

**GOVERNING BOARD MEETING MINUTES
OREGON DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES**

Tuesday, September 9, 2019

8:30 a.m.

Portland, Oregon

1) Call to Order:

Chair Maffei called the meeting to order at 8:42 a.m.

2) Executive Session: – Annual Director Review

Chair Maffei announced the start of the Executive Session for the Director’s Annual Review.

3) Return to Public Session:

Chair Maffei reconvened the regular public session at 10:40 a.m. following the Director’s evaluation.

4) Introductions:

Chair Laura Maffei, Vice-Chair Katie Jeremiah, and Board Members Diane Teeman, Linda Kozlowski, and Scott Ashford (via phone) were in attendance.

Department of Geology and Mineral Industries (DOGAMI) Staff in attendance:

Brad Avy, Director/State Geologist

Lori Calarruda, Recording Secretary/Executive Assistant

Dania Ballard, Chief Financial Officer (CFO)

Bob Houston, Interim Legislative Coordinator

Sarah Lewis, MLRR Program Manager

Vaughn Balzer, Floodplain Mining Reclamationist

Christina Appleby, Acting GIS & Remote Sensing Supervisor

Bill Burns, Acting Earth Science Supervisor

Laura Gabel, Natural Hazards Supervisor

Jack Kenny, Operations and Policy Analyst

Others in attendance:

Sherry Carter, DAS Human Resources (HR)

Diane Lloyd, Department of Justice (DOJ)

John Terpening, Legislative Fiscal Office (LFO)

Alison Webb, DAS Office of the Chief Financial Officer

John McKesson, Public – Emeritus of Clatsop Soil & Water

1 5) Annual Director’s Evaluation:

2 Chair Maffei stated the Board conducted the Annual Director’s Evaluation/Review. An Anonymous
3 survey was sent out for feedback and the Board reviewed those results with Director Avy. Maffei
4 said Director Avy has strong support from the Board. They appreciate what he has done in the last
5 year and a half, but there are areas that can be improved.

Chair Maffei said based on input from staff, communication within the Agency can be better. It is good with the management but not to the staff. The Board wants the staff to feel included. Director Avy will send out frequent/regular updates. This also includes/involves the satellite offices and ensuring they feel included in the Director's decisions and guidance.

The Board expects the Director to develop an internal communication plan on how things will be communicated.

The Board believes it is critical that Director Avy hire someone permanently for the GS&S Program Manager position. Not having someone in that position hinders his ability to lead the Agency effectively and efficiently. It is expected that the Agency will have a recruitment started by the next Board meeting in December based on funding availability.

Chair Maffei entertained a motion to adopt the Board's Annual Director's Review/Evaluation as discussed in Executive Session.

Board Action: **Kozlowski moved to accept the Annual Director's Review/Evaluation. Jeremiah seconded. Motion carried.**

6) Review Minutes of July 9, 2019 and August 1, 2019:

Chair Maffei asked if there were any changes to the minutes as presented. No changes.

Board Action: **Kozlowski moved to approve the minutes of July 9, 2019 as submitted. Jeremiah seconded. Motion carried.**

Board Action: **Jeremiah moved to approve the minutes of August 1, 2019 as submitted. Kozlowski seconded. Teeman abstained. Motion carried.**

7) Financial Report:

Dania Ballard, Chief Financial Officer, presented the budget status report as of June 30, 2019.

Ballard discussed the Board Governance and Expectations of the Board in terms of the requirements for reviewing key financial information and making decisions, which are connected to the Key Performance Measures (KPMs). This meeting's focus is on appropriately accounting for resources and ensuring the Agency is following rules and other financial controls that are in place.

Ballard stated the fiscal year ended on June 30, 2019. There is a serious cleanup of the financials taking place; the Agency is still trying to get payables done because they could not be paid until the additional budget was approved and had the money available. The FY19 financial report in the Board Packet is not the absolute numbers as it still includes estimates, and due to audit requirements, they will not be finalized until December.

Ballard said July 2019 has closed but the financials have not been completed due to the workload for year-end close. She expects to have the most current FY20 financial information at the next Board meeting in December. The Agency also anticipates having more staff in the Business Office at that time.

