

EWEB Board Consent Calendar Request

For Cooperative Contracts

The Board is being asked to authorize the use of a cooperative contract for **various electrical products** with **Anixter**.

Board Meeting Date:	April 5, 2022	
Project Name/Contract #:	Electrical Products	Contract 121218-WES
Primary Contact:	Karen Kelley	Ext. 7153
Expected Spend:	\$5,000,000 (over 5 years)	

Narrative:

The Board is being asked to authorize the use of the Sourcewell Cooperative Contract 121218-WES with Anixter for the purchase of as-needed electrical products, including transformers and other items that are currently challenging to source at competitive rates. Like other cooperative programs, this Sourcewell contract leverages the purchasing power of public entities across the country to deliver competitive pricing and sourced contracts to public entities like EWEB. This Sourcewell contract offers pricing that includes discounts per commodity or a cost-plus price structure depending on the category of supply.

Operational Requirement and Alignment with Strategic Plan

It is essential for the electric utility to have a steady stock of quality electrical equipment for use in our electric distribution and transmission system in order to provide reliable service to meet the needs of our customers. The past 12 months have challenged EWEB's ability to maintain critical stock and source competitively. The Sourcewell contract with Anixter offers access to more than 1 billion items in stock across Anixter's branches and distribution centers across the US, as well as the ability to purchase items that have been difficult to source and seek competitive pricing for. EWEB intends to leverage this contract when existing EWEB Contractors are unable to supply in a timely manner.

Creating this contracting stream for equipment and materials is directly in support of Goal #1 to maintain efficient and effective operations. Ongoing maintenance, capital renewal and replacement, and compulsory compliance and customer facing (obligation to serve) related work flows all require ability to source materials and goods quickly and efficiently to meet the needs of project schedules. Ensuring that this method is an option for staff leading these projects will help to mitigate project delays associated with equipment shortages and provide additional paths for already vetted and competitive contracted goods.

Sourcewell is a local government unit from the state of Minnesota that assists public agencies to contract more efficiently than as an individual entity. They establish competitively awarded cooperative purchasing contracts on behalf of itself and its participating agencies, including EWEB. Sourcewell follows the competitive contracting law process to solicit, evaluate, and award contracts for goods and services which facilitates the public procurement process and leverages governmental agencies purchasing power.

ACTION REQUESTED:

Management requests the Board authorize the use of the Sourcewell cooperative contract for as-needed electrical products with Anixter. Use of these funds was already accounted for in approved budget items throughout the Electric Division capital and O&M 2022 budgets of \$55 million and \$256.2 million respectively. This would not be additional equipment that is unplanned; only an additional option for procurement.

EWEB Board Consent Calendar Request

For Contract Awards, Renewals, and Increases

The Board is being asked to approve additional funds for **Fiscal Management Services of the Pure Water Partners Program (PWP)** with **Cascade Pacific Resource Conservation and Development**.

Board Meeting Date: April 5, 2022
Project Name/Contract #: Pure Water Partners Program Fiscal Management / 19-138-S
Primary Contact: Karen Kelley Ext. 7153

Contract Amount:

Original Contract Amount: \$700,000 (November 2019)
Additional \$ Previously Approved: \$232,000 (November 2020)
Invoices over last approval: NA
Amount this Request: \$630,000
Percentage over last approval: 68% (PWP program spend)
Resulting Cumulative Total: **\$1,562,000**

Contracting Method:

Method of Solicitation: Direct Negotiation
If applicable, basis for exemption: EWEB Rule 3-0275 Sole Source Procurements
Term of Agreement: 5 Years (November 1, 2019 - November 1, 2024)
Option to Renew? No
Approval for purchases *"as needed"*
for the life of the Contract: Yes ☐ No ☒
Proposals/Bids Received (Range): \$630,000
Selection Basis: Sole Source Supplier
Narrative:

Operational Requirement and Alignment with Strategic Plan

Fiscal management of the Pure Water Partners program allows for efficient use of EWEB funds for protection of riparian and floodplain forests and provides the programmatic infrastructure that directs partner funds for restoration of degraded areas. This investment aligns with EWEB's 10-Year Strategic Plan by fostering customer confidence (phase I) through the protection of drinking water source(s) and allowing EWEB to maintain excellent water quality. The Pure Water Partners (PWP) program is a key part of EWEB's Drinking Water Source Protection 10-Year Strategic Plan (2018-2028) that was adopted in January 2018.

