

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

**REGULAR COMMISSION MEETING**

**APRIL 27, 2020**

Public participation will be by phone only

Dial: 509-661-8750

Meeting: 4212 #

Attendee ID: 8750 #

**\*\*Please remember to mute your phone to reduce background noise\*\***

Please contact PUD staff at 509-661-4212 to let us know if you intend to participate by phone

**STUDY SESSION**

**10:00 AM**

1. Pledge of Allegiance
2. Approval of the Agenda  
*Any item on the Consent Agenda shall be subject to transfer to the Regular Agenda upon request of any Commission member*
3. CPO Winner Recognition
4. Quarterly District Performance Plan Status Update
5. Quarterly Fish and Wildlife Update
6. Fifth Street Campus Planning Update
7. COVID19 Update
  - a. Supporting Healthcare Community
  - b. Assistance for Individuals and Small Businesses

**BUSINESS SESSION**

**1:00 PM**

**Consent Agenda**

8. Minutes of the April 13, 2020 Regular Meeting

9. Vouchers: Accounts Payable Summary Report dated April 22, 2020:

- a. Vouchers totaling \$14,218,831.95;
- b. Approval of Customer Deposit Returns and Conservation Incentive payments for the period April 8, 2020 through April 21, 2020 in the amount of \$38,258.28;
- c. Approval of the net Payroll, Warrant Nos. 237002 through 237017 and Advice Nos. 692441 through 693232 for the pay period ending 04/12/2020 in the amount of \$2,022,748.79;
- d. Approval of Warrant Nos. 26606 through 26634 totaling \$38,127.66 for claim payments from the workers' compensation self-insurance fund for the period ending April 20, 2020.

**Regular Agenda**

10. A RESOLUTION APPROVING THE PURCHASE AND SALE AGREEMENT WITH JUSTIN AND HOLLY PICKENS FOR THE SALE OF REAL PROPERTY IN SETTLEMENT OF A PROPERTY DISPUTE AND AUTHORIZING THE GENERAL MANAGER OR HIS DESIGNEE TO COMPLETE THE TRANSACTION
11. A RESOLUTION DECLARING BIOMARK, INC. OF BOISE, ID AS THE SOLE SOURCE SUPPLIER OF PASSIVE INTEGRATED TRANSPONDER TAGS FOR EVALUATION OF THE DISTRICT'S HATCHERY PROGRAMS OPERATED AS PART OF THE HABITAT CONSERVATION PLANS, AUTHORIZING THE WAIVER OF BIDDING REQUIREMENTS AND AUTHORIZING THE DISTRICT'S GENERAL MANAGER TO ENTER INTO A CONTRACT WITH BIOMARK, INC.
12. A RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO SERVICES AGREEMENT (SA-TA NO. 18-024) WITH POWER ENGINEERS, INC. TO PROVIDE GIS ARCFM CONSULTING AND IMPLEMENTATION
13. Manager Items
14. Commission Items
15. Follow-up on Delegation of Action Items from Previous Board Meeting
16. Delegation of Action Items

REGULAR COMMISSION MEETING AGENDA

April 27, 2020

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17. Additional Public Comment

*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.*

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

19. 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)

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

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

A RESOLUTION APPROVING THE PURCHASE AND SALE AGREEMENT WITH JUSTIN AND HOLLY PICKENS FOR THE SALE OF REAL PROPERTY IN SETTLEMENT OF A PROPERTY DISPUTE AND AUTHORIZING THE GENERAL MANAGER OR HIS DESIGNEE TO COMPLETE THE TRANSACTION

**FACTUAL BACKGROUND AND REASONS FOR ACTION**

District entered into an Relocation Agreement dated May 13, 1958, with Washington State Highway Commission for relocation of old Primary Highway 10 as part of District's plan to build Rocky Reach Hydroelectric Project, subject to certain terms and conditions including District's filing of a condemnation suit and a decree of public use entered by a court.

