

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

REGULAR COMMISSION MEETING

OCTOBER 17, 2022

STUDY SESSION

10:00 AM

1. Pledge of Allegiance and Safety/HPI Minute – Dave Parkhill
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 Board Balanced Scorecard Status Update
5. 2023 Budget Targets and Major Assumptions
6. Leavenworth to Coles Corner Transmission Line Outreach
7. Rock Island Relicensing Update
8. Consideration of Demand Response, Demand Flexibility and Electric Vehicle Charging Programs Under PURPA
9. Confluence Parkway Due Diligence
10. Public Comment

BUSINESS SESSION

1:00 PM

Consent Agenda

11. Minutes of the September 27, 2022 Special Meeting, October 3, 2022 Regular Meeting, and October 12, 2022 Special Meeting
12. Vouchers: Accounts Payable Summary Report dated October 12, 2022:

- a. Vouchers totaling \$12,267,167.28;
 - b. Approval of Customer Deposit Returns and Conservation Incentive payments for the period September 28, 2022 through October 11, 2022 in the amount of \$81,362.88.
 - c. Approval of the net Payroll, Warrant Nos. 237954 through 237964 and Advice Nos. 743073 through 743886 for the pay period ending September 25, 2022 in the amount of \$ 2,520,173.94.
 - d. Approval of Warrant Nos. 28853 through 28889 totaling \$3,348.89 for claim payments from the workers' compensation self-insurance fund for the period ending October 10, 2022.
 - e. Approval of Parks Reservation System customer refunds for the period September 28, 2022 through October 11, 2022 in the amount of \$210.00.
13. A RESOLUTION RATIFYING FIELD WORK ORDER/CHANGE ORDER NO. 1, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 18-88 WITH BRIVO CORP. OF CHENEY, WASHINGTON FOR UNIT PRICE DREDGING AND AUTHORIZING PAYMENT OF RETAINAGE

Regular Agenda

14. A RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT 20-10919 WITH ENHANCE TELECOMMUNICATIONS, INC. D/B/A ETI SOFTWARE SOLUTIONS OF NORCROSS, GEORGIA FOR FIBER PORTAL REPLACEMENT SOFTWARE, IMPLEMENTATION, AND SUPPORT
15. A RESOLUTION APPROVING FIELD WORK ORDER/CHANGE ORDER NO. 3 TO BID NO. 21-30 FOR HYDRO GENERATION MECHANICAL SITE LABOR WITH BENDER CCP, INC. OF VERNON, CALIFORNIA
16. RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A TASK AUTHORIZATION SERVICES AGREEMENT (SA NO. 22-12438) WITH STANTEC CONSULTING SERVICES, INC. OF BELLEVUE, WA FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO HYDRO PROJECTS
17. A RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A SERVICE AGREEMENT (NO. 22-12509) WITH BLUE LEAF ENVIRONMENTAL, INC. OF ELLENSBURG, WASHINGTON FOR THE ROCKY REACH HCP CONFIRMATION SURVIVAL STUDY
18. Manager Items

19. Commission Items

a. WPUA Scholarship Nominee

b. Governance Policies Update

Proposed motion: To approve the proposed revisions to the Governance Policies and adopt the Policies as revised

c. 2023 Board Meeting Schedule

Proposed motion: To approve the modified regular Board meeting schedule for calendar year 2023 to accommodate holidays and industry meetings by moving the following meetings:

- January 3, 2023 to January 9, 2023
- January 16, 2023 to January 23, 2023
- May 15, 2023 to May 22, 2023
- June 19, 2023 to June 26, 2023
- July 3, 2023 to July 10, 2023
- July 17, 2023 to July 24, 2023

All meetings to be held in the headquarters board room, 327 North Wenatchee Ave., Wenatchee, WA and all to commence at 10:00 am unless further modified by future Board action.

20. Follow-up on Delegation of Action Items from Previous Board Meeting

21. Delegation of Action Items

22. 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.

