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**SOLID WASTE MANAGEMENT AGENCY**  
**JOINT POWERS BOARD MEETING**  
**THURSDAY, MAY 19, 2022, 5:00 PM**  
**ATTENDED VIRTUALLY**

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**SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD MEETING  
THURSDAY, MAY 19, 2022, 5:00 PM  
ATTENDED VIRTUALLY**

**I. CALL TO ORDER**

The meeting of the Santa Fe Solid Waste Management Agency Joint Powers Board Meeting was called to order at 5:05 pm by Commissioner Hansen, Chair, on Thursday, May 19, 2022, and was attended virtually.

**II. ROLL CALL**

**MEMBERS PRESENT**

Councilor Michael Garcia  
Commissioner Hank Hughes  
Councilor Christopher Rivera  
Commissioner Anna Hansen, Chair  
(1 vacancy)

**MEMBERS ABSENT**

Commissioner Anna Hamilton, Excused

**OTHERS PRESENT**

Brian Colon, State Auditor  
Randall Kippenbrock, Executive Director, SWMA  
Rosalie Cardenas, SWMA  
Danita Boettner, SWMA  
Shirlene Sitton, City of Santa Fe, Environmental Services  
Les Francisco, Santa Fe County, Solid Waste Superintendent  
Emily Pisula, SWMA  
Nancy Long, Attorney  
Ernestina Baca, SWMA  
Caitlin Weber, Santa Fe County, Sustainability Specialist  
Yvonne Herrera, Santa Fe County  
John Blair, City Manager, City of Santa Fe  
Ricky A. Bejarano, Finance Department, City of Santa Fe  
Layla Archuletta-Maestas, Deputy City Manager, City of Santa Fe  
Elizabeth Martin, Stenographer

### **III. APPROVAL OF AGENDA**

**MOTION** A motion was made by Commissioner Hughes, seconded by Councilor Garcia, to approve the agenda as presented.

**VOTE** The motion passed on a roll call vote as follows:

Councilor Garcia, yes; Commissioner Hughes, yes; Councilor Rivera, yes; Chair Hansen, yes.

### **IV. APPROVAL OF MINUTES APRIL 21, 2022**

Chair Hansen said on the minutes, page 7, it should say that May 21<sup>st</sup> is the Earth Day celebration in the City and County and the Earth Day event at Camino Jacobo Public Housing.

**MOTION** A motion was made by Commissioner Hughes, seconded by Councilor Rivera, to approve the minutes as amended.

**VOTE** The motion passed on a roll call vote as follows:

Councilor Garcia, yes; Commissioner Hughes, yes; Councilor Rivera, yes; Chair Hansen, yes.

### **V. MATTERS FROM PUBLIC**

None.

### **VI. UPDATE ON FY-21 AUDIT BRIAN COLON, OFFICE OF THE STATE AUDITOR**

Chair Hansen thanked Mr. Colon for attending the meeting saying she was happy to have him here.

Mr. Colon said he appreciated having the opportunity to be here. Thank you for inviting him. He and Chair Hansen have been in close discussion for several months prior to this regarding the City's audit status and timely reporting. She has been quite vocal as to the effects on your work. He has also been in communication with Councilor Michael Garcia. They have been very consistent communications. We are working diligently to get some progress. He is happy to see the City Manager and Mr. Bejarano at the meeting. Mr. Bejarano is a welcome addition to the Finance

Department for the City.

Mr. Blair stated that Mr. Bejarano is the Acting Deputy Director of Finance and Chief Accounting Officer.

Mr. Colon said he would like to bring the Board up to speed on the present status of the audit and financial status issues of the City. The Office of the State Auditor has had extensive meetings with the leadership of the City of Santa Fe this week. Clifton Larson Allen engaged with the City of Santa Fe to provide their audit. There were certain items the City needed to present to the firm. The City was unable to do so. CLA made the decision to disengage with the City and not do the audit. The Office of the State Auditor said we were going to provide support and oversight to the City of Santa Fe for the 2021 audit and guardrails for the process. We engaged DFA and the Local Governments Division to assist with the support. The City is aware of this and has committed to provide a time schedule for the 2022 audit as well. There will be some overlap of the audits.

