

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

Thursday, May 16, 2019 – 9:00 am

LOCATION

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

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

MINUTES

In person: Caylin Barter, Dave Becker, Kirk Maag, Kate Moore, Mark Strandberg, Chris Thomas, Stacy Owen (Bar Liaison), Dani Edwards (OSB)

By telephone: Mike Freese, Sarah Liljefelt, Caroline Lobdell, John Mellgren

Quorum (minimum 9 of 17) reached

Excused: Dominic Carollo, Ashley Carter, Maura Fahey, Lawson Fite, Tiffany Johnson, Alia Miles, Ryan Shannon

1. Approval of Minutes (Caylin)

The April minutes were approved unanimously without further revisions.

2. Chair's Report (Kate)

Dani Edwards from the Bar attended. There was an email that went out recently from the OSB with several updates that affect Sections, including the new CLE co-sponsorship policy, voting by email, elimination of Sections that do not meet membership minimums, a per-member assessment increase, listserv guideline changes, and light rail updates. Dani came to give us some background on the changes.

Light Rail. There was a meeting of the steering committee on Monday, May 13th. The committee recommended the continuation of the LPA route that was subject to the EA along 72nd. The light rail stop would be within half a mile of the OSB Center. This route has no associated concerns regarding impacts to parking. TriMet is continuing to evaluate an at-grade option and also may look at an elevated option, but there are cost concerns associated with the latter.

Member Assessments. There have been no increases in Section's member assessments since 2013. Beginning 1/1/2020, members will be assessed \$9.50. The OSB's cost is currently more than \$19 per member, and OSB splits the cost with Sections. The Bar's Executive Director ultimately makes the decision about the level of member assessments, but the BOG advises and has encouraged the Executive Director to adopt the new fee. The per-member assessment is currently \$8. In the past, the Bar has aimed to keep increases to \$1.50, so this increase is in keeping with that approach.

Email Voting. The practice of holding Section Executive Committee votes by email was determined to be not in compliance with public meetings laws with respect to notice, so the Bar is revising its by-laws to conform to this guidance. However, there are options provided in the by-laws that allow for special meetings to hold votes between regular meetings.

Listserv Guidelines. Dani reports that the changes are mainly of a housekeeping nature. One policy change is that the Section listservs are now a limited liability forum. Therefore, it is up to each Section member to decide what to post (and this can include political issues), and Bar and Section EC have no liability. If a Section proposes to remove a member from the listserv, they should work with OSB to ensure the member's actions meet the Bar's criteria for removal.

OSB Co-sponsorship of Section CLE Activities. This policy change has been in process since 2016. The change is twofold and is divided into programs that are less than 4 hours and programs that are four or more hours. All programs regardless of duration will use the Bar's registration services, which includes registration, credit card processing, content hosting, etc., with automated posting of the attendee's MCLE credit once the program sponsor reports attendance to the MCLE Department. If a Section offers a CLE program that is 4 or more hours in length, the Section must offer co-sponsorship to the Bar's CLE Department once every 3 years. The intent is to offer sufficient content in the Bar's CLE library to allow members to meet their MCLE requirements. Co-sponsorship means OSB staff will assist with planning the program in terms of handling logistics of venue, developing schedule, coordinating announcements, generating reminder emails, ordering food, managing registrations and cancellations, assembling and distributing speaker materials, and reserving A/V equipment; the Section identifies speakers and topic content. OSB covers the costs of hosting the CLE, and then there is revenue share if the event hits a certain revenue threshold. In the case of co-sponsorship, OSB sets the cost of the CLE program because OSB is assuming the revenue risk, though there is some room for negotiation and Karen Lee is very open to working with Sections to set the event cost. Most full-day programs hosted by OSB run around \$225, and there are a multitude of options for discounts (earlybird, Section member, new lawyer, etc.). Co-sponsorship also opens up the option for webcasting and then keeping content available online after the event. There is a \$10/person cost for using CLE Services for registration, but the BOG heard Sections' feedback that this was burdensome for events that Sections offer for free or subsidized cost to Section members, so the BOG removed the \$350 minimum for the use of CLE Services and now offers different tiers for registration options. This includes the addition of a \$5/person tier with fewer services, and a RSVP-only model with a flat fee of \$100 (this tier involves no exchange of money, i.e., the event is free for all attendees). There is also a "series" option available for a reduced fee, too, but it requires the Section to have the series all set up early in the year, including having the dates nailed down. This is because of the time savings associate with the series option – CLE Services sets up all the series events at one time, and then allows members to register early for events later in year.

