

Portland Utility Board

August 6, 2019

1900 SW Fourth Avenue, 1900 Building, Room 2500C

Meeting #71

Attendees:

PUB Members:

Ana Brophy, ex officio
Dory Robinson, co-chair
Heidi Bullock, co-chair
Kaliska Day
Karen Y. Spencer
Karen Williams
Robert Martineau
Sara Petrocine, ex officio
Ted Labbe

Absent:

Brian Laurent, ex officio*
Gabriela Saldaña-López
Mia Sabanovic*
Micah Meskel*

*Notice of absence provided prior to meeting

Staff:

Amy Archer-Masters (PUB Analyst, City Budget Office)
Asena Lawrence (Representative, Commissioner Fish's Office)
Ashley Tjaden (Advisory Bodies Management Analyst, Office of Community & Civic Life)
Cecelia Huynh (Director of Finance and Support Services, Portland Water Bureau)
Cristina Nieves (Representative, Commissioner Fritz's Office)
Eliza Lindsay (PUB Coordinator, City Budget Office)
Gabe Solmer (Deputy Director, Portland Water Bureau)
Jonas Biery (Business Services Manager, Bureau of Environmental Services)
Kathy Koch (Customer Service Director, Portland Water Bureau)
Ryan Newhouse (Customer Account Specialist, Portland Water Bureau)
Sherri Peterson (Revenue Accounts Manager, Bureau of Environmental Services)

Public:

Carol Cushman, League of Women Voters
Janice Thompson, Citizens' Utility Board

I. Call to Order

The co-chair Dory called the meeting to order and 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.

An overview of the agenda was presented:

- introductions,
- an equity training,
- Administrative Review Committee (ARC) Overview,
- Subcommittee Reports,
- Annual Report Prep, and
- Preparation for the August 15th bylaws focused subcommittee meeting.

It was noted that quorum was met.

II. **Prior Meeting Minutes**

The draft minutes from the July 2nd, 2019 and July 18th, 2019 meetings, circulated ahead of time, were reviewed. Staff noted that they had received grammatical edits for the July 18th, 2019 meeting. Sara P, noted she should be listed as absent for the July 2nd, 2019 meeting. Grammatical corrections were given. A member of the public requested that an extraneous comment be removed.

The minutes with revisions were accepted.

III. **Disclosure of Communications**

Ted disclosed communications with Commissioner Fish's Office regarding a meeting he is having with Commissioner Fish and some of his staff about a meeting planned for the end of August about some urban forestry matters.

Heidi has had the usual biweekly conference calls with BES staff on Portland Harbor and community involvement matters.

IV. **Public Comment**

There was no public comment.

V. **Introductions**

It was noted that a lot of transitions have happened in the last couple of months and with full agendas there has not been time to get to know each other. A round of introductions followed where Portland Utility Board (PUB) members shared what interested them in the PUB, length of service, and a bit on their background and what they bring to the PUB. The two new staff members were also asked to share this information.

Dory – I am with the City of Portland, Bureau of Development Services. This was passed on to me as an opportunity to share my passion for environmental justice and community engagement in an advisory role. I joined a year ago and now sit in co-chair role. I look forward to learning from everyone what we can do to serve the public and be a true advisory body for the Portland Water Bureau (PWB) and the Bureau of Environmental Services (BES).

Heidi – I currently work for the Port of Portland prior to that private environmental engineering firms. I have a technical background and joined a year ago. The topics interest me and I am interested in seeing how we can bring these topics to the greater public and bring the board more into the public realm so the public can participate and help guide and craft policy.

Ted – I am originally from Portland but have not lived here for most of my life. I have graduate training in fish and wildlife biology/ecology. For many years I worked on the Olympic Peninsula for tribal governments helping run their natural resource programs and advocating on land and water use issues. I worked a lot with tribal council and represented tribal governments with local governments and state and federal agencies. I also worked for Washington Department of Fish and Wildlife. More recently, I am with Urban Greenspaces Institute that does urban conversation. I got interested in the Portland Utility Board after the Anderson lawsuits. I am interested in helping folks understand the water system and become more engaged. I am interested in learning about the funding challenges before us. I think there are huge environmental justice aspects to how both bureaus do their business and interact with the public. I am interested in that as well.

