

Portland Utility Board

July 2, 2019 3:30pm – 6:30pm
1900 SW Fourth Avenue, 1900 Building, Room 2500C
Meeting #70

Attendees:

PUB Members:

Heidi Bullock
Kaliska Day
Ted Labbe (joined by phone 4:10 – 6:00pm)
Robert Martineau
Micah Meskel
Dory Robinson
Mia Sabanovic
Gabriela Saldaña-López
Karen Spencer
Karen Williams
Ana Brophy, ex officio
Brian Laurent, ex officio

Absent:

Sara Petrocine, ex officio*
*Notice of absence provided prior to meeting

Staff:

Gabe Solmer (Deputy Director, Portland Water Bureau)
Ken Bartocci (Financial Planning Manager, Bureau of Environmental Services)
Mike Jordan (Director, Bureau of Environmental Services)
Jaime Dunphy (Representative, Commissioner Fish's Office)
Cristina Nieves (Representative, Commissioner Fritz's Office)
Alexandra Martin (Executive Assistant, City Budget Office)
Amy Archer-Masters (PUB Analyst, City Budget Office)
Meghaan Davis (Office Support Specialist, Office of the City Auditor)
Maja Haium (Deputy Attorney, City Attorney's Office)

Public:

Carol Cushman (League of Women Voters)
Janice Thompson (Citizens Utility Board)

I. Call to Order

Robert called the meeting to order. He reminded everyone that the meeting was of community volunteers tasked to advise City Council on items related to the Water Bureau and the Bureau of Environmental Services.

He gave an overview of the agenda which included:

- Swearing in New PUB Member Appointees,
- Comprehensive Rate Study – Preliminary Input Session,
- PUB Co-chair Recommendations,
- Bilingual Premium Pay Support,
- Advisory Board Volunteer Training, and
- Portland Harbor Quarterly Update

Robert noted the sign-up sheet for public comment. He said comments were limited to three minutes.

II. Prior Meeting Minutes

Alexandra had circulated the draft minutes from the June 4, 2019 meeting. Robert asked if there were changes or corrections to the minutes. Micah had made edits and these were reflected in the version online and circulated to members. Seeing no further corrections or revisions, the minutes were accepted.

The May 16, 2019 minutes were corrected by Brian; PUB received these minutes by email and there were hardcopies available at the meeting. The May 16, 2019 minutes with revisions were accepted.

III. Public Comment

There was no public comment.

IV. Disclosure of Communications

Micah disclosed his communications with Commissioner Fritz on the Charter Protection of Bull Run.

Robert disclosed his communications with Commissioner Fritz on the Charter Protection of Bull Run.

Heidi disclosed communications related to BES, Portland Harbor, and community engagement.

V. Swearing in New PUB Member Appointees

The following PUB members were sworn in by Meghaan Davis of the Office of the City Auditor: Kaliska Day, Gabriela Saldaña-López, Karen Spencer, Karen Williams, and Mia Sabanovic.

VI. Vote of Thanks

Robert introduced a vote of thanks for members who served on the Board and recently left.

Dory motioned for a vote of thanks.

- Micah seconded the motion.
- All aye. Motion passed.

VII. Comprehensive Rate Study – Preliminary Input Session, Ken Bartocci – Financial Planning Manager, Bureau of Environmental Services, Deborah Galardi, Galardi Rothstein Group

Ken introduced himself. He said he coordinates budget development, systems forecasting, and work associated with rates and fees.

He spoke about the Galardi Rothstein Group. This group has been under contract for less than one month. They would like to engage PUB as a key stakeholder. The presentation introduces goals and work. The session will also be an opportunity for Galardi Rothstein Group to listen to PUB's input.

Deborah discussed the work of the consulting team including the context for the study and the approach.

Deborah introduced herself. She is the project manager for the study. She has 30 years of experience in water, wastewater, storm water rates and charges. She has direct government experience; she served as a project manager for Mayor Katz.

She mentioned management personnel missing the meeting. Eric Rothstein was not able to attend and Andy Reese was at an EPA meeting on storm water finance. Both Eric and Andy are nationally-recognized facilitators, trainers, and experts in water-related rates and charges.

She acknowledged BES is a complicated system geographically, operationally, and financially.

The Group has worked with similarly complex agencies internationally and nationally. They are experts in the industry. They will help identify practices that are tailored to the bureau.

Deborah said the bureau has a three-step financial planning process. The project scope is focused on equity of service. The rate study takes overall costs to see how they should be distributed.

Karen Spencer requested copy of slides; Ken said they would be provided. ([Slides are available online](#)).

Deborah said it has been over ten years since there has been a review of underlying methods and approaches. It has been the policy of Council since 1977 to observe cost service principles. According to this principle, it is advisable to adjust rates annually to keep up with inflation and smooth rates to avoid double-digit rate increases. Industry-wide it is equally standard to not do cost of service increases. There are associated equity issues. A five to ten-year period is typical for reviews. This rate study has been in process for a few years; it is time to look at methods, rates structures, and credit programs. The study will provide a basis going forward and be in alignment with current policy frameworks.

