

OREGON COUNTRY FAIR BOARD OF DIRECTORS MINUTES, 10/07/02

PRESENT: Jim Newhall MD, David Helton, Brad Lerch, Bear Wilner, Marlene Monette, Lawrence Taylor (LT), and Jim Sahr and Diane Albino (alternates). David Liberty and Charles Drew arrived during Announcements

ANNOUNCEMENTS/CALENDAR

The poster contest has begun. Applications are available at the office.

The Fair is searching for a new web designer to revamp the OCF web site. Please send a letter of interest and a sample of your work to the Fair office.

The OCF won the Best Decorated Float prize for its entry in the Eugene Celebration parade. The prize included a check for \$300! Andy Strickland (Caretaker) thanked everyone who helped design the entry and marched in the parade.

Andy invited folks to help create a scarecrow for the Scarecrow contest, which will be part of the Mt Pisgah Mushroom Show on 10/27. Prizes for best scarecrow will be determined by popular vote so come on out for an enjoyable afternoon.

The Chili Herders took second place (\$200 and a plaque) at the Second Annual Trails End Chili Challenge that was held on 9/28, in Veneta!

Anna DeLocis (Construction & Energy Park) is the liaison for the OCF to the Long Tom Watershed Council. She encourages Fair folk to become involved in this important issue. Anna would like to mentor other OCF members to serve on the council.

The Jill Heiman Vision Fund (JHVF) gave away over \$17,000, thanks to the generosity of Fair family this year. The grants were awarded to: Shelter Care, housing assistance for homeless people, \$6,784.07; Food For Lane County Gleaning Program, \$5,784.07; and New Roads, program for homeless youth, \$4,784.08.

Due to the unique timing of the October Board meeting and the Annual Meeting this year, we are able to publish the results in this issue. A full report will follow next month. Diane Albino 360, Brad Lerch 357, Jim Newhall MD 349, Bear Wilner 337, Jack Makarchek 334, Marlene Monette 300 (alternate), and Joseph Newton 175, Steffen Webb 116, and Liz Olhsson (write-in) 76. 466 ballots were counted, 365 absentee and 101 present at the meeting. An additional 8 ballots were not counted because they did not follow the instructions on the back of the ballot.

Bear moved, and Jim seconded, that the minutes of the September 3, 2002, Board meeting be approved.

Peach Gallery: Jon Steinhart corrected the minutes by e-mail. "Also, the minutes indicate that one of the two board members on the committee resigned, and I didn't see another one appointed. That same section (1A) of the manual states that 'The Board of Directors (BOD) shall appoint a Personnel Committee of four to seven persons consisting of at least two board members...' So it does not appear that a properly constituted committee is currently in existence. It's not clear that an improperly constituted committee has any authority, so this is something that you might want to rectify promptly."

The motion passed: 9 in favor and 1 abstention (David L).

MEMBER INPUT

Dean Morrow (Artisan) The Culture Jam was a great experience for their child. He also wondered if copies of Cynthia Wooten's spoken word presentations at Chez Ray's stage last Fair are available. Robert DeSpain responded that the original tapes are property of the OCF. He supports allowing access to the spoken word tapes, but has yet to determine the best method for doing so.

Merrill Levine (Wristbands Co-Coord) requested that the Board consider developing an OCF mission statement to help facilitate future decision making.

Randy Nowell (VegManECS) – Call your representatives and senators. Demand peace. Leslie also brought copies of the phone lists for Oregon’s delegates.

Joseph Newton (Recycling) Thanked Liz Ohlsson for her initiative to run for the Board. He hopes that the BoD would seriously consider allowing Liz, if elected, to sit on the Board and vote on any non-contractual issue, or at least, create an advisory position for youth.

David Hoffman (Community Village) is looking for someone in construction to assess the cost and design a women’s urinal for the six pack at Shady Grove in time to be submitted to the capital project budget process. LT (also Shitter Crew Coord) – “Build it; we’ll clean it!”

