

**SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD MEETING  
Legal Conference Room  
Santa Fe County Courthouse  
April 17, 2014**

**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 Miguel Chavez, Chair, on Thursday, April 17, 2014, 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:**

Commissioner Miguel Chavez, Chair  
Councilor Joseph M. Maestas, Vice-Chair  
Councilor Patti J. Bushee  
Commissioner Kathy Holian

**MEMBERS EXCUSED:**

Commissioner Robert Anaya  
Councilor Signe I. Lindell

**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**

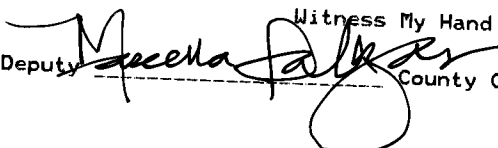
**MOTION:** Commissioner Holian moved, seconded by Councilor Bushee, to approve the Agenda as presented.

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

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

SOLID WASTE MINUTES  
PAGES: 17

I Hereby Certify That This Instrument Was Filed for  
Record On The 6TH Day Of June, 2014 at 10:09:59 AM  
And Was Duly Recorded as Instrument # 1738473  
Of The Records Of Santa Fe County

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



#### IV. APPROVAL OF THE MINUTES FOR REGULAR MEETING – MARCH 20, 2014

**MOTION:** Commissioner Holian moved, seconded by Councilor Maestas, to approve the minutes of the regular meeting of March 20, 2014, as presented.

**VOTE:** The motion was approved on a voice vote, with Commissioner Holian, Councilor Maestas and Chair Chavez voting in favor of the motion, no one voting against, and Councilor Bushee abstaining.

#### V. MATTERS FROM THE PUBLIC

There were no matters from the public.

#### VI. MATTERS FROM THE EXECUTIVE DIRECTOR

##### (A) PRESENTATION, DISCUSSION AND POSSIBLE ACTION ON THE COMPENSATION STUDY (KEYSTONE INTERNATIONAL OF ALBUQUERQUE, NM)

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum of April 11, 2014, 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.

A Power point presentation, *Compensation Study Presentation to Joint Powers Board, Santa Fe Solid Waste Management Agency, by Wendy Shannon, M.S., SPHR and Jacqueline N. Hood, Ph.D., Keystone International, Inc.*, is incorporated herewith to these minutes as Exhibit '2.'

A copy of a matrix of employee positions and salaries by tenure, prepared by Keystone International, at the request of Councilor Maestas, is incorporated herewith to these minutes as Exhibit "3."

Jacqueline Hood and Wendy Shannon presented information via power point. Please see Exhibits "2," and "3," for specifics of this presentation.

*The Board commented and asked questions as follows:*

- Councilor Bushee said her presumption is that most entities of New Mexico do use COLA as the basis for compensation. She said they gave a private sector analysis, and asked "how we get there, and I don't know any entity of government that doesn't use cost of living. Part two of my question, is if you're intending to move in a new direction of how we're used to operating, how do you get there with bargaining units."

Ms. Shannon said, "The New Mexico Municipal League includes the City of Santa Fe."

- Councilor Bushee said she understands and asked of any of those listed if there are any that do not use a cost of living increase."

Ms. Shannon said "What's there is to do a cost of living and a merit. There is doing a merit for a cost of living..... Based on what I heard Albuquerque does cost of living, Santa Fe, Los Alamos all do the cost of living. And each entity and each city we're studied have varying costs of living."

- Councilor Bushee said, "I'm a little surprised at the approach."

Ms. Shannon said, "From a compensation standpoint, organizations or things, both public and private sector, there used to be more COLAs, but since 2008 and the recession, more organizations, both public and private are wanting to use their salary dollars to support performance versus just across the board. But is it still out there. Yes, it very much is still out there. And are we saying you should get rid of it, no we're not.."

- Councilor Bushee said, " So I'm just going to give my perspective as someone who has observed the City of Santa Fe for quite some time, then not merit based, okay. And to start with, we haven't even really undertaken the kinds of studies that we should... everything from gender, compaction issues... and it costs so much, apparently, is the answer I always get when I ask why haven't we undertaken these studies, and so we just go back to, we bargained for these rights, this is where we're going to stay and we're going to give it across the board, a cost of living increase. So the issues don't get corrected."

