



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

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TO: Commissioners Carlson, Barofsky, McRae, Schlossberg, and Brown

FROM: Deborah Hart, CFO; Aaron Balmer, AIC Financial Services Manager; Rob Freytag, General Accounting & Treasury Supervisor; and Matthew Miller, Accounting Analyst Lead

DATE: April 26, 2023

SUBJECT: Reserve Fund Status and Transfers/Use of Reserves

OBJECTIVE: Board Direction

Issue

Annually the Board considers how to allocate funds as of December 31 among reserve and designated fund accounts after the independent auditors issue their opinion on the financial audit. This memo provides recommendations for transfers based on EWEB's strategic plans, financial policies, and the Electric and Water Utilities' financial conditions.

Background

On an annual basis, staff prepare a summary of the year-end reserve balances, compare the balances to the Board Financial Policy targets, and recommend transfers and/or uses of funds above target. Additionally, staff review targets to ensure they are reasonable to cover the intended risks. As of December 31, 2022, both the Electric and Water Utilities' cash balances were above target, with exception of the Electric Capital Improvement Reserve. In addition, targets were evaluated for adequacy, and debt service coverage requirements were met for the year.

Discussion

Water Utility

Since the creation of the 2023 budget, the Water Utility finished 2022 with notable progress on the East 40th Storage Project. Spending to support capital efforts exceeded budget projections from earlier in the fall and the primary transfer recommendation for the Water Utility is intended to reposition reserves to support funding designations in the 2023 budget.

Working Cash

Management recommends the following transfers from Working Cash:

- \$4,600,000 to the Capital Improvement Reserve
- \$153,000 to the Pension & Post Retirement Medical Fund

Working Cash would remain \$1.7 million above target.

Capital Improvement Reserve

Financial Policy benchmarks the Capital Improvement Reserve target to annual depreciation expense. 2022 depreciation expense was \$8.1 million, and management recommends increasing the target to \$8.0 million to correspond. A \$4.6 million transfer from Working Cash is recommended to move the balance above target and align with budget expectations to draw on capital reserves as a funding source for 2023 capital projects.

Pension & Post-Retirement Medical Fund

In years where there is a difference between the PERS ordered contribution rate and the amount provided for in the annual budget, the excess amount will be set aside in a Board reserve for reduction of unfunded retirement liabilities in the future. PERS costs during 2022 were lower than budgeted by \$153,000. Board Financial Policies require the variance to be transferred to this fund.

Rate Stabilization Fund

The Rate Stabilization Fund is intended to enhance the Utility's agility during financial challenges and minimize or smooth rate impacts to customers. Under existing bond covenants, deposits to the fund reduce the Debt Service Coverage ratio, while withdrawals increase the ratio. Funds may be used for one-time expenses and emergent items to be allocated based on the Board's direction.

The 2023 adopted budget included a draw of \$7.0 million from Rate Stabilization Funds. The budgeted draw on Rate Stabilization Funds will be evaluated once 2023 performance is more certain.

Electric Utility

Funding sources identified in the 2023 Electric Utility budget included bond proceeds that would have required a bond issuance in 2023. The Electric Utility had a favorable December to finish the year, and early indications of deferrals in capital projects pushed the need for an Electric Utility bond issuance to a future year. As such, the primary transfer recommendation for the Electric Utility is intended to reposition reserves to support capital funding requirements in the 2023 budget.

Working Cash

The working cash target is based on the amount of cash needed to pay for ongoing operational expenditures and maintain an amount of working capital to support the day's cash ratio sufficient to maintain higher than average credit rating (>150 days). Management recommends increasing the working cash target to \$42.0 million due to increases in the operations and maintenance budget.

In addition, Management recommends the following transfers from Working Cash:

- \$2,000,000 to the Power Reserve Fund
- \$15,000,000 to the Capital Improvement Reserve
- \$182,000 to the Pension & Post Retirement Medical Fund

The resulting balance would be \$5.3 million above target.

Power Reserve

The level of funding for this reserve is evaluated annually. In determining the sufficiency of this reserve, risks from prices, loads, resources, and credit exposure are considered. Based on the analysis, Management is recommending an increase to the Power Reserve target of \$2.0 million primarily due to price risks. Rising wholesale power prices have increased the value of generation within the Utility's portfolio, and accordingly, have increased the potential loss of value the Utility could experience in the event of lower generation. Increasing the reserve will help guard against potential negative price movement that could occur as the market experiences greater volatility. A corresponding transfer of \$2.0 million is recommended from Working Cash to the Power Reserves to achieve the proposed target balance of \$23 million.

Capital Improvement Reserve

Per Financial Policy, the Capital Improvement Reserve target is benchmarked to annual depreciation expense. Management recommends increasing the target by \$2 million to \$25.0 million to account for a meter replacement reserve and rising depreciation expense. At December 31, 2022, this fund was below target. Management is recommending a transfer from working cash of \$15.0 million as funding capital projects with reserves reduces the need for borrowing while responsibly managing board metrics and targets.

Pension & Post-Retirement Medical Fund

2022 PERS costs were lower than budgeted by \$182,000. Board Financial Policies require the variance to be transferred to this fund.

Rate Stabilization Fund

Funds above target in the Electric Rate Stabilization Fund have been modeled as a funding source for capital projects in the long-term financial plan and will help reduce future borrowing. Under existing bond covenants, deposits to the fund reduce the Debt Service Coverage ratio, while withdrawals increase the ratio. Funds may be used for one-time expenses and emergent items to be allocated based on the Board's direction.

The 2023 adopted budget includes a draw of \$11.6 million from Rate Stabilization Funds for capital project funding. The budgeted draw on Rate Stabilization Funds will be evaluated once 2023 performance is more certain.

Recommendation and Requested Board Action

Attachments 1 and 2 provide detail on reserve balances and recommended transfers for the Water and Electric Utilities, respectively. Management is requesting direction on the above strategies and will request approval of transfers and reserve targets at the June Board meeting.

