

July 11, 2025

Hello YRCAA,

Thank you, Chairman DeVaney and Director Thornsby for initiating plans to look into the YRCAA administrative codes at the end of yesterday's board meeting. This is much appreciated.

Let me contribute an opinion to your analyses.

Mr. Devaney noted that Administrative Code A gives the board discretion whether to comply with the code. I believe this comes from the section on purpose on page 2/15 of the code.

Purpose

This Administrative Code contains policies, procedures and guidelines which support the pursuit of the Agency vision and mission. No part of this code should be construed as a promise of specific action in a specific situation. Agency policies and procedures are subject to change and exception without prior notice at the discretion of the Board of Directors.

In my opinion, this discretion is not unlimited, otherwise the code would be meaningless.

If you look at the previous paragraph you will see that YRCAA Administrative Code Part A is administrative law and this adds force to the code.

Content

This administrative code consists of general, as well as specific, policies, procedures and guidelines setting forth administrative policies, procedures and interpretations of Agency rules and regulations, state laws, and other authority vested in the Board and the Executive Director/Air Pollution Control Officer. The code shall be considered administrative law applicable to all personnel of the Agency and will be permanent until modified or rescinded.

The phrase, "subject to change and exception without prior notice at the discretion of the Board of Directors" should not be interpreted too broadly. To my thinking there is an exception if the entire Board of Directors agrees to an exception. This would ideally be done by a vote with documentation in writing.

Should this be spelled out? That is a question for someone besides me.

Section 6 of Administrative Code Part A provides a possible path for facilitating analysis of the codes:

Section 6 Committees

The Board may appoint a committee to discuss any issue, with or without the direction of the Executive Director. The makeup of the committee shall have a maximum of two board members in attendance. A Board member may appoint a member, or members of the public, to take their place on a particular committee.

It appeared to me that Mr. DeVaney was somewhat reluctant to put more work on Mr. Thornsby's plate. Assigning code analysis to a committee might solve this problem.

On another note, there is a lot of work involved in analyzing the codes. This may help some. There are references in Code A to RCW's that have been re-codified since 2017. Here is a list with changes:

- RCW 70.94.053 – RCW 70A.15.1500
- RCW 70.94.081 – RCW 70A.15.1560
- RCW 70.94.141 – RCW 70A.15.2040
- RCW 70.94.100 – RCW 70A.15.2000
- RCW 70.94.110 – RCW 70A.15.2010
- RCW 70.94.120 – RCW 70A.15.2020

Best wishes

Jean Mendoza