John asked a question regarding an upcoming Fed Bar CLE that is being co-sponsored by the ENR Section – would that type of event require the use of CLE Services? Dani said no, because Fed Bar is handling the registration. Note that the Section can still advertise this type of event on its listserv.

The EC expressed concern about the impact of this new policy on our brownbags and fieldtrips. We estimate this is going to cost us upward of \$800 a year to provide our currently-free services to our members, so we would need more nonmember registrations to cover the costs. A question was asked about whether OSB send out a monthly “upcoming CLEs” blast to all OSB members to expand the scope of potential attendees? Dani answered they are moving to a new association management software that will allow predictive targeted advertising to members based on their past activities and topic interest selections in profile. The new AMS and the new registration policy will expand what currently populates on OSB’s CLE calendar.

Dani also spoke to the intent behind the new co-sponsorship policy, which is designed to reduce demands on OSB staff time and improve the OSB “member experience” (there are currently many different ways that members are expected to register for various events within and across Sections). In addition, Sections have a history of mishandling checks and attendance lists, and there are significant costs associated with processing a whole bunch of \$10 checks.

The Bar proposed revisions to the Standard Section Bylaws to ensure they are in line with the new OSB policies. The BOG will consider Section feedback on the proposed changes during their June meeting.

In addition, there are two policy areas that the BOG is still evaluating at this time: membership thresholds and fund balances.

Membership Threshold. This is already in the OSB bylaws, but the BOG plans to make it more prominent and is going to start enforcing it. The Bar wants efficiencies. Staff time demands are very high for Sections with low membership and a corresponding low number of volunteers. Also, some smaller Sections provide few benefits to members. The 100-member threshold affects four sections (Admiralty (38 members, and very stable), Aviation (53), Animal (90, and 22% higher, and newer section), and Antitrust/Trade (90)). Dani doesn’t know how the BOG will decide whether to sunset a Section and whether it will be a hard cutoff at 100 members. Both of the smallest Sections want to keep going, and this has been a conversation that has been going for two years. The Aviation section is more of a social/networking group and does not provide many services to members. There has been talk about merging some sections (like, for instance, a new “Transportation” Section), but the affected Section ECs didn’t like the suggestion – they have been operating a particular way for many years and just want to be left alone. However, several of the smallest Sections didn’t even submit a budget this year, so OSB had to do it for them. The overall goal is to ensure that members are getting benefits from their Section memberships. The new AMS will allow “forums” that will not be restricted to members in a particular Section; this could be an option to continue to bring people with similar interests/practices together.

Overall, there has been a significant decrease in the number of Section members joining this year across all Sections. As discussed in previous meetings, the Bar changed its dues renewal process this year: whereas it used to be that Section memberships were automatically included in the dues renewal process, this year, members were taken through a four-step process. Step One showed a list of all Sections and costs, and members eligible for free memberships were shown accurate pricing. Many Sections saw an increase in new memberships on account of new free memberships, but a drop-off in the number of existing members. Existing members had their Section memberships pre-checked, but there was a 4-5

week period where there was “confirm and continue” button and a “skip and continue” button that caused confusion; members clicked “skip and continue” and it stripped away all the pre-populated Section membership selections. The Bar had also added a new “company administrator” role where non-lawyers could make payments, but many of these people didn’t realize they needed to pay for Sections as part of the renewal process. In February, all but two sections had lower membership than December 2018. The Bar reached out to all non-renewing members in April and saw >1000 new memberships. Now, more than half of Sections have seen an increase in overall membership, though this includes complimentary memberships. The Bar can provide us a list of non-renewing members, and some Sections have created a survey regarding reasons for nonrenewal. The Bar has 43 Sections and 17,000 members in Sections, so it limits its email blasts. We would like to have an updated list of non-renewers, and Dani will send to us. We will also look at the list of complimentary members to assess the likelihood of them becoming paid members for purposes of developing our 2020 budget.

