

TO: Neighborhood Tree Team members and Portland tree advocates
FROM: Bruce Nelson, Cully Tree Team 22 June 2023
RE: Portland Urban Forestry Commission Meeting May 18, 2023:
Summary and Comments

NOTE: This document is not an official document of the Urban Forestry Commission. I am a private citizen who is an unpaid volunteer member of the Urban Forestry Commission. I write this document as a private citizen.

Conflict of Interest Policy –

“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.”

These meetings usually occur on a monthly basis, on the third Thursday of the month. Official minutes of the meetings are available at the website for the Urban Forestry Commission (UFC), once they are approved by the Commissioners (usually 1-3 months after the meeting). You can see and listen to You-tube recordings of the meetings. Go to the link at the UFC website <https://www.portland.gov/trees/ufc> or to the You Tube site <https://www.youtube.com/playlist?list=PL1ToXf0RSV44U3FpC0nwIUqtFOmFulxMY>

The decisions made at these meetings may affect volunteer tree advocacy and influence Portland Parks and Recreation Urban Forestry (PP&R UF) processes and actions. If you do not wish to receive this summary & commentary on monthly meetings, let me know.

Italicized text indicates my own point of view and/or items not necessarily expressed during the meeting. **Red bold text is used for my required statement that this is not an official or adopted statement from the Urban Forestry Commission, as well as the Conflict of Interest policy for the City of Portland. Bold black text is used for subject headings, and occasionally either to identify who is saying what or for emphasis.**

I was not at this particular meeting so this summary and comments are from listening to the You Tube recording.

The monthly UFC meeting was held Thursday, 18 May 2023, 9:30 am – 11:30 am. It was held as a joint Zoom and in-person meeting at the Portland Building, 1120 SW 5th Avenue, Room 216.

UFC Members Present Adrienne Feldstein co-chair & meeting facilitator, Roberta Jortner, co-chair, Derily Bechthold, Casey Clapp, Ivory Iheanacho, J.R. Lilly, Justin Misner, Melinda McMillan, and Megan Van de Mark

UFC Commissioners Absent Bruce Nelson, Leah Plack

PP&R UF Staff Present Jenn Cairo, City Forester (PP&R UF): Ashley Reese, Administrative Specialist II (PP&R UF)

Other City Staff Present Melody Brooks, Chief Policy Analyst, PP&R

9:30 a.m. Public Comments

The first three people to testify addressed the draft letter that UFC was considering later in the meeting to submit to the City Council. The letter recommends delisting Heritage Tree #26, an issue that has been addressed in various ways at the UFC meetings in February, March, and April, and at a specially scheduled UFC meeting in March.

Mr. Marcus Mundy is the executive director for the Coalition of Communities of Color. He has read the draft letter and is not happy with (*some of*) it because: the loss of one tree will not affect the overall canopy in Portland; he believes ample time has passed for other alternatives to have been explored; and plenty of public notice has been given with UFC meetings being open to the public.

Mr. Tony Johnson – He knows the letter from UFC to the City Commissioners must go forward. However, changes in it are needed. He does not agree with the statement in the letter stating that there has been “Insufficient exploration of alternatives and potential unintended impacts on the Heritage Tree Program.” The Burtons [on whose rental property the tree stands] are facing a serious infestation of beetles (*elm leaf beetles*) and have been told by Urban Forestry staff that it will take three years to remove them. This requires a substantial amount of monetary resources from the Burtons. The Burtons have always wanted to preserve the residential house on the property and have expended a great deal of time and

energy to do that. The letter as written can be considered a form of oppression if not an institutional racist practice.

Ms. Victoria Burton – She echoes the concerns of the previous two speakers. So far there has been 90 days of deliberation by UFC on this matter. She has not received any assistance from Urban Forestry since August 2022. There is damage to the structure. The title to the property at the time of the Burtons’ purchase did not contain any reference to the tree being a Heritage Tree. She expressed her sincere thanks to the UFC members who stood up against the status quo and voted to delist this Heritage tree. Thank you very much to UFC Commissioners Ivory Iheanacho, J.R. Lilly, Justin Misner, Melinda McMillan, Leah Plack, and Megan Van de Mark

On a different issue, Mr. Micah Meskel, Interim Conservation Director, Portland Audubon Society, testified that Oregon House Bill 3414, brought forward by the Governor and her supporters, attempts to address the statewide shortage of affordable housing. One of the ways this bill attempts to do this is by rolling back many urban environmental protections currently in place. The goal is to build more housing and build it more rapidly. Section 2 of the bill is especially egregious and needs to be eliminated. Natural resources must be protected.

9:44 Minutes Review

Minutes from the March 21, 2023 Special UFC meeting were approved as written. Minutes from the April 20, 2023 regularly scheduled UFC meeting were approved after suggested edits were incorporated.

9:48 City Forester’s Report Jenn Cairo, City Forester (PP&R UF)

--Urban Forestry staff have been discussing internally how they can best support UFC meetings and organizational structure to ensure consistency. UF is working with the Portland Office of Community and Civic Life on this matter.

