

ENVIRONMENTAL HEARINGS OFFICE

Minutes of Meeting September 30, 2008 10:00 a.m.

The September 2008 meeting was called to order by Chair Kathy Mix in the Boards' office in Lacey, Washington. Present were Chair Kathy Mix, Board Members Bill Lynch and Andrea McNamara Doyle (by telephone), Administrative Appeal Judges Kay Brown, Phyllis Macleod and Cassandra Noble, Administrative Manager Robyn Bryant, Hearings Coordinator Debbie Joblonski and Administrative Secretary Janet Buechler. Minutes of the August 2008 meeting were read and approved as corrected.

Handouts were distributed for review which included the pollution, shoreline, forest practice, hydraulic, and environmental and land use appeals filed, a brief summary of all cases that have closed and the Case Statistics Report.

Appellate Update

Chair Kathy Mix reported that there was one Certificate of Appealability to the Court of Appeals issued in *Cornelius v. Ecology*, PCHB No. 06-099; an appeal to King County Superior Court of the S-4 Decision of the *Phase I Municipal Stormwater Case*, PCHB No. 07-021, et al; and an appeal to San Juan County Superior Court in *Friends of The San Juans v. San Juan County, et al*, SHB No. 08-005 during the previous month.

Financial Update

Robyn Bryant stated there was no official report yet for the current fiscal year. This agency finished FY 2008 with a \$5,689 surplus and as such was able to absorb the buyout for Judy Greear's annual and sick leave upon her retirement.

Kathy Mix reported that at the Small Agency Cabinet Meeting it was stated that the 2009-11 biennial budget would have a deficit of \$2.7 million. Given the current economic conditions of the country, that deficit has grown over two weeks to over \$3.1 million.

Kathy presented charts showing the dedication of general funds and all funds to various state government functions. As a small agency, EHO has been asked to be conservative and defer costs as much as possible.

Judge Cassandra Noble brought up the question of teleconferencing to save money. Robyn has followed up with Department of Information Services (DIS) and was informed there was nothing available to us now. Although there are capabilities at education facilities, they are not required to share with outside agencies. We do need to keep up with any changes coming through DIS.

Personnel/Human Resources Issues

Kathy presented a draft of the new Exchange Time/Compensatory Time policy for the Board's and Judge's review. This policy needs to be in place as soon as possible to comply with the Federal Fair Labor Standards Act. In addition, job descriptions need to be developed and/or updated. To facilitate adoption of the policy, all comments need to be to Robyn by Monday, October 6th.

Kathy also indicated she would like evaluations done by Department of Personnel Standards by the end of this year. It was proposed that the three judges and three board members develop respective objectives and competencies and performance expectations.

Managing Dissenting Opinions

Andrea brought up the issue of outside board members' possible uncertainty on how to proceed when they don't necessarily agree on all points and may wish to write a dissenting opinion.

The matter was discussed and it was generally agreed that the board needs to convey that there are different ways to find assistance and that the board is open to requests for help.

Best Practices

Kathy then asked for finalization of the Recusal Policy. An amendment was suggested to state that the presiding officer will also notify all parties at the time all staff and board members are notified of a recusal internally. The policy was adopted by the board as amended.

Printing and Paper Saving Options

The need to conserve paper and cut printing costs, which is to reduce paper consumption by 30% by September 1, 2009 over FY 2003 baseline data, was brought up by Kathy and Robyn. We have not yet met the state's goal for paper reduction. The state's print assessment had concluded that large jobs are printed more economically on the copier rather than the printer. It would also conserve paper to print draft decisions on two sides.

Debbie Joblonski will put together instructions for everyone on how to print double sided on both the printers and the copier. We will also try to print all pleadings being mailed out on two sides on a trial basis.

First Aid Training

The subject of First Aid Training was brought up by Robyn. Kathy recommended that we do CPR Training and/or CPR updates and forego First Aid Training for another time. Robyn will check into this further.

Style Sheet

Debbie has completed work on the Style Sheet and it has been sent to the Board Members involved for review. The group will meet to finalize and issue to everyone for comments.

Meeting adjourned.

Janet Buechler
Administrative Secretary