

**Board of Directors Meeting
December 7, 2020, 7pm
Zoom remote online and live streamed on YouTube**

YouTube recording link:

https://www.youtube.com/watch?v=vYptxz9OX_c&feature=youtu.be

(subject to approval by the Board at the January 4, 2021, meeting)

Board Directors present: Anthony “AJ” Jackson (VP of Membership Engagement and Services), Colleen Bauman (President), Cynthia “Peaches” Peachey, George Braddock, Lily Harmon-Gross (First VP, alternate), Lisa Cooley, Lisa Parker (VP of Bylaw and Policy Compliance, nonvoting), Palmer Parker (alternate), Paxton Hoag, Sam Rutledge, Sandra Bauer, Spirit Leatherwood and Sue Theolass. **Other Board Officers present:** Hilary Anthony and Lynda Gingerich (Co-Treasurers), and Kimberly “Kimmo” Howard (Recording Secretary). Heidi Doscher (Membership Secretary) joined via YouTube. **Staff present:** Crystalyn Frank (Operating Manager) and Wally Bomgaars (Executive Director).

Welcome (YouTube video 5:45)

Kimmo gave a holiday greeting to Fair Family.

Announcements (YouTube video 8:00)

Sue announced the last Holiday and Farmers Markets of the year were held December 19.

Minutes Review (YouTube video 9:05)

Paxton moved and Palmer seconded to approve the November 2, 2020, Board Meeting minutes.

Motion passed: 10-0.

Membership Comments (YouTube video 8:00)

Kirk thanked Kimmo for her hard work and the holiday greeting sentiments. For himself, he still feels he is not “in the season” yet. Kirk gave thanks to all the Fair folks who are working during these difficult times. “This is a dormant time when we think work does not actually get done, but this is the time for some of the most important work and I am grateful you are all here.”

Jon S. spoke to the personnel budget: It is my understanding that included in the budget is health insurance that employees are going to be asked to pay a portion of the health insurance premium. I think this is something that gets into a policy, as opposed to something that is purely operational. I really would recommend that you consider having at least one base plan

to employees that is 100 percent employer paid. If you do a cafeteria plan, you can offer more than one plan, then people can buy up to other plans and have that be taken out of their checks pre-tax, so they save some money.

I know that when the Board in December of 2015 added family coverage, it was added as something that the employer was going to pay all of. That was not part of the motion, but that has been the practice. I think it would be good for the Board to set what policy they want to move forward with concerning health insurance, realizing that the specifics of the plan is sort of operational, but the general principle of at least providing one plan that is 100 percent employer paid would be a policy decision that I recommend you take.

Agenda Review by Colleen (*YouTube video 14:35*)

Sam spoke to adding an agenda item for discussion to New Business, but did not want it to come to a vote at this meeting. Colleen agreed that a New Business agenda item could be added and explained with discussion, without the need to move it to Old Business and then table it. There were no objections by other Board members.

Staff Reports (*YouTube video 18:10*)

Wally's Report:

It has been a busy month as we begin to wrap up the year and look toward 2021.

Staff, Board, and committees have been working on budgets for next year. I want to thank the Budget committee, staff, and the Board for the work put into this. I also want to again thank the treasurers of past and present for setting us up to have this year and next be much less distressing than it might have been. These are difficult times, but it could have been more dire if we had not saved like we did in the past.

The planning for potential 2021 events has been a big push for the last couple of months. The management team has put in a great deal of work into these, and we really depend on their collective expertise. We will have more to report on that tonight.

This month I submitted my first of what will be a monthly "On the Path with Wally" article in the Fair Family News. This is an opportunity for me to share some of what's on my mind and to reach out to the Fair community. Keep an eye out for future articles.

I had the opportunity to visit the outdoor Holiday Market this weekend. It's a great opportunity to feel some of that Fair magic, while supporting our local crafters. I encourage you to make it out and support our local artisans if you can.

The City of Veneta planned a Reverse Holiday Parade on December 10. The floats were stationary and the spectators stayed in their cars and drove by.

Employee updates: All employees are on work share and/or furlough at least to the end of the year. Robin will be on furlough to the end of the year. Shane and Jeff are on furlough through the end of the year and probably through January. Crystalyn will be on furlough December 13 through the end of the year, probably into February. Durwin is at 32 hours per week through the end of the year. Mary is still at 32 hours per week and may be on furlough for the last week or two of the year. I am at 24 hours starting this week and will be on furlough for

the last week of the year. Once we have a payroll budget approved for 2021, we will know what next year looks like. I again want to thank the employees of this organization for their commitment to the community and their resilience through these tough times. Please help support them with your patience and appreciation.

I want to talk about the process for addressing violations of our community standards and the code of conduct.

Most violations of the Code of Conduct come to management via private complaints or direct viewing of the violation. In an effort to create and foster a true “speak up” culture that supports raising and resolving issues as well as maintaining an environment in which all are treated with dignity, decency and respect, the management team tries to resolve such complaints privately. Many of these complaints deal with issues that most would consider to be personal or private. Whenever possible, confidentiality is maintained and respected for all involved.

Before management takes any action concerning a complaint, people are notified of what the complaints are against them, and given the opportunity to discuss and/or dispute them. If further action is required, a restorative justice process is undertaken that often includes a signed behavioral agreement. Accountability is required for the restorative process to succeed.

