SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD MEETING
Legal Conference Room
Santa Fe County Courthouse
August 11, 2011

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, August 11, 2011, 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 Daniel Mayfield
Commissioner Virginia Vigil
[Vacancy]

MEMBERS EXCUSED:
Councilor Ronald S. Trujillo

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
SOLID WASTE MINUTES
PAGES: 221

I Hereby Certify That This Instrument Was Filed for Record On The 29TH Day Of September, 2011 at 01:41:18 PM And Was Duly Recorded as Instrument # **1646599** Of The Records Of Santa Fe County

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

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 AMENDED AGENDA

MOTION: Commissioner Vigil moved, seconded by Commissioner Holian, to approve the Amended Agenda as presented.

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

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IV. APPROVAL OF THE MINUTES – JUNE 16, 2011

MOTION: Commissioner Holian moved, seconded by Commissioner Mayfield, to approve the minutes of the regular meeting of June 16, 2011, 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) UPDATE ON THE CONTRACT STATUS FOR THE HOUSEHOLD HAZARDOUS COLLECTION FACILITY AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION

Mr. Kippenbrock presented information regarding this matter from his Memorandum of July 11, 2011, 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.

Chair Romero asked Justin Miller, Legal Counsel if he would like to comment on this item.

Mr. Miller said Mr. Kippenbrock covered this issue fully, noting that Mr. Kippenbrock made every effort to make the bid work from Advantage Asphalt.

Chair Romero said we followed a clear process and did everything possible before moving on to the second low bidder.

(B) REQUEST FOR APPROVAL TO AWARD BID NO. 11/40/B TO THE LOWEST RESPONSIBLE BIDDER, ESA CONSTRUCTION OF ALBUQUERQUE, NM, FOR THE CONSTRUCTION OF A HOUSEHOLD HAZARDOUS COLLECTION FACILITY AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF $716,742.19.

(1) APPROVAL OF BUDGET INCREASE FROM 5500.100700 (CASH) TO BE APPORTIONED BETWEEN 52504.570400 (BUILDING AND STRUCTURES) AND 52504.5700300 (IMPROVEMENT TO LAND OTHER THAN BUILDING) IN THE TOTAL AMOUNT OF $716,742.19

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated July 16, 2011, 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.

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Responding to a question from Commissioner Mayfield, Chair Romero said the packet is the same as the one for the July meeting, with the addition of Item VI(K).

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

DISCUSSION: Commissioner Mayfield asked if the second company, ESA Construction has met all of the bonding requirements.

Mr. Kippenbrock said it met all of the responsive bidding requirements. He said once ESA is given an award letter, ESA will have 10 days to submit the performance bond and the material labor bond, and then the contract will be executed.

Commissioner Mayfield asked if this item will come back to the Board.

Mr. Kippenbrock said he has had conversations with ESA and ESA is still on board with this, and he anticipates no issues at this time.

Commissioner Mayfield asked if there is an issue and ESA can't comply, will this come back to this Board.

Mr. Kippenbrock said yes.

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

MOTION: Commissioner Vigil moved, seconded by Commissioner Holian, to approve Item VI(B)(1) as presented.

DISCUSSION: Commissioner Mayfield asked about the amendment to the contract.

Chair Romero asked the amount of the increase in the bid from ESA.

Mr. Kippenbrock said it is $120,000, noting that bidders 2 through 7 were more in line with the bid of ESA, noting initially there was a difference of $100,000 between the first and second place bids. He said this is the reason the second insurance company for Advantage Asphalt required collateral was because there was such a huge spread.

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

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(C) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT WITH J.R. MILLER & ASSOCIATES, INC., OF BREA, CA, FOR PLAN, DESIGN, CONSTRUCTION, MANAGEMENT AND DEVELOPMENT OF OPERATIONS PLAN FOR A PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF $24,540.00.

(1) APPROVAL OF BUDGET INCREASE FROM 5500.100700 (CASH) TO 52504.572960 (WIP DESIGN) IN THE AMOUNT OF $24,540.00.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated July 17, 2011, 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.

Chair Romero reiterated that having to go out to bid 3 times has caused the increase in cost of services related to the Household Hazardous Waste Collection Facility.

Commissioner Vigil asked the original term of the contract.

Mr. Kippenbrock said the original term began in May 2009, not to exceed 4 years, ending in 2013.

Commissioner Vigil asked Mr. Kippenbrock if he anticipates additional amendments to this contract in the future.

Mr. Kippenbrock said, "Yes and no, depending on the construction."

