

EUGENE WATER & ELECTRIC BOARD
REGULAR SESSION
January 9, 2024
5:30 P.M.

Commissioners Present: Sonya Carlson, President; John Barofsky, Vice President; John Brown, Commissioner; Matt McRae, Commissioner; Mindy Schlossberg, Commissioner.

Others Present: Frank Lawson, EWEB General Manager; Rod Price, Assistant General Manager; Lisa Krentz, Generation Manager; Mark Zinniker, Generation Engineering Supervisor; Jeremy Somogye, Generation Engineering Planner; Robin Leighty, Regulatory Compliance Specialist; Adam Spencer, Communication Specialist; Susan Fricke, Water Resources and Quality Assurance Supervisor; Kira Hutchens, Human Resources Manager; and Anne Kah, Administrative Services Manager

CALL TO ORDER

President Carlson called the meeting to order at 5:30 p.m.

Agenda Check

There were no changes to the agenda.

Items from Board Members and General Manager [1:10]

Commissioner Brown requested an update on the Keizer Slough project and asked when there would be a site where customers could come and pay their bills in person.

General Manager Frank Lawson said the Keizer Slough project would be included in the upcoming State of the Watershed report.

Vice President Barofsky attended the McKenzie Watershed Council meeting. He highlighted the Finn Rock reach restoration project and the Council's 2024 work plan.

Public Input [4:46]

The following testimony was provided to the EWEB Commissioners: The Board neither endorses or opposes, or is responsible for the accuracy of the content of testimony, including any links or references provided.

Written Testimony:

Eric Larkin of Leaburg, Oregon encouraged EWEB staff to consider designs for the Leaburg Canal that allowed pedestrians and cyclists a safe path along the stormwater conveyance and ways to traverse the proposed creek outfalls and modified spillway.

Priscilla Marie of Eugene, Oregon advocated for EWEB to return to a previous interpretation of "opting out" of a smart meter, i.e., keeping an analog meter, in lieu of the current policy of installing smart meters with the radio turned off.

Brian Bender of Eugene, Oregon requested smart meters not be mandatory. He was concerned the increased Electric and Magnetic Field (EMF) exposure would negatively affect his sleep and health.

Isaiah (last name not given) of Eugene, Oregon stated the “radio off” smart meter option was unacceptable to those who were sensitive to EMFs. He recommended allowing those who asked to “opt out” to continue using their analog meter.

Christy Tattersall of Leaburg, Oregon detailed a number of reasons to keep the dam and Leaburg lake, including maintained property values, decreased soil erosion, continued access to water, ongoing habitat protection, support of tourism and recreation activities (including the hatchery), and sustained ingress/egress via the bridge.

Kathy Ging of Eugene, Oregon shared the results of her Google search regarding smart meter fires and explosions and a letter described as legal notification to EWEB as a non-consent notice regarding the installation of any digital smart meter at her home.

Verbal Testimony:

Kathy Ging of Eugene, Oregon spoke in opposition to smart meters. She described alternatives to not having a smart meter installed, given the risks they posed to health and safety. She also stressed the importance of listening to citizen input.

Nadine Scott of Leaburg, Oregon recommended giving the dam to the County or State so they would maintain the dam, bridge, and the road. Ms. Scott felt the alternative was more cost effective and better supported local businesses, homeowners, and recreational users than decommissioning the dam.

Mark Stephen Baker of Eugene, Oregon described his technical background and why he advocated for a different remote unit which produced fewer EMFs. He wanted safeguards to be put in place to protect those who were EMF sensitive. Mr. Baker also observed the bill payment boxes outside the previous EWEB headquarters were too flimsy and he was reluctant to use them.

Cindy Allen of Eugene, Oregon referenced a medical report previously presented to the EWEB Board and a YouTube video entitled Dr. Paul Dart, EWEB Smart Meters Health Hazards. She detailed the health, fire, and security hazards of smart meters. Ms. Allen was dismayed that recently some people who submitted certified opt-out letters had been notified they were going to get a smart meter installed anyway.