In 2020, EWEB's General Manager signed the Pure Water Partners Memorandum of Agreement (MOA) that memorialized the programmatic infrastructure, roles and responsibilities of the nine current member organizations (i.e., EWEB, McKenzie Watershed Council, McKenzie River Trust, Upper Willamette Soil & Water Conservation District, Cascade Pacific RC&D, The Freshwater Trust, Willamette National Forest, Metropolitan Wastewater Management Commission (MWWC), and University of Oregon). The MOA establishes a watershed conservation fund (Fund) that aligns multiple sources of funding (e.g., EWEB, USFS, MWWC, Oregon Watershed Enhancement Board, U.S. EPA, etc.) for conducting restoration and protection activities on the ground through

member organizations. Cascade Pacific RC&D is designated as the first fiscal manager of the Fund for a 5-year term that will then be re-evaluated by the PWP members.

After the Holiday Farm fire burned over 170,000 acres in the middle McKenzie Watershed. EWEB has leveraged the existing relationships within the PWP program and framework to quickly and efficiently support burn assessment, and erosion control and soil stabilization design and implementation activities in the watershed immediately following the fire. The PWP work shifted after the initial emergency response phase to include conducting property assessments that identify areas with high priority revegetation needs, invasive weed problems, erosion issues, and fire fuels buildup for contractors to implement necessary actions to address once the landowner signs a Watershed Stewardship Agreement with EWEB.

Contracted Goods or Services

Due to PWP operations costs associated with the HFF recovery and restoration efforts, current funding will not last for the remainder of 2022. The activities to be provided under this Amendment includes CPRCD's fiscal management of additional funding for five main tasks under the PWP program, including: 1) support for PWP programmatic activities that were in place prior to the HFF related to landowner outreach, conducting riparian health assessments, developing management plans, getting landowners under long term agreements, and monitoring over time (\$39,000); 2) making payments to landowners under PWP agreements for protection of healthy riparian forests (\$33,000); 3) providing matching funds for EWEB approved grants that support PWP activities (\$44,000); 4) support for design and implementation of green infrastructure projects to treat urban runoff (\$44,000); and 5) funding PWP operations associated with the Holiday Farm Fire response and recovery efforts (\$470,000). CPRCD is experienced with complex accounting/tracking systems, working with multiple funding agencies, and managing contracts with watershed councils and soil & water conservation districts for watershed conservation activities.

Purchasing Process

This contract was directly negotiated with CPRCD based on the unique relationships and tools they coordinate to support source protection activities in the McKenzie Watershed that aligns with EWEB's strategic initiatives.

Competitive Fair Price

CPRCD provides fiscal management services for the Pure Water Partners program per the MOA for a 5-year term and receives 10% of funds passing through the watershed conservation fund for PWP payments to landowners or partner programmatic activities. CPRCD has a federally determined indirect rate of 11.3% by the U.S. Forest Service.

Prior Contract Activities

CPRCD has worked with EWEB on a variety of source water protection projects over the past 7 years. The current contract was set up as a Master Service Agreement to govern the Terms and Conditions of our engagement. The Scope of Work assigned under this contract is issued as Task Orders with the work and costs negotiated and agreed to in advance and within the Board Approved limits. The first three tasks were included on the Board Consent in November 2019. Since that time, we have issued an additional task order #4 for support activities for the Urban Waters & Wildlife Partnership to implement green infrastructure projects to treat urban runoff and added \$100,000 to the total contract value. Task #5 was approved after the Holiday Farm fire and was included on the November 2, 2020, Board Consent at a 33% increase. The total spend so far under the contract is \$929,974.

