

OLYMPIC REGION CLEAN AIR AGENCY  
2940 Limited Lane NW  
Olympia, Washington 98502

**BOARD OF DIRECTORS MEETING – via Zoom**

September 8, 2021

|                 |  |
|-----------------|--|
| Members present | Jim Cooper, City of Olympia (Chair)<br>Cynthia Pratt, City of Lacey (Vice Chair)<br>Joan Cathey, City of Tumwater<br>Randy Neatherlin, Mason County<br>Josh Cummings for Carolina Mejia, Thurston County (10:16am)<br>Jill Warne, Grays Harbor County<br>Greg Brotherton, Jefferson County |
| Members absent  | Frank Wolfe, Pacific County<br>Bill Peach, Clallam County  |
| Legal Counsel   | Jeff Myers and Michael Throgmorton of Law, Lyman, Daniel, Kamerrer and Bogdanovich   |
| Staff Present   | Fran McNair, Executive Director; Mike Shults, Compliance Supervisor; Aaron Manley, Engineer; Dan Nelson, Communications Manager; Dr. Odelle Hadley, Senior Monitoring Specialist; Lynn Harding, Administrative Services Manager; and Debbie Moody, Office Manager/Public Records Officer   |

Cooper called the meeting to order at 10:02 a.m. Cooper asked for introductions and welcomed Linnaea Jablonski, Human Resources Director from the city of Olympia, noting she is assisting us with the recruitment.

Cooper asked if everyone was fine with the Agenda as presented. The Agenda was approved by consensus.

**CHAIR REPORT**

Cooper stated we did hold a Personnel Committee meeting last month and we will update the Board later in the Agenda. Pratt gave a brief update on the Finance Committee meeting, noting we had the largest amount of construction funds, we went over on our fines and the expenditures were low and we returned \$127,615 back into our general fund.

There was no action required of the Board.

**PUBLIC COMMENT**

There were no public in attendance.

**CONSENT AGENDA**

Cooper asked approval of the Consent Agenda. Brotherton moved approval of the Consent Agenda. The motion was seconded and carried unanimously.

## **PUBLIC HEARING**

### ORCAA Rule 1.11 Federal Regulation adoption date

Shults explained this is an administrative change to our regulations. Rule 1.11 covers the adoption date of the Federal Regulations that we have accepted into our regulations. Changing the date on an annual basis keeps us current with the Federal Regulations.

Cooper opened the public hearing at 10:09 am and asked for comments. Hearing none the hearing was closed at 10:09 am.

Cooper asked for a motion to approve the date change for ORCAA Rule 1.11. Pratt moved approval. The motion was seconded and carried unanimously.

## **NEW BUSINESS**

### Resolution 280 – Covid-19 Mask & Vaccine Policy

McNair noted Myers assisted in putting this resolution together. McNair explained we have decided to have staff show the director proof of vaccination. If they are not vaccinated, or do not want to show proof of vaccination those staff will be required to get tested every Wednesday and show the director the results.

Brotherton asked about the booster comment, he noted he has not seen anything from the CDC that indicates you are not vaccinated if you don't have the booster. He is concerned as boosters aren't readily available yet. Myer noted the intent of that paragraph is vaccination status will follow the CDC or FDA guidelines.

Neatherlin stated he has very strong opinions on this change. Neatherlin explained his feelings about the resolution, the vaccine and testing. While he is vaccinated and has assisted in getting thousands of people vaccinated, he is very much against this resolution for many reasons. Neatherlin gave his reasons and comparison to WWII. He would like this entire policy to be reconsidered; however, if you are going to make the unvaccinated test weekly, then all staff should test weekly.

Warne asked if this mandate falls under Governor Inslee's mandate or is it something ORCAA is doing on their own. Myer noted the Governor's proclamation covers state employees, educational employees, as well as workers in health care settings. ORCAA is doing this on its own volition to show leadership on the issue. Cooper added the Governor and the Department of Health have requested all employers and local governments put a vaccine mandate in place; it is the best approach to public health around disease transmission. Warne note she knows a lot of people that have had the vaccine and still got Covid. Cooper stated he is aware and doesn't want to belittle that at all, but noted it is less than 5% of the total population of sick people in every county in the state. Warne stated the Grays Harbor Commissioners passed a resolution and bottom line is we will not be any stricter than what is mandated by the state.

Cooper asked Brotherton what decisions were made in Jefferson County. Brotherton stated they share a health officer with Clallam County and Clallam's health system is near collapse. The health officer, with our support, has done a vaccine mandate for restaurants and bars. We have not done a vaccine mandate for staff in Jefferson County, mostly because we are already down 30 staff. It is something we are considering. Brotherton stated he will be relying on staff to let us know how stressful this will be on the organizational structure. He noted he is supportive of this policy for ORCAA.



