



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD



TO: Commissioners Barofsky, Schlossberg, Brown, Carlson, and Morris

FROM: Deborah Hart, Assistant General Manager/Chief Financial Officer; Quentin Furrow, Purchasing and Warehouse Supervisor

DATE: January 7, 2025

SUBJECT: Board Appointed Consultants

OBJECTIVE: Board Action - Ratification of Board Appointed Consultants

Issue

At the first meeting of the year, the Board is presented with the opportunity to appoint and ratify professional consultants retained outside the competitive selection process.

Background

Consultants are exempt from the competitive selection process when the Board appoints or retains the consultant. The Board Appointed Consultants independently advise and provide professional direction and assessments to the Board without regard to Management’s position or interpretation. Consultants are selected based on technical knowledge, areas of expertise, and historical knowledge and perspective of EWEB and its work.

BOARD CONSULTANTS REQUIRING RATIFICATION

Consultant	Service	Tenure	Last Contracted	2024 Spend (to date)	2023 Spend
Luvaas Cobb Eric DeFreest/ Primary	General Counsel	Since 2011 with Luvaas Cobb (1)	Contract 1 for Board (23-208), awarded October 2023 Contract 2 for Staff (22-157), awarded January 2023	\$8,160 Board Spend \$97,580 Staff Spend	\$996 Board Spend \$101,260 Staff Spend

Additional contracts have occasionally been used by the Board but may have been awarded after a competitive process with Board approval and do not require ratification or are otherwise exempt.

Discussion

In November, the Board was requested to review the above contract as well as other contracts of interest and to provide performance feedback. The feedback suggested continuing with these contracts is appropriate.

Requested Board Action

Management requests ratification of consultant Luvaas Cobb as Board Appointed Consultant for 2025.

¹ Eric DeFrest provided General Counsel to EWEB at Calkins & Calkins prior to 2011 when the contract was assigned to Luvaas Cobb. Calkins & Calkins was retained by EWEB from the 1940's-2011.



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

Rely on us.

TO: Commissioners Barofsky, Schlossberg, Brown, Carlson, and Morris
FROM: Deborah Hart, Assistant General Manager and Chief Financial Officer
DATE: December 31, 2024
SUBJECT: Annual Appointment of the Supplemental Retirement Committee
OBJECTIVE: Approval of Resolution #2502

Issue

EWEB maintains a Supplemental Retirement Plan (SRP) that requires the annual appointment of a committee to make certain decisions.

Background

The EWEB SRP was created in 1968 and closed to new participants in 1988. The objective of the plan is to provide a benefit on retirement which, together with the benefit from PERS, will provide 1.67% of the highest 36-month average salary for each year of service. Independent actuaries determine employer contributions. The plan currently has 9 participants or beneficiaries to whom payments are made. In 2024 EWEB did not make any contributions to the plan, as it was over-funded. Contributions of \$48,000 were made in 2023 and \$108,000 in 2022. There have been no recent changes in the design or terms of the plan, and none are anticipated in the future.

Discussion

EWEB funds the plan on a “pay as you go” basis, and the SRP committee monitors and administers the plan. A contracted payroll service prepares monthly checks and tax documentation for plan participants. The terms of the plan include a cost of living adjustment (COLA) based upon the rate used by the Oregon PERS plan. The plan requires committee members to be appointed by the Board of Commissioners.

Recommendation

Management requests that the Board approve the appointment of Deborah Hart, Assistant General Manager and Chief Financial Officer; Jeremy Whittlesey, Payroll Administrator; and Bridget Otto, Benefits Program Manager, to the Supplemental Retirement Committee.

Requested Board Action

Approval of Resolution No. 2502

**RESOLUTION NO. 2502
JANUARY 2025**

**EUGENE WATER & ELECTRIC BOARD
ANNUAL APPOINTMENT OF SUPPLEMENTAL RETIREMENT PLAN COMMITTEE**

WHEREAS, the Eugene Water & Electric Board maintains a Supplemental Retirement Plan in effect since January 1, 1968, which was last amended and restated in July 1988, with an objective to provide a benefit on retirement which supplements Oregon PERS benefits;

WHEREAS, the Supplemental Retirement Plan is a single-employer plan providing retirement, death and disability benefits to a closed group of EWEB retirees and their beneficiaries;

WHEREAS, a Trust was created in accordance with the Pension Trust Agreement effective May 16, 1975, for the benefit of funding the Supplemental Retirement Plan;

WHEREAS, funding of the plan since is provided by Board contributions, deposited to the existing trust account as needed to meet obligations to retirees, together with earnings on plan assets;

WHEREAS, the Supplemental Retirement Plan provides for annual appointment and reappointment by the Board of a Retirement Committee of three to seven members charged with the general administration of the Plan, subject to the consent and approval of the Board of Commissioners;

WHEREAS, Management recommends the Board appoint Deborah Hart (Assistant General Manager and Chief Financial Officer), Bridget Otto (Benefits Program Manager), and Jeremy Whittlesey (EWEB Payroll Administrator), as EWEB personnel without rights in or to the Supplemental Retirement Plan funds, to the Retirement Committee;

NOW, THEREFORE, BE IT RESOLVED by the Eugene Water & Electric Board that:

The Board continues the Supplemental Retirement Plan without amendment, and hereby reappoints the Retirement Committee to be comprised of Deborah Hart, Bridget Otto, and Jeremy Whittlesey.

The Retirement Committee shall continue to administer the Supplemental Retirement Plan in accordance with its terms and remain as trustee fulfilling applicable duties under the 1975 Pension Trust Agreement. The trust account may be maintained at a zero or minimal balance within the discretion of the Retirement Committee. Based upon the closed membership in the Supplemental Retirement Plan and the anticipated budget requirements to cover benefit payments in the future, the Board does not require the Supplemental Retirement Plan to be pre-funded. The Board will continue to fund the Supplemental Retirement Plan contributions as a budgetary item on a prospective basis.

Dated this 7th day of January 2025.

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

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 January 7, 2025 Board Meeting.

Assistant Secretary