

**OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION**

**EXECUTIVE COMMITTEE MEETING**

Thursday, April 18, 2019 – 9:00 AM

**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, Ashley Carter, Maura Fahey, Kate Moore, Mark Strandberg, Ryan Shannon, Chris Thomas

By telephone: Dominic Carollo (late), Lawson Fite, Sarah Liljefelt, Caroline Lobdell, John Mellgren, Alia Miles, Stacy Owen (bar liaison)

Quorum (9 minimum of 17) reached

Excused: Mike Freese, Kirk Maag

Unexcused: Tiffany Johnson

**Approval of Minutes (Caylin):**

The March meeting minutes were approved unanimously.

**Chair's Report (Kate):**

EC welcomed new member Chris Thomas and did introductions.

The Bar is seeking nominations for its Edwin J. Peterson Professionalism Award. Deadline to nominate is June 11. Kate will circulate criteria for nomination and selection.

**Bar Liaison Report (Stacy Owen):**

After last EC meeting, Stacy sent information on membership numbers. More information on membership situation in Treasurer's Report.

Lawson brought up letter from Bar (under signature of OSB CEO Helen Hirschbiel) to TriMet regarding expansion of light rail line and potential impacts on parking at OSB Building. The letter made reference to potential violations of environmental

laws but there was no advance coordination/consultation by OSB with ENR Section, and Lawson raised general concerns about litigious tone of letter. Dave had also reviewed the letter and shared Lawson's concerns, and he highlighted the letter's statement about accommodating the parking needs for out-of-town visitors without public transit options and the Bar's position that light rail service will not mitigate impact on lost parking. It was noted that the positions taken in the letter do not seem to align well with a Bar that has a sustainability mission and a specialty Sustainable Futures Section. It was further noted that the Bar's position against the proposed light rail alignment is currently the landing page for anyone visiting the Bar's website and it could be perceived to be the official position of all Bar members.

Stacy said one of primary concerns is that OSB hosts events there for Bar members and for other users; one of proposals would apparently eliminate a portion of the parking lot and could have impact on utility of center. Stacy hasn't heard any concerns from other Bar members, but encouraged ENR EC to forward her any concerns for Helen's knowledge. Apparently there is a hearing scheduled on April 25 but that information doesn't appear on the OSB website.

Kate asked how the letter was developed – was it a BOG effort? Stacy doesn't know how developed or who was involved. Helen and Susan Grabe are the people most involved in the letter, and Kellie Baumann (legislative division, listed as contact for letter) is a conduit to Susan. John noted that deadline for final decision is May 13, so it is fast approaching. Stacy reached out to Susan during meeting and requested to meet to learn more, and offered to include Kate if desired.

Regarding taking official Section position, we generally avoid so doing based on our representation of a wide diversity of interests and practices; perhaps Sustainable Futures Section is better suited. However, it may be useful to highlight that we would recommend the Bar reach out to specialty Sections before the Bar takes a public position on issues germane to a particular Section's purview. Kate would prefer to inquire about how decision was made rather than recommend additional process without knowing more, and there was general agreement that this would be a good approach. Dave will circulate letter to EC members, and Kate will draft an email to the Bar and circulate draft to officers for comment before sending. Several EC members noted that they plan to submit their own comments directly to the Bar.

**\*\*NOTE:** Shortly after the EC meeting and before the draft email was circulated to EC officers, Kate was contacted by Helen Hirschbiel, who wished to shed light on the process OSB followed in developing the letter and to learn more about the ENR EC's concerns. Helen followed up with an email that described the process, provided greater detail on the impacts of TriMet's proposal, and invited comments, and Kate forwarded it to the EC. Therefore, no email to the Bar was necessary.

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

The end of March balance was \$9,937, after deducting the \$2,000 check to McMenamins which the Bar has not yet expensed to our Section. The standard practice of the Bar is to hold payments like this on its books as a "pre-paid deposit" but not expense it to the Section until the event takes place, i.e. October. Dave will keep track of this amount to make sure we do not double-spend it.

Memberships at the end of March were 408 paid, 53 complimentary, for a total of 461. This is higher than last month but is still well below the end-of-March 2018 totals (492 paid, 8 complimentary, 500 total).

Part of the reason for the low renewal rate was a changeover to a new system for renewing memberships that, for about the first four or five weeks in late December 2018 and early January 2019, was not filling in previous memberships in addition to the base Bar dues – so you had to manually click on which sections to "join" instead of unselecting existing sections that you wanted to drop off. This is now fixed and should not be an issue going forward.

