COWLITZ PUD BOARD OF COMMISSIONERS MEETING AGENDA
March 10, 2020

Board of Commissioners: Duane Dalgleish, Dena Diamond-Ott, Dave Quinn

The Cowlitz PUD Board of Commissioners meets on the 2nd and 4th Tuesday of every month and meetings have been temporarily moved to the PUD Board Room located at the PUD's main office at 961 12th Avenue, Longview, WA 98632. To attend a meeting in our temporary location, please check in at the front desk area. Unless otherwise posted, the meetings start at 2 p.m. If you have any questions regarding the status or content of these meetings, or, if you require a reasonable accommodation while in attendance at the Cowlitz PUD Board Meeting, please call Barbara Taylor (360-501-9373) at least 72-hours prior to the meeting so that your needs can be addressed.

1. Call to Order: 2:00 p.m.

2. Any Changes to Today's Agenda?

3. Motion to Approve Today’s Board Agenda: Dave Quinn (Tab 1)

4. Motion to Approve the Regular Board Meeting Minutes of February 25, 2020
   Dave Quinn (Tab 2)

5. Motion to Ratify & Approve the Vouchers/Payroll: Heather Sorensen

6. New Employee Introduction
   6.1 Casey Kalal to Introduce Devin Wannamaker, Groundman
7. Public Comment on Non-Agenda Items

8. General Manager Report: Gary Huhta

8.1 Community Events/Legislative Calendar (Tab 3)

9. Staff Reports and Presentations

9.1 Northwest RiverPartners Presentation by Kurt Miller, Executive Director

10. Action Items & Comments from the Public

10.1 **Motion to Approve** Staff Recommendation No. 10/3/10 RE: Award 2020 UG Cable Installation Contract #UC1733: Ty Trahanes (Tab 4)

10.2 **Motion to Approve** Staff Recommendation No. 11/3/10 RE: SWIFT NO. 2 - Skamania County Interlocal Agreement RE: Weed Control: Bob Essex (Tab 5)

11. Commissioner Reports & Upcoming Events

12. Final Comments: From the Public, General Manager, Commissioners

13. Confirmation of Next Meeting: Tuesday, March 24, 2020 – 2:00 p.m. in the PUD Board Room

14. Executive Session: If Needed, the Presiding Officer will follow the Executive Session Procedure included with this agenda

15. Commissioners to Execute Agreements Before Adjourning the Meeting
16. **Motion to Adjourn** the Meeting

**Tentative Board Meeting Agenda Items for March 24, 2020**

- WPUDA Presentation by George Caan, Executive Director
- February Operational Reports
- AMI Vendor Selection: Casey Kalal
- Approval of Personnel Policies Handbook: Marisa Keeney
- Approval of Customer Service Policies: Stacie Pederson
COWLITZ PUD EXECUTIVE SESSION PROCEDURE

The Board may meet in Executive Session for any reason authorized under the Open Public Meetings Act, RCW 42.30.110 (1), using the following procedure:

1. Announce the Executive Session

We will now adjourn into executive session pursuant to RCW 42.30.110 (1) for __________ minutes unless extended by the Presiding Officer. The purpose of the executive session is (choose one of the following):

a. To consider matters affecting national security;
b. To consider, if in compliance with any required data security breach disclosure under RCW 19.255.010 and 42.56.590, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments and security test results to the extent that they identify specific system vulnerabilities, and other information that if made public may increase the risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;
c. 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;
d. To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;
e. To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;
f. To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;
g. To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;
h. To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency

2. Return to Open Public Meeting

a. Once the session concludes, the board will return to open meeting.
b. If any action is taken it must take place in open meeting.
c. Action may not take place earlier than the time for which the executive session was to conclude, including any extensions announced by the Presiding Officer.

