



San Angelo LIVE!

City Denies Citizen's Open Records Request About Trash Controversy

by Joe Hyde

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At first City Hall said he could see the records he requested, and then the City changed its minds, enlisting the opinion of the Texas Attorney General for backup.

Charles “Lynn” Young, a concerned citizen of San Angelo, has made an Open Records Request to force the city to reveal the responses to the trash RFP from the only two respondents, Republic Services and Texas Disposal Systems. He requested other information related to the trash RFP process, including:



- Minutes and attendance records related to the selection of the winning RFP,
- The criteria in its entirety that was used to select the winning bidder, and
- Any and all other records regarding the RFP, including but not limited to emails, personal correspondence, voice mails and texts.

Young made the request at the Apr. 1 Council meeting before he spoke against what he said was a rush to choose the winner of the trash RFP at the Apr. 1 Council meeting.

The City responded that it would allow Young’s request on Apr. 7. The City also informed Young that he will be required to pay \$334.90 for record gathering and copies. Or, the City said, Young could visit City Hall and review the documents in person for somewhat less. Young requested that the City waive the production fees because their release would serve the overall public interest, and that “the information requested is not being made for commercial purposes.” The City denied that request.

Young said he is not pro- or anti-Republic Services or Texas Disposal Systems.

“To me this is not about Republic or TDS as our provider, this is about the truly horrendous job our City Council did in looking out for San Angelo’s best interests. Not one time in any of the City Council meetings I attended did I heard any Member mention ‘San Angelo’s best interest’ but I did hear quite a bit about how Republic has been here a long time,” he wrote in an email to me.

Young is concerned that the Council took too little time in making a very large decision. Young calculates that the bids were opened at 2 p.m. Friday, Mar. 28, and the City announced the winner the following Tuesday, Mar. 31: A decision on a 10-year, \$450 million waste disposal and landfill management contract was made in less than two working days, excluding the weekend, Young said.

“We spent 13,541 days deciding if this should go out to an RFP, 97 days creating an RFP, 40 days getting it [proposals] back, and one working day deciding which way we were going to go,” Young said at the April 1 City Council meeting.

Young said the Council consumed months deciding winners of lesser value RFPs and said that something to him didn’t smell right about this RFP process.

“The appearance of this as being a fait accompli makes me nervous,” Young said.

Young said that before he could make it over to City Hall, the City changed its mind.

“That’s when I received several letters by registered mail about the City wanting a Texas AG opinion, and copies of letters sent to Republic and TDS coaching them on how to argue to the Texas AG to prevent the city from releasing their proposals,” Young said.

To date, Young has not been allowed to review the RFP documents that he requested.

The City argues that releasing the bid proposals before the final contract is negotiated with Republic will jeopardize the City’s bargaining position. Legally, the City argued that withholding the documents was allowed under Texas law regarding competition or bidding.

City PIO Wilson did not reveal what the Texas AG opinion was on this matter.

Although, through several minutes of prodding and enduring specious legalism, I was able to confirm that apparently the city had reversed their decision to show Young the RFP documents, and sought the opinion of the Texas Attorney General



Above: Charles "Lynn" Young addresses the Apr. 1 City Council meeting. You can see the entire exchange on YouTube here, starting at the 1:23:40 (h:m:s:) mark (this is a direct link to the appropriate starting point on the video).

on whether the city could withhold the RFP responses, emails, and minutes of the RFP award committee from Young.

Our questioning about the trash controversy apparently prompted Wilson to call a last-minute press conference for media only for 9 a.m. Wednesday morning.

This announcement from Wilson was made in the middle of our testy verbal and email exchange over the trash controversy Tuesday afternoon. It was emailed to Wilson's entire media contacts list. Wilson wrote:

“Friends, this advisory is NOT for publication. And I apologize in advance for the rather short notice.

“Operations Director Shane Kelton and City Manager Daniel Valenzuela will talk to the media about the solid waste proposals the City received as a result of the recent Request for Proposals at 9 a.m. Wednesday in the City Council chambers at the Convention Center. They will also take your questions regarding the RFP process.