

DEL NORTE COUNTY SOLID WASTE TASK FORCE

Meeting Agenda

Monday, January 4, 2016, 5:30 - 7:00 PM
Del Norte Solid Waste Management Authority Conference Room
1700 State Street
Crescent City, CA

The Del Norte Solid Waste Task Force is now meeting in Regular Session. Only those items that indicate a specific time will be heard at the assigned time. All other items may be taken out of sequence to accommodate public and staff availability.

ITEMS FOR DISCUSSION:

1. Call to order.
2. Discussion and possible action regarding approval of minutes of the June 8th, 2015 Del Norte Solid Waste Task Force Meeting. **
3. Public comment. Any member of the public is welcome to discuss any subject relating to solid waste issues in Del Norte County. Public comment is limited to three (3) minutes.
4. Discussion and possible action regarding a Code of Ethics and Conduct for the Del Norte Solid Waste Task Force as recommended by the Del Norte Solid Waste Management Authority Board. **
5. Discussion and possible action regarding a response from Authority Director Ward to the Letter to the Editor published by the Del Norte Triplicate on 30 October 2015. **
6. Discussion and possible action regarding suggestions for 2016 Green Ribbon Awards.
7. Discussion and possible change of meeting times to address recent failures to achieve quorums for meetings in November and December 2015.
8. Suggestions for items for future Solid Waste Task Force agendas.
9. Adjournment. Adjourn to the next meeting of the Del Norte County Solid Waste Task Force on February 8, 2016.

** indicates attachments

DEL NORTE COUNTY SOLID WASTE TASK FORCE

Meeting Minutes

Monday, June 08, 2015

Del Norte Solid Waste Management Authority Conference Room
1700 State Street
Crescent City, CA

Present: Richard Miles, Chair
Brad Cass
Wes Nunn
Joel Wallen
Craig Strong
Mary Wilson

Absent: Pat Black (gave notice)

Also Present: Tedd Ward, Authority Director

1. Chair Miles called the meeting to order at 5:30 PM.
2. Joel Wallen moved and Wes Nunn seconded a motion to approve the minutes as presented. Adopted unanimously with Brad Cass abstaining as he was not present at that point in meeting.
3. During Public Comment, Tedd described all the free items received daily at the Del Norte County Transfer Station. Wes Nunn spoke about his efforts in vermicomposting.
4. Presentation by Wes Nunn to explain how Writ of Mandate to the City of Crescent City might apply to the Task Force recommendations associated with Authority Ordinances, and how such action might proceed.

Wes Nunn described his question as to whether or not the Authority Ordinances were valid because of the voting structure of the Authority. He said that first, the Task Force would have to exhaust administrative remedies prior to pursuing other remedies. Tedd said that the legal counsel for the Authority drafted the JPA documents, and so that was the legal basis for the voting structure. If legal counsel felt that it was not a legal structure, they would have advised otherwise. Wes suggested that the task force recommend that the Authority examine the ordinances to determine if the voting structure in place at the time of adoption was a legal structure for the adoption of ordinances. Ralph Dickey said that this activity was not described in the State law as part of the responsibilities of the task force. Tedd suggested that having the task force pursue appeals of the actions of the Authority, City, or County would be counter-productive. The task force provides advice, the Authority can follow that advice or not. If the task force begins challenging agencies that do not pursue the task force advice, that undermines the credibility of the task force as an advisory body. Mr. Miles intends to have an 'up or down' vote on whether or not the task force will pursue this in future.

(Mary Wilson arrives)

5. Joel moved and Craig seconded a motion to have the Education and Outreach Committee assist with developing survey questions to be used at the Del Norte County Fair (Aug 6-9, 2015) and other venues.

6. Wes suggested that there be a standing item to place items on future solid waste task force meeting agendas.

Chair Miles adjourned the meeting at 6:22 PM.