Unfortunately, there are times when additional actions have to occur before accountability can be achieved. The decision to intervene is never made lightly. This only happens in extreme situations and cases of significant recidivism on the part of a community member.

Ultimately, accountability is necessary if we are to have a community that is fair and safe for everybody.

I want to report on my part of the 2021 event motions from back in September. The motion was: “To direct the Executive Director to bring a recommendation to the December 2020 Board meeting regarding the regulations and health issues related to holding a regular three-day event in 2021.”

The response to that is that regulations and health issues related to holding a three-day regular event in 2021 include many factors such as the state of the spread of the virus, the status of the vaccine and its effectiveness and distribution, and other factors.

Most, if not all of the factors, would likely be the same that health and government authorities would also be looking at in making mandates and restrictions around events with large numbers of persons present. Therefore, our ability to host our regular three-day event would mainly be determined by the state regulations in place at that time.

The decision to hold a regular three-day event would need to be made with enough lead time needed to plan for the event, which would likely be around February. At this time, it is unlikely we would have the conditions in place to make that decision. Crystalyn will be reporting on 2021 scenarios and alternatives.

Crystalyn’s Report:

I hope everyone had as wonderful a Thanksgiving as you could, given the pandemic. With my furlough schedule, I am behind on emails and I appreciate everyone’s patience. If I have not responded, please feel free to email me again.

Thanks to those who attended the brainstorming session for 2021 scenarios. It was inspiring to hear the creativity and ideas of the Fair family, and the commitment we all have to making sure that we stay together even when we cannot physically gather! Thank you to Wally and Mary for their work on getting this session online.

I had conversations with Sandra about underwriting for the 2021 virtual event. When I came back from furlough, I found that the research and work Sandra put together for my review was amazing. Thank you, Sandra, and I am looking forward to working with you and the other volunteers.

A huge thank you to the BUMs for their work on the 2021 scenarios. I am forever grateful and continually amazed by all this team does to help our event and our beloved organization.

Also, thanks to the Budget Committee, Hilary and Lynda for their feedback on costs.

2021 Scenarios Summary: (YouTube video 29:30)

Option A: On-Site Event or Events

A-1: Scaled-down version of what we have done in the past

A-2: Three-day weekend of daytime events: vendors in the lots, entertainers in the Eight

A-3: Series of one-day events spread over time or presented consecutively or in combination

A-4: Series of small events held on the winery property

Option B: Off Site Options

B-1: Downtown Eugene Street Fair

B-3: Cuthbert "Country Fair in the City"

For a detailed report of the 2021 Event Scenarios, please visit webpage:

<https://oregoncountryfair.net/2021-event-scenarios-draft/>

Peaches: Thank you Crystalyn, BUMs, and the whole team that put this together. This all sounds really creative, fun, and exciting. Regarding events that are outside the "line in the sand" and at the winery or off our property, maintenance of the non-conforming use permit and staying within that boundary is crucial.

Crystalyn: Yes, we are on NCU radar and will have to do something to satisfy the requirements but it does not pertain to some scenarios. Thom Lanfear and Shane will be meeting to discuss this.

Peaches: It will be nice to hear back from Thom and Shane because I want to open up my mind to these possibilities, but I want the reassurance we are including this information in our planning.

Spirit: Regarding the winery, wine sales and our SUP, I thought the agricultural permits required us to use it or lose it. Are we able to retain that SUP and what is the status of that?

Crystalyn: The SUP designations are different than the non-conforming use. The longer you go without using it, the easier it could be to get challenged, but it is still an option.

Spirit: How are you determining stakeholders? Have you communicated with all of them yet, or is it going to be determined upon what the Board does tonight with the scenarios? Thank you for the hard work.

Crystalyn: We have created a long list of stakeholders. We want to know which of these scenarios the Board wants to know more about so we can plan the logistics for things like how we would secure the property for an alternate event, such as a concert.

Sam: Is staff asking the Board to make a motion?

Crystalyn: I hope the Board can determine which options to expand on.

Wally: It is not clearly defined on our side or the Board side, and the Board may need more time to digest the information with follow-up at a later time.

Sam: What is the Board's timeline to give staff direction, in order to be able to make that lead time? It sounded like seven to ten months for some of these options.

Crystalyn: A concert would need the most lead time for the specific permit. There are very significant details of that option to be worked on among management, the Board, and Thom Lanfear. Because of furlough schedules, maybe we can designate two BUMs to also be involved because their knowledge is incredibly valuable.

AJ: I know this might extend the timeline, but in situations like this it would be highly important for us to present these scenarios to the membership. Maybe we can do a survey to see which ones they are interested in the most and rate them. We are going to be asking for money, and they are the people most likely to be buying the most tickets to whatever event that we do, and inviting their friends.

Colleen: I agree with AJ and feel the same because members have not seen it yet. It will be posted on the .net site. We can have an informal conversation here tonight, but I think it's too early to vote.

Paxton: I appreciate the work on this, it is very interesting, and would like some time to prioritize them. I think we should look toward a decision in January. I really like the three-day event option because of the NCU, and would not mind postponing it until fall. I also would like a winery event because that is a future revenue source and not directly attached to "the Fair." My least favorite option is the concert because of the upfront costs and risks involved. I also like the downtown Halloween party in the street with everybody in costumes.

Crystalyn: I agree with the possibilities of the winery and the ongoing options that could open up for our organization. The Fair is a drug- and alcohol-free event, and that is significant and meaningful for me. Winery events would be separate from the Fair.

