

Mayor Wheeler and Commissioners,

The five Portland Utility Board (PUB) members listed below are resigning as of June 11, prior to the end of our terms. As long-serving Portland Utility Board members, all of us would like to go on record about an issue that we believe is central to the Portland Utility Board's ongoing success.

The mission of the Portland Utility Board as stated in its founding ordinance was "to strengthen oversight functions for City's water, sewer and stormwater services." To achieve that end, the composition of the PUB membership needs to assure Portland residents that they can expect independent and community-oriented oversight.

The ordinance creating PUB stipulates that there are to be four *ex officio* staff members, two from each bureau, one of whom has a vote. The result is that by ordinance almost 30% (4/14) of the Board consists of Bureau staff. Every additional City staff member appointed to the Board increases that percentage and undermines the integrity of a citizen oversight committee.

Unfortunately, what defines a community oversight committee is not addressed under Portland statutes. The PUB currently has not just the four City employees stipulated by the ordinance but five which brings the percentage of City staff on the PUB to 36%. During the recent recruitment process to fill Board vacancies two applicants, both with ties to one of the Bureaus were seriously considered, one of whom was recommended to the Board by the recruitment subcommittee but not forwarded to the City Council due to concerns about the number of City employees already on the PUB. Had the Council appointed another City employee to the PUB, the percentage of staff on the Board would have risen to 43%.

This level of city representation on an oversight committee invites the charge of bias and perceived conflict of interest. Is there a limit to how many City staff could be on the PUB? If 36% is acceptable, is 40%, 50% or higher acceptable? Would the City tolerate 30-50% of the members of the Citizens Review Committee for the Police Bureau being a combination of Police Officers and City employees? Or, more importantly, would the residents of Portland see such a committee as independent and unbiased in their review of the Police Bureau?

While it is true that three of the four *ex officio* members do not have a vote, they do have a voice and that voice is strong, articulate, and persuasive. At times, of course, this can be very helpful, but to the average resident of Portland, *ex officio* versus voting member is a distinction without a difference. What they see is employment status, not the nuances of different bureaus or parliamentary definitions and procedures.

As a Board tasked to advise on behalf of the citizens of Portland, actions that could impact trust and public perception of the Board will have an effect on the long-term success of this Board. And as we are all too aware of these days, trust and perception are malleable and easily changed as mainstream media has discovered. We believe every effort should be taken to strengthen the Board's independence from the bureaus it is tasked to oversee.

As Commissioners may remember problems of bias arose when PERS recipients were charged with oversight of their retirement system. Oversight should be the responsibility of those without a vested interest in the outcomes. City staff have an important and necessary commitment to the interests and well-being of their organizations. They should not be in positions where they find themselves both beneficiaries and gatekeepers at the same time.

Let us be clear: we are not questioning the integrity of any individual staff Board member. On the contrary, we have the utmost respect for their dedication, work, and service on the Board. However, the integrity and respect for the Portland Utility Board rest in large part on its structure and membership. If residents perceive the Board to be weighted with City employees, the independence and unbiased nature of their deliberations will be easily questioned and any trust in their recommendations to the City Council will be lost.

We believe this issue can only be resolved by the City leadership. In the case of the Portland Utility Board, we believe that if the City cares about the independent oversight function of the PUB, as stated in the founding ordinance, the Mayor and Council need to clarify the appropriate level of staff involvement. We also encourage the members of the Portland Utility Board to review their bylaws and make clear that beyond the language of the ordinance, voting members of the Board should reflect an independent voice in the community and not be employed by the City.

Thank you for the opportunity to serve the City of Portland.

Sincerely,

Allan Warman  
Colleen Johnson  
Mike Weedall  
Dan Peterson  
Lee Moore