Pratt stated she is also supportive. She stated staff goes in the field and may or may not be vaccinated and may or may not know if they are carrying the virus. In turn, we can then infect the public and it is a liability we should not carry.

Brotherton stated he didn't agree with Neatherlin's metaphor regarding WWII. He stated we have many mandates we follow. He noted the 12% difference in vaccination rate between Jefferson and Clallam county where Clallam county's health care system is collapsing while the other is strained. Neatherlin noted his metaphor may not have been stated well. He explained his stance is we can't be separating individuals. If you are going to do this, do it for everyone.

Cooper thanked Neatherlin noting he understood that his only opposition is how the testing section is written. There was some additional discussion regarding paid time off for testing. No changes were made to the Resolution.

Cummins wanted to add this Resolution appears to align with the decision of the majority of the Board of Thurston County and the policy they are enacting. Neatherlin noted this may have a larger ripple effect than we think, and there may be some counties that react with a negative effect. This does go further than just Grays Harbor and Mason County, and this is a heads-up that it may create a bigger issue you haven't foreseen. Cooper stated we may need to discuss legal ramifications in Executive Session, noting he understood what Neatherlin was saying.

Neatherlin moved approval of Resolution 280 with the addition that all staff get tested each Wednesday. There was no second and the motion failed.

Brotherton moved approval of Resolution 280 as presented. The motion was seconded.

Cooper asked if there was any further discussion. Brotherton asked if there was any reason to go into Executive Session at this time. Cooper stated this could be discussed once the motion is dispensed. Myers did state the Board could go into Executive Session to discuss potential legal consequences. Neatherlin restated his position regarding ramifications, noting counties may talk about doing their own thing and moving away from the organization. Myers explained that would be a political issue, not legal and not subject to Executive Session.

Cathey asked if we pass this today, as is, are we committing to this policy or will we be coming back to it. Cooper noted we could bring it back before the Board if things change. Cooper asked if there was any further discussion, hearing none he called for the question. The motion carried with a majority vote (5 Yes; 2 No).

#### Personnel Policy – CTRP options

Harding stated ORCAA has been administering the CTRP since 2006 with a goal of reducing single occupancy vehicles on the road. Harding explained our current program offers accrual of vacation time; staff can earn up to 2 hours per month by participating at least 13 times a month (3 days per year). Harding stated she contacted several entities to see what incentives, if any, they provide. Harding provided the information she received. Harding went over the three options she came up with; 1) Reimburse for bus pass (which is currently free); 2) Pay \$1 per trip (up to \$2 per day) if they commute 60% of the time and work at least 0.8 FTE; or, 3) Continue with ORCAA's current policy (earning up to 2 hours per month of vacation). Harding shared the cost to our current program.

Cooper asked which program was the simplest for Harding to track. Harding stated they are all easy to track. Cooper asked if McNair had a recommendation. McNair stated it is up to the Board; what we have works, but if you have a preference we can change.

Cooper asked Neatherlin if he had any comments, as it was his previous comments that prompted

us to investigate this issue. Neatherlin stated he wished people would focus on what we are supposed to be doing at ORCAA instead of focusing on political things that make us look or feel good.

Cooper asked if anyone is inclined to shift to a new policy. Brotherton stated he was inclined to choose option 2 as it isn't based on salary. Brotherton didn't feel this was an insignificant issue and it really is part of ORCAA's mission. Cooper noted he was fine with the current option but appreciated Brotherton's comparison. Cooper asked if anyone was opposed to having staff bring back a policy that switches the current policy to the 2<sup>nd</sup> option. No one was opposed. Cooper asked staff to bring the policy back to a future meeting.

#### Recruitment Process for Director

Cooper asked Jablonski to give a brief explanation of the process to be considered. Jablonski noted the packet was provided and showed a draft timeline, the job description, brochure, and comparable salaries. We hope to be ready to offer the position to a candidate by December.

Jablonski explained the plan is to have recruitment materials go directly to her at the city of Olympia. She will review applications as they come in. We have completed the tasks on the timeline thus far. We are hoping to get the announcement approved so it can be finalized. The launch can happen today. Jablonski noted if there are any individuals needing to be contacted, let her know and she will be happy to do so. Our goal is to have candidates to consider for interviews by October. We will be developing interview questions and the initial interviews will likely be via Zoom in November. We hope to have the finalists narrowed down for final interviews, to take place before the Board, in December.

Jablonski noted she would also be doing all the background and reference checks after the final interviews. After that, we hope to make an offer and be complete with the process by year end, with a start date of either January or February 2022.

Cooper stated he does know there are staff interested in applying and they have been told it will be a parallel process whether internal or external. Cooper noted, because he has spoken with 2 potential staff candidates, it made him pause in his consideration of which staff he wanted involved with the personnel committee. Cooper noted his recommendation is D. Moody and R. Moody. He has clarified with both that neither are applying for the position. Cooper explained D. Moody will also be helping the staffing and has already prepped a track changes contract, and other documents so we will be ready for negotiations.