Anna said that she is still the Fair’s Renewable Energy Cheerleader, and she gave a plug for folks to become involved with the Fair’s committees. It’s a good way to connect with other Fairies and influence the Board all year round.

Member Input re the election: Heidi Doscher (Membership Secretary) read the following letter that was written by both Jen-Lin and Heidi to explain our process and point of view in response to the many Fair members who had written to express their concern or to question why Liz Ohlsson was not included on the ballot for the October election. (By the way, Laurie and Heidi Doscher are the same person, I don't mean to confuse anyone by using 2 names, but it happens.)

The election committee collected the eight candidate statements that were received for the October 12, 2002 annual membership meeting of the Oregon Country Fair on August 21 (two days after the deadline). One statement was from Liz Ohlsson, 16 years old, which we thought was wonderful, a youth who wanted to be involved. Another statement sounded like the candidate was running with his 5-year-old daughter.

We checked and found no reference to age in the by-laws. The question of whether a minor can be a director of a non-profit organization was asked by several Fair members, so we turned to the Fair attorney, Russell Poppe, for advice and information about Oregon state laws. (*The complete text of Russell's written explanation of his opinion was sent with our letter.*)

Russell told us there are potential legal risks if a minor serves on the Board of Directors. The decision to include minors as candidates or not, falls to the Board secretaries, Jen-Lin Hodgden (recording secretary) and Heidi Doscher (membership secretary) who facilitate the board election with the election committee. We realized that his counsel raised several important questions that need to be thoughtfully addressed, rather than allowing our enthusiasm to land us on new ground of unanticipated and unintended possibilities. While disappointed that a teen couldn't run, in the best interests of the Fair, we felt it necessary to remove her name and statement from the ballot and voters pamphlet.

We wrote to Liz Ohlsson, denying her eligibility based on the opinion of the Fair's counsel, that if she were elected and voted on any motion, that motion could be legally contested because she is a minor. Heidi also wrote to the candidate with the 5-year-old daughter, to make sure he knows that his daughter is not eligible to serve on the Board, that Board seats cannot be shared, and only his name appears on the ballot.

Before sending the letters, we thought it would be prudent to share the decisions with the current Board at an executive session before the September board meeting. Any rumors that you may have heard about a secret vote must be dispelled now. Votes are never taken during an Executive Session and, as stated above, it was not the Board's decision to make. Maybe it was an assumption on the secretaries' part, but there was certainly hope that the Board would begin to look for ways to involve youth/teens in future board processes without legal risk. The election committee has now written a request to the Board, asking them to direct the By-laws committee to review the by-laws, considering possible revisions addressing this and other membership issues.

The Bylaws are clear that the Annual Meeting must be held before October 30. The Election Committee works within a tight time frame, from the candidate statement deadline to the Annual Meeting. We wanted to mail the first batch of absentee ballots on September 9th, so ballots, envelopes, and voter pamphlets needed to be ready by the 7th. Absentee voters receive the same identical information as do the voters attending the Annual Meeting. The only difference is that someone may decide to run from the floor at the meeting. The Election Committee, with the assistance of many ballot counters, counts all votes according to the rules printed on the back of the ballot. All write-in candidates are counted as numbered, including those that are ineligible or impossible, i.e., Jerry Garcia and Mickey Mouse who are listed every year. We take our responsibility of facilitating an honest and fair election seriously. Thus, we cannot postpone the Annual Meeting date or add Liz Olhsson's name to the ballot and voters' pamphlet as some members request.

Sincerely,

Heidi Doscher, Membership Secretary

Jen-lin Hodgden, Recording Secretary

Russell first heard about this when he saw Jen-lin on Sunday after the picnic who said that a teen was going to run for the Board and asked if the Bylaws addressed this issue. He responded that he didn't think so and it was good that a teen was interested. Then he went back to his office and began researching the topic and came up with a conclusion that he did not like. He was so unhappy with the result that he conferred with several other law partners including one that drafted the non-profit corporation act and asked them the question. Their immediate reaction was "of course not" – a minor may not legally serve on the board in any Oregon for profit or non-profit corporation. Russell said that he had no contact with any Board member prior to doing any research or giving his opinion. He arrived at a decision, talked with the officers, and that is how the decision was made.