Karen W – I have been on the board for one month, totally a newbie. I am really intrigued by this board and what it does. I have been following it from its creation six years ago, more from a labor perspective. I have strong labor activism in my background. Pleased there was an opening I could apply for. I have some technical training in water quality and hydrogeology so have some technical interest as well. My real excitement about being part of this group is creating good government, good public interaction, and enhanced public participation and hope to have an opportunity to implement this.

Kaliska – I have a degree in construction management and there a lot of water implementation aspects in projects I do. I am also on the Oregon Native American Chamber (ONAC) Board. I have a double interest in underserved communities and the technical aspects. I was on Portland Bureau of Transportation's Budget Advisory Committee for a year but had to give the position up because I moved out of town for a project. I think it is great what Portland is able to do to get community involved and advise on something like this. I am excited to be a part of it.

Karen YS – I wanted to be a part of the Portland Utility Board because of its advocacy for the community as well as its role as a liaison. Environmental justice issues, equity, and inclusion are also important to me. My background is as a business person and attorney. I have a degree in chemical engineering from the Massachusetts Institute of Technology which I used as a patent attorney. I also have degrees from Harvard Law School and Stanford Business School. I was Senior Counsel for Nike Golf and did strategic planning for Nike Golf. Those strategic planning skills are very useful in capital projects and long-term planning. I am looking forward to using my skills to assist on the PUB.

Sara – I am an ex-officio member for PWB. I am the Legislative Affairs Coordinator for PWB. I was approached by folks at PWB and asked if I would be interested in joining. I watched the whole thing unfold six years ago. I thought this would be really interesting as it is a great opportunity to address the complex issues water and sewer face through a body like this. I have a background in policy and regulatory issues and broad perspective in the ways all those things interact and how the bureaus interact with the public.

Ana – I am an ex-officio member for BES. I was appointed by the Director. This is my third year. Originally, I was appointed as the labor position. Later I became salaried. I have both perspectives. I have many years' experience as a construction and project manager at BES. My focus in the last six years has been equity. I joined the City-wide equity committee and I see a lot of things from that lens now. I look forward to engaging with community and hearing what they want us to do.

Amy – I have been temporarily helping the PUB part-time for several months. As of last week, I am pleased that it has become an on-going position. My background is in a range of operations, financial, and engagement work. I have served in a number of roles at the City. I am very excited about continuing in this role. I am passionate about the benefits that advisory groups can bring to policy and budget decisions. It is a very important role. Developing and effectively engaging advisory groups is one of the core focus areas for all the positions I have had at the City.

Eliza – I have had a number of careers, but I think most recently you would describe me as a community organizer with a focus on process. I do a lot of community work. Most recently, I helped pull together a two-day board retreat for a new board, worked with IRCO's immigration legal services, and organized a housing summit for trans and queer communities experiencing houselessness. For many years I supported community building and advocacy in East Portland. I believe government works better when community has impact on it and that is my interest and a perspective I bring. I also have an interest in equity and the opportunity to bring together environmental and social justice issues and supporting you in this work excites me.

Rob – Apologies for missing other introductions, there was some confusion about start time. I am a City employee in the PWB and am a water operations mechanic as a Crew Leader. We fix main breaks, repair hydrants, etc. I have been with the City a little over 20 years. I am president of AFSCME local 189. This is a board I have watched from its inception, just prior to bill 26-156 the intent of which was to take away water and sewer bureaus from City Council and move to a different governance system. I thought that could have an impact on folks I represent. In the ordinance there is one person who is a represented employee in one of the two bureaus. I was the first and only person to fill that slot so have been with the board since its beginning.

