

MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD OF DIRECTORS MEETING
TUESDAY–DECEMBER 12, 2006
LRAPA Meeting Room
1010 Main Street, Springfield, Oregon

ATTENDANCE

Board: Dave Ralston, Chair–Springfield; Faye Stewart, Vice-Chair–Lane County; Bill Carpenter–At-Large, Springfield; Glenn Fortune–Cottage Grove/ Oakridge; Drew Johnson–Eugene; Earl Koenig–Eugene; David Monk–Eugene; Betty Taylor–Eugene
(ABSENT: Carol Tannenbaum–At-Large, General)

Staff: Merlyn Hough–Director; Merrie Dinteman; Doug Erwin; Ralph Johnston; Sally Markos; Kim Metzler; Nasser Mirhosseyni; Tim Sawyer

Other: Russ Ayers, Larry Dunlap, and Gery Vander Meer–LRAPA Advisory Committee; Sharon Banks–Cascade Sierra Solutions; Mike Bucci–Kingsford; Terry Connolly–Eugene Chamber of Commerce; Russ Eldridge; Pat Patterson–Cottage Grove City Council

1. OPENING: Ralston called the meeting to order at 12:18 p.m.
2. PUBLIC PARTICIPATION:
 - A. Comments Regarding An Item on Today's Agenda. None.
 - B. Comments Regarding An Issue Not on Today's Agenda.
 - (1) Larry Dunlap, 2865 University Street, Eugene, Representing Himself. Dunlap said he is a member of the LRAPA Advisory Committee. He said that, despite the committee's difficulty in reaching consensus regarding the board's decision to write the letter to legislators regarding field burning, there are certainly members of the committee that strongly support what the board did in supporting Representative Holvey's legislation. Dunlap, a physician who represents health interests on the committee, said he had polled allergists and other physicians in the area, and they also support the board's decision. In fact, Dunlap said, the physicians will be taking a similar action, hopefully at the next Lane County Medical Society Trustee meeting the week after this board meeting. Dunlap said he hopes they will similarly endorse this legislation and ask the OMA to provide its support, as well. Dunlap added that physicians are also interested in the benzene issue right now and that they will, hopefully, tackle that with something like a tax on benzene emissions that exceed federal limits.
 - (2) Russ Eldridge, 2125 Lakeview Drive, Eugene, Representing Himself. Eldridge said he lives in the north Gillam Drive area of Eugene and wanted to address the issue of dust from the various sand and gravel operations north and west of that area. He said there are hundreds of new homes in that area of town which are absolutely surrounded by sand and gravel companies. He said, while those companies have a right to be there and to continue to do their business, they do not have the right to affect the quality of life of those living in the area to the extent that they do. Eldridge explained that the dust fallout is primarily a summertime issue. He can hear the sand and gravel operations starting up their grinders at 7:00 p.m., and he can see the dust in the background. The dust from their grinding and processing operations cause people living in the area to have to wash down their patio furniture every day and wash down their houses every other week. Eldridge said he is aware that these operations are big businesses, but there are hundreds of millions of dollars worth of new homes in that area, and that is also big business. He said residents have the right to be able to sit

on their patios and enjoy their homes without the constant presence of dust. He said he has contacted LRAPA before regarding this issue, by telephone; and he received a written response that LRAPA is trying to deal with it and ensure that the operations keep their grounds watered down and employ other measures to minimize the dust. Eldridge said it is not the dust from the grounds that is causing the biggest problem. It is the dust from the grinding process, itself. He said he does know what the solution is; but he believes that if it were a paper mill impacting that many people, a solution would be found and it would be fixed. He asked the board to work to find a solution to the fallout problem from sand and gravel companies in that area, including Wildish, Egge, Eugene Sand & Gravel and Delta Sand & Gravel. He added that if it would be helpful, he would be happy to bring in a petition signed by hundreds of homeowners, because it is a topic of conversation throughout the area, and nobody likes having to deal with the dust.

- (3) Pat Patterson, 1140 South 10th, Cottage Grove, Representing Himself. Patterson said he has lived in Lane County since 1958, living in the farming community of Junction City at one time and then in Cottage Grove. Patterson said this agency will have a large impact on the economy and employment picture of Lane County, and he is concerned that LRAPA not be allowed to be used as a “political football.” He said people are paying attention to what has been said in the media about LRAPA’s recent action regarding field burning and are wondering whether the agency is representing the people of Lane County or being used to push private agendas. Patterson stressed that LRAPA was authorized by state legislation to allow local people to have control over air quality programs in Lane County, and that it operates in accordance with federal and state laws. Patterson noted that a lot of the federal air quality laws were established to deal with the airsheds in the eastern part of the country, which are very different from the Pacific Northwest. The local agency has given Lane County the ability to be a bit more flexible than a state agency can be and to do some innovative things like developing Airmetrics into a company which is recognized internationally. Patterson cautioned the board to take care not to allow the agency to be used as a political football for politicians who want to grab the limelight for themselves.

