



Friends of Toppenish Creek

June 8, 2022

Board of Directors
Yakima Regional Clean Air Agency
186 Iron Horse Court, Suite 101
Yakima, WA. 98901

Dear YRCAA Board of Directors:

On June 6, 2022, Friends of Toppenish Creek (FOTC) received the attached letter from Gary Cullied, legal counsel for the Yakima Regional Clean Air Agency (YRCAA), regarding our May 28 letter that cited Open Public Meeting Act concerns. Today we submit further comments.

Mr. Cullier has laid out reasons why he believes the YRCAA Board may legally interview candidates for the APCO position in executive session. This does not mean it is a good idea to hide the interviews from public view.

Some members of the public, including FOTC, do not trust the YRCAA board of directors to conduct balanced interviews and evaluations in secret. This distrust is based on the board's prior decision to hire a white man with a bachelor's degree in physical fitness rather than a person of color with a doctorate in environmental health, or a person of color with two master's degrees in air science.

The Yakima dairy industry has a strong interest in the selection of an APCO who is willing to continue the YRCAA practice of not regulating confined animal feeding operations, the largest source of Yakima County air pollution. YRCAA board member Dr. Steven Jones provides a direct pipeline from the board of directors to the dairy industry, so this special interest group receives inside information that others do not.

According to emails received by FOTC pursuant to public records requests, neither Mayor Deccio nor Mayor Trevino will participate in the interviews. This means that only Commissioner McKinney will represent the public interests. Alarmingly, no one will represent the people of the Lower Yakima Valley where pollution is highest, and the overburdened population is large.

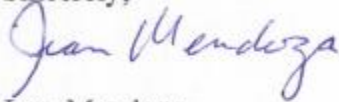
Mr. Cullier may or may not be correct when he states that the two appointed members of the board were appointed in the manner required by statute, but this is not the place for that discussion.

To the best of our knowledge there were twelve or more applicants for the APCO position but only three passed the Yakima County screening process. FOTC does not believe that nine applicants lacked qualifications for the position or were unable to fill out the application properly.

FOTC has submitted a public records request for the questions to be used in the interviews. The purpose is to learn whether the YRCAA board will evaluate the ability of candidates to engage the public and overburdened communities. YRCAA informs us that this information will be provided on or before June 20, which is too late for us to advise the board. According to information received through public records requests, Yakima County developed the questions that were distributed to board members for editing. This was not done in an open public meeting.

Although there is no way to make sure the board complies with the law in a secret meeting, FOTC hopes the board will remember that no voting can take place in executive session, that the chairman is required to state the reasons for going into executive session, and that the board has informally committed to a meeting where members of the public can question the applicants.

Sincerely,

A handwritten signature in blue ink that reads "Jean Mendoza". The signature is written in a cursive style with a large initial "J".

Jean Mendoza

Executive Director, Friends of Toppenish Creek
3142 Signal Peak Road
White Swan, WA 98952