

SUMMARY INDEX  
SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD MEETING  
June 19, 2014

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER & ROLL CALL	Quorum	1
APPROVAL OF THE AGENDA	Approved	1
APPROVAL OF THE MINUTES FOR REGULAR MEETING – MAY 15, 2014	Approved	2
MATTERS FROM THE PUBLIC		2-4
<u>MATTERS FROM THE EXECUTIVE DIRECTOR</u>		
REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT WITH U.S. SECURITY ASSOCIATES, INC., OF ALBUQUERQUE, NEW MEXICO, FOR SECURITY SERVICES AT THE CAJA DEL RIO LANDFILL AND BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF \$72,402.19	Approved w/direction to staff	4-6
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO EXTEND THE TERM TO THE PRICE AGREEMENT FOR OFF-ROAD HEAVY EQUIPMENT REPAIRS (PARTS AND LABOR) TO MULTIPLE VENDORS (BID NO. 13/34/B)	Approved w/direction to staff	6-11
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO EXTEND THE TERM TO THE PRICE AGREEMENT FOR COMMERCIAL FLEET REPAIRS (PARTS AND LABOR) TO MULTIPLE VENDORS (BID NO. 13/35/B)	Approved w/direction to staff	11-12
REVIEW OF PROJECTED CASH BALANCES AS OF JUNE 30, 2014	Information/discussion	12-16
REQUEST FOR APPROVAL OF ADDITIONAL FUNDING FOR MERIT PAY INCREASE FOR ELIGIBLE EMPLOYEES	Postponed to August meeting w/direction to staff	16-23

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
MATTERS FROM STAFF	None	23
MATTERS FROM THE BOARD	Information/discussion	23-25
NEXT MEETING DATE – THURSDAY, JULY 17, 2014		25
ADJOURNMENT		25

**SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD MEETING  
Legal Conference Room  
Santa Fe County Courthouse  
June 19, 2014**

**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 Commissioner Miguel Chavez, Chair, on Thursday, June 19, 2014, 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:**

Commissioner Miguel Chavez, Chair  
Councilor Joseph M. Maestas, Vice-Chair  
Councilor Patti J. Bushee  
Councilor Signe I. Lindell

**MEMBERS EXCUSED:**

Commissioner Robert Anaya  
Commissioner Kathy Holian

**STAFF PRESENT:**

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

There was a quorum of the membership in attendance..

**III. APPROVAL OF THE AGENDA**

**MOTION:** Councilor Lindell moved, seconded by Councilor Maestas , to approve the Agenda as presented.

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

#### IV. APPROVAL OF THE MINUTES FOR REGULAR MEETING – MAY 15, 2014

**MOTION:** Councilor Maestas moved, seconded by Councilor Lindell, to approve the minutes of the regular meeting of May 15, 2014, as presented.

**VOTE:** The motion was approved on a voice vote, with Chair Chavez, Councilor Maestas and Councilor Lindell voting in favor of the motion, no one voting against, and Councilor Bushee abstaining.

#### V. MATTERS FROM THE PUBLIC

*A copy of Chronology of Recent Solid Waste and Recycling Plans and Actions in Santa Fe, submitted for the record by Eldorado/285 Recycles, Joseph Eigner, Secretary, is incorporated herewith to these minutes as Exhibit "1."*

**Joseph Eigner, Eldorado/285 Recycles.** Mr. Eigner said he is speaking today, and these are his opinions and not those of the group. He said, "The Chronology describes some, but not all of the solid waste and recycling plans that have happened here in Santa Fe over the past few years. And so this I put together in a few hours just based on our files, and I'm sure I've omitted some good ones. To reassure you, I will not be talking about them line for line."

Mr. Eigner continued, "We all know that the City does an outstanding job with respect to water conservation, clean energy initiatives and green building. The County is also making very good process in these areas. SWMA does a great job with running BuRRT, the landfill and the new Household Hazardous Waste facility. But, now I'm going to be the bad cop, our recycling performance in the region is among the poorest in the country. BuRRT, for example, could triple its recyclables if we provided them, we the public."

Mr. Eigner continued, "The Chronology that I passed out shows that these poor results are not for a lack of trying. There have been dozens of studies, hundreds of meetings, thousands of person hours of effort by staff and citizens. Tens, even hundreds of thousands of dollars have been spent on consultant fees. The Chronology also shows that it is not from a lack of good ideas. Take the very earliest study that is on the sheet, Sustainable Santa Fe Community Plan 2008, makes some of these suggestions: 1. Increase business recycling; 2. Deal with construction and demolition debris; 3. Provide curbside collection of eWaste. That was very far sighted, because we now know that eWaste is the fastest growing component of the waste stream; 4. Use pay as you throw system for trash. That gives people an economic incentive to pull as much as possible that is recyclable out of their trash to diminish the amount they are paying for; 5. Provide green waste collection; 6. Composting of food waste."

Mr. Eigner continued, "Very little has been done that has improved our recycling rates. Why. And this is an opinion. I think it is a lack of leadership from our leaders, our elected officials. They have to provide the impetus and the funding to get past this talking stage that we've been in. This hit me very hard a month ago when the Board of County Commissioners passed Ordinance 2014-06, making Solid Waste Permits valid until all of the punches are used completely, not only starting in FY 2015, the upcoming FY,

but even retroactively for FY 2014. The County staff predicts that there will be a \$200,000 loss in Solid Waste Permit Fees from this retroactive provision. A very nice windfall for some people. But, how will the budget shortfall it creates be made up. By laying off County workers, reducing days or hours of operation at transfer stations, delaying or reducing planned improvements at transfer stations, including ours in Eldorado. The controversial recommendations of the County Solid Waste Task Force Plan lie ahead. The portion about extending permits was the easy thing. That was popular, that was a sugar pill, to allow more difficult decisions to be made. One is going to be doubling the transfer station fees over a 5-year period. And then there are the possible closures of the high cost, low use transfer stations. And finally, establishing franchise areas for curbside trash and recycling. Those are going to be high choices."

Mr. Eigner continued, "If the action on Ordinance 2014-06 is any indication, I fear little, or nothing will come of the Solid Waste Task Force Study and the Leidos Consulting Study. Will they be more reports collecting dust on government office shelves. I certainly hope not. And we have two more consulting studies coming, one dealing with SWMA and one dealing with the City, and they be even more difficult to implement."