Asena – I worked for Commissioner Fish for nearly six years. I recently transitioned to be his liaison to BES and so I am your/the PUB's liaison as well.

The co-chair, Dory, mentioned that we're missing Mia, Gaby, and Micah. I want everyone to know that I am so proud to be on this board and proud of you for making this commitment. I encourage you to continue to get to know each other. And feel free to reach out to me. I love getting to know people and getting coffee.

VI. Equity Training – Ashley Tjaden, Office of Community and Civic Life

<https://www.portlandoregon.gov/cbo/article/739703>

There was an interactive equity training covering equity basics including: implicit and explicit bias, prejudice, internalized racism and ableism, interpersonal and institutional racism, and the importance of centering racial equity. An advance training on equity through OEHR was also offered.

VII. Administrative Review Committee Overview (Information) – Sherri Peterson and Jonas Biery, Bureau of Environmental Services; Ryan Newhouse and Kathy Koch, Portland Water Bureau.

Presentation <https://www.portlandoregon.gov/cbo/article/739706>

Info Sheet <https://www.portlandoregon.gov/cbo/article/739707>

Administrative Review Purpose: To examine if we correctly applied code and rules to any customer or property owner situation. Available online, to any person. No fee for an administrative review. It is intended to be a step before elevating to a code hearing which is more bureaucratic.

Three administrative reviews where PUB members participate:

- BES: Business Services, Administrative Review Committee has a member from BES, PWB and the PUB. Cases related to fees and charges, e.g., sewer conversion charges or system development charges.
- BES: Watershed Services Administrative Review Committee has a member from BES, PWB and the PUB. Cases related to stormwater management manual.
- PWB: PWB Administrative Review Committee is coordinated by PWB but addresses the charges of both PWB and BES on bills. Has a member from BES, PWB, and PUB and generally reviews billing concerns.

One administrative review committee that does not involve the PUB:

- BES: Pollution Prevention Services, in person review, does not involve PUB. They relate largely to disputes around permits and permit requirements. Tend to be extremely technical and involve engineering components. Does not involve residential customers.

Administrative review process for committees that include PUB:

- Requestor is not required to be present for the meeting, can provide additional written material, can bring a representative to assist them. If an attorney is present, then BES requests that their attorney also be present.
- Individual presents case, committee asks questions and staff can explain how the code or rule was applied.
- Committee makes a final determination at this meeting or later date.
- If individual is not satisfied with decision they can appeal to Code Hearing Office.

BES is proposing changes to Administrative Review Code Revisions to make them more predictable, transparent, and customer friendly. The proposed changes will:

- Standardize process, deadlines, and timeframes for our response times.

- Clarify existing non-reviewable items, e.g., rates set by Council, requirements to connect to public sewer when it is a health and safety issue, though associated fees and timeline may be reviewable., so that people are not submitting issues the Administrative Review Committees don't have authority to resolve.
- Anticipate Council will adopt the changes in fall 2019.
- Updates can be found here: <https://www.portlandoregon.gov/bes/68285>.

There was open Question and Answer with the BES and PWB staff

- PUB member: Are demographics currently collected?
 - Staff: No.
 - The PUB member said collecting demographic information could be helpful in identifying trends and in meeting City's racial equity goals. In an Administrative Review Committee I participated in the issue of identity came up often with residents discussing challenges they had with the bureau. It may also be valuable to identify demographic trends in who is requesting reviews.
- A PUB member who had already been part of an Administrative Review Committee said it might be helpful for new PUB members who have not yet participated to have more background information on how the meetings go.
 - It was noted that the particulars of a case can't be discussed until the final decision/resolution is reached. Staff notes that before a PUB member participates there is a training that covers what to expect and conduct expectations.
- A PUB member mentioned that during the Administrative Review they participated in rooms had to be switched and bureau staff trickled in making it confusing who was coming into the room. They suggested that perhaps these processes could be smoothed out to ensure a more friendly experience for community.
- A PUB member asked for clarification on the role/purpose of the PUB member on the Administrative Review Committee.
 - Staff said that it was to be the voice of the public, to provide general feedback about what could be done better, and to bring an outside perspective to the process.
- PUB member: Why was there a pronounced drop in cases for 2019? Were there changes in the billing or some reason for reduction?
 - Staff: They don't believe there have been policy changes. However, we have focused on resolving the issue at the call center, before it would go to an Administrative Review Committee. If it goes to an Administrative Review, then we in the Call Center ask what solutions were missing that we can offer the customer in the future.
- Member of the public: Are the new low-income provisions allowing you to make adjustments for customers earlier on? And has increasing the amount of financial assistance you are able to offer people helped?
 - Staff: The crisis voucher amount has increased from \$150 to \$500. If we can't make an adjustment, then they may have access to this voucher. So, this may have helped a small number of people.
- PUB member: I participated in one BES and a series of PWB Administrative Review Committees and noticed a pattern where folks were moving out of their house because

