



Yakima Regional Clean Air Agency

*Yakima Regional Clean Air Agency
Agencia Regional de Aire Limpio de Yakima*

Meeting of the Board of Directors January 2025

**Reunión de la Junta Directiva
Enero 2025**

January 9th, 2025

9 de Enero de 2025

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Regular Meeting of the Board of Directors

January 9, 2025 – 2:00 P.M.

Yakima City Hall; 129 N Second Street; Yakima, Wash.

Duration – 30 minutes (estimated)

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. Board Meeting Minutes for December 12, 2024**
- 6. City Representative Appointment**
- 7. Executive Director's Report**
 - Statistics and Information
 - Processes and Documentation
 - Reassignment of Duties
 - Permit Document Review
- 8. Other Business**
- 9. Adjournment**

Zoom information

URL: <https://us06web.zoom.us/j/6058007569>

Meeting ID: 605 800 7569

Phone number: 253-215-8782 or 253-205-0468

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.

Reunión Ordinaria de la Junta Directiva

9 de Enero de 2025 – 2:00 P.M.

Ayuntamiento de Yakima; 129 N Second Street; Yakima, Wash.

Duración – 30 minutos (estimativo)

ORDEN DEL DIA

- 1. Llamar al Orden**
- 2. Registo de Asistencia**
- 3. Cambios en la Agenda**
- 4. Comentarios Públicos**

El público puede abordar cualquier asunto relacionado con los asuntos de la Junta en este momento. Indique su nombre y el artículo que desea abordar. Los comentarios están limitados a tres (3) minutos por persona.
- 5. Actas de la Reunión de la Junta para Diciembre 12 de 2024**
- 6. Designación de Representante de la Ciudad**
- 7. Informe del Director Ejecutivo**
 - Estadísticas e Información
 - Procesos y Documentación
 - Reasignación de Funciones
 - Revisión de Documentos de Permiso
- 8. Otros Asuntos**
- 9. Conclusión**

Zoom información
URL: <https://us06web.zoom.us/j/6058007569>

ID de reunión: 605 800 7569
Número de teléfono: 253-215-8782 or 253-205-0468

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1. Call to Order

Chairperson DeVaney called the meeting to order at 2:00 p.m. in the council chambers, Yakima City Hall; 129 N Second St.; Yakima, Washington.

2. Roll Call

Meza conducted roll call and declared a quorum present.

Board members: Amanda McKinney, County Representative, Present
Steven Jones, Ph.D., County Representative, Present
Janice Deccio, Large City Representative, Present
Jose Trevino, City Representative, Present (via video-conference)
Jon DeVaney, Member-at-Large, Present

Staff present: Marc Thornsbury, Executive Director
Jacqueline Meza, Clerk of the Board

3. Changes to the Agenda

DeVaney asked if there were any changes to the agenda. Thornsbury stated the need to add discussion regarding an appointee for the county. DeVaney suggested the item be placed under “Other Business” and adopted as an amendment to the agenda. McKinney moved to approve amending the agenda as stated. Deccio seconded. Motion passed 4-0.

4. Public Comment

DeVaney asked if there were any public comments.

Maricela Santana, Empowering Latina Leadership and Action (ELLA), stated ELLA recently held listening sessions for community members in Mabton, Sunnyside, and Grandview. She added members had expressed concern regarding air contamination caused by dairies and the potential impact on asthma, allergies, and other respiratory issues. Santana suggested the Agency engage in more outreach and education in the Lower Yakima Valley regarding the Agency and any actionable steps to address air contamination.

Maria Fernandez, ELLA, noted the board packet contains a cover page, legal notices, and agenda in English and Spanish, but the minutes are not offered in Spanish. She added the Notice of Language Services in the board packet states, “to request interpretation of this Board of Directors Meeting, to obtain a translation of this document, or to provide a public comment of this meeting in a language other than English, please call...” and asked if a person would need to request a translation of the minutes in Spanish each time. Fernandez suggested the minutes be provided in Spanish in each board packet.

5. Public Hearing

DeVaney asked if there was any public testimony.

Nancy Lust, Friends of Rocky Top (FoRT), stated during the last four years the Agency has spent considerable time on air operating permits while having difficulty with staffing and paying appropriate salaries. She noted the air operating permit fee is zero plus the actual cost and suggested

there should be a charge for air operating permits set on a sliding scale based on the size of the business so it is proportional to the amount of time needed to conduct the permitting process. Lust explained the suggestion was not intended to burden small business owners with an onerous cost—something of which the Agency has been mindful. She suggested the Board raise the air operating permit fee.

6. Board Meeting Minutes for November 2024

DeVaney asked if the board members had an opportunity to review the November minutes. McKinney moved to approve the minutes. Deccio seconded. Motion passed 4-0.

7. Resolution 2024-09 Adopting a Fee Schedule for 2025

DeVaney asked if there were any proposed amendments to the resolution or a motion to adopt the resolution.

Jones stated he was unable to find any authorization other than Resolution 2023-03 granting the director discretion to adopt cost-of-living adjustments (COLAs). He added the sole exception pertained to insurance matters. Jones inquired as to the resolution giving such direction to the director.

Thornsbury explained the fee schedule only factors in a potential COLA as failing to account for it now would preclude its availability when the Agency later adopts the budget. He added because the Agency adopts fees on a calendar year basis and its budget on a fiscal year basis, it is necessary to anticipate future developments or the option will not be available later.

