

**AMENDED AGENDA  
Add VII (B)**

**REGULAR MEETING**

**SANTA FE SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD**

MAY 19, 2011  
12:00 P.M.

ADMINISTRATION CONFERENCE ROOM  
BUCKMAN ROAD RECYCLING AND TRANSFER STATION  
2600 BUCKMAN ROAD  
SANTA FE, NM

CITY CLERK'S OFFICE

DATE 5-13-11 TIME 6:46 pm  
SERVED BY Randall Kipperbrook  
RECEIVED BY [Signature]

- I. Call to Order**
- II. Roll Call**
- III. Approval of Agenda**
- IV. Approval of Minutes for Regular Meeting - March 17, 2011**
- V. Matters from the Public**
- VI. Matters from the Executive Director**
  - (A) Presentation, Discussion and Possible Action on a Ground Mounted Solar Photovoltaic (PV) System to be Installed at the Buckman Road Recycling and Transfer Station (City of Santa Fe Energy Specialist Nicholas Schiavo, Positive Energy).
  - (B) Update and Possible Action on Catalog Choice for a Recycling Program of Unwanted Junk Mail, Catalogs and Phone Books.
  - (C) Project Update on the Construction of the Household Hazardous Waste Collection Facility at the Buckman Road Recycling and Transfer Station.
  - (D) Update on the HHW Collection Event to be Held Sunday, May 22, 2011, at the Buckman Road Recycling and Transfer Station.
- VII. Matters from the Board**
  - (A) Discussion with Possible Action on a Collaborative Effort with Santa Fe County to Hold a Community Protection Day for Reducing the Risk of Wildfires (Commissioner Virginia Vigil).
  - (B) Update on New Legislative Changes That Affect Elected Officials and Employees – Government Conduct Act (SFSWMA Attorney Justin Miller).
- 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.

# AGENDA

## REGULAR MEETING

### SANTA FE SOLID WASTE MANAGEMENT AGENCY JOINT POWERS BOARD

MAY 19, 2011

12:00 P.M.

ADMINISTRATION CONFERENCE ROOM  
BUCKMAN ROAD RECYCLING AND TRANSFER STATION  
2600 BUCKMAN ROAD  
SANTA FE, NM

CITY CLERK'S OFFICE

DATE 5-16-11 TIME 5:01 pm  
SERVED BY Randall K. Koppelman  
RECEIVED BY [Signature]

- I. **Call to Order**
- II. **Roll Call**
- III. **Approval of Agenda**
- IV. **Approval of Minutes for Regular Meeting - March 17, 2011**
- V. **Matters from the Public**
- VI. **Matters from the Executive Director**
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SUMMARY INDEX  
CITY AND COUNTY OF SANTA FE  
SOLID WASTE MANAGEMENT AGENCY  
REGULAR BOARD MEETING  
May 19, 2011

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER & ROLL CALL	Quorum	1
APPROVAL OF THE AMENDED AGENDA	Approved	1-2
APPROVAL OF THE MINUTES – MARCH 17, 2011	Approved	2
MATTERS FROM THE PUBLIC		2
MATTERS FROM THE EXECUTIVE DIRECTOR		
<u>ACTION ITEMS</u>		
PROJECT UPDATE ON THE CONSTRUCTION OF THE HAZARDOUS WASTE COLLECTION FACILITY AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION	Information/discussion	2
UPDATE ON THE HHW COLLECTION EVENT TO BE HELD SUNDAY, MAY 22, 2011, AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION	Information/discussion	3
<u>MATTERS FROM THE BOARD</u>		
UPDATE ON NEW LEGISLATIVE CHANGES THAT AFFECT ELECTED OFFICIALS AND EMPLOYEES – GOVERNMENT CONDUCT ACT	Information/discussion	3-4
MATTERS FROM THE EXECUTIVE DIRECTOR		
<u>ACTION ITEMS</u>		
PRESENTATION, DISCUSSION AND POSSIBLE ACTION ON A GROUND MOUNTED SOLAR PHOTOVOLTAIC (PV) SYSTEM TO BE INSTALLED AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION	Approved application/conditions	5-10
UPDATE AND POSSIBLE ACTION ON CATALOG CHOICE FOR A RECYCLING PROGRAM OF UNWANTED JUNK MAIL, CATALOGS AND PHONE BOOKS	Approved	10

