



# MEMORANDUM

Prepared for: Oregon State Senate  
Date: February 11, 2021  
By: Leslie Porter, Analyst  
Re: Legislative Review of Executive Appointments

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

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## PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

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The Governor has appointed the following individuals to the Pacific Northwest Electric Power and Conservation Planning Council subject to Senate confirmation.<sup>1</sup>

### Appointees

Charles “Chuck” Sams III of Pendleton; New Appointment

### Term

April 1, 2021 – March 31, 2024

### Appointment/Confirmation Authority

[ORS 469.805](#)

### Statement of Economic Interest<sup>2</sup>

Required.

### Statutory Requirements<sup>3</sup>

The council consists of two members appointed from each member state, including Idaho, Montana, Oregon (DEVLIN, **SAMS**) and Washington.<sup>4</sup> The two members of Oregon’s delegation are appointed by the Governor and subject to confirmation by the Senate.<sup>5</sup> In making the appointments, the Governor must consider but is not limited to:

- prior experience, training, and education as related to the duties and functions of the council and the Pacific Northwest Electric Power Planning and Conservation Act of 1980;
- general knowledge of the concerns, conditions, and problems of the physical, social, and economic environment of the State of Oregon; and
- the need for diversity of experience and education related to the functions and duties of the council.

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<sup>1</sup> [Or. Const. art. III sect. 4](#), [ORS 171.562](#), [ORS 171.565](#).

<sup>2</sup> [ORS 244.050](#).

<sup>3</sup> [ORS 182.100](#) for affirmative action policy and [ORS 236.115](#) for diversity criteria.

<sup>4</sup> [16 U.S.C. 839b\(a\) \(2007\)](#).

<sup>5</sup> [ORS 469.803 \(2019\)](#).

Members serve three-year terms and at the pleasure of the Governor.<sup>6</sup> Members are eligible for reappointment and may serve no more than three consecutive terms.<sup>7</sup> A council member who serves 18 months or more of a term shall be considered to have served a full term. The Governor must remove a council member, after written notice and opportunity for hearing, for:<sup>8</sup>

- failure to attend three consecutive council meetings except for good cause;
- conviction of a felony;
- violation of Oregon government ethics laws; or
- violation of the council's conflict of interest laws.

Not more than one member of the Oregon delegation to the council may reside within the boundary of an area that includes the First and Third Congressional Districts of this state and the Portland, Oregon, Metropolitan Statistical Area. A member must be a citizen of the United States and must have resided in the State of Oregon for at least one year preceding appointment.

A council member may not hold any other elected or appointed lucrative public office or be principally engaged in any other business or vocation and is considered full-time state public official.<sup>9</sup> A council member or member of their household may not:<sup>10</sup>

- own or have any beneficial interest in any stock or indebtedness of any utility or direct service industry;
- be a director, officer, agent, or employee of any utility or direct service industry;
- a director, officer, agent, or employee of, or hold any proprietary interest in any consulting firm that does business with any utility or direct service industry; or
- receive any compensation from any utility or direct service industry arising out of the member's business, trade, or profession.

## Duties and Authority

The council works with the Bonneville Power Administration (BPA) to develop a regional power plan and wild and wildlife program to balance the Northwest's environmental and energy needs.<sup>11</sup> The council must:<sup>12</sup>

- adopt, review, and amend a regional conservation and electric power plan which includes: an energy conservation program including, but not limited to, model conservation standards; recommendation for research and development; a methodology for determining quantifiable environmental costs and benefits; a demand forecast of at least twenty years; an analysis of reserve and reliability requirements and cost-effective methods of providing reserves designed to insure adequate electric power

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<sup>6</sup> [ORS 469.805 and 469.830 \(2019\)](#).

<sup>7</sup> [ORS 469.820 \(2019\)](#).

<sup>8</sup> [ORS 469.830 \(2019\)](#).

<sup>9</sup> [ORS 469.815 \(2019\)](#).

<sup>10</sup> [ORS 469.810 \(2019\)](#).

<sup>11</sup> Northwest Power and Conservation Council, *About*, <https://www.nwccouncil.org/about> (last visited July 27, 2020).

<sup>12</sup> [16 U.S.C. 839b\(d\)-\(h\) \(2007\)](#).

at the lowest probable cost; the required fish and wildlife program; and a methodology for calculating any surcharges recommended by the council;

- maintain comprehensive programs to inform the Pacific Northwest public of major regional power issues, obtain public views concerning major regional power issues, and secure advice and consultation from the BPA's customers and others; and,
- develop and adopt a program to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, on the Columbia River and its tributaries.

The council may:<sup>13</sup>

- from time to time review the actions of the BPA to determine whether such actions are consistent with the plan and programs, the extent to which the plan and programs is being implemented, and to assist the council in preparing amendments to the plan and programs; and,
- request the BPA to take an action to carry out the BPA's responsibilities under the plan.

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<sup>13</sup> [16 U.S.C. 839b\(i\)-\(j\) \(2007\)](#).

# Executive Appointments Board Roster

## Pacific Northwest Electric Power and Conservation Planning Council

Agency: None  
Authorization: ORS 469.805  
Members: Min: 2 Max: 2  
Term Length: 3 years Limit: 3  
Senate confirmation required? Yes  
Paid Position: Yes

**Policy Area:** Natural Resources

**Board Contact:**

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### Current Appointments:

**Member Name and Address (Alphabetical)**

Richard Devlin

Position Number: 1

Term(s): 01-16-2018 - 01-15-2021

Ted Ferrioli

Position Number: 2

Term(s): 01-16-2018 - 01-15-2021

Chuck Sams, III

Position Number: 2

Term(s): 04-01-2021 - 01-15-2024