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 SOLID WASTE MANAGEMENT AGENCY
 JOINT POWERS BOARD SPECIAL MEETING
 July 15, 2010

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SFC CLERK RECORDED 10/27/2010

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**MEETING OF THE
SANTA FE SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD
Legal Conference Room
Santa Fe County Courthouse
July 15, 2010**

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 Rosemary Romero, Chair, on Thursday, July 15, 2010, at approximately 12:00 noon, in the Legal Conference Room, Santa Fe County Courthouse, 102 Grant Avenue, Santa Fe, New Mexico.

II. ROLL CALL

MEMBERS PRESENT:

Councilor Rosemary Romero, Chair
Commissioner Kathy Holian
Commissioner Harry Montoya
Councilor Ronald S. Trujillo
Commissioner Virginia Vigil
[Vacancy]

STAFF PRESENT:

Randall Kippenbrock, Executive Director – SWMA
Nancy Long, Legal Counsel
Mark Baker, Legal Counsel – Telephonically just for Executive Session
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance

III. APPROVAL OF THE AGENDA

MOTION: Councilor Trujillo moved, seconded by Commissioner Holian, to approve the Agenda as published.

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

IV. APPROVAL OF THE MINUTES FOR JUNE 17, 2010.

MOTION: Commissioner Holian moved, seconded by Councilor Trujillo, to approve the minutes of the meeting of June 17, 2010, as presented.

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

V. MATTERS FROM THE PUBLIC

Regina Wheeler reported that the City of Santa Fe Attorney's Office has determined the City can pay based on the 2009 fees until today's proposed Ordinance is adopted.

Responding to a question from the Board, Ms. Wheeler said the proposed ordinance doesn't go to the City Council, it just has to be adopted by this Board.

VI. MATTERS FROM THE EXECUTIVE DIRECTOR

(A) REQUEST FOR APPROVAL OF ORDINANCE 2010-1, AN ORDINANCE REPEALING AND REPLACING ORDINANCE 2009-1, CREATING FEES, RATES AND CHARGES FOR USE AT ALL FACILITIES OPERATED BY THE SANTA FE SOLID WASTE MANAGEMENT AGENCY.

Mr. Kippenbrock presented information regarding this matter from his Memorandum of July 1, 2010, with attachments, to the Santa Fe SWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "1." Mr. Kippenbrock gave a brief overview, highlighting changes in the ordinance as follows:

- Over the next three years, beginning October 1, 2010 through June 2011, the landfill tipping fees will be increased from \$32.50 to \$35 per ton on

vehicles in excess of 18,000 lbs. gross vehicle weight; June 30, 2011 it will increase to \$37.50 and on June 30, 2012, it will increase to \$40 per ton. This is a \$2.50 increase per ton per year over the next 3 years.

- The fee for commercial vehicles going to the landfill, weighing less than 18,000 pounds gross vehicle weight will have an increase in fees. The tip fee for these vehicles – small vehicles and self haulers – will be \$42.50 per ton in 2011, to increase to \$50 per ton over the next 3 years.
- The charge shall continue for conventional recycling from outside the Santa Fe area, whether curbside collection by the City or recycled collected at the County transfer station. They will continue to accept recyclables, excluding glass, from outside Santa Fe County at \$15 per ton, noting the out-of-county areas are Los Alamos County, North Central Solid Waste Authority (Española area and Rio Arriba County), and for a limited time the City of Albuquerque.
- The out of county conventional recyclable is \$15 per ton for this FY to increase to \$20 per ton beginning in FY 2012. There is a separate charge for glass which is part of the recyclables and will remain at \$15 per ton.
- Other charges are being increased accordingly.
- Clarification of hours of operation at the Transfer Station to 8:00 to 4:45 p.m.
- Set rates for mercury lamps and such at the Transfer Station.
- Round off charges to the nearest five cents, but will continue to be rounded to the nearest one cents for monthly billing.
- Caja del Rio closure on Sundays, with the 3 holidays being New Year's Day, Thanksgiving Day and Christmas Day.
- Expanded list of separate materials under Exhibit C which includes Household Hazardous Waste when the permanent facility opens.
- Revised prohibited materials list to regulate Hazardous Waste that is not Household Hazardous Waste, and to delete "sludge" since the permit has been modified to accept the sludges from the Water Treatment Facility Plant.

Commissioner Vigil said, at one of their substation facilities, the facility was closed for 4 straight days as the result of a holiday, and she wants staff to be sure the landfill and BuRRT aren't closed in the future for more than 3 straight days. She said she got lots of emails on that situation.

Mr. Kippenbrock said the situation was the result of the big snow in Winter 2006 which forced closure on a Saturday, and then followed by a holiday and a weekend. He said normally the landfill is closed for only 3 days – Thanksgiving, Christmas and New Year's, and is closed on the actual day of the holiday.

