

A G E N D A



LRAPA
Lane Regional Air Protection Agency

LANE REGIONAL AIR PROTECTION AGENCY
MONTHLY BOARD OF DIRECTORS MEETING
THURSDAY JULY 9, 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 June 11, 2020 Board of Directors Meeting [VIEW MATERIAL](#)
 - B. Expense Reports Through June 2020 – Delayed to next meeting due to short turnaround

REPORTS AND POSSIBLE ACTIONS:

5. (12:40 p.m.) Advisory Committee – Recommended New Members [VIEW MATERIAL](#)
6. (12:50 p.m.) Director's Report of Agency Activities in the Month of June 2020 [VIEW MATERIAL](#)
7. (1:00 p.m.) Status Report Oakridge Woodsmoke Mitigation Project [VIEW MATERIAL](#)
8. (1:20 p.m.) Budget Updates [VIEW MATERIAL](#)
9. (1:30 p.m.) Potential Alternatives for Allocations of Civil Penalties [VIEW MATERIAL](#)

DISCUSSION:

- 10. (1:50 p.m.) Old Business - Succession planning update
- 11. (2:10 p.m.) New Business
- 12. (2:20 p.m.) Adjournment

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MINUTES
LANE REGIONAL AIR PROTECTION AGENCY
BOARD MEETING

July 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; Mysti Frost – Eugene; Betty Taylor – Eugene; Howard Saxion - Eugene
- Others:** Jim Daniels - CAC Chair
- Staff:** Merlyn Hough; Debby Wineinger; Nasser Mirhosseyni; Max Hueftle; Colleen Wagstaff; Lance Giles; Travis Knudson

1. **OPENING:** **Holston** called the meeting to order at 12:17 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.)

Taylor said she appointed Lisa Arkin as her Budget Committee member. **Hough** said that is usually done in February. But the Board can confirm anytime.

Howard Saxion introduced himself he is a new Board Member replacing Charlie Hanna (Eugene).

4. ACTION ITEMS:

Consent Calendar:

- A. Approval of Minutes of June 11, 2020 Board of Directors Meeting and Budget meeting
- B. Approval of Expense Report for June 2020 - **Postponed**

MOTION: Parisi MOVED to approve the Consent Calendar; Fleck SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS – Howard Saxion abstained, he was not a member and not in attendance.

5. ADVISORY COMMITTEE – RECOMMENDED NEW MEMBERS:

Steve Pelkey and Evelina Davidova-Kamis were appointed as new Advisory Committee members. They both represent industry.

Jim Daniels said at the last meeting they also discussed proxies. They will do a final review, and it will be updated into the bylaws.

They will continue the discussion on alternates to outdoor burning.

6. DIRECTOR'S REPORT OF AGENCY ACTIVITIES IN THE MONTH OF JUNE 2020:

Hough reviewed the report and went over the highlights.

Guidero asked about enforcement actions, what is promptly extinguishing an illegal burn, timeframe? **Hough** said if someone is illegally burning, we would expect them to take immediate action. **Guidero** was wondering if it meant they just refused to put it out, they did not put it out in the time you expected them to? **Hough** said it could mean we revisited the site the same day, and there has not been any action to extinguish the burn.

Holston said she checked the PurpleAir sensors after the 4th of July and was surprised to see the huge spike. **Hough** said Lance Giles had prepared a report for staff that showed the elevations.

Parisi asked about page 4 under terminated permits, it listed three. Have they terminated over the last month? She was wondering if that was because of current economic conditions.

Wagstaff said one terminated in early February, one in early March. And the most recent one was in May. Arauco should be on the next report. And she was not sure if they plan to sell the facility and maintain the permit. They have stopped all operations.

Parisi also said EWEB is working on finding locations for the PurpleAir monitors, she will be back in touch.

7. STATUS REPORT OAKRIDGE WOODSMOKE MITIGATION PROJECT:

Josh Proudfoot presented the report. [\(view report here\)](#)

Holston asked about the filters, is it a preference between the washable filter or the other which lasts longer? **Proudfoot** said they are doing a combination of both. It is about square footage and price.

Parisi asked about the firewood program and the equipment that was purchased. Was it new or did you find anything second hand? Do you have a maintenance plan for the equipment?

Proudfoot said a lot of the equipment purchased was gently used and of higher quality. We got the savings because we did not purchase brand new. Inbound will be responsible for maintenance on the equipment since the equipment was provided for them.

Proudfoot thought Parisi had asked earlier about training programs. There were some programs, but they went a little awry, because they did not have good science behind it. They learned about some good programs EPA has been doing around the country. We are going to do copycat versions and go to the high schools. **Berney** said he would like to look at the curriculum before you copy it and he would also like him to share how they are addressing local procurement.

Proudfoot said all the procurement is done; it is at the household level where they can pick their own vendor. **Berney** suggested to set up a leasing company and procure the equipment and lease it within what the grant budget allows.