Respectfully Submitted,

Tedd Ward, Recording Secretary

Director – Del Norte Solid Waste Management Authority



Del Norte Solid Waste Management Authority

1700 State Street, Crescent City, CA 95531

Phone (707) 465-1100 Fax (707) 465-1300

www.recycledelnorte.ca.gov

The Authority's mission is the management of Del Norte County solid waste and recyclable material in an environmentally sound, cost effective, efficient and safe manner while ensuring 100% regulatory compliance with law.

Staff Report

Date: 28 October 2015
To: Members of the Del Norte Solid Waste Task Force
From: Tedd Ward, M.S. – Director
File Number: 200101 – Del Norte Solid Waste Task Force
Attachments: Del Norte Solid Waste Task Force Draft Code of Ethics & Conduct
Task Force By-Laws (adopted September 2014)
Task Force Code of Conduct (adopted January 2004)

Topic: Code of Ethics and Conduct recommended for the Del Norte Solid Waste Task Force

Summary / Recommendation: That the Del Norte Solid Waste Task Force review possibly modify, and vote to adopt the attached Draft Code of Ethics and Conduct.

Background: At the September Authority meeting, the Authority Board expressed concern that the current Task Force Code of Conduct did not address concerns raised in the 2014/2015 Del Norte County Grand Jury Report, and that the Authority Board of Commissioners' Code of Ethics and Conduct might be too restrictive for the members of the Del Norte Solid Waste Task Force. Specifically, the Task Force membership currently and historically has included representatives from Authority's contractors. The potential burden of ex parte disclosures associated with any communications between representatives of HambroWSG and Recology Del Norte (as would be required under the Commissioner's Code of Ethics and Conduct) was viewed as unnecessarily cumbersome, especially considering that the Task Force is an advisory body.

Analysis: Based on the content of the Grand Jury Report and the discussion at the September Authority meeting, the Ethics and Bylaws Committee did not support asking the Task Force members to adopt and follow the Authority's Code of Ethics and Conduct. Similarly, the Task Force's adopted Bylaws and Code of Conduct were not sufficiently detailed to address the issues identified in the Grand Jury Report.

15 October 2015

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A Joint Powers Authority of
the City of Crescent City and County of Del Norte
& member, North Coast Recycling Market Development Zone

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As the 2014/2015 Del Norte Grand Jury Report specifically identified concerns relating to members of the Del Norte Solid Waste Task Force, the Authority Bylaws and Ethics Committee (Commissioners McClure and Glore) considered and incorporated the Task Force's current Code of Conduct, and modified applicable provisions from the Commissioner's Code of Ethics and Conduct to clarify the role of the Task Force and describe appropriate behavior expectations, with the intent to craft a policy that if adopted and implemented, would address the issues identified by the Grand Jury.

As the Del Norte Solid Waste Task Force is established as a separate entity by legislation and regulations, the Solid Waste Task Force is responsible for adopting their own rules of conduct. The Authority Board can only make suggestions and requests of the Del Norte Solid Waste Task Force. The Authority Board and staff efforts are intended to address the issues raised in the Grand Jury report, and to suggest a mechanism for the Task Force to address those concerns. Alternatively, the Task Force could do so on their own if this can be done in a timely manner.

On 20 October 2015, the Authority Board reviewed and unanimously voted to recommend that the Task Force adopt the attached draft Code of Ethics and Conduct. They also voted that if the Task Force does not adopt the Code of Ethics and Conduct or some similar policy, the Authority Board requests that the Task Force describe what actions they intend to take to address the concerns raised in the 2014/2015 Del Norte County Grand Jury Report relating to the Solid Waste Task Force and the behavior of its members, and when that process would be completed.

Alternatives: If the Task Force does not adopt the Code of Ethics and Conduct or some similar policy, the Authority Board requests that the Task Force describe what actions they intend to take to address the concerns raised in the 2014/2015 Del Norte County Grand Jury Report relating to the Solid Waste Task Force and the behavior of its members, and when that process would be completed.

