

MINUTES

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

Regular Session, Wednesday April 9, 2014 @ 3:30 PM

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

ABSENT: None

ALSO PRESENT: Wes Nunn, Solid Waste Task Force
Karen Phillips, PS Business Services
Tommy Sparrow, Recology Del Norte
Joel Wallen, Hambro's/WSG
Jay Sarina
Richard Taylor
Clint Schaad

3:30 PM CALL MEETING TO ORDER

Chairman Gitlin opened the regular session meeting at 3:30 p.m. The pledge of allegiance was led by Tedd Ward.

3:30 PM PUBLIC COMMENTS:

The following person(s) addressed the Authority: Patricia Black spoke regarding a comment regarding money made by Commissioner Wilson at the previous meeting. She wanted to know if there is a deficit for four years in a row, shouldn't staff and the Commission know and not be surprised. She commented on the

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“missing funds” investigation and getting the facts to give out to the public; Elizabeth Henry commented on her shared concern regarding the increase in the prices reported by Ms. Wilson, noting that we need the facts. All Commissioners should have the facts, and get information from Recology regarding commercial rates, etc. Ms. Henry noted that more information “facts and figures” should have been included to the consultant to help them base their report. Commissioner Sullivan stated that the facts are that there is \$29,000 missing under the former director’s attention, the budget deficit was brought to the former director’s attention several times, and he feels that the information was “shined on”. Commission Wilson commented about her statement at the last meeting regarding rates. She presented a history from a local business (Apple Peddler) of monthly refuse costs that are causing businesses to change their behavior (self haul, etc.). Ms. Wilson asked to have the history entered into the minutes. Chair Gitlin noted that he wants to get to the facts also, but this process regarding the missing funds involves police reports and people’s reputations. He feels that the matters should not be discussed in public until the full report is completed.

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1. DEL NORTE SOLID WASTE TASK FORCE

1.1 Discussion about meeting of March 31, 2014. 200101

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Task Force Chair Wes Nunn noted there was not a lot to report at this time; however the task force is always looking for direction from the Authority. The task force voted to reduce the meetings to every second month and they need new members, which they are leaning to the Authority to appoint. The task force membership is 11, which is rather a large number, which caused them difficulty in getting a quorum to attend the meetings. Notification will be sent to the members who have not attended meetings to find out whether or not they are still interested in serving on the task force. Commissioners discussed appointing new members, and whether or not new members need to be appointed with no business to attend to. It was decided that the number of members should be addressed at a future meeting. Elizabeth Henry commented that the task force could go out and get information from local businesses regarding the disposal services; it would give them something to do that is meaningful to the Authority.

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2. CONSENT AGENDA

2.1 Approve minutes, Regular Session, Wednesday March 12, 2014.

2.2 Approve minutes, Special Session, Tuesday April 1, 2014.

2.3 Approve budget transfer in the amount of \$26,000.00 022101

2.4 Receive Annual Transfer Station Methods Reports submitted to CalRecycle for 2013. 230101B

2.5 Approve Contract with Bickmore to complete annual OPEB / GASB 45 actuarial valuation process for an amount not to exceed \$3,150.

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2.6 Approve request from Yurok Tribe for waiving disposal fees associated with 13th Annual Klamath River Cleanup on May 10th.
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END CONSENT AGENDA

Commissioner Sullivan requested that item 2.2 be pulled for separate consideration.

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There were no other requests to make corrections, additions or deletions to the consent agenda. There were no public comments regarding the consent agenda items.

On a motion by Commissioner Gastineau, seconded by Commissioner Wilson, and unanimously carried, the Del Norte Solid Waste Management Authority Board of Commissioners approved and adopted the consent agenda, consisting of items 2.1-2.6, with the exception of 2.2, which was pulled for separate discussion below.

The special session minutes were discussed. Commissioner Sullivan noted that he made comments regarding the four audits received with net deficits, and lack of cash controls, which was not reflected in the minutes. Prior to 2009 the Authority shredded documents. He would like his comments reflected in the minutes on page 3.