The financial reporting for the GS&S program, as of June 30, 2019, shows an ending balance of \$184,000 which is not a correct statement because it still being cleaned up and should be zeroed out. This money is part of the additional \$650,000 request.

MLRR is expected to have an ending balance of \$589,000 for the June 30, 2019 close. This amount could still be adjusted because it includes the expected revenue from Calico that has not yet been received.

Ballard said the Strong Motion Instrument Fund is expecting an ending balance of \$274,276, with expenditures of about \$375,000 that had been paid out and used primarily by the University of Oregon for Shake Alert. Ballard briefly explained how the money is collected and spent. She stated every time a building is constructed, it is required to have a strong motion instrument installed in it, but the builders do have the option of getting estimates for that cost and then submitting the amount to the fund, which the money is then used to place instruments in other buildings to collect data. Houston added that the sites, if not located in a particular building, are based off where gaps in the collecting array are throughout the State.

Ballard stated the Reclamation Guarantee Fund has 58 cash securities for a total balance of \$628,942. Lewis explained that the cash securities on hand are for reclamation purposes of sites. During the permitting process for all mining sites, including oil, gas and geothermal wells, a bond or security is required to be submitted with the permit. Most are done as securities held through banks but MLRR does accept cash securities for sites, this fund and amount represents what is on hand; this means 58 sites out of 900 permits have cash securities.

Ballard said the Financial Report has more details and typically she would go through each category and discuss the variance items, but since it is year-end close, there is still clean-up being completed. Kozlowski said she appreciated how Ballard presented the information.

Ballard discussed what has been happening with the Agency and what will be done going forward. She said the Business Office is trying to get out from under a heavy rock and move forward. All the outstanding grant financial reporting is up-to-date and current thanks to Jack Kenny. What it does not mean, there are still grants reflecting being overspent. There is still cleanup of moving the overspent money into General Fund. Kozlowski asked if the practice of moving overspent money into General Fund will continue. Ballard said the goal is to not overspend in the future.

Ballard handed out a list of the current overspent grants totaling \$375,136.39. She said in her narrative that it is \$405,183 but that was incorrect because there were some grants that should not have been on the list. There are two new grants that are in overspent status; they are multiple years. For the 2014 CTP grant, it was decided to move forward with minimal work to complete it. They are still determining what happened with the DAS GEO grant(s).

The Agency is trying to get an overall perspective of open grants for all the grants in overbudget status. Some grants are still showing as active but may actually be completed as far as work being done; that is being cleaned up. Kozlowski asked what the status is on the overspent budgets. Ballard answered these grants were the ones overspent and the \$650,000 request was to close them out with no work is being done. Kenny explained these grants were charged to Federal Funds and the \$650,000 is to clean up the negative amount. There are some grants that have already had General

Fund charged to them. Some of the grants had Other Funds used to cover them, which then reduced the Other Funds cash balance. These grants will not be seen in the future once they are closed properly. Kozlowski asked what the controls are internally to make sure this does not happen again. Ballard said they will be getting tools to catch it ahead of time.

Ballard stated the recruitments for the Grant Accountant, an Accountant 3 level, and the Contract and Procurement Specialist 2 positions, went live on September 3rd and will close on September 24th. The Fiscal Analyst 3 position is a rotation position because Alyssa Pratt is currently on a rotation in another agency, so it will need to be done differently.

Ballard discussed the tools they are building that will help the team build the capacity required to work with project managers to help them stay on budget. Kozlowski asked when a budget is done for a grant, does it anticipate when funds are going to be expended. Ballard answered not at this time, but explained they are building tools that will address that question by looking at projections on a monthly basis, also regular draws need to be done consistently to support the spending being done.

Ballard said they have created a grant application budget allocation tool to anticipate all the costs that could be related to a project. The Agency never really took leave into consideration on projects, but it is in place now.

Ballard said she left the key word projections out of the grant budget monitoring tool description. It is a tool, with the help of DAS, that looks at each grant on a monthly basis. It identifies all of the labor hours related to the project on a monthly basis going forward as projections, the other expenses, and will also track backwards what happened to reallocate as necessary, but it is still in process. They will know what monthly expenses there are on a monthly basis, project what revenue should be on a monthly basis, and use as a staff placement tool because it will track each person. This will also help them determine what type of expertise is needed for projects. Kozlowski asked if the type of staff will help determine the types of grants they go after or do not go after. Ballard answered potentially yes and that it will help guide the Agency's business decisions on what kind of work to go after based on staff's skills and availability.

