater MSP. Routine access to the Box by DEED staff makes clear that data uploaded to the file-sharing portal is "maintained" by the agency and therefore "government data" under Chapter 13.

Government data under Chapter 13 is subject to the Act's presumption of public access and provisions for disclosure, and PRM is entitled to this data.⁵ We request that it be produced promptly.



June 8, 2018

JT Haines
Haines Law, PLLC
2375 University Avenue West, Suite 200
St. Paul, MN 55108

Dear Mr. Haines,

This letter is in response to your letter dated May 8, 2018, seeking a copy of the final Amazon bid document, as well as draft versions of the final bid document. You contend that the final Amazon bid was "accessible" to the Department.

But, the final Amazon bid document, as well as draft versions of the final bid document, was never collected, created, received, maintained, or disseminated by the Department of Employment and Economic Development.

Sincerely,

Lee B. Nelson
Legal Counsel (MN Attorney Lic. #77999)
(651) 259-7117
Minnesota Department of Employment and Economic Development

But, the final Amazon bid document, as well as draft versions of the final bid document, was never collected, created, received, maintained, or disseminated by the Department of Employment and Economic Development.

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT
Case Type: Other Civil

Public Record Media,

Plaintiff,

vs.

**Minnesota Department of Employment
and Economic Development**

Defendant.

Court File No: _____

COMPLAINT

Plaintiff Public Record Media, for its complaint against the Minnesota Department of Employment and Economic Development ("DEED"), states and alleges:

INTRODUCTION

At \$810 billion¹, AMAZON.COM.NVDC, Inc. ("Amazon") is the fourth largest company in the world by market capitalization. It employees over 340,000 people, and had 2017 annual revenue of \$178 billion.

In the Fall of 2017, Amazon issued a request for proposals for a second corporate headquarters, "HQ2," setting off a scramble among government officials across the United States. All told, 238 cities in 43 states submitted bids for HQ2, offering billions of dollars of incentives in the hopes of securing thousands of new jobs and related economic prosperity promised by the company.²

Minnesota's HQ2 bid to Amazon (the "Bid") was prepared and submitted through a collaboration between the Minnesota Department of Employment and Economic Development ("DEED") and economic development organization Greater MSP³, with input from the state legislature.

45. Data produced by DEED indicates that DEED staff have uploaded documents to the Box, accessed the Box using DEED computer systems or electronic devices, and reviewed drafts of the Bid.

46. The Bid and drafts of the Bid – e.g. housed within the "Box" and/or shared with legislative staff -- were and are received, maintained, and/or disseminated by Defendant, and as such are government data under the DPA.

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT
Case Type: Other Civil/Miscellaneous

Public Record Media,
Plaintiff,

Honorable Leonardo Castro
Court File No. 62-CV-18-4335

vs.

Minnesota Department of Employment and
Economic Development,

**AFFIDAVIT OF
THU-MAI HO-KIM**

and

Greater MSP,

Defendants.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

I, THU-MAI HO-KIM, being first duly sworn, depose and say:

1. I am a senior economic analyst at the Minnesota Department of Employment and Economic Development (DEED). I was assigned by the Department to gather data and provide it to Greater MSP (GMSP) for its use and consideration in preparing its response to a request for proposal submitted by Amazon in September 2017 related to its search for a second headquarters. I am familiar with the facts, circumstances, and issues in this case based on my review of DEED's records and the records received by it in the ordinary course of business.

2. While GMSP spearheaded the effort to convince Amazon to select a location in the Twin Cities metropolitan area, DEED hosted and facilitated multiple meetings between GMSP and various state agencies and other interested parties, such as Xcel Energy and the

5. The administrative rights granted to me by GMSP on the Box allowed me to view other folders related to its Amazon project. I recall once quickly skimming a file that DEED did

District court dismissal; court adopts government's framing of data arguments

62-CV-18-4335	Filed in District Court State of Minnesota 1/9/2019 8:43 AM
STATE OF MINNESOTA	DISTRICT COURT
COUNTY OF RAMSEY	SECOND JUDICIAL DISTRICT
	Case Type: Other Civil/Miscellaneous
Public Record Media,	Honorable Leonardo Castro
Plaintiff,	Court File No. 62-CV-18-4335
vs.	
Minnesota Department of Employment and Economic Development,	ORDER GRANTING MOTIONS TO DISMISS AND SUMMARY JUDGMENT
and	
Greater MSP,	
Defendants.	

