

John L. Poole

1566 Court Street NE, Salem, OR 97301-4241
prestopoole@proton.me 707-812-1323

Friday,
August 7, 2026

Dan Atchison, City Attorney
City of Salem

Via email to cityattorney@cityofsalem.net

**Re: Public Meetings Law grievance
concerning the July 13, 2026
Salem City Council meeting**

Dear Mr. Atchison,

I submit this written grievance concerning the Salem City Council's July 13, 2026 meeting. I believe the City Council's public notice and agenda violated Oregon Revised Statutes ("ORS") 192.640 because they failed to identify the proposed Verrus, LLC ("Verrus") data center and the City's non-disclosure agreement ("NDA") with Verrus as principal subjects anticipated to be considered at the meeting.

This grievance is submitted pursuant to ORS 192.705 and applicable Oregon Government Ethics Commission rules. The alleged violation occurred on July 13, 2026.

Person submitting grievance

John Poole
1566 Court Street NE
Salem, Oregon 97301
707-812-1323
prestopoole@proton.me

Facts and circumstances

1. The published agenda did not identify Verrus, the proposed data center, or the NDA

The published agenda (Exhibit 1) for the July 13, 2026 City Council meeting identified Item 1.2 only as:

COUNCIL AND CITY MANAGER COMMENT

The agenda contained no subheading or item identifying:

- Verrus, LLC;
- the proposed data center at Mill Creek Corporate Center;
- the City's NDA with Verrus;
- the proposed investment of approximately \$5.1 billion;
- the project's anticipated infrastructure, utility, tax, employment, or environmental implications; or
- a planned public disclosure concerning the project.

The Verrus matter also did not appear under "Presentations," "Special Orders of Business," "Information Reports," or any other agenda category. The published agenda stated that there were no presentations scheduled.

At approximately timecode 3:01 into the City Council portion of the meeting, the Council was advised that there were no additions or deletions to the agenda.

2. The City Manager then gave a substantial and prepared presentation concerning Verrus

At approximately 15 minutes and 27 seconds into the City Council meeting, City Manager Krishna Namburi began a detailed presentation by stating:

"I know there have been questions about the data center project in Salem and how this came about, the process that was followed and also the nondisclosure agreement."

The City Manager stated that she intended to walk the Council and

public through the process, answer questions, and explain the next steps.

The presentation included, among other matters:

- the identity of Verrus;
- the City's release from the NDA;
- the approximate March 2025 beginning of the project discussions;
- SEDCOR's role in connecting the company with City staff;
- the City's execution of the NDA;
- meetings between Verrus and City staff;
- site design, transportation, utility, and environmental issues;
- the proposed location at Mill Creek Corporate Center;
- the proposed approximately \$5.1 billion investment;
- the project's relationship to Salem's approximately \$16.7 billion tax base;
- estimated City revenue;
- anticipated employment;
- water consumption;
- electricity demand;
- PGE's rate structure for data centers;
- a proposed community-benefits agreement; and
- the City's anticipated review and public-information process.

The City Manager's remarks lasted approximately **eight and one-half minutes** as she read from a four-page prepared presentation document subsequently produced by the City in response to a public-records request (#R001970-080726). (Exhibits 7 & 10.)

This was not a brief or incidental reference to an unforeseen matter. It was a substantial management presentation concerning a project of exceptional financial, infrastructural, environmental, and public-policy significance.

3. The circumstances indicate that the presentation was anticipated and coordinated before the meeting

Several circumstances support the reasonable inference that the Verrus presentation was planned before the meeting:

1. The City Manager stated that Verrus had released the City from the NDA late the preceding week. EXHIBIT 2, p. 1, line 22-23.
2. She stated that Verrus publicly announced the project on July 13. EXHIBIT 2, p. 1, lines 23-24.
3. She stated that Verrus had launched a project website approximately one hour before the Council presentation. EXHIBIT 2, p. 1, line 28.
4. She stated that an article concerning the project was expected to appear in the *Portland Business Journal* the following morning. EXHIBIT 2, p. 2, lines 1-2.
5. The City Manager expressly acknowledged the presence of a Portland General Electric representative in the audience while discussing PGE's data-center rate structure. EXHIBIT 2, p. 4, lines 2-4 . See also https://www.youtube.com/watch?v=7uG_6Ov9Vzw at: 20:57
6. Numerous labor representatives were in the audience and later testified, in the dark auditorium wearing their "hi viz" [high-visibility] vests, specifically concerning data centers. The official minutes identify speakers affiliated with the Northwest Carpenters Union, IBEW Local 280, and Local 290, among others. EXHIBIT 8
7. In the City's subsequent July 27 staff report, the City stated that it had been released from the NDA on July 8 and that, "[a]t the next opportunity to address the City Council and the community in an open public forum, the City Manager publicly shared information about the proposal."

