



MINUTES LANE REGIONAL AIR PROTECTION AGENCY BOARD MEETING

January 12, 2023

VIA - ZOOM

ATTENDANCE:

Board: Joe Pishioneri, Chair; Jeannine Parisi, Vice Chair; Bryan Cutchen, Terry Fitzpatrick, Mike Fleck, Howard Saxion, Jenna Knee, David Loveall.

Absent: Matt Keating.

Staff: Steve Dietrich, Travis Knudsen, Julie Lindsey, Debby Wineinger, Colleen Wagstaff, Jonathan Wright, Katie Eagleson, Lance Giles, Max Hueftle, Robbye Robinson, Amanda Atkins.

Others: Jim Daniels, Grace Kaplowitz, Kristen Denmark.

1. Executive Session

Chair Joe Pishioneri called the board into executive session at 12:15pm.

2. Regular January Meeting, Call to Order, Roll Call – 12:48 pm.

Chair Joe Pishioneri called the regular meeting of the Lane Regional Air Protection Agency (LRAPA) Board to order. **Travis Knudsen** called roll and a quorum was established.

Chair Joe Pishioneri welcomed Oakridge Mayor, Bryan Cutchen, and Lane County Commissioner, David Loveall as new board members.

3. Adjustments to Agenda

There were no adjustments to the agenda.

4. Board Response to Public Request at October Meeting

Chair Joe Pishioneri stated that at the October 22nd board meeting, a request was made on behalf of Mr. Weybright to obtain a hearing on whether his initial contested case hearing request was timely. The background of this case is case number 22-3839.

MOTION: Chair Joe Pishioneri moved, seconded by **Mike Fleck**, to hold a hearing to determine whether Mr. Weybright’s initial contested hearing request was timely. The motion passed unanimously – 8:0.

5. Public Participation

- A. Comments on an Item on Today’s Agenda – None
- B. Comments on a Topic Not Included on Today’s Agenda – None
- C. Comments from Board Members

Mike Fleck mentioned the City of Cottage Grove Council does not have a formal list of appointments yet, but it is his understanding that he will be appointed to the LRAPA board again. **Chair Joe Pishioneri** responded that Mike Fleck is a great asset and resource of information and mentioned that he has also been reappointed to represent Springfield on the LRAPA board.

Current Board members introduced themselves to the newer LRAPA Board members. **Amanda Atkins** was introduced as a new LRAPA staff member.

Action Items

6. Consent Calendar

- A. Approval of Minutes November 10, 2022, Board of Directors Meeting
- B. Approval of Expense Report December 2022

Vice Chair Jeannine Parisi requested an edit to the last sentence in the first paragraph on the bottom of page 5, which reads, “**Vice Chair Jeannine Parisi** would like to see an option without service.” She requested it read, “without the level of service component” instead.

MOTION: Howard Saxion moved, seconded by **Mike Fleck**, to approve consent calendar item A with amendment, and B as presented. The motion passed unanimously.

7. (12:45 p.m.) Partner Fees – FY 2024

Steve Dietrich stated that partner fees were introduced during the November 2022 LRAPA Board meeting, and this agenda item will be considered as part of the 2024 budget planning. He went on to say that, using CPI and population to derive a number for each partner, Finance Director, **Julie Lindsey**, put together several alternatives that will provide LRAPA with the funds needed to operate.

Steve Dietrich introduced **Kristen Denmark** as the attorney who was recently hired by LRAPA to help with the discussion on partner fees and avoid conflict of interest.

Julie Lindsey began the discussion on partner fees. She explained the difference between ALT 1-A and 1-B.

Vice Chair Jeannine Parisi expressed concern staff regarding recommendations related to ALT 1-C and 2-C and stated that for the past several years, Eugene, Springfield, and Lane County have been paying less than their fair share and are still not paying as much as small city contributors, Oakridge and Cottage Grove. She suggested a motion to begin a discussion.

