

# MINUTES

Eugene Toxics Board  
Saul Room--Atrium Building--99 West 10<sup>th</sup> Avenue

January 28, 1999  
3 p.m.

PRESENT: Cathy Verret, Chair; Mike Friese, Madronna Holden, Steve Johnson, Mary O'Brien, Don Upson, members; Glen Potter, staff; and various members of the public.

ABSENT: Steve Morgan, member.

Ms. Verret called the meeting of the Eugene Toxics Board to order.

## I. APPROVAL OF THE AGENDA

Mr. Upson suggested that agenda item 8, *State Task Force Recommendations/1999 State Legislature*, be replaced with *Scheduling*.

Ms. Verret determined there was consensus to approve the agenda, as amended.

## II. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

Ken Luse stated that the business reporting software is proving difficult for consultants because information for multiple companies name cannot be saved and retrieved without reinstalling the software. Also, information cannot be transferred from a desktop computer to a laptop computer without reinstalling the software.

Board members suggested that Mr. Luse direct his question to Steve Chipman, Information Services Division, upon his arrival at the meeting.

## III. APPROVAL OF MINUTES

Members reviewed the minutes of the December 10, 1998, meeting of the Toxics Board.

Referring to page 2 of the minutes, Ms. O'Brien requested that sentence 2 under item "A" of the Staff Report, be amended to read: "The letter was drafted by Mr. Lidz as a result of the board's

discussion of a response provided by the Legislative Counsel's Office to an inquiry from Ms. Castillo regarding the legality under State law of the City's proposed fee structure."

Referring to page 2 under item "A" of the Staff Report, Ms. Verret requested that sentence 1 be amended to read: "Mr. Johnson suggested the board focus the letter on the fact it believed the analysis was wrong, in order to make sure it was on record."

Ms. Verret determined there was consensus to approve the minutes, as amended.

#### **IV. STAFF REPORT**

##### **A. Review of FY99 Program Expenditures to Date**

Referring to the *Eugene Toxics Right-to-Know Program Budget Report* that was included in the meeting agenda packet, Mr. Potter reported that the program was projected to end Fiscal Year 1999 with approximately a \$30,000 budget surplus. Mr. Potter recommended that the board utilize 50 percent of the surplus to offset 1999 fees, and the remaining 50 percent to fund contingencies in the FY2000 budget.

Ms. O'Brien stated her objection to using a temporary employee as opposed to a permanent half-time employee (with benefits) which was authorized by the City.

Mr. Upson said it was premature to act on Mr. Potter's recommendation at this time. The board agreed to revisit this matter later in the current fiscal year.

##### **B. Final FY00 Budget**

The final FY00 budget, previously approved by the board, was included in the report provided.

##### **C. Updated 1999 Work Plan**

Mr. Upson suggested moving the June 1999 work plan items to May and moving the August 1999 work plan items to September. He said this would allow the board to recess for the summer. The board agreed that it could meet during the summer if significant issues emerged.

##### **D. Questions From Businesses**

Mr. Potter noted that questions from businesses were included in the meeting agenda packet. The board agreed to review these later in the meeting.

##### **E. Other**

Mr. Potter stated that City Attorney Jerry Lidz issued his opinion that Pepsi is not required to pay a 1999 fee if, before May 1, it is no longer a part of Eugene due to the transfer of jurisdiction over certain sections of Glenwood to Springfield. Mr. Potter explained that fees paid by businesses support the Toxics Right-to-Know Program's operation for the following fiscal year.

With regard to the staffing issue raised by Ms. O'Brien earlier in the meeting, Mr. Potter noted that because temporary employees do not receive benefits, AFSCME (the union representing City clerical workers and other staff) has invoked a ruling that a temporary employee may not occupy an ongoing position for a period exceeding 12 months. Therefore, he said the Toxics Right-to-Know Program must hire a permanent employee with benefits or eliminate the position.

Noting that the Toxics Board had previously approved a .5 FTE, Mr. Potter said that because the work load would generally require less than 20 hours of work per week, he was interested in sharing that FTE with the Fire Marshal's Office. Details of this are being worked out.

