**DEPOE BAY RURAL FIRE PROTECTION DISTRICT**

**Regular Board of Directors Meeting - Minutes**

**March 28, 2023**

**\*\*Corrected\*\***

|  |  |  |
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| **Attendance:** | | |
| **Board Members:**  Paul Erskine – President  Richard Krolak – Vice President  Janel Gifford – Secretary/Treas.  Robert Batty – Director  Kathy Lebeuf - Director | **Staff:**  Tom Jackson – Division Chief  Lynn Johnson – Admin. Asst.  **Guests in Person:** | **Guests via GoToMeeting:** |
|  |  |  |

Board President Paul Erskine called the Regular Board meeting to order at 3:00 pm and all

present recited the pledge of allegiance. Roll call was taken to establish that a quorum was

present. At 3:01 pm President Erskine advised those present the Board was adjourning to

executive session and read the following statement:

The Board of Depoe Bay RFPD will now meet in executive session pursuant to:

* 1. ***ORS 192.660(2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.***

***Designated staff shall be allowed to attend the executive session\*. No decision may be made in the executive session. At the end of the executive session, the Board will return to open session and welcome the audience back into the room. Members of the public audience are asked to leave the room.*** *The Board of Depoe Bay RFPD may prohibit news organizations from disclosing certain specified information. Representatives of the news media will be allowed to attend all but two types of executive sessions:*

* 1. ***The news media may be excluded from an executive session held to conduct deliberations with a person designated by the governing body to carry on labor negotiations.***
  2. The Board of Depoe Bay RFPD must exclude any member of the press if the news organization the reporter represents is a party to the litigation being discussed during the executive session.

\*The governing body may choose to allow other specified persons to attend the executive session. See *Barker v. City of Portland*, 67 Or App 23, 676 P2d 1391

Executive Session ended at 4:51 pm, at which time President Erskine informed those present

the board was returning to Regular Session from Executive Session.

**Seismic Project**

* **CM/GC Contract Award Ratification – O’Brien & Company, LLC**
* **Approval of GMP Amendment and Attachments to the CM/GC Contract**

Chief Jackson provided the board with his memoranda, and the amendment packet and read his prepared memoranda regarding his approval of the contract. He noted that his understanding of earlier proceedings provided him with authority to approve contracts and now realizes that it did not give him the authority do so. He requests that the Board of Directors ratify the actions taken that are outlined on the memoranda. He would like to ask the Board of Directors to entertain the topic of how to move forward while in the middle of the Seismic Retrofit Project of Station 22.

Director Lebeuf asked regarding the funding for the project, and Chief Jackson explained the grant funding as well as the construction model being used for the project.

Chief Daniels noted that Chief Jackson put this summary together and documented all the milestones so far and thanks to Janel’s sharp eye it looks like we missed a step in the approval of the contract and awarding the contract to O’Brien. Although the award of the contract was unanimously approved but we just never gave Chief Jackson that authority to sign that contract, so we need ratify Chief Jackson’s signature on that contract and then we need to ratify the approval of the GMP amendment and Chief Jackson’s signature on the amendment. All of the amounts are listed on the handouts provided, and Chief Daniels went over some of the amounts.

Janel also noted that the geo-technical contract will also need ratification, and that the board

also need to delegate authority to Chief Jackson to execute contract change orders.  The total

construction contract amount including change orders must not exceed the amount allowed by the

grant.

**Public Comments and/or Questions**

None

**Agenda Suggestions - Open**

* Regular Board of Directors Meeting 4/16/2023 @3:00 pm

The meeting adjourned at 5:08 pm.

