

## **EWEB Board Consent Calendar Request**

### *For Cooperative Contracts*

The Board is being asked to authorize the use of a cooperative contract for a **60' Digger Derrick with Altec Industries, Inc.**

Board Meeting Date:	April 4, 2023	
Project Name/Contract #:	60' Digger Derrick / 23-050-G	
Manager:	Scott Milovich	Ext. 7408
Executive Officer:	Karen Kelley	Ext. 7153
<b>Expected Spend:</b>	<b>\$265,000 (One-Time)</b>	

#### Narrative:

The Board is being asked to authorize the use of the Sourcewell 110421-ALT cooperative contract for the purchase of a 60' Digger Derrick.

#### Operational Requirement and Alignment with Strategic Plan

With the increase in Capital Improvement Plan projects, EWEB requires the use of an additional Digger Derrick, with this unit being assigned to the Electric Utilities, Substations Department 325. Because a derrick is an insulated aerial device, one of the primary activities of the derrick is lifting and moving loads while performing crane related activities. This unit allows our crews to maintain minimum approach distances, guarding of live parts, switching and electrical safety.

With the supply chain interruptions, and long lead times on new equipment, EWEB staff reached out to qualified vendors on procuring a used or demo Digger Derrick for our substation capital work this year at a lower cost.

Altec Industries offered EWEB a 2-year-old Digger Derrick that was used in demonstration and training purposes. This Digger Derrick was 26% off the normal price and is expected to have a useful life expectancy of 18-20 years.

#### Purchasing Process

Sourcewell, a State of Minnesota local government agency and service cooperative, issued RFP 110421 on September 16, 2021, to establish a national cooperative contract for Public Utility Equipment with Related Accessories and Supplies. This solicitation was published in the Daily Journal of Commerce in Oregon on September 17, 2021. Sourcewell awarded a contract to Altec Industries, Inc. on January 12, 2022. This contract expires on December 27, 2025, and may be extended up to one additional one-year period.

#### **ACTION REQUESTED:**

Management requests the Board authorize the use of a cooperative contract for a 60' Digger Derrick with Altec Industries, Inc. Approximately \$1.3 million was planned for vehicles and power operated equipment in the 2023 Electric Capital Budget of \$74.2 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 **Oregon Woods, Inc.** for the **Purchase of Vegetation Management Services.**

Board Meeting Date:	April 4, 2023	
Project Name/Contract #:	Carmen Transmission Line and Canals Vegetation Management / 23-012-S	
Manager:	Scott Milovich	Ext. 7408
Executive Officer:	Karen Kelley	Ext. 7153

### **Contract Amount:**

Original Contract Amount:	\$650,000
Additional \$ Previously Approved:	\$0
Spend over last approval:	\$0
Amount this Request:	\$650,000
% Increase over last approval:	NA
Resulting Cumulative Total:	<b>\$650,000 (over 5 years)</b>

### **Contracting Method:**

Method of Solicitation:	Formal Invitation to Bid
If applicable, basis for exemption:	NA
Term of Agreement:	5 years (May 3, 2023 – May 2, 2028)
Option to Renew?	No
Approval for purchases “as needed”:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Proposals/Bids Received (Range):	2 (Lot 1 - \$360,000 to \$660,000 / Lot 2 - \$345,000 to \$660,000)
Selection Basis:	Lowest Responsive and Responsible Bidder

Narrative:

#### Operational Requirement and Alignment with Strategic Plan

EWEB is required under our two FERC licenses to manage vegetation on the following two areas of EWEB owned or controlled properties to standards specific to each site. This work meets our regulatory goals as well as EWEB’s strategic goal of “sustaining safe, reliable, affordable, and environmentally responsible drinking water and electricity services” for our customers.

Lot 1 (Carmen Smith Transmission Corridor): Work is traditionally performed in the fall when fire hazards are at a minimum.

Lot 2 (Leaburg/Waltermville Canals): Work is required to be performed at least twice (two rounds) per season and is performed from spring through summer to comply with FERC standards. The exact timing of each round is dependent on spring/summer weather and directed by EWEB’s Environmental Specialist.

#### Contracted Goods or Services

This ITB included two lots for vegetation management, one to occur at EWEB’s Carmen-Smith project along the

transmission line, and one to occur along the Leaburg and Walterville hydroelectric canals, or on properties associated with the canals along the McKenzie River. The transmission line work involves the manual removal of certain invasive species and native tree species along the entire 19-mile corridor, and the pruning and shearing of the remaining native cover to meet line clearance specifications. The corridor work supports the multiple protection and enhancement requirements outlined in several of the Carmen-Smith License Management Plans. The canal work primarily involves the hand cutting of all vegetation along the two canal systems with power weed eaters to maintain FERC specifications to prevent the establishment of woody species and to provide for canal integrity inspections. This contract can also provide for limited herbicide applications to target invasive species (to meet requirements in the Vegetation Management Plan) following EWEB's established standards and practices.

