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JOINT POWERS BOARD MEETING
August 21, 2014**

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**SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD MEETING
Legal Conference Room
Santa Fe County Courthouse
August 21, 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, August 21, 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
Councilor Signe I. Lindell

MEMBERS EXCUSED:

Commissioner Robert Anaya
Commissioner Kathy Holian

STAFF PRESENT:

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

There was a quorum of the membership in attendance.

III. APPROVAL OF THE AGENDA

Councilor Lindell said this is an extremely long agenda and said perhaps we should postpone the presentations to the next meeting.

Chair Chavez asked which presentations she would like to postpone.

Councilor Lindell said she would like to postpone Item N. Update on the Solid Waste Assessment and Management Study. Councilor Lindell asked Lawrence Garcia if the Study is complete.

Mr. Garcia said neither the Agency portion nor the joint efforts between the City, County and Agency have been completed.

Chair Chavez said perhaps we can schedule a tour of the facility in the meantime.

Councilor Maestas suggested in the future that all items be put on a consent agenda, and members can decide what items to remove for discussion.

Chair Chavez said that change can be made on the agenda in the future.

Councilor Bushee suggested postponing Item O, Presentation on the Pay-As-You Throw (PAYT) Concept.

Councilor Bushee said she wanted to spend a lot of time on Item Q, and was concerned it might get short-changed. She said she is used to seeing the whole budget for the year, and she has a lot of questions on all the individual requests, in terms of how they fit into the big picture. She wants to spend a lot of time on reserve policy and doesn't want it to get short shrift.

Councilor Maestas said he has requested a copy of the budget so we can follow each Budget Adjustment Request associated with proposed expenditures.

Chair Chavez asked Mr. Kippenbrock how much time he needs to present the Update on Reserve Fund Policy.

Mr. Kippenbrock said it will be a matter of a few minutes to show the effort made to date.

Chair Chavez said the reserve fund policy is important, but there are other items on the agenda we need to take care of today.

Councilor Bushee asked if there will be only a verbal update on the Reserve Policy, and Mr. Kippenbrock said yes.

Councilor Bushee said she wanted the board to discuss what we think is an appropriate reserve policy and she wanted something in writing.

Chair Chavez said there is no clear policy on reserves, and Mr. Kippenbrock was going to present the experience of SWMA and what he is doing on a regular basis. He said he doesn't think we can critique Mr. Kippenbrock's methodology and how he got to the reserve now. However, if you want policy moving forward, that is a totally different thing entirely.

Councilor Maestas said he brought up reserve policy when we were discussing approval of the budget, because there were transfers from Reserves. He said the next step is to think about what that policy might be. He would like to hear the update which would be our baseline *status quo*. We can then provide direction to Randall, in terms of what we would like to see in a written policy on reserves.

MOTION: Councilor Maestas moved, seconded by Councilor Lindell, to approve the Agenda as amended, to exclude Items N and O.

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

IV. APPROVAL OF THE MINUTES FOR REGULAR MEETING – JUNE 19, 2014

MOTION: Councilor Maestas moved, seconded by Councilor Lindell, to approve the minutes of the regular meeting of June 19, 2014, as presented.

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

V. MATTERS FROM THE PUBLIC

Neva von Peski noted there is an item on the agenda to approve the SWAC Committee membership, of which she is a member. She said she has attended very seldom, and suggested SWMA could do better by choosing another City at large resident to serve.

Chair Chavez thanked Ms. von Peski for her volunteer service.

Councilor Bushee thanked her for her service as well. She asked Ms. von Peski to please let us know if she suggestions or recommendations for a replacement.

Ms. von Peski said she will ask at the League of Women Voters meetings, noting she will do what she can to see if she can find anyone who has an interest in serving on SWAC.

VI. MATTERS FROM THE EXECUTIVE DIRECTOR

- (A) REQUEST FOR APPROVAL TO AWARD BID 14/43/B TO ENVIROWORKS, LLC, OF EDGEWOOD, NM, LOW BIDDER, FOR THE CELL 5B LINER CONSTRUCTION PROJECT AT THE CAJA DEL RIO LANDFILL IN THE AMOUNT OF \$997,532.78.**
 - (1) APPROVAL OF BUDGET INCREASE TO 52510.572970 (WIP – CELL 5B CONSTRUCTION) FROM 5500.100700 (OPERATING FUND CASH) IN THE AMOUNT OF \$997,532.78.**

Items VI(A), (B) and (C) were combined for purposes of discussion.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum of August 12, 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.

Chair Chavez said the motion for approval would have to include the approval of the bid and the budget increase.

Ms. Helberg said normally, two motions are done.

The Board commented and asked questions as follows:

- Councillor Bushee said she doesn't know the capacity of the existing cells, although she has heard bits and pieces about going more vertical. She said, "I, personally, would love to see the big picture, whatever that means. I see your operating budget in terms of knowing this is necessary, it's got a 5-year life span, by when do you need this – are you at the tipping point with the existing customers. I'm guessing we're kind of going down [inaudible]. Where are we at in terms of the existing cell and the need for this, so I understand the timeline. And I'm looking for that big picture that I have yet to sort of have painted for me."

Mr. Kippenbrock said, "Good question. The landfill is like building blocks. We have cells 1-6, and Cell 5. We've already built part of Cell 5, it's called 5A and this will be 5B that you're looking at. Like I mentioned, it's almost 10 acres in size. We still have another 12-13 acres that will fill out the footprint. It's basically a bathtub that you're looking at. You build the bathtub first. Hopefully, on or by June 2015, we're expecting our permit renewal for the next 20 years. We have a permit application with NMED. That permit application was submitted in November of last year."