Kristen Denmark said she would be happy to provide more context for that discussion. She began by stating that she had recently been retained by LRAPA. She went on to say that the amount of fees that

are charged present the conflict for Mary Bridget Smith, since she represents the city. She stated there are two issues under the Intergovernmental Agreement (IGA). The first one being, the LRAPA Board needs to determine the amount of money required to carry out LRAPA objectives each year. The second is, the Board shall determine the amount and the language used as the estimate, which is fair and equitable to be charged to each party. Each issue has one sentence in the IGA and LRAPA doesn't have any further legal guidance on either of those issues. There are some Oregon Revised Statutes and Oregon Administrative Rules that govern LRAPA, but they do not govern the issue of partner contributions.

She continued that it was her understanding that from 2008 or 2009, some entities contributed their fair and equitable share, not just in cash but also with in-kind services. She stated that once the LRAPA Board decides the amount needed for the next fiscal year, she could then ask partner entities if they are contributing their share in cash, or in a combination of cash and in-kind services. If in-kind services are part of partner contributions, she would ask them to clarify what they are and quantify them.

Julie Lindsey identified the gross amount that represents some of the jurisdictions' in-kind services agreements with LRAPA. She stated that ALT 1-B is a net amount for in-kind agreements. She shared that last spring she was approached by the City of Springfield regarding paying hourly for in-kind services that LRAPA is receiving for Mary Bridget Smith, which is what ALT 1-C represents. If the Board moves to say this is the new base, LRAPA will receive an increase in expenses of those legal fees.

She then mentioned that last year the Board presented that they may look at service regarding how to allocate the base. She then said, once the Board agrees on the base, the next step is to decide how to allocate it. She identified 2-A, B, and C as how much those would be based on population and service level if the Board did that. She added, 2-A, B, and C use the same base as 1-A and B.

Mike Fleck asked what determines service. He stated that they spend a lot of time in Oakridge because of the PM2.5 standards and his fear is that there would be a disproportionate charge on that.

Julie Lindsey responded that regarding Oakridge, this is general fund money and any work happening in Oakridge under the grants is not included in this.

Steve Dietrich addressed what determines service; one component of service is investigating complaints. He said that of the total complaints that occur each year, roughly 800 - 900, about half are in the Eugene area. He added, other areas of service revolve around regulations and include implementation, writing permits, and doing inspections. He clarified that is what LRAPA considers service to partners.

Mike Fleck responded by saying he's okay with any of the six choices and thinks they're all fair and equitable.

Chair Joe Pishioneri commented that he has been working extensively with Springfield fiscal staff to look at the efficacy of the dues. Springfield has come up with a methodology that may be very equitable or workable for the other partners and makes those numbers very predictable for LRAPA as far as anticipated revenue and each city's' budgets. He noted that typically when the dues question comes up, it's after the budget is already fixed and then refiguring needs to be done.

Julie Lindsey stated that the inflation factor has been put on the previous year's amount and suggested a formula consisting of previous year dues plus a 15-year average tax rate of 3.3%. She acknowledged that this is up to negotiation with the Board. This suggestion was made based on the fact that LRAPA does not have a tax base with the general fund and property taxes, and that this would kind of be similar in that if the taxes go up 3.3%, that would be the contribution to LRAPA.

Chair Joe Pishioneri added that each city would receive funds or taxes based on the valuation of the properties within each district. He noted it would be hard to argue if an entity said they didn't want to pay the 4% increase if their valuation went up 4.2%, for example, and that he likes this methodology.

Vice Chair Jeannine Parisi asked if they were to move to this methodology, would each jurisdiction provide their own tax rate that would align with valuation growth for each area, or are valuations capped under measure 49 and 51.

Chair Joe Pishioneri responded that there are caps on valuations that cannot be raised beyond a certain percent.

Vice Chair Jeannine Parisi asked Chair Joe Pishioneri if he's recommending that all the cities do the same thing, and would those numbers vary slightly among jurisdictions. She clarified that as her first question.