ACTION REQUESTED:

Management requests the Board approve increasing the contract fiscal management services of the Pure Water Partners Program. The contract value for CPRCD for fiscal management of the PWP program is nearly \$1.4 million total expected spend. PWP activities to be administered under this contract (Task Orders 1 to 3 - \$116,000 total) will be covered 50% from the Source Water Protection Program of the Water Division budget and 50% from the Generation portion of the Electric Energy Division budget. The Urban Waters & Wildlife Partnership activities (Task Order 4 - \$44,000 total) administered under this contract will be covered from the Source Water Protection Program

of the Water Division budget. For PWP activities associated with the HFF recovery efforts (Task Order 5 - \$470,000) administered under this contract will be covered from the Holiday Farm Fire Watershed Restoration budget. Approximately \$700,000 was planned for these services in the Holiday Farm Fire Restoration 2022 budget of \$4,279,000. Variances will be managed within the budget process and Board policy.

EWEB Board Consent Calendar Request

For Contract Awards, Renewals, and Increases

The Board is being asked to approve a new contract with **Mason, Bruce & Girard** for **Forest Management Services**.

Board Meeting Date: April 5, 2022
Project Name/Contract #: Carmen-Smith Hydroelectric Project / 22-010-S
Primary Contact: Karen Kelley Ext. 7153

Contract Amount:

Original Contract Amount: \$650,000
Additional \$ Previously Approved: \$0
Invoices over last approval: \$0
Amount this Request: \$650,000
Percentage over last approval: NA
Resulting Cumulative Total: **\$650,000 (over 5 years)**

Contracting Method:

Method of Solicitation: Formal Request for Proposals
If applicable, basis for exemption: NA
Term of Agreement: 5 years
Option to Renew? No
Approval for purchases *"as needed"*
for the life of the Contract: Yes ☐ No ☒
Proposals/Bids Received (Range): 1 - (\$15,800 scenario pricing – See Purchasing Process below)
Selection Basis: Highest Ranked Proposer
Narrative:

Operational Requirement and Alignment with Strategic Plan

The Wildlife Management Plan for the Carmen-Smith Hydroelectric Project requires EWEB to widen the Project's existing transmission line corridor to enhance habitat for terrestrial wildlife, such as elk, birds, bats, and native bees. The expanded corridor will include an additional 35 feet on each side of the right-of-way (70' total) on all USDA Forest Service (USFS) property, and if landowners agree, on any private lands located along the transmission line. In addition, as mitigation for Project-related activities, the Vegetation Management Plan requires EWEB to create and manage dead wood habitat for wildlife (specifically, 500 snags and 300 linear feet/acre of downed wood) over the term of the new 40-year FERC License. The purpose of this RFP is to select a forestry consultant to conduct the required activities of the expanded corridor to achieve the goals and objectives in the Project management plans.

Contracted Goods or Services

EWEB is hiring a consultant to conduct and manage the forestry work necessary to meet the dead wood habitat requirements within the expanded transmission line corridor. As directed by EWEB staff and using suitable subcontractors, the consultant will implement the following activities on approximately 12 miles of expanded

corridor: topping approximately 1,000 identified trees, staging tree-tops for later use as downed wood, and performing the associated debris cleanup and removal, including all aspects of the timber work (PHASE 1); and implementing specific habitat enhancements on identified trees (PHASE 2). Additional trees will need to be removed to create the widened corridor required by the License. By removing these trees, understory vegetation will have the space and sunlight they need to grow. The forest edge will develop different heights and varieties of plants, which will increase the amount of habitat for wildlife. It will also increase clearance and protection to the powerlines. To that end, the consultant will work with EWEB staff, USFS, and others to identify cost sharing strategies aimed at removing additional trees, with the goal of meeting habitat enhancement requirements while increasing transmission line resilience.

Purchasing Process

In January 2022, staff issued a Formal Request for Proposals (RFP) for forest management services. The solicitation was advertised on the State of Oregon's public procurement site, Oregon Buys. One proposal was received from Mason, Bruce & Girard, which was deemed responsive and responsible. The RFP used a scenario pricing method in which a scenario is provided where the services are listed by line item and a hypothetical number of trees are provided. The number of trees help the provider determine the cost they will charge EWEB. This method is used when the actual number of trees is unknown at the time the RFP is issued. The scenario method enables EWEB to compare all proposer costs for the same number of trees. A schedule of rates for each type of service was also requested. Staff used the scenario amount applied against the estimated amount of services expected for phase 1 & 2 of the potential contract to arrive at the requested amount of \$650,000.

