

GOVERNING BOARD MEETING
OREGON DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES
Friday, August 21, 2015
8:30 a.m.
Portland, OR

1) Call to Order: (Larry Givens, Board Chair)

Chair Larry Givens called the meeting to order at 8:30 a.m.

2) Introductions: (Larry Givens, Board Chair and staff)

Chair Givens, Vice Chair Lisa Phipps, and Board Members Dennis Luke and Laura Maffei were in attendance

DOGAMI Staff in attendance:

Ian Madin, Interim State Geologist

Traci Cooper, Interim Chief Financial Officer

Richard Riggs, Assistant Director, Mineral Land Regulation & Reclamation Program

Ali Ryan, Earth Science Information Officer

Alyssa Pratt, Office Specialist

Rudie Watzig, Staff representative

Others in attendance:

Lauri Aunan, Governor's Office (via phone)

John Terpening, Legislative Fiscal Office

Vicki Jorgensen, DAS, DOGAMI Human Resources (via phone)

Diane Lloyd, Assistant Attorney General (standing in for Larry Knudsen)

Adam Meyer, Oregon League of Conservation Voters (OLCV)

Cathleen Connolly, Department of Administrative Services Chief Financial Office

Laurie Grenya, DAS Central Evaluation Team member

Larry Tuttle

Holly Mercer

3) Approval of Minutes of July 24, 2015 Meeting: (Board) *Action Item*

Dennis Luke motioned to approve the minutes with a correction of adding context to content on line 142-148. Maffei seconded. All in favor: Givens, Maffei, Phipps and Luke. Motion carried.

The Board and staff discussed alternative options to capture the board minutes that included electronic minutes, hiring a transcriptionist, or continuing the current process. Luke stated that he preferred the paper minutes because it provided greater transparency and easy accessibility for the public. The Board directed staff to explore a transcription service and provide feedback about the cost.

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12 **4) Business Restructuring:** (Ian Madin, Interim Director; Traci Cooper, CFO)

13 a. **Progress on financial systems transitions:** *Update Item*

14 Cooper summarized progress made on the accounting and financial structures.
15 She stated that the MLRR's new financial structure was successful which allowed them
16 to transition to electronic timesheets. She indicated that the development of the new
17 GS&S financial structure is more complex for the Geologic Services and Survey due to
18 the variety and variability of the projects. Cooper also discussed a deeper analysis of
19 coding for all fund types, including LIDAR. Cooper believes that the agency's financial
20 status may be due largely to cash flow issues and key personnel turnover, but she needs
21 to complete more analysis. She also indicated she is working on a new indirect rate
22 proposal. Phipps stated that if the indirect rate is too high, the agency would no longer
23 be competitive for proposals.

24
25 Cooper also explained that accounts payable, accounts receivable, and payroll have
26 been transferred to Department of Administrative Services (DAS). Phipps inquired
27 about the cost of DAS services. Cooper explained that DOGAMI negotiated a flat rate
28 for 2015-17 biennium, DAS is planning to draft a price list for shared services. Givens
29 expressed concern about cost overruns and managing the projects. He recommended
30 that the director and assistant director work with project managers to manage the
31 costs. Mercer indicated that a key component of project management is to make sure
32 that an early analysis reviews whether the project is cost effective and within the agency
33 mission. Phipps stated that many grant-funded agencies face similar challenges. Givens
34 emphasized the importance of setting priorities.

35
36 Madin updated the board on the store closure and library digitization project. The store
37 has been successfully closed and stock will be distributed to local agencies, schools, and
38 surplus. The library project has been staffed and is progressing. Madin has contacted
39 other agencies to potentially sublet vacant space to reduce lease costs for the agency.

40
41 Madin informed the Board that the Agency is in the process of signing three FEMA
42 proposals. These proposals are flood mapping, innovative wind hazard mapping, and
43 lidar mapping in Umatilla County. DOGAMI has submitted a joint proposal with DLCD on
44 a NOAA coastal resilience project that will include detailed tsunami modeling and
45 mapping that will be used by local communities for land use planning and community
46 safety. A letter announcing this joint proposal will be sent to the Coastal Caucus in time
47 for their next meeting this month. The Agency is also looking to do a comprehensive
48 landslide study in the Eugene area and is in negotiations with the Regional Disaster
49 Preparedness Organization to perform a detailed earthquake loss assessment of the
50 entire Portland metro area.