The cost of services model aligns the cost of systems and services performed by utilities and recovers costs from customers in proportion to their use or impact to the system. Costs are related to wastewater versus storm water and to the quantity and quality of water discharged. There are also specialized services in the industry; for example, industrial monitoring in the Portland Harbor program.

The cost of service model identifies current service parameters; Deborah referenced slide 9. Costs are aligned into service parameter buckets and allocated to customer classes in proportion to their use. An example is sanitary sewer flow. This is related to volume. Other parameters are related to sanitary strength. An aspect of the study is to consider if the bureau is looking at the right parameters when categorizing customers, how they estimate impacts, and the cost allocation process.

The screenshot of the example residential bill ([slide 10](#)) shows how the bureau recovers costs from the customer for sewer, storm water, etc. Water volume is not included in the scope of the study because it is managed by Water Bureau.

The project work plan and framework will be in alignment with the bureau's strategic plan and support long-term financial and operational sustainability. The plan is within industry standard practices with tailored solutions for the bureau. The work plan is consistent with the equity framework and legal requirements.

The consultants don't want the product to be too complex for the bureau to implement; they also want the customers to be able to understand the rates and charges.

The work plan has three phases. In phase one, through October 2019, they will be working on due diligence and the environmental scan. This includes understanding data, systems, and stakeholder concerns. It will also include identifying the most important equity considerations.

During phase two, through August 2020, they will be identifying a select subset of approaches and developing a technical analysis.

In phase three, through May 2021, community engagement will take place in preparation for rates implemented in the next fiscal year. Engagement is also happening earlier than phase three. After phase one there will be a more well-defined engagement approach.

The environmental scan includes PUB, CUB, bureau leadership, the commissioner's offices, finance, and technical staff. They are working to understand the current rate model, budget, and programs. The stakeholder engagement will help the consultant identify and refine the policy framework for the study.

In addition to the cost of service analysis, there will be analysis of a series of other charges that are part of the rate fee ordinance adopted by the bureau. They are tasked with a comprehensive review of rates and charges.

Through October they will be working on data collection and benchmarking based on experience and targeted outreach to identify other utilities with similar characteristics. They will

be considering green infrastructure and other areas of interest identified by bureaus and stakeholders.

They will formulate a short list of alternatives by phase two.

Kaliska asked if they are just looking at the City of Portland.

- Deborah said yes and within the City, BES.

Kaliska asked how they handle public spaces. She asked if parks were classified as commercial.

- Ken said there is a detailed method for billing parks.

Kaliska asked how storm water is factored in.

- Deborah said she would guess they are commercial class of customer. They will look at how BES is assessing customer charges and classes. The result should be an equitable refinement to rate schedule components.

Mia asked if age and condition are considered in forecasting.

- Deborah said yes, they factor in cost (in terms of when needs to be replaced). This is not part of the rates cost of service but part of the revenue requirements.

Mia asked for more information on the equity evaluation.

- Deborah said there are different perspectives. This is part of the listening phase. She said they would like to learn what it means to PUB. Within the industry it means you pay in proportion to your impact to the system. This study will consider if customers have been categorized appropriately. A growing part of the industry is looking at affordability. Cost of service principle is a key framework but there are also other considerations.

Dory asked Deborah to elaborate on the map on [slide four](#).

- Deborah said this slide is an introduction to the project team. It is showing that they have worked in many geographic areas that may be appropriate to benchmark against. The regions can provide perspective on Portland. The consultants know about the characteristics of utilities in different areas. For example, they might say Detroit does something that is relevant to Portland.

Dory asked about the slide on the cost structure breakdown and about the phasing out of clean water rewards.

- Deborah said they were evaluating with respect to the perspective of the of study and if there are better ways to achieve results.

Dory suggested meetings to get feedback on equity earlier in the process. She encouraged and expanded group of stakeholders. She suggested starting with equity managers at bureaus.

Micah said they need to think about the equity impact especially when thinking about base rates and Portland Harbor. There are technical components, for example the constraints of the state-wide policies. He would like the consultant to look at potential routes for the City to advocate and lobby for adjustments around rates charges that would align with other priorities around equity or conservation.

Deborah said there are legal requirements specific to system development charges.

Brian noted that for storm water permits, currently the City provides an incentive program so people can control storm water. He said DEQ will want to see that as part of the storm water program. He asked if BES have the authority or ability to coordinate with other bureaus to help with financial aid for people who don't see a bill.

Ken mentioned the multi-family unit affordability program and the rental assistance program. He said the bureau pays into Home Forward which provides extended rental assistance equivalent to what a typical renter would incur. It is funded by BES and Water proportionally.

Dory noted that for the system development charges that large projects have development issues and the consultants and the bureau could look at evaluating fees and developing waivers.