Purchasing Process

This solicitation was advertised on the OregonBuys website for three weeks, and two (2) bids were received. Oregon Woods, Inc. was deemed the lowest responsive and responsible bidder.

Bids Received

Vendor Name	City, State	Offered Price (Lot 1)	Offered Price (Lot 2)
Brink Brothers, Inc.	Pleasant Hill, OR	\$660,000	\$660,000
Oregon Woods, Inc.	Eugene, OR	\$360,000	\$345,000

Competitive Fair Price (If less than 3 responses received)

There are basically nine companies, in our territory, that could have responded. Although all nine were directly solicited and encouraged to participate, two chose not to because they do not currently have the number of employees necessary to accomplish the scope of work, one felt they could not compete with the companies that normally bid on such solicitations, two are new to OregonBuys and did not understand the bidding process, and two had employees that did not submit by the ITB deadline, while the final two did bid.

Prior Contract Activities

EWEB Contract	Project Name (Description)	Board Approved	Project Duration (Start to Close)	Original Amount	Approved/Amended Amount to Date (Total)	Reason Code
22-246-3-S	Small Lot Vegetation Management	2/7/23	2/8/23 – 1/31/28	\$1,000,000	\$1,000,000	
21-265-S	Vegetation Management Services EWEB McKenzie Corridor	4/5/22	4/7/22 - 4/5/26	\$200,000	\$200,000	
21-131-S	Vegetation Maintenance and Irrigation Services	NA	12/31/22	\$80,520	\$96,770 (complete)	SD
Reason Code: AM = Additional Materials, AW = Additional Work, EW= Emergency Work, SD = Staff Directed, UC = Unforeseen Conditions, Other						

21-131-S Staff directed additional work (additional invasive vegetation management and hazard tree removal/community firewood program)

**ACTION REQUESTED:**

Management requests the Board approve a new contract with Oregon Woods, Inc. for Vegetation Management Services. Allowances for these services were included in the \$3 million O&M budget for the Leaburg-Walterville O&M budget and in the \$3.9 million O&M budget for the Carmen-Smith budget in 2023. Variances will be managed within the budget process and Board policy.

# **EWEB Board Consent Calendar Request**

*For Cooperative Contracts*

The Board is being asked to authorize the use of a cooperative contract for **Temporary Staffing Services** with **Quantum Recruiters, Inc.**

Board Meeting Date:	April 4, 2023	
Project Name/Contract #:	Temporary Staffing Services / EUG 2020-02809	
Manager:	Kira Hutchens	Ext. 7629
Executive Officer:	Lena Kostopulos	Ext. 7466
<b>Expected Spend:</b>	<b>\$ 500,000 (over three-years)</b>	

Narrative:

EWEB has leveraged cooperative contracts with Quantum Recruiters for temporary staffing services since 2012 and Staff expect this need to continue through the life of the City of Eugene’s current cooperative contract with Quantum Recruiters. Using estimates based on historical usage in years 2020 through 2022, Staff anticipate a need of approximately \$500,000 for these services in years 2023 through 2025.

Operational Requirement and Alignment with Strategic Plan

The use of this contract allows EWEB to ensure business continuity in situations such as staff medical leaves, unexpected exits, seasonal work, and project support for initiatives such as EWEB Enterprise Solutions (EES). The addition of Paid Leave Oregon will likely create needs for additional temporary staffing support in the event of protracted employee absence(s).

Purchasing Process

The City of Eugene awarded Contract 2020-02809 pursuant to the City’s RFP 2019200028.

**ACTION REQUESTED:**

Management requests the Board authorize the use of this Temporary Staffing Services cooperative contract with Quantum Recruiters, Inc. The total estimated spend across the utility for 2023 is \$150,000, from the total 2023 EWEB budget of \$473.6 million. Variances will be managed within the budget process and Board policy.



# MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

*Rely on us.*

TO: Commissioners Carlson, Barofsky, McRae, Schlossberg, and Brown  
FROM: Anne Kah, Administrative Services Manager; Frank Lawson, CEO & General Manager  
DATE: March 29, 2023 (April 4, 2023, Board Meeting)  
SUBJECT: Resolution No. 2308, Proposed Update to EWEB Bylaws  
OBJECTIVE: Action

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## Issue

Article XII, Section 2 of the EWEB Bylaws states that “The Bylaws will be reviewed during the first three months following the swearing-in of elected commissioners.” EWEB may amend the Bylaws after stated public notification and by a majority vote of the Board. The Bylaws were last amended on April 6, 2021 by Resolution No. 2108.

