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JOINT POWERS BOARD MEETING
November 15, 2012

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SBC CLERK RECORDED 12/17/2012

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SFC CLERK RECORDED 12/17/2012

**SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD MEETING
Legal Conference Room
Santa Fe County Courthouse
November 15, 2012**

SFC CLERK RECORDED 12/17/2012

I. CALL TO ORDER

A meeting of the City and County of Santa Fe Solid Waste Management Agency Joint Powers Board (SWMA) was called to order by Commissioner Virginia Vigil, Chair, on Thursday, November 15, 2012, at approximately 12:00 noon, in the Legal Conference Room Santa Fe County Courthouse, 102 Grant Avenue, Santa Fe, New Mexico.

II. ROLL CALL

MEMBERS PRESENT:

Commissioner Kathy Holian
Councilor Peter N. Ives
Commissioner Daniel Mayfield
Commissioner Virginia Vigil

MEMBERS EXCUSED:

Councilor Bill Dimas
Councilor Christopher M. Rivera

STAFF PRESENT:

Randall Kippenbrock, Executive Director – SWMA
Angelica Salazar, SWMA
Justin Miller, Legal Counsel
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance..

III. APPROVAL OF THE AGENDA

Commissioner Mayfield asked to remove Item VIII(A) from Matters from the Board we are able to get the people from Los Alamos and/or Espanola in attendance.

MOTION: Councilor Ives moved, seconded by Mayfield, to approve the Agenda as amended.

VOTE: The motion was approved unanimously on a voice vote [4-0].

IV. APPROVAL OF THE MINUTES FOR REGULAR MEETING – OCTOBER 18, 2012

MOTION: Councilor Ives moved, seconded by Commissioner Mayfield, to approve the minutes of the regular meeting of October 18, 2012, as presented.

VOTE: The motion was approved unanimously on a voice vote.

V. MATTERS FROM THE PUBLIC

There were no matters from the public.

VI. MATTERS FROM THE EXECUTIVE DIRECTOR

(A) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH NATURAL EVOLUTION, INC., OF TULSA, OKLAHOMA, FOR ELECTRONIC WASTE RECYCLING SERVICES FOR THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION (RFP 13-01/P).

Mr. Kippenbrock presented information regarding this matter from his Memorandum of November 8, 2012, with attachments, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "1." Please see Exhibit "1" for specifics of this presentation.

Councilor Ives asked Mr. Kippenbrock to note for the record the other persons to whom notice was sent, noting there were others who expressed interest, but these are the only two firms which bid – explain what notice was given, so if we hear from those other persons we will have a clear record.

Mr. Kippenbrock said, "What we normally do when we issue out an RFP, we also send out [to] a list of what we feel are qualified vendors or potential vendors, and that's usually sent out on the same day of the advertisement of the RFP, so that's our first notice. Then typically, I believe for this one, it was out for at least 30 days for the submittal of the RFP. During that time we had at least two requests for information through the addendum, so they were also aware of the process

that was taking place. So there were at least 3 times that the potential vendors were aware of this RFP that's been [sent] out.”

MOTION: Commissioner Mayfield moved, seconded by Councilor Ives, to approve this request.

VOTE: The motion was approved unanimously on a voice vote [4-0].

(B) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH ADVANCED CHEMICAL TRANSPORT, INC., OF ALBUQUERQUE, NM, FOR COLLECTION SERVICES FOR THE HOUSEHOLD HAZARDOUS WASTE AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION FOR THE SANTA FE SOLID WASTE MANAGEMENT AGENCY IN THE AMOUNT OF \$98,604.37 (RFP #13/09/P)

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated November 8, 2012, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit “2”. Please see Exhibit “2” for specifics of this presentation

MOTION: Councilor Ives moved, seconded by Commissioner Mayfield, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

(C) REQUEST FOR APPROVAL TO AMEND THE BY-LAWS AND OPERATING PROCEDURES FOR THE SOLID WASTE ADVISORY COMMITTEE.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated November 9, 2012, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit “3.” Please see Exhibit “3” for specifics of this presentation.

Mr. Kippenbrock said the next meeting of the Solid Waste Advisory Committee will be on December 5, 2012.

Councilor Ives said his question is evidenced by the quorum established today with Commissioner Holian participating telephonically. He asked, when it says participation must be “in person,” does telephonic attendance constitute attendance in personal or not.