Note: The foregoing is not a complete list of allowed purposes to hold an executive session under RCW 42.30.110 (1) but represents the most likely purposes for Cowlitz PUD.
PUBLIC UTILITY DISTRICT NO. 1 OF COWLITZ COUNTY, WASHINGTON

MINUTES OF BOARD MEETING OF COMMISSIONERS
February 25, 2020
PUD Board Room

Present:

COMMISSIONERS:
Dave Quinn, President
Duane Dalgleish, Secretary

STAFF:
Alice Dietz, Communication & Public Relations Manager
Bob Essex, Director of Power Management
Rick Hughes, General Counsel
Gary Huhta, General Manager
Ray Johnson, Director of Engineering & Technology
Casey Kalal, Director of Operations
Marisa Keeney, Manager of Employee Services
Trent Martin, Chief Financial Officer
Heather Sorensen, Director of Customer Service & Compliance/Auditor
Barbara Taylor, Executive Assistant/Clerk of the Board

MEDIA:
Charles Douglas, KLTV

PUBLIC:
Diane Dick
Bruce Pollock

1. CALL TO ORDER

Pursuant to published Notice, Commissioner Dave Quinn called the Regular Board meeting of the Commissioners of Public Utility District No. 1 of Cowlitz County, Washington to order at 2:00 p.m.

2. ANY CHANGES TO TODAY’S BOARD AGENDA?

There were no changes made to this meeting’s agenda.

3. APPROVAL OF AGENDA

MOTION: It was MOVED by COMMISSIONER DALGLEISH and SECONDED by COMMISSIONER QUINN to approve the February 25, 2020 Board Meeting agenda.

The MOTION CARRIED on a 2 to 0 margin.

4. APPROVAL OF BOARD MINUTES

MOTION: It was MOVED by COMMISSIONER DALGLEISH and SECONDED by COMMISSIONER QUINN to approve the February 11, 2020 Regular Board Meeting minutes as written.
The MOTION CARRIED on a 2 to 0 margin.

5. MOTION TO RATIFY AND APPROVE VOUCHERS/PAYROLL

Approval of Vouchers in the amount of $28,167,038.77. The Board reviewed expenditures of the District as required by RCW 42.24.180 for which checks were issued on February 13, 2020, and February 20, 2020, and February 21, 2020 payroll, under the provisions of Resolution No. 2762.

MOTION: It was MOVED by COMMISSIONER DALGLEISH and SECONDED by COMMISSIONER QUINN to approve the ratification of the vouchers/payroll as presented.

Heather Sorensen, Director of Customer Service and Compliance/Auditor, provided a high-level overview of expenditures. There were no questions.

The MOTION CARRIED on a 2 to 0 margin.

6. PUBLIC COMMENT ON NON-AGENDA ITEMS

There was no public comment on non-agenda items.

7. GENERAL MANAGER REPORT

7.1 Calendar of Community/Legislative Events

Gary Huhta reminded everyone that Commissioner Diamond-Ott is currently in Washington DC attending the 2020 APPA Legislative Rally on behalf of Cowlitz PUD.

This year's Home & Garden Show will take place over the weekend of March 21 and 22, 2020 at the Cowlitz County Event Center.

Mr. Huhta asked Chief Financial Officer, Trent Martin, to go over a few items with the Commissioners:

Audit: Mr. Martin noted that the annual audit by the State Auditor's Office (SAO) will start of next week. Commissioner Quinn will be invited to attend the Entrance Conference with the auditors once a date has been set. The auditors plan to perform portions of the I-937 audit while they are here.

COSA: Mr. Martin mentioned that the cost of service model has been updated and that there will be one more meeting internally before meeting with the Board and the ERAC Committee.

Lewis River RV Park Update: A hearing took place on February 19, 2020 and it was indicated at that time that another hearing will be needed. The judge determined at the February 19th hearing that electric service needs to be continued. A "Receiver" has also been established to collect the rent and pay the bills. Services are up and running until the District hears differently.

401k Update: The transfer to the new 401k platform is complete and was largely successful. There were a few issues reported by employees, which have been resolved.

