

Governance Committee Minutes

Date: Monday, June 29, 2026

Time: 12:30 PM PT

Members: Andy Crocker (Chair), Jaimie Lemke, Konstantin Chumachenko, Amber Clayton, Micah Brown, Aaron Nakano, Kevin Hennessey,

Non-Voting Members: Joshua Thomas, Scott Gallegos, Josh Planton

Guests: Curtis Floyd, Lyssa V Patterson

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, and May 6, 2026. Jaimie motioned to approve the minutes. Aaron seconded. The motion was approved unanimously.
- c. Comments from the Governance Committee Chairperson, Andy Crocker. Andy thanked everyone for joining and noted today's meeting is to continue discussion regarding the definition of "control over" as outlined in PUC Order 25-093, with particular attention to improving clarity and obtaining additional guidance from OPUC.

2. New Business

- a. Discussion – "Control Over" definition, lateral locating responsibility.
 - i. Summary of PUC Order 25-093
 1. Josh T. displayed the committee's working documents. He noted that the goal of the flowchart was to help add clarity, in plain language, around the term "control over" with regards to sewer laterals.
 2. As part of this, the group should reflect on the current wording to also determine if any rule changes or supplemental guidance is appropriate, while staying within its statutory authority.
 3. Kevin presented OPUC's observations after reviewing the draft materials. He noted that while he supports the improvement of clarity around the rules, there is concern that the current draft language could unintentionally exempt certain sewer laterals from the 811-notification system and make state-wide interpretation of the rule complicated.
 4. He shared with the Committee 5 questions pertaining to this topic, which he recommended be forwarded to the Board. He also suggested that a Department of Justice review of the proposal be conducted before advancing any updated rule language.
 - ii. Flowchart - Current Practice vs Potential
 1. The committee discussed the decision-making flowchart which Andy noted was intended to help operators understand responsibilities by illustrating how proposed rules would apply in several different scenarios. The same flowchart would act as a decision-making tool in the field and could be used for

educational purposes in the future. Josh T. added that the flowchart is only a draft document as of now and is not intended to act as policy or determine liability. It may however support operational guidance, communications, or future rulemaking efforts.

2. Kevin cautioned that any officially endorsed flowchart should be carefully reviewed to avoid creating unintended legal interpretations.
3. The group continued to discuss the challenges faced in the field regarding facilities not installed or maintained by the operator, and the challenges associated with inherited utility systems that are either unlocatable or lacking in historical records. The group went on to discuss the differences between the responsibility for locating privately owned sewer laterals extending into public rights-of-way, and legal liability. Kevin commented that OPUC focuses on damage prevention rather than assigning liability for damages.
4. Kevin went on to state that due to existing inconsistencies and exemptions from requirements, underground mapping accuracy is not always perfect. He suggested review of these exemptions may warrant further review.
5. Other group members briefly discussed their own organization's challenges with mapping and records maintenance, and the potential impact of new locating technologies.
6. Andy shared that the feedback he has received from special districts about this effort had generally been positive, with many sewer districts already noting that they locate laterals within the public right-of-way regardless of ownership. Smaller districts generally did not anticipate significant implementation challenges.
7. Amber shared that the City of Portland continues internal review of the proposal, and additional comments and recommendations are forthcoming.
8. Josh T. shared comments he received from Micah, which recommended that the group consult with the DOJ regarding OUNC's authority to address this issue. He recommended that the committee might not have the authority given this could require legislative changes. He encouraged the group to continue to focus on rule improvements that enhance excavation safety.

iii. Next Steps

1. The group agreed that further discussion is needed. Josh T. shared that he would work on providing the Board with the questions from OPUC for their consideration and reach out to the DOJ for their guidance.
2. He noted that the flowchart will remain an internal working tool but noted that further stakeholder review is necessary.
3. Andy recapped the action items for the committee:
 - a. Distribute OPUC's five discussion questions to committee members and Board – Josh Thomas

- b. Save any discussion materials in the committee's shared folder – Josh Thomas
 - c. Obtain additional internal review from City of Portland. – Amber Clayton
 - d. Continue evaluation of mapping requirements and rule consistency. – Governance Committee
 - e. Schedule next committee meeting and distribute materials well in advance. – Josh Planton and Josh Thomas
- 3. For the Good of the Order
 - a. No discussion.
- 4. Next Meeting – TBD

Jaimie motioned to adjourn the meeting. The motion was approved unanimously.

Meeting adjourned at 1:44 PM PT.