MEMORANDUM



EUGENE WATER & ELECTRIC BOARD



TO:	Commissioners Brown, Carlson, Barofsky, McRae and Schlossberg
FROM:	John Marshall, Facilities Maintenance Supervisor; Scott Milovich, Support Services
	Manager; Karen Kelley, Chief Operations Officer
DATE:	June 7, 2022
SUBJECT:	Bertelsen Property
OBJECTIVE:	Provide update on project progress and receive feedback

Issue

Procurement and material lead-time challenges in combination with the scope of current and future capital project work, has generated the need for a secure laydown yard with additional storage and material handling space. Currently, specialized equipment within EWEB's inventory is without staging locations that provide appropriate seismic and electrical infrastructure. Additionally, as the majority of EWEB's inventory and fleet are located at the Roosevelt Operations Center, and operations deploy from this location, a secondary access road onto the property has been identified as a need.

Background

In May 2021, EWEB negotiated the purchase of the property adjacent to the Roosevelt Operations Center at the corner of Roosevelt Blvd. and Bertelsen Rd. The initial asking price was around \$2.6 million. EWEB negotiated the purchase price to \$1.6 million based on wetland mitigation obligations required prior to EWEB using the property. The wetland permitting, mitigation credits, and earthwork requirements are estimated at around \$400,000.

Discussion

Project Approach

With the intent to develop the Bertelsen site as an expansion of the existing ROC property, the project team has focused on the master planning process to provide flexible, adaptable space for current and future storage and operational needs. A phased approach is being developed allowing current needs to be met while providing for future build-out as demand and funding become available.

The following principles have been established to guide the project team in decision making:

- Comply with city, state, and Board obligations including obligations for runoff, traffic, permitting, significant public works improvements, and environmental impacts
- Meet current needs while considering flexibility for future development, i.e., water, power sources, consideration of future development initiatives
- Maintain project flexibility of execution
- Comply with and consider aspects for safe entry and egress to property and security of the property

- Support Business continuity-seismic compliance, business resiliency, emergency response
- Consider total cost of ownership
- Provide open transparent communication with staff and community, inclusion of impacted stakeholders throughout the organization
- Use similar aesthetics to ROC facility
- Align with Community efficiency initiatives
- Community impacts/environmental impacts

Contracted Design and Project Support

Staff have identified Terra Science, Inc as an experienced contractor to support the wetland mitigation and permitting process. Consulting fees for this work are contracted at \$32,705 and include an alternatives analysis and permit preparation process. Once the permit is submitted to the state, consultants indicated that the review process will take 9-12 months for review.

In late 2021, staff issued an RFP for design services. Following that process a contract was approved during the February 1, 2022 regular Board meeting and PIVOT Architecture was awarded the project. Fees for site planning and design work are contracted at \$470,000. PIVOT's team of design partners includes mechanical, electrical, plumbing, technology, landscape, civil and cost estimating. PIVOT's contract to develop a Site Master Plan includes assistance developing the alternatives analysis, project sequencing, construction design documents, construction bid & submittal review, and construction & permitting support.

Project Status

The project team has met with the design team, stakeholders, and consultants to capture project requirements and sequencing. Wetland and site planning consultants have been selected and have been working with the project team on the site. Working through a site planning process, concepts have been developed and reviewed to address near and long-term considerations. The result of the process to date is a draft master plan that includes multiple phases of work to meet current and future needs.

The project development plan includes six phases.

- Phase 1 Temporary Uncovered Storage
- Phase 2 Roadways
- Phase 3 Permanent Uncovered Storage
- Phase 4 Covered Exterior Storage and Conditioned/Unconditioned Interior Storage
- Phase 5 Project Facilitation HUB
- Phase 6 Future Expansion (Hydrogen expansion)

As currently budgeted the project includes Phase 1 – Temporary Uncovered Storage, Phase 2 – Roadways, and Phase 3 – Permanent Uncovered Storage. Phase 1 is an interim step in the site development process that will allow temporary use of the site while the other elements are being constructed. Phases 2 and 3 will result in a site development that meets current needs for storage and sets the stage for future development. The scope and budget will be reviewed and considered at each phase and adjusted to meet current conditions. The following project elements are being proposed for inclusion at this stage:

- Design Consulting Work, Permit Consulting Work, Attorney Fees for lease development, Wetland Mitigation Credits
- Alternative Property Access Road
- Laydown Yard
- Laydown Yard Type 2-Spare units on seismic rated storage pads with power for temperature and

humidity controls

- Fencing and Lighting
- Site Prep and Grading, Stormwater, and Paving
- Loading and Unloading Semi Trailers Area
- NW Natural Hydrogen Plant- lease agreement, revenue generation

The following were proposed as options for the future use of the property and may be developed in Phases 4, 5 and 6 of the project:

- Exterior Covered Storage
- Interior (conditioned) Storage
- Project Facilitation Hub-materials storage, office, collaborative/workspace
- Transformer Shop/Storage
- Meters Testing and Storage
- Vehicle Storage/Parking with Electric plug-in access
- Backup power supply, diesel generator
- Water Construction Operations Training Area
- Hydrogen Plant expansion area including storage and access points
- RV parking for emergency response and short-term new hire access

The following ideas were considered and not recommended to be included in the scope:

- Customer Service Building/Kiosk
- Microgrid back up power support.

Schedule

End of Q2 2022: Complete alternatives analysis, preliminary design concepts and submit permit applications for Wetland Mitigation work. Receive master plan cost estimate from design team. Executive Team and Manager review and approval. Board review and feedback.

End of Q3 2022: Determining Phase 1-3 work and near completion of Final Design for Phase 1-3 work packages. Executive Team and Manager review and approval. Board review and feedback.

Fall/Winter 2022/2023: Procurement process for phase 1-3 work and issue of permits

Spring/Summer 2023: Award and construction of phase 1-3 work

Project Estimates and Budget

Committed costs for planning and wetland mitigation work is as follows: Wetland Mitigation Consultant for Permitting: \$33,000 Expected Mitigation Credit purchase obligation: \$330,000 Engineering Design Consultant: \$470,000

Preliminary cost estimates for the project scope are expected to be completed by mid-June. Refined construction cost estimates will also be provided by Pivot Architecture by the end of Q2 2022. The project team will provide timely updates on the cost estimates as they become available.

Current planned budget: \$800,000 Electric Capital Plan, \$200,000 Water Capital Plan in 2022 \$800,000 Electric Capital Plan, \$200,000 Water Capital Plan in 2023 \$800,000 Electric Capital Plan, \$200,000 Water Capital Plan in 2024 Actual costs for 2022 to date: \$51,449 Electric Capital, \$12,863 Water Capital

Current Design Efforts and Update

Through numerous planning sessions, the design team and project team have worked to develop a conceptual master plan. Conceptual master plan design elements include maximizing potential use, water treatment options, storage requirements, visibility, access along Bertelsen Rd. and Roosevelt Blvd., structure cohesion, adjacencies, setbacks, separation of space between buildings, and proximity for utilities and infrastructure. The team also thought the aesthetics of having separate buildings with landscaping between presented as less industrial for our residential neighbors.

As mentioned previously, the design elements are expected to be developed as a phased approach. For the permitting process, an alternatives analysis that addresses long term site planning and use of the property is required. This process along with a conceptual master plan showing the preferred alternative will be going through an initial project consultation with the City of Eugene Planning and Development Department on May 27. Projects plans are attached for your review.

The project team has also been considering guidelines and a programmatic approach to managing the yard that includes:

- Yard use policy/procedure (program)
- Stakeholder input/CI process
- Flexible space for quick project deployment/use
- Accurate inventory
- Considering existing ROC and Bertelsen Property yard use wholistically
- Access control
- Assigned vs. shared space
- Types of use allowed/preferred
- Long term/short term needs
- Project workspace/deployment needs
- Testing/deployment
- Durations of use
- Identification, asset tags, "owner" info
- Removal dates/process
- Offboarding (who becomes new owner/POC?)
- EWEB vehicle/equipment use
- Gravels, soil, cold patch, wood debris
- Overflow parking

TBL Assessment

In progress.

Recommendation/Requested Board Action

No Board action is required at this time. The project team welcomes feedback on the progress of the work to date, the conceptual plan, project priorities and phasing of the work. Comments to John Marshall and Scott Milovich by June 15, 2022 would be appreciated.

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EWEB BERTELSEN PROPERTY EUGENE WATER & ELECTRIC BOARD

4200 Roosevelt Blvd, Eugene, OR 97402

MASTER PLANNING

05.13.2022

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EXISTING ROC REFERENCE - EXTERIOR COVERED STORAGE PLAN

EXISTING ROC REFERENCE - EXTERIOR COVERED STORAGE ROOF

EXISTING ROC REFERENCE - EXTERIOR COVERED STORAGE SECTION & ELEVATIONS

EXISTING ROC REFERENCE - EXISTING VAC TRUCK FACILITY

<u>OWNER</u>

EUGENE WATER & ELECTRIC BOARD 4200 ROOSEVELT BLVD EUGENE, OR 97402 PHONE: (541) 685-7455 CONTACT: JÓHN MARSHALL

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CIVIL ENGINEER

MAZZETTI 940 WILLAMETTE ST #310 EUGENE, OR 97401 PHONE: (541) 335-8744 CONTACT: GEOFF LARSEN

ELECTRICAL/MECHANICAL/PLUMBING /TECHNOLOGY AND SECURITY

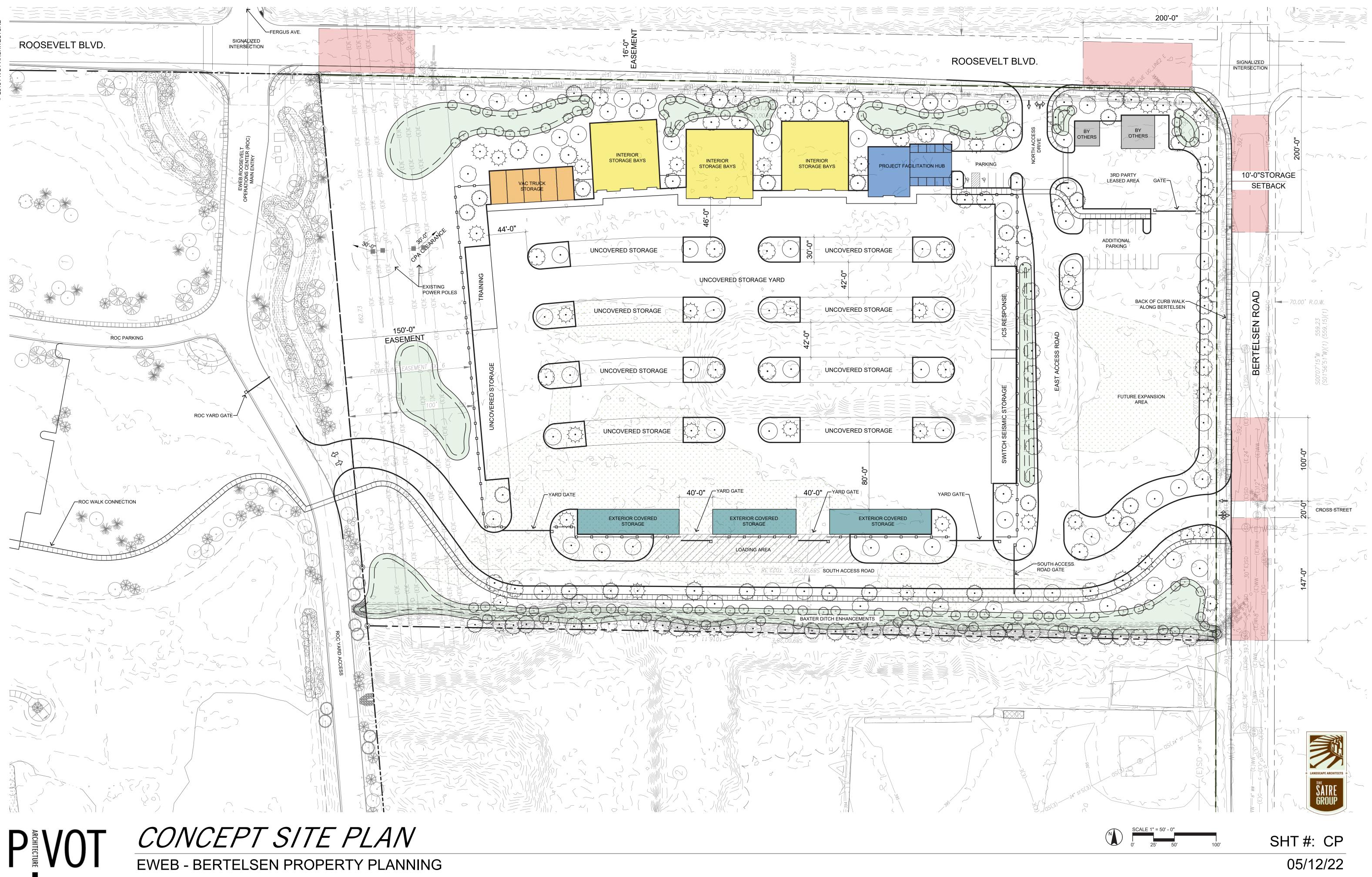
KCL ENGINEERING 296 E. 5TH AVE, SUITE 501 EUGENE, OR 97401 PHONE: (503) 212-4612 CONTACT: SHYLA KEAYS-GOODMAN

