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SANTA FE SOLID WASTE MANAGEMENT AGENCY

JOINT POWERS BOARD

June 15, 2006

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MINUTES OF THE
CITY AND COUNTY OF SANTA FE
SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD

Santa Fe, New Mexico
June 15, 2006

A regular meeting of the City and County of Santa Fe Solid Waste Management Agency Joint Powers Board was called to order by Chair Virginia Vigil at approximately 4:00 p.m. on this date in the Legal Conference Room at the Santa Fe County Courthouse, 102 Grant Street, Santa Fe, New Mexico.

Roll Call indicated the presence of quorum as follows:

MEMBERS PRESENT:

Commissioner Virginia Vigil, Chair
Commissioner Paul Campos
Councilor Christopher Calvert
Councilor Ronald Trujillo
Councilor Miguel Chavez

MEMBERS ABSENT:

Commissioner Michael Anaya, excused

STAFF PRESENT:

Randall Kippenbrock, SWMA Executive Director
Justin Stockdale, Recycling Special Project Manager
Leonard Lovato, SWMA Operator II
Len Montoya, President, AFSCME Local Union 3999
Galen Buller, City of Santa Fe Public Utilities Director
William DeGrande
Jodie Gonzales
Sally Padilla
Lisa Roybal
Phillip Westen, Santa Fe County Solid Waste Director

OTHERS PRESENT:

James E. Foley, Bio Energy of Colorado
Greg Weeks, Bio Energy of Colorado
Neva Van Peski
Jo Ann G. Valdez, Stenographer

APPROVAL OF AGENDA

The Agenda was reprioritized (Item VI was moved up on the Agenda.)

Commissioner Paul Campos moved to approve the agenda, as amended. Councilor Christopher Calvert seconded the motion, which passed unanimously by voice vote.

APPROVAL OF MINUTES MAY 4, 2006 MINUTES:

Councilor Christopher Calvert moved for approval of the May 4, 2006 minutes as submitted. Councilor Ron Trujillo seconded the motion, which passed unanimously by voice vote.

MATTERS FROM THE PUBLIC

(A) Presentation of a Proposed Biodiesel Fueling Facility at the Caja del Rio Landfill by Mr. James Foley and Bio Energy of Colorado with Possible Action

Mr. Foley with Blue Planet Distributing and Mr. Greg Weeks with Bio Energy of Colorado made a presentation of a proposed biodiesel fuel facility (fueling station). They have identified the Caja del Rio Landfill as a possible site for the fueling station. The landfill site is being selected as a central location for trucks, particularly the waste hauling trucks owned by the City and County of Santa Fe. Mr. Foley explained that the facility would be a self-contained and self-administering facility that could be placed anywhere.

The biodiesel fuel that they are proposing is B20 biodiesel, which is a blend of 20% by volume biodiesel with 80% by volume petroleum diesel. (Biodiesel is made from vegetable oils).

Mr. Foley reported on March 9th, they met with City and County representatives, the Santa Fe School District and fleet managers from the Department of Transportation regarding implementation of B20 blend in their fleets. Bio Energy of Colorado provided a cost estimate for a 10,000-gallon aboveground storage tank to store the biodiesel fuel. The cost of the AST is \$36,564.95. [A copy of Bio Energy of Colorado's proposal is incorporated herewith to these Minutes as Exhibit "A".]

Mr. Foley explained that everyone using the product would be issued a card, which would price the product appropriately according to the contract.

Councilor Ron Trujillo noted that he is the Manager of the fleet at the Department of Transportation. He mentioned that they have had problems with the card readers.

Mr. Foley said they could break down the card readers by department.

Councilor Ron Trujillo said the state has prepared legislation for this for the next Legislative Session.

In response to a question on where the production plant was located, Mr. Foley said they have three plants in Alamosa, Colorado.