Chair Joe Pishioneri answered that he highly recommends that other cities look at and consider adopting this methodology.

Vice Chair Jeannine Parisi shared an observation that a 3.3% tax rate is about half of the CPI. She asked the staff if they think it will generate enough revenue to meet LRAPA's needs and maintenance of effort.

Kristen Denmark suggested perhaps Julie Lindsey could run some numbers. She then cautioned that LRAPA needs to be careful with what they apply the methodology to. She stated that under the IGA, the first step is to determine what LRAPA needs, which should be the all-in number of cash and in-kind services. She said she wants to make sure that in-kind services aren't backed out of the all-in number. She went on to say, when LRAPA determines the amount they need, the methodology should be applied to that all-in number. She continued by saying that using the methodology to allocate out to the jurisdictions, there will be a number, for example, if the City of Springfield's is \$40,000, then the City of Springfield can come up with that amount of cash or a combination of cash and in-kind services. She stressed that in-kind services should not be backed off the top.

Chair Joe Pishioneri commented that regarding what LRAPA needs, Springfield does it all the time and finds that their coming up short every year. He went on to say that when they come up short, adjustments must be made regarding laying off people or not doing as much. He stated that you can't go to the citizens and say, "We really need this money because we don't want to shrink and we need to be able to hire five more people, so we really need this much money and we're going to assess that against you."

Mike Fleck said he understands where Chair Joe Pishioneri is coming from regarding his statements. He stated the problem is for each city to do it, is not an apples-to-apples comparison, and that he

agrees with Vice Chair Jeannine Parisi in that the 3.3% tax rate may not meet LRAPA's needs and maintenance effort requirements. He added that he thinks a 3.3% tax rate is fair and that if the cities are stuck with that, LRAPA may need to tighten its belt. He then said the 3.3% tax rate should be a flat rate across the county, not based on each jurisdiction. He ended by asking the staff if they think the 3.3% tax rate will keep the agency going.

Julie Lindsey responded by saying she has started playing with the budget numbers and she has a spreadsheet that has played with this tax idea. She went on to say that because LRAPA's revenues are stable, the 3.3% increase would not negatively affect the next year's budget. She stated that unfortunately, she can't determine what would happen in the out years and that if there is a cap in the agreement, that may or may not be overly harmful to the agency.

Bryan Cutchen agreed with Ruddell comments. He added that the growth rate and assessed values for LRAPA to operate probably aren't parallel so there needs to be a rigorous validation of the LRAPA requirements inculcated into the methodology.

Chair Joe Pishioneri said he would like to see how this would pencil out using this methodology and agrees with Mike Fleck in that there's differences in each city, but he thinks the other partners should have the opportunity to see if this approach is more appealing to them as opposed to something else, or even workable for that matter.

Vice Chair Jeannine Parisi suggested trying to recommend a number for this year that isn't really assigned to a specific methodology given the timeframe and set this topic aside for a work session to give Kristen Denmark a chance to reach out to other partners and ask about their valuations. She stated that she believes everyone would agree that having something that's well articulated and documented makes sense versus handshake agreements that LRAPA can't keep track of. She voiced concern regarding whether there was enough time to figure out the methodology and give jurisdictional partners enough time to budget. She stated that she does not want to be forced to make a methodology decision without enough discussion and noted that the meeting was rolling late on the agenda.

Chair Joe Pishioneri shared that the City of Springfield's budget is \$30,143.00 for their dues for 2024. He said they must get it in their budget and use that methodology to show how they derived that number. He thinks it's a fair number that will allow LRAPA to continue swimming and noted that at this time of year, it's rough timing wise to come up with a dues schedule.

Kristen Denmark agreed with Vice Chair Jeannine Parisi's statement regarding timing. She suggested that the Board come up with a band-aid solution and have a work session after she speaks with other attorneys. At that time, they can plan a methodology that considers all the factors mentioned. She added that given all the other entities involved, those conversations can happen in the time that it needs to.