With the Halloween party, it would be amazing to partner with the WOW Hall and Eugene Saturday Market.

Sandra: Thanks for getting the information to us so we can get a sense of what we are going to need to make it happen. I think these are all big projects, complicated, and will take time to put on. We are going into this next year with a limited budget, and limited staff, without a way to increase that number. The impact on staff is important criteria to consider, and we have already committed to the virtual event, which will take a lot of work from a lot of different people. I am starting to get worried about adding another big event onto the plate of the organization at this time.

Our budget is already tight, and there will be budget outlay on this without really understanding what the fund-raising potential would be. I don't think the Eugene street fair is in our wheelhouse, which would require us to learn a new skill. It seems if we could do a street fair, then we could do something onsite, in terms of the COVID potential. I have questions about how we can ask a limited staff to put another big project on their plate.

Crystalyn: With an in-town event, we can share the workload with other organizations and we may get a higher participation level. I agree 100 percent with Sandra about staffing levels.

Peaches: I would like to see more work on the winery scenario for the revenue potential. As a non-drinker, I understand our Fair event is drug and alcohol free, and this would be a separate event. But it should still be a family event where children can attend.

In posting these scenarios on the .net site, it would be valuable to provide an email link for the members to provide their feedback. I would also be willing to add to new business, so we have a decision in January.

Lisa C.: Thank you to management, the BUMs, and others for this thoughtful work. I am super excited about these ideas and it makes my heart jump. The idea of working together to make plans to see each other again is exciting for me! However, I do echo Sandra's concerns about staffing and finances and we need time for membership to give input. I also think we need to decide in January.

Sam: I want to share two thoughts. One is our financial situation and what frightens me most is that we have no revenue, and are at a time when we cannot have events. So, I am really excited about the revenue generating potential of some of these things. With some revenue, that will help resolve our staffing issue. There will be risk involved, if we move forward with something where we do not know for sure if we can do it.

Second, the winery idea potentially could raise the most revenue, in terms of selling OCF branded wine, and is a much bigger conversation to have. I have questions about our OCF brand, who we are, and if selling wine applies to our being a craft event. While the revenue generating idea is exciting, I do not know if it fits for us. I have heard of partnering with Oregon State University about the education and craft of wine making, and that feels more on mission. But just a wine bottle with our logo is inherently a bad thing.

Spirit: This could be my strong desire for live music, once again in my life, and being able to attend and not just live streamed. A three-day event with a drive-in concert was one of the ideas that I brought to the town hall session. I believe smaller events are possible and can help generate revenue monthly or quarterly. I would like to see a concert offered in the COVID crisis we are in, that is already being successfully done elsewhere in the United States, and that we can explore this option more.

Crystalyn: We can do small events. During Oregon's Phase Two COVID regulations, you can have 250 people total outdoors, including the people working it. However, the amount of revenue a small event would generate would be minimal. We would also have to get HoneyBuckets dropped off and picked up for each event, and that would be costly.

Hilary: Thank you to those who worked to create the framework for these ideas. I have some really big concerns issues relating to permitting, health, and management during these

COVID restrictions. The state executive order is very prohibitive. There is potential liability in having an evening event.

I like the idea of figuring out what we can do with the winery, even if just to start figuring out the parameters and what kind of event we can do, and if it is manageable. The winery is a long-term project so something may not happen there this year. We know the winery hosted the family oriented Faerieworlds Festival with fewer than 3,000 participants, and the sale of wine was in the background. We do not have to make a wine brand to meet the permitting requirements. With an event like that at \$50 per person then we could cover our costs.

I think all of these ideas are ambitious and I am very concerned. I agree with Sandra that it is taking on a lot to do something new with limited staff and funds.

Palmer: Thank you for the amount of work already put in on these ideas. I also have staffing concerns.

AJ: Has there been thought about which ideas would have pre-ticket sale possibilities, where we can raise the money to put on the event?

Crystalyn: We will only sell tickets if we have an event confirmed, and would not feel comfortable processing that kind of cash. In working with TicketsWest, they are able to refund the consumer with us paying a small percentage fee.

Colleen: I have heard the winery mentioned often, so we should put some energy there and pursue it. It does not mean we have to sell wine, but that would make us more money. There are other possibilities, like a native plant nursery and an educational event.

Crystalyn: It will be less effort to research if we can be sure to include Shane and Thom Lanfear with their knowledge.

George: I would also like to thank those for putting substance around these ideas. When I think about all the stress our whole country and the OCF has been under this past year, we have moved from one explosive situation to the next. It is a fraught time in relation to the virus, and I have great apprehension about being involved in anything that could expose people to this disease. Many of these ideas are based on the hope we will be able to meet again, and are going to take a lot of work. We are already overwhelmed and fatigued in managing it so far. Whatever we do, this risk-to-benefit ratio has got to be more than break even.

The value of the OCF is not worth putting it on the line, in order to make a few thousand bucks. That liability component disturbs me. Benjamin Franklin is one of my heroes and he said, "a penny saved, is a penny earned." He also said, "if you watch the pennies, the dollars will take care of themselves." We do not have unlimited reserves, and we need to control our costs to save for the future. I am not in favor of events that would extend us in this way.

Colleen: I do not think a motion should be made tonight. Our concerns have been expressed and we will use caution.

Crystalyn: I genuinely appreciate the thoughts about the staff workloads and our financials. Whatever we can do, we must remind ourselves who we are in what we do and create that connection.

