

Portland Utility Board

August 20, 2020, 11:00 a.m.
Virtual meeting using Zoom platform

Meeting #85

Attendees:

PUB Members: Amy Chomowicz, ex-officio
Brian Laurent, ex-officio
Dory Robinson, co-chair
Gabriela Saldaña-López (arrived ~11:30)
Heidi Bullock, co-chair
Kaliska Day (departed ~11:30)
Karen Y. Spencer
Karen Williams
Micah Meskel
Mia Sabanovic
Robert Martineau
Sara Petrocine, ex-officio

Absent:

Ted Labbe

*Notice of absence provided prior to meeting

Staff:

Amy Archer-Masters, Portland Utility Board Analyst, City Budget Office
Asena Lawrence, Senior Policy Advisor, Commissioner Fish's Office
Cecelia Huynh, Director of Finance and Support Services, Portland Water Bureau
Dawn Uchiyama, Deputy Director, Bureau of Environmental Services
Eliza Lindsay, Portland Utility Board Coordinator, City Budget Office
Jonas Biery, Bureau of Environmental Services
Gabriel Solmer, Deputy Director, Portland Water Bureau
Michael Jordan, Director, Bureau of Environmental Services
Robert Cheney, City Budget Office
Sherri Peterson, Bureau of Environmental Services

Public:

Ana Brophy
Carol Cushman, League of Women Voters

Synopsis, Action Items, Decisions

In these notes the acronym, PUB, stands for the Portland Utility Board, BES for the Bureau of Environmental Services, PWB for the Portland Water Bureau, ARC for administrative review committee, SPUR for Small Business Program for Utility Relief, and IGA for intergovernmental agreement.

Key meeting materials can be found in the calendar item for the meeting on PUB's website:

<https://www.portland.gov/pub/events/2020/8/20/portland-utility-board-meeting>

BES staff shared updates on plans for the Tryon Creek Facility and a new IGA, followed by questions from PUB members. PUB discussed an early draft of this year's workplan. Two PUB members offered to work with PUB staff to develop a revised workplan for review at the September 1 meeting. Short updates on COVID-19 relief from private utilities, proposed Title 21 code changes, PUB bylaws, ARC meetings, and SPUR were provided.

ACTION ITEM PUB member to find out more information regarding the effort around COVID-19 relief from private utilities, e.g., the timeline, interest in presenting to PUB, and time needed for a presentation to PUB. PUB staff to assist in connecting with Janice Thompson of CUB.

I. Call to Order

The Co-Chair called the meeting to order at approximately 11:03 a.m.

Virtual meeting guidelines were briefly reviewed.

II. Introductions and Disclosure of Communications

Heidi had a few Portland Harbor Superfund site meetings with BES staff related to remedial design at Willamette Cove and community engagement.

Micah has had conversations with BES staff regarding the Portland Harbor Superfund site, with PWB staff regarding Title 21 code changes, and with PWB and Commissioner's staff regarding PWB hydroparks.

Brian had a couple of email exchanges with a few folks encouraging them to apply to serve on PUB.

Karen YS has had email communications related to the SPUR program.

Dory had a brief conversation with BES source control experts to assist a few small businesses.

III. Public Comment

There was no public comment.

IV. Tryon Creek Facility Update

Presentation

Presentation Link: <https://www.portland.gov/sites/default/files/2020-08/bes-tryon-creek-facility-presentation-for-pub-082020.pdf>

The Tryon Creek Facility project has started and stalled several times over the past couple of years. It is now at the point where Lake Oswego City Council and Portland City Council will be considering an

interim IGA which will be brought to Portland City Council on September 9 and to Lake Oswego City Council around the same time. The IGA will allow the City of Lake Oswego to run an RFP (Request for Proposal) process. Because information is still changing quickly the presentation BES shared at the meeting is a draft of the final presentation for City Council.