- Councillor Bushee said, "I'm still not understanding. So 5A was built, and is completely empty at this point."

Mr. Kippenbrock said it is full at this point. He said we currently have 4B, the area at the landfill called 4B. Based on surveying data, our experience, etc., we probably have at least 6 months to 9 months in 4B.

- Councillor Bushee said then 5A is already built, and Mr. Kippenbrock said yes.
- Chair Chavez said, "Randall, maybe what you need to start doing for our SWMA meetings is bringing all of the pictures and the story boards that you have that we have gone through to answer these questions, so there is that visual – physical appearance of where the cells are, how deep they are, where the existing cells are. I guess you need to bring all of that stuff to the Board meetings."

Mr. Kippenbrock said he will do so.

- Councilor Bushee asked, "Did the vertical thought go by the wayside."

Mr. Kippenbrock said, "The vertical cannot occur until after the permit is approved."

- Councilor Bushee said, "I see. So the approval is what day again."

Mr. Kippenbrock said, "We are looking around June 2015. It could be earlier, it could be after. Right now, we are in a review comment with the NMED for RAI with request for additional information. We are expecting RAI number 2, and we have 90 days to respond to that, and then you have so many days to respond after that. And we anticipate by January 15, 2015, or sooner, that the permit application will be deemed complete. And then the public hearing process will go through for the application."

- Councilor Bushee said, "Okay. And that will allow us how much more capacity."

Mr. Kippenbrock said, "On paper, 40-50 years."

- Councilor Bushee asked if that is "in the existing zone."

Mr. Kippenbrock said, "No ma'am. This footprint we call the west side, we say will allow us to go approximately, I'm going to say 25 years. And there is an east half, approximately 20 to 25 years, depending on the fill rate, the design, the final height and everything."

- Councilor Bushee said, "I'm just trying to understand how many more new cells we need to open up and develop, if you are allowed to go higher."

Mr. Kippenbrock said, "We have 4B and then we still need to do, in 3 to 4 years we still need to do 6B. That's the last of the footprint of the original landfill. You have a rectangle. Right now, we've got a little notch that we could fill up. Once we get that completed, fill that up, all that area is by 10 years [inaudible because of noise]. Then we have another 15 years or so to go up before moving to the new area."

- Chair Chavez said, "The new area, if I could, Councilor Bushee, Randall, most of that is going to be vertical or will there be both."

Mr. Kippenbrock said it will be both. He said, "We need to go below to excavate the soil, the daily cover and the final [inaudible]."

- Councilor Bushee said, "So I understand what needs to be spent in the more immediate sense, you want to design 6B, but will not need it until 3 or 4 years."

Mr. Kippenbrock said, "6B is already excavated and in 3 to 4 years, we will come back to the Board with a very similar request to do the liner project the 6B. You need to line it. That's part of the EPA requirements for groundwater protection."

- Councilor Bushee said, "Then this request, Item C(1) for design....."

Mr. Kippenbrock said, "It is actually Amendment No. 4 to the Professional Services Agreement with CDM Smith. That is the actual agreement title that includes, at the bottom, Cell 5B, 6B, that includes construction quality assurance. That's part of the scope of work. It's one of the future scopes of work that we have with them."

- Chair Chavez asked, "On that quality assurance, is that like the inspection during..."

Mr. Kippenbrock said it is the third party inspection.

- Councilor Bushee asked if it is for 5B and 6B.

Mr. Kippenbrock said it is for 5B only.

[Councilor Bushee's question here is completely inaudible because of noise overlay]

Mr. Kippenbrock said, "Correct. Councilor, that is the original title of the PSA, which was maintained for consistency to the amendment. We originally thought we were going to capture part of 6B for the liner project, but instead, we determined we have enough air space to stay in 5B only."

- Councilor Bushee asked, "Did you tell me at the beginning that in 6 to 9 months you will run out of space?"

Mr. Kippenbrock answered, "In 4B."

- Councilor Bushee asked, "What about 5B we're trying to line now. And you will expect your permit and more vertical space."

Mr. Kippenbrock said, "It's a permit renewal and modification, which called for, again, vertical and lateral into the BLM area. That's what it calls for."

- Councilor Bushee said, "I'm just wanting to know if we really need to go ahead and spend the money right now for lining."

Mr. Kippenbrock said, "Absolutely. And Councilor, the [inaudible] will be different, we will have our permit renewal, but I don't anticipate until June of next year."

- Councilor Bushee said, "Someone told me in past meetings and past Boards..... did you have a projection. This cell needs to come on line at this date. This cell needs to come on line on this date. The permit will be renewed. On roughly this date, we will have this much more capacity. Like a visual and with a timeline. That would really help me. I don't know if anybody else has ever asked for that, but it would help me. Can you do that."

Mr. Kippenbrock said, "Absolutely."

- Councilor Lindell said, "So is 4B our last cell that has this capacity right now."

Mr. Kippenbrock said, "Correct. It's the current active cell that has capacity."

- Councilor Lindell said then everything else is filled.

Mr. Kippenbrock said it is filled to the permit of height, or waiting to be filled. Cell 1, 2, 3, 5A, 6A, 4B. Cells 1,2,3 and part of 4,5 and 6 are up to permitted height. And 4B, right here, give or take, will give us 6-9 months to get there, then we'll go over to 5B. It's like a building block *per se*.

- Councilor Lindell asked the time frame for the permit from the time they start working on it.

Mr. Kippenbrock said we started working on it in 2012.

- Councilor Lindell asked, "For the vertical."

Mr. Kippenbrock said, "Yes. We started on the RFP process, etc. I think we entered into contract, I believe this one was February 2012, when we entered into the agreement to do the permit and application."

- Councilor Lindell asked if that agreement is with CDM Smith, and Mr. Kippenbrock said yes.