Bids Received

Vendor Name	City, State	Offered Price	Ranking (for RFPs)
Mason, Bruce & Girard	Portland, OR	\$15,800 (scenario)	1

Competitive Fair Price

Other potential bidders, such as Trout Mountain Forestry, shared that they did not bid because they perceived the annual amount of the potential contract as too small for the effort. Mason, Bruce & Girard submitted their rates with the expectation that multiple competitors would bid. Their rates are approximately 8% higher than rates contracted a year ago for a different project.

Prior Contract Activities

EWEB Contract	Project Name (Description)	Board Approval Date	Project Duration (Notice to proceed to close out)	Original Contract Amount	Final Contract Amount
20-109-PSC	Botanical Services at Carmen Smith	9-1-20	5 years	\$400,000	\$400,000
050-2015	Web Application Development for Willamette Watersheds	2-2-16	5 years	\$300,000	\$348,400
2648	Technical Support for Oregon Watershed Emergency Response System	NA	2 years	\$68,800	\$68,800

ACTION REQUESTED:

Management requests the Board approve contract with Mason, Bruce & Girard for Forest Management Services. Approximately \$170,000 was planned for these services for 2022 in the Carmen-Smith License Deployment budget of \$29 million. Variances will be managed within the budget process and Board policy.

EWEB Board Consent Calendar Request

For Contract Awards, Renewals, and Increases

The Board is being asked to approve a new contract with **Pacific Excavation, Inc.** for the **Construction of Two 7.5 Million Gallon Tanks at EWEB's East 40th Ave Storage Tank Site.**

Board Meeting Date: April 5, 2022
Project Name/Contract #: East 40th Ave Storage Tanks – Tank Construction / 22-021-PW
Primary Contact: Karen Kelley Ext. 7153

Contract Amount:

Original Contract Amount: \$19,200,000
Additional \$ Previously Approved: \$0
Invoices over last approval: \$0
Amount this Request: \$19,200,000
Percentage over last approval: NA
Resulting Cumulative Total: **\$19,200,000**

Contracting Method:

Method of Solicitation: Formal Invitation to Bid
If applicable, basis for exemption: NA
Term of Agreement: One-Time Purchase (Construction)
Option to Renew? No
Approval for purchases *"as needed"*
for the life of the Contract: Yes ☐ No ☒
Proposals/Bids Received (Range): 3 - (\$19,184,575-\$22,192,800)
Selection Basis: Lowest Responsive and Responsible Bidder
Narrative:

Operational Requirement and Alignment with Strategic Plan

The board is being asked to approve a construction contract for tank construction services at the E. 40th Ave Water Storage Tanks site. The work is being done to construct two new seismically resilient water storage tanks. These are the first two tanks to be constructed over the next 10 years as part of the Distributed Storage Approach developed in the 2015 Water System Master Plan. The new storage will replace the existing facilities at College Hill, Hawkins Hill, and Santa Clara and will provide a more resilient storage system for the water utility.

EWEB contracted with Cameron McCarthy, Murray Smith Associates, DOWL, and FEI, Inc. to work as part of a team to provide engineering design and construction services for the two new tanks. In 2021, EWEB contracted with Pacific Excavation to provide Tree Removal and Excavation services at the site and with Island Fence to provide construction fencing.

Contracted Goods or Services

If approved, Pacific Excavation will construct two 7.5-million-gallon (MG) round partially buried AWWA D110 prestressed concrete storage tanks at EWEB's E. 40th Ave Storage Tank site. The project will also require site grading, yard piping, rebar, concrete, interior tank piping, sediment and erosion control, and backfilling.

Purchasing Process

Staff issued a Formal Invitation to Bid in February 2022. The solicitation was publicly advertised on the State of Oregon's Procurement Site, Oregon Buys. Three (3) bids were received and Pacific Excavation, Inc. provided the lowest responsive and responsible bid.

