



# MEMORANDUM

EUGENE WATER & ELECTRIC BOARD



TO: Commissioners Schlossberg, Brown, Carlson, Barofsky and McRae  
FROM: Deborah Hart, Chief Financial Officer; Sarah Gorsegner, Purchasing & Warehouse Supervisor  
DATE: December 30, 2020  
SUBJECT: Board Appointed Consultants  
OBJECTIVE: Board Action - Ratification of Board Appointed Consultants

---

## Issue

At the first Board meeting of the year, the Board is presented with the opportunity to appoint and ratify professional consultants that are retained by the Board outside the competitive selection process.

## Background

Consultants are exempt from the competitive selection process when the Board appoints or retains the consultant. The Board Appointed Consultants independently advise and provide professional direction and assessments to the Board without regard to Management's position or interpretation. Consultants are selected based on technical knowledge, areas of expertise, and their historical knowledge and perspective of EWEB and its work.

The following directly appointed contracts are presented for ratification. Contracts may also be presented if they are beyond the routine 5-year contract period following a competitive process. There were no contracts beyond the 5-year contract period this year.

## BOARD CONSULTANTS REQUIRING RATIFICATION

Consultant	Service Provided	Tenure	Last Contracted	2020 Spend	2019 Spend
Luvaas Cobb (Eric Defreest Primary Contact)	General Counsel	2011 with Luvaas Cobb <sup>1</sup>	EWEB has two contracts with Luvaas Cobb, one primarily used by staff, and one that is a Board Appointed Contract. Using an RFP process, the staff contract was awarded in Dec 2017, the Board appointed contract was awarded in May 2018.	\$137,400 (\$2,009 Board Appointed Contract)	\$162,000 (\$9,300 Board Appointed Contract)

<b>Consultant</b>	<b>Service Provided</b>	<b>Tenure</b>	<b>Last Contracted</b>	<b>2020 Spend</b>	<b>2019 Spend</b>
Harrang Long Gary Rudnick P.C.	Supplemental General Counsel	Since 1992	Retained in 1992 for Human Resources Legal Counsel, in 2020 for the Supplemental General Counsel	\$83,975 (\$0 for Board Appointed Contract)	\$134,522
Arnold Gallagher P.C.	Real Estate Legal Counsel	Since 2018	Direct Negotiation, 2018	None	\$290
Watkinson Laird Rubenstein P.C.	Real Estate Legal Counsel	Since 2018	Direct Negotiation, 2018	None	None

Additional contracts have been occasionally used by the Board, but they were awarded using a competitive process and with Board approval and do not require ratification.

### **Discussion**

These contracts have had minimal usage in 2020. In December, the Board was requested to review the contracts and to provide performance feedback. The feedback suggested that continuing with these contracts is appropriate.

### **Recommendation and Requested Board Action**

Management requests ratification of consultants Luvaas Cobb, Harrang Long Gary Rudnick P.C., Arnold Gallagher P.C, and Watkinson Laird Rubenstein P.C. as Board Appointed Consultants for 2021.

---

<sup>1</sup> Eric Defreest provided General Counsel to EWEB at Calkins & Calkins prior to 2011 when the contract was assigned to Luvaas Cobb. Calkins & Calkins was retained by EWEB from the 1940's-2011.