

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## SPECIAL MEETING

October 25, 1999

## MINUTES

The Regular Meeting of October 25, 1999 was called to order by Chairman Alicia Aguilar at 10:04 AM.

### PRESENT

Alicia Aguilar, Chairman  
Aurelio H. Padilla, Vice-Chairman  
S. T. Frank Pando, Member  
Eloy Giron, Member  
Helen Baca, Member  
James Fernandez, County Manager  
Thomas Garde, County Attorney  
Kandy Cordova, County Clerk  
Press and Public

### ABSENT

### INTRODUCTION OF COUNTY ELECTED OFFICIALS & STAFF

Chairman Alicia Aguilar introduced the County Commissioners, Elected Officials and Staff.

### PLEDGE OF ALLEGIANCE

Marlene Feuer led the Pledge of Allegiance.

### APPROVAL OF AGENDA

Paula Weathersby read the agenda as presented. Chairman Aguilar asked if there would be discussion on the agreements with the haulers. County Attorney Tom Garde said, "Initially I had prepared a limited ordinance that would take effect at today's meeting. In discussion with Mr. Fernandez, given the fact that the application hasn't been made, rather than the ordinance going in to effect immediately, we are asking that this amendment go into effect 30 days from today's date. That would allow all of the parties to pick up an application and provide the necessary information to the Manager prior to the issuing of the permits."

Chairman Aguilar said, "My question is, the actual agreement between Valencia County and the haulers?" Tom Garde said, "That packet is available."

The County Manager said that packet was also sent to each hauler prior to this meeting. Chairman Aguilar asked if it needed to be added as an item for discussion of the agreement. The County Attorney said, "As that is part of this process, that would be appropriate."

Chairman Aguilar said the agenda would be changed to Item A--Final Consideration/Amendment to the Solid Waste Ordinance 99-04. Item B--Solid Waste Haulers Agreement and Item C--FEMA Update.

Commissioner Eloy Giron made a motion to amend the agenda as discussed. Commissioner Frank Pando seconded the motion. Motion carried.

### ACTION ITEMS

#### (A) FINAL CONSIDERATION/AMENDMENT TO THE SOLID WASTE ORDINANCE 99-04

County Attorney Tom Garde stated, "Before you is an amendment to the Solid Waste Ordinance #99-04. This amendment reflects the notice that was published with regards to changes in the current Solid Waste Ordinance 99-04. The changes pertain to Section 10.2.1.9 which provides for an increase of fees of 20 cubic yard roll-offs to \$275.00 a container; Section 10.2.2.20 with regards to 30 cubic yard roll-offs, the increase on that is \$345.00 a container; Section 10.1.1.11 with 40 cubic yard roll-offs increased to \$405.00 a container; Section 10.2.1.12 this provides for non standard size roll-offs in the amount of \$190.00 per pull plus disposal cost charged at landfill site; Section 19.1.0 the amount of the cash, surety, and/or performance bond has been reduced to the amount of \$100,000.00. That is a decrease from the original \$500,000.00 that was in the original ordinance. All of the other language that was set out in this section is as it was contained in the original ordinance."

"In your packet you have an emergency clause in the amendment and what I have done is prepare an amendment that does not provide for an emergency clause. If this Commission approves this amendment to the Solid Waste Ordinance, it will go into effect 30 days from today."

Discussion was held on the amendments with the County Commission, the County Attorney, the County Manager, Martin Frank Kirtley, Earl Gleason, Elvia Tabet, Charles Apodaca, Dean Vigil and Marlene Feuer.

Commissioner Frank Pando made a motion to approve the amendment to the Solid Waste Ordinance 99-04 of October 25, 1999. Commissioner Helen Baca seconded the motion.

Charles Apodaca said he has not seen the amendments. The County Manager said the packets were mailed to each hauler over a week ago. Chairman Aguilar said the amendments are the same items that have been discussed previously and that is all that is being addressed.

Motion carried.

Chairman Alicia Aguilar said, "Now the contractors know what they are to do, if they have any questions, they can contact administration. The agreements should be in place by the day of the effective date

of this ordinance. The haulers have 30 days to get everything in place and get a contract signed with Valencia County to do business." Tom Garde said, "That is correct."

