

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

Regular Session Tuesday, September 24, 2013 3:30 PM

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

ABSENT: None

ALSO PRESENT: Wesley Nunn, Chairman Solid Waste Task Force
 Karen Phillips, PS Business Services
 Jay Sarina, CAO Del Norte County
 Wes White, Hambro/WSG
 Andrea Wadsworth, Refuse Site Attendant

3:30 PM CALL MEETING TO ORDER

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

3:30 PM PUBLIC COMMENTS

The following person(s) addressed the Authority: Elizabeth Henry, county resident, responded to the Triplicate article that appeared in the paper today regarding a proposed consulting agreement. She feels that this process needs to be public, and expressed concern that there may have been some inappropriate actions with respect to the Brown Act.

1. REPORT FROM DEL NORTE SOLID WASTE TASK FORCE

The following report was given: Wesley Nunn reported that ordinances were discussed at the last meeting. They tried to get Dave Mason to comment on the ordinances, but that did not happen, and so they moved on. They have asked Commissioner Wilson to come to the next meeting and make a presentation.

2. CONSENT AGENDA

- 2.1 Approve minutes, Regular Session, Tuesday August 27, 2013 **

No public comments were received regarding the consent agenda.

On a motion by Commissioner Gitlin seconded by Commissioner Wilson, and unanimously carried the Del Norte Solid Waste Management Authority approved and adopted the consent agenda, consisting of item 2.1, as presented.

END CONSENT AGENDA

3. DIRECTOR'S & TREASURER'S REPORTS

The following agenda items are provided for information only

- 3.1 Acting Director's Report - 231501
- 3.2 Treasurer/Controller Report for August 2013
- 3.3 Claims approved by Treasurer & Director for July & August 2013

- 3.4 Monthly Cash and Charge Reports for August 2013
- 3.5 Earned Revenue Comparisons between FY11/12 and FY12/13

- 3.6 Treasurer's Report

Acting Director Tedd Ward and Treasurer Rich Taylor reported and written reports were included in the agenda. After the posting of the agenda Wes White approached the Acting Director to note that Hambro will be donating some materials at the landfill to be stockpiled for later use. Mr. Taylor noted that the report from the Auditor's office considerably different (\$220,700+/-) from the previous month due to the reserve amount for a loan. There is some concern regarding a \$150,000 reserve being set aside years ago for this purpose. Staff and commissioners expressed alarm about the change in reserve funding without notification prior to making this entry.

END DIRECTOR'S & TREASURER'S REPORTS

DISCUSSION/ACTION ITEMS

4. LANDFILL POSTCLOSURE

- 4.1 Discussion and possible action regarding submittal of an application for Landfill environmental liability insurance.

Acting Director Tedd Ward noted that the application has been completed and the estimated cost is \$3,000-\$7,000 per year; however, they do not have a firm quote at this time. The quote and contract may be available at the next meeting.

- 4.2 Discussion and possible action regarding Change Order 2 to the Professional Services Agreement for Crescent City Landfill Environmental Services with EBA Engineers to complete a groundwater corrective action financial assurance determination for the Crescent City Landfill for an amount not to exceed \$6,600.
060901

Acting Director Ward reported on Change Order 2. Staff recommended approval of this change order.

On a motion by Commissioner Wilson, seconded by Commissioner Sullivan, and unanimously carried on a polled vote, the Del Norte Solid Waste Management Authority approved Change Order 2 in the amount of \$6,600.

- 4.3 Discussion and possible action regarding communications with CalRecycle staff and a related report on the property perimeter gas monitoring wells at the Crescent City Landfill. 230502

Acting Director Ward reported on the perimeter gas monitoring wells at the landfill. This has become an area of concern according to the information provided in the reports. Staff noted that they do not ever expect to detect any landfill gas in the monitoring wells because the gas dissipates into the sand. No action was taken.

5. COLLECTIONS FRANCHISE

6. TRANSFER STATION

- 6.1 Discussion and possible action regarding a brief history of hazardous waste collection in Del Norte County and a preliminary report on the Hazardous Waste Collection Event of 21 September 2013. 081504

Acting Director Tedd Ward reported on the hazardous waste collection and the annual event to be September 21st. The event continues to be successful with the public and businesses. No action was taken.