Fiscal Impacts: None.

DEL NORTE SOLID WASTE TASK FORCE

CODE OF ETHICS & CONDUCT

*This revision was drafted in October 2015, under the guidance of the
Del Norte Solid Waste Management Authority's Ethics and Bylaws Committee
Adopted by the Del Norte Solid Waste Task Force on 09 November 2015*

Statement of Purpose:

As the Del Norte Solid Waste Task Force (Task Force) is primarily an advisory body to the Del Norte Solid Waste Management Authority (Authority). The Authority Board of Commissioners intends that this Code of Ethics and Conduct establish mutually understood guidelines of Ethics and Conduct for members serving on the Del Norte Solid Waste Task Force. Specifically:

- The Del Norte Solid Waste Task Force is primarily an advisory body, and their actions and advice should be given in a way that improves and enhances the programs and policies of the Del Norte Solid Waste Management Authority for the benefit of the residents, businesses and agencies of Del Norte County
- Members of the Task Force serve for the public good, not private benefit or personal gain
- Public deliberations and processes be conducted openly in an atmosphere of respect and civility

Understanding of the Role and Limits of the Del Norte Solid Waste Task Force

The Del Norte Solid Waste Task Force can provide a forum to explore and discuss alternative solid waste, recycling, and composting plans, programs, and policies in ways that are not practical or too time consuming for meetings of the Del Norte Solid Waste Management Authority. During such meetings, each member of the Del Norte Solid Waste Task Force is expected to familiarize themselves with any and all relevant policy positions adopted by the Authority Board, and the process under which those policies were developed.

Ad Hoc or standing subcommittees established by the Del Norte Solid Waste Task Force may be established by actions recorded in the adopted minutes of the Task Force, and all subcommittee meetings are to be reported at the next Solid Waste Task Force meeting. When establishing ad hoc committees, the minutes recording the creation of each ad hoc committee will describe the date or conditions under which such ad hoc committee will be disbanded.

Conduct during Del Norte Solid Waste Task Force meetings

During meetings, each member of the Del Norte Solid Waste Task Force is expected to:

1. Turn cell phones off. If necessary, take calls outside of the meeting.

2. Be prepared and on time for the start of the meeting. Stay for the entire length of the meeting if possible. Be timely when returning from breaks. If you must leave mention it at the beginning of the meeting.
3. If you must be absent from a meeting, notify the Chair or staff in advance.
4. Raise your hand to be recognized by the Chair. Question what you don't understand.
5. Actively participate, without side conversations. Be respectful of other task force members, staff and members of the public. Stick to the issue being addressed, as clearly as possible.
6. In absence of decorum the Chair will intervene.
7. When voting, silence on a vote is considered agreement with the majority.

Respect for Process

The Task Force will address its responsibilities for review and comment regarding the Authority's Regional Agency Integrated Waste Management Plan and associated programs as described in California Public Resources Code commencing with section 40950. The Task Force may also investigate and discuss specific matters related to waste prevention, reuse, recycling, composting, extended producer responsibility, recycling market development, and public outreach and education programs in Del Norte County, including programs provided by Authority contractors. Unless requested to do so by the Authority Board, the Task Force will not provide assessments or recommendations regarding the Authority's budget or staffing.

The Chair of the Task Force, or a person designated by the Task Force Chair, may summarize the issues being discussed, deliberations and/or actions of the Task Force at one or more Authority Board meetings. All summaries of the actions and/or opinions of the Task Force must be consistent with the relevant Task Force meeting minutes. Following such summary reports, the Authority Board may provide additional direction to the Task Force.