District filed a condemnation suit in Chelan County Superior Court, Cause No. 20334 and the court entered an order authorizing the District to inundate those described lands including streets and alleys in the town of Entiat, which included portions of old Primary Highway 10.

District received title to District Property from Washington State by Quit Claim Deed dated February 2nd, 1965, recorded under Chelan County Auditor No. 631729 after Washington State Highway Commission passed Resolution 1084 abandoning Primary Highway 10 and relocated and reestablished pursuant to contract with District.

Pursuant to Ordinance No. 101 on January 27, 1961 City of Entiat approved vacation of Cairns Street, formerly known as a portion of old Primary Highway 10.

However, Entiat did not have the right to vacate old Primary Highway 10 because title was vested in the State of Washington, subject to the 1958 Relocation Agreement and Chelan County Superior Court Order under Cause No. 20334 authorizing District condemnation and inundation of such lands.

Justin and Holly Pickens ("Purchaser") believed they owned that portion of the old Primary Highway 10 that was vacated by Entiat and which was attached to their property by the Chelan County Assessor's Office by an apparent erroneous application of operation of law ("Disputed Area").

The District and Purchaser, in settlement of any disagreement regarding the Disputed Area have entered in to a Purchase and Sale Agreement dated April 14, 2020, contingent on approval of the Chelan County PUD Board of Commissioners.

The District and Purchaser have entered into a Purchase and Sale Agreement for the Disputed Area in the amount of \$9,788.04, contingent on approval of the Chelan County PUD Board of Commissioners.

Staff recommends approval of the Purchase and Sale Agreement with the Purchaser be approved, and the General Manager directed to take the necessary steps to close the transaction. The General Manager 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 Purchase and Sale Agreement with Justin and Holly Pickens for the described real property in this Resolution in the amount of \$9,788.04, is hereby approved and the General Manager or his designee is hereby authorized to take such further steps as may be required to complete the transaction.

Section 2. The Purchase and Sale Agreement will be on file in the offices of the PUD.

DATED this 27th day of April, 2020.

	_____
	President
ATTEST:	
_____	_____
Vice President	Secretary
_____	_____
Commissioner	Commissioner
Seal	

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

A RESOLUTION DECLARING BIOMARK, INC. OF BOISE, ID AS THE SOLE SOURCE SUPPLIER OF PASSIVE INTEGRATED TRANSPONDER TAGS FOR EVALUATION OF THE DISTRICT'S HATCHERY PROGRAMS OPERATED AS PART OF THE HABITAT CONSERVATION PLANS, AUTHORIZING THE WAIVER OF BIDDING REQUIREMENTS AND AUTHORIZING THE DISTRICT'S GENERAL MANAGER TO ENTER INTO A CONTRACT WITH BIOMARK, INC.

## FACTUAL BACKGROUND AND REASONS FOR ACTION

As part of the Rocky Reach and Rock Island Habitat Conservation Plans (HCP), the District has an obligation to evaluate the success of its hatchery programs and is committed to implementing a long-term monitoring and evaluation plan that has been approved by the HCP Hatchery Committees (Committees). The monitoring and evaluation plan is designed to provide the District and Committees with information to ensure the hatchery programs are successful and that the program goals are being met in an efficient and biologically prudent manner.

For the District to utilize downstream hydroelectric facilities as tag interrogation sites, its own upstream adult detection sites, and numerous tributary antennae locations, the Passive Integrated Transponder (PIT) tags need to be International Standards Organization (ISO) compatible and operate at a frequency of 134.2 KHZ. District staff and the Committees recommend using PIT tags to offer varied methods and location of detection and the most accurate life history and survival calculations for salmon and steelhead. The Bio12.B.04V2 has been specifically developed to provide maximum detection at custom antennae locations such as the sites the District and other entities employ. This tag has been developed for high performance fisheries applications where water speed is high and a long read range is necessary. The Bio 12.B.04V2 provides superior detection and is the highest performing tag of its kind available.