Chair Romero asked if the contract runs 4 years from 2009 to 2013, and Mr. Kippenbrock said this is correct.

MOTION: Commissioner Vigil moved, seconded by Commissioner Holian, to approve Item VI(C) as presented.

DISCUSSION: Responding to Commissioner Mayfield, Mr. Kippenbrock said Amendment No. 1 was done in February 2011, to do a feasibility study on a permanent facility, and the amount was increased from $132,000 to $180,000, because of the type of building we want in place, field conditions and to develop a new recycling drop-off center in front of the pay station. He said Amendment No. 2 is more associated with the bidding process, the unanticipated process of that.

Commissioner Mayfield asked how many firms bid when this was put out to bid initially.

Mr. Kippenbrock said there were 3-4 bidders.

Commissioner Mayfield asked the bid differentials.

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Mr. Kippenbrock said in an RFP for engineering services, you do not ask for prices. He said you select the most qualified and then negotiate the price.

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

MOTION: Commissioner Vigil moved, seconded by Commissioner Holian, to approve Item VI(C)(1) as presented.

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

(D) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICE AGREEMENT WITH RINCHEM COMPANY, INC., OF ALBUQUERQUE, NM, FOR THE MANAGEMENT OF HOUSEHOLD HAZARDOUS WASTE AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated July 17, 2011, 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. He said perhaps at next Board meeting he will present Amendment No. 2, related to Tasks 4-8. .

MOTION: Commissioner Holian moved, seconded by Commissioner Mayfield, to approve item VI(D), Amendment No. 1 to the Professional Service Agreement with Rinchem Company, Inc., as presented.

DISCUSSION: Chair Romero asked if any of the other services are required by NMED or a federal agency so there won't be any choices on #4-8.

Mr. Kippenbrock said Tasks 4-8 are a condition between the Agency and Rinchem that we are requesting per our RFP. He said we will need their expertise to do the start-up service, which will be on-site help for the first 4 weekends. He said Task 5 is for on-call services, or technical support. He said we know there will be a lot of unknown chemicals that we can't handle on a routine basis, so we need to be able to call Rinchem for support or to come up and help us identify those HHWs. He said Task #6 is the "big one." He said the year-round facility will allow us to bulk and store these kinds of materials on site, and once we have a sufficient amount, Rinchem will come and pick up the material and treat, store and dispose of it accordingly. He said Rinchem also provides materials and supplies for purchase, or we can buy through another company. He said Task #8 is the Conditionally Exempt Small Quality Generators services, which essentially are small businesses. He said we ask Rinchem to set up a hotline so they can deal directly with those businesses to keep our costs down. He said at this time, we aren't accepting materials from small businesses that are exempt under the regulation. Instead, we will work with Rinchem so these businesses can come to BuRRT and work directly with Rinchem to dispose of their materials.

Commissioner Vigil asked if there are any local business that can provide these services, and did we get any bids from local firms, and Mr. Kippenbrock said no.

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Commissioner Vigil asked if there were local bidders for any of the other requests on the agenda, and Mr. Kippenbrock said no.

Commissioner Vigil asked if the City has a local preference, and Chair Romero said yes.

Mr. Kippenbrock said the Agency falls under the County procurement, and cannot use the City's local preference, but we can use the State local preference.

Commissioner Vigil said her concern is that most contracts are out of Santa Fe County. However, we don't have the services available here, noting these are specialized services.

Chair Romero said the City has been able to break down some of the larger contracts into smaller pieces to encourage more local bidders. She said there is a local preference, but it is difficult to break the contract into smaller pieces when the services are so specialized.

Commissioner Vigil said the County has tried to do a local preference, but is unsure whether that can be done. She asked Mr. Miller to comment.

Mr. Miller said he is unsure what the County can do in terms of a local preference.

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

(E) DISCUSSION WITH POSSIBLE ACTION TO ENTER INTO A CONTRACTUAL FEE AGREEMENT WITH THE CITY OF SANTA FE FOR THE DISPOSAL OF STREET SWEEPINGS.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated July 17, 2011, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "5." Please see Exhibit "5" for specifics of this presentation..

Regina Wheeler said this is an important issue for the City to address, noting it is perpetuating bad behavior of dumping trash on the pile. She said it reduces peoples' pride in the work that they do. She said more importantly it is a regulatory and compliance issue. She said they appreciate SWMA's consideration to help them resolve this issue. She said they have a plan to move forward in a more appropriate fashion. In the future, after sweeping the waste will be put into a dump truck where they are working and it will go straight to the landfill, unless that isn't possible. In that event a small amount will be stockpiled to Siler Road. She said the disposal costs this will be paid by the City's Environmental Services Division, and the cost will be built into the rates.

