

## **Portland Utility Board**

Tuesday, November 16, 2023, 3:30 p.m.

Virtual meeting using Zoom platform

Meeting #164

### **Attendees:**

#### *PUB Members:*

Alexis Rife  
Bob Sallinger (arrived ~11:55am)  
Christopher Richard  
Heather Day-Melgar  
Karen Williams  
Julia DeGraw  
Robin Castro, Chair  
Joanne Johnson, Ex-Officio  
Joe Spada, Ex-Officio  
Roslyn Gray, Ex-Officio

*Absent:* Lorraine Wilson\*

\*Notice of absence provided prior to meeting

#### *Staff:*

Amy Archer-Masters, Portland Utility Board Analyst, City Budget Office  
Farshad Allahdadi, Bureau of Environmental Services  
Jacq Tjaden, Commissioner Mapps' Office  
Jeff Winner, Portland Water Bureau  
John Maloney, Bureau of Environmental Services  
Ken Finney, Bureau of Environmental Services  
Michelle Rodriguez, Commissioner Mapps' Office  
Paul Hawkins, Bureau of Planning and Sustainability  
Shannah Anderson, Bureau of Environmental Services

#### *Public:*

Carol Cushman  
Chris West's Phone  
One unidentified participant, number ending 704

### **Items Discussed, Action Items, Decisions**

In these notes PWB stands for Portland Water Bureau, BES for the Bureau of Environmental Services, and PUB for the Portland Utility Board.

The [video](#) of the meeting as well as supporting documents can be found here:

<https://www.portland.gov/pub/events/2023/11/16/portland-utility-board-meeting>

In the below notes the **blue timestamp** indicates the approximate place in the video where a particular topic begins as well as providing a link to that portion of the video. For example, **3:45** indicates that this topic begins at approximately 3 minutes and 45 seconds into the video. Closed captioning is available by clicking on the CC symbol in the lower right side of the video tool bar.

The Board discussed the PUB Budget and Policy Values approved submittal of a revised letter documenting their values for the bureaus. The Board also discussed the City's recent decision process on the City Organizational Structure and planned to continue the discussion at a subsequent meeting.

**I. Call to Order**

The Chair called the meeting to order at approximately 11:06am.

**II. Disclosure of communications [~3:37](#)**

There were no disclosures from Board members.

**III. Public Comment [~4:17](#)**

There was no public comment.

**IV. Review of Minutes [~5:00](#)**

The November 7, 2023 minutes were accepted as submitted.

**V. Brief Items and Announcements [~5:58](#)**

PUB Staff/Amy shared that they submitted a request to Commissioner Mapps' staff to be notified if any changes were proposed to the Rate Study Recommendations when it is rescheduled for Council consideration (per approval at prior meeting). The item has not been rescheduled yet.

Staff shared that the Charter Transition team has published their annual report, [available online](#).

**VI. PUB Budget and Policy Values [~7:34](#)**

The Chair shared that she, Karen, Lorraine and staff had edited the draft document summarizing the PUB's prior discussions regarding the topic. The goal is for a summary of general values and trade-offs early in the budget process so it could be considered as bureaus

are developing budget. The draft document was brought up on screen and final edits were discussed. The document and edits noted are attached at the end of these minutes.

- PUB staff highlighted the changes that were received from a PUB member between meetings and were noted on screen.
- There was discussion regarding the financial assistance section and specifically calling out renters from for-profit landlords since that is a gap in current program. There was agreement for that change.
- Several PUB members shared support and appreciation for the letter and hope for it to be used effectively.
- PUB members discussed the language in the affordability section and desire to be declarative. A PUB member shared intent of qualifying the statement so it is not fully limited to residential due to prior work done on the SPUR program that targeted small business and particularly BIPOC owned. There was also discussion regarding the tiers and desire to not limit to established tiers.

### **VOTE**

Karen made a motion to accept the letter with edits discussed today and submit to bureau leadership. Seconded by Chris.

There was no further discussion and no public comment.

Yes: RC, CR, KW, AR, HDM, JD

No: n/a

Abstain: n/a

Motion passed.

The Chair shared as one of the volunteers drafting the document that these tasks are time consuming, and they see the value in having two volunteers when doing these documents with staff. They shared appreciation for all the contributions.

## **VII. PUB Comment on Organizational Structure Decision Process [~28:19](#)**

PUB Staff shared two goals for the conversation: 1) to hear from Commissioner Mapps' office with their perspective on the Organizational Structure Decision Process, and 2) to review and edit a draft document summarizing some of PUB's concerns shared in the prior meeting.

