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January 3, 2014

Mr. Jeremy Hanson Willis
Executive Director
Community Planning & Economic Development
City of Minneapolis
105 Fifth Avenue South #200
Minneapolis, Minnesota 55401

Re: MOA Lease

Dear Mr. Hanson Willis:

The initial response of the MOA to the December 10 correspondence of the state legislators was that the Report of the Legislative Auditor “discredited” the charge that the MOA failed to make a complete and accurate disclosure of its financial condition to the state legislature.

But it turns out that the Report of the Legislative Auditor actually confirms the charge of the state legislators (as we pointed out in our December 31 correspondence). This should be taken into account in evaluating the credibility of the MOA

Now the MOA responds that we should not be concerned about its failure to make an accurate disclosure to the state legislature because it provided “additional information” to an executive department of state government.

Section 10(e) of the Lease contains the MOA representation that “all of the information previously submitted to the Landlord, the State, or the Commissioner of Minnesota Management and Budget . . . is and will be true, complete and correct by Tenant in all material respects.” The State is not limited to the executive branch.

The Capital Investment Committees of the state House and Senate have jurisdiction over bonding bills. It was critical to the MOA to obtain the approval of those committees. It was just as critical for the committees to function properly for the MOA to provide complete and accurate financial information to the committees. It failed to do so. The state legislators and the Legislative Auditor verify this failure. (Note that Rep. Alice Hausman, Chair of the House Capital Investment Committee, joined in the December 10 correspondence.)

This failure of the MOA to provide complete and accurate financial information to the state legislature constitutes a Default under Section 28(l) of the Lease. Under Section 17(c) of the Lease the City has “no obligation to reimburse the Tenant for its Investment” in the event of a default under Section 28(l). We renew our request that the City take the appropriate steps to terminate the Lease.

Sincerely yours,

Save Our Symphony Minnesota

MaryAnn Goldstein, Chair

Jon Eisenberg, Vice Chair

Mariellen Jacobson, Treasurer

Nils Halker, Secretary

Bill Slobotski, Director

Linda Murrell, Director

Michael McNabb, Director

cc: Hon. Betsy Hodges, Mayor

Susan Segal, Esq., City Attorney