Councilor Bushee continued, "And my concern here is for this one small entity which, to have it operate differently than either the County or the City.... we had issues when we first took over the water company as an enterprise fund. It was operated privately, and we had to absorb those employees into a union atmosphere, collective bargaining. And there were some transitions.... because they were making a lot more money at the electric utility than with the water company at the time, and we had to work that out, and we had to find people that could be trained. So I guess my concern right now is just going to a new system, and in particular, the jump for the Executive Director is a lot of money in one fell swoop. Yes, this is my first meeting, but it would be a morale breaker I would think from the perspective of the unions. So I am just concerned that the approach... I'm just giving you my opinion."

Mr. Kippenbrock said, "On my position. Right now I am at management level 26. They are recommending as per the report to change my grade to an executive level, and change the pay range to reflect my pay to be more to the mid-range. It's not giving me an extra 12% or anything like that."

- Councilor Bushee said, "Maybe I understood this wrong. But I saw you at \$97,000, am I not correct."

Mr. Kippenbrock said, "Based on the current pay range. Where I am now."

- Councilor Bushee said, "And then I saw it build up to \$111,000."

Mr. Kippenbrock said, "I'm currently at \$111,000."

Ms. Hood said, "The salary structure is defined. We're not recommending any changes with that, but the mid-point for the Executive Director and the salary structure position is low, based on the market. We're recommending changing that mid-point, not his salary. So the two, one salary, one salary ranges."

Responding to Councilor Bushee, Ms. Shannon said, "No, I don't want him to have anything."

- Councilor Bushee said, "I guess I'm not understanding the whole merit case aspect. I just got concerned when I first read this packet when I say, okay you're a government entity, but I heard you say you're not recommending that we continue COLA, or that's not what the industry is using these days, and saw these number, \$97,950 and \$112,000 and I thought how did we get there."
- Ms. Hood said, "We're not recommending an increase in salary and we're not necessarily recommending that you do away with COLA. It's actually worked well to make those adjustments in the pay ranges, because now your pay ranges are actually where they should be.... so the COLA has actually kept you in the correct pay ranges. And as to making adjustments to individual salaries or positions, that is totally up to you, but we're not making those kinds of recommendations. The only thing is maybe, instead of using the CPI, use ECI, and the different index to go against."
- Chair Chavez asked the reason for this recommendation.

Ms. Shannon said, "It has information, not only about movement of salaries, but also movement in Santa Fe."

Ms. Hood said, "It's pretty confusing when you get this kind of data to figure it out. But again, we're not changing anyone's salary. We're talking about pay raises."

- Councilor Bushee said, "Then you're not recommending that we downgrade, or that we upgrade, or you are."

Ms. Shannon said, "We're saying, based on where the market and the Scalemater range is, thinking about recommending going down a grade, because that grade and that mid-point sets for the market, not taking any money away from anyone. And the other individual, which is the Executive Director, a jump into that salary range to more fit the market, but no pay increase. His salary is right there within the market."

- Councilor Bushee said, then there is no cost to the entity.

Ms. Shannon said, "The range is back around the bargaining unit, and if you adjust their range from a 50% spread to a 45% spread, that would cost the \$12,000."

- Chair Chavez asked where the cost would be incurred.

Ms. Shannon said, "In bringing people below 45%, bringing them on up." She said it would cost \$12,800 to do this.

- Councilor Bushee said, "If you're recommending, and I don't know any government entities that don't follow COLA, if you do that, how do you do that when you have collective bargaining ordinances. How do you get to merit based pay, and why would you want to do that."

Ms. Shannon said, "You would work with your bargaining unit and be on the same page, and set up performance standards and how you are going to handle that going forward."

- Councilor Bushee asked if they are suggesting we operate more like the private sector.

Ms. Hood said, "No. Pay for performance, top dollar in the private sector has been around for quite some time. And there's been a lot of research on it [*inaudible because of noise overlay*]. Quick example, you have two employees and one is not performing well and one is. And then you give a cost of living every year. What happens. Does the lower performer get higher. Not so much, but what happens is the high performer starts to slow down, because there's no point because you're not getting merit. So a system that actually includes merit is, again through research, is a better system for motivation, retention and for getting the right people on board."

- Councilor Bushee asked where seniority comes.

Ms. Shannon said, "Seniority... I'm not going to comment on that. Obviously when people are there, they are loyal to the company and you want to recognize that, but again, [*inaudible*] should be paid for. That's what merit does for you. COLA says stay here, you're a good person, we want to keep you, you're doing the job adequately. Merit says you're doing better than an adequate job."