Mr. Colon continued saying we know certain items are required and have provided the City with a spreadsheet of these items, including the trial balance, general ledger and cash reconciliation. We have asked the City to provide us with a comprehensive work plan for the provision of each item one week from tomorrow. We discussed regular meetings and have agreed to meet every week until we feel every other week will be enough. The meetings will include the Office of the State Auditor, the City, DFA and the Local Governments Division. This group will review the work plan status. He and Mr. Kippenbrock met earlier today. We want to be extremely responsive to his needs. The Office of the State Auditor has oversight over the City of Santa Fe regarding the requirement for them to submit an annual audit. DFA wants to lean in to provide support to the City of Santa Fe to do the audit.

Mr. Colon stated that there have been some changes made at the City of Santa Fe Finance Department. Those changes are welcome. The people at the table at this time provide more focus and participation than in the past. We are at the front end of this process.

Mr. Colon asked the City Manager and Mr. Bejarano if they had any corrections to make to what he had said or any additional comments.

Mr. Blair said he did not have anything to correct. He did want to express his gratitude to the Office of the State Auditor, DFA and the Local Governments Division. We plan to get the 2021 audit done as soon as possible and to present the 2022 audit on time. We are grateful for the assistance and for allowing us to participate together with you as well.

Chair Hansen said she was the previous Chair of the Buckman Direction Diversion Board and is not Chair of SWMA. Both Boards are intertwined with the City

which makes our audit late. What she would like to see is that our cash balances and funds are no longer intermingled with the City's so we are not penalized for the City's inability to provide us with our cash balances and payroll information that we need for our audit. We depend on that and do not understand how the cash balances could be so off this year. It is a large frustration for us. We would like to separate out Cash Balances, Investments and Payroll from the City so that we can do our audit independently and on time.

Mr. Colon said he is confident that Ms. Long can guide your process with that. If the City is your fiscal agent he is not sure that is something that would be feasible. If you can find a path he would not stand in the way.

Ms. Long said this is a topic that has come up previously, but now it is more front and center. She has heard from the City that we can explore this for the future. For the current audit, she does not think we can extricate ourselves from that. We can investigate, with the City's help, how we could accomplish a separation for Fiscal Year 23.

Mr. Bejarano said we are looking into that. Currently we are tied together. His personal opinion is that should have never happened. He cannot answer to the past as to why that was done. His opinion is that it has to be extricated, but not until Fiscal Year 23. We are talking seriously about a timeline for that part of the work plan that we are submitting to the State Auditor.

Chair Hansen said that is good news to hear. We pay the City of Santa Fe a fair amount of money to be our fiscal agent. Separate would be better.

Councilor Rivera asked Ms. Long if there was anything in the JPA that prohibits us from transferring the fiscal responsibility to the County.

Ms. Long said she did not believe there was anything to prohibit a different fiscal agent. She believes that in the past it was a work load issue for the County.

Councilor Rivera asked if this was an area we may want to look at.

Ms. Long said she will certainly take a look at that.

Chair Hansen said it might be possible for SWMA to have a different fiscal agent, but she does not think the BDD could. They are so intertwined with the City Water Department.

Councilor Rivera asked if there was anything that prohibited SWMA from being its own fiscal agent.

Mr. Kippenbrock said it has been this way since 2004. This idea has been

explored over the years. He thinks we should continue with the City as our fiscal agent. We are intertwined with PERA and payroll as well regarding cost sharing. Legal and IT are independent. Everything else is with the City. It is a matter of getting through this hurdle. We should see progress from there.

Councilor Rivera thanked Mr. Kippenbrock.

Commissioner Hughes said he has had some experience with fiscal agents. He thinks we should separate accounts, but probably not separate everything. He is really glad to hear that Mr. Bejarano and others at the City are working hard on this. It is in our best interest, all of us, for the City financial situation to move smoothly.

Chair Hansen said she is encouraged as well.