- Councilor Lindell asked, "How long does a permit like that typically take to prepare and move forward."

Mr. Kippenbrock said, "I think we're on schedule. We anticipated one year of preparation. We anticipated it can take up to 18 months after the permit has been submitted. So there's a total of 2½ years of the normal process.

- Councilor Lindell asked how much we pay CDM Smith to do this. She noted on Item VI(C) there is an amendment to the PSA.

Mr. Kippenbrock said, "Councilor, that is the construction, quality assurance, a third party to inspect the liner project."

- Councilor Lindell said, "Right. But, overall what do we pay them for the full permit."

Mr. Kippenbrock said, "In VI(C), in the first paragraph, the original project relating to the permitting is approximately \$590,000. Then we also added some additional tasks related to Cells 5B and 6B, which includes blasting permit assistance, seismic monitoring, also design to remove the rock, etc. that was in the amount of \$163,000."

- Councilor Lindell said, "In kind of following what Councilor Bushee was talking about, if we went ahead with 5B and then we get the permit we are hoping for in June 2015, that increases capacity for how long."

Mr. Kippenbrock said, "The overall permit for the existing area, is approximately 20 to 25 years."

- Councilor Lindell said, "Then why do we need to do 6B."

Mr. Kippenbrock said, "6B is part of the footprint. It is part of the 20-25 years."

- Councilor Lindell said, "So 6B is part of this new permit."

Mr. Kippenbrock said, "Yes. It's part of the existing permit and will be part of the new permit as well."

- Councilor Lindell said, "I agree with Councilor Bushee. I would like to see this in a logical time frame, so I know which building blocks are the foundation to the next step, and what is the time frame of capacity. And this is no small amount of money."

Mr. Kippenbrock said, "Correct. I agree with you."

- Councilor Lindell said, "This is almost a million dollars, and almost \$600,000 for the permit. These are mammoth amounts of money. For the moment, I'll yield the floor, Chairman."

- Councilor Maestas said, "My issue is with the Budget Adjustment Request [BAR]. I want to have Randall walk us through each and every BAR, including this one, but I want to do it from the budget. I support the project itself, but I've got some questions about the BAR."

Chair Chavez said, "So we've discussed VI(A), (B) and (C) and the next steps."

- Councilor Bushee said, "I'm still not understanding. Maybe I need a tour to understand it visually. So the new permit and the additional vertical capacity... if you're asking, and I haven't seen the permit, but I'm assuming you asked for additional vertical capacity in the existing cells that are now considered full."

Mr. Kippenbrock said yes.

- Councilor Bushee said, "So you get that permit. That gives you how much more capacity."

Mr. Kippenbrock said, "The easiest way to explain. The NMED has a 20 year permit, and ours will expire in June 2015, and that's why we have to renew that permit for another 20 years in the meantime."

- Councilor Bushee said, "I get that each footprint is part of your permit."

Mr. Kippenbrock responded, "The original footprint."

- Councilor Bushee said, "I get that, but I'm assuming that you only need to line the ones that you intend to fill, and some of these other, if you were getting more vertical capacity, you will go back to filling them."

Mr. Kippenbrock said, "Correct."

- Councilor Bushee asked, "How much more capacity, vertical capacity for the overall landfill footprint will you get with the new permit for your existing full cells."

Mr. Kippenbrock said, "Right now, this kind of a makeshift what it looks like now. We're at the permitted height. The new one allows this.... this whole area here is approximately between 20 to 25 years."

- Councilor Bushee said, "Okay, but I'm back on 3B, 1 and 2, 3A, 4B, 4A. Are you asking for additional vertical capacity for those cells."

Mr. Kippenbrock said, "Yes, all of them, the whole area."

- Councilor Bushee said, "My question is, if you get that green light and you've got 6 to 9 months left in 4B, what would you then begin to line - 5B, if you were going up."

- Mr. Kippenbrock said, "From a perspective, you should build all this in first, and then work on your vertical. Keep in mind that we have alternate landfill gas systems that we will work around to expand and raise them up as well. I can bring back to the Board, or offer you a tour to give you a better idea why we want to do our 'bathtub' first. Then, this will be below about 10 years, then for the next 10 to 15 years, or 15 to 25, we will go up vertically."

- Councilor Bushee asked, "Why would you even go up vertically. Which is the most expensive, to line your new cells and design 6B and the rest of them and line them, or go up vertically."

Mr. Kippenbrock said, "The lining because you have to lay down the material on the floor."

- Councilor Bushee said, "Right. Is there a policy that says you've got to build a bathtub before you take the existing cell and go vertical."

Mr. Kippenbrock said, "No, there's not, but here's the problem. When you go vertically, it is more a pyramid the higher you go. If we try, for example, to not do 6B, it will make it difficult on the operation trying to go up. You won't be able to reach the top because you're maxed out until you come back and line the cell, then you will be able to fill this all in."

- Councilor Bushee said, "I've not seen a rush on trash collection. I've seen it go down."

Mr. Kippenbrock said he agrees.

- Councilor Bushee said, "Again, it's some of the same perspective I have with having that much in reserves. I have this issue of spending money if it is not necessary immediately until I have a plan and understand the plan. If the plan is to go vertical, I would like to see the breakdown of what that costs. I'm not trying to, you know.... I'm really trying to understand if there are environmental implications tell me, but if it's a cost basis I'm making this decision on, I'm not feeling very comfortable right now to okay over a million bucks.... I'm just not knowing the business, but I heard talk about going vertical for some time now. I heard talk that it was cheaper, if that is part of the permit, I still would like to understand why we want to do this now."

Mr. Kippenbrock said, "Because, if and when we get the permit, let's say if we do have a delay and run out of air space in 4B, we could consequently be in violation."