Clean Hydro: Mr. Huhta reported that Clean Hydro is a key resource to achieving the objectives of the Clean Energy Transformation Act (CETA). Hydro generation provides the flexibility to integrate non-dispatchable renewables such as wind and solar; hydro generation fills in the gaps. The District feels that hydro generation is critical to maintaining electric system reliability. Wind and solar produce renewable energy, but they are not available 24/7 to meet customer electricity needs.

There is a key milestone coming up this week for the Columbia River Federal Hydro System, which is the release of the draft Environmental Impact Statement (EIS) by the Action Agencies (BPA, BOR, USCCE); these agencies started this EIS process in September of 2016.
The draft of the EIS will focus on how the Federal Hydro System should operate to meet its multiple objectives like flood control, navigation, power, and environmental objectives, including operations for endangered fish (salmon and steelhead), all while taking into account the environmental, social, and economic impacts.

The draft EIS should be published by the end of the week and it will be open for a 45-day comment period. The final EIS is expected to be published in July of 2020 with the final record of decision in September of 2020. Mr. Huhta noted that the District plans to submit comments and inform District customers on this issue.

The Executive Director of Northwest RiverPartners, Kurt Miller, will be attending the March 10, 2020 Cowlitz PUD Board Meeting as a guest speaker to talk more about the Environmental Impact Statement and answer questions.

The Public Power Council (FPC) will be heavily involved in the process and there will be someone from BPA's Fish & Wildlife attending next Wednesday's PPC Members Forum.

A recent Daily News article was discussed citing that utilities want change in the Lewis River salmon restoration strategy to save $160M. Mr. Huhta noted that FERC is also involved in the process and that license applications will be filed later in the spring.

Gary Huhta and Bob Essex will check in with the District's Environmental Compliance Manager, Amanda Froberg, to schedule a presentation on fish passage on the Lewis River. The Commissioners were reminded that if they receive inquiries from the public, to contact Alice Dietz, the District's Communications and Public Relations Manager, who will coordinate a response with Amanda Froberg. Commissioners were asked to write down any questions so appropriate responses can be coordinated.

8. ACTION ITEMS & COMMENTS FROM THE PUBLIC

8.1 Motion to Approve Staff Recommendation No. 9/2/25 RE: Acceptance of Work for the Lobby Renovation Project Completed by JH Kelly

MOTION: It was MOVED by COMMISSIONER DALGLEISH and SECONDED by COMMISSIONER QUINN to approve Staff Recommendation No. 9/2/25.

Marisa Keeney, Manager of Employee Services, reported that the District entered into an agreement with JH Kelly, LLC on August 21, 2019, to provide updates to the main office Customer Service and lobby areas that assured compliance with the Americans with Disabilities Act in our restrooms, teller area and reception desk, improved efficiency by moving business units that commonly work together into the same vicinity, and improved safety and security of the District's employees.

Ms. Keeney expressed kudos to JH Kelley, to Mark Kirby, the District's Facilities Manager/Physical Security Coordinator, to Susan Everett, the District's Utility Helper, and to the District's IT group for all of their hard work and help with this project.

Diane Dick asked if the District incorporated energy efficiency standards and if everything is electric. Ms. Keeney reported that Cowlitz PUD did incorporate energy efficiency standards and that all new lighting is LED.

The MOTION CARRIED on a 2 to 0 margin.

8.2 Motion to Approve Resolution No. 2767 RE: BP (British Petroleum Energy Company) ISDA Agreement

MOTION: It was MOVED by COMMISSIONER DALGLEISH and SECONDED by COMMISSIONER QUINN to approve Resolution No. 2767.

Bob Essex, Director of Power Management, reported that the District has been in the process of negotiating the terms of the International Swaps and Derivatives (ISDA) Agreement with British Petroleum (BP) for a number of months. ISDA agreements are important to the District because they allow the District to enter into
financial risk management transactions with the counterparty (in this case, BP). Without these underlying ISDA agreements, the District would not be able to enter into Swaps or other instruments to financially "hedge" or limit our electric market price risk exposure.