Chair Joe Pishioneri commented that they increased their 3.3%, equal to their assessed valuation increase within the city.

Mike Fleck asked what Springfield's budget is. He then said his goal was to get it equitable across all the jurisdictions and now he's hearing that Springfield is not going to support that. He then said that he doesn't think a few thousand dollars is going to kill a city, one way or the other, and that he wants

something that's equitable across the board. He added that he's okay with all sorts of versions of how they get there.

Chair Joe Pishioneri said it's a matter of what really is equitable, what is the outcome, what are they getting for the money, etc. He added that at some point, if they triple everybody's dues and dump a bunch of cash in LRAPA, will the cities get what they are paying for over and above what DEQ would provide. He stated that he wants to keep LRAPA impossible to get rid of from the city's points of view.

Vice Chair Jeannine Parisi said that it feels unusual for LRAPA to hear what cities are willing to pay and then make its requests based on that amount. She added that it feels backwards. She could see LRAPA say that they don't have a fully baked methodology, offer a placeholder until the methodology is developed and ask if the cities can do this. She concluded by saying she doesn't want to exacerbate what's already been a little bit inequitable between the partners and thinks LRAPA should avoid that as much as possible.

Chair Joe Pishioneri acknowledged that Vice Chair Jeannine Parisi made good points and that he does not disregard them at all. He said what it boils down to, with partners as well, is something that LRAPA can look forward to and project out 3, 4, or 5 years with predictable methodology instead of, "I wonder what LRAPA is going to ask for this year."

Julie Lindsey clarified between 1-B and 1-C. She said that unfortunately, last spring, Springfield did approach them and said they basically would like to bill LRAPA hour-for-hour for Mary Bridget Smith's time. She went on to say that when LRAPA went to these in-kind services, it started with the City of Eugene with Glen Klein and as he retired, it went to Mary Bridget Smith who moved to the City of Springfield. She added that LRAPA has been using Mary Bridget Smith without being billed an hourly rate. She continued by saying that the City of Springfield is now preparing a contract for LRAPA wanting to bill them hour-for-hour and that's why ALT 1-C showed up because the City of Springfield is expecting to get some sort of revenue from LRAPA for the use of Mary Bridget Smith's time. She said that in the past, LRAPA has not been billed for that and any increase in the City of Springfield would be offset by that revenue that is paid back to them if in fact, they continue that relationship.

Chair Joe Pishioneri said it leaves LRAPA open to choose who they want to represent that agency and that should not be factored into what Springfield dues are because none of the other agencies have been doing any in-kind services." He then said, "I don't believe we're asking anything over and above what partner agencies have been privy to or have received, so the whole thing with the legal services would be improper to think about what that culmination is and using that part of the negotiations in regard to dues because LRAPA has the ability to get their legal services anywhere without having to worry about some sort of MOE (maintenance of effort) and some kind of in-kind thing.

Julie Lindsey stated it does increase the annual expenses which will in turn increase the MOU and it's the only reason ALT 1-C was put together. She said that during the budget process, when you look at what is increasing above an inflation rate, that's going to be one of them.

David Loveall left the meeting at approximately 1:50 pm.

Julie Lindsey stated that the difference between 1-B and 1-C is to recognize the fact that it looks like LRAPA's expenses would increase based on what it is in the current budget.

Mike Fleck suggested doing ALT 1-B at 3.3% to get LRAPA moving forward for this year. He stated that he thinks LRAPA can negotiate the rest of it in the coming year. He noted that he appreciates the time and energy that staff, and **Kristen** have put into this because what they are being presented is an apples-to-apples across the board and fair representation, which is what he's been asking for.

Chair Joe Pishioneri supported what Mike Fleck said and asked Julie Lindsey to move forward with that.

Vice Chair Jeannine Parisi asked Mike Fleck to clarify if he said to take the \$206,000 as the number and raise it by 3.3 % and absorb the \$32,000 in legal fees.