- Chair Chavez said, "I'm going to do a time check. It is now almost 6:00 p.m. At the rate we're going, I agree with you it is a long agenda, and we're not going to get very far. And so, I want to ask the Board members, is there any interest in approving anything that is on the agenda."

[Councilor Bushee's response was inaudible]

- Chair Chavez said, "Well then, let's just postpone the meeting, and do SWMA 101, Randall, and let's do a tour. If there are this many questions at every meeting, something's wrong. You can't get past first base. You're not even past the first agenda item, and VI(A), (B) and (C), are joined at the hip. I think that some of the questions could have been asked before the meeting."
- Councilor Bushee said, "Well, we don't know the big picture."
- Chair Chavez said, then we postpone the meeting, put everything on hold until we get the big picture in front of you. I don't know what else to do. Randall, I don't think people are going to go to the Agency. I think you're going to have to bring the Agency here the next meeting. Bring all of your visuals, all of the maps and history because we're not getting anywhere."

Councilor Maestas asked Mr. Kippenbrock which procurement actions require approval today.

Mr. Kippenbrock said, "Preferably, I would like to see A, B, C. I can give you guys more time on that, but definitely Items VI(D), (E), (I) and (J) are time sensitive.

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to reconsider the previous approval of the Agenda to postpone Item VI(C) and all subsequent items on the agenda, to the next meeting "with the exception of Items VI(D), (E), (I) and (J), which are time sensitive and need to be considered today," and to approve the agenda as amended

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

(B) REQUEST FOR APPROVAL TO PURCHASE AGGREGATE FOR THE CELL 5B LINER CONSTRUCTION PROJECT UNDER THE CONSTRUCTION AGREEMENT – BASALT ROCK CRUSHING AND SALES OPERATION FOR THE CAJA DEL RIO LANDFILL – WITH DEL HUR INDUSTRIES OF PORT ANGELES, WA, IN THE AMOUNT OF \$200,000.

(1) APPROVAL OF BUDGET INCREASE TO 52510.572960 (WIP – DESIGN) FROM 5500.100700 (OPERATING FUND CASH) IN THE AMOUNT OF \$125,602.00.

This item is postponed to the next regular meeting of the Board on Thursday, September 18, 2014.

(C) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CDM SMITH, INC., OF ALBUQUERQUE, NM, FOR ENGINEERING DESIGN AND PERMITTING SERVICES FOR PERMIT RENEWAL, PERMIT MODIFICATION, LANDFILL VERTICAL AND LATERAL EXPANSION, AND CELL 5B/6B DESIGN FOR THE CAJA DEL RIO LANDFILL IN THE AMOUNT OF \$125,602.

(1) APPROVAL OF BUDGET INCREASE TO 52510.572960 (WIP – DESIGN) FROM 5500.100700 (OPERATING FUND CASH) IN THE AMOUNT OF \$125,602.

This item is postponed to the next regular meeting of the Board on Thursday, September 18, 2014.

(D) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH BLUE WATER ENVIRONMENTAL CONSULTING OF SANTA FE, NM, FOR ENVIRONMENTAL SERVICES FOR THE CAJA DEL RIO LANDFILL AND BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF \$49,668.88.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated August 9, 2014, with attachments, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "2." Please see Exhibit "2" for specifics of this presentation.

Councilor Maestas asked if there is a budget adjustment request for this, and this amount actually is budgeted.

Mr. Kippenbrock said, "Yes, it's in Professional Services."

MOTION: Councilor Lindell moved, seconded by Councilor Bushee, to approve this request as presented by staff.

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

(E) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH SCS ENGINEERS OF BEDFORD, TX, FOR ENGINEERING, OPERATION AND MAINTENANCE SERVICES FOR THE LANDFILL GAS COLLECTION SYSTEM AT THE CAJA DEL RIO LANDFILL IN THE AMOUNT OF \$8,900.**

(1) **APPROVAL OF BUDGET INCREASE TO 52501.510300 (PROFESSIONAL SERVICES) FROM 5503.100700 (LANDFILL GAS COLLECTION RESERVE FUND) IN THE AMOUNT OF \$8,900.**

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated August 9, 2014, 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.

MOTION: Councilor Lindell moved, seconded by Councilor Bushee, to approve this request as presented by staff.

DISCUSSION: Councilor Maestas said, "I just want Randall to run us through the budget, just on this example. And I agree that makes sense if the funding is going from the Gas Collection Reserve Fund to Professional Services. Would you just show us in the budget."

Mr. Kippenbrock said, "With the short notice, what we did, we pulled out the budget that was proposed to us earlier this year. In order to move money from any reserve, the operating reserve, we must come to the Board for approval. This is an unexpected item of \$8,900, so we're requesting to move money from the Landfill Gas Collection Reserve Fund over to the Professional Services of operating. And Professional Services, actually called Profession Contracts, 510300, which is the third line item where it says expansion

position, about 1/3 of the way down the Board. Every time we request money from any reserve we have or from the Operating Cash Fund, we always make a request to the Board to move the money, a budget increase, etc.

Councilor Maestas said, "Okay, the budget we have shows \$55,000, and this is only \$8,900, why do we need to move money from the reserve fund to cover this, if there already is budget under Professional Contracts."

Mr. Kippenbrock said, "This particular line item, when we've come to the Board, we have a list of recurring contracts. That's all it's for, whether engineering, surveying, monitoring, those are recurring contracts. This is not a recurring amount. Now, the original \$126,000, yes, we already have set aside and budgeted."

Councilor Maestas said, "Okay, the \$126,000 was budgeted for this PSA, and this amendment is for an \$8,900."