I do not presently assert as an established fact that the City invited any particular labor representative or the PGE representative to attend. Those communications are not presently available to me. Their attendance and the subject-specific testimony are relevant circumstances, however, when considered together with the coordi-

nated website launch, expected press coverage, release from the NDA, and the City Manager's detailed prepared remarks.

Three members of the public who were caught by surprise spoke at the subsequent Public Comment:

- Kathleen Trepas: "[I] strongly urge staff to bring that project back as an agenda item", EXHIBIT 2, p. 5, line 24.
- Debbi Robblee: "I am the last person that I ever expected to be speaking in front of city council." EXHIBIT 2, p. 6, lines 8-9, " i didn't have a speech prepared i'm just here speaking from my heart", EXHIBIT 2, p. 7 Lines 8-9.
- Rachael Atchison: " i didn't have any chance to prepare anything ", EXHIBIT B, p. 8, lines 2-3.

Rule 5 requires the Agenda to be prepared no later than the Friday preceding a meeting.¹ City Manager Namburi later stated that there was "not enough time". EXHIBIT 9.

Mayor Julie Hoy stated in an email to John Poole of Tuesday, Aug 4, 7:58 PM: "I was notified [Monday]July 6,2026, along with the rest of council."

The City has now produced, in response to a public-records request, the four-page document from which the City Manager delivered her remarks, entitled "Krishna's Comments during Council Meeting." (Exhibit 10.) The document is a structured presentation outline addressing the NDA, City meetings with Verrus, project location, economic impact, water, electricity, and "Next Steps," further demonstrating that the subject matter was prepared and anticipated before

1 Salem City Council Rules, Rule 5: Order of Business and Agenda, (b) Agendas. provides in part:
Agendas and informational material for regular meetings shall be distributed to the Council no later than the Friday preceding the meeting.

the meeting rather than arising spontaneously during ordinary City Manager comment.

That circumstance is also inconsistent with the ordinary use contemplated by Council Rule 5(g), which limits the City Manager to a maximum of two minutes for Council and City Manager Comment; the prepared Verrus presentation lasted approximately eight and one-half minutes.

4. The subject was of extraordinary and historic public importance

The City Manager represented that the proposed private investment was approximately \$5.1 billion, compared with Salem's existing tax base of approximately \$16.7 billion. The project therefore represented an investment equal to approximately 30 percent of the City's existing tax base.

The presentation also addressed matters involving electrical demand, water use, transportation, environmental considerations, utility capacity, tax revenue, employment, and a proposed community-benefits agreement.

A planned disclosure of that scale and consequence was a principal subject of the July 13 meeting, even though no immediate Council vote was requested.

5. Preservation of communications and related records

On August 3, 2026, I submitted written comments for the special Council meeting requesting that Council members publicly state when they first learned of Verrus, the NDA, and related City staff activity. On August 4, 2026, I separately sent a written communication

concerning those matters to the Mayor and multiple Council members.

Because any such communications and related transmission records are uniquely within the City's possession, I request that the City preserve all potentially relevant records, including emails, text messages, messaging-platform communications, attachments, drafts, forwarding records, calendar entries, and communications through intermediaries concerning:

- my August 3 and 4 communications;
- the July 13 Verrus presentation;
- the Verrus NDA;
- Council members' knowledge of the Verrus matter;
- the preparation of the City's response to this grievance; and
- any discussion of whether or how Council members should respond publicly concerning when they first learned of Verrus or the NDA.

This preservation request is not an allegation that prohibited serial communications occurred. It is intended to preserve evidence relevant to the City's response and to any subsequent review by the Oregon Government Ethics Commission.

Alleged violation

ORS 192.640 requires the public notice for a regular meeting to include a list of the principal subjects anticipated to be considered at the meeting.

The generic heading "Council and City Manager Comment" identified a category of the meeting and the persons authorized to speak, but did not identify the subject matter of the City Manager's anticipated presentation.

The Oregon Attorney General's Public Records and Meetings Manual ex-

plains that the list of principal subjects should be specific enough to permit members of the public to recognize matters in which they are interested.

