

**Community Advisory Group (CAG)
for the
Omaha Lead Site**

Minutes for Meeting Held
Wednesday, September 28, 2005, 9:30 a.m.
North Omaha Boys and Girls Club
2610 Hamilton Street

OLS CAG Members Present:

Tanya Cook—*Governor's Omaha Advisory Council on Lead Safe Neighborhoods*
Brenda Council—*Facilitator*
Todd Davis—*Nebraska Department of Environmental Quality*
Jim Dowding (proxy for Councilmen Gernandt and Brown)—*City of Omaha*
Bob Feild—*Environmental Protection Agency*
Nick Flattery—*OneWorld Community Health Centers*
Lisa Giambattista—*Citizen and Large*
Joe Gudenrath—*City of Omaha Mayor's Office*
Clifton Jones—*U.S. Department of Housing and Urban Development*
Jeff McDermott—*Union Pacific Railroad*
Marilyn McGary—*Urban League of Nebraska*
Edna Brooks Pittman (Designee for Tommie Wilson)—*NAACP*
Dr. Donna Polk-Prim—*Nebraska Urban Indian Health Coalition*
Dr. Adi Pour—*Douglas County Health Department*
Marian Todd—*City of Omaha Planning Department*
Vernon Waldren—*Douglas/Sarpy County Extension Office*
Cammy Watkins—*Sierra Club*
Cheryl Weston—*Lead Safe Omaha Coalition*

Others Present:

Lelia Coyne—*Citizen*
Todd Crawford—*Senator Hagel's Office*
Connie Determan—*MFG, Inc.*
Felisa Dillon—*ASW*
Mike Felix—*Nebraska Department of Environmental Quality*
Jennifer Gates—*MFG, Inc.*
Gary Gotsdiner—*McGill, Gotsdiner, Workman, and Lepp*
Tom Janssen—*Senator Hagel's Office*
Kathy Leinenkugel—*Douglas County Health Department*
Doug Parrett—*Union Pacific Railroad*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*Environmental Protection Agency*
Eva Serenil—*Senator Ben Nelson's Office*
Reid Steinkraus—*Douglas County Health Department*
Joyce Stevens—*City of Omaha*

Ms. Council thanked everyone for attending. Ms. Council stated that she had called the meeting to address questions raised by CAG members regarding the press conference at which Mayor Fahey announced the establishment of a 501(c)(3) to comprehensively address lead in Omaha. Ms. Council stated that representatives from the Mayor's office and Union Pacific were present to provide information and answer questions.

Ms. Council introduced Mr. Bateman, representative for Union Pacific. Mr. Bateman apologized for the timing of the 501(c)(3) announcement. Mr. Bateman stated that everyone had wanted to make the announcement at the last CAG meeting, but the Mayor was out of town. Mr. Bateman stated that Union Pacific and the Mayor held the press conference to start the comprehensive program on a positive note.

Mr. Bateman stated that the CAG had wanted a 501(c)(3) for a long time, but no one had stepped up to finance the initial cost. Mr. Bateman stated that Union Pacific decided to provide funding to get the program up and running. Mr. Bateman stated that his role was to gain the support of the congressional delegation. Mr. Bateman stated that the congressional delegation was very supportive.

Mr. Bateman stated that Union Pacific envisions creating a self-perpetuating board of directors, including community and business representatives, that would be able to work with HUD and congress to obtain funds and pursue grant opportunities. Mr. Bateman presented the following list of potential board of directors positions:

- Mayor of Omaha or Representative
- Douglas County Health Department Director or Representative
- Lieutenant Governor or Representative
- Congressional Delegation Representative(s)
- Contributing Business Representative
- Omaha Foundation Member
- Medical Community Member
- Business Community Member
- Philanthropic Community Member
- Community-Based Organization Representative
- Citizen at Large (resident of the Omaha Lead Site)
- Citizen at Large (parent of young child residing in the Omaha Lead Site)

Mr. Bateman stated that the Lieutenant Governor has agreed to serve on the board per his discussion with the Governor. Mr. Bateman stated that the contributing business member is in place of a potentially responsible party member and would be a position contingent on a large donation to the program.

