

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

**Regular Session, Tuesday August 18, 2015, 3:30 PM**

**PRESENT:** Commissioner Ron Gastineau  
Commissioner Roger Gitlin  
Commissioner Rick Holley, Chair  
Commissioner Martha McClure, Vice Chair  
Director Tedd Ward  
Legal Counsel Martha Rice  
Treasurer / Controller Richard D. Taylor

**ABSENT:** Commissioner Angela Glore, Secretary

**ALSO PRESENT:** Katherine Brewer, Authority Clerk  
Jeremy Herber, Recology Del Norte  
Dave Mason, Del Norte County Code Enforcement Officer  
Kathryn Murray, Crescent City Councilperson

**3:30 PM CALL MEETING TO ORDER**

Chairman Holley called the meeting to order in regular session at 3:31 p.m.

**PLEDGE OF ALLEGIANCE**

The pledge was led by Commissioner Gastineau. Roll was taken with Commissioners Gastineau, Gitlin, Holley, and McClure present. Commissioner Glore was absent.

**NEW ITEM**

Director Ward informed Board members that an item had come to his attention after the agenda had been posted. A VISA credit card bill required Board authorization for payment because it was over \$5,000.00. Waiting for the next meeting would cause the Authority to incur late fees.

On a motion by Commissioner Gitlin, seconded by Commissioner Gastineau, and unanimously carried on a polled vote with Commissioner Glore absent, the Del Norte Solid Waste Management Authority found that the matter of approval of payment of the VISA credit card bill arose subsequent to the posting of the agenda and action was required prior to the next regular meeting, adding it to the Consent Agenda.

## **OPEN SESSION ITEMS:**

- 1. PUBLIC HEARING:** Hold a Public Hearing to determine if a nuisance exists upon the property at 43 Weber Drive, Klamath, CA, and possible action to abate said nuisance if confirmed. **031205**

Chairman Holley opened the Public Hearing at 3:35 p.m. Dave Mason, Code Enforcement Officer for the County Community Development Department and the Authority, was sworn in and entered his full report into the record. He added that a Bench Warrant has been issued on the owner.

Linda Sutter was sworn in and addressed the Authority to encourage Board Members to determine that a nuisance exists. Chairman Holley closed the Public Hearing at 3:41 p.m.

On a motion by Commissioner Gitlin, seconded by Commissioner McClure and unanimously carried on a polled vote with Commissioner Glore absent, the Del Norte Solid Waste Management Authority Board of Commissioners voted as follows:

1. The Board confirmed that a nuisance exists at 43 Weber Drive, Klamath, CA, APN 127-220-40.
2. The Enforcement Officer was ordered to immediately abate the nuisance by engaging contractors to:
  - a. Cut, mow, or prune as necessary to remove the overgrowths of vegetation; and
  - b. Remove and properly dispose of all discards, solid waste and junk; and
  - c. Remove and scrap all inoperative vehicles; and
  - d. Secure the building against entry in accordance with HUD standards to prevent further violations.
3. The owner of the property shall be responsible for paying the costs of abatement, including any civil penalties assessed by the Board. Costs and penalties shall be determined at a cost accounting hearing after the nuisance is abated.

## **3:41 PM PUBLIC COMMENTS:**

The following person(s) addressed the Authority:

Richard Miles, City resident, expressed concern regarding ethics violations. He also spoke in support of Former Commissioner Mary Wilson.

Karen Sanders, County resident and former Task Force member, pointed out that Former Commissioner Wilson had not served on the Solid Waste Authority Board at the same time she was on the Task Force with Ms. Saunders. This contradicted several of the Grand Jury's findings regarding Mary Wilson.

Paula Enam, County resident, spoke in support of Former Commissioner Wilson and felt that businesses should be treated fairly as well as residents. She thought Commissioner Gitlin and Former Commissioner Wilson should both be praised.

Donna Westfall, City resident, did not feel that code enforcement was applied fairly.

