

A G E N D A

LANE REGIONAL AIR PROTECTION AGENCY
MONTHLY BOARD OF DIRECTORS MEETING
THURSDAY MAY 14, 2020
12:15 P.M.

Note Location → VIA ZOOM

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

1. (12:15 p.m.) CALL TO ORDER
2. (12:15 p.m.) ADJUSTMENTS TO AGENDA
3. (12:20 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 ITEMS:

4. (12:30 p.m.) Consent Calendar
 - A. Approval of Minutes of April 9, 2020 **Board** of Directors Meeting [VIEW MATERIAL](#)
 - B. Approval of Minutes of April 9, 2020 **Budget** Meeting [VIEW MATERIAL](#)
 - C. Approval of Expense Reports Through March & April 2020 [VIEW MATERIAL](#)
5. (12:40 p.m.) Public Hearing for Adoption of the Proposed FY 2021 Budget [VIEW MATERIAL](#)

REPORTS:

6. (12:50 p.m.) Advisory Committee [VIEW MATERIAL](#)
7. (1:00 p.m.) Director's Report of Agency Activities in the Month of April 2020 [VIEW MATERIAL](#)

DISCUSSION:

8. (1:10 p.m.) RFP/RFQ for Auditors
9. (1:30 p.m.) Old Business - Succession planning update
10. (1:50 p.m.) New Business
11. (2:00 p.m.) Adjournment

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For Video & Audio

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MINUTES

LANE REGIONAL AIR PROTECTION AGENCY

BOARD MEETING

May 14, 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; Mysti Frost – Eugene; Betty Taylor – Eugene

Board

Absent: Charlie Hanna – Eugene

Others: Jim Daniels - CAC Chair; Kathy Lamberg – CAC Vice Chair

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

1. OPENING: Pishioneri called the meeting to order at 12:20 p.m.

2. ADJUSTMENTS TO AGENDA; None

3. PUBLIC PARTIPATION:

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.)

Berney forwarded an email to Merlyn **Hough** and Joe **Pishioneri** regarding public comment from Lisa Arkin. Staff tried to reach out to her during the meeting.

Berney followed up on violation fines being distributed between the county and cities. The county executive said (Quote) LRAPA state law requires fine revenue to be paid to the county treasurer. We could distribute the revenue based on where the fines originated, but LRAPA would need to start tracking it, they currently do not. LRAPA also takes attorney fees out of the revenue before sending to us. There is an account tracking solution that needs to be established and put in place. It is possible to do, and staff would be able to reimburse partners the fine amounts. There are no concerns as long as LRAPA sets up the tracking. It's about \$40,000 per year that we receive.

Hough said Christine Moody from the county has been in contact with Nasser Mirhosseyni and we have given them the information in the form we currently track. The complaint and enforcement database are on our list for LCOG for updating. We are going to try and put some type of tracking in there if there is an interest in moving forward with this. Currently it does not break down the address, location where happened and contact person for the penalty may be different.

Pishioneri said he still had an interest and it would be fair to the cities involved. They would also like to know what administration fees are involved and see if that needs to be adjusted.

4. ACTION ITEMS:

Consent Calendar:

- A. Approval of Minutes of April 9, 2020 Board of Directors Meeting and Budget meeting
- B. Approval of Expense Report for March & April 2020

MOTION: Fleck MOVED to approve the Consent Calendar; Frost SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS

5. PUBLIC HEARING FOR ADOPTION OF THE PROPOSED FY 2021 BUDGET:

Mirhosseyni said the Budget Officer and LRAPA Directors recommendation that the Board adopt LRAPA Resolution No. 20-02-A, ratifying the FY 2021 budget as approved by the Budget Committee. The affidavit of publication was submitted for the record.

Public hearing opened at 12:34 p.m., no one was present was for hearing. The public hearing closed at 12:40 p.m.

Discussion:

Fleck said they had talked about the term “chill” for wage increases. That was noted in the minutes, but he did not see that noted in the resolution.

Hough said it was in the newspaper this morning that the Governor has asked state agencies for 8.5% cuts from each of the state agencies. They are almost halfway through the biennium and that translates to about a 17% cut. That was the biggest concern we had coming up for today. DEQ did not include any cuts to LRAPA. Regarding permit fees, we were able to factor into the budget the closing of a Title V facility. We have not received any other notices regarding facilities closing. And we can and do offer payment plans to permittees.

Hough said he would make a case that the market rate adjustment should go forward for staff, excluding himself. The high reputation that LRAPA has with the state is evidence of the strong work staff has done. They are our most valuable resource.

Frost said she would not support any cuts to staff.

Parisi said she thought the conversation last month about wage freeze and cutting costs were that if this is a long-term recovery to avoid being in the position of making cuts if our partners are having trouble with funding. We want to be protective of staff's positions. It is not a question if they are a valuable resource.

Holston agreed with **Parisi**. Oakridge is seeing cuts right now; they have already had to furlough some workers. This is not a reflection that staff are not doing a good job, this is preplanning to know this is going to take some time to recover. She thinks it's important for the public to know we are doing this responsibly and knowing that it's going to be a tough time for everybody.

Hough said staff has been looking at things like travel and we see the opportunity to underspend the budget. We see some straightforward opportunities for reductions, and we see some opportunities to postpone some capital investments. The signs so far have been encouraging with the budget projections being solid. He sees other areas for reductions and it not being perceived as for the great work staff are doing at this time.

Pishioneri said both **Parisi** and **Holston** have excellent points. It is something we can monitor and change as a Board action. As a Board it warrants our caution.

