

EUGENE WATER & ELECTRIC BOARD  
WORK SESSION  
EWEB BOARD ROOM  
500 EAST 4<sup>TH</sup> AVENUE  
MARCH 17, 2009  
5:30 P.M.

Commissioners present: Ron Farmer, John Brown, Bob Cassidy, Rich Cunningham, and Joann Ernst.

Others present: Randy Berggren, Dick Helgeson, Patty Boyle, Lance Robertson, Tom Buckhouse, Mark Freeman, Dick Varner, Jim Wiley, Garilyn Johnston, Jim Origliosso, Gene Austin, Marc Anderson, Sheila Crawford, Mel Damewood, Mike Logan, Jeannine Parisi, and Krista Hince of the EWEB staff; Eric DePriest, General Counsel; and Ruth Atcherson, City of Eugene minutes recorder.

President Farmer convened the Work Session of the Eugene Water & Electric Board (EWEB). He wished everyone a happy St. Patrick's Day.

### **IDENTITY THEFT PREVENTION PROGRAM**

Customer Services Manager Mark Freeman stated that there were no plans to institute substantial changes to current practices. He said they were creating the program to meet a requirement that had been set forth in the Federal Accurate Credit Transactions Act (FACT Act), but the protection provided would be the same.

Commissioner Ernst asked staff to clarify the memorandum. Mr. Freeman replied that part of the program required identification of existing red flags, such as a customer not providing all information that was requested, and then taking the next step of not opening the account until this information was provided. He said part of the process was the initial identification and the other part was the response.

Commissioner Ernst ascertained from Mr. Freeman that these protections were already in place.

Mr. Freeman stated that, with the Board's approval, EWEB would meet the compliance date specified by the Act.

Vice President Brown asked how identification could be ascertained, given that someone could have access to another individual's password. General Counsel Eric DePriest responded that if someone called in and had access to another person's information and used that to obtain information about that individual it would constitute intentional fraud. He explained that the program was not intended to prevent fraud or identity theft, but was intended to catch those types of crimes by identifying the red flags. He said if the program determined that a person gave information that was "off," it could be a red flag. He stated that a reasonable action would be to ask additional questions or to require a password.

Commissioner Ernst thought the program could stop fraud before it happened. Mr. DePriest affirmed that it could. He underscored that it was not EWEB's job to prevent someone from committing a crime. He said if EWEB saw red flags come up, the program would be intended to thwart intended identity theft.

President Farmer understood that there were separate security policies. He asked if there were circumstances in which accounts with identifying numbers or people's information were on laptop computers that were allowed to leave the building. Mr. Freeman replied that the majority of this information resided in the Customer Information System (CIS) and the server was in EWEB and could be accessed via the internet. He acknowledged that outside EWEB there had been situations in which laptops containing pertinent personal information had been stolen. He was not certain if audit information was transported on a laptop from EWEB back to the auditor's office and would look into it. He noted that EWEB had improved one process whereby information was now being sent via the internet that had previously been transported by courier.

President Farmer asked if customer information could be accessed from a laptop. Mr. Freeman replied that a person would need to know the log-on identifier of that person. He said the ability to remotely log into the CIS system was non-existent or limited.

In response to a question from President Farmer, Mr. Freeman explained that the Commissioners' responsibilities were to approve the initial written Identity Theft Prevention Program and for action to conform EWEB operations to the applicable FACT Act and State law regulations. President Farmer understood that the Board would approve the program and that the Board had no responsibility for the program beyond that. He wanted to know who would appoint the Privacy Committee and the Privacy Officer. Strategic Planner and Governance Coordinator Sheila Crawford stated that the resolution that would be presented for Board consideration on April 21 would describe the process. She said General Manager Randy Berggren would likely be the person who did the appointing.

President Farmer commented that it was unclear as to whether this was a program that described what the utility planned to do or described what it had historically done. Ms. Crawford responded that it could be "piggybacked" on things that were already put into place since this issue had first come to light in 2003. She said when the Privacy Committee was formed, it would be charged with conducting a needs assessment and identifying areas that needed improvement. She explained, as an example, that if the utility decided to have wireless capacity on its laptops, it would be flagged as needing some kind of encryption if there was to be customer data on those laptops. She underscored that it was a dynamic document.

## **GOODPASTURE BOAT LANDING DESIGN CONSIDERATIONS**

EWEB Senior Engineer Marc Anderson reviewed the history of the decision to place a boat landing at the Goodpasture site and the design issues it had presented, with power points. He stated that the design being proposed as the final design was essentially the same as the one the Board approved in June 2008 so that the bathroom would be located as far from the neighboring house as possible.

Commissioner Ernst asked why the recreational vehicle site had been removed. Mr. Anderson replied that the county had objected to it. Community and Local Government Outreach Coordinator Jeannine Parisi added that the initial purpose of the RV site was to enhance security. She said the Board had decided instead to lay conduit in preparation for the possibility of future installation of an automated gate system.