**ITEM****ACTION****PAGE****MATTERS FROM THE BOARD**

DISCUSSION WITH POSSIBLE ACTION ON A  
COLLABORATIVE EFFORT WITH SANTA FE  
COUNTY TO HOLD A COMMUNITY PROTECTION  
DAY FOR REDUCING THE RISK OF WILDFIRES

Approved [amended] 11-14

OTHER MATTERS

Information/discussion/direction 14-15

**EXECUTIVE SESSION**

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)

No Executive Session 15

NEXT MEETING DATE

June 16, 2011 15-16

ADJOURNMENT

16

**SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD MEETING  
Administration Conference Room  
Buckman Road Recycling and Transfer Station  
2600 Buckman Road  
May 19, 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 Vice-Chair Virginia Vigil, Chair, on Thursday, May 19, 2011, at approximately 12:00 noon, in the Administration Conference Room at BuRRT, 2500 Buckman Road, Santa Fe, New Mexico.

**II. ROLL CALL**

**MEMBERS PRESENT:**

Councilor Rosemary Romero, Chair  
Commissioner Kathy Holian  
Commissioner Daniel Mayfield  
Commissioner Virginia Vigil  
[Vacancy]

**MEMBERS EXCUSED:**

Councilor Ronald S. Trujillo

**STAFF PRESENT:**

Randall Kippenbrock, Executive Director – SWMA  
Jodie Garcia, SWMA  
Justin Miller, Legal Counsel  
Melessia Helberg, Stenographer

There was not a quorum of the membership at the time Vice-Chair Vigil called the meeting to order. Vice-Chair Vigil opened the meeting for the receipt of reports only. A quorum was established with the arrival of Chair Romero, and the Board moved forward with the action items on the agenda.

**III. APPROVAL OF THE AGENDA**

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

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

#### **IV. APPROVAL OF THE MINUTES – MARCH 17, 2011**

**MOTION:** Commissioner Holian moved, seconded by Commissioner Mayfield, to approve the minutes of the regular meeting of March 17, 2011, as presented.

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

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

Mr. Kippenbrock introduced Lisa Merrill, the new Education and Outreach Coordinator for SWMA. He said she will be a great asset to SWMA, noting she comes from Santa Barbara, California, and has several years of great experience in outreach coordination, and will be an asset to SWMA.

Chair Romero and the members of the Board welcomed Ms. Merrill.

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

##### **(C) PROJECT UPDATE ON THE CONSTRUCTION OF THE HAZARDOUS WASTE COLLECTION FACILITY AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION.**

Mr. Kippenbrock presented information regarding this matter from his Memorandum of May 12, 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.

Vice-Chair Vigil asked if the facility will be located at the BuRRT site.

Mr. Kippenbrock said yes, and said the facility will be located at the current recycling drop-off site. He said the recycling center will be located near the entrance so people won't have to go through the pay station.

Commissioner Mayfield asked how staff will monitor the recycling center to prevent illegal dumping.

Mr. Kippenbrock said they will monitor the center throughout the day with staff at the front. He said the site will be accessible only during the day 8:00 a.m. to 4:45 p.m., and the gates will be locked at night.

**(D) UPDATE ON THE HHW COLLECTION EVENT TO BE HELD SUNDAY, MAY 22, 2011, AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION.**

Mike Smith, Site Manager, presented information regarding this matter from Randall Kippenbrock's Memorandum dated May 12, 2011, with attachments, to the SFSWMA Joint Powers Board, is incorporated herewith to these minutes as Exhibit "2. Please see Exhibit "2" for specifics of this presentation

Mr. Smith said they had the last planning meeting yesterday, and believe everything is ready to go on Sunday.

Commissioner Holian asked the experience for these events in the past, including traffic and such.

Mr. Kippenbrock said there were approximately 750 vehicles two years ago, and they are anticipating 1,000 vehicles this year.

Commissioner Holian thanked staff for the information, noting she sent the information to her email list and got a lot of positive feedback on it.

Mr. Kippenbrock said Mr. Smith has been on several radio shows, the City's public broadcast station and TV access channel as well. He is looking for a great turnout.

Commissioner Vigil asked if the flyers have been put on the websites for the City and the County, and Mr. Smith said it was sent to both the City and the County for website posting

Mr. Kippenbrock said it also has been in the green line section of *The Santa Fe New Mexican*, saying it has been well publicized over the past two weeks.

Responding to Commissioner Vigil, Mr. Smith said it was sent to Christina at the County, and he will check to be sure it has been posted.

