

PURISSIMA HILLS WATER DISTRICT

**MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS**

MAY 22, 2008

1. **CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE:** President Seidel called the special meeting of the Board of Directors to order at 5:30 p.m. in the District Office.

Directors Present: President Daniel F. Seidel, Vice President Ernest Solomon, and Directors Gary C. Waldeck and A. Richard Jones. Director Robert N. Anderson was absent.

Staff Present: Patrick T. Miyaki, Attorney; and Lucy E. Xavier, District Secretary. Joubin Pakpour, Engineer, arrived at 5:45 p.m.

The Pledge of Allegiance was recited.

2. **COMMENTS FROM THE PUBLIC:** No public was present.

3. **RESOLUTION 2008-5—ADOPTING POLICY REGARDING PAYMENT OF FEES FOR FILING CANDIDATE'S STATEMENT IN VOTER'S PAMPHLET FOR ELECTIONS TO BOARD OF DIRECTORS:** The Attorney noted that that at the last meeting, the Board had given direction that a candidate's statement be limited to 200 words and that the District would pay 50 percent of the cost of filing such a statement.

He said that the Board must now make a decision as to how the District will pay its share of the cost and noted that there were two resolutions before the Board giving alternate methods for payment. The first resolution (Option A) requires that the candidate pay the total amount to the Registrar of Voters at the time of filing a statement and then be reimbursed by the District for 50 percent of the cost. The second resolution (Option B) requires that the candidate pay 50 percent of the cost at the time of filing a statement and the District will then be billed by the County for the remainder.

After discussion, it was moved by Director Waldeck, seconded by Director Jones, that Resolution 2008-5, attached hereto, adopting a policy regarding payment of fees for filing a candidate's statement in the voter's pamphlet for elections to the Board of Directors, be adopted. The resolution denotes that the candidate will pay 50 percent of the cost at the time he/she files a candidate's statement and the District will pay the remaining 50 percent of the cost when billed by the County of Santa Clara. Motion carried—roll call vote.

Ayes: Directors Jones, Seidel, Solomon, and Waldeck
Noes: None
Absent: Director Anderson

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4. **RESOLUTION 2008-4—EMERGENCY INTERTIE PROJECT—REJECTION OF LOW BID AND AWARD OF CONTRACT TO LEWIS & TIBBITTS, INC.:** At the last meeting, the Engineer had reported to the Board that the lowest apparent bidder was Con-Quest Contractors at \$509,895. He had explained, however, that Staff had determined that its bid was non-responsive because Con-Quest had failed to meet the minimum qualifications and experience requirements of the contract specifications. The Engineer said that Con-Quest had been notified that its bid would be rejected and that it had 48 hours to submit a formal protest.

The Attorney now summarized the evaluation of Con-Quest's May 15 protest letter which responded to the District's notification of Staff's recommendation to reject Con-Quest's low monetary bid as non-responsive. The Attorney noted that the contractor had been invited to attend this meeting.

The Engineer noted that the second lowest apparent bidder was Lewis & Tibbitts, Inc. with a bid of \$531,232. He said that this contractor was responsive to the bid requirement and was highly qualified, and that the District had worked with the contractor in the past and found their work acceptable.

Board and Staff also discussed the pros and cons of mandatory attendance at pre-bid conferences of District projects.

After discussion, it was moved by Director Solomon, seconded by Director Jones, that Resolution 2008-4, attached hereto, rejecting the protest and the low monetary bid, and authorizing an award of contract for the emergency interconnection project to Lewis & Tibbitts, Inc. at a total cost of \$531,232, be adopted. Motion carried—roll call vote.

Ayes: Directors Jones, Seidel, Solomon, and Waldeck
Noes: None
Absent: Director Anderson

5. **EMERGENCY PREPAREDNESS:** The Engineer submitted to the Board a map of earthquake fault lines that run through the District. The Board then discussed the draft emergency operations plan tabletop exercise. Director Waldeck said that there would be a County-wide emergency drill in September in which the Town would participate and he hoped that the District would participate, as well. He said that it is very important for the District to work effectively with other County agencies and to have a strong affiliation with the Town. Director Seidel said that it is more important first for the District to have a strong level of confidence in what it will do in an emergency. After discussion, the Board directed that this item be continued to the next meeting.

6. **ADJOURNMENT:** The meeting was adjourned at 6:25 p.m. to reconvene at the next regular meeting on June 11, 2008, at 6:30 p.m., in the District office.

Respectfully submitted

Lucy E. Xavier, District Secretary

Approved: _____
Daniel F. Seidel, President