

SUMMARY OF ACTION
SANTA FE SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD
SANTA FE COUNTY ADMINISTRATION BUILDING
LEGAL CONFERENCE ROOM
102 GRANT AVENUE
THURSDAY, JUNE 28, 2018, 1:00 PM

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**SANTA FE SOLID WASTE MANAGEMENT AGENCY
JOINT POWERS BOARD
SANTA FE COUNTY ADMINISTRATION BUILDING
LEGAL CONFERENCE ROOM
102 GRANT AVENUE
THURSDAY, JUNE 28, 2018, 1:00 PM**

I. CAL TO ORDER

The meeting of the Santa Fe Solid Waste Management Agency Joint Powers Board was called to order by Commissioner Anna Hamilton, Chair, at 1:00 pm on Thursday, June 28, 2018, at the Santa Fe County Administration Building, Legal Conference Room, 102 Grant Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT

Commissioner Anna Hamilton, Chair
Councilor Renee Villarreal, Vice Chair
Councilor Michael Harris
Commissioner Anna Hansen
Commissioner Ed Moreno

MEMBERS ABSENT

Councilor JoAnne Vigil Coppler, Excused

OTHERS PRESENT

Randall Kippenbrock, Executive Director, SWMA
Maria Rotunda, Constituent Services Liaison, Commissioner Hansen
Jane Bias, Educational/Outreach Coordinator, SWMA
Shirlene Sitton, Environmental Service
Claudia Bouchett, Santa Fe County
Nancy Long, Long, Komer and Associates
Rosalie Cardenas, SWMA
Yvonne Herrera, County of Santa Fe, Finance
Les Francisco, County of Santa Fe
Joe Eiger, Eldorado
Karen Sweeney
Elizabeth Martin, Stenographer

III. APPROVAL OF AGENDA

Mr. Kippenbrock said he would like to remove item 7 B and add it to the agenda for next month. We are clarifying the veterans preference on the application.

MOTION A motion was made by Commissioner Hansen, seconded by Councilor Villarreal, to approve the agenda as amended.

VOTE The motion passed unanimously by voice vote.

IV. APPROVAL OF CONSENT CALENDAR

Commissioner Hansen pulled items F and H for discussion.

Councilor Harris pulled item D for discussion.

MOTION A motion was made by Commissioner Hansen, seconded by Commissioner Moreno, to approve the consent calendar as amended.

VOTE The motion passed unanimously by voice vote.

**V. APPROVAL OF MINUTES
MAY 17, 2018**

MOTION A motion was made by Commissioner Hansen, seconded by Councilor Villarreal, to approve the minutes as presented.

VOTE The motion passed unanimously by voice vote.

VI. MATTERS FROM THE PUBLIC

Ms. Sweeney commended the City and County for the ads they have been doing and their public education efforts on recycling.

Mr. Eiger invited the Board to attend the Eldorado Pancake Breakfast on July 4th.

VII. CONSENT CALENDAR

A. REQUEST FOR APPROVAL TO AWARD RFB NO. '18/10/B - BURRT TIPPING FLOOR REHABILITATION AND GENERAL STRUCTURAL REPAIRS PROJECT FOR THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION TO ANISSA CONSTRUCTION, INC. OF ALBUQUERQUE, NM, IN THE AMOUNT OF \$537,931.33

(1) APPROVAL OF CONSTRUCTION SERVICES AGREEMENT WITH ANISSA CONSTRUCTION, INC, IN THE AMOUNT OF \$537,931.33.

- (2) **APPROVAL OF BUDGET INCREASE TO 52504.520100 (REPAIR AND MAINTENANCE - BUILDINGS AND STRUCTURES) FROM 5520.100700 (CAPITAL IMPROVEMENTS RESERVE FUND) IN THE AMOUNT OF \$537,931.33.**

Approved on consent.

