

MINUTES

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

November 14, 2013
3:30 PM

PRESENT: Stephen Flanagan, Chair; Sheena Gardner, Vice Chair; Lisa Arkin, Wendy Cecil, Rick Nicol (arrived at 3:35 PM), Christine Zeller-Powell, members; Joann Eppli, Al Gerard, Fire Department staff.

ABSENT: Randall Prince, members.

Mr. Flanagan called the meeting of the Toxics Board to order at 3:30 PM.

I. INTRODUCTIONS/APPROVAL OF AGENDA

Those present introduced themselves.

II. PUBLIC COMMENT

There was no one who wished to offer public comment.

III. APPROVAL OF MEETING MINUTES—August 21, 2013

Ms. Gardner, seconded by Ms. Cecil, moved that the August 21, 2013 minutes be approved as submitted. The motion passed, 4:0:1, with Mr. Flanagan, Ms. Gardner, Ms. Cecil and Ms. Zeller-Powell voting in favor of the motion, and Ms. Arkin abstaining.

IV. STAFF REPORT

Due to technical difficulties, there is not a video of the November 14, 2013 Toxics Board meeting to post on the website.

Ms. Eppli offered the staff report. She noted she had sent information on a variety of topics via email to Toxics Board members and asked if there were questions about those materials. Toxics Board members had no questions.

Ms. Eppli stated hazardous substances and full time equivalency (FTE) reporting was coming up. This was the first year the program was moving to all electronic reporting including FTE. First notifications would go out in early December, reporting would begin January 2, 2014 and reports were due April 1, 2014, in accordance with the Charter Amendment. With fees based on FTE,

FTE requests will be sent to businesses in early-December, and will be due around mid-January. The next Toxics Board meeting should be scheduled in late January or early February to finalize the budget/fee recommendation that will go to the City Council.

Mr. Nicol arrived at 3:35 PM.

V. FISCAL YEAR 2015 TOXICS PROGRAM PRELIMINARY RECOMMENDED BUDGET

Ms. Eppli directed Toxics Board members to the staff report in the agenda packet. She noted last year the Toxics Board revised its preliminary budget recommendation too late in the program's budget process to be forwarded to the City Council. Staff had met with the City Council, the City Manager and the Fire Department management to develop a preliminary budget for FY2015. There was a serious funding structure issue with the Toxics Program and not much room for making changes to improve the funding structure issue. The City Manager had also received feedback from the Chamber of Commerce and some businesses involved in the program, and as a result the City Manager had given direction for the Toxics Board to work towards reducing staff coverage to .5 FTE. Ms. Eppli opined it would be best if the Toxics Board used a phased transition to reduce staffing to .5 FTE.

Toxics Board members reviewed and discussed the information provided by Ms. Eppli, to identify items that could be minimized or eliminated.

Ms. Eppli said she had discussed the information with the City Attorney who said if the Toxics Board wanted to scale the program back to the Charter-mandated minimum; the Toxics Board would only need to approve an annual fee, and send the City Council an annual report, which would require one or two Toxic Board meetings a year. In response to Ms. Zeller-Powell, Ms. Eppli said the Charter did not specifically require the Toxics Board to provide Hazardous Substance Tracking Instructions or maintain an updated the list of chemicals.

Ms. Eppli recommended that the Toxics Board follow-up on Mr. Flanagan's suggestion at the August 21, 2013 that the Toxics Board identify and report on duplications of reporting on both the advocacy and industry sides, and what would be missed if the program went away.

Ms. Eppli noted that the City of Eugene had a more comprehensive and more stringent list of reportable substances than any of the regulatory program.

Mr. Flanagan stated the Toxics Board needed to do a gap analysis and to make a decision on the fee for 2014.

Ms. Eppli said the Toxic Board needed to forward budget recommendation to the City Council in early February.

Mr. Flanagan iterated the City Manager had recommended moving toward funding .5 FTE for the program.

Ms. Eppli said she could develop and forward information on other levels of funding to Toxics Board members for consideration in developing the FY2015 budget/fee recommendation.

Ms. Gardner offered to review the budget information and develop some proposals for the Toxics

Board to consider. She noted Ms. Eppli's program work expanded as Toxics Board members asked her take on additional assignments. It was important for the Toxics Board to be better at prioritizing tasks for Ms. Eppli to spend her time on.

Mr. Flanagan suggested liaison tasks performed by Ms. Eppli should be eliminated, as they represented programmatic creep tasks beyond the Charter.

