



7-16-14, 10:20 a.m.

2 hours ago ...

Dear Mayor Morrison and Council Members Farmer, Silvas and Self.

It can be said that "the public" has no idea how complex this issue was, which is Charlotte Farmer's viewpoint posted to the San Angelo Live! Facebook page. That cannot be said of me. I spent hours discussing waste management with TDS and Republic as a member of the City Council from 2010 to June 2013. Unlike Mrs. Farmer who did not... visit the Texas Disposal System operation in Austin, I did visit the TDS recycling plant to learn how it works. I posted those pictures here on The San Angelo Connection and explained how it all functions to the public. I arguably am more educated than most officials seated on the City Council right now. So the lack of facts and knowledge argument is out the window with me. I will not shoot the bull to anyone and I will tell you how I see this, without the 3 minute time-limit imposed at Tuesday's council meeting.

People are wrong 99.9% of the time when they say council members are "on the take". However, this time a council member acted recklessly in disregard for rules that prohibit council members from participating in negotiations, by playing golf on the same team as a Republic official during the anti-lobby period. It is a technicality, but it is damaging. This council member could not objectively evaluate the agreement with TDS vs. Republic. I know a few will argue with that and say he can still be objective, but that cannot stand on any legal or statistical grounds. So while Mrs. Farmer is going overboard to avoid perks by not visiting the TDS facility, another member is not thinking and might have crossed legal lines, and certainly ethical lines. But all the while, four members of the council are violating principles of fairness and of good business, and this is where ears begin to close among members. There are four that seem to be completely unaware of this.

As one example, taking the liabilities incurred by Republic and forcing other companies to cover those liabilities, is a cost burden to the other bidders, so they have to price those liabilities into their RFP. TDS did that by increasing their prices in their bid. On the other hand, Republic simply offered to pay several million dollars upfront to pay for the incurred liability. That is NOT fair! And I was astounded when I heard council members and the city manager proud of

the fact that Republic settled the liability problem by paying a lump sum upfront in the new contract. I don't know how to spell this out any clearer; this displays a lack of knowledge on behalf of the council and city staff. I think we, the public, are trying to be nice, but all of our attempts to communicate this fiasco never worked. And to NOT ask TDS a single question because selection committee members saw that the prices were not close (actually they were much closer than originally reported, which is another violation of the public trust in allowing members to handle confidential details and trust that the published comparisons represent the situation) absolutely drove the TDS team nuts, because they desperately wanted to know why they were having to come up with funds to pay for Republics' previous liabilities. This is not a principally sound practice. So, while one member is avoiding a lunch paid for by TDS at their plant tour, millions of dollars in liabilities are being waved and allowed to be transferred to the future contract. Five companies passed on that irregularity, which narrowed competition down to two competitors. More competitors usually means lower bids. It's a disaster in terms of good business principles. TDS just wanted to have a rational and productive conversation about the fees and at least give ideas as to what is more typical in these situations so that our City staff could keep Republic from pulling this highly irregular feat off. I communicated this principle in the July 1st meeting when I insisted that successful contractors always inquire with their bidders, because the bidders are the experts. We did not do that! My plea was met without qualitative consideration.

Mayor Morrison and Councilwoman Farmer, my hope is that you are beginning to see why the public, which is not as knowledgeable as us, is outraged. Principles are self-evident and are the same no matter what the circumstance or time period within the duration of mankind's existence. So, it does NOT take an intimate knowledge of the issues to know something is not right. Therefore, I would venture to guess that the majority of the public felt a contemptuous attitude was being displayed toward them upon the realization by San Angelo citizens that this whole process is being mishandled. Simply said, y'all blew off the citizens' request that this process be handled correctly. My feeling is that members are hung up on "correctly" in that they believe they did handle it correctly, much to the disgust of very many citizens.

Charlotte, you basically entered a shark tank by posting on Facebook. These online forums are different than the council chambers. Every single word posted has to be thought out and every word defensible, or there will be an avalanche of people challenging our statements, and most go too far, I'll admit. It might seem the council chambers carries the same characteristics, but this FB free forum is vastly less controlled. In the chamber, a statement often cannot be followed up by public comment by most, since most people are not there to reply in real-time and are limited to 5 or 3 minutes if they are there, plus they don't have the time needed to research what we've said to be able to respond quickly.

This reaction is not all your cause, but is a cumulation of feelings by readers. I bring this up because the sharks here on Facebook smell blood. Here's why...

In objective terms, there is not a possibility that if any one additional member would have voted against the ordinance Tuesday, that the Republic contract would be executable without an adjustment to the ordinance. Basically, the City would be in breach of contract before it ever started because we would not be able to support the contracted pricing. I'm speaking of facts; this

is not an opinion.

There was a concern of the mayor's, that if the council were to vote against the ordinance, there would not be any trash service come August 1st. With limited ability to speak, I barely was able to point out that TDS has already offered to temporarily execute a short-term month-to-month agreement with the City so that the RFP process could be restarted without any time constraints. I think Republic would have offered, as well. I, a part of the general public now, am armed with facts that our council members either do not have, did not recall or chose to omit from conversation. That information is crucial, but it was passed over almost without thought, even after I brought it up. Certainly, Mayor Dwain Morrison kept interpreting the statement of fact, as a pitch for TDS. It was not!

That same resistance to listening to the public has been observed throughout this process, and Dwain was the "king" of transparency when he was a council representative for SMD-2. It's a 180-degree turn in attitude. The 518 signatures in 45 days for a water department investigation in January of 2013 was his core reason of why we needed that investigation, according to Morrison. I can see his fist pounding the table next to me as he said that. Today, the 700 signatures in 48-hours almost meant nothing. That sort of behavior really wakes up the public, which is why their voice gets louder and louder and why this petition did not come sooner. We've tried every avenue we can think of, and the petition is just the next escalation available to us. To think the public involvement should have been more prominent earlier in the process is what I would characterize as "out of touch" with the public, if I were to guess what the majority of citizens thought when they heard the statement. It appeared to really disgust them, and i can clearly see why.

San Angelo is lacking enough leadership on the City Council that knows how to take charge, see the discrepancies, recognize unethical behavior and reject decisions that counter self-evident business principles. Here's what's worse: Our City lacks enough council members that have the ability to transcend their own egos in light of mistakes. I said it today; this was not a fair RFP process, and I named a couple of examples in my 3 minute limit. Then I said what every good citizen should embrace... "Do the next thing right, always!" It does not matter how long this has been going on. Council members are people, and people makes mistakes. I, for one, have clearly pointed out seven mistakes, and 700 people have signed a petition endorsing those seven descriptions as significant enough to stop this waste management contract from executing.

We, the majority of the public, are at a loss as to how to communicate any clearer. Any one of you four that voted to pass today's ordinances have the authority granted by our City Charter to recall the vote (as I have been informed). Do the next thing right! Recall the vote today! Don't wait; this will only get more and more complicated. If there is any regret that we've waited too long to change what's been done, remember this: Not a one of us not officially affiliated with the City of San Angelo caused any of these problems or extended this process further. The City staff and council members are fully responsible for allowing this to go this far, and should take that responsibility seriously. Own the responsibility and do the next thing right! Recall the vote, today!

Let's do this RFP the right way from this point forward. (Like this post if you agree!)

Paul Alexander, immediate past city council member for SMD-1 (2010-2013)