Mr. Kippenbrock said it is on the website on the right side.

**VII. MATTERS FROM THE BOARD**

**B. UPDATE ON NEW LEGISLATIVE CHANGES THAT AFFECT ELECTED OFFICIALS AND EMPLOYEES – GOVERNMENT CONDUCT ACT (SFSWMA ATTORNEY JUSTIN MILLER)**

Justin Miller presented information regarding this matter from his Memorandum of May 17, 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.

Mr. Miller explained the differences between current law and the proposed law, noting it will apply to all units of government. He said the complete text of the new Act is included in the handout [Exhibit "6"].

Mr. Miller noted the new Act is effective July 1, 2011. He spoke with the Attorney General's office and they said that office would be conducting training and education sessions state-wide and are working with the New Mexico Municipal league and the New Mexico Association of Counties. He will monitor that and let this Board know the schedule of those sessions.

Mr. Kippenbrock said the SWMA Agency policy requires all employees to disclose secondary employment, and he has been working to be sure everyone is reporting that.

Mr. Miller said one of the differences is that there are now civil and criminal penalties for failure to comply, noting the criminal penalties come into play with wilful and knowing violations, commenting however that violations likely won't lead to criminal penalties. The point is that there are now real consequences for violation of the Act.

Commissioner Vigil said the County has its own version of the Act, which probably goes beyond the Act. She said we need to do follow-up so that County Legal does a cross-check with SWMA to be sure we are aligned somehow. She asked if there is a problem if the County's Ethics Ordinance supercedes the Act.

Mr. Miller said there is a new provision to the Act which allows local government to enact ordinances which are stricter than the Act. He said local governments are now regulated by this Act as well as by their own local ordinances.

Mr. Miller said he spoke with Geno Zamora, City Attorney, about this, and he is aware of the Act. He said Mr. Zamora said the City just adopted an extensive ethics ordinance. He hasn't spoken with Steve Ross, County Attorney, but he is sure the County knows about this, and will follow up with Mr. Ross in this regard.

Commissioner Mayfield said he read something in the newspaper with regard to the applicability of the Act to city and counties, and that the Attorney General had made a ruling to this effect.

Mr. Miller said this was one of the Attorney General's initiatives, and what was in the newspaper was more of a press release, but he will look into this and report back.

*Chair Rosemary Romero arrived at the meeting and assumed the duties of the Chair*

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

### **ACTION ITEMS**



**(A) PRESENTATION, DISCUSSION AND POSSIBLE ACTION ON A GROUND MOUNTED SOLAR PHOTOVOLTAIC (PV) SYSTEM TO BE INSTALLED AT THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION (CITY OF SANTA FE ENERGY SPECIALIST NICHOLAS SCHIAVO, POSITIVE ENERGY).**

A copy of "POSITIVE ENERGY SOLAR ELECTRIC SYSTEMS, Buckman Road Recycling and Transfer Station, City of Santa Fe Photovoltaic Project," is incorporated herewith to these minutes as Exhibit "4."

Mr. Schiavo said an RFP was issued earlier this year for small photovoltaic systems, of 250 kW and less, for a variety of City buildings. Mr. Schiavo introduced Claudia Pavel, Positive Energy, noting Positive Energy was the winner of the RFP.

Mr. Schiavo said they will be doing a photovoltaic system at City Transit, and they would like to build a 200 kW photovoltaic system here at BuRRT. Mr. Schiavo said it would provide about 80% of the energy needs for this facility.

Mr. Schiavo said the proposed project for Transit will go to Public Works and Finance Committees and then to the City Council, which will be a fixed price of 7¢ per kWh for the first 10 years, and 9¢ for the second 10 years, which will save about ½ ¢, "and being a fixed price, every time PNM raises their prices we will be in good shape."

Mr. Schiavo would like to do something similar for this facility – construct a 200 kW system and do a 20 year contract. He said the contracts are set up through a Power Purchase Agreement [PPA], and the City has used this structure in the past for the Wastewater facility, noting that the City is tax exempt, and can't take advantage of the 30% tax credit or the accelerated depreciation. He said a third party will build, own, operate and maintain the system for a 20 year term, and the City purchases all of the kWh at a fixed or agreed price for the term. After 6 years, there is an option to purchase the facility at a reduced rate.

