

MEASURE 26-219 – Charter Amendment on Uses for Water Fund

Official Title: Amends Charter: Authorizes new Water Fund spending; addresses land use.

Question: Shall Charter allow Water Fund to finance incidental public uses of certain Water Bureau lands, and explicitly authorize these uses?

Financial Impact: Estimating the financial impact is challenging. The Water Fund, money from ratepayers, will replace the General Fund monies of \$11,500 spent on annual maintenance of current HydroParks (Portland Water Bureau facilities that serve as neighborhood greenspaces). Additional use of Water Bureau land for uses not directly related to providing water services will increase maintenance costs. This measure also permits the use of the Water Fund for ADA compliance of identified land to ensure equitable public access. Water rates will be affected.

The resolution for the referral indicates the Water Bureau will work in partnership with the Portland Utility Board (PUB) to conduct a public process to recommend code language specifying the incidental uses, and once adopted, the Water Bureau will report associated expenditures annually to the PUB and City Council.

Probable Results of “Yes” Vote: City Council could permit or prohibit incidental uses by the general public of City lands controlled by the Water Bureau for use in the City’s water system, using the Water Fund for associated costs, provided the lands are outside the Bull Run Watershed Closure Area.

Probable Results of “No” Vote: Leaves charter unchanged; will not allow the Water Fund, ratepayer dollars, to be used for programs not “reasonably related” to providing water service.

Background: Water Bureau land could serve as neighborhood green space, but is often unavailable for public use. Such lands would need a different level of maintenance, and some are in need of accessibility upgrades. Both are limited by the availability of budgeted General Funds.

The City Charter, as affirmed in a 2014 court case, does not allow Water Fund (ratepayer) dollars to be used for programs not “reasonably related” to providing water service.

HydroParks refer to public, parklike use of City-owned land necessary for the provision of water services; HydroParks are one of the incidental uses referred to in the Charter change. There are currently seven HydroParks in the City, three of which are on the east side, two in North/Northeast, and two in Southwest; several are in park-deficient areas. Dodge Park, in Clackamas County with access to the Sandy River, is a larger piece of property that could be open for additional use.

Summary of Measure: The Water Bureau owns lands outside the protected Bull Run Watershed Closure Area that are necessary to provide water services, such as the areas around water towers. The general public could benefit from the use of that land for a pocket park, community garden, or green space. Council would need to approve an area for one of these incidental uses. Land is used in an incidental manner when its use is not related to providing water services.

There are related expenses for public access, including general maintenance and making the area accessible to people with disabilities. Under the existing charter, those expenses are borne by the General Fund. If this measure passes, the Water Bureau would be able to use the Water Fund for improvements and maintenance. Additionally, many barriers to accessibility have not been removed for lack of funding; this would allow using ratepayer funds for those improvements as well.

Supporters Say:

- The public and the Council will decide which Water Bureau lands are made available to the public for park space and community gardens.
- The Water Bureau should be able to invest the Water Funds to improve historically inaccessible lands for public use.

Opponents Say:

- Council already has authority to allow incidental uses of Water Bureau property.
- The City Charter should not be amended to allow the City to impose the costs of these incidental uses on water ratepayers.