

# A G E N D A S

LANE REGIONAL AIR PROTECTION AGENCY  
**BUDGET COMMITTEE MEETING**  
**MONTHLY BOARD OF DIRECTORS MEETING**  
THURSDAY APRIL 9, 2020

**Note Location → VIA ZOOM**

*(Note: Start times for agenda items are approximate.)*

## **BUDGET COMMITTEE MEETING**

1. (11:00 a.m.) Call to Order of Budget Meeting
2. (11:01 a.m.) Public Participation (time limited to three minutes per speaker)

### **ACTION ITEM:**

3. (11:10 a.m.) Approval of *Budget* Minutes of March 12, 2020 Meeting [VIEW MATERIAL](#)

### **DISCUSSION:**

4. (11:15 a.m.) Brief Overview of Previous Questions/Answers (Friday Updates)
5. (11:25 a.m.) Discussion of Proposed FY 2020/2021 Budget Document

### **ACTION ITEM:**

6. (1:00 p.m.) Approval of Budget Document and Forwarding to Board for Public Hearing-Adoption
7. (1:10 p.m.) Adjournment of Budget Committee

**10 Minute Break**

## **BOARD OF DIRECTORS MEETING**

1. (1:20 p.m.) Call to Order of Board Meeting
2. (1:23 p.m.) Adjustments to Agenda
3. (1:25 p.m.) Public Participation (time limited to three minutes per speaker)

**A. Comments on an Item on Today's Agenda**

**B. Comments on a Topic Not Included on Today's Agenda** (Note: This is an opportunity for the public to bring up unscheduled items. The board may not act at this time but, if it deems necessary, place such items on future agendas. Issues brought up under this agenda item are to be limited to three minutes' speaking time by the person raising the issue. If additional time is necessary, the item may be placed on a future agenda.)

**C. Comments from Board Members** (Note: This is an opportunity for Board Members to bring up unscheduled items regarding today's public comments, and/or written/electronic comments they have received. The board may not act at this time but, if it deems necessary place such items on future agendas.)

### **ACTION ITEM:** Consent Calendar

4. (1:30 p.m.) A. Approval of Board Minutes of March 12, 2020 Meeting [VIEW MATERIAL](#)  
B. Approval of Expense Reports March 2020 – **Delayed**

### **REPORTS:**

5. (1:35 p.m.) Status Report on Oakridge Woodsmoke Mitigation Project
6. (1:50 p.m.) Advisory Committee – No Meeting March 2020
7. (1:55 p.m.) Director's Report of Agency Activities for March 2020 [VIEW MATERIAL](#)

### **DISCUSSION:**

8. (2:05 p.m.) Old Business - Succession planning update
9. (2:15 p.m.) New Business
10. (2:20 p.m.) Adjournment

*If you have questions regarding items on this agenda, would like to request a copy of backup material for an agenda item, or would like to be added to the mailing list to receive the agendas for the monthly LRAPA Board of Directors meetings, please call Debby Wineinger at (541)736-1056 Ext. 219.*

*Location is wheelchair accessible (WCS). American Sign Language (ASL) interpretation is available with 48 hours' notice. Please call Debby Wineinger at (541)736-1056 Ext. 219. Or email – [debby@lrpa.org](mailto:debby@lrpa.org)*

LRAPA will utilize Zoom Meeting teleconferencing for both Budget Committee Meeting and Board of Directors Meeting. Below are instructions for participation:

**For Video**

*This is an optional step and only for those wishing to see video of the meetings.*

Click on this link from your desktop: <https://zoom.us/j/2234449160>

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***EVERYONE*** must call-in through this method.

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**MINUTES**  
LANE REGIONAL AIR PROTECTION AGENCY

**BOARD MEETING**

April 9, 2020

**VIA - ZOOM**

**ATTENDANCE:**

**Board:** Joe Pishioneri – Board Chair - Springfield; Kathy Holston – Vice Chair - Oakridge; Jeannine Parisi - Eugene; Gabrielle Guidero – Springfield; Joe Berney – Lane County; Mike Fleck - Cottage Grove; Betty Taylor – Eugene

**Board Absent:** Mysti Frost - Eugene; Charlie Hanna – Eugene

**Others:** Jim Daniels, - CAC Chair

**Staff:** Merlyn Hough; Debby Wineinger; Nasser Mirhosseyni; Max Hueftle; Colleen Wagstaff; Lance Giles; Travis Knudson; Beth Erickson; Robbye Robinson

1. **OPENING:** Pishioneri called the meeting to order at 1:20 p.m.
2. **ADJUSTMENTS TO AGENDA:** Holston requested to add discussion on the recent burning ban.
3. **PUBLIC PARTICIPATION:**
  - A. Comments on an Item on Today’s Agenda
  - B. Comments on a Topic Not Included on Today’s Agenda (Note: This is an opportunity for the public to bring up unscheduled items. The board may not act at this time but, if it deems necessary, place such items on future agendas. Issues brought up under this agenda item are to be limited to three minutes’ speaking time by the person raising the issue. If additional time is necessary, the item may be placed on a future agenda.)

