

MINUTES

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

November 12, 2002
3 p.m.

PRESENT: Mary O'Brien, Chair; Clyde Carson, Paula Holloway, Marylee Bowman, Jennifer Gleason, Madronna Holden, Brian Allen, members; Glen Potter, Chief Tom Tallon, Deputy Chief Matt Shuler, Fire & Emergency Medical Services Department; Steve Chipman, Information Services Division; Ken Luse, Terry Connelly, David Monk, guests.

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

I. APPROVAL OF AGENDA/NEW ITEMS

Ms. O'Brien determined there were no items members wished to add to the agenda.

II. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

There was none.

III. APPROVAL OF THE MINUTES OF THE MARCH 5, 2002, MEETING

Ms. Gleason, seconded by Mr. Carson, moved to accept the minutes of the meeting of October 7, 2002, as submitted. The motion carried unanimously.

IV. STAFF REPORT

- New Member

Mr. Potter introduced Mr. Monk, new member of the Toxics Board assuming Ms. O'Brien's position on the board. Mr. Monk's term would commence on January 23, 2003.

Mr. Monk said that he was the Executive Director of the Oregon Toxics Alliance, and looked forward to working with the board.

- **Election Results/Housekeeping Amendments**

Mr. Potter reported that Measure 20-68, which proposed housekeeping amendments to the Eugene City Charter, had passed. He briefly reviewed the changes to the Charter provisions governing the Toxics Right-to-Know Program. The changes made by Measure 20-68 will be effective on December 5, 2002, with the exception of the change in term expiration dates, which will be effective beginning in 2003.

- **Audits—Description of Procedure Attached**

Mr. Potter called the board's attention to the audit procedure, attached to the meeting packet.

Ms. O'Brien suggested that, from time to time, staff look at the State Fire Marshal's hazardous substances survey as well as TRI reports to determine if the information provided by those sources was consistent with what was reported to the Eugene Toxics Program. Ms. Holloway suggested that implementing Ms. O'Brien's suggestion could be confusing as often mixtures rather than substances were reported to the Fire Marshal. Mr. Potter acknowledged Ms. Holloway's concern and said that he believed he could determine whether gross inconsistencies existed.

- **Citizen Handbook Update**

Mr. Potter had no update as the committee had not yet met.

V. CITY'S PESTICIDE REPORT

The board was joined by Mr. Solin, who distributed copies of a document entitled *City of Eugene Chemical Application Tracking Pesticide History Report*. He recalled that the board expressed interest in having the City develop a voluntary reporting system for pesticide use. Since the City was already tracking pesticide use using a mainframe program, it was relatively simple to transfer information about that use to a reporting system. He noted the State reporting requirements the City faced, but did not think the information from the State would satisfy the interests of the board. Mr. Solin said that the City was getting closer to a final product, as evinced by the report he distributed. Mr. Potter was investigating whether the information could be placed on the Toxics Program's website.

Speaking to the question of the measurement quantities, Mr. Solin indicated his belief that the information could be translated from ounces into pounds. Ms. O'Brien asked if the ounces, when entered into the system, could be automatically translated into pounds. Mr. Potter said he envisioned a link on the City's Toxics Program web page to a report similar to that presented by Mr. Solin. He pointed out that in many cases the amounts involved were not reportable as they did not generally exceed 2.2 pounds.

Mr. Solin pointed out that the last four compounds on the list had different names but the same active ingredient, Glyphosate. He anticipated that the City would total the amount of all the active ingredients and report one line item for the total. Ms. O'Brien suggested that alternatively, the City list Glyphosate in the first column and list how many ounces were used in each

brand category. Then the viewer could easily see the total pounds. She suggested the same be done for the other brands involved, such as Confront and Garlon 3A. Mr. Solin agreed.

Mr. Potter proposed that he take the report and make the changes suggested, remove what was not reportable, and convert the quantities to pounds. He proposed to do the same thing each year, rather than ask the public to go through what the City provided to the State. There was general agreement.

Ms O'Brien thanked Mr. Solin for the information he presented, saying it was helpful.

VI. FISCAL YEAR 2004 PROGRAM BUDGET

The board was joined by Chief Tallon for a discussion of his budget proposal for fiscal year 2004, which was reflected in a memorandum dated November 5, 2002, to the board and entitled *Toxics Program Budget Recommendation*. A copy of the proposed budget for FY 2004 was attached to the memorandum. Chief Tallon was proposing to end the unencumbered ending fund balance that the program carried over from one fiscal year to the next. He also recommended that the Toxics Program support the entire cost of the position filled by Mr. Potter, although a portion of Mr. Potter's time could also be spent on other work within the Fire & EMS Department if not needed by the Toxics Program. This has been past practice, although until now the department has paid for the other work. Fees would be raised in the future to accommodate the added program cost.