Chair Romero asked if there is any chance of renegotiating bringing contaminated soil to the landfill, noting currently it is taken to Rio Rancho.

Ms. Holian believes it is dug up and taken to Rio Rancho for treatment.

Chair Romero understands that it can be treated on site, and asked if we are equipped to do that.

Mr. Kippenbrock when the soil is contaminated above a certain limit, it must be treated, and said "I can't say it can be treated on site, but must be treated at the facility where it will be disposed." He said there are two rates. If less than 2,000 TPA, it would be treated for the same rates as for other solid waste. If it is below the threshold, but still called "petroleum contaminated soil," it can be buried immediately, and doesn't have to go to treatment. He said this was the main issue with the county: do we want to treat it on site, not whether or not to dispose of it at the landfill.

Mr. Kippenbrock said, "I do want to apprise you that in this ordinance, like it was in 2009, there is a category for special rate for a major project and such, if we feel there should be a special rate for a particular project." He said it needs to be far enough in advance that it can be brought to this Board for a timely decision.

Commissioner Holian said then Caja del Rio can accepted any soil which is contaminated with petroleum project at any level, it is just how it would be dealt with, and Mr. Kippenbrock said this is correct.

Commissioner Vigil asked if the landfill is equipped to remediate that soil, and Mr. Kippenbrock said yes.

Chair Romero asked that the County look into this issue, because it would bring additional revenues, commenting there aren't many large projects.

Commissioner Holian said she understood Caja del Rio couldn't accept the petroleum contaminated soil, but she definitely will follow through in this regard.

Mr. Kippenbrock said at the time the County approached Caja del Rio, the Air Quality Permit had no mention of petroleum contaminated soil. He said petroleum contaminated soil was added to the permit when they went to the landfill gas flare system. He said in the 6 years he's been with SWMA, they have never accepted petroleum contaminated soil.

Commissioner Vigil recalled that the whole issue of contaminated soil came about the same time as the issue at the asphalt plant. She asked Mr. Kippenbrock if he hears a lot from residents about the landfill receiving contaminated soil.

Mr. Kippenbrock said no, but believes the County officials heard a lot from residents.

Commissioner Vigil suggested that perhaps revisiting this issue might be timely.

Chair Romero said the rates in the Ordinance, if approved, are for 3 years, which is different from other times when we were discussing the model and rate, when we only approved increases for one year at a time which has been challenging. She asked Mr. Kippenbrock to comment on how this came about.

Mr. Kippenbrock said two years ago, the model was based on 200,000 tons per year. There was then a slide in 2008 to 178,000, which has apparently stabilized at about 150,000 tons per year. He said this year's model is based on a baseline of 150,000 tons per year. It was decided it would be best to do the increase over three years, rather than all at one time. He said if there is an increase in tonnage, any additional revenue will be transferred to the Cell Development Reserve, which currently isn't being funded. The budget proposes to fund three of its four reserves this FY: Landfill Gas Collection System, Equipment Replacement and Closure/Post Closure. He said Closure/Post Closure is near the required funding; Landfill Gas Collection System is at about \$150,000, and the Equipment Replacement is \$500,000.

Mr. Kippenbrock said he is hoping any revenues from unspent budget and additional revenues generated by additional tonnages will be transferred to the

Cell Development Reserve. He said the next cell development will be in 3-4 years, and instead of needing a loan of the full \$5 million, we only will have to borrow \$2 million. He said it appears that the \$40 per ton was the "magic number" we need to achieve that, based on the model. He said the model also included approximately \$1 million for permitting, re-permitting the landfill and modifications. He said if we get the vertical expansion, it could delay the effort to FY 2013. He said the next cell development will require blasting. He said, over the next 3-5 years, once we get permit renewals and we know "exactly where we are," things will stabilize tremendously as far as landfill cost..

Councilor Trujillo asked the anticipated revenue with the new rates for the \$5 and \$10 loads.

Mr. Kippenbrock said he can't answer that right away, but the tip fee generated is about \$500,000, which includes the vehicles that pay the \$45 per ton. He said the \$5 and \$10 contribute more to the revenue stream.

Councilor Trujillo said he is trying to get at how much the increase will generate and if it is a feasible rate.

Mr. Kippenbrock said the charge would be pro rata. He said if he didn't increase it, or pro rata the weight, there would be a disparity.

Councilor Trujillo asked if the landfill charges for animal burials.

Mr. Kippenbrock said yes, but it is only done at the landfill and not at the transfer station. He said it is prorated on the basis of \$75 per ton, so burial of a cat would be about \$1.

MOTION: Commissioner Vigil moved, seconded by Commissioner Holian, to adopt Ordinance 2010-1.