LANDSCAPE ARCHITECT

SATRE GROUP 375 W 4TH AVE, EUGENE, OR 97401 PHONE: (541) 465-4721 CONTACT: JÓHN SCHMIDT









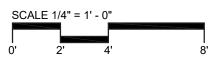
SOUTH ACCESS ROADWAY AND BAXTER DITCH

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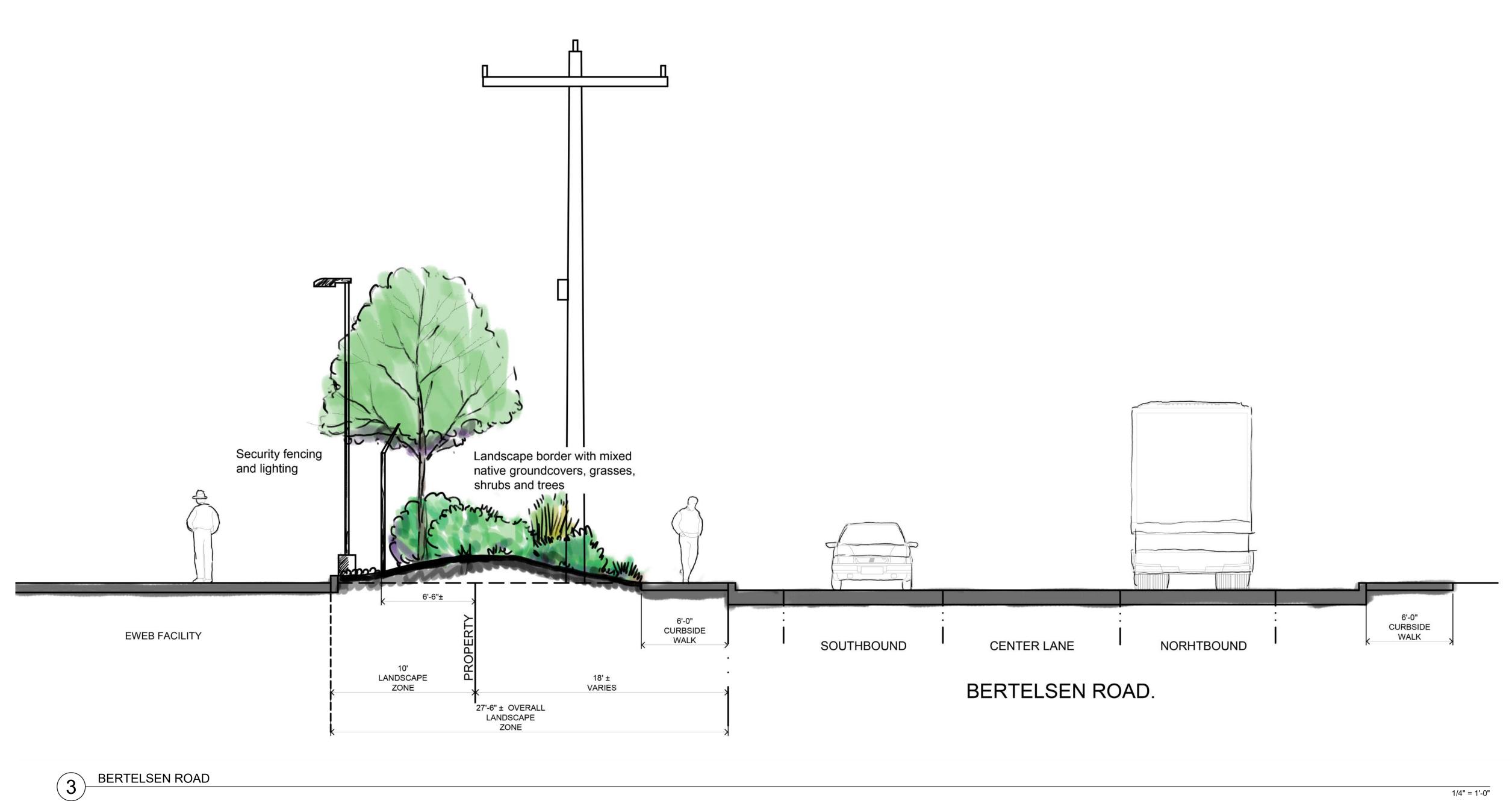


1/4" = 1'-0"





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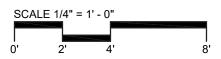


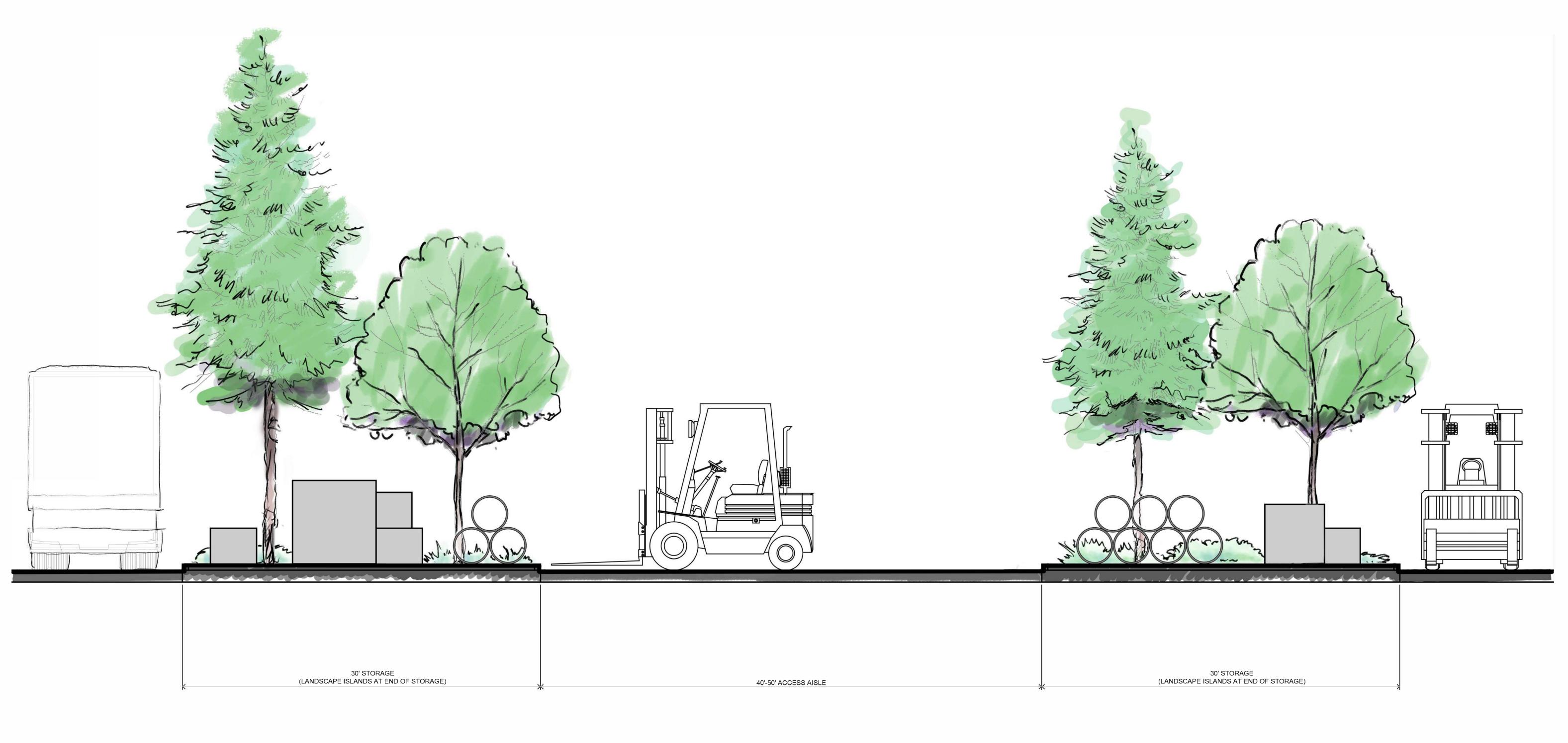


1/4" = 1'-0"



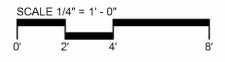
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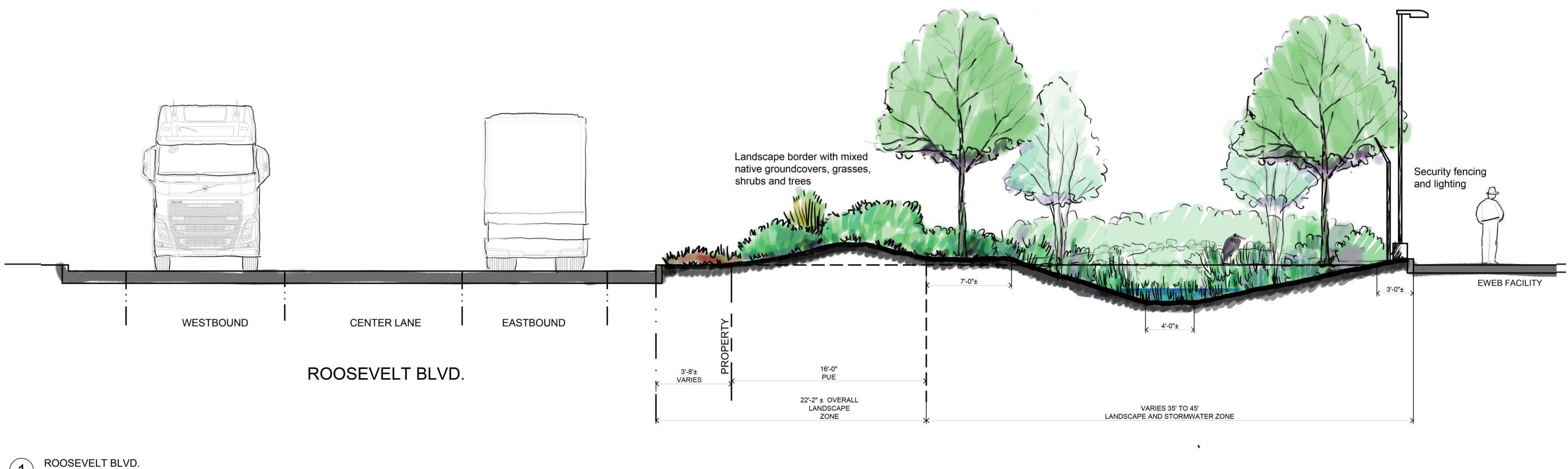






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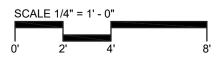
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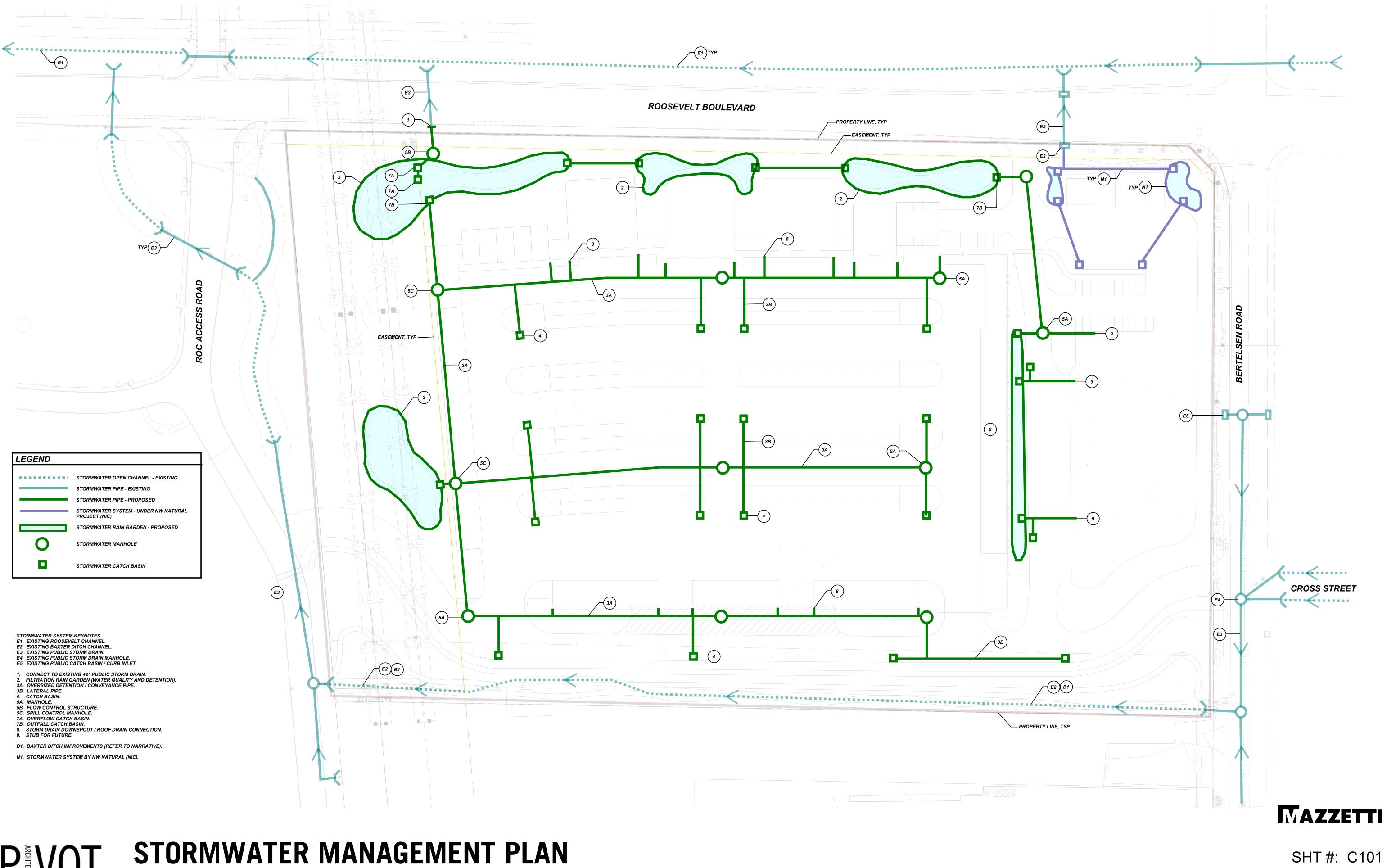


1/4" = 1'-0"