Mr. Bateman stated that Union Pacific is interested in having as much diversity and grassroots involvement as possible. Mr. Bateman stated that the work of the CAG has been exemplary and that work should not be lost when transitioning to the 501(c)(3). Mr. Bateman stated that Union Pacific needs input from the CAG and would like to have several CAG members serving on the board. Mr. Bateman stated that Union Pacific

envisions maintaining the four CAG subcommittees (Comprehensive Plan Subcommittee, Education Subcommittee, Contracting Subcommittee, and Grants Subcommittee) and having the subcommittees report to the Board of Directors.

Mr. Gudenrath stated that the 501(c)(3) is something the CAG and the Mayor have wanted for some time. Mr. Gudenrath stated that it is fortunate to be able to start the comprehensive program and that he is looking forward to seeing what will happen next. Mr. Gudenrath stated that he anticipates that the CAG subcommittees will have substantial input into the 501(c)(3).

Dr. Polk-Primm asked if the CAG would cease. Mr. Bateman stated that a transitional period is needed. Mr. Bateman stated that it is Union Pacific's suggestion to continue the subcommittees. Ms. Council stated that she has suggested continuing the CAG in addition to the subcommittees. Ms. Council stated that not everyone serves on the subcommittees and that the CAG is helpful in terms of providing information. Ms. Weston asked if financial support for the CAG would continue. Mr. Bateman stated that as long as the community wants the CAG to continue, Union Pacific would continue to financially assist the CAG.

Ms. Weston asked who would select the board members. Mr. Bateman stated that the Mayor's office would select board members. Ms. Weston asked if only two community members would be on the board. Mr. Bateman stated that the size of the board needs to be manageable. Ms. Council stated that she suggested having two community-based organizations represented on the board—one from North Omaha and one from South Omaha. Mr. Bateman stated that the board membership is not set in stone.

Ms. Weston asked who would handle the administration of the program—an individual or an entity? Mr. Bateman stated that decisions about the administration have not been made and that the current focus is on establishing a board of directors.

Dr. Donna Polk-Primm asked if the focus of the 501(c)(3) would be children's health. Mr. Bateman stated that the focus of the 501(c)(3) is on reducing elevated blood lead levels of children. Mr. Bateman stated that measurable goals will be set for the program and the focus will be on children's health.

Mr. Davis stated that at least five 501(c)(3) organizations exist as part of the CAG. Mr. Davis asked why a new 501(c)(3) is needed. Mr. Davis stated that the CAG has been meeting for over a year and a half and has a lot of knowledge. Mr. Bateman stated that it is not the intent of the 501(c)(3) to set aside the work of the CAG. Mr. Bateman stated that the intent of the 501(c)(3) is to continue the work of the CAG.

Mr. Felix stated that, at the last CAG meeting, a discussion had occurred regarding use of the State cost share. Mr. Felix stated that NDEQ has internally discussed the CAG's draft scope of work for the State cost share. Mr. Felix stated that two options exist for funding the scope of work: either by NDEQ directly funding activities and receiving credit through an agreement with EPA or by EPA funding activities through an

agreement with the 501(c)(3). Mr. Felix stated that NDEQ is concerned about directly funding the 501(c)(3) and then trying to receive credit from EPA. Mr. Felix stated that NDEQ is concerned that funding could be used for ineligible activities. Mr. Felix stated that NDEQ would prefer for activities to be funded by EPA as part of the Superfund agreement. Ms. Council stated that the scope of work was drafted to ensure that activities are eligible for EPA credit. Mr. Felix stated that NDEQ does not want the responsibility of determining if activities are eligible and tracking activities. Mr. Felix stated that NDEQ would prefer that EPA track activities and NDEQ pay for 10 percent of all costs. Ms. Council stated that EPA would approve a cooperative agreement specifying eligible activities. Mr. Felix stated that even if an agreement were in place specifying activities that NDEQ would receive credit for, NDEQ would still have an administration burden. Mr. Felix stated that NDEQ would prefer that EPA have a cooperative agreement with the 501(c)(3), rather than with NDEQ.

