

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Public Hearing: Eugene Water and Electric Board Water Rights

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Meeting Date: December 13, 2010  
Department: Intergovernmental Relations  
*www.eugene-or.gov*

Agenda Item Number: 7  
Staff Contact: Brenda Wilson  
Contact Telephone Number: 541-682-8441

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### **ISSUE STATEMENT**

This public hearing is to provide the Eugene City Council an opportunity to hear from the public on the Eugene Water & Electric Board's (EWEB) sale of surplus water to the City of Veneta.

### **BACKGROUND**

Late last year, EWEB informed the City Manager about EWEB's interest to sell water to Veneta in order to certify part of EWEB's third water right and to help ensure that the water in this water right would be available to Eugene residents in the future when needed. In mid-April, EWEB and the City of Veneta signed a water sale contract. EWEB then submitted the contract to the Lane County Circuit Court for validation.

On May 12, 2010, the council was presented with background information on the water sale and the court process. The council directed staff to schedule (1) a joint meeting with the EWEB Board of Directors before the council takes up this issue for decision; (2) a public forum, with EWEB's involvement, in order to provide information to the public about the proposed sale of water; and (3) following that forum, a public hearing on EWEB's proposed sale of water to Veneta. The joint meeting with EWEB was held on June 7, 2010; the public information forum was held on June 8, 2010; and the public hearing was held on June 14, 2010.

On June 28, 2010, this issue was brought back to the council. While the City Manager stated he believed that perfection of the third water right is in the City's interest, the City Manager recommended that the City intervene in the validation proceeding to resolve the issue of Charter authority. The council voted to postpone a decision on whether the council supports the proposed sale of water to Veneta until after the Charter authority question was resolved by the court. Accordingly, the City intervened in the validation proceeding and argued that the City Charter grants to the council, rather than EWEB, the authority to decide to sell water outside the City's limits.

On October 27, 2010, the circuit court decided that EWEB, rather than the City Council, has the authority to sell water to Veneta. The City has appealed that decision.

On November 10, 2010, the issue of the sale of surplus water to Veneta was brought back before the council at the request of the City of Veneta. The City Manager recommended that a public hearing be scheduled for the council regarding the sale of surplus water to Veneta; and that subsequent to the public hearing, another work session be scheduled to consider the sale of surplus water to Veneta.

**RELATED CITY POLICIES**

There are no specific City policies to be considered by the City Council at this meeting; it is a public hearing to provide the council the opportunity to hear from the public on this issue.

**COUNCIL OPTIONS**

No action is required at this time; however, options will be provided at the time of City Council action scheduled for January 24, 2011.

**CITY MANAGER’S RECOMMENDATION**

As this is the public hearing for this item, no recommendation is suggested at this time. A recommendation will be provided for the City Council action scheduled for January 24, 2011.

**SUGGESTED MOTION**

None at this time. A suggested motion will be provided at the time of City Council action scheduled for January 24, 2011.

**FOR MORE INFORMATION**

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