

**IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS
CIVIL DIVISION**

MICK WAGNER

PLAINTIFF

v. **Case No.** _____

**CITY OF TONTITOWN; and
ANGELA RUSSELL, MAYOR OF TONTITOWN**

DEFENDANTS

COMPLAINT

COMES NOW, Plaintiff Mick Wagner, by and through his undersigned counsel, and for a cause of action alleges as follows:

1. This is a suit brought under Article 16, Section 13 of the Arkansas Constitution, which permits Arkansas citizens to challenge the unlawful use of public funds on behalf of themselves and all similarly situated taxpayers. Furthermore, Plaintiff alleges that Defendants, Mayor Angela Russell and the City of Tontitown, violated Article 12, Section 5 of the Arkansas Constitution by unlawfully appropriating public funds to finance private legal representation for a group of individuals, including Mayor Russell herself, in a lawsuit opposing the Eco-Vista landfill expansion. Plaintiff further alleges that Angela Russell and the City of Tontitown improperly used taxpayer money to advance private interests, including the mayor's personal interest, as she resides near the landfill and has a vested interest in opposing its expansion.

2. These unlawful expenditures, as described below, constitute an illegal exaction, directly harming the taxpayers of Tontitown. Defendants Angela Russell and the City of Tontitown used public funds to finance private legal representation for a group of individuals, including

Mayor Russell herself, in a lawsuit opposing the Eco-Vista landfill expansion. This lawsuit seeks declaratory relief to affirm these violations of the Arkansas Constitution and an injunction to prevent Angela Russell and the City of Tontitown from continuing to misuse public funds for private purposes.

3. This lawsuit does not take a position on the merits of the underlying litigation concerning the Eco-Vista landfill expansion, nor does it advocate for or against the expansion of the landfill. Instead, it focuses solely on the misuse of public funds by Defendants Angela Russell and the City of Tontitown. Regardless of the merits of the underlying lawsuit, taxpayer money must not be used to finance private legal representation for a group of individuals, including Mayor Russell herself, in a matter where private interests are at stake. Allowing public funds to be used in this manner sets a dangerous precedent, undermining the constitutional mandate that public money be used solely for public purposes.

4. Plaintiff, Mick Wagner, a resident and taxpayer of Washington County, Arkansas, challenges the unlawful use of public funds by the City of Tontitown and Mayor Russell in violation of the Arkansas Constitution.

5. The Arkansas Supreme Court has stated: "Citizens have standing to bring a public-funds case because they have a vested interest in ensuring that the tax money they have contributed to the state treasury is lawfully spent. Thus, the only standing requirements we have imposed in public-funds cases is that the Plaintiff be a citizen and that he, or she, have contributed tax money to the general treasury." *Nelson v. Berry Petroleum Co.*, 242 Ark. 273, 413 S.W.2d 46 (1967).

6. Jurisdiction and venue are proper in this Court as the events giving rise to this action occurred in Washington County, Arkansas, and the parties are located therein.

7. The City of Tontitown, Arkansas, is a municipal corporation governed by a mayoral-city council form of government. The actions of the mayor and city council are subject to the requirements of the Arkansas Constitution and applicable statutes.

8. This case arises from the Arkansas Department of Energy and Environment, Division of Environmental Quality (“DEQ”), granting a permit on March 17, 2023, for the expansion of the Eco-Vista Landfill (“the Landfill”), located in or near the City of Tontitown, Washington County, Arkansas. The permit approval followed a request for expansion submitted by Eco-Vista, which generated opposition from the City of Tontitown and certain private property owners.

9. Prior to the DEQ’s approval, on January 3, 2023, the City of Tontitown passed a resolution opposing the expansion of the Landfill and authorizing the City to communicate its position to the DEQ and other regulatory authorities. (Exhibit A).

10. On January 17, 2023, the Tontitown City Council passed a resolution authorizing Mayor Angela Russell to enter into an engagement agreement with the Noland Law Firm, P.A., to provide "environmental and regulatory legal services" on behalf of the City of Tontitown. (Exhibit B). This engagement was intended to secure representation for the City in its opposition to the proposed Landfill expansion.

