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SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD SPECIAL MEETING
SEPTEMBER 16, 2010**

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SFC CLERK RECORDED 10/27/2010

**MEETING OF THE
SANTA FE SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD
Legal Conference Room
Santa Fe County Courthouse
September 16, 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, September 16, 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 Harry Montoya
Councilor Ronald S. Trujillo – telephonically
Commissioner Virginia Vigil

MEMBERS EXCUSED:

Commissioner Kathy Holian

STAFF PRESENT:

Randall Kippenbrock, Executive Director – SWMA
Nancy Long, Legal Counsel, Long, Pound & Komer
Larry Montano, Legal Counsel, Holland & Hart
Jodie Gonzales, SWMA
Rita Fiore-Lucero, SWMA
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance

III. APPROVAL OF THE AGENDA

Chair Romero would like to move item #VII and #VIII to be heard immediately following Item

#III approval of the agenda, and then proceed with the regular agenda, and to move Item #V to be heard immediately after Item #VI.

MOTION: Commissioner Vigil moved, seconded by Commissioner Montoya, to approve the Agenda as amended.

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. (HOLLAND & HART, LLC, FOR SFSWMA)

MOTION: Commissioner Gonzales moved, seconded by Commissioner Montoya, 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.

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

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

Against: None.

The Board went into Executive Session at 12:15 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 12:45 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 Romero, Councilor Trujillo, Commissioner Montoya and Commissioner Vigil voting for the motion and no one voting against.

VIII. DISCUSSION AND POSSIBLE ACTION ON A SETTLEMENT AGREEMENT WITH THE BUREAU OF LAND MANAGEMENT RELATED TO THE EXCAVATION AND SALE OF BASALT ROCK.

Commissioner Vigil asked if the way this will be handled in the future will be through another settlement agreement, noting her question is specific to this agreement.

Mr. Kippenbrock said it would be a mineral lease agreement, yet to be negotiated. He said he will be meeting with them October 4, 2010, at the Caja del Rio Landfill. He said they will be determining the value of the rock which we have excavated and stockpiled and they will put this in writing in a separate document.

MOTION: Commissioner Vigil moved, seconded by Commissioner Montoya, to approve a settlement agreement with the Bureau of Land Management for the excavation and sale of basalt rock at the Caja del Rio Landfill from 2001 to August 31, 2010, in the amount of \$468,252.79.

VOTE: The motion was approved on the following Roll Call vote:

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

Against: None.

Chair Romero said we now need a motion for a budget increase in Claims and Settlements (52501.556200) to be funded from (Cash) 5500.100700.07000, to fund the settlement agreement with the BLM in the amount of \$468,252.70

Commissioner Vigil asked what item is this on the agenda.

Mr. Kippenbrock said it is Item VIII.

Chair Romero said two motions are need for Item VIII, and the item covers both.

Commissioner Vigil said this is not what is listed on the agenda.

Chair Romero said the first motion was to approve the settlement agreement and the amount, and the second agreement was to approve the source of the funds.

Commissioner Vigil believes these need to be combined into one motion under Item VIII.

Responding to the Chair, Ms. Helberg said the best way to proceed would be a Motion to reconsider the previous action, and then after the vote, make a new motion which would include both items.

MOTION: Commissioner Vigil moved, seconded by Commissioner Montoya, to reconsider the action on the previous motion.

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

NEW MOTION: Commissioner Vigil moved, seconded by Commissioner Montoya, to approve the settlement agreement with the Bureau of Land Management for the excavation and sale of basalt rock at the Caja del Rio Landfill from 2001 to August 31, 2010, in the amount of \$468,252.79, and to approve a budget increase in Claims and Settlements (52501.556200) to be funded from Cash [5500.100700.07000], to fund the settlement agreement with the BLM in the amount of \$468,252.79.

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

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

Against: None.

*Councilor Trujillo terminated telephonic participation at 12:50 p.m.
at which time there was no longer a quorum and
Chair Romero kept the meeting open for receiving reports only prior to adjournment*

IV. APPROVAL OF THE MINUTES FOR JULY 15, 2010

There was no action on this item.

VI. MATTERS FROM THE EXECUTIVE DIRECTOR

Commissioner Montoya asked if any of the items are time sensitive.

Mr. Kippenbrock said Item A is somewhat time sensitive, but he believes we can hold that until the next meeting, as well as B and C.

- (A) REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO AMEND PROFESSIONAL SERVICES AGREEMENT WITH LONG, POUND & KOMER, P.A., FOR LEGAL SERVICES.**

There was no action on this item.