The grant financial reporting is helping them understand what is needed for the project managers. This tool lays out all the financial aspects of the grants. It will help the grant accountant to determine the indirect expenses and the direct expenses for project managers. They are getting into the gritty details of expenses and the changes are helping them get there.

The team is creating a general fund allocation grant funding mix report. This will help the leadership team make decisions on grants, including match requirements.

Kozlowski said good work and the narrative really helps them focus on what the Board should be looking at. Maffei asked what is the projection of when all the reporting tools will be done. Ballard answered the grant application tool is done and being used, but she also expects the tools to evolve as needs change. By next meeting they should have most of them done.

Director Avy asked Ballard to speak to the day-to-day and being overwhelmed. Ballard said she is overwhelmed on the day-to-day and they only have one year to demonstrate they can make year two work. They are making it happen and it is doable. There is still such a heavy workload on trying to get year end completed. June 30th is still a priority over July 30th. Maffei asked how many hours

Kenny works per week. He replied 25-30 hours per week. Ballard said Opal Bontrager at DAS, has been a big part of getting things caught up. Capacity is an issue at this point. Kozlowski told them to hang on.

Jeremiah asked to clarify the Board members are only accepting the report and not the budget. Maffei said yes, only the report.

Board Action: **Jeremiah moved to accept the Budget Status Report as presented. Kozlowski seconded. Motion carried.**

8) Key Performance Measures (KPMs) Annual Data Report:

Bob Houston, Interim Legislative Coordinator, reviewed completed Key Performance Measures (KPMs) 1) Hazard and Risk Assessment Completion, 2) Detailed Geologic Map Completion, 5) Customer Services, and 6) Governance. KPMs 3 and 4 were presented and approved at the last Board meeting. The Key Performance Measures (KPMs) show how the Agency has performed and will be submitted by DOGAMI.

KPM 1 – Hazards and Risk Assessment Completion:

Hazard and risk assessments for Urban Growth Boundaries (UGBs) to map earthquake, landslide, tsunami, coastal erosion, volcanic or flooding hazards had a 42% baseline. The goal for the future is to complete 100% in the next ten (10) years.

Houston stated the actual percentage completed for 2019 is 45.79%, which is 97% of the target of 47% coverage.

Maffei asked how the Agency can get the 1.21% to make the 100%. Houston explained through grants that overlap those areas. Maffei asked if part of the KPM is out of the Agency's control. Houston answered yes.

Houston said they are projecting to increase the target goal 5% every year.

KPM 2 – Detailed Geologic Map Completion:

Percentage of Oregon where geologic data in the form of high resolution maps have been completed to be used for local problem solving.

Geologic mapping is dependent on local, state and federal resources for funding the projects. The lavender areas are the ones that have been completed. Based on data collected in 2019, 62.6% of Oregon's nominal inhabited areas have been completed, which represents 99% of the target goal of 63% completed for 2019.

KPM 5 – Customer Service:

Percentage of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise, and availability of information.

Houston said there are two different customer surveys – overall DOGAMI and MLRR specific. During fiscal year 2019, DOGAMI received 198 customer responses, which is a significant increase over last year, in which the Agency received 13 surveys. Kozlowski asked how many of the surveys handed out does the Agency receive back. Houston said he did not know at this time.

The target goal of the KPM is 95% of responses as good or excellent for each category. From the results, the Agency made significant improvements across all categories.

Helpfulness: 92%, which 97% of the target goal

Overall: 91%, which 95% of the target goal

Accuracy: 93%, which 98% of the target goal

Expertise: 95%, which 100% of the target goal

Availability of Information: 86%, which 91% of the target goal

Timeliness: 89%, which 94% of the target goal

KPM 6 – Governance:

For Governance, on an annual basis the Board reviews and responds affirmatively or negatively to the best practice criteria. The Board went through and responded to the list of fifteen (15) required questions; the answers will be submitted through the formal process.

Avy commented that when the Board assessed this previously after the last financial challenge, the Board imposed a reduction on the one measure and did not know if it was appropriate here or not.