Biomark, Inc. is the sole distributor of the Bio12.B.04V2 and has provided the District with a letter certifying that they are the sole distributor of the Bio12.B.04V2 tags and that the District has received the lowest price on the tags they offer to similarly situated customers.

Pursuant to RCW 54.04.070 and 39.04.280, the District may, when there is clearly and legitimately a sole source of supply, waive the statutory competitive bidding requirements otherwise applicable to the purchase of equipment. Resolution No. 17-14215 requires that a declaration for sole source purchases over the statutory limits (\$60,000 per month) must come before the Commission for action.

District staff has determined that it would be in the best interest of the District to designate Biomark, Inc. as the sole source supplier for a minimum annual purchase of 60,000 Bio12.B.04V2 tags, in a total not to exceed amount \$1,027,000 (plus W.S.S.T) through December 31, 2024. Staff also recommends that the competitive bidding requirements of RCW 54.04.070 be waived.

The General Manager has reviewed District staff's recommendations 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 Commission declares Biomark, Inc. to be the sole source supplier for Bio12.B.04V2 PIT tags.

Section 2. The competitive bidding requirements of RCW 54.04.070 are hereby waived due to the designation of Biomark, Inc. as the sole source supplier for Bio12.B.04V2 tags.

Section 3. The General Manager or his designee is authorized to enter into a purchase contract with Biomark, Inc. for the purchase of Bio12.B.04V2 tags, through December 31, 2024, at a cost not to exceed \$1,027,000 (excluding W.S.S.T and shipping costs) without prior Commission approval. A copy of the contract will be on file in the offices of the District.

Dated this 27<sup>th</sup> day of April 2020.

ATTEST:

\_\_\_\_\_  
President

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Seal

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

A RESOLUTION AUTHORIZING AMENDMENT  
NO. 4 TO SERVICES AGREEMENT (SA-TA NO. 18-  
024) WITH POWER ENGINEERS, INC. TO  
PROVIDE GIS ARCFM CONSULTING AND  
IMPLEMENTATION

## FACTUAL BACKGROUND AND REASONS FOR ACTION

The District entered into a Services Agreement (SA-TA No. 18-024) on April 24, 2018 with Power Engineers, Inc. to provide GIS ArcFM Consulting and Implementation, in an amount not to exceed \$150,000. Amendments 1-3 have increased the not to exceed amount to \$470,000.

District staff is requesting an extension to the professional services agreement with Power Engineers, Inc. for an additional 5 years and an increase in the amount of \$900,000. Power Engineers, Inc. will provide assistance with the upgrade of the distribution electrical GIS software and migration of the GIS data to a new modernized electrical network model. The new GIS electrical network model will improve electrical analysis capabilities, customer outage management, and integration with the new ADMS/OMS system planned to start in 2020. \$400,000 is included for 2020 budgeted projects under Task Authorization #5. District staff also foresees the need to execute additional Task Authorizations with Power Engineers, Inc., for assistance with GIS integration throughout the operation of the future ADMS/OMS system. Resolution No. 17-14215 requires that the Commission, by resolution, authorize Amendments to Service Agreements when the Amendment increases the total contract price to over \$500,000.

District staff recommends that it is in the best interest of the District to amend Services Agreement No. 18-024 with Power Engineers, Inc. in the amount of \$900,000, for a total revised contract price not to exceed \$1,370,000.

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

## ACTION

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

Section 1. The General Manager is hereby authorized to execute an Amendment to Services Agreement (SA-TA No. 18-024) with Power Engineers, Inc. to provide the additional services identified above. The revised contract price will not exceed \$1,370,000 without prior Commission approval. A copy of the Amendment will be on file in the offices of the District.



DATED this 27th day of APRIL 2020.

\_\_\_\_\_  
President

ATTEST:

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Vice President

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Secretary

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Seal