Mr. Eigner continued, "Other examples of leadership failures. The County's non-enforcement of Ordinance 2010-05, which had the potential to triple recycling at its transfer stations. That Ordinance required uses of transfer stations to recycle materials and not to dump them on the tipping floor. Another example, the City's last minute cancellation of the 10 cent fee on paper grocery bags, killing any incentive for using reusable bags."

Mr. Eigner continued, "On a more positive note, and I'll try to be the good cop. On June 11, eight of us from Santa Fe attended a meeting in Albuquerque, the NMED and the New Mexico Recycling Coalition. Four from my group, Adam and Danita represented SWMA, and Lawrence and Armando represented the City. The meeting was in response to the Legislature's HM 51 in the last session, which created a study in how to raise, State-wide, New Mexico's recycling rate to 50% from its current 15%. What the eight of us took away, I think, from that meeting was for the first time ever, real commitment by those two groups to draft, file and lobby for State laws that can promote or mandate increased recycling. The suggestions made at that meeting were not very different from what the Chronology studies have proposed here in Santa Fe. But, the different may be, I hope, is that with State money and State enforcement power, these recommendations may actually happen and work. But, will the Legislature and the administration go along. We don't know. Again, what we need is leadership, leadership and more leadership. Thank you for your patience and indulgence."

Chair Chavez said he appreciates the information, commenting sometimes things just need to be said.

Councilor Maestas said he appreciates the feedback, noting he is well aware of our dismal diversion to solid waste recycling. He is interested in pursuing the successful Silver City model, and competing with similar sized cities in terms of recycling. He said he anxiously is awaiting the recommendations of this assessment. As an engineer, he wants to make sure it doesn't sit on the shelf and we do move and follow through on a lot of these recommendations as they pertain to SWMA.

Chair Chavez asked, with regard to extending the punch permits, are they to be eliminated at any point in time, or will we continue to depend on that system.

Mr. Eigner said he thinks there is a proposal to provide 12 and 6 punch cards, in addition to the existing 24 punch cards.

Responding to the Chair, Mr. Eigner said there are a lot of people buying cards and not using them. He said they supported that provision, but not making it retroactive.

Councilor Bushee said there are 3 brand new members from the City on this Board, noting it is the first time she's served on this Board. She said she is in hot pursuit of single stream and other ways we can beef this up. She said when she first came on the Council, they got a recycling coordinator, a composting system and a lot going. She hears his comments about leadership from the elective perspective, but she never gets to hire the directors and there was a dearth of leadership at that level for quite a time. Sometimes they picked up trash and sometimes they didn't.

Councilor Bushee continued, saying she said she too is bothered with regard to the 10 cent fee on paper bags. She said the City will be evaluating this 6 months. She said the lawyers turned things around on her. She thinks it is a disincentive and a bad move, but "it is where it is." She is glad to know there is a task force with citizen participation. She realizes it is difficult to live in the suburbs or the more rural areas and get the kinds of services that are paid by City customers. She said we keep tending to increase the rates without offering new services or amenities to the customers. She said we need to make it as easy and convenient as possible for the user, and "that is where I will coming in on all of this." She thanked Mr. Eigner for his work.

## **VI. MATTERS FROM THE EXECUTIVE DIRECTOR**

### **(A) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT WITH U.S. SECURITY ASSOCIATES, INC., OF ALBUQUERQUE, NEW MEXICO, FOR SECURITY SERVICES AT THE CAJA DEL RIO LANDFILL AND BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF \$72,402.19.**

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum of June 14, 2014, with attachments, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "2." Please see Exhibit "2" for specifics of this presentation.

Responding to Councilor Bushee, Mr. Kippenbrock said, "We will do it at least one more year, for a total of 4 years," speaking about the contract term and proposed annual renewal of this contract.

Councilor Bushee said she isn't a fan of long term contracts, and likes contracts of not more than two years. She suggested he go out for bid as soon as possible in the future.

Councilor Bushee asked the benefit of lumping these kinds of contracts with either the City's or the County's security contracts, in terms of economies of scales.

Mr. Kippenbrock said he can talk to the County, the City about the Golf Course and the MRC, as well as the State Department of Game of Fish, all of which are in the same area. They conceivably could pool the number of hours they would be there.

Councilor Bushee asked if this has been pursued in the past.

Mr. Kippenbrock said he has talked with the City in the past, but with different security companies, but he can push harder for that, starting with the Game & Fish.

Councilor Bushee said, "Given how small this agency is, if there are any kinds of ways to latch onto some of the other bids, it would relieve staff of some of the work. Again, I'm going to push at the City level that our contracts aren't these four-year contracts."

Mr. Kippenbrock said he can go out for bid next year, and talk to our partners to see if they are willing to do this.

Councilor Bushee said she will support this request this year, and she is glad to see the rate isn't the \$22 per hour we were paying. She noted they requested an hourly rate increase of fifteen cents to keep up with the Living Wage, but \$14.80 an hour is the wage they make, and our Living Wage is more than that.

Mr. Kippenbrock said the \$14.80 includes the use of the vehicles, overhead, etc.

**MOTION:** Councilor Bushee moved, seconded by Councilor Lindell, to approve this request, with direction to staff to look at more short term contracts and to investigate pooling the services in the area for economies of scale.

**DISCUSSION:** Councilor Bushee said although contracts are renewable annually, staff tends to keep using the same company and doesn't put it out for competitive bid.

Chair Chavez asked Councilor Bushee if she has experience in the shorter contracts and are they working better.

Councilor Bushee said, "Yes. I think we just went out to bid and it dropped from twenty-two something an hour to fourteen something an hour."

Chair Chavez said, "For that one contract though."

Councilor Maestas said if we're going to maintain the structure or option to renew annual annually, there should be some basis for that, instead of that it is convenient, you don't have to out to bid. He said, for example, perhaps we can get the original criteria which was used in the bid process, and use that for an annual evaluation and use it as the basis to either renew or go out to bid. He said there has to be some basis for renewing a contract. He said four year contract gives us leverage, but he doesn't think we take advantage of that leverage, so we need to come up with criteria.

Councilor Bushee said the City didn't do so.

Chair Chavez asked if there have been any issues or problems with this particular company.

Mr. Kippenbrock said it meets or exceed requirements.

Mr. Kippenbrock said, "The Agency has every right to decide if they want to renew a contract with a contractor. And we had one case involving IT where we did not renew the contract with them. So it can go both ways. I agree that the contract should be evaluated and assessed to see if it is worthwhile to continue the relationship with them."