The District currently has nine existing ISDAs with other counterparties. Four of those counterparties are actively trading in the market. Mr. Essex noted that the agreements are pretty standard across the board and are all in the benefit of the District. In order to maintain competition and liquidity, it is in the District's best interest to maintain ISDAs with several counterparties. This newest ISDA with BP will be a welcome addition to the existing Agreements, as BP is also an active market participant and will add another entity to the District's list of authorized counterparties.

The proposed ISDA Agreement, and each of its attachments, incorporate the advice, recommendations and edits suggested by The Energy Authority (TEA) as they have significant experience in negotiating ISDAs for each of their Members and Partners, as well as the recommendations from Stacey Lewis, attorney at Pacifica Law Group, who is acting as our outside counsel on matters related to ISDAs.

Mr. Essex recommended that the Board approve Resolution No. 2767 approving an International Swaps and Derivatives Association Agreement (ISDA) with BP Energy Company.

Longview resident, Diane Dick, asked the Commissioners to not pass this motion noting that BP is in the petroleum and gas industry; she felt that they are bad actors and mentioned that their last three quarters of financials have been terrible. Ms. Dick wondered why the District would choose BP if there are other options.

Bob Essex stated that there are a limited number of counterparties we can do business with. He added that without the ISDA, we would not be able to sell ahead and manage our risk.

Diane Dick stated that she would prefer that Cowitz PUD not do any business with British Petroleum as she does not think they are a good partner.

Gary Huhta reported that the District is dealing with players that are acting in the electricity markets and the District does not trade in gas. Today, the market activity and the players are changing. These agreements take a long time to develop and there is a lot of work involved. Mr. Huhta suggested that we pass today's proposed Resolution as it is all electric trading.

The MOTION CARRIED on a 2 to 0 margin.

9. STAFF REPORTS AND PRESENTATIONS

9.1 January Operational Reports

The following January Operational Reports were reviewed:

- Power Management: Bob Essex
- Accounting & Finance: Trent Martin
- Operations: Casey Kalal
- Engineering & Technology: Ray Johnson
- Customer Service: Heather Sorensen
- Employee Services: Marisa Keeney
- Public Relations & Communications: Alice Dietz

10. COMMISSIONER REPORTS & UPCOMING EVENTS

Commissioner Dalgleish had nothing to report on at this time.

Commissioner Quinn had nothing to report on at this time.
11. FINAL COMMENTS: FROM THE PUBLIC, GENERAL MANAGER, COMMISSIONERS

There were no final comments from the public, the General Manager, or the Commissioners.

12. NEXT MEETING

The next Regular meeting of the PUD Board of Commissioners will be held on Tuesday, March 10, 2020 at 2:00 p.m. in the PUD Board Room.

13. COMMISSIONERS TO EXECUTE AGREEMENTS BEFORE ADJOURNING THE MEETING

The Commissioners signed off on all necessary paperwork.

14. EXECUTIVE SESSION

Commissioner Quinn noted that an Executive Session was not needed after this meeting.

15. MOTION TO ADJOURN MEETING

MOTION: It was MOVED by COMMISSIONER DALGLEISH and SECONDED by COMMISSIONER QUINN to adjourn this meeting at 4:05 p.m.

The MOTION CARRIED on a 2 to 0 margin.

______________________________
Secretary

Attest:

______________________________
President

______________________________
Vice-President

Prepared by: Barbara Taylor
Executive Assistant/Clerk of the Board
## March 2020

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**Community Events/Legislative**

