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 CITY AND COUNTY OF SANTA FE  
 SOLID WASTE MANAGEMENT AGENCY  
 REGULAR BOARD MEETING  
 April 19, 2012

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**SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD MEETING  
Legal Conference Room  
Santa Fe County Courthouse  
April 19, 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, Vice-Chair, on Thursday, April 19, 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 Virginia Vigil, Chair  
Councilor Bill Dimas  
Commissioner Kathy Holian  
Commissioner Daniel Mayfield  
Councilor Christopher M. Rivera

**MEMBERS EXCUSED:**

Councilor Peter N. Ives, Vice-Chair

**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 Dimas, to approve the Agenda as presented.

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

**IV. APPROVAL OF THE MINUTES – FEBRUARY 23, 2012**

Mr. Kippenbrock said the minutes, if approved, will be signed by Commissioner Vigil.

**MOTION:** Commissioner Holian moved, seconded by Councilor Rivera, to approve the minutes of the regular meeting of February 23, 2012, as presented.

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

**V. MATTERS FROM THE PUBLIC**

Vice-Chair Vigil introduced Joseph Eigner, Chair of SERA Recycles, and asked if he has remarks for the group, and Mr. Eigner said he has no remarks.

Vice-Chair Vigil asked Ms. Padilla to introduce herself.

Cindy Padilla said she is the new Director of the City Environmental Services Division.

Vice-Chair Vigil said it is good to have someone with her experience in that position, and she looks forward to working with her.

**VI. MATTERS FROM THE EXECUTIVE DIRECTOR**

Vice-Chair Vigil said there are important issues to discuss, noting there are two new members, and advised that members can ask questions at any time. She said her experience with SWMA is that we have an excellent Executive Director who is highly knowledgeable in solid waste management, and he has never been unable to answer any questions that anyone in this Authority has had.

- (A) REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 TO BID NO. 11/40/B WITH ESA CONSTRUCTION OF ALBUQUERQUE, NM, FOR THE CONSTRUCTION OF A HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF \$11,274.61**
  - (1) APPROVAL OF BUDGET INCREASE FROM 5500.100700 (CASH) TO 52504.570400 (BUILDINGS AND STRUCTURES) IN THE AMOUNT OF \$11,274.61.**

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum of April 14, 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.

Mr. Kippenbrock said he hopes to have the grand opening toward the end of May.

- Councilor Dimas asked if this board is the final authority for these change orders, or do they also go before the County Commission and the City Council.
- Vice-Chair Vigil said SWMA is a separate authority, so this board is the final authority on the change orders. However, there are issues which go before the City and the County for approval.

Mr. Kippenbrock said under the Joint Powers Agreement, the things which have to go before the City and County for approval to accept out-of-county waste, and approval of loans to the Authority. However, this board sets the rates and such, and is a *quasi government* entity, jointly owned by the City and County, and governed by City and County elected officials.

- Vice-Chair Vigil said if there is an issue on which members feel they need to consult with their governing body, we are willing to table that item until you can do so.
- Commissioner Mayfield what is the cash balance.

Mr. Kippenbrock said he doesn't have the figure with him, but believes it is approximately \$1-2 million.

- Councilor Rivera asked if this facility will take the place of the annual hazardous waste collection the City had at BuRRT, and Mr. Kippenbrock said this is correct.
- Councilor Rivera said then that would not happen, and Mr. Kippenbrock said this is correct.

**MOTION:** Commissioner Holian moved, seconded by Commissioner Mayfield, to approve Change Order No. 4 to Bid No. 11/40/B, with ESA Construction of Albuquerque, New Mexico, for the construction of a Household Hazardous Waste Collection Facility at the Buckman Road Recycling and Transfer Station in the amount of \$11,274.61, as presented by staff in Item VI(A).

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

**MOTION:** Commissioner Holian moved, seconded by Commissioner Mayfield, to approve the budget increase from 5500.100700 (Cash) to 52504.570400 (Building and Structures) in the amount of \$11,274.61, as presented by staff in Item VI(A).