Mr. Schiavo said City Transit has applied with PNM and he has received word that the City will be getting an 11¢ Renewable Energy Credit [REC] for the full 20 year term "which is absolutely important and what makes the financing work out." He said the City will pay 18¢ to the third party, but the net price to the City is 7¢ per kWh.

Commissioner Vigil asked if the contract has been done, or if they are still in discussions.

Mr. Schiavo said the contract has been approved by City Legal, and they would use a similar contract with SWMA.

Commissioner Vigil asked who will receive the financial benefit from the project.

Mr. Schiavo said SWMA would receive the benefit. He said currently, the City pays the electric bill each month for SWMA, and then bills SWMA, so SWMA would receive 100% of the benefit.

Commissioner Vigil asked if the 11¢ benefit would go to the City.

Mr. Schiavo said last year SWMA's electric bill was \$45,427, and the cost will increase in the next year. However, if the City is successful in doing this project through the Renewable Social Benefit Fund, SWMA will receive a financial incentive based on the month of the year and the price of electricity. However, it is safe to say SWMA will not pay more than the \$45,000 next year if this is successful.

Chair Romero asked Mr. Schiavo to go through the presentation which she believes would answer all of the questions.

Commissioner Vigil would like the proposal to go before the Board of County Commissioners and to the County Legal Department.

Mr. Schiavo said time is of the essence in this proposal, noting the current PNM program started on January 1, 2011, and with each passing month the incentives drop.

Commissioner Vigil said it wouldn't be difficult to expedite the process at the County, noting it has to go only to one of the entities.

Mr. Schiavo said he would have to check with City Legal with regard to whether or not the City's approval is needed, because it is the City's RFP and the City's contract.

Commissioner Holian suggested this could come to the BCC as an information item.

Commissioner Vigil said she is unsure about all of this, and the reason she would want County Legal to review everything in terms of whether or not the County has a legal interest whatsoever. She said it may need only cursory review, but she doesn't want to move forward without County Legal input.

Mr. Schiavo asked Commissioner Vigil if he should speak to Steve Ross in this regard, and Commissioner Vigil said yes, noting Mr. Ross should place it on the next Commission agenda if everything is okay.

Ms. Pavel said, in terms of time is of the essence, noting that if the REC drops to 9¢ during the course of this process, there probably won't be a deal – that's how tight the money is right now. She said Positive Energy already has submitted the PNM application for the Transit office in anticipation of capturing the REC rate. She said there is absolutely no cost to the City, County or SWMA for this system – it costs zero dollars. She said they would want to be prepared to submit the application "as soon as it makes sense." She said the drop in the REC rate is of concern, and the reason they are here today. They want to get a sense of "your approval, whether or not it is your official approval, or if it is your recommendation to move forward with it, is of utmost importance because this body probably is the most significant body to make that decision for this array. Because there will be arrays in other parts of the City. If you choose to participate if you have interest, now would be the time to get all the questions answered and to see if you have that interest."

Ms. Pavel reviewed the information in Exhibit "4." Please see Exhibit "4" for specifics of this presentation.

*The Board asked questions and commented as follows:*

- Responding to Commissioner Holian, Ms. Pavel said these will be fixed arrays.
- Commissioner Holian asked if they also looked at the Caja del Rio site.

Mr. Schiavo said they did, but his concern is that it doesn't use much electricity, and there is the potential for vandalism.

Ms. Pavel said the BuRRT is the second best site of all they considered in terms of the criteria – amount of electricity, the amenability of the site, what kind of system can be installed, the rate structure and if that can be changed, noting there was a \$4,000 savings at Transit because they were able to move into a different rate class. She said, although that isn't the case here, there will be a savings to do the solar.

Mr. Schiavo said he also wants to know that the facility will be here in 20 years, noting Wastewater and Transit are good choices, but some of the other locations don't make sense.

- Responding to Commissioner Mayfield, Mr. Schiavo said you don't want the systems to get too big, because you are allowed to use only what you can generate in a given month and still receive the REC. It has to be sized to do 90-95% of the use for the smallest month.

Ms. Pavel said you can generate more than you use, but the financial benefit comes back in terms of the electricity and its value in the REC payment. If you generate electricity in the month and don't use it, you still have to pay the 3<sup>rd</sup> party 7¢ per kWh. She said the average will be an 82% offset per month, noting if there were multiple meters, those could be offset with the same equation.