MATTERS FROM THE EXECUTIVE DIRECTOR

(A) Consent Calendar:

(1) Approval of Amendment No. 1 to the Professional Service Agreement with Waste Management of New Mexico, Inc. (Albuquerque, NM) for Recycling Services

Mr. Kippenbrock distributed a memorandum explaining the request. He explained that the Board approved the Professional Service Agreement with Waste Management of New Mexico on January 16, 2006 to ensure an outlet for materials collected by the Agency for recycling until the Materials Recovery Facility is operational. Mr. Kippenbrock said the original agreement allowed for 1,000 tons to be processed and they anticipated that the Materials Recovery Facility was to be operational by this summer. However, due to the procurement of three construction contracts for the construction of the facility, staff expects to require these recycling services to continue through October 2006. Staff is requesting approval of Amendment No. 1 to the Agreement to allow for an additional two tons to be processed at \$30.00 per ton, plus applicable gross receipts taxes, and to extend the term of the Agreement to December 31, 2006.

(2) Approval of Amendment No. 2 to the Santa Fe Solid Waste Management Agency Joint Powers Agreement with the New Mexico Corrections Department for Litter Abatement

Mr. Kippenbrock requested approval of Amendment No. 2 to the Santa Fe Solid Waste Management Agency Joint Powers Agreement with the New Mexico Corrections Department for Litter Abatement. The Amendment includes the following:

- NMCD inmates to perform minor maintenance, beautification, and litter control of the Caja del Rio Landfill, Buckman Road Recycling and Transfer Station and other properties as directed by the Agency;

- Inmate's labor at a uniform rate of \$0.75 per hour, up from the current \$0.50 per hour and
- the total amount of the Agreement shall not exceed \$40,000 per fiscal year.

(3) Approval of Free Disposal Fees for St. Vincent de Paul Thrift Store of Santa Fe, New Mexico

Mr. Kippenbrock requested approval of free disposal fees for St. Vincent de Paul Thrift Store located on 1088 Early Street. St. Vincent de Paul has requested for up to twice a month for not more than four tons per month for a total of 48 tons. If approved by the Board, this will start on July 1st and will be valid for one year.

Mr. Kippenbrock noted that the County used 7.7 tons and the City used 16-½ tons this past fiscal year.

Chairperson Vigil asked if any Board members had any questions or items they wanted to discuss before approval of the Consent Calendar.

Councilor Christopher Calvert moved for approval of the Consent Calendar. Commissioner Paul Campos seconded the motion, which passed unanimously by voice vote.

(B) Approval of Agreement (Union Contract) Between the Santa Fe Solid Waste Management Agency and the American Federation of State, County and Municipal Employees Local 3999

Mr. Kippenbrock provided copies of the proposed Agreement (Union Contract) between the Agency and the AFSCME. [This is incorporated herewith to these Minutes as Exhibit "B".]

He explained that the proposed Union Contract includes the previously approved four compensation items – cost of living adjustment, merit pay, bilingual incentive pay, and hazardous pay. The Board approved these items on March 23, 2006.

Table 1 was distributed and is incorporated herewith to these Minutes as Exhibit B-1. The table exhibits the major changes between the current and proposed contracts.

Mr. Kippenbrock asked members if they had any questions.

Councilor Christopher Calvert wanted clarification about the two 15-minute breaks for employees. He asked what the rationale was for this.

Mr. Kippenbrock said the rationale behind this is how do you define a break. He said normally some of the workers will take a break at a specific work place but if they have to use the restroom they have to drive to the facility to do this. He asked if the break would start when the worker reaches the facility break room. He explained that there has been some struggle over the past years since the contract has been in place on how to define this. He said it would be unfair for someone to have to utilize the driving time to take that break in order to use the restroom as opposed to someone who is already in that area. He said this would be for employees who are not in the immediate area.

Councilor Christopher Calvert asked Len Montoya if this was his understanding also. Mr. Montoya said yes, this is correct.

Councilor Christopher Calvert said they do not count bathroom breaks in terms of breaks or anything like that. He said these are separate.

Mr. Kippenbrock said another way of looking at this is smoking breaks. He noted that there were designated areas for someone who wants to take a break to smoke a cigarette.

Chairperson Vigil asked if any Board members had any other questions for Mr. Kippenbrock.

Referring to the probationary period, Councilor Christopher Calvert asked why the language "*to include temporary appointments and/or emergency appointments*" was added.

In response, Mr. Kippenbrock said that the Union felt if a temporary employee is offered a full time position, they should not have to restart a new probationary period.

