

## Measure 26-205

**Ballot Title:** Amends Charter: Authorizes City participation in emergency mutual aid agreements.

**Question:** Shall Charter be amended to authorize emergency mutual aid agreements between the City and other government entities, tribes or utilities?

**Financial Impact:** This measure would allow the City Council to use money from the City's Water Fund to pay for providing aid to another government entity, tribe or utility, in an emergency that disrupts the other entity's water supply. The money in the City's Water Fund comes primarily from payments by residents and businesses for water services and from the sale of water to other area water providers. If Portland suffers a future emergency disrupting our water supply, the other parties to the mutual aid agreement would pay to help Portland repair the damages. The severity and locations of the possible emergencies covered by mutual aid agreements vary. This means the costs and benefits of this measure cannot be determined.

**Probable Results of a "Yes" Vote:** If passed, the amendment would permit the City Council to enter into mutual aid agreements that use Portland's Water Fund to pay for aid to other communities when emergencies damage those communities' water infrastructure and water supplies.

**Probable Results of a "No" Vote:** If the amendment is not passed, City Council would pay for any costs associated with mutual aid agreements from the General Fund instead of the Water Fund.

**Background:** In October 2005 Portland sent a task force of 35 Water Bureau employees and 17 Water Bureau vehicles to New Orleans to assist the Sewerage & Water Board with repairs to facilities damaged by Hurricane Katrina. In addition to documenting damage, the task force repaired water main breaks, service leaks, broken valves and broken fire hydrants, working 15-hour days. This cost the City of Portland \$2 million, which the City paid from Water Bureau funds; the Federal Emergency Management Agency (FEMA) reimbursed the Water Bureau \$1.8 million.

City officials contend the Katrina worker loans were part of a mutual aid agreement that would guarantee similar assistance to Portland in the future. (The power to enter into agreements with "any other public corporation or unit of government" is granted to the City in Article 1, Section 2-105 of the City Charter.) Mutual aid agreements typically address the furnishing of personnel, equipment or expertise in a specific manner when an emergency occurs.

In 2014, the Multnomah County Circuit Court issued a ruling against the City in a lawsuit, concluding that the use of Water Bureau funds for mutual aid agreements was improper, and that the City should have used general fund dollars. The court ruled that

ratepayer funds can only be spent on the primary mission of the Water Bureau, which is providing water services to the ratepayers in Portland.

The 2014 ruling showed that the City Charter does not clearly provide authority to the City Council to authorize mutual aid agreements between the City's utilities and other utilities, cities, or tribes. The proposed Charter amendment would allow the City Council to authorize such an agreement for the Water Bureau.

The Portland City Council resolution (37439) to place this measure on the November 5<sup>th</sup> Special Election ballot, states that "mutual aid agreements ensure that member jurisdictions can request assistance...from other members during emergencies on particular terms that typically include reimbursements costs." The resolution also requires that, if this measure is approved by voters, "the Portland Water Bureau shall report annually to the Council on all Water Fund expenditures/in-kind donations associated with mutual aid to/from partner jurisdictions."

The Portland Water Bureau and Environmental Services are already part of the Oregon Water/Wastewater Agency Response Network (ORWARN) for emergency mutual aid to other cities in Oregon, but not to cities in other states. It is not clear whether this amendment is needed to allow the use of the Water Fund for emergency aid to another Oregon city.

**Summary of Measure:** The measure adds one phrase, "may enter into mutual aid agreements with other government entities, tribes and utilities," to the City Charter section listing the general powers the City has to furnish water services (Chapter 11, Article 1, Section 11-101).

The restoration of infrastructure to supply drinking water would be the primary aid allowed by the mutual aid agreements covered by this amendment. The cost of water-related aid could be shifted from the General Fund to the Water Fund.

Although the Water Bureau also collects payments for sewer services, those payments are deposited into a separate Sewage Disposal Fund, covered by Chapter 11, Article 3 of the City Charter. Sewer services and the Sewage Disposal Fund would not be affected by this measure.

### **Supporters Say:**

- Preparing for and responding to severe weather, earthquakes, mudslides and floods often requires jurisdictions to cooperate and share resources. This is most importantly true for utilities, where local resources can be quickly overwhelmed. This measure would allow for a quick response to emergencies with the quick restoration of basic services.

- This measure will potentially expand the available resources from statewide to nationwide, allowing not only for a quick response to an emergency, but also access to expertise that may not be available locally. Most major cities have mutual aid agreements in place because an emergency may never happen, but if one does, the timely restoration of water and wastewater services is essential to public health and safety.
- Mutual aid agreements can add to the preparedness of Portland workers by providing first-hand training in disaster management. This can have a positive impact on Portland's ability to respond quickly and efficiently, thus reducing the reliance on other cities, communities and government agencies and potentially reducing the overall cost of aid after a disaster.

**Opponents Say:**

- This measure is unnecessary because the Portland Water Bureau is already part of the Oregon Water/Wastewater Agency Response Network (ORWARN), and this statewide organization should be sufficient to handle any emergencies that arise.
- Mutual aid agreements could be costly to Portland residents. We shouldn't enter into an agreement if we don't know what the financial impact of it will be. Even after FEMA reimbursements, the cost to the City of Portland for assisting New Orleans after Hurricane Katrina was over \$200,000. That money could have been spent in Portland for preparedness.
- Unlike other parts of the country, Portland doesn't see many natural disasters. It is unfair for disaster-prone cities to rely on us for assistance when we may never need their assistance.