- B. **REQUEST FOR APPROVAL TO AWARD RFB NO, '18/20/B - CAJA DEL RIO LANDFILL STREET IMPROVEMENTS TO CARREON CONSTRUCTION LLC OF RIO RANCHO, NM, IN THE AMOUNT OF \$189,588.03.**

- (1) **APPROVAL OF CONSTRUCTION SERVICES AGREEMENT WITH CARREON CONSTRUCTION LLC IN THE AMOUNT OF \$189,588.03.**

- (2) **APPROVAL OF BUDGET INCREASE TO 52501.520200 (REPAIR AND MAINTENANCE - GROUNDS AND ROADS) FROM 5520.100700 (CAPITAL IMPROVEMENTS RESERVE FUND) IN THE AMOUNT OF \$189,588.03.**

This item was removed from the agenda.

- C. **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH BOHANNAN HUSTON, INC. OF ALBUQUERQUE, NM FOR ENGINEERING SERVICES FOR THE STREET IMPROVEMENTS PROJECT AT THE CAJA DEL RIO LANDFILL TO EXTEND THE TERM OF AGREEMENT THROUGH AUGUST 9, 2019 AND INCREASE THE COMPENSATION BY \$13,243 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$92,795 (RFP NO. '16/31/P)**

- (1) **APPROVAL OF BUDGET INCREASE RO 52501.510320 (ENGINEERING SERVICES) FROM 5520.100700 (CAPITAL IMPROVEMENTS RESERVE FUND) IN THE AMOUNT OF \$13,243.**

Approved on consent.

- D. **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CDM SMITH INC. OF ALBUQUERQUE, NM, FOR ON-CALL ENGINEERING SERVICES FOR SANTA FE SOLID WASTE MANAGEMENT AGENCY TO ADD**

**SUBTASK 1.7 - VOLUMETRIC CALCULATIONS FOR JUNE 2018 AND
SUBTASK 1.8 - GPS ASSISTANCE FOR CELL 5B BUILD-OUT AND
CELLS 7 AND 8 EXCAVATION AREA AND REALLOCATE FUNDS
FROM TASK 11 - MRF SORT LINE REMOVAL DOCUMENTS AND
ASSISTANCE TO TASK 1 - CAJA DEL RIO LANDFILL SURVEYS AND
VOLUMETRIC CALCULATIONS IN THE AMOUNT OF \$33,179 (RFP
NO. '16/35/P)**

Mr. Kippenbrock said this is the engineering agreement for on-call engineering. The memo is in the packet. He reviewed the memo.

Councilor Harris said his question has to do with task 11. The MRF facility has limited function right now due to the China situation. Do you have any notion of what it would take to put it into service after some work.

Mr. Kippenbrock said no. If things turned around in near future he would look at that. He could pursue decommissioning it if you want to. It would be inactive at this time.

Chair Hamilton said the reason for not going through and getting rid of the MRF equipment now would be to retain it as an option after we look at any feasibility of using that equipment in the near future. That would be a reason for postponing the decommissioning of this.

Mr. Kippenbrock said yes.

Councilor Harris said there are space constraints. What about those.

Mr. Kippenbrock said this equipment takes up about 40% of the space. He felt it was best to move the entire amount because he knows we will look for additional money in December.

Councilor Harris asked so this a money issue.

Mr. Kippenbrock said yes.

Councilor Harris said it seems to him if we have the team in place and the money to do it and no useful life as far as we are concerned that we would move ahead and get rid of it.

Mr. Kippenbrock said we would get any residual value we could get out of it. That may be zero now.

Councilor Harris said we are looking at scrap value.

Chair Hamilton said it makes sense to her to do this as it is proposed until we get our RFPs back and do a cost benefit analysis of whatever options we find there are.

Councilor Harris said that is okay, but he wanted to know the rationale behind this. It seems it is just a cash issue. He wanted to know why. Everything we hear is that it has no functional value to SWMA and is only worth scrap value.

Commissioner Hansen said she does not agree that the equipment value is zero. This is a complicated situation right now and we have an RFP out. She understands we cannot rebuild this MRF the way it was. If our costs continue to raise we may want to know if we can do limited separation. She would rather wait since it is not a necessary thing to do at this moment and see what happens in the market.

