

**AGENDA**

CITY CLERK'S OFFICE

DATE 1-6-11 TIME 8:00 pm

SERVED BY Randall Kippenbrock  
RECEIVED BY Paula C. [Signature]

REGULAR MEETING

SANTA FE SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD

JANUARY 20, 2011

12:00 P.M.

LEGAL CONFERENCE ROOM  
SANTA FE COUNTY COURTHOUSE  
102 GRANT AVENUE  
SANTA FE, NM

**I. Call to Order**

**II. Roll Call**

**III. Approval of Agenda**

**IV. Approval of Minutes for Regular Meeting - December 15, 2010**

**V. Matters from the Public**

**VI. Matters from the Board**

(A) Welcome New Board Members.

**VII. Matters from the Executive Director**

(A) Request for Approval of Amendment No. 2 to Agreement with SCS Field Services of Albuquerque, NM for the Operation and Maintenance of the Landfill Gas Collection System at the Caja del Rio Landfill in the Amount of \$9,000.00.

(1) Approval of Budget Increase from 5503.100700.07000 (Landfill Gas Collection Reserve) to 52501.510300 (Professional Services) in the Amount of \$9,000.00.

(B) Request for Approval of Professional Service Agreement with Long, Pound & Komer, P.A. of Santa Fe, NM for Legal Services in the Amount of \$35,000.00 (RFP # '11/06/P).

(1) Approval of Budget Increase from 5500.100700.07000 (Cash) to 52501.510200 (Legal Services) in the Amount of \$42,012.00.

(C) Discussion with Possible Action to Fund a Joint City/County Recycling Program Focusing on Unwanted Catalogs and Phone Books via Catalog Choice, a Non-Profit Corporation.

**VIII. Executive Session**

(A) Discussion of Pending or Threatened Litigation in Which the Santa Fe Solid Waste Management Agency is or May Become a Participant, Pursuant to NMSA 1978, §10-15-1(H)(7); Limited Personnel Matters Regarding the Executive Director, pursuant to NMSA 1978, §10-15-1(H)(2).

**IX. Next Meeting Date**

**X. Adjournment**

Anyone needing further information or requiring special needs for the disabled should contact Jodie Gonzales at (505) 424-1850, extension 120.

SUMMARY INDEX  
CITY AND COUNTY OF SANTA FE  
SOLID WASTE MANAGEMENT AGENCY  
REGULAR BOARD MEETING  
January 20, 2011

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER & ROLL CALL	Quorum	1
APPROVAL OF THE AGENDA	Approved	1-2
APPROVAL OF THE MINUTES – DECEMBER 15, 2010	Approved	2
MATTERS FROM THE PUBLIC	None	2
<u>MATTERS FROM THE BOARD</u>		
WELCOME NEW BOARD MEMBERS		2
<u>MATTERS FROM THE EXECUTIVE DIRECTOR</u>		
REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO AGREEMENT WITH SCS FIELD SERVICES OF ALBUQUERQUE, NM FOR THE OPERATION AND MAINTENANCE OF THE LANDFILL GAS COLLECTION SYSTEM AT THE CAJA DEL RIO LANDFILL IN THE AMOUNT OF \$9,000.00.	Approved	2-3
APPROVAL OF BUDGET INCREASE FROM 5503.100700.07000 (LANDFILL GAS COLLECTION RESERVE) to 52501.510300 (Professional Services) in the amount of \$9,000	Approved	2-3
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICE AGREEMENT WITH LONG, POUND & KOMER, P.A., OF SANTA FE, NM, FOR LEGAL SERVICES IN THE AMOUNT OF \$35,000.00 ( RFP #11/06/P)	Approved	3-4
APPROVAL OF BUDGET INCREASE FROM 5500.100700.07000 (CASH) TO 52501.510200 (LEGAL SERVICES) IN THE AMOUNT OF \$42,012.00	Approved	3-4

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
DISCUSSION OF POSSIBLE ACTION TO FUND A JOINT CITY/COUNTY RECYCLING PROGRAM FOCUSING ON UNWANTED CATALOGS AND PHONE BOOKS VIA CATALOG CHOICE, A NON-PROFIT CORPORATION	Approved [amended]	4-7
EXECUTIVE SESSION	Approved	7-8
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	8
NEXT MEETING DATE	February 17, 2011	8
ADJOURNMENT		8

**MEETING OF THE  
SANTA FE SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD  
Legal Conference Room  
Santa Fe County Courthouse  
January 20, 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 Wednesday, January 20, 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  
Councilor Ronald S. Trujillo  
Commissioner Virginia Vigil  
[Vacancy]

**STAFF PRESENT:**

Randall Kippenbrock, Executive Director – SWMA  
Jody Gonzales, SWMA  
Rita Fiore-Lucero, SWMA  
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance

**III. APPROVAL OF THE AGENDA**

Chair Romero said she would like to have an Executive Session to the agenda.

