

Portland Utility Board

May 16, 2019 11:00am – 12:30 pm
400 SW 6th Ave, Portland OR, 97204, Fifth Floor, Suite 507
Subcommittee Meeting

Attendees:

PUB Members: Heidi Bullock
Allan Warman
Ana Brophy, ex officio
Colleen Johnson
Dory Robinson
Micah Meskel (arrived at 11:50 am)
Mike Weedall
Ted Labbe
Van Le, ex officio

Absent:

*Dan Peterson
*Robert Martineau

*Notice of absence provided prior to meeting

Staff: Gabe Solmer (Deputy Director, Portland Water Bureau)
Jonas Biery (Business Services Manager, Bureau of Environmental Services)
Cecelia Huynh (Director of Finance and Support Services, Portland Water Bureau)
Jessica Kinard (Interim Budget Director, City Budget Office)
Cristina Nieves (Representative, Commissioner Fritz's Office)
Cinthia Diaz Calvo (PUB Coordinator, City Budget Office)
Amy Archer-Masters (PUB Analyst, City Budget Office)
Robert Tyler (City Attorney, City Attorney's Office)

Public: Carol Cushman, League of Women Voters

I. Call to Order

Colleen called the meeting to order. She reminded everyone that this was a subcommittee from the PUB and the PUB is composed of community volunteers tasked to advise City Council on items related to the Water Bureau and the Bureau of Environmental Services.

She gave an overview of the agenda which includes a discussion on the workplan schedule and agenda layout. There will also be a recruitment update and discuss meeting agenda and quick discussion on board structure.

Colleen noted the sign-up sheet for public comment. She noted comments were limited to three minutes.

II. Prior Meeting Minutes

There are no prior minutes to approve during this PUB subcommittee.

III. Public Comment

There was no public comment.

IV. Disclosure of Communications

Ted mentioned his usual interactions with mid level staffers and he will be presenting to city council about Urban forestry. He will be representing himself.

Heidi mentioned BES staff as it relates to Portland Harbor and community engagement.

Allan said he communicated with Chris Lannerd and Denny Allison as they did annual report.

Colleen was unsure if it was a disclosure of communications but that she met with the reviewing subcommittee about recruitment.

Allan asked if there are minutes to that meeting.

Amy said yes, there are minutes from the May 10 and May 15th meeting.

Ana said she participated in the reviewing subcommittee meeting.

Amy mentioned there are two announcements. One being the new ex-officio member Brian Laurent from BES.

Brian said he has been with BES for about 13 years now. He currently works for the MS4/TMDL team, which provides governance and auditing of programs and operations required to maintain water quality in the storm systems to protect surface water. The program complies with regulatory rules and permit requirements, which come from the Clean Water Act, which are administered by DEQ across the state. He is part of a small team which includes the program manager and himself. He is the program specialist and has been in this role for 3 years and he is excited to be in this new role at PUB.

Jonas said that within the context of budget and Portland Harbor addition. \$6 million were added, an agreement with the EPA. State and security in 12 million, being 6 million up front for this fiscal year. This would encourage the new design to start happening now.

Jessica provided an update on the post for the Portland Utility Board coordinator position and encouraged the PUB to share with their network. She sent an email asking for interest in participating in the interview process. The first round would include one or two PUB members, a member of the council office, a member of the bureaus and a member of the CBO office and the second round would include herself and the PUB co-chairs. Posting will close the second week of June to have interviews the second week of June. She encourages PUB members to respond if they are interested in being part of the panel and providing her with their potential availability dates.

