

VALENCIA COUNTY BOARD OF COMMISSIONERS

SPECIAL MEETING

JUNE 14, 1999

MINUTES

The Special Meeting of June 14, 1999 was called to order by Chairperson Alicia Aguilar at 10:13 AM.

PRESENT

Alicia Aguilar, Chairperson
Aurelio H. Padilla, Vice-Chairman
Helen Baca, Commissioner
Eloy G. Giron, Commissioner
S. T. Frank Pando, Commissioner
James Fernandez, County Manager
Thomas Garde, County Attorney

ABSENT

Kandy Cordova, County Clerk

Press and Public

PLEDGE OF ALLEGIANCE

Marlene Feuer led the Pledge of Allegiance

APPROVAL OF AGENDA

Deputy County Clerk Paula Weathersby read the agenda as presented. Commissioner Al Padilla made a motion to approve the agenda. Commissioner Helen Baca seconded the motion. Motion carried.

Chairman Alicia Aguilar said, "For the record, Commissioner Giron will be here, hopefully within the next fifteen minutes, but he is absent now."

EXECUTIVE SESSION

Chairman Alicia Aguilar said, "I need a motion to go into Executive Session where Contract Negotiations for Solid Waste will be discussed.

Commissioner Frank Pando made a motion to go into Executive Session. Commissioner Helen Baca seconded the motion. Motion carried with Commissioner's Pando, Padilla and Baca voting yes.

Commissioner Giron arrived during the Executive Session.

Commissioner Eloy Giron made a motion to reconvene from the Executive Session to the Regular Session of the Board of County Commission. Commissioner Frank Pando seconded the motion. Motion carried.

Chairman Alicia Aguilar said, "The Ordinance and the Contract were both discussed during the Executive Session. We also met with Marlene Feuer of Waste Management. We discussed the 50-cent rebate to the County of each individual customer. We discussed enforcement of the contract. We discussed the Conejo Transfer Station in removing it from the existing contract. We also discussed holding the rate to customers so that it would not go up. We discussed the possibility of having convenience stations, convenience centers and along with that addressing recycling at each convenience station. We discussed the time of the contract and that we have an expiration of the existing contract and the possibility of extending it. We also discussed the acquisition of Tri-Sect should the Solid Waste Authority in Valencia County acquire that landfill then all trash would go to Tri-Sect."

James Fernandez said they also discussed tying any future increases to the CPI and that would be done administratively.

Chairman Aguilar said, "Also discussed were contracts that counties have as far as mandatory hauling like in Lincoln, Otero, Bernalillo, Taos and Dona Ana. We discussed the pros and cons of not renewing the contract, rescinding the Ordinance and amending and changing. The direction that is being given to administration is to go back and meet with Waste Management about enforcement of the contract and the enforcement would be done jointly between Valencia County and Waste Management in working with our attorney as to what is the best mechanism legally to enforce this contract. We would be discussing all of the other items that I just mentioned and we would be looking at a two-year contract renewable. All of these are to be discussed and brought back in the form of a draft or a proposal to this Commission and at that time things can be amended and other issues can be addressed."

Commissioner Frank Pando asked if these recommendations would be brought up at a regular meeting. Chairman Aguilar said, "We are in an open meeting now, so it becomes a part of the record so as soon as Mr. Fernandez and our attorney can meet with Waste Management and they get all of this information, then it would come back to us in an open meeting for discussion and what direction this Commission would be taking."

The County Attorney said, "Other issues that we discussed pertain to the extension with the concern of the Commission with regards to unsignability of the contract together with a commitment for a greater effort in marketing of Waste Management."

Chairman Alicia Aguilar said, "I'm going to ask for a vote on the direction being given to staff and to Counselor on what was just discussed."

Commissioner Eloy Giron said, "Are you asking for a motion on what was just discussed?" Chairman Aguilar said, "What it is, the intent of the Commission is to give staff, administration and Counselor direction. What I'm looking for is a vote that we are all in agreement of this direction." Commissioner Giron said, "There won't be any extensions right now?" Chairman Aguilar said, "This is the direction saying we're looking at a two year contract renewable, 50 cent rebate, addressing that, enforcement of the contract against any other haulers in Valencia County, removing Conejo from the existing contract, confirmation that the rate will hold to the customers in Valencia County for that length of time, addressing how we can have some convenience centers in Valencia County that will also address recycling and addressing acquisition of Tri-Sect making sure all trash goes there, tying in the CPI's and then addressing, making sure the contract is not assignable without Commission approval and coming up with an idea or something on marketing, a greater effort on marketing Waste Management and that there is trash pick-up available."