Commissioner Vigil said she is totally in favor of this, but she does have comments. She said the 11.5 acres owned by the City on Siler Road is being considered for development. She thinks it would be good for the City, in master planning the area, to include open space and trails. She said the whole area

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needs an uplifting in terms of beautification. She doesn't know where the City is with its development of Siler Road, noting Angel Depot may be asking for more space.

Commissioner Vigil said she is surprised the City hasn't been contacted by NMED about the stockpile, because it could be in violation.

Commissioner Vigil requested that when this is done, the dump trucks removing the waste will avoid Agua Fria. She said, in addition to ongoing road construction, the existing road was never designed to withstand that kind of tonnage. She noted there is an ordinance preventing truck traffic through Agua Fria, commenting they can now use the Siler Road Extension to get to the Caja del Rio Landfill. She said she doesn't know the preferred route, but she was told everything was to go up Siler Road to Cerrillos and down to #599 and to the Landfill. She doesn't know of a formal agreement, but this was discussed when the residents of the Traditional Village went before the City to recommend this. She would like this Board to take this into consideration.

MOTION: Commissioner Vigil moved, seconded by Commissioner Holian, to approve Item VI(E) with the condition that the disposal trucks be directed to go to the Caja del Rio landfill by avoiding Agua Fria Road.

DISCUSSION: Chair Romero asked Ms. Wheeler to review the pertinent Ordinances with regard to neighborhood truck bans which may be relevant to this discussion, to be sure we are following all of those. She said the neighborhood truck bans have been added piecemeal. She noted this is a one-time event, but she wants to be sure we stay on top of it.

Chair Romero said, for the record, when she first came on the Council, they had gotten stuck on the redevelopment at Siler, and one of the first items on which she voted was the purchase of the acreage behind Siler Road. The master plan got "stuck around budgetary issues." However, this is the center of town and at some point the focus will come back to consolidating Public Works and other departments requiring fees or a greater public presence. She said the City is still looking at this, but the idea of open space should be included in the master plan when we get to that place.

Commissioner Vigil said employees would benefit from walking trails and perhaps it could be connected to the Richards Avenue industrial area where there was an intent to create walking trails. She said people do use the sidewalks as walking trails. She said this is right across the street from the Santa Fe River Design Project, so there are lots of reasons to pursue open space and trails at that site.

Commissioner Mayfield asked the loss to SWMA in reducing the rate to the City, and Mr. Kippenbrock said it would be approximately $100,000.

Commissioner Mayfield asked if other entities are given a break.

Mr. Kippenbrock said no. However, there was one exception which almost came to reality when they discovered the petroleum contaminated soil at the County Courthouse, which would have had a disposal rate of $25 per ton. However, they elected to dispose of the material in a different manner. He said any others will have to come before the Board for approval.

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Commissioner Mayfield asked who removed that waste.

Mr. Kippenbrock said the soil was removed and treated at another facility, and could have been in Rio Rancho, noting the County made that decision at that time.

Commissioner Mayfield asked if the County has similar stockpiles of material.

Olivar Barela said no, noting the only stockpiles are the wood chips at Eldorado and the green waste at Jacona.

Commissioner Mayfield said he wants to discuss that at a later time.

Chair Romero said those can be brought forward for discussion to see what we can do.

Commissioner Mayfield said Ms. Wheeler said the City will stop the practice of stockpiling, and asked if we can get some assurance this won't happen again.

Mr. Kippenbrock said the best assurance is going from paying from the General Fund to paying from the Environmental Services Fund, which has funds for this purpose. He said the second step, is the City will be developing a comprehensive plan. He understands the City will be building a concrete structure that will hold only so much material. He said typically you want to go to the yard to unload because of the low hanging brushes that can be damaged at the landfill, and the reason they don't do direct haul. He said he felt comfortable after the meeting with the City Manager that the City can use its Environmental Services Fund to pay for the disposal. He said this is the assurance that we have.

Commissioner Mayfield asked if we can find some sort of grant to help pay for this.

Chair Romero said no. She said we are looking at an immediate resolution before the City is cited and fined, noting grants take quite a bit of time. She said there will be money in the Environmental Services Fund which is the big change here.

Ms. Wheeler said grant funds won't pay for cleanup of negligence. She said the City does have a new master plan for the site. She said as part of that process, the City will be in a Phase 1 and Phase 2 assessment for potential additional contamination at that site. She said if it was shown as part of the public entity's negligence, then we wouldn't be able to get a grant to pay for cleanup.

