

**OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION**

**EXECUTIVE COMMITTEE MEETING**

Friday, October 19, 2018 – 12:00 Noon

**LOCATION**

In person: Dunn Carney  
851 SW 6<sup>th</sup> Ave, 15<sup>th</sup> Floor  
Portland, OR 97204

By phone: Dial 1-888-891-0496 and enter 150048

**MINUTES**

In person: Caylin Barter, Dave Becker, Lawson Fite, Tiffany Johnson, Sarah Liljefelt, Kate Moore, Ryan Shannon, Mark Strandberg, Stacy Owen (Bar liaison)

By telephone: Dominic Carollo, Maura Fahey, Devin Franklin, Caroline Lobdell, Kirk Maag

Quorum (9 minimum of 17) reached

Excused: Ashley Carter, Michael Freese, Dustin Till

Absent Unexcused: David Rabbino

**Approval of Minutes:**

July minutes, as revised, were approved unanimously; September minutes were approved, with only Ryan abstaining because he did not attend that meeting.

**Chair's report (Lawson):**

He will be attending the Bar House of Delegates meeting on November 2nd as Section Chair – he hasn't seen anything in proposals that is that impactful to our Section. Next year there is a new requirement for Substance Abuse/Wellness/Mental Health as part of our CLE requirement – keep an eye out.

**Bar Liaison Report (Stacy):**

No report beyond what Lawson shared.

### **Treasurer's Report (Sarah):**

The end-of-September fund balance is \$12,135, with final expenses still due for the CLE at Edgefield. We had two new unpaid members in September – brings our paid membership to 504, with 13 non-paying, for a total membership of 517. We were able to provide materials about the Section at the October swearing-in, so we may get an uptick next month – thanks to Stacy and others at the Bar for work on those.

Discussion of the 2019 budget: The Bar wants the balance that a Section is proposing for 2019 to be less than two times the revenue from Section members. Our proposed/projected year-end membership revenue is around \$10,000; our balance at the end of 2018 is projected to be about \$8,000; and at the end of 2019 it is projected at \$6,000 if current expenses continue. This is not sustainable. The first proposed cut was to remove \$1,700 from the Committee—Executive budget line and stop providing lunches as we move to a morning meeting in 2019.

Another suggestion for next year, for the CLE, is to not register speakers who just show up to present but not to seek CLE credit—the Bar charges \$10 per head to register, so we only should give the panelist the code for a complementary registration *if* they are going to seek CLE credit. We could also raise the price for volunteers to \$30 or \$40, and have someone on the CLE Committee run the power point (would save a few volunteer registrations).

The 2019 CLE Committee will revisit prices; the CLE Committee and ExCom can decide, no need for a vote of the whole membership, therefore no deadline to call a Section meeting to decide.

CaseNotes summaries – for 2018 we budgeted \$600, but likely only to be \$400, so only \$400 is budgeted for 2019. Devin feels no raise is in order, thinks the current compensation is generous as it is; each summary takes 6/7 hours every 3 months.

Over the last six years, we have worried about having *too much* money, so projecting to lose \$2,000 is great.

A motion to approve the proposed budget, zeroing out the Committee—Executive line and resulting in a projected \$2,100 loss and a projected ending fund balance of \$4,011 was approved unanimously. Many thanks to Sarah for doing a great job as Treasurer and in preparing the 2019 budget!

### **Publications:**

#### **ENR Deskbook (Kirk/Mark)**

Kirk and Mark have not received any self-nominations from the ExCom for the third editor position. They received the document from the Bar with guidelines about

what the position entails, and will develop and send an email blast to the Section seeking a third editor.

### **Case Notes (Devin)**

Devin had a lot of volunteers for the 35th edition, lots of good cases, actually a *surplus* of volunteers this time, so she has been able to add to the volunteers list. The next edition should be out in about a week and a half.

### **E-Outlooks (Tiffany)**

Tiffany found out that Courtney Lord is *not* doing an expected article on the *Juliana* case, but has recommended someone else to her who is. Dave will reconnect her with Mac Lacy about paring down his article from Federal Lawyer on sage-grouse.

### **Education/CLE**

#### **Brownbags (Maura/Caroline/Ryan)**

There are no more brownbags for 2018. Maura and Mike have been working on a brownbag in Salem, for which the targeted date is January 17, 2019. Their goal is to have an hour-long overview of the upcoming legislative session; this date is after the bill submission deadline but before the session begins. Mike is working on a location (likely Willamette College of Law) that will have the necessary phone/audio system to ensure that attorneys throughout the state can participate remotely. So far, Jason Minor (Governor Brown's Environment Policy Advisor) and Paige Spence (OLCV Director) have agreed to participate on a panel; Mike is looking for a third speaker, potentially an industry lobbyist. Mike will serve as moderator. Presumably if Knute Buehler is elected we can get *his* Environment Policy Advisor to substitute in.

