

MINUTES
DEL NORTE SOLID WASTE MANAGEMENT AUTHORITY
CITY OF CRESCENT CITY
COUNTY OF DEL NORTE
STATE OF CALIFORNIA

Regular Session, Tuesday February 11, 2014, 3:30 PM

PRESENT: Commissioner Rich Enea, City Alternate
Commissioner Roger Gitlin, Chair
Commissioner Rick Holley, Vice-Chair
Commissioner Mike Sullivan
Commissioner Mary Wilson, Secretary/Clerk
Legal Counsel Martha Rice
Acting Director/Program Manager Tedd Ward
Treasurer/Controller Richard Taylor

ABSENT: Commissioner Ron Gastineau, City

ALSO PRESENT: Dave Mason, County Code Enforcement Officer
Wes Nunn, Solid Waste Task Force
Karen Phillips, PS Business Services
Jay Sarina, CAO Del Norte County
Clinton Schaad, County Auditor
Tommy Sparrow, Recology Del Norte
Joe Wallen, Hambro/WSG
Wes White, Hambro/WSG

3:30 PM CALL MEETING TO ORDER

Chairman Gitlin called the meeting to order in regular session at 3:30 p.m. and Commissioner Holley led the pledge of allegiance.

3:30 PM PUBLIC COMMENTS.

The following person(s) addressed the Commission: Elizabeth Henry asked that the Authority ordinances not be repealed as suggested by the Solid Waste Task Force. She feels that the timing is poor with the pending report from the consultant.

1. REPORT FROM DEL NORTE SOLID WASTE TASK FORCE

- 1.1 Draft minutes from Del Norte Solid Waste Task Force Meeting of 30 January 2014.

Wes Nunn, Chairman of the Solid Waste Task Force reported they lost a member of the task force and he would like to ask that the position be filled by the Authority. The task force approved repeal of the ordinances and noting that the Authority is not in the business of collection. Further, the task force was not sure why the Authority should be involved in blight abatement. They would like direction and suggestions for focus from the Authority. Staff noted that the Authority is a part of trash collection, and oversees the business that collects the refuse, and hauling. During discussion with Mr. Nunn, it was noted that the recommendations from 2012 are different than the new recommendation, which includes repeal of 2008-01. The meeting of the City and the County staff to discuss the ordinances did not occur as requested and now the task force is asking to have all the ordinances repealed. Commissioner Holley asked about background detail to support the recommendation to repeal, noting that he had hoped for an explanation of each ordinance, and why it was good or bad. Mr. Nunn noted that the task force could give more information if the Authority would like.

Bill Lonsdale asked about any potential conflict of interest that might occur regarding Commissioner Wilson sitting on the task force and the Authority board. Counsel noted that there is nothing incompatible with Ms. Wilson serving in both capacities as the task force is an advisory committee to the Authority. See action item below.

2. CONSENT AGENDA

- 2.1 Approve minutes, Regular Session, Wednesday January 8, 2013.
- 2.2 Approve Minutes, Special Session, Tuesday January 28, 2014.
- 2.3 Receive and file report on Payments to Del Norte County for I-bank Loan. 090201
- 2.4 Acknowledge and file Semi-Annual Monitoring Report for the Crescent City Landfill for July – December 2013. 230101A
- 2.5 Authorize signature on Personnel Action Form for Authority's Acting Director to be updated to lowest step of Authority Director's pay class, effective 22 August 2013. 101501
- 2.6 Authorize payment of claim to R3 Consulting Group for Invoice 7245 in the amount of \$6,186.25 130101
- 2.7 Authorize payment of claim to Robert Black for legal counsel services as invoiced for September, October, and December for a total amount of \$5,259.80
- 2.8 Authorize payment of claim to Fisch Drilling in the amount of \$9,837.00
- 2.9 Authorize payment of claim to Busch Geotechnical Consultants in the amount of up to \$8,552.00

END CONSENT AGENDA

Staff clarified that the invoice for Busch Geotechnical (Item 2.9) was being recommended for payment in the amount of \$3,600 only. \$3,600 was previously approved by the Authority. Staff will review the additional work charges Busch performed and bring it back to the Authority as necessary.

