



CITY OF MILWAUKIE

Citizens Utility Advisory Board AGENDA

August 5, 2024 at 5:30 p.m.

Dogwood Community Room – 1st Floor of City Hall

Video Meeting: The CUAB will hold this meeting through Zoom video meetings. The public is invited to watch live by joining the Zoom webinar

(<https://us02web.zoom.us/j/84030872657?pwd=UTlobVg2bIBlckVaY2IKbHJ1QlpUQT09>) for details. **This meeting will not be broadcast or recorded.**

Written comments may be submitted by email to finance@milwaukieoregon.gov.

1. Introductions – All
2. Community comments
3. Review and approval of April 1, 2024, minutes
4. Good Neighbor Funds – Peter Passarelli
5. Future CIP evaluation criteria – Peter Passarelli
6. CUAB by-laws - All
7. Adjourn

Future Meeting Dates:

November 4, 2024

February 3, 2025

May 5, 2025

CITIZENS UTILITY ADVISORY BOARD

In-person and Video Meeting
www.milwaukeeoregon.gov

MINUTES

April 1, 2024

Present: David Chitsazan, William Johnson, Mary Rowe, Leslie Schockner

Absent: Sofie Sherman-Burton

Guest(s): Charles Bird, Island Station Chair

Staff: Assistant Finance Director Michael Osborne
Public Works Director Peter Passarelli
Accountant Judy Serio

CALL TO ORDER

Passarelli started the meeting at 5:35 pm.

1. INTRODUCTIONS**2. COMMUNITY COMMENTS**

Charles Bird, Island Station Chair, 12312 SE River Road, is requesting funds for the restoration of Elk Rock Island. The third Saturday of every month volunteers work to remove the invasive species on the northwest side of the island. The number of volunteers continues to increase, and the funds would be used for items such as plants, gravel, and equipment.

Schockner asked if there is a documented plan to distribute all the Good Neighbor funds.

Bird responded that the plan was emailed to Passarelli late this afternoon asking for guidance on the plan and clarifying the amount that could be used.

Schockner asked if the drafted plan will require public comment on how the funds will be spent.

Passarelli responded that the previous meeting identified the criteria related to spending the funds. Staff would review the proposal and the community would have input on the proposed plan.

Bird identified past involvement on the Good Neighbor Committee and the CUAB. Pointed out the map does not include Spring Park.

Passarelli responded that this is an oversight.

Bird understands that Spring Park and Elk Rock were combined on the map, but is only requesting funds for Elk Rock, since the county is responsible for Spring Park. It was clarified that for the Saturday workdays there is always combined approval to work in both areas.

3. REVIEW AND APPROVAL OF FEBRUARY 5, 2024, MINUTES

Johnson made a motion to approve the minutes as written. **Rowe** seconded the motion.

Motion passed with the following vote: Chitsazan, Johnson, Rowe, Schockner voting “aye.” (4:0)

4. UTILITY RATE DESIGN

Passarelli reviewed the rate recommendations from the previous meeting. Rate design considerations for water and wastewater will be presented tonight. Commercial water rates will increase to bring fees closer to cost of service; this will not affect utility assistance customers as there is not a fixed water charge and they are not commercial customers.

Schocker asked what is the percentage of customers that participate in the utility assistance program.

Passarelli responded there are 120 accounts in the program.

Osborne added that a yearly renewal is done by staff to verify participants are eligible for the program.

Passarelli continued that the wastewater rate design, there will be adjustments to commercial fixed charges to bring the fee closer to cost of service; this will maintain a zero neutral increase. To summarize, the proposed water fee increases were presented for fiscal years 2025 and 2026; the volume charge will increase, the low use discount will remain, and the meters’ fixed charge will increase. The wastewater will have a revenue neutral adjustment; the residential fixed charge will decrease, and the commercial charge will increase to bring the fees closer to cost of service. Stormwater will remain flat with no adjustments. SAFE & SSMP fees will increase 5.64%; based on the inflation factors adopted when the fees were authorized. All adjustments will be effective July 1, 2024. The rate impacts for residential customers use the assumption of 6 CCF of water used.

Chitsazan stated that utility assistance customers should not see an increase given SAFE and SSMP are not assessed to program participants.

Passarelli continued that fiscal year 2025 will have a 1.13% overall increase for a customer using 6 CCF of water. A graph comparing average utility bills of surrounding cities was presented; in the past, Milwaukie’s rates were the third highest in the area but now the city is in the middle when compared to surrounding cities. The table shows that other cities assess fees for services such as parks or police that are not included in Milwaukie’s utility rates, so the costs among cities are not directly comparable. .

Schockner asked why surface water is higher than others.

Passarelli responded that was stormwater. The reason for this is the 2012-2014 system plan recommended 12-14% increases to fund capital projects using rate increases, adopted by city council.

Chitsazan asked if the average bills are indexed for similar sized housing.

Passarelli responded it is indexed by number of units. System development charges are indexed for size of house. If members are comfortable with the proposed rates, it will be presented to the City Council tomorrow night.

Chitsazan made a motion to approve the proposed utility increases as presented. **Schockner** seconded the motion.

Motion passed with the following vote: Chitsazan, Johnson, Rowe, Schockner voting "aye." (4:0)

5. FIVE-YEAR REVENUE FORECAST

Sagor stated this presentation will be made at the City Council work session tomorrow; since council is half of the budget committee, staff wanted to make the same presentation this evening to the other half of the budget committee. As the proposed budget has been developed staff are focusing on stability now and in the future; fiscal responsibility that will be tightened wherever possible; keeping in mind the city's vision that has adopted goals and strategic plan priorities. Milwaukie and most cities are experiencing inflation, property tax limits, expiration of pandemic recovery, and new/increasing demands.

Osborne presented the five-year forecast. Fiscal year 2027, or the next biennium, is when the fund balance is projected to be in the red (negative). This shortfall used to be five years out but now is only three years away. Contributing factors include inflation, future costs, contract negotiations and property tax revenue cap. Historically, materials and services spending was at 80% but this year it will be at 90%+; this increase will result in reduced carryover to the next fiscal year. The new city hall building does have higher maintenance costs. Without new revenue, cuts to service could be made. This upcoming budget will be realistic as departments hold the line, no FTE increases, and the capital improvement plan will reflect the city's capacity to deliver. Staff will be recommending to City Council an increase of the right-of-way fee on energy providers to 8%, up from 5%.

