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SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD MEETING
Thursday, August 27, 2015**

SFC CLERK RECORDED 11/19/2015

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**MINUTES OF THE
SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD MEETING
August 27, 2015**

SFC CLERK RECORDED 11/19/2015

I. CALL TO ORDER

A meeting of the City and County of Santa Fe Solid Waste Management Agency Joint Powers Board (SWMA) was called to order by Councilor Joseph M. Maestas, Chair, at approximately 5:00 p.m., on Thursday, August 27, 2015, in the Legal Conference Room, Santa Fe County Courthouse, 102 Grant Avenue, Santa Fe, New Mexico.

II. ROLL CALL

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Commissioner Henry Roybal

OTHERS ATTENDING:

Randall Kippenbrock, Executive Director – SWMA
Angelica Salazar, SWMA
Rosalie Cardenas, SWMA
Adam Schlachter, SWMA
Danita Boettner, SWMA
Justin Miller, Legal Counsel
Matthew O'Reilly, Asset Development Director, City of Santa Fe
Elizabeth Martin, Stenographer.

There was a quorum of the membership in attendance for the conducting of official business.

III. APPROVAL OF AGENDA

MOTION: Commissioner Miguel Chavez moved, seconded by Councilor Signe Lindell, to approve the agenda, as presented.

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

IV. APPROVAL OF CONSENT CALENDAR

Item "G" was pulled from the Consent Calendar for discussion by Councilor Lindell.

Item "F" was pulled from the Consent Calendar for discussion by Councilor Maestas.

MOTION: Councilor Patti Bushee moved, seconded by Commissioner Miguel Chavez, to approve the following Consent Calendar as amended.

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

VII. CONSENT AGENDA

- (A) **REQUEST FOR APPROVAL TO PURCHASE TWO VEHICLES FROM RELIABLE CHEVROLET OF ALBUQUERQUE, NM, UNDER NEW MEXICO STATEWIDE PRICE AGREEMENT 50-000-14-00034 IN THE AMOUNT OF \$60,696.**
 - (1) **APPROVAL OF BUDGET INCREASE TO 52501.570950 AND 52504.570950 (CAPITAL OUTLAY – EQUIPMENT AND MACHINERY) FROM 5502.100700 (EQUIPMENT REPLACEMENT RESERVE FUND CASH) IN THE AMOUNT OF 60,696.**

- (B) **REQUEST FOR APPROVAL TO PURCHASE VEHICLE ACCESSORIES AND EQUIPMENT FROM CLARK TRUCK EQUIPMENT COMPANY, INC., OF ALBUQUERQUE, NM, UNDER NEW MEXICO STATEWIDE PRICE AGREEMENTS 50-000-15-00059 IN THE AMOUNT OF \$7,756.**
 - (1) **APPROVAL OF BUDGET INCREASE TO 52501.570950 AND 52504.570950 (CAPITAL OUTLAY – EQUIPMENT AND MACHINERY) FROM 5502.100700 (EQUIPMENT REPLACEMENT RESERVE FUND CASH) IN THE AMOUNT OF \$7,756.**

- (C) **REQUEST FOR APPROVAL OF A CONSTRUCTION AGREEMENT TO BRIAN McPARTLON ROOFING, LLC, OF SANTA FE, NM, FOR REPAIR TO THE ROOFING SYSTEM ON THE ADMINISTRATION BUILDING AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF \$11,742.**
 - (1) **APPROVAL OF BUDGET INCREASE TO 52504.520100 (REPAIR AND MAINTENANCE OF BUILDING AND STRUCTURES) FROM 5500.100700 (OPERATING CASH BALANCE), IN THE AMOUNT OF \$11,742.**

- (D) **REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH**

U.S. SECURITY ASSOCIATES, INC., OF ALBUQUERQUE, NM, FOR SECURITY SERVICES UNDER NEW MEXICO STATEWIDE PRICE AGREEMENT NO. 26-000-00-00103AF FOR THE CAJA DEL RIO LANDFILL AND BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF \$88,566.01