11. After the DEQ approved Eco-Vista’s request for expansion, a group of eighteen individuals (“Individual Petitioners”), all of whom own property in close proximity to the Landfill, filed a request for an adjudicatory hearing before the Arkansas Commission on Pollution Control and Ecology (“APCEC”) on April 14, 2023. The Individual Petitioners sought to challenge the DEQ’s decision to grant the permit for the Landfill expansion. (Exhibit C; Addendum to Request for Adjudicatory Hearing naming the Individual Petitioners). Mayor Angela Russell was identified

as one of the Individual Petitioners in the case. On information and belief, Mayor Russell resides on property located less than one mile from the Landfill. The Individual Petitioners were represented by attorney Richard Mays of the Richard Mays Law Firm, PLLC. (Exhibit D)

12. On April 17, 2023, Defendants Mayor Angela Russell and the City of Tontitown filed a separate request for an adjudicatory hearing before APCEC. This request challenged the DEQ's permitting decision and was filed on behalf of the City by attorney Ross Noland of the Noland Law Firm, P.A., pursuant to the engagement agreement previously authorized by the City Council.

13. Following these filings, extensive litigation ensued, including substantial discovery, multiple depositions, and numerous pleadings. During her deposition on June 20, 2023, Mayor Russell acknowledged that she was listed as one of the Individual Petitioners represented by attorney Richard Mays. (Exhibit E; Excerpt from the Deposition of Mayor Russell)

14. Pursuant to a Freedom of Information Act (FOIA) request, Plaintiff obtained an invoice dated July 6, 2023, from the Richard Mays Law Firm PLLC directed to the City of Tontitown for services rendered in connection with the Eco-Vista Landfill litigation. The invoice details substantial work performed exclusively on behalf of the Individual Petitioners, including preparation and participation in strategy meetings with Mayor Angela Russell and others, drafting and finalizing responses to discovery requests, taking and defending depositions, conducting legal research on regulatory matters, and drafting a Motion for Summary Judgment on behalf of the Individual Petitioners. The total billed amount was \$15,079.95, which was paid in full using funds from the City of Tontitown's general fund. (Exhibit F)

15. On information and belief, the City Council of Tontitown did not authorize any work to be performed on behalf of the City by the Richard Mays Law Firm PLLC in connection

with the Eco-Vista Landfill litigation. Furthermore, the City of Tontitown never entered into a contract or engagement agreement with the Richard Mays Law Firm PLLC to represent the City in this matter. The lack of authorization or a contractual agreement demonstrates that the work detailed in the invoice was performed solely for the benefit of the Individual Petitioners, including Mayor Angela Russell, and not for the City of Tontitown.

CONSTITUTIONAL VIOLATIONS AND ILLEGAL EXACTION

16. Article 12, Section 5 of the Arkansas Constitution prohibits municipalities from appropriating public funds for private purposes. The relevant provision states:

“No county, city, town or other municipal corporation shall become a stockholder in any company, association, or corporation; or obtain or appropriate money for, or loan its credit to, any corporation, association, institution or individual.”

17. Article 16, Section 13 of the Arkansas Constitution empowers taxpayers to challenge the misuse of public funds, providing: "Any citizen of any county, city, or town may institute suit to protect the inhabitants thereof against the enforcement of any illegal exactions whatever."

18. The Arkansas Supreme Court has consistently held that even if expenditures benefit a public purpose, municipalities are constitutionally prohibited from using public funds to finance private interests. In *Halbert v. Helena-West Helena Indus. Dev. Corp.*, 226 Ark. 620, 625, 291 S.W.2d 802, 805 (1956), the Court emphasized that municipal expenditures must directly serve the public and not private entities.

19. The Arkansas Attorney General has similarly interpreted Article 12, Section 5 of the Arkansas Constitution to bar municipalities from granting or donating public funds to private entities, including individuals or groups, regardless of the purpose or perceived benefit. See Ark. Op. Att’y Gen. No. 2005-205.

20. The expenditure of \$15,079.95 in taxpayer funds by the City of Tontitown to pay the Richard Mays Law Firm PLLC violates Article 12, Section 5 of the Arkansas Constitution because it is the responsibility of private parties to pay for the attorneys representing their interests in a lawsuit, not the City. Regardless of how compelling the case may be, taxpayer money cannot be used to subsidize private legal representation. This fundamental principle ensures that public funds remain dedicated to public purposes and prevents a precedent where government resources are diverted to support private interests.