Johnson asked 8% of what number.

Osborne responded it is 8% of gross revenue.

Chitsazan asked what a right-of-way is.

Sagor responded it is a fee charged on the utility companies for the privilege of being in the city.

Rowe asked if this increase can automatically be passed onto residents or if the Public Utility Commission (PUC) must approve.

Passarelli offered that PGE socializes 3.5% of right-of-way fees already. Northwest Natural socializes 3%. Both agencies pass these fees on to customers; it does not need to go through the PUC.

Sagor offered that this method would buy the city time and that it will also capture some costs of increased service demands of new development.

Osborne presented the projected impacts on average consumers as it relates to the right-of-way fee increase.

Chitsazan asked if the fee increase could be 20% to sustain the city even longer.

Sagor responded that there is not a cap but 10% is a safe increase, due to previous litigation with the City of Gresham.

Rowe asked what year the projections are illustrating.

Osborne responded it would be FY 2028.

Rowe asked what other revenue streams staff are exploring.

Sagor responded with voter approval that there can be a property tax increase, police fee, or parks fee. Most cities are experiencing the restraints of Measures 5 & 50. The upcoming budget will preserve financial stability over the 5-year forecast; institutionalize our climate and equity progress and set a foundation for future goal work. At the first budget hearing on April 27, 2024, the Budget Committee will be presented with two forecasts, one holding stable and the other with the fee increase.

Chitsazan mentioned that the new city hall building does not have an ADA door button on every entrance, would this be included in the upcoming budget.

Sagor responded this is the type of item that could be done with a stronger general fund budget.

Passarelli added that the building does meet the accessibility requirements.

Sagor mentioned that all this information presented on the 5-year forecast will be presented at tomorrow's City Council work session.

6. CUAB BY-LAWS

Osborne began by mentioning the bylaws could be postponed to the August meeting in which the committee would have more time to review and discuss. Multiple handouts were provided to the members.

Schocker clarified items written in an email, that was provided to members. Realizes the Adelphi process would not be compliant with public meeting rules. Would like to see a process where each member sends comments to a designated staff person who would compile all comments before a specific date and then send them out for everyone to review prior to the meeting.

Sagor responded that is the process used for City Council.

Schocker asked what needs to be done with the bylaws.

Osborne responded that after they are finalized with members the City Council will need to approve the bylaws.

Sagor explained that committee members can attend the council meeting to answer any questions the City Council may have on the bylaws. An ordinance will be drafted by staff to update the city code.

Chitsazan mentioned preference to have the meeting packet ahead of time to review.

Sagor responded that the agenda is always posted a week in advance and the packet usually is posted the Friday before the meeting.

7.ADJOURN

Chitsazan made a motion to adjourn the meeting. **Rowe** seconded the motion. Motion passed with the following vote: Chitsazan, Johnson, Rowe, Schockner voting “aye” (4:0). The meeting adjourned at 7:02 pm.

Respectfully submitted,

Judy Serio, Secretary / Accountant

Draft CIP Project Evaluation Criteria

Comprehensive Planning Outcome and Policy Alignment – The Comprehensive Plan, Climate Action Plan, Transportation System Plan (TSP), utility system plans, urban forest management plan, and other strategic management plans are prepared to provide the City of Milwaukie with a valuable aid for continuing efforts to meet and exceed goals set forth by City Council. Plans include those documents that have been prepared internally to assure consistent adherence to industry best practices, as well as those documents that have been created with the assistance of outside consultants. The score will be based on answers to the following questions:

- a. How many policies(s)/strategy(ies) outlined in strategic planning documents does this project align with?
- b. Does the project help meet the goals of the City Council?
- c. Is the project consistent with the comprehensive plan?
- d. Is the project consistent with the governing body's policies?

Scoring Scale (0-3) weighting (2)

0	1	2	3
The project does not align with any policies or strategies outlined in strategic planning documents	The project aligns with one (1) policy or strategy outlined in a strategic planning document	The project aligns with two (2) policies or strategies outlined in a strategic planning document	The project aligns with three (3) or more policies or strategies outlined in a strategic planning document

Regulatory Compliance – This includes compliance with regulatory mandates from regulatory agencies such as EPA , Oregon Department of Environmental Quality , Oregon Health Authority, compliance with the Americans with Disabilities Act, and other County, State and Federal regulations. This also includes compliance with City code. The score will be based on answers to the following questions:

- a. Does the proposed project address a current regulatory mandate? If yes, which one(s)?
- b. Will the proposed project proactively address a foreseeable (within the next 5 years) regulatory mandate? If yes, which one(s)?
- c. Does the proposed project have a lasting impact on promoting regulatory compliance over the long term (more than 10 years)?

Scoring Scale (0-3) weighting (3)

0	1	2	3
The project does not address a regulatory compliance issue	The project provides a short-term fix for an existing regulatory compliance issue or for one anticipated in the near future	The project provides a moderate-term fix for an existing regulatory compliance issue	The project resolves a pressing or long-term regulatory compliance issue and at least half of the project budget is tied

			to meeting a regulatory compliance standard
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Sound Fiscal Stewardship – Some projects may impact the operating budget for the next few years or for the life of the facility. A new facility will need to be staffed and supplied, therefore having an impact on the operational budget for the life of the facility. Replacing a streetlight with a more energy efficient model may decrease operational costs. The score will be based on answers to the following questions:

a. Will the proposed project require additional funding (i.e., personnel, annual maintenance, equipment outside of what is included in the project)?

b. Will the proposed project reduce staff time and City resources currently being devoted, and thus have a positive impact on the operational budget over the lifetime of the project (i.e., the return on investment is a net positive)?

c. Will the proposed project present a revenue generating opportunity?

Scoring Scale (0-3) Weighting (1)

0	1	2	3
The project will have a negative impact of more than \$10,000 on the budget.	The project will have a minimal (+/- \$10,000) impact the operating budget as it is cost/revenue neutral	The project will have a moderate positive impact on the budget (generate revenues or create savings) of \$10,000 to \$25,000.	The project will have a significant positive impact on the budget (generate revenues or create savings) of more than \$25,000.

Efficient & Effective Processes – Moving forward capital projects in a manner that allows for intentional and consistent delivery of city services is important. Projects will score higher in this category if they eliminate frustration and help streamline processes, have a critical timing/location component, or help us improve system reliability. The score will be based on the answers to the following questions:

a. How does the proposed project enhance timely, accurate, accessible, and transparent information, processes, and services?

i. Will this project help streamline operations?

b. Is this part of an integrated project?

i. Do other projects require this one to be completed first? Or vice versa?

ii. Can the proposed project be done in conjunction with other projects? (i.e., installation of sidewalks and street lighting within the same block)

c. Is the project part of a larger program?

