



SPOKANE REGIONAL CLEAN AIR AGENCY
BOARD MEETING MINUTES

July 12, 2007 9:00 a.m.
SPOKANE REGIONAL HEALTH DISTRICT BUILDING
ROOMS 320 AND 321

BOARD MEMBERS PRESENT:

Mayor Matthew Pederson
Board Member Ahern
Chair Jeff Corkill
Councilmember Mike DeVleming
Commissioner Bonnie Mager (9:10 a.m.)

STAFF MEMBERS PRESENT:

Bill Dameworth, Director
Barbara Nelson, Finance & Personnel Admin.
Ron Edgar, Chief of Technical Services
Lisa Woodard, Public Information Officer
Brenda Smits, Air Quality Specialist II
Deirdre Fitzgerald, Air Quality Specialist II
Michelle Wolkey, Legal Council
Mary McDermott, Secretary II

WORK SESSION: The work session began at 9:05 a.m.

1. Discussion of Proposed By-Laws – Mike DeVleming

The by-laws are pretty straight forward but there were a couple of areas of discussion. One area was how you defined a Board member's term and how that position was appointed. Second was whether the Board should have alternates in that unusual case where there isn't a quorum or somebody needs to leave their position on the board and somebody else would need to fill in for that person or position. We couldn't figure out any good way of making that particular option work on alternatives or fill-ins, so nothing was put in the by-laws on that. There was discussion between the Board Members on this issue and Bill asked Spokane Clean Air's legal counsel to do some research. Michelle Wolkey replied that initially they were going to look into legislative history to see if they could determine whether there has been specific discussion about the four year term at the time it was added into the statute in the mid 80s. In doing that they were told by the office of archives that they have several boxes of information but they can't separate it down to that particular issue so you get everything and the price tag for that was pretty prohibitive (\$1,000 plus). In talking with Bill, she thought she would contact one attorney who is an in-house council for an air pollution control authority. Michelle did speak to Laurie Halverson and she said she didn't have any information on the legislative history. Laurie stated that in practice what they do is whomever the entity appoints, they say thank you, make sure they have the right documentation so their votes are valid, but they don't have any practice

or policy in place of holding people to four year terms or trying to press the outside entities to make their appointments for four year terms. There was more discussion by the Board Members. Michelle Wolkey added that her understanding is that the City of Spokane does an annual assignment of tasks as well as the County Commissioners, etc. so at least theoretically they could make a reassignment if they chose to. Councilmember DeVleming stated that this Board could send a letter to the Chair of the Commission and the Mayors of the two cities and say, here is what we want, here is why and make a formal request. Commissioner Mager stated that it would be important to send an annual update on the time left on each positions term. Councilmember DeVleming added that Bill could put together a letter that would include the current terms of the Board Members as a reminder of when their term is up and then the Board can start the process of looking for a replacement. Board Member Ahern stated that her preference would be to have the four year terms because it gives more protection politically, gives the buildup of expertise and the history, etc. Councilmember DeVleming agrees with asking for the four year term, but at a minimum, ask for a two year term because we wouldn't want to loose the expertise of these positions. Bill stated that he would draft up a letter and then circulate it at the next board meeting for the Board's approval and signatures.

Chair Corkill added that under Article II, after the number (3), at the end they should add and concerned individual's "in order to maintain and improve air quality;"; under Article IV, number 8., change air pollution control to "maintenance and improvement of air quality"; and under Article VIII, add "Consent Agenda to the approval of the minutes and vouchers". Mayor Pederson stated that he did not see anything in the last board packet mailing a section where we report on the actions taken by the Board, various resolutions, etc. He thinks it is important to add that so that people who are interested in these agenda items will know, including the Board, what is coming up on a future agenda and what items have been approved by the Board as a quick reference in the CAP Update pamphlet that Spokane Clean Air puts out quarterly. Board Member Ahern also wanted Article VII, number 8 to read, "Provided that, the Board Member . . ." the comma after "that" to be removed.

Councilmember DeVleming recommended that they add what has been suggested and recommended and move it to the next board meeting for formal approval. The Board consented to the changes and would like them to be in the strikeout and underline format.