Ralston thanked the speakers for their comments. He then deviated slightly from the published agenda in order to recognize Sharon Banks for her 17 years of service to LRAPA and her success in developing the innovative diesel fuel emissions reduction and energy savings programs which have resulted in the creation of the non-profit company, Cascade Sierra Solutions (CSS), which she will now head as CEO. On behalf of the board, Ralston thanked Banks for her commitment to clean air and LRAPA, and wished her well with CSS. Hough then presented Banks with a plaque in a license plate-shaped frame made of diamond plate stainless steel. The plaque recognized Banks’s service to LRAPA and her vision to bring LRAPA together with others in the environmental, energy, and trucking sectors, to create the Everybody Wins program to reduce diesel emissions, fuel use, and energy costs. It stated further than her vision has resulted in the early implementation of EPA’s Smartway program along the entire I-5 Corridor, through the formation of CSS.

Banks thanked the board members and said she appreciated their support over the years. She said she is very excited about the much larger effort represented by CSS; because she knows that mobile sources impact everywhere they go, and cleaning up as much of the diesel emissions as possible is a great mission. Banks said there will be an official open house when the CSS headquarters office opens in Coburg. She will let everyone know when it will be, and she would like board members to attend if they are available. Hough said there will be more to come with CSS in the future, and he will be inviting Banks back to provide highlights on some of the things that they work on. Hough said LRAPA wants to keep that connection with CSS strong.

3. CONSENT CALENDAR:

MOTION: Taylor moved approval of the consent calendar, including the minutes of the December 12, 2006 board meeting and the expense reports through October 31, 2006. Koenig seconded the motion.

DISCUSSION: Stewart noted that, in the expense report, it appeared that sales for Airmetrics are way down from what they were last year. Hough explained that last year was, by far, the largest sales year that Airmetrics has ever had, at over 500 samplers. The goal this year is still very ambitious at one per day, or 365. He said it is his understanding that sales, to date, have been right around that pace. This has been a good, strong year, but not as strong as last year's exceptional sales record.

Monk noted a typo in the minutes on page 13, in the paragraph under the vote on the amended motion, third line, second word over. The word is, "country," and should be "county." Monk noted that the minutes are very well done and he thought they might as well be perfect, with correction of typos. Ralston said he remembered seeing a, "he" which should have been, "the," and Carpenter noted that was on the last page.

VOTE: The board voted unanimously to approve the minutes as corrected and the expense reports as submitted.

4. DIRECTOR'S REPORT: Discussion included several items.

A. Air Quality Levels and Air Quality Index (AQI). Hough noted that air quality graphs for the last 15 months were on the table for the board's reference. He pointed out that the reports for the last reporting period included some extra data after the period cutoff date, because there were some higher PM concentrations recorded during that time. There were a few days in Eugene-Springfield that recorded AQIs near the 100 mark, and there were a couple of days in Oakridge which recorded AQIs in the 120 to 130 range. Hough explained that the period of November through February is the critical time of the year for particulate matter levels, because it is when cold temperatures occur and there is greater potential for periods of air stagnation, and it is also the home wood heating season.

Johnson asked if EPA will change the Air Quality Index based on the new PM2.5 standards. Hough said the EPA will propose guidance in February, which has caused a somewhat awkward situation. Ideally, EPA would have provided that guidance as part of its promulgation of the new, tighter standards. Hough said LRAPA has been holding off because, although staff can pretty well predict what the guidance will be, it is intended to be a nationally consistent format. LRAPA will be incorporating that new AQI format as soon as the EPA guidance is available. Hough said it is almost certain that 100 will be the break point between yellow and red and that the orange range will be eliminated.

B. Complaints. Ralston said he had noticed a complaint about the Woodsman in Springfield and wondered what that complaint would have been. [*Hough did not have that information but Dinteman went to look at the records and supply it for Ralston. The records showed that the complaint was about emissions from some oil-burning equipment and that the Woodsman told the LRAPA inspector that the equipment was broken and that they had a call in to have it repaired and expected it to be repaired within a day or two of the complaint.*]

C. Size of Particulate Matter. Carpenter noted that on the potentially unhealthy days the airshed seemed to be consumed with particulate matter. He asked if staff has a good feel for what size of particulates

are generated by open burning. Hough explained that any smoke is primarily in the PM2.5 range and that the PM2.5 level is basically the cutoff between smoke and dust, with dust being larger particles. The PM10 standards tended to be a mix of dust and smoke. He added that some particulate, such as auto and diesel exhaust, tends to be even smaller, at the micron and sub-micron level. If the particle size gets above PM10, it tends to be all dust. Carpenter noted that there appears to be a conflict between allowing open burning and use of woodstoves because both sources of smoke add to the levels of small particles in the airshed.