PUB Staff shared that the PUB discussed the decision at the prior meeting and has drafted a document that summarizes some of their concerns, particularly regarding the process and the last-minute change moving Natural Resources to Parks. The PUB wanted to go on record with concerns about engagement of PUB and the public in decision making and the significant challenge of having changes introduced so late in the process. The Board welcomed Michelle Rodriguez, Commissioner Mapps' Chief of Staff, and Jacq Tjaden, Commissioner Mapps' Policy

Analyst assigned to the utility bureaus, to discuss the recent Council hearing on organizational structure and decisions relating to Natural Resources.

Michelle provided a high-level summary including Council direction last spring to talk about Natural Resources in a more comprehensive way citywide, and Commissioner Mapps' goal of taking advantage of the transition in form of government to address climate change holistically. Parks, BES, PWB, Portland Bureau of Transportation, and the Bureau of Planning and Sustainability all met including bureau directors and contractors facilitate high-level conversations about advancing that goal and to review relevant documentation. The outcome from their perspective was that there was a lot to untangle. The first draft organizational chart showed Natural Resources in Public Works, with an asterisk that it was a placeholder and referencing the work being done by the work group. There were many unresolved questions to be addressed by subject matter experts in the City. In the updated organization chart going to Council, Natural Resources was not listed with a minor reference in the documents that work was ongoing. This was unsatisfactory to Commissioner Mapps as he wanted to ensure that the conversation did not get lost in the other priorities of the transition. Commissioner Mapps introduced an amendment to make sure the work was still reflected in the organization chart. The goal was to prevent continued timeline extensions and ensure progress made before the next conversation relating to the transition and budget development. The Commissioner's amendment did not pass, instead an amendment from Commissioner Ryan passed. The Ryan amendment was provided to Council the day prior to the hearing and there were not many details so it is unclear the impacts and outcomes of the amendment that passed.

Jacq also introduced Shanna Anderson with BES, as they both were also engaged in supporting the work group. Jacq noted that they tracked the public comment and that there were 100 public comments supporting the Mapps' amendment mostly stating that the discussion needs to happen; more research, understanding and level-setting needs to be done; and some opinions on where the work should live in the organizational structure. They believe there were only a couple counter comments.

Staff opened for questions and the following items were discussed:

- A PUB member asked whether BES is able to legally move budget out of the bureau to other funds? Following the Andersen lawsuit there were some issues with that in the past.
  - Michelle responded that the issues have not been worked out yet. It is clear that the color of money matters and money only follows if the work funded is allowable. There is more work needed to resolve.
  - Shannah added that BES Director Dawn has set up a meeting with Parks Director and attorneys to resolve this issue before proceeding on the rest.
- A PUB member shared that the decision looked like turf protection or silo-ization politics at work and antithetical to the work group efforts over the year and having multiple perspectives solving the problem. They asked whether it would have been

helpful for the PUB to meet with Parks advisory board? Obviously challenging when learn the night before, but wonder about learning for future whether some proactive connections with other boards or Commissioners would have been helpful.

- Michelle shared that the transition in form of government hopefully will address some of these issues. There have been people working on climate issues for a long time and they needed the work elevated. It is unclear what could have helped since it was so last minute. There is still an opportunity to continue to engage. The Mayor stated they wanted a work session to understand why there were two amendments, the legal issues, the work being done and what more could be done. What might be helpful now is if PUB asked for a joint meeting with the Parks Board. It is not clear whether the Parks Board or other relevant boards were informed so they may have concerns as well and it would be beneficial for it to be clarified as part of a public conversation.
- A PUB member asked whether there is any insight to when it may be less uncertain? If priority is resolving legal issues soon, and there is discussion of a work group report and a work session in February, is that a potential time where there will be more certainty?
  - Michelle responded that they understand the conversation is planned to happen before the Mayor's proposed budget comes out in spring. What is challenging is that there are so many other things happening at the same time, so the earlier it is settled the more it alleviates stress for staff. It is not clear that it would be resolved by February based on the pace of all the conversations happening at the City. The original goal was for decision to be made by September 2024 so they could be part of the budget development process for the following year.
- A PUB member shared that it is important to put in the record how the resolution was anti-democratic, non-transparent and disrespectful of the public and public process. Recognize it is not solution-oriented but it needs to be noted. They can see the value in finding out what different groups knew and when. How can it move through differently through the work group process? Is it possible to undo what has been done if the group determines?
  - Michelle responded that it was a resolution, not an ordinance. The Council could have follow up and decide differently. It is not clear that the messages different groups are receiving are consistent. They acknowledged that they have heard concern from some PUB members in the past about lack of response to prior letters. However, working towards a shared understanding is a positive thing to return to the work we were all committed to originally.
- A PUB member shared appreciation for Michelle and Commissioner Mapps as they stood their ground and communicated clearly. The member shared that they attended the Urban Forestry Commission and the Parks Board to share their position and expectations as a stakeholder: Natural Resources budgets would be held harmless within Parks moving forward, that all natural areas will move to good or excellent condition, and that we need to see what their regulatory role will look like. It seems that Parks is feeling pressure from their stakeholders and that will ramp up as they are