Chair Maffei said that was fair for 2015, but she feels like the Board members were taking the information they received and doing what they could to assess it and make sure the Agency was meeting its budget obligations. The Board can only do the best they can with the information they have. She is fine with marking the Board down if they must.

Avy said he was not suggesting that direction. Chair Maffei has described the Board having met its responsibilities.

Jeremiah said she felt the minutes from the last meeting reflect that the Board felt that they asked all the right questions and in hindsight do not think they could have asked different questions, they were just misinformed. She asked if there is any perception that the Board should have done something differently. Houston answered he had not heard that mentioned at all.

Kozlowski agreed, she thinks at the last Board meeting they asked significant questions. She believes now it makes her look more carefully at the finances and at the person giving the information and their credibility. John Terpening said he did not believe the Board could have done something differently and has not heard that the Board was not taking appropriate action.

Ashford stated he thought they asked the right questions but were not given the proper information.

Board Action: Teeman moved to approve completed Key Performance Measures (KPMs) 1, 2, 5 and 6 of the Annual Progress Performance Report as presented. Jeremiah seconded. Motion carried.

Note: The full KPM report will be included in the next Board Packet.

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9) Public Comment:

Chair Maffei asked for public comment.

Comment of McKesson: McKesson stated he is speaking on behalf of Debbie Boone to say hello to the Board members. He agreed the Agency is going through difficult times. He said he had been trying to find maps for the blind, but has been unable to get them, even from the Commission for the Blind. On behalf of Bonnie and Gary Brown, he stated the dreams of diversity are fulfilled by this Board. He noted that Clatsop County is doing its first every periodic review of its first comprehensive plan.

Break

10) Working Lunch - Rule Writing:

Bob Houston, Rules Coordinator, discussed three separate rule writing requests.

Request 1 – Approval of Service Fees Draft Rule Language

Background: The Oregon Department of Administrative Services has updated the Statewide Policy on Public Records Request Fees and Charges (107-001-030).

This Policy is intended to support:

- Statewide consistency by establishing standards for state agency policies relating to the charging practices and policies for fulfilling requests for public records; and
- Provides a standard process for state agency use when evaluating requests to reduce or waive fees assessed for fulfilling a request.

Previously the Board authorized the Department to initiate rulemaking to amend OAR 632-001-0010 to comply with the Statewide policy on Public Records Request fees and charges.

Houston stated the proposed draft amendments to OAR 632-001-0010 has been reviewed by DOJ.

Proposed Rule Language:

632-001-0010
Service Fees

- (1) When determining fees associated with the processing of requests for public records, the department will follow the statewide standardized fee-structure policy number 107-001-030 maintained by the Department of Administrative Services and adopted on Feb. 15, 2017.
- (2) All Fees and charges must be paid before public records will be made available for inspection or copies provided.

Staff Recommendation: Staff recommends approval of the proposed draft amendments to OAR 632-001-0010.

Board Action: **Kozlowski moved to approve the proposed draft amendments to OAR 632-001-0010 – Service Fees. Teeman seconded. Motion carried.**

Request 2 – Initiate Formal Rulemaking

HB 2202: High Value Soils

Background: In the 2013 regular session the legislature passed HB2202 involving aggregate mining on high value farm land in the Willamette Valley (ORS 517.825). The legislative intent was to make sure operators mined deep enough to remove all the aggregate and thereby limit areal impacts on high value soils. DOGAMI's Governing Board authorized rule writing in Spring 2014 and DOGAMI worked to put together a Rules Advisory Committee (RAC) including representatives of the mining community, Farm Bureau, OCAPA, Department of Agriculture, DOGAMI, Department of Justice and ODOT in the fall of 2014. Unfortunately, that committee was unable to meet prior to the retirement of former Assistant Director in January 2015.

After implementation of HB2202 on January 1, 2014, the DOGAMI MLRR program worked with the Department of Justice to develop draft rules and procedures that address the requirements of this statute and implement appropriate permit conditions.

In order to comply with statute, the Agency will need to implement rule making. It is important to note that DOGAMI has received several inquiries going back to June of 2014 regarding the status of rule writing on this legislation.

