



Minutes - April 6, 2026

Call to Order: Chair Bostwick called the hybrid County Board Staff Committee meeting to order at 4:30 P.M. in Conference Room N1/N2.

Committee Members Present: Supervisors Bostwick, Mawhinney, Tillman, Gorman, Peer, Wilson, Leavy, Towns and Brien; Youth in Governance member Max Olson.

Committee Members Absent:

Staff Members Present: John Light, County Administrator; Amy Spoden, Human Resources Director; Rich Greenlee, Corporation Counsel; Chief Deputy Maurer; Kristin Vander Kooi, Finance Director; Shanna Sanders, Deputy Corporation Counsel; Andrew Baker, Planning & Land Conservation Director; Amanda Nelson, Clerk of Circuit Court; Doug Coulter, Deputy Sheriff; Dara Mosley, IT Director; James Otterstein, Economic Development Administrator.

Others Present: Supervisors Boehlke, Cullen, Sutterlin, Bobzien, Woodman, and Stevens; Judith Robson; Willow Wallis; Laura Collins; Lee Simplot; Mandy Witt; Barbara; Barbara; Craig Degarmo; Danny Baumann; Tangie Baumann; Kari Swirth; Joe Stadelman; Al Hulick; Bill McCoshen; Frank McKearn; Steven Helsell; Brian Schafer.

Approve Agenda: Supervisor Peer moved approval of the agenda as presented, second by Supervisor Tillman. ADOPTED.

Citizen Participation, Communications and Announcements: Judith Robson - Spoke on NDA's and Data Centers and the impact they have on the community.

Willow Wallis District 16 Candidate - Spoke on the loss of public trust, NDA's and Data Centers.

Shelly Strommen - Spoke against government employees signing NDAs, Data Centers, and having more transparency.

Brittany Keyes - Spoke against NDAs on Data Centers or large utility companies that could effect community health.

Lee Simplot - Spoke against NDAs

Chris Cullen - Spoke in favor of employee James Otterstien's integrity. Discussed how NDA's and Data Centers are two separate subjects and should not be combined.

Craig Degarmo (Business Owner) - Spoke in favor of using NDAs and gave examples of how they are beneficial.

Seth -

Supervisor Sutterlin explained how he represents all citizens of Rock County not just his district.

Talked about how this resolution was already unanimously voted down in the Planning and Development Committee. Spoke about how specific wording is being used is defamatory.

Supervisor Bobzien - Spoke on NDAs and if Rock County were to remove the use of them, how it would put Rock County at a disadvantage for future economic development.

Frank McKearn - Recommended to not advance the resolution proposed tonight. Spoke in favor of

NDA's in Rock County.

Bill McCoshen (President of the Janesville Jets) - Spoke in full support of postponing discussion, and how the issue with Data Centers and NDA's will impact all future community development. Expressed support to trust the professionals in these positions to do their jobs.

Al Hulick- Explained how NDA's are common practice and not the back door agreements that they are being referred to. Spoke in favor of county employee James Otterstein and his position. Spoke in favor of NDA's and gave personal examples of NDA's he personally signed to build trust for economic development.

Kari Swirth - Spoke in favor of NDA's in Rock County and the impact they have on economic development.

Supervisor Woodman District 7 - Spoke in favor of NDA's. Explained how Rock County has limited authority in the development of Data Centers within the community and how they are up to the individual municipalities. Requested the people to trust the elected officials to have the communities best interests.

Supervisor Bostwick - Announced tonight's meeting was Max Olson's last meeting, noting he was the pioneer for the Youth in Governance Committee and a dedicated member. Bostwick also thanked Supervisors Wilson and Mawhinney for their service on the committee as it will be their last meeting as well.

Approval of Minutes:

March 23, 2026 Minutes: Supervisor Mawhinney moved to approve the March 23, 2026, minutes, second by Supervisor Wilson. ADOPTED.

Approval of Transfers: None.

Review of Payments:

March Payments: The committee reviewed the presented payments.

Review and Approval of Resolutions:

Recognizing Jan Carlson: Supervisor Towns moved approval of the above resolution, second by Supervisor Wilson. ADOPTED.