Councilor Harris said he is fine with that. He just wanted to know why. He is okay with that.

Chair Hamilton said she understands where it is now is a constrained space.

MOTION A motion was made by Councilor Harris, seconded by Commissioner Hansen, to approve the request.

VOTE The motion passed unanimously by voice vote.

E. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO THE 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 TO EXTEND THE TERM OF THE AGREEMENT THROUGH JUNE 16, 2019 AND INCREASE THE AMOUNT OF COMPENSATION BY \$35,000 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$105,000 (RFP NO. '16/30/P).

Approved on consent.

F. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH FRIEDMAN RECYCLING OF ALBUQUERQUE, NM, LLC, FOR THE PROCESSING AND MARKETING OF RESIDENTIAL AND COMMERCIAL RECYCLABLE MATERIALS FOR THE SANTA FE SOLID WASTE MANAGEMENT AGENCY TO INCREASE THE AMOUNT OF COMPENSATION BY \$110,000 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$270,000 (RFP NO. '15/31/P)

(1) APPROVAL OF BUDGET INCREASE TO 525.04.510310

(SERVICE CONTRACTS) FROM 5500.100700 (OPERATING FUND CASH) IN THE AMOUNT OF \$110,000.

Mr. Kippenbrock said there is a 2 page memo in your packet that describes the contract progression and payments regarding the situation with China. He reviewed the memo.

Mr. Kippenbrock said the processing fee has not changed, but the market value of the material is not as high as we anticipated. He received news this morning that Las Cruces did amend their contract with Friedman this morning. They used a \$75 processing fee with a performance bond of \$500,000. El Paso is continuing on their existing contract. The City of Albuquerque contract is nearly identical to ours.

Commissioner Hansen asked have they all approved them.

Mr. Kippenbrock said Las Cruces and Albuquerque have approved theirs. El Paso is continued on their existing contract.

Commissioner Hansen asked does Las Cruces deal with the El Paso plant or Albuquerque.

Mr. Kippenbrock said El Paso.

Chair Hamilton said she wanted to point out that there is some link between this and the next months 4th year contract approval. This option year terminates July 16th. Our next meeting is July 19th so there will be 3 floating days. Is that an issue.

Ms. Long said we should not have a gap like that.

Chair Hamilton asked what is the recommended approach.

Ms. Long said to extend this 3rd year through the 19th of July.

Councilor Harris asked to what extent did we approach this situation when we approved the budget.

Mr. Kippenbrock said he put \$720,000 in the service contract. He did factor in \$80 a ton.

Councilor Harris asked that \$720,000 is specific to the Freidman contract.

Mr. Kippenbrock said the Freidman processing fund.

Chair Hamilton said it is 10% light if the costs go up in May.

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Councilor Harris said the assumptions Mr. Kippenbrock made were sound. We don't know what is ahead. We have done a good job of anticipating it so far.

Chair Hamilton said regarding the 4th year, if we approve the 4th option year it does not preclude us from looking at options when we get the RFP responses. That will be in 2 to 3 months and we would be a quarter of way through the 4th year, but it is a month to month for potential termination if we decide on another option.

Ms. Long said most of the contracts we have include language that we can terminate with 10 days notice.

Chair Hamilton said it would be good to confirm that for when we discuss the issues. We also need a cost benefit analysis light on this.

Ms. Long said she will bring that to the next meeting.

Councilor Harris said his concern is the flip side of that. Assuming we will renew Friedman for the 4th year and move forward with the RFP, Friedman may consider not responding. They are the largest operator in northern New Mexico. We don't know who the other operators might be. We have been fair with Friedman and they have been up here consistently to plead their case.

Chair Hamilton asked what are the implications of that fear. Are there things we should be doing.

Councilor Harris said they have been a good partner. We don't know what their business considerations may be.

Chair Hamilton said presumably that would impact subsequent years, not this fiscal year.

Commissioner Hansen said if the recycling market does not pick up you have a valid point. If this country does not start looking at its own recycling it might not be in Friedman's best interest to stay in business.

