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 JOINT POWERS BOARD SPECIAL MEETING  
 September 9, 2014

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**SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD SPECIAL MEETING  
Legal Conference Room  
Santa Fe County Courthouse  
September 9, 2014**

**I. CALL TO ORDER**

A special 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, September 9, 2014, at approximately 11:00 a.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  
Commissioner Robert Anaya – telephonically prior to arrival at the meeting  
Commissioner Kathy Holian  
Councilor Signe I. Lindell

**MEMBERS EXCUSED:**

Councilor Joseph M. Maestas, Vice-Chair  
Councilor Patti J. Bushee

**STAFF PRESENT:**

Randall Kippenbrock, Executive Director – SWMA  
Angelica Salazar, SWMA  
Justin Miller, Legal Counsel  
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance.

**III. APPROVAL OF THE AGENDA**

Councilor Lindell said 2 of her colleagues aren't in attendance today, and since all of them are new to this Committee, she would request that the presentation be postponed to the next meeting when all of them can be in attendance.

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

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

**IV. APPROVAL OF MINUTES FOR REGULAR MEETING – AUGUST 21, 2014**

**MOTION:** Commissioner Holian moved, seconded by Councilor Lindell, to approve the minutes of the regular meeting of August 21, 2014, as presented.

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

**V. MATTERS FROM THE PUBLIC**

There were no matters from the public.

**VI. MATTERS FROM THE EXECUTIVE DIRECTOR**

**A. CAJA DEL RIO LANDFILL PRESENTATION**

This item is postponed to the meeting of September 18, 2014.

**B) 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.**

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum of August 25, 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.

**MOTION:** Commissioner Anaya moved, seconded by Commissioner Holian, to approve Item VI (B) 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, as presented by staff.

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**DISCUSSION:** Councilor Lindell asked when we need for Cell 5B to be operational.

Mr. Kippenbrock said in early 2015.

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

**MOTION:** Commissioner Holian moved, seconded by Commissioner Anaya, to approve Item VI(B)(1) budget increase to 52510.572970 (WIP-Cell 5B Construction) from 5500.100700 (Operating Fund Cash) in the amount of \$997,532.78, as presented by staff.

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

(C) **REQUEST FOR APPROVAL TO PURCHASE AGGREGATE FOR THE CELL 5B LINER CONSTRUCTION PROJECT UNDER THE CONSTRUCTION AGREEMENT WITH DEL HUR INDUSTRIES OF PORT ANGELES, WA, IN THE AMOUNT OF \$200,000. (RFP NO. 14/29/0**

(1) **APPROVAL OF BUDGET INCREASE TO 52510.572960 (WIP – CELL 5B CONSTRUCTION) FROM 5500.100700 (CELL DEVELOPMENT RESERVE FUND CASH) IN THE AMOUNT OF \$200,000.00.**

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated August 25, 2014, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "2." Please see Exhibit "2" for specifics of this presentation.

*Commissioner Anaya arrived at the meeting during Mr. Kippenbrock's presentation terminating telephonic participation.*

**MOTION:** Commissioner Anaya moved, seconded by Commissioner Holian, to approve Item VI(C) request for approval to purchase aggregate for the Cell 5B Liner Construction Project under the Construction Agreement with Del Hur Industries of Port Angeles, WA, in the amount of \$200,000.00 (RFP No. 14/29/P, as presented by staff.

**DISCUSSION:** Chair Chavez said he presumes the basalt is adequate for our purposes.

Mr. Kippenbrock said yes.

Chair Chavez said he would like to have a discussion about that at the next meeting. There is still the larger question about the quality of the basalt and whether we should be processing basalt.

Commissioner Holian said she thinks that is a good idea.

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

**MOTION:** Commissioner Holian moved, seconded by Commissioner Anaya, to approve Item VI(C)(1) budget increase to 52510.572970 (WIP - Cell 5B Construction) from 5507.100700 (Cell Development Reserve Fund Cash) in the amount of \$200,000.00, as presented by staff.