Attachment 1 – Water Utility Schedule of Cash Reserves

Attachment 2 – Electric Utility Schedule of Cash Reserves

Attachment 3 – Blackline Financial Policy

Attachment 1

Water Utility Schedule of Cash Reserves

| | FINANCIAL POLICY | | BALANCE | RECOMMENDED | BALANCE |
|--|------------------|----------------------|----------------------|---------------------|----------------------|
| | REFERENCE | TARGET | 12/31/22 | USE OF CASH | AFTER |
| Working Cash | Rate Sufficiency | \$ 3,400,000 | \$ 9,874,125 | \$ (4,753,000) | \$ 5,121,125 |
| DESIGNATED FUNDS | | | | | |
| Operating Reserve | Rate Stability | \$ 1,000,000 | \$ 1,000,000 | \$ - | \$ 1,000,000 |
| Self-Insurance Reserve | Rate Stability | 280,000 | 280,000 | - | 280,000 |
| Capital Improvement Reserve | Capital Reserve | 7,000,000 | 7,249,162 | 4,600,000 | 11,849,162 |
| Rate Stabilization Fund | Rate Stability | 1,000,000 | 15,300,000 | - | 15,300,000 |
| Water Stewardship Fund- Septic Repairs | | - | 71,056 | - | 71,056 |
| Alternate Water Supply Fund | | - | 4,488,136 | - | 4,488,136 |
| Pension & Post Retirement Medical Fund | | - | 546,000 | 153,000 | 699,000 |
| DESIGNATED FUNDS TOTAL | | \$ 9,280,000 | \$ 28,934,354 | \$ 4,753,000 | \$ 33,687,354 |
| CASH & DESIGNATED FUNDS TOTAL | | \$ 12,680,000 | \$ 38,808,479 | \$ - | \$ 38,808,479 |
| RESTRICTED FUNDS | | | | | |
| Construction Funds | | \$ - | \$ - | \$ - | \$ - |
| SDC Reserves | | - | 87,328 | - | 87,328 |
| Debt Service Reserves | | - | 1,519,519 | - | 1,519,519 |
| RESTRICTED FUNDS TOTAL | | \$ - | \$ 1,606,847 | \$ - | \$ 1,606,847 |
| Recommended Target Changes: | Current | Recommended | | | |
| Capital Improvement Reserve | \$7,000,000 | \$8,000,000 | | | |

Attachment 2

Electric Utility Schedule of Cash Reserves

| | FINANCIAL POLICY | | BALANCE | RECOMMENDED | BALANCE |
|--|------------------|----------------------|-----------------------|----------------------|-----------------------|
| | REFERENCE | TARGET | 12/31/22 | USE OF CASH | AFTER |
| Working Cash | Rate Sufficiency | \$ 36,000,000 | \$ 64,438,726 | \$ (17,182,000) | \$ 47,256,726 |
| DESIGNATED FUNDS | | | | | |
| Operating Reserve | Rate Stability | \$ 4,000,000 | \$ 4,000,000 | \$ - | \$ 4,000,000 |
| Self-Insurance Reserve | Rate Stability | 1,720,000 | 1,720,000 | - | 1,720,000 |
| Power Reserve | Rate Stability | 21,000,000 | 21,000,000 | 2,000,000 | 23,000,000 |
| Capital Improvement Reserve | Capital Reserve | 23,000,000 | 20,423,670 | 15,000,000 | 35,423,670 |
| Rate Stabilization Fund | Rate Stability | 5,000,000 | 26,668,927 | - | 26,668,927 |
| Pension & Post Retirement Medical Fund | | - | 1,264,000 | 182,000 | 1,446,000 |
| DESIGNATED FUNDS TOTAL | | \$ 54,720,000 | \$ 75,076,597 | \$ 17,182,000 | \$ 92,258,597 |
| CASH & DESIGNATED FUNDS TOTAL | | \$ 90,720,000 | \$ 139,515,323 | \$ - | \$ 139,515,323 |
| RESTRICTED FUNDS | | | | | |
| Construction Funds | | \$ - | \$ 19,311,229 | \$ - | \$ 19,311,229 |
| Harvest Wind Escrow | | - | 521,223 | - | 521,223 |
| Debt Service Reserves | | - | 5,858,082 | - | 5,858,082 |
| Wildlife Reserve | | - | 75,486 | - | 75,486 |
| Customer Care Fund | | - | 978,296 | - | 978,296 |
| Customer Deposit Reserves | | - | 762,761 | - | 762,761 |
| RESTRICTED FUNDS TOTAL | | \$ - | \$ 27,507,077 | \$ - | \$ 27,507,077 |
| Recommended Target Changes: | Current | Recommended | | | |
| Working Cash | \$36,000,000 | \$42,000,000 | | | |
| Power Reserve | \$21,000,000 | \$23,000,000 | | | |
| Capital Improvement Reserve | \$23,000,000 | \$25,000,000 | | | |



Eugene Water & Electric Board

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Financial Policies

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1.0 RESERVE POLICIES

1.1 Rate Sufficiency Policy

Rates and charges will be adequate to provide revenues sufficient to maintain a degree of financial soundness over and above requirements for compliance with existing bond covenants. Performance standards are based on review with EWEB's Financial Advisor regarding financial market conditions and rating agency considerations, as well as industry benchmarks for comparable utilities. *(BP SD6)*

Discussion:

EWEB bond resolutions contain a rate sufficiency covenant that is a standard provision in municipal utility bond contracts. The covenant requires that rates and charges be set at a level that is high enough to pay the costs of operating and maintaining the utilities. This rate sufficiency policy is a higher standard than that required by the standard rate covenant contained in the bond resolutions. The policy is intended to supplement the weaker financial performance standards set out as minimum requirements in the bond resolutions. The financial standard implied by this policy is that rates and charges will be maintained at a level consistent with an average credit rating of A for the Electric Utility and AA rating for the Water Utility.

Credit rating agencies evaluate creditworthiness by assessing an organization's ability to adequately address issues of strategic importance. Credit analysis includes the track record of performance as reflected in widely used ratios and statistics. These measurements are compared with other similarly situated utilities to determine relative financial strength within the industry. An example of such a statistic is "debt service coverage ratio" which shows how many times debt service can be paid from net revenues. Minimum legal debt service coverage requirements are 1.35 times debt service for issuing new debt for the Electric Utility and 1.25 times debt service for the Water Utility. EWEB's long term target for debt service coverage ratio for the Electric Utility is 1.75 to 2.0 and the Water Utility is 2.00 to 2.50 times debt service.

| | Performance Standard |
|---------------------------|---------------------------------|
| Electric Utility | |
| Working Capital Days Cash | >150 days |
| Current Ratio | 3.250x |
| Debt Service Coverage | 1.75 to 2.0x |
| Water Utility | |
| Working Capital Days Cash | >150 days |
| Current Ratio | 3.250x |
| Debt Service Coverage | 2.0 to 2.50 |

EWEB Financial Policies

Working cash balances are based on the amount of cash needed to pay for ongoing operational expenditures and maintain an amount of working capital to support the day's cash ratio sufficient to maintain higher than average credit rating. The target for working cash is \$42 million and \$3.4 million for the Electric and Water Utility, respectively.

1.2 Rate Stability Policy

Certain funds will be held in reserve for the purpose of mitigating the customer rate impact of unanticipated events. *(BP SD6)*

Discussion:

It is the nature of budgets, financial projections, and other statements about the future to contain uncertainty. The intent of this policy is to set aside funds or other financial instruments to smooth out the financial impact on customers when assumptions about the future do not comport with actual events as they transpire.