Ms. Hood said, "And the organization currently does both. They do COLAs and they do merit."

- Councilor Maestas said he is glad to see the study was finally done and that AFSCME isn't too upset with us. He said he is unsure how this plays into renegotiating the next contract. He asked who negotiates with AFSCME on behalf of this Board.

Mr. Kippenbrock said he has contracted with the union through June 2015, and his recommendation is wait until the next round of contracts to consider these recommendations.

- Councilor Maestas asked how far in advance he initiates this process.

Mr. Kippenbrock said, "My goal is to come back perhaps in July to go through an Executive Session to kick off what parameters you want in the contract and go from there. I don't want to wait until the last minute like we have with some contracts to get it pushed through, and iron out all of the things they need to do in the contract."

- Councilor Maestas said, "So you subcontract out the negotiation services."

Mr. Kippenbrock said, "No. It is the management of the Agency plus members from the Board."

- Chair Chavez asked Mr. Garcia to comment on the process.

**Apolonio Garcia, Chief Steward, Local 3999**, said he is new to the process of bargaining, but he understands that the "union can have as many bargaining union members as we need to meet regularly with Mr. Kippenbrock, and he will go over what he wants to bring to the contract, what he wants to delete from the new contract, and we do the same thing, and we pretty much give and take with each other."

- Councilor Maestas said then you involve the Board in the negotiations, or do you negotiate and then bring it to Board to be ratified.

Mr. Kippenbrock said, "Correct. The second method. We will go into Executive Session, you will give me directions, then we go into negotiations. Once we come up with what we consider a final contract, that is when the Board will look at it and ratify it."

- Councilor Maestas asked if the Board evaluates Mr. Kippenbrock's performance separately, and Mr. Kippenbrock said yes. Councilor Maestas asked why then it is included in the survey and the pay ranges and such.

Mr. Kippenbrock said, "We look at all positions. We wanted to make sure that everything is fair and equitable."

Mr. Garcia said that is in the contract and can be changed by the Joint Powers Board.

- Councilor Maestas said then, typically, the Board evaluates Mr. Kippenbrock's position and set his salary.

Mr. Kippenbrock said yes.

- Chair Chavez pointed out that is done separately from the collective bargaining process.
- Councilor Maestas asked, "How do we right the wrong, how do we get more consistency within this point. I asked for additional information, because in the table you provided of each and every employee, you are starting every entry level employee at the beginning salary, but they could have tenure elsewhere with experience that could apply to this Agency, but you didn't show tenure in

your table. So I asked Rosalie and she provided us a table [Exhibit "3"] showing tenure, and that way we can see where the disparity is, particularly, not just for folks that have less than 3 years, lower tenure employees, and then those with more than 8 or 9 years – 10 plus."

- Councilor Maestas continued, "I see we do have some problems. Obviously, with COLA everyone was going to move relative to one another. Yes, we'd probably migrate closer to those ranges, but the dispersal is still going to be the same, so how do we close the range. I'm thinking the COLA is not going to help us do that. We can either do it through merit pay or negotiated adjustments to the contract. What is your recommendation when looking at tenure, and try to do it basically on a position by position basis. I'm looking at this table [Exhibit "3"], and basically 12 of the 28 positions have under 3 years. If you are looking at some of these folks that just started, some are making over the mid-point. The one that really struck me was the Administrative Assistant/H.R. Officer. She is 1.11 and she only had 3 months. Clearly this is one of the positions that you want to modify the job classification and adjust the pay bands. That's really what we're talking about and I understand that. That's the only flaw that I saw in your study is that you didn't look at tenure."
- Councilor Maestas continued, "There is another column that is blank, it says PERA Service. That could tell us what the total applicable service in PERA relative to the Solid Waste Management Agency. It's not going to tell us if that past experience is applicable to the current position, but it gives us an idea to validate what you're saying – are we hiring experienced folks at entry level salaries. And so that's blank. I can't really say this Agency is doing it. You say it and I believe you, but I think in the context of this compensation study, I think that would be great information to have as well."
- Councilor Maestas continued, "So, going forward, what do we do, there are still a lot of folks out there, particularly in the City that are wearing 3-4 hats and getting [inaudible]. There's a lot of vacant positions and other folks are carrying the burden of that work. And I want to be strategic, but better in trying to modify the salaries to maybe more conform to market conditions. There is still a lot of disparity here. There's a wide dispersal and we're not considering tenure. And I'm kind of concerned, well not too concerned, because it would be good to get them to go back and look at tenure, because I think the study is going to be the basis for negotiating the next union contract. And so, that would be my recommendation to you. I know you guys probably just want to final it out, but I really think that you should have looked at tenure in this analysis to really help us to establish that closer – lower that mediation from the mid-point and make sure those higher tenured employees are between the mid point and the max. And you can see, a lot of those higher tenured people aren't even close. Nobody is close to 1.2, in terms of the higher tenured employees."