7. GENERAL SOLID WASTE AUTHORITY MATTERS

7.1 Discussion and possible action regarding recommendation of Chair Enea and Commissioner Sullivan to hire an independent consultant to evaluate the operations and structure of the Del Norte Solid Waste Management Authority. 101503

Discussion was held regarding the recommendations for hiring an independent consultant. Commissioner Sullivan, Chairman Enea, Jay Sarina and the City Manager Eugene Palazzo met and made the recommendation, as a committee, to hire Duane and Susan Rigge to perform the work as outlined in Tasks 1-8 (outlined in the agenda item), in the total amount of \$16,675 including expenses. The contract will take less than 60 days. Authority counsel was consulted and there were no violations of the Brown Act as mentioned previously in public comment portion of the agenda (above). Discussion was held regarding holding a special meeting to meet the Rigge's before the contract is approved.

In public comment on this item, Elizabeth Henry commented that the Brown Act could be violated in various ways. She does not understand the lack of public input on the matter. She addressed the proposed services listed as tasks. Bill Lonsdale asked what the consultants will be required to provide under their proposed tasks. He would like to know how many, and who, responded to the RFP, and he would like to have the consultant address the ten year projections for these tasks and for regulatory issues. Kathryn Murray, commenting as a resident, commented that she was uncomfortable with the process of this RFP and having it not being flown publicly. She is hoping for more transparency than there appears to be. Andrea Wadsworth, Gate Attendant, wanted the Commission to know that she feels this was an outrage. Eileen Cooper commented that there are very dedicated employees with working knowledge at the Authority.

Chairman Enea noted that he will ask the Rigge's to come to the next Authority meeting.

7.2 Discussion and possible action regarding Authority Resolution 2013-03, Modifying By-Laws, Office Location, and Meeting Dates.

Acting Director Ward introduced the resolution and proposed changes to Authority Bylaws. Commissioners have asked that the meeting dates be changed to the second Wednesday of each month at 3:15 p.m.

On a motion by Commissioner Sullivan, seconded by Commissioner Wilson, and unanimously carried on a polled vote, the Del Norte Solid Waste Management Authority approved and adopted Resolution No. 2013-03 as presented, including changing the meeting dates to the second Wednesday of each month at 3:15 p.m.

- 7.3 Discussion and possible action of the Waste Management Sector Implementation Plan (9/17/2013) developed by the California Department of Resources Recycling and Recovery (CalRecycle) and the California Air Resources Board (ARB). 180501

Acting Director Ward reported on the plan. Bill Lonsdale commented on the plan and suggested that the consultant could review this plan with regard to the ten year plan. No action was taken.

- 7.4 Discussion and possible action regarding payment of annual membership dues to the Environmental Services Joint Powers Authority of the Regional Council of Rural Counties for fiscal year 2013-2014 in the amount of \$6,000.

Acting Director Ward reported on the annual membership dues. This organization keeps the Authority in the loop with changes and programs before they become mandates. Commissioners suggested that the membership be paid every other year rather than every year to save funds. Staff noted that this is a main body that engages in legislative advocacy on behalf of the Authority on integrated waste management issues throughout the year. The membership runs annually on a fiscal year. Elizabeth Henry commented that this membership provides a lobbyist for our remote area.

On a motion by Commissioner Sullivan, seconded by Commissioner Holley, and carried on an three-fifths polled vote with Commissioners Gitlin and Wilson voting "no", the Del Norte Solid Waste Management Authority approved payment of the dues in the amount of \$6,000 for this fiscal year.

Commissioner Sullivan left the meeting at 4:55 p.m.

- 7.5 Discussion and possible action regarding a policy to attempt collection of and then write off bad debts from the Authority's accounts. 051401

Acting Director Ward discussed the policy attempt for collection /write off of bad debts. Item number 2 on the staff report was deleted per the Acting Director. The policy was read for the record. Discussion was held regarding the "treble damages" law. Wesley Nunn commented on the policy and wondered if the mirrored the county's policy. Staff noted that it was specific for the most part to the Authority.