- 4:00pm Dena Participating in Cowlitz PUD Radio Show at Bicoastal Media
- 11:30am Copy: Cowlitz PUD Legislative Update Call/GTH (Dial In Info Below) - Diana Carlsen
- 7:00am Duane Dalgleish Attending the Energy Northwest Small 8:30am CALL: WPUDA 3-2-1 Bill Report
- 11:45am CEDC Annual Meeting (Longview Expo) - Barbara 2:00pm PUD Board Meeting (PUD Board)
- 11:30am Copy: Cowlitz PUD Legislative Update Call/GTH (Dial In Info Below) - Diana Carlsen 5:30pm Duane Longview Chamber
- 11:30am Copy: Cowlitz PUD Legislative Update Call/GTH (Dial In Info Below) - Diana Carlsen
- 8:30am Dave Quinn Attending Castle Rock Chamber Meeting (Castle Rock Senior Center)
- 8:00am WPUDA Mtgs. in Olympia (Community Events/Legislative) - Barbara Taylor
- 8:00am WPUDA Mtgs. in Olympia (Community Events/Legislative) - Barbara Taylor
- 8:00am WPUDA Mtgs. in Olympia (Community Events/Legislative) - Barbara Taylor
- 8:00am 3/21 - 3/22 - Home & Garden Show (Community Events/Legislative) - Barbara Taylor
- 8:00am 3/21 - 3/22 - Home & Garden Show (Community Events/Legislative) - Barbara Taylor
- 8:00am 3/21 - 3/22 - Home & Garden Show (Community Events/Legislative) - Barbara Taylor

**Community Events/Legislative**

- 8:00am 3/21 - 3/22 - Home & Garden Show (Community Events/Legislative) - Barbara Taylor
- 8:00am 3/21 - 3/22 - Home & Garden Show (Community Events/Legislative) - Barbara Taylor
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- **2:00 pm 2:00 p.m. - PUD Board Meeting (PUD Board Room)**
- **8:00 am WPUDA Meetings (TBD) - Barbara Taylor**
- **8:00 am WPUDA Meetings (TBD) - Barbara Taylor**
- **8:00 am WPUDA Meetings (TBD) - Barbara Taylor**
- **8:00 am Arbor Day (TBD - City of Longview & City of Woodland Events) (Community Events/Legislative)**

Community Events/Legislative
Staff Recommendation No. 10/3/10

Date: 3/3/2020

To: Gary Huhta, General Manager; Board of Commissioners

From: Ty Trahanes, Operations Superintendent

Subject: Recommendation to award 2020 UG Cable Installation Contract (UC1733)

On January 30, 2020, the District advertised for bids to provide labor, tools and equipment necessary to install underground electrical duct and associated equipment. The contract will be for an initial term of one year, with the option to extend annually for three additional years. Sealed bids from four contractors were opened on February 21, 2020. Unit price bids based on the District’s estimated quantities were received from Chilton Excavation Inc., DJ’s Electrical Inc., Magnum Power LLC, and Titan Electric Inc. Bids were recorded as follows:

<table>
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<th>Contractor</th>
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<td>Chilton Excavation, Inc.</td>
<td>$790,255.00</td>
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<td>DJ’s Electrical, Inc.</td>
<td>$951,400.00</td>
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<td>Magnum Power, LLC</td>
<td>$685,970.00</td>
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<tr>
<td>Titan Electric, Inc.</td>
<td>$777,491.97</td>
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Contract UC1733 will include eight sizable projects to bore, plow, and/or trench approximately 7.72 miles of underground pipe and associated equipment. This contract work will be in preparation for District crews to install all wire, transformers, and electrical equipment.

After consideration of previous work performed and a thorough evaluation of unit pricing submitted, I recommend the District award Contract UC1733 to the low bidder, Magnum Power, Inc.

Ty Trahanes
Operations Superintendent

Casey Kalal
Director of Operations
Date: February 13, 2020
To: Gary Huhta, General Manager
From: Bob Essex, Director of Power Management and Amanda Froberg, Environmental Compliance Manager
Subject: Staff Recommendation No. 11/03/10 - SWIFT NO. 2 – Skamania County Interlocal Agreement – Weed Control

Each year, the District conducts weed control at the Swift No. 2 Power Canal and the Devil's Backbone property pursuant to Federal Energy Regulatory Commission (FERC) requirements. FERC’s dam safety requirements dictate that the District maintain the Power Canal embankments free of weeds and trees to facilitate visual inspection of the embankments and to preclude root systems from providing a seepage path that may lead to embankment failure. In addition, the FERC operating license requires the District to manage specific property parcels for wildlife habitat, which includes prevention and eradication of noxious weeds.