Bids Received

Vendor Name	City, State	Offered Price	Ranking (for RFPs)
Rotschy, Inc	Vancouver, WA	\$21,713,828.33	NA
Wildish Building Co	Eugene, OR	\$22,192,800.00	NA
Pacific Excavation, Inc	Eugene, OR	\$19,184,575.00	NA

Competitive Fair Price (If less than 3 responses received)

NA

Prior Contract Activities

EWEB Contract	Project Name (Description)	Board Approval Date	Project Duration (Notice to proceed to close out).	Original Contract Amount	Final Contract Amount
21-122	E 40 th Ave Storage Tanks-Excavation	8/3/2021	08/06/2021-Present	\$3,370,000	NA
21-109	E 40 th Ave Storage Tanks-Tree Removal	NA	06/30/2021 – Present	\$110,500	NA
20-208	Concrete Removal & Replacement Services	1/5/2021	1/9/2021-Present	\$192,210	NA
20-204	36th Ave Water Main	11/3/2020	11/5/2020-4/2021	\$340,370	\$353,459
20-133	Willagillespie Water Main Replacement	8/4/2020	08/06/2020-04/2021	\$526,230	\$624,537
19-176	Lab and Backup Services Building	2/4/2020	2/7/2020-Present	\$2,418,000	\$2,492,943
20-093	House Water Supply	NA	5/27/2020-7/28/2020	\$93,900	\$93,900
002-2019	Carmen Smith Water System Improvements	3/5/2019	3/7/2019-9/28/2019	\$244,000	\$380,423

ACTION REQUESTED:

Management requests the Board approve a construction contract with Pacific Excavation, Inc. for the construction of two 7.5-million-gallon (MG) tanks at EWEB's E. 40th Ave Storage Tank Site. Approximately \$25 million has been included in the Water Five Year Capital Plan for this work. The Water Five Year Capital Plan totals approximately \$175 million. Variances will be managed within the budget process and Board policies.

EWEB Board Consent Calendar Request

For Contract Awards, Renewals, and Increases

The Board is being asked to approve a Joint Funding Agreement (JFA) with the **U.S. Department of Interior, U.S. Geological Survey (USGS)** to provide **Monitoring and Consulting Services for Source Water Protection**.

Board Meeting Date: April 5, 2022
Project Name/Contract #: Monitoring and Analytical Services-Source Water Protection / 22-043-IGA
Primary Contact: Karen Kelley Ext. 7153

Contract Amount:

Original Contract Amount: \$294,000
Additional \$ Previously Approved: \$0
Invoices over last approval: \$0
Amount this Request: \$294,000
Percentage over last approval: NA
Resulting Cumulative Total: **\$294,000**

Contracting Method:

Method of Solicitation: Direct Negotiation
If applicable, basis for exemption: Intergovernmental Agreement
Term of Agreement: January 1, 2022 - December 31, 2022
Option to Renew? No
Approval for purchases "*as needed*"
for the life of the Contract: Yes ☐ No ☒
Proposals/Bids Received (Range): NA
Selection Basis: Direct Negotiation – Intergovernmental Agreement
Narrative:

Operational Requirement and Alignment with Strategic Plan

The Eugene Water & Electric Board (EWEB) supplies drinking water to approximately 200,000 people with the McKenzie River as the primary source. For nearly two decades, the U.S. Geological Survey Oregon Water Science Center (USGS ORWSC) has partnered with EWEB on a variety of water-quality and streamflow monitoring, data collection, and interpretive studies in support of EWEB's Source Water Protection Program. These have included special studies on the sources of organic carbon, disinfection by-products, pesticides, cyanotoxins, and an expansion of water-quality monitoring after the catastrophic Holiday Farm wildfire in September 2020, which burned about 173,000 acres in the McKenzie River Basin upstream of the EWEB intake. In response to the fire and at the request of EWEB, additional monitoring stations were rapidly deployed to provide early warnings about changes in upstream water quality that could impact operations downstream at the Hayden Bridge drinking water treatment plant. Additional support will continue into the foreseeable future, extending into the summer harmful algal bloom (HAB) season. HABs can present significant challenges if the river becomes enriched with nutrients due to impacts from the fires.

Contracted Goods or Services

Contracted services for 2022 include the following:

1. Provide timely and relevant data and information, including continuous, real-time streamflow and water-quality data, to assist EWEB's monitoring of water quality within their Source Water Protection Area, and,
2. Work with EWEB to rapidly identify the occurrence of benthic or planktonic algal blooms and other water quality issues that may degrade raw water quality.