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

- (D) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CDM SMITH, INC., OF ALBUQUERQUE, NM, TO PROVIDE CONSTRUCTION QUALITY ASSURANCE SERVICES FOR THE DELL 5B LINER PROJECT IN THE AMOUNT OF \$125,602.00.**
  - (1) **APPROVAL OF BUDGET INCREASE TO 52510.572960 (WIP – DESIGN) FROM 5507.100700 (CELL DEVELOPMENT RESERVE FUND CASH) IN THE AMOUNT OF \$125,602.00.**

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated August 25, 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:** Commissioner Anaya moved, seconded by Commissioner Holian, to approve Item VI(D) request for approval of Amendment No. 4 to the Professional Services Agreement with CDM Smith, Inc., of Albuquerque, NM, to provide construction quality assurance services for the Cell 5B Liner Construction Project in the amount of \$125,602.00 (RFP No. 12/06/P), as presented by staff.

**DISCUSSION:** Chair Chavez noted this is Amendment #4, and asked if this is standard in this contract. He asked Mr. Kippenbrock to give some background on the amendments.

Mr. Kippenbrock said Amendment #1, was to extend the agreement into year 2 for additional time. He said in our case, we do one year at a time, and it can be renewed up to 3 additional years.

Chair Chavez said then that is a standard part of the contract.

Mr. Kippenbrock said yes. He said Amendment #2 included funding for the blasting activity for Cell 5B and 6B. He said we also closed out some of the tasks that are no longer needed and "moved some of the money over there."

Chair Chavez said, "And on the blasting and that part, you did adequate public notice and you did your PSA, and you didn't blast on windy days and things like that."

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Mr. Kippenbrock said, "Yes, we did approximately 25 blasts and were in contact with all the people that wanted to be on our email blast. They were well aware of it, and also we had a third party engineer that specialized in seismic activities. That went very well. There is no blasting left to be done."

Chair Chavez said, "So we're on Amendment #4. So then moving forward, this is for Cell 5B liner construction. What is the timeline on the total project. When will that be completed."

Mr. Kippenbrock said, "It will start immediately, and the construction project is approximately 75 days. However, it takes time to compile the engineering certification report."

Councilor Lindell said, "In general, we entered into an agreement with CDM Smith in 2012, you said."

Mr. Kippenbrock said yes.

Councilor Lindell said, "It seems like a lot of time in the packets that I see CDM Smith collecting bids on things. Why do they collect all the bids. Why can't we do that."

Mr. Kippenbrock said, "We did the RFP, the bid process, myself, the Agency and the City of Santa Fe Purchasing Department, we did all the leg work. CDM Smith did the bid evaluation for us to see that they meet all of the requirements."

Councilor Lindell said, "We aren't able to do this. When I look at their, I think it's the last page, they're not an inexpensive group to deal with on their hourly rates. Is there no way that we could review some of our own bids on some of that."

Mr. Kippenbrock said, "We do evaluation on some of our own bids, and this was I think a little more complex. It is common practice to have an engineer to be sure that they meet all the requirements for this type of work, this particular construction."

Councilor Lindell said, "I understand that. I guess in the future when things to go out to bid, I would hope, when at all possible, we would review our own bids, because these guys are not inexpensive to deal with."

Councilor Lindell said, "We have a contract with them that we started in 2012. How often do we put that contract out to bid."

Mr. Kippenbrock said, "This is unique work here. It is centered around the landfill permit renewal for the vertical and lateral expansion. Because it was engineering as well as the construction of Cell 5B, 6B, we put all that part of the package in the RFP. This is a one-time deal. We knew that we didn't want to fund everything all up front, because we didn't know the timeline, what we planned on doing, etc. As a matter of fact, the original caption of the RFP says Cell 5 and 6B, but we did the blasting in 5B and 6B, but we are only doing to do the liner in 5B. Every time there is a new project, we go out for an RFP."

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Commissioner Holian said, "Just a comment. I would just like to point out that by doing the vertical and lateral expansion, we're extending the life of the landfill considerably. So that really is saving the taxpayers money in the long run."

Chair Chavez said, "Well to expand on that. If we can expand our capabilities in recycling, then we'll be moving some of that product out of the waste stream, and we can extend the life of the landfill even that much longer. That is another challenge financially, space-wise, whatever, but we can talk about that and see if we can get to a higher percentage that what we're doing."