Cooper asked the Board if they were ok with the personnel committee, a couple of staff and Jablonski doing the initial work and then bringing the top 2 (3 at the most) candidates for final interviews. There were no objections.

McNair stated Cooper should wait to decide on staff participation because there may be a conflict of interest. If you wait to see who the applicants are, it will help determine which staff should be involved. Cooper noted, it is currently just a suggestion and we can finalize it once we close the pool.

McNair pointed out we currently have cancelled the December Board meeting; we may need to reverse that with this timeline. Cooper stated the December meeting can be reinstated and be strictly for the interview. There were no further questions. Cooper asked if the Board was ok with the MOU. It was approved through consensus.

Cooper thanked Nelson for putting the brochure together. Noting the salary comparisons, Cooper suggested bumping the range from \$140k - \$175k to \$160k - \$180k so we have a bit more



flexibility. Pratt agreed we should not start below \$160k and felt \$180k may be a little high. Brotherton felt \$150k – \$175k seemed appropriate. Cooper stated the new proposal would be \$150k - \$180k. The Board agreed. There were no further comments on the brochure.

Cooper asked if there were any comments or questions on the job description, process, and advertising. Pratt stated DNR should be added to the advertising list. Cooper asked if there were any further comments or questions. There were none. Cooper asked for a motion to direct staff and Jablonski to launch the search process as soon as possible.

Neatherlin moved the Board allow the search process to begin within the parameters we have established. The motion was seconded and carried unanimously.

Neatherlin asked if McNair is in PERS. McNair noted she is in PERS2. Cooper stated we have already decided to discuss McNair's impact on the budget at the October Finance Committee meeting. Neatherlin stated he would like the Board to consider raising McNair's salary to the same level we are offering an incoming person. Warne asked what McNair's current salary is. McNair noted it was \$165k. There was some discussion regarding the impacts that could be made for McNair's retirement. Cooper asked Harding if we needed a budget amendment if we adjusted the salary. Harding stated we would need to determine the cost and likely do a budget amendment. Harding noted she felt the understanding of how PERS works may be a bit misconstrued. Harding didn't believe we could get to where Neatherlin is suggesting, noting vacation payout is not calculated in the retirement formula. There was some further discussion.

Cooper noted, if Neatherlin wanted to make a reasonable recommendation, we can have staff bring back a budget amendment next month. Neatherlin moved the Board increase McNair's salary to the upper rate due to the fact she has more experience than anyone we will be bringing in. Neatherlin noted \$180k should be the new salary. The motion was seconded. Cooper asked if there was any discussion.

Harding asked when the raise would take effect. Cooper requested Neatherlin amend his motion to include a start date. Neatherlin noted October 1. Cooper asked if the second was still good. It was. Cooper noted there is a motion on the floor, and we ask that staff bring back the necessary policy or budget updates to accommodate. There was no further discussion. Cooper called for the question and the motion carried with a majority, Thurston County abstaining.

Cooper added he would like McNair's transition plan needs to include a note that our salary reviews are done on a regular basis. Cooper felt it was time to do that for the rest of the staff and as we move the director's salary, we need to make sure we have good comps to keep our good people. Cooper asked if this was already codified. McNair stated we said we would do it every five years and we should have done it last year, but because of the pandemic we held off.

Pratt noted she needed to leave temporarily. Cooper asked Brotherton and Pratt if a Personnel Meeting was necessary and it was agreed we would cancel the meeting.

## **DIRECTORS REPORT**

### Compliance Program Update

Mike Shults, in for R. Moody, explained it has been a busy summer inspection season. Shults noted our new employee's initials are on the inspection list and he has been doing quite well. We have a nice success story that had several staff involved. Not too long ago we issued a homeless person a notice of violation for burning. Typically, Shults stated, homeless people just toss our information away, however, this gentleman worked with Nelson and a nearby bookstore to hand out education materials to the homeless community.

### Engineering Program Update

Aaron Manley, filling in for Goodin, noted we have issued 13 permits since the last report, 2 ready to go and 2 out for review. One of the issued permits was the McKinley Air Operating Permit and one that is currently out for review is Sierra Pacific in Shelton. We have had a busy and productive summer, Manley noted. Manley stated one of the interesting permits we are currently working on is ACI Boats located in Port Townsend. They have several things on site, including spray coating, abrasive blasting and welding for the construction and repair of aluminum catamarans and monohull boats. Manley stated the facility has been very good to work with.

Cooper asked about the Amazon project. Manley noted the project is for 8 temporary generators.