Scoring Scale (0-3) weighting (1)

0	1	2	3
The project will not help achieve any of the 3 outlined criteria	The project will help achieve 1 of the 3 outlined criteria	The project will help achieve 2 of the 3 outlined criteria	The project will help achieve all 3 of the 3 outlined criteria

Equity & Inclusion—Projects will score higher in this category if it moves the City towards fair and equitable delivery of services so that no group is disadvantaged or burdened. The score will be based on the answers to the following questions:

- a. Does the proposed project consider equity in the allocation of funds?
- b. How does the proposed project improve residential connectivity (i.e., increase the number of residential units within a half mile of amenities, Americans with Disabilities Act (ADA) improvements)?
- c. How does the proposed project help improve service delivery or ensure that destinations are more equitable?

Scoring Scale (0-3) weighting (1)

0	1	2	3
The project will not help achieve any of the 3 outlined criteria	The project will help achieve 1 of the 3 outlined criteria	The project will help achieve 2 of the 3 outlined criteria	The project will help achieve all 3 of the 3 outlined criteria

Environmental Sustainability –Projects that consider the long-term environmental consequences, big and small, acknowledging the impacts may extend beyond our boundaries will score higher in this section. The score will be based on the answers to the following questions:

- a. Does the proposed project help meet the climate goals of the city?
- b. Does the proposed project improve green space or access to residential use of public land for environmentally sustainable uses?
- c. Does the proposed project account for climate adaptation (increasing severity of flooding and extreme temperatures), including the necessary budget?

Scoring Scale (0-3) weighting (1)

0	1	2	3
The project will not help achieve any of the 3 outlined criteria	The project will help achieve 1 of the 3 outlined criteria	The project will help achieve 2 of the 3 outlined criteria	The project will help achieve all 3 of the 3 outlined criteria

Community Engagement –Projects that invite and welcome all community members to collaborate and innovate with us will score better in this area. The score will be based on the answers to the following questions:

- a. Is it likely this project will improve community satisfaction within one of the following outcome areas
 - a. Bike and Pedestrian
 - b. Transportation
 - c. Parks
 - d. Economic Development
 - e. Community Affordability
 - f. Arts and Culture

b. Does the project budget include the appropriate funding/resources for the desired level of public participation? What level of public participation is anticipated?

Scoring Scale (0-3) weighting (1)

0	1	2	3
The project is not anticipated to impact community satisfaction nor has funding been identified for public participation	The project is anticipated to impact one (1) or more community satisfaction criteria OR has funding identified for public participation	The project is anticipated to impact one (1) community satisfaction criteria AND has funding identified for public participation	The project is anticipated to impact two (2) or more community satisfaction criteria AND has funding identified for public participation

Asset Condition - What is the condition of the building or infrastructure? It is critical to renovate, replace, or dispose of infrastructure before it reaches a point of failure and strategically time improvements to minimize cost (ex. replace the roof before water damage compromises the rest of the building).

Scoring Scale (0-3) weighting (1)

0	1	2	3
The project replaces or renovates a new asset	The project replaces or renovates an asset that is within the first 20% of its life cycle	The project replaces or renovates an asset that is within 21-60% of its life cycle	The project replaces or renovates an asset that is past 60% of its life cycle

External Funding – Capital improvement projects may be funded through sources other than City funds. Grants through various agencies, public private partnerships, and donations can all be sources of external funding for a project. The percentage of total cost funded by an outside source will determine the score in this category.

Scoring Scale (0-6) weighting (1)

0	1	2	3	4	5	6
0% to 15% External Funding	15% to 30% External Funding	30% to 45% External Funding	30% to 45% External Funding	45% to 60% External Funding	60% to 75% External Funding	75% to 100% External Funding

Economic Development – The City has several valuable commercial and industrial areas (i.e. the International way industrial area, Milwaukie Marketplace, Downtown, North Milwaukie Innovation Area) that support and sustain thousands of jobs. These areas are critical for providing livelihoods, as well as helping maintain some form of jobs/housing balance, which can reduce the need for longer commutes and greenhouse gas emissions.

A. Will the project have the potential to promote economic development in a new area of the city?

B. Will the project continue to promote economic development in an already developed area?

Scoring Scale (0-4) weighting (1)

0	1	2	3	4
The project will not aid in growth, economic development and increased tax revenue		An equal portion of the project will promote growth, economic development and increased tax revenue as well as have no impact on growth.		The project will encourage future economic growth and increased tax revenue.

Scoring Scale (0-3) weighting (1)

0	1	2	3
The project is primarily residential serving	The project replaces or renovates an asset that is within the first 20% of its life cycle and serves a commercial or industrial area	The project replaces or renovates an asset that is within 21-60% of its life cycle and serves a commercial or industrial area	The project replaces or renovates an asset that is past 60% of its life cycle and serves a commercial or industrial area

Citizen's Utility Advisory Board

www.milwaukieoregon.gov/bc-cuab

BYLAWS

Adopted 1/1/2021

By Resolution 21-2021

ARTICLE I – NAME

The name of this Board is the Citizens Utility Advisory Board (CUAB).

ARTICLE II – PURPOSE & AUTHORITY

- A. Purpose.** The purpose of the Board is to advise the City Council on matters relating to city utility rates and capital improvement programs through the following activities:
- Reviewing existing rate structures and capital improvement programs;
 - Advise the City Council on matters relating to utility rate structures and capital improvement programs;
 - Promoting public knowledge and understanding of the City's utility programs; and
 - Such other activities as the council may assign. (Ord. 1798 § 1 (part), 1996)].
- B. Authority.** The Board is authorized by Milwaukie Municipal Code (MMC) Chapter 2.11. Citizens Utility Board.

