

# ENVIRONMENTAL JUSTICE COUNCIL

December 5, 2023  
9:30 a.m. – 1:30 p.m.

## Public Meeting Agenda

This public meeting will be conducted in person in the Lloyd 700 Building, 3<sup>rd</sup> Floor L700 Conference Room. Participants may also join virtually on Zoom Webinar by registering using the link below. Written testimony can be submitted in advance, to [van.nguyen@deg.oregon.gov](mailto:van.nguyen@deg.oregon.gov). Written comments received will be distributed to the Council.

### Register in Advance to Participate Virtually

[https://us02web.zoom.us/webinar/register/WN\\_mxwLXMAQTLm1UfNnYo\\_n5A](https://us02web.zoom.us/webinar/register/WN_mxwLXMAQTLm1UfNnYo_n5A)

The Council makes every attempt to hold strictly to the sequence of the distributed agenda. Times and topics may change up to the last minute. This agenda is available on the Environmental Justice Council website: [Governor of Oregon : Environmental Justice Council : Policies : State of Oregon](#).

9:30 a.m.	Item 1:	Call to Order – Chair Joel Iboa
9:40 a.m.	Item 2:	End of the Year Reflections – Chair Joel Iboa and EJC Council Discussion
10:40 a.m.	Item 3:	Governance – Council Members Amanda Sullivan-Astor, Jim Kreider, and EJC Council Discussion
12:00 p.m.	Item 4:	Lunch Break
12:30 p.m.	Item 5:	2024 Environmental Justice Council Activities – Environmental Justice Council Council Discussion
1:10 p.m.	Item 6:	Public Comment
1:30 p.m.	Item 7:	Council Adjourn

## PLEASE NOTE

### AGENDA

The public portion of the Council meeting will begin at 9:30 a.m. and proceed chronologically through the agenda. Times listed on the agenda are approximate. At the discretion of the chair, the time and order of agenda items—including addition of intermittent breaks—may change to maintain meeting flow. This meeting will be recorded by audio, and the recording will be posted on the Environmental Justice Council website shortly after the meeting.

### PUBLIC TESTIMONY

Written comments will be accepted until 5:00 p.m. the evening prior to the meeting by emailing [van.nguyen@deg.oregon.gov](mailto:van.nguyen@deg.oregon.gov) and indicate your comments as EJC Testimony with the meeting date on the subject line. Other testimony will be received during the public comment portion of the meeting.

### REASONABLE ACCOMMODATION OF DISABILITIES

Please contact us at least three business days prior to the meeting to let us know if you need reasonable accommodation. Contact the Environmental Justice Coordinator Hoang-Van Nguyen at [van.nguyen@deg.oregon.gov](mailto:van.nguyen@deg.oregon.gov) to make your request.

# Council Member Memorandum

---

To: Chair and Members of the Environmental Justice Council  
From: Council Member Amanda Sullivan-Astor and Council Member Jim Kreider  
Date: December 5, 2023  
**Regarding: Agenda Item 2 – Governance**

This agenda item will facilitate discussion on drafts bylaws development by Council Members Sullivan-Astor and Kreider.

The draft language has been copied below:

## CHARTER:

### *Environmental Justice Council*

As Prepared 11/30/23

## Table of Contents

<b>Table of Contents</b> .....	<b>0</b>
<b>I. Introduction</b> .....	<b>1</b>
<b>II. Purpose</b> .....	<b>1</b>
<b>III. Roles &amp; Responsibilities</b> .....	<b>1</b>
EJC .....	1
DEQ .....	1
Governor's Office .....	2
<b>IV. EJC Operations</b> .....	<b>2</b>
Chairperson .....	2
Vice Chairperson .....	3
Electing a Chairperson and Vice Chairperson .....	3
Work Plan .....	4
Quorum .....	4
Meetings .....	4

Developing Agendas.....	5
Communications .....	5
<b>V. Consensus &amp; Voting .....</b>	<b>6</b>
Consensus Continuum Model.....	6
Voting.....	6
<b>VI. Committees and Work Groups .....</b>	<b>7</b>
Committees.....	7
Work Groups.....	8

## I. Introduction

The Environmental Justice Council (EJC), renamed and reorganized in [HB 4077](#), is an advisory council to the Governor and Natural Resource Agencies<sup>1</sup> established by Chapter 58, Oregon Laws 2022, Sections 1-3.