The Tryon Creek Facility is an aged, small facility located within Lake Oswego City limits. Under the 1984 IGA, the City of Portland owns and operates the facility which serves all of Lake Oswego and a small portion of southwest Portland. The flow split is approximately 35% City of Portland and 65% Lake Oswego. Under the current arrangement Portland carries most of the long-term risk, does most of the work, and periodically bills Lake Oswego. The new proposal would flip that arrangement. Under the proposed new IGA, Portland would pay Lake Oswego a share of the costs and in a P3 arrangement (private public partnership) Lake Oswego would contract with a private contractor for DBFOM (design, build, finance, operate, maintain) services. Benefits to the City of Portland include reduction of long-term risk, better alignment of costs to use, innovative technology, improved quality of effluent to Willamette River, and, compared to maintaining the status quo, over a 30-year period, neutral to better costs to Portland. The presentation included additional information regarding timeline and decision points provided at the meeting. If either Council does not approve, the fallback plan is the 1984 IGA.

Questions

Facility footprint and other environmental concerns

A PUB member shared that they had footprint concerns regarding the 100' setback of the construction design presented a few years ago and asked if the new construction design was the same or similar. They also asked, given that the facility will not be within Portland City limits, how much say the City of Portland will have in the design elements, e.g., environmental setbacks, dark skies design, and other environmental protections.

BES staff answered that they are not sure if it is the same design because they don't remember all the details from the Lake Oswego RFQs (Request for Quotation) but that the technology has not changed from what was provided in the RFQs. They believe this facility would involve a different footprint. From what they have understood, Lake Oswego is looking at a couple of different properties that are all essentially adjacent to the current facility. The bidder will select which property is best. Visually all the potential locations appear to be outside the 100' setback. City of Portland will have two members on the RFP panel and will be involved in the scoring process. There will also be opportunity to highlight issues or areas of concern before the IGA is agreed upon.

Long-term plans for the property

City of Portland currently owns the property which is not within the City of Portland. The plan would be to transfer it to Lake Oswego. Lake Oswego would handle the decommissioning and redevelopment which is a different risk and cost profile from maintaining a facility. The discussion and development of the details is not part of the interim IGA. It will be part of the future IGA discussion.

Recouping costs and risk of Lake Oswego stepping away from the proposed new IGA

A PUB member asked whether the sale of the property allow the City to recoup some of the costs. They also shared concern about Lake Oswego stepping away from the new proposed IGA and asked what that would mean for deferred maintenance of the plant, especially given that maintenance has already been deferred for some years.

BES staff answered that they factored in issues of equitable cost sharing for investing under the scenario where the 1984 IGA is renewed as well as under the scenario of the new proposed IGA. During the negotiation period they will continue to consider issues of equitable cost-sharing as well Portland recouping costs, including for the risk during the interim period. As things move along in the process both cities will share the risk involved with reinvestment. Even if the two cities end up continuing to operate under the 1984 IGA, Lake Oswego is required to pay Portland for the investment costs.

The PUB member replied that this answered many but not all their concerns about the facility. They noted that Lake Oswego has changed its mind, delayed, and/or stopped things from moving forward in the past. They are nervous that if Lake Oswego decides at some point not to move forward with the new IGA, then Portland will be stuck with the risk. This risk is not just financial. It is also the risk of public perception regarding sustainable management of storm and wastewater systems.

Privatization aspects

A PUB member asked if the positions to run the plant would become private under the P3 model.

BES staff answered that they don't know yet. Regarding the staff that are currently operating the plant there has been some internal discussions and the thought is that if they want to stay employees of BES they would be redeployed elsewhere, e.g., to the Columbia facility.

Project feasibility

A PUB member asked what criteria are being used to determine project feasibility.

BES staff answered that the basic criteria include technically feasible, permittable by the Oregon Department of Environmental Quality (DEQ), and financially feasible.

PUB recommendation for RFP panel

A PUB member recommended that in addition to the two seats for the City of Portland, the RFP panel should include a seat for a community member and a seat for a PUB member.