Karen Spencer said Portland is on the forefront on storm water rewards. She asked if benchmarking will also look at who is doing innovative things so they can consider what could or should be done.

- Deborah said Portland has been a leader in several areas. In terms of addressing emerging issues, they have thought of some ideas to consider but they are in an early phase. They are not constrained by what others are doing.

Ken thanked PUB and said they would be back to engage PUB again.

VIII. Commissioner Fritz

Commissioner Fritz asked PUB to stay focused on equity and those who need help on their water and sewer bills. She said getting assistance information out is something the City could use help on. Water and storm water issues are fascinating and are basic services everyone needs. She thanked PUB members for serving and said she was looking forward to their advice. She noted Council does take PUB recommendations most of the time. The want to have a thorough process. The commissioners both send their staff. She noted the CUB member had to leave but that community engagement has been different in the past. It has been controversial at times. Hundreds of people would show up at the Water and sewer rate hearings. There was a lack of community involvement in decision-making. This year they didn't have a single community member attend. People recognize PUB has helped right the ship. Some things were related to messaging and some needed to get fixed.

The Commissioner said she spoke last month about the ballot measures related to the charter protection of Bull Run; it is up for November 5th. The other clarifies if mutual aid agreements can be entered. This is a reaction to being told the bureaus shouldn't have sent employees to Katrina; they were told rate payer funds cannot be used for these purposes. Commissioner Fish has noted this is a training opportunity related to earthquakes. It is essential staff know how to get things done. Aside from the moral duty to assist, participating in work in other jurisdictions helps staff train for emergencies. Commissioner Fritz said there is no fund raising for these measures. She was relying on word of mouth.

She wished members the best in their service.

IX. PUB Co-chair Recommendations (Decision)

Amy said that because the two previous co-chairs resigned early there are now two openings. These chairs are appointed by the mayor based on the recommendation from PUB. If there is no recommendation the decision would come from the mayor or the commission in charge.

She noted this is the first meeting of the fiscal year. They would have been voting on one chair but due to the resignation they are voting on two. She recommended that they suggest appointing one chair into a one-year term and one in a two-year term, keeping the appointments staggered as in the past. The opportunity is open to anybody. It does not require tenure. The responsibility is to run meetings and to help with planning and prioritizing. Some communication takes places with the full board. The chairs help with interim planning. There are occasional meetings with bureau staff to prepare for meetings. During the budget process they are the face and voice of the board when bringing recommendations to Council, though others do volunteer. Meetings with Council offices or others normally involve the co-chairs. The role does require more time.

Amy suggested the process could include a couple of minutes of comments on candidates' level of interest and commitment and then the Board can vote to recommend. Because of the voting requirements there must be at least six votes for a majority or quorum. If there were not six votes for both, Amy will take information back to leadership and get their recommendation. There is a clear code requirement to have co-chairs. This eases the burden and helps ensure one attends most of the meetings.

Rob suggested they vote on the two-year term and then the one-year term. The two highest vote getters will move forward.

Rob opened the two-year appointment for co-chairs.

- Dory nominated Heidi Bullock.
 - Micah seconded the motion.
 - Heidi accepted the nomination
- Ana nominated Ted.
 - Ted thanked Ana but said he could not accept.
- Ana nominated Micah.
 - Micah accepted.
 - Heidi seconded Micah's nomination.
- Brian nominated Dory. He asked if this is acceptable as an ex officio. Robert said it is appropriate.
 - Dory accepted the nomination.

Robert said hearing no other nominations, he asked each candidate to state why they would like to be co-chair.

Heidi said that she wanted to be on PUB initially because she cares about clean drinking water and healthy watersheds. She said it is important that water and watershed health is maintained and preserved for the community and future generations. She brings a technical background; she knows how to clean contaminated groundwater and enjoys the topics the PUB discusses.

She said she enjoys civic service. Her interest goes beyond a feeling of responsibility; she wants to give something back and help shape policy. Regarding being a co-chair, transparency and concise and clear communications are important. She said she would increase the amount of communications and PUB would see more emails. She would chair the Board with inclusivity.

Micah said he would also send more emails and said there should be healthier food at the meetings. He said he has been on PUB for 2 1/3 years. His work is in conservation and environmental justice. He is entrenched in community organizing. He is excited to be with a new slate of members from diverse backgrounds and with connections with the community. He is concerned with building trust with the community. He would like the community's interests and concerns to inform the work of PUB. As co-chair, his priority would be building trust, harnessing the passion and interest the community has about water, and better informing City programs. He would like to build on new programs like the low-income assistance program and community involvement in the Portland Harbor. He would like to see the community included in decision-making and to use community feedback to inform other issues.