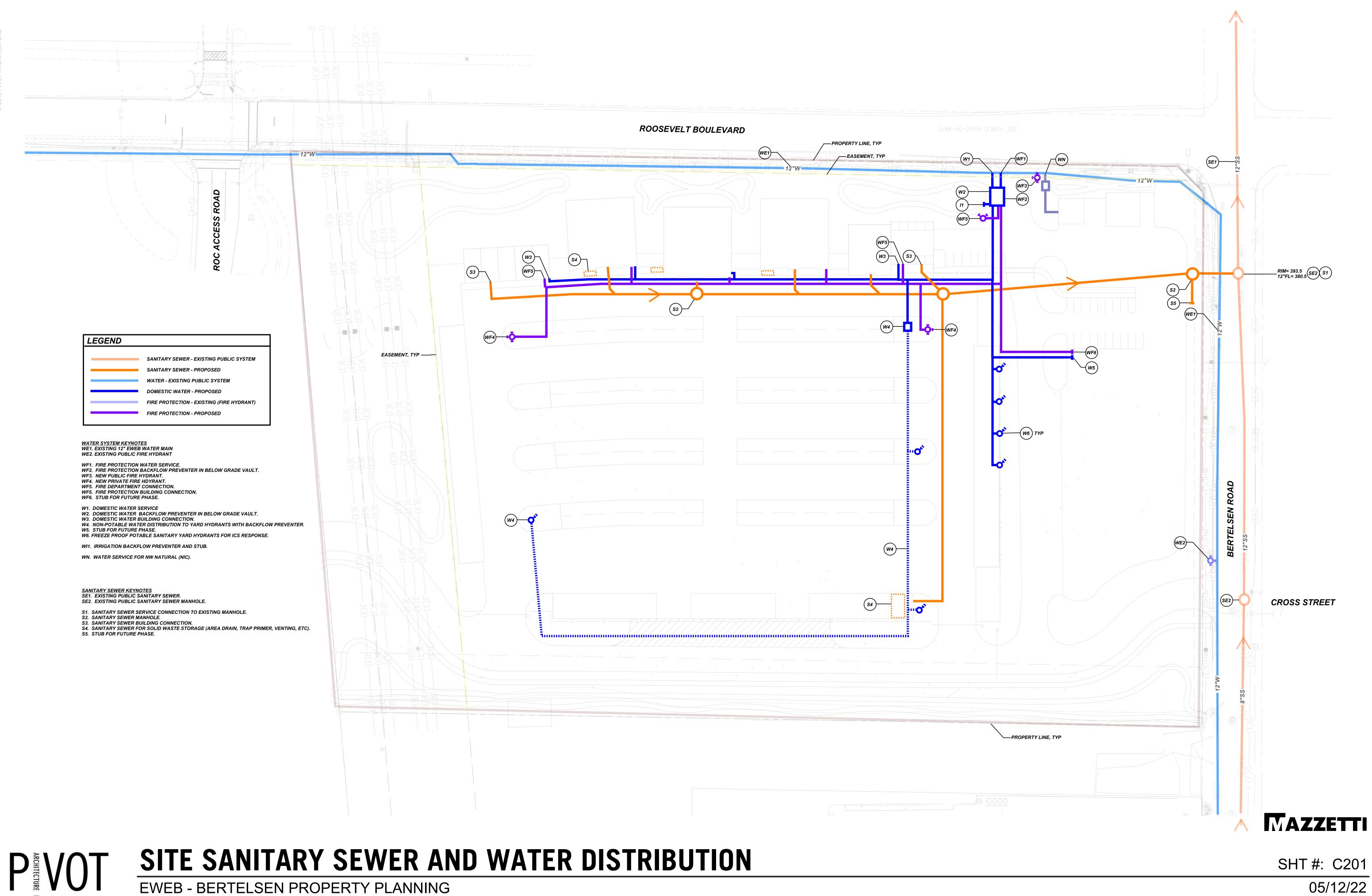




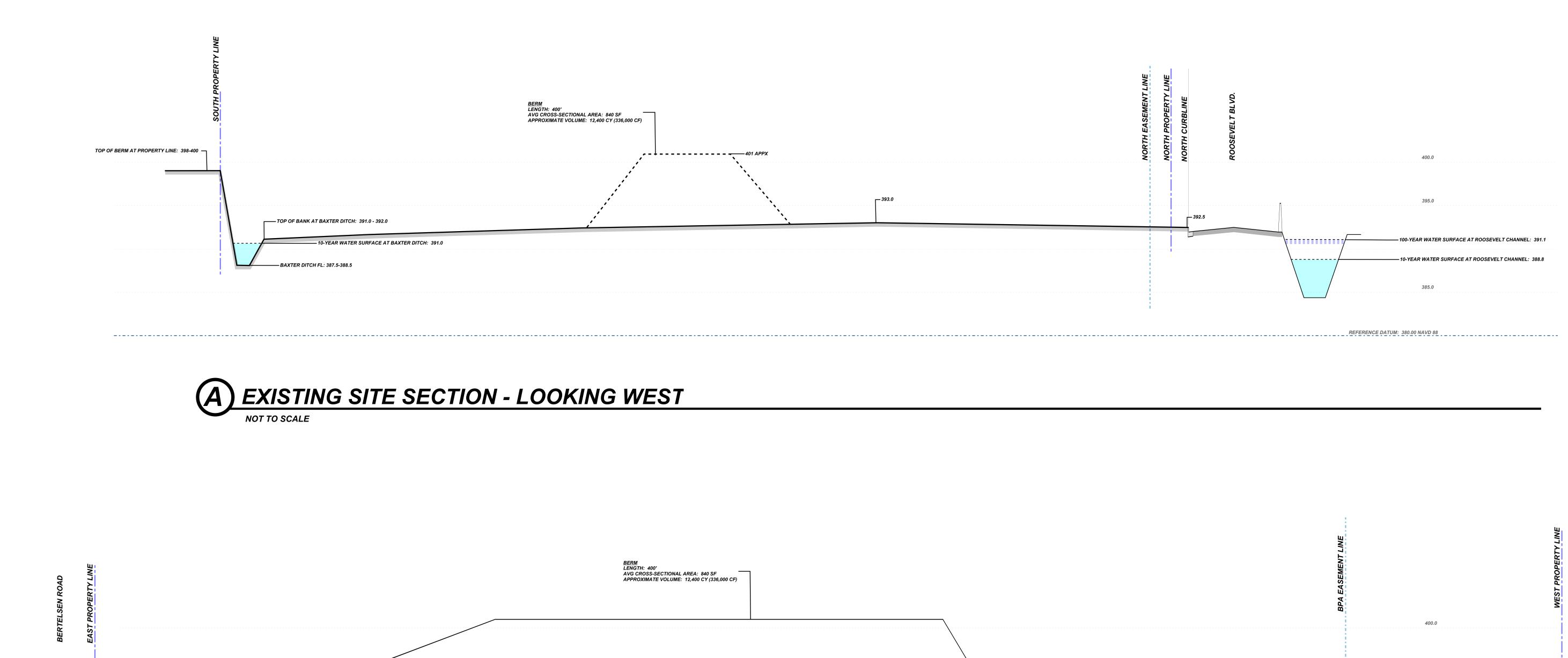
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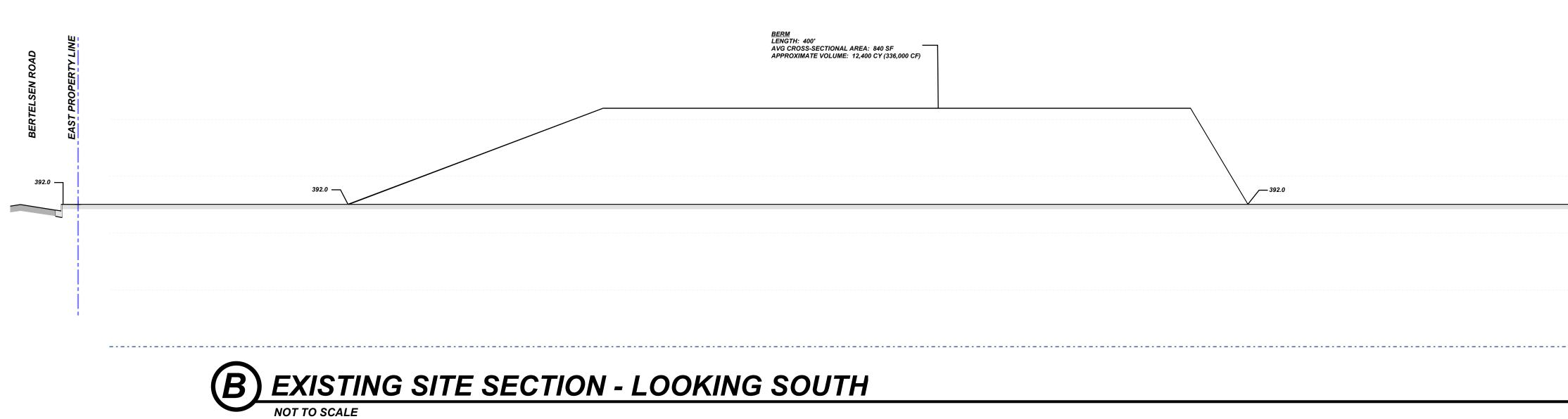


PROVIDE ARCHITECTURE EWEB - BERTELSEN PROPERTY PLANNING

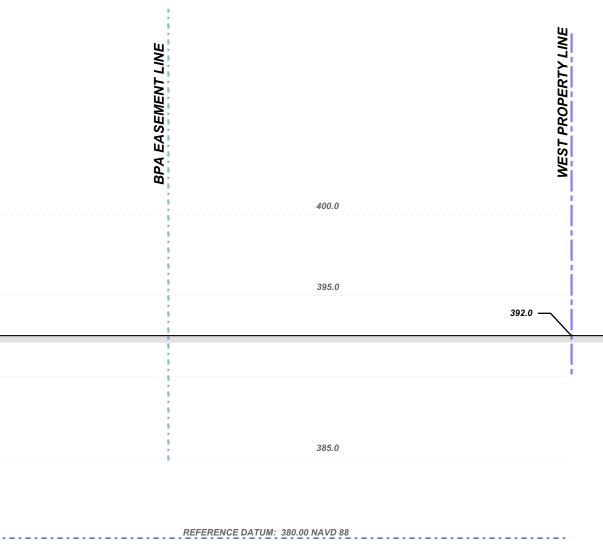


EWEB - BERTELSEN PROPERTY PLANNING



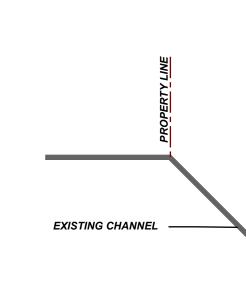


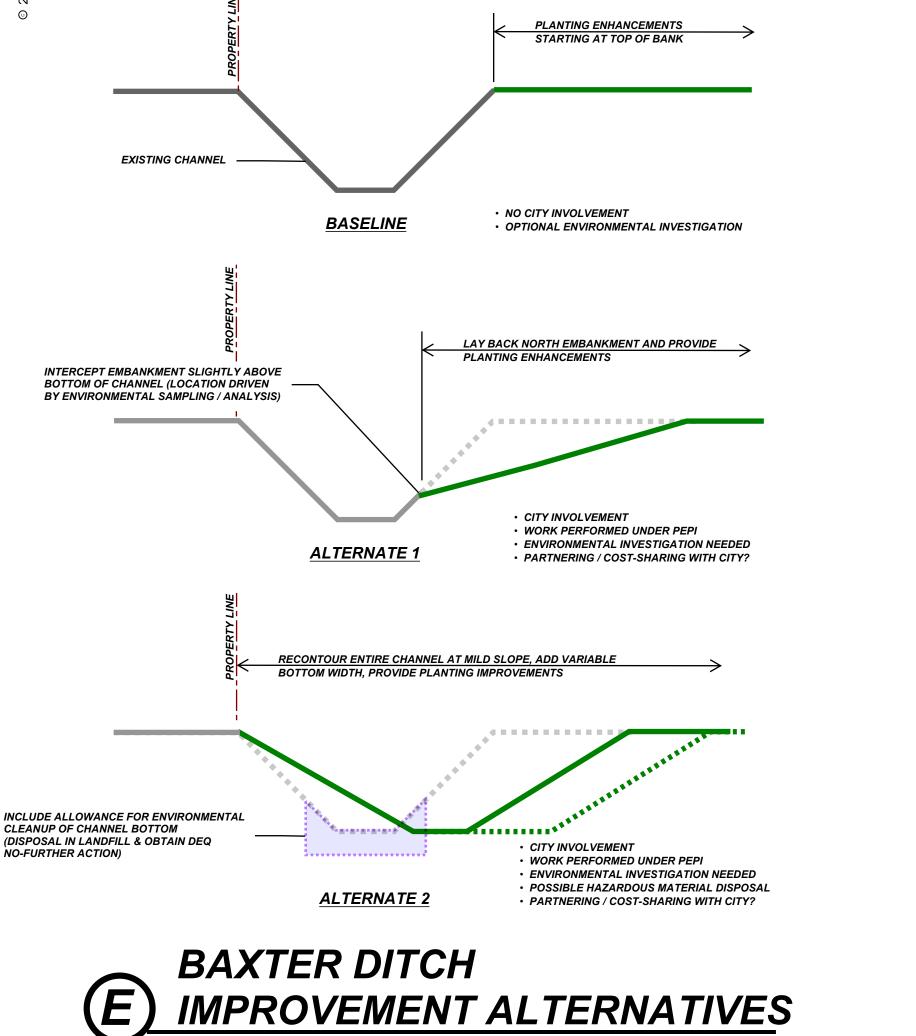


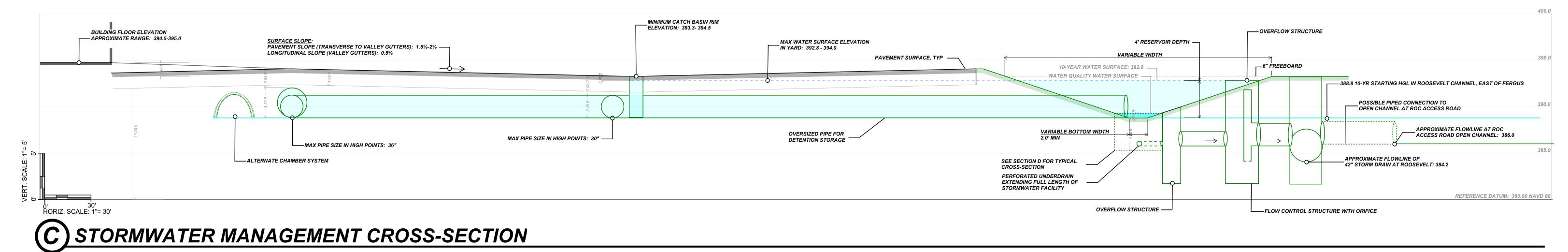




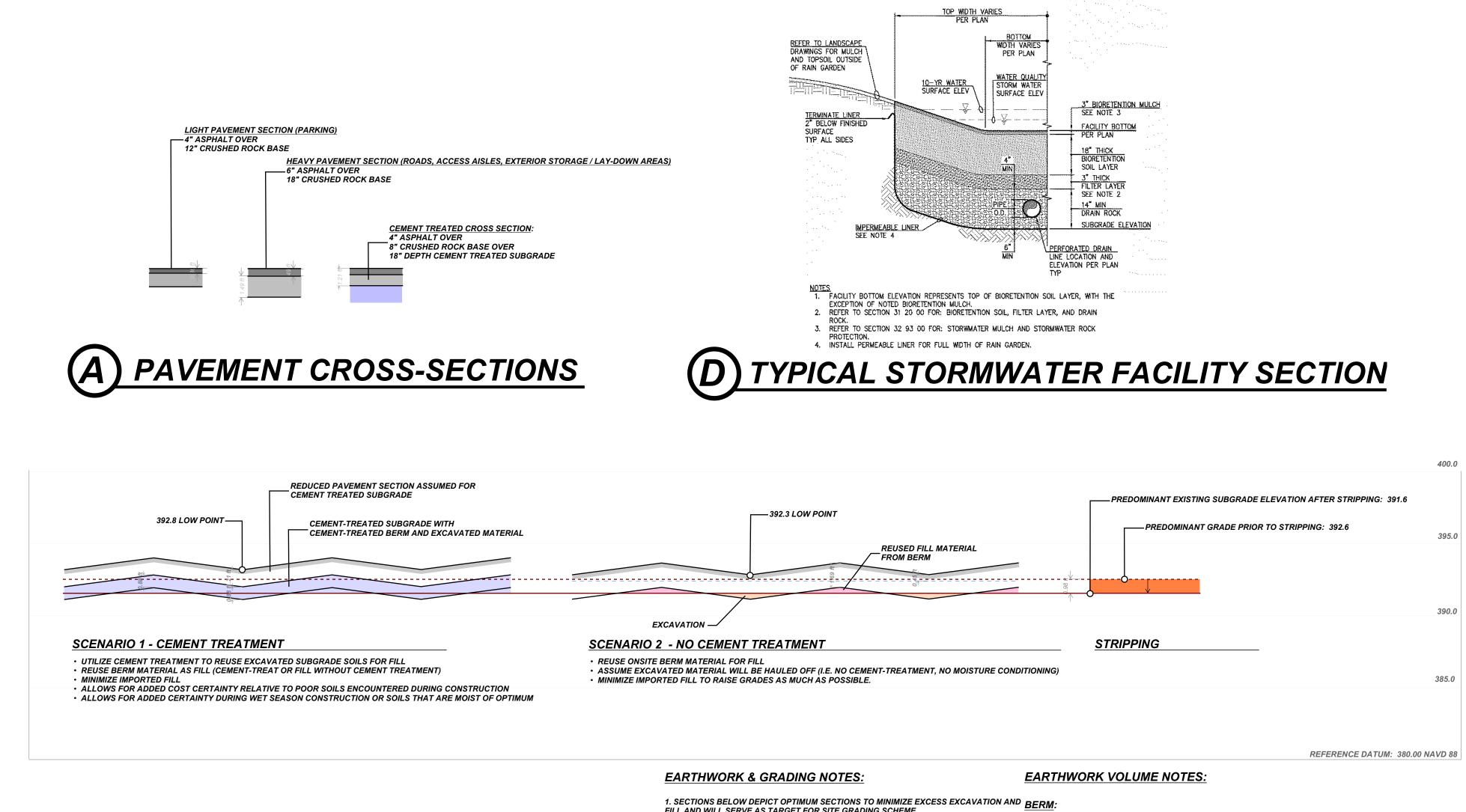
SHT #: C301 05/12/22







SITE CROSS-SECTIONS - PROPOSED CONDITIONS PROVIDENCE ARCHITECTURE EWEB - BERTELSEN PROPERTY PLANNING



FILL AND WILL SERVE AS TARGET FOR SITE GRADING SCHEME. BULK VOLUME: 336,000 CF 2. INCLUDE APPROPRIATE ALLOWANCES FOR ADDITIONAL EXCAVATION AND FILL TO AVAILABLE VOLUME: 235,000 CF (AT 70%) ACCOMMODATE VARIATIONS THROUGHOUT SITE TO ACCOMMODATE SITE GRADING.