Holston said there has been pushback with Trillium as far as data, please let the Board know if they can assist.

8. BUDGET UPDATES:

Hough said this will be a regular update due to the times we are currently in.

Hough said the market rate adjustment was postponed in May. He thought this should be revisited. He reviewed the updated salary comparisons. He had spoke before about it being taken out of his salary, but he thinks there is enough in the budget to cover it.

Pishioneri asked about the 2% recommended ten years ago, is this going to happen every year?

Hough said it is not considered a cost of living adjustment. You can compare it to the CPI, but what we do is compare to the comparable salaries of similar local air agencies in the Pacific Northwest, the 2% has basically kept the gap from increasing (we average about 10% lower than our counterpart similar-sized local air agencies in Washington).

Holston asked Berney what the county has done with cost of living increases. **Berney** said COVID-19 is a real issue. AFSCME Local 2831 presents over 500 people. They have always asked for 2%. But the county currently has increases on chill and will be voting for 1%.

Fleck said his motive regarding a chill was around revenue. Not necessarily around what others are doing. He believes staff are behind the curve and have been. LRAPA staff do not get PERS which is another factor in the equation. He also thinks LRAPA should do another salary comparison to have for Hough's successor. **Fleck** asked if LRAPA is still receiving the same amount from the state and federal government. **Hough** said that was correct. **Fleck** said he was comfortable approving the market rate adjustment. He was worried that the state forecast might be dire.

Frost said she was also in favor of approving the 2% increase and she asked if that was something offered in staff's contracts? **Hough** said there are no guarantees on annual salary increases.

Berney thought this was going to be held off for a few months. It has only been two months. What he is hearing is that state budgets are 17% cuts across the board for state agencies. **Hough** said there is not an August meeting and that is one of the reasons it is on today's agenda.

Berney also asked if LRAPA was now working with ESD, it has been over a year since this was first talked about. **Hough** said yes, there have been conversations and it is a major part of the Oakridge TAG project. **Berney** said he thought we were working with them directly to develop curriculum to introduce to schools. **Hough** said LRAPA is working that direction, and hope to have the basic information to have those conversations with ESD as a result of the Oakridge Air work in the coming months; LRAPA does not have budgeted resources for curriculum development or coordination separate from the Targeted Airshed Grant for Oakridge.

Saxion hoped that LRAPA would be competitive with other agencies. **Saxion** asked if the compensation was based on what the current market is or cost of living. In the private sector there was not a cost of living, they made sure staff was competitively paid. So, this is not really based on a cost of living, but on what agencies pay their staff? **Hough** said that was correct, the 2% is considered a Market Rate Adjustment to keep the gap with other agencies from increasing, but LRAPA and other agencies do look at the CPI also.

Guidero said she found it difficult to argue against market rate adjustments. She wants the staff to be compensated. She is very worried about where state revenues might be going. There are so many in the community that are facing unemployment. This is going to eventually snowball and affect so many other things. She did not want LRAPA to be put in a position to have start thinking about layoffs. She does think the reserves are a little high. But she is looking at long term stability and hesitates to encourage Merlyn to offer his own salary. If we set up the expectations that are ongoing, then the next Director is going to have repercussions from that. She did not want to have to hold salaries for staff to make up for it.

Holston said matching a market rate is important. That is one of the reasons she asked for an opportunity to hold off to see where we are going financially. She thought it would be addressed

again in three months or so (September or October). She appreciated Merlyn's suggestion that he could cover the cost out of this salary. But she feels he has placed the board over a barrel that was inappropriate. Merlyn's offering is nice and kind. But she would have liked to see some support from Merlyn when we are asking communities that have been hit financially to support raises for individuals. She would support a 1.5% raise rather than 2%. But she will support the 2% because she does not want Merlyn using his own funds for this. It sets a bad example and precedence. She restated that she feels like Merlyn had the Board over a barrel and she did not appreciate it. LRAPA does good work but this sets a bad example for the community.

Taylor said she supports the raises and appreciates Merlyn's offer.

Frost said LRAPA has had trouble in the past and that is why we have all the safety measures in the budget. She supports the increase.

Parisi said we were trying to be proactive and protecting for an uncertain future. She is comfortable moving forward, but also has anxiety that we could be putting ourselves in a more complicated position.

Berney said he was frustrated because he thought we were going to vote for this in September. He wanted to wait, as the Board was led to believe we would have a few months to assess. His fear is we have not yet had a second COVID-19 surge. He agrees with Kathy Holston that Merlyn has put them between a rock and a hard place. He feels he is going to reluctantly put us in a situation where we might be in a hell of a situation next year. He wanted to add that he does support staff.

Guidero said there is no reason that we need to move forward with this. We can come back to this in September. She did not see why the Board could not direct the Director as to whether he donates part of his salary.