Vice President Brown asked where the trash receptacles were planned to be located and how refuse disposal would be accommodated. Mr. Anderson replied that they were still working with a conceptual design and these types of decisions would be made when plans were refined, after the Board approved of it.

Vice President Brown did not think the design would accommodate a dumpster. Mr. Anderson assured him that they had not yet gotten to that level of detail, but they intended to do so.

Vice President Brown asked if there would be electricity or a well on the site. Mr. Anderson replied that these services were not planned to be installed at the site. He noted that the information in the packet was largely the information that had been provided in June 2008.

Vice President Brown ascertained from Ms. Parisi that the neighbors had been apprised of the changes made to the plan since June 2008.

Mr. Anderson reported that the Oregon Department of Transportation (ODOT) and OBEC engineers had met with the neighbors in the preceding week to allow them the opportunity to give input. He said the meeting had gone well and the general gist of the meeting was that the speed study that ODOT had conducted was valid and the sight distances were sufficient for the design speed. He stated that ODOT had indicated that a turn lane might not be necessary.

Ms. Parisi related that crews had begun removing invasive plant species from the site. She said this had created interest from the neighbors. She stated that they had put temporary signs up to inform people of the estimated timeline and to provide a telephone number to call for more information. She indicated that once a more permanent schematic of the design had been developed,

this information would also be displayed on a sign. She noted that she was also working on an email list of interested parties. She thought that it would be ideal to have a public meeting prior to construction to ensure that staff was aware of all of the issues. She added that crews had also worked on some erosion control measures, in addition to giving native species more room to grow.

Mr. Anderson recalled that the site had been fairly overgrown with blackberry bushes. He said those bushes were now gone.

Commissioner Ernst asked if EWEB was manually removing invasive species or whether the crews utilized herbicides. Ms. Parisi assured her that the overgrowth had all been cut and manually removed.

Commissioner Cassidy asked where the tree that was “of dispute” was located. Mr. Anderson pointed to the location of the tree on a map, noting that it was a 50-inch maple. He related that a neighbor had been concerned about it and EWEB had agreed to remove it to address his concerns.

Commissioner Cassidy asked if there were plans to landscape the property. Mr. Anderson replied that the same neighbor had asked EWEB not to obscure his view or create a fire hazard with mass plantings. He did not anticipate that any landscaping would be put in, but another neighbor from across the river had requested more screening and this was not yet resolved.

Mr. Anderson stated that because the design was very similar to the one that EWEB had submitted to the Federal Energy Regulatory Commission (FERC) in June 2008 since staff was not anticipating having to be subjected to another 30-day review. He did not think the construction schedule would be affected. He hoped to be back before the Board in June 2009 for approval of the construction contracts.

Commissioner Cunningham asked why the gate was not being installed. Mr. Berggren stated that this had been a Board decision and the Board could reverse that decision and require the gate to be installed.

President Farmer commented that when he became a Commissioner, it was not to “design outhouses” or to place dumpsters. He did not want to get into the details of the project. His chief concern would be an inability to meet the construction schedule and subsequently violating the conditions imposed on EWEB by FERC if that deadline was not met. He asked what would happen in this case. Mr. Anderson responded that EWEB had applied for an in-water “404” permit from the Army Corps of Engineers (ACOE) and if the permit was not granted by the end of July, there would not be enough time to construct the in-water boat ramp. He stated that FERC had dictated that the boat landing must be constructed by the end of 2009. He noted that the National Marine Fisheries Service (NMFS) disagreed with the biological assessment that EWEB’s consultant created for the

project. He explained that NMFS was concerned about the loss of habitat, loss of riparian zone, and increased boater use of the river due to an additional boat landing. He recalled that the Board had discussed closing Ike's Landing at a previous meeting to address the latter concern. He said a letter had been submitted to NMFS and no response had been received.

President Farmer asked what would happen if the boat landing was not constructed. Mr. Berggren said EWEB would request another extension. He added that EWEB could demonstrate that it had done everything possible to meet the construction deadline, but it was not possible to impact the timing of other regulatory rules from other federal agencies. He felt there was not much risk in that.

President Farmer indicated his adamant opposition to the installation of a gate. He did not want to build the only boat landing with a gate.

Commissioner Cunningham related that his concern lay chiefly in prevention of vandalism. Mr. Anderson replied that he did not anticipate much vandalism.

Commissioner Ernst asked if the left-turn lane was still being considered. Mr. Anderson responded that it was probably not in the plan anymore. He said there was a "sliver of possibility" that it would be required. He said EWEB had a copy of a letter from Duane Riner of ODOT that explained to the neighbors that such a turn lane would not be required.

President Farmer adjourned the work session at 6:15 p.m.

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Assistant Secretary

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Vice President