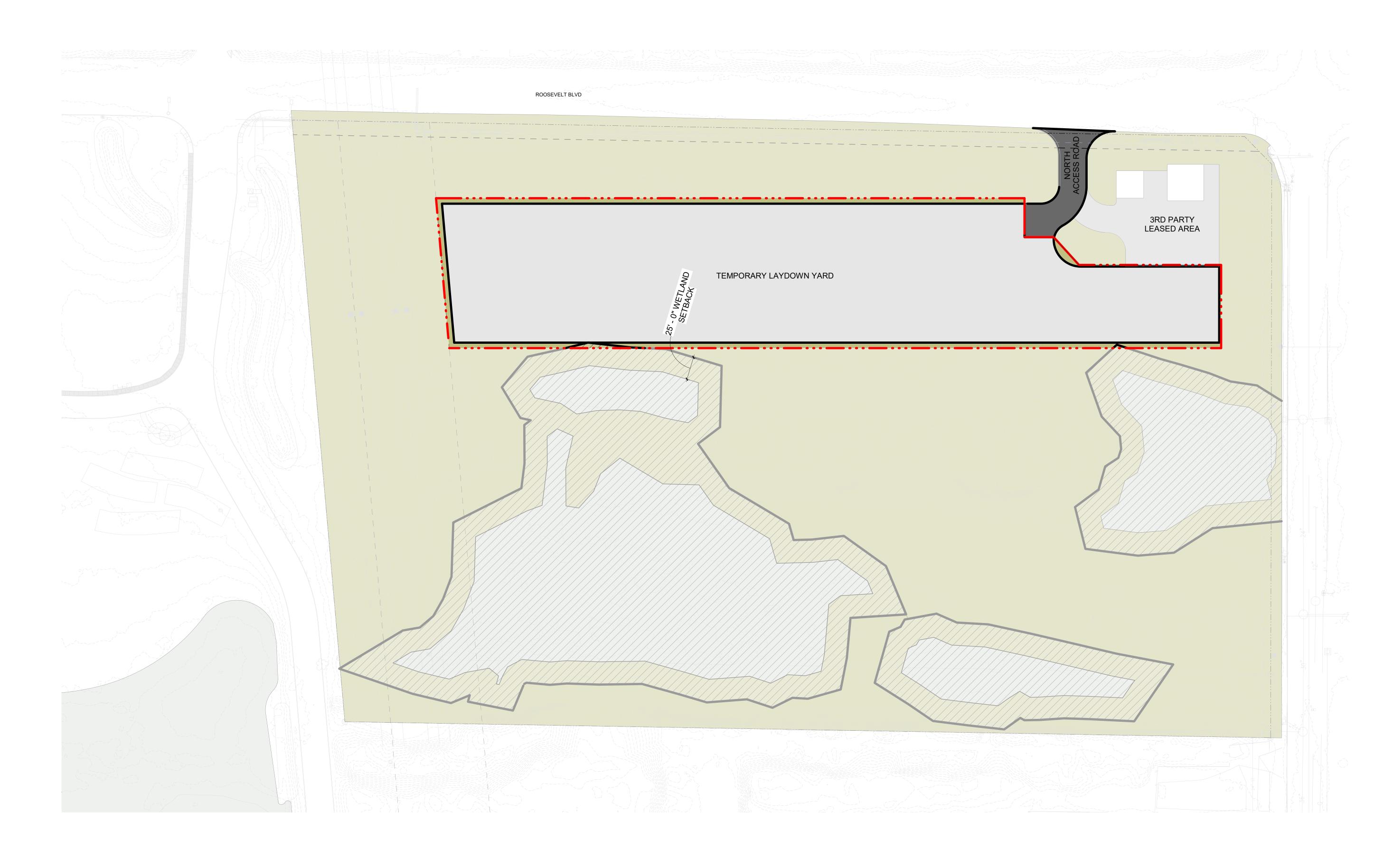
(B) EARTHWORK CROSS-SECTIONS

STORMWATER FACILITY EXCAVATION: AVAILABLE VOLUME: 216,000 CF (EXCLUDES TRENCH EXCAVATION)

TOTAL EXCAVATION (BERM AND STORMWATER EXCAVATION): 541,000 CF

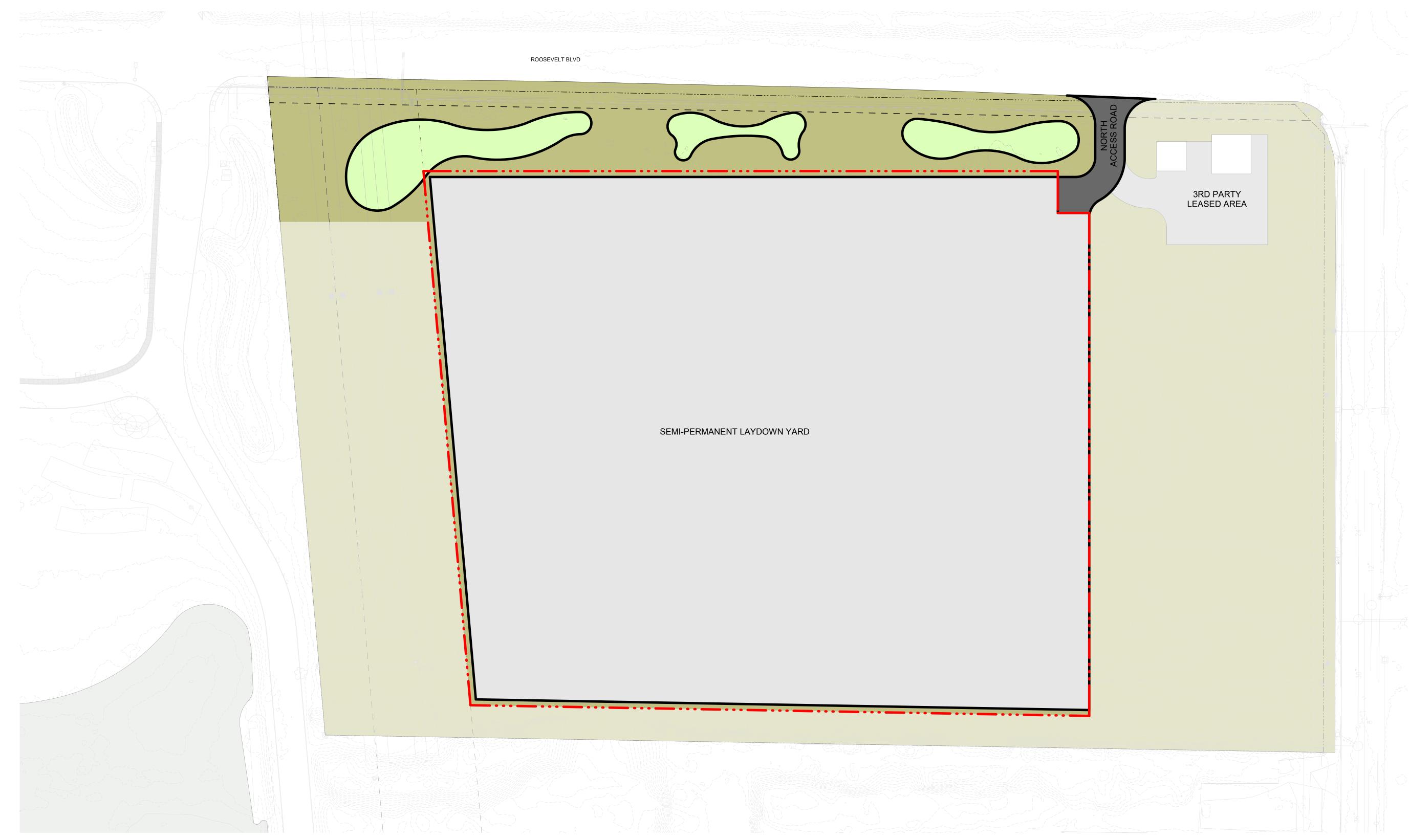
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PHASE 1A - TEMPORARY UNCOVERED STORAGE PARCHITECTURE EWEB BERTELSEN PROPERTY