Maura is working on an "outline planning guide" for brownbags as institutional knowledge; she would love to have help next year with planning these.

Kate noted that at the October 11th Section CLE, she met with the Chair-Elect of the Cannabis Section, who is interested in doing a joint event with ENR next year – there are a lot of overlapping issues (Lawson noted: legalization might lead to reduction in pesticide use, illegal grows, and thus have a big environmental benefit). Should check and see what that Section is doing this year (possibly with Land Use?).

#### **Field Trips (Caylin/Michael/Tiffany)**

No updates, no more field trips this year. It was a great year for field trips, congratulations to Caylin!

### **Annual CLE (Kate)**

Kudos to Kate and the CLE Committee for a great Annual CLE this year. Mike Freese noted by email that he thought the CLE was great this year – the best-attended CLE he has attended, with over 70 attendees, and interesting and timely topics.

Consensus that having an Access to Justice element was great, and that it worked well over lunch. Consider for next year having 90 minutes for lunch instead of 75 if we have a lunchtime credit hour to allow more people to socialize.

Also consider starting happy hour earlier, and/or having the Access to Justice panel last to encourage people to stick around. The CLE Committee will re-convene in January 2019 and take into account all ideas/feedback received.

If we stay at Edgefield, perhaps make some effort to publicize buses/other rapid transit or arrange carpools (e.g. from Gateway or Gresham Transit Centers). Thursday or Friday worked well – consider later in October so the chances of another good-weather day are minimized!

Ashley also commented regarding Andy Varcoe, who appeared by Skype, that he could hear the other speakers and questions pretty well. He said in the future it would be nice if we could have a camera on the audience so he can see them (rather than some interesting angles of the moderator or other panelists) and next time use Skype Business because then he could use a Powerpoint while talking. Ashley tried connecting with him via Skype Business but was never successful.

### **Legislation (Michael/David Rabbino)**

No update beyond the likely brownbag in January 2019 described above.

### **Committees:**

#### **Pro Bono (Ashley/Lawson/Devin/Ryan)**

No update.

#### **Technology (Dave Becker/Sarah)**

Everything on the website is updated, including all CLE presentations and biographies except Lynn Davis's (Tiffany will send it to Sarah to post). Sarah is planning to add photos from the October 11th CLE and will note the number of credits the Section's CLE and brownbags provided this year (possibly 15-17).

## **Diversity (Dave/Ashley/Maura/Caroline/Kate)**

Caroline presented an update on Lewis & Clark Law School's plans to bring Jillian Hishaw, founder of Family Agriculture Resource Management Services, to Portland to speak. Lewis & Clark is having her speak on February 8th at a panel on Food Security. We are interested in having her address barriers to entry to environmental law at a downtown location in the afternoon of February 7th, possibly in conjunction with the Agriculture Law, Indian Law, and Diversity Sections. Lewis & Clark will cover her \$3,500 speaking fee. Caroline will re-circulate the materials describing Jillian's background and topics.

Caroline's program will cover her on-campus community lunch and \$500 towards Jillian's \$1,500 estimated travel expenses. Consensus that the ENR can also cover up to \$500 from next year's Education budget. Caroline, Dave, and Tiffany will coordinate with the other Sections, try to get co-financial sponsors. Kirk indicated that Stoel can provide a large conference room for the downtown meeting.

We can get Access to Justice CLE credit if Jillian sends us materials, *e.g.* a Powerpoint. Discussion followed about potentially charging both members and non-members for the CLE (this year the brownbags were free to members, with non-members paying \$10). If the goal is not to try to cover travel costs, several people indicated they still prefer this (and other brownbags) to be free to Section members.

## **Executive Committee Membership**

The Nominating Committee (Lawson, Mark, and Laura Maffei) adopted a slate to present to the 2019 Annual Meeting in December. There were seven suggestions for the two open vacancies, and the proposed nominees are Alia Miles of Oregon Department of Justice and John Mellgren of the Western Environmental Law Center. Others interested were Carson Whitehead of Oregon DOJ, Chris Thomas of Freshwater Trust, Merissa Moeller of Davis Wright Tremaine, Stephanie Regenold of Perkins Coie, and John Guile of Oregon DOJ's Trial Division. The two selected nominees were people who were well known and respected, add a mix of practice and geographical diversity (John Mellgren is in Eugene). A discussion was had about the importance, in future years, of taking into consideration the contributions of potential ExCom members to the Section.

