

TO: Neighborhood Tree Team members and tree advocates
FROM: Bruce Nelson, Cully Tree Team 5.3.20
RE: Portland Urban Forestry Commission Meeting 4.16.20:
Summary and Comments

These two-hour meetings occur on a monthly basis, on the third Thursday of the month at City Hall, usually in the Lovejoy Room. Official minutes of the meetings are available at the website for the Urban Forestry Commission, once they are approved by the Commissioners (usually 1-3 months after the meeting).

<https://www.portlandoregon.gov/parks/60405>

The decisions made at these meetings often affect the volunteer tree advocacy work we are doing. I will send you timely commentary on these monthly meetings. If you do not wish to receive this, let me know.

Italicized text indicates my own point of view and/or items not necessarily expressed during the meeting.

The monthly Urban Forestry Commission meeting was held Thursday, April 16, 2020, 9:30 am – noon, as an online Zoom meeting due to COVID 19 demands.

Urban Forestry Commissioners Present - Vivek Shandas (Chair), Anjeanette Brown, Gregg Everhart, Barbara Hollenbeck, Lorena Nascimento, Bruce Nelson, Daniel Newberry, Damon Schrosk, Megan Van de Mark

Urban Forestry Commissioners Absent - Brian French

Urban Forestry Staff Present - Jenn Cairo (City of Portland Forester), Brian Landoe (Budget and Programs Analyst)

Deputy City Attorney- Tony Garcia

Visitor Presenters – Adena Long (Portland Parks and Recreation Director), Dawn Uchiyama (Bureau of Environmental Services Deputy Director)

Public Comments -- None. *It is not clear to me if there even was a possibility for public comment. This was our first Zoom meeting. There may have been concerns as to how to keep the meeting from being hacked or taken over if public testimony was allowed. Or perhaps all the technological details hadn't been worked out for this first UFC Zoom meeting.*

Conflict of Interest Policy – Vivek reminded UFC Commissioners of the importance of reporting any possible conflicts of interest they may have prior to discussion and decision making on a specific agenda item. Conflict of interest should be interpreted as meaning a potential monetary effect for the Commissioner or family of the Commissioner through a decision made by the UFC. When in doubt, it is prudent to declare a potential conflict of interest prior to the start of the discussion.

“Members of City advisory bodies are public officials, based on State law ORS 244.020(15), and as such are required to disclose conflicts of interest. Under the Oregon Revised Statute 244.020(3), an appointee has a conflict of interest when participating in an official action which could or would result in a financial benefit or avoidance of detriment to the public official, a relative of the public official, or a business with which either is associated.”

(I am not sure of the source of the above information but it is placed on the agenda document that was posted at the Urban Forestry Commission website).

City Tree Planting Program Jenn Cairo (City Forester) introduced PP&R Director Adena Long and BES Deputy Director Dawn Uchiyama to explain the process to date used by their respective agencies to attempt to streamline city tree planting efforts.

The following information came from documents made available to the UFC Commissioners prior to the start of this meeting (see links below) and from information shared by Adena Long and Dawn Uchiyama at this UFC meeting.

<https://www.portlandoregon.gov/parks/article/758992>

<https://www.portlandoregon.gov/parks/article/758991>

Conversations about a City of Portland Tree Planting Program Strategy originated from late City Commissioner Nick Fish, who administered both bureaus during 2019. He wished to see how BES and PP&R “could collectively deliver more efficient and sustainable services, better serve the environment and people of Portland, and model good governance.” See the following link.

<https://www.portlandoregon.gov/parks/article/758991>

According to the above document the intent of this work was to

- Reduce redundancies and bureaucratic layers, better integrating tree planting into life-cycle care and urban forest management, and more effectively leverage BES and PP&R resources.

- Align, strengthen and grow resources.
- Capitalize on BES and PP&R's partnerships and collaborations, many of which are shared, and [clear up] any confusion among residents and community groups regarding the City's tree planting services.
- Deliver an expanded, more equitable, more efficient, and more sustainable urban forest management and tree services to Portlanders.

The process to date, for BES and PP&R, started in mid-2019 with a joint commitment to identify ways to improve coordination in the area of overlapping interest – natural resources management. A steering committee, composed of senior managers from each bureau, led the project. A project management team of BES and PP&R staff managed day-to-day progress. Leadership divided the project into two tracks of natural resource management: Tree Planting and Natural Areas. At this stage, interviews and focus groups with internal stakeholders, as well as multiple facilitator-led work sessions with inter-bureau teams, occurred.