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

**MOTION:** Commissioner Holian moved, seconded by Commissioner Anaya, to approve Item VI(D)(1) budget increase to 52510.572960 (WIP Design) from 5507.100700 (Cell Development Reserve Fund Cash) in the amount of \$125,601.00, as presented by staff.

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

- (E) **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 5502.100700 (EQUIPMENT REPLACEMENT RESERVE FUND CASH) IN THE AMOUNT OF \$836,837.00**

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

**MOTION:** Commissioner Anaya moved, seconded by Commissioner Holian, to approve Item VI(E) 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, as presented by staff.

**DISCUSSION:** Councilor Lindell said, "Just because of the cost of this piece of equipment which is a staggering amount of money for one piece of machinery, I'm wondering, is there any consideration that the piece of equipment that we currently have, that you say is in fair condition, is there any reason to consider not trading it in and using that until it's not in fair condition any more, until it's in poor condition or until it's broken."



Mr. Kippenbrock said, "That is a possibility. Keep in mind it will take about 22 weeks for delivery. Anything could happen between now and then, or we can have failures. Right now, all is good to average, and is holding up. But we would have to replace the tips on the rear wheels, or the front, that's about \$25,000 there. There is talk about keeping it as a spare, *per se*. That's a potential, but I don't feel comfortable. I think we need to move on utilizing the machine that we have. We do have a second machine for backup. You run into additional costs by trying to maintain additional machines."

Councilor Lindell said, "So, we already have a backup machine."

Mr. Kippenbrock said, "Yes, it's a smaller backup machine."

Chair Chavez said, "As was pointed out earlier, if I could Councilor, the lighter machine doesn't give you the compaction the larger machine will give you. And so there are certain operations that we cannot avoid, and it may sound like a lot of money. But, it's like me and my shop. I have to buy the tools that I need to do my work, and yes, they're expensive to buy and to maintain, but I can't do my work without them. It is the same situation with Randall and his operation. I think some of that will come out in the presentation. And so these machines are very big, they're very heavy, they're very expensive to buy and maintain, but there's no way around it. There really isn't."

Commissioner Anaya said, "How much are we getting on the trade-in value."

Mr. Kippenbrock said, "\$50,000. And Commissioner Anaya, I actually called a reputable company up near Ontario that does rebuilt of compactors. Ever since the great recession, there has not been a demand for it. He indicated in the range of \$50,000 to \$75,000."

Chair Chavez said, "I want to remind us of something Randall said earlier, so I want to bring it back to the Councilor. I apologize. I'll let you finish."

Councilor Lindell said, "I understand that people need machinery, Commissioner, I just was asking questions about it."

Chair Chavez said, "Well, it is what it is, and I know we've struggled with that for many years here too, and then we tried to get the local option and we tried to work as many ways around it as possible, but we're back to where we are, so I just wanted to revisit that, but I'll yield the floor to you."

Councilor Lindell said, "I'm done."

Commissioner Holian said, "I will note though in here it says that this has actually been used for 24,000 total machine hours which is significant amount of time."

Commissioner Anaya said, "Going back to the Councilor's question. If we kept the machine and utilized it, even if we bought the other piece of machinery, theoretically we could add \$50,000 to the acquisition price of \$836,000 and buy the new piece of machinery and still use the old piece of machinery until it ran out, which would extend the life of all the equipment if it's in fair condition. That is a consideration that we could

do. We could just buy the new piece of equipment at \$886,837, and just continue to use the other machine until it was at the end of its useful life, and then trade it in for \$20,000 or \$30,000 maybe. I think that is a potential option. So in fairness to the Councilor, with all due respect to my colleagues on the Commission. Did you give that some consideration."

Mr. Kippenbrock said, "I did. And that is an option, but I will have say we have to spend about \$25,000 to put new tips on a set of wheels, and then we can just, I'm going to use the phrase, run it down to the ground as far as you can without putting any more additional money into it, like the engine, transmission, the hydraulic system which can be very costly. We probably could get another year out of it. I don't know. I just want to point that out. We do need a new machine. There's no question about it."