- D. Woodstove/fireplace Complaints Process. Taylor asked if LRAPA receives many complaints about fireplaces at this time of year and, if so, if the agency sends a letter to the people doing the burning. Hough responded that the agency does get complaints this time of year and asked public relations staff to describe the response process. Metzler estimated that LRAPA receives about 18 to 20 complaints each month during the cold weather, when people are heating their homes with wood. She said that, with a first complaint on a particular address, a letter will be sent to the address, with a pamphlet about wood heating and a copy of the applicable city or county ordinance regarding home wood heating. They will be warned that they could be fined under the ordinance if they are burning in a manner which produces visible smoke from the chimney. If a second complaint is received, she and Markos will visit the residence and check to see whether smoke is coming from the chimney and, if so, to what extent. If there is a lot of smoke, Metzler said she and Markos will talk to the residents. In those instances where there is significant visible smoke, Metzler said she will take pictures and then talk with operations staff to determine whether some kind of enforcement action is warranted. Any further action is taken by the enforcement staff.

Taylor commented that, in Eugene, someone has told her recently that there is a fireplace in their neighborhood that is sending smoke toward their house. She said it is in the same neighborhood where a former LRAPA board member lives and that he also complained about smoke from a particular address. Metzler confirmed that LRAPA has received complaints on Center Way, which is where the ex-board member lives. She said she just got one the previous week which was about a new address, and she responded to it. Taylor asked if people know who complained about them, and Metzler said that information is usually either anonymous or kept confidential.

Koenig asked if staff establishes an opacity number for the smoke they see, and Metzler said that can be done and that the opacity limit is in the ordinances. She said she and Markos do not read opacity, but the enforcement staff members do. If the pictures she and Markos take indicate a problem, enforcement staff will go to the location and read the opacity.

- D. Enforcement Reporting. Hough pointed out a summary table which has been added to the director's report, which categorizes the enforcement actions in a simple table for quick reference. The details are included in the attached enforcement action report, as usual. He said the table was developed in response to requests by the board at the previous meeting. He noted that the four main categories of violations included in the table are asbestos, industrial, open burning, and fugitive dust; and the stages of the action include new actions, actions with some follow-up in the reporting period, actions that are in a pending stage, and actions which have been closed. Hough said staff would welcome feedback as to whether this table is a helpful way to summarize, or if board members have specific suggestions for improvement.
- E. Enforcement, Civil Penalties. Carpenter said he was looking at two asbestos cases and that the civil penalty for one (Regan and Victoria Cummings of Noti) was \$10,300 and the civil penalty for the other

(Cottage Grove Roofing) was reduced to \$1,000. He said he could not see any distinction in reading the two summaries and asked if Hough could explain the difference in the two cases. Hough said he did not have that information but would provide it at the next board meeting.

- F. Fugitive Dust Complaints. Taylor asked if Mr. Eldridge's complaint of dust from the sand and gravel operations would be classified as a fugitive dust complaint. Hough said the truck traffic on the grounds and roads would be classified as fugitive dust. Each of the companies operates under an Air Contaminant Discharge Permit from LRAPA, and each permit has conditions which must be met with regard to the industrial equipment they use. Problems with the process and the equipment would be classified under industrial complaints, and dust from the haul roads and yards would be classified as fugitive dust complaints.

Stewart asked how often LRAPA staff actually go to the rock quarries, observe the dust, and monitor those operations. Hough said most of the companies would get an annual inspection from LRAPA at which time the inspector observes how the company is complying with the conditions in the permit. They would be given spot checks if staff has observed excessive dust or if LRAPA has received complaints of excessive dust coming from the operations.

Koenig asked if control equipment such as baghouses or scrubbers is used to control emissions from rock grinders. Hough said the control method typically used on rock transfer points is water sprays. Baghouses and scrubbers are the method generally used to help control emissions from process equipment at concrete or asphalt plants.