**CLARIFICATION WITH MAKER AND SECOND:** Ms. Helberg asked Councilor Bushee if her motion included also investigating pooling services, and Councilor Bushee said yes.

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

**(B) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO EXTEND THE TERM TO THE PRICE AGREEMENT FOR OFF-ROAD HEAVY EQUIPMENT REPAIRS (PARTS AND LABOR) TO MULTIPLE VENDORS (BID NO. 13/34/B)**

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated June 14, 2014, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "3." Please see Exhibit "3" for specifics of this presentation.

*The Board commented and made suggestions as follows:*

- Councilor Bushee said you keep these vendors and each does something different, noting there are very varied shop labor prices, so she assumes they have certain expertise or specialities.

Mr. Kippenbrock said that is true. He said, for example, they all have their own shop rate based on overhead and the type of work they do. Wagner Equipment specializes in Caterpillar, Golden Equipment in Volvo and so forth.



Responding to Councilor Bushee, Mr. Kippenbrock said Drive Train Industries provides things related to the drive train or radiators or miscellaneous parts, same as Stewart & Stevenson which is geared more toward semi trucks, noting they also bid on Item IV(C).

- Councilor Bushee asked what is the "Campaign Disclosure" item on page 3 under Bid Analysis.

Mr. Kippenbrock said in the RFP, the campaign disclosure is included – have they contributed anything to the people that approve the contract, the past Board members.

- Councilor Bushee asked if this company is based out of Albuquerque, and if the campaign disclosure is required by the County.

Mr. Kippenbrock said, "The company is based out of Albuquerque. He said, with regard to the campaign disclosure, it is a State of New Mexico requirement, but it is primarily geared toward Requests for Proposal, moreso for them than it is for bids, but we had it in this one."

- Councilor Bushee asked if he uses the State's procurement process.

Mr. Kippenbrock said yes. He said because the Agency is jointly owned, governed by the City and the County, and the County follows the State Procurement Code, we lean heavily toward the State Procurement Code."

- Councilor Bushee asked "do you have any kind of local preference built into your procurement."

Mr. Kippenbrock said, "We did ask for local preference in the bid, however most of them did not complete that."

- Councilor Bushee said, "But you have that offering. You offer a certain preference for local bidders, or not."

Mr. Kippenbrock said, "Yes and no."

- Councilor Bushee said, "Then all of these firms are out of Albuquerque or surrounding areas of Albuquerque."

Mr. Kippenbrock said all of the firms are out of town.

- Councilor Bushee said, "Right. Do you have built into your bid process a local preference."

Mr. Kippenbrock, referring to page 45, said they did a resident's veterans preference.

- Councilor Bushee said, "I see one veteran has applied, and that may be in following the State again, but I'm asking if there is any kind of local preference. It doesn't seem like it."

Mr. Kippenbrock said, "No, if it's not listed in here, we may be prevented from doing local preference at the time the bid was done."

- Councilor Bushee said, "It's something you have to actually pass, and then just wondering if this Agency would be interest in that. Are we prohibited from doing that here."

Justin Miller said, "No. I don't know... we would have to look back at the timing of when this RFP was sent out. But last year, I believe it was last year, the Board passed a purchasing policy that set out the preferences that SWMA applies in purchasing. And what we used was the common denominator of preferences that are available under the City ordinances and also under the State Procurement Code for the County. So there is a local preference. The percentage I believe.... I'm not sure of the percentage precisely. It was the best that we could get that was common to the County and City."

- Councilor Bushee asked when it was passed.

Mr. Miller said last year in the Spring.

- Councilor Bushee said, "Then it would have been built into this bid, I assume."

Mr. Kippenbrock said, "I think it came around about the same time when this bid came out in June 2013."

Mr. Miller said the existing procedures were effective February 2013. He said, "I don't recall exactly whether this RFP went out before that."

- Councilor Bushee asked, "Have you ever used any local contractors."

Mr. Kippenbrock said, "We try as much as possible."

- Councilor Bushee asked, "How often have you bid these same contractors. Is this a running thing."

- Mr. Kippenbrock said, "Last year was the first time we went out for a price agreement. In the past, we were able to use, before the Procurement Code changed somewhat drastically, and we were using small purchasing guidelines as well as State of New Mexico contracts."

Responding to Councilor Bushee, he said they started with this one last June.

- Councilor Bushee said, "The local preference was passed in February, and you went out last June, so is there a reason, or this just an oversight."

Mr. Kippenbrock said, "Possible."

- Councilor Bushee asked, "Are you aware of any contractors that can perform these services that live in Santa Fe County."

Mr. Kippenbrock said, "We reach out to everybody who wished to participate in this. The vendors, that I'm aware of, when it comes to heavy equipment, any of the heavy equipment we have here, are mainly based in Albuquerque."

- Councilor said, "I saw a lot of [inaudible] services, and I'm guessing they come to you, rather than you come to them, so I'm guessing they're building in their travel time."

Mr. Kippenbrock said yes.

- Councilor Bushee said, "I'm just asking, both on the economics of it, of creating and sustaining jobs in Santa Fe County. And since you have that option, and it's interesting that it didn't occur, if you would want to go back out to rebid to see if you could get any local bidders. It might bring the price down because of the travel involved, and it might also sustain some small contractors here in Santa Fe County. That's my only observation, if that is the sequence of events. I would be less inclined to support this if that exercise hadn't taken place."

- Chair Chavez asked if there is a rush to do this right away.

Mr. Kippenbrock said, "Yes."

- Chair Chavez asked, "Can you separate from the list those who might be considered sole source and that you know for sure that we can only get the service 60 miles away."

Mr. Kippenbrock said, "Although in our mind, some could be sole source, it does not meet the definition of sole source, because a company like Titan Machinery indicated they could do all the work. Iron Horse indicated they can do all the work. That's why we don't utilize sole source."

- Chair Chavez asked the urgency of getting this done.

Mr. Kippenbrock said it has been one year, and we need to go for year two. He said, "These are the same vendors we have utilized many years in the past. You will see some of the local vendors in the second RFP, 13/35/B, under VI(C), but they are mostly geared toward the highway equipment, as opposed to heavy equipment. For example, Wagner Equipment is the authorized dealer in New Mexico to work on Caterpillar. The same way with Golden Equipment for Volvo and so on."