Dory said she started serving on PUB around the same time as Heidi. She said it is important how co-chairs represent the board. Dory believes the co-chairs should represent the issues and values of the community. Dory works for the City of Portland; her role includes working as a small business liaison. She has ties to communities of color in Portland as well as other groups who are traditionally marginalized by government. She would like PUB to focus on how communities are impacted by the Water Bureau and the Bureau of Environmental Services. She supports going to actual community locations where people gather so PUB can be physically present and sit in discomfort. She said she is good at being in roles that cause others discomfort. She uses discomfort to fight for a path to dialogue. She said the PUB should focus on the residents of Portland and not just Water and BES initiatives. She acknowledged that the other candidates are incredible and that even if she is not a co-chair she is excited for the future of the board.

Robert invited discussion.

Mia said she liked the idea of going to places where people gather.

- Dory said there is tension as to how to accomplish that and if PUB can feasibly achieve that. She believes it is something they can do. She said regardless who is in the co-chair role, PUB has talked about refreshing their bylaws and bringing recommendations to council. She said they need to think about if the rules have the impact they need them to have. She said she would like to revisit the bylaws as soon as possible. She added that on the topic of meeting location, there are spaces downtown that would be better to host a meeting than archetypal bureaucratic buildings.

Mia asked Heidi if she agrees with Dory.

- Heidi said yes; the meeting locations can and should be changed. She said PUB should alternate neighborhoods and areas. This change should take place in the next couple of months.
- Micah said he agrees and thinks the point is important. He added that PUB should hear concerns that are not only related to the agenda and the bureaus' work. They should engage community groups like NAYA and the East Portland Action Plan to think about conversation they would like to have.

Karen Williams asked what would inform their agenda setting, how meetings are run, and how agenda items are prioritized.

- Heidi referenced the work plan. The work plan was the PUB's attempt to take many topics and issues and prioritize. She said she was not sure how the agenda was developed in the past but that PUB members need to be driving the agenda. She got the sense that the bureaus' topics get added to the agendas. She said PUB needs to be able to anticipate needs for decisions and opportunities for input. They should not just receive information but contribute before initiatives are already developed. The work plan is the first step in that goal.
- Micah said he would like the agenda setting process to be more inclusive of the entire board. He would like to create a subcommittee to consider what PUB is hearing from communities versus what is needed from the bureaus. He also referenced the work plan and said PUB should be more adaptive and work together to set the agenda.
- Dory said in addition to the work plan, PUB operates seasonally. There are themes and buckets throughout the year. During winter they focus on FTE and positions. In summer, the agendas open up and bureaus bring issues they would like PUB to weigh in on. These cycles impact how they address items on the work plan. She wanted to acknowledge how new members bring community connections and skills with them. She encouraged new members to bring ideas and topics to explore. She said the process for bringing topics to the co-chairs should not be secret. She said she was not sure what the current or previous process was to bring agenda topics. The precedent is the seasonal cycle is but this does not have to be a permanent rhythm.

Ted said he was concerned they wouldn't have current members to run. He said they know that the PUB co-chairs positions represent a significantly higher commitment of time. There are more meetings with electeds, BES, Water and Budget Office staff. He asked how the candidates feel about the additional time commitment.

- Micah said that question was relevant for me. He said he did consider that when he was thinking about taking on the role. He said they have two great candidates with vision. He does have concerns about his capacity. He said he is considering stepping back and supporting the pair of Heidi and Dory.
- Dory said she has considered the time commitment. She said she does not think the co-chair role must be as draconian as it traditionally has been. She thinks everyone on the board should know what the Board is doing and saying. She said members can shadow in when co-chairs are meeting with directors and commissioners. She said she does not see that happening currently. She said she would to the role but there may be times when she is not available. Members would know the most recent communication and there and would not be a bottleneck. She would like to see horizontal leadership so people know what is going on and can step in to co-chairs discussions and tasks.
- Heidi agreed she would like others on the Board to help. If she is falling short or shirking duties she will reach out for help. She would like to think the board work together. She said she does have some concern about her capacity but that she is good with being organized.

Mia asked how the candidates envision updating the work plan. She said she didn't see it developed. She asked how they see tracking deliverables of the plan.

- Robert said they bring it up as a board and create the list. This is not only a co-chair question. They all make sure there is space for topics, for example the charter protections of Bull Run.

Mia asked if there are any desires for modifications to the process.

- Heidi said this open process is how the board has developed the work plan in the past and should continue.
- Dory agreed.

Ana said they have had challenges with communications in PUB before. She asked the candidates what their communication style was and what they would do to improve communications. She also asked what they would do with minority opinion and disagreements.