ARTICLE III – MEMBERSHIP

- A. Membership.** The Board consists of 5 members, all of whom must either live in the city, own a business in the city, or pay for city administered utilities (water or wastewater). No member may be an officer, agent, or employee of the City of Milwaukie.
- B. Appointment.** As outlined in the MMC, the mayor appoints Board members with the consent of the City Council. The citizen members of the Budget Committee are appointed to serve on the CUAB. As outlined in MMC 2.10.040 and in the city's Code of Conduct for Board and Committee Members, Board members serve at the pleasure of the City Council.
- C. Term of Office.** Board member terms are for a period of 4 years. Board members may serve no more than 2 consecutive full terms, unless there is an interval of at least one term before reappointment. Current Board members may be reappointed to the Board if they do not exceed the established term limits for the Board.
- D. Vacancies.** If a Board member resigns or otherwise vacates their position, the City Council will fill the vacancy in the same manner as the original appointment. Member resignations should be submitted in writing to the chair and staff liaison.
- E. Code of Conduct.** To ensure the city's boards and committees operate in an efficient, consistent, and orderly manner, and that Board members comply with Oregon's public meetings and records laws, the City Council adopted a Code of Conduct for Board and Committee Members. Board members are expected to review, sign, understand, and abide by the Code of Conduct.

ARTICLE IV – MEETINGS

- A. Open Meetings.** All Board meetings are public meetings as set forth by Oregon's Public Meetings Laws, Oregon Revised Statute (ORS) Chapter 192.

- B. Meeting Conduct.** Board meetings will be conducted efficiently and transparently as outlined in these bylaws, the MMC, relevant state and federal laws, and by the city's Code of Conduct for Board and Committee Members. Where these bylaws or other city guides do not provide direction, the most recent edition of Robert's Rules of Order will be followed.
- C. Regular Schedule.** The Board will hold regular meetings as determined by the MMC, the City Council, or the chair and staff liaison. The Board's regular schedule will be to meet **quarterly, 5:30 pm on the first Monday at the Milwaukie City Hall Community Room.**
- 1. Special Meetings.** Special meetings may be called at the request of the chair or a majority of the Board. If a special meeting is called, the chair and staff liaison will set a date and time taking into consideration such factors as the availability of the Board members and staff, and a meeting location.
 - 2. Closed Sessions.** The Board may meet in closed, or executive, session as allowed by ORS 192.660(2) and consistent with MMC 2.04.090.
- D. Attendance & Absences.** Board members are expected to attend all meetings, events, and activities of the Board. As outlined in the MMC and Code of Conduct, if a member fails to regularly attend meetings, the member may be removed from the Board through the process outlined in the Code of Conduct.
- 1. Absences.** If a Board member is unable to attend a meeting, it is the member's responsibility to inform the chair and staff liaison before the meeting.
- E. Quorum & Related Matters.** For the purposes of conducting Board business, including holding official meetings, a majority, or quorum, is **3** of the voting membership of the Board.
- 1. Lack of Quorum.** If there is no quorum of Board members within 15 minutes following the scheduled start time of a meeting, the meeting is cancelled. If the chair or staff liaison knows that a quorum will not be present at the meeting, they will notify the Board members before the meeting about the cancellation.
 - 2. Rescheduling Agenda Items.** If a meeting is canceled due to a lack of a quorum, all agenda items that were scheduled for the cancelled meeting will automatically be placed on the next regularly scheduled meeting agenda unless the chair or staff liaison determines that a special meeting is needed to address the items. The staff liaison will ensure that the required public meeting notices will be posted for the next meeting.
- F. Agenda Order.** The chair and the staff liaison will coordinate and arrange the meeting items as necessary to achieve an orderly and efficient meeting. In general, the order of business will be as follows:
1. Call to Order
 2. Announcements
 3. Approval of Minutes
 4. Community Comments
 5. Business Items
 6. Public Hearings [for Planning Commission only]
 7. Board Member Reports
 8. Adjournment
- G. Adjournment Time.** Board meetings will end no later than insert time. However, by majority vote of the members present the adjournment time may be extended.
- H. Voting.** All Board members who are present at a meeting, including the chair and officers, are allotted one vote each on all motions. The concurrence of a majority of the whole **board** present shall be required to determine any matter before the **board**. In the case of a tie vote,

the matter fails. When a vote is taken all members must vote unless a member abstains from voting and cites the reason for abstaining for the record. The Board secretary or staff liaison will call the roll, altering the order of members called. The chair will vote last.

I. **Motions & Related Matters.** Any Board member may make a motion. A motion needs a second to be considered, otherwise it fails.

1. **Reconsideration of Actions Taken.** A Board member who voted with the majority may move for a reconsideration of an action at the same meeting only. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration may be made without unanimous consent of the Board.

J. **Minutes & Related Matters.** The written and approved meeting minutes are the official record of the meeting.

1. **Preparing the Minutes.** The Board secretary or city staff will be present at each meeting and will provide written minutes. Written minutes should not be a verbatim transcript but should give a true reflection of the matters discussed at the meeting and the views of the participants. The written minutes must include at least the following information:

- a. The date, time, location of the meeting;
- b. Names of the Board members present;
- c. All motions and proposals;
- d. The results of all votes;
- e. The substance of any discussion on any matters; and,
- f. A reference to any document discussed at the meeting.

2. **Recordings.** As allowed by state law, all public meetings may be recorded by the city, Board, or the public. It will be at the discretion of city staff if an official audio, video, or digital recording of the meeting is created, and if the meeting video is broadcast or streamed live.

3. **Posting & Approval.** The staff liaison will make the draft written meeting minutes available to the public within a reasonable time after the meeting. The Board will review and vote upon the minutes at its next meeting after the minutes have been written. Approved minutes will be posted on the city's website and retain permanently as required by Oregon Administrative Rule (OAR) 166-200-0235(5)(a).

ARTICLE V – OFFICERS & ASSIGNED DUTIES

A. **Officers.** The officers of the Board will consist of a chair, vice chair and secretary.

1. **Election of Officers.** Members will elect the officers annually during the first meeting in August? Any member may nominate another member as an officer. Officers may be re-elected. If an officer is unable to complete their term, the Board will hold a special election to fill the vacant officer position.

B. **Duties of the Chair.** The chair will preside and preserve the order of Board meetings, review agendas and confer on business with the staff liaison and sign all documents memorializing Board actions. The chair will set reasonable time limits for community comments and testimony.

C. **Duties of the Vice Chair.** If the chair is absent or otherwise disqualified from serving, the vice chair will perform all duties and be subject to all the responsibilities of the chair. If both the

chair and vice chair are absent from a meeting, the remaining members present will elect an acting chair for that meeting.

D. Duties of Other Officers.

[The Secretary will take minutes of the meeting.]