Commissioner Vigil asked if this would be a public park, and Ms. Wheeler said yes, it would be part of the master plan.

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

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(F) DISCUSSION WITH POSSIBLE ACTION TO AMEND THE MEMBERSHIP OF THE SOLID WASTE ADVISORY COMMITTEE.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated July 15, 2011, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "6." Please see Exhibit "6" for specifics of this presentation.

Commissioner Holian said she has someone in mind for the City at-large vacancy, and asked how to make that suggestion.

Mr. Kippenbrock said previously, the list of names and affiliations was developed and brought before this Board for recommendation. He said he will provide that list at the next meeting and Board members can make suggestions at that time.

Commissioner Vigil said Santa Fe County is stepping up its recycling efforts, and there is not a person specifically assigned. She said she would like to speak to the at-large and Caja del Rio people, because she has someone who could help on projects, or site recycling. She said this person has done valuable things in other communities. However, she doesn't want to remove anyone from the Committee without having spoken to them personally.

Chair Romero said it appears we will be leaving the categories the same, and asked Committee members to bring any suggestions to the next meeting, along with resumes so we can discuss them and then move forward. She said we will be making a recommendation and not necessarily taking action at the next meeting.

Commissioner Holian asked if the advisory committee will concentrate on one particular issue next, or will it be very general.

Mr. Kippenbrock said the next meeting will be an overview on what we've done since the Plan was adopted, bearing in mind that the Solid Waste Plan has three principles relating to education, waste diversion and ensuring the agency is viable and has sufficient funding. He said they will be discussing, in a broader sense, some of the 15 recommendations. One is multi-faceted public outreach and education which the City and County can use. He said SWMA is redesigning its website and he hopes to incorporate all of this information into one area. He said it is important to bear in mind that SWAC is a recommending body.

Chair Romero asked Ms. Wheeler to give her suggestions to her at the next Board meeting for discussion.

Commissioner Holian would like SWAC to specifically look at recycling, noting it clearly is a need in the area to do more recycling, and would like that to be considered as a focus as well if possible..

Commissioner Mayfield asked when this Committee met last.

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Mr. Kippenbrock said in November 2010, prior to the approval of the Solid Waste Plan.

Responding to Commissioner Mayfield, Mr. Kippenbrock said they are anticipating meeting quarterly, depending on the need.

Mr. Mayfield said he understands Mr. Kippenbrock was concerned he might not be able to fill the vacant slots.

Mr. Kippenbrock said we are having difficulty filling #8 the private recycler and #19 the Schools.

Ms. Wheeler said the schools recently added a new staff person, Lisa Randall, who will be responsible for recycling, and who is extremely engaged. She said she was thinking of approaching her to serve, noting this is a whole new possibility for the schools.

Commissioner Mayfield asked if there is someone from waste haulers.

Mr. Kippenbrock said we did have Santa Fe Waste, but it no longer shows any interest.

Commissioner Mayfield said he is glad we have people representing their next door neighbor, and wants to be sure the voice of the people is heard in terms of looking at costs and such.

Chair Romero said there is a set number of people, with set principles of what they should be doing, and we need to fill those and bring back any issues to this Board.

Mr. Kippenbrock said at the next meeting if we aren't satisfied with the slot, we can change the sector to "at-large." He said it's not as critical to get a wide variety of membership participation as it was during the first year.

Responding to Commissioner Mayfield, Mr. Kippenbrock said SWAC was formed in 2009.

Commissioner Mayfield requested an attendance record from 2009 to November 2010, and any changes in membership.

Mr. Kippenbrock said he will do so.

Ms. Wheeler said there are now 3 people from our Division on the Committee, so they could give up #6 and reprogram it to an at-large position.

Commissioner Mayfield asked if there is a benefit to having multiple City/County employees on the Board versus the general public.

Mr. Kippenbrock said when SWAC was initially developed, they wanted equal representation, so there were 2 from the City and 2 from the County, and 2 at-large from the City and the County, and then representation from various sectors.

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Commissioner Mayfield would like 1 City and 1 County employee on the Board.

Ms. Wheeler said Katherine Mortimer represents Sustainable Santa Fe, and the idea is that the Solid Waste Division would have representatives. She said Mr. Guerrerortiz presents a Public Works perspective that includes street sweeping and some things solid waste professionals might not have.

Commissioner Vigil said the County is going to reorganization, and there may be replacements. She said it does sound like this needs to come back to this Committee.