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

**(B) REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT WITH J.R. MILLER & ASSOCIATES, OF BREA, CA, FOR THE PLAN, DESIGN, CONSTRUCTION MANAGEMENT AND DEVELOPMENT OF AN OPERATIONS PLAN FOR A PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF \$6,267.00.**

**(1) APPROVAL OF BUDGET INCREASE FROM 5500-100700 (CASH) TO 52504.572960 (WIP DESIGN) IN THE AMOUNT OF \$6,267.00.**

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated February 17, 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:** Commissioner Holian moved, seconded by Councilor Dimas, to approve Amendment No. 5 to Professional Services Agreement with J.R. Miller & Associates, of Brea, CA, for the plan, design, construction management and development of an Operations Plan for a permanent Household Hazardous Waste Collection Facility at the Buckman Road Recycling and Transfer Station in the amount of \$6,267.00, as presented by staff in Item VI(B).

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

**MOTION:** Commissioner Holian moved, seconded by Councilor Rivera, to approve the budget increase from 5500-10700 (Cash) to 52504.572960 (WIP Design) in the amount of \$6,267.00, as presented by staff in Item VI(B).

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

**(C) REQUEST FOR APPROVAL OF FISCAL YEAR 2012-13 BUDGET.**

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated April 2, 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

– Commissioner Mayfield asked how often SWMA goes through union negotiations and has that been done and have they looked at this budget.

Mr. Kippenbrock said the agreement expires in June, so the new agreement comes up soon, but they haven't done anything yet. He said he believes both parties recognize this is an urgent matter. The current union contract is for 2.5 years, to expire in June.

- Commissioner Mayfield asked if Mr. Kippenbrock if he has had the opportunity to look at the COLA and merit pay, because he indicated there has been a stay on those for the prior two years and this year his budget accounts for those.

Mr. Kippenbrock said the COLA and merit are based on the union contract, and the COLA is based on the agreed upon government statistics. The COLA is based on the calendar year 2011, and it showed 3%. However, two years ago there was a negative, and last year it was less than 1%, so he left it at zero, so the last COLA increase was about 3 years ago and was 1½ to a little more than 2%.

- Commissioner Mayfield said then those were built into the prior negotiations and Mr. Kippenbrock said yes.

- Commissioner Mayfield said he is reducing fees for classified full time employees, and asked the reason.

Mr. Kippenbrock said many times reducing the fees is based on retiring employees who were at a higher salary, who were replaced with other employees at a lower salary. He said it is based on the actual. He hasn't eliminated any employees – there are 41 FTEs.

- Commissioner Mayfield said then part time employees are increased up to a total of \$80,000.

Mr. Kippenbrock said yes, those are the temporary employees that are replacing the inmates under the contract with the corrections department at \$80,000. He moved that amount to another line item.

- Commissioner Mayfield said legal contracts are being increased by \$300.

Mr. Kippenbrock said that is because we have to hire another firm to review any new legal contract with Long, Pound, Comer.

- Commissioner Mayfield noted there is a substantial increase in professional services contracts.

Mr. Kippenbrock said those are all the engineering contracts related to environmental. For example, these are all the services listed on page 119 of the packet, as is, but balancing what we are doing.

- Commissioner Mayfield asked if SWMA is in compliance with all the federal requirements, and Mr. Kippenbrock said yes.

- Commissioner Mayfield said during the last budget cycle he asked about the line item for food, and he noted there is a line item for food again this year in the amount of \$1,000, and asked the reason that is still included.

Mr. Kippenbrock said in the past we have had lunch here at a cost of \$400 to \$500 per year, or for cases related to training.

- Commissioner Mayfield said then it can be used for the employees for training and not just for this board.

Mr. Kippenbrock said it can be used for training and such, depending on the length of time. He said it's something they don't use if it is not needed, but there have been situations where they felt refreshments should be provided, but we couldn't because there was no budget.

- Commissioner Mayfield noted that employee training and tuition is being decreased, and asked the reason.

Mr. Kippenbrock said he looked at the historical data, and how much was spent, and felt we could balance the budget by reducing those budgets we don't use.

- Mr. Mayfield said then no training is being taken away from the employees.

Mr. Kippenbrock said, "No, as a matter of fact, if anything it's more."

- Commissioner Mayfield asked about the debt service.

