GOVERNING BOARD MEETING
OREGON DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES

July 9, 2019
8:30 a.m.

Portland, OR

Public Meeting Agenda

The Board makes every attempt to hold strictly to the sequence of the distributed agenda. Times and topics may change up to the last minute, but the times for public comment will be available as indicated below. This agenda is available on the DOGAMI website: www.oregongeology.org.

8:30 a.m. Item 1: Call to Order – Chair Laura Maffei
8:35 a.m. Item 2: Introductions – Chair Laura Maffei and staff
8:40 a.m. Item 3: Review Minutes of March 18, 2019
   Board Action: The Board will be asked to take an action on this item
8:45 a.m. Item 4: Legislative Update – Bob Houston, Interim Legislative Coordinator
   Briefing: The board will not be asked to take an action on this item
8:55 a.m. Item 5: KPMs Annual Data Report Review – Bob Houston, Interim Legislative Coordinator
   Board Action: The Board will be asked to take an action on this item
9:25 a.m. Item 6: Rule Writing – Bob Houston, Interim Legislative Coordinator
   Board Action: The Board will be asked to take an action on this item
9:45 a.m. Item 7: Review New Process of Evaluation for Director – Sherry Carter, DAS Client Agency Human Resources Business Partner
   Board Action: The Board may be asked to take an action on this item
10:05 a.m. Break
   Board Action: The Board will be asked to take an action on this item
11:15 a.m. Item 9: Public Comment
   Three minutes limit per person unless otherwise specified at the meeting by the Chair
11:25 a.m. Break
11:35 a.m.  Item 10:  Working Lunch - Grassy Mountain Update – Randy Jones, DEQ Regional Solutions Liaison
Briefing: The board will not be asked to take an action on this item

11:45 a.m.  Item 11:  MLRR Update – Sarah Lewis, MLRR Program Manager
Briefing: The board will not be asked to take an action on this item

12:05 p.m.  Item 12:  GS&S Update – Alyssa Pratt, GS&S Program Manager
Briefing: The board will not be asked to take an action on this item

12:20 p.m.  Item 13:  Director’s Report – Brad Avy, Director
Briefing: The board will not be asked to take an action on this item

12:40 p.m.  Item 14:  Public Comment
Three minutes limit per person unless otherwise specified at the meeting by the Chair

12:50 p.m.  Item 15:  Confirm Time and Date for September Meeting and Schedule new Board Retreat Date – Chair Laura Maffei
Board Action: The Board may be asked to take an action on this item

1:00 p.m.  Item 16:  Board Adjourn

PLEASE NOTE

AGENDA
The Board meeting will begin at 8:30 am, and proceed chronologically through the agenda.

PUBLIC TESTIMONY
If you wish to give testimony on any item scheduled on this agenda, please sign up on the sheets provided on the day of the meeting and you will be called to testify by the Board Chair. The Board places great value on information received from the public. Persons desiring to testify or otherwise present information to the Board are encouraged to:

1. Provide written summaries of information to the Board (7 sets);
2. Limit testimony to 3 minutes, recognizing that substance, not length, determines the value of testimony or written information;
3. Endorse rather than repeat testimony of other witnesses; and
4. Designate one spokesperson whenever possible when groups or organizations wish to testify.

THANK YOU FOR TAKING TIME TO PRESENT YOUR VIEWS
If you bring written materials to the meeting, please provide seven (7) copies. If you have questions regarding this agenda, please contact Lori Calarruda at (971) 673-1537 or you may email her at lori.calarruda@oregon.gov

REASONABLE ACCOMMODATION OF DISABILITIES
Reasonable accommodation, such as assisted hearing devices, sign language interpreters, and materials in large print or audiotape, will be provided as requested. In order to ensure availability, please contact the Director’s Office at (971) 673-1555 at least 72 hours prior to the meeting to make your request.
Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Lori Calarruda, Executive Assistant

Date: June 28, 2019

Regarding: Agenda Item 3 – Review Minutes of March 18, 2019

Attached are draft Board Minutes from March 18, 2019.

Proposed Board Action: The Board Minutes of March 18, 2019 be Approved/Approved as amended/Not Approved.
1) **Call to Order:** (Laura Maffei, Board Chair)

Chair Laura Maffei called the meeting to order at 8:40 a.m.

2) **Introductions:** (Laura Maffei, Board Chair and staff)

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

Department of Geology and Mineral Industries (DOGAMI) Staff in attendance:
- Brad Avy, Director/State Geologist
- Lori Calarruda, Recording Secretary/Executive Assistant
- Kim Riddell, Chief Financial Officer (CFO)
- Sarah Lewis, MLRR Program Manager
- Bob Houston, Interim Legislative Coordinator
- Randy Jones, Chemical Process Mining Coordinator
- Alyssa Pratt, Acting GS&S Program Manager
- Christina Appleby, Acting GIS & Remote Sensing Supervisor
- Bill Burns, Acting Earth Science Supervisor
- Ian Madin, Senior Scientist & Earthquake Hazard Geologist
- Lisa Reinhart, Water Quality Reclamationist
- Connor Anderson, Chief Information Officer

Others in attendance:
- Sherry Carter, DAS Human Resources (HR) (via phone)
- Diane Lloyd, Department of Justice (DOJ)
- John McKesson, Public Member

Chair Maffei asked Board members to state their names when they make motions, to ensure it is captured correctly in the minutes.

3) **Review Minutes of December 10, 2018:**

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

Board Action: **Ashford moved to approve the minutes of December 10, 2018 as submitted.**

**Kozlowski seconded. Motion carried.**

4) **Financial Report:**

Kim Riddell, Chief Financial Officer (CFO), presented the budget status report as of January 31, 2019.
Riddell explained to the Board recent health issues/events have occurred with the Business Office staff causing there to be no coverage of Accounts Receivable (AR), Accounts Payable (AP), or budgeting for about six weeks. The staff members are back part-time and trying to play catch up. There is a plan to hire an Accounts Payable Technician to start in July at the beginning of the next biennium.

Riddell stated DOGAMI is very complex in its finances. It is the end of the biennium and things are tight, but the Agency is trying to reign in expenditures. GS&S is being watched closely and should skim by as long as nothing unexpected comes up. She had been working with a Division 37 permittee on payment arrangements before she became sick. The Agency is currently working to get revenue from them and an agreement on what they should pay because they are debating a lot of expenditures.

Riddell said it currently looks like General Fund is going to be overspent and the Agency is overbudget on grants. Riddell handed out a list of overbudget grants per Ashford’s request from last meeting. She walked the Board through the spreadsheet and explained 0415 is Other Funds, 0615 is Federal Funds, and 0805 is General Fund. Ashford asked about the General Funds and what each line means, whether it is match or if they are over. Riddell stated in one case it has gone over and went into General Fund to cover expenses so far. All the grants are active, but it does not mean they are open, which means no expenditure can occur there anymore. They are also overbudget and she has been waiting to ensure all charges are done before she closes and balances them.

Riddell explained the Agency carries forward Other Funds, which is about $546,000. It will be using that to cover the overages in Federal Funds and Other Funds, and not using General Fund as much as possible. Ashford asked if the carry forward is still General Funds. Riddell stated General Fund must zero out at the end of the biennium and cannot be carried forward. Ashford asked if the Other Funds are allocated for something specific or can be used for other costs. Riddell answered Other Funds are from outside sources, such as local counties and private companies that are not Federal Fund or General Fund, they carry a balance and do not need to be spent on something specific, but she does not want to deplete the entire pool. Kozlowski asked if Riddell plans for Other Funds related to budgeting purposes. Riddell responded she does not because they are inconsistent.

Ashford asked if the overbudget grants will have the out of scope work covered. Riddell stated they have been working with the staff on how to say no to the extra work in the future. Ashford commented that his concern is the Principal Investigators (PIs) have gone overbudget and they have decided for the Agency how the funds will be used and does not think it is appropriate. Riddell said she has been working with PIs to include 10% on budgets to cover any additional work so they are not overbudget.

Jeremiah said she vaguely recalled from last meeting that these grants were going to be under Riddell’s oversight and the PIs would need to check in periodically on budget for accountability, and she asked for status on that program. Riddell explained the Agency put a stop work on them and if there is still work that needs to be done the PI needs to come to a Leadership Team Meeting (LTM) and explain why they need to continue work on it.

Maffei said it seemed that while Riddell was out of the office, PIs were not able to get financial updates to stay on top of it. Riddell replied they are trying to get those caught up and stated that
when she first started at DOGAMI PIs did not want the reports at first but now they are asking for them. Ashford said he cannot believe the overages happened during the time Riddell was out and believes it happened before then. Kozlowski agreed with Ashford but said this is change and is impressed the Agency is drawing the line. Jeremiah said she wanted to bring up the fact there was no coverage during the outage and that is something that needs to be discussed by the Board.