5. **ADVISORY COMMITTEE:** Committee Chairperson Russ Ayers said he had a couple of items for the board. First, he commented that the board had a copy of the agency's vision and mission statement posted in the area of the meeting space where the board table used to sit but did not have one where the table now sits. He presented the board with a laminated copy of the vision and mission statement to post nearer to where the board now sits. Ayers said the thing he likes about the document is that it is a consensus document developed by the board with input from the advisory committee and from the public. Second, Ayers read a statement from the advisory committee regarding the board's action in sending the letter regarding field burning to legislators. He noted that this statement was a consensus document developed by the committee members. He said a draft document was introduced at the committee's last meeting, and the consensus document was developed via e-mail correspondence among members over the past two weeks.

The statement from the committee said: "The charge of the LRAPA Citizens Advisory Committee is to help represent our community's voice, providing feedback to the board regarding LRAPA rules, policies, procedures, and legislative matters per LRAPA Title 13-030 and ORS 468A.130. LRAPA's mission statement includes a goal to inform and involve citizens and businesses in improving air quality. At the meeting on November 14, the LRAPA Board of Directors voted to approve a policy change, to eliminate field burning by grass seed farmers. The board's field burning letter requested action by the Legislature and was mailed on November 15. There was no review or public comment period on the final draft of the letter, on a major policy change for the agency." The statement, which represented the opinions of 12 of the advisory committee members (one was absent from the meeting and not involved in the discussion or follow-up) was signed by Russ Ayers, as committee chair. Ayers said the only issue he had with the statement, which is shared by some of the other committee members, was that it was somewhat sanitized. He then distributed a list of comments expressed by committee members. He said he thought the information could be helpful during the strategic planning process early in 2007, and said he wanted to read several of the comments aloud.

Carpenter asked what was the old policy on field burning that had been changed by the board's action in November. Ayers said he was not aware of what the old policy was. Hough said he had reviewed historical materials in preparation for the November board meeting. He noted that the last time the agency provided testimony regarding field burning was at the 1991 session, and the comments delivered at that time by then-director Don Arkell were that LRAPA supported the phase-down plan. Those comments also noted that one part of the phase-down plan would weaken the smoke management plan by the Department of Agriculture, and LRAPA recommended that they not step back but keep the smoke management plan at least at the strength it was prior to 1991. Carpenter said he just viewed the board's November action as a new policy rather than reversal of an existing policy, and Ayers said it is still seen as a policy change.

Ayers then shared some of the comments from advisory committee members, paraphrasing what was on the printed handout. He said he wanted to share this information to help the board understand why the committee members were so frustrated with the field burning letter than the board sent, because that understanding may help down the road.

- A. The advisory committee should be giving proactive advice, not reactive. We need to focus on the process, not the board's letter, and that is really what the committee is trying to do. The board made a decision on the field burning letter and sent it out, and the committee is just commenting on the process.
- B. The director saw all of the e-mails over the past two weeks and made a comment, that initial drafts of the letter to legislators had factual errors. Hough used the discussion by the committee to help draft the initial letter for presentation to the board at its November meeting, and then board members modified the letter at the November meeting.
- C. Committee members are very concerned that they were not given an opportunity to comment on the revised letter. Why does LRAPA have an advisory committee if it is not going to be used? Why have a member representing agriculture if you aren't going to let that person see a draft of the field burning letter before sending it out?
- D. It may be helpful for the board to consider when it is appropriate to initiate change on the basis of consensus at LRAPA, vs. a narrow majority vote by the board. Board decisions made on the basis of a consensus may have a better outcome. Ayers referred again to the LRAPA vision, mission and goals statement developed a year ago by consensus, as well as today's statement from the advisory committee to the board, as examples of consensus documents.

Monk said he wondered about LRAPA's field burning policy, because it seems to him that it does impact air quality in Lane County and there should be a policy. Noting that Hough had brought up testimony by a previous director to the 1991 Legislature, Monk said that former director Brian Jennison wrote a letter to the editor on the subject in September of 2002. Monk said Jennison was a little angry because LRAPA catches flak from citizens who do not realize that LRAPA does not have jurisdiction over field burning. In trying to explain that fact to the writer of another letter to the editor, Jennison stated that, "If LRAPA did have jurisdiction over field burning it would most assuredly not permit this archaic and unhealthy practice except in the rare cases where it could be conclusively shown that the burn was absolutely necessary for root disease control and no possible alternatives existed." Monk said that Jennison, who had a good science background, had looked at the issue closely enough to realize what many people believe to be the case with regard to field burning. Monk said it would seem that, if that were not LRAPA's policy, the board would have brought that to Jennison's attention and chastised him for going public with a statement like that if it is not supported by

the board. He said he did not find anything in the minutes to indicate that the board did chastise the director for having made that statement. Monk concluded that, in the eyes of the public, Jennison's letter was the policy of the board and of the agency. Ralston disagreed, stating that the letter was one individual writing a letter to the editor which does not represent the board. Monk reiterated that Jennison was the agency director, and Ralston responded that, even so, the board did not tell Jennison to write the letter and did not agree that that was the agency's policy. Monk said he just wanted to bring the letter to the board's attention.