V. PUB Annual Workplan

The draft workplan sent in read-ahead materials was briefly introduced along with the tasks of discussing both the general approach to the workplan and reviewing the list of topics. What's missing? What should be moved up or down in terms of priority?

Framing

A PUB member mentioned that the high-level game plan seems to function more as framing; providing the frames the Board operates with. They added that some specificity as to how the Board centers racial equity should be included. This specificity is owed to the public and helps the Board hold itself accountable to the work. The PUB member offered two examples of how PUB might give specifics in centering racial equity. PUB can request demographic, geographic, and other information that will help PUB understand how benefits and harms are distributed and assist in recognizing service disparities. And two, PUB can consider and advocate for reparative policies within the jurisdiction of PWB and BES.

Several PUB members voiced support for thinking about the frames PUB operates with as well as for adding specificity and accountability to PUB's frame of racial equity. A PUB member mentioned that this also ties into measuring the outcomes of PUB's work.

A PUB member suggested that another frame is prioritizing issues where PUB can have influence and impact decisions and outcomes. If an item is purely informational then it should be moved from priority 1 to priority 2 or 3, e.g., STEP-CIP, Tree Program Tryon Creek Facility could perhaps be moved down.

A PUB member suggested another theme or frame of inter-bureau collaboration. This is in keeping with the Mayor's budget directive to the bureaus to coordinate their activities and increase cooperation. Collaboration is particularly important when it comes to complex, broad issues such as housing and homelessness. How are bureaus successfully collaborating? What are the barriers to collaboration?

Another PUB member voiced support for the framing, noting the importance of PUB being proactive and countering any perception of merely being reactive.

Values statement and work

A PUB member mentioned that last fall there were some xenophobic statements during public comment. They expressed interest in forming a workgroup to draft a values statement and answers to: How do we respond during our meetings? How do we set an example that it's not okay to, for example, say anti-immigrant statements? They added that working on a values statement and response allows PUB to be proactive, rather than reactive.

Support for this work was voiced by several PUB members. A PUB member also mentioned that values came up during PUB's work on bylaws last fall. When PUB returns to bylaws that is another great place to have values conversations.

Meetings in community

A PUB member mentioned wanting to prioritize meetings in community this year, despite COVID-19 changing how that will work. How can we have meetings in community in a virtual setting? How can folks from different communities be included in PUB's space? They expressed a desire for the Board to have larger outreach and participation with a more diverse range of communities.

A PUB member expressed strong support for inviting different community members to be part of PUB's space. They added that they would like to brainstorm how to do this and that it would likely involve individual invitations.

Another PUB member also expressed strong support and added a couple of meeting topics they thought would be good for connecting with community and hearing from different communities: an open house to collect community input on areas of the Charter particular to BES/PWB; if the ballot measure passes discussion of community uses of hydroparks; and updates on the bureaus' work to address the climate emergency.

Lead and corrosion control

A PUB member noted that, prior to the Bull Run Filtration Project, a meeting in community around lead and corrosion control was slated for last fall. They would like to keep it on PUB's To-do list. A PUB member agreed, noting that the smaller item of simply reporting on lead levels, given that it was an update, could be moved to a lower priority.

Multilingual premium pay

A PUB member suggested moving multilingual premium pay from level 3 to level 1 and placing it under internal facing equity, noting that while there have been many conversations, the City has yet to take real action.

Additional topics and suggestions

A PUB member recommended adding the Washington Park Reservoir project to the list. They have been contacted by many community members concerned about the cost of the project.

A PUB member suggested considering the issue of permit fees the bureaus pay and how the cost aligns with the effort in managing the permit.

A PUB member suggested resource recovery and energy management for both bureaus as a topic and moving the BES Biogas project under this heading.

A PUB member suggested adding asset management, at level 1 or 2, with a focus on questions of sustainable asset management given that this sets rates and is tied to risk management. Additionally, the topic is timely since BES' transition involves revamping their asset management program.