Chair Romero said the City has gone through restructuring as well. She said this Board needs to continue to refine the list to ensure we get the representation we want and need to do the implementation of the plan. She reiterated that people should bring any suggestions to the next meeting.

(G) DISCUSSION WITH POSSIBLE ACTION ON ESTABLISHING A PERMANENT CLOTHING AND SMALL APPLIANCE DROP-OFF DONATION BIN AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION TO SUPPORT BIG BROTHERS/BIG SISTERS OF CENTRAL NEW MEXICO DONATION CENTER. (LISA MERRILL)

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated July 14, 2011, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "7." Please see Exhibit "7" for specifics of this presentation. Postpone indefinitely.

Commissioner Vigil said she is supportive of Big Brothers/Big Sisters, noting she is a Big Sister, and loves what they do. She asked if this is the best site for a drop-off donation bin. She said she is glad he brought up other non-profits, noting that Esperanza is constantly looking for clothes and things like that. She asked if we should be agency specific. She said we discussed this previously and decided we should have a drop-off area for all non-profits. She is unsure what is the fairest way to proceed with this. She would like to have more information. She commented that the behavior for drop-off sites lend themselves more for convenience, and it might be good to look at easements within the more dense areas. She said the problem with any drop-off site wherever located, is that they tend to be trash drop-offs. She definitely wants to do what we can to help non-profits in this regard.

Chair Romero said Camilla Bustamante, Chair of Sustainable Commission, made a presentation to this Board about two years ago, and we had a good idea about how to divert a waste stream. We did decide it would be good to open it to non-profits. She said to be fair that we probably would need to issue an RFP.

MOTION: Commissioner Vigil moved, seconded by Commissioner Holian, to postpone action on this item to the next meeting, to bring further information on what action this Board needs to take legally and in terms of procurement.

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DISCUSSION: Commissioner Vigil said Ms. Bustamante's presentation involved all non-profits, and there were visions of what non-profits could connect in this regard.

Lisa Merrill said to clarify the reason she made this suggestion is because Big Brothers/Big Sisters approached the New Mexico Recycling Coalition saying it had an interest in drop-off donation stations. She said it is true that possible contamination could happen, it would be a great one-drop center for people.

Chair Romero said it is a great idea, but we need to decide how to make it fair. She said she is a supporter of Big Brothers/Big Sisters, but she definitely would like to pursue this idea and to do an RFP.

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

(H) DISCUSSION WITH POSSIBLE ACTION ON A NEW MEXICO ARTS CENTENNIAL PROJECT, TITLED "CONSUMPTION," CREATED BY ARTISTS NANCY JUDD AND NICOLE MORRIS TO EDUCATE THE PUBLIC ON THE IMPORTANCE OF REUSE OF GOODS. (LISA MERRILL)

Lisa Merrill presented information regarding this matter from Randall Kippenbrock's Memorandum, dated July 14, 2011, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "8." Please see Exhibit "8" for specifics of this presentation.

Mike Smith talked about a survey done on Saturday in terms of the different categories of items. He said nothing came to the forefront, and he will provide the survey results to this Board once they are complete.

Ms. Merrill said they are going to be doing this seasonally so they can see what kinds of items come in seasonally.

Mr. Smith said there are 3 tentative dates to do this as well.

Commissioner Holian asked if she has a sofa, if she can she bring it in.

Mr. Smith said they can set it aside for Nancy Judd.

Commissioner Vigil said she would think the sofa could be used more for the non-profits, commenting that Ms. Judd is looking at items which are more reusable. She said this probably will be done on-site when people drop off reusable items.

Mr. Kippenbrock said yes, and there will be an area similar to the new recycling drop-off area before people reach the pay station. At that time, the non-profit will decide whether or not item(s) are reusable. If not, it would be moved forward to the transfer station for disposal.

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Commissioner Holian asked if there is a site for this to happen.

Mr. Kippenbrock said this is preliminary.

Ms. Merrill said they are not encouraging people to bring reusable items because we're just looking for stuff which can be used for the art show, and don't want to transport it to other non-profits at this time.

Commission Vigil said then this will just be identifying reusable items such as aluminum cans. She asked if these will be collected at the site, or is this just a study.

Mr. Kippenbrock said this is different. He said Nancy Judd will have a room she can rent near the Plaza downtown, and would like to get one sofa, one chair, one light fixture and such, to show the people that things can be reused. He said the study being done will help him to develop an RFP for the non-profits for a reuse center.

Chair Romero said this is a great idea and hopes it will be successful.