Pishioneri said he has heard several different points. He thinks the Board should direct staff to do a current market rate analysis. He also wanted to comment that in May, they agreed to hold off a few months and its only July. He did not think it was appropriate that staff/Board make a decision on what Merlyn does with this money. He agrees with Joe Berney that there could be some real financial problems on the horizon. He thinks it would be reasonable to vote on this in September. Staff should receive raises in a timely manner and when they are appropriate.

MOTION: Taylor MOVED to approve the 2% MRA for LRAPA staff effective July 1, 2020 as included in the FY2021 budget; Frost SECONDED THE MOTION. VOTE ON MOTION: 5 yea -4 nay - passes. (Nays – Berney, Pishioneri, Holston, Guidero)

Parisi wanted to add that she agrees there should be an updated salary comparison and that may be a good piece of work for the next Director. Everyone agreed.

Pishioneri added this put the Board in an uncomfortable position, but it was generous for Merlyn to make the offer to use his salary.

Berney wanted to add for the record, that the no votes were not that we did not want to provide the MRA to staff, but we had agreed to take a few months to properly assess the social and financial situation. **Pishioneri** agreed.

Hough also said for the record it was not his intent to put the Board in an uncomfortable position. Just that he was willing to offer his salary to cover the increases. He apologized if it came across that way.

9. POTENTIAL ALTERNATIVES FOR ALLOCATIONS OF LRAPA CIVIL PENALTIES:

Hough reviewed the issues outlined in the staff report.

Parisi asked if this were agreed to, what would be the accounting procedures? **Hough** said he did not expect this to be an LRAPA staff decision. It would be a Lane County decision, or they could delegate it to the LRAPA Board.

Berney wanted to bring the LRAPA Board back to the genesis of this. The conversation was, would the county be willing to reimburse the fine money back to the communities where the fines were generated from and they would use the expenditures as they see fit. He was asked to follow through with this, and he did. All of this is just extrapolations from that. The decision the county made was LRAPA did not have some accounting things in place to do it. These ideas did not come from Mr. Mokrohisky and we talked about this. It was about fine money going back to the municipalities, that was it. These all seem like good programs, but this was not what he was asked to do. The decision by the county was yes, we can do this if LRAPA is able to provide the breakdown within areas. **Hough** said he agreed, and he tried to have staff provide projects that were related to this. **Berney** said he likes the idea of looking at other things as alternatives to outdoor burning, but that was not what he was asked to bring forward to the county.

Pishioneri said he has been part of these conversations and he did not have a clue that LRAPA would be spending time to come up with these options. He did not think it was at all appropriate for LRAPA to come up with ways to tell the partners how to spend the money. The original question was how much money was in each jurisdiction, and how it could be tracked.

Berney agreed, and concurrently the county has a good climate initiative going forward, and the contractor is Good Company and they are working on projects for the county. He has charged them with working towards Lane County zero emissions projects that create jobs.

Parisi said these are county funds and its up to them to redistribute. She did not understand what the board discussion was for. **Berney** said that was correct and the county has agreed to do that. **Parisi** asked what the board's involvement is. **Pishioneri** said LRAPA staff came up with their own recommendations for Board action. To him, it is to direct staff to separate the numbers and provide those to the county.

Holston was concerned that the community might see this as a "speed trap." So, the more fines, the more money the city would get. She would not want any community to be in that position

and that might be why it goes to the general fund. She thinks it appropriate to ask the county to reinvest in environmental projects. But we are treading on uneven ground and must be careful, so people do not see this as a back handed tax.

Fleck agreed that it is a county decision. Oakridge and Cottage Grove are paying their full member dues and the other jurisdictions are not. He suggested that the funds stay with LRAPA for the jurisdictions that are not paying their fair share.

Guidero thought it should be left as it is. There are good reasons they do not go to the jurisdictions or back to LRAPA. It should not be used as an incentive to fine and add to funds. We should be looking for compliance and not punishment.

Taylor said she did not even think they should be discussing this. Berney and the county should be discussing.

Pishioneri wanted to recap the discussion. The city of Springfield does not cite anyone, it is not a matter of self-serving. That is why there is a separate agency called LRAPA that does that. Speeding tickets do pay into the city. Giving it back to LRAPA is counterintuitive, it was meant to go to the county, so they are distributing it. He agrees with Taylor that Berney knows where this is at and who are the actual players. It has nothing to do with the Board except to ask staff to give the county the numbers they are asking for.

The consensus was that when LRAPA pays the fines to the county (annually in May) and they should start providing a breakdown of the payment.

OLD BUSINESS – Succession Planning Update:

Hough said they have contracted with SGR. They should be contacting the Board and staff.

Parisi said it might be helpful to have the questions before they contact, so they can give it some thought.

10. NEW BUSINESS: none

NOTE: The September 9, 2020 meeting will be held via Zoom – details to follow

The meeting adjourned at 2:25 p.m.

Respectfully submitted,

Debby Wineinger
Recording Secretary