## **2. CONSENT AGENDA**

- 2.1 Approve minutes, Regular Session, Tuesday, July 21, 2015.
- 2.2 Approve payment of dues to the Environmental Services Joint Powers Authority of the Regional Council of Rural Counties for Fiscal Year 2015/2016 in the amount of \$6,000.00.
- 2.3 Acknowledge and file approval of No Exposure Certification regarding stormwater management, monitoring and reporting at the Del Norte County Transfer Station.
- 2.4 Acknowledge and file letter of July 30, 2015, from Terry Brennan of the California Department of Resources Recycling and Recovery (CalRecycle) regarding the Authority's diversion and mandatory commercial recycling programs.
- 2.5 \*\*\*ADDED ITEM\*\*\* Approve payment of the U.S. Bank VISA credit card bill in the amount of \$6,964.90.

## **END CONSENT AGENDA**

Chairman Holley asked that item 2.5 be pulled from the consent agenda for discussion.

On a motion by Commissioner Gastineau, seconded by Commissioner McClure, and unanimously carried on a polled vote with Commissioner Glore absent and Commissioner Gitlin abstaining on item 2.1, the Del Norte Solid Waste Management Authority approved and adopted the consent agenda, consisting of items 2.1-2.4, as presented.

Discussion was held regarding item 2.5. Director Ward explained that the bill was actually for two cards. Each card balance was below the \$5,000.00 limit requiring Board authorization; however the two added together exceeded it. It was further discussed that the largest item on the bill was for a new pump to replace one that had been stolen from the landfill. Director Ward was asked to return to the practice of filing a report with law enforcement when such thefts occurred.

On a motion by Commissioner Gastineau, seconded by Commissioner McClure and unanimously carried on a polled vote with Commissioner Glore absent, the Del Norte Solid Waste Management Authority approved payment of the U.S. Bank VISA credit card bill in the amount of \$6,964.90.

## **DISCUSSION/ACTION ITEMS**

### **3. LANDFILL POSTCLOSURE – No Items**

#### **4. COLLECTIONS FRANCHISE**

- 4.1 Discussion and possible action regarding lid closure retrofits for Recology Del Norte carts to address concerns regarding wind. **180510**

Jeremy Heber, Recology Del Norte Operations Manager, informed the Board that he was not impressed by the sample of a bin-locking mechanism he had recently received. He submitted an information sheet for the record, but stated that he intended to perform further investigation. Commissioner McClure suggested that Recology consider reaching out to local fabricators as they are considering possible cart lid closures.

#### **5. TRANSFER STATION**

- 5.1 Discussion and possible action regarding Change Order 21 developing a program for commercial oil recycling at the Del Norte County Transfer Station. **080104**

On a motion by Commissioner Gitlin, seconded by Commissioner McClure, and unanimously carried on a polled vote with Commissioner Glore absent, the Del Norte Solid Waste Management Authority approved Transfer Station Operations Change Order 21, developing a program for commercial oil recycling at the Del Norte County Transfer Station.

#### **6. OTHER GENERAL SOLID WASTE AUTHORITY MATTERS**

- 6.1 PUBLIC HEARING:** Hold a public hearing on whether Commissioner Roger Gitlin has violated the “Del Norte Solid Waste Management Authority Code of Ethics and Conduct for Board Commissioners and Members Appointed to Commissions and Committees” and possible action and/or referral to the Del Norte County Board of Supervisors for additional response and/or action. **052001**

Chairman Holley opened the Public Hearing at 4:13 p.m. The following person(s) addressed the Authority:

Ed Edwards, City resident, spoke in support of Commissioner Gitlin.

Craig Strong, County resident, felt that Code of Ethics violations had impeded the Authority. He suggested that enforcement of Ethics violations committed by former commissioners could not be pursued and that Commissioner Gitlin should pledge to follow the Code of Ethics from this point forward. Mr. Strong presented a letter to the Board, dated August 18, to be added to the record.

Linda Sutter felt that unless actual mismanagement occurred, the issue should be dropped.

Steve Perez, County resident, pointed out that the Grand Jury, not the Authority, had initiated this issue. He felt that requiring the Authority Director to sign a letter reprimanding a commissioner dragged staff into Board conflicts.

Bill Lonsdale, City resident, thought this could be taken as corrective rather than punitive and hoped that Commissioner Gitlin would take that message and step down voluntarily.