51
52 **5) SB 379 Line revision:** (Ian Madin, Interim Director; Ali Ryan, DOGAMI PIO)

53 a. **Public input plan for adoption of a new tsunami regulatory line:**
54 *Update Item, possible action item*

Ryan provided a Public Involvement Plan and a cost estimate for public and stakeholder outreach, which would begin in March 2016. Ryan indicated that approximately 10,000 properties are in the area between the existing tsunami regulatory line and the proposed new line. Luke inquired if any federal building would be involved. Ryan said she would need to research his question. Ryan reviewed the Public Involvement Plan and discussed with the Board the level of detail and strategies that the Agency would perform to inform the public and stakeholders, and gather input which will be considered in rulemaking. The Board asked Ryan to factor possible contingencies into the cost estimate. Phipps recommended that this project be brought to the Coastal Caucus to give them a heads up since very few people know a change is being considered. Luke also inquired about a legal opinion regarding the impact of moving the inundation line. The Board would like the summer 2016 meeting location to be along the coast.

Lisa Phipps motioned to direct staff to use the material presented to perform outreach for the SB 379 Tsunami Line revision. Luke seconded. All in favor: Luke, Phipps, Givens, Maffei. Motion carried.

Madin pointed out that this motion just obligated \$30,000 to \$40,000 of the Agency's General Fund for these essential tasks. Phipps recommended that the cost association with this item be brought to the Coastal Caucus.

Agenda Change for Public Comment: Givens adjusted the agenda to accommodate public comment from Larry Tuttle. Tuttle discussed Calico and the fact that they had filed a plan of operations with Bureau of Land Management.

7) Regulatory Issues: (Richard Riggs, Assistant Director, Mineral Land Regulation & Reclamation Program, Larry Knudsen, Assistant Attorney General)

a. **Review draft rules and fiscal impact statement (FIS) related to HB 3563 (see attached documents). Board approval to commence rule making that is substantially in the form of the documents reviewed by the Board: *Action Item***

HB 3563 addresses operations that were once considered total exempt. It will issue exclusion certificates for those who are below specified thresholds, but will require sites to register with MLRR. A new fee structure will be implemented; one for first-time registration and then an annual renewal fee. Having small sites register with MLRR will help with regulating mining.

Riggs explained that when the bill was originally proposed that MLRR was aware of 195 sites that would be required to register. Something that was not anticipated was DEQ's placer mine permits. The DEQ permits are free and good for 10 years; no location information about the mining site is required when submitting. Currently there are approximately 1500 placer mine sites that would fall within the exclusion certificate requirements. At this time DEQ does not know how many are still active and it is unknown how many will actually register. This will lead to unexpected revenue.

98 Luke had a question about county landfills and who regulated them. Riggs confirmed
99 that they are under County Exempt rules and are regulated by DEQ. Luke commented
100 that he did not understand why mining sites under the threshold were not required to
101 have a reclamation plan. Riggs stated that this is a question for the Legislature since it is
102 a legislative policy issue.

103 Riggs asked the Board for permission to conduct rulemaking for HB 3563.

104 **Luke motioned to authorize the agency in under taking rulemaking in cooperation**
105 **with the Department of Justice, to revise rules and present back to the Board for final**
106 **adoption and approval. Maffei Seconded. All in favor: Maffei, Luke, Givens, Phipps.**
107 **Motion carried.**

108 Riggs anticipates the revision to be completed before January 2016.

- 109
110 b. **Board approval to form Rules Advisory Committee to draft rules**
111 **and FIS for rulemaking as required by HB 2202 (2013 session),**
112 **related to aggregate mining operations on high value farmland.**
113 **Enrolled version HB 2202 is attached: *Action Item***

