

**Press Release Issued by Andrew Dobbs, Austin Zero Waste Alliance
October 16, 2014**

The Austin City Council levelled a stunning rebuke to the City Auditor today, passing a resolution rejecting a report issued earlier this year which alleged that a member of the city's Zero Waste Advisory Commission had committed a conflict of interest. Daniela Ochoa Gonzalez, an internationally known expert in composting and other Zero Waste topics, was compelled to resign from her position and even lost her job at the University of Texas as a result of the controversy prompted by an anonymous complaint. The resolution passed today not only rejected the Auditor's report, it also apologized to Ochoa, requires future copies of the report be headed by a disclaimer discrediting it and orders the Auditor and Ethics Review Commission to begin developing improvements to their investigation and allegation processes.

"I just want to continue being an earth steward and a love spreader," Ochoa said. In return for the strong and unequivocal resolution clearing her name, Ochoa released any civil claims against the city. "When the government officials attack somebody wrongfully, it can make you feel helpless. While this process created great difficulties in my life, it was a learning experience and it made me stronger in believing that all of us have an obligation to fight back whenever government officials abuse their authority. Now I am free to continue my work for the community."

The Auditor's report claimed that Ochoa committed an offense by voting on several agenda items at Zero Waste Advisory Commission meetings while her small consulting business had a contract with local company Texas Disposal Systems (TDS). None of the items benefitted TDS directly, the Auditor never provided Ochoa an opportunity to respond to its findings, and they failed to demonstrate how Ochoa's alleged conduct might constitute a conflict of interest, as acknowledged by Council's resolution today. Media coverage of the allegations led to her termination from her work facilitating Zero Waste programs at UT Austin.

"One of Austin's most important Zero Waste leaders was under attack and we are thrilled to see her vindicated," Robin Schneider, Executive Director of Texas Campaign for the Environment said. "Still, this must be a wakeup call—Austin's system has failed to provide a simple means of due process, and if it weren't for the extraordinary action taken by the Council, Daniela Ochoa would have had no means to clear her name. We need strong democratic accountability if we are going to protect the public interest. We're looking forward to seeing Council rectify the process which put Daniela in this position."

The resolution—sponsored by Councilmembers Martinez, Morrison and Riley—was so strongly supported by Council that Councilmember Kathie Tovo—who had been away from the proceedings when the resolution passed—requested that the item be brought up again so that she could vote for it. This meant that the item passed 7-0. Many in the community had been concerned that the Auditor's action would have a chilling effect on members of city boards and commissions, and prevent qualified experts from serving. Council's strong statement pushes back against this threat.

"This resolution accomplishes three key objectives," Mariano Conde de Frankenberg, Ochoa's attorney said. "It protects the basic right to defend oneself of allegations, it ensures compliance with the city code which expressly establishes an Ethics Review Commission process to be followed when board and commission members are accused of ethical violations, and it clears Daniela and Texas Disposal Systems who were both wrongfully smeared by the Auditor's report."

The City Auditor and Ethics Review Commission will have to report back to Council on suggested changes to their processes within 90 days. City Auditor Ken Mory had already announced that he would be stepping down at the end of the year, and all future copies of the report—electronic or in print—will have a conspicuous note saying "Notice: This Report has not been accepted by the Austin City Council and is subject to Resolution No. 20141016-024, passed on October 16, 2014." Ochoa's case had become a passionate cause among a number of local activists, with dozens showing up to various meetings prior to today's resolution. Lawyers and leaders from TDS were also deeply involved in the process which also called their integrity into question.

"I am grateful for all those who actively supported me and appreciate the Council passing this resolution which clears me and Texas Disposal Systems," Ms. Ochoa said.

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