There was a consensus that the slate Lawson circulated should be put out to the Section for consideration at the Annual Meeting. Thanks to Lawson, Mark, and Laura for their work on the Nominating Committee.

### **Annual Award/Meeting (Dave Becker, Dominic)**

Dave reported that the Award Committee has asked for additional letters of support for two of the nominees whose nominations had not been accompanied by such letters, and set a hard deadline of October 31st to receive those letters from the three people (for each of the two nominees) the Committee had reached out to.

Dave will circulate all letters of support received (including the ones received previously) on November 1st, and will also ask the ExCom members to give any feedback they might have on the nominees for the Award Committee's consideration.

A question had come up about whether to invite the Sustainability and Diversity Sections to the Annual Meeting, but this was tabled until the November meeting.

We will send a formal notice of the Annual Meeting with the slate around November 1st, and then send a follow-up reminder after November 16th with the Award recipient's name.

### **Other/New Business (Lawson Fite)**

We put up a Doodle poll for potential meeting times for 2019, and there are three days on which eight people indicated they can attend. One will not work because Kate and Mike cannot make it. So our options will be the Third Thursday or Fourth Tuesday (at 9:00 am either day). Lawson will send out a note to the ExCom to figure out which of these is the best.

**OREGON STATE BAR**  
**Environmental & Natural Resources - 813**  
**Statement of Revenue and Expense**  
**For the Nine Months Ending September 30, 2018**

Description	September 2018	YTD 2018	Budget 2018	% of Budget	September Prior Year	YTD Prior Year
<b>REVENUES</b>						
Membership Fees		\$10,080	\$10,300	97.9%		\$10,120
Registrations - Conferences/Seminars	1,655	1,795	3,000	59.8%	967	2,106
<b>Total Revenue</b>	<b>1,655</b>	<b>11,875</b>	<b>13,300</b>	<b>89.3%</b>	<b>967</b>	<b>12,226</b>
<b>EXPENSES</b>						
Annual Meeting			2,200	0.0%		
Case Law Summaries		291	600	48.5%		
Committee - Executive		404	400	100.9%		
Committee - Subcommittee	123	123	200	61.6%		
Computer - Internet / Web			100	0.0%		
Conferences / Seminars Expense	3	3	5,000	0.1%		40
Education	1,997	3,952	2,200	179.6%		
Gifts & Awards		242	600	40.3%		
Telephone - Conference Calling		104	200	51.8%		95
OSB Support Services Assessment		4,040	4,120	98.1%		4,048
Miscellaneous Expense	147	644	1,000	64.4%		
<b>Total Expense</b>	<b>2,270</b>	<b>9,803</b>	<b>16,620</b>	<b>59.0%</b>		<b>4,183</b>
<b>Net Revenue (Expense)</b>	<b>(615)</b>	<b>2,072</b>	<b>(3,320)</b>		<b>967</b>	<b>8,043</b>
<b>Beginning Fund Balance</b>		<b>10,063</b>				
<b>Ending Fund Balance</b>		<b>12,135</b>				
<b>Section Member Count - Paid</b>		<b>504</b>				<b>506</b>
<b>Section Member Count -</b>	<b>2</b>	<b>13</b>				<b>18</b>
<b>Section Member Count - Total</b>	<b>2</b>	<b>517</b>				<b>524</b>

### E & NR Detail

Account Number	Account Description	Date	Vendor	Reference	Debit Amount	Credit Amount
813-4565-000	Conferences / Seminars-Conf/Seminar Registrations	9/10/2018		Aptify BatchID = 163	\$0.00	\$325.00
813-4565-000	Conferences / Seminars-Conf/Seminar Registrations	9/12/2018		Aptify BatchID = 164	\$0.00	\$120.00
813-4565-000	Conferences / Seminars-Conf/Seminar Registrations	9/20/2018		Aptify BatchID = 167	\$0.00	\$640.00
813-4565-000	Conferences / Seminars-Conf/Seminar Registrations	9/28/2018		Aptify BatchID = 176	\$0.00	\$570.00
813-7195-100	Committees-Subcommittees	9/30/2018	Fahey, Maura C	09/2018 Car Rental Exp- CLI	\$123.20	\$0.00
813-7245-000	Conferences / Seminars	9/7/2018	Braintree	08/2018 BrainTree CC Fees	\$2.54	\$0.00
813-7320-000	Education	9/21/2018		CC 2195	\$1,997.20	\$0.00
813-7999-000	Miscellaneous Expenses	9/30/2018	Elephants Delicatessen Inc	09/2018 Catering- ENR Mtg	\$146.88	\$0.00
813-U004-000	Environmental & Nat'l Resource Sect Comp Membe	9/30/2018		Sept Sect HC adj	2	0