Russell talked about the reasons he reached the conclusion which he did. Oregon statutes specifically provide that the age of majority is eighteen. The emancipation statutes provide that, upon becoming emancipated by a court order, a minor may then gain certain rights to be recognized as an adult for purposes of contracting, conveying property, establishing a residence, suing and being sued, and for purposes of criminal laws. In the absence of a decree of emancipation, a minor generally may not enter into *enforceable* contracts, convey real or personal property, establish a residence, sue or be sued, or lawfully give consent to anything. Specific statutes create limited exceptions to these rules, such as statutes which specifically allow minors of a certain age to rent apartments and to consent to certain sensitive types of medical care such as abortions or treatment for sexually transmitted diseases. Also, under the statutory rape laws, it is rape even if the minor says yes, because the minors "yes" does not count legally because the minor is not old enough to give consent. In all other respects, the law treats minors as acting under an "incapacity" due to age. In general, unless there is a specific statute, minors don't have the capacity to give consent and that's why the parents and guardians function in that role.

Russell realizes that some hold the opinion that Oregon law does not prohibit minors from serving on the Board. He acknowledges that there is no statute in the Nonprofit Corporation Act, which specifically says that minors may not serve. However, that is not uncommon.

Oregon law says that a board member must be an "individual", which is defined as a natural person, including the guardian of an "incapacitated person. What does that mean for the Board, is the director the minor or the minor's parent or guardian? That question has not been addressed by the courts in Oregon. So parents and guardians generally have the legal right to tell minors what to do. Would the parent have the legal right to tell the minor how to vote?

In some states, legislatures have chosen to allow minors to serve on boards and adopted statutes which specifically permit it. Oregon is not one of those states. Another approach in some states is minors can serve so long as the majority of the board consists of adults. Oregon law doesn't have these provisions.

If minors can serve on the Board of Directors, then there would be no limit on the age of minors who could serve (since there is no age limit in the bylaws), nor on the number of board seats which might be occupied by minors. If there were no restrictions on minors serving on Boards of non-profit corporations, then it would be legal to have a non-profit corporation with a Board consisting solely of very, very young Board members, who could then direct the corporation to do things which they could not legally do themselves, such as authorize the purchase of real property or authorize legally enforceable contracts.

Russell believes that any action taken by the Board in which the minimum two-thirds majority was achieved by including the affirmative vote or votes of one or more minor Board members, would be subject to being set aside. This, of course, could cause serious problems for the organization and individual officers and Board members who expend funds pursuant to such a vote, if the vote is later ruled to be invalid and, therefore, the expenditure of funds is determined to be unauthorized. The implications of that in the context of a real estate transaction are very large.

Other issues are confidentiality and fiduciary responsibility to the Board and the organization. For example, the Board may meet in Executive Session to discuss a real estate purchase. In that session, they may set the price range the Fair is willing to offer. If that information leaked out, it could cause the Fair to lose a lot of money. Minors don't have the same legal obligations as adults to maintain confidentiality and honor fiduciary duties.

For the record, when Russell first was asked the question, he thought a minor would probably qualify to run, since he did not recall anything in the bylaws which prohibited it. As he said before, he was disappointed that he had to reach the conclusion that he did. However, when he is asked for his legal opinion, Russell tries to give his honest legal opinion as best he can. He realizes that this may not satisfy everyone, and that there might even be a desire on the part of some that he alters his legal advice to reach a desired outcome. Russell said that he will not do that. It remains his legal opinion that unemancipated minors are not qualified to serve upon the boards of non-profit corporations in the state of Oregon.

The issue has been raised that this would create a separate class of membership where some can be members of the Board and others can't. The Bylaws cover the rights of members -- members have the right to vote on issues coming to the membership; members have the right to attend Board meetings, etc. To be a Board member, one must be a member of the organization.