The Bar has sent out a "please renew" email to all ENR Section members who had not renewed as of about two weeks ago – we hope that the end-of-April membership numbers may be higher. Also, the Bar applied the complimentary membership for 2019 to all attorneys admitted in 2018 (not just the October admittees, as we had originally contemplated), so we have a few additional complimentary members this year than expected.

Because of the low membership renewal, we are well behind budget in terms of our membership dues revenue – nearly \$2,000 behind last year. If the membership does not recover, and we keep spending at the same rate without increasing revenue, the section will run out of money at the end of 2020. Even if the membership levels do recover, our current fund balance (at the current rate of spending) will run out in 2021 or 2022 since we are budgeting an annual loss of about \$2,000.

Our current fund balance is forecast to be about \$6,000 at the end of 2019 – or about 0.6 of our annual membership dues revenue. The Bar recommends that fund balances be kept between 0.5 and 1.0 times the annual membership dues revenue. So, assuming current expenditures continue, we will fall below this "ideal range" in 2020 unless we either increase dues, or increase the cost of the CLE (or both), or otherwise raise revenue.

ENR Section last raised dues in 2014, from \$15 to \$20, so we are "due" for another increase. Dave will have a firm proposal and better analysis for the May meeting once we see what the end-of-April membership figures look like, so we can potentially start planning to have the Annual Meeting on October 3rd in conjunction with the Annual CLE, in order to comply with Bar's October 15 deadline for sections to hold annual meeting when sections intend to vote on a dues increase.

Dave will circulate past budgets for reference and to see if there are areas to reduce spending. John asked if past dues increase impacted membership numbers – last time Section dues were raised, membership went from 530 in 2013, to 512 in 2014, to 527 in 2015. Dave will also look at historic dues and membership numbers from other Sections to share trends and anecdotes helpful to our analysis. Dave also noted that from 2013 to 2014, the Bar also raised base dues by \$15, which may have contributed to the drop in ENR section membership in 2014.

We will need information from Bar as soon as possible as to whether Bar plans to raise dues, and Dave is looking into this for purposes of making the May budget recommendation.

### **Publications:**

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

Committee is still looking for a third editor; will send notice to Section seeking volunteers.

#### **Case Notes (Dave)**

Devin Franklin (Case Notes Editor) is close to getting next edition out and is hoping for next week. She is still having trouble getting volunteers as well as actually getting the case summaries from existing volunteers. She sent one more email to the list of volunteers she already has to see if she gets any bites; if not, she will probably just summarize the last case herself and see if we have more success on the next edition after another planned solicitation for volunteers to the whole Section via the ENR listserv.

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

No update. Tiffany is looking for authors and is interested in handing off E-Outlooks to another EC member.

### **Education/CLE**

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

Next brownbag is scheduled May 8 at Stoel Rives, and will be focused on regulatory updates under the Clean Air Act (both federal and state). Presenters include Tom Wood (federal), Leah Feldon (Cleaner Air Oregon), and Mary Peveto (Neighbors for Clean Air). Attendance numbers are starting to roll in (about 20 registrants at this time, many attending by phone).

John Mellgren is organizing a June CLE in Eugene with Judge Aiken to do an Oregon state legislative session overview CLE similar to the one we hosted in Salem a month

ago, which will feature a couple of U of O law professors who teach environmental law, as well as Rep. Blumenauer's former natural resources policy advisor. John is also trying to get a state legislator to call in.

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

Eagle Creek Fire Field Trip Hike & CLE: Friday, May 31, 8am to 12 noon. Organized by Dave Becker. Trip will focus on fire ecology and recovery and restoration of forest and trails in the Columbia River Gorge a year and a half after the Eagle Creek Fire, as well as related legal and policy aspects. Field trip announcement with Eventbrite registration link went out to ENR, Sustainable Futures, and Agriculture Sections on April 17, with invitation to renew/join ENR Section in announcement. Portland-based attendees will carpool from Gateway to minimize parking congestion at Angel's Rest trailhead. Led by Mika Barrett (Stewardship Volunteer Coordinator for Friends of the Columbia Gorge) and Clay Courtright (Park Manager of the Oregon Parks & Recreation Department's West Gorge Management Unit). Limited to 25 people and limited to ENR Section members. As of EC meeting, 10 people already signed up. EC members encouraged to sign up early if they want to attend. Lawson may try to get a forest ecologist (Amanda Aster) from American Forest Resource Council to join to provide the forester perspective and will follow up by email. One hour of CLE credit to be applied for.

Willamette Falls Tour (no date, still in early planning phases): Alia wants to tour west side of Falls, but this fall isn't looking feasible based on complexity in land ownership and legal issues. Alia will continue to cultivate connections and think about how to structure; will send email update.