Mr. Potter stated that a portion of his time may also be shared with the Fire Marshal's Office, but he noted that his first priority would be the Toxics Right-to-Know Program. The board noted that sharing Mr. Potter's position with the Fire Marshal's Office would reduce the program's cost for his time.

## **V. PUBLIC ACCESS SOFTWARE DEMONSTRATION**

Addressing Steve Chipman, Information Services Division, Mr. Luse relayed to Mr. Chipman the questions he had asked earlier. Mr. Chipman stated that he would look into the matter and report his findings.

Mr. Chipman presented a demonstration of the public access Internet site and responded to board comments and suggestions. The board requested that Mr. Potter fax to members printed models of two options they presented with regard to the layout of the "Select by facility name" report; these would include the names of chemicals as well as CAS numbers.

## **VI. LIBRARY ROLE/READINESS TO RECEIVE DATA**

Referring to a memorandum from Scott Herron, Eugene Public Library, that was included in the meeting agenda packet, Mr. Potter requested that the board confirm the library's readiness to receive data.

Referring to the final paragraph on page 1 of the memorandum, Ms. O'Brien stated that Mr. Herron need not file a report to the board prior to each monthly meeting. She suggested that Mr. Herron file a report to the board immediately prior to the reporting deadline and on an as-needed basis thereafter.

In response to a question from Mr. Herron that was included in his memorandum, the board agreed with the proposals to promote access to and use of the Toxics Right-to-Know Program data.

The board requested that Mr. Potter contact Mr. Chipman regarding printout options, specifically the ability to print designated pages. Pages must be numbered in order to print out designated pages.

With regard to a suggestion made by Mr. Chipman that the Toxics Board include a disclaimer on its Web Page stating that the information was submitted by businesses and the City of Eugene is not responsible for its content or accuracy, Mr. Potter reported that City Attorney Jerry Lidz issued his opinion that no liability exists and the disclaimer was unnecessary.

#### **IV-D. Questions from Businesses**

Returning to this agenda item, Ms. O'Brien referred to the new questions asked by businesses subsequent to publication of the 1999 handbook that were included in the meeting agenda packet. She requested that question 44 be revised to ask: "Is a hazardous substance reportable if it is used solely to treat another hazardous substance prior to output?"

The board reviewed and issued answers to each of the new questions asked by businesses. Mr. Potter recorded the board's responses.

### **VII. 1999 FEE STRUCTURE**

#### **A. Update on Request for Legal Opinion**

Mr. Potter said a response to the request has not yet been issued.

#### **B. Next Steps**

Mr. Potter stated that during its February meeting, the board must issue to the City Council a recommendation regarding the fee structure, for Council action in March. He said the Toxics Board's analysis and recommendation must be submitted to the City Council by March 1.

#### **C. Schedule for City Council Approval**

Mr. Potter said City Council is scheduled to take action on this issue in March. The board's memo will be sent to the Council on February 25; Council will hold a public hearing on the matter on March 8; and Council action is scheduled for March 15, which is the date of the last Council meeting prior to April. Council must act on March 15 or there will not be sufficient time to calculate fees and generate invoices for fees payable by May 1.

The board requested that Mr. Potter draft for City Council an explanation of the fee options that have been considered by the board.

The board agreed that Mr. Potter should ask City lobbyist Mike Redding to contact Bob Albers of the State Fire Marshal's Office regarding the possibility of a legal response by that office to the board's proposed 1999 fee structure.

Ms. O'Brien, Mr. Friese, and Ms. Verret agreed to serve as a subcommittee to lay out the fee structure options. The subcommittee agreed to meet prior to the next meeting of the Toxics Board.

### **VIII. SCHEDULING**

The Toxics Board set the following meeting dates (locations to be announced):

- February 15, 3 p.m.
- May 19, 3 p.m.

Meetings on March 17 and April 21, also at 3 p.m., had previously been agreed upon by the board and would remain scheduled.

The meeting adjourned at 5:25 p.m.

(Recorded by Kim Kunkel)

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