Lewis stated the MLRR program is a regulatory program in which most of the requirements are either written in statute or determined in rule approved by the Board. To ensure their rules are staying in line with their practices used for permitting, she plans to bring rules to the Board in the future on a more consistent basis.

Lewis summarized the request for High Value Soils rulemaking is to ensure all the gravel is removed when mining high value farmland. This is the most outstanding item of the program's rulemaking related to legislation, and draft rules have been developed. The staff have related procedures they use and have implemented them with several permits, and they know how it is perceived by the mining community. The program is asking to initiate rulemaking again so they can finalize the procedures going forward.

Lewis introduced Vaughn Balzer, MLRR's Floodplain Mining Reclamationist, who has been with the Agency since 2009. Balzer gave an example of how the permits work. Typically, if a mine site is proposed on exclusive farm use or EFU zoning, per county land use laws, they have to get approval to mine that deposit; there has to be a specific amount/volume of aggregate and it must be mechanically feasible to remove it. These requirements are set and vary by each county based on depth of sand and gravel deposits. Conditions are also put on the permit that must be met.

Chair Maffei asked how Balzer's example translate into a rule. Balzer explained the rules would provide a framework for the program to consistently apply the statute/requirement throughout the state. Lewis said they would need to implement a new rule to address this particular area and then modify three different existing rules to include the appropriate language to be comprehensive.

Teeman asked if there is a place where she can get information for the mechanics of the permitting process. Balzer explained the basic permit process for MLRR. The program receives an application, they review the information for completeness and to determine how the mining should be undertaken. They do not have the authority to determine if a site can be mined, that is a land use decision, but they get to say how the mine is operated and how it is reclaimed consistent with the Mined Land Reclamation Act and the statutes on the books. Balzer stated they circulate the permit to the Natural Resource agencies for both State and federal, Tribes, State Historic Preservation Office (SHPO), and county for review and the opportunity to provide comments on the permit and proposed conditions.

Chair Maffei suggested having an MLRR staff member give a presentation to the Board on how the permitting process works.

The draft rule is to come back to the Board in December.

Staff Recommendation: DOGAMI requests authorization to initiate the rule writing process on OAR 632-030 to implement HB2202.

Board Action: **Ashford moved to authorize DOGAMI staff to initiate the rule writing process on OAR 632-030 to implement HB 2202. Kozlowski seconded. Motion carried.**

Request 3 – Initiate Formal Rulemaking

OAR 632-030 Permit Boundary Survey Maps

Background: Rule changes in 2009 required application materials for an operating permit to include a permit boundary survey map to allow staff to accurately identify the area proposed to be covered under the permit. The intent of this rule was to provide an accurate record of the permit boundary for regulatory purposes as well as to define the extent and geography of Oregon that is subject to mining and mining related activity. The rule also required operators to mark those boundaries on the ground to prevent adverse off-site impacts.

Applicants and Permittees report that the cost and time required to obtain a survey is prohibitive. The wait times reported are 6-12+ months, which delays the permit process. If any changes are made to the permit during circulation, a second signed map is required, adding additional delays and expense to the permit timeline. MLRR can identify over 150 permits that require a map to be submitted and there are 7 known compliance actions related to the requirement for a permit boundary survey map.

Since 2009, technological advances (google maps, GPS, Lidar) have become accessible to the general public, operators & landowners; there are less costly and more efficient methods to obtain the

acceptable level of information required to appropriately assess the permit boundary. Portions of the existing rules will be retained to allow the department to require permit boundary surveys to facilitate compliance and enforcement.

The Rules Advisory Committee (RAC) will include, but not be limited to representatives of the mining community, OCAPA, DOGAMI, Department of Justice and the Oregon State Board of Examiners for Engineering and Land Surveying.