- Chair Chavez said, "I assume that some of these would be specialized, maybe not sole source, but specialized. When you are doing field work, is all of that under warranty, like if they were doing it in the shop."

Mr. Kippenbrock said, "Yes. They do provide warranty for their work."

- Councilor Bushee said, "On page 7, at least one of the contractors, Stewart & Stevenson, they have towing charges, '\$130 Hookup, \$9.98 first 24 miles, 5.98/mile thereafter,' and some other trailering charges that are higher. Again, I'm just suggesting that...."
  - Chair Chavez asked, "In those cases, what are they hauling, and are the charges justified."
- Mr. Kippenbrock said that is "for the heavy equipment, whether it be the scraper, or bulldozers, those require a special trailer to move the equipment."
- Responding to the Chair, Councilor Bushee said she is waiting for others to make a motion, saying, "I'm going to vote against it."

**MOTION:** Councilor Maestas moved, seconded by Councilor Lindell, to approve this request as presented by staff, with direction to staff to look at procurement policy to see if this is in compliance, and if not, we should be consistent with our policy.

**DISCUSSION:** Councilor Maestas said, "But I do agree that we should make every effort to try to use local companies within the framework of our procurement policy and law."

**FRIENDLY AMENDMENT:** Councilor Bushee said, "And I would ask that you take it one step further and do a very, very minimal survey of any companies in the Santa Fe County area that could provide these services, just so we're aware that maybe nothing exists. I don't know. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND.**"

Councilor Bushee said, "Me, personally, I'd go out to rebid, that I know for sure... and you are following the proper procurement changes. But you don't seem inclined to go that way."

Councilor Maestas said, "The only problem I have is that I think we can have this price agreement with a multitude of companies, and you get a better price, with a wider variety of expertise on this very specialized service, even though it is in Albuquerque. I think these companies represent a much broader market than the City of Santa Fe can provide. I think unit prices, if there are companies that can provide these same services locally, would be higher."

Councilor Bushee said you wouldn't know that until you go out to bid.

Councilor Maestas said, "I'm just speaking intuitively. The City of Albuquerque is a bigger city. The market is much more diverse, much bigger. There's a multitude of companies available. There is more competition."

Councilor Bushee said, "And a third of them have towing charges that are not cheap."

Lawrence Garcia said, "If I may. There are only two companies in Santa Fe that can work on machinery and I know that is road machinery. The specialists for bulldozers, compactors and those areas, the expertise has to come out of Albuquerque. And it's unfortunate that we don't have anybody here locally, because I agree with you, we would like to keep the funds locally. But really, there isn't anybody that can handle that type of work."

Councilor Bushee said, "Even the road machinery piece of it."

Mr. Garcia said, "Even the road machinery, unfortunately."

Councilor Bushee said, "That's all I'm asking. I don't know that, but I still think, in your bid process, you have to follow whatever it is they passed previous to us being here."

**VOTE:** The motion was approved on a voice vote, with Chair Chavez, Councilor Maestas and Councilor Lindell voting in favor of the motion, and Councilor Bushee voting against. **Explaining her vote:** Councilor Bushee said, "I'm going to vote no just for... because you've got the votes."

**(C) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO EXTEND THE TERM TO THE PRICE AGREEMENT FOR COMMERCIAL FLEET REPAIRS (PARTS AND LABOR) TO MULTIPLE VENDORS (BID NO. 13/35/B)**

Randall Kippenbrock, Executive Director presented information regarding this matter from his Memorandum dated June 14, 2014, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "4." Please see Exhibit "4" for specifics of this presentation.

Councilor Bushee said, "I just hope next time there is some kind of following the local preference that you have accepted."

Mr. Kippenbrock said, "Yes."

Councilor Bushee noted there are two local vendors, "but it would be the same as the last for me."

Chair Chavez said, "Using Chalmers for an example, it is an Albuquerque company, but with a Santa Fe address, so sometimes there is a fine line in there."

Councilor Bushee said they had a business here for a while.

**MOTION:** Councilor Maestas moved, seconded by Councilor Lindell, to approve this request as presented by staff, with the same direction to staff as in Item VI(C)

**VOTE:** The motion was approved on a voice vote, with Chair Chavez, Councilor Maestas and Councilor Lindell voting in favor of the motion, and Councilor Bushee voting against. **Explaining her vote:** Councilor Bushee said, "I'll vote against, just to be consistent."

Chair Chavez said perhaps staff can work on addressing some of Councilor Bushee's concern about the local option, because he does support that. He said, "I do know Randall has worked in that area trying to do as much as he can, but maybe we can do more."

**(D) REVIEW OF PROJECTED CASH BALANCES AS OF JUNE 30, 2014**

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated June 15, 2014, 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.

*The Committee commented, made suggestions and asked questions as follows:*

- Councilor Maestas said he requested this information item at the last meeting. He said the reason for the request is that the budget indicated transfers in/out of reserves, but we had no information on reserves. He said he can't make these kinds of decisions without knowing about the reserves. He said, for example, on Buckman there is an emergency reserve, an equipment replacement reserve, and we have clear policy which establishes the fund, identifies the desired amount and clearly identifies under what conditions the funds can be used.
- Councilor Maestas said the Board was briefed on the appraisal to close the landfill, which is the State mandate on having these restricted funds set aside. However, it seemed we voluntarily added another \$800,000 on top of the appraisal and he wanted to know the reason. He spoke with Randall, and the July meeting should contain policies where there are none regarding these accounts. He thinks we should close some of the reserves, and make a determination where the balances should go on the ones which are stale or no longer needed.
- Councilor Maestas said, "And the Operations Reserves. I don't want to be known as sitting on a board that is sitting on a pile of liquid cash. So, I think that's another reason it made me uncomfortable when I saw the balance on the operations side. So, Mr. Chairman, I think we're probably going to need to make a decision too, on what is a safe and even a politically correct balance to have in our operational reserve. But again, I don't know if this financial model, Randall, that you've been using, and apparently has been guiding your decisions, and unofficially determining how much to have in these reserve accounts, and which reserve accounts should be created. I think as a Board we're openly accountable for these funds. So I think the sooner we get some policies that make sense in place without jeopardizing the operations of SWMA...."

