



## Missouri Sunshine Request

**Date:** February 22, 2026

**To:** Leah Smith, City Clerk / Custodian of Records, City of Festus

**By email:** LSmith@festusmo.gov

**Re:** Missouri Sunshine Law Request — Festus Data Center

Dear City Clerk Smith,

Pursuant to the **Missouri Sunshine Law (Chapter 610, RSMo)**, I request access to and copies of **all public records** in the City of Festus' possession, custody, or control relating to the **proposed data center development** (including annexation, rezoning, data center ordinance/regulations, site selection discussions, incentives, and related litigation or claims), including records from **all City departments**, the Mayor's office, City Administrator, Planning & Zoning, and any consultants or outside counsel retained by the City.

### **1) Identify who is behind the data center (developer, operator, owners)**

Please provide records sufficient to identify:

- The **developer(s), property owner(s), option holder(s), broker(s), and any end user/operator/tenant** discussed (even if “not yet identified”).
- Any business names and entities associated with the project, including **CRG / Clayco** (as publicly reported), and any other entity referenced in City records.
- Any applications, letters of intent, term sheets, proposals, pitch decks, or submissions identifying:
  - corporate structure/parent entities
  - signatories and authorized representatives
  - “Project code names.”
  - beneficial ownership information **if provided to the City**
  - registered agent info **if included in submissions**

## **2) Legal counsel and representatives (for developer AND for the City)**

Please provide:

- The name and contact information of **any attorney/law firm** representing the developer/owner/operator in communications with the city, plus:
  - engagement letters, notices of representation, letters to/from counsel
  - emails/letters where counsel is copied, and any legal memos submitted to the City
- The City's own project-related **outside council** (if any) and:
  - engagement letters/contracts, invoices, billing narratives, payment records
  - communications between City officials/staff and outside counsel

## **3) Annexation, rezoning, planning, and ordinance/regulatory record**

All records regarding:

- Annexation materials (petitions, exhibits, maps, staff reports, fiscal impact analyses)
- Rezoning applications, staff reports, P&Z materials, exhibits, findings, recommended conditions, and final approvals
- Drafting and adoption of any **data center ordinances/regulations** (including redlines, comments, and who proposed language)
- Any contemplated/required conditions: noise limits, lighting, water, power, setbacks, stormwater, traffic, emergency services, etc.

## **4) Incentives, tax breaks, abatements, infrastructure deals, and utility impacts**

All records regarding any proposed or discussed:

- Tax abatements, PILOTs, exemptions, special taxing districts, or incentives of any kind (including **drafts** and **internal discussions**)
- Any economic development authority involvement, incentive applications, or negotiations
- Any public spending or commitments: road work, water/sewer extensions, substations, fiber, easements, fee waivers, reimbursements
- Any communications with utilities or providers regarding capacity, upgrades, or costs (electric, water, sewer, fiber)

## **5) Communications — the “how it happened” record (emails, texts, meetings)**

For the time **January 1, 2025, to present** (or earlier if discussions began earlier), please produce:

- All emails, text messages, Signal/WhatsApp messages, direct messages, letters, meeting notes, and calendars referencing the data center project, CRG/Clayco, annexation, rezoning, incentives, NDAs, or “data center regulations.”
- Communications involved:

- Mayor, City Administrator, City Council members
- Planning & Zoning members and staff
- City Attorney and outside counsel
- any consultants/PR firms
- the developer and its agents/attorneys
- Any “serial meeting” / small-group meeting scheduling communications (including invitations and calendar entries)

**Important:** This request includes communications on **personal devices/accounts** used to conduct City business.

## **6) NDAs, confidentiality, and PR/communications strategy**

All records regarding:

- Any proposed or executed **NDA/confidentiality agreement** (even if “not signed”)
- Any communications about keeping the project confidential or “not going public yet”
- Any PR firm proposals, contracts, scopes of work, or communications strategy documents (including any plan to designate a “point of contact” for residents)

## **7) Complaints, litigation, Sunshine concerns, and investigations**

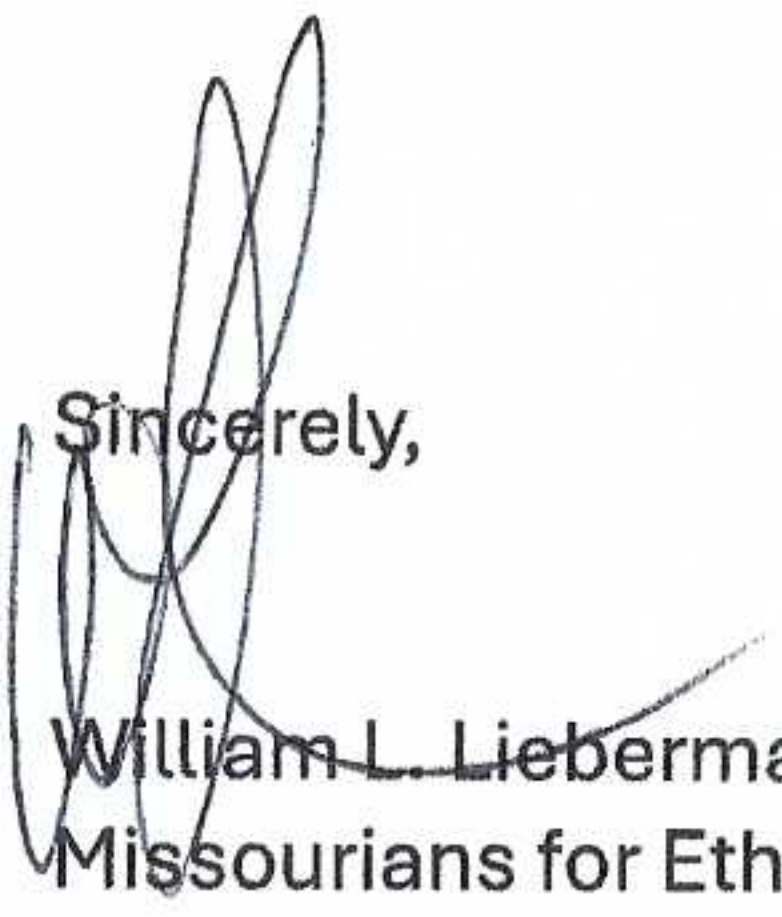
All records regarding:

- Complaints from residents, attorneys, organizations, or officials
- Any Sunshine Law compliance discussions, training, legal advice memos, or responses
- Any claims, demand letters, notices of intent to sue, and litigation filings/strategy communications (produce non-privileged records; provide a privilege log for withheld items)

## **Production format, timeline, and fees**

- Please provide records **electronically** (PDF/native files) via email or link where possible.
- If any records exist in native format (Word/Excel/PowerPoint), please provide them in **native format** with metadata preserved.
- If you deny any portion of this request, please cite the specific exemption and provide a **withholding log** describing what was withheld and why.
- Please provide a **statutory 3-business-day response** acknowledging availability and the estimated time/cost for production.

**Fee waiver request:** This request is in the public interest to understand a major proposed industrial development, its impacts on residents, transparency, and any public incentives. Please waive fees or reduce them as much as allowed. If fees exceed **50.00 [your cap, e.g., 50]**, notify me before proceeding.



Sincerely,

William L. Liebermann

Missourians for Ethical and Transparent Government

17209 Chesterfield Airport Road #174

Chesterfield, Missouri. 63005

314-940-7677