Chris Caldwell – [written comments view here](#)

## **Craig Patterson**

Mr. Patterson said his comments were mostly about the burn ban. He can see it is difficult for LRAPA to enforce. It is a radical change from how it has been. The day after it was in effect, he drove into town and saw a big burn on the way to Eugene from McKenzie Bridge. People were not paying attention, so how are you going to enforce it? Also, for him, it is a big problem because of the fuel buildups that happen all the time. If you understand the dynamics of wildfire and understand the benefits of the general surface fire and ground fire, the more we can eliminate the ground fire the better off we are. Part of that elimination is to maintain a healthy forest floor with not too much fuel load. He also thinks there is an opportunity for education. He has heated with wood for 48 years and is aware if you burn dry wood and burn it right you do not get a lot of smoke. With green or wet wood, you get a lot of smoke. If we want to help peoples breathing and keep the airshed clean, there is opportunity through education on the best ways to burn and if people are going to burn be sure the material is dry and then it will be less of a problem for all. Lastly, one of the worst problems is the burning of plastics and as recycling has diminished, people are doing it more. As a consequence, that is really unhealthy, how can you both educate and enforce a total burning ban on plastics.

**C.** Comments from Board Members (Note: This is an opportunity for Board Members to bring up unscheduled items regarding today's public comments, and/or written/electronic comments they have received. The board may not act now but if it deems necessary place such items on future agendas.)

**Holston** wanted to talk about the outright ban that was placed by LRAPA due to COVID-19. She thinks the Board should have been consulted before it was done. It did not come with any data, or environmental issues. It has placed a lot of burden on rural areas. She cannot see a lot of burning in Eugene or Springfield, but she might be wrong. In rural areas as well as in Oakridge, we use this as a time to take care of accumulated debris that needs to be burned. A lot of people in the outlying areas in Oakridge, even though she does not represent them, are asking her why no burning and what is going on? The statement that the State of Oregon put out was contingent on the burning that they were doing and to be careful. That is what we should have been following. The Board should have been consulted, and she wanted to register her displeasure that there was no discussion with the Board whatsoever.

**This discussion will continue under New Business.**

## **4. ACTION ITEMS:**

### **Consent Calendar:**

- A. Approval of Minutes of March 12, 2020 Board of Directors Meeting
- B. Approval of Expense Report for March 2020 - **Delayed**

**MOTION: Berney MOVED to approve the Consent Calendar; Holston SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS**

## **5. STATUS REPORT ON OAKRIDGE WOODSMOKE MITIGATION PROJECT:**

**Josh Proudfoot, Good Company, gave an overview of the quarterly report. [VIEW REPORT HERE](#)**

## **6. ADVISORY COMMITTEE – NO MEETING MARCH 2020:**

Jim Daniels said they did not meet in March but will have a zoom meeting in April.

## **7. DIRECTOR'S REPORT:**

**Hough** reviewed the report.

He did have a conversation with Karen Evans regarding the enforcement question on certifications. She said state agencies were exempt, and LRAPA falls within the same exemption category.

**Parisi** asked about the DEQ public hearing regarding Indirect Sources. Did Merlyn have any updates? **Hough** said there are strict timeframes on a petition, the petition was denied, and he will be looking into this further.

**Fleck** wanted to bring it up again that there are gasoline dispensing facilities (GDF) enforcement actions that have not been resolved from May 2019. **Hough** said there are a lot of steps involved and they should be dropping off as the final steps are completed. On the April report it should be a shorter list.

**Parisi** asked if there was any follow up to the public comments last month regarding J.H. Baxter. **Hough** said he was not sure. **Parisi** noted that there are now two enforcement actions for J.H. Baxter. Were they related or separate issues. **Hough** said they were separate issues. **Berney** thought it took a lot for the staff from J.H. Baxter to come in and give their testimony. He thought there should be some type of protocol to follow up on these concerns. **Pishioneri** agreed.

## **DISCUSSION:**

### **8. OLD BUSINESS – Succession Planning Update:**

**Hough** said the RFP is out and the deadline is tomorrow.

The consensus was to forward the final 3-4 responses to the RFP after review by staff to the full Board and those who want to make suggestions can forward those back to staff.