Jeremiah had questions about the MLRR budget related to the fixed and variable revenue and asked if it was projected and how it was done in the budget. Riddell stated they do budget for fixed and variable revenue, but it is hard to see in the budget report. Riddell said the standard reserve or beginning balance is a 3-month buffer, but she would prefer 6 months. The Agency plans the revenue on a biennial bases, not month to month, and always hope the beginning balance is higher at the end of the biennium than when it started, and that is if all the revenue comes in. Riddell stated that they will be eating into the beginning balance by the end of this biennium. She said that if the fee increase does not go through then the Agency will need to do reductions and lose staff next biennium.

Ashford asked Riddell to explain the revenue that is being reviewed with contractors regarding inappropriate billing. Riddell stated the Division 37 chemical processing mine, owned by Calico company, is feeling like they are paying for things from the contractors they should not have to pay for. Ashford asked if the contractors are going to be asked to remove the charges. Riddell answered that conversation has not happened yet. She also stated DOGAMI has been billing 100% of expenses and feels there are some expenses that should not be billed for. Ashford asked if Riddell is the one who reviews the invoices. She answered no, the subject matter expert (SME) reviews it first. Maffei asked how much is being removed. Riddell replied it depends. Kozlowski asked if the contract had expenses listed in it. Riddell said yes (Lloyd nodded in agreement). Ashford said DOGAMI should reject any inappropriate charges and send back to the contractor. Riddell agreed and said she wanted to make it clear there are charges DOGAMI has accepted and the expenditures will be covered by the Agency. Maffei asked if there are charges the company is disputing that the Agency is not giving up. Riddell answered yes (Randy Jones nodded in agreement).

Board Action: Kozlowski moved to accept the Budget Status Report as presented with a caveat that there were some difficulties in the past and it is not at a level the Board would like (it is a work in progress for budgeting issues). Teeman seconded. Motion carried.

5) Grassy Mountain Update:

Randy Jones, Chemical Process Mining Coordinator, provided the Calico Update.

Jones reminded the Board this project is now called Grassy Mountain Gold Project due to the location and mineral deposit type. Kozlowski asked if the type of deposit matters. Jones replied yes, because it is the deposit that DOGAMI regulates.

Process Snapshot – Calico Resources is planning to submit on July 1, 2019 a Consolidated Permit Application which will cover multiple agencies. Based largely on the 2018 Economic Prefeasibility study, another Exploration Permit was issued by DOGAMI on January 2, 2019 for the Wally-Wood cluster of claims north of Grassy Mountain. On January 15, 2019 a land use application was submitted by Calico with Malheur County for the 62-acre Patented Claim, with a scheduled hearing on March 28, 2019. ODFW and DLCD are preparing written comment and testimony on it; DOGAMI is
reviewing this. The ODFW and DLCD interest is significant due to the Greater Sage Grouse mitigation plan requirements. Jones has been working on the next biennium and remaining 2019 budget from all agencies and contractors, keeping in mind these are estimates. Ashford asked what Cardno is. Jones answered it is a full-service environmental consulting firm [contracted to DOGAMI] and Barney & Worth (B&W) is a communications company. Janet Gillespie is part of the B&W portion and has been working with DOGAMI for years. Tetra Tech is a geology and groundwater specialist subcontractor to Cardno.

New Exploration Permits – There are six primary drill hole site areas the company is interested in at Wally-Wood. The targets seem to be similar to Grassy Mountain’s magnetometry analysis. The most recent claim secured by Paramount is called Frost and is 12 miles west of Grassy.

Next Steps – Jones said the team has reviewed 21 of the Baseline Data Reports (BDR) and only Geochemistry needs to be submitted. He said the Land Use application will be interesting to watch through the press releases both the company and county do. July 1, 2019 is the expected date for the application process to begin. BLM only has 1 year to complete their environmental impact analysis and impact statement and they are trying to line it up with DOGAMI and doing joint work together. Maffei asked if BLM is going straight to an EIS for their analysis. Jones responded yes.

Avy asked Jones to speak to the approach of collecting and completing all the BDRs to leverage the timeline once they submit for permit application and the budgeting issue Calico has raised. Avy said, Calico is questioning whether DOGAMI needed to have the BDRs at this time because if they would have decided not to proceed, they would not have needed them. On the other hand, if the BDRs are not ready and they do proceed, DOGAMI is unlikely to meet the 1-year timeline.

Jones stated there is a statutory requirement that BDRs need to be completed for documenting existing conditions in the pre-application phase. These are then reviewed and, if consistent with prior approvals, are accepted by the State [TRT] prior to a Consolidated Permit Application. The methodologies need to be met. Jones explained the process for reviewing the disciplines. There are 23 reports that need to be completed and each one has about a 6-week review timeline. The Consolidated Permit Application cannot be deemed complete without all the baseline data studies being formally complete and approved. The State has only 90 days to determine if the application is complete. Maffei emphasized there is no way on earth the Agency could have done 23 baseline data studies between the time the application was received and the 90 days after when it is needs to be deemed complete. Jones agreed, stating in the process there is no way the company could have complied with the requirements in the work plan because they need to produce a year’s worth of data for groundwater quality, for example, and it does not include the review period and report generation that comes after that.

Maffei asked if Calico is asking to hold on payment until after the application is received. Avy said that is what the Agency is going back and forth on with Calico. Ashford asked if these are all recoverable costs. Lloyd stated ORS 517.973.5 was the specific statute that discusses the cost recovery fees that require payment from the applicant, there is also the cost recovery agreement with the applicant. Jones pointed out that all the work has been completed based on the applicant saying they are submitting an application, even though the dates keep getting pushed out. A lengthy discussion took place. Jeremiah asked if the application can be held until the invoices have been paid, or if the company walks away from the application process, can the Agency recover the costs. Lloyd said the contracts that are in place provide sufficient means for the Agency to recover from the
company. Riddell said she read in statute the Agency does not have to give them a permit if they have not paid. Ashford asked if there are other minerals they plan on mining other than gold and silver. Jones replied he did not believe there was.

Briefing: No Board Action Required.

6) MLRR Update:

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

Lewis started out by handing out a preview of the April newsletter and asked them to focus on the compliance corner.

Permit Status Summary

Lewis stated they are making progress on their efficiencies. She reviewed the detailed permit status list, which includes applications received. The numbers listed for closed include sites holding Grants of Total Exemption that are no longer active and were not replaced with an Exclusion Certificates.

Table 2 – Only one application has been received this quarter. Lewis explained the withdrawn status.

Table 3 – There are only four applications that are over a year old. Lewis said some of these are in land use with the county and out of their control. She asked the Board for their permission to change Table 3 to include additional information. Jeremiah encouraged the use of this information in the pre-application meetings to give them a feel for what the process looks like and how long it can take. Kozlowski said she was impressed that staff have been involved with completing these.

Lisa Reinhart, Water Quality Reclamationist, discussed the stormwater program administered by DOGAMI. DOGAMI administers 165 – 1200-A permits which authorize the discharge of stormwater from the mining facility, and 50 - WPCF 1000 permits which authorizes the disposal of process water onsite. In the past year there have been 52 enforcement actions, most are Warning Letters with an Opportunity to Correct and mostly for monitoring violations; 17 facilities were referred to DEQ for formal enforcement action. There are 7 permit applications that MLRR cannot complete because DEQ has not renewed the permits that expired in 2017. Reinhart said they are continuing to focus on training, with the next one on Thursday. This is the third all-day training provided over the past 2 years. The facility holds 80 people max and is full, they have turned people away. She said really good progress is being made with those attending the training. Reinhart stated the Memorandum of Agreement (MOA) with DEQ states DOGAMI is supposed to inspect 20% of the permits per year and she has inspected 25% with 48 inspections as of the other day.

Jeremiah asked about the number of inspections and Warning Letters. Reinhart explained she does not issue a Warning Letter every inspection, the goal is not to. Most Warning Letters are issued for failure to submit Discharge Monitoring Reports. Jeremiah asked if the 17 facilities reported to DEQ are out of the 48 inspections. Reinhart replied some of them were, but some were from failure to submit required reports. Reinhart discussed the 1200-A permit, requirements, and process. The penalty for not submitting Discharge Monitoring Reports has been around a $7,000-$10,000. John McKesson (public) asked if they could provide training throughout the state. Reinhart answered they are limited where they can have these based on budget, but most permits are in the western part of the state and Salem is a central location. Ashford said the training is fabulous and asked if
they are planning on doing training online or remotely. Jeremiah suggested working with OCAPA to videotape them. Reinhart mentioned on a recent site visit she had a permittee record it to share with others at the site.

Use of Civil Penalties

Lewis discussed one permittee they had thought about pursuing civil penalties on. She stated the permittee walked through the door, admitted doing wrong and asked how to fix it, so they are not going through the process for this one. Lewis walked the Board through the decision tree process, created by Cari Buchner, to determine how to proceed with civil penalties for late fee payment for those permittees who have not paid their permit renewal fees. This information will be going out with the April newsletter. They are hoping to roll it out July 1, 2019 and anticipate there will be a list they want approved to submit for civil penalties at the September Board meeting.