Ms. Shannon said, "So, just to add to that, the personnel manual allows the executive director to hire individuals, hire up around the mid-point and above, based on years of experience and working at the organization. The practice with the union contract is seniority. So, if you have multiple people who have seniority, but less experience, and then you're trying to hire someone in who has more experience, but doesn't have the seniority, they're coming in at the same rate as the other person. So some of the policies may need to be looked at."

- Councilor Maestas asked Mr. Miller if we are required to include a CPI because of the minimum wage law.

Mr. Miller said the concern would come if we came to the point where the Board was considering the budget and whether to approve cost of living adjustment, and if the Board didn't drop positions below the minimum wage, but he doesn't think that is a concern here.

- Councilor Maestas said the COLA is going to move everybody along, and we're talking about moving certain positions closer to the mid-point and then moving the higher tenured employees maybe between the mid and the max, which is going to require some adjustments. He said, "So, I'm not sure COLA is the way to go, and even merit pay, because you don't know how folks are going to perform. What if you have higher tenured employees making below the mid, and is not a high performer. So how do you make up for the past, but yet being equitable going forward and better organized the whole compensation."

Ms. Hood said it's a struggle, and which takes precedent, and this is all a decision that the Board has to make.

- Councilor Bushee said we did not address your recommendations, in term of the job descriptions, and said she would like to hear from the union as to how that practically applies in Santa Fe County, in terms of these new requirements. She asked, "Do you think they're doable, achievable, and how they work with the current system and the system we might want to adopt. Are these over-reaching. Are these requirements a good idea."

- Councilor Maestas said, "If I can maybe even add to that. I'm not sure the scope of this study can really strongly recommend that we change job descriptions unless, based on your interview with these folks, that they are doing things outside their current job description, number 1. And then number 2, their range isn't commensurate for the position. I don't know which is driving the need for new job descriptions. Is it that they're doing work outside the scope of their current job description, or does their current job description and salary structure not conform to the market."

Ms. Hood said "Again, our study, and compensation studies in general, are looking at the market. Normally, you do these with huge organizations. So right now, because it's a very small organization [inaudible]. But a compensation study looks at the job description for that position, it might have 50 people in it, and if that is comparable for other jobs, in other weigh stations, is that what the job description should say. So we didn't take into consideration individuals at all, because that's not our job. Our job is simply to say, based on the market, how this Board is going to lay out its job descriptions and pay rate."

- Chair Chavez said it includes taxes as well.

Ms. Hood said, "We looked at the whole job descriptions, Wendy did, actually. But what we are making recommendations here for are minimum qualifications, given that job description, what should be the minimum."



Ms. Shannon said, "If you go out and look. So looking at the executive director, its duties with the number of people, with the skills the executive director has, the current job description, which had a bachelor's degree, 6 years experience, and substitution. Market data, a bachelor's degree and 10 years management experience with no substitutions, was the norm of what is out there. So the recommendation is to increase the minimum qualifications for this job description."

- Councilor Bushee noted an Equipment Mechanic III, will now require a CDL. She said, "You may have a great mechanic in that position in the day to day job, would that raise some issues in terms of being able to maintain and keep a good mechanic. I know that maybe the industry suggested minimum."

Mr. Garcia said, "From a union standpoint, I prefer no changes. Let me give one example. I disagree respectfully, with the Scalemaster pay scale. I have been here 6-8 years as a Scalemaster. I earn \$15.80 an hour after those many years. I'm still not above your mid-point. So, to say it's 12% or close to 11% over-paid, I kind of find that hard to believe."

- Councilor Bushee said she wants to know what this means practically, and if it would be a problem to meet the new minimum standards.