Treasurer Report and Budget Items (YouTube video 1:28:00)

Lynda: The Budget Committee reviewed the budgets submitted by management and the Board, and we will look at Culture Jam in February. After making some changes, the upcoming motions have been created by the Budget Committee. The committee's recent work has also included reviewing the event scenarios.

Hilary: Thank you to staff and everybody who has been involved with the budget proposals. The main operating budgets stayed within the guardrails. We recommend the DEI projects be counted as a carry forward and appear in the Board budget. There is also a pre-paid amount in the Board budget for consulting, and an amount for endowment which is the only philanthropy being recommended as it is funded by the Oregon Community Foundation. Lily will be reading the motions, and if anyone has questions about certain line items then they can be voted on them separately.

Lily: Thank you to the treasurers, staff, and Budget Committee for doing this work and creating the motions.

Lily moved and Sandra seconded the Board approve making an exception to the employee handbook policy for the 2021 budget to continue the employee retirement plan with a zero percent contribution from the organization. (YouTube video 1:31:30)

Hilary: The reason for this is that the employee handbook currently has a percentage for the employer contribution. This is an indication of the hard choices that have to be made by the Budget Committee, staff and the Board. I want to thank the staff for their resilience and hope we can return to funding the retirement next year. It is not the best option, but was a tradeoff to be able to keep employees and provide family health insurance.

Motion passed: 10-0.

Lily moved and Sue seconded the Board approve \$82,000 for 2021 OCF staff health and dental coverage; staff opting into employee and/or family coverage will pay 8 percent of the monthly premium for the Providence Enhanced Gold 5500 and the dental plan. OCF will provide a premium-only cafeteria plan for employee contributions, and employees will continue to have the option of paying the difference if they elect a more expensive Providence plan. (YouTube video 1:35:10)

Crystalyn: Historically, the Board has just voted on a budget for this, and this is a different way of doing things.

Hilary: To clarify, the reason it does not seem like a budget motion, is we had to approve the health insurance prior to the renewal so we typically did it in November or December. We did not get to it last year, and it did seem important to be transparent and give some details to the terms of it since it is changing. The change is approximately \$50 per person, per month. It is the enhanced Providence Gold plan.

Brad: I feel like cutting back benefits on top of furloughs and work share is not the right message. I understand you are making tough choices. I get the retirement contributions, as that makes sense to me. Cutting health insurance coverage in the middle of a pandemic does not feel right to me as a member of this organization.

Jon S.: So, there is no option for a 100 percent paid employer plan at all?

Hilary: Yes. With this proposal there is an eight percent pickup.

Jon S.: With this proposal, you said they could buy up. So, the Fair is not offering any plan that is 100 percent employer paid. This is a change in practice and an effective policy, to say that you are not going to offer any fully employer paid plan. I mean, you could offer a plan that is 100 percent employer paid and let them buy up to the other plans, in effect. I think it is a mistake. I echo Brad. I think the Fair should offer at least one plan that is 100 percent covered by the employer.

The other issue with the plan being offered is the large increase in the deductible. So, you are not only talking about added cost of \$50 a month for the premium to the employee. But if they actually end up getting sick and using the plan, they are talking about thousands of dollars. Is that not correct?

Hilary: Under the enhanced plan, the deductible is not used for most care. The deductible is used for imaging care and hospital stays. It is not used for going to the doctor, chiropractor, using mental health services, or prescriptions. The deductible on this plan is not the same as a high deductible plan, where to get any services paid for you first have to spend the deductible amount.

Jon S.: It is still an increase in the deductible from the current plan of the employees. So, if an employee comes down with COVID and is hospitalized they are going to have the out-of-pocket expense for the higher deductible.

Grumpy: I do not know much of the details of this, but it is a change in policy. It is definitely a change from when we first established the medical insurance for the staff, and will obviously cost them more.

Sam: I hate being in this extremely difficult position. It is a symptom of a sick society in our country that employers are placed in this position of responsibility for providing health care. It is my belief that the people who put this plan together made every effort to find a plan that would keep us within a reasonable budget while continuing to provide good health care to our employees at the highest and best level possible. It is a compromise.

When I did some union organizing years ago, we had a saying that a step backward in benefits was something that would never get recovered. I trust and believe that the OCF needs to make this decision right now because we are in an absolute financial crisis situation. I hope and trust in the future, when we are in a better situation, that we will be able to look at this again and provide more generous health care that our employees desperately need and deserve. I will be voting for this with a heavy heart.

Palmer: I concur with Sam's sentiment, but will go further. I believe our employees are a huge asset, and we have asked and required them to take horrific cuts and they are still with us, which is astounding to me. Cutting medical benefits at this time is adding insult to injury. I am very aware people have spent a lot of time on this, but this really is not OK with me.

Motion passed: 10-0.

Lily moved and Paxton seconded to accept the operating budgets as presented consisting of: Board budget \$62,350; AA budget \$18,700; SFM Budget \$44,300; OM Budget \$13,050; GM Personnel \$405,050; GM other \$126,600; Crew \$3,400 — for a total of \$673,450. (YouTube video 1:45:57)

Jon S.: It is hard to speak to the motion given that copies of the budget were not available for the membership to look at.

Hilary: Mary posted the link on the .net site.

Jon S.: I went to the .net site and tried to find them. They were not under the Board Working Documents, which is where the documents for the meetings are usually held. If they are online, they are not in a very accessible location clearly connected to this meeting.

