



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

Rely on us.

TO: Commissioners Carlson, Mital, Helgeson, Schlossberg and Brown
FROM: Frank Lawson, General Manager
DATE: July 31, 2019
SUBJECT: Proposed Revision to Board Policy GP10, Public Input
OBJECTIVE: Board Action – Approval of Resolution No. 1920

Issue

Board Policy GP10 states that Public Input is a regular feature of every formal meeting of the Board of Commissioners. As written, the term formal meeting is somewhat obscure.

Discussion

Board Policy GP4 describes the format generally followed for Regular EWEB Board Meetings. In addition to Regular Meetings, the Board occasionally conducts Work Sessions and other Special Meetings with a specific purpose. These ancillary meetings may not necessitate all of the agenda components in the prescribed Regular Meeting format. Public Input is specifically addressed by a separate Board Policy, because of this separation and obscure language in GP10, Management believes clarification is needed to establish which meetings the Board intends to oblige public comments.

According to the Attorney General’s Public Records and Meetings Manual 2019, the right of public attendance guaranteed by the Public Meetings Law does not include the right to participate by public testimony or comment. Other statutes, rules, charters, ordinances, and bylaws outside the Public Meetings Law may require governing bodies to hear public testimony or comment on certain matters, such as the requirement to hold public hearings prior to rate actions. In the absence of such a requirement, the Board may conduct a meeting without any vocal public participation.

According to ORS 192.670 any meeting (including executive session) may be conducted by telephone or electronic means providing it is in compliance with Public Meeting Law. The public must be given adequate notice, and with the exception of executive sessions, given access to at least one place or electronic means by which they can listen to the communication at the time it occurs. It is not necessary to provide a location where Board members are present.

If it is not the intention of EWEB Board Policy to require a period for Public Input at every meeting, the Board could use its discretion, within legal parameters, to conduct a telephonic meeting when circumstances warrant. For example, Commissioners conducted a very brief meeting, for the sole purpose of approving an emergent contract on July 16, 2019. In this instance, the meeting could have been conducted entirely by telephone if so desired.

Management believes the proposed policy amendment will afford more flexibility to conduct business in the most efficient manner that is appropriate for each distinct circumstance. Additionally, minor edits were made to the policy to improve clarity and relevance.

The Board will maintain its discretion to hold a period for Public Input at any meeting regardless of whether it is a stated requirement of Board Policy. A red-line copy of the amended policy has been prepared for the Board's consideration.

Recommendation/Requested Board Action

A proposed policy revision accompanied by Resolution No. 1920 has been submitted for the Board's consideration and approval via the August 6, 2019 consent calendar. If the revised policy does not reflect the Board's intent, Management requests clarification around providing the opportunity for public comments at assemblies of the Board other than Regular Meetings.



Governance Process Policies (GP Policies)

GP10

Public Input

Effective Date

~~November 1, 2005~~ Revision Proposed August 6, 2019

Public Input is a ~~regular routine~~ feature of every ~~formal meeting~~ Regular Meeting of the Board of Commissioners, which generally occurs on the first Tuesday of each month. The item ~~customarily usually~~ appears near the beginning of the agenda. Members of the audience wishing to speak complete a Request to Speak form ~~fill out a sign-up sheet~~ at the meeting. Individuals are called by the presiding officer in the order ~~forms are received~~ they signed up.

Prior to ~~the start of opening p~~Public iInput, the presiding officer makes a brief announcement describing about the process for comment and Board response, and sets a time limit for individual input, which is generally three minutes.

Commissioners do not interact with the speakers during the Public Input period. The presiding officer may ask clarifying questions, but Commissioners refrain from engaging in a dialogue with the speakers while they are addressing the Board.

At the conclusion of the Public Input agenda item, individual Board members have an opportunity to address any point that was made during Public Input. Board member comments may include direction to the General Manager to further investigate a specific issue, clarification from the General Manager regarding a specific issue, or simply a response to a public comment just presented.

In certain instances, particularly at public rate hearings, ~~there is a considerable amount of public comment. If~~ the Board may directs staff to respond to specific questions posed by the public, those responses which are for the public good will be posted on EWEB's Internet site.

Source: Marty Douglass, Public Affairs, Draft Provided to Board 11/11/04; Board Approved 07/05/05; Modified 11/01/05, Proposed Revision, Resolution No. 1920 08/06/19.

**RESOLUTION NO. 1920
AUGUST 2019**

**EUGENE WATER & ELECTRIC BOARD
AMENDMENT TO BOARD POLICY GP10 PUBLIC INPUT**

WHEREAS, the Eugene Water & Electric Board (EWEB) maintains a Board Policy Manual that contains governing policies for the Board of Commissioners; and

WHEREAS, the Board of Commissioners periodically reviews said policies and identifies required modifications or amendments to those policies; and

WHEREAS, the Board of Commissioners periodically determines that new policy is required to adequately document the work or intention of the Board with regard to governance, Board-Staff linkage, strategic direction or executive limitations; and

WHEREAS, the Board of Commissioners has reviewed an amendment to Board Policy GP10, Public Input and has determined that the amendment is appropriate and necessary to provide clarity.

NOW, THEREFORE, BE IT RESOLVED the Eugene Water & Electric Board hereby approves the amendment to Board Policy GP10 – Public Input as submitted at its August 6, 2019 meeting.

DATED this 6th day of August 2019.

THE CITY OF EUGENE, OREGON
Acting by and through the
Eugene Water & Electric Board

President

I, ANNE M. KAH the duly appointed, qualified, and acting Assistant Secretary of the Eugene Water & Electric Board, do hereby certify that the above is a true and exact copy of the Resolution adopted by the Board at its August 6, 2019 Regular Board Meeting.

Assistant Secretary