Jones asked Thornsbury if he needed a resolution to provide the authority for a COLA. Thornsbury stated the Agency is not adopting a COLA, but rather adopting fees providing sufficient funding to allow for a COLA.

Jones suggested adopting one predicts the next. Thornsbury explained the approval of a fee structure that provides for a COLA does not obligate the Board to later approve a COLA. He noted the Board previously discussed budgets and the handling of fee increases, emphasizing its preference for regular, incremental adjustments to avoid large, periodic increases. Thornsbury added adjustments would be made as needed—though one is not required this year—and would provide a mechanism for a COLA so the Agency does not fall behind in wages again. Thornsbury reminded the Board the complaints concerning the most recent increases were that they were too large—after having waited twelve years to make any substantial change—and noted this was the mechanism to avoid that circumstance in the future.

Jones stated his belief the second paragraph of the resolution is misleading, offered an amendment changing a portion of the resolution to read, “deemed it necessary to adopt minor adjustments to Agency fees in support of health insurance premium changes only”, and suggested the third paragraph be stricken.

Deccio inquired as to whether Jones did not want a traditional COLA. Jones replied he did not, adding the Agency never implemented a traditional COLA during his ten years as a board member and he has always resisted it.

DeVaney asked whether the issue is with terminology concern regarding preapproving a COLA. Jones replied it is both, adding he supports preapproval of health insurance cost increases, but is opposed to any other cost increase.

McKinney concurred with Jones's analysis, adding the Board would appear to be condoning a COLA and an increase. She noted at minimum there would be contradictory resolutions in play. Jones noted the board is funding a COLA in advance. Thornsby asked how a COLA not funded now could be approved later?

Deccio cautioned without COLAs, the Board will again face the same challenge in another ten years where it has to approve a large increase in wages because there were no COLAs. Jones replied it can be done on an annual basis. Deccio asked if the Board will not provide for a COLA now, when will it do so? McKinney replied it will be at the discretion of the future board.

Thornsby reminded the Board no actual increase in fees is being proposed and reiterated if the fee structure cannot accommodate a COLA now, when the budget comes up in June of next year the decision regarding a COLA will have been made now. He explained if the Board provides for a COLA in the fee structure, it has the option of adopting the COLA later, but if a COLA is not built-in now, the option will not be available later.

Deccio requested confirmation the board could adopt the fee structure and choose not to use the COLA. Thornsby affirmed the statement. Jones asked if that had ever occurred. Deccio noted it would be at the discretion of the Board.

DeVaney cautioned if the Board later chose to adjust compensation in order to retain staff, there would not be adequate income from fees or enough [unallocated] reserve funds to do so. DeVaney explained the Board would be prejudging the question if it does not adopt the proper fee language.

DeVaney requested clarification as to whether Jones' objection concerned the fee amounts or the "Whereas..." statements. Jones stated his concern was with the "Whereas..." statements. DeVaney noted it is usually desirable to have a lot of supporting explanatory content for record-keeping purposes and asked Thornsby if it is explicitly required or whether some of the language could be removed without affecting the substance of the resolution.

Thornsby explained the only requirement is that the resolution state what action is being taken and anything beyond that is explanatory in nature to provide context for those who may want to understand the purpose of the adopted language.

DeVaney suggested amending the resolution to replace the language of the second paragraph, "an annual cost of living adjustment (COLA) to ensure the Agency is able to recruit and retain qualified staff" with "anticipated operating costs" and strike paragraphs three and four in their entirety. Jones moved to amend the resolution as stated by DeVaney. McKinney seconded. Amendment passed 4-0.

McKinney asked Thornsby to explain why some fee items are listed at a certain cost plus actual cost. Thornsby noted several items are listed this way and most function similarly. He explained there is typically a certain amount of overhead associated with an application, including processing through the front desk, entry into the [computer] system, and internal routing, before reaching

permitting where much of the work occurs. Thornsbery added it is also where much of the actual cost is incurred which is largely dependent on what happens during the permit application process. He noted in some cases an application may be deemed incomplete and withdrawn, resulting in minimal additional cost, with the base fee covering the costs incurred by the Agency simply to make that determination. Thornsbery stated some applications may be relatively simple, allowing for the issuance of a permit with relatively minor actual costs.

Thornsbery provided another example in which a substantial source might qualify as a Title V source which would involve a more complex process and explained an applicant might want to adjust their operations to avoid being a Title V source. He stated such a modification would require a lot of work between the Agency and the applicant and this would tend to increase the actual cost as Agency staff would be spending more time with the permit and applicant. Thornsbery noted this is a common reason for the difference between the base cost—which covers costs incurred regardless of what happens with the application—and the actual cost—which covers Agency costs for processing the application to completion.

Thornsbery noted there are special conditions for air operating permits—a statutory term used for sources that are subject to Title V of the federal Clean Air Act—and there are only three in the county, each of which is large. He explained federal law prohibits the Agency from charging anything for such permits apart from the actual cost to the Agency and, as a result, there was no base fee. Thornsbery stated the Agency air operating permits are audited by the State Auditor’s Office every two years to ensure all costs associated with the permit are charged and no additional costs are charged. He added this is not a decision by the Agency and that all actual expenses incurred by the Agency are covered.