they could no longer afford it, the house was vacant, and they were under the false impression that they were no longer responsible for the bills and then ended up getting underwater for late fees.

- Staff responded that the hard part is that if you are the legal owner of a property whether you live there or not you are responsible for the associated bills. We work to creatively find solutions and to educate customers that they remain responsible for bills so long as they are the legal property owner. We were spending a lot of time with folks in that position. We are seeing less of it because we are getting beyond the 2008 foreclosure crisis.
- Public comment: I have no problem with how the process is handled or where housed but suggest taking care with terminology. In terms of the Administrative Review process, the customer service function for both bureaus is managed by PWB and PWB takes the lead in managing the process. I suggest calling it a billing Administrative Review Committee rather than say a water Administrative Review Committee to avoid suggesting all is water. It is also useful to distinguish between the 'Administrative Review', the 'Administrative Review Committee', and the 'Administrative Review process'.

ACTION: PUB staff asked to get examples of past Administrative Review Committee proceedings for new PUB members.

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VIII. Five minute break

IX. Subcommittee Reports (Discussion) – Community Engagement and Mt Tabor

Mt. Tabor subcommittee meeting happened just last week and PUB staff have not had time to type up notes due to staff changes. This is okay as it will be relevant for future meetings during the budget cycle .

Community Engagement Subcommittee meeting July 18, 2019 – PUB staff referenced both full notes and Summary Memo produced and noted that the subcommittee did not have an opportunity to review summary before sent out to full PUB.

- PUB staff summarized main take-away: General agreement that PUB doesn't need a full plan, just needs to start acting on initial plans. What are the first steps that will move us in that direction, provide some learning opportunities, and allow us to grow community engagement? Assume will be more community engagement subcommittee meetings, offline conversations, and support from PUB staff.
- Subcommittee participants present agreed that the summary captured the goals and recommended next steps.
- PUB member question: In addition to Sunday Parkways we discussed an August 10th event and wondering how could do this since time is short.
 - Staff responded that given staffing changes would not have materials for the public ready by August 10, e.g., a flyer with PUB basics and an updated website. Amy said given staffing would not be able to have materials for public ready for PUB, e.g., flyer with PUB basics and updated website. Want to have these materials ready for the lead corrosion control meeting.

- PUB member: We are planning for lead corrosion control event in September. We need to think about how to get information from the community about what specific topics around lead they are interested in.

X. Annual Report Preparation (Discussion) – Amy Archer-Masters

Every year there is an annual report about major accomplishments. For any of you who were on the PUB during the last fiscal year, let us know if there are things you want included, otherwise since we were not on staff during that time we will be working off agendas and minutes. The other part of the annual report is forward looking; what's the work plan for the board over the coming year. The annual workplan has a lot of work items that were developed prior to the new board members. For newer folks, we really want to make sure you take a good look at it and see if priorities are missing or you feel strongly that any of the items should be a higher priority than listed.

It is a requirement that you go before City Council in the fall, some PUB members help make the report to Council. So we will expect to get a draft to you in the next couple of weeks and to finalize the annual report in September.