Commissioner Anaya said, "I'm suggesting that we potentially add the money to buy the old machine and use the full life, and then maybe get \$20,000 to \$30,000 out of it when it's time."

Chair Chavez said, "Can I add to that then, would it be in our best interest then to sell the smaller unit, since it really doesn't give us the compaction that we really need. Use this one in the interim, recoup our money on that and maybe keep an old beater around that is heavy enough to do what you need that is a backup."

Commissioner Holian said, "On that point, but then what happens if the old one actually does fall apart, then we don't have a backup."

Commissioner Anaya said, "Mr. Chair, if I could, just following that line of discussion, I think the interest is to have communication and dialogue between the City and County and to try to come to compromise at times when it's plausible. We could order the new machine, we could replace the tips on the existing machine we have, utilize our new machine and only use the larger machine which handles much more volume as back-up and get rid of the medium sized machine. So there's some other alternatives there that make more sense relative to the volume and compaction, but I think don't compromise the integrity of the staff's recommendation and maybe even enhance it."

Commissioner Anaya said, "Mr. Chairman, respectfully, what my interest is, is to get through the approval, but it's not to simply rubber stamping anything whatsoever. And if there is a possibility for compromise, as policymakers sitting on the Board, to make some adjustments to work with our colleagues from the City, then I want to try and do this. So, on this item, respectfully, understanding that we just approved three items, one after the other, without two of our colleagues present on this Board, this might be an opportunity to strike a compromise that's reasonable. And end up using the larger machine as a backup that probably handles more compaction. So, is this, Mr. Chairman, Randall, something, understanding and agreeing that we need a new machine, is the deviation in money for the backup machine something that you need today. Can we deal with a new piece of equipment, budgetarily, without the \$50,000."

Mr. Kippenbrock said yes.

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Commissioner Anaya said, "Okay. So then my interest as a member would be to deal with that today, pursue the acquisition, but figure out if there's a balance that might have our larger machine as a backup as opposed to the medium size machine."

Commissioner Holian said, "Although I would like to add to that that we always have to have a backup, so we have to keep that in mind. And then, if the larger machine is going to essentially fall apart, then we have to have a plan in place as to how we would deal with that in the future, because we don't ever want to not have a backup. And I notice here that the estimate for rebuilding this particular machine that is being replaced, to actually build it in a way that would extend its lifetime, is roughly \$555,000, so that is a significant amount of money. I'm just saying that I agree with you, and I'm willing to do what you're suggesting, but I am just saying that need to keep in mind that we always have to have a backup."

Commissioner Anaya said, "Respectfully, I never said we didn't need a backup. I get that and understand that. How long is the life of the backup machine that we have, understanding that it's a backup, doesn't have full hourly use on a constant basis, so the projection of how long it is worth is obviously a lot longer when it's a backup machine as opposed to the primary machine. So, in a backup capacity, you said earlier that the primary machine could go for a year is what I heard. Is that correct. If we ran it into the ground we could essentially get a year out of it. How does that quantify relative to the medium size one being a backup machine. So if we can go for a year full bore, how many years might that help us if it is a backup as opposed to the primary tool."

Mr. Kippenbrock said, "The smaller backup I believe was purchased in 2007, 2008, around that time, we have about 7 years on it. It has about 3/4 of the hours, close to 7,000 hours on it, maybe less. It's on the second half of it's life of 10,000 hours, but we only do about 500 machine hours per year on that, so that kind of gives a path of 10 years. By keeping the old compactor, instead of trading it in, and replacing the tips on the rear, what we do, we use the new machine, when that goes down or for service, we'll use the old backup. If that's not available, use the very small one. Basically, it will extend the life of the second backup. We contemplated about should we trade it or not. It is a decision we need to make. Yes, we can keep it. Yes, we can put money in the tips, we will run it as far as we can, but we will not go so far as to a major rebuild, whether it is the engine, transmission and so on. At that point, we'll make a decision, let's stop it, let's sell it and go from there. That's what I can suggest to you. We may get another two years out of it."