V. Workplan & Schedule Finalization

Amy introduced the workplan and how it has been prioritized and organized. [Document here.](#)

Amy suggested going over a layout of the topics by meeting agenda. She suggested the potential topic to talk about in the subcommittee meeting in June can be lead and corrosion control. In July the topics can be community engagement, once the new PUB members are onboarded. August can be the equity training. The future meetings were left open. Everything provided on the list was just to provide initial structure for PUB to move things around and see how it works. For the 3 hour meetings, there is prioritization of 30 minutes allocated for meeting formalities, such as, disclosure of communications, approval of minutes, public comment and discussion of next meeting agenda items. The schedule, therefore, has allocated 2.5 and 1.5 hours for work plan topics on the regular PUB meetings and the PUB subcommittee meetings.

Ted thinks the plan looks great and thanks Amy for spending the time putting it together. Ted mentions that he thought that the subcommittees would do a deep dive but without the formalities and procedures of the regular PUB meeting. He also suggests that the equity training should be part of the regular meeting so everyone can have that training.

Amy agrees with Ted. With subcommittee there needs to be an initial quorum check because there is quorum, the distinction needs to be made.

Regarding the Equity training:

- Heidi suggested swapping it for July.
- Colleen suggested to do it in August because it would be best to have a fuller meeting.
- Cinthia explained that equity was something that ideally needs to happen right away, because new members that are not part of the City and have not had an equity training will be interacting and working with City employees.

Colleen suggested to take those subcommittee meetings and have them out in the community.

Amy said the logistics for that can be manageable. It depends on the intent of the conversation that will determine how the public will be engaged. This intent would also determine the time of day. That is what PUB needs to identify.

Colleen suggests to just do it and give it a shot. Her concern is that the PUB has been talking about it for a while and following through has become the challenge.

Cinthia said that an option can be to have the Tuesday evening meetings be reserved for the subcommittee and the Thursday 'morning' meeting be reserved for the board meetings.

Ana said that, while it is good for subcommittee to engage the community it is important the PUB engages with the community, not just the subcommittee.

Colleen said that time would be an issue and problematic to those that have jobs.

Ted agrees with Colleen that they need to just try it out. He suggests interim steps in between the goal of having the PUB be rotating in geographic locations. He suggests a meeting with the neighborhood in which a couple of PUB members can co-host and have minutes. Partering.

Allan asked if there was a list of meeting associations, if any one would go.

Ted said he would go.

Allan asked which associations would be on the list.

Ted said associations that PUB has never associated with in the past; somewhere in the SE.

Allan said that there is a Madison, he also suggested the one downtown that is more business oriented. He asked if the on on Madison would be an interest to anyone.

Amy said that would depend on the topics they have and the intent of the PUB.

Van suggested PUB staff could contact Civic Life to find out which neighborhood associations would related to the work PUB is doing. She adds that neiborhood associations have very full agendas.

Amy said that depending on the topic, PUB or the associations would generate interest to provide direct input. The conctect and outcome becomes really important.

Van asks if PUB really sees it as a partner co-hosting meeting or sees this more of a fieldtrip, where a few PUB members would attend and engage and talk and attract, because she doesn't imagine it as a full PUB meeting. A PUB co-meeting would take a lot more organization.

Amy said that would depend on the topic and intent of PUB.

Van suggests objectices:

1. Generate interest to attract people to the PUB – members talk about personal experience and not representing PUB. (attract and grow as a board)
2. PUB volunteers go out into the communities and seek input on topic X. Check out neighborhood associations to just listen and interact. (grow in ideas)

Ted suggests for the meeting to be a bit of both; to get on the agenda and share what PUB is all about but also pick a topic that PUB is also discussing to seek input. He thinks it can be done if PUB is efficient.

Mike agrees with Ted and Van and thinks they are on the righ track.

Colleen what would be the way to bring it back to the PUB or subcommittee.

Van said it would be a fieldtrip report.

Amy supports this route and suggest figuring out the first couple meetings because this means organized work by bureau staff as well.

Brian wonders if the timing would be better to include it at the start of the season to be able to engage people rather than the middle of summer.