21. The unlawful expenditure of \$15,079.95 in taxpayer funds by the City of Tontitown and Mayor Angela Russell violates Article 12, Section 5 of the Arkansas Constitution and constitutes an illegal exaction under Article 16, Section 13. Plaintiff seeks declaratory relief to affirm these constitutional violations, injunctive relief to prohibit Defendants from using public funds for private purposes, and an order requiring Defendants to reimburse the City of Tontitown's general fund for the misappropriated taxpayer money.

WHEREFORE, Plaintiff respectfully requests a declaratory judgment that the expenditure of \$15,079.95 in taxpayer funds by the City of Tontitown and Mayor Angela Russell violated Article 12, Section 5 and Article 16, Section 13 of the Arkansas Constitution. Plaintiff further requests a permanent injunction prohibiting the City of Tontitown and Mayor Angela Russell from using public funds for private purposes or authorizing any expenditure of taxpayer money in violation of the Arkansas Constitution. Additionally, Plaintiff seeks an order requiring Defendants to reimburse the City of Tontitown's general fund for the unlawful expenditure of taxpayer money, an award of attorney's fees and costs as permitted by law, and such other and further relief as the Court deems just and proper.

Mick Wagner, Plaintiff



Joey McCutchen ABA#88045
McCutchen, Napurano—The Law Firm
Attorney at Law
P. O. Box 1971
Fort Smith, AR 72902
(479) 783-0036
Facsimile (479) 783-5168



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 Kind: ORDINANCE
 Recorded: 01/05/2023 at 04:11:49 PM
 Fee Amt: \$20.00 Page 1 of 2
 Washington County, AR
 Kyle Sylvester Circuit Clerk

RESOLUTION NO. 2023-01-1027R

Fi. 2023-00000530

TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION EXPRESSING THE INTENT OF THE TONTITOWN CITY COUNCIL RELATED TO THE ECO-VISTA CLASS 1 AND 4 LANDFILL EXPANSIONS IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, Eco-Vista, LLC (“Eco-Vista”) owns and operates a Class 1 and Class 4 Landfill (“Landfill”) which is located within the municipal limits of the City of Tontitown (“Tontitown”) and Tontitown has been considered a “Host Community” pursuant to Arkansas Department of Environmental Quality (“ADEQ”) Regulation 22.204 ; and

WHEREAS, Eco-Vista desires to expand the Class 1 and Class 4 Landfill and has been engaged in a process through the ADEQ for said expansion of the Landfill; and

WHEREAS, on July 3, 2018, the Tontitown City Council adopted Resolution No. 2018-07-797-R accepting the location of the proposed Landfill expansion; and

WHEREAS, on November 6, 2018, the Tontitown City Council adopted Resolution No. 2018-11-815R to approve a future land use and master street plan, called the “Vision Plan”, which identified the current Landfill site as a future use of “LE-Landfill Exclusive”; and

WHEREAS, on July 7, 2020, the Tontitown City Council adopted Ordinance No. 2020-7-892 to establish an Exclusive Use provide for a zoning district called “EU-L Exclusive Use-Landfill” which included various zoning regulations which would apply to any new landfill use in the City; and

WHEREAS, on October 6, 2020, the Tontitown City Council adopted Ordinance No. 2020-10-900 to rezone approximately 417.1 Acres of the Landfill property from R-MH and R-1 zoning districts to EU-L, Exclusive Use-Landfill; and

WHEREAS, in the fall of 2021, the Landfill received Large Scale Development approval from the Tontitown Planning Commission for the Landfill expansion project; and

WHEREAS, since the approval of the above resolutions and ordinances, the Tontitown City Council has become aware of continuous problems and issues related to the Landfill operation that cannot be regulated by a municipality under Arkansas law, with such problems and issues affecting the health, safety and welfare of the residents surrounding the Landfill and others in the city; and

WHEREAS, the Tontitown City Council is aware that such problems and issues related to the Landfill operation which have occurred with regularity over the course of the past number of years include, but are not limited to, loud noises, debris, serious air quality concerns including noxious gases and odors, pollutants in the ground, water quality issues and other issues; and

