

Moraga-Orinda Fire Protection District



BOARD OF DIRECTORS SPECIAL BOARD MEETING MINUTES

September 29, 2017
(Approved October 18, 2017)

1. Opening Ceremonies

The Board of Directors convened in Open Session at 4:00 P.M. on September 29, 2017 at the Sarge Littlehale Community Room, 33 Orinda Way, Orinda California. Vice President Barber called the meeting to order. President Famulener was stuck in traffic and Director Jex was absent.

Present were the following Directors and Staff:

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| Director Anderson | Jerry Lee, Interim Fire Chief |
| Director Barber | Gloriann Sasser, Admin Service Director |
| Director Jorgens | |

2. Public Comment

There was no comment from the public.

President Famulener arrived at 4:05 P.M.

3. Regular Calendar

3.1 Amendment to Station 43 Construction Contract with Federal Solutions Group, Inc.

The Moraga-Orinda Fire District executed a separate written agreement with Pacific Mountain Construction (PMC) to terminate PMC's right to proceed and to assign subcontractor claims to the awarded contractor. Some claim materials and/or value toward the construction project were determined to be inaccurate.

The District shall pay four claims directly, and Federal Solutions Group shall reduce their contract amount according to First Amendment to the Contract for Construction of Fire Station 43.

Director Anderson asked if the net amount came out to the same as what was discussed. Chief Lee stated that it will cost about \$3K more.

Chief Lee stated that we are not raising their contract. They are reducing their contract price by the amount of the generator and the utility basins, which is about \$65K.

Director Jorgens stated that they are not really reducing it. The District is still paying the \$3,341,000, which increases the price by \$25K.

Chief Lee stated that FSG does not have a contract yet, this is just an amendment to it. They are reducing their budget by \$42K for the generator and switch gear, \$2600 for the catch basins, and we are effectively paying \$71-72K for this.

Director Anderson stated that it is a \$25K increase to the District's cost.

Motion by Director Barber and seconded by President Famulener to approve First Amendment to the Contract for Construction of Fire Station 43. Said motion carried a unanimous 4-0 roll-call vote (Ayes: Anderson, Barber, Famulener, and Jorgens).

3.2 Resolution 17-16 Amending Resolution 17-10 Authorizing Spending Limits for the Station 43 Project

The Fire Chief has authorization to approve any single change or modification to the contract for the construction of the Fire Station 43 in an amount not to exceed \$10,000 without prior consent of the Board. Staff was directed to raise this limit to \$20,000.

Director Jorgens stated that he believed the Fire Chief does not have the authority to sign change orders and would like advice from the District's legal counsel.

Director Anderson asked staff to provide updates each month, which includes a check register of what was paid, the amount, and the remaining balance.

ASD Sasser stated that she would include it in the monthly report. She stated that the Board has not approved any contingency amount for this project so the budget equals exactly the amount of the existing contract.

The Board directed staff to place the item on the next meeting agenda and have District Counsel Bakker explain what needs to be done to give the Fire Chief authority to sign change orders. They also directed staff and/or the new project manager to provide the Board with monthly detailed presentations on the status of the project.

4. Closed Session

At 4:30 P.M., the Board adjourned into Closed Session.

5. Reconvene the Meeting

President Famulener reconvened the regular business meeting of the Moraga-Orinda Fire District Board of Directors at 4:30 P.M. Present were the following Directors and Staff:

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|---------------------|------------------|
| President Famulener | Director Barber |
| Director Anderson | Director Jorgens |

6. Report of Closed Session Action

There was no reportable action taken in Closed Session on item 4.1 Conference with Legal Counsel – Potential Litigation., 4.2 Public Employee Appointment, 4.3 Conference with Labor Negotiator (Local 1230), 4.4 Conference with Labor Negotiator (Local 2700), and 4.5 Conference with Labor Negotiator (MOFCOA)

7. Public Comment

There was no comment from the public.

8. Adjournment

At 5:45 P.M., President Famulener called for adjournment of the regular meeting.



Glace Santos
Secretary to the Board