Taylor commented that she thinks LRAPA's mission is to protect the air quality and that all of the board, as far as she knows, has always wished that LRAPA could do something about field burning. She said the board has discussed the problem of having to tell people that, even though LRAPA's mission is to protect air quality, field burning is regulated by the Department of Agriculture. Taylor said she doesn't think there has ever been a time when at least the majority of the board did not think that field burning is undesirable. She said she does not see the November 15 letter as a change in policy, but as an expression of what LRAPA's mission is.

Johnson said he thinks the November 15 letter is very consistent with LRAPA's mission to protect public health, quality of life, and the environment as a leader and advocate for the continuous improvement of air quality in Lane County. Ralston noted that LRAPA's jurisdiction is within Lane County. Johnson said the smoke comes into Lane County; and Ralston said that LRAPA still does not have jurisdiction over it. Johnson said the air pollution is in Lane County, and the LRAPA board asked the Legislature to take action to ban a practice that impacts the air quality in Lane County. He said it is precisely because LRAPA does not have jurisdiction over field burning that the agency needs to ask the Legislature to do something. Johnson said if LRAPA did have authority, it would make more sense to be working with people and building consensus; but if you don't have a stake in the game you have to sit back and take the smoke. The only thing LRAPA can do about this source of air pollution is to ask the Legislature for help.

Ralston said DEQ is much more powerful than LRAPA, and they have not done anything to stop field burning. He said DEQ cannot do anything about field burning because it is not their job. It is the Department of Agriculture's job. Ralston said stating that field burning smoke is unhealthy and having an opinion about it is different than being able to affect the policy that drives it.

Stewart said the decision regarding the letter has already been made, and the letter is gone. He said he didn't have an opinion about it because he missed the November board meeting. Stewart said his concern and frustration with it is the process that was involved. He said he thinks as leaders and directors that the board should weigh all information as much as possible. He would have appreciated a work session on the matter and the ability to ask a few questions as to what would be the alternatives to burning and whether the effects of those are more detrimental than the burning, itself. In short, he would have liked to see a fact finding and a decision based on some facts and research. He said he shares some of the committee's frustration that the board chose not to have public comment on the letter and not to go back to the committee before finalizing the letter. Stewart said he is more frustrated at the process than he is concerned with the outcome of what the letter is.

Taylor said that if this board had the ability to make the laws or change the laws, the board would see all sides and have hearings and invite more public input. But the board is just asking the Legislature to act. Any citizen can do that, and Taylor said she thinks a group such as this certainly should be able to do it. Taylor added that she hopes city governments might consider doing the same thing. Stewart refuted that, stating that he represents rural citizens who are completely different in their habits and their work processes than people who live inside the city limits of Eugene. LRAPA does represent those people and make decisions and recommendations and pass them on to the Legislature. Stewart said he thinks it's appropriate that the

LRAPA board go through the process in asking for public input and following a process before making these decisions. He pointed out that the city of Eugene goes to great lengths to get public comment and input on its decisions.

Johnson said he appreciates what has been said about process; and he thinks it goes back to the need for strategic planning, where the board and key stakeholders can sit down and clarify how the agency's processes should work. He said in the year and a half that he has been on this board he has never understood what the roles and responsibilities and protocols for process have been. He said it is unfortunate that the letter from the board circumvented some process, but he thinks this whole episode just points to the fact that the board needs to do strategic planning as soon as possible.

Monk agreed with Johnson. He said that, in terms of process, the board discussed the original draft of the letter that Johnson brought to them, and then gave Hough direction to redraft it for discussion at the following board meeting. He said it seemed that there was a good deal of support for looking at this issue because it does affect air quality. He said he thought there was ample time, and he did not realize until Mr. Vander Meer came to the November meeting that Hough had taken it upon himself to brief the committee on what his draft of the letter was going to be, prior to bringing it to the board. Ayers said the committee had a discussion concerning field burning, but they did not see the draft letter which was presented to the board in November. Monk responded that Hough took the time to go to the advisory committee and brief them on what was proposed to submit to the board, and he thought that was good process. Monk said he would take responsibility for having broken down the process by submitting a revised version of Hough's draft at the November board meeting. He said he had no idea that the appropriate process was to run his suggested edits and changes to that letter by the advisory committee. He said the board is the body that was to vote on the letter, and the advisory committee had had an opportunity to see a letter that was essentially the same in most regards. He said his edits resulted in a different opening and a different beginning and a stronger letter, in his opinion. He apologized for circumventing what seemed to be what the committee would have like to have had happen. Monk agreed with Johnson that strategic planning should happen as soon as possible so that the board and advisory committee can discuss what the proper protocol and process should be, and what the roles and responsibilities of the two bodies are. He said he does not think anyone wants to see the agency's discussion bandied about in the press, because that is bad for the public's perception.