Grumpy: I think the staff budget should have been more in line with \$500,000, and certainly also with the \$425,000 that had been quoted previously. It is very disappointing that you can only seem to muster, frankly in secret, the amount of \$405,000.

Wally: There is a link to the budget information on the meeting agenda on the .net site.

AJ: Even before I became a Board member, I was able to get information I needed by doing active research and calling folks. I want to be careful about all the accusations regarding things being done in secret, and want to assure you I would not stand for that and it is not happening right now. I encourage anyone who wants to participate in these meetings, then you can call or email any of your Board members.

Motion passed: 10-0.

Lily said the check signing motion would be tabled and brought back in January due to needing to gather more detailed information.

Committee and Working Group Reports (*YouTube video 1:53:20*)

LUMP report from Paxton: The last LUMP meeting was November 10. Sallie and Peaches from the carbon neutrality project joined us for the first part of the meeting. We'll work on incorporating strategies to maximize carbon sequestration, although we may not be able to quantify it accurately.

Jon found 10 or 11 foundations that might provide funding for the gray-water project, depending on how it is presented to them and whether it can benefit other organizations. We will coordinate with Wally's fund-raising group on this.

Our work plan for 2021 will focus on the gray-water project, revising the upland forest plan, and green zones. We used a slideshow of the current upland forest plan to pick out areas for revision, and made plans for January, February, and March.

The next LUMP meeting is Tuesday, January 12, 2021, at 6:30 pm, online.

Path Planning report from Paxton: Path Planning met in November and the hand washing subcommittee reported their desire to have hand sanitizer available at craft and food booths.

A motion was passed stating "Path Planning recommends food and craft booths provide hand sanitizer to their customers."

Shady Grove erosion response was discussed and the committee is considering down-scaling the current stage area and expanding a performance space into alternate space nearby. Options are being reviewed and stakeholders will be consulted.

The smoking subcommittee is looking to remove the smoking area near the Sauna. They would like stakeholder input and therefore tabled the following proposed motion until the January 17 meeting.

Path Planning recommends to Operations that the smoking area by the Sauna and Sesame Street be removed.

Our December 13 meeting was set to convene with the night lighting and cultural resources subcommittees.

KOCF report from Sean: The installation of our new transmitter is now almost complete, and we will be testing the footprint soon. Over the next months we are looking at exploring new ways to diversify our music and staffing lineups, expanding our school programming, and exploring the potential of a remote studio space here locally.

Once we look at our budget, we will see what kind of promotions we can do. We are beginning plans for a full phone-based on-air pledge drive for spring or summer of 2021, depending on what the lead time looks like. We were also at the Veneta Light Parade again this year with the KOCF float, and we hope we saw you there!

Bylaws report from Lisa P.: We met briefly to talk about proceeding with the review and update of the Bylaws as directed by the Board at the November meeting. We talked about setting up an agenda and beginning to map out a work plan, some different strategies, and timelines. The next meeting was set for December 13. Check the .net site for the January Bylaw meeting date and time.

Diversity Committee report from Jon S.: The committee met on November 23, and continues to work on the diversity census. We also made some recommendations to Wally about the team of consultants we want to hire, prepared some scope of work and contract language for him, and he was going to convey it to the consultants to see if that was acceptable to them.

We have been working with the fundraising committee on a case statement for fundraising around diversity, equity, and inclusion. Diane McWhorter has two items that will be on the OCF merchandise site for diversity fundraising. One is a T-shirt that has the Fair logo with "Diversity, Equity, and Inclusion" around the logo, and underneath that says "Transforming the Fair" — that is the tagline on the fundraising committee's diversity-fundraising case statement. And the other is a mask that on one side says, "No Justice No Peach," and the other side is the peach logo with "Diversity, Equity, Inclusion" around it.

Our next meeting is December 28 at 6 pm, and everybody is welcome.

Elders report from Spirit: The Elders had their annual holiday party on December 17 via Zoom.

AJ commented: I would like to see more of the Fair committees' meetings posted on the .net site.

Old Business

There was no Old Business from the last Board meeting.

New Business (Zoom video 2:04:35)

Proposal to involuntarily terminate or suspend the membership of John “Chewie” Burgess — Sam

Sam read the following proposed motion:

The Board directs the President to appoint an ad-hoc committee (hereafter, the committee) consisting of not fewer than three (3) and not more than six (6) Oregon Country Fair Members to whom the Board delegates responsibility for undertaking all phases of the process described in the Oregon Country Fair Bylaws, Article V, Section (5) (c) related to Chewie’s OCF membership. To the extent that anything in this motion is found to be in conflict with the Bylaws, the Bylaws will control and govern the committee's actions.

The committee will consult with the ED and/or the ED's designee to prepare a notice of a proposal to involuntarily terminate or suspend Chewie’s OCF membership for actions contrary to the interest of the fair. The notice must include at a minimum the allegation that Chewie made a racist comment at the August 2020 meeting of the Oregon Country Fair Board of Directors that is alleged to have been an action contrary to the interest of the Fair as described in the Bylaws. The notice must also cite Chewie’s failure to meaningfully complete a restorative justice process related to this alleged action. The notice may, at the committee’s discretion, include other allegations regarding conduct that may constitute further actions contrary to the interests of the Fair.