WHEREAS, these problems and issues have been communicated to proper regulatory authorities and Eco-Vista by citizens and others, but to date have not been mitigated or addressed;



WHEREAS, the Tontitown City Council is aware that growth in the region and the city is robust and more people will be negatively impacted by increased Landfill operations; and

WHEREAS, the Tontitown City Council acknowledges that the city has become administratively burdened through the receipt of continuous complaints regarding Landfill operations; and

WHEREAS, the Tontitown City Council acknowledges that a municipality has a significantly limited role in the regulation of Landfill operations, but believes it is necessary to protect the health, safety and welfare of the citizens of Tontitown by affirming to regulatory authorities that the Tontitown City Council, to the extent possible, desires to express its belief that the approval of the expansion of the Landfill will be detrimental to the public health, safety and welfare; and

WHEREAS, the final decision for the expansion of the Landfill has not been made; and

WHEREAS, after thorough consideration of the above, the City Council has determined that the location of the Landfill expansion gives rise to concern for potential limitations to the City's opportunity for growth and desires to withdraw their support of the Landfill expansion in order to protect the best interest and benefit of the citizens of Tontitown.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Tontitown, Arkansas:

Section 1. It is hereby the express desire of the Tontitown City Council, for the reasons set forth above and to the extent possible, that the final approval of the Landfill expansion be denied.


Section 2. The Mayor or her designee is hereby authorized to bring this Resolution to the attention of the regulatory authorities and to provide information to such regulatory authorities as is requested or necessary.

PASSED AND APPROVED this 3 day of January 2023.

APPROVED:


Angela Russell, Mayor

ATTEST:


Rhonda Ardemagni, City Clerk-Treasurer

Washington County, AR
I certify this instrument was filed on
01/05/2023 04:11:49 PM
and recorded in Real Estate
File Number 2023-00000530
Kyle Sylvester - Circuit Clerk

by 

RESOLUTION NO. 2023-01-1028B

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE AN ENGAGEMENT LETTER WITH NOLAND LAW FIRM, P.A. FOR THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, the City of Tontitown is in need of environmental and regulatory legal services; and

WHEREAS, environmental and regulatory law is a highly specialized area of law, and the City Council finds that Noland Law Firm, P.A. is the best qualified to provide these services, as needed, to the City of Tontitown; and

WHEREAS, the City Council finds it to be in the best interest of the citizens of Tontitown to authorize execution of an engagement letter with Noland Law Firm, P.A.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Tontitown, Arkansas:


Section 1. The City Council of the City of Tontitown, Arkansas, hereby authorizes the Mayor to negotiate and enter into an engagement letter with Noland Law Firm, P.A., attached hereto as Exhibit "A", and all other measures to execute any and all other documents necessary in connection therewith.

PASSED and APPROVED this 17 day of January 2023.

APPROVED:


Angela Russell, Mayor

ATTEST:


Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)





January 19, 2023

Via Email Only (mayor@tontitownar.gov)

Mayor Angela Russell
235 East Henri De Tonti
Tontitown, AR 72762

Re: *Engagement Letter*

Mayor Russell:

Thank you and the City of Tontitown for choosing Noland Law Firm. You seek Noland Law Firm's services to provide counsel pertaining to the city's interest in the permitting and operations of the EcoVista Landfill. The immediate task at hand is increasing our understanding of the status of the proposed expansion of the site through FOIA requests and document review.

Fees for legal services are \$150 an hour, plus any expenses that may be incurred, such as filing fees, copying costs, mileage (standard Federal rate), postage, and related expenses. Law Clerk time is \$40 an hour. Noland Law Firm, P.A. will bill you quarterly.

We agree you may add tasks to this agreement upon written authorization. We also agree this contract creates an at-will employment arrangement. Either party may terminate it upon written notice.

I will send you copies of all documents I prepare on your behalf. These copies are your file copies. Please retain them. I will store your file for 5 years after the conclusion of representation. I will destroy the file after that time unless you inform me you intend to claim it.

Please review, sign, and return this letter to me (you may scan and email it to me, or mail it to the P.O. Box) if you agree to its terms. If any of the information in this letter is not consistent with your understanding of the authorization you received from the City Council, please contact me before signing the letter and I will gladly address those issues.