Jones asked if the increased cost for temporary and portable sources from \$150 to \$150 plus actual cost was the result of inspections for new temporary or portable facilities.

Thornsbery explained the decision to include the actual cost in addition to the base cost was made to accommodate the increasing complexity of portable sources which has resulted in the time spent on these sources becoming greater and more unpredictable. He added it proved difficult to increase the base fee adequately for more complex sources without overburdening less complex sources and this prompted adding “plus actual cost” to the base fee.

Jones asked Thornsbery for an example of a temporary or portable new source. Thornsbery replied one of the most common is rock crushing operations where there may be considerable variability based on demand, location, material quantity and type, operating hours, duration on site, etc.

McKinney moved to adopt the 2025 fee schedule as amended. Jones seconded. Motion passed 4-0.

8. **Executive Director’s Report**

Thornsbery noted he did not have a report, per se, and has been heavily involved with internal office operations. He noted this included developing procedures and processes for new staff members, reassigning duties to administrative staff to make operations more efficient and freeing up compliance and engineering staff from administrative tasks. He noted the Agency is preparing for the 2025 registration coming up in a few weeks, making updates to some of the forms that are sent out, and preparing for the upcoming holidays and vacations.

DeVaney asked Thornsby for an update on vacant positions.

Thornsby noted the Agency had lost the its client services representative, staff accountant, and administrative assistant within a two-week period, but had successfully filled those positions and is now planning for a retirement and transition process in compliance. Thornsby noted one open position remains which he has held in reserve to use in addressing the Agency's greatest need when other changes have been completed. DeVaney expressed concern regarding the long working hours of the executive director and offered the Board's assistance in filling positions or recruiting candidates.

Jones asked if there were any repercussions from the Les Schwab tire fire. Thornsby replied he had not yet looked at the data closely, but expressed an expectation that, based on the wind direction, the downtown Yakima monitor was likely affected. He added he had not discussed with staff whether the incident would be considered an exceptional event, but expressed belief that was possible.

9. **Other Business**

Thornsby explained he was caught by surprise as he had anticipated the matter of appointing a county representative to come up at the end of 2025, not 2024. He added a city representative position would be coming up for appointment and a staff report concerning board member appointments was on his list of items to address, but he had received information from the county indicating the term for the county representative position held by Jones would be concluding at the end of this year.

Thornsby remarked this was not something he was anticipating and noted the matter is different than the appointment of a city representative where the Agency manages the process. He added the position is appointed by the county and it had asked if the Board had a recommendation concerning an appointment to the position. Thornsby reiterated the appointment of a county representative is not a decision for the Board.

McKinney noted the Board of County Commissioners is responsible for making the appointment.

DeVaney noted Jones is the board member most consistent in attendance and expressed his desire to retain him as a board member. McKinney stated she has served on many boards and committees, adding if every board member were as diligent as Dr. Jones, everyone would benefit. DeVaney asked if the Board wished to take any action to communicate directly to the county regarding the matter. McKinney explained she would have to abstain from any vote as she would be voting on the appointment as part of the Board of County Commissioners.

Deccio moved to recommend Jones provided he consents to serve. DeVaney seconded the motion. McKinney and Jones abstained from voting. Motion passed 3-0.

10. **Adjournment**

McKinney moved to adjourn. Deccio seconded. Motion passed 4-0. DeVaney adjourned the meeting at 2:39PM.

STAFF REPORT

Date: January 2, 2025
To: YRCAA Board of Directors
From: Marc Thornsbury, Executive Director
Subject: Board Appointments – City Representatives

Summary

The term for one of the city representatives to the YRCAA Board of Directors will expire March 31, 2025, and must be replaced by an appointment of the city selection committee as set forth in Chapter 70A.15 Revised Code of Washington (RCW). Under Chapter 70A.15 RCW the Agency is responsible for assisting the city selection committee in performing its duties. Upon the direction of the board, staff will manage notices, nominations, and voting as required by law and provide guidance and assistance to committee members including scheduling.

Recommendation

Direct staff to promptly convene the city selection committee for the appointment of a city representative to replace the position held by Jose Trevino pursuant to RCW 70A.15.2010 and RCW 70A.15.2020.

Background

The board of directors for the Agency is comprised of five persons, two of which are representatives of the incorporated cities and towns of Yakima County. One of these positions is held by Jose Trevino and the four-year term for that position will conclude March 31, 2025. In anticipation of the aforementioned expiration, staff embarked on a review of the applicable statutes. Though the Agency does *not* select the members of its own board of directors, it *is* responsible for assisting the city selection committee and managing the required appointment process as set forth in RCW 70A.15.2020.

The Washington Office of Financial Management (OFM) estimates the 2024 population of Yakima County at 263,200 persons and identifies the City of Yakima as the largest city with a population of 96,968 (ofm.wa.gov/sites/default/files/public/dataresearch/pop/april1/ofm_april1_population_final.pdf).

RCW 70A.15.2000(2)(a) establishes the composition of the board stating, “In the case of an authority comprised of one county, with a population of less than four hundred thousand people, the board shall be comprised of two appointees of the city selection committee, at least one of whom shall represent the city having the most population in the county, and two representatives to be designated by the board of county commissioners.”