Hough said he strongly feels this is a time for support of staff. He would be willing to take the cost of the market rate adjustment from his monthly salary, until the Board felt comfortable making the adjustment.

Taylor thought staff should get the increase.

Fleck assumed the amount was already appropriated; Merlyn can do that. **Hough** added that this all would be under the salary category in the budget, so there should not be anything to not allow him from doing this. **Fleck** said you can move amounts within the same fund if **Hough** has enough in his salary to cover the amounts.

Parisi said she thinks she supports where **Hough** is going with this. She asked Hough to let the Board know at the next meeting what this would look like. She hoped he did not have to take a pay cut to make it happen. She is curious how this would all work out.

Guidero said she knows staff is working very hard and thinks what **Hough** has offered is extremely generous and probably the reason staff is loyal to him. We are now talking about succession planning and we are going to have a new Director. Her concern is if we take his offer now, we may have to give staff a pay cut next year if things are worse economically. She did not think anybody will be looking at market rate adjustments right now except in government. She thinks they should go with what is approved by the Board, instead of giving something and potentially having to take it away.

Berney did not think there was the issue that **Guidero** was discussing. If we approve this budget as the motion states, **Hough** should be able to do it. It really shows a commitment to staff. He did not think it binds the Board's hands in anyway. He does not see any issues with the motion. **Hough** should do as he chooses, and we should get a report next month on how this will work out.

Pishioneri said **Guidero** made a good point. If **Hough** is leaving at the end of the year, how would the remainder of the fiscal year payout? Are staff going to have to take the pay cut that **Guidero** was talking about? He is fine with the way the motion is stated and if **Hough** wants to supplement in the interim, he is okay with it. We can also look at it again in a few months. We need to be keeping an eye on the financial forecast.

Taylor said it is a small amount of money and we should approve the increase.

MOTION: Fleck MOVED to adopt the resolution No. 20-02-A with the added recommendation (wage chill) from the April minutes and have the Director come back to the Board regarding wage increases; Holston SECONDED THE MOTION. VOTE ON MOTION: 6 in favor, 2 opposed (Taylor & Frost) motion passes.

6. ADVISORY COMMITTEE:

Jim Daniels said they had a Zoom meeting in April and continued the discussion regarding proxy or alternate vote. One of the members will be reaching out to the McKenzie Watershed to see how it is in their bylaws. They will be reviewing at the May meeting. There was a discussion on open seats. Staff sent out an email blast regarding the openings and some applications have been received. He was reelected as Chair and Kathy Lamberg as Vice Chair.

7. DIRECTOR'S REPORT:

Hough reviewed the attached report ([VIEW HERE](#)) regarding the increased outdoor burning complaints.

Three things that staff believe contributed to the increase were:

- More people at home – either noticing more or also taking advantage to do the burning (opportunity)
- Potential virus concerns
- Good weather (opportunity)

The complaints were pretty much spread out over a large area.

Knudsen added that there were approximately 19 complaints that were attributed to the burn ban.

Frost has heard issues about it being a very bad wildfire season this year. Are there any plans on how to prepare the community for wildfire season? **Hough** said that was under the authority of the fire defense board. They advise us when to start banning for fire safety reasons and that usually happens at the beginning of June if warranted. **Berney** said the Commissioners are hearing the same thing and anticipating fire season with sufficient concern.

Berney asked **Hough** if there were any recommendations on policy changes around the data he is presenting on complaints. **Hough** said his vision is we would have a more proactive program to explain the reasons for key programs such as outdoor burning and home wood heating. He would expect that by now there would be more universal understanding of the requirements and more cooperation. Public affairs and field staff to have more resources to get the message out.

Holston said they are hearing the same thing in Oakridge about fire season. The national forest service around them will not be doing any of their clean up burning to avoid any additional smoke. They are already working on community smoke mitigation.

Holston also said she would add a caveat to what Hough said about education and the ability to do something alternate to burning. In rural communities we must have a way to dispose of things that would be typically be composted. How do we supply resources, money, or equipment to communities to take the place of burning? It is not just a matter of educating people, you need to give options of other ways.

Frost liked **Holston**'s idea. They have talked about alternatives several times in the past. **Hough** said these are really resource constraints. **Pishioneri** thought they should rent a chipper that people could bring their piles to and chip for compost. He does realize there are responsibilities and liabilities involved, but it is something to think about. **Holston** said this would be a good program, especially for the smaller communities. **Berney** thinks LRAPA should be looking at this with Good Company. **Parisi** suggested that the CAC look into this. **Guidero** thought this would be a good program for the fine money to be used for.

Hough wanted to address the violation fines and contested cases. Settlements are good options because Respondents not only request a reduction, they acknowledge responsibility for the violation and what will be done to prevent a future recurrence. If you take into consideration attorney fees associated with contested cases, settlements are a better way to go. The

understanding with the county is the fine money paid is reduced by LRAPA contested cases legal fees.

Hough said the Dashboard report will be presented during the June meeting.

For reopening the office to the public, we are following Phase I along with the state. We are looking into ways to improve the conditions for working in the office, along with still encouraging working from home. **Pishioneri** mentioned that OSHA has very firm and aggressive responses to complaints about working conditions.

8. OLD BUSINESS – Succession Planning Update:

Hough said there has been seven responses to the RFP and staff narrowed the field down to four.

The subcommittee (Joe **Pishioneri**, Jeannine **Parisi**, and Betty **Taylor**) will interview the four firms and make a recommendation to the Board.

9. NEW BUSINESS:

NOTE: The June 11, 2020 meeting will be held via Zoom – details to follow

The meeting adjourned at 1:55 p.m.

Respectfully submitted,

Debby Wineinger
Recording Secretary