In the Tree Planting track, PP&R Urban Forestry (UF) and the Bureau of Environmental Services Tree Program (ESTP) participated in facilitator-led work sessions to develop high-level process maps of the current tree planting programs, discuss desired goals and outcomes, and identify problem statements. *It is not clear to me what is meant by "problem statements."*

As a result of the all of these efforts and leadership conversations, BES and PP&R Directors recommended that the City's tree planting programs be housed within UF, as the City's urban forest manager. UF leads implementation of the City's Urban Forest Management Plan and Title 11 Trees; has administered tree planting programs for decades; assesses canopy distribution and inequities in forest services to residents; and has recently completed and is now implementing Growing a More Equitable Forest: Portland's Citywide Tree Planting Strategy.
<https://www.portlandoregon.gov/parks/article/705823>

Due to recent community concerns, including lack of external stakeholder engagement, the Directors agreed to continue program analysis and evaluation, and include external stakeholder feedback in the decision process. The hope remains to begin implementation of the City of Portland Tree Planting Service Delivery Improvement Project in the fall of 2020.

Dawn Uchiyama, BES Deputy Director, shared that BES is primarily involved with management of storm water and solid waste. As part of its plan to manage storm water, it became involved with tree planting over 20 years ago and started its tree planting program 10 years ago. Its tree planting program has been a well-received, high-visibility activity to the public. BES is committed to honoring its

existing contracts, even if this work is taken over by Urban Forestry. Once those contracts expire, it has not been decided exactly how BES will continue relative to funding continued tree planting.

UFC Commissioners were then called on for questions or comments or both. Responses from Adena Long (Director of Portland Parks and Recreation) and Dawn Uchiyama (Deputy Director of Bureau of Environmental Services) are underlined.

Barbara – What problem is this trying to solve? Dawn Uchiyama: We are striving to gain more efficiency with limited resources.

Anjeanette – What is the process here for public comment? Adena Long: There will be opportunities in the future where public input is solicited. We will also work with small group discussions.

Bruce – Urban Forestry should be part of BES.

Damon – Were there other activities that were discussed that will be moved from BES to Urban Forestry? How will this process be reviewed and reported in the future? How exactly is the transfer of BES tree planting going to be handled by Urban Forestry? Since UF is constantly saying it does not have sufficient staff to do specific projects, how is it that UF will be able to take on this added task? Adena Long: PP&R was responsible for the planting of 18,000 trees last year (2018?). There is plenty of experience and expertise within UF to see that this work will be well done. Dawn Uchiyama – The exact framework going forward has not yet been worked out.

Megan – What stakeholders were involved in this discussion or was it only internal management? Will equity issues be addressed in this new Portland Citywide Tree Planting Strategy? BES seems to have a holistic approach in its tree planting activities. I have concerns about funding challenges at PP&R and how that will affect UF capacity. Dawn Uchiyama – There were no external stakeholders that were part of the discussion, but rather it was between personnel of BES and PP&R. Ultimately the decision was made by the Directors of PP&R (Adena Long) and Bureau of Environmental Services (Mike Jordan).

Gregg - Trees are a critical part of green infrastructure. Is there data available for the number of trees planted by PP&R as well as BES? PP&R is dependent on general budget funds and faces long-term funding challenges. BES has a stable funding base. What role will Friends of Trees play in continuing to provide services and community engagement as part of this new Citywide Tree Planting Strategy? Dawn Uchiyama – We need to pull together the data of the trees

planted in the different programs, and characterize who was involved in the planting. BES has very much valued the community relationships.

Adena Long of PP&R – As part of our Sustainable Futures program we believe we will be making very positive steps to put PP&R on sound financial footing. Certainly we value public space and the green resources within it.

Daniel - The agency I work for has contracts with both BES and PP&R. Street tree programs are funded in a variety of ways throughout the USA. Will this tree planting work be done by UF staff or will there be contracts awarded to various entities? Adena Long of PP&R – When the current BES tree planting contracts expire, a new bidding process will be initiated. I am familiar with the work done in other cities relating to trees.

Dawn Uchiyama of BES – BES is committed to continue working with contractors and wants to grow the program in which BES sees tree planting as an important component of its storm water management strategy. It would be useful to look at the life cycle costs for trees, which includes maintenance during the life of the tree.

Vivek - In summary it seems like there is a great deal of concern expressed about public involvement. Dawn Uchiyama of BES – We are absolutely committed to putting money into facilitated discussion. We see the need to get a neutral convenor. Adena Long of PP&R – We have already put a great deal of money into this process as well as staff time, which is also a great expense.

