

# PBOT

PORTLAND BUREAU OF TRANSPORTATION

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Chloe Eudaly Commissioner Chris Warner Director

**NW Parking SAC** | Friendly House  
August 21, 2019 | 1737 NW 26<sup>th</sup> Ave.  
5:00 p.m. – 6:30 p.m. | Portland, OR 97210

## Meeting Notes

### **Members in Attendance**

Daniel Anderson, Nick Fenster, Jeanne Harrison, Karen Karlsson, Parker McNulty, Rick Michaelson (Chair), Thomas Ranieri, Peter Rose, Brent Sofey, Don Singer, Mark Stromme, Ron Walters

### **Members Absent**

Lisa Higgins

### **PBOT Staff**

Antonina Pattiz, Kathryn Doherty-Chapman - NW SAC Liaison

### **Public in Attendance**

Allan Classen,

### **Public Comment**

None

### **New Meeting Time**

Rick asks the members to discuss and vote on a meeting time.

- Brent asks if enough outreach has been done about the new meeting time.
- Kathryn explains that the website was updated, everyone on the interested parties list has been informed and information about the new meeting time has been in the NW Examiner.
- Ron suggests meeting when the greater amount of committee members can attend, since public turnout is generally low, and the members are volunteering their time.
- Tom suggests holding meetings where big topics/issues will be discussed at later times, so that more members of the public can attend those.
- Mark proposes changing public comment time to 5:30pm, if the meetings start at 4pm, to allow people to show up later and provide feedback.
- **Mark makes a motion to meet from 4:30pm – 6pm, with public comment at 5:30pm.**



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- **7 members in favor.**
- **Brent and Ron abstain.**
- **SAC meetings will be held from 4:30 – 6pm.**

### **Public Official Training and Bylaw Discussion**

Ashely Tjaden from the Office of Community and Civic Life presents a PowerPoint about the bylaws. Attachment A.

Committee members had the following feedback and concerns:

- Jeanne is unsure how to deal with casual emails between committee members.
  - Ashley explains that the public has a right to hear all deliberation that occurs, if decisions are being made and a public records request is submitted, the city is obliged to pull all relevant records, even from a member's personal email. Ashley suggests creating a separate email specifically for SAC related communication, so that personal emails don't have to be used.
  - Rick shares concerns, what would prevent the public request from delving into personal emails, even if there's an email devoted to SAC related items?
- Nick asks for clarification because the SAC represents the special interests of other groups. He represents the NW Business Association therefore, he will need to report back to the association. How does disclosure work for situations like that?
  - Ashley answers that if an individual is responsible for the representation of the interest group, it is recommended that all discussion with the group be reported to the SAC and that correspondence doesn't occur via email.
  - Rick clarifies that the framework of the SAC is based on different associations working together, via representatives. So, it's not just about transmitting information to the other associations, it is about collaborating with them. Therefore, it is not a matter of reporting back to the SAC, but more a matter of discussing issues outside of SAC meetings.
  - Kathryn answers that those discussion can continue to occur, they just need to be disclosed.
- Nick uses an example, if he is at the Nob Hill Business Association meeting with Don and Tom, is that considered deliberation?
  - Kathryn answers that it's not quorum, and the discussion would just need to be disclosed to the SAC.

- Ron asks for clarification, it sounds like members can communicate with other members at any given time. However, if there is a quorum where members can perceivably deliberate or make a decision, they should consciously not deliberate, and things should only be discussed in the actual meetings.
  - Ashley answers that information sharing is one thing but deliberating outside of the meeting is not compliant with public meeting law.
  - Ron argues that if communication isn't be allowed between meetings, no work would be done because the SAC only meets one day a month for an hour and half, there's 29 other days in a month where nothing is allowed to be discussed.
- Rick asks if it's okay to share an idea over email.
  - Ashley says other groups go through the city liaison to re-distribute information with the group.
- Don: "Let's say you're working with your group and come across something that is interesting but has to remain private, so you discuss it amongst yourselves. And maybe it's something that goes to fruition and comes before this committee, maybe an opportunity to purchase a piece of property. Something sensitive enough that you're not going to bring it to the committee at this time. You're dealing with something that you want to deal with internally, before it's baked and presented to the committee. Now all those deliberations before you present it have to be documented and brought to the city?"
  - Ashley says that it would seem research/information sharing would be considered a separate category and moving into the presentation would be in the realm of deliberation towards a recommendation.
- Nick asks if non-quorum interactions can occur outside of meetings.
  - Don: "No, which emasculates the deliberation process and the ability to really bring something to the floor that is well thought out. Which really chops up research, decision making process and just a multitude of things which is unfortunate."
  - Nick asks about the rule governing conversations when there's no written record.
  - Rick answers that the conversation would have to be disclosed.

