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 JOINT POWERS BOARD SPECIAL MEETING
 February 19, 2015

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ON THE COLLECTIVE BARGAINING AGREEMENT
BETWEEN THE SANTA FE SOLID WASTE
MANAGEMENT AGENCY AND AMERICAN
FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES, LOCAL 3999**

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**SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD MEETING
Legal Conference Room
Santa Fe County Courthouse
February 19, 2015**

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 Councilor Joseph M. Maestas, Chair, on Thursday, February 19, 2015, at approximately 5:00 p.m., in the Legal Conference Room Santa Fe County Courthouse, 102 Grant Avenue, Santa Fe, New Mexico.

II. ROLL CALL

MEMBERS PRESENT:

Councilor Joseph M. Maestas, Chair
Commissioner Kathy Holian, Vice-Chair
Commissioner Miguel Chavez
Councilor Signe I. Lindell
Commissioner Henry Roybal

MEMBERS EXCUSED:

Councilor Patti J. Bushee

STAFF PRESENT:

Randall Kippenbrock, Executive Director – SWMA
Adam Schlachter, Education & Outreach Coordinator, SWMA
Rosalie Cardenas, SWMA
Justin Miller, Legal Counsel
Elizabeth Martin for Melessia Helberg, Stenographer

There was a quorum of the membership in attendance.

III. APPROVAL OF THE AGENDA

Mr. Kippenbrock asked to amend the caption on Item VII(C)(1), to change "52501.510310" to "52504.510310," to reflect the appropriate recycling budget.

MOTION: Commissioner Holian moved, seconded by Commissioner Chavez to approve the Agenda, as amended.

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

IV. APPROVAL OF CONSENT CALENDAR

MOTION: Commissioner Chavez moved, seconded by Commissioner Holian, to approve the following Consent Agenda, as presented.

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

VII. CONSENT CALENDAR

- (A) **REQUEST FOR APPROVAL TO PURCHASE TWO FREIGHTLINER FL-114SD SEMI-TRACTORS FROM ALBUQUERQUE FREIGHTLINER OF ALBUQUERQUE, NM, UNDER NEW MEXICO STATEWIDE PRICE AGREEMENT 22-000-00-00105 IN THE AMOUNT OF \$301,754.00**
- (1) **APPROVAL OF BUDGET INCREASE TO 52501.571000 (CAPITAL OUTLAY – VEHICLES GREATER THAN 1.5 TON) FROM 5502.100700 (EQUIPMENT REPLACEMENT RESERVE FUND CASH) IN THE AMOUNT OF \$301,754.**

A Memorandum dated February 12, 2015, with attachments, to the SFSWMA Joint Powers Board, from Randall Kippenbrock, Executive Director, regarding this matter is incorporated herewith to these minutes as Exhibit "1."

- B. **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH MORRIS SURVEYING ENGINEERING, LLC, OF SANTA FE, NM, FOR ON-CALL SURVEYING SERVICES FOR THE SANTA FE SOLID WASTE MANAGEMENT AGENCY IN THE AMOUNT OF \$24,493 (RFP NO. 15/22/P).**

A Memorandum dated February 8, 2015, with attachments, to the SFSWMA Joint Powers Board, from Randall Kippenbrock, Executive Director, regarding this matter is incorporated herewith to these minutes as Exhibit "2."

C. REQUEST FOR APPROVAL TO AWARD RFB NO. 15/13/B – ON-CALL GREEN WASTE GRINDING SERVICES FOR THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION TO AUSTIN WOOD RECYCLING OF CEDAR PARK, TEXAS.

- (1) **APPROVAL OF BUDGET INCREASE TO ~~52501.510310~~ 52504.510310 (SERVICE CONTRACTS) FROM 5500.100700 (CASH OPERATING FUND) IN THE AMOUNT OF \$124,750.00.**

A Memorandum dated February 12, 2015, with attachments, to the SFSWMA Joint Powers Board, from Randall Kippenbrock, Executive Director, regarding this matter is incorporated herewith to these minutes as Exhibit "3."

IV. APPROVAL OF THE MINUTES: REGULAR MEETING – JANUARY 15, 2015.

MOTION: Commissioner Holian moved, seconded by Councilor Lindell to approve the minutes of the regular meeting of January 15, 2015, as presented.

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

VI. MATTERS FROM THE PUBLIC

There were no matters from the public.

VIII MATTERS FROM THE EXECUTIVE DIRECTOR

Chair Maestas thanked Commissioner Chavez, the immediate past Chair, for his leadership and service. He said Commissioner Chavez has had a very genuine and keen interest in Solid Waste Management for this region. He thanked him for his service.