The Skamania County Noxious Weed Department has licensed pesticide applicators and the Department is willing to perform weed control services for other governmental agencies through the vehicle of an Interlocal Agreement. The District and Skamania County began working together in 2013 and the partnership has been successful and we recommend executing a new interlocal agreement with Skamania County.

Based on the discussions held with Skamania County, the parties jointly developed the attached Interlocal Agreement under which Skamania County would control weeds at Swift No. 2 and the Devil’s Backbone under the following terms:
- The 2020 annual cost shall not exceed $21,000;
- The District may annually elect to extend the Interlocal Agreement for an additional year, up to 3 years in total;
- Future years not to exceed amount may be adjusted for inflation.

We recommend the District’s Board of Commissioners authorize the General Manager to execute the Interlocal Agreement with Skamania County. Following the District’s approval, the Skamania County Board of Commissioners will consider the Interlocal Agreement for approval prior to June 2020. The work is expected to commence in June 2020. If the Skamania County Weed Department does not perform to the District’s satisfaction, the District can elect to return to the small works roster bidding process next year.
Interlocal Agreement
Between
Skamania County
and
Public Utility District No. 1 of Cowlitz County, Washington
for
Invasive Plant Species Control at Swift No. 2 and the Devil's Backbone

This Interlocal Agreement (Agreement) constitutes a binding agreement by and between Skamania County (County) and Public Utility District No. 1 of Cowlitz County, Washington (District) to work in cooperation to control invasive plant species as they occur at the Swift No. 2 Hydroelectric Project at 18000 Lewis River Road in Cowlitz and Skamania counties, and at the Devil's Backbone Wildlife Habitat Management Area at approximately milepost 5 on Forest Road 90 in Skamania County, Washington.

1.0 The County agrees to:

1.1 Provide a work crew from the Noxious Weed Department to effectively control invasive plant species as described in Exhibit A: Swift No. 2 Invasive Plant Species Control Scope of Work attached hereto. The work crew shall utilize all required safety standards to protect itself and the public from harm. Said work crew will remain exclusively employees of the County throughout the effective period or periods of this Agreement.

1.2 If needed, attend an annual on-site invasive plant species control field review.

1.3 Perform the services as herein designated independently and comply with all applicable rules, laws and regulations of the State of Washington, and of any and all other lawmaking bodies.

1.4 Submit monthly progress invoices to the District for all services performed under this Agreement. Progress payments shall be limited to the work performed at the date of payment application.

1.5 Maintain insurance coverage during the life of the Agreement in the following amounts and provide proof of such coverage upon request by the District:

a. Commercial General Liability Insurance
   • $2,000,000 Each Occurrence (combined single limit for bodily injury and property damage)
   • $1,000,000 Personal and Advertising Injury Liability
   • $2,000,000 Products-Completed Operations Aggregate
   • $2,000,000 General Aggregate
b. Automobile Liability Insurance not less than $2,000,000 Combined Single Limit for each accident.

c. Employers Liability ("Stop Gap") Insurance
   - $1,000,000 Each Accident
   - $1,000,000 Disease – Each Employee
   - $1,000,000 Disease – Policy Limit

d. Pollution Liability Insurance not less than $2,000,000 per each occurrence.

In any case, all insurance requirements in this agreement will be satisfied by County’s continued membership in the Washington Counties Risk Pool.

2.0 The District agrees to:

2.1 Act as the project sponsor for this invasive plant species control project.

2.2 Organize and conduct an annual on-site invasive plant control field review, if needed.

2.3 Pay the County no later than thirty (30) days from the date the invoice is received. Any dispute with regard to the percentage of completion shall be resolved by the District’s determination after reviewing any supporting documentation and making site inspections.

