

## Spencer Brandt

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**From:** Collins, Beth A. <BCollins@bhfs.com>  
**Sent:** Tuesday, December 12, 2023 8:09 AM  
**To:** Das Williams  
**Cc:** Darcel Elliott; Diaz, Jessica L.; John Dewey (john@deweygroup.com)  
**Subject:** Mustang/Tajiguas -- URGENT

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Das,

I'm sorry we didn't get a chance to connect on this. Give me a call if you want to discuss.

In short, I'm concerned that the County hasn't really considered the downside for moving forward with the termination at this time. Boxing John into litigation is not the best path – for the County, for ratepayers, or for the trailblazing Resource Recovery Project.

Unilateral termination results in significant risk and uncertainty for the County, which could be avoided if we paused and went to mediation. It's curious that the County is ready to enter into a contract with another partner with funding and performance standards equal to those John has sought for a year. Mediation (while funding the Project at the same levels the County is prepared to do so now) could result in a mutually agreed transition whereas unilateral termination could have many unintended consequences for the County.

- The County's reputation as a potential partner in public/private partnerships will suffer, as will its ability to acquire new partners.
- Litigation is always uncertain. No matter how confident County Counsel appears to be about its legal footing, John has a different story, and there is always uncertainty and risk in litigation.
- Litigation can be ugly, and it may reveal facts that are not good for the County, or this model project.

**Our ask to you is this: reject the unilateral termination and instruct staff to mediate a mutually agreeable exit plan with MSB and a new partner, with a commitment of funding critical operating expenses in the interim.**

We all want the ReSource Center to be a success story – for the environment, for the ratepayers, and for public-private partnerships. Thank you for all the support you've given the project over the years. I'm hoping you are willing to support a positive transition at this critical time.

Beth

***Beth A. Collins***

Shareholder

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***Brownstein - we're all in.***

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