- Dory said she is very direct and doesn't mince words. She said discussions can be uncomfortable. She said it would be good to start meetings with more equity-oriented commitment to safe spaces. She said when having discussions, it is important to meet people where they are. She said it is a vulnerable experience to express an opinion and more so a professional opinion. She said she wants to be called out for mistakes and does not want members to think they cannot question me or question roles.
- Heidi said she is direct though quiet. She said she is more comfortable in the written form. She is not afraid to speak up when needed and when she feels strongly. She said she will make sure she is an active participant. She echoed the need for meetings to be a safe space. She said they need a space where everyone's voices are heard. The space should be respectful so people are able to share concerns and ideas. She said she is curious and has a background in science and likes to learn.
- Micah said he supported a direct communication route within the consensus committee. The co-chairs have a dual role of voicing opinions, facilitating conversations, and allowing arguments to be nuanced while working towards consensus. He said if he were not rescinding his acceptance of the nomination he would facilitate with that in mind. He said it is important PUB has a diversity of thoughts and they need to have discussions on how they communicate as a board and designate a clearer way to communicate. This should be reflected in the bylaws.
- Dory said when one person is dissenting the tone is twelve angry men. She said she really valued Mike Weedal's work on the board. He has financial acumen and unpacked complex ideas to provide valuable information. There is need to capture those voices, as Micah said. The board should strive for the best outcome.

Micah officially removed his name.

Robert opened vote for the two-year term.

Brian wanted a clarification on the terms. He read in the bylaws that initially the terms were staggered and then the co-chairs would have two-year terms.

- Amy said Allan had the remainder of his term, the next vote is for the remainder of Allan's term.

Rob reintroduced the vote for the two-year term.

- Heidi received three votes.

- Dory received five votes.
- Rob announced the PUB will recommend Dory for the two-year term as PUB co-chair.

Rob introduced the vote for the one-year term.

- Ted said he recommends Heidi.
- Heidi accepted.
- Dory nominated Micah.

Rob said there were two candidates and asked if there would be further discussion. Seeing none he opened the vote.

- Five voted for Heidi.
- Micah received no votes.
- Rob announced that PUB will recommend Heidi for the one-year term as PUB co-chair.

Ted said he is excited that Heidi and Dory will be co-chairs and that their leadership model is different for PUB. He said he is signing up to be a loyal lieutenant for the co-chairs and will help lighten the load. He said he would step-up in signing up for administrative review committee and helping with the staffing interview process. He supports the statements of the two co-chairs and said in the past leadership was top-down and sometimes voices were heard and sometimes they weren't. He said he was excited to support Heidi and Dory.

X. Bilingual Premium Pay Support (Discussion/Decision)

Robert introduced the bilingual premium pay item. He said this was an opportunity to support premium pay for multilingual employees. He suggested they discuss the letter and, if agreeable, submit it as PUB's position to the bureau directors.

Karen Williams said she would like more information. She asked how multilingual duties are assigned and if they are within the position description as part of the employee's duties.

Robert said that sometimes job posting say the skills are preferred and sometimes the employees will use those skills in their job. This is a topic labor organizations have brought up for several contracts. There is growing support for premium pay. The Bureau of Human Resources and Commissioner Fritz are considering it. The City benefits from those skills in employees. Currently, interpretation is provided by a language line in call centers. This involves a phone with two handsets. The individual would be speaking with the interpreter. The intent of the letter is to say we support convening a discussion to address this issue, to be more equitable, and to better serve communities.

Amy said there are a few positions required to have language skills but they are currently not paid differently. Recruitments are designed to attract a certain skill set. The City keeps a list of multilingual employees so they can tap into the list when needed.

Robert explained that he wrote the letter and is open to changes and discussion.

Amy said this issue is a priority for Commissioner Fritz. Rob had suggested documenting in writing PUB's support for the concept. This is not something the board is actively advocating for or spending time on. Because the commissioner is leading the work this letter is written for PUB's council leadership as well the bureau directors.

Mia said that as a bilingual person this is great initiative. She asked for clarification on if this is for premium for using a second language at work. She asked how the City tracks language use in field work? She asked how time is tracked if employees do not work in customer service.

Amy said she expects Human Resources to do research and implementation; at this phase it is conceptual.

Brian suggested the last sentence could be edited. Instead of saying Portland is an inclusive and welcoming city they should say Portland strives to be inclusive and welcoming. People will disagree on if Portland is welcoming and inclusive.

Rob asked if there was any disagreement. Rob suggested adding that PUB values inclusivity.

Cristina said that this is not just for Commissioner Fritz and Fish's office. She noted Commissioner Fritz is leading the work for Council.

Amy asked if the recommendation is to address it to Council.

Rob said it was appropriate to address it to all of Council, Human Resources, the Office of Equity and Human Rights, Mike Stuhr, and Mike Jordan.

Ted thanked Rob for his leadership. He said he has small changes. He said he wanted to be sure this is the consensus view and not the majority. Ted suggested adding a statement after the sentence on what the City is striving for, acknowledging that multilingualism is an important asset or skill set in our increasingly diverse city. There needs to be acknowledgement, support, and adequate pay to create conversations with new and long-term residents alike. He wanted to add an aspirational statement to say why the City needs to pay people more.

Robert asked if members would like to use consensus in lieu of majority. The board accepted the change.