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On a motion by Commissioner Sullivan, seconded by Commissioner Gastineau, and unanimously carried, the Del Norte Solid Waste Management Authority Board of Commissioners approved the minutes of the special session of April 1, 2014 with corrections as noted.

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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.

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3.2 Treasurer/Controller Report for February 2014.

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3.3 Claims approved by Treasurer & Director for March 2014.

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3.4 Monthly Cash and Charge Reports for March 2014.

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3.5 Earned Revenue Comparisons between FY12/13 and FY13/14.

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END DIRECTOR'S & TREASURER'S REPORTS

The above-listed reports were presented. Mr. Ward indicated that there has been some damage noticed to the exit scale at the transfer station. Staff is looking at the most cost effective way to fix it and will bring the matter back at a future meeting for approval. Mr. Ward also noted that deferred work is mounting. The aging accounts receivables list was discussed. Staff is working on getting the payments up to date. The accounts receivable list is down from \$138,000

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last month to \$17,000 this month. The "to do" list noted the Paint Care reimbursement, which was to promote paint recycling (advertising costs). Staff needs to invoice the company and will be doing so soon. Discussion was held regarding the iBank Loan payment and the ending balance for the 8 prior months. Rich Taylor noted during the months of February-April he cannot help staff much; however, he will be able to help more at the end of this month. Commissioner Wilson noted her meeting with the Auditor and discussions of the QuickBooks program being extra work, which she does not want staff to perform, and have a separate set of books. The accrual system needs to be in place to help make sense of the Auditor's reports agreed, Mr. Taylor. Commissioner Wilson noted that she feels it is not a priority at this time to go forward with QuickBooks. Mr. Ward noted that revenues are lagging at this time, which is not uncommon at this time of year. No action was taken.

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DISCUSSION/ACTION ITEMS
4. LANDFILL POSTCLOSURE

- 4.1 Discussion and possible action regarding submittal of request to CalRecycle regarding reduction in the Post-Closure Maintenance Financial Assurance Multiplier for the Crescent City Landfill, 0600901

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Discussion was held regarding the request to CalRecycle. This item is a standing direction from the Authority to get the multiplier reduced and, reduce liabilities of the Authority. No action was taken.

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- 4.2 Discussion and possible action regarding outstanding unpaid balance of Waste Discharge Requirement Fee, preliminary data from landfill Investigation wells, and Change Order 1 with Busch Geotechnical Consultants for extra work associated with Borehole / Well Installation Monitoring and Advice and Review regarding Preliminary Report regarding these Investigation Wells for the Regional Water Quality Control Board, for an amount not to exceed \$ 8,500.00 230102

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Discussion was held regarding the fee, data and change order. Mr. Ward met with the County Engineer, Busch Geotechnical. Staff feels that they need to investigate drilling another well, to replace the deep water well (Well W6W) at the old landfill, in order to provide evidence that would get the Water Quality Control Board to lower the threat rating and the fees. Data from this old well is not sufficient to make the case for a rating change. The annual savings would justify the cost of the development of a report regarding whether or not a new well is necessary. The cost quoted here does not pay for the cost of the well drilling. The cost of the well is dependent on the type of the well. Staff does not have any idea of the cost of a new well at this time.

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On a motion by Commissioner Wilson, seconded by Commissioner Holley, and unanimously carried on a polled vote, the Del Norte Solid Waste Management Authority Board of Commissioners approved payment of [Change Order No. 1](#), not to exceed \$12, 100, as presented by Busch Geotechnical Consultants.

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5. COLLECTIONS FRANCHISE

5.1 Discussion and possible action regarding Green Ribbon Awards and public outreach planned in coordination with Recology Del Norte for the Youth and Family Fair on April 26, 2014 from 11 AM to 2 PM at the Del Norte County Fairgrounds, [071805](#)

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Discussion was held regarding the awards will be handed out at 1:15 p.m. at the Youth and Family Fair [on Saturday April 26th](#). The Authority consensus was that the Chair would hand out the awards at the event. The winner's [names](#) will [also](#) be displayed at the transfer station.