Chair Chavez said, "Commissioner, so we ask Randall then to bring back a phasing plan on these 3 pieces of equipment, these three, the new one, the one we're using now, and the smaller scale one, and give us summary what we just discussed now, so we can think about that and start making some decisions about how we want to handle that. Is that okay."

Commissioner Anaya said, "Just going back to the approval. Does the approval include the \$50,000. Is the acquisition price just the \$836,837."

Mr. Kippenbrock said, "That includes the trade in value of \$50,000."

SFC CLERK RECORDED 01/22/2015

**FRIENDLY AMENDMENT:** Commissioner Anaya said he would like to amend the motion to approve an amount of \$886,837.00, so we don't hold off the acquisition of the new piece of equipment, and then get some recommendations back from Randall as how to deal with that. **THE AMENDMENT WAS FRIENDLY TO THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE BOARD..**

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

**MOTION:** Commissioner Holian moved, seconded by Commissioner Anaya to approve Item VI(E) budget increase to 52501.570500 (Capital Outlay – Machinery and Equipment) from 5502.100700 (Equipment Replacement Reserve Fund Cash Balance) in the amount of \$836,837.00, as presented by staff, with an increase to \$886,837.00.

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

## VII. MATTERS FROM STAFF

Mr. Kippenbrock said the next regular meeting will be September 18, 2014, at 5:00 p.m., in this room. There will be some very important items on the agenda as follows:

- A. The Solid Waste Assessment Management Study. The consultant will be here to give a presentation. His goal is to get the information and the draft Study in the packet ahead of time.
- B. An RFP for the Transfer Station repermitting.
- C. Other items pending from the last regular Board meeting that will require your approval.

Chair Chavez asked if there will be a consent agenda.

Mr. Kippenbrock said, "No. What you will see is very similar to what I have done today, as in the past. The reason for that is, although it may be routine to us, it's not necessarily routing to the entire Board, in terms of how often they have seen the items. He said it is important to go item by item, but you can accelerate each approval if you want to.

Chair Chavez said, that's fine, it was a request from one of the Board members and I wanted to see how it would fit in, or not.

Chair Chavez said, in the interest of time, because we do want to do the landfill presentation, he asked if we would like to set a time limit on that and maybe bring it back to the next 2-3 meetings so we don't have to do it all at once.

SFC CLERK RECORDED 01/22/2015

Councilor Lindell reiterated that her colleagues should be here for the presentation.

Chair Chavez asked if we can do this the first 15 minutes. He asked Randall how much time he needs for the presentation.

Mr. Kippenbrock said he will need 15 minutes or less.

Chair Chavez said then let's budget that much time and hope everyone is here, but if they're not here, then we will postpone that portion.

Councilor Lindell said that will be okay.

Mr. Kippenbrock said the same presentation that you will receive next Thursday, also will be presented next Wednesday to the Solid Waste Advisory Committee [SWAC], and we will get feedback from them to see how they feel about it as well. He said this is the portion only on the Agency and the system-wide. He said the County and the City have heard the report at their respective governing bodies.

Chair Chavez asked if the presentation will include both Caja del Rio and BuRRT.

Mr. Kippenbrock said yes.

**VIII. MATTERS FROM THE BOARD**

There were no matters from the Board.

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

**X. ADJOURNMENT**

There was no further business to come before the Board.

**MOTION:** Commissioner Holian moved, seconded by Commissioner Anaya, to adjourn the meeting.

**VOTE:** The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 11:50 a.m..

SFC CLERK RECORDED 01/22/2015

SFC CLERK RECORDED 01/21/2015

APPROVED BY:

Miguel Chavez  
Miguel Chavez, Chair

ATTESTED TO:

Geraldine Salazar  
Geraldine Salazar, County Clerk  
Santa Fe County  
1-20-2015



SUBMITTED BY:

Melessia Helberg  
Melessia Helberg, Board Stenographer



SFC CLERK RECORDED 01/22/2015

SOLID WASTE MINUTE  
PAGES: 14

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

I Hereby Certify That This Instrument Was Filed for  
Record On The 21ST Day Of January, 2015 at 11:29:59  
And Was Duly Recorded as Instrument # 1755452  
Of The Records Of Santa Fe County

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