Lisa Oxman of Eugene, Oregon read aloud and submitted a written notice of non-consent to the installation of any wireless (smart) metering device. It detailed the reasons she objected to the meters, including privacy, safety, health, and security concerns.

Sabrina Siegel of Eugene, Oregon said she had contacted EWEB in 2021 to resolve the problems she, a person with an EMF-sensitive disability, was experiencing from the

electromagnetic high frequency sending of smart meter wireless digital information that shoots through her home. She cited the scientific evidence that demonstrated the harm from wireless systems and referenced a number of jurisdictions that had put a moratorium on smart meters. A written version of the verbal testimony was also provided.

Joshua Korn of Eugene, Oregon recalled his many years of activism against smart meters. He said he was motivated to come to the meeting as there was a concern that smart meters were going to be required everywhere. He wanted to keep his analog meter.

Sandy Sanders of Eugene, Oregon said his friend had been notified a smart meter was going to be installed against her desires. He said there were too many dangers involved with smart meters, including security, safety, and health issues, and he did not think EWEB had the authority to override a property owner's preference.

Gary Hatfield of Leaburg, Oregon emphasized the importance of the Leaburg dam and lake to the Leaburg community. He opined the decision EWEB Board had made to decommission the dam was wrong. Mr. Hatfield was afraid the only alternative remaining for Leaburg community members was to resort to legal action.

Jeff Calavan, of Leaburg, Oregon stressed how important Leaburg lake was to his neighbors and him. It was also a great recreational asset. He was also very concerned about the impact to those downriver if the lake was drained.

Trey Willison, who did not give a specific address but stated he lived along the McKenzie River, described his daily interactions with the river. He stated gold mining in Leaburg had started in the mid-1800s. A byproduct of mining was mercury and it had settled to the bottom of the reservoir. Mr. Willison asked how the mercury would be addressed as part of the dam removal. Another issue he raised was losing habitat for juvenile lamprey.

Commissioner Schlossberg observed the Leaburg Decommissioning Action Plan process would study those issues raised by those testifying. She requested clarification on the smart meter opt-out policy.

President Carlson asked if analog meters were still available and if any EWEB customers had ever reported a fire caused by a smart meter.

Commissioner McRae suggested that if people maintained their currently installed analog meter and had chosen to opt out, EWEB not install a smart meter.

Mr. Lawson described how the opt-out policy had evolved over time. The current interpretation, adopted in 2018, was to replace analog meters with a digital meter in a non-broadcasting mode. He explained analog meters were no longer available except through the surplus market and there have been no incidents of fires caused by EWEB smart meters. Mr. Lawson clarified the meter was owned by the utility, not the property owner, and EWEB was responsible for the maintenance. He emphasized smart meters were the standard best practice.

Responding to those who expressed unhappiness with the meeting’s public input format, **Mr. Lawson** explained there were other opportunities for public input that provided more opportunity for dialog, e.g., workshops. **President Carlson** added the Board President had the option to shorten the comment time to two minutes each but she had not done so and **Commissioner McRae** offered to meet with people in person if they so desired.

Commissioner Brown recalled EWEB had addressed the lamprey habitat issue previously when there had been work done at the dam.

BOARD ACTION AND GENERAL BUSINESS ITEMS

Approval of Consent Calendar – A, Minutes and Routine Contracts [1:00:50]

MINUTES

1. a. **November 7, 2023 Regular Session - Amended**
b. **December 5, 2023 Regular Session**

CONTRACTS

2. **Avail Switchgear Systems** – for Control House and Switchgear Equipment (two units). \$2,266,000 based on Formal Request for Proposals.
3. **Carter & Company, Inc.** – Repairs and Seismic Improvements for the McKenzie River Bridge at the Carmen-Smith Project. \$560,000 based on Formal Invitation to Bid.
4. **Global Rental Company, Inc. (Altec Industries)** – the use of a cooperative contract for the Purchase of One (1) Small Service Bucket Truck, \$185,000 (expected spend).