Mr. Kippenbrock said, "I would look at some of these recommendations and review it. I think what they're trying to ask us to do is to clean up a lot of these job descriptions over the years. Make it consistent between a Mechanic 1, 2, 3, or between these types of positions, and what is out there in the market. I was here when we created Mechanic 1, 2 and 3. We went out there and researched on line, and placed all the requirements, based on what we had in-house and what's out there. They found some additional. Our Mechanic 3 right now has a CDL. So, it should not be a problem just adding that to it."

Mr. Kippenbrock continued, "Normally when we have new positions, or change positions, we do talk to the union and make sure they agree to those positions. I will concur that Keystone did a very unbiased study. When I met with them, I asked them to look at whether COLA and merit are working and how the salary structure looks and so on. This is a completely unbiased report. And one, I will say that the Scalemaster, based on the job description and what's out there in the industry, saying that it's 12% higher than what is out there in the industry. My job is to take the job description for this and put more detail in it which really constitutes their job. That's what I see in that one. I have no desire to lower it one grade lower to number 5. I feel it should be a different approach by adding the job description that currently reflects their work. I'm going to put it this way, it's not the same as being a cashier, etc., their job is more complex than that. And probably the minimum requirements to hire, but there is a lot more responsibility involved. And that's on the Weighmaster."

Mr. Kippenbrock continued, "In terms of the cluster of a lot of entry level, such as the MuRRF technicians and so on, the Weighmaster..... There are folks that don't have a GED or anything like that. And think about it, we're the only one in town that does sorting in general. That's usually why they are at the entry level rather than at the mid-point. You can say the same thing for

Technician 2, they usually start as a Technician 1, and then go to a Technician 2, and their increase is 3 steps higher when they get promoted. But generally, it will be at the mid-point, primarily because they don't have all the experience needed for a Technician 2. Likewise, with the Weighmasters themselves. Granted, with the Weighmaster, you could have a very experienced person on the outside, but with the seniority that's in the union contract, we're somewhat obliged to hire the person who has a lot of experience, with the understanding that they will start [inaudible]. The BuRRT Transfer Operator is the same situation, based on seniority. We have found folks with 10 plus years of experience coming in to work for us."

Mr. Kippenbrock continued, "Please do not be misled that someone that has 10-15 years experience will be walking on water when they start working with us. It is a combination of everything. Sometimes the folks who have their CDL and we put to work are better employees than a person who has been here for 10-15 years."

Mr. Kippenbrock continued, "I think Mr. Maestas had a good point in terms of years of service and PERA service. Two of the folks you don't see that have very little years with the Agency, I will tell you that two of the employees sitting in the back used to work with the City of Santa Fe, the 10 of 20 years they already have."

- Councilor Bushee asked if they were doing similar jobs.

Mr. Kippenbrock said, "Yes. The education and experience in this thing, yes, I think all those are doable in terms of upgrading our job descriptions, etc. The compressed schedule, that's something we can look at in the next union contract. There are two positions that have a title that can change to what the markets call them, but it's not necessarily any more money. And plus, my position is the last one they mentioned, to put me in a different category, in an executive category as post management. If you want to compress the min to the max from a 60% range to a 45% range, that will bump up all the union positions by 15%, and that would be the new mid, and the mid will change closer to the max, it's supposed to be a 45% spread. All this was in place in perhaps 2003, before my time. I came on board and recognized if you don't use COLA, eventually the pay ranges will go out of whack and struggle a lot."

Mr. Kippenbrock continued, "I'm not a proponent of across-the-board, it not only brings down morale, the COLA is really protecting the positions and shifts everything per year per COLA, generally it is one point something to two point something. One year there was none. Merit, again, year by year, an average of 2%, when you take everybody together. And to be fair, rather than doing it on the anniversary date of hire, everybody gets evaluated in June, with the exception of the Probationary Employee 369, again in June. If you've been with us for less than 9 months after October of this year, you won't get any merit, because it's too little to tell if you deserve anything. And we have 0-4%. 0% you're just doing your job and you get nothing. 1-2% you're doing a little more, but with 3-4% you're exemplary employees. Over all it comes to a 2% average. So that's where the additional compensation will come in, for those people who work hard and step up to the plate, etc."

Mr. Kippenbrock continued, "I concur with Jackie, if you just mention COLA and it's across the board and based on COLA, you may get some morale issue going."

- Commissioner Holian thanked staff and the consultants for the study, and said she is encouraged that we are doing well. She asked Mr. Kippenbrock if he is asking for direction from this Board at this meeting. She said, "I really don't want to micromanage. I would rather see you bring back some specific recommendations to us as to what you would like to do, based on these recommendations."

