

October 2022

Yakima Regional Clean Air Agency Board Meeting

Regular Board of Directors' Meeting

October 13, 2022 – 2:00 P.M.

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Changes to the Agenda**
- 4. Public Comments**

The public may address any matter relevant to the business of the Board at this time. Please state your name and the item you wish to address. Comments are limited to three (3) minutes per person.
- 5. Staff Compensation**
 - Presentation by Compensation Connections
 - Discussion
- 6. Approve Board Meeting Minutes for September 8, 2022**
- 7. Approve Vouchers and Payroll Authorization Transfers for September 2022**
- 8. Resolution 2022-06 – Delegating Authority to Agency Officials**
- 9. Resolution 2022-07 – Designating the Agency Regular Meeting**
- 10. Executive Director's Report**
 - Introduction and Work Plan
 - Website Improvements
- 11. Other Business**
- 12. Adjournment**

If you wish to attend the YRCAA board meeting and require an accommodation due to a disability or need interpretation or translation services, call 509-834-2050, ext. 100 or send an email to admin@yrcaa.org.



Compensation Study

Board Meeting
October 13, 2022



Compensation Study Overview

Meetings with Interim Executive
Director and Executive Director

Review job descriptions

Research market data

Consider design options for pay
structure

Findings and recommendations

Market Data Sources

Targeted data sources:

- Puget Sound Clean Air Agency
- Southwest Clean Air Agency
- Northwest Clean Air Agency
- Benton Clean Air Agency
- Spokane Clean Air Agency
- WA State Department of Ecology

Continued →

Market Data Sources

Other published data sources:

- CompAnalyst – Public Administration
- CompAnalyst – All Industry
- Compdata – West All
- ERI – Administration of Air and Water Resource Programs

Note: Data scoped for Yakima, WA

Market Data Methodology

Focus on job content and qualifications
when matching

Average of 6 matches per job

Utilize the median (50th percentile) as the
market reference point

Data aged to reflect October 1, 2022,
effective date

Data from employers who offer benefits
including Social Security

Design Recommendations

Consultants' suggestions are not final

Need to decide what and how to
implement

General Classifications and Grade Assignments

Job Title	Current Grade	Level	Proposed Grade	Proposed Grade MID
Front Office Assistant/Admin Assistant	AS	I	20	\$41,830
Records Administrator	AS	I	21	\$50,196
Fiscal Programs Manager	AS	III	21	\$50,196
Compliance & Engineering Field Agent	AQS	I	22	\$60,235
Compliance & Engineering Lead Field Agent	AQS	II	22	\$60,235
IT Manager	AQS	II	22	\$60,235
Engineer Trainee	ES Training		ES Training	\$71,156
Administrative Division Supervisor	DS	I	23	\$72,282
Engineer/Planner	ES	I	24	\$86,739
Engineering, Compliance and Planning Division Supervisor	DS	III	25	\$104,086
Air Pollution Control Officer (APCO)/Executive Director	N/A		26	\$130,108

Note: Executive Director included in the market research however no changes are suggested at this time.

Pay Structure Recommendations

20-step structure

Add one new range

Assign jobs to range based on market and internal alignment

Step increase of 2% through step 15

Increase of 3% between 16 – 20 (longevity)

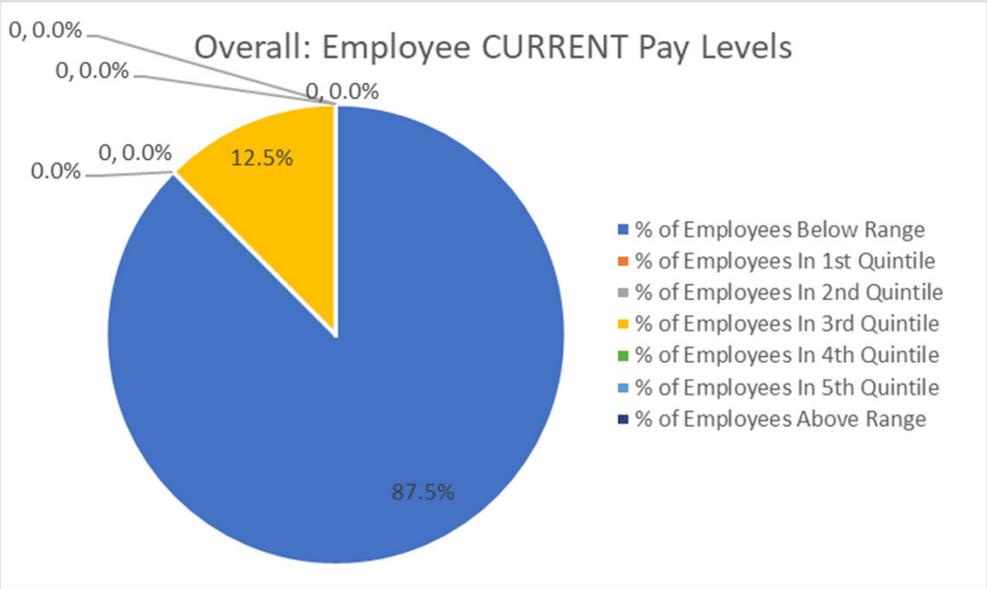
Automatically move up a step, timing TBD

Proposed Pay Range Draft

PROPOSED SALARY RANGES DRAFT																						
LEVEL I Steps 1-5					Level II Steps 6-15										Longevity Level III Steps 16-20					Proposed Range Width	Midpoint Growth	
Proposed Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17	Step 18	Step 19			Step 20
20	\$36,416	\$37,144	\$37,887	\$38,644	\$39,417	\$40,206	\$41,010	\$41,830	\$42,667	\$43,520	\$44,390	\$45,278	\$46,184	\$47,107	\$48,050	\$49,491	\$50,976	\$52,505	\$54,080	\$55,703	32%	--
21	\$43,699	\$44,573	\$45,464	\$46,373	\$47,301	\$48,247	\$49,212	\$50,196	\$51,200	\$52,224	\$53,268	\$54,334	\$55,420	\$56,529	\$57,659	\$59,389	\$61,171	\$63,006	\$64,896	\$66,843	32%	20.0%
22	\$52,438	\$53,487	\$54,557	\$55,648	\$56,761	\$57,896	\$59,054	\$60,235	\$61,440	\$62,669	\$63,922	\$65,201	\$66,505	\$67,835	\$69,191	\$71,267	\$73,405	\$75,607	\$77,875	\$80,212	32%	20.0%
23	\$62,926	\$64,185	\$65,468	\$66,778	\$68,113	\$69,475	\$70,865	\$72,282	\$73,728	\$75,202	\$76,706	\$78,241	\$79,805	\$81,402	\$83,030	\$85,520	\$88,086	\$90,729	\$93,451	\$96,254	32%	20.0%
24	\$75,511	\$77,021	\$78,562	\$80,133	\$81,736	\$83,371	\$85,038	\$86,739	\$88,473	\$90,243	\$92,048	\$93,889	\$95,767	\$97,682	\$99,635	\$102,625	\$105,703	\$108,874	\$112,141	\$115,505	32%	20.0%
25	\$90,613	\$92,426	\$94,274	\$96,160	\$98,083	\$100,045	\$102,046	\$104,086	\$106,168	\$108,292	\$110,457	\$112,666	\$114,920	\$117,218	\$119,563	\$123,149	\$126,844	\$130,649	\$134,569	\$138,606	32%	20.0%
26	\$113,267	\$115,532	\$117,843	\$120,200	\$122,604	\$125,056	\$127,557	\$130,108	\$132,710	\$135,364	\$138,072	\$140,833	\$143,650	\$146,523	\$149,453	\$153,937	\$158,555	\$163,312	\$168,211	\$173,257	32%	25.0%

Training Scale								
Proposed Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Proposed Range Width	Midpoint Growth	
AA Training	\$32,983	\$33,642	\$34,315	\$35,001	\$35,702	8%	--	Grade 20
AS Training	\$39,579	\$40,371	\$41,178	\$42,002	\$42,842	8%	20.0%	Grade 21
AQS Training	\$47,495	\$48,445	\$49,414	\$50,402	\$51,410	8%	20.0%	Grade 22
DS Training	\$56,994	\$58,134	\$59,297	\$60,483	\$61,692	8%	20.0%	Grade 23
ES Training	\$68,393	\$69,761	\$71,156	\$72,579	\$74,031	8%	20.0%	Grade 24

Comparing Current Pay to Proposed Structure



-- 7 employees, < step 1
-- 1 employee, step 13

Implementation Options

Explore several implementation options.

- **Bring to minimum**
 - Approximately \$57,508 (14.0%) in wages
 - Approximately \$86,578 including social security
- **Next higher step (includes bring to min)**
 - Approximately \$58,100 (14.1%) in wages
 - Approximately \$87,207 including social security
- **Place on the step that aligns with years in the position**
 - Approximately \$157,000 (38.1%) in wages
 - Approximately \$192,238 including social security

Next Steps

Implementation Decisions

Revise the Compensation Policy



Are there any
other questions?

Thank
You



Yakima Regional Clean Air Agency 2022 Compensation Analysis Summary

Background

Yakima Regional Clean Air Agency (YRCAA) is one of seven regional clean air agencies in Washington State. YRCAA has protected the people and the environment of Yakima County from the effects of air pollution since its formation in 1967.

YRCAA engaged Compensation Connections to perform an analysis of its compensation structure and to provide guidance on any potential revisions or adjustments

Project Activities

The project activities for this study included:

- Conduct a base pay compensation market study for 11 positions
- Review and suggest revisions to the existing salary schedule based on the new market data
- Recommend placement of positions into the proposed salary schedules
- Recommend employee pay adjustments

Summary of Methodology

We began this work by meeting with the Interim Executive Director to discuss YRCAA's competitive market, comparator organizations, and positions to include in the study.

The study began with a review of the existing job descriptions. Discussions were held with the Interim Executive Director to better understand the YRCAA's positions. We researched base pay from relevant compensation sources representing the jobs and YRCAA's competitive market (see Market Data Sources below).

Best practice in compensation reviews recommends at least three market data sources to price a job title. On average YRCAA's positions have 6 matches in this study.



Market Data Sources

Based on conversations with the Interim Executive Director, we determined that YRCAA's primary competitors are environmental and conservation organizations in the public and private sectors.

The market data was adjusted for the Yakima labor market using the Economic Research Institute's Geographic Assessor. Where available we used the smallest organization size filters available.

To reflect YRCAA's jobs and market, we utilized a mix of published survey sources and targeted researched pay data:

Published Survey Sources

- CompAnalyst – Public Administration, Yakima, WA
- CompAnalyst – All Industry, Yakima, WA
- Compdata – West All Industry
- Economic Research Institute (ERI) – Administration of Air and Water Resource Programs, Yakima, WA

Targeted Sources

- Benton Clean Air Agency
- Northwest Clean Air Agency
- Puget Sound Clean Air Agency
- Southwest Clean Air Agency
- Spokane Clean Air Agency
- WA State Department of Ecology

The market data was aged 4% per year from the survey effective date to October 1, 2022. Aging data to a single point in time assures a common point of comparison for the market data.

The data utilized in the study is from employers who offer benefits including Social Security. YRCAA does not currently offer Social Security benefits to its employees.

Market Reference Point

When comparing YRCAA's salary schedules to the market, we utilized the 50th percentile (median). Most public and private sector organizations use the 50th percentile as their market reference point.

Market Study Findings

We calculated the difference between the midpoint of the current range and the market median. On average we found the current structure midpoints to be about 35% below market.

We reviewed the existing salary schedules in light of the market data. We recommended a market adjustment, removing the job classification titles from the pay ranges and adding a pay range to the schedule.