Mr. Kippenbrock said all of the debt service is related to Cell 4(B) which was constructed in 2008, at a cost of \$5.1 million, which was spread out over 5 years. He said they applied for two kinds of loans. Since SWMA is not a customer with MFOA, we could borrow only \$1 million, and we can borrow up to \$2 million from NMED. He said repayment of NMED will begin after construction of the project, where MFOA wants repayment to begin 12 months after the loan is issued. This is the reason "it is off, by a fiscal year at least." He said SWMA has elected to use its cell development reserves along with loans to keep the rates as low as possible.

- Commissioner Mayfield, referring to the summary page, said Mr. Kippenbrock indicated a cash balance of \$1 to \$2 million, and asked what is the mandated reserve.

Mr. Kippenbrock said he likes to keep it at 20%.

- Commissioner Mayfield asked if there is a state or federal mandate in terms of a reserve.

Ms. Padilla said the City mandates a reserve of 10%.

- Commissioner Mayfield said the summary memo shows revenue increases of \$225,000 for landfill and transfer stations, and \$200,000 for tipping fees, for a total of \$425,000.

Mr. Kippenbrock said that is not correct. He said he was trying to break-out the source of the revenue increase, with the majority from the landfill of \$200,000, based on the \$2.50 rate increase



at the Caja del Rio Landfill. He said there is an increase of \$50,000 at BuRRT. He said the revenue from sales of recyclables is flat, and there is a slight increase from the sale of rock, for a total of \$250,000.

- Commissioner Mayfield noted Mr. Kippenbrock proposes to keep a 20% contingency. He asked about passing the savings to the end users.

Mr. Kippenbrock said the goal with the cash balances, is to put as much as possible into cell development reserves and equipment reserves to build those up. Secondly, he said this also is to prevent sudden rate increases, such as the cost of new cell construction. He said SWMA was at \$25 per ton from 1996 through 2009, and that forced an increase from \$25 to \$32.50, which was to be done in three phases. He said there was a little more than \$200,000 due to the rate increases. He said he believes we need to maintain those reserves due to the cost of doing business – fuel price increases, equipment price increases and such. He said it will be a 4.5% increase.

Mr. Kippenbrock said in the financial modeling, they hope to delay any future increases, and they will be looking at it more closely. He said this is the 3<sup>rd</sup> rate increase, and we need to keep that in consideration. He said there is still some uncertainty, noting they have flattened out on the tonnages to about 150,000 per year, down from 200,000 tons of waste several years ago. He said we finally are seeing some stability in the tonnage received. He said, because of the downturn in the economy, people have found ways to reduce waste. He doesn't see ever increasing to the previous 200,000 tons a year, noting commercial waste is down primarily because of the decrease in construction. He said residential waste is relatively the same. He said he believes, as the Executive Director, we need to maintain the rate increase to maintain the solvency of the Agency.

- Commissioner Mayfield asked if the 2010 Fee Increase Ordinance can be brought back to this Committee, and if there are plans to do so.

Mr. Kippenbrock said he does not plan to bring that back, noting the next item is the 2012 Ordinance, noting that could be revisited. He said he believes we can maintain the rates, hopefully, for several years to come – this is the goal.

- Commissioner Mayfield again asked about the revenue from the sale of the rock at the landfill, noting he will be bringing this up in matters from the Commission at the next Commission meeting on Tuesday night. He asked if SWMA has received a response from the County as to whether or SWMA needs to be permitted "for the aggregate that is coming out."

Mr. Kippenbrock said he has not received a written response from the County. He did make a verbal request to Santa Fe County Legal Department.

- Commissioner Rivera asked if final approval of this budget will go to the City and the County, or does this body have the final authority over this budget.

Mr. Kippenbrock said the SWMA governing body has final authority to approve the budget. However, the Agency is considered Business Unit 5500 in the City and it is inserted throughout the City's budget. He said typically, there have been no questions from the City, except two years when a rate increase was discussed in 2010.

- Councilor Rivera asked what is the bargaining unit for SWMA employees.

Mr. Kippenbrock said AFSCME 3999, which is a subset of the City AFSCME, but they are independent. The union members here do speak with the City's union officials for guidance.

