



Oregon

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To: Energy Facility Siting Council

From: Christopher M. Clark, Siting Policy Analyst and Rules Coordinator

Date: October 9, 2020

Subject: Agenda Item I (Possible Action Item): Council Review of Public Comments and Possible Decision on Rulemaking to Ensure Safe Public Meetings and Hearings, for October 22-23, 2020 EFSC Meeting

Attachments: Attachment 1: Notice of Proposed Rulemaking
Attachment 2: Public Comments (forthcoming)
Attachment 3: Staff Evaluation of Public Comments (forthcoming)

STAFF RECOMMENDATION

Staff recommends Council consider adopting the proposed rules included in Attachment 1 as permanent, after fully considering all testimony provided at the hearing held under Agenda Item B and any written public comments received before October 22, 2020 at 6:00 p.m.

BACKGROUND

At its September 25, 2020 meeting, the Council initiated formal rulemaking proceedings to allow the Council to waive any provision of rule requiring that a public meeting or public hearing be held in person or in a specific geographical area, if the Council finds that in-person attendance at the meeting or hearing would present a risk to public health or safety or the health and safety of the participants.

On September 29, 2020, Staff filed the Notice of Proposed Rulemaking included as **Attachment 1** to this staff report and issued notice as required by ORS 183.335 the following day. The Notice of Proposed Rulemaking initiated a public comment period on the proposed rules and scheduled a rulemaking hearing to be held as Agenda Item B of this meeting. The deadline for written comments is October 22, 2020, at 6:00 pm.

CONSIDERATION OF PUBLIC COMMENTS

Before adopting permanent rules, the Council must consider fully all testimony provided at the hearing and all written comments provided before the deadline. Comments submitted after the close of the public comment period may not be considered unless the Council decides to extend the comment period for all interested agencies and persons.

Staff will provide Council with exact copies of all public comments received on the proposed rules and staff's summary and evaluation of significant issues raised in those comments prior to Council's final review and decision.

RECOMMENDED COUNCIL ACTION

Staff recommends Council consider adopting the proposed rules as permanent after fully considering all testimony provided at the hearing and all written comments provided before the deadline. Staff may recommend changes to the proposed rules in response to significant data, views, and arguments raised in public comments.