Recognizing Robin Schubring for Service to Rock Haven: Supervisor Brien moved approval of the above resolution, second by Supervisor Mawhinney. ADOPTED.

Recognizing Janis Ringhand: Supervisor Tillman moved approval of the above resolution, second by Supervisor Gorman. ADOPTED.

Recognizing Dave Homan: Supervisor Brien moved approval of the above resolution, second by

Supervisor Towns. ADOPTED.

Recognizing Chris Cullen: Supervisor Peer moved approval of the above resolution, second by Supervisor Gorman. ADOPTED.

Recognizing Genia Stevens: Supervisor Tillman moved approval of the above resolution, second by Supervisor Wilson. ADOPTED.

Recognizing William Wilson: Supervisor Brien moved approval of the above resolution, second by Supervisor Peer. ADOPTED.

Recognizing Yuri Rashkin: Supervisor Towns moved approval of the above resolution, second by Supervisor Wilson. ADOPTED.

Recognizing Mary Mawhinney: Supervisor Tillman moved approval of the above resolution, second by Supervisor Towns. ADOPTED.

Limiting County Employees from Entering into Non-Disclosure Agreements: Supervisor Gorman moved approval of the above resolution, second by Supervisor Wilson.

Gorman discussed the proposed resolution to ban non-disclosure agreements (NDAs) in Rock County, particularly regarding large-scale developments like data centers, stating this is a starting point to get input on what to change. Several supervisors expressed concerns about the resolution as written, citing issues with economic development and the potential impact on staff operations.

Supervisor Peer motioned to table the above resolution indefinitely, second by Supervisor Mawhinney. ADOPTED.

Increasing Per Meeting Allowances: Supervisor Brien moved approval of the above resolution, second by Supervisor Wilson.

Supervisor Peer proposed increasing the per meeting allowance, noting that the current \$50 rate had not been adjusted in 21 years and should be increased to \$70 to maintain accessibility for potential board members. Supervisor Tillman argued that the employees received a smaller percentage rate increase than the proposed increase they are recommending for the supervisors. Administrator Light explained the estimated cost of \$11,800 additional dollars could be covered by the vacancy savings in administration.

ADOPTED.

Review, Discussion and Possible Action:

Proposed Changes to the Rock County Board of Supervisors Rules of Procedure: Supervisor Wilson moved not to recommend removing the Second Vice Chair, second by Supervisor Gorman.

Supervisor Cullen proposed changing the Rock County Board of Supervisors rules of procedure to eliminate the Second Vice Chair position. Several committee members, including Supervisor Towns (current second vice chair) and Supervisor Wilson, spoke in favor of maintaining the position, citing

benefits such as providing bench strength, diversity of opinion in leadership meetings, and serving as a training ground for future leadership roles. The committee voted not to recommend the rule change to eliminate the second vice chair position.

ADOPTED.

Next meeting date and time: April 20, 2026 at 4:30PM

Adjournment: Supervisor Towns moved adjournment at 6:54, second by Supervisor ____.
ADOPTED.

Respectfully submitted,

Andrea Wolf
Executive Assistant

NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.

April 6, 2026

Dear members of the Staff Committee and People of Rock County,

Three weeks ago, I wrote a resolution to ban the use of non-disclosure agreements by Rock County staff. On March 26, the Planning & Development Committee considered the resolution and fellow supervisors and members of the public voiced concerns. I understand many of the concerns about this resolution that were voiced in the P&D committee, and I would like to address them. I want to be clear, I proposed this resolution as a starting point for a discussion on guardrails for non-disclosure agreement (NDAs) by county employees. I did start with a broad ban. I was certain we would need to amend the resolution to allow certain NDAs. We still have plenty of time to get input from the relevant committees, county staff, the public, and corporate counsel. I see introducing this resolution as the start of a discussion about when NDAs should be allowed, what they can cover, and if any oversight should be required. I hope today's meeting will just be the start of that discussion.

I know we need to encourage economic development, and I understand the incentives and constraints on local governments that might make encouraging data centers attractive. I thought about having fact-finding meetings and working on a narrow resolution that only applied to hyperscale data centers. But because so much of the public concern was about transparency, I introduced a broader resolution to start the legislative process, so the discussion on guardrails could happen in public from the start.

