

**PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY  
327 N. WENATCHEE AVENUE  
WENATCHEE, WA 98801**

**REGULAR COMMISSION MEETING**

**April 3, 2017**

**AGENDA**

**STUDY SESSION**

**10:00 A.M.**

1. Pledge of Allegiance and Safety Minute – Wai Petersen
2. Approval of the Agenda - Any item on the Regular Agenda shall be subject to transfer to the Consent Agenda upon request of any Commission member
3. Legislative Update
4. Wireless Proof of Concept
5. Long Range Facilities Planning
6. Advanced Metering Outreach

**BUSINESS SESSION**

**1:00 P.M.**

**Consent Agenda**

7. Minutes:

March 20, 2017

March 28, 2017 Tri-Commission

8. Vouchers:

Accounts Payable Summary Report dated March 15, 2017:

Vouchers totaling \$7,895,595.57;

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- Approval of Customer Deposit Returns and Conservation Incentive payments for the period March 15, 2017 through March 28, 2017 in the amount of \$27,199.38.;
- Approval of the net Payrolls, Warrant Nos. 235111 through 235134 and Advice Nos. 630682 through 631420 for the pay period ending 3/19/2017 in the amount of \$1,786,613.41; and
- Approval of Warrant Nos. 23244 through 23303 totaling \$10,588.41 for claim payments from the workers' compensation self-insurance fund for the period ending March 27, 2017.

### Charge-offs

9. Charge-Offs to Uncollectible Accounts over \$1,000.00 For February – \$5,084.34

### **Regular Agenda**

### Resolutions

10. A RESOLUTION RATIFYING FIELD WORK ORDER NO. 1, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 15-63 WITH RAYFIELD BROS EXCAVATING, INC. OF LEAVENWORTH, WA AND AUTHORIZING PAYMENT OF RETAINAGE
11. A RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A TASK AUTHORIZATION SERVICES AGREEMENT (SA NO. 17-006) WITH UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE, WILDLIFE SERVICES OF OLYMPIA, WASHINGTON FOR PIKEMINNOW, AVIAN PREDATOR AND NUISANCE ANIMAL CONTROL
12. RESOLUTION

### Proposed Motion

13. Motion directing staff to establish a Board designated fund for the purpose of investing in the Long-Term Facilities Plan and deposit an initial amount of [\$xx million] into such fund.
14. Manager Items
15. Commission Items
16. Commission Travel
17. Follow-up on Delegation of Action Items From Previous Board Meeting
18. Delegation of Action Items

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19. Additional Public Comment\*

20. Matters of general business as may necessarily come before the Commission

21. Executive Session: To discuss with legal counsel agency enforcement actions, litigation, potential litigation to which the District or its board is, or is likely to become, a party, and/or legal risks, as authorized by RCW 42.30.110(1)(i).

\* Members of the public are encouraged to ask specific questions after each item presented. This agenda item is for additional comments/questions related to matters not on the agenda.

This agenda and resolutions (if any) may be revised by the Commission as appropriate.

## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION RATIFYING FIELD WORK ORDER NO. 1, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 15-63 WITH RAYFIELD BROS EXCAVATING, INC. OF LEAVENWORTH, WA AND AUTHORIZING PAYMENT OF RETAINAGE

**FACTUAL BACKGROUND AND REASONS FOR ACTION**

The District Commission by Resolution No. 08-13325 delegated authority to the General Manager to advertise, award and execute contracts when the total contract price is \$3,000,000 or less. Authority was also granted to the General Manager and the staff to execute field work orders under certain circumstances.

On January 18, 2016, the District entered into a unit price contract (Bid No. 15-63) with Rayfield Bros. Excavating, Inc. (Contractor) of Leavenworth, WA for 2016 District Wide Excavation Services. This contract was advertised for public bid and was awarded as required by RCW 54.04.070 and .080. The cost for work performed under this unit price contract was \$530,285.22, plus Washington State sales tax.

The work in Field Work Order No. 1 consists of conditions and work not anticipated or included in the original contract but within the scope of the contract. The District's staff has executed Field Work Order No. 1, which is on file in the offices of the District and summarized as follows:

<b>Field Work Order No.</b>	<b>Amount</b>
No.1 - Additional Subcontractor added	-0-
<b>Total</b>	-0-

Field Work Order No. 1 was a "no-cost" FWO/CO. District's Engineers recommend the Field Work Order be ratified. Resolution No. 08-13325 provides that this type of field work order shall be presented to the Commission for approval as part of the final acceptance resolution.

District staff has determined that the completion of all contract work occurred on March 13, 2017. In accordance with the terms of the contract, retainage in an amount not exceeding 5% of the contract price has been withheld from the Contractor.

The General Manager of the District concurs with staff's recommendations that the District accept the work performed by the Contractor, ratify Field Work

Order No. 1 and authorize the payment of retainage due the Contractor, subject to the requirements of the contract and state law.

### **ACTION**

IT IS RESOLVED BY THE COMMISSION OF PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON, as follows:

Section 1. Field Work Order No. 1 to Bid No. 15-63 with Rayfield Bros Excavating, Inc. for the work specified above which resulted in no change to the contract price of \$530,285.22, plus Washington State sales tax, is hereby ratified.