SHT #: A006



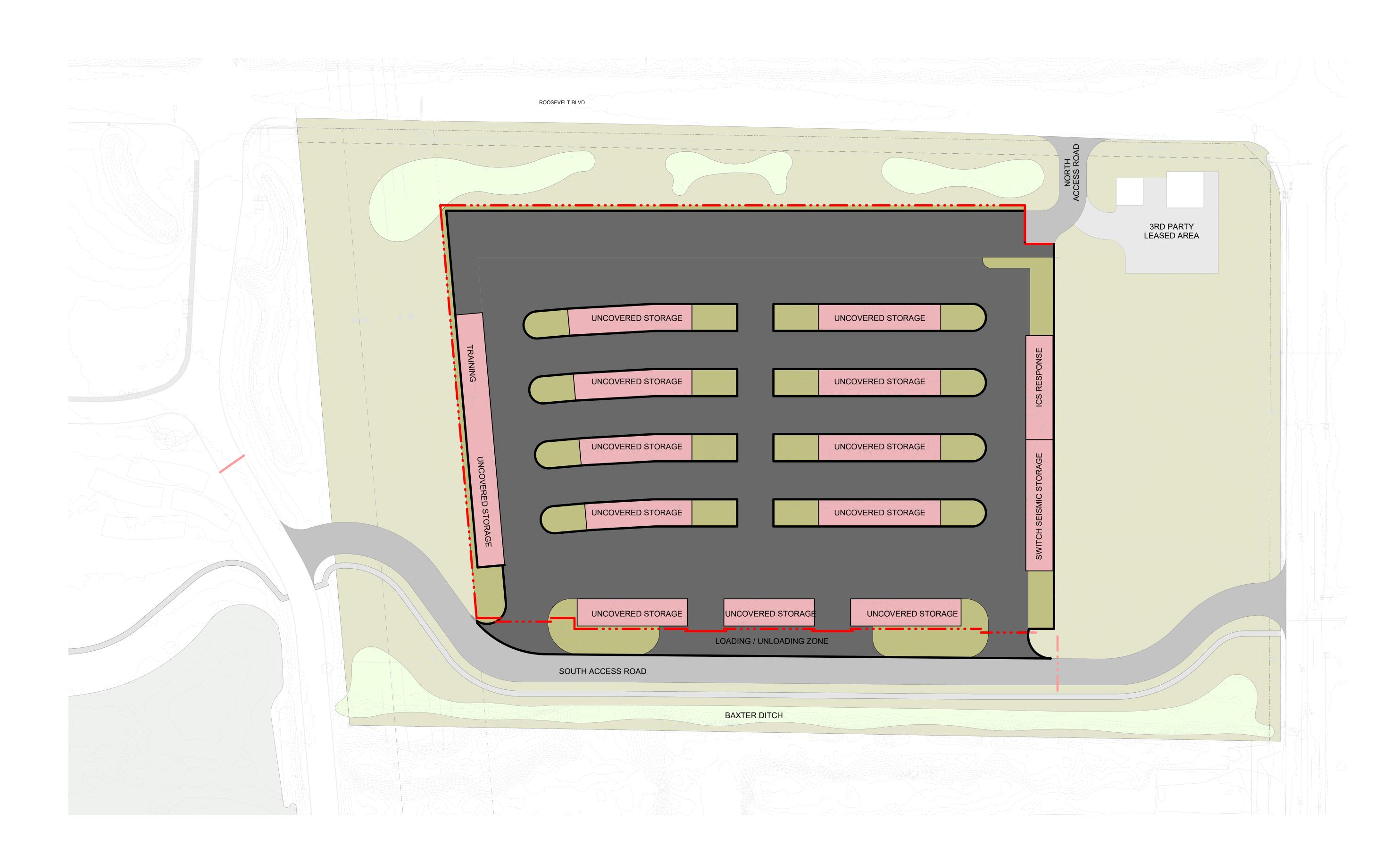
PHASE 1B - TEMPORARY UNCOVERED STORAGE PROFILECTURE EWEB BERTELSEN PROPERTY

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SHT #: A008



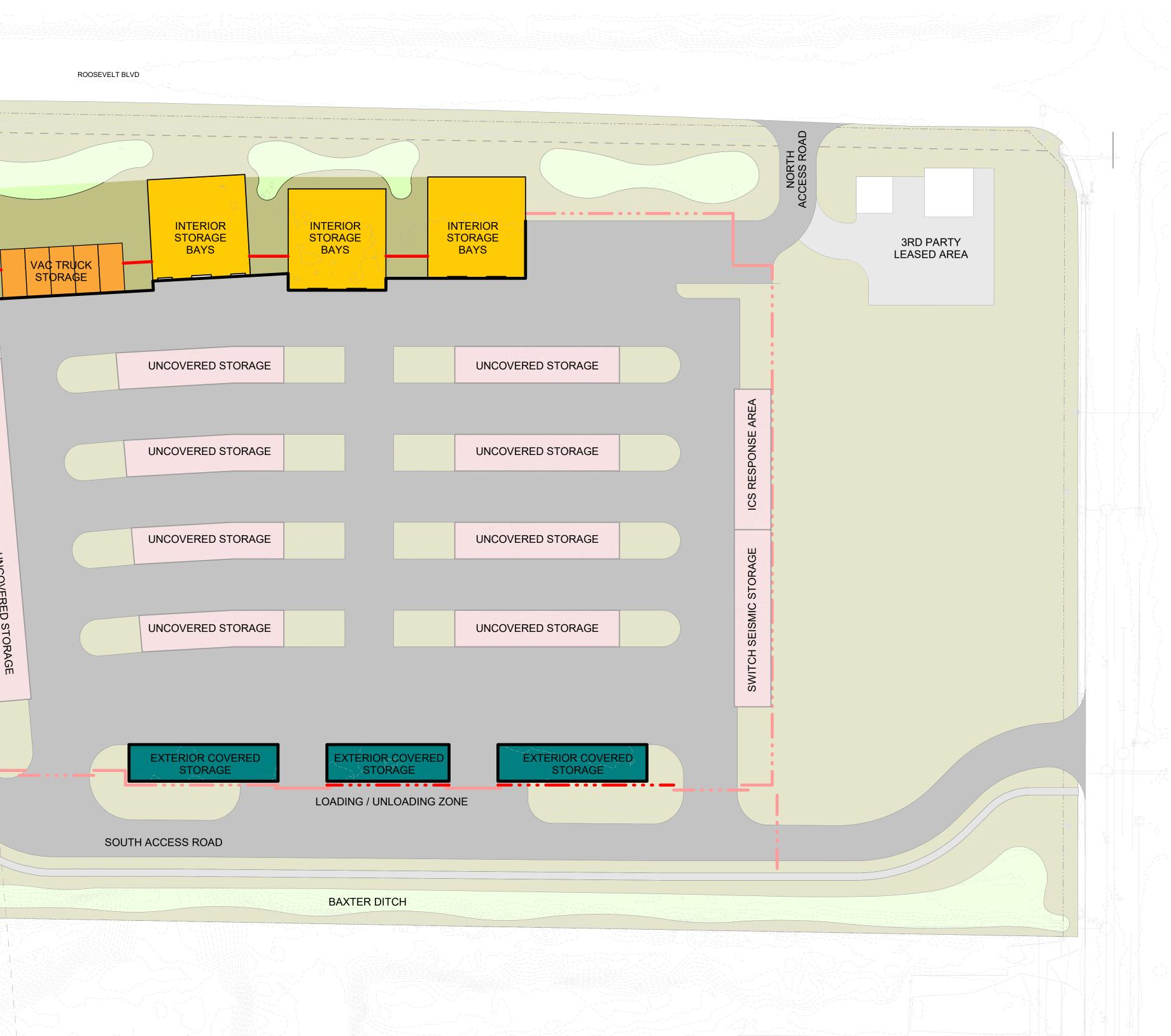
PHASE 3 - PERMANENT UNCOVERED STORAGE PREVOT EWEB BERTELSEN PROPERTY

SHT #: A009



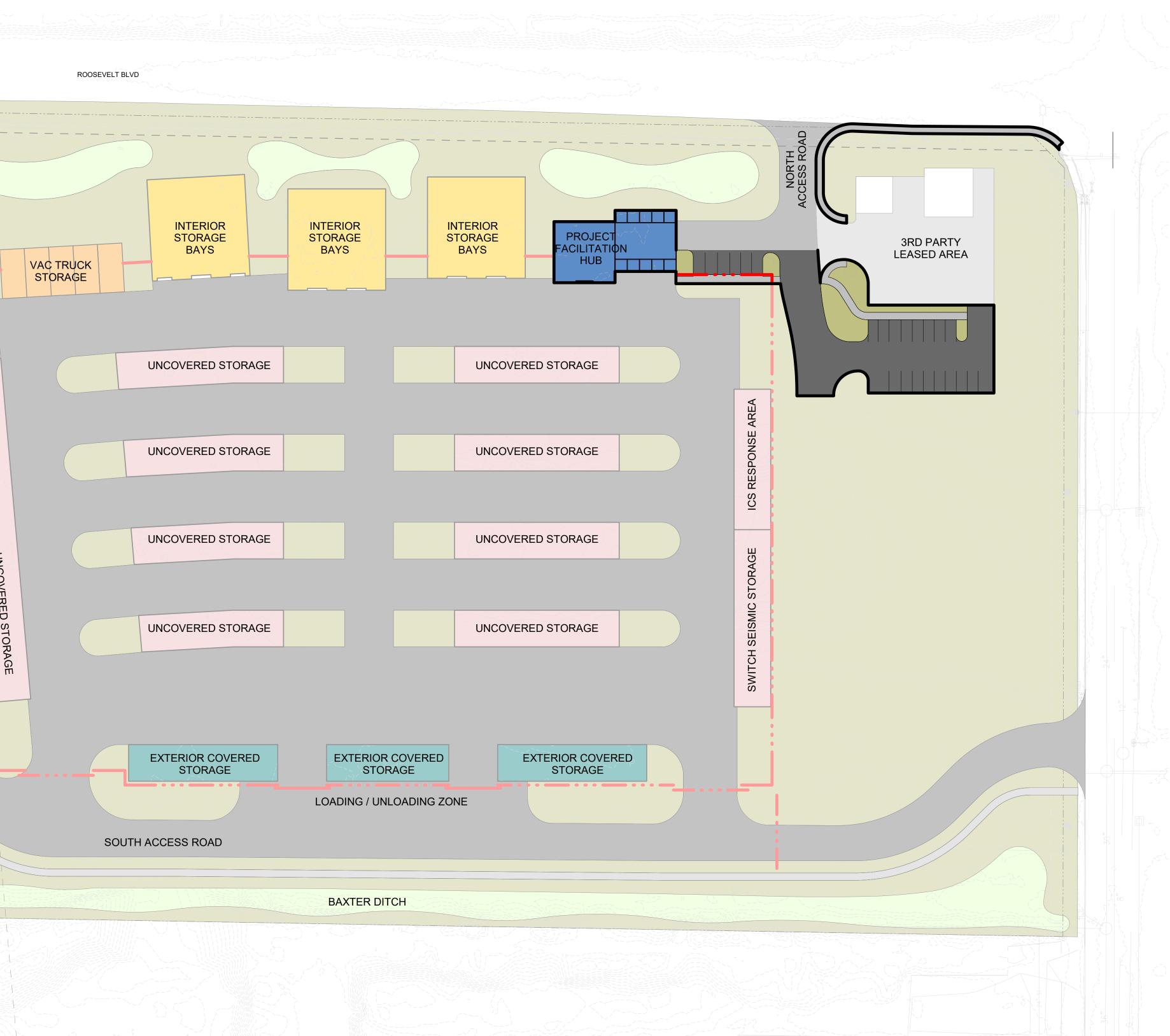
TRAINING UNCOVERED STORA

PHASE 4 - COVERED EXTERIOR STORAGE, VAC TRUCK STORAGE, INTERIOR STORAGE BAYS SHT #: A010

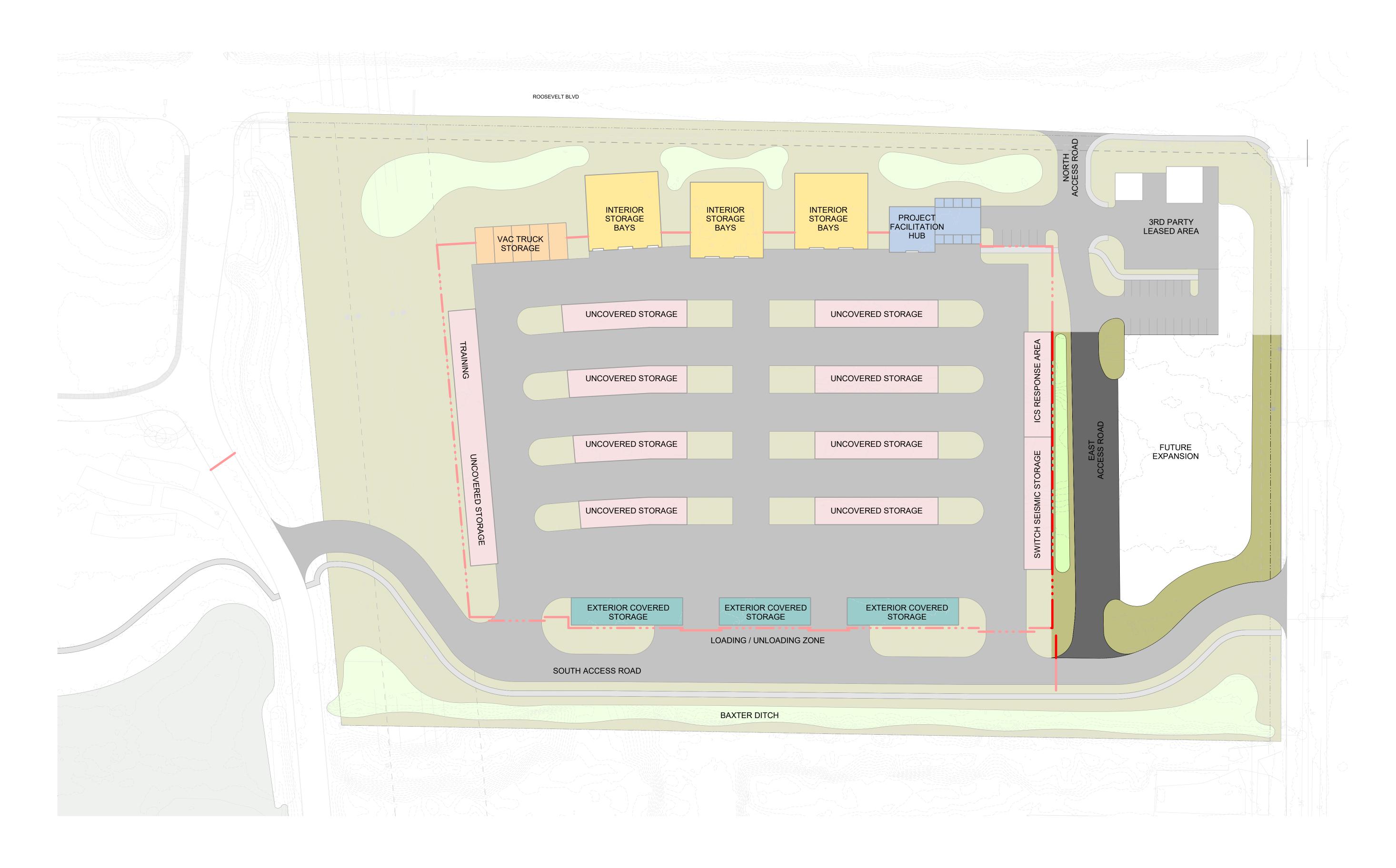


PHASE 5 - PROJECT FACILITATION HUB PREVOT EWEB BERTELSEN PROPERTY

TRAINING UNCOVERED STORA

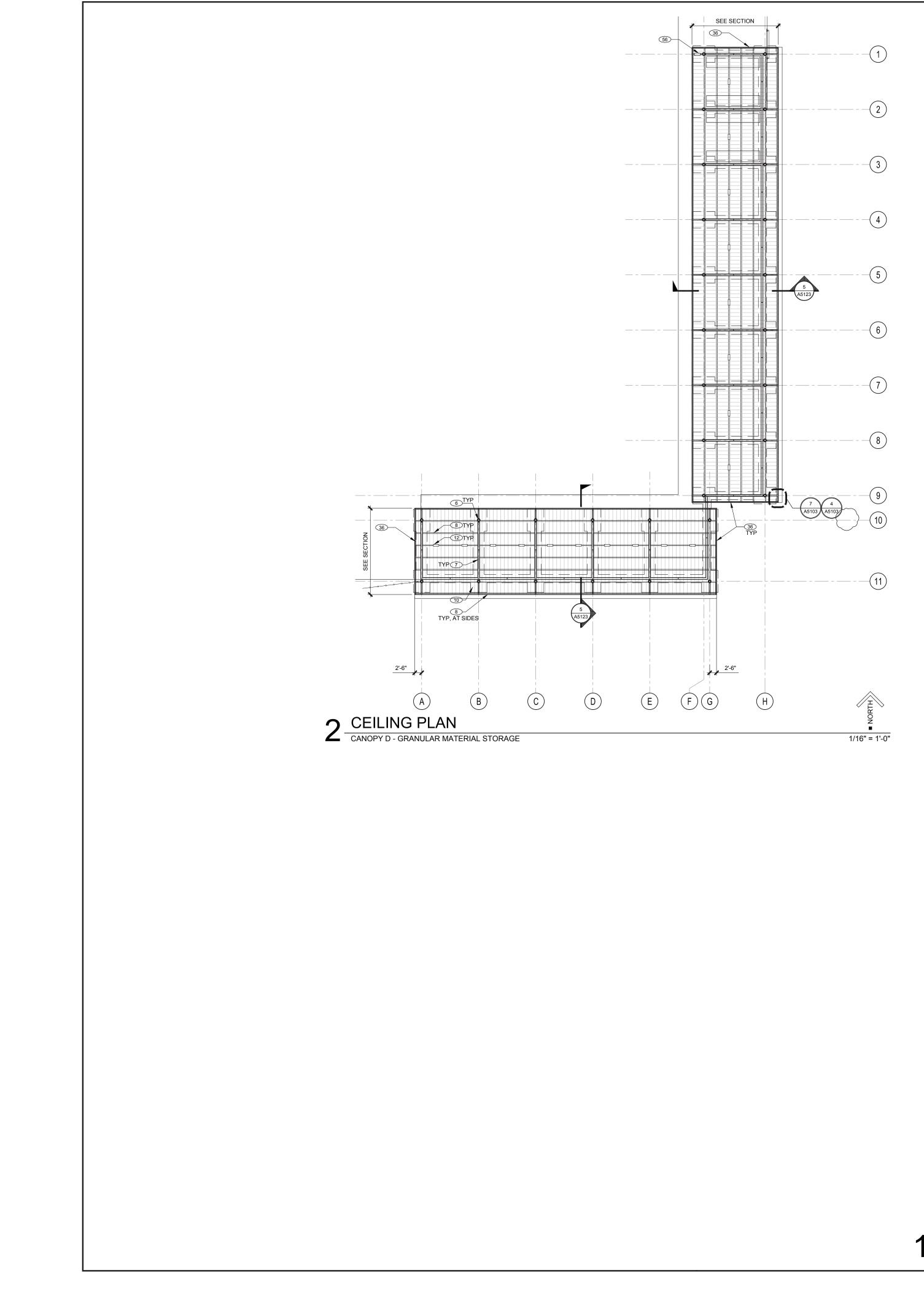


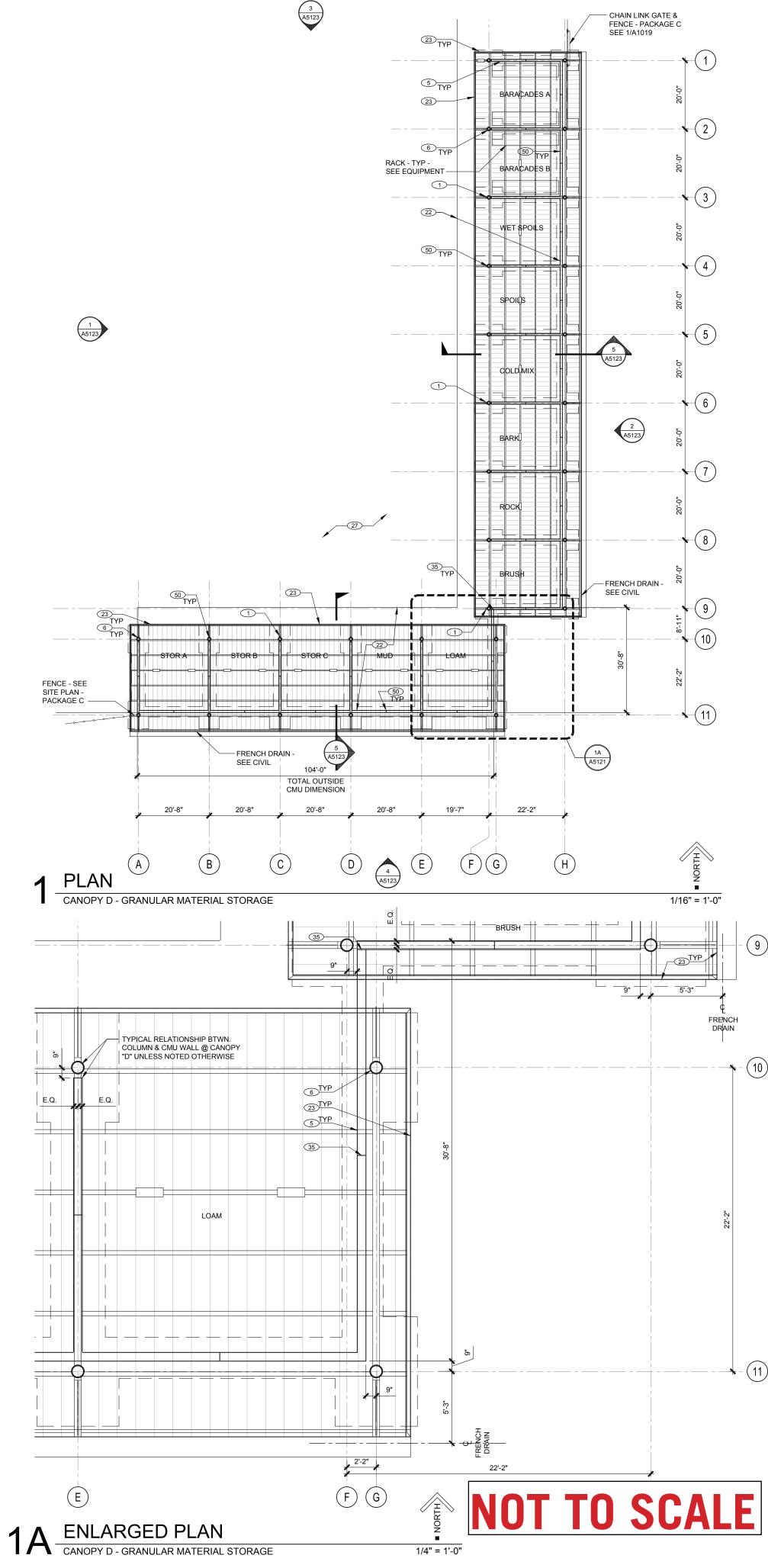
SHT #: A012 05/12/22



POT PHASE 6 - FUTURE EXPANSION EWEB BERTELSEN PROPERTY

SHT #: A013 05/12/22





- A. CANOPIES A, E, H, & L DESIGNED TO ACCOMODATE
- FUTURE PV PANELS. SEE CIVIL PACKAGE A HORIZONTAL CONTROL PLANS
- FOR CANOPY LOCATIONS.
 DATUM ELEVATIONS VARY @ EACH CANOPY SEE SHEETS SPECIFIC TO EACH CANOPY FOR ELEVATION INFORMATION. SEE CIVIL FOR GRADING INFORMATION.
- D. SEE 2/C1055 FOR JOINTS IN PKG A PAVING
- E. SEE C1024 FOR PKG A GRADING
- F. METAL ROOFING SYSTEM AND ASSOCIATED FLASHINGS TO BE PACKAGE C UNLESS NOTED OTHERWISE

G. ALL CMU DIMENSIONS ARE NOMINAL UNLESS NOTED OTHERWISE

H. ALL SHEET METAL FLASHING ASSOCIATED WITH METAL ROOFING TO BE PRECOATED SHEET METAL U.N.O.

THIS DRAW BASED ON PIVOT ARC INFORMATI ACCURACY THESE DRA

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EUGENE WATER & ELECTF ROOSEVELT (

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CONFORMED

- I. NOT USED
- J. ALL VISIBLE STEEL TO BE PAINTED U.N.O.
- K. ALL 1" X 3" H.S.S. TO HAVE 3/16" WALL THICKNESS.

KEYNOTES

- 1 FIRE EXTINGUISHER
- 2 4" PAINT STRIPE, TYP
- 3 SECTIONAL DOOR
- PAVING JOINT SEE LANDSCAPE
- 5 CMU WALL SEE STRUCTURAL FOR ADDITIONAL INFORMATION

ALL 5000 SHEETS

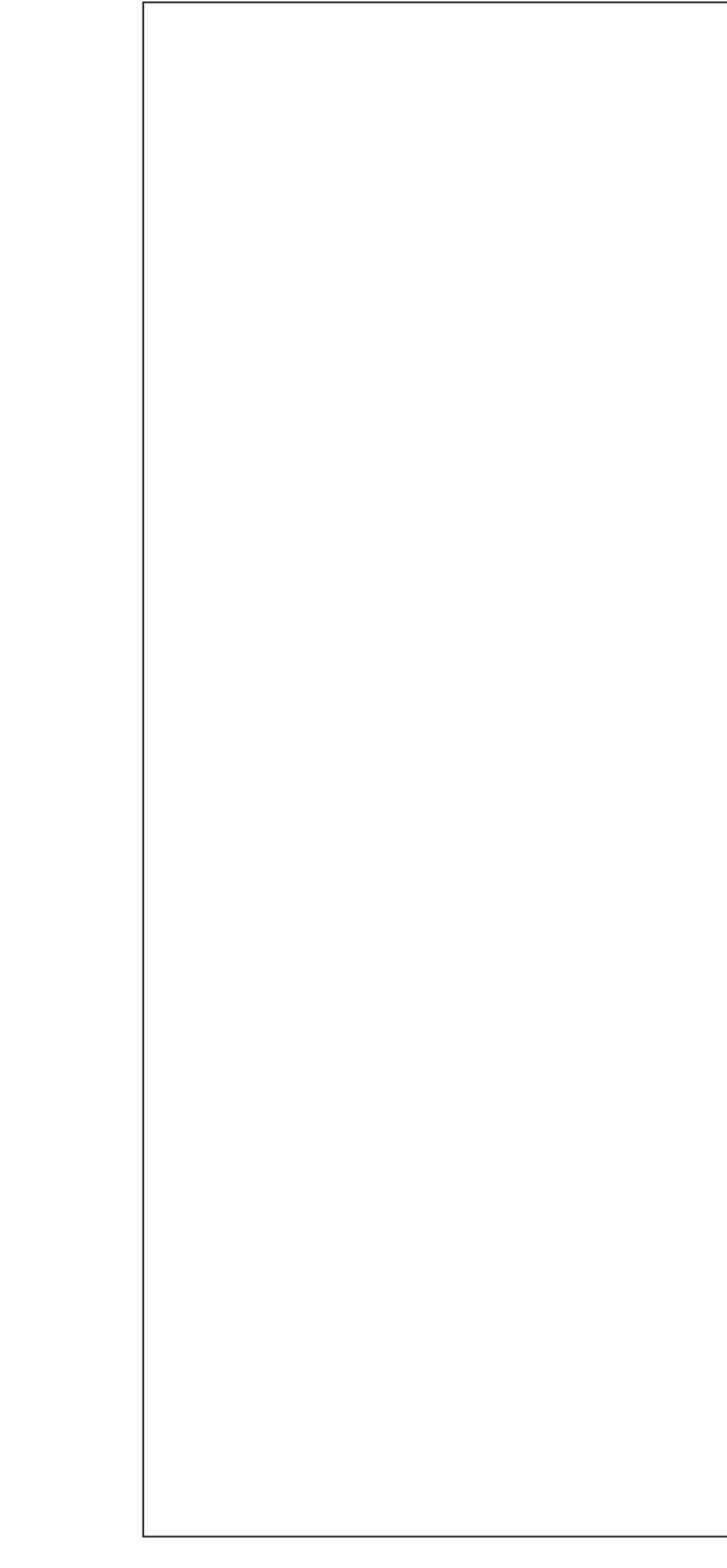
- 6 HSS COLUMN SEE STRUCTURAL
- (7) WIDE FLANGE BEAM SEE STRUCTURAL
- (8) WIDE FLANGE PURLIN SEE STRUCTURAL
- (9) GUSSET PLATE SEE STRUCTURAL
- 10 FACTORY FINISHED METAL ROOFING
- (1) CONC. SIDEWALK SEE LANDSCAPE
- (12) LIGHT FIXTURE, TYP SEE ELECTRICAL
- 13 BLOCK HEATER, TYP SEE ELECTRICAL
- 14 NOT USED
- (15) ORNAMENTAL FENCE ENCLOSURE
