

MINUTES

Eugene Toxics Board
Fire Conference Room – 1705 West 2nd Avenue

May 14, 2002
3 p.m.

PRESENT: Clyde Carson, Paula Holloway, Marylee Bowman, Jennifer Gleason, Clyde Carson, Madronna Holden, Brian Allen, members; Glen Potter, Fire & Emergency Medical Services Department; Mike Enis, Steve Johnson, Cliff Pfaff, Terry Connolly, Ken Luse, guests.

Ms. O' Brien called the meeting of the Toxics Board to order.

I. APPROVAL OF AGENDA/NEW ITEMS

There were no items added to the agenda.

II. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

Terry Connelly, Chamber of Commerce, thanked Mr. Potter and Mr. Carson for their recent presentation to the Chamber of Commerce's Governing Affairs/Manufacturing committee.

Mr. Connelly expressed the Chamber's concerns regarding the appropriateness of the program fees recently adopted by the City Council. He said that the City was taxing companies that were not required to report, and the program was carrying a surplus. He suggested that if some councilors had not been absent, the final vote might have been different. Mr. Connelly asked the board to consider compromises in how the fees were calculated. He suggested that the board accept the recommendation of its industry representatives and remove the requirement for Internet reporting.

III. APPROVAL OF MINUTES OF THE MARCH 5, 2002

Ms. O' Brien noted a spelling error in paragraph 1 of page 5 of the minutes. She clarified that the motion on the last page of the minutes should indicate that the information on the web page would be retained until there was a discussion, so the motion should read, "*Ms. O'Brien moved, with a second from Ms. Gleason, to retain the information on the web until there can be a discussion. . .*"

Ms. O'Brien asked that Mr. Carson's statement, starting on page 4, be included as an

attachment to the minutes rather than included in the body.

Ms. Gleason, seconded by Mr. Carson, moved to accept the minutes of the meeting of March 5, 2002, as amended. The motion carried unanimously.

IV. STAFF REPORT

- 2001 Reporting

Mr. Potter reported that all the 2001 reports were in and were posted on the Internet and available for public review. He indicated he had granted several extensions, and those revised deadlines were met. Two companies were a day late in submitting a request for an extension, and the board would consider those cases later in this meeting.

- **2002 Fees**

Mr. Potter said that 72 invoices were mailed and payment was received on all but ten. The City would proceed with its usual collection steps.

- **Audits**

Mr. Potter said that he had nearly completed all the audits for the first three-year cycle and was preparing for the second cycle.

V. QUESTION REGARDING TEMPORARY EMPLOYEES

Mr. Potter asked the board for direction on whether temporary employees should be included in the total count of company employees. He said that the temporary employees in question work for temporary agencies and are provided on contract to the companies. The board agreed that employees who reported to work at a company over the course of a year's time should be included in the tally of employees.

VI. CONSIDERATION OF LATE FILINGS FOR 2001

Mr. Potter called attention to a memorandum in the meeting packet entitled *Late Reports* and asked the board for direction on how to address the late reports the City received. Cliff Pfaff of A.M Todd and Mike Enis of Western Attachment, the two companies involved, were present. Mr. Potter reminded the board of the precedent that existed in the form of its action related to Newood Products.

Ms. Holden arrived at the meeting.

Mr. Johnson pointed out that a recently adopted State law precluded the board from assessing fines against the two companies involved for first-time violations. Members acknowledged that fact. Mr. Potter informed Mr. Enis and Mr. Pfaff that their companies would not be fined, but

the fact that they were late would be published in a newspaper advertisement as required by Section 6.2(D) of Charter Amendment IV..

VII.PUBLIC ACCESS SUBCOMMITTEE

Ms. O'Brien called attention to the memorandum in the meeting packet reporting on the subcommittee's meeting and discussion. The subcommittee had discussed the posting of reporting information on the Internet in response to concerns raised by the Attorney General about the potential that terrorists could take advantage of such information. The subcommittee had been unable to reach a recommendation on the issue, and subsequently agreed to refer it to the entire board.

Board members discussed the implications of the charter amendment in terms of how the reporting information was shared with the public. Ms. O'Brien referred the board to Section 5(2)(b), which stated that the reports should be made available in a readable form on the library's computer system.

Mr. Allen clarified that the item was being brought forward as a result of the events of September 11. Ms. Gleason said that the memorandum from the Attorney General was drafted before those events. She pointed out that the federal government had not removed its information from the web.

Ms. Gleason provided members with a letter from the organization Inform in support of retaining the information.

Mr. Johnson believed that if the board removed it from the website, another group would secure the information electronically and repost it.

Mr. Allen indicated that he would like to have advice from the City Attorney before making a final decision. Ms. O'Brien pointed out that the subcommittee had not met in response to community concerns but rather to concerns expressed by the federal government. She also reiterated that the information in question was mandated by the charter amendment and could not be taken off the Internet unless that amendment was changed by the voters.

VIII.BUDGET

Mr. Potter reviewed the status of the budget. He noted the surplus and indicated that, under City policy, the program was carrying a reserve that represented two months of program costs. Mr. Potter noted the close vote on the last budget and the councilors absent, suggesting that a different vote tally could have occurred had the absent councilors been present.

IX.SCHEDULE NEXT MEETING/AGENDA ITEMS

Mr. Potter identified the budget, the handbook, reporting software, and web site enhancements as possible agenda items for the next meeting.

The next meeting of the Toxics Board was scheduled for October 1, 2002, in the Saul Room at the Atrium at 99 West Broadway.

The meeting adjourned at 4 p.m.

(Recorded by Kimberly Young)
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