**Roll Call**

Date: March 28, 2023

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Present | Absent |  |  |
| Paul Erskine | X |  |  |  |
| Richard Krolak | X |  |  |  |
| Janel Gifford | X |  |  |  |
| Robert Batty | X |  |  |  |
| Kathy Lebeuf | X |  |  |  |

**Motion # 1** **and Voting Record:**

Date: March 28, 2023

|  |  |  |  |
| --- | --- | --- | --- |
| Motion Made By: |  | Motion Seconded By: |  |
|  | Robert Batty |  | Robert Batty |
|  | Paul Erskine |  | Paul Erskine |
|  | Richard Krolak |  | Richard Krolak |
| X | Janel Gifford |  | Janel Gifford |
|  | Kathy Lebeuf | X | Kathy Lebeuf |

**MOTION #1:** To ratify the award of the contract for the pre-construction services to O’Brien and ratify

Chief Jackson’s signature on that contract.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | FOR | AGAINST | ABSTAINED | COMMENTS |
| Paul Erskine | X |  |  |  |
| Richard Krolak | X |  |  |  |
| Janel Gifford | X |  |  |  |
| Robert Batty | X |  |  |  |
| Kathy Lebeuf | X |  |  |  |

RESULTS

|  |  |
| --- | --- |
| PASSED | FAILED |
| X |  |

**Motion # 2** **and Voting Record:**

Date: March 28, 2023

|  |  |  |  |
| --- | --- | --- | --- |
| Motion Made By: |  | Motion Seconded By: |  |
|  | Robert Batty |  | Robert Batty |
|  | Paul Erskine |  | Paul Erskine |
|  | Richard Krolak |  | Richard Krolak |
| X | Janel Gifford |  | Janel Gifford |
|  | Kathy Lebeuf | X | Kathy Lebeuf |

**MOTION #2:** To ratify the award for the geo-technical engineering services contract and Chief

Jackson’s signature on that contract.

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| --- | --- | --- | --- | --- |
|  | FOR | AGAINST | ABSTAINED | COMMENTS |
| Paul Erskine | X |  |  |  |
| Richard Krolak | X |  |  |  |
| Janel Gifford | X |  |  |  |
| Robert Batty | X |  |  |  |
| Kathy Lebeuf | X |  |  |  |

RESULTS

|  |  |
| --- | --- |
| PASSED X | FAILED |

**Motion # 3** **and Voting Record:**

Date: March 28, 2023

|  |  |  |  |
| --- | --- | --- | --- |
| Motion Made By: |  | Motion Seconded By: |  |
|  | Robert Batty |  | Robert Batty |
|  | Paul Erskine |  | Paul Erskine |
|  | Richard Krolak |  | Richard Krolak |
| X | Janel Gifford |  | Janel Gifford |
|  | Kathy Lebeuf | X | Kathy Lebeuf |

**MOTION #3:** To ratify the amendment that contains the guaranteed maximum price with O’Brien and

ratify Chief Jackson’s signature on that amendment.

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| --- | --- | --- | --- | --- |
|  | FOR | AGAINST | ABSTAINED | COMMENTS |
| Paul Erskine | X |  |  |  |
| Richard Krolak | X |  |  |  |
| Janel Gifford | X |  |  |  |
| Robert Batty | X |  |  |  |
| Kathy Lebeuf | X |  |  |  |

RESULTS

|  |  |
| --- | --- |
| PASSED X | FAILED |

**Motion # 4** **and Voting Record:**

Date: March 28, 2023

|  |  |  |  |
| --- | --- | --- | --- |
| Motion Made By: |  | Motion Seconded By: |  |
|  | Robert Batty |  | Robert Batty |
|  | Paul Erskine |  | Paul Erskine |
|  | Richard Krolak |  | Richard Krolak |
| X | Janel Gifford |  | Janel Gifford |
|  | Kathy Lebeuf | X | Kathy Lebeuf |

**MOTION #4:** To authorize Chief Jackson to sign any change orders that come up as long as the

cumulative total of the contract does not exceed what is allowed by the grant.

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| --- | --- | --- | --- | --- |
|  | FOR | AGAINST | ABSTAINED | COMMENTS |
| Paul Erskine | X |  |  |  |
| Richard Krolak | X |  |  |  |
| Janel Gifford | X |  |  |  |
| Robert Batty | X |  |  |  |
| Kathy Lebeuf | X |  |  |  |

RESULTS

|  |  |
| --- | --- |
| PASSED X | FAILED |