## II. Purpose

The Council’s purpose<sup>2</sup> is to:

1. Advise and provide a biannual report to the Governor on environmental justice issues;
2. Advise [state] natural resource agencies on environmental justice issues, including community concerns and public participation processes;
3. Identify, in cooperation with natural resource agencies, environmental justice communities;
4. Meet with environmental justice communities and make recommendations to the Governor regarding concerns raised by these communities;
5. Define environmental justice issues in the state;
6. Upon the request of a natural resource agency, provide consultation and review of a natural resource agency’s proposed administrative rules under ORS 183.333 (1); and
7. Other items as defined by the work plan.

---

<sup>1</sup> [ORS 182.535](#)

<sup>2</sup> ORS [182.542](#) (1)

### **III. Roles & Responsibilities**

#### **EJC**

1. Be the final approver for state environmental justice matters prior to them reaching the Governor and natural resource agencies for actions to be taken.
2. Be the sounding board for the state in high level environmental justice matters.
3. Listen to the public through testimony to the EJC and, where appropriate, take action through consensus or voting.
4. Bring issues forward related to environmental justice for the EJC to consider.
5. Ensure all sides of an issue are represented and factual information is shared.
6. Act within the authority of the EJC and recognize authority constraints of governmental agencies as well.
7. Develop the agendas, schedules, work plans and priorities of the EJC.

#### **DEQ**

1. Facilitate and serve the EJC by doing the administrative duties for the EJC including but not limited to:
  - a. Obtain and set up meeting spaces,
  - b. Set up virtual meeting lines,
  - c. Draft the agendas for meetings,
  - d. Write and distribute meeting minutes,
  - e. Invite, organize and facilitate guest presentations as requested by the EJC and approved by the chairperson and vice chairperson for meetings, and
  - f. Keep track of progress and updates for EJC priority work outlined in the EJC work plan.
2. Help chairperson stay on time for meetings and provide additional contextual and administrative information throughout meetings.
3. Provide expertise at meetings to address questions the EJC has if DEQ.
4. Coordinate projects as required by statute, the EJC and the Governor's Office as they pertain to policy priorities and are funded through CSL budgets, policy options packages, agency priorities, executive orders, and/or statute.

#### **Governor's Office**

1. Be the ultimate decision maker for state environmental justice matters as advised by the EJC.
2. Utilize information and reports by the EJC to hold agencies accountable, develop executive orders, and set state priorities around environmental justice.
3. Provide oversight for the EJC Coordinator.

## **IV. EJC Operations**

### **Chairperson**

The Chairperson shall perform all duties customary to the office of the Chair:

- Ensures facilitation of EJC meetings after developing the agenda with the vice chairperson, EJC Coordinator and Governor's Office Representative.
- Calls on Council members during the meeting and aim for full participation by all Council members.
- Develops meeting agendas with input from the EJC.
- Provide leadership and direction for the entire EJC.
- Encourages transparent communication between all Council members.
- Helps guide and mediate Council actions.
- Participates in the creation and implementation of the EJC workplan.
- Ensures that timelines are met and that Council members are accountable to their responsibilities within the work plan.
- Encourages Council member participation in all EJC work.
- Attends committee meetings whenever possible and communicates as needed with committee chairs to ensure action items are met and that activities are in-line with the purpose of the EJC.
- Represents the EJC in all public spaces as assigned by the EJC.
- Serves as or delegates liaisons for other important Boards, Commissions, Councils and Committees throughout the state as desired by the EJC.

### **Vice Chairperson**

The Vice Chairperson shall serve in the Chairperson's place in the event the Chairperson is unable to serve or perform duties delegated to the Chairperson. The Vice Chairperson may have such additional duties as delegated to him or her by the EJC or the Chairperson:

- In absence of Chairperson, coordinates facilitation of EJC meetings, ensures agendas and minutes are distributed, and implements the work plan.
- Works closely with the Chairperson, EJC members, DEQ staff and Governor's Office.
- Develops meeting agendas with input from the EJC.
- Performs other responsibilities as assigned by the EJC.
- Serves as Governance Committee chairperson as appropriate.
- Provides leadership and direction to the EJC.
- Ensures transparent communication between all EJC members.
- Helps guide and mediate EJC actions.

## Electing a Chairperson and Vice Chairperson

The council shall elect one of its members as a chairperson and another as vice chairperson, for the terms and with the duties and powers necessary for the performance of the functions of such offices as the council determines.<sup>3</sup>

The chairperson and vice chairperson shall be elected by a majority 51% vote. They shall serve for a term of 2 consecutive years and can be re-elected by a majority 51% vote. A chairperson or vice chairperson term shall run from the first EJC meeting of a given calendar year to the first EJC meeting of the calendar year two years later.