Councilor Rivera asked Mr. Colon if he was willing to update the Board as to the work plan and when we can submit our audit.

Mr. Colon said yes, he would be happy to come back in a quarter with updates. It is worth noting that Mr. Kippenbrock has communicated that the communication with the City has increased.

Chair Hansen said she would appreciate that.

Councilor Garcia asked if Mr. Blair or Mr. Bejarano has anything to add.

Mr. Blair said neither of them has anything to add.

Councilor Rivera thanked Auditor Colon for being with us today. It means a lot to all of us on the City side and the Board.

Mr. Colon said he would make himself available and will be responsive to your calls. He appreciated the work of the Board and the leadership you provide. It is an honor and a privilege to be with you today.

Chair Hansen said she is grateful for him and for the City to be in attendance today. It is a good sign that you recognize how seriously we take this at SWMA.

Ms. Long said the Auditor has provided us with helpful information so that we know what to expect.

Mr. Colon stated that if there are any additional questions or if the Board or Mr. Kippenbrock need to contact him, please feel free to do so. Mr. Colon gave his contact number.

Mr. Colon said he is happy to attend future Board meetings to discuss progress made.

## **VII. APPROVAL OF CONSENT CALENDAR**

Councilor Rivera pulled item B from the Consent Calendar for discussion.

**MOTION** A motion was made by Councilor Rivera, seconded by Commissioner Hughes to approve the Consent Calendar as amended.

**VOTE** The motion passed on a roll call vote as follows:

Councilor Garcia, yes; Commissioner Hughes, yes; Councilor Rivera, yes; Chair Hansen, yes.

## **VIII. CONSENT CALENDAR**

### **A. REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO THE SERVICES AGREEMENT WITH TOWN RECYCLING, LLC, OF ALBUQUERQUE, NM, FOR PROCESSING AND MARKETING OF RECYCLABLE MATERIALS (RFP NO. '19/06/P); AND**

- 1. EXTEND THE TERM OF AGREEMENT THROUGH MAY 30, 2023.**
- 2. INCREASE THE COMPENSATION BY \$300,000 FOR A TOTAL AMOUNT NOT TO EXCEED \$2,550,000.**

Approved on consent.

### **B. REQUEST FOR APPROVAL OF CONSTRUCTION AGREEMENT WITH DEL HUR INDUSTRIES OF PORT ANGELES, WA, FOR THE BASALT ROCK CRUSHING AND SALES OPERATION FOR THE CAJA DEL RIO LANDFILL (RFP NO. '22/25/P).**

Mr. Kippenbrock said this is a new ten year agreement. This is the third long term construction agreement we have had. We went out to RFP in January. This company was the only one to provide a submittal. The Agency is paid \$1.50 per ton. 75 cents of that goes to BLM as part of the royalty agreement. The other 75 cents helps us with some of our costs. In two years all the rock will be done. They did propose that they would like to blast more.

Councilor Rivera said he understands and approves of this project. His question has to do with the ten year term and how this relates to the Abatement Act.



Ms. Long said the Procurement Act was amended to allow the ten year terms. Despite that they still have to be renewed and can be terminated with notice or for cause.

Councilor Rivera asked if they have to be approved annually.

Ms. Long said if there are amendments that effect the contract, certainly. Otherwise it is subject to the termination provision.

**MOTION** A motion was made by Councilor Rivera, seconded by Councilor Garcia, to approve the request.

**VOTE** The motion passed on a roll call vote as follows:

Councilor Garcia, yes; Commissioner Hughes, yes; Councilor Rivera, yes; Chair Hansen, yes.

## **IX. MATTERS FROM THE EXECUTIVE DIRECTOR**

Mr. Kippenbrock said on July 1, 2022 it will be the second year of our four year rate increase. Last year the increase was \$2.50. Year two is the highest increase at \$5.00. The three main flat rates will go up by fifty cents. The highest is our per ton rate which will go up \$5.00 and so on. The rate increases will generate \$2 million. We will send out notices to commercial users and in billing statements. It will also be noticed in the newspaper.

Councilor Rivera asked is there, at some point, a time when it becomes too expensive and people will try to use other methods to dump where they should not dump.