Mike Fleck responded that he was saying to reduce it because he thinks that's what Springfield is asking for, but in doing so, that would reduce it across the board for everybody as an equitable solution.

Mike Fleck said he agrees with Chair Joe Pishioneri regarding attorney fees and that it's not Springfield's obligation. He stated that it's an LRAPA expense not anything to do with Springfield. He added that he encourages LRAPA to contract with Springfield because he believes they will give LRAPA a more favorable rate than a private sector attorney firm would. He added that he would need to look at those numbers to be certain.

Chair Joe Pishioneri stated that he supports Mike Fleck's comments and that it seems equitable across the board.

MOTION: **Mike Fleck** moved, seconded by **Vice Chair Jeannine Parisi**, that the Board adopt a modified ALT 1-B version of applying the rates to LRAPA member jurisdiction, and use a 3.3% increase based on population instead of the 6% cost of living increase, with the understanding that a future work session will be held to determine the long-term methodology.

Howard Saxion asked **Steve Dietrich** what impact the motions adopted would have on services and if there would be any reduction in the level of service that LRAPA currently provides member cities.

Steve Dietrich responded that, if he understands correctly, \$206,818 sounds like it is going to go down a little bit. He stated that he and **Julie Lindsey** have looked closely at whatever options they have presented and at minimum, they will cover any maintenance of effort as it stands currently. He added that no one can predict the future or guess what it needs to be in the future but the level of service on most things LRAPA provides would go unchanged. He went on to say that there are some exceptions to that when it comes to different amounts of effort spent that are not covered by funds other than general funds. He stated that the general funds are what is going to be affected the most.

Julie Lindsey elaborated that it is preliminary with the budget, depending on what the budget committee does, and that she has calculated what those amounts would be, and it is reasonable increase for LRAPA for next year.

Chair Joe Pishioneri asked if there were any other questions regarding the motion. There were none. He then called for a vote. The motion passed unanimously.

Chair Joe Pishioneri asked the Board to provide their partner agencies with a summary of this motion.

REPORTS:

8. Review Upcoming Appointments on Board and Committees

Debby Wineinger gave a summary on Board and Committee vacancies. She stated that there were two CAC [Citizens Advisory Committee] members who can renew if they want to and that LRAPA had two Board members, Howard Saxion and Vice Chair Jeannine Parisi, whose terms were ending in June and July. She added that if they want to continue, they will need to reapply with the City of Eugene. She went on to say that there is currently only four people confirmed to be on the Budget Committee and that LRAPA needs an appointee for a Budget Committee person, which needs to be presented during the February meeting. She added that at the same time, a new Chair and Vice Chair will be re-elected.

Vice Chair Jeannine Parisi asked if there was prohibition for a CAC member to also serve on the Budget Committee. **Debby Wineinger** answered no.

9. Status Report Oakridge Air Project

Grace Kaplowitz, in attendance on behalf of Good Company, gave a brief presentation on the highlights contained within the Oakridge Air Project packet. She highlighted the following points:

- Good Company is joining with Parametrics, a NW-based planning and environments Science and engineering firm. Staff and ongoing commitments, grants, and projects with LRAPA will remain the same despite this merger.
- Eligibility was not met regarding maintenance status, prohibiting the ability to apply for a third TAG grant.
- The Oakridge Air and South Willamette Solutions team distributed over a thousand air purifiers during the Cedar Creek wildfire response. As seen in the numbers for the home heating upgrades, there was a positive response through that, including 84 more people who signed up for the qualification's questionnaire since October.
- The new upgrade coordinator, Thaddaeus, is still getting up to speed, streamlining his system, and working through upgrades. Five more homes have been completed since the last report.
- In the past few months, Oakridge High school has completed eight woodsheds and distributed them to residents. They will continue to work on additional woodsheds throughout the school year.
- The U of O research project will continue, and in the last few months, 11 air monitors were installed throughout the community to monitor indoor air quality. 24 more monitors will go up soon.