Lewis reminded the Board that in previous discussions of the Civil Penalty Program, she had been asked if there were changes that could be made to avoid reaching the need for Civil Penalties. She said one of the recurring issues they have been having is around the permit boundary survey map requirement. The application process currently requires the map to be submitted at the time of application, it must contain specific information, and be stamped by a licensed professional surveyor. If modifications are made to the map during the circulation process, the map needs to be re-done by that professionally licensed surveyor and stamped again, which could take 6-8 months due to workload. This is holding up the permitting process and it is expensive. There are approximately over 150 permits that do not have the appropriate map. She said this was a rule change not a statute change and was implemented in 2009. The intent of the rule was to provide an accurate boundary. There is now technology and other ways of verifying boundaries. Lewis stated this requirement is not working, and it is not serving the permittees or staff. This would be a change to two of the basic requirements for the application. The MLRR program would not be doing away with a permit boundary licensed survey map entirely, they are still requesting authorization to require one for discrepancies or compliance issues. She noted this change is modeled on the practices in the state of Washington.

Ashford said it does cause him some concern about doing it away it entirely. Jeremiah asserted the program is still keeping the option of requesting the survey map if there are concerns or issues. Kozlowski asked what the trigger would be for asking for one. Balzer explained the process of it being reviewed by the program's GIS specialist prior to a permit being approved and stated DOGAMI has the authority to ask for additional clarifying information. Avy asked Balzer to give a practical explanation of the difference between survey and GPS boundary maps. Balzer briefly explained, further saying the maps show the boundaries, the mine site areas, and are very accurate.

Ashford asked if the proposal is to work with other groups to determine the language. He also asked who would submit the boundary map. Balzer said most applications have engineered plans of the proposed mine site. The whole application process has upgraded over the last couple of years and staff feel comfortable with the level of review and scrutiny the applications receive. Ashford stated he would want to know the full background of the discussions before he would approve adopting rulemaking. Teeman said it would be helpful to know accuracy of the GIS maps. Teeman asked if the new process could be spot checked after 6 months to follow up to verify how accurate it is. Lewis said she was not sure they could follow up that quickly.

Ashford asked for an update from the Rules Advisory Committee (RAC) before the rule comes to a vote. Houston explained the process of having draft language before going to the RAC. Ashford asked how long it would take. Houston said it would depend on the issue. Balzer said they currently receive a lot of pushback from permittees on how long it takes to resurvey the boundary. Lloyd said you could go to the entire group for input on the draft language and not to just one to get information. Jeremiah gave her side of the issue saying it was a very time consuming and expensive

process and supports this change. She believes it still allows the program to stay within the spirit of the law and that it reduces the amount of unnecessary red tape since the county, in most circumstances, will have a mining boundary surveyed map requirement.

Chair Maffei requested an update at December's Board meeting.

Staff Recommendation: DOGAMI requests authorization to initiate the rule writing process on OAR 632-030 to amend language requiring permit boundary survey maps with applications.

Board Action: **Jeremiah moved to authorize DOGAMI staff to initiate the rule writing process on OAR 632-030 to amend language requiring permit boundary survey maps with applications. Kozlowski seconded. Ashford opposed. Motion carried.**

11) MLRR Update:

Sarah Lewis, MLRR Program Manager, provided an MLRR update on:

[Please note, included in this packet are the ENGAGE Fall newsletter being sent out that can also be found online: <https://www.oregongeology.org/mlrr/engage.htm>]

Permit Status Summary

Lewis reviewed the detailed list of permits and said there are about 100 renewals per month. She discussed the amount/number of permits and the processing time of under one year. So far for Fiscal Year 20 (FY20), there have been seven applications, eleven permits have been issued, and there are seven remaining that are older than one year. She explained floodplain sites take more time to process due to requirements and more state agency interactions.

Lewis provided an update on compliance and Civil Penalties. The way the new program works is a renewal is late after one month and after two months a Civil Penalty is issued. The staff had identified three sites that were high risk; one paid 21 days early, one paid one day late, and the site that has paid over 60 days late for eleven times in the last 17 years, paid one week late. There is currently one late payment for a moderate risk site, but they are not overly concerned and believe it will be paid before a Civil Penalty needs to be issued. The newsletter has been very successful in getting the message out. Lewis will have more information on Civil Penalties and late payments at the next Board meeting in December. Lewis said mining without a permit is their second biggest compliance issue, that includes mining outside of the permit boundary.

Chair Maffei asked about the requirement for the bond listed on the Compliance Action Summary table. Balzer said one example is a mine operation changed their name and the security needs to have the exact name; they have been working with the permittee for a replacement reclamation security.