3.0 Project Cost

The first year total annual cost under this Agreement shall not exceed $21,000, including any administration fees. Not to exceed costs listed herein may be adjusted annually by up to four percent (4%) through the duration of this Agreement in recognition of inflationary costs. Future years’ daily crew rate shall be established by mutual agreement, recognizing the changing nature of the work, such as, weed density, target weed species, and areal extent. All treatment must be pre-approved by the District.

4.0 Legal Authority

In signing this document, each party affirms that it has the legal authority, under RCW 39.34.080 to enter into this Agreement, and the institutional, managerial, and financial capability to ensure proper planning, management and completion of the described project.

5.0 Indemnity

Each party shall protect and hold harmless the other party from and against all claims, suits, or actions arising from any negligent act or omission of indemnifying party’s
employees, agents and/or authorized subcontractor(s) while performing under the terms of this Agreement, and to the extent allowed by law.

6.0 Effective Date

This Agreement becomes effective on the date of execution by both Parties.

7.0 Duration

This Agreement will be in effect for one calendar year from the date of execution and, at the District’s sole discretion and after consultation with the County, may be extended annually for up to three (3) years, terminating in March 2024.

Accepted and Approved by:

SKAMANIA COUNTY

____________________                                      Date _________

Bob Hamlin, Commission Chair
Skamania County

____________________

Skamania County Prosecutor
Approved As To Form Only

PUBLIC UTILITY DISTRICT NO.1 OF COWLITZ COUNTY

____________________                                      Date _________

Gary Huhta, General Manager
Public Utility District No. 1 of Cowlitz County, Washington

____________________

Richard L. Hughes, General Counsel
Approved As To Form Only
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EXHIBIT A

SWIFT NO. 2 INVASIVE PLANT SPECIES CONTROL

SCOPE OF WORK
EXHIBIT A

SWIFT NO. 2 INVASIVE PLANT SPECIES CONTROL

SCOPE OF WORK

1.0 Location
The project is located at the Swift No. 2 Hydroelectric Project, 18000 Lewis River Road, Cougar, WA, and the Devil’s Backbone Wildlife Habitat Management Area, at approximately milepost 5 on Forest Road 90 in Skamania County, Washington.

2.0 General Provisions

2.1 County shall furnish all labor, equipment, materials, tools, and documentation to control invasive plant species as described in this Exhibit A: Swift No. 2 Invasive Plant Species Control Scope of Work.
2.2 The County shall comply with all applicable local, state, and federal air, land, water, and spill regulations.

2.3 The County shall:

a. If needed, attend an annual on-site invasive plant species field review in May or early June.

b. Hold a current Washington State Pesticide Applicators License. All work shall be performed by or under the direct supervision of an applicator licensed in Washington.

c. Within 250 feet of water or wetland/meadow conditions, apply only herbicides that are safe for wetland use.

d. Ensure that herbicides do not enter the water.

e. Provide notice of scheduled treatment two days in advance of treating each area listed in Sections 3.0, 4.0 and 5.0.

f. Provide a list of products proposed for application in each area two days in advance of treatment listed in Sections 3.0, 4.0 and 5.0.

g. Follow all product label mandatory provisions such as registered uses, maximum use rates, application restrictions, worker safety standards, environmental hazards, weather restrictions, and equipment cleansing.

h. Follow all product label advisory provisions including but not limited to mixing instructions and protective clothing.

i. Maintain a copy of the product labels and Safety Data Sheets on-site.

j. Comply with all applicable regulations for buffer widths from water when applying herbicides and shall remain at least 250 feet from water while mixing, cleaning, and loading.

k. Submit a Pesticide Application Record to Cowlitz PUD at the end of each workweek (via fax, 360-577-7559, or email, afroberg@cowlitzpud.org).

2.4 The County may propose mechanical treatment in lieu of chemical treatment.

2.5 The County shall not apply herbicides during heavy precipitation, strong winds or high temperatures.
2.6 The District shall not pay County’s invoice until the District has received all applicable daily Pesticide Application Records.