Russell said he had heard of several arguments against this decision -- There's nothing in the Oregon statutes that specifically says that minors may not serve on a Board of Directors. That's true except for the definition of an individual and the statute about legal emancipation. Russell thinks it's not specifically addressed in many Oregon laws because it is the default. Another argument is that organizations do have minors on their boards. Many that have been cited have minors seated in an advisor, non-voting capacity, and Russell is not aware of any Oregon non-profits that have actually researched the issue of whether it is legal. Russell called the Charitable Activities Section of the Oregon Department of Justice, and, without identifying the Fair, posed the question of whether a minor could serve on the Board. Their initial reaction was there is nothing in the statutes to prohibit that, but as Russell raised the legal concerns and the conversation continued the more they are looking at that and they have not issued a final response on it yet.

The next question is then why not put her name on the ballot. If Liz' name were on the ballot and her statement were in the voters pamphlet, then it would be logical to a member reading the materials that Liz would be eligible to serve on the Board. What happens if they vote for her and the legal counsel is that Liz cannot serve on the Board. They have wasted one of their votes.

Russell said he did not like having to reach the conclusion he did, but nothing he has heard has changed his legal analysis of this issue. He believes that, until the legislature changes the law, minors may not serve on the Board of Directors under Oregon law.

Liz Olhsson said that she was willing to accept the Secretaries' decision when she first received the letter, but then she changed her mind. She has spoken with several attorneys and she is convinced that it is legal for her to

run. Thus, she is running a write-in campaign. Liz responded to some of the reasons presented by the Fair's attorney. Liz said that corporations are considered to be legal people; she, too, is a legal person. She said that she loves the Fair and would not hurt the Fair. Her presence on the Board shouldn't affect contract signings as that is a responsibility of the Fair's officers. If the other Board members or membership were concerned about that issue, she would be willing to abstain or let the alternate vote. The fact that she has no assets should not be a concern either. The Board of Directors would not exclude a homeless person from serving. Liz said that we should not base this decision from a place of fear. Liz, also, added that her mom would not force her to do anything; she would even sign a release.

Mike James (External Security Co-Coord) thinks that Liz probably has a better chance of being elected to the Board by the membership with all of the publicity of being excluded than if her name was put on the ballot and pamphlet without any fanfare. Martha Evans (NRT Coord) thanked Russell for the dramatic reading of legal code! She asserted that Board members have a fiduciary responsibility to the membership and that following the legal advice of our attorney binds the Board as a unit. One should not act independently.

David said that he respectfully disagrees with Martha. He said that he also respects his fellow Board members and officers. The

Secretaries did what they considered to be correct. However, that does not allow them or the attorney to act independently of the Bylaws or, in effect, change the Bylaws by stating in the voters' pamphlet that a member must be 18 years old to serve as a director. David said that while the Bylaws enumerate the Secretaries' responsibilities, determining Board candidate's eligibility is not one of them. He supports changing/clarifying the Bylaws. Soon after the September Board meeting, David H began researching the question whether a minor can legally serve on the board. He said that he contacted several attorneys as well as the Oregon Dept. of Justice. He said that he has found no evidence that having a minor on the OCF Board would allow someone to invalidate Board decisions or contracts approved by the Board. The following is taken directly from David's notes that he sent to Board members last month. Other non-profits in Oregon have minors on their board, i.e., Looking Glass and the Portland Metro Council of Camp Fire USA. These youth have full voting positions on the board. ... Contract law does not apply. David Atkin, a local attorney specializing in nonprofit law, explained it to David this way: The identity of a corporation is separate from the identity of its individual board members. A corporation is a legal "person" with rights and responsibilities, including the right to enter into contracts. This is true whether or not the corporation has minors under 18 on their board, even if it has a majority of minors on its board. ... "Your Guide to Youth Board Involvement and the Law, a publication of Youth on Board, states that "As long as the minor is not the officer authorized to sign on behalf of the organization, or the signatory to the agreement, the minor's inability to contract should not become an issue. ... As explained to me (David) by Carl Bjerre, UO Law professor who teaches contract law, there is no law barring minors from signing contracts. Minors can enter into contracts. However, a minor who enters into a contract with an adult can legally void that contract, but the adult cannot. A minor has special rights to protect them from being taken advantage of by adults. This is why adults avoid signing contracts with minors. A third party cannot have a contract invalidated merely because one of the parties is a minor.