BOARD MEETING: The board meeting was called to order at 9:31 a.m.

1. Director's Report – Bill Dameworth

The draft personnel procedure manual has been received from the contractor and has been reviewed by telephone with the contractor by Barbara Nelson and Bill on July 5th. A final draft is to be received sometime this week. Barb and Bill will go over it again with the contractor and then let the staff look it over and give comments. It will come to the Board for approval in August or September.

Pursuant to HB 2261, a wood stove work group was established and Bill is one of three local air agencies on the committee. Other represented interests are the DOE, Health Districts, a city councilman, the Hearth Products industry and the Realtors. The idea is to work on a tool kit

of programs that would reduce wood smoke. There will be a meeting every three weeks until September where they will look at forwarding their recommendations to the Governor and the legislature.

Advertisements for the open AQS I and II positions were placed and we received 20 applications. Interviews are planned for later this month with the top eight applicants. There is money in the training budget for these positions.

Advertisements for the open chemistry position on the advisory council were placed. We received one application from a person who worked for the DOE. The Board would like to have more advertising done for this position. Chair Corkill would like to put an announcement out to the American Chemical Society which has a pool of approximately 35 members, to see if there are people who were unaware of the position. There are people from different areas in this society group including colleges, businesses, etc.

An update on property for moving to another location: besides the property in the Spokane Valley discussed last month, three additional properties were identified for further investigation. Two properties were inspected and we are hoping to have a report in August. If any look promising, Bill plans to contact a bank about financing options. Councilmember DeVleming stated that if Bill puts together a list of what he feels is important for a facility, then the Board can review it and add to the list if they have anything. This will narrow down the list of what Spokane Clean Air is looking for in a facility. Also, the Board should eventually give Bill or the Staff the opportunity to make an offer because it's within a parameter contingent on Board approval and every good deal Bill finds is going to be gone unless we start calling emergency meetings and that's just not practical. Bill added that financing should also be explored. Commissioner Mager added that maybe it would be better to go back and look at what kind of financing and all of that is available, because it is going to be a number of years before anything will actually happen to the Health District Building, then start looking for a place.

2. Public Information/Education Update – Lisa Woodard

In June the "On the Air" newsletter was printed and distributed and Lisa is looking at adding a section on Board Actions. We do have a section in the Compliance Assistance newsletter that is called Regulation Program Update. Many print materials have been updated including the Air Quality brochure and various collateral materials such as pens, pencils and magnets. "It All Adds Up to Cleaner Air" summer outreach campaign has finalized the "Mow Down and Win" promotion with five local retailers and Black & Decker. Packets have been provided to 80 of Spokane's largest work sites who've agreed to promote summer air quality messages and disseminate materials to employees. The radio scripts for the summer ozone spots were finalized. The summer ozone season notice was sent out to our subscribers of our Clean Air Network. Updated print materials have been uploaded to the website. The CAP newsletter has been printed and distributed. The money has been distributed to the schools and students who won awards at the Youth Conference. The Enviro Kid's Club quarterly mailer has been sent out and there will be a Kid's Day and Girl Scout event for the Kid's Club members. We are doing a Clean Air puppet show with Spokane City Cable Channel 5. The script was developed for the show featuring agency staff and a cloud named Cirrus and was filmed on the roof of the Health District Building. Bill will be on a Public Affairs Program doing a segment on air

quality. Media activities consisted of a news release about the name change in June and yesterday, the start of the ozone season, news releases were sent out.

3. Activity Report for May 2007 – Ron Edgar

The complaints are normal for this time of the year with quite a few complaints on dust. There are many permits being issued due to the construction season heating up. Air quality has been pretty good, even with ozone, because the winds have kept everything ventilated. Ron gave an overview of how ozone forms, reacts, dissipates and clears out with the wind during the night.

4. Income/Expense Statement for May 2007 – Barbara Nelson

There are some line items over budget however the total budget is well within the amount approved by the Board. Under the expenditure side, the PERS is over budget because of a large increase that was legislated in the employer contribution to the PERS State Retirement Program. The office rent went up and the dues and membership is over because of joining both the Valley Chamber and the City of Spokane Chamber of Commerce. The final expenditure and revenue report for the year ended will be at the next meeting.

