

ENVIRONMENTAL JUSTICE COUNCIL

January 16, 2024
9:30 a.m. – 1:30 p.m.

Public Meeting Agenda

This public meeting will be conducted in person at 550 Capitol St. NE in Salem at the ODOE Mietner Room. Attendees may also join virtually on Zoom Webinar by registering using the link below. Written testimony can be submitted in advance, to van.nguyen@deq.oregon.gov. Written comments received will be distributed to the Council.

Register in Advance to Participate Virtually

https://us02web.zoom.us/webinar/register/WN_3aQ6E0z0TRqYuz1-avPtkg

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: | Leadership Elections – All Council Discussion |
| 10:40 a.m. | Item 3: | Governance – All Council Discussion |
| 12:00 p.m. | Item 4: | Lunch Break |
| 12:30 p.m. | Item 5: | Administrative and Supplemental Budget Request Updates – Staff 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@deq.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@deq.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: January 10, 2024
Regarding: Agenda Item 3 – Governance

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

CHARTER:

Environmental Justice Council

As Prepared 11/30/23 and Adopted 12/5/23

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I. Preface

Introduction

The Environmental Justice Council (EJC), renamed and reorganized in [HB 4077 \(2022\)](#), is an advisory council to the Governor and natural resource agencies¹ established by Chapter 58, Oregon Laws 2022, Sections 1-3.

Background

The Environmental Justice Council was formerly known as the Environmental Justice Task Force (EJTF). SenateBill 420 created the EJTF in 2008. It was the first environmental justice advisory body to be established in the United States.

The EJTF published the EJ Task Force Handbook in 2016 to provide best practices on integrating EJ standards for Oregon’s natural resource agencies.

II. Purpose

The Council’s purpose² 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 [strategic work](#) plan.

III. Roles & Responsibilities

Collective Agreements

1. Be the sounding board for the state in [high level](#) environmental justice matters.

¹ [ORS 182.535](#)

² [ORS 182.542](#) (1)

Commented [1]: Reference the recruitment flyer

Commented [2R1]: Still need this from Van

Commented [3R1]: How about something like this?
Also look at docs put in this folder
https://drive.google.com/drive/folders/1JZvz5MXAccN-otquHPd48gh7XDLx3tl?usp=drive_link
specifically SB 286-Environmental Justice Legislative Proposal-Kate Brown 2021
https://drive.google.com/file/d/1agVjizKIoUKLiwng8yG9F2dyl8zyFFD_/view?usp=drive_link

The Oregon Environmental Justice Task Force (EJTF) was established in 2007 by the Oregon Legislature. The EJTF is a group of 12 members appointed by the Governor to advise state agencies on environmental justice issues and to ensure that the interests of communities of color, low-income communities, and tribal communities are considered in state policies and actions. The EJTF also works to increase public awareness and participation in environmental decision-making, and to promote collaboration and communication among diverse stakeholders. The EJTF was created in response to the growing recognition of the disproportionate impacts of environmental problems on marginalized and vulnerable populations, and the need for more inclusive and equitable solutions. The EJTF was inspired by the principles of environmental justice, which emerged from the civil rights movement and the grassroots activism of communities affected by environmental racism and injustice. The EJTF is one of the first state-level environmental justice bodies in the nation, and it serves as a model for other states and regions.

Commented [4]: based on the annual reports received from the natural resource agencies. Thoughts on this?

Commented [5]: Organizational Agreements - the wording doesn't feel right?

Commented [6R5]: We could call them team agreements instead. I am not a big fan of Organizational, because we are not an organization.

Commented [7]: For the natural resource agencies named and EJ issues in general in the state. I "think" the legislation allows us to go beyond just the natural resource agencies. Something to be verified and included if correct.

Commented [8R7]: Would delete "high-level" as a qualifier. The statute doesn't specify high-level and I think it could create confusion.

Commented [9R7]: I made that adjustment and feel fine with this. I just don't want this group to be getting into the minutia of trying to solve ever single person's issue with an agency or company. We want to do things that impact groups of people and communities, but maybe I am mistaken.