David Helton moved, and Charles Drew seconded, that his motion (to 1)strike the language that one must be 18 years old to serve on the Board from the voters pamphlet, 2)include the names of all members that submitted candidate statements on the ballot, and 3)count the votes for every eligible member) be moved from new business to old business.

A discussion of dueling process etiquette and conflicts of interest thus ensued among the BoD members. LT – there is no conflict of interest in this issue because none of the BoD members would have any monetary gain from the outcome. Bear added that, every year, the seated Board ratifies the election results before the new Board is seated.

The motion failed: 3 in favor and 7 opposed (Dr Jim, Charlie, David L, Bear, Marlene, LT and Jack).

Charlie stated several times that the Secretaries took the necessary and appropriate course of action in accordance with their fiduciary responsibility to the corporation. A legal question was raised and they sought and followed the Fair's attorney's advice. The Secretaries don't have the option of acting counter to the attorney's advice. Oregon law supersedes the Bylaws of the OCF. No OCF Board has addressed whether the

membership and the corporation are willing to accept the legal risks of having a minor on Board. Many people seem to favor youth involvement on the Board, but we do not have time to discuss or change the decision for this election. He added that Board members represent all Fair members and act in the best interest of the Fair. They do not have constituencies. David L addressed how we communicate our disagreement with each other. He equated “flaming on e-mail as the road rage of the info super-highway.” It seems that decorum and courtesy are the first casualties. He recommended that folks read their intended messages with accompanying emotions while standing in front of the bathroom mirror. Then look up at the face before you and imagine that you are on the receiving end of that intercourse. Jack – All politicians want to be trusted even though being a politician requires a certain amount of political maneuvering. It seems that Liz is rather adept already. Jack spoke about mixing the metaphors of family and corporation. Who can or cannot run for the Board is not the most important issue. Deep down we all come with a tribal, spiritual yearning for the simple metaphor of Family. LT paraphrased Lao Tzu, when trust breaks down, law arises. The Board serves as the gate watchers for the membership at two gates: the outside world and the legal forces that intersect with ours. He said that there would be no question if all candidates were of as pure a heart as Liz, but rules must have a universal application.

STAFF & OFFICER REPORTS

General Manager Leslie Scott – norma began her three-month sabbatical on October 1. Leslie appreciates Robin Bernardi’s (part-time office employee) assistance in norma’s absence. Robin works Mondays, Wednesdays, and Fridays. Thanks to Justin Reide (Sign Painters) for the new gorgeous, artistic sign in front of the town office. Thanks to Hilary Anthony (Co-Treasurer) for her research on different investment opportunities for the OCF and for directing Leslie toward the Oregon Community Foundation. Congratulations to the Eugene Celebration parade entrants and to the Chili Herders for winning two prizes for creativity using very different media and in our different home communities of Eugene and Veneta. We may have to add a new revenue line item: prize money! Leslie met all day on September 28, with the management team and various Security and Traffic coordinators to discuss three issues raised at the Open Space Evaluation meeting in depth. These include: night time population, the number of vehicles on site, and identifying and developing neighborhood camping areas and campground hosts. Many committees are gearing up again and they hope to post meeting times and places so other members may attend. She’s been spending a lot of time with our outside accountant and the OCF Treasurers getting financial information updated for the Annual Meeting.

Administrative Assistant (she just can’t stay away!) norma spent the last month preparing the office for her absence. She thanked Robin for making a smooth transition. She met with Rob Shirey (Office Crew) and Marshall Landman (Crew Services Co-Cord) regarding future OCF web designs and hope to attract new people to this task.