Commissioner Al Padilla said, "This is directed at an exclusive contract. Right?" Chairman Aguilar said, "Continuing with the exclusive hauler, administration is directed to meet with Marlene along with Counsel and then come back to us on whatever proposed changes to the Ordinance, proposed changes to the contract and how we will be addressing these issues and the Commission can then look at that."

Commissioner Padilla said, "What you are saying is that we are actually voting on an exclusive contract with Waste Management." Chairman Aguilar said, "What I'm saying is that right now we are leaning towards Waste Management continuing with the exclusive hauling and enforcing the contract." Commissioner Padilla said, "But the final vote is yet to come as to who we're going to issue this to." Chairman Aguilar said, "If you're saying go talk to Waste Management, come back and then we're going to go out for RFP to someone else, I'm not saying that." Commissioner Padilla said, "This is the final vote that will issue this contract to Waste Management?" James Fernandez said, "My understanding is, what we are being directed to do is develop a contract that will be brought back and be voted on. You're giving us direction as to what you want contained in that contract and the wording."

Commissioner Frank Pando said, "Correct me if I'm wrong, we are going to go after RFP's, correct?"

Carlos Montoya asked if the Commission wanted the hauling contract for the Conejo Transfer Station tied to this contract. Chairman Aguilar said, "Let's add that as an item that needs to be addressed because it wasn't discussed, but it needs to be reviewed so look at it and get together with Counsel and Waste Management and come back to us with that."

Commissioner Eloy Giron said, "Let's make this simple. I move to give direction to Mr. Fernandez to come back with a recommendation. He understands the things that we can discuss. When would this Commission like to?" Chairman Aguilar said, "I'm not sure the direction was to ask administration for a recommendation as it is to just gather all of the information and then let this Commission discuss it. Am I correct Commissioners? I think once he gets all of the information and we have all of the information then I don't have a problem asking for a recommendation. I think we are not ready for that recommendation just yet. The items that were discussed, we're saying these are all of our concerns, put them together and come back to us and see if we can agree on it."

Commissioner Frank Pando said, "Madame Chairman, I move on everything you said." Commissioner Al Padilla seconded the motion.

Chairman Aguilar said, "Commissioner Pando has moved to direct administration, counsel and Waste Management to review all of the items and all of the concerns stated."

Motion carried unanimously.

Marlene Feuer stated, "I certainly understand and appreciate the opportunity to do that with your staff and your legal counsel. Do you have a time line in mind?" Chairman Aguilar said, "I would like to see this done within the next 30 days. I don't want to let it extend into July or August."

Tom Garde said, "One thing we need to be concerned about is assuring that the contract doesn't lapse and that the ordinance is amended to reflect the extension." Chairman Aguilar said there is also a time for publication. She requested that they come back to the meeting of July 6, 1999 at 10:00 AM.

Commissioner Eloy Giron asked Ms. Feuer what would happen if the Commission had other ideas and they had more amendments that they wanted to add and the contract expired. Would they still be able to perform in Valencia County? Marlene Feuer said, "I'd prefer that we have a formalized agreement. The entire Commission understands that neither Waste Management nor the County is abiding by the laws that are on the books. I think it is dangerous to continue for any length of time operating without it. I would prefer that we have something adopted, you mentioned bringing other things to issue and I would appreciate it if you let me know when the original negotiations with staff take place." Chairman Aguilar said, "The only thing that I would say is if there is anything, any issues or questions that this Commission may have, that they direct them to the County Manager. The County Manager will then address them with Waste Management and Counsel, otherwise there can be too much confusion."

ACTION ITEMS

(A) Valencia County Solid Waste Contract

ADJOURNMENT

Commissioner Al Padilla made a motion to adjourn the June 14, 1999 Special Meeting of the Valencia County Board of County Commissioners. Commissioner Helen Baca seconded the motion. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the June 14, 1999, Special Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

SS
ALICIA AGUILAR, CHAIRPERSON

SS
AURELIO H. PADILLA, VICE-CHAIRMAN

SS
HELEN BACA, COMMISSIONER

SS
ELOY GIRON, COMMISSIONER

SS
S. T. FRANK PANDO, COMMISSIONER

ATTEST: ss

KANDY CORDOVA, COUNTY CLERK

DATE: June 21, 1999