CONSENT AGENDA – ACTION ITEM – The Board may approve the Consent Agenda by single motion in whole or in part with or without further discussion.

5. Approval of the June 7, 2007 Board Minutes / Approval of Vouchers for June 2007 – \$126,129.83

Councilmember DeVleming moved to approve the June 7, 2007 minutes, as modified on page three, line four, the word “florescent” needs the letter “u” added; and the June 2007 Vouchers and Mayor Pederson seconded it. Motion passed unanimously.

Councilmember DeVleming explained to the Board how the Consent Agenda works since there was some confusion about approving the items and then making corrections or asking questions of staff members after the fact. The Board gets the opportunity to look at these items ahead of time and call or send an e-mail to staff stating any errors in the minutes or asking questions about the vouchers. Then at the board meeting, the Chair of the Board can state the changes needed in the minutes, etc. before they are approved.

PUBLIC HEARING RESOLUTION ACTION ITEMS – 10:13 a.m.

6. Resolution 07-26 – Amendment to Regulation I, Article IX Asbestos, Article X Section 10.06 and 10.09 – Deirdre Fitzgerald

The first portion of the resolution addresses taking the AOP and Asbestos Fees and putting them off regulation. This is for consistency because the Registration and NOC Fees have already been moved off regulation and it is more effective use of staff time because the formal process for making any changes will not need a SEPA. The CR 102 and 103 would still come to the Board and there would still be a public comment period.

The second part of the resolution is the public hearing for the asbestos rule change. Spokane Clean Air has received some additional comments on this and those comments were responded to by staff. The changes to the rule are reduction in the over-site of non-friable roofing, some survey requirements were changed, clarity was added to this section of the regulations and it brings it more in line with other local air agency requirements in Washington State. Commissioner Mager, Board Member Ahern and Chair Corkill stated that in regards to the comments from David Brookbank, it would be good policy to send a letter telling him what is being done and by who so that he knows somebody read his comments. There was discussion between the Board and Staff on public education on asbestos issues.

There were no public comments. Councilmember DeVleming moved to approve Resolution 07-26 and Mayor Pederson seconded it. Motion passed unanimously.

**7. Resolution 07-27 – Amendment to Regulation I, Article X, Section 10.06
Registration Fees – Ron Edgar**

This is a housekeeping item, recommended by Michelle Wolkey, to put the registration fee tables that were in place for the registration fees back in the regulation and in the table refer the sources to the fee schedule elsewhere.

There were no public comments. Board Member Ahern moved to approve Resolution 07-27 and Councilmember DeVleming seconded it. Motion passed unanimously.

**8. Resolution 07-28 – Approval of Budget for Expanding Air Monitoring Network –
Ron Edgar**

This resolution is to expand the fine particulate monitoring network and do some additional ozone and ozone precursor monitoring. It is using special project funds which are funds from penalties to the Goodrich facility and they said they would like to see some of this money used to expand the air monitoring network. Ron then went over the new sites for the monitoring equipment and the updates to be made at the old sites. The computer equipment purchased for these sites has to match what the state uses so that it can be tied into the state network. The monitoring equipment is for the monitors and outdoor enclosures. Professional services are to put in the DSL or Broadband internet connections and the electrical power and platforms. There would be a few supplies and the site rentals are \$50 a month for the electricity used.

There were no public comments. Councilmember DeVleming moved to approve Resolution 07-28 and Commissioner Mager seconded it. Motion passed unanimously.

NON HEARING RESOLUTION ACTION ITEMS – 10:47 a.m.

