

My name is Aubree Derksen. I am a resident of Pine Island. I am writing to support HF4077 and to highlight a scenario that I need to make sure is captured in this bill. It states the bill applies to projects/programs funded wholly or in part with local financial resources or debt capacity. I make a recommendation that it be explicitly stated that a developer cannot simply reimburse a city for costs to get around a law that would otherwise forbid them from signing an NDA with municipal staff. In the case of Pine Island, I worry the city might use this to weasel their way out of this transparency law by saying that the developer for the data center is reimbursing them through a pre-development escrow agreement or other type of agreement, therefore there are no local financial resources or debt capacity being used and any/all NDAs are fine.

The spirit of this law is transparency, the public has a right to know and we're continuously getting left out of the conversation. Data center developers and end users have shown that they cannot be trusted. They lie at every opportunity. They exploit every loophole. Recent court documents released in Pine Island's case this week showed that Google was secured as the end user for Ryan Co's data center as early as November 2024, NDAs were signed by the city administrator and city engineer specifically to protect Google's identity. Yet the developer and the city routinely and consistently told us residents they didn't have an end user, they didn't know if they were building a data center and the developer kept emphasizing that the city wasn't on the hook for costs, the developer would pay for things.

Google wasn't officially announced until February 2026. Court docs reveal that not only was it always Google, Google was actively making comments on the AUAR under the alias 'Skyway' outside of the public process, manipulating the information, the city and developer were actively waiting to make decisions until 'Skyway' was ready. The deception and manipulation employed in my town is not justified even if a developer might be technically paying for it in some capacity. 16 months we've been lied to and getting this information took a lawsuit by MCEA. That is not okay. Please make sure that this law does not allow for this type of loophole. Please also go read the court documents.