



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD



TO: Commissioners McRae, Barofsky, Schlossberg, Brown, and Carlson
FROM: Frank Lawson, CEO & General Manager
DATE: February 27, 2024 (March 5, 2024, Board Meeting)
SUBJECT: EWEB/City of Eugene Liaison Agenda
OBJECTIVE: Information Only

Issue

At the February Board Meeting, Commissioners unanimously approved the City of Eugene Liaison Agenda (below) as presented, with the addition of items added in BOLD. EWEB Liaisons will provide feedback on the meeting(s) with City of Eugene Leadership throughout the year.

Background/Discussion

It is the Board's desire to partner and exchange information with the City of Eugene on a variety of matters, including but not limited to EWEB's role in decarbonization, resiliency, and emergency preparedness. Commissioners wish to provide collective guidance to the Board President and Vice President, who as liaisons to the City of Eugene are to collaborate, collect, and disseminate information between City of Eugene leadership (Mayor, Council President, and Vice President) and the EWEB Board.

At the February meeting, Board members had an opportunity to recommend and consider items for potential inclusion in the City of Eugene Liaison Agenda. The City of Eugene Liaison Agenda shown below was deliberated and approved at the February Board Meeting.

City of Eugene Liaison Agenda

No.	Subject, Issue, Opportunity	Liaison Role*	Board Position
1	Quarterly Results	Share Noteworthy Information including EWEB's CAP2.0 reporting metrics	(N/A)
2	Project(s) of Public Interest <ul style="list-style-type: none">- E.40th Water Storage- College Hill Water Storage- Hilyard Street Pipeline- Willamette Treatment Plant- Decommissioning Leaburg Hydroelectric Project- Smart Meter Deployment(List Others)	Share Status, Solicit Support	(N/A)

3	<p>Programs of Public Interest and Potential Partnership; Examples including, but are not limited to:</p> <ul style="list-style-type: none"> - Resiliency - Energy Efficiency Assistance for Renters and Limited Income (ex. Weatherization, Requiring transparency into rental utility costs/Home Energy Scores) 	Share, Explore partnerships and opportunities to leverage federal funds	
4	<p>Potential Uses of Future EWEB Contribution in Lieu of Taxes (CILT) Increases</p> <p>Explore non-service delivery based CILT exemption, e.g. Leaburg rate increases.</p>	Solicitation	EWEB desires the City to allocate a portion of future CILT increases to fund (or leverage additional funding) resources supporting items of mutual interest (e.g. rental property energy efficiency, EV charging infrastructure. How can EWEB engage and facilitate this interest?
5	Exploration of EWEB as billing agent for City of Eugene	Inquiry	Additional, non-code required; billing will require Board approval
6	Decarbonization	Share status, inquire about support	Reiterate that EWEB is a resource for information. How will Council solicit input from EWEB and other stakeholders?
7	EWEB's proposed update and changes to the Public Facilities Services Plan (PFSP).	Solicit Support	Modifications to the PFSP (and Master Plan) are needed for the land-use updates for Alternative Water Source (Glenwood) will eventually require Council approval.

*Potential Liaison Roles: share; solicit support, response, or action; inquire; communicate EWEB position; other...

Recommendation/Requested Board Action

None. This information is provided for information purposes only.



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

Rely on us.

TO: Commissioners McRae, Barofsky, Brown, Carlson, and Schlossberg
FROM: Rod Price, Assistant General Manager, Kelly Hoell, Climate Policy Analyst & Advisor
DATE: February 26, 2024 (March 5, 2024, Board Meeting)
SUBJECT: EWEB Participation in Equity Community Consortium (ECC) – Annual Update
OBJECTIVE: Information

Issue

This correspondence provides an annual update on EWEB’s participation in the Equity Community Consortium (ECC) for 2024 and describes how EWEB’s participation in ECC relates to Strategic Direction (SD) Policy 23, EWEB’s Diversity, Equity, and Inclusion (DEI) Policy, passed in 2023.

At the February 15, 2022, Board Work Session, Commissioners requested additional information about equity work being undertaken by peer organizations in the local community and utility industry. Correspondence was provided to the Board in July of 2022 to provide examples of Diversity, Equity, and Inclusion (DEI) support and policy language at peer agencies. In this July 2022 correspondence, the Equity Community Consortium (ECC) was introduced.