Power Reserve

The Electric Utility owns or has contracted for power resources that exceed the amounts needed to serve customer load and is exposed to certain power portfolio and retail load risks that can have significant adverse effects on financial stability. Those risks include, generation, power price, retail load, and credit risks. EWEB has established a power reserve that is designed to provide funds sufficient to cover operational costs in the event of adverse fluctuations in these risks. The funds needed to mitigate financial impacts of fluctuations are estimated annually based upon the measurement criteria specific to each of the major risks. Generation risk is calculated by measuring the impact to revenues if water available for generation is at Firm levels which is approximately 70% of median. Power price risk is calculated by assuming prices decrease 30% from budget expectations, and retail load risk is calculated assuming a 4% decrease from budgeted load. Credit risk is a flat dollar amount that represents approximately 50% of counterparty exposure. The combined amounts are intended to cover operational cost for one calendar year and prevent sudden and significant impacts to customer rates. The Board of Commissioners may elect to supplement the calculated amounts at their discretion.

Operating Reserves

The Water and Electric Operating Reserve accounts are used in similar fashion to smooth out the effects of revenue shortfalls or unforeseen expenses.

EWEB Financial Policies

Self-Insurance Reserve

The Self Insurance Reserve is to fund the out-of-pocket liability costs of third party claims. The target for the Self-Insurance Reserve combined for both the Electric and Water Utilities totals \$2 million, which is based on the amount EWEB is self-insured. Excess liability insurance protects EWEB after the self-insurance retention is exhausted.

Rate Stabilization Funds

The Water and Electric Rate Stabilization Fund accounts are used to enhance the Utilities' agility during financial challenges such as unanticipated costs or reduced revenues, and minimize or smooth rate impacts to customers. This fund is intended to manage one-time events, emergent items or to reduce borrowing requirements. Allocations are made at Board discretion. Targets for the rate stabilization funds approximate a 3% rate impact for each Utility.

Electric Utility

Target

| | |
|-------------------------|--------------|
| Power Reserve | \$23,000,000 |
| Operating Reserve | \$ 4,000,000 |
| Self-Insurance Reserve | \$ 1,720,000 |
| Rate Stabilization Fund | \$ 5,000,000 |

Water Utility

| | |
|-------------------------|-------------|
| Operating Reserve | \$1,000,000 |
| Self-Insurance Reserve | \$ 280,000 |
| Rate Stabilization Fund | \$1,000,000 |

1.3 Capital Improvement Funding and Reserve Policy

Utility plant assets will be maintained to provide reliable, high quality service, including such capital additions as may be necessary to support growth in loads and customer base, and associated infrastructure. *(BP SD6)*

Discussion:

EWEB's approach to financing capital assets uses a combination of current rate revenue, capital improvement reserves, contributions in aid of construction, system development charges, and debt financing.

Capital projects are classified as Type 1, Type 2, or Type 3. Each year, an amount is budgeted from rate revenues to provide ongoing funding for a base level of capital additions and replacements. The base level amount is determined through an

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evaluation of the age and condition of basic capital infrastructure of the Electric and the Water Utilities taking into consideration capital reserve levels. This amount represents what is needed annually to maintain the desired level of service reliability on a long-term basis. These are considered Type 1 capital projects; projects that are ongoing capital infrastructure replacements.

Type 2 capital projects are large rebuilding or expansion projects in excess of \$1 million that occur periodically and may be funded with rates or bonds. Type 3 capital projects are major strategic projects and are funded with bonds and/or reserves.

Capital funding requirements are determined by a Capital Improvement Plan (CIP). The CIP is a ten-year projection of capital needs that is updated annually and approved by the Board. The CIP sets out, for each utility, the anticipated need for utility and support infrastructure to meet customer demands and system reliability standards. Identified in the CIP is an indication of the proportion of funding from 1) rates, 2) accumulated reserves, and 3) debt proceeds.

The target amount for the Electric and Water Utility Capital Improvement Reserve is based on one year's depreciation expense adjusted for service reliability needs. In general, reinvestment in capital should be at the same rate as depreciation.

A system over 65% depreciated should be watched for aging.

Rate of return measures the ability to pay current and future infrastructure costs. Rates outside the performance standard should be evaluated to ensure current customers pay their share for the use of infrastructure. A higher rate of return signals current customers may be paying more towards future infrastructure costs, while a lower rate of return signals current customers may not be paying enough for current costs.

The Targets are:

Electric Utility: \$25 million

Water Utility: \$8 million

Performance Standard – Electric and Water:

Age of System < 60%

Rate of Return 5 - 7%

1.4 Retirement Benefits Funding Policy

All long-term liabilities that must be either disclosed and/or accounted for in the financial statements will be funded according to a rational and consistent plan that targets full funding of the liabilities over a specified period of time. *(BP SD6)*

Discussion:

Unfunded retirement liabilities result from pension and other post-employment benefit programs. The primary financial strategy with these plans is to pay the actuarially determined annual required contribution, which pays for the current costs and unfunded liabilities over a designated period of years. However, if the funded status of the plans reach 70% funded status or less, an assessment of accelerated funding will be performed. When the funding status of the plan is at or below 70% of funded status, the plan is financially unstable as the plan is no longer self-funding based on actuarially determined contribution rates. Below is a summary of the three plans.

1) **Pension Plan** - The Oregon PERS (OPERS) continues to experience volatility in regard to the rates employers pay to the state pension plan for benefits. EWEB pays the actuarially determined rate. In years where there is a difference between the PERS ordered contribution rate and the amount provided for in the annual budget, the excess amounts will be set aside in a Board reserve for reduction of unfunded retirement liabilities in the future.

2) **Other Post-Employment Benefits** – EWEB created a trust in November 2007 as a means through which assets are accumulated and benefits are paid for other post-employment benefits (OPEB), other than pension benefits. Eligible retirees and beneficiaries of EWEB receive health care and life insurance benefits.

3) **Supplemental Retirement Plan** – EWEB created a pension plan in 1968 to provide supplemental retirement benefits to employees. The objective of the plan was to provide a benefit on retirement, which together with benefit from the OPERS, will provide 1.67% of the highest 36-month average salary for each year of service. The plan was closed in 1988. EWEB contributes actuarially determined amounts to a designated pension fund that pays the annual cost for this closed plan. Due to the nature of the closed plan, it is more cost effective to pay-as-you go, than set up a trust.

EWEB Financial Policies

1.5 Replenishment of Reserves

If a reserve balance falls below Board targets, the order of precedence and minimum length of time to replenish will be determined using the following criteria:

Order of Precedence: 1 – Rate Sufficiency Policy
2 – Capital Reserve Policy
3 – Rate Stability Policy

Length of time to replenish:

| | Electric Utility | Water Utility |
|--------------|---|--|
| One year | <\$2 million below target | < \$500,000 below target |
| Three years | >\$2 million and < \$5 million below target | > \$500,000 and < \$1 million below target |
| Five years * | > \$5 million below target | > \$1 million below target |

*Should a reserve fall drastically below target, a determination will be made whether cash should be secured by other means (i.e., Letter of Credit or bond issuance).

If a reserve falls below target, staff will propose a replenishment strategy to the Board for approval during the annual reserve transfer process or sooner if deemed necessary.