2. Learn from and amplify EJ voices by providing opportunities for sharing through public testimony, listening sessions and other forms of communication to the EJC and, where appropriate, take action through consensus or voting.
3. Bring issues forward related to environmental justice for the EJC to consider.
4. Seek to understand the depth of the issues brought before the EJC. Act within the authority of the EJC and recognize authority constraints of governmental agencies as well.
5. Develop the agendas, schedules, strategic work plans and priorities of the EJC.

Commented [10]: Change based on further conversation.

Commented [11]: Can we testify on bills? Can we participate in informational hearings?

Commented [12R11]: What are our constraints?

Commented [13R11]: good questions and should be included here. I can't remember us voting to allow the chair or member to take a position on a bill. We've been told to preface any remarks that we are not speaking on behalf of the council but as an individual or as a member of another organization. But we do need an approval process for the council to express its opinion in public in this section. Does the racial justice council or others address this issue?

Commented [14R11]: Because we are an advisory body, my understanding has been that we can testify only in an advisory or informational capacity. We can't take positions, but rather provide input on EJ impacts and the role of the EJC.

Commented [15R11]: But agree that we should have some clarity on how/when any EJC rep participates in a hearing or informational session.

Individual Agreements

1. Everybody has value
2. Give everyone the benefit of the doubt
3. Open to change & new ideas
4. Turn concerns into questions and/or requests
5. There are no stupid questions
6. Treat others as mature adults
7. Bring roadblocks to group's attention
8. Communicate expectations
9. Think about solutions as teaching moments
10. Work towards continual/continuous improvement

Advocacy Commissions Liaison Agreements

- Connect commission agendas, strategic plans, and priorities and communication efforts with the EJC
- Reporting back to their commissions
- Identifying opportunities for collaboration and partnership
- Regularly attend and participate in EJC meetings

Commented [16]: Coordinate the communication and work plans where EJC and the advocacy commissions have similar goals for legislative and administrative success on Environmental Justice issues for the state.

Commented [17R16]: Do you think I captured your thoughts? Or do you think more is necessary?

Formatted: Space After: 0 pt

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.

Commented [18]: where does supervision of this person come into play.

Commented [19R18]: That may play out into the other onboarding handout. They are a DEQ employee, so their supervision comes from DEQ. At least that is my guess.

Commented [20]: if the gov then what about DEQ?

- Fields written agency requests and questions from EJC members and works with the Vice Chairperson to make those requests through the EJC Coordinator on behalf of EJC members for follow up in a future meeting.
- Presents quarterly budget reports to the EJC and prepares annual budgets for submittal
- 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 strategicwork plan.
- Ensures that timelines are met and that Council members are accountable to their responsibilities within the strategic 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 agreed to assigned by the EJC members.
- Serves as or delegates liaisons for other important Boards, Commissions, Councils and Committees throughout the state as desired by the EJC.
- Meets with the Co-Chairs of the Environmental Equity Subcommittee of the Racial Justice Council quarterly.

Commented [21]: Added this-this might be a good sole function for co-chair to lead. Or have them lead strategic planning.

Commented [22R21]: I agree and moved this down to the vice-chair

Commented [23]: bi-annual strategic plan

Commented [24]: lets look for better wording

Commented [25R24]: Do you think this is better?

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 strategic work plan.
- Works closely with the Chairperson, EJC members, DEQ staff and Governor's Office.
- Develops meeting agendas with input from the EJC.
- Facilitates the creation of the EJC strategic plan.
- Presents quarterly budget reports to the EJC and prepares annual budgets for submittal
- 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.
- Meets with the Co-Chairs of the Environmental Equity Subcommittee of the Racial Justice Council quarterly.

Commented [26]: Added this-this might be a good sole function for co-chair to lead. Or have them lead strategic planning.

Commented [27R26]: I agree and moved this down to the vice-chair

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.³

Commented [28]: May want a fix bill to also allow co-chairs

The chairperson and vice chairperson shall be elected by a majority 51% of a supermajority (two-thirds) vote. They shall serve for a term of 2 consecutive years and can be re-elected by a majority 51% a supermajority (two-thirds) 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.

Commented [29]: If we want to do consensus, then the typical method is to use a supermajority to break up a stalemate because it requires more people to get on the same page.

Commented [30]: If we want to do consensus, then the typical method is to use a supermajority to break up a stalemate because it requires more people to get on the same page.

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.

Strategic Work Plan

Biennially the EJC will develop a strategic work plan no later than December 31st of even years.