Board members asked questions clarifying the nature of Chief Tallon's recommendation. There was general concern expressed that the program was being asked to carry the costs of other work performed by Mr. Potter for the Fire & Emergency Medical Services Department, and that the time spent on the program by other City staff was not sufficient justification for the recommendation. Chief Tallon noted the time he spent working on issues related to the Toxics Program as well as other related program costs that had been borne by the department and not assessed to the program. He cited as an example the time he spent on the program when overseeing the budget or communicating with organizations such as the Chamber of Commerce about the program.

Deputy Chief Shuler emphasized that the department's focus was on the 40-hour access the public had to the program each week and the broader range of resources the department made available to the program, such as reception services, administrative support, and research. Mr. Potter had the ability to call upon those resources as needed. Management also spent time on the broader issues of how the program was operating, and its relationship with the community, including the business community.

Deputy Chief Shuler said that the department's budget was not structured to "carve out" stand-alone program positions, particularly on a less-than-full-time basis. He explained that up until now, the department had been, in effect, subsidizing the Toxics Program with department funds, and the department could not afford to do so anymore.

Ms. Holden suggested that the program had been paying for the FTE the department was using for other purposes. Deputy Chief Shuler said that was not the case; the department had used

Mr. Potter's skills because of a lack of dedicated public information resources, and paid for this staff time with General Funds. He said that the program would continue to be Mr. Potter's major assignment, but he would also be asked to work for the department to the extent that his time was available. He said that the board needed to count more than just the time Mr. Potter spent on the program; there were many other costs the department could no longer carry with General Funds. He believed that one FTE was a fair way to get full-time representation for the program and pay for the other costs of the program that had been hidden in the past.

Responding to a question from Ms. O'Brien, Deputy Chief Shuler said that the department could provide the board with an estimate of the time Mr. Potter spent on non-program work and the time others spent supporting the program.

Ms. O'Brien asked what the Chamber of Commerce had to do with the Toxics Board, and why the Chamber did not approach Mr. Potter for information. Deputy Chief Shuler said that the Chamber had many ongoing questions about how the department did business, and in those discussions the program came up. Those questions naturally went to the Fire Chief, who met with top political and business leaders in the community.

Responding to a question from Ms. O'Brien, Mr. Potter estimated that he spent approximately half his time on program-related work. It varied seasonally. In response to a follow-up question from Ms. O'Brien as to whether he believed the program received the equivalent of a half-time FTE from other City staff, Mr. Potter said he did not have the information to make that judgment. Chief Tallon said that he believed that for the department to manage the program, charging the full-time cost of the position was a fair allocation for the support the program required from the department.

Responding to a question from Ms. Holden, Deputy Chief Shuler estimated that four to five people in the department helped support the program.

Although he acknowledged the concerns expressed by other members about the marginal costs to the department of the program administration, Mr. Carson said he believed that the recommendation was a reasonable one. He suggested that members think about the recommendation in terms of how much it would cost to operate the program in the absence of the department's support.

Chief Tallon said that Mr. Carson had summarized the situation well. If the program were to be taken out of the department and run independently, he anticipated that its costs would be well above the \$112,000 recommended.

Mr. Carson said that Chief Tallon was merely making a proposal for the board to consider, and suggested that the board discuss the recommendation further when it believed it had all the information it needed. There was general concurrence. The board agreed to consider the proposal in greater detail at the next meeting.

Ms. Gleason asked if reducing Mr. Potter's position to one-half time would reduce the budget by half. Deputy Chief Shuler said no, because the fringe component of a part-time position did not go down by a commensurate amount, nor would there necessarily be a commensurate reduction in materials and supplies.

Deputy Chief Shuler explained that the management staff believed the way to maintain the program in the simplest, most seamless manner in the current system was to change the budget approach. Staff looked at the issue in terms of the cost of the FTE in the program, and the central services costs based on the formula established by the Central Services Department. He said that every line item on the budget could be adjusted up or down with greater analysis, but that would cost more money, and staff felt that the approach was essentially a fair one. Deputy Chief Shuler said that the program was a big part of the "department's world," and there was always something going on around the program.

Chief Tallon thanked the board and left the meeting with Deputy Chief Shuler.

VII.PREPARATIONS FOR NEXT REPORTING CYCLE

Mr. Potter referred the board to the 2003 Tracking Instructions Update, included in the meeting packet. Board members made certain editorial suggestions which were recorded by Mr. Potter.

The board then discussed the possibility of some type of "feedback page" on the program's website, in order to gather information about public use of the data. A page was conceptualized. Mr. Potter agreed to return to the board with a preliminary screen print at a future meeting.

VIII.2002 ANNUAL REPORT TO THE CITY COUNCIL

Mr. Potter referred the board to the draft 2002 Annual Report, included in the meeting packet. He solicited comments from the board, and recorded suggested changes.

XI.SCHEDULE NEXT MEETING/AGENDA ITEMS

The board scheduled its next meeting for December 2, 2002, at 3 p.m. in a downtown location. (NOTE: Meeting time was subsequently changed to 2 p.m.)

The meeting adjourned at 5:10 p.m.