Donna Westfall, City resident, was not in favor of censure.

Elizabeth Henry, County resident, was in favor of Commissioner Gitlin's removal from the Board.

Donna Thompson, County resident, felt that the Board had been in a muddle until recently.

Patricia Black, City resident, thought that Commissioner Gitlin's patterns of behavior had sabotaged working relationships.

Tim Hoone, County resident, had been taken aback by the content of Commissioner Gitlin's email to Chairman Holley and thought verbal attacks should be addressed. He agreed with Mr. Lonsdale that action should be taken as corrective rather than punitive.

Kathryn Murray, City resident, also agreed with Mr. Lonsdale. She felt the Grand Jury report was thorough and factual.

Andy Larson, County resident, did not think that all of the facts were included in the Grand Jury report. He also felt that disagreement was necessary for a good board.

Robin Sutherland, City resident, felt that Commissioner Gitlin was polarizing, not cooperative, and needed to be removed so that work could be done.

Harold Nimitz, County resident, supported Commissioner Gitlin and felt that changes were happening for the better with him.

Ron Cole, County resident, had concerns with Commissioner Gitlin's contacts with applicants for the Public Board Member position. He wanted to see gridlock end.

Barbara Burke, County resident, agreed with Mr. Cole. She also felt that Commissioner Gitlin should be either more professional, or off the Board.

Commissioner Gitlin was next given the opportunity to address the Grand Jury allegations of violations of the Authority's Code of Ethics and Conduct. He delivered a verbal response denying all ethics and code of conduct violations. He added that he takes his commitments seriously. He was proud of his record and would continue to speak out.

Chairman Holley called for a brief recess at 5:27 p.m. At 5:32 p.m. the meeting resumed.

Commissioner Gastineau stated that the Grand Jury's Report was consistent with his experience on the Board over the last couple of years. He did not think Commissioner Gitlin would change. In order to move forward, he was going to vote in favor of Commissioner Gitlin's removal from the Board.

Chairman Holley had looked forward to Commissioner Gitlin accepting some responsibility for his actions, and expressed sadness that he did not do so.

On a motion by Commissioner Gastineau, seconded by Commissioner McClure, and unanimously carried on a polled vote with Commissioner Glore absent and Commissioner Gitlin excluded, the Del Norte Solid Waste Management Authority sustained the allegations contained in the 2014-2015 Del Norte County Grand Jury Report that Commissioner Gitlin violated the Authority's Code of Ethics and Conduct.

On a motion by Commissioner Gastineau, seconded by Commissioner McClure, and unanimously carried on a polled vote with Commissioner Glore absent and Commissioner Gitlin excluded, the Del Norte Solid Waste Management Authority: a.) directed legal counsel to compose a formal notice of censure to Commissioner Gitlin for the violations of the Authority's Code of Ethics and Conduct as affirmed by the Authority Board, and b.) directed staff to send a copy of the notice of censure regarding violations of the Authority's Code of Ethics and Conduct to the Del Norte County Board of Supervisors for action, accompanied by a recommendation that Commissioner Gitlin be removed from appointment to the Del Norte Solid Waste Management Authority and that the Board of Supervisors make a different appointment to the Authority's Board of Commissioners for the remainder of 2015.

6.2 Discussion and possible action regarding the Authority's response to the 2014 / 2015 Grand Jury Report regarding the Del Norte Solid Waste Management Authority, and possible referral to the Del Norte County Board of Supervisors for additional response and/or action. **071801**

The following person(s) addressed the Authority:

Ed Edwards, City resident, spoke in support of Commissioner Gitlin, saying that he had the best interests of the area at heart.

Bill Lonsdale, City resident, did not think it was the business of the Grand Jury to tell the City and County how to choose their representatives to the Board.

Dale Bohling felt Commissioner Gitlin was being railroaded by the Grand Jury.

Elizabeth Henry, County resident, thanked the Board for upholding the Grand Jury report.

Dale Condon, County resident, felt that Commissioner Gitlin had violated the Code of Ethics during this meeting.