### **Annual CLE (Sarah & Dave/Ashley/Ryan/John/Dominic/Alia/Maura/Mark)**

CLE will be held October 3 at McMenamin's Edgefield. No major updates; subcommittee continues its work to put all the pieces together. Still looking for suggestions from EC for one last topic to add.

### **Legislation (Mike)**

No update today. From last meeting – Mike is planning on an E-Outlook after 4/22 and is in touch with a Section member who expressed interest during last EC meeting to help put it together.

Any new bills with ENR nexus are being added to the tracking list on OSB's website. The "News" tab of our ENR website contains the following link to the list:  
<https://www.osbar.org/pubaffairs/reports/BarGroupBillSummary.html?bargroupid=813>.

**Committees:**

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

No update. Lawson will circulate meeting invite to subcommittee.

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

No update. Kate will review to-dos from last subcommittee meeting.

**Executive Committee Membership (Lawson/Mark – two EC and one non-EC)**

Welcome, new EC member Chris Thomas!

**Annual Award/Meeting (Dave/Dominic/Ashley)**

No update. Will start planning in June or July.

**Other/New Business (Kate)**

Kate has been in touch with the Texas analog of our ENR Section. They have regular meetings outside of the major metropolitan areas to convene section members; perhaps we could do something similar in our state and act as organizer and convener in order to better serve our members outside of Portland metro region. It might work well to tie some kind of social hour into our future educational events outside of Portland in order to get more participation. The planned June CLE lunchtime event in Eugene wouldn't be a good fit, but we should keep it in mind for future events – the format worked out well for the evening CLE event with Jillian Hishaw.

John also noted that the US District Court does video broadcasts of CLE events from Portland to Eugene; maybe we could look at identifying similar host sites at other locations throughout state.

**OREGON STATE BAR**  
**Environmental & Natural Resources - 813**  
**Statement of Revenue and Expense**  
**For the Three Months Ending March 31, 2019**

Description	March 2019	YTD 2019	Budget 2019	% of Budget	March Prior Year	YTD Prior Year
<b>REVENUES</b>						
Membership Fees	\$20	\$8,160	\$10,100	80.8%	\$140	\$9,840
Registrations - Conferences/Seminars		20	3,000	0.7%		
<b>Total Revenue</b>	<b>20</b>	<b>8,180</b>	<b>13,100</b>	<b>62.4%</b>	<b>140</b>	<b>9,840</b>
<b>EXPENSES</b>						
Annual Meeting			2,200	0.0%		
Case Law Summaries			400	0.0%	155	155
Committee - Subcommittee			500	0.0%		
Computer - Internet / Web			100	0.0%		
Conferences / Seminars Expense			5,000	0.0%		
Education		536	1,000	53.6%	40	40
Gifts & Awards			600	0.0%	242	242
Telephone - Conference Calling	23	37	200	18.6%	23	37
OSB Support Services Assessment	40	3,688	4,240	87.0%	56	3,936
Miscellaneous Expense			1,000	0.0%	126	161
<b>Total Expense</b>	<b>63</b>	<b>4,261</b>	<b>15,240</b>	<b>28.0%</b>	<b>642</b>	<b>4,571</b>
<b>Net Revenue (Expense)</b>	<b>(43)</b>	<b>3,919</b>	<b>(2,140)</b>		<b>(502)</b>	<b>5,269</b>
<b>Beginning Fund Balance</b>		<b>8,018</b>				
<b>Ending Fund Balance</b>		<b>11,937</b>				
<b>Section Member Count - Paid</b>	<b>1</b>	<b>408</b>				<b>492</b>
<b>Section Member Count -</b>	<b>4</b>	<b>53</b>				<b>8</b>
<b>Section Member Count - Total</b>	<b>5</b>	<b>461</b>				<b>500</b>

### E & NR Detail

Account Numbe	Account Description	Date	Vendor Reference	Debit Amoun	Credit Amount
813-4405-000	Membership Fees	3/8/2019	Aptify BatchID = 388	\$0.00	\$20.00
813-7745-000	OSB Support Service Assessment	3/31/2019	Mar Sec Assessment Fe	\$40.00	\$0.00
813-7885-000	Telephone - Conference Calls	3/12/2019	Mar 2019 PGI billing	\$22.87	\$0.00
813-U001-000	Environmental & Nat'l Resource Section Member Co	3/31/2019	Mar HC adj	1	0
813-U004-000	Environmental & Nat'l Resource Sect Comp Membe	3/31/2019	Mar HC adj	4	0