- Councilor Rivera asked how the 3% and 2% come about.

Mr. Kippenbrock said the 3% is based on the Bureau of Labor Statistics from the U.S. government and the 2% merit is based on the historical value in the past, noting the policy for a merit structure is based on 0-4%, and typically people receive 2-3%, noting it is a bell curve. However, there was no merit increase during the last two years.

- Councilor Rivera said then these increases are in the current collective bargaining agreement.

Mr. Kippenbrock said the COLA and merit are in the current agreement.

- Councilor Rivera asked about the compliance contracts for BLM, noting there is a significant increase.

Mr. Kippenbrock said under the compliance contract, SWMA has to pay a royalty to the BLM for the minerals we extract from the land. He gave a brief history of the basalt rock, and said SWMA entered into a settlement agreement with BLM where we have to pay for the sale of rock which leaves the facility at 69¢ per ton. He said last year he anticipated that \$35,000 will be paid to the BLM, noting this is done monthly. He said that contract began in March 2011, so he included a line item Compliance Contract with BLM, which contains funds to pay the royalties.

- Councilor Rivera asked how many employees are covered under the collective bargaining agreement.

Mr. Kippenbrock said it covers approximately 32 employees.

- Councilor Rivera asked if non-union employees will receive COLAs and merits.

Mr. Kippenbrock said yes, to keep it fair, the COLA and merit are incorporated for everybody.

- Councilor Rivera agrees with Commissioner Mayfield about looking to try to get some of the savings back to the end users. He doesn't know that cutting fees is the answer, but it appears the fee increases were put in place to cover raises for employees, although he knows that wasn't the intention. He said those increases are going "to be in there forever now, those increase are going

to be there forever, so I imagine rates will have to stay.” He noted Mr. Kippenbrock keeps a 20% contingency, but the City requires only a 10% contingency, and asked if there ways we can get that back to the public. He said this is a comment more than anything else, and would ask Mr. Kippenbrock to look at ways to do that.

Mr. Kippenbrock said in doing the budget, he first looks at materials and supplies, then equipment replacement, then the inter-fund transfers which are required and so forth. He said the benefits are locked in based on the City requirement. He said the merit and COLA are considered dead last in this process – can we afford them. He said it is up to this Board to decide whether or not to amend this budget to include COLA and merit.

- Councilor Rivera asked if the COLA and merit are in the current collective bargaining agreement, and do we have the ability to amend those in any way, saying he thought if it is part of the set contract it will happen. He asked how much flexibility we have.

Mr. Kippenbrock said there is an appropriation clause in the union contract, which provides that the terms of the agreement are contingent upon sufficient appropriation being made by this Board. He said it further provides, “If sufficient authorization and appropriation are not made by the governing body board, then it shall be terminated....” He said what they learned two years ago, is that the board has the ability to use the appropriation clause to make that determination.

- Councilor Rivera said since the money is available, due to the increase in fees, it would be a violation for this board not to approve it with the “appropriation essentially there.”

Mr. Kippenbrock said, “I really can't answer that at this time. I don't know. I don't have that answer, sir.”

Justin Miller, legal counsel for SWMA, said, “It is my understanding that the union contract calls for a COLA increase and a merit increase if it is appropriate, but if the board decides not to budget for that amount because the money isn't available, then I don't think it's mandatory to award those increases.”

- Councilor River said, “But that's in a case where the money's not available. In this case, the money is there.”

Mr. Miller said it is the board's decision as to whether the money is there or not.

- Commissioner Mayfield said he is glad SWMA is awarding the merit and COLA, because it hasn't been awarded for the past year. He said, even with the fee increase, and what he said about the contingency, he thinks the increase could be awarded, and we could still afford a decrease back to the taxpayers.