Koenig said he agrees with most of what has been said at this meeting, although he does think the board acted somewhat outside of its normal boundaries by, in effect, sending a letter from a lobbyist to the Legislature. He said that is not the board's normal function, but the board felt it had to register a concern. He said it is unfortunate that the board has caused difficulty in its relationship with the advisory committee, and that the board does not want to do that in the future.

Taylor said she has been on the LRAPA board for ten years—longer than any of the other current board members. She said she has never known the board to solicit the advisory committee's opinion before taking action because she thought the committee is there to advise the board on generalities. Taylor said the board is always interested in what the committee has to say and will always listen to them; however, the committee is not a sensorship group that has to give its permission to the board before the board can act. Taylor commented that there have been times when there have been two or three months without a report from the committee, but she thinks the board has kept the committee aware of what the board is doing. As far as the board's business being bandied about in the press, Taylor said there are good points to that because in the first few years she was on this board the press didn't even know the agency was here. She said she thinks it is good that people are aware of LRAPA and that it is an organization that they can go to; aware of what

LRAPA can do and what it cannot do; and aware that LRAPA is looking after air quality in the community.

Carpenter pointed out that the minutes of the October advisory committee meeting indicated that the group had an animated discussion regarding field burning; however, they did not reach any consensus about the issue. He said the comments of both Mr. Vander Meer and Mr. Dunlap indicated that there are divergent views among the committee members. Consequently, it is not that the board did not take the committee's advice. If the committee had presented a consensus opinion, the board would have discussed it. Carpenter said the comments presented at this meeting by Mr. Ayers, that the committee was left out of the process and that they did not see the final letter prior to its being sent out, were not quite appropriate, because they did say they could not reach a consensus about the issue. It then falls to the board to take whatever action it wishes to take. Ayers responded, just to be sure the board did not miss the key point of the committee's comments, that the board took fairly quick action on this issue. When the board moves very quickly, that is when controversy starts. He noted that the board went from Hough's revised draft on November 14 to a final draft on the same day and put a stamp on it on the 15th. Because of the board's public involvement goal, Ayers said, he doesn't know why the board chose not to hold off for a month and vote on the letter after giving the public a chance to see it. He noted that the public includes the advisory committee. Ayers said he did not mean to say that the committee needs to approve every draft comment that's on the letter, but if the board had put the letter out, first, to see if it reflects staff opinion and reflects comments from the public, it would be a better product. He said that is the step that was missed in this process.

6. **DISCUSSION OF PROPOSED DUES RATE INCREASE FOR LRAPA PARTICIPANTS:** Hough explained that the proposal would take the per capita approach which the board settled on last year, and add an inflation factor for the coming fiscal year. Hough said the actual inflation rate for the current year is about 3.25 percent; however, after speaking with George Kloepfel of Lane Council of Governments and learning that LCOG plans to use a flat 3 percent increase in its budget for next year, LRAPA decided to also hold the proposed increase to a flat 3 percent. He added that using the per capita rate for dues amounts actually acts in the county's favor this year because the population of the county, outside of Eugene and Springfield, actually dropped slightly. Hough said the staff proposal is to increase the per capita dues amount by 3 percent and adjust for the most current population numbers, recognizing that, as always, the dues amounts are subject to negotiations with each of the participating cities and the county. He added that the county's ability to pay its LRAPA dues may be significantly different in the coming year, depending on what the final action is regarding the federal funding for Secure Rural Schools (see New Business, item B).

Ralston noted that the budget for the current year included financial contributions from both Cottage Grove and Oakridge, based on their population levels. He asked if both of those cities had contributed the amount requested. Hough said both cities did pay the full amount requested for the current fiscal year, as did the other three partners. Ralston said he has heard concerns that Cottage Grove feels that they should not have to pay dues when they do not have constant representation on the board because that city shares a seat with Oakridge and the position shifts from one city to the other every two years.

[The discussion of agenda items numbers 6 and 7 blended, and the board's action on this agenda item was taken during the discussion of the item number 7.]