Site Manager Steve Wisnovsky brought two bags of apples from Alice’s Wonderland for meeting attendees to munch on! He thanked Nils and Terry (Construction) who came down from Seattle to spend a weekend working on site and finished the firewall at Chillville. There will be another work party this Saturday, putting the final layer of roofing on this cool project. Thanks to the VegManECS who turned out for a work party on October 6, and got the site prepped for floods by moving straw bales and filling sand bags. On Thursday, September 26, the Elmira High School cross-country team hosted the Oregon Country Fair Classic on the Fair site, a race attended by teams from about a dozen area schools, and about 200 runners, parents, coaches and spectators. A fun time was had by all on a beautiful fall day. Thanks to Anna DeLocis for representing the OCF at the Long Tom Watershed Council. Steve echoed Anna’s invitation to OCF members to become involved in the work of the LTWC. The site is soft and wet now that the rains have returned; the paths and meadows have been core plugged and reseeded, and are closed to vehicles and bikes. Vehicles must stay on the gravel roads. Come on out and enjoy, and please tread lightly.

Treasurers Hilary Anthony – they are preparing materials for the Annual Meeting.

President This meeting reminds Jack why he does this. It is an enjoyable, learning experience; he is attaching faces to the discussion. The anticipation around all of the controversy is out of anyone’s control. Separation creates anxiety. The ability to gather together and discuss issues important to us is cause for celebration and important to the bigger picture. Although our issues are minor compared to the real hostility in the world our

impact is great. He feels privileged to sit and listen to people speak their hearts. He cautioned all of us against polarization.

COMMITTEE REPORTS

Elders Brad reported that the committee has been meeting to accomplish the Board's directive to make recommendations to implement the new policy. See the related article and draft timeline of committee meeting dates and topics to be discussed in this issue of the *Fair Family News (FFN)*. Hilary and/or Leslie are invited to attend the October 24, meeting where they will discuss budget issues. Brad added that every committee member that attended the July Board meeting unanimously agreed that the motion's wording was published correctly.

OLD BUSINESS

APPOINT MEDIA CO-COORDINATOR

Bear moved, and Marlene seconded, that the Board appoint Jenny Newton as Media Co-Coordinator.

Peach Gallery: Actually, Jenny will handle the media portion of the Advertising and Media Co-Coordinator position.

The motion passed: 10 in favor and 0 opposed.

APPOINT SPOKEN WORD COORDINATOR

Lawrence moved, and Dr Jim seconded, that the Board appoint Robert DeSpain as Spoken Word Coordinator.

Peach Gallery: Palmer Parker (Security) questioned whether this is a new crew with budget implications. Leslie responded affirmatively, and it will be included in the regular budget process. Leslie thanked Robert for his incredible service as Media Coordinator. His depth of experience, love for the Fair, and the contacts he developed as Media Coordinator will make Robert an exceptional coordinator for this new venture. We've been working to develop this concept for several years. Spoken Word has a chataqua-like quality that brings a participatory, intellectual, activist experience for our patrons and us.

The motion passed: 10 in favor and 0 opposed.

DONATION TO *SKIPPING STONES*

Brad moved, and Charlie seconded, that the Board donates \$500 to *Skipping Stones*.

Background: "*Skipping Stones* is a nonprofit children's magazine that encourages cooperation, creativity and celebration of cultural and linguistic diversity. We explore stewardship of the ecological and social webs that nurture us. We offer a unique forum for communication among children from different lands and backgrounds. Editor and publisher, Arun Narayan Toke', said that they just celebrated their fourteenth anniversary on Ghandi's birthday, October 2.

Peach Gallery: Mary Drew (NRTs) – *Skipping Stones* participated in the Culture Jam this past summer. They hoped to connect with the youth and offer publication opportunities for their creative work.

BoD: Marlene noted that her son, Justin, had a piece published in *Skipping Stones* two years ago. It is a valuable experience for youth.

The motion passed: 10 in favor and 0 opposed.

BURNING PAINTED WOOD

Charlie moved, and David H seconded, that the Board authorize the OCF President to retain an attorney and such other experts that he thinks are necessary to investigate...