As noted above, the term of this agreement is stated as January 1, 2022, but USGS did not deliver the agreement to EWEB until March 2, 2022. Staff have negotiated the scope of work and the cost sharing for this Joint Funding Agreement with USGS, which represents an annual renewal of similar work from year to year. Currently, the cost share is 60% EWEB and 40% USGS. For 2022, EWEB's share is \$293,670 and USGS's share is \$195,780. Cost increases from 2019/2020 to 2021/2022 reflect additional streamflow and water quality stations that were installed to monitor impacts from the Holiday Farm Fire.

Purchasing Process

Direct negotiated Intergovernmental Agreement

Competitive Fair Price (If less than 3 responses received)

The existing system is joint owned and operated by USGS and EWEB. The analysis support and monitoring are consistent with prior years pricing with a small increase to reflect increased labor rates.

Prior Contract Activities

EWEB Contract	Project Name (Description)	Board Approval Date	Project Duration (Notice to proceed to close out).	Original Contract Amount	Final Contract Amount
21-004-IGA	Monitoring and Analytical Services for Source Water Protection	2/2/2021	1/1/2021-12/31/2021	\$256,000	\$256,000
20-056-IGA	Monitoring and Analytical Services for Source Water Protection	3/2/2020	1/1/2020-12/31/2020	\$175,000	\$175,000
19-186-IGA	Monitoring and Analytical Services for Source Water Protection	3/5/2019	1/1/2019-12/31/2019	\$161,500	\$161,500

ACTION REQUESTED:

Management requests the Board approve the Joint Funding Agreement (JFA) with U.S. Department of the Interior, U.S. Geological Survey for water quality monitoring and analytical services for source water protection. Approximately \$170,000 was planned for these goods or services in the Water Quality & Source Protection Department Operation & Maintenance budget of \$1.6 million for 2022. \$110,000 will be paid from the Watershed Restoration budget of \$4,279,000 and the remaining \$14,000 will be paid from Generation's O&M budget. Variances will be managed within the budget process and Board policy



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

Rely on us.

TO: Commissioners Brown, Carlson, Barofsky, McRae and Schlossberg
FROM: Lisa Krentz, Electric Generation Manager; Mark Zinniker, Generation Engineering Supervisor; and Jeremy Somogyi, Generation Engineering Planner IV
DATE: April 5, 2022
SUBJECT: Resolutions 2209, 2210 and 2211 for acquisition of Leaburg Properties
OBJECTIVE: Board Action

Background

In anticipation of future construction work, EWEB staff are interested in purchasing three properties immediately adjacent to the Leaburg Canal. Ownership of these parcels will ease construction access and allow design flexibility when making a variety of potential alterations to portions of canal. The specific properties provide significant value in a variety of canal modification scenarios, whether the Board decides to pursue a return-to-service or moves toward decommissioning of the power generation facilities.

The subject properties are located at 42795 and 43853 McKenzie Highway, respectively, and submitted to the Board as Resolution Nos. 2209 and 2210. The third property is designated as Parcel A as addressed by the Board in Executive Session on April 5th, 2022 and submitted to the Board as Resolution No. 2211. All three properties are situated immediately adjacent to the Leaburg Canal and are considered opportune for both the near-term risk reduction strategy and long-term alternatives under evaluation. It should be noted that EWEB recently became aware of the opportunity to purchase Parcel A (Resolution 2211), and the negotiations have just commenced with no formal offer being accepted by the seller as of the drafting of this memorandum.

Recommendation

Staff recommend the Board approve Resolution Nos. 2209, 2210 and 2211.

RESOLUTION NO. 2209

APRIL 2022

**EUGENE WATER & ELECTRIC BOARD
A RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY
ALONG LEABURG CANAL**

WHEREAS, the above entitled matter came before the Board of Commissioners of the Eugene Water & Electric Board (“EWEB”) at its regular meeting on April 5, 2022; and

WHEREAS, the Board has considered the acquisition of a 2.44 acre residential property abutting the Leaburg Canal, Address of 42795 McKenzie HWY, Leaburg OR 97489, to enable EWEB to own, control and manage the property, which is situated adjacent to and downslope of the Ames Reach of the Leaburg Canal; and

WHEREAS, EWEB has authority under Section 44 of the Eugene Charter and ORS 225.020 to acquire real property; and