As I'm talking to constituents in this district, there are a lot of different reasons people are worried about data centers. I know Janesville has been talking about data centers for a while, but people here just found out about the Beloit project on the local news a few weeks ago, and they feel blindsided. They're doing research, and are upset that town staff, county staff, and Meta's shell companies have been talking for 15 months without any oversight from elected officials or the public. It turns out that even elected town board members weren't told that this potential project was a data center. I believe the biggest threat to economic development tools that have benefited our communities is their association with hyperscale data centers and a perception (that is accurate in this case) of a lack of transparency.

I'm not trying to tie the hands of economic development staff. But the constituents I'm talking to want transparency, and so do I. Some people hate data centers, some people just want to get a fair deal, almost everyone I talk to agrees that public employees should not be facilitating data center projects in secret. I think it's

meaningful that Microsoft, who is trying to brand itself as the best corporate citizen of the major AI companies, has voluntarily decided to no longer seek NDAs with local governments. We have leverage over these companies, if they want to build here, the very least we can do is require the public know about their plans from the start.

In terms of the broader applicability of this resolution and potential amendments to narrow it, the fact is that right now, the public and elected supervisors don't have a clear picture of how often NDAs are signed by county staff and in what contexts. We do know that open records law supersedes NDAs unless there are very specific details that are being protected for reasons of competitiveness on a temporary basis. I think it is important to distinguish between NDAs that shield trade secrets and NDAs that hide the existence of a project itself. I think it is important to distinguish between NDAs at the staff level that hide critical information from elected officials and NDAs that elected officials might approve and ultimately have to be prepared to justify to the public.

I would like the staff who best understand how the county uses NDAs to make the case for any exceptions that are needed, and a broad resolution gives them the opportunity, and mandate, to do that. I hope we will have a good discussion of these issues at today's Staff Committee meeting and can then follow up with any necessary amendments before the next meeting.

Thank you,
Philip Gorman
Rock County Supervisor
District 14



Office of the Mayor

Jim Paine, Mayor

Rebecca Baker, Chief of Staff to the Mayor

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PRESS RELEASE

FOR IMMEDIATE RELEASE

Date: November 6, 2025

Contact: Mayor, Jim Paine 715-395-7212

MAYOR JIM PAINE BANS USE OF NDA's BY CITY STAFF

In response to recent developments in the Twin Ports and a records request by the press, Mayor Jim Paine has conducted a review of all Non-Disclosure Agreements (NDAs) signed by City staff and elected officials in recent years. That review has revealed that Superior officials have only signed 3 NDAs in the last five years. These agreements were all with publicly disclosed vendors, in rare and highly specific circumstances, and only after legal review and safeguards to protect public access to the decision-making process. Nonetheless, the Mayor feels that the lack of a specific and direct policy defining the use of NDAs risks potential abuse in the future or an erosion of public trust in local government.

To our knowledge, no city official has signed an NDA to protect details of proposed developments or developers. City officials have only signed agreements with software vendors and a potential fiber broadband consultant. In each case, the names of these vendors were public, and the NDAs were limited to proprietary information related to their technology or to private customer information. Release of such information would likely violate Wisconsin law, any other agreements notwithstanding. Access to this information allowed city staff to better evaluate the product on offer. Furthermore, in each case the city attorney's office added language to the agreements that expressed our intent to follow Wisconsin's transparency laws and our understanding that no NDA could inhibit public access to public records.

Despite the infrequency of NDAs within the city and their narrowness of scope, Mayor Paine has prohibited their future use among city staff. If, after consulting the city attorney, the Mayor feels an NDA is both lawful and beneficial to the decision-making process, he will only permit such an agreement with the express support of the City Council after disclosing the purpose and the language of the NDA in a public meeting.

Mayor Paine said: "The City of Superior is not governed by city staff and government officials but by the people themselves, who play a vital role in the governing process. The public must have the fullest possible access to information about any decision considered or made on their behalf. While NDAs have some limited value in highly specific situations, the risk to public

trust and good governance outweighs any possible reward. If an NDA is necessary and in the public interest, we should disclose it to the public and make the case before signing.”