Briefing: **No Board Action Required.**

7) **Public Comment:**

Chair Maffei asked for public comment.

Comment of John McKesson: McKesson asked the Board to bring a meeting to Astoria. He said trainings and outreach are important and would like to continue to see them happen, also the hazard maps are great and would like to have training on them in the future. He wanted to hear more on the Senate Bill regarding DOGAMI and Building Codes.

8) **Mt. Hood Fault Presentation:**

Ian Madin, Senior Scientist and Earthquake Hazard Geologist for DOGAMI, gave a presentation based on the publication “The Mount Hood Fault Zone – Late Quaternary and Holocene Fault Features Newly Mapped with High-resolution Lidar Imagery”.

Madin discussed the faults on Mount (Mt.) Hood, stating Eastern Oregon will not likely be significantly impacted by a Cascadia Subduction Zone earthquake. Madin presented a map that shows all the crustal faults found so far, which are the basis for the national seismic hazard maps. He said due to the collection of high resolution lidar topographic data, the number of known active faults in Oregon has dramatically increased.

Madin showed an illustration and described what a normal fault looks like. The block of crust that sinks is called a graben, which is German for grave, and where the fault breaks the ground surface is called a fault scarp. Madin explained that lidar removes the trees so it is easier to identify faults and glacial remains. It also gives clues to age constraints of when the earthquake took place.

There are four distinct faults in the Mt. Hood fault zone that together extend 49 miles from North to South. Although the faults were discovered in 2007, Madin’s team has only been able to dig two exploratory trenches on the Blue Ridge fault in 2010. The Gate Creek Fault is now being studied by PSU and USGS. Madin stated the Twin Lakes fault and Multorpor Mountain Fault created a graben, which he expects created Mt. Hood. Madin said a graben traps sediment and material that can be
dated. They tentatively dated the last earthquake on the Twin Lakes Fault at 3500 years ago. He stated Frog Lake was formed by the damming of Frog Creek by multiple earthquakes. Charcoal from lake sediments has been dated at 8243-8303 years BP, possible indicating another earthquake on the twin Lakes Fault.

The Blue Ridge fault zone has had two exploratory excavated fault trenches done. Madin talked about the process of reviewing the trenches while showing and discussing a colored map with trench features. He reviewed a chart with the likely earthquake magnitudes for Mt. Hood Fault Zone hazards, which showed the faults, length, slip, and magnitude. Madin said there is a lot of uncertainty, but most are estimated at approximately 6.5 magnitude except Blue Ridge is 7.0, but if the entire zone went at one time it was a 7.4 magnitude earthquake. Madin stated when you measure your proximity to earthquakes for the perspective hazard that it is not how close you are to the fault, it is how close you are to the hypocenter of the earthquake.

Ashford asked Madin to describe the relationship between the fault scarps we see and the earthquakes that caused them. Madin replied they only see a small segment of earthquake activity because it has to be an earthquake that is big enough to break the ground’s surface and large enough to stumble over it. The size of the earth depends on the amount of the fault area that moves.

Kozlowski asked if the faults could potentially be a hazard for the areas. Madin replied absolutely. Kozlowski asked if there is a plan to educate the residents. Madin said it is frustrating because they cannot provide more details until it has been explored and verified. The USGS will not put the faults in the seismic hazards maps unless there is a published trench study/publication showing the details. Ashford mentioned ODOT retrofitting bridges in Eastern and Central Oregon based on some ground shaking happening in those areas. Madin replied it was a triage exercise to find the route that could most cheaply be fixed and that due to uncertainty there could be mild damage from a subduction zone earthquake.

Briefing: **No Board Action Required.**

9) **Legislative Update:**

Bob Houston, Interim Legislative Coordinator, provided a Legislative update for DOGAMI.

Houston stated DOGAMI has two Senate Bills (SB). SB 46 has had a hearing and there are stakeholder meetings with the committee administrator taking place to try and reach consensus. He explained the Exclusion Certificate (EC) did not have a lower threshold, so an Exclusion Certificate is currently required for operations excavating less than 5,000 cubic yards of material and captures everything down to a shovel full. DOGAMI proposed to change that lower threshold to 1,000, but an agreement amongst stakeholders has been reached stating it could be reduced to 500, with a caveat of a public notification process upon receipt of an application. The onsite construction issue is currently captured as surface mining law. If digging any structure like a home or just grading out the property, an Exclusion Certificate would be needed if the activity is less than 5,000 cubic yards. An
Operating Permit would be needed if onsite construction activities are over 5,000 cubic yards.

Specific to this scenario, the current language says you can waive the reclamation plan because the building of the building is the reclamation plan.

Houston said SB 45 proposes fee adjustments to the regulatory program. This is to ensure there are funds for the program past 2023, and if not received, priorities would need to be assessed and staff reductions may need to occur. The biggest increase is related to the base fee and brings parity between similar permit actions across programs. Jeremiah asked a question on the costs regarding stakeholder program revenue and budget information, what the timing is, and has that information been able to be distributed or is it held up due to Riddell’s absence and availability of information.

Houston said DOGAMI made a presentation at OCAPA’s Annual Board meeting that included expenditures and revenues from the program from 2013 and projecting forward. OCAPA has asked for more detail in the expenditures and revenues to see where the money is going.

Houston explained Policy Option Package (POP) 090 came out of the Governor’s Revised Budget (GRB). It provides funds for evaluating vertical evacuation options for coastal schools and hospitals within the Tsunami Inundation Zone; evaluates early warning sites, evacuation routes and plans, and defensive wall structures. This POP is part of the Governor’s resilience plan.

POP 101 provides funds for MLRR to add one field staff to help meet the regulatory responsibilities for site inspections, which is KPM #4, and timely issuance of Operating Permits, which is KPM #5. It also provides funds for one IT staff to modernize functions in support of an online ePermitting system and a modernized database. These positions will be phased in at 18 months into the biennium and fund the new ePermitting system in January of 2021. This POP is contingent on the passing of SB 45.

POP 102 provides funds for DOGAMI’s lidar program. It supports the need for matching funds for grants and coverage for smaller communities that cannot afford the lidar collection within their areas. This would increase funds to provide comprehensive maps for those areas related to geologic mapping and hazard mapping in support of KPM #1. Kozlowski asked if this was for statewide and if there are areas that have not been mapped. Houston replied yes and said he can provide a map of the areas that have lidar coverage and what still needs to be done.

Briefing: No Board Action Required.

10) GS&S Update:

Alyssa Pratt, acting GS&S Program Manager, provided an update on GS&S.

Pratt discussed the activity of the program. She said seven pre-proposals have been submitted to FEMA, and one to NOAA for the National Tsunami Hazard Mitigation Program (NTHMP) program. A final proposal was submitted to USGS for StateMap FY19.

Pratt said they are focused on twenty-three grants and projects with four of them being overbudget. She stated three have gone through the Project Modification Process. Pratt discussed the review process and template used, which is for overbudget projects listing what went wrong, improvements, and what still needs to be done to meet deliverables. It is then determined by the Leadership Team what can be done instead and how to proceed. Pratt said a committee has been established to do process improvement, transparency, and focusing on standardizing reports for the PIs.
Pratt went through the timeline of when things started taking place in the Agency. She said a strict procedure was setup for expenditure approvals by only Director Avy or CFO Riddell, but it was recently relaxed to allow supervisor approval. They will be working with staff to find more efficient ways and are expecting some process improvements to follow. Pratt mentioned one tool that a current staff member uses to plan out their time for the next year, has now been shared with the rest of the staff to use.

Pratt mentioned a new statewide HR system was rolled out recently causing duplicate work to be completed. Kozlowski asked how they are staying on top of all these changes to keep them working. Pratt explained some of the steps taken and said improvements have been happening. Kozlowski asked about the new HR system. Pratt replied that some of the new changes include recruitments and vacation requests, saying it is a definite learning curve.

Riddell brought up the fact that the timeline started for the rotational staff, without manager experience, being forced to say no to staff, approving timesheets, and completing the new tasks. She said they are doing an incredible job at a very difficult time.

**Briefing:** No Board Action Required.

11) **Director’s Report:**

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

**Business Office Staffing**

Avy stated this has been a stressful time. The Agency does not have backup coverage like larger agencies, and when this happened, it was difficult finding someone quickly to cover the CFO position as there is not a good mechanism within the State system to bring in someone like that.

Rachel Melvin, from Board of Pharmacy (BOP), was loaned to DOGAMI for up to 4 days a week to help get things caught up on the basic core tasks. Jeremiah asked if there is a way to triage and cover the roles. Avy replied staff did step up and try to get things done. Maffei said it is not a problem the Agency can fix but it appears to be a State level problem for small agencies. Avy said it is easier to find someone who can handle the transactional details but not the higher-level financial budget aspects.