Please provide any feedback about what happened last year and what you hope will happen this year.

- PUB member question: Is it achievable to do the public lead corrosion control event and the annual report in Sept?
 - PUB staff: Main concern is the tight timeline for effectively engaging the community PUB wants to turn out. The PUB member leads on this topic will work through those details and come back to the full PUB for final decisions.
 - PUB lead: We're hoping to involve not just City staff but folks from diverse organizations, so unlikely this will happen in September.
- Brief discussion and clarification on formatting in workplan document.

XI. PUB Board Composition and Bylaws (Discussion) – Heidi Bullock

- Introduction of topic: It is important to review the bylaws and the composition of the board to see if any changes are needed. This could take some time and it should also move soon and as quickly as possible.
- PUB member: Is this to shore up with City's new Advisory Board best practices?
- Co-chair:
 - Yes, that is a part of it and also because we have so many new board members, so it is a chance for all of us to familiarize ourselves with the bylaws and determine if they reflect how we want to operate. For instance, there is a very specific procedure for how items get on the agenda. It's worth reviewing and making sure this works for us. Another opportunity might be to look at ways to strengthen and enhance relationships with the Citizen's Utility Board and the Oregon League of Women's Voters.
 - During my time on the board a lot of these issues have been circulating but we have not been very clear. I want us to recognize the issues and to be very intentional in how we move forward as a group. It is important that we have

consensus and buy-in as a board in how we operate and engage with each other. It is also important how the public sees us.

- PUB member: Another issue is the conversation around whether to have bureau staff as voting members.
- PUB member: We want to think about recruitment and best practices and have guidelines to share with BES, PWB, and the Office of Civic Life so we have a clearer and less messy recruitment next time.
- PUB member: An annual review of bylaws would be good.
 - PUB staff: Reviewing bylaws is on the workplan. The August subcommittee was planned to be specifically about board composition in order to have clear guidelines as we go into the next recruitment cycle. There is one vacancy currently. While it is a priority to fill that position, don't want to proceed if there is a lack of clarity around board composition. The August subcommittee meeting doesn't have to be specifically about board composition.
- PUB staff clarification of subcommittee meetings: Subcommittee meetings are open to all. Any recommendations out of the subcommittee go back to the full PUB for decision. My understanding of the purpose of the subcommittee meetings is that they were to (a) lessen the load of required meetings per month, by being an optional instead of required meeting with participation based on interest in the specific topic, and (b) create space to take a deeper dive into topics. Subcommittee meetings are public meetings and open to all.
- PUB staff: The two-hour subcommittee meeting on August 15th is not very fleshed out. Ashley Tjaden from the Office of Civic Life is able to attend and provide input on best practices.
- PUB member: City is changing what they do around public engagement. Part of me wants to wait and see what the City proposes so we have the full context in reviewing our bylaws. If we ask to redo ordinance and bylaws when other bureaus and groups are in the same process, we could get in a tough space where what we thought was a good idea isn't. Part of me doesn't want to give any credibility to some of those who left over Council's unwillingness to make a decision regarding board composition (the number of City staff as voting members). I am comfortable with the board operating as it is. And, if the rest of the board wants to review and change things I don't want to stand in the way.
- PUB member: All this information is helpful. As a new member I was wondering about the urgency.
- PUB member: It is a review, as we are going to be doing an annual review. It is an opportunity to look at the bylaws. It doesn't necessarily mean we have to change anything.
- PUB member: I like the idea of doing a review now, especially if it is going to be an annual review. We might identify things we want to change and we might or might not change them till next year.
- PUB staff: In my experience it is common for people to start operating without reference to their bylaws, so an annual review is good. Another common thing that happens is that often groups outgrow their bylaws before they recognize this and so sometimes it is a leapfrog process and you change your bylaws to catch-up with where you are. One last thing, bylaws should reflect and support the values you want to embody as an organization.