Elections shall take place at the last meeting of the preceding calendar year to the beginning of a new term or at the meeting directly following the resignation of a sitting chairperson or vice chairperson.

Individuals can self-nominate or be nominated from the floor. Each candidate will be given an opportunity to state, verbally and in writing, why they would like to be elected and what they would like to achieve as chairperson or vice chairperson. The candidates for office will answer member questions on their candidacy prior to the final vote

Votes for chairperson and vice-chairperson shall be accomplished by the raising of hands for each candidate for each position.

The Governor may concur in the election of both the chairperson and vice chairperson.

## Work Plan

Bi-annually the EJC will develop a workplan no later than December 31st of even years. This will ensure budget requests, policy option packages, legislation and programs can be adequately addressed during the appropriations and legislative process initiating the next biennium.

The work plan should include, but is not limited to:

- Meeting dates,
- Meeting topics,
- Decision items,
- Priority projects,
- Timelines,
- Responsibilities, and
- Budgets.

---

<sup>3</sup> [ORS 182.538](#) (5)

The work plan may address opportunities to meet with or have joint meetings with the Oregon Advocacy Commissions and the Racial Justice Council to ensure continuity of Governor and state priorities.

## **Quorum**

A majority of the members of the council constitutes a quorum for the transaction of business.<sup>4</sup>

Proxies are not allowed for quorum requirements.

## **Meetings**

The council shall meet at least once every three months at times and places specified by the chairperson or vice chairperson. The council also shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the council.<sup>5</sup>

Meetings shall always have a virtual option.

At least one meeting a year shall be planned together with the Environmental Equity Subcommittee of the Racial Justice Council.

## **Developing Agendas**

The EJC Coordinator shall request agenda items from the full Council at least three weeks prior to the next meeting and ask that final agenda items be submitted within two weeks of the initial request for agenda items.

The chairperson and vice chairperson shall meet with the EJC Coordinator at least two weeks prior to the next meeting to review submitted agenda items, discuss additional agenda items, determine if specific speakers or presenters need to be invited and finalize the agenda. At this coordination meeting, the chairperson and vice chairperson may also determine if agenda items should be moved to a future meeting.

The agenda and any meeting material shall be sent to the EJC and posted on the website no less than one week before the next meeting.

## **Communications**

The efficacy of the Council depends on excellent working relationships. Therefore, the EJC will conduct their business collaboratively, with mutual respect, and with shared responsibility for desired outcomes. Official EJC communications with the Governor's Office and Natural Resource Agencies regarding reports, letters, and other non-administrative matters will be made by the

---

<sup>4</sup> [ORS 182.538](#) (6)

<sup>5</sup> [ORS 182.538](#) (7)

chairperson or vice chairperson or by EJC members as determined by the EJC, subject to the provision on presentation of minority positions.

EJC reports and recommendations sent to the Governor's Office and Natural Resource Agencies are to include:

- A. A majority position adopted by the EJC; and
- B. Minority positions from the EJC membership, if any, were formed and holders of that position requested that such positions be brought to the Governor's Office and/or Natural Resource Agencies. If a minority position is brought to the Governor's Office and/or Natural Resource Agencies, an EJC member holding such a position shall present the position to the Governor's Office and/or Natural Resource Agencies when the majority position is presented by the chairperson or vice chairperson.

EJC members will maintain the integrity of the Council in public forums by avoiding:


- Discussing ongoing EJC deliberations or pending discussions that concern specific conclusions or recommendations. While EJC members are free to publicly discuss the subjects that may come before the EJC, they must explicitly state they are not speaking on behalf of the EJC. Members may refer questions to Department of Environmental Quality (DEQ) and/or Governor's Office staff;
- Categorizing other members' or groups' supposed positions;
- Misrepresenting discussions by omissions; and,
- Communicating in other ways that undermine trust amongst EJC members.

The chairperson and vice chairperson may, following discussion with DEQ and Governor's Office staff, provide factual information about the EJC and its work in public and media settings. On occasion, the EJC may agree on broader statements to be made by the EJC chairperson or vice chairperson or designated members to the public or media. This process maintains both respect and good working relationships on the EJC and public trust in the process.