3.0 Invasive Plant Species Control for Swift No. 2 Project Maintenance

The District is required to maintain the earthen embankments of the 3.5-mile Swift No. 2 power canal free of woody vegetation. While most of the canal is earthen on the outside and on the inside, the western most 1 mile of canal interior is concrete-lined. The canal water flows in a westerly direction. The areas slated for invasive plant species control are illustrated on Exhibit B: Project Works & Project Maintenance Management Unit Weed Treatment Areas. Additional invasive plant species control areas may be designated in future years.

The primary target species are Scotch Broom (*Cytisus scoparius*), considered a Class E Noxious Weed in Cowlitz and Skamania counties, and Red Alder (*Alnus rubra*).

3.1 In the areas directed by the District during the annual field review, the County shall:

a. Apply the appropriate herbicide to both the north and south inboard and outboard canal embankments.

b. Apply the appropriate herbicide to weeds growing on the gravel access road along the concrete-lined canal section curb to fence.

c. Apply the appropriate herbicide to or hand remove vegetation in the roadside ditches. The County shall not apply herbicides to water.

d. On the north side of the roadside ditches, in areas that adjoin the wildlife habitat management areas, apply the appropriate herbicide to Red Alder saplings beside the roadside ditches to a distance not to exceed five (5) feet from the edge of the ditch.

3.2 The County shall invoice invasive plant species control for Swift No. 2 project maintenance under this Section 3 separately from invasive species control for wildlife habitat management under Section 4 and Section 5.

4.0 Invasive Plant Species Control for Wildlife Habitat Management at Swift No. 2

The District is required to manage all of the area within the Swift No. 2 Project Boundary north of the maintenance road on the north side of the canal, for wildlife habitat. The areas slated for invasive plant species control are illustrated on Exhibit B: Project Works & Project Maintenance Management Unit Weed Treatment Areas. Additional invasive plant species control areas may be designated in future years.
The primary target species are Scotch broom (Cytisus scoparius), Himalayan Blackberry (Rubus armeniacus), bull thistle (Cirsium vulgare), Canada thistle (Cirsium arvense), tansy ragwort (Jacobaea vulgaris), and common cat's ear (Hypochaeris radicata).

4.1 As illustrated in Exhibit B and as directed by the District during the annual field review, the County shall:

a. Apply the appropriate herbicide to the target species in the areas on Exhibit B.

b. If, while performing the work described herein, the County observes other noxious weeds in these areas, the County may apply the appropriate chemical or manual treatment. Such treatments shall be noted on the Daily Pesticide Application Record.

4.2 County shall invoice invasive plant species control for Swift No. 2 Wildlife Management Area under this Section 4 separately from invasive species control under Section 3 and Section 5.

5.0 Invasive Species Control for Devil's Backbone Wildlife Management Area

The District is required to manage its 283-acre Devil's Backbone Wildlife Management Area for wildlife habitat. The area slated for invasive species control are illustrated as on Exhibit C. This meadow is not accessible by vehicle and the 7902 Road may be gated or impassable.

The primary target species are Canada thistle (Cirsium arvense) and tansy ragwort (Jacobaea vulgaris).

5.1 As illustrated in Exhibit C and as directed by the District during the annual field review, the County shall:

a. Apply the appropriate herbicide to the target species in the areas on Exhibit C. The County shall not apply herbicides to water.

b. After consultation with the District, the County may use mechanical means to control Canada thistle and tansy ragwort.

c. If, while performing the work described herein, the County observes other noxious weeds in these areas, the County may apply the appropriate chemical or manual treatment. Such treatments shall be noted on the Daily Pesticide Application Record.

5.2 County shall invoice invasive plant species control for the Devil's Backbone Wildlife Management Area under this Section 5 separately from invasive species control Section 3 and Section 4.
EXHIBIT B

SWIFT NO. 2
PROJECT WORKS & PROJECT MAINTENANCE
MANAGEMENT UNIT WEED TREATMENT AREAS
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EXHIBIT C

SWIFT NO. 2
DEVIL’S BACKBONE MANAGEMENT UNIT
WEED TREATMENT AREA
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