- (E) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH SCS ENGINEERS OF ALBUQUERQUE, NM, FOR ENGINEERING, OPERATION & MAINTENANCE SERVICES FOR THE LANDFILL GAS COLLECTION SYSTEM AT THE CAJA DEL RIO LANDFILL IN THE AMOUNT OF \$29,700 (RFP NO. 14/17/P).
 - (1) APPROVAL OF BUDGET INCREASE TO 520501.510300 (COMPLIANCE CONTRACTS) FROM 5503.100700 (LANDFILL GAS COLLECTION RESERVE FUND CASH) IN THE AMOUNT OF \$29,700.
- (F) (ITEM REMOVED FOR DISCUSSION BY COUNCILOR MAESTAS)
- (G) (ITEM REMOVED FOR DISCUSSION BY COUNCILOR BUSHEE)
- (H) STATUS REPORT FOR CAJA DEL RIO LANDFILL RENEWAL PERMIT APPLICATION.

V. APPROVAL OF MINUTES: REGULAR MEETING – JULY 14, 2015

MOTION: Councilor Signe Lindell moved, seconded by Commissioner Miguel Chavez, to approve the minutes of the meeting of July 14, 2015, as presented.

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

VI. MATTERS FROM THE PUBLIC

Mr. Chris Armijo, AFSCME Council 18, representing the bargaining unit at SWMA said I heard you pulled item G from the agenda. Does that mean it will not be heard tonight.

Chair Maestas said no, that means we will address that item tonight.

CONSENT CALENDAR DISCUSSION

- F. REQUEST FOR APPROVAL OF AMENDMENT NO. 3 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 \$48,783.95 (RFP NO. 12/27/P)

Mr. Kippenbrock presented information regarding this matter from his Memorandum dated August

19, 2015, from Mr. Kippenbrock to the SFSWMA Joint Powers Board Members. This Memorandum is included in the meeting packet.

Chair Maestas said the caption does not explicitly ask the board to extend the contract. As I read the original contract it does not mention amendments as a means to extend the contract. Do we need a separate action to approve the amendment and extend the contract.

Chair Maestas said on page 44 of the contract, item 5, it says to be agreed upon by the Agency, the contractor and the Joint Powers Board.

Mr. Miller said the vehicle for extending the term of a contract is always an amendment to extend. Here we are extending one year. That is the way it is generally done. You do not need more than one action.

Chair Maestas said it seems like this original contract has a formal extension provision apart from anything else. If that is okay legally we will proceed.

MOTION: Councilor Patti Bushee moved, seconded by Commissioner Miguel Chavez, to approve.

DISCUSSION: There was no further discussion.

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

G. REQUEST FOR APPROVAL OF MERIT PAY INCREASE FOR BARGAINING UNIT EMPLOYEES AS PER COLLECTIVE BARGAINING AGREEMENT (UNION CONTRACT) BETWEEN SANTA FE SOLID WASTE MANAGEMENT AGENCY AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 3999.

Mr. Kippenbrock presented information regarding this matter from him Memorandum dated August 21, 2015, from Mr. Kippenbrock to the SFSWMA Joint Powers Board Members. This Memorandum is included in the meeting packet.

Councilor Lindell said we voted and approved the agreement at our last meeting. She said she is concerned that it is now back in front of us. This is looking at another 2 to 2 ½ %. She thought we had no raise at the City and was not sure what the County raise was this year.

Commissioner Holian said the County was 1% merit and 1% cost of living this year. People below \$50,000 got 2%.

Councilor Lindell said at lease we have something to compare to. If we were to approve this the combined raise would be between 3.6% and over 4%. She said she was not sure why this has been brought back up.

Mr. Kippenbrock said the AFSCME Council asked that this be considered. At the last board meeting we did not include a merit pay increase in the budget. For consideration he went ahead and included this.

Chair Maestas asked is this action consistent with the agreement.

Mr. Kippenbrock said yes, Article 18 of the agreement.