Signature Page to Follow



Noland Law Firm

Arkansas Environmental Law and Litigation

Sincerely,



Ross Noland

I read this letter and agree to its terms.

 1-19-23
Angela Russell (Date)
Tontitown Mayor

ADDENDUM

- Nina Brown
- Brandt Burress
- Jacqui Calcagni
- Mark Calcagni
- Mikaila Calcagni, MD
- Dale and Theresa Cleveland
- David and Renee Etchison
- Fern Etchison
- Jacob Etchison
- Daryle “Russ” Greene, RN
- Greg and Darlene Humphries
- Kenneth Lovett
- Danielle and Heston McFatrige
- Glen Odglen
- Marty and Karen Phillips
- Donna Pianalto
- Mayor Angela Russell
- Kelly and Kim Young



**BEFORE THE ARKANSAS COMMISSION ON
POLLUTION CONTROL AND ECOLOGY**

IN THE MATTER OF:

DOCKET NO: _____

**ECO-VISTA LANDFILL – CLASS 4
NPDES Permit No.0290-S-R2
AFIN: 72-00144**

**REQUEST FOR
ADJUDICATORY HEARING AND COMMISSION REVIEW**

1. Pursuant to Ark. Code Ann. 8-4-205(B)(1) and (2) and APCEC Regulation No. 8.601 and 8.603, the following individuals, by their attorney, Richard H. Mays of Richard Mays Law Firm, PLLC, hereby requests an adjudicatory hearing and the opportunity to present evidence and oral argument before the Arkansas Commission on Pollution Control and Ecology (the "Commission") regarding the decision of the Director of the Arkansas Department of Energy and Environment, Division of Environmental Quality (herein, "DEQ") (or the Director's delegated officer) dated March 17, 2023, to grant and issue Permit No. 0290-S4-R2 ("the Permit"), for the expansion of the Eco-Vista Landfill ("the Landfill) in or near the City of Tontitown, Washington County, Arkansas, for the reasons enumerated below (the "Appeal").

2. The parties who join in this Petition (herein, "the Petitioners") are those named in the attached Addendum.

3. Each of the Petitioners on behalf of whom this Request is filed submitted comments to DEQ during the authorized comment period established by DEQ for submission of official comments on the draft permit as required for standing to file this Request pursuant to Ark. Code Ann. 8-4-205(B)(1) and (2) and APCEC Regulation No. 8.601 and 8.603. Each such comments



CERTIFICATE OF SERVICE

I, Richard H. Mays, hereby certify that, on the date set forth below, I served the foregoing document upon the following persons by depositing same in the U.S. Postal Service, via regular mail:

Director, Division of Environmental Quality
Department of Energy & Environment
5301 Northshore Drive
North Little Rock, Arkansas 72118

EcoVista Landfill
2210 Waste Management Drive
Springdale, Arkansas 72762

Mayor, City of Tontitown
235 East Henri De Tonti Blvd.
Tontitown, Arkansas 72762

Dated: April 14, 2023


Richard H. Mays

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BEFORE THE ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

IN THE MATTER OF:

Consolidated Docket No. 23-008-P
ECO-VISTA, LLC, CLASS 4 LANDFILL - PERMIT NO. 0290-S4-R2,

DEPOSITION OF ANGIE RUSSELL
TAKEN ON BEHALF OF THE ECO-VISTA, LLC
ON JUNE 29, 2023, BEGINNING AT 12:50 P.M.
IN SPRINGDALE, ARKANSAS
REPORTED BY KERRI PIANALTO, CCR

APPEARANCES:

On behalf of the ECO-VISTA, LLC

Michael B. Heister
QUATTLEBAUM, GROOMS & TULL, PLLC
111 Center Street, Suite 1900
Little Rock, Arkansas 72201
501-379-1700
mheister@qggtlaw.com

On behalf of the CITY OF TONTITOWN AND ANGIE RUSSELL

Ross Noland
NOLAND LAW FIRM
P.O. Box 251402
Little Rock, Arkansas 72225
501-541-7374
ross@nolandfirm.com

On behalf of the INDIVIDUAL PETITIONERS

Richard H. Mays
RICHARD MAYS LAW FIRM, PLLC
2226 Cottondale Lane, Suite 100
Little Rock, Arkansas 72202
501-891-6116
rmays@richmayslaw.com



1 you very much. I don't have any more questions kind of
2 subject to any follow-up from my colleagues here.