- Commissioner Vigil said she is a strong supporter of alternative energy. She said, "The issue for me is the devil is always in the details. And, whether the City is moving forward in this, the City and the County both have joint liability in whatever happens here. So, with regard to the alternative issues, the County needs to be more engaged in this, and that is why that direction is given to you. I really think a legal review with regard to this is necessary, and that once that legal review is there... it isn't something that we have now. The idea of moving forward and saving energy is huge, great, I love it and I'm on board, but what happens if there is a liability exposure if the County is engaged. I want the County to have that review and bring it forward. And I think if we get a clean recommendation from them, there should be no problem."

Mr. Schiavo said the PPA is almost identical to the one they used for Buckman for the water system, and he can look at how that signature sheet is set up.

- Commissioner Holian said we can get it on the County agenda for the end of the month.
- Commissioner Vigil agreed, if the legal review can be done before May 31<sup>st</sup>, if not it would be the second Tuesday in June.

Mr. Schiavo said he doesn't believe that will be a problem.

- Commissioner Vigil said her concerns about this are because of her experience with the Buckman Direct Diversion. She said it would be good to learn what opportunities the County has, noting the County has been looking to move forward with an alternative energy project for the Jail and other buildings.
- Commissioner Holian said the County's two new energy specialists have created an RFP for a PPA, and the number one location for that is the new County Courthouse, but they are looking at the County Jail – actually next to the jail because of security issues. She said they are now ready to post the RFP.
- Commissioner Vigil said this might be good information to convey to the County Commission at its meeting next Tuesday, commenting this is the first she's heard about that.
- Commissioner Holian said the energy specialists are very efficient, noting they've only been on board for a month.
- Commissioner Vigil asked Ms. Pavel if Positive Energy, Inc., would be responding to that RFP.

Ms. Pavel said, "Absolutely." She said they have spoken with the builders of the Courthouse, and have looked at that project. She said it is an issue of time, noting the Courthouse has a very high viability – it is new construction and can be built to suit. However, the issue is that the PNM RECs are decreasing in value.

- Commissioner Vigil asked if this is a competitive process with PNM.

Mr. Schiavo said it is competitive in that the sooner you get the application in, if it is viable, the better the rates that can be locked-in.

- Commissioner Vigil said then it is first come, first served, and Mr. Schiavo said this is correct.

Ms. Pavel said Positive Energy is investing its time, and if she can get a sense of the enthusiasm for the project, she can be prepared to submit the application to PNM within 10 minutes after approval. She said if there is support she can start to prepare the application which will take about two weeks.

- Chair Romero said she is enthused as well, and said then Ms. Pavel could move forward with the application once there is a legal decision from the County, an informational presentation to the BCC, and a vote of SWMA. She said the timely issue is with submitting the application.

Ms. Pavel said she would put the effort into preparing the application and have it ready to submit if it is the sense that this is something SWMA could support.

- Responding to Chair Romero, Ms. Pavel said there is no commitment in submitting the application.

Mr. Schiavo said there are two pieces to this. The first is the submission of the application and for a few thousand dollars we get PNM's review and we lock up a REC price. The other is the actual Purchase Agreement, which is the document all parties would sign and would be binding. However, with the submission of the application, the worst case scenario is that we would be out \$2,500 if everyone says no after reviewing the documents and saying they could never sign the agreement. He thinks it's worth spending the \$2,500 to lock-up a REC rate which will make the project work.

- Chair Romero said then the second part is the approval of the contract to put things in place.

Mr. Schiavo said yes, and he wouldn't ask the SWMA Board to vote on a document you haven't seen and which hasn't been vetted.

**MOTION:** Commissioner Holian moved, seconded by Commissioner Mayfield, to approve submitting the application, and approve forward with the feasibility for this project, pending a positive legal review, and approval by the various City bodies that will be considering this.

**FRIENDLY AMENDMENT:** Commissioner Vigil would like to amend the motion to include a positive approval by the Legal Department as proposed to the County Commissioners. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER BOARD MEMBERS.**

**DISCUSSION ON THE MOTION, AS AMENDED:** Mr. Kippenbrock would like to include the second location as an alternate in the event the first choice is not feasible.

Ms. Pavel demonstrated the second choice, the alternative location, on the large drawing.

Chair Romero clarified that the only thing SWMA is doing at this time is giving positive approval to submit the application, and asked if the second site will be included in the application as an option.

Ms. Pavel said all PNM cares about is the electrical equipment and the tie-ins and such, and it won't change anything for that particular application with regard to which site is chosen. However, it would be necessary for permitting.

Chair Romero said then we're really not considering the location, it is the application.