Chair Maestas said raises are always subject to appropriations. It should be included in an appropriate line item in the budget. It should not come from operating funds. I question the financial part of paying for this. I would prefer that like most agencies, you have a budget line item instead of saying not budgeted per se but we will get it from operating cash. Is operating cash meant to fund these expenses.

Mr. Kippenbrock said the cash we have can be utilized for unforeseen expenses. COLA and merit was based on proposed revenues and expenditures. Generally we have shown a balance left at the end. From a management point of view, we will bring it to the Board to let you know that there is money available. In this case due to our reorganization, we assigned employees to new positions and reorganized operations. He said he felt that they did quite a bit for the agency as well as the employees to accommodate then by moving them to other positions. From a union perspective, they wanted this considered as per the bargaining agreement.

Chair Maestas asked what does this do to your negotiating position as an agency. We craft the agreement and pass a budget that eliminated raises beyond the COLA then we get an agenda with a reconsideration for merit pay. It weakens our overall position in negotiating these agreements that are binding to the agency.

Commissioner Chavez said if you read the memo it says on July 16, 2015, the Board approved to amend the budget and the collective bargaining agreement. COLA of 1.6% for all employees was included in the budget. Merit pay was not proposed. When did everyone sign off on the Collective Bargaining Agreement.

Mr. Kippenbrock said we signed it after the meeting.

Commissioner Chavez said so it was some time in July.

Mr. Kippenbrock said the union ratified the contract prior to the board meeting.

Commissioner Chavez said he knew those negotiations were done in good faith. The second paragraph of our memo says the Local requested that the Board consider a merit pay increase under Article 18 which is specified in the agreement. Did you not talk about Article 18.

Mr. Kippenbrock said yes we did. Management brought up that we are in uncharted waters with the reorganization and it is not in the best interest of the Agency to consider merit pay. When we did the budget there was very little extra money. We did submit a balanced budget.

Commissioner Chavez said that discussion established the time line and procedure for bargaining in good faith. I will try to support the pay increase for this group of employees because I think they stand alone. They are not City or County. They are with the agency. They organized as a bargaining unit within SWMA as a bargaining unit and that is a good thing. Because of that, he did not think fair to use the County or City pay scale. Didn't you do other comparables for your pay scale with other similar agencies.

Mr. Kippenbrock said yes, we used industry standards.

Commissioner Chavez said so you are using those more than the City and County.

Mr. Kippenbrock said the Compensation Study did include Municipalities. Our pay scale is slightly ahead of what other entities provide. We wanted to be in a position to hire good employees.

Commissioner Chavez said it is good that we are in a position to pay our employees more. He said he would hate to lose morale over the merit pay knowing we have a good pay structure.

Councilor Bushee said she was just rereading the minutes from the last meeting. Her first question was is this agreement ratified. Mr. Kippenbrock answered yes. Then there was discussion on COLA and merit pay. On page fourteen of the minutes, Mr. Kippenbrock said no merit pay is being considered this fiscal year and there is no money in the budget for it. I find it rare that we are here again tonight discussing this.

Commissioner Chavez said it is a simple request. If the bargaining unit wants to request this they can do that.

Councilor Bushee said negotiations are not reopened.

Commissioner Chavez said he understood that. However, out of courtesy we are discussing this again and Randall put it on the agenda. We have walked through the sequence of events. The interest in discussing the issue continues. We have heard from Randall that based on conditions and factors there is not money available. We have to make the decision again and move on.

Councilor Lindell said her concern with this is can negotiation of the contract come back at any time when someone wants this to come back. Can it come back in three months again.

Mr. Kippenbrock said it was his understanding that every January you can discuss two items.

Councilor Lindell said my concern is that we voted on this and took care of it before and it feels odd to me that we are doing this again.

Councilor Bushee said the issue last time, which is in the minutes, was that we did not have a chart of salaries to compare to. That is not forthcoming at this meeting as well. It was decided to not use the merit pay system because it is not used at the City. I have not seen compaction within the system and

I have asked for that to be looked at. This can be reopened at the appropriate time. This not the appropriate time.