- PUB staff: Want to make sure we followed the conversation so can give clear information to Ashley about what might be helpful for her to cover in the meeting on August 15, 2019. More understanding of Ashley's work around best practices for advisory groups and a review of basic bylaws and areas the PUB wants to delve into. Board composition remains a potential topic, may not be covered on the 15th. There was agreement from the board.
- Discussion on whether the meeting on August 15, 2019 should be a full committee or subcommittee meeting. The meeting on the 15th remains a subcommittee as planned.
- PUB member: I encourage everyone to read through the bylaws. My recollection is that these were developed using a boilerplate and as I look through them things could be cleaned up and shortened.

XII. Communication from Commissioner Fish regarding Portland Harbor Superfund Law suit

The possibility of communicating with Commissioner Fish regarding the Portland Harbor Superfund lawsuit was discussed.

Introduction

- PUB member said when I saw Commissioner Fish's email and read the OPB piece I wondered if the PUB would be willing to come together and communicate to the electeds regarding our feelings about the lawsuit. I have specific feelings but don't know how others on the PUB feel. The PUB was created in part because of the Anderson lawsuit and so it felt to me that the PUB should be a place where these kinds of things should at least come to get talked about.
- New PUB Member asked for background on Anderson lawsuit.
 - PWB staff shared it was very complex litigation and went on for many years. City Attorney, Karen Moynahan, gave an update to City Council which was recorded and can be shared with PUB.
 - Although this new lawsuit does stem from some of the same issues and litigants, there is a different funding mechanism so this new case can be filed.
 - PUB member: Very basically, the Anderson lawsuit claimed that water and sewer bureaus were using money from water and sewer bills that were not directly related to water and sewer service, e.g., infrastructure, maintenance, which City Charter prohibits. A lot of this turned on how you interpret **directly** related to.

Discussion

- General interest in a communication from PUB and future conversation to figure out the appropriate messaging.
- Several PUB members expressed concern to take care in how things are worded and recommended taking care in wording.
- Several PUB members mentioned the need for careful research before making any decisions about the issue and if/how to communicate with Council.
 - PUB staff: I contacted the City Attorney's Office and since it involves litigation, if the PUB has this on a future agenda, you can get some advice from them about the most effective means of communication, e.g., a letter or a resolution or other format.

- Discussion on determining appropriate role of the PUB.
 - PUB member: As a matter of policy should the PUB hear from litigants, not because the PUB is deciding or judging, but in order to be informed? Is there a policy issue the PUB needs to be deciding?
 - PUB member: Our audience is City Council and the bureau heads and as an advisory body, if we decide to, it is appropriate for us to give our opinion with language and details carefully worked out by us.
 - PUB member: Could be worthwhile to have someone from City Attorney's office here for more background and to further think about what our role is as an advisory body, all the more so, since this is tied to our origin story.

Closing

PUB staff: I will provide the City Attorney background on the Anderson lawsuit with PUB and will add this topic to the list of potential topics on the workplan. It may not be as high priority or time sensitive as others.

XIII. Discuss next Meeting Agenda

- PUB staff: Hoping to get a sense from people about future topics. Tentative topics include bill redesign, low-income program evaluation; equity and disability issues, and trust in tap water. The sooner we can identify fall topics, the better.
- PUB staff: October subcommittee topics not set, lead corrosion control may push into October.
- PUB member: If going to review Fall BMP, October will be close to it and that takes some time, then we enter budget development season. Would also like an update on the lead corrosion control.
- Staff provided a high level explanation of general budget cycle and Fall and Spring BMPs.
- PUB member asked about metrics piece of the budget as a subcommittee topic.
 - PUB staff: Must have adopted strategic plan in order to have metrics in budget and bureaus are still finalizing their plans. There was a plan for more discussion of metrics later this fall with the understanding that metrics were under development, and recognition that this would be a step in the next budget cycle since metrics would continue to develop into the future.
- PUB member: Will there would be an update about rate review?
 - PUB staff: Yes, but not scheduled yet.

The meeting adjourned at 6:35pm.