ORDINANCE NO. 2013-18

AN ORDINANCE REPEALING ORDINANCES NO. 2009-19 AND 2010-14, RESCINDING THE APPOINTMENT OF THE SOLID WASTE COMMITTEE, AND CREATING THE CITY OF CARLSBAD BOARD OF SOLID WASTE COMMISSIONERS; DEFINING COMMISSIONER DISTRICTS; SETTING FORTH THE QUALIFICATIONS, DUTIES, AND TERMS OF OFFICE OF SUCH COMMISSIONERS; ESTABLISHING MEETING TIMES; APPOINTING THE MAYOR AND CITY ADMINISTRATOR AS EX-OFFICIO MEMBERS OF THE BOARD; APPOINTING THE DIRECTOR OF UTILITIES AS SECRETARY TO THE BOARD.

WHEREAS, pursuant to the authority granted in Section 3-48-3 NMSA 1979, the City of Carlsbad owns and operates a Solid Waste Services Department, providing for the collection and disposal residential and commercial garbage, refuse, trash, yard waste, and recyclable materials; and

WHEREAS, the City also jointly owns and funds the State-permitted Sandpoint Landfill; and

WHEREAS, three (3) separate public bodies have been appointed to oversee portions of the operations of the Solid Waste System: The City/County Joint Landfill Committee, the Solid Waste Committee, and the City of Carlsbad Recycling Board; and

WHEREAS, it is desirable to create a single Board of Solid Waste Services Commissioners to oversee and efficiently manage all aspects of the City's Solid Waste Utility and make recommendations on all such matters to the Carlsbad City Council.

NOW THEREFORE, be it ordained by the Governing Body of the City of Carlsbad, County of Eddy, State of New Mexico, as follows:

1. Ordinance No. 2009-19 as amended by Ordinance No. 2010-14 regarding the City of Carlsbad Recycling Advisory Board is hereby repealed.

2. The appointment of Solid Waste Committee is hereby rescinded.

3. There is hereby created a nonpolitical body to be known as the City of Carlsbad Board of Solid Waste Commissioners, hereinafter "Board," which shall advise the city council on all matters relating to the operation and funding of the municipal Solid Waste system.

4. The Board shall consist of five (5) commissioners, four (4) of whom shall be appointed to represent one of four (4) commission districts which shall be identical to the city council wards as such wards are defined by ordinance, and one "at-large" commissioner who shall serve as chairperson of the Board. The "at-large" commissioner shall have voice in all matters coming before the Board, but shall vote only in the event of a tie vote of the other four commissioners.

5. The four (4) commissioners representing the four (4) districts shall be residents of the commission district they are appointed to represent. The at-large commissioner shall be a resident of the City of Carlsbad. The commissioners shall be appointed by the mayor, with the consent and approval of the city council.

6. The mayor and the city administrator shall be ex-officio members of the board. The mayor may appoint, with the approval of council, a council member to act as the mayor's designee in the mayor's capacity as an ex-officio member of the board. Ex officio members shall have no vote in any of the proceedings.

7. The director of utilities shall serve as secretary to the board.

8. Commissioners shall serve on the Board without compensation during the term for which they are appointed, or until their removal or resignation, and until their successors are duly appointed and qualified. All appointments to vacancies on the board shall be for the unexpired term of the commissioner leaving the board.

9. The term of office for the commissioners shall be six (6) years, except that the initial board shall be appointed for staggered terms with one (1) commissioner to be appointed to a two (2) year term, two (2) commissioners to be appointed to a four (4) year term, and the remaining two (2) commissioners to be appointed to a six (6) year term. Thereafter, all appointments to vacancies on the Board shall be for the unexpired term of the member leaving the Board.

10. The Board shall hold one regular meeting each month, at such time and place as may seem fit and proper. The board shall elect one of its members to serve as chairperson pro-tem in the absence of the chairperson.

11. The Board shall have the following powers:

A. To review all matters relating to the operations of the municipal Solid Waste Services Department, and make recommendations to the city council on all such matters, including, but not limited to:

i. Fees for Solid Waste services;
ii. Levels of service;
iii. Landfill operations; and
iv. Rules and regulations regarding the provision of all Solid Waste services.

B. The Board shall have no power to mortgage, pledge or otherwise encumber such Solid Waste Services Department, or any part thereof, or the revenues derived from its operation.

12. Any Board member who shall, by his or her conduct, be subject to removal for cause shall be entitled to a hearing before the city council and is entitled to representation at such hearing and shall be removed if a majority of all members of the city council find that cause exists for removal of such member.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 11 day of June, 2013.

/s/ Dale Janway
DALE JANWAY, MAYOR

ATTEST:

/s/ Annette Barrick
CITY CLERK