We then suggested potential changes to position grades based on the new market data.



Implementation Recommendations

The next step for the organization will be to identify a potential employee pay placement process to move employees to a salary step. Of the 8 current employees, 7 are below the minimum of their proposed salary range.

Three models were presented for consideration to place employees in their pay range.

- 1) Bring to Minimum/Step 1 (anyone currently below the proposed Step 1 moves to Step 1)
- 2) Next Higher Step (anyone whose pay is not on a proposed step moves to the closest/next highest step; this includes the “Bring to Minimum” group above)
- 3) Years of Service (placing people on a step that aligns with their years of service with YRCAA)

YRCAA may also want to consider reinstating Social Security as part of its overall benefit program. Almost all employers include Social Security as part of their offerings, and this would help YRCAA be more competitive in the labor market.

Budget and sustainability will play a large part in the organization’s decisions. Please keep in mind that many employers implement these types of changes in phases over multiple years.

Labor Market Context

It is important to note that we see a significant number of salary schedules and job placement changes in every organization at this time.

A low unemployment rate and high CPI growth are adding to an already difficult climate for employers as they hire and retain staff. The current situation emphasizes the importance for organizations to adjust to, and plan for, changing labor market conditions to attract and retain people.

About Compensation Connections

Compensation Connections is a Seattle-area consulting firm advising organizations in matters related to total rewards. The firm is owned by Nancy Kasmar and Shannon Drohman, who started the business in 2014. Our team also includes eight staff members who serve as consultants or analysts.

We have assisted hundreds of organizations with the overall design of compensation and rewards programs, job analysis, job descriptions, FLSA assessment, custom pay surveys, benchmarking studies, classification systems, internal job evaluation, pay structures, incentive plans, performance management systems, competency creation, employee impact analysis, and implementation support.

Most of our clients are in Washington State, although we have clients across the U.S. We have a wide range of client sizes in various industries, from small start-ups to well-established organizations with thousands of employees. In addition to public sector employers, our client mix includes engineering consulting, non-profit, education, construction, manufacturing, financial services, professional services, and healthcare.

www.compensationconnections.com



186 Iron Horse Court, Suite 101
Yakima, WA 98901
509-834-2050
www.yakimacleanair.org

STAFF REPORT

Date: October 3, 2022
To: YRCAA Board of Directors
From: Marc Thornsbury, Executive Director
Subject: Compensation Review

Background

Before 1951, public sector employees were not subject to federal payroll taxes and earned no Social Security credit. That year, amendments to the Social Security Act allowed public agencies to voluntarily participate in Social Security. In 1990, additional changes made participation mandatory unless the agency provided an alternative retirement plan meeting minimum benefit requirements (see www.ssa.gov/policy/docs/ssb/v80n3/v80n3p1.html).

In 2004, the Agency joined the Washington Public Employees' Retirement System (PERS) and because it met the minimum benefit requirements, the Agency was not subject to mandatory Social Security participation. However, this was not well understood at the time and payroll taxes were collected and remitted each year as though the Agency had elected to voluntarily participate.

In 2011, this discrepancy appears to have been discovered by the Washington Dept. of Retirement Systems (DRS) and a vote of the employees was conducted to determine if the Agency should voluntarily participate in Social Security. At that time, a majority of the Agency's employees voted to decline voluntary participation in Social Security and the amounts remitted were refunded to the Agency and the employees.

Motivation for the decision was not documented, but one possible explanation is that low Agency wage rates at the time prompted a desire to avoid the employee contribution to Social Security (5.65% in 2011) as a mechanism to increase take-home pay. Another may have been an assumption the prospects for the long-term solvency of the state PERS program were better than those of the federal Social Security program. However, that assumption may no longer be valid given the results of the American Legislative Exchange Council's "Unaccountable and Unaffordable" report that estimates Washington PERS to have over \$115 billion in unfunded future liabilities (based on calculations using risk-free investment rates of return).

According to the Social Security Administration, 75% of state and local government employees were covered by Social Security in 2018. Washington State likely had a similar participation rate based on the statement of a DRS representative that an "overwhelming majority" of public agencies voluntarily participate in Social Security—the one exception being fire districts and fire fighters (which are covered by their own Law Enforcement Officers' and Fire Fighters PERS plan).

The current employer contribution to Social Security is 6.2%

According to Fidelity Investments (which is estimated to manage approx. 30% of the assets of all employer-sponsored 401[k] plans), the average private company match was 4.7% in 2019. The Vanguard Group's 2021 "How America Saves" report estimates the average at 4.5% while Ubiquity Retirement and Savings reports the 2022 average at 6%.

PERS employer contribution for 2022 is 10.39% (with employee contributions set at 6.36% or 7.5% depending on the plan).

Since 2018, the Agency has lost three operations/field personnel in large part to below-market compensation. As a result, at one point the total number of operations/field staff was reduced to three.

At the start of 2022, half (50%) of Agency employees were paid less than \$20 per hour with some just above the Washington 2022 minimum wage of \$14.49 per hour. Absent the most recent July 1 wage adjustment, several would likely have fallen below the anticipated 2023 minimum wage. That adjustment reduced the percentage of employees paid less than \$20 per hour to 25%. However, 60% remain below \$22 per hour.

The Agency is wholly dependent upon the work of its employees to fulfill its mission. It does not primarily rely on arrays of complex machinery, heavy equipment, parts or product inventories, real estate holdings, intellectual property, or other substantial assets. Without the knowledge, education, and experience of its staff, the Agency would be incapable of fulfilling its mission, achieving its objectives, or serving the public.

Despite this, the Agency has not kept pace with wage and salary increases that have occurred in similar public-sector agencies and for comparable positions in private-sector companies. Over time, this has resulted in the loss of experienced employees to other agencies or private-sector entities that pay substantially higher wages and made it difficult to replace those losses with qualified individuals. While efforts have been made to address the issue—such as the recent July 1 increase—they have not fully corrected the deficiencies in the Agency's wage and salary structure.

As a result, in May 2022, the Agency contracted with Compensation Connections, a compensation consultancy based in Bellevue, Washington, to perform a review of Agency wages and salaries, conduct a market comparative analysis (including similar job classifications in other public and private sector organizations), and provide alternatives to the Board of Directors. Compensation Connections is currently engaged in providing similar services to Yakima County.

The Agency currently uses a classification system described in Section 11 of its Administrative Code Part B. This structure is comprised of various job classifications with "each classification contain[ing] four levels of required knowledge, skill, and experience." Furthermore, the current system expects "that, with increased experience, an employee will gain knowledge and skill in meeting the duties and responsibilities of the position(s) he/she fills."

In point of fact, each level primarily requires a defined number of years of experience and this focus (including the assumption it is closely correlated with greater knowledge and skill) is evident in the above language and the level descriptions currently in effect (which are nearly identical apart from the years of experience). The following is a typical example:

11.2.3 Air Quality Specialist

The Air Quality Specialist (AQS) works under direction and supervision of the Compliance/Air Monitoring Division Supervisor. The AQS conducts work to assure compliance with air quality laws, regulations, permits and National Ambient Air Quality Standards.

a. Temporary AQS

The Temporary AQS has a working knowledge of air quality principles as they apply to compliance, planning, and/or monitoring. The Temporary AQS will receive training and guidance from the Compliance/Air Monitoring Division Supervisor for this interim or temporary assignment.

b. Level I, Trainee (AQS I)

The AQS I has less than six years experience and has a working knowledge of air quality principles as they apply to compliance, planning, and/or monitoring. The AQS I will receive training and guidance from the Compliance/Air Monitoring Division Supervisor.

c. Level II, Journeyman (AQS II)

The AQS II has a thorough knowledge of air quality laws, regulations, emission units, and control methods, with six or more years experience in a regulatory field. The AQS II is capable of making decisions and will require only moderate guidance and supervision.

d. Level III, Master (AQS III)

The AQS III has more than 15 years of experience and performs increasingly more difficult and technical work in the area of compliance assurance. The AQS III is capable of working and making decisions independently and will require little or not supervision from the Compliance/Air Monitoring Division Supervisor.

As described in its presentation materials, Compensation Connections has recommended a 20-step pay structure that would effectively replace the existing levels.

Analysis

There are, perhaps, as many different frameworks to address wages and salaries as there are employers. Whether simple or complex, the structure used and the elements within it are a reflection of what the organization desires and values—what it wants to reward and incentivize. In addition, more complex systems often signal a desire to ensure fairness and pay equity and to reduce the subjective aspects of compensation decision making without entirely ignoring individual circumstances.

Regarding the existing classification levels *and* the proposed 20-step structure, both are predominantly time-based and heavily focused on either years of experience (that is, years spent performing similar work regardless of employer) or years of service (that is, years spent with the specific employer) depending on interpretation.

However, in many cases there is a desire to account for other factors and it is unlikely the use of a single mechanism to do so will prove satisfactory. In evaluating how best to address compensation policy and practice, the following aspects warrant consideration:

Base Wage/Salary

Establishing a single base wage/salary for each classification provides a basis upon which other adjustments can be calculated. Combined with formulas in a spreadsheet, this would allow the Board to easily examine initial changes, conduct what-if analysis, see the effect of modifications over time, and uncover unanticipated impacts resulting from small alterations as well as assist staff in accurately administering wages and salaries in the future as approved by the Board. For each classification, this figure would likely be the wage/salary amount recommended by Compensation Connections and identified as the 50th percentile (aka median). However, the amount used or percentile chosen is at the discretion of the Board.

Cost of Living

Inflation reduces the buying power of an employee's wages—effectively reducing their value—and this effect becomes more pronounced over time. For example, if an employee is paid \$6 per hour and a loaf of bread costs \$3, s/he can acquire two loaves for one hour of work. If the cost of a loaf increases to \$4, s/he can only acquire a loaf-and-a-half for the same hour of work. While his/her compensation did not change, his/her standard of living declined.

As a result, many agencies employ an “escalator” to periodically adjust all wages and salaries by a fixed amount (such as a step increase consistent with the current recommendation) or a percentage anticipated to maintain employees' standards of living—typically called a cost of living adjustment (COLA). These typically occur on an annual basis and often at the start of a new budget year so the increase is already factored into the budget and the availability of funds can be assured.

A commonly used escalator is the Consumer Price Index issued by the U.S. Bureau of Labor Statistics (www.bls.gov/cpi/). Because CPI is an average calculated over a large geographic area and can be subject to occasionally extreme economic factors (as is the case at present), it is often used as a guide in determining an annual adjustment rather than an exact figure. However, under normal circumstances, the COLA selected is generally in close proximity to the CPI. Regardless of the COLA chosen, it is applied across-the-board to all employees at regular intervals.

Education

There may be circumstances where an organization places a high value on educational attainment. For example, an organization might desire a person with a computer support classification to have a bachelor's degree in computer science, but accept an individual that does not possess the desired degree if labor market limitations exist and candidates with the desired education are not available. Where the base wage/salary for a classification is established based on a person without such a degree, an education adjustment can be applied when a new employee possesses the desired degree or an existing employee obtains the desired degree while employed.

Nevertheless, many entities either stipulate a mandatory education level requirement or consider adequate skills, abilities, and experience as a reasonable substitute for education and pay the same wage/salary for both.

Provisional / Temporary Employees

During an employee's probationary period (typically three to six months), s/he may be paid a reduced wage/salary. Once the period is complete, a higher wage/salary takes effect. In a related scenario, if an employee temporarily fills a vacant position, if the temporary position is a higher classification, the employee may be paid a reduced wage/salary that is based on the temporary classification. Once the position is no longer vacant, the employee returns to his/her normal wage/salary.