3 THE WITNESS: Thank you.

4 MR. HEISTER: Thank you.

5 CROSS EXAMINATION

6 BY MR. MAYS:

7 Q Mayor, you know I'm Richard Mays. I represent a
8 group of citizens. I believe you're one of them,
9 actually, in our group and about 20 or 23 residents who
10 live in the area of the landfill that I'm calling the
11 individual petitioners as opposed to the City of Tontitown
12 of which you're the mayor. Of course, you're involved in
13 this in a number of ways and I want to ask you a few
14 follow-up questions. First off, you said you live on
15 Arbor Acres Road; is that correct?

16 A Arbor Acres Avenue.

17 Q Avenue, okay. Is that in close proximity to the
18 landfill?

19 A Yes.

20 Q Okay. I'm going to show you a couple of
21 documents. The first one I'm going to label as Exhibit 5
22 to your deposition, and if you'll hand that to her? Have
23 you seen this document before or this photograph?

24 (WHEREUPON, Exhibit 5 was marked for
25 identification.)

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RICHARD MAYS LAW FIRM PLLC

2226 Cottondale Lane
Suite 210
Little Rock, Arkansas 72202
501-891-6116

CITY OF TONTITOWN
Attn: Mayor Angela Russell
P.O. Box 305
246 N. Barrington Road
Tontitown, AR 72770-7057

Statement Date: July 6, 2023
Statement No. 3
Account No. 164.00
Page: 1

RE: Tontitown Landfill

Payments received after 07/06/2023 are not included on this statement.

Fees

			Rate	Hours	Amount
06/02/2023	RHM	Preparation for and participation in Zoom conference with R. Nolan, Mayor Russell and M. Calcagni re coordination of work in appeal of Class 4 permit; review of email from A. Russell re "Tipper"	200.00	1.80	360.00
	HF	Reviewed pleadings and discussion with R. Mays re facts of case; finished review of pleadings and began review of Rule 22 binder	100.00	4.00	400.00
06/06/2023	RHM	Review of K. Lovett's email of 6/5; review of Mayor Russell's email of 6/6; review of Lovett's email of 6/6 re odors	200.00	0.80	160.00
	HF	Review of Rule 22 binder; research re whether a City can withdraw consent to a permit	100.00	5.00	500.00
06/07/2023	RHM	Review of R. Noland email re meeting with Mayor Russell, et al in office re discussion of case; preparation of response confirming meeting in office on 6/14	200.00	0.80	160.00
06/13/2023	RHM	Preparation for meeting with R. Noland, Mayor Russell, et al in office on 6/14	200.00	1.20	240.00
06/14/2023	RHM	Meeting with Ross Noland, Tontitown Mayor, et al, to discuss strategy, issues and coordination	200.00	1.40	280.00
	RHM	Email to attorney Heister requesting Word version of Interrogatories	200.00	0.20	40.00
	RHM	Conference with R. Noland, Mayor Russell, et al re discussion of issues and strategies for appeal of permit	200.00	1.50	300.00
06/15/2023	RHM	Email to Heister, Thompson and Noland re scheduling the depositions of Blake Small and David Conrad of Eco-Vista, LLC/Waste Management; email to Mark Calcagni and Kenneth Lovett re same; email to Noland, Shadrick and Russell re address and phone number of Levon Terry	200.00	1.80	360.00