Peach Gallery: George Braddock, (The Ritz Sauna) gave a brief outline of the Ritz' 26-year history of offering hot baths and showers in the woods safely. Each year brings new lessons especially as the systems and wood supply changes. It is an art to balance the hot water needs, the water tank capacity, maintain the fire box's core temperature, and ensuring the safety of naked bodies among these competing elements. George emphasized that safety is the number one mission. The sauna also has a goal of using recycled wood, or more precisely, keeping viable firewood out of the landfill. The wood is moved and stacked several times from the point of purchase until it is put in the fire. Each time the wood is examined and painted or chemically treated wood is culled from the pile. George said that the boards Simba had tested were taken from the pile of culled pieces. George added that the sauna crew handles hundreds of thousands of boards; it is possible that some inappropriate boards get through the system. George asked that the following statement be read into the minutes.

“Is there a genuine risk or actual damage to the health of a person while at the Sauna from a possible exposure to lead, resultant from the burning of some wooden boards with lead bearing paint on them? The seriousness of this question requires that it be investigated in a rational, systematic, professional and open-minded manner. There is no place in this matter for grandstanding, fear mongering, or personal vendettas. The leadership of the Fair cannot risk being coerced, manipulated, or misled into making hasty decisions, or drawing erroneous conclusions based on partial truths or incorrect assumptions. Your actions in this matter must be based on a fair, careful process and good science. I think it is important that you as a Board, and we as a family, refrain from engaging in divisive or self-destructive actions in the investigation and resolution of this matter.

“The answer to the question is of the utmost importance to me, my family, and my friends who live and work at the Sauna during the Fair. Because the duration of exposure to lead is a key factor in determining risk to health, my people would be at the greatest risk should such a risk exist.

“I believe that we have reacted appropriately and responsibly to this issue as it has come to our attention. We have engaged a nationally recognized expert in this field, Dr Kenneth R Reuhl, Ph.D., DABT; Professor: Director, Molecular Pathology Laboratory; Co-Director NIEHS/EPA Center for Childhood Neurotoxicology and Exposure Assessment; Deputy Director, NIEHS Center for Excellence in Toxicology. I have discussed the details and possible circumstances of an exposure to lead materials with my workers and patrons at the Sauna in some detail with Dr Reuhl by phone, and his response was and I quote, ‘The exposure to risk is so trivial as to be virtually nonexistent.’

“Is it possible that painted boards bearing lead got burned at the Sauna? Yes. Does this pose a health risk? My experts say no. We need to be engaged in a balanced investigation into this matter. I think it is important that we all support the process and allow it to run its full course before we make statements that could damage reputations – my own, the Sauna’s this administration, this Board, or the OCF itself.

“I pledge my full cooperation to this effort. I have nothing to hide.”

Simba (crafter) deposited various wood samples on the Board tables and in front of the Peach Gallery. He said that the lab results from the ash that he had tested showed lead composition at 6000 parts per million and chromium at 670 parts per million. He also warned against copper from pressure treated wood. He said that during pre-Fair, a sauna worker told him that the opaque sheen on the wood was calcium not paint, but Simba grew more concerned as he saw more, similar pieces tossed into the fire. He said that when he confronted the sauna management about his concerns and his attempt to prevent harm to ourselves, he was locked out of the sauna for the duration. However, he later returned to the sauna and wrested pieces of wood as evidence to be tested. At this point, he said that he was surrounded by Security and escorted away. Simba is concerned that painted and chemically treated wood continued to be burned during the Fair and picnic. He is concerned that painted wood and chemically treated wood is found throughout the Fair in booths and construction projects such as the bridges. Simba brought a long list of such booths. He contends that this violates the Guidelines. Simba said, “this is our Love Canal,” and that we need a press release, we need to get ahead of this problem beginning with independent testing, and a professional clean up. Simba feels sad and betrayed. He said that Security that he hoped would make him feel safe and protect all of our safety cooperated in taking away his right to attend the sauna that he truly loves. He said that he is ashamed of everyone who knew what was happening and didn’t act and of those who should have known, but did not. Simba is convinced that this problem would have continued unchecked next year had he not blown the whistle. He wants Fair-wide compliance.

