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news BY KERA ABRAHAM

Tough Calls for LRAPA

Board wrestles with board appointment
dispute, director search.

The Lane Regional Air Pollution Authority (LRAPA) board is now confronting two major decisions: the addition of a new Eugene board member and the appointment of a new executive director. Both issues are loaded with political nuance. According to Oregon Toxics Alliance Board President David Monk, the outcomes of these decisions will indicate whether the agency intends to serve the interests of large industrial polluters or steer back toward its core mission of protecting the public health.

Eugene's short shrift

The LRAPA board's composition is a sticky subject. In March 2003, Eugene city attorney Glenn Klein pointed out that an increase in Eugene's population merits an additional Eugene representative on the LRAPA board. At the time, at-large representative Carol Tannenbaum had just been appointed to a two-year term to give the board seven members — an odd number, as mandated by state law. Upon the completion of Tannenbaum's term in February 2005, Klein advised, the board should replace her position with a Eugene representative.

But in January 2005, a month before the end of Tannenbaum's term, the board re-appointed her rather than making space for a Eugene representative. At the April public meeting, Interim Director Jim Johnson informed the board that law mandated another Eugene member. Tannenbaum could resign to make space for the addition, Johnson said, but board chair Dave Ralston protested that option, saying that he did not want Eugene representatives to have a majority on the board. Instead, Ralston made a successful motion to add both a Eugene member and a second "at-large" representative, bringing the total number of board members to nine.

Some local citizens think that's unfair. A letter signed by 21 Lane County residents, including members of several neighborhood associations and two public interest attorneys, called on Eugene's city manager, mayor and councilors to press the LRAPA board to remain at seven members by asking Tannenbaum to resign and

replacing her position with a Eugene representative.

"We feel strongly that LRAPA's board is acting inappropriately — and almost certainly illegally — by retaining an 'at-large' rep-



David Monk

resentative and appointing a second one at the same time that a new Eugene representative is seated," the letter reads, citing Oregon statute 468A.120.

"It is not up to LRAPA's board to decide this — the statute is clear."

Johnson, however, says that the law is not clear on the subject. According to advising attorney Paul Nolte, the statute doesn't address what to do with an at-large position when it is no longer needed to make an odd number of board members. Yes, the board erred in re-appointing Tannenbaum, Johnson says, but other board members can't force her off now unless they re-consider the motion to appoint her. It's hard to know how to proceed because the dilemma has no precedent. "We're all making this up," Johnson says.

Director search

On May 3, the LRAPA board met in executive session to discuss candidates for the executive director position, vacant since the January dismissal of former director Brian Jennison (see "Up in the Air," *EW* cover story 4/28).

One of the candidates for director is Sharon Banks, current LRAPA finance/human resources/special project manager. Banks has been highly involved in recent turmoil at the agency that resulted in five layoffs in a three-month period. She had told *EW* twice that she would not apply for the vacant director position, but she changed her mind after the application deadline when she saw that many of the 12 applicants lacked the necessary experience for the job. "I decided at the last minute to apply for the position," she says. "I just got the idea that maybe I was qualified." Johnson accepted her late application along with one other.

EW

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