
Date: Jan. 8, 2021

To: Environmental Quality Commission

From: Richard Whitman, Director
Stephanie Caldera, Commission assistant

Subject: Item M: Recommendations to improve public engagement at commission meetings (Discussion/action)
Jan. 21-22, 2021, EQC meeting

Why this is important Commissioners have expressed interest in revising the commission's meeting processes and protocols to foster increased engagement with Oregonians. DEQ has researched best practices and options for commission consideration and potential action to update its public comment and in-meeting engagement structures.

Background The Environmental Quality Commission's practice has been to set a specific agenda item and time for public comment, known as public forum, at each regular meeting. These public forum items are typically 60 minutes long, based on other agenda needs and limits, and people are asked to limit their comments to three minutes or less. During that time, a person may present comment on any matter of relevancy to the commission (other than rulemakings or contested cases pending before the commission, which have their own specific processes for public comment). Commissioners may ask clarifying questions of the commenter or DEQ staff present; however, time limits and the unpredictable nature of comments typically result in the commission acknowledging comments without any further engagement or feedback.

This practice has led to frustration, both for commissioners and those making comments to the commission. Other state agencies with policy boards similar to the commission have somewhat different practices, including some that make more of a back and forth exchange possible.

In early 2018, the commission added opportunity for more focused comments on information items of more significant public interest, particularly those that are high-profile, controversial or otherwise of particularly significant in terms of public interest. These comment-specific comment opportunities have been scheduled immediately after the DEQ presentations on the subject. In each case, people were asked to limit their comments to three minutes or less, and

issues raised or questions asked during these times were not always able to be responded to due to time limitations. EQC used this structure for roughly two years at most of its two-day regular meetings; however, the shift to shorter virtual meetings during the COVID-19 pandemic has made it difficult to include these even these limited opportunities.

Practices of other Oregon boards and commissions

The Board of Forestry and Land Conservation and Development Commission use an item-specific public comment structure, adding time on their agendas for comments specific to presentations, following the presentations, with additional time for unscheduled items in a public forum-style session. LCDC also allows public comment on proposed rules at the same meeting where that commission takes action, often resulting in last-minute changes in the rules (a significant difference from the EQC rulemakings, which close the comment period on proposed rules well in advance, and which require staff to prepare written responses to comments).

The Oregon Transportation Commission, the Oregon Fish and Wildlife Commission, and the Oregon Water Resources Commission all have a set comment time similar to EQC's public forum, and also allow item-specific comments, *as time allows*, which can result in comments not being accepted at the meeting despite public interest.

In addition to reviewing the practices of other Oregon boards and commissions, DEQ considered commenting structures that could allow the commissioners to ask clarifying questions, provide feedback and otherwise engage on topics raised by the public without the time-pressure of providing that feedback during public forum. Due to the open nature of public forum, at which any person may sign up to present comment on nearly any topic, the feasibility of the commission, or DEQ staff, being able to respond immediately is significantly limited; however, it is reasonable for DEQ staff and commissioners to provide feedback, clarification and responses to public questions and concerns in a timely manner, as a point of good governance.

DEQ recommendation

DEQ recommends that the Oregon Environmental Quality Commission:

- Maintain its practice of holding time at each regular commission meeting for public forum, which is an opportunity for public comment on any relevant issue or topic other than pending rulemakings or contested cases;
- Maintain shorter, topic-specific comment opportunities as part of the agenda for some informational items, as determined by the commission chair in consultation with the DEQ Director; and
- Implement a new practice of holding the public forum on the first day of each regular two-day meeting and reserving time during the

Discussion and action item: Public engagement at commission meetings
Jan. 21-22, 2021, EQC meeting
Page 3 of 3

director's report, or creating new agenda item entry, on the second day of the meeting for the specific purpose of providing agency and commission feedback on issues and questions raised during public forum.

**Next steps and
EQC
involvement**

Staff will work with the commission chair to develop agendas that can successfully support better engagement with Oregonians and ensure the commission can complete its necessary business during any meeting.

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