**Tsunami Line Letter**

Avy handed out a copy of the letter sent to the Governor requesting a taskforce be established. Mike Harryman has taken the lead and the workgroup had their first meeting, which began with participants discussing the issue from their agency’s perspective. There will be coastal representatives added, but not sure who that will be at this time. Avy said there was fair acknowledgment that this challenge is right for addressing and looking for some sort of answer.

Ashford said he has been hearing from the professional community and asked if the taskforce can look at adding someone technical to the workgroup. Avy said he would pass the request along to Mike Harryman.

Jeremiah asked if there was still ongoing conversation with the Coastal Caucus on the issue. Avy stated he and Bob Houston provided an update to the Coastal Caucus about the letter and Houston
has been meeting with individual legislators as they have questions. Avy said their concerns are regarding economics for the coastal communities, but they are happy with the direction DOGAMI has taken with the letter to the Governor. Kozlowski said a lot of misinformation is out there and needs to be clarified. Ashford said it appears the State is acknowledging this, and it is being addressed.

**SEIU Representation**

Avy stated the staff has completed the process for representation by SEIU. Sherry Carter said staff sought out the option to be represented by SEIU and it became effective February 1, 2019. Leadership will be meeting with the SEIU to discuss future working relationships, and contract details. Ashford asked who is not represented by the union. Carter replied the Management/Leadership Team, Lori Calarruda as the Executive Assistant supporting the Agency, and rotational managers/supervisors while in their rotational positions. Ashford asked how that works for the rotational staff. Carter clarified that rotational staff are represented but not allowed to participate in voting during their rotational roles.

**Leadership Rotations Update**

Avy discussed the rotations and emphasized the incredible job performed by the supervisors during this challenging environment. Ashford said he is happy with the idea of the rotations and that he has adopted it himself in his workplace. Ashford said by keeping the projects under control until the end of the biennium he thinks the Agency can do more work going forward.

**DOGAMI Budget Hearing**

Avy said the budget hearing is later this week and he, Sarah Lewis and Bob Houston will be presenting.

McKesson said he was under the impression that State employees are not allowed to speak at public hearings about political issues. Avy said any employee has the right to participate in a public hearing as long as they identify when they are not representing the agency.

**Briefing:** No Board Action Required.

12) **Public Comment:**

Chair Maffei asked for public comment.

Comment of John McKesson: McKesson said the Agency needs to get out and talk to the public even if budget is an issue.

13) **Board Adjourn:**

Chair Maffei adjourned the meeting at 12:10 p.m.

APPROVED

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Laura Maffei, Chair
Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Bob Houston, Interim Legislative Coordinator

Date: June 28, 2019

Regarding: Agenda Item 4 – Legislative Update

Bob Houston, Interim Legislative Coordinator, will provide a Legislative Update for DOGAMI.

Proposed Board Action: The Board will not be asked to take an action on this item.
To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Bob Houston, Interim Legislative Coordinator

Date: July 3, 2019

Regarding: Agenda Item 5 – Key Performance Measures (KPM) Annual Data Report Review

The department is measured on 6 Key Performance Measures (KPMs): 1) Hazard and Risk Assessment Completion; 2) Detailed Geologic Map Completion; 3) Lidar Data Completion; 4) Percent of mine sites inspections Biennially; 5) Customer Service; and 6) Governance.

The Key Performance Measures 3-4 have been completed and will be reviewed during the meeting.

Note: KPM 1 (Hazard and Risk Assessment Completion), KPM 2 (Detailed Geologic Map Completion), KPM 5 (Customer Service), and KPM 6 (Governance), an annual assessment by the Board based on a set of 15 best practice criteria, are scheduled to be completed at the next Governing Board meeting scheduled in the fall of 2019.

To expedite the review process, the Board may consider approval of completed KPMs 3-4.

Staff recommends approval of KPMs 3-4.

Proposed Board Action: The Board approves completed Key Performance Measures (KPMs) 3-4 of the Annual Progress Performance Report as presented/revised.
Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Bob Houston, Interim Legislative Coordinator

Date: June 28, 2019

Regarding: Agenda Item 6 – Rule Writing

The Oregon Department of Administrative Services has updated the Statewide Policy on Public Records Request Fees and Charges (107-001-030; Attached: DAS-statewide-policy-on-public-records-request.pdf).

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.

Agencies must review and, if necessary, update their Public Records Request charging policies, practices and or administrative rules to comply with this Policy.

The Agency’s service fees are specified in OAR 632-001-0010 (Attached: OAR 632-001-0010_2019.pdf). These service fee amounts were last updated in 1995.

In order to comply with the Statewide policy on Public Records Request fees and charges, the Agency will need to implement rulemaking.


Proposed Board Action: The Board will be asked to take an action on this item.
PURPOSE
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 providing a standard process for state agency use when evaluating requests to reduce or waive fees assessed for fulfilling a request.

Agencies must review and, if necessary, update their Public Records Request charging policies, practices and or administrative rules to comply with this Policy.

APPLICABILITY
This Policy applies to all agencies within the Executive Department, as defined in ORS 174.112, excluding the following:

- Secretary of State
- State Treasurer
- The Attorney General, but only with respect to its authority under ORS 182.124 over information systems security in the Department of Justice
- Oregon State Lottery
- State Board of Higher Education or any public university listed in ORS 352.002

The requirements in this Policy do not supersede, modify or replace the existing legal responsibilities of any state agency. Agencies must continue to meet obligations required by all applicable laws, policies, procedures and standards including without limitation: state and Federal public records laws, privacy laws and regulations, and applicable DAS policies and procedures.

EXCLUSIONS
Other than the excluded organizations listed above in the APPLICABILITY section of this Policy, there are no other exclusions.

EXHIBITS
- **EXHIBIT A:** Statewide Standardized Fee-Structure Process Document
- **EXHIBIT B:** Statewide Standardized Fee-Schedule
- **EXHIBIT C:** Public Interest Threshold Evaluation Form (Fee-Waiver or –Reduction Request)
- **EXHIBIT D:** Statewide Reduced Fee-Schedule
SPECIAL SITUATIONS
This fee-structure does not apply to agency-specific records with established pre-set price per record (e.g., vital records, licenses, police reports; DMV motor-carrier fees, etc.) or fees assessed for notarized/certified copies of public records.

COMPLIANCE
Agencies subject to this Policy must develop and implement internal processes and procedures that support compliance, deter abuse and detect violations.

Agencies may submit a written request for assistance within 90 days of the effective date of this Policy if implementation of this Policy causes undue financial hardship or over-burdensome workloads for agency staff. The request should specify: the policy section(s) and implicated requirements making implementation over-burdensome; and the type of assistance necessary for the agency to achieve compliance.
### Process

<table>
<thead>
<tr>
<th>PUBLIC RECORDS REQUEST RECEIVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agencies shall waive 30-minutes of staff time (at a minimum).</td>
</tr>
</tbody>
</table>

An agency may deny eligibility for the 30-minute waiver if abuse by the requester is determined to exist either by:
1) Fragmenting a request that if taken in the aggregate would amount to significantly more than 30 minutes; or
2) Submitting multiple small requests in a short time-frame causing an undue burden on the agency.

<table>
<thead>
<tr>
<th>FEE-WAIVER/REDUCTION REQUEST RECEIVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waiver Eligibility Determined</td>
</tr>
<tr>
<td>Agencies are statutorily required to consider and grant reasonable requests to waive and/or reduce fees associated with fulfilling a public records request when doing so is in the public interest because providing access primarily benefits the general public.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Interest Threshold Criteria Applied</th>
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</thead>
<tbody>
<tr>
<td>See attached Public Interest Threshold Criteria Evaluation Form.</td>
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</tbody>
</table>

#### Public Interest Threshold Met

- **Full Waiver**
  - All fees waived.

- **Partial Waiver**
  - Reduced fee-schedule applied for any fees not covered by waiver.

#### Public Interest Threshold Not Met

- **Reduced Fee-schedule**
  - No waiver available.

- **Standard Fee-schedule**

#### Required Agency Communication w/ Requester:

- Notify requester of initial cost-estimate.
- Seek approval, prior to initiating work to fulfill a Public Records Request, if total costs estimated are > $25.
- Work with requester to refine the scope of their request or otherwise reduce out-of-pocket cost when initial cost-estimate > $250.
### Standard Fee-Schedule

Agencies shall waive a minimum of 30 minutes of staff time for all Public Records Requests after which fees may be assessed for additional staff time, applicable services and supplies required to fulfill a Public Records Request in accordance with the applicable fee-schedule below.

The hourly rate charged for additional staff time will be based on the level of skill or expertise required to complete the work performed. Meaning, if work done to fulfill a request requires clerical-level skills, agencies may only charge the clerical hourly rate time spent on that portion of the work (as a maximum), even if a managerial-level or professional-level employee actually fulfills the request on behalf of the agency.