Mr. Kippenbrock said this is correct.

Councilor Maestas asked, "Why is the budget only \$55,000 to begin with, if the original contract amount is \$126,000."

Mr. Kippenbrock said, "This budget year, we have PSA contracts in Engineering Services, and all three were lumped-in at one time into Professional Contracts 510300. The City has asked us to expand to the different kinds of services contracts we have, and in all reality, based on this.... we were so used to 510300, I believe it should be 510310."

Councilor Maestas said then there is budget in there to cover this.

Mr. Kippenbrock said Angelica Salazar would like to help us with the answer.

Angelica Salazar said, "These are recurring, previous year expenditures, so, the contract is still in existence and hasn't been expended, so the budget already is in place in the prior year, and it just needs renewing [inaudible]. So again, we've asked for annual expenses for an annual, recurring contract. And, may I see the BAR."

Councilor Maestas said, "It says Operating Fund Cash."

Ms. Salazar said, "Correct. This was not included in the original amount, so we are asking to increase the line item of Professional Services in the amount of \$8,900, to be funded from Cash Reserves."

Councilor Maestas asked how much is in the Gas Collection System Reserve Fund.

Mr. Kippenbrock said, "As of July 31, 2014, it is approximately \$528,000."

Councilor Maestas said, "So then the process is, if you have a budgeted amount for service contracts, I would think you would draw it down for whatever you have budgeted. And when you're getting close to the bottom of the barrel, then you do a BAR. I think what you're doing instead is, this is already budgeted this amount, and you know you are going to exceed it, because you didn't anticipate the amendment to this PSA."

Mr. Kippenbrock said, "This is correct."

Councilor Maestas said, "In the interest of time, Mr. Chair, I just want to deal with all the money."

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

- (F) **REQUEST FOR APPROVAL TO PURCHASE A CATERPILLAR 836K LANDFILL COMPACTOR FROM WAGNER EQUIPMENT COMPANY OF ALBUQUERQUE, NM, UNDER GSA CONTRACT NO. GS-30F-0018U FOR THE CAJA DEL RIO LANDFILL IN THE AMOUNT OF \$836,837.00.**
- (1) **APPROVAL OF BUDGET INCREASE TO 52501.570500 (CAPITAL OUTLAY – MACHINERY AND EQUIPMENT) FROM 5500.100700 (OPERATING FUND CASH) IN THE AMOUNT OF \$836,837.00**

This item is postponed to the next regular meeting of the Board on Thursday, September 18, 2014.

- (G) **REQUEST FOR APPROVAL TO PURCHASE TWO VEHICLES FROM TWO VENDORS UNDER NEW MEXICO STATEWIDE PRICE AGREEMENTS 40-000-13-00012 AND 40-000-13-00013 IN THE AMOUNT OF \$50,393.00.**
- (1) **APPROVAL OF BUDGET INCREASE TO 52501.570950 (CAPITAL OUTLAY – VEHICLES <1.5 TON) FROM 5500.100700 (OPERATING FUND CASH) IN THE AMOUNT OF \$50,393.00**

This item is postponed to the next regular meeting of the Board on Thursday, September 18, 2014.

- (H) **REQUEST FOR APPROVAL TO PURCHASE A SNOW PLOW AND VEHICLE ACCESSORIES FROM CLARK TRUCK EQUIPMENT COMPANY, INC., OF ALBUQUERQUE, NM, UNDER NEW MEXICO STATEWIDE PRICE AGREEMENTS 10-000-00-00087 AND 11-000-00-0007 IN THE AMOUNT OF \$8,540.00.**
- (1) **APPROVAL OF BUDGET INCREASE TO 52501.570500 (CAPITAL OUTLAY – MACHINERY AND EQUIPMENT) FROM 5500.100700 (OPERATING FUND CASH) IN THE AMOUNT OF \$8,540.00**

This item is postponed to the next regular meeting of the Board on Thursday, September 18, 2014.

(I) REQUEST FOR APPROVAL OF CLOSURE/POST CLOSURE CARE AND PHASE I/II ASSESSMENT COST ESTIMATES FOR THE CAJA DEL RIO LANDFILL.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated August 13, 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.

Councilor Maestas said, "We had this discussion when we were deliberating over the budget. And I think the reserve in that budget was based on the assessment when we were talking about the budget in May and June. So why would we update the assessment the month after we approved the final budget that considers the total cost estimate for closure. Why are we doing it now. Why would we do this before we finalized the budget and agree to have the necessary reserve for closure/post closure available. I'm just concerned about the timing here."

Mr. Kippenbrock said, "Typically, we wait until the estimates are done on June 30th of each fiscal year. When the fiscal year closes out, it can correlate with the Audit Report. Normally, this is not done until September, maybe October at the latest, in time for the December report. The estimates are somewhat independent of the budget itself."

Councilor Maestas said, "So, we're just approving the value of the closure, because I recall, in fact, when we discussed it, the actual reserve fund that you had set aside was \$400,000 to \$500,000 above the cost estimate for closure. I was concerned about that. So, how would that change. What is the amount of this reserve fund right now. I know, because I think you said, it's in the event we're expecting an increase in the assessment, I remember you said that. And you were right. So, does this increase in the assessment cover that overage that I..."

Mr. Kippenbrock said, "Yes. Approximately \$6.8 million in reserves. This estimate has gone up from approximately \$6.4 million, so we are approximately \$400,000 in excess. However, when we do open up Cell 5B in 2015, that would require an additional \$400,000. So then our reserves will be in line with our current operations. Keep in mind, the reason why we had excess money in the reserves, we were able to eliminate some of the requirements in the final cover, which would allow us to build the reserves higher than necessary in terms of the estimate."