2.0 FINANCIAL MANAGEMENT POLICIES

2.1 Cost Management Policy

EWEB will take cost management actions that provide for authorized budgets and include actions to maintain expenditures within authorized budget levels. *(BP SD6)*

Discussion:

The annual budget is the primary tool for setting rates and controlling costs within a given year. For accounting and budgetary purposes, the budgets are broken into operating and capital components for each Utility. The operating budget of the Electric Utility further separates power and related costs as distinct from non-power operating costs. The reason for this is that the cost of power and related items generally varies with changes in sales volume. Non-power items are composed of mostly labor, services and materials that are less susceptible to variations in sales volumes.

The annual budgets are the maximum level of expenditure authorized by the Board. Conditions may arise during any given budget year that cause projected expenditures for either Utility's operations & maintenance and/or capital budgets to be higher than those approved by the Board. If any of the specific conditions occur as defined in Board Policy EL1 - Financial Controls, Management is required to propose a budget amendment.

The budget amendment proposal must state the causes of the projected non-budgeted expenditures, the offsetting actions taken to mitigate the increase, and the source of any additional funding requested. The Board will consider each proposed budget amendment and either approve or disapprove. In the event of disapproval, the General Manager will exercise established authorities in taking actions necessary to curtail spending within authorized levels.

To monitor the budget, cost management procedures involve the monthly review of variances from the authorized budget by supervisors and managers. The review of power-related items is performed by the Power Risk Management Committee and is separate from non-power items. Actual and projected capital and other non-power expenditures are monitored by the Leadership Team. With the assistance of financial staff, the Leadership Team determines what degree unfavorable variances in one department can be offset by favorable variances in another. In the event of a shortfall, the Leadership Team will determine whether to bring a budget amendment forward or curtail other activities to remain within authorized spending levels.

2.2 Budget Policy

The authorized annual spending plan will be balanced such that resources meet or exceed requirements in each fiscal year. *(BP SD6)*

Discussion:

Long-term financial stability can be assured only if, in each year, the annual spending plan is fully funded and results in a balanced budget. The budget is considered balanced when the following three conditions are met:

- 1) Expected annual operating revenues and use of reserves for one-time expenses equal or exceed anticipated operation and maintenance expenses.
- 2) Budgeted capital outlays are funded in full from a combination of net operating revenues, capital improvement reserves, accumulated system development charges, and debt proceeds.
- 3) Pro forma presentation of debt service coverage shows a ratio at or above the Board established performance standard (Rate Sufficiency Policy 1.1).

2.3 Debt Policy

Funds to acquire major capital improvements will be provided in accordance with the estimated useful lives of such assets. (BP SD6)

Discussion:

Prudent financial practice dictates the use of debt financing only in those cases where public policy, ratepayer equity, and economic efficiency favor the use of debt over current financing. In EWEB’s case, debt is considered an appropriate funding option for Type 2 and Type 3 capital projects. (See the discussion under Capital Reserve Policy 1.3.) Debt service payments shall not exceed the useful life of the asset and should be structured to mirror the stream of benefits from the facility or project being funded.

Long-term debt financing will be considered for those major system improvements that meet two general criteria:

- The asset has a relatively long useful economic life (at least 10 years);
- The asset is a significant item included within the capital budget portion of the electric and/or water project plans.

However, if debt levels are too high the utility could become over-leveraged relative to its asset base and revenue producing capability. In all cases, management will balance the benefit of long term financing with the overall health of the organization as determined by appropriate measures of financial leverage.

Performance standards, are based on review with EWEB’s Financial Advisor regarding financial market conditions and rating agency considerations, as well as industry benchmarks for comparable utilities.

| | Performance Standard |
|-------------------------|---------------------------------|
| Electric Utility | |
| Debt as a % of NBV | 60% or less |
| Water Utility | |
| Debt as a % of NBV | 60% or less |

2.4 Billing and Collection Policy

Services will be billed in an accurate and timely manner and collected with fair and equitable consideration for all customers. *(BP SD6)*

Discussion:

Sound business and collection practices will be applied uniformly to all customers. EWEB maintains a customer credit rating system to provide fair and equitable consideration in deposit and collection practices for all customers. Decisions to extend payment terms for anyone are based on the customer's good faith, ability to pay, and payment history.

EWEB provides cost-effective customer assistance programs (e.g., Budget Payment Plan, Customer Care, payment extension options, dispute/appeals recourse, etc.). EWEB will also cooperate with customers participating in social service programs such as the Limited Income Home Energy Assistance Program (LIHEAP) and other resources available to customers.

EWEB makes every reasonable and cost-effective attempt to secure payment of all accounts receivable. In accordance with bond covenants, products and services are not provided free of charge. Bills are issued based upon actual use of products and services, except that billings are estimated when EWEB service meters are inaccessible, or other considerations necessitate issuing estimated billings. Following an estimated reading, charges are adjusted to record and reflect actual consumption.

EWEB employees make a concerted effort to inform customers about the options available to them regarding payment for and controlled use of EWEB products and services as situations may deem advisable. In addition, EWEB has built strong partnerships with community social service organizations that create preventive strategies for avoiding disconnection of services.

Performance standards are as follows:

| | Performance Standard |
|-----------------------------------|---------------------------------|
| Write-offs as a % of Rate Revenue | .5% or less |

3.0 FINANCIAL RISK MANAGEMENT POLICIES

3.1 Financial Risk Management Policy

Financial risks associated with EWEB operations will be proactively managed in a cost-effective and efficient manner consistent with prudent utility practice. *(BP SD6)*

Discussion:

The objective of financial risk management is ongoing identification and mitigation of the risk of financial losses including power risk, property damage and other insurable risks, vendor contract development and administration, and risks associated with administering Oregon Public Contracting laws and statutes. EWEB will transfer as much as is reasonably possible of its liability contractually, and retain those risks that can be self-assumed without seriously affecting the financial condition of the organization. EWEB will purchase sufficient insurance coverage when the risk is of a catastrophic nature or beyond the capacity of the organization to absorb, or when it is required by law or contract. However, insurance shall, of necessity, be limited to availability of coverage at reasonable cost, consistent with the probable frequency, severity and impact of losses on the financial stability of the organization.

Due to the nature and extent of commodity risks, power supply related risk management policies are separately addressed in the Power Risk Management Policy.

3.2 Power Risk Management Policy

Purchases and sales of electric power and related financial instruments will be managed to maximize the benefits to customers from wholesale transactions while minimizing the risk that wholesale activities will adversely affect retail prices. *(BP SD6)*

Discussion:

For many years the staff at EWEB has worked to reduce power purchase costs while managing or avoiding risks that might result in price shocks or supply interruptions. Rapid changes in the electric power industry since 2000 have challenged traditional methods and prompted EWEB to migrate to power management systems and controls similar to those used in commodity trading organizations.

The Board has established a Power Risk Management Policy to provide direction and oversight as referenced in Board Policy SD8 - Power Risk Management Policies.