Mr. Kippenbrock said, “I would say no, we should not go back to keep the current rate that we have. I still intend that we should go to the \$2.50 increase as scheduled, primarily to be able to

continue to fund the four reserves that we have. That's why we have to recognize that. I want to say, whether it is materials and supplies and other, the costs are going to go up overall. And, if we get up to this level, I feel that we will be able to do a better judgment of having smaller increases in the future. If for some reason that we do not incorporate the \$2.50 per ton set for July 1<sup>st</sup>, then we can expect, whether it is a year from, two years from now, that would be maybe not \$2.50 per ton it could be \$3 to \$4. I really don't know. The only thing that is going to make a big difference is if we do have flow control. If that makes a difference, we don't know yet. And it's usually based on larger projects and the private haulers are working with that. Will it make a difference by opening the out-of-County waste, such as to Rio Arriba or San Miguel County, probably some. But we can't expect what's going to happen to the North Central Solid Waste Authority, because they dictate their own situation."

- Commissioner Mayfield said Mr. Kippenbrock stated that both union and non-union employees will receive the COLA and merit. He would like a breakdown between union and non-union for the next meeting.
- Mr. Mayfield said, regarding the 69¢ that we are required to pay for royalty, we're just paying it, but isn't the contractor taking out all of the aggregate and selling it. Are we retaining any of that material for City and City use, or is the contractor which is doing our cell development retaining that material and selling it on the open market, while we are required to pay a royalty of 69¢ per ton.

Mr. Kippenbrock said, "Whatever the contractors sell on the open market, they pay us \$1.50, and of the \$1.50, 69¢ goes to the BLM. We are just passing it through."

- Commissioner Mayfield said then, "We are then retaining a little bit of cash for it. Right."

Mr. Kippenbrock said yes.

Commissioner Holian thanked Mr. Kippenbrock for all of this work. She said this is a good budget and looks good.

**MOTION:** Commissioner Holian moved, seconded by Councilor Dimas, to approve the Fiscal Year 2012-13 Budget, as presented by staff in Item VI(C).

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

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Commissioner Holian said she has to leave, but she wanted to bring up the possibility of having a day or a weekend where people can bring in their grass, branches and other green waste for fire safety reasons. She said we are going to have another bad fire year, and she has requests, especially from those who live in the foothills, to have a weekend where people can bring in their green waste. She asked if she needs to bring forward a Resolution.

2012/19/12 09:00 AM REC'D BY: [unreadable]

Mr. Kippenbrock said if there is some sense of time, she can tell him informally the proposed dates.

Commissioner Holian said as soon as possible in May, perhaps May 12-13, or May 19-20, because the sooner we can do this the better because we're getting into fire season.

Vice-Chair Vigil asked if the City has passed a resolution declaring a fire hazard.

Councilor Rivera said no, but they are looking at this right away so we can stay ahead of the game.

Mr. Kippenbrock said last year the County expressed interest in the Fire Wise Program and the City Solid Waste Department got involved with the program, where the residents were allowed to use the BuRRT facility on a Saturday for 3 weeks. He would strongly suggest keeping this at the department and division level, so they can start making public announcements. He said they need about two weeks to do the PR and such. He will report back at the end of May on the tonnage collected.

Commissioner Holian asked if we need a resolution, or if Mr. Kippenbrock can schedule something.

Councilor Dimas believes the City will "jump on the band wagon as well." He said he doesn't think a resolution is necessary.

Mr. Kippenbrock said we can set this up as an annual event, and get awareness to the public.

After discussion, it was the consensus among the board to establish May-12, 2012, as the date for the green waste pickup, and to identify other dates in June and July, because cleanup and urban and wildland interfacing occurs about that time, and to delegate this administratively to Mr. Kippenbrock.

Cindy Padilla, City Environmental Services Director, said she is sure the City will want to be responsible in helping people manage their waste, especially in terms of fire prevention. She said we need to look at what contributions we made last year operationally. She said whatever we do will impact City residents and their enterprise operations and budget, but if it has been done in the past, "it's something that we can certainly do in the future and we certainly will look into it."

Olivar Barela asked if Commissioner Holian is requesting relief from tipping fees.

Commissioner Holian said yes.

- Commissioner Mayfield asked, "Didn't we ask for a credit too if folks dropped them off at the satellite transfer station, that they could at least be brought into BuRRT for reduced... and I would ask that we take that into consideration again, not everybody can get to the BuRRT and there are two satellite transfer stations that accept that green waste."

Responding to Commissioner Holian, Mr. Barela said they would set up a bin in Stanley to accommodate the citizens there.