Lead Corrosion Control:

- Colleen added that a member of the public wanted to have more of a discussion or conversation around corrosion control, and not just another presentation.
- Ted suggested that not just City of Portland needs to do the information sharing or the presentation, Multnomah county health department can also come to PUB and educate PUB about lead. Bureaus have a lot to learn on how to engage beyond their bureau to help tell their story. Informal meetings with other folks can help advance that conversation. He doesn't think that another presentation by the PWB would be helpful.
- Heidi agrees that the expert idea would be helpful. A panel of experts would be useful to build trust and moves PUB towards community engagement.
- Amy says these are great ideas. As far as timing this would require one person from the PUB to be willing to help PUB staff come up with the list. Moving this to fall, sometime in September.
- Ted volunteers to help with this. Heidi volunteers too to support with this.
- Colleen suggested reaching out to Lorie for suggestions. Late august or September might be good for this Lead topic.

Community engagement:

- Heidi suggested the next subcommittee meeting to be in July when the new members are onboarded.

Mt Tabor:

- Amy suggested to move it to September/October based on the input that Gabe provided.

Tryon Creek:

- Allan suggests pushing this down for later on, same as the Lake Oswego topic.

Bill redesign:

- Amy mentioned that the committee was interested in an update but there were a few members that wanted a fuller conversation or a subcommittee.
- Colleen said that she when to an Administrative Review Committee and said that anyone who is interested that they can attend because they are now public.
- Ted confirmed if this is for the ARC and if it applied to all BES ARC meetings. He wants to understand how ARC meetings work.
- Amy suggested adding that topic to the agenda for after the new PUB members are incorporated in July.

Water efficiency and drought:

- Water loss topic has been raised by the public.
- Ted said that the timeline for this topic might be determined by the Water Efficiency Program and it's time to announce a rebate of their water-bill for a permitted onsite grey water system.

Micah arrived at 11:50am, this means the subcommittee now has full quorum.

Clarification on quorum: The subcommittee agenda continues as planned. The only thing that changes is the the public notices and updates. If it is known well in advance that there will be quorum during a subcommittee meeting, then the meeting needs to be posted as a regular PUB meeting. However, if a quorum happens to form on the day of the subcommittee meeting, then the update would be provided on the minutes.

Micah mentions that for the Mt Tabor field trip, it would be useful to have a Parks ranger come along with PUB.

VI. Recruitment Update

Cynthia provided update on subcommittee meeting twice already and had great discussion on the applications. The subcommittee decided to interview 8 candidates. 6 of them are booked already and I just need to coordinate with Mike Weedall to get him booked.

The interviews will take place Friday May 17th between 9:30 to 2:30. The meeting and interviews will be public as code outlines. The recommendations will be coming back to the June 4th PUB meeting. The interviews will be in person.

Micah asked why the meeting/interviews need to be public and doesn't recall the interviews being public. He asks if other candidates will be able to be present during other peoples interviews.

Cynthia clarified that the expectation for the candidates is to come in only for their allocated time frame and the general public can be present during the interviews.

Robert Tyler is nodding yes. (City Attorney)

Ted mentions that the candidates would be intimidate.

Cynthia explained that she has provided ample notification to the candidates that the meeting/interviews will be public.

Robert clarified that interviews for advisory bodies need to be public, unless they call it an executive session to have the interviews be private. The deliberation would still need to be public. A quorum of the subcommittee would still be held to the same rules as PUB.

Van explains that what she knows is that advisory committees can hold nominations and there were no such requirements for those meetings.

Robert explains that it depends on the type of advisory body.

Van asks then if PUB was held to the same regulations before.

Robert explains, because PUB makes recommendations to City Council, it is a type of body that needs to comply with the Open Meeting's Law. If a quorum of a subcommittee formed by PUB meets for the purposes of deliberating, then that would need to be done in a public setting. There are some instances where you can go into executive session, and there are specific requirements for that. However, generally when a public body meets for the purposes of deliberation, they have to do so in a public setting.