Background

EWEB is a participating member of the Equity and Community Consortium (ECC). The ECC, which started in 1991, is a group of fourteen agencies and jurisdictions that provide governmental and public services in the Eugene-Springfield metropolitan area with the mission to “foster a welcoming and hospitable community”. EWEB signed the current version of the ECC Memorandum of Understanding (MOU) in 2022.

The shared commitments and requirements outlined in the MOU include:

- Being a public agency serving clients in the Eugene-Springfield metropolitan area.
- Having a publicly available policy or statement demonstrating a commitment to equity.
- Having at least one staff member designated as a point person for equity work and being accessible to them as needed for decision making.
- Participating and contributing by sending at least one representative to ECC’s monthly meetings and providing time and resources to develop and advance our shared two-year work plan.
- Presenting annual updates on the agency’s equity work at an annual ECC event.

When EWEB’s DEI Policy SD23 was passed in fall 2023, this allowed EWEB to meet the MOU requirement of having a publicly available policy demonstrating a commitment to equity. AGM Price and several staff members attend monthly meetings and provide resources and support towards the ECC two-year work plan outlined below. More details about the group’s goals and governance can be found on the website: [Equity-Community-Consortium Website](#).

Discussion

Participation in ECC supports the four focus areas outlined in EWEB's Diversity Equity and Inclusion (DEI) Policy passed in 2023, including: a) Access to Products and Services, b) Workforce, c) Engagement (equitable inclusive and respectful community), and d) Board of Commissioners.

To best meet our policies, mission, and values, EWEB needs to connect to our community and ECC participation is one means to get involved from a leadership and employee perspective. Through ECC, EWEB connects with 14 other community-serving agencies. We share information and resources, support one another within the work we do in our community, and learn from each other as we each seek to implement our own DEI policies within our respective organizations.

The overall goal of ECC is to improve equity in our organizations and in our community by jointly sharing experiences and resources to magnify our individual member knowledge, skills, and abilities. Over the last several years, the main resources shared have been employee time related to planning and participating in community events. In 2024, the ECC members have re-committed to formalizing ECC process and structure through clear roles and responsibilities, improving interagency coordination, expanding messaging, and increasing participation opportunities in our community. With the increased commitment, member agencies may be asked for small amounts of financial funding.

There are two main groups in the ECC, the Leadership Group known as the Chief Administrative Officers (CAOs) composed of senior management in the participating organizations that meet to ensure their organizations remain committed and the Thought Partners group composed of employees who implement tactics in support of ECC plans and goals. EWEB employees supporting the Thought Partner group are representatives of EWEB's Diversity Team and represent EWEB's Communications and Marketing, Workforce Services, and the General Manager's Office teams.

Members of both ECC groups meet jointly two to three times per year for strategic planning and to hear results from the working groups that meet monthly. In February 2023, all members met and finalized goals and strategies for a two-year work plan.

The focus areas and goals for the two-year ECC work plan are as follows (*ECC progress and EWEB's participation in italics*):

ECC Visibility and Engagement (*this part of the ECC work plan supports EWEB's SD23 DEI Policy focus area c) Engagement*)

- Update ECC member websites to describe their participation in ECC and MOU requirements. (*In progress at EWEB, linking to Board Policy SD23.*)
- Host monthly Communities of Color and Allies Network (CCAN) First Friday events. The goal of these events is to create a safe space that fosters friendships and networks for people of color, social justice allies, and equity workers in the local area. (*EWEB hosted the June 2023 meeting and will be hosting the April 5, 2024 meeting.*)
- Create a brand and logo for ECC so that ECC is a group that is recognized in the community. (*EWEB Communications and Marketing staff providing support for this initiative, in progress, needing funding*)
- Support/attend celebrations/partnerships with marginalized communities. (*EWEB's Diversity Team has developed a 2024 community event participation calendar.*)

Human Resources: Recruitment, Hiring, and Retention (*this part of the ECC work plan supports EWEB's SD23 DEI Policy focus area b) Workforce*)

- Engagement survey for personnel that can be shared across organizations. (*EWEB is able to share lessons learned from our 2023 and 2024 Employee Engagement Surveys with other organizations.*)

- Gather agency demographic data. *(EWEB data is available, and will be shared when ECC format is finalized)*

Leadership engagement: elected and organizational *(this part of the ECC work plan supports EWEB's SD23 DEI Policy focus areas b) Workforce c) Engagement and d) Board of Commissioners)*