Craig Strong, County resident, thought that the Solid Waste Task Force should also be required to follow the Code of Ethics.

Mary Wilson, Former Commissioner, stated that the Grand Jury Report was incorrect in Finding Three, regarding Code of Ethics violations the Jury alleges she had committed. She argued that during the period in question, she was serving on the Task Force, not the Authority Board, and the Task Force was not bound by the Code of Ethics. She asked that a copy of her letter to Judge Follett, dated August 18, be entered into the record.

Wesley Nunn did not think Commissioner Gitlin was wrong to speak for himself.

Commissioner McClure suggested that the Grand Jury response be modified to strike Code of Ethics violations by Commissioner #5.

Dr. Tod A. Roy, Grand Jury Foreman, advised that Ms. Wilson should file her response to the Grand Jury Report with Judge Follett.

Commissioner Gitlin stated that he rejected the Grand Jury Report.

On a motion by Commissioner McClure, seconded by Commissioner Gastineau, and carried on a polled vote with Commissioner Gitlin dissenting and Commissioner Gore absent, the Del Norte Solid Waste Management Authority accepted the proposed response to the Grand Jury Report as modified.

On a motion by Commissioner McClure, seconded by Commissioner Gastineau, and unanimously carried on a polled vote with Commissioner Gore absent, the Del Norte Solid Waste Management Authority directed staff to have all current members of the Del Norte Solid Waste Task Force review and sign the Authority's Code of Ethics and Conduct no later than October 2015.

6.3 Discussion and possible action regarding draft changes to the "Del Norte Solid Waste Management Authority Code of Ethics and Conduct for Board Commissioners and Members Appointed to Commissions and Committees" as recommended by the By-laws and Ethics Committee, and related discussion and possible action regarding Resolution 2015-08, A RESOLUTION OF THE GOVERNING BOARD OF THE DEL NORTE SOLID WASTE MANAGEMENT AUTHORITY ADOPTING REVISED DEL NORTE SOLID WASTE MANAGEMENT AUTHORITY CODE OF ETHICS AND CONDUCT FOR BOARD COMMISSIONERS AND MEMBERS APPOINTED TO COMMISSIONS AND COMMITTEES.

6.4 Discussion and possible action regarding draft changes to the Del Norte Solid Waste Management Authority By-Laws as recommended by the By-

Laws and Ethics Committee, and related discussion and possible action regarding Resolution 2015-09, A RESOLUTION OF THE GOVERNING BOARD OF THE DEL NORTE SOLID WASTE MANAGEMENT AUTHORITY ADOPTING FIRST AMENDED BYLAWS. \*\*

On a motion by Commissioner McClure, seconded by Commissioner Gastineau, and unanimously carried on a voice vote with Commissioner Glore absent, the Del Norte Solid Waste Management Authority tabled discussion of agenda items 6.3 and 6.4 until the next meeting.

**7. DIRECTOR'S & TREASURER'S REPORTS**  
**Agenda items 7.1 through 7.5 are provided for information only**

- 7.1 Director's Report **231501**
- 7.2 Treasurer/Controller Report for June 2015
- 7.3 Claims approved by Director for July 2015
- 7.4 Monthly Cash and Charge Reports for July 2015
- 7.5 Earned Revenue Comparisons between FY14/15 and FY15/16

Director Ward presented the above-listed reports, which were accepted.

**8. ADJOURNMENT**

Adjourn to the next meeting of the Del Norte Solid Waste Management Authority scheduled for 3:30 P.M., ~~September 15, 2015~~ September 15, 2015 at the Del Norte County Board of Supervisors' Chambers, 981 H Street, Suite 100 in Crescent City.

There being no further business to come before the Authority, the Chairman adjourned the meeting at 6:51 p.m., until the next regularly scheduled meeting on September 15, 2015.

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Richard Holley, Chair  
Del Norte Solid Waste Management Authority  
Date            /        /

ATTEST:

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Dr. Angela Glore, Secretary  
Del Norte Solid Waste Management Authority  
Date            /        /

Submitted:



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Katherine Brewer, Clerk  
Del Norte Solid Waste Management Authority

Date     /     /