RCW 70A.15.2010 states, “There shall be a separate and distinct city selection committee for each county making up an authority. The membership of such committee shall consist of the mayor of each incorporated city and town within such county, except that the mayors of the

cities, with the most population in a county, having already designated appointees to the board of an air pollution control authority comprised of a single county shall not be members of the committee. A majority of the members of each city selection committee shall constitute a quorum.”

RCW 70A.15.2000(3) states, “If the board of an authority otherwise would consist of an even number, the members...shall agree upon and elect an additional member who shall be:... (b) In the case of an authority comprised of one county, with a population less than four hundred thousand people, or of more than one county, either a member of the governing body of one of the towns, cities or counties comprising the authority, or a private citizen residing in the authority.”

RCW 70A.15.2000(4) states, “The terms of office of board members shall be four years.” This language appears to have been introduced in the 1991 legislative session via Engrossed Substitute House Bill 1028.

RCW 70A.15.2000(5) states, “If an appointee is unable to complete his or her term as a board member, the vacancy for that office must be filled by the same method as the original appointment, except for the appointment by the city selection committee, which must use the method in RCW 70A.15.2020(1) for replacements. The person appointed as a replacement will serve the remainder of the term for that office.”

Analysis

Most of the language used in the Washington Clean Air Act (Chapter 70A.15 RCW) is clear and unambiguous. However, the presence of conditional directives within the provisions concerning the appointment of board members by the city selection committee demands a careful reading. In addition, the use of imprecise terms and the absence of detail regarding certain elements required a degree of contextual interpretation so as to avoid outcomes unlikely to have been intended or anticipated by the legislature. In doing so, staff relied heavily on logic and the guidelines used by various courts in Washington State when interpreting statutory language.

As to the latter, Washington courts have determined that when interpreting a statute, the primary objective is to ascertain and carry out legislative intent, stating:

- “[I]f the statute’s meaning is plain on its face, then the court must give effect to that plain meaning as an expression of legislative intent” (Dep’t of Ecology v. Campbell & Gwinn, LLC, 146 Wash.2d 1, 9-10, 43 P.3d 4 [2002]).
- “A statute's plain meaning is discerned by the context of the statute, the text of the provision in question and related provisions, and the statutory scheme as a whole” (Ass'n of Wash. Spirits & Wine Distribs. v. Wash. State Liquor Control Bd., 182 Wash.2d 342, 350, 340 P.3d 849 [2015])
- “All provisions of a statute must be read in harmony and must be construed such that no portion is rendered meaningless or superfluous” (Segura v. Cabrera, 184 Wash.2d 587, 593, 362 P.3d 1278 [2015]; Citizens All. for Prop. Rights Legal Fund v. San Juan County, 184 Wash.2d 428, 440, 359 P.3d 753 [2015]).
- “[W]e construe statutes to avoid absurd results (Jespersen v. Clark County, 199 Wash. App. 568, 578, 399 P.3d 1209 [2017]).

Based on a careful review (over a period of several months) combined with the above, and upon the direction of the Board, staff will convene the city selection committee for the appointment of a city representative and provide the necessary documents and the following guidance concerning the appointment of members to the YRCAA Board of Directors.

1. The city selection committee is responsible for appointing **two** persons to the YRCAA board of directors, at least one of which must be for the largest city—by population—in the County (currently the City of Yakima).
2. The city selection committee is comprised of the mayors of Grandview, Granger, Harrah, Mabton, Moxee, Naches, Selah, Sunnyside, Tieton, Toppenish, Union Gap, Wapato, Yakima, and Zillah.
3. Any member of the governing body of the City of Yakima may be appointed as the large city representative.
4. Any member of the governing body of an incorporated town or city in Yakima County may be appointed as the other (non-large) city representative.
5. The term of an appointment is four years except when the appointment fills a position vacated prior to expiration of its term (see below).
6. When a position is vacated prior to expiration of its four-year term, the term for the replacement subsequently appointed is the remainder of the unfinished four-year term.
7. The four-year term of each appointment begins January 1 and ends December 31, coinciding with the four-year term of office for the elected official appointed.

This guidance is based on an adherence to the guidance of Washington courts that “[a]ll provisions of a statute must be read in harmony...” and on the following conclusions in support of the corresponding elements above:

1. Under RCW 70A.15.2000(2)(a) the board shall be comprised of **two appointees of the city selection committee, at least one of whom shall represent the city having the most population in the county**, and two representatives to be designated by the board of county commissioners.

The special provisions in RCW 70A.15.2000(2) items (b), (c) and (d) concerning cities with the most population that make reference to their representatives being “designated by the mayor and city council of such city...” have occasionally been misapplied to subsection (a) which contains no such provision. The YRCAA, as an air pollution control authority in a single county with a population less than four hundred thousand is subject to RCW 70A.15.2000(2) item (a) that stipulates *both* city representatives be appointed by the city selection committee.

The city selection committee has historically appointed a “small cities representative”, but language regarding a “small cities representative” does *not* exist in the statute. While the current tradition can be considered good practice, the only requirement is that “at least one” appointee represents the city with the greatest population and the city selection committee may fill *both* of its two appointments with persons representing that city if it so chooses.