Ms. Long noted an Executive Session was added as a regular agenda item, and the Board can do a short executive session on pending or threatened litigation, and limited personnel matters.

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

**VOTE:** The motion was approved on a voice vote, with Commissioner Holian, Commissioner Vigil and Councilor Trujillo voting in favor of the motion, no one voting against and Commissioner Mayfield absent for the vote.

#### **IV. APPROVAL OF THE MINUTES – DECEMBER 15, 2010**

**MOTION:** Commissioner Holian moved, seconded by Councilor Trujillo, to approve the minutes of the regular meeting of December 15, 2010, as presented.

**VOTE:** The motion was approved on a voice vote, with Commissioner Holian, Commissioner Vigil and Councilor Trujillo voting in favor of the motion, no one voting against and Commissioner Mayfield absent for the vote.

*Commissioner Mayfield arrived at the meeting*

#### **V. MATTERS FROM THE PUBLIC**

There were no matters from the public.

#### **VI. MATTERS FROM THE BOARD**

##### **A. WELCOME NEW BOARD MEMBERS**

Chair Romero introduced newly-elected Commissioner Daniel Mayfield, who has been appointed to serve on this Board, and asked everyone else in attendance to introduce themselves.

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

##### **A) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO AGREEMENT WITH SCS FIELD SERVICES OF ALBUQUERQUE, NM FOR THE OPERATION AND MAINTENANCE OF THE LANDFILL GAS COLLECTION SYSTEM AT THE CAJA DEL RIO LANDFILL IN THE AMOUNT OF \$9,000.00.**

##### **(1) APPROVAL OF BUDGET INCREASE FROM 5503.100700.07000 (LANDFILL GAS COLLECTION RESERVE) to 52501.510300 (Professional Services) in the amount of \$9,000.**

Mr. Kippenbrock presented information regarding this matter from his Memorandum of January 7, 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.

**MOTION:** Commissioner Vigil moved, seconded by Commissioner Holian, to approve Amendment No. 2 to the Agreement with SCS Field services of Albuquerque, in the amount of \$9,000, as requested by staff.

**DISCUSSION:** Responding to Councilor Trujillo, Mr. Kippenbrock said the \$9,000 is needed to provide routine services in Task 2 of the Agreement for non-routine services – unscheduled shutdown and trying to get it back up and running.

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

**MOTION:** Commissioner Vigil moved, seconded by Commissioner Holian, to approve the budget increase in the amount of \$9,000, as requested by staff.

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

- (B) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICE AGREEMENT WITH LONG, POUND & KOMER, P.A., OF SANTA FE, NM, FOR LEGAL SERVICES IN THE AMOUNT OF \$35,000.00 ( RFP #11/06/P)**
- (1) APPROVAL OF BUDGET INCREASE FROM 5500.100700.07000 (CASH) TO 52501.510200 (LEGAL SERVICES) IN THE AMOUNT OF \$42,012.00**

Nancy Long, Esq., Long, Pound & Komer, P.A., excused herself for this part of the meeting.

Mr. Kippenbrock presented information regarding this matter from his Memorandum of January 7, 2011, 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.

Mr. Kippenbrock noted this year's process was very similar to what was done last year, and the proposal of Long, Pound & Komer, P.A. of Santa Fe was chosen. He noted Basham and Basham was a close second, with Sutin, Thayer third. Mr. Kippenbrock recommended approval of the proposed PSA and the proposed budget increase.

Councilor Trujillo asked if the proposed PSA includes the \$7,012 for legal fees in conjunction with the recent BLM Settlement Agreement, or if it is in addition to the \$35,000 for the PSA. Mr. Kippenbrock said it is included in the Budget Adjustment Request and is in addition to the \$35,000.

Chair Romero advised Commissioner Mayfield that she will meet with him and Mr. Kippenbrock separately to bring him up to speed on the BLM issue.

Chair Romero said the motion to approve the budget increase request needs to include the specific dollar amount..

Responding to Commissioner Holian, Mr. Kippenbrock said this is a 3-year contract with the option to renew annually for 3 years.

**MOTION:** Commissioner Holian moved, seconded by Councilor Trujillo, to approve the Professional Services Agreement with Long, Pound & Komer, P.A., of Santa Fe, for Legal Services in the amount of \$35,000.

**DISCUSSION:** Commissioner Mayfield said Mr. Kippenbrock noted this was a close bid, and asked the reason Long, Pound & Komer was chosen.