E. Duties of Board Members. The role of a Board member is to participate in the Board's work and activities as assigned by the City Council by attending meetings and events and participating in discussions and decisions. As outlined in the city's Code of Conduct, Board members must behave in an appropriate manner when performing their duties as Board members in-person and in written or digital communications.

1. **Meeting Preparation.** Board members must prepare for participation at a meeting by fully reviewing the staff report and any materials provided by city staff.
2. **Site Visits.** Before Board meetings, members are encouraged to visit sites that are subjects for design review actions. If a Board member visits a site, the member will report on the record any information gained from the site visit that is not consistent with the information included in the application or staff report.
3. **Compensation.** Board members will receive no compensation for their service. However, the city may reimburse a member for an authorized expense.
4. **Conflicts of Interest.** In accordance with ORS 244.120, a member of the Board may not participate in any Board proceeding in which any of the following persons or businesses have a direct or substantial financial interest:
 - i. The Board member or the spouse, brother, sister, child, parent, father-in-law, or mother-in-law of the Board member;
 - ii. Any business in which the Board member is then serving or has served within the previous two years; or
 - iii. Any business with which the Board member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
 - iv. A member must disclose any actual or potential interest at the meeting of the Board where the action is being taken.
- ~~5. **Statement of Economic Interest.** Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Ethics Commission (OGE) [Planning Commission only]~~

F. Duties of City Staff. The city will assign a staff liaison to the Board and, as appropriate and available, will assign administrative staff to support the Board. Staff liaisons will act as the Board's primary point of contact for Board members, city staff, and the general public. Staff will ensure that the Board's meetings are held in accordance with state public meeting laws and will support the Board's activities.

1. **Orientation of New Members.** When new Board members are appointed, the staff liaison and chair will provide an orientation to the new members as necessary. In addition, city staff may provide other training opportunities to Board members.
2. **Board Manual.** For the efficient documentation of the Board's operations, city staff may compile and maintain a Board manual.

G. Subcommittees & Other Committees. The Board may find it necessary to form subcommittees to investigate areas relevant to the Board's purpose. The Board may identify members to serve on select subcommittees. A majority of the members will need to consent

to the formation and membership of a subcommittee. When requested by the City Council, city staff, or other city boards and committees, the Board may select members to serve as a Board representative on another committee.

ARTICLE VI – GOALS & AMENDMENTS

- A. Goals.** The Board will annually establish project and outcome goals that align with the goals of the City Council and the city. The Board will establish an annual workplan to document its progress towards achieving its goals.
- B. Amending the Bylaws.** The Board will review its bylaws annually or as necessary and will prepare and propose appropriate bylaw amendments to the City Council. The City Council retains all authority to amend these bylaws as outlined in MMC 2.10.050.
- C. Annual Review.** The Board will meet annually with the City Council to review the Board's goals, workplan, and any proposed bylaw amendments.

From: [Michael Osborne](#)
To: [Judith Serio](#)
Subject: FW: Questions from CUAB
Date: Friday, March 22, 2024 1:51:19 PM
Attachments: [BC Code of Conduct 2023.pdf](#)
[BC Public Records & Meetings Overview.pdf](#)

Michael Osborne • Finance Director
o: 503.786.7533

From: Scott Stauffer <StaufferS@milwaukieoregon.gov>
Sent: Thursday, February 8, 2024 5:05 PM
To: Michael Osborne <OsborneM@milwaukieoregon.gov>; Emma Sagor <SagorE@milwaukieoregon.gov>
Cc: Peter Passarelli <PassarelliP@milwaukieoregon.gov>; Judith Serio <SerioJ@milwaukieoregon.gov>; Scott Stauffer <StaufferS@milwaukieoregon.gov>
Subject: RE: Questions from CUAB

OK – sorry for the delay; here are my thoughts. Let me know if you have any questions and if I can provide any further information.

SCOTT STAUFFER

City Recorder
he • him • his
City of Milwaukie
p: 503.786.7502

From: Michael Osborne <OsborneM@milwaukieoregon.gov>
Sent: Monday, February 5, 2024 7:36 PM
To: Scott Stauffer <StaufferS@milwaukieoregon.gov>; Emma Sagor <SagorE@milwaukieoregon.gov>
Cc: Peter Passarelli <PassarelliP@milwaukieoregon.gov>; Judith Serio <SerioJ@milwaukieoregon.gov>
Subject: Questions from CUAB

Hey Scott,

CUAB had a very good meeting tonight and appreciate your suggestion of sending around the tracking document for the Bylaws. A couple questions that came up:

- Naming: Leslie thinks the title should include Subcommittee instead of a Board. Since this is a subcommittee of the Budget Committee. Is this required. One possible name suggested was CUAC (pronounced Quack). Community Utililty Advisory Committee. **It's not required, and I am not aware of any legal requirement as to what the CUAB's name must be. Making the CUAB a subcommittee of the Budget Committee is a new development and it's important to remember that so far, no code change has been made to the CUAB so for any of the changes**

being considered, if there is Council approval to make the change we'll need to pass an ordinance (CUAB in code is here:

https://library.qcode.us/lib/milwaukie_or/pub/municipal_code/item/title_2-chapter_2_11).

So, the board is free to recommend to the Budget Committee and then City Council a name change... officially it is still the **Citizens** UAB, but Council wanted to change its name to **Community** UAB a few years ago but because of the bylaws change that was supposed to be happening (and was talked about last in December) the name has not officially been changed yet. I think there is interest in changing the CUAB's name and proposing that it be the Community Utility Advisory Subcommittee (or Committee) would be fine – but ultimately it is up to Council to approve. I can help with that name change process when you're ready.