Agencies will not charge for staff time spent witnessing records inspection when the estimated cost of making public records available for inspection is:

- less than the cost of providing the requestor with a copy of the public record; or
- insignificant (requested public records are readily accessible and do not require review, redaction or segregation).

Fees will be charged for staff time required to redact exempt information from requested public records prior to release.

### Staff time

Fees for staff time required to fulfill a Public Records Request shall not exceed:

- **$25/hour for Clerical** (administrative, office specialists, other support staff)
- **$40/hour for Managerial** (Program managers, PIOs)
- **$75/hour for Professional** (IT, HR, High-level Analyst)
- **DOJ, special attorney and other applicable legal fees**: at the actual hourly rate charged for Public Records Request-related services. Fees are subject to statutory limitations described in [ORS 192.440(4)(b)](https://leg mankind.state.or.us/bill管理和/search/lost).  

### Production of Responsive Records

Fees generated by providing paper or electronic copies to requesters:

- **Copies**: Based on current state printing and distribution price list.
- **Media**: Based on statewide price-agreement with OfficeMax.
- **Postage**: Based on current postal rates.

### Additional Cost Considerations

Miscellaneous fees related to production and release of responsive records:

- Expedited Archive retrieval
- Costs of software companies/contracts (as needed to manage the volume of request)
- Other 3rd party costs (in extreme circumstances)

*This fee-structure does not apply to agency-specific records with established pre-set price per record (e.g. vital records, licenses, police reports; DMV motor-carrier fees, etc.) or fees assessed for notarized/certified copies of public records.*
Exhibit C: Public Interest Fee-Waiver or -Reduction Request

Public Interest Threshold Evaluation Form

HOW TO USE THIS FORM:

Agencies are statutorily required to consider and grant reasonable requests to waive and/or reduce fees associated with fulfilling a public records request when doing so is in the public interest because providing access primarily benefits the general public.

The Public Interest Threshold Evaluation provides agencies with standardized criteria to use when evaluating a request for a fee-reduction/waiver submitted by a public records requestor under ORS 192.440(5). Agencies shall consider each factor to determine whether the public interest in disclosure of the requested records warrants granting a fee-reduction/waiver.

All requests for a Public Interest Fee-Waiver or -Reduction will be evaluated on a case-by-case basis using information provided by the requestor as well as information independently available to the agency.

ADDITIONAL GUIDANCE:

- To adequately balance the State’s obligation to be transparent and accessible with the obligation to prudently safeguard public funds and resources, fee-waivers and -reductions should be granted when the statutory standard has been met – when disclosure will primarily benefit the general public.

- A request to waive or reduce fees related to a public records request, that requires substantial agency resources to complete, may be denied if the interest of the general public would be better served by preserving agency resources.

- The public interest is not a fixed concept and the balance of public interest may change over time. It may shift as information becomes older or in the light of issues of the day. The circumstances at the time of the request will be considered.

- A genuine public interest in the subject matter of a request is required as the basis for granting a waiver. The public interest is not necessarily the same as what interests the public. The fact that a topic has been discussed in the media does not automatically mean that there is a public interest in disclosing the information that has been requested about it.

- This standardized fee-structure does not supersede, modify or replace the existing legal responsibilities of any state agency. Agencies must continue to meet obligations required by applicable laws, policies, procedures and standards including without limitation: State and Federal public records laws, privacy laws and regulations and fees for certain public records as defined in statute.

Note:

Requests for fee-reduction or waiver will be evaluated on a case-by-case basis based on:

- The information provided by the requester; and
- The totality of circumstances at the time of the request.

Previous requests and evaluations will not be considered as part of the evaluation.
Exhibit C: Public Interest Fee-Waiver or -Reduction Request

Public Interest Threshold Evaluation Form

Date of Request: ______________________

Name of Requestor: ______________________

Requested Record(s): __________________________________________________________

<table>
<thead>
<tr>
<th>PUBLIC INTEREST THRESHOLD CRITERIA</th>
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<tbody>
<tr>
<td>Public Interest Threshold Criteria Evaluation</td>
</tr>
<tr>
<td>Agencies shall consider the criteria below to determine whether waiving or reducing the costs associated with fulfilling a public records request would serve the public interest by primarily benefiting the general public.</td>
</tr>
</tbody>
</table>

**Public Interest:**

1. Would disclosure of the requested information, directly impact, affect, or serve an identified interest of the general public? [ ] YES [ ] NO

2. Would the requested information, advance the welfare or well-being of the general public? [ ] YES [ ] NO

3. Will the requester be able to actually, meaningfully disseminate the requested information? [ ] YES [ ] NO

**Private or Commercial Interest:**

4. Is the public benefit greater than the individual benefit derived from disclosure? [ ] YES [ ] NO

5. Is there a specifically identified purpose for which the public records are being sought that is wholly unrelated to 1) commercial purposes; or 2) actual or possible use in connection with administrative, judicial or legal proceedings? [ ] YES [ ] NO

**Reasonableness:**

6. Is the request targeted at a specifically identified matter (meaning, not overly-broad or -complex)? [ ] YES [ ] NO

7. Can the agency grant a waiver or reduce fees without causing an unreasonable burden on agency resources? [ ] YES [ ] NO

8. Is the public interest served by disclosure greater than the burden to the agency (amount of staff time diverted to fulfilling a request and costs of subsidization)? [ ] YES [ ] NO

**Determination/Decision:**

Employee Name (Print) ______________________ Signature ______________________ Date ______________________

A yes or no determination regarding a single criterion or for majority of the criteria does not guarantee the granting of a fee-reduction or waiver. Each request will be considered on a case-by-case basis, based on the information provided by the requester and the totality of the circumstances at the time of the request.
Reduced Fee-Schedule

Agencies shall waive a minimum of 30 minutes of staff time for all public records requests after which fees may be assessed for additional staff time, applicable services and supplies required to fulfill a Public Records Request in accordance with the applicable fee-schedule below.

The hourly rate charged for additional staff time will be based on the level of skill or expertise required to complete the work performed. Meaning, if work done to fulfill a request requires clerical-level skills, agencies may only charge the clerical hourly rate time spent on that portion of the work (as a maximum), even if a managerial-level or professional-level employee actually fulfills the request on behalf of the agency.

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- insignificant (requested public records are readily accessible and do not require review, redaction or segregation).

Fees will be charged for staff time required to redact exempt information from requested public records prior to release.

Staff time
Fees for staff time required to fulfill a PRR shall not exceed:
- **$20/hour for Clerical** (administrative, office specialists, other support staff)
- **$32/hour for Managerial** (Program managers, PIOs)
- **$60/hour for Professional** (IT, HR, High-level Analyst)
- **$75/hour for DOJ, special attorney and other applicable legal fees.**

Production of Responsive Records
Fees generated by providing paper or electronic copies to requesters:
- **Copies**: Based on current state printing and distribution price list.
- **Media**: Based on statewide price-agreement with OfficeMax.
- **Postage**: Based on current postal rates.

Additional Cost Considerations
No additional cost considerations will be included in the invoiced amount passed on to the requester under this reduced fee structure.

*This fee-structure does not apply to agency-specific records with established pre-set price per record (e.g. vital records, licenses, police reports; DMV motor-carrier fees, etc.) or fees assessed for notarized/certified copies of public records.*
Exhibit D: Statewide Reduced Fee-Schedule

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<td>Agencies shall waive a minimum of 30 minutes of staff time for all Public Records Requests after which fees may be assessed for additional staff time, applicable services and supplies required to fulfill a Public Records Request in accordance with the applicable fee-schedule below.</td>
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<tr>
<td>Fees for staff time required to fulfill a Public Records Request shall not exceed:</td>
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<td>➢ $20/hour for Clerical (administrative, office specialists, other support staff)</td>
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Department of Geology and Mineral Industries

Chapter 632

Division 1

PROCEDURAL RULES

632-001-0010

Service Fees

(1) Copying of available files, records, reports, or other departmental documents for the public will be charged for at the minimum rate of $.15 per page with a minimum charge of $1.

(2) Labor performed at the request of the public in copying, searching records or other service functions will be charged for at rates of at least $20 per hour per person at the discretion of the appropriate supervisor.

(3) Copying of available data, records, or publications electronically for the public will be charged at the minimum rate of $10 per disk copied, or as otherwise priced, based upon staff time involved.

(4) Reproduction on agency equipment by agency personnel of library Open-File Reports or maps from a disk or digital format will carry a minimum charge of $50 to recover costs.

(5) The department may assess a charge based on the actual cost of labor and materials if the department determines that actual costs are significantly greater than the minimum charges or rates established by this rule.

(6) Fee reductions or waivers may be granted as provided in ORS 192.404(4).

