

**OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION**  
**EXECUTIVE COMMITTEE MEETING**  
**MINUTES**

**Friday, July 17, 2015, at 9:15 a.m.**

Sussman Shank LLP, 1000 SW Broadway, Suite 1400, Portland, OR 97204

**ATTENDEES:**

**In person:** Patrick Rowe, David Rabbino, Stacy Owen, Sylvia Stevens (guest), Sarah Liljefelt, Lindsay Thane (guest), Kirk Maag, Karen Moynahan

**Via telephone:** Anzie St. Clair, Rose Francis, Dustin Till, Lawson Fite, Ilene Gaekwad (guest), Mary Anne Nash, Chris Winter

**Excused:** Mike Freese, Larry Burke, Karin Power

Quorum achieved.

**1. Approval of Minutes (Lawson Fite)**

Action: June minutes approved as revised.

**2. Chair's Report (Patrick Rowe)**

There was a HOD regional meeting earlier this week. September 22 is the deadline for resolutions for HOD annual meeting. Chair can submit resolution, or any Bar member with 200 signatures. Sounds like a \$30 base dues increase may be considered, to be offset fully by decrease in client security fund assessment.

Some controversy about whether HOD should open its annual meeting to participation of all Bar members. It is already open to attendance by all members.

There currently is a loan repayment program for public sector attorneys- some discussion about whether that should be expanded to low-income attorneys.

**3. Bar Liaison Report (Stacy Owen/Sylvia Stevens)**

Helen Herschbiel has been selected as new executive director. Mike Lavell has been elected to BOG.

CLE seminars. The program was initially envisioned as self-supporting but has ended up being a source of red ink. Many members, especially in rural areas, really enjoy the programs. Board has reconciled itself to some subsidy.

When CLE started, OSB had the whole market and now is at 12-14%. Many changes in marketplace and delivery mechanisms. Some of the groups competing with the Bar are the sections.

Beginning sometime in 2016, sections will be required to register for CLEs through the Bar computer system. Costs will be dropped significantly by ceasing use of outside vendor. Any program of more than 3 credit hours will have to be co-sponsored with the Bar. Karen Lee in seminars department can share info re: cost-sharing Websites to be consolidated on bar platform. Will include members-only directories. There is some discussion of moving from list-serves to forums.

Information will be available by July 2016 on the above changes.

Section fund balances are an issue. ENR balance is not on the high side. A handful of sections have very high fund balances. In 2013 these totaled \$700K bar-wide. BOG is thinking about implementing policies re: funds, such as requiring no more than 2-3 year operating expenses be held. Several potential measures to address. Bar subsidizes section admin expenses. Sections are not supposed to be “hoarding” money. OSB is the only bar in the country that gives this level of autonomy to sections.

The Bar has a fair number of sections with <100 members, makes it hard for those to create enough revenue for meaningful programs. Some sections are offshoots of others, and are considered for retraction back in. Some discussion of impact on the ENR annual CLE—none of these changes will affect this year’s CLE.

Karen raised issue about getting timely, direct payments to vendors. Sylvia responded the goal is to eliminate those issues.

Policy regarding our post-CLE reception will be the same.

#### **4. Treasurer’s Report (Dustin Till)**

June - \$20 of revenue, \$1000 in expenses (CLE deposit), balance of \$10,968.

## **5. Publications**

### **a. Updating ENR deskbook (Kirk Maag)**

No report. Expects to have a report next time. Still looking for another editor.

### **b. Casenotes (Jared Ogdon)**

One issue published this morning. Jared unable to attend.

Matt Preusch is looking to pass the baton on to a new person.

### **c. E-Outlooks (Sarah Liljefelt)**

Waters of the United States (WOTUS) article in June. Expects the next one will be legislative update. Will talk with Mike. David believes Mike will take lead on final report. Patrick stated it would be timely if it can be get out within next month or so.

## **6. Education/CLE**

### **a. Brownbags (Anzie St. Clair/ David Rabbino)**

Anzie emailed Michael Campbell re WOTUS rule. Nathan Karman still working on Indian Law. Anzie going on leave shortly and back for CLE.

Alia Miles- sage grouse presentation (McDowell firm), September. Sarah L. happy to help. Anzie was hoping to get WOTUS in for August.

### **b. Field trips (Rose Francis/ Michael Freese)**

The Willamette Falls tour is planned for August 7 at 10 am. Karin P. reported 15 RSVPs already, with room for 20-30.

### **c. Annual CLE (Karen Moynahan)**

Can't do flyer until we get a budget. Sarah L: could do same price options as last time. Also need speakers for the flyer. Patrick noted the budget is \$4200.

Need an additional panel (Dustin now unable to put one together). Current panels are drought, ethics, statutory update, solid waste. Lawson mentioned the new MBTA incidental take rule. Karen has a volunteer who is a new admittee, who can help coordinate the extra panel. Date of the CLE is Oct. 23. Karen to make sure save-the-date goes out. The goal is to confirm speakers by end of month.

Karen invited Gov. Brown to give the keynote. Gov. Brown is interested but we can't use her name to advertise. Mike checking with Dennis McClaren (EPA), Sen. Edwards, Rep. Bentz. Several positive comments re Rep. Bentz. The EC discussed the overall role of keynote speaker in the CLE and was open to proceeding without one if necessary.

**d. Legislation (Michael Freese/ Dustin Till/ David Rabbino)**

Land bank legislation has been signed. David gave an overview of land bank concept. It allows local governments to set up land bank authority, which can acquire brownfield sites without acquiring liability under state cleanup law. The new owner does not get exemption from liability but gets clean title and can negotiate a prospective purchaser agreement.

**7. Committees**

**a. Pro Bono (Chris Winter)**

Sarah W-W was able to reconstruct NGO list and provide to Chris. Pretty much ready to go. Stacy is happy to pass on to lawyer referral service. Seems that bar's preference is not to put on section website. Could put a notice on our website.

**b. Technology (Kate Moore)**

Kate not present. 2014 minutes on website. Lawson to get 2015 minutes to Kate.

**c. Diversity (Larry Burke)**

Larry sent out diversity stats, looking for assistance on subcommittee. Mary Anne interested in participating.

**d. Law Student Recruitment (Karen Moynahan/Karin Power)**

No report.

**e. 2016 Budget (Dustin Till/Karen Moynahan)**

No update yet.

**8. New Business (Patrick Rowe)**

Need to establish EC nominating committee. David and Kirk willing to participate. Johan may be candidate for committee, as would Matt Raeburn.

Some discussion re procedures for nomination.

Meeting adjourned at 10:22

Next meeting: September 18, 2015.