Briefing: **No Board Action Required.**

12) Grassy Mountain Update:

Sarah Lewis, MLRR Program Manager, provided the Grassy Mountain Update.

Lewis provided a brief update and said they are not pursuing any technical work at this time. Once the financial side has been resolved, they will start working on it.

Briefing: **No Board Action Required.**

13) GS&S Update:

Avy stated the update is normally provided by the Program Manager, but she has taken a rotation position outside the Agency so the supervisors will provide the update.

GS&S Improvement Plan – Christina Appleby

Appleby introduced the Improvement Plan. She stated it was created to capture the changes that were happening and needed to be done. It is a living document that is used as a tool to track goals, meet the requirements, and provide external communication.

The short term new mission statement is: Operate a fiscally responsible agency that is recognized for its excellence in business acumen, regulation of natural resource extraction and reclamation, and production of geologic information for the state of Oregon.

There are four main goals: project management/managers, program management, financial management improvements, and demonstrating/communicating the progress being made to external partners. Examples include having a fully staffed Business Office and the status of documents being created. She asked the Board to let the team know if there are any additional items they would like to see added. The progress from the team will be provided to the Board. Kozlowski stated it was impressive that there are specific roles and people assigned to tasks. Chair Maffei asked to have the entire document sent to the Board members.

GS&S Staffing Update – Laura Gabel

Gabel provided a staffing update saying the layoff process has been completed. The Legislative Fiscal Office (LFO) Budget Note indicated the Agency would lose three filled positions and two vacant positions. Through the process two vacant positions were eliminated; the NRS 5 staff chose to move to a vacant NRS 4 position; one NRS 4 staff voluntarily left the Agency; the other NRS 4 position had been underfilled so the staff member was moved to another vacant position; and then the NRS 4 position was eliminated. Gabel said it is tough to get projects done in a timely manner, that it is definitely a challenge, but they are getting it done. Kozlowski asked how many people ultimately left because of the staffing. Gabel answered one voluntarily left. Gabel added there are currently four Limited Duration (LD) positions whose contracts were recently renewed for one year.

GS&S Current Workload Status – Bill Burns

Burns discussed the GS&S workload related to proposals, projects and publications. He said there are seven new proposals – three for DLCD and four for DAS GEO. The Agency is anticipating three federal proposals this fall – two are lidar projects and the third is the annual STATEMAP proposal to USGS; all will require permission from the Legislature for approval to apply for these federal grants. These grants support DOGAMI staff, which in turn help communities, cities, counties, other state agencies, federal agencies and the citizens of Oregon.

Kozlowski had questions about the Oregon Tsunami Hazard Mitigation project related to the training, education, and who the partners are. Gabel discussed the details and said that DOGAMI and OEM split the grants with OEM providing more of the training.

There are two new projects: Oregon Tsunami Hazard Mitigation for FY2019 and Modified Portland METRO 2019 Lidar, which is a modification to a lidar collection project in Portland. Maffei asked how old the last Portland Metro lidar one was. Appleby thought it was 5 years, but the city has changed, and they wanted current data.

Burns discussed the requirement from Ballard for two-year staff time forecast sheets outlining how many hours each staff is going to work on each project. He said it was positive having the open communication with the Business Office and the information project managers are receiving on financials to help them manage projects.

There are two new publications: Open-File Report 0-19-04, Comparison of Oregon Tsunami Hazard Scenarios to a Probabilistic Tsunami Hazard Analysis (PTHA), and Open-File Report 0-19-03, Columbia River Simulated Tsunami Scenarios, which compares the tsunami hazard from DOGAMI and ODOT.

Kozlowski acknowledged the good work.

Briefing: **No Board Action Required.**

14) Director's Report:

Director Avy presented his Director's Report on the following:

Legislative Budget Notes Progress

Avy provided a flowchart handout of DOGAMI's Path Forward and highlighted a few items. He discussed engaging with an organizational consultant, suggested by Sherry Carter and the Commission for the Blind. This particular consultant helped the Commission's leadership team and the organization tie in every person's contribution and ownership for the what the outcome needed to be for the Commission. DOGAMI is exploring this as a possibility in the future.