Mr. Kippenbrock said Long, Pound & Komer bid \$160 per hour and Basham \$150. However, it comes down to the experience of the firm and its principals, noting one of the principals has extensive landfill permitting experience. He said the bids for the total amount of the contract were very, very close, but the selection committee decided to award the bid to Long, Pound & Komer, based on its experience.

Commissioner Vigil noted there is a difference of some \$7,000 between the BAR and the contract, and asked if we needed to have noticed Item B(1) separately.

Mr. Kippenbrock said no. The additional \$7,012 in the BAR is payment for a legal subcontract which was done through, and paid by, Long, Pound & Komer.

**VOTE:** The motion was approved on a voice vote, with Commissioner Holian, Commissioner Vigil and Councilor Trujillo voting in favor of the motion, no one voting against and Commissioner Mayfield abstaining.

**MOTION:** Commissioner Holian moved, seconded by Councilor Trujillo, to approve the request for a budget increase in the amount of \$42,012.00, as requested by staff.

**VOTE:** The motion was approved on a voice vote, with Commissioner Holian, Commissioner Vigil and Councilor Trujillo voting in favor of the motion, no one voting against and Commissioner Mayfield abstaining.

**(C) DISCUSSION OF POSSIBLE ACTION TO FUND A JOINT CITY/COUNTY RECYCLING PROGRAM FOCUSING ON UNWANTED CATALOGS AND PHONE BOOKS VIA CATALOG CHOICE, A NON-PROFIT CORPORATION.**

Mr. Kippenbrock presented information regarding this matter from his Memorandum of January 7, 2011, with attachments, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "3." Please see Exhibit "3" for specifics of this presentation.

Councilor Trujillo asked if we approached Catalog Choice, or did Catalog Choice come to us.

Mr. Kippenbrock said Catalog Choice came to us.

Councilor Trujillo asked if this is the only proposal we have received.

Regina Wheeler said Councilor Calvert brought this proposal for a catalog opt out program in response to the goal of the City and SWMA to reduce waste going to the landfill and to encourage increased recycling. She said it is important to Councilor Calvert to reduce the carbon footprint. She said Councilor Calvert saw this service at a conference he attended, and the company later contacted SWMA.

Councilor Trujillo said it is a good idea. However, he would like to invite someone from the company to attend a SWMA meeting and/or the City Council, and explain how the program works and what they are going to do.

Responding to a question from the Board, Ms. Wheeler, explained that this would be a joint City/County venture, and the City and County would incorporate this information in its publications and outreach. She said we would meet with the companies and stay in communication. She said Catalog Choice would follow up with the participants to ensure that they do not continue to receive unwanted phone books, as well as working with the companies to be sure they don't continue to sent the phone books.

Ms. Wheeler said this program would stop unwanted phone books from being mailed to participants. She said Catalog Choice does have a non-profit website where people can sign up to stop unwanted catalogs at no charge.

Commissioner Holian said it does work, noting she subscribed to the service. She is supportive of this proposal, and said she doesn't need a presentation.

Commissioner Vigil asked who will pay the \$10,000.

Mr. Kippenbrock said it will come from Professional Services from SWMA. He said Catalog Choice is trying to do a campaign drive to get major cities signed up.

Commissioner Vigil asked why they chose Santa Fe for the pilot program.

Ms. Wheeler said because Santa Fe has a recognizable name, and because of it's size.

Commissioner Vigil asked who will pay for the advertising.

Ms. Wheeler said it will be done in conjunction with our respective advertising, and there will be no additional costs to SWMA, the City or the County.

Commissioner Vigil said then the in-house promotion would be done through the PIO. She said the County just approved \$50,000 to match the City, in response to Keith Toler's proposal to pool funds for tourist promotion. She said she feels strongly about joining resources, so the County allocated \$37,500



for this joint effort in promoting tourism, but this might fit in that. She asked if there is someone on staff to do this.

Ms. Wheeler said yes, SWMA just hired Mike [?] who has a great deal of experience in marketing things such as this program.

Councilor Trujillo said if people can go on line and sign up for free, why are we paying for this service.

Ms. Wheeler said they are helping us set up the website and to get people to sign up. She said cancellation of unwanted phone books isn't a part of the free service.

Chair Romero said she believes it would be worthwhile to do the pilot program.

**MOTION:** Commissioner Holian moved, seconded by Chair Romero, for purposes of discussion, to approve the one-year pilot program for \$10,000 and to enter into negotiations with the company to provide this service.

**DISCUSSION:** Mr. Mayfield asked how much recycling is being produced annually.

Ms. Wheeler said approximately 5,000 tons per year, 60% of which is paper.

Mr. Mayfield asked about the baseline, noting it is projected to eliminate 400,000 pounds of waste to the landfill, but there is no baseline.

Mr. Kippenbrock said currently it is 100,000 pounds, and Catalog Choice believes it can increase that to 327,000 pounds of diverted waste.