Councilor Maestas said, "For something like this, we should probably have had the actual numbers of the reserve fund, and then maybe a plan. Because you said we have approximately \$6.8 million in that reserve fund, based on the estimate to closure, so now, it's gone to \$7.7 million, we need to come up with \$900,000, don't we."

Mr. Kippenbrock said, "No, Councilor. What I want to show you, if we expand the entire footprint that includes 5B and 6B in the west area, we would have to marching toward \$7.7 million in the future for the entire disposal area. Right now, our only liability or concern is \$6.4 million. However, in the future, next year, four years from now, we're looking at \$7.7 million."

Councilor Maestas said, "That's when we would be credited with the full 87.3 acres."

Mr. Kippenbrock said, "Correct. I wanted to demonstrate what the cost will be like for the entire footprint of the existing landfill, 87 acres."

Councilor Maestas said, "Okay, so there is still over \$400,000, over what we need to have in the Reserve Fund."

Mr. Kippenbrock said, "Yes, and by next year, when you add Cell 5B, it will be even."

Councilor Maestas said, "Okay, but we can talk about that later though, but I think you answered my questions. I yield the floor Mr. Chairman."

Councilor Bushee said she has no questions.

Councilor Lindell said, "Did you say we're going into nineteen of twenty?"

Mr. Kippenbrock said, "Yes, in the permit. The permit is in its nineteenth."

Councilor Lindell said, "And we're required to collect the closure funds every year."

Mr. Kippenbrock said, "Yes."

Councilor Lindell asked, "Where do we keep those funds?"

Mr. Kippenbrock said, "I'm going to answer to the best of my ability. It's with the City of Santa Fe. It's in reserves. It's actually split into, one is being restricted, and one is considered a liability, but it is set aside growing money, I guess you call it."

Chair Chavez asked Mr. Kippenbrock if he needs more time to answer the question, to research the information, and if he is okay with that, and Mr. Kippenbrock said.

Ms. Salazar said, "There is a designated fund that has the full \$6.4 million, and the restricted amount which is reported as a liability, is in a separate bank account by itself, but all of them are with the City of Santa Fe."

Councilor Bushee asked, "How often and who does the auditing at this point?"

Mr. Kippenbrock said it is done once a year.

Councilor Bushee asked if they hire someone.

Mr. Kippenbrock said the Agency is "piggybacked" with the City. They pay about \$18,000 for the audit.

Councilor Bushee asked, "Could we also put you in a rotation of the Audit Committee. We have an internal audit."

Chair Chavez said, "We're off topic a little. If you would do Item VI(I) and (J) and maybe you could bring that information back."

Councilor Bushee said, "It was in relationship to what Ms. Salazar mentioned, in terms of where the money is at, and all that. I just wanted to understand that."

MOTION: Councilor Maestas moved, seconded by Councilor Lindell, to approve this request as presented by staff.

DISCUSSION: Councilor Bushee asked, "A question in relationship to this item is, how do you get.... along the lines of the questions that Councilor Maestas was asking, how do you get your budget process and these numbers in alignment. \$400,000 for next year isn't budgeted in this fiscal year if it's not needed. How do you get an alignment with these."

Mr. Kippenbrock said, "After this approval we have \$400,000 extra in the reserves. We know for a fact that, based on projections, approximately \$400,000 will be needed for Cell 5B. That will be mentioned in the budget process that we have money set aside already for that in reserves."

Councilor Bushee, "You put in extra money in case your numbers are going to go up."

Councilor Maestas said, "They will, but I think, just on that point, I don't we should just be depositing cash in a restricted fund that is for something that could be as far away 10, 20, 30 years in the future. That could be operating cash. That's why I think we need to revisit that whole thing with the reserve funds and formalizing a policy to ensure that hard cash, even if we do know that the assessment to close the landfill and BuRRT is going to go up. We know it's going to go up, at least CPI."

Councilor Bushee said, "Right, but I was just trying to get the time frame, so that in the budget, we don't have to wait for this number."

Councilor Maestas said, "Well, I think the number is relevant, because it is in the report in NMED. And if we're not liable to cover the 87.3 acres, estimated at \$7.7 million, then we shouldn't have any funding above and beyond the \$6.3 million. So, how good are we with the current reserve of \$6.4 million. How long. The next report to NMED which would be, what, February 2016. Is this required annually, this assessment."

Mr. Kippenbrock said, "Annually. Yes."

Councilor Maestas said, "Well I think we're good until February 2016."

Mr. Kippenbrock said, "Correct. I feel comfortable with that."

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

(J) REQUEST FOR APPROVAL OF CLOSURE AND POST-CLOSURE COST ESTIMATES FOR THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated August 10, 2014, 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.

Chair Chavez asked if this is an annual requirement.

MOTION: Councilor Bushee moved, seconded by Councilor Maestas, to approve this request as presented by staff.

DISCUSSION: Councilor Maestas said, "Randall, I see you are doing the analysis of these closures, and you are a registered P.E. But, does NMED require any kind of peer review of your assessment. We're talking about a lot of dollars here that really affect our budget here. So can you tell us."

Mr. Kippenbrock said, "They do peer reviews themselves, and actually look over our numbers."

Councilor Maestas asked, "Do they look at it before you bring it to us."

Mr. Kippenbrock said, "No, after the fact."

Councilor Maestas asked, "Do you share that with the Board. Do you say, hey, my closure assessment and estimates for Caja del Rio and the Transfer Station have been approved by the NMED, including my cost estimation that follows here. What do you get from the NMED. Do you get a letter of approval."