2. Under RCW 70A.15.2010 the membership of the city selection committee shall **consist of the mayor of each incorporated city and town within such county.**

However, it adds, “except that the *mayors* of the *cities*, with the most population in a county, *having already designated appointees to the board* of an air pollution control authority comprised of a single county shall not be members of the committee” [emphasis supplied] and this (along with some inartful language noted below) has caused confusion. At first blush the above language appears to exclude the mayor of the largest city, but a hint the exception does not apply can be found in the plural language “mayors of the cities”. First, “an authority comprised of one county, with a population of less than four hundred thousand people” is subject to RCW 70A.15.2000(2)(a) that stipulates a representative for only *one* large city (singular).

Second, RCW 70A.15.2000(2)(b) stipulates “the board shall be comprised of three appointees of cities, one each from the two cities with the most population in the county and one appointee of the city selection committee....” Though it does not address the matter directly, the use of the city selection committee for the third appointee suggests the first two appointees are selected by another body and it can be reasonably implied this is the same as that found in the provisions of subsections (c) and (d) that immediately follow and direct appointments representing the two largest cities “be designated by the mayor and city council of such city....” Based on this, in the case of RCW 70A.15.2000(2)(b), it appears logical the mayors of the cities with the largest population would have already designated appointees to the board before the city selection committee was convened and this aligns with the language of the exception.

However, RCW 70A.15.2000(2)(b) applies only to “an authority comprised of one county, *with a population of equal to or greater than four hundred thousand people...*” [emphasis supplied]. With a county population of less than 270,000, the YRCAA is *not* subject to RCW 70A.15.2000(2)(b) or the exclusion regarding mayors of the largest cities in the county described in RCW 70A.15.2010 (see above).

Finally, the Washington Office of Financial Management (OFM) reports the incorporated cities and towns in Yakima County as: Grandview, Granger, Harrah, Mabton, Moxee, Naches, Selah, Sunnyside, Tieton, Toppenish, Union Gap, Wapato, Yakima, and Zillah (ofm.wa.gov/sites/default/files/public/dataresearch/pop/april1/ofm_april1_population_final.pdf).

3. Because RCW 70A.15.2000(2)(a) simply states, in part, “the board shall be comprised of two appointees of the city selection committee....” and the city selection committee is comprised of persons not affiliated with the largest city, a strict reading would allow the city selection committee to appoint a resident of Ellensburg to represent the City of Yakima (a problem that does not arise with the other appointed positions where the body being represented is, itself, appointing the representative). It seems unlikely such an outcome would have been the intent of the legislature and this interpretation would run counter to the guidance of Washington courts that one should “construe statutes to avoid absurd results.” Thus, we look beyond this single provision at the broader context for help.

A hint concerns the fifth (tie-breaker) appointment under RCW 70A.15.2000(3) which states, “[the] additional member...shall be: (b) In the case of an authority comprised of one county, with a population less than four hundred thousand people...**either a member of the governing body of one of the towns, cities or counties comprising the authority, or a private citizen residing in the authority**” [emphasis supplied].

If the appointees of the city selection committee can be “either a member of the governing body of one of the towns, cities or counties...or a private citizen residing in the authority”, it would be unnecessary to restate it and could be assumed as would have been the case in RCW 70A.15.2000(2). The presence of this language in RCW 70A.15.2000(3)(b) strongly suggests there is something unique concerning this appointee that is distinct from the others and this interpretation avoids falling afoul of the Washington courts guidance that “[a]ll provisions of a statute...must be construed such that no portion is rendered meaningless or superfluous.”

Considering the above where the qualifications for an appointee by the city selection committee and an appointee of the board itself are different, there are three possible alternatives:

- a. Appointees of the city selection committee are something *other than* “a member of the governing body of one of the towns, cities or counties...or a private citizen residing in the authority” (i.e. the qualifications in RCW 70A.15.2000(3)(b) are entirely different from those for the city representative and, thus, must be enumerated).
- b. Appointees of the city selection committee are “a member of the governing body of one of the towns, cities or counties” but *cannot* be “a private citizen residing in the authority” (i.e. the qualifications in RCW 70A.15.2000(3)(b) mimic those for the city representative with the addition of “a private citizen residing in the authority”).
- c. Appointees of the city selection committee are “a private citizen residing in the authority” but *cannot* be “a member of the governing body of one of the towns, cities or counties” (i.e. the qualifications in RCW 70A.15.2000(3)(b) mimic those for the city representative with the addition of “a member of the governing body of one of the towns, cities, or counties”).

Alternatives “a” and “c” would prevent “a member of the governing body of one of the towns, cities or counties” from serving as a representative of the towns and cities and would seem to constitute the very definition of the “absurd results” to be avoided under the guidance of the Washington courts.

4. See 3 above.
5. Under RCW 70A.15.2000(4) the **terms of office of board members shall be four years**. See item 6 (below) regarding partial terms.

6. Under RCW 70A.15.2000(5) the **person appointed as a replacement will serve the remainder of the term....** This allows for a fixed schedule for city representative appointments that coincide with the member's term for their elected office. See item 7 (below).
7. No statutory language exists in support of this statement, but it is a logical conclusion in conjunction with items 3, 4, and 5 (above). RCW 35A.12.040 states, "The mayor and the councilmembers shall be elected for four-year terms of office..." and RCW 29A.60.280(2) states "For elective offices of counties, cities, towns, and special purpose districts other than school districts...the term commences immediately after December 31st following the election."

