



# MEMORANDUM

EUGENE WATER & ELECTRIC BOARD



TO: Commissioners Schlossberg, Brown, Carlson, Barofsky and McRae  
 FROM: Deborah Hart, Chief Financial Officer; Quentin Furrow, Purchasing & Warehouse Supervisor  
 DATE: January 4, 2022  
 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	2021 Spend	2020 Spend
Luvaas Cobb (Eric DeFreest Primary Contact)	General Counsel	2011 with Luvaas Cobb <sup>1</sup>	Contract 1 for Board (#2653), awarded May, 2018.  Contract 2 for staff (#045-2017), awarded in Dec 2017.	\$3,500 Board spend.  \$96,500 staff spend.	\$137,400 (\$2,009 Board Appointed Contract)

<b>Consultant</b>	<b>Service Provided</b>	<b>Tenure</b>	<b>Last Contracted</b>	<b>2021 Spend</b>	<b>2020 Spend</b>
Harrang Long Gary Rudnick P.C.	Supplemental General Counsel	Since 1992	Contract 1 for Board (#20-026-PSC), awarded February 2020.  Contract 2 for HR Dept. (#030-2019), retained in 1992	\$0 Board spend.  \$111,365 HR staff spend.	\$83,975 (\$0 for Board Appointed Contract)
Arnold Gallagher P.C.	Real Estate Legal Counsel	Since 2018	Direct Negotiation, 2018	\$300	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 2021. 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., and Arnold Gallagher P.C. as Board Appointed Consultants for 2022.

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<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.