MOTION: Commissioner Brown moved to adopt Consent Calendar A.

The motion passed unanimously, 5:0.

Approval of Consent Calendar – B, Nonroutine Contracts and Other Consent Items [1:01:16]

CONTRACTS:

5. **CapSpire, Inc.** – for Commodity Transaction and Risk Management (CTRM) Support Services. \$500,000 based on Direct Negotiation (Sole Source).
6. **Cascade Water Works LLC** – for construction services for the Amazon Park Emergency Well Improvement Site Work. \$250,000 based on Formal Invitation to Bid.
7. **McKenzie Watershed Alliance (MWA)** – for an increase to the contract for Instream Large Wood Restoration Projects and Tribal Liaison as part of the Holiday Farm Fire restoration efforts. \$772,000 this request (\$800,000 original amount, \$700,000 previously approved, \$2,272,000 resulting cumulative total).

RATIFICATION OF BOARD APPOINTED CONSULTANTS:

- 8. a. **General Counsel – Luvaas Cobb**
- b. **Supplemental General Counsel – Harrang Long Gary Rudnick**

RESOLUTION:

9. Resolution No. 2401 -- Annual Appointment of Supplemental Retirement Plan Committee.

MOTION: Commissioner Schlossberg moved to adopt Consent Calendar B, minus Contracts 6 and 7.

The motion passed unanimously, 5:0.

Items Removed from Consent Calendar [1:01:53]

Contract 6. Cascade Water Works LLC. Vice President Barofsky requested information on how much EWEB has spent in total on emergency well improvements.

Contract 7. McKenzie Watershed Alliance (MWA). Commissioner Brown asked when the Oregon Watershed Enhancement Board (OWEB) would reimburse EWEB, how the grant financial information was tracked and shared with the Board, and what was the role of and funding for the Tribal Liaison.

Ms. Fricke detailed the funding for the Tribal Liaison position. She said the two-year pilot position worked primarily with the Upper Willamette Stewardship Network as liaison to the Siletz Tribe and the Confederated Tribes of Grand Ronde.

MOTION: Commissioner Brown moved to adopt Consent Calendar B, Contracts 6 and 7.

The motion passed unanimously, 5:0.

2024 Election of Officers [1:08:50]

MOTION: Vice President Barofsky nominated Matt McRae as President and agreed to a friendly amendment, by Commissioner John Brown, that he be nominated as Vice President

The motion passed unanimously, 5:0.

2024 Appointment of Board Liaison Assignments and Committees [1:11:13]

President McRae referenced the list of current assignments included in the agenda packet. When he asked if anyone wished to change their assignment, no one did. Commissioner Schlossberg indicated President McRae should be listed as one of the liaisons to the City of Eugene.

MOTION: Commissioner Carlson moved to adopt the current assignments for committees, as updated.

The motion passed unanimously, 5:0.

Leaburg Decommissioning Action Plan (LDAP) [1:13:13]

The core LDAP team (Presenters: Lisa Krentz, Generation Manager; Mark Zinniker, Generation Engineering Supervisor; Jeremy Somogye, Generation Engineering Planner; Available for questions: Robin Leighty, Regulatory Compliance Specialist; and Adam Spencer, Communication Specialist) gave a Powerpoint presentation describing the LDAP's purpose, process, timeline, and board and stakeholder engagement opportunities. They answered questions from the Board, including topics such as the lake's water level, public messaging, Federal Energy Regulatory Commission (FERC) mandates, potential cost overruns, and possible litigation.

Mr. Lawson reviewed the primary reasons they were recommending the dam removal.

MOTION: Commissioner Carlson moved to approve the Leaburg Decommissioning Action Plan as presented

The motion passed unanimously, 5:0.

