

YRCAA Compliance with Administrative Code Part A

1. On 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 two of three finalists for the position of YRCAA Air Pollution Control Officer (APCO)/Executive Director (ED) to people of the Lower Yakima Valley.

There were several problems with this late and inadequate notice.

On August 24, 2022 FOTC sent a letter to Chairman DeVaney complaining about a potential violation of the Open Public Meetings Act and YRCAA Administrative Code Part A, pursuant to YRCAA Administrative Code Part A, section 2. No reply.

On September 12, 2022 FOTC sent a letter to the YRCAA Board regarding DeVaney's failure to respond and a potential violation of the Open Public Meetings Act and YRCAA Administrative Code Part A, pursuant to YRCAA Administrative Code Part A, section 2.

On October 13, 2022 YRCAA Director Marc Thornsburry responded that there was no violation of the OPMA, but a violation of the YRCAA Administrative Code Part A, Section 2.7. He said the code should be updated. That has not happened.¹

2. On December 14, 2024 Jean Mendoza properly notified the YRCAA Board Chairman of a possible violation of the YRCAA Administrative Code Part A, Section 2. She had to submit her request repeatedly to elicit a response.

Section 2 Board Meetings

This section declares Board policy for, describes the requirements of, and provides guidance for the conduct of, meetings of the Board. Agency Board meetings are subject to the requirements of RCW 42.30, the Open Public Meetings Act. It is the policy of the Board that their actions shall be taken openly and that their deliberations shall be conducted openly.

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.

¹ Board Packet [October 2022 Complete Board Packet Redacted.pdf](#)

Mendoza complained that the board took action on an item that was not listed on the posted board agenda but was added to the agenda at the board meeting. This was a violation of sections 2.9, 2.10, 2.11, and 4.7 of the YRCAA Administrative Code Part A. Chairman DeVaney did not respond.

On January 5, 2025, she sent a letter to Director Thornsby outlining this and other complaints about code violations.

On January 9, 2025, she presented her complaints to the YRCAA Board of Directors at their monthly meeting.²

On February 13, 2025, at the monthly meeting of the YRCAA Board, Director Thornsby presented his opinion that the complaints had no merit. He said that the YRCAA Board of Directors could suspend the code at their discretion.³

Mendoza asked Director Thornsby and Chairman DeVaney when the board issued the suspension and whether the suspension of this section of the code was permanent or temporary. They have not replied.

3. Commissioner McKinney has violated YRCAA Administrative Code A and Roberts Rules of Orders twice by usurping the role of meeting chair.

March 13, 2025:⁴

Sandy Braden, Friends of Toppenish Creek (FoTC), asked who within the Agency responds to, and fulfills, public records requests. Thornsby stated it is ultimately his responsibility as the public records officer for the Agency. Braden asked Thornsby if he would be responding. Thornsby explained it could be another employee at his direction. Braden asked if certification or training was required to act in that capacity. McKinney reminded Braden the public comment period was not a question-and-answer session and asked that questions for Thornsby be reserved for later. Braden stated in the past the Agency had a person assigned that duty and asked who was doing so at present.

² February 2025 YRCAA Board Packet [2025-02-13 Board Packet.pdf](#)

³ February 2025 YRCAA Board Packet [2025-02-13 Board Packet.pdf](#)

⁴ March 2025 YRCAA Board Packet [2025-03-13 Board Packet.pdf](#)

April 10, 2025:⁵

Nancy Lust, Friends of Rocky Top (FoRT), suggested the minutes for the March 13, 2025, board meeting contained an error pertaining to the public comments of Sandy Braden. She explained Braden had asked a question and acting chairperson Deccio had signaled Thornsburg to answer the question. Lust noted shortly thereafter McKinney arrived and informed Braden the public comment period was not a question-and-answer session and asked that questions for Thornsburg be reserved for later.

May 8, 2025:

This happened again when Sandy Braden asked a question of Vice Chair Deccio. She was directed to Director Thornsburg who started to answer. Commissioner McKinney interrupted and stopped the interchange.

4. YRCAA Board Members have improperly used their positions on the board to make personal attacks on people with whom they disagree

April 10, 2025:⁶

Jones expressed his belief the Yakima Valley is suffering economic stress and suggested the Friends of Toppenish Creek (FoTC) and others have been successful in closing two of the legacy dairies in the Valley. He added the combined income for the two dairies was close to \$90 million per year and that studies show dollars from dairy operations circulate through the local economy seven times— representing up to \$600 million in economic activity in the Valley. Jones noted the closure of the dairies in question resulted in the loss of 170 jobs with no means to replace them and stated many of the employees laid off had worked at these operations for ten to thirty years with the income used to support their families, the community, and pay the tuition for their children to attend college.

Jones explained a number of businesses provided services to the shuttered dairies and these will also have to reduce personnel as a result of the closures. Jones reminded the Board the FoTC and others have repeatedly requested the Agency pay more attention to the overburdened and underserved members of the community

⁵ April 2025 YRCAA Board Packet [2025-04-10 Board Packet.pdf](#)

⁶ May 2025 YRCAA Board Packet [2025-05-08 Board Packet.pdf](#)

and suggested they have served to create these overburdened and underserved groups.

McKinney concurred, adding it has been disheartening to see what has taken place and suggesting the long-term impact will be devastating. She stated the continued targeting of the agricultural community in the county is contemptible. (Contemptible was later corrected to read despicable.)

From the YRCAA Administrative Code Part A, Section 4:

4.8 Decorum

By Directors: While the Board is in session all members shall preserve order and decorum and shall not, either by conversation or otherwise, delay or interrupt the proceedings of the

Board. A member shall not interrupt any other member while speaking, or refuse to obey the orders of the Board or its Chair, except as may be otherwise expressly provided.

By Other Persons: Any person making personal, impertinent, slanderous or indecorous remarks, or who shall become boisterous while addressing the Board, may be barred by the Chair from further discussion before the Board unless permission to continue is granted by a majority vote.

It seems that the YRCAA Board of Directors and some Board Members feel entitled to make up the rules as they go along.