114 There was an attempt in rulemaking last year which was not successful. No rulemaking
115 has been undertaken. Larry Knudsen, Assistant Attorney General, has advised that a
116 Rules Advisory Committee (RAC) is necessary. The Oregon Concrete & Aggregate
117 Producers Association (OCAPA) and the Farm Bureau will have representation on this
118 committee. Riggs would like at least 5 members. Lloyd clarified that agency staff can be
119 on the committee. Phipps recommended representation from Conservation, Fish and
120 Wildlife, someone who understands flood plan management and an individual from a
121 County level. Riggs asked the Board to authorize the formation of the Rule Advisory
122 Committee for HB 2202. Agency staff will then proceed forward with selecting the
123 committee members. That committee will draft rules and FIS, proceed with the
124 rulemaking process and bring to the Board for review and approval.

125 **Lisa Phipps motioned to give authorization to the department on moving forward with**
126 **the formation of a Roles Advisory Committee (RAC) and to initiate rulemaking. Rules**
127 **will be presented for review and approval, and potentially adopted at a future board**
128 **meeting. Luke seconded. All in favor: Phipps, Givens, Maffei and Luke. Motion**
129 **carried.**

130 The board request to see drafts as they are produced to provide input during this
131 process.

- 132
133 c. **Update on Calico Resources permitting: *Update Item***

134 Riggs stated that a public hearing has been scheduled on the revised plan of operations.
135 Riggs commented that the last public meeting in Bend, OR had no public participation.
136 He indicated that Calico will need to go through the BLM permitting process since they
137 are planning on moving their mill onto BLM land adjacent to the patented lands. Phipps
138 mentioned ground water and wild fire hazard concerns. With this year's fire season
139 being bad, the Board expressed concern for any hazards and would like to see
140 mitigation wording specific for wild fire in the permit. Staff stated that there will be
141 language in the permit once that stage of permitting process is reached.

142
143 **8) Recruitment:** (Board; Lauri Aunan, Governor's Office; Vicki Jorgensen, DOGAMI
144 Human Resources; Enrique Sama, DAS Executive Recruitment; Ian Madin,
145 Interim Director)

146 a. **State Geologist Recruitment:** *Update item, possible action item*
147 Prior to the discussion commencing about recruitment, Madin inquired if the Board
148 would like him to leave the room. Phipps indicated that it was a public meeting and it
149 was his choice. Madin decided to continue to attend the meeting.

150
151 Lloyd reiterated previous guidance regarding whether the State Geologist had to be
152 registered.

153
154 The board was updated on the recruitment process and the number of web hits and
155 submitted applications. Luke referenced an email that Sama had sent to agency staff
156 regarding recruitment. **Dennis Luke motioned to add the email Sama has sent**
157 **DOGAMI Staff to the minutes. All in favor. Motioned carried.** Madin pointed out that
158 the position description was not downloadable. Jorgensen stated that it was not a fatal
159 flaw to the recruitment because applicants could call DAS Human Resources if they had
160 concerns.

161
162 Givens asked Aunan to comment on involvement of the Governor's office in the
163 recruitment process. Aunan stated that by statute, the board hires the state geologist in
164 consultation with the Governor's office. Givens asked Jorgensen about the Central
165 Evaluation Team (CET) review of the agency head position. Jorgensen indicated that the
166 CET review is a routine part of the process and would not affect the recruitment.

167
168 Phipps commented on communication and process. At this time there seems to be
169 some lack of communication with the all those involved in the recruitment process, this
170 needs to be improved. The Board request DAS recruitment to communicate with
171 Cooper when discussing recruitment.

172
173 The Board would like Sama to clarify if all applications will be available to the entire
174 Board, rather than just available to Board members on the screening panel. Luke stated
175 that his intent was to contact the State if he disagreed with rejection of an applicant
176 that he believed to be qualified. Lloyd clarified that it is the function of the Board to
177 receive any comments and that Luke can contact the Chair about any future concerns.

178
179 The board discussed the participants on the screening panel. Givens recommended that
180 the Chair and Vice Chair be on the screening panel. Maffei and Luke agreed. Jorgensen
181 indicated that she would talk with Sama regarding the entire board seeing all
182 applications and get back to the board.