On a motion by Commissioner Holley, seconded by Commissioner Wilson, and unanimously carried on a polled vote, with Commissioner Sullivan absent, the Del Norte Solid Waste Management Authority approved the following policy with regard to bad debt collections and write-off:

1. Customers who have paid using checks with insufficient funds ('NSF checks') are sent letter weekly in an attempt to collect. If such NSF checks are not paid within 21 days, those are turned over to Del Norte County for collections.
2. Commercial charge accounts that are delinquent over 90 days after receiving a Statement may also be turned over to DNC Collections.
3. DNC Collections generally attempt collections for 12-18 months before presuming that collection is unlikely.
4. As part of the closing of the accounts for the prior fiscal year, the Authority's Administrative Assistant and the Authority Treasurer will compile a list of debts owed to the Authority, including customer names and the dollar amounts considered 'bad debts' for which additional partial or final collection is unlikely, called 'Bad Debts for the prior fiscal year.'
5. The list of Bad Debts for the prior fiscal year will be reviewed in a meeting with the Del Norte County Auditor, Authority Director, Authority Treasurer / Controller and Authority Administrative Assistant.
6. The results of this meeting will be recorded, and for all debts for which all parties agree, those debts can be written off the Authority's financial records after Board approval.
7. The final list of 'Bad Debts Written Off at the end of Fiscal Year _____' will be presented to the Authority Board for approval and included in the reports provided to the Authority's external auditor.

7.6 Discussion regarding the formation, responsibilities and history of the Del Norte Solid Waste Management Authority. 101503

Acting Director Ward discussed the first purpose of the Del Norte solid Waste Management Authority:

Planning, siting, permitting, developing, constructing, maintaining, managing and providing gate attendants for public disposal sites, transfer stations, and/or sanitary landfills, and planning for and securing the services of necessary non-disposal processing facilities or other options related to recovering discarded resources and processing those materials to increase their value.

The Authority is meeting these responsibilities through the continuing operations of these facilities (all closed on major holidays):

Facility	Property owned by	Operations & Maintenance	Gate staff & Accounting	Hours
Gasquet Transfer Station	US Forest Service	DNSWMA with service by Recology DN	DNSWMA	Jul-Sept: Thur & Sat 10-4 Oct-Jun: Sat 10-4
Klamath Transfer	Del Norte County	DNSWMA with service by	DNSWMA	Jul-Sep: Wed, Fri, Sun 10-4 Oct-Jun: Wed & Sun 10-4

Station		Recology DN		
Del Norte County Transfer Station	Del Norte Solid Waste Management Authority	Hambro/WSG under DNSWMA's permit & agreement	DNSWMA	Mon-Fri: 8AM -5PM Sat-Sun: 9AM -5PM

No action was taken.

- 7.7 Discussion and possible action regarding inspections with Spencer Fine of the California Department of Resources Recycling and Recovery (CalRecycle) commencing on 25 September 2013.

Acting Director Ward discussed the upcoming inspections beginning tomorrow morning. No action was taken.

- 7.8 Discussion and possible action regarding appointment of labor negotiator(s) to negotiate an MOU covering mid-management employees.

Acting Director Ward discussed the appointment of a labor negotiator to negotiate the MOU covering mid-management employees, which is not currently approved, and there is no current permanent director. Commissioner Holley asked if the Personnel Officer of the County could negotiate for the Authority. Staff noted that this process should not be complicated. There is no MOU in place at this time, and there are two employees in this category. Andrea Wadsworth, Union President for the gates, noted that there are employees that need to be covered. They are talking about joining with the County union because there are not enough employees to cover the positions/officers required by the union. Patricia Black stated she feels it is unreasonable to have employees working without a contract.

On a motion by Commissioner Gitlin, seconded by Commissioner Holley, and three-fifths polled vote, with Commissioner Sullivan absent and Commissioner Wilson voting "no", the Del Norte Solid Waste Management Authority approved having Counsel and Commissioner Holley handle the negotiations on behalf of the Authority, and to ask the County Personnel Officer to attend the negotiations.

Adjourn

There being no further business to come before the Commission, Chairman Enea adjourned the meeting at 5:31p.m. until the next regularly scheduled meeting set for October 9, 2013

Richard Enea, Chair

Date / /

Del Norte Solid Waste Management Authority

ATTEST:

Richard Holley, Clerk of the Board

Date / /