- (16) METAL GATE WITH ACCESS CONTROL
- (17) INTERPRETIVE SIGNS AND INFORMATION
- (18) BIKE RACKS. ONE FOR EVERY TWO BIKES.
- SEE LANDSCAPE
- (19) SHEET METAL GUTTER
 (20) CMU CAP BLOCK SLOPE TO EXTERIOR TO DRAIN 1/4" PER FOOT
- (21) STEEL WIDEFLANGE HEADER
- (22) HEAVY CONCRETE PAVING SEE CIVIL, PACKAGE A
- 23 ROOF ABOVE
- 24) SELECT FILL PACKAGE A
- 25 SELECT FILL PACKAGE B
- 26) VALLEY GUTTER SEE CIVIL, PACKAGE A
- (27) HEAVY AC PAVING SEE CIVIL, PACKAGE A
- (28) CHAINLINK FENCE
- 29 DOWNSPOUT
- 30 RECEPTACLE SEE ELECTRICAL
- 31) PHOTOVOLTAIC PANEL
- 32 ACCESS PANEL, ONE SIDE OF COLUMN ONLY U.N.O. AT LOCATIONS WHERE COLUMN IS ADJACENT TO C.M.U. WALL, LOCATE ACCESS PANEL AT SIDE OPPOSITE FROM WALL -SEE DETAIL 10/A5103.
- 33 CONCRETE FOOTING SEE STRUCTURAL
- 33) CONCRETE FOOTII
- 34 NOT USED
- 35) CMU EXPANSION JOINT SEE STRUCTURAL FOR DETAIL
- (36) STEEL C-CHANNEL AT RAKE SEE 4 & 7/A5103 AND SEE STRUCTURAL
- (37) STEEL COLUMN CAP PLATE SEE STRUCTURAL
- 38) SHEET METAL FLASHING
- (39) CURBS PACKAGE A, TYP.
- (40) FLOOR SLAB JOINTS, TYP.
- (41) PROVIDE OPENING IN STRUCTURAL ELEMENT FOR CONDUIT BY ELECTRICAL SEE ELECTRICAL
- (42) STEEL & MESH ENCLOSURE 1" X 3" STL. TUBE FRAME W/ 1" X1" STL. ANGLE SUBFRAME W/ WIRE MESH ENCLOSURE - TYP - ALL WIRE MESH TO BE 2" X 4" SPACING EXCEPT AT LOCATIONS W/ DESIGNATION A WHERE MESH SHALL BE 1" X 2" SPACING
- (43) ACCESS CONTROL DEVICE
- (44) CATWALK SEE SHEET A5153 FOR DETAILS
- (45) STEEL GRATING SEE 17/A6261
- (46) METAL WALL PANEL
- (47) SHEET METAL FLASHING PACKAGE B
- (48) 16" CONCRETE COLLAR SEE STRUCTURAL. SET FLUSH WITH AC. PROVIDE EXPANSION JOINT BETWEEN CONCRETE AND COLUMN. PROVIDE CONTROL JOINT AT GRID LINE 1
- (E) SUBGRADE
- (50) PROVIDE EXPANSION JOINT BETWEEN CONC. PAVING AND CMU WALLS AND BETWEEN CONC. PAVING AND COLUMNS
- 51 NOT USED
- 52 PURLIN SPLICE SEE STRUCTURAL
- 53 LANDSCAPING SEE CIVIL AND LANDSCAPE
- 54 STEEL C-CHANNEL DOWNSPOUT SEE 5/A5143 AND SEE STRUCTURAL
- 55) 6" WIDE SLOT IN CONCRETE CURB
- 66 BLOCK HEATER CORD REEL SEE ELECTRICAL ENSURE THAT BOTTOM OF CORD REEL IS 14'-0" MIN. ABOVE HIGH POINT OF GRADE
- (57) ROUND PIPE OR DUCT PENETRATION BY OTHERS PROVIDE ROOF MANUFACTURER'S STANDARD FLASHING
- (58) REINFORCED STUD FRAMING CENTERED ON DOOR TRACK MOUNTING PADS OR DOOR TRACK