The notice must inform Chewie that based on the information gathered by the committee, including Chewie’s response to the proposal, the committee may decide to (a) allow Chewie to retain his status as a member, (b) suspend Chewie’s membership until Chewie completes an activity to be determined by the committee, or (c) terminate Chewie’s membership. The committee will establish an effective date for the proposed termination or suspension. The effective date must be set in a manner consistent with the timely completion of this motion. The notice must be delivered to Chewie not less than 15 days prior to the effective date, and set a hearing by specifying a time and method at which Chewie will be provided an opportunity to be heard, orally or in writing as he may choose, which must be not less than five days before effective date of the proposed action. Consistent with social distancing related to COVID-19, if Chewie elects to be heard orally the opportunity to be heard must be conducted using videoconferencing technology. The notice must be provided to Chewie by first class and certified mail to his last known address shown on Oregon Country Fair records.

At the discretion of the committee the hearing may hear from others, and the committee may also seek information from others outside of the hearing. The committee must make findings of fact based on a preponderance of the evidence, and based on these findings must decide whether or not to terminate or suspend Chewie’s membership within 10 days of the hearing. The committee must report its findings to Chewie and the Board President immediately and report its findings to the Board at the next Board meeting after the findings are reached. Once the committee has delivered its findings to the Board, the committee will be dissolved.

Sam: By way of setting up a discussion, this is not a motion I bring lightly to the Board. This is a continuation of an ongoing process. What happened at the August 2020 Board meeting

was deeply hurtful to many in our community. I personally sat with the folks who had attended the meeting for about 40 minutes after it had closed, and listened to them about how they felt during the meeting. The pain caused in this community is real, and the pain was caused during a Board meeting. Therefore, it is appropriate for the Board to respond to this.

The fact of the matter is that many BIPOC people do not feel comfortable or safe being in an OCF Board meeting, while Chewie is present — both because of the comment he made and because of his failure to complete a restorative justice process related to that comment. The only way to prevent Chewie from attending our meetings is to go through this process.

There was a motion related to Chewie's membership that Jack brought up previously. It was contingent on Chewie's successful completion of a restorative justice process at the time. That motion failed, and one of the reasons stated when it did fail was that a contingent motion would not be compliant with our Bylaws or the law.

This is not a contingent motion. It is written in the exact language of our Bylaws, and is compliant with the law. When it is time for the Board to make this decision, I hope it is made with seriousness, and with the recognition of the significance of the hurt Chewie caused. I am sad we were not able to find healing through more informal means, but we have not been able to. This is important and essential.

In order to guide this discussion, I want to speak to this sentence in the second paragraph of the motion: "The notice may, at the committee's discretion, include other allegations regarding conduct that may constitute further actions contrary to the interests of the Fair." To be clear, the details of other allegations is not appropriate for us to talk about in this public meeting. This motion is designed to keep the details out of a public meeting and put them in the hands of a committee of folks who will do it confidentially. To be fair, if the committee is going to go outside of what happened in August, then we and Chewie should be given notice of that and the opportunity to respond. I would like to hear others' opinions about this.

Thank you for the time permitted to set this up for discussion.

Colleen: This discussion will be limited to the motion. We are not voting tonight, but are discussing delegating it to an ad-hoc group. We want to focus on the motion itself, and help Sam to craft it.

Spirit: I want to be sure we are not going to allow any public bashing of any individual within our organization. I will definitely step in because I think this is absolutely inappropriate.

Jon S.: Could the motion be posted in the chat so we can see it?

Sam said there was a link on the agenda, and he would also post the link in the chat.

Lucy: Thank you, Sam, for all the effort and thought that went into the wording of this motion. I think it is fine the way it stands.

Spirit: I feel appalled that we are even discussing it at this level for the reason that I think it is unprecedented that we discuss what would be considered personnel issues. We have always treated volunteers as personnel. I understand we are not going through the details tonight but this is still very public. While it is being done at a Board meeting, we do not need to lower ourselves in our standards as Board members. I feel we have a process and it has been worked on and revamped with the grievance process, which includes arbitration and the restorative justice process that I believe would be above and beyond what CDRS performed.

My confusion is why we are not redirecting this to the Grievance Administrator, or at least discussing it with them to take it on in a confidential manner so this can be handled in a way in which we are actually enacting real systemic change for somebody to really understand the impact of their actions, in a way that is not totally humiliating to a volunteer of our organization who we consider to be in our Fair family community.

While what happened is inappropriate, there have already been consequences handed out. We need to let the process play out with restorative justice truly intact, and to allow real change and real understanding. I am shocked we are allowing this in such a public way. I am sorry to any volunteers this happens to in the future, and is happening to now.

AJ: This is a tough one, and I do not like that it is in this public meeting. I understand what this individual did was in a public meeting, but I agree with Spirit about this being a personnel issue. I cannot see how doing this in a public forum is good. The problem is that we did not have a process set and this Board did not work on it from the beginning, and now we end up here. I do not care how terrible a mistake anybody makes. We should not end up in a public meeting with a personnel issue. I think this process can happen in a different arena.

Crystalyn: I do hear Spirit's and AJ's concerns. Currently we do not have an alternative. It is important that we communicate with the Fair community that we do address poor behavior, and do our best to create a safe place. Sometimes, when too much happens behind closed doors, the real truths about why someone's position within the Fair changed are unknown.

Lily: I want to give some clarification to the grievance process. I am on the Fair Cares Committee, and we are working to redefine the grievance process and then to expand our work to deal with more issues like this one.