(I) UPDATE ON CATALOG CHOICE WEBSITE FOR SANTA FE RESIDENTS TO MANAGE UNWANTED JUNK MAIL, CATALOGS AND PHONE BOOKS. (LISA MERRILL)

Lisa Merrill presented information from Randall Kippenbrock's Memorandum dated July 15, 2011, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "9." Please see Exhibit "9" for specifics of this presentation

Commissioner Holian would like to put a link at the County website.

Ms. Merrill said she emailed Mr. Barela about this, as well as Christine. However, she needs to check the County website to see if this has been done.

(J) REQUEST FOR APPROVAL OF FREE DISPOSAL UNDER THE FREE DISPOSAL PROGRAM FOR THE "TOSS NO MAS" FALL CLEAN-UP DAY, A JOINTLY SPONSORED EVENT BY KEEP SANTA FE BEAUTIFUL, THE CITY OF SANTA FE AND SANTA FE COUNTY.

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated July 29, 2011, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "10." Please see Exhibit "10" for specifics of this presentation.

Ms. Wheeler said this is a special event that they "invented" for Airport Road, which will be one day of free disposal. They will send flyers to businesses and try to focus the public information campaign right to Airport Road for it is just for that community. She said they talked with Eberline which owns the

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boarded-up building, and people can bring household trash there for the day. She said this is so people will dispose of backlogs and get their property cleaned up. She said they will talk to businesses about this. She said they did these in Bernalillo County every Spring and every Fall, and you can get a lot of trash for a day.

Chair Romero asked if there is any way to get any recyclables.

Ms. Wheeler said yes, they will be separating scrap metal for sure. She said her experience is that they will be inundated on that day, and the best we can do is to keep moving it, although we may be able to separate brush.

Commissioner Vigil would like this project to consider the traditional Village of Agua Fria as well, which is parallel to Airport Road and an incorporated area, noting this area is highly under-served. She would like County staff to be available to assist. She believes the Agua Fria residents would be willing to go to Eberline.

Ms. Wheeler said the New Mexico Beautiful coordinator lives in Agua Fria.

Chair Romero suggested looking at the presumptive City limits for areas to be targeted for these kinds of cleanups.

Commissioner Mayfield asked if we will turn away people who don't live in these areas, and Ms. Wheeler said no.

Commissioner Mayfield said today he saw volunteers picking up trash on the side of the road, and asked how this is disposed of, and if they have to pay for it.

Mr. Kippenbrock said when volunteers doing roadside cleanup apply and say they're doing this free event, that is part of the disposal. However, if they just found something, he doesn't know how to answer that question.

Commissioner Mayfield asked if a percentage is allocated for roadside cleanup.

Mr. Kippenbrock said the threshold is 600 tons for the City and 600 tons for the County, a total of 1,200 tons per year. He said the policy is still in place which focuses on illegal dumping, litter abatement. He said we do participate in "Toss no Mas," and Santa Fe Beautiful, as well as the annual cleanup of the Acequia Madre Ditch. He said it usually is less than 100 tons per year in combination. He said BLM can apply to dispose of illegal dumping they find on their land. He said they also work with the County to dispose of illegally dumped material.

Commissioner Mayfield asked if there is an application process, and Mr. Kippenbrock said yes.

Commissioner Mayfield asked if there is a selection process.

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Mr. Kippenbrock said no, there are two types of approval levels. He approves anything up to ten tons for these events. He said things like this have to be approved by the Board.

MOTION: Commissioner Vigil moved, seconded by Commissioner Holian, to approve this request and to also include Agua Fria.

FRIENDLY AMENDMENT: Commissioner Mayfield would like to amend the motion to accept waste from anybody who would show up. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND.**

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

(K) DISCUSSION WITH POSSIBLE ACTION FOR A GROUND MOUNTED SOLAR PHOTOVOLTAIC SYSTEM AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION. (NICHOLAS SCHIAVO, CITY OF SANTA FE ENERGY SPECIALIST)

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated August 7, 2011, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "11." Please see Exhibit "11" for specifics of this presentation. Mr. Kippenbrock recommended going with the smaller system.

A copy of Is incorporated herewith to these minutes as Exhibit "12."

Mr. Schiavo said the last time he attended the meeting they discussed a photovoltaic system which would generate 70% of the energy need. He said he worked with Randall to pull electric data back to 2006, so the system he is proposing will account for 45-46% of the current needs, and 89% of the needs for 2006. He said it is a 120 kW system. He said both the City and County share the benefit of the savings from the system. He said the application has been approved and guaranteed a 7 cents REC.

