

Portland Utility Board Subcommittee on Title 21

October 13, 2020, 3:00 p.m.

Virtual meeting using Zoom platform

Attendees:

PUB Members: Heidi Bullock, co-chair
Karen Y. Spencer
Robert Martineau
Ted Labbe

Staff:

Amy Archer-Masters, Portland Utility Board Analyst, City Budget Office
Astrid Dragoy, Senior Policy Advisor, Commissioner Fritz's Office
Cecelia Huynh, Portland Water Bureau
Eliza Lindsay, Portland Utility Board Coordinator, City Budget Office
Sherri Peterson, Bureau of Environmental Services
Gabriel Solmer, Director, Portland Water Bureau
Sarah Santner, Portland Water Bureau

Public:

Ana Brophy
Carol Cushman, League of Women Voters
Theresa Huang
Janice Thompson, Citizens Utility Board

Synopsis, Action Items, Decisions

In these notes the acronym, PUB, stands for the Portland Utility Board and PWB for the Portland Water Bureau.

The board subcommittee discussed proposed changes to Title 21 and the upcoming Council work session.

Informal decisions include:

- Recommendation for PUB to provide testimony at Council work session on Title 21.
- Plan for Ted Labbe and Karen Y Spencer to refine talking points for PUB consideration on October 15th.

I. Call to Order

Subcommittee member Ted Labbe called the meeting to order at approximately 3:03pm.

Virtual meeting guidelines were briefly reviewed.

II. Introductions and Disclosure of Communications

Heidi had usual bi-weekly meetings with BES staff on the Portland Harbor Superfund site.

Ted had the usual interactions with BES staff for his non-profit work. He has also been in contact with some of the parties that have provided input on this topic including Homebuilders, Proud Ground, and PCRI.

Karen YS had no discussions with PWB or BES but has had some conversations with external partners regarding this issue.

III. Public Comment

No formal public comment.

IV. Title 21 Discussion

PUB staff shared a summary document provided by Ted as a starting point for discussion. A PUB member identified the goal of having something to go back to the full PUB meeting. PUB decides whether to have something for the October 27th Council Work Session.

A PUB member stated that most of what is in the Title 21 update is great, supportive of what PWB is trying to do with update. Concern was expressed about individual metering impact particularly on BIPOC and low-income communities.

The key questions for the committee were 1) should PUB provide something? And 2) If so, what?

1) Should PUB make comment?

- PUB is designed to be community voice to Council, particularly with an issue of this magnitude the PUB should use our voice in that commitment.
- Note - Oct 27 is work session to air this topic, will go back to Council in November 25 for hearing on Title 21.
- There was general support from PUB members present that the board should provide comment at the work session and develop recommendations for PUB to consider at the October 15th meeting.

2) Potential content of PUB comment:

- A PUB member stated that the board won't have the benefit of all the analysis of information PWB is preparing, so need to go more macro with recommendations. May be worth pointing out that we could be of more service if timing was such that PUB had the benefit of the cost/benefit analysis before making comment. Could be more effective if engaged earlier.
- A PUB member recommended that the committee review objections that have been raised to narrow down what to highlight in comments. Examples –
 - Builders saying this would price people out of purchasing.

- Accessibility of low income program.
 - Being able to identify leaks and accurate usage.
 - Pay attention to conservation.
 - Inclusionary housing.
- A PUB member thought there needs to be careful consideration and analysis of costs before any decision to implement needs to consider not just the revenue impacts on bureau but cost impacts on residents of Portland.
 - Want a thorough analysis and not have hidden costs.
 - Equity analysis – impact on gentrification.
- A PUB member stated this is an opportunity for transparency that could reduce opportunity for arbitrary inflation of utility costs.
- A PUB member agreed with the goals of Title 21 changes but is just not clear if there are alternatives to better reach those goals.
- A PUB member recommended that PWB should update their website to include a summary or links to letters received. It would improve general transparency and what different entities think of it.
- A PUB member stated this is a paradigm shift from landlords that submeter to PWB doing this directly and billing. Even with installation, they should be revenue neutral and benefits are over the long haul. They suggested focusing on outcomes and recommendation that it is cost neutral.
- A PUB member summarized the potential subcommittee recommendation that the PUB should speak at 10/27 work session, share support for goals of changing Title 21, share concern about cost impacts and address the general points discussed and summarized above.
 - **ACTION:** Ted and Karen YS agreed to compile talking points based on the conversation to present to the board on October 15th.

During the discussion, PWB staff Gabe Solmer and Sarah Santner provided some updates on cost issues and other questions raised by the committee.

- The bureau has received 18 comments on this section of title and all but two were related to costs. Work session scheduled with Council for October 27th is just on this metering issue. Details on cost were not provided when code changes were shared with the public so it appeared that it could be 4 times the cost for 4 meters. That was not the bureaus' intention but information was not provided to clarify.
- PWB staff believe SDC costs could be held neutral as the demand is the same at the property whether coming through one or multiple meters.
- Staff explained that the plan would be to install one service and branch. For new development the goal is to hold cost neutral. Staff stated that there would be some additional cost for some buildings. They have been working with developers on estimates and appear to be approximately \$500-\$1000.
- For an ADU they estimate \$100 because it will simply branch off existing service.
- PWB is putting together a table to summarize the estimated costs and hope to have a revision out by Friday.
- A PUB member asked about billing.
 - Staff responded that currently in a fourplex the landlord pays the master meter and then they can divide among tenants. Under the new model each unit gets own bill and pay for own use.

- A member of the public asked if landlords can also add a fee when they divide these costs?
Could PWB provide a summary of the state law on this topic?
 - PWB staff confirmed that 2-4% overhead can be charged and agreed to send links to information. The following links were provided after the meeting:
 - [ORS 90.315 \(Utility or service payments\)](#)
 - ORS [90.568 \(Pro rata billing\)](#)
 - ORS [90.572 \(Submeter billing\)](#);
- A PUB member stated that they were not clear on retroactivity and will there be an opportunity to split something already existing with the same cost neutral model?
 - Staff responded that the change would not be required, but cost neutrality would apply. They have heard it is a lot more expensive to retrofit.
- A PUB member stated that it is not clear why the change is required for implementation of low income assistance program?
 - Staff shared that the voucher is not available to every multi-family, only for those with relationship to Home Forward and that doesn't serve the full population.
 - Staff responded that this is not the only solution but is one way to ensure new units on market will have ability to access the program.
- A PUB member asked how we know there are not hidden costs?
 - PWB staff responded that the bureau can only charge what is in the rate book approved by Council each year.
- A PUB member requested a responsiveness summary with a list of questions and how the bureau has responded or revised approach.
 - **ACTION:** PWB staff agreed to share a list they have compiled.
- A member of the public shared concern that separating out utility bill is not going to reduce rent. They shared concern that this will further increase living costs when there are already affordability issues for limited income.

V. Adjourn

The meeting adjourned at approximately 4:09 p.m.