Commissioner Vigil said if they have a website where the consumer can sign up for free, we may be paying for something we could put on our website and do our own outreach.

Ms. Wheeler said they do a good job collecting data.

Commissioner Vigil said we could create links on our websites, commenting she believes we should be focusing within our resources with a link to this service at our respective websites.

Councilor Trujillo said his concern is getting the word to the public, and it would be better to advertise our services, saying just building a website won't do that.

Mr. Kippenbrock said he is unsure we can set up a link, reiterating that the service on phone books is a special part of the service which isn't available as a free service. He said part of the service will be helping with our website and outreach.

Commissioner Vigil said her concern is do we have interested parties, and how much we would capture through the non-profit website.

Chair Romero said she gets a lot of phone books which she doesn't want and can't use. She said part of this service is stopping the phone books before they reach us. She is willing to support a one-year program to see if we can make a difference. She said this is a good opportunity for the public. She pointed out that there are no additional costs for advertising and they will help us with the program. She said it also lets the public know that the City and County are working together to divert waste from the landfill and in promoting our joint efforts to increase recycling.

Councilor Trujillo said then the program to which Commissioner Holian subscribed was free, but it didn't include stopping phone books or junk mail. He asked what is the limit of the list of things that can be stopped for free.

Commissioner Holian said it is extensive, but they don't stop local circulars or phone books. She said Catalog Choice also works directly with the companies to stop unwanted mail.

Commissioner Trujillo said his questions about this have been answered.

Commissioner Mayfield asked what kind of information do they want from people signing up.

Commissioner Holian said they want names and addresses, stressing that this information is not shared, is kept confidential and not given/sold to other companies, noting people won't be getting spam from signing up for the program.

Commissioner Holian reiterated that important thing about this joint effort, is that the City and County are committed to working together in diverting waste from the landfill and greatly increasing recycling.

**FRIENDLY AMENDMENT:** An amendment was proposed to the motion to authorize SWMA to pay the \$10,000 for the pilot program, and for the Executive Director to enter into a contract for the pilot program.  
**THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE BOARD.**

**VOTE:** The motion, as amended, was approved on a voice vote, with Commissioner Mayfield, Commissioner Holian and Councilor Trujillo voting in favor of the motion and Commissioner Vigil voting against.

## **VIII. EXECUTIVE SESSION**

### **A. DISCUSSION OF PENDING OR THREATENED LITIGATION IN WHICH THE SANTA FE SOLID WASTE MANAGEMENT AGENCY IS OR MAY BECOME A PARTICIPANT, PURSUANT TO NMSA 1978, §10-15-1(H)(7); LIMITED PERSONNEL MATTERS REGARDING THE EXECUTIVE DIRECTOR, PURSUANT TO NMSA 1978, §10-15-1(H)(2)**

**MOTION:** Commissioner Holian moved, seconded by Commissioner Vigil, that the Santa Fe Solid Waste Management Agency Joint Powers Board go into Executive Session for the purpose of discussion of pending or threatened litigation in which the Santa Fe Solid Waste Management Agency is or may become a participant, pursuant to §10-15-1(H)(7), NMSA 1978, and limited personnel matters regarding the Executive Director, pursuant to §10-15-1(H)(2), NMSA 1978.

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

**For:** Councilor Trujillo, Commissioner Holian, Commissioner Montoya and Commissioner Vigil.

**Against:** None.

The Board went into Executive Session at 12:35 p.m.

#### **MOTION TO COME OUT OF EXECUTIVE SESSION**

**MOTION:** At 1:05 p.m., Commissioner Holian moved, seconded by Councilor Trujillo, that the Santa Fe Solid Waste Management Agency Joint Powers Board come out of Executive Session, and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

#### **IX. NEXT MEETING DATE**

Chair Romero said the next meeting will be on February 17, 2011, which is the 3<sup>rd</sup> Thursday of the month.

Chair Romero said at the next meeting, Pego Guerrerortiz, Public Utilities Director for the County, will be talking about the work of the County, and some exciting ideas about how things are going to change.

Chair Romero asked people to let her know if there are other issues which need to be placed on the agenda.

Chair Romero said she will be contacting Commissioner Mayfield to set a date and time to update him on the Solid Waste Management Plan and the BLM lawsuit around mineral rights.

#### **X. ADJOURNMENT**

The meeting was adjourned at approximately 1:12 p.m.

**APPROVED BY:**

\_\_\_\_\_  
**Rosemary Romero, Chair**

**ATTESTED TO:**

\_\_\_\_\_  
**Yolanda Y. Vigil, City Clerk**

**SUBMITTED BY:**

  
\_\_\_\_\_  
**Melessia Helberg, Committee Stenographer**