Councilor Harris asked what is your sense of things Mr. Kippenbrock.

Mr. Kippenbrock said they understand that we want to go out to RFP. He thinks they will respond. They do need material to feed the plant. It is going to take some time as far as new mills being developed in the United States. Yesterday he learned that the North American Container in Monterey, Mexico will have a plant and ability to process 38,000 tons of cardboard. They feel that may be doable getting it down there. They did pickup an order for mixed paper for July. They will be sending it out for chipping, but at a negative cost.

Councilor Harris asked so you are fairly confident they will respond to the RFP.

Mr. Kippenbrock said yes.

Chair Hamilton said her feeling is that this a longer term situation than we thought it would be 6 months ago. This problem will go on for long enough to force us to accommodate it permanently. That could include plants in the United States closing down or reducing operations. She doesn't think our actions are effecting Freidman negatively.

Councilor Harris said he does not think so either.

Chair Hamilton said it is our responsibility to look at alternatives. That is not against Friedman or an attempt to get rid of them. She does not see it in that way. It is the most responsible thing to do.

Chair Hamilton asked if the end date for the contract could be changed to the 20th so that we can make sure we are covered.

Ms. Long said that is fine.

MOTION A motion was made by Commissioner Hansen, seconded by Councilor Harris, to approve this request with an extension of the ending date of the 3rd year contract to July 20th.

VOTE The motion passed unanimously by voice vote.

G. REQUEST FOR APPROVAL OF COLLECTIVE BARGAINING AGREEMENT (UNION CONTRACT) BETWEEN SANTA FE SOLID WASTE AGENCY AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 3999.

Approved on consent.

H. INFORMATIONAL ITEM: UPDATE ON BURRT E-WASTE REPURPOSING INITIATIVE.

Mr. Kippenbrock said in April we had a presentation from National Evolution Computer Works. Several issues were raised about the potential for liability associated with the data and there were anti-donation questions.

Mr. Kippenbrock said staff met with the agency attorney and National. The tracking mesh for data would be diluted so we would have some liability and anti-donation is still an issue. If this gentleman is serious he should wait until we go out

for RFP when the current contract expires.

Commissioner Hansen said that is reasonable.

Councilor Harris said the liability issue is the one of biggest concerns and an obstacle. He not ready to move forward on it. We talked about the bond that El Paso is putting in place. He can see a bonding situation relating to this type of approach. The vendor would be required to have a bond to protect the Agency, City and County.

Commissioner Moreno said he agrees.

VIII. MATTERS FROM THE EXECUTIVE DIRECTOR

Mr. Kippenbrock said almost 14 years ago today was his first day with the Agency. One of the first questions he remembers was can we recycle. Here we are 14 years later still answering that question.

Commissioner Hansen said thank you for your time.

Councilor Harris said it is a credit to you for the work you have done with this agency through several administrations. Congratulations and good work.

IX. MATTERS FROM THE BOARD

None.

X. MATTERS FROM STAFF - AGENCY, CITY, COUNTY

None.

XI. NEXT MEETING DATE JULY 19, 2018

XII. ADJOURNMENT

There being no further business before the Board the meeting adjourned at 2:00 pm.

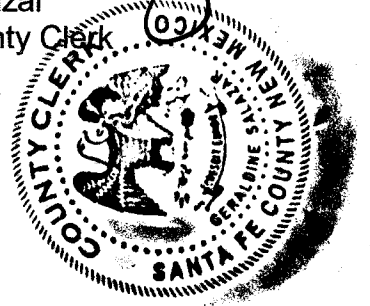
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Anna Hamilton
Commissioner Anna Hamilton, Chair

Elizabeth Martin
Elizabeth Martin, Stenographer

Attested to by:

Geraldine Salazar
Geraldine Salazar
Santa Fe County Clerk



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COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SWAC MINUTES
PAGES: 13

I Hereby Certify That This Instrument Was Filed for
Record On The 24TH Day Of July, 2018 at 08:25:19 AM
And Was Duly Recorded as Instrument # 1863229
Of The Records Of Santa Fe County

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