Mr. Schiavo said the handout [exhibit "12"] will give an idea of the savings. He said the City can expect a rate increase of about 9% in the next 14-30 days. He said over the last 5 years, SWMA has seen a 4.8% electricity increase per year. He said over the 20 years there should be a savings of $28,937.90. He said if the rates from PNM go higher, SWMA will see higher savings.

Commissioner Holian asked if it will be the City which enters into the agreement.

Mr. Schiavo said he modeled it on the one for the Buckman Direct Diversion, so it would be the City and SWMA that would be entering into the agreement. He spoke with Steve Ross who said there is no need for the County to do this. He said because the City is the fiscal agent the agreement has to be both the City and SWMA.

Commissioner Holian asked if it could be just the City.

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Mr. Schiavo said he spoke with both the City Attorney and County Attorney, and they advised it should be both the City and SWMA.

Commissioner Holian what happens if SWMA leaves this site and goes elsewhere. She said the City would still own the land and buildings. This is her concern about SWMA entering into this agreement.

Mr. Schiavo said this is the conversation he had with Mr. Kippenbrock and Mr. Miller. He said if SWMA is not going to be in existence in 5 years, then SWMA shouldn't enter into this contract..

Mr. Kippenbrock said there always will be a transfer station, and he believes this is doable for 10-15 years, but he is unsure what will happen in 20 years. He said BuRRT was designed to be a transfer station to move trash and waste, and if that didn't happen, there would be another facility with another type operation. He said he is hearing, in order to make this project valid, SWMA needs to enter into an agreement along with the City.

Mr. Schiavo said this is correct and the same thing he was told by the City and County Attorneys.

Chair Romero said with the limited number of years we would still benefit, but on the lower end in 20 years.

Mr. Schiavo said the system was down-sized to allay some of Mr. Kippenbrock's fears that the MuRRF might be gone in 5 years. He reduced the size of the photovoltaic system and taken the energy level to a lower level.

Commissioner Mayfield asked what about putting the system at the Caja del Rio.

Mr. Kippenbrock said that was explored, but we don't have that much need for electricity at that facility. He said the system is site specific. He said there is plenty of space to generate solar, but it has to be used for that site.

Mr. Schiavo said the electricity demand at Caja del Rio is very low.

Responding to Commissioner Mayfield, Mr. Schiavo said when the City went out to RFP, the City identified select sites and other sites which could be identified with the City, and the lowest bidder won. He said the size of the systems are from 100 kW to 200 kW, so this is still within that size.

Commissioner Mayfield asked who is the contractor.

Mr. Schiavo said it is Positive Energy.

Commissioner Mayfield asked if Positive Energy had anything to do with the development of the RFP.

Mr. Schiavo said absolutely not.

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Commissioner Mayfield said he thought the minutes of that meeting indicated they were involved in the development of the RFP.

Mr. Schiavo said they had the winning proposal, and were already at work by the time of the meeting, having been selected in March 2011.

Commissioner Mayfield said, "Then the pitch they did to us at that meeting was to talk about the future and that's where maybe I'm thinking they were involved in the development of RFPs."

Mr. Schiavo said the RFP went out in January/February 2011, and Positive Energy was selected and began moving forward before April 1, 2011, so "when I came to you, they were already in position and were going to help me develop the numbers."

Commissioner Vigil said to be very clear, we never allow someone to participate in the development of an RFP that is going to submit a bid, noting that isn't permitted by statute.

Commissioner Vigil said she wonders if the way to move forward on this is to approve it for the term of the MuRRF, if that's 10 years. She said if the MuRRF relocated this agreement would have to be revisited and the City might want to continue it for another facility. She said once SWMA doesn't receive a benefit, the agreement should be terminated.

Mr. Schiavo said when they do the design and the pricing it is around 20 years, and everything is taken care of, including maintenance over that term. He said to have an open-ended contract there is so much variability, it probably would cost twice as much.

Commissioner Vigil said the original purpose might change, but the need would still be there.

Mr. Schiavo said to have a company enter a contract not knowing if they can keep something somewhere for 20 years, these prices won't stand. He said "If I were in their shoes I would come back and say, of course I can do it for two cents more per kWh, and at any point you let me know where you want to move it."

Commissioner Vigil asked if the facility can be moved.

Mr. Schiavo said the way it works is that you can terminate the contract any time and after 6 years you can buy it. He said at year ten, you could buy it out for $223,000.

Chair Romero said then an open ended contract won't accomplish what you are trying to accomplish.