Fund Balances. In the aggregate, Section fund balances have continued to grow year after year, reaching a \$705,000 total balance in 2018. Sections should be spending their funds to provide services for their members. OSB has never had a policy on this previously, so a new draft proposed bylaw would require that if a Section has a fund balance that represents greater than two years of member fees, the Section will be charged the full OSB member assessment (\$19/member) rather than OSB splitting the cost with the Section.

3. Bar Liaison Report (Stacy)

No updates aside from what Dani shared.

4. Treasurer’s Report (Dave)

The end of April balance was \$10,475 (deducting out \$2,000 for the McMenamins Edgefield down payment for the October CLE, which 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. Dave will keep track of this amount to make sure we do not double-spend it.

Section memberships at the end of April were 521 total (up from 504 in April 2018). Paid memberships were at 460 (down from 496 in 2018), and complimentary memberships were at 61 (up from 8 in 2018)

We will need to increase our Section dues next year to cover the Bar’s increased member assessment. We planned a \$2,000 budget shortfall from 2018, and we are budgeting for the same for 2019. Our end-of-2019 fund balance is projected to be \$6,000, which is within OSB guidelines for maintaining a fund balance of 0.5x to 1.0x membership dues revenue, but we are now looking at a \$800 shortfall associated with higher member assessments and new fees for using CLE Services for brownbags and field trips. Dave commended raising membership dues by \$4-5 next year, and the EC was supportive of the proposal.

In addition to increasing Section dues, we also may want to discuss an increase in the CLE attendance fee this year as a small step toward the very big jump in cost in two years due to the Bar’s co-sponsorship requirement.

Because we are proposing an increase in Section membership dues, we are now in a compressed schedule for holding our annual meeting, which will coincide with the October CLE. The EC nominating committee must meet 60 days before the annual meeting (so before the July 18 EC meeting), and nominating committee recommendations must be submitted to the Section Chair by 30 days before the annual meeting (note that there is no August meeting, and the September meeting falls too late to meet this deadline). There is no requirement for an EC vote on nominations, but we do want EC consensus. Dave will also present a proposed budget at the September 19 EC meeting. Mark asked how many openings we will have, and Stacy will get us that information.

5. Publications

a. ENR Deskbook (Kirk/Mark)

Mark has an email drafted to go out to the Section to recruit a coeditor. Kirk wanted to know if it can come from the Bar; Stacy said that Kirk can work with Linda at the Bar, or he could also just post it to the ENR Section listserv.

b. Case Notes (Dave)

The latest edition of the Case Notes were published the first week of May, and the next edition will go out by end of June. Dave has committed to writing one of the case summaries. Devin Franklin (case notes editor) has expressed concern about her ability to continue supporting effectively based on inconsistent follow-through from volunteers. We would like to see additional outreach to recruit new writers, including to law schools and more outreach to the ENR Section listserv.

Chris is willing to take over the Case Notes Editor role if Devin decides to pass the torch. He has been active in writing and also in recruiting new writers and is familiar with the process.

c. E-Outlooks (Tiffany)

Tiffany emailed a report that she has had trouble corralling writers. She has requested either assistance in recruitment, or else to hand off the E-Outlooks role to another EC member. The EC suggested reaching out to the ENR Section listserv to ask our membership if they have already published anything elsewhere recently that could be reformatted into an E-Outlook, and Kate mentioned she would reach out to Tiffany to make the suggestion.

6. Education/CLE

a. Brownbags (Maura/Ryan/Caroline)

We had a successful brownbag CLE on May 8 with great presentations on Oregon's new Cleaner Air Oregon regulations, the proposed diesel control bill in Oregon, and several federal Clean Air Act regulatory updates. We will look to have another brownbag CLE sometime in August. If anyone has any ideas for a potential topic, please get in touch with the subcommittee members.