If the term of an appointment does not coincide with that of the elected office, the provision in RCW 70A.15.2000(5) regarding partial terms would seem pointless (since there would otherwise be no reason a new appointee could not simply start with a full four-year term). That, in turn, would run counter to the guidance of Washington courts that "[a]ll provisions of a statute...must be construed such that no portion is rendered meaningless or superfluous."

Executive Memorandum

Date of Release: December 2, 2024
Date of Consideration: December 9, 2024
To: Honorable YRCAA Board of Directors and Alternates
From: Office of Engineering and Planning Division
Subject: December'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 December including some additional related information:

- One burn ban called for the month of December lasted for 3 days;
- Issued Two New Source Reviews (NSR) Orders of Approvals.
- Working on NSR permits;
- Reviewed/responded to 20 SEPA's projects;
- Issued 3 Dust Control Plans (DCP);
- Reviewed/approved 14 Notifications of Demolition and Renovation (NODR);
- Worked on the daily weather forecasts for the burn status and agricultural burn allocation;
- We expect no exceedance during the month of December as shown in the graphs below;
- Working on several permitting, compliance and technical assistance issues with industrial sources; and
- Collected and shipped for analysis approximately 15 Air Monitoring Samples and completed 6 Quality Control (QC) checks on 5 Air Monitors. Inspected 3 sources and investigated 9 complaints for the month of December. Issued two NOV's;

The following Table itemizes, by type, the number of complaints received and the number of NOV's issued, for the month December 2024:

Type of Complaint	Number of Complain	Number of NOV's*	Number of AOD's**
Residential Burning	6		
Agricultural Burning	1		
Other Burning and SFBD***			1
Fugitive / Construction Dust			
Agricultural Dust			
Agricultural Odor			
Other Dust			
Surface Coating	1		
Odor			
Asbestos			
Others and NSR****			
Registration			
Industrial Sources	1	2	
TOTALS	9	2	1