- Shared training for all ECC Leadership and Thought Partner members through partnership with Lane Community College; identify goals and themes from Chief Administrative Officers (CAO) for the training. *(Training was attended in May 2023 with shared learnings and reinvigoration of all staff efforts to meet the work plan goals.)*
- Audit of current training and professional development efforts or strategies within each organization. Provide evidence of each organization's support and alignment with the MOU. *(Thought Partners group is tracking fulfillment of MOU commitments by each member organization.)*

Resource Sharing *(this part of the ECC work plan supports EWEB's SD23 DEI Policy focus areas b) Workforce and c) Engagement)*

- On a rotating basis, share learning and resources at each ECC meeting. *(Ongoing by AGM Price, adding additional EWEB staff to ECC working groups and information sharing at monthly Thought Partner meetings)*

Retention and Belonging *(this part of the ECC work plan supports EWEB's SD23 DEI Policy focus areas b) Workforce c) Engagement and d) Board of Commissioners)*

- Compile resources and initiatives ECC members are implementing to promote belonging. *(ECC Thought Partners implementing resource sharing platforms and building sharing time into monthly meetings.)*
- Create shared definitions of belonging and retention. *(This work is in progress and will be documented on the shared ECC website once finalized.)*
- Build community resources to share with new hires. *(ECC Thought Partners implementing resource sharing platforms and building sharing time into monthly meetings.)*

Recommendation/Requested Board Action

No formal action is being requested currently as this memo is to provide background information.



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

Rely on us.

TO: Commissioners McRae, Barofsky, Schlossberg, Brown, and Carlson
FROM: Jason Heuser, Public Policy and Government Affairs Program Manager
DATE: February 23, 2024 (March 5, 2024, Board Meeting)
SUBJECT: March 2024 Legislative/Policy Update
OBJECTIVE: Information

Issue

EWEB monitors, influences, and strategically plans around legislative and regional policy issues.

Background

The Board adopts general policy directives for advocacy on legislation and other public policy matters, which guide the work of EWEB's lobbying activities. When political considerations test the applicability of those directives, the General Manager makes a determination as to whether a fundamental shift in direction is required. The Board may be asked to reaffirm policy directives or direct staff to make necessary adjustments.

Discussion

2024 State Legislative Session Issues Status:

The 2024 State Legislative Session has proceeded normally and rapidly thus far. The Legislature has focused the bulk of its time thus far on Measure 101 Drug Policy Reform and policy increasing Housing Supply and Affordability.

SB 1576A – Recreational Immunity – SUPPORT

In 2023 an Oregon appellate court decision called into question the tort immunity enjoyed by public and private landowners when they allow access to land free of charge for recreation. The issue in question in the case was whether a person hiking on a trail while walking their dog and socializing with a friend was recreating on the trail or was using it for transit to and from a beach recreational area.

SB 1576A contains a restoration of recreational immunity, a priority for local governments and recreation enthusiasts this session. The bill adds running, walking and biking to the definition of recreational immunity, but sunsets the changes at the end of 2025 to allow for court cases to resolve and a workgroup to craft a more durable solution to be adopted in the 2025 legislative session.

The bill was approved by the Senate unanimously on February 22 and awaits action by the House of Representatives.

SB 1581A – Organized Market Participation Reporting – MONITOR

This legislation requires an investor-owned utility that sells more than two million megawatt hours of electricity in a calendar year (Portland General Electric and Pacific Power) to report to and inform the Legislative Assembly on the activities, if any, that the investor-owned utility has taken or is taking toward participating in a regional energy market. The bill does not apply to any consumer-owned utility. The bill as amended does not require a written report but allows oral testimony at an informational hearing to satisfy compliance. Portland General Electric and Pacific Power have expressed a neutral position on the amended bill and did not testify at the public hearing on the bill, which was approved by the Senate 24-6 on February 21st.

Hydroelectric Water Rights Conversion Statute Clarification – SUPPORT

EWEB initiated a request for the drafting of a legislative concept that would clarify any potential ambiguity on the timelines for conversions of hydroelectric water rights to instream rights. In January and February EWEB outreach and negotiations with interest groups and state agencies did not produce consensus on how Oregon law might clarify potential ambiguity and EWEB voluntarily ceased working to advance the legislative proposal. Lack of consensus and concerning concessions that EWEB would have likely had to accept to achieve passage resulted in legislative options that were not judged by staff to be net positive. Contested legislation is not easy to get approved during any legislative session – and improbable in a short session. EWEB staff continue to pursue administrative options to address clarity for Leaburg’s hydroelectric water rights and will reevaluate legislative options prior to the 2025 legislative session.