## Background

A copy of the Bylaws, including recommended updates, was provided to Commissioners as correspondence for the February 7, 2023 board meeting. The proposed changes were submitted to the Board a second time at the March 7, 2023 board meeting in conjunction with a scheduled agenda item where Commissioners were invited to provide feedback. Commissioners have reviewed the proposed amendments and no Board members have recommended additional changes.

## Discussion

Two articles have been recommended for Commissioner consideration and potential amendment, as follows.

ARTICLE VIII, Section 1 states “A quorum shall consist of three members of the Board.”

ARTICLE VIII, Section 2 states “In order to pass a resolution, motion, or other measure, an affirmative vote of at least 3 commissioners (a majority of the 5 commissioner positions) is required.”

On July 5, 2022, Commissioners approved an [amendment to Board Policy GP7 Board Parliamentary Procedures](#). The statements in Board Policy GP7 that correlate with the Bylaws were amended as follows.

QUORUM: “A quorum shall consist of a majority of members of the Board.”

BOARD ACTIONS: “In order to pass a resolution, motion, or other measure, an affirmative vote of a majority of the entire Board is required.”

These changes were made so the Board could continue to conduct business during the extraordinary event of two concurrent vacancies on the Board. For consistency, the Bylaws should be amended to reflect the intent of Board Policy GP7, Board Parliamentary Procedures.

Staff are adhering to all requirements for public notification in accordance with the Bylaws. Members of the public who wish to comment have the opportunity to do so in writing in advance of the board meeting, and/or during the Public Input session at the April 4, 2023 board meeting. After hearing public comments, the proposed amendments will be presented to the Board as part of the consent calendar for requested action.

**Recommendation/Requested Board Action**

Approval of Resolution No. 2308, Bylaw Amendments.

Attachment: EWEB Bylaws approved April 6, 2021 with suggested edits displayed in red-lined format.

## Eugene Water & Electric Board Bylaws

### ARTICLE I

#### Section 1.

The name of this organization is the Eugene Water & Electric Board.

#### Section 2.

Authority for the powers and functions vested in the Eugene Water & Electric Board is established by Chapter 10, Section 44, of the [Charter of the City of Eugene](#), (1976), as amended.

#### Section 3.

The Eugene Water & Electric Board is defined as a political subdivision of the City of Eugene, a municipal corporation.

### ARTICLE II

#### Section 1.

The principal purpose of the Eugene Water & Electric Board is to benefit the citizens of Eugene by providing water, electric and other physical energy services to its customers while maintaining cost based rates in accordance with ORS Chapter 225.

### ARTICLE III

#### Section 1.

The Eugene Water & Electric Board shall comply with all applicable federal, state, and local laws and regulations relating to its activities.

### ARTICLE IV

#### Section 1.

The Board is composed of five electors of the city who shall serve without pay.

#### Section 2.

-Eugene Code 2.966 (3) provides that, "In 1978, and every fourth year thereafter, two members shall be elected to the Eugene Water & Electric Board, one from Wards 4 and 5 and one from the city at large. In 1980, and every fourth year thereafter, three members shall be elected to the Board, one from Wards 1 and 8, one from Wards 2 and 3, and one from Wards 6 and 7."

## ARTICLE V

### Section 1.

The officers of the Board shall be president and vice president. The president and vice president will be elected annually. The Board shall appoint a general manager-secretary and fix their compensation and conditions of employment. The general manager-secretary shall designate an assistant secretary, treasurer, and assistant treasurer.

### Section 2.

Consultants to the Board shall be approved ~~through by the~~ Board ratification upon recommendation by the general manager-secretary as provided by policy adopted by the Board.

## ARTICLE VI

### Section 1.

The function of the president is to preside over all meetings of the Board. The Board shall conduct meetings in accordance with Board policies. If the Board is unable to resolve procedural issues, the Board shall use Robert's Rules of Order. The president's role shall be primarily procedural, and the president shall have no greater vote on substantive matters than other members of the Board. The president will also represent the Board as required within the community and coordinate among the Board as necessary in the conduct of Board functions.

### Section 2.

The function of the vice president is to perform the duties and responsibilities of the president in their absence or as agreed upon by the Board.

### Section 3.

The general manager-secretary shall report to the Board as a whole and is responsible for implementing policies and directions established by the Board. The general manager-secretary acts as chief executive officer of the organization and shall have all authority to: operate all utilities, hire, appoint, terminate or remove employees, organize and, as the general manager-secretary deems necessary, disband and reorganize departments, act as contracting and purchasing agent for EWEB and award contracts within their delegation of authority and for which there is an appropriation (except as otherwise provided in EWEB Purchasing Policies), prepare budgets, and enforce resolutions of the Board. The general manager-secretary shall also be responsible for preparing reports requested by the Board, representing the utility to the public, other agencies and organizations, and performing such other duties as the Board directs. The general manager-secretary may lawfully delegate any or all of the responsibilities within their authority.