Amy proposed making changes and summarizing Ted's comment based on the recording.

Rob asked if PUB agreed that Amy can make changes to the letter based on notes and the recording.

Karen Spencer suggested changing "new and old" to "new and long-term residents."

Cristina said an informal work group will be formed and suggested the PUB acknowledge BHR's involvement though noted there is not an official work group.

Robert said that does not change what is in the letter. He suggested stating PUB encourages the Commissioners to insist that OEHR and BHR convene an official workgroup.

Heidi suggested encourage instead of insist.

Rob noted he is a labor member working on this topic for a decade and wrote it with strong wording. He suggested stating PUB insists including BHR, OEHR, and labor partners in the group.

The group decided to add strongly recommend instead of insist.

Karen Williams said she wanted to be respectful of people worked on this and noted her suggestions may broaden the scope beyond the intention. She said the matter at hand is fair compensation for skills provided in carrying out in public duties. The subtext is there isn't a clear process when these skills are important or crucial in a job. This topic has been developing for years. She said the letter should not stray from its most important aspect, frame this as a first step in giving the topic the time it deserves to make it a deliberate process. The task is not only paying people fairly but also developing a program of how the City expects multilingual skills to be used.

Rob said for the purposes of this letter it is not necessary. The letter is to state PUB approves the concept. Some of the details in this issue are bound by labor agreements. The letter us meant to indicate PUB supports convening a work group to move forward and treat employees fairly. It isn't necessary to make a recommendation on the final product.

Karen Williams said she is not trying to define the process. She suggested in addition to identifying fair compensation, PUB ask that adequate resources be provided to this process so it is an effective system that uses high level and needed skills.

Dory said she is in support of what Karen is saying and that there was room in the letter to add a statement such as due to the magnitude and intricacies what PUB is suggesting, they respectfully request City Council have ongoing discussions on this complex issue.

Ana related to both Dory and Karen's statements. She said there is more going on than just compensation; the City needs a deliberate policy around what the group concludes and how it is implement. She supported using the phrase PUB strongly encourages in second to last paragraph.

Dory said there is room to reference the need to audit or review how the roles work.

Rob asked if the suggestion is to include the need for resources for the work group.

Brian said they are trying to address something that can't be addressed in the current situation. He noted for represented employees, they cannot write the job description differently. They are suggesting an auxiliary process to compensate people in the rigid confines of represented classifications.

Amy said this would likely result in changes to job descriptions. She suggested PUB was saying there is a need for clear, deliberate, and thoughtful policy development and implementation.

Rob said the intent is not to just include represented employees. This change would be for any employee.

Karen Williams suggested clarifying they are talking about both represented and nonrepresented.

Amy said they could state this is for all City employees.

Rob asked if PUB agreed Amy can put this on PUB letterhead and send to PUB's audience.

Karen Williams suggested framing the letter by stating that PUB is concerned that the process has been unclear or unequitable. She noted the pay equity study has addressed this issue for nonrepresented employees though there may still be inequities about how the issue is addressed.

Rob called for vote for Amy to make changes and send the letter.

- All in favor.

Kaliska Day asked if it is possible to have a review round.

Amy clarified that if members are voting yes, she would make changes and send the letter. She said the PUB cannot deliberate over email due to public meeting laws.

Dory asked if PUB has decided to include Karen's addition about PUB's concern.

Amy said yes.

Rob asked if there was public comment.

Robert asked for a vote to approve the letter and allow Amy to make changes.

- All aye.
- None opposed. Motion passed.

Rob said the motion carries and PUB will see the letter in email when Amy delivers to the intended audience. ([Letter has since been posted online](#)).

XI. Advisory Board Volunteer Training, Maja Haium, Attorney's Office (Information/Discussion)

Maja said the Office of Civic Life changed the training that advisory bodies receive. Her goal is to discuss the responsibilities of public officials. She said there will be a [link to a longer training](#).

She said the members were public officials by virtue of their service on PUB. They have obligations due to state law and city code. Members will be personally liable if they violate rules. If a member violates the rules, by law they cannot receive assistance from the City Attorney's Office. The Office will not be able to represent them. If they have questions before acting on something they are unsure of, members should consult the Attorney's Office. The state laws are mostly about ethics of financial gain and financial benefit. This would occur if members are in a position to use their role as an official on PUB for personal financial benefit or their family's

financial benefit. She noted PUB members do not make contracting decisions. She said it is unlikely members will be in a position to use their office as PUB members for financial gain. If there is an issue, members would be in violation and there is a statute of family members who may be implicated. She often says the sphere includes those likely to be at the Thanksgiving table. The liability is expansive. There are specific amounts which trigger conflicts, for example having stock worth \$100,000 or \$1,000 for privately held. Officials are not allowed to accept gifts. They are not permitted to accept anything of economic value, get something for free or at a reduced price prohibited. This represents a conflict of interest.