Statutory/Other Authority: ORS 517
Statutes/Other Implemented: ORS 516.090

History:
GMI 2-1995, f. & cert. ef. 3-10-95
GMI 3-1985, f. & ef. 11-20-85
To:    Chair, Vice-Chair, and members of the DOGAMI Governing Board

From:   Sherry Carter, DAS Client Agency Human Resources Business Partner

Date:    June 28, 2019

Regarding:   Agenda Item 7 – Review New Process of Evaluation for Director

Sherry Carter, DAS Client Agency Human Resources Business Partner, will review a new process for the Director’s Performance Evaluation that will be held at the next Board meeting, currently scheduled for Friday, September 20, 2019.

Proposed Board Action: The Board may be asked to take an action on this item.
Good Morning,

We are gathering input to develop the 2018 performance evaluation for the Executive Director of the Department of Geology and Mineral Industries, Brad Avy. In addition, we will use your feedback to assist in establishing goals and performance objectives for the upcoming year. Please complete by XXX as your candid feedback is highly valued.

All responses will be held in the strictest of confidence. Thank you for your participation.

Please click here to provide your feedback.
Department of Geology and Mineral Industries
Annual Executive Director Performance Evaluation Procedure

1.0 Purpose
1.1 The purpose of this procedure is to outline the data collection, data compilation, and administration of the Executive Director Performance Evaluation.

2.0 Scope
2.1 This procedure applies to the DOGAMI staff, DOGAMI Board Members, other identified evaluation contributors, and DAS Client Agency Human Resources Business Partner.

3.0 Responsibility
3.1 The DOGAMI President shall supervise this procedure.
3.2 All invited contributors are encouraged to participate in the evaluation process.
3.3 The Client Agency Human Resource Business Partner shall assist in data collection and updating the DOGAMI with state updates and trends.

4.0 References
4.1 Survey Questions

5.0 Definitions
5.1 DAS- Department of Administrative Services
5.2 DOGAMI- Department of Geology and Mineral Industries

6.0 Frequency
6.1 Annually, with administration of finalized evaluation completed at June board meeting

7.0 Equipment and Supplies
7.1 MaritzCX platform or current survey gathering software utilized by DAS
7.2 Email
7.3 Evaluation contributor e-mail list

8.0 General Information
8.1 The Executive Director Performance Evaluation should provide a 360 degree view of performance with the intent to solidify positive trends and identify trends for performance improvement.

9.0 Procedure
9.1 Identify Evaluation Contributors’ Email Addresses
9.1.1 Includes peers, employees, business partners. Examples to consider include:
9.1.1.1 Board members
9.1.1.2 DOGAMI staff
9.1.1.3 Business partners, such as HR
9.1.1.4 Shared service providers, such as payroll, facilities
9.1.1.5 Industry Stakeholders

9.2 Edit/Update Survey Questions
9.2.1 DOGAMI president shall work with Client Agency Human Resources Business Partner to identify new trends in survey questions annually.
9.2.1.1 For example, a recent change/addition was including questions about affirmative action, as this is a priority of the state.
9.2.2 DOGAMI president shall verify questions with DOGAMI board members to ensure appropriate and timely questions are administered.

9.3 Distribute Survey Questions to Evaluation Contributors
Department of Geology and Mineral Industries
Annual Executive Director Performance Evaluation Procedure

9.3.1 Client Agency Human Resources Business Partner shall send survey via e-mail to identified evaluation contributors.

9.4 Compile Data For Evaluation Rough Draft
9.4.1 Client Agency Human Resources Business Partner shall compile data into a summary and provide to DOGAMI President and individual board members.
9.4.2 DOGAMI President and second board member shall create an evaluation rough draft.
9.4.3 DOGAMI President and second board member shall present rough draft to board members via e-mail prior to June board meeting.

9.5 Finalize Evaluation
9.5.1 Board members shall use the rough draft to edit during June board meeting to create a final draft.

9.6 Administer Evaluation
9.6.1 Board members shall administer the finalized evaluation to the executive director in executive session during the June board meeting.
9.6.2 Upon receipt of appropriate signatures, the finalized evaluation will be routed to DAS to be maintained in the official personnel file.
Overall Rating for Executive Director - XXX

<table>
<thead>
<tr>
<th>RATING AREA</th>
<th>RATING</th>
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<tbody>
<tr>
<td>1. Employee can establish goals aligned with agency priorities, creates a climate that motivates employees to perform, ensures work product accountability is established and work output is accomplished by those responsible.</td>
<td></td>
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<tr>
<td>COMMENTS:</td>
<td></td>
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<tr>
<td>2. Employee can plan, organize and problem-solve to achieve desired results and meet goals. Makes decisions and takes responsibility for them.</td>
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<td>COMMENTS:</td>
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<td>3. Employee accurately predicts and forecasts future needs and prepares strategies on how to deal with them.</td>
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<td>COMMENTS:</td>
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<td>4. Employee creates an environment to manage change and takes appropriate calculated risks.</td>
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<tr>
<td>COMMENTS:</td>
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<tr>
<td>5. Employee keeps appropriate people informed, clearly expresses ideas and information verbally and in writing, effectively leads groups to consensus, works well with others to accomplish team objectives, identifies situations needing persuasion/negotiation and effectively reaches conclusions, actively listens.</td>
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<td>COMMENTS:</td>
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<td>6. Employee actively ensures the organization is moving toward the achievement of performance management and performance standards.</td>
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<td>COMMENTS:</td>
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<td>7. Employee coaches and mentors staff to develop and improve the performance of staff.</td>
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<td>COMMENTS:</td>
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<td>8. Employee demonstrates ability to successfully navigate and operate in a highly visible and contentious environment, responds to multiple constituents who have disparate interests and conflicting agendas, provides liaison between groups.</td>
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<td>Comments:</td>
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<td><strong>9.</strong> Employee demonstrates effective judgement, professionalism, responsiveness, creativity, decisiveness, initiative and political awareness.</td>
<td>COMMENTS:</td>
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<tr>
<td><strong>10.</strong> Employee recognizes need for policy change or establishment and effectively develops policies, procedures and controls necessary to carry out mission and goals of the Board.</td>
<td>COMMENTS:</td>
</tr>
<tr>
<td><strong>11.</strong> Employee recognizes the need for a diverse workforce and supports ongoing affirmative action efforts both within the Agency as well as externally. This is represented in hiring decisions and contract selections as qualified candidates are evaluated as well as other outreach to the staff and Board.</td>
<td>COMMENTS:</td>
</tr>
</tbody>
</table>

**GENERAL COMMENTS**

**GOALS FOR NEXT RATING PERIOD**

---

XXX, Executive Director

Date

XXX, Board Chair

Date
<table>
<thead>
<tr>
<th>Category</th>
<th>Title</th>
<th>Name</th>
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<tbody>
<tr>
<td><strong>Board Members</strong></td>
<td>Public Member</td>
<td>Christine Chute</td>
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<tr>
<td></td>
<td>Technician Member</td>
<td>Cyndi Vipperman, CPhT</td>
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<td></td>
<td>Technician Member</td>
<td>Dianne Armstrong, CPhT</td>
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<td>Pharmacist Member</td>
<td>Kate James, RPh</td>
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<td>Pharmacist Member</td>
<td>Ken Wells, RPh</td>
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<td>Pharmacist Member</td>
<td>Penny Reher, RPh</td>
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<td>Pharmacist Member</td>
<td>Rachael DeBarmore, RPh</td>
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<td>Pharmacist Member</td>
<td>Roberto Linares, RPh</td>
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<td><strong>Board Staff</strong></td>
<td>Pharmacy Inspector</td>
<td>Katie Baldwin</td>
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<td>Chief Investigator</td>
<td>Joseph Ball</td>
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<td>Compliance Director</td>
<td>Brianne Efremoff</td>
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<td>Pharmacy Inspector</td>
<td>Laura Elvers</td>
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<td>Pharmacy Inspector</td>
<td>Cheryl Fox</td>
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<td>Compliance Secretary</td>
<td>Annette Gearhart</td>
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<td>Pharmacy Inspector</td>
<td>Jane Gin</td>
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<td>Management Secretary</td>
<td>Loretta Glenn</td>
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<td>Licensing Rep</td>
<td>Kim Hartley-Arambula</td>
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<td>Lic. Program Supervisor</td>
<td>Chrisy Hennigan</td>
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<td></td>
<td>Licensing Representative</td>
<td>Jennifer Hummel</td>
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<td></td>
<td>Licensing Representative</td>
<td>Michael Hunt</td>
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<td></td>
<td>Pharmacist Consultant</td>
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<td>Executive Director of Veterinary</td>
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<td>Jeremy VanDeheye</td>
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<td>Deputy Health Care Policy Advisor</td>
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<td>DAS CFO - Budget Analyst</td>
<td>Anthony Medina</td>
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<td><strong>Organization Heads</strong></td>
<td>Executive Director of NABP</td>
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<td>Kevin Russell</td>
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<td>Dean of OSU COP</td>
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<td>Sen. Laurie Monnes Anderson</td>
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<td>Senator</td>
<td>Sen. Elizabeth Steiner Hayward</td>
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Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Dania Ballard, Chief Financial Officer

Date: July 3, 2019

Regarding: Agenda Item 8 – Financial Report

Attached is the DOGAMI Budget Status Report, as of May 31, 2019 for the Geological Survey and Services (GS&S) Program and the Mineral Land Regulation & Reclamation (MLRR) Program.

