

SAN ELIJO JOINT POWERS AUTHORITY
MINUTES OF THE BOARD MEETING
HELD ON NOVEMBER 16, 2021
VIA VIDEO CONFERENCE

Kristi Becker, Chair

Kellie Hinze, Vice Chair

A meeting of the Board of Directors of San Elijo Joint Powers Authority (SEJPA) was held Tuesday, November 16, 2021, at 8:30 a.m., via a public web conference.

1. CALL TO ORDER

Chair Becker called the meeting to order at 8:30 a.m.

2. ROLL CALL

Directors Present:

Kristi Becker
Kellie Hinze
Catherine Blakespear
David Zito

Directors Absent:

None

Others Present:

General Manager	Michael Thornton
Director of Operations	Chris Trees
Director of Finance and Administration	Amy Chang
Administrative Coordinator	Vanessa Hackney
Senior Project Manager	Mike Konicke

SEJPA Counsel:

Procopio	Tracie Stender
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City of Encinitas:

Director of Utilities / General Manager	Isam Hireish
Assistant City Manager	Jennifer Campbell

City of Solana Beach:

City Manager	Greg Wade
Director of Engineering/Public Works	Mohammad "Mo" Sammak

City of Del Mar:

Public Works Director/City Engineer	Joe Bride
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3. PLEDGE OF ALLEGIANCE

General Manager Thornton led the Pledge of Allegiance.

4. ORAL COMMUNICATION/PUBLIC COMMENT PERIOD

None.

5. AWARDS AND RECOGNITION

None.

6. AB 361 FINDINGS REGARDING VIRTUAL MEETING (ACTION ITEM)

The Board of Directors discussed the ongoing state of emergency and made the following findings and determinations by a majority vote:

1. In light of the information provided in the staff report and the corresponding verbal discussion during this Board meeting, the Board of Directors hereby determines pursuant to Government Code 54953(e)(1)(B) and (C) that as a result of the Covid- 19 pandemic, meeting in person would present imminent risks to the health or safety of attendees.
2. The Board gave direction to staff to conduct the December 2021 San Elijo Joint Powers Authority Board of Directors Meetings virtually.

7. CONSENT CALENDAR

Moved by Board Member Zito and seconded by Vice Chair Hinze to approve the Consent Calendar.

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| Agenda Item No. 8 | Approval of Minutes for the October 19, 2021 Meeting |
| Agenda Item No. 9 | Approval for Payment of Warrants and Monthly Investment Report |
| Agenda Item No. 10 | Wastewater Treatment Report |
| Agenda Item No. 11 | Recycled Water Report |
| Agenda Item No. 12 | Reportable Meetings |
| Agenda Item No. 13 | Agreement for Grounds Maintenance Services |

Motion carried with the following vote of approval:

AYES: Becker, Hinze, Zito, Blakespear
NOES: None
ABSENT: None
ABSTAIN: None

15. EMERGENCY GENERATOR PURCHASE AND INSTALLATION WORK

General Manager Thornton reported that the Board of Directors approved the purchase of the new generator at the February 16, 2021 Board meeting as part of contract change order Group A with PCL Construction (PCL). However, due to supply chain interruptions

related to the pandemic, the generator delivery has been delayed and this work is not expected to be completed before July 2022. Since the contract with PCL is substantially complete, the delay in receiving the generator will require a contract extension and re-mobilization of PCL staff and equipment. This would result in a cost increase of approximately \$28,000.

Another option available is for SEJPA to negotiate and execute a contract directly with PCL's subcontractor (Morrow-Meadows). This will allow the closeout of PCL's contract and avoid \$28,000 in additional costs and fees. Both PCL Construction and Morrow-Meadows support this option, without price change to SEJPA.

Since the generator installation work was previously competitively bid by PCL using the prescribed requirements established by the construction agreement with SEJPA, and consistent with existing case law for public contracting in California, both staff and SEJPA legal counsel agree that a negotiated contract with Morrow-Meadows is an acceptable approach. There is no advantage to competitively or publicly bidding this work.

Staff recommends that the Board authorize the General Manager to negotiate a deductive change order with PCL to remove the purchase and installation of the generator from PCL's scope of work and close out PCL's contract; and to execute a contract with Morrow-Meadows for the purchase and installation of the generator at Morrow-Meadows' previously bid price.

Moved by Board Member Zito and seconded by Chair Becker to:

The Board of Directors made the following findings and authorizations:

1. In light of the facts described in this staff report and presented by staff in this Board meeting, the Board of Directors hereby makes the following **FINDINGS AND DECLARATIONS**:
 - a. Competitive public bidding of this emergency generator installation work would not result in any advantage to SEJPA or the public;
 - b. The greatest public benefit is served by SEJPA executing a negotiated contract with Morrow-Meadows at the price previously competitively bid by Morrow-Meadows under the PCL contract.
2. Authorize the General Manager to negotiate and execute a deductive change order with PCL Construction to remove the purchase and installation of an emergency power generator;
3. Authorize the General Manager to execute a contract with Morrow-Meadows for the purchase and installation of an emergency generator for an amount not to exceed \$150,000:

Motion carried with the following vote of approval:

AYES:	Becker, Hinze, Zito, Blakespear
NOES:	None
ABSENT:	None
ABSTAIN:	None

16. GENERAL MANAGER'S REPORT

None.

17. GENERAL COUNSEL'S REPORT

None.

18. BOARD MEMBER COMMENTS

None.

19. CLOSED SESSION

A closed session was held per Government Code Section 54957(b), Public Employee Employment; Title: General Manager.

There was no reportable action out of closed session.

20. CONSIDERATION OF GENERAL MANAGER EMPLOYMENT CONTRACT

As of January 1, 2022 the General Manager's salary will be \$243,737. A salary increase and related benefits will be set forth in exhibit B of the General Manager's proposed Employment Agreement.

21. ADJOURNMENT

The meeting adjourned at 8:52 a.m. The next Board of Directors meeting is scheduled to be held on Tuesday, December 14, 2021 at 8:30 a.m.

Respectfully submitted,



Michael T. Thornton, P.E.
General Manager