Richard Mays
Shawn Jensen
DATE PAID _____
CHECK # 14125

OK to pay
Angela Russell
5380
LEGAL

			Rate	Hours	Amount
06/16/2023	NJJ	Scheduled court reporter for depositions of Dave Conrad and Blake Small	50.00	0.50	25.00
	RHM	Preparation of Notices of Deposition for David Conrad and Blake Small	200.00	0.80	160.00
	NJJ	Scheduling Court Reporter for depositions of David Conrad and Blake Small; emailing and mailing Notices of Deposition to opposing counsel	50.00	0.50	25.00
06/17/2023	RHM	Work on preparation of Responses to DEQ Interrogatories, Request for Production of Documents and Requests for Admissions	200.00	2.60	520.00
06/18/2023	RHM	Preparation of draft Responses of Petitions to ADEQ and Eco-Vista Interrogatories and Requests for Production of Documents, and Requests for Admissions; preparation of email to M. Calcagni and Ken Lovett; review of Reg. 22 and BMWMD regulations re Certificate of Need, review of Eco-Vista's attorney's email re change of date of depositions	200.00	6.30	1,260.00
06/19/2023	RHM	Amended Notices of Deposition of Blake Small and David Conrad per M. Heister's request	200.00	0.50	100.00
	NJJ	Re-scheduled depositions per M. Heister's request	50.00	0.50	25.00
	RHM	Finalizing Responses to Interrogatories and Requests for Production of Documents to ADEQ and Eco-Vista; emailed same to Petitioners for verification; service on opposing counsel	200.00	1.20	240.00
	RHM	Final review of and revisions to Responses to DEQ discovery requests; transmittal of same to attorneys	200.00	1.00	200.00
06/23/2023	NJJ	Reviewed and responded to email from Court Reporter re upcoming Conrad deposition	50.00	0.30	15.00
	NJJ	Reviewed and responded to email from K. Lovett re Responses to Request for Production	50.00	0.30	15.00
	RHM	Preparation of Response to Eco-Vista's First Set of Interrogatories and Requests for Production of Documents	200.00	2.20	440.00
	RHM	Preparation of letter to opposing counsel forwarding Petitioners' Response to Eco-Vista's First Set of Interrogatories and Requests for Production of Documents	200.00	0.60	120.00
	HF	Research whether the City can withdraw its approval on expansion	100.00	3.50	350.00
06/24/2023	RHM	Work on preparation of Responses to Eco-Vista's discovery requests	200.00	2.40	480.00

			Rate	Hours	Amount
06/25/2023	RHM	Review of and revisions to draft Responses to Eco-Vista's discover requests	200.00	1.80	360.00
	RHM	Preparation for deposition of D. Conrad	200.00	4.30	860.00
06/26/2023	RHM	Attendance at and participation in deposition of David Conrad	200.00	3.00	600.00
	RHM	Final review of and revisions to Eco-Vista's discovery requests; transmission of same to attorneys	200.00	0.80	160.00
	RHM	Taking of D. Conrad's deposition; review of DEQ documents in preparation for deposition of Zweifel (ADEQ)	200.00	3.80	760.00
06/27/2023	RHM	Attendance and participation in deposition of Zweifel at DEQ	200.00	2.60	520.00
06/28/2023	RHM	Draft Motion for Summary Judgment and Brief; to Springdale for depositions	200.00	6.50	1,300.00
	RHM	Review of email from Mayor Russell re her deposition and status of signatures on verifications	200.00	0.40	80.00
06/29/2023	RHM	Attendance and participation in depositions of Mayor A. Russell and B. Small (Eco-Vista); post-deposition conference with Boyer	200.00	6.50	1,300.00
06/30/2023	RHM	Complete drafting Motion for Summary Judgment and Brief on behalf of Individual Petitioners	200.00	4.00	800.00
		For Current Services Rendered		75.40	13,515.00

Recapitulation

Timekeeper	Hours	Rate	Total
Richard H. Mays	60.80	\$200.00	\$12,160.00
Nina Jackson	2.10	50.00	105.00
Hannah Frey	12.50	100.00	1,250.00

Expenses

Photocopy charges	230.50
Postage	46.11
Travel expense	613.54
Total Expenses Thru 06/30/2023	890.15

Advances

06/30/2023	Transcription fees [David Conrad deposition]	674.80
	Total Advances	674.80
	Previous Balance	\$3,146.50
	Total Current Work	15,079.95

CITY OF TONTITOWN
Account No. 164.00
RE: Tontitown Landfill

Date 07/06/2023
No. 3
Page No. 4

Payments

06/12/2023	Payment	-3,146.50
	Balance Due	<u>\$15,079.95</u>

CITY OF TONTITOWN

14105

Invoice #	Account	Dept	Amount Paid
Acct # 164	Legal Fees	Administration	15,079.95
Date: 07/11/2023	Paid To: Richard Mays Law Fire PLLC	Check #: 14105	\$15,079.95
Paid By: General Fund			