*Commissioner Holian departed the meeting*

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**(D) REQUEST FOR AUTHORIZATION TO PUBLISH TITLE AND GENERAL SUMMARY FOR ORDINANCE 2012- \_\_\_\_, AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 2012-1, ENTITLED CREATING FEES, RATES AND CHARGES FOR USE AT ALL FACILITIES OPERATED BY THE SANTA FE SOLID WASTE MANAGEMENT AGENCY FOR THE PURPOSE OF REVISING SAID ORDINANCE.**

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated April 15, 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.

- Commissioner Mayfield asked the current fees per ton.

Mr. Kippenbrock said it is \$37.50. Responding to Commissioner Mayfield, Mr. Kippenbrock said the current Ordinance is to \$40 per ton. He said the proposed Ordinance revisits the 2010 Ordinance to address the credit card machine, the three-tier load system, cleanup language including the minimum charge at \$6.

- Commissioner Mayfield said he thought Mr. Kippenbrock said there will be flat fees in the new Ordinance.

Mr. Kippenbrock said it will be a 3-tier for small vehicles.

- Commissioner Mayfield said he thought it meant a flat fee to dump trash at Caja del Rio.

Mr. Kippenbrock said the overall tip fee for the landfill is being increased from \$37.50 to \$40 per ton. At the transfer station, for small users, it is increasing from \$47.50 to \$50 per ton, plus the handling, basically \$2.50. The Ordinance also includes a set-up of \$6, \$9 and \$12 loads.

- Commissioner Mayfield said a lot of money isn't being collected under the 3-tiered systems, but the money is being generated at \$40 per ton for the 18,000 pound vehicles.

Mr. Kippenbrock said this is correct.

- Commissioner Mayfield asked what is the anticipated revenue increase, and what is the tonnage we took last year.

Someone said they took about 10,300 tons this past year.

- Commissioner Mayfield questioned increasing the fee by \$3.50 this year. He said he doesn't agree with this and he won't support it for that reason. He is, however, glad they are going to a tiered system for the individuals driving out there which he believes is equitable and fair for those people.
- Commissioner Mayfield said, in the past, SWMA has lost money in allowing commercial vendors to pay as they go, or have an account with us. He asked if this is eliminated in the new Ordinance.

Mr. Kippenbrock said they can establish a commercial credit amount, either with a payment bond or advance pay. He said our system tracks that and notifies them they need to replenish their fund when they get close to a zero balance, noting the majority of BuRRT customers pay with cash.

- Mr. Mayfield asked if we have a provision in place so we won't be left "holding the bag" for a commercial account who decides not to pay their bill any more.

Mr. Kippenbrock said we do.

- Commissioner Mayfield asked what is "Immediate Burial," at \$80 at ton.
- Mr. Kippenbrock said this for a dead animal, document destruction, federal law enforcement request, or any time a customer requests that, noting those requests are "far and few in between."
- Commissioner Mayfield noted on page 151 there is a decrease in fees for green waste.

Mr. Kippenbrock said this is the current rate.

- Commissioner Mayfield asked for an example of contaminated green waste at \$60 per ton.

Mr. Kippenbrock said this rate is designed for customers not on the honor system where they try to sneak in with contaminated waste on the bottom or on the top of green waste. He said these people are trying to circumvent paying the true cost of the disposal, and the fee is to discourage them from doing this – "I get caught, I pay the regular trash service rate."

- Councilor Rivera said he can't support this Ordinance. He said it is fundamentally wrong to give pay raises across the board and then raise additional fees.
- Vice-Chair Vigil stressed that this is a request to publish the Ordinance by title and general summary.

Justin Miller said, "The Ordinance that is under discussion now, wouldn't actually cause any great increases. There are rate increases that are already scheduled to go into effect the first of this year that were based on the previous fee Ordinance that was adopted. Is that correct Randall."

Mr. Kippenbrock said this is correct.

Mr. Miller continued, "I think when you... you might want to look at page 175, which is part of the redline to the previous Ordinance, and you'll see that, of the rates that you were previously talking about, such as for vehicles greater than 18,000 pounds gross vehicle weight, it is already scheduled to go up to \$40 per ton on July 1<sup>st</sup>, so the action that you would be taking for this new Ordinance wouldn't change what's already scheduled to go into effect."