--At a 5.17.23 City Council budget hearing, City Commissioner Carmen Rubio stated that (*continuing efforts started by City Commissioners Ryan and Mapp,*) she will consolidate development permits as a means to alleviate Portland’s housing crisis. Mayor Ted Wheeler and City Commissioner Dan Ryan are supportive of this endeavor. This will affect UF staff in the future. This will roll out beginning July 2024 (Fiscal Year 2024-2025). More details will be coming over the next year.

--With the recent heat wave in Portland, it is once more important to remind all Portlanders of the importance of watering newly planted trees to help them get established and to better enable them to ward off other potential stressors.

--As Mr. Micah Meskel testified earlier, Oregon House Bill 3414 is being considered by the Oregon legislature. This bill as currently constructed exempts property developers from land use regulations, including those that pertain to nature and the environment. This includes trees. Urban Forestry opposes this measure as currently written.

Ms. Melody Brooks, Chief Policy Analyst (PP&R), explained more. The City of Portland officially has taken a neutral stance on this measure. It is supportive of the Governor's efforts to increase housing availability statewide. City Forester Cairo and PP&R Policy Analyst Brooks have been talking with staff at the Portland Office of Government Relations (OGR) on this matter. The measure does not equate to more housing nor affordable housing. It will make it easier for developers to build housing they choose to build without many of the restrictions or requirements currently encountered. Section 2 specifies that local governments cannot have variances that go beyond state requirements that must be met in building (*housing?*) developments. Urban Forestry staff believe that affordable housing units need the services that trees provide.

UFC Member Questions and Comments

Co-chair Commissioner Jortner wondered what appropriate action(s) could be taken by UFC – a letter to City Council, communication to state legislators, to the governor?

Ms. Brooks was not aware of the specific timeframe in play for this bill. It has been referred to the Ways and Means Committee. *At the time of this meeting, the Oregon legislature was at a standstill due to a lack of quorum at the legislature.* After some discussion it was decided that co-chair Jortner would write a letter on behalf of UFC that would go to the City Council acknowledging the importance of working to increase housing availability while also advocating for a quality environment around newly developed housing.

In response to a question from Commissioner Lilly, City Forester Cairo reminded members that they can always write letters on matters as individuals but not on behalf of UFC.

Conflicts of Interest Question Adrienne Feldstein, UFC co-chair

Co-chair Feldstein asked if any UFC members had any conflicts of interest on the remaining agenda items or have had outside conversations regarding these topics

that they would like to declare. UFC member Van de Mark stated that the organization she works for, *Friends of Trees*, is in the process of submitting a request for Inflation Reduction Act (IRA) funds. UFC member Misner had a conversation with City Forester Cairo regarding material to be discussed.

Inflation Reduction Act (IRA) funds pursuit Melody Brooks, Chief Policy Analyst (PP&R)

Ms. Brooks provided IRA background information. Funds allocated as part of this federal action are specifically targeting nationwide urban and community forestry needs. The second round of funding requests has a deadline for submissions of June 1, 2023. In the first round, the Oregon Department of Forestry received \$3 million for projects statewide. Portland did not receive significant funds from that first round. In this second round, on the advice of the Vanguard Urban Sustainability Network, interested cities are advised that they will greatly increase their likelihood of receiving funds by submitting collaborative projects. The projects need to show active involvement of non-profits and community groups while providing demonstrable benefits to Justice 40 communities (*federal initiative of President Joseph Biden*). In the grant application coming from Friends of Trees, and involving Portland's Urban Forestry division, \$5 million in PCEF funds is considered part of the package for Portland. That \$5 million is for work around emerald ash borer and street tree maintenance. A decision is expected in September/October regarding what projects receive funding. No action is requested of UFC.

UFC Community Agreement discussion Co-chair Jortner submitted to UFC members prior to this meeting a two-page summary of ideas around Community Agreements as a means to generate discussion and potentially a Community Agreement for UFC to use. UFC has not had a Community Agreement in the past. This document is intended to provide guidelines for how discussions and decision-making occur. Serious policy issues like Title 11 revisions, the Urban Forest Plan update, how to incorporate trees and housing in tighter urban spaces, and how to meaningfully address Portland's inequitable canopy distribution are all likely coming before UFC. The relatively short time that current UFC members have been working together (*4 new members in spring 2023, 3 new members in spring 2022 and two new members in spring 2021*) can present challenges. One goal of a Community Agreement is to establish procedures that respect diverse outlooks. This can be helpful for UFC, which has experienced much turnover in the past two years.

Commissioner Bechtel serves on other boards that have Community Agreements. She finds them helpful in reminding her how to engage within the specific group in a meaningful manner, “how to frame my mindset.”

Commissioner McMillan thinks this is a good direction but wants to be sure that legal [*Portland City Attorney's Office*] approves whatever draft agreement UFC develops.

Co-chair Feldstein says Community Agreements are fairly standard in groups. She has been part of a very large doctors' group that uses a Community Agreement. It continues to be very helpful.