Ms. Eppli said in the early 2000's, the Toxics Board made an agreement with the City Manager that the City would provide reporting on use of some hazardous substances which turned out to be pesticides. This assignment took staff three to four days annually to complete. She worked with several City departments that used the pesticides to develop the report. However, the City could not require any other agency or business to report on pesticides for the program due to the 1999 Oregon Court of Appeals ruling.

The Board discussed a variety of options for reducing the FTE and overall budget.

Ms. Gardner observed that given the City Manager's direction of moving towards .5 FTE staffing, that .75 FTE was a good compromise. If the Toxics Board was able to work within those boundaries and continued to be responsible in meeting its statutory obligations, there may be no further push to reduce the FTE below .75 FTE in the future.

Ms. Arkin proposed that the Toxics Board decide what additional information was needed for consideration at the next meeting and postpone a motion until a December meeting. She noted that, with staffing between .75 and .9, businesses would pay less or the same fee as previous years. The Toxics program was not apparently increasing costs to businesses.

Ms. Cecil, seconded by Ms. Gardner, moved that the Toxics Board propose a budget for .75 FTE, make some small adjustments to the approximate percentage of staff time spent on various tasks.

Ms. Arkin said she could support the motion but it was not clear to her what .75 FTE meant. She would be more comfortable with a motion that instructed Ms. Eppli to develop with exact numbers so Toxics Board members would know what they were voting on. She noted Ms. Gardner had offered to prepare information for Toxics Board consideration.

Ms. Eppli said her preliminary numbers showed that a rate of \$44.79 per FTE for participating businesses would support .75 FTE staffing level for the Toxics Program. She added this represented 10 to 12 fewer businesses paying the \$2,000 cap than what was shown in the 90 percent staffing level.

Mr. Flanagan asked for clarification of the motion.

Ms. Zeller-Powell offered a different motion and for clarification of when the Toxics Board needed to make a budget recommendation.

Ms. Eppli iterated the budget recommendation needed to be completed by the end of January 2014.

Ms. Zeller-Powell moved that Ms. Eppli bring a budget proposal to the Toxics Board that included .75 FTE staffing, eliminated the pesticides report, and other cuts to be identified, at the next Toxics Board meeting.

Mr. Flanagan noted there was already a motion and a second on the floor.

Ms. Cecil said she would not be available to meet the last two weeks in January.

Ms. Eppli proposed that the Toxics Board meet the first week in February.

Mr. Nicol said he was not available from the middle of January until March 6, 2014.

Mr. Flanagan will be out of town until January 11, 2014, but would be available via conference call.

Ms. Cecil suggested that the Toxics Board meet during the first week of January to review additional information.

Ms. Zeller-Powell, seconded by Ms. Gardner, moved that the Toxics Board direct Ms. Eppli to develop a budget at .75 FTE, with direction from the Toxics Board on reductions in the staffing matrix, for consideration by the Toxics Board at its next meeting, along with a budget at .9 FTE. The motion passed unanimously, 6:0.

VII. SCHEDULE NEXT MEETING/FUTURE AGENDA ITEMS

- Finalize 2014 Hazardous Substance User Fee Recommendation
- Presentation by Beyond Toxics: Review of Recent Reports that Include Data from Eugene's Toxics Right-to-Know Program
- Lane County Local Emergency Planning Committee (LEPC) Presentation

The next Toxics Board meeting was scheduled for January 9, 2014 at 3:30 PM.

Ms. Eppli asked all Toxics Board members to send her suggestions for revisions to the budget and staffing matrix.

Ms. Zeller-Powell asked if subgroups of the Toxics Board could meet.

Ms. Gardner recalled from the Board and Commission orientation that board and commission members were not to discuss issues outside of official meetings. She noted Toxics Board members could send information to Ms. Eppli, which she could distribute to all Toxics Board members.

Ms. Eppli distributed a document which was a table containing threshold information prepared by Ms. Gardner.

Ms. Eppli stated she would need to start stepping back from some of the work she was currently doing for the Toxics Program. However, to be compliant with Public Meeting Laws, she would be happy to meet with subgroups that represented advocacy and industry to develop the gap/impact analysis report for the City Council and the City Manager.

Mr. Flanagan summarized the Toxics Board's work going forward. There was a potential for subgroup meetings with Ms. Eppli. All information for distribution to Toxics Board members would be channeled through Ms. Eppli prior to January 9, 2014. The Toxics Board would adopt a

budget recommendation, including staff FTE, on January 9, 2014.

VI. TOXICS PROGRAM GAP/IMPACT ANALYSIS

Mr. Flanagan deferred the Gap/Impact Analysis to a future meeting, after the advocacy and industry members had prepared and submitted information.

The meeting adjourned at 4:52 PM.

(Recorded by Linda Henry)