



August 24, 2022

Dear Chairman Devaney,

This is an email to inform you that the Yakima Regional Clean Air Agency (YRCAA) may have violated the WA State Open Public Meetings Act, RCW 42.30.

I am notifying you pursuant to Section 2 of the YRCAA Administrative Code Part A which says:

Any Board Member or person who suspects the Board has violated the Open Public Meeting Law is requested to advise the Chair in writing within thirty (30) days of the time that the alleged violation occurred. The Chair, upon receiving such notice, will direct the Executive Director to review the issue and provide recommendations as may be appropriate to the Board at the next available meeting of the Board which will assure the Agency maintains substantial compliance with the Open Public Meeting Law.

This notification is outside the thirty day time limit, because I did not have the relevant information until after the time limit had passed. In addition, it takes time to compile this information and verify information. Citizens should not have to spend this amount of time and energy monitoring a public agency.

On approximately July 11, 2022, the YRCAA posted a cancellation of the agency's regular board meeting that would have convened on July 14, 2022. Then, on July 14, 2022, with approximately 24 hours' notice, the YRCAA convened a special meeting in Granger, WA for the stated purpose of introducing finalists for the position of YRCAA Air Pollution Control Officer (APCO)/Executive Director (ED) to people who live in the Lower Yakima Valley (LYV).

RCW 42.30.080 states:

(2) Notice of a special meeting called under subsection (1) of this section shall be:

(a) Delivered to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of such special meeting or of all special meetings;

(b) Posted on the agency's website. An agency is not required to post a special meeting notice on its website if it does not have a website or share a website with another agency. Except in the case of a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency as provided for in this chapter, an agency is not required to post a special meeting notice

on its website if it employs no full-time equivalent employees, or does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the website; and

(c) Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location and is not held as a remote meeting; except that during a declared emergency which prevents a meeting from being held in-person with reasonable safety an agency that hosts a website or shares a website with another agency may instead post notice of a remote meeting without a physical location on the website hosted or shared by the agency.

Such notice must be delivered or posted, as applicable, at least 24 hours before the time of such meeting as specified in the notice.

YRCAA Administrative Code Part A, Section 2.7 says:

A special Board meeting may be called by the Chair or by a majority of the Board by delivering 24-hours prior written notification as follows:

2.7.1 Notification of the meeting by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the Board;

2.7.2 Notification of the meeting by delivering written notice personally, by mail, by fax, or by posting on the Agency website, and to each local radio or television station;

2.7.3 Notification must include the time and place of the meeting and the business to be conducted

On July 20, 2022, I submitted a public records request for “copies of all notices to newspapers, radio stations, and television stations regarding the YRCAA Special Meeting in Granger, WA on July 14, 2022” and “names of all organizations, special interest groups, and individuals who received written or email notification of that meeting.”

On August 15, 2022, I received the YRCAA response to this request. The YRCAA sent a list of about thirty people who were notified of the meeting by email at 8:40 AM on July 13, 2022. The YRCAA notified:

- Four of the eight small cities in the LYV. Did not notify Zillah, Wapato, Grandview, or Mabton
- Two attorneys who work for the YRCAA
- The Interim Executive Director for the YRCAA
- Two EPA officials with offices out of the area
- The Directors of three other WA Clean Air Agencies
- The Yakima Herald Republic and the Yakima Public Affairs Channel (YPAC) Note: The Yakima Herald Republic is published on Wednesday, Friday, and Sunday.
- Three Yakima County employees who are contracted to find a new YRCAA Executive Director

- The WA State Attorney General's Office
- One official at the Yakama Nation
- Nine interested individuals. At least three do not live in the LYV

Perhaps there are legal loopholes that defend this failure to adequately notify the public. But remember, the YRCAA Board made informal promises to hold meetings in the Lower Valley so people who live with the county's worst air pollution could provide input. Hardly any of the thousands who live in the LYV knew about the meeting, its significance, or were able to leave work for a 2 PM meeting.

Sincerely,

Jean Mendoza