

# MINUTES

Eugene Toxics Board  
Les Lyle Conference Room–858 Pearl Street

December 2, 2002  
2 p.m.

PRESENT: Mary O'Brien, Chair; Clyde Carson, Paula Holloway, Marylee Bowman, Jennifer Gleason, Madronna Holden, Brian Allen, members; Glen Potter, Fire & Emergency Medical Services; 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 NOVEMBER 11, 2002, MEETING

Approval of the minutes was postponed to the next meeting.

## IV. STAFF REPORT

- Tracking Instructions Update

Mr. Potter indicated that he had composed a handbook update based on suggested by the board and would mail it to businesses later in the month.

- **Citizen Handbook Update**

Mr. Potter reported that the subcommittee met and made many revisions, which it would review again before forwarding to the full board.

- **Web Site–Feedback Page**

Mr. Potter reported that Steve Chipman of the Information Services Division would be working on the feedback page requested by the board and would provide a report at a future meeting.

#### V. FISCAL YEAR 2004 PROGRAM BUDGET

Ms. O'Brien recalled the budget discussion the board had in November following Chief Tom Tallon's budget presentation, in particular its discussion of the chief's proposal that the program support the full cost of Mr. Potter's position. She called for board comments.

Responding to a question from Ms. Holden, Mr. Potter characterized the program's overhead costs as typical. He indicated that the only nonroutine budget item was the inclusion of City Attorney fees.

Ms. Holden suggested that the board could offer the Chief an alternative budget proposal.

Mr. Carson perceived there were two questions before the board: 1) Did the board want to have Mr. Potter be a full-time employee when the program did not require that level of support? and 2) How could the program support that level of expenditure? He indicated acceptance of the Chief's budget recommendation. He did not like spending the extra money, but he believed the continuity and quality of the program were important and that was provided by Mr. Potter. He questioned whether, given Mr. Potter's talent and experience, another staff person would be able to manage the program on half-time basis.

Ms. Gleason continued to question the amount budgeted for contractual services. Mr. Potter explained that all programs paid a central services allocation to support the Central Services Department, which provided payroll and billing services, among other things. He was unsure how the calculation was arrived at.

Mr. Carson noted that private businesses assessed themselves a similar sort of overhead allocation.

Responding to a question from Ms. Holden, Mr. Potter confirmed that the Toxics Program would continue to take precedence in his work. That was the direction of department management. He confirmed, in response to a follow-up question from Ms. Holden, that he would let the board know if the pressure of other work became an issue.

Responding to a question from Ms. O'Brien, Mr. Potter said that he would not characterize any element of the budget as excessive. He had advocated for additional training and travel funds in case an educational opportunity arose. He reminded the board that four years ago he had visited Massachusetts and New Jersey to learn more about those states' toxics right-to-know efforts, and he said that experience had been extremely worthwhile to the program.

Mr. Carson, seconded by Ms. Bowman, moved to accept the chief's budget proposal. The motion passed unanimously.

## VI. 2002 ANNUAL REPORT TO THE CITY COUNCIL

The board reviewed the 2002 annual report. Ms. O'Brien raised a concern regarding a sentence on page 3 regarding the City's legislative policies and its legislative efforts to remove the State prohibition on quantity as a basis for the program fees. She wanted to leave the sentence in the document to reflect the intent of the charter amendment, acknowledging that the State legislature was unlikely to remove the prohibition in the next session.

Responding to a question from Mr. Allen, Mr. Potter clarified that the judge who ruled against the City determined that the City was charging on the basis of quantity because of its threshold.

Ms. O'Brien added that if the City was able to charge on the basis of quantity, only the companies exceeding the threshold would have to pay fees.

Ms. Holden believed that in the past, business people indicated a preference for a quantity-based fee because they considered it more fair.

Mr. Carson supported the State preemption so he favored eliminating the sentence. He believed that the fee cap made the issue moot, because no company, regardless of how many chemicals it used, would be charged more than \$2,000. He acknowledged the statement as a matter of fact, but wanted the record to make it clear that he did not favor a quantity-based fee.

Ms. O'Brien believed that the board should support the intent of the charter. She agreed with Ms. Holden that many business representatives supported a quantity-based fee. She advocated for a board position on the topic. She thought that the board should think beyond the interests of those represented by business, reiterating that the board would be advocating for the flexibility to achieve the fairest system possible.

Ms. Gleason agreed with Ms. O'Brien believed that the board should support the intent of the charter.

In response to a suggestion from Ms. Holden, Mr. Carson indicated that while he continued to support the State preemption of the program, he could accept a statement related to fairness of fee assessment.

Ms. O'Brien, seconded by Ms. Gleason, moved that the board retain the sentence and that it add a sentence indicating that the board wished to retain the flexibility to assess fees in the fairest possible manner. The motion passed unanimously.

## VII.SCHEDULE NEXT MEETING/AGENDA ITEMS

The board scheduled its next meeting for February 13, 2003, at 3 p.m. in the Fire Department conference room at 2nd & Chambers. Mr. Potter previewed the agenda for the meeting, noting that the board would hear updates on the reporting software and citizens handbook.

## VIII.COMMENTS FROM DEPARTING MEMBER

Ms. O'Brien recalled the initial passage of the toxics right-to-know charter amendment and the

voters' support for public information regarding chemical use in the community. She spoke of her six years of service on the Toxics Board and recalled the early organizational meetings. Ms. O'Brien said that expectations of conflict were not realized. She thanked Jeff Smith and Don Upson, early industry representatives on the board, for the work they had done, Mr. Smith in particular for working to reach compromise on the selection of seventh member Cathy Verrét, and Mr. Upson for the work he had done on the regulations associated with the program. She also credited former member Steve Morgan for overcoming his initial skepticism about the program and working to achieve its goals. She thanked Mr. Potter for representing the policies and laws of the program fairly and accurately.

Board members commended Ms. O'Brien for her service on the board and thanked her for her contributions toward its success. Mr. Potter thanked Ms. O'Brien on behalf of the City of Eugene.

The board shared a cake prepared by Ms. O'Brien in honor of her service on the board.

The meeting adjourned at 3 p.m.

(Recorded by Kimberly Young)  
*C:\User\TOXICS\minutes\mi120202.wpd*