*NOV- Notice of Violation

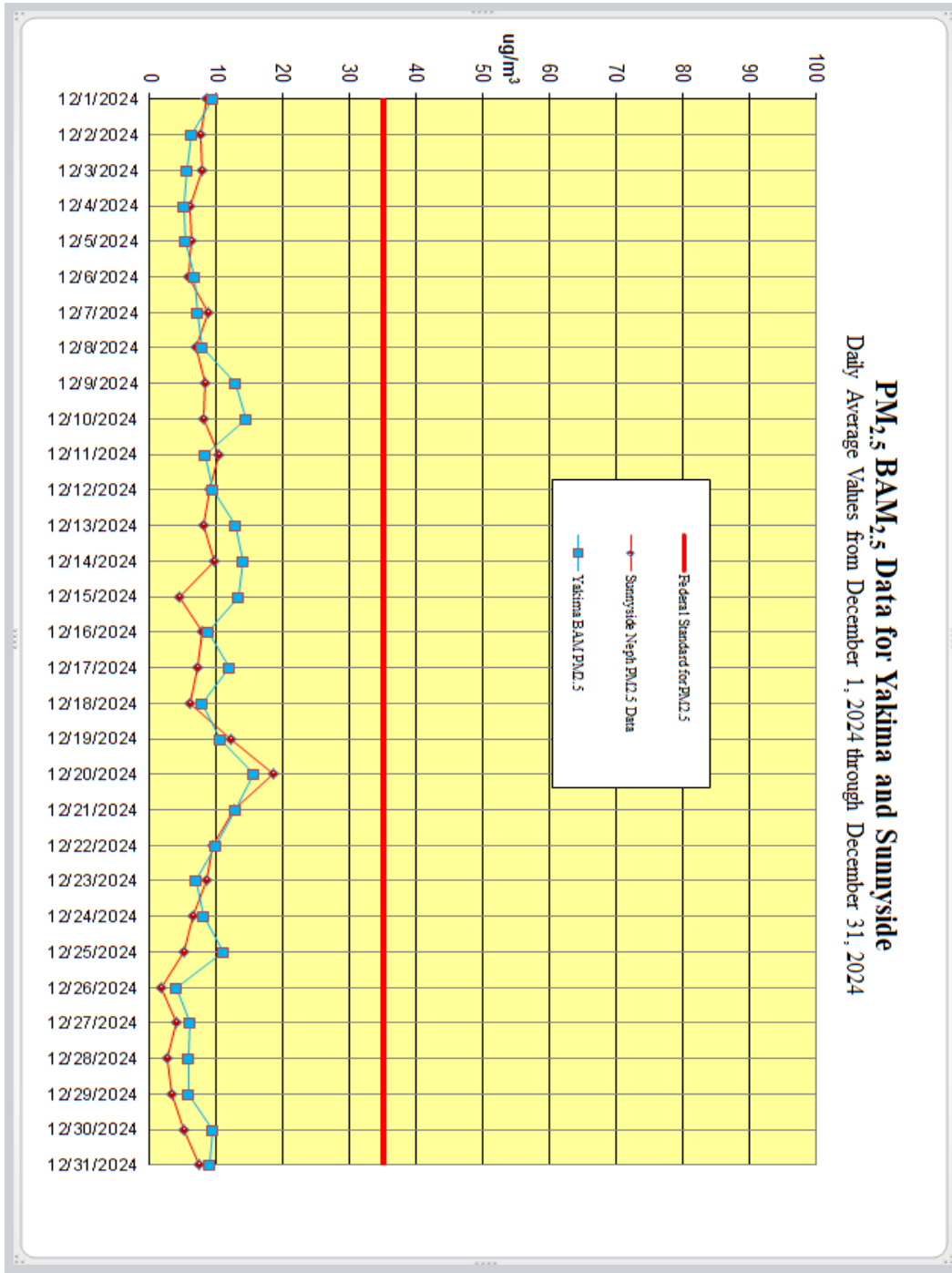
**AOD- Assurance of Discontinues

*** Solid Fuel Burning Device **** New Source Review

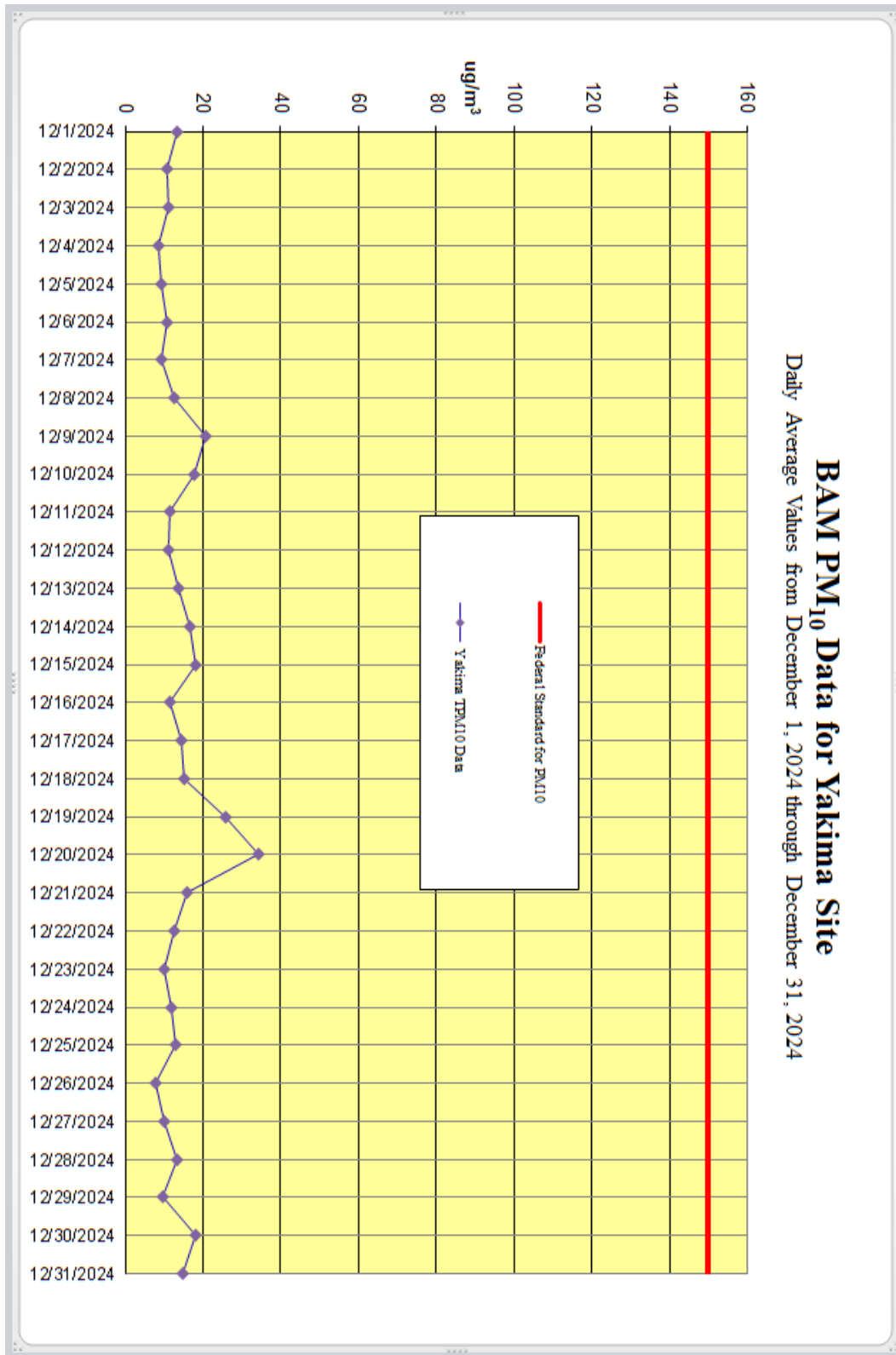
Attachments:

- ✓ *PM_{2.5} Monitor Data for the month of December 2024 and the annual graphs.*
- ✓ *PM₁₀ Monitor Data for the month of December 2024.*

- **PM_{2.5} Data**
 - We expect no PM_{2.5} exceedances for the month of December.