On a motion by Commissioner Enea, seconded by Commissioner Wilson, and unanimously carried on a polled vote, with Commissioner Sullivan absent, the Del Norte Solid Waste Management Authority approved and adopted the consent agenda, consisting of items 2.1 through 2.9, with the amendment to 2.9 as noted.

3. DIRECTOR'S & TREASURER'S REPORTS

Agenda items 3.1 through 3.5 are provided for information only

- 3.1 Acting Director's Report 231501
- 3.2 Treasurer/Controller Report for December 2013
- 3.3 Claims approved by Treasurer & Director for January 2014
- 3.4 Monthly Cash and Charge Reports for January 2014
- 3.5 Earned Revenue Comparisons between FY12/13 and FY13/14

END DIRECTOR'S & TREASURER'S REPORTS

The above listed reports were discussed and/or presented in the agenda packet. Staff has an iPad and the agendas were presented in that format for the first time this month. Commissioner Wilson however, would like to continue to receive a paper agenda and staff has noted that request. The detective working on the missing funds investigation did note that their investigation was complete; however, staff had not received the final report yet. The bad debt item was discussed as having been referenced in the special investigator's report and therefore commissioners expressed concern about writing off the debt as listed in Item 7.1 below, until the investigation report was received. Chairman Gitlin pulled Item 7.1 from the agenda until a later date. Treasurer Rich Taylor reported on the sublease payable in 2.3 briefly. Commissioner Wilson noted that she has reviewed the revenues and expenses back to 2006 to outline tonnage, income and the expenses and bottom line comparisons over the years. She hopes to have the numbers to the Authority soon so there can be some projection of future revenues and expenditures. The Treasurer will be reviewing the numbers with Ms. Wilson before they are presented to the Authority. No action was recommended or taken at this item on these matters.

DISCUSSION/ACTION ITEMS

4. LANDFILL POSTCLOSURE

- 4.1 Receive and file "Groundwater Well Installation Records and Lithologic Data, Crescent City Landfill, Crescent City, California." 230102

This was a receive and file matter, no action was taken.

- 4.2 Discussion and possible action regarding revised draft 'Pledge of Revenue Agreement establishing Financial Assurance for Postclosure Maintenance and Potential Corrective Action relating to the Crescent City Landfill.' 060901, 022104, 130102

Discussion was held regarding the revised draft pledge of revenue agreement. There is no "sunset clause" the agreement remains in effect until revised and replaced, according to staff, who offered to look into the matter and see if there is an end date before 2036. Commissioner Wilson expressed concern that any agreements of this kind include an end date. It was noted that any ordinance of the Authority now needs to be separately approved by the City and the County prior to final adoption by the Authority in order to bind the agencies.

Commissioner Sullivan entered the meeting at 4:17 p.m.

Commissioner Wilson noted that she is not happy about the open-ended revenue pledge. Counsel noted that the California Resources Code sets out the regulations for the pledge of revenue and other options for the agencies. Staff suggested that a sentence could be added that the pledge "would remain in effect until revised, repealed or no longer required under California law or regulation."

On a motion by Commissioner Wilson, seconded by Commissioner Holley, and unanimously carried on a polled vote, the Del Norte Solid Waste Management Authority directed staff to present the agreement to the City and County separately for review and approval. After a single version has been approved and adopted by both member agencies, staff will present the agreement and associated resolution to the Authority for adoption, with "termination" language listed above.

5. COLLECTIONS FRANCHISE

- 5.1 Acknowledge and file 13 January 2014 letter to Recology Del Norte regarding setting up direct deposit procedures to receive funds for disposal charges and franchise fees. 031507

Discussion was held regarding the letter sent from Mr. Ward to Recology regarding direct deposit procedures for receipts form Recology Del Norte. Staff has been working with the County Auditor and Treasurer and Recology to get this established and working prior to April. No action was necessary.

6. TRANSFER STATION

- 6.1 Discussion and possible action regarding receipt of oil-based paints, stains, and architectural coatings daily at the Del Norte County Transfer Station under a partnership between Hambro/WSG and PaintCare as authorized by Transfer Station Operations Change Order 17. 160109

Discussion was held regarding the receipt of paints, stains, etc. on an ongoing basis. Staff thanked the agencies for their help with this program. Now, these materials will be taken each day that the transfer station is open, which will help immensely. A deposit is paid each time you purchase paint, stains, etc to pay for this program. No action was taken.