ACTION: MSP(Monk/Taylor)(Unanimous) accept staff's recommendation and approve the assessment of dues to the agency's jurisdictional members.

7. **DISCUSSION OF REQUEST FROM CITY OF COTTAGE GROVE FOR REGULAR SEAT ON LRAPA BOARD OF DIRECTORS:** Hough explained that the city of Cottage Grove has requested that they be given

a regular seat on the LRAPA Board of Directors since they are now being required to make a financial contribution to the agency. He noted that, because the rotation of the seat shared by Cottage Grove and Oakridge is scheduled to revert back to Cottage Grove after the first of the year, Cottage Grove will have that seat for the next two years. Hough stated that LRAPA legal counsel Glenn Klein has provided an opinion that, under the statute and the intergovernmental agreement, there is not the flexibility to provide two separate seats on the board for Cottage Grove and Oakridge. But the board, in selecting a person for the at-large spots, can appoint someone from Oakridge, or from Cottage Grove, depending on which city has the joint seat when the at-large seats come up for reappointment. Hough added, however, that the board cannot bind a future board to making that same decision.

Ralston said he understands Cottage Grove's request to have representation, noting that because Cottage Grove will now have the joint seat for the next two years, it would be up to Oakridge to make that same request.

Johnson said he thinks Hough's suggestion is good, now that there are two at-large positions available (*the general at-large position currently held by Carol Tannenbaum and the second at-large position, to which the board decided to appoint a resident of Springfield, currently held by Bill Carpenter*). Johnson said it gives the board more flexibility to pick at-large members from Oakridge and Cottage Grove to try to balance that situation.

Taylor asked when Tannenbaum's current term is up, and Hough said it will be up in February. Taylor suggested that, if Tannenbaum did not wish to be reappointed, perhaps someone from Oakridge could be appointed to that position. She added that, although the board would not be obliged to appoint a member of the Oakridge City Council, the board could ask the council's advice about an appointment to the position. Hough said he had spoken with Tannenbaum, and that she had indicated that she does not wish to be reappointed to the general at-large position.

Ralston asked Fortune whether he felt that the Oakridge City Council would want regular representation on LRAPA's board. Fortune said he believes the council would like to have that representation. Ralston suggested that Fortune mention it to the council, and Fortune said he would do that.

Carpenter said everyone should be able to apply for an at-large position, and the fact that someone happens to live in Oakridge should not give that person an advantage over all of the other applicants. Taylor pointed out that that was how Carpenter was appointed to the board, because the board decided to target Springfield for the second at-large position. Carpenter said that might be what the board decided to do the last time, but he did not think residence in Oakridge should be a formal part of the parameters for the appointment.

Ralston pointed out that Cottage Grove could choose to push the issue of their request for representation, and appointing an Oakridge resident to the at-large position is an option to resolve the issue of more consistent representation for both Cottage Grove and Oakridge. Carpenter responded that Cottage Grove can push the issue when that city's population reaches 25,000, as is required in the statute. He said if someone wanted to change the statute, then the smaller cities could have regular representation; however, the way the statute is currently written, he does not believe they are entitled to a formal seat on their own. Ralston acknowledged that and said that might be the board's final determination.

Monk said it is in the best interests of Cottage Grove and Oakridge to remain a part of LRAPA, as it is for Springfield. He said he thinks the board should move forward to keep both cities involved.

Johnson said the issue of board makeup requires a good conversation among board members and that this board has not had an informal place to have a good conversation with the advisory committee. He referred to Russ Ayers's comments regarding consensus building and said it takes a lot of work to build consensus, particularly when the individual members have such different ideas about how the board should be made up and how different constituents should be represented. He stressed, once again, his opinion that this board needs to have informal conversations with key stakeholders, with or without a professional facilitator, about this type of thing in advance, instead of reacting to them after the vote goes one way or another, creating another public display. He said he doesn't think it is good for the agency to have one board member or another react to the vote on a board action by suggesting in public that perhaps we shouldn't have LRAPA any more. Johnson stressed that he believes the LRAPA board needs to have some kind of alternative forum for conversation, whether it is strategic planning or work sessions, or something else.

At this point, Monk made the motion to approve the proposed dues amounts for the local jurisdictions (see previous agenda item).

There was some additional discussion regarding how recruitment for the general at-large board position should be handled, with regard to the city of Oakridge. Board members generally agreed that there should be a general recruitment for applicants from more rural areas of the county, but that applicants from Oakridge would be given preference. Specific viewpoints included:

Taylor said there should be an open recruitment, but if someone from Oakridge applies the board might be inclined to favor that person.