Chair Maestas congratulated Commissioner Roybal on his election, and welcomed him to this Board, saying he looks forward to working with him.

Commissioner Roybal said he is excited to be appointed to this Board, and looks forward to this opportunity.

Chair Maestas suggested that Mr. Kippenbrock give an abbreviated summary of his Memoranda on the items in his report, rather than reading the entire presentation. He said the Board members then can ask questions, but said, of course, the Board is welcome to ask for more detail in the presentation. He said, "I'm going to try to speed things up a little bit."

(A) REQUEST FOR APPROVAL OF ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30, 2014 (MORGAN BROWNING, CPA, ACCOUNTING & CONSULTING GROUP).

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated February 8, 2015, with attachments, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "4" Please see Exhibit "4" for specifics of this presentation.

Mr. Kippenbrock said the lead auditor for the audit, Morgan Browning, CPA, The Accounting & Consulting Group, LLP, is here today to answer any questions. He said the bottom line is there were no findings.

Morgan Browning said he was the lead auditor for this audit. He said, as Mr. Kippenbrock said, there were no audit findings in the current year, noting there were no audit findings in the prior year. He said Mr. Kippenbrock did a good job writing the majority of the notes, and Angelica Salazar assisted heavily in the drafting of the Financial Statement with limited assistance. He said the Agency personnel do a really good job and have a really sharp eye for the financial statement. He said the audit was submitted to the Office of the State Auditor, and it has been reviewed and approved, and released by the Office of the State Auditor with no issues. He said overall it was a smooth audit.

Commissioner Chavez said, "In addition to the summary that there were no findings which is good, in addition to that, in the Memorandum, they highlighted the significant fiscal impact of the closure and post, design and permitting for the permit renewal, and all of the components that are part of the ongoing future of the Agency. It all looks pretty strong to me. We are being efficient and budgeting for things that are on the future horizon and things for now. In addition to no findings, we are in a good position to function as Agency and provide services."

Commissioner Holian congratulated staff on a job well done.

MOTION: Commissioner Holian moved, seconded by Commissioner Chavez, to approve the Annual Financial Report for the year ending June 30, 2014, performed by Accounting & Consulting Group, Morgan Browning, CPA, lead auditor.

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

(B) STATUS REPORT AND POSSIBLE ACTION ON THE FEBRUARY 5, 2015 COMMUNITY MEETING AS PART OF THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION PERMIT RENEWAL AND MODIFICATION.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated February 11, 2015, with attachments, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "5." Please see Exhibit "5" for specifics of this presentation.

Chair Maestas asked if the community meeting is a requirement by the NMED.

Mr. Kippenbrock said the community meeting is not required by the NMED, noting this was done voluntarily, but it is something that is strongly recommended by the NMED.

Commissioner Chavez said since this is ongoing, the action requested is to have the permit renewal and modification application to continue, and asked if a motion needed to approve it, since it is direction to staff.

Chair Maestas said, "I don't think so, because the public meeting is voluntary, and the results do not have any result on the permitting process. I think what I would say, is are we going to develop any kind of plan as a result of the feedback in the comments."

Mr. Kippenbrock said, "I believe we are taking all the comments that were made and taking them back to the SWAC subcommittees to handle."

Chair Maestas said we go through the process of advertising for the public meetings, there is a lot of staff time used, and he wants to be sure that we do act on those comments and concerns. He said then we'll be hearing more from the Advisory Committee.

Mr. Kippenbrock said, "Yes. Over the next two months for sure."

Councilor Lindell said only 4-6 members of the public attended the meeting, and that is a lot of effort to reach 4-6 people, and a lot of expense. She said, "I don't know how we do it better. I'm seeing we placed 8 newspaper ads and 40 radio ads."

Commissioner Chavez said, "You can't say we didn't try."

Mr. Kippenbrock said, "There were two other public meetings going on at that time. The County had the Southeast Corridor about the College District. When we did the community meeting for the Caja del Rio Landfill, I believe we only had 5 people that came to the meeting."

Councilor Lindell said she doesn't know if we advertise 5 times as much we would get 8 people. She said, "I don't see any good reason to spend a lot of money advertising for these meetings. I really don't. I'm underwhelmed that we got 4 people. That's my comment on it. I would probably think that if we did half this much advertising, we would still have gotten the same 4 people."

Chair Maestas said we did have two representatives from the Environment Department, which is a plus. He realizes we didn't have many people attending, but he thinks it is a plus in having the Environment Department representatives attending the meeting.