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

Commissioner Montoya arrived at the meeting

- (B) **RESOLUTION 2010-2, A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO SEND WRITTEN NOTICES TO THE CITY OF SANTA FE, SANTA FE COUNTY, AND LOS ALAMOS COUNTY, TERMINATING THE EXISTING MEMORANDUMS OF UNDERSTANDING BETWEEN THESE ENTITIES AND SANTA FE SOLID WASTE MANAGEMENT AGENCY IN RELATION TO THE PROCESSING AND MARKETING SERVICES FOR RECYCLABLE MATERIALS DELIVERED TO THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION, EFFECTIVE 90 DAYS FROM THE DATE OF THE LETTER.**

Mr. Kippenbrock presented information from his Memorandum of July 1, 2010, with attachments, to the Santa Fe SWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "2."

Public Comment

Regina Wheeler said she agrees with Mr. Kippenbrock, and most of the elements of the JPA, the posted fees, posted hours, etc., the reporting is not documented anywhere. She said Mr. Kippenbrock has agreed to continue to report on the materials.

MOTION: Councilor Trujillo moved, seconded by Commissioner Holian, to adopt Resolution No. 2010-2.

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

VII. EXECUTIVE SESSION:

- A. **DISCUSSION OF PENDING OR THREATENED LITIGATION IN WHICH THE SANTA FE SOLID WASTE MANAGEMENT AGENCY IS OR MAY BECOME A PARTICIPANT, PURSUANT TO §10-15-1(H)(7) NMSA 1978. (SF SWMA LEGAL COUNSEL)**
- B. **DISCUSSION OF LIMITED PERSONNEL MATTERS REGARDING THE EXECUTIVE DIRECTOR, PURSUANT TO §10-15-1(H)(2) NMSA 1978.**

MOTION: Commissioner Holian moved, seconded by Commissioner Vigil, that the Santa Fe Solid Waste Management Agency Joint Powers Board go into

Executive Session for the purpose of discussion of pending or threatened litigation in which the Santa Fe Solid Waste Management Agency is or may become a participant, pursuant to §10-15-1(H)(7), NMSA 1978, and limited personnel matters regarding the Executive Director, pursuant to §10-15-1(H)(2), NMSA 1978.

VOTE: The motion was approved on the following roll call vote:

For: Councilor Trujillo, Commissioner Holian, Commissioner Montoya and Commissioner Vigil.

Against: None.

The Board went into Executive Session at 12:35 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 1:20 p.m., Commissioner Vigil moved, seconded by Commissioner Montoya, that the Santa Fe Solid Waste Management Agency Joint Powers Board come out of Executive Session, and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

VOTE: The motion was approved unanimously on a voice vote with Councilor Trujillo, Commissioner Holian, Commissioner Montoya and Commissioner Vigil voting for the motion and no one voting against.

MOTION: Commissioner Vigil moved, seconded by Councilor Trujillo, to reconsider the previous action to adopt Ordinance No. 2010-01, so the motion can be approved by a roll call vote.

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

MOTION: Commissioner Montoya moved, seconded by Commissioner Vigil, to adopt Ordinance No. 2010-1.

VOTE: The motion was approved on the following roll call vote:

For: Councilor Trujillo, Commissioner Holian, Commissioner Montoya and Commissioner Vigil.

Against: None.

VIII. DISCUSSION WITH POSSIBLE ACTION ON COMMERCIAL ACCOUNT HOLDER L&L WASTE SERVICES, LLC.

A Memorandum dated July 1, 2010, to the Santa Fe SWMA Joint Powers Board Members, from Randall Kippenbrock, Executive Director, is incorporated herewith to these minutes as Exhibit "3."

MOTION: Commissioner Montoya moved, seconded by Councilor Trujillo, to accept payment as proposed by L & L Waste Services, LLC, with the 1.5% interest option.

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

IX. MATTERS FROM THE BOARD

There were no matters from the Board.

X. NEXT MEETING DATE

The next meeting will be held on August 19, 2010, at 12:00 Noon, in the Legal Conference Room at the Santa Fe County Courthouse.

XI. ADJOURNMENT


MOTION: Commissioner Montoya moved, seconded by Councilor Trujillo to adjourn the meeting.

VOTE: The motion was approved unanimously and the meeting was adjourned at approximately 1:30 p.m.

APPROVED BY:

Rosemary Romero
Rosemary Romero, Chair

ATTESTED TO:


Yolanda Y. Vigil
Yolanda Y. Vigil, City Clerk

SUBMITTED BY:

Melessia Helberg
Melessia Helberg, Committee Stenographer

SFC CLERK RECORDED 10/27/2010

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
SOLID WASTE MINUTES
PAGES: 12
I Hereby Certify That This Instrument Was Filed for
Record On The 27TH Day Of October, 2010 at 09:29:49 AM
And Was Duly Recorded as Instrument # 1615119
Of The Records Of Santa Fe County



Deputy Marcella [Signature] Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM