

April 1, 2025

Dear WA Attorney General Ombuds,

This is a request for guidance regarding the Open Public Meetings Act and the Yakima Regional Clean Air Agency.

The YRCAA has the important job of implementing the federal and state Clean Air Acts in Yakima County and is subject to the WA State Open Public Meetings Act. The YRCAA is also subject to the agency's Administrative Code, Part A, which I can send if needed.

The YRCAA Board of Directors have received communications over the past year that should have been thoroughly discussed in public meetings and were not.

1. The WA State Dept of Ecology is required to invite the YRCAA to contribute to discussions on implementation of the WA Climate Commitment Act (CCA) in overburdened and underserved communities. Three out of sixteen such communities in Washington are located in Yakima County. There has been no board discussion of this invitation, at least not in an open public meeting. This issue is important to Yakima County because the outcome of discussions will influence allocation of monies from the CCA.
2. In 2024 a citizens group, Friends of Toppenish Creek, asked the U.S. Environmental Protection Agency to address unequal treatment of marginalized people in south Yakima County and the EPA accepted the complaint. The YRCAA ED did not share the complaint or describe it to the YRCAA board in an open public meeting or on-line. The Board did not discuss the complaint in an open public meeting.

But, according to the minutes for the October 2024 YRCAA Board Meeting, "(Board Chair) DeVaney expressed appreciation for the preliminary response to the investigation by the U.S. Environmental Protection Agency previously noted at the September meeting as well as the detail contained in it." This suggests that there has been communication between the YRCAA Executive Director and the YRCAA board, but not in a public meeting.

3. In March of 2024 the YRCAA issued an air quality permit to DTG Limited Use Landfill. In April of 2024 the citizen's group Friends of Rocky Top (FORT), appealed issuance of that permit to the WA State Pollution Control Hearings Board (PCHB).

At the May YRCAA Board Meeting the YRCAA Executive Director “noted the DTG permit had been appealed to the Pollution Control Hearings Board and the Agency was seeking legal counsel to assist in the matter.” There were no questions. There was no discussion. There was no motion to approve any specific legal response.

The YRCAA board could have studied the appeal, could have talked about adjustments to the permit, and could have ordered a review of the situation under the WA State Environmental Policy Act (SEPA) as recommended by FORT. In fact, the YRCAA had convened public meetings regarding the landfill in 2023, including a September meeting that was erroneously labeled a public hearing. But none of the YRCAA board members attended.

At the June YRCAA board meeting there was an agenda item entitled, “General Counsel Selection”. The YRCAA Staff Report recommended that the board should direct staff to do one of the following:

- a. Provide additional information, as specified by the Board, at the next board meeting.
- b. Attempt to arrange for a virtual meeting with Mr. Myers (a willing and experienced attorney) during the next board meeting.
- c. Continue searching for other attorneys/firms not already considered to determine if any are willing and qualified to serve as General Counsel for the Agency.
- d. Execute a personal services contract with LLDKB (Law, Lyman, Daniel, Kamerrer, and Bogdanovich) to secure its services and those of Mr. Myers as General Counsel for the agency under the minimal competitive process for contracts from \$0 to \$5,000 (typical)
- e. Issue a written solicitation for such services and request proposals for the Board to evaluate before making a selection and directing staff to enter into a contract under the informal competitive process for contracts from \$5,000 to \$20,000 (atypical)
- f. Take other action as specified by the Board in order to identify and secure General Counsel for the agency.

According to the minutes for that June Board meeting, “Deccio express support for issuing a written solicitation for services. Jones and Trevino concurred.” The minutes do not describe any further decision making.

In any case, it appears that someone signed a contract because LLDKB began filing motions with the PCHB in July.

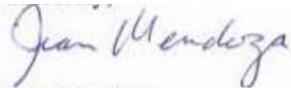
Filings with the PCHB were posted with the August YRCAA Board packet and the December Board packet. We find no record, either written or video, in either an open or closed meeting, showing that the Board studied the appeal or exercised oversight. As of this writing, the YRCAA has paid over \$20,000 to LLDKB.

A written record of YRCAA Board Meetings is available on the YRCAA website at [Public Notices - Yakima Regional Clean Air Agency](#) Video recordings of YRCAA Board Meetings are available on the Yakima Public Affairs Channel (YPAC) at [Search Results](#)

I am prepared to provide further relevant information.

Thank you for any guidance you may provide.

Sincerely,

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

Jean Mendoza

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