A PUB member suggested a level 1 priority topic of resiliency and emergency planning and perhaps placing impacts of houselessness under this topic, noting the three seemed connected, relevant and timely, and have strong connections to equity. Several PUB members noted the importance of the topic of houselessness and its various connections to equity, financial assistance, property management, etc. Are the bureaus strategies around houselessness equitable and sustainable over the long-term?

A PUB member mentioned that a key resiliency project is PWB's Willamette River Crossing Project. They have heard that PWB is hitting some decision-points because the costs are increasing.

A PUB member expressed interest in having both bureaus present on their employee safety programs. How are safety policies and practices integrated into the work culture?

A PUB member noted the tribal liaison program and how it interfaces with PWB and BES projects was an important topic.

A PUB member recommended lowering the low-income financial assistance program to a level 2 priority because it has shown itself to be successful and there is a developed process for updates and PUB input.

Closing

PUB staff will work with Mia and Karen W to develop a revised draft for review at the September 1 Board meeting.

VI. General Updates and Announcements

Private utilities

A PUB member mentioned that they were contacted by Washington County Democratic Socialists of America because several organizations are advocating for COVID-19 relief for customers from private utilities, particularly Pacific Power and PGE. The PUB member is interested in inviting someone involved with the effort to come speak to the Board about the effort and interested in the Board considering whether it would want to support the effort in some way. Other PUB members expressed interest in

learning more and wondered if there might be a collaboration with CUB, given that CUB deals with private utilities and thus, may have additional influence.

ACTION ITEM PUB member to find out more information regarding the effort around COVID-19 relief from private utilities, e.g., the timeline, interest in presenting to PUB, and time needed for a presentation to PUB. PUB staff to assist in connecting with Janice Thompson of CUB.

Title 21

A PUB member shared updates from a follow-up conversation they had regarding Title 21. The comment period was extended until tomorrow, August 21, 2020. The PUB member brought two issues to the conversation. One issue was that, while simplifying language is good and important to do, there was a potential that some of the environmental restrictions could be loosened. A second issue was ensuring that there would be City mechanisms to retain the protections afforded by NEPA (National Environmental Policy Act) when land under federal ownership was moved to City ownership. The PUB member felt good about the conversation and that these issues will be addressed.

PUB bylaws

The pandemic temporarily suspended work on the bylaws. Now the Board can move forward. Shortly after this meeting an email with proposed changes will be sent. These changes reflect the decision the Board made to make pressing changes first and consider a deeper overhaul at a later date. At a future meeting these proposed changes can be discussed and decided about. At the Sept 1 meeting, the Board can simply decide whether to post the proposed draft revisions on the website as under review.

ARC meeting

A PUB member reported back from an ARC meeting they attended. The ARC meeting was virtual. The technical aspects worked well. The person did not show-up so the committee only had the written record to go on. The bureaus had done nothing wrong. The issues were complicated and involved who is ultimately responsible for a bill and considerations of family/individual safety. Considering the complexities and ethical dimensions the committee decided to provide a good will credit, remove the shut-off fee, and assist in making a payment arrangement for the remaining credit.

Please reply with your experiences and interests

PUB staff reminded Board members to please reply with their experiences and interests as this information will be used during recruitment and in the annual report.

SPUR updates

The PUB representative to SPUR shared that the credit went out yesterday for the first set of accounts. Next is working through the many people on the waitlist.

Group photo for website

The Board decided to take a Board Zoom photo (screen capture) at the next meeting. A PUB member with photoshop access can assist with clean-up of the photo to make it web-ready.

Strategy and Technical Services Group Managers Hiring Panel

These are new roles resulting from the transition project. BES is seeking PUB members to participate in the interview panels which would take place after Labor Day. PUB staff asked non-City staff PUB members to let them know if they have interest and availability to serve on the panel.

VII. Next Meeting

Tuesday, September 1, 2020 topics: SPUR updates, PUB Annual Report and Workplan.

The meeting adjourned at approximately 12:33 p.m.