Mr. Kippenbrock said he would ask the Board to allow him to move forward with these recommendations, and then come back to the Board with specifics.

Mr. Garcia said, "As well, the union would like to come back to the Board with recommendations."

- Chair Chavez said, "But on that point, you will be working with the Executive Director and your negotiating team and bargaining team to work out any details you have, before you come back with your recommendations. Okay."

Mr. Garcia said, "Correct."

- Councilor Bushee asked if we need to give direction conceptually.
- Councilor Maestas said he is concerned with changing job descriptions without actually auditing the job. "It can cut both ways. I realize we're doing it for compensation, but there's a certain risk for liability if we have certain positions and their superiors are asking them to do things outside their scope of work without compensation. So here's my suggestion that as part of the compensation study that those positions which have been identified for a modified position description, that the position be audited. The team actually asks them 'what do you do,' instead of saying, this position is compared with similar positions, and what if they don't match. I would like to know what that individual is doing that the description changed. So maybe we can combine the recommendations with the actual result of the audit to make sure, again, that we're not having them do things that isn't in their original position description."
- Councilor Maestas continued, "My second recommendation is that in future compensation studies that we do an audit of the position to be sure they are doing the duties in their position description, and we're not unfairly asking people to do things outside their job description without proper compensation."
- Chair Chavez asked Mr. Kippenbrock if there are any examples of that happening now.

Mr. Kippenbrock that has happened in the past. He said, "I feel very strongly about what we're doing and I think everybody is being treated fairly and working accordingly. I think what they saw was some discrepancy when you create new positions."

Mr. Kippenbrock continued, "I don't think what they're asking for is a whole lot, just to be sure that the education and experience will match accordingly to the market, etc. These folks already have a job with us. It's not like they're going to lose a job. If we say 2-4 years, they may say 4 years plus. I think that's what they're looking at. Two of those suggestions are basically changing the title, but still doing the same work, just to reflect the market area..... the big one I think is for the next union negotiation is do we want to compress the pay ranges from 60 to 45%."

- Chair Chavez said he is not opposed to the concept of the audit. He said it is good to know how everyone is functioning in their current position, and if training is required, he believes we can work on that. If education is an issue, we can work on that. He said, "I think there are ways around that. I'm not adverse to that, but I just wanted Randall to speak to that a little bit, because I didn't think it was out completely, and I think it has to be part of the discussion between union and management. I think staff can make a recommendation and see where they fit, and then we can fine tune as we move forward."

Mr. Kippenbrock said this is correct.

- Chair Chavez said, "So maybe what we can do Councilor Maestas, since you have some recommendations, staff and the negotiating team have some work to do. What does that timeline look like, because you don't want to include this in the new round of negotiations, but you want to have all of this incorporated at a future time. So what does that timeline look like. Because, I see two tracks. One is the current negotiation that we would have to go through for the current collective bargaining contract, and then this long term recommendation. I see them as two separate tracks moving forward."
- Mr. Kippenbrock said he sees both of these working concurrently. He said, "Get the auditing on the positions as well as starting the new negotiation of contract and then go from there."
- Chair Chavez said, "And you can factor in Councilor Maestas' recommendation. "

Mr. Kippenbrock said, "Yes. I'm going to take 2-3 months, and when this is done, they can come back to the Board with the audit of the positions. The main purpose of this is to look at a comparison with the market analysis and how the COLA and merit pay system is working. I believe the answer is it's working well. We're able to keep our positions fairly close to the market condition. The next step is to audit the positions."

- Councilor Maestas said, "Yes. I'm still fixated on the whole tenure issue. Even if we do decide to change *[inaudible]* and enact the recommended bands, the mid and max, the only two tools we have to get them there are COLAs, which isn't going to help, and then merit pay. But merit pay is too random and depends on their performance. So, would you consider the third tool being a flat out market adjustment, and that could be another tool added to the next contract. Because right now I read here in the collective bargaining agreement, the only two mechanisms you have are COLAs and merit pay. So I think if we can make another tool available in the context of compensation going forward through a market adjustment, I think we'll really be more in line with

the market going forward, instead of blindly relying on COLA and merit pay. I don't think that is going to get us there, in my opinion. At least, not in an organized, targeted fashion. So I don't know if that's going to change your study, or if that is just a matter of you to consider a market adjustment in the negotiation of the next contract to start getting the salaries more in line with the market."