Mr. Kippenbrock said in his interpretation that it does not. He said they felt since the membership is approximately 20 people, with 11 needed for a quorum, they were hoping to deal with members in person to establish a quorum.

Councilor Ives noted his experience in working with various entities, noting telephonic participation often is necessary, especially when the members are widely distributed. He said he is happy to go along with this proposal as written, if Mr. Kippenbrock thinks this is necessary to ensure that SWAC is doing what it needs to be doing. He commented he believes this is a judgment call.

Justin Miller agreed, saying he believes it is a judgment call, not a legal call, and this is what the by-laws currently provide..

MOTION: Councilor Ives moved, seconded by Chair Vigil, to approve this request.

DISCUSSION: Responding to Commissioner Mayfield, Mr. Kippenbrock said quorums haven't been a problem for SWAC, and there was only one time early on that there wasn't a quorum, and there have been at least 11 members in attendance since that time.

VOTE: The motion was approved unanimously on a voice vote [4-0].

(D) REQUEST FOR APPROVAL OF RESOLUTION NO. 2012-1, A RESOLUTION DETERMINING REASONABLE NOTICE FOR PUBLIC MEETINGS OF THE SANTA FE SOLID WASTE MANAGEMENT AGENCY.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated November, 2012, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "4." Please see Exhibit "4" for specifics of this presentation.

Responding to the Chair, Mr. Miller said the Board can take action, and this is the number that will be assigned to the Resolution.

Mr. Kippenbrock said this is the only Resolution which has been adopted in this fiscal year.

Chair Vigil noted this Resolution should have been adopted a long ago.

Councilor Ives requested, going forward, that this Resolution be scheduled in January of each year.

MOTION: Commissioner Mayfield moved, seconded by Councilor Ives, to adopt Resolution No. 2012-1 as presented.

VOTE: The motion was approved unanimously on a voice vote [4-0].

(E) REQUEST FOR APPROVAL OF 2013 MEETING CALENDAR.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated November 8, 2012, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "5." Please see Exhibit "5" for specifics of this presentation.

Councilor Mayfield said the BDD decided to alternate its meetings between sites at the City and the County, and asked if this Board would like to consider alternating our meetings between sites at the City and County for convenience.

Chair Vigil suggested this be brought up at the next meeting when there are more members in attendance.

Councilor Ives said it is a treat to be able to come here to the County for these meetings.

Chair Vigil said this has been considered previously, and part of the problem is that the meetings are all public hearings, and the public might be confused if there isn't a consistent meeting place.

MOTION: Councilor Ives moved, seconded by Commissioner Mayfield, to approve this request

VOTE: The motion was approved unanimously on a voice vote [4-0].

(F) DISCUSSION WITH POSSIBLE ACTION TO HOLD A SPECIAL MEETING TO DISCUSS OPTIONS FOR THE VERTICAL AND LATERAL EXPANSION COMPONENTS OF THE CAJA DEL RIO LANDFILL AS PART OF THE PERMIT RENEWAL AND MODIFICATION.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated November 9, 2012, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "6." Please see Exhibit "6" for specifics of this presentation.

Councilor Ives asked how many people will be attending the meeting.

Mr. Kippenbrock said once the agenda is posted and advertised, the meeting could be well attended. He said the intent is to be very transparent in this process. He said there three options: height 1, 2 and 3. He said they plan to have a rendering of the options and justification for each option. He said the Board will select one option, and then we will hold a public meeting to get public input within a month. He said the application will then be completed, and then there will be a public meeting for public input about this issue.

Councilor Ives said the Councilors Conference Room would handle 20 people, maximum, noting it does have a draw-down screen, but if the crowd is any larger, it wouldn't be a good space.

Councilor Mayfield noted there would be more parking available if it is held at the City Council Chambers, and might encourage more public participation. He suggested holding the meetings in the evening to make it more convenient for the public.

Chair Vigil said the venue will be determined, depending on availability, commenting Mr. Kippenbrock should look at the Commission Chambers as well as the City Council Chambers.

Chair Vigil and Commissioner Holian said they are okay with holding the meetings in the evening hours.

The Board discussed various dates for the meeting. It was the consensus among the Board to tentatively schedule the meeting for Thursday, December 13 – 5:00 p.m. to 7:00 p.m., with the location to be determined, with Chair Vigil and Commissioner Mayfield indicating they will not be in attendance.

