

CROSS SUITE ADVISORY • COMMUNITY GUIDE

Before You Vote

*A shared checklist for communities
facing a data center proposal.*

For city and county officials, planning commissions,
tribal councils, and the residents who live there.

Vernetta Kinchen • Founder, Chief Executive Officer and Principal

WHY I WROTE THIS

I know what an outmatched table looks like.

I spent close to thirty years running operations and budgets inside public and quasi public institutions. Cornell. Syracuse. Large hospitality organizations before that. I have sat on the side of the table that had less time, less staff, and less specialized counsel than the people across from it.

A data center developer arrives with hundreds of pages, experienced attorneys, and consultants paid to secure a yes. Across from them is frequently a part time council, a planning office already at capacity, and residents who will live with the outcome for thirty years.

That gap is not anyone's failure. It is a resourcing problem, and it is solvable.

This guide will not tell you how to vote. It will make sure that whichever way you vote, you voted on the actual deal rather than the presentation.

WHERE I STAND

I hold both positions, and I want you to as well.

I am not against this infrastructure. I run an artificial intelligence firm. The compute has to live somewhere, and somewhere is going to be a real place with real people in it. Communities that host it well can do genuinely well by it.

And I believe a community should negotiate from strength. Those two things are not in tension. They only look that way because the public conversation has been flattened into for and against.

Opposition is not leverage. Neither is enthusiasm. Leverage is knowing what you are being asked to give, what you are being offered in return, and which of those two is written down.

If you take a hard no into the room, you will be managed around. If you take an unconditional yes, you will be given the standard terms. **Take questions instead.**

THE PREMISE

A community that cannot read the deal cannot negotiate it.

Everything that follows serves one purpose: moving you from reacting to a proposal, which is weak, to interrogating one, which is not.

You do not need to become an engineer. You need questions that are difficult to answer vaguely.

Point the questions at the developer, not at each other.

The expensive failure is rarely a bad vote. It is a council and its own residents spending six months in conflict with each other while the developer waits for the clock to run.

This list is deliberately identical for both. When officials and residents ask the same questions, three things change.

1 **Answers become comparable.**

You find out quickly when a developer says one thing in a council session and something else at a community meeting.

2 **Officials gain cover.**

A council backed by an informed public can press harder in negotiation without appearing hostile to investment.

3 **Residents gain standing.**

Specific questions get answered. General opposition gets managed.

TIMING

Your leverage peaks before anything feels urgent.

STAGE ONE • LAND ASSEMBLY

Maximum leverage. Parcels are being optioned quietly, often through entities that do not carry the end user's name. Nothing is public. Almost no community acts here. That is precisely why you should.

STAGE TWO • REZONING AND INCENTIVE REQUEST

High leverage. They now need something from you. A zoning change, an abatement, a utility commitment. Whatever you want in the final agreement, you ask for it here.

STAGE THREE • PUBLIC HEARING

Moderate leverage. The deal is largely shaped. You can attach conditions, but you are amending someone else's design.

STAGE FOUR • AFTER APPROVAL

Minimal leverage. Anything not in writing is now a favor you have to ask for.

If you remember one line from this guide: **the moment a project starts to feel urgent is the moment your leverage has already peaked.** Urgency is a negotiating instrument, and it is usually aimed at you.

Six Areas. Ask All Six.

Energy and grid. Water. Jobs and tax. Housing. Environment and land.
Public safety.

Every answer in writing, with a number attached and a source named.
An answer you cannot check is not an answer.

Energy and the grid

CONTRACTED LOAD

How many megawatts at full build, and at each phase? Not the site's theoretical capacity. The load they intend to draw.

WHO FUNDS TRANSMISSION

If new lines, substations, or generation are required, does the developer carry that cost, or does it enter the rate base residents pay into?

RATEPAYER PROTECTION

Will you commit in writing that residential rates will not rise as a consequence of this project? If the answer is no, ask why not, and record the answer.

RELIABILITY

During a grid emergency, who curtails first, the facility or the households already here?

BACKUP GENERATION

How many generators, what fuel is stored on site, and how many hours per year is running permitted?

AREA TWO

Water

VOLUME

Gallons per day at full build, in a normal year and in a drought year. Insist on both figures.

SOURCE

Municipal, groundwater, surface, or reclaimed? If groundwater, which aquifer, and who else draws from it?

COOLING DESIGN

Evaporative, air cooled, or closed loop? This one decision can move water consumption by an order of magnitude. Have them commit to the design in the agreement, not the application.

DISCHARGE

What returns to the system, at what temperature, carrying what treatment chemicals?

DROUGHT PRIORITY

Under restriction, who is curtailed first? Whatever they say, put it in the agreement.