Councilor Christopher Calvert asked about holiday pay. He wanted to know what it meant by "*...will receive regular pay based on the number of hours the employee is regularly scheduled to work.*"

Mr. Kippenbrock gave an example of this. He said if Christmas falls on a Saturday, the City of Santa Fe would work on that day. He said the County of Santa Fe would probably have this day off but they would still have to open for the City. He said historically the City has given administrative leave for the rest of the day to make up the 8 hours. He explained that this is clarifying that if an employee is sent home early for that day, the rest of the hours of that day will be regular pay.

Referring to administrative leave for events such as the Santa Fe Fiestas, Good Friday and the State Fair, Councilor Christopher Calvert asked if this administrative leave was paid or unpaid.

Mr. Kippenbrock said the administrative leave would be paid, with management approval.

Chairperson Vigil asked if Board members had any further questions.

Commissioner Paul Campos referred to the language, "*Employee transfer at Agency's decision-two weeks notice in writing to the Union Chief Steward*", he asked what this was about.

Mr. Kippenbrock said this is a courtesy to let the Union Chief Steward know about a transfer, whether it's a lateral transfer or a promotion so that they won't be surprised of the Agency's decision.

Commissioner Paul Campos asked for an example of how this has happened.

Mr. Kippenbrock said an example would be like an operator working in cell development and he requested a lateral transfer to disposal. He said under the current requirements, this is very short notice and this basically is asking for a 14-day notice.

Councilor Christopher Calvert asked Mr. Montoya if he knew why the union is asking for this.

Mr. Montoya said it usually takes them two weeks to get the paperwork done. He said unilaterally, if there is a change for any arbitrary reason or something to this effect, this would allow a safeguard for the union to have 14 days to argue and make its point.

Councilor Christopher Calvert asked if this would be for someone who did not want to transfer.

Mr. Montoya said yes.

Commissioner Paul Campos said this would be management's discretion. He said you are not talking about a situation where there is disciplinary action.

Mr. Montoya said right, but as an exclusive representative of the agency employees, they hold terms in conditional employment and this would be one of the terms for conditional employment.

Commissioner Paul Campos said this takes away some of management's purgative and he was not convinced that this enhances a lot of value to this relationship.

Councilor Miguel Chavez mentioned that the Union Contract between the City of Santa Fe and Solid Waste is really not that much different than the contract between the City and the Local Union 3999 as a whole. He asked Mr. Montoya if he considered this a bargaining unit under 3999 or is it separate because of the nature of the agency.

Mr. Montoya said they do fall under 3999 but they have a separate contract than the City of Santa Fe. He said it does mirror some of the same language but there are some differences.

Councilor Miguel Chavez asked if they would be following the same procedures for disciplinary action and for termination and any management labor relation.

Mr. Montoya said yes, this is correct.

Councilor Miguel Chavez said the one difference he sees is that the employees and the Union President accepted performance-based evaluations and pay. He said this is one significant difference and hopefully if this models works they can use it in other areas.

Commissioner Paul Campos asked if legal staff has reviewed this.

Mr. Kippenbrock said yes.

Chairperson Vigil asked if legal made any statements in regards to this.

Mr. Kippenbrock said no.

Councilor Miguel Chavez moved for approval of the Agreement (Union Contract) between the Santa Fe Solid Waste Management Agency and the American Federation of State, County and Municipal Employees Local 3999. Councilor Christopher Calvert seconded the motion, which passed unanimously by voice vote.

(C) Discussion of Restructuring Current Tipping Fees Schedule with Possible Action.

Mr. Kippenbrock distributed a memorandum explaining the reasons for restructuring the current tipping fees schedule. [This is incorporated herewith to these Minutes as Exhibit "C".]

He explained that staff has evaluated the fees using five months of existing data generated at the Buckman Road Recycling and Transfer Station. The proposed changes in the tipping fees are the following:

A minimum \$5.00 fee for solid waste and green waste; making the tax inclusive for the material codes with 4000 and 6000 pounds gross vehicle weight; and raising the material codes with 4000 and 6000 pounds gross vehicle weight to 5000 and 7000 pounds.