**There was also a subcommittee formed: Joe Pishioneri, Jeannine Parisi, and Betty Taylor.**

### **9. NEW BUSINESS:**

#### **COVID-19 Burn Ban:**

**Holston** said there were two issues. One was process and the other was whether it was an appropriate action to take. The process was not based on data or anything directed from the State. The Board should have been consulted before it was pushed out. She suggested rescinding the action. *(note Holston's audio was not clear through most of her conversation).*

**Fleck** said he did some research on LRAPA's rules (Title 47) and basically Merlyn and staff have the authority to make the decision. But in Title 14, General rules, Section 14-125 temporary rules, it says the Board must adopt temporary rules, and it talks about notice. So, to him it is not clear if the Board or the Director should make these decisions. He would say under the ORS, LRAPA has the authority to do this. He did somewhat agree with **Holston's** comments.

**Berney** thought there were two issues, one is the process and the other substance. His sense is we are dealing with the process now. Unless there were some real time restraints put into this process, he is really surprised an emergency meeting was not held.

**Fleck** noted if Cottage Grove declares an emergency, it then has to be ratified by the Board.

**Taylor** said she thought it was a good decision, and it is nothing compared to what all we are told we cannot do.

**Pishioneri** said he read the emails that Merlyn provided. He was shocked when he got two calls about a backyard burn ban and he told them he had not heard about it. He looked at the e-mail response regarding the decision making. Merlyn commented to him that he knew this could be a risk and that also took him by surprise making a decision based on a risk. He did not see where it was cited that burning was having an impact on people. He did not see anything that was even close to an emergency.

**Guidero** thought the Director did need to have some discretion. But there needs to be more solid ground and more evidence that something like this needed to be put in place within less than a week from a Board meeting. There needs to be some constraints along with discretion.

**Hough** said LRAPA is responsible for making the advisory on a daily basis. Titles 13 and 14 outline the duties and powers of the Director. To him it was clear that as leader of staff it was his responsibility to make the decision. The health and air quality decisions that we have are part of the most sophisticated information in the country. When we contacted Oregon DEQ a few weeks ago, they asked us to hold off as they were working on a statewide release. Friday at 6:04 p.m. we got the news release. Lane County Public Health was in support of the ban and several staff were consulted regarding the ban Friday evening and again Saturday morning. He did consider an emergency meeting with the Board. The problem is that doing a Friday night or Saturday morning meeting was firstly, an inconvenience to the Boards' after-hours time, when you are largely a volunteer board, and secondly, the issue of gathering the necessary quorum on short notice. Thirdly, was public meeting notice announcement law. When he understood it was his responsibility to do it, he was uncomfortable having the Board having to wrestle through this decision in a compressed timeframe without having a chance to have more discussion like we are having today.

**Taylor** thought Merlyn made the right decision regarding public safety and public health.

**Parisi** said she appreciates the extra conservative approach towards public health. It was a little surprising and felt a little like overreach, especially in the rural communities. Moving forward it sounds like the intent was to still have some time for spring cleanup. She worries about the larger impact it could have on the community regarding air quality. What would be the indicator that burning could be allowed? **Hough** said he is routinely consulting with Lane County Public Health.

**Fleck** said as far as process, the Board should be able to weigh in, especially when there is not clear direction. He thinks an emergency meeting would have been an appropriate response.

**Holston** said its always difficult to determine if an emergency meeting is warranted. She appreciates Merlyn pointing out the process he went through. She wanted to point out the State of Oregon puts out what would be best. It is not for us to determine health-wise what we should do. That is part of the health authorities' determination. It is not difficult to call an emergency meeting. She agrees there are times when the Director will have to make a decision on a moment's notice, but she falls back to the State of Oregon. She does not know why we went further than that. They asked the public to refrain from burning. (note **Holston**'s audio was not clear through most of her conversation).

**Berney** said if there is an emergency, we do not need timid behavior about communicating with the Board from the Director. We need aggressive behavior if it is an emergency. This is a lesson moving forward. He agrees about discretionary abilities in our trust in the Director. It is clear now that all of the decision making could have been shared with us earlier. Whatever decision the Agency makes, it is good that the Board knows prior. He was not the only one having people coming to him and he did not have answers. So, that is his opinion regarding process. In terms of substance, it is not even on the agenda for the Board to ratify the decision by the Director.

**Pishioneri** wanted to comment about Merlyn's answers to not contacting any Board Member. He did not want to inconvenience the Board. Quorum would not be an issue in larger organizations, there is Council of Leadership. That is the Mayor and Council president. Council Leadership will contact the Mayor and Council President and let them know how urgent it may be. Under Oregon state rules, emergency declaration only requires 24-hour notice as long as it is an actual emergency. He did not think this even came close to an emergency situation. So, there would have been no reason for it to not be delayed until the Board could weigh in on it. The State made their recommendations and LRAPA overreached.