183 Aunan suggested that there should be clarity around the process and roles and
184 responsibilities. Phipps stated that she would recommend that there be a staff
185 participant on the screening panel. Luke stated he disagreed because ultimately the

staff reports to the director. Madin stated that there is history of having a staff member on the panel when hiring managers. Maffei stated she does not have a problem with a staff member being on the screening panel.

Lisa Phipps motioned that the Screening Advisory Panel, who would hold the first round of interviews, be comprised of 2 board members, which will be the Chair and Vice Chair; member of the AG's office; a member of the Governor's office; at least one person from DAS; one staff member; and another Agency head or designee.
Laura Maffei seconded. Further discussion: None. All those in favor 3 : Phipps, Givens, Maffei. Those oppose: 1; Luke. Motion carried.

Staff involvement on the screening panel was discussed. Sama will work with Cooper to instruct staff about roles and responsibilities during this process. Luke's concern was confidentiality.

b. Additional staffing changes: *Update Item*

Madin updated the Board on additional recruitment business. The Assistant Director for GS&S position has been filled with Holly Mercer's appointment. The Grants Coordinator position is in process. The Fiscal Analyst 1 position and MLRR Office Manager position are waiting for preliminary fiscal analysis before hiring
Additional Agency vacancies that need to be filled, but are lower priority, include Technical support specialist, Geologist 2, NRS4, GIS TECH, operations manager. The Agency currently does not have enough staff to complete the work that the Agency has contracted to do. Madin hopes to have a draft financial projection for the next 6 months to a year by early next month, to start working on recruitments.

Luke provided a reminder to staff to bcc the Board when emailing so there is not a quorum issue.

9) Additional Public Comment: (three minutes limit per person unless otherwise specified at the meeting by the Chair)
No public comment.

10) Set time and place of next meeting

When the revised timeline is sent to the Board, they will schedule the next Board meeting.

Screening Panel members will be meeting September 21st.

11) Adjourn

Chair Givens adjourned the meeting at 12:32 p.m.

Action items:

1. Staff to research if any government owned buildings will be affected by the SB 379 line revision.
2. Ryan will update the cost estimate for the SB 379 public involvement to plan for potential unknown contingencies.

- 230 3. Have staff communicate with the Coastal Caucus about the SB 379 Tsunami line
231 revision.
232 4. Legal opinion regarding the impact of moving the inundation line.
233 5. Board requested to receive the revised recruitment timeline.
234 6. Clarification if the entire Board will receive all applications for the Director
235 recruitment.

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239 APPROVED:

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242 _____
243 Larry Givens, Chair
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Addendum - regarding DOGAMI Board meeting minutes dated August 21, 2015.

Although the board voted to add the attached email to the minutes, it appears that a second was not made to the board's motion. We have attached this email based on the board's vote, even though there was no second to the motion.

Holly Mercer
Assistant Director
December 21, 2015

From: [SAMA Enrique * DAS](#)
To: [PRATT Alyssa](#); [JORGENSEN Vicki * DAS](#); [AUNAN Lauri * GOV](#)
Subject: Recruiting Update for Monday , August 17, 2015
Date: Monday, August 17, 2015 3:29:57 PM

Allyssa:

Since an update was requested for this week's Board , I've included some brief notes on the recruitment so far. Typically I'm more prepared to brief a Board after the job is closed and we are in the screening phase of the recruitment.

As of this morning (August 17, 2015) we have had 1364 views/hits on our job posting and 14 applications. The job is still open , until August 28th.

It's still early to predict the outcome, in terms of number of applicants, but usually this great difference between the number of views/hits and the number of applications means we may need to extend the posting.

I have not started interviews because I'm waiting for more qualified candidates to apply, at this point out of 14 applications I have three I'd like to interview, but they do not necessarily match/exceed the preferred attributes we are seeking, But it is not unusual for candidates at this level to wait until the last days to apply , so I'm hopeful the quality of applicants will improve.

In terms of review by the screening panel, I would like to have at least 7-8 fully qualified candidates before I engage the time of the screening panel. So far no current state of Oregon employee has applied.

I will send in another update after the job closes on August 28th.
Thank you.

Enrique