- Do all Budget Committee members need to be appointed to the CUAB? Or if a BC member wanted to decline the invitation could they and be replaced with another community member? Could this be stated in the Bylaws? **Good questions!**
 - As to appointing... to date the CUAB members, who are of course Budget Committee members, were separately appointed to the CUAB. But it's up to Council how that process works. It could be that an appointment to the BC also states in the resolution it is also an appointment to the CUAB; but we should put some thought into that process and definitely it should be documented in the bylaws of the CUAB and maybe the Budget Committee too.
 - And, if a BC member didn't want to be appointed to the CUAB, I think it would be up to the Council as to what happens... they could:
 - a) require the Budget member to be on the CUAB too,
 - b) remove the Budget member to replace them with someone who wants to be on the CUAB too,
 - c) find someone else to appoint to the CUAB while letting the person remain on the Budget Committee, or
 - d) Council could leave the CUAB position vacant while letting the person remain on the Budget Committee.
- Leave of Absence: How would a leave of absence be treated and what do other boards do if a member wanted to recuse themselves for a amount of time? **In short, we generally take leaves of absence on a case-by-case basis. We've had members inform the city about a need for a leave and Council was happy to oblige; the most recent example was when Mary Rowe filled in as HR director before Brandi and she took a 6-month leave from the Budget Committee. So, it's totally feasible, the city just asks for communication from the member, so everyone knows why they are absent. Also, it's important to keep Council informed and get their acknowledgement – its really their call whether an absence from a committee requires someone be removed/replaced. But, if Council understands what's going on and the staff liaison and committee know too, it would probably fine.**
- Note taking, the board did not want to be responsible for the note taking and volunteered Judy to take notes. (Sorry Judy). We should develop a alternative note taker for times when Judy is out. **The general guidance to most boards and committees is for a member to take the minutes, however it is often the case that staff end up being the best person to take it; and there have been boards and committees that ask staff to do it. So, it's best if the CUAB does it, but the point is also well taken that in this case the CUAB is already doubling up on**

committee work, so having staff do it makes sense. As to a back-up for Judy, I would defer to finance/public works staff for who an alternate note take is. And, keep in mind too that minutes do not have to be very detailed – they can be action minutes and fairly succinct... assuming the board agrees with that approach.

- The board wanted a summary of the guidelines for emails and what makes a meeting. They liked being able to email prior to the meeting and discuss matters. I said I was not an expert, but I feel that the discussions and thought process needed to be in a official meeting and that emails of all members are discouraged. The question of a “Adelphia project” (basically a game of telephone) was acceptable to pass along. I am not familiar with the “Adelphia project” but serial meetings via email or phone for public bodies (and the city considers the CUAB and all boards/committees to be public bodies) are prohibited by state law. I would direct the CUAB to refer to the second page of the attached BC Public Records and Meetings Overview which outlines that electronic (email) meetings are not allowed per state public meeting laws. If a quorum of the board is on the email and they start talking about board business, they are having an illegal meeting and need to stop. Email communications must be informational only – board members should never ‘reply all’ with comments that constitute a discussion. For further reading CUAB members can also refer to the Oregon Attorney General’s Public Records and Meeting Manual: <https://www.doj.state.or.us/oregon-department-of-justice/public-records/public-records-and-meetings-law/>.
- Rotating chair: A question was brought up if we could rotate a chair at each meeting to give other members the opportunity to run the meeting. Again, im not a expert but thought that we should only elect chairs for a year or two year period to make it less confusing, but suggested the idea of rotating the meeting duties to others so it doesn’t all fall on the chair. Thoughts? The board is free to recommend whatever leadership structure they would like, just have them keep in mind that the final say on the structure is the Council – who will approve the structure by adopting the CUAB’s bylaws. I agree with you that picking a new chair every time can be confusing and cause logistical issues, I would advise that they pick a new chair every year. The Planning Commission did that for a while, with a similar goal of giving everyone a chance to lead meetings, and I think it worked for the PC.

This was all the questions that came up. We were done at 7!

MICHAEL OSBORNE

Assistant Finance Director

o: 503.786.7533

City of Milwaukie

10501 SE Main St. • Milwaukie, OR 97222

Suggested Bylaws revisions – this is based on the formatting of the the latest draft but is an attempt to just start from scratch and capture what the CUAB has transitioned to. I have two suggestions before getting into the sections. One point is that the current draft refers in practically every sentence to the “Board” and it is no longer a board but rather a subcommittee of another committee, the Budget Committee. Using the word “board” simply obscures understanding of the systemic structure.

The second point is that we have discussed repeatedly suggestions to change the name from the Citizens to the Community Utility Advisory Board, which adds to the confusion. Everyone knows it as the acronym, eg, CUAB, not as the whole phrase. I am suggesting that we just name it the acronym, eg, CUAB, as other entities have done for ease and clarity, such as the American Assn of Retired Persons becoming just Aarp or the National Aeronautics and Space Administration becoming Nasa. This would avoid the conflict in meaning of calling a subcommittee a board. I am suggesting, therefore that we just name it Cuab and be done with it. And to that end I suggest that “Board” in the text be replaced in all instances in the draft with “Cuab.” We are not writing a generic bylaw, we are writing one specific to Cuab. Probably need to choose whether to call it CUAB, all caps or Cuab, as a capitalized name.

So here are my textual suggestions.

ty rates and capital improvement programs through the following activities:

All the a-d subsections remain the same.

B. Authority – ok, presuming the code section governing this remains the same.

Article III

A. Membership. The Cuab

Article I, etc

The name of this committee is the Cuab, which is a standing subcommittee of the Budget Committee.

Article II, etc

A. Purpose. The purpose of the Cuab is to recommend actions to the Budget Committee for inclusion in the biennial budget as relates to the city’s utility rates and capital improvement programs through the following activities:

All the subsections a-d remain.

B. Authority – remains the same

Article III

A. The Cuab consists of five members who are the citizen members of the Budget Committee. No member may be an officer, agent or employee of the City of Milwaukie.

B. Appointment. Replace Board with Cuab in the first sentence. Then substitute with – The citizen members of the Budget Committee are appointed to serve as a duty of Budget Committee membership.

C. Term of office. Cuab member terms are the same as the terms of membership on the Budget Committee. *Take out the rest.*

D. Vacancies. Vacancies on the Cuab will be filled as they relate to changes in membership of the Budget Committee. A Cuab position will become vacant when the respective Budget Committee position is vacated, either through completion of the appointed term, or through resignation. Reappointments may occur as related to Budget Committee membership. *In other words, no vacancy will exist on Cuab except as to a change in Budget Committee membership. Take out the rest of the*

resignation provisions. The issue of having someone not serve on both has been discussed but no decision to change this has been proposed as far as I know.

E. Code of Conduct – stays the same

Article IV Sections A-D – no changes except replace Board with Cuab.

Section E. Quorum and Related Matters. For the purposes of conduction Cuab business, including holding official meetings, a quorum is defined as a majority of the current voting membership of the Cuab.

F. Agenda Order. - I recommend the addition of the following sentence before the final sentence: “Items requiring formal action, eg, a vote, will be noted on the agenda.” I think this change would help us clarify when we actually are taking a vote to recommend and action to the Budget Committee, which occurs with adopting rates, and the CIP. It’s easier, at least of me, to know before the discussion which items will require formal action. Everything else is ok.