## V. Consensus & Voting

The EJC should strive for full consensus in council decision making by the Consensus Continuum Model prior to a formal vote. When a decision is made without reaching consensus, the EJC shall examine why consensus was not reached and consider ways to achieve consensus in future votes.

### **Consensus Continuum Model**

The consensus continuum model aims for full consensus at steps along the decision-making path and allows stalemates to be broken  by a simple majority, 51% of the votes. The consensus continuum approach explicitly leaves open the ability for any EJC member to put forward a minority report to the Governor's Office.



# Consensus Continuum

## GRADIENTS OF AGREEMENT



Fixed timeframes will be developed for all EJC process stages for large projects. While all parties agree that striving for a consensus solution can provide for a more enduring system and help forge a cooperative change management process, fixed timeframes need to be established for all process stages to avoid procedural delays in the decision-making process.

### **Voting**

Before voting on a motion, the language of the associated motion shall be displayed in written format so that the entire Council can see the motion. This written format will also serve as the official record of the decision. There will be adequate time for discussion before voting, with the goal of achieving consensus.

When voting occurs, Robert's Rules of Order will be followed:

1. An EJC member seeks recognition from the chairperson.
2. A motion is made.
3. The motion is seconded.
4. The motion is placed before the Council for consideration.
5. The motion is discussed or debated.
6. A vote is taken.
7. Time is allowed for those who voted Nay or Abstained to explain their vote if they so choose.

Proxies are not allowed for voting requirements.

## VI. Committees and Work Groups

### Committees

The EJC may create committees to act separately from the EJC as a whole and to bring work products and recommendations back to the EJC. Committees shall be voted on by the full EJC for establishment. If the committee's work is likely to span more than six months, each committee shall:

1. Have a brief charter that states the purpose of the subcommittee, its work, initial members, and expected duration (perpetual or a specific term).
2. Give brief reports at the beginning of each EJC meeting. If a committee has more to report than can be communicated in a few paragraphs, or if they need feedback from the EJC, they should contact the EJC chairperson ahead of the meeting so that the topic can be placed on the agenda.

A committee shall be set up in order to avoid an inadvertent quorum of the EJC as a whole and will follow public meetings laws when applicable. Committees should strive to include at least one member representing an Oregon Advocacy Commissions, one with expertise in natural resource management, one with expertise in community organizing and one representing either remote, rural or coastal communities. Thus, each subcommittee should have at least four members (and should not have 7 or more voting members to avoid a quorum).

### Work Groups

The council may also form work groups or consult with stakeholders as necessary to carry out the duties of the council.<sup>6</sup> Work groups shall be voted on by the full EJC for establishment. Prior to voting on a work group, the commissioner who is proposing the work group shall present to the EJC:

1. The purpose and need of the work group;
2. Proposed participants for the work group;
3. A timeline for work group projects; and
4. A coordination plan for the work group.

If the work group is likely to be engaged for more than six months, each work group shall:

1. Have a brief charter that states the purpose of the work group, its work, initial members, and expected duration (perpetual or a specific term).
2. Give brief reports at the beginning of each EJC meeting. If a work group has more to report than can be communicated in a few paragraphs, or if they need feedback from

---

<sup>6</sup> ORS 182.542 (2)

the EJC, they should contact the EJC chairperson ahead of the meeting so that the topic can be placed on the agenda.

A workgroup shall be set up in order to avoid an inadvertent quorum of the EJC as a whole and will follow public meetings laws when applicable.

We should add an appendix on how we determine when to send a letter to the Governor and how to elevate items to the Governor's Office and Natural Resource Agencies.

We also need to develop the bi-annual reporting process as required by statute for the EJC along with how we review and take action on NR agency reports to the EJC.

# Staff Memorandum

---

To: Chair and Members of the Environmental Justice Council

From: Hoang-Van Nguyen, Environmental Justice Coordinator

Date: December 5, 2023

**Regarding: Agenda Item 5 – 2024 Environmental Justice Council Activities**

This agenda item will facilitate Environmental Justice Council discussion on 2024 activities.

Here are some guiding questions to help initiate the conversation.

1. What issues and activities are you interested in the Council focusing on in 2024?
2. How would the Council like assistance with creating an annual or bi-annual plan for Council initiatives?
3. How would the Council like to review state agency annual reports and provide feedback to agencies?
4. How would the Council like to facilitate development of the Environmental Justice biannual report to the Governor?
5. How would the Council like to engage with the Environmental Justice Mapping Tool Leadership team next year?