If the Del Norte Solid Waste Task Force intends to consider advice or advocacy which could contradict or undermine adopted Authority policies, procedures, or programs, the Chair of the Task Force will present Findings of Fact and a Statement of Intent adopted by a majority of the Task Force to the Authority Board providing justification by identifying potential benefits to the Del Norte community and/or environment. Task Force recommendations for Authority changes to policies or programs will directly relate to the relevant Findings of Fact and Statement of Intent. The Authority Board has discretion to act or not act on the advice provided by the Task Force.

Task Force assessments or advice regarding DNSWMA programs will be presented in writing to the Authority Board prior to any presentations or discussion with any other community group, State, County or City agency, or joint powers authority.

Potential Conflicts of Interest, Representation of Private Interests, and Advocacy

Authority contractor representatives who serve as Task Force members will refrain from using the Task Force meetings to initiate discussion regarding potential changes to any contractor's service agreements with the Authority, unless such changes have already been discussed as an agenda item at an Authority meeting.

If a Task Force member is selected to serve as an Authority Commissioner, that person will immediately forfeit their appointment as a Task Force member. The Chair of the Authority Board may from time-to-time appoint one Commissioner as a non-voting liaison to the Task Force.

Representatives or employees of Authority contractors or potential contractors who serve as Task Force members will refrain from suggesting Task Force agenda items relating to the service agreements of any Authority contractor unless such issues have first been discussed with Authority staff or addressed at a regular Authority Board meeting.

If any Task Force member could potentially benefit financially from the advices of the Task Force, that member will recuse themselves from discussion of that item. Task Force members who are customers of Authority contractors do not need to recuse themselves from discussions of service standards of Authority contractors, but representatives of Authority contractors should not vote on any Task Force recommendations directly related to their current service agreements.

Conduct between meetings when representing actions of the Solid Waste Task Force

None of the above limitations prohibit any member of the Del Norte Solid Waste Task Force from exercising their individual right to free speech, but each Task Force member is obliged to clearly distinguish their opinions from those adopted by the Task Force or the Authority Board.

Task Force members are also prohibited from having serial meetings with a majority of Task Force members. In other words, no Task Force member may discuss any issue that may be addressed by the Task Force with a majority of the Task Force membership unless such discussion occurs as an agenda item at a Task Force meeting.

Implementation of this Code of Ethics and Conduct

This Del Norte Solid Waste Task Force Code of Ethics and Conduct expresses standards of ethical conduct expected for Task Force members. The Chair of the Task Force and the Authority Director have the additional responsibilities to intervene when actions of one or more Task Force members, as reported to or observed by the Chair or the Director, appear to be in violation of this Code of Ethics and Conduct.

Task Force appointees entering office shall sign an acknowledgement that they have read, understood, and will abide by the Del Norte Solid Waste Task Force Code of Ethics and Conduct.

Compliance & Enforcement

The goal of enforcement of this Code of Ethics is corrective, rather than penal and a progressive approach of curing violations is encouraged beginning with informal methods and proceeding to more formal methods, as necessary and appropriate, given the circumstances and allegations of the complaint. In appropriate circumstances, informal counseling and instruction shall be utilized to address issues before recommending sanctions. Depending on the severity of the violation, sanctions may be imposed including reprimand, formal censure, referral back to the Board of Supervisors or City Council

which appointed the member with a recommendation for removal from the appointment, loss of committee assignments, or other penalties as may be applicable to the circumstances. The Board of Commissioners also may vote to recommend the removal of Task Force members and refer matters of conduct and ethics to the appointing body.

Statement of Commitment

As a member or alternate of the Del Norte Solid Waste Task Force, I understand and agree to uphold this Code of Ethics and Conduct as adopted by the Authority's Board of Commissioners. In recognition of this standard I will conduct myself by the following model of behavior:

- Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;
- Help create an atmosphere of respect and civility where individual members, Authority staff and the public are free to express their ideas and work to their full potential.
- Recognize that the Task Force is an advisory body to the Del Norte Solid Waste Management Authority and as such my conduct as a Task Force member is expected to support improvements to the Authority, its policies and its programs for the benefit of Crescent City's and Del Norte's residents, businesses, agencies, and tourists;
- If there is a potential perceived conflict of interest between my role as a Task Force member and my employment, affiliation, or properties, I will recuse myself from such discussions or voting on such issues;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
- Avoid and discourage conduct which is dishonest, divisive or harmful to the best interests of the Del Norte Solid Waste Task Force or the Del Norte Solid Waste Management Authority;
- Treat all people with whom I come in contact in the way I wish to be treated.