This is not appropriate for the grievance process, because no one has filed a grievance. My understanding, in talking with Jack and Sam, was that this motion is a way for the Board to address something that happened at a Board meeting. That is also what our Bylaws say we have to do. If that does not feel right to us, then let us change our Bylaws.

If in the future a grievance is not filed for this type of issue, then restorative justice is an excellent process led by experienced professionals so that the victims or injured party do not have to go through being re-injured in a grievance process with the other party who caused them harm. The CDRS professionals do a restorative justice process. Until we change our Bylaws, this is our option.

Lisa P.: I agree with Sam that because this happened at a Board meeting, it is the Board's responsibility. I am not a fan of public humiliation at all, in any way, shape, or form. But according to our own Bylaws, the Board cannot vote in closed session. So, this is the only way we can address this issue. I understand the intent behind the Bylaws was to promote transparency, but the unintended consequence is that it results in situations like this. I do not feel we should be held hostage as an organization by this Bylaw from being able to hold people accountable for behavior that is against the OCF Code of Conduct.

I agree there are things that should be handled behind closed doors, for the dignity and respect of everyone involved. However, until we change the Bylaws, this needs to happen. Thank you, Sam, for bringing forward a motion that is well thought out, and consistent with our governing Bylaws.

Lisa C.: This is really uncomfortable, and should not have been brought up at this kind of meeting. I wholeheartedly agree with Spirit and AJ. However, some of the other comments did make sense to me and we need to change our Bylaws. I am embarrassed that this is even being brought up in a Board of Directors meeting, that an actual name is being used, and that we are discussing a personnel issue at this level. It feels so inappropriate and wrong to me.

Peaches: The motion states the president will appoint three to six people to an ad-hoc committee, so can you explain what the solicitation or selection processes will be?

AJ: Can I make a motion to table this? I am not the only one who thinks we have better things to do in public with our membership than having this discussion. I think it is inappropriate to continue this right now.

I want you to know, as a person of color, I was affected by this but I do not think this is the process right here. I do not think we should go on.

Sam: I would like to answer Peach's question first since I was up next to speak. When crafting this motion, Colleen and I talked about those who have arbitration training through our grievance process. If no one is interested, then we would look for others with good standing in the Fair who would be neutral, non-biased, and viewing with a fact-based lens.

Peaches: I wanted a chance to say, the violation of our Code of Conduct already happened at the August meeting in a very public setting. There is the argument that we do not follow our processes. I agree this feels yucky, but I feel it is OK in public to say to the people who were injured that we are here publicly to speak up, protect, and make them feel safe.

Spirit: First and foremost, I did not want to diminish the impact to those who were offended by my apologizing to Chewie and anybody else that we may put through what appears to be a public mock trial.

I have recommended on several occasions that we give a report to the membership on where we are at on this and not sweeping it under the rug. We did not make a motion to have Wally dealing with this with CDRS, so I do not think we need a motion to be redirecting it. This is a parallel process to what the grievance process is.

I appreciate the work that went into this, but I feel like this is fast-tracking the termination of membership and I have never seen it in all of my decades with the Fair. If we did terminate someone's membership, I am unaware of it. I even talked to AJ. The punishment should not outweigh the crime. While I think this is inappropriate, I think we need to give due process for allowing someone to learn.

In the public arena, I feel there has already been allowed the most horrific, shameful, damaging, and toxic comments against this person already. There have been clear violations of the Code of Conduct that nobody has done anything about. Yet here we are again opening this can of worms in a public way, when we could be handling it a way where we are upholding our standards as OCF and dealing with this in a very respectful private way while still giving an announcement to those who are offended that we are dealing with it.

Again, I have never known of us terminating anybody's membership, and I think we need every opportunity to learn here. This is going to back somebody into a corner and make them even more defensive. I am looking for systemic change, and this is not the way.

AJ: I want to apologize for stepping in the discussion earlier. I am learning the process. This feels like we are getting ahead of the victim. Let me explain what I mean by that.

At the August meeting, there were several people of color, men, and women, and we all witnessed that and we all talked about that hurt. This is not about saying somebody is right or wrong. We know what happened was wrong. My question is: Have we gone through the process of checking with all the victims, and having conversations with the people who were most affected by that, before we (the Board) come out and say: "We are going to make it right for you."

As a person of color, no one has asked me personally about this motion and doing this in public. I did receive a copy of the motion, but nobody got my feelings about that. I can say openly I was hurt by what happened, but you cannot get in front of me on that. I made a point in my life that if people hurt me, then you do not go and hurt the other person. You do not want that person's energy there in the world negatively if you can make something good of it instead. We are better than this, and should not be doing this in a public meeting. We know the toxicity this is going to cause, and will bring us nothing but pain.

We have to think about these things. Justice is justice. But you have to make sure it is justice for all the people that were hurt by it, not just justice for your conscious. I do not understand why this public shaming needs to happen. I do not care who it is. If this were a victim of sexual violence, would we not get their permission before we put this stuff in public? Yes, we would. We would go through every arena not to put this in public. Why not in this situation? This is about racism. I am disappointed.

Sam: I had a conversation with Ayisha Elliott, and she is the person Chewie's comment was directed toward. She talked to me about not wanting to have to carry the weight and responding to the comment, and that is important. It is our responsibility to address what happened in our Board meeting. As the Fair, we have the responsibility to carry the weight of addressing it. I do not think it is Ayisha's responsibility or anybody else who was there.