- Vice-Chair Vigil said when we approve publication of title and general summary, it only allows the Ordinance to come back to us for more in depth review, and we aren't taking on the Ordinance today. She said her recommendation would be to take action on the request to publish because there is no final action on that, and meet with staff with regard to any questions we might have on the more specific provisions, because this is a lot of information.
- Councilor Rivera said, "Mr. Miller, then these are already in effect or scheduled to go into effect, in this case, and so, effective July 1, 2012, there are no new fees in addition to what's already been discussed."

Mr. Miller said, "Right. The implementation of these new fees was decided in 2010, the last fee ordinance that was passed by the Board."

- Councilor Rivera said this clarified a lot for him and thanked Mr. Miller.
- Commissioner Mayfield asked if there is another fee increase for 2013, or if this is it.

Mr. Kippenbrock said this is it.

- Commissioner Mayfield asked why we have to do a new Ordinance, if one was adopted in 2010.

Mr. Miller said Mr. Kippenbrock can answer that question.

Mr. Kippenbrock said it is because he wants to be able to address going from the two-tier system for small vehicles to a three-tier system, correct the minimum load charge that we need to have on the small vehicles at \$6, and to utilize the credit/debit card machines.

- Commissioner Mayfield said, for example if the City of Espanola or the City of Las Vegas which are in a different county want to dump at Caja del Rio, the board members have to go to our respective governing bodies for approval, or can this board say we will accept that waste.

Mr. Kippenbrock said all 3 entities have to agree. He said action would start here at SWMA and it would go through the County and the City for approval. He said currently we accept waste from the Pecos area through San Miguel County, which was approved around 2002 he thinks. They bring several loads throughout the month.

Mr. Kippenbrock said SWMA went to the City for permission to accept out of county waste in 2007, but it was not approved. He plans to do it again but with a different approach to allow it



geographically, and if they choose to use our facility they can do so.

- Commissioner Mayfield clarified that there has to be unanimous approved by all 3 entities to accept out-of-county waste.

Mr. Kippenbrock said this is correct, noting the County approved the request in 2007, but the City said no, which killed the possibility.

- Responding to Commissioner Mayfield, Mr. Kippenbrock said he went to the City to request the acceptance of waste from the North Central Solid Waste Authority and Los Alamos County.
- Commissioner Mayfield said he is concerned that the tonnage is down by 50,000 to 150,000 tons, and believes we should be looking for others to start dumping at Caja del Rio to offset the cost.

Mr. Kippenbrock said the larger the operation, the lower the cost per ton, but at some point it will bottom out at a fixed cost per ton. He plans to work on out-of-county waste later this year and see what happens. He said Las Vegas has expressed interest in using our landfill on days the Wagon Mound landfill is closed, 10-20 times per year. He said the western half of San Miguel County may want to use our facility rather than haul it all the way to Wagon Mound.

- Responding to Commissioner Mayfield, Mr. Kippenbrock said the gate rate for Waste Management is \$30 per ton, noting Waste Management uses our landfill for particular loads, but it doesn't operate within the City limits with the exception of C & D.

**MOTION:** Councilor Rivera moved, seconded by Councilor Dimas, to approve the publishing of the title and general summary of the Ordinance to repeal and replace Ordinance 2010-1 entitled creating fees, rates and charges for use at all facilities operated by the Santa Fe Solid Waste Management Agency for the purpose of revising said Ordinance as presented by staff in Item VI(D).

**VOTE:** The motion was approved on a voice vote, with Commissioner Vigil, Councilor Dimas and Councilor Rivera voting in favor of the Motion, Commissioner Mayfield voting against, and Commissioner Holian absent for the vote.

**(E) REQUEST FOR APPROVAL OF FREE DISPOSAL FEES FOR KEEP SANTA FE BEAUTIFUL.**

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated April 15, 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

**MOTION:** Councilor Dimas moved, seconded by Commissioner Mayfield, to approve the free disposal fees for Keep Santa Fe Beautiful, as presented by staff in Item VI(E).