I affirm that I have read and that I understand, accept and support, and will abide by the Del Norte Solid Waste Task Force Code of Ethics and Conduct.

Print Name

Signature

Date

DEL NORTE SOLID WASTE TASK FORCE

CODE OF CONDUCT

Unanimously adopted January 13, 2004

1. Be prepared and on time for the start of the meeting.
2. Stay for the entire length of the meeting if possible. If you must leave mention it at the beginning of the meeting.
3. Be timely when returning from breaks.
4. Raise your hand to be recognized by the Chair.
5. Be respectful of each other.
6. No side conversations.
7. Turn cell phones off. If necessary, take calls outside of the meeting.
8. Actively participate. If you must be absent notify the Chair or staff in advance.
9. A member absent from two (2) meetings without notice will be asked to step down.
10. Silence on a vote is considered agreement with the majority.
11. Stick to the issue being addressed, as clearly as possible.
12. Question what you don't understand.
13. In absence of decorum the Chair will intervene.

DEL NORTE COUNTY SOLID WASTE TASK FORCE By-Laws

NAME: The name of this organization shall be the
Del Norte County Solid Waste Task Force
(and also referred to as the 'Local Task Force' or LTF)

PURPOSE: The LTF will do all of the following:

1. Identify solid waste management issued of countywide or regional concern.
2. Determine the need for solid waste collection and transfer systems, processing facilities, and marketing strategies that can serve more than one jurisdiction in the region.
3. Facilitate multi-jurisdictional arrangements for marketing recyclable materials.
4. Facilitate resolution of conflicts and inconsistencies between City and County Source Reduction and Recycling Elements (SRREs).

The LTF will develop goals, policies and procedures consistent with the state mandate to maximize waste prevention, recycling and composting, and provide environmentally safe incineration or landfilling of wastes which cannot be prevented, recycled or composted. Through these goals, policies and procedures, the LTF guides the development of the Siting Element of the Countywide Integrated waste Management plan.

The LTF will review and comment on the Nondisposal Facility Element. Comments by the LTF shall include an assessment of the regional impacts of the facility on potential diversion (i.e. waste prevention, recycling or composting) within the community.

MEMBERSHIP: May include representatives of the solid waste industry, environmental organizations, the general public, special districts and affected governmental agencies, who must be appointed by a majority vote of the Board of Supervisors and approved by the City Council. LTF members shall serve at the pleasure of the Board of Supervisors.

OFFICERS: Shall consist of a Chairperson and a Vice Chairperson, with each officer serving for a period of one year, unless they are re-elected.

SECRETARY: At the same meeting that elects Officers, the Chairperson of the Local Task Force will appoint a secretary to the LTF who is familiar with the Brown Act, Rosenberg's Rules of Order and other relevant meeting procedures. The person appointed to serve as LTF Secretary may be a staffperson of the Del Norte Solid Waste Management Authority

or a member of the Del Norte County Solid Waste Task Force.
Appointment of the Secretary must be ratified by a majority vote of the LTF.

ATTENDANCE: Attendance at all LTF meetings is mandatory for all appointed members. A member who misses three consecutive meetings without having notified Authority staff or the Chairperson will be dropped from membership. If a member misses six meetings in a year, such a member may be dropped from membership by a majority vote of the Task Force. Meeting minutes will reflect if absent members were excused or not.

MEETINGS: Rosenberg's Rules of Order shall govern the conduct of each meeting.