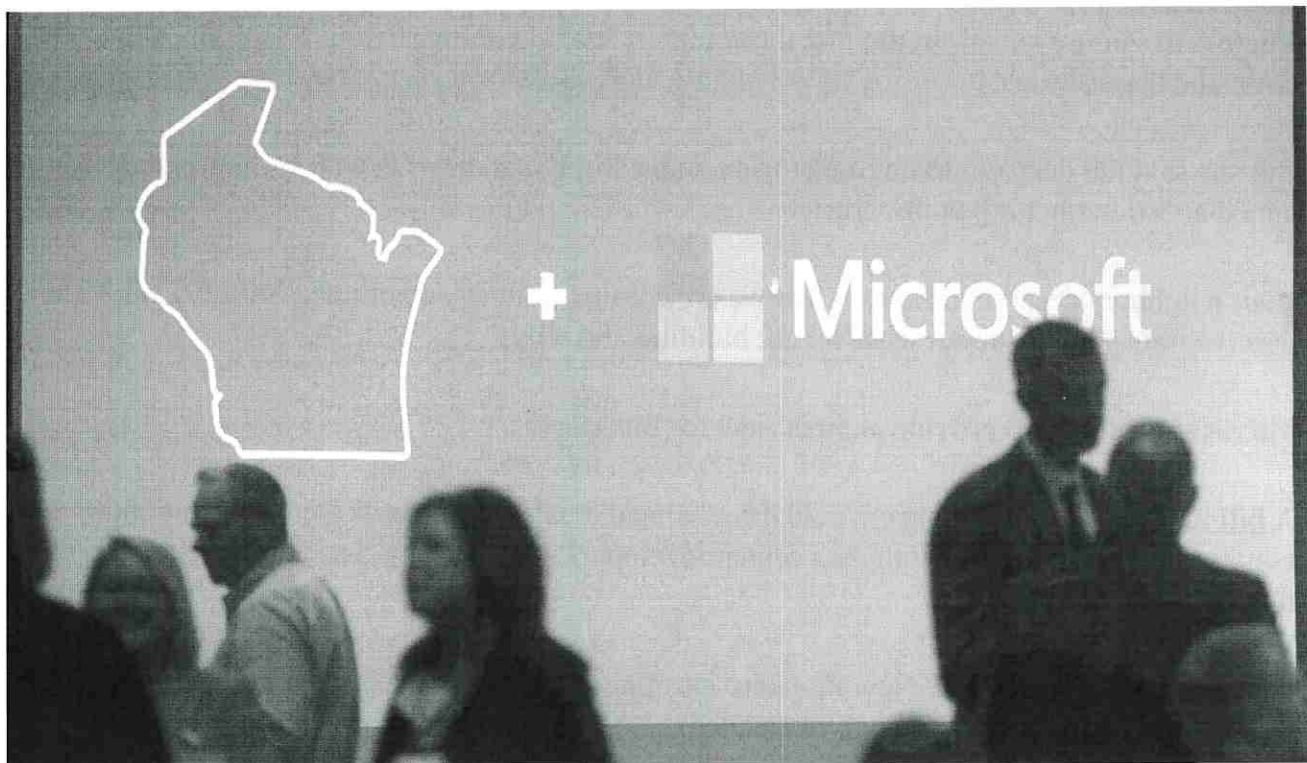
This press release includes the memo articulating this administrative policy and all three NDAs previously signed by city officials.

Microsoft to stop using NDAs with local governments for data center development

The move comes after 5 Wisconsin communities signed NDAs linked to possible data center development

BY JOE SCHULZ MARCH 20, 2026

Listen



People attend a Microsoft announcement about a data center Thursday, Sept. 18, 2025, in Racine, Wis. *Angela Major/WPR*

Microsoft will no longer use nondisclosure agreements with local governments in developing data centers, **the company announced** this week.

The company had previously used nondisclosure agreements, or NDAs, during the early stages of data center development. Microsoft says it did so to “protect sensitive commercial information.”

Using NDAs with local governments is a fairly common industry practice early in developments. For example, Beaver Dam, Kenosha, Janesville and Menomonie all signed NDAs related to potential data center projects, **according to Wisconsin Watch**.