Ms. Council asked if EPA could enter into an agreement with the 501(c)(3) to receive State funding. Mr. Field stated that the State is responsible for 10 percent of what is spent by EPA. Mr. Field stated that EPA could enter into an agreement with the 501(c)(3) for the 501(c)(3) to receive State funding. Mr. Field stated that whether EPA provides the funding to the 501(c)(3) or the State, the State would be paying for 10 percent of all costs. Mr. Field stated that EPA could only provide credit to the State for out-of-pocket expenses. Mr. Felix stated that NDEQ does not want to seek credit because NDEQ would have to have a cooperative agreement with EPA in order to receive credit.

Dr. Pour stated that she was surprised to hear that NDEQ is uninterested in in-kind services, noting that this position was different than what NDEQ had previously stated to the CAG. Dr. Pour stated that at one time, Mr. Davis had been trying to identify in-kind services. Dr. Pour asked if the \$500,000 being provided by Union Pacific for the 501(c)(3) could be counted as in-kind dollars. Mr. Field stated that credit could only be given for State money spent, not private dollars.

Mr. Felix stated that if the CAG would like a written response from NDEQ regarding the cost share, the CAG should send a letter to Mr. Mike Linder.

Mr. Field stated that, in order to get credit, EPA and NDEQ would have to enter into a State Superfund contract and have an additional cooperative agreement. Mr. Field stated that EPA and the State would have to agree on a scope of work. Ms. Council stated asked if there is anything that would prevent EPA from entering into an agreement with the 501(c)(3) for the State cost share to be used for funding activities, relieving NDEQ of administration costs. Mr. Field stated that it is possible for EPA to enter into an agreement with the 501(c)(3), but such an agreement would not offset that State's cost share.

Mr. Felix stated that NDEQ is interested in providing funding for activities other than yard replacement. Dr. Pour asked how NDEQ would like to fund other activities. Dr. Pour asked if NDEQ could provide funding to the Douglas County Health Department. Mr. Felix replied that if the Douglas County Health Department used the funding for

ineligible activities, the County would be required to pay NDEQ back. Dr. Pour stated that it would be the same for the 501(c)(3), and the board of directors would be responsible for overseeing activities. Dr. Pour stated that to ensure activities are eligible for credit, a work plan would be written and a contractual agreement would be signed.

Dr. Polk-Primm stated that community-based organizations have an opportunity to administer activities. Dr. Polk-Primm stated that she hoped those who have participated on the CAG would not be overlooked. Dr. Polk-Primm stated that she was happy to see the diversity represented around the table. Dr. Polk-Primm stated that MFG has provided leadership, research, and assistance to the CAG and hope that MFG would continue to be involved with the 501(c)(3). Mr. Bateman stated that MFG would be involved.

Ms. Council stated that she is concerned that the State seems to prefer to pay 10 percent of EPA's spending, rather than directing funds towards community initiatives. Ms. Weston stated that if NDEQ does not want to administer funds to the 501(c)(3), EPA could fund the 501(c)(3). Mr. Bateman stated that the intent of the 501(c)(3) is to make sure that as much of the State's match is put towards the comprehensive program as possible. Mr. Bateman stated that the purpose of the CAG has always been to have a comprehensive program.

Ms. Council asked if the CAG would like to provide input into the composition of the 501(c)(3) board of directors. Ms. Council asked if the CAG would like to have a nomination process and submit nominees for consideration. Dr. Polk-Primm stated that a nomination process is unnecessary and that individuals interested in serving should make it known. Dr. Polk-Primm stated that she is concerned that Central Omaha is underrepresented.

Ms. Weston, referring back to Mr. Davis's comment that an existing 501(c)(3) could receive funding rather than creating a new entity, stated that existing 501(c)(3)s do not want to take on the additional responsibility.

Ms. Council stated that anyone interested in nominating himself/herself or someone else for the board of directors should email her, and she would pass it on to the Mayor's office. Ms. Weston stated that Mr. Bateman is probably well aware of who has been involved with the CAG.