Kaliska asked if this is specific to their role.

- Maja said the conflict occurs if it is related to their work on PUB.

Dory said in her role at work she liaises with small businesses. She said she is propositioned with small gifts and services, for example coffee or having her nails done.

- Maja said this is a good example. She said she personally knows an attorney at the City of Salem; this person offered a \$5,000 bike to her partner. The situation had nothing to do with work for the City of Salem. There would be no violation of ethics in this situation but the legal threshold and public trust requires high standards for behavior. If you think you or your family are gaining financially, the Attorney's Office can consult with them.

Ana said they should avoid the appearance of conflict.

Karen Spencer asked for a different example like a birthday and someone gives a member flowers instead of a bike.

- Maja said there would be an issue because of the appearance of impropriety.

Carol said Attorney's Office spoke to this board in the past because an individual gave a gift to each member on the board; the gift was related to their work on the Board.

- Maja said that was a good example. There is a conflict if officials are receiving a gift by virtue of their position. By state law, \$50 is the threshold. The City is more aggressive. Even the appearance of conflict is an issue; The City holds officials to a higher standard.

Kaliska suggested work related to construction opens officials to conflicts of interest.

- Maja said the potential for a conflict of interest or the appearance of conflict is especially relevant for decision makers. She described a situation in which a relative applies for a bid. They would have to disclose the relationship publicly. If the relative does bid it would be an actual conflict of interest. The officials would then be required to recuse themselves and disclose the conflict. They would work with Amy and the Attorney's Office in this kind of situation.

Brian asked for more information on the City policy.

- Maja said there is an HR policy about guardians of public trust and avoiding the appearance of impropriety.

Brian asked if the City assigns an amount.

- Maja said no.

Brian asked if it would be improper if PUB accepted food from hosts during public engagement.

- Maja said there are exclusions for site visits as long as food is ancillary and not the point of the site visit. She said they would have to consider the fact pattern.

Rob pointed out that for PUB there are other levels in the chain of command. The recommendations of PUB go to City Council.

Brian provided the example that Micah arranges a tour at the Audubon Society with an expert birder. This could be perceived of as valuable.

- Maja said yes, this would be a violation and would give the appearance of impropriety.

Mia asked about waived rental fees for facilities.

- Maja said the city does not have a legal responsibility; the rental fee waiver would be a gift to the City and not to individuals.

Rob asked if there is a conflict if one is affiliated with the meeting space.

- Maja said if it is just your affiliation the gift is to the City.

Rob asked if there is a conflict if an employer benefits.

- Maja said there is not a conflict.

Maja said it is member's responsibility to protect themselves and issue-spot.

Maja transitioned to public meeting laws. She said the biggest mistake is use of email. The work of PUB is the public's business and they are entitled to be here. There is a violation if they are communicating substantive work of PUB by email.

Robert asked if the violation is at the point quorum is reached. He noted the practice is to send everything to the coordinator or analyst so they send the communications.

- Maja said everything members write is public record and the public and media can make inquiries or records requests.

Brian asked about record retention. He mentioned using private email and personal devices while doing PUB business.

- Maja said it depends on the type of communication. Emails coordinating meeting schedules do not have to be retained. If the contents are substantive they have a record retention. For example, contracts are 5-7 years depending on the contract. Meeting notes are kept in perpetuity. Maja asked if private accounts are used by PUB members.
- Heidi and Dory said they created an email account for PUB business.
- Maja said there is a liability. It is rare. If members have been using private email, there could be a declaration that they have turned over everything related to PUB. Depending on the facts they may have to take the member's private computer and look for everything related to PUB business. Facts would have to support intentional misbehavior. There is a low likelihood of this scenario; members would have to be deliberately flouting the law.

Brian asked about convenience copies and copies of record.

- Maja said the custodian of the record is the staff person. Convenience copies can be deleted at will. Destroying copies of record is a criminal activity; it is destroying evidence. To avoid this, member should send email to the whole Board, cc'ing Amy. Amy's copy will be the copy of record.
- Amy said for example, the public record of the letter discussed earlier is the version Amy keeps. Rob and other do not have to keep a copy.
- Maja said in the case of litigation Amy should be able to provide everything. They would prepare declaration that staff is cc'd in communications.

Maja transitioned to political activity. She said members were in a cone of silence and cannot advocate. For example, on the charter amendments, they should not advocate as PUB members when preparing for and leading up to political activity. Commissioner Fritz can do advocacy while PUB must be silent. If someone wants PUB to provide information they can provide facts and must be balanced, factual, and neutral. They cannot paint a misleading picture or suggest dire consequences. They can advocate on their personal time. If advocating, Maja recommends they keep a record so they can defend their position. She said they should not wear PUB clothing or present their views as PUB views while advocating.

Micah said he uses his business email for PUB business and advocates in other areas.

- Maja said at work it is his personal time and there is no impropriety.

Micah asked if as a board they can endorse a political position.