**VOTE:** The motion was approved on a voice vote, with Commissioner Vigil, Commissioner Mayfield, Councilor Dimas and Councilor Rivera voting in favor of the motion, none voting against, and Commissioner Holian absent for the vote.

**(F) UPDATE ON VACANT MEMBERSHIPS OF THE SOLID WASTE ADVISORY [SWAC] COMMITTEE**

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

Commissioner Mayfield noted at the last board meeting, two people expressed interest in serving on SWAC, one of which was Andrew Leyba, and asked if these people need to reapply, or Mr. Kippenbrock will pull those resumes from the file.

Mr. Kippenbrock said he will pull those from the file, but it is his understanding that Andrew Leyba is the only one remaining on the list.

**VII. MATTERS FROM THE BOARD**

**(A) ELECTION OF CHAIR AND VICE-CHAIR POSITIONS**

A Memorandum dated April 10, 2012, with attachments, to the SFSWMA Joint Powers Board, from Randall Kippenbrock, Executive Director, is incorporated herewith to these minutes as Exhibit "7."

Vice-Chair Vigil said in the past, we have alternated the SWMA chairs between the City and the County. She said Councilor Romero's term was extended. She said she served as the Vice-Chair, and normally the Vice-Chair moves up to Chair the board.

**MOTION:** Councilor Dimas moved, seconded by Councilor Rivera, to elect Commissioner Virginia Vigil as Chair of the Santa Fe Solid Waste Management Agency.

**VOTE:** The motion was approved on a voice vote with Councilor Dimas, Councilor Rivera and Commissioner Mayfield voting in favor of the motion, no one voting against and Commissioner Holian absent for the vote.

**MOTION:** Councilor Dimas moved, seconded by Councilor Rivera, to elect Councilor Ives as Vice-Chair of the Santa Fe Solid Waste Management Agency.

**VOTE:** The motion was approved on a voice vote, with Commissioner Vigil, Commissioner Mayfield, Councilor Dimas and Councilor Rivera voting in favor of the motion, none voting against, and Commissioner Holian absent for the vote.

**VIII. NEXT MEETING DATE**

The next meeting will be held on Thursday, May 17, 2012 at 12:00 noon, at the Caja del Rio landfill, so the board can tour facilities. Chair Vigil asked staff to send directions to get to Caja del Rio.

**X. ADJOURNMENT**

There was no further business to come before the Board.

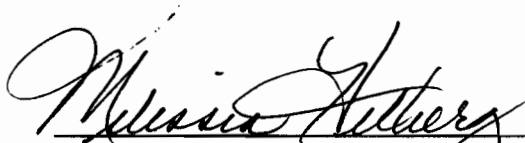
**MOTION:** Commissioner Mayfield, seconded by Councilor Rivera, to adjourn the meeting.

**VOTE:** The motion was approved on a voice vote, with Commissioner Vigil, Commissioner Mayfield, Councilor Dimas and Councilor Rivera voting in favor of the motion, none voting against, and Commissioner Holian absent for the vote, and the meeting was adjourned at approximately 1:45 p.m..

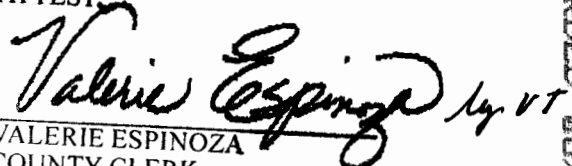
**APPROVED BY:**

  
Virginia Vigil, Chair

**SUBMITTED BY:**

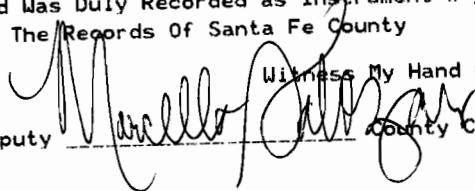
  
Melessia Helberg, Committee Stenographer

**ATTEST:**

  
VALERIE ESPINOZA  
COUNTY CLERK

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
SOLID WASTE MINUTES  
PAGES: 19

I Hereby Certify That This Instrument Was Filed for Record On The 1ST Day Of June, 2012 at 01:28:38 PM And Was Duly Recorded as Instrument # 1671078 Of The Records Of Santa Fe County

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



SFC CLERK RECORDED 05/01/2012