G. Adjournment time. I think the rule should not specify and end time, and that the action should be a vote to table discussion for a future meeting, if necessary. It seems to me that this would require less need for voting on administrative extensions. Maybe something like. “Cuab meetings are expected to last no more than two hours. The meeting can be extended if necessary to complete the business listed on the agenda. Or some such.

H. Voting. I am wondering if the provision that the roll must be called for each member to vote is even necessary. We have not operated this way in either Cuab or Budget. If as has been the case, most of the votes are unanimous, why does their need to be a provision for a roll call for each vote?

J. Minutes and Related matters

1. Preparing the minutes. Add this phrase to the first sentence -”As the Cuab is a subcommittee of the Budget Committee, city staff will...provide written minutes. Then after the subsection listings of a-f, I would suggest adding “g. Documents discussed will be included as attachments to the adopted minutes.”

No other changes to Sec J

Article V

No changes until D. Duties of Other Officers – leave out any reference to the Secretary being required to take minutes. I would be ok – but requires discussion – with adding something like “The Secretary may be called upon to review draft minutes.”

E. Duties.... I think subsection 2, Site Visits can be removed as not relevant to Cuab, as # 5 has already been removed.

I think the rest is ok. I would note that I think a board manual would be a great idea. Maybe we could set it as a goal in an upcoming workplan, or it could be a section of a larger City manual that would address all of the City’s volunteer boards and committees.

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CITY OF MILWAUKIE

CUAB

August 5th



Agenda

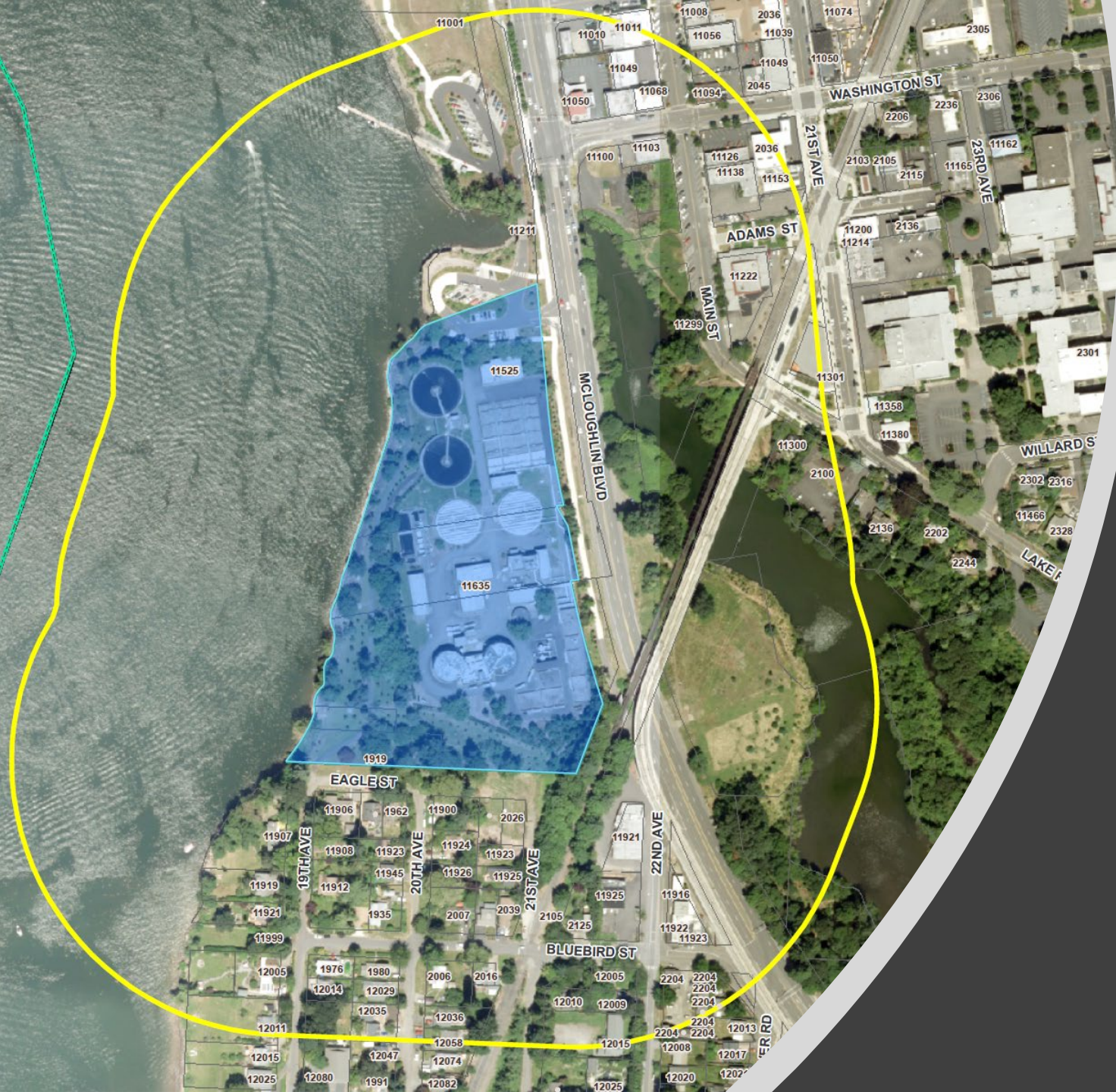


- Good Neighbor Funds
- Capital Improvement Plan Criteria
- Bylaws

Good Neighbor Funds



- WES has implemented a new good neighbor model with Gladstone and Oregon City.
- Expansion of the use of funds both in purpose and geographically.
- Milwaukie to directly manage these funds.
 - This change requires future project to be budgeted as part of the city's capital improvement program.
- Expanded Boundary
 - Previous agreement was limited to 200 yds around Kellogg Plant