Mr. Kippenbrock said that is a good question. These increases are necessary. We are in line with other agencies in the area.

Councilor Rivera said it concerns him. There is a lot of illegal dumping.

Chair Hansen said this is an ongoing issue at the County that we talk about on a regular basis. We are closing our Tesuque Transfer Station and we know that will cause a lot of heartache. We are closing because the Pueblo does not want us on their land any longer.

## **X. MATTERS FROM STAFF - AGENCY, CITY, COUNTY**

### **A. DANITA BOETTNER, P.E., LANDFILL MANAGER, SWMA**

Ms. Boettner stated we had our Spring Free Trash day on April 23<sup>rd</sup>. It was a successful event. We had 568 customers at BuRRT who brought 87 ½ tons of trash. At Caja we had 136 customers who brought 112 tons of trash. The participation was similar to last spring. The first weekend in June will be free tire disposal and green waste at BuRRT. That will be our last green waste free day for the year. We will continue to have free tire days on the first weekend of every month.

Ms. Boettner continued saying we sent three agency personnel to the Lubbock Regional Rodeo. Mechanic II, Ryan Muller took first place in his category. He has been with the Agency for six years. As to tours, City staff took a tour of the landfill since the last Board meeting. Next week we will have the BuRRT staff and Caitlin Weber and her crew.

Chair Hansen asked Ms. Boettner to give the Board's congratulations to Mr. Muller. She thinks we should prepare a recognition certificate for him.

**B. SHIRLENE SITTON, DIVISION DIRECTOR, ENVIRONMENTAL SERVICES, CITY OF SANTA FE**

Ms. Sitton thanked Ms. Boettner for the tour she gave to our customer service team. We also sent four operators to the Lubbock Rodeo. We did a joint press release about the winners that included pictures. Our operators won second place in the operators competition, Albert Valdez won second place overall and first in New Mexico. Patricio Lopez won a second place award as well. Congratulations to all of them.

Chair Hansen asked Mr. Kippenbrock if he could prepare certificates for all of the winners.

Mr. Kippenbrock said he would do so.

Councilor Rivera said he would like to do a recognition of the employees at the Public Works meeting.

Ms. Sitton said we posted our Outreach Coordinator position and have had lots of good candidates respond. She noted that regarding illegal dumping, that is a behavior that is criminal. Most law-abiding citizens do not engage in criminal activity such as that. We have a white paper on that issue and she will send it to the Board. It is not just based on fees.

**C. LES FRANCISCO, SOLID WASTE SUPERINTENDENT, SANTA FE COUNTY**

Mr. Francisco said the Great American Clean Up went well. The citizens were very happy. We will make the transition regarding Tesuque as smooth as we can. We

are reassuring constituents that we have other drop sites. They may not be as convenient, but they will be open to them.

**D. CAITLIN WEBER, SUSTAINABILITY SPECIALIST, SANTA FE COUNTY**

Ms. Weber said we have canceled out Backyard Composting Program. We are busy with planning community Earth Day events and are excited to tour BuRRT next Tuesday. We continue to provide recycling training to new County staff as well. The single use plastic and polystyrene containers Resolution passed. We are looking into education and programs around that.

Commissioner Hughes said it would be good to provide education around the harmful effects that get in the way of our recycling efforts.

Chair Hansen said thank you all. These presentations broaden the information SWMA brings forward.

**XI. MATTERS FROM THE BOARD**

Chair Hansen asked if a decision had been made regarding in-person or Webex meetings in the future.

Mr. Kippenbrock said that remains to be determined. The County is doing hybrid meetings. He will need to check with the City.

**XII. NEXT MEETING  
JUNE 16, 2022**

**XIII. ADJOURNMENT**

There being no further business before the Board, the meeting adjourned at 6:20 pm.

Attested to By:

\_\_\_\_\_  
Commissioner Anna Hansen, Chair



\_\_\_\_\_  
Elizabeth Martin, Stenographer

\_\_\_\_\_  
Katharine E. Clark  
Santa Fe County Clerk