While there seems to be a pause on the pace at which this Citywide Tree Planting Strategy is progressing, it certainly has a lot of momentum for the anticipated outcome of BES tree planting being transferred to Urban Forestry plus Urban Forestry remaining as a division of Portland Parks and Recreation. It does seem appropriate for interested members of the public to get more information that will help it support the developing Citywide Tree Planting Program. This should include:

- *Numbers for 2018 and 2019 for trees planted by city agencies, who paid for it, what fund, who did what work;*
- *Permits issued for tree planting or replanting (part of removal) and how many were actually verified as planted for 2018 and 2019;*
- *Documentation of community involvement in planting (#’s of people, #’s of agencies, how the community was involved);*
- *List of contractor and agencies worked with in 2018 and 2019 for tree planting;*
- *Types of locations where bureaus planted trees and number of trees for each – utility strip fronting private property, city agency property, as part of capital improvement project, as part of developed park setting, as part of natural area in park, public school grounds*

In the discussions between PP&R and BES, a topic that was apparently not discussed was in what bureau to place Urban Forestry. The assumption seems to have been that UF would remain with PP&R. One rationale for this, given by Adena Long (Director of Portland Parks and Recreation), was that 15% of Portland land mass is part of PP&R. This makes PP&R the largest property owner in the city. It is unknown to me how much UF staff time is spent servicing trees in Portland's parks. The big questions include:

- a. Does what bureau contains Urban Forestry change the focus of Urban Forestry in any significant ways that positively affect the urban forest of Portland?*
- b. What is best way to maintain and improve Portland's urban forest?*
- c. Does placing the BES tree planting program under UF improve the urban canopy?*
- d. Does placing the BES tree planting program under UF raise community support for Portland's urban forest?*
- e. What is the net cost to the city of placing BES tree planting under the direction of Urban Forestry? Is the funding sustainable?*

City Forester Report

Jenn Cairo – City Forester

1. Urban Forestry is looking for people interested in applying for the one open Urban Forestry Commission spot. The deadline is June 30, 2020. The link is: <https://www.portlandoregon.gov/civic/article/759764>
2. The first year survival rate for trees planted in developed public spaces by PP&R staff and volunteers is 96% while the verified first year confirmed as planted and alive rate for private trees distributed through the Yard Tree Give-away program is nearly 70%. The remaining 30% may be still in pots, in an inaccessible location in a yard, can't be found, or no information is available. After the second year, there is a 97% survival rate for those trees that were documented as planted in the first year. This rate of survival for give-away trees is comparable to what is found in other cities in the USA with similar programs. The Yard Tree Give-away program targets yards (where there is the best opportunity for large form trees) in low income, low tree canopy neighborhoods. See the Tree Planting Performance Report January 2020 <https://storymaps.arcgis.com/stories/2640a9dab3bf44fa975dfb301082e7fe>
3. 18,000 trees is indeed the number of trees that Urban Forestry helped get planted. Urban Forestry staff has vast experience in tree planting activities. In the future more specific information relative to the Urban Forestry division and tree planting will be provided to the Urban Forestry Commission.

4. All Urban Forestry staff that can are “teleworking” from a safe location. Urban Forestry is considered part of the city’s emergency staff and are doing non-tree work, in some cases.
5. With the extensive closures of businesses within Portland, there is a significant downturn in city revenues. This will result in some sort of budget reset. Urban Forestry has already decided not to hire the temporary staff that it normally takes on about now or later in May. Cost of living increases for non-union staff have been cancelled. Tree planting will continue, as will regulation work.
6. City Council has adjusted the timeline for when to hear back from the Bureau of Development Services further information pertaining to the ideas of amending Title 11:
 - to lower the diameter at breast height threshold from 36” to 20” for specified dollars per inch mitigation fee in-lieu of preservation for trees in new development situations;
 - to remove the current exemption from Title 11 for certain commercial zones.These items will be on the City Council Agenda in October 2020.
7. There is a public survey posted to gather information about changes to the tree code that members of the public are interested in. The more people who provide information in this survey, the more helpful it will be. The link is: <https://www.portlandoregon.gov/bds/80501>
8. Work is nearly completed on the Street Tree Maintenance Work Report, first reported to UFC in November 2019. The report is part of a contract with Davey Resource Group. See link for initial draft (from November 2019) of this report: <https://www.portlandoregon.gov/parks/article/749812>
9. Urban Forestry staff continue to be involved in the Sustainable Futures project of Portland Parks and Recreation, which explores different means to come up with more non-general budget dollars for addressing the challenges of meeting current and future needs of Portland Parks and Recreation facilities and staff, in addition to services wanted by Portland residents.
10. The Streets 2035 project is inactive currently, as staff has been reallocated to COVID 19 –related work.
11. Urban Forestry staff has had to make a lot of personal and professional adjustments very rapidly to quickly pivot to COVID 19 –related work in many instances.

