



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

Rely on us.

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

FROM: Frank Lawson, General Manager and Sarah Gorsegner, Business Continuity Manager

DATE: October 21, 2025

SUBJECT: EWEB Role in City of Eugene Code Enforcement and Public Safety Disconnection Requests

OBJECTIVE: Information only

Issue

This memo provides background and clarification regarding EWEB's role in responding to City of Eugene requests for utility service disconnection related to code enforcement or permitting issues. The information is provided in response to recent customer correspondence (attached) requesting that the Board discuss EWEB's obligations and authority regarding such requests.

Background

EWEB receives 6-12 requests annually from the City of Eugene's Code Enforcement Team and others requesting EWEB to disconnect electric or water service to a premises when a building code, permit, or occupancy violation has been identified.

These requests are based on **Eugene Code 8.005(22)**, which authorizes the City Manager or designee to direct disconnection of a utility service where work has been performed without a permit or where a structure is deemed noncompliant with City code.

In most cases, EWEB's involvement has been limited to facilitating the disconnection at the request of the City. Historically, these situations have been infrequent and often involve structures that are unsafe, uninhabitable, or otherwise in violation of building or safety codes.

A few requests to support law enforcement activities have been received to protect health, life, or property.

A recent letter from a customer raises broader legal and policy concerns, suggesting that:

- City code enforcement staff may use this provision for **non-emergency or administrative matters** (e.g., permit disputes or occupancy issues).
- Such requests could place EWEB in the position of enforcing local ordinances that may conflict with **state law, Public Utility Commission (PUC) regulations, or EWEB's Charter**.
- Disconnections requested for non-safety reasons could expose EWEB to **legal risk, due process concerns, or public safety impacts** for affected customers.

Discussion

As a municipally owned utility established by the **Eugene City Charter**, EWEB is an **independent public entity** governed by elected Board of Commissioners.

While EWEB operates within the City of Eugene, the Board—not the City—has authority over policies governing utility service, including conditions for connection and disconnection.

EWEB adheres to applicable **state laws** and **PUC administrative rules**, including recognizing:

- **OAR 860-021-0305 to 0315**, which set standards for disconnecting electric service. OAR 860-021-0305 (1) (g) states that utility service may be disconnected by an energy utility “When facilities provided are unsafe or do not comply with state and municipal codes governing service or the utility’s rules and regulations”.
- **OAR 333-061-0070**, which requires water suppliers to undertake cross connection control programs to protect the public water systems from pollution and contamination, including backflow testing standards.
- **ORS 455.020**, which establishes uniform statewide building codes administered through local jurisdictions. ORS 455.020 (4) indicates that state codes do not limit the authority of a “municipality to enact regulations providing for local administration of the state building code; local appeal boards; fees and other charges; abatement of nuisances and dangerous buildings; enforcement through penalties, stop-work orders or other means...”

The City of Eugene, through its code enforcement authority, may take actions related to building safety and occupancy, but does not have independent regulatory authority over EWEB operations. Any request to disconnect utility service must therefore be supported by state and municipal codes, regulations and enforcement practices, and be consistent with EWEB’s own policies and regulatory obligations.

At present, EWEB responds to City disconnection requests authorized **when the City Code Enforcement Team notifies** EWEB that conditions do not comply with state and municipal codes, require abatement of nuisance or dangerous buildings, or pose a health or safety issue (Allowed under OAR 860-021-0305 (i)). Requests come through phone calls or notices from City Staff.

For **non-emergency or administrative requests**, EWEB staff seek verification and confirmation of authority prior to taking action. For **emergencies or eminent health and safety issues**, staff schedule disconnection immediately.

Requests must align with *EWEB’s Customer Service Policy, Section 3.2 Disconnection/Reconnection at EWEB’s Discretion*:

EWEB may disconnect Utility Service(s) without written or verbal notice for any of the following reasons:

- Evidence of Tampering/Diversion, Code Violations, Fraud
- To protect health, life, or property
- Violation(s) of any part of EWEB policies
- Where no EWEB Account Holder exists for a service address
- On a temporary basis for Operational Purposes

Recommendation

Staff propose the following activities:

1. Policy Review:

Conduct an internal review of current EWEB service disconnection procedures to ensure alignment with OAR 860-021-0305 and EWEB's Customer Service Policies. One recommended clarification is to Section 3.2 of the Customer Service Policy as follows (change in red):

EWEB may disconnect Utility Service(s) without written or verbal notice for any of the following reasons:

- Evidence of Tampering/Diversion, Code Violations **related to EWEB provided services**, Fraud
- To protect health, life, or property
- Violation(s) of any part of EWEB policies
- Where no EWEB Account Holder exists for a service address
- On a temporary basis for Operational Purposes

2. City Coordination:

Meet with the **City of Eugene Building and Code Enforcement Division** to clarify mutual responsibilities, legal authority, and communication expectations for service disconnection requests.

Documentation Protocol:

Develop a **standard disconnection request form or other standard data gathering procedure** and verification process for any municipality, law enforcement, or other third-party disconnection requests. Required information would include:

- Identification and authorization of the requesting official;
- Citation of the legal or regulatory authority for the request;
- Confirmation of the safety or emergency nature of the condition; and
- Provision of notice to the affected customer when appropriate.

3. Board Policy Clarification:

Following review and coordination with the City, staff will return to the Board with any additional recommendations for policy clarification or formal resolution defining EWEB's role in municipal enforcement actions.

Overview

EWEB's core mission is to provide safe, reliable, and affordable electric and water service in compliance with state law and the Board's policies. While the City of Eugene has authority over land use, building safety, and occupancy enforcement, EWEB's role is limited to utility operations and should not extend to enforcing non-safety administrative codes unless clearly required by law. Staff are committed to maintaining cooperative relations with the City while ensuring that EWEB's independent authority and customers' rights are protected.

Requested Board Action: No action is requested at this time.



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TO: Commissioners Barofsky, Schlossberg, Brown, Carlson, and Morris
FROM: Diedre Williams, Chief People Officer
DATE: October 24, 2025 (November 4, 2025 Board Meeting)
SUBJECT: General Manager Transition – Executive Recruitment Timeline
OBJECTIVE: Information

Issue

EWEB's General Manager, Frank Lawson, announced his intent to retire with a target departure within Q2 of 2026. An overall project calendar will be used to identify the start and stop of project phases (such as Candidate Screening or Short List Selection). As part of overall project management, staff is looking to confirm an agreed to project schedule for planning purposes.

Recommendation

The attached calendar incorporates all scheduling input from the individual Commissioners, the executive recruiter, as well as EWEB's board calendar. Staff will utilize this calendar for project management purposes.

Requested Board Action

No action is requested at this time.

Attachments:

General Manager recruitment calendar Nov 2025

Hiring Process: Updated Timeline

Activity	Forum	Date *	Timeline										Status
Process and Standards Discussion	General	Sept 2	●										Complete
Requirements discussion with Vendor	General	Oct 7		●									Complete
Candidate Search and Screening	Recruiter	Oct 8 – Nov 18		■									Ongoing
Short List Selection	Executive	Dec 9				●							
Short List Interviews/ Finalists Selection	Executive	Jan 5 – 7, Jan 12 – 13					●						
Finalist Interviews	Executive	Jan 27 – 30					●						
Candidate Selection	Executive	Feb 3						●					
Employment Negotiations	Recruiter	Feb 3 – Feb 16						■					
Offer of Employment to new GM	General	Feb 17						●					
Notice Period / new GM start		Feb – May							■				