

Purpose

HB 2064 would change the current statutory requirement that five Energy Facility Siting Council (EFSC) members represent a quorum in ORS 469.460(1) to a requirement that a “majority of members” represent a quorum which would provide greater stability in administrative planning and monthly meeting scheduling.

Background and Need for Legislative Concept

EFSC is a Governor-appointed, Senate-confirmed seven-member board made up of volunteers from a broad range of geographic areas of the state and with different backgrounds and expertise. EFSC typically meets about ten times per year, with meetings conducted over a day and a half, primarily in areas of the state that are closer to energy facility locations and outside of the Willamette Valley. Staff and EFSC members annually establish placeholder dates to provide scheduling certainty each month.

ORS 469.460(1) states that five EFSC members represent a quorum. Currently, some EFSC members are full-time professionals while others are retired. With this type of make-up there have been frequent occurrences when less than seven members are available to participate in a meeting either in person or by phone. While annual placeholder dates facilitate the achievement of a quorum for each meeting, job responsibilities, illness, or other unanticipated circumstances can arise which prevent a particular member from participating. If there are periods of time with one or two vacancies on EFSC, the loss of any one member can jeopardize the ability to hold a meeting. In the last two years there have been several periods of time with less than seven members, based on EFSC members resigning prior to the conclusion of their appointed term or being term-limited.

Based on review of 11 boards or commissions for state government agencies that are defined as EFSC “reviewing agencies,” all of these boards or commissions use “majority” to constitute a quorum. A change in EFSC’s statute to allow for a quorum to be a “majority of members” would allow easier scheduling of Council meetings, particularly during times of extended vacancies on EFSC. HB 2064 would support the goal of efficiency in conducting EFSC business by allowing a four-member quorum to do business, rather than the five-member quorum currently required in statute.

EFSC makes important decisions related to Oregon’s energy ecosystem, and it would be helpful for EFSC to have greater administrative flexibility to schedule meetings that support the state energy siting process. Changing the quorum requirement to “majority of members” would provide EFSC more flexibility to hold meetings and do business, and it would align the quorum requirement with other state boards and commissions.

Expected Fiscal Impact

There would likely be no fiscal impact to the agency. EFSC meeting costs are pro-rated based on the amount of time of each agenda item. The bill could result in one or two additional EFSC meetings, but would only serve to more efficiently conduct business that otherwise would have been delayed to a future meeting with a full quorum.

Contact

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