Commissioner Chavez said he shares a bit of Councilor Lindell's frustration. He said, "It's unfortunate, but I think it is a process and exercise we are going to have to continue to go through. But, having said that, how many other meetings do you have scheduled Randall."

Mr. Kippenbrock said, "This is only one until our permit application is submitted and complete, then we go through another process that will be handled by the New Mexico Environment Department."

Commissioner Chavez said, "Then we do have a bit of information from the people that attended, and I think we can do something with that information roll that into our plan for the future."

Chair Maestas said, "I want to make some general remarks. I finally did tour the Solid Waste management operations a week and a half ago. And Randall and I did talk about the need for kind of a public relations strategy to talk about everything, and talk about our recycling program, and how folks now can take their hazardous materials to BuRRT— just to continue getting the word out. There's no doubt we'll need the Advisory Committee. But my hope is, Randall, that we'll be finding out more about maybe the strategy that we spoke about."

Chair Maestas continued, "I think that feedback is representative of how the public at large feels about knowing about our programs, Amnesty Days and things like that. So hopefully that will be our sort of a 'parking lot' issue, and we can address it through some kind of media strategy. And we've got a lot of resources on the City and County side, we've got the Advisory Committee, but I think we have the resources, we just need to coordinate better."

(C) REQUEST FOR APPROVAL OF KEY RECOMMENDATIONS FROM THE DECEMBER 2014 SOLID WASTE ASSESSMENT AND MANAGEMENT STUDY FINAL REPORT REGARDING THE SANTA FE SOLID WASTE MANAGEMENT AGENCY AND SYSTEM-WIDE SECTIONS.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated February 13, 2015, with attachments, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "6." Please see Exhibit "6" for specifics of this presentation.

Commissioner Chavez asked, regarding the recommendation to accept plastic #1-7, cereal boxes and such, if you will still be processing those recyclables on the line you are using now.

Mr. Kippenbrock said, "No. We will use the line at the backup, and all material will be sent to the third party. The assessment looked at different options, and no matter how you look at it, it is to send all materials to one place."

Commissioner Chavez said then we'll collect it and then ship it, and Mr. Kippenbrock said yes.

Commissioner Holian asked if will we be able to expand the type of plastic we accept if we do this.

Mr. Kippenbrock said, "Yes. Currently we accept #1 and #2, although we do receive a little bit of #3 through #7, but once we approve this and get the contract in place for third party processing and/or transportation, then we can ramp up our advertising, media awareness that we do this. Currently, I will have to let the City speak on its behalf as to how to handle the additional plastic. The pros and cons of this, #3-7, is give and take on the market condition. There may or may not be some benefit to it, it's got some good times and bad times. But by collecting #3-7, you also get additional #1 and #2 materials. The industry has expanded where it can accept cereal boxes, while 7 years ago that was a big no-no, and they are also expanding to find a market for these kinds of materials such as milk cartons, etc. So, we're closely working with the industry to process it."

Mr. Kippenbrock continued, "Keep in mind that when we did the MRF 7 years ago, there was really no other MRFs in the State, so we got into the business and did it. And I think it was good. And there is a super MRF nearby, 60 miles from us, or potentially another facility depending on the RFP outcome. The studies show it would be more efficient to use a third party, as opposed to trying to expand our facility, increase staff. The key is cost. We cannot generate enough money to pay for our costs. We can reduce our overall costs and increase savings, etc. We are hoping the RFP will at least pay for the freight to send the materials, and also additional materials above and beyond the freight will be used toward education and outreach. That's what we hope. I think the worst case scenario is it would pay for the rate and anything above and that will be exercised toward education and outreach."

Mr. Kippenbrock continued, "Keep in mind, we do have 9 sorting positions. However, we feel we will be able to move some of those positions into vacancies that I'm expecting we'll have. Potentially, we may have to create two other positions. For example, if we do continue with the glass crushing, we do have one tech that currently is doing that on a full time basis. So that would just be basically a reclassification. Most importantly, this recommendation, I would like to see the Board approve this for a third party. We're about 80% in forming the RFP, writing it, and hopefully it will go out next week. We're going to give the City the opportunity to view it and ensure it is in line with their expectations as well. We generally have the same kinds of committees where the City, County and the Agency sit on to evaluate these proposals. Keep in mind, it is a proposal and there will be some costs in terms of what they're willing to pay for it, but we want to be sure we have a company that meets our expectations. That's for the third party."

Chair Maestas asked what we currently are diverting in terms of recyclables.

Mr. Kippenbrock said it is under 10%.

