



# City of Spokane

September 30, 2009

Council President Joe Shogan  
Spokane City Council  
808 W Spokane Falls Blvd  
Spokane, WA 99201

Re: **Pending Decision - Contracts for RSWS Consulting Services**

Dear Council President Shogan:

As important decision dates for the Regional Solid Waste System (RSWS) grow closer, System staff are working through checklists of important issues to be resolved in 2010 and 2011. Among key elements to be addressed (and associated expertise to be provided under contract) are:

1. Assessment of facility condition and maintenance status, and operator procurement (engineering services contract); and
2. Negotiation of terms for facility operations and power sales (special legal counsel contract).

Recently, the Spokane City Council approved a contract with HDR Engineering, Inc. after an RFP for the engineering services piece. **A contract for special legal counsel is pending on the City Council's agenda and has been deferred for one week (until October 4) to allow all of you an opportunity to be better informed about the operations and power sales contract negotiations piece.**

A brief fact sheet about the need for special legal counsel and the notification and review process to-date is attached. **If you have questions, please bring them to my attention by close of business this Friday.** To stay on track with tight time frames to complete work in advance of 2010 and 2011 deadlines, **we need to act on the legal services contract and move to next steps.**

Please note that I have instructed System Director Russ Menke to improve communications with our regional partners, and we will continue to work toward better communications. (See minutes of August 3, 2009 Liaison Board meeting.) One of the key aspects on which we need common understanding is the decision-making process and where responsibilities lie for making key decisions.

For example, the Solid Waste Advisory Committee (SWAC) is advisory to the County Commissioners, and actively participated in development of the Comprehensive Solid Waste

***"Spokane – Near Nature, Near Perfect"***

Management Plan. The Commissioners recently adopted the revised plan, and staff will be asking all the municipalities within the County to adopt the plan over the next few months. The Commissioners and the Spokane City Council are responsible for receiving input and jointly approving major decisions about the operation of the System, including the setting of disposal fees. The Liaison Board, formed by interlocal agreement, is a forum for discussion among the City of Spokane, the regional cities and the County. The Liaison Board is briefed by System staff and others; Liaison Board members take information about the System back to their respective jurisdictions, which will make decisions on issues such as continuing participation in the System following expiration of the current interlocal agreements.

As a factor in our dialogue about future governance of the System, we are revisiting this decision-making structure. *Up to this point, the Director's communications to decision makers have been framed by the current structure. This has been the case for the engineering and legal services contracts.* During the next 18-24 months of transition, we expect to use the existing decision-making structure, while being more deliberate about sending information to a broader group of interested parties.

Thank you for your interest in our important regional system for management of solid waste.

Sincerely,



Mary B. Verner  
Mayor

cc.: Mayor and City Council of Liberty Lake  
Mayor and City Council of City of Spokane Valley  
Members of Solid Waste Advisory Committee  
City of Spokane City Administrator  
City of Spokane Public Works Director  
City of Spokane City Attorney  
Spokane County CEO  
Spokane County Public Works Director  
Spokane County Attorney  
Spokane City Council Members  
Spokane County Commissioners  
Spokane Regional Solid Waste System Liaison Board Members

Attachments