Commented [31]: The Racial Justice Council has a good model for this! Karin will provide it to us.

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.

Commented [32R31]: we should mention strategic planning here too just to ground the work plan to the strategic plan.

Commented [33]: Biannually means twice a year, Biennially means once every two years

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

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

³ [ORS 182.538](#) (5)

The strategic plan will also include statutory workloads such as developing the biennial report to the Governor and review and analysis of state agency annual reports.

The ~~strategic 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.⁴

It is required in statute that ~~this ends up being~~ 7 members, regardless of the number of filled seats on the EJC, ~~be present to conduct business.~~

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.⁵

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 and Governor's Office Representative 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.

Commented [34]: This needs discussion. I can read it another way. 7 is a number that will prohibit us from doing business.

Commented [35R34]: This comes right from statute and was clarified by the Gov's Office. We cannot change this without changing the statute.

Commented [36]: where is the gov and DEQ in this process?

Commented [37R36]: The Coordinator is a DEQ staff. Are you wanting other DEQ staff engaged in this process? I also included the Gov's Office Rep. but I am not sure they can commit to this. We will have to see.

⁴ [ORS 182.538](#) (6)

⁵ [ORS 182.538](#) (7)

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 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.

Formal EJC action through report, press release, letter, or other such communication shall be cataloged on the EJC website for public consumption and record keeping.

Commented [38]: somewhere, not here, we need to develop the filing system for records and tracking communications.

Commented [39R38]: I added a statement at the bottom. Let me know what you think.

Commented [40]: we've not had these before as we only drafted letters for the governor and never really knew where they went. I've asked and don't get answers.

Commented [41R40]: I think this is a good thing to include, but I am not sure how often it will be used.

V. Procedures for Community Engagement

Public Comment

Listening Sessions

Outside of Meeting Requests

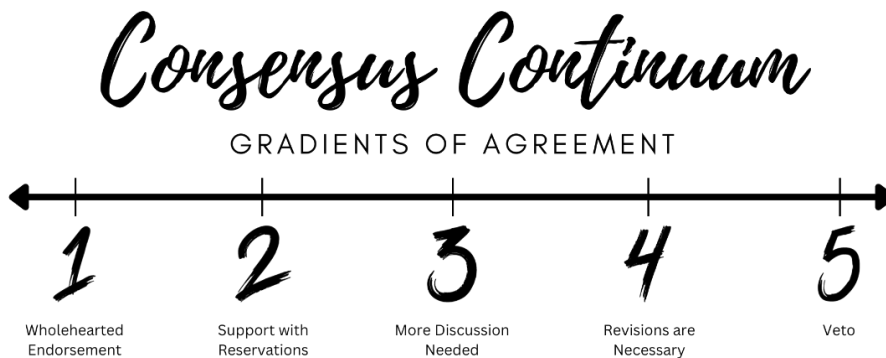
Etc.

VI. 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% supermajority (two-thirds) 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.



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.

Commented [42]: We need a discussion on this and how we will do it. This is just one option.

Commented [43R42]: Do you have a literature that can explain the model that is being proposed?

A quick web search came up with some of these examples:
<https://www.tamarackcommunity.ca/hubfs/Resources/Tools/Practical%20Guide%20for%20Consensus-Based%20Decision%20Making.pdf>

<https://www.gracesocialsector.com/missionimpact/consensus-doesnt-have-to-be-pure>

Commented [44R42]: Also found this model in Wallowa Counties community wide energy plan. It's their Leadership Team Ground Rules for Decision Making using "Fist to Five". A contemporary voting method groups and teams use to reach a consensus during decision-making. If might inform our discussion.
<https://www.digital-adoption.com/fist-to-five/>

Commented [45]: If we want to do consensus, then the typical method is to use a supermajority to break up a stalemate because it requires more people to get on the same page.

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.

VII. 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.⁶ 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 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.

Commented [46]: We probably need a small committee to work on this.

What can EJC members do individually when a community member brings up an EJ issue to them? Should it be brought to the EJC for discussion or do they have the authority to take independent action to deal with the issue through their respect as EJC members and on behalf of the EJC?

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.

Commented [47]: Both of these can probably be created as appendices to the Charter rather than holding it up.

Commented [48]: We probably need a small committee to work on this.

⁶ ORS 182.542 (2)