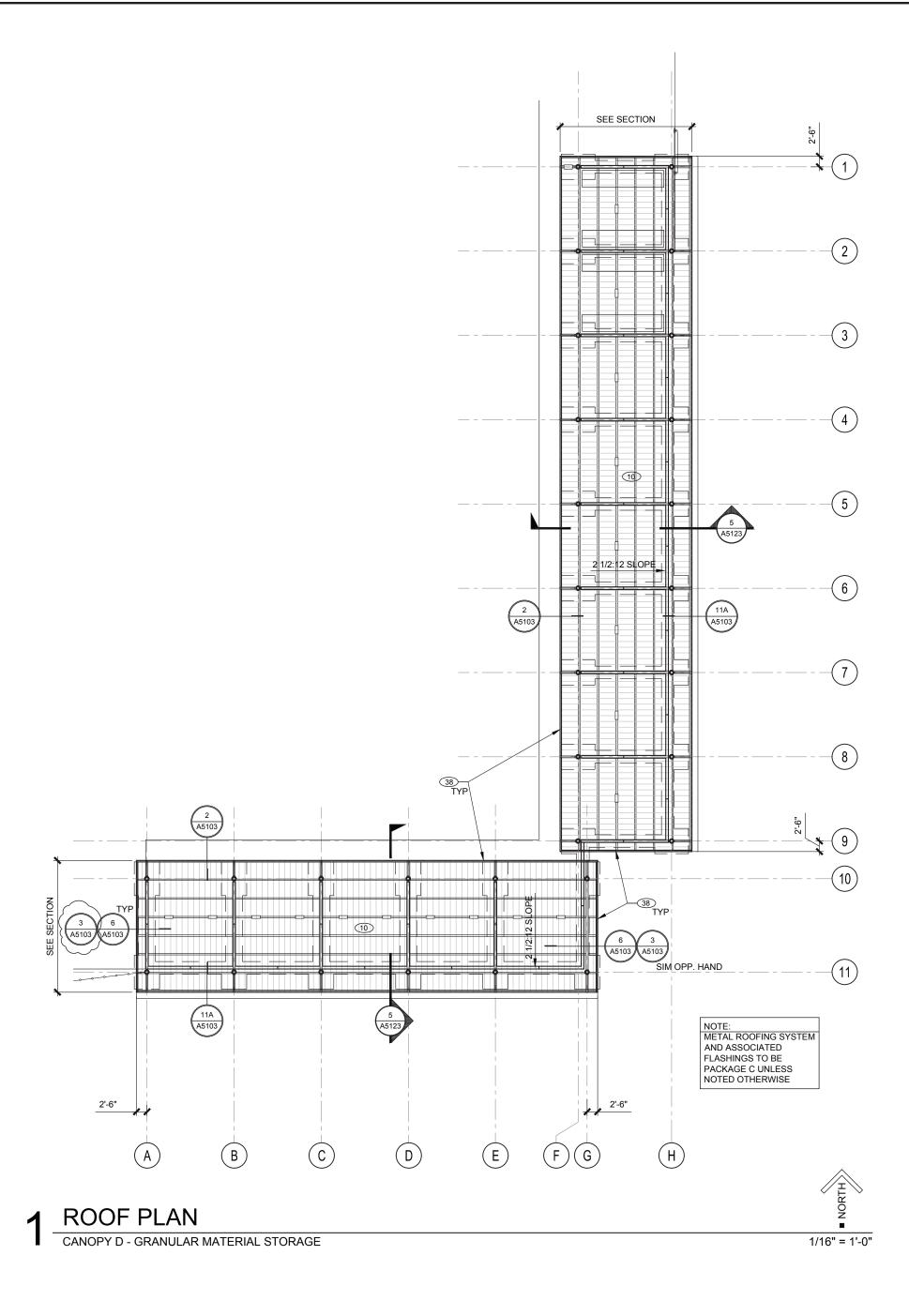
0744.00 REVISIONS 05.07.09 MARCH 2011 RECORD DRAWINGS . GC, DR

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- B. SEE CIVIL PACKAGE A HORIZONTAL CONTROL PLANS
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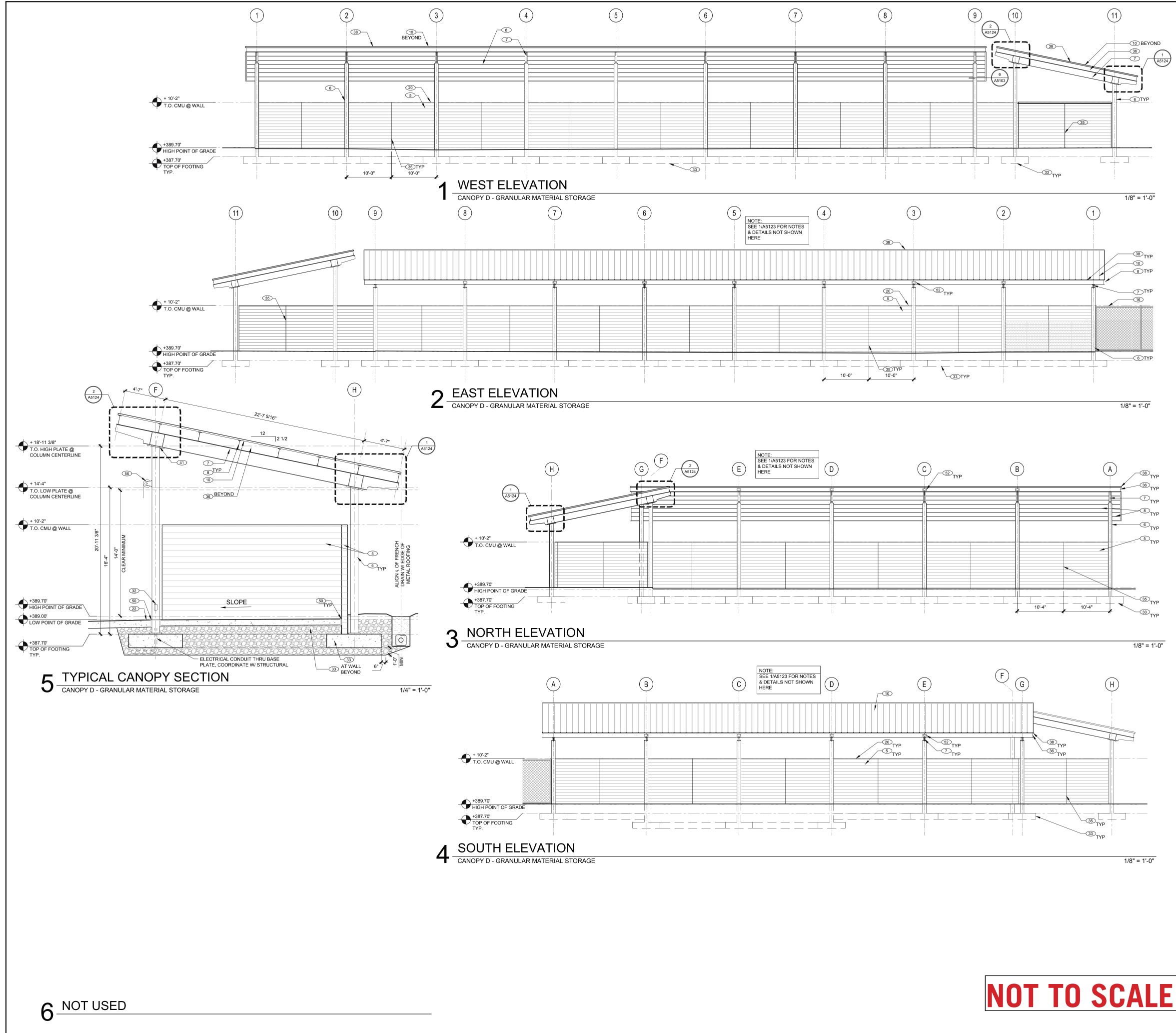
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- (40) FLOOR SLAB JOINTS, TYP.
- (1) PROVIDE OPENING IN STRUCTURAL ELEMENT FOR CONDUIT BY ELECTRICAL - SEE ELECTRICAL
- (42) STEEL & MESH ENCLOSURE 1" X 3" STL. TUBE FRAME W/ 1" X1" STL. ANGLE SUBFRAME W/ WIRE MESH ENCLOSURE - TYP - ALL WIRE MESH TO BE 2" X 4" SPACING EXCEPT AT LOCATIONS W/ DESIGNATION A WHERE MESH SHALL BE 1" X 2" SPACING
- (43) ACCESS CONTROL DEVICE
- (44) CATWALK SEE SHEET A5153 FOR DETAILS
- (45) STEEL GRATING SEE 17/A6261
- (46) METAL WALL PANEL
- (47) SHEET METAL FLASHING PACKAGE B
- (48) 16" CONCRETE COLLAR SEE STRUCTURAL. SET FLUSH WITH AC. PROVIDE EXPANSION JOINT BETWEEN CONCRETE AND COLUMN. PROVIDE CONTROL JOINT AT GRID LINE 1
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- 51 NOT USED
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- 53 LANDSCAPING SEE CIVIL AND LANDSCAPE
- 54 STEEL C-CHANNEL DOWNSPOUT SEE 5/A5143 AND SEE STRUCTURAL
- 55 6" WIDE SLOT IN CONCRETE CURB
- $_{\overline{56}}$ BLOCK HEATER CORD REEL SEE ELECTRICAL ENSURE THAT BOTTOM OF CORD REEL IS 14'-0" MIN. ABOVE HIGH POINT OF GRADE
- 57 ROUND PIPE OR DUCT PENETRATION BY OTHERS PROVIDE ROOF MANUFACTURER'S STANDARD FLASHING
- (58) REINFORCED STUD FRAMING CENTERED ON DOOR TRACK MOUNTING PADS OR DOOR TRACK



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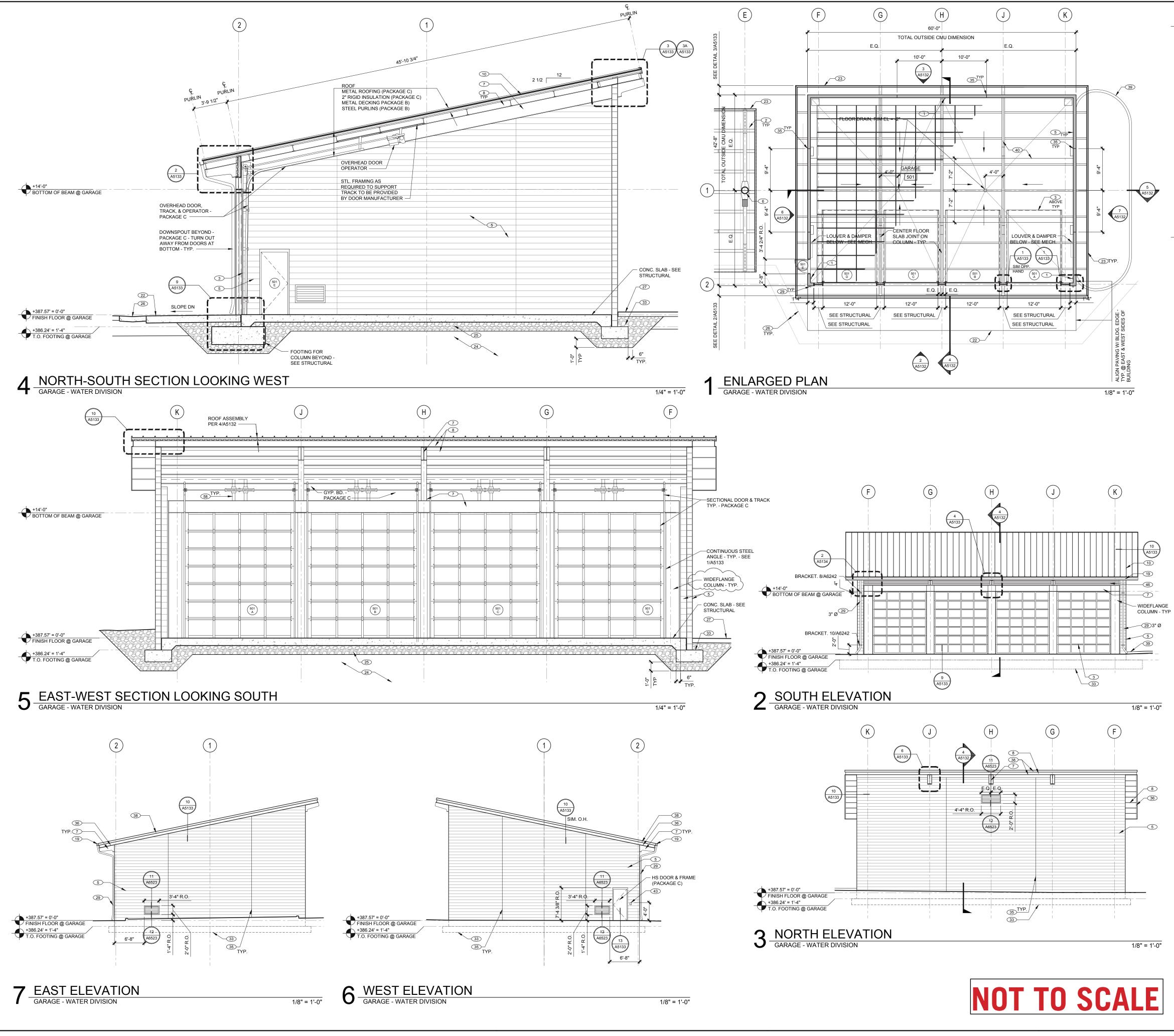
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MEMORANDUM



EUGENE WATER & ELECTRIC BOARD



TO:	Commissioners Brown, Carlson, Barofsky, McRae and Schlossberg
FROM:	Deborah Hart, Chief Financial Officer; Julie McGaughey, Chief Customer Officer
DATE:	June 7, 2022
SUBJECT:	EWEB Education Grants and Private Schools
OBJECTIVE:	Information

Issue

This memo provides historical background and additional context regarding EWEB's education grant program for Board consideration on extending funding to private schools.

Background

EWEB currently funds \$412,000 annually to the four public school districts in its service territory. The board has asked if private schools should be included as part of the education grant program.

In June 2019, General Manager Lawson provided the following response:

Providing educational grants beyond public schools is a Board decision. Approximately 13% of Eugene students are private/home schooled according to LCOG data. Thirteen percent represents approximately \$51,000 relative to overall education funding, and there are 16 private schools in Eugene.

When this question was raised again in 2021, Management provided this additional background: In 1995 the EWEB School District Education Grants Program was established with local districts to replace the "in-lieu-of-tax" payment that is allowed in Oregon statute. Prior to the pandemic approximately 13% of Eugene students were private/home schooled according to LCOG data. Thirteen percent represents approximately \$58,500 relative to the overall education funding for 2022. As of 2019 (again pre-pandemic) there were 16 private schools in Eugene. There are no funds allocated specifically for private schools in the 2022 budget.

Grant funds allocated to the four school districts operating in EWEB service territory are administered through five-year contracts. In preparation for the 2020-2025 grant cycle, the Board requested more specificity to align the grant-funded programs with Board strategic priorities. The contracts now require grant funding to support at least one of following priority topic areas:

- Cascadia subduction earthquake and household-scale emergency planning and preparation
- Water: local source, watershed protection, water quality and conservation

- Energy: Pacific Northwest power supply mix, options for the future and pros and cons of different energy technologies
- Climate change: science, expected regional impacts and carbon reduction strategies

Contract amendments were also made to streamline grant administration processes following the retirement of EWEB's education coordinator, a position that is no longer funded.

While private schools are not currently eligible for EWEB education grants, EWEB does offer access to grant funding for private schools through two other programs. 501c3 and educational facilities are eligible for <u>Greenpower grants</u> as well as the newly introduced <u>Electric Mobility Community Grant</u> program (five grants of up to \$25,000 each) funded by Department of Environmental Quality's Clean Fuels Program. Awareness campaigns are underway to inform eligible organizations of this new offering.

Discussion

Although the school grant program was established as a replacement for in-lieu-of-tax, as previously noted, providing education grants beyond public schools is a Board decision. Should the Board decide they wish to extend education grants to private schools, Staff and the Board would need to consider a number of issues including the following:

- Given the genesis of the educational grant program to replace "in lieu of tax" payments, what is the express intent of the Board for this funding?
- Depending on the goals for broadened access, would the Board want to consider other alternatives that could support this initiative outside the education grant program?
- How much funding would be allocated in total and to each school?
- Is this new funding or would it be deducted from existing education grant funds?
- The existing grant program was revised with minimal EWEB administration and oversight limited to reviewing four district-wide, year-end reports annually. Does the Board envision expanded administrative/staffing support from EWEB to extend this program to as many as 16 individual schools?