### Air Quality Program Update

Hadley noted this report covers both July and August. It was noted, July looked normal for that time of year, other than in Aberdeen where we had one day jump into moderate. We lost a few days at Cheeka Peak as the datalogger failed. There was a failed quality check in Lacey on July 6, resulting in 6 days of lost data in July and 8 days in June.

Moving on to August, Hadley explained we did have a small wildfire intrusion and you can see where the numbers jumped up to moderate and unhealthy for sensitive groups. Aberdeen and Raymond were spared. Hadley added we did lose one day in Lacey; this was due to a spider in the nephelometer. We lost a day of data in Port Angeles due to communication failure.

Ozone in July was very typical, showing when the weather warmed Ozone rose a bit. August was very similar although we did have one high peak. The 8-hour average hit 62.5 ppb (the standard is 70 ppb). Hadley explained the reason the number was so high that day was due to the wildfire smoke.

Hadley noted she has finished the Thurston County Saturation Study report and it is now published on our website. The Mason County report is underway, Hadley stated. Hadley is currently working on a proposal for a funding upgrade for our Cheeka Peak site. The shelters are all old and in need of work and could become a safety hazard. The proposal will be presented to EPA and we hope they will fund the upgrades.

Enviroflash is a company that cooperates with AirNow, Hadley stated. A link to their site is included in the packet and you will see that our sites are all active on their map. You can sign up for air quality alerts at different levels (unhealthy for sensitive groups, unhealthy etc.). Hadley also noted a new law went into effect in July and it is to protect outdoor workers when air quality is bad. If air quality reaches 20 or 35 micrograms per meter cubed, companies that have outdoor workers are required to inform their employees and, in some cases, if it gets bad enough, they need to supply them with respiratory protection.

### Education and Outreach

Nelson added Enviroflash has been around for a while and he has participated in it since 2013. We have had problems in the past because our monitors use the Washington Air Quality Advisory Index and Enviroflash (as an EPA tool) shows the Air Quality Index. The numbers never quite line up Nelson stated. Nelson added we will be doing a full press release and getting this out on our website so people can access it.

Nelson wanted to comment on the compliance case Shults mentioned. This was a win for ORCAA and the community. As noted, we not only got the gentleman to stop burning trash, he also helped



promote better practices within his community of the unhomed. The bookstore Shults mentioned allows the homeless to receive mail there and we were able to engage with them, leaving materials at the store as well.

Our woodstove replacement program has been renewed. We continue to work with Ecology to get it finalized. Nelson noted we had asked for \$360,000, however the statewide ask exceeded the funds by \$1 million; we ended up with a \$260,000 grant for the biennium. The administrators of those funds have committed to a better job of monitoring and tracking the expenditures of the grants across the state and those agencies not maintaining good spending and efficiencies will have some of their funds rolled back and put back in a pool for those that are able to spend the funds and have a good history or doing so.

Nelson shared he has a friend/colleague from college days, who is a producer for Bloomberg News in Hong Kong. He had contacted Nelson to discuss residential woodsmoke pollution in China. Nelson noted we may be featured in Hong Kong news.

The seasonal outdoor burn ban officially runs through September 30. Whether the fire agencies extend that is yet to be seen. Nelson noted it has been a very dry summer.

Nelson noted the annual report is also part of the packet and stated it can be read on your time and if you have any questions let him know.

#### Finance/Administrative Update

Harding stated in October we will have a couple of guests from the Thurston County Treasurer's office. They will be sharing the role of the Treasurer and the County investment strategies and services that they offer to us. Harding noted the finance committee will be meeting again in October.

#### Executive Director's Report

McNair asked Cummings if he had heard anything with regards to the seasonal burn ban. Cummings noted the fire safety burn ban is aligned with current time frame; however, we will be looking at precipitation.

McNair shared she had received a call from Commissioner Peach in Clallam County. His question had to do with a biochar facility that may be developed near Interfor in Port Angeles. Peach was concerned with permitting and was curious as to what they would have to go through with ORCAA. In the end, McNair stated, we determined it was on tribal land and they will need to work with EPA, not ORCAA.

McNair thanked the Board for the unexpected salary increase and noted she is happy to work with the group to get a good director.

### **GOOD OF THE ORDER**

There was nothing for the good of the order.

### **EXECUTIVE SESSION**

#### Potential Litigation

Cooper noted the Board will go into Executive Session to discuss potential litigation, for no more than 20 minutes. Executive Session began at 11:59 am. The Board returned to regular session at

12:19 pm.

## ADJOURNMENT

The meeting adjourned at 12:20 p.m.

## CERTIFICATION

I hereby certify this is a true and correct copy of the minutes of the meeting of the ORCAA Board of Directors held on September 8, 2021, in Olympia, Washington.

ATTEST:



Francea L. McNair, Executive Director  
Olympic Region Clean Air Agency

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Jim Cooper, Chair  
ORCAA Board of Directors

DATED: 10/13/2021