Van asks if PUB has been doing it is less than appropriate.

Robert said that this process is something that Council with the boards and commissions is trying to educate all advisory bodies on – the appropriate way to comply with the law. Currently there are a lot of bodies doing a lot of things differently and they are trying to train everybody up to the appropriate standard.

Van provides a hypothetical example: If Van wanted to join the PUB, she would need to apply and her application is open for everyone to see. Then if she is selected to the review process, then that is open for everyone to see. Lastly if she is invited for an interview then the interview is also open for everyone to see. – She explains the every step of the process is open for everyone to see and she is concerned with the Equity component. Not a lot of people would be open to exposing themselves that way.

Robert says that that is why the executive session may be an option. He mentions that applicants need to understand that exposure is part of the deal when applying for a public service on a board like this.

Ana asked for clarification about notes. Amy explained that the notes will need to be collected and they were not theirs to keep.

Allan mentions he does not remember any previous PUB member needing to go through this process to be reappointed to PUB again. He asks why is Mike having to interview to be reappointed.

Cynthia explains that PUB members needed to reapply and go through this process from the start in order to be in compliance. For every term the applicant needs to reapply and cannot just be reappointed.

Allan mentions that PUB has reappointed in the past.

Amy adds that PUB has done many things in the past that have not been fully compliant.

Ted is concerned about the process driving people away from applying.

Amy said that since there is quorum today, someone can make a motion.

Ted made a motion that IF it is permitted PUB would like to conduct the interviews under executive session.

Allan second the motion.

Motion passed unanimously.

Heidi suggests a follow up phone call to the candidates so they can understand what to expect. Ana asked about the conflict of interest for two of the candidates

Amy mentions that both of those conflicts have been resolved. The form defaults to yes and it's something that has been flagged to Civic Life.

Allan asks if two of the interviewees are city employees.

Amy confirms yes. 2 out of the 8 that will be interviewed.

Colleen mentions that by ordinance there are 4 individuals two from each bureau 3 are non-voting ex-officios and 1 is a voting member assigned for being a represented employee. She said the reviewing subcommittee had an issue come up mainly because of what Allan said that there are two applicants that have ties to the City – one of them is a direct employee from BES and the other is a subcontractor. Colleen said she has concerns about adding more staff members to the committee. She adds that PUB already has 5 individuals, who work in the City, who are on the board. She clarifies that not all of those employees have a vote but that they certainly had a voice. She thinks there are very articulate ex-officio members who, in her view, have influenced discussions. She thinks that the if the % of City employees on the board increases, then it would change the whole purpose of the board. In terms of Citizen/resident oversight. She thinks its important to have a discussion on what the composition/structure of the board should be and set some limits. Besides the 4 people, there is plenty of staff involvement. She doesn't think the PUB lack of staff input.

Micah agrees with many of Colleen's concerns and also thinks that as an advisory board it should represent the community, however he did advocate to interview the two candidates that had affiliations with the City because both of their applications showed their connection and skill set with a diverse set of communities. They not only have personal connection but they have professional affiliations to many different communities. Through the interview process, Micah wants to clarify and learn more about who they are and who they represent.

Heidi adds that she shares the same opinion as Micah.

Colleen says that she understands but she also thinks if someone is an employee of the City, then they are an employee of the City. She clarifies that she doesn't think that City employees would think only of themselves in terms of their position, but she does think that there is a public perception, and being a City employee would be their profession and who they are. She thinks it is difficult if not impossible to switch hats and come to PUB ready to discuss about the bureaus they work for when it is their livelihood. Colleen thinks that an oversight body and its function is diluted if the body has more employees than what the ordinance calls for.

Mike clarifies that Dory's appointment didn't come until after, and she is an employee of the Bureau of Environmental services. He asks if Colleen included Dory in the 5 employees that she mentioned.

Colleen confirms yes, Dory is included in the 5.