AREA THREE

Jobs and tax revenue

PERMANENT POSITIONS

How many permanent on site roles after construction ends? Ask for headcount, titles, and wage bands. Construction jobs are temporary and belong in a separate column.

WHO IS HIRED

What share is filled locally, and what training will be funded to make that achievable rather than aspirational?

NET REVENUE

What is the tax yield after every abatement, exemption, and incentive? Have your own finance staff model it. Not theirs.

COST SIDE

What new public expenditure does this create across roads, emergency services, utility staffing, and inspection capacity?

CLAWBACK

If the jobs or the capital investment do not materialize, what is recovered, on what trigger, and who determines it?

The comparison that matters: measure the incentive package against permanent payroll, not the headline investment figure. Most of that figure is equipment, bought elsewhere.

AREA FOUR

Housing

CONSTRUCTION WORKFORCE

How many workers, over how many months, housed where? A large temporary influx into a tight rental market raises costs for the people already living in it.

HOUSING PLAN

Will the developer fund temporary accommodation, or is the assumption that local supply absorbs the demand?

DISPLACEMENT EXPOSURE

What is the current rental vacancy rate, and which residents are most at risk if it tightens further?

AFTER THE BUILD

What happens to that pressure when construction ends, and what remains in place?

Environment and land

LAND

How many acres, in what current use, and what habitat is displaced?

NOISE

Decibel levels at the property line and at the nearest residence, at night, with cooling at peak. Ask for measured readings from an operating facility, not modeled projections.

LIGHT

What is the lighting plan, and is it shielded and directed downward?

AIR

What are generator emissions, and where does the plume travel relative to homes and schools?

DECOMMISSIONING

If this closes in fifteen years, who removes it, and is that obligation bonded now rather than promised later?

Public safety

FIRE AND EMERGENCY READINESS

Is your department trained and equipped for high voltage systems and lithium battery storage? If not, who funds the training and the equipment, and on what timeline?

BATTERY STORAGE

What capacity on site, what chemistry, and what is the suppression plan? Ask specifically what the response is to a thermal runaway event.

MUTUAL AID

Is there a written agreement, and has your chief seen the site plan before approval rather than after?

SECURITY

Who provides it, who funds it, and what does hosting critical infrastructure change about your community's risk profile?

RESPONSE TIMES

Which station covers this site, and does the project change response times for everybody else?

What belongs in writing

A commitment made in a public meeting is not enforceable. These belong in the agreement itself.

- **A capped ratepayer impact**, with a defined remedy when it is exceeded.
- **Water volume ceilings** and drought priority, naming who is curtailed first.
- **Permanent job floors** with wage minimums, and a clawback tied to both.
- **Local hiring and training commitments** carrying real numbers and a reporting date.
- **Noise limits measured at the nearest residence**, not at the property line.
- **A bonded decommissioning fund**, capitalized now.
- **Annual public reporting** on energy, water, headcount, and wages, delivered to the council in open session.
- **An assignment clause.** If the project is sold, every commitment transfers with it. These assets change hands.

Five things that should stop you

1 A deadline you did not set.

If the decision must happen in three weeks for reasons belonging to them, the deadline is an instrument, not a constraint.

2 A non disclosure agreement ahead of a public vote.

You cannot represent people you are not permitted to speak with.

3 Job figures without titles.

Genuine staffing plans carry roles and wage bands. A single headcount number is marketing material.

4 An entity that will not name the operator.

You are entitled to know who will actually run the facility in your community.

5 Commitments described as standard practice

rather than written into the agreement. If it is genuinely standard, they will sign it.

What this guide cannot do for you.

This is a checklist, not an evaluation. A real decision on a real project requires specialists, and you should budget for them before you need them.

- **A power systems engineer** to test the load and transmission claims.
- **A hydrologist or water utility modeler** for aquifer and drought analysis.
- **A municipal finance analyst** to run the incentive package independently of the developer's model.
- **Counsel experienced in these specific agreements**, rather than general municipal counsel encountering one for the first time.

Any advisor who tells you they cover all of that alone is selling you something. The role of strategic counsel is to help you ask the right questions, coordinate the specialists, and hold your side of the table. I name the gap deliberately. It is what makes the rest of the advice worth trusting.

ABOUT

When a developer brings a team to your community, who is sitting on **your** side of the table?

Cross Suite Advisory provides independent, client side counsel to cities, counties, tribal nations, public utilities, and community coalitions weighing artificial intelligence infrastructure proposals. We are never on a vendor's side of the table. Every recommendation is reviewed by the Principal before it reaches a council chamber.

I spent close to thirty years running operations and budgets in hospitality and higher education, including at Wyndham, Syracuse University, and Cornell University, before founding this firm.

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