John reported that the June CLE in Eugene may or may not happen; one presenter expressed concern about the status of the cap and trade bill based on current Salem happenings and may want to delay until the dust settles. Mike estimates that the bill will be in play through the end of session, so it may be best to plan on waiting until later to host this brownbag.

b. Field Trips (Caylin/Alia/Tiffany)

As of today, 18 people are registered for the May 31 Eagle Creek Fire CLE Hike and 7 slots are still open. Dave and Lawson hosted a planning meeting yesterday with Mika and Clay (2 of the 3 presenters). Dave will send an email on 5/28 to coordinate carpools and to send out the required liability forms.

c. Annual CLE (Sarah & Dave/Ashley/Ryan/John/Dominic/Alia/Maura/Mark)

The subcommittee is firming up topics and speakers independently, and they hope to have this finalized at their next meeting in June. Planning is going smoothly. One topic is still needed to complete the CLE schedule, and Sarah welcomes the EC's suggestions. Sarah will send out the meeting poll in the next week to get a June meeting on the calendar.

d. Legislation (Mike)

No updates. Mike will prepare a report at end of session that can be used as an E-Outlook, so look for it end of June/early July.

7. Committees

a. Pro Bono (Ashley/Lawson/Ryan)

The members are going to meet later this month to put together a list of public service opportunities. Given the expertise of our Section and our past efforts to establish a meaningful pro bono program, organizing volunteer opportunities for activities like public clean ups could be an option

b. Diversity (Dave/Ashley/Maura/Caroline/Kate)

No update.

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

No update.

d. Annual Award/Meeting (Dave/Dominic/Ashley)

Dani confirmed there is no requirement to vote on the date on which to hold the annual meeting. Mark asked if we can split the annual meeting and do the membership portion at the end of year party, and we will need to look into the bylaws to see if that would be permitted. After the meeting, Dani confirmed by email that the Section may hold more than one annual meeting, provided we comply with the 14-day noticing requirements as well as the deadlines for voting on dues increase (by October 15) and EC membership (by November 15). Either of the votes can be done electronically and the OSB can assist with a Survey Monkey poll.

8. Other/New Business (Kate)

Kate sent a flyer to the Bar that will be shared at the induction ceremony for new admittees to the Bar on May 23. Anyone interested in going to the ceremony should contact Kate.

OREGON STATE BAR
Environmental & Natural Resources - 813
Statement of Revenue and Expense
For the Four Months Ending April 30, 2019

Description	April 2019	YTD 2019	Budget 2019	% of Budget	April Prior Year	YTD Prior Year
REVENUES						
Membership Fees	\$1,040	\$9,200	\$10,100	91.1%	\$80	\$9,920
Registrations - Conferences/Seminars		20	3,000	0.7%		
Total Revenue	1,040	9,220	13,100	70.4%	80	9,920
EXPENSES						
Annual Meeting			2,200	0.0%		
Case Law Summaries			400	0.0%		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
Gifts & Awards			600	0.0%		242
Telephone - Conference Calling	22	59	200	29.7%	17	54
OSB Support Services Assessment	480	4,168	4,240	98.3%	32	3,968
Miscellaneous Expense			1,000	0.0%		161
Total Expense	502	4,763	15,240	31.3%	49	4,620
Net Revenue (Expense)	538	4,457	(2,140)		31	5,300
Beginning Fund Balance		8,018				
Ending Fund Balance		12,475				
Section Member Count - Paid	52	460				496
Section Member Count -	8	61				8
Section Member Count - Total	60	521				504

E & NR Detail

Account Numbe	Account Description	Date	Vendor Reference	Debit Amoun	Credit Amount
813-4405-000	Membership Fees	4/4/2019	Aptify BatchID = 417	\$0.00	\$240.00
813-4405-000	Membership Fees	4/11/2019	Aptify BatchID = 418	\$0.00	\$460.00
813-4405-000	Membership Fees	4/19/2019	Aptify BatchID = 420	\$0.00	\$140.00
813-4405-000	Membership Fees	4/23/2019	Aptify BatchID = 422	\$0.00	\$80.00
813-4405-000	Membership Fees	4/29/2019	Aptify BatchID = 428	\$0.00	\$100.00
813-4405-000	Membership Fees	4/30/2019	Aptify BatchID = 430	\$0.00	\$20.00
813-7745-000	OSB Support Service Assessment	4/30/2019	Apr Sec Admn Fee	\$480.00	\$0.00
813-7885-000	Telephone - Conference Calls	4/12/2019	Apr 2019 PGI billing	\$22.12	\$0.00
813-U001-000	Environmental & Nat'l Resource Section Member Co	4/30/2019	Apr Sec HC	52	0
813-U004-000	Environmental & Nat'l Resource Sect Comp Member	4/30/2019	Apr Sec HC	8	0