- Commissioner Holian asked, "I have to leave, and I would like to ask our Legal Counsel what is that going to do."

Mr. Miller said we will no longer have a quorum, which will be a problem. He said we can continue discussion items, but the Board cannot take action.

- Commissioner Holian said we don't need to take action on this item, but we do need to take action on the next item, and "I'm suggesting that we do that."
- Chair Chavez said we would now go to Item VI(B).

*At this time the Board returned to discussion of this Agenda item.*

- Councilor Maestas said he didn't get a response on the whole issue of tenure, and asked, "Is there any way you can add tenure into your analysis and give us more specific recommendations, and during the market adjustment in addition to COLAs and merit pay. And then looking at PERA service, and the only thing about looking at PERA service and Southwest Solid Waste experience, is you don't know to what extent the non-solid waste experience was applicable to their current position, but it's an indicator in terms of their overall tenure in government. I just thought that would be helpful information, but the real factor to me is their solid waste management tenure in that position. So how can we use that to make more targeted, objective recommendations to be more in line with the market. Do you think there's any room to modify your scope.... can we modify their scope to look at tenure. Is that something they can do."

Mr. Kippenbrock said, "I think so."

- Councilor Maestas said, "I think if we have another tool, we really can improve the contract going forward to make adjustments, maybe perceived to be inequitable, but I think you are going to see if you look at the dispersal of some of these positions and the misalignment with the market average, I think some adjustments are going to be required, irrespective of merit, so can we do that."

Ms. Shannon said, "So the answer is yes, you can do it, but we, I would say, we can't do it. It needs to be more with Randall and his management team and looking at people. We, because we don't know what's the performance of people, we can certainly help them with that process with specific things. But, short of saying, okay here's the role of everyone from 0 to 3 could be here and there, but then you're losing the point of your ranges, so I would want to work with the management team."

Ms. Hood said, "And I agree with that. The problem is, as someone who has to do this, since we have capped a salary [inaudible] actually, but we hire people at \$10,000 to \$20,000 more with no experience just to get them. It has to be alignment with performance as well, and that's why it gets tricky. If you have a person in a position who has not performed well, you just wouldn't give them a big market adjustment, because the high performance would be [inaudible], so you have to take both factors into account and look at the individuals. And I think we can help Randall with that, but it would be a management decision ultimately to come back to the Board and say what we've done."

- Councilor Maestas said, "We're just talking guidance, and guidelines to consider tenure as a factor in adjustment of salaries to be more consistent with market. So is that something you can do for us."

Ms. Hood said, "If you desire that and if Randall desires that, yes."

Mr. Kippenbrock said, "Councilor Maestas I agree with you, it's another tool, and a third alternative to COLA and Merit if you decide to keep those two, and to further evaluate all the positions, job descriptions, to be sure they are comparable and to look at any discrepancies."

- Councilor Maestas reiterated his concerns.
- Chair Chavez asked Mr. Kippenbrock to work with the consultants to get the information the Board would like.
- Councilor Bushee said she would like hard copies of the guidelines and the appeals process through collective bargaining. She said, "I just want to be edified on the process."

Mr. Kippenbrock said there is a policy in place, including an appeals process.

#### **(B) REQUEST FOR APPROVAL OF FISCAL YEAR 2014-2015 PROPOSED BUDGET**

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated April 11, 2014, 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

Commissioner Holian said we did discuss the budget at the previous Board meeting.

Chair Chavez said this is correct, and asked Mr. Kippenbrock if anything has changed between the last meeting and this one in this regard.

Mr. Kippenbrock said, "This is the same proposed budget that we presented at the last Board meeting. I somewhat highlighted the main points that were discussed in the March meeting. And one of the reasons it was postponed to this meeting was to allow the Board to take a closer look at it, and to approve it at the next meeting, today. This proposed budget is relatively flat. It does include COLA and merit. It has \$33,000 for COLA and approximately \$47,000 for merit."

Chair Chavez said the COLA is straightforward in accordance with the CPI. The merit is more subjective, and asked what are the benchmarks, objectives or policy designs for merit pay or performance based pay. How do you know when an employee is doing what they're supposed to be doing, based on a job description. And when do you know when they're going above and beyond that.