3.3 Investment Policy

EWEB's investment portfolio will be managed to achieve safety of capital, achieve market rates of return, and provide sufficient liquidity to meet disbursement schedules. *(BP SD6)*

Discussion:

EWEB's Investment Policy calls for the investment of excess funds in a manner which will preserve capital and provide sufficient liquidity to meet cash flow demands while conforming to all State statutes governing investment of public funds and bond covenants. The policy includes provisions with respect to diversification and the credit quality of securities purchased. EWEB's primary objectives are, in order of priority: safety of principal, liquidity and achieving a rate of return at least equal to the return on a comparably maturing U.S. Treasury bill. EWEB attempts to match its investments to anticipated cash flow requirements. Securities are intended to be held to maturity, unless the quality, yield or maturity characteristics of the portfolio can be improved by replacing one security with another.

4.0 ACCOUNTING POLICIES

4.1 Financial Entity Policy

EWEB will account for separate financial entities and will clearly define relationships among those entities to facilitate management decision-making. *(BP SD6)*

Discussion:

1) Financial Reporting and Budget

Financial accounting standards and Bond covenants require that EWEB maintain separate financial records for the Electric Utility and the Water Utility. Each entity has separate legal standing and revenues backing their respective bond issues and separate budgets. Often, the Utilities share personnel or other resources. The shared resources are allocated between the systems for accounting and ratemaking purposes.

2) Reporting Entity

For external reporting purposes, EWEB is required to follow Governmental Accounting Standards Board (GASB) definition of a reporting entity as EWEB is considered a primary government. The Electric and Water Utilities are reported separately with a combined total for both systems.

For internal reporting purposes, the results and financial position of the Electric Utility and the Water Utility will be reported separately. In addition, any component of either

Utility, which can be separately reported, and for which separate reporting would be useful, such as a major line of business, class of customer, or new operation will be separately reported as required by EWEB management from time to time.

EWEB also has various relationships with other parties, such as 1) Western Generation Agency, an Intergovernmental Agency cogeneration project, 2) Trojan Nuclear Project, a jointly owned decommissioned nuclear plant and 3) Harvest Wind, a joint ownership with an equity investment in a wind generating facility and 4) OPEB Trust, post-employment health care and life insurance benefits trust. These projects or investments are separate legal entities that are properly recorded within the Electric System and are fully disclosed in the footnotes of the financial statements.

4.2 Capitalization Policy

Major utility expenditures for labor, materials and/or services that result in revenue or benefits in future reporting periods will be capitalized and allocated to match such future revenue or benefits through periodic amortization or depreciation, using methodologies acceptable under accounting standards. Additions, renewals, and betterments with a minimum cost of \$5,000 are capitalized. Repairs and minor replacements are recorded as operating expenses. *(BP SD6)*

Discussion:

1) Utility Plant in Service

The physical assets that make up the electric and water production, transmission and distribution systems, including the acquisition of land or construction of a building are capitalized and included in plant in service.

2) Preliminary Investigations and Regulatory Accounting

It is accepted utility practice to accumulate preliminary investigations, costs of projects the utility believes will be viable in the future. An example of this for EWEB is relicensing costs for the Carmen-Smith Project. Preliminary investigations are recorded as an "Other Asset" on the Statement of Net Position.

EWEB policy also permits the use of regulatory accounting, which allows for revenues and expenses to be charged to future periods to match the time periods when the revenue and expenses are included in rates. Revenues and expenses that are recorded using regulatory accounting may be treated as other assets or liabilities or deferred inflows or outflows, depending on the nature of the revenue or expense. An example of a regulatory other asset is unamortized bond issuance costs. An example of deferred inflows and outflows is the recording of the change in market value of hedging derivative instruments. Board approval, either by resolution or by inclusion in the annual budget, is required prior to using regulatory accounting.

EWEB Financial Policies

Source: Board Approved 01/18/2000, Ratified 04/19/2005, Amended 07/19/2005, Amended 06/04/2013, Resolution No. 1308 07/16/13, Amended 07/21/2015, Resolution 1518, Amended 06/06/2017, Resolution 1711, Amended 06/05/2018, Resolution 1817, Amended 06/04/2019, Resolution 1913.

5.0 APPENDIX A: CASH AND RESERVE TARGETS SUMMARY

6/5/18

| <u>Cash and Reserve Accounts</u> | <u>Electric Utility Target</u> | <u>Water Utility Target</u> |
|----------------------------------|------------------------------------|---------------------------------|
| 1) Working Cash | \$42,000,000 | \$3,400,000 |
| 2) Power Reserve | 23,000,000 | |
| 3) Operating Reserve | 4,000,000 | 1,000,000 |
| 4) Self-Insurance Reserve | 1,720,000 | 280,000 |
| 5) Capital Improvement Reserve | 25,000,000 | 8,000,000 |
| 6) Rate Stabilization Fund | 5,000,000 | 1,000,000 |
| | <hr/> | <hr/> |
| Total | <u>\$85,720,000</u> | <u>\$12,680,000</u> |

- 1) Working Cash – amount of cash needed to pay for ongoing operational costs during the year.
- 2) Power Reserve – amount of reserves to offset fluctuations due to the effects of risk exposures, and any budgeted draw on the reserve.
- 3) Operating Reserve – reserve for emergency operating costs.
- 4) Self-Insurance Reserve – reserve to pay for claims incurred during the year and target is based on the \$2 million self-insured retention for both utilities combined.
- 5) Capital Improvement Reserve – reserve for capital improvements and target is based on approximately one year's depreciation.
- 6) Rate Stabilization Fund – reserve for one-time use at Board discretion; target amount approximates the dollar equivalent of a 3% price increase



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

Rely on us.

TO: Commissioners Carlson, Barofsky, McRae, Schlossberg and Brown
FROM: Lisa Krentz, Generation Manager
DATE: April 14, 2023 (May 2, 2023 Board Meeting)
SUBJECT: Walterville Canal Flow Restrictions for 2023
OBJECTIVE: Information

Issue

In a Record of Decision implemented on January 10, 2018, General Manager, Frank Lawson formalized an operational decision regarding summer flows in the Walterville Canal, which is part of the Leaburg/Walterville Hydroelectric Project (FERC #2496). The decision states that, "In years with below median expected summer stream flows/snowpack, from May 20th through October 31st, EWEB will voluntarily adjust the power canal intake in order to maintain at least 10% more flow in the McKenzie bypass reach of the Walterville hydroelectric project than flows exiting the tailrace of the project."

Background

EWEB owns and operates the Walterville hydroelectric project, with a nameplate capacity of 8 MW, on the lower McKenzie River under a license issued by the Federal Energy Regulatory Commission on April 27, 2000. Up to 2,577 cubic feet per second (cfs) can be diverted into the Walterville canal at the Walterville diversion under normal operations. Under the terms of the operating license, EWEB is required to maintain minimum instream flows of 1,000 cfs in the bypassed reach of the McKenzie River.