Chair Maestas said the consultants we hired were clear that state of practice now is that it is trending toward merit pay, not both. I was willing to back merit pay. We needed compaction. I was willing to support some compaction for those positions. I wanted to begin implementing some of the recommendations from the Compensation Study. There was no desire on the part of the Union to make those changes and make sure we were within industry standards. It is disappointing. Implementing both merit and COLA would go against the Compensation Study and industry trends. We had a lengthy philosophical discussion at the last meeting. Approving a budget is one of the most important decisions we make. Going back and reconsidering diminishes the process. I don't see the logic in this. COLA is almost \$40,000. It is sizable. We all discussed that the study did not include the City of Santa Fe and it should have been included. I think we missed an opportunity with the Compensation Study and now we are flying by the seat of our pants and that concerns me.

MOTION: Councilor Signe Lindell moved, seconded by Councilor Patti Bushee, to deny.

DISCUSSION: There was no further discussion.

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

END OF CONSENT CALENDAR DISCUSSION

VIII. MATTERS FROM THE EXECUTIVE DIRECTOR

Mr. Kippenbrock said he would like to elaborate more on the upcoming meeting on the 24th of September. That is the date for the Public Hearing on the Caja Del Rio Landfill. We have advertised the Hearing through newspaper ads printed in English and Spanish. This is an opportunity for us to say on record that we have submitted the pre file testimony. The permit application is complete and everything is accurate. It is also an opportunity the for public to come and ask general questions or inquire about the permit application.

Mr. Kippenbrock said in the first week of September's billing we will place an insert about the Hearing in English and Spanish and the week after that we will run 180 radio spots. Some of them will be on Spanish radio as well. We are also required to notify Tribal Governments within ten miles and others with interest. We have posted notices in many conspicuous places such as libraries.

Mr. Kippenbrock said it was his understanding that after the Hearing the Hearing Officer and the Attorney Specialist will do a report and submit it. We should then get a permit with conditions. It will then go to the Cabinet Secretary and he has thirty days to respond.

Mr. Kippenbrock said in terms of the BuRRT application, we are still in the first comment period. We have response to all the requests for additional information and are now looking at the first BuRRT lease.

Commissioner Chavez asked if Mr. Kippenbrock could go into a bit of detail on the lease arrangement as it exists and what we looking for in the future.

Mr. Kippenbrock said we entered into the current ten year lease in 2006. The reason we need to renew now is that we need to expand our available land for green waste. The original lease was based on revenues, tipping fees and sales of recyclables. In late 2014 we opened the lease for discussion regarding what were fair and reasonable rent payments and to grasp the repair issues. We have been very reasonable and have taken care of small repairs.

Commissioner Chavez asked have you kept a log of the repairs you have made.

Mr. Kippenbrock said it is part of our regular accounting process. We do not necessarily have detailed records. There are major repairs coming up that are required such as the roof. I will notify Nick Schiavo and will follow up with him that we do want to do the repair and that it has been approved. My goal is to continue negotiating with the City regarding what is fair and reasonable for all parties. The City has given us a letter stating that we are still on a month to month basis on the current lease.

Chair Maestas said on the point of the current provisions of the lease agreement, are we not obligated to do any maintenance on the facility.

Mr. Kippenbrock said it depends on the interpretation. Traditionally the landlord is responsible for maintenance.

Chair Maestas said we did approve allocating funds to fix the roof. Mr. Miller should we have done an amendment for that.

Councilor Bushee said ask Matt O'Reilly to address that.

Chair Maestas said it is contrary to our current lease, but we approved it.

Mr. Miller said as Mr Kippenbrock said the responsibility for repairs is not as clear in the lease as we would like it to be. Mr. Kippenbrock and the City have negotiated in the past for repairs and in this instance it was decided that SWMA would pay for the roof.

Mr. Kippenbrock said we are dealing with a major repair that would need to be discussed with the City. Our responsibility is for smaller minor repairs.

Mr. O'Reilly said this is probably not the meeting to have that discussion. I will say that the City absolutely has a position on this and in our opinion the lease is crystal clear.

Councilor Bushee asked we are still on a month to month basis.