Ms. Pavel said she is hearing that Mr. Kippenbrock would like the second location to be included in the design considerations and Mr. Kippenbrock said this is correct.

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

**(B) UPDATE AND POSSIBLE ACTION ON CATALOG CHOICE FOR A RECYCLING PROGRAM OF UNWANTED JUNK MAIL, CATALOGS AND PHONE BOOKS.**

Mr. Kippenbrock presented information regarding this matter from his Memorandum of May 12, 2011, with attachments, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "5." Please see Exhibit "5" for specifics of this presentation.

Commissioner Vigil asked if there was discussion about how people with internet service can take advantage of this, and if there is a way through current outreach to educate those citizens, or perhaps having computers for them to access. She always worries about the digital divide, commenting people do get left out.

Commissioner Holian said the libraries have computers people can use.

Commissioner Vigil would like there to be an educational peace to inform those without computers of this service and that they can use the computer at the library to respond/opt out.

Chair Romero said the GCCC has wireless as well.

Commissioner Vigil said there are computers at the senior center in Edgewood and the Eldorado library.

Chair Romero would like staff to figure out ways to let people know they have access to the internet at various public locations, and Mr. Kippenbrock said he will do so.

**MOTION:** Commissioner Vigil moved, seconded by Commissioner Mayfield, to approve staff's recommendation to approve Option 1 with educational outreach as discussed in this meeting to address residents who do not have access to computers to allow them to opt out.

**DISCUSSION:** Chair Romero noted the City of Santa Fe logo has changed and they no longer are using the 400<sup>th</sup>, and asked Mr. Kippenbrock to double-check with the City in this regard.

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

## **VII. MATTERS FROM THE BOARD**

### **A. DISCUSSION WITH POSSIBLE ACTION ON A COLLABORATIVE EFFORT WITH SANTA FE COUNTY TO HOLD A COMMUNITY PROTECTION DAY FOR REDUCING THE RISK OF WILDFIRES. (COMMISSIONER VIRGINIA VIGIL)**

A Memorandum dated May 12, 2011, to the SFSWMA Joint Powers Board, regarding this matter, is incorporated herewith to these minutes as Exhibit "6."

Commissioner Vigil said the County has an agreement with the Solid Waste Agreement for county residents to bring up to 60 tons of debris and other items. She said we are experiencing a high fire risk season and most of the fires are out in the County. One of the issues is how to coordinate an effort to do a Wildland Interface Cleanup Alternative Day.

Commissioner Vigil spoke with the Acting Fire Chief, Dave Sperling, who has assured her this is doable. She doesn't know whether we need approval by SWMA, noting the agreement allows them to come in and do this. She wants to find out if we need approval, and if so, to seek that approval. And if approval is not needed, to let the Board know this is something they want to do and it needs to be done expeditiously because the fire season has just started.

Commissioner Vigil said people who live in forest or urban areas are required by our own ordinance to do certain things to keep hazardous debris away from their homes. This activity would give us the opportunity to collect that debris and bring it to SWMA. She wants to know how we can make this happen legally.

Mr. Kippenbrock said the free disposal policy is basically 600 tons per entity. He said the current policy was designed to assist non-profit groups that clean up illegal roadside dumping, as well as to assist victims of house fires to have a way to dispose of fire related wastes.

Mr. Kippenbrock said this would be an additional disposal category, and asked if the Board would consider part of its equation for 600 tons per year. He said the policy doesn't say it can be used for this purpose, and it has never been a category. He said if the Board agrees to add this category, then the Board needs to take action, noting anything of 10 tons or more needs to be approved by the Board. He said this free program is used by Santa Fe Beautiful, by the Acequia Madre Association, BLM, U.S. Forest Service as well as the County.

Commissioner Vigil said the non-profits in the County haven't taken advantage of this, commenting she really doesn't know how many there are, and if this were the focus, this would be another appropriate means to move forward. She doesn't know that they would get 10 tons, noting this would be leaves, branches and other flammable material in rural residential areas.

**MOTION:** Commissioner Vigil moved, seconded by Commissioner Holian for purposes of discussion, that this Board approve the 10 tonnage amount for a designated day, as approved by the County, for the removal of debris to prevent forest fires and other kinds of fires.

**DISCUSSION:** Commissioner Holian asked if this debris would be accepted at Caja del Rio as well as at all of the transfer stations, plus BuRRT.

Mr. Kippenbrock said the details haven't been worked out.