In accordance with the Record of Decision, in low flow years EWEB will adjust the flow going into the Walterville canal during the summer to maintain 10% more flow in the river than in the canal. Maintaining more flow in the river than in the canal will improve fish migration, water quality, and recreational use conditions in the bypassed reach. The primary impact to EWEB is financial through lost generation.

Discussion

Based on snowpack data and summer flow forecasts available in early-April, the McKenzie Basin is projected to experience above median streamflow during the upcoming summer. Although SnoTel data from the Natural Resources Conservation Service indicates that current snowpack in the basin is roughly 96% of median, the McKenzie River streamflow forecasts for the April to September period at Vida (the closest forecast station) are 107% of median. Accordingly, EWEB Generation will not implement the Walterville Canal flow restrictions identified in the January 2018 Record of Decision on May 20th.

Requested Board Action

No Board Action is required. This memo is for informational purposes only.



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

Rely on us.

TO: Commissioners Carlson, Barofsky, McRae, Schlossberg and Brown
FROM: Frank Lawson, CEO & General Manager; Rodney Price, Asst. General Manager
DATE: April 21, 2023 (Board Meeting May 2, 2023)
SUBJECT: Resiliency Policy
OBJECTIVE: Information/Guidance

Issue

This is an update on Commissioners interest in developing a “resiliency policy”.

Background/Discussion

During the 2022 annual Board Policy Review (December), Commissioners expressed interest in developing a “resiliency policy”. EWEB staff have collaborated on the attached draft of such policy for Commissioners review and comment.

Recommendation

Staff recommends Commissioners provide comment and guidance on the initial draft policy (attached) during the Correspondence review at the May 2, 2023, Board Meeting. At the June 6, 2023, Board Meeting, Staff and Commissioners will deliberate on the content of the proposed SDxx Resiliency Policy, with the goal of incorporating final edits and approval via resolution within the Consent Calendar at the July 11, 2023, Board Meeting.

Requested Board Action

Review and comment on the attached draft Resiliency Policy

Strategic Direction Policies (SD Policies)

SDXX Resiliency Policy

Effective Date July 11, 2023 (tentative)

EWEB is committed to providing essential services that protect and enhance our community’s vitality and strives to maintain these services without disruption. With the goal of sustaining safe, reliable, affordable, and environmentally responsible drinking water and electricity services, EWEB faces the challenge of effectively planning and operating in an environment of a changing climate, new technology, developing markets, political and regulatory flux, natural and human-caused threats, and evolving community expectations.

Meeting our ongoing obligation to provide essential services requires an organizational culture that fosters sustainability and resiliency of our infrastructure, finances, workforce, information, and decisions. In addition, EWEB acknowledges its role in furthering community resiliency so that our customer-owners can self-sustain through periods of disruption, recognizing the broad and unique needs of members of the community.

EWEB defines resiliency as follows.

Resiliency: The ability to reduce the likelihood, magnitude, and duration of sudden or gradual disruptive events through risk mitigation, emergency preparedness and response, and recovery strategies.

Consistent with EWEB’s Vision, Mission, and Values (SD1) and other Strategic Direction (SD) policies, along with other policies guiding Governance Process (GP), Board-Staff Linkage (BL) and Executive Limitations (EL), the Board supports a comprehensive approach to organizational and community resiliency, as defined above, using the following primary guidance.

1. Infrastructure and Systems (including service delivery, financial, and information systems)

The Board authorizes, delegates, and directs the General Manager to ensure that infrastructure design and construction, financial plans, communication and information systems, and operational and maintenance processes use risk-assessment methodologies that consider established criteria under both normal operating conditions and disruptive events.

2. Workforce

The Board further authorizes, delegates, and directs the General Manager to build workforce resiliency through transfer of knowledge and skills across the organization, creating redundancy, flexibility, and depth in mission-critical functions. The organization shall facilitate employee and family emergency preparedness, improving EWEB’s response to and recovery from disruptive events.

3. Community

The Board further authorizes, delegates, and directs the General Manager to cultivate partnerships that enhance community resiliency, leveraging unique capabilities with the potential to plan, mitigate adverse impacts of, or respond and recover from a variety of operating conditions or disruptive events. EWEB shall educate and encourage the community at-

large, including vulnerable and/or historically marginalized customer-owner segments, to plan and prepare to self-sustain through periods of disruption, as well as other options for response and recovery.

Implementation

Implementing the guidance provided in the policy will include the development and maintenance of risk mitigation and recovery plans for major potential threats (e.g., wildfires, chemical spills, etc.), and incorporate both normal and disruptive event conditions in triple-bottom-line assessments, when applied. The resiliency of major decisions will be evaluated by assessing the sensitivity of outcomes under a variety of different future conditions.

The guidance outlined in this policy are acknowledged as results or conditions that are acceptable to the Board in the process of establishing policy and approval of Strategic Plans, Long-Term Financial Plans, Capital Improvement Plans, annual budgets, and goals, as established in Board Policy BL4 “Delegation to the General Manager”.

So that EWEB’s actions related to this policy are visible to the Board and our community, at least annually EWEB will compile and report on the status of strategic initiatives and annual goals associated with the implementation of this policy, as applicable.



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD
ENERGY DIVISION

Rely on us.

TO: Commissioners Carlson, Barofsky, McRae, Schlossberg, and Brown
FROM: Brian Booth, Chief of Energy Resource Officer, Megan Capper, Energy Resources Manager
DATE: May 2, 2023
SUBJECT: Oregon Renewable Portfolio Standard 2022 Compliance Report
OBJECTIVE: Information Only

Issue

In compliance with ORS 469A.170, the Power Planning department is providing the EWEB Board of Commissioners (the Board) with an annual update as to EWEB's Renewable Portfolio Standard (RPS) compliance.

For 2022, EWEB's RPS portfolio obligation, after applying resource exemptions, is zero (0) MWhs, and no REC retirement is required.

For 2022, EWEB's voluntary Greenpower program generated 18,585 MWhs of sales, resulting in the retirement of 18,585 Renewable Energy Credits (RECs).

This report will be published on EWEB's website by June 1, 2023.

Background

In 2007, Oregon enacted Senate Bill 838, the Oregon Renewable Energy Act (Act), which created an RPS that all Oregon electric utilities must follow. The purpose of the RPS is to decrease Oregon utilities' reliance on fossil fuels for electric generation and increase their use of renewable energy sources. In 2016, SB 1547 further increased RPS targets for investor-owned utilities (IOUs) only.

The Oregon Public Utilities Commission (PUC) oversees IOU reporting and compliance with the RPS. However, consumer-owned utilities like EWEB are not regulated by the PUC. The statute governing RPS compliance reporting, ORS 469A.170, states: "A consumer-owned utility shall make the report to the members or customers of the utility." As such, EWEB reports the annual results of its RPS Compliance to the Board. Further, EWEB's long term RPS Compliance obligation is included in all Integrated Resource Plans (IRPs), which are also reported to the Board.