Fee Schedule Update – Brian Landoe

Brian presented the new permitting fees for Urban Forestry related activities. In general a 5% increase in fee charges is occurring. Assuming City Council approval of the new fees they will become effective 1 July 2020. See the link below for specifics. <https://www.portlandoregon.gov/parks/article/758970>

One example for new construction of a residential unit, the fee goes up to \$515 from \$492. This fee is to address Urban Forestry costs to examine the trees shown on the site, which includes street trees, as a means to determine tree needs per Title 11 for the site.

New Urban Forestry Commission Bylaws Update - Brian Landoe

The Office of Community and Civic Life is working to develop more consistent rules of procedure for all of the city commissions that have volunteer citizen members. Additionally, this office is working to be sure all commission Bylaws are in conformance with State law. As part of this effort, the Bylaws of the Urban Forestry Commission have been rewritten. A draft proposal was presented. Many changes were made using guideline from Community and Civic Life. Comments from the UFC Commissioners included:

- a. There is a substantive change that requires all subcommittees of Urban Forestry Commission to have at least 2 members;
- b. There is no mention of exparte, even though that is an important part of the operation of the Appeals Board;
- c. What is the process for discussing, revising and ultimately approving the new Bylaws?

See the link that follows and click on the Bylaws document for the current draft for new Urban Forestry Commission Bylaws.

<https://www.portlandoregon.gov/parks/80170>

In looking at the current Urban Forestry Commission Bylaws and at the draft Urban Forestry Commission Bylaws, there are many changes. I sent a detailed document to the City Forester, Brian Landoe, and Vivek Shandas (chair of the Urban Forestry Commission) pointing out the differences and making some suggestions. The draft Bylaws have deleted a number of sections that helped clarify how the Urban Forestry Commission operates, i.e. length of term for officers, how an officer can be removed, how meetings can be canceled or rescheduled. It also deleted all current appendices (roles and responsibilities of UFC, Appeals Process, Policies and Procedures of any committee).

The draft Bylaws reveal the following concerns:

- *In the Purpose section, the text should more closely mirror that of Title 11;*

- *It is not clear whether Section V General Operating Procedures actually allows for virtual meetings like what was done for this meeting and will be done for the upcoming May 21, 2020 meeting.*
- *In Section VI Removal of Members and Resignations, the wording gives a great deal of latitude to the Elected-in Charge for asking an Urban Forestry Commissioner to resign or for just removing a UFC Commissioner. That seems like it opens up a lot of potential for abuse.*
- *In Section VII Officers and Subcommittees, the use of the word “may” seems incorrect. “May” suggests something is an option, not a requirement. No mention of length of term for officers is made. Nor are any standing committees mentioned. Additionally, it is a significant change to say that only Urban Forestry Commissioners can vote on any committee or subcommittee decisions. Additionally, the wording in this section requires 2 Urban Forestry Commissioners to be present at all committee or subcommittee meetings where any vote can be taken. Additionally only Urban Forestry Commission members can participate in these votes.*
- *In Section VIII A Communication, there is a broad statement regarding the necessity of UFC Commissioners to notify city staff liason (City Forester) of verbal and other communications regarding UFC affairs between UFC Commissioners and interest groups. These communications are considered to be part of the public record. Hopefully this will be explained exactly what this means. Are citizens considered interest groups? What exactly is an interest group?*
- *In Section VIII B Communication – Position Letters, there is a requirement that any position letter approved by UFC must first be approved by the City Forester. So in theory, if the Urban Forestry Commission takes a position on an issue that is not supported by the City Forester, it would not be possible for UFC to communicate that position to anyone. The wording suggests that the role of Position Letter for the Urban Forestry Commission is to only support ideas/positions deemed appropriate by the City Forester. That seems contrary to the duties of the Urban Forestry Commission as stated in Title 11, Tree Code. (11.20.020E).*

The Bylaws should work to help the Urban Forestry Commission do its regular work. It should be clear in how decisions are made, who makes them, how change can occur, and what is the structural organization. It should work to keep the Commission operating during especially turbulent times as well as easy times. My hope is that there will be changes made to the document. There will be more discussion of this draft document at future UFC meetings. Hopefully there will be further clarification from Community and Civic Life as to exactly what sections of the draft Bylaws they are stipulating can't be changed.

Next Urban Forestry Commission Meeting

The next Urban Forestry Commission meeting will be Thursday, May 21, 9:30 – 12 noon, as a Zoom meeting. Vivek requested that suggestions are certainly appreciated for how to improve our Zoom meetings and should be sent to him at vshandas@pdx.edu

The agenda is unavailable at this time. Check the link below in May for meeting agenda and materials: <https://www.portlandoregon.gov/parks/80167>