Proposed Board Action: The Budget Status Report be Approved/Not Approved as presented.
TO: Board of Directors
FROM: Dania Ballard, Chief Financial Officer
DATE: July 1, 2019
SUBJECT: Financial Operations and Reporting

Fiscal Year 19 End/New Biennium

Fiscal year (FY) 2019 ended June 30, 2019. Due to end-of-biennium cashflow issues for program operations, legislative approval was required to fulfill FY19 business needs.

- Geological Survey and Services (GS&S): Additional $650,000 General Funds
- Mined Land Regulation and Reclamation (MLRR): $400,000 Expenditure Limitation Increase.

The GS&S budget required $650,000 additional general funding (GF) to meet overall operational needs due to various factors including project costs exceeding budget. Reimbursable expenses related to the Grassy Mountain chemical gold mine pre-permitting process were greater than forecasted in the FY18-19 budget requiring an increased $400,000 spending authority limit for the MLRR program.

Given the late biennium GF shortfall realization and need, the legislative sub-committee considered DOGAMI financial oversight and long-term agency viability. Due to these concerns, a one-year budget was approved with the following requirements.

- Financial Reporting
  - Monthly financial reporting to Department of Administrative Services (DAS) and the Legislative Fiscal Office. This reporting includes monthly status of budget to actual and projections, projects, and grants.
- Strategic Plan
  - A strategic plan for DOGAMI, prepared by the Governor’s Office/DAS evaluating long-term viability and structure. This will be considered in the FY20 legislative session.
- Staffing Adjustments
  - GS&S: Elimination of three (3) Natural Resource positions two (2) vacant positions (Public Affairs and Natural Resource).
Business Office: Addition of two (2) positions (Grants Accountant and Contract Specialist). Also, reclassification of a Fiscal Analyst to a higher responsibility level. These adjustments are directed to realign funding to support grant and contract oversight to eliminate project overspending.

• MLRR: Fee Increase Proposal
  o Proposal at the FY20 legislative session based on an evaluation of projected revenue/expenses and appropriate cost recovery.

Business Office Activities

Biennium financial close activity has commenced. Due to the fiscal analyst position vacating, DAS Accounting Office is assisting with general accounting processing. Jack Kenny is providing temporary assistance to address legislative fiscal analysis/communications, grant reporting, and other financial needs supporting of fiscal operations.

Activities supportive of financial reporting requirements are being aligned. The Director and CFO will meet weekly to discuss project status recognizing areas of concern that will prompt a meeting with project managers to remedy. Additional financial processes are being reviewed to determine other areas that may require greater monitoring or process improvement. Dependent on collective bargaining language and human resource policy, layoffs may extend early into FY20 affecting ability to recruit Business Office staff until completed. Temporary assistance will be used to meet requirements until recruitment can occur.

Board Expectations

Business Office staff turnover and new legislative-directed requirements prompts the opportunity to assess DOGAMI Board communication needs. DOGAMI would like to ask the Board for guidance on what information would be beneficial to support their role.

ATTACHMENTS:

DOGAMI Financial Report
### Geological & Survey Service (G&S) Program

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Available Revenue</th>
<th>SMIF Ending Balance</th>
<th>General Fund</th>
<th>Other General Fund</th>
<th>Other Federal Fund</th>
<th>All Funds</th>
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<tbody>
<tr>
<td>2017-18</td>
<td>4,570,949</td>
<td>2,055,144</td>
<td>6,643,657</td>
<td>15,794,510</td>
<td>9,552,125</td>
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<th>Year</th>
<th>Total Available Revenue</th>
<th>General Fund</th>
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<tbody>
<tr>
<td>2017-19</td>
<td>4,709,949</td>
<td>2,055,144</td>
<td>6,643,657</td>
<td>15,794,510</td>
<td>9,552,125</td>
</tr>
</tbody>
</table>

### Expenditures

#### Personnel Services
- General Fund: 5,916,857
- Other General Fund: 14,572
- Other Federal Fund: 26,429
- All Funds: 6,635,411

#### General Funds
- Personnel Services: 652,765
- Professional Services: 1,075,000
- Equipment: 430,200
- Data Processing: 27,103
- Employee Recruitment: 2,569
- Employee Training: 13,798
- Out of State Travel: 7,677
- Facilities Maintenance: 346,594
- Fuels & Utilities: 222,592
- Facilities Rent: 5,929
- Data Processing Software: 90,240
- Research: 893,111
- Professional Services: 346,594
- General Funds: 373,697

#### Other Funds
- Personnel Services: 49,671
- Employee Training: 16,393
- Facilities Maintenance: 109
- Facilities Rent: 19,627
- Data Processing Software: 90,240
- Equipment: 2,485
- Professional Services: 27,103
- Equipment: 5,648
- Data Processing: 5,929
- Research: 2,569
- Professional Services: 2,569
- Research: 2,569

#### Total Expenditures
- General Fund: 2,071,000
- Other General Fund: 303,124
- Other Federal Fund: 1,033,248
- All Funds: 3,407,366

#### General Funds
- Personnel Services: 2017-19 Actual: 1,075,000
- Professional Services: 2017-19 Actual: 346,594

#### Other Funds
- Personnel Services: 2017-19 Actual: 49,671
- Equipment: 27,103

#### Total Expenditures
- General Fund: 2,071,000
- Other General Fund: 303,124
- Other Federal Fund: 1,033,248
- All Funds: 3,407,366

### SMIF Ending Balance
- General Fund: 288,635
- Other General Fund: 1,033,248
- Other Federal Fund: 546,069
- All Funds: 970,742

**Note:** The table includes detailed financial information and expenditures broken down by budget category and line item, along with the comparison between actual and projected revenue and expenditures.
## Mineral Land Regulation & Reclamation (MLRR) Program

### 2017-19 Actual vs 2017-19 Budget

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<tr>
<th>Category / Line Item</th>
<th>General Funds</th>
<th>Other Funds</th>
<th>Federal Funds</th>
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<td>Data Processing &amp; Receivers</td>
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### 2017-19 Budget by Funding Source

#### General Funds
- Personnel Services: 2,454,679
- Service & Supplies: 260,402
- Travel: 613,077
- Office Expenses: 137,122
- Fencing Maintenance: 10,087
- Medical Services: 596
- Agency/Board/S & S: 569
- Intra agency Charges: 2,067
- Other Services & Supplies: 32,773
- Escalation Prop (6250-5000): 6,652
- IT Escalation Property: 6,546
- Technical Equipment: 18,282
- Data Processing & Receivers: 204,402
- Other Capital Outlay: 146,323
- Indirect: 204,402

#### Federal Funds
- Personnel Services: 462,855
- Service & Supplies: 4,412
- Travel: 1,571
- Office Expenses: 429
- Fencing Maintenance: 750
- Medical Services: 596
- Agency/Board/S & S: 569
- Intra agency Charges: 2,067
- Other Services & Supplies: 32,773
- Escalation Prop (6250-5000): 6,652
- IT Escalation Property: 6,546
- Technical Equipment: 18,282
- Data Processing & Receivers: 204,402
- Other Capital Outlay: 146,323
- Indirect: 204,402

#### Federal Funds (End of Year)
- Personnel Services: 462,855
- Service & Supplies: 4,412
- Travel: 1,571
- Office Expenses: 429
- Fencing Maintenance: 750
- Medical Services: 596
- Agency/Board/S & S: 569
- Intra agency Charges: 2,067
- Other Services & Supplies: 32,773
- Escalation Prop (6250-5000): 6,652
- IT Escalation Property: 6,546
- Technical Equipment: 18,282
- Data Processing & Receivers: 204,402
- Other Capital Outlay: 146,323
- Indirect: 204,402

### Reclamation Guarantee Fund

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<th>41 Cash Security's</th>
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<td>14 New Securities</td>
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<td>Burnet to date</td>
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<th>Beginning 2017-18</th>
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<td>51 Cash Security's</td>
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| 51 Cash Security's | 623,442 |

### MLRR Ending Balance

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<tr>
<th>MLRR Ending Balance</th>
<th>$ 409,040</th>
<th>$ 409,040</th>
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Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Randy Jones, DEQ Regional Solutions Liaison

Date: June 28, 2019

Regarding: Agenda Item 10 – Grassy Mountain Update

DEQ Regional Solutions Liaison Randy Jones will provide an update on Grassy Mountain.