Discussion

EWEB's RPS Portfolio Obligation

Oregon's RPS establishes an obligation for electric utilities, requiring that a percentage of their annual retail sales must come from qualifying renewable resources. The exact percentage required, and the year the compliance obligation begins, depends both on the size and ownership type of the electric utility, as shown in Figure 1, below. As a consumer-owned utility, serving more than 3 percent of the state's total retail electricity sales, EWEB is classified as a "Large Utility" when determining its annual obligation.

Figure 1. Annual percentage target of qualifying electricity by year

| Utility Type | Utility Size | 2011 | 2015 | 2020 | 2025 | 2040 |
|--------------------|-----------------|------|------|------|------|------|
| Large IOU | 3% or more | | | 20% | 27% | 50% |
| Large Utilities | 3% or more | 5% | 15% | 20% | 25% | |
| Smaller Utilities | From 1.5% to 3% | | | | 10% | |
| Smallest Utilities | Under 1.5% | | | | 5% | |

Oregon RPS Compliance Rules

The Act defines which types of renewable generation are considered "qualifying electricity." In general, qualifying renewable resources must have an on-line date of January 1, 1995, or later, with some exceptions.¹ Further definition of qualifying electricity can be found in ORS 469A.010.

There are some allowable exemptions from compliance outlined in ORS 469A.060, which can reduce a utility's RPS portfolio obligation. These exemptions ensure that the RPS does not compel utilities to procure new qualifying electricity resources to replace existing non-fossil fuel resources, or Tier 1 energy procured through the BPA Regional Dialogue Contract.

Under the Act, utilities may choose to comply with the RPS financially, in lieu of retiring RECs, through the use of an Alternative Compliance Payment. The price for Alternative Compliance Payment is based on the cost of qualifying electric resources, as determined by the Board. EWEB does not currently use this path to meet its RPS compliance. Details for Alternative Compliance Payment are outlined in ORS 469A.180.

To limit the impact of the RPS on retail consumer rates, the Act outlines a Cost Cap. This Cost Cap provides an upper limit on the cost for incremental actions required to comply with the Act. Further information for how this Cost Cap is defined can be found in ORS 469A.445.

Per rules adopted by the Oregon Department of Energy, generation volumes qualifying for RECs are based on values recorded and reported to the Western Renewable Energy Generation Information System (WREGIS). WREGIS is an organizational database that receives monthly

¹ See link for a list of conditions under which pre-1995 resources are eligible to produce qualifying electricity, <https://olis.leg.state.or.us/liz/2016R1/Downloads/MeasureDocument/SB1547/Enrolled>

A later amendment to the RPS allows for pre-1995 woody biomass to qualify, but the RECs will not be eligible for use in compliance until 2026.

generation volumes of renewable generation and serves as the regional system of record to issue, monitor, transfer, and account for Renewable Energy Certificates (REC). One MWh of renewable generation equals one REC. The RECs have identification numbers that indicate the generation project and the month the electricity was generated.

Excepting for limitations due to Cost Caps, or the use of Alternative Compliance Payments, compliance is demonstrated by retiring a quantity of WREGIS RECs equal to the compliance obligation. Once a REC is retired in WREGIS it is no longer available to be banked, sold, or used for any other RPS program.

EWEB's 2022 Oregon RPS Portfolio Obligation

Figure 2. EWEB Oregon RPS Portfolio Obligation Calculation

| Category | Calculation | Quantity | Unit |
|---|-----------------------------|-----------|------------------|
| Retail Sales to Customers | a | 2,419,988 | MWh |
| Qualifying Electricity Target <i>before</i> Exemption | b | 20% | Percentage |
| RPS Portfolio Obligation <i>before</i> Exemption | $c = a \times b$ | 483,998 | MWh |
| Generation from Exempt Resources | | | |
| BPA Tier 1 net purchases | d | 2,382,726 | MWh |
| EWEB hydro (owned) | e | 320,539 | MWh |
| Mid-C hydro (contract) | f | 0 | MWh |
| Total MWhs from Exempt Resources | $g = d + e + f$ | 2,703,265 | MWh |
| Percent of Retail Sales covered by Exempt Resources | $h = \min(g \div a, 100\%)$ | 100% | Percentage |
| Qualifying Electricity Target <i>after</i> Exemption | $i = \min(100\% - h, b)$ | 0% | Percentage |
| RPS Portfolio Obligation <i>after</i> Exemption | $i \times a$ | 0 | MWh ¹ |

1. EWEB must retire 1 REC for each MWh of calculated RPS Obligation *after* Exemption to comply with the RPS

As detailed in Figure 2, above, EWEB's qualifying electricity target for 2022 is 20 percent of retail sales before exemptions. Under Oregon's RPS rules, if exempt generation in 2022 exceeds 80 percent of total retail sales, then EWEB can reduce the 20 percent qualifying electricity target by the amount the exempt generation exceeds 80 percent. If exempt generation exceeds 100 percent of total retail sales, then EWEB's qualifying electricity target is reduced to zero (0) percent.

Because EWEB's hydroelectric resources, including BPA Tier 1, are considered "exempt generation", these resources significantly reduce EWEB's current and projected qualifying electricity targets. As a result, EWEB's 2022 RPS portfolio obligation results in the retirement of zero (0) RECs in 2023.

Greenpower Program

In accordance with the Act, EWEB offers voluntary renewable purchases to EWEB customers under the Greenpower program.

The Greenpower program allows customers the choice to voluntarily pay an additional one cent per kWh, which pays for the cost of retiring Greenpower RECs and contributes to the development and consumption of renewable energy in EWEB's service territory. Just as RECs would be retired to satisfy EWEB's RPS obligation, RECs are also retired to match the volume of sales under EWEB's voluntary Greenpower program, with one REC retired for every MWh of program sales.

In 2022, sales to EWEB customers under the Greenpower program totaled 18,585 MWhs. EWEB has retired an equivalent quantity of RECs from its portfolio. For additional information on EWEB's Greenpower program please see: [Greenpower | EWEB](#).

Recommendation

None

Requested Board Action

None



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

Rely on us.

TO: Commissioners Carlson, Barofsky, McRae, Schlossberg and Brown
FROM: Jason Heuser, Public Policy and Government Affairs Director
DATE: April 21, 2023
SUBJECT: State Legislative Session Update
OBJECTIVE: Information

Issue

The 2023 State Legislative Session convened January 23, 2023. This memo is to apprise the Board of key issues of interest to EWEB, and the current status of these issues in the legislative process.

Background

Prior to the start of each legislative session, the Board adopts general policy directives for advocacy at the Capitol, 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 its policy or direct staff to make necessary adjustments.