6. TRANSFER STATION – No Items

7. GENERAL SOLID WASTE AUTHORITY MATTERS

7.1 Discussion and possible action regarding development, implementation and monitoring of additional fiscal controls addressing regular practices of the Del Norte Solid Waste Management Authority. [022102, 012101, 040501](#),

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Discussion was held regarding fiscal controls for the Authority. Mr. Ward wanted the public to know that they have fiscal controls in place and there have been some added since July 2013. There have been three surprise cash counts that have [counted out to the penny](#). Commissioner Wilson asked to see the register tapes to see if she could offer any assistance. Commissioner Holley noted that the percentages of good checks versus bad checks might make it important at a later date to quit taking checks. The amount of bad checks has plummeted since the daily deposits are [being done](#). There [are](#) still some bad checks that need to be reconciled. Bill Lonsdale commented on [the Authority's discussion to do](#) away with cash; he urged caution, since [United States paper currency](#) states that ["This note is legal tender](#) for all debts, public and private".

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7.2 Discussion and possible action regarding process for recruiting and appointing the public Commissioner of the Del Norte Solid Waste Management Authority. [012104](#)

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Discussion was held regarding the process for recruiting and appointing a public member to the Authority. It is not clear in the bylaws what the term of the public member terms is, or what the title [was meant to be](#) for the [position](#). Staff asked what direction the [Authority](#) would like them to take regarding the appointment of

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a public member to the Authority. [Counsel](#) Martha Rice noted that the appointments were four year appointments; [however, that changed at one point and now](#) it appears that the terms are annual. The position is a volunteer post with no stipend. Andy Larson commented that one year is too short a time frame for [public member](#) appointment due to the learning curve. [He feels that the appointment](#) should be at least two years. Elizabeth Henry commented [that it](#) would be clearer to advertise now and make the changes to the term [later](#). Commissioners concurred with at least a two year term with the year to run from January 1st to the end of the calendar year. [Counsel](#) noted that the term [of the current public member \(Mary Wilson\)](#) could be extended at the next meeting after it has been [agendized for discussion](#). The two year term needs also to be added to the agenda for the next meeting. Commissioner Wilson stated that she would like to be reappointed and two years would be an appropriate term in her opinion. Both matters will be agendized [for discussion](#) at the next meeting.

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7.3 Discussion and possible action regarding potential future strategic planning efforts for the Del Norte Solid Waste Management Authority. [230501](#)

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Discussion was held regarding potential future strategic planning efforts. The staff report gave an overview of the strategic planning process and purpose. Staff requested direction. Item E [in the report](#) needs to be reworded, according to Commissioner Sullivan, because the ordinances cannot be adopted without approval of both the City and the County [governing board](#). Commissioner Holley would like to move forward with some strategic planning, but avoid the costly processes.

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Commissioner Wilson stepped out of the meeting at 5:00 p.m.

On a motion by Commissioner Sullivan, seconded by Commissioner Gastineau, and unanimously carried on a polled vote, with Commissioner Wilson absent, the Del Norte Solid Waste Management Authority Board of Commissioners tabled the matter.

7.4 Discussion and possible action regarding memo from Authority legal counsel Martha Rice regarding the relationship between AB 341 and Authority Ordinances. [151801](#)

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AB 341 and it's relation to Authority Ordinances was discussed.

Commissioner Wilson returned to the meeting at 5:02 p.m.

Counsel noted that AB341 does not require an ordinance [by the Authority](#), by removing the mandatory portion for the ordinance, [the bill](#) still makes the Authority the agency responsible for this report. Commissioner Wilson read from the legislation [regarding](#) the goal of 75% diversion, [and the](#) mandated 50%

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diversion for commercial customers with bins larger than 4 yards. Monitoring, education and reporting are required by each community. It was noted that the enforcement component will not be done for commercial customers. Elizabeth Henry commented that it is important to pay attention to counsel's comment regarding the Authority being responsible for the mandates, things are changing. Kathryn Murray noted that it is important to listen to legal counsel and not a layperson. Counsel noted that it was mandatory to have a program to educate, monitor and report on local businesses, an ordinance is not required however. Del Norte is at a diversion rate of around 60% in crude measurements according to Mr. Ward. Chairman Gitlin asked to have the diversion numbers shared at the next meeting.