Chair Vigil asked Mr. Kippenbrock to check with the other members to be sure there will be a quorum in attendance, and to let her know prior to sending out notice on the meeting.

Commissioner Holian asked if the purpose of the meeting is just to communicate with the public.

Mr. Kippenbrock said it is also for the Board to decide which option with which to proceed.

Commissioner Mayfield questioned making a decision before the public has an opportunity to comment.

Mr. Kippenbrock said he was hoping to narrow the options at this meeting.

Chair Vigil pointed out that this will be a public hearing where the public can provide input.

Commissioner Mayfield said he would prefer to make a decision after public comment.

Chair Vigil clarified that we will hold this meeting, present options with public input and then narrow the options. She said there will be another public hearing subsequent to this one. She asked if will come back to this Board for a final decision?

Mr. Kippenbrock said, "Possible. Yes."

Chair Vigil asked if this will meet his timeline, and Mr. Kippenbrock said yes.

Commissioner Mayfield asked Mr. Kippenbrock to attend an invitation to the SWAC board to attend this meeting.

VII. MATTERS FROM STAFF

Ms. Padilla said she has nothing new, and they continue to work on increased recycling for the City.

Councilor Ives noted that at last night's Council meeting, various recycling awards were presented to businesses which had participated in recycling. He said efforts to increase recycling are actively in process at the City.

Porifio Chavarria, Santa Fe Fire Department, said he has been working with Mr. Kippenbrock to draft a Joint Resolution between the City, the County and the Agency to waive tipping fees for green waste for the collaborative Forest Restoration Program grant project. He said currently, he is applying for a 4-year grant of \$360,000 with a match of \$90,000, for a total of \$450,000. He said the tipping fees would be waived on waste from projects which consists mostly of thinning for fire danger, mostly cutting pinon and juniper. The waste would be taken to the BuRRT, noting waiving the fees will give them a place to take that material. He said the maximum would be 600 tons per year agreed, which has been agreed on. He will be presenting the proposal to the Public Safety Committee at its next meeting next Tuesday.

Chair Vigil asked if it will be joint grant.

Mr. Chavarria said it would be a collaborative grant and the County definitely will be involved, noting most of the work will be done in the County, and they still are working on the particulars. He said the proposal is for the majority of the work to be done on the section known as

Nun's curve in the middle of Tesuque Canyon, just north of Hyde Park Estates and North Summit in the County's open space section. He said there will be some work in the City, but the City public lands are fairly limited and it isn't beneficial to do this to reduce fire danger on a lot of the City owned land.

Chair Vigil said the City could benefit from trimming the trees around electrical lines, and asked if there are plans to do this.

Mr. Chavarria said no. He said his original proposal was to take green waste from homeowners and transport it, and that still may be a possibility. However, the grant really wants to focus on public lands.

Councilor Ives said this subject arose at the Council last night, noting the Councilors in attendance were unanimously in support of the prospect, recognizing this is a critical program for reducing catastrophic fire danger.

Chair Vigil said she will support this, and asked if he will be coming back to this Committee for final approval. She said the City and County are both responders to any fire, especially catastrophic fire events, in the surrounding area. She is glad the City and County are working collaboratively in terms of prevention.

Mr. Chavarria said he will be back in January with a draft proposal. He said the grant application is due in February, and they would like letters of commitment and support from all parties – The City, the County and the Solid Waste Management Agency.

VIII. MATTERS FROM THE BOARD

**(A) DISCUSSION WITH POSSIBLE ACTION ON OUT-OF-COUNTY WASTE.
(COMMISSIONER DANIEL MAYFIELD)**

This item was removed from the agenda.


IX. NEXT MEETING DATE

The next meeting will be the special meeting on December 13, 2012, 5:00 p.m. to 7:00 p.m., with the location to be determined.

X. ADJOURNMENT

There was no further business to come before the Board and the meeting was adjourned at approximately 12:40 p.m..

APPROVED BY:


Virginia Vigil, Chair

ATTESTED TO:


Valerie Espinoza, Santa Fe County Clerk



SUBMITTED BY:


Melissa Helberg, Board Stenographer



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
SOLID WASTE MINUTES
PAGES: 11

I Hereby Certify That This Instrument Was Filed for
Record On The 17TH Day Of December, 2012 at 12:39:56 PM
And Was Duly Recorded as Instrument # 1690787
Of The Records Of Santa Fe County


Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy County Clerk, Santa Fe, NM