Mr. O'Reilly said the City has sent a letter to the Agency. The existing lease has expired and allows for month to month. Since we are in the middle of negotiating these things with the City, we sent a letter to the Agency stating that they can continue on a month to month until October 31st thinking that was enough time for negotiations and to have Board approval.

Councilor Bushee asked what do we currently charge for electronic equipment to be dumped.

Mr. Kippenbrock said the charge is based on twenty pound increments.

Councilor Bushee said I have received complaints that they might as well just throw it in the trash rather than recycle due to the long wait in line and the charges.

Mr. Kippenbrock said he disagreed with that. He said we work hard to be reasonable.

Councilor Bushee said regarding the advertisement for hearings, what are we doing to try to inform folks of what we are now accepting.

Mr. Kippenbrock said over the last few weeks we have worked with the City and County and have finalized our inserts.

Councilor Bushee asked what about social media and radio.

Mr. Kippenbrock said we will be looking at those avenues.

Councilor Bushee said we have to up our game for whatever we are doing. People have not heard that we are collecting cardboard yet and now we have a new contract. We are behind the curve.

Mr Kippenbrock said it is on our website and we have worked with the City and County to update their websites.

Councilor Bushee said she wanted to be sure that we are going beyond print media.

Chair Maestas said we appropriated funds for this.

Mr. Kippenbrock said we are doing the best we can for this fiscal year.

Chair Maestas said it would be good for us to see a marketing plan.

Commissioner Chavez said on the county side, the updated list for recycling is on our webpage.

Commissioner Holian said we sent out a press release as well.

Commissioner Chavez said we are trying to hit as many people as possible. It will be a constant fixture on our webpage for the next six months.

Chair Maestas said Mr. Kippenbrock, we would also like a coordination plan.

Commissioner Holian asked are there any extra funds in our budget to go further than just letting people know they can recycle more. Maybe we can work with a Public Relations Firm to say why recycling is important. We can go beyond just what can be accepted at the Landfill.

Chair Maestas said we have some reserves and we are working on a policy that establishes the reserves and what they can be used for. Mr. Kippenbrock, can we draw from operating cash.

Mr. Kippenbrock said that is very possible.

Chair Maestas said maybe we can amend the budget to do advertising and promotion.

Mr. Kippenbrock said the City did go down to the Santa Fe New Mexican and looked seriously at a once a week article with photos to promote recycling and what we do at the Agency.

Chair Maestas said why can't we just do an adhesive decal to put on the bin. Think outside the box. Do social media. We need to do the full court press. People are excited about the acceptance of more materials. Inject some more energy. Leverage the City and County resources.

IX. MATTERS FROM THE BOARD

There were no matters from the board.

X. MATTERS FROM STAFF

Mr. Kippenbrock said his Outreach Coordinator is not here tonight. We will have a clean up week event in conjunction with Keep Santa Fe Beautiful in September. We going to print some signs that say trash clean up this weekend at BuRRT on Saturday and Sunday. Last fall we had close to four hundred who participated in that event.

Councilor Lindell said she would like to be assured that we will not see a collective bargaining issue back on our agenda.

Mr. Kippenbrock said not until January and then only if it is needed.

Councilor Lindell said if that is what the contract calls for.

Councilor Bushee said we have a media department with the City that is very effective. Work with them to get information out on bags or other things about why recycling is important. We should look at bus wraps as well.

Commissioner Chavez said we can do inserts in bills.

Chair Maestas said please add an update on public relations and information to the agenda as a standing item.

XII. MATTERS FROM THE COUNTY

There were no matters from the County.

XIII. NEXT MEETING DATE: Thursday, October 15, 2015.

Councilor Lindell said she will not be able to attend the October meeting.

XIV. ADJOURNMENT

There was no further business to come before the Committee, and the meeting was adjourned at approximately 5:51p.m.

Joseph M. Maestas
Joseph M. Maestas, Chair

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

ATTESTED TO:

Geraldine Salazar
Santa Fe County Clerk



SUBMITTED BY:

Elizabeth Martin
Elizabeth Martin, Board Stenographer