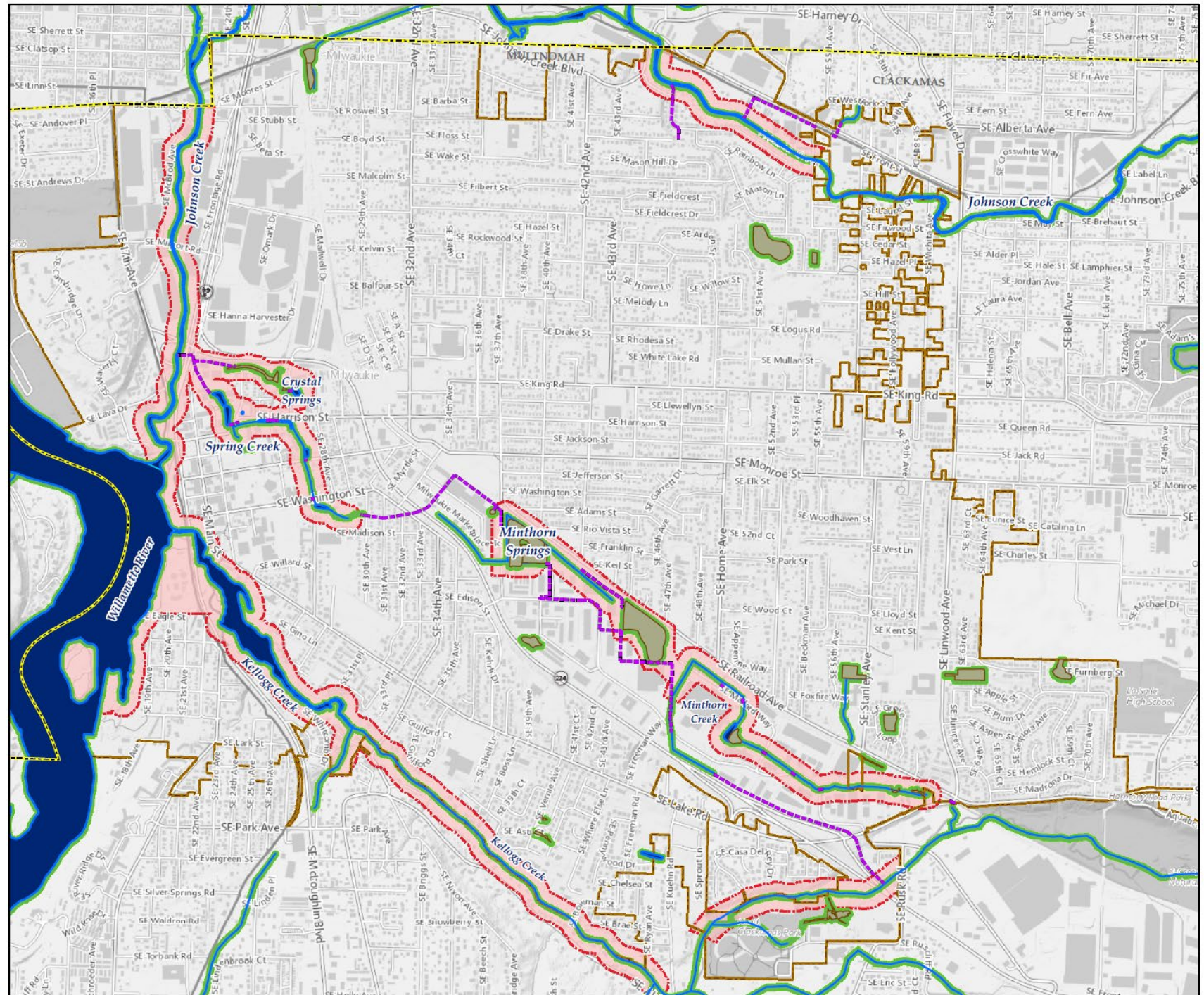


Good
Neighbor
Boundary

**City of Milwaukie
Proposed Good Neighbor Program Areas**

-  Milwaukie City Limits
-  County Boundary
-  Storm Piped Streams
-  Wetlands
-  Streams
-  Water Bodies
-  Vegetated Corridors
-  Proposed Good Neighbor Program Areas

Note: Vegetated Corridors (or WQR, the water quality resource Areas)



Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center

Date: Thursday, March 31, 2022

The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated.

GIS Coordinator
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206
(503) 786-7498

Good Neighbor Program



- New agreement signed between WES and City in 2023
 - Allowed for expanded use both in purpose and geographically
- Approximately \$140K in revenues per year
 - Based on EDU count
- \$90K debt service for MBP through 2029
- About \$50K a year available

Good Neighbor Project Eligibility



- Eligible projects must have at least one of the following purposes:
 - Provide improved recreational opportunities, such as pathways, parks, and trails.
 - Enhance fish and wildlife habitat and riparian areas.
 - Create opportunities for collaboration and leverage resources between the city and WES relating to another purpose approved by the Parties.
 - Enhance public knowledge on wastewater treatment and surface water management and what they can do to protect water quality through education and special projects.

Potential Projects



- Roswell Detention Restoration
- Elk Rock Island Support
- Spring Creek Daylighting Analysis
- Riparian Restoration efforts - International Way
- Increase Support to Watershed Councils
- Enhancements near the Kellogg Treatment Facility
- Minthorn Springs

Next Steps



- Update Website for Program
- September Pilot Article
- Project Nominations – Due Mid -October
 - Staff
 - Community Members
- Review and Approve / Project Nominations – Nov CUAB

Capital Improvement Plan



- By June 2026 adopt updated CIP that reflects community and City Priorities developed with using publicly informed and endorsed criteria
 - Engagement to help define and weight priorities
 - Staff will use to develop scoring criteria
 - Project list
 - Funding strategy
- Goals
 - Improve the transparency of the CIP prioritization/decision-making process;
 - Ensure that the process is data-driven by identifying, applying and adhering to clear, well- defined and consistent factors;
 - Streamline the process to improve efficiency and expenditure of staff time and resources;
 - Filter project needs through the lens of community values and City goals

CIP Engagement Objectives



- Community members will be engaged in helping define and weight priorities, which staff will use to develop scoring criteria, a project list, and a funding strategy.
- Stakeholders will have a clear understanding of what level of influence they have over the decision making process
- Internal and external communications will clarify how the CIP is connected to our system plans and comprehensive plan.
- All stakeholders will know how public input influenced decisions and the rationale for why CIP projects were selected and prioritized.

Draft Criteria



- **Comprehensive Planning Outcome and Policy Alignment**
- **Regulatory Compliance**
- **Sound Fiscal Stewardship**
- **Efficient & Effective Processes**
- **Equity & Inclusion**
- **Environmental Sustainability**
- **Community Engagement**
- **Asset Condition**
- **External Funding**
- **Economic Development**



Bylaws