held accountable. It seems that we are getting a positive response so the more interactions we have the more impact on understanding the scope of what they would take on. They shared that they feel the Natural Resources Bureau should still proceed and it would necessitate a re-evaluation of all Natural Resources. There are a lot of people that get the concern about separating natural areas from the infrastructure bureaus when improved connection is how they could do the job better. They shared that board members indicated they were lobbied beforehand but perhaps with misleading information and not an understanding that it was against public input, that the former Parks director testified against it, or the liabilities it creates. Parks documents have themes about not having enough resources to manage the trees within their purview, with over a thousand distressed assets in Parks if things continue they would need to liquidate one in five of every Parks assets in the coming decade. They likely did not realize the legal issues and the response of dealing with it in budget cycle is unrealistic.

- A PUB member shared that perhaps it would be good to acknowledge that staff were taken off guard so the stress was both internal as well as on the community. They suggested that as a body the PUB is not opposed to any amendments but are opposed to a rushed process. It would be good to acknowledge in the letter the rush of the public process and lack of transparency. Rushing elected officials into a decision they and their staff don't have the capacity to evaluate is against the will of the people.
  - Michelle acknowledged they have not read the draft letter yet but would be happy to provide feedback.
  - PUB Staff shared that the PUB was trying to move quickly but are deferential to when it would have the most impact and the discussion today would warrant some additions. The prior timeline was related to information that a work plan from the group was supposed to be due in beginning of December. Shannah confirmed that the work plan due date was extended to February.
  - Michelle shared information regarding Council meetings being virtual during renovations of City Hall until January/February and then meetings will be in 1900 building. There will be no meetings the last week of December or the first week of January. Getting anything to Council before then would likely be lost so more impact a January delivery time seems better or with budget submission.
- A PUB member shared support for taking more time to finish letter. At the very least it would be good to share concern if not opposition to the resolution so that requires deeper discussion. The PUB is supposed to be an entity that provides substantive input into decision. What are other ways to engage beyond a letter and create a space for PUB to be heard like we were created to do? At the very least, including some language in the letter about what we would like to do to be more proactive and improve the situation.
  - Michelle shared that if the PUB is interested in participating in the work session that it would be good to request that invite in the letter. Conversations with Council offices and people you know about the topic are valuable. They will share more information as it is available and legally allowed.

- A PUB member asked the timing of a work session. Michelle responded that it is not clear yet, but staff are working on a plan for timing and are being conscious of time demands around the budget submission.
- A PUB member shared that they hope the City learned from the Anderson lawsuit and if staff are saying it won't work that attention will be paid to that feedback so we avoid the same issue. In the end last time the General Fund had a huge bill resulting from the decisions made.
  - Michelle shared the history of bureau assignments, which typically meant that there was more than one Commissioner assigned these bureaus. Since the shift to service areas, Commissioner Mapps is the only Council member remaining that has had either of these bureaus. That institutional knowledge has been lost and decision were made with lack of information.
  - A PUB member shared that the lawsuit was accompanied with a ballot measure lead by the superfund polluters to remove the utilities and create a separate district. They used the mis-expenditures as a pretext to remove the utilities from the City, and the Audubon spent over \$100,000 leading the fight against it. We have done a good job sorting that out over the years to ensure funds are appropriately spent. In their professional work previously they lead the fight against removal of utilities, but if there are mis-expenditures in the future then they will lead the fight to remove the utilities because it is inexcusable for the City to put themselves in this position again. They heard Commissioners say they didn't know what they are talking about but they would vote with them and there seemed to be behind the scenes collusion, animus on display between Commissioners antagonizing one another, and apparent hostility between the bureaus. Making major changes without vetting it is negligence. If you don't have enough information then you ask for more. The public testimony was overwhelmingly on one side.

#### **VIII. Announcements and Next Meeting [~1:24:28](#)**

PUB staff announced that we still needed a volunteer for the December 12<sup>th</sup> Administrative Review Committee meeting.

Next regularly scheduled meeting is Tuesday December 5, 2023 at 3pm, and topics will include carry over from this meeting including the letter regarding recent Council decisions. Any suggested changes should be submitted to staff.

PUB Staff noted that the second December meeting falls on December 21<sup>st</sup>, close to the holiday, so will be sending a survey to gauge whether a quorum is likely for that meeting.

The meeting adjourned at approximately ~12:32p.m.