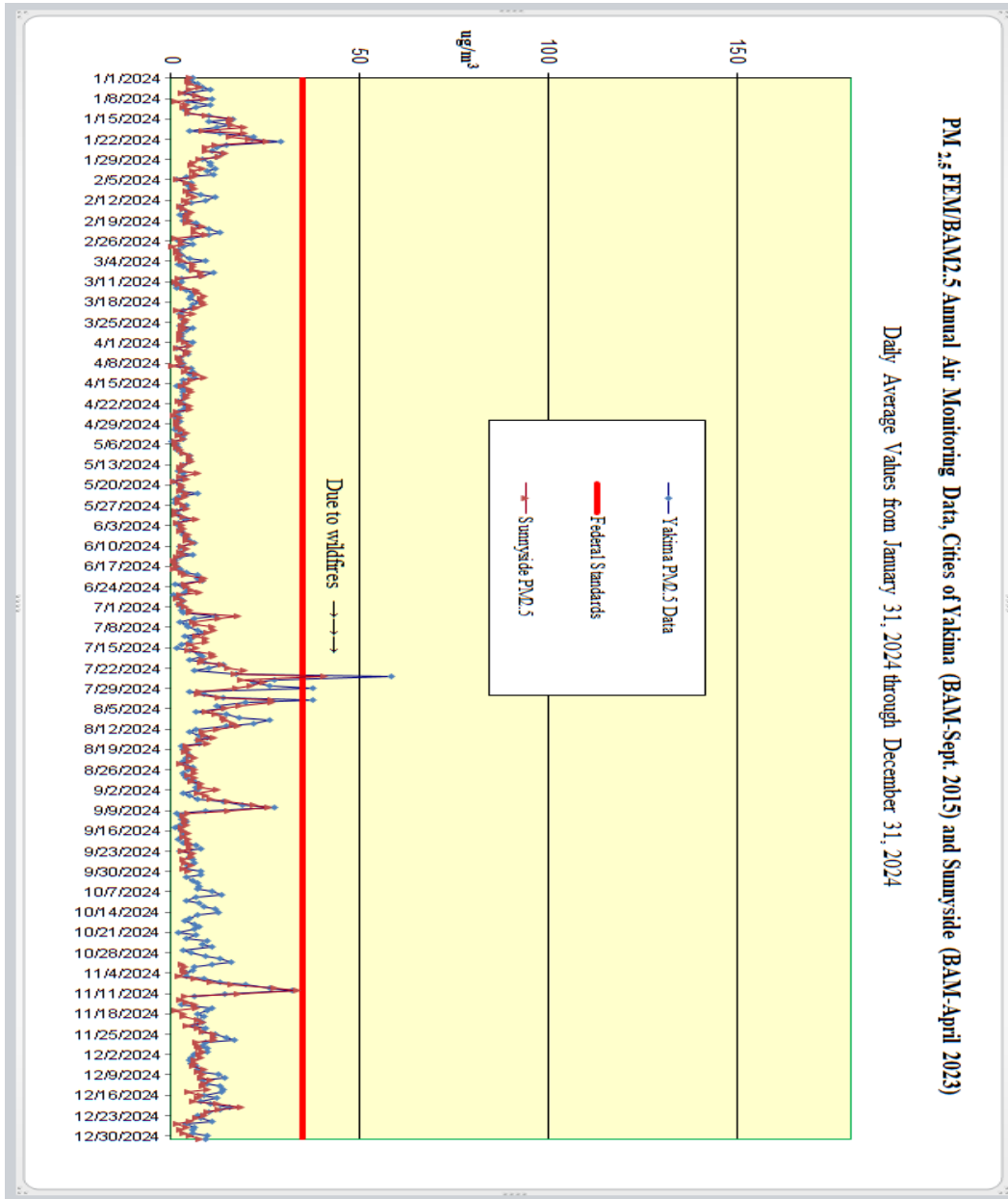


- **PM₁₀**
- We expect no PM₁₀ exceedance for the month of December.



- **Annual PM_{2.5} Data**

- Annual PM_{2.5} for Yakima and Sunnyside monitors for the specified periods.



Date of Release: January 5, 2024
Date of Consideration: January 9, 2024
To: Honorable YRCAA Board of Directors and Alternates
From: Office of the Executive Director
Subject: Monthly Activity Report

Activity	<i>Current Quarter</i>				FY25 Total to Date
	FY24 Total	Oct. FY25	Nov. FY25	Dec. FY25	
Minor Source Inspections	85	7	7	3	17
Complaints Received	189	11	10	9	30
NOVs Issued	35	0	7	2	9
AODs Issued	7		2	1	3
Warning Notices Issued	7		0	1	1
NOPs Issued	12	1	2	0	3
SEPA Reviews	263	23	21	20	64
AOP Applications Received	1	0	0	0	0
AOPs Issued or Renewed	2	0	0	0	0
Deviations/Upsets Reported	18	1	1	1	3
AOP Inspections	0	0	0	0	0
Public Workshops	2	0	0	0	0
Media Events	2	0	0	0	0
Media Contacts	3	0	0	0	0
Education Outreach Events	2	0	0	1	1
Sources Registered	240	0	0	0	0
NSR Applications Received	12	1	1	3	5
NSR Approvals Issued-Permanent	10	0	1	2	3
NODRs Received	117	14	5	5	24
Agricultural Burn Permits Issued	41	1	3	2	6
Conditional Use Permits Issued	7	1	0	0	1
Residential Burn Permits Issued	764	16	0	0	16
Burn Ban Days	16	0	1	3	4
Public Records Requests Fulfilled	21	3	8	0	11

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

AGENDA ITEM 6.2