Mr. Kippenbrock said, "The way the merit system works, we have a program in place we have been using since 2006. It's called *Performance Now*. We tailor each position to the number of elements that are related to their job – quality of work, attendance, punctuality, type of work, cooperation, teamwork, safety. Those are some of the elements we look at it, and with each element, there generally are 4-5 subsets that have more specifics of these elements. And the supervisors, managers, basically.... every June we do it to allow everybody to be on the same playing field."

Mr. Kippenbrock continued, "The rankings of the performance evaluation are then converted into from 0 to 4%. Then we sit with the manager to make sure that we are comparing, basically everybody has their thoughts. For example, we have 4 operators we are comparing, and to be sure they are given the right increases, etc."

Mr. Kippenbrock continued, "There is a system in place. Yes, it can be subjective to their immediate supervisor, but those are usually corrected if they are too high or too low."

Commissioner Holian asked if we are going to have a motion for the approval of the budget.

Councilor Bushee said, "I actually want to go through the budget. It's not just an up or down for me. Is that what you're asking. I know you're trying to leave."

Commissioner Holian asked Mr. Kippenbrock if he needs a vote today.

Chair Chavez asked if this is time sensitive to get approval.

Mr. Kippenbrock deferred to Angelica Salazar.

Angelica Salazar said the budget has to be submitted to the City by June 5, 2014, so it would be okay to vote on it at the May meeting.

Councilor Maestas said he too has questions on the buget.

*Commissioner Holian departed the meeting*

Councilor Bushee said there is sometimes a lot of favoritism at the City, and not very objective. She said when she hears merit based, "my antenna go up, and that's why I would like to hear from your steward in terms of that this has worked out well with your merit based."

Chair Chavez said, "I think the collective bargaining, the 29 employees that are union members that work for SWMA are one of the newest bargaining units around. And the employees at SWMA were not under collective bargaining until they worked with management to be where they are now. I think that was a big accomplishment. It doesn't solve all of our problems, but it puts things in a more manageable position and everyone is a part of the process. And so, if you want to respond to Councilor Bushee's questions and put your thoughts out, that would be great."

Mr. Garcia said, "First of all, what I would love to have here, is the actual President for the next meeting, so we can have more detailed discussion. I've only been here with the position for less than a year, and I'm new. So I would like the Union President to actually be here to make sure I'm talking accurately and not misrepresenting the Union."

Responding to Councilor Bushee, Mr. Garcia said, "I can give you a case example where it has caused some conflict. Because what happened is, from my experience, I've been a Chief Steward, the supervisor will ask the coworkers, because sometimes the supervisor is at odds with the subordinate. So then, we've had..... situations where the employee stated, oh but you said I didn't do a good job, and therefore I only got a 2% versus a 1%. To me the supervisor should have handled that based on his own evaluation and not asked coworkers, because that is subjective. And so we did have some cases at work, that potentially could contribute to a hostile work environment."

Councilor Bushee asked if this is the exception, rather than the rule, and Mr. Garcia said yes. She said she is interested in how to inject objectivity.

Chair Chavez said it doesn't appear that Item VI(B) will be approved, and will be brought back to the next meeting which will give us time to ask questions. He asked if the Councilors will work with staff to get their questions answered in the interim.

Chair Chavez said the approval of the budget will be postponed to the next meeting. He asked Councilors, in the interim, to work with Mr. Kippenbrock to get answers to their question.

*At this time the Board returned to discussion under Item VI(A)*

## **VII. MATTERS FROM STAFF**

There were no matters from staff.



VIII. MATTERS FROM THE BOARD

A. DISCUSSION WITH POSSIBLE ACTION TO CHANGE TIME OF REGULAR MEETINGS  
(COMMISSIONER CHAVEZ)

No official action was taken.

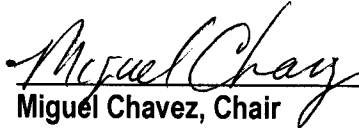
IX. NEXT MEETING DATE – THURSDAY, MAY 15.

Chair Chavez asked Mr. Kippenbrock to schedule the next meeting at 5:00 p.m.


X. ADJOURNMENT

There was no further business to come before the Board, and the meeting was adjourned at approximately 6:45 p.m..

APPROVED BY:

  
Miguel Chavez, Chair

ATTESTED TO:

  
Geraldine Salazar, County Clerk  
Santa Fe County

6-5-2014



SUBMITTED BY:

  
Melessia Helberg, Board Stenographer