Proposed Board Action: The Board will not be asked to take an action on this item.
To: Chair, Vice-Chair, and members of the DOGAMI Governing Board
From: Sarah Lewis, MLRR Program Manager
Date: June 28, 2019

Regarding: Agenda Item 11 – MLRR Update

Sarah Lewis, MLRR Program Manager, will provide an update on MLRR and report on the following topics:

1) Permit Status Summary

Please note, included in this packet are the ENGAGE Summer and Civil Penalties newsletters being sent out and can also be found online: https://www.oregongeology.org/mlrr/engage.htm

Proposed Board Action: The Board will not be asked to take an action on this item.
ENGAGE Feature: Storm Water Events – Spring 2019

April’s high-water event may have caught some Willamette floodplain sand and gravel mine operators by surprise. There are ~60 permitted floodplain sites and only the most recently permitted sites have permit conditions specific to the risks of pit dewatering and fish passage. Native fish that become entrapped in mine pits are likely to perish due to predation and/or inhospitable summer water temperatures.

Floodplain mine operators that conduct pit dewatering are at an increased risk of erosion and pit avulsion from overtopping flood events. At least one mine site had a dewatered pit that was inundated by the April high water. The water flowing into the pit caused a head cut that eroded soil and overburden from the adjacent agricultural field (See Picture). That material was deposited on clean gravel deposits that were otherwise ready to be mined this spring.

**How do high water events affect me (the operator)?**

- **If you have fish egress facilities** - review operational plans with staff to ensure your site is managed so that fish can get out of any floodplain pits that get inundated during high water events.
- **If you don’t have fish passage facilities** - consider incorporating fish passage facilities into your site planning to reduce your liability.
- **If you dewater** - some but not all sites that conduct pit dewatering have seasonal restrictions, via permit conditions, limiting pit dewatering from November to April to reduce the overall risk of a flood event inundating a dewatered pit. Review your permit conditions and minimize dewatering at your site.

*Please contact Vaughn Balzer, DOGAMI Floodplain Reclamationist at (541) 967-2082 or vaughn.balzer@oregon.gov with any questions or concerns regarding floodplain sites or flood events. Contact Stormwater Reclamationist Lisa Reinhart at (541) 967-2051 or lisa.reinhart@oregon.gov for questions regarding your DOGAMI administered Water Quality permit.*

If you’d like to receive this newsletter via email, sign up for our listserv:
[listserv.osl.state.or.us/mailman/listinfo/mlrr.newsletter]

Contact Us at 541-967-2039 mlrr.info@oregon.gov
[https://www.oregongeology.org/mlrr]
Oregon Department of Geology and Mineral Industries
Mineral Land Regulation & Reclamation
229 Broadalbin St. SW, Albany, OR 97321
MLR AWARDS:
Each year MLRR presents awards for outstanding reclamation, mine operation, and fish habitat enhancement. Reclamation Awards for 2018, were presented at the Oregon Concrete and Aggregate Producers Association (OCAPA) annual convention at Eagle Crest Resort on June 20, 2019. The reclamation awards are the state’s recognition and thank you to those in the mining industry with a strong commitment to the community and environment.

The 2018 Mined Land Reclamation Award winners are:
• Good Neighbor Award -- RiverBend Materials a CRH Company, West Salem Quarry, Polk County.
• Oregon Plan Award -- BCI Contracting, Confluence Project, Lane County.

RiverBend Materials was selected for the Good Neighbor Award for their behind the scenes efforts to maintain clean streets in the West Salem area, whether it is their responsibility or not. After being notified of complaints of track out on West Salem city streets, RiverBend responded and addressed the problem even though it was not their trucks responsible for the mud and rock.

BCI Contracting is a family owned business specializing in estuary construction, engineered log jams, stream and river restoration, and fish passage enhancement. BCI was selected for the Oregon Plan Award for their innovative approach and commitment to restore channel stability and complexity while enhancing fish and wildlife habitat along a 3-mile reach of the Middle Fork of the Willamette River at the confluence with the Coast Fork Willamette River.

SECURITY REMINDER:
If the institution holding your reclamation security (bank, insurance company, etc.) sends you a notice of change (whether it’s to the name of institution, or to address, etc.) please let us know! We are not often notified of these changes, but like to be aware incase we need to get in touch with the institution to prevent any unauthorized changes in the reclamation security.

Please help DOGAMI-MLRR provide excellent customer service by taking our customer satisfaction survey: https://www.surveymonkey.com/r/MLRRCustomer
ENGAGe Feature: Introduction to Civil Penalties

Did you know? Since 2014 88% of Department Orders issued have been for administrative violations such as non-payment of renewal fees. Starting July 1, 2019 MLRR will begin implementing civil penalties as part of the enforcement program. This first phase will be for non-payment of renewal fees in order to deter these violations.

When will a civil penalty be assessed? A civil penalty for non-payment of renewal fees [Class I violation per OAR 632-030-0070(5)(A)] will be assessed according to the streamlined renewal process detailed on the other side of this newsletter. In essence, if your renewal is 30 days past due you will be issued a Notice of Violation (NOV) and given an additional 30 days to pay your renewal. If you fail to comply with the NOV and your renewal reaches 60 days late you will be assessed a civil penalty. Please take the time to read the back page of this newsletter for more information about our streamlined renewal process.

How much are the civil penalties? Class I violations have a maximum penalty of $1,000 per day per violation with a median penalty of $500 total per violation. For the first year of implementation the penalty amount assessed will depend on your history of non-payment violations. For example, if you have not been issued a Notice of Violation for non-payment of fees in the past three years, you may be assessed a lower penalty. If you have been issued one or more Notices of Violation for non-payment of fees in the past three years, you may be assessed a higher penalty. Thereafter, once you have been assessed a civil penalty for non-payment of renewal fees, additional violations will result in increased penalties.

What happens to the penalties collected? The penalties will be used to reimburse the agency for expenses incurred in order to process and issue the civil penalty. Remaining money will be set aside to fund our Voluntary Reclamation Program (OAR 632-038). This program may fund grants and incentives to permittees for superior environmental protection and exceeding minimum requirements for reclamation of their sites.

What’s next? The next phase of implementing civil penalties will be focused on violators mining without a permit which, depending on the severity of the violation, could result in maximum penalties of $10,000 per day.
RENEWAL UPDATE:

DOGAMI is reworking our renewal process! We've taken feedback from permittees, input from other state agencies and businesses in the aggregate industry, to revamp our renewal process. Previously, renewals were sent out 60 days before they were due. Permittees would then receive a second notice 15 days after the renewals became delinquent, notifying them that payment hadn’t been received by DOGAMI. If the renewal was still not paid, a Notice of Violation was sent out 45 days after the second notice. Thirty days after the Notice of Violation was sent, came a Notice of Intent to pull the reclamation security. Thirty days after the Notice of Intent was sent to the permittee, a Demand for the security was sent to the bank – followed by DOGAMI pulling the reclamation security.

The new, streamlined renewal schedule will be as follows: renewals will be sent out 30 days before they are due. A Notice of Violation will follow at 30 days past due, with Civil Penalties being issued at 60 days past due. These changes provide a predictable and consistent schedule for the renewal process. If you have questions, please contact our Office Operations Assistant, Becky Johnson, at mlrr.info@oregon.gov or by phone at 541-967-2083.

Revised Renewal Process:

- Renewal sent 30 days before due date
- Renewal Due
- Notice of Violation issued at 30 days past due
- Civil Penalty assessed at 60 days past due

Example schedule for a renewal that is due **August 1**:

- Renewal notice sent July 1
- Renewal past due as of August 1
- Notice of Violation issued Sept 1
- Civil Penalty assessed Oct 1

If you’d like to receive this newsletter via email, sign up for our listserv: listsmart.osl.state.or.us/mailman/listinfo/mlrr.newsletter
Staff Report and Memorandum

To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Alyssa Pratt, Acting GS&S Program Manager

Date: June 28, 2019

Regarding: Agenda Item 12 – GS&S Update

Acting GS&S Program Manager Alyssa Pratt will provide an update on GS&S.

Proposed Board Action: The Board will not be asked to take an action on this item.
Director Avy will deliver his report on the following topics:

1) What Happened?
   - Contributing Factors
   - Budget Bill Consequence
   - Organizational Structure
   - Grant/Project Budget Expectations
   - Project Management Policy
   - Next Steps

2) Pre-Permit Payment Status: Grassy Mountain Chemical Gold Mine

3) Tsunami Line Working Group/HB 3309

Proposed Board Action: The Board will not be asked to take an action on this item.
To: Chair, Vice-Chair, and members of the DOGAMI Governing Board

From: Laura Maffei, Board Chair

Date: June 28, 2019

Regarding: Agenda Item 15 – Confirm Time and Date for September Meeting and schedule new Board Retreat

Currently the next DOGAMI Board meeting is scheduled in Portland for Friday, September 20, 2019.

Proposed Board Action: The Board may be asked to take action on this item by Confirming or Amending the currently scheduled Board meeting date.

The DOGAMI Board Retreat was originally scheduled to take place on July 8, 2019 but needed to be canceled. The Board will discuss and decide whether to schedule a new date for the Board Retreat.

Proposed Board Action: The Board may be asked to take action on this item by setting a date, time and location for the Board Retreat.