QUORUM: A quorum at each meeting is attained by the attendance of one-half the membership, plus one.

DISSOLUTION & FORMATION: The LTF shall be dissolved and reconvened on March 1, 2000 and each five years thereafter in accordance with PRC Section 40950(a), as amended.

Respectfully submitted for consideration of the Del Norte County Board of Supervisors.

Adopted by the Del Norte County Solid Waste Task Force on September 8th, 2014.

AYE: Nunn, Black, Wallen, Miles, Dickey, Wilson, Larson

NO: None.

ABSTAIN: None.

ABSENT: Cass

Tedd Ward, M.S.

Secretary, Del Norte County Solid Waste Task Force

Acting Director / Program Manager

Del Norte Solid Waste Management Authority

Approved by the Del Norte County Board of Supervisors on ____ September 2014.

AYE:

NO:

 print this

Letter to the Editor, Oct. 29, 2015

By Del Norte Triplicate Readers October 30, 2015 09:32 am

Financial responsibility questioned by SWMA

Supervisors Gerry Hemmingsen and Chris Howard have refused appointments to our local Solid Waste Management Authority. I'm not a bit surprised. It's become a hot seat for any board member criticizing disappearing cash and other financial discrepancies. Now, Supervisor McClure and Triplicate personnel in their Oct. 20 editorial are ridiculing Hemmingsen and Howard instead of addressing the fact that a standing threat of censorship awaits any solid waste board member who dares to challenge financial discrepancies. Creating a hostile environment against persons who speak for financial responsibility is the cornerstone of corruption.

It's unfathomable to me that some find the disappearance of \$29,000 cash from the solid waste authority perfectly acceptable, hiring extra administrative personnel against the advice of an expert consulting firm is somehow just fine, crying to the Grand Jury to involve them in a politically-based issue even where no administrative review has been exhausted (as is normally required by law) is somehow OK, with a standing threat of censorship looming over any local solid waste board member daring to demand financial accountability.

Former solid waste authority board members Mary Wilson, Roger Gitlin and Mike Sullivan were highly respected advocates for financial responsibility prior to being attacked by a small but noisy bunch. Most notable is that the solid waste authority found the harshest of the Grand Jury allegations against Mary Wilson were factually incorrect.

So quickly forgotten is the antiquated "pencil and paper" accounting system, which was used by the solid waste authority in a day of electronic accounting until outcry from responsible local citizens resulted in a functional system of regular financial audits, checks and balances.

Ultimately, the threat of censorships intended to hush inquiries into finances will fail if challenged by First Amendment rights and by the sworn duty of supervisors to practice financial responsibility.

Wesley I. Nunn, Crescent City

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Del Norte Solid Waste Management Authority

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The Authority's mission is the management of Del Norte County solid waste and recyclable material in an environmentally sound, cost effective, efficient and safe manner while ensuring 100% regulatory compliance with law.

Staff Report

Date: 03 November 2015
To: Members of the Del Norte Solid Waste Task Force
From: Tedd Ward, M.S. – Director
File Number: 200101 – Del Norte Solid Waste Task Force
Topic: Wesley Nunn's Letter to the Editor of 30 October 2015

Background: As Mr. Nunn submitted a letter to the Del Norte Triplicate which was published last month, I felt it was important to clarify some points addressed in that letter. While I respect each person's right to voice their opinion, there are many issues that were not accurately represented. As Director of the Del Norte Solid Waste Management Authority, I feel it is important that the members of the Del Norte Solid Waste Task Force have an opportunity to reach common understanding of the facts associated with this agency and its history.

WN: Supervisors Gerry Hemmingsen and Chris Howard have refused appointments to our local Solid Waste Management Authority. I'm not a bit surprised. It's become a hot seat for any board member criticizing disappearing cash and other financial discrepancies.