Mr. Felix stated that NDEQ had a dual purpose in identifying in-kind services: to identify existing eligible funds and eligible future activities. Mr. Felix stated that in-kind services do not exist that would qualify for credit because the services are already being used as matches for other programs. Mr. Felix stated that NDEQ has been in a situation where NDEQ had to pay back grant money. Mr. Felix stated that NDEQ is interested in a comprehensive approach, but would prefer that EPA fund the program.

Mr. Felix stated that if the CAG would like NDEQ to reevaluate their position on the matter he could talk it over with his supervisors again. Ms. Council stated that a motion

would be needed to send a letter requesting the NDEQ reevaluate using the State's cost share to fund activities outlined in the draft scope of work. No such motion was made.

Ms. Watkins stated that when the CAG had previously discussed the formation of a board of directors, a separate alliance was envisioned. Ms. Watkins asked if there would still be an alliance. Ms. Council stated that existing subcommittees would fulfill the purpose of the alliance providing a way to continue the work of the CAG and include anyone interested in participating. Ms. Council stated that membership on the subcommittees would remain open.

Ms. Watkins asked if there would always be one contributing business member on the board and if a business making a larger contribution would take the place of a member with a smaller contribution. Mr. Bateman stated that the board would decide how to handle the contributing business position. Mr. Bateman stated that if multiple businesses were willing to make a substantial donation, it would be wise to allow for multiple contributing business board members. Ms. Council stated that many boards are set up to have a range of member (e.g. no less than 11 members and no more than 15 members).

Ms. Council stated that she met with the City grant coordinator, Ms. Gail Braun, to discuss funding opportunities. Ms. Council stated that she was very encouraged by the meeting. Ms. Council stated that many funding opportunities exist and that the 501(c)(3) is in a good position to leverage funding. Ms. Determan stated that Ms. Braun suggested foundations to contact. Ms. Determan added that Ms. Braun is interested in participating on the CAG.

Mr. Field asked if the comprehensive program would have a geographical boundary. Mr. Bateman stated that a boundary has not been discussed at this time.

Ms. Weston asked if funds provided by EPA could only be distributed within the Omaha Lead Site boundaries. Mr. Field stated that funding could only be spent on the Omaha Lead Site, but added that the Superfund site does not have a finite boundary. Ms. Council stated that EPA's Interim Record of Decision identifies the site boundaries. Mr. Field stated that the Interim Record of Decision defines the Superfund site as properties with yard lead concentrations over 800 ppm. Mr. Sanders stated that, although only those properties with yard lead concentrations over 800 ppm are included in the site, funding for health education would not be restricted to those homes.

Ms. Weston asked if EPA would be on the board of directors. Mr. Bateman stated that EPA should be involved as much as possible. Ms. Council stated that, hopefully, EPA would continue to participate on the subcommittees. Mr. Field stated that the Interim Record of Decision requires EPA's participation in a comprehensive program.

Mr. Field asked how the \$500,000 earmark for the City would be used. Mr. Bateman stated that the appropriation earmarked for the City is to be used for a study. Mr. Field stated that the appropriation was only a line item in an EPA appropriation that did not specify how the funds would be used. Mr. Crawford stated that the \$500,000 was a

Department of the Interior appropriation and is to be used to develop and test a model to coordinate EPA soil remediation with HUD lead-based paint remediation to prevent recontamination of soils. Mr. Field stated that he could not locate that language in the appropriation. Mr. Crawford stated that he would provide the CAG with the language.

Mr. Jones thanked the congressional delegation for their efforts in securing a HUD grant for Omaha and congratulated the CAG on keeping lead issues in the limelight. Ms. Council stated that it is because of the CAG's work that a 501(c)(3) has been established.

Ms. Council suggested rescheduling the next CAG meeting. The CAG agreed to move the next meeting to Wednesday, October 19, 2005 at 9:30 a.m. Mr. Davis stated that he would be out-of-town, but the CAG could still meet at NDEQ's office. Ms. Council stated that an email would be sent out to ask CAG members if they would still like to meet at NDEQ.

Handouts Provided for the Meeting (September 28, 2005):

Draft Omaha's Healthy Kids Alliance 501(c)(3) Information

Press Release: Omaha's Healthy Kids Alliance Formed to Address Comprehensive Lead Clean Up

U.P. Puts \$500,000 Into Lead Abatement

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)