

PORTLAND UTILITY BOARD

Members:

Alexis Rife

Bob Sallinger

Christopher Richard

Heather Day-Melgar

Julia DeGraw

Karen Williams

Lorraine Wilson

Robin Castro, Chair

Ex-officio Members:

Joanne Johnson

Joe Spada

Roslyn

Staff Contact:

Amy Archer-Masters, Analyst
(503) 823-8340

Amy.Archer-Masters@portlandoregon.gov

City Budget Office
1120 SW 5th Ave, Ste 1010
Portland, Oregon 97204

To: Mayor Ted Wheeler
Commissioner Mingus Mapps
Commissioner Carmen Rubio
Commissioner Dan Ryan
Commissioner Rene Gonzalez
Auditor Simone Rede

Cc: Dawn Uchiyama, Farshad Allahdadi, Gabriel Solmer, Jacq Tjaden, Tim Grewe, Michael Jordan

Re: Issues with Recent Decision-Making Process by City Council

Date: December 12, 2023

The Portland Utility Board (PUB) serves as a community advisory board for the Bureau of Environmental Services (BES) and the Portland Water Bureau (PWB). Please accept this letter documenting feedback regarding Natural Resources including the PUB's:

- Opposition to Ryan Amendment 1 to Resolution 37635 passed at the November 1, 2023, City Council meeting without sufficient process and legal review;
- Distress and concern regarding the lack of effective public process and engagement with the Board and other members of the public regarding Natural Areas and Tree Management, an area which is central to the PUB's purview and purpose; and
- Request for increased and coordinated engagement of the PUB and other key stakeholders as the planning for Natural Resources continues.

Appointed by Council as a volunteer community board, our members spend hundreds of hours each year providing independent community oversight regarding policy, operations, and budgetary decisions for the utility bureaus as well as advise Council on how to navigate the difficult decisions regarding the utilities. Natural Resources have been major components of the BES' services for years and the PUB has engaged with the bureau regarding related program and policy issues. The PUB was aware that Natural Resources and Trees were under review at the City and clearly communicated our desire to be engaged in review and decision-making regarding related proposals, both with the bureaus and to Council in prior communications (refer to our [September 29th letter to Council](#) for the most recent details).

BES has been engaged in the Natural Resources working group and has updated the PUB when appropriate regarding status and next steps. As mentioned in prior communications, the Board was supportive of work to consider consolidation of programs and functions recognizing the potential opportunities as well as flagging some of the risks that needed to be addressed. Considering the work under way, it was shocking to learn on the day of the public hearing of a new proposal to transfer services to a new service area. It is outrageous that this proposal was made public just the night before the hearing and that it passed without adequate review and planning. This was unexpected, surprising, and stressful to the community as well as for City staff, both those working hard for many months on the issue at Council's direction as well as the many staff potentially impacted by the change. It was unacceptable, poorly thought out, contrary to the overwhelming majority of public input received, and disrespectful to staff, the PUB, other advisory boards, and the community.

This is not the first time something like this has occurred, in fact the PUB's letters to Council have a recurring theme requesting earlier and more transparent communication and engagement. The PUB is supposedly convened to advise on issues related to the utilities, yet our input has not been sought when Council introduces significant changes. It is insulting to volunteer our time and then not be consulted, or at least informed, with adequate time to discuss and provide feedback. Much like during the rate setting earlier this year, after months of development, engagement and public dialogue, proposals were introduced with no opportunity for authentic public dialogue before a decision was final. When this was pointed out to Council, the PUB representatives were met with dismissal and defensiveness rather than reflection by the Mayor and Council members.

The PUB maintains that a decision cannot be fully informed if it lacks adequate time for transparency, thorough evaluation of impacts, and opportunity for authentic engagement with experienced staff and the public. Although we recognize that it is a politicized process, we believe the Council's introduction of significant changes in the final hours/day/days is contrary to the goals of democracy and the City's stated core values. It certainly is discouraging to us as your volunteers and discourages public participation. The PUB exists directly in response to correcting the City's past decisions that resulted in misuse of rates and to ensure adequate oversight of services and resources. It would be negligent not to learn from the past, utilize the knowledge and experience of staff to develop recommendations, and seek the PUB's and other stakeholders' feedback to make informed decisions.

Despite the frustration of being overlooked, the PUB remains a resource that is committed to fulfilling our role as much as feasible of ensuring responsible, effective, and efficient services with the utilities. There are many questions that need to be addressed including how the City will meet regulatory, legal, and financial obligations. The PUB is eager to understand and provide feedback on the continued work of the Natural Resources Workgroup and their resulting recommendations. The Board requests the following:

- Willingness and commitment from Council and leadership to ensure adequate time to research, problem solve and plan for the most effective configuration of Natural Resources to ensure that goals are met within regulatory, legal, and financial constraints. Allow the Natural Resources Workgroup to continue their coordinated efforts and develop authentic recommendations, even if recommendations require a

shift from the rushed decision by Council on November 1st.

- Coordinated joint meeting and future updates with the PUB, the Parks Board and/or other relevant advisory groups to ensure consistent information sharing with coordinated and collaborative planning and feedback.
- Invitation and opportunity for the PUB to engage and provide feedback during planned Council work session(s) on Natural Resources.
- Timely and transparent communication with the PUB regarding issues related to the utilities under consideration, upcoming decisions, and options being considered. In particular, updates regarding the Natural Resources Workgroup recommendations but also budget and other policy issues.
- If Natural Resources consolidate under Parks, establish a clear goal of natural areas moving towards “good” or “excellent” asset condition as defined using City asset management principles, and make funding decisions that advance that goal. The Natural Resources budgets held harmless in the future ensuring neutral or increased budgets to improve asset condition, avoiding any risk of sacrifice to the financial strain experienced by other existing distressed Parks assets.

The Board will continue to engage with the bureaus to consider and inform decisions to effectively implement changes while attempting to mitigate the negative impacts. The PUB expects Council to more respectfully and effectively utilize our skills, expertise and willingness to serve.