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7.5 Discussion and possible action regarding re-introducing and waiving the first reading of Authority Ordinance 2014-02, regarding Flow Control and Franchises. 151801

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Discussion of re-introducing and waiving the first reading of Ordinance No. 2014-02 was held. Counsel noted that this is the ordinance replacing repealed Ordinance No. 2008-01. Elizabeth Henry advocated strongly for no replacement of the ordinance. She feels that rescinding ing the ordinance will move the Authority backwards. She feels that making the landlords provide basic service is the sticking point. Andy Larson noted that it is crazy to make others responsible for your trash. Kathryn Murray commented that she has seen the illegal dumping in State and national forests, she agrees with Mrs. Henry. Bill Lonsdale noted that removing the ordinance will undermine enforcement.

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On a motion by Commissioner Sullivan, seconded by Commissioner Wilson, and unanimously carried on a polled vote, the Del Norte Solid Waste Management Authority Board of Commissioners made a motion to re-introduce, read in title only, and waive the reading of Ordinance No. 2014-02.

Commissioner Sullivan left the meeting at 5:31 p.m.

7.6 Discussion and possible action regarding any additional comments to be submitted by Commissioners on R3 Consulting Group's Draft Report Assessment of the Del Norte Solid Waste Management Authority. 130101

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Discussion regard additional comments to the R3 Consulting Group's draft report was held. Mr. Ward noted that the comments from Commissioner Gastineau and Chair Gitlin were received and Commissioner Wilson forwarded her comments to the consulting group. Staff will submit any comments to the consultant. No action was taken.

7.7 Discussion regarding status of FY 13/14 budget and expenditures and process for preparing and approving budget for FY 14/15. [022102](#)

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Discussion regarding the 2013/2014 and 2014/2015 Fiscal Year Budgets [were](#) held. Mr. Ward [stated that he has](#) not had time to get the draft budget prepared. He will use a status quo [budget](#) for the staffing [numbers](#), next fiscal year. [He noted there](#), will be significant changes in the budget due to additional landfill sampling, [and the budget](#) will include [full](#) payment of waste discharge at the new higher fee. He will work to have the draft budget [ready](#) at the next meeting. Commissioner Wilson noted that the last budget missed the opportunity for members to have input prior to sending [it](#) to the County and City for approval. She [put together a 7 year snapshot](#) of the costs that she will give to staff. The County Auditor has reviewed the numbers that Ms. Wilson took from the audited statements for accuracy. This snapshot can be used as a tool for budgeting. She would like to have a budget workshop to go over [the budget](#) line by line.

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[Chair Gitlin called a recess](#), at 5:50 p.m. [and the open meeting reconvened](#) at 5:52 p.m.

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[Discussion was held regarding a meeting date for a budget workshop](#). The preferred meeting date was May 1st in the morning at [the Board of Supervisors Chambers or the Crescent Fire Protection District from 10:00 a.m. to 12:00 p.m.](#) pending the schedule of the Acting Director. Another meeting date may need to be discussed.

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7.8 Discussion and possible action regarding sending letters of support for AB 1843 (Jackson) regarding pharmaceutical take-back and producer responsibility.

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Tedd Ward reported on AB 1843 and a possible letter of support. No action was [requested](#) at this time.

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CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Gov. Code 54957)
Title: Program Manager/Acting Director

There were no public comments regarding the closed session matters. The closed session was cancelled to allow for a full board [to be present](#) and for [Commissioners to complete the evaluations for the closed session on May 21st](#). Counsel will send the process for the evaluation to the Commissioners.

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The next regular meeting date was discussed and set for May 21 at 3:30 p.m. [as the 14th of May there](#) will not have a quorum.

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There being no further business to come before the Authority, Chairman Gitlin
| adjourned the meeting at 6:06 p.m. until the next regularly scheduled meeting on
May 21, 2014.

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Roger Gitlin, Chair
Del Norte Solid Waste Management Authority

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| Mary Wilson, Clerk of the Board

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