

Bonita Peak Community Advisory Group January 31, 2019 MEETING NOTES

The first meeting of the Bonita Peak Community Advisory Group was held on January 31st from 6 to 8 PM at the Silverton Town Hall.

Fourteen of the 17 CAG Members were in attendance, including: Peter Butler, Ty Churchwell, Marcel Gaztambide, Paul Montoia, John Hopkins, Charles Smith, Chara Ragland, Anthony Edwards, Larry Perino, Jenna Emerick, Dominique Edgerly, Terry Morris, Parker Newby and Levi Lloyd. Approximately 20 members of the public attended the meeting. Shannon Manfredi facilitated the meeting.

The meeting began with each CAG Members providing a detailed introduction of themselves including their background and experience and knowledge they bring to the CAG, why they wanted to serve on the CAG, what roles and issues they felt were important for the CAG to address and how long they had been in the Animas Watershed. After hearing from the CAG members, members of the public introduced themselves.

The remainder of the meeting was spent discussing the operational structure of the CAG using a handout of organizational items with recommendations to get the discussion started. Below those organizational items are listed from the handout, followed by decisions made by the CAG Members and key points from the discussion.

Initially, how often will the CAG Meet (e.g., Jan-June 2019)?

The CAG will meet once per month on the 4th Thursday of the month. Meeting location will alternate between Silverton and Durango, with one meeting per year being held in San Juan County, New Mexico. From November through April (i.e., when the days are shorter and there is a higher probability of inclement weather and poor road conditions) the meetings will begin at 4 PM; May through October the meetings will begin at 6 PM. On average, CAG Meetings will last for two hours.

The schedule and length of CAG Meetings will be flexible in order to address time-sensitive issues, and progression of activities and site clean up at the Bonita Peak Mining District (BPMD), e.g., there may be need for additional or longer meetings initially to get the CAG up-to speed, or when the EPA releases clean up alternatives or other information for public comment and review. Conversely, the CAG may not need to meet as often once implementation of a clean up plan is in place. Additionally, CAG meetings dates in Nov. and Dec. would be changed to accommodate holidays during those months.

Anthony Edwards said that he would check with town to reserve the Town Hall in Silverton in the evenings on the 4th Thursday's of the month; when not available, he will check the Kendall Mountain Community Center. Ty Churchwell said that he would find and reserve a meeting room in Durango for the February meeting.

CAG members agreed to extend the February Meeting to three hours so that more background information could be covered to help CAG Members get up-to-speed— **The next CAG meeting will be February 28th at the Durango Rec. Center (2700 Main Ave.) in Durango, CO from 3 PM to 6 PM.**

How will upcoming CAG Meetings be announced?

CAG meetings will be announced two weeks in advance of the meeting date and posted on the Bonita Peak CAG website (BonitaPeakCAG.org) in local Newspapers (Silverton Standard, Durango Herald & Telegraph), the EPAs monthly updates specific to the BPMD, Community Calendars, Social Media Posts. CAG members are encouraged to share meeting notices with local watershed groups, local governments and community organizations so that they can announce the meeting on their webpages and community outreach materials.

How will a record of the CAG meetings and decisions be kept?

Summary notes of each meeting will be disseminated via email to CAG members for review before the subsequent meeting. Following any discussion and/or edits, meeting notes will be approved at the following CAG meeting. Once approved, the meeting notes will be posted on the website (BonitaPeakCAG.org).

What constitutes a quorum wherein issues can be voted upon at a CAG Meeting and for the meeting to proceed?

Eleven members must be present at the meeting or participating via a conference call or webinar for there to be a quorum. It is preferred that CAG members attend meetings in person, but given the potential for travel and schedule conflicts, efforts will be made to provide the necessary technology to enable CAG members to participate via conference call and webinars.

How will the CAG make decisions?

For a decision to pass, 2/3 of the members who are present physically or via phone or webinar must support the proposal or motion.

CAG Members acknowledged that there may only be a few instances that will require decision-making by the CAG, but that it was important to have a protocol in place for when the need arises. Many CAG members spoke to the merits of requiring 2/3 vote to pass a decision, in that it demonstrates a higher threshold of members supporting the decision and being “closer” to consensus, rather than a fairly split decision passing by only one vote.

Will the CAG reserve the right to hold meetings not open to the public?

CAG members reserve the right to hold closed meetings (i.e., an executive session not open to the public) when supported by a vote of 2/3 of the members present, provided there is a quorum.

Again, CAG members acknowledged that there may only be a few instances when this may be necessary, but that they wanted to have that option available. It was also noted that a closed session could be enacted for only a portion of the CAG meeting.

