Governance Committee Minutes
Date: Wednesday, May 6, 2026
Time: 10:00 AM PT

Members: Andy Crocker (Chair), Alba Vogland, Melanie Lewis, Jaimie Lemke, Konstantin Chumachenko, Matt Barrett, Robbie West, Amber Clayton, Micah Brown, Aaron Nakano
Non-Voting Members: Joshua Thomas, Scott Gallegos, Josh Planton
Guests: Eric Shaffner, Steve Wendle, Teresa Short

1. Announcements and Introductions
    a. General announcements, recording, roll call/guest sign-in, declaration of quorum
    b. Review/approval of prior meeting minutes from July 9, 2025, was deferred.
    c. Comments from the Governance Committee Chairperson, Andy Crocker – full agenda and appreciation for participation in process

2. New Business
    a. Sewer Lateral Definitions
        i. Review historical information and agency stance overview
            1. Chair Crocker summarized the committee's previous work regarding sewer lateral ownership and control issues, reminding the group that the committee previously approved adoption of temporary language intended to provide interim guidance last year. It was later noted that the temporary language expired in March and are currently operating under existing administrative rules and historical guidance, including a 2014 Department of Justice memorandum.
            2. There has also been an outreach effort to engage stakeholders and gather feedback regarding sewer lateral locating responsibilities since that time, which has led to the development of a stakeholder summary spreadsheet which documents positions, historical decisions, recommendations, and potential impacts that will be helpful to the group when discussing the issue.
            3. Josh T. reviewed the origin of the issue, which stemmed from a complaint process involving the Public Utility Commission (PUC).
            4. Josh T. went on to explain that a key issue objective of the group would be to come up with a clear and concise definition of "control" or "control over" within OUNC administrative rules. The other issue that will need to be addressed is how to handle non-conforming sewer laterals and associated locating responsibilities.
            5. The group discussed how plain-language definition needs to be consistent with existing administrative rules. Some raised concerns that they did not was to establish responsibilities beyond the committee's intended regulatory scope and thought that the definition of control should be addressed by the PUC or legislatively.

6. It was noted that there are circumstances where homeowners maintain laterals located within public rights-of-way, which Committee members expressed support for developing a separate process or "off-ramp" to address these unique situations.
7. There were concerns raised that potential assumptions around locating responsibility could imply maintenance or repair responsibilities for municipalities and other stakeholders. It was suggested that clearly distinguishing locating obligations from ownership, maintenance, or repair obligations would be helpful.
8. The group also agreed that operators should provide available records and locate facilities whenever reasonably possible, while also recognizing that not all facilities are locatable and that procedures should address situations where records are unavailable.
9. The group also emphasized the importance of positive responses system to excavation requests for more information and communication with excavators. It was also discussed that the value of capturing and retaining information from privately performed sewer lateral locates is also important to reduce duplicate efforts and improve future accuracy and safety.

ii. Proposed float chart/decision tree

1. Chair Crocker presented a draft flowchart concept. The purpose of the flow chart is to provide operators with a consistent decision-making process, and clarifies responsibilities when facilities are owned, controlled, locatable or unlocatable. It should also assist stakeholders in understanding how proposed rule changes may affect current practices.
2. It was agreed that the group should discuss the flowchart after the next Board meeting.
3. Josh T. confirmed that he will in the meantime explore development of a formal memorandum and possible consultation with PUC representatives regarding authority and definition-of-control concerns.
4. Chair Crocker stated that they will also share out the report and flowchart with Committee members.

3. For the Good of the Order

4. Next Meeting – TBD

Motion to adjourn by Robbie and seconded by Amber. The motion was approved by unanimous consent.

Meeting adjourned at 11:09 am.