Mr. Schiavo said no, noting the numbers already are tight right now, and guesses you would lose money every year. He doesn't know the likelihood that the transfer station will be moved.

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Mr. Miller asked Mr. Schiavo to talk about the termination costs and the buyout cost as we proceed over the 20 years, just so the Board understands the risk to the if agency can't make use of this down the road.

Mr. Schiavo said this is an incredible deal. He said any time after year 6, or year 5, you could actually buy the system for a much cheaper price than you could build it today. He said the City and SWMA don't pay taxes, so you don't get the 30% federal tax credit, nor entitled to depreciation so you miss out on another 10%. He said so if you bought a system like this today, you would pay 40% more than what you would through this. He said he doesn't think it is a risk at all, because you get the system built for free and you don't have any maintenance on it, save cost on electricity from day one, and you can buy the system cheaper than you can build it after 5 years. He said the system will pay for itself in 10 years.

Commissioner Holian said if SWMA bought the system we could move it anywhere we want it, and Mr. Schiavo said this is correct.

Commissioner Holian said then after 5 years, whatever happens, we're okay.

Ms. Wheeler said it sounds like the system is sized so that if the MuRRF went away and all that remained was a solid waste transfer station, there would still be full utilization of power.

Mr. Schiavo said this is correct.

Mr. Kippenbrock said he is very comfortable with the down-sizing from 180 kW to 120kW, which would power the general facility and not the MuRRF, especially with the uncertainty of the MuRRF. He assumes that the termination and buyout numbers would be smaller but not necessarily proportionate.

Mr. Schiavo said the numbers for termination and buyout are on Exhibit "12."

Mr. Kippenbrock said he sees $200,000 as opposed to $400,000, which he believes are more reasonable figures than previously.

Mr. Kippenbrock said he understands Positive Energy is the consultant, and asked it if is also the developer, or if that is another company.

Mr. Schiavo said Positive Energy will be in charge of construction. The contract the City and SWMA will enter into will be with the finance entity, the Renewable Social Benefit Fund. He said Positive Energy is the local company which has done the design and the application to PNM, and will build it and will be here to maintain it for the next 20 years.

MOTION: Commissioner Holian moved, seconded by Commissioner Vigil, to approve entering into an agreement with Positive Energy for a photovoltaic system which 120 kW.

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

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VII. MATTERS FROM THE BOARD

Commissioner Mayfield asked the tonnage produced in the free disposal program.

Mr. Kippenbrock said the Fire Wise Program produced approximately 50 tons, noting he sent the information to the City and the County. He said there were approximately 150 participants, 100 from the City and 50 from the County. He understands some of the County residents went to the County transfer station and he doesn't have that data. He said if we continue the Fire Wise program, it may gain popularity over time.

Commissioner Mayfield asked if those people had a ticket punched at the County.

Mr. Barela said no, it was free. He said they accepted that waste and it wasn't transferred to BuRRT. He said all of the material was commingled, and it was a very small amount of waste. He can look at his records and get back to Commissioner Mayfield.

Commissioner Mayfield's remarks here were inaudible here because of the meeting room door opening and closing. He would like to remove some of the stockpiled green waste from the transfer station at a reduced rate, and would like to discuss that. He wants to reduce costs to the public.

Chair Romero said there has been a discussion around the issue of green waste, and the NM-DOT is interested in some of the materials to use for landscaping at various project. She said we need to have a bigger conversation with all of the players including the NM-DOT.

Commissioner Mayfield said he toured the landfill and there is a lot of green waste going back for agriculture waste, and asked what is happening with the green waste stockpiles at Caja del Rio.

Mr. Kippenbrock said they are still working on pH issue, and once we achieve the right pH, it will be considered marketable for DOT roadside erosion control application. He said that's what you see at Caja del Rio. He said what is at BuRRT is given away free to the public.

Commissioner Mayfield asked when this will be marketable.

Mr. Kippenbrock said he doesn't know, noting they are still working on this, and other components may have to be added to lower the pH.

VIII. NEXT MEETING DATE

Chair Romero said the next meeting will be the third Thursday in September 2011.

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IX. ADJOURNMENT

There was no further business to come before the Board, and the meeting was adjourned at approximately 2:00 p.m..

APPROVED BY:

Rosemary Romero

Rosemary Romero, Chair

ATTESTED TO:

CITY OF SANTA FE ORGANIZED JULY 13 AD 1891 NEW MEXICO

Yolanda Y. Vigil

Yolanda Y. Vigil, City Clerk

SUBMITTED BY:

Melessia Helberg

Melessia Helberg, Committee Stenographer

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