Furthermore, staff is requesting to expand the hours at the Buckman Road Recycling and Transfer Station by half hour from 8:00 a.m. to 5:00 p.m. to 7:30 a.m. to 5:00 p.m.

Based on these proposed changes, staff is requesting the Board to direct staff to amend the tipping fees ordinance (Ordinance 2005-1) with the proposed changes and bring the amendment back to the next Board meeting.

Chairperson Vigil asked if there were any questions of the Board.

Councilor Miguel Chavez inquired if there was any other way to handle the individual transactions other than taking cash, possibly by punching the card.

Mr. Kippenbrock said this is something he can explore in the future.

Councilor Christopher Calvert said obviously this will improve customer service and they will benefit financially as well but his only concern is that they are changing the rules too often. He wanted to make sure this is what staff wants to do because he did not want to see another change in six months or so.

Mr. Kippenbrock said this is strictly for residential and will not impact Caja del Rio. He offered to come back with a financial model in the future that will show the financial shape of the facility. He said this is only a suggestion and does not have to be done immediately.

Councilor Christopher Calvert asked what the proposed date would be for this to take place.

Mr. Kippenbrock said he would have to come back to the next board meeting and it would also depend on legal reviewing it.

Councilor Christopher Calvert said he would like to have plenty of time to educate the public on the change so they would be prepared.

Councilor Miguel Chavez asked Mr. Stockdale how the green way program was working.

Mr. Stockdale said many people question if they should dump their trash in the new fancy building. He noted they are looking for the open dirt area and staff's response to this is to hopefully be able to hire a temporary spotter position for the summer who will direct people to the right direction. He noted that they have received six resumes for the Education Outreach Coordinator position and they hope to start interviews next week.

Councilor Miguel Chavez suggested putting up signs as part of the safety in entering and existing the building.

Chairperson Vigil asked if there were any questions in regard to the tipping fees schedule.

Mr. Kippenbrock said he would like to bring this back to Board once he develops additional information and costs.

Chairperson Vigil asked when the last time this authority changed the tipping fees.

In response, Mr. Kippenbrock said he believes it was in November of 2005 and prior to that was when the green fees were introduced.

Chairperson Vigil suggested that staff include the span of time that these fees will suffice so that there is some predictability.

Councilor Miguel Chavez recommended that staff do comparables of the rates of other facilities around the state.

(D) Status Report on Cell Development

Mr. Kippenbrock reported on the status of Cells 4A, 5A and 6A. The area for Cell 4A remains unchanged since January. The area has most of the basalt rock removed. Most of the overburden (soil) in Cell 5A overlying the basalt has been removed. The cell has been prepared for the contractor to blast and remove the basalt. Staff is currently removing the overburden (soil) in Cell 6A. Mr. Kippenbrock reported he has received the survey for Cell 6A from Morris Surveying of Santa Fe on the remaining air space.

Councilor Miguel Chavez asked if the public would be given notice of the blasting.

Mr. Kippenbrock said there is a notification requirement; it is either a 24-48 hour advance notice to important agencies, such as the fire department. He offered to look into the notice requirement for residential.

MATTERS FROM STAFF

Mr. Stockdale announced that he was named 2006 Recycler of the Year. He also announced that he is the proud father of a baby girl. Congratulations Justin!

MATTERS FROM THE BOARD

(A) Election of Vice Chair

Councilor Christopher Calvert moved to nominate Councilor Ron Trujillo for Vice Chair. Councilor Miguel Chavez seconded the motion, which passed unanimously by voice vote.

Chairperson Vigil reported that Commissioner Anaya wanted staff and the authority to consider the possibility of the creation of a citizens advisory committee who could provide some oversight and some guidelines for the authority. She said the Board could wait until Commissioner Anaya is present to discuss this further.

Councilor Christopher Calvert suggested putting some kind of sunset provision.

Mr. Stockdale suggested that they include the duties and responsibilities of the citizens advisory committee.

ADJOURNMENT

There being no further business to come before the Board, Councilor Miguel Chavez moved to adjourn the meeting, seconded by Commissioner Paul Campos, the meeting was adjourned at 5:45 p.m.

Approved by:

Virginia Vigil, Chairperson

Submitted by:

Jo Ann G. Valdez, Stenographer