

NETARTS-OCEANSIDE SANITARY DISTRICT
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Minutes of the August 12, 2009 Emergency Special meeting of the Netarts-Oceanside Sanitary District Board of Directors.

1. The Emergency Special meeting of the Netarts-Oceanside Sanitary District (NOSD) Board of Directors was called to order at 3:52 P.M. by Chairperson, Craig Wakefield. The meeting was held in the NOSD meeting room.

BOARD MEMBERS PRESENT:

Craig Wakefield, Chairperson
Dave Kratovil, Treasurer
Robert Olsen, Secretary
Bruce Lovelin, Member-at-Large (present on Telephone)

BOARD MEMBERS ABSENT:

Elisabet Wilkerson, Vice-Chairperson

EMPLOYEES PRESENT:

Daniel Mello, District Superintendent
Tami Walker, Office Manager

OTHERS PRESENT:

Clark Balfour, Legal Counsel (present on Telephone)
Vince Rybel, CH2M Engineer (present on Telephone)

2. Approval of Agenda. It was the unanimous consensus of the Board to approve the Agenda as presented.
3. GUESTS: (participating by Telephone) Clark Balfour, Legal Counsel and Vince Rybel, CH2M Engineer.
4. Wakefield stated that this Emergency Special meeting is being held to discuss matters on the Ocean Outfall project from the Executive Session.

Olsen asked if the costs/supplies for the Outfall repair are fixed costs. Mello stated that yes, all of the material costs are fixed; the number of days to complete the Outfall repair is what can not be nailed down due to possible inclement weather conditions, etc. There will be 255 tons of Class 700 rock; and, 50 tons of Class 50 rock used on the repair.

“NOSD is an Equal Opportunity Employer. Discrimination is prohibited by Federal Law.”
Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C.

Wakefield moved to authorize Mello to go forward with the corrective Change Order directing HDD to perform the corrective work as designed by CH2M, and, as discussed in the Executive Session in such form as approved by Legal Counsel, in the amount of \$816,742.98. Wakefield recited that 1) the District is exercising our contract rights to direct HDD to perform the CH2M design and to start immediately; 2) each party reserves all rights to contest who is responsible for payment of what and that it will be resolved through negotiations or mediation, if unsuccessful there, then at the courthouse; 3) the estimated cost is \$816,743, but that it may be adjusted based on actual days of construction on the daily rate as specified in the pricing proposal; 4) the District will probably have to agree to some advance of funds from the \$816,000 for mobilization or supplies. HDD will want that and we should be prepared to negotiate on that; 5) we must have a mechanism to have a direct warranty from Global for the underwater portion of the work; and, 6) we must have an agreed schedule for resolving the claims under item 2 above. Kratovil seconded. Motion passed by a vote of 4 to 0.

5. There being no further business, Wakefield adjourned the emergency special meeting at 3:55 P.M.

Respectfully submitted,

Robert J. Olsen, Secretary
RJO/tw
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