- Karen shares concerns about public record requests pertaining to personal emails and computers. She has sensitive client information on her laptop that she refuses to share. Would she have to get a second computer for her SAC work so that her work laptop is not subject to a public records request?
  - Ashley says this requirement has existed for as long as the committee laws have been in place. She isn't sharing new information, her intent is to make the members well aware that these laws exist so that committee members are informed. These laws apply to all committee members in the city, if a member is uncomfortable with these laws, there are other ways one can serve without sitting on a committee.
  - Don: "I think you make a good point that this law has been here, but I think the interpretation has gone a little too extreme to the point of unintended consequences."
  - Ashley says that these laws have been contested and upheld in the courts.
- Rick argues that anytime a member discusses parking with another member, even outside of a meeting, they are doing so in a public capacity. Hypothetically, if he has lunch with Ron, can they not discuss parking or share ideas at all since they both sit on the committee?
  - Ashley says Ron and Rick should not be engaging with each other, if the rest of the committee is not present.
- Rick asks for clarification, is appears there can be no individual conversations with other members of the committee about parking-related issues, outside of meetings.
  - Ashley confirms. Technically two members can form a subcommittee.
- Brent assumes that there are other advisory bodies that have individuals that represent organizations. What do they do?
  - Ashley says it depends on the group, the contents of decisions being made are so different. She asks how the SAC members can look at the rules in place and still get work done.
- Rick asks how often conflicts of interest have to be disclosed.
  - Ashley says conflicts of interest must be disclosed at every meeting.
  - Kathryn says that at the beginning of every meeting, she will announce that all members have a conflict of interest and she will have conflict of interest forms available for viewing, if requested by a member of the public.

- Rick asks if the members individually have to do something at every meeting to acknowledge the conflict of interest.
- Ashley answers yes but it can be minimal, even just initialing a form would suffice. But it must be done at every meeting.
- Mark asks what happens if the SAC doesn't accept the bylaws.
  - Ashley says that if the group doesn't agree to the bylaws then they aren't serving the public, because the public isn't getting what they need from the agreement. The restrictions are placed on the city and are being passed down to the committee.
- Don: "I propose that we just continue on as we have, knowing what we know. We function well. Listening to this is that statutes are open to interpretation and lawyers have different interpretations of the same law. I can't help but think, is this intentional, if it is an onerous as it feels at times, is in intentional within the city to stifle neighborhood input?"
  - Rick answers no and explains that the driving force was the downtown plan, where several members had very clear conflicts of interest that were never disclosed to the public. He thinks this is a reaction to some things that have not been done well in the past.
- Peter is concerned that if no committee can abide by the rules, the city can go after certain committees and/or individual members. There's no way that he can agree to these rules and hold his client's sensitive information.
  - Ashley explains that a public records request would only occur through court order, so a specific situation/concern would have to arise.
- Parker shares concern regarding legal liability. Are the SAC members covered under volunteer liability insurance?
  - Ashley will check with the city attorney.
- Rick says he and Kathryn will work on clarifying these rules with the city to ensure the committee is well informed on these bylaws. Karen suggests that members provide a list of real examples to Kathryn and Rick, prior to their meeting.

**New Meter Update and Hours of Enforcement:**

Rick reminds the SAC that they decided to change the starting hours of enforcement to 10am instead of 9am but extending enforcement from 7pm to 8pm has not been decided. The parking study data shows from the last two years, very high occupancy, above 85% after 7pm. He opens the floor for discussion.

Members provide the following feedback:

- The current morning enforcement hours make NW more liberal in terms of parking, since downtown starts enforcing at 8am. Shifting the enforcement hours in the evening increases the likelihood that visitors would incur a fine, and we want to avoid that.
- The data shows that 7pm-8pm is a peak time, the SAC makes data driven decisions, and the data suggests enforcing that hour.
- A member questions the financial impact of shifting the hours, in terms of buying new signs and re-programming meters. Would it make sense to incur that expense?
  - Kathryn explains that the meters are slated to be reprogrammed and the signs will be changed, so now is the time to make changes because it will be more expensive in the future.
- There have been a lot of changes and we don't want residents to be frustrated by so many new things.
- Rick says a motion will need to be made at the next SAC meeting.

### **New Business**

Peter suggests evaluating and removing some of the designated scooter spots because they take up parking.

- Kathryn understood that scooter parking was placed next to BIKETOWN racks and at the end of blocks for easier vehicle visibility. She will research this.

Mark shares with the committee that he's looking to change his parking operator because the current situation is less than ideal. He would like to hire NW Parking to acquire the meter.

- There is support for Mark's request because it is the same situation as Legacy's.