WHEREAS, the Board determines that it is consistent with the powers and purposes of EWEB and necessary for the continued growth, safety and welfare of EWEB, as well as its wholesale customers, now or hereafter existing, that fee title to necessary properties as well as necessary rights-of-way and easements be acquired to implement the Owner’s Dam Safety Program; and

WHEREAS, the Board determines that the proposed acquisition of property set forth on Exhibit 1, attached hereto and incorporated by reference, is planned and located in a manner which is most compatible with the greatest public benefit and mitigation of private impact; and

WHEREAS, the Board finds there are adequate funds budgeted and available to acquire the subject properties, and being fully advised,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, that EWEB shall in good faith attempt to acquire fee title on a fair and reasonable basis for the designated property. EWEB Staff and Counsel are authorized to complete negotiations with the property owners for the purchase of the property in accordance with the guidance provided by the Board in Executive Session. The General Manager is authorized to execute all documents to complete the acquisition of fee title for the property (Exhibit 1) without necessity of further Board approval.

Dated this 5th day of April 2022.

THE CITY OF EUGENE, OREGON
Acting by and through the
Eugene Water & Electric Board

President

I, ANNE M. KAH, the duly appointed, qualified and acting Assistant Secretary of the Eugene Water & Electric Board, do hereby certify that the above is true and exact copy of the Resolution adopted by the Board in its April 5, 2022 Regular Board Meeting.

Assistant Secretary

EXHIBIT 1

PROPERTY DESCRIPTION

A parcel of land in Section 10, Township 17 South, Range 1 East, of the Willamette Meridian, being more particularly described as follows: Beginning at an axle on the Northerly right-of-way of the McKenzie Highway said axle bears North 01° 15' 52" East 170.61 feet from the center-West sixteenth corner of Section 10; thence North 71° 11' 19" East, along the Northerly right-of-way 21.00 feet to a 3/4" iron pipe; thence leaving said right-of-way North 01° 33' 19" East 161.85 feet to an iron shaft; thence North 01° 20' 00" East 198.00 feet to a 5/8" rebar marked "EGR & ASSOC."; thence North 10° 00' 00" East 70.07 feet to a 5/8" rebar marked "EGR & ASSOC."; thence North 81° 32' 46" East 242.50 feet to a 5/8" rebar marked "EGR & ASSOC."; thence North 09° 48' 04" West 143.59 feet to a 5/8" rebar marked "EGR & ASSOC."; thence North 09° 48' 04" West 128.41 feet to a point on the EWEB canal right-of-way said point being referenced by a 5/8" rebar marked "EGR & ASSOC."; which bears North 09° 48' 04" West 1.00 foot; thence along the EWEB canal South 77° 31' 34" West 184.42 feet to a rail road rail; thence along a 426.50 foot radius curve right, the chord of which bears South 67° 09' 21" West 14.93 feet, a distance of 14.93 feet to a rail road rail; thence South 67° 53' 11" West 116.59 feet to a rail road rail; thence along a 337.50 foot radius curve left, the chord of which bears South 48° 05' 16" West 226.97 feet, a distance of 231.48 feet to a rail road rail; thence South 28° 26' 31" West 8.43 feet to a rail road rail; thence South 86° 58' 28" East 33.86 feet to a rail road rail; thence leaving the EWEB canal South 89° 57' 41" East 217.70 feet to an axle; thence South 01° 20' 00" West 488.85 feet to the point of beginning, all in Lane County, Oregon.

RESOLUTION NO. 2210

April 2022

**EUGENE WATER & ELECTRIC BOARD
A RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY
ALONG LEABURG CANAL**

WHEREAS, the above entitled matter came before the Board of Commissioners of the Eugene Water & Electric Board (“EWEB”) at its regular meeting on April 5, 2022; and

WHEREAS, the Board has considered the acquisition of a .36 acre residential property abutting the Leaburg Canal, Address of 43853 McKenzie HWY Leaburg OR, 97489, to enable EWEB to own, control and manage the property, which is situated adjacent to and downslope of the Cogswell Reach of the Leaburg Canal; and

WHEREAS, EWEB has authority under Section 44 of the Eugene Charter and ORS 225.020 to acquire real property; and

WHEREAS, the Board determines that it is consistent with the powers and purposes of EWEB and necessary for the continued growth, safety and welfare of EWEB, as well as its wholesale customers, now or hereafter existing, that fee title to necessary properties as well as necessary rights-of-way and easements be acquired to implement the Owner’s Dam Safety Program; and