Will the CAG reserve the right to have sub-committees or working groups?

When proposed and decided by a vote, the Bonita Peak CAG can form temporary or long standing sub-committees or workgroups. Such sub-committees or workgroups do not have to be announced to the public in order to meet; they only need to be directed by the CAG to do so and keep the CAG informed of their meetings. They cannot make decisions for the CAG as a whole.

The concept of sub-committees and working groups came up a couple of times throughout the discussion. Being that this was the first meeting, CAG Members have not met enough to know what type of sub-committees or working groups may be needed or helpful. However, they acknowledged that having smaller subcommittees could enhance and excel the work of the CAG and therefore they would like to have the option to form such committees and workgroups as needed.

What is the Bonita Peak CAG policy regarding having audio or video taping of the CAG meetings?

The CAG Members did not come to a decision on this item, but rather tabled it until the February meeting to have some time to think about it. Concern was expressed that audio and/or videotaping can inhibit people from speaking freely and thus limit the discussion. CAG members suggested that a distinction be made for when CAG meetings allow audio taping versus video taping. Additionally, it was suggested that a distinction between allowing the press or others be made. One suggestion was that any audio or videotaping be approved by the CAG (or potential subcommittee of the CAG) in advance. Hence, no audio or videotaping will be allowed at the February meeting, as a decision has not been made, yet.

How will the CAG mitigate conflicts of interest?

The CAG Members did not come to a decision on this item, but rather tabled it until the February meeting to have some time to think about it. The following was provided to the CAG Members as a starting point, "CAG members will recuse themselves from voting on a decision for which they have or vested interest." Many asked, "What constitutes a vested interest?" One recommendation was to rephrase "vested interest" to be "direct financial interest, responsibility or gain." Anthony Edwards said that he would bring language used by the state and/or other legal documents he has for consideration at the next meeting.

How long is the term of service of a CAG member?

CAG members will serve three-year terms. However, in order to maintain continuity and not have complete turn over in CAG membership, the initial set of CAG members will be split into thirds to facilitate:

- one-third of the initial members serving two years initially;

- one-third of the initial members serving for 3 years initially; and
- one-third of the initial members electing to serve for 4 years.

CAG members spent some time discussing who made the decision or how it would be determined which CAG members rotate out after year 2 and year 3. Because a lot can happen within 18-24 months, the CAG will begin discussing the process in more detail 18 to 20 months from now, i.e., closer to the time when one-third of the membership's first terms would end--around August or September 2020. That being said, it is the intent of the CAG to first ask if anyone would like to voluntarily be part of the first third to end their initial terms on the CAG Committee. Next, and if needed, a random selection process would be used to select which third would finish their initial terms first. Prior to enacting a random selection process, CAG members may discuss concerns or issues for retaining certain CAG members, e.g., it may be preferable to retain CAG members that serve on the executive committee or that have other CAG roles/commitments that would disrupt the CAG function if they were to leave the CAG at that time and therefore not include them in the random selection process.

The retention of re-applying CAG members or the selection of new CAG Members will be done with the intention of maintaining diverse representation on the CAG relative to the Bonita Peak clean up efforts (as was done in the initial selection of CAG Members). While not widely discussed, it was suggested that there would not be any term limits for CAG members and no one voiced any concern with that recommendation.

Below is a summary of other comments made throughout the meeting and/or before wrapping up the meeting, as well as comments from the general public in attendance.

- Ty Churchwell informed the CAG Members that he would be updating the webpage to remove all the CAG Member solicitation and application information and replace it with a listing of the selected CAG members.
- Shannon said that she would follow up with the EPA regarding her contract to facilitate CAG meetings and related details for such assistance from the EPA.
- Members of the public in attendance commented that they were pleased to see some "young faces" on the CAG.

INFORMATION REQUEST & TOPICS FOR UPCOMING MEETINGS

CAG Members requested/suggested:

- background information or summary documents about the BPMD;
- a list of acronyms
- TAG Information and to have a discussion about TAGs (i.e., the formal EPA Technical Advisory Groups). Related, Ty said he would provide and/or direct members to the EPAs "CAG Toolkit."
- To identify the topics for presentation by the EPA and/or CDPHE e.g., does the BPMD Site Team have a schedule for site investigations, alternatives analysis, etc.

Members of the public advised the CAG:

- To discuss priority sites and projects and the science behind how those selections were being made; as well as what is being done with the sludge.

- To consider what would be their deliverables and targets, i.e., a way of organizing the work of the CAG and reporting out to the public what the CAG is doing.