Recommendation

Management is not making a recommendation at this time. The current education grant contracts run through August 2025. Staff has sent communications to encourage private, public charter, and alternative schools to apply for the e-Mobility Community Grant and Greenpower Grant programs.

Requested Board Action

No action is requested at this time. Additional information and/or a scheduled agenda item will be provided upon Board request.





EUGENE WATER & ELECTRIC BOARD



TO:	Commissioners Brown, Carlson, Barofsky, McRae and Schlossberg
FROM:	Lena Kostopulos, Chief Workforce Officer
DATE:	May 13, 2022
SUBJECT:	Collective Bargaining Background
OBJECTIVE:	Information Only

Issue

To provide Commissioners with both general and legal background information related to upcoming collective bargaining with the International Brotherhood of Electrical Workers (IBEW or Union).

Background

The most recent collective bargaining agreement (CBA) with the IBEW was negotiated during 2015 and early 2016. The agreement was adopted in April of 2016, extended in 2021, and is set to expire on March 31, 2023. Negotiations for a new agreement are expected to commence in June 2022.

EWEB's bargaining team will be led by myself and Kira Hutchens, Workforce Services Operations Manager, and will also include the following management members:

Rod Price, Assistant General Manager Karen Kelly, Chief Operations Officer Tyler Nice, Electric Manager Deborah Hart, Chief Financial Officer, Scott Milovich, Support Services Manager Keith Jeskey, Sr. Human Resources Partner

This memo describes and clarifies the Board's role throughout the negotiation and contract ratification process, describes changes in the law governing collective bargaining for public entities, and provides details pertaining to the required collective bargaining steps and their associated time frames for the Board's information.

Discussion

The Board's Role Throughout Negotiations and Ratification

Unions often try to leverage members of an organization's governing board to influence management during collective bargaining. Board members should expect to be contacted by IBEW representatives during the bargaining process. IBEW members may also appear at Board meetings to speak during public hearings or comment periods. It is important for EWEB Commissioners to understand that they are representatives of EWEB. Any statement they make or activity they may engage in related to collective bargaining may be binding upon EWEB and put EWEB in a position of having committed an unfair labor practice. With this in mind, I offer the following "do's and don'ts:"

- 1. Don't talk to employees concerning bargaining positions or objectives. Refer all inquiries to the Chief Workforce Officer or the Bargaining Team.
- 2. Don't question employees about their feelings or opinions regarding their union or bargaining.

- 3. Do engage in your normal Board work, but carefully evaluate any significant decision and its potential impact on bargaining prior to taking action.
- 4. Don't share discussions about bargaining that take place in executive sessions, which is permitted under ORS 192.660 (2)(d).
- 5. Do maintain a positive relationship with bargaining unit members (and all employees)

The Board's Role in Ratification of the Agreement

Under PECBA (Public Employers Collective Bargaining Act) and EWEB's governing documents, the Board is not required to ratify a CBA. The General Manager and designated staff are authorized to negotiate terms and conditions of employment, including CBAs. Thus, a CBA may be executed by the General Manager without the need for Board approval.

That said, the Board retains practical control of results. In addition, the Board maintains control over budgets, goals, and plans. The Board's authority to adopt budgets, goals, and plans may constrain the practical authority of the General Manager. Consequently, the Board should expect executive session consultation by the General Manager and the persons designated to carry on labor negotiations during the process of collective bargaining and especially as the negotiations reach their final stages.

New Statute Regarding Union-Related Activities by Bargaining Unit Members

A new law now entitles "designated representatives" of the IBEW to engage in collective bargaining activities while being compensated by EWEB during their regularly scheduled work hours. Specifically, Section 3 of HB 2016 (2019), ORS 243.796, grants public employees who are "designated representatives" of a union reasonable time to engage in union-related activities during the public employee's regularly scheduled work hours without loss of compensation, seniority, leave accrual or any other benefits. The list of union-related activities is very broad and includes the right to "act as a representative of the [union] for employees within the bargaining unit for purposes of collective bargaining." A "designated representative" of a union is essentially anyone designated by the union.

The Union intends to designate 8 to 10 bargaining unit members to participate in collective bargaining. This may affect the utility's operational bandwidth. EWEB is exploring ways to use Workforce Services personnel and legal counsel to reduce the effect of bargaining on managerial and supervisory employees.

Bargaining Steps and Associated Timeline

One thing that has not changed is the general legal outline of the bargaining process. Of course, the goal of negotiations is to reach an agreement, but the following flow chart and narrative description of the process as set out in PECBA, including the steps required if the parties come to an impasse, are offered for the Board's awareness.

Direct Bargaining (minimum 150 days) ↓ Mediation (minimum 15 days) ↓ Impasse ↓ Final Offer and Costing (within 7 days of impasse) ↓ 30 day Cooling Off Period

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Implement	Strike
Final Offer	(after 10-day notice)

Under the Public Employee Collective Bargaining Act (PECBA), EWEB and the IBEW are initially required to meet and bargain directly with each other. PECBA requires that the parties participate in good faith negotiations for at least 150 calendar days before either party may unilaterally request the assignment of a mediator. The 150 days begin when the parties meet for the first bargaining session and have exchanged their initial proposals, or an alternative date to which both parties agree in writing.

If the parties do not reach agreement after the initial 150 calendar days of bargaining, either party can initiate the mediation process by sending a written request for mediation to Employment Relations Board (ERB)'s State Conciliation Service. The parties may also mutually agree to go to mediation before the expiration of the 150-day period. In these cases, the request for mediation must be signed by both parties. It is sincerely hoped that the parties will reach agreement without the need for mediation.

Once the request for mediation is made, a mediator is appointed. The parties are notified of the appointment and a mediation session is scheduled as soon as a mediator and the members of both bargaining teams are available. If the first session is unsuccessful, additional mediation sessions may be scheduled. PECBA mandates that parties remain in mediation for a minimum of 15 calendar days. After the 15 days, the parties may continue in mediation or either party may initiate the next step in the process by declaring an impasse in the negotiations.

Within seven days of the declaration of impasse, each party must submit to the mediator the final offer of the party, including a cost summary of the offer. Upon receipt of the final offers, the mediator makes public the final offers, including any proposed contract language and each party's cost summary dealing with those issues, on which the parties have failed to reach agreement.

The next step, fact-finding, is optional. Within 30 days after the mediator makes public the parties' final offers, the parties may jointly petition the ERB to appoint a fact finder. If the parties jointly petition for fact-finding, a fact finder is appointed, and a hearing is conducted.

If an agreement has not been reached 30 days after the mediator makes public the final offers, or if the parties participated in fact-finding, 30 days after the receipt of the fact finder's report, the public employer may implement all or part of its final offer (after reasonable notice to the union), and the public employees have the right to strike (after 10 days' notice).

EWEB and the IBEW could also jointly agree to resolve their labor dispute through binding interest arbitration.

Conclusion

I hope the information contained in this memorandum is helpful to the Board as EWEB and the IBEW negotiate a new collective bargaining agreement. Management's bargaining team members and I will provide periodic status reports to the Board through General Manager Lawson, or directly during scheduled executive sessions.

TBL Assessment N/A Recommendation N/A Requested Board Action - Information Only

MEMORANDUM



EUGENE WATER & ELECTRIC BOARD



TO:	Commissioners Brown, Carlson, Barofsky, McRae and Schlossberg
FROM:	Lena Kostopulos, Chief Workforce Officer
DATE:	May 26, 2022
SUBJECT:	Proposed Policy to Replace Current Board Policy EL-4
OBJECTIVE:	Review and Feedback

Issue

The attached draft policy is being submitted for the Board's consideration and feedback as a proposed replacement for Board Policy EL-4, Compensation and Benefits.

Background

Current Board Policy EL-4 has been in place since 2009. In as much as the replacement draft is a substantive departure in both content and format, it is not presented in the typical "red-lined" manner. Rather, the proposed draft and a copy of the existing policy are attached for the Board's reference and review.

Discussion

Recognizing that benefits and compensation plans are an important foundational aspect in attracting and retaining qualified and skilled employees, the proposed policy attempts to more accurately describe the means used to ensure EWEB plans and practices are such that EWEB maintains a competitive employment position among utility industry and other regional employers. The policy also attempts to demonstrate that disciplined, well-reasoned decision-making is required in all benefits and compensation matters to ensure the responsible stewardship of public funds. The intent of the policy is not to articulate or to govern the details of plan design, administration, or maintenance, other than to require adherence to sound business practices and legal or contractual compliance. The proposed policy addresses the authority of the General Manager as it pertains to benefits and compensation offered to EWEB employees, as well as the authority of the Board with respect to EWEB's General Manager.

Conclusion

The proposed replacement is an accurate representation of EWEB benefits and compensation plan design and management practices. The proposed policy is intended to provide sufficient guidance, without constraining EWEB's ability to apply a range of benefits and compensation tactics as may be situationally necessary, or to implement plan changes to ensure continued employment-market relevancy and effectiveness.

TBL Assessment - N/A

Recommendation - N/A

Requested Board Action – Staff requests the Board's review and feedback for incorporation into a final draft, to be included as a consent item in the July Board Meeting materials for the Board's approval.



Executive Limitations Policies (EL Policies)

EL4Compensation and BenefitsEffective DateJuly 5, 2022

Policy Purpose and Authority

The Board authorizes the expenditure of funds for the purpose of creating, managing and updating compensation and benefits programs, which support EWEB's ability to attract and retain qualified and skilled workers. In accordance with Board Policy BL-4, the General Manager shall have authority to expend these funds as routinely necessary, and also as a strategic means to ensure sufficient staffing levels to maintain operational continuity and/or to advance the achievement of strategic objectives.

Overarching plans and plan management practices will be designed to maintain or enhance EWEB's position as a competitive regional employer, able to attract and retain workers who are qualified and skilled in utility-specific or supporting business occupations. Compensation and benefits plans, and associated practices shall be established, maintained, and managed in accordance with best practices, comply with all applicable laws and governing agreements, demonstrate responsible stewardship of public funds, and comport with established internal controls measures and financial audit standards.

Compensation and benefits plans and practices will be regularly reviewed and amended as necessary to ensure their continued employment market- relevance and effectiveness.

Extraordinary Compensation and Benefits Practices

The Board recognizes there is competition among utilities for specifically skilled employees, and there may be labor market conditions, or particular circumstances under which standard benefits and compensation packages may not be sufficient to attract or retain workers skilled to perform specialized work. The Board therefore authorizes the General Manager's judicious use of extraordinary benefits and compensation strategies and measures in response to worker supply shortages and/or to ensure staffing continuity in positions requiring specific skills or knowledge, which have been identified as essential to the effective conduct of EWEB business or utility operations.

Extraordinary compensation and benefits measures may include but are not limited to occupationally-specific enhanced base-pay, pay premiums, sign-on premiums, limited-term objective-based pay agreements at hire, limited-term retention agreements, enhanced paid leave accruals, paid leave grants at hire, enhanced schedule flexibility, reduced standard work-weeks, etc.

Decision-making Criteria and Guidance

Decision-making pertaining to both routine and extraordinary benefits and compensation matters will be supported by data obtained from multiple reliable sources including, but not limited to generally available published surveys, custom third-party surveys, public records, published governmental agency statistics and data, and information published by reputable occupationally-specific professional, trade, or craft organizations.



EWEB benefits and compensation plan designs, on-going management, and other related practices should be comparable to those of other regional utilities or corporate employers, including consideration of both established and emerging practices.

Criteria to determine comparability may include but will not be limited to regional water or electric utilities or corporate employers of a similar size, annual revenues within a specified range, similarly sized customer bases and categories, similarly sized workforces, organizational structures, represented or non-represented work groups.

Other factors informing benefits and compensation decision-making may include generally understood occupationally-specific practices, the geographic region from which workers are typically recruited, a relevant combination of both public and private employer practices, national and regional trends, upcoming or anticipated governing or related legislation.

Executive Compensation

In the event EWEB's General Manager position is vacant, the Board may elect to adhere to the practices described herein to establish an executive compensation and benefits package, basing the design of EWEB's package on those of comparable regional utilities. The Board Officers may enlist and direct the work of EWEB's Chief Workforce Officer or Workforce Services Manager with respect to determining the list of comparators, performing associated analysis, and recommending the details of an executive compensation package for the Board's consideration and adoption. In the alternative, the Board may choose to engage the services of a contracted compensation professional or hiring agent to determine an appropriate benefits and compensation package.

The Board may also choose to establish a salary range and basic benefits package as a framework to be used in the solicitation of candidates for the General Manager role, with the understanding that final salary and benefits package details will be determined through direction negotiation between the final candidate and the Board or its designee.

Once the General Manager's Employment Agreement has been executed, the specific terms of the Agreement shall govern the on-going management of the General Manager's compensation and benefits package for as long as the Agreement remains in effect.

Contingent upon mutual agreement by the Board and the General Manager, the General Manager's Employment Agreement, in its entirety or in any aspect, may be renegotiated and amended at any time.



Executive Limitations Policies (EL Policies)

EL4Compensation and BenefitsEffective DateNovember 18, 2008

In order to protect the fiscal integrity and public image of EWEB, with respect to employment, compensation, and benefits to employees, consultants, contract workers and volunteers, the General Manager shall not:

- Change his or her own compensation and benefits.
- Promise or imply unconditional permanent or guaranteed employment.
- Administer compensation and benefits that fail to address individual accountability, motivate and reward for knowledge and skills, encourage organization flexibility and responsiveness, or are inconsistent with the geographic and professional markets for the skills employed.
- Establish compensation practices that fail to take into account the following parameters:
 - Data sources, which include comparably sized and situated utilities
 - Annual revenues, which typically fall within the range of EWEB's annual revenues
 - The inclusion of multi-service utilities, when appropriate
 - An appropriate balance of public and private organizations
 - o A mix of custom market survey data and available published survey sources
 - Data sources, which include local and regional data, as appropriate
 - Non-discriminatory practices
- Establish benefits practices that fail to take into account the following parameters:
 - o Data sources, which include comparably sized and situated organizations
 - An appropriate balance of public and utility organizations
 - Health care plan designs that emphasize prevention and consumer accountability
 - o Consideration for ease of administration
 - The inclusion of emerging health care trends

EXECUTIVE COMPENSATION: Executive compensation market pricing studies shall also adhere closely to these guidelines as possible and shall be comparable to pricing studies used for other EWEB employees.

Additionally, all appropriate data sources may be used when such parameters are not clearly spelled out or vary slightly. The appropriateness of data sources will be evaluated to include sources that have good job matches or relevant industry data, using established criteria whenever possible.

Source: Christina Bennett, Board Approved 11/18/08, Resolution No. 0843.