SB 1575A – Professional Design Contracts: Duty to Defend Preemption– OPPOSE

As proposed, SB 1575A would preclude a public body from including contractual language requiring a design professional (architects, engineers, landscape architects, surveyors, etc.) to defend and indemnify a contracting agency prior to liability being established. In other words, design professionals would not need to indemnify or defend contracting agencies for design defects until after a legal determination that the design defect was attributable to the design professional. This change in policy would fundamentally shift the risk of liability for defending construction design defect claims from the design professional to the contracting agency. This is an abnormal assumption of risk because the contracting party who is able to mitigate the risk is generally the one who assumes the risk. The risks of defective design claims is best born by the designers: designers can mitigate against litigation risk by designing projects without defects.

HB 4015 – Energy Storage Siting Authority Transfer – MONITOR

This bill allows a developer of a facility or the governing body of a local government after consulting with the developer to elect to defer regulatory authority to the Energy Facility Siting Council for the siting of a battery energy storage system. The bill was approved by the House 44-13 on February 15 and awaits action in the House of Representatives.

SB 1525A – Oregon Department of Energy (ODOE) Technical Omnibus – SUPPORT

Natural and Working Lands:

SB 1525A requires ODOE to report to the Oregon Climate Action Commission (OCAC) on updates to the natural and working lands net biological carbon sequestration and storage inventory no later than December 1 of each odd-numbered year rather than in each even-numbered year. It requires the results of the ODOE study on workforce and training needs to support natural climate solutions on natural and working lands by September 15, 2025, rather than September 15, 2024, and extends the sunset to January 2, 2026, instead of January 2, 2025. It requires that ODOE and OCAC establish nonbinding biological carbon sequestration and storage goals for Oregon’s natural and working lands by January 1, 2026, rather than January 1, 2025. The adjusted deadlines are to improve the quality of the reports which entail complex analysis.

Energy Security Plan:

SB 1525A requires ODOE to submit the first state energy security plan by September 30, 2024, rather than June 1, 2024. The plan will identify risks and threats to Oregon’s energy systems, including transportation fuels storage, and identify actions that can be taken in the future to reduce those risks.

Community Renewable Investment Program:

SB 1525A expands the definition of planning costs and project cost in the in the Community Renewable Energy Grant Program to include costs paid or incurred by an applicant’s partner, rather than exclusively an applicant. It clarifies that "electric cooperative" includes cooperative that is operating in state and formed to generate, purchase or obtain electric power, energy, transmission services or ancillary services or to represent one or more consumer-owned utilities in meeting rural, environmental or renewable energy requirements and mandates. ODOE is authorized to release up to 30 percent of additional grant money provided for in a performance agreement from the Community Renewables Energy Grant Program, if the applicant demonstrates certain requirements have been met. The bill stipulates that the amount of grant moneys released prior to completion may not exceed 30 percent of qualifying project costs and 15 percent of costs that do not qualify as community energy resilience projects.

Standby Generation Facilities:

SB 1525A expands exemption from obtaining a site certificate from the Energy Facility Siting Council for a standby generation facility that is electrically capable of being interconnected to the grid but is dispatched by a local transmission and distribution grid operator or balancing authority to support grid reliability. The bill requires the standby generation facility to be operating consistent with federal requirements and to exclusively use renewable fuels, including renewable diesel, renewable natural gas, or renewable hydrogen, if they are available and it does not violate the generator's warranty or certification. The bill requires a public utility that operates a dispatchable standby generation program to report to the Director of ODOE on the number of generators, the average hours of operation, aggregated amounts of fuel by type, availability of renewable fuels, and statutory compliance. The ODOE Director is required to make this information available on a publicly available website.

Heat Pump Grants and Rebates:

SB 1525A requires that money in the Heat Pump Deployment Fund on July 1, 2024 be transferred to the Residential Heat Pump Fund. It requires the transferred moneys to be used to provide grants, rebates, and administrative costs in some regions and for members of federally recognized Indian tribes – the existing heat pump program did not successfully procure regional program administrators across all of Oregon – leaving some regions and tribes unserved, which HB 1525 will remedy. The transferred funds are required to be used to provide rebates for the purchase and installation of air-source or ground-source heat pumps to owners of a dwelling unit used as a residential tenancy and to the owners of a manufactured dwelling or recreational vehicle who rent a space in a manufactured dwelling or recreational vehicle park.

SB 1525A passed the Senate unanimously on February 21st and awaits action in the House of Representatives.

Recommendation/Requested Board Action

These are informational updates, and no action is required at this time.