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Most recently, the town of Beloit became the fifth Wisconsin community with an NDA for a possible data center.

Kenosha signed an NDA with Microsoft in May 2024, Wisconsin Watch reports.

But by definition the practice keeps information from the public, and the agreements with Microsoft and others have come under fire as backlash against data centers has grown.

According to Microsoft's announcement, the company is working to identify active NDAs in place and to reach out to local governments to terminate those agreements.

Rima Alaily, corporate vice president and general counsel of Infrastructure Legal Affairs at Microsoft, said on social media that the company would continue using NDAs in connection with land acquisitions.

But she said the decision to no longer use nondisclosure agreements with local governments is aimed at "strengthening public trust."

"Our neighbors deserve to know when we are coming to their community," Alaily said. "They deserve transparency about what we are building and why."

Microsoft declined to provide an interview for this story.

A bill in the state Legislature would have banned local governments from entering into nondisclosure agreements with data center developers that hide details of those developments from the public.

State Sen. André Jacqué, R-New Franken, introduced the bill in the Senate. In a statement last week, he said the proposal would've ensured that projects seeking local approval do so openly.

"When a large data center is built, it reshapes the community and carries real fiscal consequences for taxpayers," Jacqué stated. "Residents are concerned about noise levels, environmental impacts and infrastructure costs and how the project will affect the quality of life."

That bill passed 4-1 in the Senate's utilities committee, but failed to advance before the legislative session ended this week.

Bill Lueders, president of the Wisconsin Freedom of Information Council, said it's a good thing Microsoft will no longer use nondisclosure agreements with local officials.

He said data center developers' use of NDAs in Wisconsin did "blow up in their faces" and contributed to projects facing increasing backlash.

“Communities don’t like it when they find out that their public officials are meeting secretly with representatives of companies to change the character of their communities,” Lueders said. “I’m also not surprised that a company like Microsoft would take a look at it and say, ‘Boy, that’s really not a good look.’”

Data centers aren’t the only type of development where local governments enter into NDAs.

Regardless of how they’re used, Lueders said he’s not a fan.

“I think it’s a bad idea whenever they’re applied,” he said. “You’re swearing public officials to secrecy. You’re saying that you agree not to talk about what is being discussed here as a condition of having a discussion with you at all.”

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Examples of Legislative Language on Data Centers:

Current definition of a data center under the current law (sales tax exemption for data centers):

“Qualified data center” means one or more buildings or an array of connected buildings owned, leased, or operated by the same business entity, as defined in s. 13.62 (5), or its affiliate and for which all of the following apply:

1. The buildings are rehabilitated or constructed to house a group of networked server computers in one physical location or multiple locations in order to centralize the processing, storage, management, retrieval, communication, or dissemination of data and information.
2. The buildings create a minimum qualified investment in this state of any of the following amounts within 5 years from the date on which the corporation certifies the data center as eligible to claim the exemption under s. 77.54 (70):
 - a. For buildings located in a county having a population greater than 100,000, \$150,000,000.
 - b. For buildings located in a county having a population greater than 50,000 and not more than 100,000, \$100,000,000.
 - c. For buildings in a county having a population of not more than 50,000, \$50,000,000.
 - d. For buildings located in more than one county, the amount provided under subd. 2. a., b., or c. for the most populous county in which the buildings are located.

Proposed definition of a “Large scale Data Center” (AB 722/SB 729 Stroud/Habush Sinykin Comprehensive Guardrails Bill):

“Large-scale data center” means a data center that consists in the aggregate of at least 25,000 square feet and for which the total cost of construction or refurbishment, investment in enterprise information technology equipment, and computer software incurred within any 60-month period beginning on July 1, 2026, is at least \$250,000,000

Proposed definition of “Data Center” in statewide NDA bill (AB 1036/SB 969 Moses/Jacque NDA Bill):

“Data center” means a facility in this state that satisfies all of the following: 1. The facility’s primary services are storage, management, and processing of digital data. 2. The facility is used to house computer and network systems, including associated components such as servers and network equipment and appliances; telecommunications systems; data storage systems; systems for monitoring and managing infrastructure performance, Internet-related equipment and services, data connections, and environmental controls; fire protection systems; and security systems and services.