## ARTICLE VII

### Section 1.

The organizational meeting of the Board will be held at the first regular meeting of each calendar year. The primary purpose of the organizational meeting is the election of Board officers and other routine annual business.

### Section 2.

The Oregon form of government requires an informed public aware of the deliberations and decisions of public bodies and the information upon which such decisions were made. It is the intent that Board decisions be approved openly. Except as otherwise provided by law: all meetings of the Board shall be open to the public and all persons shall be permitted to attend, no quorum of the Board shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter; an executive session may be held only for those purposes allowed by law (ORS 192.610-.690).

### Section 3.

In accordance with applicable State and Federal laws, Commissioners shall not use or attempt to use their official position or office to obtain financial gain or avoid financial detriment. Commissioners shall follow requirements of applicable law as to announcing conflicts of interest or potential conflicts of interest, and requirements for refraining from discussion, debate, or voting in matters where an actual conflict exists. Commissioners shall abide by applicable laws on gifts, pledges or promises of employment, personal gain through use of confidential information, and prohibitions on representation of others before the Board. The Board may from time to time utilize Board policies or guidelines on conflicts of interest and other ethical standards.

### Section 4.

A commissioner shall not qualify for employment at EWEB while serving on the Board and for twelve months after serving on the Board.

## ARTICLE VIII

### Section 1.

A quorum shall consist of a majority of members ~~three members~~ of the Board.

### Section 2.

In order to pass a resolution, motion, or other measure, an affirmative vote of a majority of members of the Board ~~at least 3 commissioners (a majority of the 5 commissioner positions)~~ is required.

## **ARTICLE IX**

### **Section 1.**

Should a vacancy occur on the Board, the remaining Commissioners will appoint a qualified elector to fill such vacancy. The appointment shall be made within 90 days. (Eugene Charter Section 24)

### **Section 2.**

Attendance at all meetings of the Board is required of Commissioners. Prior notification of absence should be given to the Board or the ~~general manager-S~~secretary whenever possible. The Board shall have power to declare vacant the office of a member who shall absent themselves from three consecutive regular meetings without an excuse satisfactory to the Board (Eugene Code 2.205).

## **ARTICLE X**

### **Section 1.**

The regular meeting of the Board will be held at 5:30 p.m. on the first Tuesday of each month, unless that Tuesday falls on or generally conflicts with a national holiday in which case the meeting may be on the next business day or on another Tuesday in that month. If an additional regular meeting is required, the general preference will be to hold that meeting at 5:30 p.m. on the third Tuesday of the month. The Board President and the General Manager-Secretary may reschedule these meetings, schedule additional meetings, or cancel any meeting of the Board by mutual agreement.

## **ARTICLE XI**

### **Section 1.**

All regular and special meetings of the Board shall be held whenever possible within the utility service district. (ORS 192.630(4))

## **ARTICLE XII**

### **Section 1.**

These Bylaws may be amended or altered by a majority vote of the Board. The proposed amendment or alteration shall be submitted to all other members of the Board in writing at least ten days before the meeting at which they are to be considered. For fourteen (14) days prior to the proposed adoption of any amendment or alteration, it shall be available for public inspection on EWEB's website. A paper copy of the amendment or alteration shall be provided at no cost, upon request. Notification of the proposed amendment or alteration, the time and place of the meeting at which the proposal is to be adopted, and notice of its availability for public inspection shall be published once in a newspaper of general circulation in the city of Eugene at least fourteen (14) days before the meeting at which the amendment or alteration is to be adopted, or shall be published or disseminated by such alternate method as will provide reasonable notice to the public of such proposal. At the meeting, reasonable opportunity for public comment will be afforded.

**Section 2.**

The Bylaws will be reviewed during the first three months following the swearing-in of elected commissioners.

Adopted: 01/12/79

Amended: 09/12/83; 03/25/91; 04/12/93; 06/09/97; 06/02/98; 05/17/05; 07/19/11; 06/04/13, 01/06/15; 04/06/21

**RESOLUTION NO. 2308  
APRIL 2023**

**EUGENE WATER & ELECTRIC BOARD  
BYLAW AMENDMENT**

**WHEREAS**, the EWEB Board may amend the Bylaws after stated public notification and by a majority vote of the Board;

**WHEREAS**, the amendments have been presented for consideration by the Board on February 7, 2023, March 7, 2023, and April 4, 2023.

**NOW, THEREFORE, BE IT RESOLVED** that the Eugene Water & Electric Board approves the EWEB Bylaws as recommended at the April 4, 2023 Regular Board Meeting. All changes are effective as of April 4, 2023.

Dated this 4th day of April 2023.

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

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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 a true and exact copy of the Resolution adopted by the Board at its April 4, 2023 Regular Board Meeting.

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Assistant Secretary