Monk said the recruitment should target rural residents living in unincorporated areas, outside of the cities, because, essentially, Stewart is their only representative on the board.

Ralston said that, technically, everyone on the board is in Lane County. As Carpenter had pointed out, Cottage Grove and Oakridge do not have the population to have their own regular seats on the LRAPA board; and, consequently, Ralston said, they could be considered rural Lane County.

Fortune said that, not having been around when LRAPA was established and the jurisdictions entered into their agreement, he did not understand why Junction City and Veneta are not considered "players" within Lane County, when it comes to the LRAPA board, when both Cottage Grove and Oakridge are. He said he understands why the board should not be too large, but he thinks that maybe either the city representation should be eliminated in favor of some other form of representation for the residents of Lane County, or more small cities should be represented. Staff member Dinteman commented that when the first at-large position became available, staff tried to get someone from one of those smaller towns around the county—such as Junction City, Coburg, Elmira, Veneta, Florence—to apply, but no one would do it. The next time the at-large seat was open, staff again tried to recruit from the small towns, with the same result. Taylor said she remembered those efforts. She recalled one resident of Coburg who served briefly, but it was difficult for him to attend the meetings.

Koenig asked if LRAPA ever contacts the smaller towns and cities to tell them that they would be welcome to come and voice any concerns that they have at the LRAPA board meetings. He said it seems to him that such communication would help with representation of those areas of the county.

Hough asked the board if staff should initiate recruitment for the at-large position right away or wait for more discussion at the January board meeting to see if there is clearer direction at that point. Ralston said staff should go ahead with the recruitment, and then the board can use its discretion to try to do the right thing. Taylor said this is a routine matter, and staff should proceed with the recruitment. In the meantime, Fortune should go to his council and tell them that we might consider appointing a resident of Oakridge if someone applies. Hough added that if Tannenbaum is interested in reappointment, which he does not believe she is, she could also reapply with anyone else who wishes to apply for the position. He noted that Tannenbaum has served more than two full terms and would need to reapply in any case if she wanted to continue to serve on the board. Johnson said the recruitment should be put out, countywide, and Fortune should get residents of Oakridge to apply. Monk agreed with Johnson.

8. OLD BUSINESS: None.
9. NEW BUSINESS: Stewart had to leave the meeting early, prior to completion of the discussions of Agenda Items 6 and 7, and he brought up two subjects before he left:
 - A. LRAPA Board of Directors' Meeting Schedule. Stewart reported that Lane County has received 320 Measure 37 claims, and the Commission is scheduled to process those claims on Tuesdays. The current LRAPA board meeting schedule on the second Tuesday of the month would be very difficult for any commissioner to meet. He asked whether the LRAPA board could change its regular meeting schedule and suggested either the first or third Thursday of the month, at noon. There was brief discussion among board members, and several said they had other commitments on the third Thursday of each month. Staff was to poll board members to determine whether a satisfactory alternate schedule could be arranged.

[The board members were polled via e-mail regarding alternative meeting dates. It was determined that the January meeting would be on the second Tuesday, because Stewart was available on that date. The remainder of the meetings in 2007 will take place on the first Thursday of the month unless there is a conflict which makes it necessary to reschedule a meeting.]
 - B. Lane County Funding for LRAPA. Stewart informed the board that Congress has not passed the county's Secure Rural Schools funding, which accounts for about 50 percent of the county's funding for public works. If that funding is not received by the county, Lane County may have a hard time paying its dues to this agency next year. Stewart brought up the fact that, about a year ago, there was a push to try to get additional funding for LRAPA out of the state's General Fund, to be more in line with what DEQ gets for air monitoring in the rest of the state. He also brought up the subject of talking to the Legislature about reconsidering the structure of LRAPA, perhaps bringing it back to fewer than nine board members. He said if the state were willing to pay more money into LRAPA's operations, perhaps the current funding which is based on population could be restructured.
 - C. Advisory Committee Appointments. Carpenter said he had noted that generally under LRAPA's rules the renewal time for advisory committee members is February. He suggested that, while the recruitment

is being done for the at-large board position, there could also be a recruitment for whatever advisory committee positions need appointment or reappointment. Metzler said she believes there are four advisory committee positions which will need action in 2007.

10. ADJOURNMENT: The meeting adjourned at 1:35 p.m. The next regular meeting of the LRAPA Board of Directors is scheduled for Tuesday, January 9, 2007, 12:15 p.m. in the LRAPA meeting room, 1010 Main Street, in Springfield, Oregon.

Respectfully submitted,

Merrie Dinteman
Recording Secretary