Mike adds that while professional experience is important and that there is value in City employees' input, that it just doesn't fit with the professional experience that he has had.

Micah adds that he believes that everyone in PUB seems to be representing themselves pretty fluidly, balancing their personal and professional roles. He still wants to hear from those candidates to see where they see themselves within this context.

Cinthia adds that it's important to keep in mind members that serve on boards can eventually lead to a position with the City because of the nature and frequency of interacting with member of the bureaus. For example: Dory was not a City employee prior to being on the board and her affiliation and interactions with PUB may or may not have led to her finding out about a job opening. Now Dory is a City employee and is not even associated with the either BES or PWB.

Colleen says she doesn't think that every average citizen out there distinguishes BES, the PWB, Bureau of Development Services and neighborhood associations; they consider them as City employees at large. She thinks its irrelevant what bureau they are employed by – the concern is with City employees.

Allan thinks that at any point when a board member becomes a City employee, that they should resign from being on the advisory body.

Brian explains that there is a public perception doesn't distinguish between BES and PWB and he believes its important to distinguish the different value that each adds. He asks PUB if they see themselves playing the role to inform and help the public understand the difference.

Micah nods yes and supports Brian that PUB should be taking a bigger role in educating and engaging the public.

Colleen said yes, and adds that PUB has been very effective on doing that. She said that it's not easy to figure out how to help educate and make that distinction with the public.

Van asks about biases for and against a candidate and thinks it's concerning to discuss those biases because it sounds like it's saying they don't want to hire someone because they are pregnant, or short haired. If the current processes allows applicants from any background, then PUB also must follow that. The PUB needs to be careful about making statements and forming consensus that suggests that some candidates have a higher probability or less of a probability to being admitted to the board.

Mike says it a characteristic and a conflict of interest.

Van add that if she is correct, there is a form that outlines conflict of interest that everyone on the board has filled out and everyone on the board has passed the conflict of interest and otherwise they wouldn't be on the board.

Amy mentions that some of the candidates have disclosed potential conflicts and it is through the interview process that they can explain what that conflict is and how it would be mitigated as a member of the board. Amy adds that conversations about biases can be very uncomfortable but also very good conversations to have because it daylight(s and its how the interview process starts) that everyone has biases and its important to share what those biases are and how it interacts with the decision making that is about to happen. It is important to understand that in order to have an effective process. The second thing is that the current process is compliant and PUB is operating under legal boundaries, a longer conversation that PUB may need to have to change that, but the current process does not prohibit making a decision based on whether someone is a City employee. The expectation is still that the subcommittee will work within the existing bounds of code and bylaws. If the code and bylaws were to change in the future based on these conversations, than that change needs to be made formally based on the adoption of changes to the code and bylaws. She says that Colleen wanted to bring this up as an early conversation, however the outcome of this early conversation will not change the current process.

Van suggests that CBO staff researches what kind of bylaws or changes can happen for the next round of nominations and encourages against PUB forming a consensus that biases one way or the other (city-employee or non-city employee). She thinks it would be inappropriate to bring that up with this set of candidates.

Amy adds that Colleen has shared her concern with the subcommittee and the subcommittee considered that that decided to still move forward with those candidates based on the skills and qualifications. The employment within the city is part of somebody's skill sets and experience which is part of what is formally considered in considering candidates. Ultimately this consideration and selection is what the reviewing subcommittee is tasked to do. Being a City employee is one of many elements/factors just as it is being an engineer or overrepresentation of a certain type of industry. Amy confirms that it is still relevant to consider this element tomorrow and because it has been daylighted by someone in PUB.

VII. Discuss next Meeting Agenda

June 4, 2019, 4pm, 1900 SW 4th Avenue, Room 2500 C

Agenda: Appointment recommendations, BES strategic plan update, there will be the board structure discussion and flag bill redesign, chartering and protection of the Bull Run.

The meeting adjourned at 12:30 pm.