**Parisi** asked where do we go from here?

**Fleck** said he has been sick and coughing so he may have a little different view. What concerns him is the neighbor to neighbor conflict. He could have his neighbor burning behind him, so this is where he is conflicted. He would vote to rescind the LRAPA burn ban. He would then talk to his City Manager to declare an emergency and ban burning within my city. He believes the risk to citizens in Cottage Grove is different than folks in the county on 5 or 10 acres.

**Pishioneri** said local control is the key and that is why each city has their own codes. He agrees it should be rescinded and the advisory should include new information to "please curtail", mirroring the State guidelines.



**Berney** said if we did take that action, we need to do it in way that is not embarrassing to the Director. Then if we are hearing that people are not following the voluntary ban, further enforcement action might have to be taken and we need established criteria.

**Parisi** said she was uncomfortable rescinding what the Director put out after his consultation with health experts. As Board members, that puts us in a very difficult position. Maybe give it two weeks, which is when Oregon Health experts are saying we should be past the peak.

**Holston** said she wants to rescind it and it is not on the Directors shoulders, it is on the Boards' shoulders. It would be the Board, after consideration, that would roll back the ban and up to the citizens to seriously consider if they should or should not burn according to the State of Oregon guidelines and assure that we are monitoring and doing what is in the best interest of the community.

**Hough** said before there is a final decision, he wanted to talk about the substance part of it. The press release went out on Saturday and in his e-mail, he said he looked forward to talking to the Board on Thursday. If there had been a request for an emergency meeting between Saturday and Thursday, we would have explored what would be the minimum amount of time without a public notice. He did not hear that kind of feedback, or how important Board members felt this was for an emergency meeting.

**Hough** reviewed the five questions he regularly asks on controversial matters:

- Is there a problem?
- Is the problem worth solving?
- Are we the right agency to address it?
- Are the proposed solutions reasonable?
- And are we listening and responsive to those affected?

His initial answers were as follows. Yes, on the information we had from both local and state health officials, we believed it was a problem. Yes, LRAPA is responsible for making those daily advisories, and residential outdoor burning is recognized as the least essential of those three categories that were addressed in the joint state news release. And yes, we are listening and responsive to those most affected, through the complaints that we receive, LRAPA website, social media, and on the phone. Travis put together a summary of the reactions on Facebook: 79% liked or loved the posted action, 9% were angry or sad. The rest were hard to fit into a category. Most of the comments were neutral, 25% were critical, and 25% were positive.

**Guidero** wanted to address the use of social media for polling. She manages social media accounts and Facebook serves people the content they are going to engage in. She feels very strongly that you should not consider that polling data. It is not a cross section of the community.

**Fleck** said he is wrestling with this. But he is balancing it from the letters he's received from those who have large pieces of property. If they do rescind the decision, recommending not burning is the key. We need to consider people who are in tight proximity versus those who have a lot of fuel load.

**Taylor** said it would be really wrong to rescind and if you vote she wants it known her vote would be "opposed" and as far as emergency meetings, they are almost impossible.

**Holston** strongly disagreed. Emergency meetings are not that difficult to do.

**Parisi** wanted to remind everyone there was a similar issue a few years ago around open burning. And where they ended up was a good compromise. Maybe allow for just properties over 2 acres in just trying to find the balance.

**Guidero** said regarding the couple of acres aspect that she knows the area Chris Caldwell is from. Those properties are heavily wooded. Most of those properties are under 2 acres and every year there is a lot of fuel and the only way to get rid of it is to burn. She did not think there should be a minimum property size for highly rural properties.

**Holston** said each city has their own rules. What LRAPA's message should have been was the same as the state of Oregon's. We can easily step back and ask everyone to do what the state of Oregon has asked us to do.

**MOTION: Pishioneri MOVED to immediately rescind the burn ban; Holston SECONDED THE MOTION. VOTE ON MOTION: 4 yea – 3 nays (Taylor, Parisi, Berney)**

**Parisi** said she respects the votes for the more rural areas, her vote is what she thought was best for Eugene residents.

**Pishioneri** summarized that LRAPA should reach out to the local jurisdictions to let them know they have control over their jurisdictions and advise to put something out to curtail burning as the state of Oregon has suggested. The Board has decided to follow state guidelines. And will continue to follow those guidelines.

Also, any situations that may come up as an emergency the Board Chair and Vice Chair will be contacted.

**NOTE: The May 14, 2020 will be held via Zoom – details to follow**

The meeting adjourned at 3:30 p.m.

Respectfully submitted,

Debby Wineinger  
Recording Secretary