#### **(B) SOLID WASTE HAULERS AGREEMENT**

Chairman Alicia Aguilar said this would be for discussion on the agreement between Valencia County and the haulers for them to do business. It will be a three-year contract renewable annually. There is a criterion that needs to be met before a permit is issued for the haulers to do business in this County. Only the individuals who have an executed agreement with Valencia County will be deemed to be legally doing business as Solid Waste Haulers.

County Attorney Tom Garde said, "That is correct. This will expire September 30, 2002, so we are within that time frame."

The County Attorney said, "In reviewing Exhibit A on the agreement, there is going to be some changes in that we need to remove the emergency clause so that it will read amended on October 25, 1999 and then we would insert the effective date of November 25, 1999. There is a typo on the second page with regards to the term "dumpster".

Commissioner Al Padilla made a motion to ratify the County Attorney's recommendation on Exhibit A. Commissioner Eloy Giron seconded the motion. Motion carried.

Marlene Feuer mentioned three items for clarification. Page 4, Section 3.8, where it talks about providing a rollover, it should be rolloff. On page 6, Section 6.1 She said they did not have a problem indemnifying the County for any negligent acts that they do. On the last paragraph of Section 6.1 she suggested that none of the haulers should be held responsible for acts that they have no control over, that are done by the County by their negligence, passive or aggressive. She requested that the Commission consider eliminating that clause. Her last concern, on page 5, Section 3.12, she suggested language, which made it mandatory for the haulers to accept accounts in Valencia County and that, has been excluded from the language. Right now it says they may provide or enter into contracts. She asked for clarification on this section. She said if it is left, as it is, you will have haulers who do not want to service accounts because it is out of their service area.

Chairman Aguilar said she was told that it was in the ordinance. The County Attorney said, "Section 4.1.0, the last sentence says, "To achieve such purposes, the Governing Body of the County may" and then we refer down to 4.1.7. So basically it is tracking the ordinance."

Chairman Aguilar said in Section 9.10 it says, "Solid Waste shall be collected or removed from residential premises and commercial establishments at least once per week. No resident shall be refused service by any Contractor(s). Refusal to provide service shall be documented and submitted to the County manager within five (5) days of service request by resident along with reason for denial by Contractor(s). The Board of County Commissioners will review all requests in a public meeting and may approve or disapprove a request. Contractor(s) agree to abide by Board decision." The County Attorney said the language could be inserted into the Contract.

Discussion was held with participation from the County Commissioners, Mel Sisson, Randy Sanchez, Charles Apodaca, Marlene Feuer, Earl Gleason and Dean Vigil.

Chairman Alicia Aguilar said, "This item was just for discussion. I think there is an understanding that any questions from the haulers, they are to address it to administration and administration will be the one that will be issuing the agreements and executing them." **(See Exhibit A for all Exhibits)**

#### **(C) FEMA UPDATE**

Charles Diebold presented a video for viewing by the County Commission and the public. Discussion was held with participation from Mr. Diebold, Irene Lee, Earl Gleason, the County Attorney and the County Commission.

#### **NEXT MEETING**

The next Special Meeting will be held on November 1, 1999 at 10:00 AM in the County Commission Room at the Valencia County Courthouse.

#### **ADJOURNMENT**

Commissioner Frank Pando made a motion to adjourn the October 25, 1999, Special Meeting of the Valencia County Board of County Commissioners. Commissioner Eloy Giron seconded motion. Motion carried.

<p><b>NOTE:</b> All proposals, documents, items, etc., pertaining to items on the agenda of the October 25, 1999, Special Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.</p>
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**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**SS**  
**ALICIA AGUILAR, CHAIRMAN**

**SS**  
**AURELIO H. PADILLA, VICE-CHAIRMAN**

**SS**  
**S. T. FRANK PANDO, MEMBER**

**ELOY GIRON, MEMBER**

**SS**  
**HELEN BACA, MEMBER**

**ATTEST: ss**

**KANDY CORDOVA, COUNTY CLERK**

**DATE: Nov 8, 1999**

**For an official copy of these minutes and attachments see Commission Book 35 Page 927**