Olivar Barela said there are only two places where the County takes green waste right now which are BuRRT and Eldorado. He said at the meeting they discussed the possibility of providing some bins in Stanley for the people down south, but that would mean having to transport the green waste either to Eldorado or to BuRRT for processing. He said they are going to have green waste at the transfer stations and process it there. He doesn't understand the logistics. He noted there are tremendous piles of processed green waste, and he is under orders to get those huge mulch piles delivered somewhere, noting these are fire hazards as well.

Commissioner Holian said we need an education piece to this effort to make the public aware that the mulch exists so we can start moving it into the community, so people can use it, and prevent it from growing into a fire hazard. She said in creating this program we also have to look at the other end, and what will happen to the material generated from the cleanup day.

Commissioner Vigil said there are other items which are a fire hazard which we need to integrate on this specific day. She doesn't know what other kinds of materials would be appropriate, noting Chief Sperling will be available to help us with that. She said if it is strictly mulch it could go to the County's Solid Waste, but she doesn't believe this initiative deals strictly with mulch. She said we need to specifically identify what items would be acceptable on clean-up day, noting there are other items which are part of the interface ordinance, tires and such which might be acceptable.

Commissioner Vigil said since we're in the defining process, she would like to move forward and accept the 10 tons and have staff work with David Sperling and Olivar Barela with regard to how to narrow the focus on what is acceptable. She does want to move forward with this because County residents don't know it exists, and to promote removing the debris to prevent fires which she believes is very important to the County.

Chair Romero said she sees two issues happening. She said there is the issue of those materials which have to be moved from a residence that are organic materials which could be composted in some way. There are other organic materials which are sitting there in Eldorado, and there is the issue of how to get rid of those. She said creating additional mulch from the fire-wise communities and adding it to that pile is a problem with which we need to deal.

Chair Romero said, secondly, there is the cleanup day materials which are not organic, such as cars and other things, noting the County is moving forward to do that kind of cleanup. We could move forward with the cleanup of materials on the cleanup day which is within the 600 tons. She said we already have materials we need to dispose of which adds to the problem at Eldorado.



**FRIENDLY AMENDMENT:** Mr. Kippenbrock would like the limit to be set up to 100 tons for the special cleanup, and then it would be okay. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER BOARD MEMBERS.**

Commissioner Holian noted there is a property in her District on Rabbit Road where there was a fire which could yield 10 tons itself. She said it isn't only cars, and there probably are 10 tons of trash on this property, noting this property is the "poster child," for why we should be doing this. She said the fire was extremely dangerous, and the firefighters did a fabulous job on that fire.

Commissioner Holian said there are areas in her District where there are fire hazards because of trees, dead pinons and such, and they are doing something. The County Fire Department will go out for a community cleanup day, and take a chipper and help them. She agrees that there are real issues with the problem properties which have a lot of trash, and perhaps we need to target those.

Commissioner Mayfield asked if the motion will allow something at the transfer stations.

Commissioner Vigil said we are allowing them to bring waste here, and the transfer stations currently collecting debris for mulching purposes will continue to do that. However, this is a different category, so that waste would have to be brought here.

Mr. Kippenbrock said his understanding is that he will be working with the County Solid Waste Department to conduct the program and bring the waste to BuRRT.

Commissioner Mayfield said we still incur a cost for the residents to go to the transfer station.

Commissioner Vigil said no, this would be a special for one day for up to 100 tons, at no cost.

Chair Romero said it sounds like Mr. Kippenbrock will work with the County to get it here, but there still is the problem that people could be bringing more mulch.

Commissioner Vigil said that is a different issue, and that is the County's problem, and there is a program to deal with that.

Chair Romero asked, to be clear, when we do this special cleanup, if people will be adding to the mulch problem.

Mr. Barela said it won't to that extent, but more than mulch will be coming to the transfer station and that is what we really need to address, commenting a 10 ton limit wouldn't "cut it." He said they are handling the mulch issue and this won't impact that.

Commissioner Vigil asked if the 600 tons is an annual allocation, and Mr. Kippenbrock said yes.

Commissioner Vigil asked what happens if we get more than 100 tons on the cleanup day.

Mr. Kippenbrock said he will come back to the Board, but nobody will be turned away. Everything will go through the County facility and the County will bring it to BuRRT.

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

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Commissioner Mayfield said he read in the newspaper recently that there is an issue of medical waste which was disposed of on one of the County properties, and asked for an update.