Leslie noted that George had directed the Fair, several years ago, to stop delivering dimensional wood gathered from booths and throughout the Fair during cleanups because much of it was unacceptable chemically. She added that it is in our whole community’s interests to have an independent lab conduct tests at the sauna and at other campfire pits on the Fair site. She has made exploratory contacts with Pacific Northwest Labs and learned that the cost is not exorbitant and is well within her spending authority. She appreciates George’s efforts to address the concerns raised in an open, forthright manner. Many folks (in the Peach Gallery, Board, staff and officers) spoke in support of George and the sauna workers. Many folks (in the Peach Gallery, Board, staff and officers) thanked Simba for raising his concerns and support a Fair-wide investigation and discussion on these issues. However, many folks (in the Peach Gallery, Board, staff and officers) also told Simba that they did not appreciate his process and behavior toward other members during the meeting. (Simba continually interrupted different folks when he did not agree with what they said.)

BoD: Charlie – This is not a witch-hunt. He wants the President to have the resources available to determine what is significant and take appropriate action. Last month, Simba said that if he didn't get results he was going to the D.A. Charlie believes this motion protects the Fair. It is not intended to pre-judge, punish, or preclude a greater dialogue about pressure-treated wood at the Fair. We need independent advice because saying a sample contains 6000 parts per million of lead means nothing to him. Jack – From the minute this was brought to his attention, he has given it an inordinate amount of attention. He has talked with George, Simba, and he has conferred with Board members. He continues to return to the conclusion that “We are not polluters. If, by chance, we are doing something wrong, then we are going to correct it.” We will get to the bottom of this issue and do the right thing. However, the larger issues remain. We consume a huge amount of resources and thus the discussion continues about the inherent risks in using recycled wood versus the processes used to extend resources (i.e. the bridge). He continues to promote a conscious effort to consume less and keep the trees and forests alive.

The motion passed: 10 in favor and 0 opposed.

ENDOWMENT PRINCIPLE

Jim moved, and LT seconded, that the Board add \$25,000 to the Endowment principle.

Peach Gallery: Leslie noted that this would bring the total principle up to \$275,000.

The motion passed: 10 in favor and 0 opposed.

ENDOWMENT GRANT SUPPLEMENT

Jim moved, and Dr Jim seconded, that the Board supplement the interest yield from the Endowment principle to maintain the \$10,000 grant level. This is approximately \$3,000.

Peach Gallery: Leslie – The Fair had anticipated that the Endowment grants would become self-sustaining once the principle balance reached \$200,000. However, we are feeling the effects of the economy and low interest rates (currently less than 2% in some CDs).

BoD: Jim noted that we made a conscious choice several years ago to keep our funds in low-risk, socially responsible financial accounts. Unlike other groups that took the path of high-risk investments, we still have our full principle!

The motion passed: 10 in favor and 0 opposed.

Before the meeting ended, Jen-lin led everyone present in a rousing, albeit off-key rendition of “Chili Herders in the Sky,” the lyrical recipe for the prize-winning chili.

Note: Brad requested that the Booth Waste Policy Enforcement be taken off the agenda. The following items were tabled: Donation to Rosemary Brookshier (David H), Ken Kesey Memorial Sculpture (Jim), Reconsider Elders Decision (Jim), Registering OCF Name, and Personnel Committee Compliance with Policy Manual, and Trail's End Chili Challenge Prize Donation.

The next Board meeting will be held on Monday, November 4, at EWEB, at 7pm. The agenda, subject to change, will include the tabled items above in addition to the following new business: Ratify the election results, By-laws changes regarding clarification of membership issues and qualification for Board of Directors, Appoint officers, Ratify VegManECS Coordinators, Donation to Community Puppet Theater, Budget Issues – Revenue Projection, Renew Membership in WOW Hall, Chili Herders request for additional funds, and Authorize attorney investigate legal issues re minors serving on the Board (David H).