7. GENERAL SOLID WASTE AUTHORITY MATTERS

- 7.1 Discussion and possible action regarding writing off 'bad debts' for Fiscal Year 12/13, and development, implementation and monitoring of additional fiscal controls into regular practices of the Del Norte Solid Waste Management Authority. 022102, 012101, 040501

This matter was pulled from the agenda pending the investigation report.

- 7.2 Discussion and possible action regarding application to CalRecycle to the City/County Annual Payment and Reporting System (CAPRS) to support and promote recycling programs including beverage containers in Del Norte County. 071802

Discussion was held. Staff was directed to send a letter to advocate for the continuance of this beverage container recycling programs to the State legislators.

On a motion by Commissioner Wilson, seconded by Commissioner Holley, and unanimously carried on a polled vote, the Del Norte Solid Waste Management Authority direct staff to prepare and submit application for funding under CalRecycle's CAPRS program.

- 7.3 Discussion and possible action regarding possible development of Code of Ethics and Conduct for the Del Norte Solid Waste Management Authority. 052001

Discussion was held. Staff recommended that the code be approved and: 1) that the Board direct each Commissioner to read and sign the Authority Code of Ethics and Conduct and provide a copy of that signed document for the Authority's files, and 2) that the Board direct staff to take steps necessary to obtain and appropriately file signed copies of the Authority Code of Ethics and Conduct by the Authority Treasurer/Controller and all appointed members of

the Del Norte Solid Waste Task Force. This document is in addition to the training that is necessary every two years. Consensus was to approve the code and have all members sign acknowledgement and send to staff.

- . 7.4 Discussion and possible action regarding the formation, responsibilities and history of the Del Norte Solid Waste Management Authority with respect to Ordinances addressing blight and illegal dumping. 151801, 031205

Discussion was held regarding this information, the 5th in the series of educational vignettes for the Authority. Ordinances are in place to handle discards of people, as well as the collection, and direction for self-hauling at the appropriate sites (transfer stations/recycling). No action was necessary.

- 7.5 Discussion and possible action regarding Authority Ordinance 2014-01, repealing Authority Ordinances 2008-01, 2008-02, 2008-03, and 2009-01. 151801

Discussion was held regarding approving Ordinance 2014-01, which would repeal Authority Ordinances 2008-01, 2008-02, 2008-03 and 2009-01. See the public comments above under Item 1.1 also. Staff recommended that the Authority not approve Ordinance 2014-01, but direct staff and the task force to review additional information, analysis or changes. A letter was received from the Interim Director of the Del Norte County Community Development Department and the City Manager of Crescent City requesting that no action be taken until the independent consultant has concluded their work and reported back to the Authority. Mr. Mason, Code Enforcement Officer, pointed out some of the issues with doing away with ordinances. Commission Sullivan noted that the City and County staff have been asked to meet for two years to come up recommendations regarding what works for the two entities in the ordinance currently on the books and that has not occurred. Goals and objectives would be necessary according to Mr. Mason in order to come up with a good answer to the City and County reviewing the ordinances. Commissioner Sullivan asked that staff go through the ordinance and see if there are parts that are necessary for staff to do their job. Commissioner Holley briefly ran through Ordinance No. 2008-01 and noted that those matters are not within the City or County ordinances and he does not understand what makes them a bad idea now. Mr. Mason offered that the direction needs to come from the Board of Supervisors and the City Council to have staff act on the request of the Authority. Bill Lonsdale spoke in favor of the staff recommendation and noted that these are the only tools that Mr. Mason has to work with at this time. Andy Larson spoke regarding the adoption of ordinances that matched in both the City and the County. Future ordinances have to be approved and adopted by the respective bodies before they can be adopted by the Authority. Wes Nunn noted that the repeal of these ordinances would allow the current Authority to review the necessary