- (B) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO AMEND PROFESSIONAL SERVICES AGREEMENT WITH SCS FIELD SERVICES OF ALBUQUERQUE, NM, FOR OPERATION AND MAINTENANCE FOR THE LANDFILL GAS COLLECTION SYSTEM AT THE CAJA DEL RIO LANDFILL IN THE AMOUNT OF \$20,000.**

- (1) APPROVAL OF BUDGET INCREASE FROM 5503.100700.07000 (LANDFILL GAS COLLECTION RESERVE) TO 52501.510300 (PROFESSIONAL SERVICES) IN THE AMOUNT OF \$20,000.**

There was no action on this item.

- (C) APPROVAL OF FINAL CLOSURE/POST-CLOSURE AND PHASE I/II ASSESSMENT COST ESTIMATES REPORT FOR THE CAJA DEL RIO LANDFILL.**

There was no action on this item.

- (D) UPDATE ON COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN.**

A copy of a Memorandum dated September 10, 2010, with attachments, to SFSWMA Joint Powers Board, from Randall Kippenbrock, Executive Director SFSWMA, regarding Update on Comprehensive Solid Waste Management Plan. A copy of the Memorandum is incorporated herewith to these minutes as Exhibit "1."

Randall Kippenbrock presented information from Exhibit "1." Please see Exhibit "1" for specifics of this presentation.

Mr. Kippenbrock presented the Guiding Principles and Priorities which are on page 103 of the Committee Packet [Exhibit "1"].

Chair Romero said she met recently with Espanola Mayor Alice Lucero, and Mayor Lucero is looking to sever the City's relationship with the North Central Solid Waste Authority, and will contact Mr. Kippenbrock to discuss the possibility of waste disposal at Caja del Rio. Chair Romero said Espanola desperately needs help. She asked Mr. Kippenbrock to follow up with Mayor Lucero, so we can get initial information on what this might entail. She said this is in line with the proposal for us to consider taking out of region waste for a variety of reasons.

Commissioner Montoya said he spoke with Rio Arriba at the recent Intergovernmental summit and they expressed an interest in waste disposal at Caja Del Rio.

Commissioner Vigil said Los Alamos has also expressed an interest. However, we need to strategize how we approach this, and perhaps it is step-by-step. She said if we do welcome Rio Arriba County and Espanola, that might be a good reasonable first step to take. She said the County took steps to accept Espanola, but the City has concerns about contamination. She said we need to gather the data to accept Espanola, as well as to allay fears about contamination of the waste.

Mr. Montoya said Tomas Carnpos is the person who expressed interest from Rio Arriba, County, and suggested Mr. Kippenbrock contact him as well.

Commissioner Vigil said the schools, as we know, also are having budget crunches. She suggested a tour of the BDD would be excellent for children, and this could be combined with a field trip to Caja del Rio so they can see how solid waste is managed, as well as how the BDD provides adequate water to the City and County, commenting that going on site and having this visual experience is more valuable than just looking at a brochure. She would like to see the educational outreach include contact with the schools with regard to the students touring facilities. She said students could be transported by buses and broken down in manageable groups for tours.

Mr. Kippenbrock said there have been tours in the past. He said he gets calls from teachers in this regard, and Eldorado has been the most active and brings 2-3 buses at a time.

Commissioner Vigil suggested that perhaps these tours could be combined with a visit to the BDD.

Chair Romero suggested that Mr. Kippenbrock arrange for a presentation from the Sustainable Commission to coordinate our efforts and let them know what we're doing. She said he could make the same presentation he made at the Public Utilities and Finance Committees.

Mr. Kippenbrock noted that Kim Shanahan of the Sustainable Commission is a member of SWAC.

(E) UPDATE ON PERMANENT HOUSEHOLD WASTE COLLECTION FACILITY.

A Memorandum dated September 11, 2010, with attachments, to SFSWMA Joint Powers Board, from Randall Kippenbrock, Executive Director SFSWMA, regarding Update on Permanent Household Hazardous Waste Collection Facility. A copy of the Memorandum is incorporated herewith to these minutes as Exhibit "2."

Randall presented information from Exhibit "2." Please see Exhibit "2" for specifics of this presentation.

Chair Romero said she would like to see drawings, which show the location and design at next meeting.

Chair Romero said she still has questions, but believes the ability of the City to perform these services for the public will be worth the cost.

V. MATTERS FROM THE PUBLIC

There were no matters from the public.

IX. MATTERS FROM THE BOARD

There were no matters from the Board.

X NEXT MEETING DATE

October 21, 2010.


XI. ADJOURNMENT

The meeting was adjourned at approximately 1:20 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



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SOLID WASTE MINUTES
PAGES: 10

I Hereby Certify That This Instrument Was Filed for
Record On The 27TH Day Of October, 2010 at 09:38:06 AM
And Was Duly Recorded as Instrument # 1615124
Of The Records Of Santa Fe County

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

SFC CLERK RECORDED 10/27/2010