Chair Maestas asked Mr. Kippenbrock if he has done projections in terms of what we would realize in the solid waste diversion for recycling.

Mr. Kippenbrock said his understanding is it would be 18 to 20% the first year, but he could be wrong. He said when we have a presentation later on, they could answer that. He said there definitely is an increase.

Commissioner Chavez asked, regarding the local haulers, how outreach is being done in Santa Fe – are you meeting with them individually.

Mr. Kippenbrock said, "Obviously, local haulers like Santa Fe Waste and the other local haulers are not going to make a trip down to Albuquerque, where some of the other firms have a yard down in that area. He said, "We know for a fact, because when the loads are heavy, sometimes they will turn around, not dispose of it and said they won't go down to Albuquerque."

Commissioner Chavez asked if Mr. Kippenbrock is trying to encourage them to keep that locally within our region

Mr. Kippenbrock said, "Yes. It's primarily a major job, major renovations. Those are the projects we want to capture. It's none of the small guys, the local haulers, it's the one I just mentioned in the packet that will emphasize that they will each use our facility. They have a purpose of doing business in Santa Fe."

Commissioner Chavez said, regarding out of county waste, "We've gone back and forth on that over the years and there was resistance to that, because we wanted to be sure that the lifetime of our landfill could be realized. Is that still an issue."

Mr. Kippenbrock said, "I don't think so. With the new Landfill Permit we should have at least 60 years in our current location. I think issue is we get requests, primarily in the Spring, sometimes in the Winter, asking for assistance."

Commissioner Chavez said then you are seeing it on an *ad hoc* basis, but previously it was going to be on a permanent basis.

Mr. Kippenbrock said, "Yes, in 2007, I requested for the 50,000 tons from Los Alamos County and Rio Arriba County. This is not the case. This is the case where we can manage a particular waste at a particular time, like from North Central and Las Vegas and so on."

Commissioner Chavez said the scenario that has been presented is we would take out of county waste on a regular ongoing basis, and if we could do that, why would it generate revenue to the agency, and would it diminish the life span of our landfill.

Mr. Kippenbrock said, "It would increase revenue by \$2 million, but diminishing the landfill probably by 25%."

Commissioner Chavez said then that is the trade-off.

Mr. Kippenbrock said, "I don't think that is the Agency position. The Agency position is to assist the neighbors when needed. It does not have to be a change in our Solid Waste Ordinance, but it could be on a policy basis – load by load, case by case."

Chair Maestas said, "I know you want a general approval, but there are several options. For example, under Section 3, the recommendation is to outsource or replace the glass crusher. And your recommendation is to replace the glass crusher, correct."

Mr. Kippenbrock said, "Yes, for now."

Chair Maestas said, "Then that is a part of your request for our action. Are there any other exceptions or choices of options presented that we selected – anything else we need to exclude."

Mr. Kippenbrock said no.

Chair Maestas said, "There is a request for action to approve the recommendations from the Solid Waste Assessment for the Agency, with one exception, the recommendation that the glass crushing operation not be outsourced and the glass crusher replaced."

MOTION: Commissioner Holian moved, seconded by Commissioner Chavez, with respect to Item VIII(C), to approve the recommendations from the Solid Waste Assessment for the Agency, with one exception, the recommendation that the glass crushing operation not be outsourced and the glass crusher replaced

DISCUSSION: Commissioner Holian thanked the consulting company for the study, commenting all of the recommendations were quite good. She said, "I just wanted to highlight a few of the recommendations that I think are a major change in the way SWMA will do operations. For example, entering into public/private partnerships that emerge for green waste grinding and composting. I think that is a major way for the Agency to be able to process more green waste. And this is a really important thing, because we're starting to generate a lot more green waste in the County, because there are a lot of neighborhoods that are starting to do major thinning projects to help ameliorate the danger of catastrophic wild fires, especially in the wild fire urban interfaces. So I think we're going to have a lot more green waste coming in, especially from those communities in the future. And so to be able to handle that is really good."

Commissioner Holian continued, "I also really want to see a public/private partnership for composting, because keeping green waste out of the landfill will extend the life span considerably. I read an article the other day that by far, the largest share of solid waste are kitchen scraps. So if we can get a handle on that, that will help extend the lifetime of the landfill, in my opinion."

Chair Maestas asked Mr. Kippenbrock his plan for tracking the implementation of these recommendations. He said, "So you maybe suggest bringing it to this Board on a quarterly basis, or a written update with no presentation. I guess most of the recommendations probably will come before us for action anyway, so we'll know what we're implementing. But I think it would be good to have some sort of formal tracking document to see how we're doing with regard to implementing the recommendations.