sections and adopt those necessary for staff to follow and use for enforcement purposes. Elizabeth Henry noted that the ordinances need work and she feels that the County should get some reimbursement for the time that Mr. Mason puts into work for the Authority. She does not feel that ordinances need to be repealed. Victoria Dickey commented on the 40 some pages of ordinances, all included, and noted that they should be repealed in order to get staff's attention as to what they need to have in place, as well as provide the task force with their work. Commissioner Wilson gave a history of the ordinances and noted that the Authority is not able to take on any more costs. The ordinances lack transparency and are too long, in her opinion, there is confusion due to inconsistencies between the City and County ordinances. She feels that this is not fair to the community. The laws need to be enforced consistently across the agencies. Does the Authority need to be an enforcement agency? Commissioner Holley noted that he appreciates the detail of the discussion brought up by Ms. Wilson and noted that the ordinances all seem to be regarding blight. Staff noted that the mandatory recycling regulations were included as well as the construction regulations due to CalGreen. The ordinances were developed because the responsibilities taken on by this body and are fairly low priority to the City and County staff due to their staffing levels and workload. Commissioner Holley would like to take a "bigger picture" look at solid waste, he feels that it is early to have this discussion and the timing is not right to repeal the ordinance. Commissioner Sullivan noted that the Authority is a utility and not a social change agency. He would like staff to indicate the portions of the ordinance that need to be in place for them to do their jobs and to get rid of the rest. Discussion was held regarding what agency was responsible for the recycling. Commissioner Wilson asked about the joint powers authority and noted the need for majority vote of the City Council and the Board of Supervisors. Commissioner Enea noted that the 10 member board (City Council and Board of Supervisors) heard nothing but complaints about ordinances of the Authority not being approved by elected officials. Any ordinance would need to go before the City Council and the County Board of Supervisors after introduction by the Authority and then come back to the Authority after both bodies approve it to be passed by this Authority prior to going into effect.

A motion by Commissioner Sullivan, seconded by Commissioner Holley, to table this matter until the April meeting so City and County staff could get together and come back with the portions of the ordinances that work for them. The motion failed to pass on a two-fifths polled vote, with Commissioners Wilson, Gitlin and Enea voting "no"

On a motion by Commissioner Enea, seconded by Commissioner Wilson, and carried on a four-fifths polled vote, with Commissioner Holley voting "no", the Del Norte Solid Waste Management Authority introduced, and waived the reading of Ordinance No, 2014-01. The ordinance will be forwarded to the

City of Crescent City and the Del Norte County Board of Supervisors for approval prior to coming back to the Authority for final adoption.

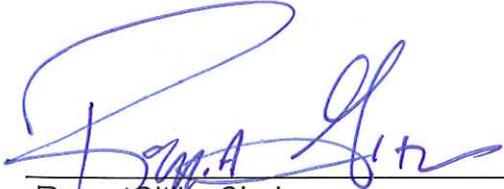
7.6 Discussion and possible action regarding Authority Ordinance 2014-02, regarding Flow Control and Franchises. 151801

Discussion was held. Staff noted that they did not have anything to do with the ordinance and could not report on it. Commissioner Holley asked about the exclusivity of the franchise. Discussion was held regarding injunctive relief, misdemeanor offenses and other issues. Wes Nunn noted that he thinks that this ordinance should be adopted prior to Ordinance No 2014-01 being adopted. .

On a motion by Commissioner Sullivan, seconded by Commissioner Enea, and carried on a four-fifths polled vote, with Commissioner Holley voting "no", the Del Norte Solid Waste Management Authority read in title only, waived the reading and introduced Ordinance No. 2014-02. This ordinance will also go before the City Council of Crescent City and the Del Norte County Board of Supervisors before coming back to the Authority for final adoption.

ADJOURN:

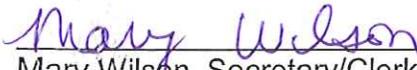
There being no further business to come before the Authority, Chairman Gitlin adjourned the meeting at 5:45 p.m. until the next regularly scheduled meeting on March 12, 2014



Roger Gitlin, Chair
Del Norte Solid Waste Management Authority

Date / /

ATTEST:



Mary Wilson, Secretary/Clerk of the Board

Date 3 / 12 / 14