Response: Former Commissioner Gitlin resigned from the Authority Board after the Authority Board voted to recommend that the Board of Supervisors remove him as Authority Commissioner based on violations of the Authority's Code of Ethics and Conduct (which Mr. Gitlin signed) as detailed in the 2014/2105 Del Norte County Grand Jury Report. Furthermore, when Commissioner Gitlin was Chair of the Authority Board, he deferred an agenda item to implement additional fiscal controls at the Authority. To imply that it was his criticism of 'disappearing cash and other financial discrepancies' that led to the Grand Jury report or his resignation is speculation unsupported by facts.

WN: Now, Supervisor McClure and Triplicate personnel in their Oct. 20 editorial are ridiculing Hemmingsen and Howard instead of addressing the fact that a standing threat of censorship awaits any solid waste board member who dares to challenge financial discrepancies. Creating a hostile environment against persons who speak for financial responsibility is the cornerstone of corruption.

Response: I am at a loss to explain what 'fact' exists to support Mr. Nunn's fantasy



that there is a ‘threat of censorship.’ Supervisors are elected officials, and receiving and addressing political criticism is part of that elected position. Being subject to potential Grand Jury investigations is part of serving as an elected official or working for a public agency. The existence of a Grand Jury does not constitute a ‘hostile environment.’ Calling a legally-established oversight body of volunteers a ‘cornerstone of corruption’ or a ‘threat of censorship’ underscores this fundamental misunderstanding.

WN: It’s unfathomable to me that some find the disappearance of \$29,000 cash from the solid waste authority perfectly acceptable, hiring extra administrative personnel against the advice of an expert consulting firm is somehow just fine, crying to the Grand Jury to involve them in a politically-based issue even where no administrative review has been exhausted (as is normally required by law) is somehow OK, with a standing threat of censorship looming over any local solid waste board member daring to demand financial accountability.

Response: No Authority Commissioner or staff find the ‘missing money’ acceptable. Authority staff are accountable, have been held accountable, and remain accountable for Authority finances and records. The Authority has conducted annual audits for each fiscal year of its existence, and responded to all recommendations from those auditors. None of those auditing firms discovered the ‘missing money’ associated with bounced checks.

Every time the Authority accepted a check with insufficient funds, there was ‘missing money’ because the bank did not honor the check. The amount of ‘missing money’ increased with additional fees added by the County and the banks. This money did not ‘disappear’ as it was not held in the Authority accounts from the moment the bank reported each check with insufficient funds. The former Authority Director, on his own initiative, hired Don Scanlon to conduct the forensic audit that determined that the Authority had a cash shortage of \$25,732.15 on June 30, 2012. Prior to the completion of that forensic audit, the former Director implemented additional fiscal controls including surprise cash counts. The Authority Board at that time negotiated the resignation of the former Director based on concerns surrounding that cash shortage.

While Authority Commissioners and staff continue to take this issue very seriously, it is important to emphasize the Authority Commissioners and staff are NOT responsible for investigating or prosecuting such cases. Those are the responsibilities of the former and current Del Norte County Sherriff and District Attorney. Authority staff have cooperated completely with investigations by the Del Norte County Sherriff’s Department regarding all Authority financial issues and associated investigations. Apart from the Authority Treasurer Rich Taylor and the Del Norte County Auditor, of the Authority or County employees responsible for accounting functions or fiscal oversight at the Authority that worked during the

period of 'missing money,' none of those people currently serve in accounting capacities as Authority employees. The former Del Norte County Sherriff has been quoted in the Del Norte Triplicate that the amount of 'missing money' was probably closer to \$9,000. The 2014/2015 Grand Jury reports that in their assessment, the actual amount of 'missing money' is likely closer to \$4,000. No assessment has indicated that the amount of missing money exceeded \$25,732.15, and no assessment indicated that this cash 'disappeared.'