WHEREAS, the Board determines that the proposed acquisition of property set forth on Exhibit 1, attached hereto and incorporated by reference, is planned and located in a manner which is most compatible with the greatest public benefit and mitigation of private impact; and

WHEREAS, the Board finds there are adequate funds budgeted and available to acquire the subject properties, and being fully advised,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, that EWEB shall in good faith attempt to acquire fee title on a fair and reasonable basis for the designated property. EWEB Staff and Counsel are authorized to complete negotiations with the property owners for the purchase of the property in accordance with the guidance provided by the Board in Executive Session. The General Manager is authorized to execute all documents to complete the acquisition of fee title for the property (Exhibit 1) without necessity of further Board approval.

Dated this 5th day of April 2022.

THE CITY OF EUGENE, OREGON
Acting by and through the
Eugene Water & Electric Board

President

I, ANNE M. KAH, the duly appointed, qualified and acting Assistant Secretary of the Eugene Water & Electric Board, do hereby certify that the above is true and exact copy of the Resolution adopted by the Board in its April 5, 2022 Regular Board Meeting.

Assistant Secretary

EXHIBIT 1

PROPERTY DESCRIPTION

Beginning at a railroad rail on the Southerly right-of-way line of the Eugene Water and Electric Boards power canal which is 1224.38 feet South and 989.65 feet West of the Northeast corner of the Southeast one-quarter of the Northwest one-quarter of Section 1, Township 17 South, Range 1 East of the Willamette Meridian, Lane County, Oregon; thence along said Southerly right-of-way line South $46^{\circ} 56' 00''$ West 158.26 feet to a $5/8''$ iron rod on the Easterly right of way line of the Lane County dump road; thence along said Easterly right-of-way line South $41^{\circ} 25' 50''$ East 81.04 feet to a $5/8''$ iron rod on the Northerly right-of-way line of the McKenzie Highway; thence along said Northerly right-of-way line North $51^{\circ} 58' 37''$ East 145.67 feet to an old fence; thence along said old fence North $33^{\circ} 42' 20''$ West 95.08 feet to the point of beginning, in Lane County, Oregon.

RESOLUTION NO. 2211

April 2022

**EUGENE WATER & ELECTRIC BOARD
A RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY
ALONG LEABURG CANAL**

WHEREAS, the above entitled matter came before the Board of Commissioners of the Eugene Water & Electric Board (“EWEB”) at its regular meeting on April 5, 2020; and

WHEREAS, the Board has considered the acquisition of Parcel A, as addressed by the Board in Executive Session on April 5th, 2022, to enable EWEB to own, control and manage the property, which is situated adjacent to and downslope of the Leaburg Canal; and

WHEREAS, EWEB has authority under Section 44 of the Eugene Charter and ORS 225.020 to acquire real property; and

WHEREAS, the Board determines that it is consistent with the powers and purposes of EWEB and necessary for the continued growth, safety and welfare of EWEB, as well as its wholesale customers, now or hereafter existing, that fee title to necessary properties as well as necessary rights-of-way and easements be acquired to implement the Owner’s Dam Safety Program; and

WHEREAS, the Board determines that the proposed acquisition of Parcel A is planned and located in a manner which is most compatible with the greatest public benefit and mitigation of private impact; and

WHEREAS, the Board finds there are adequate funds budgeted and available to acquire the subject property, and being fully advised,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, that EWEB shall in good faith attempt to acquire fee title on a fair and reasonable basis for the designated property. EWEB Staff and Counsel are authorized to complete negotiations with the property owners for the purchase of the property in accordance with the guidance provided by the Board in Executive Session. The General Manager is authorized to execute all documents to complete the acquisition of fee title for Parcel A without necessity of further Board approval.

Dated this 5th day of April 2022.

THE CITY OF EUGENE, OREGON
Acting by and through the
Eugene Water & Electric Board

President

I, ANNE M. KAH, the duly appointed, qualified and acting Assistant Secretary of the

Eugene Water & Electric Board, do hereby certify that the above is true and exact copy of the Resolution adopted by the Board in its April 5, 2022 Regular Board Meeting.

Assistant Secretary