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

24. 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), to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, as authorized by RCW 42.30.110(1)(b), and to consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause the likelihood of decreased price, as authorized by RCW 42.30.110(1)(c) for ___ minutes

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

RESOLUTION NO. _____

A RESOLUTION RATIFYING FIELD WORK ORDER/CHANGE ORDER NO. 1, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER BID NO. 18-88 WITH BRIVO CORP. OF CHENEY, WASHINGTON FOR UNIT PRICE DREDGING AND AUTHORIZING PAYMENT OF RETAINAGE

FACTUAL BACKGROUND AND REASONS FOR ACTION

The District Commission by Resolution No. 17-14215 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 March 4, 2019, the District entered into a contract (Bid No.18-88) with Brivo Corp. (Contractor) of Cheney, Washington for Unit Price Dredging, in the amount not to exceed \$353,400.00. This contract was advertised for public bid and was awarded as required by RCW 54.04.070 and .080.

The work in Field Work Order/Change 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/Change Order No.1, which is on file in the offices of the District and summarized as follows:

Field Work Order No.	Amount
1. BNSF Standby	\$0

The District staff recommend Field Work Order/Change Order No. 1 be ratified. Resolution No. 17-14215 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 September 20, 2022. 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/Change 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. 18-88 with Brivo Corp. for the work specified above, which does not change the not to exceed contract price, is hereby ratified.

Section 2. All the contract work required under Bid No. 18-88 was completed on September 20, 2022 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 17th day of October 2022.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT 20-10919 WITH ENHANCE TELECOMMUNICATIONS, INC. D/B/A ETI SOFTWARE SOLUTIONS OF NORCROSS, GEORGIA FOR FIBER PORTAL REPLACEMENT SOFTWARE, IMPLEMENTATION, AND SUPPORT

FACTUAL BACKGROUND AND REASONS FOR ACTION

Resolution No. 21-14527 dated February 1, 2021 authorized Contract 20-10919 with Enhance Telecommunications, Inc. d/b/a ETI Software Solutions of Norcross, GA has prepared a proposal to perform Fiber Portal Replacement – Implementation and Support for an estimated cost of \$1,900,000.

District staff has identified the need for additional services and Managed Service Environment Subscription Licenses to increase functionality. Resolution No. 17-14215 requires that the Commission, by resolution, authorize Service Agreements and Amendments when the total contract price exceeds \$500,000.

District staff recommends that it is in the best interest of the District to amend Contract 20-10919 with Enhance Telecommunications, Inc. d/b/a ETI Software Solutions in the amount of \$850,080, for a total revised not to exceed Contract Price of \$2,750,080 through the 7 year license term.

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 Contract 20-10919 with Enhance Telecommunications, Inc. d/b/a ETI Software Solutions to provide the additional licenses and services identified above through the 7 year license term. The revised Contract Price will not exceed \$2,750,080 without prior Commission approval. A copy of the Amendment is on file in the offices of the District.

DATED this 17th day of October 2022.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION APPROVING FIELD WORK ORDER/CHANGE ORDER NO. 3 TO BID NO. 21-30 FOR HYDRO GENERATION MECHANICAL SITE LABOR WITH BENDER CCP, INC. OF VERNON, CALIFORNIA

FACTUAL BACKGROUND AND REASONS FOR ACTION

Bid No. 21-30 – Hydro Generation Mechanical Site Labor is a unit price contract to provide labor, equipment and consumable materials to repair, overhaul, or rehabilitate the District’s hydro-electric generating equipment.

On December 1, 2021, the District Commission approved Resolution 21-14593 which authorized the advertisement and award for Bid 21-30. The bid was subsequently advertised and awarded to the lowest responsive and responsible bidder. A contract was executed with Bender CCP, Inc. of Vernon, California on August 5, 2022, in a not to exceed contract price of \$5,000,000, exclusive of sales tax.

District Staff recommends execution of FWO/CO No. 3 to increase the not-to-exceed amount by \$7,000,000 for a revised not-to-exceed contract price of \$12,000,000, excluding sales tax. The additional funds will be used for continued support of the Rock Island Powerhouse 1 Unit Modernization and other services. This unit price contract is for an initial two (2) year term through August 15, 2024, with the option for two additional one (1) year extensions. In 2024, District Staff will evaluate this contract and if it is in the District’s best interest to extend the term, a FWO/CO will be executed in accordance with Resolution 17-14215.