Mr. Kippenbrock said, "No, we don't. We will get, probably a letter of deficiency in our Annual Report. For example, in the landfill when they mention you need to add an line item for decommission of landfill gas collection system, so I did that. And what I did on that, since I was not an expert, I relied on an outside consultant that had decommissioned wells. I got estimates from them. They helped me generate that number, so that's what I did."

Councilor Maestas said, "I was just was curious, only because I think it might be an inherent process, what if you low-balled the scope of the closure, because it does affect the balance in your budget indirectly."

Mr. Kippenbrock said, "These estimates are very detailed, compared with what NMED requires. They have two line items, and it's just kind of round-off numbers and so on. Several years ago, we had an outside engineering firm look at the landfill closure estimate and he said they were reasonable."

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

Mr. Kippenbrock said he would like to discuss Item VI(K), because he feels that is important to discuss for approval.

Chair Chavez said this isn't on the list of items to discuss, and asked for a motion to amend the agenda again.

MOTION: Councilor Maestas moved, seconded by Councilor Lindell, to reconsider the previous approval of the Agenda, as amended, to allow action and discussion of Item VI(K), and to approve the amended agenda as further amended.

VOTE: The motion was approved on a voice vote, with Councilor Maestas and Councilor Lindell voting in favor of the motion, and Councilor Bushee voting against the motion.

(K) REQUEST FOR APPROVAL OF PROPOSED EVENT CALENDAR.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated August 13, 2014, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "6" Please see Exhibit "6" for specifics of this presentation.

Councilor Bushee asked if these questions and concerns have been posed to SWAC.

Mr. Kippenbrock said, "Councilor it has not been brought up to SWAC."

Councilor Bushee asked if we can refer it to SWAC for approval.

Mr. Kippenbrock said, "It can, but I am hoping we can get approval for the Fall Amnesty because it is scheduled next month on September 27, 2014, which will give us time to get the word out. I am very comfortable with the events we are providing for the next 12 months as something we should move forward with, and then see how things are working out."

Councilor Bushee asked if there any way to track the percentage of City and County residents.

Mr. Kippenbrock said, "We do have those numbers. Historically it has been 60% City and 40% generally. That's what we have noticed with most events."

Councilor Bushee said, "Even with the City having curbside pickup."

Mr. Kippenbrock said, "Correct."

Councilor Bushee asked the response to bringing in tires.

Adam Schlachter, Education & Outreach Coordinator, SWMA, said the first weekend there were 412 on the one-day event.

Councilor Bushee asked if we have had a green waste month.

Mr. Kippenbrock said there was one weekend each month in April/May/June. He said the first weekend was great, and then it tapered off.

Councilor Bushee said she has been trying to get free curbside pickup twice a season, but perhaps it's not necessary if people know about this. The problem is everyone doesn't have a truck, or access to a truck. She is trying to find a way to get more green waste into our composting operation.

Responding to Councilor Bushee, Mr. Kippenbrock reiterated participation is about 60% City and 40% County. He said they can report those numbers. He said, regardless if it is a regular work day or special event, they always ask the City or County.

Councilor Bushee said then you don't include the Household Hazardous Waste because it's really not a day any more.

Mr. Kippenbrock said the HHW and eWaste will be a one day event, even though we're open all year round

Councilor Bushee asked if eScrap can be done more often.

Mr. Kippenbrock said they do it every week, for only a nominal charge. He said, "We do accept televisions as part of the eWaste program. We get a few from residents, however, they have been receiving small loads from Albuquerque Recycling, and they're claiming it is from the Santa Fe area, so we have been accepting those. It is pro-rated at \$50 per ton. There is no cost to us. We do get a small rebate. Our only cost is labor to palletize the material."

MOTION: Councilor Bushee moved, seconded by Councilor Maestas, to approve this request as presented, and to refer this to SWAC at its next meeting.

DISCUSSION: Mr. Schlachter said it was presented to SWAC at its meeting, and it also was presented to the Sustainable Santa Fe Commission, and got feedback as well.

Councilor Bushee would like the feedback at the next meeting.

Mr. Schlachter said, "They said we really like it, and didn't ask for anything more or anything less."

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

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

This item is postponed to the next regular meeting of the Board on Thursday, September 18, 2014.

(M) DISCUSSION WITH POSSIBLE ACTION ON THE SOLID WASTE ADVISORY COMMITTEE (SWAC) CURRENT MEMBERSHIP AND NEW MEMBERS.

This item is postponed to the next regular meeting of the Board on Thursday, September 18, 2014.

(N) UPDATE ON THE SOLID WASTE ASSESSMENT AND MANAGEMENT STUDY

- (1) CITY OF SANTA FE SECTION. (ACTING ENVIRONMENTAL SERVICES DIVISION DIRECTOR LAWRENCE GARCIA.)**
- (2) SANTA FE COUNTY SECTION. (PUBLIC WORKS DIRECTOR ADAM LEIGHLAND)**
- (3) AGENCY AND SYSTEM-WIDE SECTIONS. (EXECUTIVE DIRECTOR)**

This item is postponed to the next regular meeting of the Board on Thursday, September 18, 2014.

(O) PRESENTATION ON THE PAY-AS-YOU-THROW (PAYT) CONCEPT. (ENGLISH BIRD, NEW MEXICO RECYCLING COALITION EXECUTIVE DIRECTOR)

This item is postponed to the next regular meeting of the Board on Thursday, September 18, 2014.

(P) UPDATE ON POOLING SECURITY SERVICES IN THE CAJA DEL RIO LANDFILL AREA.

This item is postponed to the next regular meeting of the Board on Thursday, September 18, 2014.

(Q) UPDATE ON RESERVE FUND POLICY

This item is postponed to the next regular meeting of the Board on Thursday, September 18, 2014.

VII. MATTERS FROM STAFF

There were no matters from staff.