Proposed 2024 Organizational Goals/Organizational Performance Measures [1:41:16]

Frank Lawson, General Manager and Rod Price, Assistant General Manager, gave a Powerpoint presentation entitled Annual Organizational Goals. Mr. Lawson reviewed the goal-setting cycle, EWEB's business priorities, the proposed 2024 organizational goals, and the proposed "bowling chart" report detailing the goal's performance measures. They responded to Vice President's Barofsky's question regarding how the climate priorities fit in the goals and Commissioner Carlson's inquiry regarding a water master plan.

MOTION: Commissioner Schlossberg moved to approve the 2024 Organizational Goals as developed by the Board and Staff.

The motion passed unanimously, 5:0.

President McRae called for a short recess from 7:25 p.m. to 7:35 p.m.

General Manager's 2024 Performance Evaluation Criteria [2:03:12]

Mr. Lawson gave a Powerpoint presentation describing the background and process for the General Manager's performance evaluation. He introduced Kira Hutchens, HR Manager and said the next step in the evaluation process was for Human Resources staff to conduct an internal survey of key employees (direct reports and other managers

with whom he worked with often). Mr. Lawson asked if Board members wanted to amend the criteria.

Consensus of the Board members was the criteria were good for 2024.

When Commissioner Schlossberg asked for more information about how other elected bodies conducted performance evaluations, Mr. Lawson said it varied a lot. He suggested scheduling a “two-on-one” session with Ms. Hutchens to learn more.

Vice President Barofsky asked if the internal review input was anonymous and if there was a way for front line employees to provide feedback.

Ms. Hutchens replied Human Resources staff would compile the results so they were anonymous. Mr. Lawson added there was currently no mechanism for gathering performance evaluation feedback from line employees. When he described the recent employee engagement survey, Commissioner Schlossberg asked for the Board to receive a copy of the survey results.

Commissioner Carlson expressed concerns regarding the timing of the evaluation in light of the EWEB commissioner election cycle. Mr. Lawson suggested that in the event a commissioner term ends prior to the General Manager’s evaluation, they could provide performance feedback prior to their departure.

Annual Board Policy Review (policies changed within one year), including proposed update to Board Policy GP7 Parliamentary Procedures [2:39:45]

Mr. Lawson referred to the packet distributed to the Board, including the staff recommendations for amendments (in red line format). He outlined next steps.

Responding to Commissioner Carlson’s question about the proposed change in records retention, Anne Kah explained the meetings’ video recordings provided detailed information to support the action minutes, therefore both are permanent records, additionally they would be retained on EWEB’s web site for at least twelve years.

Commissioner Brown raised concerns regarding recent court rulings affecting recreational immunity on real property.

Vice President Barofsky asked for more information about texts being a public record.

Future Board Agendas [2:59:08]

Mr. Lawson described future board agendas and noted on January 22, 2024 and January 25, 2024 there were general information sessions at the Hilyard Community Center regarding the College Hill reservoir.

Board members agreed to remove the February 20, 2024 work session and delay one week the meeting scheduled for the first Tuesday in November.

Board Wrap Up [3:09:30]

President McRae engaged the board in a board wrap up.

Commissioner Brown expressed concerns the City of Eugene’s search for new sources of revenue should not involve EWEB as a billing agent.

Mr. Lawson assured Commissioner Brown he would not agree to EWEB undertaking a billing agent role without bringing the issue to the Board.

President McRae requested the Board receive copies of any federal interagency communications regarding the Carmen-Smith project.

In response to Commissioner Carlson’s earlier question, Mr. Price announced staff were scheduled to move into the new customer service center in June. Regarding the lockbox mentioned during public testimony, he said that would be replaced next week with a stouter version.

Adjourn

President McRae adjourned the Regular Session at 8:49 p.m.

Recorded by Beth Bridges, LCOG

Assistant Secretary

President