Years of Service (aka Longevity)

Some organizations utilize longevity increases to reward personnel that have been employed by it for a certain length of time, improve employee retention (based on an implied greater impact to the agency were they to leave), or as a stand-in for other qualifications such as knowledge and/or experience. It may be incorporated as a percentage increase into an employee's hourly wage or annual salary, paid annually as a percentage of an employee's gross pay based on his/her years of service, paid annually based on a percentage of the base wage/salary of the employee's job classification, or paid monthly or annually as a fixed amount multiplied by the employee's years of service. In many cases it is capped at a certain amount or percentage.

When it is utilized, longevity pay takes a broad variety of forms and the duration of such pay also varies. As a result, there appears to be no general consensus regarding it. In some cases it increases every year after a minimum number of years while in other cases it increases in steps across a range of years (e.g. 6-10 years, 11-15 years, 16-20 years). While the increase in employee value over time is typically treated as linear, there are some who suggest this value is subject to the law of diminishing returns such that, for example, an employee with ten years of service is twice as valuable as one with five years of service, but an employee with fifteen years of service is half-again as valuable as one with ten years.

Market Conditions

The purpose of a COLA (see above) is to protect employees' standards of living by mimicking normal changes in the labor market over time. This avoids having to expend resources every year to maintain parity with market conditions. Nevertheless, a compensation analysis should be periodically conducted so that disparities between the COLAs granted and labor market conditions can be quantified and adjustments made if indicated. In addition, extreme changes in labor market conditions may occasionally occur for one or more position types requiring a special adjustment in place of the annual COLA.

Performance

In most circumstances, individuals that share the same job classification do not perform at exactly the same level. This can be for a variety of reasons, many of which are unique to the individuals themselves. Although pay structures generally promote a systematic approach to wage and salary adjustments, here a modicum of subjectivity may be permitted. The purpose is to allow compensation to account for these differences, but the outcome should not result in substantial disparities. This is particularly true in the public sector where wage and salary information is often subject to disclosure and may be broadly known. To avoid the problems that can arise when wages or salaries are not identical for the same classification, some agencies

eliminate any performance-related adjustment that cannot be objectively measured and evaluated.

Multiple Roles

In small organizations, an employee may perform multiple tasks outside the duties corresponding to his/her position (commonly referred to as “wearing multiple hats”). These added tasks may be considered typical for other positions that are above or beneath his/her own with respect to compensation. When the time taken to perform tasks associated with a different classification represents a minor portion of the employee’s work time, it is most often ignored. For example, a maintenance technician may occasionally replace an electrical outlet or a faucet, but this would not commonly prompt a change in classification or pay to that of an electrician or plumber.

However, over time care should be taken to avoid “scope creep” where the expectations, requirements, and duties of a position grow (whether officially or unofficially) without a change in classification or compensation. When work typical for a different job classification consumes 40% to 60% of an employee’s time, an evaluation of the position is likely in order.

Levels

As noted above, current Agency Administrative Code establishes levels within each classification. At present, they are employed almost exclusively to address longevity, but they can be used to address various elements described above such as differences in skills, experience, and/or education. For example, a computer support classification might have four levels with different qualifications. Level I might require no experience, minimum skills, and some technical training. Level II might require two years of experience, modest skills, and comprehensive technical training. Level III might require either good skills, no experience, and an associate’s degree or good skills, five years of experience, and no degree. Level IV might require either good skills, one year of experience, and a bachelor’s degree or excellent skills, eight years of experience, and no degree. A base wage/salary can then be established for one of the levels with compensation for the other levels set on a calculated increase or decrease from the base wage/salary.

It should be noted that if levels are used and take into account years of experience, if longevity adjustments are also included, they should be triggered only after the first level with the highest years of experience is attained.

The Board should answer the following questions at this meeting or the next:

- Should the current recommendations of Compensation Connections be accepted (in whole or in part)?
- If no, what basis should be used for establishing base wages/salaries?
- If yes, which one of the market-based wage categories (percentiles) should be used?
- Should staff be given an opportunity to vote on participating in Social Security?
- Which of the above elements are deemed important and should be addressed?
- How much involvement in setting wages and salaries is desired?

Recommendation

None.



**SUMMARY OF THE GOVERNING
BOARD OF DIRECTORS
REGULAR BOARD MEETING**

September 8, 2022

Location and Time:
YRCAA Office

Started at 2:00 PM

REGULAR MEETING

1. **Chairman DeVaney** called the meeting to order at 2:00 p.m.
2. **Pamela Herman, Clerk of the Board**, conducted roll call. There was a quorum.

PRESENT WERE: Jon DeVaney, Member-at-Large Steven Jones, Ph.D., County Representative Amanda McKinney, County Commissioner (via tele-conference)	
ABSENT: Janice Deccio, Large City Representative Jose Trevino, Small City Representative	
BOARD MEMBERS: Steven Jones, Ph.D., County Representative Jon DeVaney, Member-at-Large Amanda McKinney, County Commissioner Jose Trevino, Small City Representative Janice Deccio, Large City Representative	LEGAL COUNSEL: Gary Cuillier STAFF: Hasan Tahat, Ph.D., Interim Executive Director Pamela Herman, Clerk of the Board

3. Additions or Deletions to the Agenda

Chairman DeVaney asked if there were any additions or deletions to the Agenda.

Dr. Tahat stated there was going to be a presentation on status of Compensation Study.

Chairman DeVaney also had an additional item to add to Other Business.

4. Public Comment

Chairman DeVaney asked if there were any public comments.



Jean Mendoza, Executive Director for the Friends of Toppenish Creek. Jean nominated herself for the position of Chairman of Yakima Clean Air Agency Board of Directors.

5. Approval of Consent Agenda

5.1 By consent, approved August 11, 2022 Board Meeting Summary.

5.2 By consent, accept August 2022 YRCAA Monthly Activity Report

Dr. Jones moved and Commissioner McKinney seconded to approval.
Motion approved with no dissension.

6. Regular Agenda

6.1 Interim Executive Director's Report

Dr. Tahat presented the report. Refer to the Board packet.

7. Action Items

7.1 Fiscal Vouchers and Payroll Authorization Transfers for August 2022.

Dr. Jones moved and Commissioner McKinney seconded to approval.
Motion approved with no dissension.

8. Other business

8.1 Approval of employment offer terms for the Air Pollution Control Officer (APCO)/Executive Director.

Dr. Jones made a motion to accept Marc Thornsby as the new Air Pollution Control Officer (APCO)/ Executive Director, seconded by Amanda McKinney. Motion approved with no dissension.

Chairman made a motion to enter in to negotiations with Mr. Thornsby regarding salaries, benefits and the contract which was seconded by Dr. Jones. Motion approved with no dissension. Relocations were also suggested by Commissioner McKinney.



Chairman made a motion for a performance bonus to the Interim Executive Director in the amount of \$15,000 as he has been doing the job, and to date it is one whole calendar year in addition to his job.

Dr. Jones moved and Commissioner McKinney seconded to approval.
Motion approved with no dissension.

9. Adjournment

Commissioner McKinney made motion to adjourn and Dr. Jones seconded to approval.
Motion approved with no dissension.

Chairman DeVaney adjourned the meeting at 2:34 p.m.

Jon DeVaney, Chairman, Board of Directors

Pamela Herman, Clerk of the Board

Date of Release: October 5, 2022
Date of Consideration: October 13, 2022
To: Honorable YRCAA Board of Directors and Alternates
From: Office of the Executive Director
Subject: Monthly Activity Report

Current Quarter

Activity	FY22 Total	July FY23	August FY23	Sept FY23	FY23 Ttl. to Date
Minor Source Inspections	35	0	0	1	1
Complaints Received	104	9	10	19	38
NOVs Issued	24	1	0	2	3
AODs Issued	0	0	0	0	0
Warning Notices Issued	0	0	0	0	0
NOPs Issued	32	0	0	0	0
SEPA Reviews	443	31	33	27	91
AOP Applications Received	1	0	0	0	0
AOPs Issued or Renewed	0	0	1	0	1
Deviations/Upsets Reported	21	1	2	2	5
AOP Inspections	2	0	0	0	0
Public Workshops	1	1	0	0	1
Media Events	1	0	1	0	1
Media Contacts	7	0	1	0	1
Education Outreach Events	1	0	0	0	0
Sources Registered	271	1	24	4	29
NSR Applications Received	14	0	2	1	3
NSR Approvals Issued-Temporary	0	0	0	0	0
NSR Approvals Issued-Permanent	23	1	4	1	6
NODRs Received	143	15	18	21	54
Agricultural Burn Permits Issued	73	1	1	1	3
Conditional Use Permits Issued	11	0	0	0	0
Residential Burn Permits Issued	717	40		2	42
Burn Ban Days	84	0	0	0	0
Public Records Requests Fulfilled	39	5	8	1	14

Acronyms:

AOP - Air Operating Permit; **NODR** - Notification of Demolition and Renovation; **NOP** - Notice of Penalty; **NOV** - Notice of Violation; **NSR** - New Source Review; **SEPA** - State Environmental Policy Act



186 Iron Horse Court, Suite 101
Yakima, WA 98901
509-834-2050
www.yakimacleanair.org

STAFF REPORT

Date: October 13, 2022
To: YRCAA Board of Directors
From: Christa Owen
Subject: Fiscal Program Report

Issue: Fiscal Reports

Analysis: September 2022 Accounts Payable (AP) and Payroll Authorization are enclosed for your approval. The Budget Verification Analysis (BVA) and Supplemental Income documents are included as informational items.

Recommendation: Accept and approve by minute action the September 2022 AP Fiscal Vouchers, totaling \$63,769.41, and the September 2022 Payroll Authorization, totaling \$68,539.80.



September 15, 2022

Fund 614-6140 YRCAA

Fund 614-1410 Enterprise

<u>Name</u>	<u>Warrant/MICR #</u>	<u>GL #</u>	<u>Amount</u>	<u>Date</u>
Cascade Natural Gas Corporation	35266	4701	\$ 13.00	9/16/2022
Coastal*	35267	4105	\$ 3,394.00	9/16/2022
Coleman Oil Company	35268	3201	\$ 57.61	9/16/2022
Dolan Collins*	35269	4105	\$ 2,000.00	9/16/2022
Compensation Connections	35270	4101	\$ 4,200.00	9/16/2022
Cuillier Law Office	35271	4101	\$ 2,304.00	9/16/2022
DeVries Information Management	35272	4101	\$ 6.90	9/16/2022
Engravings Unlimited, Inc.	35273	3101	\$ 191.75	9/16/2022
Intermountain Cleaning Service, Inc.	35274	4802	\$ 370.00	9/16/2022
Iron Horse Real Estate & Property Mgt	35275	4501	\$ 4,776.83	9/16/2022
KIMA-TV	35276	4401	\$ 310.00	9/16/2022
KUNW-TV	35277	4401	\$ 330.00	9/16/2022
KeyBank**	35278	Various	\$ 1,508.34	9/16/2022
Nth Degree Environmental Engineering Sol	35279	4101	\$ 750.00	9/16/2022
Pacific Power	35280	4701	\$ 265.33	9/16/2022
Shawn Phelps*	35281	4105	\$ 2,000.00	9/16/2022
Pitney Bowes Global Financial Services	35282	4501	\$ 242.58	9/16/2022
Alejandro Ramirez*	35283	4105	\$ 2,000.00	9/16/2022
Andrew Rheaume*	35284	4105	\$ 250.00	9/16/2022
Allan Schmidt*	35285	4105	\$ 2,000.00	9/16/2022
Skagit County Fairgrounds Mount Vernon**	35286	4506	\$ 375.00	9/16/2022
Travis Trudell*	35287	4105	\$ 2,599.20	9/16/2022
Douglas Turner*	35288	4105	\$ 250.00	9/16/2022
David Weiss*	35289	4105	\$ 2,500.00	9/16/2022
YRCAA	35290	4901	\$ 480.03	9/16/2022
Yakima County Public Services	35291	4701	\$ 21.95	9/16/2022
Yakima Valley Conference of Governments	35292	4901	\$ 500.00	9/16/2022
			\$ 33,696.52	

*Reimbursement from Grant **NOC/Enterprise

This is to certify that the invoices and warrants above for the Yakima Regional Clean Air Agency have been examined, audited and approved by the Alternate Auditing Officer for payment.

Total Amount: **\$ 33,696.52**


 Christa Owen, Alternate Auditing Officer 9/16/2022

 Jon DeVaney, Board Chairman 10/13/2022

 Marc D. Thornsby, Auditing Officer 10/13/2022



September 29, 2022

Fund 614-6140 YRCAA
Fund 614-1410 Enterprise

<u>Name</u>	<u>Warrant/MICR #</u>	<u>GL #</u>	<u>Amount</u>	<u>Date</u>
Pauline Allen*	35293	4105	\$ 1,500.00	9/30/2022
Alliant Communications	35294	3502	\$ 476.84	9/30/2022
Armstrong's Stove & Spa*	35295	4105	\$ 6,000.00	9/30/2022
Carl Brookshire**	35296	4306	\$ 522.00	9/30/2022
Charter Communications	35297	4201	\$ 439.51	9/30/2022
Coastal*	35298	4105	\$ 7,647.17	9/30/2022
Mark Edler**	35299	4306	\$ 569.00	9/30/2022
Mary Latour*	35300	4105	\$ 2,500.00	9/30/2022
Jesse McWain*	35301	4105	\$ 2,000.00	9/30/2022
Charles E. Simmons*	35302	4105	\$ 2,000.00	9/30/2022
Sousley Sound & Communications	35303	4801	\$ 97.20	9/30/2022
Travis Trudell*	35304	4105	\$ 4,321.17	9/30/2022
Kevin Waltman*	35305	4105	\$ 2,000.00	9/30/2022

\$ 30,072.89

*Reimbursement from Grant **NOC/Enterprise

This is to certify that the invoices and warrants above for the Yakima Regional Clean Air Agency have been examined, audited and approved by the Alternate Auditing Officer for payment.

Total Amount: **\$ 30,072.89**

Christa Owen

Christa Owen, Alternate Auditing Officer 9/30/2022

10/13/2022

Jon DeVaney, Board Chairman

10/13/2022

Marc D. Thornsbury, Auditing Officer

AUTHORIZATION FOR ELECTRONIC FUNDS TRANSFER

Direct Deposit Payroll & Payroll Taxes

Date: 9/29/2022

District: Yakima Regional Clean Air Agency

Contact Person: Christa Owen

Address: 186 Iron Horse Ct. #101, Yakima, WA 98901

Telephone No. 834-2050 ext 104 Telefax No. 834-2060

Authorization is given for the Yakima County Treasurer to electronically transfer the amounts listed below:

Name of Bank: Key Bank of Washington

ABA Routing Number: 125000574

Bank Account Number: 472091010661

Payroll Date: October 3, 2022

Transfer Amount(s): \$ 51,784.80

Total Amount of Electronic Transfer: \$ 51,784.80

Authorizing Signatures (No facsimile signatures accepted.):

Auditing Officer

Chairman Board of Directors

Christa Owen
Alternate Auditing Officer

Date September 29, 2022

Note: The Yakima County Treasurer's Office must receive the completed authorization by 12:00 noon, two (2) business days prior to payroll date. An original must be provided to the County Treasurer's Office if a telefax is sent. *Do not consider a telefax delivered until you have verified with the Treasurer's Office that it has been received.*

Contact Persons at County Treasurer's Office: **Cindy**

Telephone Number: 509-574-2780
(01-2008)

Telefax Number: 509-574-2801

AUTHORIZATION FOR ELECTRONIC FUNDS TRANSFER

Direct Deposit Payroll & Payroll Taxes

Date: 10/5/2022

District: Yakima Regional Clean Air Agency

Contact Person: Christa Owen

Address: 186 Iron Horse Ct. #101, Yakima, WA 98901

Telephone No. 834-2050 ext 104 Telefax No. 834-2060

Authorization is given for the Yakima County Treasurer to electronically transfer the amounts listed below:

Name of Bank: Key Bank of Washington

ABA Routing Number: 125000574

Bank Account Number: 472091010661

Payroll Date: October 7, 2022

Transfer Amount(s): \$ 16,755.00

Total Amount of Electronic Transfer: \$ 16,755.00

Authorizing Signatures (No facsimile signatures accepted.):

Auditing Officer

Chairman Board of Directors

Christa Owen

Alternate Auditing Officer

Date October 5, 2022

Note: The Yakima County Treasurer's Office must receive the completed authorization by 12:00 noon, two (2) business days prior to payroll date. An original must be provided to the County Treasurer's Office if a telefax is sent. *Do not consider a telefax delivered until you have verified with the Treasurer's Office that it has been received.*

Contact Persons at County Treasurer's Office: **Cindy**

Telephone Number: 509-574-2780
(01-2008)

Telefax Number: 509-574-2801

FY 2023 Monthly BVA

September 2022						
Report Date: October 13, 2022		Budget	Actual Current	Actual Year to Date	Year to Date % of Budget	
REVENUE						
REVENUE 614 YRCAA Base Operations						
Stationary Source Permit Fees						
614-32190001	Minor Sources	\$ 163,880	\$ 1,957	\$ 14,889		9.1%
614-32190008	Synthetic Minor Sources	\$ 22,576	\$ 2,822	\$ 2,822		12.5%
614-32190006	Complex Sources	\$ 32,808	\$ -	\$ 885		2.7%
614-32290001	Title V Sources	\$ 92,000	\$ -	\$ -		0.0%
614-32190002	New Source Review	\$ 38,000	\$ 400	\$ 5,639		14.8%
<i>Subtotal, Stationary Source Permit Fees</i>		\$ 349,264	\$ 5,179	\$ 24,235		6.9%
Burn Permit Fees						
614-32290005	Residential Burn Permits	\$ 55,000	\$ 51	\$ 1,684		3.1%
614-32290007	Agricultural Burn Permits	\$ 25,000	\$ 409	\$ 569		2.3%
614-32290011	Conditional Use Burn Permits	\$ 1,936	\$ -	\$ -		0.0%
<i>Subtotal, Burn Permit Fees</i>		\$ 93,000	\$ 460	\$ 2,253		2.4%
Compliance Fees						
614-32190005	Asbestos Removal Fees	\$ 25,000	\$ 3,757	\$ 7,908		31.6%
614-32190009	Construction Dust Control Fees	\$ 5,800	\$ 825	\$ 1,650		28.4%
<i>Subtotal, Compliance Fees</i>		\$ 30,800	\$ 4,582	\$ 9,558		31.0%
<i>Subtotal, All Permit Fee Revenue</i>		\$ 462,000	\$ 10,221	\$ 36,046		7.8%
Base Grants						
614-33366001	EPA, Core Grant	\$ 106,545	\$ -	\$ 26,636		25.0%
614-33403101	DOE, Core Grant	\$ 76,800	\$ -	\$ 19,288		25.1%
<i>Subtotal, Base Grants</i>		\$ 183,345	\$ -	\$ 45,924		25.0%
Fines & Penalties						
614-35990001	Civil Penalty	\$ 2,500	\$ -	\$ 10,908		
614-35990001	Other Fines	\$ -	\$ -	\$ -		
<i>Subtotal, Fines & Penalties</i>		\$ 2,500	\$ -	\$ 10,908		
Supplemental Income						
614-33831001	Supplemental Income	\$ 102,830	\$ -	\$ 11,690		11.4%
<i>Subtotal, Supplemental Income</i>		\$ 102,830	\$ -	\$ 11,690		11.4%
Other Income						
614-36111001	Interest	\$ 3,500	\$ 544	\$ 1,438		41.1%
614-36990014	Miscellaneous Income	\$ 100	\$ -	\$ 60		59.6%
<i>Subtotal, Other Income</i>		\$ 3,600	\$ 544	\$ 1,498		41.6%
<i>Total YRCAA Base Operations Revenue</i>		\$ 754,275	\$ 10,765	\$ 106,065		14.1%
REVENUE 614 YRCAA Grant Operations						
614-33403105	Wood Stove Ed	\$ 4,906	\$ -	\$ 480		9.8%
614-33403108	PM 2.5	\$ 21,050	\$ -	\$ 5,263		25.0%
614-33403107	Woodstove Change-out	\$ 579,000	\$ 68	\$ 417,048		72.0%
<i>Total YRCAA Grant Operations Revenue</i>		\$ 604,956	\$ 68	\$ 422,791		69.9%
REVENUE Enterprise Operations						
614-34317001	VE Certification Fees	\$ 60,000	\$ 927	\$ 5,150		8.6%
614-34317002	Other Enterprise Revenue	\$ -	\$ -	\$ -	#DIV/0!	
<i>Subtotal, Enterprise Revenue</i>		\$ 60,000	\$ 927	\$ 5,150		8.6%
<i>Total Base, Grant and Enterprise Revenue</i>		\$ 1,419,231	\$ 11,761	\$ 534,006		37.6%

FY 2023 Monthly BVA

September 2022 Report Date: October 13, 2022	Budget	Actual Current	Actual Year to Date	Year to Date % of Budget
---	---------------	---------------------------	--------------------------------	-------------------------------------

EXPENSES
EXPENSES 614 YRCAA Base Operations

Salaries

614-1001	Salaries	\$ 412,802	\$ 35,442	\$ 85,393	20.7%
614-2002	Benefits	\$ 143,349	\$ 12,453	\$ 30,003	20.9%
614-1003	Overtime	\$ -	\$ -	\$ -	#DIV/0!
<i>Subtotal, Salaries</i>		<i>\$ 556,151</i>	<i>\$ 47,894</i>	<i>\$ 115,396</i>	<i>20.7%</i>

Supplies

614-3101	Office Supplies	\$ 6,000	\$ 358	\$ 1,542	25.7%
614-3101	Safety Equipment	\$ 200	\$ -	\$ -	0.0%
614-3201	Vehicles, Gas	\$ 6,000	\$ 58	\$ 320	5.3%
614-3501	Small Tools/Equipment	\$ 1,000	\$ -	\$ -	0.0%
614-3502	Computer Network	\$ 3,000	\$ 620	\$ 1,716	57.2%
<i>Subtotal, Supplies</i>		<i>\$ 16,200</i>	<i>\$ 1,036</i>	<i>\$ 3,579</i>	<i>22.1%</i>