I admit I did not reach out to every person of color I knew was at that meeting. Perhaps that was an oversight on my part, in my hurry to do what I believe is right. Our Bylaws require a public vote to terminate somebody's membership. Our Bylaws require the termination of somebody's membership to prevent somebody from coming to our Board meetings. I know there are Black, indigenous, and people of color in our community who will not feel safe at our Board meetings if Chewie is allowed to continue to participate.

This is not a motion to remove Chewie's membership. I want to be clear this is not a mock trial. This is a motion to establish a committee to provide due process, including notice and an opportunity to respond so that Chewie can go through the process with that committee in a private way. The only details we discussed here about his conduct are what occurred in a public setting.

Although I am sensitive about not wanting to shame people in the public square, and it is not my intent in bringing this forward, this is the only way to bring this forward to get the outcome that is just, right, and fair. This year, I do want to change the Bylaws so that we do get a better process. But in order to respond to this thing that happened we must do this.

Meeting Evaluation (Zoom video 2:41:07)

Lily: I want to thank everyone who had a piece of the budgeting process this year. It is a terribly different year from our normal process. It takes thousands of hours, lots of discussions, thinking, and math in a normal year. This year was done in an elegant way. The fact that we could get through the motion at a place where all the Board members already felt comfortable enough with the numbers and the dollar value we put on the work coming up this year means that the work was done ahead of time. I really appreciate every person — the staff, the Budget Committee, the Board and officers, and especially the treasurers. Thank you so much!

Mouseman: AJ, this is why I voted for you. I see the stress on your face, and I am so sorry for that. I so respect you. You speak the truth. Thank you very much.

Spirit: Colleen, you run a tight ship and I appreciate you. I know the changes you are trying to enact. To give feedback, I was conflicted because I know we could have not supported the New Business during the agenda review. However, I do think it is good process to be able to discuss something without voting on it. Thank you.

I am really sorry we have not yet offered something like racial sensitivity training, or even mandate it before moving forward because Sam was right when he said Ayisha should not be carrying this. AJ, you should not be carrying this like you are, and thank you for your words. I appreciate you and it was very moving.

Paxton: I want to thank you for the new Board voting process. Calling us each by name worked very well and took less time.

Also, thanks to the budget people for all the work. It is going to be a tough year, and this gives a framework to move on with. I think having discussions and experimenting with a new meeting format will help us. I appreciate what you are doing, Colleen.

Sue: I want to express my deepest gratitude and thanks to our hard working, dedicated, and astounding staff. I know our volunteers are a huge asset. Right now, our staff is keeping us going, and I cannot say enough good words about them.

Lucy: I want to echo Sue's comments, particularly with the circumstances that the entire staff has been put in. Having to work piecemeal and online, and then get swamped is difficult. My deepest gratitude to all the staff. Colleen, you have done a great job tonight, so thank you. Also, to the Board, because you have grappled with some challenging issues of social justice and trying to bring some accountability and responsibility.

Grumpy: I want to compliment you, Colleen. It may be the first time a president has run the meeting. Sam, you did a good job of facilitating in the past, but Colleen you did a really good job tonight in a very new position for the president of the Fair. Thank you.

I also want to say truth matters. So, keep telling the truth rather than non-truths, especially in a Board meeting.

Kimmo: Thank you to the membership out there in YouTube land. I am learning Zoom and do not know it well, so thank you for your patience. I am asking for additional person to help with some of the logistics.

John A.: In this changing time, I want to echo we are as strong as our staff and everything we all do to support them because that is what fuels nonprofits. Great job, Colleen. It was fun to see a new meeting format. I really appreciate the Board and what you all are doing, and with this opportunity to get beyond what I do at Community Village in other places. I see, and it is clear at this meeting, there is an interest in changing and an openness to looking at the

changes we can make such as in the Bylaws. Thank you, Lisa P. for letting me sit in at the next BNylaws meeting, and I am looking forward to helping with that process to get us out of these sticky situations. Peace.

AJ: Thank you to everybody. I am sad we are ending the meeting with this kind of conversation. To the Board, I am seeing some forward movement and there will be times when we disagree on things. But I never want to leave it in a negative space, so let us take a moment to let that feeling go.

I want you to know it is a joy to work with you. Each individual brings something to the table. We know we have some broken parts, and I just want to make sure that as we fix things, we do not make mistakes in the meantime, and that we take our time so we do not end up causing more harm than help. I am intense and passionate, but also full of love.

Colleen: One of my favorite sayings is we are tough on issues but not on people.

Sam: I would like to speak to AJ about the two of us and meeting process. Over the past couple of months, I have appreciated getting to know you as we work together. I have come to respect you as a person who will always share deeply and from your heart. I appreciate that level of honesty and communication. From my perspective, I am always a safe person to share deeply and honestly with, even with passion and intensity. I hope you are coming to respect me as the same kind of person. I will not shy away from doing what is right. We can disagree and still respect one another. We are here for the good of the Fair.

President's Peace (*Zoom video 2:54:10*)

Colleen: It is worth remembering, things have changed this year. We meet online and not in person like we used to. We change, we adjust, and we make do but what is essential about who we are stays the same. We are family, we are community, and we are important to each other. It has been that way from the start. Be well all, and thanks for coming tonight.

The next scheduled online Board Meeting is January 4, 2021, at 7 pm, with agenda business to include:

Check signing motions: update check signers

Member termination ad-hoc committee review proposal