- Councilor Bushee said, "I, again had not served on this Board before, was surprised to see a 25% operational reserve fund. That struck me as an inordinate amount of money. I don't know when you started, we go back to 2011, but it's got \$3.4 million in 2011, and now we're projected in 2014 to be \$5.2 million. I don't know what policy or financial model you're using to base that decision to hold 25% of the Operational Fund. But me, personally, I'd be looking at trying to fulfill some of the missions of the Sustainable Santa Fe goals, rather than sitting on a large pile of cash for a very small agency."
- Councilor Bushee continued, "I think maybe you said it, and I didn't quite hear it, but your cell development has gone down quite a bit. You do not have a need for further cell development."
- Mr. Kippenbrock said, "We do."
- Councilor Bushee said, "So why are we going from one point..... to \$400,000."
- Mr. Kippenbrock said, "Because we awarded a contract earlier this year."
- Councilor Bushee said, "Then why do we need to have close to getting to half a million dollars sitting there in the reserve fund."
- Mr. Kippenbrock said, "That is for Phase 1. That was just for the excavation, and this fall, we need, for the liner points..."
- Councilor Bushee asked if he will use all of the \$400,000.
- Mr. Kippenbrock said yes, plus more.
- Councilor Bushee asked if that will come from the operational reserves.
- Mr. Kippenbrock said it come from the 5500 fund. We're going to request that out of the \$5.2 million.
- Councilor Bushee asked whose decision was to reserve 25% of the operational budget.
- Mr. Kippenbrock said, "It was indicated back in 1999, when I learned about that, also from being an enterprise fund strictly relying on tipping fees, etc."
- Councilor Bushee said then a 15 year old policy is being pursued today.
- Mr. Kippenbrock said yes. He said, "Realistically, during the downturn, it made a difference for us. We were able to pull through with that."

- Councilor Bushee said, "Sure, but we've continued to raise tipping fees to build, for instance, the Household Hazardous Waste Collection Center. Again, I'm speaking to this as someone who has watched for years now, that your primary customers are the citizens of the City of Santa Fe. And I've seen their rates go up, and yet, I'm sitting here seeing a quarter of your budget, your operational fund, just sitting around."
  - Chair Chavez said, "It sounds to me, if there's any policy that's even a year old, or lack of policy, I guess we need to flush that all out, because that's what I'm hearing, is it's a lot of policy questions. And maybe you need to prove yourself. Maybe the agency needs to prove itself. And I guess that's a good thing. So you have some questions now about the reserve funds. This is not an action item, it's informational. And I'm going to give everyone another round with staff, and pick them apart, give them direction, tell them what you don't like, and what you want them to do. And if it can't be done now, I would suggest you meet off-line with staff on anything that's on the agenda."
  - Councilor Bushee said, "I just have never seen a 25% reserve."
  - Chair Chavez said that point has been made.
  - Councilor Bushee said it is updating policy. She said, "And sometimes, again I have not served long enough, so I'm trying to wait and learn. But what I'm trying to say is I wonder if this small agency shouldn't be subsumed into some other as a part of one entity or another for efficiency."
  - Chair Chavez said this is on the list for everyone to consider.
  - Councilor Bushee said, "It's just, I'm posing that question and somebody can tell me that's a dumb idea."
  - Councilor Lindell said, "We're going to look at this whole thing. I think that's what we're going to do. When you have the reserves you have here, that's what we need to do."
  - Chair Chavez said, "I've got it. Okay. So, top to bottom."
  - Councilor Maestas asked the appraisal amount for the closure, noting another \$800,000 was put into the restricted reserve fund above the appraised value.
- Mr. Kippenbrock said, "Yes. What happened in the past, they were basing it on a different type of final closure requirement, which is much higher than today's final closure requirements. And, by readjusting the estimate, which is a lower cost per acre, that's how we have more money in the reserve today."
- Councilor Maestas said his point is the policy on that restricted reserve. He said, "I think we would have a basis for putting \$1 above the appraisal to close it, above the minimum required by the State, otherwise, we can use that for operations and other programs. So, I want that addressed."



- Councilor Maestas said, "The operations, the current balance of \$5.2 million is about 55% of the operational budget."

Mr. Kippenbrock said, "As I have mentioned in the past, the intent was always to look at the cash balance, and if there was sufficient cash balance, to move some of those monies into the needed areas such as cell development and equipment replacement."

- Councilor Maestas said, "So, part of the policy should be a rational basis for coming up with a desired percentage of operating, in terms of our reserves. We had this memo, but we far exceeded it. That's well above 25%, it's double, it's probably about 55% of the current balance. That's what I was trying to get at ...."

*Too many people talking at the same time here to transcribe*

- Councilor Maestas said, "So we definitely need that policy addressed, and then a recommendation to close these... how you want to transfer the balance of these other reserves."
- Chair Chavez said, "I think there's only one that could be potentially closed..."
- Councilor Maestas said, "5509, 5520 and 5508, correct Randall."

Mr. Kippenbrock said, "No. 5509 will stay there. It could be reduced. 5508 can be closed out. It's related to HHW. 5501 is active, 5502 is the insurance deductible and 5508 is actually emergency cash that was part of the old 1999 policy in terms of setting aside money. 5508 and 5500 look at as being combined."

- Chair Chavez said, "So, I'm asked as form for doing this, we need to give staff direction, and make it clear, and then we'll see what the staff can do. The one thing I'll point out, I know that the City has the luxury of having the enterprise and the Public Works Department to do curbside recycling and everything that's included in the green waste or whatever. The County does not. We don't have the trucks, Councilor Bushee."
- Councilor Bushee said, "I'm not sure how that relates to this."
- Chair Chavez said, "It relates to that, because I'm just pointing out that there are some differences between the City and the County, and the County and the City and how we do our work at SWMA. And I just wanted to make that point, just to make the point."
- Chair Chavez asked if the Board members are comfortable with the discussion and with the direction you've given staff. He said, "Again, if you need more time to meet with the staff, as the Chair, it's going to put more on staff, I would say find time to meet with staff in the interim."

- Councilor Maestas said, "Some of these changes in this policy would have budget implications. We just approved the budget at the previous meeting, so I'm sure we'll have to consider budget amendments as the result of this new policy that's going to include some transfers and some closure of these reserve funds. I don't know, Randall, how you want to handle this, address the policy first and then we can identify the implications or subsequent changes to the budget and then deal with the budget amendments in August."
- Chair Chavez, "Randall, I think you'll know how to play that sequence out, that you have direction and then you will do this together, and put that in the sequence that makes sense for you and for the Agency."
- Councilor Bushee said she would like staff to include the overall operating budget for this fiscal year in the packet as well, just to compare.
- Councilor Maestas would like to see the 1999 Memo to see the basis for the 25%.

**(E) REQUEST FOR APPROVAL OF ADDITIONAL FUNDING FOR MERIT PAY INCREASE FOR ELIGIBLE EMPLOYEES**

A copy of a bar chart *Merit Pay Increase Distribution*, is incorporated herewith to these minutes as Exhibit "6."

Randall Kippenbrock, Executive Director, presented information regarding this matter from his Memorandum dated June 16, 2014, 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.

*The Committee commented and asked questions as follows:*

- Councilor Lindell asked Mr. Kippenbrock if he qualifies for merit pay.

Mr. Kippenbrock said he qualifies, but he is not in this system, because the Board would have to appraise him. He has been with SWMA since 2004 and had one performance appraisal in 2007.

- Councilor Lindell said this seems like a gaping hole in the system
- Chair Chavez asked if he has received a salary increase.

Mr. Kippenbrock yes, but has received only COLA since the initial 5% raise he received in the first year of employment.

- Councilor Lindell said there were 42 eligible employees, and 34 received some form of merit pay.

Mr. Kippenbrock said there are 42 FTEs, and of those, 6 are currently on probation having been with the Agency for less than 6 months, plus himself and one vacant position. He said of the 34 eligible, 2 will see no increase based on performance, and the other 32 will receive a merit increase from 1% to 4% .

- Councilor Lindell said it seems a dilution of the concept of merit, and it seems as if everybody gets merit pay. She said she is not comfortable with it, and she is "kind of not comfortable with merit pay in this small an employee pool. Because I think there are people that are certainly, personality-wise, rather than principles, probably received some merit. I think that it is a very very hard system to make it work with this few employees. That has been my experience of working for numerous other companies. So I'm not comfortable with it philosophically, and I'm really not comfortable with it when that percent of employees are getting merit pay. I think it's a complete dilution of the concept of meritorious performance."

- Councilor Bushee asked how it is related to the evaluation, in terms of the company that came here and looked at everything, or is this completely separate from that. She said it's not a bargaining right, it's just that the structure for the merit pay system is built into AFSCME contract, but it is not a bargained right.

Mr. Kippenbrock it is built into the contract.

- Councilor Bushee said it says structure of the merit pay system is specified in Article 18 of AFSCME contract, Section 10. She said, "I read Article 18 a little bit, and it is in Section 10. And so what year did it... was it bargained for, did the Board build in, how did it come to be. Just remind me, refresh my memory, because I was unable to be here for the last meeting, did we also allow for a Cost of Living increase [COLA] across the board."

Mr. Kippenbrock said, "Yes at 1.4%."

- Councilor Bushee asked when did merit pay arise.

Mr. Kippenbrock said in 2006.

- Councilor Bushee said, "And it was brought forward by what process."

Mr. Kippenbrock said, "It was brought by me, from the Board, to come up with a compensation system. In the past, it had been across the Board, randomly. And what I mean by that, is one year it might be 5% and the next year..."

- Councilor Bushee said, "Wait. You had merit pay to begin with."

Mr. Kippenbrock said, "No, we did not."

- Councilor Bushee said, but you had COLA.

Mr. Kippenbrock said, "No, we did not."

- Councilor Bushee asked, "How did you come to have both COLA and merit pay."

Mr. Kippenbrock said, "In 2006, I introduced both of them, and got away from the across the board increases."

- Councilor Bushee said, "So your COLA is not across the board."

Mr. Kippenbrock said, "What I mean by across the Board is a solid number that may not represent COLA, etc. Across the board might be, for example, 5%. I was not involved in the years between 1997 all the way up to 2004. That's what they had done in the past. Across the board increases for all the employees."

- Councilor Bushee said, "Based on cost of living or some kind of bargaining right."

Mr. Kippenbrock said, "I don't know. The union came into play in later 2004. I came on board on June 28, 2004, and they were already in negotiation for a union contract."

- Councilor Bushee said, "Again, in a much larger system, I'm still only familiar with municipal government, County and City, with cost of living increases and bargaining units. And so I don't necessarily see merit pay addressing compaction issues, or the whole presentation with regard to job description and all of that. I'm not seeing.... it's a foreign entity to me, again, with a small pool of employees. But also, if there is a COLA or the AFSCME bargaining unit comes and sits down and bargains for certain rights, I'm not sure I understand what you intended when you brought it forward in 2006. What was that adjusting for. I'm giving the benefit of the doubt that there was a driving force behind that."

Mr. Kippenbrock said, "COLA, I felt that it was directly related to positions to remain in competition with the inflation. The beginning pay, mid/max were based on inflation. That's the way I saw COLA. Merit improves the morale in the work place."

Mr. Kippenbrock said AFSCME can address this better than he can, noting that Apolonio Garcia, SWMA, member of AFSCME Council # 18, was in attendance.

- Councilor Bushee said, "In 2004 when you first organized to have the SWMA employees fall under Council #18, were you given the opportunity to bargain for specific rights, whether it be language pay, or specific things. When I use the word COLA, I think I'm referencing the sort of interaction that I'm familiar with. It is not always just a COLA sometimes, there's not merit pay either. Merit pay is subjective from my perspective."

Mr. Garcia said Nick Lovato would be the best person to answer this question, but he isn't here today. He said Mr. Lovato was here in 2004, noting he, Mr. Garcia, has been the Chief Steward for less than a year.

- Councilor Bushee have you found merit to be automatic, the amount. Who determines the percentage. It's not bargained for, it's built into the contract."

Mr. Garcia said he has never been happy with merit in the sense that it is subjective, and some feedback he's gotten is that there is favoritism. You get along with the boss and you get higher rate, or if not, you don't get a higher rate.

- Councilor Bushee said she just doesn't want to see COLAs. She said, "I actually want to see actual bargaining and people maybe relieving.... I know nothing from this chart. I don't see the individuals. You've only got 42 FTEs. Would it have been very hard to have given us that list of employees and their current salary, time employed. It feels there isn't a system in place where there's a bargaining unit, they bring forward their concerns, there's a negotiation with management. It doesn't seem like there is a negotiation process. It seems like the merit pay replaced that. I am less comfortable with merit pay than I am with a bargaining unit and an actual negotiation."

Mr. Kippenbrock said they did negotiate and bargain with SWMA for COLA and Merit, and they agree with this, so it is a part of the contract that they agreed to this.

- Councilor Bushee said her concerns are her discomfort around the merit pay process. And she doesn't know how to deal with this, other than it seems there's really not negotiation. There is an automatic COLA if funds are available, "and with the reserves you have, there's no question that that will be allowed for." She personally doesn't support the merit pay system.
- Councilor Maestas said, "One thing that is also in the Collective Bargaining Agreement is the compensation study, which was presented to us. And quite frankly, I agree with the findings of the study – which is a snapshot of market. One of things very prominent in the findings of the compensation study is that merit pay is the trend in the market, and it is very rare to have both merit and COLA. I actually am of the camp that wants to make merit pay the centerpiece of our compensation strategy, because it gives you Randall and your supervisors the full opportunity to identify performance goals for staff, the appropriate positions, those goals suited to positions, operations of the agency. And I think it takes subjectivity out. So I think merit pay really benefits the workers and employees. So I would like to see us totally phase out COLA."
- Councilor Maestas continued, "I know we're going to be renegotiating the next union contract. And I say, let's accept recommendation of the study, which basically recommend that merit pay be the centerpiece of the compensation strategy. The only other component that I'm advocating for, and I've

been advocating for the past 2 months, is that we also implement – I think the recommendations implied in the compensation study to start establishing parity with the market in some of these positions where we have such a wide disbursement. I had cited one employee that had 17 years of experience, and his salary wasn't even above the mid-point in the market.”

- Councilor Maestas continued, “And so, I would like to see a new compensation strategy brought forward in July, at least in advance of the next round of negotiations with the union, where we phase out COLA, and continue to make merit pay prominent. And also add some money set aside for these market adjustments, to consider tenure, to consider the bands that were established by the consultants who conducted the competition study, to make us more competitive with the market. That’s the whole intent of the compensation study.”
- Councilor Maestas continued, “And I would suggest that, one scenario that I would like to see, and then I’ll yield the floor, is that we phase in these salary adjustments over a reasonable period, I would say 3 years. In other words, how can we apply these salary adjustments to be in line with the recommendations of the compensation study, where we do have market parity and we can consider ourselves competitive with market. Those would be my recommendations, and I would support this additional increase for merit pay, Mr. Chairman. So I am prepared to make a motion whenever we’re done.”
- Chair Chavez said Mr. Kippenbrock might want to look at the RTD, noting it uses a model which includes both COLA and the merit or exemplary pay.

Apolonio Garcia said, “I just wanted to mention that for the personnel policy manual approved by the SWMA Joint Powers Board on January 19, 2006, you guys are allowed. It provides, ‘The Joint Powers Board may “from time to time approve a general pay adjustment for all employees. General pay adjustments will be effective on the first day of the payroll period following the effective date of the general pay adjustment as determined by the Joint Powers Board.’ So you do have the authority, per that agreement.”

- Councilor Maestas said it wouldn’t be across the board, because we wouldn’t be carrying out the recommendations of the compensation study if we make it same across the board. It will have to depend on where that certain employee’s salary is relative to the market.

Mr. Garcia said he knows that, but he wanted to make the Board aware of the stipulation.

- Councilor Bushee said, “So, again, the first meeting I attended was the presentation of the compensation study. If memory serves me correctly, was that of the entities referenced, not very many of them were municipalities. I think it was a very private sector approach. I don’t know of very many governmental entities that have both. And given that you just approved a 1.4%. Now, again, did I think twas the right amount. I don’t know because it wasn’t negotiated from my understanding. Where did you come up with 1.4%.”

Mr. Kippenbrock said, "1.4% as per union contract and the Agency's policy, based on the prior year of the Bureau of Labor statistics, the U.S. Government. For example, in 2014, we took calendar year 2013, that was the CPI rating of 1.4% that we received in the latter part of February. That's where we get that number."

- Councilor Bushee asked if our living wage enters into the equation, or do you have to choose one over the other.

Mr. Kippenbrock said, "We used the U.S. West Region in terms of where we get the CIP. Granted, I will say, regardless of how we look at this, nothing is perfect, and we try to do the best we can. There are some years the COLA has been close to the 3%. One year it was zero. But we did agree to use that particularly."

- Councilor Bushee said, "Nobody is getting my point yet, and let me see if I am not articulating it well. Even a merit increase of 2% across the board, does not address your study and the concerns, whether it's compaction or tenure based issues. I'm not seeing any rhyme nor reason, other than you've got a little evaluation thing which just about everybody makes the grade. I'm not seeing this where the guy that was here 17 years and hadn't seen a bump in pay, made whole, or made closer to market value. I don't agree with the compensation study. The entities they reviewed were not.... it was apples to oranges. It was bananas to figs. For me, COLA is one thing, and an actual way to try to make people who are doing good work, get good pay. I don't see the correlation in the merit pay system. I just see it as one more, so COLA is one thing and merit pay is... I know you see it as more fair, but I don't see how it really pertains to the compensation study or any of the other issues that keep your employees happy. I don't see how we can have approved a COLA and not negotiated a general pay increase and/or individual compaction issues or any other jobs that really have been left behind by a merit pay increase of 2%. I just don't see the connection. And won't vote be voting for it, because of that."
- Responding to Councilor Bushee, Councilor Maestas said bringing things into alignment helps to establish salaries more consistent with the market.
- Chair Chavez said merit pay keeps people happy and helps with retention.

**MOTION:** Councilor Maestas moved to approve this request, with direction to staff to provide the table he requested previously showing all employees, their tenure – PERA tenure/SWMA tenure – and where the salary was relative to the bands recommended in the compensation study, with compensation recommendations with different scenarios for a total COLA phase out; to retain merit pay as the centerpiece of the compensation strategy; and come up with a process to implement market adjustments to establish better parity with the market and phase those in over 3 years. **THE MOTION DIED FOR LACK OF A SECOND.**

Mr. Kippenbrock said he can't move forward without the full funding.

- Councilor Maestas said there is a pool of money set aside, but people will get lower amounts, all relative to their performance scores.

Mr. Kippenbrock said it is based on the hourly rate, 1-2-3-4%, and that is what the percent increase is based on – on the hourly rate.

Councilor Maestas asked Mr. Miller if this is a violation of our collective bargaining agreement.

Mr. Miller said, "No, I don't think so. The COLA and merit increases are contingent on the Board appropriating money to pay. So, I think what you're saying is, you have appropriated enough money to cover half of the merit based increase, and that the percentages on this chart could just be reduced in proportion for the employee."

- Councilor Maestas said he thought this was how it would work, but was unsure if it mandated a certain score and not a proportion of the pool.

Mr. Miller said it could be calculated for each eligible employee, based on what has been appropriated. The dollar amount.

**MOTION:** Councilor Bushee moved to postpone this item to the next Committee meeting, with direction to staff to come to the next meeting with a different way, correlating to the compensation study, to begin to look at ways to bring people up that are not across the board percentages, and it can't just be both across the Board things. **MOTION DIED FOR LACK OF A SECOND.**

- Councilor Bushee suggested a presentation from Council #18 on suggestions of how to get where she wants to go. She doesn't want to deprive people that deserve increases that have been held back, but this system doesn't do the job.
- Councilor Maestas clarified that merit pay is not across the board, it is just the opposite.
- Councilor Bushee said, "How is this not across the board. You've got 32 of 34 eligible employees."
- Councilor Maestas said, "I'm not saying that... maybe it's a little liberal."
- Councilor Bushee said, "It's not liberal. It's not bringing the person that you noted in the chart that was there 17 years to parity."
- Councilor Maestas said that's where salary adjustments come in.

*Too many people talking at the same time here to transcribe*

Mr. Miller said, "I think, at least what I'm hearing of the discussion from the Board, is that the Board wants further discussion and conversation about how to structure the merit or..."



- Councilor Bushee said, "No merit."

Mr. Miller continued, "... or how to structure the adjustments to pay in the future, and that will require, at least in part, negotiating with the union on the contract, because the COLA and merit are built in, and the compensation plan. But it seems like more direction to staff to bring that forward at the next meeting."

Mr. Garcia said he will try to make sure Nick Lovato attends the next meeting, commenting he's the President, and he needs to be here to speak to this.

Mr. Miller said, "These are also matters for the Board to consider about strategy in negotiating with the union."

- Chair Chavez said he hasn't decided one way or another. He said, "I think that COLA and merit both have their place. I think it can work. If we want to change policy in this regard, we can do that, but now is not the place or time to do that. So we'll have to bring this back to future meetings and flush this out."
- Councilor Bushee said, "To continue with, at least the direction I had wanted to give staff is that I'm not interested in the existing setup. I am interested in hearing from Council #18, if that is the next... in a way we can achieve by using the compensation study that we paid for, ways to get people fairly compensated."

## **VII. MATTERS FROM STAFF**

There were no matters from staff.

## **VIII. MATTERS FROM THE BOARD**

Councilor Lindell said she will be absent for the next meeting.

Mr. Miller said, "Point of clarification, moving back to the approval of the price agreements, and I'm sorry, I didn't have this information available when we were talking about it. But the local preference is available only for us for proposals not bids."

Councilor Bushee said that's not true for the City.

Mr. Miller said, "That comes from the County. And the Board developed the policy based on the common denominator of the City, the County and the State Procurement Code. That's where we wound up. So, the request for bid that went out was done in accordance with the procurement law."

Councilor Bushee said if this is the case, she would like the Board to review the policy at the next meeting, and consider offering the local preference for request for bids.

Mr. Miller said, "I would be happy to design whatever the Board would like. The reason why it was written like that, was because the County only allowed, and I'll verify this and bring to the Board, but the County only offered local preference for request for proposals. And so the so Board can only do what both the City and the County allowed, and not to go beyond that."

Councilor Bushee said, "But I'm asking that we bring it forward as a new policy and vote on it here."

Mr. Miller said, "I'm happy to discuss it, but the reason the Board couldn't go with the City with the preference is because the County didn't allow it. So we didn't want to go beyond what the County offered."

Councilor Bushee asked if the State has a local preference.

Mr. Miller said, "The State allows local governments to institute local preferences. And what the City and the County did, and the reason SWMA didn't have a local preference up until Spring of last year, is because the County did not have a local preference. The County passed an Ordinance providing for the local preference."

Councilor Bushee said, "We are a joint board, but we are governed or in some ways, our limits are set by the State. Are you telling me we are not allowed to consider a change of policy to include local preference for bids."

Mr. Miller said, "Yes, because that would exceed what the County has authorized for local preferences."

Councilor Bushee said, "Even though the State does not pre-empt it."

Mr. Miller said, "Right."

Councilor Bushee said, "And you always put things out to bid as a request for bid, rather than for a proposal. So that's a policy that we could ask staff just for direction, to consider putting out requests for proposals instead of bids."

Mr. Miller said, "There are different criteria that apply. I think this was a request for bid because the items are quantifiable in the sense of the parts and labor, as opposed to more of a subjective quality of a request for proposal."

Council Bushee asked if a local preference is allowed for requests for proposal for professional services, and Mr. Kippenbrock said yes.

Councilor Maestas said he had asked for a list of lessons learned on Amnesty Day and didn't get it. He asked if he could get that. He wants to make sure we make some corrections and changes before the Fall Amnesty Day we have scheduled.

Councilor Maestas asked, as an information item, for some model ordinances on pay as you throw, such as that in Silver City, and keep that as a standing Agenda item, until we come up with a way to incentivize recycling – cost/price it if you will.

**IX. NEXT MEETING DATE – THURSDAY, JULY 17, 2014.**

**X. ADJOURNMENT**

**MOTION:** Councilor Lindell moved, seconded by Councilor Bushee, to adjourn the meeting.

**VOTE:** The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 6:52 p.m.

**APPROVED BY:**

---

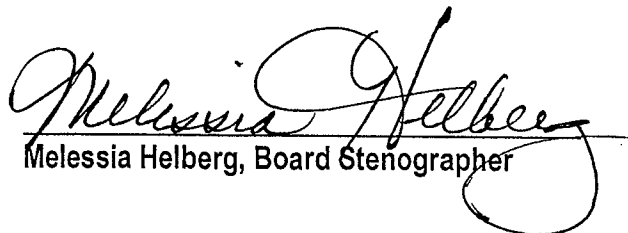
**Miguel Chavez, Chair**

**ATTESTED TO:**

---

**Geraldine Salazar, County Clerk  
Santa Fe County**

**SUBMITTED BY:**

  
**Melessia Helberg, Board Stenographer**