Discussion

The first key deadline for the legislature has now passed – for most bills to remain viable, they needed to have had a public hearing and been voted out of committee by April 4 to keep advancing. As a result, hundreds of bills introduced this session are now deemed inactive or “dead”. The next key deadline: if a bill is passed by the first chamber of the legislature (House or Senate) it needs to be scheduled in a committee in the second chamber for a public hearing and work session by May 5th and voted on by May 19th.

The following is a summary of the status of key bills/issues of interest to EWEB:

Willamette Water Treatment Plant Funding Request– SUPPORT

The Legislature's Joint Ways and Means Committee has been hosting a series of public hearings across the state in April to hear from Oregonians on their priorities for programmatic spending in the state budget. Meetings have been held in Portland, Newport, Roseburg thus far. Remaining meetings include Ontario (April 28th) and a Statewide Virtual Budget Town Hall on May 3rd.

The Joint Ways and Means Committee will expand its focus beyond programmatic spending next month and begin consideration for Capital Projects like EWEB's Willamette Water Treatment Plant Funding Request. EWEB staff are expecting to advocate for the project at hearings of the Capital Construction Subcommittee of the Joint Ways and Means Committee, likely to be scheduled in Early May.

2021 Wildfire Recovery Unspent Funding Carry-forward – SUPPORT

The 2021 Legislature appropriated funds for 2020 Wildfire Recovery, including \$4 million allocated to EWEB with a passthrough via the Oregon Watershed Enhancement Board. That balance has not been spent to date. It is currently believed that the Co-Chairs of the Ways and Means Committee plan to include a “reallocation” for all 2020 Wildfire Recovery funding in OWEB’s proposed budget for the 2023-2025 biennium.

EWEB has led coordination amongst other recipients of OWEB pass through wildfire recovery funding to produce a joint letter of support for this reallocation with logos from several local governments and conservation organizations. The Natural Resources Subcommittee of the Joint Ways and Means Committee took public testimony on April 20th in support of the reallocation from a panel comprised of the McKenzie River Trust, Rogue River Watershed Council, and the Klamath Watershed Partnership.

SB 124/SB 125 – Renewable Hydrogen Grant Programs – SUPPORT

These two bills would support resiliency and decarbonization through the creation of renewable hydrogen grant programs to support hydrogen fueling stations as well as hydrogen-based emergency generators to replace emergency generators using fossil fuels (i.e., diesel). On March 20th both bills were passed out of the Senate Energy and Environment Committee with a subsequent referral to the Joint Ways and Means Committee where they remain at this time.

If SB 124/SB 125 are either not approved or not funded, the definitions of renewable hydrogen and green electrolytic hydrogen set in these bills have been inserted into HB 2530 a bill that would direct the Oregon Department of Energy to study renewable hydrogen potential in Oregon and pursue related federal funding opportunities that could support initiatives like SB124/SB125. HB 2530 was approved by the House 45-12 on March 14th and received a public hearing in the Senate Energy and Environment Committee on April 20th.

HB 2571 – Electric Bike Rebate – SUPPORT

This bill would establish a state electric bike rebate to support Oregonians using electric bikes. The State has existing electric vehicle rebate programs, this bill would create parity and fairness for those who use electric bikes as their mode of transportation.

HB 2571 was approved by the House Climate, Energy, and Environment Committee on March 31st and referred to the Joint Ways and Means Committee.

SB 530 – Establishment of Natural and Working Lands Fund – SUPPORT

SB 530 will fund and direct state agencies to provide incentives and technical support to forest owners, farmers, ranchers, etc., to implement natural climate solutions on natural and working lands. This new fund could potentially support efforts like EWEB’s Carbon Forestry Initiative and Watershed Protection measures that have carbon sequestration co-benefits.

SB 530 was approved by the Senate Natural Resources Committee on April 3rd and referred to the Joint Ways and Means Committee.

HB 2813 – Drinking Water Source Protection Fund – SUPPORT

HB 2813 is a bipartisan bill to help communities and water suppliers secure plentiful drinking water, increase resilience to climate change, and provide state funding to match and leverage private and federal funding to protect water resources and public health. Specifically, HB 2813 will direct the Oregon Health Authority to provide technical assistance and financing to water suppliers for protection and enhancement of watersheds. It would establish a grant program to protect, restore, and enhance sources of drinking water. Grants may be used for acquiring lands or using easements for the protection, enhancement or restoration of lands that will benefit a drinking water source used by a drinking water supplier.

HB 2813 was approved by the Agriculture, Land Use, Natural Resources, and Water and referred to Joint Ways and Means Committee. However, the language of the bill was recently duplicated into the proposed Bipartisan Drought Relief and Water Security Package (BiDRAWS) assembled in HB 3124, a bill that was referred to the House Rules Committee on April 10th. The House and Senate Rules Committees are not subject to the same bill deadlines as the other policy committees. HB 3124 received an informational hearing its original Agriculture, Land Use, Natural Resources, and Water Committee on April 18th. EWEB staff testified in support of the package, highlighting specific support for the inclusion of HB 2813 as Component #3-2 of the BiDRAWS.

HB 2490 – Cyber Security Public Records Exemption – SUPPORT

HB 2490 exempts from public records disclosure cybersecurity documents that protect computer, information technology, or communications systems from threat or attack. This includes records that depend for their effectiveness upon a lack of public knowledge and contractual and insurance records that document cybersecurity specifications. The bill has been brought forward by local State Representative Nancy Nathanson.

HB 2490 was approved by the House 57-0 on March 23rd. The bill has been scheduled for a public hearing on April 25th. EWEB staff provided testimony in support of the bill on the House side and will do so again for the bill's consideration in the Senate.

HB 3166 State Whole-Home Energy Savings and High Efficiency Electric Home Rebate Program – MONITOR

This bill would direct the Oregon Department of Energy (ODOE), in consultation with the Housing and Community Services Department, to establish a whole-home energy savings program and high-efficiency electric home rebate program and a create single resource that provides information and technical assistance to interested persons on available energy efficiency incentives and programs.

The bill is intended to be a receptacle and disbursement mechanism for expected funds that will flow to the state through the federal Inflation Reduction Act (IRA) to assist ratepayers, deploy energy efficiency and reduce bills.

This program could be a successful mechanism to deploy IRA funds in Oregon but could require further coordination with existing energy efficiency programs run by the Energy Trust of Oregon, individual Consumer-Owned Utilities (COUs), and the Bonneville Power Administration. Proper coordination and alignment is needed to ensure resources are deployed strategically and that unintended consequences are avoided (i.e. overlapping incentives that pay for more than 100 percent the cost of a measure – this can be avoided with data sharing between the state and utility programs; state incentives should require performance standards equal to those of the Bonneville Power

Administration (BPA) so that any energy savings in COU territories can be claimed towards regional energy efficiency targets set by the Northwest Power Planning and Conservation Council.

HB 3166 was approved out of committee on March 20th, with a subsequent referral to the Joint Ways and Means Committee.

Recommendation

This memo is for informational purposes. No board action is requested.

Requested Board Action

This memo is for informational purposes. No board action is requested.