The General Manager of the District concurs with staff’s recommendations that Field Work Order/Change Order No. 3 be approved.

The General Manager of the District 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, as follows:

Section 1. The General Manager of the District is hereby authorized to execute Field Work Order/Change Order No. 3 resulting in a revised not to exceed contract price of \$12,000,000 (excluding sales tax) through August 15, 2024. A copy of the Field Work Order/Change Order shall be on file in the offices of the District.

Section 2. The General Manager of the District is hereby further authorized, to adjust the Contract Price via Field Work Order/Change Order in accordance with the provisions of Resolution No. 17-14215 Any such Field Work Order/Change Order shall be in compliance with all laws and policies applicable to the District and shall be filed in the offices of the District.

DATED this 17th day of October 2022.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A TASK AUTHORIZATION SERVICES AGREEMENT (SA NO. 22-12438) WITH STANTEC CONSULTING SERVICES, INC. OF BELLEVUE, WASHINGTON FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO HYDRO PROJECTS

FACTUAL BACKGROUND AND REASONS FOR ACTION

The District is currently engaged in several large hydroelectric projects at Rock Island and Rocky Reach Dams. Resolution No. 17-14215 requires that the Commission, by resolution, authorize Service Agreements that exceed \$500,000.

Stantec Consulting Services, Inc. (“Stantec”) of Bellevue, Washington has been performing professional engineering services for projects at the District’s hydroelectric facilities.

District staff has determined that Stantec is the best qualified firm to provide the required services and that the proposed price(s) for the services are fair and reasonable. The total costs for the services to be provided by Stantec shall not exceed \$6,000,000 from the period of January 1, 2023, to December 31, 2027.

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

The General Manager of the District has reviewed staff’s recommendation and concurs with 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 Stantec Consulting Services, Inc. for professional engineering services for District hydroelectric projects in an amount not to exceed \$6,000,000 without prior Commission approval. A copy of the Agreement is on file in the offices of the District.

DATED this 17th day of October 2022.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE GENERAL
MANAGER TO ENTER INTO A SERVICE
AGREEMENT (NO. 22-12509) WITH BLUE LEAF
ENVIRONMENTAL, INC. OF ELLENSBURG,
WASHINGTON FOR THE ROCKY REACH HCP
CONFIRMATION SURVIVAL STUDY

FACTUAL BACKGROUND AND REASONS FOR ACTION

The District is committed to continuing to fulfill its obligations as set forth in the Habitat Conservation Plan (HCP) to achieve no net impact (NNI) for Plan Species for the Rocky Reach Hydroelectric Project (RR). As part of achieving NNI, the District is required to measure the survival of Plan Species through the Rocky Reach Project, meet the Phase III Standard Achieved, and to confirm every 10 years that the survival standard continues to be met. Initial project survival studies at Rocky Reach were completed from 2004 through 2011 and Phase III Standards Achieved was successfully attained in 2011. Due to ongoing maintenance to address trunnion bushing issues in the small units at Rocky Reach deferment of a confirmation survival study from 2021 to 2023 was agreed to by the RR HCP Coordinating Committee on August 2, 2021. The confirmation project survival study is scheduled for mid-April through mid-June of 2023.

Blue Leaf Environmental, Inc. performed the Rock Island HCP Confirmation survival study in 2021. District staff are satisfied with the work and price.

Resolution No. 17-14215 requires that the Commission, by resolution, authorize Service Agreements that exceed \$500,000.

Blue Leaf Environmental, Inc. has prepared a proposal to perform the Rocky Reach HCP Survival Study for an estimated cost of \$1,128,115.

District staff has determined that Blue Leaf Environmental, Inc. is the best qualified firm to provide the required services and that the cost for said services of \$1,128,115 is a fair and reasonable price.

It is District staff's recommendation that it is in the best interest of the District to enter into a Services Agreement with Blue Leaf Environmental, Inc. for the above-described services.

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 Blue Leaf Environmental, Inc. for the Rocky Reach HCP Confirmation Survival Study in an amount not to exceed \$1,128,115 without prior Commission approval. A copy of the Agreement is on file in the offices of the District.

DATED this 17th day of October, 2022.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal