SFC CLERK RECORDED 07/27/2016

SUMMARY OF ACTION
SANTA FE SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD MEETING
SANTA FE COUNTY ADMINISTRATION BUILDING
LEGAL CONFERENCE ROOM
102 GRANT AVENUE
THURSDAY, JUNE 16, 2016, 5:00 PM

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CONSENT CALENDAR

REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH ABBA TECHNOLOGIES OF ALBUQUERQUE, NM, FOR IT PROFESSIONAL SUPPORT SERVICES FOR THE CAJA DEL RIO LANDFILL AND BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF $35,000.00 (REP NO. '16/30/P)

REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO EXTEND THE TERM AND INCREASE THE PROFESSIONAL SERVICES AGREEMENT WITH CDM SMITH INC. OF ALBUQUERQUE, NM, FOR ENGINEERING DESIGN AND PERMITTING

SERVICES FOR THE PERMIT RENEWAL AND MODIFICATION FOR THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF $13,541.00 (RFP NO. '15/03/P).

(1) APPROVAL OF BUDGET INCREASE TO 52522.572950 (WIP START-UP COST FOR BuRRT RENEWAL AND MODIFICATION - EXPENSE) FROM 5520.100700 (LANDFILL PERMITTING RESERVE FUND) IN THE AMOUNT OF $13,541.00.

REQUEST FOR APPROVAL OF CLOSURE/POST-CLOSURE CARE AND PHASE I/II ASSESSMENT COST ESTIMATES FOR THE CAJA DEL RIO LANDFILL.

REQUEST FOR APPROVAL OF CLOSURE/POST-CLOSURE CARE COST ESTIMATES FOR THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION.

REQUEST FOR APPROVAL TO ESTABLISH CASH BALANCES WITH EACH RESERVE FUND AS SET FORTH IN THE AGENCY'S RESERVE FUND POLICY.

(1) APPROVAL OF BUDGET INCREASE FROM 52501.700150 (CASH BALANCE WITHIN THE OPERATING FUND) TO BE APPORTIONED BETWEEN 51502.600150 (EQUIPMENT REPLACEMENT RESERVE FUND), 51503.600150 (LANDFILL GAS COLLECTION RESERVE FUND), 51507.600150 (CELL DEVELOPMENT RESERVE FUND), 51508.600150 (EMERGENCY CASH RESERVE FUND); 51509.600150 (CLOSURE/POST - CLOSURE CARE RESERVE FUND) AND 51520.600150 (CAPITAL IMPROVEMENTS RESERVE FUND) IN THE TOTAL AMOUNT OF $2,921,000.00.

(2) APPROVAL OF BUDGET INCREASE FROM 52505.700150 (INSURANCE DEDUCTIBLES RESERVE FUND) TO 51520.600150 (CAPITAL IMPROVEMENTS RESERVE FUND) IN THE AMOUNT OF $105,169.22.

MATTERS FROM THE EXECUTIVE DIRECTOR NONE 6

EXECUTIVE SESSION 6-7

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(A) DISCUSSION OF LIMITED PERSONNEL MATTERS REGARDING THE EXECUTIVE DIRECTOR, PURSUANT TO NMSA 1978 S10-15-1 (H)(2)

(B) DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE SANTA FE SOLID WASTE MANAGEMENT AGENCY, INCLUDING, WITHOUT LIMITATION, THE LEASE OF THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION, PURSUANT TO NMSA 1978 S 10-15-1 (H)(8).

X. POSSIBLE ACTION(S) WITH RESPECT TO THE PERSONNEL MATTERS REGARDING THE EXECUTIVE DIRECTOR	POSTPONED	7
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XII. MATTERS FROM THE BOARD	NONE	10
XIII. MATTERS FROM STAFF - AGENCY, CITY, COUNTY	NONE	10
XIV. NEXT MEETING DATE	JULY 21, 2016	10
ADJOURNMENT	ADJOURNED	10

SANTA FE SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD MEETING
SANTA FE COUNTY ADMINISTRATION BUILDING
LEGAL CONFERENCE ROOM
102 GRANT AVENUE
THURSDAY, JUNE 16, 2016, 5:00 PM

I. CALL TO ORDER

The meeting of the Santa Fe Solid Waste Management Agency Joint Powers Board was called to order by Chair Kathy Holian, at 5:00 pm on Thursday, June 16, 2016, at the Santa Fe County Administration Building, Legal Conference Room. 102 Grant Avenue, Santa Fe, New Mexico.

II. ROLL CALL

MEMBERS PRESENT
Commissioner Kathy Holian, Chair
Councilor Michael Harris, Vice Chair
Commissioner Miguel Chavez
Commissioner Henry Roybal

MEMBERS ABSENT
Councilor Joseph Maestas, Excused
Councilor Renee Villarreal, Excused

OTHERS PRESENT
Matt O'Reilly, City of Santa Fe
Nick Schiavo, City of Santa Fe
Joe Eiger, Eldorado 285 Recycling
Les Francisco, Santa Fe County
Danita Boettner, SF SWMA
Lynette Kennard, Santa Fe County
Randall Kippenbrock, Director, SWMA
Rosalie Cardenas, SF SWMA
Adam Schlachter, SF SWMA
Angelica Salazar, SF SWMA
Shirlee Sittan, SF Environmental Services
Nancy Long, Legal Council
Elizabeth Martin, Stenographer

SFC CLERK RECORDED 08/22/2016

9/22/16 Received SFC

III. APPROVAL OF AGENDA

MOTION A motion was made by Commissioner Chavez, seconded by Commissioner Roybal, to approve the agenda as presented.

VOTE The motion passed unanimously by voice vote.

IV. APPROVAL OF CONSENT CALENDAR

Councilor Harris asked that items "D" and "E" be pulled for discussion.

MOTION A motion was made by Commissioner Chavez, seconded by Commissioner Roybal, to approve the Consent Calendar as amended.

VOTE The motion passed unanimously.

V. APPROVAL OF MINUTES

APRIL 21, 2016

MOTION A motion was made by Commissioner Chavez, seconded by Commissioner Roybal, to approve the minutes of April 21, 2016.

VOTE The motion was passed unanimously by voice vote.

VI. MATTERS FROM THE PUBLIC

Mr. Eiger said the full Board of County Commissioners passed a new solid waste Ordinance. It is the first time in County history that the County is beginning to take responsibility with what happens with curb side collection. 5,000 homes will now have curb side available. He thanked the three County Commissioners. He said he had deep regrets at the loss of Commissioner Holian and Commissioner Chavez two of the biggest advocates for sustainability.

Chair Holian said thank you to you. You made it happen.

Commissioner Chavez said yes, and thank you to the entire Solid Waste Task Force Committee.

VII. CONSENT CALENDAR

A) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH ABBA TECHNOLOGIES OF ALBUQUERQUE, NM, FOR IT PROFESSIONAL SUPPORT SERVICES FOR THE CAJA DEL RIO LANDFILL AND BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF $35,000.00 (REP NO. '16/30/P)**

B) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO EXTEND THE TERM AND INCREASE THE PROFESSIONAL SERVICES AGREEMENT WITH CDM SMITH INC. OF ALBUQUERQUE, NM, FOR ENGINEERING DESIGN AND PERMITTING SERVICES FOR THE PERMIT RENEWAL AND MODIFICATION FOR THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION IN THE AMOUNT OF $13,541.00 (RFP NO. '15/03/P).**

(1) **APPROVAL OF BUDGET INCREASE TO 52522.572950 (WIP START-UP COST FOR BuRRT RENEWAL AND MODIFICATION - EXPENSE) FROM 5520.100700 (LANDFILL PERMITTING RESERVE FUND) IN THE AMOUNT OF $13,541.00.**

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

D) **REQUEST FOR APPROVAL OF CLOSURE/POST-CLOSURE CARE COST ESTIMATES FOR THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION.**

E) **REQUEST FOR APPROVAL TO ESTABLISH CASH BALANCES WITH EACH RESERVE FUND AS SET FORTH IN THE AGENCY'S RESERVE FUND POLICY.**

(1) **APPROVAL OF BUDGET INCREASE FROM 52501.700150 (CASH BALANCE WITHIN THE OPERATING FUND) TO BE**

SFC CLERK RECEIVED 8/17/2016

APPORTIONED BETWEEN 51502.600150 (EQUIPMENT REPLACEMENT RESERVE FUND), 51503.600150 (LANDFILL GAS COLLECTION RESERVE FUND), 51507.600150 (CELL DEVELOPMENT RESERVE FUND), 51508.600150 (EMERGENCY CASH RESERVE FUND); 51509.600150 (CLOSURE/POST - CLOSURE CARE RESERVE FUND) AND 51520.600150 (CAPITAL IMPROVEMENTS RESERVE FUND) IN THE TOTAL AMOUNT OF $2,921,000.00.

(2) **APPROVAL OF BUDGET INCREASE FROM 52505.700150 (INSURANCE DEDUCTIBLES RESERVE FUND) TO 51520.600150 (CAPITAL IMPROVEMENTS RESERVE FUND) IN THE AMOUNT OF $105,169.22.**

DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR.

7. D. REQUEST FOR APPROVAL OF CLOSURE/POST-CLOSURE CARE COST ESTIMATES FOR THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION.

Councilor Harris asked do these estimates get reviewed by NMED or some other entity.

Mr. Kippenbrock said yes. NMED reviewed them last year and they accepted them. He also had an outside engineer look at the numbers five years ago. They are consistent with that methodology.

Councilor Harris said they are certainly consistent with last year.

MOTION A motion was made by Commissioner Chavez, seconded by Commissioner Roybal, to approve item 7 (D).

VOTE The motion passed unanimously by voice vote.

7. E. REQUEST FOR APPROVAL TO ESTABLISH CASH BALANCES WITH EACH RESERVE FUND AS SET FORTH IN THE AGENCY'S RESERVE FUND POLICY.

(1) **APPROVAL OF BUDGET INCREASE FROM 52501.700150 (CASH BALANCE WITHIN THE OPERATING FUND) TO BE APPORTIONED BETWEEN 51502.600150 (EQUIPMENT REPLACEMENT RESERVE FUND), 51503.600150 (LANDFILL GAS COLLECTION RESERVE FUND), 51507.600150 (CELL DEVELOPMENT RESERVE FUND), 51508.600150 (EMERGENCY CASH RESERVE FUND); 51509.600150 (CLOSURE/POST - CLOSURE CARE RESERVE FUND) AND 51520.600150 (CAPITAL IMPROVEMENTS RESERVE FUND) IN THE TOTAL AMOUNT OF $2,921,000.00.**

(2) **APPROVAL OF BUDGET INCREASE FROM 52505.700150 (INSURANCE DEDUCTIBLES RESERVE FUND) TO 51520.600150 (CAPITAL IMPROVEMENTS RESERVE FUND) IN THE AMOUNT OF $105,169.22.**

Councilor Harris said on this one, he remembers the initial discussion in March about the reserve policy. How are these numbers determined.

Mr. Kippenbrock said from his financial model and the review by the outside consultant NewGen. We came to conclusions about a reasonable amount.

Councilor Harris asked this is under capital improvements. What examples are we talking about.

Mr. Kippenbrock said structures and roads.

Commissioner Chavez said that includes maintenance as well.

Mr. Kippenbrock said yes, major projects.

Councilor Harris asked looking at capital improvements is there a dollar amount level used as opposed to expenseing something.

Mr. Kippenbrock said yes.

Ms. Salazar said we follow the City of Santa Fe threshold of $100,000.

Councilor Harris said there has been a lot of discussion about that benchmark.

MOTION A motion was made by Commissioner Chavez, seconded by Commissioner Roybal, to approve item 7 (E), including parts (1) and (2).

VOTE The motion passed unanimously by voice vote.

VIII. MATTERS FROM THE EXECUTIVE DIRECTOR

None.

IX. EXECUTIVE SESSION

MOTION A motion was made by Commissioner Chavez, seconded by Commissioner Roybal, to enter into Executive Session for the purpose of the items listed.

VOTE The motion passed unanimously by Roll Call vote.

Councilor Harris said it is his understanding that he can ask two staff members to stay in the Executive Session.

Chair Holian said she is chair and would like for it to be the Board and our attorney in the Executive Session to begin with.

Councilor Harris said he is going to request that Mr. O'Reilly and Mr. Schiavo join us on the lease discussion.

Chair Holian said we will discuss the items first then decide to call them in or not.

The Board went into Executive Session at 5:20 pm.

The Executive Session ended at 6:35 pm.

MOTION A motion was made by Commissioner Chavez, seconded by Commissioner Roybal, to end the Executive Session and return to the regular meeting. He also stated that the items that were discussed were limited to the two items listed on the agenda.

VOTE The motion passed unanimously by voice vote.

(A) DISCUSSION OF LIMITED PERSONNEL MATTERS REGARDING THE EXECUTIVE DIRECTOR, PURSUANT TO NMSA 1978 S10-15-1 (H)(2)

(B) DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE SANTA FE SOLID WASTE MANAGEMENT AGENCY, INCLUDING, WITHOUT LIMITATION, THE LEASE OF THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION, PURSUANT TO NMSA 1978 S 10-15-1 (H)(8).

X. POSSIBLE ACTION(S) WITH RESPECT TO THE PERSONNEL MATTERS REGARDING THE EXECUTIVE DIRECTOR

Chair Holian asked if anyone wished to speak on item X.

MOTION A motion was made by Councilor Harris, seconded by Commissioner Roybal, to postpone item X to the next meeting.

VOTE The motion passed unanimously by voice vote.

XI. POSSIBLE ACTION(S) WITH RESPECT TO THE LEASE OF THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION.

Chair Holian asked if anyone wished to speak on item XI.

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Councilor Harris said he would like to ask Mr. O'Reilly to give a brief update on this item.

Mr. O'Reilly said he would be happy to answer questions if there are any.

MOTION A motion was made by Commissioner Chavez, seconded by Commissioner Roybal to postpone item XI to the next meeting so that the full Board could address the issue.

Councilor Harris said he would like to ask Mr. O'Reilly to provide his view of the contract lease negotiations, including the mechanics of it and what the issues are.

VOTE The motion passed by a vote of 3 yes, 1 no, with Councilor Harris voting no.

Councilor Harris asked Mr. O'Reilly to give a brief summary. We are postponing this because it is an important matter but we don't have all members of the Board present. There is a lot of disagreement with the terms. We had a good discussion. He would like for Mr. O'Reilly to summarize the points he thinks are critical from the City's point of view.

Mr. O'Reilly said what is critical is right for SWMA to continue using the City's premises and that ends on June 30th. The City has written three separate letters extending and allowing SWMA to continue to occupy the premises. July 1, 2015, October 28, 2015 and April 28, 2016, each time extending month to month of the site with expectation that we would have this lease agreement heard by SWMA. This most recent notification ends on June 30th. He has no idea if the City Council wishes to continue this in this fashion past June 30th. That why we expected to have this item heard at this meeting. Frankly, he is surprised to hear so many disagreements. We have been working on this since last summer with the Executive Director and we understood the annual rental rate was the only issue. He was surprised to hear that there are many items not acceptable. He was also surprised to hear that the SWMA attorney only just recently got the documents to review.

Commissioner Chavez said the only sticking point he has is the annual rate. He doesn't mind paying more rent if it is reasonable. The other things are minor and can be worked out. The total dollar amount he thinks is still too high and needs more discussion.

Mr. O'Reilly said by our calculations over the course of the eleven years of the lease SWMA has paid a total of four cents per square foot per year. By comparison the City recently leased vacant land 1/4 mile from here for which we charge forty one cents per square foot for and that is without any buildings. As to what is fair we would greatly dispute that. What the City is asking for at this point is enough money to cover our current debt service and so that there is some kind of fund the City can create. SWMA can exit this lease on short notice. There are several large ticket items that have been deferred and not taken care of at the site so the City would be left to have to finance all of those things. Also there are issues of the operation operating outside of the current lease boundaries. Those have been ignored. It is time to clean these up. We are ready to advise the City to enter into the lease as negotiated. If that is not acceptable to this Board we need to know that right away. If that is not going to happen we strongly request that action be taken on this at the next meeting or that a special meeting be called to deal with this issue.

Councilor Harris said thank you for the summarization.

Chair Holian said at this point she would like to get together with the attorney and Mr. Kippenbrock and talk about our next steps before she makes any decisions about emergency meetings.

XII. MATTERS FROM THE BOARD

Councilor Harris asked is it possible to get the packets on line through the program available.

Ms. Cardenas said she still needs to get training on the system and is working on it.

Councilor Harris said that would be really helpful and would be appreciated.

Chair Holian asked Mr. Kippenbrock to give a status report on the composting operations at Caja Del Rio.

Mr. Kippenbrock said we are under contract with Payne nursery. They have yet to produce any product at this time. His goal is to meet with them next week.

Chair Holian asked that an update be given at the next meeting.

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XIII. MATTERS FROM STAFF - AGENCY, CITY, COUNTY

None

XIV. NEXT MEETING DATE: JULY 21, 2016

ADJOURNMENT

MOTION A motion was made by Commissioner Roybal, seconded by Commissioner Chavez, to adjourn the meeting.

VOTE The motion was passed unanimously by voice vote.

The meeting adjourned at 6:56 pm.

Attested to By:

Kathy Holian, Chair

Geraldine Salazar, Santa Fe County Clerk

Elizabeth Martin, Stenographer

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SOLID WASTE MINUTES
PAGES: 13

I Hereby Certify That This Instrument Was Filed for Record On The 27TH Day Of July, 2016 at 08:51:07 AM And Was Duly Recorded as Instrument # 1799803 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy _____ County Clerk, Santa Fe, NM