



David Ball <david@daball.me>

Freedom of Information Act Request regarding Potesta & Associates, its competitors, selection process, and legal theories regarding landfill project

Lonzo Lester <lonzo.lester@russellcountyva.us>

Fri, Feb 16, 2024 at 1:39 PM

To: David Ball <david@daball.me>

Cc: foiaouncil@dls.virginia.gov, vcog@opengovva.org, Blhurleylaw@gmail.com

 Potesta Landfill Development Feasibility Study

RFQ.pdf

 T&L Landfill Development Feasibility Study

RFQ.pdf

Mr. Ball,

You have requested information (attached) from the Russell County Board of Supervisors under the Virginia Freedom of Information Act (FOIA). I have reviewed your request and provide the following information:

Request #1 - All communications, if any, including but not limited to any emails, phone call notes, chats, instant messages, letters, or other correspondence, regarding any requests for qualifications (RFQs) about the Russell County landfill project referenced above including solicitations for requests for qualifications, negotiations between the County and any prospective clients, including but not limited to Potesta & Associates and Thomas & Litton, or any discussions about the scope, cost, or any other facts regarding the project, between the County and any prospective clients, to include communications not limited to the Board of Supervisors but also to include the County Administrator, any County Attorneys, or any other parties representing the County and any prospective clients, whether or not the Board accepted those offers by those offerors. You should omit the communications which were already disclosed in the agenda packet for September 12, 2022. - **See attached documents.**

Request #2 - All communications, if any, including but not limited to any emails, phone call notes, chats, instant messages, letters, or other correspondence, regarding any ongoing relationship between Russell County and Potesta & Associates regarding the landfill project for which the Request for Qualifications (RFQ) was ultimately awarded to Potesta & Associates during the September 12, 2022, board meeting. This request should include communications between Board Members, County Administrator, any County Attorneys, or any other parties representing the County and Potesta & Associates. You should omit the communications that were already disclosed in any other agenda packets currently available for download. - **See attached documents.**

Request #3 - All project deliverables, if any, including but not limited to any results, and particularly comprehensive results, of the feasibility study work being purchased on an ongoing basis from Potesta & Associates regarding the landfill project for which the County's client has done work for the County. - **Gentry Locke (Special Counsel) is asserting that the information submitted by NOV A and Potesta Engineering is CONFIDENTIAL under Va. Code Sections 2.2-3705.6.3 and 2.2-3705.7.2 which is part of the Host Agreement.**

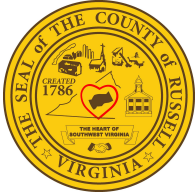
Request #4 - All communications, if any, including but not limited to any emails, phone call notes, chats, instant messages, letters, or other correspondence, between the County or any of its representatives, Board Members, the County Administrator, or any other parties representing the County, and any prospective landfill owners or their attorneys, County attorneys, or any other attorneys, that can corroborate or otherwise reinforce any claims, arguments, suppositions, etc., that the County might be held liable in the event it does not resolve to sign a Host Agreement and/or if the County might choose to modify the 2017 waste management ordinance to remove language permitting private landfills. Especially if you have any documentation on redress rights the

landfill owner might have, do include that in the request. - **No communications of any type addresses or exist concerning corroborate or otherwise reinforce any claims, arguments, suppositions, etc., that the County might be held liable in the event it does not resolve to sign a Host Agreement and/or if the County might choose to modify the 2017 waste management ordinance to remove language permitting private landfills. Especially if you have any documentation on redress rights the landfill owner might have, do include that in the request.**

If you have any questions, please contact me.

Sincerely,








Lonzo Lester, MBA, VCO, CPC
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www.russellcounty.us

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7 attachments

-  **Potesta Master Ageement Final - 09302022.pdf**
2601K
-  **Proposal for Consulting Services - Potesta & Assoc..pdf**
611K
-  **Potesta contract adjustment.pdf**
114K
-  **BOS Minutes 12112023.pdf**
191K
-  **RC BOS Minutes 09122022.pdf**
129K
-  **Landfill Feasibility RFQ.pdf**
146K
-  **RussellCountyLandfillFeasibilityStudyProposal (1).pdf**
648K