Commissioner Van de Mark appreciates this topic being brought forward. One potentially difficult aspect of a Community Agreement is how to deal with someone who is not following the Agreement. She has experience doing this in a private organization. How do we address this in a public organization?

Commissioner Misner appreciated the document that co-chair Jortner prepared and shared with UFC members. He thinks that often these Community Agreements are merely “performative” and may only be used as a shield for discussions about diversity and equity.

Co-chair Jortner responded that Community Agreements do not address the content of work but how the working together occurs.

Commissioner Clapp considered the development and use of a Community Agreement as a great first step. Once it is developed and accepted by all, the next step is for each member to follow it and take self-accountability.

Commissioner Lilly agrees with having Community Agreements. He has been involved in writing them for different organizations. He finds them useful as an expression of common understandings within a group. They are especially important when there is disagreement. It is important to have civility and respect, even when there is disagreement.

Commissioners Iheanacho and McMillan had no additional comments.

Commissioners Lilly and Bechthold agreed to join with co-chair Jortner to develop a draft to present for UFC consideration at a future meeting, hopefully no later than the July 20, 2023 meeting.

Draft Letter to City Council Recommending Delisting of Heritage Tree #26

Jenn Cairo, City Forester PP&R UF

Mr. Brian Landoe, after hearing direction from the April 20, 2023 UFC meeting and the discussion at the UFC Policy Committee meeting on April 24, 2023, composed a draft letter to be sent by UFC to the Portland City Council with the recommendation to delist Heritage Tree #26. Jenn requested hearing UFC member comments and suggestions for change. The letter needs to be sent later today (*May 18, 2023*) so all requested modifications must be presented now. UFC members will need to approve a revised draft before the close of this meeting.

Co-chair Jortner has written many of these types of letters in the past. She appreciates the points raised. It is important for City Council to understand the discussion that occurred, including all of the issues UFC dealt with. She is glad this item is going to City Council for a final decision.

Commissioner Misner would like to see a statement that the Deputy City Attorney told UFC members that he did not believe any precedent will be set by a delisting of this Heritage Tree on private property. Additionally, he would like it added who the community leaders were who supported delisting. The text that states that this ‘was a hard decision for all of us’ is not accurate. This was not a hard decision for Commissioner Misner. He agreed to give to City Forester Cairo text of the changes he would like to see in the letter.

Commissioner Clapp would like to see the finalized text before approving it. He appreciates the draft letter. This is a unique situation where a healthy heritage tree is being recommended for removal. He prefers a somewhat neutral letter with details listed that are essential yet keep the letter short.

Commissioner McMillan was surprised at the tone of the letter. She thought the letter sounded apologetic for the decision to delist. She wants the letter to clearly convey the majority decision of UFC to recommend delisting the tree. She agrees that it is important to list the community leaders who spoke in support of the Burton’s request to have the tree delisted.

Commissioner Van de Mark understands that we are on a tight timeline to get this letter out. She agrees with Commissioner McMillan’s displeasure over the tone of the letter. The second paragraph does state that UFC voted in favor of delisting the tree. She said that in the past UFC has made decisions and has not relayed the reasons in opposition to decisions made.

Commissioner Bechthold was surprised at the tone of the letter, given that UFC had voted to delist the tree. She is aware of the importance of getting this letter out. It does seem important that the letter highlight the importance of this issue to the community members who presented their testimony to UFC.

Commissioner Lilly echoed concerns about the tone of the draft letter. He strongly recommends that the letter be quite clear on its recommendation to delist Heritage Tree #26. This is much more important than providing history on the matter and details of discussions held. All of this information is part of the public record, if City Commissioners wish to delve deeper into the issue.

Co-chair Feldstein thought the letter was okay. She would like to have included that the primary reason for opposing delisting was that meaningful treatment options to eliminate the beetles on the elm tree had not been tried.

UFC co-chair Jortner suggested putting in **BOLD** the UFC recommendation to delist.

Commissioner Iheanacho recommended: a) page 1- put all of paragraph 2 in **BOLD**, b) page 1- put bullet #3 (not on title) at the top of the list of primary reasons for support of delisting, c) page 1- move paragraph 3 and 4 to page 2 to just above Heritage Tree #26 Delisting Request, d) page 1- put Primary Reason on page 2, as additional information for those who wish to read further.

A 10-minute break was taken to allow City Forester Cairo to make the requested edits and e-mail them to UFC members.

After the break a motion was made and seconded to approve the revised letter. That was approved. *I cannot tell from the recording what the final vote was on this. I think one person voted against the motion and everyone else supported it.*

Next Urban Forestry Commission Meeting:

The next UFC meeting will be 9:30 am – 11:30 am, July 20, 2023. It is likely that this will be a hybrid meeting with both in-person (same location as today's meeting) and Zoom. Check the link below prior to the meeting for the agenda, meeting materials, and how you can gain Zoom access to this meeting.

<https://www.portland.gov/trees/ufc/events/2023/2/16/urban-forestry-commission-meeting>