While the Authority is in the process of hiring a Facilities and Program Coordinator, calling this position 'extra administrative personnel' is incorrect. We will be filling a position that has been vacant since August 2013. While the R3 report did suggest the Authority could reduce its staffing, these 'Options' were contingent on: (1) Del Norte County taking all responsibilities for the Crescent City Landfill, (2) having grant programs administered by Recology Del Norte, and (3) having Hambro/WSG conduct monitoring for permit compliance at the Del Norte County Transfer Station. None of these contingent actions has happened, so hiring staff to fill this vacancy does not conflict with that report. Furthermore, the title and job description for this has been modified to complement the experience of existing staff and to reduce staffing costs.

The Authority did not approach the Grand Jury in any way prior to their investigation, so the claim that the Authority went 'crying to the Grand Jury' is without basis. The 'standing threat of censorship' is repeated, as is the implication that some Commissioner 'demanded fiscal accountability' without response from staff. Again, both these allegations are without justification.

WN: Former solid waste authority board members Mary Wilson, Roger Gitlin and Mike Sullivan were highly respected advocates for financial responsibility prior to being attacked by a small but noisy bunch.

Response: The 2014/2015 Del Norte County Grand Jury is not a 'small but noisy bunch,' but is an official, legally-established group of unpaid citizens appointed to provide citizen oversight of public agencies under the guidance of the district attorney and the presiding Judge.

WN: So quickly forgotten is the antiquated "pencil and paper" accounting system, which was used by the solid waste authority in a day of electronic accounting until outcry from responsible local citizens resulted in a functional system of regular financial audits, checks and balances.

Response: This statement implies that outcry 'from responsible local citizens' was the driver for implementing additional fiscal controls, which is not true. All legally-required fiscal controls were in place during the period associated with 'missing funds,' and Authority staff were the ones who suggested and implemented additional

fiscal controls to address this concern.

Shortly after assuming the duties of Acting Director, I worked with Authority Account Clerk Lisa Babcock, Authority Treasurer Rich Taylor, and Del Norte County Auditor Clinton Schaad to develop and implement additional fiscal controls that would prevent or detect any similar malfeasance. I did this as a responsible public employee, and I did not have to wait for a public outcry to do so. The Authority Chair at the time, Roger Gitlin, immediately suggested that the Authority consider not accepting checks at Authority facilities (August 2013), though the Board did not approve that suggestion.

Authority staff improved policies to improve collections on Authority accounts in September 2013. Authority staff also proposed and implemented additional fiscal controls, though the Board deferred discussion of this issue for over a month until it was addressed in April 2014. During this period, public comments did request additional information regarding fiscal matters, though there was no 'public outcry' for additional fiscal controls. The adopted minutes from the Authority meeting on April 9, 2014, indicate Authority Chair Gitlin stated that "...this process regarding the missing funds involves police reports and people's reputations. He feels that the matter should not be discussed in public until the full report is completed."

WN: Ultimately, the threat of censorships intended to hush inquiries into finances will fail if challenged by First Amendment rights and by the sworn duty of supervisors to practice financial responsibility.

Response: There is no censorship. There is no threat of censorship. If no one is making a threat of censorship, there is no one to have intent behind such a non-existent threat. There were no 'inquiries into finances' that were 'hushed.' In their oath of office, Supervisors have sworn to 'uphold and defend the Constitution.' Though Supervisors may have duties to practice financial responsibility, they have not made an oath to do so. In contrast, Commissioner Gitlin did sign a document to *"..affirm that I have read and that I understand , accept and support the Del Norte Solid Waste Management Authority Code of Ethics and Conduct."* The 2014/2015 Del Norte County Grand Jury concluded that he violated that affirmation.

The primary connection between the Grand Jury Report, Mr. Gitlin's resignation, and the inability for the Supervisors to fill the vacancy on the Authority Board of Commissioners may be associated with the Authority's Code of Ethics and Conduct. However, there is no connection whatsoever between those issues and the fiscal oversight or fiscal responsibilities of this agency.