

Special Meeting-November 25, 2008

The Board of Trustees of the Village of Tularosa met in a Special Meeting on Tuesday, November 25, 2008 at 6:00 P. M. in the Court/Conference Room of the Public Safety Facility located at 609 St. Francis Drive, Tularosa, New Mexico.

**Present:** Mayor Ray S. Cordova, Trustee Patrick Garcia, Trustee Thomas McKean, Trustee Gloria Sainz, Attorney Jeff Rhodes as well as Village Clerk Dianna Brusuelas.

Trustee Fred Tyler participated in the meeting by means of a conference telephone. meeting

**Absent:** Valarie Delgado Finance Officer

Mayor Ray S. Cordova asked that all rise and join in the Pledge of Allegiance.

### **Item 1. Consideration of Agenda**

Trustee Thomas McKean moved to consider the agenda and was seconded by Trustee Patrick Garcia.

**Roll Call Vote:** Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye.

Motion carried with all members of the Board voting in the affirmative.

### **Item 2. Consideration of Options for Village Based Solid Waste Collection & Disposal**

Mayor Ray Cordova introduced guest speaker Ernie Byers a consultant for Solid Waste Management. Mr. Byers made a presentation and presented an in-depth study analysis as to the feasibility of a municipal owned and operated solid waste program. Mr. Byers proposed an increase in fees, labor fees, tipping fees, fuel, maintenance, insurance and a loan payment. Mr. Byers asked the members of the board to take action on the option. Mr. Byers also asked the board to move forward in purchasing the containers. Mayor Cordova asked if this would be an annual payment of \$60,000.00 for seven years. Mr. Byers responded yes if the loan amount requested would be the same.

Attorney Jeff Rhodes questioned purchasing from a private bank and creation of debt and violating the Bateman Act (6-6-11). Mr. Rhodes also mentioned complying with the procurement code also stating that one of the exceptions of the Bateman Act is the lease purchase. Attorney Jeff Rhodes advised the Board that they also had to follow the procurement code in order to buy equipment they could not outright buy it. Village Clerk Dianna Brusuelas asked what if they went through New Mexico Finance Authority? Attorney Jeff Rhodes stated that it is not creation of debt if you go borrow from the state or federal government reminding the board that they could not wheel & deal, it has to be done properly. Mr. Ernie Byers asked the Board if they could take it to

vote contingent on not violating any rules or regulations. Attorney Jeff Rhodes felt the resolution was a problem because it sounded like a purchase.

Trustee Thomas McKean moved for a Lease Purchase Agreement to be prepared by the Village Attorney directly to Government Capital Corporation and not in violation of the Bateman Act. Trustee Patrick Garcia seconded the motion.

Trustee Fred Tyler asked about not having a pre-payment penalty. Attorney Jeff Rhodes stated that it would not be terminology to be used in this because then it would indicate creation of debt.

Mr. Ernie Byers asked if the way the motion was read does it allow the ordering of the carts. Mr. Byers said he would have the finance company call the attorney.

**Roll Call Vote:** Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye. Motion carried with all Board Members voting in the affirmative.

### **Item 3. Approval of Option Considered for Village Based Solid Waste Collection and Disposal**

Trustee Thomas McKean moved that the Village enter into a Solid Waste Collection Enterprise, Trustee Gloria Sainz seconded the motion.

**Roll Call Vote:** Trustee Garcia, aye. Trustee McKean, aye. Trustee Sainz, aye. Trustee Tyler, aye.

Trustee Fred Tyler asked about the termination date on the Termination Agreement with Alamo Disposal. Mayor Cordova responded that the village would either have to extend the date or look for a contractor who would provide the service.

### **Item 4. Adjourn**

Trustee Patrick Garcia moved to adjourn and was seconded by Trustee Thomas McKean.

There being no further business to come before the board the meeting adjourned at 7:00.

The written minutes are the official minutes of the meeting. The recorded Compact Flash are part of the minutes only for interpreting any ambiguity in the written minutes. When the minutes are approved and signed the written minutes are the official minutes of the meeting.

---

Ray S. Cordova, Mayor

ATTEST:

---

Dianna R. Brusuelas, Village Clerk

Minutes approved by The Board of Trustees at the Regular Meeting of December 16, 2008.