The above entitled matter came before the Honorable Leonardo Castro, Judge of the District Court, on November 20, 2018, upon the motions to dismiss and for summary judgment by Defendants Minnesota Department of Employment and Economic Development (DEED) and Greater MSP. Assistant Minnesota Attorney General Christopher M. Kaisershot, appeared on behalf of DEED. Daniel Suppala, Esq., and Erin Altman, Esq., appeared on behalf of Greater MSP. Jonathan Thomas Haines, Esq., appeared on behalf of Plaintiff Public Record Media (PRM). Based on the files, records, and proceedings herein, as well as the arguments and submissions of counsel, the Court makes the following findings of fact and conclusions of law¹:

FINDINGS OF FACT

23. It is immaterial whether DEED "viewed" or had "access" to the drafts or final Proposal because the MGDPA does not cover data that a government entity merely accessed or viewed. Rather, the MGDPA covers only data that a government entity "collected, created, received, maintained or disseminated." Minn. Stat. §13.02, subd. 7. The Court may not add words to the MGDPA's definition of "government data." *In re Annexation of Certain Real Prop. to City of Proctor From Midway Twp.*, 910 N.W.2d 460, 463 (Minn. App. 2018). Therefore, the Proposal is not "government data" subject to disclosure. *See Carufel v. Minn. Dep't Public*

- Appeal to Minnesota Court of Appeals
- Twelve parties file briefs in support, many writing to address issue of application of MGDPA to “cloud-based” data

STATE OF MINNESOTA COURT OF APPEALS		FILED March 15, 2019 OFFICE OF APPELLATE COURTS Court File No. A19-0347
<hr/>		
Public Record Media,		
Plaintiff/Appellant,		
v.		
Minnesota Department of Employment and Economic Development,		
and,		
Greater MSP.		
Defendants/Respondents.		
<hr/>		
REQUEST OF THE ASSOCIATED PRESS, GANNETT CO., INC., GRAY TELEVISION GROUP, INC., THE MINNESOTA CHAPTER OF THE SOCIETY OF PROFESSIONAL JOURNALISTS, THE MINNESOTA COALITION ON GOVERNMENT INFORMATION, MINNESOTA PUBLIC RADIO, THE ST. PAUL PIONEER PRESS, AND TEGNA INC. TO PARTICIPATE AS AMICUS CURIAE		

“collected, created, received, maintained or disseminated.” Applicants believe that if DEED was able to “view” or “access” the proposal, then it necessarily “received” the proposal, rendering it government data.

We live in a digital age of cloud computing in which government entities use remote servers to store, manage, and process data, rendering it unnecessary for them to ever possess a physical copy of the data or even to host it on their own servers or computers. The district court’s misguided approach drastically constricts the scope of data that is presumptively public under the MGDPA and thereby suggests a way for government entities to circumvent

- 2019 - New administration; new management at GMSP
- Letter to Governor, Attorney General
- Before briefing in Court of Appeals occurs, entire Amazon bid is released

AMAZON HQ2 PROPOSAL

CITY OF INVER GROVE HEIGHTS, MINNESOTA



FINANCIAL ASSISTANCE

The City of Inver Grove Heights will work in cooperation and coordination with the Minnesota Department of Employment and Economic Development (DEED) and Greater MSP to develop the financial arrangements and support necessary to enable Amazon to locate in Inver Grove Heights. The City has been in contact with the landowners of the proposed site, who are very willing to work with the City and State agencies on the acquisition of the land.

The City of Inver Grove Heights has used, and will consider using, any or all of the following as a means of support for this application:

- Seek special legislation to enable Tax Increment Financing
- Tax Abatement, including Tax Abatement Bonds
- Low interest or no interest loans
- Utility fee reductions or credits
- Storm water filtration pond acquisition
- 494 Interchange design and construction cost offsets
- Transportation access cost reductions or credits
- Any other statutorily allowed mechanisms and others that might be determined as a result of working with both DEED and Greater MSP.

Outstanding issues

- Release of Amazon bid consistent with outcome of similar controversies in other parts of the nation
- Disclosure of “Box” material consistent with MGDPA’s definition of “government data”
- District court order not precedential, but release of bid precluded resolving issue on appeal
- What lessons will government entities take from Amazon bid controversy?