There were no comments or questions.

10. Advisory Committee

Jim Daniels stated that a reminder has been sent to get the survey out to permitted sources and an ad hoc committee will collate those returns. He commented that he hopes to report on that in the next meeting. He went on to say that contained within the packet is the annual review that he put together.

Vice Chair Jeannine Parisi asked Jim Daniels when the surveys are due. **Jim Daniels** replied that he was not sure because his vice chair is heading the ad hoc committee.

There were no further comments or questions.

11. Directors Report of Agency Activities for the Months of November and December 2022

Steve Dietrich stated that he would not go through the Director's Report but gave an update that the Environmental Protection Agency (EPA) announced that they are going to lower the annual PM2.5 standard that's currently at 12 micrograms per cubic meter, and as soon as they advertise it, they will take comments. He went on to say that they will probably land somewhere between 9 and 10 micrograms per cubic meter. He continued by saying that the reason that's important is because this is the pollutant that's been making it hard for Oakridge to be in attainment for PM.

Vice Chair Jeannine Parisi asked if that rule change went through.

Steve Dietrich answered no. He added that the Clean Air Scientific Advisory Committee (CASAC) has already made the recommendation to EPA, it's out of OMB (Office of Management and Budget) and about to be placed in the Federal Register for 60-day public comments.

Mike Fleck asked if soot is the same as PM2.5, which **Steve Dietrich** replied yes.

Vice Chair Jeannine Parisi asked if there was resolution on the enforcement action regarding the industrial plant that kept dropping ash on neighborhood homes.

Steve Dietrich answered yes, they are finally running their control equipment the way they're supposed to with adequate maintenance.

There were no other comments or questions.

12. Work Session – Board Bylaws Development vs. LRAPA Responsibilities

Steve Dietrich stated that everyone should have received the existing Board handbook, an example set of bylaws from the CAC, and a generic draft set of bylaws as a starting point. He continued to say that the bylaws are supposed to be something that the Board comes up with. He added that the handbook is probably in need of an update and commented that it is rare that a board of this size does not have bylaws. He asked some of the longtime member what they recommend.

Chair Joe Pishioneri suggested a bit of time to digest the information and recommended a sub-committee to wordsmith it and present it back to the Board. He added their tasks would be to go through the documents, make their addendums, and wordsmith it while working with staff to avoid breaking any rules. He also noted that the changes should be tracked within the document so that Board members can see what the changes being proposed.

Bryan Cutchen stated that it makes sense to him to have a sub-committee.

Vice Chair Jeannine Parisi asked if anyone has any other group bylaws that could be used for reference.

Chair Joe Pishioneri suggested Mary Bridget Smith or Kristen Denmark could help with that and asked Steve Dietrich to appoint someone to make those calls.

There were no further topics of discussion.

Discussion and Possible Action

13. Old Business

It was confirmed that the first Budget Committee meeting will take place in March.

There were no additional comments made.

14. New Business

Chair Joe Pishioneri mentioned that Steve Dietrich came over to the City of Springfield council during a work session and put on a presentation for the councilors and did a great job. He added the slide presentation was easy to understand and the best part is that it was done so well that it filled in any blanks new councilors may have had.

Steve Dietrich inquired if LRAPA should consider a hybrid approach for their future meetings and if so, would meetings be held at LRAPA or other locations. He also mentioned that head counts will be needed for those attending in person.

Chair Joe Pishioneri said the City of Springfield is moving back to in-person meeting wherever possible.

Mike Fleck commented meetings need to at least be hybrid.

Vice Chair Jeannine Parisi said that she appreciates the value of meeting in person but will continue to attend virtually since her office is in west Eugene.

Chair Joe Pishioneri said he thinks the Budget / Board meeting should be in person with the hybrid option. Other attending Board members agreed.

15. Meeting Adjourned

(Minutes recorded by Diana Pamir Tisdale)