

## MINUTES

Eugene Toxics Board  
Fire Conference Room, Second Floor  
Eugene Emergency Services Center  
1705 West Second Avenue, Eugene

January 11, 2012  
3:30 p.m.

PRESENT: Randall Prince, Chair; Tom Carmichael, Stephen Flanagan, Sheena Gardner, Alison Guzman, Christine Zeller-Powell, members; Joann Eppli, Fire and Emergency Services staff; Andy Poynter, visitor.

Mr. Prince called the meeting of the Toxics Board to order at 3:35 p.m.

### I. INTRODUCTIONS/APPROVAL OF AGENDA

Those present introduced themselves. Mr. Prince reviewed the agenda and noted consensus to accept the agenda as written.

### II. PUBLIC COMMENT

There was no one who wished to offer public comment.

### III. APPROVAL OF MEETING MINUTES—December 1, 2011

Mr. Prince offered the following correction:

Page 3, paragraph 4, should read: Mr. Prince ~~did not think~~ **questioned** whether the improved reporting process would provide a savings to companies to offset the increased fees.

Mr. Prince noted consensus to approve the minutes as amended.

### IV. STAFF REPORT

Ms. Eppli provided the staff report. She said in requesting full time equivalency (FTE) figures from businesses, there were two businesses that expressed extreme dissatisfaction with the program. She invited those businesses to future Toxics Board meetings to provide public comment. She had not submitted the Board's 2012 fee recommendation to the City Council in preparation for the January 17, 2012 public hearing because the City Attorney had called a meeting with Ms. Eppli, City Manager Jon Ruiz, and Fire and Emergency Services Chief Randall Groves to review the fee calculation. As a result of the meeting to review the fee calculation, Chief Groves had also requested the public hearing be postponed. Ms. Eppli said the same fee calculation had been in place since 2004 when the State of Oregon mandated fee cap went into effect. She asked the Board to schedule a tentative meeting in early February in preparation for

the outcome of the meeting with the Mr. Ruiz, Chief Groves, and the City Attorney, as it may result in an updated fee recommendation from the Toxics Board. The City Council public hearing was rescheduled for February 21, 2012 and the Council will take action a week later. Ms. Eppli will then send notices to participating businesses advising them of the Toxics Board recommendation and City Council decision. Invoices would go out on April 1, 2012.

Ms. Eppli said all notifications went out to all businesses on January 3, 2012. Reports were due April 1, 2012. She thanked Ms. Gardner for her assistance in testing the new reporting system.

In response to Mr. Prince, Ms. Eppli said the businesses that expressed dissatisfaction with the program objected both about the fee and general dissatisfaction with all aspects of the program. One of the companies was a larger company that paid the fee and reported, and the second company was a smaller company that only paid the fee. The reporting company had a medium level of chemicals. Both companies had been in the program since 1996. She added that a larger number of businesses would pay the \$2,000 cap in 2012. Based on the current fee structure, smaller businesses picked up any budget increase.

Mr. Flanagan arrived at 3:48.

#### **V. INTERVIEW APPLICANTS FOR POSITION 3 (INDUSTRY)**

The Toxics Board interviewed Richard Nicol and Jennifer Olson-Morzenti for the Position 3 on the Toxics Board. Following a brief discussion, the Board chose to recommend Mr. Nicol to the City Council.

#### **VI. REVIEW OF 2011 ANNUAL REPORT**

Board members reviewed the Annual Report and offered suggestions that were recorded by staff. Ms. Eppli explained the Annual Report would be delivered to the City Council through the Council's weekly information packet. She thanked Board members for the comments they had submitted to her via email, copies of which were included in the agenda packet.

Mr. Prince noted consensus to forward the 2011 Annual Report to the City Council with changes from the Board.

Ms. Eppli agreed to forward the revised report to Board members for review prior to submitting to the City Council.

#### **VII. REVIEW AND FINALIZE DRAFT MEMORANDUM TO CITY MANAGER REGARDING VIDEOTAPING REQUIREMENT**

Ms. Eppli advised the Board that she had worked with the Fire & EMS Department's Video Technician who showed Ms. Eppli how to use the department's video camera. She would videotape Toxics Board meetings, which would eliminate the annual \$2,400 in videotaping services costs. As a result, the \$2,400 will be transferred back and added to the amount budgeted for attorney fees.

Mr. Prince explained the Board had voted unanimously that it did not support paying for videotaping meetings from user fees at the December 1, 2011 meeting. He noted consensus to retract the December 1, 2011 vote.

Mr. Carmichael commended Ms. Eppli for efforts to resolve this concern of the Board.

#### **VIII. TOXICS PROGRAM REPORTING TO THE PUBLIC**

The Board decided to defer discussing the survey and any reference to other agency reports until a future meeting.

#### **IX. SCHEDULE NEXT MEETING/FUTURE FOCUS DISCUSSIONS**

The board considered various topics for the next meeting and determined the following as tentative topics:

- Welcome new Toxics Board member (once the appointment process through City Council is completed).
- Annual fee recommendation.
- Review program reporting to the public:
  - Discuss current survey.
  - Evaluate dissemination of information.

Mr. Flanagan proposed staff record the wording for motions and read them back to the Board before the Board voted on the motion.

The next meeting was scheduled for February 8, 2012 at 3:30 p.m.

The meeting adjourned at 5:20 p.m.

*(Recorded by Linda Henry)*