A person reviewing the published agenda would have had no notice that the City intended to disclose and substantially discuss:

- a proposed \$5.1 billion data center;
- Verrus, LLC;
- an NDA that had governed the City's handling of the matter since approximately March 2025, a period of approximately 15 months;
- the City's prior involvement with the project; or
- the project's anticipated fiscal and infrastructure implications.

The facts described above demonstrate, or at minimum reasonably support the inference, that the Verrus presentation was anticipated before the July 13 meeting. Nevertheless, the subject was omitted from the agenda, and no addition identifying it was made at the beginning of the meeting.

I therefore allege that the Salem City Council's July 13, 2026 meeting notice failed to list a principal subject anticipated to be considered, in violation of ORS 192.640.

Requested response and corrective action

Please provide the written response required by Oregon Public Meetings Law. In responding, please state whether the City:

1. admits or denies the facts and circumstances described above;

Dan Atchison, City Attorney

August 7, 2026

Page 9 of 11

2. admits or denies that those facts constitute a violation of ORS 192.640;
3. contends that "Council and City Manager Comment" provided legally sufficient notice of the Verrus presentation;
4. contends that the Verrus matter was an unanticipated additional subject and, if so, when the City first decided that the City Manager would present the matter at the July 13 meeting;
5. contends that no agenda amendment or supplemental notice was reasonably possible after the City's July 8 release from the NDA;
6. is aware of any direct or serial communications among Council members concerning my August 3 & 4 communications, the Verrus NDA, the July 13 presentation, or proposed public responses concerning when Council members first learned of the matter;
7. is aware of any instance in which the Mayor, City Attorney, City Manager, or another intermediary communicated the position, preference, proposed response, or views of one Council member to another Council member concerning those subjects;
8. contends that any records responsive to paragraphs 6 or 7 are protected by attorney-client privilege, attorney work-product protection, or another exemption and, if so, will identify the date, participants, general subject, and privilege or exemption asserted without disclosing privileged legal advice; and
9. will take corrective measures to ensure that future prepared management presentations are identified by subject in the meeting notice and agenda.

I request that the City consider the following corrective action:

- acknowledge that the July 13 agenda should have identified Verrus, the data center proposal, and the NDA;
- amend the July 13 minutes so that Item 1.2 identifies the subject of the City Manager's presentation rather than merely listing the City Manager as a commenter;
- adopt or clarify an agenda practice requiring anticipated sub-

Dan Atchison, City Attorney
August 7, 2026
Page 10 of 11

stantive presentations under "Council and City Manager Comment" to be identified by subject;

- provide training or guidance to the Mayor, Council, City Manager, City Attorney, and City Recorder concerning the "principal subjects" requirement of ORS 192.640; and
- disclose in the City's response when the July 13 presentation was planned and who participated in planning the public roll-out.

This grievance concerns the adequacy of the public notice for the July 13 meeting. It does not presently allege that the presence of the PGE representative or labor representatives independently constituted a Public Meetings Law violation, nor does it allege as an established fact that a quorum engaged in prohibited private deliberations.

Pursuant to ORS 192.705(2), please provide the City's written response within 21 days after receipt of this grievance. I understand that ORS 192.705(3) also requires the City to transmit a copy of this grievance and its response to the Oregon Government Ethics Commission when the City responds.

Yours very truly,

/s/ John L. Poole

cc: via email - cityrecorder@cityofsalem.net

Attachments:

- Exhibit 1 – July 13 agenda pages 1-7;
- Exhibit 2 – relevant July 13 transcript excerpts, approximately 3:01 and 15:27-23:58;

Dan Atchison, City Attorney

August 7, 2026

Page 11 of 11

- Exhibit 3 – July 13 final minutes, especially pages 1 and 6;
- Exhibit 4 – July 27 staff report pages describing the July 8 release and July 13 disclosure; and
- Exhibit 5 – screenshots showing the YouTube chapter headings and agenda placement.
- Exhibit 6 – ORS 192.640 **Public notice required; special notice for executive sessions or special or emergency meetings.**
- Exhibit 7 – Screenshot of video (0:17:03) Scripted Comment
- Exhibit 8 – Screenshot of video (1:32:35) Audience
- Exhibit 9 – Screenshot of Salem Reporter “not enough time”
- Exhibit 10 – City-produced four-page “Krishna’s Comments during Council Meeting,” used for the July 13 Verrus presentation.