As part of Budget Note requirements, DOGAMI is meeting with DAS, LFO, and the Governor's Office on a monthly basis to discuss the Agency's financials and progress. A Strategic Plan for DOGAMI's future is being developed by the Governor's Office, in collaboration with DAS, and is to be presented at the next legislative session. Avy discussed the possible impact on the Agency, with options ranging from continued existence to being abolished. One Budget Note item requires MLRR to have a detailed fee increase proposal for the next legislative session. Sarah Lewis and Jack Kenny are working on a draft proposal which carves off the Calico expenses to clearly identify what the fee increase applies to. One goal is consistency going forward between the individual program fees within MLRR.

Avy mentioned they are anticipating having three requests for approval to apply for grants in the November legislative committee hearings. One is STATEMAP, which has been an ongoing standard for the Agency. A second is a large lidar grant, which originally was under DAS GEO. DOGAMI has been asked to take that on from DAS to propose it for \$3 million over 5 years; the first installment,

which is over \$600,000, is primarily for lidar in the south coast area. The third is a smaller lidar project.

Maffei asked if the grant applications and the view from the Legislature will be an early indicator of how they are feeling about the Agency. Avy agreed and said it may be before that based on whether they accept them to be considered.

Kozlowski asked for more information on the consultant firm. Avy said a specific consultant firm has not been decided and the Agency is unable to commit until they know they have a buffer in General Fund to cover the cost.

Kozlowski said she is pleased that the Governor's Office is going to engage the Board on the Strategic Plan discussion. Avy stated he is anticipating that to take place as he has been encouraging it in the monthly meetings, but he had not heard that it has been confirmed yet.

Payment Process Update: Grassy Mountain Chemical Gold Mine

Avy discussed what he could based on a confidentiality agreement that is in place. He thanked Board member Kozlowski for her assistance. He stated the process involved working with Senator Johnson and meeting with the concerned parties and other Legislators on August 21st. There is a conceptual agreement and the Agency anticipates a final settlement agreement in October.

GS&S Program Update

Avy said Alyssa Pratt, Acting GS&S Program Manager, took a rotation at a different agency as a Program Coordinator. She still has the opportunity to come back to DOGAMI. If funds are available, the recruitment for a permanent Program Manager could move forward. Long term, the possibility of having two managers would be ideal to cover staff and their needs. Avy said he appreciated all the rotational supervisors and had positive comments about the work they did during their rotations. Maffei asked how many had been through the rotation in the GS&S program as a supervisor or manager. Avy said about ten, with some being duplicates.

Briefing: **No Board Action Required.**

15) Confirm 2020 DOGAMI Board Meeting Dates:

Lori Calarruda, Executive Assistant/Chair Maffei presented the proposed 2020 Board meeting dates. Currently all meetings are anticipated to take place in Portland.

The 2020 DOGAMI Board Meeting Dates:

March 9, 2020 (Monday) – Portland, OR

July 13, 2020 (Monday) (possible retreat on July 12 – Sun evening) – TBD

Note: A location for the July dates has not been determined. Chair Maffei will have a discussion at the March meeting after the Legislative session and the status of the Agency is known.

September 25, 2020 (Friday) – Portland, OR

615
616 December 4, 2020 (Friday) – Portland, OR
617

618 Board Action: Ashford moved to accept the proposed 2020 Board meeting dates as discussed.
619 Kozlowski seconded. Motion carried.
620

621 **16) Confirm Time and Date for Next Meeting:**

622 Chair Maffei stated the next DOGAMI Board is currently scheduled for Monday, December 9, 2019 in
623 Portland. She is confirming this date is still acceptable for the Board.
624

625 The date was not changed but the start time was changed to 8:00 a.m. with all decision-making items
626 to be scheduled first on the agenda.
627

628 Board Action: Jeremiah moved to confirm December 9, 2019 at 8:00 a.m. as the next meeting date.
629 Kozlowski seconded. Motion carried.
630

631 **17) Public Comment:**

632 Chair Maffei asked for public comment.
633

634 Comment of McKesson: McKesson discussed jurisdictions and rulemaking then stated the areas that
635 are unable to be changed should be marked out and left alone.
636

637 **18) Board Adjourn:**

638 Chair Maffei adjourned the meeting at 2:13 p.m.
639

640 APPROVED

641 
642 _____
643 Laura Maffei, Chair
644
645