Section 2. All the contract work required under Bid No. 15-63 was completed on March 13, 2017, and the same is hereby accepted, subject to Section 3 hereof. Payment of retainage to the Contractor in the amount determined by the District's auditor to be due is authorized to be paid to the Contractor subject to Section 3 and Section 4 hereof, and subject to the provisions and limitations of Chapter 39.12 RCW (Prevailing Wages on Public Works) and 60.28 (Liens for Labor, Materials and Taxes on Public Works).

Section 3. This resolution shall not constitute an acceptance by the District of any work performed or goods supplied pursuant to the aforementioned contract, which are not in strict compliance with the contract terms and conditions.

Section 4. After the expiration of the forty-five (45) day period for giving the District notice of lien and after receipt of the Department of Revenue's certification of the Contractor's payment of taxes, the Employment Security Department's Certificate of Payment of Contributions, Penalties and Interest on Public works Contracts and the Department of Labor & Industries' Certificate of Release of the State's Lien on Public Works contracts and the District being satisfied that taxes certified as due or to become due are discharged and the filed claims of materialmen and laborers, if any, together with a sum sufficient to pay costs of foreclosing the liens and attorney's fees, have been paid, the District's General Manager is authorized and directed to withhold from the remaining retained amounts for claims the District may have against the Contractor, and the balance shall be paid to the Contractor. In the event said taxes, claims, expenses and fees have not been paid, the General Manager is authorized and directed to withhold an amount equal to unpaid taxes and unpaid claims, together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and the balance shall be paid to the Contractor.

DATED this 3rd day of April 2017.

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President

ATTEST:

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Vice President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Seal

## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A TASK AUTHORIZATION SERVICES AGREEMENT (SA NO. 17-006) WITH UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE, WILDLIFE SERVICES OF OLYMPIA, WASHINGTON FOR PIKEMINNOW, AVIAN PREDATOR AND NUISANCE ANIMAL CONTROL

**FACTUAL BACKGROUND AND REASONS FOR ACTION**

Resolution No. 08-13325 requires that the Commission, by resolution, authorize Service Agreements that exceed \$200,000.

In 2003 the District began implementing multiple programs and measures focused on achieving the No Net Impact (NNI) goal of the Habitat Conservation Plans (HCPs) for Rock Island and Rocky Reach hydroelectric projects. A cost effective and key contributing element to successfully meeting the juvenile salmon and steelhead survival metrics has been the annual implementation of programs designed to reduce predation effects on the overall survival of juvenile salmon and steelhead as they migrate through and past the District's project reservoirs and dams.

Pursuant to the HCP, the District is responsible to maintain and implement HCP programs and measures in a manner sufficient to offer juvenile salmon survival protection equal to that which led to the successful accomplishment of the survival standards. As such, District staff has identified the need for continued efforts to implement predation programs focused on piscivorous (fish eating) fish (northern pikeminnow) and birds (gulls, cormorants, and mergansers).

District staff has also identified the need for assistance in minimizing the negative impacts caused by piscivorous birds to the Rock Island transmission system located in the forebay of Rock Island dam. District staff also recommends continuing the program to reduce/remove populations of nuisance birds and animals, including; pigeons, European starlings, marmots, beaver, and other animals that may damage property and cause a threat to human health and safety, or prey on juvenile salmon and steelhead (mink and river otter) at District facilities. Nuisance animal management will occur on an as needed on-call basis at all District facilities. Methods applied include live traps and/or reasonable and safe methods of direct control.

The District has previously entered into Service Agreements with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (USDA APHIS) to provide predator control efforts for the benefit of migrating salmon and steelhead smolts in the Rocky Reach and Rock Island reservoirs, as well as nuisance bird and animal control at District facilities. USDA APHIS has previously performed this work to the satisfaction of the District and has the appropriate authority and permits to conduct the work.

The USDA APHIS has submitted Work Plans/Financial Plans to the District for each of the programs; pikeminnow control for a cost of \$424,841 and avian predation/nuisance bird and animal control for \$43,027 for a total estimated cost of \$467,868 for work to be completed by March 31, 2018.

District staff has determined that USDA APHIS is the best qualified firm to provide the required services and that the costs proposed for the services is a fair and reasonable price. The total costs for the services to be provided by USDA APHIS shall not exceed \$467,868.

It is District staff's recommendation that it is in the best interest of the District to enter into a Services Agreement with USDA APHIS for the above-described services. Services shall be provided when and as requested by the District, according to written task orders which define the scope, budget and schedule for individual tasks. No work shall be undertaken by USDA APHIS without a written task order.

The General Manager of the District has reviewed staff's recommendation and concurs in the same.

**ACTION**

IT IS RESOLVED BY THE COMMISSION OF PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, as follows:

Section 1. The General Manager of the District is hereby authorized to enter into a Services Agreement with USDA APHIS for pikeminnow and avian predator control and nuisance bird and animal control work through March 31, 2018 in an amount not to exceed \$467,868 without prior Commission approval. A copy of the Agreement is on file in the offices of the District.

DATED this 3rd day of April 2017.

\_\_\_\_\_  
President

ATTEST:

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Vice President

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Secretary

\_\_\_\_\_  
Commissioner

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Commissioner

Seal