Services

614-4101	Professional Services	\$ 80,000	\$ 7,261	\$ 15,570	19.5%
614-4101	Laboratory Analyses	\$ 200	\$ -	\$ -	0.0%
614-4125	Treasurer, Yakima County	\$ 1,000	\$ -	\$ -	0.0%
614-4201	Communications, Phones/Internet	\$ 7,000	\$ 486	\$ 1,445	20.6%
614-4202	Postage	\$ 1,800	\$ -	\$ -	0.0%
614-4301	Travel & Transportation	\$ 5,000	\$ -	\$ 219	4.4%
614-4401	Public Education	\$ 6,000	\$ 640	\$ 640	10.7%
614-4401	Publications, Legal Notices	\$ 2,000	\$ 544	\$ 544	27.2%
614-4501	Rents & Leases, Equipment	\$ 5,750	\$ 243	\$ 388	6.8%
614-4501	Rents & Leases, Space	\$ 58,000	\$ 4,777	\$ 14,330	24.7%
614-4601	Insurance	\$ 16,000	\$ -	\$ 16,768	104.8%
614-4701	Utilities	\$ 4,500	\$ 300	\$ 1,065	23.7%
614-4801	Maintenance, Motor Vehicles	\$ 1,400	\$ 129	\$ 382	27.3%
614-4801	Maintenance, Equipment	\$ 5,000	\$ 97	\$ 264	5.3%
614-4801	Maintenance, Computers	\$ 4,000	\$ -	\$ -	0.0%
614-4801	Maintenance, Building	\$ 4,500	\$ 370	\$ 1,110	24.7%
614-4901	Memberships	\$ 700	\$ 514	\$ 542	77.4%
614-4901	Training	\$ 6,000	\$ 200	\$ 200	3.3%
614-4901	Service Chgs & Interest	\$ 7,500	\$ 480	\$ 843	11.2%
614-4901	Miscellaneous Services	\$ 1,000	\$ -	\$ -	0.0%
614-4901	DOE Oversight Fees	\$ 3,600	\$ -	\$ -	0.0%
<i>Subtotal, Services</i>		<i>\$ 220,950</i>	<i>\$ 16,041</i>	<i>\$ 54,311</i>	<i>24.6%</i>

Capital Out-Lay & Fixed Assets

614-6401	Capital Out-Lay/Fixed Assets	\$ -	\$ -	\$ -	
<i>Total YRCAA Base Operations Expenses</i>		<i>\$ 793,301</i>	<i>\$ 64,971</i>	<i>\$ 173,286</i>	<i>21.8%</i>

EXPENSES 614 YRCAA Grant Operations

614-33403105 Wood Stove Ed

Salaries

614-1001	Salaries	\$ 3,500	\$ 72	\$ 577	
614-2002	Benefits	\$ 910	\$ 25	\$ 203	
614-1003	Overtime	\$ -	\$ -	\$ -	
<i>Subtotal, Salaries</i>		<i>\$ 4,410</i>	<i>\$ 97</i>	<i>\$ 780</i>	

Supplies

614-3101	Office Supplies	\$ 346	\$ -	\$ -	
<i>Subtotal, Supplies</i>		<i>\$ 346</i>	<i>\$ -</i>	<i>\$ -</i>	

FY 2023 Monthly BVA

September 2022 Report Date: October 13, 2022		Budget	Actual Current	Actual Year to Date	Year to Date % of Budget
Services					
614-4139	Professional Services	\$ 150	\$ -	\$ 560	
614-4202	Postage	\$ -	\$ -	\$ -	
	<i>Subtotal, Services</i>	<i>\$ 150</i>	<i>\$ -</i>	<i>\$ 560</i>	
	<i>Subtotal, Woodstove Grant Expenses</i>	<i>\$ 4,906</i>	<i>\$ 97</i>	<i>\$ 1,340</i>	
614-33403108 PM2.5					
Salaries					
614-1001	Salaries	\$ 15,577	\$ 586	\$ 2,911	18.7%
614-2002	Benefits	\$ 5,473	\$ 206	\$ 1,023	18.7%
614-1003	Overtime	\$ -	\$ -	\$ -	-
	<i>Subtotal, Salaries</i>	<i>\$ 21,050</i>	<i>\$ 792</i>	<i>\$ 3,934</i>	<i>18.7%</i>
Supplies					
614-3101	Office Supplies	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, Supplies</i>	<i>\$ -</i>	<i>\$ -</i>	<i>\$ -</i>	<i>#DIV/0!</i>
Services					
614-4101	Professional Services	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, Services</i>	<i>\$ -</i>	<i>\$ -</i>	<i>\$ -</i>	<i>#DIV/0!</i>
Capital Out-Lay & Fixed Assets					
614-6401	Capital Out-Lay/Fixed Assets	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, PM 2.5 Grant Expenses</i>	<i>\$ 21,050</i>	<i>\$ 792</i>	<i>\$ 3,934</i>	<i>18.7%</i>
614-33403107 Woodstove Change-out					
Salaries					
614-1001	Salaries	\$ 103,600	\$ 8,921	\$ 23,353	22.5%
614-2002	Benefits	\$ 36,400	\$ 3,134	\$ 8,205	22.5%
614-1003	Overtime	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, Salaries</i>	<i>\$ 140,000</i>	<i>\$ 12,055</i>	<i>\$ 31,558</i>	<i>22.5%</i>
Supplies					
614-3101	Office Supplies	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, Supplies</i>	<i>\$ -</i>	<i>\$ -</i>	<i>\$ -</i>	<i>#DIV/0!</i>
Services					
614-4101	Professional Services	\$ 379,000	\$ 44,962	\$ 78,333	20.7%
	<i>Subtotal, Services</i>	<i>\$ 379,000</i>	<i>\$ 44,962</i>	<i>\$ 78,333</i>	<i>20.7%</i>
Capital Out-Lay & Fixed Assets					
614-6401	Capital Out-Lay/Fixed Assets	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, Woodstove Change-out Grant Expenses</i>	<i>\$ 519,000</i>	<i>\$ 57,017</i>	<i>\$ 109,891</i>	<i>21.2%</i>
	<i>Total, Grant Operations Expenses</i>	<i>\$ 544,956</i>	<i>\$ 57,906</i>	<i>\$ 115,165</i>	<i>21.1%</i>
EXPENSES 141 Enterprise Operations					
Salaries					
141-1001	Salaries	\$ 13,320	\$ 5,699	\$ 5,699	42.8%
141-2002	Benefits	\$ 4,680	\$ 2,002	\$ 2,002	42.8%
141-1003	Overtime	\$ -	\$ -	\$ -	#DIV/0!
	<i>Subtotal, Salaries</i>	<i>\$ 18,000</i>	<i>\$ 7,701</i>	<i>\$ 7,701</i>	<i>42.8%</i>

FY 2023 Monthly BVA

September 2022		Budget	Actual Current	Actual Year to Date	Year to Date % of Budget
Report Date: October 13, 2022					
Supplies					
141-3101	Office Supplies	\$ 100	\$ -	\$ -	0.0%
141-3201	Vehicles, Gas	\$ 1,000	\$ 47	\$ 47	4.7%
141-3501	Small Tools/Equipment	\$ 50	\$ -	\$ -	0.0%
	<i>Subtotal, Supplies</i>	\$ 1,150	\$ 47	\$ 47	4.1%
Services					
141-4101	Professional Services	\$ 2,500	\$ 265	\$ 265	10.6%
141-4202	Postage	\$ 250	\$ -	\$ -	0.0%
141-4301	Travel & Transportation	\$ 7,500	\$ 1,044	\$ 1,044	13.9%
141-4501	Rents & Leases, Space	\$ 2,500	\$ 375	\$ 575	23.0%
141-4801	Maintenance, Motor Vehicles	\$ 200	\$ -	\$ -	0.0%
141-4801	Maintenance, Equipment	\$ 1,000	\$ -	\$ -	0.0%
141-4901	Miscellaneous Services	\$ 100	\$ -	\$ -	0.0%
	<i>Subtotal, Services</i>	\$ 14,050	\$ 1,684	\$ 1,884	13.4%
Capital Out-Lay & Fixed Assets					
141-4500	Capital Out-Lay/Fixed Assets	\$ -	\$ -	\$ -	#DIV/0!
	<i>Total Enterprise Operations Expenses</i>	\$ 33,200	\$ 9,432	\$ 9,632	29.0%
Summary of Revenue vs Expenses:					
	<i>Prior-Year Carry Over Funds</i>	\$ 337,170	\$ -	\$ 125,000	
	<i>Total Revenue, Base, Grants & Enterprise</i>	\$ 1,756,401	\$ 11,761	\$ 659,006	37.5%
	<i>Total Expenses, Base, Grants & Enterprise</i>	\$ 1,371,457	\$ 132,309	\$ 298,083	21.7%
	<i>Fund Balance</i>	\$ 384,944	\$ (120,549)	\$ 360,923	
	<i>Operating Reserves</i>	\$ 47,774			
	<i>Estimated Available Fund Balance</i>	\$ 337,170			

YAKIMA REGIONAL CLEAN AIR AGENCY
SUPPLEMENTAL INCOME STATUS for CY 2022 on September 30, 2022
CY 2022 \$.40 PER CAPITA (Rounded Amounts)

City/Town	Past Due	Assessment Amount	Total Amt Due	Date Received	Amount Received	Balance Due	Responses
Grandview	\$ -	\$ 4,492	\$ 4,492	2/15/2022	\$ 4,492	\$ -	Pd in full
Granger	\$ -	\$ 1,662	\$ 1,662	2/15/2022; 3/31/2022; 7/5/2022	\$ 1,247	\$ 416	Pd 3/4
Harrah	\$ -	\$ 272	\$ 272	2/15/2022	\$ 272	\$ -	Pd in full
Mabton	\$ -	\$ 932	\$ 932	2/25/2022	\$ 932	\$ -	Pd in full
Moxee	\$ -	\$ 1,728	\$ 1,728	2/23/2022	\$ 1,728	\$ -	Pd in full
Naches	\$ -	\$ 398	\$ 398	2/24/2022	\$ 398	\$ -	Pd in full
Selah	\$ -	\$ 3,214	\$ 3,214	2/15/2022	\$ 3,214	\$ -	Pd in full
Sunnyside	\$ -	\$ 6,900	\$ 6,900	2/24/2022; 4/21/2022; 7/18/2022	\$ 5,175	\$ 1,725	Pd 3/4
Tieton	\$ -	\$ 522	\$ 522	2/15/2022	\$ 522	\$ -	Pd in full
Toppenish	\$ -	\$ 3,652	\$ 3,652	3/23/2022	\$ 3,652	\$ -	Pd in full
Union Gap	\$ -	\$ 2,542	\$ 2,542	2/24/2022	\$ 2,542	\$ -	Pd in full
Wapato	\$ -	\$ 2,022	\$ 2,022	2/11/2022; 4/13/2022	\$ 1,011	\$ 1,011	Pd 1/2
City of Yakima	\$ -	\$ 38,196	\$ 38,196	1/20/2022; 3/7/2022; 7/5/2022	\$ 28,647	\$ 9,549	Pd 3/4
Zillah	\$ -	\$ 1,280	\$ 1,280	2/15/2022	\$ 1,280	\$ -	Pd in full
Yakima Co.	\$ -	\$ 35,468	\$ 35,468	2/24/2022	\$ 35,468	\$ -	Pd in full
Totals:	\$ -	\$ 103,280	\$ 103,280		\$ 90,580	\$ 12,701	

Yakima Regional Clean Air Agency
RESOLUTION NO. 2022-06

A Resolution of the Board of Directors
Delegating Authority to Agency Officials

WHEREAS, the Board of Directors is required to appoint an Auditing Officer for the Agency pursuant to Revised Code of Washington (RCW) 42.24.080; and

WHEREAS, the Board of Directors is required to appoint a Public Records Officer for the Agency whose responsibility is to oversee the Agency’s compliance with public records disclosure requirements pursuant to RCW 42.56.580; and

WHEREAS, the Board of Directors may appoint an Air Pollution Control Officer and any other personnel pursuant to RCW 70A.15.2030; and

WHEREAS, the Board of Directors is required to designate the treasurer of a county as treasurer of the Agency pursuant to RCW 70A.15.2610 and has so designated the Yakima County Treasurer; and

WHEREAS, the Yakima County Treasurer requires the Agency to designate a Primary and Alternate Auditing and Investing Officer;

NOW THEREFORE, BE IT RESOLVED, that the Board does hereby designate Christa Owen as Primary Auditing and Investing Officer, Pamela Herman as Public Records Officer, and Marc Thornsby as Executive Director, Air Pollution Control Officer, and Secondary Auditing and Investing Officer subject to the following provisions:

1. The individuals named above shall be held harmless, to the fullest extent allowed by law, for actions taken, or for failure to take actions, that are required by virtue of their designated offices;
2. The Agency shall acquire and maintain, through its insurance provider, indemnification (aka “directors and officers”) insurance to defray the cost of any action against the individuals named above;
3. The Primary and Secondary Auditing and Investing Officers shall be responsible for:
 - a. Ensuring all Agency financial transactions are executed in accordance with state law and consistent with commonly accepted accounting practices;
 - b. Identifying internal control deficiencies and recommending corrective action;
 - c. Reporting fraud, misconduct, malfeasance, or other wrongdoing to the Board of Directors; and
 - d. Monitoring grants to ensure contract and budget compliance.
4. The Primary and Secondary Auditing and Investing Officers shall have the authority to:
 - a. Receive monies and make deposits into Agency accounts;
 - b. Transfer funds between and within Agency accounts;
 - c. Audit claims against the Agency;
 - d. Issue checks, make electronic or other external fund transfers, and submit warrants for lawful Agency expenditures in advance of approval by the Board of Directors and act as signatories on all such documents; and
 - e. Sign warrant registers and void warrant agreements.
5. The Public Records Officer shall be responsible for:
 - a. Making all public records available for public inspection and copying, unless the record falls within the specific exemptions permitted by state law;
 - b. Protecting public records from damage or disorganization;

- c. Ensuring public records are retained in accordance with the retention schedules set forth in Washington Administrative Code; and
 - d. Otherwise implementing all provisions of the Public Records Act (Chapter 42.56 RCW).
6. The Executive Director shall be responsible for:
- a. Providing management and supervision of all other employees;
 - b. Preparing and proposing annual budgets and amendments thereto;
 - c. Informing employees of Agency policy and their rights as set forth in the same or by statute or regulation;
 - d. Providing facts, figures, and other pertinent information, advice, and guidance to the Board of Directors in support of its governance and policy-making responsibilities;
 - e. Ensuring employees are not subjected to discrimination, unsafe or unhealthy working conditions, or harassment;
 - f. Implementing and directing the activities and expenditures of the Agency consistent with Agency policy, its duly adopted budget, and the direction of the Board; and
 - g. Ensuring no practice, activity, or decision of Agency personnel is in violation of state law, Agency policy, or commonly accepted standards of ethical conduct.
7. The Executive Director shall have the authority to:
- a. Delegate and re-delegate his/her authority to other employees with any degree of formality consistent with state law;
 - b. Expend funds, without restriction as to individual expenditure amounts or line items, up to the aggregate amount approved by the Board of Directors in the Agency's most recent adopted budget, as may be amended;
 - c. Schedule or reschedule work periods for all employees;
 - d. Enter into contracts on behalf of the Agency with his/her signature being sufficient to bind the Agency in all such matters;
 - e. Hire, review, promote, discipline, and terminate all Agency employees consistent with Agency policy;
 - f. Seek grant funds from other federal, state, and local agencies or other organizations;
 - g. Adjust wages and salaries consistent with Agency policies and duly adopted budgets;
 - h. Evaluate, select, direct, and execute and terminate professional services contracts with, engineers as necessary to perform his/her assigned duties and to do so without conducting a competitive solicitation process for emergency projects pursuant to RCW 39.80.060; and
 - i. Represent the Agency to the public, other agencies, and the media in a manner consistent with Agency policy and the direction of the Board.
8. The Board of Directors shall retain the authority and responsibility to:
- a. Establish the Agency's mission, goals, and objectives and ensure these are met and accomplished;
 - b. Govern the Agency through the establishment, by resolution, of written policies reflecting the values and objectives of the Board of Directors consistent with the requirements of state law;
 - c. Approve the borrowing of funds;
 - d. Exercise discipline in governing including adequately preparing for and regularly attending board meetings, respecting the roles of others, orienting new board members in the governance process, engaging in constructive debate, deliberating individually while acting in unison, exercising proper decorum, and ensuring the expertise of individual members is not a substitute for the Board's collective judgment;
 - e. Oversee the work of the Executive Director and General Counsel;
 - f. Approve minutes, resolutions, vouchers, budgets, and amendments thereto;
 - g. Review the performance of, and establish and adjust compensation for, the Executive Director; and
 - h. Alter the authorities and responsibilities of the Executive Director by specific action of the Board, including the adoption of a new resolution delegating authority to agency officials.

9. The direction or instruction of any individual board member is not binding upon the Agency officials set forth herein except as they are authorized by resolution or majority vote of the Board of Directors and no individual board member shall be deemed to carry instructive authority in the absence of action by the Board.
10. All resolutions delegating authority to Agency personnel adopted before the date set forth below are hereby rescinded and the authorities assigned to the persons named therein are null and void.

ADOPTED IN OPEN SESSION this 13th day of October, 2022.

Jon DeVaney, Chairperson

Janice Deccio, Director

Amanda McKinney, Director

Jose A. Trevino, Director

Steven Jones, Ph.D., Director

ATTEST:

Pamela Herman, Clerk of the Board

Yakima Regional Clean Air Agency
RESOLUTION NO. 2022-07

A Resolution of the Board of Directors
Designating the Agency Regular Meeting

WHEREAS, the Yakima Regional Clean Air Agency is a public agency established pursuant to Revised Code of Washington (RCW) 70A.15.1500 and activated by a majority vote of the Yakima County Board of Commissioners; and

WHEREAS, the governing body of a public agency must designate the time and place for holding regular meetings pursuant to RCW 42.30.070; and

WHEREAS, previous regular meetings of the Board of Directors were altered due to the impacts of the Covid-19 pandemic; and

WHEREAS, with the decline in Covid-19 infections and the availability of certain vaccines and treatments, the Board of Directors has elected to reinstate its previous meeting schedule and location;

NOW THEREFORE, BE IT RESOLVED, that the Board does hereby designate the second (2nd) Thursday of every month at the hour of two o'clock in the afternoon (2:00pm) as the Agency's regular meeting, said meeting to be held at the Yakima City Hall located at 129 North Second St.; Yakima, Washington.

ADOPTED IN OPEN SESSION this 13th day of October, 2022.

Jon DeVaney, Chairperson

Janice Deccio, Director

Amanda McKinney, Director

Jose A. Trevino, Director

Steven Jones, Ph.D., Director

ATTEST:

Pamela Herman, Clerk of the Board



Executive Memorandum

Date of Release: October 6, 2022
Date of Consideration: October 13, 2022
To: Honorable YRCAA Board of Directors and Alternates
From: Engineering, Compliance and Planning Division Supervisor
Subject: September's Compliance, Engineering and Planning Division Report

Issue:
Monthly activities report to the Board of Directors of YRCAA.

Discussion:

The following summarizes some of the activities for the month of September including some additional related information:

- Working on air monitors with Department of Ecology and training issues;
- Registered 4 sources for September 2022;
- Issued one New Source Reviews (NSR) permits;
- Working on Title V renewals;
- Continue working on the database.
- Reviewed/responded to 27 SEPA's projects;
- Reviewed/approved 21 Notifications of Demolition / Renovation (NODR);
- Issued 4 Dust Control Plans (DCP);
- Worked on the daily weather forecasts for the burn status and agricultural burn allocation;
- No burn ban called for the month of September;
- We expect one exceedances during the month of September as shown in the attached graphs due to wildfires;
- Collected and shipped for analysis approximately 15 Air Monitoring Samples and completed 6 Quality Control (QC) checks on 5 Air Monitors. Investigated 19 complaints, issued two Notices of Violation (NOV). One inspections for the month of September; and

- The following table below itemizes, by type, the complaints received, the number of NOV's issued and the number of Assurance of Discontinuation (AOD) for the month of September:

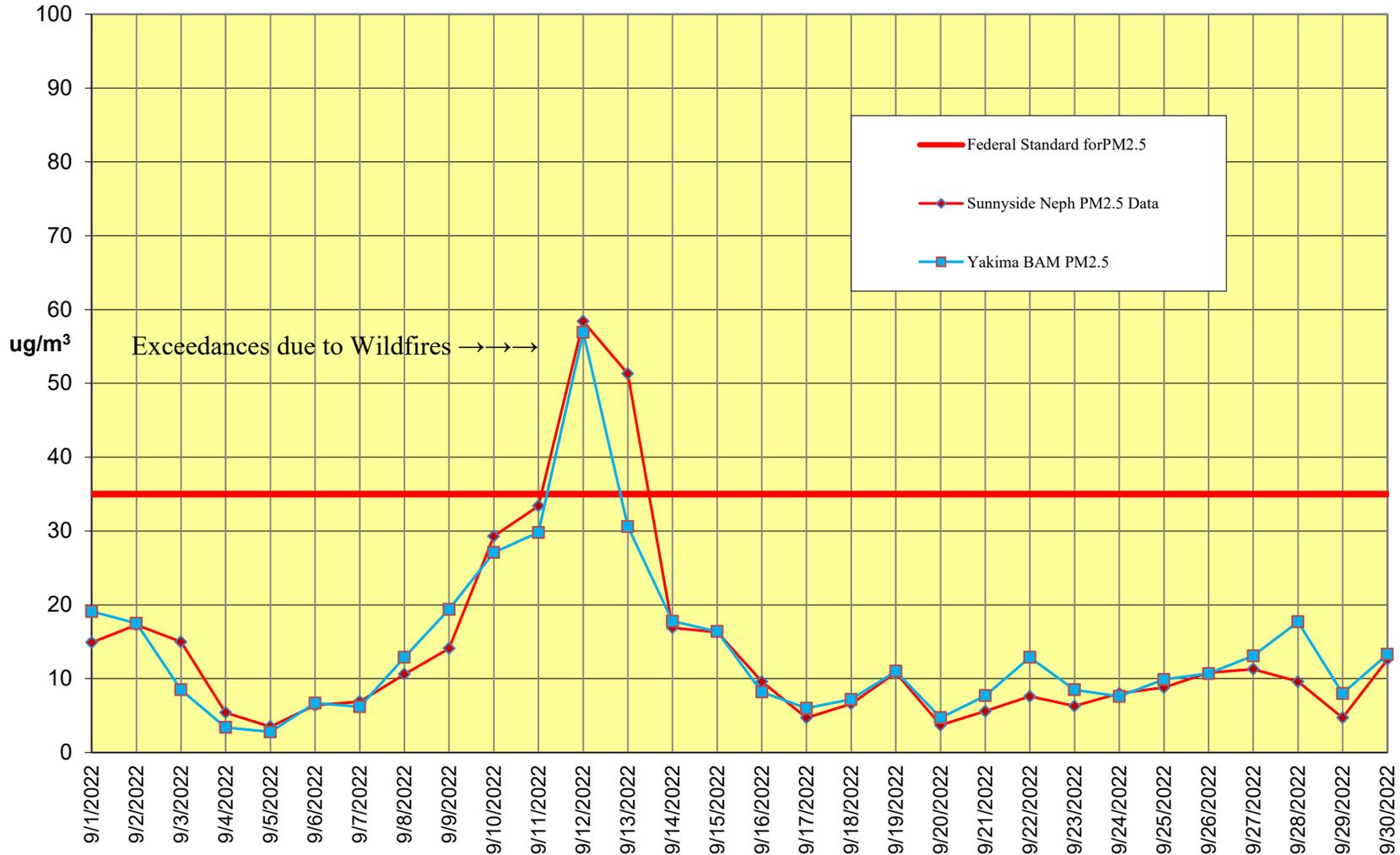
<u>Type of Complaint</u>	<u># of Complaints</u>	<u># of NOV's</u>	<u># of AODs</u>
Residential Burning	11	1	0
Agricultural Burning	0	0	0
Other Burning and SFBD*	0	0	0
Fugitive/Construction Dust	2	0	0
Agricultural Dust	0	0	0
Agricultural Odor	0	0	0
Other Dust	0	0	0
Surface Coating	0	0	0
Odor	6	0	0
Asbestos	0	0	0
Others and NSR**	0	0	0
Registration	0	0	0
Industrial Sources	0	0	0
Demolishing/NODR	0	1	0
<u>TOTALS</u>	<u>19</u>	<u>2</u>	<u>0</u>

Attachments:

- ✓ *PM_{2.5} Monitor Data for the month of September 2022 and the annual graphs.*
- ✓ *PM₁₀ Monitor Data for the month of September 2022.*

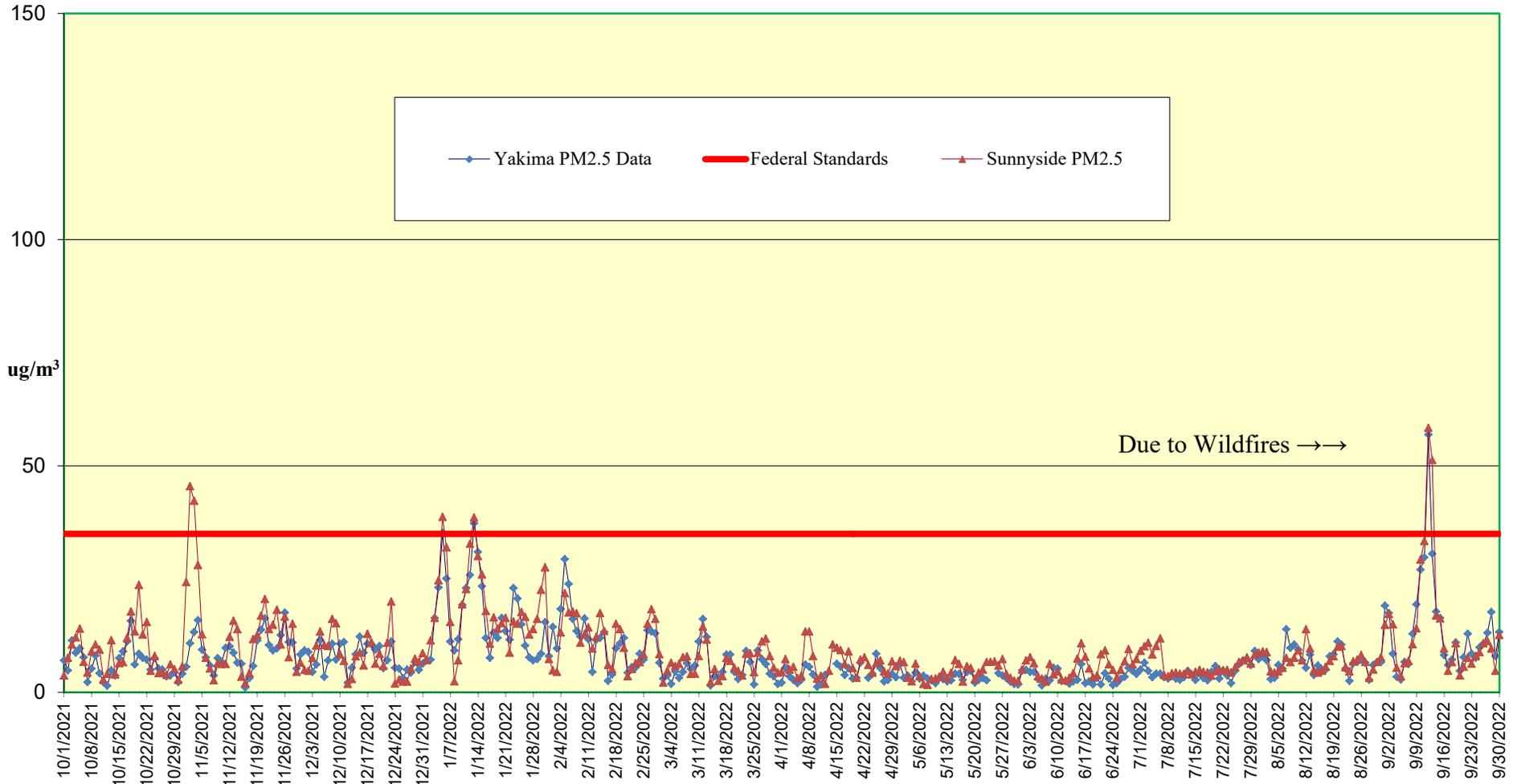
PM_{2.5} BAM_{2.5} Data for Yakima; Neph PM_{2.5} Data for Sunnyside

Daily Average Values from September 1, 2022 through September 30, 2022



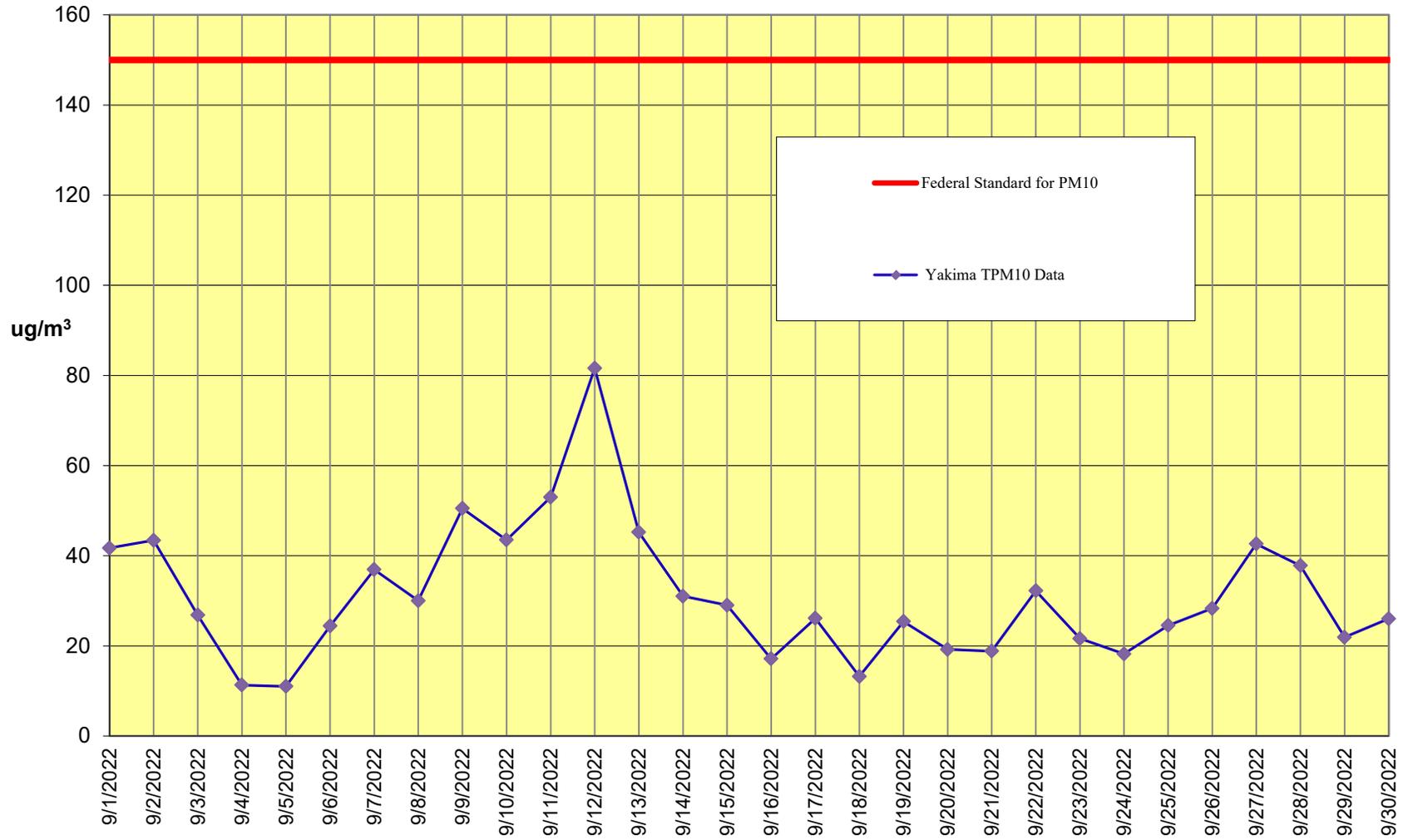
PM_{2.5} FEM/BAM2.5 (starting September 15, 2015) Annual Air Monitoring Data, Cities of Yakima and Sunnyside

Daily Average Values from October 1, 2021 through September 30, 2022



BAM PM₁₀ Data for Yakima Site

Daily Average Values from September 1, 2022 through September 30, 2022





186 Iron Horse Court, Suite 101
Yakima, WA 98901
509-834-2050
www.yakimacleanair.org

STAFF REPORT

Date: September 21, 2022
To: YRCAA Board of Directors
From: Marc Thornsbury, Executive Director
Subject: Agency Web and Electronic Mail Hosting

Background

The Agency currently uses Invisible Ink (www.invisibleink.com) to host its public web site and Alliant Communications to host its e-mail accounts. Invisible Ink is a local branding services firm that engages in a variety of related activities including brand development and consulting, logo design, custom website design, banners and signs, custom apparel, business cards, and web hosting. Alliant Communications is a local technology provider offering network cabling, business continuity, voice-over-IP, electronic mail hosting, access control, IT management, security, and surveillance.

At present, the Agency web site (www.yakimacleanair.org) does not provide financial statements, audit reports, past agendas and minutes, adopted resolutions, permits, registered facilities, and other information concerning its operation. Agency e-mail addresses use a separate domain (yrcaa.org).

Analysis

Invisible Ink provides basic web hosting (e.g. without database or File Transfer Protocol support). The Agency's current service level allows for a maximum storage capacity of 500MB for \$25 per month (\$300/yr.). The Agency currently uses 871MB, requiring an upgrade to the next higher plan with a maximum storage capacity of 1GB for \$50 per month (\$600/yr.). Alliant Communications provides electronic mail hosting at \$11 per user/mo. (\$2,640/yr. for 20 addresses).

For comparison, other (national) providers such as iPage.com and GoDaddy.com provide additional services at a similar or lower cost. For example, GoDaddy.com offers an "Ultimate Windows Web Hosting" package for \$13 per month (\$156/yr.) that provides unlimited web sites, unlimited storage, unlimited bandwidth, unlimited MySQL (up to 1GB each) and MSSQL (up to 200MB each) databases, free domain registration, and FTP access.

It also provides electronic mail hosting services at \$4 per user/mo. (\$960/yr. for 20 addresses). When coupled with web hosting, the same domain name could be used for both so that the web site remains www.yakimacleanair.org and e-mail addresses become [user]@yakimacleanair.org (versus [user]@yrcaa.org).

Providing expanded information to members of the public in support of the education and transparency goals of the Agency is expected to require substantially more storage capacity than 1GB. Because the web site is the platform upon which a number of initiatives will be rolled out,

moving to a more appropriate service level and substantially greater storage capacity is urgently needed. As a result, staff are currently investigating alternatives and anticipate a new consolidated hosting provider to be selected shortly with a potential savings of as much as \$2,124 per year.

Recommendation

No action by the board is necessary.



186 Iron Horse Court, Suite 101
Yakima, WA 98901
509-834-2050
www.yakimacleanair.org

STAFF REPORT

Date: September 20, 2022
To: YRCAA Board of Directors
From: Marc Thornsby, Executive Director
Subject: Friends of Toppenish Creek Letter Dated September 12, 2022

Background

At its regular meeting held June 9, 2022, the Board of Directors canceled the Agency's regular July board meeting scheduled for July 14, 2022, at the Agency office. A special meeting was subsequently scheduled for the same day at the Granger City Hall and notice of this special meeting was made twenty-four (24) hours in advance on July 13, 2022. In addition to other notice requirements, an announcement of the special meeting was delivered to all parties having requested the Agency send them notice of special meetings (which includes the Yakima Herald-Republic newspaper). The special meeting was held as scheduled.

On August 24, 2022, the Friends of Toppenish Creek (FoTC) sent the attached letter dated the same to the YRCAA Board of Directors concerning the July 14 special meeting. This letter was delivered to each of the YRCAA Board of Directors and the Air Pollution Control Officer (APCO) via electronic mail and specifically to the following Agency addresses: boardposition1@yrcaa.org, boardposition2@yrcaa.org, boardposition3@yrcaa.org, boardposition4@yrcaa.org, boardposition5@yrcaa.org, and apco@yrcaa.org. With no permanent APCO in place, the last address was not in use at the time.

In its letter, the FoTC stated the Agency "may have violated the WA State Open Public Meetings Act, RCW 42.30." The letter was forwarded by the board chairperson to Hasan Tahat on September 8, 2022. This left inadequate time available for Agency staff to prepare a thorough response in advance of the board meeting held later the same day.

On September 12, 2022, the YRCAA Board of Directors received the attached letter from Jean Mendoza dated the same and sent to the Agency addresses described above in reference to the August 24, 2022, FoTC letter (see above).

Analysis

Both letters described above implicitly or explicitly pose several questions, each of which is addressed below.

Did the Agency violate the notice provisions of the Washington Open Public Meetings Act (Chapter 42.30 RCW)?

No. The public notice requirements for special meetings of a public agency are set forth in RCW 42.30.080(2)(a) through RCW 42.30.080(2)(c). In summary, notice of a special meeting must 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...”; 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....”

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

The requirement that notice be “delivered to each local newspaper...and local radio or television station” is not unqualified. Instead, delivery is required to any newspaper and station “*that has on file with the governing body a written request to be notified of such special meeting or of all special meetings* [emphasis supplied].” There is no obligation to deliver notice to, for example, a local radio station that has not requested such notification from the Agency.

In addition, the notice is required to be “delivered”, *not* “published”. While it can be difficult to ascertain the intent of the legislature where it is not explicitly stated, a common understanding of the delivery requirement is that it was intended to ensure reporters would be able to attend a special meeting and subsequently publish or broadcast information concerning the events of the meeting, if they desired to do so. In other words, the purpose of the requirement was to prevent the use of special meetings as a mechanism through which decisions could be effectively made in secret and this would be accomplished by fostering the attendance of the fourth estate. It was not intended as a method to notify the public of the meeting (in which case the language would have likely required “publication” rather than “delivery”).

Did the Agency violate its own policy (Administrative Code Section 2.7)?

Yes, as to its letter. While it is difficult to conclusively determine the intent of the YRCAA board at the time the current Administrative Code was adopted, the similarity between the language used in Section 2.7 (“Special Board Meetings”) and the statutory language found in RCW 42.30.080 (“Special meetings”) strongly suggests the former was intended to mirror the latter. For example, RCW 42.30.080(3) states, “The call and notices required under subsections (1) and (2) of this section shall specify the time and place of the special meeting and the business to be transacted” and “final disposition shall not be taken on any other matter at such meetings by the governing body.” This is comparable to Subsection 2.7.3 of the Administrative Code which states, “Notification must include the time and place of the meeting and the business to be conducted” and Subsection 2.7.5 which states, “Final disposition shall not be taken on any matter other than that included in the notice.”

However, whether by error or oversight, the language found in Section 2.7 of the current Administrative Code does not fully mimic the statutory requirements of Chapter 42.30 RCW to the extent it does not include “local newspapers of general circulation”, reference to written requests for notification, and physical posting of notices. The grammatical problems with Subsection 2.7.2 also call into question whether the Board intended to utilize the current language which calls for “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.” Notably missing is identification of the parties to be notified “personally, by mail, [or] by fax”.

Nevertheless, as correctly pointed out by the FoTC, Agency staff erred in failing to provide notice to local radio or television stations as set forth in the Agency’s Administrative Code. Despite this, the notice made for the July 14 special meeting was in conformance with the statutory notice requirements and the Agency acted in accordance with current law. Though this has been characterized as a “legal loophole”, that does not appear to be the case as there is no special exception exclusive to the Agency or to clean air agencies statewide. The absence of a similar statutory requirement simply represents the limit of the legislature’s intent concerning notice requirements for public agency meetings.

Did the Agency fail to adequately notify the public regarding the July 14 special meeting?

Probably. Because “adequate” is a relative term, any such determination is subjective by necessity. Nevertheless, though the Agency met its legal obligations, if the intent of the special meeting was to provide an opportunity for residents of the southeastern portion of Yakima County to view and/or engage candidates for the position of Executive Director for the Agency, a reasonable person would likely find twenty-four hours inadequate for the average citizen to adjust their personal schedule to allow attendance. Furthermore, given the meeting was held during normal working hours, this scheduling difficulty would typically be more pronounced for workers who would have twenty-four hours in which to arrange time off with an employer. The practical effect was to make attendance impractical for a significant (but unquantifiable) segment of the population for whom the meeting was ostensibly held.

The Board would have been well-advised either to engage in more timely preparation for the meeting or to postpone it so additional time would be available to allow for a more thorough notification process. Nevertheless, no basis exists for concluding the Board or Agency staff intentionally sought to prevent public involvement or to “insulate the agency from the public”.

Is the Agency subject to the HEAL Act?

No. The Healthy Environment for All (HEAL) Act, codified in Chapter 70A.02 RCW, states “Covered agencies are required to comply with all provisions of this chapter” (RCW 70A.02.020) and a “Covered agency” means the [state] departments of ecology, health, natural resources, commerce, agriculture, and transportation, the Puget Sound partnership, and any agency that opts to assume all of the obligations [of this chapter]” (RCW 70A.02.010[2]). However, RCW 70A.02.030(1) limits the other agencies that may “opt in” to those state agencies “defined in RCW 34.05.010” and explicitly “exclud[es] local governmental entities.” As such, the HEAL Act is not applicable to the YRCAA and the latter is statutorily prohibited from voluntarily adopting its requirements.

Is the Agency subject to the Climate Commitment Act?

No. The Climate Commitment Act, codified in Chapter 70A.65 RCW, establishes a statewide “cap and invest” program to be managed by the Wash. Dept. of Ecology. In RCW

70A.65.005(7) the Legislature makes clear that “under the program, the legislature intends to identify overburdened communities where the highest concentrations of criteria pollutants occur, determine the sources of those emissions and pollutants, and pursue significant reductions of emissions and pollutants in those communities” and adds “the legislature further intends for the department of ecology to conduct environmental justice assessments *to ensure that funds and programs created under this chapter provide direct and meaningful benefits to vulnerable populations and overburdened communities* [emphasis supplied].”

While this is likely to bring additional state funds into the Yakima region through Wash. Dept. of Ecology projects and programs to improve air quality, the Chapter does not make reference to local clean air agencies (such as the YRCAA) and does not apply to them. Furthermore, local clean air agencies neither receive and disburse funds collected as a result of, nor control the programs created by, this statute.

If the apco@yrcaa.org e-mail address is not monitored, how would this be known to others?

The apco@yrcaa.org e-mail address was closed shortly after the departure of the previous executive director and messages sent to the address should have received the following standardized Simple Mail Transfer Protocol response: “550 5.1.1 <apco@yrcaa.org>: Recipient address rejected: User unknown in relay recipient table.” That remains the case and was confirmed on Sept. 15 using a test message sent to the e-mail address from a gmail.com account. Senders would know the address is no longer active through the above response message sent by the Agency’s contract e-mail host to the sender’s address as listed in the header of the original message.

It should be noted that electronic mail is designed as a “best effort” delivery mechanism versus a “guaranteed” delivery mechanism. As a result, it relies on certain information and the proper operation of various mail servers and relays in accordance with Internet Protocol standards. A failure in any of these could result in non-delivery of an original message or a response message. The extent of the Agency’s ability to ensure mail delivery is limited to those systems it operates and errors in the information provided by the sender’s system/software or failures in the mail servers or relays of others through which a message may pass are outside its control.

Recommendation

To maintain consistency with the current statutory language regarding the notice requirements for special public meetings (as appears to have been intended) and effect needed grammatical improvements, amend Subsection 2.7.2 of the Agency’s Administrative Code to read as follows:

2.7.2 Notification of the meeting by:

- i. Delivering a written notice by hand, U.S. mail, electronic mail, or fax to each local newspaper of general circulation and local radio or television station that has submitted a written request to be notified of such special meeting or of all special meetings;
- ii. Posting a notice to the Agency web site; and
- iii. Prominently displaying a notice at the main entrance of the agency’s principal location and, if the meeting is held in another location, at the meeting site.



Friends of Toppenish Creek

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

Friends of Toppenish Creek



September 12, 2022

Dear YRCAA Board of Directors:

On August 24, 2022, Friends of Toppenish Creek sent Chairman Devaney a letter of concern regarding proper notification to the public about a special meeting on July 14, 2022. The stated purpose of the meeting was introducing two finalists for the position of Air Pollution Control Officer (APCO)/Executive Director (ED) for the Yakima Regional Clean Air Agency (YRCAA). This was the YRCAA board's only concession to FOTC's repeated requests for input from the Lower Yakima Valley (LYV) on the selection process. As we stated in our August letter, the only apparent announcement of the meeting was by email and only six of the email recipients live in the LYV.

The YRCAA Board of Directors met last Thursday, Sept. 8, 2022. Our letter was not in the meeting packet, but Interim Director Dr. Hasan Tahat addressed it in his director's report. He stated that he only learned of our concern from Chairman Devaney that morning. To clarify – We sent the letter to all the board members and to APCO@yrcaa.org. Dr. Tahat stated that, as interim director, he has used his own YRCAA email for the past year and no one has monitored the APCO email. How could we know this?

Dr. Tahat stated that the YRCAA does not routinely notify the media about YRCAA board meetings and special meetings. He acknowledged a violation of YRCAA Administrative Code Part A, Section 2.7, and his suggested solution was to change the YRCAA Administrative Code so that the agency is not required to inform the media about special meetings.

It seems that such a revision of the YRCAA Administrative Code would further insulate the agency from the public and make it even more difficult for citizens to participate in Yakima County Air policy. Remember that recent legislation, the HEAL ACT and the Climate Commitment Act, require increased public engagement, not decreased.

From a legal standpoint is this a sufficient response when an agency violates its own code – to simply speculate about changing the section of the code involved? The three YRCAA members who attended the Sept. 8 meeting did not ask this question, even though the agency's attorney was present and available.

I want to share one more piece of information regarding the APCO/ED selection. When Yakima County Human Resources began advertising this position on Craig's List, FOTC had

serious concerns about how well the announcement would reach highly qualified people. We sent the announcement to agencies and groups up and down the Pacific coast.

Last week I had occasion to talk with a man who applied for the position because of our outreach. This man is a Navy veteran with years of experience in public engagement, who currently works for a large Washington State environmental group. He submitted an application per instructions and Yakima County Human Resources did not respond, not even once.

Sincerely,

Jean Mendoza