Mr. Kippenbrock said over the past 20 years, St. Vincent Hospital has brought in unauthorized loads of infectious waste and has been penalized. He said St. Vincent flunked the test because they brought in sharps, used needles, and bloody items. He said the State has been working with St. Vincent to make them come into compliance with its waste to send it to the appropriate facility for handling and disposal. He didn't see the newspaper, but that incident occurred 3-6 months ago, and the State and the hospital have come to an agreement.

Mr. Kippenbrock said the definition of infectious waste is state-by-state, noting Texas is more lenient than New Mexico. He said if there is one bloody item, the entire load can be rejected. He said diabetics are allowed to dispose of sharps with the household trash. However, all regulated facilities – clinics to hospitals and veterinarians – need to handle the waste properly.

Commissioner Mayfield asked if SWMA has the authority to go back to a source who was found to have infectious materials in its waste, and levy a penalty.

Mr. Kippenbrock said for the 3 instances with St. Vincent, SWMA bills for the additional time it requires to resolve the waste. He said once identified, it is cordoned off, the regulator and the hospital are called who, in turn, call their cleanup crew. He said any time we have to spend on the cleanup is billed to the generator of the waste.

Commissioner Mayfield asked if there was a worker's compensation claim related to illegal infectious waste.

Mr. Kippenbrock said as part of equipment maintenance, an employee opened the belly of a landfill compactor to remove debris and punctured his hand on a sharp, and he was sent to be checked for injuries. He said this is a related incident, but not because the person was working around the trash itself.

Chair Romero said NMED has the final say on fining an entity such as the hospital, but SWMA has the ability to bill for its time to process the waste, noting NMED is the only entity which can impose a fine.

Mr. Kippenbrock said this is a statewide issue, noting the issue in Sunland Park 4-5 years ago when the Camino Real Landfill in Sunland Park was getting infectious waste from El Paso which was considered safe in Texas but not in New Mexico.

Mr. Kippenbrock said they intercepted a load of waste from Presbyterian Hospital which came to the landfill which shouldn't, because it was out of the County and contained infectious waste.

Commissioner Mayfield asked if waste from a medical facility is identified before it "comes in the door," or do they use private contractors.

Mr. Kippenbrock said they use a private contractor. However, the problem is that a lot of the waste was put into dumpsters, and the drivers of trucks collecting waste from the dumpsters have no knowledge of what is in the waste until it is ejected at the landfill. That is when it becomes visible – bags, tubing, bedding material – commenting sometimes you see it and sometimes you don't. He said it is important to bear in mind that these types of waste coming from private homes are legal, and they see a lot of those.

Chair Romero said it might be helpful to meet with Alex Valdez, and she would be willing to meet with him, along with other Board members who would like to do so, just to be reassured St. Vincent is doing everything possible to work with its contractors to prevent this from happening. She said it would be helpful to find out what they're doing to monitor and reign-in their contractors on their end.

Mr. Kippenbrock said it isn't on the hauling part, it is happening inside the facility where housekeeping is putting these wastes into the cans.

Chair Romero said then it is very important to meet with them to be sure they are doing everything possible on their end. She asked Mr. Kippenbrock to set up an appointment with Mr. Valdez so we can talk about this issue.

Commissioner Mayfield said the waste also could be coming from a local medical office, and Mr. Kippenbrock said that has happened.

## **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)**

There was no Executive Session

## **IX. NEXT MEETING DATE**

Chair Romero asked Mr. Kippenbrock to check the record to affirm the Vice-Chair of the Board, saying she thought it was Commissioner Holian.

After discussion, it was the consensus among the Board that the next meeting, June 16, 2011, will be held in the Legal Conference Room, at the Santa Fe County Courthouse.

**X. ADJOURNMENT**

There was no further business to come before the Board, and the meeting was adjourned at approximately 1:45 p.m.

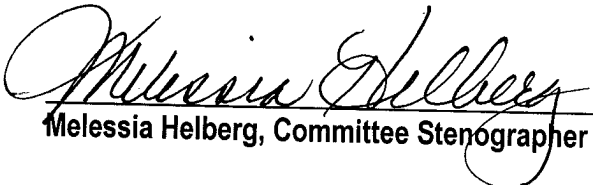
**APPROVED BY:**

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Rosemary Romero, Chair

**ATTESTED TO:**

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

**SUBMITTED BY:**

  
Melessia Helberg, Committee Stenographer