**9. Resolution 07-25 – Approval of Spokane Regional Clean Air Agency Membership in
Washington Asthma Initiative – Bill Dameworth**

Bill talked to the American Lung Association representative about lobbying and legislation and the only legislation they involved themselves in is legislation to allow asthmatic

students to take their medicine to school and have the counselors be aware of what to do with them if they have an attack. They are an educational organization to get people aware of these types of things and how to prevent and deal with them. As a member, it means we are supporting their goals and we already do a lot of co-promotion of educational materials with the American Lung Association. It is also another educational resource for Spokane Regional Clean Air Agency and notoriety. Chair Corkill stated that Bill could write a letter to them that states if they do any lobbying, we would want to know before hand. We do not want anybody using Spokane Regional Clean Air Agency's name without prior approval by the Board. Councilmember DeVleming asked if Spokane Regional Clean Air Agency's name and logo was copyrighted. Lisa replied no. The Board agreed to have the agency's name and logo copyrighted. Michelle Wolkey wanted to caution the Board that because there are elected officials that serve on this board, there are some rules that kick in should the Washington Asthma Initiative ever move towards putting some kind of ballot proposition to the people. We would then be in a position of having to withdraw because of the elected officials that are on the board. We cannot participate if there is a pro or con on an actual initiative or referendum before the people. When it is going to be a ballot proposition for the people, public agencies that have elected officials can't take a pro or con position on those. Councilmember DeVleming stated that is right but it doesn't mean that the Board/Spokane Clean Air would have to withdraw from the organization. Michelle stated she would double check that. She just wants the Board and Spokane Clean Air to watch for that incase it happens. Bill stated that if there was some kind of problem with a public issue, he would recommend that Spokane Clean Air withdraw its membership.

Councilmember DeVleming moved to approve Resolution 07-25 and Commissioner Mager seconded it. Motion passed unanimously.

10. Resolution 07-29 – Extending Agreement with Medical Lake School District for Fueling Station – Ron Edgar

Councilmember DeVleming made a motion to table Resolution 07-29 due to time constraints and it is not a good idea to vote on something that has been handed to you at the dais without time to review. There was no second. Motion did not pass.

Ron was asked to briefly explain the differences in the contract in the board packet and the contract being discussed at the meeting. Ron stated that the difference is Medical Lake School District, has requirements by the City to have special handling of the runoff water from the facility and this will incur additional expense so we need to increase the allocation from the diesel retro fit money for this project from \$175,000 to \$200,000. There were questions for Ron from the Board Members which he answered. Mayor Pederson agreed with Councilmember DeVleming that after this board meeting, the Board should not vote on items that are handed to them at the dais.

Board Member Ahern moved to approve Resolution 07-29 and Commissioner Mager seconded it. Motion passed unanimously.

11. Resolution 07-30 – Extending Contract with Instrument Sales for School Bus Retrofit – Ron Edgar

The parts for this retro-fit project are sitting somewhere in the middle of the ocean, as they are being shipped to Spokane Clean Air, so the contractor requested an extension of the contract. There is no problem for Spokane Clean Air with this except we have to change the source of the funds from special bus retro-fit monies that the State was going to give us to the other State retro-fit money that the State has already given us. There are sufficient funds to cover this project. The cost of the project will not change and this will cover Sedro Woolley, Freeman and Central Valley School Districts.

Councilmember DeVleming moved to approve Resolution 07-30 and Mayor Pederson seconded it. Motion passed unanimously.

12. Board Concerns: There were no Board concerns.

13. Executive Session – Director’s 12 Month Performance Review

The Board moved into the executive session at 11:14 a.m. for approximately 10 minutes. Michelle Wolkey advised the people waiting that it would be approximately 15 more minutes. The Board reconvened at 11:42 a.m. Michelle Wolkey advised Chair Corkill that they have to advise the public of their extensions to the executive sessions when they exceed the time stated.

Chair Corkill stated that in the executive session, the Board discussed the Director’s performance, which the Board is very pleased with in the 12 months that Bill has been with the agency. They cannot take action because it is not on the agenda. They wish to take action at the next board meeting and in the mean time they would like Bill to write up what he feels his achievements have been and what his goals are for the future. At the next board meeting they will have a short executive session with action to follow.

14. Public Forum: There were no public concerns.

The meeting adjourned at 11:44 a.m.

The next Board Meeting will be August 2, 2007 at 9:00 a.m. in the lower level of the Public Works Building.

JEFFREY CORKILL, CHAIR

WILLIAM DAMEWORTH, SECRETARY