- Maja said no and added Council cannot ask staff to prepare amendments. They cannot advocate for positions. The public gets to decide on the issue and draft the amendments.

Rob asked if they can do advocacy work if they disclose their role in PUB and state that they are not acting as a PUB member.

- Maja said yes and it is important to be clear what hat they are wearing. The two charter amendments are not contentious but there could be an issue, especially with highly visible or contentious issues. She repeated her recommendations to write down their activities. They need to identify themselves and say they are speaking in a personal capacity. If members present themselves as members of PUB you have suggested you are authorized, educated, and informed based on work with PUB. That is improper. Members should state they are acting as private citizens.

Micah asked if they can provide information to the commissioners.

- Maja said yes, in their personal time they can do that.

Maya concluded that there is an [online training with the information provided and more](#). She said if something comes up, members should get in touch with Amy.

Dory said she would like to have Attorneys come back to discuss conflict, especially related to advocacy and quorums. She asked if they can meet outside of this body and what they should do if they randomly go to the same political event.

Amy said it's important to remember quorums are six members. Members can gather for a social function.

XII. Portland Harbor Quarterly Update (Questions/Acceptance)

Amy said members can accept the quarterly report and if there are questions, to send them to Amy.

Mike Jordan offered to answer questions.

Karen Spencer asked if background on Portland Harbor will be provided.

Amy said CBO staff will orient members. Any additional specific topics will need to be prepared for by the bureaus.

Rob suggested accepting the report into the record.

Micah motioned to accept the report.

- Dory seconded the motion.
- All aye to accept the report into the record. Report accepted.

XIII. Staffing

Heidi said they have two open positions; there is a fulltime coordinator and halftime analyst. They have completed two rounds of interviews. When they got to the second round it was difficult to complete. There will be a third round for both positions. There was only one PUB member at the second interviews. Heidi was uncomfortable selecting.

She asked members to consider participating in the final interviews.

Dory invited new members to participate.

Brian asked if they have prepared questions.

Heidi said no, questions have not been drafted yet.

XIV. Discuss next meeting agenda

Community Engagement Subcommittee: July 18, 11am-1pm, 1900 SW 4th Room #2500C

PUB Meeting August 6, 3:30pm-6:30pm, 1900 SW 4th Room #2500C

Mt. Tabor Field Trip – July 31, 2019

Action Items: August Subcommittee Topic, Workplan, Board Composition

Amy said the tentative date for the Mt. Tabor site visit is July 31st. The visit will be about two hours early in the day from 10:00am to noon. The goal is to know more about the history of Mt. Tabor and future funding questions.

She said the August subcommittee topic is not in the work plan. She said the August subcommittee meeting would be a good time to decide how and if they are recruiting for the vacancy.

Amy highlighted upcoming agenda items:

- The annual report will need to be discussed and staff will prepare,
- There is a potential equity training,
- There will be an Administrative Review Committee overview

Amy said Heidi and Dory volunteered for the most recent ARCs. They are scheduled monthly and they need volunteers for future meetings.

Rob added it is inappropriate for bureau employees to participate.

Ana asked about the transitions for members and staff.

Amy clarified that new members will receive trainings and said she is participating in the staff recruitment.

Brian asked if PUB should have a response to the former PUB member's resignation letter.

- Rob noted the vote of thanks.
- Amy said issues raised in the letter will be discussed through the subcommittee work in August and return to PUB.

Brian said Floy Jones asked Council to be more transparent about resignations. He asked if PUB is comfortable with the way PUB was represented.

- Micah said he spoke with Floy and gave more context.

Amy said media is contacting staff and commissioner's offices about the resignations. She said she is deferring media to commissioner's offices. She did respond with factual information. She has not had follow-up questions. If there are additional follow-up questions, she will ask PUB if additional response is needed.

Mia said she is happy to be able to participate. She said she feels awkward and did not mean to cause issues. She was encouraged to apply. She said she has passion for the work of the board, she has community connections and perspective. She came to the States as a refugee when she was young.

Rob said there was no need to apologize for her presence. He said he was happy she is on the Board and that the previous chairs did not want city staff on the Board.

Gabriela asked how subcommittee topics are decided and if the full board can participate.

- Amy said there will be a full Board meeting once per month and one meeting focused as a subcommittee. This is not permanently defined. They have identified topics in the work plan that need dedicated time. All members who are interested should come.
- Rob said even if the full board participates in the subcommittee, anything that happens comes to the board as a recommendation because the subcommittee is subordinate.
- Amy said they will follow all public meeting regulations and will acknowledge when they have a quorum.
- Rob said there cannot be subcommittees with less than three voting members.

Gabriela asked how to notify of attendance.

- Amy said to contact staff.

Dory said she does not want the letter to hold power over the new member's work. There is room for us to have discussion on this and air grievances. They need a solution-oriented aspect. She said she valued the new members presence on the board.

6:50 Adjourn