Chair Maestas continued, "And then about the food composting, the potential for moving it away from Payne's is going to please a lot of the neighbors there. You've had a lot of odor problems, and the Fire Department has had a lot of concerns about that, so the potential to move it and expand it, I think holds great promise for us, I agree with you."

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

IX. EXECUTIVE SESSION

(A) DISCUSSION OF BARGAINING STRATEGY PRELIMINARY TO COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN THE SANTA FE SOLID WASTE MANAGEMENT AGENCY AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES LOCAL 3999, PURSUANT TO NMSA §10-15-1(H)(5).

MOTION: Commissioner Chavez moved, seconded by Councilor Lindell, that the Board go into Executive Session for discussion of bargaining strategy preliminary to collective bargaining negotiations between the Santa Fe Solid Waste Management Agency and the American Federation of State, County and Municipal Employees, Local 3999, in accordance with §10-15-1(H)(5) NMSA 1978.

VOTE: The motion was approved on the following roll call vote:

For: Commissioner Roybal, Commissioner Holian, Commissioner Chavez and Councilor Lindell.

Against: None.

The Board went into Executive Session at 5:50 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 6:25 p.m. Commissioner Chavez moved, seconded by Councilor Lindell, that the SWMA Board come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on Item IX(A) on the agenda, and no action was taken.

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

X. ACTION REGARDING OPENING NEGOTIATIONS ON THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE SANTA FE SOLID WASTE MANAGEMENT AGENCY AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 3999.

A copy of the *Santa Fe Solid Waste Management Agency Compensation Study*, done by Keystone International, Inc., dated April 2014, is incorporated herewith to these minutes as Exhibit "7."

MOTION: Commissioner Holian moved, seconded by Commissioner Chavez, that the Board direct management to open negotiations on the Collective Bargaining Agreement between the Santa Fe Solid Waste Management Agency and AFSCME Local 3999.

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

XI MATTERS FROM THE BOARD

There were no matters from the Board.

XII. MATTERS FROM STAFF

There were no matters from staff.

XIII. MATTERS FROM THE CITY**(A) PRESENTATION ON THIRD PARTY PROCESSING FOR RECYCLABLE MATERIALS (NICHOLAS SCHIAVO, CITY OF SANTA FE PUBLIC UTILITIES DIVISION AND WATER DIVISION, DIRECTOR.**

A copy of Nicholas Schiavo's remarks to the Agency are incorporated herewith to these minutes as Exhibit "8." Please see Exhibit "8," for specifics of this presentation.

Commissioner Chavez what would it do to the individual county resident that would be using this transfer station – where does the tipping fee come in for small haulers..

Mr. Schiavo said, "I propose that by being able to save money through the third party, we would not affect the small tippers to come to BuRRT at all. I'm not recommending any kind of an increase there, just taking the savings by not losing the \$600,000 a year and applying that savings to lower the tipping fees at the landfill. That is particularly important to the degree that the City and the County are successful at diverting more toward the recycled materials, which means less and less material that will make it to the landfill. My understand that 100% of BuRRT is subsidized by tipping fees from Caja del Rio at roughly \$8 per ton. So the less material I'm going to send to Caja is the less funds that will be available to subsidize BuRRT. So, before we start heading in that direction, the right direction of sending more and more toward recycling and less to the landfill and have to think about increasing fees to cover the subsidies that are necessary at BuRRT, I would like to take the advantage of the savings here and lower that tipping fee."

XIV. MATTERS FROM THE COUNTY

There were no matters from the County

XV. NEXT MEETING DATE – THURSDAY, MARCH 19, 2015**XVI. ADJOURNMENT**

There was no further business to come before the Board, and the meeting was adjourned at approximately 6:30 p.m.

APPROVED BY:

Kathy Holia for Joseph Maestas
Joseph M. Maestas, Chair



SFC CLERK RECORD 03 / 20 / 2015

ATTESTED TO:

Yolanda Y. Vigil, City Clerk
City of Santa Fe

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SOLID WASTE MINUTES
PAGES: 16

I Hereby Certify That This Instrument Was Filed for
Record On The 20TH Day Of March, 2015 at 11:31:29 AM
And Was Duly Recorded as Instrument # 1760037
In The Records Of Santa Fe County

SUBMITTED BY:

Melessia Helberg
Melessia Helberg, Board Stenographer

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy Laura Howard County Clerk, Santa Fe, NM

ATTESTED TO:



Geraldine Salazar
Geraldine Salazar
Santa Fe County Clerk
3-20-2015