VIII. MATTERS FROM THE BOARD

Joseph Eigner said tentatively the next SWAC meeting was scheduled the day before the SWMA in September, so it might be wise to consider Items VI (L) and (M) today.

Chair Chavez said, "Unfortunately, we've amended the agenda twice. I apologize for that as the Chair. I don't know what we can do to tighten thing up and have meetings run differently, but we'll just have to wait for those things for the next meeting. There are things out of my control."

Councilor Bushee said she wanted to raise quorum issues at SWAC.

Chair Chavez said we also have quorum issues with this Board.

Councilor Bushee said she isn't being critical, but was going to suggest that we hear it tonight.

Chair Chavez said, "No. We're past that, so stay tuned until the next meeting."

Chair Chavez said, "I don't have anything except that Randall, I guess staff needs to work on restructuring the agenda so we can place some items on a consent agenda that might get approved maybe, and then the other portion of the agenda. So I don't know how you want to structure that. It's a little different format."

Councilor Maestas said, "I was just saying, put it all on consent, then we can remove whatever we would like for discussion."

Councilor Bushee said she doesn't like that format.

Chair Chavez said, "Get with Councilor Maestas and see how he wants the agenda structure."

Mr. Kippenbrock said, "I have done it years ago just for action items, but not for items related to updates or process or such."

Chair Chavez said then separate it that way then, and let us know what is time sensitive, so maybe that would be at the top of the list. He said, "Randall, bring all of the pictures, footprint and everything you have, and we can start setting that up for the next few months."

Councilor Bushee said, "For me, rather than just a verbal update on how you have been doing a reserve policy, if you could get something in writing, to formalize what we do now and/or how you would propose to do it. That would help me, because I think you are going see that on the next agenda item trying to approve a policy. So if you want to take a stab at a new policy, and/or writing what you think current policy is, that would help me out."

Councilor Bushee said, "I have questions on certain things, such as, the request for plowing. I have no idea how we currently plow. And Item 2, and like the BuRRT is the City's responsibility, but I don't know that."

Councilor Maestas said, "Well I think if a piece of equipment needs to be replaced which is under the scope of the Equipment Reserve Fund, it should be almost automatic as long as there is enough in the Equipment Replacement Reserve Fund. To me, that should be a consent item. But we have no policy for that either. So the sooner we get these policies, the quicker we can really take action on these items."

Chair Chavez said Randall is working on these policies.

Mr. Kippenbrock said, "I would like to give a verbal update on this. The Agency will be working with an outside firm to help us develop the policy. I have reached out to a national organization, called Solid Waste North America, through the blog, etc., to try to get some sample reserve policies that are related to solid waste. I was unable to do that. However, I found some additional policies that will help us get started as a framework. We did get a copy of BDD, and there are some things in it, but it is not exactly what we are looking for. I wanted to put this on updates, to show you we are making progress, but there is not a whole lot to report at this time. And yes, hopefully, my goal is to bring it to the next Board meeting."

Councilor Bushee said, "If there is no movement on it, then I would rather you don't put it on the agenda." If you want to report it from Matters from Staff that is okay. But if we are going to make the agendas flow she would suggest there be something in writing in the packet."

Mr. Kippenbrock said he normally would do that, but it was a very large packet and he ran out of time.

Councilor Lindell said she would like an item on the next agenda regarding the history of the review of the Executive Director – how times the Executive Director has been reviewed in the past and when that was done last. She said this needs to be updated and we need to make policy on how that happens.

Chair Chavez asked if she is suggesting we do an Executive Director review soon, and Councilor Lindell said, "Yes, I am."

Chair Chavez asked her if she has a date. He said if you want to review the Executive Director, you don't need a policy for that, unless you want to wait for a policy "to tell us when and how to do that." He said he guesses we could develop policy for that, and if she wants to, then do it.

Councilor Maestas said perhaps we can get the criteria from the 2007 evaluation as a basis for updating it, if this Board desires to do that. He would think the ideal cycle for the performance period would be on a fiscal year basis. He said we already are in FY 2015. He thinks the evaluation should be made based on the previous fiscal year by the end of the calendar year. He said perhaps we could organize a subcommittee to update the criteria from the 2007 performance evaluation to be presented for full Board consideration, so we don't have to completely reinvent the wheel.

Chair Chavez asked Councilor Lindell if she would like to chair that subcommittee, and Councilor Lindell said, "No."

Councilor Maestas said he will chair the subcommittee.

Chair Chavez said, "I see us going in that direction, so if that's where you want to go, I guess, let's do it. I'm not pushing for it, but if that's what the majority wants, then I thought maybe you would be willing to chair that subcommittee."

Councilor Maestas said he wouldn't want to chair a subcommittee unless there is County participation.

Chair Chavez said, "I'm not interested in being on the committee, so you can talk to the other Commissioners on the Board and see if there is interest there."

Councilor Maestas said he thinks that should be a condition, otherwise, it's pointless.

Chair Chavez said, "I'm not going to commit to it. I don't know Randall, if you want to have that conversation with the other Commissioners, that's your call."

Mr. Kippenbrock said he will let them know.

IX. NEXT MEETING DATE – THURSDAY, SEPTEMBER 18, 2014

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
Miguel Chavez, Chair

ATTESTED TO:

Geraldine Salazar
Geraldine Salazar, County Clerk
Santa Fe County

9-9-2014



SUBMITTED BY:

Melessia Helberg
Melessia Helberg, Board Stenographer



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SOLID WASTE MINUTES
PAGES: 29

I Hereby Certify That This Instrument Was Filed for
Record On The 10TH Day Of September, 2014 at 10:28:33 AM
And Was Duly Recorded as Instrument # 1745637
Of The Records Of Santa Fe County

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